

**ACT NO. 2 OF 2023**

I assent.

W. KATONIVERE  
President

[6 April 2023]

**AN ACT****TO AMEND THE ITAUKEI LAND TRUST ACT 1940**

ENACTED by the Parliament of the Republic of Fiji—

*Short title and commencement*

**1.**—(1) This Act may be cited as the iTaukei Land Trust (Amendment) Act 2023.

(2) This Act comes into force on a date appointed by the Minister by notice in the Gazette.

(3) In this Act, the iTaukei Land Trust Act 1940 is referred to as the “Principal Act”.

*Section 12 amended*

**2.** Section 12 of the Principal Act is amended by deleting subsections (1A) and (3).

*Section 12A inserted*

**3.** The Principal Act is amended after section 12 by inserting the following new section—

*“Transitional for section 12*

12A. For the avoidance of doubt—

- (a) any mortgage registered under section 12 on or after 1 August 2021 and before the commencement of the iTaukei Land Trust (Amendment) Act 2023 is deemed to have acquired the required consent in accordance with section 12;

- (b) any application received for any mortgage under section 12 on or after 1 August 2021 and before the commencement of the iTaukei Land Trust (Amendment) Act 2023 and is yet to be processed, must acquire the required consent in accordance with section 12;
- (c) any charge, pledge, caveat or lease to be dealt with by any court of law or under the process of any court of law under section 12 on or after 1 August 2021 and before the commencement of the iTaukei Land Trust (Amendment) Act 2023 is exempted from the required consent in accordance with section 12; and
- (d) any application received for any charge, pledge, caveat or lease to be dealt with by any court of law under section 12 on or after 1 August 2021 and before the commencement of the iTaukei Land Trust (Amendment) Act 2023 and is yet to be processed, is exempted from the required consent in accordance with section 12.”.

Passed by the Parliament of the Republic of Fiji this 6th day of April 2023.