

# **Rotuma Lands Act [Cap 138]**

## **LAWS OF FIJI**

Ed. 1978]

### **CHAPTER 138**

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#### **ROTUMA LANDS**

*Ordinance No. 13 of 1959*

#### **AN ACT TO PROVIDE FOR A LAND COMMISSION IN ROTUMA, THE REGISTRATION AND DEALING WITH AND TRANSMISSION OF LAND AND MATTERS INCIDENTAL THERETO**

[17th April, 1959]

#### **PART I - PRELIMINARY**

##### *Short title*

1. This Act may be cited as the Rotuma Lands Act, and shall only apply to Rotuma.

##### *Interpretation*

2. In this Act, save where the context otherwise requires-

"child" means a person under twenty-one years of age, and "adult" shall be interpreted accordingly;

"Council" means the Council of Rotuma, established by the Rotuma Act;

*(Cap. 122.)*

"dealing" means any transaction of whatever nature by which land is affected under this Act;

"District Officer" means the District Officer for Rotuma;

"hanua ne kainaga" means land held by that family community of Rotumans known as a kainaga, the members of each kainaga holding the land in undivided ownership and the acknowledged head of the family being the pure (or overlord) of the land;

"hanua pau" means land which is vested in a single individual Rotuman by sale or gift with the intention of creating hanua pau, or by an instrument deposited with the District Officer as provided in section 26;

"hanua ne 'on tore" means land which is vested on intestacy in the first, second and third generations of descendants of a deceased owner of hanua pau, as hanua ne 'on tore, when there is no single individual Rotuman in whom the land vests as hanua pau, such descendants taking life interests in undivided shares in such land, and the last survivor of them taking the land as hanua pau:

Provided that the limitation to three generations shall not apply to hanua ne 'on tore in existence at the commencement of this Act;

"land" includes land covered with water, any estate or interest in land either than a mortgage or charge, all things growing thereon and buildings and other things permanently affixed thereto;

"lease" includes a sublease and "lessee" includes a sublessee;

"prescribed" means prescribed by regulations made under this Act;

"Register" means the Register of Rotuman lands to be set up pursuant to the provisions of section 9;

"Rotuman Development Fund" means the Rotuman Development Fund established by the Rotuma Act;*(Cap. 122.)*

"Rotuman" means any person of Rotuman or part-Rotuman descent. If any dispute arises as to whether a person is or is not Rotuman the Council shall decide, but any person aggrieved by the Council's decision may appeal to the Minister, whose decision shall be final;

"transmission" with its grammatical variations means the passing of land from one person to another by inheritance or other operation of law and includes a disposition of hanua pau on death, but does not include compulsory acquisition under the Crown Acquisition of Lands Act.

*(Cap. 135.)*

*Land registered under Land Transfer Act unaffected*

**3.-** (1) Nothing contained in this Act or in the powers granted to the Commission shall affect the title to any land registered under the Land Transfer Act.

*(Cap. 131.)*

(2) Save as expressly provided in this Act no land whilst registered under the provisions of this Act shall be subject to the provisions of the Land Transfer Act.

*(Cap. 131.)*

## PART II - ROTUMA LANDS COMMISSION

### *Rotuma Land Commission*

4.- (1) The Minister shall appoint a Rotuma Lands Commission consisting of three Commissioners, who shall be charged with the following duties-

- (a) to ascertain what lands in Rotuma are the rightful property of Rotuman owners as hanua ne kainaga, hanua pau and hanua ne'on tore, and what lands are unowned;
- (b) to ascertain what lands in Rotuma are the rightful property of Rotuma owners under other forms of Rotuman customary land tenure and to designate all such land as hanua ne kainage, hanua pau, hanua ne'on tore, or unowned land as the Commission think fit;
- (c) to ascertain what lands in Rotuma are leased for a period longer than one year;
- (d) to decide all disputes which it is necessary to decide in order to ascertain (a), (b) and (c);
- (e) to cause the boundaries of all such lands to be demarcated on the ground;
- (f) to cause a Register to be prepared in the manner hereinafter provided for in this Act.

(2) It is hereby declared that from the commencement of this Act no Rotuman shall be registered as a member of more than one kainaga or, except as provided in section 27, as a member of any kainaga other than his father's:

Provided that a Rotuman born before the commencement of this Act may be registered by the Commission as a member of two kainaga, one on his father's side and one on his mother's. In the event of any such Rotuman belonging to more than one kainaga on his father's or mother's side, he shall be entitled to choose of which two of such kainaga (one on his father's side and one on his mother's) he wishes to be registered as a member. Any such choice shall be made in writing and shall be revocable. The choice of a child shall be made by its father or if the father is dead or absent or otherwise unable to make the choice, by its mother, or if she is dead, absent or otherwise unable to make the choice, by its guardian:

And provided further that when a child is born after the commencement of this Act, whose father is a Rotuman who under the last preceding proviso has been registered as a member of two kainaga, the choice as to which of those two kainaga the child shall be registered as a member of shall be made by the person and in the manner provided for in that proviso.

### *Procedure of operation*

5.- (1) The Commission shall sit in each district of Rotuma for the purpose of conducting its inquiries in relation to that district.

(2) Before commencing to sit at all, the Commission shall give three months' notice of its intention to commence, in such manner as the Commission considers calculated to bring such intention to the notice of all Rotumans in Fiji, and before sitting in a district the Commission shall give two months' notice of its intention to sit in that district, in such manner as the Commission considers best calculated to bring such intention to the notice of all Rotumans actually living in that district.

(3) When such notices have been given, it shall be the duty of all persons claiming to own lands (other than leasehold lands let for a period not exceeding one year) in the district to which the second such notice relates at their own expense to mark out and define, in such manner as may be directed by the district Chief, the boundaries of the lands of which they claim to be the respective owners and to cut away undergrowth, if so required, so as to make such boundaries clearly visible. It shall also be the duty of such persons to point out such boundaries to the Commission or to a Commissioner, if so required.

(4) If there is no dispute as to the ownership of any lands marked out and defined as aforesaid and if he is satisfied that the claim is bona fide and that all conditions as to notice of the inquiry and the claim have been duly complied with and that full opportunity of objecting to the ownership claimed has been given to all interested persons, a single Commissioner shall record the ownership of the land.

(5) If there is any dispute as to ownership, all three Commissioners sitting together shall enquire into it, and, after hearing evidence of the parties to the dispute and their witnesses, shall decide and record the ownership of the land. The decision of the majority of the Commission shall prevail. The Commission shall have power to approve a compromise:

Provided that if all the parties to a dispute agree, such dispute may be decided or a compromise approved by a single Commissioner.

(6) Any Rotuman who is absent from Rotuma when the Commission is sitting may, by letter addressed to the Commission, appoint an agent in Rotuma to make a claim or objection on his behalf; and subsections (3), (4), (5), (7) and (8) shall be interpreted as if references to claimants and parties to a dispute included their agents so authorized.

(7) The manner of recording the ownership of lands, whether by the Commission or by a Commissioner, shall be as follows-

(a) the Commission or a Commissioner shall cause the owners to mark the boundaries of the land to its or his satisfaction in such manner as the Commission think best calculated to mark the boundaries as permanently as practicable, or, in the case of land leased for longer than one year, to endure for the remainder of the term of the lease, and may require different methods of marking of different boundaries according to circumstances;

(b) each plot of land shall be given a distinctive number and its number and name (if any) shall be recorded;

(c) the names of each of the Rotuman owners and whether the land is hanua ne kainaga, hanua pau or hanua ne'on tore shall be recorded, or it shall be recorded that such land is unowned;

(d) if the land is subject to a lease for a period longer than one year, the names of the lessor and lessee and the term of the lease shall be recorded, and, if it is a lease of part of a plot, sufficient particulars to show clearly what part.

(8) On the conclusion of the proceedings recording the ownership of any piece of land the Commissioner or Commission shall announce his or its decision to the parties concerned:

Provided that the Commissioner or Commission may adjourn to such date as he or it may think fit for the purpose of considering the decision.

(9) For the purposes of any inquiry the Commissioner or Commission shall have the same powers as those vested in magistrates to summon and examine on oath any person whom he or it may think able to give relevant evidence, and to require the attendance of all claimants to any land the title of which is being inquired into and of all persons likely to be interested in the title to such land.

(10) In any case where there is a dispute the Commissioner or Commission shall make an adequate record of the evidence.

### *Appeals*

**6.-** (1) Any person aggrieved by any decision of the Commission or a Commissioner may within ninety days of the announcement thereof give notice of his desire to appeal, which shall be signed by the appellant or his duly authorized agent, to the District Officer. The notice shall contain the grounds of appeal. Any such appeal shall be heard by the Commissioner, Eastern Division, sitting with two Rotuman assessors appointed by the Council to advise him, and the decision of the Commissioner, Eastern Division, shall be conclusive and final. The Commissioner, Eastern Division, shall notify his decision to the Commission.

(2) If no notice of appeal is given, the record of the Commissioner or Commission shall be conclusive.

### *Survey*

**7.** As soon as practicable after-

- (a) settlement of the boundaries by a commissioner if there is no dispute;
- (b) expiry of the time for appealing if there has been a dispute which has been decided or a compromise which has been approved by the Commission or a Commissioner but no appeal has been filed;
- (c) determination of the appeal if an appeal has been filed,

the Commission shall cause the boundaries of all lands to be surveyed and a plan or plans to be prepared which together shall be called the Rotuma Registry Map, on which shall be shown the boundaries of each separate plot and their dimensions and the number given to the plot in accordance with paragraph (b) of subsection (7) of section 5. The Rotuma Registry Map shall form part of the Register of Rotuman Lands hereinafter in this Act provided for.

### *Unowned land*

**8.-** (1) All land found by the Commission to be unowned shall vest in the Crown in trust for the Rotuman people, but shall not be deemed to be Crown land.

(2) All moneys derived from such unowned land shall be paid into the Rotuman Development Fund to be used for the purposes of that Fund.

### **PART III - REGISTER OF ROTUMAN LANDS AND EFFECT OF REGISTRATION**

#### *Register of Rotuman lands*

**9.-** (1) There shall be a Register called the Register of Rotuman Lands, which shall be kept at Rotuma by the District Officer in such form as is laid down by this Act or as (subject thereto) may be prescribed.

(2) The Register shall contain a separate leaf in respect of every plot of land shown on the Rotuma Registry Map and each plot shall be described by reference to its number and its name, if any.

(3) The Commission shall cause entries to be made in the Register in respect of each plot, containing the particulars mentioned in paragraphs (b), (c) and (d) of subsection (7) of section 5.

(4) A duplicate of the Register as compiled by the Commission and of the Rotuma Registry Map shall be deposited with and kept in safe custody by the Registrar of Titles in Suva.

#### *Estate or interest conferred by registration*

**10.-** (1) Registration of any land in the Register as hanua ne kainaga, hanua pau, hanua ne'on tore or unowned land shall vest in the persons registered as owners of such land (or in the case of unowned land in the Crown) such rights, privileges, powers and obligations in relation to such land as are in this Act specifically referred to or as are incidental to Rotuman native custom in so far as such custom is not inconsistent with the provisions of this Act.

(2) Registration of a lease in the Register shall vest in the lessee the land comprised in the lease for all the interest described therein together with expressed rights and appurtenances attached thereto and subject to all expressed liabilities therein, and together with and subject to all rights, liabilities and limitations laid down in relation to leases by the Land Transfer Act.

*(Cap. 131.)*

#### *Rights conferred by registration*

**11.** The rights of Rotuman owners or the Crown whether acquired on the first registration or on subsequent registration shall be rights not liable to be defeated; except as provided in section 31, and shall be held by such owners or the Crown free from all other interests and claims whatsoever, but subject as follows, that is to say-

(a) subject to leases shown on the Register;

(b) subject to the following rights and interests which are not registrable under this Act-

(i) rights of way, rights of water and other easements;

(ii) leases for a term not exceeding one year;

(iii) rights of occupation by virtue of subdivision under Rotuman native custom, as provided for in paragraph (d) of subsection(1) of section 18;

(iv) profits à prendre subsisting at the commencement of this Act.

## **PART IV - DEALINGS**

*Registered land only to be dealt with in accordance with this Act*

**12.** 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 land registered under this Act shall be capable of being dealt with except in accordance with the provisions of this Act, and every attempt to deal with such land except in accordance with the provisions of this Act shall be ineffective to create, extinguish, transfer, vary or affect any estate or interest in land.

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

*Rotumans may not deal with land without written consent of District Officer*

**13.-** (1) No Rotuman or body of Rotumans shall sell, lease, exchange, partition, subdivide or in any way dispose of or deal with land registered under this Act without the consent in writing of the District Officer, and any such disposition purported to be effected without such consent shall be null and void.

(2) The District Officer shall not give his written approval as aforesaid unless he shall be satisfied that any such disposition as aforesaid is not at variance with the basis of land tenure amongst Rotumans as specified in this Act.

*District Officer may examine witnesses on oath*

**14.** For the purpose of satisfying himself that any such disposition as aforesaid is in accordance with the basis of land tenure amongst Rotumans as specified in this Act, it shall be lawful for the District Officer by summons under his hand to require the attendance of any person whose evidence may appear to him to be material to the issue and to examine such person on oath respecting the right, title or interest of any person or persons in the land in question or otherwise, and for so doing the District Officer shall have all the powers of a magistrate under the Magistrates' Courts Act.

*(Cap. 14.)*

*Restrictions on dealing with land*

**15.-** (1) Land registered under this Act shall not be alienated to non-Rotumans whether by sale, grant, transfer or exchange:

Provided that nothing in this subsection shall prevent such land being alienated to the Crown or compulsorily acquired by the Crown under the Crown Acquisition of Lands Act.

*(Cap. 135.)*

(2) Land registered under this Act shall not be leased to non-Rotumans (other than the Crown)

for a term exceeding twenty-one years.

(3) Land registered under this Act shall not be mortgaged or charged, and, save as permitted under this Act, shall not be otherwise encumbered, whether by Rotuman or non-Rotuman owners.

(4) Any instrument purporting to deal with land contrary to the provisions of this section shall be null and void.

*Dealings to be effected in the prescribed forms and presented for registration*

**16.-** (1) Land registered under this Act may be dealt with by a document in the prescribed form, or, if no form has been prescribed, in such form as the District Officer shall require.

(2) The dealing shall be presented to the District Officer for registration and the registration shall be completed by registering the transferee as owner of the land transferred and filing the document in the Registry:

Provided that a subdivision of hanua ne kainaga or hanua ne 'on tore among the members of the family community owning such land, pursuant to paragraph (d) of subsection (1) of section **18** shall not require to be registered.

(3) No part of the land comprised in any title shall be transferred unless such land shall first have been subdivided and new titles shall have been opened in the Register in respect of each subdivision.

*Survey on subdivision*

**17.** No dealing which effects a subdivision of any land registered under this Act shall be registered unless such survey and/or demarcation of boundaries shall have been carried out in relation to such land as may be prescribed, or in default of prescription as may be ordered by the District Officer.

*Power and method of dealing with hanua ne kainaga and hanua ne on tore*

**18.-** (1) It shall be lawful for the owners to deal with hanua ne kainaga and anua ne 'on tore in any of the following manners only-

(a) by the creation of hanua pau;

(b) by leasing in the manner provided in this Act;

(c) by grant to the Crown, in which event such land shall become subject to the Crown Lands Act;

(Cap. 132.)

(d) by subdivision among the members of the kainaga or 'on tore in accordance with Rotuman native custom:

Provided that no such subdivision shall confer upon any individual Rotuman any interest greater than a life interest therein and that no such shall be alienable as such;

(e) by granting easements.

(2) No such dealing shall be carried out without the written consent of the pure or acknowledged head of the kainaga or 'on tore as the case may be, and of the majority of the adult members of the kainaga or 'on tore resident in Rotuma.

(3) The instrument effecting the dealing shall be signed by the pure or acknowledged head of the kainaga or 'on tore, as the case may be.

*Power and method of dealing with hanua pau*

**19.-** (1) It shall be lawful for the owner to deal with hanua pau in any of the following manners only-

- (a) by sale or gift of such land as hanua pau;
- (b) by disposition as hanua pau intended to take effect on his death, as provided in subsection (1) of section 26;
- (c) by leasing in the manner provided in this Act;
- (d) by granting easements.

(2) The instrument effecting the dealing shall be signed by the owner of hanua pau.

*Unowned land*

**20.-** (1) The District Officer may deal with land which is found by the Commission to be or which subsequently becomes unowned land in any of the following manners-

- (a) by leasing it in the manner provided in this Act;
- (b) by granting easements;
- (c) after consultation with the Council, by giving or selling it as hanua pau or hanua ne kainaga to any Rotuman or Rotumans who is satisfied is or are in need of land.

(2) The instrument effecting the dealing shall be signed by the District Officer.

*Creation of leases*

**21.-** (1) Subject to the provisions of subsection (2) of section 15, land registered under this Act may be leased to any person for any term subject to any conditions which may be agreed.

(2) A lease for a period of longer than one year shall be in the prescribed form and shall be completed by registration of the lease as an encumbrance on the title of the lessor, opening a title in respect of the lease in the name of the lessee and filing the document in the Registry.

*Termination of leases*

**22.-** (1) The District Officer, upon proof to his satisfaction of the termination of a registered lease, shall cancel the registration thereof.

(2) A lease shall be surrendered by writing the word "surrendered" with the date of surrender on the original or on a copy thereof and signature thereunder by the person authorized under this Act to execute the lease and by the lessee; the registration of the lease shall then be cancelled and thereupon the interest of the lessee shall cease.

## **PART V- TRANSMISSION ON BIRTH OR DEATH**

### *Transmission of hanua ne kainaga*

**23.** (1) Subject to the provision of subsection (2) of section 4 and subsection (2) of section 27, hanua ne kainaga shall be transmitted only through the male line.

(2) On the death of a member of a land-holding kainaga or on the birth of a child to a male member thereof, the nearest relative of the deceased or the child, as the case may be, shall inform the District Officer of such event and of the name of hanua ne kainaga concerned and shall furnish him with such proof and particulars as shall be prescribed or in default of prescription as the District Officer shall require, and the District Officer, if satisfied that such death or birth has occurred, and, in the case of a birth, that the child is entitled under the provisions of this Act to be registered in respect of such hanua ne kainaga, shall delete or add the name of such person from or to the Register.

(3) On the birth of a child to a male Rotuman who is a member of two kainaga by virtue of subsection (2) of section 4 the father or other person whose duty it is under that subsection shall choose in which of those kainaga the child shall be registered and shall inform the District Officer in writing of his choice.

### *Transmission of hanua ne kainaga to Crown on failure of owners*

**24.** (1) If at any time there is a failure of members of a kainaga so that there remains no person in whom the land is vested, the land shall become unowned land vest in the Crown in trust for the Rotuman people and the District Officer shall register it as such.

### *Transmission of hanua ne 'on tore*

**25.-** (1) Hanua ne 'on tore shall be transmitted through both the male and the female line.

(2) On the death of a member of a land-holding 'on tore or on the birth of a child to a member thereof, the nearest relative of the deceased or the child, as the case may be, shall inform the District Officer of such event and of the name of the hanua ne 'on tore concerned and shall furnish him with such proof and particulars as shall be prescribed or in default of prescription as the District Officer shall require, and the District Officer, if satisfied that such death or birth has occurred and, in the case of a birth, that the child is entitled under the provisions of

this Act to be registered in respect of such hanua ne 'on tore, shall delete or add the name of such person from or to the Register.

(3)- (a) If the membership of any 'on tore is at any time reduced to one person the land shall vest in that person as hanua pau.

(b) Hanua ne 'on tore coming into existence after the commencement of this Act shall vest as hanua pau in the last survivor of the first three generations of members of the 'on tore, if it has not previously vested in one person as hanua pau under paragraph (a).

(c) The District Officer shall make all amendments to the Register to give effect to paragraph (a) and (c).

#### *Transmission of hanua pau*

**26.-** (1) An owner of hanua pau who wishes to dispose of the whole or any part thereof on his death as hanua pau shall personally deposit with the District Officer a document effecting such disposition and the District Officer shall make an entry to the effect that such a document has been deposited and what land it disposes of, but shall not enter any other part of the contents of such document on the register or disclose the same to any member of the public during the life-time of the depositor.

(2) If the owner of such hanua pau disposes of the whole or any part thereof, the District Officer shall cancel or amend the entry made under subsection (1) accordingly.

(3) On the death of the owner of hanua pau his nearest relative shall inform the District Officer thereof and shall furnish him with such proof and particulars as shall be prescribed or in default of prescription as the District Officer shall require, and the District Officer, if satisfied that such death has occurred shall treat the hanua pau of which he was the registered owner at the time of his death as follows-

(a) if a document has been deposited pursuant to this section and such document names one individual Rotuman living at the death of the deceased, he shall register the land referred to in the deposited document in the name of such person as hanua pau;

(b) in respect of any hanua pau of which a transmission cannot be effected under paragraph (a), he shall ascertain whether the deceased has left descendant or descendants, and if he has left one descendant shall register such land as hanua pau in the name of such person, and if he left more than one descendant shall register such land as hanua ne'on tore in the name of such persons, and if he has left no descendants register such land in the name of the Crown as unowned land in trust for the Rotuman people.

#### *Illegitimate children*

**27.-** (1) For the purpose of registration, an illegitimate child shall be deemed to be the child of its father if it has been acknowledged by its father. If the father of an illegitimate child cannot be ascertained or does not acknowledge it, such child shall be deemed to be the child of its mother.

(2) Notwithstanding any other provisions of this Act, an illegitimate child whose father cannot

be ascertained or does not acknowledge it may be registered as a member of the kainaga of its mother.

*Adopted children not to rank as children of adopter*

**28.** For the purpose of registration an adopted child shall not be deemed to be a child of its adopter.

*Children en ventre sa mere*

**29.** For the purposes of this Act, a child en ventre sa mere shall not be regarded as being in existence.

**PART VI - MISCELLANEOUS**

*Inspection of Register*

**30.** Any person, on payment of the prescribed fee, shall be entitled to inspect the Register and to receive certified or uncertified extracts therefrom.

*Rectification of Register*

**31.** The District Officer shall have power to rectify the Register in the following cases-

- (a) in formal matters and in cases of errors or omissions not materially affecting the interests of any owner;
- (b) in any case at any time with the consent of all persons interested;
- (c) in any case, other than first registration by the Commission set up under this Act, if he is satisfied that registration has been obtained or made or omitted to be made by omission, fraud or mistake and he deems it just to rectify the Register.

*Appeal to Commissioner, Eastern Division.*

**32.** In any case of a dealing in or transmission of land, or in any case wherein the District Officer has refused to approve a dealing in land or has granted or refused to grant unowned land to Rotumans under paragraph (b) of subsection (1) of section 20, or has rectified or refused to rectify the Register, any party concerned who is dissatisfied with the decision of the District Officer may notify the District Officer in writing within 30 days of the decision or such longer period as the District Officer may for good cause allow, that he desires to appeal, stating his grounds of appeal. The District Officer shall submit a report of the facts of the case together with his observations thereon and any notes of evidence and documents relating thereto, to the Commissioner, Eastern Division, who shall consider the matter with assistance of two Rotuman assessors appointed by the Council and may hear the parties if he deems fit and may thereupon make such order as he shall think fit. Such order shall be final and shall be carried into effect by the District Officer.

### *Maintenance of boundary marks*

**33.-** (1) Every owner of land shall maintain in good order on its boundaries all boundary marks which are prescribed or which are ordered to be set up by the Commission or a Commissioner or the District Officer under the provisions of this Act.

(2) The District Officer may at any time order which of adjoining owners shall be responsible for the care and maintenance of any such boundary marks.

### *Offences in relation to boundaries*

**34.-** (1) Any person who-

- (a) claiming to own lands, fails to mark out the boundaries thereof, or to cut away undergrowth if so required, or to point out the boundaries to the Commission or to a Commissioner if so required, contrary to subsection (3) of section 5;
- (b) fails to comply with any direction by the Commission or a Commissioner or the District Officer to mark out the boundaries of land, contrary to paragraph (a) of subsection (7) of section 5, or contrary to section 17;
- (c) being responsible for the care and maintenance of a boundary mark allows it to fall into disrepair or to be destroyed or removed, contrary to subsection (1) of section 33;
- (d) defaces, tampers with, destroys, injures or removes any boundary mark or counterfeits any boundary mark,

shall be guilty of an offence, and shall be liable in the case of an offence under paragraph (a), (b) or (c) to imprisonment for a term not exceeding two months or to a fine not exceeding forty dollars, and in the case of an offence under paragraph (d) to imprisonment for a term not exceeding one year or to a fine not exceeding two hundred dollars.

(2) Any person convicted of an offence under this section, whether or not any penalty be imposed on him, shall be liable to pay any costs incurred in the rectification of his act or omission.

### *Penalty for insulting or interrupting Commissioner*

**35.** Any person who wilfully insults a member of the Commission while engaged in taking evidence for the purpose of an inquiry held under section 5 or who interrupts the proceedings or otherwise misbehaves himself during the holding of any such inquiry shall be guilty of an offence and shall be liable to a fine not exceeding forty dollars or to imprisonment for any term not exceeding two months.

### *Rights of Crown preserved*

**36.** Nothing in this Act shall be held to affect any right, title or interest of the Crown in, upon or over any land in Rotuma.

*Regulations*

**37.** The Minister may make Regulations for the purpose of-

- (a) prescribing the manner in which the Register is to be kept and the form and manner in which dealings in land are to be effected;
- (b) prescribing any other forms required for the purpose of carrying out the provisions of this Act;
- (c) prescribing the requirements for survey and the demarcation of boundaries in connexion with dealings with land, and different requirements may be prescribed for different kinds of dealing;
- (d) prescribing fees to be paid for any matter or thing done under this Act;
- (e) prescribing any other matters which it is required or permitted to scribe or which it is necessary or convenient to prescribe under Act.

*Controlled by Office of the Prime Minister*

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