

REPUBLIC OF VANUATU

BILL FOR  
THE LAND REFORM (AMENDMENT) ACT No. 6 OF 1981

Explanatory Note

The purpose of this Act is to introduce amendments to the Land Reform Regulation, 1980 which are felt to be necessary.

In Section 1 of the Regulation, in the definition of alienator, paragraph 2 is amended by this Act to require an alienator to also satisfy the conditions of physical possession, reasonable maintenance in respect of land and improvements and where applicable, prompt payment of rates and taxes; and not any one of them. The Ministry of Lands in practice have interpreted the law to require an alienator to satisfy all the conditions. This amendment clarifies the position.

Section 3 of the Regulation enables an alienator to continue in possession of land until such time as a lease is entered into, or payment is received for improvements even where the land is undeveloped. It is felt that with respect to undeveloped land, the custom owners should be allowed to enter into possession immediately and not wait for the making of a lease with an alienator. Section 3 is amended by this Act to add a proviso to the section, depriving an alienator from occupying undeveloped land, but without prejudicing his entitlement to enter into a lease.

There are many plantations, particularly in Santo, which are not occupied by alienators and are not being maintained. They have in fact been abandoned by alienators. Section 3 of the Regulation is amended by this Act, to enable the Minister to take over the general management and control of such land so as to conserve and protect the land on behalf of the custom owners.

FEBRUARY, 1981.

T. RUEBEN SERU  
MINISTER OF LANDS

REPUBLIC OF VANUATU

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Arrangement of Sections

1. Amendment of JR. 31 of 1980.
2. Commencement.

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THE LAND REFORM (AMENDMENT) ACT No. 6 OF 1981

To provide for amendments to the Land Reform Regulation No.31 of 1980.

Be it enacted by the President and Parliament as follows :-

Amendment of  
JR. 31 of  
1980.

1. The Land Reform Regulation No.31 of 1980 is amended as follows :-
  - (a) In Section 1, in paragraph (2) of the definition of 'alienator',
    - (i) at the end of paragraph 2 (i) the word 'or' shall be deleted, and the word 'and' substituted therefor.
    - (ii) at the end of paragraph 2 (ii) the word 'or' shall be deleted, and the words 'and, where applicable,' substituted therefor.
  - (b) In Section 3 by adding the following proviso at the end thereof,

'Provided that where such land is undeveloped land, an alienator, without prejudice to his right to enter into a lease of that land, shall not be entitled to remain on such land.'
  - (c) In Section 8 (1),
    - (i) by adding the word 'or' at the end of paragraph (b);
    - (ii) by adding the following new paragraph,

'(c) not occupied by an alienator, and which in the opinion of the Minister is inadequately maintained.'

Commencement.

2. This Act shall be deemed to have come into operation on the 31st day of July, 1980.