

WESTERN SAMOA

Arrangement of Provisions

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1997, No.9

AN ACT to amend the Lands, Surveys and Environment Act 1989 setting forth the mode and procedure by which Government lands can be legally alienated by way of sale. (23 April 1997)

BE IT ENACTED by the Legislative Assembly of Western Samoa in Parliament assembled as follows:

- 1. Short Title and Commencement-**(1) This Act may be cited as the Lands, Surveys and Environment Amendment Act 1997 and shall be read together with and deemed part of the Lands, Surveys and Environment Act 1989 (hereinafter referred to as the principal Act).
- (2) This Act shall come into force on the day it is assented to by the Head of State.

- 2. Board may call for applications from the Public to lease Government Lands** - Section 30 of the principal Act is hereby amended by repealing the title and subsection (1) and substituting the following:

"30. Board may call for applications from the Public to lease Government Lands-(1) The Board may by public notice call for applications from the public for any Government land available for alienation by way of Lease under the Act".

3. Board may call for applications from the public for Government lands to be alienated by way of sale-(1) The Principal Act is further amended by inserting the following section immediately after section 30:-

"30A. Board may call for tenders from the Public for Government Lands available to be alienated by way of sale-(1) Where the Board has determined that certain Government lands are available for alienation by way of sale (hereinafter called "such lands") it shall first obtain the approval of Cabinet for the alienation by way of sale of such lands.

(2) Once Cabinet approval has been obtained, the Board shall cause a valuation of such lands to be made by a qualified and competent valuer or valuers from whose reports, the Board shall establish reserve prices for such lands.

(3) The Board shall then by public notice call for tenders from members of the public for the alienation by way of sale of such lands.

(4) Such public notice shall include the following information:

- (a) The full legal descriptions of such lands.
- (b) The time within which all tenders should be received in the Office of the Director of Lands, Surveys and Environment in Apia.
- (c) Other terms and conditions as the Board may specify including those concerning the deposit and the payment of the purchase prices.

(5) All tenders shall be enclosed in sealed envelopes marked "Tender for Government Lands" addressed to the Director of Lands, Surveys and Environment who shall upon receipt of tenders stamp or otherwise endorse on the faces of the envelopes containing the tenders the dates and hours of their receipts under his or her signature.

(6) The Director of Lands, Surveys and Environment shall ensure that all tenders are kept unopened in a safe place under his or her care and custody.

(7) The Director of Lands, Surveys and Environment shall within four (4) days after the expiry of the closing date for tenders call a special meeting of the Board for the purpose of opening the tenders and determining the successful tenderers.

(8) The opening of the tenders shall be done publicly and all tenderers shall be invited by public notice to attend and witness the opening of the tenders.

(9) Subject to subsection (11) of this section, the person with the highest tender shall be the successful tenderer and is entitled to purchase the land or such lands he or she has tendered for at the price contained in his or her tender.

(10) Where two or more tenders contains equivalent monetary offers which are the highest in respect of one of such lands, the names of such tenderers shall be written on pieces of papers and placed in a bowl. The successful tenderer is the one whose name appears on the piece of paper drawn from the bowl by a Police Constable in the presence of all the tenderers or the representatives of such tenderers who submitted equivalent monetary tenders. Subject to subsection (11) of this section the successful tenderer is entitled to purchase the land tendered for.

(11) A successful tenderer who turns out to be either "a non resident citizen" within the meaning of the Alienation of Freehold Lands Act 1972 or whose tender price is less than the reserve price established by the Board pursuant to subsection (2) of this section for the particular land, shall be disqualified.

(12) Any of such lands may at any time be withdrawn by the Board notwithstanding that tenders in respect thereof may have been received by the Director of Lands, Surveys and Environment.

(13) In the event that successful tenderers have been disqualified pursuant to the preceding subsection (11) of this section, the Board may readvertise by public notice tenders for such lands.

(14) Notwithstanding anything to the contrary in this or any other Act, where such lands are being occupied by persons who are lessees under current leases from the Government or recognised assignees of the leasehold interests in such leases, the Board with the prior approval of Cabinet shall offer such lands for alienation by way of sale to the said persons should they so apply, at the prices which are not less than the current market valuations of such lands as determined by the Board based upon up-to-date valuations by a qualified and competent valuer or valuers and in accordance with such terms and conditions as the Board may specify."

4. Allotment of land without competition - Section 31 subsection (1) of the principal Act is hereby amended by inserting the words "under section 30" between the word "and" and the word "without" appearing in the first line of the section and by omitting the words "under the last preceding section" appearing in the third line of section 31 subsection (1).