

Chapter 10

LEGISLATIVE AMENDMENTS

ROYAL LAND COMMISSION PROPOSED LEGISLATIVE AMENDMENTS	
1.	Land (Amendment) Bill 2012
2.	Land (Amendment) (No.2) Bill 2012
3.	Land (Amendment) (No.3) Bill 2012
4.	Act of the Constitution (Amendment) Bill 2012
5.	Supreme Court (Amendment) Bill 2012
6.	Real Estate Agents Authority Bill 2012
7.	Surveyors Bill 2012
8.	Business Licence (Amendment) Regulations 2012

LAND (AMENDMENT) BILL 2012

Explanatory Notes

(This note does not form part of the Bill but is intended to explain its purpose and effect)

1. These amendments are made to modernize the Land Act and make many very small overdue changes to make the law more fair and the Act easier to administer. Most of the amendments are self explanatory.
2. The repeal of Sections 14 and 15 is to support the recommendation to remove the requirement for an alien to have a permit before he can reside on land in Tonga. This can now be covered with the provisions on a Tenancy Agreement which is brought to effect with a later amendment in this Bill.
3. The amendment to Section 17 increases the age from 16 to 21 years for a church member before he is counted for the numbers required before a lease can be granted to a religious body, charitable and social organizations. This ties in with the amendments proposed to increase the age of entitlement to an allotment from 16 to 21 years.
4. The amendment to Section 19 removes the authority to allow a lease over 99 years from Privy Council and gives it to the Minister with the consent of Cabinet linking it to other similar changes caused through the removal of the Executive powers of the Privy Council.
5. The amendment to section 23(4) is to make it mandatory for the notice by the Minister regarding the defining holdings and of boundaries to be served on the landholder or his representative in the district in which the land is situated. This amendment is required only to the English version as the Tongan version is already mandatory with the use of the words "kuo pau".
6. The amendment to Section 54(3) gives the Minister the discretion to register an allotment before the required period of one year if he is satisfied who the heir is. Waiting for the end of the 12 month period has deterred the use and development of the land unnecessarily.
7. The amendments to Section 57 inter alia prevent the payment of rent for a lease to 2 years in advance to protect the interests of the heir in the event of the death of the holder.

8. The amendment to Section 60 removes the restriction on the term for which a tax allotment can be renewed.
9. The amendment to Section 80, 81 and 82 is to remove the sin of fornication and adultery by women as a disqualification for holding land. There is no similar disqualification in respect of men. To be fair, this disqualification is removed.
10. The amendment to Sections 85 and 86 removes the right of a grandson to elect between his allotment and that of his grandfather. The right of election moves along the line of brothers before returning to grandsons.
11. The new Part VIB introduces Tenancy Agreements to the Land Act.
12. Form 5 of Schedule VIII and Forms 2, 3 and 11 of Schedule IX have been amended to be in line with the amendments to the relevant sections.