

GOVERNMENT OF THE SOVEREIGN DEMOCRATIC REPUBLIC OF FIJI DECREE NO. 5

FIJI NATIONAL PROVIDENT FUND ACT (AMENDMENT) DECREE, 1991

IN exercise of the powers vested in me as President of the Sovereign Democratic Republic of Fiji and Commander-in-Chief of the Armed Forces and acting in accordance with the advice of the Prime Minister and the Cabinet, I hereby make the following Decree—

Short title

1. This Decree may be cited as the Fiji National Provident Fund Act (Amendment) Decree, 1991.

Interpretation

2. In this Decree unless the context otherwise requires—

"Banaban Land" means land on Rabi Island allotted to and vested in members of the Banaban Community pursuant to subsection (1) of Section 4 of the Banaban Lands Act;

"hanua ne Kainaga", "hanua pau" and "hanua ne on tore" have the meanings assigned to them under the Rotuman Lands Act;

"Island Scribe" means the person appointed as the Island Scribe under the Banaban Settlement Act;

"Register" means in relation to Rabi Island the Register of Lands kept by the Island Scribe pursuant to subsection (1) of Section 13 of the Banaban Lands Act and in relation to Rotuma the Register of Rotuman Lands set up pursuant to subsection (1) of Section 9 of the Rotuma Lands Act;

"village" includes a village in Rabi Island.

Section 38 of the Fiji National Provident Fund Act amended

3. Section 38 of the Fiji National Provident Fund Act is amended as follows—

(a) Subsection (2) of Section 38 is repealed and replaced by the following—

"38(2) Subject to subsection 4 and 13, the Board shall not lend money under paragraph (a) of subsection (1) unless the land is secured by the charge on the relevant property pursuant to subsection (3)."

(b) Subsection (12) of Section 38 is repealed and replaced by the following—

"38(12) the Board shall not provide any money to a member under paragraph (b) of subsection (1) unless it is satisfied—

(a) (i) that the money is to be used to construct, alter or improve a dwelling house on land within a village; or

(ii) that the money is to be used to construct, alter or improve a dwelling house on hanua ne Kainaga in the Island of Rotuma; and

(b) that the dwelling house is or is to be occupied by the member."

(c) There shall be a new subsection (13) of Section 38 added immediately after subsection (12) as follows—

"(13)(a) for the purposes of subsection (2), where the relevant property is on hanua pau or hanua ne on tore in the Island of Rotuma or on land in Rabi Island whether it be Banaban land or not the charge on such lands shall be recorded in the Register;

(b) when the charge on land described in paragraph (a) above has been satisfied the General Manager or any officer of the Fund authorised in writing by him shall deposit a certificate of satisfaction with the District Officer in the case of Rotuma and with the Island Scribe in the case of Rabi Island and the said officers shall enter a memorial of satisfaction in the Register."

Made this 28th day of January 1991.

PENAIA K. GANILAU
President of the Sovereign Democratic
Republic of Fiji and Commander-in-Chief of the
Armed Forces