

Simple and uncontested succession applications

Effective from Waitangi Day, 6 February 2021

In August 2020, the Government passed targeted changes to Te Ture Whenua Māori Act 1993 to simplify the legal processes for owning, occupying and using Māori land.

What has changed?

Succession is the legal transfer of interests or shares in Māori land from a person who has passed away to the people who are legally entitled to own those interests.

Historically, most succession applications were heard by a Māori Land Court judge.

Now, if your succession application is assessed to be 'simple and uncontested', then it can be decided by a Māori Land Court registrar without a court sitting (unless you request to be heard by a judge in a court sitting).

If at any stage your application is considered to not be 'simple and uncontested' a registrar can refer it to a judge to be heard.

What is a 'simple and uncontested' application?

'Simple' succession applications have no complicating factors. Examples of what could be considered 'simple' succession includes:

- all the people to succeed are the natural children of the person who has passed away, and they will all receive equal shares in the interests; or
- further land interests or shares owned by a person who has passed away are identified and can be succeeded to by the same people in the same way as the earlier interests.

Your application will be considered 'uncontested' when:

- it has been notified according to Māori Land Court Rules; and
- it has been published in the Māori Land Court's National Pānuī; and
- no one has objected to the application.

Why make this change?

The time and travel costs associated with attending a court sitting are removed when an application can be decided by a registrar.

This approach also supports the efficient running of the Māori Land Court.

What do I need to do?

The process for applying for succession has not changed. Apply by completing the appropriate application form. Forms are available at Māori Land Court offices or on our website.

For office contact details, go to

www.maorilandcourt.govt.nz/contact-us

To download a form from our website, go to

www.maorilandcourt.govt.nz/application-forms

If you prefer your application is decided in court by a judge, tick that option on the application form.

It is important to include all relevant information for your application to be assessed as 'simple', so complete the application form carefully and completely.

You also need to notify any party named in the application and any person affected by the application.

When we roll out our new technology system, you will be able to make this application online via the Māori Land Court website. Check our website to see whether online applications are available at the time you make your application.

Can a registrar's decision be reviewed?

Yes, if you are affected by the decision you can apply for a review of a registrar's decision within 20 working days of the decision being made (or longer if you have a good reason).

The review will be done by a judge, who will be able to confirm, change or cancel the decision and issue a court order.