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LAND REGISTRATION LAW

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LAND REGISTRATION LAW

A Law to provide for the registration of instruments and the filing of judgments affecting land. [No. 6 of 1995, No. 4 of 2006.] [Date of commencement: 1st June, 1995]

- **1. Short title**

- This Law may be cited as the Land Registration Law, 1995.

- **2. Interpretation**

- In this Law, unless the context otherwise requires—
- “Administrator” means the Administrator of the State and includes the Governor of the State;
- “Certificate of purchase” means a certificate granted by a court certifying that the right, title and interest of a judgement debtor in certain immovable property has been sold to the person named in the certificate;
- “development” means the carrying out of any building, engineering work, mining or other operations in, on over or under any land, or the making of any environmentally significant change in the use of any land or demolition of building;
- “development areas” includes all Local Government headquarters and such towns or areas as are from time to time designated as such on the survey plan in the office of the Surveyor-General of the State;
- “Government” means the government of the Federation, State or Local Government;
- “improvement” means anything of any quality permanently attached to the land, directly resulting from the expenditure of capital or labour by an occupier or any person acting on his behalf and, increasing the productive capacity, the utility or the amenity thereof and include building, plantations of long lived crops or trees, fencing, well, road and irrigation or reclamation works, but does not include the result of ordinary cultivation other than growing produce;
- “instrument” means a document affecting land in Kwara State whereby one party (hereinafter called the grantor) transfers, limits, charges or extinguishes in favour of another party (hereinafter called the grantee) any right or title to or interest in land in Kwara State, and includes a certificate of purchase and a power of attorney under which any instrument may be executed, but does not include a will;
- “judgement” means a judgement or decree of the Supreme Court; the Court of Appeal, the High Court or any court whereby the title to land in Kwara State held under a statutory right of occupancy or customary right is or shall be affected or whereby the validity of any instrument under this Law is affected;
- “Office” means the proper office for land registration established pursuant to this Law;
- “privately held land” means any land held other than by a public authority or person;
- “Public Authority” means any arm of the government, agency, parastatal or any establishment in which the government possesses or disposes of any interest;

- “public land” means any land acquired for use by the state or any public authority or in which the state or any public authority possesses or disposes of any interest;
- “registrable instrument” means any document relating to land the registration of which is required by any written law;
- “Registration officer” means an officer of the Survey Department not below the rank of an Assistant Surveyor-General in charge of charting, examination, inspection of all documents and responsible for the general administration of land registration;
- “State” means the Kwara State of Nigeria;
- “Survey Department” means the establishment of the state exercising functions relating to surveying, mapping and associated matters;
- “Surveyor” means any person registered or deemed to be registered as such by the Survey’s Registration Council of Nigeria;
- “Surveyor-General” means the person occupying the office of the Surveyor[1]General of Kwara State;
- “transaction” means the assignment, mortgage, lease, transfer, power of attorney or compulsory acquisition by government and processing of statutory or customary right on land.

• **3. Compulsory registration of instruments**

- (1) Subject to the provisions of this Law every instrument executed in the State within any area designated as a development area shall be registered. [No. 4 of 2006.]
- (2) Subject to the provisions of this Law, every instrument previously executed before the commencement of this Law in respect of a developed or undeveloped piece of land within any development area shall be registered unless such a developed land is covered by a statutory certificate of occupancy.
- (3) All public land in use for public purpose within the state whether outside or within a development area shall be registered.
- (4) Registration of instruments done pursuant to this Law shall be subject to the payment of fees as shall be prescribed from time to time.

• **4. Registration office**

- (1) There shall be in Kwara State land registration offices at such places as the administrator may from time to time direct.
- (2) The registration office shall be the proper office for the registration of all instruments including powers of attorney affecting land in Kwara State.

• **5. Registers and documents to be kept**

- (1) There shall be kept at each office such registers, books and files as may be prescribed and the registration officer shall, subject to the provisions of this Law, register therein in the prescribed manner all instruments required to be registered and delivered to him for registration, and shall file all judgements required or permitted to be filed and delivered to him for filing.
- (2) All registers kept in the registration offices immediately before the commencement of this Law shall form part of the register under this Law.

- **6. Land outside development area**

- Any instrument for any piece of land which is not within any development area may be registered. [No. 4 of 2006.]

- **7. Prohibition of non-registration**

- No development or improvement shall take place on any piece of land within a development area unless the instrument pertaining to such a piece of land has been registered.

- **8. Proof of instruments executed by illiterates**

- No instrument executed in the State after the commencement of this Law, one or more of the grantors whereof is illiterate, shall be registered unless it has been executed by such illiterate grantor or grantors in the presence of a commissioner for oaths or a notary public or magistrate and is subscribed by such commissioner for oaths or notary public or magistrate as a witness thereto.

- **9. Description and plan of land**

- (1) No instrument executed after the commencement of this Law other than a power of attorney shall be registered unless it contains a proper and sufficient description prepared by a legal practitioner and a survey plan signed by a surveyor.
- (2) The decision of the registration officer as to the adequacy of the description and plan of any land in any instrument for the purpose of identification shall be final, subject to any order of the court.

- **10. Endorsement of consent in certain instruments**

- No instrument requiring consent of the administrator or any public officer to the validity thereof shall be registered unless such consent be endorsed thereon or the registration officer is otherwise satisfied that such consent has been given.

- **11. Validity of instrument**

- No instrument declared by any enactment repealed by this Law to be void shall be registered.

- **12. Compliance with the requirements of this Law or prior enactment**

- No instrument executed before the commencement of this Law shall be registered if it does not comply with the requirements of this Law or of any enactment in force at the date of execution thereof.

- **13. Registration of instrument endorsed on another instrument**

- No instrument endorsed on another instrument shall be registered unless the instrument on which it is endorsed is registered.

- **14. Penalties**

- (1) Any person who contravenes or fails to comply with the provisions of section 3 of this Law shall be guilty of an offence and liable on conviction to a fine of two thousand naira or imprisonment for a term not exceeding three months or to both such fine and imprisonment. [No. 4 of 2006.]
- (2) Where the person who contravenes the provisions of section 3 or 7 is a body corporate he shall be liable to a fine often thousand naira. [No. 4 of 2006.]

- **15. Inadmissibility in evidence**

- No instrument shall be pleaded or given in evidence in any Court of law as affecting any land unless the same shall have been registered in the proper office as specified in section 3.

- **16. Loss of priority**

- Subject to the provision of this Law every instrument registered under this Law shall, so far as it affects any land, take effect as against other instruments affecting the same land from the date of its registration as hereinafter defined in the proper office as specified in section 4, and every instrument registered before the commencement of this Law shall be deemed to have taken effect from the date provided by the law in force at the time of its registration.

- **17. Method of registration**

- (1) Any person desiring to register any instrument shall deliver the same together with a true copy thereof, a survey plan and the prescribed fee to the registration officer at the registration office.
- (2) The registration officer shall, immediately after such delivery, place upon the instrument and upon the copy thereof a certificate as in Form A in the Schedule.
- (3) (a) Unless the instrument is one which is declared by this Law to be void or the registration of which is prohibited by this Law, the registration officer shall compare the copy of the instrument with the original and if he shall find such copy to be a true copy and to comply with any regulations made pursuant to this Law and for the time being in force he shall certify the same by writing thereon the words "certified true copy" and appending his signature thereto; [No. 4 of 2006.]
- (b) the registration officer shall thereafter examine the survey plan and if found to be adequate, chart it on the relevant intelligence sheet;
- (c) if the survey plan is found to be inadequate or there is a discrepancy between the legal description on the instrument for registration and the survey plan, the registration shall be refused until such discrepancy be removed to the satisfaction of the registration officer;
- (d) the registration officer or his representative may visit the site if he deems it necessary.
- (4) The registration officer shall thereupon register the instrument by causing the copy so certified to be pasted or bound in one of the register books and by endorsing upon the original instrument a certificate as in Form B in the Schedule; and upon such registration the year, month, day and hour specified in the certificate endorsed on the instrument in pursuance of subsection (2) shall be taken to be the year, month, day and hour at which the instrument was registered.
- (5) The original instrument shall thereafter be returned to the person who shall have delivered it for registration.

- **18. Refusal of registration**

- (1) When upon examining an instrument and the copy thereof delivered to him for registration, the registration officer shall find that such instrument is one which is declared by this Law to be void or the registration of which is prohibited by this Law, or that the copy is not a true copy, or does not comply with any regulations made under this Law for the time being in force, he shall refuse to register such instrument and shall write in red ink across the certificates endorsed on the instrument and copy in pursuance of subsection
- (2) of section 17 the words "registration refused" and shall append his signature thereto and the title of the registration officer concerned.
- (2) Such instrument and copy shall thereafter, be returned to the person who shall have delivered it for registration.
- (3) (a) Nothing herein contained shall prevent an instrument the registration of which has been refused from being delivered again for registration provided that the provisions of section 17 are complied with;
- (b) in the event of such subsequent delivery, the procedure prescribed by section 17 shall be followed and the year, month, day and hour of registration shall be taken to be the year month, day and hour of such subsequent delivery. [No. 4 of 2006.]
- (0) When registration of an instrument is refused, the fee paid upon delivery for registration shall not be returnable, and in the event of the instrument being delivered again for registration the fee upon delivery shall be payable again.

- **19. Transmission of copy of judgement with plan**

- (1) Within two calendar months from the date of every judgement the registrar of the court of law by which such judgement has been pronounced shall transmit to the registration officer at such registration office as the administrator may from time to time direct, a certified true copy of the judgement together with a copy of any map or plan ordered to be filed in that court to which judgement refers, if a copy thereof has not already been transmitted under the provisions of this Law, and any other map or plan ordered by the court to be transmitted.
- (2) No map or plan other than those specified in subsection (1) shall accompany or be attached to a copy of a judgement transmitted under the provisions of that subsection.

- **20. Registration officer to file copy of judgement**

- On receipt of the certified true copy of any judgement and the map or plan specified in subsection (1) of section 19, the registration officer shall file and chart the same. [No. 4 of 2006.]

- **21. Effect of filing**

- The failure to transmit or file or chart the plan of any judgement and any error in transmitting or filing of any judgement shall not affect the validity or effect of such judgement.

- **22. Filing not to affect validity**

- The filing of any judgement shall not confer upon it any effect or validity which it would not otherwise have had.

- **23. Effect of registration**

- Registration shall not cure any defect in any instrument or, subject to the provisions of this Law, confer upon it any effect or validity which it would not otherwise have had.

- **24. Instrument to include endorsements thereon**

- For the purposes of registration, an instrument shall be deemed to include all certificates and other matter endorsed thereon or attached thereto at the time it is delivered for registration.

- **25. Value of registers in evidence**

- All register books, registers and files of registered documents at the registration office shall be in legal custody and shall be receivable in evidence in any court and the registration officer shall produce or cause to be produced any register book, register or file of registered documents in this office, on subpoena or order of any court without payment for so doing unless the court shall direct otherwise.

- **26. Searches**

- The registration officer shall allow searches to be made at all reasonable times in any register book, register or file of registered or filed documents in his custody upon payment of a prescribed fee.

- **27. Copies of entries in registers**

- (1) The registration officer shall upon request give a certified copy of any entry in any such register book or register, or of any filed document.
- (2) Every such certified copy shall be received in evidence, without any further or other proof, in all civil cases.

- **28. Penalty for false statement**

- Any person who shall wilfully make or cause to be made for the purpose of being inserted in any register under this Law any false statement touching any of the particulars herein required to be known and registered shall be liable to a fine of ten thousand naira or imprisonment for a term not exceeding one year or to both such fine and imprisonment. [No. 4 of 2006.]

- **29. Penalty for destroying or falsifying registers**

- Any person who shall wilfully destroy or injure or cause to be destroyed or injured any register books, register or filed document or any part thereof, or shall counterfeit or cause to be counterfeited any part of any such book, register or document or any certified copy thereof, or extract therefrom, or shall wilfully insert or cause to be inserted in any such book, register, file, certified copy or extract any false entry, or shall certify any writing to be a copy or extract of any such book, register or file, knowing the same to be false in any part thereof, or shall forge and counterfeit the seal of any registration officer, shall be liable to imprisonment for seven years.

- **30. Power to make registrations**

- The administrator may make regulations—
- (a) for the governance and guidance of the registration officer and of all persons acting under him;
- (b) prescribing the nature, size and shape of the paper or other substance to be used for copies of instruments delivered for registration and generally the manner in which such copies are to be prepared;
- (c) excepting from the provisions of this Law any class of instrument;
- (d) adding to or altering any of the forms given in the First Schedule; [First Schedule.]
- (e) generally for the purposes of this Law.

- **31. Repeal**

- (1) The Land Registration Law Cap. 58 of 1925 is hereby repealed.
- (2) The Land Registration Law (Amendment) Law, 1972 is hereby repealed:
- Provided that such repeal in subsections (1) and (2) above shall not affect any priority conferred upon any instrument by such enactment or subject to the provisions of this Law validate any instrument thereby declared to be void, and that all directions given and all things lawfully done under the provisions of the said Laws shall, if not inconsistent with the provisions of this Law be deemed to have been given or done under this Law.

FORM A

[Section 17.]

[No. 4 of 2006.]

Certificate of Delivery to Registration Officer of Instrument

This instrument was delivered to me for registration by A.B. of (state his residence and profession)

at.....o'clock in the.....noon, this..... day
of.....,20.....

Registration Officer

FORM B

[Section 17.]

This instrument is registered as No.....atpage.....in
volume.....of the Land's register in the Land Registry in the office
at.....

CHAPTER L3

LAND REGISTRATION LAW

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

- 1. The Land Registration (Direction and Appointment) Notice.
- 2. The Land Registration (Filing of Judgments) Directions.

LAND REGISTRATION LAW

(DIRECTION AND APPOINTMENT) NOTICE

ARRANGEMENT OF SECTIONS

SECTION

- 1. Short title and commencement.
- 2. Directions as to land registry office.
- 3. Appointment of registrar.
- 4. Revocation of>NNLN 140 of 1963, Page 673 of Vol. IV of 1963 Laws.

LAND REGISTRATION LAW

(DIRECTION AND APPOINTMENT) NOTICE

In exercise of the powers conferred by sections 3 and 4 of the Land Registration Law and of all other powers enabling him in that behalf the following notice is hereby given by the Military Governor of the Kwara State of Nigeria— [KWS LN 15 of 1968.]

[Date of commencement: 1st April, 1968]

- **1. Short title and commencement**
 - This notice may be cited as the Land Registration (Direction and Appointment) Notice, 1968, and shall be deemed to have come into operation on the 1st day of April, 1968.
- **2. Directions as to land registry office**
 - There shall be a land registry office at Ilorin which shall be the proper office for the registration of all instruments affecting land in the Kwara State of Nigeria.
- **3. Appointment of registrar**
 - The registrar for the Kwara State of Nigeria shall be the Senior Assistant Land Officer for the time being in charge of the office of the land registry in the Ministry of Works and Survey at Ilorin.
- **4. Revocation of>NNLN 140 of 1963, Page 673 of Vol. IV of 1963 Laws**
 - The Land Registration (Direction and Appointment) Notice is hereby revoked in so far as it relates to the Kwara State of Nigeria.

LAND REGISTRATION (FILING OF JUDGMENTS) DIRECTIONS ARRANGEMENT OF SECTIONS SECTION

- 1. Short title and commencement.
- 2. Office at which judgments to be filed.
- 3. Revocation of NNLN 207 of 1962, Page 673 of Vol. IV of 1963 Laws.

LAND REGISTRATION (FILING OF JUDGMENTS) DIRECTIONS

- In exercise of the powers conferred by section 19 of the Land Registration Law and of all other powers enabling him in that behalf the following directions are hereby given by the Military Governor of the Kwara State of Nigeria— [KWS LN 16 of 1968.]
- [Date of commencement: 1st April, 1968J
- **1. Short title and commencement**
- These directions may be cited as the Land Registration (Filing of Judgments) Directions, 1968, and shall be deemed to have come into operation on the 1st day of April, 1968.
- **2. Office at which judgments to be filed**
- The registry office at which all local judgments relating to land in the Kwara State of Nigeria shall be filed shall be the office of the land registry in the Ministry of Works and Survey at Ilorin.
- **3. Revocation of NN LN 207 of 1962, Page 673 of Vol. IV of 1963 Laws.**
- The Land Registration (Filing of Judgments) Directions are hereby revoked in so far as they relate to the Kwara State of Nigeria.

