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Tonga

LAND (AMENDMENT) ACT 1991

NO. 18 OF 1991

AN ACT TO AMEND THE LAND ACT

I assent,
TAUFA'AHAU, 1992
4TH February, 1992.

[14th October, 1991]

BE IT ENACTED by the King and the Legislative Assembly of Tonga in the Legislature of the Kingdom as follows: —

1.
 - (1) This Act may be cited as the Land (Amendment) Act 1991.
 - (2) The Land Act, Chapter 132, as amended, is in this Act referred to as the Principal Act.
2. Section 54 of the Principal Act is amended by making the present section sub-section (1) and by adding the following new subsections (2) and (3):
 - “(2) Notice of the Cabinet's consent to the surrender shall be published by the Minister in one issue of the Tonga Government Gazette and in three issues of a Tongan weekly newspaper within two months of the date of the notice.
 - (3) The notice shall be in the form specified in Schedule IVA and will require any person claiming to be the legal successor to the surrendered land to lodge his claim in writing to the allotment or part thereof by the date specified in the notice which date shall not

be less than 12 months from the date that the notice is first published in accordance with Sub-section (2), failing which the said allotment or part thereof will revert to the estate holder.”

3. Section 87 of the Principal Act is amended by adding after the words “from the death of the last holder” the words “or by the date specified in the notice made pursuant to section 54 of this Act.”.
4. Schedule IV of the Principal Act is hereby deleted and the following inserted in its stead:

“SCHEDULE IV

(Sections 22 and 133)

(Amended by Act 11 of 1980, G. S. 43/72,

G. 137/77, G. 367/78, G. S. 38/79)

SURVEY FEES

Site area up to 2000m ²	\$40.00
Over 200m ² to 1.3 hectare	60.00
Over 1.3 hectare to 3.5 hectares	70.00
Over 3.5 hectares to 6 hectares	180.00
Over 6 hectares to 8 hectares	200.00
Then for every additional hectare up to 40 hectares	7.60
up to 80 hectares	5.60
up to 200 hectares	4.70
up to 400 hectares	3.70
Then for every additional hectare or 5000m ² together with expenses of travelling for 1.90 surveyors and party from nearest port of entry	
Survey of tax or town 'api' to determine boundary lines, not being the original grant 16.00 of the same.	

REGISTRATION FEES

Registration of Lease	21.00
Registration of Tofi'a	60.00
Registration of Sub-Lease	10.50
Registration of Tax 'Api	7.00
Registration of Town 'Api	3.50
Registration of Document Affecting Leasehold Title	1.80
Registration of Permit	21.00
Registration of Appointment of Trustee	7.40
Application for a Mortgage	2.00
Registration of Mortgage	21.00
Registration of Discharge of Mortgage	10.50
Registration of Document Affecting a Mortgage	2.00
Application for Variation of Mortgage	2.00
Registration of Variation of Mortgage	21.00

TRANSFER FEES

Transfer of Lease	14.00
Transfer of Sub-Lease	7.00
Transfer of 'Api	1.80
Transfer of Town 'Api	2.00
Application to assign a mortgage	10.50

OTHER CHARGES

For every plan or map	7.00
For search of register	0.90
For every general search of any register	1.80
For any office copy of document registered for extract therefrom-per folio of seventy two words	0.30
For certificate and seal of Minister to any office copy	1.80
Permit to cut stone blocks 600m ² , each	0.05
Over 600m ² each...	0.20
Application for permit to aliens to occupy Tongan land or reside with Tongan	1.80
One quarter or any part thereof	
One half year or any part thereof	3.50
One year or half thereof.	7.00
Inspecting any plan, charts, map or survey in Lands	0.40
Office each one	
Removing sand from foreshores or any Government property, for each tonne or part thereof (C.D. 797/78)	0.80
Removing stones or shingle or other material other than stone blocks, for each tonne or part thereof.	0.90
Timber cut from Government property logs	17.50
300mm diameter per 4m	
For each additional 25mm diameter	3.50
For additional 300mm length part thereof	3.50
Permission to cut timber of less than 300mm diameter will not normally be granted.	

SCHEDULE IVA

LEGAL NOTICE

SURRENDER OF LAND

(section 54)

1.The Cabinet on the day of 1991 gave its consent to the surrender by

.....

of.....

of (part of) the tax/town allotment being (part of) the parcel of land situate

at.....

described in the Deed of Grant of Allotment registered in the Land Registry

For the District of.....

in volume.....Folio.....

2. Any Person claiming to be an heir to the above allotment (or part thereof) which has been surrendered is required to lodge his claim thereto in writing with the Minister of Lands by the day of 19...failing which it will revert to the estate holder

Dated this Day of 19

Minister of Lands”.

Passed in the Legislative Assembly this 14th day of October 1991.