

Vanuatu - Legislation

Commencement: 29 December 1989

REPUBLIC OF VANUATU

THE LAND LEASES (AMENDMENT) ACT
NO. 38 OF 1989

Arrangement of Sections

- 1. Replacement of section 35 of Act No.4 of 1983.
- 2. Amendment of section 40 of the principal Act.
- 3. Insertion of new section 40A in the principal Act.
- 4. Amendment of the schedule to the principal Act.
- 5. Commencement.

REPUBLIC OF VANUATU

THE LAND LEASES (AMENDMENT) ACT
No. 38 OF 1989

ASSENT: 19/12/89
COMMENCEMENT: 29/12/89

An Act to amend the Land Leases Act No 4 of 1983.

BE IT ENACTED by the President and Parliament as follows:-

REPLACEMENT OF SECTION 35 OF ACT No.4 OF 1983

1. Section 35 of the Land Leases Act No. 4 of 1983 (principal Act) is repealed and the following section is substituted-

"LESSOR'S CONSENT TO DISPOSITION OF LEASED LAND

35. Notwithstanding any provision to the contrary that may be contained in this Act or in any other law, any disposition of any land leased under a registered lease or any disposition of any part of such land or interest comprised therein shall not be registered until the written consent of the lessor for such disposition verified in accordance with section 77 has been produced by the Director."

AMENDMENT OF SECTION 40 OF THE PRINCIPAL ACT

2. Section 40 of the principal Act is amended by the repeal of the paragraph (h) of that section.

INSERTION OF NEW SECTION 40A IN THE PRINCIPAL ACT

3. The following new section is inserted after section 40 of the principal Act-

"IMPLIED AGREEMENT RELATING TO DISPOSITION OF LEASED

LAND

40A. (1) Notwithstanding any provision to the contrary that may be contained in this Act or in any other law, there shall be implied:-

- (a) in every registered lease created prior to the relevant date and which is valid on that date; and
- (b) in every registered lease created on or after the relevant date,

the following agreement between the lessee and the lessor:-

Notwithstanding any provision to the contrary contained in the lease, with effect from the relevant date, not to dispose of the leased land or part thereof or interest comprised therewith by the lessee without the previous written consent of the lessor, and not to withhold such consent by the lessor unreasonably.

(2) For the purposes of this section 'relevant date' means the date on which this section comes into force".

AMENDMENT OF THE SCHEDULE TO THE PRINCIPAL ACT

4. The schedule to the Principal Act is amended in paragraphs 1(d) and 3(f), by the substitution for the figure '5%' of the figure '2%'.

COMMENCEMENT

5. This Act shall come into force on the date of its publication in the Gazette.
