

**SUPPLEMENT** to the Solomon Islands Gazette

15th May 2007

S.I. No. 37

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[Legal Notice No. 145]

**THE CUSTOMARY LAND RECORDS REGULATIONS  
ARRANGEMENT OF REGULATIONS**

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**THE CUSTOMARY LAND RECORDS ACT**  
(Cap. 132)

**The Customary Land Records Regulation 2007**

IN EXERCISE of the powers conferred under section 21 of the Customary Land Records Act, the Minister of Lands and Surveys, hereby makes the following Regulations.

**PART 1-PRELIMINARY**

**1. Citation and Commencement**

These Regulations may be cited as The Customary Land Records Regulations 2007 and shall come into force upon publication in the Gazette.

**2. Interpretation**

In these Regulations, unless the context otherwise require:-

“customary land” has the meaning ascribed thereto in section 2 of the Act

“customary land holding group” has the same meaning ascribed thereto in section 2 of the Act;

“Registrar” means the Registrar of Titles as defined in section 2 of the Land and Titles Act

**PART II-LAND RECORDING PROCEDURE**

**3. Application for Recording**

(1) Any customary land holding group or person who claims an interest in any customary land may apply to the Land Record Office in its Province in the form prescribed as Form 2.

(2) No application shall be accepted by the Recording Officer in the respective land Record Office unless the customary land in respect of which an application has been made is declared as a “declared area” under section 4(2) of the Act. The Order making such declaration shall be in the form prescribed as Form 1.

**4. Publication of Application**

(1) Within 30 days after receipt of an application under regulation 3 of these Regulations and in compliance with section 9 of the Act, the Recording Officer shall, upon the payment of the prescribed fee publish a notice for the purpose of bringing the matter to the attention of all persons that may be affected. The notice shall be published in the form prescribed as Form 3.



(2) The notice shall be posted in a village or community within the area in respect of which an application has been made or such places as the Recording Officer thinks necessary for the purposes of bringing it to the attention of all persons likely to be affected.

(3) At the expiry of three (3) months after the publication of the Notice as required under sub regulation (2) of this regulation, the Recording Officer shall convene a meeting at the time and place stipulated in Form 3 for the applicant land holding group or persons who make claims an interest to record their interests.

#### **5. Recording of Interests**

(1) At the meeting convened for that purpose, persons representing the applicant land holding group or person who claims an interest shall make their claims and interests in the customary land. The Recording Officer shall record the applicants' interest which shall include the following:-

- (a) the name of the applicants' land holding group;
- (b) names of persons representing the applicants' land holding group and the method or manner used to appoint them to represent the said applicant land holding group;
- (c) name of the customary land which is the subject of the application;
- (d) whether the applicants' are claiming primary rights;
- (e) the applicants genealogy supporting their claim or interest;
- (f) names of other land holding groups or persons making any claim or interests;
- (g) whether the customary land which is the subject of the applications has been or subject to a tribunal or court decision or still pending before a tribunal of a court for a determination; and
- (h) such other matters as are required under section 11 of the Act.

(2) After complying with the requirements of sub-regulation (1), the Recording Officer shall similarly record the interests of other land holding groups or persons who have a claim or interest in the customary land which is the subject of the application. The recording of claims or interest shall be in the form prescribed as Form 4.

(3) In recording the interests of customary land holding group or any person the Recording Officer may hear evidence from any witnesses and shall record such evidence, and in particular shall state clearly in relation to the land holding group or person whether they are claiming primary or secondary rights.

#### **6. Evidence**

In conducting the recording of claims by the Recording Officer under regulation 5, strict rules of evidence shall not apply.

**7. Inspection of Land**

(1) After recording of all claims submitted under regulation 5 has been completed or at a later time or date to be fixed by the Recording Officer, the Recording Officer with the land holding group and any person having an interest in the land, shall physically inspect the land including walking the boundary of the said land. In inspecting the land, the Recording Officer shall comply with the requirements of section 11(4) of the Act.

(2) The Recording Officer shall within thirty days after inspecting the land provide to the Surveyor-General all the records made during the inspection. The Surveyor-General shall prepare or caused to be prepared a map of the land.

**8. Disputes**

(1) Where a dispute arises between two land holding groups in respect of the boundaries of the land the subject of the application, such disputes shall be dealt with in accordance with section 13 of the Act. Where the dispute relates to ownership of the customary land or other interest other than boundaries of the customary land, such dispute shall be dealt with in accordance with the provisions of the Local Courts Act. [Cap 19]

(2) Where evidence is produced to the Recording Officer that the customary land the subject of an application is still the subject of any land tribunal established by law or court proceedings or the said customary land has been the subject of determination by the High Court or the Court of Appeal, the Recording Officer shall record that fact and cease any further recording.

(3) Where the dispute is in respect to the boundary of the land, the Recording Officer shall comply with the procedure set out in section 13 of the Act.

**PART III-NOTICE OF COMPLETION****9. Notice of Completion**

(1) The Notice of Completion shall be in the form prescribed as Form 5 which must be completed by the National Recorder in accordance with section 14 of the Act. No errors in the record or omissions shall be disclosed to the National Recorder after the expiry of six months after the issuing of the Notice of Completion. Upon receipt of representation and payment of the prescribed fee from land holding groups or persons, the National Recorder shall make necessary rectification to the record as he deems necessary.

(2) A claim under section 14(3) of the Act shall only be made in respect of an error or omission in the record.

(3) At the expiry of six months the National recorder shall finalize the record and issue a Certificate of Completion in the form prescribed as Form 6.

**PART IV-REGISTRATION OF PRIMARY RIGHTS****10. Application for registration of Primary Rights**

(1) An application for registration of primary rights under section 19 of the Act shall be in the form prescribed as Form 6.

(2) An application for registration of primary rights under section 19(1) shall be accompanied by all relevant written document held by the National Recorder at the Central Lands Records including maps and the prescribed fee.

(3) Upon receipt of an application under section 19(1) and payment of the prescribed fee, the Registrar may consider the application and if he sees that the application is in order, takes such steps to effect such registration.

(4) The steps that the Registrar may take under sub regulation (3) include bringing the application for registration to the notice of persons that are likely to be affected by such registration and publishing such notice throughout the declared area and at such places as he may consider appropriate.

(5) The Registrar shall, after the expiry of thirty days of the publication of the notice under sub regulation (3), register the Land holding group with its primary rights in accordance with the relevant records in the Central Land Records Office.

**11. Registrar to Keep Records**

The Registrar shall keep and maintain in the Central Land Records Office a record of all customary land holders with their respective primary rights.

**12. Fees**

(1) The fees payable under these Regulations shall be as follows:-

- |     |   |            |
|-----|---|------------|
| (a) | Application for recording under section 3(1)                    | \$100.00   |
| (b) | Representation to the National Recorder under section 14(3)     | \$1,500.00 |
| (c) | Application for registration of primary rights under section 19 | \$2,000.00 |

**THE CUSTOMARY LAND RECORDS ACT**  
(section 4(2))

**ORDER**

IN EXERCISE of the powers conferred under section 4 (2) of the Act, the Minister hereby makes the following Order.

1. This Order may be cited as The Customary Land Records (*name of Province in bracket*) Order 2007.
2. I declare that (name of Province, if the Order is to cover the whole Province) or (state area of the Province) shall, for the purposes of the Act, be a Customary Land Record Area.
3. This Order shall remain in force until it is revoked or varied.

Dated at Honiara this ninth day of May 2007

Leslie Boseto  
Minister for Lands and Surveys

THE CUSTOMARY LAND RECORDS ACT (Cap 132)

APPLICATION TO RECORD INTERESTS IN CUSTOMARY LAND  
(section 9 and regulation 3)

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1 Name of Applicant: ..... Ph: .....  
 Address ..... Fax: .....  
 .....  
 ..... email: .....  
 Province .....

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2. Name of land .....  
 Location of land .....  
 .....  
 .....  
 Province: .....

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3. Name of Land Holding Group [name of tribe] .....  
 Names of representatives of the land holding Group.  
 (a) ..... (b) .....  
 (c) ..... (d) .....  
 (e) ..... (f) .....  
 (g) ..... (h) .....

4. Briefly explain how the representatives are appointed.  
 .....  
 .....  
 .....  
 .....  
 .....  
 .....  
 .....  
 .....

5. Nature of Application. (Briefly explain what you want to record. (You may record your primary rights and/or the demarcation of the boundaries of your customary land)  
 .....  
 .....  
 .....  
 .....

.....  
.....  
.....  
.....  
.....

6. Has this land being the subject of:-  
[a] a land dispute? ..... [yes/no]  
If yes, provide details of the dispute, (name of the disputing parties, ownership, boundaries etc)

.....  
.....  
.....  
.....  
.....  
.....

[b] if yes, has the dispute being referred to the Chiefs for determination?  
..... [yes/no]

[c] if yes, give a brief summary of the Chief's finding. (provide names of the parties to the dispute)

.....  
.....  
.....  
.....  
.....

[d] Has the dispute being referred to the Local Court ..... [yes/no]  
If yes, provide summary of the Local Court's decision. Also provide names of parties to the dispute.

.....  
.....  
.....  
.....  
.....  
.....

*(A certified copy of the Court's decision must be provided)*





**THE CUSTOMARY LAND RECORDS ACT**  
(Cap 132)

**NOTICE OF RECEIPT OF APPLICATION TO  
RECORD INTEREST IN CUSTOMARY LAND**  
(section 10)

**TAKE NOTICE** that an application to record interests in customary land has been received by this Office on the ..... day of ..... 2007, pursuant to section 9 of the Customary Land Records Act.

In accordance with section 10(2) of the Act, a meeting to record the interests of the Claimants will be convened at the following place and time:

---

Venue for Meeting .....

Date of Meeting .....

Time .....

---

Name of customary land the subject of the application .....

Location .....

Province: .....

---

Name of Land Holding Group: ..... (*name of applicant*).....

Address of Representatives of the Land Holding Group.

- (1) .....
- (2) .....
- (3) .....
- (4) .....
- (5) .....

**IMPORTANT NOTICE: ANY LAND HOLDING GROUP OR PERSON WHO HAS AN INTEREST IN THIS CUSTOMARY LAND IS INVITED TO ATTEND THIS MEETING. IF HE/SHE FAILS TO ATTEND, THIS MEETING MAY PROCEED WITHOUT HIM OR HER AND HIS OR HER GROUP'S INTEREST INCLUDING THEIR GENEALOGY WILL NOT BE RECORDED.**

**Seal of the Central Lands  
Records Office**

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Land Recording Officer  
.....(*Province*) .....

THE CUSTOMARY LAND RECORDS ACT  
(Cap 132)

RECORD OF INTEREST

Name of the Customary Land .....

Address of Land: .....

.....

.....

Province: .....

*(Note: This form must be completed for each of the land holding group)*

Name of Land Holding Group: .....

Name of Representatives:

(a) .....

(b) .....

(c) .....

(d) .....

Nature of Claim/Interest.  
*(state whether land holding group is claiming primary right, secondary right or boundary)*

.....

.....

Type of evidence produced.

.....

.....

.....

Dated this                      day of                      2007

Seal of the Central  
Land Records Office

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Recording Officer

Province

**THE CUSTOMARY LAND RECORDS ACT**  
(Cap 132)

**NOTICE OF COMPLETION**  
(section 14(3))

**TAKE NOTICE** that recording of claims or interests in respect .....  
of ..... customary land situated at .....  
..... Province has been completed.

A record of the recording process with the map of the customary land is now available  
a the Land Records Office for inspection. Any landholding group or person upon dis-  
covery of an error or omission may make representation to the Recording Officer with-  
in thirty (30) days from the date hereof.

**TAKE FURTHER NOTICE** that any land holding group or persons who are of the  
view that their claims or interests have not been adequately considered by the  
Recording may make written representation to the National Recorder to have their  
claims or interests reconsidered. A written representation must be made within thirty  
(30) days from the date of this Notice.

Dated this ..... day of ..... 2007

**Seal of the Central Lands  
Records Office**

Land Recording Officer  
.....(Province) .....

**THE CUSTOMARY LAND RECORDS ACT**  
(Cap 132)

**CERTIFICATE OF COMPLETION**  
(section 14(3))

After hearing the claims of the ..... land holding group and persons having an interests in the ..... customary land and after recording their interests, including their respective genealogies and boundaries of the said ..... customary land, and after complying with the relevant provisions of the Customary Land Records Act, I, ..... (*Name of National Recorder*) ....., **National Recorder, HEREBY CERTIFY** that the ..... (name of land holding group) ..... Land holding group holds the primary rights as defined in the Act, over the said ..... customary land.

Dated this            day of            2007

**Seal of the Central Lands  
Records Office**

\_\_\_\_\_  
**National Recorder**

THE CUSTOMARY LAND RECORDS ACT  
(Cap 132)

APPLICATION FOR REGISTRATION OF PRIMARY RIGHTS  
(section 10)

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Part 1.

Name of Land Holding Group .....

Name of Customary Land .....

Address .....

.....

Province .....

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Part 2

Type of rights recorded ..... *(please note that only land holding with primary rights recorded may apply).*

Date of Record .....

**NOTE: CERTIFIED COPIES OF ALL WRITTEN RECORDS AFFECTING THE CUSTOMARY LAND THE SUBJECT OF THIS APPLICATION MUST ACCOMPANY THIS APPLICATION**

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For Land Holding Group

Dated this            day of            2007

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Minister for Lands and Survey.

**\* This application must be lodged with the Registrar with a Map of the customary land the subject of this application produced in accordance with section 18 of the Act**

**THE CUSTOMARY LAND RECORDS ACT**  
(Cap 132)

**THE CUSTOMARY LANDS RECORD REGISTER**  
(regulation 11)

Date	Name of Customary Land	Province	Name of Tribes and their representatives	Nature of Rights

Made this ninth day of May 2007

**Leslie Boseto**  
Minister for Lands and Surveys

Honiara, Solomon Islands  
Printed under the authority of the  
Solomon Islands Government

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Printed by Solomon Islands Printers Ltd.