

Vanuatu - Legislation

Commencement: 20 September 1993

REPUBLIC OF VANUATU

**URBAN LANDS ACT
NO. 23 OF 1993**

ARRANGEMENT OF SECTIONS

1. Definitions.
2. Determination of Urban areas.
3. Determination of Urban Communities.
4. Land Leases.
5. Custom land within Urban areas and Communities.
6. Urban Community Council.
7. Imposition and distribution of land tax and dweller's tax.
8. Public audit.
9. This Act to prevail over other written law.
10. Commencement.

APPENDIX

Assent: 6/9/93
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**URBAN LANDS ACT
NO. 23 OF 1993**

An Act to make provision for the determination of urban land and for connected purposes.

BE IT ENACTED by the President and Parliament as follows:

DEFINITIONS

1. In this Act, unless the context otherwise requires:

"Community" means a settlement grouping together persons of the same village who have similar common interests and who live in a geographical area

determined and recognised by the Government as a municipality or a custom group;

"Minister" means the Minister responsible for lands;

"Urban area" means the grouping together of Land, either public or custom land, within a municipal infrastructure responding to the community's interest in the area and to which town planning laws are applicable as may be decided by the authorities responsible for urban matters;

"Urban community" means the grouping together of an urban area and neighbouring communities in order to ensure the construction, development and facilities intended to fulfil the common needs of the populations concerned;

"Urban development Area" means an area included inside an Urban area or urban community, but where the application of the law is temporarily suspended;

"Urban land" means all land located within the boundaries of an urban community.

DETERMINATION OF URBAN AREAS

2. (1) Urban areas are declared by Order of the Minister after consultation with legal and custom authorities of the Communities concerned.

(2) The ministerial order shall specify-

- (a) the name of the new Urban Area;
- (b) its geographical boundaries;
- (c) the references to public land and community land concerned;
- (d) the possibility for the new area to become a municipality.

DETERMINATION OF URBAN COMMUNITIES

3. (1) Urban Communities are declared by Order of the Minister after consultation with legal authorities of the communities concerned.

(2) The ministerial order shall specify:

- (a) the geographical boundaries of the new Urban Community;
- (b) the references to public municipal and community land concerned;
- (c) the possibility of becoming an urban development area;
- (d) the distribution of seats on the Urban Community Council and may also provide for appointment of members to the urban community council.

LAND LEASES

4. (1) The leases on land situated within urban communities are transferable freely between natural persons and/or bodies corporate subject to the following provisions:

- (a) all applications for the transfer of leases shall continue to be submitted to the Ministry of Lands for approval with copies given to the custom owners or their legal representative, or to the Municipality in the case of public land. Such copies shall be transmitted on the same date of the application for the transfer; and
- (b) the transfer shall be deemed to have been accepted if, within one month, the Minister or his legal representative has not made any objection.

(2) The Minister may make an objection in the following Circumstances,

- (a) because the custom owner, or the Municipality or the Government in the case of public land, wishes to exercise a right of pre-emption. This right shall be exercised in accordance with the terms of the initial proposed contract of sale within a period of two months following the Minister's objection; or
- (b) because the Government considers that the national interest is adversely affected by the transaction proposal made by non-residents or their local representatives.

(3) With the exception of the application of subsection (1) above and Section 7, all other clauses of leases previously registered in the urban area remain unchanged.

CUSTOM LAND WITHIN URBAN AREAS AND COMMUNITIES

5. (1) All custom land situated in urban areas must be registered within a one-year period after the promulgation of the declaration by Ministerial order.

(2) All custom land situated within Urban Communities must be registered within a three year period after the promulgation of the declaration by a Ministerial order.

(3) No land within the areas and communities mentioned may be transferred to third parties or occupied by third parties, with or without lease, without the filing of a development plan and its approval by the authorities in charge of urban matters in each community.

(4) Accordingly, all existing occupations of these parcels of land must be regularised within a period not exceeding five years in order to remove the shanty towns which are increasingly forming around the Municipalities of Port Vila and Santo. After this period, the plots of land concerned shall be declared public land by the Government.

(5) To this end, the communities must individually submit, within a one year period, their master settlement plan showing areas reserved for community and individual housing, for garden developments, for green areas and the commercial, recreational, educational and cultural type, according to a classification by group or categories published by the National Physical Planning Department.

(6) When a custom parcel of land situated within an urban or community area has not been subject to any lease on the date of the commencement of this law, any new leases shall be negotiated with the representatives of the custom owners assisted by the appropriate urban authorities, according to the Settlement Plan. The agreed cost for the transfer of the lease shall be paid directly to the custom owners.

URBAN COMMUNITY COUNCIL

6. (1) Each Urban Community shall be represented by a Urban Community Council. This council shall consist of representatives of the Communities and Municipalities concerned. Each Urban Community Council shall elect a chairperson and the method of election and the term of office shall be determined by Standing Order. The members delegated to the Urban Community may be reappointed or replaced periodically by decision of the Community or Municipality which designated there.

(2) Each Urban Community Council shall determine and apply the town planning laws in the entire Urban Community under its responsibility. It shall be assisted by the National Physical Planning Department.

(3). Within a two month period after the establishment of a Urban Community Council, and agreement relating to the reciprocal responsibilities of the Council and the various Communities which it represent will be submitted to the Minister responsible for local communities. If such an agreement is not submitted the Minister responsible for local communities shall have the responsibility of enacting provisional regulations immediately.

IMPOSITION AND DISTRIBUTION OF LAND TAX AND DWELLER'S TAX

7. (1) The financial clauses in leases registered before the commencement of this Act are hereby repealed and replaced by provisions as hereinafter stated.

(2) All amounts payable in relation to land leases shall be known as land tax and shall be payable to the Collector of Rates and Taxes in the Ministry of Finance.

(3) Land tax shall be payable half yearly by all lease holders. It is approved by Parliament on proposal of the Minister. The Land tax for urban communities shall be as shown in the appendix to this Act.

(4) The Ministry of Finance shall distribute the revenue in the following manner-

(a) 70% shall be retained by the Collector of Rates and Taxes in the case of Public land, or paid to the public or private institutions designed by the custom authorities of the communities concerned and responsible for collecting, distributing and/or investing

the income from custom land; the said institution, one only for each community, having been recognised and approved by the Minister beforehand;

(b) 20% shall be allocated to the Local Government Council which share the same boundaries with the Urban Community Council;

(c) 10% shall be allocated to the Revenue Fund.

(5) Dweller's Tax shall be payable by all inhabitants of urban communities or areas. It shall be determined by the Municipal Council, or in the case of an Urban Community, by the Urban Community Council. It must be approved by the Minister of Finance. It shall be payable half-yearly to the Collector of Rates and Taxes in the Ministry of Finance.

(6) The Ministry of Finance shall distribute the revenue in the following manner -

(a) 70% shall be paid to the Municipality or where there is no municipality, to the community Council concerned. In the case of an Urban Community, a portion equal to 30% of the Dweller's tax shall be paid directly to the Urban Community Council. These amounts are to be fully devoted to the administration of Municipal business and related capital expenditures;

(b) 20% shall be allocated to the Local Government Council which share the same boundaries with the urban community;

(c) 10% shall be paid to the Revenue Fund.

(7) The land tax for the urban areas on public lands is fixed by the Valuation section of the Survey Department. The Land Tax for the urban areas on customary lands is indicated in the Appendix of the present Law.

PUBLIC AUDIT

8. (1) The accounts of each Municipality and community, and generally of any public or private institution of an urban area responsible for collecting and managing land revenue, as well as those of each community must be audited by a certified

auditor and shall be published yearly before 30th April following each financial year ending on 31 December.

(2) The Minister in addition may appoint one or several competent inspectors to investigate the activities of the Councils, as well as the activities of possible associated bodies.

(3) Depending on the results of enquiries as provided for by subsection (2) the Council of Ministers may decide to dissolve the council concerned, and/or to institute legal action against the persons concerned, in the public interest.

THIS ACT TO PREVAIL OVER OTHER WRITTEN LAW

9. The provisions of this Act shall have effect notwithstanding anything to the contrary in the provisions of any other written law, other than the Constitution, and accordingly, in the event of any conflict or in consistency between the provisions of this Act and the provisions of each other written law, the provisions of this Act shall prevail over the provisions of such other written law.

COMMENCEMENT

10. This Act shall come into force on the date of its publication in the Gazette.
