

LAWS OF THE REPUBLIC OF VANUATU

CONSOLIDATED EDITION 2004

**CHAPTER 123**

**LAND REFORM**

JR 31 of 1980  
Act 6 of 1981  
Act 10 of 1983  
Act 32 of 1985  
Act 6 of 1992  
Act 35 of 2000

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**LAND REFORM**

**To make interim provision for the implementation of Chapter 12 of the Constitution.**

**PART I**

**INTERPRETATION**

**INTERPRETATION**

1. In this Act unless the context otherwise requires -

"alienator" means a legal or natural person or persons who immediately prior to the Day of Independence and whether or not their rights were registered in the Registry of Land Titles provided for in the Anglo/French Protocol of 1914

-

- (a) had freehold or perpetual ownership of land whether alone or jointly with another person or persons; or
- (b) had a right to a share in land by inheritance through will or operation of law where no formal transfer of that land had taken place; or
- (c) had a life interest in land; or
- (d) had a right to land or a share in land at the end of a life interest; or
- (e) had a beneficial interest in land: Provided that -
  - (i) (a) where there is more than one alienator in respect of a piece of land they shall be included in the expression "the alienator" for the purposes of the provisions of this Act;
  - (b) one alienator may represent himself and the other alienator or alienators by agreement among them for the purposes of this Act;
  - (c) the Minister may appoint an alienator to represent his co-alienator or alienators for the purposes of this Act;
  - (ii) a person shall not be an alienator of land unless -
    - (a) there is a person in physical occupation of it being an alienator or a licensee, tenant or lessee of an alienator; and

- (b) the land and improvements thereon have in the opinion of the Minister been up to the Day of Independence maintained in reasonably good repair and condition; and, where applicable,
- (c) rates or taxes due in respect of the land are not in arrears for 6 months or more on the Day of Independence;
- (iii) a person shall be an alienator within the meaning of this definition if the Minister is satisfied that he has been unable to satisfy any of the conditions in paragraph (ii) because of the deliberate act or omission of another person or persons;
- (iv) a person shall be an alienator within the meaning of this definition if he has been substituted for an alienator with the consent of the Minister in accordance with section 8(2)(a):

"custom owners" means the person or persons who, in the absence of a dispute, the Minister is satisfied are the custom owners of land;

"custom group" means a person or persons who claim custom ownership of disputed land;

"disputed land" means land the ownership of which is claimed by more than one custom group;

"encumbrance" includes a mortgage, a lease, licence to use land for payment, a right of way or any customary or other rights over land not being rights of ownership of that land;

"land" includes improvements thereon or affixed thereto and land under water including land extending to the seaside of any offshore reef but no further;

"the Minister" means the Minister for the time being responsible for land of any Minister acting on his behalf;

"state land" means all land in Vanuatu which on the 1<sup>st</sup> day of January 1980 was owned in freehold or perpetual ownership by the British Government, the French Government, the Condominium or a Municipality.

## PART II

### ENCUMBRANCES

#### ENCUMBRANCES

2. Subject to section 22 land shall be held subject to encumbrances created before or after the coming into operation of this Act.

### **PART III**

#### **ALIENATED LAND**

##### **ENTITLEMENT OF ALIENATOR TO REMAIN ON LAND**

3. Every alienator shall be entitled to remain on land occupied by him on the Day of Independence until such time as either he enters into a lease of the land or a part thereof with the custom owners of the land or receives payment for improvements to or on that land:

Provided that where such land is undeveloped land, an alienator, without prejudice to his right to enter into a lease of that land, shall not be entitled to remain on such land.

##### **REFERRALS TO SUPREME COURT ON IDENTIFY OF ALIENATOR**

4. (1) In any case where there is doubt as to who is an alienator in respect of land or to what proportion of a valuation of improvements an alienator is entitled, the matter shall be referred to the Supreme Court for decision either by an alienator, the custom owners or the Minister.
- (2) A decision of the Supreme Court under subsection (1) shall be final and shall not be the subject of an appeal the Court of Appeal.
- (3) The Chief Justice may make rules of procedure for the purposes of this section.

##### **APPLICATIONS TO ISLAND COURT WHERE IDENTIFY OF CUSTOM OWNERS IN DISPUTE**

5. (1) In any case where there is doubt as to who are the custom owners of land occupied by an alienator one of the custom groups who claim the land may apply to an Island Court established in accordance with section 1 of the Island Courts Act, Cap. 167 to decide on the ownership of the land.
- (2) Where no claim has been made to custom ownership of land or the custom groups who dispute ownership have not made an application to the Court in accordance with subsection (1) the Minister may make such application in respect of such land.

**PART IV**

**NEGOTIATIONS AND AGREEMENTS RELATING TO CUSTOMS LAND**

**CERTIFICATE OF REGISTERED NEGOTIATOR**

6. (1) No alienator or other person may enter into negotiations with any custom owners concerning land unless he applies to the Minister and receives a certificate from the Minister that he is a registered negotiator.
- (2) A certificate issued in accordance with subsection (1) shall -
- (a) state the names of the applicant and of the custom owners;
  - (b) give brief details of the land in respect of which negotiations are registered; and
  - (c) state the object of the negotiations.
- (3) If negotiations are completed without compliance with subsection (1) the Minister may refuse to approve the agreement between the custom owners and the unregistered negotiator and if he is an alienator may declare the land unsettled land.

**VOID AGREEMENTS**

7. All agreements between persons who are not indigenous citizens and custom owners relating to land shall be void and unenforceable in law unless they have been -
- (a) approved by the Minister; and
  - (b) registered in the Land Records Office.

**PART V**

**MANAGEMENT OF LAND**

**MINISTER TO HAVE GENERAL MANAGEMEMENT AND CONTROL OF CERTAIN LAND**

8. (1) The Minister shall have general management and control over all land
-

- (a) occupied by alienators where either there is no approved agreement in accordance with sections 6 or 7 or the ownership is disputed; or
  - (b) not occupied by an alienator but where ownership is disputed; or
  - (c) not occupied by an alienator, and which in the opinion of the Minister is inadequately maintained.
- (2) Where the Minister manages and controls land in accordance with subsection (1) he shall have power to -
- (a) consent to a substitution of one alienator for another;
  - (b) conduct transactions in respect of the land including the granting of leases in the interests of and on behalf of the custom owners;
  - (c) take all necessary measures to conserve and protect the land on behalf of the custom owners.

## PART VI

### PUBLIC LAND

#### VESTING OF STATE LAND

9. (1) On the Day of Independence all state land shall vest in the Government and be public land and be held by it for the benefit of the Republic of Vanuatu.
- (2) The Minister, on the advice of the Council of Ministers, may by Order declare that any land described in the Order ceases to be public land.
- (3) In accordance with Article 81 of the Constitution the Minister may, on the advice of the Council of Ministers, by Order vest any public land in indigenous citizens or communities referred to in the Order for such payment by them and on such terms and conditions as may be referred to in the Order.
- (4) When an Order is made under subsection (3) it shall provide for payment of compensation to the custom owners by the Government and the amount of such compensation shall be set out in the Order.
10. *(Deleted)*



- 11. *(Deleted)*
- 12. *(Deleted)*
- 13. *(Deleted)*

## **PART VIA**

### **COMPENSATION**

#### **APPLICATION OF PART**

- 9A. This Part applies in relation to custom owners of land who had a right to compensation under section 11 of the Land Reform Act [CAP 123] immediately before the section was repealed by the Land Reform (Amendment) Act No. 6 of 1992.

#### **GOVERNMENT TO DETERMINE COMPENSATION**

- 9B. (1) The Government is to determine the amount of compensation payable to the custom owners of the land.
- (2) In determining the amount of compensation, the Government must take into account the market value of the land and any other matters that it considers relevant.
- (3) A determination must be in writing and a copy of it must be given to the custom owners of the land.

#### **MARKET VALUE OF LAND**

- 9C. The market value of land is to be determined by the Government valuer who is to carry out such investigations as are necessary to determine the market value.

#### **IDENTITY OF CUSTOM OWNERS AND PAYMENT**

- 9D (1) A compensation payment must not be made to a person unless the Minister is satisfied that he or she is a custom owner of the land.
- (2) A compensation payment may be made to a particular custom owner on behalf of the other custom owners of the land.
- (3) A compensation payment is to be made as soon as practicable after the appeal period under section 9E expires.

**APPEAL RIGHTS**

- 9E Any custom owner of the land who is dissatisfied with the amount of compensation determined by the Government may appeal to the Supreme Court within 30 days after the date on which the determination is made.

**PART VII**

**REGISTERED LEASES**

**GUARANTEE OF REGISTERED LESSEE**

14. (1) When a lease is registered in a register in the Land Records Office the registration of that lease shall be evidence of the validity of the lease and the details thereof.
- (2) If a person registered as a lessee is proved in a court not to be the lessee and such person was not registered as a lessee through fault or fraud on his part he will be entitled to receive compensation from the Government for any loss suffered by him as a result of the finding of the Court.

**PART VIII**

**RIGHTS OF ENTRY**

**RIGHT OF ENTRY OF OFFICIALS AND VALUERS**

15. Persons bearing the written authority of the Minister shall have a right to enter upon any land occupied by an alienator in order to carry out the functions vested in the Minister by section 8.

**PART IX**

**LAND CORPORATIONS**

**ESTABLISHMENT OF CORPORATE BODIES BY THE MINISTER**

16. (1) The Minister may by Order establish corporate bodies for the better carrying into effect of the purposes of this Act.
- (2) A corporate body established in accordance with subsection (1) may have such of the functions and powers referred to in the Schedule as may be set out in the Order establishing it or an Order amending the Order.

- (3) Subject to subsection (4), the Minister may delegate any of his duties or functions under this Act to a corporate body established under this section.
- (4) The Minister may not delegate his powers to consent to transactions between custom owners and other persons.

**PART X**

**ROADS**

**PUBLIC ROADS**

- 17. (1) Public roads in existence or under construction on the Day of Independence shall vest on that Day in the Government on behalf of the people.
- (2) No person other than the Minister may close a public road or take a toll from persons using a public road.

**PART XI**

**USE OF FORCE AND DAMAGE**

**PROHIBITION OF USE OF FORCE**

- 18. (1) No custom owners or members of a custom group whether or not such persons believe they own such land shall enter on land by force or attempt to eject any persons occupying that land by force.
- (2) No alienator shall use force against custom owners peaceably entering the land occupied by him.
- (3) Any person who contravenes this section shall be liable on conviction to imprisonment for 10 years or a fine of VT200,000 or to both.

**PROHIBITION OF DAMAGE OR DESTRUCTION OF IMPROVEMENTS**

- 19. (1) No person whether an alienator or custom owner and whether or not he believes himself to be the owner of the improvement shall wilfully damage or destroy any improvement on land without the consent in writing of the Minister.
- (2) A person who contravenes subsection (1) shall be liable on conviction to imprisonment for 10 years or a fine of VT200,000 or to both.

**PART XII**

**REGULATIONS AND OFFENCES**

**REGULATIONS**

20. (1) For the better carrying into effect of this Act the Minister may by Order make regulations not inconsistent with this Act.
- (2) Without derogating from the generality of subsection (1) the Minister in such regulations may provide -
- (a) for anything that may be prescribed;
  - (b) for fees payable on registering transactions in the Land Records Office;
  - (c) for the manner of applying to make entries in registers in the Land Records Office;
  - (d) for the forms to be used for applications under this Act and the fees payable on such applications;
  - (e) for the occasions when and the manner of carrying out surveys of land.

**OFFENCES**

21. (1) Any person who obstructs any person in carrying out his duties or functions under this Act commits an offence.
- (2) Any person who commits an offence under this section or contravenes any provision of this Act shall where no other penalty is provided be liable on conviction to a term of imprisonment of 3 years or a fine of VT60,000 or to both.

**SAVING AND TRANSFER OF MORTGAGES**

22. (1) Subject to the Constitution and subsections (2) and (3) the rights of mortgagees and other persons who have lent money with land given as security for repayment of the money lent by them shall continue in full force and effect from the Day of Independence.
- (2) When an alienator enters into a lease of land with the custom owners or Government in accordance with section 3 or 13 any mortgages entered into by him at any time prior to the lease in respect of that land shall be deemed to have been made in respect of that lease and shall be construed with such adaptations as shall be necessary.

- (3) When an alienator receives any payment or enters into an agreement to receive any payment for improvements to or on land in accordance with sections 3 or 13 the payment or agreement shall be charged in order of priority with payment of the amounts due under any mortgages entered into by him at any time prior to the payment or the agreement.

### **SAVING OF RIGHTS OF LESSEES AND TENANTS**

23. The rights and obligations of lessees and tenants subsisting on the Day of Independence shall remain in full force and effect for the full term of their tenancies and leases.

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## **SCHEDULE**

(section 16)

### **CORPORATE BODIES**

#### **PART I**

#### **FUNCTIONS**

A corporate body formed under this Act may -

- (a) manage land, plantations or residential properties;
- (b) act as an agent for the Government or any other body or person;
- (c) carry on business as an investment manager;
- (d) manage any kind of business enterprise;
- (e) engage in any business relating to land including its development for residential, industrial or commercial purposes;
- (f) undertake the business of farmers, ranchers, cultivators of timber, sawmillers and timber merchants;
- (g) undertake the business of builders or civil engineers;
- (h) process any crops grown on land including copra, cocoa and rice.

**PART II**

**POWERS**

A corporate body formed under this Act shall have power for the purpose of carrying out its functions to -

- (a) hold, buy and sell real or personal property including houses for employees of the corporate body;
- (b) lease land to or from any person;
- (c) sue and be sued in its corporate name;
- (d) promote or finance any undertaking;
- (e) subject to such specific or general conditions as the Minister may make borrow money by the issue of debentures or in any other manner including overdraft;
- (f) lend money and guarantee loans;
- (g) establish or participate in any pension schemes for the benefit of its employees and their dependents;
- (h) carry out programmes of research;
- (i) charge fees;
- (j) employ any persons, firms or bodies;
- (k) enter into agreements, leases, conveyances or transfer of land on behalf of the Government or any custom owners and a recital in any such agreement, lease, conveyance or transfer that the corporation is acting on behalf of the Government or custom owners as the case may be shall be sufficient to indemnify any other party to such agreement, lease, conveyance or transfer;
- (l) invest funds not immediately required for the purposes of its functions in bank deposits and such other investments as may be authorised by the Minister.
- (m) such other powers as may be incidental to the above-mentioned powers or necessary to enable the corporate body to carry out its functions.

**SUBSIDIARY LEGISLATION**

**LAND REFORM (RURAL ALIENATED LAND) REGULATIONS**

Order 9 of 1980

**ARRANGEMENT OF REGULATIONS**

**REGULATION**

1. Application
2. Form of certificate of registered negotiator
3. Fees
4. Time for lodging applications
5. Minister may extend time
6. Minister may accept applications made out of time
7. Minister may require further and better particulars
8. Verification of particulars in application
9. Applicant to answer truthfully all questions

**SCHEDULE**

- Part 1- Form A-Application for a certificate pursuant to section 6(1) of the Act
- Part 2 - Form B-Request for an extension of time to apply for a certificate pursuant to section 6(1) of the Act
- Part 3 - Fees payable on an application for a certificate pursuant to section 6(1) of the Act
-

**SUBSIDIARY LEGISLATION**

**LAND REFORM (RURAL ALIENATED LAND) REGULATIONS**

**To provide for the manner and form of application for a certificate of registered negotiator in respect of rural alienated land and matters connected therewith.**

**APPLICATION**

1. These Regulations apply with respect to -
  - (a) land which, on the day these Regulations come into force, is situated outside the municipal boundaries of Port Vila and Luganville; and
  - (b) land which, on the day these Regulations come into force, is situated within the municipal boundaries of Port Vila and Luganville, but is subsequently excluded from the said municipal boundaries.

**FORM OF CERTIFICATE OF REGISTERED NEGOTIATOR**

2. With respect to such land as specified in regulation 1, an application for a Certificate of Registered Negotiator under section 6(1) of the Land Reform Act, Cap. 123 shall be in Form A contained in Part 1 of the Schedule.

**FEES**

3. The fee payable on an application form shall be as set out in Part 3 of the Schedule.

**TIME FOR LODGING APPLICATIONS**

4. Subject to regulations 5 and 6, an application supported by some evidence of payment of the prescribed fee shall be lodged with the Minister -
  - (a) with respect to land described in regulation 1(a), within 3 months of the day these Regulations come into force; and
  - (b) with respect to land described in regulation 1(b), within 3 months of the declaration that the land is excluded from a municipal boundary.

**MINISTER MAY EXTEND TIME**

5. (1) The Minister may, on request by a person intending to apply under these Regulations, extend the time prescribed in regulation 4 for a further 3 months.



- (2) A request for an extension of time shall be in Form B contained in Part 2 of the Schedule.

**MINISTER MAY ACCEPT APPLICATIONS MADE OUT OF TIME**

6. (1) Subject to subregulation (4), the Minister may, if he is satisfied that reasonable cause has been shown, accept an application made out of time.
- (2) An application made out of time shall be supported by a statement giving the applicant's reasons for applying out of time.
- (3) The Minister may place such terms or conditions on acceptance of a late application as he thinks fit.
- (4) A late application with respect to a parcel or parcels of land may not be accepted if the Minister has already given a Certificate under section 6(1) of the Land Reform Act, Cap. 123 in relation to such parcel or parcels of land.

**MINISTER MAY REQUIRE FURTHER AND BETTER PARTICULARS**

7. The Minister may with respect to any matter contained in an application, require the applicant to appear before him for an interview, or to provide further or better particulars, including supporting documentary evidence.

**VERIFICATION OF PARTICULARS IN APPLICATION**

8. A person authorised in writing by the Minister may, for the purpose of establishing the accuracy or otherwise of statements made in an application -
- (a) enter upon the land the subject of the application with such persons, vehicles and things as he thinks fit;
- (b) inspect the land and any improvements, produce, plant and equipment on the land; and
- (c) examine and record the details of any accounts, records, documents and papers relating in any way to the land or any improvements, plant or equipment on the land, or produce from the land.

**APPLICANT TO ANSWER TRUTHFULLY ALL QUESTIONS**

9. Failure by an applicant to respond truthfully and to the best of the applicant's ability to questions and matters of fact raised in Form A shall render the application invalid.

SCHEDULE

(regulation 2)

Part 1

FORM A

REPUBLIC OF VANUATU

Land Reform Act, Cap. 123

APPLICATION FOR A CERTIFICATE PURSUANT TO  
SECTION 6(I) OF THE ACT

Section A. Questions relating to the applicant

1. Full name of applicant: .....
2. Applicant's postal address in Vanuatu: .....  
.....
3. (a) In the case of a natural person;
  - (i) applicant's place and date of birth: .....  
.....
  - (ii) applicant's nationality: .....
  - (iii) applicant's country of residence: .....
  - (iv) applicant's occupation: .....
  - (v) what is your residential status in Vanuatu? .....
  - (vi) is there any legal impediment on your ability to enter Vanuatu? (if so, give details): .....
- (b) In the case of a corporation:
  - (i) applicant's country of incorporation: .....
  - (ii) applicant's business: .....

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(iii) applicant's principal place of business: .....

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*Section B. Questions relating to the land*

Instructions: The applicant should submit a separate application with respect to each separate parcel of land for which the applicant wishes to apply. If parcels of land the subject of the application physically adjoin, then a single application may embrace all such adjoining parcels. If, however, the applicant wishes to make application with respect to parcels of land which do not adjoin, then separate applications should be submitted with respect to each non-adjoining parcel. The applicant is invited to indicate the land the subject of the application by attaching to the application a map showing boundaries, etc.

4. Name of the land the subject of the application: .....

5. Location of the land, being –

District: .....

Island: .....

6. Official description of the land, being –

Registered title number(s): .....

Plan number(s): .....

Other descriptions: .....

7. Are you applying for –

(a) all the land the subject of a registered title under paragraph 6?; .....

(b) part only of the land the subject of a registered title under paragraph 6?; or .....

(c) land which is not the subject of a registered title? .....

*(Answer "Yes" to (a), (b) or/and (c), as appropriate.)*

*Section C. Questions relating to claims with respect to the land*

*Instructions:* Applications for a Certificate of Registered Negotiator may be made under the Land Reform Act, Cap. 123 by an alienator or other person. "Alienator" is defined in section 1 of the Act. The applicant is required to state the capacity in which he makes the application, and the details of other claims with respect to the land.

*Details of the applicant's claim*

8. Do you claim to be an alienator with respect to the land the subject of the application? .....
9. If the answer to paragraph 8 is "yes", do you claim that immediately prior to the Day of Independence, you -
  - (a) had freehold or perpetual ownership of the land either alone or jointly with another person or persons? .....
  - (b) had a right to a share in the land by inheritance through will or operation of law where no formal transfer of that land had taken place? .....
  - (c) had a life interest in the land? .....
  - (d) had a right to the land or a share in the land at the end of a life interest? .....
  - (e) had some other beneficial interest in the land? .....

*(Answer "Yes" to one of (a)-(e), as appropriate).*

10. (a) If you answered "yes" to paragraph 9(a), state -
  - (i) whether you claim to have had freehold or perpetual ownership alone, or jointly with another person or persons: .....
  - (ii) if jointly, state the name and address of such other person or persons: .....
- (b) If you answered "yes" to paragraph 9(e), state the nature of the beneficial interest: .....
11. (a) If the answer to paragraph 8 is "no", do you claim to have an interest in the land? .....
- (b) If so, state the nature of the interest: .....

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*Details of any other claims*

12. (a) If the answer to paragraph 8 is "yes", do you know of any other person or persons who may claim to be an alienator with respect to the land?  
.....
- (b) If so -
- (i) state the name, address and nature of the claim of such person or persons: .....
- (ii) has there been an agreement between you and such person or persons as to who will be the alienators' representative for the purposes of the Land Reform Act, Cap. 123? .....
- if so, state the name and address of the alienators' agreed representative: .....
13. Do you know of any person (including any non-natural person) who has a mortgage on the land? .....
14. If the answer to paragraph 13 is "yes", state the nature of the mortgage, the mortgagee's name and address, and the mortgagor's name and address:  
.....  
.....
15. Do you know of any person (including any non-natural person) who has a lease of the land or any part thereof? .....
16. If the answer to paragraph 15 is "yes", state the nature and term of the lease, the name and address of the lessee, and the name and address of the lessor:  
.....  
.....
17. Do you know of any person (including any non-natural person) who has a licence to use the land or any part thereof for payment? .....
18. If the answer to paragraph 17 is "yes", state the nature of the licence, and the name and address of the licensee: .....
19. Do you know of any person (including any non-natural person) who has a right of way on or along or over the land or any part thereof? .....
20. If the answer to paragraph 19 is "yes", state the nature of such right of way, and the name and address of such person: .....

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21. Do you know of any customary rights on or over the land or any part thereof (such customary rights not being rights of ownership of the land)?  
.....
22. If the answer to paragraph 21 is "yes", state what such rights are:  
.....  
.....
23. Do you know of any person (including any non-natural person) who has any other rights in or over the land or any part thereof (such rights not being rights of ownership)? .....
24. If the answer to paragraph 23 is "yes", state what such rights are, and the name and address of such person: .....
- 

*Section D. Questions relating to occupation of the land*

25. Are you in actual physical occupation of the land the subject of the application? .....
26. If the answer to paragraph 25 is "yes" -
- (a) is such occupation over all or part only of the land? .....
  - (b) if part only, state which part: .....
27. If the answer to paragraph 25 is "no", is there any other person (including any non-natural person) in actual physical occupation of the land?  
.....
28. If the answer to paragraph 27 is "yes" -
- (a) is the person in occupation an alienator? (If so, state the name and address of the alienator): .....
  - (b) is the person in occupation a licensee? (If so, state the name and address of the licensee, and the name and address of the licensor):  
.....  
.....
  - (c) is the person in occupation a tenant or lessee? (If so, state the name and address of the tenant or lessee, and the name and address of the person from whom the tenancy or lease is held):  
.....

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29. If the answer to paragraph 27 is "yes" -
- (a) is such occupation over all or part only of the land? .....
  - (b) if part only, state which part: .....
- 

*Section E. Questions relating to maintenance of the land and improvements on or to the land*

30. What is the area of the land the subject of the application? ..... hectares
31. What is the cleared area? ..... hectares
32. What area has been planted to cash crops? ..... hectares
33. With respect to cash cropping on the land, you are required to answer the following -
- (a) Coconuts
    - (i) what area is planted to coconut? ..... hectares
    - (ii) what is the age of the coconut trees? .....
    - (iii) what was the production-in 1978? ..... tonnes  
-in 1979? ..... tonnes
  - (b) Cocoa
    - (i) what area is planted to cocoa? ..... hectares
    - (ii) what is the age of the cocoa trees? .....
    - (iii) what was the production-in 1978? ..... tonnes  
-in 1979? ..... tonnes
  - (c) Coffee
    - (i) what area is planted to coffee? ..... hectares
    - (ii) what is the age of the coffee trees? .....
    - (iii) what was the production-in 1978? ..... tonnes  
-in 1979?..... tonnes

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- (d) Other cash crops
- (i) what area is planted to other cash crops? ..... hectares
  - (ii) what are they? .....
  - (iii) what was the production-in 1978? ..... tonnes  
-in 1979? ..... tonnes
34. With respect to animal husbandry on the land, you are required to answer the following –
- (a) Fencing
- (i) what area has been fenced to grazing? ..... hectares
  - (ii) what is the length of fencing? ..... kilometres
  - (iii) what is the type of fencing? .....
  - (iv) what is the state of fencing? .....
- (b) Pasture Improvement
- (i) what area has been pasture improved? ..... hectares
  - (ii) provide details of the type and nature of pasture improvement:  
.....
- (c) Stocking
- (i) what is the number of cattle?  
(Indicate the number of bulls, breeding cows, bullocks, spayed cows, steers, heifers and calves) .....
  - (ii) what is the nature and number of other commercial stock?  
.....
- (d) Production
- (i) what commercial stock was sold-in 1978?.....  
in 1979? .....
- (e) Water Systems
- (i) list the structural improvements for watering or irrigation purposes:.....



35. List other structural improvements, including –
- (a) residences: .....
  - (b) workers' quarters: .....
  - (c) crop husbandry and processing facilities: .....
  - (d) animal husbandry and processing facilities: .....
36. List plant and equipment used in connection with the development of, or production from the land: .....
- 

*Section F. Development Proposals*

In this section you are asked to state your proposals for development of the land in the event of an agreement being negotiated with the custom owners. These should include –

1. Proposed provision for maintenance of existing cash crops, rehabilitation of plantings, and any replantings or new plantings of cash crops;
  2. Proposed provision for maintenance of existing animal stock numbers and any increase in stock numbers;
  3. Proposed improvements in connection with crop and animal husbandry and processing of crop and animal production;
  4. Proposed or possible sources which might be available for financing development proposals.
- 

*Section G. Participation by Custom Owners*

In this section you are asked to state your views or proposals with respect to participation of the custom owners in the ownership and management of the business conducted on the land, in the event of an agreement being negotiated with the custom owners.

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*Section H. Application and Declaration*

Instructions: Applicants are required to answer truthfully and to the best of their ability on questions and matters of fact in Form A. Failure to answer truthfully and to the best of the applicant's ability will render the application invalid. Your attention is drawn to section 21 of the Land Reform Act, Cap. 123 which provides that any person who contravenes any of the provisions of the Act (which includes these Regulations) will be liable on conviction to a term of imprisonment or a fine or both. Applicants must complete the following application and declaration.

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I, ..... (name) of ..... (address) hereby apply for a Certificate of Registered Negotiator under Section 6(l) of the Land Reform Act, Cap. 123 and I declare that the statements made by me in Sections A, B, C, D and E of this form are, to the best of my knowledge and ability, complete and correct.

.....  
**Date**

.....  
**Signature of Applicant**

.....  
**Signatory's Office**  
**(where the applicant is a corporation).**

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**Part 2**

(regulation 5)

**FORM B**

**REPUBLIC OF VANUATU**

**Land Reform Act, Cap. 123**

**REQUEST FOR AN EXTENSION OF TIME TO APPLY FOR  
A CERTIFICATE PURSUANT TO SECTION 6(l) OF THE ACT**

I ..... (name), of ..... (address) hereby request an extension of time to lodge an application for a Certificate of Registered Negotiator under Section 6(l) of the Land Reform Act, Cap. 123. The following information is provided in support of this request.

1. Answer either (a) or (b):
  - (a) I am a natural person whose nationality is ..... and whose country of residence is .....
  - (b) I am a corporation whose country of incorporation is ..... and whose principal place of business is .....
2. My postal address in Vanuatu is .....

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3. The details of the land in respect of which I intend to lodge an application for a Certificate of Registered Negotiator under section 6(l) of the Act are as follows -

(a) Name of the land: .....

(b) Location of the land, being -

District: .....

Island: .....

(c) Official description of the land, being -

Registered title number(s): .....

Plan number(s): .....

Other description: .....

.....

4. My claim with respect to the land or interest in the land is:

.....

5. To the best of my knowledge and belief, the only person or persons (including any non-natural person) who have any other rights in or over the land or any part thereof (such rights not being customary rights of ownership) is/are:

.....

.....

.....  
**Date**

.....  
**Signature of Applicant**

.....  
**Signatory's Office**  
**(where the applicant is a corporation)**

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**LAWS OF THE REPUBLIC OF VANUATU**

**LAND REFORM**

**[CAP. 123.]**

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[Subsidiary]

**Part 3**

(regulation 3)

**Land Reform Act, Cap. 123**

**FEES PAYABLE ON AN APPLICATION FOR A  
CERTIFICATE PURSUANT TO SECTION 6(1) OF THE ACT**

Area of land the subject of the application	VT
Not more than 10 hectares .....	2,000
More than 10 and not more than 100 hectares .....	4,000
More than 100 and not more than 500 hectares .....	10,000
More than 500 and not more than 1,000 hectares .....	20,000
Plus VT5,000 for every 500 hectares or part thereof over 1,000 hectares.	

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**SUBSIDIARY LEGISLATION**

**LAND REFORM (RURAL LAND CORPORATION) REGULATIONS**

Order 14 of 1980

**ARRANGEMENT OF REGULATIONS**

**REGULATION**

1. Interpretation
2. Establishment of the Corporation
3. Functions of the Corporation
4. Powers of the Corporation
5. Delegation of functions to general manager
6. Composition of the Corporation

7. Allowances for members
8. Secretary to the Corporation
9. Meetings of the Corporation
10. General manager and employees of the Corporation
11. Funds of the Corporation
12. Funds to be held in trust
13. Guarantee of loans
14. Control of borrowing
15. Accounts and audits
16. Annual report
17. Submission of estimates for purpose of grants
18. Contracts
19. Evidence of sealing of documents
20. Previous contracts
21. Minister's delegation of powers
22. No personal liability to members or employees
23. Minister's directives

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**SUBSIDIARY LEGISLATION**

**LAND REFORM (RURAL LAND CORPORATION) REGULATIONS**

**To provide for the establishment of the Rural Land Corporation, for the functions of that Corporation, for that Corporation to have general management and control over certain rural land and for matters connected therewith.**

## INTERPRETATION

1. In these Regulations unless the context otherwise requires -

"the Corporation" means the Rural Land Corporation established under regulation 2;

"financial year" means the financial year of the Corporation which shall be the same as that of the government financial year;

"Minister" means the Minister for the time being responsible for land or any Minister acting on his behalf.

## ESTABLISHMENT OF THE CORPORATION

2. (1) There is hereby established a body corporate to be known as the Rural Land Corporation.
- (2) The Corporation shall have perpetual succession and a common seal and may sue and be sued in its Corporate name.

## FUNCTIONS OF THE CORPORATION

3. The Corporation may exercise any of the following functions -
- (a) manage land, plantations or residential properties;
  - (b) act as an agent for the Government or any other body or person;
  - (c) carry on business as an investment manager;
  - (d) manage any kind of business enterprise;
  - (e) engage in any business relating to land including its development for residential, industrial or commercial purposes;
  - (f) undertake the business of farmers, ranchers, cultivators of timber, sawmillers and timber merchants;
  - (g) undertake the business of builders or civil engineers;
  - (h) process any crops grown on land including copra, cocoa and rice.

## POWERS OF THE CORPORATION

4. The Corporation shall have the following powers -

- (a) hold, buy and sell movable or immovable property including houses for employees of the Corporation;
- (b) lease land to or from any person;
- (c) promote or finance any undertaking;
- (d) subject to such specific or general conditions as the Minister may make, borrow money by the issue of debentures or in any other manner including overdraft;
- (e) lend money and guarantee loans;
- (f) establish or participate in any pension scheme for the benefit of its employees and their dependents;
- (g) carry out programmes of research;
- (h) charge fees;
- (i) employ any persons, firms or bodies;
- (j) enter into agreements, leases, conveyances or transfer of land on behalf of the Government or any custom owners and a recital in any such agreement, lease, conveyance or transfer that the Corporation is acting on behalf of the Government or custom owners as the case may be shall be sufficient to indemnify any other party to such agreement, lease, conveyance or transfer;
- (k) invest funds not immediately required for the purposes of its functions in bank deposits and such other investments as may be authorised by the Minister;
- (1) such other powers as may incidental to the above-mentioned powers or necessary to enable the Corporation to carry out its functions.

#### **DELEGATION OF FUNCTIONS TO GENERAL MANAGER**

5. (1) The Corporation may, by resolution or otherwise, delegate to the general manager with or without restrictions or conditions, as the Corporation thinks fit, such of its powers and functions as it deems expedient for the efficient discharge of the day to day operations of the Corporation.
- (2) Nothing in subregulation (1) shall permit the delegation of the power -

- (a) to make major decisions of policy in connection with the functions of the Corporation;
- (b) to authorise expenditure exceeding such amount as may, from time to time, be fixed by the Corporation.

#### COMPOSITION OF THE CORPORATION

6. (1) The Corporation shall consist of a chairman, a deputy chairman and not less than two nor more than eight other members all appointed by the Minister.
- (2) Subject to subregulation (1) members of the Corporation shall hold office for a period of 1 year and shall be eligible for reappointment.
- (3) A member of the Corporation may resign by not less than 30 days notice in writing to the Minister.
- (4) The Minister may remove a member from office by notice published in the Gazette.

#### ALLOWANCES FOR MEMBERS

7. Members of the Corporation who are not public officers shall be paid such allowances and expenses as the Minister may determine after consultation with the Minister responsible for finance.

#### SECRETARY TO THE CORPORATION

8. (1) There shall be a secretary to the Corporation who shall be an employee thereof and appointed by the Corporation in accordance with regulation 10.
- (2) The secretary or a person acting in that office shall attend all meetings of the Corporation and prepare minutes thereof.
- (3) The secretary shall -
- (a) keep in safe custody the seal and all documents of the Corporation;
  - (b) receive all process served on the Corporation and carry out such other duties as the Corporation or chairman shall direct.

#### MEETINGS OF THE CORPORATION



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9. (1) Subject to subregulation (2), meetings of the Corporation shall be held at such times and places as the chairman or in his absence, the deputy chairman may from time to time appoint.
- (2) The first meeting shall be convened by the Minister.
- (3) The quorum at meetings shall be three members.
- (4) The chairman or in his absence the deputy chairman shall preside at every meeting of the Corporation.
- (5) The proceedings at any meeting shall not be invalidated by any vacancies in the membership provided the number of such vacancies does not exceed two.
- (6) The Corporation may invite any persons to participate in meetings but they shall have no vote.
- (7) Decisions of the Corporation shall be made by a majority vote of members present and voting, the chairman or the deputy chairman (as the case may be) shall have a casting vote.
- (8) If a member has any pecuniary interest, direct or indirect, in any contract or proposed contract or other matter relating to the Corporation he shall as soon as practicable disclose to the chairman of the Corporation the fact and nature of his interest.
- (9) Subject to such rules as the Minister may make by Order, the Corporation may make internal rules regulating its procedures for the chairmanship, calling, conducting and adjournment of meetings of the Corporation.

**GENERAL MANAGER AND EMPLOYEES OF THE CORPORATION**

10. (1) Subject to subregulation (2), the Corporation may from time to time, appoint, at such remuneration and upon such terms and conditions as it may think fit -
- (a) a general manager who shall be the chief administrative officer of the Corporation and all its operations;
- (b) the secretary to the Corporation; and
- (c) such other officers and employees as it may consider necessary for the proper and efficient discharge of the functions of the Corporation.

- (2) The appointment of the general manager shall require the prior approval of the Minister.

#### **FUNDS OF THE CORPORATION**

11. The funds of the Corporation shall consist of -
- (a) grants from the Government out of monies appropriated by Parliament for such purposes;
  - (b) grants from other sources;
  - (c) monies borrowed by the Corporation;
  - (d) monies received by the Corporation in any other way in the course of the discharge of the functions.

#### **FUNDS TO BE HELD IN TRUST**

12. Any surplus funds generated by the Corporation in the course of carrying out its functions and powers shall be held by it in trust for those parties properly entitled thereto.

#### **GUARANTEE OF LOANS**

13. The Government may guarantee any loans to the Corporation.

#### **CONTROL OF BORROWING**

14. The Minister responsible for finance shall prescribe -
- (a) the aggregate maximum indebtedness that the Corporation may incur without his consent in writing; and
  - (b) the maximum individual sums that the Corporation may likewise borrow.

#### **ACCOUNTS AND AUDITS**

15. (1) The Corporation shall keep proper accounts and other records in respect of its receipts and expenditure and shall cause to be prepared an annual statement of account in respect of each financial year.
- (2) The accounts of the Corporation shall be audited annually by independent and properly qualified auditors approved in writing by the Minister responsible for finance and appointed by the Corporation.

- (3) As soon as is reasonable after the end of each financial year the Corporation shall transmit to the Minister and Minister responsible for finance audited accounts together with any report made by the auditors thereon and such explanations as the Corporation may consider appropriate.

#### **ANNUAL REPORT**

16. (1) The Corporation shall make an annual report of its activities to the Minister not less than 45 days before the commencement of the annual budget session of the Parliament.
- (2) A copy of the audited accounts for the previous financial year provided for in regulation 15 and provisional accounts for the current financial year shall be attached to the report.
- (3) The Minister shall submit the annual report together with such comments as he may have thereon to Parliament during the annual budget session.

#### **SUBMISSION OF ESTIMATES FOR PURPOSE OF GRANTS**

17. If the Corporation shall need a grant referred to in regulation 11(a) so that the Government may determine the amount thereof for inclusion in the budget, the Corporation shall not less than 90 days before commencement of the financial year during which the grant is required submit to the Minister responsible for finance estimates of expenditure and receipts for that year and of unexpended funds carried forward.

#### **CONTRACTS**

18. A contract which if made between natural persons would by law be -
  - (a) required to be sealed shall be made varied or discharged by the Corporation under seal;
  - (b) required to be in writing signed by the parties may be made varied or discharged on behalf of the Corporation in writing signed by a person acting with its express or implied authority;
  - (c) valid if made by parol only may be made varied or discharged by parol on behalf of the Corporation by any person acting with express or implied authority.

#### **EVIDENCE OF SEALING OF DOCUMENTS**

19. The fact that a document bears the seal of the Corporation shall be prima facie evidence in any court or legal proceeding that the document has been properly executed on behalf of the Corporation.

### PREVIOUS CONTRACTS

20. All contracts and agreements in connection with, or in relation to the land or any business conducted thereon and subsisting before the coming into force of these Regulations shall have no effect against or in favour of the Corporation.

### MINISTER'S DELEGATION OF POWERS

21. For the purpose of carrying out its functions, the powers contained in section 8 of the Land Reform Act, Cap. 123 are hereby delegated to the Corporation.

### NO PERSONAL LIABILITY TO MEMBERS OR EMPLOYEES

22. No personal liability shall attach to any member or employee of the Corporation in respect of anything done or not done in good faith, and without negligence under the provisions of these Regulations.

### MINISTER'S DIRECTIVES

23. The Minister may from time to time after consultation with the Corporation issue directives to the Corporation and the Corporation shall be obliged to carry out such directives.

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#### Table of Acts

Land Reform [CAP. 123]. Date of commencement, 30.07.1980. (ref: 1998 Revised Edition)

**1992** Land Reform (Amendment) Act No. 6

**2000** Land Reform (Amendment) Act No. 35

#### Table of amendments

Sec 9	Repealed and substituted by Act No. 6 of 1992
Secs 10, 11, 12 & 13	Repealed by Act No. 6 of 1992
Part VIA	Inserted by Act No. 35 of 2000
Secs 9A – 9E	Inserted by Act No. 35 of 2000