

**LAND TITLES REGISTRATION AMENDMENT BILL 2014**

**SAMOA**

Explanatory Memorandum

**Introduction**

The Bill seeks to amend the Land Titles Registration Act 2008 to provide extra clarity that customary lands are not registered with other type of lands under the Land Register kept under section 10 of the Act. Whilst a “record” of customary land can be maintained by the Registrar of Lands, such record is not to be treated as being part of the ordinary folio where freehold and Government lands (including leasehold interest in customary land) are registered.

**TULAFONO TAU FAAOFI O TEUTEUGA O LE TULAFONO  
O LE FAAMAUINA O PULE O FANUA 2015**

**SAMOA**

Faamatalaga e Faamalamalama ai

**Faatomuaga**

Ua taumafai le Tulafono Tau Faaofi e teuteu le Tulafono o le Faamauina o Pule o Fanua 2008 ina ia tuuina atu ai se isi faamaninoga e faapea o fanua faaleaganuu e le o faamauina ma isi ituaiga fanua i lalo o le Tusi Resitala o Fanua o lo o tausia i lalo o le fuaiupu 10 o le Tulafono. Afai e mafai ona tausia se “faamaumauga” o fanua faaleaganuu e le Resitara o Fanua, e le tatau ona faatatauina sea faamaumauga e ave a o se vaega o le lautusi faanumeraina masani pe afai o lo o faamauina fanua umia saoloto ma fanua o le Malo (e aofia ai aia e umia faalisi ai i totonu o fanua faaleaganuu).

**Clauses:**

- Clause 1:** - Clause 1 provides for the short title and commencement provisions.
- Clause 2:** - amends section 2 to ensure that customary lands are excluded from certain definitions dealing with the registration of land. A new definition of “record of customary land” is included. A proposed subsection (3) is included to ensure that references to “folio” in the Act do not include “record of customary land”, as part of the folio.
- Clause 3:** - amends section 5 to strengthen the provision about record of customary land. It will clarify that record of customary land is separate from the Register under section 10. The current section 9(2) relating to recording of customary lands that are subject to a judgment of the Land and Titles Court will now become part of section 5.
- Clause 4:** - amends section 9 as a result of moving subsection (2) to section 5 and to cover other minor amendments of ensuring that customary lands are not to be construed as being registered under the Act.

**Fuaiupu:**

- Fuaiupu 1:** - o le fuaiupu 1 ua aiaia ai aiaiga mo le igoa puupuu ma le amataga.
- Fuaiupu 2:** - ua teuteu ai le fuaiupu 2 ina ia faamautinoa ai e faapea e le o aofia ai fanua faaleaganuu mai nisi faamatalaga e tagofia ai le faamauina o fanua. Ua aofia ai se faamatalaga fou o “faamaumauga o fanua faaleaganuu”. O lo o aofia ai se faafuaiupu (3) ua fuafuaina e faamautinoa ai e faapea o faasinomaga i “lautusi faanumeraina” o i totonu o le Tulafono e le aofia ai “faamaumauga o fanua faaleaganuu”, e avea o se vaega o lautusi faanumeraina.
- Fuaiupu 3:** - ua teuteu ai le fuaiupu 5 ina ia faamalosi ai aiaiga e uiga i faamaumauga o fanua faaleaganuu. O le a faamanino ai i lea tulaga e faapea o faamaumauga o fanua faaleaganuu e ese mai lava mai le Tusi Resitala i lalo o le fuaiupu 10. O le fuaiupu 9(2) o i ai nei e faasino i le faamauina o fanua faaleaganuu lea e noatia i se faaiuga a le Faamasinoga o Fanua ma Suafa o le a avea nei ma vaega o le fuaiupu 5.
- Fuaiupu 4:** - ua teuteu ai le fuaiupu 9 e avea o se taunuuga o le faasee atu o le faafuaiupu (2) i le fuaiupu 5 ma ia aofia ai nisi teuteuga laiti e faamautinoa ai e faapea o fanua faaleaganuu e ao ona le faauigaina e pei ona faamauina i lalo o le Tulafono.

**Clause 5:** - provides for consequential amendments to the Lands and Titles Act 1981 for consistency with the amendments to the Land Titles Registration Act 2008.

**Fuaiupu 5:** - ua aiaia ai mo teuteuga faatupulaia i le Tulafono o Fanua ma Suafa 1981 mo le tulaga ogatasi ma teuteuga i le Tulafono o le Faamauina o Pule o Fanua 2008.

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(Hon FAAMOETAULOA Ulaitino Faale Tumaalii)  
**MINISTER OF NATURAL RESOURCES  
AND ENVIRONMENT**

.....  
(Hon FAAMOETAULOA Ulaitino Faale Tumaalii)  
**MINISITA O PUNAOA FAALENATURA  
MA LE SIOSIOMAGA**