

Land (Ownership of Freeholds) Regulation 1977

Unvalidated References:

Land (Ownership of Freeholds) Act 1976

Land Act 1996

This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 1 July 2001.

.....

Legislative Counsel

Dated 25 November 2006

INDEPENDENT STATE OF PAPUA NEW GUINEA.

Chapter 359.

Land (Ownership of Freeholds) Regulation 1977

ARRANGEMENT OF SECTIONS.

1. Interpretation.
2. Application for conversion.
3. Dealing with application.
4. Acceptance of offer.
5. Objections.
6. Withdrawal of proposal or acceptance.
7. Lease.
8. Registration.
9. Service of notices.

Land (Ownership of Freeholds) Regulation 1977

MADE under the *Land (Ownership of Freeholds) Act 1976*.

Dated 200 .

1. INTERPRETATION.

In this Regulation, unless the contrary intention appears “the Registrar” means the Registrar of Titles as defined in the *Land Act 1996*.

2. APPLICATION FOR CONVERSION.

(1) An application by the owner of any freehold land or the holder of any frustrated right for the grant of a substitute lease in substitution for his freehold interest or frustrated right, as the case may be, shall be in Form 1.

(2) Where an application under Subsection (1) is lodged by the owner of a frustrated right, he shall attach a copy of the document by which he claims to be the holder of that frustrated right.

3. DEALING WITH APPLICATION.

(1) The Minister shall, on receipt of an application under Section 2–

(a) by written notice advise each person noted in the application, having an interest in the land the subject of the application, and require that person to state any objection to or make any representation concerning the application to the Minister in writing within 28 days of the receipt of the notice; and

(b) advertise in a newspaper circulating in the area where the land the subject of the application is situated, that the application has been received and invite any person having an interest in the land to make written representation to the Minister within 28 days of the date of publication of the advertisement.

(2) The Minister shall, after considering any objection or representation made under Subsection (1) notify the person making an objection or representation (if any) whether–

(a) the objection or representation is to be–

(i) considered; or

(ii) rejected; or

(b) he requires further information concerning the objection or representation.

4. ACCEPTANCE OF OFFER.

The person to whom notice of a proposal to approve an application is given may accept the proposal in Form 2.

5. OBJECTIONS.

A notice of objection to–

(a) a proposal to grant or refuse an application; or

(b) conditions to which a proposal is subject,

shall be by Notice of Motion to the National Court filed within 28 days of receipt of a notice under Section 18 of the Act.

6. WITHDRAWAL OF PROPOSAL OR ACCEPTANCE.

(1) The Minister may, by written notice to the applicant, withdraw his proposal within 28 days of the receipt of an order by the National Court under Section 20(2)(c) of the Act.

(2) The applicant may, by written notice to the Minister, withdraw his acceptance of the proposal within 28 days of receipt of notice of an order by the National Court under Section 20(2)(c) of the Act.

7. LEASE.

(1) A substitute lease granted in accordance with a proposal shall be in Form 3.

(2) The lessee to whom a substitute lease is granted shall be deemed to have executed the lease on the date of publication of the relevant notice under Section 22 of the Act.

8. REGISTRATION.

(1) On publication of the notice under Section 22 of the Act, the Minister shall forward particulars of the notice and the substitute lease to the Registrar.

(2) On receipt of the notice and particulars under Subsection (1), the Registrar shall—

(a) note on the document evidencing the freehold interest or frustrated right an endorsement showing that the land is vested absolutely in the State, subject to the substitute lease; and

(b) enter the substitute lease in the Register of State Leases; and

(c) note on the substitute lease all other rights, titles, interests in, over or in connection with the land by appropriate endorsement.

9. SERVICE OF NOTICES.

(1) Subject to this section, where, under this Regulation a notice is required or permitted to be given to or served on a person (other than a corporation), the notice shall be given or served personally or by registered post to the last postal address of that person known to the Minister.

(2) Where it is impracticable to serve a person in accordance with Subsection (1), or the Minister has cause to believe that that person is dead, it shall be sufficient service if a copy of the notice—

(a) is published in three consecutive issues of a newspaper that is distributed regularly throughout Papua New Guinea; and

(b) is forwarded by pre-paid post to the Local-level Government (if any)—

(i) in whose area the land the subject of the notice is situate; or

(ii) in whose area the person to be served last resided to the knowledge of the Minister; and

(c) is placed in a conspicuous place on the land the subject of the notice.

(3) Where, under this Regulation, a notice is required or permitted to be given to or served on a corporation, the notice may be given or served by registered post to the last postal address of that corporation known to the Minister.

Act, Sec. 17. Form 1.Reg., Sec. 2.

SCHEDULE.

Form 1.—Application for Substitute Lease

PAPUA NEW GUINEA.

Land (Ownership of Freeholds) Act 1976.

Act, Sec. 17. Form 1.

Reg., Sec. 2.

APPLICATION FOR SUBSTITUTE LEASE.

The Secretary,

Department of Lands.

I, . . . , of . . . being the owner of freehold land/holder of a frustrated right in freehold land*
being all that piece of land described as—

Lot: . . . Section: . . . Fourmil: . . . Town: . . . Province: . . . Portion: . . . Milinch: . . .

Lot: . . . Province: . . . contained in Certificate of Title Vol. ... Fol. ...apply for a substitute
lease under the *Land (Ownership of Freeholds) Act* in substitution for my freehold interest
frustrated right.*

(Signature of Applicant.)

Occupation:

Postal Address:

*Strike out whichever is inapplicable.

DECLARATION.

I, . . . , of . . . do solemnly and sincerely declare that the statements made by me in reply to the
questions below are true and correct in every particular.

Question. Statement in reply.

State name and address of any

other person or persons who have

an interest in the land the

subject of this application.

What is the nature of that interest?

And I make this solemn declaration by virtue of the *Oaths, Affirmations and Statutory Declarations Act*, conscientiously believing the statements contained in it to be true in every particular.

Declared at . . . , 20...

Before me:

(insert title of

person before whom

the declaration is made.)

Form 2.—Notice of Acceptance.

PAPUA NEW GUINEA.

Land (Ownership of Freeholds) Act 1976.

Act, Sec. 19. Form 2.

Reg., Sec. 4.

NOTICE OF ACCEPTANCE.

The Secretary,

Department of Lands.

I, . . . of . . . being the applicant for a substitute lease under the *Land (Ownership of Freeholds) Act* give notice of acceptance of the proposal to approve the application in respect of my freehold interest/frustrated right in freehold land* being all that piece of land described as:—

Lot: Section: Town: Province:

Portion: Milinch: Fourmil:

Province: . . . contained in Certificate of Title Vol. . . . Fol. . . .

(Signature of Applicant.)

Occupation:

Postal Address:

Dated . . . , 20...

*Strike out whichever is inapplicable.

Form 3.—Lease

PAPUA NEW GUINEA.

Land (Ownership of Freeholds) Act 1976.

Act, Sec. 22. Form 3

Reg, Sec. 7.

LEASE.

Registered in the Register

of State Leases—

Vol. . . . Fol. . . .

Registrar of Titles.

Dated: . . . 20...

SUBSTITUTE LEASE UNDER SECTION 22.

THE MINISTER hereby grants to . . . of . . . , Papua New Guinea (hereinafter called "the Lessee") a substitute lease under Section 22 of the *Land (Ownership of Freeholds) Act* (hereinafter called "the Act") for a period of 99 years from . . . , 20... of all that piece or parcel of land to which the following description applies:—

Portions Allotment	Milinch Section Fourmil Town	Area	District
-----------------------	------------------------------	------	----------

be the same a little
more or less.

as shown coloured yellow in the plan annexed hereto with all appurtenances thereto (hereinafter called "the land")

EXCEPTING AND RESERVING therefrom the reservations implied in and related to substitute leases by the Act TO HOLD unto the Lessee for the said term subject to the terms, provisions, restrictions and conditions (including those relating to term and rental) contained in the Act and the Regulations thereunder and to the reservations, covenants, terms and conditions hereinafter set forth.

SIGNED SEALED AND DELIVERED BY

Minister for . . .

Dated . . . 20...

© 2005 University of the South Pacific