

Land Reform (Luganville Urban Land Corporation)

Order No. 118 Of 1981

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REPUBLIC OF VANUATU

Land Reform (Luganville Urban Land Corporation)

Order No. 118 Of 1981

To provide for the establishment of the Luganville Urban Land Corporation, for the functions and powers of the Corporation and for matters connected therewith.

IN EXERCISE of the power contained in Section 19 of the Land Reform Regulation 1980, I hereby make the following Order :

- Interpretation.            1.            In this Order unless the context otherwise requires :
- "Corporation" means the Luganville Urban Land Corporation established under Clause 2;
- "Financial year" means the Financial year of the Corporation which shall be the same as the government financial year;
- "Luganville" means all parts of the town of Luganville on the island of Espiritu Santo within the Municipal boundary;
- "Minister" means the Minister for the time being responsible for land or any Minister acting on his behalf.
- Establishment of            2.    (1)        There is hereby established a body corporate to be known as the Luganville Urban Land Corporation.
- (2)        The Corporation shall have perpetual succession and a common seal and may sue and be sued in its corporate name.

Functions of the Corporation.

3.

The Corporation may with respect to Luganville exercise all or any of the following functions :

- (a) grant and administer leases of land on such terms and conditions as the Minister may prescribe;
- (b) act as agent for the government or any other body or person in general, and, in particular, act as agent for the government,
  - (i) in the purchase of undeveloped and underdeveloped land;
  - (ii) in the exercise of the Government's option to acquire for public purposes any leases of land;
- (c) manage land and residential property;
- (d) carry on business as an investment manager;
- (e) manage any kind of business enterprise;
- (f) engage in any business relating to land including its development for residential, industrial or commercial purposes;

- (g) undertake the business of farmers, ranchers, cultivators of timber, sawmillers and timber merchants;
- (h) undertake the business of builders or civil engineers;
- (i) process any crops grown on land including copra, cocoa and rice.

Powers of the Corporation.

4.

The Corporation shall with respect to Luganville have the following powers :-

- (a) hold, buy and sell real or personal property, including houses for employees of the Corporation;
- (b) lease real or personal property to or from any person;
- (c) promote or finance any undertaking;
- (d) subject to such specific or general conditions as the Minister responsible for Finance may make, borrow money by the issue of debentures or in any other manner including overdraft;
- (e) lend money and guarantee loans;

- (f) establish or participate in any pension scheme for the benefit of its employees and their dependents;
- (g) carry out programmes for research;
- (h) charge fees;
- (i) employ any persons, firms or bodies;
- (j) enter into agreements, leases, conveyances or transfer of land on behalf of the Government or any custom owners and a recital in any such agreement, lease, conveyance or transfer that the Corporation is acting on behalf of the Government or custom owners as the case may be shall be sufficient to indemnify any other party to such agreement, lease, conveyance or transfer;
- (k) invest funds not immediately required for the purpose of its functions in bank deposits and such other investments as may be authorised by the Minister;
- (l) such other powers as may be incidental to the abovementioned powers or necessary to enable the Corporation to carry out its functions.

Delegation of powers and Functions to General Manager.

5. (1) The Corporation may, by resolution or otherwise, delegate to the General Manager with or without restrictions or conditions, as the Corporation thinks fit, such of its powers and functions as it deems expedient for the efficient discharge of the day to day operations of the Corporation.
- (2) Nothing in sub clause (1) shall permit the delegation of the power to make major decisions of policy in connection with the exercise of the functions of the Corporation.

Composition of the Corporation.

6. (1) The Corporation shall consist of the following :
  - (a) First Secretary at the Ministry of Lands, ex-officio chairman;
  - (b) the General Manager of the Luganville Urban Land Corporation, ex-officio member;
  - (c) five (5) members appointed by the Minister at least three (3) of whom shall be representatives of the custom owners of Luganville.
- (2) Members of the Corporation appointed by the Minister may not hold office for a period exceeding one (1) year or two (2) years, as the Minister shall determine, but may be reappointed.

(3) A member of the Corporation appointed by the Minister may resign by not less than thirty (30) days notice in writing to the Minister.

(4) The Minister may remove a member from office at anytime by notice published in the Gazette.

Allowances  
for Members.

7. The Minister, after consultation with the Minister responsible for Finance may remunerate appointed members, who shall receive such allowances as the Minister may determine.

Members to  
declare  
pecuniary  
interest.

8. If a member of the Corporation has a pecuniary interest, direct or indirect, in any proposed lease or other matter relating to the Corporation he shall as soon as practicable disclose such interest to the Chairman or Deputy Chairman.

Secretary to  
the Corporation.

9. (1) There shall be a Secretary to the Corporation who shall be an employed thereof appointed by the Corporation in accordance with Clause 11.

(2) The Secretary or a person acting in that office shall attend all meetings of the Corporation and prepare minutes thereof.

- (3) The Secretary shall :
  - (a) keep in safe custody the seal and all documents of the Corporation;
  - (b) receive all process served on the Corporation and carry out such other duties as the Corporation or the Chairman shall direct.

Meetings of the Corporation.

10. (1) Subject to subclause (2), meetings of the Corporation shall be held at such times and places as the Chairman or in his absence, the Deputy Chairman nominated by him, may from time to time appoint.
- (2) The first meeting shall be convened by the Minister.
- (3) The quorum at meetings shall be four (4) members.
- (4) The Chairman or in his absence the Deputy Chairman nominated by him shall preside at every meeting of the Corporation.
- (5) The proceedings at any meeting shall not be invalidated by any vacancies in the membership provided that the number of such vacancies does not exceed three (3).



- (6) The Attorney General and the Director of the Survey Department in the Ministry of Lands or their nominated representatives shall have a right to participate in all meetings of the Corporation but shall have no vote.
- (7) The Corporation may invite any person, in addition to those named in subclause (6) to participate in meetings or attend them as observers but such person shall have no vote.
- (8) Decisions of the Corporation shall be made by a majority vote of members present and voting, the Chairman or Deputy Chairman as the case may be having a casting vote.
- (9) Subject to such rules as the Minister may make by Order, the Corporation may make internal rules regulating the procedure and adjournment of meetings of the Corporation.

Employees of the Corporation.

11. (1) The Corporation may appoint at such remuneration and upon such terms and conditions as it may consider necessary,
  - (a) the Secretary to the Corporation;
  - (b) such senior officers as it may consider necessary for the proper discharge of the functions of the Corporation;

(2) The Minister may appoint at such remuneration and upon such terms and conditions as he considers necessary a General Manager for the Corporation who shall be the chief administrative officer of the Corporation and of all its operations.

Funds of the Corporation.

12. (1) The Funds of the Corporation shall consist of :

- (a) rent from leases granted by the Corporation;
- (b) grants from the Government out of monies appropriated by Parliament for such purposes;
- (c) grants from other sources;
- (d) monies borrowed by the Corporation;
- (e) monies received by the Corporation in any other way in the course of the discharge of its functions.

Funds to be held in trust.

13. Any surplus funds generated by the Corporation in the course of carrying out its functions and powers shall be held by it in trust for those parties properly entitled thereto.

Guarantee of Loans.

14. The Government may guarantee any loans to the Corporation.

Control of  
Borrowing.

15. The Minister responsible for finance may prescribe :

- (a) the aggregate maximum indebtedness that the Corporation may incur without his consent in writing; and
- (b) the maximum individual sums that the Corporation may likewise borrow;

Accounts and  
Audits.

16. (1) The Corporation shall keep proper account and other records in respect of its receipts and expenditure and shall cause to be prepared an annual statement of account in respect of each financial year

(2) The <sup>s</sup>account of the Corporation shall be audited annually by independent and properly qualified auditors approved in writing by the Minister responsible for finance and appointed by the Corporation.

(3) As soon as is reasonable after the end of each financial year the Corporation shall transmit to the Minister and the Minister responsible for finance audited accounts together with any report made by the auditors thereon and such explanations as the Corporation may consider appropriate.

Annual Report.

17. (1) The Corporation shall make an annual report of its activities to the Minister not less than forty-(~~five~~) (45) days before the commencement of the annual budget session of the Parliament.

- (2) A copy of the audited accounts for the previous financial year provided for in Clause 16 and provisional accounts for the current financial year shall be attached to the report.
- (3) The Minister shall submit the annual report together with such comments as he may have thereon to Parliament during the annual budget session.

Submission of  
Estimates for  
purpose of Grants

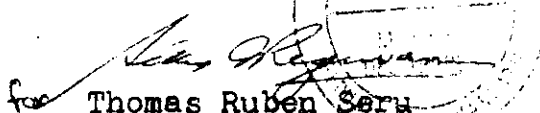
18. If the Corporation shall need a grant referred to in subclause (b) of Clause 12 so that the Government may determine the amount thereof for inclusion in the Budget, the Corporation shall, not less than ninety (90) days before commencement of the financial year during which the grant is required, submit to the Minister responsible for finance estimates of expenditure and receipts for that year and of unexpended funds carried forward.

Contracts.

19. A contract which if made between natural persons would by law be :
- (a) required to be sealed, shall be made, varied or discharged by the Corporation under seal;
  - (b) required to be in writing signed by the parties, may be made, varied or discharged on behalf of the Corporation in writing, signed by a person acting with its express or implied authority;
  - (c) valid if made by parol only, may be made, varied or discharged by parol on behalf of the Corporation by any person acting with its express or implied authority.

- Evidence of sealing of documents. 20. The fact that a document bears the seal of the Corporation shall be prima facie evidence in any court or legal proceedings that the document has been properly executed by or on behalf of the Corporation.
- No personal liability to members or employees. 21. No personal liability shall attach to any member or employee of the Corporation in respect of anything done or not done in good faith, and without negligence under the provisions of this Order.
- Minister's Directive; 22. The Minister may from time to time after consultation with the Corporation issue directives to the Corporation and the Corporation shall carry out such directives.
- Commencement. 23. This Order shall come into force on the                    day of                    1981.

MADE at Port Vila the 10<sup>th</sup> day of September 1981.

  
for Thomas Ruben Seru  
Minister of Lands

