

**CHAPTER 133**

**NATIVE LANDS**

**AN ACT RELATING TO NATIVE LANDS<sup>1</sup>**

*Ordinance No. 11 of 1905*

[19 May 1905]

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<sup>1</sup> *The Native Lands Law was enacted through Ordinance No. 11 of 1905 and subsequently amended by Ordinances No. 11 of 1905, 9 of 1907, 3 of 1909, 4 of 1909, 3 of 1912, 23 of 1916, 8 of 1919, 36 of 1921, 24 of 1923, 14 of 1925, 11 of 1930, 27 of 1932, 6 of 1936, 12 of 1940, 2 of 1945, 7 of 1959, 11 of 1961, Legal Notice No. 112 of 1970. Act No. 2 of 1978; 44 of 1998; 13 of 2002*

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Part 1—Preliminary

*Short title*

1. This Act may be cited as the Native Lands Act.

*Interpretation*

2. In this Act—

“Board” means the Native Land Trust Board established by section 3 of the Native Land Trust Act;

(*Inserted by Act No. 13 of 2002 s. 2 (a)*)

“Commission” means the Native Lands Commission appointed by the Minister under the provisions of this Act;

“dependants” means native Fijians who at the time of the erection of the Fiji Islands into a British Colony had become separated from the tribes to which they respectively belonged by descent and had by native custom lost their rights in the tribal lands and were living in a state of dependence with other tribes, and includes their legitimate issue;

“native land” means land which is neither State (formerly Crown) land nor the subject of a State (formerly Crown) grant nor native grant but includes—

- (a) all vacant land including such land declared under section 19;
- (b) all land set aside by proclamation under section 18 of the Native Land Trust Act; and
- (c) all extinct *mataqali* land vested in the Board under section 19 of the Native Land Trust Act;

(*Substituted by Act No. 13 of 2002 s. 2 (b)*)

“native owners” means the *mataqali* or other division or subdivision of the natives having customary right to occupy and use any native lands;

“prescribed” means prescribed by the Minister;

“rental” and “rents” include any premium on the sale of any lease.

(*Amended by Ordinance No.36 of 1921, s. 2 and Legal Notice No.112 of 1970.*)

*Tenure of native lands by Fijians*

3. Native lands shall be held by native Fijians according to native custom as evidenced by usage and tradition. Subject to the provisions hereinafter contained such lands may be cultivated, allotted and dealt with by native Fijians as amongst themselves according to their native customs and subject to any regulations made by the Fijian Affairs Board, and in the event of any dispute arising for legal decision in which the question of the tenure of land amongst native Fijians is relevant all courts of law shall decide such disputes according to such regulations or native custom and usage which shall be ascertained as a matter of fact by the examination of witnesses capable of throwing light thereupon.

(*Substituted by Ordinance No. 9 of 1907, s. 2 and amended by Ordinance No.12 of 1940, s. 35; Legal Notice No.112 of 1970.*)

## Part 2—Establishment of the Native Lands Commission and Appeal Tribunal

*Native Lands Commission*

4. The Minister shall appoint a Native Lands Commission consisting of one or more commissioners, each of whom shall have the powers of the Commission, who shall be charged with the duty of ascertaining what lands in each province of the Fiji Islands are the rightful and hereditary property of native owners, whether of mataqali or in whatever manner or way or by whatever divisions or subdivision of the people the same may be held.

*(Substituted by Ordinance No. 3 of 1912, s. 2 and amended by Ordinance No.7 of 1959, s. 2; Legal Notice No.112 of 1970.)*

*Roko of each province a member*

5.—(1) The roko of each province in which the said Commission is conducting an inquiry shall be *ex officio* a member of the Commission whilst the said Commission is sitting for the conduct of the said inquiry in his province.

(2) Before the sitting of the Commission in any province for the conduct of inquiries a special meeting of the provincial council shall be convened by the Commissioner of the Division or the roko. The said Council shall elect at the said meeting one or more persons to sit as assessors at the sittings of the Commission for the purpose of conducting inquiries in the said province.

*(Substituted by Ordinance No.3 of 1912, s. 2 and amended by Ordinance No. 24 of 1923, s. 2.)*

*Commissioners to enquire into titles and describe boundaries of lands claimed*

6.—(1) The Commission shall institute inquiries into the title to all lands claimed by mataqali or other divisions or subdivisions of the people and shall describe in writing the boundaries and situation of such lands together with the names of the members of the respective communities claiming to be owners thereof.

*(Amended by Ordinance No.7 of 1959, s. 3.)*

(2) The Commission shall, with the approval of the Minister, make rules for regulating the procedure to be followed and prescribe forms to be adopted at any such inquiry.

*(Amended by Legal Notice No.112 of 1970.)*

(3) When any inquiry is to be held in any tikina of which notice in accordance with the rules of the Commission has been duly given it shall be the duty of the persons claiming to own lands in that tikina to mark out and define in such manner as the roko tui of the province may direct the boundaries of the lands of which they claim to be the respective owners. Every such person failing to comply with this provision shall be liable to a fine not exceeding \$2 or to imprisonment for one month and shall defray any expense in marking out and defining the boundaries caused by his default.

*(Amended by Act 2 of 1978, s. 2.)*

(4) If there is no dispute as to the ownership of any lands marked out and defined as aforesaid and the Commission is satisfied that the claim is *bonafide* and that all conditions as to notice of the inquiry and the claim made have been duly complied with and that full opportunity of objecting to the ownership claimed has been given to all interested in the Commission shall record the boundaries of such lands and the names of the owners.

(5) If there is a dispute as to the ownership of any lands marked out and defined as aforesaid the Commission shall inquire into it and, after hearing evidence and the parties to the dispute, decide the question of ownership and record its decisions:

Provided that if the parties to the dispute agree in writing in the presence of the chairman of the Commission to a compromise the Commission shall record the boundaries of the lands and the names of the owners in accordance with such compromise.

(6) When recording the owners of any lands the Commission shall ascertain and record the name of any person who holds with respect to that land any customary title or office and shall also record any encumbrance or easement to which the land may be subject.

(7) On the conclusion of the proceedings recording the ownership of any piece

of land the Commission shall announce its decision to the parties concerned:

Provided always that the Commission may adjourn to such date as it may think fit for the purpose of considering such decision.

(8) For the purposes of any inquiry the Commission shall have the same powers as those vested in magistrates to summon and examine on oath any person whom they may think able to give relevant evidence and to require the attendance of all claimants to any land the title of which is being inquired into and of all persons likely to be interested in the title to such land.

(9) In the event of the persons claiming to own any native lands refusing or neglecting when called upon to give such full and proper information to the Commission as will enable it to carry out the provisions of section 4, the Commission shall have the power to make such division of the lands as may seem to it just and equitable.

(10) Pending such division it shall be lawful for the Minister to direct that no rents accruing from such lands be paid to any native claimant.

*(Substituted by Ordinance No.3 of 1912, s. 2 and amended by Ordinances No.8 of 1919, ss. 6 and 7; 14 of 1925, s. 6 and No. 7 of 1959, s. 3.)*

#### *Appeal*

**7.**—(1) There is hereby constituted an Appeals Tribunal consisting of a Chairperson and two other members all to be appointed by the Minister. It shall be the duty of the Appeals Tribunal to hear and determine appeals from decisions of the Commission under sections 6 and 17 and from a Commissioner under section 16, and any such determination by the Appeals Tribunal shall be final.

*(Amended by Act No. 44 of 1998 s. 2 (a))*

(2) Any person aggrieved by any such decision of the Commission or of a Commissioner shall within 90 days of the announcement thereof give notice of his desire to appeal, which shall be signed by the appellant or his duly authorised agent, to the Commission. The notice shall contain the grounds of appeal.

(3) For the purpose of determining an appeal the Appeals Tribunal shall have power to hear further evidence, but only if all of the three following conditions are satisfied:—

- (a) if it is shown that the evidence could not have been obtained with reasonable diligence for use at the inquiry before the Commission; or
- (b) if the further evidence is such that, if given, it would probably have an important influence on the decision;
- (c) if the evidence is such as is presumably to be believed.

(4) If no notice of appeal is given the record of the Commission or Commissioner, as the case may be, shall be final.

*(The entire section was inserted by Ordinance No.7 of 1959, s. 4 (1) and (2) and amended by Legal Notice No.112 of 1970.)*

(5) Decisions of the Appeals Tribunal are to be final and conclusive and cannot be challenged in a court of law.

*(Inserted by Act No. 44 of 1998 s. 2 (b))*

#### *Chairperson and members of the Appeals Tribunal*

**7A.**—(1) A person appointed as Chairperson of the Appeals Tribunal under section 7(1) must be qualified to be a judge or must be otherwise suitable, by virtue of his academic or other qualifications and experience, to be Chairperson of the Appeals Tribunal.

(2) Persons appointed as members of the Appeals Tribunal under section 7(1) must be suitable, by virtue of their academic or other qualifications and experience, to be members of the Appeals Tribunal.

(3) The Minister may—

- (a) appoint the Chairperson and members of the Appeals Tribunal for such period as he thinks fit; and

(b) terminate the appointment of the Chairperson or of a member of the Appeals Tribunal by reason of incapacity to perform the functions of the office or for misconduct.

(4) The Chairperson and members of the Appeals Tribunal are to be paid such remuneration and allowances as the Minister from time to time determines.

*(Inserted by Act No. 44 of 1998 s. 3).*

### Part 3—Functions of the Native Lands Commission

#### *Registration of the boundaries and the placing of boundary marks*

**8.** The Commission shall cause the description of the boundaries and situation of land recorded and settled in the manner aforesaid to be entered in a register denominated the "Register of Native Lands" and shall have power to order the owners of the land to mark off the boundaries upon the ground where there is no natural boundary by planting lines of trees or placing boundary stones or in any such other way as the Commission may order so that the written description given in the register can be followed without difficulty, and any person who fails to comply with such order or tampers with, destroys or removes any such boundary-mark set up by the orders of the Commission shall on conviction be liable to a fine not exceeding \$20 and in default of payment to a term of imprisonment not exceeding 6 months.

*(Substituted by Ordinance No.3 of 1912, s. 2.)*

#### *Boundaries of land and names of owners to be recorded and surveyed*

**9.—(1)** In all cases in which the Commission decides the ownership of any land it shall record the boundaries of such land and in all cases in which the land is decided to be the property of a native Fijian it shall record the names of the persons comprising the proprietary unit in respect of that land. The boundaries of the land shall be surveyed by surveyors employed by the Government. The cost of survey shall be borne by the proprietary unit owning the land and shall be in accordance with the scale to be prepared by the Surveyor-General and approved by the Minister responsible for land matters, and in the event of such costs not being paid within 6 months after demand the same shall be recoverable before the courts as any other debt due to the State unless it is proved to the satisfaction of the Minister responsible for land matters that the proprietary unit owning the land is unable to pay, whereupon the Minister responsible for land matters may, in any such case, make such order as to him shall seem fit and just. In any proceedings before the courts for the recovery of any costs of survey as aforesaid it shall be necessary only to proceed against the head of the proprietary unit.

*(Amended by Legal Notice No.112 of 1970.)*

(2) Any person or persons comprising a proprietary unit shall, when required by any surveyor employed as aforesaid, attend on the land and point out the boundaries of their land recorded by the Commission.

(3) Any person or persons failing to comply with the provisions of subsection (2) shall be liable to a fine not exceeding \$2 or to imprisonment for a period not exceeding one month.

*(Substituted by Ordinance No.8 of 1919, s. 5 and amended by Ordinance No.2 of 1945, s. 34.)*

#### *How register shall be kept*

**10.—(1)** The volumes of such register according to the provinces, tikinas, towns or in whatever way the Commissioner may determine shall from time to time be transmitted to the Registrar of Titles who shall preserve the Register of Native Lands with the same care as the registers of land granted by the State.

(2) When it is found that an error has been made in the preparation of such register or that any Fijian has been recorded and registered in any proprietary unit other than the proper unit or that the name of any Fijian has been inadvertently omitted from the register recording the proper unit of such Fijian, it shall be lawful for the Registrar of Titles on the receipt of an order under the hand of the chairman of the Native Lands Commission to

correct the same or delete or add the names of such persons as the case may be.  
(*Ordinance 3 of 1912, s. 2; amended by 6 of 1936, s. 2; and incorporating 27 of 1932, s. 6.*)

*Previously registered leases containing error in respect of ownership may be altered*

**11.** Whenever upon the registration of the boundaries and situation of any land it appears that any previously registered lease for any portion of such land contains an error in respect to the ownership thereof, the Registrar of Titles shall, upon the order of the Minister, make such alterations affecting ownership in the register of such lease as may be directed in such order. And the Registrar shall forthwith require the lessee of such land to produce his copy of such previously registered lease for the alteration so directed as aforesaid.

(*Substituted by Ordinance No.3 of 1912, s. 2 and amended by Legal Notice No.112 of 1970.*)

*Validity of agreements to lease and surrenders of control*

**12.** No agreement made in tikina council for the leasing of native land nor any resolution made in tikina council by Fijians purporting to be the owners placing land at the disposal of Government for the purpose of leasing or otherwise dealing with such land on their behalf under the provisions of this or any other Act relating to the leasing of native land shall be affected by any finding subsequently recorded by the Commission that the persons who so agreed or resolved or any of them were not the owners of such land, but such agreement or resolution shall be as valid and effective for all purposes as if made by the true owners of such land:

Provided that, notwithstanding the foregoing provisions of this section, from and after the date of the transmission to the Registrar of Titles of the register recording any finding of the Commission varying the ownership of such land all rent payable in respect of any such land shall be paid to such persons as shall be recorded in such register by the Commission as the true owners of the land.

(*Substituted by Ordinance No.27 of 1932, s. 2.*)

#### Part 4 —Powers of the Native Lands Commission

*Indemnity*

**13.—(1)** No action or other legal proceeding whatsoever whether civil or criminal shall be instituted in any court of law in the Fiji Islands in respect of any act, matter or thing done by any public officer if done *bonafide* and done or purported to be done under the provisions of this or any other Act relating to the leasing of native land in pursuance to any such agreement or resolution as in section 12 mentioned, and no action shall lie for the recovery of any rent paid to the reputed owners of any native land by any such public officer before the transmission to the Registrar of Titles of the registers recording any finding of the Commission varying the ownership of such land.

(2) Any such action or other legal proceeding instituted whether before or after the commencement of this Act shall be discharged and made void.

(*Substituted by Ordinance No.27 of 1932, s. 3.*)

*Copies of registers to be deposited*

**14.** A copy of the volumes of the said register in the Fijian language so far as applicable to each province shall be deposited with the scribe of the province, and a copy of the register so far as it affects each mataqali or division or other subdivision of the people shall be given to each for public use whenever the boundaries of the land of such mataqali or division or subdivision have been finally fixed and determined:

Provided that no copy of the register shall be given as herein provided save and except all the costs of survey shall have been first paid.

(*Substituted by Ordinances No. 3 of 1912, s. 2; 8 of 1919, s. 5 (2) and amended by Ordinance No.7 of 1959, s. 5.*)

*Penalty upon person insulting or interrupting commissioner*

**15.** Any person who willfully insults a member of the Commission appointed in pursuance of this Act while engaged in taking evidence for the purpose of an

inquiry held under section 6 or who interrupts the proceedings or otherwise misbehaves himself during the holding of any such inquiry shall be liable to a fine not exceeding \$20 or in default to imprisonment for any term not exceeding 2 months.

*(Substituted by Ordinance No.3 of 1912, s. 2 and amended by Ordinance No.2 of 1945, s. 34.)*

*Settlement of disputes between Fijians in special cases*

**16.—**(1) In the event of any dispute arising between the parties to which are Fijians in connection with land in a province or tikina in which the proprietorship of the Fijian owners has been ascertained by the Commission or in a province or tikina which it may be inconvenient or inexpedient for the Commission to visit without delay or in any other case when he may deem it expedient, the Minister may delegate a member of the Commission or some other proper person to inquire into the same.

*(Amended by Legal Notice No.112 of 1970.)*

(2) It shall be lawful for the Minister to appoint one or more persons being native Fijians to sit as assessor or assessors with the commissioner appointed as aforesaid.

*(Amended by Legal Notice No.112 of 1970.)*

(3) For the purpose of holding an inquiry under subsection (1), the commissioner shall have the same powers as those vested in the Commission and shall follow the same procedure as is laid down for the Commission in inquiries.

(4) During such inquiry the commissioner shall take or cause to be taken a full account in writing of all proceedings and of the evidence.

(5) On the conclusion of any inquiry held under subsection (1) the commissioner holding it shall inform the parties interested of his decision and shall transmit a copy of his decision to the scribe of the province in which the land is situate and such decision shall be publicly read at the next meeting of the provincial council.

*Disputes as to headship of mataqali, etc.*

**17.—**(1) In the event of any dispute arising between native Fijians as to the headship of any division or subdivision of the people having the customary right to occupy and use any native lands, the Commission may inquire into such dispute and after hearing evidence and the claimants shall decide who is the proper head of such division or subdivision, and such person shall be the proper head of such division or subdivision:

Provided that if the claimants agree in writing in the presence of the Chairperson of the Commission as to who is the proper head of such division or subdivision it shall not be necessary for the Commission to hear evidence or further evidence as the case may be.

(2) On the conclusion of any inquiry held under subsection (1), the Chairperson of the Commission shall inform the parties of the decision and shall transmit a copy of such decision to the scribe of the province in which the land belonging to such division or subdivision is situate and such decision shall be publicly read at the next meeting of the provincial council of that province.

*(Inserted by Ordinance 11 of 1961, s. 2.)*

(3) A person aggrieved by a decision of the Commission under this section may appeal against it to the Appeals Tribunal constituted under section 7.

*(Inserted by Act No. 44 of 1998 s. 4)*

*Power to allot land to dependants*

**18.—**(1) Notwithstanding anything contained in this Act it shall be lawful for the Commission with the consent of the Fijian owners to allot at its discretion to any dependants either individually or collectively a sufficient portion of land for their use and occupation:

Provided that any dependant to whom such portion of land has been allotted and who thereafter ceases to reside with the mataqali from whose lands the said portion was allotted shall thereupon lose his interest in the said portion.

(2) Whenever through any cause such portion of land ceases to be used and occupied by the dependant or dependants to whom it was allotted it shall revert to the Fijian owners from whose lands the allotment was made.

(3) No allotment of land shall be made to any dependant who may be found to

be already an owner of land by operation of any Fijian custom.  
(*Ordinance 8 of 1919, s. 2.*)

*Vacant lands*

- 19.** —(1) The Commission shall have power to mark out and define the boundaries of any lands which, on investigation by the Commission, may be found to have been unoccupied at the date of cession of the Fiji Islands to the British Crown and to have remained unoccupied up to the time of the sittings of the Commission and to which no title has been created by the operation of any native custom which was in force before cession.

(*Amended by Act No. 13 of 2003 s. 3(a)*)

(1A) Lands marked out and defined under subsection (1) must be—

(a) declared by the Minister by notice in the *Gazette* to be vacant lands under the control of the Board; and

(b) dealt with in all respects as native lands.

(*Inserted by Act No. 13 of 2002 s.3 (a)(b)*)

(1B) Income arising from unallotted vacant lands vested in the Board under this section (less not more than 15% for administration costs of the Native Land Trust Board) must be paid to the Fijian Affairs Board and used exclusively for the benefit of native Fijians in a manner and for purposes approved by the Minister on the advice of the Great Council of Chiefs.

(*Inserted by Act No. 13 of 2002 s. 3 (a) and (b)*)

(2) An order of the Minister declaring lands to be vacant lands under subsection (1A) shall, on presentation to the Registrar of Titles, be filed by him, and the land shall be deemed to be a Native land for all purposes.

(*Amended by Legal Notice No.112 of 1970; Act No. 13 of 2002 s. 3 (c) (a) and (b).*)

(3) This section applies to all lands which were, before the 30<sup>th</sup> November 2000, or which are, after that date, found by the Commission to be lands vacant at the date of cession.

(*Substituted by Act No. 13 of 2002 s. 3 (d)*)

(4) A certificate under the hand of the Chairperson of the Commission that the land therein specified was vacant at the date of cession and has since remained vacant shall be conclusive evidence of these facts.

(*Substituted by Ordinance No. 11 of 1930, s. 4.*)

*Transfer of leases*

**19A.**— (1) Where a lease of any land was granted to any person by the Director of Lands under section 19 of this Act before the 30<sup>th</sup> November, 2000

(a) the Director of Lands is replaced by the Board as lessor for all purposes; and

(b) the income from the lease must be dealt with in accordance with the new section 19(2) of this Act,

but otherwise the terms and conditions of the lease remain as before.

(2) All leases, deeds and instruments issued by in respect of any land allotted or otherwise dealt with under section 19 of this Act before the 30<sup>th</sup> November, 2000 and current at that date shall, until their expiry or earlier termination in accordance with their terms and conditions, be deemed to have been issued by the Board and governed by the Native Land Trust Act.

(*Inserted by Act No. 13 of 2002 s. 4*)



*Transfer of contracts etc.*

**19B.**—(1) All contracts, agreements, conveyances, deeds, leases, licences and other instruments or undertakings which—

- (a) were entered into by or made with and addressed to the Director of Lands (whether alone or with any other person);
- (b) were in force as of 30<sup>th</sup> November, 2000 ; and
- (c) relate to land allotted or dealt with under section 19 of this Act before the 30<sup>th</sup> November, 2000,

are binding and enforceable by or against the Board after 30<sup>th</sup> November, 2000.

(2) All documents and instruments brought into existence for the purpose of evidencing, recording or effecting the matters referred to in subsection (1) relating to the transfer of such property from the Director of Lands to the Board or the vesting of such property in the Board are exempt from stamp duty under the Stamp Duties Act and that Act does not—

- (a) apply to any agreement or instrument brought into existence for the purpose of recording, evidencing or effecting any transfer of such property from the Director of Lands to the Board or the vesting of any such property in the Board;
- (b) operate to impose or attract any duty, fine, penalty or assessment required or necessary to give effect to the purpose of this Act.

(3) Nothing in the State Acquisition of Lands Act, Forests Act, Land Sales Act, Land Transfer Act or any other written law invalidates or affects any mortgage, transfer, bill of sale or security given or made to the Director of Lands to which the Board is entitled to under this Act.

*(Inserted by Act No. 13 of 2002 s. 5)*

*Land titles*

**19C.** —(1) The Registrar of Titles must, upon application and lodgement for registration made by the Board, make necessary entry on a certificate of title, mortgage, lease or any other instrument or document under his or her custody or control as a result of the vesting in the Board of vacant lands under section 19 of this Act as amended by the Native Lands (Amendment) Act No. 13 2002 and the Board must notify the holder of the certificate of title, mortgage, lease, or other instrument or document to produce it to the Registrar of Titles for that purpose.

(2) The Registrar of Titles must, upon application and lodgement for registration made by the Board, make any other memorial or entry in any public record that is necessary or expedient to record the vesting of such land in the Board under the principal Act.

*(Inserted by Act No. 13 of 2002 s. 6)*

*Actions etc. not to abate*

**19D.**—(1) As from 30<sup>th</sup> November, 2000, any action, arbitration or proceeding pending by, against, or in favour of the Director of Lands, does not abate and is not discontinued or in any way prejudicially affected by the amendment but may be prosecuted, continued and enforced by, against or in favour of the Director of Lands or the State as the case may be.

(2) For the avoidance of doubt, neither the Board nor the native owners are liable in any way whatsoever in respect of any cause of action which may accrue or has accrued (whether or not legal proceedings have begun) before the 30<sup>th</sup> November, 2000 in respect of vacant lands vested in the Board by virtue of this Act.

*(Inserted by Act No. 13 of 2002 s. 7)*

#### Part 4—Miscellaneous

##### *Rights of ownership may be forfeited by over two years absence*

**20.**—(1) Whenever any member of any land-owning communal division ceases to reside with such communal division for a period exceeding 2 years, it shall be lawful for the Minister, on the request of the other members of such communal division, to declare such Fijian to be no longer a member of such communal division and such Fijian shall thereupon become divested of all interest in the lands of such communal division.

*(Amended by Legal Notice No.112 of 1970.)*

(2) Every request as aforesaid shall be made through the provincial council of the tikina in which the communal division making it resides.

*(Amended by Act 2 of 1978, s. 3.)*

(3) Any Fijian in respect of whom such declaration has been made by the Minister or the agnate legitimate descendant of such Fijian may, with the consent of the communal division concerned and with the approval of the Minister be restored to membership of such communal division and to proprietary rights in its lands.

*(Amended by Legal Notice No.112 of 1970.)*

(4) This section shall not operate against any Fijian who is absent from his home by reason of employment in the service of the Government or of any recognized missionary body or any other lawful *bonafide* and regular employment, nor shall it apply to any married woman living with her lawful husband or to any young person living with his recognized guardian.

(5) When any order is made by the Minister under this section any register of native lands relating to land affected by such declaration shall be amended accordingly.

*(Substituted by Ordinance No.8 of 1919, s. 3 and amended by Legal Notice No.112 of 1970.)*

##### *Illegitimate children to be tribal land-owners and recorded as such*

**21.**—(1) Notwithstanding anything contained in the Legitimacy Act all Fijians of illegitimate birth shall be deemed to be owners of native lands and may be recorded as may seem just and equitable as members of the proprietary units of either their father or mother.

*(Substituted by Ordinance No.27 of 1932, s. 4.)*

(2) It shall be lawful for the Commission to prepare a supplementary register recording the names of all members of proprietary units found by the Commission under the provisions of subsection (1) to be members of their respective proprietary units, and such register shall be transmitted to the Registrar of Titles and preserved by him in the same manner as the register referred to in section 10.

*(Substituted by Ordinance No.27 of 1932, s. 5.)*

##### *Reservation of rights of State as ultimus haeres*

**22.** Nothing in subsection (2) of section 10 or section 20 shall affect land the registered proprietors of which have become extinct or land which has already been declared to be the property of the State as *ultimus haeres* prior to 12 July 1932.

*(Substituted by Ordinance No.27 of 1932, s. 7.)*

##### *Rotuma not within scope of Act*

**23.** This Act shall not apply to the island of Rotuma.

Schedule  
(Section 19)

*(Inserted by Ordinance 11 of 1930, s. 6; repealed by Legal Notice 112 of 1970.)*

\* \* \* \* \*

*Controlled by Department of Fijian Affairs, Office of the Prime Minister*