

# BILL NO. 44 OF 2016

## A BILL

FOR AN ACT TO AMEND THE LAND SALES ACT (CAP. 137)

ENACTED by the Parliament of the Republic of Fiji—

*Short title and commencement*

- 1.—(1) This Act may be cited as the Land Sales (Budget Amendment) Act 2016.
- (2) This Act comes into force on a date or dates appointed by the Minister by notice in the Gazette.
- (3) In this Act, the Land Sales Act (Cap. 137) is referred to as the “Principal Act”.

*Section 2 amended*

2. Section 2 of the Principal Act is amended by inserting the following new definitions—
  - ““Minister” means the Minister responsible for the administration of this Act;
  - “Review Committee” means the committee established under section 7B;”

*Section 7A amended***3.** Section 7A of the Principal Act is amended—

(a) by inserting the following new subsections after subsection (6)—

“(6A) If a non-resident is unable to complete construction within the prescribed period pursuant to subsection (6), the non-resident may apply to the Review Committee for an extension of such period.

(6B) The Review Committee shall, after receipt and upon consideration of an application under subsection (6A), make a recommendation to the Minister to approve or refuse the application, within such time as may be prescribed by regulations.

(6C) In considering the application under subsection (6A), the Review Committee shall be guided by such procedures as may be prescribed by regulations.

(6D) The Minister shall, after receipt and upon consideration of the recommendation of the Review Committee, make a decision to approve or refuse the application.

(6E) No appeal shall lie against a decision of the Minister or the recommendation of the Review Committee under this section.”; and

(b) in subsection (7), by deleting “Pursuant to subsection (6), if construction is not completed within the prescribed period” and substituting “If construction is not completed within the prescribed period pursuant to subsection (6) or extension of such period pursuant to subsection (6D)”.

*New section 7B inserted***4.** The Principal Act is amended by inserting the following new section after section 7A—*“Review Committee*

7B.—(1) There shall be a Review Committee established for the purpose of receiving and considering applications pursuant to section 7A(6A) and making recommendations to the Minister for his or her decision.

(2) The Minister shall, by regulations, prescribe the composition of the Review Committee and prescribe any functions and responsibilities as the Minister may deem fit.”

*Section 19 inserted***5.** The Principal Act is amended by inserting the following new section after section 18—*“Regulations*

19.—(1) The Minister may make regulations prescribing matters that are required or permitted by this Act to be prescribed or are necessary or convenient to be prescribed for carrying out or giving effect to this Act and generally for achieving the purposes of this Act.

(2) Without affecting the generality of subsection (1), the Minister may make regulations—

- (a) appointing persons to enforce the provisions of this Act, which shall include the carrying out of inspections to assess compliance with the requirements under this Act; and
- (b) prescribing offences and penalties, not exceeding—
  - (i) \$50,000 or two years imprisonment or both, for an individual; or
  - (ii) \$100,000 or five years imprisonment or both, for a company.”

## LAND SALES (BUDGET AMENDMENT) BILL 2016

### EXPLANATORY NOTE

*(This note is not part of the Bill and is only intended to indicate its general effect)*

#### **1.0 BACKGROUND**

1.1 The Land Sales (Budget Amendment) Bill 2016 (**‘Bill’**) seeks to amend the Land Sales Act (Cap. 137) (**‘Act’**).

1.2 The Act came into force on 22 February 1974 and has since been amended 5 times.

#### **2.0 CLAUSES**

2.1 Clause 1 of the Bill provides the short title and commencement date.

2.2 Clause 2 of the Bill amends section 2 of the Act by inserting the definitions of “Minister” and “Review Committee”.

2.3 Clause 3(a) of the Bill amends section 7A of the Act by inserting subsections (6A) to (6E) after subsection (6). The proposed subsection (6A) allows for a non-resident who is unable to commence construction as stipulated to apply to the Review Committee for an extension of the prescribed period. The proposed subsections (6B) to (6D) outline the process for handling the application and subsection (6E) provides for finality of process.

2.4 Clause 3(b) of the Bill amends section 7A(7) of the Act to bring section 7A(7) in line with the changes proposed by Clause 3(a) of the Bill.

2.5 Clause 4 of the Bill amends the Act by inserting a new section 7B, which establishes the Review Committee.

2.6 Clause 5 of the Bill empowers the Minister to make regulations.

**3.0 MINISTERIAL RESPONSIBILITY**

3.1 The Act comes under the responsibility of the Minister responsible for finance.

A. SAYED-KHAIYUM  
Attorney-General