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AMENDMENTS OF CUSTOM LAND MANAGEMENT ACT NO. 33 OF 2013

REPUBLIC OF VANUATU

CUSTOM LAND MANAGEMENT (AMENDMENT) ACT NO. 12 OF 2014

Arrangement of Sections

1 Amendment

2 Commencement

REPUBLIC OF VANUATU

Assent: 19/06/2014

Commencement: 24/06/2014

CUSTOM LAND MANAGEMENT (AMENDMENT) ACT NO. 12 OF 2014

An Act to amend the Custom Land Management Act No. 33 of 2013.

Be it enacted by the President and Parliament as follows-

1 Amendment

The Custom Land Management Act No. 33 of 2013 is amended as set out in the Schedule.

2 Commencement

This Act commences on the day on which it is published in the Gazette.

SCHEDULE

**AMENDMENTS OF CUSTOM LAND MANAGEMENT ACT NO. 33 OF
2013**

1 At the end of section 5

Add

“(5) The National Coordinator may order that any fees paid to any tribunal under subsection (4) in respect of a proceeding, be refunded in full or in part to the applicant or any of the other parties, if the matter has not been determined yet by the relevant tribunal.”

2 Subsection 17(1)

Repeal the subsection, substitute

“(1) Any decision by a nakamal to determine the custom owners of the land must be made at a meeting of the nakamal in accordance with section 16.”

3 Subsection 17(2)

Repeal the subsection.

4 Subsections 17(3), (4) and (5)

Renumber the subsections as (2), (3) and (4).

5 Subsection 25(1)

Repeal the subsection, substitute

“(1) A decision by the nakamal to determine the custom owners of the land must be made at a meeting of the custom owners referred to in subsections 24(1) and (2).”

6 Subsection 25(2)

Repeal the subsection.

7 Subsections 25(3), (4) and (5)

Renumber the subsections as (2), (3) and (4).

8 Paragraph 28(1)(a)

Repeal the paragraph.

9 Paragraphs 28(b) and (c)

Re-letter the paragraphs as (a) and (b).

10 Subsection 29(2)

Delete “owner”, substitute “officer”

11 At the end of section 34

Add

“(8) A decision of the custom area land tribunal is final.”

12 Subsection 40(1)

Repeal the subsection, substitute

“(1) A custom land officer must ensure that the written record of the decision of a custom area land tribunal is filed with the office of the National Coordinator.”

13 Section 57

Repeal the section, substitute

“57 Existing decisions of Island Court, Supreme Court, single or joint area Customary Land Tribunal and island Customary Land Tribunal

(1) Decisions of the Island Court, Supreme Court, single or joint area Customary Land Tribunal and island Customary Land Tribunal which determine the ownership of custom land and which were made before the commencement of this Act, are deemed to create a recorded interest in land in respect of the person or persons determined by such Court or Customary Land Tribunal to be the custom owners.

(2) Decisions made under subsection (1) will enable the custom owners so recorded to be identified for the purpose of consenting to an application for a negotiator’s certificate or a lease, or is to provide the basis for rectification of an existing instrument.”

14 Section 58 (Heading)

After “of” (Heading) insert “single or joint Village Customary Land Tribunal and single or joint sub- area”

15 Paragraph 58(1)(b)

Delete “; or”, insert “,”

16 Paragraphs 58(1)(c) and (d)

Repeal the paragraphs.