

Kiribati - Legislation

THE REPUBLIC OF KIRIBATI
NATIVE LANDS (AMENDMENT) ACT 1983
(No. 14 of 1983)

I assent
Beretitenti,
1983

AN ACT TO REPEAL THE PROVISO TO SECTION 5
OF THE NATIVE LANDS (AMENDMENT) ORDINANCE 1977;
AND FOR CONNECTED PURPOSES.

Commencement: 12th August 1983

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti.

Short title

1. This Act may be cited as the Native Lands(Amendment) Act 1983.

Repeal of Proviso to s.5 of the Native Lands (Amendment) Ordinance 1977.

2. The Proviso to Section 5 of the Native Lands (Amendment) Ordinance 1977 is hereby repealed.

Savings

3. All appeals in land causes and matters pending before the Lands Court Appeal Panel as at the date of commencement of this Act shall be deemed to be and treated as pending in the High Court, and shall be treated and heard as appeals in accordance with the provisions of Part VIII of the Magistrates Courts Ordinance, Chapter 52.

I certify that the above Act was on 11th August, 1983 passed by the Maneaba ni Maungatabu on a certificate urgency under section 68(3)(a) of the Constitution.

Speaker

Published by exhibition-

(a) at the Public Office of the Beretitenti this 12th day of August 1983.

Secretary to the Cabinet

(b) at the Maneaba ni Maungatabu on the 12th day of August 1983.

Clerk to the Maneaba ni Maungatabu.

THE NATIVE LANDS (AMENDMENT) ACT 1983

EXPLANATORY MEMORANDUM

1. The purpose of this Act is to provide for all appeals in lands causes and matters from the Magistrates Courts (Lands) to be heard by the High Court.
2. That is the present position in respect of all appeals filed after May 1978.
3. The position before that date was different. Previously such appeals were heard by the Lands Court Appeal Panel set up by the Native Lands Ordinance of 1957.
4. The Lands Court Appeal Panel was abolished by section 5 of the Native Lands (Amendment) Ordinance 1977 (then Cap. 22), but S. 5 contained a proviso that the Panel would continue in being only until it had dealt with appeals then pending, and then would be at an end.
5. Such appeals have not all been dealt with by the Panel although five years have elapsed. To endeavour to remedy this and eliminate in due course the backlog of appeal cases pending before the Panel, all cases so pending are now to be heard by the High Court in line with current practice.
6. This is achieved by repealing the said proviso and providing that all appeals pending in the Lands Court Appeal Panel are now pending in the High Court. Such appeals will now be dealt with in accordance with Part VIII of the Magistrates Court Ordinance (Cap 52).

Michael N. Takabwebwe

Attorney General

LEGAL REPORT

I hereby certify my opinion that none of the provisions of the above Act conflicts with the Constitution and that the Beretitenti may properly assent to the Act.

Michael N. Takabwebweb

Attorney General

21 June 1983.