

REPUBLIC OF KIRIBATI
(No. 3 of 2000)

I assent,

Beretitenti
Assented: 9th July 2000

AN ACT TO AMEND THE LAND PLANNING ORDINANCE (CAP. 48)

Commencement:
2000

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

Short title

1. This Act may be cited as the Land Planning (Amendment) Act 2000.

Amendment of section 2

2. Section 2 of the Land Planning Ordinance (in this Act referred to as “the Principal Ordinance”) is amended in the definition –
 - (a) of “development” by adding at the end of the definition the following “and includes the subdivision of land;” and
 - (b) by adding a new definition after the definition of “redevelopment” as follows –

“subdivision of lands” 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 five (5) years.”

Amendment of section 17

3. Section 17 of the principal Ordinance is amended by repealing the whole of section 17 and substituting a new section 17 as follows –

“17(1) No person shall develop or redevelop land within a designated area without having valid permission in writing for that purpose, issued in accordance with a general land use plan.

- (2) Any development commenced before the Minister issues a notice designating any area under section 3, may only be continued without valid permission in writing, to the extent necessary to shore up the development or otherwise protect life, health or physical property damage.
- (3) It shall not be an offence under this section to carry out works for the repair, maintenance, improvement or other alteration of a building without the permission of a local board, if those works affect only the interior of the building, or do not significantly affect the external appearance of the building.’

Amendment of section 18

4. Section 18 of the principal Ordinance is amended as follows –

- (a) by renumbering the existing section 18 as “18(1)”; and
- (b) by adding new subsections “18(2)” and “18(3)” as follows –

“18(2) Where the development involves the subdivision of land, the local board shall not grant permission unless –

- (a) the local board has caused to be notified persons likely to be affected, and has taken into account any comments made by them;
- (b) the sizes of each of the parts of land resulting from the subdivision are adequate for their intended purpose; and
- (c) appropriate arrangements have been made for access to all the parts of land in that subdivision.

18(3) In the preceding subsection the phrase “persons likely to be affected” includes, without derogating from the general meaning of the phrase, co-owners of the applicant and owners of adjacent properties.”

Amendment of section 31

5. Section 31 of the principal Ordinance is amended in subsection (2) by adding at the end of the subsection the following –

“or a subdivision of land which does not comply with specified standards, relating to size and access”.

LAND PLANMING (AMENDMENT) ACT 2000

EXPLANATORY MEMORANDUM

The amendments to this and the companion changes to the Native Lands Ordinance and the Magistrates Court 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, lessees, neighbours and purchasers.

The changes to this Ordinance have the effect of bringing subdivision of land under the same system as Native Lands Ordinance transactions (sales and leases). Land may be subdivided for sale by a family, either to a person outside the family or to a family member. It will be important that any such proposed subdivision complies with a “land use plan” (section 3), and that the subdivided parts are of adequate size for their proposed use (section 4)

Michael N. Takabwebwe
Attorney General
4 October 1999