Commencement: 1 March 1984

LAND LEASES GENERAL RULES

Order 3 of 1984
Order 9 of 1986
Order 49 of 2003

ARRANGEMENT OF RULES

1. Interpretation
2. Hours of public business of Land Records Office
3. Amendments, corrections, erasures, etc.
4. Lodgment for registration
5. Fees
6. Evidence of incorporation
7. Execution of instruments by corporations
8. Attestation of instrument
9. Persons interested in instruments may not attest
10. Deposit of deeds in archives

To provide rules for the administration and operation of the Land Records Office.

1. Interpretation

In these rules reference to "Act" shall mean the Land Leases Act, Cap. 163.

2. Hours of public business of Land Records Office

The hours during which the Land Records Office shall be open to the public shall, except on public holidays, be from 9 a.m. to 11.00 a.m. and from 2 p.m. to 4.00 p.m. on Mondays to Fridays inclusive.

3. Amendments, corrections, erasures, etc.

(1) The Director 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 Director may refuse to accept it for registration.

(3) Where all the parties to any instrument which has been accepted by the Director for registration but not registered by him, require to make any amendment, alteration or correction therein, the Director 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.

4. Lodgement for registration

(1) Every application (other than an application lodged for registration by post where section 27(2) of the Act applies) shall be lodged by presenting the same manually at the public counter of the Land Records Office during the hours that such Office is open to the public, and the Director 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 Director to refuse to accept any application for registration of any matter –

(a) when the fee assessed by the Director to be payable in accordance with these Rules in respect thereof has not been paid;

(b) if the relevant instrument and documents do not accompany the application, unless such instruments, or documents are proved to the Director's satisfaction to be already in the Land Records Office;

(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. 68 or any amendment or re-enactment thereof;

(e) in any case falling within the scope of rule 3(1) or 3(2); or

(f) where the application or any instrument is not in due form or duly attested.

5. Fees

(1) The following fees are payable:

Land registry and lease processing fees	**Fee (Vatu)**
Certified copies of documents, per document or part thereof	1,000
Registered document inspection fee	500
Application for negotiator certificate	2,250
Applications for leases and ministerial consents (except for transfers, subdivisions and combinations)	3,000
Applications for lease transfer, subdivisions and combinations	10,000
Lease execution fee – prepared by recognised body or person	15,000
Lease execution fee – lease prepared by department	50,000
Registration of instruments (except for mortgages, cautions, power of attorney and non-statutory documents)	2,500
Registration of a mortgage	10,000
Registration of power of attorney	5,000
Registration of caution	5,000
Registration of a change of name	2,500
Registration of non-statutory document (in addition to other registration fees)	5,000
Fee for other applications and work performed by departmental officers not otherwise provided for:	Maximum 10,000

(2) If more than one separate matter shall be included in the same application the appropriate fee prescribed in subrule (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 Director whose decision 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 rule and under section 110 of the Act shall be paid notwithstanding the rejection by the Director of any application.

(5) The Director may in his discretion remit or refund any prescribed fee or any part thereof.

(6) No fees under this rule shall be payable by or on behalf of the Government.

(7) A double fee is payable in respect of a delayed registration (as provided by section 25 of the Act).

(8) No fees under this rule shall be payable for an application notifying a change of address.

6. Evidence of incorporation

An application for registration of a dealing whereby a corporation acquires an interest shall be accompanied by a certificate of incorporation or by a copy of the statute, charter etc., creating the corporation, duly certified as a true copy by a permanent officer or solicitor of the corporation, or by such other evidence of incorporation as the Director may require (as provided by section 30(5) of the Act).

7. Execution of instruments by corporations

The normal requirements for the execution of instruments are set out in section 77 of the Act. In the case of corporations, the position in the corporation of the person signing the instrument or of the witnesses to the sealing must be stated. Where an instrument is signed or sealed other than in

accordance with section 77(2)(b)(i) it must be supported by a copy or extract of the corporations creating statute, charter, etc. containing the provisions in respect thereof duly certified that it is a true copy or extract by a permanent officer or solicitor for the corporation.

8. Attestation of instrument

(1) The following persons, during such times as they are in Vanuatu, shall be authorised officers for the purposes of section 78(3)(a)(x) of the Act –

- all officers holding the office of Assistant Land Officer or Land Officer in the Department of Lands;
- the general managers and all officers holding the office of Land Officers in the Port Vila and Luganville Urban Land Corporations;
- the secretary of the Santo Land Council.

(2) Consular and pro-consular officers in any foreign country shall be the authorised officers for the purposes of section 78(3)(b)(iii) of the Act.

9. Persons interested in instruments may not attest

No authorised officer or other person authorised by section 78 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.

10. Deposit of deeds in archives

The Director 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.

Table of Amendments (since the Revised Edition 1988)

5(1) Substituted by Order 49 of 2003