



# **LAND AND TITLES (AMENDMENT) BILL 2016**

**(NO. 6 OF 2016)**





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BILL

Entitled

**AN ACT TO AMEND THE LAND AND TITLES ACT (CAP. 133) TO  
PROVIDE A RIGHT TO RESUME CERTAIN FIXED TERM ESTATES.**

**ENACTED BY THE NATIONAL PARLIAMENT OF SOLOMON  
ISLANDS.**

# **LAND AND TITLES (AMENDMENT) BILL 2016**

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# LAND AND TITLES (AMENDMENT) BILL 2016

## 1 Short title

This Act may be cited as the *Land and Titles (Amendment) Act 2016*.

## 2 Commencement

This Act commences on the day appointed by the Minister by *Gazette* notice.

## 3 Amendment of Land and Titles Act

The *Land and Titles Act* (Cap. 133) is amended by inserting the following section after section 142:

### “142A Resumption of certain fixed term estates

- (1) This section applies to a fixed term estate created under section 100.
- (2) The Board may resume all or part of the estate to use the relevant land for public purposes by:
  - (a) giving the owner of the estate 6 months written notice of the resumption; and
  - (b) paying the owner reasonable compensation for the resumption.
- (3) In determining the amount of reasonable compensation for the resumption, the Board must consider the following:
  - (a) whether the owner of the estate has improved the land and, if so, the value of the improvements;
  - (b) the remaining period for which the owner would have held the estate if it were not resumed;
  - (c) the condition of the land subject to the estate at the time of resumption.”

## **LAND AND TITLES (AMENDMENT) BILL 2016**

### **OBJECTS AND REASONS**

The *Land and Titles Act* (Cap. 133) was enacted in 1968, to amend and consolidate the law relating to land tenure, land acquisition, the registration of interests in land and related matters concerning land and title to land.

Section 100 of the Act provides that any perpetual estate or freehold interest in land held beneficially by non-Solomon Islanders was automatically converted to a fixed-term estate with effect from 31 December 1977, and that the perpetual estate for such land would be held by the Commissioner of Lands on behalf of the Government of Solomon Islands.

The Act also provides for overriding interests in registered land, including the right of resumption. The prescribed form for the grant of a fixed-term estate thus includes a standard clause permitting the Grantor (i.e. the Commissioner of Lands) with one month's notice the right to resume land for roads or other public purposes and to compensate the Grantee for actual loss sustained in respect of any improved land.

The objective of this Bill is to extend the Commissioner's right of resumption to fixed-term estates or parts of fixed-term estates that were automatically created under section 100, where there was no actual grant.

The details of the proposed amendments are set out in the Explanatory Memorandum to the Bill.

**HON. MOSES GARU**  
**MINISTER FOR LANDS, HOUSING AND SURVEY**

## LAND AND TITLES (AMENDMENT) BILL 2016

### EXPLANATORY MEMORANDUM

**Clause 1** provides for the short title.

**Clause 2** provides for the commencement provisions.

**Clause 3** seeks to amend the *Land and Titles Act* (Cap. 133) by inserting a new section to allow the Land Board to resume for public purposes all or part of a fixed-term estate automatically created under section 100 of the Act, by:

- (a) giving the owner of the fixed-term estate 6 months written notice of the resumption; and
- (b) paying the fixed-term estate owner reasonable compensation for the resumption, in consideration of the condition of the land, the value of any improvements to the land, and the remaining period of the fixed-term estate.

Honiara, Solomon Islands  
Printed under the authority of the  
Solomon Islands Government

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