

REPUBLIC OF KIRIBATI
(No. 6 of 1997)

I assent,

Beretitenti
Assented: 4th July 1997

**ACT TO PROVIDE FOR THE VALIDATION OF A REPLACEMENT
REGISTER OF NATIVE LANDS FOR SOUTH TARAWA**

Commencement:
1997

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

Short title and commencement

1. This Act may be cited as the Land Registration (South Tarawa) (Validation) Act and shall come into operation on such date as the Minister may by notice appoint.

Interpretation

2. In this Act, unless the context requires –

“Commission” means a Commission appointed under section 3;

“High Court” means the High Court as constituted under Part VIII of the Magistrates’ Courts Ordinance 1978 (Cap. 52);

“the former Lands Court for South Tarawa” and the “Lands Court for South Tarawa” means the Lands Court established under the Native Lands Ordinance 1956 (Cap. 22);

“Land causes and/or matters” has the same meaning assigned to it under section 2 of the Magistrates’ Courts Ordinance 1978 (Cap. 52);

“Lands jurisdiction” has the same meaning assigned to it under section 2 of the 1979 Magistrates’ Courts Ordinance (Cap. 52);

“Magistrates Court” means a Magistrates’ Court for South Tarawa with lands jurisdiction when composed or deemed to be composed under section 7(4) of the Magistrates’ Courts Ordinance 1978 (Cap. 52);

“South Tarawa” means South Tarawa which forms part of the land territory of Kiribati as set out in Schedule 2 of the Constitution.

Appointment of Commission

3. (1) The Minister acting in accordance with the advice of the Chief Justice may from time to time appoint for and in respect of South Tarawa a Commission consisting of one or more Commissioners.

(2) Where there are more than one Commissioner appointed under subsection (1) one Commissioner shall be appointed as Chairman and the others as members of the Commission.

Duties of Commission

4. (1) From the records or judgment, or order or decision of –

- (a) the Lands Commission for Tarawa appointed under the provisions of the Native Lands Commission Ordinance 1922;
- (b) the former Lands Court for South Tarawa;
- (c) the Lands Court for South Tarawa;
- (d) a Magistrates Court;
- (e) the High Court, and
- (f) the Court of Appeal relating to native lands or land causes and/or matters,

the Commission shall compile a replacement Register of Native Lands recording therein all titles to Native Lands, pits, ponds, fish traps and sea walls in South Tarawa.

Publication and Inspection of Register

5. Upon the compilation of each or any part of the replacement Register of Native Lands referred to in Section 4 the Commission shall –

- (a) cause to be published in each village in South Tarawa a notice of the day or days upon which such part will be available for inspection in that village; and
- (b) arrange for that part to be available for inspection in that village in accordance with the terms of the notice.

Objections and claims

6. (1) Where any part of the replacement Register of Native Lands is published pursuant to section 5 any objection to or claim for inclusion of title in the replacement Register of Native Lands may be submitted to and lodged with the Court Clerk of the Magistrates Court who shall transmit them without delay to the Commission.

(2) Any objection or claim made under subsection (1) shall be submitted to and lodged with the Court Clerk within 14 days of the expiry of the day of the notice under section 5.

(3) No objection or claim which seeks to reverse or amend a judgment or order made –

- (a) pursuant to the Native Lands Commission Ordinance 1922;
- (b) by a Lands Court for South Tarawa established by the Native Lands Ordinance 1956 (Cap 22);
- (c) by the Magistrates' Court (Cap 52);
- (d) by the High Court;
- (e) by the Court of Appeal;

shall be entertained under this section.

(4) Every objection or claim made under subsection (2) shall be investigated and determined by a Commission whose decision shall be final and conclusive.

(5) If after hearing any objection or claim the Commission determines that amendments to the replacement Register of Native Lands must be made in order to give effect to the merits of any such objection or claim such amendments shall be made by the Commission as are necessary for that purpose.

Status of replacement Register

7. (1) The replacement Register of Native Lands amended as a result of the determination of objections and claims made under section 6, shall –

- (a) be deposited with the Court Clerk of the Magistrates Court;
- (b) thereupon be deemed to be a Register of Native Lands as defined by section 2 of the Native Lands Ordinance (Cap 61) and titles registered therein by the Commission shall, subject to section 8 of this Act, be indefeasible.

(2) Copies of the replacement Register of Native Lands as made under this section shall also be deposited with the Chief Registrar of the High Court and the Chief Lands Officer.

Correction of errors

8. (1) Entries by the Commission in the replacement Register of Native Lands, deposited in accordance with section 7, shall not be impeached, except on the grounds of error or omission on an application to the Magistrates Court brought –

- (a) in the case of claimants ordinarily resident in South Tarawa within six months after the last date for inspection of the relevant part of the replacement Register of Native Lands under section 5; and
- (b) in any case within three years of such date.

(2) Any claim in respect of any error or omission shall be referred to the Magistrates Court.

Regulations

9. (1) The Minister, acting in accordance with the advice of the Cabinet, may make regulations generally –

- (a) prescribing any matter that is necessary or convenient or required to be prescribed under this Act; or
- (b) for carrying out the purposes and provisions of, or giving full effect to this Act and for its due administration.

(2) The regulations made under subsection (1) may in particular provide for the following –

- (a) the fees to be paid in respect of an application for correction of errors in the replacement Register of Native Lands referred to in section 8;
- (b) the fees to be paid in respect of any objection or claim made under section 6;
- (c) the type and form of the replacement Register of Native Lands to be used by the Commission;
- (d) the procedures to be followed by the Commission in compiling the replacement Register of Native Lands under section 4;
- (e) the procedures to be followed by the Commission in carrying out their duties under sections 5 and 6 including the manner of erecting and the kind of land boundary mark that the Commission may authorise under this Act; and
- (f) the remuneration and allowances for the members of the Commission.

LAND REGISTRATION (SOUTH TARAWA) (VALIDATION) ACT 1997

EXPLANATORY MEMORANDUM

1. The principal object of this Act is to enable the Government to establish a Land Commission which shall undertake to compile a replacement register of Native Lands for South Tarawa which apparently had gone missing from the Court Office in Bairiki sometime in 1987.
2. It will be seen therefore that section 2 provides for the appointment of the Commission by the Minister on the advice of the Chief Justice.
3. Section 3 on the other hand imposes certain duties on the Commission when compiling the replacement register.
4. Section 5 provides for the inspection of such register by the villagers themselves.
5. Section 6 enables any person to raise any objection to or claim for inclusion of title in the replacement Register. This section further provides as to the procedures to be followed by the Commission when dealing with such objection or claim.
6. Section 7 provides for the status of the replacement Register in that all titles to native lands registered in such Register are indefeasible.
7. Section 8 provides for the correction of errors if any in the Register and any person wishing to make such correction may apply to the Magistrates' Courts for South Tarawa.
8. Section 9 empowers the Minister to make regulations with regard to certain matters which may be required under this Act.

Michael N. Takabwebwe
Attorney General
24/4/97