

State Acquisition of Lands (Amendment) Act 1998

FIJI

STATE ACQUISITION OF LANDS (AMENDMENT) ACT 1998

ACT NO. 1 OF 1998

AN ACT TO AMEND THE STATE ACQUISITION OF LANDS ACT

ENACTED by the Parliament of Fiji

Part 1-PRELIMINARY

Short title, etc

1.-(1). This Act may be cited as the State Acquisition of Lands (Amendment) Act 1998.

(2) The State Acquisition of Lands Act (Cap. 135) is in this Act referred to as the Principal Act

Commencement

2. This Act commences on a date appointed by the Minister and published in the *Gazette*.

Part 2-AMENDMENTS OF PRINCIPAL ACT

Interpretation

3. Section 2 of the Principal Act is amended-

(a) by inserting the following definition after the definition of "acquiring authority"-
"acquisition", in relation to land, includes an acquisition of an interest in the land;"; and
(b) by omitting the definition of "public purposes" and substituting the following definitions-
"interest", in relation to land, means-

(a) any legal or equitable estate or interest in the land;

(b) a restriction on the use of the land; or

(c) any other right, power or privilege over or in connection with land;

'public purpose' means-

(a) a purpose of defence, public safety, public health or town or country planning;

(b) a purpose of providing a public amenity or public facility; or
(c) a purpose of preserving property of national, archaeological, palaeontological, historical, cultural, architectural or scenic value."

Power to acquire land

4. Section 3 of the Principal Act is amended-

(a) by omitting "for an estate in fee simple or for a term of years as he may think proper"; and
(b) by adding at the end the following subsection-

"(2) An acquisition under this section must not proceed unless the necessity for the acquisition is such as to provide reasonable justification for the causing of any resultant hardship to a person having an interest in the lands."

Notice of intention to take land

5. Section 5 of the Principal Act is amended by omitting from subsection (1) "or right over".

Application to court

6. Section 6 of the Principal Act is amended-

(a) by omitting from subsection (3) all the words after "expedient" and substituting "for a public purpose"; and

(b) by adding after subsection (3) the following subsection-

"(4) If the taking of possession or the acquisition is for a purpose referred to in paragraph (c) of the definition of "public purpose" in section 2, the Court must also take into account whether the need to ensure the preservation of the heritage of the State at a cost that is justifiable outweighs any hardship to a person having an interest in the land."

Issue of certificate of title

7. Section 10 of the Principal Act is amended by omitting "section 8" and substituting "section 6".

Compensation for loss of rents and profits

8. Section 13 of the Principal Act is amended by omitting "section 6" and substituting "section 5".

Service of notice of intended acquisition not to have certain effects

9. Section 17 of the Principal Act is amended by omitting "or 6".

Passed by the House of Representatives this Twenty Sixth day of February, in the year of our Lord One Thousand Nine Hundred and Ninety Eight.

Passed by the Senate this Thirty First day of March in the year of our Lord One Thousand, Nine Hundred and Ninety-Eight.