Commencement: 31 October 1980

LAND REFORM (RURAL ALIENATED LAND) REGULATIONS

Order 9 of 1980

ARRANGEMENT OF REGULATIONS

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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.

1. Application

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.

2. Form of certificate of registered negotiator

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.

3. Fees

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

4. Time for lodging applications

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.

5. Minister may extend time

(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.

6. Minister may accept applications made out of time

(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.

7. Minister may require further and better particulars

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.

8. Verification of particulars in application

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.

9. Applicant to answer truthfully all questions

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

(regulation 2)

REPUBLIC OF VANUATU

Land Reform Act, Cap. 123

APPLICATION FOR A CERTIFICATE PURSUANT TO SECTION 6(1) 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: .....

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

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: ….....……

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: ……..

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): .....

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

(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.

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.

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).

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(1) 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(1) 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 .....

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(1) 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)

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 VT 5,000 for every 500 hectares or part thereof over 1,000 hectares.