

PITCAIRN, HENDERSON

DUCIE & OENO ISLANDS

No 1 of 2022



LM. L
7/7/22

Enacted by the Governor of the Islands
of Pitcairn, Henderson, Ducie and Oeno

LANDS COURT (COURT REGISTRAR) AMENDMENT ORDINANCE

DATE MADE: 7/7/22

DATE PUBLISHED: 10/7/2022

An Ordinance to clarify the appointment of the Lands Court Registrar

PART I – PRELIMINARY

Citation and
commencement

1. –(1) This Ordinance may be cited as the Lands Court (Court Registrar) Amendment Ordinance 2022.
- (2) This Ordinance shall come into operation on the day after it is published.

PART II – AMENDMENTS TO LANDS COURT ORDINANCE

Interpretation

2. –(1) In section 2 of the Lands Court Ordinance, insert the following in appropriate alphabetical order:
““Registrar” means the Registrar of the Lands Court appointed under section 4 of this Ordinance;”

Lands Court
Registrar

3. –(1) This section amends section 4 of the Lands Court Ordinance.
- (2) Replace subsection (1) with the following:
“(1) The Governor shall appoint the Island Secretary or any other person he or she thinks fit to be Registrar of the Lands Court.”
- (3) Insert subsection (1A) as follows:
“(1A) The Registrar shall be under the immediate direction and control of the President, subject to the general directions of the Governor.”

PART III – AMENDMENTS TO LAND TENURE REFORM ORDINANCE

- Section 2 amended
4. – (1) In section 2 of the Land Tenure Reform Ordinance, insert the following in appropriate alphabetical order:
““Registrar” means the Registrar of the Lands Court appointed under section 4 of the Lands Court Ordinance, and “Registrar of the Court” has the same meaning;”

Lands Court (Court Registrar) Amendment Ordinance 2022

Explanatory Note and Legal Report

This Ordinance amends the Lands Court Ordinance to provide that the Registrar of the Lands Court shall be the Island Secretary or other person appointed by the Governor.

Currently, the Lands Court Ordinance provides that the Island Secretary shall be the Lands Court Registrar. The Island Secretary is appointed by the Governor to, in general terms, support the functions of the Island Council. The Governor has also appointed the Island Secretary to carry out other functions, including the functions of Registrar of Births and Deaths, and Registrar of Marriages. The role of Lands Court Registrar is an additional role that over the years has often been carried out by other GPI employees (namely the Land Management Officer).

While in many circumstances it will be suitable for the Island Secretary to also hold the role of Lands Court Registrar, it is clear that in practice it has at times been seen as more practical for the role of Registrar to sit with another individual. This amendment retains the power of appointment with the Governor, but gives the Governor the option of appointing either the Island Secretary or a different person as Lands Court Registrar if suitable.

Consistency with the Constitution

In my opinion, this draft Ordinance is consistent with the Constitution.

Simon Mount QC
Attorney General of Pitcairn
6 July 2022