

ACT NO. 23 OF 2023

I assent.

S. TEMO
Acting Chief Justice

[14 September 2023]

AN ACT**TO AMEND THE STATE LANDS ACT 1945**

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

- 1.—(1) This Act may be cited as the State Lands (Amendment) Act 2023.
- (2) This Act comes into force on a date appointed by the Minister by notice in the Gazette.
- (3) In this Act, the State Lands Act 1945 is referred to as the “Principal Act”.

Section 13 amended

2. Section 13 of the Principal Act is amended by—
 - (a) deleting subsection (1) and substituting the following—

“(1) Whenever in any lease under this Act there has been inserted the following clause—

“This lease is a protected lease under the provisions of the State Lands Act 1945”

(hereinafter called a protected lease) it shall not be lawful for the lessee thereof to alienate or deal with the land comprised in the lease of any part thereof, whether by sale, transfer or sublease or in any other manner whatsoever, nor to mortgage, charge or pledge the same, without the written consent of the Director of Lands first had and obtained, nor, except at the suit or with the written consent of the Director of Lands, shall any such lease be dealt with by any court of law or under the process of any court of law, nor, without such consent as aforesaid, shall the Registrar of Titles register any caveat affecting such lease.

Any sale, transfer, sublease, assignment, mortgage or other alienation or dealing effected without such consent shall be null and void.”; and

- (b) deleting subsections (1A) and (6).

Section 13A inserted

3. The Principal Act is amended after section 13 by inserting the following new section—

“Transitional for section 13

13A.—(1) Any mortgage, charge, pledge, caveat or lease to be dealt with by any court of law or under the process of any court of law under section 13 on or after 1 August 2021 and before the commencement of the State Lands (Amendment) Act 2023, is deemed to have acquired the required consent in accordance with section 13.

(2) Any application for consent received for any mortgage, charge, pledge, caveat or lease to be dealt with by any court of law or under the process of any court of law under section 13 on or after 1 August 2021 and before the commencement of the State Lands (Amendment) Act 2023 for which a decision has not been made, must acquire the required consent in accordance with section 13.”.

Section 16 amended

4. Section 16 of the Principal Act is amended by deleting subsections (4), (5), (6), (7) and (8).

Consequential amendment

5.—(1) The State Lands (Leases and Licences) Regulations 1980 is amended by deleting Part 4.

(2) Notwithstanding subsection (1), any application received by the committee established under Part 4 of the State Lands (Leases and Licences) Regulations 1980 for which a decision has not been made prior to the commencement of this Act, must be dealt with in accordance with the Principal Act.

Passed by the Parliament of the Republic of Fiji this 14th day of September 2023.