

REPUBLIC OF VANUATU

THE LANDS REFEREE ACT N° 15 OF 1982

Assent : 2/6/82

Commencement : 17/10/83

To provide for a Lands Referee.

BE IT ENACTED by the President and Parliament as follows :-

- Lands Referee.
1. (1) There shall be a Lands Referee who shall exercise the jurisdiction hereafter mentioned.
 - (2) The Referee shall be appointed by the President on the advice of the Judicial Service Commission.
 - (3) The person so appointed shall be a qualified valuation surveyor experienced in the management of land.
- Jurisdiction of Referee.
2. The Referee shall have jurisdiction to determine the following matters :-
 - (a) the amount of rent payable for a lease of land whether originally or on periodic reassessment;
 - (b) the value of improvements on or to land;
 - (c) any matter referred to him by any party to a lease of land relating to the interpretation of a provision in a lease;
 - (d) any matter which is by any Act or Order directed to be determined by him.
- Referee to act as expert and not as arbitrator.
3. (1) In exercising jurisdiction under section 2 (a) and (b) the Referee shall act as an expert and not as arbitrator. He shall consider any valuation and reasons submitted to him by the parties to an application but shall not be in any way limited or fettered thereby and shall reach his decision in accordance with his own judgment.

- (2) In exercising jurisdiction other than under sections 2 (a) and (b), he may act as arbitrator.

Decision of Referee to be final.

4. A decision of the Referee shall be final .
Provided that any person aggrieved by the decision as being erroneous in point of law may require the Referee to state a case for the decision of the Supreme Court.

Costs.

5. The Referee may order that the costs of any proceedings before him incurred by any party shall be paid by any other party.

Rules for regulating proceedings before the Referee.

6. Subject to the provisions of this Act, the Judicial Committee established under the Courts Regulation 1980 may make rules for regulating proceedings before the Referee and for the fees chargeable in respect of those proceedings.

Powers of Referee.

7. (1) In exercising the jurisdiction hereby conferred a Referee shall have like powers to those of the Supreme Court to summon witnesses, to call for production of books, plans and documents and to examine on oath witnesses and parties concerned.
(2) Where the Referee considers it desirable he may receive evidence by affidavit or administer interrogatories and require the person to whom the interrogatories are administered to make a full and true reply thereto.

Commencement.

8. This Act shall come into force on the day of its publication in the Gazette.