

# Land Leases (Amendment) Act 2004

*Commencement: 27 December 2006*

## REPUBLIC OF VANUATU

### THE LAND LEASES (AMENDMENT) ACT NO. 11 OF 2004

#### Arrangement of Sections

1. Amendment
2. Commencement

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## REPUBLIC OF VANUATU

Assent: 30/12/2004

Commencement: 27/12/2006

### THE LAND LEASES (AMENDMENT) ACT NO. 11 OF 2004

An Act to amend the Land Leases Act [CAP 163].

Be it enacted by the President and Parliament as follows:

#### **1. Amendments**

The Land Leases Act [CAP 163] is amended as set out in the Schedule.

#### **2. Commencement**

This Act commences on the day on which it is published in the Gazette.

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## SCHEDULE

### AMENDMENTS OF THE LAND LEASES ACT [CAP 163]

#### **1. Subsection 32A (1)**

Delete "and" substitute ",".

After "32C" insert "and 32D".

**2. Subsection 32B(4)**

Repeal the subsection, substitute

"(4) A premium referred to in paragraph 3(a) is the following percentage rate of the unimproved market value of the land at the date of the application. The percentage rate increases following the number of years from the date of a new valuation roll."

Number of years from the date of a new valuation roll	Percentage rate (%)
Year 1	8.0
Year 2	8.5
Year 3	9.0
Year 4	9.5
Year 5 and such further period	10.0

**3 At the end of section 32C**

Add

"(6) For the purposes of this section, the prescribed fee is 35% of the unimproved market value of the land at the date of the application."

**4 After section 32C**

Insert

**"32D Premium payable for the issue of a new lease**

- (1) This section applies to:
  - (a) a new lease on land not previously subject to a lease; or
  - (b) a new lease as part of a subdivision; or
  - (c) a new lease as part of a strata title development.
- (2) A new lease is not to be issued unless the lessee or the registered proprietor pays to the Minister a premium of 35% of the unimproved market value of the land as determined at the date on which the lease is approved by the Minister.
- (3) A lessee must pay to the Minister the premium referred to in subsection 32D(2) before the lease is issued to the lessee.

## 5. After section 39

Insert

### "39A Annual lease rental payments

(1) If a lessee pays a total amount of the annual lease rent multiplied by 4, within the first 12 months from the date on which the annual rental amounts are fixed for 5 years, the payment made is deemed to be the full payment of the 5 years annual lease rent.

(2) Subsection (1) only applies to payments made on or before the due date for the first payment of an annual lease rent, which is fixed for a period of 5 years."

## 6 After section 48

Insert

### "48A Payment for sale of a rural lease

(1) This section applies only to leases of rural land.

(2) If a proprietor of a registered lease sells a lease, the lessee must pay not more than 18% of the amount the lease was sold for to the lessor unless the lessor and lessee have entered into other arrangements."

## 7 After section 50

Insert

### "50A Rural lease tax

(1) This Section applies only to rural leases.

(2) A lessee must pay annually to the Government a rural lease tax of 1% of the unimproved market value of the lease."

## 8 Schedule

Paragraph 1(a) and (b)

Delete "2%" substitute "6%".

Paragraph 1(c)

Delete "0.5%" substitute "1.5%".

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