

# BILL NO. 13 OF 2014

## 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 (Amendment) Act 2014 and shall come into force on the date of its publication in the *Gazette*.

(2) The Land Sales Act (Cap. 137) shall be referred to as the “Act”.

*Section 2 amended*

**2.** Section 2 of the Act is amended by deleting the term “resident” and its definition and substituting with the following new definition—

““resident” in the case of an individual means an individual who is a Fiji citizen or, in the case of a company means a company, the controlling interest in which is held by a resident or residents as hereinbefore defined.”

*Insertion of new section*

**3.** The Act is amended by inserting the following new section after section 7—

*“Land acquired by non-residents*

7A.—(1) Notwithstanding sections 6 and 7, no non-resident may acquire any interest in any State or freehold land for residential purposes.

(2) Without prejudice to anything contained in subsection (1), a non-resident may only acquire an interest in any State or freehold land for residential purposes for the following—

- (a) strata title for residential purposes; or
- (b) land or property thereof for—
  - (i) industrial or commercial purposes;
  - (ii) tourism development purposes; or
  - (iii) such purposes as the Minister deems necessary.

(3) Any non-resident who contravenes this section shall be liable upon conviction to a fine not exceeding \$50,000 and any land or property acquired under this section shall, upon an order from the court, be forfeited to the State.

(4) For the purposes of this section—

“residential purposes” means the use or occupation of property by any person (including but not limited to the owner of the property) as his or her place of residence for any period of time;

“strata title” means a form of individual ownership of part of a property called a lot, devised for multi-level apartment blocks and horizontal subdivisions with shared areas; and

“tourism development purposes” means any activity or development that includes construction of a hotel, subdivision and sale of residential lots and development of jetties, moorings, recreational facilities and other amenities.”

## LAND SALES (AMENDMENT) BILL 2014

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### EXPLANATORY NOTE

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

#### 1.0 BACKGROUND

1.1 This Bill seeks to amend the Land Sales Act (Cap. 137) ('Act'). The Act currently requires non-residents to obtain prior consent from the Minister responsible for land matters when purchasing or leasing land more than one acre, as well as in the disposition of land by non-residents in favour of other non-residents.

1.2 However, the Act neither provides for regulations in regards to the purposes for which interest in any State or freehold land may be acquired nor does it provide conditions to this effect.

1.3 Accordingly, this Bill amends the Act to specify limitations to the acquisition of interest in State and freehold land by non-residents for residential purposes only, that is, strata title for residential purposes, tourism development purposes and such other purposes as the Minister may deem necessary. The Bill further provides an amendment to the definition of "resident" as a result of the main amendment to the Act.

#### 2.0 CLAUSES

Clause 1 provides for the short title and the commencement provision.

Clause 2 amends section 2 by deleting the definition of "resident" and substituting with the new definition to mean an individual who is a Fiji citizen or, in the case of a company, to mean a company whose controlling interest is held by a resident or residents.

Clause 3 provides a new section which provides for the acquisition of land by non-residents and includes definitions for the terms "residential purposes", "strata title" and "tourism development

purposes”. The new section provides that non-residents may not acquire any interest in State or freehold land for residential purposes except for the following—

- (a) industrial or commercial purposes;
- (b) strata title for residential purposes; and
- (c) land or property thereof for tourism development purposes or for such other purposes as the Minister deems necessary.

### 3.0 MINISTERIAL RESPONSIBILITY

The Act comes under the responsibility of the Minister responsible for Finance.

A. SAYED-KHAIYUM  
Attorney-General