

## CHAPTER 267

## HOUSING

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*Ordinances Nos. 37 of 1955, 17 of 1958, 26 of 1958, 32 of 1960, 28 of 1961, 7 of 1966, 37 of 1966, 15 of 1967, 40 of 1968, 4 of 1970, Legal Notices Nos. 112 of 1970, 118 of 1970, Acts Nos. 5 of 1973, 14 of 1975, 24 of 1976, 33 of 1976, 10 of 1980, 11 of 1983.*

AN ACT TO MAKE PROVISION TO ENABLE WORKERS AS HEREIN  
AFTER DEFINED TO PURCHASE OR LEASE DWELLING-HOUSES AT A  
REASONABLE COST AND FOR PURPOSES CONNECTED THEREWITH.

[16 December 1955]

*Short title*

1. This Act may be cited as the Housing Act.

*Interpretation*

2. In this Act unless the context otherwise requires—  
 “approved scheme” means a housing scheme approved by the Authority under the powers contained in section 15;  
 “Authority” means the Housing Authority established under this Act;  
 “dwelling-house” and “house” include any part of a building which is occupied or intended to be occupied as a separate dwelling;  
 “hostel” means a building wherein is provided for persons generally or for any class or classes of persons residential accommodation (otherwise than in separate or self-contained sets of premises) and board;  
 “prescribed area” means an area prescribed by the Minister;  
 “worker” means a person whose average income does not exceed \$140\* per week, or such other sum as the Minister may prescribe.

(Amended by Ordinance 17 of 1958, s. 2; Legal Notice 112 of 1970.)

*Establishment and constitution of Authority*

- 3.—(1) There is hereby established an Authority to be known as the Housing Authority.

(2) The Authority shall consist of not more than 6 members all of whom shall be appointed by the Minister.

(3) Members of the Authority shall hold office for such terms not exceeding 3 years as the Minister may determine but shall be eligible for re-appointment.

(4) The Minister shall appoint 1 of the members to be Chairman of the Authority.

(5) In the absence of the Chairman from any meeting, the members present shall appoint a deputy chairman who shall, for the purpose of that meeting, have all the powers of the Chairman.

(6) Subject to the provisions of this Act, the Authority may make rules governing its own procedure.

(Substituted by Act 10 of 1980, s. 2.)

*Directions*

3A. The Authority, in the exercise of its functions and powers under this Act, shall act in accordance with any general or special directions as to policy given to it by the Minister.

(Inserted by Act 10 of 1980, s. 2.)

*Chief Executive and Secretary*

- 3B. (1) The Authority shall, subject to the approval of the Minister, appoint—  
 (a) a Chief Executive; and  
 (b) a Secretary.

\* Prescribed by Legal Notice No. 81 of 1978, amended by Legal Notice No. 92 of 1978.

(2) The Chief Executive shall, by virtue of his office, be deemed to be a member of the Authority but he shall not cast a vote at any meeting of the Authority and shall not be regarded as a member for the purpose of forming a quorum under subsection (1) of section 5.

(3) The Chief Executive shall be paid such salary as is determined from time to time by the Higher Salaries Commission.

*(Section inserted by Act 10 of 1982, s. 2; subsec. (3) inserted by Act 11 of 1983, s. 27, Sch. 2.)*

*Temporary appointment*

4. When a member of the Authority is temporarily incapacitated from performing his functions as such by reason of his temporary absence from Fiji or for any other cause, the Minister may appoint a person temporarily to be a member during such period of incapacity and, during such period, such person shall be deemed to be a member of the Authority for all purposes to the exclusion of the member so temporarily incapacitated.

*(Amended by Legal Notice 112 of 1970)*

*Quorum and voting*

5.—(1) The Chairman, or in his absence the deputy chairman, and 2 members shall form a quorum. *(Amended by Ordinance 17 of 1958, s. 4; Act 5 of 1973, s. 3.)*

(2) At any meeting of the Authority, the Chairman, or in his absence the deputy chairman, shall have a deliberative vote and in the case of equality of votes shall also have a casting vote.

*Authority to be body corporate*

6. The Authority shall be a body corporate under the name of the Housing Authority and by that name shall have perpetual succession and a common seal with power to hold land for purposes connected with the administration of this Act.

*Legal proceedings*

7.—(1) The Authority may sue or be sued in its corporate name in respect of matters whether relating to contract or tort or otherwise arising in connection with the exercise of its powers or the carrying on of its functions under this Act.

(2) Service of any document on the Secretary of the Authority shall be deemed to be service on the Authority.

*(Amended by Ordinance 17 of 1958, s. 5; Act 33 of 1976, s. 3.)*

*Officers of the Authority*

8.—(1) Subject to the provisions of the Higher Salaries Commission Act, the Authority may appoint and employ on such terms and conditions as it may from time to time determine such officers and servants as it may consider necessary for the proper and efficient carrying out of the functions of the Authority. *(Amended by 17 of 1958, s. 6; Act 11 of 1983, s. 27, Sch. 2.)* *(Cap. 2A)*

(2) The Authority may employ and remunerate agents or managing agents to perform on its behalf and subject to the provisions of section 16 all or any of its functions under this Act except under section 23 or 28 thereof, and may delegate to such agents or managing agents any of the powers conferred upon it by sections 15 and 17. The provisions of sections 22, 24, 25, 28 and 29 shall apply in relation to any such agents or managing agents to whom such powers have been delegated as they apply in the case of the Authority. *(Inserted by Ordinance 32 of 1960, s. 3.)*

*Remuneration of members*

9. A member may be paid and receive from the funds of the Authority such remuneration in respect of his services on the Authority and such allowances for travelling and subsistence in such circumstances as may be determined by the Minister.

*(Amended by Legal Notice 112 of 1970.)*

*Liability of members and officers of the Authority*

10. No member or officer of the Authority shall be personally liable for any act or default done or omitted to be done in good faith under the provisions of this Act and any sums of money, damages or costs which may be recovered against them or any 1 of them in respect of any such act or default shall be paid out of the funds of the Authority.

*Duty of member to disclose interest*

11. Any member of the Authority who has any pecuniary or other personal interest in any matter before the Authority shall disclose such interest to the Authority and shall take no part in any discussion on any such matter nor vote thereon.

*Banking account*

12.—(1) The Authority may, for the purposes of implementing its functions under this Act, open and keep a banking account or accounts with such bank or banks as may from time to time be selected by the Authority and cheques and orders for the payment of money from such account or accounts shall be signed by any 2 members of the Authority or by such other persons as the Authority shall from time to time appoint. *(Amended by Ordinance 7 of 1966, s. 33.)*

(2) The Authority may, for the payment of administrative expenses, establish at such bank aforesaid an imprest account.

(3) The Authority shall from time to time fix the maximum amount that may be held at any 1 time in such imprest account.

*Power to appoint committee*

13.—(1) Where the Authority is of the opinion that it is expedient for the prompt and convenient administration of its functions under this Act, it may appoint a committee consisting of at least 1 of its members and such other person or persons as it may think fit and, with the approval of the Minister, delegate to such committee such of its powers under this Act as it may think fit:

Provided that in no case shall any power—

(a) to acquire land or buildings; or

(b) to sell land or buildings vested in the Authority; or

(c) to raise any loan whether by way of overdraft or otherwise, vested in the Authority under this Act be delegated to such a committee.

*(Amended by Legal Notice 112 of 1970.)*

(2) Any act done or agreement made by such a committee in accordance with powers so delegated shall for all purposes be deemed to be the act or agreement of the Authority.

*Funds and resources of Authority*

14. The funds and resources of the Authority shall consist of—
- (a) such sums as may be appropriated to the Authority by vote or resolution of Parliament;
  - (b) such sums as may be borrowed by the Authority under the provisions of sections 19 and 20;
  - (c) moneys received by or falling due to the Authority in respect of the repayments of any loan made by the Authority or the interest payable in respect of any such loan;
  - (d) moneys received by or falling due to the Authority in respect of the sale of any property vested in the Authority;
  - (e) rents or other moneys received by or payable to the Authority in respect of the letting of any property vested in the Authority;
  - (f) moneys earned or arising from any property, investments, mortgages, debentures or other securities acquired by or vested in the Authority;
  - (g) any property, mortgages, debentures or other securities or investments acquired by or vested in the Authority;
  - (h) all other moneys or property which may in any manner be or become payable to or vested in the Authority in respect of any matter incidental to its powers and duties.

(Amended by Legal Notice 118 of 1970.)

*Functions and powers of Authority*

15.—(1) The Authority is hereby authorised to provide, in accordance with the provisions of this Act, housing accommodation for workers in the cities of Suva, Lautoka and in any prescribed area and for that purpose the Authority is authorised and shall have power—

- (a) to acquire land or buildings or any estate or interest therein and to develop the same as a building estate by the erection, construction, alteration, maintenance and improvement of dwelling-houses and gardens, recreation parks and other works and buildings for or for the convenience of persons occupying such dwelling-houses;
- (b) to accept donations of land, money or other property;
- (c) to subdivide and develop any land acquired by or vested in it;
- (d) to acquire dwelling-houses suitable for the purposes of this Act;
- (e) (i) to let or lease any land or building vested in it, to be used for the purpose of any factory, warehouse, shop, workshop, school, place of worship or place of recreation which would, in the opinion of the Authority, be to the convenience or benefit of persons occupying houses provided by the Authority;
- (ii) to construct on any land vested in it, any building for letting or leasing for any of the purposes specified in sub-paragraph (i) and to retain for its own use any part of any such building;
- (f) to sell or exchange any land or buildings vested in it;
- (g) to invest at its discretion in any securities authorised by law for the time being for the investment of trust funds any moneys (whether capital or income) at any time at the disposal of the Authority and not immediately required by the Authority for the purchase of property or for the construction of buildings or for other purposes authorised by this Act;

- (h) by way of loan, guarantee or otherwise, to assist a worker to purchase a dwelling-house, or discharge a debt secured on a dwelling-house, or erect, or effect substantial alteration, improvement or extension to, a dwelling-house, upon such terms and conditions as the Authority may deem fit;
- (i) with the approval of the Minister, to make advances upon such securities as may likewise be approved to suitable social organisations for the purpose of assisting the erection of hostels;
- (j) to purchase plant, vehicles, machinery, equipment, stores and building materials and accessories of any kind;
- (k) to approve, if it thinks fit, schemes prepared by any other person, firm, company or local authority to provide housing accommodation for workers in Suva or Lautoka or any other prescribed area.

*(Amended by Ordinance 17 of 1958, s. 8; 15 of 1967, s. 2; Legal Notice 112 of 1970.)*

- (2) Notwithstanding any limitation imposed by the provisions of subsection (1) upon the exercise by the Authority of the powers conferred upon it by those provisions, the Authority may—
  - (a) build, purchase or otherwise acquire dwelling houses for the purpose of providing housing accommodation for its employees, whether workers or not;
  - (b) sell, let or lease, for a purpose other than that of providing housing accommodation for workers, any land acquired by or vested in it, or any part thereof, which in its opinion, is not suitable for the provision of such housing accommodation;
  - (c) for any other purpose which may be approved by the Minister—
    - (i) purchase or otherwise acquire any land or any estate or interest therein;
    - (ii) build, purchase or otherwise acquire any dwelling-houses or other buildings;
    - (iii) subdivide, develop and erect buildings on any land acquired by or vested in it;
    - (iv) sell, let, lease or otherwise dispose of or make use of any land or building or any part thereof acquired by or vested in it;
    - (v) provide loans or other facilities or services to assist persons to purchase, let, lease, build, rebuild, alter, extend or repair houses or to carry out housing development or redevelopment; and
    - (vi) do any other act or thing for any purpose connected with the provision of housing.

*(Inserted by Ordinance 15 of 1967, s. 2; amended by Ordinance 40 of 1968, s. 2; Act 5 of 1973, s. 4.)*

*Conditions to be observed by the Authority in letting and selling houses*

**16.—(1)** In selling or leasing houses or providing loans or other facilities to assist workers to purchase, lease, build or otherwise obtain houses, the object of the Authority shall not be to make a profit but to enable workers and their families to obtain accommodation suitable to their needs at the minimum cost without the Authority actually incurring a loss.

In determining whether the Authority is incurring a loss in any transaction the capital cost (if any) of the land to the Authority shall be excluded.

(2) The Authority shall from time to time review rents and make such changes either of rents generally or of particular rents as circumstances may require.

(3) The Authority shall make it a term of every letting that the tenant shall not assign, sub-let or otherwise part with the possession of the premises or any part thereof except with the consent in writing of the Authority and shall not give such consent unless it is shown to its satisfaction that no payment other than a rent which is in its opinion a reasonable rent has been or is to be received by the tenant in consideration of the assignment, sub-letting or other transaction.

(4) The sale of houses by the Authority to workers may be subject to such covenants and conditions as the Authority may see fit to impose either in regard to the maintenance of the houses as dwelling-houses for workers or otherwise in regard to the use of the houses and, upon any such sale, the Authority may, if it thinks fit, agree to the price being paid by instalments or to a payment of part thereof and the remainder being secured by a mortgage of the premises.

*(Amended by Ordinance 17 of 1958, s. 9.)*

*Participation by Authority in undertaking*

17. The Authority may, with the approval of the Minister, participate in any undertaking with any person, firm, company or local authority for the provision of housing for workers and, in connection with such a scheme, may—

- (a) make advances from the funds of the Authority to any such person, firm, company or local authority upon such terms as to repayment of principal and interest and subject to such conditions as it may deem expedient;
- (b) give, sell, lease or exchange any land vested in the Authority to any such person, firm, company or local authority;
- (c) employ its funds and resources for the purpose of such an undertaking in such manner as it may think fit.

*(Amended by Legal Notice 112 of 1970.)*

*Temporary loans for administrative purposes*

18. The Authority may borrow, by way of temporary loan or overdraft, any sum or sums which the Authority may temporarily require for the purpose of defraying its administrative expenses.

*Power to raise loans*

19. The Authority may, from time to time, with the consent of and upon such terms and conditions as may be approved by the Minister, raise loans for the purpose of exercising its powers and carrying out its duties and obligations under this Act.

*(Amended by Legal Notice 112 of 1970)*

*Security*

20. The repayment of any moneys borrowed or loans raised under the provisions of sections 18 or 19 and the payment of interest thereon may be secured by mortgage, debenture or other charge upon the assets of the Authority and may be guaranteed by the Government.

*(Amended by Ordinance 40 of 1968, s. 3.)*

*Annual report and accounts*

21. The Authority shall furnish to the Minister, as soon as possible after the expiration of each financial year, a report upon the administration of the affairs of the Authority, together with a balance sheet and statement of the revenue and expenditure of the Authority duly audited by an auditor approved by the Minister. The report shall be laid before Parliament.

(Amended by Legal Notice 112 of 1970.)

*Exclusion of Fair Rents Act*

22. The provisions of section 19 of the Fair Rents Act, shall not apply to any house owned by the Authority and let or leased under the provisions of this Act.

(Amended by Ordinance 37 of 1966, s. 87.) (Cap. 269.)

*Compulsory acquisition of land*

23.—(1) If the Authority is unable to purchase by agreement and on reasonable terms suitable land for the purpose of carrying out its functions under section 15, the Authority may represent the case to the Minister who, if he is satisfied after such inquiry and after considering any representations made under subsection (2) as he may deem expedient that suitable land for the said purpose cannot be purchased on reasonable terms by agreement and that the circumstances are such as to justify the compulsory acquisition of the land for the said purpose, he may authorise the Authority, to seek to acquire the land compulsorily and thereupon the provisions of the Crown Acquisition of Lands Act shall apply.

(Amended by Ordinance 17 of 1958, s. 11; Legal Notice 112 of 1970; 118 of 1970.)

(Cap. 135.)

(2) The Authority shall give notice in a newspaper circulating in Fiji and in the Gazette of its intention to make application to the Minister under the provisions of subsection (1) and shall in such notice specify the land which it desires to acquire and any person may, within 30 days of the date of publication in the newspaper or Gazette, whichever be the later, make representations in writing in respect of such matter to the Minister. (Amended by Legal Notice 112 of 1970.)

*Plans not complying with building regulations, etc.*

24.—(1) The relevant competent authority shall have power to approve site plans and plans and specifications for buildings and streets or roads proposed for construction by or on behalf of the Authority, or by or on behalf of the Authority in participation with any person under section 17, or by or on behalf of any person in pursuance of any approved scheme, notwithstanding that such site plans, plans or specifications do not comply with the provisions of the Public Health Act, the Local Government Act, the Subdivision of Land Act, the Town Planning Act or with the provisions of any legislation made thereunder, and without following any procedure prescribed under any of those Acts, and the provisions of any such legislation shall not, so far as they are inconsistent with the site plans, plans and specifications, so approved, apply to buildings constructed or sites, streets or roads laid out in accordance with such site plans, plans and specifications. (Substituted by Ordinance 17 of 1958, s. 12.) (Cap. 111.) (Cap. 125.) (Cap. 140.) (Cap. 139.)

(2) If any dispute arises between the Authority and a competent authority in relation to the exercise or non-exercise by that competent authority of any of the powers conferred on it by the provisions of subsection (1) which the Authority and

the competent authority are unable to settle by mutual agreement, such dispute shall be referred to the Minister for decision which decision shall be final. (*Inserted by Ordinance 17 of 1958, s. 12.*)

(3) For the purposes of this section, the relevant competent authority means—

(a) in relation to the Public Health Act and any legislation made thereunder— (Cap. 111.)

(i) in any town, the town council;

(ii) elsewhere in Fiji, the Central Board of Health;

(b) in relation to the Local Government Act, and any legislation made thereunder, the city or town council of the city or town within which the buildings are proposed to be constructed or the streets or roads laid out; (Cap. 125.)

(c) in relation to the Subdivision of Land Act, and any legislation made thereunder, the Director of Town and Country Planning; (Cap. 140.)

(d) in relation to the Town Planning Act, and any legislation made thereunder, the local authority as defined in that Act in respect of the area within which it is proposed to construct the buildings or lay out the streets and roads. (Cap. 139.)

(*Amended by Act 14 of 1975, s. 64; 24 of 1976, s. 12.*)

(4) Before approving any plans or specifications under the provisions of this section—

(a) the Central Board of Health shall obtain the recommendations of the local authority as defined in the Public Health Act; and

(Cap. 111.)

(b) the Director of Town and Country Planning shall obtain the recommendations of the local authority, as defined in the Subdivision of Land Act, (Cap. 140.)

of the area within which it is proposed to construct the buildings, or lay out the streets and roads.

(5) Notwithstanding the provisions of any written law (including this Act), the Authority may, subject to the approval of the Minister, erect or cause to be erected experimental housing accommodation without any prior reference to the relevant competent authority or any other person or authority:

Provided that—

(a) a plan of such proposed housing accommodation shall on each occasion be submitted to such Minister prior to such approval;

(b) any such approval shall permit the erection of one building or one each of a stated number of experimental variations thereof.

(*Inserted by Act 4 of 1970, s. 2; amended by Legal Notice 112 of 1970.*)

*Exemption of leases from certain conditions*

25. The provisions of paragraphs (a) and (b) of regulation 21 of the Crown Lands (Leases and Licences) Regulations shall not apply in respect of land leased by the Crown to the Authority during the currency of such lease.

*Exemption from tax*

26. The income of the Authority shall be exempt from income tax.

*Minutes and proceedings*

27.—(1) No act done or proceeding taken under this Act shall be questioned on the ground—

- (a) of the existence of any vacancy on, or any defect in the constitution of, the Authority; or
- (b) of any omission, defect or irregularity not affecting the merits of the case.

(2) Any minute made touching a meeting of the Authority shall, if duly signed by the Chairman of the Authority or authenticated by the Secretary, be receivable in evidence in all legal proceedings without further proof, and every meeting of the Authority in respect of which minutes have been so made shall be deemed to have been duly convened and held and all members thereof to have been duly qualified to act. (*Amended by Ordinance 17 of 1958, s. 13.*)

*Penalty for misapplication of loan*

28. Any person who knowingly applies any loan or part thereof made to him under the provisions of this Act to any purpose other than that authorised by the Authority shall be guilty of an offence and, on conviction, shall be liable to a fine not exceeding \$200 or to imprisonment for a term not exceeding 6 months, or to both such fine and imprisonment.

(*Inserted by Ordinance 26 of 1958, s. 2.*)

*False statements*

29. Any applicant for assistance, whether by way of loan, guarantee or otherwise, who wilfully fails to disclose any material information within his knowledge, or who wilfully makes any statement which he knows to be false or does not believe to be true, shall be guilty of an offence and on conviction shall be liable to a fine not exceeding \$200 or to imprisonment for a term not exceeding 6 months, or to both such fine and imprisonment.

(*Inserted by Ordinance 26 of 1958, s. 2.*)

*Regulations*

30. The Authority, with the approval of the Minister, may make regulations relating to the following matters:—

- (a) fixing, and from time to time varying the number of persons who may occupy a dwelling-house which is let by the Authority;
- (b) the use of the dwellings let by the Authority with a view to the prevention of nuisances and sanitary defects;
- (c) the inspection of houses and land vested in the Authority;
- (d) the time, place and manner for the payment of moneys payable under this Act;
- (e) the books and accounts to be kept by the Authority, and all other matters of a financial nature relating to the affairs of the Authority;
- (f) prescribing the forms of mortgages, charges, leases and other instruments;
- (g) generally, for regulating the administration of the Authority and for the purpose of carrying out the provisions of this Act.

(*Amended by Legal Notice 112 of 1970.*)

*Controlled by Ministry of Housing and Urban Affairs.*

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CHAPTER 267

HOUSING

SECTION 2.—PRESCRIBED AREAS

*Notices*

*Notifications by the Governor in Council*

*7th June, 1967.*

1. The area within a radius of 5 miles from the Ba Post Office.

*14th Nov., 1963, 10th Jan., 1966.*

2. The town of Labasa and the area within a radius of 5 miles from the Labasa Post Office.

*2nd Dec., 1963.*

3. The Tavua Rural Town Planning Area.

*3rd Sept., 1963.*

4. The area within a radius of 5 miles from the office of the Nadi Town Council.

*11th July, 1966.*

5. The area within a radius of 15 miles from the Suva Post Office.

*7th June, 1967.*

6. The area within a radius of 5 miles from the Lautoka Post Office.

*7th April, 1970.*

7. The area within a radius of 10 miles from the Sigatoka Post Office.

*Controlled by Ministry of Urban Development and Housing*