Commencement: 6 February 1995

LAND ACQUISITION (FORMS) REGULATIONS

Order 32 of 1994

ARRANGEMENT OF REGULATIONS*

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To provide for various forms required under the Land Acquisition Act [Cap. 215].

1. Definition

In these Regulations, unless the context otherwise requires –

"Act" means the Land Acquisition Act [Cap. 215];

"Minister" means the Minister for the time being responsible for matters under the Act.

2. Notice under section 2 of the Act

(1) A notice under section 2(1) of the Act shall contain the particulars and shall be in the form set out in Schedule 1 to these regulations.

(2) A notice referred to in subregulation (1) shall be served in the manner specified in regulation 8.

3. Notice in respect of claims for damages

(1) A notice under section 3 of the Act relating to the amount of compensation assessed by the Acquiring Officer shall contain the particulars and be in the form set out in Schedule 2.

(2) Any notice referred to in subregulation (1) shall –

(a) in the case of an individual owner, be given to the owner or his representative;

(b) in the case of land owned by a group, be given to the head of the group or if there is a dispute as to who is the head of the group or the head of the group cannot be found or is outside Vanuatu, to any adult member of the owning group;

(c) in the case of persons interested, be given to such persons or their representatives.

4. Notice of intended acquisition and objections to such acquisitions

(1) A notice under section 4(1) of the Act relating to the intended acquisition and objections to such acquisition shall contain the particulars and shall be in the form set out in Schedule 3.

(2) A notice referred to in subregulation (1) shall be served in the manner specified in regulation 8.

**Editor's note: This Arrangement of Regulations contains links to the body of the Regulations (Control + click)*

5. Notice to custom owner and persons interested

(1) A notice under section 7(1) of the Act following a declaration that a land or easement is needed for a public purpose and will be acquired under the Act shall contain the particulars and shall be in the form set out in Schedule 4.

(2) A notice referred to in subregulation (1) shall be served in the manner specified in regulation 8.

(3) A notice under section 7(1) of the Act shall be published in accordance with the provisions of regulation 8(2) and exhibited on or near the land affected.

6. Notice under section 11 of the Act[1]

A notice under section 11 of the Act shall contain the particulars and shall be in the Form set out in Schedule 5.

7. Notification of final determination by acquiring officer

(1) A notice under section 13 of the Act in respect of the final determination by the acquiring officer of compensation payable under the Act shall contain the particulars and shall be in the form set out in Schedule 6.

(2) Any notice referred to in subregulation (1) shall –

(a) in the case of an individual owner, be given to the owner or his representative;

(b) in the case of land owned by a group, be given to the head of the group or if there is a dispute as to who is the head of the group or the head of the group cannot be found or is outside Vanuatu, to any adult member of the owning group;

(c) in the case of persons interested, be given to such persons or their representatives.

8. Service of notice

(1) Any notice referred to in regulations 2, 4 and 5 shall –

(a) in the case of an individual owner, be given to the owner or his representative;

(b) in the case of land owned by a group, be given to the head of the group or if there is a dispute as to who is the head of the group or the head of the group cannot be found or is outside Vanuatu, to any adult member of the owning group;

(c) in the case of persons interested, be given to such persons or their representatives;

(d) if the person to be served refuses to accept the notice, it is sufficient to leave the notice with them (by dropping it at their feet or otherwise) having explained that it is a notice affecting their land rights.

(2) A copy of the notice referred to under subsection (1) shall –

(a) within 30 days of being served on the custom owners and persons interested, be published at least two times in a local newspaper with a wide circulation in Vanuatu;

(b) be displayed –

(i) on the notice board and in some conspicuous places near the entrance to the head office of the local government council in whose region the land is situated; and

(ii) in at least one nakamal in a village or in a community hall, if any, in or close to the area where the land is situated; or

(iii) on the notice board and in some conspicuous places near the entrance to the town hall of the municipal council in whose area the land is situated; and

(c) be broadcast over the national radio in Bishlama, English and French at least 3 times immediately after the notice is given to the custom owners and persons interested in the land.

[1] *Editor's note: Section 11 of the Act was repealed by Act 34 of 2000*

SCHEDULE 1 / ANNEXE 1 / APENDIS 1

LAND ACQUISITION (FORMS) REGULATIONS NO. 32 OF 1994
RÈGLEMENT NO. 32 DE 1994 SUR L'ACQUISITION DE TERRES (FORMULAIRES)
REGULESEN NO. 32 BLONG 1994 ABAOT WEI BLONG TEKEM GRAON (FOM)

PUBLIC NOTICE / AVIS PUBLIC / PABLIK NOTIS

To : Custom owners of and persons interested in the land known as ……
……. at …….....
……
……/

Aux : Propriétaire coutumiers et titulaires de droits sur la terre appelée ……..
…….. sise à …….
……
……/

I go long : Ol kastom ona mo olgeta we i gat interes long graon we oli kolem ……
…… mo we i stap long ……..
……
……

TAKE NOTICE / VEUILLEZ NOTER QUE / YU MAS SAVE SE:

1. That the Minister has decided that the Land known as ……
…… at …….
……
……
is likely to be required for a public purpose /

   Le Ministre a décidé que la terre appelée ……..
…… sise à ……...
……
servira probablement à des fins d'intérêt public /

   Minista emi disaed se graon we yumi kolem ……...
mo we i stap ……..
……
bae yumi nidim blong helpem interes blong pablik.

2. That from the date of this notice, all acts necessary may be done on any land in this area in order to investigate the suitability of the land for the public purpose /

   A compter de la date du présent avis, on entreprendra toutes les actions nécessaires sur toute terre dans cette région pour savoir si elle peut servir à des fins d'intérêt public /

   Stat long deit blong notis ia, Gavman bae i tekem evri neseseri aksen long eni graon long eria ia blong save sipos oli save helpem interes blong pablik.

This notice was given to the custom owner or the representative of the custom owner today the ……. day of ……., 20… /

Le présent avis est signifié au propriétaire coutumier ou à son représentant ce jour le …….. ……. 20… /

Notis ia emi go long kastom ona o long man we i ripresentem kastom ona long dei ia namba …….. blong 20 …. /

Acquiring Officer / …….
Le Fonctionnaire acquéreur / Signature /
Ofisa we i tekem graon Saen

Custom Owner(s)/Représentative /
Propriétaire(s) coutumier(s) / Représentant /
Kastom ona/Man we i ripresentem kastom ona: ……

Name/ Signature/
Nom/ Signature/
Nem/ Saen

Date / Deit: ……..

SCHEDULE 2 / ANNEXE 2 / APENDIS 2

LAND ACQUISITION (FORMS) REGULATIONS NO. 32 OF 1994
RÈGLEMENT NO. 32 DE 1994 SUR L'ACQUISITION DE TERRES (FORMULAIRES)
REGULESEN NO. 32 BLONG 1994 ABAOT WEI BLONG TEKEM GRAON (FOM)

PUBLIC NOTICE / AVIS PUBLIC / PABLIK NOTIS

To : Custom owners of and persons interested in, the land known as ……
……. at …….....
……
……/

Aux : Propriétaire coutumiers et titulaires de droits sur la terre appelée ……..
…….. sise à …….
……
……/

I go long : Ol kastom ona mo olgeta we i gat wan interes long graon we oli kolem ……
…… we i stap long ……
…….

TAKE NOTICE / VEUILLEZ NOTER QUE / YU MAS SAVE SE:

1. Due to damage caused to the land and things on the land, I have assessed the value of the damage in monetory terms to be VT: …….. and determined that you will receive VT: …….. /

   Vu les dommages causés à la terre et à ce qui s'y trouve, j'ai évalué la valeur des dégâts en dommages-intérêts d'un montant de …….. VT et décidé que vous recevrez le montant de …….. VT /.

   From damej we oli hapen long graon o ol samting we oli stap long graon, mi estimeitem se valiu blong damej long graon blong yu emi abaot ……. VT mo mi disaed se bae Gavman i pem long yu amaon blong …… VT.

2. If you are not satisfied with the amount or apportionment of the amount of compensation you are entitled to, you may within 30 days from the date of this Notice make a written appeal to the Lands Reform against the assessment or apportionment of the compensation I have made /

   Dans le cas où vous n'acceptez pas le montant ou la somme forfaitaire de l'indemnité à laquelle vous avez droit, vous pouvez dans un délai de 30 jours à compter de la date du présent avis, faire une réclamation écrite à l'arbitre des litiges fonciers pour l'évaluation et à la répartition de l'indemnité que j'ai effectuées /

   Sipos yu no akseptem amaon o flat reit amaon blong compensesen we mi mas pem long yu, yu save rait i go long Ofis blong Land Referi blong mekem complein abaot valuesen mo flat reit compensesen we mi mekem 30 deit afta deit blong notis ia.

Acquiring Offiicer /
Fonctionnaire acquéreur /
Ofisa we i tekem graon: ……..

Date / Deit: ……..

SCHEDULE 3 / ANNEXE 3 / APENDIS 3

LAND ACQUISITION (FORMS) REGULATIONS NO. 32 OF 1994
RÈGLEMENT NO. 32 DE 1994 SUR L'ACQUISITION DE TERRES (FORMULAIRES)
REGULESEN NO. 32 BLONG 1994 ABAOT WEI BLONG TEKEM GRAON (FOM)

PUBLIC NOTICE / AVIS PUBLIC / PABLIK NOTIS

To : Custom owners of and persons interested in the land known as ……
……. at ……
……
……/

Aux : Propriétaire coutumiers et titulaires de droits sur la terre appelée ……..
…….. sise à …….
……
……/

I go long : Ol kastom ona mo olgeta we i gat interes long graon we oli kolem ……
…… mo we i stap long ……..
……

TAKE NOTICE / VEUILLEZ NOTE QUE / YU MAS SAVE SE:

1. The Minister is satisfied that the land ……..
…… is suitable for
……
……../

   Le Ministre est convaincu que la terre ……
…… convient à
……
……../

   Minista i luksave se graon ……
……. emi gud blong
……
……..

2. The Government intends to acquire the land (or grant an easement over the land) for the purpose referred to in paragraph 1 above /

   Le Gouvernement a l'intention d'acquérir cette terre (ou octroyer la servitude sur la terre) à des fins mentionnées au paragraphe 1) ci-dessus /

   Gavman emi tingting blong tekem graon (o rait long graon ia) blong ol risen we i stap long paragraph 1) antap.

3. Any custom owner or person interested in the land who wishes to object may submit their written objections to the intended acquisition of the land to the Acquiring Officer within 30 days from the date of this Notice /

   Tout propriétaire coutumier ou titulaire de droits sur la terre qui veut formuler des objections au projet d'acquisition doit les soumettre par écrit au fonctionnaire acquéreur dans les trente jours de la date du présent avis /

Eni kastom ona o man we i gat interes long graon ia we i wantem agensem tingting blong tekem graon ia i mas raitem wan leta i go long Ofisa we i wantem tekem graon blong i eksplenem se hemi no wandem se oli tekem graon ia.

4. It is an offence under section 5 of the Act for any custom owner or person interested in the land to: /

Tout propriétaire coutumier ou titulaire de droits sur une terre qui : /

Eni kastom ona o man we i gat wan interes long wan graon we:

a) lease or otherwise dispose of that land or easement; or /

loue ou autrement aliène cette terre ou la servitude correspondante ; ou /

i rentem o givimaot graon ia o interes we i gat long graon ia; o

b) do any act which directly or indirectly depreciates or appreciates the value of the land: /

entreprend toute action qui directement ou indirectement réduit ou augmente la valeur de la terre ; /

we i tekem sam aksen we hemi rediusim o mekem valiu blong graon i go antap long daerek o indaerek fasin; /

during the period of 12 months from and after the date of this Notice /

au cours de la période de 12 mois qui suit le présent avis, commet une infraction /

long period blong 12 manis afta deit blong notis ia, hemi komitim wan ofens.

5. A sketch plan of the land is attached to this Notice /

Veuillez trouver ci-joint un plan de cette parcelle de terre /

Yu save faenem long dokumen ia wan plan blong graon ia.

6. The address of the Acquiring Officer is: /

Vous pouvez contacter le fonctionnaire acquéreur à : /

Yu save faenem Ofisa we i wantem tekem graon long adres ia :

Acquiring officer /
Le fonctionnaire acquéreur /
Ofisa we i tekem graon: ……

Date / Deit : ……

SCHEDULE 4 / ANNEXE 4 / APENDIS 4

LAND ACQUISITION (FORMS) REGULATIONS NO. 32 OF 1994
RÈGLEMENT NO. 32 DE 1994 SUR L'ACQUISITION DE TERRES (FORMULAIRES)
REGULESEN NO. 32 BLONG 1994 ABAOT WEI BLONG TEKEM GRAON (FOM)

PUBLIC NOTICE / AVIS PUBLIC / PABLIK NOTIS

To : Custom owners of and persons interested in the land known as ……
…… at ……
……
……/

Aux : Propriétaire coutumiers et titulaires de droits sur la terre appelée ……..
…….. sise à ……
……
……/

I go long : Ol kastom ona mo olgeta we i gat interes long graon we oli kolem ……
…… mo we i stap long ……..
……

TAKE NOTICE / VEUILLEZ NOTE QUE / YU MAS SAVE SE:

1. The Minister has made a Declaration that the land or an easement over the land is required for a public purpose /

   Le Ministre a déclaré que la terre ou la servitude correspondante doit être acquise pour fins d'intérêt public /

   Minista emi diklerem se Gavman i nidim graon o raet long graon ia blong interes blong pablik.

2. A copy of the Declaration is attached hereto /

   Vous pouvez trouvez ci-joint un exemplaire de la declaration /

   Yu save faenem long dokumen ia wan kopi blong declereisen ia.

3. Description of land or easement ……..
   ……
   ……
   ……/

   Description de la parcelle de terre ou de la servitude ……..
   ……
   ……
   ……/

   Emia nao ol ditel long saed blong graon ia ……
   ……
   ……/

4. A copy of the approved Survey Plan is attached hereto /

   Vous pouvez trouver ci-joint un relevé topographique de cette terre /

   Yu save faenem wan Sevei Map blong graon ia long dokumen ia.

5. The Government intend to acquire the Land or the easement for ……/

   Le Gouvernement a l'intention d'acquérir cette terre ou la servitude correspondante pour ……./

   Gavman hemi tingting blong tekem graon ia o rait long hem ……/

6. Any custom owner or person interested in the Land to be acquired or the easement ova the Land to be acquired may submit his claims in writing to the Acquiring Officer not later than 4.30 p.m. on …… notifying the Acquiring Officer of his right or nature of his interest in the Land, the particulars of his claim for compensation, the amount of compensation claimed and the details of the computation of such amount /

   Tout propriétaire ou titulaire de droits sur la terre ou la servitude correspondante à acquérir peut soumettre ses réclamations par écrit au fonctionnaire acquéreur au plus tard le ……. à 16.00 heures, l'informant de son droit ou de la nature de son intérêt sur cette terre, des détails de sa réclamation de dédommagement, du montant à dédommager et des détails de l'évaluation de ce montant /

   Eni kastom ona o man we i gat interes long graon ia we Gavman i wantem tekem i mas sabmitim ol kleim blong hem long wan leta i go long Ofisa we i tekem graon bifo 4 o'clock long namba ……. mo i eksplenem long hem raet blong hem o wanem kaen interes nao hemi gat long graon ia, ol ditel blong kleim blong compensetem hem, amaon blong compensesen we i askem mo ol ditel long valuesen blong amaon ia.

7. The written notification referred to in paragraph 3 may be made personally by the claimant or by a duly authorized agent /

   L'avis écrit visé par le paragraphe 3) peut être signifié personnellement par le requérant ou par son agent dûment autorisé /

   Man we i mekem kleim hemi save givim notis ia o ejen blong hem i save givim notis ia long nem blong man we i mekem kleim.

8. On …….. at ……the Acquiring Officer will hold a hearing to determine any claims made /

   Le fonctionnaire acquéreur tient une audience publique le ……. à …… sur cette terre /

   Ofisa we i wantem tekem graon bae i holem wan pablik miting long ……. blong diskas long graon ia.

9. Any custom owner or person interested in the land or easement ova the land, to be acquired who has submitted his claims to the Acquiring Officer may appear personally or by an agent dully authorized in writing by the custom owner or person interested, before me on the date specified in paragraph 8 above /

   Tout propriétaire coutumier ou titulaire de droits sur la terre ou la servitude correspondante à acquérir qui a soumis ses réclamations au fonctionnaire acquéreur, peut comparaître personnellement ou par son agent dûment autorisé par écrit par le propriétaire coutumier ou titulaire de droits sur la terre, devant le fonctionnaire acquéreur à la date spécifiée au paragraphe 8) /

   Eni kastom ona o man we i gat interes long graon ia o rait long graon ia we Gavman i wantem tekem mo we i bin sabmitim ol kleim blong hem long Ofisa we i wantem tekem graon, i mas go luk Ofisa ia o i save askem long ejen blong hem we i apruvum long leta blong i go luk Ofisa we i wantem tekem graon long deit we oli spesifaem long paragraph 8) antap.

10. The address of the Acquiring Officer is: /

    L'adresse du fonctionnaire acquéreur est la suivante : /

    Yu save kontaktem Ofisa we i wantem tekem graon long adres ia: /

Acquiring Officer /
Le fonctionnaire acquéreur /
Ofisa we i tekem graon: …….

Date / Deit: …….

SCHEDULE 5 / ANNEXE 5 / APENDIS 5

LAND ACQUISITION (FORMS) REGULATIONS NO. 32 OF 1994
RÈGLEMENT NO. 32 DE 1994 SUR L'ACQUISITION DE TERRES (FORMULAIRES)
REGULESEN NO. 32 BLONG 1994 ABAOT WEI BLONG TEKEM GRAON (FOM)

PUBLIC NOTICE / AVIS PUBLIC / PABLIK NOTIS

To : /
À : /
I go long : …….

Re : /
Objet : /
Sabjek : ……

I have assessed the amount of compensation due to you at …….. VT /

J'ai évalué que le montant de votre dédommagement est de ……..…. vatu.

Mi bin estimeitem se bae mi mas pem long yu amaon ia blong compensesen ……VT.

Acquiring Officer /
Le fonctionnaire acquéreur /
Ofisa we i tekem graon: ……

Date / Deit : ……..

SCHEDULE 6 / ANNEXE 6 / APENDIS 6 Error! Bookmark not defined.

LAND ACQUISITION (FORMS) REGULATIONS NO. 32 OF 1994
RÈGLEMENT NO. 32 DE 1994 SUR L'ACQUISITION DE TERRES (FORMULAIRES)
REGULESEN NO. 32 BLONG 1994 ABAOT WEI BLONG TEKEM GRAON (FOM)

NOTICE OF FINAL DETERMINATION /
AVIS DE DECISION DÉFINITIVE /
NOTIS BLONG FAENOL DESISEN

To : /
À : /
I go long : …….

Re: The land known as …….
……
to be acquired for ……/

Objet: La parcelle de terre appelée ……
qui est à acquérir pour ……/

Sabjek: Graon we oli kolem ……
we Gavman i wantem tekem blong ……/

TAKE NOTICE / VEUILLEZ NOTE QUE / YU MAS SAVE SE:

1. Nature of your interest in the land being acquired (over which the easement is being granted):
……
……../

La nature de votre intérêt sur la parcelle (pour laquelle est octroyée la servitude) :
……
……../

Wanem kaen interes nao yu gat long graon ia (o raet blong hem we I go long Gavman):
……
……../

2. I have very carefully considered your claim(s) and in my opinion the sum of VT …….. is the amount of compensation payable to you for the acquisition of the land or easement.

OR

I have very carefully considered your claim(s) and in my opinion you are not entitled to any compensation* /

Après avoir soigneusement considéré votre ou vos réclamation(s), je crois que le montant de …….. VT est le montant de dédommagement qu'il faudra vous payer pour acquérir la parcelle de terre ou la servitude correspondante.

OU

Après avoir considéré soigneusement votre ou vos réclamation(s), je crois que vous n'avez droit à aucun dédommagement* /

Afta we mi stadi gud long ol kleim blong yu, mi ting se amaon blong …… VT hemi amaon blong compensesem we Gavman i shud pem long yu blong tekem graon o raet long hem.

O

Afta we mi staid gud long ol kleim blong yu, mi ting se yu no gat rait long compensesem* /.

3. Your claim has been rejected. You may within 30 days from the date of this Notice, appeal to the Supreme Court.

OR

If you are not satisfied with the amount of compensation awarded you may within 30 days of the date of this Notice, appeal to the Lands Referee.

Votre réclamation a été rejetée. Vous avez 30 jours, à compter de la date du présent avis, pour interjeter appel auprès de la Cour Suprême.

OU

Si vous n'êtes pas satisfait du montant de l'indemnité qui vous est accordée, vous pouvez dans un délai de 30 jours à compte de la date du présent avis, interjeter appel auprès de l'Arbitre des litiges fonciers.

Mifala i no akseptem klem blong yu. Yu gat 30 dei, stat long deit blong notis ia, blong apil i go long Suprim Kot agensem desisen ia.

O

Sipos yu no agri wetem amaon blong kompensesen we oli givim long yu, yu gat 30 dei blong apil I go long Lan Referi, stat long deit blong notis ia.

Acquiring Officer /
Le Fonctionnaire acquéreur /
Ofisa we i tekem graon: …….

Date / Deit: ……..