

BILL NO. 16 OF 2021

A BILL

FOR AN ACT TO AMEND THE STATE LANDS ACT 1945

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

- 1.—**(1) This Act may be cited as the State Lands (Budget Amendment) Act 2021.
(2) This Act comes into force on 1 August 2021.

Section 13 amended

- 2.** Section 13 of the State Lands Act 1945 is amended by—

- (a) deleting subsection (1) and inserting the following new subsections—

“(1) Whenever in any lease under this Act there has been inserted the following clause—

“This lease is a protected lease under the provisions of the State Lands Act 1945”

(hereinafter called a protected lease) it shall not be lawful for the lessee thereof to alienate or deal with the land comprised in the lease of any part thereof, whether by sale, transfer or sublease or in any other manner whatsoever, without the written consent of the Director of Lands.

Any sale, transfer, sublease, assignment, or other alienation or dealing effected without such consent shall be null and void.

(1A) Notwithstanding anything contained in subsection (1), written consent of the Director of Lands is not required for any mortgage, charge, pledge, caveat or for any such lease to be dealt with by any court of law or under the process of any court of law.”; and

(b) after subsection (5), inserting the following new subsection —

“(6) For the purposes of this section, any such consent shall only be refused where there is a breach of any lease condition or where such application to deal with the land is not in accordance with any law.”.

July 2021

STATE LANDS (BUDGET AMENDMENT) BILL 2021

EXPLANATORY NOTE

(This note is not part of the Bill and is intended only to indicate its general effect)

1.0 BACKGROUND

- 1.1 The State Lands Act 1945 (**‘Act’**) provides for the administration of State land.
- 1.2 Section 13 of the Act states that it is unlawful for a lessee under a protected lease to alienate or deal with the land comprised in the protected lease, whether by sale, transfer or sublease or in any other manner, without the written consent of the Director of Lands.
- 1.3 The written consent of the Director of Lands is also required for any mortgage, charge or pledge on the protected lease, or for any protected lease to be dealt with by any court of law or under the process of any court of law, or for the Registrar of Titles to register any caveat affecting the protected lease.
- 1.4 The State Lands (Budget Amendment) Bill 2021 (**‘Bill’**) seeks to amend the Act to remove the requirement of obtaining the written consent of the Director of Lands for any mortgage, charge, pledge or caveat on a protected lease or for any such lease to be dealt with by any court of law or under the process of any court of law.

2.0 CLAUSES

- 2.1 Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the amending legislation will come into force on 1 August 2021.
- 2.2 Clause 2 of the Bill amends section 13 of the Act to remove the requirement of obtaining the written consent of the Director of Lands for any mortgage, charge, pledge, caveat or for any such lease to be dealt with by any court of law or under the process of any court of law.

3.0 MINISTERIAL RESPONSIBILITY

3.1 The Act comes under the responsibility of the Minister responsible for lands.

A. SAYED-KHAIYUM
Attorney-General