

Kiribati - Legislation

Commencement: 24th December 1974

LAWS OF THE GILBERT ISLANDS

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CHAPTER 63

NON-NATIVE LAND (RESTRICTION ON ALIENATION)

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An Ordinance to restrict the alienation of non-native land

Commencement: 24th December 1974

29 of 1974

Short title

1. This Ordinance may be cited as the Non-Native Land (Restriction on Alienation) Ordinance.

Interpretation

2. In this Ordinance -

“native”, notwithstanding section 2 of the Native Status Ordinance, means any aboriginal inhabitant of the Gilbert Islands and a descendant of any aboriginal inhabitant, whether wholly or partly of aboriginal descent, who has not acquired non-native status under the Native Status Ordinance;

“non-native land” means land owned by a person other than a native but does not include land owned by a local government council or by a society registered under the Co-operative Societies Ordinance which immediately prior to its alienation to the council or society, as the case may be, was owned by a native.

Restriction on alienation of non-native land

3. (1) Non-native land shall not be alienated, whether by sale, gift, lease or otherwise, unless at least 6 weeks before the alienation notice thereof has been served on the Minister by hand or by registered post by any party thereto.

(2) A notice under subsection (1) shall contain full particulars of the intended alienation including sufficient particulars clearly to identify every party thereto.

(3) Without prejudice to subsection (2), every notice under subsection (1) shall contain such particulars and be in such form as may be prescribed by regulations made by the Minister.

(4) Any person who in a notice under subsection (1) furnishes information which he knows to be false or does not believe to be true shall be liable to a fine of \$2000 and to imprisonment for 2 years.

Crown may inform vendor of wish to acquire interest intended to be alienated

4. (1) Where notice under section 3 (1) has been served on the Minister he may inform the intended vendor, either in writing or by such other means as he deems more expedient; that the Crown wishes to acquire the interest intended to be alienated.

(2) Where the Minister has informed the intended vendor under subsection (1) that the Crown wishes to acquire the interest intended to be alienated that interest shall not be alienated to any person other than the Crown to whom it shall be alienated on such terms as the Minister and the vendor may agree.

(3) Where the Minister and the vendor are unable to agree on terms under subsection (2) the land in question shall be deemed for the purposes of the Crown Acquisition of Lands Ordinance to be required for a public purpose and shall be acquired under that Ordinance for an interest equivalent to the interest originally intended to be alienated by the vendor or such greater interest as the vendor may require.

Alienations not in accordance with this Ordinance to be void

5. Every alienation of non-native land which takes place in contravention of this Ordinance shall be wholly null and void.
