

SECTION 33—NATIVE LAND (NATIVE RESERVES) REGULATIONS

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*Regulations 30 May 1940, 22 February 1946, 3 March 1958,
31 May 1965, Legal Notice No. 112 of 1970*

Short title

1. These Regulations may be cited as the Native Land (Native Reserves) Regulations.

Appointment of Commissioner and assessors

2.—(1) The Minister may appoint a Commissioner, who shall be charged with the duty of holding inquiries for the purpose of ascertaining the boundaries of portions of native land which the native owners desire should be set aside and notified as native reserves, and may appoint a person or persons to assist such Commissioner, and may, by general or special order published in the Gazette, confer on any such person or persons all or any of the powers of the Commissioner under these Regulations; and the term "Commissioner" wherever it is used in these

Regulations shall include a person duly appointed under this paragraph to assist the Commissioner. (*Amended by Regulations 3 March 1958; Legal Notice 112 of 1970.*)

(2) The Minister may appoint for the inquiries in each province a person being a native Fijian to sit as assessor with the Commissioner appointed as aforesaid. (*Amended by Legal Notice 112 of 1970.*)

Power to summon witnesses, etc.

3. For the purposes of any inquiry the Commissioner shall have the same powers as those vested in magistrates to summon and examine on oath all owners of any land the reservation of which is being inquired into and any person whom he may think able to give relevant evidence.

Notice of sittings

4.—(1) When the Commissioner is about to institute inquiries as aforesaid notice of the time and place at which the first sitting will be held shall be given to the buli of the tikina by the Commissioner of the Division in which the inquiries are to be held.

(2) The notice shall be delivered to the buli not less than fourteen days before the sitting. In the absence of any buli from his place of residence the notice shall be delivered to the tikina scribe or such other person as the Commissioner of the Division may appoint for the purpose.

(3) The buli or other recipient of the notice shall cause the time and place of the sitting of the Commissioner to be publicly proclaimed in each village within his tikina.

(4) A general notice of the intention to hold an inquiry giving the time and place of the meeting shall be published in the Gazette and in Na Mata.

Meeting of tikina council

5. On receipt of the notice provided for in paragraph (1) of regulation 4 by the buli or other recipient of the notice shall convene a special meeting of the tikina council within forty-eight hours, and call upon the heads of the land-owning units within the tikina to cause the members thereof to prepare particulars of the boundaries of reserves desired by them.

Sittings

6. The statement of particulars prepared under the provisions of regulation 5 shall be examined by the Commissioner, who may accept it as a basis for his recommendation in respect of reservations within the tikina, and the Commissioner shall, when he deems it advisable to do so, call and examine witnesses and make such alterations and amendments in the statements as are justified by the evidence elicited.

Adjournment of sittings

7. The Commissioner may at his discretion from time to time adjourn the sitting either *sine die* or to a fixed time and place. All members of land-owning units within the tikina in which the Commissioner is sitting at the time of adjournment shall be deemed to have notice of the adjournment.

Language of proceedings

8. All proceedings before the Commissioner shall be conducted in the Fijian language.

Attendance of lessee affected

9. Any lessee of native land affected by any proposal of the native owners shall be entitled to attend in person before the Commissioner to give evidence and to make representations regarding such proposal. If any such lessee does not understand the Fijian language the proceedings shall be interpreted to him in a language which he understands.

Report of Commissioner to Board

10.—(1) Upon the conclusion of the inquiries in each tikina the Commissioner shall forward an English translation of statements prepared under regulation 5 and his notes of evidence and his recommendations thereon in respect of each proposed reserve to the Secretary, who shall place the same before the Board.

(2) The Commissioner shall cause the description of the boundaries and situation of land which are claimed for reserve to be entered in a form as set out in the Schedule. (*Amended by Regulations 31 May 1965.*)

(3) In the event of the owners of any native lands refusing or neglecting when called upon to give such full and proper information to the Commissioner as will enable him to carry out the provisions of regulations 2 and 5 the Commissioner shall have the power to make such recommendation to the Board as may seem to him just and equitable.

SCHEDULE

(*Regulation 10*)

(*Amended by Regulations 31 May 1965.*)

CLAIM FOR NATIVE RESERVE

E na Vanua Tabu ni Taukei											
E na Tikina ko:											
(In the district of)											
E na Yavusa ko:											
(In the tribe of)											
Mataqali ka taukena:											
(Owning Mataqali)											
Sa tekivu na kenai yalayala	X	X	X	X	X	X	X	X	X	X	X
(Boundary commencing at)											
X X X X X	X	X	X	X	X	X	X	X	X	X	X
X X X X X	X	X	X	X	X	X	X	X	X	X	X
X X X X X	X	X	X	X	X	X	X	X	X	X	X
X X X X X	X	X	X	X	X	X	X	X	X	X	X
ki na vanua ka vakatekivu mai kina.											
(to the point of commencement).											

Turaga ni Veitarogi Vanua
(*Commissioner*)