



Māori Land Court application guides

How to apply for succession

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Ka nui rawa atu te mihi ki ngā ringa rehe, ō mātou hoamahi nō Te Puni Kōkiri, nā rātou i waihanga, i tākoha mai i ēnei kupu ārahi, hei painga, hei taonga mō te marea.

We extend a debt of gratitude to our colleagues at Te Puni Kōkiri for generously sharing their work in developing the guidance for landowners that forms the basis of this guide.

Before you apply

Succession is the legal transfer of land interests or shares from a person who has passed away (the deceased) to their descendants. There are several types of succession applications. For all types, you only need to make one application for succession to include all whānau. Individual whānau members do not need to file separate applications.

Succession applications are made under Te Ture Whenua Māori Act 1993 and the Māori Land Court Rules 2011.

Types of succession applications

1. Succession without a will or administration (Form 22)

Sections 113 and 118 of Te Ture Whenua Māori Act 1993 and rules 10.2(1) and (2) of the Māori Land Court Rules 2011

Use this form when the deceased did not leave a will, or if they have left a will but there is no need to obtain administration.

If the deceased left a will:

- Their Māori land interests will go to the people named in the will (if they are entitled to the interests).
- If the people entitled to the deceased's Māori land interests under the will all agree that they want to see the land interests distributed in a different way, they may reach a family arrangement. The deceased's land interests will then be vested in anyone who is entitled to acquire and/or succeed under that arrangement.

If the deceased did not leave a will, under the Act, their land will transfer as follows:

- If the deceased had children, they receive equal shares of the deceased's land interests.
- If the deceased had no children, the land interests go to the deceased's siblings.
- If the deceased had no siblings, the land interests go to the deceased's parents' siblings, and so on.

Supporting documents required:

- death certificate (if a death certificate is not available the Court may accept other evidence of death you may have, for example, a photo of the deceased's headstone or copy of the funeral program)
- minutes of a whānau hui (if applicable)
- certified copy of the will (if applicable)
- written confirmation from spouse to surrender a lifetime right (if they choose to do so – see below for more information)
- written consents to succession by whāngai (if applicable – see below for more information)

2. Succession with administration (Form 21)

Sections 117 and 118 of Te Ture Whenua Māori Act 1993 and rule 10.2(2)(a) of the Māori Land Court Rules 2011

Use this form if the deceased left a will and formal administration has been granted by the High Court:

- The interests go to the people named in the will (if they are entitled to the interests).
- If the people entitled to the deceased's Māori land interests under the will all agree they want to see the land interests distributed in a different way, they may reach a family arrangement. The deceased's land interests will then be vested in anyone who is entitled to acquire and/or succeed under that arrangement.

Supporting documents required:

- death certificate or other evidence of death
- the will and/or probate/letters or grant of administration
- certificate by administrator (if applicable) (Form 20)
- deed of family arrangement (if applicable)

3. Succession to further interests (Form 22A)

Section 118(6) of Te Ture Whenua Māori Act 1993

Use this form if successors were already determined by a previous succession order. In this situation, the interests go to the people who were entitled in the first succession.

Supporting documents required:

- copy of the previous succession order (optional)
- deed of family arrangement (if applicable)

4. Determination or extinguishment of a life interest (Form 24)

Sections 18(1)(a) and 127 of Te Ture Whenua Māori Act 1993 and rule 10.11 of the Māori Land Court Rules 2011

Use this form to determine or cancel a life interest or lifetime right:

- once the life interest or lifetime right is cancelled, the interests go to those previously determined as 'remaindermen'
- a life interest or lifetime right can be cancelled when the holder passes away, no longer wishes to retain the interest or enters a new marriage, civil union or de facto relationship

Supporting documents required:

- death certificate (if applicable)
- written confirmation that the holder no longer wants the interest or right (if applicable)
- evidence that the life interest or lifetime right holder has entered a new marriage, civil union or de facto relationship (if applicable)

What to include in your application

The succession application asks questions that help the Court identify the deceased's Māori Land interests and work out who is entitled. In your application include:

- all names the deceased was known by (such as birth, maiden, married names, and any other aliases)
- whakapapa information, including parents, siblings etc
- names and contact details of children or next of kin. You can include the children of a child of the deceased who has also died.
- details of legally adopted children in or out of the family (with adoption order or birth certificate)
- details of whāngai children, either in or out of the family, including the child's whakapapa and the extent to which the whānau wish to include the child in the succession
- details of the deceased's spouse (if any)
- any interests in Māori Incorporations (so the Court can request a search, the Court does not record shareholdings in any incorporation).
- all required supporting documents (listed above)

What happens next

Registration

Court staff will check your application. If something is missing, they will let you know.

Once accepted, your application gets a unique number (AP20XXXXXX) that can be used when seeking an update on your application.

You will also be assigned a Pae Tukutuku (case manager) who will be your contact person for any questions and will keep you updated about the progress of your application.

Court hearing

You may need to attend a court hearing. The Court will notify you by pānui with the date, time, and venue.

You can attend in person or by audio-visual link. Your Pae Tukutuku can help decide.

Some cases are decided in chambers (the judge's office) or by a registrar. If this occurs, you don't need to attend a Court hearing.

After the Court hearing

Within a few weeks of the court hearing, you will receive a court minute including a summary of the application, a transcript of what was said at Court and the outcome of your application.

If the Court made a determination, you will then receive a court order. Orders are legal documents which authorise that the court record can be updated (for instance transferring the Māori land interests of a deceased person to the people entitled to those interests).

Once the court record is updated, your application is complete.

As part of the application, the Court may make additional orders (to the succession order) to give full effect to the application. Below are the most common types of additional orders.

Additional orders the Court may make

Whāngai

Section 115 of Te Ture Whenua Māori Act 1993

If the deceased raised whāngai children, the Court could make an order to recognise those children as whāngai of the deceased.

If the Court recognises somebody as a whāngai child, they can be included in the succession. The extent to which they are included depends on:

- whether they are related by blood to the deceased
- their connection to the whenua
- the tikanga of the relevant iwi or hapū

Payment of funds

Section 242 of Te Ture Whenua Māori Act 1993

If money is being held on behalf of the deceased by a trust or incorporation, the Court can make an order for the payment of those funds to the people determined entitled under the succession application. These funds may include rental income or dividends from the land blocks.

Lifetime right

Sections 116 and 109AA of Te Ture Whenua Māori Act 1993

The Court can make an order for a whāngai and/or spouse to succeed to a lifetime right. A lifetime right allows them to:

- occupy the principal family home (if it is on the land)
- receive all or part of any income or discretionary grants from the interests (including funds mentioned above)

Succession to an occupation order

Section 119A of Te Ture Whenua Māori Act 1993

If a deceased held an occupation order that has no timeframe or states that it can be succeeded to, the court can make an order vesting an occupation order in successors. This works in the same way as succession to Māori land interests.

How to file your application

You can submit your application several ways:

Online – Pātaka Whenua

- Visit Pātaka Whenua through the Māori Land Court website, www.maorilandcourt.govt.nz
- You can apply as:
 - a registered user – where you can create, save, submit applications, pay fees, and track progress
 - a guest user – where you submit your applications without creating an account
- **In person**
 - bring your documents to your nearest Māori Land Court office
- **Email or post**
 - email or post your application to your nearest district office
 - find district office contact details on the [Contact us](#) page of the Māori Land Court website

Application fees

- Information about the fees for the different types of succession applications as well as fee remittals and how to request one is available on the Māori Land Court website.

Where to get help

If you need more information or help gathering documents, you can try:

Māori Land Court

Information Services kaimahi in the district offices can answer your questions. You can contact them by:

- email
- telephone
- making an enquiry through Pātaka Whenua
- visiting your nearest district office

The district offices details can be found on the [Contact us](#) page on the Māori Land Court website.

Other helpful sources

- searching Pātaka Whenua
- contacting the other landowners
- contacting Te Puni Kōkiri
- visiting your local council website

Notes
