

Succession with a surviving spouse or partner

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, a deceased landowner's interests in Māori land could pass to their spouse by marriage or de facto or civil union partner, even if the spouse or partner did not whakapapa to the land (known as a 'life interest'). When this happened, the descendants who did whakapapa to the land, and would eventually own the land interests, were not entitled to succeed until the spouse or partner entered a new relationship, died or gave up the interests.

Now, descendants can apply to succeed to the land interests immediately following a landowner passing away, and become the owners of those land interests.

The surviving spouse or partner no longer becomes the owner of the land interests. However, they will still be entitled to receive income from the land and/or occupy the family home on the land until such time as they pass away; or voluntarily give up the rights; or (when there is no will) marry or enter a new de facto or civil union relationship; or (when there is a will) the specified period of time ends.

This change only applies to succession applications decided after 6 February 2021, and cannot be applied to existing life interests.

Why make this change?

To help descendants who whakapapa to the land to connect to their whenua and participate in decision making about their land sooner, while the surviving spouse or partner can still receive income and/or occupy the family home.

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/apply

It is important to include all relevant information needed for your application, and 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.