

REPUBLIC OF KIRIBATI
(No. 1 of 2000)

I assent,

Beretitenti
Assented: 9th July 2000

AN ACT TO AMEND THE NATIVE LANDS ORDINANCE (CAP. 61)

Commencement:
2000

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti.

Short title

1. This Act may be cited as the Native Lands (Amendment) Act 2000.

Inserting of new definition

2. Section 2 of the Native Lands Ordinance is amended by inserting a new definition after “Sheriff” as follows —

“Subdivision” means the division of land into two or more parts which are to be identified by survey, and can be disposed of separately but does not include a subdivision of land created by a lease or sublease of land not exceeding 5 years.

Adding new Part VIA

3. There shall be added after Part VI of the Native Lands Ordinance the following new Part —

“PART VIA – SUBDIVISION

20A(1) A subdivision of Native Land which does not involve sale or lease or sublease shall not be valid until it has been approved by the Court under this section.

- (2) Before deciding to approve a subdivision of land under this section, the Court must be satisfied that those entitled as co-owners have consented to the proposed subdivision, and that following the subdivision, there will be sufficient land in each of the resulting plots to support from such plot the family members expected to reside in the plot.
- (3) The jurisdiction hereunder shall not derogate from the power, if so found, of the High Court, to hear an application for partition; but where such an application is entertained it shall be governed by the principle of sufficiency expressed in section 20A(2).”

NATIVE LANDS (AMENDMENT) ACT 2000

EXPLANATORY MEMORANDUM

The amendments to this statute and the companion changes to the Magistrates' Courts Ordinance and the Land Planning Ordinance, are part of institutional strengthening of the lands and survey work particularly for South Tarawa. The proposed amendments arise from planning work done with the help of the Australian Agency for International Development of the Department of Foreign Affairs and Trade (AusAID). The changes to the three statutes are proposed in order to implement the fairer and more certain settling of dealings with land by owners, leasees or subleases, neighbours and purchasers.

By defining subdivision in the Ordinance (section 2), and by adding Part VIA - Subdivision, persons who wish to divide a plot of land must satisfy the Court that there is sufficient land for the families on each of the subdivided parts. This brings the law on subdivision in line with the law on sale or lease or sublease.

Michael N. Takabwebwe
Attorney General
4 October 1999