

SAMOA

Arrangement of Provisions

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

2015, No. 46**AN ACT to amend the Land Titles Registration Act 2008**
(“principal Act”). *[05th November 2015]*

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.

(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.”.

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-(1) 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

(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”.

(2) In the Property Law Act 1952, omit section 76(2) and substitute as follows:

“(2) A mortgage in that form has effect as a security but does not operate as a transfer of the land mortgage.”.

**The Land Titles Registration Amendment Act 2015 is administered
by the Ministry of Natural Resources and Environment.**

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