

# BILL NO. 17 OF 2021

## A BILL

FOR AN ACT TO AMEND THE ITAUKEI LAND TRUST ACT 1940

ENACTED by the Parliament of the Republic of Fiji—

*Short title and commencement*

- 1.—(1) This Act may be cited as the iTaukei Land Trust (Budget Amendment) Act 2021.
- (2) This Act comes into force on 1 August 2021.

*Section 12 amended*

2. Section 12 of the iTaukei Land Trust Act 1940 is amended by—

(a) after subsection (1), inserting the following new subsection—

“(1A) Notwithstanding anything contained in subsection (1), consent of the Board 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.”;

(b) after subsection (2), inserting the following new subsection—

“(3) 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*

## **ITAUKEI LAND TRUST (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 iTaukei Land Trust Act 1940 (**‘Act’**) provides for the administration of iTaukei land.
- 1.2 Section 12 of the Act states that it is unlawful for a lessee under the Act to alienate or deal with the land comprised in the lease, whether by sale, transfer or sublease or in any other manner without the consent of the iTaukei Land Trust Board.
- 1.3 The iTaukei Land Trust (Budget Amendment) Bill 2021 (**‘Bill’**) seeks to amend the Act to remove the requirement of obtaining the consent of the iTaukei Land Trust Board for any mortgage, charge, pledge or caveat on a lease under the Act 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 12 of the Act to remove the requirement of obtaining the consent of the iTaukei Land Trust Board for any mortgage, charge, pledge or caveat on a lease 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 iTaukei affairs.

**A. SAYED-KHAIYUM**  
Attorney-General