

**LAWS OF TONGA**

[1988 Ed.]

**LAND ACT**

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## CHAPTER 132

### LAND

Acts Nos. 20 of 1903 (S. 638),  
19 of 1927,  
9 of 1929,  
17 of 1930,  
16 of 1933,  
15 of 1934,  
19 of 1934,  
13 of 1936,  
4 of 1937,  
7 of 1940,  
5 of 1941,  
22 of 1942,  
7 of 1943,  
7 of 1945,  
9 of 1945,  
5 of 1947,  
10 of 1948,  
12 of 1949,  
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3 of .1951,  
5 of 1952,  
9 of 1953,  
16 of 1953,  
8 of 1955,  
9 of 1958,  
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9 of 1968,  
4 of 1972,  
6 of 1973,  
14 of 1973,  
20 of 1974,  
18 of 1976,  
18 of 1977,  
6 of 1978,  
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11 of 1980,  
15 of 1980,  
7 of 1982,  
1 of 1983,  
18 of 1983,  
16 of 1984,  
21 of 1984,  
7 of 1986,  
4 of 1987,  
46 of 1988,  
and G. S. 43/72, 13/76,  
38/79, 117/86, 1/87,  
and G. 49/76, G. 137/77.

## AN ACT RELATING TO LAND

*[23rd August, 1927]*

### **Short title.**

1. This Act may be cited as The Land Act.

### **Interpretation.**

2. In this Act unless the context otherwise requires-

"Court" means the Land Court;

"Minister" means the Minister of Lands, the Governors of Vava'u and Ha'apai when acting as Deputy Minister, and any other person duly appointed to act for the Minister;

"foreshore" means the land adjacent to the sea alternately covered and left dry by the ordinary flow and ebb of the tides and all land adjoining thereunto lying within 15.24 metres of the high water mark of the ordinary tides;  
*(Amended by Acts 11 of 1980 and 21 of 1984.)*

"prescribed" means prescribed by this Act or regulations made hereunder;

"registered" in reference to any document means registered under this Act or regulations made hereunder;

"landholder" or "holder" means-

- (a) as regards Crown Land the Minister of Lands;
- (b) any Tongan subject holding an hereditary estate (tofia), a tax allotment (api tukuhau) or town allotment (api ikolo);
- (c) any Tongan subject claiming to be interested in land which he is legally capable to hold;
- (d) any trustee duly appointed by the King, the Minister, or the Court on behalf of any person entitled to succeed to any land on reaching the lawful age of succession in respect of such land;
- (e) any person appointed as or acting as trustee or representative for any person beneficially entitled to any land or interest in land;
- (f) any person who claims to be entitled to any land or interest in land whether in actual possession or occupation or otherwise.

## **PART I.--GENERAL**

### **DIVISION I**

#### *Declaratory*

#### **Land the property of the Crown.**

3. All the land of the Kingdom is the property of the Crown.

#### **Holder's interest.**

4. The interest of a holder in any hereditary estate, tax allotment or town allotment is a life interest subject to the prescribed conditions.

#### **Holdings hereditary.**

5. Every estate (tofia) and allotment (api) is hereditary according to the prescribed rules of succession.

#### **Dispositions of land prohibited.**

6. Every verbal or documentary disposition by a holder of any estate (tofia) or allotment (api) which purports to effect a voluntary conveyance, an out-and-out sale, or a devise by will of such estate or allotment is null and void.

### **Right to allotment.**

7. Every male Tongan subject by birth upon making application in the prescribed form to the Minister of Lands shall be entitled, to allotments. receive subject to the provisions of this Act a grant of land not exceeding 3.3387 hectares as a tax allotment and where any such grant is less than 3.3387 hectares the Minister may from time to time as land becomes available and as he deems expedient make further grants to such holder until the area granted to him as a tax allotment has a total area of 3.3387 hectares. He shall also be entitled to receive on making application as aforesaid and subject to the provisions of this Act a grant of an area not exceeding 1618.7 square metres in a town as a town allotment.

*(Substituted by Act 8 of 1955 and Amended by Acts 11 of 1980 and 21 of 1984.)*

### **Tofias to provide allotments.**

8. Subject to the provisions of this Act relating to surrender, the grant, if the applicant be lawfully residing on an hereditary estate, shall be made from the lands in such hereditary estate; and if the applicant is lawfully residing upon Crown Land shall be -made from Crown Land:

Provided always that land comprised in an hereditary estate shall not be granted as a tax or town allotment without prior consultation with the holder of the hereditary estate.

### **The tofias.**

9. The lands specifically described in column one of Schedule I are the hereditary estates held by the nobles and matapules whose names are set out in column two of the said Schedule.

### **The Royal Estates.**

10. (1) All lands other than those described in Schedule I are Crown lands and there shall be set aside therefrom the lands specifically described in Schedule II as the Royal Estates for the use of the Sovereign for the time being and there shall also be set aside therefrom the lands described in Schedule III as the Royal Family Estate. A life interest in any of the lands described in Schedule III or any portion thereof may be granted to such person as the Sovereign for the time being may appoint.

(2) Notwithstanding subsection (1), His Majesty may lease for projects of general public interest and benefit any of the lands or part thereof described in Schedule II and Schedule III.

*(Substituted by Act 4 of 1987.)*

### **King may grant estates.**

11. The King with the consent of the Privy Council and subject to grant estates the provisions of this Act, may grant from the Crown Lands hereditary estates to Tongan subjects who are holders of hereditary estates or who may at any time be granted by royal letters patent a title of honour.

## **DIVISION II**

## *Penalties for Unlawfully Dealing with Land*

### **Sales of land.**

12. Any landholder who sells or attempts to sell any land out-and out to any other person shall be liable on conviction therefore to a term of imprisonment not exceeding 10 years.

### **Unlawful agreements.**

13. Any landholder who enters or attempts to enter into any agreement for profit or benefit relating to the use or occupation of his holding or a part thereof other than in the manner prescribed by this Act or as approved in writing by the Minister shall be liable on conviction to a fine not exceeding \$200 or to imprisonment for any period not exceeding 12 months or both.  
*(Amended by Act 18 of 1983.)*

### **Alien not to occupy land.**

14. It is unlawful for any alien to hold or to reside upon or to occupy any land without having first obtained from the Minister of Lands a permit so to do issued by him in exercise of the powers conferred under section 19(4) of this Act. Any alien who contravenes the provisions of this section shall on conviction be liable to a fine not exceeding \$20 or in default of payment to imprisonment for any period not exceeding 3 months.  
*(Amended by Act 12 of 1949.)*

### **Holder not to permit alien to occupy.**

15. Any landholder who allows an alien to reside upon or occupy any part of his holding shall, unless such alien has been granted a lease or permit in accordance with this Act, be guilty of an offence and on conviction therefore shall be liable to a fine not exceeding \$20 or in default of payment to imprisonment for any period not exceeding 3 months.

### **Mortgage of growing crops.**

16. It shall be unlawful for any Tongan subject to make any mortgage agreement or other document pledging or charging or selling his growing crops of coconuts, yams or other produce or any part thereof. Any person acting in contravention of this section shall on conviction be liable to a fine not exceeding \$100 or to imprisonment for any period not exceeding 6 months.

## **DIVISION III**

### *Land held by Charitable Bodies*

#### **Right to lease land.**

17. Religious bodies, charitable and social organizations, may subject to the provisions of this Act hold land upon lease:

Provided that no land shall be granted upon lease in any town to any religious body unless there are at least thirty adherents of that body resident in such town and that each such adherent has attained the age of 16 years.

*(Amended by Acts 9 of 1968 and 46 of 1988.)*

### **Conditions of holding.**

**18.** (1) Religious bodies and charitable and social organizations holding land on lease shall not have the right to use such land for any holding other than the original purposes of the body or organization declared at the time of the making of the lease, or to transfer or sub-let such land, without the prior consent of Cabinet.

*(Amended by Act 14 of 1973.)*

(2) If any such body or organization contravenes the provisions of this section the Minister may with the consent of the Cabinet institute proceedings in the Land Court against such body or organization claiming therein the cancellation of its lease and on proof of the contravention of this section by such body or organization the Court shall order such lease to be delivered up to be cancelled and upon cancellation of the lease the lands therein specified if situate in an hereditary estate (tofia) or town allotment (api kolo) shall revert to the holder and if situate elsewhere shall revert to the Crown.

(3) It shall be unlawful for any person holding a town allotment or any land upon lease other than a charitable lease to erect thereon a place of worship and any holder of a town allotment or lessee acting in violation of this section shall be liable to forfeiture of his town allotment or to the cancellation of his lease or sub-lease (as the case may be) upon the institution in either case by the Minister with the consent of the Cabinet of such legal proceedings as are specified in the immediately preceding subsection, and shall also be liable upon conviction to a fine not exceeding \$20.

## **PART II.-ADMINISTRATION**

### **DIVISION I**

#### *Power of Minister of Lands*

### **General powers.**

**19.** (1) The Minister of Lands is the representative of the Crown in all matters concerning the land of the Kingdom.

(2) He shall grant allotments to Tongan subjects duly entitled thereto by law.

(3) He shall grant leases and permits with the consent of Cabinet; provided that the consent of His Majesty in Council is required where the period of lease exceeds 99 years or where the

period of renewal of any lease added to any previous renewals and to the original period of the lease exceeds 99 years.

*(Substituted by Act 20 of 1974.)*

(4) He shall issue permits for foreigners to reside upon the premises of a Tongan subject.

(5) He shall act as Registrar-General of all land titles.

(6) He shall authorize all surveys and order the opening of all new roads, but shall not close any road except with the consent of the Cabinet.

(7) He shall collect the rents for all allotments on Crown Land, and all leases and permits; and where the land leased is part of any hereditary estate or an allotment shall pay the lease rent into the Treasury and shall issue a voucher in favour of the holder of the estate or allotment for that amount of rent less ten per centum thereof.

(8) He shall in every case where no application is made to the Court for the appointment of a Trustee or Trustees appoint one or more fit and proper persons to act with or without remuneration as trustee or trustees for any Tongan other than a noble or matapule who being entitled to land is under the age appointed by law for succeeding thereto.

*(Added by Act 19 of 1934.)*

(9) He shall require any trustee or trustees appointed in accordance with the preceding subsection to submit accounts of his or their trust estates and he may dismiss any trustee guilty of mismanagement, breach of trust or fraud in connection with the trust estate and he may appoint another trustee in his stead.

*(Added by Act 19 of 1934.)*

(10) He shall approve mortgages and assignments thereof.

*(Inserted by Act 18 of 1976.)*

### **Provision of land offices.**

**20.** There shall be provided from the Public Funds of the Kingdom-

(a) a suitable office in Nuku'alofa for the use of the Minister and for the safe keeping of all documents and registers relating to titles;

(b) suitable fire proof storage in the offices of the Governors or other persons duly appointed to act for the Minister in places other than Nuku'alofa, Neiafu (Vava'u) and Lifuka (Ha'apai).

### **Powers exercisable by deputy.**

**21.** Where in this Act any authority is given to or any duty is imposed upon the Minister, the authority may be exercised and, subject to any express exemption hereinafter provided, the duty

shall be performed by the Governors of Ha'apai and Vava'u in their respective districts or, in any other districts, by any person appointed by the Cabinet to act for the Minister.

**Powers to make regulations.**

**22.** (1) The King with the consent of the Privy Council may, from time to time, make regulations providing for all purposes whether general or to meet particular cases that may be convenient for the administration of this Act or that may be necessary or expedient to carry out the objects and purposes of this Act and where there may be in this Act no provision or no sufficient provision in respect of any matter or thing necessary or expedient to give effect to this Act, providing for or supplying such omission or insufficiency and without prejudice to the foregoing powers, providing for all or any of the matters following, that is to say-

(a) prescribing and defining the manner of doing or performing any act or thing under or for the purposes of this Act, and the time when or within which it shall be done or performed;

(b) prescribing forms of registers, books, documents, instruments and writings, and the conditions, stipulations, reservations and exceptions that shall be inserted or that shall be implied in grants, leases, permits, and other instruments;

(c) defining the duties of officers;

(d) regulating the procedure in applications to the Minister of Lands;

(e) regulating the cutting, getting, and removal of timber; sand; stone, metals, and material on and from Crown Land or any holding;

(f) regulating commons and public reserves in cases not otherwise provided by law.

(2) The regulations may impose fees in respect of any inspection, survey, lease, licence, registration, certificate, permit or other matter granted or made by any officer or other person under this Act; and in respect of any application made to any officer or other person under this Act:

Provided that the fees set out in Schedule IV shall be the fees imposed until the same have been varied or revoked in pursuance of the authority given by this section.

(3) The regulations may impose royalties to be paid to the Crown in respect of timber, stone, sand, and metals or other material cut, got and removed pursuant to any permits, issued under this Act.

(4) Any person who offends against any regulation shall be liable to a penalty not exceeding \$100.

*(Amended by Act 7 of 1982.)*

## DIVISION II

### *Definition of Areas and Boundaries*

#### **Minister to define boundaries.**

**23.** (1) The Minister shall endeavour to define the holdings and boundaries of every landholder and for such purpose he is empowered to serve any landholder with a notice in writing requiring such landholder to attend at the office of the Minister for the district in which such landholder's land is situated and to define the area and boundaries of his land.

(2) Where any landholder having been served with such notice as is mentioned in subsection (1) of this section neglects or refuses to attend at the office of the Minister it shall be lawful for the Minister after the expiration of 30 days from the service of such notice to institute proceedings against such landholder in the Court for the purpose of determining the area and boundaries of such landholder's land and all disputes in connection therewith.

(3) Where the landholder having been served with the notice; mentioned in subsection (1) of this section attends in obedience; thereto at the office of the Minister and it becomes apparent to the Minister that there is a dispute concerning the area or boundary of such landholder's land the Minister may order such landholder to take proceedings in the Court for the determination of any such dispute.

(4) A notice under this section may be served upon the landholder or his representative in the district in which the land in respect of which the notice is given is situated.

#### **Minister may direct a survey.**

**24.** If there is any dispute in regard to the area or boundaries of his holding as defined by any landholder or in regard to any other matter concerning his land the Minister may direct that a survey be made of the area or boundaries of such land.

#### **Survey where holder and Minister agree.**

**25.** Should there be no dispute in reference to any area or boundary the Minister shall have a survey made of the land and file a copy of such survey in the office of the Minister at Nuku'alofa.

#### **Survey after dispute settled by court.**

**26.** After any decision of the Court or (where such decision has been appealed from) after the decision of the Appeal Court the Minister shall cause a survey to be made of the boundaries of the holding as finally determined by such decision and shall cause a copy of such survey to be filed in the office of the Minister at Nuku'alofa.

#### **Minister may order holder to go to court.**



**27.** Should any landholder after being ordered to do so by the Minister neglect or fail to bring an action in the Court within 14 days to go holder of being so ordered and the Minister takes action in accordance with court section 23(2) the Court may order the landholder to pay all costs of the action.

**Determination of boundaries to be final.**

**28.** In the case of any dispute as to the area or boundaries of a holding the decision of the Court or if there is an appeal the decision of the Appeal Court shall be final and in any case where there is no dispute the determination by the Minister and the landholder of the area and boundaries shall be conclusive and no further action or demand in regard thereto shall be maintainable.

**Registration compulsory after determination.**

**29.** (i) Upon the boundaries of any allotment having been determined in the manner prescribed by this Part of this Act the holder shall forthwith register his holding in the office of the Minister for the district in which such allotment is situated and the Minister shall grant such holder a deed of grant in the form in Schedule V.

(2) Upon the boundaries of any hereditary estate having been determined in the manner prescribed by this Part of this Act the Minister shall deliver to the holder a tofia certificate in the form set out in Schedule VI.

**PART III. - HEREDITARY ESTATES**

**DIVISION I**

*Rights of Holders*

**Felon, idiot or imbecile not to succeed.**

**30.** Any land granted as an hereditary estate shall descend to the lawful heirs of the body of the grantee in accordance with clause 111 of the Constitution:

Provided that no person shall be granted or be permitted to succeed to a noble's or matapule's hereditary estate who has been convicted of an indictable offence and has not been pardoned, or who is insane or imbecile.

*(Amended by Act 46 of 1988.)*

**Holder's right to rents.**

**31.** The holder of a hereditary estate shall receive from every tax allotment holder on that estate the rent prescribed by this Act without deduction. He shall also receive ninety per centum of the rent reserved in any lease demising a part of the estate for a term of years.

*(Amended A c t 4 of 1980)*

**Holders may not dispossess allotment holder.**

**32.** The holder of a hereditary estate shall not dispossess in any manner other than the manner provided by the Act any holder of a tax or town allotment of his allotment. Any holder of an hereditary estate acting in contravention of this section shall be liable upon conviction to a fine not exceeding \$20 or to imprisonment for a period not exceeding 3 months and shall also be liable in damages at the suit of the dispossessed holder, and the Court shall order the allotment to be returned to the dispossessed holder.

**Holder's right to lease.**

**33.** (1) The holder of an hereditary estate may subject to the provisions of this Act lease such portions of the estate as have not been granted as allotments or will not, in the opinion of the Cabinet, be required for allotments within the term of the lease. The opinion of the Cabinet in such matter shall be conclusive and final.

(2) The total amount of land leased on an hereditary estate under subsection (1) (other than land leased to religious bodies, charitable institutions, the Commodities Board and the Tonga Electric Power Board) shall in no case exceed five per cent of the total area of that hereditary estate:  
*(Amended by Acts 8 of 1955, 4 of 1980 and Act 46 of 1988.)*

Provided that nothing in this section shall affect in any way whatsoever any lease granted prior to the tenth day of September 1945.

*(Added by Act 7 of 1945.)*

**Holder not to refuse land for allotments.**

**34.** (1) The holder of an hereditary estate shall admit into possession any person who has been granted an allotment upon his estate by the Minister:

Provided that a holder shall be permitted to reserve a portion of the hereditary estate, being of such area as may be determined by regulation, for the sole use of himself and his successors in title.

(2) Before making a grant of a tax allotment out of an hereditary estate the Minister shall consult the holder thereof and hear any objections he may make to the grant being made and where the Minister and the holder of the hereditary estate fail to agree, the Minister shall nevertheless grant the land as a tax allotment but such grant shall within 3 months of the making thereof be liable to review by the Court, the decision of which on the matter shall be final.

**Holder may refuse permission to reside.**

**35.** (1) Nothing contained in section **34** hereof shall be deemed or construed as prohibiting any holder of an hereditary estate from refusing permission to take up residence on his hereditary

estate to any person who belongs to another locality or holds a tax allotment elsewhere even though the wife of such person belongs to a village upon such holder's estate.

(2) Any such person coming to reside on an estate may be ordered in writing by the holder to leave, and if that person refuses or fails to obey such order within 7 days he shall be liable on conviction therefore to a fine not exceeding \$4 and in default of payment to imprisonment for any period not exceeding one month.

### **Renewal of leases.**

**36.** (1) Where on the expiration of any lease of land forming part of any hereditary estate or of an allotment the holder of such hereditary estate or allotment fails to agree to the grant of a new lease for a period equal to that of the expiring lease at a rent not greater than that reserved in such expiring lease within 3 months after a request in writing so to do by the holder of such expiring lease it shall be lawful for the Minister at the direction of Cabinet to grant to such holder of such expiring lease a further lease for a period not exceeding that granted in the expiring lease and such further lease shall be as effective for all purposes as though granted by the holder of the hereditary estate or allotment of which it forms part:

Provided always that no lease shall be granted under this section whereby the total period of the original lease and any leases granted under this section shall exceed 99 years, unless the prior consent of His Majesty in Council has been obtained:

Provided further that no lease shall be granted under this section unless a request in writing for a new lease shall have been served on the holder of the hereditary estate or allotment of which the land leased forms part not less than 6 months before the termination of the expiring lease.  
*(Amended by Acts 14 of 1973 and 20 of 1974.)*

(2) On the expiration of any lease of land forming part of Government land it shall be lawful for the Minister at the direction of Cabinet after a request in writing so to do by the holder of the expiring lease to grant to such holder of such expiring lease a further lease for a period not exceeding that granted in the expiring lease:

Provided that no lease shall be granted under this section whereby the total period of the original lease and any leases granted under this section shall exceed 99 years, unless the prior consent of His Majesty in Council has been obtained.  
*(Amended by Acts 14 of 1973 and 20 of 1974.)*

(3) No lease shall be granted under this section unless all rent due shall have been paid and all other terms and conditions of the expiring lease shall have been observed and performed.  
*(Added by Act 15 of 1934.)*

## **DIVISION II**

### *Devolution of Hereditary Estates on Death; Trusteeship*

### **Loss of rights upon conviction, etc.**

**37.** Any holder of any hereditary estate convicted of an indictable offence or certified by a medical officer to be insane or imbecile shall as from the date of such conviction or certificate cease to hold such title and the estate.

*(Amended by Act 46 of 1988.)*

### **King to publish name of lawful successor.**

**38.** (1) Upon the death of a holder of an hereditary estate or upon a conviction of an indictable offence or upon his being certified as insane or imbecile by a medical officer, His Majesty shall cause the name of the lawful successor to the title of such holder to be published in the Gazette together with the date of his succession thereto which shall be the day following that on which the death of the holder took place or on which the holder was convicted of an indictable offence or was certified by a medical officer as insane or imbecile.

*(Amended by Act 45 of 1988.)*

(2) On a convenient day not more than 6 months after the date of such publication, or, where the lawful successor is on such date a minor, 6 months after the day he attains the age of 21 years, His Majesty shall summon the person so named to appear before him in the Privy Council and there to take the oath of allegiance set out in Schedule VII.

(3) The clerk of the Privy Council shall keep a roll of all persons holding hereditary estates.

### **Date succession operates.**

**39.** The successor to the title if he has attained the age of 21 years shall as from the date of succession published in the Gazette possess and enjoy the hereditary estate appurtenant to the title to which he has succeeded together with the rents and profits thereof and all other rights and privileges attached to the title.

### **Appointment, remuneration and accounts of trustees.**

**40.** (1) Whenever upon the death of a holder of an hereditary estate or upon his being convicted of an indictable offence or being duly certified as insane or imbecile his lawful successor has not attained the age of 21 years His Majesty shall appoint one or more fit and proper persons to act as trustees for such successor during his minority for the purpose of protecting, preserving and managing the hereditary estate appurtenant to the title to which he has succeeded and of applying for his maintenance and benefit all moneys or profits arising from such estate including the salary attached to the title and all moneys arising from the sale or hire of live stock or from the sale of copra or other produce until such time as the successor attains the age of 21 years.

*(Amended by Act 46 of 1988.)*

(2) Every trustee shall at the end of each period of 6 months present to His Majesty a statement of account concerning the estate of which he is trustee. Such statement shall be verified on oath and shall show clearly each item of receipt and outgoing in connection with the estate.

(3) Every trustee shall be paid such remuneration out of the estate of which he is trustee as may be determined by His Majesty.

(4) His Majesty may dismiss any trustee who is guilty of mismanagement, breach of trust, or fraud in connection with his trusteeship and appoint another trustee in his stead.

### **Rules of succession.**

**41.** Upon the death of a holder of an hereditary estate the succession to the estate shall be as follows-

(a) only persons born in wedlock may inherit;

#### *Explanation*

Provided marriage precedes the birth of a child such child is legitimate and capable of succeeding no matter how short the interval between the parents' marriage and its birth.

(b) no person shall be entitled to succeed who is insane, or has since the granting of the Constitution been convicted of an indictable offence;

(c) the inheritance shall descend in the first place to the issue of the deceased holder in infinitum;

(d) the male issue shall be preferred to female issue of the same degree;

#### *Examples*

On the death of a holder leaving a son and a daughter, the son is entitled to succeed.

On the death of a holder leaving a grand-daughter and grand-son, children of the same parents, the grand-son will succeed.

(e) as between issue of the same degree of relationship to the deceased holder the eldest shall inherit;

#### *Examples*

On the death of a holder leaving three sons the eldest will succeed. Similarly in the case of a holder dying and leaving only daughters, the eldest would succeed. Again if a holder's only son predeceases him leaving three sons the eldest of such sons would succeed on the death of the holder.

(f) all the lineal descendants of any deceased person who if he had been alive would have been entitled to succeed shall represent their ancestor, that is, they shall have the same right to succeed as such person would have had if still living:

Provided always that no female and no male descendant claiming through a female shall be entitled to succeed by right of representation so long as any heir male of the body of the deceased holder survives;

### *Examples*

A the holder dies leaving a son B, a daughter C and a grand-son E (child of A's eldest son D deceased). Under rules *(d)* and *(e)* D, if alive, would have succeeded in preference to C or B and as under this rule E stands in the same place as his father D if still living would have done, E will succeed in preference to C or B.

W a holder dies leaving a daughter X and a grand-daughter Z (child of W's deceased son Y). Under rule *(d)* Y, if alive, would have succeeded in preference to his sister X and as there are no heirs male of the deceased older surviving Z will under this rule be entitled to stand in the same place as her father Y would have done and will therefore succeed.

A a holder dies leaving a daughter B and two grand-children viz. C the daughter of A's eldest son and D a son of A's youngest son. In this case although A's eldest son if alive would have succeeded before B or D, C the daughter of the eldest son will not so succeed as representing her father because she is a female descendant of the deceased holder and there is a male heir of the body of the holder still living namely D, D will therefore succeed. In the case last mentioned had C predeceased A leaving a son surviving her, D would still succeed in preference to such son, for D is an heir male of the body of the deceased holder while C's son although also a descendant of the deceased holder, claims through a female, viz. his mother C.

*(g)* on failure of lineal descendants of the deceased holder, the inheritance shall descend to his brothers and sisters and their issue subject to rule *(d)* and *(e)* and all lineal descendants of any deceased brother or sister who, if he or she had been living would have been entitled to succeed, shall have the same right to succeed as their ancestor would have had if still living:

Provided always that no female descendant of a brother and no male descendant of a brother claiming through a female shall be entitled to succeed by representation so long as any heir male of the body of any deceased brother survives;

*(h)* if upon the death, insanity or conviction for an indictable offence of any holder there is no heir to succeed to the title and estates, the estates shall revert to the Crown and shall be dealt with as Crown Lands until such time as the King grants the title of honour when such estates shall be granted to the holder of the title.

*(Amended by Act 46 of 1988.)*

### **Application.**

**42.** Nothing in this part of this Act shall apply to any person who is not of Tongan nationality.

*(Added by Act 13 of 1936.)*

## **PART IV. - TAX AND TOWN ALLOTMENTS**

### **DIVISION I**

#### *Grant of Allotments*

#### **Tongan subject may apply for allotment**

**43.** (1) Every male Tongan subject by birth of 16 years of age not being in possession of a tax or town allotment shall be entitled to the grant of a tax or town allotment or if in possession of neither to the grant of a tax and town allotment.

(2) The grant shall be subject to the provisions of this Act and shall be made in accordance with the following rules-

(a) the applicant shall make an application on the prescribed form\* to the Minister;  
*\*See the prescribed form at page S-3 of the subsidiary legislation made under this chapter.*

(b) the applicant shall produce for the inspection of the Minister his birth certificate or some other proof of the date of his birth;  
*(Amended by Act 4 of 1980.)*

(c) the applicant shall pay the prescribed fees.

**Applicants refusing grant not to make second application.**

**44.** (1) Any person who has applied for and has been granted by the Minister an allotment and without reasonable cause refuses to accept the land granted to him shall not be entitled to make a further application and the Minister shall keep a record of all cases where an applicant has so refused and shall not entertain any second application if made.

**Forfeiture.**

(2) Any person who has been granted an allotment and abandons the same for a period of more than 2 years shall forfeit such allotment to the holder of the hereditary estate or to the Crown as the case may be: in any such case the holder of the hereditary estate or the Minister where the allotment is situate on Crown Land shall take proceedings in the Land Court for the recovery of such allotment and on the abandonment being proved to the satisfaction of the Court, the Court shall declare such allotment to have been forfeited and shall order the register of allotments to be rectified accordingly and such allotment may be re-granted by the Minister.

**Holder of tax allotment entitled to town allotment.**

**45.** A male Tongan subject by birth who when this Act comes into force is a registered holder of a tax allotment and who does not hold a town allotment shall be entitled to the grant of a town allotment.

**5 Hectare allotments.**

**46.** An applicant duly entitled in accordance with section 43 may apply for and may be granted a parcel of agricultural (bush) land of 5 hectares in one lot as a tax allotment. Upon acceptance of such land as a tax allotment his right to a town allotment shall be deemed to be extinguished:  
*(Amended by Act 9 of 1958)*

Provided that where a person has been granted an allotment of 3.3387 hectares as a tax allotment and provided that at the time of the grant to him of such allotment any land adjoining his allotment was not subdivided into tax allotments it shall be lawful for him at any time before such land is subdivided into tax allotments as aforesaid to apply for and he may be granted an allotment of land containing 5 hectares inclusive of the 3.3387 hectares he already holds. On the grant to him of such an allotment his town allotment shall revert to the Crown or Tofia holder as the case may be.

*(Added by Act 13 of 1936 and Amended by Acts 11 of 1980 and 21 of 1984.)*

### **Subdivision of land into allotments exceeding area prescribed in Act.**

**47.** (1) Notwithstanding the provisions of this Act it shall be lawful for any noble, provided in the opinion of Cabinet having regard to the amount of land available for tax allotments there is sufficient land for the purpose, to grant to every Tongan subject making application for a tax allotment on such noble's hereditary estate an area of land containing 4 hectares to be held as follows-

(a) as a tax allotment an area of 3.3387 hectares;

(b) as a town allotment an area of 7000 square metres.

*(Amended by Acts 9 of 1958, 11 of 1980 and 21 of 1984.)*

(2) It shall be lawful for a noble with the consent of Cabinet to grant an application being made such an allotment of 4 hectares to be held as aforesaid to any other Tongan subject who already holds a tax allotment on such noble's hereditary estate and on the grant of such allotment of 4 hectares the grantee shall relinquish the tax allotment he already holds.

*(Added by Act 19 of 1934; Amended by Acts 9 of 1958, 11 of 1980 and 21 of 1984.)*

### **No person to hold two allotments.**

**48.** No person who already holds a tax allotment or town allotment shall be granted a second allotment of the same kind as he already holds and any such grant shall be null and void.

### **Grant in excess of statutory size void.**

**49.** Subject to the provision of sections 46 and 47 hereof it shall be unlawful to grant an allotment in excess of the areas specified in section 7 and any such grant made after the coming into force of this Act shall be null and void:

Provided that to facilitate survey of the prescribed areas a tax allotment and a town allotment may be exceeded by areas of not more than 505.9 square metres and 12.6 square metres respectively.

*(Added by Act 17 of 1930; Amended by Acts 12 of 1959, 11 of 1980 and 21 of 1984.)*

### **Rules for taking lands for allotments.**



**50.** Land for allotments shall be taken from the hereditary estates in accordance with the following rules-

- (a) an applicant for an allotment lawfully resident in an hereditary estate shall have his allotments out of land available for allotments in that estate;
- (b) where there is no land available in the estate in which the applicant is resident, then the allotment shall be taken out of some other estate held by the noble or matapule in one of whose estates the applicant is resident;
- (c) if no land is available in any hereditary estate held by the noble or matapule in one of whose estates the applicant is resident then the allotment shall be taken out of the hereditary estate of any other noble who is willing to provide such allotment;
- (d) if no land is available under rule (c) then the applicant may have his allotment from Crown Land;
- (e) an applicant for an allotment to be granted out of Crown Land shall have his tax and town allotments from such particular portion of Crown Land as the Minister may decide:

Provided that an applicant already resident on Crown Land shall where possible be granted the allotments from the particular area of Crown Land in which the applicant is resident.

**Subdivision of town allotments.**

**51.** (1) Where a town allotment is not less than 1618.7 square metres in area the holder thereof may apply to the Minister requesting him to subdivide the allotment between such sons, grandsons, brothers or nephews, of the applicant, being more than 16 years of age, as the applicant shall appoint, but the Minister shall not grant an allotment less than 752 square metres in area.

*(Amended by Act 8 of 1955 and Acts 9 of 1962, 11 of 1980 and 21 of 1984.)*

(2) Where the holder of an allotment as in subsection (1) hereof set out has no relatives as aforesaid he may apply to the Minister for permission to surrender a part, or the whole of so much of his allotment as exceeds the statutory area, and the land so surrendered shall be available for subdivision at the discretion of the Minister.

*(Added by Act 13 of 1936, Amended by Act 8 of 1955.)*

**Teacher's allotment.**

**52.** (1) The Minister upon the application of the Minister of Education shall make provision for an allotment of 3.3387 hectares of land for the use of the Head Teacher of any Government Primary School who is a male Tongan subject.

*(Amended by Acts 11 of 1980 and 21 of 1984.)*

(2) Such provision may be made from Crown land or from land in an hereditary estate.

(3) Any allotment granted under this section if forming part of Crown land shall be denominated and registered as the Teacher's allotment and shall be held by the Teacher during his term of office and thereafter by his successors and on failure of successors shall revert to the Crown.

(4) Whenever it shall be necessary for the Minister to make provision for a Teacher's allotment from land forming part of an hereditary estate the holder of such hereditary estate shall lease an area of 3.3387 hectares to the Minister at a nominal rental for a period of 99 years to be held by the Minister for the use of the teacher during his term of office and thereafter by his successors and on failure of successors or on the expiration of the term of lease the land shall revert to the holder of the hereditary estate.

*(Substituted by Act 19 of 1934 and Amended by Acts 11 of 1980 and 21 of 1984.)*

### **Subdivision of tax allotments.**

**53.** (1) Whenever the Cabinet is satisfied that it is possible so to do the Minister shall arrange for the subdivision of land into rectangular tax allotments and if by reason of such subdivision the holder of a tax allotment is deprived of the whole or part of his allotment he shall in addition to receiving other land in lieu therefore be entitled to the produce of the coconut trees growing on the land of which he has been deprived for a period not exceeding 6 years from the date on which he was deprived of the whole or part of his tax allotment as aforesaid and the period for which he shall be so entitled shall be determined by the Minister.

*(Amended by Act 9 of 1958.)*

### **Road access to rectangular allotments.**

(2) The road access to any such allotment shall not be of less width than 4 metre.

*(Added by Act 19 of 1934 and Amended by Act 11 of 1980.)*

### **Surrender of allotments.**

**54.** Whenever the holder of a tax or town allotment desires to surrender such allotment or any part thereof, it shall be lawful for such holder with the consent of the Cabinet to surrender the said allotment or any part thereof as aforesaid, and any allotment or any part thereof so surrendered shall, subject to the provision of this Act, immediately devolve upon the person who would be the heir of the holder if such holder had died; and if there be no person on whom the allotment or any part thereof can so devolve the allotment or any part thereof if situate on Crown Land shall revert to the Crown and if situate on an hereditary estate shall revert to the holder thereof.

*(Substitute by Act 14 of 1973.)*

### **Exchange of allotments.**

**55.** (1) Cabinet may, at their own discretion and on the recommendation of the Minister, permit-

(a) an allotment holder to exchange his town or tax allotment for the town or tax allotment of another allotment holder;

(b) an allotment holder, who holds a town or tax allotment on an hereditary estate, to exchange his town or tax allotment for an unallocated town or tax allotment on the same hereditary estate or on another hereditary estate of the same noble or matapule;

(c) an allotment holder, who holds a town or tax allotment on Crown Land, to exchange his town or tax allotment for an unallocated town or tax allotment on Crown Land.

(2) It is hereby provided that in all cases in which an exchange is permitted in terms of subsection (1) if any allotment is held by Trustees for a minor, such an exchange will only be permitted if in the opinion of Cabinet such exchange is for the benefit of the minor.

(3) The fees payable on any exchange permitted by subsections (1) and (2) of this section shall be the same as those payable for the registration of allotments.

*(Substituted by Act 14 of 1973.)*

## **DIVISION II**

### *Lease of Allotments*

#### **Tax or town allotment may be leased.**

**56.** The registered holder of a town or tax allotment may grant a lease over the whole or part of his town or tax allotment, provided that-

(i) the consent of Cabinet has been obtained in the manner provided in this Act;

(ii) the holder is not a widow holding the tax or town allotment of her deceased husband;

(iii) the holder is not the Head Teacher of a Government Primary School holding a tax allotment in terms of section 52 of this Act;

(iv) if the lease is in respect of the whole or part of a tax allotment, the period shall not exceed 20 years;

*(Amended by Acts 6 of 1978 and 1 of 1983.)*

(v) no mortgage is in force in respect of the allotment or part thereof.

*(Inserted by Act 18 of 1976.)*

#### **Rentals.**

**57.** (1) The amount of rental which shall be payable in respect of a lease, a tax allotment or any part thereof shall be calculated at the rate of \$10 per acre, provided that His Majesty in Council may from time to time by Order alter the said rate.\*

*\* By Order at G. 302/78, His Majesty in Council ordered that the rental be such as is agreed between the parties.*

(2) The amount of rental which shall be payable in respect of a lease of a town allotment shall be as agreed between the parties thereto.

(3) The Minister shall collect the rents for all allotments or part or parts thereof leased in terms of the foregoing section and shall pay the same into the Treasury and shall issue a voucher in favour of the holder of the tax or town allotment for that amount of rent less ten per centum thereof.

(4) The registered holder of a tax allotment leased in terms of the foregoing section shall remain personally liable for the rental payable in terms of section 64 of this Act to the holder of the hereditary estate or to the Minister as the case may be.

*(Inserted by Act 18 of 1976.)*

### **Effect of death of lessor.**

**58.** If the registered holder of a tax or town allotment who has granted a lease in terms of this Part of this Act dies before the expiry of the period of the lease, then-

(i) Where there is a widow entitled to a life estate, she shall for such remaining period of the lease as she is entitled to the life estate-

(a) be bound by the terms of the lease;

(b) receive the rental due as provided by this Part of this Act; and

(c) be personally liable, in the case of a tax allotment, to the holder of the hereditary estate or to the Minister as the case may be for the rental payable in terms of section 64 of this Act,

(ii) Where there is no widow entitled to a life estate, but where there is an heir entitled to succeed in terms of the Act, the allotment shall devolve upon him in the manner provided by this Act, except that-

(a) he shall be bound by the terms of the lease;

(b) he shall receive the rental due as provided by this Part of this Act;

(c) he shall be personally liable in the case of a tax allotment, to the holder of the hereditary estate or to the Minister, as the case may be, for the rental payable in terms of Section 64 of this Act,

(iii) Where there is no heir and where the allotment reverts to the holder of the hereditary estate or to the Crown as the case may be, then the holder of the hereditary estate or the Minister, as the case may be, shall-

(a) be bound by the terms of the lease;

(b) receive the rental due as provided by this Part of this Act.  
(*Inserted by Act 18 of 1976.*)

### **Effect of surrender by lessor.**

**59.** If the registered holder of a tax or town allotment who has granted a lease in terms of this Part of this Act surrenders the allotment before the expiry of the period of the lease, then-

(i) Where there is an heir entitled to succeed in terms of the Act, the allotment shall devolve upon him in the manner provided by this Part of this Act, except that-

(a) he shall be bound by the terms of the lease;

(b) he shall receive the rental due as provided by this Part of this Act;

(c) he shall be personally liable, in the case of a tax allotment, to the holder of the hereditary estate or to the Minister, as the case may be, for the rental payable in terms of section 64 of this Act,

(ii) Where there is no heir entitled to succeed then the allotment shall revert to the holder of the hereditary estate or to the Crown as the case may be and the holder of the hereditary estate or the Minister, as the case may be, shall-

(a) be bound by the terms of the lease;

(b) receive the rental due as provided by this Part of this Act.  
(*Inserted by Act 18 of 1976.*)

### **Renewal.**

**60.** No lease granted in terms of this Part of this Act shall contain any clause conferring an automatic right of renewal or an option to renew, and any renewal of any lease granted in terms of this part of this Act shall be subject to the consent of Cabinet and shall in respect of the whole or part of a tax allotment be for a period not exceeding 10 years.

(*Inserted by Act 18 of 1976, and Amended by Act 6 of 1978.*)

### **Limitation.**

**61.** (1) No person may, at any given time, be the lessee of more than 10 leases of tax allotments.  
(*Amended by Act 1 of 1983.*)

(2) No person may, at any given time, be the lessee of more than 5 town allotments.  
*(Inserted by Act 18 of 1976.)*

**Lessee responsibility for cultivation.**

**62.** (1) During the period of lease of a tax allotment the lessee shall be responsible for any requirements of this or any other Act in relation to planting and upkeep of the allotment.

(2) In the event of the lessee being convicted of an offence under section 74 of this Act in respect of the allotment leased, the lessee shall automatically forfeit the lease but shall remain liable for the amount of rental eligible in respect thereof until expiry of the original term of lease.  
*(Inserted by Act 18 of 1976.)*

**DIVISION III**

*Rent of Allotments*

**Rent of 5 hectare allotment.**

**63.** Where a person elects to take a 5 hectare lot in accordance with section **46** he shall pay an annual rent of 40 seniti therefore to the holder of the hereditary estate if the allotment is situate in an hereditary estate or to the Minister if the allotment is situate in Crown Land.

**Rent of 3.3387 hectare allotment.**

**64.** The holder of a tax allotment shall pay an annual rent of 80 seniti to the holder of the hereditary estate in which the allotment is situated or to the Minister where the allotment is situate in Crown Lands:

Provided that where a tax allotment is situated partly on Crown land and partly on hereditary estate the holder shall pay 40 seniti as annual rent to the Crown and 40 seniti as annual rent to the holder of the hereditary estate.

*(Added by Act 19 of 1934.)*

**Tofia holder to keep rent roll.**

**65.** (1) Every holder of an hereditary estate shall keep a rent roll. The rent roll shall contain a list of all persons holding tax allotments on the hereditary estate and the holder shall enter therein at the time of payment every payment of rent made by an allotment holder. Upon receiving such rent the holder of the hereditary estate shall deliver a receipt to the allotment holder.

(2) Every holder of an hereditary estate who fails to deliver a receipt for the payment of rent as aforesaid shall be liable on conviction to a fine of \$4.

**Widow's obligation to pay rent.**

**66.** During the continuance of their respective life estates the widow or any daughter succeeding to an allotment shall pay the rent for such allotment and shall comply with all town regulations and where two or more daughters succeed as heirs they shall be jointly and severally liable for the rent but no daughter shall be liable for any rent accruing after the determination of her life estate.

**Rent may be recovered by civil proceedings.**

**67.** Where the rent of a tax allotment is unpaid, the estate holder or where the tax allotment is situate on Crown Land the Minister may sue the holder of the allotment in the Magistrate's Court of the district in which such allotment is situate and may recover the said rent by civil proceedings. No claim shall be made for the recovery of any allotment rent which has been unpaid for more than 3 years.

**DIVISION IV**

*Ejectment*

**Grounds for ejectment.**

**68.** A holder of an allotment may be ejected therefrom upon proof ejectment in an action brought against him by the Minister in the Land Court of any of the following grounds-

(a) that the holder has failed to satisfy a judgment given in an action for the recovery of rent within 3 months from-the-date of such judgment; or  
(*Substituted by Act 19 of 1934*); or

(b) that during a period of 5 years next preceding an action for ejectment 3 judgments have been given against him in actions for the recovery of rent; or

(c) that during a period of 3 years next preceding an action far ejectment the holder has not maintained the allotment in the average state of cultivation for tax allotments in the district where the land in respect of which the action is brought is situate; or

(d) that during a period of 3 years next preceding an action for ejectment the holder has been convicted more than twice for an offence against section **74**  
(*Amended by Act 9 of 1958*);or

(e) that any rent is 2 years in arrears.  
(*Added by Act 16 of 1933.*)

**Tofia holder to inform Minister of grounds for ejectment.**

**69.** A holder of an estate who shall have reason to believe that any of the grounds set out in section **68** exist in respect of any holder of a tax allotment situate on his estate shall inform the Minister thereof in writing.

**Ejected holder not to resume possession.**

**70.** Any person from whom possession of a tax allotment shall have been recovered by an action for ejectment who without lawful authority re-enters upon and takes possession of such tax allotment shall be liable on conviction to a fine of \$10 or in default of payment to imprisonment for 3 months.

**Reversion after ejectment.**

**71.** When the Court is satisfied that the grounds for ejectment have been proved, it shall make an order accordingly, and the tax allotment shall revert to the holder of the estate or to the Crown as the case may be and in the case of an allotment reverting to the Crown shall be re-granted in accordance with regulations made under this Act.

**DIVISION V**

*Surrender of Allotments*

**Application for new allotment on removal**

**72.** A registered holder of an allotment who desires to remove permanently from the district in which his allotment is situated to another district may apply in writing to the Minister in the district to which the holder desires to remove for a tax and town allotment to be granted to him out of an hereditary estate or out of Crown Lands in that district and the Minister may upon the conditions hereinafter set forth grant to such applicant an allotment.

**Grant of new allotment on removal**

**73.** (1) Every application made under section **72** shall be subject to the rules governing the grant of allotments (Part IV: Division 1) so far as the same are applicable and the applicant shall forward--the-deed of grant of the allotment he already holds to the Minister in the district to which he desires to remove and shall pay to the Minister the prescribed fees.

*(Amended by Act 4 of 1980.)*

(2) The Minister shall thereupon, if land in the estate or Crown Land specified as aforesaid is available, grant to the applicant an allotment and shall forward the deed of grant delivered up by the applicant to the Minister in the district in which the allotment surrendered is situate and the Minister shall cause such deed of grant to be cancelled and shall rectify his register of allotments accordingly and the land described in such deed shall revert to the holder of the hereditary estate or the Crown as the case may be.

**DIVISION VI**



## *Planting of Tax Allotments*

### **Allotment holder's duty to plan, etc.**

**74.** (1) Every male Tongan subject who has been granted a tax allotment by the Minister shall within one year from the date of the grant have growing on such allotment 200 coconut trees planted in rows and so arranged that the trees are 9 metres apart or 4.5 metres apart in rows 18 metres distant from each other.

*(Amended by Acts 13 of 1936 and 11 of 1980.)*

(2) Every holder of a tax allotment shall carefully attend to the coconut trees growing thereon and keep them reasonably clean and free from weeds.

(3) Any holder who shall neglect or omit to comply with any of the requirements of this section shall be liable on conviction to a fine not exceeding \$50.

*(Amended by Act 4 of 1980.)*

### **Procedure on prosecution.**

**75.** All prosecutions for offences against section **74** shall be brought in the Magistrate's Court. Such prosecutions in the island of Tongatapu shall be at the suit of the Director or an Inspector of Agriculture and in any other island shall be at the suit of the police until such time as an Inspector of Agriculture shall be appointed for any such island and from and after the date of his appointment shall be at the suit of such Inspector.

*(Amended by Act 9 of 1958.)*

### **Magistrate to order compliance before entering conviction.**

**76.** On the hearing of any charge brought against a holder under section **74** the magistrate after hearing the evidence shall if the evidence supports the charge make an order directing the defendant to comply with the requirements of the said section within a time specified in the order and shall adjourn the hearing until some day after the time so specified and on such adjourned hearing shall not convict the defendant unless he has wilfully failed to comply with the said order.

### **Magistrate may exempt in case of illness, etc.**

**77.** If at the hearing of any prosecution for an offence under section **74** it is made to appear to the satisfaction of the magistrate that the neglect or omission in respect of which such prosecution is brought was due to the illness or physical incapacity of the defendant it shall be lawful for the magistrate to grant to the defendant such exemption from the requirements of section **74** or such extension of time for compliance therewith as having regard to all the circumstances of the case appears just and reasonable.

### **Minister to make annual return of all grants of allotments.**

**78.** The Minister as regards tax allotments in Tongatapu district and each Deputy Minister or other officer acting for the Minister as regards tax allotments in his district shall draw up not later than the 31st day of January in each year an annual return for the 12 months ended on the, preceding 31st day of December. Such return shall state-

(a) the names of all persons (specifying whether male or female) who have succeeded to tax allotments or to whom tax allotments have been granted during the year in that district to which the return relates;

(b) the date of the grant or the succession in each case;

(c) the area and situation of each such allotment.

**Annual return to be sent to Director of Agriculture Forests and Fisheries.**

**79.** The Minister and each Deputy Minister or other officer acting for the Minister shall forthwith cause a copy of such return certified under his signature and official seal to be a true copy to be forwarded to the person authorized by section **75** to prosecute for that district to which such return relates and such copy shall in all proceedings for offences against section **74** be admissible as evidence of the holder's responsibility for any tax allotment therein specified as well as of the date of the grant or succession to such allotment.

## **DIVISION VII**

### *Devolution of Allotments*

#### **Widow entitled to life estates**

**80.** On the death of the lawful male holder of any tax or town allotment his widow shall be entitled to a life estate in such allotment which estate shall terminate on her re-marriage or upon proof in legal proceedings (as provided by section **81**) of her having committed fornication or adultery:

*(Amended by Act 9 of 1958.)*

Provided always that the failure of the deceased lawful male holder of the any tax or town allotment to register the same under the provision of Division II of Part VIII of this Act shall not of itself be a bar to the grant to his widow of a life estate under this section, and that provided the Minister of Lands is satisfied upon enquiry that the deceased person was the lawful holder of the said allotment it shall be lawful for him to effect posthumous registration at the request of the widow.

*(Added by Act 13 of 1949.)*

#### **Land court may determine life estate.**

**81.** Where it is sought to recover any tax or town allotment from a widow on the ground that she has committed fornication or adultery it shall be lawful for the person claiming such allotment to bring proceedings in the Land Court for the recovery thereof and upon proof of such fornication or adultery to the satisfaction of the Court the Court shall declare that the widow's estate is terminated and shall forthwith forward a certificate of such finding to the Minister.

**Rules of successions to allotments.**

**82.** Subject to the life estate of the widow, the succession to a tax or town allotment shall be as follows:

(a) descent shall be traced from the last lawful male holder;

(b) only persons born in wedlock may inherit;

(c) the inheritance shall descend in the first place to the eldest son of the deceased holder or if such son is dead to the eldest male heir of the body of such son. If the eldest son of the deceased holder be dead without leaving any male heir of his body the succession shall devolve upon the next eldest son of the holder or if such son is dead to the eldest male heir of such son's body. If the second son of the deceased holder be dead without leaving any male heir of his body the succession shall go to the next eldest son of the deceased holder or the eldest male heir of his body and so on taking all the deceased holder's sons in succession in order of their ages;

(d) if the holder dies without leaving any son or heir male of the body of a son him surviving then any unmarried daughter of the deceased holder shall inherit for her life and if there are two or more unmarried daughters they shall inherit all together jointly for their lives. The life estate of any daughter shall terminate on her marriage or upon proof in proceedings against her in the Land Court to recover such allotment (after the manner provided in section **81** that she has committed fornication or adultery;

(e) in default of any unmarried daughter of the deceased holder an allotment shall descend to the deceased holder's brother or if such brother be dead to the eldest male heir of the body of such brother. If the deceased holder's eldest brother be dead without leaving any male heir of his body then the holder's next eldest brother shall succeed or if he be dead the eldest male heir of his body and so on taking the deceased holder's brothers in succession in order of their ages;

(f) if the holder dies without leaving any brother or heir male of the body of a brother him surviving the inheritance shall go to the eldest brother of the deceased holder's father or if such brother be dead to the eldest male heir of the body of such brother. If the eldest brother of the deceased holder's father be dead leaving no male heir of his body then the next eldest brother of the deceased holder's father shall succeed or if he be dead the eldest male heir of his body and so on taking the brothers of the deceased holder's father in succession in the order of their respective seniority;

(g) in default of brothers of the deceased holder's father or male heir of the body of such a brother the allotment if situate on Crown Land shall revert to the Crown and if situate on an hereditary estate shall revert to the holder thereof:

Provided always that the failure of the deceased lawful male holder of any tax or town allotment to register the same under the provisions of Division II or Part VIII of this Act shall not of itself be a bar to the grant to his heir under this section, and that provided the Minister of Lands is satisfied upon enquiry that the deceased person was the lawful holder of the said allotment it shall be lawful for him to effect posthumous registration at the request of the heir.

*(Added by Act 13 of 1949.)*

### **Reversion.**

**83.** On the death of the lawful male holder of any tax or town allotment without leaving any person entitled to succeed thereto in accordance with the provisions of this Act such allotment shall if situate on Crown Land revert to the Crown and if situate on an hereditary estate shall revert to the holder thereof.

### **Son or grandson may elect to take as heir.**

**84.** Save and except a son or grandson of the deceased holder, no person who already holds a tax or town allotment shall be permitted to succeed as heir to another allotment of the same kind as the allotment he already holds or to choose between an allotment already held by him and one to which he becomes entitled as heir:

Provided always that where a son or a grandson becomes entitled to succeed to an allotment of his deceased father or grandfather and already possesses an allotment of the same kind it shall be lawful for such son or grandson to elect between the allotment already held by him and that of his deceased father or grandfather.

### **Right to elect as between allotment of deceased holder and allotment already held.**

**85.** Where the heir being the son or grandson of the deceased holder elects to retain the allotment he already holds it shall be lawful for the eldest son of a son who is the heir of the deceased holder or for the brothers of a grandson who is the heir of the deceased holder provided such eldest son or brothers of a grandson already hold a town or tax allotment to elect in succession between the allotment they already hold and that of the same kind held by the deceased holder and if all the persons aforesaid elect to retain the allotments already held by them it shall be lawful for the next son of the deceased holder if alive and provided he already possesses an allotment of the same kind to elect as aforesaid but if he be dead or if he elects to retain his own allotment it shall be lawful for his sons provided they already hold allotments of the same kind to elect in the order of their ages and if they also elect to retain their allotments it shall be lawful for the next son and his sons to elect and so on until a son or grandson elects to take the allotment of the deceased holder but if all the sons and grandsons elect to retain the allotments they already hold the allotment of the deceased holder if situate on Crown land shall revert to the Crown and if situate on an hereditary estate shall revert to the holder provided that if any of the persons

above-mentioned do not already possess an allotment of the same kind the right to elect shall pass to the next person entitled as though the person immediately preceding him had elected to retain his own allotment.

*(Substituted by Act 19 of 1934.)*

*Examples:*

A the holder of a tax allotment dies and leaves two sons B and D and grandsons F and G the sons of B and H and K the sons of C (a son who predeceased A) all of whom with the exception of H already at A's death hold tax allotments: B the eldest son is entitled to elect first. If he elects to retain his allotment B's sons F and G are entitled to elect in the order of their ages but they too elect to retain the allotments they already hold H and K the sons of the deceased son C should be eligible to elect but H not holding an allotment cannot elect. If K elects to retain his own allotment D may then elect and if he elects to retain his own allotment the deceased holders' allotment reverts to the Crown or Tofia holder. If B the eldest son predeceased A, B's eldest son F would if he already had an allotment of the same kind be entitled to the first election.

**Disposition of surrendered allotment on election.**

**86.** Where a son or grandson elects to take the allotment of his deceased father or grandfather as the case may be and to surrender the allotment of the same kind already held by him, the allotment so surrendered shall be granted to any son of the person surrendering it who does already hold an allotment of the same kind, and where such son is under 16 years of age the allotment shall be granted to one or more trustees to be held by them for the benefit of such son until he reaches 16 years of age whereupon the trustees shall inform the Minister who shall then grant the allotment to such son. As between two or more such sons the eldest shall be preferred. In default of any such son the allotment so surrendered shall be granted by the Minister to any brother of the person surrendering it provided such brother is 16 years of age or upwards and does not already possess an allotment of the same kind. As between two or more such brothers the eldest shall be preferred. In default of any such brother the allotment if situate on Crown Land shall revert to the Crown and if situate on an hereditary estate shall revert to the holder.

**Heir must claim within one year.**

**87.** If no claim to a tax or town allotment has been lodged by or on behalf of the heir or widow with the Minister or his Deputy within 12 months from the death of the last holder, such allotment if situate on Crown Land shall revert to the Crown and if situate on an hereditary estate shall revert to the holder.

*(Amended by Act 7 of 1943.)*

**Minister may re-grant reverted allotment.**

**88.** Where any tax or town allotment shall revert to the Crown under the preceding provisions of this Division, such allotment unless required for Government purposes shall be granted out by the Minister in accordance with such regulations as may be made under this Act.

**PART V.-TONGAN LEASES**

**Consent of Cabinet.**

**89.** No lease shall be granted except with the consent of the Cabinet, but consent shall not be granted to a lease by a widow of the land of her deceased husband.

*(Amended by Acts 10 of 1963 and 4 of 1980.)*

**Leases to Tongans other than allotment holders.**

**90.** Any Tongan subject of full age who does not hold a tax allotment may apply to the Minister on the prescribed form for a lease of a parcel of bush land to be granted to him. The Minister shall submit such application to the Cabinet and Cabinet may authorize the Minister to grant the lease upon such conditions and for such term and at such rent as it deems fit.

**Leases to occupiers of land in excess of statutory area.**

**91.** (1) Whenever it is found that any person is holding land as a tax allotment which is of greater area than the statutory area, the Minister may give 21 days' notice in writing to such person informing him that he intends to subdivide such land and to grant from out of the same to such person a tax allotment of the statutory area.

(2) In any such case it shall be lawful for the person holding land in excess of a tax allotment upon which improvements have been made over a greater area than the statutory area for allotments to receive a lease for all or any part of such improved portion.

*(Substituted by Act 9 of 1929.)*

**Form and conditions of lease**

**92.** A lease granted under sections **90** or **91** shall be in the form prescribed in Schedule IX. The term shall not exceed 50 years, and shall be renewable upon such conditions as to rent and methods of cultivation as may be ordered by regulations made under this Act.

**Restriction on permitting to occupy area leased.**

**93.** No person to whom a lease has been granted under the provisions of the foregoing sections may permit any alien to occupy or reside within the area thus leased to him unless such alien has first obtained a permit to reside therein in accordance with the provisions of sections **14** and **15** of this Act.

*(Added by Act 12 of 1949.)*

**Report to be made by Director of Agriculture, Forests and Fisheries.**

**94.** Upon receiving an application under sections **90** or **91**, the Minister shall furnish the Director of Agriculture, Forests and Fisheries with the name of the applicant, the particulars of the land held by and of the land proposed to be leased by the applicant and shall request the Director to inspect the land and report-

(a) upon the state of cultivation of the land proposed to be leased, or

(b) upon the state of cultivation of the statutory allotment or both as the Minister may require.

**Minister to submit report to Cabinet.**

95. Upon receiving the report of the Director the Minister shall submit the same with the application to the Cabinet in order that it may consent to the grant of the lease; and the Cabinet, if satisfied as to the ability and character of the applicant, and that he has complied with section 74 relating to planting, shall authorize the Minister to grant to the applicant a Tongan lease of the land proposed to be leased or such portion thereof as it may deem fit.

**PART VI.-MORTGAGES**

**Interpretation.**

96. In this Act, unless the context otherwise requires-

"mortgage" shall mean a transfer of land as security for a debt effected as provided in this Act;

"mortgagee" shall mean the person or persons or corporate body in whose favour a mortgage has been granted, and his or their successors in title;

"mortgagor" shall mean the landholder who has granted a mortgage over the whole or part of his land, and his successors in title to the land;

"mortgage lease" shall mean the form of mortgage lease set out in Schedule VIII to this Act with such variation as the circumstances may require.

*(Inserted by Act 18 of 1976.)*

**Mortgages may be granted.**

97. It shall be lawful to grant mortgages in accordance with the provisions of this Act. *(Inserted by Act 18 of 1976.)*

**Acceptable mortgagees.**

98. (1) A mortgage may be granted in favour of-

(i) the Government; and

(ii) the Bank of Tonga.

(2) His Majesty in Council may by Order in Council specify the names and addresses of other persons or bodies corporate or incorporate in whose favour mortgages may be granted.\*

*(\*Tonga Development Bank (G.246/77), International Finance Services, Limited (G.S. 987).*

(3) No mortgage may be granted in favour of any person or persons or bodies corporate or incorporate other than those which have been specified in terms of the foregoing subsections.  
*(Inserted by Act 18 of 1976.)*

#### **Conditions of mortgage by lessee**

**99.** A lessee of a registered lease may grant a mortgage over the whole or any part of the lands leased by him, provided that-

- (i) the approval of the Minister has been obtained in the manner provided in this Part of this Act;
- (ii) the mortgage deed is an assignation of lease in a form acceptable to the Minister;
- (iii) the mortgage is for a period not exceeding the unexpired term of the lease excluding any period of renewal to which the lessee may have an option.  
*(Inserted by Act 18 of 1976.)*

#### **Conditions of mortgage by allotment holder.**

**100.** (1) The registered holder of a tax or town allotment may grant a mortgage over the whole or part of his tax and town allotment provided that-

- (i) the approval of the Minister has been obtained in the manner provided by this Part of this Act; (ii) the holder is not a widow holding the tax or town allotment of her deceased husband;
- (iii) the loan or advance or consideration in respect of which the mortgage is to be granted as security is to be used for the purposes of improvement of the allotment over which the mortgage is to be granted;
- (iv) the mortgage is for a period not exceeding 30 years;
- (v) the mortgage is created by a mortgage lease;
- (vi) in the case of a tax allotment the holder remains personally liable for the payment of annual rental and other conditions relative to tax allotments in this Act.

(2) The Minister shall in his sole discretion decide whether the use to which the loan or advance or consideration is to be put constitutes an improvement in terms of paragraph (iii) of the foregoing subsection.  
*(Inserted by Act 18 of 1976 and Amended by Act 4 of 1980.)*

#### **Conditions of mortgage by holder of an hereditary estate.**



**101.** (1) The registered holder of an hereditary estate may grant a mortgage over an unallocated part or unallocated parts of his hereditary estate, provided that-

(i) the approval of the Minister has been obtained in the manner provided by this Part of this Act;

(ii) the loan or advance or consideration in respect of which the mortgage is to be granted as security is to be used for the purposes of improvement of the hereditary estate over which the mortgage is to be granted;

(iii) the mortgage is for a period not exceeding 30 years;

(iv) the mortgage is created by a mortgage lease;

(v) the total amount of all land mortgaged does not exceed five per centum of the total land comprising the hereditary estate or estates of the holder, said percentage to be in addition to the percentage of land which may be leased in terms of section **33** of this Act.

(2) The Minister shall in his sole discretion decide whether the use to which a loan or advance or consideration is to be put constitutes an improvement in terms of paragraph (ii) of the foregoing subsection.

*(Inserted by Act 18 of 1976 and Amended by Act 4 of 1980.)*

#### **Application for the consent of the Minister.**

**102.** (1) Application for the approval of the Minister shall be made by any person wishing to grant a mortgage to the Minister on the prescribed form, which shall be signed by the applicant and by the proposed mortgagee, and the applicant will furnish the following information:-

(a) name and address of applicant;

(b) the location and area of the land to be mortgaged;

(c) type of holding (i.e. hereditary estate, tax or town allotment or lease);

(d) the name and address of the proposed mortgagee;

(e) amount and particulars of loan;

(f) period of mortgage;

(g) period and details of repayment;

(h) interest;

(i) purpose of loan;

(j) details of any collateral security (i.e. any other security to be granted to the mortgagee);

(k) details of any other mortgage which has been granted by the applicant.

(2) If any person knowingly supplies wrongful information on an application form as prescribed in the foregoing subsection he shall be liable on conviction to a fine not exceeding \$100 or in default of payment thereof to a term of imprisonment not exceeding 6 months, and if the Court is satisfied that wrongful information was knowingly supplied by a proposed mortgagee, the Court may declare void any mortgage registered as a result of such application.

*(Inserted by Act 18 of 1976.)*

### **Registration of Mortgage.**

**103.** (1) There shall be a Register of Mortgages which shall be kept in the office of the Minister.

(2) All mortgage deeds shall be signed by the mortgagor and shall be delivered together with one signed copy thereof to the Minister for registration within 30 days of the final date of signature.

(3) Registration of the mortgage deed shall be effected by the Minister filing the copy of the deed in the Register and endorsing the original with the following memorial of registration:-

Registered the..... day of..... 19.....  
Register of Mortgages, Book ..... Folio .....

.....  
Signature of Minister.

(4) No mortgage shall be effective until it has been registered.

(5) No mortgage shall be registered unless it is certified by the mortgagee or by his solicitor as being correct for the purpose of this Act.

*(Inserted by Act 18 of 1976.)*

### **Variation of mortgage.**

**104.** (1) In the case of every mortgage registered under this Act:

(a) The amount secured by the Mortgage may be increased or reduced;

(b) The rate of interest may be increased or reduced;

(c) The term of currency of the mortgage may be shortened, extended or renewed provided that the total amount of such term shall not exceed that allowed under Sections **100** and **101** in respect of town and tax and hereditary estates;

(d) The covenants, conditions and powers contained or implied in the mortgage may be varied, negated or added to by a memorandum in such one of the forms contained in Schedule VIII as is applicable:

Provided that it shall not be necessary for a mortgagor to execute a memorandum of reduction, or for the mortgagee to execute a memorandum of increase of the mortgage debt or of the rate of interest payable under the mortgage.

(2) The memorandum may include all or any of the matters mentioned in subsection (1) hereof, and in that case the said forms shall be modified accordingly.

(3) The memorandum shall be registered in like manner as the original mortgage.

(4) A memorandum or instrument varying the terms or conditions of any mortgage of land subject to a subsequent mortgage shall not be binding on any mortgagee unless he has consented thereto in writing on that memorandum or instrument, but that consent shall render the said memorandum or instrument binding on the mortgagee so consenting and shall be deemed to be notice to and shall be binding on all persons who may subsequently derive from him any interest in the mortgaged property.

*(Inserted by Act 4 of 1980.)*

#### **Assignment of mortgage.**

**105.** (1) A mortgagee may assign the mortgage or any part thereof Assignment provided that-

(i) the approval of the Minister has been obtained in the manner provided by subsection (4) of this section;

(ii) if the mortgagor has not defaulted in his obligations to the mortgagee, either the consent of the mortgagor has been obtained or the Minister has consented to dispense with the mortgagor's consent as provided in subsection (2);

(iii) the assignee is an acceptable mortgagee within the meaning of section **98** of this Act.

(2) Where a mortgagor refuses to consent to the assignment of a mortgage, the Minister may at the request of the mortgagee and after such enquiry as he thinks fit, dispense with the consent of the mortgagor.

(3) The assignment of a mortgage shall be in form 4 contained in Schedule VIII with such variations as the circumstances may necessitate.

(4) Application to assign a mortgage shall be made to the Minister by the mortgagee on the prescribed form which shall be signed by the applicant and by the person to whom the mortgage is to be assigned, and the applicant will furnish the following information:-

- (a) registered number of mortgage;
- (b) name and address of proposed assignee;
- (c) consideration;
- (d) details of any proposed alterations in terms of mortgage.

(5) If any person knowingly supplies wrongful information on an application form as prescribed in the foregoing subsection, he shall be liable on conviction to a fine not exceeding \$100 or in default of payment thereof to a term of imprisonment not exceeding 6 months.

*(Inserted by Act 18 of 1976.)*

**Registration of Assignment.**

**106.** (1) All assignments shall be signed by the mortgagee (assignor) and assignee and shall be delivered together with one signed copy thereof to the Minister for registration in the Register of Mortgages within 30 days of the final date of signature.

(2) Registration of an assignment of a mortgage shall be effected by the Minister filing the copy of the assignment in the Register and endorsing the original with the following memorial of registration:-

Registered the..... day of .....19 .....

Assignment of Mortgage ..... Book .....Folio .....

Book .....Folio.....

.....  
Signature of Minister

(3) No assignment shall be effective until it has been registered.

(4) No assignment of a mortgage shall be registered unless it is certified by the assignee or by his solicitor as being correct for the purposes of this Act.

*(Inserted by Act 18 of 1976.)*

**Documents affecting mortgages to be registered.**

**107.** (1) The registration of the following documents affecting mortgages shall be compulsory:

- (a) assignments;
- (b) assignments for the benefit of creditors;
- (c) grants of Letters of Administration;
- (d) grants of probate;

- (e) injunctions affecting land and releases of such injunctions;
- (f) memorials of pending suits affecting lands;
- (g) orders of Court appointing a trustee or trustees or an official receiver;
- (h) powers of attorney;
- (i) discharge granted in terms of section **108** hereof;
- (j) Gazette notice proclaiming the name of the lawful successor to an hereditary title;
- (k) claim by or on behalf of the heir or widow for tax or town allotment;
- (l) notification of default;
- (m) sub-lease;
- (n) agreement, bond or other document in any way regulating the terms of the mortgage transaction.

(2) The registration of any document required by the foregoing subsection to be registered shall be effected in the following manner,-

- (i) such document together with a true copy thereof shall be delivered to the Minister together with the original mortgage deed or any assignation thereof;
- (ii) the Minister shall file in his office the true copy of the document to be registered by binding up the same in a book (to be called the register of documents affecting mortgages) and shall endorse the original with the following memorial of registration:

Registered the ..... day of..... 19 .....

Register of Documents affecting Mortgages.

Book..... Folio ..... Mortgage No .....

.....  
Signature of Minister

- (iii) the Minister shall endorse the original mortgage deed or any assignation thereof together with the duplicate of same on file in his office with a memorial of registration as the nature of the case requires, and shall return such deeds to the person entitled thereto.  
(*Inserted by Act 18 of 1976.*)

**Discharge.**

**108.** (1) When a mortgagor has discharged his obligations to the mortgagee prior to the expiry of the period of the mortgage deed, the mortgagee shall grant in favour of the mortgagor a discharge of the mortgage, which discharge shall be in form 5 set out in Schedule VIII with such variations as the circumstances may necessitate.

(2) On the expiry of the period of the mortgage deed and in the event of no discharge having been granted in terms of the foregoing subsection, obligations of the mortgagor to the mortgagee shall be deemed to have been discharged and the mortgagee shall give to the mortgagor the mortgage deed and a discharge thereof for the purpose of registration.

(3) A discharge granted in terms of this section shall be registered as provided in the foregoing section.

(4) No discharge of a mortgage shall be registered unless it is certified by the mortgagor or by his solicitor as being correct for the purposes of this Act.

*(Inserted by Act 18 of 1976.)*

#### **Default.**

**109.** (1) In the event of the mortgagee wishing to take possession of the lands mortgaged following default by the mortgagor of any of the obligations to the mortgagee set out in the mortgage deed or in any other document lodged with the Minister in terms of the next succeeding section the mortgagee shall give notification both to the mortgagor and to the Minister of his intention to take possession of the lands mortgaged and may thereafter take possession at any time after the expiry of 14 days from the date of said notification.

(2) After a mortgagee has taken possession, in terms of subsection (1) of the land mortgaged, he may either retain possession for the unexpired term of the mortgage lease or he may sublease the lands for the unexpired term of the mortgage lease.

*(Inserted by Act 18 of 1976.)*

#### **Effectiveness of mortgage.**

**110.** Except as provided by this or any other Act, a mortgage deed (or any agreement or bond relative thereto) is effective according to its terms between the parties to it.

*(Inserted by Act 18 of 1976.)*

#### **Application of Contract Act.**

*Cap. 26*

**111.** Sections 3 to 7 of the Contract Act shall have no application to mortgages registered under this Act.

*(Inserted by Act 18 of 1976.)*

#### **Form of mortgages etc.**

**112.** (1) All applications for a mortgage, mortgage lease and assignments of mortgage, shall consist of two original documents and be in the respective forms thereof contained in Schedule VIII with such variations as the circumstances may require.

(2) All discharges of mortgages shall be in the form contained in Schedule VIII with such variations as the circumstances may require.

*(Inserted by Act 18 of 1976.)*

## **PART VII. - THE FORESHORE**

### **Foreshore the property of the Crown.**

**113.** The foreshore is the property of the Crown and the Minister may with the consent of the Cabinet grant permits to erect stores or wharves or jetties thereon or to reside on any portion thereof or he may with the like consent grant a lease for any of the purposes aforesaid.

### **Permits to cut stone, etc.**

**114.** (1) The Minister may with the consent of the Cabinet and upon payment of the prescribed royalty grant to any person permission in writing to cut and remove stone from the foreshore not being part of a harbour.

(2) All stone cut under such permission shall be removed from the foreshore within 14 days after the same has been cut and if not so removed shall become the property of the Crown.

(3) Any person who shall cut and remove any stone from the foreshore without having previously obtained such permission as aforesaid shall be liable on conviction therefore to a fine not exceeding \$10 and in default of payment to imprisonment for any term not exceeding 2 months and the Court by which any conviction under this section is pronounced may declare such stone forfeited to the Crown.

## **PART VIII - REGISTRATION OF TITLE**

### **DIVISION I**

#### *Hereditary Estates*

### **Form and contents of tofia certificate.**

**115.** Every tofia certificate shall be made out in duplicate in the form and contained in Schedule VI and shall contain in addition to the words of grant a description and diagram of the lands comprised in the hereditary estate.

### **Minister to keep a register of tofias.**

**116.** One copy of the certificate shall be delivered to the holder and the Minister shall bind up the other in a book to be called the register of tofias, which shall be kept by the Minister in his office at Nuku'alofa.

**Registration upon succession to tofia**

**117.** A successor to an hereditary estate shall within 3 days of taking the oath of allegiance as provided by section 38 register himself as the person duly entitled to the estate in the manner following-

(a) the successor shall present the tofia certificate relating to the estate to the Minister and, if demanded by the Minister, shall produce a certificate from the clerk of the Privy Council to the effect that he has duly taken the oath as aforesaid and shall pay the prescribed fees;

(b) if the tofia certificate is lost or has been destroyed the successor shall inform the Minister of the facts of such loss or destruction verifying the same by the affidavit of himself or any other person who has a knowledge of such facts and the Minister shall then issue a new certificate;

(c) the Minister shall endorse on the certificate presented to him or granted by him in the cases of loss or destruction and endorse on the duplicate in the register of tofias a memorial of registration in the following form:

Succession: Registered the ..... day of .....19.....  
A.B. the son of C.D. ....etc., succeeded to  
the title and estates on the ..... day of .....  
.....19 .....

Seal.  
..... Signature of Minister.

**Schedule of leases and allotments to be attached to certificate.**

**118.** There shall be endorsed upon or attached unto every tofia certificate a schedule of leases and a schedule of allotments granted out of the hereditary estate to which the certificate relates.

**Schedule to be amended on registration of allotments.**

**119.** Upon any lease or any allotment being registered the Minister shall enter the particulars of the same in the schedule endorsed or attached to the tofia certificate kept in the register of tofias and shall call upon the holder of the hereditary estate to produce to him his tofia certificate and shall make thereon a like endorsement; and where any lease is surrendered or where any allotment reverts the Minister shall make appropriate endorsements in the schedules as aforesaid.

**DIVISION II**



*Registration of Allotments*

**Form and contents of deed of grant.**

**120.** All deeds of grants of allotments shall be in duplicate and in the form prescribed in Schedule V and in addition to proper words of description shall contain a diagram of the land.

**Minister to keep register for allotments.**

**121.** The Minister shall sign and deliver to the grantee one duplicate and shall register the other by binding up the same in a book to be called the register of allotments.

**Registration or succession, etc.**

**122.** Whenever any person becomes entitled under the rules governing the devolution of allotments contained in Division VII of Part IV to an allotment he shall within one month of so becoming entitled present to the Minister the deed of grant formerly in the possession of his predecessor in title and the Minister shall endorse thereon and upon the duplicate deed in the register a memorial in the following form:

Registration: Registered the..... day of ..... 19..... A.B. (here set out the relationship to the previous holder) has from the .....day of .....19..... become entitled (here set out how the title is acquired, *e.g.* by succession or by dispossession of the widow of ..... on order of the Land Court) to hold the allotment known as ..... situated at .....

**New deed may be issued to successor in title.**

**123.** Where a person is entitled to succeed to an allotment but is unable to produce to the Minister the relevant deed of grant for endorsement under the last preceding section, he shall produce such evidence as the Minister may require to prove his title, and the Minister, upon being satisfied as to the entitlement of that person, may register that person as the holder of that allotment and issue to him a new deed of grant subject to such encumbrances as may be endorsed on the duplicate deed in the register, and upon the issue of the new deed of grant the former deed of grant shall be deemed to have been duly cancelled.

*(Substituted by Act 9 of 1967.)*

**DIVISION III**

*Registration of Leasehold Title*

**(A) FORM OF LEASES, ETC.**

**Form of leases, etc.**

**124.** (1) All applications, leases, sub-leases, transfers and permits shall be in the forms prescribed in Schedule IX with such variations as circumstances may require and in the cases of leases, sub-leases, transfers and permits shall be in duplicate.

*(Substituted by Act 4 of 1980.)*

(2) Every lease, sub-lease or transfer shall in addition to proper words of description contain a diagram of the lands thereby conveyed:

Provided always that no diagram or description shall be necessary in any sub-lease or transfer wherein the grantor conveys the whole land held by him under a previous lease, sub-lease or transfer.

(3) No lease shall be for a longer term than 99 years, except with the consent of His Majesty in Council.

*(Amended by Act 4 of 1980.)*

(4) Every lease shall be signed and sealed by the lessee and by the Minister with his seal of office and shall be countersigned by a Cabinet Minister who shall also impress his seal of office thereon.

#### **Validity of permits reside.**

**125.** (1) Except where the landholder is a person within the meaning of paragraph (a) in the definition of "Landholder" in section 2 of this Act, a permit issued in Form No. 6, or substantially in that Form, of Schedule IX to this Act shall not be capable of being transferred and shall cease to be valid on and after the date of the death of either the grantee of that permit or of the landholder of the day of issue of that permit.

(2) A permit issued in Form No. 2, or substantially in that Form, of Schedule IX to this Act shall not be capable of being transferred and shall cease to be valid on and after the death of the grantee of that permit.

*(Substituted by Act 9 of 1967.)*

### **(B) REGISTRATION OF LEASES, SUB-LEASES, TRANSFERS AND PERMITS**

#### **All leases, etc., to be registered.**

**126.** No lease, sub-lease, transfer or permit until registered in the manner hereinafter prescribed shall be effectual to pass or affect any interest in land:

Provided always that the requirements of Division III (B) or Part VIII as to the registration shall not apply to a sub-lease not exceeding a term of 3 years from the making thereof.

#### **Method of registration of lease.**

**127.** Registration of a lease or of a permit as the case may be shall be effected by the Minister filing one original thereof in the register of leases in his office and by endorsing the other with the following memorial of registration:

Registered the ..... day of ..... 19.....  
Register of Leases (or Register of Permits *as the case  
may be*)..... Book: ..... Folio: .....

..... Signature of Minister.

The lease (or permit as the case may be) endorsed with the memorial of registration shall be delivered by the Minister to the person entitled thereto.

**Registration of transfer.**

**128.** (1) Registration of a transfer or of a sub-lease shall be effected by the Minister filing one original of the document to be registered in the register of transfers (or register of sub-leases as the case may be) and endorsing the other original with the following memorial of registration:

Registered the ..... day of .....19.....  
Register of Transfers (or Register of Sub-Leases *as the case  
may be*).....Book:.....Folio:.....

..... Signature of Minister.

(2) The Minister shall also endorse a memorial of registration upon both the original and the duplicate filed in his office of that instrument under which the grantor of the transfer or sub-lease holds the lands transferred or sub-leased. Such memorial of registration shall be in either of the following forms according to the requirements of the case:

Transfer, registered the ..... day of ..... 19.....  
Register of Transfers .... Book: .....Folio: ..... A. to B.  
conveying to him his land (or..... hectares of this land  
*as the case may be*) consideration .....

..... Signature of Minister.

Sub-lease, registered the ..... day of .....19.....  
Register of Sub-leases:..... Book: .....Folio: ..... X. to Y.  
conveying this land (or..... hectares of this land *as the  
case may be*) for ..... years ending on the ..... day  
of .....

.....: Yearly rent .....  
..... Signature of Minister.

**Original lease should be endorsed.**

**129.** The original of the instrument under which the grantor of the transfer or sub-lease holds endorsed with the memorial of registration specified in section 128 and the duplicate original of

the transfer (or sub-lease as the case may be) endorsed with the memorial of registration shall thereupon be redelivered by the Minister to the respective persons entitled thereto.

### **Method of surrender of lease.**

**130.** (1) The surrender of a lease or of a sub-lease shall be effected by the Minister endorsing upon the duplicate lease (or sub-lease as the case may be) filed in his office the word "surrendered" together with the date of the surrender and such endorsement shall be signed in the presence of the Minister by the lessee and holder of the estate or allotment where the intended surrender is of a lease or by the sub-lessee and sub-lessor where the intended surrender is that of a sublease. The Minister shall also affix his signature and seal of office to such endorsement.

(2) Where the intended surrender is of a lease the Minister shall likewise endorse upon the lease to be produced by the lessee for the purpose a memorandum of the fact and date of such surrender.

(3) Where the intended surrender is that of a sub-lease the Minister in addition to the endorsement upon the duplicate sub-lease specified in subsection (1) of this section shall endorse upon the sub-lease to be produced by the sub-lessee for that purpose a memorandum of the fact and date of such surrender and shall make a similar memorandum upon both the duplicate originals of that instrument under which the grantor of the sub-lease holds the lands thereby sub-let and such grantor shall produce to the Minister the duplicate of such instrument in his possession for the purpose of having such memorandum endorsed thereon.

## **(C) REGISTRATION OF DOCUMENTS AFFECTING LEASEHOLDS**

### **Documents affecting leaseholds to be registered.**

**131.** The registration of the following documents affecting leaseholds shall be compulsory:

- (a) assignments for the benefit of creditors;
- (b) grants of Letters of Administration;
- (c) grants of probate;
- (d) injunctions affecting land and releases of such injunctions;
- (e) memorials of pending suits affecting lands;
- (f) mortgages (including therein assignments by way of mortgage);
- (g) orders of Court appointing a trustee or trustees (including the appointment or discharge of a trustee in bankruptcy proceedings);
- (h) orders of Court for the sale of interests in land under lease, transfer or sub-lease;

(i) powers of attorney to deal with any interest in lands whether by sale, surrender, mortgage, or otherwise, including powers to) execute any document affecting lands.

**Method of registration.**

**132.** The registration of any document required by section **131** to be registered shall be effected as follows:

(a) such document together with a true copy thereof shall be delivered to the Minister together with the original lease or transfer or (where the interest affected thereby is that of a sub-lessee) the sub-lease of any land affected by such document;

(b) the Minister shall file in his office the true copy of the document to be registered by binding up the same in a book (to be called the register of documents affecting leaseholds) and shall endorse the original with the following memorial of registration:

Registered the ..... day of .....  
Register of Documents Affecting Leaseholds:

Book: .....Folio: .....  
..... Signature of Minister.

(c) the Minister shall also endorse the original lease or transfer or the sub-lease (as the case may be) together with the duplicate of the same on file in his office with a memorial of registration in accordance with such one of the forms set out in Schedule X as the nature of the case requires;

(d) the original lease or transfer or the sub-lease (as the case may be) endorsed as provided in paragraph (c) together with the original of the document to be registered endorsed with memorial of registration shall be delivered by the Minister to the person entitled thereto.

**Fees for registration.**

**133.** There shall be paid to the Minister for the registration of documents under this Act the fees specified in Schedule IV and the Minister shall give his official receipt for the payment of same.

**Priority of registration.**

**134.** Should two or more instruments executed by the same proprietor and purporting to transfer or encumber the same land or portion of land be presented at the same time to the Minister for registration and endorsement he shall register and endorse the instrument presented to him by the person who shall present to him the lease transfer or sub-lease (as the case may be) of such land.

**Register open to search.**

**135.** The register of documents affecting leaseholds shall be open to search or inspection and the fees set forth in Schedule IV shall be charged for such search or inspection which shall in all cases be done under the eye and direction of the Minister.

**Minister to keep indices.**

**136.** The Minister shall keep a proper nominal index and also a lands index alphabetically arranged of each book of the registers kept by him in accordance with this Part of this Act.

**DIVISION IV**

*Caveats*

**Rules governing caveats.**

**137.** (1) Any person claiming to be interested under any will, settlement or trust deed or any instrument of transfer or transmission or under any unregistered instrument or otherwise howsoever in any leasehold land may lodge a caveat with the Minister to the effect that no disposition of such leasehold land be made either absolutely or in such manner and to such extent only as in such caveat may be expressed or until notice shall have been served on the caveator or unless the instrument of disposition be expressed to be subject to the claim of the caveator as may be required in such caveat or to any conditions conformable to law expressed therein.

(2) A caveat may be in the form contained in Schedule XI and shall be verified by the oath of the caveator or his agent and shall contain an address within the Kingdom at which notices may be served.

(3) Upon the receipt of a caveat the Minister shall make a memorandum thereon of the date and hour of the receipt thereof and shall enter a memorandum thereof in the register and shall forthwith send a notice of such caveat through the post office or otherwise to the person against whose title such caveat shall have been lodged.

(4) So long as any caveat shall remain in force prohibiting the transfer or other dealing with any leasehold land the Minister shall not enter in the register any memorandum of any transfer or other instrument purporting to transfer or otherwise deal with or affect the land in respect of which the caveat may be lodged.

(5) The proprietor or other person claiming land may by summons call upon the caveator to attend before a Court of competent jurisdiction (hereinafter called the Court) to show cause why the said caveat should not be withdrawn and it shall be lawful for the said Court upon proof that such last mentioned person has been summoned and upon such evidence as the Court may require to make such order in the premises either *ex parte* or otherwise as to the said Court shall seem fit. And where a question of right of title shall require to be determined the proceedings shall be followed as nearly as may be in conformity with the rules of Court in relation to land cases.

(6) The caveatee may make application in writing to the Minister to remove such caveat and thereupon the Minister shall give 21 days' notice in writing to the caveator requiring that the caveat be withdrawn and after the lapse of 21 days from the service of such notice at the address mentioned in the caveat the Minister shall remove such caveat from the register by entering a memorandum that the same is discharged unless he shall have been previously served with an order from the Court extending the time as herein provided.

(7) Such caveatee shall give an address in the Kingdom at which notices and proceedings may be served.

(8) The caveator may either before or after receiving such notice from the Minister apply by summons to the Court for an order to extend the time beyond the 21 days mentioned in such notice and such summons may be served at the address given in the application of the caveatee and it shall be lawful for the Court upon proof that caveatee has been summoned and upon such evidence as the Court may require to make such order in the premises either *ex parte* or otherwise as the Court shall think fit.

(9) The caveator may by notice in writing to the Minister withdraw his caveat at any time but such withdrawal shall not prejudice the power of the Court to make an order as to the payment of costs of the caveatee by the caveator incurred prior to the receipt by the caveatee of notice in writing of the withdrawal of such caveat.

(10) The Minister shall cause an entry to be made in the register of the withdrawal lapse or removal of any caveat or of any order made by the Court.

## **PART IX. - LAND FOR PUBLIC PURPOSES**

### **Minister to reserve Crown land for roads, etc.**

**138.** The Minister shall with the consent of the Cabinet reserve such portions of Crown Land as may from time to time be required for roads, public ways, commons, cemeteries, school sites, playgrounds, public health purposes and for use by Government Departments or for other public purposes and may grant a lease of land to trustees to be used as a cemetery for Europeans.

### **Cemeteries.**

**139.** (1) It shall be an offence punishable by imprisonment not exceeding 6 months or a fine of up to \$100 or both to use a cemetery for any purpose other than the burial of bodies.

(2) It shall be an offence punishable by imprisonment not exceeding 6 months or a fine of up to \$100 or both to conceal or bury the body of any deceased person in any place other than a cemetery save for the body of an executed criminal which shall be buried in accordance with the Criminal Offences Act and the Court may order the removal of such body to a cemetery.

(3) In this section-

(i) "Body" shall include the remains of any deceased person whether embalmed, cremated or otherwise treated;

(ii) "Cemetery" shall mean any area of land declared by the Minister to be a cemetery and any area reserved under section 138 or resumed for the purpose of creating a cemetery.

*(Inserted by Act 4 of 1980.)*

### **Land heretofore taken to be deemed Crown Land.**

**140.** All commons, cemeteries, Government school sites heretofore constituted or taken under any law, or custom shall be deemed to be Crown Land reserved for public purposes.

### **Land may be resumed compulsorily.**

**141.** (1) The King may, with the consent of the Privy Council, call upon any holder to give up possession of land held by him provided that the Council is satisfied that the land is required for public purposes.

(2) In all such cases the Minister shall, to the holder of the land to be resumed-

(a) in respect of the crops being grown on the land to be resumed, pay money compensation to be calculated at the rates and in the manner provided in this Part of this Act;

(b) in respect of the land to be resumed, at the Minister's own discretion, either grant other land in its place, or pay money compensation to be calculated at the rates and in the manner provided in this Part of this Act, or both grant other land and pay money compensation;

(c) in respect of any building or buildings erected on the land to be resumed, pay money compensation to be calculated at the rates and in the manner provided by this Part of this Act.

*(Substituted by Act 6 of 1973.)*

(3) The powers of resumption granted to the Privy Council by this section shall not preclude nobles or others with the consent of Privy Council from voluntarily relinquishing land for public purposes and no compensation either in land or money shall be given to any noble or other person relinquishing land in accordance with this subsection.

*(Added by Act 19 of 1934.)*

### **Notice of resumption to be given.**

**142.** Where the Crown intends to resume land held by any person, the Minister shall give to the holder thereof a notice in writing of such intention in the form specified in Schedule XIII to this



Act, and the said notice must be given at least thirty (30) days before the date on which it is intended to resume possession of the land.  
(*Substituted by Act 6 of 1973.*)

### **Compensation for resumed land.**

**143.** (1) The King may, with the consent of Privy Council, make regulations from time to time specifying the rates of money compensation to be paid for land resumed by the Crown under this part of this Act; and for crops being grown and for buildings on such land and the method of calculation of such rates.

(2) The amount of money compensation to be paid based on said rates will be calculated within 30 days of the date of the said notice specified in section **142** of this Act. (*Substituted by Act 6 of 1973.*)

## **PART X. - THE LAND COURT**

### **DIVISION I**

#### *Constitution and Jurisdiction*

#### **Establishment of Court.**

**144.** There is hereby established and constituted for the Kingdom a Court which shall be called the Land Court.

#### **Court to have seal.**

**145.** The Court shall have a seal bearing the device of the Tongan Arms with the inscription "Fakamaau'anga Fonua 'o Tonga" and every summons, writ, order or other process of the Court shall before being issued be signed by the Judge and sealed with the Seal of the Court.

#### **Powers of Judge and Assessor.**

**146.** (1) The Land Court shall consist of and be presided over by the Judge assisted by an assessor to be selected by the Judge from a panel of assessors.  
(*Substituted by Act 5 of 1952.*)

(2) The orders and judgments of the Court shall be formulated and pronounced by the Judge alone and the assessor shall have no voice or part therein.

(3) The duties of the assessor shall be to assist the Judge with explanation and advice in regard to Tongan usages and customs and other matters of a similar nature.

#### **Appointment of judge.**

**147.** (1) The Judge and the panel of assessors shall be appointed by and hold office during the pleasure of His Majesty and the Privy Council.  
(*Substituted by Act 5 of 1952.*)

(2) It shall be lawful for His Majesty and the Privy Council in cases of temporary illness or absence of the Judge to appoint some fit and proper person to fill such office until the Judge shall resume the duties thereof.  
(*Added by Act 17 of 1930.*)

#### **Appointment of clerk.**

**148.** (1) The Prime Minister with the consent of the Cabinet may from time to time appoint a clerk to the Court at such salary as may be provided in the Annual Estimates.

(2) The clerk shall attend all sittings of the Court and shall record the evidence and particulars in every case or matter heard and determined by the Court together with the decision of the Court thereon.

(3) He shall perform such other duties as may be prescribed by any rules made under this Part of this Act.

#### **Jurisdiction of Court defined.**

**149.** (1) The Court shall have jurisdiction-

(a) to define the area and boundaries of every parcel of land in the Kingdom;

(b) to hear and determine all disputes, claims and questions of title affecting any land or any interest in land in the Kingdom and in particular all disputes, claims and questions of title affecting any tofia, tax or town allotment or any interest therein; excepting any disputes, claims and questions affecting any land or interest in land resumed by the Crown under Part IX of this Act;  
(*Amended by Act 6 of 1973.*)

(c) to appoint one or more fit and proper persons with or without remuneration to act as trustees for any Tongan other than a noble or matapule who being entitled to any land is either under the age appointed by law for succeeding thereto or is by reason of mental infirmity incapable of managing his affairs for the purpose of protecting and managing such land and of applying in accordance with the directions of the Court for the maintenance and benefit of the person beneficially entitled to such land all moneys received from the management thereof including moneys arising from the seal or hire of livestock or the sale of copra or other products;

(d) to take the accounts of all such trust estates and to dismiss any trustee guilty of mismanagement, breach of trust or fraud in connection with the trust estate and to appoint another trustee in his stead.

**Appointment of trustee by the court. Relatives to be cited.**

(2) Whenever an application is made to the Court under this section for the appointment of a trustee or trustees for a minor, the lawful brothers and sisters of the mother and father and the grandparents of such minor shall be cited to appear at the hearing of such application.

*(Added by Act 19 of 1934.)*

**Fees payable in boundary disputes.**

(3) Whenever the Court exercising its jurisdiction in accordance with this section shall find that one of the parties to an action relating to the area and boundaries of any parcel of land has wilfully encroached on the land of the other party to the action, the Court in addition to any other order it may make shall order the person who has so encroached to pay to the Minister the sum of \$2.

*(Added by Act 19 of 1934.)*

**Jurisdiction exercisable on application by Minister.**

**150.** The jurisdiction of the Court may be exercised on the application of any person claiming to be interested or on the application of the Minister.

**Power for enforcing process of court.**

**151.** (1) The Court for the purpose of exercising its jurisdiction under this Act shall have and exercise all the powers of the Supreme Court of Tonga in regard to-

- (a) enforce the attendance of parties or witnesses;
- (b) enforcing the production of any books, papers or documents;
- (c) the administration of oaths and the hearing of evidence.

(2) The Court may whenever necessary-

- (a) issue a writ of possession directed to the police officers of any district requiring them to deliver possession of any lands situated in such district and described in the writ to the person their name;
- (b) grant and issue injunctions affecting lands.

**Orders as to costs.**

**152.** The Court may make such order in reference to payment of the costs of any proceedings before it as it thinks just:

Provided always that no costs shall be awarded to or against the Crown except in the case of an action brought under Division IV of Part IV of this Act, where the Court may award costs to the Crown not exceeding \$1.

*(Amended by Act 10 of 1948.)*

**Power to punish for contempt.**

**153.** Every person who, being duly summoned to attend before the Court or to produce any books, papers or documents-

(a) fails or refuses to attend in obedience to the summons, or

(b) refuses to be sworn or affirmed or to give evidence or to answer any question relevant to the matter at issue, or

(c) fails to comply with an order of the Court requiring the production of any book, paper or document therein specified which it is in his power to produce,

shall be liable for every such default to a fine not exceeding \$40 and in default of payment to imprisonment for any period not exceeding 3 months and such fine may be imposed and imprisonment ordered by the Court without any further proceeding.

**Sitting to be at Nuku'alofa or elsewhere.**

**154.** The sittings of the Court shall be held in the Supreme Court Nuku'alofa but sittings of the Court may be held elsewhere:

Provided always that reasonable notice of the time and place of such sitting has been given to the parties and the various witnesses concerned in the cases that are to be heard at such sitting.

**Sitting to be public.**

**155.** The sittings of the Court shall be open to the general public so far as they can be conveniently accommodated in the Court.

**Parties may be represented.**

**156.** Any party or person entitled to appear in any proceedings may conduct his case in person or by a lawyer duly licensed under the provisions of any Tongan law now in force or hereafter passed.

**Affidavit may be made before the registrar.**

**157.** Every affidavit declaration or affirmation for use in any proceedings in the Court may be made before any person lawfully empowered to take affidavits.

*(Amended by Act 17 of 1930.)*

**Minister may be sued.**

**158.** The Minister may sue or be sued by his official designation in respect of any claim to any lands made by or against the Government.

**Minister and assessor not to act if interested.**

**159.** Whenever either the Minister or the assessor is personally concerned in any claim regarding any lands or in any proceedings pending in the Court, it shall be lawful for the Privy Council to appoint some other person to discharge for the time being the duties of the Minister or the assessor as the case may be in reference to such claim or proceedings.

**Judge to forward judgment to minister.**

**160.** Whenever by any judgment of the Court from which no appeal has been taken any person is adjudged entitled to any lands the Judge shall forward to the Minister a copy of such judgment under his hand and the Seal of the Court.

**Procedure for minister on receipt of judgment.**

**161.** (1) The Minister shall on receipt of such copy of a judgment as is mentioned in section **160** hereof and on payment of the fees prescribed by law prepare in duplicate a tofia certificate or a deed of grant as the case requires in favour of the person entitled to the lands specified in the judgment.

(2) Such certificate or deed shall be in the prescribed form and shall be duly registered.

**DIVISION II**

*Appeals*

**Appeal lies to the Privy Council within 60 days.**

**162.** Any party may appeal from any order or judgment of the Court to the Privy Council:

Provided that he shall within 60 days after such order or judgment-

(a) deliver to the Clerk of the Court and to the other party written notice of appeal stating the general grounds of his appeal; and

(b) pay to the clerk the appeal fee.

*(Amended by Act 17 of 1930.)*

**Registrar's duties on appeal.**

**163.** On compliance by the appellant with the provisions of section **162** the clerk shall forward to the clerk of the Privy Council-

(a) the appellant's notice of appeal,

(b) a correct transcript of the proceedings and judgment in the Court.  
(Amended by Act 17 of 1930.)

**Clerk of council to give notice of hearing.**

**164.** The clerk of the Privy Council shall as soon as possible give written notice to the parties of the date fixed by the Privy Council for the hearing of the appeal which shall be held at a meeting of the Privy Council at which the Chief Justice or a judge nominated by the Privy Council is present.

(Amended by Acts 22 of 1942 and 18 of 1977.)

**Council may admit fresh evidence.**

**165.** Upon good cause shown by either party, fresh evidence may in the discretion of the Privy Council be admitted at the hearing of the appeal and the hearing may if necessary be adjourned to enable such evidence to be produced.

**Council may rehear.**

**166.** (1) On the hearing of an appeal the Privy Council may-

(a) rehear the case; or

(b) gives its decision on the evidence taken in the Court;

and in the latter case it may in its discretion recall for further examination all or any of the witnesses examined in the Court.

(2) The Privy Council may adjourn the hearing of the appeal and may affirm, reverse or vary the decision of the Court or make such order (including any order as to the payment of costs by either party) as it thinks just and may by its order exercise any power which the Court might have exercised.

**Signed judgment to go to Registrar and the Minister.**

**167.** (1) Immediately after any decision affecting the possession of or title to any lands has been given on appeal the clerk of the Privy judgment to Council shall transmit to the Registrar of the Court and to the Minister a copy of such decision signed by the clerk of the Privy Council and impressed with the Seal of the Privy Council. Such copy shall be sufficient authority to the Court for the enforcement of the said decision and for the issue of such process (if any) as may be required for that purpose.

*(Amended by Act 17 of 1930 and Act 13 of 1936.)*

(2) On receipt by the Minister of such copy of a decision on appeal as is specified by subsection (1) of this section and on payment of the fees prescribed by law he shall forthwith take such steps to give effect to the decision on appeal as he is required by section **161** to take on receipt of a copy of a judgment of the Court.

### **DIVISION III**

#### *Procedure and Fees*

#### **Judgment may make rules of Court.**

**168.** The Judge may from time to time make, revoke and alter rules for regulating the practice and procedure of the Court and may also vary or add to the list of fees and the amount thereof given in Schedule XII. Any rules or alterations in fees so made shall not come into force until approved by His Majesty and the Privy Council.

#### **Authority to take fees.**

**169.** The fees to be taken in the Court shall be those set forth in Schedule XII:

Provided that no fees shall be payable by the Minister in respect of any proceedings instituted by him in his official capacity.

### **DIVISION IV**

#### *Limitation of Action*

#### **Limitation of action.**

**170.** No person shall bring in the Court any action but within 10 years after the time at which the right to bring such action shall have first accrued to some person through whom he claims, or if such right shall not have accrued to any person through whom he claims then within 10 years next after the time at which the right to bring such action shall have first accrued to the person bringing the same.

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## **THE SCHEDULES**

### **SCHEDULE I**

(Sections 9 and 11)

*(Amended by Act 14 of 1973 and G.S. 147/79)*

## HEREDITARY ESTATES

<i>Tofia</i>	<i>Title</i>
Mu'a but not to include Havelu, Fatumu and Lavengatonga but it shall include Ha'atakalaua to Fua'amotu and Kai'avale and Ha'atui also that part of Navutoka that was divided by Malupo and Toi.	TUNGI.
Lapaha, Hamula and Toloa.	KALANIUVALU.
Pelehake and Ha'atalafale in Ha'apai and Ha'atalafale in Vava'u.	TU'IPELEHAKE.
Kolonga, Poha and Kotongo.	NUKU.
Fangale'ounga in Ha'apai.	NIUKAPU.
The landward side of Tokomololo and Vaini.	MA'AFU.
Fualu and Pea.	LAVAKA.
Havelu.	FIELAKEPA.
Kolovai and 'Atata.	ATA.
Fahefa and Pangai in 'Eua.	VE'EHALA.
Hihifo in Vava'u.	'ULUKALALA.
Tungua, Matuku, Ha'ateiho in Tongatapu but not including Manamo'ui, Ha'ateiho, in Ha'apai, Ha'ateiho in Vava'u, Vaikeli in Tongatapu and the town allotment of Fine'ehe in Pangai Ha'apai. <i>(Substituted by Act 16 of 1953.)</i>	TU'IHA'ANTEIHO.
Ha'ano, Pukotala and Mui-toa.	TU'IHA 'ANGANA.
'Uiha, Taka'amoato'a and Teleki.	MALUPO.
'Alele and western side of Angaha and 'Ahau, Palau and Ha'ahoko.	FOTOFILI.
Vaipoa and Hihifo but not to include Falehau and Matavai and Tafahi; and in Niuatoputapu,-Vaotahi, Hunganga, Tavili and the waste land between Hunganga and Tavili. <i>(Amended by G. S. 147/79.)</i>	MA'ATU.
Nakolo, Malapo and Fetoa in Tongatapu, Tefisi in Vava'u.	LUANI.
Talasiu, Ofu, Okoa and Vasivasi.	TU 'ILAKEPA.
Makave, Holopeka in Ha'apai, and Fonoifua.	TU 'I'AFITU
Houma.	VAEA.
Ma'ufanga, Faleloa and Nga'akau.	FAKAFANUA.
Fo'ui and Ta'anea.	VAHA'I.
Nukunuku, Matafonua, Vaotu'u, Matahau.	TU 'IVAKANO.
Ha'avakatolo and 'Utui.	'AHOME'E.
Hunga, Fangalepa and Loto'uiha.	FULIVAI.
Falevai.	FAKATULOLO.
Mahinafekite in Niua; and Angihoa in Nivatoputapu.	TANGIPA.



*(Amended by G.S. 147/79.)*

Faletanu and eastern side of Angaha and Ma'ufanga in Niua.

FUSITU'A.

'Utungake and Ha'afakahenga and Futu in Niuafo'ou.

TUITA.

Puke.

FOHE.

Te'ekiu and Haufolau.

MOTU'APUAKA.

Talafo'ou and Masilamea in Vava'u.

LAUAKI.

Ha'alaufuli.

AFU.

Leimatu'a.

FOTU.

Ha'afeva.

Tu'UHETOKA.

Taunga.

'AKAU'OLA.

Lakepa in 'Ahau, Lakepa in Neiafu, Lakepa in Ha'atau, Lakepa in Kala'au, Lakepa in Ha'amea, Lakepa in 'Eua, Lakepa in Navutoka, Fonongahina, and Tafangafanga in Hahake.

LASIKE.

Tongatapu-

VEIKUNE.

1. Longoteme and Matamoana.

2. 'Oneata (island).

3. Kanatea (island).

Vava'u-

VEIKUNE.

1. Pale'a to Fongotofe.

2. Talahuo landward side of Fongotofe.

3. Lolopipi between Nga'akau and Vaimalo.

4. Longomapu.

5. Kolotahi (island).

6. Ha'akoka and Fangaeva.

'Utulau and all parts belonging to it in Tongatapu.

HEIR APPARENT.

Nomuka with Nomukeiki and Lofanga with Niniva

in Ha'apai, Taoa and all parts belonging to it in

Vava'u. *(Amended by Act 4 of 1937.)*

## **SCHEDULE II**

(Section 10)

*(Amended by Acts 4 of 1972, 14 of 1973 and 15 of 1980)*

### **ROYAL ESTATES**

*Tongatapu and 'Eua*

Loto'a, Sia ko Veiongo (being the area of ground bounded by Vuna Road, Sipu Road, Wellington Road and Vaha'akolo Road), Pangai and Mapu'afuiva (Nuku'alofa), Kanokupolu, Mataliku, Houma ('Eua).

**Ha'apai**

Pangai ('Uta) in Lifuka; Tau'akipulu; Pangai in Foa; Mango (island); Nukunamo (island).

**Vava 'u**

Afinemata and Fua'amotu (island); Nuapapu (island); Pangaimotu (excepting Tokolo, Nukuleka, Haufolau, 'Utulei and Ha'afakahenga); Tufutele (\*'api); Fatai (\*'api); 'Ovava (\*'api); Holonga; Fangaliki (\*'api); Keitahi (\*'api); Tamamu'aloto (\*'api); Veitatalo (\*'api); Pipilotoi (\*'api).

**Niuatoputapu**

Falehau.

**Niufo'ou**

Mata'aho.

**SCHEDULE III**

(Section 10)

*(Substituted by Act 4 of 1972)*

**ROYAL FAMILY ESTATES**

*Tongatapu and 'Eua*

**Tongatapu and 'Eua**

Mataliku; Tufumahina and Talangaholo; Matatoa, Finefekai, Pangaimotu (island); 'Onevai (island); Tatanga ('Eua).

**Ha'apai**

Lea'aetohi, Fiehua; Toumu'a; Faikakai; Houma Tatangia, including Velitoa (Uoleva); Fuhu in Foa; Tamata'epele in Foa; Siale (Lofanga); Mata'aho ('Uiha); Faka'osikato (Ha'afeva); Alaloa (Tungua); Niu-'a-Kalo (at Holopeka).

**Vava'u**

Havelu, Loto'a.

**SCHEDULE IV**

(SECTIONS 22 AND 133)

*(Amended by Act 11 of 1980, G.S. 43/72, G. 137/77, G. 367/78, G.S. 38/79)*

**SURVEY FEES**

\$

Under 2 Hectares .....	-	17.50
2 Hectares or over but under 8 Hectares.....	-	28.00
Then for every additional Hectare		
up to 40 hectares .....	-	1.75
up to 80 hectares .....	-	1.28
up to 200 hectares.....	-	1.09
up to 400 hectares.....	-	0.86
Then for every additional hectare or 5000m2.....	-	0.44
Together with expenses of travelling for surveyors and party from nearest port of entry		
Survey of tax or town 'api to determine boundary lines, not being the original grant of the same.....	-	3.50

### REGISTRATION FEES

		\$
REGISTRATION OF LEASE .....		10.50
REGISTRATION OF TOFIA.....		30.00
REGISTRATION OF SUB-LEASE.....		5.25
REGISTRATION OF TAX 'API .....		3.50
REGISTRATION OF TOWN 'API .....		1.75
REGISTRATION OF DOCUMENT AFFECTING LEASEHOLD TITLE.....		.88
REGISTRATION OF PERMIT.....		10.50
REGISTRATION OF APPOINTMENT OF TRUSTEE.....		3.68
APPLICATION FOR A MORTGAGE.....		1.00
REGISTRATION OF MORTGAGE.....		10.50
REGISTRATION OF A DISCHARGE OF MORTGAGE.....		5.25
REGISTRATION OF DOCUMENT AFFECTING A MORTGAGE.....		1.00
APPLICATION FOR VARIATION OF MORTGAGE.....		1.00
REGISTRATION OF VARIATION OF MORTGAGE.....		10.50

### TRANSFER FEES

Transfer of Lease.....		7.00
Transfer of Sub-Lease.....		3.50
Transfer of Tax 'Api.....		.88
Transfer of Town'Api.....		.88
Application to assign a Mortgage .....		1.00
Registration of Assignment of a Mortgage .....		5.25

### OTHER CHARGES

		\$
For every plan or map .....		3.50
For search of register.....		0.44
For every general search of any register.....		0.88
For any office copy of document registered for extract therefrom - per folio of seventy two words.....		0.14

For certificate and seal of Minister to any office copy .....	0.88
Permit to cut stone blocks 600m2, each.....	0.03
Over 600m2 each .....	0.09
Application for permit to aliens to occupy Tongan land or reside with Tongan-	
One quarter or any part thereof.....	0.88
One half year or any part thereof.....	1.75
One year or any part thereof.....	3.50
Inspecting any plan, charts, map or survey in Lands Office, each one.....	0.18
Removing sand from foreshores or any Government property, for each tonne or part thereof (C.D. 797/78) .....	0.40
Removing stones or shingle or other material other than stone blocks, for each tonne or part thereof .....	0.44
Timber out from Government property logs 300mm diameter, per 4m.....	8.75
For each additional 25mm diameter.....	1.75
For additional 30mm length or part thereof.....	1.75
Permission to cut timber of less than 300mm diameter will not normally be granted	

**SCHEDULE V**

(Section 120)

**GOVERNMENT OF TONGA**

District of .....

**DEED OF GRANT OF ALLOTMENT**

Vol.....Folio.....

Granted unto ..... to hold as his allotment in accordance with  
the Law of Tonga.

All that parcel of land known as .....and situate at

*Insert description of  
boundaries after the  
word "at"*

being ..... hectares more or less, coloured green on the plan drawn  
hereon, the same being an accurate copy of the official survey plan. In  
witness whereof I have affixed my seal and signature on this ..... day  
of .....19.....

.....  
Minister of Lands.

**SCHEDULE VI**

(Section 115)

**TOFIA CERTIFICATE**

Granted unto ..... to hold as his Tofia in accordance with the Law of Tonga.

All that parcel of land known as .....situated at ..... being ..... hectares more or less and coloured green on the plan hereon or attached hereto, the same being an accurate copy of the Government survey plan of the area in which the said Tofia is situated.

In witness whereof I have set my Royal Seal and Signature this day of ..... 19.....

Seal  
Countersigned .....

Minister of Lands.

*(Substituted by Act No. 3 of 1951.)*

**SCHEDULE VII**

(SECTION 38)

**FORM OF OATH**

I swear by Almighty God that I will be loyal to King Taufa'ahau Tupou IV the lawful King of Tonga his heirs and successors and that I will uphold the Constitution of Tonga and faithfully perform my duties as

Noble of.....  
Matapule of.....

**SCHEDULE VIII**

*(Inserted by G. 137/77, Amended by G.S. 38/79)*

(Section 112)

**Form No. 1**

Form of Application for a Mortgage

Date .....

The Hon. Minister of Lands,  
Sir,

I have the honour to make application for the mortgage of my hereditary estate, tax or town allotment or lease more particularly described as follows:

.....  
.....  
.....  
.....

Name and address of applicant: .....

.....

Name and address of proposed mortgagee: .....

.....

Amount and particulars of loan: .....

Period of mortgage: .....

Period and details of repayment:.....

Interest: .....

Purpose of loan:.....

Details of any collateral security: .....

Details of other mortgages granted by the applicant:.....

.....

Signature of Applicant.....

Witness .....

## Form No. 2

### Memorandum of Mortgage

MORTGAGOR:.....

MORTGAGEE: .....

TYPE OF HOLDING:.....

LAND: .....

In consideration of a loan or loans made or to be made by the Mortgagee to the Mortgagor not exceeding in total the sum of T\$ .....

( ..... pa'anga) the Mortgagor COVENANTS with the Mortgagee as set out in the Schedule AND for the purpose of securing the repayment of such loan and interest and other moneys the Mortgagor HEREBY MORTGAGES BY WAY OF A LEASE to the Mortgagee all his rights title and interests in the land above described together with all buildings and fixed improvements thereon for a period of..... years from the date hereof.

Dated this ..... day of .....19.....

SIGNED by the above named )

..... )  
as Mortgagor in the presence of:-)  
Correct for the purposes of the Land Act  
.....  
Mortgagee/Solicitor for the Mortgagee.

**Form No. 3**

**Form of Application to Assign a Mortgage**

Date .....

The Hon. Minister of Lands,  
Sir,

I have the honour to make application for the assignment of all my rights and interests as mortgagee over the mortgage more particularly described below:

Registered number of mortgage:.....

Name and address of proposed Assignee: .....

Consideration: .....

Details of any proposed alterations in terms of mortgage: .....

Signature of Mortgagee.....

Witness .....

Signature of Assignee .....

Witness .....

I ....., mortgagor of the above described mortgage hereby give my consent to the above described Assignment.

Signature of Mortgagor.....

Witness .....

Consent of the Mortgagor to above assignment dispensed with under section **105(2)** of the Land Act.

Signed by the Minister of Lands..... )

this..... )

day of .....19..... )

in the presence of: ..... )

**FORM No. 4**

**ASSIGNATION OF A MORTGAGE**

In consideration of the sum of T\$....., receipt of which is hereby acknowledged, I .....

....., mortgagee of mortgage registered No.

..... Hereby Assign all my rights and interests in the said mortgage

to..... Dated this ..... day of  
.....19.....  
Signature of mortgagee.....  
Witness .....  
Signature of Assignee .....  
Witness .....  
Correct for the purposes of the Land Act  
.....  
Assignee/Solicitor for the Assignee.

**Form No. 5**

**Discharge of a Mortgage**

Received from the Mortgagor .....  
this ..... day of .....19.....  
the sum of T\$ ..... being.  
in full satisfaction and discharge of mortgage registered  
number .....  
Signature of Mortgagee.....  
Witness .....  
Correct for the purposes of the Land Act  
.....  
Mortgagor/Solicitor for the Mortgagor

**Form No. 6**

**Variation in Principal of Mortgage**

The principal sum intended to be secured by Memorandum of Mortgage Book ..... Folio  
..... is hereby increased (reduced) to  
.....  
Dated .....

Mortgagor  
Witness  
Mortgagee  
Witness

**Form No. 7**

**Variation in Rate of Interest**

The rate of interest payable under Memorandum of Mortgage Book  
.....Folio..... is hereby increased (reduced) to  
Dated .....



Mortgagor  
Witness  
Mortgagee  
Witness

**Form No. 8**

**Variation in Term of Mortgage**

The term or currency of Memorandum of Mortgage Book Folio ..... is hereby renewed, shortened or extended to.....

Dated .....

Mortgagor  
Witness  
Mortgagee  
Witness

**Form No. 9**

**Variation in Terms of Mortgage**

The Covenants, conditions, and powers contained or implied in Memorandum of Mortgage Book .....Folio.....are hereby varied as follows

.....  
Dated .....

Mortgagor  
Witness  
Mortgagee  
Witness

**SCHEDULE IX**

(Section 124)

*(Amended by G.S. 13/76)*

**FORM No. 1**

**FORM OF APPLICATION FOR LEASE**

.....  
.....19.....

The Hon. the Minister for Lands,  
Nuku'alofa.

Sir,

I have the honour to make application for the lease of certain property at  
..... more particularly described below. The purpose for which I  
wish to put to use the said property is .....

District of	Estate of	'Api kolo of and date registered	Area of holding
Area required	Term of years	Rent per annum	Amount of Survey fee

Signature of applicant.....

I hereby agree to the lease of the property as described above and declare that there is no  
impediment to prejudice this lease.

Signature of grantor .....

Witness to signatures.....

Remarks by Minister.....

**TOFIA**

Total number of Taxpayers	Area leased to Foreigners	Area leased to Tongans
------------------------------	------------------------------	------------------------

Survey fee official receipt no. ....

Date .....19.....

.....Minister

**FORM No. 2**

**PERMISSION FOR FOREIGNERS TO RESIDE ON LAND OF  
TONGAN SUBJECT**

No.....Office of the Minister of Land,  
.....19.....  
.....of.....in Tonga, a Tongan subject is  
hereby granted permission to allow ..... of.....  
in Tonga, a foreigner, to reside on his land at ..... for a

period of ..... quarters ending the..... day of  
..... 19..... for which permit he has paid the sum of \$ .....

.....  
Minister of Lands.

**FORM No. 3**

**FORM OF LEASE**

THIS DEED OF LEASE made this .....day of the month of..... in the year of Our Lord one thousand nine hundred and ..... by His Majesty King Taufa'ahau Tupou IV, King of Tonga, of the one part, hereinafter called in this Deed the Lessor, and ..... of ..... of the other part, hereinafter called in this Deed the Lessee. Witnesseth that in consideration of the payment of the yearly rent that is recorded in this Deed and the performance of the covenants in this Deed by the Lessee, his heirs and representatives, the Lessor leases for himself and his successors to the Lessee, his heirs, and representatives all that piece of land.....in accordance with the Land Act. And the Lessee, his heirs, and representatives, shall hold the piece of land described in this Deed from the ..... day of the month of..... in the year of Our Lord one thousand nine hundred and..... until the ..... day of the month of ..... in the year of Our Lord one thousand nine hundred and .....

And the Lessee covenants for himself, his heirs, and representatives, that he will pay the sum of..... in legal currency on the ..... day of the month of..... in each and every year to the Lessor or his successors because of this Lease. And will make the first payment of the same on the execution of this Deed. And the Lessee for himself, his heirs, and representatives, hereby covenants that he will comply with the regulations made by the King and the Legislative Assembly and Government: such as the laws relative to weeding the frontage and making; the roads, and all municipal laws and ordinances which shall be made by the King and the Legislative Assembly and the Government. And the Lessee: further covenants for himself, his heirs and representatives that he will not grant a sub-lease of, or transfer this lease without the consent of Cabinet beforehand obtained; and furthermore, the Lessee Covenants for himself, his heirs and representatives that in respect of the land hereunder leased, he will not:-

- (a) abandon, neglect or fail to use it for any period or periods of altogether 3 years;
- (b) use or permit any person or persons to use it for any purpose other than that upon which application and approval have hitherto been made; or
- (c) receive any money or other form of payment from any person or persons in addition to or instead of the sum specified herein.

If any of the above covenants are not complied with by the lessee, his heir or representative, then Cabinet may at its discretion terminate this lease.

*(Amended by Act 15 of 1934, Act 5 of 1947 and G.S. 13/76 and G.S. 117/86.)*

But it shall be lawful for the Lessee, his heirs or those that represent him to remove all houses and improvements which may have been built on the said land. And it is hereby agreed by these presents if at the expiration of twenty-one (21) days from the day the rent becomes due by the Lessee, his heirs, or his representatives, to the Lessor or his successors because of this Lease, as is recorded in this Deed, the rent hereby reserved or any part of it should remain unpaid, it shall be lawful for the Lessor or his successors to take possession of all or parts of the lands herein leased by this Deed, or to sell by auction the houses or house or anything which may be on this land, to the amount of rent owing by the Lessee, his heirs or representatives, because of the rent of his land or to take civil proceedings in a court of competent jurisdiction of the Kingdom for the recovery of the said rent.

*(Amended by G. 49/76.)*

WITNESS the signature of the Minister of Lands and the seal of his office both affixed hereto in the name of His Majesty and in accordance with one hundred and tenth clause of the Constitution of Tonga 1888 on the..... day of the month of ..... in the year of Our Lord one thousand nine hundred and..... and the signature of the Lessee and his seal done on the .....day of the month of..... in the year of Our Lord one thousand nine hundred and .....

.....  
Cabinet Minister.

.....  
Witness to the signature of Lessee.

.....  
Minister of Lands.

.....  
Lessee.

REGISTERED in the Registry of Leases of the Tonga Government in the Office of the Minister -of Lands, Nuku'alofa, on the .....day of the month of..... 19.....  
No.....

.....  
Minister of Lands.

**FORM No. 4**

**FORM OF SUB-LEASE**

*Sub-Lease*

THIS DEED made this ..... day of the month of..... in the year one thousand nine hundred and .....between .....of ..... of the one part and..... of ..... of the other part.

WITNESSETH that it is agreed that in consideration of the rent hereinafter stated and the performance of the covenants of this deed by the said ..... his heirs and representatives the said ..... sub-leases and lets for himself and his successors to the said..... his heirs and representatives all that piece of land..... as is shown by the plan drawn hereon together with all buildings and erections thereon. And the said ..... his heirs and representatives shall hold the piece of land described in this deed from the ..... day of the month of ..... in the year one thousand nine hundred and.....until the .....day of the month of..... in the year one thousand nine hundred and ..... And it is covenanted by the said .....for himself his heirs and representatives that he will pay the sum of..... in legal currency on the .....day of the month of..... (fill in here, annually, quarterly or monthly) in each and every year of the said..... or his successors because of this sub-lease and will make the first payment of the same on the .....day of the month of..... in the year one thousand nine hundred and..... And it is covenanted by the said..... for himself his heirs and representatives that he will comply with the regulations made by the King and the Legislative Assembly and the Government such as the laws relating to weeding the frontage and making the roads and all municipal laws and ordinances which shall be made by the King and the Legislative Assembly and by the Government which affect the said land in this sub-lease. And when the time for which this deed is made shall expire the said..... his heirs or his representatives shall give up quietly and peaceably the land described in this deed to the said..... or his successors. But it shall be lawful for the said ..... his heirs or representatives to remove all houses and improvements which may have been built upon the said land during the term of this deed and either during the said term or at the expiration of the same. And the said..... further covenants for himself his heirs and representatives that he will keep in good order and condition all houses buildings and erections now upon the said land fair wear and tear alone excepted (\*and also damage by fire or hurricane excepted [*\*Fill in here as; agreed by the parties.*]) and deliver them up in such condition at the expiration of the said term or the sooner determination thereof and that he will not do or suffer or omit any act or thing whatsoever whereby in consequence whereof the lease under which the said premises are now held by the said .....may be forfeited or become voidable.

And it is hereby agreed if at the expiration of..... from the day the rent becomes due by the said ..... his heirs or representatives under this deed the said rent is not paid it shall be lawful for the said .....or his successors to take possession of all or any part of the land hereby leased and to sell by auction any house or building or improvement or anything which may be on the land to the amount of rent owing by the said ..... his heirs or representatives together with the expense of such seizure and

sale. And the said..... for himself and his successors covenants that he or they will duly and punctually pay the rent reserved by the original deed of lease from His Majesty the King and will observe and fulfil all covenants and conditions in the said original lease mentioned and on his or their part to be observed and performed.\* (Here fill in any other conditions agreed on by the parties.)

IN WITNESS thereof the said parties have hereto set their hands and affixed their seals at ..... in the Kingdom of Tonga the day and year first above written.

Witness.

.....

**FORM No. 5**

**FORM OF TRANSFER**

THIS INDENTURE made this ..... day of the month of ..... in the year of Our Lord one thousand nine hundred and ..... by ..... of..... of the one part and..... of ..... of the other part.

WITNESSETH that in consideration of the payment of the sum of .....to the said ..... by the said ..... (the receipt whereof the said..... hereby acknowledges) the said .....assigns unto..... for himself, his heirs, and his successors, all that parcel of land comprised in and demised by the deed of lease annexed hereto.

No.....

To HOLD the same unto the said ..... his heirs, and his successors, for all the residue now unexpired of the term of the said annexed lease, subject to the rent reserved by the said deed of lease, and the covenants and conditions of the said lease which henceforth on the part of the Lessee his heirs and representatives ought to be observed and performed.

IN WITNESS whereof the said parties have hereunto set their hands and seals the day and month and year first above written.

REGISTERED In the registry of leases of the Tonga Government in the office of the Minister of Lands on the .....day of the month of ..... in the year of Our Lord one thousand nine hundred and.....

No.....

.....  
Minister of Lands.

**FORM No. 6**

**FORM OF PERMIT**

THIS PERMIT made this ..... day of the month of..... in the year of Our Lord one thousand nine hundred and .....

WITNESSETH that in consideration of the payment of..... rent that is recorded in this permit..... permission is granted to.....of.....to.....

AND TO HOLD this permission until the..... day of the month of..... in the year of Our Lord one thousand nine hundred and ..... And shall pay the sum of..... in legal currency on the..... day of the month.....

And when the time for which this permit is made is expired possession shall be given up quietly and peaceably. But it shall be lawful to remove all improvements which may have been made and it is hereby agreed by these presents if at the expiration of twenty-one days from the day the rent became due because of this permit the said rent is not paid, it shall be lawful for the Government to take possession of the place referred to in this permit and to sell by auction anything which may be on the same to the amount of rent owing.

WITNESS the signature of the Minister of Lands and the seal of his office done on the .....day of the month of ..... in the year of Our Lord one thousand nine hundred and .....

REGISTERED In the register of leases of the Tongan Government in the office of the Minister of Lands on the..... day of the month of ..... in the year of Our Lord one thousand nine hundred and.....  
Permit No.....

.....  
Minister of Lands.

### **FORM No. 7**

#### **FORM OF ADDITIONAL COVENANT IN TOWN LEASES**

And the Lessee for himself, his executors, administrators and assigns doth hereby covenant that the said Lessee will not at any time erect or cause to be erected upon the premises hereby demised any building or structure without the consent thereto of the Minister of Lands having first been obtained, and if the Lessee in breach of the said covenant shall erect or cause to be erected any such building without having first obtained such permission it shall be lawful for the said Minister of Lands to enter upon the lands hereby demised and remove or cause to be removed such buildings at the expense of the Lessee.

### **FORM No. 8**

#### **FORM OF ADDITIONAL COVENANT IN LEASE TO TONGAN SUBJECT**

And the Lessee for himself, his executors, administrators or transferees doth hereby covenant that he will not during the term of this lease transfer, assign or sub-let the land leased, or any part thereof, or otherwise by any act or deed procure the said land, or any part thereof, to be transferred or sub-let without the consent of the Cabinet first had and obtained.

**FORM No. 9**

**APPOINTMENT OF TRUSTEE(S)  
IN THE MATTER OF THE ESTATE**

..... of .....  
..... of .....  
To..... of .....  
(AND TO ..... of ..... )  
WHEREAS..... of .....died at  
..... on the day of .....19.....

AND WHEREAS the said ..... at the time of his death was the holder of the Tax Allotment and the Town Allotment more particularly described in the Schedule hereto

AND WHEREAS no Trustee has been appointed by the Supreme Court in respect of the estate of the said.....

AND WHEREAS..... of ..... is lawfully entitled to succeed to the said Tax Allotment and the said Town Allotment but is at present a minor.

Now THEREFORE I, ..... Minister of Lands in pursuance of the powers conferred upon me by Section 19(8) of the Land Act Do HEREBY NOMINATE AND APPOINT YOU the said .....(and you the said..... ) to be the Trustee(s) of the said..... in respect of the said Tax Allotment and Town Allotment during his minority.

**THE SCHEDULE**

All that the Tax Allotment known as..... at .....  
comprising ..... hectares  
All that the Town Allotment known as..... at .....  
comprising ..... hectares

Given under my hand and the Seal of my Office at Nuku'alofa this  
..... day of ..... 19.....  
Minister of Lands

I (WE)..... of .....  
(and..... of..... )

Do HEREBY ACCEPT nomination and appointment as Trustee(s) for  
..... of.....AND I (WE) do (jointly and severally)



undertake and promise faithfully to carry out each and every duties and obligations imposed upon me (us) under the provisions of the Law.  
SIGNED by the said

.....  
. in the presence of:  
SIGNED by the said

.....  
in the presence of:  
(Added by Act 9 of 1953.)

**FORM No. 10**

**FORM OF ADDITIONAL COVENANT TO EVERY LEASE**

And it is agreed by and between the parties hereto that the rent payable under the conditions of this lease shall be subject to revision by mutual agreement between the parties at the termination of each five years from the date hereof and if the parties shall fail to agree the rent shall be determined by the Cabinet and any such revision shall be endorsed upon this lease and duly authenticated.  
(Added by Act 16 of 1953.)

**SCHEDULE X**

(Section 132)

Forms of Memorial of Registration to be endorsed by the Minister of Lands on original lease transfer or sub-lease and also on the duplicate of same filed in his office.

(1)

Assignment dated ..... 19..... by A. B. assigning this land to C. D. as trustee for the benefit of creditors of A.B.  
(Register of Documents Affecting Leasehold Titles: Book: Folio:)

.....  
Minister of Lands

(2)

A.B. died .....19..... Grant of Administration dated ..... 19..... to C.D.  
(Register of Documents Affecting Leasehold Titles: Book: Folio:)

.....  
Minister of Lands.

(3)

A.B. died .....19..... Will dated ..... 19..... Grant of Probate  
..... 19..... to C.D. executor.  
(Register of Documents Affecting Leasehold Titles: Book: Folio:)

.....  
Minister of Lands.

(4)

Injunction dated ..... 19....., restraining (or commanding) A.B. to (*here state  
briefly the purport of the injunction as affecting the lands*).  
(Register of Documents Affecting Leasehold Titles: Book: Folio:)

.....  
Minister of Lands.

(5)

Lis Pendens dated ..... 19..... Order of Court declaring (*state briefly effect of  
order on the lands*).  
(Register of Documents Affecting Leasehold Titles: Book: Folio:)

.....  
Minister of Lands.

(6)

Mortgage (or Assignment by way of mortgage or Equitable Mortgage dated  
.....19....., by A.B: mortgaging this land for \$ ..... at..... per  
cent till ..... 19.....  
(Register of Documents Affecting Leasehold Titles: Book: Folio:)

.....  
Minister of Lands.

(7)

Discharge (or Surrender) dated .....19..... of Mortgage (or Assignment by way  
of mortgage) dated .....19..... by A.B. mortgaging this land to C.D. for \$  
.....  
(Register of Documents Affecting Leasehold Titles: Book: Folio:)

.....  
Minister of this land.

(8)

Order of Court dated .....19....., appointing C.D. trustee of this land.  
(Register of Documents Affecting Leasehold Titles: Book Folio:)

.....  
Minister of Lands.

(9)

Order of Court dated .....19....., declaring A.B. a bankrupt and appointing  
C.D. trustee of the bankruptcy.  
(Register of Documents Affecting Leasehold Titles: Book: Folio:)

.....  
Minister of Lands.

(10)

Order of Court dated .....19....., for sale of interest of A.B. in this land.  
(Register of Documents Affecting Leasehold Titles: Book: Folio:)

.....  
Minister of Lands

(11)

Power of Attorney dated ..... 19....., by A.B. authorizing C.D. to *(state briefly  
the power conferred in regard to dealings with land)*.  
(Register of Documents Affecting Leasehold Titles: Book: Folio:)

.....  
Minister of Lands

**SCHEDULE XI**

(Section 137(2))

**FORM OF CAVEAT**

To the Minister of Lands.

Take notice that I, A.B. of ..... claiming (here state nature of the interest  
and the grounds on which such claim is founded) in (here describe the land and refer to the

folium in the register relating to such land) forbid the registration of any dealing with the before mentioned land until this caveat be withdrawn by the caveator or by the order of the Court, or unless such dealing be subject to the claim of the caveator, or until after the lapse of twenty-one days from the date of the service of the caveat by the caveatee at the following address:

Dated this ..... day of ..... 19..... I, the above named A.B. make oath (or affirm), and say that the allegations in the above caveat are true in substance and in fact (or if no personal knowledge as I have been informed and verily believe).

Sworn etc.....

**SCHEDULE XII**

(Section 147)

(Substituted by Act 16 of 1984)

**LAND COURT FEES**

(To be paid in advance to the Registrar)

	\$
1. Summons in respect of claim to allotment	25.00
2. Summons in respect of claim to Tofi'a	50.00
3. Summons in any trustee matter	10.00
4. Service of process (on each person served)	2.50
5. Subpoena	2.00
6. Sealed copy of Judgment on claim to Tofi'a	20.00
7. Sealed copy of Judgment on other claims	12.50
8. Writ of Possession	10.00
<b>Appeal Fees</b>	
9. Appeal in, respect of claim to Tofi'a	75.00
10. Appeal in any other matter	50.00
<b>General</b>	
11. Applications	5.00
12. Affidavits	3.00
13. Orders of Court (where or not in favour of the applicant)	5.00
14. Search of any Record	2.00
15. Copy of evidence, per folio	.30
16. Taking evidence of witness unable to attend Court hearing, per hour	5.00
17. Attendance of Judge and Court personnel (to take evidence as in 16)	Transportation both ways

18. Certificate of Costs	5.00
19. Certificate under section 81	15.00

**SCHEDULE XIII**

(Section 142)

*(Inserted by Act 6 of 1973)*

**Form of Notice of Intention to Resume Possession of Lands**

Office of Minister of Lands  
(date)

To:

I hereby give you notice that, in pursuance of the powers vested in Part IX of the Land Act, the Crown intends to resume for public purposes possession of the land held by you

situated at..... and extending in area to  
.....as per the sketch plan attached thereto. Compensation will be paid as provided by Part IX of the Land Act. For the purpose of calculating the amount of money compensation to be paid to you, the Government representative will call at the land at ..... on .....19 . ..... You are requested to be present at that time.

The date on which the Crown intends to resume the land is .....and you will be required to vacate it by that date. This notice is sent to you in accordance with the terms of section **142** of the Land Act as amended.

BY AUTHORITY,  
Minister of Lands

**CHAPTER 132**

**LAND**

**SECTION 22-Land (Occupation by Aliens) Regulations**

*Made by Her Majesty in Council on 8th March, 1929*

*G. 37/29*

**1.** Any alien desiring to reside upon or to occupy any land, or to reside in or occupy any house, the property of a Tongan subject, shall, before such residence or occupation, apply to the Minister for Lands, for a permit to reside in or upon, or to occupy, such house or land.

2. The Minister for Lands may in his discretion issue such permit for a period of one year, half a year or a quarter of a year. The year shall commence on the first day of January and end on the thirty-first day of December, the half year shall commence on the first days of January and July, and end on the last days of June and December respectively, and the quarter year shall commence on the first days of January, April, July and October, and shall end on the last days of March, June, September and December respectively, provided, however, that any portion of a year, a half year or of a quarter year shall be considered and reckoned as a full year, half year or quarter year as the case may be.

## **SECTION 22-Land (Timber) Regulations**

*Made by His Majesty in Council*

*G. S. 79/67, G. 33/43*

1. These Regulations may be cited as the Land (Timber) Regulations.\*

(\*These Regulations formerly appearing at page 1543 of volume III of the edition of the Laws of Tonga, are here consolidated with the Regulations made at G.S. 79/67.)

2. (1) The Minister may issue to a person a permit to cut or remove timber from any Crown land.

(2) A person who does not hold a current permit issued under these regulations shall not cut or remove timber from any Crown land.

3. A person who cuts or removes any timber from any Crown land shall, in respect of the timber so cut or removed, pay the following royalties to the Minister-

For the first 12 feet in length of timber	\$
12 inches in diameter	2.50
For each additional one foot in length in excess of 12 feet	.50
For each additional one inch in diameter in excess of 12 inches	.50

4. The Minister may at his discretion refuse to issue a permit under these regulations without assigning any reason for the refusal.

5. Where the Minister issues a permit to a person to cut or remove timber of less than 12 inches in diameter from any Crown land, the royalties payable by that person shall be those as may be determined by the Minister.

6. Any royalties due and unpaid under these regulations shall be a debt due to the Crown and may be sued for and recovered in a court of competent jurisdiction.

7. A person who contravenes any of the provisions of the foregoing regulations commits an offence and is liable to a fine not exceeding \$10.

8. Where permission is granted to cut timber on Crown land, it shall be an implied condition of such grant that no timber shall be cut within 50 feet of high water mark.  
(G. 33/43.)

## **SECTION 22-Rent of Leases to Tongans Regulations**

*Made by Her Majesty in Council on 19th September, 1930*

*G. 97/30*

1. This regulation may be cited as the Rent of Leases to Tongans Regulations.
2. The rent of any lease issued under the provisions of Part V of the Act shall not exceed 40 seniti per acre per annum.
3. The provisions of this Regulation apply only to the leases of lands the property of the Crown, Nobles and Matapule ma'u Tofi'a.

## **SECTION 22-Land (Removal of Sand) Regulations**

*Made by the Queen in Council on 27th March, 1936*

*G. 89/36, G. 367/78, G. 17/83*

1. These regulations may be cited as The Land (Removal of Sand) Regulations.
2. The taking or removal of sand from the foreshore other than the foreshore within the limits of any harbour without a permit in writing signed by the Minister is prohibited.
3. The taking or removal of sand from Crown land or any other holding without a permit in writing signed by the Minister is prohibited.  
(*Substituted, G. 17/83.*)
4. Any person who, without a permit from the Minister, takes or removes any sand from the foreshore or from any other place from which the taking or removal of sand is prohibited without such permit as aforesaid, and any person who allows sand to be taken or removed from any such place, except by a person who has obtained a permit as aforesaid, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100, and in default of payment to a period of imprisonment not exceeding 3 months.  
(*Amended, G. 17/83.*)

**SECTION 22 - Land (Quarry) Regulations**

*Made by His Majesty in Council*

*G. S. 3/85*

- 1. These Regulations may be cited as the Land (Quarry) Regulations.
- 2. No person shall allow his tax allotment to be used as a quarry.
- 3. The quarrying on and removal from a tax allotment of stone of any description is hereby prohibited.
- 4. Any person who offends against these regulations shall be liable to a penalty not exceeding \$100.

**SECTION 22 - Land Court (Assessors Fees) Regulations**

*Made by the Queen in Council on 28th January, 1955*

*G. 29/55*

- 1. These regulations may be cited as the Land Court (Assessors Fees) Regulations.
- 2. The fees payable to an assessor sitting in the Land Court in accordance with section 146(1) of the Land Act shall be such as are fixed from time to time by His Majesty's Cabinet.

**SECTION 43(2) - Form for Application for Allotment**

*Prescribed by the Minister of Lands on 23rd January, 1947*

*G. 32/47*

FORM No. 9

.....  
.....

The Honourable the Minister of Lands, Nuku'alofa or The Deputy Minister, Ha'apai, Vava'u, Niuafu'ou and Niuatoputapu.

Sir,

I have the honour to make application for the grant of the ..... allotment at ..... more particularly described below-



District	Estate of	Name of allotment	Last registered owner
----------	-----------	-------------------	-----------------------

I hereby declare that I am a male Tongan subject by birth, over 16 years of age and that I am not in possession of a ..... allotment.

Signature of applicant .....

I hereby agree to the grant of the allotment as described above and declare that there is no impediment to prejudice this grant.

Signature of Tofi'a Holder .....

Witness to signatures .....

(Forms may be had at a charge of one seniti from the Lands Office. Nuku'alofa or the Governor's Office, at Ha'apai and Vava'u.)

**SECTION 139-Declarations of Cemeteries**

*Made by the Minister of Lands,  
Survey and Natural Resources*

*G.144/85, G. 192/87, G. 202/87, G. 205/87, G. 220/87*

The following areas of land are declared to be cemeteries-

AFA  
'AHAU CEMETERY

All that parcel of land, known as 'AhaU cemetery containing an area of 2398 m2 more or less, situated at the beach near the Village of Afa and bounded by the following lines. Commencing at Boundary Pillar No. 24743, the said Pillar being situated at the northern boundary of a tax 'api held by T. Helu, thence runs in a northerly direction on a bearing of 8° 15' 50" for a distance of 22.73 metres to B.P. No. 50580, thence runs in an easterly direction on a bearing of 88° 02' 20" for a distance of 70.17 metres to B.P. No. 50581, thence runs in a southerly direction on bearings successively 193° 34' 30" for a distance of 13.16 metres to B.P. 43541, 202° 04' 50" for a distance of 39.03 metres to B.P. No. 24407, thence runs in a westerly direction on a bearing of 293° 23' 30" for a distance of 60.62 metres to the point of commencement.

NANAVEA CEMETERY

All that parcel of land, known as Public Cemetery, containing an area of 936 m<sup>2</sup> more or less situated in the Village of Afa and bounded by the following directions:

Commencing at Boundary Pillar No. 47362, thence runs in a northerly direction on a bearing of 17° 30' 10" for a distance of 18.67 metres to B.P.

No. 47363, thence runs in an easterly direction on a bearing of 111° 09' 50" for a distance of 54.96 metres to B.P. No. 49965, thence runs in a southerly direction on a bearing of 197° 34' for a distance of 22.75 metres to B.P. No. 50264, thence runs in a westerly direction on a bearing of 291° 04' 50" for a distance of 13.31 metres to B.P. No. 47360, thence runs in a northerly direction on a bearing of 14° 54' for a distance of 3.57 metres to B.P. No. 47361, thence runs in a westerly direction on a bearing of 289° 54' 30" for a distance of 41.39 metres to the point of commencement.

#### FUA'AMOTU TOWNSHIP FEFE CEMETERY

All that parcel of land, known as Fefe Cemetery, containing an area of 2401 m<sup>2</sup> more or less situated at Fua'amotu beach and bounded as follows: Commencing at Boundary Pillar No. 7269, thence follows the western side of a 7.322 metres road in an southerly direction on a bearing of 208° 51' 20" for a distance of 18.797 metres to B.P. No. 59382, thence runs in a westerly direction on a bearing of 289° 37' 20" for a distance of 108.423 metres to B.P. No. 41037, thence runs in a northerly direction on a bearing of 19° 10' for a distance of 25.011 metres to B.P. No. 58244, thence runs in an easterly direction on a bearing of 112° 55' 40" for a distance of 111.819 metres to the point of commencement.

#### VAI-KO-LATAI CEMETERY

All that parcel of land, known as Vaikolatai Cemetery, containing an area of 2134 m<sup>2</sup> more or less situated at Fua'amotu beach and bounded as follows: Commencing at Boundary Pillar No. 41364, the said Pillar being situated on the 15 metres traverse line from the High Water Mark, thence follows the 15 metres traverse line in an easterly direction on a bearing of 119° 24' 15" for a distance of 81.409 metres to B.P. No. 41361, thence runs on a southerly direction on a bearing of 212° 05' 20" for a distance of 25.816 metres to B.P. No. 41365, thence runs in a westerly direction on a bearing of 296° 49' 50" for a distance of 73.879 metres to B.P. No. 41366, thence runs in a northerly direction on a bearing of 17° 01' 50" for a distance of 29.803 metres to the point of commencement.

#### LIKUTONGA CEMETERY

All that parcel of land, known as Likutonga Cemetery, containing an area of 333.8 m<sup>2</sup> more or less, situated in the Village of Fua'amotu and bounded as follows:

Commencing at Boundary Pillar No. 50360, thence follows the southern boundary of Liku Road in an easterly direction on bearings successively, 101° 41' for a distance of 10.847 metres to B.P.

No. 22228, 105° 38' 20" for a distance of 4.498 metres to B.P. No. 22270, thence runs on a southerly direction on a bearing of 197° 13' for a distance of 19.215 metres to B.P. No. 22271, thence runs on a westerly direction on a bearing of 285° 31' 40" for a distance of 15.868 metres to B.P. No. 22272, thence follows the eastern side of a 7.322 metres Road in a northerly direction on a bearing of 350° 43' 50" for a distance of 12.659 metres to B.P. No. 50359, thence runs on a bearing of 50° 54' 55" for a distance of 7.711 metres to the point of commencement.

#### LOMA CEMETERY

All that parcel of land, as Loma Cemetery, containing an area of 1963 m<sup>2</sup> more or less, situated in the Village of Fua'amotu and bounded as follows: Commencing at Boundary Pillar No. 50457, thence follows the southern boundary of the said cemetery on a bearing of 304° 43' 10" for a distance of 54.59 metres to B.P. No. 58940, thence follows the western side of this cemetery on a bearing of 33° 13' for a distance of 35.099 metres to B.P. No. 51189, thence follows the northern boundary on a bearing of 124° 48' 10" for a distance of 39.36 metres to B.P. No. 50997, thence follows the western boundary of a 9.145 metres Road on a bearing of 217° 54' 30" for a distance of 35.062 metres to the point of commencement.

#### FAHEFA TOWNSHIP TOAHOLA CEMETERY

All that piece of land, known as Toahola Cemetery, containing an area of 2630 m<sup>2</sup> more or less, situated in the Village of Fahefa and bounded as follows:

Commencing at Boundary Pillar No. 49034, thence runs on a bearing of 295° 47' for a distance of 37.0 metres to B.P. No. 49035, thence runs on a bearing of 333° 45' for a distance of 21.48 metres to B.P. No. 49036, thence; runs on a bearing of 33° 31' for a distance of 35.94 metres to B.P. No. 50037, thence runs on a bearing of 32° 02' for a distance of 7.79 metres to B.P. No. 50040, thence runs on a bearing of 123° 16' 20" for a distance of 47.37, metres to B.P. No. 50039, thence runs on a bearing of 204° 17' for a distance: of 50.54 metres to the point of commencement.

#### FATAI TOWNSHIP NAPUA CEMETERY

All that parcel of land, known as Napua Cemetery containing an area of 2341 m<sup>2</sup> more or less, situated at Fatai and bounded as follows:

Commencing at Boundary Pillar No. 50013, thence runs on a bearing of 208° 43' for a distance of 6.94 metres to B.P. No. 50014, thence runs on a bearing of 216° 58' for a distance of 65.17 metres to B.P. No. 42923, thence runs on a bearing of 305° 21' for a distance of 33.07 metres to B.P. No. 50011, thence runs on a bearing of 37° 22' 50" for a distance of 70.89 metres to B.P. No. 50012, thence runs on a bearing of 123° 12' 30" for a distance of 31.61 metres to the point of commencement.

#### FATUMU TOWNSHIP

## LAULEA CEMETERY

All that parcel of land, known as Laulea Cemetery, containing an area of 2425 m<sup>2</sup> more or less, situated at Laulea Beach, Fatumu and bounded as follows:

Commencing at Boundary Pillar No. 41624, the said Pillar being situated on the northern side of Laulea Road, thence runs on a bearing of 22° 59' for a distance of 27.14 metres to B.P. No. 43804, thence runs on a bearing of 103° 26' for a distance of 76.79 metres to B.P. No. 43733, thence runs on a bearing of 186° 20' for a distance of 26.31 metres to B.P. No. 41620 thence runs on a bearing of 270° 54' for a distance of 52.58 metres to the point of commencement.

## LAULEA II CEMETERY

All that parcel of land, known as Laulea II Cemetery, containing an area of 2982 m<sup>2</sup> more or less, situated at Laulea Beach, Fatumu and bounded as follows:

Commencing at Boundary Pillar No. 41623, thence runs on a bearing of 110° 34' 20" for a distance of 5.57 metres to B.P. No. 41621, thence runs on a bearing of 90° 54' for a distance of 60.58 metres to B.P. No. 43743, thence runs on a bearing of 168° 11' for a distance of 51.45 metres to B.P. No. 43734, thence runs on a bearing of 277° 59' 40" for a distance of 66.41 metres to B.P. No. 43800 thence runs on a bearing of 346° 31' 40" for a distance of 45.29 metres to the point of commencement.

## FOLAHA SOSEFINA CEMETERY

All that piece of land, known as Sosefina Cemetery, containing an area of 3653 m<sup>2</sup> more or less, situated in the Village of Folaha and bounded as follows:

Commencing at Boundary Pillar No. 50931, the said Pillar situated at the junction of a 8.05 metres and 10.98 metres Roads, thence runs on a bearing of 10° 30' 50" for a distance of 70.88 metres to B.P. No. 50233, thence runs on a bearing successively 124° 26' 20" for a distance of 45.20 metres to B.P. No. 50857, 100° 58' for a distance of 18.53 metres to B.P. No. 24804, thence runs on a bearing of 192° 36' 20" for a distance of 53.25 metres to B.P. No. 24803 thence runs on a bearing of 275° 18' for a distance of 52.05 metres to B.P. No. 50235, thence runs on a bearing of 322° 54' 25" for a distance of 8.22 metres to the point of commencement.

## NAKAU CEMETERY

All that parcel of land, containing an area of 2331 m<sup>2</sup> more or less, situated in the Village of Folaha and bounded as follows:

Commencing at Boundary Pillar No. 24817, thence runs on a bearing of 7° 19' 20" for a distance of 58.83 metres to B.P. No. 50249, thence runs on a bearing of 95° 41' for a distance of 36.05 metres to B.P. No. 50248, thence runs on a bearing of 179° 08' for a distance of 20.07 metres to B.P. No. 36895, thence runs on a bearing of 176° 14' 30" for a distance of 28.20 metres to B.P.

No. 37360, thence runs on a bearing of 213° 02' 30" for a distance of 10.49 metres to B.P. No. 50247, thence runs on a bearing of 273° 11' 30" for a distance of 39.87 metres to the point of commencement.

#### PULEKATOLIO CEMETERY

All that piece of land, containing an area of 1283 m<sup>2</sup> more or less, situated in the Village of Folaha and bounded as follows: Commencing at Boundary Pillar No. 39928, thence runs on a bearing of 9° 27' 20" for a distance of 41.00 metres to B.P. No. 35961, thence runs on a bearing of 99° 54' 30" for a distance of 31.55 metres to B.P. No. 50245, thence runs on a bearing of 198° 56' 55" for a distance of 40.84 metres to B.P. No. 50246, thence runs on a bearing of 279° 36' 20" for a distance of 31.19 metres to the point of commencement.

#### FO'UI TOWNSHIP TUTULU-PEA-TAU CEMETERY

All that, parcel of land, known as Tutulu-pea-Tau Cemetery, containing an area of 146 m<sup>2</sup> more or less, situated in the Village of Fo'ui and bounded as follows:

Commencing at Boundary Pillar No. 50078, thence runs in an easterly direction on a bearing of 93° 53' 40" for a distance of 45.577 metres to B.P.No. 11371, thence runs in a southerly direction on a bearing of 180° 27' for a distance of 33.339 metres to B.P. No. 58026, thence runs in a westerly direction on a bearing of 268° 24' 40" for a distance of 39.06 metres to B.P. No. 58027, thence follows Hihifo Road in a northerly direction on bearings successively 346° 18' 40" for a distance of 35.807 metres to B.P. No. 50077, 40° 06' 10" for a distance of 3.601 metres to the point of commencement,.

#### FO'UI TOWNSHIP FASI CEMETERY

All that piece of land, known as Fasi Cemetery, containing an area of 2121 m<sup>2</sup> more or less, situated in the Village of Fo'ui and bounded as follows:

Commencing at Boundary Pillar No. 50073, thence-runs on a bearing of 60° 20' 30" for a distance of 52.09 metres to B.P. No. 50074, thence runs on bearing of 150° 50' 30" for a distance of 40.74 metres to B.P. No. 50075, thence runs on a bearing of 240° 23' 20" for a distance of 52.09 metres to B.P. No. 30105, thence runs on a bearing of 330° 51' for a distance of 40.69 metres to the point of commencement.

#### HA'AKAME TOWNSHIP TU'AKOLO CEMETERY

All that parcel of land, known as Tu'akolo Cemetery, containing an area of 1429 m<sup>2</sup> more or less, situated in the vicinity of Ha'akame Village and as follows:

Commencing at Boundary Pillar No. 57494, thence runs in a southerly direction on a bearing of 208° 18' for a distance of 33.14 metres to B.P. No. 57504, thence follows the southern boundary on a bearing of 295° 01' 50" for a distance of 37.16 metres to B.P. No. 57498, thence follows the northern boundary on a bearing of 16° 36' 20" for a distance of 37.46 metres to B.P. No. 57497, thence follows the northern boundary on a bearing of 120° 08' 50" for a distance of 44.72 metres to the point of commencement.

#### TU'ALIKU CEMETERY

All that parcel of land, known as Tu'aliku Cemetery, containing an area of 1533 m<sup>2</sup> more or less, situated in the vicinity of Ha'akame Village and bounded as follows:

Commencing at Boundary Pillar No. 40998, thence follows the western boundary of a 5.492 metres Road on a bearing of 211° 26' 30" for a distance of 49.654 metres to B.P. No. 40995, thence follows the southern boundary of the said cemetery on a bearing of 329° 21' for a distance of 43.663 metres to B.P. No. 40996, thence follows the western boundary on a bearing of 34° 54' for a distance of 31.285 metres to B.P. No. 40997, thence follows the northern boundary on a bearing of 124° 34' for a distance of 39.505 metres to the point of commencement.

#### HA'ALALO TOWNSHIP PANGAIFO'OU CEMETERY

All that parcel of land, known as Pangaifo'ou Cemetery, containing an area of 2017 m<sup>2</sup> more or less, situated at the Liku of Ha'alalo Village and bounded as follows:

Commencing at Boundary Pillar No. 57551, thence runs in an easterly direction on a bearing of 127° 32' 20" for a distance of 42.75 metres to B.P. No. 57547, thence runs in a southerly direction on a bearing of 216° 43' 20" for a distance of 47.182 metres to B.P. No. 57548, thence runs in a westerly direction on a bearing of 302° 07' 50" for a distance of 39.499 metres to B.P. No. 57546, thence runs in a northerly direction on a bearing of 32° 54' 40" for a distance of 51.06 metres to the point of commencement.

#### HA'ASINI FEAUAKI CEMETERY

All that parcel of land, known as Feauaki Cemetery, containing an area of 4478 m<sup>2</sup> more or less, situated at Ha'asini beach and bounded by the following lines:

Commencing at Boundary Pillar No. 51218, the said pillar being situated approx 95.98 metres from the Road, thence runs on a bearing of 7° 38' for a distance of 93.44 metres to B.P. No. 50765, thence runs on a bearing of 32° 28' for a distance of 43.7 metres to B.P. No. 50760, thence runs on a bearing of 102° 23' 40" for a distance of 29.3 metres to B.P. No. 50761, thence runs on a bearing of 197° 38' 20" for a distance of 137.19 metres to B.P. No. 50758, thence runs on a bearing of 288° 13' 20" for a distance of 24.14 metres to the point of commencement.

#### HA'ATEIHO

## MAKAMAKA II CEMETERY

All that parcel of land, containing an area of 2810 m<sup>2</sup> more or less, situated in the Town of Ha'ateiho and bounded as follows:

Commencing at Boundary Pillar No. 50099, thence runs on a bearing of 23° 27' for a distance of 93.97 metres to B.P. No. 50096, thence runs on a bearing of 76° 54' 45" for a distance of 3.63 metres to B.P. No. 50095, thence runs on a bearing of 130° 22' 30" for a distance of 29.61 metres to B.P. No. 50100, thence runs on a bearing of 205° 44' 55" for a distance of 32.1 metres to B.P. No. 42043, thence runs on a bearing of 203° 24' for a distance of 51.96 metres to B.P. No. 42042, thence runs on a bearing of 275° 46' for a distance of 25.41 metres to B.P. No. 50098, thence runs on a bearing of 329° 36' 30" for a distance of 7.19 metres to the point of commencement.

## MAKAMAKA I CEMETERY

All that piece of land, containing an area of 5030 m<sup>2</sup> more or less, situated in the Town of Ha'ateiho and bounded as follows:

Commencing at Boundary Pillar No. 49999 thence runs on a bearing of 16° 08' 40" for a distance of 56.34 metres to B.P. No. 50000 thence runs on a bearing of 122° 36' 40" for a distance of 101.18 metres to B.P. No. 49997, thence runs on a bearing of 203° 39' 50" for a distance of 49.63 metres to B.P. No. 49998, thence runs on a bearing of 299° 32' 46" for a distance of 93.08 metres to the point of commencement.

## MAMANA-MA'U' AHO CEMETERY

All that piece of land, known as Mamana-ma'u'aho Cemetery, containing an area, of 2954 m<sup>2</sup> more or less, situated in the Town of Ha 'ateiho (Tongatapu) and bounded as follows:

Commencing at Boundary Pillar No. 50332, the said Pillar being situated at the junction of Loto and Taufu'ahau Road, thence follows the southern boundary of Taufu'ahau Road in an easterly direction on a bearing of 109° 41' 10" for a distance of 12.6 metres to B.P. No. 50333, thence runs in a southerly direction on a bearing of 197° 57' 50" for a distance of 48.65 metres to B.P. No. 50334, thence runs in a westerly direction on a bearing of 265° 47' 50" for a distance of 49.12 metres to B.P. No. 50335, thence runs in a northerly direction on a bearing of 2° 36' 50" for a distance of 57.18 metres to B.P. No. 50331, thence follows the southern boundary of Loto Road in an easterly direction on a bearing of 93° 27' for a distance of 49.62 metres to the point of commencement.

## HA'AVAKATOLO TOWNSHIP NUKUMA'ANU CEMETERY

All that parcel of land, known as Nukuma'anu Cemetery, containing an area of 2415 m<sup>2</sup> more or less, situated in the Village of Ha'avakatolo and bounded as follows:

Commencing at Boundary Pillar No. 58508, thence follows the northern side of Hihifo Road in a northerly direction on a bearing of  $351^{\circ} 56' 20''$  for a distance of 53.58 metres to B.P. No. 58512, thence follows the northern boundary on a bearing of  $92^{\circ} 06''$  for a distance of 46.54 metres to B.P. No. 58511 thence follows the eastern boundary on a bearing of  $178^{\circ} 37' 30''$  for a distance of 54.02 metres to B.P. No. 58510, thence follows northern boundary of a 5.48 metres Road in a southerly direction on a bearing of  $265^{\circ} 07'$  for a distance of 33.47 metres to B.P. No. 58509, thence runs in a north westerly direction on a bearing of  $308^{\circ} 31' 41''$  for a distance of 8.86 metres to the point of commencement.

#### HAMULA MATOTO CEMETERY

All that parcel of land, known as Matoto Cemetery containing an area of 1445 m<sup>2</sup> more or less, situated in the Village of Hamula, being lot 66 on Block 73/97 and bounded as follows:

Commencing at Boundary Pillar No. 47047, thence runs on a bearing of  $31^{\circ} 12'$  for a distance of 32.48 metres to B.P. No. 50775, thence runs on a bearing of  $114^{\circ} 56'$  for a distance of 32.85 metres to B.P. No. 50778, thence runs on a bearing of  $215^{\circ} 07' 50''$  for a distance of 43.36 metres to B.P. No. 50776, thence runs on a bearing of  $311^{\circ} 08' 50''$  for a distance of 37.20 metres to the point of commencement.

#### 'AUNOA CEMETERY

All that parcel of land, known as 'Aunoa Cemetery, containing an area of 873.4 m<sup>2</sup> more or less, situated in the Village of Hamula being lot 67 Block 73/97 and bounded as follows:

Commencing at Boundary Pillar No. 6505, thence follows the southern boundary of 5.49 metres Road in an easterly direction on a bearing of  $93^{\circ} 12'$  for a distance of 25.77 metres to B.P. No. 51219, thence runs on a bearing of  $203^{\circ} 42' 50''$  for a distance of 36.18 metres to B.P. No. 51220, thence runs on a bearing of  $273^{\circ} 12'$  for a distance of 25.77 metres to B.P. No. 51221, thence runs on a bearing of  $23^{\circ} 42' 50''$  for a distance of 36.18 metres to the point of commencement.

#### ROMAN CATHOLIC CEMETERY

All that parcel of land, containing an area of 4048 m<sup>2</sup> more or less, situated in the Village of Hamula and bounded as follows:

Commencing at Boundary Pillar No. 6018, thence runs on a bearing of  $7^{\circ} 39' 50''$  for a distance of 149.28 metres to B.P. No. 50850, thence runs on a bearing of  $93^{\circ} 21' 10''$  for a distance of 69.63 metres to B.P. No. 32440, thence runs on a bearing of  $182^{\circ} 31' 40''$  for a distance of 83.13 metres to B.P. No. 6612, thence runs on a bearing of  $309^{\circ} 23' 10''$  for a distance of 90.40 metres to the point of commencement.

#### HA'UTU TOWNSHIP NOFOMAI CEMETERY



All that piece of land, known as Nofomai Cemetery containing an area of 1618 m<sup>2</sup> more or less situated in the Village of Ha'utu and bounded as follows:

Commencing at Boundary Pillar No. 46904, thence runs on a bearing of 30° 31' for a distance of 49.15 metres to B.P. No. 46909, thence runs on a bearing of 130° 55' for a distance of 36.11 metres to B.P. No. 46910, thence runs on a bearing of 210° 31' for a distance of 42.24 metres to B.P. No. 46903, thence runs on a bearing of 300° 30' for a distance of 35.45 metres to the point of commencement.

HA'UTU TOWNSHIP  
HA'ANGAFA CEMETERY

All that parcel of land, known as Ha'angafa Cemetery, containing an area of 1013 m<sup>2</sup> more or less, situated in the Village of Ha'utu and bounded as follows:

Commencing at Boundary Pillar No. 58807, the said Pillar being situated at the northern side of Liku Road, thence follows Liku Road on a bearing of 316° 01' 00" for a distance of 40.03 metres to OCP, thence follows the western boundary on a bearing of 23° 15' for a distance of 24.52 metres to B.P. No. 58809, thence runs in a south easterly direction on a bearing of 135° 59' 57" for a distance of 49.515 metres to B.P. No. 58808, thence runs in a south westerly direction on a bearing of 226° 01' 10" for a distance of 22.63 metres to the point of commencement.

HAVELULIKU TOWNSHIP  
'ANAHULU CEMETERY

All that parcel of land, known as 'Anahulu Cemetery, containing an area of 1274 m<sup>2</sup> more or less, situated at Haveluliku beach and bounded as follows:

Commencing at Boundary Pillar No. 50692, the said Pillar being situated 47.2 metres South of a Road leading from Liku Road to 'Anahulu beach, thence runs on a bearing of 82° 46' for a distance of 50.38 metres to B.P. No. 50677, thence runs on a bearing of 218° 25' for a distance of 61.54 metres to B.P. No. 50691, thence runs on a bearing of 333° 30' 20" for a distance of 39.97 metres to B.P. No. 50678, thence runs on a bearing of 23° 57' 40" for a distance of 8.77 metres to the point of commencement.

HOFOA TOWNSHIP  
LOMOLOMA CEMETERY

All that parcel of land, known as Lomoloma Cemetery, containing an area of 3607 m<sup>2</sup> more or less, situated at Hofoa Village and bounded as follows:

Commencing at Boundary Pillar No. 40083, the said Pillar being situated at the adjacent Boundary of F.W. Church of Tonga lease and Lomoloma Cemetery, thence follows the eastern boundary of the Public Road to the Lagoon, on a bearing of 30° 26' for a distance of 43.81 metres to B.P. No. 49985, thence runs on a bearing of 108° 40' 20" for a distance of 71.46 metres to B.P. No. 49984, thence runs on a bearing of 189° 53' for a distance of 48.28 metres to B.P.

No. 40084, thence runs on a bearing of  $291^{\circ} 48' 40''$  for a distance of 87.83 metres to the point of commencement.

HOI  
MAKAMAKA 'A LEVA CEMETERY

All that parcel of land, containing an area of 1831 m<sup>2</sup> more or less, situated in the Village of Hoi, and bounded as follows:

Commencing at Boundary Pillar No. 17867, thence runs on a bearing of  $254^{\circ} 05' 10''$  for a distance of 36.23 metres to B.P. No. 17868, thence runs on a bearing of  $319^{\circ} 50'$  for a distance of 43.16 metres to B.P. No. 17869, thence runs on a bearing of  $49^{\circ} 58' 40''$  for a distance of 35.94 metres to B.P. No. 17870, thence runs on a bearing of  $139^{\circ} 55' 40''$  for a distance of 53.99 metres to B.P. No. 17866, thence runs on a bearing of  $175^{\circ} 32' 10''$  for a distance of 4.86 metres to the point of commencement.

HOLONGA  
KALEVALIO CEMETERY

All that parcel of land, containing an area of 2314 m<sup>2</sup> more or less, situated in the Village of Holonga, Tongatapu and bounded by the following lines:

Commencing at Boundary Pillar No. 50327, thence runs on a bearing of  $98^{\circ} 19' 20''$  for a distance of 32.02 metres to B.P. No. 50326, thence runs on a bearing of  $117^{\circ} 34' 20''$  for a distance of 11.67 metres to B.P. No. 50325, thence runs on a bearing of  $203^{\circ} 54'$  for a distance of 57.97 metres to B.P. No. 50324, thence runs on a bearing of  $299^{\circ} 15'$  for a distance of 44.48 metres to B.P. No. 50328, thence runs on a bearing of  $26^{\circ} 09' 30''$  for a distance of 46.00 metres to the point of commencement.

HOLONGA  
FEHI'A-KAE-AFE CEMETERY

All that parcel of land, containing an area of 2713 m<sup>2</sup> more or less, situated in the Village of Holonga, Tongatapu, and bounded as follows:

Commencing at Boundary Pillar No. 49994, thence runs on a bearing of  $117^{\circ} 02' 50''$  for a distance of 45.38 metres to B.P. No. 49993, thence runs on a bearing of  $171^{\circ} 45' 17''$  for a distance of 7.04 metres to B.P. No. 50371, thence runs on a bearing of  $226^{\circ} 28'$  for a distance of 61.73 metres to B.P. No. 50322, thence runs on a bearing of  $310^{\circ} 06'$  for a distance of 38.89 metres to a Kapok Tree, thence runs on a bearing of  $36^{\circ} 15' 40''$  for a distance of 55.90 to the point of commencement.

HOUMA TOWNSHIP  
MALA'E LAHI CEMETERY

All that piece of land, known as Mala'elahi Cemetery containing an area of 2759 m<sup>2</sup> more or less, situated in the Town of Houma (Tongatapu) and bounded as follows:

Commencing at Boundary Pillar No. 50212, thence runs on a bearing of 24° 36' 30" for a distance of 46.46 metres to B.P. No. 25841, thence runs on a bearing of 119° 10' for a distance of 57.13 metres to B.P. No. 25842, thence runs on a bearing of 201° 04' for a distance of 21.35 metres to B.P. No. 50211, thence runs on a bearing of 275° 25' for a distance of 2.08 metres to B.P. No. 50210, thence runs on a bearing of 224° 15" for a distance of 29.07 metres to B.P. No. 50208, thence runs on a bearing of 263° 59' for a distance of 4.69 metres to B.P. No. 50209, thence runs on a bearing of 303° 43' for a distance of 39.95 metres to B. P. No. 50211, thence runs on a bearing of 344° 09' 45" for a distance of 4.64 metres to the point of commencement.

#### HOUMA TOWNSHIP SIA CEMETERY

All that parcel of land known as Sia Cemetery, containing an area of 3379m<sup>2</sup> more or less, situated in the Village of Houma and bounded as follows:-

Commencing at Boundary Pillar No. 9495, thence follows the northern boundary of a 5.492 metres road on bearings successively 244° 40' 30" for a distance of 35.38 metres to B.P. No. 9499, 268° 25' 40" for a distance of 33.43 metres to B.P. No. 9502, thence runs on a bearing of 355° 38' 15" for a distance of 64.59 metres to B.P. No. 9597, then runs on a bearing of 102° 42' 20" for a distance of 62.29 metres to B.P. No. 9570, thence runs on a bearing of 163° 51' for a distance of 35.85 metres to the point of commencement.

#### LOMA CEMETERY

All that parcel of land known as Loma Cemetery, containing an area of 1815 m<sup>2</sup> more or less, situated in the Village of Houma and bounded as follows:

Commencing at Boundary Pillar No. 58186, thence follows the northern boundary of a 5.492 metres Road on a bearing of 87° 57' for a distance of 34.2 metres to B.P. No. 9504, thence follows the eastern boundary on a bearing of 180° 31' 20" for a distance of 54.7 metres to B.P. No. 9498, thence follows the southern boundary on a bearing of 286° 42' 20" for a distance of 42.05 metres to B.P. No. 9500, thence follows the western boundary on a bearing of 8° 32' 40" for a distance of 41.82 metres to the point of commencement.

#### KALA'AU TOWNSHIP MATANGISIU-MEI-NIUE CEMETERY

All that parcel of land known as Matangisiu-mei-Niue Cemetery, containing an area of 4949 m<sup>2</sup> more or less situated in the Village of Kala'au and bounded as follows:

Commencing at Boundary Pillar No. 51458, thence runs in a westerly direction on a bearing of 284°24' 10" for a distance of 64.38 metres to B.P. No. 51429, thence runs in a northerly direction on a bearing of 14° 22' 50" for a distance of 76.81 metres to B.P. No. 51430, thence runs in a

southerly direction on a bearing of 140° 22' 50" for a distance of 64.37 metres to B.P. No. 51432, thence runs in a southerly direction on a bearing of 194° 22' 20" for a distance of 76.83 metres to the point of commencement.

#### FOTUA CEMETERY

All that parcel of land known as Fotua Cemetery, containing an area of 759.5 m<sup>2</sup> more or less, situated in the vicinity of Kala'au Village and bounded as follows:

Commencing at Boundary Pillar No. 51432, thence runs in a westerly direction on a bearing of 284° 24' 10" for a distance of 38.23 metres to B.P. No. 51433, thence runs in a northerly direction on a bearing of 358° 12' 10" for a distance of 15.72 metres to B.P. No. 51434, thence runs in an easterly direction on a bearing of 89° 22' 20" for a distance of 36.75 metres to B.P. No. 51435, thence runs in a southerly direction on a bearing of 178° 14' 50" for a distance of 25.64 metres to B.P. No. 51432, thence runs in a westerly direction on a bearing of 284° 24' 10" for a distance of 38.23 metres to the point of commencement.

#### KANOKUPOLU TOWNSHIP HAVELULAH CEMETERY

All that parcel of land known as Havelulahi Cemetery, containing an area of 2500 m<sup>2</sup> more or less, situated in the Village of Kanokupolu and bounded as follows:

Commencing at Boundary Pillar No. 50662, thence follows the northern boundary of a 3.661 metres Road in a westerly direction on a bearing of 290° 22' for a distance of 42.73, metres to B.P. No. 52680, thence follows the western boundary of the cemetery in a northerly direction on a bearing of 28° 14' 40" for a distance of 64.09 metres to B.P. No. 37445, thence follows the northern boundary of the cemetery in a south easterly direction on a bearing of 116° 05' for a distance of 38.28 metres to B.P. No. 37446, thence follows the eastern boundary of the cemetery in a southerly direction on a bearing of 204° 20' for a distance of 59.81 metres to the point of commencement.

#### KOLOFO'OU (POPUA) TOWNSHIP POPUA CEMETERY

All that piece of land known as Popua Cemetery containing an area of 507.6 m<sup>2</sup> more or less, situated in the Town of Kolofo'ou (Popua), Tongatapu and bounded as follows:

Commencing at Boundary Pillar No. 25503, thence runs on a bearing of 88° 09' 58" for a distance of 13.70 metres to B.P. No. 50299, thence runs on a bearing of 183° 57' 40" for a distance of 37.68 metres to B.P. No. 65932, thence runs on a bearing of 268° 09' 58" for a distance of 13.39 metres to B.P. No. 65933, thence runs on a bearing of 03° 29' 10" for a distance of 37.65 metres to the point of commencement.

#### KOLONGA MATAKIMOANA LOTOTO CEMETERY

All that piece of land, containing an area of 2890 m<sup>2</sup> more or less, situated in the town of Kolonga and bounded as follows:

Commencing at Boundary Pillar No. 50469, thence runs on a bearing of 5° 46' 30" for a distance of 6 metres to B.P. No. 10706, thence runs on a bearing of 312° 46' 10" for a distance of 32.35 metres to B.P. No. 10107, thence runs on a bearing of 13° 53' 10" for a distance of 28.53 metres to B.P. No. 10708, thence runs on a bearing of 112° 27' 37" for a distance of 97.84 metres to B.P. No. 50474, thence runs on a bearing of 194° 57' 50" for a distance of 15.39 metres to B.P. No. 50473, thence runs on a bearing of 278° 56' 20" for a distance of 29.15 metres to B.P. No. 50472, thence runs on a bearing of 194° 56' 30" for a distance of 15.05 metres to B.P. No. 50471, thence runs on a bearing of 280° 03' for a distance of 38.06 metres to the point of commencement.

#### KALEVALIO CEMETERY

All the parcel of land, containing an area of 2151 m<sup>2</sup> more or less, situated in the town of Kolonga and bounded as follows:

Commencing at Boundary Pillar No. 50477, thence runs on a bearing of 10° 25' 30" for a distance of 7.07 metres to B.P. No. 50479, thence runs on a bearing of 93° 03' 05" for a distance of 126.43 metres to B.P. No. 50480, thence runs on a bearing of 193° 26' 50" for a distance of 27.56 metres to B.P. No. 50478, thence runs on a bearing of 282° 22' 40" for a distance of 124.01 metres to the point of commencement.

#### NAMALATA CEMETERY

All that piece of land, containing an area of 1.119 ha more or less situated in the town of Kolonga and bounded as follows:

Commencing at Boundary Pillar No. 45545, thence runs on a bearing of 202° 53' 40" for a distance of 78.63 metres to B.P. No. 24755, thence runs on a bearing of 106° 10' 40" for a distance of 88.23 metres to B.P. No. 50498, thence runs on a bearing of 121° 54' 45" for a distance of 57.71 metres to B.P. No. 50500, then runs on a bearing of 0° 18' for a distance of 58.64 metres to B.P. No. 50638, thence runs on a bearing of 284° 08' for a distance of 169.12 metres to the point of commencement.

#### KOLOVAI TOWNSHIP POUVALU CEMETERY

All that parcel of land known as Pouvalu Cemetery, containing an area of 2678 m<sup>2</sup> more or less, situated in the Town of Kolovai and bounded as follows:

Commencing at Boundary Pillar No. 59329, thence runs in a southerly direction on a bearing of 170° 33' 40" for a distance of 52.57 metres to B.P. No. 59332, thence runs in a westerly direction on a bearing of 283° 19' for a distance of 55.2 metres to B.P. No. 50082, thence runs in a northerly direction on a bearing of 14° 35' 20" for a distance of 57.99 metres to B.P. No. 59331,

thence runs in an easterly direction on a bearing of  $105^{\circ} 07' 50''$  for a distance of 40.55 metres to B.P. No. 59330, thence runs in a south easterly direction on a bearing of  $141^{\circ} 50' 40''$  for a distance of 9.77 metres to the point of commencement.

#### MASIATA CEMETERY

All that parcel of land known as Masiata Cemetery, containing an area of 2202 m<sup>2</sup> more or less, situated in the Town of Kolovai and bounded as follows:

Commencing at Boundary Pillar No. 53812, the said Pillar being situated on the southern side of a 3.661 metres Road, thence follows the eastern boundary of the cemetery in a southerly direction on a bearing of  $185^{\circ} 47'$  for a distance of 30.99 metres to B.P. No. 53811, thence follows the southern boundary of the cemetery in a westerly direction on a bearing of  $264^{\circ} 05'$  for a distance of 61.6 metres to B.P. No. 53801, thence follows the western boundary of the cemetery in a northerly direction on a bearing of  $348^{\circ} 28'$  for a distance of 31.32 metres to B.P. 53809, thence follows the southern boundary of the said Road in a north east and easterly directions on bearings successively  $43^{\circ} 32'$  for a distance of 0.8 metre to B.P. No. 53808,  $72^{\circ} 50'$  for a distance of 19.17 metres to B.P. No. 53807,  $89^{\circ} 43'$  for a distance of 51.8 metres to the point of commencement.

#### HAKAUMALIE CEMETERY

All that parcel of land known as Hakaumalie Cemetery, situated in the Estate of Noble Ata at Kolovai and bounded as follows:

Commencing at Boundary Pillar No. 19800, the said Pillar being situated in the southern side of a 3.661 metres Road, which is also the tofi'a boundary between Ata and Lasike, thence follows the eastern boundary of the cemetery in a southerly direction on a bearing of  $40^{\circ} 58' 40''$  for a distance of metres to B.P. No. 19801, thence follows the southern boundary of the cemetery on a bearing of  $310^{\circ} 58' 40''$  for a distance of 25.15 metres to B.P. No. 19802., thence follows the western boundary of the cemetery on a bearing of  $40^{\circ} 58' 40''$  for a distance of metres to B.P. No. 1903, thence follows the southern boundary of the said Road on a bearing of  $130^{\circ} 58' 40''$  for a distance of metres to the point of commencement.

#### LAKEPA TOWNSHIP TEKILELE CEMETERY

All that parcel of land known as Tekilele Cemetery, containing an area of 1631 m<sup>2</sup> more or less, situated in the Village of Lakepa and bounded as follows:

Commencing at Boundary Pillar No. 58470, thence follows the western boundary of a 7.322 metres Road on a bearing of  $207^{\circ} 37' 30''$  for a distance of 37.89 metres to B.P. No. 54867, thence follows the southern boundary on a bearing of  $297^{\circ} 15'$  for a distance of 43.07 metres to B.P. No. 58468, thence follows the western boundary on a bearing of  $27^{\circ} 14'$  for a distance of 37.89 metres to B.P. No. 58409, thence follows the northern boundary on a bearing of  $117^{\circ} 13'$  for a distance of 43.06 metres to the point of commencement.

## PUNGA CEMETERY

All that parcel of land known as Punga Cemetery, containing an area of 2838 m<sup>2</sup> more or less, situated in the Village of Lakepa and bounded as follows:

Commencing at Boundary Pillar No. 21774, thence runs in a south easterly direction on a bearing of 115° 15' 58" for a distance of 68.36 metres to a nail on a Coconut Tree, thence runs in a south westerly direction on a bearing of 216° 04' 18" for a distance of 47.47 metres to B.P. No. 58459, thence runs in a north westerly direction on a bearing of 303° 43' 20" for a distance of 66.55 metres to a nail on a Coconut Tree, thence runs in a north easterly direction on a bearing of 35° 03' for a distance of 37.4 metres to the point of commencement.

## LAKEPA I'AHAU TEFISI CEMETERY

All that piece of land containing an area of 1957 m<sup>2</sup> more or less, situated at Lakepa 'I 'Ahau and bounded as follows:

Commencing at Boundary Pillar No. 25743, the said Pillar being situated at the junction of Hihifo Road and a 3.661 metres Road, thence follows the northern boundary of the said 3.661 metres Road, in a westerly direction on a bearing of 274° 32' 10" for a distance of 39.563 metres to B.P. No. 25744, thence runs in a north westerly direction on a bearing of 330° 10' for a distance of 40.241 metres to B.P. No. 25745, thence runs in an easterly direction on a bearing of 79° 02' 30" for a distance of 53.18 metres to B.P. No. 25741, thence follows the southern boundary of Hihifo Road in a southerly direction on a bearing successively 174° 19' 30" for a distance of 22.412 metres to B.P. No. 25742, 162° 48' 20" for a distance of 24.255 metres to B.P. No. 65065, thence runs in a south westerly direction on a bearing of 218° 40' 15" for a distance of 3.42 metres to the point of commencement.

## LAPAHA TOWNSHIP LO'AMANU CEMETERY

All that parcel of land, containing an area of 9018 m<sup>2</sup> more or less situated in the town of Lapaha, and bounded as follows:-

Commencing at Boundary Pillar No. 50352, thence runs on a bearing of 50° 49' 30" for a distance of 97.54 metres to B.P. No. 50322, thence runs on a bearing of 101° 18' 05" for a distance of 57.78 metres to B.P. No. 50354, thence runs on a bearing of 119° 44' 05" for a distance of 40.37 metres to B.P. No. 50355, thence runs on a bearing of 207° 32' 00" for a distance of 60.85 metres to B.P. No. 50356, thence runs on a bearing of 244° 24' 10" for a distance of 8.57 metres to B.P. No. 46080, thence runs on a bearing of 229° 49' for a distance of 2313 metres to B.P. No. 46079, thence runs on a bearing of 208° 53' 20" for a distance of 18.81 metres to B.P. No. 46078, thence runs on a bearing of 290° 22' 30" for a distance of 31.90 metres to B.P. No. 50350, thence runs on a bearing of 297° 45' for a distance of 28.98 metres to B.P.

No. 50351, thence runs on a bearing of  $336^{\circ} 47' 15''$  for a distance of 4.73 metres to the point of commencement.

#### LOMA CEMETERY

All that parcel of land known as Loma Cemetery, containing an area of 3974 m<sup>2</sup> more or less, situated in the town of Lapaha and bounded as follows:

Commencing at Boundary Pillar No. 50987, thence follows the eastern side of Taufa'ahau Road on a bearing of  $32^{\circ} 31'$  for a distance of 109.90 metres to B.P. No. 39957,  $42^{\circ} 00'$  for a distance of 2.231 metres to B.P. No. 44905, thence runs on a south easterly direction on a bearing of  $124^{\circ} 31' 40''$  for a distance of 30.037 metres to B.P. No. 59416, thence runs in a south westerly direction on a bearing of  $209^{\circ} 43' 50''$  for a distance of 110.27 metres to B.P. No. 59417, thence runs in a north westerly direction on a bearing  $301^{\circ} 04'$  for a distance of 35.764 metres to the point of commencement.

#### PAEPAE-'O-TELE'A CEMETERY

All that parcel of land containing an area of 8656 m<sup>2</sup> more or less situated in the town of Lapaha, and bounded as follows:-

Commencing at Boundary Pillar No. 48483, the said Pillar being situated at the eastern corner of Sosaieti Fetokoni'aki Pakimoeto'i lease, thence runs along the northern boundary of the said lease on a bearing of  $318^{\circ} 21' 20''$  for a distance of 44.24 metres to B.P. No. 48484, thence runs on a bearing of  $214^{\circ} 14' 40''$  for a distance of 37.19 metres to B.P. No. 33453, thence runs on a bearing of  $298^{\circ} 38' 20''$  for a distance of 46.87 metres to B.P. No. 33452, thence runs on a bearing of  $38^{\circ} 54' 50''$  for a distance of 103.92 metres to B.P. No. 33454, thence runs on a bearing of  $132^{\circ} 05' 20''$  for a distance of 81.15 metres to B.P. No. 30974, thence runs on a bearing of  $130^{\circ}$  for a distance of 21.60 metres to B.P. No. 50377, thence runs on a bearing of  $310^{\circ} 55' 10''$  for a distance of 7.34 metres to B.P. No. 30987, thence runs on a bearing of  $130^{\circ} 55' 10''$  for a distance of 33.49 metres to B.P. No. 33459, thence runs on a bearing of  $217^{\circ} 01' 40''$  for a distance of 32.00 metres to B.P. No. 33458, thence runs on a bearing of  $315^{\circ} 39' 50''$  for a distance of 32.60 metres to B.P. No. 33456, thence runs on a bearing of  $221^{\circ} 41'$  for a distance of 29.30 metres to B.P. No. 33457, thence runs on a bearing of  $302^{\circ} 42'$  for a distance of 17.02 metres to the point of commencement.

#### LAVENGATONGA FALESIUKIMOANA CEMETERY

All that parcel of land known as Falesiukimoana Cemetery, containing an area of 2924 m<sup>2</sup> more or less, situated in the Village of Lavengatonga being lot 12 on Block 74/98 and bounded as follows:

Commencing at Boundary Pillar No. 41804, thence runs on a bearing of  $359^{\circ} 12' 40''$  for a distance of 61.41 metres to B.P. No. 41805, thence runs on a bearing of  $93^{\circ} 22' 40''$  for a distance of 53.00 metres to B.P. No. 41806, thence runs on a bearing of  $176^{\circ} 48' 30''$  for a distance of



47.09 metres to B.P. No. 50774, thence runs on a bearing of  $258^{\circ} 22'$  for a distance of 55.85 metres to the point of commencement.

LOLOA  
MUIFONUA CEMETERY

All that parcel of land known as Muifonua Cemetery, containing an area of 2023 m<sup>2</sup> more or less, situated at Loloa (Muifonua) being lot 61 on Block 81/90, and bounded as follows:

Commencing at Boundary Pillar No. 59324, thence follows the southern boundary of a 5.492 metres Road in an easterly direction on bearings successively  $107^{\circ} 49' 10''$  for a distance of 20.117 metres to B.P. No. 59821,  $116^{\circ} 25'$  for a distance of 46.067 metres to B.P. No. 59232, thence runs in a south westerly direction on a bearing of  $212^{\circ} 01' 30''$  for a distance of 34.713 metres to B.P. No. 59327, thence runs in a north westerly direction on a bearing of  $302^{\circ} 01'$  for a distance of 65.35 metres to B.P. No. 59326, thence runs in a northerly direction on a bearing of  $32^{\circ} 01' 30''$  for a distance of 25.093 metres to the point of commencement.

LOMA CEMETERY

All that piece of land, known as Loma Cemetery, containing an area of 4045 m<sup>2</sup> more or less, situated in the Village of Fatai and bounded as follows:

Commencing at Boundary Pillar No. 45952, thence runs on a bearing of  $198^{\circ} 42'$  for a distance of 50.29 metres to B.P. No. 49555, thence runs on a bearing of  $285^{\circ} 34' 40''$  for a distance of 80.55 metres to B.P. No. 49910, thence runs on a bearing of  $18^{\circ} 42'$  for a distance of 50.29 metres to B.P. No. 49983, thence runs on a bearing of  $105^{\circ} 34' 40''$  for a distance of 80.55 metres to the point of commencement.

LONGOTEME  
TEFISI CEMETERY

All that parcel of land, known as Tefisi Cemetery, containing an area of 2023 in' more or less, situated at Matamoana and bounded as follows:

Commencing at Boundary Pillar No. 41769, thence runs on a bearing of  $283^{\circ} 56'$  for a distance of 44.95 metres to B.P. No. 50624, thence runs on a bearing of  $5^{\circ} 56'$  for a distance of 45.46 metres to B.P. No. 50619, thence runs on a bearing of  $103^{\circ} 56'$  for a distance of 44.95 metres to B.P. No. 50006, thence follows the western boundary of Vaini Longoteme Road in a southerly direction on a bearing of  $185^{\circ} 56'$  for a distance of 45.46 metres to the point of commencement.

LO'AMANU CEMETERY

All that piece of land known as Lo'amanu Cemetery, containing an area of 2939 m<sup>2</sup> more or less, situated in the Village of Longoteme, and bounded as follows:

Commencing at Boundary Pillar No. 50285, thence runs on a bearing of 122° 18' 10" for a distance of 71.28 metres to B.P. No. 50287 thence runs on a bearing of 233° 14' for a distance of 32.18 metres to B.P. No. 50290, thence runs on a bearing of 306° 27' 30" for a distance of 21.51 metres to B.P. No. 40125, thence runs on a bearing of 222° 30' for a distance of 12.40 metres to B.P. No. 40129, thence runs on a bearing of 265° 30' 10" for a distance of 4.46 metres to B.P. No. 40128, thence runs on a bearing of 308° 32' 40" for a distance of 28.40 metres to B.P. No. 50286, thence runs on a bearing of 285° 32' 20" for a distance of 14.06 metres to B.P. No. 34416, thence runs on a bearing of 20° 51' for a distance of 37.85 metres to B.P. No. 50283, thence runs on a bearing of 89° 25' for a distance of 18.71 metres to B.P. No. 50284, thence runs on a bearing of 194° 33' 30" for a distance of 3.05 metres to the point of commencement.

LOTOHA'APAI  
PAEAMOELOTU CEMETERY

All that parcel of land, known as Paeamoelotu Cemetery, containing an area of 1602 m<sup>2</sup> more or less situated at Manamo'ui bounded as follows:

Commencing at Boundary Pillar No. 50279, the said Pillar being situated on the western boundary of Vaha'atofi'a Road, thence follows the western boundary of the said Road in a southerly direction on a bearing of 212° 38' for a distance of 49.93 metres to B.P. No. 50282, thence runs a westerly direction on a bearing of 295° 41' 30" for a distance of 32.33 metres to B.P. No. 50281, thence runs in a northerly direction on a bearing 32° 38' for a distance of 49.93 metres to B.P. No. 50280, thence runs on a bearing of 115° 41' 30" for a distance of 32.33 metres to the point of commencement.

MAKAUNGA  
'UTUANGIANGI CEMETERY

All that parcel of land, containing an area of 1929 m<sup>2</sup> more or less, situated in the Village of Makaunga, and bounded as follows:

Commencing at Boundary Pillar No. 50271, thence runs on a bearing of 355° 10' 10" for a distance of 51.96 metres to B.P. No. 50266, thence runs on a bearing of 98° 40' 30" for a distance of 60.2 metres to B.P. No. 50269, thence runs on a bearing of 202° 23' 40" for a distance of 17.06 metres to B.P. No. 50267, thence runs on a bearing of 234° 31' 50" for a distance of 35.55 metres to B.P. No. 50270, thence runs on a bearing of 252° 16' 20" for a distance of 22.0 metres to the point of commencement.

MALAPO  
TALIHOUI CEMETERY

All that parcel of land known as Talihoui Cemetery, containing an area of 1723 m<sup>2</sup> more or less, situated in the Village of Malapo and bounded as follows:

Commencing at Boundary Pillar No. 50268, thence runs on a bearing of 64° 04' for a distance of 34.56 metres to B.P. No. 31370, thence runs on a bearing of 110° 31' 55" for a distance of 4.20

metres to B.P. No. 31368, thence runs on a bearing of  $156^{\circ} 59' 50''$  for a distance of 35.36 metres to B.P. No. 31375, thence runs on a bearing of  $203^{\circ} 24' 40''$  for a distance of 4.20 metres to B.P. No. 31373, thence runs on a bearing of  $249^{\circ} 49' 30''$  for a distance of 47.66 metres to B.P. No. 8339, thence runs on a bearing of  $356^{\circ} 27' 20''$  for a distance of 39.27 metres to the point of commencement.

#### MANAKAULI CEMETERY

All that parcel of land known as Manakauli Cemetery, containing an area of 3236 m<sup>2</sup> more or less, situated in the Village of Fatai and bounded as follows:

Commencing at Boundary Pillar No. 44722, thence runs on a bearing of  $112^{\circ} 21'$  for a distance of 74.43 metres to B.P. No. 2172, thence runs on a bearing of  $208^{\circ} 06' 10''$  for a distance of 52.3 metres to B.P. No. 44681, thence runs on a bearing of  $304^{\circ} 09'$  for a distance of 70.67 metres to B.P. No. 44764, thence runs on a bearing of  $22^{\circ} 21'$  for a distance of 37.59 metres to the point of commencement.

#### MANUKA CEMETERY

All that parcel of land, containing an area of 1827 ml more or less, situate in the village of Manuka, being lot 35 on Survey Office Plan 3449, and bounded as follows:

Commencing at Boundary Pillar No. 48373, thence runs on a bearing of  $246^{\circ} 49' 30''$  for a distance of 30.95 metres to B.P. No. 48377, thence runs on a bearing of  $325^{\circ} 20' 50''$  for a distance of 57.35 metres to B.P. No. 49936, thence runs on a bearing of  $78^{\circ} 25'$  for a distance of 35.84 metres to B.P. No. 48372, thence runs on a bearing of  $116^{\circ} 50' 55''$  for a distance of 9.56 metres to B.P. No. 48371, thence runs on a bearing of  $155^{\circ} 6' 50''$  for a distance of 41.69 metres to the point of commencement.

#### MASILAMEA TOWNSHIP HALAKAFUEFU CEMETERY

All that parcel of land, containing an area of 1457 m<sup>2</sup> more or less, situated in the Village of Masilamea and bounded as follows:

Commencing at Boundary Pillar No. 25411, thence runs on a bearing of  $106^{\circ} 24' 30''$  for a distance of 44.12 metres to B.P. No. 46599, thence runs on a bearing of  $194^{\circ} 43' 20''$  for a distance of 32.64 metres to B.P. No. 46607, thence runs on a bearing of  $284^{\circ} 17' 20''$  for a distance of 43.08 metres to B.P. No. 50069, thence runs on a bearing of  $12^{\circ} 23' 10''$  for a distance of 34.30 metres to the point of commencement.

#### KALELI CEMETERY

All that piece of land, containing an area of 1107 m<sup>2</sup> more or less, situated in the Village of Masilamea and bounded by the following lines:

Commencing at Boundary Pillar No. 50066, thence runs on a bearing of 107° 33' for a distance of 47.21 metres to B.P. No. 50065, thence runs on a bearing of 197° 34' 50" for a distance of 22.84 metres to B.P. No. 50064, thence runs on a bearing of 287° 30' 40" for a distance of 49.68 metres to B.P. No. 50067, thence runs on a bearing of 23° 47' 10" for a distance of 23.01 metres to the point of commencement.

MATAFONUA TOWNSHIP  
'OTU'OTU SIA CEMETERY

All that parcel of land known as 'Otu'otu Sia Cemetery, containing an area of 1619 m<sup>2</sup> more or less, situated in the Village of Matafonua and bounded as follows:

Commencing at Boundary Pillar No. 28817, thence runs in a westerly direction on a bearing successively 270° 39' 50" for a distance of 27.264 metres to B.P. No. 28816, 267° 27' 10" for a distance of 24.394 metres to B.P. No. 59190, thence runs in northerly direction on a bearing of 347° 26' 10" for a distance of 26.876 metres to B.P. No. 59191, thence runs in an easterly direction on a bearing of 77° 18' 20" for a distance of 51.318 metres to B.P. No. 59187, thence runs in a southerly direction on a bearing of 168° 35' 20" for a distance of 37.478 metres to the point of commencement.

MATAHAU TOWNSHIP  
LOMA CEMETERY

All that parcel of land known as Loma Cemetery, containing an area of 1981 m<sup>2</sup> more or less, situated in the Village of Matahau and bounded as follows:

Commencing at Boundary Pillar No. 57448, the said Pillar situated at the Junction of Public Roads, thence follows the stern boundary of a 7.32 metres Road in a southerly direction on a bearing of 212° 05' for a distance of 23.85 metres to B.P. No. 57447, thence follows the southern boundary of the cemetery on a bearing of 302° 04' 50" for a distance of 59.41 metres to B.P. No. 57446, thence follows the eastern boundary of the cemetery in a northerly direction on a bearing of 32° 04' 40" for a distance of 37.36 metres to B.P. No. 57445, thence follows the southern boundary of a 7.32 metres Road on a bearing of 129° 10' 20" for a distance of 53.78 metres to B.P. No. 57449, thence follows the chord line of the road junction on a bearing of 170° 37' 40" for a distance of 9.14 metres to the point of commencement.

MA'UFANGA TOWNSHIP  
FINE'UPEPE CEMETERY

All that parcel of land known as Fine'upepe Cemetery, containing an area of 517.3 m<sup>2</sup> more or less, situated in the town of Ma'ufanga and bounded as follows:

Commencing at Boundary Pillar No. 27147, thence runs in a northerly direction on a bearing of 324° 46' for a distance of 39.17 metres to B.P. No. 27324, thence runs in an easterly direction on a bearing of 111° 09' 30" for a distance of 47.68 metres to B.P. No. 27154, thence runs in a south

westerly direction on a bearing of  $235^{\circ} 56' 40''$  for a distance of 26.42 metres to the point of commencement.

#### NAVUTOKA TONO CEMETERY

All that parcel of land known as Tono Cemetery, containing an area of 4037 m<sup>2</sup> more or less, situated in the Village of Navutoka and bounded as follows:

Commencing at Boundary Pillar No. 17871 thence runs on a bearing of  $57^{\circ} 23'$  for a distance of 69.62 metres to B.P. No. 17872, thence runs on a bearing of  $147^{\circ} 23'$  for a distance of 57.99 metres to B.P. No. 17873, thence runs on a bearing of  $237^{\circ} 23'$  for a distance of 69.62 metres to B.P. No. 17874, thence runs on a bearing of  $327^{\circ} 23'$  for a distance of 57.99 metres to the point of commencement.

#### MUSIE CEMETERY

All that parcel of land known as Musie Cemetery, containing an area of 3508 m<sup>2</sup> more or less, situated in the village of Navutoka, and bounded as follows:

Commencing at Boundary Pillar No. 50347, thence runs on a bearing of  $55^{\circ} 02' 40''$  for a distance of 44.94 metres to B.P. No. 19003, thence runs on a bearing of  $156^{\circ}$  for a distance of 79.54 metres to B.P. No. 19006, thence runs on a bearing of  $245^{\circ} 52' 10''$  for a distance of 43.54 metres to B.P. No. 19001, thence runs on a bearing of  $330^{\circ} 38' 40''$  for a distance of 64.15 metres to B.P. No. 50346, thence runs on a bearing of  $12^{\circ} 50' 40''$  for a distance of 9.02 metres to the point of commencement.

#### PAKO CEMETERY

All that parcel of land known as Pako Cemetery, containing an area of 2823 m<sup>2</sup> more or less, situated in the Village of Navutoka, and bounded as follows:

Commencing at Boundary Pillar No. 17900, thence runs on a bearing of  $41^{\circ} 48' 20''$  for a distance of 58.5 metres to B.P. No. 50348, thence runs on a bearing of  $93^{\circ} 38' 10''$  for a distance of 3.77 metres to B.P. No. 50349, thence runs on a bearing of  $145^{\circ} 28'$  for a distance of 48.07 metres to B.P. No. 17898, thence runs on a bearing of  $221^{\circ} 48' 20''$  for a distance of 52.3 metres to B.P. No. 17899, thence runs on a bearing of  $315^{\circ} 04'$  for a distance of 49.75 metres to the point of commencement.

#### NIUTOUA LOKUPO CEMETERY

All that parcel of land known as Lokupo Cemetery, containing an area of 2614 m<sup>2</sup> more or less, situated in the vicinity of Niutoua, and bounded as follows:

Commencing at Boundary Pillar No. 50664, the said Pillar being situated approx. 121 metres from the eastern end of Liku Road, thence runs in a westerly direction on a bearing  $303^{\circ} 06' 30''$  for a distance of 15.56 metres to B.P. No. 50596, thence runs on a bearing of  $2^{\circ} 30' 30''$  for a distance of 52.97 metres to B.P. No. 50595, thence runs on a bearing of  $94^{\circ} 20' 20''$  for a distance of 52.87 metres to B.P. No. 50593, thence runs on a bearing of  $168^{\circ} 30' 50''$  for a distance of 25.16 metres to B.P. No. 50639, thence runs on a bearing  $235^{\circ} 07' 50''$  for a distance of 57.3 metres to the point of commencement.

#### 'ALO'ALO TOKELAU CEMETERY

All that parcel of land known as Aloalo Tokelau Cemetery, containing an area of 2310 m<sup>2</sup> more or less situated in the village of Niutoua and bounded as follows:

Commencing at Boundary Pillar No. 50641, thence runs on a bearing of  $309^{\circ} 06' 10''$  for a distance of 66.85 metres to B.P. No. 50644, thence runs on a bearing of  $43^{\circ} 57' 35''$  for a distance of 44.16 metres to B.P. No. 50641, thence runs on a bearing of  $140^{\circ} 44' 50''$  for a distance of 55.31 metres to B.P. No. 50642, thence runs on a bearing of  $203^{\circ} 53'$  for a distance of 34.04 metres to the point of commencement.

#### SINAI CEMETERY

All that parcel of land known as Sinai Cemetery, containing an area 3352 m<sup>2</sup> more or less, situated in the village of Niutoua and bounded as follows:

Commencing at Boundary Pillar No. 50659 thence runs on a bearing of  $93^{\circ} 01' 30''$  for a distance of 35.52 metres to B.P. No. 50645, thence runs on a bearing of  $126^{\circ} 30' 20''$  for a distance of 58.21 metres to B.P. No. 50647, thence runs on a bearing of  $196^{\circ} 51'$  for a distance of 46.43 metres to B.P. No. 50648, thence runs on a bearing of  $308^{\circ} 12' 40''$  for a distance of 67.29 metres to B.P. No. 50649, thence runs on a bearing of  $337^{\circ} 57' 10''$  for a distance of 42.42 metres to the point of commencement.

#### NUKUHETULU TOWNSHIP LEVA CEMETERY

All that piece of land containing an area of 3988 m<sup>2</sup> more or less, situated in the village of Nukuhetulu, being lot 52 on Plan Block 78/93 and bounded as follows:

Commencing at Boundary Pillar No. 47083, thence follows the western boundary of Nukuhetulu Road on a bearing of  $150^{\circ} 22'$  for a distance of 61.90 metres to B.P. No. 24824, thence runs on a bearing of  $240^{\circ} 22'$  for a distance of 64.43 metres to B.P. No. 24823, thence runs on a bearing of  $330^{\circ} 22'$  for a distance of 61.9 metres to B.P. No. 47082, thence runs on a bearing of  $60^{\circ} 22'$  for a distance of 64.43 metres to the point of commencement.

#### TOKONOFO CEMETERY

All that parcel of land known as Tokonofu Cemetery, containing an area of 3634 m<sup>2</sup> more or less situated in the vicinity of Nukuhetulu, being lot 53 on Plan Block 78/93 and bounded as follows:

Commencing at Boundary Pillar No. 50495, thence runs on a bearing of 32° 50' for a distance of 65.44 metres to B.P. No. 50494, thence runs on a bearing of 122° 50' for a distance of 55.54 metres to B.P. No. 50497, thence runs on a bearing of 212° 50' for a distance of 65.44 metres to B.P. No. 50496, thence runs on a bearing of 302° 50' for a distance of 55.54 metres to the point of commencement.

NUKULEKA  
TU'UTA-'I-FALEKAKAU CEMETERY

All that parcel of land, containing an area of 941.7 m<sup>2</sup> more or less, situated in the Village of Nukuleka and bounded as follows:

Commencing at Boundary Pillar No. 50275, thence runs on a bearing of 15° 02' for a distance of 32.29 metres to B.P. No. 50276, thence runs on a bearing of 114° 35' 50" for a distance of 31.20 metres to B.P. No. 50582, thence runs on a bearing of 196° 34' 29" for a distance of 26.89 metres to a Mango Tree, thence runs on a bearing of 278° 49' for a distance of 27.18 metres to B.P. No. 50273, thence runs on a bearing of 327° 00' 41" for a distance of 4.08 metres to the point of commencement.

NUKUNUKU TOWNSHIP  
NEAU CEMETERY

All that piece of land, situated at Nukunuku Township, containing an area of 1525 m<sup>2</sup> more or less, and bounded by the following lines. Commencing at Boundary Pillar No. 42950, thence runs on a bearing of 249° 55' 10" for a distance 4.23 metres to B.P. No. 42951, thence runs on a bearing of 295° 50' 20" for a distance of 43.04 metres to B.P. No. 42952, thence runs on a bearing of 12° 57' for a distance of 31.67 metres to B.P. No. 42957, thence runs on a bearing of 115° 14' 30" for a distance of 50.53 metres to B.P. No. 42959, thence runs on a bearing of 204° 00' for a distance of 28.38 metres to the point of commencement.

NUKUNUKU  
MATOTO CEMETERY

All that parcel of land known as Matoto Cemetery, containing an area of 2898 m<sup>2</sup> more or less, situated in the town of Nukunuku and bounded as follows:

Commencing at Boundary Pillar No. 27092, thence runs on a bearing of 87° 54' 30" for a distance of 58.22 metres to B.P. No. 58309, thence runs on a bearing of 190° 04' for a distance of 54.09 metres to B.P. No. 27064, thence runs on a bearing of 274° 38' 30" for a distance of 57.48 metres to B.P. No. 27062, thence runs on a bearing of 10° 52' 30" for a distance of 47.3 metres to the point of commencement.

FATULELE CEMETERY

All that parcel of land known as Fatulele Cemetery, containing an area of 1629 m<sup>2</sup> more or less, situated in the town of Nukunuku and bounded as follows:

Commencing at Boundary Pillar No. 58463, thence runs in an easterly direction on a bearing of 96° 11' for a distance of 34.26 metres to B.P. No. 58464, thence runs in a southerly direction on a bearing of 186° 38' for a distance of 47.82 metres to B.P. No. 58465, thence runs in a westerly direction on a bearing of 276° 10' 30" for a distance of 33.9 metres to B.P. No. 58466, thence runs in a northerly direction on a bearing of 6° for a distance of 47.82 metres to the point of commencement.

NUKUNUKUMOTU ISLAND  
NUKUNUKUMOTU CEMETERY

All that parcel, of land known as Nukunukumotu Cemetery, containing an area of 4407 m<sup>2</sup> more or less, situated in the Island of Nukunukumotu and bounded as follows:

Commencing at Boundary Pillar No. 59304, thence follows the western boundary of a 7.32 metres Road on a bearing of 171° 48' for a distance of 66.39 metres to B.P. No. 59307, thence follows the southern boundary of this cemetery on a bearing of 261° 48' for a distance of 66.39 metres to B.P. No. 59306, thence follows the western boundary of the said cemetery on a bearing of 351° 48' 20" for a distance of 66.37 metres to B.P. No. 59305, thence follows the northern boundary of this cemetery on a bearing of 81° 48' for a distance of 66.39 metres to the point of commencement.

PEA (KAHOUA) TOWNSHIP  
PALATAISI CEMETERY

All that parcel of land known as Palataisi Cemetery, containing an area of 1012 m<sup>2</sup> more or less, situated in Fualu (Kahoua) and bounded as follows:

Commencing at Boundary Pillar No. 36680, thence follows the southern boundary of a 8.046 metres Road on a bearing of 119° 53' for a distance of 29.175 metres to B.P. No. 36684, thence runs in a southerly direction on a bearing of 206° 22' 50" for a distance of 33° 806 metres to B.P. No. 36685, thence runs in a westerly direction on a bearing of 299° 53' for a distance of 30.867 metres to B.P. No. 36679, thence runs in a northerly direction on a bearing of 29° 14' 40" for a distance of 33.746 metres to the point of commencement.

PEA  
MAHOLA CEMETERY

All that piece of land containing an area of 2039 m<sup>2</sup> more or less, situated in the Town of Pea and bounded by the following directions:

Commencing at Boundary Pillar No. 27747, thence runs on bearings successively 270° 25' 30" for a distance of 33.44 metres to B.P. No. 49950, 273° 16' 30" for a distance of 13.74 metres to



B.P. No. 49987, thence runs on a bearing successively  $5^{\circ} 01' 30''$  for a distance of 30.06 metres to B.P. No. 49986,  $15^{\circ} 36' 45''$  for a distance of 1.85 metres to B.P. No. 49988,  $26^{\circ} 12'$  for a distance of 29.53 metres to B.P. No. 49987, thence runs on a bearing of  $124^{\circ} 14' 25''$  for a distance of 32.27 metres to B.P. No. 49990, thence runs on a bearing of  $153^{\circ} 06' 10''$  for a distance of 12.77 metres to B.P. No. 27746, thence runs on a bearing of  $182^{\circ} 35' 50''$  for a distance of 27.00 metres to the point of commencement.

#### FELETOA CEMETERY

All that piece of land containing an area of 730.9 m<sup>2</sup> more or less, situated in the town of Pea and bounded by the following directions:

Commencing at Boundary Pillar No. 32477, thence runs on a bearing of  $274^{\circ} 03' 50''$  for a distance of 28.62 metres to B.P. No. 32478, thence runs on a bearing of  $6^{\circ} 15' 30''$  for a distance of 27.16 metres to B.P. No. 49991, thence runs on a bearing of  $93^{\circ} 54' 30''$  for a distance of 25.16 metres to a Kapok Tree, thence runs on a bearing of  $178^{\circ} 58' 20''$  for a distance of 27.32 metres to the point of commencement.

#### LUSIA CEMETERY

All that piece of land, containing an area of 2265 m<sup>2</sup> more or less, situated at Pea Township and bounded as follows:

Commencing at Boundary Pillar No. 38126, thence runs on a bearing of  $220^{\circ} 14'$  for a distance of 45.41 metres to B.P. No. 50323, thence runs on a bearing of  $277^{\circ} 33' 20''$  for a distance of 7.52 metres to B.P. No. 21433, thence runs on a bearing of  $276^{\circ} 52' 40''$  for a distance of 15.48 metres to B.P. No. 46502, thence runs on a bearing of  $3^{\circ} 05' 20''$  for a distance of 42.53 metres to B.P. No. 50315, thence runs on a bearing of  $12^{\circ} 41' 42''$  for a distance of 25.8 metres to a Kapok tree, thence runs on a bearing of  $101^{\circ} 51' 20''$  for a distance of 22.07 metres to B.P. No. 22920, thence runs on a bearing of  $67^{\circ} 14' 50''$  for a distance of 6.74 metres to B.P. No. 38046, thence runs on a bearing of  $175^{\circ} 40' 02''$  for a distance of 32.03 metres to the point of commencement.

#### NUKUHEFALA CEMETERY

All that piece of land, known as Nukuhefala Cemetery, containing an area of 1063 m<sup>2</sup> more or less, situated in the town of Pea and bounded as follows:

Commencing at Boundary Pillar No. 50002, thence follows the western boundary of Taufa'ahau Road in southern direction on a bearing of  $169^{\circ} 06' 50''$  for a distance of 26.99 metres to B.P. No. 50003, thence runs on a bearing of  $356^{\circ} 02' 30''$  for a distance of 33.56 metres to B.P. No. 46844, thence follows the southern boundary of 5.5 metres Road in an easterly direction on a bearing of  $90^{\circ} 25' 30''$  for a distance of 29.00 metres to B.P. No. 50001, thence runs on a bearing of  $129^{\circ} 46' 10''$  for a distance of 4.7.1. metres to the point of commencement.

#### VAILEA CEMETERY

All that parcel of land, containing an area of 491.7 m<sup>2</sup> more or less, situated in the town of Pea and bounded as follows:

Commencing at Boundary Pillar No. 50319, thence runs on a bearing of 144° 04' for a distance of 16.93 metres to B.P. No. 50316, thence runs on a bearing of 189° 13' 18" for a distance of 4.31 metres to B.P. No. 50313., thence runs on a bearing of 234° 14' 40" for a distance of 21.79 metres to B.P. No. 50321, thence runs on a bearing of 324° 04' for a distance of 23.64 metres to B.P. No. 50320, thence runs on a bearing of 54° 14' 40" for a distance of 24.84 metres to the point of commencement.

#### HA'ATOKA CEMETERY

All that piece of land known as Ha'atoka Cemetery, containing an area of 3925 m<sup>2</sup> more or less, situated in the town of Pea, and bounded as follows:

Commencing at Boundary Pillar No. 47097 the said Pillar being situated on the eastern side of a three fathoms road that runs on the western side of Ha'atoka cemetery and Free Wesleyan Church School (PETELI), thence runs on a bearing of 24° 10' for a distance of 47.40 metres to B.P. No. 47102, thence runs on a bearing of 38° 21' 50" for a distance of 4.99 metres to B.P. No. 47101, thence runs on a bearing of 102° 16' for a distance of 63.32 metres to B.P. No. 47100, thence runs on a bearing of 187° 10' for a distance of 62.56 metres to B.P. No. 47099, thence runs on a bearing of 293° 01' for a distance of 80.54 metres to the point of commencement.

#### PELEHAKE TOWNSHIP MALU-'A-MAPA CEMETERY

All that parcel, of land known as Malu-'a-Mapa Cemetery, containing an area of 7167 m<sup>2</sup> more or less, situated in the vicinity of Pelehake and bounded as follows:

Commencing at Boundary Pillar No. 59141, thence runs in an easterly direction on a bearing of 118° 03' for a distance of 99.65 metres to B.P. No. 59138, thence runs on a bearing of 220° 39' 50" for a distance of 86.69 metres to B.P. No. 59139, thence runs on a bearing of 290° 23' 20" for a distance of 75.76 metres to B.P. No. 59140, thence runs on a bearing of 23° 17' 20" for a distance of 87.66 metres to the point of commencement.

#### PELEHAKE TOWNSHIP MATEKIFANGA CEMETERY

All that parcel of land known as Matekifanga Cemetery, containing an area of 2919 m<sup>2</sup> more or less, situated at Pelehake and bounded as follows: Commencing at Boundary Pillar No. 43336, thence runs on a bearing of 8° 03' for a distance of 25.89 metres to B.P. No. 43042, thence runs on a bearing of 87° 30' 40" for a distance of 59.32 metres to B.P. No. 43043, thence runs on a bearing of 105° 13' 20" for a distance of 14.31 metres to B.P. No. 50903, thence runs on a bearing of 157° 26' for a distance of 20.80 metres to B.P. No. 43045, thence runs on a bearing of 99° 19' 40" for a distance of 5.59 metres to B.P. No. 43342, thence runs on a bearing of 229° 24' 20" for a distance of 22.17 metres to B.P. No. 50668, thence runs on a bearing of 252° 38' 35' for

a distance of 11.17 metres to B.P. No. 43310, thence runs on a bearing of 276° 34' 30" for a distance of 57.86 metres to B.P. No. 43337, thence runs on a bearing of 322° 18' 45" for a distance of 8.51 metres to the point of commencement.

PELEHAKE TOWNSHIP  
MALUMALU-'A-FULILANGI CEMETERY

All that parcel of land known as Malumalu-'a-Fulilangi Cemetery, containing an area of 758.5 m<sup>2</sup> more or less, situated in the Village of 'Alakifonua and bounded as follows:

Commencing at Boundary Pillar No. 50203, thence follows the northern boundary of Taufahau Road in a westerly direction on a bearing of 253° 37' for a distance of 35.83 metres to B.P. No. 50200, thence runs in a northerly direction on a bearing of 34° 3' 37" for a distance of 30 metres to B.P. No. 50201, thence runs in an easterly direction on a bearing of 100° 02' 10" for a distance of 40.46 metres to B.P. No. 50202, thence runs in a southerly direction on a bearing of 165° 34' 10" for a distance of 12 metres to the point of commencement.

PUKE  
IFI CEMETERY

All that parcel of land known as Ifi Cemetery, containing an area of 1879 m<sup>2</sup> more or less, situated in the estate of Hon. Fohe (Puke) and bounded as follows:

Commencing at Boundary Pillar No. 50849, thence follows the boundary of a 5.49 metres Road on bearings successively 142° 10' for a distance of 48.25 metres to B.P. No. 50851, 134° 19' for a distance of 0.48 metres to B.P. No. 50846, thence runs on a bearing of 218° 18' 10" for a distance of 37.68 metres to B.P. No. 50847, thence runs on a bearing of 313° 58' 20" for a distance of 44.58 metres to B.P. No. 50848, thence runs on a bearing of 34° 32' 20" for a distance of 44.98 metres to the point of commencement.

FOTUMOE'UMU CEMETERY

All that parcel of land known as Fotumoe'umu Cemetery, containing 1672 m<sup>2</sup> more or less, situated in the Village of Puke, and bounded as follows:

Commencing at B.P. No. 50398, thence follows the southern side of a 7.32 metres Road on a bearing of 125° 09' 30" for a distance of 42.45 metres to B.P. No. 50392, thence runs on a bearing of 211° 25' 30" for a distance of 28.67 metres to B.P. No. 50402, thence runs on a bearing of 289° 16' 40" for a distance of 38.11 metres to B.P. No. 50401, thence runs on a bearing of 313° 26' 20" for a distance of 11.42 metres to B.P. No. 50400, thence runs on a bearing of 31° 25' 30" for a distance of 31.37 metres to B.P. No. 50399, thence runs on a bearing of 78° 17' 30" for a distance of 8.34 metres to the point of commencement.

TALASIU  
FALIKILOUTOA CEMETERY

All that parcel of land, containing an area of 4286 m<sup>2</sup> more or less, situated at Talasiu Village and bounded by the following lines:

Commencing at Boundary Pillar No. 50462, thence follows the western boundary of Taufua'ahau Road in a southerly direction on a bearing of 211° 57' for a distance of 86.32 metres to B.P. No. 30981, thence runs on a bearing of 292° 47' 10" for a distance of 50.85 metres to B.P. No. 30980, thence runs on a bearing of 31° 13' 20" for a distance of 50.57 metres to B.P. No. 50464, thence runs on a bearing of 43° for a distance of 38.89 metres to B.P. No. 50463, thence runs on a bearing of 115° 37' 40" for a distance of 43.21 metres to the point of commencement.

#### VAKATALATA CEMETERY

All that parcel of land, containing an area of 843.0 m<sup>2</sup> more or less, situated at Talasiu Village, being lot 67 on Block 78/97 and bounded as follows:

Commencing at Boundary Pillar No. 22507, thence runs on a bearing of 54° 19' 40" for a distance of 28.48 metres to B.P. No. 22487, thence runs on a bearing of 138° 06' 20" for a distance of 23.59 metres to B.P. No. 22488, thence runs on a bearing of 234° 19' 40" for a distance of 34.26 metres to B.P. No. 22485, thence runs on a bearing of 305° 20' 30" for a distance of 24.8 metres to B.P. No. 22486, thence runs on a bearing of 54° 19' 40" for a distance of 11.31 metres to the point of commencement.

#### TATAKAMOTONGA SIALE CEMETERY

All that parcel of land, containing an area of 773.9 m<sup>2</sup> more or less, situated in the town of Tatakamotonga and bounded as follows:

Commencing at Boundary Pillar No. 46989, thence runs on a bearing of 302° 58' 30" for a distance of 28.51 metres to B.P. No. 46995, thence runs on a bearing of 44° 56" for a distance of 29.32 metres to B.P. No. 46997, thence runs on a bearing of 131° 47' 50" for a distance of 28.47 metres to B.P. No. 46991, thence runs on a bearing of 223° 43' for a distance of 26.63 metres to the point of commencement.

#### IKUTAVAKE CEMETERY

All that parcel of lands, containing an area of 1011 m<sup>2</sup> more or less, situated at Nahafu, in the town of Tatakamotonga and bounded as follows:

Commencing at Boundary Pillar No. 50433, thence runs on a bearing of 234° 23' 30" for a distance of 23.82 m to B.P. No. 50434, thence runs on a bearing of 285° 23' 20" for a distance of 16.1 m to B.P. No. 50435, thence runs on a bearing of 339° 45' 50" for a distance of 18.85 metres to B.P. No. 50436, thence runs on a bearing of 31° 03' 50" for a distance of 15.61 metres to B.P. No. 50437, thence runs on a bearing of 94° 30' 30" for a distance of 22.65 metres to B.P. No. 50438, thence runs on a bearing of 151° 17' 20" for a distance of 22.44 metres to the point of commencement.

TATAKAMOTONGA  
MALA'E PULE 'ANGA AND SI'AMOKA CEMETERY

All that parcel of land known as Mala'e Pule'anga and Si'amoka cemeteries, containing an area of 1.450 ha more or less, situated in the town of Tatakamotonga and bounded by the following directions:

Commencing at Boundary Pillar No. 50447, the said Pillar being situated on the junction of a 7.323 metres Road and Halatuituia Road, then follows the southern boundary of Halatuituia Road on bearings successively  $127^{\circ} 07'$  for a distance of 70.08 metres to B.P. No. 50449,  $123^{\circ} 46' 30''$  for a distance of 124.85 metres to B.P. No. 5591,  $136^{\circ} 49' 30''$  for a distance of 85.18 metres to B.P. No. 50452, thence runs on a bearing of  $14^{\circ} 47'$  for a distance of 6.47 metres to B.P. No. 50451, thence runs on a bearing of  $252^{\circ} 44' 30''$  for a distance of 36.13 metres to B.P. No. 50450, thence runs on a bearing of  $98^{\circ} 36' 05''$  for a distance of 5.49 metres to B.P. No. 50249, thence runs on a bearing of  $304^{\circ} 27' 40''$  for a distance of 256.06 metres to B.P. No. 50444, thence runs on a bearing of  $169^{\circ} 31' 05''$  for a distance of 4.31 metres to B.P. No. 50443, thence runs on a bearing of  $34^{\circ} 30''$  for a distance of 48.0 metres to B.P. No. 50448, thence runs on a bearing of  $260^{\circ} 50' 45''$  for a distance of 8.43 metres to the point of commencement.

TE'EKIU TOWNSHIP  
FAKA'ULUNAFI CEMETERY

All that piece of land, containing an area of 2436 m<sup>2</sup> more or less in the Village of Te'ekiu and bounded by the following lines:

Commencing at Boundary Pillar No. 47708, thence runs on a bearing of  $106^{\circ} 21'$  for a distance of 30.79 metres to B.P. No. 32180, thence runs on a bearing of  $199^{\circ} 48'$  for a distance of 62.63 metres to B.P. No. 50046, thence runs on a bearing of  $277^{\circ} 47' 30''$  for a distance of 20.04 metres to B.P. No. 50041, thence runs on a bearing of  $27^{\circ} 20''$  for a distance of 11.17 metres to B.P. No. 47712, thence runs on a bearing of  $292^{\circ} 44'$  for a distance of 54.7 metres to B.P. No. 47711, thence runs on a bearing of  $27^{\circ} 18' 50''$  for a distance of 13.93 metres to B.P. No. 47707, thence runs on a bearing of  $106^{\circ} 20' 30''$  for a distance of 26.52 metres to B.P. No. 47706, thence runs on a bearing of  $27^{\circ} 20'$  for a distance of 36.58 metres to the point of commencement.

TOKOMOLOLO  
HA'ATOKA CEMETERY

All that piece of land known as Ha'atoka Cemetery, containing an area of 1216 m<sup>2</sup> more or less, situated in the Village of Tokomololo and bounded by the following admeasurement:

Commencing at Boundary Pillar No. 23696, the said Pillar being situated on the eastern side of Tokomololo-Pea Road, thence runs in an easterly direction on a bearing of  $123^{\circ} 46'$  for a distance of 47.58 metres to B.P. No. 23700, thence runs in a southerly direction on a bearing of  $218^{\circ} 18' 20''$  for a distance of 24.11 metres to B.P. No. 50539, thence runs in a westerly direction on a bearing of  $299^{\circ} 38'$  for a distance of 44.54 metres to B. P. No. 50417, thence runs in a

northerly direction on bearings successively 348° 34' 10" for a distance of 4.01 metres to B.P. No. 50416, 37° 30' 20" for a distance of 24.46 metres to the point of commencement.

#### 'AHOMATAVAKA CEMETERY

All that parcel of land known as 'Ahomatavaka Cemetery, containing an area of 1883 m<sup>2</sup> more or less, situated in the Village of Tokomololo and bounded by the following admeasurement:

Commencing at Boundary Pillar No. 58184, thence follows the southern boundary of a 10.98 metres Road in an easterly direction on a bearing of 122° 54' 30" for a distance of 34.7 metres to B.P. No. 50573, thence runs in a southerly direction on a bearing of 212° 58' 10" for a distance of 50.81 metres to B.P. No. 58189, thence runs in a westerly direction on a bearing of 302° 35' for a distance of 29.02 metres to B.P. No. 23712, thence runs in a northerly direction on a bearing of 26° 41' 50" for a distance of 22.69 metres to B.P. No. 23713, thence runs in a westerly direction on a bearing of 301° 07' 40" for a distance of 13.21 metres to B.P. No. 23705, thence runs on a northerly direction on a bearing of 33° 29' 50" for a distance of 19.84 metres to B.P. No. 23704, thence runs in an easterly direction on a bearing of 97° 41' 20" for a distance of 11.36 metres to B.P. No. 23703, thence runs in a northerly direction on a bearing of 26° 44' for a distance of 7.17 metres to the point of commencement.

#### 'UTULAU TOWNSHIP FALEAATA CEMETERY

All that parcel of land known as Faleaata Cemetery, containing an area of 2441 m<sup>2</sup> more or less situated in the Town of 'Utulau and bounded as follows:

Commencing at Boundary Pillar No. 27656, thence follows the northern boundary of a 8.047 metres Road in a westerly direction on bearings successively 285° 43' 40" for a distance of 22.267 metres to B.P. No. 27654, 287° 29' 50" for a distance of 38,403 metres to B.P. No. 27649, thence runs in a northerly direction of a bearing of 15° 43' 40" for a distance of 40.254 metres to B.P. No. 27648, thence runs in an easterly direction on bearings successively 107° 29' 50" for a distance of 39.023 metres to B.P. No. 27652, 105° 43' 50" for a distance of 21.646 metres to B.P. No. 27657, thence runs in a southerly direction on a bearing of 195° 43' 40" for a distance of 40.254 metres to the point of commencement.

#### 'UTULAU TOWNSHIP VAOLONGOLONGO CEMETERY

All that parcel of land known as Vaolongolongo Cemetery, containing an area of 3683 m<sup>2</sup> more or less situated in the village of 'Utulau and bounded as follows:

Commencing at Boundary Pillar No. 50555, the said Pillar being situated at the Junction of Liku Road and a 8.047 metres Road, thence runs on a bearing of 150° 13' 40" for a distance of 4.309 metres to B.P. No. 50556, thence runs in a southerly direction on a bearing of 195° 43' 40" for a distance of 55.29 metres to B.P. No. 27531, thence runs in a westerly direction on a bearing of 285° 43' 40" for a distance of 63.15 metres to B.P. No. 27528, thence runs in a northerly

direction on a bearing of  $15^{\circ} 43' 40''$  for a distance of 58.71 metres to B.P. No. 27526, thence follows the southern boundary of Liku Road on bearings successively  $107^{\circ} 29' 50''$  for a distance of 12.038 metres to B.P. No. 27525,  $105^{\circ} 43' 40''$  for a distance of 48.069 metres to the point of commencement.

VAINI TOWNSHIP  
LO'AMANU CEMETERY

All that parcel of land known as Lo'amanu Cemetery, containing an area of 3882 m<sup>2</sup> more or less, situated in the town of Vaini and bounded as follows:

Commencing at Boundary Pillar No. 51241, the said Pillar being situated at the junction of Hufangalupe and Taufahau Roads, thence follows the southern side of Taufahau Road in south easterly direction on bearings successively  $119^{\circ} 35' 30''$  for a distance of 49.768 metres to B.P. No. 7754,  $128^{\circ} 57' 40''$  for a distance of 65.17 metres to B.P. No. 8577, thence follows the eastern boundary in a south westerly direction on a bearing of  $218^{\circ} 04' 40''$  for a distance of 65.18 metres to B.P. No. 59253, thence follows the southern boundary in a north westerly direction on a bearing of  $310^{\circ} 28'$  for a distance of 60.74 metres to B.P. No. 8603, thence follows the eastern boundary of Hufangalupe Road in a northerly direction on a bearing of  $31^{\circ} 03' 30''$  for a distance of 48.907 metres to B.P. No. 51232, thence follows the chord line in an easterly direction on a bearing of  $75^{\circ} 19' 30''$  for a distance of 8.73 metres to the point of commencement.

VAINI  
ALALATE CEMETERY

All that piece of land known as Alalate Cemetery, containing an area of 5455 m<sup>2</sup> more or less, situated in the Village of Vaini and bounded as follows:

Commencing at Boundary Pillar No. 50239, the said Pillar being situated on the northern side of Taufahau Road, and it is the common boundary of Lot No. 47 and Alalate Cemetery, thence follows the northern boundary of Taufahau Road in a westerly direction on a bearing of  $295^{\circ} 42'$  for a distance of 69.06 metres to B.P. No. 50293, thence runs in a northerly direction on a bearing successively  $28^{\circ} 05' 20''$  for a distance of 37.16 metres to B.P. No. 50292,  $0^{\circ} 53' 20''$  for a distance of 39.12 metres to B.P. No. 50294, thence runs in an easterly direction on a bearing of  $72^{\circ} 50' 40''$  for a distance of 32.19 metres to B.P. No. 50004, thence runs in a south easterly direction on a bearing of  $131^{\circ} 38' 30''$  for a distance of 62.91 metres to B.P. No. 50004, thence runs in a south westerly direction on a bearing of  $228^{\circ} 27' 30''$  for a distance of 34.74 metres to B.P. No. 50005, thence runs in a southerly direction on a bearing of  $206^{\circ} 42' 50''$  for a distance of 45.23 metres to the point of commencement.

VAOTU'U TOWNSHIP  
FALEAATA CEMETERY

All that parcel of land known as Faleaata Cemetery, containing an area of 2917 m<sup>2</sup> more or less, situated in the Village of Vaotu'u and bounded as follows:

Commencing at Boundary Pillar No. 26667, the said Pillar being situated at the western corner of the cemetery thence follows the western boundary of the cemetery on a bearing of 27° 00' for a distance of 51.19 metres to B.P. No. 59257, thence runs in easterly direction on a bearing of 117° 00' for a distance of 56.99 metres to B.P. No. 26663, thence runs in a southerly direction on a bearing of 207° 00' for a distance of 51.19 metres to B.P. No. 26653, thence runs in a westerly direction on a bearing of 297° 00' for a distance of 56.99 metres to the point of commencement.

#### TUFUHU CEMETERY

All that parcel of land known as Tufuhu Cemetery, containing an area of 1754 m<sup>2</sup> more or less, situated in the Village of Vaotu'u and bounded as follows:

Commencing at Boundary Pillar No. 26688, thence runs in an easterly direction on a bearing of 129° 24' for distance of 86.45 metres to B.P. No. 26689, thence runs in a southerly direction on a bearing of 219° 24' for a distance of 25.55 metres to B.P. No. 26690, thence runs in a westerly direction on a bearing of 309° 26' 40" for a distance of 50.99 metres to B.P. No. 59256, thence follows the eastern boundary of a 5.492 metres Road on a bearing of 345° 08' for a distance of 43.69 metres to the point of commencement.

#### FEINGAFONO CEMETERY

All that parcel of land known as Feingafono Cemetery, containing an area of 945.2 m<sup>2</sup> more or less, situated in the Village of Vaotu'u and bounded as follows:

Commencing at Boundary Pillar No. 58238, thence runs in a westerly direction on a bearing of 265° 11' 20" for a distance of 20.49 metres to B.P. No. 58272, thence runs in a northerly direction on a bearing of 337° 46' 20" for a distance of 23.09 metres to B.P. No. 58279, thence runs in a north easterly direction on a bearing of 49° 12' for a distance of 25.88 metres to B.P. No. 58281, thence runs in a south easterly direction on a bearing of 114° 27' 30" for a distance of 19.13 metres to B.P. No. 58280, thence runs in a southerly direction on a bearing of 195° 19' 20" for a distance of 29.72 metres to the point of commencement.

#### VEITONGO HA'ANGOLO CEMETERY

All that piece of land known as Ha'angolo Cemetery, containing an area of 3567 m<sup>2</sup> more or less, situated in the vicinity of Veitongo Village and bounded as follows:

Commencing at Boundary Pillar No. 50345, the said Pillar being situated 24 metres approx from the Eastern Corner of Veitongo Village, thence follows the western boundary in a northerly direction on a bearing of 10° 03' for a distance of 54.15 metres to B.P. No. 50473, thence runs in an easterly direction on a bearing of 100° 03' for a distance of 65.88 metres to B.P. No. 50343, thence runs in a southerly direction on a bearing of 190° 03' for a distance of 54.15 metres to B.P. No. 50640, thence runs in a westerly direction on a bearing of 280° 03' for a distance of 65.88 metres to the point of commencement.



## **SECTION 168 - Land Court Rules**

*Made by the Judge of the Land Court on 28th November, 1927*

*R. R. 54/29, G. 103/26, Act 46/1988*

**1.** In these rules unless a contrary intention appears-

"The Act" means the Land Act and its amendments;

"Court" means the Land Court established by the Land Act;

"District" means-

(a) Tongatapu, 'Eua and surrounding Islands;

(b) Ha'apai and surrounding Islands;

(c) Vava'u and surrounding Islands;

(d) Niuafou'ou and Niuatoputapu and Tafahi;

"Gazette" means the Government Gazette.

*(Amended, G. 103/36.)*

**2.** All proceedings unless otherwise provided by the Act or these rules shall be commenced by summons.

**3.** Every summons relating to land shall be issued in the district in which the land is situated. If the land is situated in two or more districts the summons may be issued in either of those districts.

**4.** A summons seeking any relief other than the determination of a dispute, claim or question of title affecting land may be issued in any district in which relief is sought.

**5.** Every applicant for a summons shall state clearly to the Clerk of the Court the nature of his claim and such claim shall thereupon be endorsed upon the summons which shall be signed by the Judge and sealed with the seal of the Court.

**6.** A signed and sealed copy of every summons shall be served on the defendant personally or as the Judge may direct.

**7.** The form of summons shall be in the Form I hereto.

## **INJUNCTIONS**

**8.** An application for an injunction shall be in Form II and the order made thereon shall be in Form III. An order under this rule may be made either ex parte or otherwise as the Court thinks fit according to the urgency of the case.

**9.** The application for an injunction shall be in writing setting out the grounds upon which relief is sought and there shall be filed with such application an affidavit verifying the grounds in the application. Both application and affidavit must be signed by the party applying or his licensed lawyer.

**10.** An injunction granted ex parte may be dissolved at any time thereafter upon application made to the Court by the person against whom the injunction has been granted or his licensed lawyer.

**11.** The fees for an application for an injunction or removal of an injunction or any order thereon whether granted or not shall be those set out in Schedule XII of the Act.

### **TRUSTEES**

**12.** Every application for the appointment or dismissal of any trustee pursuant to paragraphs (c) or (d) of subsection one of section **149** of the Act shall be made by motion to the Judge.

**13.** Notice of such motion shall be in Form IV hereto and where the application is for the appointment of a trustee shall set out the particular disability of the person on whose behalf it is sought to appoint such trustee. Where the application is for the dismissal of a trustee such trustee shall be served with notice of the application.

**14.** The order appointing a trustee shall be in the Form V hereto.

**15.** By an order appointing a trustee the Court may prohibit or restrict in such manner as it thinks fit the exercise by the trustee of any powers which would otherwise be vested in him and the Court may at any time remove or vary any such prohibition or restriction.

**16.** A trustee shall account to the Court when called upon to do so by the Judge or any person interested may make an application to the Court calling upon any trustee to produce his accounts or a statement of his trusteeship.

**17.** An application made under rule 16 shall be in the Form VI hereto and an order shall be in the Form VII hereto.

**18.** An order dismissing any trustee shall be in the Form VIII hereto.

### **WITNESSES**

**19.** A summons to a witness shall be in the Form IX hereto.

**20.** A witness summons shall be served personally but the Judge may direct that service in any particular case may be made in such other manner as will in his opinion be sufficient to bring the summons to the knowledge of the witness whose attendance is required.

**21.** Personal service may be affected by leaving with the witness a copy of the summons signed by the Judge and sealed with the seal of the Court.

**22.** The Court for the purpose of perpetuating evidence shall take such evidence upon the application of any person who is either a party to an action or intends to bring an action and in case any witness is too old, infirm or ill to attend the Court to give evidence the Court may take the evidence of such witness wherever he is. It shall be incumbent on the party making an application under this rule to serve the other party with notice of time and place appointed by the Court for the taking of such evidence. All expenses of the Court in connection with the taking and recording of such evidence shall be borne by the applicant and shall be as set out in Schedule XII of the Act.

### **ORDER**

**23.** An order made on any summons relating to land shall be in the Form X hereto.

### **WRIT OF POSSESSION**

**24.** An application for a writ of possession shall be in the Form XI hereto.

**25.** A writ of possession shall be in the Form XII hereto.

### **CHAMBERS**

**26.** The Judge may at his discretion hear and determine any of the following matters in his office in any district and all such applications made and all orders made thereon shall carry the same fees as if made in open Court-

*(a)* injunctions and removal of same;

*(b)* application for appointment of trustee;

*(c)* application for removal of trustee;

*(d)* application for trustee to account;

*(e)* application to examine witnesses who are unable to attend Court, etc;

*(f)* application for substituted service of any document;

*(g)* application for taxing costs;

(h) application for awarding costs;

(i) application for production of any document before the Court;

(j) application for right to succession to any land.

**27.** The Court shall on application made to it investigate the right of any person to succeed to land on the death of the person lately holding the same and if such deceased holder was a commoner shall decide who is entitled to succeed to such land and issue a succession order accordingly but if the deceased holder of the land was a noble or matapule ma'u tofi'a the Court in lieu of deciding the question shall forward to His Majesty the King a copy of the evidence together with the findings and recommendations of the Court in relation thereto.

**28.** An application for a succession order shall be in Form XIII hereto.

**29.** An order for succession shall be in Form XIV hereto.

**30.** The Court may before proceeding to hear any application or summons order the Town Officer of the town in the district in which the land is situated to announce at the next fono or at a special fono to be held by him that a claim for the particular piece of land has been made to the Court and that anyone having an interest right, title, or claim to the said land may come to the Court and be joined in the action either as plaintiff or defendant.

*(Amended, Act 46/1988.)*

**31.** In any dispute relating to the boundaries of any land the adjacent holders must be served with summons to attend the Court.

**32.** The Court may order a survey of any land to be made.

**33.** If any case arises for which no form of procedure has been provided by the Act or these rules the Court shall deal with the same in such manner as the Judge deems best calculated to promote the ends of justice until a new rule or new rules are made.

## SCHEDULE A

### FORM I (Rule 7)

#### *Summons*

IN THE LAND COURT,  
TONGA

DISTRICT OF

BETWEEN

And

Plaintiff

Defendant

To .....of .....the above named defendant.  
In the name of His Majesty King Taufa'ahau Tupou IV you are hereby commanded to attend this Court on .....the .....day of .....19.....at ..... o'clock in the.....noon being the day and hour appointed for the hearing of an action brought against you by the above named plaintiff the particulars of the claim being stated below. If you fail to attend according to this summons the plaintiff may proceed and the Court may give judgment in your absence.

Judge of the Land Court.

PARTICULARS OF CLAIM.

FORM II  
(Rule 8)

*Application for Injunction*

IN THE LAND COURT,  
TONGA.

DISTRICT OF

I hereby apply to this Court for an injunction prohibiting of.....from.....upon the following grounds-

And I hereby file an affidavit supporting my claim.

Dated this.....day of.....19.....

Applicant.

FORM III  
(Rule 8)

*Order for Injunction*

IN THE LAND COURT,  
TONGA.

DISTRICT OF

TO.....of

You (and each of you) are hereby ordered to refrain from..... so long as the matter now in dispute affecting the said land shall be before this Court or until this order is by the Court revoked.

Dated this.....day of.....19.....

Judge of the Land Court.

FORM IV  
(Rule 13)

*Application for Trustee*

IN THE LAND COURT,  
TONGA.

DISTRICT OF

To the Judge of the Land Court, Tonga.

I hereby apply to the Court for an order appointing a trustee of being a person under the following disability in respect of his interest which he acquired by succession to or upon investigation of title.

Dated this .....day of .....19.....

Applicant.

FORM V  
(Rule 14)

*Trustee Order*

IN THE LAND COURT,  
TONGA.

DISTRICT OF

On reading the application of.....and upon hearing.....for the applicant IT IS ORDERED that.....of.....be and he is hereby appointed a trustee for the purpose of the said Act of.....in respect of his interest in the land acquired by him at .....

AND it is further ordered that the previous order of this Court dated the ..... day of .....19.....appointing..... trustee of the said.....in respect of his said interests be and the same is hereby cancelled.

Dated this .....day of .....19 .....

Judge of the Land Court.

FORM VI  
(Rule 17)

*Application for a Trustee to account*

IN THE LAND COURT,  
TONGA.

DISTRICT OF

To this Honourable Court,

I,.....of.....in Tonga, the (father, mother, guardian etc.) of.....a person under age and whose land is vested in .....of.....in Tonga as trustee Do HEREBY MAKE application to this Court for an order calling upon the said.....to account for his management of the said land since his appointment as trustee or from such date as this Court shall order.

Dated at.....this.....day of .....19.....

Applicant.

FORM VII  
(Rule 17)

*Order to Trustee to account*

IN THE LAND COURT,  
TONGA

DISTRICT OF

TO.....of.....in Tonga, trustee of  
ON APPLICATION made to this Court by.....the (father, mother,  
guardian etc.) of.....of whose land you have been appointed  
trustee YOU ARE HEREBY ORDERED by this Court to attend at the Office of the Land Judge  
at..... in Tonga on the.....day of.....  
19.....at..... o'clock in the..... noon and there produce to the said Judge all  
accounts in connection with the said land and the management thereof.  
Dated at.....in Tonga this..... day of.....19.....

Judge of the Land Court.

FORM VIII  
(Rule 18)

*Order dismissing Trustee*

IN THE LAND COURT,  
TONGA.

DISTRICT OF

In the matter of an application by.....of.....in Tonga for an order  
dismissing.....of..... in  
Tonga as trustee of interest in the land of.....  
Upon reading the application of .....and upon hearing .....  
For the applicant IT IS ORDERED that.....of.....in Tonga be and he is hereby  
dismissed from his appointment as trustee for the purpose of the said Act of.....in respect  
of his interest in the land of.....  
As witness the hand of the Judge and Seal of the Court this..... day of.....19.....

Judge of the Land Court.

FORM IX  
(Rule 19)

*Witness Summons*

IN THE LAND COURT,

TONGA

DISTRICT OF

BETWEEN.....Plaintiff and.....Defendant.

To .....of.....

In the name of His Majesty King Taufa'ahau Tupou IV you are hereby summoned to attend this Court at .....on the.....day of.....19.....at..... o'clock in the.....noon and from day to day until required to give evidence in the said matter AND you are hereby required then and there to have and produce to the Court..... and all other books deeds papers and writings relating to the said matter in your possession or under your control.

Dated this.....day of.....19.....

Plaintiff

or

Judge of the Land Court.

Defendant

NOTE-If you fail to obey this summons you are liable to a penalty of \$40 and.....in default to be imprisoned for 3 months.

FORM X  
(Rule 23)

*Order Affecting Land*

IN THE LAND COURT,  
TONGA.

DISTRICT OF

In the matter of land called.....situate at.....At a sitting of the Court held on the.....day of.....19..... before the Land Judge IT WAS THIS DAY ADJUDGED that.....

Dated at.....this.....day of.....19.....

Judge of the Land Court.

FORM XI  
(Rule 24)

*Application for Writ of Possession*

IN THE LAND COURT,  
TONGA.

DISTRICT OF

BETWEEN.....Plaintiff and.....Defendant.



I,.....of.....in Tonga the above named.....Do HEREBY APPLY to this Court for a Writ of Possession to issue to me to recover possession of all that piece of land.....in Tonga and known as.....

Judgment having been given in this Court on the.....day of.....19.....  
Dated this .....day of .....19.....

Applicant

FORM XII  
(Rule 25)

*Writ of Possession*

IN THE LAND COURT,  
TONGA.

DISTRICT OF

BETWEEN.....Plaintiff and.....Defendant.

To the Police Officers, District of.....

WHEREAS by a judgment of this Court made on the.....day of.....day of.....19.....the said.....was ordered to deliver to the said.....possession of all that piece of land.....

in your district. THEREFORE I command you that you enter the said land and without delay you cause the said..... to have possession e ' the said land AND in what manner you have executed this writ appear to appear to the Court immediately after the execution thereof.

Dated this .....day of.....19.....

Judge of the Land Court.

FORM XIII  
(Rule 28)

*Application for a Succession Order*

IN THE LAND COURT,  
TONGA.

DISTRICT OF

In the matter of the land known as.....and of the interest of deceased therein.

I,.....of.....in Tonga hereby apply to succeed to.....in respect of his interest in.....I am the.....of deceased and I reside in.....in Tonga.

Dated this.....day of.....19.....

Applicant.

FORM XIV  
(Rule 29)

*Succession Order*

IN THE LAND COURT,  
TONGA.

DISTRICT OF

In the matter of land known as.....in.....Tonga and of  
the interest of.....deceased therein.

At a sitting of the Court held at.....in the district of.....on  
the.....day of.....19.....IT IS HEREBY determined  
that.....of.....in Tonga is the person entitled to succeed to the interest of and  
in the said land whereto the deceased died entitled AND IT IS ORDERED that the said interest  
shall best in the above named successor as from the.....day of.....19.....

Judge of the Land Court.

**MISCELLANEOUS-Notice Concerning Survey Fees**

*Issued by Order of the Minister of Lands on 26th June, 1964*

*G. 65/64*

From and after the publication of this Notice all persons making application for the lease of any  
land in the Kingdom of Tonga must forward with the application the approximate survey fee of  
the piece of land applied for. If the applicant does not come to the Lands Office within 3 months  
after notification has been sent to him that the lease is ready for execution to sign and execute the  
deed of lease and does not pay the full amount required by the Department to enable the lease to  
be registered, the money paid for the approximate survey fee may be forfeited to Government at  
the discretion of His Majesty's Cabinet.

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