

**LAND TITLES REGISTRATION AMENDMENT
BILL 2015**

SAMOA

Arrangement of Provisions

1. Short title and commencement
2. Section 2 amended
3. Section 5 amended
4. Section 9 amended
5. Consequential amendments

2015, No.

A BILL INTITULED

AN ACT to amend the Land Titles Registration Act 2008 (“principal Act”).

BE IT ENACTED by the Legislative Assembly of Samoa in Parliament assembled as follows:

1. Short title and commencement-(1) This Act may be cited as the Land Titles Registration Amendment Act 2015.

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

SAMOA

Faatulagaina o Aiaiga

1. Igoa puupuu ma le amataga
2. Ua teuteuina le fuaiupu 2
3. Ua teuteuina le fuaiupu 5
4. Ua teuteuina le fuaiupu 9
5. Teuteuga faatupulaia

2015, Nu.

O SE TULAFONO TAU FAAOFI UA TAU

O SE TULAFONO e teuteu ai le Tulafono o le Faamauina o Pule o Fanua 2008 (“Tulafono autu”).

UA FAIA e le Fono Aoaofa o le Tulafono a Samoa i totonu o le Palemene ua potopoto e faapea:

1. Igoa puupuu ma le amataga-(1) E mafai ona taua lena Tulafono, o le Tulafono o Teuteuga o le Tulafono o le Faamauina o Pule o Fanua 2015.

(2) This Act commences on the date of assent by the Head of State.

2. Section 2 amended - For section 2 of the principal Act:

(a) in the definition of “land” after “specially excepted” insert “but does not include customary land for the purpose of registration of land under this Act (other than registration of licences or leases of customary land)”;

(b) insert in its alphabetical position:

““record of customary land” means a record of customary land maintained under section 5(1)(l) but does not include registration of licences or leases of customary land;”;

(c) in the definition of “Register”, after “section 8” insert, “but does not include a record of customary land”;

(d) in the definition of “registration”, after “Register,” insert, “but does not include record of customary land”;

(e) after subsection (2), insert:

“(3) Reference to any folio under this Act does not include record of customary land as part of the folio.”.

(2) O lenei Tulafono e amata faamamaluina i le aso e tuuina i ai le maliega a Le Ao o le Malo.

2. Ua teuteuina le fuaiupu 2 - Mo le fuaiupu 2 o le Tulafono autu:

(a) i le faamatalaga o le upu “fanua” i le tuanai ai o upu “faapitoa lona tuusaunoaina” ia faaofi upu “ae peitai e lē aofia ai fanua faaleaganuu mo le faamoemoe o le faamauina o fanua i lalo o lenei Tulafono (e ese mai i lo le faamauina o laisene po o lisi o fanua faaleaganuu)”;

(b) ia faaofi i totonu o lona tulaga i le faasologa o le pi faitau faa-Peretania.

““faamaumauga o fanua faaleaganuu” o lona uiga o se faamaumauga o fanua faaleaganuu o tausia i lalo o le fuaiupu 5(1)(l), ae peitai e lē aofia ai le faamauina o laisene po o lisi o fanua faaleaganuu;”;

(c) i le faamatalaga o le upu “Tusi Resitala”, i le tuanai ai o upu “fuaiupu 8”, ia faaofi upu, “ae peitai e lē aofia ai faamaumauga o fanua faaleaganuu”;

(d) i le faamatalaga o le upu “faamauina”, i le tuanai ai o le upu “Tusi Resitala”, ia faaofi upu, “ae peitai e lē aofia ai le faamauina o laisene po o lisi o fanua faaleaganuu;”;

(e) i le tuanai ai o le faafuuiupu (2), ia faaofi i ai e faapea:

“(3) O faasinomaga i so o se lautusi faanumeraina i lalo o lenei Tulafono e lē aofia ai faamaumauga o fanua faaleaganuu e avea ma vaega o le lautusi faanumeraina.”.

3. Section 5 amended - In section 5 of the principal Act, for subsection (6), substitute:

“(6) The record which the Registrar is required to maintain under subsection (1)(l) is separate from registration of land required by section 10.

(7) The Registrar must enter in the record of customary land any customary land for which judgment has been made by the Land and Titles Court under the Land and Titles Act 1981.

(8) The record of customary land is not to be interpreted or construed under this Act as a registration of customary land under this Act.”

4. Section 9 amended - In section 9 of the principal Act:

(a) repeal subsection (2);

(b) in subsection (3) -

(i) for “subsections (1) and (2)” substitute “subsection (1)”;

(ii) after “such land”, insert, “ lease or licence.”.

5. Consequential amendments - In the Land and Titles Act 1981:

(a) in section 2 -

(i) for the definition of “Land Register” and “Land Registrar”, substitute:

““Land Registrar” means the Registrar defined in section 2 of the Land Titles Registration Act 2008;” and

3. Ua teuteuina le fuaiupu 5 - I le fuaiupu 5 o le Tulafono autu, mo le faafuaiupu (6), ia suia e faapea:

“(6) O le faamaumauga lea e manaomia ai le Resitara ina ia tausia i lalo o le faafuaiupu (1)(l), e ese mai lava mai le faamauina o fanua ua manaomia e le fuaiupu 10.

(7) E ao i le Resitara ona tusia i totonu o faamaumauga o fanua faaleaganuu so o se fanua faaleaganuu lea ua faia i ai se faaiuga e le Faamasinoga o Fanua ma Suafa i lalo o le Tulafono o Fanua ma Suafa 1981.

(8) O le faamaumauga o fanua faaleaganuu e ao ona lē faamatalaina pe faauigaina i lalo o lenei Tulafono e avea o se faamauina o fanua faaleaganuu i lalo o lenei Tulafono.”

4. Ua teuteuina le fuaiupu 9 - I le fuaiupu 9 o le Tulafono autu:

(a) ua soloia le faafuaiupu (2);

(b) i le faafuaiupu (3) -

(i) mo “faafuaiupu (1) ma le (2)” ia suia i le “faafuaiupu (1)”;

(ii) i le tuanai ai o upu “sea fanua”, ia faaofi upu “ua lisiina po o ua laiseneina.”.

5. Teuteuga faatupulaia - I le Tulafono o Fanua ma Suafa 1981:

(a) i le fuaiupu 2 -

(i) mo le faamatalaga o “Tusi e Faamau ai Fanua” ma le “Resitara o Fanua”, ia suia e faapea:

““Resitara o Fanua” o lona uiga o le Resitara ua faaalua manino i le fuaiupu 2 o le Tulafono o le Faamauina o Pule o Fanua 2008;” ma

(ii) insert the following new definition:

““record of customary land” has the meaning given in the Land Titles Registration Act 2008”; and

(b) in the Heading of Division 2 under PART III, for “Registration” substitute “Record”; and

(c) in the heading of section 11, delete “to Land Registrar”; and

(d) in section 12(1)(a), for “register” substitute “to enter in the record of customary land”; and

(e) in section 12(1)(b), for “Land Register a memorial”, substitute “record of customary land details”.

(ii) faaofi faamatalaga fou e faapea:

““faamaumauga o fanua faaleaganuu” e i ai le uiga ua tuuina atu i le Tulafono o le Faamauina o Pule o Fanua 2008”; ma

(b) i le Ulutala o le Vaevaega 2 i lalo o le VAEGA III, mo le upu “Resitaraina” ia suia i le upu “Faamaumauga”; ma

(c) i le ulutala o le fuaiupu 11, ia aveese upu “i le Resitara o Fanua”; ma

(d) i le fuaiupu 12(1)(a), mo le upu “resitaraina” ia suia i upu “tusiaina i totonu o faamaumauga o fanua faaleaganuu”; ma

(e) i le fuaiupu 12(1)(b), mo upu “Tusi e Faamau ai Fanua se faamatalaga faamanatu”, ia suia i upu “faamaumauga o faamatalaga auiliili o fanua faaleaganuu”.
