

**SECTION 58.—AGRICULTURAL LANDLORD AND TENANT
(EXEMPTION) REGULATIONS**

*Regulations 4th Dec., 1967, 13th May, 1968, 28th
Mar., 1969, 10th Jun., 1970, 22nd Jan., 1973, 2nd Sep., 1977.*

Made by the Governor in Council

Short title

1. These Regulations may be cited as the Agricultural Landlord and Tenant (Exemption) Regulations.

Exemptions from provisions of the Act

2. The provisions of the Act shall not apply—
(a) to any agricultural land—

- (i) occupied by or let to any person by reasons solely of his being a full-time bona fide employee of the landlord;
- (ii) occupied by any person under an agreement not to pay rent whether in legal currency, or in kind, or in labour or in any other form whatsoever;
- (iii) situated within the boundaries of any Government aerodrome (as delineated on Plan No. PP39 and on Plan No. PP40 held by the Director of Lands), a licensed aerodrome or radio communication station;
- (iv) situated within the boundaries of the Lomaivuna settlement scheme at Lomaivuna in the Central Division;
- (v) situated within such part or parts of—
 - (A) the tikina of Nuku and Serua in the province of Serua;
 - (B) the tikina of Namosi and Wainikoroiluva in the province of Namosi; and
 - (C) the tikina of Koro in the province of Lomaiviti, as have not been surveyed for the purpose of demarcating the boundaries of the holdings therein of land-holding units;
- (vi) situated within the areas included in Lots 19A, 19B, 19C, 19D, 20A, 20B, 3B, 3C, 3D, 3E, 48A, 48B, 48C and 48D on Native Lands Commission sheets Koro 1, 2 and 3;
- (vii) situated within any area set aside as native reserve by the Native Land Trust Board notwithstanding that such area has not been proclaimed as such;
- (viii) situated in the islands of Rabi or Rotuma;
- (ix) required for use by light railways or tramways;
- (x) required for use in any pilot irrigation scheme in the Rewa delta as delineated on Plans Nos. PP51 and PP33 held by the Director of Lands;
- (xi) situated in the area at Waila containing 1,289 acres and 16 perches being the residue of the land comprised in Certificate of Title Volume 58 Folio 5740 and being all the land comprised in Certificate of Title Volume 123 Folio 2273.

- (b) to any contract in respect of agricultural land which is—
- (i) a contract of agistment or a grazing licence for the grazing of sheep or goats;
 - (ii) a contract of agistment or a grazing licence for the grazing of horses and bovine animals where the number of animals grazed, excluding animals under the age of twelve months, does not exceed six;
 - (iii) a contract of agistment under which the charge is calculated on the basis of each animal grazed and the party accepting animals for grazing accepts full responsibility for their safekeeping;
 - (iv) a licence granted in respect of any forest or any part thereof for any purpose and for any period.

(Regulation amended by Regulations 13th May, 1968, 28th March, 1969, 10th June, 1970 and 22nd January, 1973.)

Exemption from the provisions of sections 7 and 13 of Act

3. The provisions of sections 7 and 13 of the Act shall not apply to any contract of tenancy which has an unexpired term of thirty years or more to run from the commencement of the Act.

Exemptions from the provisions of sections 6, 7 and 13 of Act

4. The provisions of sections 6, 7 and 13 of the Act shall not apply to any agricultural land—

- (a) situated within the boundaries of any city or town;
- (b) situated outside such boundaries which the Director of Lands may, by notice published in the Gazette, declare to be land required for non-agricultural purposes;
- (c) situated within any area outside the cities of Suva and Lautoka delineated on Plans Nos. PP41 and PP42 held by the Director of Lands;
- (d) approved by the Director of Town and Country Planning for subdivision for residential, industrial or commercial purposes.

Exemption from the provisions of sections 6, 7, 13 and 45 of Act

5. The provisions of sections 6, 7, 13 and 45 of the Act shall not apply to any agricultural land held in trust under a will or on intestacy—

- (a) let or leased for a term not exceeding ten years, such letting or leasing to commence within a period of five years from the date of death of the deceased; or
- (b) let or leased under such a trust subsisting at the commencement of the Act, such letting or leasing having an unexpired term not exceeding ten years from the latter date.

(Amended by Regulations 2nd September, 1977.)

Exemption from the provisions of sections 22 and 24 of Act

6. The provisions of—

- (a) paragraph (a) of subsection (1) of section 22;
- (b) subsection (2) of that section; and
- (c) section 24,