

CHAPTER 134

NATIVE LAND TRUST

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*Ordinances Nos. 12 of 1940, 16 of 1943, 35 of 1943, 7 of 1944, 2 of 1945,
15 of 1945, 16 of 1945, 30 of 1945, 29 of 1948, 13 of 1951, 24 of 1951,
11 of 1959, 21 of 1961, 58 of 1962, 7 of 1966, 11 of 1966, 19 of 1968,
16 of 1970, Legal Notice 112 of 1970, Act No. 1 of 1978*

AN ACT RELATING TO THE CONTROL AND ADMINISTRATION OF
NATIVE LAND

[7 June 1940]

PART I—PRELIMINARY

Short title

1. This Act may be cited as the Native Land Trust Act.

Interpretation

2. In this Act, unless the context otherwise requires—
 - “Board” means the Native Land Trust Board established under section 3;
 - “native grant” means a grant of land by native owners;
 - “native land” means land which is neither Crown land nor the subject of a Crown or native grant but includes land granted to a mataqali under section 18;
 - “native owners” means the mataqali or other division or subdivision of the natives having the customary right to occupy and use any native land;
 - “native reserve” means land set aside and proclaimed as such under the provisions of this Act;
 - “Secretary” means the Secretary of the Board appointed under section 30.

(Amended by Ordinance 30 of 1945, s. 2; 19 of 1968, s. 2; Legal Notice 112 of 1970.)

Constitution of Board

- 3.—(1) There is hereby established a board of trustees called the Native Land Trust Board which shall consist of—
 - the Governor-General as President, the Minister as Chairman, five Fijian members appointed by the Great Council of Chiefs, three Fijian members appointed by the Fijian Affairs Board from a list of nominees submitted by provincial councils to the Fijian Affairs Board, and not more than two members of any race, appointed by the Governor-General.
- (2) (a) An appointment shall not be made under subsection (1) so that more than one of the appointed members, other than Fijian appointed members, is a person holding an office of emolument under the Crown.

- (b) Appointed members of the Board other than Fijian appointed members shall, unless they die or resign, hold office during the Governor-General's pleasure. Fijian appointed members of the Board shall, unless they die or resign, hold office for a period of three years.
- (3) At all meetings of the Board, the Governor-General or in his absence, the Minister, shall preside. In the absence of the Governor-General and the Minister, the members present shall elect one of their number to preside.
- (4) (a) Five members shall form a quorum one of whom shall be the person presiding. At least two of the other four shall be Fijians.
- (b) Questions before the Board shall be decided by a majority of votes of those present and in the case of equality of votes the person presiding shall have a second or casting vote.
- (5) The Board may from time to time make rules as to its own proceedings under this Act and the carrying out of the powers vested in the Board by this Act.
- (6) The Board shall be a body corporate with perpetual succession and a common seal and may, in such name, sue and be sued, borrow money and enter into contracts, and may acquire, purchase, take, hold and enjoy real and personal property of every description and may convey, assign, surrender and yield up, charge, mortgage, transfer or otherwise dispose of or deal with or in real or personal property vested in the Board on such terms as the Board thinks fit.
- (7) The common seal shall be affixed in pursuance of a resolution of the Board by one member of the Board and the Secretary who shall attest the same.
- (8) All courts of law and persons acting judicially shall take judicial notice of the common seal of the Board when affixed to any document and shall presume that it was duly affixed.
- (Section amended by Ordinance 16 of 1943, s. 2; 30 of 1945, s. 3; 29 of 1948, s. 2; 11 of 1959, s. 2; 19 of 1968 s. 3; Legal Notice 112 of 1970.)

PART II—CONTROL OF NATIVE LAND

Control of native land vested in Board

- 4.—(1) The control of all native land shall be vested in the Board and all such land shall be administered by the Board for the benefit of the Fijian owners.
- (2) The Minister may, by notice in the Gazette, appoint for any Division specified in such notice a local committee consisting of the Commissioner as chairman and such other persons as the Minister may select, for the purpose of advising the Board on any matters affecting native land within such Division. (Amended by Legal Notice 112 of 1970.)
- (3) The Commissioner shall report the recommendations of the committee to the Secretary for the consideration of the Board. (Amended by Ordinance 30 of 1945, s. 5.)

Native land alienable only to Crown

- 5.—(1) Native land shall not be alienated by Fijian owners whether by sale, grant, transfer or exchange except to the Crown, and shall not be charged or encumbered by native owners, and any native Fijian to whom any land has been transferred heretofore by virtue of a native grant shall not transfer such land or any estate or interest therein or charge or encumber the same without the consent of the Board.

(2) All instruments purporting to transfer, charge or encumber any native land or any estate or interest therein to which the consent of the Board has not been first given shall be null and void.

Provisions as to transfer of native lands

6. When any native land has been transferred to or acquired by the Crown a certificate shall be executed in such a form as may be prescribed. Such certificate shall contain a diagram of the land to be comprised therein on such scale as may be prescribed and shall be executed by the Board under seal on behalf of the native owners and by the Director of Lands on behalf of the Crown. A record of such transfer shall be made in the "Register of Native Lands" kept under the provisions of section 8 of the Native Lands Act. (Cap. 133.)

(Amended by Ordinance 15 of 1945, s. 44.)

Native land not to be alienated save in accordance with Act

7. Subject to the provisions of the Crown Acquisition of Lands Act, the Forest Act, the Petroleum (Exploration and Exploitation) Act and the Mining Act, no native land shall be sold, leased or otherwise disposed of and no licence in respect of native land shall be granted save under and in accordance with the provisions of this Act. (Cap. 135, Cap. 150, Cap. 148, Cap. 146.)

Alienation of native land by lease or licence

8.—(1) Subject to the provisions of section 9, it shall be lawful for the Board to grant leases or licences of portions of native land not included in a native reserve for such purposes and subject to such terms and conditions as to renewals or otherwise as may be prescribed.

(2) Any lease or licence in respect of land under the provisions of this Act shall be made out from and in the name of the Board and such lease or licence shall be executed under the seal of the Board. (Substituted by Ordinance 30 of 1945, s. 6.)

Conditions to be observed prior to land being dealt with by way of lease or licence

9. No native land shall be dealt with by way of lease or licence under the provisions of this Act unless the Board is satisfied that the land proposed to be made the subject of such lease or licence is not being beneficially occupied by the Fijian owners, and is not likely during the currency of such lease or licence to be required by the Fijian owners for their use, maintenance or support.

Form of lease, registration and fees

10.—(1) All leases of native land shall be in such form and subject to such conditions and covenants as may be prescribed, and such leases shall be recorded in a register to be kept by the Registrar of Titles entitled "Register of Native Leases", and it shall be lawful for the Board to charge and collect in respect of the preparation of any lease or for any matter in connection therewith such fees as may be prescribed. (Amended by Ordinance 30 of 1945, s. 7.)

(2) When a lease made under the provisions of this Act has been registered it shall be subject to the provisions of the Land Transfer Act, so far as the same are

not inconsistent with this Act, in the same manner as if such lease has been made under that Act, and shall be dealt with in a like manner as a lease so made.

(Cap. 131.)

(3) It shall be lawful for the Registrar of Titles to charge and collect in respect of any lease registered under the provisions of this Act, or in respect of any dealing with such lease, the fees prescribed under the Land Transfer Act in the same manner as if such lease was a lease under that Act.

(Cap. 131.)

Form of licence, registration and fees

11. All licences of native land shall be in such form as may be prescribed, and such licences shall be recorded in a register to be kept by the Board entitled "Register of Licences in respect of Native Land", and it shall be lawful for the Board to charge and collect in respect of the preparation and registration of any licence and for any matter in connection therewith such fees as may be prescribed.

(Amended by Ordinance 30 of 1945, s. 7.)

Consent of Board required to any dealings with lease

12.—(1) Except as may be otherwise provided by regulations made hereunder, it shall not be lawful for any lessee under this Act to alienate or deal with the land comprised in his lease or any part thereof, whether by sale, transfer or sublease or in any other manner whatsoever without the consent of the Board as lessor or head lessor first had and obtained. The granting or withholding of consent shall be in the absolute discretion of the Board, and any sale, transfer, sublease or other unlawful alienation or dealing effected without such consent shall be null and void:

Provided that nothing in this section shall make it unlawful for the lessee of a residential or commercial lease granted before 29 September 1948 to mortgage such lease.

(Substituted by Ordinance 30 of 1945, s. 8; amended by 29 of 1948, s. 3.)

(2) For the purposes of this section "lease" includes a sublease and "lessee" includes a sublessee. *(Inserted by Ordinance 35 of 1943, s. 2.)*

Rent or fee in arrear in respect of licences

13. If any rent, fee or other charge payable under any licence granted under this Act is in arrear for the space of one calendar month, or in case default is made in the fulfilment of any other covenant or condition whether expressed or implied in such licence on the part of the licensee, and continues for the space of two calendar months, it shall be lawful for the Board to determine such licence without prejudice to any claim against the licensee which shall have already accrued under such licence.

Distribution of rents and purchase money

14.—(1) Subject to the other provisions of this section, rents and premiums received in respect of leases or licences in respect of native land shall be subject to a deduction of such amount as the Board may from time to time determine not exceeding 25 per cent of such rent or premium, which shall be payable to the Board as and for the expenses of collection and administration, and the balance thereof shall be distributed in the manner prescribed.

(2) Subject to the other provisions of this section, the purchase money received in respect of a sale or other disposition of native land, shall, after

deduction therefrom of any expenses incurred by the Board in respect of such sale or other disposition, be either distributed in the manner prescribed or invested and the proceeds so distributed as the Board may decide.

(3) Before any balance shall be distributed pursuant to the provisions of subsections (1) and (2) the Board shall discharge out of the moneys received—

- (a) any statutory obligation in relation to the land, which by reason of any order of a Court the Fijian owners have been adjudged liable to discharge and have failed to discharge;
- (b) any payment which the Fijian owners, in consequence of such an order as aforesaid have become liable to make in respect of the land, whether by way of payment for works carried out by any statutory body or other competent authority, or otherwise;
- (c) any amount due and unpaid in respect of any drainage rates payable under the provisions of the Drainage Act on the land or on any other native land belonging to the same native owners; *(Cap. 143.)*
- (d) Any amount due and unpaid in respect of any land rates payable by or under the provisions of the Fijian Affairs Act on the land or on any other native land belonging to the same Fijian owners; *(Cap. 120.)*
- (e) with the consent of the Fijian owners whether given before or after 4 December 1970 which consent shall operate as an assignment of rents irrevocable until the total amount is paid, any amount due and unpaid in connection with any scheme approved by the Minister for the benefit of the Fijian owners.

(4) In the event of the proceeds of any sale or other disposition of native land being insufficient to discharge in full all the obligations referred to in paragraphs (a) to (e) inclusive of subsection (3), the Board shall in so far as funds permit discharge that obligation which was incurred first and shall then discharge the remaining obligations in sequence according to the date they were incurred.

(5) Where there is any amount due and unpaid in respect of such drainage rates as are referred to in paragraph (c) of subsection (3) which the balance of the moneys received pursuant to subsection (1) is insufficient to discharge or the balance of the rents and premiums arising out of any native land belonging to the same Fijian owners is insufficient to discharge within three years, and the Fijian owners have any other native land which is available for leasing, the Board shall use its best endeavours to lease so much of any other native land belonging to the Fijian owners as it considers will be sufficient to enable such amount to be discharged within three years, or if that is not possible then within such longer period as may be required, being however the shortest possible period.

(6) The following provisions shall have effect with respect to a lease granted under subsection (5):—

- (a) the provisions of section 9 shall not apply in relation to the granting thereof;
- (b) notwithstanding anything contained in any other section of this Act—
 - (i) a lease may be granted with or without the consent of the Fijian owners, whether the land is inside or outside a native reserve;
 - (ii) a lease may be for such purposes and subject to such terms and conditions as the Board thinks fit;
- (c) nothing in this section shall authorise the leasing of land in a native reserve except to a Fijian or to the Land Development Authority;
- (d) subsections (1) and (3) shall apply to such a lease.

(7) Where there is any amount due and unpaid in respect of land rates referred to in paragraph (d) of subsection (3), the Board shall, at the request of the Fijian owners or upon the order of a competent court, use its best endeavours to lease so much of any native land belonging to such Fijian owners as it considers sufficient to enable such amount to be paid and discharged within the shortest possible period.

(8) With respect to a lease granted by the Board under the provisions of subsection (7), nothing in this section contained shall authorise the leasing of land in a native reserve except to a native Fijian or to the Land Development Authority:

Provided that the Board may always, with the consent of the Fijian owners of such land, exclude the land from the reserve in accordance with the provisions of section 17.

(Section substituted by Ordinance 30 of 1945, s. 9; amended by 13 of 1951, s. 2; 21 of 1961, s. 3; 58 of 1962, s. 3; 11 of 1966, s. 2; 16 of 1970, s. 2.)

PART III—NATIVE RESERVES

Native reserves

15.—(1) It shall be lawful for the Board, by notice in the Gazette, to set aside any portion of native land as a native reserve.

(2) Every such notice in the Gazette shall also be published in a newspaper published in the Fijian language and circulating in Fiji.

(Substituted by Ordinance 19 of 1968, s. 4; Subsec. (1) amended by Legal Notice 112 of 1970; Subsec. (2) amended by Act 1 of 1978, s. 2.)

Land in native reserve not to be alienated

16.—(1) Subject to the provisions of the Crown Acquisition of Lands Act, the Forest Act, the Petroleum (Exploration and Exploitation) Act, the Mining Act, and to the provisions of this section, no land in any native reserve shall be leased or otherwise disposed of.

(Cap. 135, Cap. 150, Cap. 148, Cap. 146.)

(2) Leases or licences may with the consent of the native owners be granted by the Board to native Fijians in accordance with regulations made under section 33.

(3) Leases may with the consent of the Fijian owners be granted by the Board to the Land Development Authority as if it were a native Fijian, in accordance with the aforesaid regulations and subject to the following conditions:—

(a) no land leased under this subsection shall be transferred, sublet or in any other manner disposed of by the Land Development Authority except to a native Fijian;

(b) no lease shall be granted under the provisions of this subsection in respect of any land which is in use by, or required by, or likely to be required by the Fijian owners or any member of the land owning unit or dependant of such member during the currency of the lease for the use, maintenance or support of members of the land owning unit or to enable it or its members to fulfil obligations under native custom or under any regulations made under the Fijian Affairs Act; *(Cap. 120.)*

(c) whenever the consent of Fijian owners is necessary under this or any other section of this Act, such consent shall be obtained by the Board in such manner and after such consultation with the Fijian owners, and shall be signified by the Fijian owners in such manner, as may be prescribed by regulations made under section 33, or in default of any such regulations as the Board may consider appropriate.

(Substituted by Ordinance 58 of 1962, s. 4.)

Exclusion of land from native reserve with consent of native owners

17.—(1) The Board may, upon good cause being shown and with the consent of the native owners of the land, exclude either permanently or for a specified period any portion of land from any native reserve. (*Substituted by Ordinance 19 of 1968, s. 5.*)

(2) Every such exclusion as aforesaid shall be published in the Gazette and in a newspaper published in the Fijian language and circulating in Fiji. (*Substituted by Ordinance 19 of 1968, s. 5; amended by Act 1 of 1978, s. 2.*)

(3) When any native land has been excluded from a native reserve for a specified period such land shall upon the expiration of such period resume the same character and incidents as were attached to it before its exclusion from the native reserve.

Power of Governor-General to set aside land as native reserve

18.—(1) If the Governor-General is satisfied that the land belonging to any mataqali is insufficient for the use, maintenance or support of its members it shall be lawful for the Governor-General by proclamation to set aside such Crown land, or land acquired for or on behalf of Fijians by purchase, as in his opinion may be required for the use, maintenance or support of such mataqali. Any area so set aside shall be deemed to be a native reserve. (*Amended by Ordinance 29 of 1948, s. 4; Legal Notice 112 of 1970.*)

(2) Any land set aside under the provisions of subsection (1) shall be fully described in the proclamation by stating the boundaries and area thereof and the name of the mataqali or other division or subdivision of the natives for whose use, maintenance or support such land is set aside, and such proclamation shall be published in the Gazette and in a newspaper published in the Fijian language and circulating in Fiji. (*Amended by Act 1 of 1978, s. 2.*)

PART IV—MISCELLANEOUS

Crown ultimus haeres of extinct mataqali

19.—(1) If any mataqali shall cease to exist by the extinction of its members its land shall fall to the Crown as *ultimus haeres* to be allotted to the qali of which it was a part or other division of the people which may apply for the same or to be retained by the Crown or dealt with otherwise upon such terms as the Board may deem expedient.

(2) A report to the Board under the hand of the Chairman of the Native Lands Commission appointed under the Native Lands Act or of the Commissioner that a mataqali has ceased to exist by the extinction of its members and describing the lands which in consequence of such extinction fall to the Crown under subsection (1) shall be evidence that the mataqali is extinct. (*Cap. 133.*)

(3) At any time after a report referred to in subsection (2) has been received the Board shall direct a notice in the form prescribed to be published in the Gazette and in a newspaper published in the Fijian language and circulating in Fiji, and a copy of such notice shall be sent as soon as possible by the Board through the Commissioner to the roko tui of the province in which any part of the land is situated. (*Amended by Act 1 of 1978, ss. 2 and 3.*)

(4) If any person desires to show that the mataqali has not ceased to exist by reason of the extinction of its members, he may, within three months of the date of publication of the notice in the Gazette and in a newspaper published in the Fijian

language and circulating in Fiji, give notice of objection in writing to the Board setting out particulars of any members of the mataqali alleged to be still surviving. Upon receipt of such notice of objection the Board shall cause such investigation to be made as it may consider necessary. (*Amended by Act 1 of 1978, s. 2.*)

(5) If the Board after such investigation is of the opinion that the objection to declaring the mataqali extinct is not well founded, the Board shall cause the Commissioner to send notice by post to the person who has given notice of objection in writing and also to the roko tui of the province in which any part of the land is situated informing them that the objection is disallowed. (*Amended by Act 1 of 1978, s. 3.*)

(6) If no notice of objection as provided for in subsection (4) is received by the Board, or if such objection having been duly made is disallowed, the Board may make an order in the form prescribed and such order shall on presentation to the Registrar of Titles be filed by him and the land shall be deemed to be Crown land for all purposes.

Powers of entry of Minister on native land for execution of certain works

20.—(1) Any Minister subject to the provisions of subsection (2) may at any time—

- (a) enter upon any native land, and take therefrom stone and other materials for the making or repairing of roads, railways, canals, water channels, or other public works whether of the like kind or not;
- (b) enter upon such land for the purpose of setting up poles and carrying electric, telegraph or telephone lines across such land, and laying sewers, water pipes, electric, telegraph or telephone lines therein, and for maintaining or affording access to any such works and to any other works of a public nature;
- (c) enter upon such land and there do any work which he may consider necessary for maintaining or improving the flow of water in any river, stream, spring, lake or swamp and for that purpose may construct dams and divert any river, stream, spring, lake or swamp;
- (d) by writing under his hand authorise officers in the service of the Government of Fiji, and of any local authority duly established by any Act in force in Fiji and any contractors employed by such officers, to exercise any of the powers conferred upon a Minister by this section. Any authority granted under the provisions of this paragraph shall be deemed to include the assistants, servants or agents of the officers or contractors to whom such authority is granted.

(Amended by Legal Notice 112 of 1970.)

(2) Compensation shall be payable in respect of anything done under this section for loss or disturbance and for the fair value of buildings and crops destroyed or damaged, and, in any case where the usefulness of any land for agricultural purposes is impaired by anything so done, compensation in respect thereof shall be payable and for this purpose the provisions of section 8 of the Constitution shall apply. (*Amended by Legal Notice 112 of 1970.*) *(Cap. 1.)*

[(3) * * * * * (*Repealed by Legal Notice 112 of 1970.*)]

[(4) * * * * * (*Repealed by Legal Notice 112 of 1970.*)]

Power to enter and inspect land and premises

21. Any member of the Board and any person acting under its directions or any servant of the Government shall for any purpose relating to this Act have power at all times to enter upon any native land or to enter any premises or place on such land and there to make such inspection, examination and inquiry and to call for such information as may be necessary for carrying into effect any of the provisions of this Act.

Service of process on Board

22.—(1) Service on the Board of all legal processes and notices shall be effected by service on the Secretary.

(2) Any costs incurred by or damages awarded against the Board in connection with any legal proceedings shall be paid out of the funds of the Board.

(Section amended by Ordinance 30 of 1945, s. 11.)

Proceedings to be brought in name of Board

23.—(1) All actions, suits and proceedings respecting native land or respecting any lease, licence or permit relating thereto, or respecting the breach of any covenant contained in any such lease, licence or permit or respecting any trespass on such land, or any damages accruing by reason of such trespass or for the recovery of any rents or fees, or relating to any damage or wrong whatsoever in respect of such land, may be commenced, prosecuted and carried on in the name and title of the Board.

(2) In any such action, suit or proceeding the Board may be represented by any barrister and solicitor or by any officer or servant of the Board duly authorised in that behalf.

(Amended by Ordinance 30 of 1945, s. 12.)

Service of notices, etc.

24.—(1) Any application, statement, demand, instrument, notice or other document authorised or required by this Act, or any regulation made thereunder, may be served on the person to whom it is to be given either personally or by leaving it for him at his last known place of abode or by sending it through the post in a registered letter addressed to him there.

(2) Where any such document is to be served on a person by being sent through the registered post it shall be deemed to have been served not later than the fourteenth day succeeding the day on which it was posted, and for proof of such service it shall be sufficient to prove that the letter containing the notice was properly addressed, registered and posted.

Publication of notices, etc.

25.—(1) Any order, notice or other document required by this Act, or any regulation made thereunder to be published, may, when no particular method is provided or indicated, be published, by affixing a copy in the Commissioner's office and in some other public or conspicuous place or situation in the area concerned, and, where it is deemed necessary, by publishing it in the Gazette.

(2) Such publication or affixing shall be deemed good and sufficient publication and notice to all persons concerned.

(3) Any person who, without lawful cause of excuse, tears, defaces, alters, injures or removes any notice so affixed, shall be guilty of an offence against this Act and shall be liable to a fine of \$20. *(Amended by Ordinance 2 of 1945, s. 126.)*

Penalty

26. Every omission or neglect to comply with and every act done, or attempted to be done, contrary to the provisions of this Act or of any regulation or order made thereunder, or in breach of the conditions and restrictions subject to or upon which any licence or permit has been issued, shall be deemed to be an offence against this Act, and for every such offence for which no penalty is specially provided the offender shall be liable to a fine of \$100 or to imprisonment for six months or to both such fine and imprisonment.

(Amended by Ordinance 2 of 1945, s. 126.)

Unlawful occupation of native land

27. Any person who is found to be in unlawful occupation of any native land shall be liable to immediate eviction and to a fine of \$100 or to imprisonment for six months or to both such fine and imprisonment.

(Amended by Ordinance 2 of 1945, s. 126.)

Obstruction of officers

28. Any person who refuses to permit any duly authorised officer or his representative to carry out any of the powers conferred by section 21, or obstructs or hinders any such officer or his representative in the execution of his duty under this Act, or fails to give any required information, or furnishes false information to such officer or to his representative, shall be guilty of an offence against this Act.

Penalty for false declaration

29. Any person who makes a false declaration in relation to any matter or thing required to be done by this Act or by any regulation made thereunder or who produces any false declaration or certificate, knowing the same to be false in any material particular, shall be guilty of an offence against this Act.

Appointment of officers

30. The Board may appoint a Manager, a Secretary and such other officers, inspectors, clerks and servants as may be necessary to carry out the provisions of this Act. The Manager shall be the senior executive officer of the Board and shall be responsible to the Board for carrying out of the Board's policy and instructions.

(Substituted by Ordinance 39 of 1945, s. 13; amended by 58 of 1962, s. 4.)

Cost of administration to be paid by the Board

31. The cost of the administration of this Act shall be paid out of the funds of the Board. *(Inserted by Ordinance 30 of 1945, s. 14.)*

Proceedings not to be invalidated by reason of vacancy

32. No act or proceeding of the Board under this Act shall be invalidated in consequence of there being a vacancy in the number of the Board at the time of such act or proceeding. *(Inserted by Ordinance 58 of 1962, s. 5.)*

Regulations

33. The Minister may make regulations not inconsistent with this Act prescribing all matters which are required or are permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and for prescribing the fees to be paid for any matter or thing done under this Act, and more particularly for all or any of the following purposes:—

- (a)* controlling the occupation and the use of native land;
- (b)* regulating the reconditioning of any native land and for such purposes prohibiting and regulating the occupation of any areas therein;

- (c) regulating generally the conservation of any area of native land;
 - (d) regulating any matters relating to the tenure of land as between Fijians on native land;
 - (e) regulating the grant and form of leases in respect of native land and all matters relating thereto;
 - (f) regulating the issue of licences on native land in respect of—
 - (i) cattle grazing rights;
 - (ii) removal of timber, forest produce, sand, lime, and common stone;
 - (g) prescribing the form and term of licences and occupation permits and the conditions upon and subject to which such licences and permits may be issued;
 - (h) the production of trees and forest produce on land not within a reserved forest within the meaning of the Forest Act, and for regulating the felling or removal of all forest produce; *(Cap. 150.)*
 - (i) the definition of boundaries and maintenance of boundary marks;
 - (j) surveys and plans;
 - (k) prescribing the manner in which certified copies of or certificates in respect of lost licences or permits may be issued and the fees therefor;
 - (l) prescribing the manner in which registers shall be kept;
 - (m) the forfeiture of unclaimed deposits.
- (Amended by Ordinance 35 of 1943, s. 3; Legal Notice 112 of 1970.)*

Crown rights

34. Save as is expressly provided in this Act, nothing herein contained shall affect prejudicially any right, power, privilege or exemption of the Crown.

Board may hold other property as trustee

34A. The Board may hold in its name as trustee any property, real or personal, for the benefit of Fijian owners whether such property shall have been acquired by purchase, lease or exchange. *(Inserted by Ordinance 19 of 1968, s. 6.)*

Rotuma not within scope of Act

35. This Act shall not apply to Rotuma.

Saving

36.—(1) Any proclamation, order in council, notification, document, licence, lease, certificate, or authority issued, made, given or granted before 7 June 1940 under the Native Lands Ordinance 1905* or the Native Lands (Occupation) Ordinance 1933† shall continue in force as if it had been issued, made, given or granted under this Act.

(2) Every such lease or licence continued in force as aforesaid shall in all respects be subject to the provisions of this Act:

Provided that the provision of section 12 of this Act and of any regulations made hereunder shall not apply to any such lease granted for a term of nine hundred and ninety nine years.

(Inserted by Ordinance 16 of 1945, s. 2.)

Controlled by Ministry of Fijian Affairs

* Partially repealed by this Act.

† Repealed by this Act.