

Native Lands (Amendment) Act 2005

TUVALU

NATIVE LANDS (AMENDMENT) ACT 2006

(ACT 7 of 2006)

I assent

Filoimea Telito
Governor-General

31 August 2006

An Act to amend the Native Lands Act (Cap 22) to enable the court to use the Cadastral Survey Maps to determine any dispute concerning the possession and demarcation and utilization of native lands.

(Commencement _____)

ENACTED by the Parliament of Tuvalu-

Short Title and commencement

1. This Act may be cited as the [Native Lands \(Amendment\) Act 2005](#) and shall come into effect on such date as the Minister by notice appoints:

Amendment to section 12 of Cap 22

2. Section 12 of the Native Lands Act is repealed in its entirety and substituting with the following -

12 (1) Subject to sections 31(1) and 33 the court shall hear and adjudicate in accordance with provisions of the Lands Code or; where the Code is not applicable, the local customary law, and the Cadastral Survey Maps all cases concerning land, land boundaries and transfers of titles to native land register in the registers of native land and any disputes concerning the possession and utilization lands.

(2) In this section "Cadastral Survey Maps" means the maps drawn by the Lands and Survey Department under the auspices of the United Nations Development Programme and the United Nations Centre for Human Settlement from 1981 to 1988 for the following islands.

Nanumea Cadastral Survey Maps 1986
Nanumaga Cadastral Survey Maps 1986
Niutao Cadastral Survey Maps 1987
Nui Cadastral Survey Maps 1987
Vaitupu Cadastral Survey Maps 1986
Nukufetau Cadastral Survey Maps 1988

Nukulaelae Cadastral Survey Maps 1986
Funafuti Cadastral Survey Maps 1981 and 1988

(3) Notwithstanding the generality of subsection (1) the court may not use the Cadastral Survey Maps if a party proves to the satisfaction of the court that the Cadastral Survey Map in respect of the land in dispute is incorrect.

(4) Any decision made by the court before the coming into effect of this Act shall be deemed valid.

I certify that this is a correct copy of the Bill passed by the Parliament of Tuvalu on 27th June 2006.

Lily S Faavae
Clerk of Parliament

I certify that this Bill is in order for the assent of the Governor-General as Head of State

Ese Apinelu
Acting Attorney-General

Published by exhibition at the Public Office of the Government this 31 day of August; 2006.

Panapasi Nelesone
Secretary to Government