

REPUBLIC OF KIRIBATI
(No. 7 of 2005)

I assent,

Beretitenti
21/07/2005

**AN ACT TO AMEND THE FORESHORE AND LAND
RECLAMATION ORDINANCE, CAP 35 TO STRENGTHEN THE
RECOGNITION OF CUSTOMARY OWNERSHIP OF THE
FORESHORE AND FOR CONNECTED PURPOSES**

Commencement:
2005

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti.

Short title

1. This Act may be cited as the Foreshore and Land Reclamation (Amendment) Act 2005.

Interpretation

2. In this Act ‘principal Act’ means the Foreshore and Land Reclamation Ordinance, Cap 35.

Amendment of section 2

3. Section 2 of the principal Act is amended by inserting the definition of the words: -

“beach front” means part of the foreshore where the sand and/or gravel stops accumulating;

“part of the foreshore” means the part of the foreshore extending from where it is alternatively covered and uncovered by the sea at the highest tide and ends at the beach front or where there is no beach front from where the reef mud or the reef flat begins as the case may be;

“private right” include those rights recognised by customs to exist and in particular the right of the landowner to the exclusive use of part of the foreshore of his land;

“reef flat” means part of the foreshore on the ocean side extending seaward from the beach front;”

Amendment of section 3

4. Section 3(4) of the principal Act is amended by inserting after the words “may be issued” and before the word “subject” the following: -

“after the person applying for the licence has agreed with the landowner whose land and/or right will be affected the amount of compensation to be paid to that person or landowner for the removal of sand, gravel, reef mud, coral rock or other like substance and after the said person or landowner has agreed in writing for the removal of such substances from part of the foreshore of his land”.

THE FORESHORE AND LAND RECLAMATION (AMENDMENT) ACT 2005

EXPLANATORY MEMORANDUM

This legislation seeks to strengthen the recognition of customary rights over the foreshore of our lands.

The existing legislation recognises the existence of private rights. Section 3 emphasises what those private rights are. They include our customary rights to the exclusive use of the foreshore of our lands.

Section attempts to give the landowners the right to have a say in the granting of licences. This includes their rights to be compensated for the gravel or sand or other like substances removed from the foreshore of their land pursuant to a licence issued under the Act.

Banuera Berina
MP for South Tarawa
21st October 2004