

# **Land and Titles Act [Cap 133]**

## **LAWS OF SOLOMON ISLANDS**

[Revised Edition 1996]

### **CHAPTER 133**

#### **LAND AND TITLES**

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12 of 1979  
24 of 1979  
9 of 1985  
2 of 1987  
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19 of 1988

AN ACT TO AMEND DECLARE AND CONSOLIDATE THE LAW RELATING TO THE  
TENURE OF LAND, THE ACQUISITION OF LAND, THE REGISTRAR OF INTERESTS  
IN LAND, TO OTHER LIKE PURPOSES AND TO MATTERS INCIDENTAL THERETO  
AND CONNECTED THEREWITH

[1st January 1969]

**PART I  
PRELIMINARY**

**Short title**

1. This Act may be cited as the Land and Titles Act.

**Interpretation**

*LN 88 of 1978*  
*24 of 1979, s. 2*  
*4 of 1987, s. 42*

2.-(1) In this Act, except where the context otherwise require:-

"Adjudication Officer" means a person appointed as Adjudication Officer pursuant to section 19;

"advertise" means to publish, whether through an agent or otherwise, a statement or indication that an interest in land (including any interest in land forming part of the assets of any company or other corporate body) is for sale or that offers may be made for such interest or company or other corporate body and includes -

(a) publication in a newspaper, magazine, periodical, circular or other writing intended to be made available to the public or prospective purchasers or prospective purchasers or offerors;  
and

(b) Publication on radio, television or other media, of such a statement or indication and "advertisement" and "advertise any interest in land" shall be construed accordingly;

"appoint", in relation to a personal representative, means to make a grant of probate of a will, or of letters of administration of the estate, of a deceased person; and "appointment" in relation to a personal representative has a corresponding meaning;

"authorised officer" means a person, or a member of a class of persons, specified to be an authorised officer by regulations made pursuant to section 260;

"boundary mark" means any survey stone, metal pipe or spike, wooden peg or post, concrete post or pillar, or other survey mark used for the purpose of indicating a boundary;

"building" includes any structure or erection and any part of a building, structure or erection, and any plant or machinery which is embedded or otherwise rigidly attached in its place;

"caveator" means a person who has lodged, under Part XXII, a caveat which has not lapsed or been withdrawn or removed from the land register;

"charge" means an interest in land securing the payment of money or money's worth and includes a subcharge and the instrument creating a charge;

"chargee" means the owner of a charge;

"chargor" means the owner of a charged interest;

"commencement date" means the date of commencement of this Act;

"the Commissioner" means the Commissioner of Lands;

*LN 88 of 1978*

"court" means any court which has jurisdiction in relation to the subject-matter of the proceeding in question;

"current customary usage" means the usage of Solomon Islanders obtaining in relation to the matter in question at the time when that question arises, regardless of whether that usage has obtained from time immemorial or any lesser period;

"customary land" means any land (not being registered land, other than land registered as customary land, or land in respect of which any person becomes or is entitled to be registered as the owner of an estate pursuant to the provisions of Part III) lawfully owned, used or occupied by a person or community in accordance with current customary usage, and shall include any land deemed to be customary land by paragraph 23 of the Second Schedule to the repealed Act;

"dealing" includes disposition and transmission;

"Demarcation Officer" means a Demarcation Officer appointed pursuant to section 32 (2);

*LN 88 of 1978*

"demarcation plan" means a plan prepared in pursuance of section 42;

"disposition" means any act *inter vivos* by an owner whereby his rights in or over the land comprised in his interest are affected, but does not include an agreement to transfer, lease or charge;

"document of title" means a grant, lease or other document evidencing title to an interest other than an interest in land held under current customary usage;

"easement" means a right attached to a parcel of land either to use other land in a particular manner or to restrict its use to a particular extent, but does not include a profit;

"economic tree" means a tree which, or the products of which, have a cash value;

"estate", except in section 253 (2), means a perpetual estate or a fixed-term estate as defined in Part VIII;

"file" means place in the relevant parcel file;

"guardian" means a person who, according to law, is empowered to act on behalf of a person who is either under the age of twenty-one years or incapable, by reason of mental infirmity, of acting;

"inheritance" does not include acquisition under the terms of a will;

"instrument" includes any deed, judgment, decree, order, declaration or other document;  
"interest", where used in relation to land, includes, unless the context otherwise requires, an estate, a lease, a profit, an easement and a charge; and "person interested" has a corresponding meaning;

"land" includes land covered by water, all things growing on land and buildings and other things permanently fixed to land but does not include any minerals (including oils and gases) or any substances in or under land which are of a kind ordinarily worked for removal by underground or surface working;

"land register" means the land register compiled under Division 2 of Part VI;

"lease" means the grant, with or without consideration, by the owner of an estate of the right to the exclusive possession of the land comprised in that estate or any part thereof, and includes the right so granted and the instrument granting it, and includes a sublease and any periodic tenancy, but does not include an agreement for lease;

"lessee" means the owner of a lease;

"lessor" means the person who has granted a lease or his successor in title;

"licence" means a permission given by the owner of an estate or by a lessee which allows the licensee to do some act in relation to the land comprised in the estate or the lease which would otherwise be a trespass, but does not include a lease, an easement or a profit;

"local court" means a court established under the Local Courts Act;

*Cap. 19*

"owner", in relation to a registered interest, means the person in whose name the interest is for the time being registered; and, in relation to customary land, it means the person or persons who is or are, according to current customary usage, regarded as the owner or owners of the land; and "own" has a corresponding meaning;

"parcel", in relation to registered land, means an area of land separately demarcated on the registry map;

"preservation order" means an order made pursuant to section 250 (1);

"a profit" means a right to go on the land of another to take a particular substance from that land, whether the soil or the products of the soil, and includes the taking of wild animals;

"public land" means land which is shown by the register to be vested for a perpetual estate in the Commissioner for and on behalf of the Government;

"public road" has the meaning ascribed to it in the Roads Act;

*Cap. 129*

"public service" means the service of the Government;

*LN 88 of 1978*

"Recording Officer" means a Recording Officer appointed pursuant to section 32 (2);

"road" includes a public road;

"the register" means the leaf of the land register kept in respect of a registered estate or lease;

"to register" means to make an entry in the land register under this Act, and "registered"

"unregistered" and "registration" bear a corresponding meaning;

"registrable", in relation to an instrument, means required to be registered or capable of registration under this Act;

"the Registrar" means the Registrar of Titles or, where a Deputy Registrar or Assistant Registrar has been authorised under section 7 (1) to perform or exercise any particular duty or power, that Deputy Registrar or Assistant Registrar so far as concerns that duty or power;

"registry map" means the map or series of maps referred to in section 93;

"the repealed Act" means the [Land and Titles Act](#) repealed by section 238(1)\*;

*13 of 1959*

*Cap. 56*

*(Rev. Ed. 1961)*

*\*This reference is to s. 238(1) of [Act No. 6 of 1968](#) - See Cap. 93, 1969 Revised Edition (Page 3767).*

"river" includes a stream, canal, creek, or other watercourse, natural or artificial, the bed of which is normally not less than ten feet in width;

"settlement area" means a land settlement area designated under section 31;

"Settlement Officer" means a Land Settlement Officer appointed pursuant to section 32(1);

*LN of 1978*

"Settlement Record" means a Settlement Record prepared under section 47;

"settlement section" means a settlement section constituted under section 35;

"Solomon Islander" means a person born in Solomon Islands who has two grand-parents who were members of a group, tribe or line indigenous to Solomon Islands;

*11 of 1977, s,2*

"statutory trusts" means the trusts declared by section 214(1);

"survey" includes boring and the digging of trial holes and taking of levels;

"Survey Officer" means a Survey Officer appointed pursuant to section 32(2);

*LN 88 of 1978*

"Surveyor" means a Surveyor registered under section 4(2) of the Land Surveys Act or appointed under section 3;

*Cap. 134*

"the Surveyor-General" means the chief surveyor in the public service;

*LN 88 of 1978*

"transfer" means the passing of an interest by act of the parties and not by operation of law, and also the instrument by which such passing is effected;

"transmission" means the passing of an interest from one person to another by operation of law on death or insolvency or otherwise howsoever, and includes the compulsory acquisition of interests in land under any law for the time being in force in Solomon Islands;

"value" includes marriage, but does not include a nominal consideration;

"will" includes a codicil and any other testamentary instrument.

(2) Where an interest exists in any land, that land is said to be comprised in that interest.

(3) Where an interest in land is held subject to the payment of any rent or the performance of any obligation, that rent or that obligation is said to be incident to that interest.

(4) An obligation is a requirement of the performance or of the abstention from performance, of an act or series of acts; and a person who complies with the requirement is said to perform the obligation.

## **PART II ADMINISTRATION**

### **The Commissioner of Lands and his Officers**

*LN 88 of 1978*

**3.** This Act shall be administered by a Commissioner of Lands who shall be assisted by a Registrar of Titles and such and so many Deputy Commissioners of Lands, Surveyors, Deputy Registrars, Assistant Registrars, Title Examiners and other officers.

## **Duties and Powers of Commissioner**

*LN 88 of 1978*

4.- (1) It shall be the duty of the Commissioner, in addition to his other duties specified in this Act, to advise the Minister, as often as he may be requested so to do, concerning land policy in Solomon Islands.

(2) The Commissioner may, by notice, delegate the control and management, subject to such conditions and restrictions (if any) as he may specify in such notice, of any interest in land vested in him to any officer in the public service or any Local Government Council.

*11 of 1974.s.5*

(3) The Commissioner shall have the power to institute or defend any proceedings under his official title.

(4) The Commissioner shall have power to hold and deal in interests in land for and on behalf of the Government, and, subject to any general or special directions from the Minister, to execute for and on behalf of the Government any instrument relating to an interest in land.

(5) In exercise of his powers under subsection (2) of section 143, section 144, subsection (2) of section 172 and Part XIV the Commissioner shall act in accordance with the advice of the Minister:

Provided that the Minister may by notice in writing to the Commissioner dispense with the requirement of this subsection in any case or class of cases as may be specified in the notice.

*24 of 1979, s.3*

## **Duties and powers of Commissioner's officers**

5.- (1) Every officer (other than the Commissioner) referred to in section 3 shall, except in respect of any power or duty specifically conferred or imposed upon him by this Act, be subject to the directions of the Commissioner and shall, subject to such directions, perform such duties and exercise such powers of the Commissioner as may be specified in the conditions of his appointment or as may be from time to time assigned or delegated to him by the Commissioner.

(2) Any person aggrieved by a decision of any of the officers (other than the Commissioner or the officers mentioned in section 6 (1)) referred to in section 3 may refer the matter to the Commissioner, who may confirm or rescind the decision or substitute for it any decision which could lawfully be given in accordance with the provisions of this Act.

(3) The Surveyor-General shall have the power to institute or defend any proceedings under his official title.

*LN 88 of 1978*

## **The Registrar and his officers**

**6.-** (1) The land registries shall be administered by the Registrar of Titles, who shall be assisted by such and so many Deputy Registrars, Assistant Registrars, Title Examiners and other officers as may be appointed.

(2) The Registrar shall have the power to institute or defend any proceedings under his official title.

## **Duties of Registrar's officers**

*18 of 1972, s.2*

**7.** Every officer (other than the Registrar) referred to in section 6 (1) shall be subject to the directions of the Registrar and shall, subject to such directions, perform such duties and exercise such powers of the Registrar as may be specified in the conditions of his appointment or as may be from time to time assigned or delegated to him by the Registrar.

## **Protection of officers**

**8.** No action shall be brought against any of the officers referred to in sections 3 and 6 in respect of anything done or omitted to be done by him in good faith in the execution or purported execution of his powers and duties under this Act.

# **PART III SETTLEMENT OF UNREGISTERED DOCUMENTARY TITLES**

## **Definitions**

**9. -** (1) In this Part-

"assignment" means a transaction whereby the ownership of an existing leasehold interest in land passes from one person to another person, or from one person to himself and other person jointly, other than transaction as an immediate result of which the leasehold interest merges in the reversion expectant thereon and is extinguished, or a transaction (not being a mortgage);

"conveyance" means a transaction (not being a mortgage) whereby the ownership of a freehold interest in land passes from one person to another person, or from one person to himself and another person jointly;

"deeds register" means a register book, register or file of memorials within the meaning of the Land Registration Act;

*Cap 50*

*Rev. ED. 1948*

"freehold interest in land" means an estate in fee simple absolute in possession or any interest in land of a similar nature and based upon a document of title;

"leasehold interest in land" means the interest of a tenant arising by virtue of a lease of land;

"mortgage" means a transaction whereby a freehold interest, or an existing registrable leasehold interest, in land becomes charged with the payment of a sum of money by the owner thereof to some other person, or to himself and some other person jointly, or whereby a

freehold interest, or an existing registrable leasehold interest, in land passes, subject to a right of redemption (whether express or implied), from one person to another person, or from one person to himself and another person jointly; but it does not include a mere deposit of deeds for securing the payment of a sum of money;

"native land" has the meaning assigned to it by the Land Act;

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"the previous law" means the law in force immediately before the 1st February, 1963;

"registrable leasehold interest in land" means a leasehold interest in land created by a lease which, if made after the 1st February, 1963, would be required to be registered;

"repealed Regulation" means a Regulation or Act repealed by the repealed Act, or a Regulation or Act repealed before the 1st February, 1963.

(2) For the purposes of this Part, a transaction is deemed to have occurred when a devise or bequest of an interest in land takes effect beneficially (whether by assent thereto or otherwise), or when an interest in land to which some person becomes beneficially entitled (that is to say, otherwise than merely as administrator) on the death of another person intestate (so far as that interest is concerned) becomes vested in the first-mentioned person beneficially.

### **Voluntary application for first registration**

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**10.** - (1) Any person who claims to hold otherwise than by way of mortgage, a freehold interest or a leasehold interest in any land may apply to be registered as the owner of the interest; every such application shall be made to the Registrar in the prescribed form, which shall contain an application to the Surveyor-General to provide the necessary survey information and an undertaking to pay the fees for any survey work required, where such information is not furnished with the application.

(2) The Registrar shall not register the applicant as the owner of an interest until the survey information and any other data he requires is available.

(3) An application for registration may be made in pursuance of subsection (1) by a corporation whether sole or aggregate notwithstanding any provision to the contrary contained in or implied by the terms of its articles or memorandum of association, charter or other constitution, and any such application, together with any statutory declaration appertaining thereto, may be made on behalf of the corporation by a director or the secretary of the corporation or by an attorney appointed in that behalf by the corporation under its common seal, or in the case of a local authority by the clerk of the authority.

(4) The Commissioner may apply to be registered as the owner on behalf of the Government of the perpetual estate in such land-

(a) below mean low water; and

(b) between the points of mean high water and mean low water,

as vested in him under paragraphs (a) and (b) of section 47 (1) of the repealed Act.



(5) The filing with the Registrar of an application for registration of an interest in land under subsection (1) shall, for the purposes of Order 53 of the High Court (Civil Procedure) Rules, made pursuant to the powers conferred by the Western Pacific (Courts) Order in Council 1961 (which said Order 53 relates to injunctions and interim preservation of property) be deemed to be the issue of a writ in an action, and any person who may prima facie appear to the High Court to object or be likely to object to the registration of the interest according to the tenor of the application, shall be deemed to be a defendant to the action.

*S.I. 1961*

*No. 1506*

(6) This section is to be read and construed and be subject to the provisions of Part VII and subsections (3) and (4) of section 112.

*11 of 1977, s.3*

### **Registration without application**

**11.** The Registrar may, without any application being made to him in that behalf, register as owner of an interest in land any person who, according to satisfactory information in his possession, would be entitled, under the provisions of this Part, to be registered as such owner upon making application to the Registrar.

### **Compulsory application for first registration on conveyance or assignment**

**12.** Every conveyance of a freehold interest and every assignment of a registrable leasehold interest in land executed after the 1st February, 1963 shall be ineffectual until application for registration in respect of the interest conveyed or assigned, shall have been made under section 10 by the grantee, that is to say, the person who is entitled to be registered as the owner of that interest by virtue of the conveyance or assignment, and for the purposes of this section, in relation to any conveyance or assignment that would otherwise have been void under paragraph 4 of the Second Schedule to the repealed Act, the Registrar shall be deemed to have extended indefinitely, under paragraph 6 (1) of the said Second Schedule, the period of six months within which application for registration was required to be made.

### **Compulsory application for first registration on lease or mortgage**

**13.** Every grant of a lease executed after the 1st February, 1963, being a grant whereby a registrable leasehold interest is created, and every mortgage executed after the 1st February, 1963, shall be ineffectual until application for registration in respect of the interest out of which the lease or mortgage is created, shall have been made under section 10 by the grantor or mortgagor, that is to say, the person who is entitled to be registered as the owner of that interest, and for the purposes of this section, in relation to any grant or mortgage that would otherwise have been void under paragraph 5 of the Second Schedule to the repealed Act, the Registrar shall be deemed to have extended indefinitely, under paragraph 6 (1) of the said Second Schedule, the period of six months within which application for registration was required to be made:

Provided that, subject to section 15, such application may be made by the grantee or mortgagee.

## **Compulsory application for registration and penalty**

*11 of 1977, s.4*

14.-(1) Any person claiming to be the owner of a freehold or leasehold interest shall prior to the 1st December 1977 make an application to the Registrar (which may not be withdrawn) either to register his freehold or leasehold interest or to surrender the whole or any part of his freehold or leasehold interest to the Commissioner and in default of so doing shall be liable for each day after the 1st December 1977 to a fine of \$50.00 which shall be deemed to be on the date when judgment is obtained a debt due to the Commissioner and a charge in his name over such freehold or leasehold interest.

(2) On application for registration in accordance with subsection (1) any survey fees which become payable consequent upon the application shall be payable over a period of five years or over such longer period in cases of genuine hardship as the Commissioner may agree.

(3) Where any person applies under subsection (1) to surrender the whole or any part of his freehold or leasehold interest then the Commissioner shall provide a document for execution by any such person to give effect to the surrender.

(4) Any person who applies to surrender any part of his freehold or leasehold interest shall not thereby avoid the requirement of subsection (1) to apply for the registration of the remainder of his freehold or leasehold interest and a person claiming to be the owner of both freehold and leasehold interests must register both.

### **Costs**

15.-(1) The costs of and incidental to an application under section 10 shall be paid by the applicant and may be required by the Registrar to be paid in advance.

(2) The Registrar may, subject to subsection (3), order any person who appears to him to benefit from the registration of any interest owned by that person, to pay the costs of and incidental to such registration.

(3) The grantor or mortgagor shall, in the absence of any agreement to the contrary, be liable to pay the costs of and incidental to any application under the proviso to section 13.

(4) For the purposes of this section the costs of an incidental to registration shall include reasonable costs incurred by persons required by the Registrar to furnish information, statutory declarations and affidavits and to produce documents.

### **Application on behalf of joint owners**

16.- (1) Where a freehold interest or a leasehold interest in any land is or becomes vested in two or more persons as joint owners, any one of such persons may apply for the registration of all of such persons as joint owners of the interest under this Act.

(2) The Registrar shall, upon receiving such application, take such steps as he may consider appropriate to bring the application to the attention of such of the joint owners as did not make the application.

### **Protection of owners in certain cases**

**17.** - (1) The Registrar shall not register any person applying for registration as owner of an interest otherwise than in accordance with the tenor of the application, or refuse to register such person as owner of an interest, unless he has previously afforded that person an opportunity to be heard, nor shall the Registrar dispose of any application by a grantee or mortgagee under the proviso to section 13 without first giving the grantor or mortgagor an opportunity to be heard.

(2) The Registrar shall not register as owner of an interest any person who has not applied to be so registered, unless he has previously afforded that person an opportunity to be heard.

(3) The provisions of subsections (1) and (2) shall not apply to any case in which the Registrar acts pursuant to an order of the High Court.

### **Procedures, and powers of Registrar**

**18.** - (1) Before registering any person as owner of an interest under this Part, the Registrar shall satisfy himself as to all matters requisite for the purpose of effecting the registration.

(2) For the purpose of so satisfying himself the Registrar may in addition to exercising any other power he may possess -

(a) accept as evidence recitals, statements and descriptions of the facts, matters and parties in deeds, documents or statutory declarations not less than twenty years old, copies of orders of any court, memorials of registration under any Regulation or Act concerning the registration of instruments relating to or affecting land, and any other matter contained or recorded in any deeds register;

(b) give effect to any judgment or order of a court affecting land, notwithstanding that a memorial thereof was not registered in the manner required by the Land Registration Act;  
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(c) inspect or cause to be inspected any land, with a view to ascertaining the nature of the interest therein (if any) owned by any person appearing to be in lawful occupation thereof;

(d) publish in the Gazette or in such manner as he shall consider to be adequate or most effective for the purpose of bringing them to the attention of all persons affected thereby, advertisements of his intention to effect the registration, and accept as evidence any information gained by him as a result of any response, or the lack of any response, to such advertisements;

(e) refer any matter or question to the Commissioner or to the Provincial Secretary for report or decision, and accept as evidence such report or decision when made or given;

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(f) refer any matter or question to an Adjudication Officer for report or decision, and accept as evidence such report when made.

(3) Where the Registrar refers any matter or question for report or decision pursuant to the powers conferred upon him by subsection (2), any person who has been afforded, by the person to whom such matter or question is referred, an opportunity to be heard during the course of the investigation or decision of the matter or question shall, for the purpose of

section 17, be deemed to have been afforded an opportunity to be heard by the Registrar.

### **Adjudication officer**

**19.** - (1) The Registrar may appoint any person to be an Adjudication Officer for the purposes of section 18 (2) (f).

(2) Where the Registrar refers any question to the Adjudication Officer for decision, the Adjudication Officer shall, (subject to any regulations which may be made) adopt such procedure for deciding the question as it appears to him to be appropriate, and he shall not be bound by any rules of evidence.

(3) The decision of the Adjudication Officer shall be in writing, and copies of it shall be served upon every person affected by it.

(4) If any person aggrieved by the decision of the Adjudication Officer desires to question it, or any part of it, on the ground that it is erroneous in point of law or that the Adjudication Officer has failed to comply with any procedural requirement of this Act, he may, within three months from the service upon him a copy of the decision, appeal to the High Court.

(5) On any such appeal the Court may, if satisfied that the decision is erroneous in point of law or that the interests of the appellant have been substantially prejudiced by the failure of the Adjudication Officer to comply with any procedural requirement of this Act, quash the decision, either wholly or in part, and substitute for the decision, or the part thereof quashed, such decision as in its opinion ought to have been given by the Adjudication Officer and may under section 229 order rectification of the land register.

(6) The decision of the Court on such application shall be in writing, and copies of it shall be furnished by the Court to the appellant and the Adjudication Officer, and by the Adjudication Officer to every other person who appears to him to be affected by such decision.

(7) A decision or order of the Court on such an appeal, and, subject to the provisions of this section relating to appeal, a decision of the Adjudication Officer under this section, shall be final and conclusive and shall not be questioned in any proceedings whatsoever.

### **Personals representatives and guardians**

**20.** Any application which could be made under the provisions of this Part by any person, and any opportunity to be heard which ought under such provisions to be afforded to any person, and any notice which is required by such provisions to be served on any person, may or shall, if that person be dead or under a disability by reason of age or mental infirmity, be made by or afforded to or served on his personal representative or guardian.

### **Interests to be registered**

**21.**-(1) Every freehold interest in land subsisting at the 1<sup>st</sup> February, 1963 shall when registered take effect as a perpetual estate in that land.

(2) Every leasehold interest in land subsisting at the 1<sup>st</sup> February, 1963 and created by -

- (a) any certificate of occupation granted in the exercise of any power conferred by any repealed Regulation; or
- (b) any lease granted by the Government other than a lease of native land,

shall upon registration take effect, subject to section 23, as a fixed-term estate for a period equivalent to the unexpired residue of the term created by the certificate of occupation or lease.

(3) (a) Every leasehold interest in land subsisting at the 1<sup>st</sup> February, 1963, and arising out of a lease of native land shall, subject to the provisions of this Act, continue in force according to its terms and conditions and shall upon registration take effect as a lease of customary land.

(b) Upon the registration of such a leasehold interest as a lease of customary land, the native land in which it subsists shall be registered as customary land.

(4) (a) Subject to the provisions of this section, all land which during the period of twelve years immediately preceding the 1st February, 1963 had been continuously dealt with as public land within the meaning of the Land Act, shall, upon submission to the Registrar of a statutory declaration to that effect by the Commissioner, be registered as public land, unless it is proved that such land was not public land within the meaning aforesaid.

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(b) No land shall be registered as public land in pursuance of this subsection unless notice has been published by the Registrar in such manner as he thinks fit-

(i) of the application by the Commissioner; and

(ii) calling for objections or claims to the contrary to be made within such period, not being less than thirty days, as shall be specified.

(c) The Registrar shall, where any claim or objection is made under subsection (4) (b) of this section, and in any other case may, refer to an Adjudication Officer under section 18 (2) (f), the question of whether or not the land was public land within the meaning of the Land Act.

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### **Matter affecting interests registered under this part**

**22.-** (1) Every estate or lease which takes effect by virtue of the provisions of this Part shall take effect and may only be registered subject to such leases, charges and other rights and interests as are, by virtue of this Act, applicable thereto.

(2) Every fixed-term estate and every lease which takes effect by virtue of section 21, and every perpetual estate which is registered pursuant to section 23, shall, subject to the provisions of this Act, take effect and be registered subject to the same rent and obligations (if any) as the interest in substitution for which it takes effect.

### **Conversion of certain leases**

**23.** Where, on the 1st February, 1963, the unexpired residue of the term of any leasehold interest (being a leasehold interest held immediately of the High Commissioner) such as is mentioned in section 21(2) exceeded nine hundred years, the Registrar shall, if so directed by the Commissioner (who shall not be bound to give any such direction), register the owner

thereof as owner of a perpetual estate.

## **Public Land**

**24.** Where a fixed-term estate is registered pursuant to the provisions of this Part, the Commissioner shall be registered for and on behalf of the Government as the owner of the perpetual estate in the land comprised therein.

## **Revision of certain rents**

**25.** - (1) Where an estate registered pursuant to the provisions of this Part is subject to a rent, the provisions of section 135 (3) (which relate to revision of rent) shall not, save as provided by this section, apply thereto.

(2) Where, if the previous law had continued to govern the matter, the rent of the estate could have been revised at intervals of time greater than those referred to in subsection (3) of section 135, then the provisions of that subsection shall apply to the estate if the first registered owner, at the time of registration, signifies his consent in that behalf in writing; and in that event the Registrar shall enter a memorandum of the consent on the register.

(3) Where, if the previous law had continued to govern the matter, the rent of the estate could have been revised at intervals of time less than those referred to in section 135 (3), then the owner of the estate may, on the first occasion on which it is proposed to revise the rent, elect in writing that the provisions of section 135 (3) shall apply to the estate; and in that event the Registrar shall enter a memorandum of the election on the register.

(4) Save as provided by subsection (2) and (3), the rent of the estate may be revised at the same intervals, and in the same manner, as if the previous law had continued in force.

## **Estates deemed to have been transferred or granted by commissioner**

**26.** Every estate registered pursuant to the provisions of this Part shall be deemed to have been transferred or granted by the Commissioner.

## **Conversion of Mortgage leases and other interests**

**27.**-(1) Subject to the provisions of this Part upon registration thereof -

(a) every mortgage validly made under the previous law shall take effect as a charge under the provisions of this Act;

(b) every lease validly made under the previous law shall take effect as a lease under the provisions of this Act;

(c) every other transaction affecting land or an interest therein shall, if it was validly made under the previous law, have the like effect as it would have had under the provisions of this Act if it had been effected after the 1<sup>st</sup> February, 1963.

(2) All personal rights and obligations existing by virtue of any such mortgage, lease or other

transaction as is mentioned in subsection (1) shall, subject to the provisions of this Act, continue in full force and effect.

### **Commissioner to account for rent**

**28.** The Commissioner shall in respect of every leasehold interest as is mentioned in section 21 (3) (a) account for the rent received by him in like manner as if the previous law had continued in force.

### **Limitation**

**29.-** (1) For the avoidance of doubt it is hereby declared that subject to subsection (2) and Part XXIII (which relates to prescription), in determining who is or was at any time the owner of a freehold or leasehold interest in any land, regard shall be had to the provisions of the Limitation Act, or of any enactment repealed thereby, as the case may require, and for this purpose such provisions shall be deemed to apply and to have applied to such interests in the same manner as they apply and applied, to land in England.

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(2) The provisions of section 227 (2) (which exclude from adverse possession the period between the 1st February, 1963 and the 3rd August, 1965) shall apply *mutatis mutandis* to the ascertainment of the aggregate period of limitation under subsection (1).

### **Delivery and custody of deeds registered**

**30. -** (1) Every person having the custody or control of any deeds register shall when required by the Registrar hand over such deeds register to the Registrar.

(2) The Registrar shall be responsible for the safe custody of every deeds register handed over to him

## **PART IV SYSTEMATIC SETTLEMENT**

### **Designation of land settlement areas.**

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**31. -** (1) The Minister may by order designate any area as a land settlement area.

(2) Any order made under subsection (1) may at any time, by order, be -

(a) revoked or modified by the Minister; or

(b) modified by the Settlement Officer if it appears to him that the settlement area includes part only of a parcel of customary land separately owned, by varying the limits of such area to include or exclude the parcel.

(3) Every order shall state the situation and general limits of the land affected.

(4) Every order shall be published in the Gazette.  
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(5) Notwithstanding the terms of any order made under this section, no registered land, save and except land registered as customary land, shall form part of any settlement area.

**Appointment of officers**  
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**32.-** (1) When an order has been made under section 31, the Minister shall appoint a Land Settlement Officer for the settlement area.

(2) The Settlement Officer shall appoint -

- (a) such Demarcation Officers;
- (b) with the approval of the Surveyor-General, such Survey Officers; and
- (c) such Recording Officers,

as he may consider necessary for carrying out the demarcation and survey of parcels and the settlement and recording of claims to interests in land within the settlement area.

**General powers of officers engaged in settlement**

**33.-**(1) The Settlement Officer shall exercise general supervision and control over the settlement proceedings and for this purpose he may issue to the officers engaged therein such general or particular directions as he thinks necessary for carrying out the provisions of this Part.

(2) The Settlement Officer and a Recording Officer shall be legally competent to administer oaths in any inquiry conducted for the purposes of this Act and to issue summonses, notices or orders requiring the attendance of any person or the production of any document as may be needed for the carrying out of the settlement.

(3) A Demarcation Officer and a Survey Officer shall have all the powers of a Surveyor under Part XXV.

**Staying off action and restriction on dealings**

**34.-** (1) Except with the consent in writing of the Settlement Officer, no proceedings concerning any interests in land within a settlement area shall be instituted in any court until proceedings under this Part have been completed.

(2) Any such proceedings instituted before the designation as such of the settlement area under section 31 shall, where practicable, be heard and determined before settlement of the parcel affected has commenced; proceedings which have not been so heard and determined shall, unless the court otherwise directs, be transferred for determination by the Settlement Officer.

(3) Except with the consent in writing of the Settlement Officer no dealings in any land within



a settlement area shall be effected until the Settlement Record has become final and any dealing effected in breach of this subsection shall be void and of no effect.

### **Settlement section**

**35.** Within each settlement area the Settlement Officer shall constitute settlement sections which may be the whole or divisions of the settlement area, and shall give each settlement section a distinctive name or number.

### **Notice by settlement officer**

**36.-** (1) The Settlement Officer shall prepare a separate notice in respect of each settlement section and in each such notice he shall -

- (a) specify as nearly as possible the situation and limits of the settlement section;
- (b) declare that all interests in land within the settlement section will be ascertained and recorded in accordance with the provisions of this Act;
- (c) require any person who claims any interest in land within the settlement section to make a claim thereto either in person or by a duly authorised representative within the period, to the person, at the place, and in the manner specified in the notice; and
- (d) require all claimants to an interest in land within the settlement section to cut, mark, or point out the boundaries of the land affected by his claim in such manner and before such date as the Demarcation Office shall specify

(2) The Settlement Officer shall-

- (a) publish such notice in writing at such places as he may consider expedient; and
- (b) cause the substance of such notice to be made known throughout the settlement area in such manner as he shall consider to be adequate or most effective for the purpose of bringing it to the attention of all persons affected thereby.

### **Making of claims and attendants.**

**37.-** (1) Every person claiming any interest in land within the settlement section shall make his claim in the manner and within the period specified in the notice published under section 36.

(2) Every person whose presence is required by the Settlement Officer or any Demarcation Officer, Survey Officer or Recording Officer shall attend in person or by a duly authorised representative at the time and place required by such Officer and shall produce any document or plan in his possession affecting any land within the settlement section.

(3) If any such person fails to attend in person or by a duly authorised representative, the demarcation, survey, recording, or settlement, as the case may be, may proceed in his absence.

## **Safeguarding of rights of persons under disability or absent**

**38.**-(1) If the Settlement Officer or any Demarcation Officer or Recording Officer is satisfied that any person who has not made a claim, has a claim to any interest in the land within the settlement section, such Officer may, but shall not be bound to, proceed as if a claim had been made.

(2) Where one or more of several heirs of a deceased owner claimant, or one or more of a group of heirs having a separate interest from another group or other groups appears, his or their appearance shall be deemed to be the appearance of all the heirs unless the Settlement Officer directs otherwise.

(3) If the Settlement Officer, Demarcation Officer or recording Officer is satisfied that a claim might be established by a person under a disability by reason of age or mental infirmity and no person has been appointed to represent the person under disability, he shall appoint a person or persons to represent the person under disability and shall proceed as if a claim had been made.

## **Local committees**

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**39.** If it appears expedient to the Settlement Officer, he may, in consultation with the Provincial Secretary, appoint a committee of not less than three persons from among any persons resident in the locality-

- (a) to advise him on any point of current customary usage;
- (b) to represent the interests of absent persons, minors and persons under disability;
- (c) to bring to the attention of officers engaged in the settlement, any claim which for any reason may not have been made; and
- (d) to assist generally in the settlement and in any reparation of land which may be required.

## **Notice of demarcation**

**40.**- (1) At least two weeks before the demarcation of any settlement section is begun, the Demarcation Officer shall, in such manner as the Settlement Officer considers to be adequate or most effective for the purpose of bringing the matter to the attention of the persons affected by it, give notice of the intended demarcation, stating the time and place at which it will begin.

(2) Such notice shall require every claimant to indicate the boundaries of the land affected by his claim in the manner specified in the notice.

## **Duties of demarcation officer**

**41.** Subject to any general or particular directions issued by the Settlement Officer, the duties of the Demarcation Officer shall be -

- (a) to see that the boundaries of each separate parcel are properly demarcated or indicated in accordance with the requirements of the notice given under section 40;

(b) to demarcate rights of way and of water, roads and the boundaries of all vacant land; and  
(c) to submit to the Settlement Officer any boundary dispute which he is unable to resolve.

### **Duties of survey officer**

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**42.** Subject to any general or particular directions issued by the Settlement Officer and to any directions relating to survey standards and requirements issued by the Surveyor-General the duties of the Survey Officer shall be to make a survey of each settlement section and cause to be prepared a demarcation plan on which shall be shown-

(a) every separate parcel of land identified by a distinguishing number (except that roads and rivers shall not require to be identified by a number); and

(b) such other details as the Recording Officer may direct.

### **Special powers of Demarcation Officer**

*11 of 1970*

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**43.** In the performance of his duties the Demarcation Officer may -

(a) where any boundary between separate parcels is curved or irregular or where the layout of the parcels is inconvenient or uneconomic for the reasonable use of the land, lay out a fresh boundary and before completion of the Settlement Record adjust the rights of the owners of interests in the land adjoining such boundary by exchange of land, by the payment of money by one owner to another, or by the creation of a charge;

(b) demarcate any right of way giving access to a road, way, river, creek or foreshore affording reasonable means of access, in favour of any parcel of land completely surrounded by other parcels;

(c) make such alignment of parcels abutting on a road, way, river or foreshore as may be required in the public interest; and

(d) with the agreement of the owner or owners of interests therein, reparcel land, by way of exchange or otherwise.

### **Previously registered land**

**44.** Upon the making of an order under section 31 designating a settlement area, the Registrar shall furnish the Settlement Officer with such particulars of every parcel of registered land situate within the perimeter of the settlement area as will enable each such parcel to be identified on the demarcation plan.

### **Duties of recording officer**

**45.-** (1) Subject to any general or particular directions issued by the Settlement Officer, the Recording Officer shall consider claims made in pursuance of any notice published under section 36 and after such enquiry as he thinks necessary, he shall compile records in accordance with the provisions of sections 46 and 47.

(2) If there are two or more claimants to any interest in any land and the Recording Officer is unable to effect agreement between them, he shall submit the case, with particulars of the claims, to the Settlement Officer to hear and decide.

(3) Where in any parcel of customary land any economic trees are in accordance with current customary usage owned by a person other than the owner of the land itself, the Recording officer before completion of the Settlement Record may adjust the rights of such owners by the exchange of land, the payment of money by one owner to another, the creation of a charge or the grant of a lease or a profit for the estimated unexpired life of the trees so that the ownership of the land and the ownership of the trees shall be vested in the same person subject to any charge, lease or profit created as aforesaid.

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(4) The Recording Officer shall rectify the records in accordance with any order made by the Settlement Officer.

### **Principals on which record is to be made**

*18 of 1972, s.3*

**46.-** (1) In preparing the record under section 47 the Recording Officer shall, if he is satisfied

-

(a) that any person has, in accordance with current customary usage, exercised rights over customary land which amount to, or can be deemed to amount to, rights equivalent to those of the owner of a perpetual estate in land, record that person as entitled to be registered as the owner of a perpetual estate in that land:

Provided that-

(i) where, in respect of any parcel, there are more than one but not more than five such persons he shall -

(A) record whether the rights held by them are such that they are to be registered as joint owners or as owners in common;

(B) where they are to be registered as joint owners, record the nature of the beneficial interests held by them; and

(C) where they are to be registered as owners in common, record the share of each;

(ii) where, in respect of any parcel, there are more than five such persons he shall-

(A) record which of them, being not less than two and not more than five in number, have been appointed by a majority of the whole number to be registered as joint owners holding on trust for the whole number;

(B) record the details of the beneficial interests; and

(C) arrange for the persons appointed to be registered as joint owners to make a statutory declaration for the public purpose of section 195(3);

(b) that no person is entitled to be registered as the owner of a perpetual estate in any particular parcel, record that parcel as vacant land or as customary land as the case may require;

(c) that any person is entitled to any interest which should be registered as an encumbrance affecting any interest in land which is the subject of record under paragraph (a) or as vacant land under paragraph (b), record such particulars as may be necessary to define the nature, incidents and extent of the interest and to enable it to be registered in the name of the person entitled to the benefit thereof and for this purpose, where there is more than one such person, the proviso to paragraph (a) shall apply, *mutatis mutandis*;

(d) that any interest in land which is the subject of record under paragraph (a) or paragraph (c) is subject to any roads, any rights of way or rights of water, record the latter as encumbrances affecting such interest;

(e) that any land is used for-

(i) a village residential area;

(ii) a burial ground or other place held to be sacred; or

(iii) a village nut or fruit grove, water hole or any other special purpose of a village or other community,

record it as customary land used for that purpose.

(2) In preparing the record, the Recording Officer may give effect to any judgment or order of a court of competent jurisdiction affecting the land, notwithstanding that a memorial thereof has not been registered in the manner required by any law in force in Solomon Islands.

### **Settlement record**

**47.** - (1) The Recording Officer shall prepare and sign in respect of each parcel shown on the demarcation plan (other than a parcel which is registered) a record in the prescribed form containing the following details-

(a) the number of the parcel as shown on the demarcation plan;

(b) either the name and description of the person entitled to be registered as the owner of the perpetual estate in the parcel, with particulars of any restriction on his power of dealing with it, or the fact that the parcel is vacant land or customary land;

(c) such particulars of every other registrable interest affecting the parcel, whether by virtue of current customary usage or otherwise, as will enable it to be registered as a lease, charge, easement or profit, as the case may be, together with the name and description of every person entitled to the benefit thereof and particulars of any restriction on his power of dealing with it;

(d) any obligations to which any interest recorded under paragraphs (b) and (c) is subject, and any encumbrances recorded in pursuance of section 46 (1) (d), to which such an interest is subject;

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(e) where the owner of any registrable interest in the land is under a disability by reason of age or mental infirmity, the name of his guardian or recognised representative and the nature of the disability;

(f) a list of the documents, if any, produced to the Recording Officer and retained by him; and

(g) the date on which the prescribed form aforesaid is completed.

(2) Where there are more than five persons entitled, other than as owners in common, to be registered as owners of an estate or interest under this section-  
*18 of 1972, s.4*

(a) if such persons can be identified by a group name such name may be recorded in place of the name and description of each such person;

(b) the record shall in any event contain the names and descriptions of those of such persons who have been appointed to be registered as joint owners of the interest; and

(c) there shall be annexed to the record the statutory declaration made in pursuance of paragraph (ii)(C) of the proviso to section 46(1)(a).

(3) The completed forms and the demarcation plan shall together be known as the Settlement Record in respect of the section to which they relate.

### **Special powers of settlement officer**

**48.-** (1) The Settlement Officer shall hear and decide-

(a) any dispute as to ownership of any interest in or boundaries of any land within the settlement section submitted to him by the Recording Officer under section 45 or by the Demarcation Officer under section 41; and

(b) any petition under section 54.

(2) In the hearing of any dispute or petition the Settlement Officer shall make and sign a brief record of the proceedings and shall adopt such procedures as appear to him appropriate for the purpose of the hearing and he shall not be bound by any rules of evidence.

(3) Where the heirs of a deceased person or other persons claim as co-owners interests in land which are or can be deemed to be equivalent to those of the owner of a perpetual estate, whether the land comprises a number of parcels or consists of one parcel which is held in undivided shares, the Settlement Officer may order a partition of the land among the co-owners in accordance with any agreement approved by him, or, failing agreement, in such manner as he may determine.

(4) In the exercise of his powers under this section, the Settlement Officer shall have all the powers of a Magistrate.

### **Where individual settlement is impracticable**

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**49.-** (1) If the Settlement Officer considers that the settlement section or any part of it is not ready for settlement because the customary rights in it are not sufficiently determinate or for any other reason it appears that individual settlement is impracticable or undesirable-

(a) he may refer the matter to the Minister with a recommendation that the settlement section or the appropriate part of it should be withdrawn from the settlement area under section 31 (2), and the Minister may either make an order under section 31 (2) or refer the matter back to the Settlement Officer with a direction that it be dealt with under paragraph (b); or

(b) he may direct the land to be recorded as customary land.

(2) Land which has been recorded as customary land may again be declared for settlement under this Part.

### **Claims based on document of title**

**50.** If a claim is based on a document of title, notwithstanding anything to the contrary in this Part contained-

(a) the Recording Officer shall refer it to the Registrar for settlement under Part III;

(b) if the Registrar considers that the claim cannot be settled expeditiously he shall report it to the Minister with a recommendation that the settlement area be varied under section 31 (2) by the exclusion of such part thereof as may be appropriate;

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(c) the demarcation plan shall not be completed until the area relating to the claim has been excluded from the settlement area, or the claim has been settled and the Registrar has under section 44 furnished the Settlement officer with particulars of the parcel or parcels concerned.

### **Minor mortification of settlement section**

**51.** If it appears to the Settlement Officer that a settlement section includes part only of a parcel of customary land he may by notice vary the limits of such section to include or exclude the parcel, and shall publish such notice in the manner prescribed in section 36(2) (b).

### **Documents produced in support of claim**

**52.** The Settlement Officer or the Recording Officer may retain any document produced to him in connection with any claim or he may return it to the person who produced it marked in such manner as the Settlement Officer or Recording officer, as the case may be, shall consider appropriate.

### **Notice of completion of settlement Record**

**53.** When the Settlement Record in respect of any settlement section is complete, the Settlement Officer shall sign and date a certificate to that effect and shall forthwith give notice

of the completion thereof in the manner prescribed in section 36(2) (b) and of the place and times at which the Settlement Record or an official copy thereof can be inspected and in such notice shall declare the period during which and the manner in which petitions under section 54 may be presented.

### **Petition against decisions of Demarcation, survey and Recording Officers**

**54.** Any person, including the Commissioner, who is aggrieved by any act or decision of a Demarcation Officer or Survey Officer or by any entry in or omission from the Settlement Record by the Recording Officer under the powers given to those officers by this Act may, at any time during the period declared under section 53, petition the Settlement officer in respect of the act, decision, entry or omission concerned, and the petition shall be heard and determined by the Settlement Officer.

### **Correction of errors**

**55.** At any time before the Settlement Record becomes final, the Settlement Officer-

(a) may correct in the Record any error or omission not materially affecting the interests of any persons; and

(b) after taking such steps as he thinks fit, to bring to the notice of every person whose interest is affected, his intention to make any material alteration in the Record which he considers necessary, and after giving such person an opportunity to be heard, may make such alteration.

### **Certificate of finality**

**56.** After the expiration of the period declared under section 53, or when the Settlement Officer has determined all petitions presented under section 54, whichever shall be the later, the Settlement Officer, shall sign and date a certificate to the effect that the Settlement Record is final, give in the manner prescribed in section 36 (2) (b) notice of such certificate and of the place and times at which an official copy of the final Settlement Record can be inspected and deliver to the Registrar for compilation of registers in accordance with the provisions of section 89, such information and statutory declarations as may be required for the purposes of section 195 and the Settlement Record.

### **Appeals**

**57.-** (1) Any person (including the Commissioner) who is aggrieved by any act or decision of the Settlement Officer and desires to question it or any part of it on the ground that it is erroneous in point of law or on the ground of failure to comply with any procedural requirement of this Act, may within three months from the date of the certificate of the Settlement Officer under section 56 or within such extended time as the High Court, in the interests of justice, may allow, appeal to that Court in the prescribed form.

(2) On any such appeal the Court may, if satisfied that the decision is erroneous in point of law or that the interests of the appellant have been substantially prejudiced by failure to comply with the procedural requirements of this Act, make such order or substitute for the decision of the Settlement Officer such decision as it may consider just and may under section



229 order rectification of the land register, and the order or decision of the High Court shall be final and conclusive and shall not be questioned in any proceedings whatsoever.

(3) A decision of the Court on appeal under subsection (1) shall be in writing and copies of it shall be furnished by the Court to the Registrar, to the appellant and to all other parties to the appeal and, by the Registrar, to all other parties who, in his opinion, may be affected by the appeal.

(4) Any person (including the Commissioner) appealing under subsection (1) shall give notice to the Registrar of his intention to appeal and the Registrar shall enter a caveat under section 222 in every register affected by the appeal.

### **The recording of ownership deemed to be a transfer by Commissioner**

58. For the purposes of section 133, the recording under this Part of the name of any person as being entitled to be registered as the owner of a perpetual estate shall be deemed to be the transfer of such estate by the Commissioner,

### **Vacant land brought under public control**

59. Where land is found to be vacant under the provisions of this Part, the Commissioner shall be registered as the owner of the perpetual estate therein for and on behalf of the Government.

## **PART V PURCHASE OR LEASE OF CUSTOMARY LAND BY PRIVATE TREATY, AND COMPULSORY ACQUISITION OF LAND**

### *Division. I.-Purchase or Lease of Customary Land*

#### **Purchase or lease of customary land by Commissioner**

*12 of 1979, s. 3*

60. Notwithstanding any current customary usage prohibiting or restricting such transaction, customary land may be sold or leased to the Commissioner or any Provincial Assembly in accordance with the provisions of this Division.

#### **Appointment of Acquisition Officer**

61.- (1) Whenever the Commissioner wishes to purchase or to take a lease of any customary land under section 60, he shall in writing appoint an Acquisition Officer to act as his agent for the purposes of the acquisition.

(2) Where a Provincial Assembly wishes to purchase or to take a lease of any customary land under section 60, the Provincial Secretary may appoint an Acquisition Officer to act as his agent for the purposes of the acquisition.

*12 of 1979, s.3*

(3) The Acquisition Officer shall have all the powers of a Magistrate for the purposes of administering and taking oaths, affirmations and statutory declarations, securing the

production of documents and the attendance and examination of persons whom he believes to be able to give evidence upon any of the matters relevant to the acquisition; but he shall not be bound by the rules of evidence.

### **Boundary demarcation and agreement**

62. The Acquisition Officer shall -

- (a) cause the boundaries of the land to be demarcated on the ground or upon a map or plan in such manner as to bring them to the notice of the persons affected;
- (b) make a written agreement for the purchase or lease of the land required with the persons who purport to be the owners or with the duly authorised representative of such owners.

### **Publication of notice**

63. The Acquisition Officer shall publish in such manner as he considers to be adequate or most effective for the purpose of bringing it to the attention of all persons affected thereby, notice-

- (a) of the agreement made under section 62 (b);
- (b) of the arrangements made for a public hearing by him in the area to decide any claims-
  - (i) that the vendors or lessors named in such agreement are not the owners; or
  - (ii) that such vendors or lessors do not have the right to sell or lease the land and to receive the purchase money or rent; and
- (c) requiring such vendors or lessors and the claimants, if any, to attend.

### **Holding of public hearing**

64. The Acquisition Officer shall hold a public hearing in the area in accordance with a notice published under the last preceding section, and if-

- (a) there are no claimants, he shall record that fact; or
- (b) there are any claimants, he shall hear their claims and determine the identity of the persons who have the right to sell or lease the land and receive the purchase money or rent.

### **Record**

65. The Acquisition Officer shall -

- (a) record in writing the absence of claimants or his determination of the claims, as the case may be;
- (b) date such record or determination of the claims;
- (c) send a copy of such record or determination to the Commissioner; and
- (d) as soon as practicable bring the record or determination to the notice of the vendors or lessors and the claimants, if any, in such manner as he considers appropriate.

## **Appeals**

**66.**-(1) Any person who is aggrieved by any act or determination of the Acquisition Officer may within three months from the date of the record or determination appeal to a Magistrate's Court and such court may make such order as it considers just.

(2) Any person who is aggrieved by the order or decision of the Magistrate's Court and desires to question it on the ground that it is erroneous in point of law or in holding that the interests of the appellant have not been substantially prejudiced by failure to comply with the procedural requirements of this Division, may within three months of the date of the order or decision appeal to the High Court.

(3) The High Court may, if satisfied that the order or decision is erroneous in point of law or that the interests of the appellant have been substantially prejudiced by failure to comply with the procedural requirements of this Division, make such order as it considers just.

(4) The order or decision of the High Court, and subject to the provisions of this section, the order or decision of the Magistrate's Court and the act or determination of the Acquisition Officer, shall be final and conclusive and shall not be questioned in any proceedings whatsoever.

*18 of 1972 s.5*

## **Implementation**

**67.** Where the Acquisition Officer or, in the event of an appeal under section 66, the court, has determined that there are no claimants or has dismissed the claims, the Commissioner may, when the time limited for appeal under section 66 has expired and no appeal has been made, or on receipt of the order of the court, as the case may be, implement the agreement.

## **Part Implementation and rescission**

**68.**- (1) Where the Acquisition Officer or, in the event of an appeal under section 66, the court, has determined that any claimant has established a claim, the Commissioner may-

(a) implement the agreement made under section 62 (b) only to the extent to which a claim so established has not affected the right of the vendors or lessors named in that agreement to sell or lease any part of the land; or

(b) rescind such agreement.

(2) Where the Commissioner rescinds an agreement under subsection (1) (b), he may enter into a fresh agreement relating to the same land or any part thereof with those persons who have been found by the Acquisition Officer or the court, as the case may be, to have the right to sell or lease the land and receive the purchase money or rent, and the terms of such fresh agreement may be implemented without further notice, inquiry or hearing.

## **Possession and vesting**

**69.**- (1) An agreement shall, for the purposes of sections 67 and 68, be implemented -

- (a) in the case of a purchase of land, by the Commissioner-
- (i) paying to the persons named in the agreement as vendors the purchase money;
  - (ii) taking such other steps as shall be necessary to comply with the terms of the agreement;
  - (iii) taking possession of the land; and
  - (iv) making an order vesting the perpetual estate in the land in the Commissioner for and on behalf of the Government, free from all other interests;
- (b) in the case of a lease of the land, by the Commissioner-
- (i) making an order vesting the perpetual estate in the land in the persons named in the agreement as lessors;
  - (ii) requiring the persons so named to execute a lease in favour of the Commissioner in accordance with the terms of the agreement;
  - (iii) paying to such persons any premium or rent payable in accordance with the terms of the agreement; and
  - (iv) taking possession of the land;
- (c) in the case of a purchase of land by a Provincial Assembly where the Provincial Secretary has appointed an acquisition officer, by the Commissioner-
- 12 of 1979 s.4*
- (i) receiving from the Provincial Assembly and paying to the persons named in the agreement as vendors the purchase money;
  - (ii) requiring the Provincial Assembly to take such other steps as shall be necessary to comply with the terms of the agreement;
  - (iii) allowing the Provincial Assembly to take possession of the land; and
  - (iv) making an order vesting the perpetual estate in the land in the Provincial Assembly for and on behalf of the people of that province, free from all other interests;
- (d) in the case of a lease of the land by a Provincial Assembly where the Provincial Secretary has appointed an acquisition officer, by the Commissioner-
- 12 of 1979, s.4*
- (i) making an order vesting the perpetual estate in the land in the persons named in the agreement as lessors;
  - (ii) requiring the persons so named to execute a lease in favour of the Provincial Assembly in accordance with the terms of the agreement;
  - (iii) paying to such persons after receiving the same from the Provincial Assembly any premium or initial payment of rent payable in accordance with the terms of the agreement; and
  - (iv) allowing the Provincial Assembly to take possession of the land

(2) Where an agreement is implemented to a limited extent under section 68 (1) (a), the provisions of subsection (1) shall be deemed to refer only to the part of the land in respect of which the agreement is implemented, and the purchase price, premium or rent, as the case may be, shall be adjusted accordingly.

(3) If the agreement has not been rescinded, and has not been implemented, the Commissioner or the vendors or lessors may, within one year from the date on which the time limited for appeal under section 66 expired, or from the date of the order or decision of the court, whichever is the later, institute proceedings for specific performance of the agreement.

## **Registration**

**70.** On receipt of a vesting order made by the Commissioner under section 69 and after

preparation of the registry map, the Registrar shall compile registers in respect of the perpetual estate in the land comprised therein in accordance with the provisions of Part VI.

### *Division 2.-Compulsory Acquisition of Land*

#### **Land may be acquired for public purposes**

*LN 88 of 1978*

**71.-** (1) Whenever it appears to the Minister that any land is required for any public purpose, he may make a declaration to that effect and require the same to be published in such manner as he shall think fit.

(2) The declaration shall specify (either by reference to a plan or otherwise) the boundaries and extent of the land so required, and the general nature of the public purpose for which it is required.

(3) As soon as may be after the declaration has been made, the Commissioner shall cause to be posted, in prominent positions on or near the boundaries of the land specified in the declaration, notices in the prescribed form stating the fact that the declaration has been made and drawing attention to its effect and to the right to claim compensation conferred by section 79 and to the liberties and restrictions conferred and imposed by section 78.

#### **Notice in respect of registered land**

**72.** Where any land specified in the declaration is registered land, the Commissioner shall serve on every owner shown by the land register to be affected thereby a notice of the declaration in the prescribed form stating and drawing attention to the matters which are to be stated or to which attention is to be drawn in or by a notice posted pursuant to section 71(3).

#### **Notice in respect of unregistered land**

**73.** The Commissioner shall in such manner as he shall consider to be adequate or most effective for the purpose, give to every person or group of persons appearing to him to be, or claiming to be, the owner or owners of interests in any unregistered land or land registered as customary land specified in the declaration, notice of the declaration and its effect and of the rights, liberties and restrictions conferred or imposed by the provisions of this Division.

#### **Duty of provincial secretary to assist claimants and others**

*LN 88 of 1978*

**74.** It shall be the duty of the Provincial Secretary to assist any person or group of persons requesting him so to do to draw up and submit any document which such person or group of persons may desire to draw up and submit for the purpose of exercising or claiming, or in connection with the exercise or claim of, any right or liberty conferred on him or them by the provisions of this Division; but no action shall lie against a Provincial Secretary for any failure to perform such duty or for anything done in good faith in the performance or purported performance of such duty.

## **Effect of declaration**

*LN 88 of 1978*

**75.** On the publication of a declaration that land is required for a public purpose, all interests in or affecting the land specified in the declaration shall, subject to section 76, cease to subsist, and, subject to section 78, the right to use, occupy and enjoy the land and any buildings thereon and its produce shall vest in the Commissioner for and on behalf of the Government, and where the land is registered land the Registrar shall, upon application to him by the Commissioner accompanied by proof of the declaration, make a note in the registers relating to the interests in that land that the perpetual estate therein free from all other interests is vested in the Commissioner subject to appeal under section 76.

## **Appeals**

**76.-** (1) Any person or group of persons having an interest which ceases to subsist by virtue of section 75 may within six calendar months next after the publication of the declaration apply to the High Court for an order quashing the declaration in so far as it applies to the land subject to or affected by the interest.

(2) On hearing the application, the Court may, if it considers that the purpose referred to in the declaration is not a public purpose, make an order quashing the declaration; and the Registrar shall on production of the order to him cancel any note made on any registers pursuant to section 75.

(3) If, on hearing the application, the Court considers that the land referred to in the application, or any part of the land is not required for the purpose referred to in the declaration (being a public purpose), it may make an order quashing the declaration in so far as it applies to the land not required; and the Registrar shall on production to him of the order cancel any note made pursuant to section 75 on any registers in respect of the land affected thereby.

## **Alteration of register**

**77.** Where there is no appeal under section 76 (1) or the High Court does not quash the declaration under subsections (2) or (3) of section 76, on application by the Commissioner, the Registrar shall -

(a) where the land is registered land, register the Commissioner on behalf of the Government as the owner of the perpetual estate in such land and cancel the registration of all other interests in respect of the same land; or

(b) where the land is unregistered land after preparation of the registry map, compile a register in respect of the perpetual estate in such land and register the Commissioner on behalf of the Government as the owner thereof free from all other interests,

and in either case the Registrar shall make a note in the ownership section of the register relating to such perpetual estate to the effect that the land comprised therein has been acquired compulsorily under the provisions of this Part.

## **Occupier may remain in possession pending notice to vacate**

**78.-** (1) Notwithstanding the provisions of section 75, any person who, immediately before the publication of the declaration, was lawfully occupying any land, or lawfully exercising any right affecting any land specified in the declaration as required for a public purpose, may continue to occupy the land or exercise the right until he is ordered in writing by the Commissioner to cease from so doing:

Provided that where there is on the land any building in occupation, possession of the building shall not be taken until after the expiry of a notice to the occupier in the prescribed form and served upon him requiring him to vacate the building within such reasonable period not exceeding four months from the date of service of the notice, as may be specified therein.

(2) A person occupying land in exercise of the liberty conferred by subsection (1) shall not carry out any development of the land without the consent in writing of the Commissioner, which consent may be given on such terms and may embody such agreements (including agreements for the payment of compensation by the Commissioner) as the Commissioner thinks fit.

## **Claim for compensation**

*18 of 1972, s.6*

**79.-** (1) Any person who claims to be entitled to an interest which, by reason of section 75, ceases to subsist may within three months from the date of the publication of the declaration under that section, or within such further period as the Commissioner for good reason may allow, claim compensation from the Commissioner.

(2) Within three months of any claim, the Commissioner shall, after considering the claim, and, if the claimant so desires, hearing the claimant, reject the claim or make in the prescribed form an offer to pay to the claimant such amount of compensation as he may think proper, and shall serve upon the claimant notice of the rejection of his claim or the offer:

*11 of 1977, s.5*

Provided that where the offer is accepted by the claimant the commissioner shall cause payment to be made within three months of the receipt by him of such acceptance.

(3) If the claim has been rejected or the claimant is dissatisfied with the offer, he may within three months from the service upon him of the notice or the offer as aforesaid, appeal to the High Court, which may confirm the Commissioner's rejection of the claim or his offer, or assess such amount of compensation (if any) as to it may seem just, or remit the matter to the Commissioner with a direction that an offer be made under subsection (2).

(4) If, having been served with an offer under subsection (2), the claimant does not within the period specified in subsection (3), appeal to the Court, he shall be deemed to have accepted the offer.

(5) Where the owner of the interest in respect of which compensation is claimed is a trustee, the compensation (if any) shall be paid to him in such manner and subject to such additional trusts and conditions (if any) as the Commissioner or the Court, as the case may be, directs, and no compensation shall be payable by the Commissioner in respect of that interest to any

beneficiary under the trust.

### **Special provisions as to easement**

*LN 88 of 1978*

**80.-** (1) Where a claim for compensation is made in respect of an easement which ceases to subsist by virtue of section 75, and that easement subsisted for the benefit, in whole or in part, of an estate or lease which continues to subsist, then if the Commissioner is of opinion that the continued subsistence of the easement would not prejudicially affect the carrying out of the public purpose specified in the declaration made pursuant to section 71, he shall inform the Minister accordingly.

(2) The Minister may thereupon make an order that the right to enjoy the easement shall be restored to the claimant, and the Commissioner shall furnish a copy of the order to the Registrar, who shall register it.

(3) When an order under subsection (2) has been made, no compensation in respect of the easement shall be payable to the claimant, other than compensation for any temporary interruption of the enjoyment of the easement which may have occurred.

### **Payment of compensation**

**81.-** (1) When an offer for compensation in respect of a claim has been accepted, or has become deemed to be accepted, or when the amount of such compensation has been assessed, the Commissioner or the High Court, as the case may be, shall furnish the claimant with an order for payment.

(2) The order for payment shall direct the payment to the claimant, in such manner and subject to such trusts and conditions (if any) as may be specified in the order, of the compensation together with interest thereon up to the date of payment at five per centum per annum from such date as shall be specified in accordance with subsection (3).

(3) The interest on the compensation shall be in respect of the period from the date on which the declaration under section 71 was published up to and including the date of payment, except that where the claimant has been exercising the liberties conferred by section 78(1) it shall be in respect of the period from the date on which the claimant ceased to exercise the said liberties up to and including the date of payment.

### **Temporary occupation of land**

**82.-** (1) Whenever the Commissioner is of opinion that the temporary occupation and use of any land is required for any public purpose, he may, if the land is to his knowledge occupied, serve notice on the occupiers, or if the land is not to his knowledge occupied, give notice in such manner as he shall consider to be adequate or most effective for the purpose of bringing it to the attention of all persons affected thereby, requiring the occupiers (if any) to give up possession of the land to him for a specified period not exceeding three years, and the occupiers shall be bound to give up possession, and the Commissioner shall in any event be entitled to enter and take possession, in accordance with the terms of such notice.

(2) Compensation rental for the temporary occupation and use of the land shall be paid by the



Commissioner to the lawful occupier or person entitled to possession, and it shall be deemed to accrue due from day to day.

(3) At the end of the specified period possession of the land shall be restored to the persons lawfully entitled thereto, and there shall be paid to any person having an interest in or affecting the land compensation for the diminution in value (if any) of such interest consequent upon any damage done to the land during the specified period.

(4) Any compensation or compensation rental payable under subsections (2) or (3) shall be claimed, and offered and accepted, or assessed, in like manner as compensation payable under section 79; and the provisions of section 81 shall apply to the payment of compensation under subsection (3).

(5) If, during or within three months next after the end of the specified period, the Minister is of opinion that-  
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(a) the damage (if any) done to the land during the specified period is so substantial and of so permanent a nature that it would be just to the persons having interests in the land that the Commissioner should permanently retain the use and occupation thereof; or  
(b) the land has been developed during the specified period and that the value of the development ought to be secured for the benefit of the people of Solomon Islands,

the Minister may make a declaration to that effect, and the declaration shall have the same effect as a declaration that the land is required for a public purpose; and the provisions of this Division shall apply thereto accordingly, save that for reference therein to the date on which a declaration under section 71 was published there shall be substituted references to the date on which the declaration under this subsection was made.

(6) For the purposes of this section -

(a) the expression "the land" means the land referred to in a notice served under subsection (1) or any part or parts thereof;  
(b) the expression "the specified period" means the period specified in a notice served under subsection (1).

### **Assessment of compensation**

**83.** The amount of any compensation or compensation rental which under the provisions of this Division falls to be assessed by the High Court shall be such amount as the Court in its absolute discretion thinks just, having regard to-

(a) the condition of the land concerned, as it existed-  
(i) at the date on which the declaration under section 71 was published, in the case of compensation payable under section 79; or  
(ii) in any other case, at the date on which possession of the land was given to the Commissioner under section 82(1), and

(b) all such other matters and circumstances as the Court may consider relevant and in particular in assessing compensation rental shall have regard to any diminution in value to the occupier of the land concerned of land contiguous thereto.

### **Compensation for customary land**

**84.-** (1) Where the land to be acquired is customary land, the Commissioner may, by notice in writing, offer to transfer or grant, as the case may be, in the manner provided by Part X, to the person or group of persons entitled to the compensation for the land acquired an estate in land in lieu of paying to such person or group of persons any compensation claimed by him or them, and shall in such notice identify the land offered and set out the nature of the estate offered together with the terms and conditions (if any) affecting the same.

(2) If an offer made under subsection (1) be not accepted within three months after the date of the notice or, where the offer is made to a group of persons, by a majority of such group, it shall be deemed to have been refused, and the provisions of section 79 shall take effect as if it had not been made.

(3) Any dispute as to whether any persons, being members of a group, constitute a majority of the group shall, unless the parties otherwise agree, be determined by a Magistrate's Court.

(4) Where any compensation or compensation rental is payable to a group of persons claiming rights or interests in land according to current customary usage, such compensation or compensation rental shall be payable to the group and for the benefit of all of them; and any dispute among the members of the group, as to the manner in which the compensation or compensation rental shall be dealt with when received, shall be determined by a local court.

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(5) Where any compensation or compensation rental is payable to a group of persons claiming rights or interests in land according to current customary usage, if the Commissioner has any doubt as to-

(a) whether an offer thereof has been accepted by all the members of the group, he may apply to the High Court for directions; or

(b) the persons to whom he should make, or order the making of, any payment in respect thereof, he may apply for directions to the local court having jurisdiction.

### **Cost**

**85.-** (1) Where an offer for compensation is made by the Commissioner, and is accepted, or deemed to be accepted, the Commissioner shall include in the order for payment a specified amount equivalent to the amount of the costs which in his opinion have been reasonably and properly incurred by the claimant in preparing and settling the claim to such compensation. Such amount shall not carry any interest in respect of any period prior to the expiration of thirty days next after the date on which the offer was accepted or deemed to be accepted.

(2) Where an offer of compensation rental is made by the Commissioner and is accepted, or

deemed to be accepted, the Commissioner shall, as soon as may be thereafter, pay to the claimant an amount equivalent to the amount of the costs which in his opinion have been reasonably and properly incurred by the claimant in preparing and settling the claim to such compensation rental.

(3) Where any compensation or compensation rental is assessed by the High Court, the Court may make such order, concerning the payment of a specified amount in respect of costs (including costs relating to the preparation of the claim and any proceedings before or dealing with the Commissioner in respect thereof) by or to the claimant, as it thinks just. The order shall include such directions as the Court may think expedient to provide for the recovery or payment of such amount from or to the claimant, but so that any deduction of such amount which may be directed to be made from any compensation payable to the claimant shall be disregarded for the purpose of computing any interest on such compensation.

## **PART VI ORGANISATION AND ADMINISTRATION OF LAND REGISTRIES**

### *Division 1.-Land Registries*

#### **Registration districts**

*LN 88 of 1978*

**86.** For the purposes of this Act, the Minister may, by order, constitute an area or areas of land a land registration district or land registration districts and may at any time vary the limits of any such district.

#### **Land registries**

**87.-** (1) There shall be maintained in each land registration district a land registry in which there shall be kept-

- (a) a register to be known as the land register;
- (b) a registry map;
- (c) parcel files containing the instruments which support subsisting entries in the land register, and any filed plans and documents;
- (d) a book, to be known as the presentation book, in which shall be kept a record of all applications numbered consecutively in the order in which they are presented to the registry;
- (e) a personal index in which shall be recorded in alphabetical order the names of the owners of estates and registered leases, showing the numbers of the parcels in which they are interested; and
- (f) a register and a file of powers of attorney.

(2) Each land registry shall have a seal, and every instrument purporting to bear the imprint of such a seal shall be received in evidence and, unless the contrary is shown, shall be deemed without further proof to be issued by or under the direction of the Registrar.

### *Division 2.-The Land Register*

## **The land register**

**88.**-(1) The land register shall comprise a register in respect of the perpetual estate in each parcel of land shown in the registry map and a register in respect of each fixed-term estate and of each lease required by this Act to be registered.

(2) Each register shall be divided into three sections, as follows -

A - the property section, containing a brief description of the land comprised in the estate or lease, together with particulars of its appurtenances and a reference to the registry map and filed plan (if any);

B - the ownership section, containing the name and, where possible, the address of the owner and a note of any caveat or restriction affecting his right of disposition; and

C - the encumbrances section, in which is entered every encumbrance or other interest adversely affecting the estate or lease required by this Act or any other written law to be registered.

## **Compilation of land register**

**89.** The land register shall be compiled from -

(a) details of ownership of interests in land, which, according to satisfactory information in the possession of the Registrar, would entitle any person to be registered as an owner under the provisions of Part III;

(b) Settlement Records delivered to the Registrar under section 56;

(c) purchases and leases of customary land under Division 1 of Part V; and

(d) declarations, published under Division 2 of Part V, that land is required for a public purpose.

## **Manner of registration**

**90.** Registration shall be effected by an entry in the land register in such form as the Registrar may from time to time direct, and by the cancellation of the entry (if any) which it replaces.

## **New editions of register**

**91.** The Registrar at any time may open a new edition of a register showing all subsisting entries and omitting entries which have ceased to have any effect.

## **Cancellation of obsolete entries**

**92.** The Registrar may cancel any entry in any register which he is satisfied has ceased to have any effect.

**Registry map**  
*LN 88 of 1978*

**93.**-(1) The Surveyor-General shall prepare and thereafter maintain a map or series of maps to be called the registry map:

Provided that the Registrar may, until such time as the Surveyor-General has prepared the registry map, accept any other map or plan prepared under the directions of the Surveyor-General as is sufficient to identify any parcel, and until then such other map or plan shall be deemed to be the registry map.

(2) The registry map shall be divided into quarter degree sheets which shall be numbered consecutively.

(3) On the quarter degree sheets shall be shown blocks, to be known as registration blocks, and plans shall be made of these blocks on whatever scale is suited to the size of the parcels.

(4) The registration blocks shall be numbered consecutively on each quarter degree sheet, and where a block falls on two or more sheets, it shall be numbered in the manner decided by the Surveyor-General.

(5) On the registration block plan shall be shown the parcels which shall be numbered consecutively, and the number of the quarter degree sheet followed by the number of the registration block followed by the number of the parcel shall be sufficient reference to any parcel.

(6) The Registrar may at any time cause registration blocks to be combined or divided or cause their boundaries to be varied.

(7) A plan may be filed in respect of a particular parcel to augment the information available from the registry map and the filing of the plan shall be noted in the register.

**Correction of registry map**  
*LN 88 of 1978*

**94.**- (1) If it appears to the Registrar that there is any error in the registry map, he may, after taking such steps as he thinks fit to bring to the notice of any person shown by the land register to be interested his intention so to do, and giving every such person an opportunity to be heard, require the Surveyor-General to correct the error:

Provided that it shall not be necessary for the Registrar to take steps to bring the correction to the attention of any person shown by the land register to be interested nor to give such person an opportunity to be heard, in the case of any correction not materially affecting the interests of that person.

(2) The Registrar may require the Surveyor-General to make a survey of any land for the purposes of this Act, and, after informing every person affected thereby, may cause the registry map to be corrected as a result of such survey.

*LN 88 of 1978*

### **New edition of registry map**

*LN 88 of 1978*

**95.** The Registrar may require the Surveyor-General to prepare a new edition of the registry map or any part thereof, and there may be omitted from the new map any matter which the Registrar considers obsolete.

### **Mutation**

*LN 88 of 1978*

**96.-** (1) On the application of the owner of an estate, and subject to the agreement of all persons shown by the land register to be affected thereby, the Registrar, subject to sections 99 and 140, may require the Surveyor-General to alter the registry map, but no such alteration shall be effected except on the instructions of the Registrar in writing in the prescribed form, to be known as a mutation form, and the mutation form shall be filed.

(2) Whenever the boundary of a parcel is altered on the registry map under this section, the parcel number shall be cancelled and the parcel shall be given a new number.

### **Boundaries**

**97.-** (1) Where any uncertainty or dispute arises as to the position of any boundary, the Registrar, on the application of any interested party, shall, on such evidence as the Registrar considers relevant, determine and indicate the position of the uncertain or disputed boundary.

(2) Any fees payable in relation to, and the costs of and incidental to, an application under subsection (1), shall be paid by the applicant and may be required by the Registrar to be paid in advance.

(3) Where the Registrar exercises the powers conferred by subsection (1), he shall make a note to that effect on the registry map and in the register, and shall file such plan or description as may be necessary to record his decision.

(4) No court shall entertain any action or other proceedings relating to a dispute as to the boundaries of registered land unless the boundaries have been determined as provided in this section.

### **Party walls**

**98.-** (1) Where any wall or structure lies along the boundary of two parcels which are comprised in separate estates, that wall or structure shall be deemed to be severed vertically in two and the land comprised in each estate shall include the appropriate vertical part thereof.

(2) Either of the two estate owners may apply to the Registrar for the registration of the wall or structure as a party wall or party structure; and the Registrar may, after giving notice of the application to the other estate owner and affording him an opportunity to be heard, register it as such.

(3) Where a wall or structure is registered as a party wall or party structure, each estate owner

shall have such rights to support and user over the part thereof which is not comprised in his estate as may be requisite.

### **Combinations and sub-divisions**

**99.-** (1) Where the perpetual estates in respect of contiguous parcels are owned by the same owner and are subject in all respects to the same rights and obligations, the Registrar, on application by the owner, may combine those parcels by closing the registers relating to such estates and opening a new register or registers in respect of the perpetual estate or estates in the parcels resulting from the combinations.

(2) Subject to section 140 (which relates to restrictions upon and effect of subdivision), upon the application of the owner of an estate in a parcel for the division of his parcel into two or more parcels, the Registrar shall effect the division by closing the register relating to such estate and opening new registers in respect of the estates in the new parcels resulting from the division, and recording in the new registers all subsisting entries appearing in the closed register:

Provided that nothing shall be done under this section which would be inconsistent with this Act or any other written law, and no land which is subject to a lease shall be subdivided unless the lease is also subdivided.

## **PART VII LAND OWNERSHIP**

### **Conversions of estates held by persons other than Solomon Islanders**

*11 of 1977, s.6*

**100.-** (1) With effect from the 31st December 1977, any perpetual estates registered in the name of, or on behalf of, any person who is not a Solomon Islander shall automatically convert to a fixed-term estate of 75 years at an annual rent after the first seven years (which shall be a rent-free period) calculated as a percentage of the unimproved capital value of such estate at a rate not exceeding 8 *per-centum*.

(2) When a freehold interest is registered under the provisions of this Act and that interest is shown to be owned by a person who is not a Solomon Islander then the provisions of subsection (1) shall apply to convert such interest to a fixed-term estate in like manner as that applicable to a perpetual estate.

(3) "Unimproved capital value" referred to in subsection (1) shall have the same meaning as "unimproved value" as defined by regulation 2 of the Local Government (Rating of Land) Regulations.

### **Reduction of fixed-term estates and registered interests to 75 years**

*11 of 1977, s.6*

**101-** (1) Any fixed-term estate, lease or other registered interest presently vested in a person who is not a Solomon Islander being an estate or interest for a period the unexpired portion of which is in excess of 75 years calculated from the 31<sup>st</sup> December 1977 shall be deemed to be

a fixed-term estate, lease or other registered interest for a period of 75 years from the 31<sup>st</sup> December 1977.

(2) From and after the 31<sup>st</sup> December 1977 no person other than a Solomon Islander shall be granted fixed-term estate, lease or any interest in land whatsoever for a period in excess of 75 years.

(3) All other interests in land and all charges secured on land held on the 31<sup>st</sup> December 1977 by a person who is not a Solomon islander shall determine not later than 75 years from that date.

### **Commissioner to hold perpetual estates**

*11 of 1977, s.6*

**102** Perpetual estates converted under the provisions of this Part shall be held by the Commissioner on behalf of the Government of Solomon Islands.

### **Provisions for development of land**

*11 of 1977, s.6*

**103.** Where under the provisions of section 100 a fixed-term estate has been created then the Commissioner, in addition to the matters referred to in subsection (1) of section 100, may, after giving the person who owns such fixed-term estate the opportunity to submit development proposals within a reasonable length of time, impose such conditions as shall be fair and reasonable for the future development of such land and in default of complying with such conditions within the time limits set out therein the fixed-term estate shall be forfeited to the Commissioner.

### **Registration of fixed-term estate**

*11 of 1977, s.6*

**104.** Any person who has become entitled to a fixed-term estate under this Part shall, within six months of the receipt of the same from the Commissioner, submit the grant of the fixed term estate to the Registrar for registration free from all fees and stamp duties.

### **Companies to be caught by this part**

*11 of 1977, s.6*

**105.** Where a company, referred to in subsection (4) of section 112, permits the transfer or issue of shares so that Solomon islanders hold less than 60 *per centum* of the equity in that company, then this Part shall apply to any perpetual estates, fixed-term estates or other interests held by such company and it shall be the duty of the secretary of the company to report the change in the holding of the shares in the company to the Registrar within 28 days of the happening of such alteration and in default of so doing the secretary and each director shall be liable to a fine of one thousand dollars.



### **Prohibition of leasing prior to receiving a fixed-term estate**

*11 of 1977, s.6*

**106.** No person whose perpetual estate, fixed-term estate or lease is converted or reduced by virtue of sections 100 or 101 shall grant a lease or sublease or otherwise deal in any interest in land held by him prior to the 31<sup>st</sup> December 1977 except to a Solomon Islander or a person described in subsection (4) of section 112, without obtaining the prior written consent of the Commissioner.

### **Compensation provisions**

*11 of 1977, s.6*

**107.** Any person who is deprived of any interest in or right over land by virtue of this Part may claim compensation in writing from the Commissioner and the provisions of subsections (2) to (5) inclusive of section 79 shall apply to any such claim without prejudice to the rights of any such person to apply to the High Court for other relief as specified in section 8(1)(c)(ii) of the Constitution.

### **Exempt persons**

*11 of 1977, s.6*

**108.** Where a perpetual or fixed-term estate, lease or freehold or leasehold interest is held by any of the persons described in subsection (4) of section 112 then the provisions of this Part shall not apply.

## **PART VIII REGISTRATION**

### **Interest conferred by registration**

**109.** Subject to the provisions of this Act-

(a) the registration of a person as the owner of a perpetual estate shall vest in that person the perpetual estate in the land comprised in that estate together with all implied and express rights and privileges belonging or appurtenant thereto and subject to all implied and express obligations, liabilities and incidents of that estate;

(b) the registration of a person as the owner of a fixed-term estate shall vest in that person the fixed term described in the grant thereof, together with all implied and express rights and privileges belonging or appurtenant thereto and subject to all implied and express obligations, liabilities and incidents of that estate;

(c) the registration of a person as the owner of a lease shall vest in that person the interest described in the lease, together with all implied and express rights and privileges belonging or appurtenant thereto and subject to all implied and express obligations, liabilities and incidents of the lease which are to be performed or observed by the lessee.

## **Rights of owner**

**110.** The rights of an owner of a registered interest, whether acquired on first registration or whether acquired subsequently for valuable consideration or by an order of court, shall be rights not liable to be defeated except as provided by this Act, and shall be held by the owner, together with all privileges and appurtenances belonging thereto, free from all other interests and claims whatsoever, but subject-

(a) to the leases, charges and other encumbrances and to the conditions and restrictions (if any) affecting the interest, and shown or referred to in the land register or implied by this Act; and

(b) to such liabilities, rights and interests as affect the same and are declared by section 114 (which relates to overriding interests) not to require noting in the register:

Provided that nothing in this section shall be taken to relieve an owner from any duty or obligation to which he is subject as a trustee.

## **Voluntary transfer**

**111.** Every owner who has acquired an estate, a lease or a charge by transfer without valuable consideration shall hold it subject to any unregistered rights or interests subject to which the transferor held it and subject also to the provisions of any written law relating to bankruptcy and to the winding-up provisions of the Companies Act, but save as aforesaid such transfer when registered shall in all respects have the same effect as a transfer for valuable consideration.

*Cap 175*

## **Perpetual estates**

**112.-** (1) A perpetual estate in land consists of the right to occupy, use and enjoy in perpetuity the land and its produce, subject to the payment of any rent and the performance of any obligations for the time being incident to the estate, and subject to such restrictions as may be imposed by or under this Act or any other written law.

(2) The owner of a perpetual estate may, subject to the provisions of this Act, dispose of it either in whole or in part, and either during his life or, at his death, by a valid will, in any manner he thinks fit;

Provided that-

(a) a disposition by way of security for the payment of money shall be made by way of a charge in accordance with the provisions of this Act;

(b) a disposition, other than by the Commissioner, of the whole or part of the estate for a limited period shall be by way of lease in accordance with the provisions of this Act; and

(c) a disposition by will which is not in perpetuity shall take effect as a disposition of the estate to the personal representative of the deceased owner of the estate, or if there be no personal representative, to the Public Trustee, and in either case upon the statutory trusts.

(3) For the avoidance of doubt no perpetual estate shall be vested in a person who is not a Solomon Islander unless he is a person who falls within one of the categories in subsection (4).

*11 of 1977, s.7*

(4) The class of person who may be registered as an owner of a perpetual estate although not a Solomon Islander is as follows -

*11 of 1977, s.7*

(a) a person holding such estate on trust for a Solomon Islander subject to the filing of a statutory declaration to this effect with the Registrar and in a form required by the Registrar;

(b) a trustee in bankruptcy;

(c) a liquidator appointed under the provisions of any existing law;

(d) a local council;

(e) a company registered in the Solomon Islands where at least 60 per centum of the equity is held beneficially by persons who are Solomon Islanders;

(f) the Commissioner;

(g) a personal representative or guardian;

(h) the Public Trustee;

(i) statutory bodies incorporated by any written law of Solomon Islands;

(j) registered co-operatives under the Co-operative Societies Act;

*Cap 164*

(k) a settler from the former Gilbert and Ellice Islands Colony who prior to 15th September 1977 had been granted, had acquired, or was holding land in perpetuity or a descendant of such settler:

*11 of 1978, s.2*

Provided that such settler or his descendant shall not be entitled to be registered as the owner of a perpetual estate in any land other than such land as is referred to in this paragraph.

### **Fixed-term estate**

**113.-** (1) A fixed-term estate in land consists of the right to occupy, use and enjoy for a period of time fixed and certain at the time of the grant thereof, the land and its produce, subject to the payment of any rent and the performance of any obligations for the time being incident to the estate, and subject to such restrictions as may be imposed by or under this Act or any other written law.

(2) The owner of a fixed-term estate may, subject to the provisions of this Act, dispose of it either in whole or in part, and either during his life or, at his death, by a valid will, in any manner he thinks fit:

Provided that-

(a) a disposition by way of security for the payment of money shall be by way of a charge in accordance with the provisions of this Act;

(b) a disposition of the whole or a part of the estate for a limited period (being less than the whole remaining portion of the period for which the estate was granted) shall be by way of lease in accordance with the provisions of this Act;

(c) a disposition by will which is not for the whole remaining portion of the period for which the estate was granted, shall take effect as a disposition of the estate to the personal representative of the deceased owner of the estate, or, if there be no personal representative, to the Public Trustee, and in either case upon the statutory trusts.

### **Overriding interests**

**114.** The owner of a registered interest in land shall hold such interest subject to such of the following overriding interests as may, for the time being, subsist and affect the same, without their being noted on the register-

- (a) rights of way, rights of water, easements and profits subsisting at the time of first registration of that interest under this Act;
- (b) natural rights of light, air, water and support;
- (c) rights of compulsory acquisition, resumption, entry, search and user conferred by this Act or any other written law;
- (d) unless otherwise stated in the grant the obligations set out in section 133;
- (e) the interest (excluding any option to purchase or option to renew) of a tenant in possession under a lease for a term of not more than two years or under a periodic tenancy;
- (f) any charge created by the provisions of this Act or any other written law in respect of the land comprised in the interest;
- (g) the rights of a person in actual occupation of the land or in receipt of the rents and profits thereof, save where enquiry is made of such person and the rights are not disclosed;
- (h) rights and powers relating to electric supply lines, telephone and telegraph lines or poles, pipe lines, aqueducts, canals, weirs, dams, roads and ancillary works, conferred by any written law; and
- (i) rights acquired or in the process of being acquired by virtue of any law relating to the limitation of actions or by prescription:

Provided that the Registrar may direct the registration of any of the liabilities, rights and interests hereinbefore defined in such manner as he thinks fit.

### **Right of way**

**115.-** (1) Notwithstanding anything to the contrary in this Act contained, all interests in land (including customary land) shall be held subject to an implied right that any person (whether or not a Solomon Islander) who is the owner of an estate in or lease of, or of rights equivalent thereto in, or the occupier of, land adjoining or in the neighbourhood of that land who has no other reasonable means of access from his land to any one of the following, that is to say, a road, way, river, creek or foreshore affording reasonable means of access, shall have a right of way for all reasonable purposes over such land and to pass and re-pass with or without boats or vehicles.

(2) If the persons concerned cannot agree among themselves to the location of or to the terms and conditions of or incidental to the right of way, the matter shall be referred to the

Commissioner by the person requiring the right of way, and the Commissioner shall decide the matter.

(3) Where the right of way is to be exercised over an existing path or track which has been formed or maintained at the expense of the person over whose land it passes, the Commissioner may require the person by whom the right of way is to be exercised to pay to such other person such reasonable sum as the Commissioner may assess by way of compensation.

(4) In any case where the Commissioner has given his decision upon a right of way under subsection (2) he shall issue a right of way certificate which shall-

(a) specify the land served by the right of way, the land over which it exists and such other details as he may consider desirable; and

(b) upon application by him be noted in the land register in so far as it relates to registered land.

(5) Compensation for loss or damage in respect of or to land over which a right of way is made, or in respect of or to anything therein or thereupon, shall be payable and shall be assessed by mutual agreement by the parties concerned and in the absence of agreement the matter shall be referred to the Commissioner and the compensation shall be assessed by him.

(6) Any person aggrieved by any decision of the Commissioner under this section may, within three months of being informed of such decision, appeal to the High Court, and the Court's decision thereon shall be final and conclusive and shall not be questioned in any proceedings whatsoever.

### **What instruments registrable or to be registered**

**116.-** (1) Subject to the provisions of subsection (2), every instrument creating or disposing of or charging or extinguishing, or purporting to create or dispose of or charge or extinguish, a registered interest in land shall be registered.

(2) It shall not be necessary to register-

(a) any lease for a period not exceeding two years, unless it is required to be registered by section 146;

(b) any transfer, charge or other instrument disposing of any lease, being a lease for a period not exceeding two years which is not registered;

(e) any will;

(d) any appointment of a personal representative;

(e) any appointment of a trustee in bankruptcy, or any receiving order in bankruptcy; or

(f) any order of a court, unless the registration thereof or of the effect thereof is specifically required by this Act.

(3) If requested so to do, the Registrar shall register such an instrument as is mentioned in subsection (2) (d) or (2) (e), and may register any other instrument mentioned in subsection (2), save a will, which shall not be capable of registration.

(4) Without prejudice to section 220 (which relates to the lodging of caveats) a licence shall not be capable of registration.

### **Instruments ineffectual until registration**

**117.-** (1) No registered interest in land shall be capable of being created or disposed of except in accordance with this Act and every attempt to create or dispose of such interest otherwise than in accordance with this Act shall be ineffectual to create, extinguish, transfer, vary or affect any such interest.

(2) Nothing in this section shall be construed as preventing any unregistered instrument from operating as a contract, but no action may be brought upon any contract for the disposition of any interest unless the agreement upon which such action is brought, or some memorandum or note thereof, is in writing, and is signed by the party to be charged or by some other person thereunto by him lawfully authorised:

Provided that such an action shall not be prevented by reason only of the absence of writing, where an intending purchaser or lessee who has performed or is willing to perform his part of a contract -

(i) has in part performance of the contract taken possession of the property or any part thereof;  
(ii) being already in possession, continues in possession in part performance of the contract and has done some other act in furtherance of the contract.

(3) Every instrument when registered shall have the same effect for all purposes of and incidental to this Act as if it had been made under seal; but nothing in this subsection shall be construed to prevent a party to such an instrument affixing his seal thereto, or giving to the instrument any additional form of solemnity not inconsistent with the provisions of this Act.

### **Protections of person dealing in registered interest**

**118.-** (1) No person dealing or proposing to deal for valuable consideration with an owner of a registered interest in land shall be required or in any way concerned-

(a) to enquire or ascertain the circumstances in or the consideration for which such owner or any previous owner was registered; or  
(b) to see to the application of any consideration or any part thereof; or  
(c) to search any register kept under any previous written law relating to the registration of documents relating to land.

(2) Where the owner of such an interest is a trustee, he shall, in dealing therewith, be deemed to be the absolute owner thereof, and no disposition by such trustee to a bona fide purchaser for valuable consideration shall be defeasible by reason of the fact that such disposition amounted to a breach of trust.

## **Exoneration of the Registrar**

**119.** Where by this Act any person is exonerated from enquiring as to any matter or fact relating to a title to, or to a power of dealing with, an interest, or is protected from the effect of notice of any such matter or fact, then, in registering any instrument relating to that interest, the Registrar shall not be concerned to make any enquiry or search in relation to that interest which such person need not have made, nor shall the Registrar be affected by any notice with which such person need not have been affected.

## **Protection for persons dealing with Commission**

**120.** No person who deals with the Commissioner in connection with any interest in land shall be concerned to enquire whether any consent or authority to or for the dealing, required by or under this Act or any other written law, has been obtained, or whether the dealing contravenes any direction given by the Minister to the Commissioner.

## **Additional fee for delayed registration**

**121.** Where an instrument is presented for registration later than six months from the date of the instrument, then, as well as the registration fee, an additional fee equal to five times the registration fee shall be payable for each six months which have elapsed since such date:

Provided that -

- (i) in no such case shall the sum of the additional fees exceed twenty times the original registration fee payable;
- (ii) the Registrar may, in his sole discretion, remit any additional fee payable by virtue of this section, either in whole or in part.

## **Power to compel registration**

**122.-** (1) If he is satisfied that any person, through his wilful default, has failed to present for registration any instrument required to be registered under this Act, the Registrar may by notice in writing order such person to present such instrument for registration, and thereupon the registration fee and any additional fee payable under section 121 shall become due and shall be payable whether the instrument is presented for registration or not.

(2) Any person who fails to comply with an order of the Registrar under subsection (1) within one month of the service of the notice shall be guilty of an offence under section 246.

## **Priority of registered interests**

**123.-** (1) Interests appearing in the register shall have priority according to the order in which the instruments which led to their registration were presented in registrable form to the land registry, irrespective of the dates of the instruments and notwithstanding that the actual entry in the register may be delayed:

Provided that where an instrument is prepared in the land registry it shall be deemed to have

been presented on the date on which application for its preparation was made to the Registrar.

(2) Instruments sent by post or under cover and received during the hours of public business shall be deemed to be presented simultaneously immediately before the closing of the land registry for public business, and instruments so sent but received between the time of closing and the next opening of the land registry for public business shall be deemed to be presented simultaneously immediately after such opening.

(3) Where more than one instrument or application are presented on the same day, or on different days but at so short an interval from each other that in the opinion of the Registrar there is doubt as to their order of priority, the Registrar may refuse registration until he has heard and determined the rights of the parties interested thereunder.

### **Stay of registration**

**124.-** (1) Any person proposing to deal for value with the registered owner of an interest may with the consent in writing of such owner and on stating the particulars of the proposed dealing lodge with the Registrar an application for a stay of registration in the prescribed form.

(2) If as shown by the register the owner is free to deal with his interest, the Registrar shall make an order certifying that the owner is so free and staying registration of any instrument affecting the interest for one month from the time specified in the order, and such order shall be registered.

(3) If within the said period of one month an instrument effecting the proposed dealing is lodged for registration such instrument shall have priority over any other instrument lodged for registration after the time specified in the order and shall be registered notwithstanding any caveat lodged with, or any copy of a writ of execution or judgment, decree or order of any court served on the Registrar after the time specified.

### **Merger of registered interest**

**125.** Where, upon registration of a dealing, the interests of-

(a) lessor and lessee; or

(b) chargor and chargee; or

(c) the owner of an estate in or lease of a parcel which is burdened with an easement, profit or restrictive covenant and the owner of an estate in or lease of a parcel which benefits therefrom,

vest in the same owner, such interests shall not merge unless a surrender or discharge is registered or the parcels are combined or there is a declaration of merger, which may be contained in the instrument evidencing the dealing.

### **Corporations**

**126.-** (1) In favour of any person dealing with an interest, a corporation shall be deemed to have the same powers of acquisition and disposition as a natural person of full age and legal



capacity.

(2) This section shall apply to all corporations whether sole or aggregate, whether created directly by Act or otherwise, and notwithstanding any stipulation, restriction or qualification imposed in the constitution of the corporation or elsewhere.

(3) Nothing in this section shall be held to diminish the personal liability of any individual or group of individuals controlling or responsible for the management of a corporation for acting in excess of its corporate powers.

(4) Where a corporation holds an interest in a fiduciary capacity this section shall not be held to extend the powers of the corporation in respect of that interest, nor otherwise to affect the liability of the corporation to the beneficiaries for acting in excess of those powers.

### **Spouses to be treated as separate persons**

**127.** A husband and wife shall, for all purposes of any transaction affecting or concerning an interest, be treated as separate persons.

### **Persons transacting with themselves**

**128.** A person may enter into any transaction affecting or concerning an interest with himself, either alone or jointly with any other person; but nothing in this section precludes any such transaction from being liable to be set aside if, by reason of any fiduciary relationship or otherwise, that transaction is precluded from being validly effective.

## **PART IX SEARCHES AND CERTIFIED COPIES**

### **Inspections**

**129.** Any person, upon payment of the prescribed fee (if any) may inspect during hours of public business any register and any sheet of the registry map.

### **Certified copies**

**130.** Upon payment of the prescribed fee, the Registrar shall furnish to any person applying for it a copy of or extract from any register or sheet of the registry map, or of any filed instrument, plan or document, certified by the Registrar to be a true copy.

### **Evidence**

**131.-** (1) Every document purporting to be signed by the Registrar shall, in all proceedings, be presumed to be so signed until the contrary is proved.

(2) Every copy of or extract from a document certified by the Registrar to be a true copy or extract shall, in all proceedings, be received as prima facie evidence of the contents of the document.

(3) Every entry or note in or on any register, the registry map or any filed plan shall, subject to sections 228 and 229, be received in all proceedings as conclusive evidence of the matter or transaction which it records.

(4) No process for compelling the production of the register or of the registry map or of any filed instrument, plan or document, shall issue from any court except with the leave of that court, which leave shall not be granted if a certified copy or extract will suffice, and any such process, if issued, shall bear thereon a statement that it is issued with the leave of the court.

## **PART X ESTATES**

### **Transfer and grants by the Commissioner**

**132.-** (1) The Commissioner may, subject to the provisions of this Act-

(a) transfer to any person the perpetual estate in any land held by him for such an estate; or  
(b) grant to any person a fixed-term estate in any public land for a period not exceeding ninety-nine years:

Provided that where the land concerned was compulsorily acquired under Division 2 of Part V it shall not be transferred or granted as aforesaid without the prior written consent of the Minister.

*LN 88 of 1978*

(2) On the transfer or grant of an estate, the Commissioner may -

(a) require the payment of a premium for the transfer or grant;  
(b) provide that the estate shall be held subject to the payment of a rent;  
(c) provide that the estate shall be held subject to the performance, by the owner for the time being, of such obligations as may be specified in the transfer or grant,

and the amount of any rent shall be entered on the register.

(3) Upon the registration of an estate subject to an obligation expressed or implied by the owner that he will not transfer or charge the estate or lease or part with possession of the land comprised therein or any part thereof without the written consent of the Commissioner, the obligation shall be noted on the register of the estate and no such dealing with the estate shall be registered until the consent of the Commissioner has been produced to the Registrar.

(4) Subject to the provisions of this Act, the obligations contained or implied in any transfer or grant of an estate may be varied, negated or added to, the rent may be varied and the period of any fixed-term estate may from time to time be extended, by an instrument in the prescribed form executed by the Commissioner and the owner of the estate for the time being.

### **Implied obligation incident to estates**

**133.** Every estate shall, unless it is otherwise specified by the Commissioner in the transfer or grant, be held subject to the performance of the following obligations, that is to say-

- (a) that all boundary marks on the land comprised in the estate shall be properly maintained; and
- (b) that all existing roads, and rights to use the same, through and over the land comprised in the estate shall remain free and uninterrupted (unless closed, altered, or determined, with the consent of the Commissioner);

and, in addition, every fixed-term estate shall, unless it is otherwise specified in the grant, be held subject to the performance of the following obligation, that is to say, that no gravel, stones, coral, shell, rock, guano, sand, loam or earth shall be removed outside the boundaries of the land comprised in the estate without the written consent of the Commissioner first had and obtained, which consent may be granted on such terms, including terms as to payment, as he may think fit.

### **Form and registration of transfer and grants**

**134.-** (1) Every transfer or grant by the Commissioner of an estate shall be in the prescribed form and shall be signed by the Commissioner as transferor or grantor, and by the transferee or grantee and shall be registered.

(2) An estate shall be deemed to have been transferred or granted on the date of the presentation for registration of the transfer or grant thereof, and, if it is a fixed-term estate, the period for which the estate subsists shall begin on that date or on such earlier date (if any) as may be specified in the grant.

### **Rents**

**135.-** (1) Any rent incident to an estate transferred or granted by the Commissioner shall, subject to the provisions of subsection (2), be due and payable at the office of the commissioner on the first day of January in each year in advance and without demand.

(2) The first payment of a rent incident to an estate transferred or granted by the Commissioner (being rent in respect of the period from the date on which the estate begins to subsist until the thirty-first day of December next following) shall, unless already paid, be due and payable at the office of the Commissioner on the date of the transfer or grant of the estate, and the amount thereof shall be-

- (a) where the estate begins to subsist before the first day of February in any calendar year, one whole year's rent;
- (b) in any other case, one whole year's rent less one-twelfth thereof for each complete month of that calendar year that has elapsed prior to commencement of the term of the estate.

(3) The Commissioner may, subject to the provisions of section 25, at intervals of not less

than twenty years in the case of an estate comprising town land or thirty-three years in the case of an estate comprising land other than town land, revise under subsection (5) the amount of any rent incident to the estate; the Commissioner shall deliver to the Registrar a notification of the amount of the revised rent and the Registrar shall enter such amount in the register, and the payment of the revised rent may be enforced against the person who for the time being is the owner of the estate in like manner as if that person had been the original transferee or grantee of the estate.

(4) For the purposes of this Act, the Commissioner may by order designate any area of land as town land; and for the purposes of subsection (3), an estate shall be deemed to comprise town land if, at the time when the transfer or grant of the estate took effect, the land comprised in it was so designated.

(5) The amount at which any rent incident to an estate shall be fixed consequent upon a revision by the Commissioner under subsection (3) shall be such as is fair and reasonable having regard to the value of the land comprised in such estate at the commencement of the period to which revision is to apply without taking into account any improvements made to or on such land subsequent to the date of transfer or grant of the estate by the Commissioner.

(6) If the owner of the estate is aggrieved by the amount of any rent revised under subsection (5), he shall have a right to appeal within such time, in such manner and to such person, panel or court as shall be prescribed, and the decision on such appeal shall be final and conclusive and shall not be questioned in any proceedings whatsoever.

### **Commissioners right of forfeiture**

**136.-** (1) Subject to the provisions of section 139 and to any provision to the contrary in the transfer or grant, the Commissioner shall have the right to forfeit an estate if the owner thereof fails to pay any rent incident to the estate upon its becoming due or to perform any obligation on his part incident to the estate.

(2) The right of forfeiture may be-

(a) exercised, where neither the owner nor any person claiming through or under him is in occupation of the land comprised in the estate, by entering upon the remaining in possession of the land; or

(b) enforced by action in the High Court.

(3) The right of forfeiture shall be taken to have been waived if the Commissioner-

(a) accepts rent which has become due since the right of forfeiture has occurred or has by any other positive act shown an intention to treat the estate as subsisting; and

(b) is, or should by reasonable diligence have become, aware of the commission of the breach:

Provided that the acceptance of rent after the Commissioner has commenced an action in the Court under subsection (2) shall not operate as a waiver.

### **Effect on forfeiture on leases**

**137.** The forfeiture of an estate shall determine every lease and every other interest appearing in the register relating to that estate but where the High Court grants relief against the forfeiture under section 139 every such lease and other interest shall be deemed not to have determined.

### **Notice before forfeiture**

**138.** The Commissioner shall not be entitled to exercise the right of forfeiture until he has served on the owner of the estate and on every other person shown by the land register to be interested a notice-

(a) specifying the particular breach complained of; and  
*11 of 1970 Sched*

(b) if the breach is capable of remedy, requiring the owner to remedy the breach within such reasonable period as is specified in the notice; and

(c) in any case other than non-payment of rent, requiring the owner to make compensation in money for the breach,

and the owner has failed to remedy the breach within a reasonable time thereafter, if it is capable of remedy, and to make reasonable compensation in money.

### **Relief against forfeiture**

**139.-** (1) The owner of an estate upon whom a notice has been served under section 138, or against whom the Commissioner is proceeding, by action or re-entry, to enforce his right of forfeiture, may apply to the High Court for relief, and the Court may grant or refuse relief, as the Court, having regard to the proceedings and the conduct of the parties and the circumstances of the case, thinks fit, and, if it grants relief, may grant it on such terms as it thinks fit, and may, under section 229, order rectification of the land register.

(2) No application by the owner of an estate for relief against forfeiture of the estate under subsection (1) shall be entertained by the Court in the case of forfeiture effected by-

(a) action in which the owner has entered appearance, except in the course of that action;

(b) action in which the owner has not entered appearance, unless such application is made within six months of the order of forfeiture;

(c) re-entry unless, it is made within six months of the date of re-entry.

(3) The High Court, on application by any person claiming as lessee or chargee any interest in the land or part of the land comprised in the estate forfeited or sought to be forfeited, may make such order as it thinks just; and in particular the order may provide for the vesting of the estate or any other estate or any part thereof or any interest therein in such lessee or chargee, for any period, subject to such rights and interests and on such terms as the Court in the circumstances of the case thinks fit, and may, under section 229, order rectification of the land register:

Provided that nothing in this subsection shall apply in the case of a forfeiture arising from a breach to which the lessee is a party, or from the breach of an express obligation against leasing or parting with the possession of the land comprised in the estate or charging the estate:

Provided further that no application under this subsection be entertained by the Court unless it is made within six months of the date of re-entry or order of forfeiture as the case may be.

(4) This section shall have effect notwithstanding any stipulation or agreement to the contrary.

### **Restriction and effect of subdivision**

*18 of 1972, s.7*

**140.**-(1) The owner of an estate shall not, without the written consent of the Commissioner (which consent may, subject to subsections (3) and (4), be given subject to such conditions as the Commissioner may consider fit to impose), create or dispose of any interest in the land comprised in the estate so as to effect a physical subdivision of that land, and the Registrar shall not register an instrument purporting to create or dispose of any such interest unless he is satisfied that such consent has been obtained and that the conditions imposed by the Commissioner have been observed.

(2) The Commissioner shall not consent to the subdivision of any land for an urban purpose except where such land is wholly within an area which has been designated as town land under section 135(4) or which has been declared to be a town under section 3 of the Town Planning Act\*, and for the purposes of this subsection, any residential, commercial or industrial use that is not wholly or primarily ancillary to agricultural use, shall be deemed to be an urban purpose.

*18 of 1972, s.7*

\* *Cap. 15, 1969 Revised Edition-Repealed by the Town and Country Planning Act, 1979.*

(3) Any person aggrieved by a decision of the Commissioner refusing consent under subsection (1) or by any condition subject to which consent is given may appeal to the High Court, which may make such order as it thinks just, and such order shall be final and conclusive and shall not be questioned in any proceedings whatsoever.

(4) Where the land comprised in an estate is subdivided the rent (if any) payable in respect of such estate shall, unless the Commissioner otherwise directs, be apportioned between the estates resulting from the subdivision proportionately to the area of each, and the owner of the estate in each such subdivision shall-

(a) pay the rent as so apportioned; and

(b) perform the obligations incident to the estate so far as they affect his estate.

(5) Where, subject to section 168 (1) (d), the land comprised in an estate which is subject to a charge is subdivided, the owner of each estate resulting from such subdivision shall-

(a) pay the apportioned part (if any) of the moneys payable under the charge; and

(b) perform the obligations contained in the charge so far as they affect his estate:

Provided that unless the chargee in giving his consent to the subdivision under section 168 (1) (d) agrees to the apportionment of the moneys payable under or to severance of the obligations contained in the charge (which consent when given shall be irrevocable), nothing in this subsection shall be deemed to impair the right of the chargee to recover from any of the estates resulting from the subdivision the whole of the moneys payable under the charge or to enforce the charge against any of the estates so resulting.

(6) Nothing in this section shall be deemed to invalidate any interest which is solely an interest in the proceeds of sale of an estate held upon trust for sale.

(7) For the purposes of this section any freehold interest in land (which expression shall have the meaning ascribed to it in section 9 (1)) which is or has been the subject of an application for first registration shall be deemed to be an estate in land.

*18 of 1972, s.7*

### **Termination and surrender of estates**

**141.-** (1) A fixed-term estate shall cease to subsist when the Commissioner has under section 136 (2) (a) lawfully re-entered and recovered possession of the land comprised therein or for any other reason has become entitled to be registered as the owner thereof.

(2) If, within three months of a revision of incident to an estate pursuant to section 135 (3), the owner of the estate, with the written consent of all persons appearing from the register to be interested in the estate or in the land comprised therein, or with the leave of the High Court, gives to the Commissioner not less than three months' notice in writing of his intention to surrender the estate, then upon the expiration of the notice the estate, if it is a perpetual estate, shall vest in the Commissioner or, if it is a fixed-term estate, shall cease to subsist.

(3) Upon granting leave under subsection (2), the Court may impose such terms as it thinks just, and make such further provision (including the making of vesting orders) as it considers expedient.

(4) The provisions of section 161 (which relates to surrender of leases) shall apply *mutatis mutandis* to fixed term estates.

(5) The fact that a perpetual estate has become vested in the Commissioner or a fixed-term estate has ceased to subsist shall not affect the right of the Commissioner to recover any rent incident thereto which has accrued due and not been paid, or damages for the on-performance of any obligation incident thereto, before the date on which the estate so vested or ceased to subsist, and such rent or damages may be recovered in proceedings instituted either before or after the date on which the estate so vested or ceased to subsist.

(6) Where the Commissioner has become entitled to be registered as the owner of a perpetual estate or where a fixed-term estate ceases to subsist, under this Part, he shall give notice of such fact to the Registrar accompanied by such evidence as the Registrar may require and the Registrar shall make the appropriate entries in the land register.

### **Qualified right to renewal of fixed-term estates**

**142.-** (1) Where a fixed-term estate in any land has been granted for cultivation purposes the owner of the estate shall be entitled to a renewal of the grant for a term not exceeding ninety nine years or the term of the estate, whichever is the less:

Provided that-

(i) this subsection shall not apply in relation to any land designated as town land under section 135 (4) prior to the expiration of the fixed-term estate therein or required for a public purpose;

(ii) the renewal shall be subject to such obligations designed to secure development of the land and to restrict the use thereof to cultivation purposes as the Commissioner may insert in the grant;

(iii) the right of renewal conferred by this subsection shall not extend to any renewal of a fixed-term estate under this subsection; and

(iv) this section shall not apply to fixed-term estates created by section 100.

*11 of 1977, s.8*

(2) Section 135 (which relates to payment and revision of rent) shall apply to a renewal of a fixed-term estate made in pursuance of subsection (1) as if the estate had continued to subsist for the period of its renewal.

(3) For the purpose of this section, a cultivation lease granted under the Land Act, and a lease for cultivation purposes granted by the Government prior to the date of commencement of the said Land Act, shall be deemed to be a fixed-term estate granted for cultivation purposes provided that the land comprised in such lease was not at the time of the grant, native land within the meaning ascribed to that expression in section 2 of the said Land Act.

*Cap. 48*

*Rev. Ed. 1948*

## **PART XI LEASES**

### **Leases**

*24 of 1979, s.4*

**143.-** (1) Subject to the provisions of this Act including subsection (2) of this section and of any other written law, the owner of an estate, other than the Commissioner, may lease the land comprised in that estate or part of it to any person for a definite term or for a period which though indefinite may be determined by the lessor or the lessee, and subject to such conditions as the lessor may think fit:

Provided that nothing in this section shall be construed to limit the power of the Commissioner to create a periodic tenancy:

Provided further that, if any part is leased, and the lease is required to be registered under this Act, it shall be accompanied by a plan or other description which the Registrar, in his absolute discretion, deems adequate to identify the part leased.

(2) No lease shall be granted without the prior written consent of the Commissioner to any



person other than a person in whom a perpetual estate may be vested under the provisions of Part VII.

### **Conditions for consent of Commissioner**

*24 of 1979, s. 5*

**144.-** (1) The Commissioner shall not give his consent to the grant of a lease under subsection (2) of section 143 unless and until he is satisfied that the proposed lessee is of good repute and has the capacity and ability to use and maintain and, where applicable, develop the land in accordance with the development and town and country planning provisions applicable to the land and in a manner consistent with the promotion of the public benefit.

(2) Where an application is made to the Commissioner for his consent under subsection (2) of section 143 the Commissioner may make such investigation and may require that he be supplied with such information, references and other matter in support of the application as he considers necessary for the proper consideration of the application

### **Periodic tenancies**

*18 of 1972, s.18*

**145.-** (1) Subject to any written law governing tenancies -

(a) where in any lease the term is not specified and no provision is made for the giving of notice to determine the tenancy, the lease shall be deemed to have created a periodic tenancy;

(b) where the owner of an estate or a lease (other than the Commissioner) permits the exclusive occupation of the land comprised therein or any part thereof by any other person at a rent but without any agreement in writing, that occupation shall be deemed to constitute a periodic tenancy;

(c) the period of a periodic tenancy created by this section shall be the period by reference to which the rent is payable, and the tenancy may be determined by either party giving to the other notice, the length of which shall be not less than the period of the tenancy and shall expire on one of the days on which rent is payable.

(2) No periodic tenancy of any kind shall be capable of registration, but for the avoidance of doubt a periodic tenancy is hereby declared to be an interest for the purposes of section 220 (which relates to the lodging of caveats).

### **Registration of leases**

**146.** A lease for a specified period exceeding two years or a lease which contains an option whereby the lessee may require the lessor to grant him a further term or terms which, together with the original term, exceed two years, shall be in the prescribed form, and shall be completed by -

(a) opening a register in the name of the lessee;

(b) filing the lease; and

(c) registering the lease as an encumbrance in the register of the lessor's estate or lease.

### **Agreements implied in leases on part of lessor**

**147.** On the lease of the whole or part of an estate there shall be implied, on the part of the lessor, a warranty that he has a good right to grant the lease, and, in the absence of express provision to the contrary, the following undertakings with the lessee -

- (a) that the lessor will, during the term created by the lease, and so far only as the lessee is not liable (under the terms of the lease or otherwise) so to do, pay the rent and perform the express or implied obligations incident to the estate and take all reasonable steps to ensure that the estate continues to subsist during the said term;
- (b) that the lessee shall, so long as he pays the rent and performs the obligations which under the express or implied terms of the lease he is liable to pay and perform, peaceably hold and enjoy the leased premises during the term created by the lease without any interruption by the lessor or any person rightfully claiming under or in trust for him;
- (c) not to use or permit to be used any adjoining or neighbouring land comprised in an estate or lease of which he is the owner in any way which would render the leased premises unfit or materially less fit for the purpose for which they were leased;
- (d) where part only of a building is leased, to keep the roof, main walls and main drains, and the common passages and common installations, in repair;
- (e) where any dwelling-house, flat or room is leased furnished, that such house, flat or room is fit for habitation at the commencement of the tenancy; and
- (f) that if at any time the leased premises or any part thereof are destroyed or damaged by fire, civil commotion or accident not attributable to the negligence of the lessee, his servants or his licensees, so as to render the leased premises or any part thereof wholly or partially unfit for occupation or use, the rent or a just proportion thereof according to the nature and extent of the damage sustained shall be suspended and cease to be payable until the leased premises have again been rendered fit for occupation and use; but that if the leased premises have not been so rendered fit for occupation and use within six months of their destruction or damage as aforesaid, the lessee may at his option, and on giving one month's written notice of his intention so to do, determine the lease.

### **Agreement implied in leases on part of lessee**

**148.** On the lease of the whole or part of an estate, there shall be implied, on the part of the lessee, in the absence of express provision to the contrary, the following undertakings with the lessor -

- (a) to pay the rent reserved by the lease as and when the same becomes payable;
- (b) to pay all rates, taxes and other outgoings which are at any time payable in respect of the leased premises during the continuance of the lease unless the same are payable exclusively by the lessor by virtue of any written law;
- (c) to perform all such of the obligations incident to the estate as ought to be performed by the person in occupation of the land comprised in the estate or that part thereof which is leased;
- (d) except where part only of a building is leased, or where a dwelling-house is leased furnished, to keep all buildings comprised in the lease in repair;
- (e) where part only of a building is leased, or where a dwelling-house is leased furnished, to keep the leased premises, except the roof, main walls and main drains, and the common passages and common installations, in repair;

(f) where the lease is of furnished premises, to keep the furniture in as good conditions as it was at the commencement of the period, fair wear and tear only excepted, and to replace such articles as are lost, destroyed or so damaged as to be beyond repair with articles of equal value to those so lost, destroyed or damaged;

(g) to permit the lessor or his agent with or without workmen or others at all convenient times and after reasonable notice to enter on the leased premises and examine their condition;

(h) to repair or otherwise make good any defect or breach of agreement for which the lessee is responsible and of which notice has been given by the lessor to the lessee, within such reasonable period as may be specified in the notice; and

(i) not to subdivide, sublease or otherwise part with the possession of the leased premises or any part thereof or transfer or charge the lease, without the previous written consent of the lessor, but such consent shall not be unreasonably withheld.

### **Meaning of "in repair"**

**149.** Where an agreement is contained or implied in any lease to keep a building or a particular part of a building "in repair", it shall, in the absence of an express provision to the contrary, mean in such state of repair as that in which a prudent owner might reasonably be expected to keep his property, due allowance being made for the age, character and locality of the building at the commencement of the lease:

Provided that there shall not be read into such an agreement an undertaking to put any building into a better state of repair than that in which it was at the commencement of the lease.

### **Lessor's consent to dealing with lease**

**150.** Upon the registration of a lease containing an agreement, express or implied, by the lessee that he will not subdivide, sublease or part with the possession of the land leased or any part thereof or transfer or charge the lease, without the written consent of the lessor, the agreement shall be noted in the register of the lease, and no dealing with the lease shall be registered until the consent of the lessor, verified in accordance with section 203, has been produced to the Registrar.

### **Lease of charged estate of lease**

**151.** Where an estate or lease is subject to a charge, no lease of any of the land comprised in the interest charged shall be registered without the previous consent in writing of the owner of the charge, verified in accordance with section 203, unless the charge expressly dispenses with the necessity for such consent.

### **Future leases and duration of leases**

**152.-** (1) A lease may be made for a period to commence on a future date, not later than twenty-one years from the date on which the lease is executed, but shall be of no effect unless it is registered.

(2) Any instrument purporting to create a lease to commence on a date more than twenty-one years after the date of the instrument or take effect on the fulfilment of any condition, shall be

void.

(3) Where the period of a lease is expressed as commencing on a particular day, that day shall be excluded in computing that period.

(4) Where no day of commencement is named, the period shall commence on the date of first execution of the lease, and that day shall be excluded in computing that period.

(5) Where the period is a year or a number of years, in the absence of an express agreement to the contrary, the lease shall last during the whole anniversary of the day on which such period commences.

### **Deposition of leases for limited periods**

**153.-** (1) A disposition of a lease for a limited period (being less than the whole remaining portion of the period for which it was granted) shall be by way of sublease in accordance with the provisions of this Act.

(2) A disposition of a lease by will which is not for the whole remaining portion of the period for which it was granted, shall take effect as a disposition of the lease to the personal representative of the deceased owner of the lease, or, if there be no personal representative, to the official administrator, and in either case, upon the statutory trusts.

### **Holding over**

**154.-** (1) Where a person, having lawfully entered into occupation of any land as lessee, continues to occupy that land with the consent of the lessor after the determination of the lease, he shall, subject to any written law and in the absence of any evidence to the contrary, be deemed to be a lessee holding the land on a periodic tenancy on the same conditions as those of the lease, so far as those conditions are appropriate to a periodic tenancy.

(2) For the purposes of this section, the acceptance of rent in respect of any period after the determination of the lease shall, if the former lessee is still in occupation and subject to any agreement to the contrary, be taken as evidence of consent to the continued occupation of the land.

### **Lessor's right of forfeiture**

**155.-** (1) Subject to the provisions of section 157 and to any provision to the contrary in the lease, the lessor shall have the right to forfeit the lease if the lessee commits any breach of, or omits to perform, any agreement or obligation on his part expressed or implied in the lease.

(2) The right of forfeiture may be-

(a) exercised, where neither the lessee nor any person claiming through or under him is in occupation of the land comprised in the lease, by entering upon and remaining in possession of the land; or

(b) enforced by action in the High Court.

(3) The right of forfeiture shall be taken to have been waived if -

- (a) the lessor accepts rent which has become due since the breach of the agreement or obligation which entitled the lessor to forfeit the lease or has by any other positive act shown an intention to treat the lease as subsisting; and
- (b) the lessor is, or should by reasonable diligence have become, aware of the commission of the breach:

Provided that the acceptance of rent after the lessor has commenced an action in the Court under subsection (2) shall not operate as a waiver.

### **Effect of forfeiture on sublease**

**156.** The forfeiture of a lease shall determine every sublease and every other interest appearing in the register relating to that lease but -

- (a) where the forfeiture is set aside by the Court on the grounds that it was procured by the lessor in fraud of the sublessee;
- (b) where the Court grants relief against the forfeiture under section 157,

every such sublease and other interest shall be deemed not to have determined.

### **Notice before and relief against forfeiture**

**157.** Sections 138 and 139 (which relate to notice before and relief against forfeiture) shall apply *mutatis mutandis* to leases.

### **Subdivision of leases**

**158.-** (1) Subject to subsection (2), upon the application of a lessee for the division of his registered lease into two or more leases accompanied by a plan or other description which the Registrar, in his absolute discretion, deems adequate to identify the divisions, the Registrar shall effect the division by closing the register relating to such lease and opening new registers in respect of the leases resulting from the division, and recording in the new registers all subsisting entries appearing in the closed register:

Provided that nothing shall be done under this section which would be inconsistent with this Act or any other written law.

- (2) Section 140 (which relates to the restriction and effect of subdivision of an estate) shall apply to a lease in like manner as it applies to an estate and for that purpose shall be read as if for references therein to an estate and the owner of an estate were respectively substituted references to a lease and the lessee, and for the reference to the Commissioner in subsection (3) there was substituted a reference to the lessor.

## **Variation and extension of leases**

**159.** Subject to the provisions of this Act, the agreements and obligations contained or implied in any registered lease may be varied, negative or added to, and the period of any registered lease may from time to time be extended, by an instrument in the prescribed form executed by the lessor and the lessee for the time being and registered before the expiration of the then current term of the lease.

## **Subleases**

**160.-** (1) Subject to any provision express or implied in his lease affecting his right to do so, the owner of a registered lease may sublease for any period which is less than the remainder of the period of his lease and if the sublease is required to be registered under this Act, it shall be effected by an instrument in the prescribed form.

(2) Save as otherwise expressly provided in this Act, the provisions of this Act affecting leases, lessors and lessees shall apply to subleases, sublessors and sublessees, with such adaptations as are necessary.

(3) In addition to the agreements specified in this Act to be implied in leases, there shall be implied in every sublease under this Act an agreement by the sublessor that he will, during the continuance of the sublease, pay the rent reserved by the lease under which the sublessor holds, and observe and perform the agreements and obligations thereof.

(4) Where a sublessee has paid to the sublessor's lessor the rent or any part of the rent payable by the sublessor under the lease under which the sublessor holds, the sublessee shall be entitled to set off any sum so paid against the rent payable by him to the sublessor in respect of the sublease.

## **Surrender of leases**

**161.-** (1) Where the lessor and the lessee agree that a registered lease shall be surrendered, it shall be surrendered in the following manner, that is to say -

- (a) an instrument shall be prepared in the prescribed form;
- (b) the instrument shall then be executed by the lessee and by the lessor;
- (c) the Registrar shall then cancel the registration of the lease; and
- (d) the instrument shall then be filed,

and thereupon, or upon such earlier date as is expressed in the instrument, the interest of the lessee shall cease.

(2) No registered lease which is subject to a charge shall be surrendered without the consent in writing of the owner of the charge endorsed on the instrument of surrender and verified in accordance with section 203, and upon registration of the surrender the charge shall cease to have effect.

*11 of 1970, Sched*

(3) Registration of the surrender of a lease which is subject to a sublease shall not extinguish that sublease but the Registrar shall register the sublease in the encumbrances section of the register on which he registers the surrender, and the estate or lease evidenced by that register shall, to the extent and for the purpose of preserving such incidents and obligations as would otherwise have subsisted, be deemed to be the reversion expectant on the sublease.

### **Termination of leases to be registered**

**162.-** (1) Where a registered lease has expired or been determined the lessor shall apply in writing to the Registrar to cancel its registration.

(2) An application under this section shall be supported by such evidence of the determination as the Registrar may require, and the Registrar on being satisfied of the matters set forth in the application shall cancel the registration of the lease.

## **PART XII CHARGES**

### **Form and effect of charges**

**163.-** (1) An owner may, by an instrument in the prescribed form, charge his estate, registered lease or charge to secure the payment of an existing or a future or contingent debt or other money or money's worth.

(2) The charge shall be completed by its registration as an encumbrance and the registration of the person in whose favour it is created as the chargee and by filing the instrument.

(3) A charge shall not operate as a transfer but shall have effect as a security only.

### **Supplementary provisions relating to charges**

**164.-** (1) An owner of a registered interest may not create any security for the payment of money enforceable against that interest other than a charge under and in accordance with this Part.

(2) The owner of an estate, a registered lease or charge may create one or more charges in respect of such interest which shall rank according to the order in which they are registered.

(3) A security for the payment of money, purporting to be enforceable against a registered interest, which is created otherwise than by way of a charge, or a charge which is not registered, may give rise to a personal liability, but shall not be enforceable under this Part.

### **Consolidations and further advance**

**165.-** (1) A chargor seeking to discharge a charge shall be entitled to do so without discharging any separate charge made by him or by any person through whom he claims, solely in respect of an interest other than that comprised in the charge which he seeks to discharge.

(2) A prior chargee shall have a right to make further advances to rank in priority to subsequent charges if, and only if-

- (a) an arrangement to that effect has been made with the subsequent chargee; or
- (b) the charge imposes an obligation to make such further advances; or
- (c) the charge was made expressly for securing a current account up to a specified limit, in which case the right shall extend only up to such limit.

(3) Where a charge imposes an obligation to make further advances, or is made expressly for securing a current account up to a specified limit, the Registrar shall, when registering it, include in the relevant memorandum the words "subject to further advances", or words to that effect.

### **Variation and sub-charges of charges**

**166.**-(1) Subject to the provisions of this Act, the terms of a charge may be varied by an instrument in the prescribed form made between the parties for the time being to the charge, but no such variation shall affect the rights of the owner of any subsequent charge registered before registration of the instrument of variation unless he has consented thereto in writing endorsed on the instrument of variation and verified in accordance with Section 203.

(2) The provisions of this Part shall apply to subcharges with the following modifications, that is to say-

- (a) for references therein to a charge there shall be substituted references to a subcharge;
- (b) paragraph (c) shall be deemed to be deleted from section 168 (1); and
- (c) the words "enter on the land and" shall be deemed to be deleted from section 171 (2) (b).

### **Discharge of charges**

**167.**- (1) The Registrar shall, if required by the chargee, or on proof of the satisfaction in whole or in part of a charge, in either case in the prescribed form, register the discharge in whole or in part of the charge.

(2) Where a chargor is desirous of wholly satisfying a charge and the chargee, or, if there are two or more chargees, any of the chargees, is or are dead or cannot be found, the chargor may pay the moneys owing in respect of the charge into the High Court; and upon proof of such payment the Registrar shall register the discharge of the charge, and thereupon the charge shall cease to have effect.

### **Obligation implied in charges**

**168.**- (1) There shall be implied in every charge, unless the contrary is expressed therein, on the part of the chargor, the following obligations -

- (a) to pay to the chargee the principal sum secured, and interest (if any) thereon, at the appointed time and rate;



(b) to pay interest (if any) at the appointed time and rate as well after as before any judgment is obtained in respect of the charge on so much of the principal sum (including arrears of interest, if any) as for the time being remains unpaid;

(c) to pay the rent and perform the obligations incident to the interest comprised in the charge;

(d) not to subdivide or lease the land or any part thereof comprised in the interest charged, or transfer, surrender or charge the interest without the previous written consent of the chargee, but such consent shall not be unreasonably withheld.

(2) A charge may provide for the payment of interest at a higher rate than that appointed if the interest at the appointed rate is not paid within a specified period after the same shall have become due; but so that the higher rate shall not exceed the appointed rate by more than three *per centum* per annum.

### **Chargee's consent to transfer**

**169.** Where a charge contains an agreement, express or implied, by the chargor with the chargee that he will not subdivide or lease the land or any part thereof comprised in the interest charged or transfer, surrender or charge the interest without the written consent of the chargee, the agreement shall be noted in the register relating to the interest and no such subdivision, lease, transfer, surrender or charge shall be registered until the written consent of the chargee verified in accordance with section 203 has been produced to the Registrar.

### **Action for recovery of debts**

**170.** Any principal sum or interest due under a charge may, subject to the provisions of section 171 (4), be recovered by action in any court.

### **Enforcement of charges**

**171.-** (1) A charge may be enforced upon application to the High Court, and not otherwise.

(2) Upon any such application, the Court may make an order -

(a) empowering the chargee or any other specified person to sell and transfer the interest charged, and providing for the manner in which the sale is to be effected and the proceeds of the sale applied;

(b) empowering the chargee or any other specified person to enter on the land and act in all respects in the place and on behalf of the owner of the interest for a specified period, and providing for the application of any moneys received by him while so acting; or

(c) vesting the interest in the chargee or any other person either absolutely or upon such terms as it thinks fit, but such order shall, subject to subsection (5), not take effect until registration thereof:

Provided that no such order shall be made in respect of a person who is not a Solomon Islander.

*11 of 1977, s.9*

(3) The Court shall, in exercising its jurisdiction under this section, take into consideration

any action brought under section 170 and the results thereof.

(4) After the Court has made an order under paragraphs (a) or (c) of subsection (2), or while an order under paragraph (b) of subsection (2) is in force, no action may be commenced or judgment obtained under section 170 in respect of the charge, except with the consent of the Court and subject to such conditions (if any) as the Court may impose.

(5) Any order made by the Court under this section shall for the purposes of subsection (4) be effective from the time when it is made.

### **PART XIII TRANSFERS**

#### **Transfer**

*24 of 1979, s.6*

**172.-** (1) An owner may, subject to the provisions of this Act including the provision to this subsection and subsection, (2) transfer his estate, registered lease or charge to any person (including himself), with or without consideration, by an instrument in the prescribed form:

Provided that he shall not be entitled to transfer his interest in any perpetual or fixed-term estate or lease or other interest where such estate or interest is held for a period in excess of 75 years to a person who is not a Solomon Islander or a class of person as set out in subsection (4) of section 112.

*11 of 1977, s.10*

(2) No fixed-term estate or lease shall be transferred without the prior written consent of the Commissioner to any person other than a person in whom a perpetual estate may be vested under the provisions of Part VII and the provision of section 144 (which relates to the conditions of consent for a grant of a lease) shall apply to a consent under this subsection as though section 144 referred throughout to such a consent.

*24 of 1979, s.6*

(3) A transfer shall dispose of the interest transferred for the whole remaining portion (at the time when the disposition purports to take effect) of the period for which the interest was registered.

(4) A transfer shall not be expressed to take effect on the happening of any event or on the fulfilment of any condition or at any future time.

(5) Any condition or limitation purporting to restrain absolutely a transferee or any person claiming under him from disposing of the interest shall be void.

(6) An owner of a registered interest may not dispose of the interest for the whole remaining portion (at the time when the disposition purports to take effect) of the period for which the interest was registered, otherwise than by way of transfer in accordance with the provisions of this Act.

(7) The transfer shall be completed by registration of the transferee as owner of the estate,

lease or charge and by filing the instrument.

(8) The Registrar may refuse to accept a transfer unless and until it is accompanied by a statutory declaration sworn by the transferor and transferee declaring that the transferee is a Solomon Islander or otherwise qualifies to hold an estate lease or other registered interest in accordance with subsection (4) of section 112.

*11 of 1977, s.18*

### **Matters implied in transfer**

**173.-** (1) On the transfer of an estate or a lease, there shall be implied -

(a) except in so far as the transfer may otherwise specify, a warranty, on the part of the transferor, that the rent and obligations incident to the estate or the lease have been paid and performed up to the date of the transfer; and

(b) on the part of the transferee, a covenant with the transferor that so long as the estate or lease subsists the transferee and the persons deriving title under him will pay the rent and perform the obligations incident to the estate or lease, and will keep the transferor and the persons deriving title under him indemnified against all consequences and liabilities arising out of the non-payment of the rent or the non-performance of any of the obligations.

(2) On the transfer of an estate or a lease subject to a charge, there shall be implied, in addition to the matters specified in subsection (3)-

(a) except in so far as the transfer may otherwise specify, a warranty, on the part of the transferor, that nothing has been done or omitted up to the date of the transfer (including the payment of any moneys payable under the charge) which would render the charge liable to be enforced; and

(b) on the part of the transferee, an undertaking with the transferor that so long as the charge subsists the transferee and the persons deriving title under him will pay all moneys payable thereunder and perform the obligations contained therein, and will keep the transferor and the persons deriving title under him indemnified against all consequences and liabilities of or arising out of the non-payment of the said moneys or the non-performance of any of the said obligations.

(3) Upon registration of a transfer of a charge, the transferee shall be entitled to all of the rights, powers and remedies of the chargee expressed or implied in the charge including the right to recover any debt, sum of money, or damages thereunder, and all the interest of the transferor in any such debt, sum of money or damages, shall vest in the transferee.

(4) A chargor shall not be bound to account to any person who has acquired an interest in the charge unless the transfer or other instrument whereby such person became entitled has been registered and the chargor has been notified in writing of the registration by such person.

(5) A transfer of an estate or lease which is subject to a lease shall be valid without the lessee acknowledging the transferee as lessor, but nothing in this subsection shall-

(a) affect the validity of any payment of rent made by the lessee to the transferor; or

(b) render the lessee liable, on account of his failure to pay rent to the transferee, for any breach of agreement to pay rent,

before notice is given to the lessee by the transferee, in the case of a registered lease, of registration of the transfer, and in the case of an unregistered lease, of the transfer.

#### **No transfer of part without sub-division**

**174.** No part of an estate or registered lease shall be transferred until the owner has -

(a) obtained the consent of the Commissioner under section 140 or section 158, as the case may be; and

(b) subdivided the land comprised in the estate or lease and new registers have been opened in respect of the estate or lease in each subdivision.

#### **If transfer instrument unobtainable**

**175.** If the Registrar is satisfied that an interest has been sold or disposed of by the registered owner thereof and that the whole of the consideration for such sale or disposition has passed but that a transfer or other proper instrument of disposition cannot be obtained because the registered owner is dead or out of Solomon Islands or cannot be found or because for any reason it is impracticable to obtain his signature within a reasonable time, then the Registrar may make a vesting order to give effect to the sale or disposition and shall register such order, whereupon the person in whom the order vests the interest shall become the transferee and registered owner thereof.

### **PART XIV CONTROL OF ADVERTISEMENT**

#### **Consent of Commissioner required for advertisement**

*24 of 1979, s.7*

**176.** No person shall without the prior written consent of the Commissioner, advertise in Solomon Islands or outside Solomon Islands any interest in land, other than a perpetual estate or a fixed-term estate to be held in excess of seventy five years.

#### **Particulars to be contained in advertisement**

*24 of 1979, s.7*

**177.-** (1) The Commissioner may require any person applying for a consent to advertise under section 176 (in this Part referred to as the applicant) to include in any advertisement, which in the Commissioner's opinion is likely to come to the attention of persons outside Solomon Islands, such particulars as he may consider necessary to make the advertisement true and fair including particulars about-

(a) the description of land;

(b) the nature of the interest to be disposed of;

- (c) development and town and country provisions applying to the land;
- (d) proposed use of the land;
- (e) exchange control and immigration legislation; and
- (f) the provisions of this Act.

(2) Where the Commissioner has made a requirement under subsection (1) no person shall publish either in Solomon Islands or elsewhere an advertisement in relation to the interest in land unless it complies with the requirement.

### **Grounds for section 176 refusing consent**

*24 of 1979, s.7*

**178.-** (1) The Commissioner may refuse to consent for the purposes of section 176 where, in his opinion, the proposed use referred to in the advertisement is

- (a) contrary to any town and country planning scheme;
- (b) in conflict with the provisions of a development plan approved by a Provincial Assembly or the Honiara Town Council; or
- (c) otherwise prejudicial to the use or development of the land for the promotion of the public benefit.

(2) Without prejudice to the generality of subsection (1) where the Commissioner is of the opinion that the advertisement is likely to come to the attention of persons outside Solomon Islands, he may refuse to consent for the purposes of section 176 unless and until he is satisfied that-

- (a) the applicant has given not less than three months prior notice to the Provincial Assembly or the Honiara Town Council, in whose area the land subject of the interest is situated, of the intention to advertise and the terms of the advertisement; and
- (b) has taken such other steps as the Commissioner may require to bring his intention to advertise and the terms of the advertisement to the notice of other persons in that area or in Solomon Islands.

(3) Without prejudice to the generality of the foregoing subsection the Commissioner may in any case require that an advertisement be first published as he may direct in Solomon Islands before being published overseas and shall not give consent to the publication of the advertisement overseas until this requirement is complied with.

## **PART XV EASEMENTS AND PROFITS**

### **Easements**

**179.-** (1) The owner of any estate or registered lease may by instrument in the prescribed form grant an easement over the land comprised in his estate or lease for the benefit of any other land.

(2) (a) Any owner transferring, granting or leasing an estate or registered lease may in the transfer, grant or lease grant an easement, for the benefit of the land comprised in the interest transferred, granted or leased over the land comprised in any estate or registered lease retained by him.

(b) Any owner transferring, granting or leasing an estate or registered lease may in the transfer, grant or lease reserve an easement for the benefit of the land comprised in any estate, lease, freehold interest or leasehold interest retained by him.

(c) In this subsection "freehold interest" means a freehold interest in land, and "leasehold interest" means a leasehold interest in land, as defined in section 9 (1).

(3) The instrument creating the easement shall specify clearly -

(a) the nature of the easement, the period for which it is granted, and any conditions, limitations or restrictions intended to affect its enjoyment;

(b) the land burdened by the easement and, if required, by the Registrar, the particular part thereof so burdened; and

(c) the land which enjoys the benefit of the easement,

and shall, if so required by the Registrar, include a plan and such other details as are sufficient in the Registrar's estimation to define the easement.

(4) The grant or reservation of the easement shall be completed by its registration as an encumbrance in the register of the interest burdened and, in the case of registered land, in the property section of the register in respect of the interest which benefits, and by filing the instrument.

(5) An easement granted by the owner of a fixed-term estate or a lease shall be capable of existing only during the subsistence of such estate or lease.

(6) Where a grant of an easement over registered land is expressed to be appurtenant to land which is not registered under this Act, the Registrar shall not be concerned to investigate the title of the grantee.

### **Contributions to repairs**

**180.-** (1) Where an instrument creating an easement contains a covenant binding either party to contribute to the cost of construction, maintenance or repair, of any way, wall, drain or other the subject of the easement, then, unless a contrary intention is expressed in the instrument, so long as the easement subsists the covenant shall bind any person deriving title under either party as if such person had been a party to the original covenant.

(2) This section shall not render any person liable to contribute to expenditure incurred at a time before he became, or after he ceased to be, an owner of the estate or lease to which the liability attached.

(3) For the purpose of subsection (2) any liability of an owner of an easement shall cease from the time at which he delivers to the owner of the estate or lease burdened by the easement a release of the easement in the prescribed form and acceptable for registration.

## **Profits**

**181.-** (1) The owner of an estate or a registered lease may, by an instrument in the prescribed form, grant a profit.

(2) The instrument shall indicate clearly the nature of the profit, the period for which it is to be enjoyed, and whether it is to be enjoyed-

- (a) in gross, or as appurtenant to other land; and
- (b) by the grantee exclusively, or by him in common with the grantor.

(3) The grant of a profit shall be completed -

- (a) by its registration as an encumbrance in the register of the interest which it burdens;
- (b) where it is appurtenant to land comprised in an estate or registered lease, by its registration in the property section of the register in respect of that estate or lease; and
- (c) by filing the instrument.

(4) A profit which is not appurtenant to land may be dealt with as though it were an estate.

(5) A profit granted by the owner of a fixed-term estate or lease shall be capable of subsisting only during the subsistence of the estate or lease.

## **Release and extinguishment of easements and profits**

**182.-** (1) Upon presentation of a duly executed release in the Release and prescribed form, the registration of the easement or profit shall be cancelled, and thereupon the easement or profit shall be extinguished.

(2) Upon the application of any person affected thereby, the Registrar may cancel the registration of an easement or profit upon proof to his satisfaction that-

- (a) the period of time for which it was intended to subsist has expired; or
- (b) the event upon which it was intended to determine has occurred.

## **Extinguishment and modification of easements and profits by the Court**

**183.** The High Court shall have power, on the application of any person interested in land affected by an easement or profit (whether created before or after the commencement of this Act) by order wholly or partially to extinguish or modify the easement or profit (with or without payment by the applicant of compensation to any person suffering loss in consequence of the order) on being satisfied that-

- (a) by reason of changes in the character of the property or the neighbourhood or other circumstances of the case which the Court deems material, the easement or profit ought to be held to be obsolete;

(b) the continued existence of the easement or profit impedes the reasonable user of the land for public or private purposes without securing practical benefits to other persons or, as the case may be, will unless modified so impede such user; or  
(c) the proposed extinguishment or modification will not injure the person entitled to the benefit of the easement or profit.

## **PART XVI PUBLIC RIGHTS OF WAY**

### **Definitions**

*18 of 1972, s.9*

**184.** In this Part-

"public terminal" means any part of a river to which the public has access or a right of access, the foreshore or a public road;

"foreshore" means all that land lying between the lines of mean high water and mean low water.

### **Public right of way**

*18 of 1972, s.9*

**185.-** (1) Subject to and in accordance with this Part, the Commissioner may create a right of way across public land for the benefit of the public.

(2) A public right of way shall authorise the public to pass and repass between any specified area of land and a public terminal.

### **Creation of public right of way**

*18 of 1972, s.9*

**186.-** (1) An application to the Commissioner to create a public right of way may be made by any person.

(2) Where the Commissioner is of the opinion that the creation of a public right of way is or might be expedient, he shall either hold an enquiry or make such other investigation as he thinks appropriate.

(3) If on holding an enquiry or making an investigation the Commissioner is satisfied that it is expedient for a public right of way to be created he shall make an order creating the right of way.

(4) An order made under subsection (3) shall-

(a) describe sufficiently for purposes of identification-

(i) the land and the public terminal between which the right of way is to run; and

(ii) the route of the right of way;



- (b) state whether or not those using the right of way may pass and repass with animals and vehicles; and  
(c). contain such conditions and limitations (if any) as the Commissioner thinks appropriate.

### **Order to be noted in land register**

*18 of 1972, s.9*

**187.** As soon as may be after making an order for the creation of a public right of way the Commissioner shall furnish to the Registrar a copy thereof together with such other information thereof as may be requisite and the Registrar shall enter the effect of every such order on the register.

### **Cost of survey etc.**

*18 of 1972, s.9*

**188.** The cost of surveying, constructing, maintaining or repairing a public right of way shall be borne by the Commissioner.

### **Compensation**

*18 of 1972, s.9*

**189.-** (1) If in the exercise of the powers conferred by the preceding section any damage is caused to any building, fence, tree or crop lawfully erected or planted or to any movable property, such damage shall be made good or compensation thereof shall be paid to the owner thereof by the Commissioner.

(2) Any dispute as to the making good of such damage or the amount of compensation payable under subsection (1) shall, unless the parties otherwise agree, be referred to and settled by a court.

**190.-** (1) Where the Commissioner is of the opinion that it is inexpedient that a public right of way should continue to exist, he may hold an enquiry and thereafter order the right of way to be extinguished.

(2) As soon as may be after making an order under subsection (1) extinguishing a public right of way, the Commissioner shall furnish to the Registrar a copy thereof and the Registrar shall make such amendment to the register as may be necessary.

## **PART XVII RESTRICTIVE COVENANTS**

### **Interpretations**

**191.** In this Part-

"restriction" means a restriction on the user of registered land created expressly by a covenant other than a covenant contained in a charge or lease;

"dominant land" means the land to which the benefit of a restriction is annexed;

"servient land" means the land subject to the burden of a restriction.

### **Registration of restrictions**

**192.-** (1) Any owner entitled to burden registered land with restrictions may do so by an instrument in the prescribed form and, subject to the provisions of this section, the Registrar shall, on presentation of the instrument in registrable form, register the restrictions and unless so registered a restriction shall not bind persons deriving title under the owner.

(2) The Registrar shall not register any such instrument unless -

- (a) the obligations which it purports to create are negative or restrictive; and
- (b) the instrument clearly indicates the dominant and servient land.

(3) The Registrar may refuse to register an instrument purporting to create a restriction if the obligations contained in the instrument are in part positive or affirmative.

(4) An instrument containing a restraint on the right of an owner to transfer or otherwise to dispose of his interest in land shall not be registered pursuant to this section.

(5) The registration of an instrument containing a restriction which would not have been binding on persons deriving title under the owner burdening the servient land shall not give the instrument any greater operation or effect than it would have had without such registration.

(6) The Registrar may, upon the application of the owner of an estate in or registered lease of the servient land, or of his own motion, cancel the registration of a restriction which has become unenforceable against persons deriving title under such owner, or which for any reason should not have been registered.

### **Release and variation of restrictions**

**193.-** (1) The burden of a restriction may be released wholly or in part, and the obligation created by a restriction may be varied, by an instrument in the prescribed form executed by the owner for the time being of the interest entitled to the benefit of the restriction and by every other person having a registered interest in the dominant land, and upon application by the owner of any interest in the servient land the Registrar shall register such instrument:

Provided that the Registrar shall not register an instrument of variation which has the effect of making the restriction more onerous unless there is produced to him the consent, verified in accordance with section 203, of every person other than the applicant shown by the register to be the owner of an interest in the servient land.

*18 of 1972, s.10*

(2) Where the dominant land is not registered land the Registrar shall not be concerned to investigate the title to that land.

(3) The registration of an instrument of release or variation shall not give the instrument any

greater operation or effect than it would have had without such registration.

(4) The Registrar shall register any order of the High Court extinguishing wholly or in part a restriction already registered, or varying the provisions of such restriction, if the order is produced to him for such purpose.

### **Duration of restrictions**

**194.-** (1) Unless extended in the manner provided by this section, a restriction shall cease to be enforceable against persons deriving title under the owner burdening the servient land at the expiration of ten years from the date of registration thereof, and the Registrar shall cancel such registration.

(2) A restriction which has not become unenforceable may from time to time be extended by an instrument in the prescribed form executed by the owner of any interest in the dominant land and entitled to the benefit of the restriction, and the Registrar shall register any such extension.

(3) Each instrument of extension may prolong the duration of a restriction for a period of ten years from the date on which the instrument of extension has been registered.

(4) Where for any reason (other than the expiration of the period referred to in subsection (1) and of any extension of such period) a restriction would have become unenforceable, an instrument of extension shall not prolong the duration of such restriction beyond the time for which it would otherwise have endured.

(5) Where the dominant land is not registered land the Registrar, for the purpose of registration of an extension executed by a person claiming to have an interest in that land shall not be concerned to investigate the title to that land; but such registration shall not prolong the duration of the restriction unless the person executing the instrument of extension was, at the relevant time, entitled to the interest which he claimed to have.

(6) Any restriction extended pursuant to this section shall enure for the benefit of every person who, during the period of the extension, is entitled to an interest in the dominant land.

## **PART XVIII CO-OWNERSHIP AND PARTITION**

### **Co-ownership**

**195.-** (1) Every disposition whereby a registered interest in land would become vested in more than five persons shall, notwithstanding anything to the contrary contained therein, operate to vest the interest in the first five persons named in the disposition as joint owners on the statutory trusts.

(2) An instrument required to be registered under section 116, made in favour of two or more persons, shall show whether such persons are joint owners or owners in common, and in the case of owners in common, the share of each such owner.

(3) No interest in land shall be registered in the names of more than one Solomon Islander as joint owners, unless there is produced to the Registrar a statutory declaration made in public by each of the joint owners setting forth the names, description or group name and, so far as is practicable, the interests of the persons beneficially interested; and where any interest is so registered no disposition of the interest shall be registered unless there is similarly produced to the Registrar a statutory declaration made in public by each of the joint owners that the persons beneficially interested have been consulted and that those of such persons in favour of the disposition of the interest are entitled to the major portion of the beneficial interests in the said interest of which the disposition is sought to be registered:

*18 of 1972, s. 11*

Provided that the Registrar may dispense with such statutory declaration in any case in which he is satisfied on such evidence as he may require that the joint owners alone are the persons beneficially interested:

Provided further that no statutory declaration shall be required in the case of a lease executed in pursuance of section 69 (1)(b)(ii).

*18 of 1972, s. 11*

### **Ownership in common**

**196.-** (1) Where a registered interest in land is owned in common the owners shall be entitled to undivided shares in the interest in such proportion as may be registered and on the death of any of the owners in common his share shall be administered as part of his property.

(2) Persons described as owners in common shall, in the absence of any expression to the contrary, be presumed to be entitled in equal shares.

(3) No owner in common of a registered interest in land shall dispose of his undivided share in favour of any person other than another owner in common of the same interest except with the consent in writing of the remaining owner or owners of the interest, but such consent shall not be unreasonably withheld.

### **Partition**

**197.** An application in writing to the Registrar for partition of the land comprised in an estate or registered lease held in common may be made by -

(a) any one or more of the owners; or

(b) any person in whose favour an order has been made for the sale of an undivided share in execution of a judgment,

and, subject to the consent of the Commissioner (which may be subject to conditions) and to any written law relating to minimum areas or frontages, the Registrar shall effect the partition of the land comprised in the estate or lease in accordance with any agreement of the owners in common or in the absence of agreement in such manner as the Registrar may determine.

### **When Registrar may order sale**

**198.-** (1) Where for any reason the land sought to be partitioned is incapable of partition or the partition would adversely affect the proper use of the land comprised in the estate or lease, and a demand is made by the applicant or one or more of the owners that the estate or lease or any share or shares in the estate or lease be sold, the Registrar shall, in default of an agreement between the owners in common, value the estate or lease and the shares of the owners in common, and order the sale of the estate or lease, or the separation and sale of such shares or make such other order for the disposal of the application as he thinks fit.

(2) (a) Where the Registrar orders a sale under subsection (1), such sale shall, subject to paragraph (b), be carried out as far as may be in the manner prescribed for the sale of immovable property in the execution of a judgment of the High Court.

(b) An owner in common may purchase the estate or lease or any share so offered for sale at any time by private treaty or otherwise.

### **Procedure where shares are small**

**199.-** (1) Where the land sought to be partitioned is capable of partition generally, but the effect of partition would be that any particular owner in common would then be the sole owner of an estate or lease in an area of land less than any minimum prescribed by or under any written law, the Registrar shall add the share of such owner to the share of any of the other owners in common or distribute the share of such owner in common amongst two or more of the other owners in common in such manner and in such proportions as, in default of agreement, he thinks fit.

(2) Where the Registrar proceeds in accordance with the provisions of subsection (1), he shall assess the value of the share added or distributed and shall order that there be paid to the owner of such share by each owner who has received an addition to his share the value of such addition.

(3) Where any sum is payable under subsection (2) by any owner in common to any other owner in common, the Registrar may order that such sum shall be secured by way of a charge on the share of the person liable to pay it.

### **Joint ownership**

**200.-** (1) Where a registered interest in land is owned jointly the joint owners shall hold on the statutory trusts.

(2) Where two or more persons are joint owners of a registered interest in land -

(a) a disposition of the interest shall be made only by all the joint owners; and

(b) on the death of a joint owner the interest shall vest in the surviving owner or owners.

## **PART XIX INSTRUMENTS AND AGENTS**

### **Form of instrument**

**201.-** (1) Every disposition of a registered interest in land shall be effected by an instrument in the prescribed form or in such other form as the Registrar may in any particular case approve, and every person shall use a printed form issued by the Registrar, unless the Registrar otherwise permits.

(2) Every such instrument shall contain a true statement of the amount or value of the purchase price or loan or other consideration (if any) and, where appropriate, an acknowledgment of the receipt of the consideration.

### **Execution of instruments**

**202.-** (1) Subject to the provisions of this Act, every instrument evidencing a disposition of an interest in land and required to be registered under section 116 shall be executed by all persons shown by the register to be owners of the interest at the time of registration of the instrument and by all other parties to the instrument:

Provided that the Registrar may dispense with the execution by any other party (other than the donee in a disposition by way of gift) where he considers that such execution is unnecessary.

(2) An instrument shall be deemed to have been executed-

(a) by a natural person if signed by him; and

(b) by a corporation-

(i) if sealed with the common or official seal of the corporation affixed thereto in the presence of and attested by its clerk, secretary or other permanent officer and by a member of the board of directors, council or other governing body of the corporation, or in the presence of and attested by two members of such board, council or other governing body; or

(ii) in the case of a corporation not required by law to have a common seal, if signed by such persons as are authorised in that behalf by any law or by the statute or charter of the corporation or, in the absence of any express provision, by the persons duly appointed in writing for that purpose by the corporation, evidence of which appointment has been produced to the satisfaction of the Registrar.

(3) Where a seal purporting to be the seal of a corporation has been affixed to an instrument, attested by persons purporting to be persons holding offices specified in subsection (2)(b)(i), the instrument shall be deemed to have been executed in accordance with the requirements of that subsection.

*18 of 1972, s.12*

### **Verification of execution**

**203.-** (1) Subject to subsection (3) a person, other than the Commissioner and a body corporate, executing an instrument required to be registered under section 116, shall appear

before the Registrar or a person prescribed as an authorised officer for the purposes of this section, and, unless he is known to the Registrar or such authorised officer, shall be accompanied by a credible witness for the purpose of establishing his identity.

(2) The Registrar or such authorised officer shall satisfy himself as to the identity of the person appearing before him and ascertain whether he freely and voluntarily executed, and appeared fully to understand, the instrument, and shall complete thereon a certificate to that effect.

(3) The Registrar may dispense with verification under this section -

(a) if he considers that it cannot be obtained or can be obtained only with difficulty and he is otherwise satisfied that the document has been properly executed; or

(b) in cases in which to his knowledge the document has been properly executed,

and shall record on the document his reasons for dispensing with the appearance of the parties.

### **Stamps**

**204.** No instrument required by law to be stamped shall be accepted for registration unless it is duly stamped.

### **Disposal of instructions**

**205.-** (1) Subject to subsection (2) all instruments accepted by the Registrar shall be retained in a land registry for as long as they support a current entry in the land register and for six years thereafter.

(2) When a lease or charge is registered, and the duplicate or triplicate thereof is produced to the Registrar, particulars of registration shall be noted thereon and the duplicate and the triplicate shall be returned to the person who presented them, but such note shall not be taken to involve the Registrar in liability for any inaccuracy which may exist in any such duplicate or triplicate.

(3) After six years after an entry in the register has been superseded or has ceased to have any effect, the Registrar may destroy any instrument which supported the entry.

### **Infants and person who are mentally infirm**

**206.-** (1) If the Registrar has reason to believe that any person whose name is entered on the land register is under the age of twenty-one years or incapable by reason of mental infirmity, of acting, he shall refuse to register any transaction to which that person is expressed to be a party or affecting any right or interest owned by or vested in that person, unless the transaction is effected or approved in writing by the guardian of that person.

(2) Where any person claims to be the guardian of a person whose name is entered on the land register and who in the opinion of the Registrar is under the age of twenty-one years or incapable by reason of mental infirmity, of acting, the Registrar may in his discretion require

him to apply to the High Court for confirmation of his claim.

(3) On the hearing of an application under subsection (2), the Court may make an order-

(a) declaring that the applicant is the guardian of the person in question; or

(b) appointing some other person to be such guardian.

### **Powers of attorney**

**207.-** (1) The Registrar shall, subject to the provisions of this section, maintain a register of powers of attorney in such form and manner as he may deem fit.

(2) Upon the application of the donor or the donee of a power of attorney which contains any power to dispose of any interest in land, such power of attorney shall be entered in the register of powers of attorney and the original, or with the consent of the Registrar, a copy thereof certified by the Registrar, shall be filed in the file of powers of attorney.

(3) Every such power of attorney shall be in the prescribed form and shall be executed and verified in accordance with sections 202 and 203, except where the Registrar in any particular case otherwise permits.

(4) The donor of a power of attorney registered under this section may at any time give notice to the Registrar in the prescribed form, or in such other form as the Registrar may approve, that the power has been revoked, and thereupon the revocation shall be entered in the register of powers of attorney and noted upon the power, and the notice shall be filed in the file of powers of attorney.

(5) Any interested person may give notice in writing to the Registrar that a power of attorney which has been registered under subsection (2) has been revoked by the death, bankruptcy or disability of the donor or the death or disability of the donee, accompanied by such evidence as the Registrar requires, and thereupon the revocation shall be entered in the register of powers of attorney and noted upon the power, and the notice shall be filed in the file of powers of attorney.

(6) Subsections (4) and (5) shall not apply to a power of attorney given for valuable consideration during any time during which it is, by virtue of the terms thereof, irrevocable.

(7) If, owing to the length of time since the execution of a power of attorney or for any other reason the Registrar considers it desirable, he may require evidence that the power has not been revoked, and may refuse to register any disposition by the donee of the power of attorney until satisfactory evidence is produced.

### **Effect of registered power of attorney**

**208.-** (1) A power of attorney which has been registered under section 207 and of which no notice of revocation has been registered under that section shall be deemed to be subsisting as regards the Registrar and any person acquiring any interest in land affected by the exercise of the power, for valuable consideration and without notice of revocation and in good faith, or any person deriving title under such a person.



(2) Any person making any payment or doing any act in good faith in pursuance of a power of attorney registered under section 207, shall not be liable in respect of the payment or act by reason only that before the payment or act the donor of the power had died or become subject to a disability or become bankrupt, or had revoked the power, if the fact of death, disability, bankruptcy or revocation was not at the time of the payment or act known to the person making or doing the payment or act.

## **PART XX TRANSMISSION AND TRUST'S**

### **Transmission of death of sole owner or owner in common**

*2 of 1987, s.109*

**209.-** (1) Where, upon the death of a sole owner or an owner in common of a registered interest, that interest belongs to the Government as *bona vacantia*, the Commissioner shall be entitled to be registered as the owner on behalf of the Government.

(2) The Public Trustee or other personal representative, or the Commissioner, on application to the Registrar in the prescribed form accompanied by proof of his authority to act, shall be entitled to require the Registrar-

*4 of 1987, s.42*

(a) to register him by transmission as owner in the place of the deceased and in the case of the official administrator or other personal representative, with the addition after his name of the words "as executor of the estate of .....deceased" or "as administrator of the estate of..... deceased" as the case may be; or

(b) to register some other specified person as owner, owner in common, or joint owner of the deceased's interest.

(3) If no personal representative, other than the Public Trustee is appointed within a period of six months from the death of the owner, the Public Trustee may apply to the High Court for the appointment of some other personal representative.

(4) For the purposes of subsection (2) authority to act shall consist of a certificate of grant under section 57 of the Wills, Probate and Administration Act, a grant of probate of a will, a grant of letters of administration or an order of the High Court.

*2 of 1987, s.109*

### **Transmission in other cases**

**210.** Where any person has become entitled to any registered interest under any written law or by virtue of any order or certificate of sale made or issued under any such law, the Registrar shall, on the application of any interested person supported by such evidence as he may require, register the person entitled, as the owner of that interest.

### **Transmission on bankruptcy**

**211.-** (1) Upon the bankruptcy of the owner of a registered interest, his trustee in bankruptcy shall, on proof of his appointment and of the fact that the interest is part of the property of the bankrupt divisible amongst his creditors, be entitled to be registered as owner of the interest in his place; and the official receiver shall, on proof of the receiving order and of the aforesaid fact, be entitled to be registered as owner of the interest pending the appointment of a trustee in bankruptcy.

(2) A trustee in bankruptcy shall be described in the register as "trustee of the property of....., a bankrupt".

(3) The trustee in bankruptcy shall hold any interest of which he is registered as owner subject to any restrictions contained in any written law relating to bankruptcy or in any order of court and subject to any liabilities, rights or interests which are unregistered but are nevertheless enforceable and subject to which the bankrupt held the same, but for the purpose of any disposition of such interest the trustee in bankruptcy shall have all the rights and be subject to all the limitations conferred or imposed by this or any other written law on an owner who has acquired an interest for valuable consideration.

(4) Where a trustee in bankruptcy disclaims a registered interest and an order is made by a court vesting the interest in any person, the Registrar shall, on being served with such order, forthwith, without notice to the bankrupt or any other person, enter the effect thereof on the register, and no right to indemnity under this Act shall arise by reason of his so doing.

### **Trusts**

**212.-** (1) The owner of an interest may own it for his own use and benefit or as a trustee.

(2) The Registrar shall not enter any trust on the land register.

(3) An instrument which declares, or is deemed to declare, any trust, or a certified copy thereof, may be deposited with the Registrar for safe custody and reference; but such instrument or copy shall not form part of the land register or be deemed to be registered.

(4) Wherever the Registrar becomes aware that any registered interest is affected by a trust, he may, but shall not be bound to, protect in such manner as he thinks fit the rights of any person beneficially interested under the trust or thereby required to give any consent.

### **Capital money under trust**

*LN 88 of 1978*

*4 of 1978, s.42*

**213.-**(1) Neither the proceeds of the sale of an interest held upon the statutory trusts, nor any other capital money arising under any transaction relating to an interest so held, shall be paid to or applied by the direction of fewer than two persons as trustee except where the trustee is the Public Trustee or a trustee in bankruptcy or is a corporation approved for the purposes of this section by the Minister by notice; but this subsection shall not, except where capital money arises on a transaction, render it necessary to have more than one trustee.

(2) Subject to the provisions of this Act, joint owners of an interest shall, when acting together, have all the powers of dealing with that interest which would be possessed by a

person if he were sole owner thereof.

### **Statutory trusts**

**214.**-(1) For the purposes of this Act, a registered interest held upon the statutory trusts shall be held upon trust to sell the same with power to postpone such sale as the trustees think fit and to stand possessed of the net proceeds of sale, after payment of costs, and of the net rents and profits until sale, after payment of all outgoings, upon such trusts, and subject to such powers and provisions, as may be requisite for giving effect to the rights of the persons beneficially interested in the interest.

(2) An estate or lease held upon the statutory trusts may, subject to the provisions of section 140, be divided by the trustees amongst the beneficiaries under the trust, and on any such division the trustees may provide for the payment either in cash or by way of a charge of equality money.

(3) Any beneficiary under the trust who objects to the exercise or proposed exercise of the powers granted by subsection (2) may, either before such exercise or within six months thereafter, apply to the High Court, which may make such order as it thinks just and may under section 229 order rectification of the land register.

(4) The trusts and powers set out in this section shall be deemed to be incorporated in any instrument which operates expressly to vest any registered interest in land in any person upon the statutory trusts or whereby any person expressly declares that he holds upon the statutory trusts any registered interest in land already vested in him.

### **Effect of transmission by death**

**215.**-(1) Subject to any restriction on his power of disposing of the interest contained in his appointment, the personal representative or the person beneficially entitled on the death of a deceased owner of a registered interest, as the case may be, shall hold the interest subject to any liabilities, rights or interests which are unregistered but are nevertheless enforceable and subject to which the deceased owner held the same, but for the purpose of any disposition he shall be deemed to have been registered as owner thereof with all the rights conferred by this Act on an owner who has acquired an interest for valuable consideration.

(2) The registration of any person as aforesaid shall relate back to and take effect from the date of the death of the deceased owner.

### **Transmission on death of joint owner**

**216.** On the proof of the death of any person registered as joint owner of any interest, the Registrar shall register the survivor or survivors as owner or owners of the interest and he or they shall thereupon become the transferee or transferees of such interest and the registered owner or owners thereof.

### **Construction of this part**

*11 of 1977, s. 11*

**217.** This Part shall be read and construed subject to the provisions of Part VII and subsection (3) of section 112.

## **PART XXI JUDGMENTS, WRITS AND VESTING ORDERS**

### **Executions, judgements and pending actions**

**218.-** (1) The Registrar, on being served with a copy of a writ of execution or judgment, decree or order of any court and on being satisfied that an interest which is entered on the land register is affected thereby, shall mark on such copy the date of such service and enter a note thereof on the land register, and no disposition of the interest pursuant to such writ, judgment, decree or order shall be effected until the note has been so entered.

(2) After the interest has been dealt with pursuant to any such writ, judgment, decree or order, the Registrar shall, on lodgement of an instrument effecting the dealings in the appropriate form, register such instrument if lodged within a period of three months from the date of service of the copy on the Registrar, in which case no other instrument disposing of the interest and lodged after the service of the copy but before the lodgement of the first-mentioned instrument shall be registered or be deemed to be lodged for registration; but if no such instrument is lodged within the period of three months the writ, judgment, decree or order shall cease to affect the interest.

(3) On the registration of a transfer by way of sale pursuant to the provisions of subsection (2) the purchaser shall become the transferee and registered owner of the interest in all respects as if the transfer were a transfer for value by the registered owner.

(4) Upon proof to the Registrar of the satisfaction of any writ, judgment, decree or order a copy whereof has been served as aforesaid he shall make an entry on the land register to that effect, whereupon such writ, judgment, decree or order shall cease to affect the interest concerned.

(5) Save as in this section provided no execution or pending action shall affect any registered interest.

### **Vesting orders and instruments**

**219.** No vesting order made by any court, and no instrument effecting a change in trusteeship, shall have any effect in transferring or otherwise vesting any registered interest until the same has been registered.

## **PART XXII CAVEATS**

### **Lodging of caveats**

**220.-** (1) Any person who-

- (a) claims an interest in registered land;
- (b) claims a benefit under a trust affecting a registered interest;
- (c) claims an interest in registered land under an unregistered instrument;
- (d) claims a licence affecting a registered interest; or
- (e) has presented a bankruptcy or winding-up petition against the owner of a registered interest,

or the agent of any such person, may lodge with the Registrar a caveat in the prescribed form forbidding the registration of any person as transferee of, or of any instrument affecting, that interest, either absolutely or conditionally, and may at any time withdraw the caveat.

(2) A note of every caveat shall be entered on the register and the Registrar shall take such steps as he thinks fit to bring the caveat to the notice of the registered owners of interests affected by it.

(3) Every caveat shall specify an address in Solomon Islands, and the caveator may at any time prior to the receipt by the Registrar of an application for the removal of the caveat under section 223, by notice in writing to the Registrar, appoint an address in Solomon Islands in lieu of the address specified in the caveat, whereat notices relating to the caveat or proceedings in respect thereof may be served on the caveator.

(4) Every notice relating to any caveat and any proceedings in respect thereof shall be deemed to be duly served if served at the address in Solomon Islands specified under subsection (3).

### **Effect of caveat**

**221.** So long as any caveat remains in force the Registrar shall not, except in accordance with the provisions of the caveat or with the consent in writing of the caveator or his agent, enter on the land register any change in ownership (except a transmission under sections 209, 210 or 211) of or any dealing (except a dealing which is shown to the satisfaction of the Registrar not to be to the prejudice of the person for whose protection the caveat has been lodged) affecting the interest or licence in respect of which the caveat is lodged; but no instrument already lodged and acceptable for registration shall be affected by any caveat lodged subsequently.

### **Registrar's caveat**

**222.** The Registrar may enter a caveat to prohibit any transfer or dealing with any interest belonging or supposed to belong to a person under a disability or absent from Solomon Islands, or to prohibit dealings with any interest in any case in which it appears that an error has been made in the register or any instrument, or to prevent any fraud or improper dealing.

### **Duration of caveats**

**223.**-(1) Subject to the provisions of this section, a caveat, other than a caveat entered by the Registrar or lodged by the Commissioner, shall lapse, as to any interest affected by any transfer or other dealing, except -

- (a) a transmission under sections 209, 210 or 211;

(b) a transfer or dealing to which the caveator or his agent has lodge with the Registrar his consent in writing;

(c) a transfer or dealing which is shown to the satisfaction of the Registrar not to be to the prejudice of the person for whose protection the caveat has been lodged,

upon the expiration of thirty days after notice given by the Registrar to the caveator that a transfer or dealing has been lodged for registration, which notice shall be given whenever any transfer or dealing whatsoever is lodged.

(2) Notwithstanding the provisions of subsection (1), but subject to the provisions of subsection (6), the Registrar may at any time and from time to time and on such conditions as he deems fit extend the operation of a caveat or revive a lapsed caveat; and if the caveator serves upon the Registrar a certified copy of pending Court proceedings the Registrar shall extend the operation of the caveat until the outcome of those proceedings.

(3) If a caveator dies the caveat may be withdrawn, or a consent to registration under subsection (1) (b) may be given by his personal representative, or if there is no such representative, by any person who appears to the Registrar to be properly entitled to the interest claimed by the caveator, subject, if the Registrar so requires, to his receiving satisfactory indemnity against claims against him or the Government arising out of his acceptance of the withdrawal or consent so given.

(4) Any person adversely affected by any caveat may apply to the Registrar for the removal of the caveat.

(5) The Registrar on his own motion may, or on the application of any interested person shall, give notice to a caveator requiring him to withdraw his caveat or to substantiate his claim, and if the caveator does not comply with the notice, within thirty days or within the said period file with the Registrar a certified copy of pending Court proceedings the Registrar shall remove the caveat from the land register.

(6) A caveat which has been removed in pursuance of subsection (5) shall not be renewed by or on behalf of the same person in respect of the same claim.

(7) Any person lodging any caveat with the Registrar or allowing any caveat to remain without reasonable cause shall be liable to pay such compensation as the High Court thinks just to any person who sustains damage or who has incurred costs or expenses thereby.

(8) In this section, the expression "pending Court proceedings" means pending proceedings in the High Court as a result of which the validity or invalidity of the claim of the caveator appears likely to be determined.

## **PART XXIII PRESCRIPTION**

### **Acquisition of land by prescription**

*11 of 1977, s.2*

**224-**(1) The ownership of an estate or a registered lease may be acquired, subject to Part VII, against the person registered as the owner of the estate or the lease, as the case may be, by peaceable, overt and uninterrupted adverse possession of the land comprised in the estate or lease for a period of twelve years:

Provided that -

(a) the interest acquired in the land by virtue of this section shall be the owner against whom the adverse possession occurs; and

(b) no person shall so acquire the ownership of any estate or lease in any land vested in or owed by the Commissioner or a local authority.

(2). Any person claiming to have acquired an estate or lease by virtue of the provisions of the sub-section (1) may, after having advertised or given notice in such manner as the High Court may direct, apply to High Court for an order that he be registered as the owner thereof.

### **Principles of adverse possession**

**225.-** (1) For the purpose of section 224 -

(a) possession of land shall be adverse possession when it is possessed by a person, not being the owner, without the permission of the person lawfully entitled to possession and accordingly possession by a person of land comprised in a lease without the permission of the owner of the lease shall be adverse possession against that owner but not against the owner of estate or lease from whom the owner of the lease derives title;

(b) where land is subject to a lease the receipt of the rent and profits of the land by any person who is not the lessor for the time being or a person authorised by him shall be deemed to be adverse possession against the lessor; and

(c) possession of a claimant shall not qualify as adverse possession unless it is possession of the claimant in person or is deemed to have been such possession by the following provisions in this section.

(2) Where it is shown that a person has been in possession of land, or in receipt of the rents or profits thereof at a certain date and is still in possession or receipt thereof, it shall be presumed that he has, from that date, been in continuous possession of the land or in continuous receipt of the rents or profits until the contrary is shown.

(3) Possession of land or receipt of the rents or profits thereof by any person through whom a claimant derives his title shall be deemed to have been possession or receipt of the rents or profits by the claimants.

(4) Adverse possession by a succession of persons not claiming through one another shall not be deemed to be uninterrupted adverse possession within the meaning of section 224.

(5) Where from the relationship of the parties or from other special cause it appears that the person in possession of land is or was in possession on behalf of another, his possession shall be deemed to be or to have been the possession of that other.

(6) If a person whose possession of land is subject to conditions imposed by or on behalf of the owner of an estate therein or lease thereof continues in such possession after the expiry of the term during which such conditions subsist without fulfilling or complying with such condition and without any exercise by the owner of his right to the land, such subsequent possession shall be deemed to be peaceable, overt and uninterrupted adverse possession for the purpose of section 224.

(7) For the purpose of sub-section (6) -

(a) a tenancy at will shall be deemed to have determined at the expiration of a period of one year from the commencement thereof unless it has been previously determined;

(b) a tenancy from year to year or other period shall be deemed to have been determined at the expiration of the first year or other period.

Provided that where any rent has been subsequently paid in respect of the tenancy, it shall be deemed to have determined at the expiration of the period for which the rent has been paid.

(8) Possession shall be interrupted -

(a) by physical entry upon the land by any person claiming it in opposition to the person in possession with the intention of causing interruption if the possessor thereby loses possession;

(b) by the institution of legal proceedings by the owner of the estate or lease to assert his right thereto; or

(c) by any acknowledgment made by the person in possession of the land to any person claiming to be the owner of an estate therein or lease thereof that such claim is admitted.

(9) No person possessing land in a fiduciary capacity on behalf of another shall acquire by prescription any title to the land as against such other.

### **Acquisition of easements and profits by prescription**

**226.-** (1) Easements and profits may be acquired by peaceable, overt and uninterrupted enjoyment thereof for a period of twelve years:

Provided that no easement or profit -

(i) may be acquired over or in an interest which is vested in the Commissioner or a local authority;



(ii) shall be so acquired over or in an estate or lease, or freehold or leasehold interest (within the meaning of section 9 (1)) unless the owner thereof is, or by reasonable diligence might have been, aware of such enjoyment and might by his own efforts have prevented it; and  
(iii) shall be so acquired over or in an estate or lease, or freehold or leasehold interest as aforesaid, where the easement or profit has been enjoyed with the permission of the owner of the estate, lease, freehold or leasehold interest, as the case may be.

(2) Any person claiming to have acquired any easement or profit by virtue of subsection (1) may, after having advertised or given notice in such manner as the High Court may direct, apply to the High Court:-

(a) where the land burdened by the easement or profit is unregistered land, for a declaration that he is entitled to the easement or profit; and

(b) where the land burdened by the easement or profit is registered land, for an order that a record thereof be entered in the register in respect of any estate or lease affected thereby.

### **Transitional provisions relating to prescription**

**227.-** (1) Where an estate or registered lease takes effect under Part III, adverse possession prior to the date on which the estate or registered lease so took effect, of the land comprised in the estate or registered lease, shall, for the purposes of this Part, be deemed to be adverse possession of the land comprised in the estate or registered lease.

(2) In ascertaining the aggregate period of adverse possession under this Part -

(a) where any period of uninterrupted adverse possession commenced on or after the 1st February 1963, but before the 3rd August 1965, the period of adverse possession shall be deemed to have commenced on the 3<sup>rd</sup> August 1965; and

(b) where any period of uninterrupted adverse possession commenced before the 1st February 1963, and was not interrupted prior to the 3rd August 1965, it shall be deemed to have continued uninterrupted during the period which commenced on the 1st February 1963, and ended on 3rd August 1965, but that period shall not be taken into account for the purpose of calculating the aggregate period of adverse possession.

## **PART XXIV RECTIFICATION OF LAND REGISTER, INDEMNITY AND REGISTRAR'S POWERS**

### **Rectification by Registrar**

**228.-** (1) If it appears to the Registrar that any register does not truly declare the actual interest to which any person is entitled under this Act or is in some other respect erroneous or imperfect, the Registrar, after taking such steps as he thinks fit to bring to the notice of any person shown by the land register to be interested his intention so to do, and giving every such person an opportunity to be heard, may, subject to section 229(2) (which shall apply as if it appeared in this section), as from such date as he thinks fit, rectify the register:

Provided that it shall not be necessary for the Registrar to take, steps to bring the rectification to the notice of any person shown by the land register to be interested nor to give such person an opportunity to be heard, in formal matters and in the case of errors and omissions not materially affecting the interests of any owner.

(2) Upon the written application of any owner accompanied by such evidence as the Registrar may require, the change of name or of address of that owner shall be recorded in the register.

(3) Subject to subsection (4), if for any reason it appears to the Registrar that in respect of any of such fixed-term estates specified in the Schedule and registered between the 14th August 1985 and the 12th December 1985 the grant of such fixed-term estate ought not to have been registered, the Registrar may rectify the register as from the date the grant of the fixed-term estate was registered by cancelling such registration.

*19 of 1988, s.2*

(4) The Registrar shall not rectify the register as provided for in subsection (3) unless the Registrar-

*19 of 1988, s.2*

(a) has brought to the notice of the person who has been registered as owner of the estate the Registrar's intention to rectify the register and the reason for which such rectification is intended to be made; and

(b) has given that person an opportunity to be heard as to why a register should be rectified.

(5) Where the Registrar rectifies the register under subsection 3, the person who has been registered as owner of the estate-

*19 of 1988, s.2*

(a) shall account for and pay to the Commissioner any moneys received by him from another person as premium and rent for the occupation of the estate by that other person during the period that he has been registered as owner of the estate;

(b) shall pay rent to the Commissioner in respect of the occupation of the estate, either by himself or by another person on his behalf, during the period that he has been registered as owner of the estate; and

(c) shall not be entitled to charge rent to the Commissioner or a public officer in respect of the occupation of the estate by the public officer during the period that the person has been registered as owner of the estate.

(6) The Registrar shall rectify the register to give effect to an order of rectification of the land register made by the High Court.

### **Rectification by the Court**

**229.-** (1) Subject to subsection (2), the High Court may order rectification of the land register by directing that any registration be cancelled or amended where it is so empowered by this Act, or where it is satisfied that any registration has been obtained, made or omitted by fraud or mistake.

(2) The land register shall not be rectified so as to affect the title of an owner who is in possession and acquired the interest for valuable consideration, unless such owner had knowledge of the omission, fraud or mistake in consequence of which the rectification is sought, or caused such omission, fraud or mistake or substantially contributed to it by his act, neglect or default.

### **Indemnity**

**230.-** (1) Subject to the provisions of this Act and of any written law relating to the limitation of actions, any person suffering damage by reason of-

- (a) any rectification of the land register under this Act;
- (b) any mistake or omission in the land register which cannot be rectified under this Act;
- (c) any error in a copy of or extract from the land register or copy of or extract from any document or plan in each case certified under this Act; or
- (d) the loss or destruction of any document lodged with the Registrar for registration or inspection,

shall be entitled to be indemnified by the Government

(2) No indemnity shall be payable under this section -

- (a) to any person who has himself caused or substantially contributed to the damage by his fraud or negligence, or who derives title, otherwise than under a registered disposition made bona fide for valuable consideration, from a person who so caused or substantially contributed to the damage.
- (b) in respect of any loss or damage occasioned by the breach of any trust;
- (c) in respect of any damage arising out of any matter into which the Registrar is exonerated from enquiry under section 119; and
- (d) unless action is commenced or application is made to the Registrar under subsection (3) within six years from the date on which the person bringing the action or making the application (or if the right to indemnity first accrued to some other person through whom he claims, that other person) discovered the facts on which the claim is based, or could with reasonable diligence have discovered them:  
*18 of 1972, s.13.*

Provided that where a person entitled to bring such an action or make such an application was at any time within the said period of six years under a disability by reason of being a minor or of unsound mind, the time during which he was under such disability shall not be taken into account in calculating that period.

(3) The Registrar may, on the application of an interested party, determine whether a right to indemnity has arisen under this section and, if so, award indemnity, and may add thereto any costs and expenses properly incurred in relation to the matter.

(4) Every award of indemnity shall interest thereon at five *per centum* per annum from the date of the award up to the date of payment

(5) Where an indemnity is in respect of the loss of any interest in the land it shall not exceed -

(a) where the register is not rectified, the value of the interest at the time when the mistake or omission which caused the damage was made; or

(b) where the register is rectified, the value of the interest immediately before the time of rectification.

(6) Where any moneys are paid by way of indemnity under this section, the Registrar may recover by action before the High Court, the amount so paid, or such lesser amount as the Court thinks fit, from any person who has caused or substantially contributed to the loss by his fault or negligence or may enforce any express or implied agreement or other right which the person who is indemnified would have been entitled to enforce in relation to the matter in respect of which the indemnity has been paid.

### **Errors in survey**

**231.-** (1) As between the Government and any person registered as the owner of an interest in land, no claim to indemnity shall arise and no suit shall be maintained on account of any surplus or deficiency in the area or measurement of that land disclosed by a survey showing an area or measurement differing from the area or measurement is closed on any subsequent survey or from the area or measurement shown in the land register, on the registry map or on any filed plan.

(2) As between such a person so registered and any person from or through whom he has acquired the interest, no claim to indemnity shall be maintainable on account of any surplus or deficiency in the area or measurement above or below that shown in any other survey or above or below the area or measurement shown in the land register, on the registry map or on any filed plan, after a period of six months from the date of registration of the instrument under which such person so registered acquired the interest.

### **Registrar's powers**

**232.-** (1) The Registrar may, for the purposes of this Act-

(a) require any person, within such reasonable time as he may specify, to produce any document, make a statutory declaration or give any information upon oath or affirmation or otherwise relating to land or to an interest, and for any of the foregoing purposes may require any person to attend before him, and may administer oaths and take affirmations and statutory declarations;

(b) at his discretion dispense with the production of any signature or the supply of any information or any advertisement or notice;

(c) make or delete all such entries upon or from the land register or any instrument, map, plan or other document as are necessary by reason of the operation of this or any other written law;

(d) order that the costs of or incidental to any proceedings before him or before the Commissioner, a Provincial Secretary or an Adjudication Officer on reference by him under the provisions of paragraphs (c) or (f) of section 18 (2) incurred by the Registrar or by any person shall be paid by any party to the proceedings and may settle the amount of any costs to be paid under any such order or direct in which manner they are to be taxed, and, subject to

section 233, any costs so ordered to be paid, or ordered by the High Court to be paid, may, without prejudice to any other means of recovery or enforcement, be sued for and recovered as a civil debt; and

*LN 88 of 1978*

(e) retain any documents produced to him.

(2) The Registrar may, in connection with the exercise of his powers under this Act, state any case or reserve any question for consideration by the High Court, and the Court shall thereupon have power to hear and determine the case or question.

### **Appeals against Registrar**

**233.** Any person aggrieved by a decision of the Registrar given in pursuance of his powers under this Act may, within six months of the decision, appeal to the High Court, which may confirm, quash or vary the decision as it thinks just and may under section 229 order rectification of the land register:

Provided that no appeal shall lie under this section in any case where the decision of the Registrar has been given in conformity with the determination by the Court of a case or question stated or reserved by him in connection with the same matter for its consideration under section 232(2).

## **PART XXV SURVEY**

### **Power to enter and survey**

**234.** Any Surveyor may at any reasonable time enter upon any land which he is required to mark out or survey for any purpose, and upon any neighbouring land, and may make all such enquiries as may be necessary, and may affix or set up any boundary mark in or upon such land and dig up any ground for the purpose of so doing, and may cut down and remove any timber or other growth which may obstruct any survey line or any boundary; but he shall do as little damage as possible to the land or any property thereon.

### **Power to require clearance of survey lines**

**235.**-(1) Any Surveyor may cause a notice to be served upon -

- (a) the owner of an interest in any parcel the subject of investigation of title under Part III; or
- (b) the owner of an interest in any parcel in a settlement area,

requiring him to clear any boundary line of such parcel.

(2) If any person on whom such a notice has been served fails to comply therewith, the Surveyor may cause to be performed the work specified in the notice which has not been performed, and such Surveyor, or the Surveyor-General if such Surveyor is a public officer, may by action in any court recover the reasonable cost of so doing from the person so in

default.

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### **Repair or replacement of boundary marks**

*LN 88 of 1978*

**236.-** (1) Whenever a Surveyor becomes aware that any boundary mark, trigonometrical station or other survey mark has been damaged, destroyed or removed or has fallen into disrepair, he shall report the fact to the Surveyor-General, and shall if so authorised by the Surveyor-General cause the mark or station to be repaired or replaced as the case may require.

(2) The Surveyor-General may by action in any court recover the cost of marking out the boundaries of any land or of affixing, setting up, repairing or replacing any such mark or station on any land from the owner of the estate in or lease of the land.

### **Removal of boundary marks**

*LN 88 of 1978*

**237.-** (1) Any person who desires the temporary or permanent removal of any boundary mark, trigonometrical station or other survey mark may apply therefore in writing to the Surveyor-General setting forth his reasons for such application, and the Surveyor-General may, if he thinks fit, remove the mark or station and, in the case of a temporary removal, restore or replace it in due course.

(2) The Surveyor-General may recover by action in any court the expenses incurred in acting upon any such application from the person making it.

### **Compensation**

*LN 88 of 1978*

**238.-** (1) If, in the exercise by a Surveyor of the powers conferred by the preceding sections of this Part, any damage is caused to any buildings, fences, trees or crops lawfully erected or planted or to any movable property, such damage shall be made good or compensation thereof shall be paid to the owner thereof by the Surveyor-General in any case in which the Surveyor was a public officer and in all other cases by the Surveyor.

(2) Any dispute as to the making good of such damage or the amount of compensation payable under subsection (1) shall, unless the parties otherwise agree, be referred to and settled by a court.

## **PART XXVI CUSTOMARY LAND**

### **Customary land**

**239.-** (1) The manner of holding, occupying, using, enjoying and disposing of customary land shall be in accordance with the current customary usage applicable thereto, and all questions relating thereto shall be determined accordingly.

(2) For the purpose of ascertaining any current customary usage, a court required to determine a question in accordance therewith may refer to any books, treatises, reports (whether published or not), or other works of reference, and may accept any matter or thing stated therein as prima facie evidence of the usage in question unless and until the contrary is proved.

### **Dealings in customary land**

**240.** Subject to the provisions of this Act, every transaction or disposition of or affecting interests in customary land shall be made or effected according to the current customary usage applicable to the land concerned.

### **Restrictions on disposition of customary land**

**241.**-(1) Except to the extent to which the contrary is expressly provided in this Act, no person other than a Solomon Islander may hold or enjoy any interest of whatsoever nature in or over or affecting customary land.

(2) Nothing in subsection (1) shall affect the acquisition or enjoyment of any interest in customary land by a person, not being a Solomon Islander, who-

(a) is or has been married, whether according to current customary usage or otherwise, to a Solomon Islander, and who according to current customary usage becomes entitled to acquire or enjoy the interest in question in right of his being or having been so married; or

(b) acquires or becomes entitled to enjoy such interest by inheritance according to current customary usage.

(3) Every contract, agreement or arrangement made or entered into, orally or in writing, whether before or after the commencement of this Act, shall, so far as it has or purports to have the purpose or effect of in any way, directly or indirectly, defeating, evading or preventing the operation of subsection (1), be utterly void and of no effect; and the Commissioner may in his discretion institute proceedings in the High Court against any person for a declaration that any such alleged contract, agreement or arrangement is void and of no effect, and in any such proceedings the Court may make such declaration and such further or other order as may appear to it expedient for giving effect to subsection (1).

### **Declaration of land as customary land**

*11 of 1977, s.13*

**242.** The Commissioner may by declaration to be published in the Gazette declare any land held in his name free from any encumbrances to be customary land and shall in the case of registered land notify the Registrar who will thereupon remove any such land from the register.

## **PART XXVII OFFENCES**

### **Trespass**

**243.-** (1) Any person who, without lawful excuse, occupies or asserts any right or privilege over any land comprised in a freehold or leasehold interest in land as defined in section 9(1), or in an estate or lease vested in the Commissioner, shall be guilty of an offence and liable to a fine of fifty dollars.

(2) Any person, other than a Solomon Islander, who without lawful excuse, occupies or asserts any right or privilege over any customary land, shall be guilty of an offence and liable to a fine of fifty dollars.

(3) Any court which has recorded a conviction under subsections (1) or (2) shall, upon the application of the prosecutor, issue a warrant, addressed to all police officers requiring them forthwith to remove from the land the person convicted, together with any movable property belonging to him found thereon, and any police officer into whose hands the warrant may come shall forthwith proceed to carry it into execution.

(4) Any court which has recorded a conviction under subsections (1) or (2) may, upon the application of the prosecutor, enquire into and assess any damage caused to the land or to any property, movable or immovable, on the land by the commission of the offence, and may, in addition to imposing a penalty for the offence, order the offender to pay the amount of the damage as so assessed together with a specified amount in respect of the expenses incurred in making any survey which in the opinion of the court was necessary to establish the offence or the extent of such damage, to the person entitled thereto, and the order may, in addition to any other mode of enforcement, be enforced in the same manner as the payment of a fine.

(5) An application under subsections (3) or (4) may be made, without further process, before the court recording the conviction adjourns, but if not so made shall be made by summons returnable in the court recording the conviction, in which event the court shall before making any order require proof of the service of the summons upon the person convicted.

### **Obstruction, of Surveyor, etc**

**244.-** (1) Any person who -

(a) without lawful excuse obstructs or hinders any Surveyor in the execution of the powers conferred upon him by section 234;

(b) having been served with a notice under section 235, without lawful excuse fails to comply therewith; or

(c) without lawful authority defaces, obliterates, moves, damages, destroys, impairs or renders useless any boundary mark, trigonometrical station or other survey mark,

shall be guilty of an offence and liable to a fine of fifty dollars or to imprisonment for a term of two months or to both such fine and such imprisonment.

(2) Where a person is charged with an offence under subsection (1)(a), the fact, if proved, that



at the time of committing the alleged offence he did not know and had no reason to believe that the person purporting to execute the powers or making the requirement, as the case may be, was a Surveyor shall be a lawful excuse; and if evidence of that fact be given, it may be rebutted by proof that at or immediately before the time when the alleged offence was committed, the Surveyor produced to the person charged reasonable evidence of his registration or appointment as a Surveyor.

(3) A court recording a conviction under subsection (1)(c) may, upon the application of the prosecutor, enquire into and assess the cost of making good the damage caused by the commission of the offence, and may, in addition to imposing a penalty for the offence, order the offender to pay to the Surveyor-General the cost as so assessed, together with a specified amount in respect of the expenses incurred in making any survey which in the opinion of the court was necessary to establish the offence or the extent of such damage, and the order may, in addition to any other mode of enforcement, be enforced in the same manner as the payment of a fine; and an application under this subsection may be made, without further process, before the court recording the conviction adjourns, but if not so made shall be made by summons returnable in the court recording the conviction, in which event the court shall before making any order require proof of the service of the summons upon the person convicted.

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(4) On the trial of an offence under subsection (1) (b), the court shall enquire whether any action has been taken under section 235(2), and, if so, whether any judgment given therein has been satisfied in whole or in part; and the court shall -

(a) if it is shown that any such judgment has been wholly satisfied, dismiss the charge; or  
(b) in any other case in which it proceeds to conviction, if it is shown that any such judgment has been partly satisfied, take that matter into consideration when deciding upon the penalty for the offence.

(5) After a conviction for an offence under subsection (1) (b) has been recorded, no action shall be commenced or, if an action has already been commenced, no judgment shall be given therein, under section 235(2) in respect of the same matter.

## **General; Offences**

**245.** Any person who -

(a) knowingly misleads or deceives any person authorised by or under this Act to require information in respect of any land or interest in land;  
(b) fraudulently issues or makes or fraudulently procures the issue or making of, any instrument, map, plan or other document relating to any interest in land or any matter or thing under this Act, or any registration, or any erasure or alteration in any instrument, map, plan or other document as aforesaid or in any register;  
(c) fraudulently uses, assists in fraudulently using or is privy to the fraudulent use of any instrument, map, plan or other document or form purporting to be issued or authorised by the Registrar; or

(d) causes any defacement, obliteration, mutilation or unauthorised entry or alteration to be made on or in any register or in the registry map or in any filed instrument, plan or other document,

shall be guilty of an offence and liable to a fine of four hundred dollars or to imprisonment for one year or to both such fine and such imprisonment.

### **Contempt of the Registrar**

**246.**-(1) Any person who, upon being required by the Registrar under the powers conferred by this Act to attend before the Registrar or to produce any document or to make any statutory declaration or to give any information on oath or otherwise or to do any other thing, within a specified time, neglects or refuses without reasonable cause so to do, shall be guilty of an offence and liable to a fine of fifty dollars.

(2) No prosecution under this section shall be instituted without the written consent of the Director of Public Prosecutions.

### **Offences under Part XIV**

*24 of 1979, s.8*

**247.**- (1) Any person who fails to comply with the provisions of Part XIV shall be guilty of an offence and liable to a fine not exceeding one thousand dollars.

(2) Any proceedings for an offence under this section which is committed outside Solomon Islands may be instituted, tried or determined at any place in Solomon Islands

## **PART XXVIII MISCELLANEOUS**

### **Licences by Commissioner**

*LN 88 of 1978*

**248.**- (1) A licence to occupy any public land may be granted by the Commissioner, upon such terms and conditions as he may see fit to impose, and shall be for a period not exceeding three years:

Provided that where the land concerned was compulsorily acquired under Division 2 of Part V, no licence as aforesaid shall be granted without the prior written consent of the Minister.

(2) Any provision in any licence issued under the preceding subsection which, but for this subsection, operates, or is intended to operate, to confer upon the licensee a right to obtain a renewal of the licence, shall be void and of no effect.

### ***Signification of Minister's power's under certificates of occupation***

*18 of 1972, s. 15.*

*LN 88 of 1978*

**249.** Where any certificate of occupation granted before the commencement of this Act confers any power, imposes any duty or otherwise vests any function in the Minister, the exercise of such power, performance of such duty or discharge of such function may be signified under the hand of the Commissioner.

**Preservation orders for places of public interest**

*LN 88 of 1978*

**250.-** (1) Whenever the Minister is of opinion that the preservation of any land is a matter of public interest, by reason of the historic, architectural, traditional, artistic, archaeological, botanical or religious interest attaching thereto he may make a preservation order placing the land under his protection.

(2) A preservation order shall -

(a) specify the land to which it applies;

(b) prohibit the doing of all such acts, being acts the doing of which would, in the opinion of the Minister, be or tend to the injury of the public interest by reason of any of the aforesaid matters, on or affecting the land as may be specified.

(3) As soon as may be after a preservation order has been made, the Commissioner shall-

(a) cause notices thereof, in the prescribed form, to be posted in prominent positions on or near to the boundaries of the land concerned;

(b) take such other steps as may, in his opinion be necessary or expedient to bring the order to the notice of all persons who may be affected by it.

(4) Any person may submit to the Minister a petition in writing praying that a preservation order be varied or revoked.

(5) It shall be the duty of the Provincial Secretary to assist any person requesting him to do so to draw up and submit a petition under subsection (4); but a failure by him to perform such duty shall not give rise to any cause of action.

(6) The Minister may, after receiving a petition under subsection (4), make or cause to be made such enquiries with respect to any matter appearing to him to arise therefrom as he thinks fit; and, after considering the petition and the information resulting from such enquiries (if any) he may vary or revoke the order as he thinks fit.

(7) The Minister may, from time to time vary or revoke any preservation order made by him.

(8) A preservation order shall remain in force until revoked by a further order made by the Minister.

(9) The Commissioner shall furnish to the Registrar a copy of every preservation order together with such other information thereof as may be requisite, and in relation to registered land the Registrar shall enter the effect of every such order on the land register.

(10) Any person who contravenes a preservation order shall be guilty of an offence and liable to a fine of one hundred dollars or to imprisonment for three months or to both such fine and such imprisonment.

### **Presumption as to age**

**251.** The parties to any transaction effecting or concerning an interest shall, until the contrary is proved, be presumed to be of the age of twenty-one years or more at the date thereof.

### **Service of notices**

*LN 88 of 1978*

**252.-** (1) Any notice required or authorised to be served by or under this Act upon any person shall be in writing.

(2) The notice may be delivered to the person personally.

(3) If the address of the person in Solomon Islands be known and there be postal communication with that place, notice may be served by posting it by registered letter addressed to the person at the said address, and, unless the letter be returned to the sender as undelivered, the notice shall be deemed to have been served at the time when it ought, in due course of post, to have been delivered at the address to which it was sent.

(4) If the person be absent from Solomon Islands, the notice may be served upon his agent in Solomon Islands, and if the person be dead, the notice may be served upon his personal representative.

(5) If it is impracticable to serve notice in any of the manners specified in subsections (2) to (4), the notice may be served in such manner as may be directed by an order of any court.

(6) Notwithstanding anything in subsections (1) to (5) -

(a) it shall be the duty of any person seeking to serve the notice to do everything reasonably practicable to ensure that the contents of the notice come to the knowledge of the person affected thereby; and

(b) any court may in any case make an order directing the manner in which any notice is to be served or dispensing with the service thereof.

### **Cases not provided for**

**253.-** (1) Any question connected with or incidental to any of the provisions or purposes of this Act arising before the High Court which is not expressly or impliedly provided for in this Act or any other written law shall be determined by the Court either by way of analogy to the provisions of this Act, or if in the opinion of the Court no such analogy appears to exist, so far as may be possible in conformity with the general tenor of this Act, and in either case without recourse, so far as possible, to the legal rules, principles, or decisions obtaining in any other state or country.

(2) But, for the avoidance of doubt, it is hereby declared that nothing in subsection (1) shall

prevent the application, in the determination of any question relating to interests in land which is not expressly or impliedly provided for in this Act or any other written law, of the general rules of law applicable to any of the following matters, that is to say-

- (a) trusts and trustees;
- (b) wills;
- (c) executors and administrators;
- (d) the administration of the estates of deceased persons;
- (e) bankruptcy, and the administration of the estates of persons who have committed an act of bankruptcy;
- (f) incapacity by reason of age, and the guardianship of persons who have not attained full age; and
- (g) incapacity by reason of mental infirmity, and the administration of the estates of persons who are so incapable.

### **Jurisdiction of local courts**

*9 of 1985, s.4 Cap. 19*

**254.-** (1) A local court shall, subject to the provisions of this section, sections 12, 13 and 14 of the Local Courts Act, have exclusive jurisdiction in all matters and proceedings of a civil nature affecting or arising in connection with customary land other than -

- (a) any such matter or proceeding for the determination of which some other provision is expressly made by this Act; and
- (b) any matter or proceeding involving a determination whether any land is or is not customary land.

(2) A local court shall have jurisdiction to hear and determine any matter or proceeding of a civil nature referred to it by the High Court or a customary land appeal court under this Act.  
*18 of 1972, s.16*

(3) The decision of a local court given in exercise of its jurisdiction under this section shall be final and conclusive, and shall not be questioned in any proceedings whatsoever save an appeal under section 256.  
*18 of 1972, s.16*

(4) The provisions of this section shall have effect notwithstanding anything contained in any other law, other than sections 12, 13 and 14 of the Local Courts Act, or in any warrant establishing any local court.  
*18 of 1972, s.16 & 9 of 1985, s. 4 Cap 19*

(5) Nothing in the foregoing provisions of this section shall operate to confer or be construed as conferring, upon a local court any jurisdiction over any person who by reason of his status would not, apart from those provisions, be subject to the jurisdiction of a local court, except with the consent of such person.

### **Customary land appeal courts**

*18 of 1972, s.17 & 8 of 1974, Sched & LN 88 of 1978*

**255.**-(1) The Chief Justice may by warrant establish in Solomon Islands such customary land appeal courts as he shall think fit which shall have jurisdiction over the area or areas of such local court or courts as the Chief Justice may in the warrant, or by order provide.

(2) A customary land appeal court shall consist of a President, Vice-President and not less than three other members of whom at least one shall be a Magistrate, all of whom shall be appointed by the Chief Justice in his discretion for such periods as he shall at the time of appointment specify.

(3) The Chief Justice in his discretion may suspend for such period as he thinks fit or may remove or dismiss any member of a customary land appeal court who shall appear to have abused his power or to be unworthy or incapable of exercising his powers justly or for other sufficient reasons.

(4) A customary land appeal court shall have and may exercise all the powers of a local court.

(5) A quorum of a customary land appeal court shall be five members of whom at least one shall be a Magistrate.

(6) No legal practitioner shall be permitted to appear before a customary land appeal court.

### **Appeals to and from customary land appeal courts**

*18 of 1972, s.17 & 24 of 1979, s.9 & 9 of 1985, s.4*

**256.**-(1) Any person aggrieved by any order or decision of a local court given in exercise of its jurisdiction under section 254 or section 13(d) or (e) of the Local Courts Act may, within three months from the date of such order or decision, appeal therefrom to the customary land appeal court having jurisdiction.

(2) On any appeal to it under subsection (1) a customary land appeal court may substitute for the decision appealed against, such decision, and may make such order, as to it may seem just.

(3) Any person aggrieved by any order or decision of a customary land appeal court may within three months from the date of such order or decision, appeal therefrom to the High Court on the ground that such decision or order is erroneous in point of law (which expression for this purpose shall not include a point of customary law) or on the ground of failure to comply with any procedural requirement of any written law.

(4) Any order or decision of the High Court, and, subject to subsection (3), of a customary land appeal court, in each case given in exercise of the jurisdiction conferred by this section, shall be final and conclusive and shall not be questioned in any proceedings whatsoever.

## **Jurisdiction of High Court**

**257.-** (1) Except as expressly provided in this Act, the High Court shall have exclusive jurisdiction in all matters and proceedings of a civil nature arising under this Act or involving its interpretation.

(2) If in any matter or proceeding before any court, person, body or tribunal, other than a local court exercising its jurisdiction under section 254, the matter or proceeding cannot be determined without deciding a question involving the interpretation of this Act, that court, person, body or tribunal may, and if requested by any party to the matter or proceeding shall, state the question in the form of a case for determination by the High Court and adjourn the matter or proceeding until the question shall have been determined.

(3) Except where otherwise expressly provided, a decision, whether given in an original proceeding or on appeal, of the High Court given in any matter or proceeding arising under this Act or involving its interpretation, shall, subject to the provisions of subsection (4), be final and conclusive and not subject to any appeal.

(4) Any person aggrieved by any such decision as is referred to in subsection (3), may, within three months after the issue of the decision, appeal to the Court of Appeal, if, and only if-  
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(a) the decision was not given by the Court in exercise of its jurisdiction under sections 19, 57, 66, 115(6) or 140(2); and

(b) some question other than a question of fact is raised by the appeal; and

(c) the person aggrieved obtains leave to appeal either from the High Court or from the Court of Appeal.

## **Attorney General may intervene**

**258.** The Attorney-General shall have the right to intervene and be heard in any matter or proceeding arising under this Act or involving its interpretation.

## **Fees**

**259.-** (1) There shall be payable in respect of registration, searches, surveys and survey plans, printed forms and all other matters connected with registration, such fees as shall from time to time be prescribed under this Act, and the Registrar may refuse registration until the fees are paid.

(2) The Registrar may act notwithstanding that the prescribed fee or any part thereof has not been paid, but the unpaid fee or part of a fee shall be recorded in the land register.

(3) The Registrar may refuse to register a disposition of any registered interest in land against which unpaid fees are recorded until such fees are paid.

(4) Unpaid fees payable to the Registrar shall constitute a civil debt recoverable by the Registrar in a court.

## **Regulations**

*LN 88 of 1978*

**260.-** (1) The Minister may make such regulations as may seem to him expedient for carrying into effect any of the purposes or provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing, such regulations may

-

(a) regulate the practice to be followed on any application made to, or in any proceedings before, the Commissioner, or the Registrar, or a Settlement Officer, or an Adjudication officer, or an Acquisition Officer, or a Provincial Secretary, or, after consultation with the Chief Justice, any court other than the High Court, under or arising out of this Act, and in particular make provision -

(i) as to the form in which any decision thereon or therein is to be given;

(ii) as to the fees chargeable in respect thereof;

(iii) as to the evidence which may be required or admitted thereon or therein;

(iv) as to the time within which any such application or proceedings shall be made or begun, if no such time is specified in this Act; and

(v) in relation to customary land appeal courts, as to the challenging of any member of a court by any party to proceedings before it, and as to the preservation and duplication of records and their inspection by the public;

*18 of 1972, s.8*

(b) prescribe what kind of evidence shall be required where any matter has to be proved to the Commissioner or to the Registrar;

(c) prescribe the manner in which any public auction of estates to be transferred or granted by the Commissioner shall be conducted;

(d) prescribe the manner in which any ballot or tender for the transfer or grant of estates by the Commissioner shall be conducted, or dealt with;

(e) determine the manner in which any premium or rent incident to an estate transferred or granted by the Commissioner shall be fixed;

(f) apply the provisions of this Act relating to the transmission of interests in or affecting land on death or bankruptcy to the case of the dissolution or liquidation of a corporation, with such adaptations as may seem requisite;

(g) prescribe the form of the land register;

(h) regulate the practice, and prescribe the duties, of the Commissioner and the Registrar and the other officers referred to in sections 3 and 6, and the fees and charges to be paid or made for any act, matter, or thing to be done or observed under this Act;

(i) prescribe forms to be followed in connection with any act, matter or transaction to be done or made under or in connection with this Act;

(j) appoint any specified public officers, or all public officers of any specified class or classes, as persons to whom any document or instrument which is required to be submitted to the Commissioner or the Registrar may be delivered, or through whom any document or instrument issued by the Commissioner or the Registrar may be transmitted;

(k) specify the persons, or class or classes of person, who shall be authorised officers for the purposes of this Act;

(l) provide for any proceedings or class of proceedings arising under this Act to be conducted wholly or partly in private;

(m) provide for the remission of any fees or charges;



(n) provide for the payment, to the owners of estates, or of any specified class of estates, of compensation for any buildings erected on or other improvements made to the land comprised in such estates during their subsistence; and  
 (o) prescribe any fee, rate, matter, or thing which is required or appears to be expedient, to be prescribed under or in connection with this Act.

**Crown to be bound**

**261.** This Act shall bind the Crown.

**Treaties to prevail in case of conflict**

**262.** Where there is any conflict between the provisions of this Act and the provisions of any treaty, convention, arrangement, or engagement with any foreign power, the latter shall prevail.

*19 of 1988*

**SCHEDULE**  
*(Section 228)*

PARCEL NUMBER	LOT NUMBER
191-006-60	Lot 38/III/H
191-006-61	" 39/III/H
191-012-13	" 607/III/H
191-012-50	" 765/III/H
191-012-51	" 793/III/H
191-012-56	" 676/III/H
191-013-9	" 495/III/H
191-013-73	" 666/III/H
191-013-76	" 669/III/H
191-013-77	" 670/III/H
191-013-112	" 593/III/H
191-013-114	" 595/III/H
191-014-56	" 753 & 805/III/H
191-014-68	" 800/III/H
191-014-79	" 504/III/H
191-014-81	" 506/III/H
191-014-91	" 835/III/H
191-014-96	" 503 & 809/III/H
191-015-53	" 777/III/H

191-018-45	" 270/I/H
191-018-106	" 702/I/H
191-018-112	" 708/I/H
191-018-113	" 709/I/H
191-018-115	" 711 /I/H
191-018-127	" 735/I/H
191-019-35	" 375/I/H
191-019-50	" 452/I/H
191-019-83	" 485/I/H
191-019-84	" 486/I/H
191-019-85	" 487/I/H
191-019-86	" 450/I/H
191-019-88	" 490/I/H
191-028-21	" 132/V/H
191-028-29	" 180/V/H
191-028-34	" 185/V/H
191-028-43	" 163/V/H
191-032-63	" 1457/VI/H
191-032-65	" 1459/VI/H
191-032-66	" 1460/VI/H
191-032-72	" 1466/VI/H
191-032-90	" 1484/VI/H
191-033-37	" 1161/VI/H
191-033-60	" 1187/VI/H
191-034-37	" 1100/VI/H
191-034-57	" 1130/VI/H
1 91-034-68	" 1398/VI/H
1 91-034-69	" 1399/VI/H
1 91-034-71	" 1401/VI/H
1 91-034-72	" 1402/VI/H
91-034-75	" 1405/VI/H
191-034-93	" 25/VIII/H
191-035-71	" 357/VI/H
191-035-140	" 1412/VI/H
191-035-143	" 1415/VI/H
191-035-156	" 1428/VI/H

191-035-170	" 1221/VI/H
191-035-171	" 1271/VI/H
191-036-60	" 1138/VI/H
191-036-61	" 1139/VI/H
191-036-71	" 1149/VI/H
191-036-72	" 1150/VI/H
191-036-90	" 1193/VI/H
191-036-941	" 1197/VI/H
191-037-23	" 1217/VI/H
191-038-50	" 467/VI/H
191-039-172	" 133/VIII/H
191-051-2	" 253/VI/H
191-051-3	" 254/VI/H
191-051-19	" 270/VI/H
191-051-21	" 272/VI/H
191-051-28	" 279/VI/H
191-051-29	" 280/VI/H
191-051-30	" 281/VI/H
191-051-48	" 299/VI/H
191-051-63	" 314/VI/H
191-051-66	" 17/VI/H
191-051-68	" 319/VI/H
191-051-70	"321/VI/H
191-051-74	"325/VI/H
191-051-75	"326/VI/H
191-051-80	"80/VI/H
191-051-87	"1201/VI/H
191-056-70	" 688/VI/H
191-056-106	" 725/VI/H
191-056-175	" 245/VI/H
191-056-177	" 1247/VI/H
191-056-178	" 1248/VI/H
191-056-185	" 1258/VI/H

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*Subsidiary Legislation*

*LN 81/1965*

**THE LAND REGISTRATION DISTRICT ORDER**  
(Section 86)

*[2<sup>nd</sup> April 1965]*

1. This Order may be cited as the Land Registration District Order.
2. The area of Solomon Islands is hereby constituted a land registration district for the purposes of the [Land and Titles Act](#).

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**DESIGNATION OF TOWN LANDS**  
(Section 135 (4))

*LN 68 /1966*

**THE TOWN LAND (GIZO) ORDER**

*[25th October 1966]*

1. This Order may be cited as the Town Land (Gizo) Order.
2. The area of land, the boundaries of which are specified in the Schedule hereto, is hereby designated as town land for the purposes of section 135(4) of [the Act](#).

**SCHEDULE**

Commencing at a point on high water mark which point is 26 feet away on a grid bearing of 242° 33' from a concrete mark reference grid Northing 29,869,221.11 feet Easting 854,097.83 feet; thence by a straight line grid bearing 62° 33' for an approximate distance of 4,064 feet to a point on high water mark at Gizo harbour; thence by a straight line grid bearing 0° 0' for an approximate distance of 217 feet to a point; thence by a straight line grid bearing 90° 0' for an approximate distance of 3,819 feet to a point; thence by a straight line grid bearing 180° 0' for an approximate distance of 1,630 feet to a point on high water mark; thence along the line of high water mark around the Eastern end of Gizo Island for an approximate distance of 9,440 feet to the point of commencement as is more particularly delineated and thereon edged green on Plan No. 1456 deposited in the office of the Surveyor-General, Honiara.

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*LN 119/1968*

## **THE TOWN LAND (LAMBETI) ORDER**

[19th January 1966]

1. This Order may be cited as the Town Land (Lambeti) Order.
2. The area of land, the boundaries of which are specified in the Schedule hereto, is hereby designated as town land for the purposes of section 135(4) of [the Act](#).

### **SCHEDULE**

Commencing at a marked point grid reference Easting 1,014,725.63 feet Northing 29,789,764.67 feet; thence by a straight line grid bearing 79° 0' 37" for a grid distance of 857.35 feet to a point; thence by a straight line grid bearing 171 ° 04' 43" for a grid distance of 1602.87 feet to a point on high water mark; thence by the line of high water mark in a general westerly direction for an approximate distance of 1750 feet to a point; thence by a straight line grid bearing 4° 01' 40" for a grid distance of 1065.65 feet to the point of commencement as is more particularly delineated and thereon edged green on Plan No. 1300 deposited in the office of the Surveyor-General, Honiara.

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## **THE TOWN LAND (MALU'U) ORDER**

LN 5/1971

[22nd January 1971]

1. This Order may be cited as the Town Land (Malu'u) Order.
2. The area of land, the boundaries of which are specified in the Schedule hereto, is hereby designated as town land for the purposes of [the Act](#).

### **SCHEDULE**

All those two parcels of land situate at Malu'u, North West Malaita, described as follows-

- (i) L.R. 299 in extent 1.221 hectares being registered land known as parcel No. 134-002-1 which is delineated and edged blue on Plan No. 1733 held in the office of the Surveyor-General, Honiara; and
- (ii) L.R. 462 in extent 31.368 hectares known as Malu'u District Station which is delineated and edged red on Plan No. 1733 held in the office of the Surveyor-General Honiara.

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## **THE TOWN LAND (TULAGI) ORDER**

LN 61/971

[22<sup>nd</sup> November 1973]

1. This Order may be cited as the Town Land (Tulagi) Order.
2. The area of land, the boundaries of which are specified in the Schedule hereto, is hereby designated as town land for the purposes of [the Act](#).

#### **SCHEDULE**

All those two parcels of land situated at Tulagi, Nggela, described as follows -

- (i) L.R. 298 in extent 197.16 hectares which is delineated and edged blue on Plan No. 1644A held in the office of the Surveyor-General, Honiara; and
- (ii) L.R. 634 in extent 71.66 hectares which is delineated and edged red on Plan No. 1644A held in the office of the Surveyor- General, Honiara.

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#### **THE TOWN LAND (AUKI) ORDER**

LN 82/1973

[2<sup>nd</sup> November 1973]

1. This Order may be cited as the Town Land (Auki) Order.
2. The area of land, the boundaries of which are specified in the Schedule hereto, is hereby designated as town land for the purposes of section 135(4) of [the Act](#).

#### **SCHEDULE**

All that parcel of land in extent 98.2 hectares the boundaries whereof are delineated and edged red on Plan No. 1982 held in the office of the Survey or General, Honiara.

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#### **THE TOWN LAND (HONIARA) ORDER**

LN 83/1973

[2<sup>nd</sup> November 1973]

1. This Order may be cited as the Town Land (Honiara) Order.

2. The area of land, the boundaries of which are specified in the Schedule hereto, is hereby designated as town land for the purposes of section 135(4) of the [Act](#).

### **SCHEDULE**

All that parcel of land in extent 3424.1 hectares the boundaries whereof are delineated and edged red on Plan No. 1982 held in the office of the Surveyor- General, Honiara.

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### **THE TOWN LAND (KIRA KIRA) ORDER**

*GN 147/1973*

*[7th September 1973]*

1. This Order may be cited as the Town Land (Kira Kira) Order.
2. The area of land, the boundaries of which are specified in the Schedule hereto, is hereby designated as town land for the purposes of [the Act](#).

### **SCHEDULE**

All that parcel of land situated at Kira Kira, San Cristobal Island in the Eastern District described as L.R. 301 and L.R. 301/1 in extent 19.66 hectares or thereabouts which is delineated and edged blue on Plan No. 1592 held in the office of the Surveyor General, Honiara.

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### **THE TOWN LAND (LWOWA) ORDER**

*GN 148/1973*

*[17<sup>th</sup> September 1973]*

1. This Order may be cited as the Town Land (Lwowa) Order.
2. The area of land, the boundaries of which are specified in the Schedule hereto, is hereby designated as town land for the purposes of [the Act](#).

### **SCHEDULE**

All those three parcels of land situated at Lwowa, Santa Cruz Island in the Eastern District described as follows: -

- (i) All that Parcel No. 266-002-2 known as Lot 2 of L.R. 589 in extent 19.66 hectares (48.58 acres) or thereabouts edged red on Plan No. 1827 held in the office of the Surveyor - General, Honiara.
- (ii) All that parcel of land in extent 0.0188 hectares (0.0465 acres) or thereabouts known as L.R. 638 adjoining Lot 2 of L.R. 589 edged green in Plan No. 1827 held in the office of the Surveyor- General, Honiara; and
- (iii) All that parcel of land in extent 0.04 hectares (0.99 acres) or thereabouts known as L.R. 700 adjoining Lot 2 of L.R. 589 edged purple in Plan No. 1827 held in the office of the Surveyor-General, Honiara.

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### **THE TOWN LAND (LATA) ORDER**

*LN 44/1990*

*[6th April 1990]*

1. This Order may be cited as the Town Land (Lata) Order.
2. The area of land, the boundaries of which are specified in the Schedule hereto, is hereby designated as town land for the purposes of [the Act](#).

### **SCHEDULE**

All that parcel of land situated at Lata, Nendo Island in Temotu Province described as LR589, LR806, LR815, LR791, LR668, LR751, LR700, LR750, LR797, LR638 in extent 42.42 hectares or thereabouts, which is delineated and edged on Plan No. 2119 held in the office of the Surveyor-General, Honiara.

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### **THE TOWN LAND (NORO) ORDER**

*LN 106/1992*

1. This Order may be cited as the Town Land (Noro) Order.
2. The area of land the boundaries of which are specified in the Schedule hereto is hereby designated as town land for the purposes of [the Act](#).

### **SCHEDULE**



All that parcel of land in extent of 1146 hectares the boundaries whereof all delineated and edged red on Plan No. 2288 held in the offices of the Surveyor- General, Honiara.

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**DECLARATIONS OF CUSTOMARY LAND**  
(Section 242)

The following Declarations have been made -

<i>Name and Description of Land</i>	<i>No. of Legal Notices/Gazette Notification</i>
Parcel 123-007-01 (otherwise known as Lot 1 of LR 310 Mbunitusu Island)	GN 295/1977
LR 300-ATA'A COVE, being a parcel of land situated on the foreshore of Ata'a Cove on the island of Malaita.	GN 18/1978
LR 363-KATEREO ISLAND being a parcel of land situated off the northern coast of the island of Santa Ysabel.	GN 79/1978
LR 242 being a parcel of land situated at Malai point on the island of Santa Ysabel and lying north-west of Huhurangi plantation (LR 237).	GN 89/1978
LR 315, a parcel of land, being part of ROB ROY (VEALAVIRU) ISLAND in the Manning Straits.	GN 139/1978
LR 263/R situated at SIRVANA, Choiseul Island, as shown on survey plan numbers TN 2964, and TN 2965.	GN 147/1978
LR 181 - PALA OWRIE being a parcel of land situated near Cape Zeele on the south coast of the Island of Small Malaita.	GN 189/1978
LR 343 - GHAROHU Island being a parcel of land situated off the eastern coast of the Island of Santa Ysabel.	GN 217/1978
LR 132 - PIANUNU being a parcel of land situated on the	

Western coast of the Island of Ranongga in the Western Province. GN 231/1978

LR 98-BEAGLE AND KOMACHU being a parcel of land situated at Marau Sound on the Island of Guadalcanal. GN 250/1978

LR 196-TETERE being a parcel of land situated on the coast of the Island of Guadalcanal. GN 252/1978

LR 382-CHOVOHIO (Gold Ridge) being a parcel of land situated in the interior of Guadalcanal. GN 258/1978

LR 381-CHOVOHIO being a parcel of land situated in the interior of Guadalcanal GN 259/1978

LR 383-SUTAKIKI being a parcel of land situated in the interior of Guadalcanal. GN 260/1978

LR 97-AOLA being a parcel of land situated on the North East Coast of the Island of Guadalcanal GN 261/1978

LR 384-KOVAGAMBI being a parcel of land situated in the interior of Guadalcanal. GN 270/1978

LR 108-PARAIASI being a parcel of land situated at Marau Sound on the South-east Coast of the Island of Guadalcanal. GN 277/1978

LR 94-known as KAUKAU ISLAND being a parcel of land situated off the eastern coast of the Russell Islands. GN 8/1979

LR 179 being part of NGONGOSILA ISLAND situated off the eastern coast of the Island of Malaita. GN 19/1979

LR 182 AIYO ISLAND being a parcel of land situated off the south-east coast of the Island of Malaita. GN 20/1979

Part of LR 80 known as Kulokulo Dumala (otherwise Remaian or Aoumala) Kisa (Otherwise Leveleon) Lolau (otherwise Moe or Moie) Nanau (otherwise Fonagho) Fonago (otherwise Keogh or Kio) and Levalea (otherwise Kisan) Islands being a parcel of land situated off the

eastern coast of the Russell Islands the boundary whereof is delineated and edged red on plan number 2128 deposited in the office of the Surveyor- General, at Honiara.	GN 27/1979
Lot 20 of LR 224, better known as part of MBEIPORO, situated on the East coast of Vella Lavella.	GN 43/1979
LR 128 situated at south-east end of Thousand Ships Bay on the Island of Santa Ysabel.	GN 54/1979
Foi Island, otherwise known as LR 7, situated off the South Coast of Mono Island in the Treasury Islands in the Western Province.	GN 102/1979
LR 358-BIRA being a parcel of land Situated on the South Coast of Malaita.	GN 185/1979
LR 265-(HANIPANA) Olevuga Island being a parcel of land situated in the Sandfly Passage of Florida Islands.	GN 215/1979
LR 198 MBANGAI ISLAND being a parcel of land situated on the South of Tulagi	GN 223/1979
The following lots of LR 387 scheduled below, being part of the Offshore Islands of WAGINA, SOUTH CHOISEUL, WESTERN PROVINCE - Lot 935 of LR 387, Tema Volasi (burial ground) island Lot 936 of LR 387, an island Southwest of Aratoba island and East of Ingings island Lot 937 of LR 387, an island Southwest of Mbanbalaghe island Lot 940 of LR 387, three small islands North of Salakana island.	GN 246/1979
LR 322-UGATUMBI PAVUVU RUSSELL ISLANDS.	GN 117/1981
LR 268 BITILAMATA, SAVO ISLAND.	GN 134/1981
LR 229/R-KOPIU/PURAKIKI being a parcel of land situated adjacent to LR 229/1 on the southern coast of the island of Guadalcanal.	GN 135/1981

Vuranga, otherwise known as LR 246,  
situated on the north coast Island in the  
Western Province. GN 337/1981

LR 357 being parcels of land situated on the north and  
west coasts of VANIKORO  
ISLANDS, TEMOTU PROVINCE better  
known as Peou and Nanunga. GN 244/1982

Lot 2 of LR 262 being a parcel of land  
situated at Danae Bay in the Marau Sound on, the island  
of Guadalcanal and being part of the land lying south of  
the Porokokoro river, otherwise known as MAKINA. LN 10/1984

LR 124 NAMU being a parcel of land  
situated on the East of GRACIOSA BAY,  
SANTA CRUZ. LN 11/1984

LR 180-Part of UHU Island being a parcel of land situated L.N 12/1984  
West Are Are

Lot 1 of LR.100, VISALE, West Guadalcanal. LN 20/1984

Lot 3 of LR. 210 parcel number 196-005-4 known as  
ROHINARI LAND in the Malaita Province. GN 273/1985

Lots 1 & 2 of LR 60 being a parcel of Land situated on the LN 18/1987  
west coast of Simbo Island, better known as NAROVO  
Land.

Lot 2 of LR 139 being parcel of Land  
situated on the Western Coast of Simbo  
Island, better known as NAROVO LAND. 4860 LN 137/1988

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**ESTABLISHMENT OF CUSTOMARY LAND APPEAL COURT'S**  
(Section 255)

*LN 4611975*

**WARRANT ESTABLISHING THE EASTERN (INNER ISLANDS)  
CUSTOMARY LAND APPEAL COURT**

There is hereby established a customary land appeal court to be known as the Eastern (Inner Islands) Customary Land Appeal Court with jurisdiction over the areas of the -

Bauro  
Haununu  
North Arosi  
Rawo  
Santa Ana  
South Arosi  
Star Harbour  
Ugi  
Ulawa and  
Wainoni Local Courts.

2. The Court shall have such jurisdiction as is accorded to it by the provisions of section 255 of the [Land and Titles Act](#) and any other written law.

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**WARRANT ESTABLISHING THE WESTERN CUSTOMARY LAND  
APPEAL COURT**

*LN 47/1975  
LN 70/1977*

There is hereby established a customary land appeal court to be known as the Western Customary Land Appeal Court with jurisdiction over the areas of the -

Shortlands  
North Choiseul  
South Choiseul  
Vaghena  
Vella Lavella  
Roviana  
Ranongga/Simbo  
Gizo/Kolombangara  
and Marovo Local Courts.

2. The Court shall have such jurisdiction as is accorded to it by the provisions of section 255 of the [Land and Titles Act](#) and any other written law.

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**WARRANT ESTABLISHING THE CENTRAL CUSTOMARY LAND APPEAL  
COURT**

*LN 48/1975*  
*LN 43/1980*  
*LN 53/1981*

There is hereby established a customary land appeal court to be known as the Central Customary Land Appeal Court with jurisdiction over the areas of the -

Paripao  
Kalokorago  
Maringe  
Kia  
Hograno  
And Gao-Bugotu Local Courts

2. The Court shall have such jurisdiction as is accorded to it by the provisions of section 255 of the [Land and Titles Act](#) and any other written law.

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**WARRANT ESTABLISHING THE MALAITA CUSTOMARY LAND  
APPEAL COURT**

*LN 49/1975*

There is hereby established a customary land appeal court to be known as the Malaita Customary Land Appeal Court with jurisdiction over the areas of the -

Ata' a  
Bitā' ama  
East Areare  
East Kwaio  
East Kwara'ae  
East Small Malaita  
Langa Langa  
Lau  
Luaniua  
Matakwalao  
Pelau  
Sikaiana  
West Areare  
West Baegu'u/Fataleka  
West Kwaio  
West Kwara'ae  
and West Small Malaita Local Courts.

2. The Court shall have such jurisdiction as is accorded to it by the provisions of section 255 of the [Land and Titles Act](#) and any other written law.

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**WARRANT ESTABLISHING THE EASTERN (OUTER ISLANDS)  
CUSTOMARY LAND APPEAL COURT**

*LN 50/1975*

There is hereby established a customary land appeal court to be known as the Eastern (Outer Islands) Customary Land Appeal Court with jurisdiction over the areas of the -

Duff Islands  
Reef Islands  
Santa Cruz  
Utupua and  
Vanikoro Local Courts.

2. The Court shall have such jurisdiction as is accorded to it by the provisions of section 255 of the [Land and Titles Act](#) and any other written law.

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**WARRANT ESTABLISHING THE GUADALCANAL CUSTOMARY LAND  
APPEAL COURT**

*LN 43/1980*

There is hereby established a customary be known as the Guadalcanal Customary with jurisdiction over the areas of the -

Sagalu/Savulei  
Tangarare  
West Talise  
East Talise  
Chimiu-Avuavu  
Moli/Tetekanji  
Birao, Valasi-Longgu  
Aola  
Tasimboko  
and Malango Vulolo Local Courts.

2. The Court shall have such jurisdiction as is accorded to it by the provisions of section 255 of the [Land and Titles Act](#) and any other written law.

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**WARRANT ESTABLISHING THE YSABEL CUSTOMARY LAND APPEAL COURT**

LN 13/1981

There is hereby established a customary land appeal court to be known as the Ysabel Customary Land Appeal Court with jurisdiction over the areas of the -

East Ysabel and  
West Ysabel Local Courts.

2. The Court shall have such jurisdiction as is accorded to it by the provisions of section 255 of the [Land and Titles Act](#) and any other written law.

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**WARRANT ESTABLISHING THE CENTRAL ISLANDS CUSTOMARY LAND APPEAL COURT**

*LN 53/1981*

There is hereby established a customary land appeal court to be known as the Central Islands Customary Land Appeal Court with jurisdiction over the areas of the -

Bellona

Nggela

Rennell

Russell Islands and

Savo, Local Courts.

2. The Court shall have such jurisdiction as is accorded to it by the provisions of section 255 of the [Land and Titles Act](#) and any other written law.

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**THE LAND AND TITLES (EVIDENCE) REGULATIONS**  
(Section 260(2)(b))

*LN 60/1963*  
*LN 130/1965*  
*LN 86/1968*



## **Title**

1. These Regulations may be cited as the Land and Titles (Evidence) Regulations.

### **Evidence that may be accepted by the Registrar**

2. The Registrar may -

(1) accept as conclusive evidence of the title of the Government of Solomon Islands to a freehold estate in any land leases of which have, under any repealed [Act](#), at any time been granted by or on behalf of the Government, and which is within the boundaries of a town declared, before the commencement date, to be a town under the Town Planning Act, a statutory declaration made by the Commissioner of Lands to the effect that leases have been so granted, and, on application by the Commissioner of Lands register the land as public land;

*LN 130/1965*

(2) accept the certificate of occupation as conclusive evidence of the title of the Government to a freehold interest in any land comprised in any certificate of occupation granted under the Solomons (Waste Lands) Act, 1900, 1901 and 1904, and, on application by the Commissioner of Lands, register the land as public land;

*3 of 1900*

*1 of 1901*

*1 of 1904*

(3) accept as conclusive evidence of title to any interest in land, not being registered land or customary land, deeds and documents registered under the Land Registration Act, whether originals or copies and, if not originals, without calling for production of the originals, notwithstanding that there is any defect in their registration, or that the provisions of the Stamp Duties Act or the Companies Act or any other Act (repealed or in force) have not been properly complied with or that in such deeds or documents there is any lack of formality or any legal defect in drafting or otherwise;

*6 of 1918*

(4) accept as conclusive evidence as to boundaries all plans forming part of documents registered under the Land Registration Act, provided that such plans are certified by the Surveyor-General as complying with the standard of accuracy prescribed by the Survey Rules or any rules or other provision replacing the same.

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## **THE LAND AND TITLES (GENERAL) REGULATIONS**

*(Section 260)*

*LN 131/1965*

*LN 85/1968*

*LN 3/1970*

*LN 52/1977*

*LN 52//1980*  
*LN 13/1982*  
*LN 157/1986*  
*LN 164/1993*

## **Citation**

1. These Regulations may be cited as the Land and Titles (General) Regulations.

## **Hours of public business of land registries**

*LN 3/1970*

2. The hours during which land registries shall be open to the public shall, except on public holidays, be from 9 a.m. to 11.30 a.m. and from 1.30 p.m. to 3 p.m. on Mondays to Fridays inclusive.

## **Forms**

3. - (1) The Commissioner of Lands may from time to time prescribe the forms required for the purposes of the Act, and may amend, vary and revoke any form so prescribed.

(2) Any form so prescribed and any amendment, variation or revocation of any such form, shall be published by public notice not less than one month before it shall be required to be used.

(3) The forms from time to time prescribed by the Commissioner of Lands shall, subject to the provisions of the Act and these Regulations, be used for the purposes of the Act or of these Regulations specified in the forms or in relation to the forms in the relevant notice.

(4) Notwithstanding anything to the contrary contained in paragraphs (1), (2) and (3) of this regulation, and subject to the provisions of the Act, the Commissioner of Lands and the Registrar of Titles may, in their respective discretions, permit the use of any form -

(a) which in the particular circumstances in which it is used, conforms substantially or as nearly as may be to the appropriate form prescribed under paragraph (1) of this regulation; or  
(b) where no form has been prescribed or has come into effect, or where the relevant form has been revoked.

(5) Every form permitted to be used under paragraph (4) of this regulation shall, in relation to the particular circumstances in which it is used, be deemed to be the prescribed form for the purposes of the Act.

(6) All forms prescribed under this regulation shall be supplied free of charge to those members of the public who require them.

## **Amendments, corrections, erasures, etc**

4. - (1) The Registrar may refuse to register any instrument which because of erasures or

alterations or otherwise howsoever he considers may not be in the condition in which it was originally executed by the parties thereto.

(2) If any instrument at the time of its presentation for registration contains any amendment, alteration or correction, which has not been initialled in the margin by the person or persons executing it and by the authorised officer or attesting witness or witnesses, the Registrar may refuse to accept it for registration.

*LN 85/1968*

(3) Where all the parties to any instrument which has been accepted by the Registrar for registration but not registered by him, require to make any amendment, alteration or correction therein, the Registrar may permit them to do so either by re-executing the document when amended, altered or corrected, or by initialling each and every such amendment, alteration or correction.

### **Lodgement for registration**

**5.** - (1) Every application (other than an application lodged for registration by post) shall be lodged by presenting the same manually at the public counter of the appropriate land registry during the hours that such registry is open to the public, and the Registrar shall note the day and hour of presentation on every application accepted by him for registration for the purpose of determining the priority thereof.

(2) It shall be lawful for the Registrar to refuse to accept any application for registration of any matter -

(a) when the fee assessed by the Registrar to be payable in accordance with these Regulations in respect thereof has not been paid;

(b) if the relevant instruments and documents do not accompany the application, unless such instruments, or documents are proved to the Registrar's satisfaction to be already in the land registry;

(c) if the application, instrument or document contains any apparent material defect or omission;

(d) if any instrument is not duly stamped as required by the Stamp Duties Act;

*Cap. 126*

(e) in any case falling within the scope of paragraph (1) or paragraph (2) of regulation 4 of these Regulations; or

(f) where the application or any instrument is not in due form or duly attested.

### **Fees**

*LN 164/1993*

**6.-** (1) The following fees shall be payable -

#### **A. REGISTRAR OF TITLES**

For certified copies of the register, any instrument, registry map or \$10.00

file plans.

For any search, per parcel numbers. \$10.00

For each and every other service, matter or thing performed, \$50.00  
attended to or supplied by the Registrar of Titles or his staff (other  
than first registration of title to land under Parts III or IV of the Act).

## **B. VALUATION SERVICES (LAND/PROPERTIES)**

For Commercial and Industrial, where the value exceeds \$1,000 \$150.00  
but does not exceed \$5,000.

Where the value exceeds \$5,000 the charge shall be \$4 for every  
\$1,000.

For Residential by individual persons, where the value exceeds \$75.00  
\$1,000 but does not exceed \$5,000.

Where the value exceeds \$5,000 the charge shall be \$3 for every  
\$1,000

For Residential by companies, where the value exceeds \$1,000 \$20.00  
but does not exceed \$5,000.

Where the value exceeds \$5,000 the charge shall be \$4 for every  
\$1,000.

For all valuations by Institutions, Provincial Governments where \$90.00  
the value exceeds \$1,000 but does not exceed \$5,000.

Where the value exceeds \$5,000, the charge shall be \$3 for every  
\$1,000.

## **C. ISSUE OF CONSENT TO TRANSFER/LEASE/CHARGE**

(i) For all Commercial or Industrial  
-where the considerations exceeds \$20,000 but does not exceed \$225.00  
\$50,000.  
-over \$50,000. \$300.00

(ii) For all Company Residential,  
- where the consideration exceeds \$20,000 but does not exceed

\$50,000.	\$112.00
- over \$50,000	
iii) For all individual Residential	
- where the considerations exceeds \$20,000 but does not exceed \$50,000.	\$150.00
- over \$50,000.	\$75.00
	\$112.00
(iv) For all agricultural land, where the consideration exceeds \$20,000 but does not exceed \$50,000.	\$37.00
- over \$50,000	\$75.00

#### **D. EXTENSION ON DEVELOPMENT COVENANTS**

For any Commercial and Industrial land	\$100.00 per month
For all other development covenants, including Residential	\$50.00 per month

#### **E. PENALTIES**

Advertisement or Sale without consent	20% of the Consideration
Unpaid Land Rent arrears, compounded interest shall be added.	80%

(2) If more than one separate matter shall be included in the same application the appropriate fee prescribed in paragraph (1) shall be paid for each such matter, and in the event of doubt as to what is a separate matter the question shall be determined by the Registrar whose decision in his absolute discretion shall be final and shall not be questioned in any proceedings whatsoever.

(3) In cases where two or more owners of separate parcels of land combine in one instrument to deal with their respective parcels, the same registration fee shall be payable in respect of such instrument as would have been payable if each owner had executed a separate instrument.

(4) The fees specified in this regulation shall be paid notwithstanding the rejection by the Registrar of any application.

(5) The Registrar may in his discretion remit or refund any fee prescribed by this regulation.

(6) No fees under this regulation shall be payable by or on behalf of the Government.

## **Evidence of incorporation**

*LN 85/1968*

7. An application for registration of a dealing whereby a corporation acquires an interest shall be accompanied by such evidence of incorporation as the Registrar may require.

## **Attestation of instruments**

8.- (1) The following persons, during such times as they are within Solomon Islands, shall be authorised officers for the purposes of section 203 of the Act-

(a) all Deputy Registrars of Titles and all Assistant Registrars of Titles;

(b) the Commissioner of Lands and all Deputy Commissioners of Lands;

*LN 85/1968*

(c) all Adjudication Officers;

(d) all Judges and all Magistrates and justices of the peace appointed under the Magistrates' Courts Act;

*Cap 20*

(e) all Surveyors within the meaning of the definition of that expression in section 2 of the Act;

(f) all persons for the time being entitled to practise as barristers or solicitors of the Court;

(g) all Commissioners for Oaths appointed under the Oaths Act;

*Cap. 23*

(h) the Manager for the time being of any branch of any bank in Solomon Islands;

(i) all Notaries Public appointed under the Notaries Public Act;

*Cap. 22*

(j) all Provincial Secretaries; and

(k) any officer holding the office of Lands Officer in the Department of Lands.

(2) Outside Solomon Islands the following persons shall be authorised officers for the purposes of section 203 of the Act-

(a) within the Commonwealth, a Judge, Magistrate, Notary Public or Commissioner for Oaths;

(b) in any foreign country, a British consular officer or pro-consul or such other person or class of persons as the Registrar may determine.

## **Forms of certificate of verification**

9. Every certificate of verification required for the purposes of section 203 of the Act shall be in the following form -

"I certify that the above-named ..... appeared before me at ..... on this ..... day of ..... 19....., and I have satisfied myself as to his\*/their\* identity (he\*/they\* being identified to me by ..... \* or being well known to me\*) and that he\*/they\* freely and voluntarily signed and appeared fully to understand this instrument.

Seal or stamp  
of office (if any)

Signature and description of person completing verification certificate.

*\*Delete the alternative which is not applicable.*

LN 85/1968

### **Persons interested in instruments may not attest**

10. No authorised officer or other person authorised by section 203 of the Act to complete a certificate of verification shall complete any such certificate in relation to, or verify the execution of any instrument in or by which such officer or person acquires or disposes of any interest.

### **Application for search**

11. Application for personal searches and for certified copies shall be made in such form as the Registrar may require.

### **Offences**

12. Any person who -

(a) in any land registry, acts in any way to the disturbance of other persons in the land registry; or

(b) tears, cuts or makes any mark, indentation or erasure on any register, map, instrument or document in the possession or control of the Registrar; or shall be guilty of an offence and liable to a fine of fifty dollars or to imprisonment for three months.

(c) in any land registry, in contravention of any notice exhibited in the land registry, smokes, eats, drinks, or has in his possession any naked flame, or any case, bag or other container,

shall be guilty of an offence and liable to a fine of fifty dollars or to imprisonment for three months.

### **Deposit of deeds in archives**

13. The Registrar may in his discretion lodge in the public archives any documents of title which he does not consider necessary to retain in any land registry.

### **Notes on forms**

14. All notes and instructions printed on prescribed forms shall be deemed to form part of these Regulations.

### **Daily business paper to be maintained**

**15.** There shall be maintained in each land registry a daily business paper which shall be entered up daily and shall contain -

(a) a record of all pending applications for registration lodged in pursuance of the provisions of Part III of the Act, showing the number of the application, the name of the applicant and a reference to the location and description of the parcel affected; and

*LN 85/1968*

(b) a record of all pending applications for the registration of dealings, showing the number of the application, the name of the applicant, the nature of the dealing and the number of the parcel affected

### **Unregistered powers of attorney**

*LN 85/1968*

**16.-** (1) If any instrument is executed by an attorney, the power of attorney, together with a copy thereof if the original is to be returned to the possession of the attorney, shall be produced to the Registrar, unless the power of attorney has already been produced to the Registrar in pursuance of this regulation or been registered under the provisions of section 207 of the Act, and evidence (by the statutory declaration of the attorney or otherwise) sufficient to satisfy the Registrar that the principal was alive at the time of execution of the instrument and that the power was then unrevoked, shall also be produced.

(2) The original power of attorney or a certified copy thereof, as the case may be, shall be filed in the land registry.

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## **THE LAND AND TITLES (GENERAL) REGULATIONS**

### **NOTICE**

*(Regulation 3(1))*

*LN 122/1968*

*LN 52/1977*

*[1<sup>st</sup> January 1969]*

The Commissioner of Lands hereby prescribes the forms set out in the Schedule hereto for the particular purposes of the Act specified on each form, and hereby gives notice that the said forms will be required to be used with effect from the first day of January, 1969.

### **SCHEDULE**

FORM 1A  
SOLOMON ISLANDS  
THE LAND AND TITLES ACT  
(Cap. 133)

*Application for First Registration in respect of a Freehold or Leasehold interest in Land.  
(Section 10)*

FOR OFFICIAL USE ONLY

Time and Date of Receipt	Application Number
--------------------------	--------------------



Date of issues of Form 1A	Date of Issue of Form 1B	Parcel Number

THE FOLLOWING SECTIONS MUST BE COMPLETED BY APPLICANT. IT IS IMPORTANT THAT THE NOTES ON PAGE..... OF THIS FORM SHOULD BE READ

*I\*/We\** (full name and occupation or other description) of (residence in the case of individuals; in the case of application on behalf of a corporation state name of corporation. See Notes 5 and 6) hereby apply to the Registrar for registration of the *freehold\*/leasehold\** interest in all *that parcel\*/those parcels\** of land in Solomon Islands comprising .....acres or thereabouts (hereinafter called "the said land") and being more particularly described as-(set out description below)

[\*Delete such of the words in italics as are not applicable.]

2. This application is made in pursuance of Part III of the provisions of the [Land and Titles Act](#).

3. All communications and notices relating to this application should be addressed to:-(set out below applicant's address for correspondence which, wherever possible, should be an address in Solomon Islands).

4. The details of the original grant of the said land are as follows -

(1) Date of Grant -

(2) Name(s) of grantor(s) -

(3) Name(s) of grantee(s) -

(4) Nature of grant- (e.g. conveyance of freehold, lease of public land, etc.)

†5. This application is made because of the following transaction in the said land - (set out below details of transaction which makes application necessary under section 12 or 13 of [the Act](#)).

† Delete this section if not applicable.

(1) Date of transaction -

(2) Parties- 1  
2

(3) Nature of transaction-(e.g. conveyance of freehold, assignment of leasehold, etc.)

6. The freehold \*/leasehold\* interest in the said land is at present held by (name and occupation or description) of (address).

\* Delete such of the words in italics as are not applicable.

†7. Accompanying this application is a plan of survey of the said land.

† Delete this section if not applicable.

8. *I\*/We\** hereby apply to the Surveyor-General to undertake all the survey work necessary for registration of the said land, and undertake to pay the cost of such survey work as certified by the Surveyor-General.‡

‡When the application is made by a mortgagee or a grantee of a new leasehold interest under the provisions of the proviso to section 13 of [the Act](#), he is entitled under certain circumstances to recover such costs from the mortgagor or grantor (section 15 (3) reverse).

This application is made in exercise of the power conferred on me by a

Power of Attorney dated

.....

And made by\*

.....

*Date*

*Signature of applicant(s)*

*\*Delete such of the words in italics as are not applicable.*

**[PLEASE READ CAREFULLY THE NOTES BELOW]**

**STATUTORY DECLARATION OF NON-REVOCATION OF POWER OF ATTORNEY TO BE COMPLETED IN THE CASE OF APPLICATIONS MADE PURSUANT TO A POWER OF ATTORNEY**

I (name) of (address) do solemnly and sincerely declare as follows-

1. I am the attorney appointed in the Power of Attorney dated the..... and made by.....

2. To the best of my knowledge and belief, the said Power of Attorney has not been revoked and continues in force. AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declaration Act, 1835.

Declared at.....

This.....day.....

of .....19.....

Before me:

.....  
*Signature of Declarant*

.....

*Commissioner for Oaths*

**NOTES**

1. Reference should be made to Part III of the [Land and Titles Act](#), the Land and Titles (General) Regulations, and all other relevant subsidiary legislation under [the Act](#) for the time being in force. Particular note should be made of the provisions of sections 10, 12, 13 and 15 of [the Act](#) and to regulations 5 and 14 of the Land and Titles (General) Regulations.

2. It is essential that this form be completed fully and accurately.

3. (i) On acceptance of an application, an application number will be allotted by the Registry, and this application number should be used in all correspondence and communications on the subject prior to registration.

(ii) On completion of registration, the applicant will be informed of the Parcel Number by which each parcel of land registered in pursuance of the application is identified. This Parcel Number should always be used to identify the parcel.

4. TITLE DOCUMENTS SHOULD NOT BE FORWARDED WITH THIS FORM. (After acceptance of an application the Registrar will, when the Surveyor-General has reported that the survey information and data necessary for registration of the land in respect of which the application is made is available, forward to the owner of the freehold or leasehold interest in the land a Form 1 B which takes the form of a statutory declaration. The Form 1B must be completed by the owner and returned to the Registrar, together with all title and other supporting documents, within such period as the latter specifies. Penalties are provided in [the Act](#) for failure to comply with this requirement).

5. An application for registration may be made on behalf of a corporation by a director or the secretary of the corporation or by an attorney appointed in that behalf by the corporation under its common seal, or in the case of a local authority by the clerk of the authority.

6. Where the application is made by an attorney the original of the power of attorney must be produced and the Registrar will require to retain it or a certified true copy provided by the applicant, unless the power has already been registered under section 207 of [the Act](#) or has otherwise previously been deposited in the land registry.

7. In the case of more than one applicant, a single address in Solomon Islands to which communications can be sent should be entered in paragraph 3 of the application.

FORM 1B

SOLOMON ISLANDS

**THE LAND AND TITLES ACT**  
(Cap. 133)

*Application for First Registration in respect of a Freehold or Leasehold  
interest in Land  
(Section 10)*

*Statutory declaration by Owner of the Freehold or Leasehold interest*

FOR OFFICIAL USE ONLY

Dates of issue and Initials of Issuing Officer	Application Number
Time and Date of Receipt	Parcel Number

THE FOLLOWING SECTIONS MUST BE COMPLETED BY THE DECLARANT. IT IS IMPORTANT THAT THE NOTES ON PAGE..... OF THIS FORM SHOULD BE READ.

*I\*/We\** (full name and occupation or other description) of (residence in the case of individuals; in the case of a declaration on behalf of a corporation state name of corporation- see Notes 6 and 7).  
\*Delete such of the words in italics as are not applicable.

DO HEREBY solemnly and sincerely declare as follows-

1. That *I\*/We\*/ the said.....am\*/are\*/is\** the holder (s) of a *freehold\*/leasehold\** interest in all *that parcel\*/those parcels\** of land in Solomon Islands comprising.....acres or thereabout (hereinafter called "the said land") and being more particularly described as (set out description below).

2. That *I\*/we\** appoint as the address to which all notices and communications relating to this statutory declaration may be sent the following-(set out below declarant's address for correspondence which, wherever possible, should be an address in Solomon Islands).

3. That the details of the original grant of the said land are as follows-

- (1) Date of grant-
- (2) Name(s) of grantor(s)-
- (3) Name(s) of grantee(s)
- (4) Nature of grant- (e.g. conveyance of freehold, lease of public land, etc.).

4. That the Schedule hereto, which is to be taken as part of this declaration, contains a full and correct list of all settlements, deeds, documents, instruments, plans and papers relating to and supporting *my\*/our\*/the said\** .....claim to an interest in the said land so far as *I\*/we\*/the said\** have/has any means of ascertaining the same, distinguishing such as are lodged herewith and such as are untraceable, believed to be destroyed or believed to be in the possession of some other person (whose name and address is stated) who has failed or is unwilling to deliver them to *me\*/us\*/the said\**.  
\*Delete such of the words in italics as are not applicable.

5. That to the best of *my\*/our\** knowledge or belief no other person has or claims any estate, title or interest in or affecting the said land in possession, reversion, remainder or expectancy or as mortgagee, encumbrancer, chargee or owner or under any writ of execution or any deed or writing, contract or dealing other than as aforesaid, or holds any right of way or other easement or privilege or profit other than as is stated and set out below: that is to say - (set out below particulars of mortgages, encumbrances or other interests to which the land is subject, including the reversion in the case of leasehold interests, or rights of way, etc. which any person is entitled to or claims).  
\*Delete such of the words in italics as are not applicable.

6. That no person is in possession or occupation of the said land or any part thereof adversely to *my\*/our\*/the said\** .....estate and interest and that-

- (1) the said land is *occupied\*/unoccupied\**;
- (2) the said land is occupied by (if unoccupied, delete; if occupied, state who is in

occupation);

(3) the authority for such occupation is (if unoccupied, or occupied by the owner of the freehold or leasehold interest claimed, delete; if occupied by some person other than the latter, set out below details of the lease, licence or other authority for such occupation).

AND I\*/We\*, the above-named declarant(s) *\*acting pursuant to an authority given to me by a power of attorney dated.....and granted by the said\*.....do make this solemn declaration believing the same to be true and by virtue of the provisions of the Statutory Declarations Act, 1835.*

Signature(s).....

-----  
-----  
-----  
-----

Made and subscribed at.....this.....day of .....one thousand and nine hundred and ..... before me:

*\* Delete such of the words in italics as are not applicable.*

-----

A Commissioner for Oaths.

#### SCHEDULE

(If insufficient space, a separate sheet of paper signed by the declarant may be attached to the form).

[PLEASE READ CAREFULLY THE NOTES BELOW]

#### NOTES

1. Reference should be made to Part III of the [Land and Titles Act](#), and the Land and Titles (General) Regulations.
2. This Declaration, together with all supporting documents, must be submitted to the Registrar of Titles, Honiara, within the period of time specified by him. Penalties are provided in [the Act](#) for failure to comply with this requirement.
3. It is essential that the Declaration be made fully and accurately; a false statement may attract a penalty of imprisonment for up to two years under the Penal Code.
4. (i) In all correspondence and communications on the subject prior to registration, the application number given on this form should be quoted.  
(ii) On completion of registration, the declarant will be informed of the Parcel Number by which each parcel of land registered in pursuance of the application and declaration is identified on the registry map, and its use will assist in tracing the register relating to the parcel.
5. The originals of all relevant documents must, where these are available, accompany this declaration. Where the declarant has been unable to trace originals or they have been lost or destroyed, evidence of them, including duplicates and copies, will be required. Any documents not typed or printed must be accompanied by a typewritten copy certified to be a true copy of such document. All such documents will be retained in the Registry and it is, therefore, incumbent on the declarant to prepare and retain any copies that he may require for his own use. Copies will be supplied by the Registry subsequently only on payment of a fee.

6. In the case of freehold or leasehold interests held by a corporation, this declaration must be made by a director or the secretary of the corporation or by an attorney appointed in that behalf by the corporation under its common seal, or in the case of a local authority by the clerk of the authority.

7. Where the declaration is made by an attorney, the original of the power of attorney must be produced and the Registrar will require to retain it or a certified true copy provided by the declarant, unless the power has already been registered under section 207 of [the Act](#) or has otherwise previously been deposited in the land registry.

8. In the case of a company to which the provisions of the Companies Act (Cap. 175) apply, this declaration must be accompanied by the Certificate of Incorporation/Registration or a duly certified copy thereof (unless previously deposited in the land registry) and where applicable the Certificate of Registration of Charges or Mortgages under Part III of the said Act. The requirements in regard to certification of such document are set out in Land Registry Practice Notes, a copy of which will be supplied on application to the Registrar. In the case of any other corporation appropriate evidence of incorporation will normally be required.

9. In the case of more than one declarant, a single address in Solomon Islands to which communications can be sent should be entered in paragraph 2 of the declaration.

FORM 1 C  
SOLOMON ISLANDS  
THE LAND AND TITLES ACT  
(Cap. 133)

LN 52/1977

*Application for Registration of Dealings in or matters affecting Registered interests*

PART 1

<b>DO NOT WRITE HERE. THIS IS FOR USE IN THE REGISTRY ONLY</b>		
Time and date of receipt..... Application number.....Details of fees paid		

YOU MUST WRITE IN PARTS 2 to 7.  
Before you write, read the Notes on pages 2 and 3.

PART 2

Write the parcel numbers here - see note 5		

PART 3

List the dealings in the order you want them registered - see note 6	
1.	5.
2.	6.
3.	7.
4.	8.

PART 4

List the instruments and other documents enclosed - see notes 3 and 7	
1.	5.
2.	6.
3.	7.
4.	8.

PART 5

Form 1C Page 2

Full names of applicants. Please use capital letters

PART 6

Postal address in the Solomon Islands

PART

7

I/We apply for registration of the dealings or matters listed on this form in the order of priority stated.

I/We enclose the sum of \$ ..... by.....  
(cheque/cash) to pay the registration fees.

-----  
-----  
-----

-----

-----

.....  
Date

.....  
Signature of applicants

NOTES

1. You need one copy of this form only. Do not send a letter with it.
2. You must fill in parts 2 to 7 and send the right fee. If you do not, your application may be refused. The fee is \$2.00 for each dealing in each parcel number.
3. Instruments and documents sent with this form will usually be kept in the Registry. If you want a copy you should make it before you send the document to the Registry or pay another Registry fee for a certified photocopy.

Form 1 C Page 3

4. Make sure you have paid any Stamp Duty needed and that the stamps have been properly cancelled under the Stamp Duties Act (Cap. 126).
5. List all parcel numbers affected in Part 2. If there is not enough room use the space on the back page and then sign your name under it.
6. In Part 3 you should write the kinds of dealings (e.g. transfer, lease, charge, caveat) in the order you want them registered. If there is not enough room use the space on the back page and sign your name under it.
7. In Part 4 list all the instruments and documents you send with the application. Remember you will not get them back. If there is not enough room use the space on the back page and sign your name under it.
8. The first time a Company, Co-operative Society or other Incorporated body registers an interest in land, you must send with the application a certified copy of the Certificate of Incorporation or Registration.
9. If you apply to subdivide the land you must send a plan showing what you want done.
10. Land Registry forms are free. You can get them from the Registry or Provincial Secretaries.
11. If you are not sure what to do, fill in a draft (white copy) of the form and call at the Registry or write to the Registrar for advice.
12. Practice Notes on Land Registry procedure are available, free of charge, from the Registry.

Form 1C Page 4

Part 2 continued: Parcel members			

.....

Signatures

Part 3 continued: dealings
----------------------------

9.	15.
10.	16.
11.	17.
12.	18.
13.	19.
14.	20.

.....

Signatures

Part 4 continued: instruments	
9.	15.
10.	16.
11.	17.
12.	18.
13.	19.
14.	20.

.....

Signatures

FORM 2

SOLOMON ISLANDS

**THE LAND AND TITLES ACT**  
(Cap. 133)

*Grant of a Fixed-term Estate by Commissioner of Lands  
(Section 132)*

PARCEL NUMBER.....

GRANTOR: The Commissioner of Lands.

(a) Full name and occupation or other description GRANTEE(S) (a) of (b)

(b) Address 1. The Grantor is registered as the owner of a perpetual estate in PARCEL NUMBER (c).

(c) Registered Parcel Number 2. (d) The Grantor acknowledges the receipt from the Grantee(s) of the sum of (e).....(\$.....) being the premium for this GRANT together with the sum of (e)..... (\$.....) being the first

(d) Delete reference to premium if none [Land and Titles Act.](#)



(e) Amount in words and figures 3. The Grantor HEREBY GRANTS to the Grantee(s) an estate in the land comprised in PARCEL NUMBER (f).....for a term of.....years from the.....day of.....19.....

(f) Registered Parcel Number \*The GRANT is subject to the reservation in favour of the Grantor of the right, subject to one month's notice being given in writing to the Grantee(s), to resume, without payment to the Grantee(s) of any compensation for unimproved land but upon payment to the Grantee(s) of compensation for actual loss sustained in respect of improved land, such portions of the land comprised in the estate as may at any time be required for the construction of roads or other public purposes\*.

(g) Amount in words and figures 4. The estate shall be held subject to the payment to the Grantor, by the Grantee(s) or other owner of the estate for the time being, of a yearly rent (revisable in accordance with the provisions of the said Act of (g).....(\$.....) payable at the office of the Grantor on the first day of January in each year in advance and without demand.

(i) Delete this clause if Grantee is a single individual or a corporation. If the clause is not deleted either "joint owners" or "owners in common, etc" must be deleted If "joint owners" delete insert details of undivided shares 5. The estate shall be held subject to the provisions of the said Act and to the performance, by the Grantee(s) or other owner of the estate for the time being, of obligations set out in the First Schedule hereto and of those implied herein by the provisions of the said Act except as otherwise specified by the deleted either Grantor in the Second Schedule hereto.

6. (h) The rights and easements specified in the Third Schedule hereto are included in this GRANT.

(j)To be completed where there is no rent in monetary terms. Otherwise delete 7. (i) The Grantees declare that they hold the estate as joint owners/owners in common in the following undivided shares: -

8. (j) The annual value of the estate together (k) with the said rights and easements is hereby estimated as (l).....(\$).....

(k) Delete the italic FIRST SCHEDULE

phrase if clause 6 has been deleted SECOND SCHEDULE

(l) Amount in words and figures THIRD SCHEDULE

Dated at this .....day of .....19 .....

(m) In the case of executions by a corporation substitute in this part the usual form of the words recording the affixing of its seal

SIGNED by the Grantor in the presence of:  
Signature of witness:  
Name of witness:  
Address:

(n) Delete the certificate where execution is by a corporation

(m) SIGNED by the Grantees(s) in the presence of:  
Signatures of witness:  
Name of witness:  
Address:

(o) Insert name and address of person identifying, if applicable

(n) I certify that the above-named ..... appeared before me at .....on this .....day of .....19 ....., and I have satisfied myself as to *his\*/her\*/their\** identity (*he\*/she\*/they\* being identified to me by (o)..... or being well known to me\**) and that *he\*/she\*/they\** freely and voluntarily signed and appeared fully to understand this instrument.

(p) If instrument executed in Commonwealth certificate may be given by magistrate, notary public or commissioner for oaths.

Seal or stamp of office (if any) .....  
(Signature and description of person completing verification certificate)  
*(p) An Authorised Officer*

REGISTERED at the .....Land Registry this ..... day of .....19 ....., at ..... o'clock.  
Registrar of Titles

*\*Delete the words between asterisks if inapplicable.*

FORM 3

SOLOMON ISLANDS

**THE LAND AND TITLES ACT**  
(Cap. 133)

*Variation of Terms of a Perpetual/Fixed- Term Estate*  
(Section 132 (4))

PARCEL

NUMBER.....

†The obligations contained or implied in the transfer†/grant† of the perpetual†  
/fixed-term† estate in Parcel Number.....are  
HEREBY VARIED as follows: -

†The rent incident to the perpetual†/fixed-term† estate in Parcel Number  
.....is HEREBY VARIED as follows: -

†The period of the fixed-term estate in Parcel Number.....is  
HEREBY EXTENDED as follows: -

(Set out below details of variation or extension).  
†Delete the alternatives which are not applicable.

2. The date of effect of the variation is the.....day .....of 19.....

3. In this instrument the expression "the Grantor" means the Commissioner of Lands and the expression "the Grantee"  
means the registered owner(s) for the time being of the estate.

DATED at..... this.....day of.....19.....

SIGNED by the Grantor]  
in the presence of:.....]  
Signature of Witness:  
Name of Witness:  
Address:

SIGNED by the Grantee]  
in the presence of:.....]  
Signature of Witness:  
Name of Witness:  
Address:

I certify that the above-named.....appeared before me at.....on this.....  
day of..... 19....., and I have satisfied myself as to his\*/her\*/their\* identity (he\*/she\*/they\* being  
identified to me by\* .....or being well known to me\*) and that he\*/she\*/they\* freely and voluntarily signed  
and appeared fully to understand this instrument.

Seal or stamp of office  
(if any)

.....  
(Signature and description of person  
completing verification certificate)  
*An Authorised Officer*

REGISTERED at the.....Land Registry this.....day of.....19 .....at.....o'clock.

Registrar of Titles

\* Delete the italic alternatives which are inapplicable.

LN 52/1977

FORM 4

SOLOMON ISLANDS

**THE LAND AND TITLES ACT**  
(Cap. 133)

PARCEL NUMBERS

RT FORM 4 - PAGE 1

.....  
.....  
.....

TRANSFER OF AN ESTATE OR LEASE  
PLEASE READ THE NOTES ON BACK PAGE BEFORE YOU  
WRITE ON THIS FORM  
TRANSFER OF A PERPETUAL ESTATE/FIXED-TERM  
STATE/LEASE

If words are underlined Transferor:  
crossed out those you do  
not need

Full name, occupation Transferee:  
and address

Full name, occupation  
and address

Cross out if no payment.  
Amount in words and  
numbers.

1. The Transferor has received from the Transferee the sum of  
..... (\$ .....), being the  
consideration for this transfer.

2. The Transferor TRANSFERS to the Transferee the Transferor's  
interest as registered owner in the  
*perpetual estate*  
*fixed-term estate*  
*lease*  
in parcel.....  
subject to the provisions of [the Act](#) unless these are changed in the  
schedules to this Transfer.

3. The transfer is also affected by any reservations, promises and  
other matters written in the First Schedule and the rights,  
easements and other matters written in the Second Schedule.

4. The Transferees hold the interest as

Cross out if you do not  
write anything in the  
schedules

*joint owners*

owners in common in the following shares.....  
.....

Cross out if Transferee is  
one person, a company  
or a registered co-  
operative

5. The value of the interest transferred is estimated as.....  
.....  
.....(\$.....)

Cross out unless the  
true value is paid  
Amount in words and  
numbers

SECOND SCHEDULE  
(See para 3)

PUT A LINE ACROSS ANY SPACE ON THIS PAGE

RT FORM 4-

Page 3

DATED the.....day

of.....19.....

SIGNED BY THE TRANSFEROR...[.....

[.....

[.....

In the presence of:

See Notes 2 &  
9

Signature of witness: .....

Names and address of witness .....

I CERTIFY that .....

Full names

Appeared before me at..... on the.....

day of ..... 19... .. and I am satisfied about *his/her/their identify*  
*he/he/they being identified to me by* .....

Place and date

.....

(*or being well known to me* and that *he/she/they* freely and voluntarily  
signed and appeared fully to understand this instrument

Name and  
address of  
person  
identifying

.....

Sealed or stamp of office or title of  
Authorised Officer

.....

Signature  
Authorised Officer

SIGNED BY THE TRANSFEREE .....

.....

.....

In the presence of:

Signature of witness: .....

Name and address of witness: .....

See Notes 2 &  
9

I CERTIFY that .....

appeared before me at ..... on the .....

day of ..... 19..... and I am satisfied about *his/her/their identify*  
*he/she/they being identified to me*  
*by*.....

Full names

(*or being well known to me* and that *he/she/they* freely and voluntarily  
signed and appeared fully to understand this instrument.

Place and date

.....

Name and  
address of  
person  
identified

Seal or stamp of office or title of  
Authorised Officer

.....

Signature  
An Authorised Officer

RT FORM 4-Page 4

NOTES

1. *ALTERATIONS.* Do not *rub* anything out or write over any words. If you make a mistake or want to change anything draw one line through it (so you can still read it) and write or type clearly above it the new words. Then everybody who signs the transfer should also sign again at the side near the alteration.
2. *Signing by people at different times or places.* If there is more than one Transferor (or Transferee) and they cannot all get to the Authorised Officer at the same time you may need a separate signature page for them and the Authorised Officer to fill in. You can get these pages from the Land Registry. If they are used they must be stapled or fixed to this form and signed by everybody who signs the transfer.
3. *Signing and Consents.* The transferor and transferee must both sign. You may need the consent of other people and you can get Consent from the Land Registry.
4. *Joint Owners.* Solomon Islanders who are joint owners must make a statutory declaration according to section 195(3) of [the Act](#) before a dealing can be registered. Trustees for a land holding group are joint owners but there are other examples. If you are registered as owner together with others then you should check with the Land Registry if you need to make a statutory declaration.
5. *Owners in Common* are usually partners or other people who own a definite share in the interest in land for themselves and not as trustees for other people.
6. *Authorised Officers.* All Magistrates, Lands Officers and Justices of the Peace are Authorised Officers but you can find the full list in Regulations 8 of the Land and Titles (General) Regulations. In the Commonwealth, Magistrates or Commissioners for Oaths, elsewhere Notaries Public or British Consular officials may sign as Authorised Officers.
7. *Restrictive Covenants* made in this transfer will NOT affect people owning the interest after the Transferee. If you want these people to be affected you must use another form as well-(Form 15): see Part XVII of the [Act](#). One example of a restrictive covenant is a promise by the transferee that he will not put a trade store on the land.
8. *Stamp Duty.* Make sure you have paid the right amount of stamp duty and that the stamps have been properly cancelled under the Stamp Duties Act (Cap. 126).
9. *Execution by Companies* Page 3 of the Form should be changed by crossing out "Signed by the Transferor" (or Transferee), and "Signature of witness" and putting in their places the usual words for a company. No verification certificate is needed for a company.

REGISTERED at the.....Land Registry at.....  
hours this.....day.....of.....19.....

Registrar of Titles

LN 52/1977

RT FORM 4A - Page 1

SOLOMON ISLANDS  
THE LAND AND TITLES ACT  
(Cap. 133)

TRANSFER OF A PERPETUAL ESTATE BY COMMISSIONER  
OF LANDS

*PLEASE READ THE NOTES ON BACK PAGE BEFORE YOU WRITE  
ON THIS FORM*

PARCEL NUMBER Transferor: THE COMMISSIONER OF LANDS

.....

Transferee:

(a) Full name,  
occupation and  
address

1. The Transferor has received from the Transferee the sum of .....  
.....  
.....  
(\$ .....)  
being the consideration for this transfer.

(b) Cross out if no  
payment

2. The Transferor TRANSFERS to the Transferee the perpetual estate  
in parcel number .....  
.....  
subject to the provisions of the Act unless these are changed in the  
Schedules to this Transfer.

Amounts in words  
and number

3. The Transfer is also affected by any reservations, promises and  
other matters written in the First Schedule and the rights, easements  
and other matters written in the Second Schedule.

4. The Transferees hold the perpetual estate as *joint owners / owners in  
common* in the following Share.....  
.....  
.....

(c) Cross out if you do  
not write any thing in  
the schedules

5. The value of the perpetual estate transferred is estimated as .....  
.....  
.....  
(\$.....).

(d) Cross out if  
Transferee is one  
person, a company or  
a registered  
cooperative

(e) Cross out unless  
nothing or less than  
the rue value is paid  
Amount in words and  
numbers



DATED at ..... this ..... day of ..... 19 .....

SIGNED by the Transferor]
in the presence of:.....

Signature of Witness: .....

Name of Witness: .....

Address: .....

(f) In the case of (m) SIGNED by the Transferee(s)]
execution by a in the presence of:.....]
corporation
substitute in this Signature of Witness: .....
part the usual
form of words Name of Witness: .....
recording the
affixing of its Address: .....
seal

(g) Delete the (n) I certify that the above-named .....
certificate where appeared before me at .....on the .....day of .....
execution is by a .....19 ..... , and I am satisfied myself as to
corporation his\*/her\*/their\*/identity (he\*/she\*/they\*/ being identified to me by\* (o)

\*Delete the
underlined
alternatives
which are
inapplicable

(h) Insert name or being well known to me\*) and that he\*/she\*/they\* freely and
and address of voluntarily signed and appeared fully to understand this instrument.
person
identifying , if
applicable

(i) If instrument Seal or stamp of office
executed in (if any)
Commonwealth .....
certificate may (Signature and
be given by description of person completing verification certificate)
magistrate, (p) An Authorised Officer
notary public or
commissioner for
oaths.

REGISTERED at the ..... Land Registry this .....  
day of ..... 19 ..... , at ..... o'clock

Registrar of Titles

FORM 5

SOLOMON ISLANDS

**THE LAND AND TITLES ACT**  
(Cap. 133)

*Charge*  
(Section 163)

PARCEL NUMBER .....

[NOTE CAREFULLY THE NOTES IN THE MARGIN AND  
ON PAGE]

- |  |  |
|--|--|
| <p>(a) Full name and occupation or other description</p>   | <p>CHARGOR(S): (a)<br/>of (b)</p>  |
| <p>(b) Address</p>   | <p>CHARGEE(S): (a)<br/>of (b)</p>  |
| <p>(c) Delete alternatives inapplicable</p>  | <p>1. The Chargor(s) is/are registered as the owner(s) of the perpetual estate in/the fixed-term estate in/a lease of (c) PARCEL NUMBER (d).</p> <p>2. (e) The Chargor(s) acknowledge(s) the receipt from the Chargee(s) of a Loan of (f).....(\$.....).</p>           |
| <p>(d) Registered Parcel Number</p>  | <p>3. The Chargor(s) and (g) each of them jointly and severally HEREBY COVENANT(S) with the Chargee(s) in the manner set out in the First Schedule hereto.</p>   |
| <p>(e) Modify this clause if inappropriate</p>   | <p>4. To secure to the Chargee (s) the re-payment of the Loan and the payment of interest thereon in the manner and at the rate set out in the First Schedule hereto, the Chargor(s) HEREBY</p>  |
| <p>(f) amount in words and figures</p>   | <p>CHARGE(s) its/his/her/their interest as such registered owner(s) as aforesaid in PARCEL NUMBER (h), subject to the powers, restrictions and obligations provided in the Land and Titles Act (Cap. 133) and to the obligations implied by that Act (i) except as</p> |
| <p>(g) Delete the words in <i>italics</i> if charger is a single individual or a corporation</p> | <p>expressly provided otherwise in this instrument.</p> <p>5. (j) The Chargee(s) and (k) each of them jointly and severally HEREBY COVENANT(s) with the Chargor(s) in the manner set out in the Second Schedule hereto.</p>  |
| <p>(h) Registered Parcel Number</p>  | <p>6. (l) The Chargee(s) declare that they hold this Charge as joint owners/owners in common in the following undivided shares: -</p>  |

FIRST SCHEDULE  
(Chargee's covenants.)

(i) The Provisions of section 168 of the Act may be varied or negative by the express terms of the charge

SECOND SCHEDULE  
(Chargees covenants.).

(j) Delete clause if inapplicable

(k) Delete words in *italics* if inapplicable

DATED at ..... this ..... day of ..... 19 .....

(m) SIGNED by the ..... Chargor(s)]  
in the presence of:.....

Signature of ..... Witness:  
Name of ..... Witness:  
Address: .....

(l) Delete this clause if Chargee is a single individual or corporation. If the clause in not deleted either "joint owners" or " owners in common, etc." must be deleted. If "joint owners" deleted, insert details of undivided shares.

(n) I certify the above- named ..... appeared before me at .....this ..... day of ..... 19 ....., and I have satisfied myself as to *his\*/he\*/their\** identity (*he\*/she\*/they\* being identified to me by (o) or being well known to me*) and that *he\*/she\*/they\** freely and voluntarily signed and appeared fully to understand this instrument

Seal or stamp of office (if any)  
.....  
(Signature and description of person completing verification certificate)

(p) *An Authorised Officer*

(m) In the case of (q) SIGNED by the Chargee(s)] execution by a corporation substitute in this part the usual form of words recording the affixing of its

in the presence of:]  
Signature of witness:  
Name of witness:  
Address:

seal

(n) Delete the certificate where execution by a corporation

(r) I certify that the above- named .....appeared before me at .....on this ..... day of ..... 19 ..... ,and I have satisfied myself as to *his\*/her\*/they\** identity (*he\*/she\*/they\*/* being identified to be by *\*(s)..... or being well known to me\**)and that *he\*/she\*/they\** freely and voluntarily signed and appeared fully to understand this instrument.

(o) Insert name and address of person identifying, if applicable

Seal or stamp of office  
(if any)

(p) If instrument executed in Commonwealth certificate may be given by magistrate, notary public or commissioner for oaths, SEE ALSO NOT 5 for other authorised officers

.....  
(Signature and description of person completing verification certificate)

(t) *An Authorised Officer*

NOTES

(q) In the case of execution by a corporation substitute in this part the usual form of words recording the affixing of its seal

- 1. *Blank spaces*-This form when completed should be ruled up so that no additions are possible.
- 2. **NO ALTERATIONS MAY BE MADE BY ERASURE.**-The words rejected should ruled through (so that they are still legible) in ink and any words substituted, typed or written in ink above them, alterations being verified by the signatures in the margin of the parties executing, the witnesses and the authorised officers, or noticed in the execution.
- 3. *Execution by parties at different times or places*- Separate sheets for execution, where the party of one part comprises more than one person, individuals appearing before different authorised officers, are available if required from the Land Registry. If such sheets are used they must be bound to this form and authenticated as part of the instrument either by the sealing of the binding or by the parties so executing the instrument signing their names at the foot of each page of the instrument.

(r)Delete the certificate where execution is by a corporation

(s) Insert name and address of person identifying, if

4. *Execution and Consents*-This instrument must be executed by the Chargor(s) and Chargee(s) and may require consents (for the purpose of which forms may be obtained from the Land Registry).

applicable

(t) If instrument executed in commonwealth certificate may be given by magistrate, notary, public or commissioner of oaths. SEE ALSO NOTES 5 for other authorised officers

5. *Authorised Officers*-For a full list of authorised officers within and outside Solomon Islands see regulation 8 of the Land and Titles (General) Regulations.

REGISTERED at the ..... Land Registry this ..... day of..... 19 ....., at ..... o'clock.

Registrar of Titles

*\*Delete the italic alternatives which are inapplicable.*

FORM 6

SOLOMON ISLANDS

**THE LAND AND TITLES ACT**  
(Cap. 133)

*Variation of Terms of a Charge*  
(Section 166)

PARCEL NUMBER .....

[NOTE CAREFULLY THE NOTES IN THE MARGIN AND ON PAGE....]

(a) name and occupation or other description 1. The terms of the Charge dated the.....day of ....19....., and made between (a)..... of (b) and (a) of (b)

(b) Address charging the (c) are from the.....day of.....19.....HEREBY VARIED as

(c) Insert details of interest charged (Set out below details of variation of terms) follows:-  
*including*

*parcel Number* 2.In this instrument the expression "the Chargor(s)"means the person(s) registered for the time being as the owners(s) of the interest charged and (e.g. the fixed-term estate in the expression " the Chargee(s)" means the person(s) registered for time being as the chargee, by and under the charge described in clause 1. ....)

DATED at.....this.....day of.....19.....

(d) In the case of execution by (d)SIGNED by the Chargor(s)]

corporation in the presence of:.....]  
substitute in Signature of witness:  
this part the Name of witness:  
usual form of Address:  
words  
recording the  
affixing of seal

(e) Delete the  
certificate  
where  
execution is by  
a corporation

(f) Insert name and address of person identifying, if applicable (e) I certify that the above-named .....appeared before me at.....this.....day of.....19 .....,and I have satisfied myself as to *his\*/her\*/their\** identity (*he\*/she\*/they\* being identified to me by\* (f) or being ell known to me*) and that *he\*/she\*/they\**freely and voluntarily signed and appeared fully to understand this instrument.

(g) If instruction executed in Commonwealth certificate may be given by magistrate, notary public or commissioner for oaths. (SEE ALSO NOTE 5 for other authorised officers Seal or stamp of office (if any) ..... Signature and description of people completing verification certificate (g) *An Authorised Officer* (h) Signed by the Chargee(s)] in the presence of:.....] Signature of witness: Name of Witness: Address:

(h) In the case of execution by a corporation substitute in this part the usual form of words recording the affixing of its seal (i) I certify that the above-named.....appeared before me at.....on this.....day of.....19....., and I have satisfied myself as to *his\*/her\*/their\** identity (*he\*/she\*/they\* being identified to me by\* (j) or being well known to me\**)and that *he\*/she\*/they\** freely and voluntarily signed and appeared fully to understand this instrument.

(i) Delete the certificate where Seal or stamp of office (if any) ----- (Signature and description of person completing verification certificate) (k) *An Authorised officer*

Consent

execution is by  
a corporation.

(Section 166(1))  
[To be completed.]

(j) Insert name I/We/The(l)  
and address of of (m)  
person being registered as charge(s) by a subsequent charge of the interest  
identifying, if described at (c)of clause 1 of this instrument in/of/affecting PARCEL  
applicable number (n)

(k) If instrument HEREBY CONSENT(S) to this INSTRUMENT OF VARIATION

executed in DATED at.....this..... day of.....19.....

Commonwealth

certificate may (o) Signed by the said.....]

be given by (name) in the presence of:.....]

magistrate, Signature of witness:

notary public or Address of witness:

commissioner Address:

for oaths See

also note 5

FOR OTHER  
AUTHORISED  
OFFICERS

(l)Name and  
occupation or  
other  
description

(m) Address

(n) Registered

Parcel Number NOTE.-Verification certificate below must be completed if applicable

(o) In the case (p) I certify that the above named.....appeared before me  
of execution by at.....this .....day of.....19....., and I have satisfied  
a corporation myself as to his\*/her\*/their\* identity he\*/she\*/they\* being identified to  
substitute in me by\*(q)  
this part the or being well known to me\*) and that he\*/she\*/ they\* freely and  
usual form of voluntarily signed and appeared fully to understand this instrument.  
words

recording the

affixing of its

seal

Seal or stamp of office  
(if any)

.....

Signature and description of person completing verification certificate)

(p) Delete the  
certificate

where

execution is by  
a corporation

(r) An Authorised Officer

(q) Insert name and address of person identifying, if applicable

(r) If instrument executed in Commonwealth certificate may be given by magistrate, notary public or Commissioner for oaths. SEE ALSO NOTE 5 for other authorised officers

### NOTES

1. *Blank Spaces*-This form when completed should be ruled up so that no additions are possible.
2. *No Alterations may be made by Erasure*.-The words rejected should be ruled through (so that they are still legible) in ink and any words substituted, typed or written in ink above them, alterations being verified by the signatures in the margin of the parties executing, the witnesses and the authorised officers, or noticed in the execution.
3. *Execution by parties at different times or places*- Separate sheets for execution, where the party of one part comprises more than one person, by individuals appearing before different authorised officers, are available if required from the Land Registry. If such sheets are used they must be bound to this form and authenticated as part of the instrument either by the sealing of the binding or by the parties so executing the instrument signing their names at the foot of each page of the instrument.
4. *Execution and Consents*-This instrument must be executed by both parties for the time being to the charge, the terms of which are being varied, and may require consents in terms of section 166(1) of the Act.
5. *Authorised Officers*-For a full list of authorised officers within and outside Solomon Islands see regulation 8 of the Land and Titles (General) Regulations.

REGISTERED at the.....Land Registry this.....day of .....19..... , at.....o'clock.

Registrar of Titles.

\*Delete the *italic* alternatives which are inapplicable.

FORM 7

SOLOMON ISLANDS

THE LAND AND TITLES ACT  
(Cap. 133)

*Discharge of Charge*  
(Section 167)



PARCEL

NUMBER.....

[NOTE CAREFULLY THE NOTES IN THE MARGIN AND ON PAGE.....]

(a) full name I/We/The (a)  
 and occupation of (b)  
 or other being registered as the owner(s) of the Charge of (c)  
 description created by an Instrument dated the.....day of.....19.....and made  
 between (d)  
 (b) Address of (e)  
 and (d)  
 (c) Set out details of (e)  
 of interest  
 charged  
 INCLUDING HEREBY ACKNOWLEDGE(s) that I/we/the  
 PARCEL have/has this.....day of.....19.....received the sum of  
 NUMBER (e.g. (f) .....(\$ .....) representing the aggregate/balance remaining owing  
 the fixed term in respect of the Loan secured by the said Charge together with all interest  
 estate in Parcel and costs, in full satisfaction and discharge of the said Charge.  
 Number DATED at.....this.....day of.....19.....  
 .....).

(g) Signed by the Chargee(s)]  
 (d) Full name in the presence of:..... ]  
 and occupation Signature of Witness:  
 or other Name of Witness  
 description Address:  
 (e) Address (h) I certify that the above-named .....appeared before  
 me at .....this .....day of .....19..... , and I have  
 satisfied myself as to his\*/her\*/their\* identity (he\*.she\*/they\* being  
 (f) Amount in identified to me by\* (i)  
 words and or being well known to me\*)and that he\*/she\*/they\* freely and voluntarily  
 figures signed and appeared fully to understand this instrument.

(g) In this case of Seal or stamp of office  
 execution by a (if any)  
 corporation .....  
 substitute in this (Signature and description of person completing verification certificate)  
 part the usual (j) An Authorised Officer  
 form of words  
 recording the

NOTES

1. *Blank Spaces*-This form when completed should be ruled up so that no additions are possible.
- (h) Delete the certificate where execution is by a corporation 2. NO ALTERATIONS MAY BE MADE BY ERASURE.-The words rejected should be ruled through (so that they are still legible) in ink and any words substituted, typed or written in ink above them, alterations being verified by the signatures in the margin of the parties executing, the witnesses and the authorised officers, or noticed in the execution.
- (i) Insert name and address of 3. *Execution by parties at different times or places*-Separate sheets for

person identifying, if applicable.

execution, where the party executing comprises more than one person, by individuals appearing before different authorised officers, are available if required from the Land Registry. If such sheets are used they must be bound to this form and authenticated as part of the instrument either by the sealing of the binding or by the parties so executing the instrument signing their names at the foot of each page of the instrument.

(j) If instrument executed in Commonwealth certificate may be given by magistrate, notary public or commissioner for oaths. SEE ALSO NOTE 4 for other authorised officers

4. *Authorised Officers*- For a full list of authorised officers within and outside Solomon Islands see regulation 8 of the Land and Titles (General) Regulations

REGISTERED at the.....Land Registry this.....day of .....19....., at.....o'clock.

Registrar of Titles

\*Delete the *italics* alternatives which are inapplicable

FORM 7A

SOLOMON ISLANDS

**THE LAND AND TITLES ACT**

(Cap. 133)

*Discharge of Charge*

(Section 167)

PARCEL NUMBER .....

[NOTE CAREFULLY THE NOTES IN THE MARGIN AND ON PAGE.....]

(a) Full name and occupation or other description I/We/The (a) of (b) being registered as the owner(s) of the Charge of (c) created by an Instrument dated the .....day of ..... 19 ..... , and made between (d)

(b). Address of (e)..... and (d) of (e)

(c) Set out details of interest charged INCLUDING PARCEL NUMBER (e.g. the fixed term estate in PARCEL NUMBER .....)

HEREBY DISCHARGE(S) the said CHARGE WHOLLY/IN RELATION TO (f)

DATED at..... this.....day of.....19.....

(g) Signed by the Chargee(s) in the presence of:.....]

Signature of Witness:

Name of Witness:

(d) Full name Address:

and occupation or other description (h) I certify that the above- named appeared before me at .....this .....day of .....19....., and I satisfy myself as to his\*/her\*/their\* identity (he\*/she\*/they\* being identified to me by\* (i) or being well known to me\*) and that he\*/she\*/they\* freely and voluntarily signed and appeared fully to understand this instrument.

(e) Address

(f) If discharge is total delete "IN RELATION TO". If not deleted "WHOLLY" and set out the extent of the discharge Seal or stamp of office (if any) ..... Signature and description of person completing verification certificate) (j) an Authorised Officer

(g) In the case of execution by a corporation substitute in this part the usual form of words recording the affixing of its seal

(h) Delete the certificate where execution is by a corporation

(i) Inert name and address of person identifying, if applicable

(j) If instrument executed in Commonwealth certificate may be given by magistrate, notary public or commissioner for oaths. SEE ALSO NOTE 4 for other authorised officers

NOTES

1. *Blank spaces* - This form when completed should be ruled up so that no additions are possible.

2. NO ALTERATIONS MAY BE MADE BY ERASURE.-The words rejected should be ruled through (so that they are still legible) in ink and any words substituted, typed or written in ink above them, alterations being verified by the signatures in the margin of the parties executing, the witnesses and the authorised officers, or noticed in the execution.

3. Execution by parties at different times or places-Separate sheets for execution, where the party executing comprises more than one person, by individuals appearing before different authorised officers, are available if required from the Land Registry. If such sheets are used they must be bound to this form and authenticated as part of the instrument either by the sealing of the binding or by the parties so executing the instrument signing their names at the foot of each page of the instrument.

4. Authorised Officers-For a full list of authorised officers within and outside Solomon Islands see regulation 8 of the Land and Titles (General) Regulations.

REGISTERED at the.....Lands Registry this.....day  
of.....19....., at.....o'clock

Registrar of Titles

*\*Delete the italics alternatives which are inapplicable*

FORM 8

SOLOMON ISLANDS

**THE LAND AND TITLES ACT**  
(Cap 133)

*Transfer of a Charge*  
(Section 172)

PARCEL

NUMBER.....

[NOTE CAREFULLY THE NOTES IN THE MARGIN AND ON PAGE.....]

(a) Full name and occupation or other description TRANSFEROR(S): (a)  
of (b)  
TRANSFEEE(S): (a)  
of (b)

(b) Address

(c) Set out details of the interest charged 1. The Transferor(s) is/are registered as the owner(s) of a Charge of (c)  
.....created by an instrument dated  
the.....day of.....19....., and made between (d)

INCLUDING of (e)  
PARCEL and (d)  
NUMBER of (e)  
.....)

(d) Name and 2. (f) The Transferor(s) acknowledge(s) the receipt from the Transferee(s)  
occupation of of the sum of (g)..... (\$.....) being the consideration for this  
other description TRANSFER

(e) Address

(f) Delete this 3. The Transferor(s) HEREBY TRANSFER(S) to the Transferee(s) all  
clause if no its/his/her/their interest as such registered owner in PARCEL NUMBER  
consideration paid (h)..... under and subject to the provisions of the Land and Titles Act.

(g) Amount in 4. (i) The Transferees declare that they hold the said interest as joint  
words and figures owners /owners in common in the following undivided shares -

(h) Registered 5. The Transferor(s) declare(s) that the amount of principal and interest (h)  
Parcel Number Registered owing by the Chargor at the date hereof is (j).....  
(\$.....).

(i) Delete this 6. In this Instrument the expression "the Chargor" means the person  
clause if registered for the time being as the owner of the interest subject to the  
Transferee is a charge described in clause 1.

single individual DATED at.....this.....day of.....19.....  
or corporation If

the clause is not deleted either (k) SIGNED by the Transferor(s)]  
"joint owners" or in the presence of:..... ]

"owners in Signature of Witness:  
common, etc." Name of Witness:

must be deleted If Address:

"joint owners" deleted, insert details of individual shares

(j) Amount in words and figures

(k) In the case of (l) I certify that the above-named .....appeared before me at  
execution by a .....this.....day of.....19....., and I have satisfied myself  
corporation as to his\*/her\*/their\* identity (he\*/she\*/they\*being identified to me by\*  
substitute in this (m)

part the usual or being well known to me\*) and that he\*/she\*/they\* freely and  
form of words voluntarily signed and appeared fully to understand this instrument.

recording the Seal or stamp of office  
affixing of its (if any)  
seal

- .....  
 (l) Delete the certificate where execution is by a corporation  
 Signature and description of person completing verification certificate  
 (n) *An Authorised Officer*
- (m) Insert name and address of person identifying, if applicable  
 (o) SIGNED by the Transferee(s)]  
 in the presence of:.....]  
 Signature of Witness:  
 Name of Witness:  
 Address:
- (n) If instrument executed in Commonwealth certificate may be given by magistrate, notary public or commissioner for oaths. SEE ALSO NOTE 6 for other authorised officers  
 (p) I certify that the above-named.....appeared before me at.....on this.....day of.....19....., and I have satisfied myself as to *his\*/her\*/their\** identity (*he\*/she\*/they\* being identified to me by\* (q) or being well known to me\**) and that *he\*/she\*/they\**freely and voluntarily signed and appeared fully to understand this instrument.  
 Seal or stamp of office (if any)  
 .....  
 (signature and description of person completing verification certificate)  
 (r) *An Authorised Officer*
- (o) In the case of execution by a corporation substitute in this part the usual form of words recording the affixing of its seal  
 (s) I/We/The of the Chargor, hereby acknowledge(s) that the amount declared in clause 5 of this Instrument is the amount due and owing by me/us/it.
- (p) Delete the certificate where execution is by a corporation  
 (t) Signed by the Chargor]  
 in the presence of:.....]  
 Signature of Witness:  
 Name of Witness:  
 Address:
- (q) Insert name and address of person identifying, if applicable  
 (u) I certify that the. above-named.....appeared before me at .....on this.....day of.....19.....,and I have satisfied myself as to *his\*.her\*/their\** identity (*he\*/she\*/they\* being identified to me by\* (v) or being well known to me\**) and that *he\*/she\*/they\** freely and voluntarily signed and appeared fully to understand this instrument.
- (r) If instrument executed in Commonwealth certificate may  
 Seal or stump of office (if any)  
 .....

be given by  
magistrate,  
notary public or  
commissioner for  
oaths. SEE ALSO  
NOTE 6 for other  
authorised  
officers

Signature and description of person completing verification certificate)  
(w)*An Authorised Officer*

#### NOTES

(s) Delete this  
clause if Transfer  
does not require  
Chargor to  
acknowledge

1. *Blank Spaces*-This form when completed should be ruled up so that no  
Transferee does additions are possible.

(t) In the case of  
execution by a  
corporation  
substitute in this  
part the usual  
form of words  
recording the  
affixing of this  
seal.

2. **NO ALTERATIONS MAY BE MADE BY ERASURE.**-The words  
rejected should be ruled through (so that they are still legible) in ink and  
any words substituted, typed or written in ink above them, alterations  
being verified by the signatures in the margin of the parties executing, the  
witnesses and the authorised officers, or notice in the execution

(u) Delete the  
certificate where  
execution is by a  
corporation

3 *Execution by parties at different times or places*-Separate sheets for  
execution, where the party of one part comprises more than one person, by  
individuals appearing before different authorised officers, are available if  
required from the Land Registry. If such sheets are used, they must be  
bound to this form and authenticated as part of the instrument either by the  
sealing of the binding or by the parties so executing the instrument signing  
their names at the foot of each page of the instrument.

(v) Insert name  
and address of  
person identified,  
if applicable

4. *Transfers of undivided shares*-This form will require some adaptation in  
the case of a transfer of an undivided share by an owner in common. In  
such a case it will be advisable to consult the Registrar.

(w) If instrument  
executed in  
Commonwealth  
certificate may  
be given by  
magistrate,  
notary public or  
commissioner for  
oaths. SEE ALSO  
NOTE 6 for other  
authorised  
officers

5. *Execution and Consents*-This instrument must be executed by the  
transferor(s) and transferee(s) and may require consents (for the purpose  
of which forms may be obtained from the Land Registry).

6. *Authorised Officers*-For a full list of authorised officers within and  
outside Solomon Islands see regulation 8 of the Land and Titles( General)  
Regulations.

REGISTERED at the.....Land Registrar this..... day of  
.....19....., at..... o'clock.

Registrar of Titles.

\*Delete the *italic* alternatives which are inapplicable.

FORM 9

SOLOMON ISLANDS

THE LANDS AND TITLES ACT  
(Cap.133)

*Lease*  
(Section 143 and 146)

PARCEL NUMBER .....

[NOTE CAREFULLY THE NOTES IN THE MARGIN AND ON PAGE.....]

- (a) Full name and occupation or other description LESSOR(S): (a) of (b)  
LESSEE (S): (a) of (b)
- (b) Address 1. The Lessor(s) is/are registered as the owner(s) of the perpetual estate in/the fixed-term estate in/a lease of (c) PARCEL NUMBER (d)
- (c) Delete alternatives inapplicable
- (d) Registered Parcel Number 2. (e) The Lessor(s) acknowledge the receipt from the lessee(s) of the sum of (f)..... (\$.....) being the premium required for the grant of this LEASE.
- (e) Delete this clause if no premium paid. 3. The Lessor(s) HEREBY LEASE(S) to the Lessee(s) PARCEL NUMBER (g) .....*that part of PARCEL NUMBER (g) more particularly described in the First Schedule hereto (h) for the term of.....years from the.....day of.....19*
- (f) Amount in words and figures. 4. The Lessee(s) shall pay to the Lessor(s) the (i).....rent of (j).....(\$.....) payable (k).
- (g) Registered Parcel Number 5. This Lease is granted and accepted under and subject to the provisions of the [Land and Titles Act](#) and upon and subject to the rights, undertakings, agreements, conditions, covenants and stipulations set out in the Second Schedule hereto and to those implied by the said [Act](#) (1) except as otherwise expressly provided to the contrary in this instrument.
- (h) Delete whichever of phrases in *italics* is in applicable
- (i) Insert "yearly" "monthly" as the case may be 6. (m) The rights and easements specified in the third Schedule hereto are words and figures included in this LEASE.
- (j) Amount in 7. (n) The Lessees declare that they hold this Lease as joint owners/owners in common in the following undivided shares -



words and figures 8. (o) The annual value of this Lease together (p) with the said rights and easements is hereby declared to be estimated as (q)..... (\$.....).

FIRST SCHEDULE (r) (Clause 3)

(k) Insert dates for payments

SECOND SCHEDULE if (Clause 5)

(l)The provisions of sections 147, 148, 158(5), 155 and 160(1) of the Act may be varied or negated by the express terms of the lease

THIRD SCHEDULE (Clause 6)

(m) Delete if inapplicable

DATED at.....this.....day of..... 19

(s)SIGNED by the Lessor(s) in the presence of:.....] Signature of Witness: Name of Witness: Address:

(n) Delete this clause if Lessee is a single individual or corporation. If the clause is not deleted either "joint owners" or "owners in common, etc." must be deleted, If "joint owners" deleted, insert details of undivided shares

(t) I certify that the above-named.....appeared before me at .....this.....day of.....19....., and I have satisfied myself at to his\*/her\*/their\* identity (he\*/she\*/they\* being identified to me by\*(y) or being well known to me\*) and that he\*/she\*/they\*freely and voluntarily signed and appeared fully to understand this instrument.

Seal or stamp of office (if any) ..... (Signature and description of person completing verification certificate) (z) An Authorised Officer

(o) To be completed where there is no rent in monetary terms . Otherwise delete

(w) SIGNED BY THE Lessee(s) in the presence of:.....] Signature of Witness: Name of Witness: Address:

(p) Delete the italic phrase if clause 6 has been deleted

(x) I certify that the above-named.....appeared before me at .....this.....day of.....19....., and I have satisfied myself as to his\*/her\*/their\* identity (he\*/she\*/they\*being identified to me by\*(u) or being well known to me\*) and that he\*/she\*/they\* freely and voluntarily signed and appeared fully to understand this instrument.

(q) Amount in words and figures

Seal or stamp of office (if any) ..... (Signature and description of person completing verification certificate) (v) An Authorised Officer

(r) To be completed only if the Lease is in respect of a part of the Parcel The description must be adequate for identification of the part and a survey plan which meets the approval of Surveyor-General will be required

(s) In the case of execution by a corporation substitute in this part the usual form of words recording the affixing of its seal

(t) Delete the certificate where execution is by a corporation

(u) Insert name and address of person identifying, if applicable.

#### NOTES

- (v) If instrument executed in Commonwealth certificate may be given by magistrate, notary public or commissioner for oaths. SEE ALSO NOT 5 for other
1. *Blank Spaces*-This form when completed should be ruled up so that no additions are possible.
  2. **No ALTERATIONS MAY BE MADE BY ERASURE.**-The words rejected should be ruled through (so that they are still legible) in ink and any words substituted, typed or written in ink above them, alterations being verified by the signatures in the margin of the parties executing, the authorised officers, authorised officers or noticed in the execution.
  3. Execution by parties at different times or places-Separate sheets for execution, where the party of one part comprises more than one person, by

authorised individuals appearing before different authorised officers, are available if officers required from the Land Registry. If such sheets are used they must be bound to this form and authenticated as part of the instrument either by the sealing of the binding or by the parties so executing the instrument signing their names at the foot of each page of the instrument.

(w) In the case of execution by a corporation substitute in this part the usual form of words recording the affixing of its seal

4. Execution and Consents-This instrument must be executed by the Lessor(s) and Lessee(s) and may require consents (for the purpose of which forms may be obtained from the Land Registry).

5. Authorised Officers-For a full list of authorised officers within and outside Solomon Islands see regulation 8 of the Land and Titles (General) Regulations.

(x) Delete the certificate where execution is by a corporation

REGISTERED at the.....Land Registry this .....day of .....19....., at.....o'clock.

Registrar of Titles

(y) Insert name and address of person identifying, if applicable

(z) If instrument executed in Commonwealth certificate may be given by magistrate, notary public or commissioner for oaths. SEE ALSO NOTE 5 for other authorised officers

*\*Delete the italic alternatives which are inapplicable*

FORM 10

SOLOMON ISLANDS

**THE LAND AND TITLES ORDINANCE**  
(Cap. 133)

*Variation of terms of a Lease*  
(Section 159)

[NOTE CAREFULLY THE NOTES IN THE MARGIN AND ON PAGE .....]

(a) Delete whichever of the *italic* phrases is inapplicable *The agreements and obligations contained or implied in (a)/The period of the Lease of PARCEL NUMBER (b) dated the.....day of.....19.....,and made between (c) .....of (d) and (c) of (d) are HEREBY VARIED (e)/is HEREBY EXTENDED as follows- (Set out below details of variation or extension)*

(b) Registered Parcel Number

(c) Name and occupation or other description

(d) Address

(e) Delete whichever of *italic* phrase which is inapplicable

(f) In the case of execution by a corporation substitute in this part the usual form of word recording the affixing of its seal.

(g) Delete the certificate where execution is by a corporation

(h) Insert name and address of person identifying, if applicable.

(i) If instrument is executed in commonwealth certificate may be given by magistrate, notary public or commissioner for oaths. SEE

2. The date of effect of the variation is the.....day of..... 19.....

3. In this instrument the expression "the Lessor" means the person or persons for the time being registered as the owner(s) of the interest out of which the Lease was granted and the expression "the Lessee" means the person for the time being registered as the owner of the Lease.

DATED at..... this.....day of.....19.....

(f) SIGNED by the Lessor]  
In the presence of:.....]  
Signature of Witness:  
Name of Witness:  
Address:

(g) I certify that the above-named.....appeared before me at.....this .....day of.....19....., and I have satisfied myself as to *his\*/her\*/their\** identity (*he\*/she\*/they\* being identified to me by\* (h) or being well known to me\**) and that *he\*/she\*/they\** freely and voluntarily signed and appeared fully to understand this instrument.

Seal or stamp of office  
(if any)  
.....  
(Signature and description of person completing verification certificate)  
(i) *An Authorised Officer*

(j) SIGNED by the Lessee]  
in the presence of:.....]  
Signature of Witness:  
Name of witness  
Address:

ALSO NOT 5  
for other  
authorised  
officers

(j) In the case of execution by a corporation substitute in this part the usual form of words recording the affixing of its seal

(k) I certify that the above-named .....appeared before me at.....on this day of.....19....., and I have satisfied myself as to *his\*/her\*/their\** identity (*he\*/she\*/they\* being identified to me by\* (l) or being well known to me\**) and that *he\*/she\*/they\** freely and voluntarily signed and appeared fully to understand this instrument.

Seal or stamp of office  
(if any)  
.....  
(Signature and description of person completing verification certificate)

(k) Delete the certificate where execution is by a corporation

(m) *An Authorised Officer*

NOTES

(l) Insert name and address of person identifying, if applicable

- 1. *Blank Spaces*-This form when completed should be ruled up so that no additions are possible.
- 2. **NO ALTERATIONS MAY BE MADE BY ERASURE**-The words rejected should be ruled through (so that they are still legible) in ink and any words substituted, typed or written in ink above them, alterations being verified by the signatures in the margin of the parties executing, the witnesses and the authorised officers, or noticed in the execution.

(m) If instrument executed in Commonwealth certificate may be given by magistrate, notary public or commissioner for oaths. SEE

- 3. Execution by parties at different times or places-Separate sheets for execution, where the party of one part comprises more than one person, by individuals appearing before different authorised officers, are available if required from the Land Registry. If such sheets are used they must be bound to this form and authenticated as part of the instrument either by the sealing of the binding or by the parties so executing the instrument signing their names at the foot of each page of the instrument.

ALSO NOTE 5  
for other  
authorised  
officers

- 4. Execution and Consents-This instrument must be executed by the Lessor and Lessee and may require consents (for the purpose of which forms may be obtained from the Land Registry).

- 5. Authorised Officers-For a full list of authorised officers within and outside Solomon Islands see regulation 8 of the Land and Titles (General) Regulations.

REGISTERED at the.....Land. Registry this .....day of  
.....19....., at.....o'clock.

Registrar of Titles

\*Delete the *italic* alternatives which are inapplicable.

SOLOMON ISLANDS

**THE LAND AND TITLES ACT**  
(Cap.133)

*Grant of Easement*  
(Section 176)

PARCEL (of the land NUMBER.....burdened)

[NOTE CAREFULLY THE NOTES IN THE MARGIN AND ON PAGE.....]

(a) Full name and occupation or other description GRANTOR(S): (a) of (b)

(b) Address GRANTEE(S): (a) of (b)

(c) Delete alternatives inapplicable 1. The Grantor(s) is/are registered as the owner(s) of the perpetual estate in/the fixed-term estate in/a lease of (c) PARCEL NUMBER (d)

(d) Registered Parcel Number 2. The Grantee(s) is/are registered as the owner(s) of the perpetual estate in/the fixed-term estate in/a lease of (e) PARCEL NUMBER (f)

(e) Delete the alternatives inapplicable [OR (g)] The Grantee(s) declare(s) that he/she/they/it is/are the (owners) of the free-hold/a leasehold (h) interest in (i)

(f) Registered Parcel Number 3. (j) The Grantor(s) acknowledge(s) the receipt from the Grantee(s) of the sum of (k).....(\$..... ) being the consideration for this GRANT.

(g) Delete whichever of the alternative clause is inapplicable and complete the other. 4. The Grantor(s) HEREBY GRANT(S) to the Grantee(s) the following EASEMENT(s) as appurtenant to the land described in clause 2 of this Instrument - (1)- DATED at.....this.....day of.....19.....

(h) Delete whichever is inapplicable (m) SIGNED by the Grantor(s) ] in the presence of:.....] Signature of Witness: Name of Witness: Address:

(i) Here insert a description sufficient to (n) I certify that the above-named.....appeared before me at .....this.....day of.....19...., and I have

identify it, of the land to be benefited The Registrar may require a plan which meets the approval of the Survivor - General

satisfied myself as to *his\*/her\*/their\** identity (*he\*/she\*/they\* being identified to me by\* (o) or being well known to me\**) and that *he\*/she\*/they* freely and voluntarily signed and appeared fully to understand this instrument.

(j) Delete this clause if no consideration is paid

(k) Amount in words and figures

(l) In describing the easement it is necessary to

(i) specify its nature, the period for which it is granted and any covenants, conditions, limitations, reservations or restrictions intended to affect its enjoyment;

(ii) describe so as adequately to identify it, the particular part of the land burdened where the easement burdens only a part of the Grantor's land a plan which meets the approval of the Surveyor-General may be required by the Registrar; and

Seal or stamp of office  
(if any)  
.....  
(Signature and description of person completing verification certificate)  
*(p) An Authorised Officer*  
*(q) SIGNED by the Grantee(s)]*  
in the presence of:..... ]  
Signature of Witness:  
Name of Witness:  
Address:  
*(r) I certify that the above - named.....appeared before me at.....on this.....day of.....19....., and I have satisfied myself as to his\*/her\*/their\* identity (he\*/she\*/they\* being identified to me by\* (s) or being well known to me\*) and that he\*/she\*/they\* freely and voluntarily signed and appeared fully to understand this instrument.*

Seal or stamp of office  
(if any)  
.....  
(Signature and description of person completing verification certificate)  
*(t) An Authorised Officer*

(iii) indicate by a plan which meets the approval of the Surveyor General any easement which comprises or includes a right of way or which the Registrar requires to be indicated by a plan

(m) In the case of execution by a corporation substitute in this part the usual form of words recording the affixing of its seal

(n) Delete the certificate where execution is by a corporation

(o) Insert name and address of person identifying, if applicable

(p) If instrument executed in Commonwealth certificate may be given by magistrate, notary public or commission for oaths, SEE ALSO NOTE 5 for other authorised officers

#### NOTES

1. *Blank Spaces*-This form when completed should be ruled up so that no Commonwealth additions are possible.

2. **NO ALTERATIONS MAY BE MADE BY ERASURE**-The words rejected should be ruled through (so that they are still legible) in ink and any words substituted, typed or written in ink above them, alterations being verified by the signatures in the margin of the parties executing, the witnesses and the authorised officers or noticed in the execution.



(q) In the case of execution by a corporation substitute in the part the usual form of words recording the affixing of its seal

3. *Execution by parties at different times or places*-Separate sheets for execution, where the party of one part comprises more than one person, by individuals appearing before different authorised officers, are available if required from the Land Registry. If such sheets are used, they must be bound to this form and authenticated as part of the instrument either by the sealing of the binding or by the parties so executing the instrument signing their names at the foot of each page of the instrument.

(r) Delete the certificate where execution is by a corporation

4. *Execution and Consents*-This instrument must be executed by the Grantor(s) and Grantee(s) and may require consents (for the purpose of which forms may be obtained from the Land Registry).

(s) Insert name and address of the person identifying, if applicable

5. *Authorised Officers*-For a full list of authorised officers within and outside Solomon Islands see regulation 8 of the Land and Titles (General) Regulations.

(t) If instruction Commonwealth certificate may be given by magistrate, notary public or commissioner of oaths. SEE ALSO NOTE 5 for other authorised officers

REGISTERED at the..... Land Registry this.....day of ..... 19.....at.....o'clock.

Registered of Titles

\*Delete the *italic alternatives which are inapplicable.*

FORM 12

SOLOMON ISLANDS

**THE LANDS AND TITLES ACT**  
(Cap. 139)

*Grant of Profit*  
(Section 181)

PARCEL NUMBER .....

(of the land burdened)

[NOTE CAREFULLY THE NOTES IN THE MARGIN AND ON PAGE .....]

- (a) Full name and occupation or other description GRANTOR(S): (a)  
Of (b)  
GRANTEE(S): (a)  
of (b)
- (b) Address 1. The Grantor(s) is/are registered as the owner(s) of the perpetual estate in/the fixed-term estate in/a lease of lease of (c) PARCEL NUMBER
- (c) Delete alternatives inapplicable (d).  
2. (e) The Grantor(s) acknowledge(s) the receipt from the Grantee(s) of the sum of (f).....(\$.....)being the consideration for this GRANT
- (d) Registered Parcel Number 3. The Grantor(s) HEREBY GRANT(S) to the Grantee(s) the profit in PARCEL NUMBER (g).....described and specified in the First Schedule hereto , to be enjoyed of the period of.....years from the.....day of .....19...
- (e) Delete this clause if inappropriate 4. The PROFIT is to be enjoyed *in gross/as appurtenant to the land comprised in the interest of the Grantee(s)* described in the Second Schedule hereto (h)
- (f) Amount in words and figures (5). (i) The Grantee(s) declare that hey hold the PROFIT as joint owner(s)/owners in common in the following undivided shares - FIRST SCHEDULE (j)
- (g) Registered Parcel Number SECOND SCHEDULE (k)
- (h). Delete whichever of the phrases in *italics* is in appropriate Dated at .....this.....day of.....19.....  
(l) SIGNED by the Grantor(s)]  
in the presence of:.....]
- (i)Delete this clause if the profit is appurtenant to other land or the Grantee is a single individual or corporation. If the clause is not deleted either "joint owners" or "owners in common, etc" must be deleted, If joint owners" deleted, insert Signature of Witness:  
Name of Witness:  
Address:  
(m) I certify that the above- named .....appeared before me .....at this day of.....19....., and I have satisfied myself as to his\*/her\*/their\* identity (he\*/she\*/they\* being identified to me by\* (n) or being well known to me\*) and that (he\*/she\*/they\* freely and voluntarily signed and appeared fully to understand this instrument.  
Seal or stamp of office (if any)  
.....  
(Signature and description of person completing verification certificate)  
(o) An Authorised Officer  
(p) SIGNED by the Grantee(s)]

details of undivided shares.

in the presence of:.....]  
Signature of Witness:  
Name of Witness:

(j) Insetting out details of the profit it is necessary to

(q) I certify that the above -named.....appeared before me at.....this.....day of .....19..... , and I have satisfied myself as to *his\*/her\*/their\* identity (he\*/she\*/they\* to be by\* (r).....or being well known to me\*)* and that *he\*/she\*/they\** freely and voluntarily signed and appeared fully to understand this instrument.

(i) state whether the rights are to be exercised by the Grantee(s) exclusively or in common with the Grantor(s)

Seal or stamp of office (if any) .....  
(Signature and description of person completing verification certificate)  
(s) *An Authorised Officers*

(ii) specify the manner and means of entry on the land if any restrictions are intended

(iii) set out any covenants conditions ,restrictions,, reservations or terms the parties have agreed on; and

(iv) express the consideration if this takes the form of rent, royalties or like

(k) where the profit is appurtenant, give details of the interest held by the Grantee(s) together with a description (Registered Parcel Number,

in the case of registered land) of the land comprised of the interest. Where the land is unregistered a plan which meets the approval of the Surveyor - General may be required.

(l) In the case of execution by corporation substitute in this part the usual form of words recording the affixing of its seal.

(m) Delete the certificate where execution is by corporation

(n) Insert name and address of persons identifying, if applicable

#### NOTES

(o) If instrument executed in commonwealth certificate may be given by magistrate, notary public or commissioner for oaths .SEE ALSO NOTE 5 for other authorised officers

1. *Blank Spaces*-This form when completed should be ruled up so that no additions are possible.

2. **NO ALTERATIONS MAY BE MADE BY ERASURE.**-The words rejected should be ruled through (so that they are still legible) in ink and any words substituted, typed or written in ink above them, alterations being verified by the signatures in the margin of the parties executing, the witnesses and the authorised officers, or noticed in the execution.

3. *Execution by parties at different times or places*-Separate sheets for execution, where the party of any part comprises more than one person, by individuals appearing before different authorised officers, are available if required from the Land Registry. If such sheets are used they must be bound to this form and authenticated as part of the instrument either by the sealing of the binding or by the parties so executing the instrument signing their names at the foot of each page of the instrument.

(p) In the case of execution by a corporation substitute in this part the usual form of words recording the affixing of its seal

4. *Execution*-This instrument must be executed by Grantor(s) and Grantee(s).

5. *Authorised Officers*-For a full list of authorised officers within and outside Solomon Islands see regulation 8 of the Land and Titles (General) Regulations.

(q) Delete the certificate where execution is by a corporation

(r) Insert name and address of persons identifying if applicable

REGISTERED at the .....Land Registry this day of.....19....., at.....o'clock.

Registered of Titles

*\*Delete the italic alternatives which are inapplicable.*

FORM 13

SOLOMON ISLAND

**THE LANDS AND TITLES ACT**  
(Cap. 133)

*Caveat*  
(Section 220)

PARCEL NUMBER.....

To: The Registrar of Titles.

TAKE NOTICE that *I\*/we\*the\**  
(full name and description or occupation of individual(s) or name of .....corporation)  
of

(address)  
claiming (state the grounds upon which the claim is founded and the nature of the estate, interest or licence claimed  
INCLUDING THE PARCEL NUMBER)

HEREBY FORBID(S) the registration, without *my\*/our\*/its\** consent, of any person as transferee of\*/any dealing or instrument affecting\* that *interest\*/licence\**, unless the conditions in the Schedule hereto have been fulfilled\*, until this caveat is removed by *me\*/us\*/it\** or is otherwise removed or lapses in accordance with the provisions of the [Land and Titles Act](#).

*I\*/We\*/The* APPOINT(S) (specify an address in Solomon Islands whereat notices relating to the caveat or proceedings in respect thereof may be served on the caveator) as the place at which notices and proceedings relating to this caveat may be addressed to or served upon *me\*/us\*/it\**. *said\**

SCHEDULE

DATED at.....this.....day of.....19.....

†SIGNED by the above-named]
as Caveator(s) in the.....]
presence of:.....]
Signature of Witness:
Name of Witness:
Address:

REGISTERED at the.....Land Registry this.....day of..... 19....., at .....o'clock.
Registrar of Titles.

\*Delete such of the words in italics as are not applicable.
†In the case of execution by a corporation, substitute in this part the usual form of words recording the due affixing of its seal.

FORM 14

SOLOMON ISLAND

THE LANDS AND TITLES ACT
(Cap. 133)

Application for stay of Registration
(Section 144)

PARCEL NUMBER.....

To: The Registrar of Titles.

I\*/We\*/The\*
(full name and occupation or other description of individual(s) or name of corporation)
of

(address)
propose to deal with
(full name and occupation or other description of individual(s) or name of corporation)
of

(address)
the registered owner(s) of the following interest, namely -

(state the nature of the estate or interest INCLUDING REGISTERED PARCEL NUMBER, e.g. a fixed-term estate in Parcel Number .....) particulars of the said dealing being as follows-

(here set out details of the proposed dealing; it is necessary to show that the dealing is for value) and with the consent of the registered owner(s), (as is evidenced by his\*/their\*/its\* execution hereof) HEREBY APPLY \*/APPLIES \* for a stay of registration of any instrument affecting the above-described interest for a period of one month.

DATED at..... this.....day of .....19.....

†SIGNED by the above-named]
applicant(s) in the.....]
presence of:.....]
Signature of Witness:
Name of Witness:
Address:

†SIGNED by the above-named]
registered owner(s) in the.....]
presence of:.....]
Signature of Witness:

Name  
Address:

of

Witness:

ORDER

The Land Register showing the above-named registered owner(s) to be free to deal with his/their/its interest, I do hereby certify that he is/they are/it is so free and stay registration of any instrument affecting the above-described interest for one month from today.

.....  
*Date*

.....  
*Registrar of Titles*

REGISTERED at the

Land Registry this.....day of.....  
o'clock.

Registrar of Titles.

FORM 15

SOLOMON ISLANDS

**THE LANDS AND TITLES ACT**  
(Cap 133)

*Restriction*  
(Section 192)

PARCEL  
(of

the

land

NUMBER  
burdened)

[NOTE CAREFULLY THE NOTES IN THE MARGIN AND ON THE PAGE .....]

(a) Full name and occupation or other Description  
COVENANTOR(S): (a)  
of (b)  
COVENANTEE(S): (a)  
of (b)

(b) Address

(c) Registered Parcel Number

1. The Covenantor(s) *is\*/are\* registered\*/entitled to be registered\** as the owner(s) of *the perpetual estate in\*/the fixed-term estate in\*/a lease of\** PARCEL NUMBER (c)..... *the whole of which parcel\*/that part of*

(d) Registered Parcel Number

*which parcel more particularly described in the First Schedule hereto\** comprise the servient land.

(e) Delete whichever of the alternative clauses is inapplicable and complete the other.

2. The Covenantor(s) *is\*/are\*/ registered* as the owner(s) of *the perpetual estate in\*/the fixed-term estate in\*/a lease of\** PARCEL NUMBER (d) *the whole of which parcel\*/that part of which parcel more particularly described in the Second Schedule hereto\** comprises the dominant land.

(f) Here insert a description

[OR (e) ]

sufficient to identify it, of the dominant land. The

The Covenant declare(s) that *he\*/she\*/the\*/it\*/are\** the owners of the *freehold\*/a leasehold\** interest in (f).

Registrar may require a plan which meets the approval of the Surveyor General.

3. The Covenantor(s) HEREBY COVENANT(s) with the Covenantee(s) the- (g)

4. The benefit of this COVENANT is appurtenant to the land described in clause 2 of this instrument

(g).Set out terms of covenant [the obligations must be negative or restrictive - section 192]

5. The consideration for this covenant is - (h)

FIRST SCHEDULE

(The description must be adequate to identify the part and a plan which meets the approval of the Surveyor - General of will normally be required.)

#### SECOND SCHEDULE

(h) Delete if no consideration Otherwise (e.g. if the consideration is the transfer of the land describe in clause 1 to the Covenantor by the Covenantee) complete. If there is monetary consideration , an acknowledgement of receipt must be included [section 201 (2)]

(The description must be adequate to identify the part and a plan which meets the approval of the Surveyor - General will normally be required)

DATED at..... this.....day of..... 19.....

(i) SIGNED by the Covenantor(s) in the presence of:.....]

Signature of Witness:  
Name of Witness:

(j). I certify that the above - named .....appeared before me at.....this day of.....19 ....., and I have satisfied myself as to his\*/her\*/their\* identity (he\*/she\*/they\* being identified to me by\* (k) or being well known to me\*) and that he\*/she\*/they\* freely and voluntarily signed and appeared fully to understand this instrument

(i)In the case of execution by a corporation substitute in this part the usual form of words recording the affixing of its seal

Seal or stamp of office (if any)

(Signature and description of person completing verification certificate)

(l) An Authorised Officer

(j). Delete the certificate where execution is by a corporation

(m) SIGNED by the Covenantee(s) in the presence of:.....]

Signature of Witness:  
Name of Witness:

(k). Insert name and address of person identifying, if applicable

Address:

(n) I certify that the above -named.....appeared before me at.....on this.....day of .....19....., and I have satisfied myself as to his\*/her\*/their\* identity (he\*/she\*/they\* being identified to be by\* (o)

(l) If instrument



executed in  
Commonwealth  
certificate may be  
given by  
magistrate, notary  
public or  
commissioner for  
oaths. SEE ALSO  
NOTE 5 for other  
authorised officers

*or being well known to me\*) and that he\*/she\*/they\* freely and  
voluntarily signed and appeared fully to understand this instrument.*

Seal or stamp of office  
if any)

.....  
(Signature and descript  
of person completing verification certificate)

*(p) An Authorised Officer*

*(m)* In the case of  
execution by a  
corporation  
substitute in this  
part the usual form  
of words recording  
the affixing of its  
seal.

#### NOTES

1. *Blanks Spaces* - This form when completed should be ruled up so  
that no additions are possible.

2 No ALTERATIONS MAY BE MADE BY ERASURE.-The words  
rejected should be ruled through (so that they are still legible) in ink  
and any words substituted, typed or written in ink above them,  
alterations being verified by the signatures in the margin of the parties  
executing, the witnesses and the authorised officers, or noticed in the  
execution.

*(n)* Delete the  
certificate where  
execution is by  
corporation

3. *Execution by parties at different times or places*- Separate sheets for  
execution, where the party of one part comprises more than one  
person, by individuals appearing before different authorised officers,  
are available if required from the Land Registry. If such sheets are  
used, they must be bound to this form and authenticated as part of the  
instrument either by the sealing of the binding or by the parties so  
executing the instrument signing their names at the foot of each page  
of the instrument.

4. *Execution*-This instrument must be executed by the covenantor(s)  
and covenantee(s).

5. *Authorised Officers*-For a full list of authorised officers within and  
outside Solomon Islands see regulation 8 of the Land and Titles  
(General) Regulations

*(o)* Insert name  
and address of  
person identifying,  
if applicable

REGISTERED at the.....Land Registry this.....day  
of.....19....., at.....o'clock.

Registrar of Titles

*(p)* If instrument  
executed in  
Commonwealth  
certificate may  
be given by a  
magistrate, notary  
public or

commissioner for oaths. SEE ALSO NOTE 5 for other authorised officers

*\*Delete the italics alternatives which are inapplicable.*

FORM 16

SOLOMON ISLANDS

**THE LAND AND TITLES ACT**  
(Cap. 133)

*Release/Variation of Restriction*  
(Section 193)

PARCEL ( ) of NUMBER land ..... burdened)

[NOTE. CAREFULLY THE NOTES IN THE. MARGIN AND ON PAGE ]

(a) Full name and occupation or other description 1. I\*/We\*/The\* (a) of (b) am\*/are\*/is\* registered as the owner(s) of the perpetual estate in\*/ the fixed term estate in\*/a lease of\* PARCEL NUMBER (c)

(b) Address [OR (d)] I\*/We\*/The (a)

(c) Registered Parcel Number of (b) am\*/are\*/is\* the owner(s) of the freehold\*/a leasehold\* interest in (e)

(d). Delete whichever of the alternative clause is inapplicable and complete the other 2. The said land comprises\*/includes\* the dominant land to which is appurtenant the benefit of the RESTRICTION created by an instrument dated the..... day of.....19....., made between (f) of (g) and (f)

(e) Here insert a description, sufficient to identify it, of the dominant land. of (g) and burdening the land\*/part of the land\* comprised in PARCEL Number (h)

The Registrar may require a plan which meets the approval of the Surveyor - General 3. As such owner(s) aforesaid, being entitled to the benefit of the said RESTRICTION, I\*/we\*/the\*.....\*HEREBY RELEASE(S) the servient land from the burden of the said RESTRICTION \*/HEREBY VARY/VARIES \* the said restriction in the manner hereinafter set out\* - (i)

4. The consideration for this RELEASE\*/VARIATION\* is - (j)

(f) Full name and occupation or other description DATED at.....this.....day of.....19..... (k) SIGNED by the said]

- in the presence of:.....]
- (g) Address Signature of Witness:  
Name of Witness:
- (h) Registered Address:  
Parcel Number
- (i) If applicable (l) I certify that the above - named.....appeared before me at  
set out here the .....this.....day of.....19..... and I have satisfied  
terms of variation myself as to *his\*/her\*/their\** identity (*he\*/she\*/they\* being identified  
to me by\* (m) or being well known to me \**) and that *he\*/she\*/they\**  
freely and voluntarily signed and appeared fully to understand this  
instrument.
- (j) Delete if no  
consideration  
Otherwise  
complete. If there  
is monetary  
consideration an  
acknowledgment  
of the receipt must  
be included  
[section 201 (2)]
- (k) In the case of Seal or stamp of office  
execution by a (if any)  
corporation, .....  
substitute in this Signature and description of  
part the usual person completing verification certificate  
form of words  
recording the (n) *An Authorised Officer*  
affixing of its seal
- (l) Delete the (o) I\*/We\*/The\* being registered as the owner(s) ofj.....oin in  
certificate where this RELEASE\*/VARIATION\*  
execution is by a  
corporation (p) SIGNED by the said ]  
Signature if Witness:  
Name of Witness:  
Address:
- (m) Insert name and address of person  
identifying, if applicable. (q) I certify that the above - named..... appeared before me at myself  
as to *his\*/her\*/their\** identity (*he\*/she\*/they\* being identified to me  
by\* (r)*  
*or being well known to me\**) and that *he\*/she\*/they\** freely and  
voluntarily signed and appeared fully to understand this instrument.
- (n) If instruments executed in commonwealth  
certificate may be given by  
magistrate notary public or  
commissioner for oaths. SEE ALSO Seal or stamp of office  
(if any)  
.....  
Signature and description  
of person completing verification certificate)

NOTE 5 for other  
authorised officers (*s*) *An Authorised Officer*

(*o*) The instrument  
must be executed  
by every other  
person having a  
registered interest  
in the dominant  
land: where  
applicable ,  
therefore this  
clause must be  
completed as  
appropriate

(*p*) In the case of  
execution by a  
corporation,  
substitute in this  
part the usual  
form of words  
recording the  
affixing of its seal.

(*q*) Delete the  
certificate where  
execution is by a  
corporation

(*r*) Insert name  
and address of  
person  
identifying, if  
applicable

#### NOTES

- (*s*) If instrument executed in Commonwealth certificate may be given by magistrate, notary public or commission for oaths. SEE ALSO NOTE 5 for other authorised officers
1. *Blank Spaces*- This form when completed should be ruled up so that no additions are possible.
  2. No ALTERATIONS MAY BE MADE BY ERASURE.-The words rejected (should be ruled through so that they are still legible) in ink and any words substituted, typed or written in ink above them, alterations being verified by the signatures in the margin of the parties executing, the witnesses and the authorised officers, or noticed in the execution.
  3. *Execution by parties at different times or places*-Separate sheets for execution are available if required from the Land Registry. If such

sheets are used, they must be bound to this form and authenticated as part of the instrument either by the sealing of the binding or by the parties so executing the instrument signing their names at the foot of each page of the instrument.

4. *Execution*-This instrument must be executed by the owner for the time being of the interest entitled to the benefit of the restriction *and by every other person having a registered interest in the dominant land.*

5. *Authorised Officers*-For a full list of authorised officers within and outside Solomon Islands see regulation 8 of the Land and Titles (General) Regulations.

REGISTERED at the.....Land Registry this.....day of .....19....., at .....o'clock.

Registrar of Titles.

FORM 17

SOLOMON ISLANDS

**THE LAND AND TITLES ACT**  
(Cap. 133)

*Extension of Restriction*  
(Section 194)

PARCEL NUMBER .....

(of the land burdened)

[NOTE CAREFULLY THE NOTES IN THE MARGIN AND ON PAGE.....]

(a) Full name and occupation or other description 1. I\*/We\*/The\* (a) of (b) am\*/are\*/is\* registered as the owner(s) of *the perpetual estate in\*/the fixed-term estate in\*/a lease of\** PARCEL NUMBER (c) [OR (d)]

(b) Address I\*/We\*/The\* (a)  
(c) Registered Parcel Number of (b) am\*/are\*/is\* the owners of *the freehold\*/a leasehold\** interest in (e)

(d) Delete whichever of the alternative clauses is inapplicable and complete the other 2. The said land *comprises\*/includes\** the dominant land to which is appurtenant the benefit of the RESTRICTION created by an instrument dated the .....day of.....19....., made between (f) of (g) and (f) of (g)

and burdening the *land\*/part of the land\** comprised in PARCEL NUMBER (h)

(e) Here insert a description, sufficient to identify it, of the dominant land. The Registrar may require a plan which meets the approval of the Surveyor-General

3. As such owner(s) aforesaid, being entitled to the benefit of the said RESTRICTION, *I\*/we\*/the\**..... \*HEREBY EXTEND(s) the duration of the said RESTRICTION for a period of (i) .....from the date of registration of this instrument.

DATED at.....this.....day of.....19.....

(j) Signed by the said in the presence of:  
Signature of Witness:  
Name of Witness:  
(f) Full name and occupation or other description Address:

(k) I certify that the above-named .....appeared before me at..... this.....day of.....19....., and I have satisfied myself as to *his\*/her\*/their\** identity (*he\*/she\*/they\* being identified to me\* by (l) or being well known to me\**) and that *he\*.she\*/they\** freely and voluntarily signed and appeared fully to understand this instrument.

(i) The duration of a Restriction may be extended for a period not exceeding ten years [section 194 (3)]

Sealed or stamp of office (if any) .....

Signature and description of person complete verification certificate)

(j) In the case of execution by a corporation, substitute in this part the usual form of words recording the affixing of its seal

(m) *An Authorised Officer*

NOTES

1. *Blank Spaces*-This form when completed should be ruled up so that no additions are possible.

2. NO ALTERATIONS MAY BE MADE BY ERASURE.-The words rejected should be ruled through (so that they are still legible) in ink and any words substituted, typed or written in ink above them, alterations being verified by the signatures in the margin of the parties executing, the witnesses and the authorised officers, or noticed in the execution.

(k) Delete the certificate where execution is by a corporation

(l) Insert name and address of person identifying, if

3. *Execution by parties at different times or places*- Separate sheets for execution are available if required from the Land Registry. If such sheets are used, they must be bound to this form and authenticated as part of the instrument either by the sealing of the binding or by the

applicable parties so executing the instrument signing their names at the foot of each page of the instrument.

(m) If instrument executed in commonwealth certificate may be given by magistrate, notary public or commissioner for oaths. SEE ALSO NOTE 4 for other authorised officers

4. Authorised Officers - For a full list of authorised officers within and outside Solomon Islands see regulation 8 of the Land and Titles (General) Regulations.

REGISTERED at the.....Land Registry this.....day of .....19....., at .....o'clock.  
Registration of Titles.

*\*Delete whichever of the alternatives in italics is inapplicable.*

FORM 20

SOLOMON ISLANDS

**THE LAND AND TITLES ACT**  
(Cap. 133)

*Power of Attorney*  
(Section 207)

I\*/The\*

(for name and occupation or other description of individual or name of corporation)

of

(address)

HEREBY

(full name and occupation or other description of individual or name of

APPOINT(S)

corporation)

of

(address)

to be my\*/its\* attorney and generally in relation to my\*/its\* interest in the land described in the Schedule hereto to do anything and everything that I\*/the\* myself\*/itself\* could do and for me\*/it\* and in my\*/its\* name to execute all such instruments and do all such acts, matters and things as may be necessary or expedient for the carrying out of the powers hereby given.

(NOTE.-If the power is to be limited to particular acts only, delete everything after the word "attorney" above and set out below what powers are to be conferred.)

DATED at .....this.....day of.....19.....

†SIGNED by the Donor]  
in the presence of:.....]  
Signature of Witness:  
Name of Witness:  
Address:

I certify that the above-named .....appeared before me at..... on this.....day of .....19....., and I have satisfied myself as to his\*/her\*/their\* identity [*he\*/they being identified to me by\** (insert name and address of person identifying, if applicable)

.....or *being well known to me\**] and that *he\*/she\*/they\** freely and voluntarily signed and appeared fully to understand this instrument.

Seal or stamp of office

(if any)

.....

Signature of verification An and person Authorised description completing certificate Officer

NOTE.- If the instrument is executed in the Commonwealth, verification certificate may be given by a magistrate, notary public or commissioner for oaths. For a full list of authorised officers, see regulation 8 of the Land and Titles Regulations.

REGISTERED at the.....Land Registry this .....day of.....19....., at ..... o'clock.

Registrar of Titles.

\*Delete the italic alternatives which are inapplicable. †In the case of a corporation, substitute usual form of words recording the due care fixing of its seal.

FORM 21

SOLOMON ISLANDS

THE LAND AND TITLES ACT

(Cap. 133)

Notice of Revocation of a Power of Attorney (Section 207)

I\*/The\*

(full name and occupation or other description of individual or name of corporation)

of

(address)

HEREBY GIVE(s) NOTICE that the Power of Attorney dated the day of.....19.....(Registered Power of Attorney Number..... ) and granted by me\*/it\* to

(full name and occupation or other description of individual or name of corporation)

of

(address)

has been revoked by me\*/it\*.

DATED at.....this.....day of.....19.....

+SIGNED in Signature Name Address: by the of of presence the Donor] of:.....] Witness: Witness:

I certify that the above-named.....appeared before me at..... on this.....day of .....19....., and I have satisfied myself as to his\*/her\*/their\* identity



[*he\*/she\*/they\** being identified to me by\* (insert name and address of person identifying, if applicable) .....*or being well known to me\**] and that *he\*/she\*/they\** freely and voluntarily signed and appeared fully to understand this instrument.

Seal or stamp of office

(if any)

.....

Signature and description of person completing verification certificate)

*An Authorised Officer*

REGISTERED at.....Land Registry this.....day of.....19....at.....o'clock.

Registrar of Titles

*\*Delete the alternative which is not applicable*  
*†In the case of a corporation substitute usual form of words recording the due affixing of its seal*

FORM 22

SOLOMON ISLANDS

**THE LAND AND TITLES ACT**

(Cap. 133)

*Surrender of a Fixed-Term Estate/Lease*  
(Sections 141 (4) and 161)

PARCEL NUMBER .....

[NOTE CAREFULLY THE NOTES IN THE MARGIN AND ON PAGE ]

- (a) Full name and occupation or other description I\*/We\*/The\* (a) of (b) being registered as *the Owner of the fixed-term estate in (c)/Lessee of PARCEL, NUMBER (d), in consideration of the sum of (e) (\$) paid to me/us/it by the Commissioner of Lands(f)/ Lessor (the receipt of which is hereby acknowledged)*
- (b) Address
- (c) Delete whichever phrase in italics is inapplicable HEREBY SURRENDER(S) all my/our/its interests as such Owner (g)/Lessee to the Commissioner of Lands (h)/Lessor
- (d) Registered Parcel Number of (j) 2. I/We/The (i) Commissioner of Lands (k)/Lessor, HERESY ACCEPT(S) this SURRENDER.
- (e). If no monetary consideration, delete phrase in italics. Otherwise insert amount in words and figures 3. (l) In this instrument the expression "Lessor" means the person or persons for the time being registered as the owner of the interest out of which the Lease now surrendered was granted.
- (f) Delete whichever is inapplicable

DATED at..... day of.....19.....

(g) Delete whichever is inapplicable

(m) SIGNED by the Owner of ] the fixed-term estate/Lessee

(h).Delete whichever is inapplicable

in the presence of:.....

Signature of Witness:

Name of Witness:

Address:

(i) Full name and occupation or other description

(n) I certify that the above-named ..... appeared before me at ..... this ..... day of

(j). Address

..... 19....., and I have satisfied myself as to

(k) Delete whichever is inapplicable

his\*/her\*/their\* identity (he\*/she\*/they\* being identified to me by\* (o)

(l) Delete this clause if inapplicable

or being well known to me\*) and that he\*/she\*/they\* freely and voluntarily signed and appeared fully to understand this instrument.

(m) In the case of execution by a corporation substitute in this part the usual form of words recording the affixing of its seal.

Seal or stamp of office

(if any)

.....

(Signature and description

of person completing verification certificate )

(n) Delete the certificate where execution is by a corporation

(p) An Authorised Officer

(q) SIGNED by the commissioner of Lands/Lessor in the presence of:.....

Signature of Witness:

Name of Witness:

(o) Insert name and address of person identifying, if applicable

Address:

(p). If instrument executed in commonwealth certificate may be given by magistrate, notary public or commissioner for oaths. SEE ALSO NOTE 5 for other authorised officers

(r) I certify that the above-named ..... appeared before me at.....this .....day of.....19....., and I have

satisfied myself as to his\*/her\*/their\* identity (he\*/she\*/they\* being identified to me by\* (s) being well known to me \*) and

that he\*/she\*/they\*freely and voluntarily signed and appeared fully to understand this instrument.

Seal of stamp of office (if any)

(q) In the case of execution by a corporation substitute in this part the usual form of words recording the affixing of its seal.

.....

Signature and description

of person completing verification certificate)

(r) Delete the certificate where execution is by a corporation

(t) An Authorised Officer

Consent (u)  
(Section 161 (2))

I/We/The (v)  
of (w)

(s) Insert name and address of person identifying, if applicable. being registered as Chargee of the said fixed-term estate in (x)/lease of PARCEL NUMBER (y).....HEREBY CONSENT(S) to this SURRENDER

(t) If instrument executed in Commonwealth certificate may be given by magistrate, notary public or commissioner for oaths. SEE ALSO NOTE 5 for other authorised officers (z) SIGNED by the said ] in the presence of:.....] Signature of Witness: Name of Witness:

(u) Delete this clause if inapplicable (aa) I certify that the above-named.....appeared before me at.....this .....day of..... 19....., and I have satisfied myself as to his\*/her\*/their\* identity (he\*/she\*/they\* being identified to me by\* (bb) or being well known to me\*) and that he\*/she\*/they\* freely and voluntarily signed and appeared fully to understand this instrument

(v) Full name and occupation or other description Seal or stamp of office (if any)

(w) Address ..... Signature and description of person completing verification certificate)

(y) Registered Parcel Number (cc) An Authorised Officer

(z) In the case of execution by a corporation substitute in this part the usual form of words recording the affixing of its seal.

(aa) Delete the certificate where execution is by a corporation.

#### NOTES

(bb) Insert name and address of person identifying, if applicable

1. *Blank Spaces* - This form when completed should be ruled up so that no additions arte possible

(cc) If instrument executed in commonwealth certificate may be given by magistrate, notary public or commissioner for oaths. SEE ALSO NOTE 5 for other authorised officers

2. **NO ALTERATION MAY BE MADE BY ERASURE.**-The words rejected should be ruled through (so that they are still legible) in ink and any words substituted , type or written in ink above them, alternations being verified by the signatures in the margin of the parties executing , the witness and the authorised officers, or noticed in the execution.

3. *Execution by parties at different times or places*- Separate sheets for execution, where the party of one part comprises more than one person, by individuals appearing before different authorised officers, are available if required from the

Land Registry. If such sheets are used they must be bound to this form and authenticated as part of the instrument either by the sealing of the binding or by the parties so executing the instrument signing their names at the foot of each page of the instrument.

4. *Execution and Consents*-This instrument must be executed by the Commissioner of Lands and the registered owners of the estate or by the Lessor and the Lessee as the case may be and may require consents under section 161 (2) of [the Act](#).

5. *Authorised Officers*-For a full list of authorised officers within and outside Solomon Islands see regulation 8 of the Land and Titles (General) Regulations.

REGISTERED at the Land. Registry this ..... day of ..... 19..... , at ..... o'clock.

Registrar of Titles.

FORM 23

SOLOMON ISLANDS

THE LANDS AND TITLES ACT  
(Cap. 133)  
*Release of Easement/Profit*  
(Section 179)

PARCEL NUMBER.....  
(of the land burdened)

(a) Full name and occupation or other description	I/We/The (a) of (a) being registered as the owner(s) of the EASEMENT/PROFIT
(b) Address	(c) affecting (d) and creating by an instrument dated the .....day of.....19....., and made between (e)
(c) Delete the alternative inapplicable	of (f) and (e)
(d) Set out details of the interest burdened INCLUDING PARCEL NUMBER (e.g. the fixed term estate in PARCEL NUMBER .....)	of (f) HEREBY RELEASE(S) the said EASEMENT/PROFIT (g) DATED at.....this.....day of.....19.....
(e) Full name and occupation or other description	(h) Signed by the Owner(s) ] in the presence of:.....] Signature of Witness: Name of Witness: Address:

- (f) Address (i) I certify that the above-named .....appeared before me at .....this.....day of.....19....., and i have satisfied myself as to *his\*/her\*/their\** identity (*he\*/she\*/they\* being identified to me by\* (j) or being well known to me\**) and that *he\*/she\*/they\** freely and voluntarily signed and appeared fully to understand this instrument.
- (g) Delete the alternative inapplicable
- (h). In the case of execution by a corporation substitute in this part the usual form of words recording the affixing of its seal Seal and stamp of office (if any) .....  
Signature and description of person completing verification certificate)
- (i) Delete the certificate where execution is by a corporation (*k) An Authorised Officer*)

\* Delete the *italic* alternatives which are inapplicable.

- (j) Insert name and address of the person identifying, if applicable.

#### NOTES

- (k) If instrument executed in Commonwealth certificate may be given by magistrate, notary public, or commissioner for oaths. SEE ALSO NOTE 4 for other authorised officers.

1. Blank Spaces-This form when completing should be ruled up so that no additions are possible.

2. NO ALTERATIONS MAY BE MADE BY ERASURE.-  
The words rejected should be ruled through (so that they are still legible) in ink and any words substituted, typed or written in ink above them, alterations being verified by the signatures in the margin of the parties executing, the witnesses and the authorised of officers, or noticed in the execution.

3. Execution by parties at different items or places-Separate sheets for execution where the party executing comprises more than one person, by individuals appearing before different authorised officers, are available if required form the Land Registry. If such sheets are used they must be bound to this form and authenticated as part of the instrument either by the sealing of the binding or by the parties so executing the instrument signing their names at the foot of page of the instrument.

4. Authorised Officers-For a full list of authorised officers within and out side Solomon Islands see regulation 8 of the Land and Titles (General) Regulations.

REGISTERED at the.....Land Registry this.....day of.....19....., at.....o'clock.  
Registrar of Titles.

\*Delete the *italic* alternatives which are inapplicable.

*Application for Registration of Transmission*  
(Section 209)

PARCEL NUMBER .....

[NOTE CAREFULLY THE NOTES IN THE MARGIN AND ON PAGE.....]

1. (a).....of (b)  
deceased, was, at the date of this death, registered as the owner of (c)

(a) Full name and occupation or other description  
2. I/We (d)  
of (e)  
am/are the personal representative(s) of the said deceased.

(b) Address  
3. Annexed to this application is the (f) *grant of probate of the will of the deceased/grant of the letters of administration of the estate of the deceased/order of the High Court* together with a copy thereof.

(c) Set out details of the interest held by the deceased  
4. I/We\* hereby require you to register me/us\* by transmission as the owner(s)\* of the interest described in paragraph 1 of this application.

INCLUDING  
PARCEL NUMBER  
(e.g. a fixed-term estate in Parcel Number.....)  
[Or (g)]  
I/We\* hereby require you to register (h)  
of (i)  
as owner/joint owners/owners in common\* (f) of the interest described in paragraph 1 of this application . The owners in common are to hold in the following shares:-(j)

(d) Full name and occupation or other description  
DATED at .....this.....day of .....19.....

(e) Address  
(k) SIGNED by the said]  
in the presence of:..... ]  
Signature of Witness:

(f) Delete the alternative in *italics* which are inapplicable  
Name of Witness:  
Address:

(g) Delete the alternative clause inapplicable and complete the other  
(l) I certify that the above-named.....appeared before me at..... this..... day of .....19....., and I have satisfied myself as to *his\*/her\*/their\** identity (*he\*/she\*/they\* being identified to me by\* (m) or being well known to\**) and that *he\*/.she\*/they\** freely and voluntarily signed and appeared fully to understand this instrument.

(h) Full name and occupation or other description  
Seal or stamp of office  
(if any)

(i) Address  
.....

(j) Delete this  
(Signature and description of person completing and verification certificate)

sentence if  
inapplicable

(n) *An Authorised Officer*

(k) In the case of  
execution by a  
corporation,  
substitute in this part  
the usual form of  
words recording the  
affixing of its seal.

\* *Delete the alternatives which are inapplicable*

NOTES

(l) Delete the  
certificate where  
execution is by a  
corporation.

1. *Bank Spaces*- This form when completed should be ruled up so that  
no additions are possible.

2. NO ALTERNATIVES MAY BE MADE BY ERASURE. -The  
words rejected should be ruled through (so that they are still legible) in  
ink and any words substituted, typed or written in ink above them,  
alterations being verified by the signatures in the margin of the parties  
executing, the witness and the authorised officers, or noticed in the  
execution.

(m) Insert name and  
address of person  
identifying, if  
applicable

3. *Execution by parties at different times*-Separate sheets for execution  
are available if required from the Land Registry. If such sheets are  
used, they must be bound to this form and authenticated as part of the  
instrument either by the sealing of the binding or by the parties so  
executing the instrument signing their names at the foot of each page of  
the instrument.

(n) If instrument  
executed in  
Commonwealth  
certificate may be  
given by magistrate,  
notary public or  
commissioner for  
oaths. SEE ALSO  
NOTE 4 for other  
authorised officers

4. *Authorised Officers* -For a full list of authorised officers within and  
outside Solomon Islands see regulation 8 of the Land and Titles  
(General) Regulations.

REGISTERED at the.....Land Registry this.....day  
of.....19....., at.....o'clock.  
Registered of Titles

FORM B

*Form for Alteration of Registry Map  
(Section 96.)*

To be completed in triplicate.

Mutation No.:

Application No.:

Name of Applicant(s)

Parcel Number(s)

From: Registrar of Titles.

ACTION REQUIRED:

copies of the plan(s) submitted with

\*Attached is/are  
application.

\*To: Commissioner of Lands.

Has consent for subdivision been given under section 140 of the [Land and Titles Act](#)?

\*To: Surveyor-General

Is the survey information now on record sufficient to give effect to the mutation?

.....  
Date

.....  
Registrar of Titles.

---

\* To Registrar of Titles.

From: Commissioner of Lands

\*Consent for subdivision has been given/refused.

\*Conditions have been imposed as follows:-

\*Consideration cannot be given to consent for subdivision until the necessary survey information is available

.....  
Date

.....  
Commissioner of Lands

---

To: Registrar of Titles.

From: Surveyor-General

\*Sufficient survey information is now on record for the purposes of giving effect to the mutation

\*Additional survey work is required before the mutation can be effected, and I estimate the delay will be

Further reference to the parcel(s) should be by plan number

.....  
Date

.....  
Surveyor-General

---

\*To: Commissioner of Lands

From: Registrar of Titles.

Is consent now given for subdivision?

.....  
Date

.....  
Registrar of Titles

---

To: Registrar of Titles

From: Commissioner of Lands and Surveys

Consent for subdivision has been given/refused.

\*Conditions have been imposed as follows:-

.....  
Date

.....  
Commissioner of Lands

---

To: Surveyor-General

From: Registrar of Titles

\*I have examined Application No.

Please enter the \*combination/\*subdivision/\*boundary alteration on the registry map \* and return this form through the Commissioner of Lands\*.

.....  
Date

.....  
Registrar of Titles

---

To: Registrar of Titles

From: Surveyor-General

The \*Combination/\*subdivision/\*boundary alteration has now been entered in the registry map. The \*diagram/\*sketch of the reverse shows what has been done and give the details of the old and new parcel numbers and acreages

.....  
Date

.....  
Surveyor-General



Registered on .....  
Registrar of Titles

*\*Delete as applicable*

[ SEE BELOW FOR SURVEY DETAIL]

Field Sketch and Observation on Site  
Or  
Diagram by Surveyor -General

Quarter Degree Sheet No.

Block Plan No.

\*Signed by persons  
Present at survey

.....  
.....  
.....  
.....  
.....  
.....

Signed .....  
Surveyor  
Date .....  
Countersigned/Signed  
.....  
Surveyor-General  
.....  
Date

*LN 133/1968* THE LAND AND TITLES (GENERAL) REGULATIONS

NOTICE

*(Regulations 3 (1))*

[1<sup>st</sup> January 1969]

The Commissioner of Lands has prescribed the forms set out in the Schedule hereto for the particular purposes of [the Act](#) specified on each form, and hereby gives notice that the said form will be required to be used with effect from the first day of January, 1969.

SCHEDULE

FORM L.S.1

SOLOMON ISLANDS

THE LANDS TITLES ACT

(Cap. 133)

*Record of Interests in Customary Land*

(Section 46 and 47)

LAND

SETTLEMENT

AREA

SECTION

NO. OF PARCEL IN DEMARCATION PLAN

1. OWNERSHIP. (Full name(s), description(s) and residential address (es) of person(s) entitled to be registered as owner(s) of the perpetual estate in the parcel.)
2. PARTICULARS OF INTERESTS AFFECTING OTHER LAND AND BENEFITING THE PARCEL WHICH REQUIRED TO BE REGISTERED
3. PARTICULARS OF INTERESTS AFFECTING THE PARCEL AND BENEFITING PERSONS OTHER THAN THE OWNER OR BENEFITING OTHER LAND WHICH REQUIRED TO BE REGISTERED
4. OBLIGATIONS INCIDENT TO ANY INTERESTS TO BE REGISTERED
5. DISABILITIES ( and guardians, etc.)
6. REMARKS

..... (Signed) ..... *Recording*  
*Date* ..... *Officer*

FORM L.S.2

*Petition of Appeal*  
 IN THE HIGH COURT OF SOLOMON ISLANDS

In the Matter of an Appeal under section 57 of the Land and Titles Act ( Cap. 133)

.....Appellant

*versus*

The Land Settlement Officer.....Respondent  
 Land Settlement Area

The appellant being aggrieved by the act or decision hereinafter specified of the Respondent hereby appeals to the High Court upon the grounds hereinafter specified.

Date ..... Signature of  
 Appellant.....

Name of Appellant in block capitals.....  
 Name of Land Settlement Area.....  
 Act or decision appealed against.....  
 Ground of appeals.....  
 (If insufficient space, grounds of appeal may be continued overleaf)

NOTE: An appeal lies only on the ground that the act or decision of the Land Settlement Officer is erroneous in point of law or on the ground of failure to comply with any procedural requirements of the Land and Titles Act. The appeal must be lodged within three months of the certificate under section 56 of the [Land and Titles Act](#), notifying the place at times at which the settlement records can be inspected.

[Prescribed]

FORM CA.1

THE LAND AND TITLES ACT

(Cap. 133))

(Section 71 (3))

L.R.....  
 .....

NOTICE

Compulsory Acquisition of Land

TAKE

NOTICE

that:

- (1) The Minister, in exercise of the powers conferred by section 71 (1) of the [Land and Titles Act](#) (Cap.133) has made a declaration dated the.....day..... of.....19....., (a copy of which is attached hereto) to the effect that the land specified in the said declaration is required for the public purpose therein described.
- (2). With effect from the date of publication of the said declaration, namely the .....day of .....19....., all interest in the said land ceased to subsist by virtue of section 75 of the [Land and Titles Act](#) subject only to the provisions of sections 76 and 78.
- (3). Any person who claims any interest which, by virtue of section 75 of [the Act](#), ceased to exist, may claim compensation from the Commissioner of Lands. Every claim for compensation shall be sent to the Commissioner of Lands, Honiara, either direct or through the Provincial Secretary, and an acknowledgment of receipt obtained.
- (4). Under section 76 of [the Act](#), any person or group of persons having an interest which ceased to subsist by virtue of section 75, may within six calendar months from the date of publication of declaration, apply to the High Court for an order squashing the declaration in so far as it applies to the land subject to or affected by the interest.
- (5). Under section 78 of [the Act](#), any person who, immediately before the publication of the declaration, was lawfully occupying any land or lawfully exercising any right affecting any land specified in the declaration as required for a public purpose, may continue to occupy the land or exercise the right until he is ordered in writing by the Commissioner of Lands to cease from so doing; if there is on the land any building in occupation, a notice (Form CA4) will be served on the occupier requiring him to vacate the building within a period not exceeding four months; BUT such persons or persons continuing to occupy land or buildings under sections 78 SHALL NOT carry out any development of the land or building except with the written consent of the Commissioner of Lands on such terms as he thinks fit.
- (6). Any person wanting help in drawing up or submitting any claim for compensation for any interest or right in the land specified in the declaration, or an application to the High Court, should contact the Provincial Secretary who will give him all the help he can.

Date .....

.....  
*Commissioner of Lands*

I,  
of

(name)  
(address)  
(office or occupation)

hereby certify that I have this                      day of                      19                      ,

posted the above notice on or near the boundaries of the land specified in the Declaration attached to the said notice.

Signature:

NOTE.-This notice must be completed in triplicate -

The *original* posted on or near the boundaries not the land;  
The *duplicate* sent to the Commissioner of Lands;  
The *triplicate* retained at the Provincial Secretary's office.

\_\_\_\_\_  
[Prescribed]

FORM CA 2

THE LANDS AND TITLES ACT

(Cap 133)

(Section 72)

L.R. ....

.....

---

COMPULSORY ACQUISITION OF LAND

---

*Notice in respect of Registered Land*  
(other than land registered as customary land.)

TO: .....

TAKE NOTICE that:

(1). The Minister in exercise of the powers conferred by ..... day of section 71(1) of the [Land and Titles Act](#) (Cap. 133), has made a declaration dated the 19 ....., (a copy of which is attached hereto) to the effect that the land specified in the said declaration is required for the public purpose therein described.

(2). The land register shows you to be the owner of the following interests in land specified in the declaration: (detail interests, parcel numbers, etc.)

(3). With effect from the date of publication of the said declaration, namely the day of 19 ....., all interests in the said land ceased to subsist by virtue of section 75 of the [Land and Titles Act](#), subject only to the provisions of sections 76 and 78.

(4). You may make a claim for compensation for the loss of any interest in the said land. This should be made as should as possible to the Commissioner of Lands, Honiara, and may be made by word of mouth or in writing.

(5). If you wish to dispute the acquisition of the said land you may, within six calendar months from the date of publication of the declaration apply to the High Court for an order squashing the declaration in so far as it applies to the land shown by the land register to be subject to an interest owned by you.

(6). You may continue to occupy and use such land as you were occupying or using immediately before the publication of the declaration until you are ordered in writing by the Commissioner of Lands to cease from so doing; if you were occupying any building on the land you will receive a separate notice (Form CA4) to vacate such building within a period to be specified in that notice, but not exceeding four months from the date of publication of the declaration:

BUT you may not carry out any development of the land or buildings without the written consent of the Commissioner of Lands.

(7). If you wish for help in preparing of submitting any document or making any claim or making any application to the High Court, the Provincial Secretary will give you all the help he can.

.....  
Date

.....  
*Commissioner of Lands*

*Will you please acknowledge receipt of this Notice as set out below and on the duplicate provided.*

This Notice was duly served by me ..... (name)  
Of ..... (address)  
On ..... (office of occupation)  
Of ..... (name of person served)  
Of ..... (address)

On \_\_\_\_\_ (date)  
Signature:  
I, \_\_\_\_\_ (name)  
Of \_\_\_\_\_ (address)  
acknowledge receipt of the above Notice this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_ .

Signature:  
\_\_\_\_\_

[Prescribed]

FORM CA 4

THE LAND AND TITLES ACT

(Cap. 133)

(Section 78 (1))

L.R. ....  
.....

NOTICE

*To Vacate a Building*

TAKE NOTICE that:

(1). The Minister, in exercise of the powers conferred by section 71 (1) of the Lands and Titles Act (Cap. 133) has made a declaration dated the ..... day of .....19 ....., (a copy of which is attached hereto) to the effect that the land specified in the said declaration is required for the public purpose therein described.

(2). With effect from the date of publication of the said declaration, namely the ..... day of ..... 19 ....., all interest in the said land ceased to subsist by virtue of section 75 of the Lands and Titles Act, subject only to the provisions of sections 76 and 78

(3). Notices have been served in accordance with sections 73 and 73 of the Act upon all those who have reason to believe hold interests in the said land.

(4). Now in accordance with the proviso to section 78 (1) of the Act, I HEREBY REQUIRE you to vacate all and any buildings occupied by you on the said land on or before the ..... day of ..... 19 ....., (this period not to exceed four months from date declaration was published).

(Date).....  
.....  
(Commissioner of Lands)

*Will you please acknowledge receipt of this Notice as set out below and on the duplicate provided.*

This Notice was duly served by me \_\_\_\_\_ (name)  
of \_\_\_\_\_ (address)  
\_\_\_\_\_ (office or occupation)  
on \_\_\_\_\_ (name of person served)  
of \_\_\_\_\_ (address)  
on \_\_\_\_\_ (date)

Signature:

I, \_\_\_\_\_ (name)  
of \_\_\_\_\_ (address)  
acknowledge receipt of the above Notice this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_ .

Signature:

\_\_\_\_\_

[Prescribed]

FORM CA 5

**THE LANDS AND TITLES ACT**

(Cap.133)

(Section 79 (2))

L.R. ....  
.....

*Offer to pay Compensation*

To:

I refer to my Notice (Form CA.1) date \_\_\_\_\_ regarding the compulsory acquisition

by the Government of Land in which you claim an interest; and to your claim in

writing dated \_\_\_\_\_ /made by word of mouth to \_\_\_\_\_ at \_\_\_\_\_ on \_\_\_\_\_

(Delete \_\_\_\_\_ words \_\_\_\_\_ not \_\_\_\_\_ applicable).

2. I NOW OFFER YOU compensation for the loss of interests claimed by you as follows:-  
(set out details of interest claimed and rates offered)

To this sum will be added interest at the rate of 5 per cent, from\*

to \_\_\_\_\_ the \_\_\_\_\_ date \_\_\_\_\_ you \_\_\_\_\_ received \_\_\_\_\_ this \_\_\_\_\_ offer.

*\*Interest to be calculated from date Minister's declaration published or date the claimant vacated the land, which ever is later*

3. If you are not satisfied with this offer you may, within three months of the date this offer is served on you, appeal to the High Court. The Provincial Secretary will help you to prepare an appeal if you wish.

4. If you do not appeal within three months, or if you inform me earlier than you accept my offer, payment as offer will be made to you.

(Date) .....

.....  
(Commissioner of Lands)

*Will you please acknowledge receipt of this Notice as set out below and on the duplicate provided.*

This Notice was duly served by me \_\_\_\_\_ (name)

of (address)

(office of occupation)

on (name of person served)

of (address)

on (date)

Signature:

I, (name)

of (address)

acknowledge receipt of the above Notice this day of 19 .

Signature:

*\* Interest to be calculated from date Minister's declaration published or date the claimant vacated the land, whichever the latest.*