

STATE LANDS REGULATIONS, 1962

In exercise of the powers conferred on the Minister by section 6 of the State Lands Act, 1962 (Act 125), (hereinafter referred to as "the Act") the following regulations are hereby made this 30th day of October, 1962.

Site
Advisory
Committees.

1. (1) For the purpose of inspecting and making a recommendation as to the suitability or otherwise of any land proposed to be acquired under section 1 of the Act (which relates to the acquisition of land by the President in the public interest) and for any other purpose specified in these regulations, there shall from time to time and in accordance with the provisions of this regulation be established Site Advisory Committees (any such Advisory Committee being hereinafter referred to as a "Committee").

(2) A Committee shall be established by a Regional Commissioner on receipt by him of a request in that behalf—

- (a) made by any Ministry, department or other organ of State (whether on its own behalf or on behalf of a statutory corporation);
- (b) made by any statutory corporation authorised by the Minister by notice published in the *Gazette* to apply direct to a Regional Commissioner to establish a Site Advisory Committee under this regulation.

(3) A Committee shall consist of the following members, all of whom shall be appointed by the Regional Commissioner—

- (a) The District Commissioner of the district in which the land is situate, who shall be chairman;
- (b) a person representing the Minister responsible for lands;
- (c) a person representing the Minister responsible for health;
- (d) a person representing the Minister responsible for works;
- (e) a person representing the Minister responsible for town and country planning;
- (f) a person representing the body by whom or on whose behalf the request was made under the last foregoing sub-regulation; and
- (g) where he considers it appropriate, a person representing the Minister responsible for water supplies or a person representing the Minister responsible for electricity, or both such persons.

Rights of
entry of
Committees
on land.

2. (1) To enable a Committee to perform its functions under the foregoing regulation, the Committee may, subject to the next following sub-regulation, enter on any land for the purpose of inspecting and surveying (including the taking of samples of soil) that land.

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(2) A Committee shall not enter on any land in exercise of its rights under the foregoing sub-regulation unless—

- (a) all the members present are in possession of, and produce if so requested, a written authorisation in the appropriate form specified in the First Schedule hereto; and
- (b) where there are inhabited dwellings on the land concerned, not less than twenty-four hours notice of the proposed entry has been given to the occupier of the land, in the appropriate form specified in the said Schedule.

3. (1) Before examining the merits of any proposed acquisition of land the Committee shall first be satisfied that sufficient funds are, or will be, available for the purpose of implementing the proposed user of the land.

Factors to be considered by a Committee.

(2) Before recommending the acquisition of any land the Committee shall first be satisfied that no other suitable land is available without such acquisition.

4. Every recommendation made by a Committee in the exercise of its functions under these regulations shall be submitted for his approval to the Regional Commissioner.

Recommendations by a Committee.

5. Every recommendation approved by a Regional Commissioner under the last foregoing regulation, together with a certificate of valuation of the land by a competent public officer or a written undertaking by the owner of the land concerned that he will not claim any compensation, shall be submitted to the Minister for his approval; and no regard shall be had to any recommendation by a Committee or to any such certificate of valuation unless the recommendation and the certificate (if any) have been approved by the Minister, with or without modifications.

Submission of approved recommendations to Minister.

6. Every notice of proposed entry on any land, being a notice given under subsection (1) of section 1 of the Act, shall be in the appropriate form specified in the First Schedule hereto.

Notices under section 1 (1) of the Act.

7. (1) Subject to the next following sub-regulation any public officer authorised in writing in that behalf may enter on any land proposed to be acquired under the Act for the purpose of making a valuation of that land.

Rights of entry on land for valuation purposes.

(2) No entry shall be made on any land in pursuance of the last foregoing regulation unless—

- (a) the entry is made between the hours of 8 a.m. and 12 noon, or between the hours of 2 p.m. and 6 p.m.; and
- (b) not less than twenty-four hours notice of the proposed entry has been given to the occupier of the land in the appropriate form specified in the First Schedule hereto.

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(3) Every authorisation under sub-regulation (1) of this regulation shall be in the appropriate form specified in the said Schedule.

Offences

8. Any person who wilfully obstructs any member of a Committee or any public officer duly authorised to enter on any land under regulation 2 or regulation 7 of these regulations shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or to a term of imprisonment not exceeding three months or to both.

Allocation of land acquired under the Act.

9. (1) The Minister shall be responsible for the allocation to Ministries, departments or other organs of the Republic (including any statutory corporation referred to in regulation 1 (2) (b)) of any land acquired under the Act, and every such allocation shall be evidenced by a written instrument, to be known as a Certificate of Allocation, issued by or on behalf of the Minister.

(2) No such allocation shall be made by the Minister unless or until the proposed allocation has been referred to and considered by a Site Advisory Committee, and the Committee has made a recommendation to the Minister thereon:

Provided that where any such proposed allocation has been referred to a Site Advisory Committee and the Committee has not made a recommendation to the Minister within one month of the reference, the Minister may allocate the land concerned without a recommendation.

(3) A certificate of allocation may contain such limitations and conditions as the Minister may think fit, and shall—

- (a) include a condition requiring the Ministry, department or other organ of the Republic concerned to ensure that the land is properly maintained and cared for; and
- (b) state the purpose for which the land may be used.

(4) Every Ministry, department or other organ of the Republic to which land has been allocated under this regulation shall ensure that any limitations or condition are duly observed and shall not, unless the Minister consents thereto, use the land for any purpose other than that specified in the Certificate.

Cancellation of Certificates of Allocation.

10. The Minister may at any time cancel or vary a Certificate of Allocation.

Applications for leases and licences.

11. Every application for a lease or licence of any land acquired under the Act shall be made to the Minister in writing and shall be in the form specified in relation to such application in the First Schedule hereto, and shall contain such of the particulars mentioned in that form as are appropriate to the application; and the

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applicant shall furnish the Minister with such further information as the Minister may require for the purpose of the consideration of the application.

12. (1) For the purpose of considering and reporting on applications duly made to him under the last foregoing regulation the Minister may establish a Board of Inquiry (hereinafter referred to as "the Board"). Boards of Inquiry.

(2) The composition and procedure of the Board shall be such as the Minister may direct.

(3) After considering any such application the Board shall make a report to the Minister thereon.

(4) In exercising its functions under the regulation the Board may require an applicant to furnish it with such further information relating to the application as it thinks fit.

13. Service and publication under section 2 of the Act shall be effected by a public officer and an affidavit by that officer that the requirements of that section have been complied with (together with copies of the newspaper referred to in paragraph (d) of that section, where appropriate) shall be sufficient proof of such service and publication. Service and publication of instruments.

14. Any person who makes any application or is in receipt of any service or document specified in the Second Schedule hereto shall, unless the Minister otherwise directs, pay to the Minister the appropriate fee specified in that Schedule in relation to that application, service or document (as the case may be). Fees.

15. Particulars of all land acquired under the Act and of all leases, licences, allocations and other grants of any right over or interest in any such land, shall be recorded and kept by the Chief Registrar of Lands. Records.

16. Unless the President otherwise directs no lease or licence granted in respect of any land acquired under the Act shall be valid unless the lease or licence (as the case may be) is executed by the Minister, or by a person authorised by him in that behalf by notice published in the *Gazette*, and bears a seal specified by the Minister by a notice so published. Execution of leases and licences.

17. (1) Any matter referred by the Minister to the Tribunal under subsection (2) of section 4 of the Act shall be so referred not later than six weeks after the expiration of the period referred to in subsection (1) of that section. References to Tribunal.

(2) Any such matter shall be referred in the appropriate form specified in relation thereto in the First Schedule to these regulations.

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FIRST SCHEDULE

Form 1

REPUBLIC OF GHANA
THE STATE LANDS ACT, 1962 (ACT 125)
THE STATE LANDS REGULATIONS, 1962

NOTICE

To.....
(Name of occupier)

Take notice that a Site Advisory Committee appointed under Regulation 1 will inspect the under-mentioned land and building(s)

.....
.....
.....
(description)

on the.....day of.....196.....

.....
District Commissioner

.....
Date of issue

Form 2

REPUBLIC OF GHANA
STATE LANDS ACT, 1962 (ACT 125)
THE STATE LANDS REGULATIONS, 1962

NOTICE

To.....
(Name of occupier)

Take notice that in accordance with Regulation 7 Mr.....
.....shall inspect this land (including
building(s), if any).....

.....
(description)

on the.....day(s) of.....196.....
for purposes of referencing and valuation.

.....
Signature and rank

.....
Date of issue.

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Form 3

REPUBLIC OF GHANA
THE STATE LANDS ACT, 1962 (ACT 125)
THE STATE LANDS REGULATIONS, 1962

AUTHORITY

Mr.
(Name and rank)

in accordance with Regulation..... is hereby
authorized to make a valuation/an inspection of the following
land (and building(s)).....

.....
.....
(description)

.....
Signature and rank

.....
Date of issue. _____

Form 4

REPUBLIC OF GHANA
THE STATE LANDS ACT, 1962 (ACT 125)
THE STATE LANDS REGULATIONS, 1962

NOTICE

To
(Name of occupier)

Take notice that whereas the President has declared under
section 1 of the State Lands Act, 1962, that the land (and build-
ing(s))

.....
.....
(description contained in notice)

is (are) required in the public interest, and whereas copies of the
relevant instrument have been duly served, posted and published
in accordance with section 2 of the Act, the land (and building(s))

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above described shall be entered and taken possession of by officers, servants and agents of the Republic on the..... day of.....196..... (and that you are required to remove by that day).

Signature and rank

Date of issue.

Form 5

THE STATE LANDS ACT, 1962 (ACT 125) THE STATE LANDS REGULATIONS, 1962 APPLICATION FOR A LEASE/LICENCE (delete where inapplicable)

- 1. Name of applicant.
2. Occupation of applicant.
3. Nationality (country of incorporation) of applicant.
4. Address of applicant.
5. Whether lease or licence desired.
6. Purpose for which land desired.
7. Approximate area required.
8. Situation of land desired.
9. Bankers reference (enclosed) (if more than £G1,000 is to be invested).
10. Particulars of recommendation by Minister of Industries (enclosed) if land desired for industrial purposes.
11. Particulars of recommendation by Minister of Finance and Trade (enclosed) if land desired for commercial purposes.
12. Particulars of appropriate permits (enclosed) if land desired for a petrol station.
13. Amount which applicant intends to invest in construction on and development of the site.
14. Whether applicant will use the building himself or whether the whole or part of it will be sub-let.

Signature of Applicant or of his Representative

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Form 6

REPUBLIC OF GHANA
THE STATE LANDS ACT, 1962 (ACT 125)
THE STATE LANDS REGULATIONS, 1962

REFERENCE OF APPEAL AGAINST ASSESSMENT OF
COMPENSATION UNDER SECTION 4 (2) BY THE MINISTER
TO THE TRIBUNAL

(delete where inapplicable)

IN the matter of land at
(short description)

and in the matter of the appeal(s) by
(name(s))

against assessment of compensation/of the claims by
(name(s))

WHEREAS the President has declared on the
(date)

that the land
(description)

is required in the public interest, and

WHEREAS such land became vested in the President on behalf of
the Republic on the and,
(date)

WHEREAS the compensation that may be paid for the said land
has been assessed at and
(amount)

WHEREAS
(name(s))

is/are claiming a right(s) or (an) interest(s) in the said land and

WHEREAS he/they has/have submitted in writing, copies of the
claim(s) (enclosed), that he/they claim(s) the amount of
..... as compensation, and
(amount)

WHEREAS THEREFORE
(name(s))

is/are not satisfied with the assessed compensation

NOW THEREFORE, I,,
Minister/an officer duly so empowered, refer the matter to the
Tribunal and enclose a detailed calculation of the assessed com-
pensation.

ACCRA,
(date)

.....
Signature and rank

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Form 7

REPUBLIC OF GHANA

STATE LANDS ACT, 1962 (ACT 125)

THE STATE LANDS REGULATIONS, 1962

REFERENCE OF CONFLICTING CLAIMS UNDER SECTION 4 (2) BY THE MINISTER TO THE TRIBUNAL

(delete where inapplicable)

IN the matter of land at
(short description)

and in the matter of the appeal(s) by
(name(s))

against assessment of compensation/of the claims by
(name(s))

WHEREAS the President has declared on the
(date)

that the land
(description of land)

is required in the public interest, and

WHEREAS the land described became vested in the President on behalf of the Republic on the, and
(date of publication of instrument)

WHEREAS
(names of claimants)

are claiming to have had rights or interests in the said land and have submitted to me claims in writing, copies of which are enclosed, and

WHEREAS these claims or interests are conflicting, and

WHEREAS THEREFORE there is a dispute as to the rights or interests claimed,

NOW THEREFORE, I,,
Minister/a public officer duly so empowered, hereby refer the matter to the Tribunal.

ACCRA,
(date)

.....
Signature and rank

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SECOND SCHEDULE

	Reg. 14		
	£G	s.	d.
For preparation of a lease for residential purposes ..	2	0	0
For preparation of a lease for commercial or industrial purposes	25	0	0
For preparation of a licence for access to a petrol filling station	5	0	0
For preparation of any other licence	1	0	0
For consent to assign or sub-demise a residential leasehold	2	0	0
For consent to mortgage a residential leasehold ..	1	0	0
For consent to assign or sub-demise the whole of an industrial or commercial leasehold	25	0	0
For consent to mortgage an industrial or commercial leasehold	5	0	0
For consent to sub-let part of industrial or commercial premises	2	0	0

K. A. OFORI ATTA
Minister of Justice.

Date of *Gazette* notification: 2nd November, 1962