



Te Puni Kōkiri
MINISTRY OF MĀORI DEVELOPMENT

Who can succeed

Te Ture Whenua Māori Act 1993 states who can, and who can't, succeed to whenua.



There are only certain people who are eligible to succeed to whenua Māori — Māori Land Court (MLC) refer to these people as the “preferred class of alienee”. This is to ensure Māori land stays in Māori ownership through future generations.

Surviving spouse or partner

The Act ensures that an owner’s surviving spouse or partner can be cared for and supported by the whenua, though they can’t succeed. They can choose to receive what’s called a “life interest” instead.

If they take a life interest, they can share in any income from the whenua — like rent, for example — and can take part in discussions about it. They receive a “life interest ownership”, rather than absolute ownership.

People with a life interest act almost like a kaitiaki for whānau who have the bloodline to succeed — like any tamariki the person who died had, for example. Whānau who are eligible to succeed to life interest shares are known as the “remainderman”.



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Generally a spouse or partner’s life interest lasts until:

- they remarry or enter another relationship
- they choose to give up their life interest
- their death.

When their life interest ends, their interest in the whenua will go to the remainderman.

The remainderman should apply to MLC to have the interests in the whenua transferred to them — it doesn’t happen automatically.

Tamariki

All tamariki may receive an equal share of a parent’s land interests when they succeed. That includes:

- any children legally adopted into the whānau (but not those legally adopted out)
- whāngai — as long as they're recognised by whānau and MLC.

If any tamariki die before they succeed, their interests could go to their children, if they have any. If not, their interests may be shared among their siblings.

If tamariki are under the age of 20 and unmarried at the time they succeed, the Court will appoint a kaitiaki trustee to look after their interests until they turn 20, or get married — whatever comes first.



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If you have any questions about kaitiaki trusts, talk to kaimahi at MLC.

Other whānau

If a landowner dies and doesn't leave a spouse or children behind, their brothers and sisters can succeed to the whenua instead. If the landowner had no brothers or sisters either, there will be other whānau successors that the whenua can be passed on to. This can be complicated to work out, but if you feel that you're entitled to succeed, talk to kaimahi at MLC.

Get contact details for Māori Land Court

If an owner leaves a will

If an owner leaves a will for whānau, it may include instructions about their whenua in it. For example, it might state:

- who they would like to succeed to their whenua, and
- how many shares each person should receive.

Unless the will is dated before 1 July 1994 (when the Act came into being), these instructions must meet the rules for succession set out in Te Ture Whenua Māori Act 1993. If an owner's will directs that their whenua should go to someone who isn't eligible to succeed according to the Act, that part of the will becomes invalid.

But, if whānau and the court agree, anyone else your whānau member wanted to provide for after their death could get a life interest in the whenua instead. This could be someone they felt a responsibility for, like a stepchild for example.

In some cases, whānau may not agree with the instructions left for the whenua in the will. This could happen if:

- interests in the whenua are not distributed equally among tamariki, or
- someone in the whānau is left out of the will altogether.

If so, talk to kaimahi at MLC. They can help whānau work out a solution for distributing the whenua that works for everyone.