

TRIBAL LAND ACT  
(Cap. 32:02)

TRIBAL LAND (ESTABLISHMENT OF LAND TRIBUNALS)  
(AMENDMENT) ORDER, 2003  
(Published on 28th November, 2003)

ARRANGEMENT OF PARAGRAPHS

PARAGRAPH

1. Citation
2. Amendment of Cap. 32:02 (Sub. Leg.)
3. Amendment of paragraph 6 of the Order
4. Amendment of the Order

IN EXERCISE of the powers conferred on the Minister of Lands and Housing by section 40 of the Tribal Land Act, the following Order is hereby made —

1. This Order may be cited as the Tribal Land (Establishment of Land Tribunals) (Amendment) Order, 2003. Citation
2. The Tribal Land (Establishment of Land Tribunals) Order (hereinafter referred to as “the Order”) is amended in paragraph 3 thereof — Amendment of Cap. 32:02 (Sub.Leg.)
  - (a) by substituting, for the words “so appointed by the Minister” which appear in subparagraph (1) (a) thereof, the words “appointed in accordance with the Public Service Act”,
  - (b) by substituting, for clause (b) of subparagraph (1) thereof, the following new clause — Cap. 26:01
    - (b) “two other members appointed on contract in accordance with the Public Service Act.”.
  - (c) by substituting, for the words “the Minister shall appoint another person qualified in terms of subparagraph (1)(a)” which appear in subparagraph (2) thereof, the words “another person qualified in terms of subparagraph (1)(a) shall be appointed in accordance with the Public Service Act”;
  - (d) by substituting, for the words “the Minister shall appoint another person qualified in terms of that subparagraph” which appear in subparagraph (3) thereof, the words “another person shall be appointed in accordance with the Public Service Act”;
  - (e) by substituting for subparagraph (5) thereof, the following new subparagraph — Cap. 26:01
    - “(5) The members appointed under subparagraph (1) shall hold office for such period of contract as may be determined in accordance with the Public Service Act unless they earlier terminate their contracts, or their contracts are terminated in accordance with that Act; and such contracts may be renewed for such further periods of contract as are permissible in terms of that Act.”; and Cap. 26:01

(f) by substituting, for subparagraph (6) thereof, the following new subparagraph —

“(6) The persons co-opted under subparagraph (4) shall be paid such allowances as may be determined by the Minister.”.

Amendment  
of paragraph  
6 of the Order

3. Paragraph 6 of the Order is amended —

(a) in subparagraph (5) thereof, by substituting for the words “the Minister shall exercise his powers under paragraph 3(3) to appoint a person”, the words “another person shall be appointed in accordance with paragraph 3(3)”;

(b) in subparagraph (8) thereof, by deleting the words “for suitable periods not, except in exceptional circumstances, exceeding 14 days” which appear therein; and

(c) by inserting, immediately after subparagraph (10) thereof, the following new subparagraphs —

“(10A) A person who is found guilty by the Land Tribunal of an offence referred to in section 39 of the Act shall be liable to a fine of P10,000, or if the offender is a corporate body, to a fine of P20,000.

(10B) A land board, or any other party to an appeal before a Land Tribunal that, without reasonable excuse, fails to enforce any determination made by the Land Tribunal in relation to an appeal under this Order shall be guilty of an offence and liable to a fine of P10,000, or if the offender is a corporate body, to a fine of P20,000.”.

Amendment  
of the Order

4. The Order is amended by inserting, immediately after paragraph 6 thereof, the following new paragraph —

“Costs

6A. A Land Tribunal shall, where it considers it appropriate to do so, award to a party to the proceedings before it such costs as the Tribunal may determine.”.

MADE this 10th Day of November, 2003.

M. NASHA,

*Minister for Lands and Housing.*

L2/4/586 III