LAND ACT, 2020

Act 1036

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Act 1036

REPUBLIC OF GHANA

THE ONE THOUSAND AND THIRTY-SIXTH

ACT

OF THE PARLIAMENT OF THE REPUBLIC OF GHANA

ENTITLED

LAND ACT, 2020

AN ACT is to revise, harmonise and consolidate the laws on land to ensure sustainable land administration and management, effective and efficient land tenure and to provide for related matters.

DATE OF ASSENT: *23rd December, 2020.*

PASSED by Parliament and assented to by the President

PART ONE
Interests in Land

Interests in land

1. The following are the interests in land:

(a) allodial title;
(b) common law freehold;
(c) customary law freehold;
(d) usufructuary interest;
(e) leasehold interest; and
(f) customary tenancy.

Allodial title

2. Allodial title is

(a) the highest or ultimate interest in land; and

(b) held by the State or, a stool or skin, or clan or family or an individual;

and may have been acquired through compulsory acquisition, conquest, pioneer discovery and settlement, gift, purchase or agreement.

Customary law freehold

3. (1) Customary law freehold is an interest which arises from a transaction under customary law, and it is

(a) an absolute interest in land which is not subject to any proprietary obligations but is subject to the jurisdictional and cultural rights of the stool or skin, or clan or family which holds the allodial title;

(b) acquired when a person or group of persons, where the law permits, purchase land outright from the stool or skin, or clan or family which holds the allodial title or acquired by gift or inheritance; and

(c) of perpetual duration and is inheritable and alienable without the consent of or payment to the stool or skin, or clan or family.

(2) The acquisition of customary law freehold interest by a non-citizen in respect of stool and skin lands has, since the 22nd day of August, 1969, been proscribed.

Common law freehold

4. (1) A common law freehold arises from a transaction to which the rules of law, generally known as common law, are applicable and is

(a) of perpetual duration or for any other uncertain duration;

(b) subject to the interest of the State, the jurisdictional and cultural rights of the stool or skin, or clan or family which holds the allodial title;

(c) is held free from obligations to any other person; and

(d) inheritable and alienable.

(2) The acquisition of common law freehold interest in respect of stool and skin lands has, since the 22nd day of August, 1969, been proscribed.

Usufructuary interest

5. (1) Usufruct is an interest in land, which is

(a) acquired in the exercise of an inherent right by a subject or a member of a stool or skin, or family or clan which holds the allodial title through the development of an unappropriated portion of the land of the stool or skin, or family or clan or by virtue of an express grant; or

(b) acquired through settlement for a period of not less than fifty years, with the permission of the holder of an allodial title by a non-indigene or group of non-indigenes or the descendants of the non-indigene or group of non-indigenes, except where the settlement is on agreed terms; and

(c) inheritable and alienable.

(2) Where alienation of the usufruct is to a person who

(a) is not a member of the stool or skin, or clan or family which holds the allodial title, or

(b) is not a non-indigene or from the group of non-indigenes who hold the usufructuary interest as provided in paragraph *(b)* of subsection (1) in the land in respect of which the usufruct is to be alienated,

the alienation is subject to the written consent of the stool or skin, or clan or family or group and the performance of established customary obligations.

Leasehold interest

6. A lease

(a) is an interest in land for a duration which is certain or capable of being ascertained;

(b) arises when a person who holds an allodial title, customary law freehold, common law freehold or usufructuary interest conveys to another person an interest in land for a specified term subject to terms and conditions;

(c) may, in the case of a sublease or an assignment, arise when the holder of a leasehold interest grants a sublease out of that interest or assigns that interest; and

(d) does not exhaust the interest of the grantor in the land.

Customary tenancy

7. A customary tenancy

(a) is an interest in land which is created by contract;

(b) arises where a stool or skin, or clan or family which holds the allodial title or a person who holds a customary law freehold or usufructuary interest enters into an agreement with another person to grant that other person an interest in land upon agreed terms and conditions; and

(c) may involve the payment of rent, the sharing of the produce of a farm or the physical partition or severance of the farm or land.

Incidents of interest in land

8. Subject to sections 2, 3, 4, 5, 6 and 7, the bundle of rights and obligations that attach to any form of interest in land shall be determined by the applicable source of law which is the basis of that interest.

Stool or skin, or clan or family land

9. (1) A stool or skin, or clan or family land shall vest in the appropriate stool or skin, or clan or family on behalf of, and in trust for, the subjects of the stool or skin, or members of a clan or family in accordance with customary law and usage.

(2) A person shall not create an interest in, or right over, any stool or skin, or clan or family land which vests in that person, another person or a body of persons a freehold interest in that land, howsoever described.

(3) Subsection (2) does not take away the inherent right of a subject of a stool or a skin, or a member of a clan or family to the usufructuary interest in a vacant portion of the stool or skin, or clan or family land.

Restrictions on acquisition of land by non-citizen

10. (1) A person shall not create an interest in, or right over, land in Ghana which vests in another person who is not a citizen of Ghana, a freehold interest howsoever described.

(2) An agreement, deed or conveyance of whatever nature, which seeks, contrary to subsection (1), to confer on a person who is not a citizen of Ghana a freehold interest in, or right over, land is void.

(3) A freehold interest in or right over any land in Ghana, held on the 22nd day of August, 1969 by a person who is not a citizen of Ghana is deemed to be a leasehold interest for a period of fifty years.

(4) The leasehold interest under subsection (3) shall be at a peppercorn rent and commence from the 22nd day of August, 1969.

(5) The freehold reversionary interest in any land converted into leasehold under subsection (3) shall vest in the President on behalf of, and in trust for, the people of Ghana.

(6) A person shall not create an interest in, or right over, land in Ghana which vests in any person who is not a citizen of Ghana a leasehold for a term that exceeds fifty years at any one time.

(7) A leasehold interest of more than fifty years held on the 22nd day of August, 1969 by a person who is not a citizen of Ghana is deemed to be an interest or right subsisting for a period of fifty years commencing from the twenty-second day of August, 1969.

(8) The reversionary interest in leasehold under subsection (7) shall vest in the lessor.

(9) The restrictions imposed in subsections (1), (2), (3) and (7) on the interest that a person who is not a citizen of Ghana may acquire in land shall not be affected by the marriage of that person to a citizen of Ghana or by the entry of that person into a partnership with a citizen of Ghana.

(10) For the purpose of this section, a company or corporate body is not a citizen if more than forty percent of the equity shareholding or ownership is held by non-citizens.

Prohibition of discriminatory practice

11. A decision or practice in respect of land under customary tenure, whether the land is individually or communally held shall be in accordance with the customs, traditions and practices of the community concerned but a decision or practice which discriminates on grounds of

(a) place of origin, ethnic origin, political opinions, colour, gender, occupation, religion or creed,

(b) disability, or

(c) social or economic status,

is void.

Protection of land and interest in land

12. (1) A person who

(a) unlawfully exercises or purports to exercise supervision or control of land development in a location,

(b) has no interest in land and

(i) extorts money or other benefits from a person who has an interest in land, or

(ii) prevents a developer from developing the land; or

(c) personally or through another person unlawfully uses force or violence to prevent a person who has an interest in land from having access to the land or drives away that person with an interest in land from the land

commits an offence and is liable on summary conviction to a term of imprisonment of not less than five years and not more than fifteen years, or to both.

(2) A person who uses or through another person uses force, violence or intimidation to prevent or obstruct a lawful owner of land from developing the land commits an offence and is liable on summary conviction to a term of imprisonment of not less than ten years and not more than fifteen years.

(3) A person with interest in land may apply to a court for a restraining order against a person who unlawfully exercises or purports to exercise supervision or control of the land.

(4) A person with interest in the land may make an application to court for an interlocutory injunction against a trespasser on the land even though the name of the trespasser is unknown.

PART TWO
Land Administration and Land Management

Chapter One
Customary Land Management

Management of stool or skin, or family land

13. (1) Pursuant to clause (8) of article 36 of the Constitution, stool or skin, or family land shall be managed in accordance with this Part.

(2) A chief, tendana, clan head, family head or any other authority in charge of the management of stool or skin, or clan or family land, is a fiduciary charged with the obligation to discharge the management function for the benefit of the stool or skin, or clan or family concerned and is accountable as a fiduciary.

(3) A chief, tendana, clan head, family head or any other authority in charge of the management of stool or skin, or clan, or family or group land shall be transparent, open, fair and impartial in making decisions affecting the specified land.

(4) A fiduciary under this section who contravenes subsection (2) commits an offence and is liable on summary conviction to a fine of not less than five thousand penalty units and not more than ten thousand penalty units or a term of imprisonment of not less than five years and not more than ten years or to both.

(5) The provisions of the Head of Family (Accountability) Act, 1985 (P.N.D.C.L. 114) apply to this Act with the necessary modifications.

(6) Despite subsection (5), a person shall not bring an action under section 2 of the Head of Family Accountability Act, 1985 (P.N.D.C.L. 114) against the occupant of a stool or skin, or against a tendana, unless that person

(a) has first exhausted the established customary procedure for making the occupant of the stool or the skin or the tendana to render account or maintain records of the stool, skin or clan lands, where a procedure exists;

(b) is qualified under the relevant customary law to bring an action against the occupant; or

(c) is a subject of the stool or skin or a member of a clan of which the chief or tendana or clan head is the administrator of the stool or skin land and has been granted leave by a court upon proof that the person qualified to institute an action failed to take action within thirty days after being informed of the need to take action.

Customary Land Secretariat

14. (1) A stool or skin, or clan or family that owns land shall, in accordance with this Act, establish a Customary Land Secretariat as prescribed by Regulations made under this Act for the management of its land.

(2) The Lands Commission and the Office of the Administrator of Stool Lands shall collaborate in the establishment and performance of functions in relation to a Customary Land Secretariat under this Act.

(3) The Lands Commission and the Office of the Administrator of Stool Lands shall provide technical and advisory services in the establishment of a Customary Land Secretariat.

(4) A Customary Land Secretariat shall, at the end of every three months, submit to the Lands Commission and the Office of the Administrator of Stool Lands records of each transaction recorded by the Customary Land Secretariat.

(5) The records required under subsection (4) shall be in the form prescribed in Regulations made under this Act.

(6) The Lands Commission and the Office of the Administrator of Stool Lands shall maintain a register of Customary Land Secretariats.

Functions of the Customary Land Secretariat

15. (1) A Customary Land Secretariat shall, in relation to customary interests, rights and transactions, perform the following functions:

(a) record the interests and rights in land, and keep and maintain accurate and up-to-date records of land transactions in the area of operation of the Customary Land Secretariat;

(b) provide a list of existing customary interests and rights in land in the area of operation of the Customary Land Secretariat including indication of persons with the capacity to make grants of the interests and rights in that area;

(c) provide relevant

(i) records on land,

(ii) information on hierarchy of interests and rights in land, and

(iii) laid down processes for effective dispute resolution;

(d) facilitate the settlement of land disputes through alternative dispute resolution;

(e) facilitate the participatory preparation of local plans;

(f) undertake community education, sensitisation and awareness creation on land issues;

(g) prepare periodic accounts of all revenue received at the Customary Land Secretariats in accordance with clause (8) of article 36 of the Constitution;

(h) provide facilities for search to be conducted on the records on land; and

(i) perform any other functions in relation to land as determined by the land owning group.

(2) The records maintained under subsection (1) are evidence of transactions in relation to land in the area of operation of the Customary Land Secretariat and, where applicable, serve as notice of a transaction.

(3) A Lands Officer and a Stool Lands Officer responsible for a district shall within the district perform the functions required by this Act and Regulations made under this Act.

(4) A Lands Officer and a Stool Lands Officer responsible for a district shall

(a) maintain a public register of Customary Land Secretariats in the district as specified in the First Schedule; and

(b) ensure that the Customary Land Secretariats within the district comply with their mandates.

Structure and staffing of Customary Land Secretariat

16. (1) A stool or skin, or family that establishes a Customary Land Secretariat shall determine and appoint the required staff on merit and in accordance with best human resource management practice and gender considerations.

(2) A Customary Land Secretariat shall have an administrator and other staff necessary for effective and efficient management of the Secretariat.

Powers of the Customary Land Secretariat

17. The Customary Land Secretariat may

(a) charge and collect fees for the services that the secretariat renders to the public; and

(b) enter into agreement with other persons to perform specific tasks for a fee.

Funds of Customary Land Secretariat

18. (1) The sources of funds of a Customary Land Secretariat are

(a) in respect of stool or skin land, a proportion of the land revenue paid to the land owning stool or skin and the traditional authority by the Office of the Administrator of Stool Lands;

(b) in respect of clan or family land, a proportion of the revenue paid to the clan or family by the Lands Commission;

(c) a proportion of the revenue paid to the District Assembly by the Office of the Administrator of Stool Lands;
(d) fees for services rendered by the Customary Land Secretariats;
(e) a proportion of moneys received from compulsory acquisition of stool, clan or family land; and
(f) other funds provided by the land owning group.

(2) A proportion under paragraphs *(a)*, *(b)*, and *(c)* of subsection (1) shall be determined by the Lands Commission and the Office of the Administrator of Stool Lands in agreement with the affected stool or skin, or clan or family and District Assembly.

Areas reserved for common use

19. (1) A community may set aside or recognise one or more areas of land within the community for common use by the members of that community.

(2) The boundaries of any area of land which has been recognised or set aside for common use shall be marked out in the manner determined by the community, including any manner that is customary among the persons who will use that land, to enable those persons to recognise and keep to those boundaries.

(3) An area of land recognised or set aside for common use shall be
(a) used and managed in accordance with customary law and usage; and
(b) consistent with the terms of a management plan and the overall local planning arrangement.

(4) The community shall prepare a management plan which may extend to cover the use and management of more than one area of common land.

(5) The community may set up a committee comprising persons with the relevant skills to prepare the plan in pursuance of subsection (4).

(6) A person who is not a member of the community may, with the agreement of the community, use common land in accordance with the terms of the customary law and usage and the management plan applicable to that land.

(7) The basic rights and duties of the members of a community in respect of a common land include
(a) the right to make reasonable use of common land, jointly

with all other members of the community, in accordance with customary law and usage and the terms of the plan;

(b) the right to use the resources of the common land in accordance with the management plan and customary law and usage;

(c) the right to exclude non-members of the community from the common land, other than those non-members who are permitted to enter and use the common land;

(d) the duty to comply with and assist in the enforcement of the rules set out in the plan and laws relating to environmental protection;

(e) the duty to bear a reasonable and proportionate share of any expenses or losses arising from the management of the common land or from any natural disaster affecting the common land;

(f) the duty not to transfer any rights of occupation or use of the resources of the common land to any person for a fee;

(g) the duty to comply with decisions of the community or any dispute settlement body established by the community or other applicable laws to settle disputes arising from the management of the common land; and

(h) other basic rights and duties that may be prescribed by the community or other applicable law.

(8) The community may prescribe sanctions for breach of the duties in subsection (7).

(9) The community may make proposals regarding the sanctions under subsection (8) to the appropriate District Assembly for passage into bye-laws.

(10) The community shall collaborate with the appropriate District Assembly in

(a) the establishment of common land, and

(b) making rules for the use and management of common land.

(11) For purposes of this section, "land" includes water bodies.

Disposal of stool or skin land

20. A disposal of land for valuable consideration by

(a) a stool or skin, or

(b) a person who is in possession of stool or skin land by reason of being entitled to the free use of the stool or skin land under customary law,

is subject to article 267 of the Constitution.

Restrictions regarding disposal of natural resources

21. An instrument that disposes of stool or skin, or clan or family land, or land owned by a group of persons, a corporate body or an individual does not have the effect of granting a right or title to or an interest in natural resources in, under or on the land.

Restrictions on exploitation of natural resources and farming rights

22. (1) Despite any provision to the contrary in any other enactment, a grant of farming rights in a stool, clan or family land shall not exceed

(a) in the case of poultry farming or the cultivation of cereals, a term of twenty-five years;

(b) in the case of ranching or the cultivation of tree crops, a term of fifty years; or

(c) in the case of timber, a term of fifty years.

(2) A grant or the aggregate of grants of stool, clan or family land to any person shall not exceed in respect of

(a) mining rights, 15.80 square kilometres for a grant or in aggregate 155.40 square kilometres;

(b) timber rights, 103.40 square kilometres, for a grant or in aggregate 621.60 square kilometres; or

(c) the right to cultivate annual or perennial crops or to engage in animal husbandry

(i) 2.59 square kilometres for a grant or in aggregate 7.77 square kilometres for an individual; or

(ii) 12.95 square kilometres for a grant or in aggregate 25.90 square kilometres for a body corporate or an unincorporated body of persons.

(3) The President may, in the case of a particular land, where the President is satisfied that a special circumstance exists that renders compliance with the limits prescribed by this section prejudicial to the national interest or to the interest of a stool or skin, or clan or family direct that the grant of the land or any other interest in the land shall exceed the areas specified in subsection (2) and the land or an interest in the land shall be granted although the limits are exceeded.

Chapter Two
Demarcation, Survey and Valuation of Land

Power to direct demarcation or survey

23. The Lands Commission may, subject to clause (2) of article 18 of the Constitution and any other relevant enactment, direct

(a) the boundaries of land be demarcated;

(b) a land survey be carried out of any land; or

(c) the boundaries of a land be demarcated and a survey carried out of the land.

Power of entry and demarcation or survey

24. (1) The Lands Commission may, in writing, authorise any official surveyor or licensed surveyor, to enter upon any land to carry out demarcation or survey work specified in the authorisation.

(2) A person authorised under subsection (1) shall, on demand by the occupier of land upon which that person enters, produce to that occupier a copy of the authority.

(3) A person authorised under subsection (1) shall not enter into a building or upon an enclosed court or garden attached to a building unless that person

(a) has first sought and obtained the consent of the occupier of the building, enclosed court or garden; or

(b) failing the consent, has given the occupier fourteen days' notice in writing of the intention to enter.

(4) A person authorised under subsection (1) shall carry and display an approved form of identification.

(5) For the purposes of this section, "surveyor" means an official land surveyor or a licensed land surveyor authorised by the Lands Commission and includes the relevant workers who assist the surveyors to perform any function under this Act.

Compensation for damage caused

25. (1) Where compensation is claimed as a result of damage to land, in pursuance of the direction of the Lands Commission, the Land Valuation Division of the Commission shall assess the value of damage caused.

(2) The Lands Commission shall pay to the claimant compensation commensurate with the assessed value of the damage.

(3) A person who is dissatisfied with the assessment of compensation by the Land Valuation Division of the Lands Commission may apply to the Commission for a review of the assessment.

(4) The Lands Commission shall respond to an application for review under this section within thirty days and where the person is dissatisfied after the review, that person may refer the matter for resolution under the Alternative Dispute Resolution Act, 2010 (Act 798).

(5) Subsection (3) does not take away the right of a person who is dissatisfied with a decision of the Lands Commission to resort to the High Court.

Erection of boundary marks

26. An official surveyor or licensed surveyor authorised by the Lands Commission shall, where the boundaries of a land under survey have not already been correctly marked in the prescribed manner, mark out the boundaries of the land in the manner prescribed by Regulations.

Penalty for destroying boundary marks

27. (1) A person who wilfully or unlawfully destroys, moves, or alters a boundary or survey mark, commits an offence and is liable on summary conviction to a fine of not less than one thousand penalty units and not more than ten thousand penalty units or to imprisonment for a term of not less than one year and not more than ten years or to both.

(2) Despite subsection (1), a person may destroy, move or alter a boundary or survey mark if that person has been authorised in writing by the Lands Commission for that purpose.

Penalty for obstructing survey

28. A person who wilfully obstructs or resists

(a) an official surveyor or a licensed surveyor in the execution of the duty under this chapter; or

(b) a workman or other person acting under the direction of that surveyor,

commits an offence and is liable on summary conviction to a fine of not less than one thousand penalty units and not more than ten thousand penalty units or a term of imprisonment of not less than one year and not more than ten years or to both.

Valuation of Land

Power to conduct valuation

29. The Lands Commission may, in the performance of the functions of the Commission under this Act and any other enactment, cause any land to be valued.

Valuation Certification

30. (1) A valuation conducted under section 29 shall be certified by the Commission.

(2) A valuation certified by the Lands Commission shall be presumed to be correct until proved otherwise.

Forms of valuation and purposes

31. (1) For the purpose of this Act,

(a) forms of valuation include

(i) capital valuation;
(ii) rental valuation; and
(iii) rating valuation; and

(b) capital valuation include

(i) valuation of estate of a deceased person;
(ii) valuation ordered by a court of competent jurisdiction;
(iii) valuation for compensation under compulsory acquisition; and
(iv) valuation for stamp duty assessment.

(2) The purpose of rental valuation is to determine the fair annual, monthly or other periodic payments for the use of the property.

(3) The purpose of rating valuation is to determine the rateable value of landed property for the assessment of property rate in accordance with the Local Governance Act, 2016 (Act 936).

(4) The Minister may, in consultation with the Lands Commission, by legislative instrument, make Regulations to provide for the matters specified in subsection (1).

Chapter Three

Transfer of Interests and Rights in Land

General provisions on transfers

32. A holder of an interest or right in land may, by an instrument, transfer that interest or right to any person with or without consideration.

Person qualified to prepare conveyance

33. A conveyance shall only be prepared by a legal practitioner in terms of the Legal Profession Act, 1960 (Act 32).

Contract for transfer

34. A contract for the transfer of an interest in land is not enforceable if the contract is not

(a) evidenced in writing, and

(b) signed by

(i) the person against whom the contract is to be proved; or

(ii) a person who is authorised to sign on behalf of that person; or

(c) exempt under section 36.

Mode of transfer

35. (1) A transfer of an interest in land other than a transfer specified in section 36, shall be in writing and signed by

(a) the person making the transfer or by the agent of that person duly authorised in writing; and

(b) the person to whom the transfer is made or the agent of that person duly authorised in writing.

(2) A transfer of an interest in land made in a manner other than that provided in this section does not confer an interest on the person to whom the transfer is made.

Transactions exempt from sections 34 and 35

36. (1) Sections 34 and 35 do not apply to a transfer or contract for the transfer of an interest in land which takes effect

(a) by operation of law;

(b) by operation of the rules of equity relating to the creation or operation of resulting, implied or constructive trusts;

(c) by order of the court;

(d) by will or upon intestacy;

(e) by prescription;

(f) by a lease for a term not exceeding three years, whether or not the lessee is given power to extend the term;

(g) by a licence or profit other than a concession required by an enactment to be in writing; or

(h) by oral grant under customary law.

(2) Sections 34 and 35 are subject to the rules of equity including the rules relating to unconscionability, fraud, duress and part performance.

Record of customary transfer

37. (1) An oral grant of an interest in land under customary law may be recorded as specified in the First Schedule, or as near to that Schedule as the circumstances permit.

(2) The record shall

(a) incorporate the essential features of the transaction sought to be effected;

(b) be signed by the person making the transfer or by the lawfully authorised agent of that person for that purpose; and

(c) be certified by a Registrar of a Court or a Land Registrar having jurisdiction within any part of the area to which the transaction relates.

(3) Where there is a Customary Land Secretariat that Secretariat shall record and maintain a register of oral grants.

(4) An adequate plan of the land to which the transfer relates, if available, or if such a plan is subsequently prepared and attested to by the parties, shall be incorporated.

(5) The Customary Land Secretariat shall, without delay and upon payment of a fee, prepare seven copies of the record referred to in subsection (2) and send copies to the Lands Commission and allodial owners.

(6) The Customary Land Secretariat shall deliver to the person making the transfer and the person to whom the transfer is made copies of the record certified by the Customary Land Secretariat and the other copies shall be dealt with as may be provided in Regulations made under this Act.

(7) Customary transactions recorded under this section are exempt from payment of stamp duty.

Parties to a conveyance

38. (1) In every conveyance of an interest in land, the expressions used to denote the parties to the conveyance shall be deemed to include their heirs, successors, personal representatives and assigns, except insofar as a contrary intention is expressed in the conveyance or appears by necessary implication.

(2) The persons expressed to be parties to a conveyance shall, until the contrary is proved, be presumed to be of full age and capacity at the date of the conveyance.

(3) In a conveyance for valuable consideration of an interest in land that is jointly acquired during the marriage, the spouses shall be deemed to be parties to the conveyance, unless a contrary intention is expressed in the conveyance.

(4) Where contrary to subsection (3) a conveyance is made to only one spouse that spouse shall be presumed to be holding the land or interest in the land in trust for the spouses, unless a contrary intention is expressed in the conveyance.

Subject-matter of conveyance

39. (1) Any word used in a conveyance indicating the intention of the person making the transfer to create or dispose of an interest in land is sufficient for that purpose.

(2) A conveyance passes all interests and rights in the land which the person making the conveyance has power to convey, unless a contrary intention is expressed in the conveyance, or appears by necessary implication.

(3) A conveyance shall not be construed to convey any title or right which the person making the transfer does not have the power to convey.

(4) A conveyance of a usufructuary interest shall state the interest conveyed as the usufructuary interest and shall not

(a) be expressed as a lease; and

(b) have a limited term or duration.

Interest taken by person to whom transfer is made

40. (1) A conveyance of an interest in land may operate to pass the possession or right of possession, without actual entry, but subject to prior rights to the conveyance.

(2) A conveyance of an interest in land to a corporation sole by its corporate designation without words of limitation passes to the corporation the whole interest which the person making the transfer had power to convey, unless a contrary intention appears in the conveyance.

(3) A conveyance of an interest in land to two or more persons, except a conveyance in trust, creates an interest in common and not in

joint tenancy, unless it is expressed in the conveyance that

(a) the persons to whom the conveyance is made take the interest jointly, or as joint tenants; or

(b) the conveyance is made to them and the survivor of them, or unless it manifestly appears from the conveyance that it was intended to create an interest in joint tenancy.

Person not party to a conveyance

41. A person who is not a party to a conveyance may take an interest in land, or the benefit of a condition, right of entry, covenant or agreement which is the subject of the conveyance.

Effect of extinction of reversion

42. Where a reversionary interest in respect of a lease is

(a) transferred,

(b) surrendered, or

(c) merged,

the incidents and obligations affecting a lessee under the transferred, surrendered or merged reversionary interest remain the same.

Voidable conveyance

43. (1) A conveyance of land or an interest in land which is made with intent to defraud is voidable at the instance of a person who is prejudiced by the conveyance.

(2) Subsection (1) does not apply to the law of insolvency, and does not extend to a conveyance of an interest in land where the transferee took the interest in good faith and for valuable consideration.

(3) A disposition for no consideration of an interest in land made with intent to defraud a subsequent purchaser is voidable at the instance of that purchaser, except that a conveyance shall not be deemed to have been made with intent to defraud by reason only that a subsequent conveyance for valuable consideration was made.

Unconscionability

44. The court may set aside or modify an agreement to convey or a conveyance of an interest in land on the ground of unconscionability where the Court is satisfied after considering all the circumstances, including

(a) the bargaining conduct of the parties,

(b) the relative bargaining positions of the parties,
(c) the value to each party of the agreement reached, and
(d) evidence as to the commercial setting, purpose and effect of the agreement,

that the transaction is unconscionable.

Other grounds for varying or setting aside conveyance

45. The court may set aside or modify an agreement to convey or a conveyance of an interest in land on grounds which include

(a) mistake;
(b) fraud;
(c) illegality;
(d) duress;
(e) misrepresentation; and
(f) undue influence.

Conveyance to persons jointly, or to person making transfer

46. (1) An interest in land may be conveyed by a person to be held jointly by that person with another person in the same manner as the interest may be conveyed by that person to another person.

(2) A person may, in one capacity, convey an interest in land to be held in a different capacity by that same person.

(3) Two or more persons may convey property vested in them to any one or more of themselves in the same manner that they can convey that property to a third party.

(4) Despite subsections (1), (2) and (3), the court may set aside a conveyance in order to prevent the commission or continuance of a breach of a fiduciary duty.

Restrictions on transfer of land by spouse

47. Except as provided in subsections (3) and (4) of section 38, in the absence of a written agreement to the contrary by the spouses in a marriage, a spouse shall not, in respect of land, right or interest in land acquired for valuable consideration during marriage,

(a) sell, exchange, transfer, mortgage or lease the land, right or interest in the land,
(b) enter into a contract for the sale, exchange, transfer, mortgage or lease of the land, right or interest in the land,

(c) give away the land, right or interest in the land inter vivos, o
(d) enter into any other transaction in relation to the land, righ or interest in the land

without the written consent of the other spouse, which consent shall no be unreasonably withheld.

Agreement with two or more persons

48. (1) An agreement with two or more persons jointly to pay money or to make a conveyance, or to do any other act relating to land, to those persons, or for the benefit of those persons, implies an obligation to pay the money or do the act to, or for, the benefit of the survivors of those persons.

(2) Subsection (1) applies only so far as a contrary intention is not expressed in the agreement and has effect subject to the provisions contained in the agreement.

(3) Any such agreement, whether express or implied, entered into by a person with one or more other persons, shall be construed and be capable of being enforced in the same manner as if it had been entered into with the other person or persons separately.

Apportionment of conditions on severance

49. Where the reversionary interest in land comprised in a lease is severed, or where the term granted by a lease is avoided or ceases in respect of part of the land comprised in the lease, a condition contained in the lease shall be apportioned and shall continue to apply to

(a) each of the severed parts of the reversionary interest; or
(b) the part of the land in respect of which the term has not ceased or been avoided, in the same manner as if the land comprised in each severed part, or the land as to which the term remains subsisting, had alone originally been comprised in the lease.

Implied covenants by transferor

50. (1) In a conveyance for valuable consideration there are implied the covenants of right to convey, quiet enjoyment, freedom from encumbrances and further assurance, in the terms set out in Part I of the Second Schedule.

(2) In a conveyance by way of assignment or sublease of leasehold property for valuable consideration, there shall be implied, the further covenants relating to validity and past observance of the head lease, in the terms set out in Part II of the Second Schedule.

(3) In a conveyance by way of sublease of leasehold property for valuable consideration, there shall be implied the further covenants relating to future observance of the head lease and production of title deeds and delivery of copies, in the terms set out in Part III of the Second Schedule.

(4) In a conveyance, there shall be implied a covenant by the person who conveys as trustee or under an order of the court that that person has not encumbered the subject-matter of the conveyance, in the terms set out in Part IV of the Second Schedule, which covenant shall extend only to that person's own act.

(5) The covenants referred to in subsections (1) to (4) are deemed to be made by the person or by each person who conveys, as regards the subject-matter or a share of the subject-matter expressed to be conveyed, with the person or each of the persons to whom the conveyance is made, or, where the conveyance is made to joint tenants, to the tenants jointly.

(6) Where a conveyance states that a person is conveying by the direction of another person, for the purposes of this section, the person giving the direction is deemed to be the person who is conveying the subject-matter and is required to observe the covenants implied in this section.

(7) Except as otherwise provided in subsections (9) to (22), a covenant implied under this section may be varied or extended by the conveyance and the variation or extension, shall operate in the same manner and with the same consequences as if that variation was implied under this section.

(8) A variation or extension under subsection (7) which wholly removes the personal liability of the person who bears responsibility under the covenant, is void.

(9) Where a lease in respect of bare land is granted by a person who holds an allodial or usufructuary interest in the land and the lessee is an indigene of the area where the land is situated, the lease is subject to automatic renewal where the lessee has developed

(a) the land for residential purposes;

(b) a farm of perennial crops on the land; or

(c) a commercial or industrial property on the land,

for the same duration as the original lease when the lease expires.

(10) A lessee under subsection (9) shall discharge the established customary duties to the lessor.

(11) Unless otherwise expressly provided in the lease, where bare land is leased to a citizen of Ghana who is not an indigene of the area where the land is situated, there shall be an implied term in the lease that the lessee is entitled to a renewal of the lease.

(12) A lease of bare public land granted by the Republic to a citizen of Ghana is subject to automatic renewal on terms agreed upon by the parties.

(13) Subsection (12) does not apply where

(a) the lease is in respect of a commercial property; or

(b) the leased property is required for re-development.

(14) The renewal in subsections (7), (9), (11) and (12) are subject to the original terms of the lease and any new terms agreed upon by the parties to the lease or their successors, agents or assignees, taking into consideration any improvement of the land by the lessee.

(15) Where the parties fail to agree on terms for the renewal of the lease, the dispute may be resolved under the Alternative Dispute Resolution Act, 2010 (Act 798).

(16) If the parties fail to resolve the dispute under subsection (15), the parties may settle the dispute in court.

(17) Subject to subsection (6) of section 10, a lease for a fixed term granted by a Ghanaian to a non-Ghanaian is not subject to renewal unless the lease expressly provides otherwise.

(18) Where a non-Ghanaian exercises an option to renew a lease, the renewal is subject to the terms agreed upon by the parties.

(19) A conveyance of a usufructuary interest shall not specify any duration of the interest, but the holder of the usufructuary interest is subject to the customs and traditions of the area where the land is situated.

(20) A holder of a usufructuary interest under subsection (19) shall not alienate any interest in the land, which is the subject of that interest, to a person who is not entitled to that interest without the written consent of and adequate payment to the allodial owner, which consent shall not be unreasonably withheld.

(21) A holder of an allodial title may

(a) in furtherance of the expansion of a town or settlement; and

(b) for the purpose of serving the communal interest of the beneficiaries of the allodial interest,

take over bare land or farm land which is the subject of a usufructuary interest within the area covered by the allodial title.

(22) The holder of an allodial title shall not take over land under subsection (21) without

(a) prompt payment of fair and adequate compensation which in any case shall not be less than forty percent of the plots of land or the market value of the plots of land being taken over, or

(b) providing suitable alternative land, where possible, to the holder of the usufructuary interest in respect of the land.

Implied covenants by person to whom transfer is made

51. (1) In a conveyance by way of lease for valuable consideration there are implied the covenants relating to payment of rent, repair to adjoining premises, alterations and additions, injury to walls, assignment and subletting, illegal or immoral user, nuisance or annoyance, and yielding up the premises, in the terms set out in Part V of the Second Schedule.

(2) In a conveyance by way of sublease for valuable consideration, there shall be implied the further covenants relating to future observance of the head lease and permission to carry out repair under the head lease, in the terms set out in Part VI of the Second Schedule.

(3) In a conveyance by way of assignment for valuable consideration of land comprised in a lease, there are implied the covenants relating to payment of rent, future observance of the head lease, and indemnity, in the terms set out in Part VII of the Second Schedule.

(4) Where rent is apportioned in respect of a land, with the consent of the lessor, the covenants in subsection (3) are implied in the conveyance of that land in the same manner as if the apportioned rent were the original rent reserved, and the lease related solely to that land.

(5) The covenants referred to in subsections (1) to (4) are deemed to be made by each person to whom transfer is made, as far as regards the subject-matter or share of the subject-matter expressed to be conveyed to the transferee, with each transferor, if more than one.

(6) A covenant implied under this section may be varied or extended by the conveyance and after being varied or extended, shall operate as far as may be in the same manner and with the same consequences as if the variations or extensions were implied under this section.

Persons to take benefit of implied covenant

52. The benefit of a covenant implied under section 50 or 51 is attached to the interest of the implied covenantee, and are enforceable by a person in whom that interest or a part of that interest is vested.

Benefit of covenants relating to land

53. (1) A covenant that relates to an interest in land of the covenantee is deemed to be made with the covenantee and the successors in title of the covenantee and the persons deriving title under the covenantee or the successors in title of the covenantee and are enforceable by the covenantee and the persons deriving title under the covenantee or the successor in title of the covenantee to the same extent as by the covenantee.

(2) For the purpose of subsection (1), in connection with covenants restrictive of the user of land, "successors in title" include the owners and occupiers of the land which the covenant is intended to benefit.

(3) The benefit of a covenant relating to an interest in land may be made to run with the land without the use of any technical expression if the covenant is of a nature that enables the benefit to run with the land.

(4) For the purposes of this section, a covenant runs with the land when the benefit or burden of the covenant, whether at law or in equity, passes to the successors in title of the covenantee or the covenantor, as the case may be.

Burden of covenants relating to land

54. (1) A covenant relating to an interest in land of a covenantor or land capable of being bound by the covenantor is, unless a contrary intention is expressed, deemed to be made by the covenantor on behalf of the covenantor or the successors in title of the covenantor and a person deriving title from that covenantor, and is enforceable against the successors in title and the person deriving title from the covenantor to the same extent as against the covenantor.

(2) This section extends to a covenant to do some act in relation to land, although the subject-matter may not be in existence when the covenant is made.

(3) For the purposes of this section, in connection with covenants restrictive of the user of land, "successors in title" include the owners and occupiers of the land.

Benefit of covenants to run with reversion

55. (1) Rent reserved by a lease, and the benefit of a covenant or provision contained in the lease which makes reference to the subject matter of the benefit of the covenant or the provision, and which is required to be observed or performed on the part of the lessee, and every condition of re-entry and other condition contained in the lease, shall be attached to the reversionary interest in the land, or in any part of the land, immediately expectant on the term granted by the lease, despite a severance of that reversionary interest.

(2) A rent, covenant, right of re-entry or provision contained in the covenant referred to in subsection (1), may be recovered, received, enforced and taken advantage of by the person entitled to, subject to the term, the income of the whole or any part, as the case may require, of the land leased.

(3) A person who by conveyance or otherwise becomes entitled under subsection (1) to rent, a covenant, right of re-entry or provision may recover or receive the rent, enforce the covenant and the right or take advantage of the provision although that person becomes entitled to the rent, covenant, right of re-entry or provision after the condition of re-entry or forfeiture has become enforceable.

(4) Subsection (3) does not render enforceable a condition of re-entry or any other condition waived or released before that person becomes entitled as provided in this Act.

(5) This section has effect without prejudice to any liability affecting a covenantor or the estate of the covenantor on the death of the covenantor.

Burden of covenants to run with reversion

56. (1) The obligation under a condition or of a covenant entered into by a lessor with reference to the subject-matter of the lease

(a) shall, to the extent that the lessor has power to bind the reversionary interest immediately expectant on the term granted by the lease, be attached to that reversionary interest, or a part of that reversionary interest, despite a severance of that reversionary interest, and

(b) may be taken advantage of or enforced by the person in whom the term is vested, and to the extent that the lessor has power to bind the person entitled to that reversionary

interest that obligation may be taken advantage of an enforced against the person entitled.

(2) Subsection (1) has effect without prejudice to any liability affecting a covenantor or the estate of the covenantor on the death of the covenantor

Restriction on re-entry and forfeiture

57. (1) A right of re-entry or forfeiture under a provision in a lease fo a breach of a covenant, condition or agreement in the lease is no enforceable by court action or any other means, unless

(a) the lessor has served on the lessee a notice

(i) specifying the particular breach complained of,

(ii) requiring the lessee to remedy the breach, if the breach is capable of remedy, and

(iii) requiring the lessee to make reasonable compensation in money for the breach, except where the breach consists of non-payment of rent;

(b) the lessee has knowledge of the fact that the notice has been served, and

(c) the lessee fails, within a reasonable time after the service of the notice under paragraph *(a)*, to remedy the breach, if that breach is capable of remedy, or to pay compensation, to the satisfaction of that lessor, for the breach or in the case of non-payment of rent, to pay the rent and interest on the rent at the prevailing bank rate.

(2) Where a notice is

(a) sent by registered mail addressed to a person at the last known address of the person or by electronic mail where that is the normal mode of communication between the parties, and

(b) posted on the land which is the subject of re-entry,

then, for the purposes of subsection (1), that person shall be deemed, unless the contrary is proved, to have had knowledge of the fact that the notice had been served as from the time at which the mail would have been delivered in the ordinary course of post or the notice was posted on the land or in the case of electronic mail at the date the mail was sent.

(3) This section applies despite any provision to the contrary in the lease.

Relief against forfeiture

58. (1) Where a lessor is proceeding by action or otherwise to enforce a right of re-entry or forfeiture under any provision in a lease, or for non-payment of rent, the lessee of the property and also a sublessee of the property comprised in the lease or any part of the lease may, either in the lessor's action or in an action brought by the lessee or sublessee for that purpose, apply to court for relief.

(2) Subject to subsection (1), where a lessee applies to court for a relief, the court may grant or refuse the relief having regard to the proceedings and conduct of the parties and to other circumstances.

(3) A relief granted under subsection (2) may be on the terms as to costs, damages, compensation, penalty or otherwise, including the granting of an injunction to restrain a similar breach in the future, that the court, in the circumstances of each case, considers appropriate.

(4) Where a sublessee applies to court for relief, the court may make an order vesting for the whole term of the lease or a lesser term of the lease, the property comprised in the lease or a part of the lease in that sublessee on conditions as to the execution of a deed or any other document, payment of rent, costs, expenses, damages, compensation, giving security or otherwise that the court, in the circumstances of each case, considers appropriate.

(5) Despite subsection (4), the court shall not grant to the sublessee a term longer than the term the sublessee had under the original sublease.

(6) The provisions in section 57 and in this section shall, with the necessary modifications, apply to an oral grant and any other transfer of an interest in land under customary law.

Covenant to repair

59. (1) Damages or compensation for a breach of a covenant or an agreement to keep or put premises in a good state of repair during the currency of a lease, or to leave or put premises in a good state of repair at the termination of a lease, whether the covenant or agreement is express or implied, general or specific, shall not exceed the amount by which the value of the reversion, in the premises is diminished owing to the breach.

(2) Damages or compensation shall not be recovered for a breach of a covenant or agreement to leave or put premises in good state of repair at the termination of a lease, if it is shown that

(a) the premises, in whatever state of repair the premises might be, would at or shortly after the termination of the tenancy be pulled down; or

(b) the structural alterations made in the premises would render valueless the repairs covered by the covenant or agreement.

Waiver of covenant in a lease

60. Where a lessor or a person deriving title under the lessor waives the benefit of a covenant or condition in a lease, the waiver shall extend only to a breach of the covenant or condition to which the waiver specifically relates and shall not operate as a general waiver of the benefit of that covenant or condition, unless a contrary intention appears.

Effect of licence granted to lessee

61. (1) A licence granted to a lessee shall, unless a contrary intention is expressed, extend only

(a) to a matter specifically authorised to be done or not to be done; or

(b) to the specific breach of a provision expressly referred to and shall not bar any proceedings for a subsequent breach of the lease.

(2) Despite a licence granted to a lessee,

(a) the rights under the covenants and the power of re-entry contained in the lease remain in force and are available as against a subsequent breach of a covenant, condition or any other matter not specifically authorised or waived, in the same manner as if the licence had not been granted; and

(b) the condition or right of entry remains in force as if the licence had not been granted, except in respect of the particular matter authorised to be done or not to be done.

No payment for consent to assign

62. (1) Payment of money in respect of a licence or consent to assign, sublet, part with possession of, dispose of, mortgage, change of use and any other similar transaction shall not be required.

(2) The prohibition imposed by subsection (1) shall not preclude the requirement for the payment of a reasonable sum in respect of administrative expenses incurred in relation to the licence or consent.

(3) Despite a provision to the contrary in a conveyance, consent is not required for a vesting assent pursuant to the grant of probate or letters of administration.

(4) The Minister shall, in consultation with the Lands Commission and the Administrator of Stool Lands, make Regulations prescribing the moneys payable under subsection (2).

(5) Subsection (1) does not apply to a grant made by a public corporation in respect of land acquired for public housing.

Production and safe custody of document

63. (1) A person in possession or control of a document of title is not entitled to retain the document on conveying the whole interest in the subject-matter of the conveyance, but shall deliver the document at the time of the conveyance to the transferee.

(2) Where a person lawfully retains possession or control of a document and gives to another a written undertaking for production, delivery of copies or safe custody of the document, then for the period of the possession or control of the document, that person and any other person having possession or control of the document are under an obligation, except for good cause shown,

(a) to produce the document

(i) at a reasonable time for inspection or comparison with abstracts or copies by the person entitled to request production or by any other person authorised in writing by the person entitled; or

(ii) in any proceeding of a court or Commission of Inquiry, or on an occasion on which production may reasonably be required, for providing or supporting the title or claim of the person entitled to request production of the document or certified true copy of the document, or for any other purpose relative to that title or claim;

(b) to deliver to the person entitled to access true copies of the document or extracts from the document, whether the document is attested to or unattested; and

(c) to keep the document safe, whole, uncancelled and undefaced.

(3) A written undertaking for production or delivery of copies shall be complied with at the written request of the person to whom the undertaking is given, or of a person, other than a lessee at a rent, who has or claims an interest or a right through or under that person, or otherwise becoming through or under that person interested in or affected by the terms of the document to which that undertaking relates.

(4) The costs and expenses of or incidental to the specific performance of an undertaking given under subsection (2) for the production, delivery of copies or safe custody of the document shall be paid by the person requesting performance, except where the person requesting performance, apart from the undertaking, would be entitled to possession of the documents.

(5) A written undertaking for the production or delivery of copies does not confer a right to damages for loss or destruction of the document, or damage from whatever cause to the document to which the undertaking relates.

(6) A person who claims to be entitled to the benefit of a written undertaking for the production, delivery of copies or safe custody of the document may apply to the court for an order directing production of the documents to which the undertaking relates, or delivery of copies or extracts, to that person or some other person on behalf of that person.

(7) For the purposes of subsection (6), the court may make an order

(a) to give directions respecting the time, place, terms and manner of production or delivery of the document, and

(b) as to costs or any other matter connected with the application.

(8) A person who claims to be entitled to the benefit of a written undertaking for safe custody of a document may apply to court to assess damages for any loss or destruction of the document, and the court may

(a) direct an inquiry into the amount of damages, and order payment of the damages by the person liable; and

(b) make an order as to costs or any other matter connected with the application.

(9) A person who gives a written undertaking for production, delivery of copies or safe custody of a document shall satisfy any liability to give a covenant for production, delivery of copies or extracts, or safe custody of the document.

(10) This section applies only so far as a contrary intention is not expressed in the written undertaking.

(11) The rights conferred by an undertaking under this section are in addition to any other rights regarding

(a) the production or inspection, or

(b) the obtaining of copies,

of a document, that are not satisfied by the giving of the undertaking and have effect subject to the terms of the undertaking and to a provision in the document.

Good title

64. (1) Good title is derived from

(a) an enactment;

(b) a grant, vesting order or conveyance from the State;

(c) a final judgment of a court of competent jurisdiction; or

(d) a grant, an acquisition under customary law, conveyance, assignment or mortgage which is at least thirty years old and establishes that a person is entitled to convey an interest in the land.

(2) Paragraph *(c)* of subsection (1) does not apply where there are conflicting judgments of courts of coordinate jurisdiction in respect of the same subject matter.

(3) An intending assignee of a term of years may require the instruments creating the term, however old.

(4) The intending purchaser of a reversion may require the instrument under which the reversionary interest arises, however old.

(5) A purchaser shall not be deemed to be or ever to have been affected with notice of a matter or thing of which the purchaser might have had notice if the purchaser had investigated the title or made inquiries in respect of matters prior to the period of commencement of title ascertained unless the purchaser actually makes the investigation or inquiries.

(6) Under a contract to grant or assign a term whether derived or to be derived out of freehold or leasehold interest in land, the intended lessee or assignee is entitled to call for the title to the freehold or for the lease.

(7) Under a contract to sell and assign a term derived out of a leasehold interest in land, the intended assignee shall have the right to call for the title to the leasehold reversion.

(8) Where a lease is made under a power contained in a will, an enactment or any other instrument, a preliminary contract for or relating to the lease shall not, for the purpose of the deduction of title to an intended assignee, form part of the title, or evidence of the title, to the lease.

(9) This section applies to contracts for exchange in the same manner as to contracts for sale.

(10) This section applies only so far as a contrary intention is not expressed in the contract.

Other statutory conditions of sale

65. (1) A purchaser of an interest in land shall not

(a) require the production, or an abstract or a copy, of any deed, will or any other document, dated or made before thirty years, for the commencement of the title, or

(b) require information or make a requisition, an objection or inquiry, in respect of that deed, will or document, or the title prior to that time, although the deed, will or other document, or that prior title, is recited, agreed to be produced, or noticed,

and the purchaser shall assume, unless the contrary appears, that the recitals contained in the abstracted instruments, of any deed, will or any other document, forming part of that prior title, are correct and give the material contents of the deed, will or other document so recited, and that the document so recited was duly executed by the necessary parties.

(2) Subsection (1) does not deprive a purchaser of the right to require the production or an abstract or a copy of

(a) a power of attorney under which an abstracted document is executed;

(b) a document creating or disposing of an interest, power or an obligation which is not shown to have ceased or expired, and subject to which a part of the property is disposed of by an abstracted document; or

(c) a document creating a limitation or trust by reference to which a part of the property is disposed of by an abstracted document.

(3) Where an interest in land, which is sold, is held by a lease which is not a sublease, the purchaser shall assume, unless the contrary appears,

(a) that the lease was duly granted, and

(b) that the covenants and provisions of the lease have been duly performed and observed up to the date of the actual completion of the purchase, on production of the receipt for the last payment due for rent under the lease before the date of actual completion of the purchase.

(4) Where an interest in land, that is sold, derives from a sublease, the purchaser shall assume, unless the contrary appears,

(a) that the sublease and every superior lease were duly granted;

(b) that the covenants and provisions of the sublease have been duly performed and observed up to the date of actual completion of the purchase, on production of the receipt for the last payment due for rent under the sublease before the date of actual completion of the purchase; and

(c) that the rent due under every superior lease, and the covenants and provisions of every superior lease, have been paid and duly performed and observed up to that date.

(5) Recitals, statements, and descriptions of facts, matters and parties contained in a deed, an instrument or a statutory declaration, twenty years old at the date of the contract, are, except so far as they may be proved to be inaccurate, sufficient evidence of the truth of those facts, matters and descriptions.

(6) The inability of a vendor to give a purchaser a covenant or any other undertaking to produce and deliver copies of a document of title shall not be the basis of an objection to title if the purchaser will, on the completion of the contract, have an equitable right to the production of the document.

(7) An undertaking and a covenant to produce and provide for safe custody of a document that the purchaser can require or requires shall be given at the expense of the purchaser, and the vendor shall bear the expense of perusal and execution on behalf of and by the vendor, and on behalf of and by necessary parties other than the purchaser.

(8) A vendor is entitled to retain a document of title where

(a) the vendor retains a part of the land to which the documents relate; or

(b) the document consists of

(i) a trust instrument or other instrument creating a trust which is still subsisting; or

(ii) an instrument relating to the appointment or discharge of a trustee of a subsisting trust.

(9) This section applies

(a) to a contract for exchange in the same manner as it applies to a contract for sale, and

(b) subject to a contrary intention expressed in the contract.

(10) This section shall not be construed as binding on a purchaser to complete the purchase where, on a contract made independently of this section, and containing provisions similar to the provisions of this section, or any of them, specific performance of the contract will not be enforced against the purchaser by a court.

Supplemental instrument

66. (1) An instrument expressed to be supplemental to a previous instrument shall be read and have effect, as far as may be, as if the instrument contained a full recital of the previous instrument.

(2) Subsection (1) does not give a right to an abstract or production of the previous instrument, and a purchaser may accept the same evidence that the previous instrument does not affect the title as if the previous instrument had merely been mentioned in the supplemental instrument.

Giving of notice

67. Unless otherwise provided in a conveyance, a notice required to be given under the conveyance shall be in writing and

(a) a notice to the transferee is sufficiently served if

(i) delivered to the transferee personally;

(ii) left addressed to the transferee on the premises conveyed;

(iii) sent to the transferee by registered post;

(iv) left at the last known address of the transferee in the country;

(v) sent by secure electronic communication where that is the mode of communication between the transferee and transferor; or

(vi) in the case of a company sent to the registered office of the company in the country; and

(b) a notice to the transferor is sufficiently served if

(i) delivered to the transferor personally;

(ii) sent to the transferor by registered post;

(iii) left at the last known address of the transferor in the country;

(iv) sent by secure electronic communication where that is the mode of communication between the transferee and transferor; or

(v) in the case of a company sent to the registered office of the company in the country.

Execution of conveyance

68. (1) A conveyance shall be executed by the grantor and the grantee and the signature or mark of each of them shall be attested to by at least one witness who shall state the name and address of the witness.

(2) Subsection (1) does not apply to a vesting assent.

(3) Where an individual executes a conveyance, the individual shall sign or place the mark of that individual on the conveyance and sealing shall not be necessary.

(4) Where a company to which the Companies Act, 2019 (Act 992) applies executes a conveyance, that conveyance shall be executed in accordance with that Act.

(5) A conveyance in favour of a purchaser, is duly executed by a corporation aggregate, other than a company referred to in subsection (4), if the seal of the corporation is affixed to the conveyance in the presence of and attested to by a secretary or a deputy of the secretary or any other principal officer, and a member of the board of directors or other governing body of the corporation or otherwise in accordance with the terms of the conveyance or enactment establishing or regulating that corporation.

(6) The transferee under a conveyance is entitled to have that conveyance delivered to the transferee by the transferor as soon as practicable after execution of the conveyance by the transferor and the persons whose consent or concurrence is required.

(7) A conveyance is deemed executed by an individual who cannot read and understand or write the language of the conveyance if

(a) the conveyance is marked by the individual with the mark or thumb-print of that individual at the foot of the conveyance,

and the mark or thumb-print of that individual is attested to by a witness who has clearly written the name and address of that witness on the instrument and endorsed on the conveyance a statement to the effect that the conveyance was clearly and correctly read over and explained to that individual in the language spoken by that individual and that the individual appears to have understood and approved of the contents of the conveyance; and

(b) in the case of an individual who is unable to make a mark, the conveyance is signed by some other person whom that individual has authorised in that behalf, and who endorses on the conveyance a signed notice to that effect.

(8) A conveyance is deemed to have been executed by a body of persons not required by law to have a common seal, if the conveyance

(a) is signed by the persons who are authorised by a relevant enactment to sign the conveyance; or

(b) is signed, in the absence of an express provision in an enactment, by the persons duly appointed in writing by that body of persons, evidence of which appointment shall be produced when required; and

(c) has attached to the conveyance a plan endorsed at the back by both the grantor and grantee.

(9) A conveyance is deemed to have been executed by a stool or skin, or clan or family if the instrument is executed by all the individuals whose consent is by customary law a necessary condition for the conveyance to bind the stool or skin, or clan or family.

(10) A conveyance is deemed to have been executed under a power of attorney if the conveyance is executed by the donee of the power either in the name of the donee or in the name of the donor of the power.

(11) A conveyance is deemed to have been executed by an infant or a person lacking capacity to contract, if the conveyance is executed by the person duly appointed in accordance with law to represent the infant or the person who lacks capacity to contract.

(12) A conveyance is deemed to have been executed by the State if the instrument is executed by the Chairperson of the Lands Commission in the name of the State.

Receipt in conveyance and customary obligations

69. (1) A receipt for money, securities or any other consideration in the body of a conveyance is a sufficient discharge from the consideration, money or securities to the person paying or delivering them, without a further receipt for them being endorsed on the conveyance.

(2) A receipt for money, securities or any other consideration in the body of a conveyance or endorsed on the conveyance is sufficient evidence in favour of a subsequent purchaser, who does not have notice that the money, securities or any other consideration acknowledged to have been received was not in fact paid or given, wholly or in part.

(3) In a conveyance of stool or skin, or clan or family land, payment made for customary obligations shall be stated and the statement is sufficient evidence of the performance of the customary obligations.

Rules for conveyance

70. (1) A conveyance may be described, at the commencement or otherwise, as a conveyance, an assignment, a lease, a sublease, a trust instrument, an appointment or otherwise, according to the nature of the transaction intended to be effected.

(2) A conveyance shall be expressed in clear terms and in plain language, and in particular the words "lease", "conveys to", "interest", "land", "all" and "at" may be used in preference to the words "demise", "grants and conveys unto", "estate", "piece or parcel of land", "all and singular" and "situate lying and being at" respectively.

(3) In a conveyance, so far as practicable,

(a) months shall be written in words without abbreviation and days and years shall be written in figures;

(b) the names of the parties to the conveyance shall be written in full without abbreviation followed by the full residential and postal address of the parties or, in the case of a body corporate, the registered office or principal place of business of the body corporate;

(c) where any other registered conveyance is recited, the registration number of the conveyance shall be stated; and

(d) sums of money shall be written fully in words without abbreviation, followed by the same amount expressed in figures within brackets.

(4) A conveyance shall, unless otherwise provided in this Act, be made on durable material.

(5) Failure to observe a provision of this section does not invalidate a conveyance or provision of a conveyance.

(6) Where a date or sum of money is expressed both in words and in figures, and there is discrepancy between the words and the figures, the words shall prevail over the figures unless a contrary intention appears in the conveyance.

Model precedent

71. An instrument in the form of the model precedent contained in Part VIII of the Second Schedule, or in similar form or using expressions to a similar effect, is sufficient, in regard to form and expression.

Damages and penalty for fraudulent concealment

72. (1) A person disposing of property or an interest in property for valuable consideration to a purchaser, or an agent of that person, who with intent to defraud

(a) conceals from the purchaser an instrument, or encumbrance material to the property or interest; or

(b) falsifies a plan of the land in relation to that property or the instrument

is liable to an action for damages by the purchaser or a person deriving title under the purchaser for a loss sustained by reason of the concealment or falsification.

(2) A person or an agent of that person found culpable for actions under subsection (1) commits an offence and is liable on summary conviction to a fine of not less than five thousand penalty units and not more than ten thousand penalty units or to a term of imprisonment of not less than five years and not more than ten years or to both.

(3) In estimating damages, where the property or an interest in the property is recovered from the purchaser or a person deriving title under the purchaser, the court shall take into account any expenditure made by the purchaser or the person deriving title in the repairs or improvement of the land.

(4) Without prejudice to subsections (1),(2) and (3), a public officer or an agent of the public officer disposing of property or an interest in

property for valuable consideration to a purchaser, who with intent to defraud conceals from the purchaser an instrument or an encumbrance material to the title, or falsifies a plan of the land in relation to that property or the instrument, commits an offence and is liable on summary conviction to a fine of not less than five thousand penalty units and not more than ten thousand penalty units or to a term of imprisonment of not less than five years and not more than ten years or to both.

(5) A professional, who knowingly assists a person disposing of property or an interest in property for valuable consideration to a purchaser, or an agent of that person who, with intent to defraud conceals from the purchaser an instrument, or encumbrance material to the property or interest, or falsifies a plan of the land in relation to that property or the instrument, is liable to an action for damages by the purchaser or a person deriving title under the purchaser for a loss sustained by reason of the concealment or falsification.

Electronic Conveyancing

Transfer by electronic conveyancing

73. (1) Where in this Act, a transfer of land or an interest in land is required to be made by a conveyance, that transfer is lawfully made if the transfer is by an electronic conveyance.

(2) Except as otherwise provided in this Act and subject to modifications that are necessary, the provisions on conveyancing in this Act apply to an electronic conveyance.

Structures for electronic conveyancing

74. For the purpose of facilitating electronic conveyancing, the Lands Commission shall, as far as practicable

(a) establish a land information system equipped with the requisite information technology infrastructure;

(b) train and equip staff with the appropriate knowledge and skills to manage the land information system; and

(c) provide education generally on the land information system and particularly on electronic conveyancing for staff of the Lands Commission, professionals who provide services in relation to land and the general public.

Qualification for electronic conveyancing

75. An electronic conveyance shall only be made by a qualified legal practitioner who has been granted access to the information system by the Lands Commission.

Conditions for access to electronic conveyancing

76. A legal practitioner may be granted access to provide electronic conveyancing service if the Lands Commission is satisfied that the applicant has the facilities and equipment required to provide the service.

Non-transferability of access

77. Access granted under section 76 is not transferable and is subject to conditions that the Lands Commission determines are necessary.

Mandatory contents of an electronic conveyance

78. An electronic conveyance made under this Act shall, without limiting any requirement for a conveyance under this Act

(a) make provision for the time and date on which that conveyance takes effect;

(b) the electronic signature of each person who authenticates the conveyance; and

(c) have each electronic signature on the conveyance certified in accordance with the Electronic Transactions Act, 2008 (Act 772).

Additional requirements

79. The Minister, in consultation with the Lands Commission may, by legislative instrument, make Regulations under this Act, to prescribe additional requirements for electronic conveyancing.

Chapter Four

Land Recording and Registration

Recording and registration

80. (1) There are three systems for the recording and registration of land and interests in land provided for under this Act.

(2) The three systems are

(a) recording of customary interests and rights by Customary Land Secretariats;

(b) registration of instruments relating to land; and

(c) registration of title, interests and rights in land.

Registrable interests

81. (1) The interests in land which are registrable include

(a) allodial title;
(b) common law freehold;
(c) customary law freehold;
(d) usufructuary interest;
(e) leasehold interest; and
(f) customary tenancy.

(2) An interest in a condominium, an apartment or a flat shall be registered in accordance with Regulations made under this Act.

(3) For the purpose of this section, "condominium" means a single estate unit in a multi-unit development in which a person has both separate ownership and common interest with others.

Registrable rights

82. The rights that are registrable in relation to land under this Act are

(a) a mortgage;
(b) an easement;
(c) a restrictive covenant;
(d) *profit a prendre;*
(e) power of attorney;
(f) a contractual licence; and
(g) a user right under a Certificate of Allocation.

Chapter Five
Title Registration

Qualification for title registration

83. (1) A person, or stool or skin, or clan or family qualifies to register land in the name of that person, or stool or skin, or clan or family if that person or stool or skin, or clan or family

(a) is the allodial owner;
(b) holds a common law freehold;
(c) holds a customary law freehold;
(d) holds a usufructuary interest;
(e) holds a leasehold interest, of which more than three years are unexpired; or
(f) holds a customary tenancy.

(2) The Land Registrar shall register the Republic as
(a) proprietor of public lands;
(b) trustee of lands held by the State in trust; and
(c) proprietor of land that by operation of law become the property of the State.

(3) Subject to subsections (4) and (5), an interest appertaining to or affecting land may be registered under this Act.

(4) Where an interest will, according to the terms of the interest, expire without notice of termination within less than two years after the date on which an application for the registration of that interest is made, that interest shall not be registered under this Act although the interest may be renewable on notice.

(5) Despite subsection (1), a licence in respect of minerals granted under the Minerals and Mining Act, 2006 (Act 703) or timber rights under the Timber Resources Management Act, 1998 (Act 547) or any other enactment shall not be registered under this Act.

Demarcation and survey of boundaries

84. (1) The Lands Commission shall, before an area is declared a title registration district, ensure that the boundaries of the land which is likely to be affected by the declaration are demarcated or that a survey is made of the boundaries, or both.

(2) The Lands Commission shall direct an official surveyor or a licensed surveyor to enter upon land which the surveyor is appointed to demarcate and survey within the area likely to be affected by the declaration and the surveyor may make the necessary enquiries or do anything necessary for effecting the demarcation of the boundaries and survey of that land.

Registry map

85. The Lands Commission shall, before the declaration of an area as a registration district, direct the Director of Survey and Mapping Division, acting in consultation with the Director of the Land Registration Division, to prepare for the area, a map or series of maps, called a registry map, which shall be maintained at the Land Registration Division.

Alteration of registry map and preparation of new edition

86. (1) The Lands Commission may require the Director of the Survey and Mapping Division to correct the line or position of a boundary shown

on the registry map with the agreement of a person shown on the register to be affected by the correction, but a correction shall not be effected except on the instructions in writing of the Lands Commission in the prescribed form.

(2) The Lands Commission may require the Director of the Survey and Mapping Division to prepare a new edition of the registry map or a part of the registry map and there may be omitted from the new map a matter which the Lands Commission considers obsolete.

Notice of commencement of demarcation

87. The Director of the Survey and Mapping Division shall, within a period of not less than seven days before the demarcation of lands in a title registration district begins,

(a) display a notice in a conspicuous place in the locality indicating the time and place of the demarcation; and

(b) publish the notice of the commencement of the demarcation in a newspaper of national circulation and by a radio to inform persons in the locality likely to be affected.

Notice of demarcation and survey

88. (1) An official surveyor or a licensed surveyor who is directed under subsection (2) of section 84, to survey or demarcate land may cause a notice to be served on a person

(a) who owns, occupies or otherwise has interest in a land abutting the land to be surveyed or demarcated, or

(b) employed or connected with the administration, management or use of the land.

(2) The surveyor may require a person referred to in subsection (1) to attend personally or by an agent before the surveyor at the time and place stated in the notice for the purpose of identifying the boundaries of the land or providing information needed for purposes of the survey or demarcation.

(3) The surveyor shall, by notice, invite any person who in the opinion of the surveyor or in the opinion of the Land Registrar is in possession of information or document relating to the boundaries, to attend before the surveyor and give the information or produce the document at the time and place specified in the notice.

Declaration of registration district

89. (1) The Minister may, on the advice of the Commission, by legislative instrument declare an area specified in the legislative instrument to be a registration district.

(2) Where an area is declared by the Minister to be a registration district in accordance with subsection (1), deeds registration and plotting in relation to deeds registration shall cease to be applicable in that designated registration district.

Surveyor to demarcate boundaries within registration district

90. Subject to any general or particular directions issued by the Director of the Survey and Mapping Division, an official surveyor or a licensed surveyor shall, within each registration district

(a) ensure that the boundaries of each parcel of land which is the subject of a claim are indicated, demarcated and surveyed in accordance with the requirements of the notice given under section 96;

(b) indicate the boundaries of

(i) any public roads, public rights of way and other public lands; and

(ii) any unclaimed land;

(c) carry out any survey that may be required in the execution of a dispute settlement process; and

(d) prepare a registry map of the registration district on which shall be shown every separate parcel of land identified by a distinguishing number, except that rivers and public roads are not required to be identified by a number.

General boundaries

91. (1) The registry map and any plan filed in the Registry indicate only the approximate boundaries and the approximate location of a parcel shown on the map and the plan.

(2) Where an uncertainty or a dispute arises as to the position of a boundary within a registration district, the Land Registrar shall advise the claimants to refer the dispute for resolution under the Alternative Dispute Resolution Act, 2010 (Act 798) for the purpose of the determination and indication of the position of the boundaries.

(3) On the resolution of a dispute under subsection (2), the Land Registrar shall

(a) make a note to that effect on the registry map and in the land register; and

(b) file the plan or description necessary to record the decision.

(4) A court shall not entertain an action concerning a dispute as to the boundaries of a parcel within a registration district unless the process of settlement provided in this section has been exhausted.

Fixed boundaries

92. (1) Where the Land Registrar considers it appropriate to indicate on a filed plan, or otherwise to define in the register, the precise position of the boundaries of a registered parcel or a part of a registered parcel, or where an interested person makes an application to the Land Registrar, the Land Registrar shall give notice to the holders of interests in, and the occupiers of the parcels of land adjoining the boundaries in question, of the intention to ascertain and fix the boundaries.

(2) The Land Registrar shall, within thirty days after giving the persons appearing from the register to be affected by the intention to ascertain and fix boundaries an opportunity of being heard,

(a) cause to be defined by survey the precise position of the boundaries in question;

(b) file a plan containing the necessary particulars; and

(c) note in the register that the boundaries have been fixed.

(3) The plan filed under subsection (2) shall be presumed to define accurately the boundaries of the parcel of land.

(4) Where the dimensions and boundaries of a parcel are defined by reference to a plan verified and approved by the Director of Survey and Mapping Division, a note shall be made in the register and the parcel shall be deemed to have the boundaries fixed under this section.

(5) The Lands Registrar shall, within fourteen days after the boundaries have been fixed, give notice to the persons specified in subsection (2) of the fixing of the boundary.

Maintenance of boundary features

93. (1) A proprietor of land shall maintain in good condition and repair, in accordance with Regulations made under this Act, a beacon or mark defining the corner point of the land of the proprietor.

(2) Subject to subsection (3), where a beacon or mark is not maintained in proper order or repair, or is removed or obliterated, the Director of the Survey and Mapping Division may serve on the proprietor of each parcel in relation to which the beacon or mark indicates a corner point, a notice in writing requesting the proprietor to restore the beacon or mark to its correct position, or to re-erect it in the prescribed manner.

(3) The restoration or re-erection of a beacon or mark that is removed or obliterated shall be carried out by or under the immediate supervision of an official surveyor or a licensed surveyor duly authorised by the Director of Survey and Mapping Division.

(4) The Director of the Survey and Mapping Division may, in writing, require the proprietor of land adjoining a beacon or mark to be responsible for the maintenance, repair, restoration or re-erection of the beacon or mark that is not in good condition or is removed or obliterated on the terms specified by the Director of the Survey and Mapping Division.

(5) Where it is established that the proprietor or an agent of a proprietor of land adjoining a beacon or mark, has damaged, removed or obliterated a beacon or mark, the entire cost of repair, restoration or re-erection of that beacon or mark shall be borne by that proprietor.

Registration section

94. The Director of the Land Registration Division in consultation with the Director of Survey and Mapping Division may divide a registration district into registration sections.

Identification of registration section

95. For the purposes of the registry map, each registration section may be identified by a distinctive name or number and the registration section may be further divided into blocks which shall be given distinctive names, numbers or letters or combination of names, numbers and letters.

Notice of registration district

96. The Director of the Land Registration Division shall, within fourteen days after the declaration of a registration district, issue in respect of that district a notice as in Form 1 of the Third Schedule which

(a) specifies the location and limits of the registration district;

(b) requires a person who claims to be the proprietor of land or to have an interest in land within the registration district to make a claim in respect of the land or the interest in land

in person or by an agent within a specified period and at the place and in the manner specified in the notice;

(c) requires a claimant to land or an interest in land within the registration district to mark or indicate the boundaries of the land in the manner specified in the notice; and

(d) requires a person claiming interest in land within the registration district to register the interest of the person within a specified period which shall be not less than six months after the date of publication of the notice.

Application for registration

97. (1) Subject to section 99, a person who claims to hold land or an interest in land situated in a registration district shall make an application setting forth the claim of that person in the manner and within the period specified in the notice given under section 96.

(2) The Land Registrar shall, after the expiration of the notice given under section 96, proceed to examine the title of any person who has made a claim to any land or interest in land or is deemed to have made a claim under subsection (1) and may, for that purpose examine any instrument relating to that land or interest.

(3) Where a land referred to in the claim is subject to an interest which is registrable, the Land Registrar, if satisfied with the validity of the title of the applicant, shall record the particulars that will enable the interest and the name of the holder of the interest to be registered.

(4) An application for registration of land or an interest in land jointly acquired for valuable consideration during marriage shall state the spouses in the marriage as the applicants unless a contrary intention is expressed in the conveyance.

(5) Where only one of the spouses is stated as the applicant, the spouse shall be presumed to have applied on behalf of that spouse and the other spouse unless a contrary intention is expressed in the conveyance.

Resolution of land dispute

98. (1) An action concerning any land or interest in land in a registration district shall not be commenced in any court unless the procedures for resolution of disputes under the Alternative Dispute Resolution Act, 2010 (Act 798) have been exhausted.

(2) Where at the time of the publication of a notice under section 96, the Land Registrar has notice of an action or proceeding concerning land or interest in land in the registration district referred to in the notice is pending in a court or is subject to any alternative dispute resolution proceedings, the Land Registrar shall note any claim under this Act in respect of the same land or interest but no further action shall be taken on the claim until the matter is determined by the court or settled by alternative dispute resolution.

(3) Where a dispute is pending as specified in subsection (2), a party shall, in writing, serve notice on the Land Registrar and the Land Registrar shall not take any further action in respect of the registration until the final determination of the dispute.

Compilation of registered deeds

99. (1) The Land Registrar shall, within one year before the declaration of a title registration district, in relation to each land situated in that district in respect of which an instrument has been registered under the deeds registration system, prepare

(a) a list that shows all instances of proprietorship of land or interest in land evidenced by instruments in respect of which no conflicting claims appear from any other instrument; and

(b) a list that shows instances of proprietorship of land or interest in land evidenced by instruments in which there appears to be conflicting interests.

(2) The Lands Commission shall, after the declaration of the title registration district, serve on a person named in the list prepared under paragraph *(a)* of subsection (1) as a proprietor of land or a holder of an interest in land, a notice of the intention of the Commission to register that person as proprietor of the land or the interest in land and require that person to submit a plan approved by the Director of the Survey and Mapping Division, in respect of the land to which the instrument relates.

(3) The list of proprietors or holders of an interest in land prepared under subsection (1) and the notice to be served under subsection (2) shall, in addition, be published in the *Gazette* and a daily newspaper of national circulation.

(4) A person who has an objection to the list and the notice published under subsection (3) shall, within twenty-one days after the publication, submit the objection to the Lands Commission.

(5) The Lands Commission shall, where no objection is raised under subsection (4), register the person as the proprietor of the land upon the submission of the approved plan referred to in subsection (2).

(6) The Minister may, on the advice of the Lands Commission, by legislative instrument, make Regulations to provide for matters relating to the compilation and registration.

Functions of the Director of the Land Registration Division

100. The Director of the Land Registration Division is the Chief Land Registrar and is responsible for

(a) the administration of the Land Registration Division under the Lands Commission Act, 2008 (Act 767); and

(b) the compilation and maintenance of the Land Register and all other records kept in the Land Registration Division.

Land Registrars

101. The Director of the Land Registration Division shall be assisted in the performance of the functions of the office by *gazetted* Land Registrars.

Powers and obligations of Land Registrar

102. (1) A Land Registrar may, in the performance of functions under this Act

(a) require a person to produce an instrument, a land certificate or any other document or plan relating to the land or interest in land to be registered;

(b) summon a person to appear and give information or explanation in respect of an interest in land to be registered under this Act and that person shall appear and give the information or explanation;

(c) refuse to proceed with a registration if an instrument, a certificate or any other document, plan, information or explanation required to be produced or given is withheld or an act required to be done under this Act is not done; or

(d) refuse to proceed with a registration where the Land Registrar has reasonable cause to believe that

(i) the Republic or a person who is a minor or lacks capacity to contract or who is absent from the Republic will be adversely affected; or
(ii) there is fraud or an improper dealing with the land or an interest in the land.

(2) Where a person fails to obey an order made under subsection (1), the Land Registrar shall, where there is no reasonable justification for the failure, certify the disobedience to a court of competent jurisdiction, and that person may be dealt with by the court of competent jurisdiction as if the order made under subsection (1) were the order of the Court.

(3) The Land Registrar shall not register a large scale disposition of a stool or skin land, or clan or family land unless the Regional Lands Commission in respect of

(a) stool or skin land, has in furtherance of clause (8) of article 36 and clause (3) of article 267 of the Constitution, or
(b) clan or family land, has in furtherance of clause (8) of article 36 of the Constitution,

granted consent or concurrence to the disposition taking into account the following:

(c) unconscionability;
(d) capacity of the parties;
(e) adequacy of consideration;
(f) size of the land;
(g) duration of the grant;
(h) protection of indigenous land rights;
(i) previous transactions affecting the land;
(j) fairness of the terms of the agreement; and
(k) social and environmental impact assessment.

(4) For the purposes of subsection (3), "large scale land disposition" means disposition of land or interest in land which exceeds four hectres for residential purpose and twenty hectres for agricultural, civic, cultural, commercial or industrial purpose.

(5) The Regional Lands Commission

(a) may in furtherance of the grant of consent and concurrence request the person who is applying for the consent and concurrence to submit information that the Regional Lands Commission determines is essential for the grant, and

(b) shall not grant the consent and concurrence until the information is received.

(6) Subject to subsection (3), where the Regional Lands Commission fails to grant or give notice to the applicant of refusal to grant on stated grounds within three months from the date of presentation of a valid document or in respect of a large scale disposition, the consent shall be deemed to have been granted and the Land Registrar shall proceed with the registration process.

(7) A person who is dissatisfied with the decision of the Regional Lands Commission under subsection (3) or (5) in relation to

(a) a clan or family land, may resort to the Alternative Dispute Resolution Act, 2010 (Act 798) for a resolution of the matter; and

(b) a stool or skin land, may resort to the High Court for a resolution of the matter.

(8) The Minister, in consultation with the Lands Commission, may, by legislative instrument, provide for the details of subsection (3) which shall be complied with before registration.

(9) A Land Registrar shall not register land contrary to the provisions of this Act.

(10) A Land Registrar who contravenes subsection (3) or (9) commits an offence and is liable on summary conviction to a fine of not less than five hundred penalty units and not more than one thousand penalty units or a term of imprisonment of not less than one year and not more than three years or to both.

Application for first registration

103. (1) A person may apply for first registration of land or an interest in land in a registration district in the terms set out in Form 2 of the Third Schedule.

(2) An application for first registration under subsection (1) shall be accompanied with

(a) the original deeds or other documents relating to the land or in the case of stool or skin, or clan or family land where a document is not available, a statutory declaration indicating the interest of the applicant;

(b) a list in triplicate of all deeds and other documents referred to in paragraph *(a)*;

(c) a statutory declaration, where the applicant, other than a stool or skin, or clan or family, can establish to the satisfaction of the Land Registrar that the original deeds or other documents relating to the land cannot be found, have not been issued or are not available; and

(d) a plan in triplicate approved by the Director of the Survey and Mapping Division to enable the land to be fully identified on the registry map.

(3) Where a document recited in a root of title is dated thirty years or more and cannot be provided, the grantor or grantee shall provide evidence of proof of possession.

(4) Where a stool or skin, or clan or family applies for registration of an allodial title, the instrument in respect of the land to which the application relates shall be exempt from stamp duty.

(5) The Land Registrar shall publish the application in the manner prescribed in Regulations made under this Act.

Time and manner of first registration

104. (1) First registration of a parcel shall be effected by a Land Registrar

(a) on the expiration of the period specified in the notice issued under section 96 in respect of the district in which the parcel of land is situate;

(b) on the expiration of any notice which may be issued under subsection (2) of section 99 in respect of the parcel of land;

(c) on the determination of any dispute by

(i) the Lands Commission,

(ii) resolution under the Alternative Dispute Resolution Act, 2010 (Act 798), or concerning the claim of any person to be registered as proprietor of the land or interest in the land; or

(iii) a court of competent jurisdiction; or

(d) within ninety days after receipt of an application by the Lands Commission under section 103 or after the applicant has made further representations under subsection (1) of section 107,

whichever occurs last.

(2) Where an approved plan for a parcel of land is available and

(a) there are no disputes, objections or caveats in respect of the registration of the parcel, and

(b) there is no previous adverse or conflicting registration or plotting of the parcel,

the first registration of the parcel of land shall be presumed to be effected by the Land Registrar within ninety days.

(3) First registration shall consist of the Land Registrar entering in the Land Register the following particulars:

(a) the name of a person who has been shown to be entitled to be registered as the proprietor of the parcel and the particulars of that person, the particulars of the grantor, if any, and the proprietorship as are prescribed to be entered,

(b) the plan to enable the parcel to be fully identified on the registry map, and

(c) the interests which have been shown to exist in the land.

(4) Where the original of a deed or document cannot be provided, a certified copy of the deed or document may be accepted by the Land Registrar for registration if the Land Registrar is satisfied with the authenticity of the certified copy.

(5) Where after first registration a person who has not been registered as a holder of an interest in land, shows that that person is the proprietor of land registered in the name of the Republic as trustee under section 105 or not registered in the name of any other person, the Land Registrar shall register that person by making the necessary corrections in the register.

Registration of unregistered land or unregistered interest in the name of the State

105. (1) Where the holder of an interest in land has not put in an application for registration after the expiration of the period within which an application should be made as specified in paragraph *(d)* of section 96 the Land Registrar shall record the State as the holder of the interest, in trust for the eventual holder of the interest.

(2) Where in respect of any land or interest in land there is no person entitled to be registered as the holder of the interest or with provisional title, the Land Registrar shall record the land as being held by the State, in trust for the eventual holder of the interest.

(3) The State shall not transfer land held in trust under this section to another person other than the person who is determined as the eventual holder of the interest.

Rejection of application for first registration

106. (1) Subject to this Act and to the Limitation Act, 1972 (N.R.C.D. 54), the Land Registrar shall reject an application for first registration by a person claiming to be a proprietor of land and who bases the claim on an instrument, if

(a) the instrument deals with the land or part of the land in a manner inconsistent with an instrument previously executed whether by the same grantor or a predecessor-in-title or by any other person;

(b) on the face of the records or from common knowledge, the grantor named in the instrument does not appear to a Land Registrar to have been entitled to deal with the land as the instrument purports to have done;

(c) the instrument was made in contravention of, or is void by virtue of, an enactment;

(d) the instrument contains an interlineation, a blank, an erasure or an alteration not verified by the signature or initials of the persons executing the instrument;

(e) the Land Registrar is not satisfied with the statutory declaration submitted in support of the application; or

(f) the instrument was made in contravention of a prior registration.

(2) The Land Registrar shall, within three months of the submission of an application, inform the applicant of the decision of the Land Registrar to grant or reject the application or of the status of the application.

Notification of grounds of refusal to register

107. (1) Where the Land Registrar decides to reject an application on any of the grounds under section 106, the Land Registrar shall notify the applicant in writing of the decision and the grounds for the decision, giving the applicant thirty days within which to make further representations.

(2) Where the Land Registrar is of the opinion that an application should be rejected on the ground specified in paragraph *(d)* of subsection (1) of section 106, the Land Registrar shall notify the applicant and

request the applicant to rectify the observation of the Registrar within thirty days.

(3) If at the expiry of the period specified in subsection (1), the applicant has not responded or not responded satisfactorily, the Land Registrar may reject the application.

(4) An applicant dissatisfied with the rejection of the application of that applicant under subsection (1) of section 106, may first appeal to the Regional Lands Commission, and where the applicant is dissatisfied with the decision of the Regional Lands Commission, the applicant may refer the matter for resolution under the Alternative Dispute Resolution Act, 2010 (Act 798).

(5) Where the matter is referred to the Regional Lands Commission, the Regional Lands Commission shall determine the matter within thirty days.

(6) The reference to the Regional Lands Commission may be made in the manner specified in Form 3 of the Third Schedule.

(7) The decision of a Regional Lands Commission or resolution under the Alternative Dispute Resolution Act, 2010 (Act 798) shall be communicated in writing to the applicant, the Land Registrar and any other person affected by the decision within fourteen days after the determination of the matter.

(8) Where the rejection by the Land Registrar of an application is reversed by the Regional Lands Commission or resolution under the Alternative Dispute Resolution Act, 2010 (Act 798), or by a decision of a court of competent jurisdiction the Land Registrar shall comply with that decision within thirty days.

Loss or damage of submitted application

108. (1) Where an application for registration or any of the supporting documents of the application submitted to the Lands Commission cannot be found or is damaged, the applicant may submit another application which shall have effect from the date the first application was submitted.

(2) An application submitted under subsection (1) shall not attract a fee.

(3) Where a Land Certificate is issued to a later applicant in respect of land to which subsection (1) relates that Certificate shall be void and the register shall be rectified in accordance with section 194.

(4) An officer of the Lands Commission found responsible for the loss or damage referred to in subsection (1), commits an offence and is liable on summary conviction to a fine of not less than one thousand penalty units and not more than ten thousand penalty units or a term of imprisonment of not less than one year and not more than five years or, to both.

Description of lands affected by dealing

109. (1) Despite section 106 and except as otherwise provided in subsection (2), where land or an interest in land which is being registered is evidenced by an instrument, that land or interest in the land shall not be registered unless there is attached to that instrument a plan of the land which has been approved and duly signed by the Director of the Survey and Mapping Division.

(2) Where a plan referred to in subsection (1) has already been filed in the Registry with an instrument relating to the same land it is sufficient, without attaching the plan to the instrument, if the land is described by reference to the instrument and the plan already filed in the Registry.

(3) Where the plan of the land relates to an interest which does not arise out of a conveyance, the plan of the land shall be endorsed at the back by the applicant.

Form of register

110. (1) The land register shall contain the following:

(a) an entry of the description of each parcel with reference to the Registry Map and a plan approved by the Director of the Survey and Mapping Division under sections 85 and 109;

(b) an entry in respect of each proprietor of a parcel, with the name, photograph or biometric details of the proprietor and the nature of the interest; and

(c) an entry in respect of any other interest held in that parcel by any other person, stating the name of the holder of the interest and the nature of the interest.

(2) The land register shall be in the prescribed form.

(3) Without limiting subsection (2), the land register shall be kept in electronic form.

Conclusiveness of register

111. (1) An entry in the land register shall be conclusive evidence of title of the holder of the interest specified in the land register.

(2) Subsection (1) does not affect any right or interest in land acquired under the law relating to prescription or the Limitation Act, 1972 (N.R.C.D. 54) except that where title to registered land has been acquired under the law relating to prescription or the Limitation Act, 1972 (N.R.C.D. 54), the registered holder of the right or interest shall hold the land in trust for the person entitled.

(3) A person who claims to have acquired land or an interest in land under subsection (2), shall apply to the Regional Lands Commission through the Regional Lands Officer for an appropriate amendment to be made to the land register upon the payment of a prescribed fee.

(4) On receipt of an application under subsection (3), the Regional Lands Commission, after

(a) written notice of the application to persons whose rights are likely to be affected, and

(b) giving opportunity to persons whose rights are likely to be affected to make representations,

shall publish the application in at least one newspaper of national circulation and post the published application, on the affected land and the palace of the chief and as far as practicable, follow the provisions of section 112.

(5) The decision of the Regional Lands Commission shall be communicated to all persons affected by the decision and to the Land Registrar who shall act in accordance with the decision.

Qualification for provisional registration

112. (1) Where as a result of the examination of an application submitted under section 106, the Land Registrar is satisfied that a person who claims to hold an interest in land

(a) is in possession of; or

(b) has a right of possession or right of occupation of the land referred to in the claim, but has not a sufficiently good title,

the Land Registrar may, instead of rejecting the application, after informing the applicant grant the applicant provisional title of the land.

(2) The Land Registrar shall record

(a) the date on which the possession or occupation, if any, of that person began or is deemed to have begun;

(b) particulars of any instrument or any other evidence by virtue of which another right or interest in the land adverse to or in derogation of the interest of that person might exist; or

(c) any qualification which affects the title.

(3) Where the Registrar decides to grant a provisional title, the Registrar shall in writing

(a) notify the applicant of the decision, and

(b) state the reasons for the decision.

(4) Where the applicant is dissatisfied with the decision, the applicant may appeal against the decision to the Regional Lands Commission within twenty-one days of the notice.

(5) Where an appeal is lodged with the Regional Lands Commission, the Commission shall commence the hearing of the appeal within fourteen days and dispose of the appeal within ninety days.

Effect of provisional registration

113. (1) Subject to sections 121 and 122, registration of a person as holder of a provisional title to a parcel of land under subsection (1) of section 112 shall not affect or prejudice the enforcement of any right or interest in land which is adverse to or in derogation of the title of that holder and which has arisen

(a) before the date of the provisional certificate, or

(b) in the manner specified in the land register in relation to that parcel of land.

(2) Except as otherwise provided in subsection (1), the provisional title registration has the same effect as the registration of a person as a holder with substantive title.

Conversion of provisional registration

114. (1) A person registered as a holder of an interest in land with a provisional title or any person who has interest in land may, at any time, apply to the Land Registrar to be registered as the holder of interest in that land with a substantive title.

(2) If the applicant satisfies the Land Registrar that the condition to which the provisional title is subject has ceased to be of effect, the Land Registrar shall register the applicant as a holder of that interest in land with substantive title after the Land Registrar has given notice in the manner specified in Form 4 of the Third Schedule.

(3) On an application by a holder of a provisional title after the expiry of twelve years from the date of first registration of the holder of a provisional title or on the making of the order under subsection (2), the Land Registrar shall substitute in the land register the words "substantive title" for the words "provisional title" and the title of that holder of that land shall become absolute.

(4) Subsection (3) does not apply where the State holds a provisional title in trust for an eventual holder.

Conflicting claims

115. (1) Where there are two or more claimants of any interest in land situated in a title registration district and the Land Registrar is unable to arrive at an agreement among the claimants, the Land Registrar shall direct the claimants to seek resolution of the dispute under the Alternative Dispute Resolution Act, 2010 (Act 798).

(2) A court shall not entertain an action in respect of conflicting claims until the process for resolution referred to in this section has been exhausted.

Consolidation and subdivision of parcels

116. (1) Where contiguous parcels of land are registered in the name of the same proprietor and are subject to the same registered and overriding interests, the Land Registrar may, on an application by the proprietor of the parcels of land, consolidate the parcels of land.

(2) Subject to subsections (3) and (4) and section 117, where an application is made by a proprietor of a parcel for the division of the parcel into two or more parcels, the Land Registrar shall effect the division.

(3) Before consolidating or subdividing a parcel under subsection (1) or (2), the Land Registrar shall give

(a) notice to all holders of interest in the parcel of land that is proposed to be consolidated or subdivided, and

(b) the holders of interest the opportunity to make representations in relation to the proposed action within the period specified in the notice.

(4) The Land Registrar shall take into consideration any representations which may be made under subsection (3).

Registration and Planning Regulations

117. (1) The Land Registrar shall, in the performance of the duties of the Office, comply with any local plan for the area in respect of which an application for registration has been made.

(2) A District Assembly shall submit to the Regional Lands Commission

(a) copies of the local plan, within one month after the coming into force of this Act, in the case where an approved local plan already exists; or

(b) copies of the local plan, within three months after the approval of the local plan, in the case where an approved local plan does not exist.

(3) Registration of a parcel contrary to subsection (1) is void.

(4) A Land Registrar who wilfully registers land or an interest in land contrary to subsection (1) commits an offence and is liable on summary conviction to a fine of not less than five hundred penalty units and not more than one thousand penalty units or to a term of imprisonment of not less than one year and not more than three years or, to both.

(5) The requirement for compliance with the local plan for registration of land does not apply to the registration of the allodial titles of stools or skins, or clans or families, and of a usufruct.

(6) Despite subsections (1), (2) and (3), the Regional Lands Commission may, for justifiable reasons, authorise a Land Registrar in writing to register a parcel of land falling within a defined area which does not have an approved local plan.

(7) The Regional Lands Commission shall give notice to a District Assembly in which the land to be registered is located of the intention of the Lands Commission to register land in pursuance of subsections (5) and (6).

Cancellation of entries

118. The Director of the Land Registration Division may, subject to guidelines to be prescribed in Regulations, cancel any entry in the land register if the Director is satisfied that the entry has ceased to have any effect.

Indefeasibility of registration

119. (1) Subject to subsections (2), (3) and (4) and to section 118, the rights of a registered proprietor of a parcel of land whether acquired on first registration or subsequently or by an order of a Court, are indefeasible and shall be held by the proprietor together with the rights and privileges attaching to the parcel of land free from all other interests and claims.

(2) The rights of a proprietor are subject to the interests or other encumbrances and conditions, shown in the land register.

(3) This section does not relieve a proprietor from a duty or an obligation to which the proprietor is otherwise subject as a trustee.

(4) The registration of a person as the proprietor of land or a holder of an interest in land does not confer on that person a right to minerals in the natural state in, under or upon, the land.

Interest conferred by registration

120. The registration of a person as a proprietor of an interest in land

(a) vests in that person the interest described in the acquisition or transaction by which the interest was created, together with the implied and express rights and privileges attaching or appertaining to that land and subject to the implied and express covenants, liabilities and any other incidents; and

(b) shall not cause the benefit or burden of any rights, privileges or covenants to pass to a transferee of

(i) the land; or

(ii) an interest in land,

if the benefit or burden of the rights, privileges or covenants would not otherwise pass to the transferee.

Overriding interests

121. (1) Unless the contrary is recorded in the land register, a land or an interest in land registered under this Act is subject to any of the following overriding interests:

(a) a right of way, a right of water, profit, or a right customarily exercised and enjoyed in relation to the parcel of land which is not a recognised interest in land under customary law, but which was subsisting at the time of first registration;

(b) a customary right in respect of a concession granted under the Concessions Act, 1962 (Act 124) and the Forest Act, 1927 (CAP 157) which was subsisting at the time of first registration;

(c) a natural right of water and support;
(d) a right of compulsory acquisition, resumption, entry, sear and user conferred by any other enactment;
(e) a lease for a term of less than three years and not capable extension to a term of three years or more by the exercis of an enforceable option for renewal;
(f) a right, whether acquired by customary law or otherwise of a person in actual occupation of the land except where an enquiry is made of that person and the right is no disclosed;
(g) a right acquired or in the course of acquisition by prescription or under the Limitation Act, 1972 (N.R.C.D. 54);
(h) a charge for unpaid rates and any other money which without reference to registration under this Act, are expressly declared by any enactment to be a charge upon land;
(i) an electricity supply line, a telephone and telegraph line or pole, a pipeline, aqueduct, canal, weir and dam erected, constructed or laid in pursuance or by virtue of a power conferred by an enactment; and
(j) a licence in respect of minerals granted under the Minerals and Mining Act, 2006 (Act 703) or a timber right under the Timber Resources Management Act, 1998 (Act 547).

(2) Despite subsection (1) and subject to subsection (4) of section 83, the Land Registrar may direct the registration of a burden, a right or an interest specified in subsection (1) in the manner that the Land Registrar considers appropriate.

Transfer without consideration

122. (1) A person who acquires land or an interest in land without valuable consideration holds the land or interest subject to
(a) any unregistered right, interest or burden to which the land or interest was subject before the acquisition;
(b) the provisions of any enactment on bankruptcy or insolvency; and
(c) the winding up provisions of the Companies Act, 2019 (Act 992).

(2) A transfer without valuable consideration under subsection (1) has the same effect as a transfer for valuable consideration.

Entries as actual notice

123. A person who acquires land or an interest in land shall be deemed to have had notice of every entry in the land register which that person would have discovered had that person conducted a search of the land register or inspected the land register.

Priority of registered interest

124. (1) Rights derived from instruments recorded in the land register shall have priority according to the order in which the instruments were presented to the Registry irrespective of the dates of the instruments and despite the fact that an entry in the land register may have been delayed.

(2) Subsection (1) does not apply where there is fraud, notice or mistake.

(3) An instrument that is sent by post and addressed to the Land Registrar in the registration district where the land specified in the instrument is situate and that is received on any day during the hours of business shall be deemed to have been presented at the time the instrument was received.

Land certificate

125. (1) The Land Registrar shall, on registration of a person as proprietor of land or holder of an interest in land, issue a land certificate to the person.

(2) A land certificate shall be as specified in Form 5 of the Third Schedule and shall show, by an extract from the registry map endorsed on or annexed to the certificate, the land to which the certificate relates.

(3) A land certificate issued in respect of land or an interest in land registered under this Act shall be

(a) signed and sealed by the Director of the Land Registration Division or a Land Registrar authorised by the Director of the Land Registration Division; and

(b) marked with the serial number relating to the land in the land register.

(4) Where two or more persons are registered as joint proprietors or proprietors in common of the same land or interest in land, each proprietor shall be issued with a certificate.

(5) A certificate issued under subsection (4) shall indicate the proprietors, the proportions of interests of the proprietors and whether the proprietors hold the interests as joint tenants or tenants in common.

(6) Where a certificate in respect of land or an interest in land is acquired for valuable consideration during marriage, the certificate shall bear the names of the spouses in the marriage.

(7) Where only one spouse is stated in the certificate as the proprietor of land or an interest in land referred to in subsection (6), that spouse shall be presumed to be holding the land or interest in land on behalf of that spouse and in trust for the other spouse.

(8) The Land Registrar shall make a new entry in the land register and issue a new land certificate where, the Land Registrar accepts an application for consolidation of parcels of land or subdivision of a parcel under section 116.

Issuance of new land certificate

126. The Land Registrar shall prepare and issue a new land certificate where a transfer or transmission is registered and the transferee or applicant becomes the holder of an interest in the whole or part of a parcel of land in respect of which a certificate has previously been issued.

Substituted land certificate

127. (1) The Land Registrar may, after taking an indemnity, issue a substituted land certificate to replace a certificate which is satisfactorily proved to have been lost, damaged or destroyed.

(2) A substituted land certificate shall be

(a) an exact copy of the original certificate with an indication on the certificate that the certificate is a substituted land certificate; and

(b) used for any purpose for which the original certificate can be used.

(3) An application for a substituted land certificate may be made by the proprietor of an interest in land specified in that certificate or by a person claiming an interest through the proprietor, and shall be supported by evidence that the Land Registrar may require.

(4) The Land Registrar shall, by publication in the *Gazette* and in one or more daily newspapers of national circulation, give fourteen days notice as specified in Form 6 of the Third Schedule, of the intention of the Land Registrar to issue a substituted land certificate.

(5) On the issue of a substituted land certificate, the Land Registrar shall enter in the register notification of the issue of the substituted land certificate, the date of issue and the circumstances under which the certificate was issued.

(6) The notification cancels the original certificate even though the certificate may subsequently be found or recovered.

(7) A proprietor who obtains a substituted land certificate shall surrender to the Land Registrar the original certificate if the original certificate is found or recovered.

(8) A proprietor who is issued with a substituted land certificate shall give a written indemnity protecting the Registrar and the Lands Commission against any liability arising out of the issuance of the certificate.

(9) A person who intends to be issued with a certified copy of a land certificate shall, in the case of

(a) the registered owner of the land, apply to the Lands Commission for the copy; and

(b) a person who is not the owner of the land, make an application on notice to the court for an order to that effect.

(10) A person who

(a) unlawfully procures a substituted land certificate; or

(b) fails to surrender a found or recovered original certificate on receipt of a substituted land certificate

commits an offence and is liable on summary conviction to a fine of not less than five thousand penalty units and not more than ten thousand penalty units or to a term of imprisonment of not less than five years and not more than ten years or, to both.

Provisional land certificate

128. (1) The Land Registrar shall issue a provisional land certificate to a person registered under paragraph *(b)* of subsection (1) of section 112 as a proprietor with provisional title.

(2) A provisional land certificate shall be as specified in Form 7 of the Third Schedule, signed and sealed by the Land Registrar and marked with the serial number relating to the parcel of land in the land register.

(3) On the issue of a provisional land certificate, the Land Registrar shall enter in the register, notification of the issue of the provisional land certificate, the date of issue and the circumstances under which the provisional land certificate was issued.

Production of land certificate

129. (1) The proprietor of land or the holder of an interest in land in relation to which there is a land certificate or a provisional land certificate shall, surrender the certificate to the Land Registrar

(a) on the entry in the land register of a disposition of the land or part of the land or the interest or part of the interest by that proprietor;

(b) on the transmission of the land or the interest in land or part of the land or part of the interest to which the certificate relates, and

(c) where under this Act or any other enactment, a notice of an interest in land, claim, restriction or encumbrance is entered in the land register which adversely affects the title of that proprietor, in the case of

(i) a transaction that affects the whole land, surrender the original certificate at the time of issue of a new certificate to the new proprietor by the Land Registrar; or

(ii) a transaction that affects part of the land, surrender the original certificate at the time of being issued with a new certificate by the Land Registrar.

(2) A person who purports to transfer land, an interest or right in land on the basis of a certificate required to be surrendered under subsection (1), commits an offence and is liable on summary conviction to a fine of not less than five thousand penalty units and not more than ten thousand penalty units or to a term of imprisonment of not less than five years and not more than ten years or to both.

(3) Paragraph *(c)* of subsection (1) does not apply in the case of the lodgment of a caveat.

(4) A note of each entry or transmission shall be entered on the land certificate or provisional land certificate.

(5) Despite subsections (1) and (4), where a land certificate is subject to more than five entries or transmissions, the Land Registrar shall, on the making of the fifth entry or transmission, insert a notice on the land certificate to the effect that further entries in respect of that land certificate shall be entered in the Land Register only.

Searches and copies

130. (1) A person seeking information concerning a parcel or an interest in land in a land registration district or matters incidental to the parcel or the interest may apply as specified in Form 8 of the Third Schedule to the Land Registrar to conduct an official search in the land register or on the registry map.

(2) The Commission shall, within fourteen days, after the payment of the prescribed fees, issue to the applicant under subsection (1) a report of the result of the search as specified in Form 9 of the Third Schedule which shall be presumed to be conclusive of matters stated in the Form.

(3) A person seeking information concerning a parcel or an interest in land registered under this Chapter or matters incidental to the parcel or the interest in land may apply as specified in Form 10 of the Third Schedule to the Land Registrar to inspect a register, a sheet of the registry map, an instrument or a plan filed in the Registry that contains the information, subject to prescribed conditions.

(4) A person who applies for a search under subsection (1) may be furnished with

(a) particulars of subsisting entries in the land register in relation to that parcel or interest; or

(b) certified copies of

(i) a document;

(ii) the registry map; or

(iii) an instrument or plan filed in the registry.

Evidence of contents of land register

131. Despite the provisions of any enactment to the contrary, a certified copy or extract of the land register, the registry map or any filed instrument or plan is admissible to the same extent as the original to prove the contents of the land register, registry map, any filed instrument or plan.

Disposition of registered land and registered interest in land

132. (1) Despite the provisions of any enactment to the contrary, land or interest in land registered under this Act shall be disposed of in accordance with this Act, and a disposition of land or interest in land otherwise than in accordance with this Act shall not create, extinguish, transfer, vary or affect a right or interest in the land.

(2) The validity of an instrument disposing of land or an interest in land is not affected by the death of a person by whom, or on whose behalf, the disposition was made, and the instrument may be presented for registration as if the death has not occurred.

Time-limit for registration of instrument

133. (1) An instrument relating to a disposition of land in a title registration district under this Act shall, within one year after the declaration of an area as a registration district, be presented for registration within three months after the date of execution of the instrument.

(2) Where a person presents an instrument for registration later than three months after the date of the execution, the person shall pay an additional fee as prescribed by Regulations.

Power to compel registration

134. (1) Where the Land Registrar determines that a person has wilfully failed to register land or an interest in land registrable under this Act, the Land Registrar shall, by notice in writing, order that person to present the instrument for registration.

(2) A person who fails, without reasonable cause, to comply with an order made under subsection (1) within thirty days after the service of the notice on that person, commits an offence and is liable on summary conviction to a fine of not less than fifty penalty units and not more than one hundred penalty units.

Registration of instrument showing title of grantor

135. Where a grantor satisfies the Land Registrar that a prior instrument in relation to the grant exists but the instrument is not within the possession, power or control of the grantor, the Land Registrar may accept and register the grant, on the basis of other documentary evidence that the Land Registrar considers sufficient.

Stay of registration

136. (1) Where a person proposing to deal with land or an interest in land registered under the land title registration provisions of this Act has

(a) applied for an official search under section 130; and

(b) stated in the application, the particulars of the proposed dealing,

the registration of an instrument affecting the land specified in or affected by the proposed dealing shall be stayed for a period of fourteen days from the time when the application for the search was made, and a note shall be made in the land register accordingly.

(2) Where within the period of stay, a properly executed instrument in relation to the proposed dealing is presented for registration, that instrument shall have priority over any other instrument which may be presented for registration during the period of stay, and shall be registered despite a caveat or any other entry for which an application for registration may have been made during the period of stay.

(3) Subject to subsection (2), an instrument for which an application for registration is made during the period of stay, other than a properly executed instrument giving effect to the proposed dealing shall

(a) be dealt with in the same manner;

(b) have the same priority; and

(c) be as effectual as if a stay of registration has not been obtained.

Registration to be actual notice

137. (1) Unless otherwise provided in an enactment, the registration of an instrument under the land title registration provisions of this Act constitutes actual notice of the instrument and of the fact of registration to all persons and for all purposes, as from the date of registration.

(2) Subsection (1) does not apply to a Judge's Certificate or a decision of a court.

Merger of registered interests

138. Where on the registration of an instrument relating to a disposition under this Act, the interests of

(a) a lessor and lessee;

(b) a mortgagor and mortgagee; or

(c) the proprietor of a parcel which is burdened with an easement, a profit or restrictive agreement and the proprietor of a parcel which benefits from the easement, profit or restrictive agreement,

vest in the same person and the interests shall not merge unless a surrender or discharge is registered or the parcels are combined or there is a declaration of merger, contained in the instrument evidencing the disposition.

Copy, extract or certificate as evidence

139. A copy of an instrument, an extract of the register or a certificate of registration signed by a Land Registrar is receivable in evidence in court without further proof, unless the copy, extract or certificate is forged.

Co-Proprietorship and Partition

Registration of more than one proprietor

140. Where an instrument is made in favour of two or more persons, the entry in the register giving effect to the instrument shall show

(a) whether the persons are joint proprietors or proprietors in common; and

(b) where the persons are proprietors in common, the share of each proprietor.

Partition and severance

141. (1) An application to the Land Registrar for the partition or severance of land or an interest in land which is registered in the names of joint proprietors or proprietors in common shall be made to the Land Registrar as specified in Form 11 of the Third Schedule and may be made by

(a) the parties interested individually or collectively and be accompanied with an instrument executed by the parties for the purpose;

(b) a person in whose favour an order of a court has been made for the sale of an undivided share in the land in execution of the court order; or

(c) a person affected by an order of a court for partition or severance of the land.

(2) Where the Land Registrar is satisfied that the application is justified, the Land Registrar shall effect the partition or severance of the land or interest in land.

(3) A partition or severance shall be effected by deleting the entry in the register for the parcel of land partitioned or severed and making a new entry in the register in respect of the new parcels of land created by the partition or severance.

(4) Where the partition or severance is as a result of a court order, the order shall be filed in the Registry in the manner determined by the Land Registrar.

(5) Subject to subsections (6), (7) and (8), the right of a joint proprietor of land or an interest in land as a tenant in common shall not be affected by a severance.

(6) The instrument executed for the purpose of subsection (1) shall

(a) be as specified in Form 12 of the Third Schedule, and

(b) not be effective until the instrument has been presented to the Land Registrar and the Land Registrar has made an appropriate entry in the land register.

(7) A severance of joint proprietorship shall be entered in the land register by an entry in the prescribed manner and the entry shall state that the person effecting the severance is from the date and time of entry, a proprietor in common of the land or interest in the land.

(8) An instrument relating to the severance shall be filed in the Registry.

Leases

Consent of lessor to assignment of lease

142. (1) On the registration of a lease containing an agreement, express or implied, by a lessee that the lessee shall not transfer, sublet, mortgage or otherwise assign the lease or a part of the lease without the written consent of the lessor, a transaction in respect of the lease shall not be registered until the consent of the lessor, verified in accordance with section 164, has been produced to the Land Registrar.

(2) Where the consent of the lessor is sought, the lessor shall, within three months, respond in writing stating whether or not the consent is granted and where the consent is refused the reason for the refusal shall be stated in the response.

(3) A lessee who is dissatisfied with the refusal, may refer the matter for resolution under the Alternative Dispute Resolution Act, 2010 (Act 798).

(4) Despite subsection (2), where the Land Registrar determines that the consent has been unreasonably withheld, the Land Registrar may proceed to register the interest.

(5) Where the consent of the lessor is not granted within three months and the lessor does not provide written reasons for refusal, the lessor shall be deemed to have granted consent.

Lease in breach of an obligation

143. (1) A lease shall not be registered if on the face of the instrument the lease is made in breach of an obligation binding on the grantor.

(2) The registration of a lease contrary to subsection (1) is of no effect.

(3) Where an applicant for registration of a lease is dissatisfied with the decision of the Land Registrar not to register the lease, the applicant shall refer the matter for resolution under the Alternative Dispute Resolution Act, 2010 (Act 798).

Variation and extension of lease

144. The terms and conditions contained or implied in a registered lease may be varied, negated or added to, and the period of a registered lease may be varied, by an instrument which would be effective for the purpose from the date on which the instrument is registered.

Substitution of lease

145. Where on the presentation of a lease for registration, the Land Registrar is satisfied that a lessee has been registered as a proprietor of a prior subsisting lease held from the same lessor in respect of the same land, the Land Registrar shall cancel the registration of the prior lease and register the new lease subject to the encumbrance registered against the prior lease.

Surrender of lease

146. (1) Where a lessor and a lessee agree to surrender a lease, the lease shall be surrendered in the following manner:

(a) an instrument shall be prepared as specified in Form 13 of the Third Schedule, or else the word, "surrendered" shall be endorsed on the lease or on the duplicate or triplicate of the lease;

(b) the instrument or endorsement shall subsequently be executed by the lessee;

(c) following which the Land Registrar shall cancel the registration of the lease;

(d) the instrument or endorsed lease shall subsequently be filed and on the filing or at an earlier date that is expressed in the instrument or endorsement, the interest of the lessee shall cease; and

(e) the name of the lessor shall be entered in the register as the proprietor of the interest surrendered.

(2) A surrender or purported surrender of a lease under subsection (1) shall not have an effect on the rights of a party or any other person which the surrender would not have had.

Termination of lease

147. (1) Where a registered lease is lawfully terminated by either of the parties to the lease, the lessor shall apply in writing to the Land Registrar to cancel the registration of the lease, and the Land Registrar shall, on being satisfied of the matters set forth in the application, cancel the registration of the lease.

(2) The lessor shall give notice of the application referred to in subsection (1) to the lessee.

(3) Despite subsection (1), whenever the Land Registrar notices that a lease is lawfully terminated, the Land Registrar shall make a note of the termination in the land register and give written notice to the lessor and the lessee of the expiration.

Mortgages

Form and effect of mortgage

148. (1) A mortgage in respect of a registered parcel or interest in land shall be as specified in Form 14 of the Third Schedule and shall have no effect unless the mortgage is registered in accordance with this Act.

(2) Where a mortgage is registered under subsection (1) as a charge over a registered parcel or interest in land, the instrument by which the mortgage is created shall be filed in the Registry.

Consent of mortgagee to transfer

149. Where a mortgage in respect of a registered parcel or interest in land contains an agreement that the mortgagor shall not dispose of the land,

(a) by a particular form of transfer, or

(b) by a transfer without the consent in writing of the mortgagee,

the agreement shall be noted in the register and a transfer by the mortgagor contrary to the agreement, shall not be registered until the written consent of the mortgagee has been verified in accordance with section 164 and produced to the Land Registrar.

Variation of mortgage

150. Parties to a mortgage may vary the amount secured, the method of repayment, the rate of interest or the other terms of the mortgage by registering an instrument of variation executed by the parties to the mortgage, but the variation shall not affect the subsisting rights of a third person unless that person has consented in writing to the variation of the instrument as specified in Form 15 of the Third Schedule.

Further advances

151. (1) A mortgagee of land or of an interest in land registered under this Act may make further advances in priority to any subsequent mortgage noted in the land register if the prior mortgage

(a) expressly provides for the making of further advances or for the giving of credit to the mortgagor on a current or continuing account; or

(b) imposes upon the mortgagee an obligation to make further advances and the obligation has been noted in the land register pursuant to an application made as specified in Form 16 of the Third Schedule and prior to the registration of the subsequent mortgage.

(2) A mortgage created subsequently in respect of a parcel of land to which subsection (1) applies shall take effect subject to any further advance made or to be made pursuant to that provision or obligation.

(3) Except as otherwise provided in this section there shall be no right of tacking.

Transfer of mortgage

152. (1) A mortgagee may, by an instrument as specified in Form 17 of the Third Schedule, transfer a registered mortgage to another person.

(2) The transfer shall be effected by the registration of the transferee as the mortgagee in the register and the instrument shall be filed.

(3) The transfer shall convey all the obligations associated with the original mortgage unless otherwise agreed by the mortgagor, the mortgagee and the transferee.

Discharge of mortgage

153. (1) A discharge of mortgage as specified in Form 18 of the Third Schedule may be endorsed on the mortgage instrument or may be executed as a separate instrument.

(2) Where the parties to a mortgage intend to discharge a part of the mortgaged land from the whole of the principal sum or other moneys secured by the mortgaged land, the form may be varied or altered accordingly.

(3) The Land Registrar shall, on the production of the instrument of discharge, register the instrument by endorsing a memorial of the instrument in the land register and on the land certificate noting that the mortgage is discharged wholly or partially, and on that notification the land is freed from the mortgage and from the rights and powers of the mortgagee, to the extent expressed in the discharge.

(4) The Land Registrar shall, on registering an instrument of discharge, cancel the instrument or part of the instrument creating the mortgage, as the case may be, unless the Land Registrar has reasonable cause to dispense with the cancellation.

Transfers

Transfer

154. (1) A proprietor may, by an instrument as specified in Form 19 of the Third Schedule, transfer with or without consideration the land or interest in land of the proprietor to a person.

(2) The transfer shall be effected by the registration of the transferee as proprietor of the land or the interest in the land specified in the instrument and the instrument shall be filed.

(3) A transfer of a part of a parcel of land shall not be made unless the parcel has first been subdivided as provided for in section 116 and the subdivision is in conformity with planning regulations.

Conditional transfer

155. A transfer of land or an interest in land within a title registration district which is to take effect on the occurrence of an event or the fulfilment of a condition or at any time in the future is not registrable under this Act.

Entering of order declaring title or interest in land

156. (1) Where an order of a court of competent jurisdiction declares a person to be a holder of title in land or interest in land, the Land Registrar shall, when served with a certified true copy of that order, enter a memorandum of the order in the land register.

(2) A beneficiary of a court order under subsection (1) may apply to the Land Registrar to be registered as the proprietor of the parcel or the interest in land which is the subject of the order.

(3) Where the court order is in respect of unregistered land, an applicant for registration under subsection (2) shall submit to the Land Registrar the plan accepted by the court as covering the land in respect of which the order was made.

(4) The plan shall be endorsed by the Registrar of the Court that gave the order to establish the exact identity of the land sought to be registered.

(5) The Land Registrar shall not register the applicant as the proprietor of the land or interest in land unless the Land Registrar is satisfied that the plan submitted under subsection (3) is the same as the plan of the land to which the order relates.

(6) Where the order of a court of competent jurisdiction directs the Land Registrar to register a person as the proprietor of a parcel or a holder of an interest in land, the Land Registrar shall nevertheless comply with the procedure for the registration of land or an interest in land under this Act.

Easement, Restrictive Covenant, Profit and Licence

Registration of easement

157. (1) A grant or reservation of an easement created by an instrument is of no effect unless the grant or reservation is registered as an encumbrance relating to the land burdened by the easement in the manner prescribed by Regulations.

(2) The instrument creating the easement shall clearly specify

(a) the nature of the easement, the period for which the easement is created and the conditions, limitations or restrictions intended to affect the enjoyment of the easement;

(b) the land burdened by the easement and the particular part of that land which is burdened; and

(c) the land which enjoys the benefit of the easement.

(3) The instrument shall, where practicable, include a plan which in the opinion of the Land Registrar is sufficient to define the easement.

(4) This section does not affect the law relating to the acquisition of easements by prescription.

Registration of restrictive covenant

158. (1) Where an instrument which contains a covenant by which one proprietor restricts the building on, or the user or other enjoyment of the land of the proprietor for the benefit of the proprietor of another land is presented to the Land Registrar, the Land Registrar shall

(a) enter a notification of the covenant in respect of the land burdened by that restriction and of the land that benefits from that restriction in the register; and

(b) file the instrument.

(2) A restrictive covenant in respect of land or interest in land registered under this Act, unless noted in the land register, is not binding on the proprietor of the land or the interest burdened by the covenant other than a party to the covenant.

(3) Subject to section 124, the note of a restrictive covenant in the land register does not give the covenant a greater validity than it would have had independently of this Act.

Registration of profit

159. (1) The grant of a profit has no effect unless

(a) the profit is noted in the register as an encumbrance relating to the land affected by the profit;

(b) where the profit is appurtenant to other land, the profit is noted in the register; and

(c) the instrument granting the profit is in the form set out in subsection (2) and is filed in the Registry.

(2) An instrument granting a profit shall clearly specify

(a) the nature of the profit, the period for which the profit is to be enjoyed and the conditions, limitations and restrictions intended to affect the enjoyment of the profit;

(b) the land burdened by the profit and the particular part of the land which is burdened;

(c) whether the profit is enjoyed in gross or as an appurtenance to any other land, and the land to which the profit is appurtenant; and

(d) whether the profit is to be enjoyed by the grantee exclusively or by the grantee in common with the grantor.

(3) This section does not affect the law relating to the acquisition of profit by prescription.

Release and cancellation of easement, profit or restrictive covenant

160. (1) On the presentation of a duly executed release as specified in Form 20 of the Third Schedule, the registration of an easement, profit or restrictive covenant shall be cancelled and the easement, profit or restrictive covenant shall lapse.

(2) On the application as specified in Form 21 of the Third Schedule of a person affected by the easement, profit or restrictive covenant, the Land Registrar may cancel the registration of the easement, profit or restrictive covenant on proof that

(a) the period of time for which the easement, profit or restrictive covenant was intended to subsist has expired;

(b) the event upon which the easement, profit or restrictive covenant was intended to determine has occurred; or

(c) the easement, profit or restrictive covenant has become permanently unenforceable by virtue of the Limitation Act, 1972 (N.R.C.D. 54).

Licence

161. With the exception of a contractual licence provided for in this Act and without prejudice to section 162, a licence relating to the use or enjoyment of land

(a) shall not be registered under this Act, and

(b) is not enforceable against a bona fide purchaser for valuable consideration without notice.

Registration of contractual licence

162. (1) A contractual licence issued by the Lands Commission on behalf of the State is registrable under this Act.

(2) A contractual licence issued by the Lands Commission for the use or enjoyment of public land does not have effect unless the licence is registered.

(3) The instrument creating the licence shall

(a) clearly describe the location and boundaries of the land to which the licence relates;

(b) have attached to the instrument an approved plan;

(c) specify the duration of the licence;

(d) state the name and address of the licensee;

(e) specify the use of the land; and

(f) state the length of notice required to terminate the licence.

Instruments and Agents

Form of instrument

163. (1) A disposition of registered land or an interest in registered land shall be effected by an instrument in the form prescribed for general use or in any other form prescribed for a particular case.

(2) The instrument shall contain a true statement of the amount or value of the purchase price, loan or any other consideration and an acknowledgement of the receipt of the consideration or the part of the consideration that has been paid.

Verification of execution of instrument

164. (1) An instrument executed in accordance with section 68, shall be verified in the manner and form prescribed under this Act.

(2) Where an instrument presented to the Land Registrar is in a language other than the English language, the instrument shall be presented together with a translation of the instrument into the English language by a certified translator approved by the Director of Land Registration Division for that purpose.

(3) The Land Registrar may, where the Land Registrar has reasonable grounds to suspect impropriety in the execution of an instrument, require any of the parties or the respective witnesses of the parties to appear before the Land Registrar or an officer of the Commission nominated by the Land Registrar, for the purpose of proving the due execution of the instrument.

Stamping

165. An instrument required by an enactment to be stamped shall not be accepted for registration if the instrument is not duly stamped.

Disposal of Instrument

166. (1) Subject to sections 168 and 169, an instrument accepted by the Land Registrar shall be retained in the Registry for as long as the instrument supports a current entry in the land register and for six years after the instrument has ceased to support that entry.

(2) Where a lease or mortgage is registered, particulars of the registration shall be noted on the duplicate and the triplicate of the lease or mortgage, and both the duplicate and triplicate shall be returned to the person who presented the lease or mortgage.

(3) The Land Registrar with the approval of the Regional Lands Commission may, at any time after the expiration of twenty years after an entry in the register has been superseded or has ceased to have effect, destroy the instrument which supported the entry in the register.

Infants

167. (1) Where a purported disposition, including a disposition by the will of a deceased proprietor, of land or interest in land is made to an infant, the infant shall not be registered as proprietor of that land or interest until that infant attains the age of eighteen years.

(2) A disposition under subsection (1) shall only operate as a declaration binding on the proprietor or the personal representative of the proprietor that the land or interest in the land is to be held in trust so as to give effect to the unregistered interest in favour of the infant corresponding with the interest which the disposition purports to transfer or create.

(3) The disposition or a copy or extract of the disposition shall be deposited with the Land Registrar for safe custody and reference.

(4) Despite subsections (2) and (3), where the disposition is made to the infant jointly with another person of not less than eighteen years, that person of not less than eighteen years shall, during the minority of the infant, be entitled to be registered as proprietor in trust for that person of not less than eighteen years and the infant, but the infant shall not be registered until that infant attains the age of eighteen years.

(5) Where an infant becomes entitled under a will or on an intestacy to land or an interest in land, the land or interest shall not be transferred by the personal representative of the deceased testator or intestate to the infant until the infant attains the age of eighteen years.

(6) Where the infant has a guardian or a parent, the interest shall be transferred to the guardian or parent to be held in trust for the infant.

(7) Where an infant becomes entitled to the benefit of a mortgage, the mortgage shall, during the minority of the infant, be registered in the names of the personal representatives or trustees and the personal representatives or trustees shall have, for the purposes of this Act, the same powers in reference to the mortgage as the infant would have had if that infant were of the age of eighteen years.

(8) A caveat may be lodged in the name or on behalf of the infant by the parent, trustee or guardian of the infant.

(9) Land acquired in the name of an infant shall vest in the name of the infant when the infant attains the age of majority.

Agents

168. (1) An instrument executed by a person as an agent for another person shall not be accepted by the Land Registrar if the person who executed the instrument was not authorised to execute that instrument by a power of attorney executed and verified in accordance with sections 68 and 164 of this Act.

(2) The original of the power of attorney, or with the consent of the Land Registrar a copy of the power of attorney certified by the Land Registrar, shall be filed in the Registry.

Persons lacking capacity to contract

169. (1) Where a person is an infant, or lacks capacity to contract, the guardian of that person, or if there is no guardian, a person appointed in accordance with an enactment to represent that person, may

(a) make an application;

(b) do any act; and

(c) be party to any proceeding on behalf of that person, and shall generally represent that person for the purposes of this Act.

(2) The Land Registrar shall, before accepting a document which is purported to have been executed by a guardian or a person appointed to represent a person who lacks capacity to contract,

(a) in the case of a person claiming to be a guardian, be satisfied that that person is entitled to execute the document, and shall state in writing the reasons for accepting the document; or

(b) in the case of a person claiming to have been appointed to represent a person lacking capacity to contract, require the production of the appointment and file a copy of the appointment.

Registration of power of attorney

170. (1) On an application made by a donor or donee of a power of attorney which contains a power to dispose of land or interest in land, the power of attorney shall be entered in the register of powers of attorney and the original, or with the consent of the Land Registrar, a certified copy of the power of attorney shall be filed.

(2) A power of attorney shall be in accordance with the Powers of Attorney Act, 1998 (Act 549).

(3) The donor of a power of attorney registered under this section may, at any time, on revocation of the power of attorney notify the Land Registrar who shall

(a) enter the revocation in the register of powers of attorney; and

(b) file the notice of revocation.

(4) Where a power of attorney registered under subsection (1) is revoked by

(a) the death, bankruptcy or insolvency of the donor or lack of capacity of the donor to contract; or

(b) the death of the donee or lack of capacity of the donee to contract,

an interested person may give notice of the revocation in writing to the Land Registrar accompanied by proof required by the Land Registrar who shall

(c) enter the revocation in the register of powers of attorney;

(d) note the revocation on the power of attorney; and

(e) file the notice of revocation.

(5) Subsections (3) and (4) do not apply to a power of attorney given for valuable consideration during a period for which the power of attorney is irrevocable by virtue of the terms of the power.

(6) Where by reason of the lapse of time after the execution of a power of attorney or for any other reason the Land Registrar considers it appropriate, the Land Registrar may require evidence that the power of attorney has not been revoked, and may refuse to register a disposition by the donee of the power of attorney until satisfactory evidence is produced.

Effect of registered power of attorney

171. (1) A power of attorney registered under section 170 and in respect of which a notice of revocation has not been registered under that section shall subsist in favour of

(a) a person who acquires the land or an interest in the land affected through the exercise of that power of attorney in good faith; and for valuable consideration and without notice of an unregistered revocation, or

(b) a person who derives title from the person referred to in paragraph *(a)*.

(2) A person who makes a payment or does an act in good faith in pursuance of a power of attorney registered under section 170, is not liable for the payment or any other act by reason only that before the payment or the act the donor of the power of attorney

(a) had died,

(b) had become bankrupt or insolvent,

(c) lacked the capacity to contract, or

(d) had revoked the power,

if at the time of payment or when the act was done that person did not have notice of the fact of death, bankruptcy, insolvency, lack of the capacity to contract or revocation.

(3) A person who purports to act under a power of attorney which that person knows has ceased to be effective as a result of any of the reasons stated in subsection (2) commits an offence and is liable on summary conviction to a fine of not less than one hundred penalty units and not more than one thousand penalty units or to a term of imprisonment of not less than six months and not more than four years or to both.

Registration of Certificate of Allocation

172. (1) A Certificate of Allocation as specified in Form 22 of the Third Schedule issued by the Lands Commission on behalf of the State under section 235, is registrable under this Act.

(2) A Certificate of Allocation issued by the Lands Commission does not have effect unless it is registered.

(3) A Certificate of Allocation submitted for registration shall

(a) specify the beneficiary public body;

(b) specify the commencement date of the certificate;

(c) specify the use to which the land shall be put; and

(d) include an approved plan specifying the location, size and boundaries of the land.

Transmission on death of joint proprietors

173. Where one of two or more joint proprietors of land or interest in land dies, the Land Registrar shall, on proof to the satisfaction of the Land Registrar of the death, delete the name of the deceased proprietor of land from the land register.

Death of sole proprietor or proprietors in common

174. (1) Subject to subsection (3), where a sole proprietor or proprietor in common who is registered dies, the personal representative of that proprietor

(a) on application to the Land Registrar; and

(b) on the production to the Land Registrar of the probate or letters of administration,

is entitled to be registered by transmission as proprietor in place of the deceased proprietor with the following description after the name of the personal representative "as the executor of the will of [name] the deceased" or "as the administrator of the estate of [name] the deceased", as the case may be.

(2) On the production by the personal representative to the Land Registrar of the probate or letters of administration, the Land Registrar may, without the personal representative being registered, register by transmission

(a) a transfer by the personal representative, and

(b) a surrender of a lease or discharge of a mortgage by the personal representative.

(3) Where there are two or more joint personal representatives of a deceased proprietor the application referred to in subsection (1) shall be made by those personal representatives jointly and the personal representatives shall

(a) be registered as joint proprietors; and

(b) jointly execute the transfer, surrender or discharge to be registered under subsection (2).

Transmission on the death of a proprietor

175. (1) Subject to any restrictions imposed on the power of the personal representative to dispose of land or interest in land contained in the appointment as personal representative, the personal representative or the beneficiary of the deceased proprietor, shall hold the land or interest in the land subject to the unregistered liabilities, rights or interests subject to which the deceased proprietor held the land or interest in land.

(2) Without prejudice to subsection (1) and for the purposes of a transmission in respect of the land or the interest in land, the personal

representative or the beneficiary of the deceased proprietor shall be deemed to be registered as proprietor of the land or the interest in land with the rights and subject to the limitations conferred or imposed by this Act and any other enactment on a proprietor who has acquired land or interest in land for valuable consideration.

(3) The registration of a person under section 174, shall relate back to and take effect from the date of the death of the proprietor.

Transmission in bankruptcy

176. (1) A trustee in bankruptcy or insolvency shall, on the production to the Land Registrar of a certified copy of the order of the Court adjudging a proprietor bankrupt or insolvent or directing that the property of a deceased proprietor shall be administered according to the law of bankruptcy or insolvency, be registered as proprietor of land or interest in land of which the bankrupt, insolvent or the deceased is proprietor and a copy of the order shall be filed.

(2) A trustee in bankruptcy or insolvency shall be described in the register as "trustee of the property of [name of individual] a bankrupt or insolvent".

(3) The trustee in bankruptcy or insolvency shall, subject to the restrictions contained in an enactment relating to bankruptcy or insolvency, hold land or an interest in land subject to the unregistered liabilities, rights or interests subject to which the bankrupt or insolvent or the deceased proprietor held the land or interest in land.

(4) Without prejudice to subsection (3), and for the purposes of a transmission in respect of the land or interest in land the trustee in bankruptcy or insolvency shall have the rights and be subject to the limitations conferred or imposed by this Act or any other enactment on a proprietor who has acquired the land or interest in land for valuable consideration.

Liquidation

177. (1) Where a company is being wound up, the liquidator shall produce to the Land Registrar the resolution or order by which the liquidator is appointed and the Land Registrar shall enter the appointment relating to a land or an interest in land of which the company is registered as proprietor, in the register and shall file a copy of the resolution or order.

(2) An instrument executed by or on behalf of a company in liquidation shall be executed in accordance with the Companies Act, 2019 (Act 992).

Transmission in other cases

178. Where a person becomes entitled to land or an interest in land under an enactment or by virtue of a court order or a certificate of sale made, or issued under an enactment, the Land Registrar shall, on the application of that person, supported by the evidence that the Land Registrar requires, register that person as proprietor.

Judge's Certificate and decision of a court

179. (1) A judgment from a court of competent jurisdiction relating to land shall be accompanied with a site plan which delineates the boundaries.

(2) A judgment from a court of competent jurisdiction declaring title to land shall state the specific interest in land granted by the court.

(3) The site plan under subsection (1) shall be approved and signed by the Director of the Survey and Mapping Division or a representative of the Director and further signed or thumb printed at the back by the parties and authenticated by the judge or Registrar of the court.

(4) A Judge's Certificate or a decision of a court which satisfies subsections (1) and (2) may, on production to the Land Registrar, be registered.

(5) A Judge's Certificate or a decision of a court which does not satisfy the requirement for registration under this section shall be noted by the Land Registrar.

Interest in land through trust

180. (1) A person who acquires land or an interest in land in a fiduciary capacity and is described by that capacity in the instrument of acquisition shall be registered with the addition of the words "as trustee" and the Land Registrar shall enter the essential particulars of the trust in the register.

(2) An instrument which declares or is deemed to declare a trust, or a certified copy of the instrument, may be deposited with the Land Registrar for safe custody and reference, but the instrument or copy shall not form part of the land register or be deemed to have been registered.

(3) Where it comes to the notice of the Land Registrar that a registered interest is affected by a trust, the Land Registrar may protect

in the appropriate manner the rights of a person beneficially interested under the trust or whose consent is required to be given for any transaction under the trust.

Survivor of trustee

181. Where two or more proprietors are registered jointly as trustees and the survivor of the proprietors is not entitled to exercise alone the powers which were vested in the trustees, the Land Registrar shall enter in the register a restriction to that effect.

Registration of stool or skin, or clan or family land

182. (1) Subject to this Act and any other enactment, where land or interest in land is vested in a stool or skin, or clan or family, the stool or skin, or clan or family shall be registered as proprietor of that land or interest.

(2) An application for the registration of allodial title which is evidenced by an instrument shall not be processed unless there is attached to the instrument an approved plan of the land.

(3) An allodial title holder who intends to register that title shall demarcate, survey and prepare a plan of that land with the approval of the Director of the Survey and Mapping Division.

(4) An allodial title holder shall not dispose of an interest in a portion of land held by the allodial title holder, unless the whole land covered by the allodial title is registered.

(5) For the avoidance of doubt, no plan of any parcel of land attached to any instrument shall be registered unless the land is demarcated and surveyed by an official surveyor or a licensed surveyor and the plan is approved by the Director of the Survey and Mapping Division.

(6) Despite subsection (4), an allodial title holder may register an interest in a portion of the land held by the allodial title holder, if upon an application to the Lands Commission, the Commission is satisfied that the remaining portion of the land held by the allodial title holder falls

(a) outside the title registration district; or

(b) within an area affected by land dispute.

(7) A person who contravenes subsection (4) commits an offence and is liable on summary conviction to a fine of not less than five thousand

penalty units and not more than ten thousand penalty units or to a term of imprisonment of not less than five years and not more than ten years or to both.

(8) The Director of the Land Registration Division may, in consultation with the Director of the Survey and Mapping Division, cause an officer of the Lands Commission or a licensed surveyor and a holder of an allodial interest in land to enter into an arrangement necessary for effecting the demarcation of the boundaries and survey of the land and the preparation of a cadastral plan of that land for the purpose of registration.

(9) Where there are any conflicting and overlapping portions of land out of demarcation and survey of land covered by an allodial interest, the conflicting and overlapping portions shall be noted in the land register in the manner prescribed by Regulations.

(10) On registration of land in subsection (1), an entry shall be made in the land register stating the occupant of the stool or skin, or head of clan or family, or any other person authorised by the stool or skin, or clan or family to administer the land or interest in the land.

(11) Where there is a change of the occupant of the stool or skin or head of clan or family, or any other person authorised by the stool or skin, or clan or family to administer land or interest in land, that occupant, head or person shall notify the Land Registrar in writing and the Land Registrar shall, if satisfied, make the appropriate change in the entry.

(12) For the purposes of this Act,

(a) an occupant or a representative of the occupant of a stool or skin; or

(b) head of a clan or family, or a member of a clan or family authorised by the clan or family to be the representative of the clan or family for the purpose of administration of land or interest in land,

who is served with a notice may enter a caveat or apply for an order prohibiting or restricting a transaction in respect of the stool or skin, or clan or family land on behalf of the stool or skin, or clan or family in the same manner and in the same circumstance as the occupant of the stool or skin, or head or authorised member of the clan or family would be entitled to do under this Act if the land or interest is registered in the individual name of that occupant of the stool or skin, or head of clan or family or the authorised family member.

(13) This Act does not relieve an occupant or a subject of a stool or skin, or a head or a member of a clan or family from a duty, customary or otherwise, to consult with or secure the consent or concurrence of other members of the stool or skin, or clan or family.

(14) A disposition of stool or skin, or clan or family land or interest in land shall not be registered by the Land Registrar unless it is satisfactorily proved that the requisite consent and concurrence has been duly given, and that the relevant provisions of article 267 of the Constitution have been complied with.

Disposal of interest in stool or skin, or clan or family land

183. A change of a person authorised to make a grant of a stool or skin, or clan, or family land shall not affect the grant of a stool or skin, or clan or family land made by that person prior to the change.

Caveat

184. (1) A person who claims to have an interest or right in respect of land which is the subject matter of an application for registration under section 97 may lodge a caveat with the Land Registrar.

(2) A person who

(a) claims an unregistered interest enforceable in respect of a registered land or interest in land,

(b) is entitled to a licence in respect of registered land, or

(c) has presented a bankruptcy or insolvency petition against the proprietor of a land or an interest in land registered under this Act,

may lodge a caveat with the Land Registrar.

(3) A caveat may prohibit the registration or making of entries in the register.

(4) A caveat may be in writing by the caveator supported by a statutory declaration made in accordance with the Statutory Declarations Act, 1971 (Act 389) or as specified in Form 23 of the Third Schedule.

(5) The Land Registrar shall give notice of the caveat to a person who may be affected by the caveat as specified in Form 24 of the Third Schedule.

(6) A person who is given notice under subsection (5) may, in writing to the Land Registrar, object to the caveat, stating the reasons for the objection.

(7) The Land Registrar shall consider the objection before taking any further steps regarding the caveat.

(8) The Land Registrar may refuse to register a caveat where there is good reason for the refusal or if the purposes of the caveat can better be effected by the registration of an interest under this Act.

(9) Subject to the other provisions of this section, a caveat shall be entered in the land register.

Notice and effect of caveat

185. (1) The Land Registrar shall, within seven days upon the lodgement of a caveat, give notice in writing of the caveat to a proprietor whose land or interest in land is affected.

(2) For as long as a caveat remains registered, a disposition which is inconsistent with the caveat shall not be registered except with the consent of the caveator or by an order of a court.

Withdrawal and removal of caveat

186. (1) A caveat may be

(a) withdrawn by the caveator;

(b) removed by an order of a Court; or

(c) subject to subsection (2), removed by an order of the Land Registrar.

(2) The Land Registrar may

(a) on the application of an interested person, serve notice on the caveator as specified in Form 25 of the Third Schedule that the caveat shall be removed at the expiry of the period specified in the notice; or

(b) remove the caveat if before the expiry of the period specified in the notice the caveator has indicated that the caveator does not object to the removal of the caveat.

(3) Where the caveator objects to the removal of the caveat, the caveator shall, before the expiry of the period specified in the notice, notify the Land Registrar who, after hearing the interested parties, shall make an appropriate order.

(4) On the withdrawal or removal of a caveat, the registration of the caveat shall be cancelled and a liability incurred by the caveator under section 184, shall not be affected by the cancellation.

Further caveat in respect of the same matter

187. The Land Registrar may refuse to accept a further caveat by the same person or any other person in relation to the same matter in respect of which there is a subsisting caveat.

Wrong caveat

188. (1) A person who lodges or maintains a caveat wrongfully or without reasonable cause commits an offence and is liable on summary conviction to a fine of not less than one hundred penalty units and not more than one thousand penalty units or a term of imprisonment of not less than six months and not more than three years or to both.

(2) Subsection (1) is without prejudice to the rights of any person adversely affected by a caveat to sue for compensation.

Notice of intention to register instrument affected by caveat

189. (1) Where an application is made for the registration of a disposition or the making of the entry in the register, the registration or the making of the entry which is prohibited by a caveat, the Land Registrar shall serve on the caveator a notice as specified in Form 26 of the Third Schedule, of the intention to register the disposition or make the entry after the expiry of a period of thirty days from the date of the issue of the notice unless before that period expires

(a) an order to the contrary has been made by the Court and served on the Land Registrar; or

(b) the application has been withdrawn or has otherwise become unsustainable.

(2) Where, before the expiry of the notice issued under subsection (1), the application to which the notice relates is withdrawn, or otherwise becomes unsustainable, the notice shall be cancelled, and the caveat shall remain in force until the caveat lapses under section 190.

Lapsing of caveat

190. (1) A caveat lapses and ceases to affect land or interest in land

(a) at the expiry of the period specified in section 189, unless the Court has made an order to the contrary, in which case the caveat shall lapse according to the terms of the order;

(b) if before the expiry of the period specified in the notice given under section 189, the caveat is withdrawn or removed; or

(c) at the expiry of six months from the date of the lodgment of the caveat if the caveator takes no action in furtherance of the caveat.

(2) Where, after the expiry of a notice given under section 189, the Land Registrar registers the disposition or makes the entry referred to in the notice, and the registration or entry does not wholly exhaust the intended purpose of the caveat, the caveat shall be deemed to have lapsed only to the extent necessary to permit the registration.

(3) Where a caveat has lapsed wholly or partially the Land Registrar shall enter in the land register an appropriate notification to that effect.

(4) Where a caveat lapses by virtue of paragraph (c) of subsection (1), a new caveat may be lodged in respect of the same matter.

Restriction

191. (1) The Court may, on the application of a person who has interest in a land after

(a) directing inquiries to be made;
(b) directing notices to be served; and
(c) hearing the applicant,

if satisfied that there is a limitation or qualification on the power of the proprietor to deal with the land or interest in land, or that the interests of justice will be best served by a prohibition or restriction, make an order prohibiting or restricting a transaction in respect of that land or interest in land.

(2) A restriction may

(a) be valid
(i) for a specified period;
(ii) until the occurrence of a particular event; or
(iii) until the making of a further order; or
(b) prohibit or restrict all transactions or only transactions that are inconsistent with specified conditions.

(3) A restriction shall be entered in the appropriate land register.

Notice and effect of restriction

192. *(1) The Land Registrar shall give notice in writing of a restriction entered in the land register to a proprietor affected by the restriction.*

(2) A transaction which is inconsistent with a subsisting restriction shall not be registered.

Removal and variation of restriction

193. On an application to the Court by a person who has an interest in land and on notice of the application to the Land Registrar, the Court may order the removal or variation of a restriction.

Rectification by the Land Registrar

194. (1) The Land Registrar may rectify the land register or any instrument presented for registration if

(a) the land register or the instrument contains clerical errors, omissions or any other matters that do not materially affect the interests of a proprietor;

(b) the interested persons consent to the rectification; or

(c) on a survey verified and approved by the Director of the Survey and Mapping Division, a dimension or an area shown in the land register is found to be incorrect.

(2) The Land Registrar shall, before rectifying a dimension or an area under paragraph *(c)* of subsection (1) give notice to the interested persons of the intention to rectify the land register.

(3) The Land Registrar shall keep a record of the rectifications made and the reasons for the rectifications.

(4) On proof of the change of the name or address of a proprietor, the Land Registrar shall, on the written application of the proprietor, make an entry in the land register recording the change.

(5) A person who is dissatisfied with a decision of the Land Registrar under this section may refer the matter for resolution under the Alternative Dispute Resolution Act, 2010 (Act 798).

Rectification by Court

195. (1) Subject to subsection (2), the Court may order the rectification of the land register by directing that a registration be cancelled or amended where the Court is satisfied that the registration has been obtained or made by fraud, mistake or other vitiating factors.

(2) A court shall not order a rectification of the land register, so as to affect the title of a proprietor who has acquired land or an interest in land for valuable consideration unless

(a) the omission, mistake, fraud or other vitiating factor was caused by the Lands Commission;

(b) the proprietor had knowledge of the omission, mistake, fraud or other vitiating factor in consequence of which the rectification is sought; or

(c) the proprietor had caused the omission, mistake, fraud or vitiating factor or substantially contributed to the omission, fraud, mistake or vitiating factor.

Right to indemnity

196. (1) Subject to this Act and the Limitation Act, 1972 (N.R.C.D. 54), a person is entitled to be indemnified by the Republic if that person has suffered damage in consequence of being deprived of or prevented from acquiring land or an interest or a right in land by reason of

(a) a rectification of the register;

(b) a mistake or an omission in the register which cannot be rectified under this Act or which cannot be not ordered to be rectified under this Act; or

(c) an error in a certified copy or extract from the register.

(2) An indemnity shall not be payable under this Act to a person

(a) who has caused or substantially contributed to the damage by the fraud or negligence of that person; or

(b) who derives title otherwise than under a registered disposition made bona fide for valuable consideration from a person who caused or substantially contributed to the damage.

(3) Where

(a) the loss or damage of a submitted application under section 108, or

(b) an omission, a mistake, a fraud, or any other vitiating factor leading to the rectification

was caused by the Lands Commission, the Lands Commission shall indemnify a person who suffers a loss as a result of the rectification.

Amount of indemnity

197. An indemnity in respect of the loss of a land or an interest or right in land shall not exceed

(a) where the land register is not rectified, the value of the land, interest or right at the time when the loss or damage, the omission, mistake, fraud or other vitiating factor which caused the damage occurred; or

(b) where the land register is rectified, the value of the land, interest or right in land immediately before the rectification.

Procedure for claiming indemnity

198. (1) The Lands Commission may, on the application of an interested party, determine whether a right of indemnity has arisen under section 196, and if so, award an indemnity, and costs properly incurred in relation to the matter.

(2) An applicant dissatisfied with the decision of the Lands Commission may refer the matter for resolution under the Alternative Dispute Resolution Act, 2010 (Act 798).

Recovery of indemnity paid

199. Where moneys are paid by way of indemnity under this Act, the Lands Commission may

(a) by suit or otherwise recover the amount paid from a person who had by fraud or negligence caused or substantially contributed to the loss; and

(b) enforce any express or implied agreement or other right which the person who is indemnified would have been entitled to enforce in relation to the matter in respect of which the indemnity has been paid.

Fees

200. The Lands Commission shall, in respect of any application, printed Form and any other matter connected with registration, charge the fees prescribed and displayed under this Act and the Lands Commission shall refuse to act until the fees are paid.

Review and appeal

201. (1) Where the Land Registrar refuses to perform any act or duty required to be performed by this Act or where a proprietor or any other person who has an interest in land is dissatisfied with a direction, decision or order of the Land Registrar in respect of an application, claim, matter or thing under this Act, the proprietor or person who has an interest in the land may, in the first instance, apply to the Lands Commission for review.

(2) A person who is dissatisfied with the decision of the Lands Commission may refer the matter for resolution under the Alternative Dispute Resolution Act, 2010 (Act 798).

Effect of review and appeal on registration

202. (1) Where a person applies for a review or refers a dispute for settlement under section 201, that person shall, within fourteen days, give notice in writing of the application or the reference to the Land Registrar who shall make a note of the application or the reference in the part or parts of the land register affected by the application or the reference.

(2) Without prejudice to the effect of the application or the reference on previous entries in the land register, a subsequent registration shall have effect subject to the outcome of the application or the reference.

Lands Commission to state special case to the High Court

203. (1) Where the Lands Commission has any doubt as to a matter of law concerning the construction of an instrument lodged for registration under this Act or any other question of law the Lands Commission may state a case for the determination by the High Court.

(2) A determination of the High Court under subsection (1) or in the case of an appeal, the final determination of the case is conclusive and binding on the parties.

Publication of list of registered interests

204. (1) Within ten days after the last day of each month, the Land Registrar in charge of each office shall send to the Director of the Land Registration Division a complete list as specified in Form 27 of the Third Schedule or to that effect, of all registered interests and rights in the office of the Land Registrar during the previous month.

(2) On receipt of the lists, the Director of the Land Registration Division shall, within fourteen days, compile one general list which shall be retained in the office of the Director, and shall publish the list in the Lands Commission Bulletin and on the website of the Lands Commission.

(3) Failure by the Land Registrar and the Director of the Land Registration Division to comply with subsections (1) and (2) constitutes misconduct and is subject to disciplinary sanctions prescribed by the Lands Commission.

General application Form

205. Where in this Act, an application is required to be made to the Land Registrar for the registration of land or interests or rights in land

or the notification of any instruments, for which a form is not provided the application shall be made in a manner as specified in Form 28 of the Third Schedule or as close to Form 28 as possible.

Chapter Six
Deeds Registration

Modification of powers and functions of the Land Registrar to deeds registration

206. The powers and functions of the Land Registrar and the provisions of this Act on title registration shall, with the necessary modifications, apply to deeds registration.

Registrable instruments

207. (1) An instrument affecting land including

(a) a conveyance;
(b) a vesting assent;
(c) a certificate of purchase issued by a court;
(d) a certificate of purchase issued under the Borrowers and Lenders Act, 2008 (Act 773);
(e) a power of attorney;
(f) a caveat or a restriction;
(g) a statutory declaration; and
(h) a court judgment

may be registered under this Act.

(2) An instrument shall not be registered if that instrument

(a) does not have sufficient description of the land to enable the Land Registrar to identify the location and boundaries of the land to which the instrument relate;
(b) does not have a sufficient reference to the date and particulars of registration of an instrument affecting the same land and already registered;
(c) does not have attached to the instrument an approved plan, unless the instrument makes reference to an approved plan attached to an instrument that is already registered at the Registry;
(d) has not been duly stamped in accordance with any enactment which requires stamping of the instrument;

(f) does not have attached to the instrument, consents and statutory approvals required for the transaction evidenced in the instrument; and

(e) does not conform to the requirements of this Act.

(3) Only originals of instruments shall be submitted for registration unless in any particular case the Land Registrar is satisfied that the original instrument is not obtainable and that a duplicate or certified copy is sufficient for the purpose of registration.

(4) At least three copies of the instrument shall be submitted for registration.

Plan attached to instrument

208. (1) The plan attached to an instrument submitted for registration shall be accurately drawn and the scale chosen shall be as specified by the Lands Commission at the time of preparation and shall show clearly all the details and specifications required by the relevant enactment.

(2) Every plan shall have a title which shall include the scale, the designation of the parcels of land shown in the plan, the region, district, city, town or village in which the land is situated.

(3) Every plan shall be prepared by an official surveyor or a licensed surveyor.

(4) Where the plan is prepared by

(a) an official surveyor, the plan shall be approved by the Director of the Survey and Mapping Division; and

(b) a licensed surveyor, the plan shall be certified by the licensed surveyor and approved by the Director of the Survey and Mapping Division.

Proof of instrument

209. (1) An instrument presented for registration shall be proved to have been duly executed by the grantor, by the oath of one of the subscribing witnesses of the grantor.

(2) The oath shall be on the instrument and state whether the grantor could read and write, and if the grantor could not read and write, state that the instrument was read over and interpreted to the grantor in the language that the grantor understood at the time of the execution of the instrument and that the grantor appeared to have understood the contents of that instrument.

(3) The form of the oath shall be as specified in Form 1 of the Fourth Schedule.

(4) For the purposes of this section "instrument" does not include a will, probate or letters of administration and an instrument which may be registered without proof under this Act.

Persons before whom proof shall be made

210. (1) Proof of an instrument required for registration under this Act shall be made,

(a) if the instrument was executed in the country, before the Land Registrar at the office where the instrument was presented for registration, or before a Judge, a District Magistrate, or a Registrar of the High Court;

(b) if the instrument was executed in a Commonwealth country, before a diplomatic agent or consular officer representing or acting on behalf of the Republic in that country, a judge, magistrate or a notary public; or

(c) if the instrument was executed in any other country, before a diplomatic agent or consular officer representing or acting on behalf of the Republic in that country or a notary public.

(2) An instrument not proved under subsection (1) shall not be registered unless the instrument bears a certificate as near as specified in Form 2 of the Fourth Schedule, purporting to be signed by that person, or a person duly authorised in writing to sign.

Instrument kept in another country

211. Where an instrument is executed in another country where, by law, the original is kept in the custody of a public officer, a copy of the original instrument and the certificate of proof, certified to be correct by the public officer in whose custody the original instrument is kept, shall be registered in the same manner as the original instrument, if the original instrument has been proved in accordance with this Act.

Presentation of instrument at the Registry

212. (1) Where an applicant presents an instrument for registration, the Land Registrar shall issue an acknowledgement of receipt to the applicant showing the date and time of the receipt of the instrument.

(2) The form of the acknowledgement of receipt shall be prescribed by Regulations.

(3) The Land Registrar shall publish notice of an application for first registration, in a daily newspaper of national circulation, in the electronic media and on the website of the Lands Commission.

(4) For the purpose of this section, "electronic media" includes television, radio and internet.

Priority of application

213. A complete application which is submitted for registration in respect of a particular parcel of land shall have priority according to the order in which the application is presented to the Registry.

Register and mode of registration

214. (1) The Land Registrar shall keep a register and, subject to the exceptions stated in this Act, register instruments presented in that register.

(2) The Land Registrar shall file a duplicate or copy of the instrument presented for registration in the Registry.

(3) A duplicate or copy shall bear the certificate required by section 216, to be placed on the original instrument, and a certificate signed by the Land Registrar that the duplicate has been compared and verified with the original.

(4) The duplicate or copy may be printed, photocopied or copied by any other acceptable process.

(5) The Land Registrar may refuse to accept a duplicate or copy

(a) that is made on any paper other than paper with a grammage of between eighty to ninety and a size equivalent to an A4 sheet measuring twenty-one centimetres by twenty-nine centimetres and seven millimetres; and

(b) made in a way which, in the opinion of the Land Registrar, does not produce a permanent impression.

Numbering and filing of duplicate or copy

215. The Land Registrar shall number each duplicate or copy filed consecutively, and shall file the duplicate or copy in the order in which the duplicate or copy is received by the Land Registrar.

Certificate of registration

216. (1) The Land Registrar shall immediately after the proof of an instrument presented, or on the presentation of an instrument duly proved before any other person for registration, or of an instrument which may be registered under this Act without proof, place on the instrument a certificate as set out in Form 3 in the Fourth Schedule.

(2) The certificate shall specify the year, month, day and time of the proof or presentation of the instrument.

(3) Where the instrument is ultimately registered, the year, month, day and time specified in the certificate, for the purposes of this Act, is the year, month, day and time at which the instrument was registered.

Endorsed instrument

217. An instrument endorsed on another instrument shall not be registered without the instrument on which the other instrument is endorsed, unless that other instrument is already registered.

Replacement of illegible instrument

218. (1) Where in the opinion of a Land Registrar any duplicate or copy of an instrument registered in accordance with this Act has deteriorated or become illegible or is likely to deteriorate or become illegible, the Land Registrar may substitute for that duplicate or copy

(a) another copy of the original instrument, or

(b) an improved and legible copy of the deteriorated or illegible duplicate or copy.

(2) Where the Land Registrar substitutes the original certificate for a duplicate or copy under subsection (1), the Land Registrar shall, within thirty days, inform the affected party in writing of the substitution.

(3) The Land Registrar shall endorse on the substituted document a certificate that sets out the circumstances which made the substitution necessary.

Copy of plan to be provided

219. Where an approved plan is specified in or annexed to an instrument, a true copy of the approved plan must accompany the instrument when the instrument is presented for registration, and the true copy of the approved plan shall be filed in the register.

Register of instruments

220. (1) On registration of an instrument, the Land Registrar shall record in the Register the registration number, the names of the parties, the date and nature of the instrument, a description of the parcel of land that the instrument relates to, and the date and time of registration.

(2) The Lands Commission may cause a Land Registrar to keep other records and registers that the Commission considers appropriate.

(3) The Lands Commission shall ensure that the plan attached to the registered instrument is plotted within thirty days of the registration.

Publication of list of registered instruments

221. (1) Within ten days after the last day of each month, the Land Registrar in charge of each office shall furnish the Director of the Land Registration Division, a complete list of instruments registered in the office of the Land Registrar during the previous month as specified in Form 4 of the Fourth Schedule.

(2) On receipt of the list, the Director of the Land Registration Division shall, within fourteen days, compile one general list which shall be retained in the office of the Director and the Director shall furnish the Land Registrar in charge of each office, a copy of the general list and publish the general list in a bulletin approved by the Lands Commission amd on the website of the Lands Commission.

(3) Failure by the Land Registrar or the Director of the Land Registration Division to comply with subsections (1) and (2), constitutes misconduct and is subject to disciplinary sanctions prescribed by the Lands Commission.

Searches, copies and extracts

222. (1) A person seeking information concerning land may apply to the Lands Commission to conduct an official search in the records of the Lands Commission and the Lands Commission shall, within fourteen days after the payment of the prescribed fees, issue to the applicant a report of the result of the search.

(2) A search report shall be in the manner specified in Form 9 of the Third Schedule and the report shall be presumed to be conclusive of the matters stated in the Form.

(3) A search report shall provide information on registered instruments and pending applications for registration in respect of the same portion of land in accordance with Regulations made under this Act.

(4) The Lands Commission shall, on application under subsection (1) and upon payment of the appropriate fees, allow the applicant to inspect at a reasonable time, a record, register or list in the custody of the Lands Commission, and the Lands Commission shall, on request, provide certified copies of, or extracts from the record, register or list to the applicant.

(5) An application for a certified copy of a registered instrument filed in the registry shall only be made by

(a) a party to the instrument;

(b) a successor-in-title of a party to the instrument;

(c) a person who can sufficiently prove an interest in the land covered by the instrument; or

(d) parties in litigation in court over the land referred to in the instrument.

Refusal of registration

223. A Land Registrar may, subject to sections 224, 225 and 226, refuse to register an instrument affecting a particular land if

(a) the Registrar is satisfied that the instrument deals with the land or part of the land in a manner inconsistent with an instrument previously executed, whether by the same grantor or a predecessor-in-title or by any other person;

(b) on the face of the records, the grantor does not appear to be entitled to deal with the land as the instrument purports to do;

(c) the instrument is made in contravention of, or is void by virtue of an enactment; or

(d) the instrument contains an interlineation, a blank, an erasure or alteration not verified by the signatures or initials of the person executing the instrument.

Notice of grounds of objection to register

224. Where, on presentation of an instrument for registration, the Land Registrar is of the opinion that there are grounds under this Act for refusal to register the instrument the Land Registrar shall

(a) notify the applicant of the opinion of the Land Registrar and the grounds of the opinion, and

(b) give the applicant thirty days notice within which to respond to the notice and satisfy the Land Registrar as to the title of the grantor to deal with the land in the manner proposed by the instrument.

Formal hearing of application for registration

225. (1) Where after the response to the notice given under section 224, the Land Registrar is not satisfied with the title of the grantor to execute the instrument, the Land Registrar shall give notice

(a) to the applicant of the concerns of the Land Registrar, and

(b) to the effect that, unless the application for registration is withdrawn within thirty days or any extended period not not exceeding thirty additional days, as the Land Registrar may for good cause allow, the Land Registrar will proceed to deal with the presented instrument in the manner provided by this section.

(2) If the instrument presented for registration is not withdrawn within the specified time, the Land Registrar shall

(a) serve

(i) on the applicant, and

(ii) on every person with known interest in the land or who appears to have an interest in the land or is likely to be affected by the instrument,

notice of the date, time and place at which the Land Registrar will hear and determine whether the registration of the instrument should be refused; and

(b) publish a notice of the hearing in the *Gazette*, a newspaper of national circulation, and in any other manner that the Land Registrar considers appropriate.

(3) The Land Registrar shall proceed to hear and determine the matter at the date, time and place appointed or at any other date, time or place to which the Land Registrar may adjourn the hearing.

(4) The Land Registrar shall hear every person who claims to be entitled to an interest in the land.

(5) The decision of the Land Registrar shall be communicated in writing to the grantor and to every person represented at the hearing and shall be published in the same manner as the notice of the hearing.

(6) The grantor, the grantee and any other party represented at the hearing who is dissatisfied with the decision of the Land Registrar may appeal to the Regional Lands Commission or seek a resolution of the matter under the Alternative Dispute Resolution Act, 2010 (Act 798).

Registration of instrument showing title of grantor

226. (1) The Land Registrar may, as a condition of registration, require the grantor to present for registration any instruments prior to the instrument presented for registration which, in the opinion of the Land Registrar, are necessary in order to show on the face of the register the title of the grantor to execute the instrument.

(2) Where the grantor satisfies the Land Registrar as to the existence and purport of any prior instrument and that the instrument is not within the possession, power or control of the grantor, the Land Registrar may accept and register, in lieu of the instrument, documentary or other evidence that the Land Registrar considers sufficient.

Registration necessary for validity

227. (1) Subject to subsection (2), an instrument other than a Judge's Certificate or decision of a court, first executed after the coming into force of this Act is of no effect until the instrument is registered.

(2) This Act shall not operate to prevent an instrument which, by virtue of an enactment, takes effect from a particular date from so taking effect.

Registration to be actual notice

228. (1) The registration of an instrument constitutes actual notice of the instrument and of the fact of registration to all persons and for all purposes, as from the date of registration, unless otherwise provided in an enactment.

(2) Where there is an appeal pending in respect of the land which is the subject of registration and the Land Registrar is satisfied with the pendency of the appeal, the appeal shall serve as a caveat in the Register and the Registrar shall take note of the appeal.

(3) Subsection (1) does not apply to a Judge's Certificate or a decision of a court.

Priority of instruments

229. (1) An instrument other than a Judge's Certificate or a decision of a court whether executed before or after the coming into force of this

Act shall, in respect of land affected by the instrument, take effect in accordance with sections 227, 228, 231 and this section as against any other instruments affecting the same land.

(2) Rights derived from instruments registered in accordance with this Part have priority according to the order in which the instruments were presented to the Registry irrespective of the dates of the instruments despite the fact that the entry in the land register may have delayed.

(3) Subsection (2) does not apply where there is fraud, omission, notice or mistake or any other vitiating factor.

(4) An instrument sent by post and received on any day during the hours of business is deemed to have been presented at the time the instrument was received.

(5) An instrument shall, except as otherwise expressly provided in sections 227, 228, 231 and this section, take effect from the date of the registration of the instrument.

Copy or extract as evidence

230. A copy of an instrument, an extract of the register or a certificate of registration signed by a Land Registrar shall be receivable in evidence in court without further or other proof, unless the copy, extract or certificate is proved to be forged.

Previously registered instrument

231. (1) An instrument duly registered in accordance with an enactment in force before the coming into force of this Act shall be retained by the Land Registrar in charge of the instrument.

(2) The instrument duly registered under subsection (1) in accordance with the enactment that governed the registration of that instrument at the date of the registration of that instrument is deemed to be duly registered under this Act and shall continue to take effect in accordance with that law.

Rectification of records

232. (1) The Regional Lands Commission may order the rectification in the records of the Regional Lands Commission of the plotting of any instrument which contains a plan if

(a) on a survey approved by the Survey and Mapping Division, the position of any land plotted in the records or the size based on the plan is found to be incorrect;

(b) the rectification is necessary to correct a mistake in the plotting; or

(c) the persons with interest in the land consent to the rectification.

(2) Unless authorised by a court order, the Lands Commission shall not, without the consent of the registered land owner, authorise the rectification of the records if the rectification shall vary the original size of the land by more than ten per cent.

(3) The Regional Lands Commission shall, before ordering the rectification, give notice to the persons with interest in the land.

(4) The Regional Lands Commission shall give a hearing to any person who objects to a rectification.

(5) The Regional Lands Commission shall inform the persons with interest in the land of the decision of the Commission.

(6) This section applies only to the plotting of instruments made before the coming into force of this Act.

Chapter Seven
Acquisition of Land by the State

Power of the State to compulsorily acquire land for public purposes

233. (1) The State may compulsorily acquire any land where the acquisition of that land is necessary

(a) for a public purpose and in the interest of defence, public safety, public order, public morality, public health, town and country planning, resettlement purposes or for the running of essential services;

(b) for a road, a highway, a railway, a bridge, a pipeline, a canal, a dam, a sewerage system or any public utility service; or

(c) in order to secure the development or utilisation of that land or other land in a manner that promotes the public benefit.

(2) The necessity for the acquisition shall be clearly stated and shall provide reasonable justification for causing any hardship that may result to any person who has an interest in or right over the property.

(3) Prompt payment of fair and adequate compensation shall be made for the acquisition.

(4) Acquisition of land by the State shall be by the publication of an Executive Instrument in the *Gazette* which shall specify the nature, extent and location of the land acquired and the purpose of the acquisition.

Acquisition of land by purchase or gift

234. (1) The State may, with the agreement of the owner of any land required for public purposes, purchase that land, for a consideration that may be agreed upon by the parties.

(2) The State may accept land as a gift from the owner of the land and the land shall, where the donor specifies a purpose for the gift, be used for the purpose determined by the donor.

(3) The Lands Commission shall prepare and publish standard practice guidelines for the conduct of purchase of land for the State and acceptance of gift of land by the State.

(4) Where the State acquires land by purchase or gift, the notice of instrument relating to the purchase or gift shall be published in the *Gazette* and that shall be conclusive proof of the acquisition.

Allocation of public land

235. (1) Where land is acquired by the State, the allocation of the land shall be for the purpose for which the land was acquired or in the public interest and in accordance with Regulations made under this Act.

(2) The State shall not grant a freehold interest or a perpetually renewable lease of public land to a person.

(3) Where public land is allocated to a public body that is capable of holding title to land, the Lands Commission shall issue a Certificate of Allocation as specified in Form 22 of the Third Schedule to the public body.

(4) The Certificate of Allocation grants a user right only and does not confer on the beneficiary institution the right to create or transfer an interest in the land.

(5) Where the land acquired by the State is not used in the public interest or for the purpose for which the land was acquired the owner of the land immediately before the compulsory acquisition shall be given the first option of acquiring the land and shall, on the re-acquisition, refund the whole or part of the compensation paid to that owner as provided for by law or such other amount as is commensurate with the value of the land at the time of the re-acquisition.

Unlawful occupation or sale of public land

236. (1) Despite the provisions of the Limitation Act, 1972 (N.R.C.D. 54) and any other law, a person who unlawfully occupies public land does not acquire an interest in or right over that land by reason of the occupation.

(2) A person shall not acquire by prescription or adverse possession an estate or interest in public land.

(3) A person who unlawfully appropriates, sells or conveys public land commits an offence and is liable on summary conviction to a fine of not less than five thousand penalty units and not more than ten thousand penalty units or to a term of imprisonment of not less than seven years and not more than fifteen years or, to both.

(4) A person who, without reasonable excuse, the proof of which lies on that person, occupies or in any manner encroaches on or interferes with public land commits an offence and is liable on summary conviction to a fine of not less than one thousand penalty units and not more than two thousand penalty units or to a term of imprisonment of not less than one year and not more than three years or, to both.

(5) Where a person unlawfully occupies or encroaches on or interferes with a public land, the appropriate agency or a duly authorised agent of the appropriate agency may, in writing, serve a notice on the person personally or by affixing the notice to a part of the land affected, requiring that person to vacate the land within a period of not less than twenty-one days from the date of the notice.

(6) Where the person refuses or fails to vacate the land within the period specified in the notice referred to in subsection (5), the appropriate agency or a duly authorised agent of the appropriate agency may

(a) eject that person from the land;

(b) confiscate or remove all goods of the person from the land;

(c) abate any nuisance or terminate any interference caused by that person on the land; or

(d) confiscate or demolish or remove any structure or obstacle on the land.

(7) The appropriate agency or a duly authorised agent of the appropriate agency may use reasonable force that the agent considers necessary for the purpose of carrying out any of the measures specified in subsection (6).

(8) The appropriate agency or a duly authorised agent of the appropriate agency is not liable in civil action under this section in respect of an act done in good faith in the execution or intended execution of a provision of this section.

(9) This section does not constitute a bar to any other remedy which the appropriate agency may pursue under any enactment.

(10) A person who

(a) obstructs an appropriate agency or a duly authorised agent of the appropriate agency acting in the exercise of a power or discharging a duty under subsection (6),

(b) refuses or fails to comply with a requirement made by the appropriate agency or a duly authorised agent of the appropriate agency in the exercise of a power or the discharge of a duty under subsection (6), or

(c) gives to the appropriate agency or a duly authorised agent of the appropriate agency exercising a power or discharging a duty under this Act, information which is false in a material particular,

commits an offence and is liable on summary conviction to a fine of not less than five hundred penalty units and not more than one thousand penalty units or to a term of imprisonment of not less than six months and not more than twelve months or to both.

(11) This Act does not prevent the appropriate agency from recovering from a person the expenses reasonably incurred by that agency in taking an action under subsection (6).

(12) Where the appropriate agency fails to take effective action to prevent the encroachment or unlawful development of public land, any person whose interest in or enjoyment of the public land or land in proximity to the public land has been or is likely to be adversely affected by the encroachment or the unlawful development may commence action in court

(a) to stop the encroachment or development of the land; or

(b) to prevent the sale, transfer or allocation of the land for an unauthorised use.

(13) A court action commenced under subsection (12) shall include the appropriate agency as a defendant.

(14) In this section, "appropriate agency" means the Lands Commission, a District Assembly of the area in which the land is situated, or an organ or agency of the State or a statutory public corporation in which the public land is vested and allocated.

Lands Commission to act on behalf of the State

237. The Lands Commission shall act on behalf of the State in the compulsory acquisition of land under this Act.

Availability of funds for payment of compensation

238. (1) Compulsory acquisition of land shall not be undertaken or facilitated by the Lands Commission unless the intended user of the acquired land proves in writing to the satisfaction of the Commission that the funds for the payment of compensation and other costs associated with the acquisition have been paid into an interest yielding escrow account.

(2) Despite subsection (1) where the intended user is a public body that is fully dependent on public funds, the public body shall obtain Cabinet approval and have an approved budgetary allocation for the payment of compensation and other cost associated with the acquisition before the commencement of the acquisition.

(3) Where the intended user is a public corporation or a statutory corporation which is not a public service, the funds for the payment of compensation and other cost associated with the acquisition shall be paid into an interest yielding escrow account before the commencement of the acquisition.

(4) The escrow account shall be managed by the Lands Commission in trust for the intended user.

(5) Where after payment of compensation and other costs associated with that acquisition there is a shortfall in the escrow account that shortfall shall be paid by the intended user to the Lands Commission and where there is a balance in the account that balance shall be paid to the intended user.

Compulsory acquisition procedure

239. Compulsory acquisition by the State shall be in accordance with the procedures provided in sections 240 to 249.

Declaration of land intended for compulsory acquisition

240. (1) Where the State decides that land is required for any of the purposes specified in section 233, a declaration as specified in Form 1 of the Fifth Schedule shall be published in the *Gazette*.

(2) A declaration under subsection (1) shall lapse and cease to be of any effect on the expiry of two years after the date of publication of the declaration in the *Gazette* in so far as the declaration relates to any land or part of any land in respect of which the procedures for acquisition have not been concluded, all proceedings already taken or which are being taken in consequence of the declaration in respect of that land or that part of the land shall terminate or be of no effect.

(3) Subsection (2) shall not apply where there is a dispute in respect of the land.

(4) Despite subsection (2), the Lands Commission may, for good cause, before the expiry of the two-year period or within the time that the court may allow, apply to the Court for an extension of the period and the Court may extend the period for a further one year only.

Preliminary investigation

241. (1) Where the State is satisfied that land in any locality is required for a public purpose, it shall be lawful for a person authorised by the Lands Commission and the staff and workmen of that person to

(a) enter upon and survey and take levels of that land and adjoining lands in that locality;

(b) dig through the subsoil for analysis;

(c) undertake a valuation of that land;

(d) do all other acts necessary to ascertain the suitability of that land for the intended public purpose; or

(e) clear, set out and mark the boundaries of that land and the intended line of work, if any, proposed to be done on that land.

(2) A person who intends to enter any land to do any of the things described in subsection (1), shall give thirty days notice in the locality where the land is located, employing the appropriate media as the circumstances of the affected locality may dictate.

(3) Without prejudice to subsection (2), an authorised person, staff or workman authorised by the Lands Commission shall not enter upon any land or premises except with the consent of the occupier.

(4) Despite subsection (3), the authorised person, staff or workman authorised by the Lands Commission may enter into land or premises if consent to enter is not granted within fourteen days after the notice referred to in subsection (2).

(5) On an entry under subsection (1), the authorised person, staff or workman shall pay for any damage caused by the entry and in case of a dispute as to the amount to be paid either that authorised person, staff or workman or the person claiming compensation may refer the matter to the Lands Commission and subsequently where that person is dissatisfied with the decision of the Lands Commission, that person may resort to arbitration under the Alternative Dispute Resolution Act, 2010 (Act 798).

Notice to a person with interest

242. (1) Where the State decides to acquire land under this Act, the Lands Commission shall give notice as specified in Form 2 of the Fifth Schedule to a person who has an interest or claiming to have an interest in the land or to any other person that after reasonable enquiry may be known.

(2) The notice referred to in subsection (1) shall be published in the *Gazette.*

(3) A notice under subsection (1) shall be served on a person who claims an interest in the land or be left at their last or usual place of abode or business,

(a) where the person is absent from the country or the last or usual place of abode or place of business of that person cannot after reasonable enquiry be found, the notice shall be left with the occupier of the land or the agent of the occupier; or

(b) where there is no agent, the notice shall be affixed on a conspicuous part of the land.

(4) Where the person to be served is a corporation, company or firm, the notice shall

(a) be left at the registered office of the corporation, company or firm in the country;

(b) where an office cannot be found after reasonable inquiry, the notice shall be served on any principal officer or agent of the corporation, company or firm in the country; or

(c) where there is no officer or agent, or where an officer or agent cannot be found, the notice shall be affixed at a conspicuous part of the land.

(5) A notice required to be served under this section shall be published at least once in the *Gazette* and a daily newspaper of national circulation and a copy each shall be posted on the official notice board of the District Assembly and the Traditional Council and be affixed on a conspicuous part of the land.

(6) A notification under subsection (1) shall lapse if no action is taken pursuant to the notice within one year from the date of publication in the *Gazette.*

(7) Despite subsection (6), the Lands Commission may publish a fresh notification under subsection (2) in respect of the land or part of the land in relation to which the notification has lapsed if the Commission is satisfied that the land or part of the land is likely to be needed for a public purpose.

Land to be demarcated, surveyed and entered on register

243. Upon the publication of the notice pursuant to section 242 that any land is needed for the purpose specified in that notice, the Lands Commission shall

(a) cause the areas to be affected by the compulsory acquisition to be demarcated and surveyed unless this has already been done to the satisfaction of the Lands Commission; and

(b) make a note of the intended compulsory acquisition in the Land Register or Deeds Register.

Consultation with stakeholders

244. (1) A compulsory acquisition of land shall not be undertaken by the State unless

(a) the Lands Commission has consulted the persons with interest in the land to be affected and occupiers of the lands to be affected, the traditional authorities and community leaders, and

(b) the concerns of the persons with interest in the land to be affected, occupiers, and community leaders have been taken into consideration.

(2) The consultation shall be conducted in accordance with Regulations made under this Act.

Report of consultation

245. (1) The Lands Commission shall prepare and publish a report of consultation in respect of the proposed acquisition.

(2) A copy of the report made under subsection (1) shall be made available to the traditional authority and the District Assembly of the area in which the land is situate and any person identified to have an interest in the land and upon request to any person who claims to have an interest in the land.

Further survey

246. (1) The Lands Commission may, by written authority, generally or specifically, authorise a land surveyor or a person, together with staff and workmen, to enter upon land in any locality specified in a notification

published under section 242, to carry out further survey work that may be detailed in the written authorisation.

(2) A person authorised under subsection (1) shall, on demand by the occupier of any land upon which the person enters, produce to the occupier, the written authority of that person together with a copy of the relevant notification.

(3) A person authorised under subsection (1) shall not enter any premises unless

(a) the person has first sought and obtained the consent of the occupier of the premises; or

(b) upon failure of the occupier to give consent, the person gives the occupier fourteen days' notice in writing of the intention of that person to enter the premises.

Withdrawal of State from acquisition

247. (1) The State may withdraw from an intended compulsory acquisition of land by publishing a notice of the withdrawal in the same manner as in section 242.

(2) Where there is a withdrawal under subsection (1), the Lands Commission shall

(a) in consultation with the persons affected by the withdrawal determine the amount of costs and damages incurred by the persons affected;

(b) reserve the right to forfeit an amount which is sufficient to defray the amount of costs and damages; and

(c) deduct the amount determined from the deposit or escrow account.

(3) Despite the withdrawal, a person adversely affected by the proposed acquisition may make a claim for compensation for any loss incurred by that person on account of restrictions imposed by the proposed acquisition on the use or enjoyment of the land.

Information on land use of scheduled land

248. (1) For the purposes of assessing the amount of compensation, the Lands Commission shall request from the local planning authority information on the following matters:

(a) whether the scheduled land is subject to any local plan under the Land Use and Spatial Planning Act, 2016 (Act 925),

(b) if there is a local plan, the land use indicated in the local plan for the scheduled land; and

(c) environmental considerations.

(2) The local planning authority shall provide the information required within thirty days after the request has been made.

(3) The information obtained by the Lands Commission under this section shall be conclusive evidence, for the purpose of valuing the scheduled land, with regard to the approved land use at the date of the acquisition.

Publication of Executive Instrument

249. (1) Acquisition takes effect from the date of publication of the Executive Instrument referred to in subsection (4) of section 233.

(2) A copy of the instrument made under subsection (4) of section 233 shall

(a) be served personally on a person having an interest in the land or left with a person in occupation of the land;

(b) be served on the traditional authority of the area in which the land is situate and that authority shall request the chief of the locality where the land is situated to notify the people of the area concerned;

(c) be affixed at a conspicuous place on the land;

(d) be served on the District Assembly within the jurisdiction in which the land is situated;

(e) be published on three consecutive occasions in a newspaper circulating in the district where the land is situate and in any other manner directed by the Lands Commission; and

(f) be published on a local radio station within the area where the land is located.

(3) Where the person who is to be affected by the acquisition is outside the district or region where the land is situate, a copy of the instrument shall be sent by registered mail to the last known address of that person.

(4) On the publication of the instrument, under subsection (4) of section 233, the land shall, without further assurance, vest in the President free from any encumbrances.

(5) An instrument which is not published in accordance with subsection (4) of section 233 is of no effect and any purported acquisition under that instrument is void.

Claimant

250. (1) A person who claims a right or interest in land that is the subject of an instrument made under subsection (4) of section 233 or

whose right or interest in that land is affected in any manner shall, within a period not exceeding six months from the date of the publication of the Instrument, submit in writing to the Commission

(a) particulars of the claim or interest of that person in the land;

(b) the manner in which the claim or interest of that person has been affected by the instrument of declaration; and

(c) the amount of compensation claimed and the basis for the calculation of the compensation.

(2) The person is entitled to make a submission under subsection (1) if that person is the holder of

(a) an allodial title;

(b) a customary law freehold;

(c) a common law freehold;

(d) a usufructuary interest;

(e) a leasehold interest;

(f) a customary tenancy; or

(g) any other interest or right in relation to the land.

Service of notice

251. (1) The Lands Commission shall, in addition to giving public notice as required by section 249 in respect of all scheduled land specified in the notice, serve copies of the notice in the manner specified in section 249 on

(a) the occupier of the land;

(b) the registered proprietor of the land, where the person is not the occupier of the land;

(c) any person having a registered interest in the land; and

(d) any person who is known by the Commission or whom the Commission has reason to believe has an interest in the land.

(2) An omission or failure to serve the notice upon a person specified under subsection (1) shall invalidate the assessment in respect of the person who was not served.

Notice of assessment

252. (1) The Lands Commission shall, after completing the action required by section 251, assess compensation for the land by giving notice to the public and persons with interest in the scheduled land as specified in Form 3 of the Fifth Schedule, for the assessment of claims for compensation.

(2) Each notice shall contain a description of the land specified in the instrument as published in the Gazette under section 233.

Assessment and payment of compensation

253. (1) The Lands Commission shall assess the value of the interest in the scheduled land and the amount of compensation payable which shall be fair and adequate and issue a valuation report in respect of the assessment.

(2) Where there is no dispute regarding the amount of compensation assessed and the person to whom the compensation is to be paid, the Lands Commission shall pay the assessed compensation promptly.

(3) A person who is dissatisfied with the assessment of compensation by the Lands Commission may apply to the Lands Commission for a review of the assessment and where that person is still dissatisfied after the review, that person may refer the matter for resolution under the Alternative Dispute Resolution Act, 2010 (Act 798).

(4) Subsection (3) does not take away the right of a person who is dissatisfied with a decision of the Lands Commission to resort to the High Court in accordance with paragraph *(b)* of clause (2) of article 20 of the Constitution.

(5) An officer of the Lands Commission who intentionally overvalues or undervalues a scheduled land commits an offence and is liable on summary conviction to a fine of not less than two thousand penalty units and not more than twenty thousand penalty units or to a term of imprisonment of not less than two years and not more than twenty years or to both.

Conflicting claims of interests and rights

254. (1) Where there is a dispute as to the right or interest in land claimed, the claimants or the Lands Commission may refer the matter for resolution under the Alternative Dispute Resolution Act, 2010 (Act 798).

(2) Subsection (1) does not take away the right of a claimant to resort to the High Court in accordance with paragraph *(b)* of clause (2) of article 20 of the Constitution.

(3) Where there is a dispute as to the right or interest in land claimed, the Lands Commission shall assess the compensation payable and pending the final determination of the dispute, the compensation payable shall remain in the escrow account and the compensation

together with the interest shall be released to the person entitled immediately after the final determination of the dispute.

Basis of assessment of compensation

255. (1)Whenever land is acquired for public purposes under this Act and monetary compensation is to be paid, market value shall be the basis of assessment of compensation.

(2) For the purposes of this Act, the term "market value" where applied to any scheduled land means the market value of the land as at the date of the publication of the Instrument in the *Gazette.*

(3) In assessing the market value of any scheduled land, the valuer may use any appropriate method of valuation to arrive at the market value and may consider the prices paid in recent sales for land with similar characteristics which are situated within the vicinity of the scheduled land and shall consider in particular the last transaction on the scheduled land two years prior to the date that the scheduled land is to be assessed under subsection (2).

(4) Where only a part of the land is to be acquired, the market value of the scheduled land shall be determined by reference to the whole land as shown in the document of title of the scheduled land taking into consideration the particular features of that part.

(5) In assessing the market value of any scheduled land, the valuer shall not consider the evidence of the value obtained from land transactions effected after the date of publication of the Instrument in the Gazette under subsection (2).

(6) In assessing the market value of any scheduled land, where the scheduled land is held under a title for a term of years, the valuer shall consider the date of expiry of the lease as shown in the deed of title, but shall not consider the likelihood of a subsequent alienation to the person or body who is the proprietor of the interest in the land immediately after the expiry of the lease.

(7) In assessing the market value, the valuer shall consider

(a) the effect of any express or implied condition of title restricting the use to which the scheduled land may be put; and

(b) the effect of any prohibition, restriction or requirement imposed by any other law on the scheduled land or any adjoining land.

(8) In assessing the market value of any scheduled land which but for the acquisition would continue to be devoted to a purpose that has no general demand or market, the assessment shall be made on the basis of the reasonable cost to the proprietor of the scheduled land of using or purchasing other land and devoting that land to the same purpose to which the scheduled land is devoted.

(9) If the market value of any scheduled land has increased, the increase shall be disregarded if the increase in value,

(a) arises out of an improvement made on the land by the owner or the predecessor of the owner, after publication of the declaration specified in section 240; or

(b) is contrary to law or is detrimental to the health of the occupiers of the premises or to public health.

Matters to be taken into account in determining compensation

256. The following matters that may arise as a result of an acquisition shall be taken into consideration in assessing compensation to be awarded for the acquisition:

(a) any improvement to the property of the claimant as a result of the acquisition;

(b) any damage sustained or likely to be sustained by the claimant as a result of the acquisition;

(c) any damage sustained or likely to be sustained by the claimant by reason of the acquisition adversely affecting the other property of the claimant, in any other manner;

(d) the need of the claimant to change residence or place of business and reasonable expenses incurred as a result of the change;

(e) an undertaking by the State, person or corporation on whose behalf the acquisition is made, to construct roads, drains, walls, fences or provide other facilities benefiting any part of the land left unacquired;

(f) any other cost that is necessary for the compulsory acquisition; and

(g) the resettlement of a displaced claimant on the suitable alternative land.

Matters to be disregarded in determining compensation

257. In determining the amount of compensation to be awarded for any scheduled land acquired under this Act, the following matters shall not be taken into consideration:

(a) the degree of urgency that has necessitated the acquisition; or

(b) a disinclination of the person who has an interest in the land to part with the land acquired.

Fair and adequate compensation

258. (1) The assessed compensation payable by the Lands Commission to the claimant shall be fair, adequate and paid promptly.

(2) A claimant under this section is entitled to be represented by an expert for assessing meaningful compensation.

(3) Payment for the services of a lawyer or the expert under subsection (2) shall be made to successful claimants from the escrow account provided for in section 238.

(4) The Lands Commission shall not make a decision on the compensation payable to a claimant unless the Lands Commission is satisfied that the claimant has been duly informed of the right to representation under subsection (2) and has waived the right.

(5) The Minister may, by legislative instrument, make Regulations under this Act to prescribe additional procedures and requirements for the assessment of compensation payable to claimants.

Disbursement of assessed compensation

259. (1) Subject to section 250, compensation assessed in respect of land shall

(a) where an usufructuary interest exists, be disbursed as follows:

(i) sixty per cent to the holder of the usufructuary interest, and

(ii) forty per cent to the holder of the allodial title;

(b) where there is no usufructuary interest, be paid to the holder of the allodial title or the holder of the freehold interest; or

(c) where the land is the subject matter of a tenancy,

(i) as between a holder of the allodial title or a freehold interest and a customary tenant, the compensation payable for the land shall, subject to express agreement to the contrary, be sixty per cent to the holder of allodial title or the freehold interest and forty per cent to the customary tenant; or

(ii) as between a holder of the allodial title, a holder of a usufructuary interest and a customary tenant the compensation payable for the land shall, subject to express agreement to the contray, be forty per cent to the holder of the allodial title, thirty per cent to the holder of the usufructuary interest and thirty per cent to the customary tenant.

(2) Despite subsection (1), compensation for loss of buildings, crops or other improvements shall be paid to the owners of the buildings, crops or other improvements.

Payment of compensation from the escrow account

260. (1) After the Lands Commission has served notice of the assessed compensation on persons who have interest in land, the Lands Commission shall make payment of the compensation to the person entitled unless

(a) there is no person competent to receive the payment;
(b) the person entitled refuses to receive payment; or
(c) there is a dispute as to the right or title of the person to receive the compensation,

in which case the compensation payable shall remain in the escrow account provided for in section 238.

(2) For the purpose of this section, payment is deemed to have been made on the day

(a) the Lands Commission gives notice in writing to a claimant that the cheque, money order or cash is available for collection;
(b) the cheque or money order is sent by registered post to a claimant;
(c) of delivery of the cheque or money order by the Lands Commission to the Court;
(d) a cheque, money order or cash is delivered personally to the claimant; or
(e) an electronic payment is effected.

(3) The recipient of the compensation shall give a written receipt of the payment which shall be accompanied by a photo identification of the claiment.

Delay in payment of compensation

261. (1) A person aggrieved by a delay in the payment of compensation due to that person under this Act may apply to the High Court for the purpose of obtaining prompt payment of compensation.

(2) Where the High Court upholds the claim of an applicant, there shall be added to the compensation interest determined by the Court.

Payment in error

262. (1) A person who receives compensation awarded for an interest in any scheduled land in error or before it is established that another person is rightfully entitled to the interest, is liable, on demand by the Lands Commission, to refund the amount received within ninety days from the date of receipt of the demand notice from the Lands Commission.

(2) A person who fails to refund the amount within the ninety-day period is liable to pay to the Lands Commission the amount with interest at the prevailing bank rate.

(3) An officer of the Lands Commission who knowingly approves or makes payment to a person who is not entitled to compensation commits an offence and is liable on summary conviction to a fine of not less than five thousand penalty units and not more than ten thousand penalty units or a term of imprisonment of not less than five years and not more than ten years or, to both, unless that officer proves that the payment was made in good faith.

General power to take possession

263. The Lands Commission may take possession of any acquired public land after service upon the occupier of a notice as specified in Form 4 of the Fifth Schedule.

Procedure for taking possession

264. (1) A public body authorised by the Lands Commission or the Lands Commission shall take possession of a scheduled land by serving upon the occupier of that land or, if the occupier cannot be found, by posting on the land, a notice as specified in Form 4 of the Fifth Schedule.

(2) Upon taking possession of land under subsection (1), the Lands Commission shall also serve a copy of the notice in subsection (1), upon the registered proprietor of the land, where the proprietor is not the occupier.

Resettlement of displaced inhabitants

265. (1) Where compulsory acquisition or occupation of land under this Act involves displacement of the inhabitants, the Lands Commission or any other person directed by the President shall resettle the displaced inhabitants on suitable alternative land with due regard for their economic well-being and the social and cultural values of the inhabitants.

(2) Resettlement of displaced inhabitants under subsection (1) shall be in accordance with Regulations made under this Act.

(3) The Lands Commission or any other person directed by the President under subsection (1) shall, in consultation with the affected inhabitants, prepare a land acquisition and resettlement plan which shall among others provide for

(a) the land to be acquired and state
  (i) whether the land is occupied and by whom;
  (ii) what the land is presently being used for; and
  (iii) the condition of the land and the facilities;
(b) the persons who will suffer any loss of assets, income or sources of livelihood;
(c) the persons to be displaced and the place where the persons are to be resettled;
(d) the arrangements to facilitate resettlement and integration of the social and cultural values of the displaced persons;
(e) the manner and form in which compensation is to be assessed and paid;
(f) the heads of compensation payable;
(g) an estimate of the compensation payable and of the resettlement expenses;
(h) an Environmental Impact Assessment;
(i) the procedures to be followed in executing the plan;
(j) the arrangements for the involvement of the persons affected by the acquisition and resettlement; and
(k) what opportunities there will be to challenge the execution of the plan and payment of compensation.

(4) Copies of the land acquisition and resettlement plan under subsection (2) shall be distributed to the displaced persons, the traditional authorities, community leaders, occupiers of the land and the District Assembly.

Entry in register

266. The Land Registrar shall register the land specified in the Executive Instrument in the name of the State as land that has become public land within the meaning of article 257 of the Constitution.

Subsequent disposal of acquired land

267. Where land has been compulsorily acquired under this Act, or before the coming into force of this Act, a subsequent disposal or use of,

or dealing with the land, whether by the State or the person on whose behalf the land was acquired, shall not invalidate the acquisition of the land except that the disposal or use of, or dealing with the land shall be in accordance with the provisions of article 20 of the Constitution.

Chapter Eight
Vesting

Vesting of stool or skin, or clan or family land

268. (1) On the coming into force of the 1992 Constitution, it is unlawful to vest stool or skin land in the State.

(2) After the coming into force of this Act, it shall be unlawful to vest clan or family land in the State.

Management of vested lands

269. (1) The Lands Commission shall constitute Management Committees for vested lands on which pre-vesting owners shall have adequate representation.

(2) The details of membership and mandate of the Management Committee and related matters shall be prescribed by Regulations.

(3) Rents due or other payments payable in respect of vested lands shall be paid by the Lands Commission to the Office of the Administrator of Stool Lands for payment to the appropriate stool or skin, or clan or family land account.

(4) Where there is a dispute as to whom the rent should be paid to, the rent shall be paid into an interest yielding escrow account established by the Office of the Administrator of Stool Lands or the Division of the Lands Commission established for the purpose.

De-vesting of vested lands

270. (1) The President shall, on the recommendations of the Lands Commission, authorise the de-vesting of any land which prior to the coming into force of the Constitution was vested in the President by any law.

(2) Within six months of the coming into force of this Act, the Lands Commission shall begin the process of evaluating all existing vested lands with the view to recommending to the President, the de-vesting of those lands.

(3) The de-vesting of land shall be by Executive Instrument published in the *Gazette*.

(4) Subject to accrued and reserved rights, the publication shall, without further assurance, de-vest the affected land.

Chapter Nine
Temporary Occupation of Land

Temporary occupation of land

271. (1) Subject to article 20 of the Constitution, the President may, by Executive Instrument, authorise the temporary occupation and use of a land for a purpose which, in the opinion of the President is conducive to the public welfare or public interest.

(2) Where the President authorises the occupation and use of land under this section, the President shall publish a notice as specified in the Sixth Schedule in the *Gazette* giving particulars of the land, of the use to which the land is intended to be put, the necessity of the occupation, and of the payments which are intended to be made in respect of the use of the land.

(3) The authorisation for temporary occupation shall entitle the State to exclusive occupation of the land.

(4) A temporary occupation or use of land under subsection (1) shall be for a period of not more than five years which may be renewed for a further period of five years after which the land may be returned to the owner.

(5) Where the land is not returned to the owner after the period specified in subsection (4) has expired, the State shall, within one year after the expiry of the period, commence the process for the compulsory acquisition of the land and the provisions of this Act in respect of compulsory acquisition shall be complied with.

(6) The State shall, out of moneys approved by Parliament whilst the temporary occupation of the land subsists, pay to the owner of the land an annual amount of money determined by the Lands Commission to be adequate payments for the land based on full rental value, taking into consideration

(a) the location, size, existing use and other market factors affecting the land,
(b) the benefits derived by the affected land owners, and
(c) any appreciation in value attributable only to the occupation and use of the land by the State.

(7) Where a person suffers special loss by reason of disturbance as a result of an authorisation under this section that person shall be paid, out of moneys approved by Parliament, the compensation that the Lands Commission or, on appeal, the High Court, may determine.

(8) A person dissatisfied with

(a) the failure of the State to pay compensation; or

(b) the annual amount of money determined by the Lands Commission or the amount of compensation assessed may appeal to the High Court.

Publication of Notice of Temporary Occupation

272. (1) Temporary occupation takes effect from the date of publication of the notice referred to in subsection (2) of section 271.

(2) A copy of the notice under subsection (2) of section 271 shall

(a) be served personally on a person having an interest in the land or left with a person in occupation of the land;

(b) be served on the traditional authority of the area in which the land is situate and that authority shall notify the people of the area concerned;

(c) be affixed at a conspicuous place on the land;

(d) be published on three consecutive occasions in a newspaper circulating in the district where the land is situate and in any other manner directed by the Lands Commission; and

(e) be posted on the notice board of the District Assembly.

(3) Where the person affected by the acquisition is outside the district or region where the land is situate, a copy of the notice shall be sent by registered mail to the last known address of that person.

(4) On the publication of the notice, the land shall, without further assurance, vest in the President free from any encumbrances.

Restoration of land

273. On the expiration of the term of occupation or use referred to in subsection (4) of section 271, the State shall restore the land to the condition in which the land was before the occupation or use and, failing that restoration, compensation shall be paid for any damage done to the land, or for the extent by which the value of the land has been reduced by reason of the occupation or use.

Disagreement over compensation or restoration

274. Where the Lands Commission is unable to agree with the persons who have interest in the land, on the amount of compensation

payable under section 273 or as to the condition of the land at the expiration of the term for which the land is occupied or used, the Lands Commission shall refer the matter for resolution under the Alternative Dispute Resolution Act, 2010 (Act 798).

Temporary use of land for access

275. (1) Where the President is satisfied that any land is needed solely as a means of access to any other land, the President shall, by Executive Instrument, authorise the temporary use of that land subject to the payment of compensation.

(2) The right of access so acquired shall extend to the passage of vehicles of all kinds.

(3) The compensation payable shall be limited to the damage done on that land to trees, plants, crops, improvements on the land, loss of income and disturbance.

Right of entry

276. The Lands Commission or a person authorised by the Lands Commission and any officer or person authorised under section 271 may, at all reasonable times, enter upon land marked for temporary occupation by the State for any of the purposes of this Act.

Part Three
Offences and Miscellaneous Provisions

Chapter One
Offences

Offences

277. (1) A public officer or any other person who

(a) falsifies land records,

(b) fraudulently issues any document or makes or procures the registration of any document or instrument or erases an entry in or alters a document kept in or issued by the Lands Commission,

(c) fraudulently removes from the Lands Commission any land register or part of any land register or any other document or part of any other document filed with the Lands Commission,

(d) fraudulently defaces, obliterates or mutilates any land register or other document kept in the Lands Commission,

(e) fraudulently makes any unauthorised entry or alteration to be made in any land register or any other document kept in the Lands Commission,

(f) fraudulently deletes, alters, obliterates or damages electronic records of the Lands Commission, or

(g) unlawfully accesses, downloads, transfers, copies or engages in any other act that compromises the integrity of the records at the Lands Commission,

commits an offence and is liable on summary conviction to a fine of not less than one thousand penalty units and not more than two thousand penalty units or to a term of imprisonment of not less than two years and not more than five years or to both.

(2) A person who

(a) purports to make a grant of land to which that person has no title,

(b) purports to make a grant of land without authority, or

(c) makes conflicting grants in respect of the same piece of land to more than one person,

commits an offence and is liable on summary conviction to a fine of not less than seven thousand five hundred penalty units and not more than fifteen thousand penalty units or to a term of imprisonment of not less than seven years and not more than fifteen years or to both.

(3) A person who without reasonable excuse, the burden of proof which shall be on that person, wilfully neglects or refuses to indicate the land of that person or land in which that person claims an interest or to assist in the demarcation of that land, when required to do so by a surveyor or an officer acting under this Act, commits an offence and is liable on summary conviction to a fine of not less than one thousand penalty units and not more than two thousand penalty units or to a term of imprisonment of not less than three years and not more than five years or to both.

(4) A person who fails to comply with an order, contained in a notice duly served on that person under this Act commits an offence and is liable on summary conviction to a fine of not less than two hundred and fifty penalty units and not more than five hundred penalty units or to a term of imprisonment of not less than one year and not more than three years or to both.

(5) A person who obstructs an authorised officer in the performance of functions under this Act commits an offence and is liable on summary

conviction to a fine of not less than five hundred penalty units and not more than one thousand penalty units or to a term of imprisonment of not less than two years and not more than four years, or to both.

(6) Proceedings or a conviction in respect of any act which is an offence under this section shall not affect any remedy which a person aggrieved or injured by the act may be entitled to, against the person or the estate of the person who committed the act.

Chapter Two
Miscellaneous Provisions

Immunity of officer

278. An officer of the Lands Commission is not personally liable for any act done in good faith in the discharge of the duties or the exercise of the powers of the officer under this Act.

Publication of prescribed fees

279. The Lands Commission shall publish on its website and at a conspicuous place of its office fees prescribed under this Act.

Regulations

280. The Minister may, on the advice of the Lands Commission, by legislative instrument, make Regulations to provide for

(a) matters relating to power of entry and survey;
(b) matters relating to erection and protection of boundary marks and survey beacons;
(c) matters relating to land valuation;
(d) matters relating to fees for consent and concurrence, and other matters concerning transactions relating to stool or skin, or clan or family land;
(f) facilities and other requirements for the provision of electronic conveyancing services and conditions of a licence for the provision of electronic conveyancing services;
(g) matters relating to registration of title to land;
(h) matters relating to registration of instruments affecting land;
(i) matters relating to cancellation of entries in the land register;
(j) compulsory acquisition of land by the State;
(k) sustainable land management;

(l) the detailed requirement of registration and disposition of stool or skin, or clan or family land;
(m) matters relating to registration of easements, restrictive agreements, profits and licences;
(n) matters relating to receipt or acknowledgment of presentation of instruments at the registry;
(o) conditions for access to the land information system and the transaction that may be made by using that system;
(p) matters relating to Form of Instruments;
(q) matters relating to verification of execution of instruments;
(r) matters relating to the allocation of public lands;
(s) fees in respect of matters connected with registration;
(t) matters relating to form of oath of proof;
(u) matters relating to form of acknowledgment receipt for instrument presented for registration;
(v) matters relating to management of vested lands;
(w) matters relating to large scale land acquisition; and
(x) generally for giving full effect to the provisions of this Act.

(2) The Minister may, on the advice of the Lands Commission, and in consultation with the Office of the Administrator of Stool Lands, provide for

(a) the establishment, records and fees of Customary Lands Secretariats; and
(b) any other matter for the effective and efficient implementation of this Act.

Interpretation

281. In this Act, unless the context otherwise requires,

"approved plan" means a plan prepared by an official surveyor or licensed surveyor which shows the boundaries of land with accuracy and gives an exact measurement by which the boundaries may be demarcated or re-demarcated on the ground and approved by the Director of the Survey and Mapping Division;

"assignment" means the transfer of the unexpired portion of a term or interest created by a lease;

"caveat" means a formal request that prohibits the registration of a disposition and the making of an entry on a land certificate or register to the extent specified in the certificate or register;

"clan" includes a group of families that can be traced to a common ancestor and includes a collection of clans;

"clan land" includes land, the allodial title to which, is held by a clan or a collection of clans for the benefit of the members of that clan or clans in accordance with customary law and includes land in the parts of the country where a clan or collection of clans is headed by a tendana;

"commercial property" means a building or land that can be used for commercial purposes;

"Commission" means the Land Commission established under article 258 of the Constitution;

"common land" means land set aside by a community for common use under section 19;

"community" means a group of families and individuals living in a territorial area and that has common interests in areas of habitation, agriculture, communal land use and protection of land, whether cultivated or lying fallow, forests, places of cultural importance, pastures, water sources and areas for expansion;

"conveyance" includes a document in writing by which an interest in land is transferred, an oral grant under customary law that is duly recorded in accordance with this Act, a lease, disclaimer, release and any other assurance of property or of an interest in property by an instrument, except a will;

"Director of the Land Registration Division" means the Director responsible for land registration appointed under section 28 of the Lands Commission Act, 2008 (Act 767);

"disposition" means any act by a proprietor of land or of an interest in land by which the rights of the proprietor in or over the land are transferred during the life time of that proprietor;

"dispute settlement" includes resolution of a disagreement under the Alternative Dispute Resolution Act, 2010 (Act 798);

"disturbance" includes the inconvenience suffered by an occupier of land who has to relocate as a result of the compulsory acquisition or temporary occupation of land by the State;

"easement" means a right under the rules of common law attached to land and which allows the proprietor of the land to which the right is attached to use another land in a particular manner or to restrict the use of the land to a particular extent but does not include any right capable of existing as a profit or a restrictive covenant;

"encumbrance" includes a legal or equitable mortgage, a trust for securing money, a lien, and a charge of a capital or annual sum;

"essential particulars" includes the name of the beneficiary, age of the beneficiary, certificate of registration and registered trustees;

"family" means a group of persons who trace their ancestry from a common lineage and who, at customary law, are recognised as a land owning group;

"family land" means land, the allodial title, to which is held by a family for the benefit of the members of that family in accordance with customary law;

"grantee" includes a person who takes or receives an interest under an instrument;

"grantor" includes a person who conveys, mortgages, charges or otherwise demises land or interest in land;

"group" means a body of persons whose lineage can be traced from a stool or skin, or clan or family, such as quarters and gates;

"indigene" means a person who, in accordance with customary law,

(a) hails from a community or settlement; and

(b) is a subject of a stool or skin, or member of a clan or family which holds allodial title to land;

"infant" means a person who has not attained the age of eighteen years;

"instrument" means any writing which affects land situate in this country including a Judge's Certificate and a memorandum of deposit of title deeds;

"interest in land" means any right or interest in or over land which is registerable under this Act;

"Judge's Certificate" means a certificate of purchase of land which is sold in execution of a judgment and signed by a Judge or a Magistrate, and a certificate of title signed by a Judge or Magistrate in pursuance of a court order;

"land" includes the solid surface of the earth, trees, plant, crops and other vegetation, a part of the earth surface covered by water, any house, building or structure whatsoever, and any interest or right in, to or over immovable property;

"land certificate" means a certificate duly issued under section 125;

"land owning group" means a stool or skin, or clan, or family or other collection of individuals that holds title to land;

"land register" means the register of proprietors of land and interests in land kept in accordance with this Act;

"Land Registrar" means a person duly gazetted under section 101;

"Lands Commission" means the Lands Commission established under article 258 of the Constitution;

"lessee" includes an original or derivative sublessee, and those deriving title under the lessee;

"lessor" includes an original or derivative sublessor and those deriving title under the sublessor;

"licence" means a permission other than easement or profit given by a proprietor of land or of an interest in land which allows the person granted the permission to do certain acts in relation to the land which would otherwise be a trespass;

"local plan" means a detailed plan which proposes a dimensionally accurate disposition of parcels of land by function and purpose to meet the present and future identified community needs within the time frame for which the plan is valid;

"market value" means the sum of money which may be realised if the land were sold on the open market by a willing seller and bought by a willing purchaser;

"mineral" means a substance in solid or liquid form that occurs naturally in, under or upon any land, formed by or subject to geological process;

"Minister" means the Minister responsible for Lands;

"mortgage" has the meaning assigned to it in section 1 of the Mortgages Act, 1972 (N.R.C.D. 96);

"newspaper" includes electronic media;
"parcel" means an area of land which has been or will, after registration, be separately delineated on the registry map;
"personal representative" has the meaning assigned to it in section 108 of the Administration of Estates Act, 1961 (Act 63);
"person with disability" means an individual with a physical, mental or sensory impairment including a visual, hearing or speech functional disability which gives rise to physical, cultural or social barriers that substantially limits one or more of the major life activities of that individual;
"plan" includes a map depicting in the manner and to the standard of accuracy defined by the Director of the Survey and Mapping Division, the relative position, beacons, boundaries and dimensions of one or more parcels of land as surveyed by an official surveyor or licensed surveyor and which has been prepared by that surveyor as having been compiled from official records of survey;
"profit" means the right at common law to go on the land of another person to take a particular type of object from that land, whether part of the soil or a product of the soil;
"proprietor" means in relation to any land or interest in land, the person named in the land register as the proprietor of that land or interest in land and also means the donee of a power to appoint or dispose of the land or interest in land;
"public body" means
(a) an organ of State;
(b) a State institution; and
(c) a Ministry, Department or Agency or a statutory public corporation;
"purchaser" means a person who, in good faith, acquires land or an interest in land for valuable consideration and includes a lessee or other person who, for valuable consideration, acquires an interest in property and where the context so requires includes an intending purchaser;
"registration district" means a district declared under section 89 for the purposes of registration of land including a registration section;
"registration section" means a division of a registration district constituted under section 94;
"registry map" means the map or series of maps referred to in section 85;

"rent" includes any periodic payment in money or money's worth, made, reserved or charged upon land;

"scheduled land" means land proposed for acquisition by the State;

"site plan" means a plan that shows the boundaries of land with accuracy, and giving exact measurements by which the boundaries may be demarcated on the ground, and that is made in conformity with the result of a survey carried out by an official surveyor or licensed surveyor and that has been certified by that surveyor and approved by the Director of the Survey and Mapping Division;

"stool" includes a skin as well as any person or body of persons having control over skin or community land, as a representative of the particular community;

"stool land" includes land or interest in or right over land controlled by a stool, skin or the head of the particular community, for the benefit of the subjects of that stool, skin or members of that community;

"surveyor" includes an official land surveyor or a licensed land surveyor authorised by the Lands Commission to perform any function under this Act;

"tacking" means the process by which a loan, advanced subsequently to the creation of a second mortgage of a parcel, may be secured on the first mortgage of that parcel and takes priority over the second mortgage;

"tendana" means a descendant of the first settler who is the custodian of land for a group of clans tracing their ancestry to the first settler;

"traditional area" has the meaning assigned to it by the Chieftaincy Act, 2008 (Act 759);

"transfer" means the passing of title to, interest in or rights over land by an act of the parties and not by operation of law;

"transmission" means the transfer of land or an interest in land from one person to another by operation of law or death, bankruptcy, insolvency or otherwise or by virtue of appointment or succession to any office and by compulsory acquisition of land under this Act; and

"vesting order" means an order by a court of competent jurisdiction transferring legal title in the absence of a legal conveyance.

Repeals and savings

282. (1) The following enactments are repealed:

(a) Land Development (Protection of Purchasers) Act, 1960 (Act 2);
(b) Farm Lands (Protection) Act, 1962 (Act 107);
(c) Land Registry Act, 1962 (Act 122);
(d) Administration of Lands Act, 1962 (Act 123);
(e) State Lands Act, 1962 (Act 125);
(f) section 11 of the Survey Act, 1962 (Act 127);
(g) Lands (Miscellaneous Provisions) Act, 1963 (Act 161);
(h) Public Conveyancing Act, 1965 (Act 302);
(i) Rent Stabilisation Act, (Repeal) Decree 1966 (N.L.C.D. 49);
(j) Rent Stabilisation (Amendment) Act, 1966 (N.L.C.D. 103);
(k) Conveyancing Act, 1973 (N.R.C.D. 175);
(l) Public Lands (Protection) Act, 1974 (N.R.C.D. 240); and
(m) Land Title Registration Act, 1986 (P.N.D.C.L. 152).

(2) Despite the repeal of the enactments in subsection (1), Regulations, by-laws, notices, orders, directions, appointments or any other act lawfully made or done under the repealed enactments and in force immediately before the coming into force of this Act shall be considered to have been made or done under this Act and shall continue to have effect until revoked, cancelled or terminated.

(3) An instrument or a document made or issued under the repealed enactments shall continue to be valid under this Act until otherwise revoked.

Transitional provisions

283. (1) An application pending before the Lands Commission before the coming into force of this Act shall be processed by the Lands Commission in accordance with this Act.

(2) Despite the repeal of the State Lands Act, 1962 (Act 125), the provisions of that Act shall apply to a compulsory acquisition of land which commenced before the coming into force of this Act.

(3) Within one year after the coming into force of this Act, a person who has registered land in the name of an infant shall ensure that that person registers the land in the name of an adult as proprietor in trust for that infant.

SCHEDULES

FIRST SCHEDULE

(sections 15 (4)(a) and 37)

RECORD OF CUSTOMARY TRANSFER

1. Full name and address of transferor (including residential and postal address if any):

   (a) .....

   (b) .....

   (c) .....

   (d) .....

2. Full name and address of transferee (including residential and postal address if any):

   (a) .....

   (b) .....

   (c) .....

   (d) .....

3. Nature of transaction (tick the appropriate transaction and endorse):

   Usufructuary interest

   Sale

   Gift

   Tenancies (Partition, Abusa, Abunu, Abehyem etc.)

   Assignment

   Mortgage

   Sowing tenure

   Other (specify)

4. Full name and address of person whose consent is required:

   (a) .....

   (b) .....

   (c) .....

   (d) .....

5. Full name and address of person who has given consent:

(a) .....

(b) .....

(c) .....

(d) .....

(Where consent is required, the consent shall be signified by the signature or mark of the person giving the consent)

6. Consideration given for the transfer:

(a) Money (state amount).....

(b) Any other customary performance (specify).....

7. Description of the land to which transfer relates (the land should be clearly described so that it can be readily identified):

.....

.....

.....

8. Duration of the interest given to the transferee (tick the appropriate term and endorse):

Permanent

For a limited time (specify period) .....

9. Any other important matter relating to the transaction:

.....

.....

.....

.....

9. Date from which the transfer is to have effect:

.....

The signature/mark of

..... (transferor)

.....

.....

.....

The signature/mark of

..... (transferee)

.....

.....

The signature/mark of

..... (witness)

.....

.....

(Full name and address of witness including residential and postal address if any)

OATH OF RECORDING OFFICER

After I had read and explained the contents of the above record to the parties, they informed me that they have understood it clearly and that it incorporated the essential features of the transaction. They signed/marked it in my presence.

(Signed).....

Date.....

CERTIFICATE

I,....., officer of the Customary Land Secretariat for the..... in the.....Region of Ghana, hereby certify that the above record of a transfer of an interest in land under customary law incorporates the essential features of the transaction sought to be effected.

.....

Officer of the Customary Land Secretariat

Dated at.....this.....day of....., 20.....

SECOND SCHEDULE

IMPLIED COVENANTS BY TRANSFEROR

PART I

(section 50 (1))

Covenants Implied in a Conveyance for Valuable Consideration

Right to Convey:
That notwithstanding anything done, omitted or knowingly suffered by the covenantor or any one through whom the covenantor derives title otherwise than by purchase for value, the covenantor has, with the concurrence of every other person (if any) conveying by the direction of the covenantor, full power to convey the subject-matter expressed to be conveyed, in the manner in which it is expressed to be conveyed.

Quiet Enjoyment:
That notwithstanding anything done, omitted or knowingly suffered by the covenantor or any one through whom the covenantor derives title otherwise than by purchase for value, the subject-matter expressed to be conveyed shall remain to and be quietly entered upon, received, held, occupied and enjoyed by the covenantee and any person deriving title under the covenantee, and the benefit of the subject matter conveyed shall be received and taken accordingly, without interruption or disturbance by the covenantor or any person through whom the covenantor derives title otherwise than by purchase for value, or any person rightfully claiming (not being a person claiming in respect of an interest to which the conveyance is expressly made subject) by, through, under or in trust for any of the foregoing persons.

Freedom from Encumbrances:
That the subject-matter expressed to be conveyed is freed and discharged from or otherwise sufficiently indemnified by the covenantor against all interests, encumbrances, claims and demands (other than those to which the conveyance is expressly made subject) as have been or shall at any time be made, caused or suffered by the covenantor or any person conveying by the direction of the covenantor, or any person through whom the covenantor derives title (otherwise than by purchase or value) or any person rightfully claiming by, through, under or in trust for any of the foregoing persons.

Further Assurance:
That the covenantor and every person conveying by the direction of the covenantor, and each person through whom the covenantor derives title otherwise than by purchase for value, and every person rightfully claiming (not being a person claiming in respect of an interest to which the conveyance is expressly made subject) by, through, under or in trust for any of the foregoing persons, will on the request and at the cost of any covenantee or of any person deriving title under the covenantee, execute and do all lawful assurances and things for further or more perfectly assuring the subject-matter of conveyance to the covenantee and those deriving title under the covenantee in the manner in which it is expressed to be conveyed, as the covenantee or those deriving title under the covenantee or any of them may reasonably require.

PART II

(section 50 (2))

Further Covenants Implied in an Assignment or Sublease for Valuable Consideration

Validity of Head Lease:

That notwithstanding anything done, omitted or knowingly suffered by the covenantor or any one through whom the covenantor derives title otherwise than by purchase for value, the head lease is at the time of conveyance a good, valid and effectual lease of the property conveyed, and is in full force, unforfeited and unsurrendered, and has not become void or voidable.

Past Observance of Head Lease:

That notwithstanding anything done, omitted or knowingly suffered by the covenantor or any one through whom the covenantor derives title otherwise than by purchase for value

(a) all rent payable under the head lease by the lessee and the persons deriving title under the lessee has been paid up to the time of conveyance; and

(b) all the covenants, conditions and agreements contained in the head lease and to be observed and performed by the lessee and the persons deriving title under the lessee have been observed and performed up to the time of conveyance.

PART III

(section 50 (3))

Further Covenants Implied in a Sublease for Valuable Consideration

Future Observance of Head Lease:

During the term of the sublease and any renewal of the sublease to pay the rent reserved by the head lease and to perform (so far as the covenantee is not liable for the performance under the covenants on the part of the covenantee implied or otherwise contained in this sublease) all the lessee's covenants contained in the head lease.

Production of title deeds and delivery of copies:

To produce the head lease and to deliver copies of the headlease, which covenant shall be deemed to be a written undertaking in accordance with subsection (2) of section 63 of this Act.

PART IV

(section 50 (4))

Implied Covenant by Person Conveying as Trustee or Under an Order of the Court

That the person so conveying has not executed or done, or knowingly suffered, or been party or privy to, any deed or thing, whereby the subject-matter of the conveyance, or any part of the subject matter of the conveyance, thereof is or may be impeached, charged, affected, or encumbered in title, interest or otherwise, or whereby the person who so conveys is in any way hindered from conveying the subject-matter of the conveyance, or any part of the subject matter of the conveyance, in the manner in which it is expressed to be conveyed.

PART V

IMPLIED COVENANTS BY TRANSFEREE

(section 51 (1))

Covenants Implied in a Lease for Valuable Consideration

Payment of Rent:

To pay the reserved rent at the times and in the manner specified in the lease.

Repair to Adjoining Premises:

To permit the covenantee and the agents of the covenantee with all necessary workmen and appliances at all reasonable times after having given written notice to the covenantor to enter upon the premises leased to execute repairs or alterations on any adjoining premises belonging to the covenantee who shall make good all damage occasioned to the covenantor by such entry.

Alterations and Additions:

Not without the previous written consent of the covenantee to erect any new buildings on the premises leased or make any alterations or additions to the premises leased.

Injury to walls:

Not without the previous written consent of the covenantee to cut or injure any of the walls or timbers of the premises leased or permit such cutting or injury to be done.

Assignment and Subletting:

Not without the previous written consent of the covenantee to assign, sublet or part with the possession of the premises leased or any part of the premises leased, such consent however not to be unreasonably withheld.

Illegal or Immoral User:

Not to use or permit the premises leased or any part of the premises leased to be used for any illegal or immoral purpose.

Nuisance or Annoyance:

Not to do or permit anything to be done in or upon the premises leased or any part of the premises leased which may be or become a nuisance or annoyance or cause damage to the covenantee, tenants of the covenantee, or the occupiers of adjacent or neighbouring premises.

Yielding up the Premises:

At the determination of the term of the lease to yield up to the covenantee the premises leased and all additions to the premises leased and all fittings and fittings and fixtures of the covenantee in the premises leased in good and tenantable repair.

PART VI

(section 51 (2))

Further Covenants Implied in a Sublease for Valuable Consideration

Future Observance of Headlease:

During the term of the sublease and any renewal of the sublease to perform and observe the covenants on the part of the lessee contained in the head lease (insofar as they are applicable to the premises subleased) except only the covenant for payment of the rent reserved by the head lease and any covenant for the performance of which the covenantee is liable under the covenants on the part of the covenantee implied or otherwise contained in this sublease, and to keep the covenantee indemnified against claims, damages, costs and expenses in any way relating to the sublease.

Permitting Repair under Headlease:

To permit the covenantee and agents of the covenantee with necessary workmen and appliances at reasonable times after giving written notice to the covenantor to enter upon the premises subleased for any purpose which, in the opinion of the covenantee, is necessary to enable the covenantee to comply with the covenants on the part of the lessee contained in the head lease so far as such covenants are not to be performed by the covenantor.

PART VII

(section 51 (3))

Covenants Implied in an Assignment for Valuable Consideration of all the Land Comprised in Lease

That the assignee or the persons deriving title under the assignee will at all times from the date of the assignment or any other date stated in the assignment,

Payment of Rent:

Duly pay all rent due under the lease creating the term or interest for which the land is conveyed.

Future Observance of Headlease:

Observe and perform all the covenants, agreements and conditions on the part of the lessees to be observed and performed as contained in the lease creating the term or interest for which the land is conveyed.

Indemnity:

Indemnify the assignor and the property of the assignor against all proceedings, costs, claims and expenses on account of an omission to pay the rent or any breach of any of the covenants, agreements and conditions.

PART VIII

(section 71)

MODEL PRECEDENTS

(A jurat should be provided where any of the parties cannot read and write).

1. PRECEDENT OF CONVEYANCE ON SALE OF FREEHOLD

THIS CONVEYANCE is made the first day of January, 2017 between the vendor GLORIA BANANZI of House Q/23, P.O. Box AT 735, Achimota, Accra in the Greater Accra Region of Ghana and the purchaser MINA ADDO of C/145, Coastal Estate, Baatsona in the Greater Accra Region of Ghana.

1. By a conveyance made the first day of June, 2016 between Chris Anibrika of Accra and the vendor (registered number 6543/65) the property known as Plot 600, Castle Street, Accra, more particularly described in the schedule to this conveyance (hereinafter called "the property") was conveyed to the vendor forever.

2. The vendor as owner/trustee conveys the property to the purchaser forever in consideration of Five Hundred Thousand Ghana Cedis (GH¢500,000.00) paid by the purchaser to the vendor.

3. The vendor acknowledges the receipt from the purchaser of Five Hundred Thousand Ghana Cedis (GH¢500,000.00) the purchase price of the property.

SCHEDULE

The property consists of a building and land bounded (description of boundaries) and is indicated by a colour edged on the attached plan which shows the relevant measurements.

Signed by GLORIA BANANZI

.....

in the presence of

:.....

(Provide Full Name, Address, Signature)

Signed by MINA ADDO

.....

in the presence of:

.....

(Provide Full Name, Address, Signature)

OATH OF PROOF

I (full name and address of deponent), of Accra make Oath and say that on the .... day of (month),...(year) I was present and saw the within-named GRANTOR duly execute the Instrument now produced to me and marked "A" and that the GRANTEE can read and write (where a party cannot read and write, a jurat is required:-

SWORN AT ACCRA THIS DAY OF }..... 20.....

DEPONENT (Witness of party)

BEFORE ME

REGISTRAR OF LANDS:-

CERTIFICATE OF PROOF

On the..... day of....., 20..... at .....o'clock in the forenoon, this Instrument was proved before me by the Oath of the within-named ..... to have been duly executed by the within-named **GRANTOR:-**

REGISTRAR OF LANDS:-

(Signed).....

Date.....

2. PRECEDENT OF CONVEYANCE OF PROPERTY AS A GIFT

THIS CONVEYANCE is made the first day of January, 2017, between the donor HENRY TACKEY of 5, Black Star Square, Accra and the donee SAMUEL TACKEY of 10, St. George's Square, Winneba in the Central Region of Ghana.

1. By a conveyance made the first day of August, 2016 between Nii Ayi Ayittey of Accra and the donor (registered number 6543/70) the property known as 10, Sahara Street, Adabraka, Accra more particularly described (hereinafter called "the property") was conveyed to the donor forever.

2. The donor as owner conveys the property to the donee forever as a gift.

3. For consideration of love and affection.

SCHEDULE

The property consists of a building and land bounded (description of boundaries) and is indicated by a colour edged on the attached plan which shows the relevant measurements.

Signed by HENRY TACKEY

.....

in the presence of

.....

(Provide Full Name, Address, Signature)

Signed by SAMUEL TACKEY

.....

in the presence of

.....

(Provide Full Name, Address, Signature)

OATH OF PROOF

I, ...of Accra make Oath and say that on the .....day of....., 20... I was present and saw the within-named DONOR duly execute the Instrument now produced to me and marked "A" and that the DONEE can read and write (where a party cannot read and write, a jurat is required:-

SWORN AT ACCRA THIS DAY OF ..... 20 }

DEPONENT (Witness of party)

BEFORE ME

REGISTRAR OF LANDS:-

CERTIFICATE OF PROOF

On the.....day of .....,20 ..... at ..... o'clock in the forenoon this Instrument was proved before me by the Oath of the within-named ..... to have been duly executed by the within-named **DONOR:-**

REGISTRAR OF LANDS:-

(Signed).....

Date.....

3. PRECEDENT OF A LEASE

THIS LEASE is made the first day of January, 2017 between the lessor SULEMANA MAHAMA of House A/6543, P.O. Box 18250, Tamale in the Northern Region of Ghana and the lessee MR. KOFI BLANKSON and MRS. ABIGAIL BLANKSON of 5, Manet Court, Spintex Road, Accra in the Greater Accra Region of Ghana.

1. The lessor leases to the lessee the property known as Flat 2, Roman Road, Roman Ridge, Accra (hereinafter called "the property") for a term of twenty (20) years from the first day of February, 2016.

2. The lessee shall pay to the lessor a yearly rent of one thousand Ghana Cedis (GH¢1000.00) payable state period (e.g. half-yearly in advance on 1st February and 1st August every year).

3. The lessee shall have the following rights:

   (Here set out rights to be enjoyed by the lessee either concurrently with or to the exclusion of the lessor, e.g. rights of way, etc.)

4. The lessor shall have the following rights to the exclusion of the lessee:

   (Here set out rights of way, etc. to be enjoyed by the lessor to the exclusion of the lessee).

5. The lessee covenants with the lessor as follows:

   (Here set out any express covenants, and any variation, extension or exclusion of the implied statutory covenants, that may be required.)

6. The lessor covenants with the lessee as follows:

   (Here set out any express covenants, and any permissible variation or extension of the implied statutory covenants, that may be required.)

7. Here set out any further provisions required (e.g. right of re-entry for breach, or option to renew)

SCHEDULE

The property consists of a building and land bounded (description of boundaries) and is indicated by a colour edged on the attached plan which shows the relevant measurements.

Signed by SULEMANA MAHAMA

.....

in the presence of:

.....
(Provide Full Name, Address, Signature)

Signed by KOFI BLANKSON

.....

in the presence of:

.....
(Provide Full Name, Address, Signature)

Signed by ABIGAIL BLANKSON

.....

in the presence of: .....
(Provide Full Name, Address, Signature)

OATH OF PROOF

I, ...of Accra make Oath and say that on the ..... day of....., 20....., I was present and saw the within-named LESSOR duly execute the Instrument now produced to me and marked "A" and that the LESSOR can read and write (where a party cannot read and write, a jurat is required:-

SWORN AT ACCRA THIS DAY OF }.....

}DEPONENT (Witness of party)

20

BEFORE ME

REGISTRAR OF LANDS:

CERTIFICATE OF PROOF

On the ..... day of....., 20..... at ..... o'clock in the forenoon this instrument was proved before me by the Oath of the within-named ..... to have been duly executed by the within-named **LESSOR:-**

REGISTRAR OF LANDS:-

(Signed).....

Date.....

4. PRECEDENT OF A SUBLEASE

THIS SUBLEASE is made the first day of January, 2017 between the lessor TIMOTHY ANYIDOHO of Palm Grove, P.O. BOX 18250, Elmina in the Central Region of Ghana and the lessee ADU GYAMFI of 18, Fifth Avenue, P.O. Box 18250, Sunyani in the Brong-Ahafo Region of Ghana.

1. By a head lease made the first day of June, 2007 between Armah Quaye of Accra and the lessor (registered number 6543/65) the property at Church Street, Elmina more particularly described (hereinafter called "the property") was leased to the lessor for a term of fifty (50) years from the first day of January, 2008.

2. The sub-lessor sublets the property to the sub-lessee for a term of twenty (20) years from the first day of January, 2007.

3. The sub-lessee shall pay to the sub-lessor a yearly rent of one thousand Ghana Cedis (GH¢1,000.00) payable state period (e.g. quarterly in advance on 1st January, 1st April, 1st July, and 1st October every year).

4. The sub-lessor acknowledges the receipt from the lessee of two hundred and fifty Ghana Cedis (GH¢250.00) being rent paid by the lessee up to and including 31st March, 2007.

5. (Here set out lessee's rights, lessor's rights, lessee's covenants, lessor's covenants, and any further provisions, as in section 36 of the foregoing model precedent of a lease).

SCHEDULE

The property consists of a building and land bounded (description of boundaries) and is indicated by a colour edged on the attached plan which shows the relevant measurements.

Signed by TIMOTHY ANYIDOHO

in the presence of:

(Provide Full Name, Address, Signature)

Signed by ADU GYAMFI

in the presence of:

(Provide Full Name, Address, Signature)

OATH OF PROOF

I .....of Accra make Oath and say that on the.....day of ....., 20 I was present and saw the within-named SUB-LESSOR duly execute the Instrument now produced to me and marked "A" and that the SUB-LESSOR can read and write (where a party cannot read and write, a jurat is required:-

SWORN AT ACCRA THIS DAY OF }.....

}DEPONENT (Witness of party)

20 }

BEFORE ME

REGISTRAR OF LANDS:-

CERTIFICATE OF PROOF

On the..... day of ....., 20..... at ..... o'clock in the forenoon this instrument was proved before me by the Oath of the within-named ..... to have been duly executed by the within-named **SUB-LESSOR:-**

REGISTRAR OF LANDS:-

(Signed).....

Date.....

5. PRECEDENT OF AN ASSIGNMENT

THIS ASSIGNMENT is made the first day of January, 2017 between the vendor QUICK PROFITS LIMITED a company incorporated under the laws of Ghana whose registered office is at 5 Cornmill Road, Takoradi in the Western Region of Ghana acting by its lawful representative Addo Tawiah, Managing Director (name and position) and the purchaser MAAME AMA of 12, Castle Road, Elmina in the Central Region of Ghana.

1. By a lease (hereinafter called "the lease") made the first day of June, 2011 between John Eluerkeh of Accra and the vendor (registered number 5643/69) the property known as the Castle, Elmina more particularly described (hereinafter called "the property") was leased to the vendor for a term of 50 years from the first day of June, 1969.

2. The vendor assigns to the purchaser his leasehold interest in the property in consideration of five hundred thousand Ghana Cedis (GH¢500,000.00) paid by the purchaser to the vendor.

3. The vendor acknowledges the receipt from the purchaser of five hundred thousand Ghana Cedis (GH¢500,000.00) the purchase price of the property.

4. The property is subject to a yearly rent of one thousand Ghana Cedis (GH¢1,000.00) made payable by the lease and to the covenants and restrictions contained in the lease.

SCHEDULE

The property consists of a building and land bounded (description of boundaries) and is indicated by a colour edged on the attached plan which shows the relevant measurements.

THE COMMON SEAL of QUICK PROFITS LIMITED was affixed to this conveyance and signed by its lawful representative, Addo Tawiah

in the presence of :—

.....
Director

.....
Secretary

Signed by MAAME AMA

in the presence of—

(Provide Full Name, Address, Signature)

OATH OF PROOF

I, ... of Accra make Oath and say that on the ..... day of ....., 20....., I was present and saw the within-named ASSIGNOR duly execute the Instrument now produced to me and marked "A" and that the ASSIGNEE can read and write (where a party cannot read and write, a jurat is required:-

SWORN AT ACCRA THIS DAY OF }.....

}DEPONENT (Witness of party)

20 }

BEFORE ME

REGISTRAR OF LANDS:-

CERTIFICATE OF PROOF

On the ..... day of ....., 20 ..... at ..... o'clock in the forenoon this instrument was proved before me by the Oath of the within-named ..... to have been duly executed by the within-named **ASSIGNOR:-**

REGISTRAR OF LANDS:-

(Signed).....

Date.....

6. EXPLANATION OF IMPLIED COVENANTS

1. In the precedent of conveyance on sale of freehold, being for valuable consideration, there are implied the covenants of the vendor for right to convey, quiet enjoyment, freedom from encumbrances and further assurance, by virtue of section 50(1).
2. In the case of conveyance of property as a gift, no covenants are implied.
3. In the precedent of a lease, being for valuable consideration, there are implied
   (a) the covenants of the lessor for right to convey, quiet enjoyment, freedom from encumbrances and further assurance, by virtue of section 50(1); and
   (b) the covenants of the lessee relating to payment of rent, repair to adjoining premises, alterations and additions, injury to walls, assignment and sub-letting, illegal or immoral user, nuisance or annoyance, and yielding up the premises, by virtue of section 51.
4. In the precedent of a sublease, being for valuable consideration, there are implied
   (a) the covenants of the lessor relating to right to convey, quiet enjoyment, freedom from encumbrances, further assurance, validity of the head lease, past observance of the head lease, future observance of the head lease, and production of title deeds and delivery of copies, by virtue of section 50; and
   (b) the covenants of the lessee relating to payment of rent, repair to adjoining premises, alterations and additions, injury to walls, assignment and sub-letting, illegal or immoral user, nuisance or annoyance, yielding up the premises, future observance of the head lease, and permitting repair under the head lease, by virtue of section 51.
5. In the precedent of an assignment, being for valuable consideration there are implied
   (a) the covenants of the vendor relating to right to convey, quiet enjoyment, freedom from encumbrances, further assurance, validity of the head lease, and past observance of the head lease, by virtue of section 50; and
   (b) the covenants of the purchaser relating to payment of rent, future observance of the head lease, and indemnity, by virtue of section 51.

Made this 1st day of May, 2017.

THIRD SCHEDULE
FORM 1
(section 96)

NOTICE OF DECLARATION OF A REGISTRATION DISTRICT

(Name of Registration District)

Pursuant to section 93 of the Land Act, 20….. (Act …….), notice is hereby given that a person claiming to be the proprietor of land or interest in land within the above mentioned Registration District declared by the Minister under section 89 of the Land Act, 2020 (Act....) or part of the Registration District must mark or indicate the boundaries of the land of that claimant in the following manner (state the manner in which the boundaries are to be marked e.g. the land shall be marked at the corners with beacons, or concrete pillars, or hardwood posts, or as the case may be, and the beacon or concrete pillar or other mark shall be marked with a distinguishing letter or numbers by which the starting point may be identified).

All claims must be made on the appropriate application Form obtainable at ……. (place) and be accompanied by

(a) a plan approved by the Survey and Mapping Division, and

(b) deeds and other documentary evidence of the title to the land claimed

and shall be lodged with the Land Registrar at ……(place) before the ……. day of …… (month) ……. (year).

Dated the ……. day of ……(month). ……. (year).

Signed

……
(Director, Land Registration Division)

FORM 2
(section 103 (1))

APPLICATION FOR FIRST REGISTRATION

1. Application for First Registration of Land other than Leasehold

District (Registration) .....
Street/House No.....
Locality.....
Town.....
District (Administrative).....
Region.....

Block.....

Section.....

Size of land.....

Date.....

I/We, ...(full name and address applicant(s)), hereby apply or on behalf of..... (name of owner(s)) apply to be registered as proprietor (s) of the land described in this application.
I/We, am/are (married/single/divorced). (*Tick as appropriate*)

.....full name and address of spouse (where applicant is married).

1. The land is delineated on the plan approved by the Director of Surveys or his authorised representative, attached to this application and edged red/pink which shows the relevant measurements.

2. I/We am/are or my/our grantor(s) is/are in possession of the land and all buildings on the land.

3. I/We have or my/our grantor(s) have been in undisputed possession of the property for not less than ..... years.

4. I/We purchased the land from.....(name of grantor(s)) and paid the purchase price of ..... or as allodial owners we have always been in possession. (Delete inapplicable portion).

5. The deeds and documents accompanying this application and mentioned in the accompanying list signed by me/us and dated ..... are all the deeds and documents relating to the land which I/We have in my/our possession or under my/our control.

(To be signed by applicant)

STATUTORY DECLARATION IN SUPPORT OF THE ABOVE APPLICATION (where necessary)

I/ We,.....(full name and address of applicant), solemnly and sincerely declare as follows:

1. I/We am/are entitled absolutely for my/our own benefit to the land which is the subject of this application (or I/We am/are a representative of the (name of stool, family or individual) stool or family or as the case maybe).

2. I/We am/are not aware of any contract or agreement for sale, or of any mortgage, charge, lien, lease, restrictive agreement, or other encumbrance (if so: except as stated in the conveyance dated ..... or, in the Schedule to this application) affecting the land or any part of the land.

3. There is no person in possession or occupation of the land or any part of the land adversely to my/our (or the) interest in the land. (If so: except as stated in the above application).

4. The land including all buildings and other improvements on the land is of the value of Gh¢ .....

5. All deeds, wills and documents of title, and all charges and encumbrances, as well as all facts material to the title, have been disclosed in the application and I/ We am/are not aware of any question or doubt affecting the land or any part of the land, or of any matter or thing by which the title is or may be impeached, affected, or called in question in any manner whatsoever.

6. The applicant is not an infant or person of unsound mind or other disability.

Statutory Declaration by an Applicant for Registration of Title where no documents are produced

I/We, ...(full name and address of applicant), solemnly and sincerely declare as follows:

I/We and my/our predecessors in title have been in undisputed possession (or received the rents and profits) of the land which is the subject matter of this application for upwards for the past ..... years. (Account for the absence of documents.)

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

I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act, 1971 (Act 389).

(Signature of applicant)

Declared by .....(full name of applicant) at.. .....(place) this ..... day of.. .....(month)..... (year) before me:

(Commissioner for Oaths/ Land Registrar)

SCHEDULE OF ENCUMBRANCES

(e.g. restrictive agreement contained in a Deed dated ..... , particulars of which are given in the accompanying abstract, or, a lease dated-the counterpart of which accompanies this application or mortgage dated ..... in favour of.. .....).

I/We make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act, 1971 (Act 389).

(Signature of applicant)

Declared by the said.....(name of applicant) at.. ..... this ..... day of.. ..... before me:

(Commissioner for Oaths/ Land Registrars)

OFFICIAL USE ONLY

Value GH¢..... .

Registry Fee GH¢..... .

2. Application for First Registration of Leasehold

(a) Application for First Registration for Individuals

I/We,.....(full name and address of applicant), hereby apply to be registered as proprietor of the land described in this application and demised by the accompanying lease dated the ..... of ..... made between .....(full name of applicant) of ..... of the one part and E.P. of ..... of the other part, and more particularly described in the lease.

I/We, am/are (married/single/divorced). (*Tick as appropriate*)

..... full name and address of spouse (where applicant is married).

1. The land is delineated on the plan approved by the Director of Surveys or his authorised representative, attached to this application and edged red/pink which shows the relevant measurements.

2. I/We am/are or my/our grantor(s) is/are in possession of the land and all buildings on the land.

3. I/We have or my/our grantor(s) have been in undisputed possession of the property for not less than ..... years.

4. I/We purchased the land from (name of grantor(s)) and paid the purchase price of ..... or as allodial owners we have always been in possession. (Delete in applicable portion).

5. The deeds and documents accompanying this application and mentioned in the accompanying list signed by me/us and dated ..... are all the deeds and documents relating to the land which I/We have in my/our possession or under my/our control.

(b) Application for First Registration by a Company or Corporation

I, ...(full name and address of company), hereby apply for the registration of (company or corporation) as proprietor of the land described above (or described in the accompanying conveyance ..... dated ..... and made between Nii Ashie Kotey and Otabilkrom Limited or, in the case of leasehold: demised by the lease dated ..... and made between Nii Ashie Kotey and Otabilkrom Limited for ..... years from ..... and comprised in the accompanying assignment to the company (corporation) dated ..... or as the case may be).

1. The land is delineated on registry map number..... of ..... and shown on plan number ..... annexed hereto and thereon edged with red.

2. The deeds and documents accompanying this application and mentioned in the accompanying list in triplicate signed by me and dated ..... are all the deeds and documents relating to the land which the company (corporation) has in its possession.

3. The company (corporation) is entitled for its own benefit (or as personal representative or as the case may be).

4. The company (corporation) has not created any debentures or debenture stock constituting a floating charge on the assets of the company (corporation) except as stated in the schedule hereto. (No petition has been presented and no resolution has been passed for the winding up of the company).

5. I am not aware of any mortgage, charge, restriction or other encumbrance affecting the land or any part thereof except as stated in the schedule hereto.

6. The land including all buildings and other improvements thereon is of the value of GH¢.....

7. A certified copy of the memorandum and articles of association and of the certificate of incorporation of the company (or the Act or constitution of the corporation or as the case may be) has also been left herewith.

SCHEDULE OF ENCUMBRANCES

(Particulars of contracts, restrictive agreements, leases (or sub-leases), mortgages, debentures and any other relevant documents that affect the land).

.....
(Signature, name and capacity of officer of company)

DECLARATION IN SUPPORT OF THE APPLICATION **(where necessary)**

I, (full name, capacity and address of representative of company), solemnly and sincerely declare as follows:

1. I have the authority of ..... (name of company) to depose this statutory declaration.

2. ..... (name of company) is the beneficial owner of the above-mentioned land.

3. I am not aware of any contract or agreement for sale, or of any mortgage, charge, lien, sub-lease, lease, restrictive agreement, or other encumbrance (if so: except as stated in the assignment dated ..... or in the schedule to this declaration) affecting the land or any part of the land.

4. There is no person in possession or occupation of the land or any part of the land adverse to the interest of ..... (name of company) to the land. (If so: except as stated in the above application).

5. The land including all the buildings and other improvements on the land is of the value of GH¢ .....

SCHEDULE OF ENCUMBRANCES

(e.g. a sub-lease dated ..... the counterpart of which accompanies this application, or mortgage dated ..... in favour of.. .....)

FORM 3

(section 107 (6))

REFERENCE OF DISPUTE IN A MATTER OF REFUSAL OF APPLICATION FOR REGISTRATION TO THE REGIONAL LANDS COMMISSION

Reference Number :..... District.....

Plan No..... Parcel No.....

Block..... Section.....

I/We.....

(full name and address of applicant) dissatisfied with the decision of the Land Registrar to reject my application for registration of the above parcel of land, hereby apply to the Regional Lands Commission for reconsideration of the decision.

PARTICULARS

The grounds of this application are that

.....

.....

.....

.....

.....

.....

Name.....

Signature of applicant.....

Date.....

FORM 4

(section 114 (2))

NOTICE OF CONVERSION OF PROVISIONAL CERTIFICATE

Take notice that.....(full name and address of applicant) the holder of a provisional certificate in respect of the land specified in the Schedule has applied for the conversion of the provisional title to a substantive title if no objection is lodged to the conversion at the Land Registration Division within twenty-one (21) days from the date of this Notice.

SCHEDULE

(Describe whether it is freehold or leasehold)

Date ..... day of ....., (month) .... year)

Signature of Land Registrar.....

FORM 5

(section 125 (2))

LAND CERTIFICATE

THIS IS TO CERTIFY THAT ..... (full name, address and occupation) is registered as .....(nature of the interest in section 80) subject to the reservations, restrictions, encumbrances, liens and interests as are notified by memorial, written or endorsed on this Certificate, of the land described in the Schedule to this Certificate.

IN WITNESS OF WHICH I have signed my name and affixed the seal of the Registry this ..... day of .....(month), ...(year).

Entry No.	Date of Instrument	Date of Registration	Area of land	Registered No.	Memorials	Cancellations

.....

(To be signed by the Land Registrar and sealed)
Name of Land Registrar

FORM 6

(section 127 (4))

NOTICE OF INTENTION TO ISSUE A SUBSTITUTED CERTIFICATE

Take notice that FOURTEEN days after the publication of this Notice, I intend to issue a substituted land certificate (or provisional certificate) in respect of ..... (full particulars of land or interest).

Date ..... 20.....

.....

(To be signed by the Land Registrar)

Name of Land Registrar

FORM 7
(section 128 (2))

PROVISIONAL LAND CERTIFICATE

THIS IS TO CERTIFY THAT .....(full name, address and occupation) is registered as .....(nature of the interest in section 81) subject to the reservations, restrictions, encumbrances, liens and interests as are notified by memorial, written or endorsed on this Certificate, of the land described in the Schedule to this Certificate. This Certificate does not affect or prejudice the enforcement of any right adverse to or in derogation of the title to the land as is specified in the register.

IN WITNESS OF WHICH I have signed my name and affixed the seal of the Registry this ..... day of .....(month), ...(year).

Entry No.	Date of Instrument	Date of Registration	Area of land	Registered No.	Memorials	Cancellations

.....
(To be signed by the Land Registrar and sealed)
Name of Land Registrar

FORM 8
(section 130 (1))

APPLICATION FOR OFFICIAL SEARCH

I/We, ... (full name and address of applicant (s)), hereby apply for an official search to be made in the register in respect of the land ..... *(registered with a land certificate number/ volume and folio.....)* or described in this application (being more particularly delineated on the plan annexed to this application or filed in the Land Registration Division ..... of..... as the case may be.)

(And further apply for a stay of registration of any instrument affecting the said land for a period of fourteen days from the date of this application).

(If the search is for a proposed dealing, add particulars of the proposed dealing).

.....
(To be signed by the Land Registrar and Sealed)
Name of Land Registrar

** *(This Form applies to searches in relation to instruments)*

FORM 9

(sections 130 (2) and 222 (2))

OFFICIAL CERTIFICATE OF RESULT OF SEARCH

To.....(full name and address of applicant)

Pursuant to your application..... .....day of .....(month) ....., (year) made by .....(full name and address of applicant), a search has been made with the following result:

(Fill in result of search)

.....

.....

.....

.....

.....

.....

.....

The seal of the Registry was affixed to this Certificate at the hour of ..... on the ..... day of ..... (month) ..... (year)

.....

(To be signed by the Land Registrar and Sealed)
Name of Land Registrar

** (*This Form applies to searches in relation to instruments)*

FORM 10
(section 130 (3))

APPLICATION FOR INSPECTION OF REGISTER

I/We, ... (full name and address of applicant (s)), hereby apply for a physical inspection of the

(a) register;

(b) a registry map.....(*particulars)*;

(c) an instrument.....(*particulars)*; or

(d) a plan filed in the registry..... (*particulars).*

.....
(To be signed by the Land Registrar and Sealed)
Name of Land Registrar

** (*This Form applies to searches in relation to instruments)*

FORM 11
(section 141 (1))

APPLICATION FOR PARTITION AND SEVERANCE

I/We, ...(full name and address applicant(s)), being a joint proprietor/ joint proprietors of the registered land described below hereby apply for the partition of the land in a manner described in the Schedule to this application.

Land Certificate No.:..... District.....

Volume..... Folio No.....

Plan No. .....

SCHEDULE
(Description of partitioned parcels)

.....

.....

.....

.....

.....
(To be signed by applicants)

1. Name: .....
   Tel. No .....
   Email address .....

2. Name: .....
   Tel. No.: .....
   Email address: .....

(Fill in details of other applicants as necessary)

.....

.....

.....

FORM 12
(section 141 (6) (a))

INSTRUMENT OF PARTITION AND SEVERANCE

This instrument of severance is made this ..... day of ..... (month), ...(year) by .....(full names and addresses of applicants).

Whereas we are joint proprietors of the registered land described in this instrument and have agreed to sever the joint proprietorship and to be registered as proprietors in common of the land.

Now Therefore, the joint proprietorship is severed and we hold the land as proprietors in common.

Land Certificate No.:..... District.....

Volume..... Folio No.....

Plan No. .....

.....
(To be signed by parties)

1. Name: .....
   Tel. No.: .....
   Email address: .....

2. Name: .....
   Tel. No.: .....
   Email address: .....

(Fill in details of other applicants as necessary)

.....

.....

.....

FORM 13

(section 146 (1) (a))

SURRENDER OF LEASE

I, ...(full name and address of proprietor), as a registered proprietor of the land described in this Form hereby surrender my interest to the lessor .....(full name and address of lessor) from ..... day of .....(month), ... (year).

Dated this ..... day of ....., 20 .....

Land Certificate No. ..... District.....

Volume..... Folio No.....

Plan No. .....

(*Additional covenants, conditions and stipulations)*

.....

Signed by (Proprietor)

In the presence of:

.....

(Full Name, Address, Signature)

.....

Signed by (lessor)

In the presence of:

.....

(Full Name, Address, Signature)

FORM 14
(section 148 (1))

INSTRUMENT OF MORTGAGE

In consideration of ..... (amount and currency) advanced by.....(full name and address of mortgagee) (the receipt of which is hereby acknowledged, I, ...(full name and address of mortgagor), AS THE PROPRIETOR OF THE REGISTERED LAND described in this instrument, charge by way of mortgage with the payment of the principal sum of ..... with interest at ..... percent per annum payable (half-yearly, quarterly) on the ..... day of .....(month), ...(year) in each year.

Land Certificate No.:..... District.....

Volume..... Folio No.....

Plan No. .....

(*Additional covenants, conditions and stipulations)*

.....

Signed by (Mortgagor)

In the presence of:

(Full Name, Address, Signature)

Signed by (Surety) (*where applicable)*

In the presence of:

(Full Name, Address, Signature)

Signed by (Mortgagee)

In the presence of:

(Full Name, Address, Signature)

FORM 15
(section 150)

VARIATION OF MORTGAGE

We, ...(full names and addresses of mortgagor and mortgagee) having agreed to vary the terms of the mortgage dated .... day of ..... (month), ... (year) and registered at the Land Registration Division as .....(Registered No.) in respect of the registered land described in this instrument hereby alter the terms of the mortgage as follows:

.....

.....

.....

.....

Land Certificate No.:..... District.....

Volume..... Folio No.....

Plan No. .....

Signed by (Mortgagor)

In the presence of:

(Full Name, Address, Signature)

Signed by (Surety) (*where applicable)*

In the presence of:

(Full Name, Address, Signature)

Signed by (Mortgagee)

In the presence of:

(Full Name, Address, Signature)

FORM 16
(section 151 (1) (b))

APPLICATION TO NOTE AN OBLIGATION FOR FURTHER ADVANCES

I, ...(full name and address of applicant/representative) on behalf of .....(full name and address of mortgagee) hereby apply to the Land Registration Division to note in the land register an obligation for further advances provided for in the mortgage dated ..... day of .....(month), ... (year), made between the .....(Full name and address mortgagor) and mortgagee registered as .....(registered no.).

Land Certificate No.:..... District.....

Volume..... Folio No.....

Plan No. .....

.....

(Signed by applicant)

FORM 17
(section 152 (1))

TRANSFER OF MORTGAGE

In consideration of ..... Ghana Cedis (GH¢ .....) the receipt of which is hereby acknowledged I, ...(Full name and address of mortgagee), AS MORTGAGEE (or as the case may be) hereby transfer to.....(full name and address of transferee), the mortgage dated the ..... day of .....(month), ... (year) and registered the ..... day of ..... (month), ...(year) of which I am the proprietor.

(If only part of the money secured is transferred, add: "as to the sum of ..... Ghana Cedis (GH¢ .....)".

Land Certificate No.:..... District.....

Volume..... Folio No.....

Plan No. .....

Signed by (Mortgagee)

In the presence of:

(Full Name, Address, Signature)

Signed by (Transferee)

In the presence of:

(Full Name, Address, Signature)

FORM 18
(section 153 (1))

DISCHARGE OF REGISTERED MORTGAGE

I, ... (full name and address of mortgagee) hereby acknowledge to have received all moneys intended to be secured by the mortgage dated ..... and registered (date) of which I am the proprietor and hereby discharge the land described in this instrument (or part of the land described in this instrument and edged with red on the accompanying plan) from the said mortgage.

Land Certificate No.:..... District.....

Volume..... Folio No.....

Plan No. .....

Signed by (Mortgagor)

In the presence of:

(Full Name, Address, Signature)

Signed by (Mortgagee)

In the presence of:

(Full Name, Address, Signature)

FORM 19
(section 154 (1))

TRANSFER OF LAND

IN consideration of .... Ghana Cedis (GH¢.....) the receipt in this transfer is hereby acknowledged.

I, ... (full name and address of transferee), AS BENEFICIAL OWNER ((indicate capacity for example. AS PERSONAL REPRESENTATIVE OR AS TRUSTEE or as the case may be) hereby transfer to ..... (full name and address of transferor), the land described above.

Land Certificate No.:..... District.....

Volume..... Folio No.....

Plan No. .....

Signed by (transferor)

In the presence of:

(Provide Full Name, Address, Signature)

Signed by (transferee)

In the presence of:

(Provide Full Name, Address, Signature)

NOTES:

(a) Where the transfer is subject to a registered mortgage add "AND the transferee, covenants to observe all the terms, conditions, stipulations and obligations of the mortgage registered against the land".

(b) Where the transfer is made under a power of sale, add after . "(GH¢ .....)" the words "and in exercise of power conferred by a court order dated.....day of (month)....(year) for judicial sale, a certified copy of which is attached and at the end "discharged from the mortgage"

(c) Where part only of the land is being transferred, add after "the land" these words "shown and edged with pink/red on the accompanying plan and being part of the land described in the schedule".

(d) Where the transfer is in relation to a flat or a condominium, the flat or condominium should be described and accompanied by an approved strata plan.

(e) Where the transferor is acting in a representative capacity which is supported by an instrument, a reference shall be made to that instrument and a certified copy of the instrument attached (example probate and will, letters of administration or court order).

FORM 20
(section 160 (1))

RELEASE AND CANCELLATION OF EASEMENT, PROFIT OR RESTRICTIVE COVENANT

IN consideration of ..... Ghana Cedis (GH¢.....) the receipt in this transfer is hereby acknowledged.

I, ...(full name and address of transferee), AS BENEFICIAL OWNER ((indicate capacity for example. AS PERSONAL REPRESENTATIVE OR AS TRUSTEE or as the case may be) hereby transfer to ..... (full name and address of transferor), the land described above.

(Add the restrictions as appropriate)

For example:

1. No house on the land transferred shall be used otherwise than as a private dwelling-house.

2. The building line shown on the plan shall be observed.

3. Nothing shall be done or permitted on the land transferred that shall be an annoyance to the owners of adjoining land.

4. A house of a value less than GH¢ 100,000 shall not be erected on the land transferred.

And we the said (full name and address of transferor) and (full name and address of transferee) hereby apply to the Land Registrar to enter notice of the said restrictive agreement on the register.

NOTES: *(a)* Where the transfer is subject to a registered mortgage add "AND the transferee, covenants to observe all the terms, conditions, stipulations and obligations of the mortgage registered against the land".

(b) Where the transfer is made under a power of sale, add after .,"(GH¢ .....)" the words "and in exercise of power conferred by a court order dated.....day of (month)....(year) for judicial sale, a certified copy of which is attached and at the end "discharged from the mortgage".

(c) Where part only of the land is being transferred, add after "the land" these words "shown and edged with pink/red on the accompanying plan and being part of the land described in the schedule".

(d) Where the transfer is in relation to a flat or a condominium the flat or condominium, should be described and accompanied by an approved strata plan.

(e) Where the transferor is acting in a representative capacity which is supported by an instrument, a reference shall be made to that instrument and a certified copy of the instrument attached (example probate and will, letters of administration or court order).

Land Certificate No. :..... District.....
Volume..... Folio No.....

Plan No. .....

Signed by (transferor)

In the presence of:

(Full Name, Address, Signature)

Signed by (transferee)

In the presence of:

(Full Name, Address, Signature)

FORM 21
(section 160 (2))

APPLICATION FOR RELEASE AND CANCELLATION OF EASEMENT, PROFIT OR RESTRICTIVE COVENANT

I. .....(full name and address of applicant) being the registered proprietor of the land described in the schedule hereby apply (for the release and cancellation of the easement/profits/restrictive agreement) imposed by .....(an instrument or deed dated ... day .....(month), ... (year) and made between .....(the proprietor burdened and the applicant) and registered on ..... day of .....(month), ... (year) as registered no.....

.....

Signed by (applicant)

(Full Name, Address, Signature)

.....

In the presence of:

(Full Name, Address, Signature)

FORM 22

(section 172 (1), 235(3) and 235(4))

CERTIFICATE OF ALLOCATION

The parcel of land described in the Schedule hereto is allocated to ..... (beneficiary public body) for use as ..... (use of land) subject to the following conditions:

SCHEDULE

.....

Signed for the Lands Commission/ Regional Lands Commission

FORM 23
(section 184 (4))

CAVEAT

District .....
Folio No. .....
Section ..... .

Register: Vol .....
Block .....
Registry Fee GH¢ .....

To the Land Registrar.

TAKE NOTICE that I, ...(full name and address of caveator) of etc., claim .....(specify the interest claimed) in the land described in the schedule AND I caveat the registration of any person as proprietor or transferee of and of any instrument affecting the land or interest.

Full name.....
Address .....
Email address .....
Tel. no. .....
Signature .....

STATUTORY DECLARATION IN SUPPORT OF CAVEAT

I, ...(full name and address of caveator) solemnly and sincerely declare that I have an interest in the land referred to in the caveat now produced and shown to me marked "A' .....(nature of the declarant's interest e.g. as purchaser under a contract of sale dated etc. or as an equitable mortgagee under a notice of deposit of land or Provisional Certificate No ..... dated etc. or as the case may be).

Full name.....
Address .....
Email address .....
Tel. no. .....
Signature .....

FORM 24
(section 184 (5))

NOTICE OF A CAVEAT TO BE SERVED ON PROPRIETOR

TAKE NOTICE that .....(full name and address of caveator), has lodged a caveat against dealings with the (land, lease or mortgage) described in the Schedule.

The grounds for the caveat are found in the statutory declaration attached to this Notice.

Dated this ..... day of ..... (month), ...(year).

.....

(To be signed by the Land Registrar)

FORM 25
(section 186 (2) (a))

NOTICE OF INTENTION TO REMOVE CAVEAT

TAKE NOTICE THAT twenty-one days from the date of this notice, I intend to remove the caveat lodged by you on ..... day of .....(month), ...(year) affecting the land described in the Schedule.

SCHEDULE

(Description of partitioned parcels)

.....

.....

.....

.....

Dated this ..... day of ..... (month), ... (year)

.....
(Signed and sealed by the Land Registrar)

FORM 26
(section 189 (1))

NOTICE OF INTENTION TO REGISTER AN INSTRUMENT AFFECTED BY A CAVEAT

TAKE NOTICE that ..... (full name and address of caveator), has applied to me for the registration of .....(nature of instrument) in the register of the land described in the Schedule hereto which land is affected by the caveat dated the ..... day of ..... (month).....(year) lodged by you in this Office on the ..... day of .....(month), ...(year).

AND TAKE FURTHER NOTICE THAT I intend to register the said..... (nature of instrument) after the expiration of thirty days from the date of this notice unless an order to the contrary is made by the Court or the (instrument) is withdrawn by the .....(Full name and address of the caveator).

SCHEDULE
(Description of partitioned parcels)

.....

.....

.....

.....

.....
(To be signed by the Land Registrar)

FORM 27
(section 204(1))

PUBLICATION OF LIST OF REGISTERED INTERESTS

Name of Registration District: .....

Region: .....

Month/Year: .....

Name of Registered Proprietor	Date of Registration	Nature of of Interest	Location	Certificate	Plan No.	Area of Land

.....
(Signed and sealed by the Land Registrar)

FORM 28
(section 205)

GENERAL APPLICATION FORM

I/We, ...(Full name and address applicant(s)) or on behalf of (name of owner(s)), hereby apply for .....(reason for application) in respect of the land described in this application and I/we attach.....(full name and date of instrument) in support of the application.

Land Certificate No.:..... District.....

Volume..... Folio No.....

Plan No. .....

Signed by (applicant) .....

Full Name .....

Address .....

Telephone number .....

Email address .....

FOURTH SCHEDULE
FORM 1
(section 209 (3))

(FORM OF OATH)

I, ... (full name and address of deponent) make oath and say that on the .....day of ..... (month), ... (year), I saw .....(full name and address of grantor), duly execute the instrument now produced to me and marked A, and that the said ..... (full name of grantor) can read and write (or, cannot read and write and that the said instrument was read over and interpreted to (name of grantor) by ..... at the time of its execution and that .....(full name of grantor) appeared to understand its provisions).

Sworn at ..... this..... day of ..... (month), ... (year)

.....
Signed by (deponent)
(Full Name, Address, Signature)

Before me
(Signature of person administering oath)

1A. ENDORSEMENT ON INSTRUMENT BY OFFICER BEFORE WHOM THE OATH IS SWORN

This is the instrument marked A, referred to in the oath of ..... sworn before me this ..... day of .....(month), ... (year).

(Signed and sealed by Land Registrar)

1B. CERTIFICATE OF PROOF BEFORE REGISTRAR

On the..... day of ..... (month), ...(year), at ..... o'clock in the ..... noon this instrument was proved before me to have been duly executed by the oath of the within-named.

(Signed and sealed by Land Registrar)

1C. CERTIFICATE OF PROOF NOT BEFORE REGISTRAR

On the ..... day of ..... (month),.....,(year) at ..... o'clock in the ..... noon this instrument was proved before me to have been duly executed by the oath of the within-named.

Given under my hand and official seal

1D. CERTIFICATE OF DELIVERY TO REGISTRAR OF INSTRUMENT NOT PROVED BEFORE REGISTRAR

This instrument was delivered to me for registration by ..... of ..... at .....o'clock in the ..... noon this .... day of ..... (month), ... (year).

(Signed and sealed by Land Registrar)

FORM 2
(section 210 (2))

CERTIFICATE OF PROOF OF INSTRUMENT

I, ... (full name and address of deponent) make oath and say that on the .....day of ..... (month), ... (year), I saw .....(full name and address of grantor), duly execute the instrument now produced to me and marked A, and that the said ..... (full name of grantor) can read and write (or, cannot read and write and that the said instrument was read over and interpreted to (name of grantor) by ..... at the time of its execution and that .....(full name of grantor) appeared to understand its provisions).

Sworn at ..... this..... day of ..... (month), ... (year)

.....
Signed by (deponent)
(Full Name, Address, Signature)

Before me
(Signature of person administering oath)

1A. ENDORSEMENT ON INSTRUMENT BY OFFICER BEFORE WHOM THE OATH IS SWORN

This is the instrument marked A, referred to in the oath of ..... sworn before me this ..... day of .....(month), ... (year).

(Signed and sealed by Land Registrar)

1B. CERTIFICATE OF PROOF BEFORE REGISTRAR

On the..... day of ..... (month), ...(year), at ..... o'clock in the ..... noon this instrument was proved before me to have been duly executed by the oath of the within-named.

(Signed and sealed by Land Registrar)

1C. CERTIFICATE OF PROOF NOT BEFORE REGISTRAR

On the ..... day of ..... (month),.....,(year) at ..... o'clock in the ..... noon this instrument was proved before me to have been duly executed by the oath of the within-named.

Given under my hand and official seal

1D. CERTIFICATE OF DELIVERY TO REGISTRAR OF INSTRUMENT NOT PROVED BEFORE REGISTRAR

This instrument was delivered to me for registration by ..... of ..... at .....o'clock in the ..... noon this .... day of ..... (month), ... (year).

(Signed and sealed by Land Registrar)

FORM 3
(section 216(1))

CERTIFICATE OF REGISTRATION OF INSTRUMENT

This Instrument is registered under section 216 of the Land Act, 2020 (Act...), this.....day of .....(month), ...(year) at .....o'clock in the .....noon
.

(Signed and sealed by the Land Registrar)

FORM 4
(section 221 (1))

PUBLICATION OF LIST OF REGISTERED INSTRUMENTS

Name of Registration District:.....

Region.....

Month/Year.....

Date of Receipt	Nature of Instrument	Location of Land	Date of Instrument	Grantor	Grantee	Party Registering

(Signed and sealed by the Land Registrar)

FIFTH SCHEDULE

FORM 1

(section 240 (1))

DECLARATION OF PURPOSE OF ACQUISITION

In pursuance of subsection (1) of section 240 of the Land Act, 2020 (Act .....), it is hereby declared that the land described in the Schedule is required in the public interest for the purpose of

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

SCHEDULE

Name.....

Rank of Officer.....

Signature.....

(For: Executive Secretary- Lands Commission)

Date.....

FORM 2
(section 242 (1))

NOTICE TO PERSONS WITH INTEREST OF INTENTION OF COMPULSORY ACQUISITION OF LAND

To .....
(full name of interested person).

Take notice that in pursuance of subsection (1) of section 242, of the Land Act, 2020 (Act .....), the Republic intends, through the Lands Commission, to compulsorily acquire the lands specified in the Schedule to this Notice.

SCHEDULE

Name.....
Rank of Officer.....
Signature.....
(For: Executive Secretary, Lands Commission)
Date.....

FORM 3
(section 252 (1))

NOTICE OF ASSESSMENT

IN RESPECT OF .....(*TITLE OF ACQUISITION*)

In pursuance of subsection (1) of section 252 of the Land Act, 2020 (Act .....), notice is hereby given that the Lands Commission will assess compensation with respect to the acquisition specified in Executive Instrument, ... (E.I. .....) ..... (*Title of Acquisition*) as of the date of this Notice.

Name.....

Rank of Officer.....

Signature.....

(For: Executive Secretary, Lands Commission)

Date.....

FORM 4
(Sections 263 and 264(1))

GENERAL POWER TO TAKE POSSESSION

NOTICE OF POSSESSION..... (*TITLE OF ACQUISITION*)

TO .....

..... (Name of occupier)

TAKE NOTICE that in pursuance of section 263 and subsection (1) of section 264 of the Land Act, 2020 (Act .....), the Lands Commission having compulsorily acquired land .....(title of acquisition) intends to enter into possession of the land as of ..... day of ....., 20.....

Take further notice to vacate the site by ..... day of .....,, 20.....

Name.....

Rank of Officer.....

Signature.....

(For: Executive Secretary, Lands Commission)

Date.....

SIXTH SCHEDULE
(section 271)

NOTICE OF TEMPORARY OCCUPATION

WHEREAS the President of the Republic of Ghana has determined that the land described in the Schedule to this Instrument is required in the public interest for temporary occupation for the purpose of

.....

.....

.....

NOW THEREFORE, in exercise of the power conferred on the President by subsection (1) of section 271 of the Land Act, 2020 (Act ...), the President hereby authorises the temporary occupation and use of the land under this Instrument.

This Instrument is made this ..... day of ....,, 20.....

SCHEDULE

.....

.....

.....

.....

.....

.....
Minister Responsible for Lands

Date of *Gazette* notification: 23rd December, 2020.

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