

[Chap5805]CHAPTER 58:05

ADJUDICATION OF TITLE

ARRANGEMENT OF SECTIONS

SECTION

PART I

PRELIMINARY AND APPLICATION

1. Short title
2. Interpretation
3. Application

PART II

OFFICERS

4. Appointment and general powers of officers

PART III

CLAIMS AND DEMARCATION

5. Adjudication sections
6. Notices by Adjudication Officer
7. Staying of land suits
8. Claims and attendance
9. Safeguarding of rights of absent persons and minors
10. Notice of demarcation and recording
11. Indication of land claimed

12. Special powers of Demarcation Officer
13. Duties of the Survey Officer
14. Duties of the Recording Officer
15. Disputes

#### PART IV

##### PRINCIPLES OF ADJUDICATION AND PREPARATION OF ADJUDICATION RECORD

16. Principles of adjudication
17. Rules to be followed in adjudication
18. Adjudication Record
19. Notice of completion of Adjudication Record

#### PART V

##### OBJECTIONS AND FINALITY

20. Objection to the Adjudication Record
21. Procedure in hearing objections
22. Correction of Adjudication Record
23. Finality of Adjudication Record

#### PART VI

##### APPEALS

24. Appeals

#### PART VII

##### MISCELLANEOUS

- 25. Fees
- 26. Offences
- 27. Indemnity of officers
- 28. Regulations

18 of 1971

26 of 1988

An Act to provide for the adjudication of rights and interests in land, other than customary land, and for matters connected therewith and incidental thereto

[10TH AUGUST 1971]

## PART I

### PRELIMINARY AND APPLICATION

[Ch5805s1]1. Short title

This Act may be cited as the Adjudication of Title Act.

[Ch5805s2]2. Interpretation

In this Act, except where the context otherwise requires—

“adjudication area” means an area to which this Act has been applied under section 3;

“Adjudication Officer” means an Adjudication Officer appointed under section 4;

“Adjudication Record” means the Adjudication Record prepared in accordance with the provisions of section 18 in respect of an adjudication section;

“adjudication section” means an adjudication section declared under section 5;

“charge” bears the meaning ascribed to that word by the Registered Land Act; Cap. 58:01

“Deeds Registrar” bears the meaning ascribed to that term by the Deeds Registration Act; Cap. 58:02

“Demarcation Map” means a demarcation index map prepared under section 13 in respect of an adjudication section;

“Demarcation Officer” means a Demarcation Officer appointed under section 4;

“easement” bears the meaning ascribed to that term by the Registered Land Act; Cap. 58:01

“guardian” means any person (whether under customary law or otherwise) responsible for protecting the interests of any person who is under a disability, whether by reason of age, unsoundness of mind or any other cause;

“interest in land” means any right or interest in or over land which is capable of being recorded under the provisions of this Act;

“land” includes land covered with water, all things growing on land, buildings and other things permanently affixed to land;

“piece” means a piece of land separately shown on a Demarcation Map and thereon given a number;

“profit” bears the meaning ascribed to that word by the Registered Land Act;

“Recording Officer” means a Recording Officer appointed under section 4;

“the register”, “to register”, “registered” and “registration” bear the meanings ascribed to those terms by the Registered Land Act;

“Registrar” bears the meaning ascribed to that term by the Registered Land Act;

“Survey Officer” means a Survey Officer appointed under section 4.

### [Ch5805s3]3. Application

(1) Whenever it appears expedient to the Minister that the adjudication and registration of rights and interests in land, not being customary land, in any area, should be effected the Minister may, by Order published in the Gazette, declare that this Act shall apply to that area and thereupon that area shall become an adjudication area.

(2) Any Order under this section shall define the situation and limits of the adjudication area to which it relates either by means of a plan or by a description, or by both, and the Minister may at any time, by Order published in the Gazette, vary the limits of the adjudication area.

## PART II

### OFFICERS

#### [Ch5805s4]4. Appointment and general powers of officers

(1) Whenever an Order made under section 3 is published, the Minister shall appoint an Adjudication Officer for the adjudication area it declares and such Demarcation Officers, Recording Officers and Survey Officers as may be necessary for performing the duties and exercising the powers imposed and conferred upon them by this Act in relation to such area.

(2) The Adjudication Officer shall, subject to the directions (whether general or special) of the Minister, be in charge of the adjudication under this Act of rights and interests in land in the area for which he is appointed and may issue such general or special directions as he thinks necessary to the other officers appointed under subsection (1) for such area, and may himself perform and exercise all or any of the duties given under this Act to Demarcation Officers and Recording Officers.

(3) The Adjudication Officer shall be competent to administer oaths and take affidavits in any inquiry made by him and to issue summonses, notices or orders requiring the attendance of such persons or the production of such documents as he may consider necessary for carrying out the adjudication.

(4) A Demarcation Officer or Survey Officer may at any reasonable time enter upon any land within the adjudication area for the purpose of demarcating or surveying any piece therein and may summon any person who can give information regarding the boundaries of any such piece to point out the boundaries.

### PART III

#### CLAIMS AND DEMARCATION

##### [Ch5805s5]5. Adjudication sections

The Adjudication Officer shall divide each adjudication area into two or more adjudication sections or declare the whole area to be a single adjudication section, and shall give each such adjudication section a distinctive name.

##### [Ch5805s6]6. Notices by Adjudication Officer

(1) The Adjudication Officer shall prepare a separate notice in respect of each adjudication section, and in such notice shall—

- (a) specify the situation and limits of the adjudication section;
- (b) declare that all interests in land in such section will be ascertained and recorded in accordance with the provisions of this Act;
- (c) require any person who claims any interest in land within the adjudication section to make a claim thereto either in person or by agent within the period, to the person, at the place and in the manner specified in the notice;
- (d) require all claimants to land, or to any interest in land, within the adjudication section to mark or indicate the boundaries of the land in such manner and before such date as shall be required by the Demarcation Officer.

(2) The Adjudication Officer shall as soon as possible after preparing a notice under subsection (1)—

(a) cause such notice to be published in the Gazette and at such administrative and other offices as he thinks fit; and

(b) cause the substance of such notice to be made known throughout the adjudication section and elsewhere in such manner as he considers to be most effective for the purpose of bringing it to the attention of all persons affected thereby.

[Ch5805s7]7. Staying of land suits

(1) Except with the consent in writing of the Adjudication Officer, no action concerning land or any interest in land in an adjudication section shall be begun in any civil court until proceedings under this Act with regard to such land or interest have been completed.

(2) Where at the time of the publication of a notice under section 6 an action concerning land, or an interest in land, in the adjudication section referred to in such notice is pending or in progress such action shall, where practicable, be determined before the adjudication under this Act of the land or interest therein is commenced:

Provided that it shall be lawful for the Adjudication Officer at any stage of such action to order that it shall be stayed and it shall be stayed accordingly.

[Ch5805s8]8. Claims and attendance

(1) Every person claiming an interest in land within an adjudication section shall make his claim in the manner and within the period fixed by the relevant notice given under section 6.

(2) Every person whose presence is required by the Adjudication Officer, Demarcation Officer or Recording Officer, as the case may be, shall attend, in person, or by agent, at the time and place specified. If any such person fails so to attend the demarcation, recording or other proceeding may continue in his absence.

[Ch5805s9]9. Safeguarding of rights of absent persons and minors

(1) If the Adjudication Officer, Demarcation Officer or Recording Officer is satisfied that any person who has not made a claim has a claim to any interest in land within the adjudication section the Adjudication Officer, Demarcation Officer or Recording Officer may, but shall not be bound to, proceed as if a claim had been made, and may call upon the Deeds Registrar to supply him with a certified copy of any document relevant thereto and registered under the provisions of the Deeds Registration Act. Cap. 58:02

(2) If the Adjudication Officer, Demarcation Officer or Recording Officer is satisfied that a claim might be established by a minor and no person has been appointed to represent the minor, he shall appoint a person to represent the minor, and shall proceed as if a claim by, or on behalf of, such minor had been made.

[Ch5805s10]10. Notice of demarcation and recording

(1) Not less than seven clear days before the demarcation of land in an adjudication section is begun, the Demarcation Officer shall give notice of such demarcation and of the time and place at which it will begin, in such manner as the Adjudication Officer shall deem to be most likely to bring the notice of the demarcation to the attention of the persons likely to be affected thereby.

(2) Such notice shall require every claimant to indicate the boundaries of the land affected by his claim in the manner specified in the notice.

[Ch5805s11]11. Indication of land claimed

Subject to any general or particular directions issued by the Adjudication Officer, the Demarcation Officer shall within each adjudication section—

(a) ensure that the boundaries of each piece of land which is the subject of a claim are indicated or demarcated in accordance with the requirements of the notice given under section 10;

(b) indicate or cause to be indicated the boundaries of—

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

(ii) any customary land; and

(iii) any unclaimed land.

[Ch5805s12]12. Special powers of Demarcation Officer

(1) The Demarcation Officer may—

(a) divide the adjudication section into blocks which shall be given such distinctive numbers or letters or combinations of numbers and letters as he may determine;

(b) with the consent in writing of all the persons having, or claiming, any interest in the land affected thereby, adjust the boundaries of any land in the adjudication section or re-allot the same to ensure the more beneficial occupation thereof or to effect a more suitable subdivision thereof.

26 of 1988(2) In exercising any powers under subsection (1) (b), the Demarcation Officer shall consult with and have regard to the views of the Commissioner for Town and Country Planning.

[Ch5805s13]13. Duties of the Survey Officer

Subject to any general or particular directions issued by the Adjudication Officer, the duties of the Survey Officer shall be—

(a) to carry out such survey work as may be required in the execution of the adjudication process; and

(b) to prepare or cause to be prepared a demarcation index map of the adjudication section on which shall be shown every separate piece of land identified by a distinguishing number, except that rivers and public roads shall not be required to be identified by a number.

[Ch5805s14]14. Duties of Recording Officer

The Recording Officer shall consider all claims to any interest in land and after such investigations as he considers necessary shall prepare in accordance with the provisions of section 18 an Adjudication Record in respect of every piece of land shown on the Demarcation Map.

[Ch5805s15]15. Disputes

(1) If in any case—

(a) there is a dispute as to any boundary whether indicated to the Demarcation Officer or demarcated or readjusted by him, which the Demarcation Officer is unable to resolve; or

(b) there are two or more claimants to any interest in land and the Recording Officer is unable to effect agreement between them,

the Demarcation Officer or the Recording Officer, as the case may be, shall refer the matter to the Adjudication Officer.

(2) The Adjudication Officer shall adjudicate upon and determine any dispute referred to him under subsection (1), having due regard to any law which may be applicable, and shall make and sign a brief record of the proceedings.

PART IV

PRINCIPLES OF ADJUDICATION AND PREPARATION OF ADJUDICATION RECORD

[Ch5805s16]16. Principles of adjudication

(1) In preparing an Adjudication Record—

(a) if the Recording Officer is satisfied that a person—

(i) has a good documentary title to the land, not being customary land, referred to in such Record and that no other person has acquired a title to such land under any law; or

(ii) has acquired ownership of the land, not being customary land, referred to in such Record by prescription by virtue of the principles set out in Part IX of the Registered Land Act, Cap. 58:01

the Recording Officer shall record such person as the owner of the land;

(b) if the Recording Officer is satisfied that a person is in possession of, or has a right to possession of the land, not being customary land, referred to in such Record, but is not satisfied that



such person is entitled to be recorded under paragraph (a) as the owner of the land, the Recording Officer may record such person as provisional owner of the land and, if he does so, shall also record—

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

- (ii) particulars of any deed, instrument or other document under or by virtue of which some estate, right or interest in such land adverse to or in derogation of the entitlement of that person might exist; or

- (iii) any qualification which affects the title;

- (c) if the Recording Officer is satisfied that any land, other than customary land, referred to in such Record is subject to any right which is registrable as a lease, charge, easement, profit or restrictive agreement under the Registered Land Act, he shall record such particulars as shall enable the right and the name of the person entitled to the benefit thereof to be registered under the said Act; Cap. 58:01

- (d) if the Recording, Officer is satisfied that any land, other than customary land, referred to in such Record is entirely free from private rights, or that the rights existing in or over it do not amount to full ownership and are not such as to enable him to record any person as provisional owner under paragraph (b), he may record such land as public land.

(2) In performing his duties under this section the Recording Officer shall observe the rules contained in section 17.

(3) In this section, the term “good documentary title” means a title founded on documentary evidence which—

- (a) consists of, or commences with—

- (i) a written law;

- (ii) a grant or conveyance from the State; or

- (iii) a grant, conveyance, assignment or mortgage which is more than thirty years old; and

- (b) establishes that a person is entitled to land as owner in freehold.

[Ch5805s17]17. Rules to be followed in adjudication

(1) All unoccupied land, other than customary land, shall be deemed to be public land until the contrary is proved.

(2) The exercise by any person of any rights in or over one or more pieces of land shall not be taken as a presumption in his favour of any rights in or over any greater extent of land than that in or over which such rights are exercised.

(3) Where two or more persons have rights which will entitle them to be registered as joint proprietors or proprietors in common under the Registered Land Act, the Recording Officer shall record such persons as joint owners or owners in Common, as the case may be, and if owners in common, the share of each such owner. Cap. 58:01

#### [Ch5805s18]18. Adjudication Record

(1) The Adjudication Record shall consist of a form in respect of each piece of land, which form shall show—

- (a) the number and approximate area of the piece as shown on the Demarcation Map;
- (b) either the name and description of the person entitled to be registered as the owner of the piece with particulars of his entitlement and of any restriction affecting his power of dealing with it, or the fact that the piece is public land or customary Land;
- (c) such particulars of any right registrable under the Registered Land Act as shall enable it to be registered as a lease, charge, easement, profit or restrictive agreement, as the case may be, affecting the piece together with the name and description of the person entitled to the benefit thereof and particulars of any restriction affecting his power of dealing with it; Cap. 58:01
- (d) if any person shown in the Adjudication Record is under a disability, whether by reason of age, unsoundness of mind or otherwise, the name of his guardian;
- (e) a list of the documents, if any, produced to the Recording Officer and retained by him;
- (f) the date on which the form is completed.

(2) When completed the form shall be signed by the Recording Officer and, in the case of privately owned land, shall, where possible, include an acknowledgment signed by the owner of the piece or by his agent, and by any person recorded under the provisions of subsection (1) (c) as having an interest in such piece, that such owner and every such person accepts the Record.

#### [Ch5805s19]19. Notice of completion of Adjudication

When the Adjudication Record in respect of any adjudication section has been completed, the Adjudication Officer shall sign and date a certificate to that effect and shall forthwith, by Notice published in the Gazette, give notice of the completion thereof and of the place or places at which the same can be inspected together with the relevant Demarcation Map.

## PART V

### OBJECTIONS AND FINALITY

[Ch5805s20]20. Objection to the Adjudication Record

(1) Any person named in, or claiming an interest in any land referred to in, any Adjudication Record or Demarcation Map who considers such Record or Map to be inaccurate or incomplete in any respect may, within sixty days of the date upon which the notice of completion of the Adjudication Record is published, inform the Adjudication Officer stating the grounds of his objection.

(2) The Adjudication Officer, after giving reasonable notice to all persons affected by the objection, shall hear the objection, and shall allow or dismiss the objection or otherwise determine the matter in such manner as he thinks just.

[Ch5805s21]21. Procedure in hearing objections

(1) In hearing an objection the Adjudication Officer shall, so far as may be practicable, follow the procedure directed to be observed in the hearing of civil suits save that in his absolute discretion he may admit evidence which would not be admissible in a court of law, and may use evidence adduced in any other claim or contained in any official record and may call evidence of his own motion.

(2) Any proceedings conducted under this Act by the Adjudication Officer shall be deemed to be a judicial proceeding for the purposes of Chapter XI of the Penal Code. Cap. 7:01

(3) A record of all proceedings on an objection shall be made or caused to be made by the Adjudication Officer.

[Ch5805s22]22. Correction of Adjudication Record

(1) Any correction in the Adjudication Record required by a decision of the Adjudication Officer given under section 20 shall be made by the Recording Officer, and any alteration in the Demarcation Map required by such decision shall be made by the Survey Officer.

(2) At any time before the Adjudication Record becomes final the Recording Officer may—

(a) correct any error or omission not materially affecting the interests of any person; and

(b) with the consent of every person whose interest is affected, make in the Adjudication Record any alteration which in his opinion is necessary.

[Ch5805s23]23. Finality of Adjudication Record

After the expiry of sixty days from the date of the publication of the notice of completion of the Adjudication Record, or on determination of all objections in accordance with section 20, whichever shall be the later, the Adjudication Record shall, subject to the provisions of the Registered Land Act, become final and the Adjudication Officer shall sign a certificate to that effect and shall deliver the Adjudication Record and the relevant Demarcation Map to the Registrar, together with all documents received by him in the process of adjudication. Cap. 58:01

PART VI

## APPEALS

### [Ch5805s24]24. Appeals

(1) Any person, including the Minister, who is aggrieved by any act or decision of the Adjudication Officer and desires to question it or any part of it on the ground that it is erroneous in point of law or on the ground of failure to comply with any procedural requirement of this Act, may within three months from the date of the certificate of the Adjudication Officer under section 23 or within such extended time as the High Court, in the interests of justice, may allow, appeal to that Court in the prescribed form.

(2) On any such appeal the Court may, if satisfied that the decision is erroneous in point of law or that the interests of the appellant have been substantially prejudiced by failure to comply with the procedural requirements of this Act, make such order or substitute for the decision of the Adjudication Officer such decision as it may consider just and may order rectification of the register, and the order or decision of the High Court shall be final and conclusive and shall not be questioned in any proceedings whatsoever.

(3) Notwithstanding the provisions of section 140 of the Registered Land Act no indemnity shall be payable to any person by reason of any rectification of the register under subsection (2). Cap. 58:01

(4) A decision of the Court on appeal under subsection (1) shall be in writing and copies of it shall be furnished by the Court to the Registrar, to the appellant and to all other parties to the appeal and, by the Registrar, to all other parties who, in his opinion, may be affected by the appeal.

(5) Any person, including the Minister, appealing under subsection (1) shall give notice to the Registrar of his intention to appeal and the Registrar shall enter a restriction under section 131 of the Registered Land Act in every register affected by the appeal.

## PART VII

## MISCELLANEOUS

### [Ch5805s25]25. Fees

Every person who is a party to any proceedings under section 20 shall be required to pay such fees in respect of the proceedings as may be prescribed.

### [Ch5805s26]26. Offences

Any person who—

(a) after the delivery of a summons issued under the provisions of this Act, wilfully neglects or refuses to attend in pursuance of such summons, or to produce any document which he is required to produce;

(b) wilfully neglects or refuses to answer upon oath or otherwise any question which may lawfully be put to him under this Act by any officer;

(c) without reasonable cause wilfully neglects or refuses to indicate his land or to assist in the demarcation of his land when required under this Act to do so by a Demarcation Officer,

shall be guilty of an offence and liable to a fine of one hundred Kwacha or to imprisonment for six months.

#### [Ch5805s27]27. Indemnity of officers

No officer shall be liable to any action or proceedings for or in respect of any act or matter in good faith done or omitted to be done in exercise or supposed exercise of the powers conferred by this Act.

#### [Ch5805s28]28. Regulations

The Minister may make Regulations for the purpose of carrying into effect the provisions and purposes of this Act.

### SUBSIDIARY LEGISLATION

#### ADJUDICATION OF TITLE (LILONGWE AREA) ORDER

under s. 3

G.N. 2/1973

58/1985

124/1985

#### 1. Citation

This Order may be cited as the Adjudication of Title (Lilongwe Area) Order.

#### 2. Application of Act

The Adjudication of Title Act, is hereby applied to all land, not being customary land, in the areas more particularly described in the Schedule hereto. Cap. 58:05

### SCHEDULE

Those areas of land designated as part of the Capital City of Lilongwe by the Capital City Development Corporation Designation Order, 1968, and by the Capital City Development Corporation (Supplemental Designation) Order, 1972, and by the First Schedule to the Capital City Development Corporation (Supplemental Designation and Land Vesting) Order, 1980, the boundaries of which areas are more particularly described and delineated on Survey Department Sketch Plans Nos.

80/68,92/71,93/71,4/78,9/78 and 125/83 thereon edged with red colour. Cap. 39:02, sub. leg. p. 12, G.N. 40/1972, 86/1983

#### ADJUDICATION OF TITLE (LILONGWE AGRICULTURAL DEVELOPMENT AREA) ORDER

under s. 3

G.N. 17/1976

1. Citation

This Order may be cited as the Adjudication of Title (Lilongwe Agricultural Development Area) Order.

2. Application of Act

The Adjudication of Title Act is hereby applied to all land, not being customary land, in the areas more particularly described in the Schedule hereto.

#### SCHEDULE

All customary land lying within the following boundary:

Commencing at the confluence of the Lingadzi River and the Kamankuku Dambo at Grid Reference WV 807582, which point lies on the Capital City Designated Area boundary (Government Notice 160/68) follow the western boundary of the Capital City Designated Area to the point where it meets the Chinsapo Local Authority Forest boundary at Grid Reference WV 798510, on the Lilongwe/Likuni road; thence following the western boundary of the Chinsapo Local Authority Forest to the point where that boundary meets the Kadakala Stream at Grid Reference WV 799493, which point lies on the Capital City Designated Area boundary; thence following the southern boundary of the Capital City Designated Area to the point where it meets the Lilongwe/Dedza road (MI) at Grid Reference WV 851488; thence following the Lilongwe/Dedza road to the point where it crosses the Nathenje River at Grid Reference WV 985436; thence up the Nathenje River to its source at Grid Reference WV 974285; thence in a straight line for approximately one mile to Grid Reference WV 987288, which point lies at the head of an unnamed dambo; thence down that dambo to its confluence with the Diampwe River at Grid Reference XV 026294; thence up the Diampwe River to its confluence with the Kanjuli Dambo at Grid Reference WV 932165; thence up the Kanjuli Dambo to the point where it is crossed by the Chikandira-Gomesi track at Grid Reference WV 923142; thence along the Chikandira-Gomesi track in a southerly direction to the point where it meets the Dzalanyama Forest Reserve boundary at Grid Reference WV 942093; thence along the eastern boundary of the Dzalanyama Forest Reserve to the point where it meets the Malawi/Mozambique international boundary at Grid Reference WU 933957; thence in a general westerly and then north-westerly direction along the Malawi/Mozambique international boundary to the point where the northern boundary of the Dzalanyama Forest Reserve leaves the said international boundary at Grid Reference WV 332412; thence along the northern boundary of the Dzalanyama Forest Reserve to the point where it is crossed

by the Namitete Stream at Grid Reference WV 381329; thence down the Namitete Stream to its confluence with the Bua River; thence down the Bua River to its confluence with the Nambuma Stream; thence up the Nambuma Stream to the point where it is crossed by the Nambuma Mission track at Grid Reference WV 645850; thence along the Nambuma Mission track and the Nambuma-Dangaliro road in an easterly direction to Grid Reference WV 702859; thence along the old road from Nambuma to Jumpha in an easterly direction to the point where it crosses the Mapanda Dambo at Grid Reference WV 730863; thence down the Mapanda Dambo to the confluence with the unnamed dambo at Grid Reference WV 742843; thence upstream to the head of the dambo at Grid Reference WV 737842; thence across the watershed on a south-westerly direction to Grid Reference WV 732836, which is the head of an unnamed dambo; thence down the dambo to its confluence with the Chiwangombe Stream at Grid Reference WV 728807; thence down the Chiwangombe Stream to its confluence with the Mteza Stream at Grid Reference WV 751778; thence down the Mteza Stream to its confluence with the Lingadzi River at Grid Reference WV 786607; thence down the Lingadzi River to its confluence with the Kamankuku Dambo, being the point of commencement. GN. 93/1963

ADJUDICATION OF TITLE (BLANTYRE CITY WEST) (ADJUDICATION AREA) ORDER

G.N. 52/1976

(Revoked by G.N. 88/1987)

ADJUDICATION OF TITLE (BLANTYRE CITY EAST) (ADJUDICATION AREA) ORDER

G.N. 53/1976

(Revoked by G.N. 88/1987)

ADJUDICATION OF TITLE (BLANTYRE CITY) (ADJUDICATION AREA) ORDER

under s. 3

G.N. 88/1987

1. Citation

This Order may be cited as the Adjudication of Title (Blantyre City) (Adjudication Area) Order.

2. Application of Cap. 58:05

The Adjudication of Title Act is hereby applied to all land, not being customary land in the area more particularly described in the Schedule hereto, which said area shall, for the purpose of the Act, be known as the Blantyre City Adjudication Area.

3. Revocation of Cap. 58:05 sub. leg. p. 14

The Adjudication of Title (Blantyre City West) (Adjudication Area) Order and the Adjudication of Title (Blantyre City East) (Adjudication Area) Order are hereby revoked.

#### SCHEDULE G.N. 47/1974, G.N. 127/1974, G.N. 132/1975

The areas of land comprised in the Wards of Michiru, Chilomoni, Blantyre West, Nancholi, Likubula, Blantyre Central, Blantyre East, Soche West, Soche East, Misesa, Nyambadwe, Ndirande West, Ndirande North, Ndirande South, Chichiri, Limbe Central, Limbe East, Limbe West, Nkolokoti, Mapanga, Mzedi, Bangwe, Namyango, Chigumula and South Lunzu, the said Ward areas being more particularly described in the Second Schedule to the Municipal Councils (Composition of Councils, Terms of Office, Nomination and Appointment of Councillors) Order, 1984, together with such other Lands as were added to and embodied in the City of Blantyre by virtue of the provisions of the Local Government (Urban Areas) (City of Blantyre) (Alteration of Boundaries) Order, 1974, and the Municipal Councils (Composition of Councils, Terms of Office, Nomination and Appointment of Councillors) (Amendment) (No. 3) Order, 1975.

#### ADJUDICATION OF TITLE (MUNICIPALITY OF ZOMBA) ORDER

G.N. 30/1994

1. Citation

This Order may be cited as the Adjudication of Title (Municipality of Zomba) Order.

2. Application of Cap. 58:05

The Adjudication of Title Act is hereby more applied to all land in the area more particularly described in the Schedule hereto, which area shall, for the purposes of the Act, be known as the Municipality of Zomba Adjudication Area.

#### SCHEDULE para. 2

Commencing at the point where the northern boundary of Chagalume-Zomba Road (S73) crosses the Satema Stream at G.R. 461973 the boundary follows the Satema Stream upstream to where it is crossed by the Zomba Mountain Road (S65) at G.R. 459994; thence in an easterly direction along the northern boundary of the said road to the point where it crosses an unnamed stream at G.R. 478990; thence up the said unnamed stream to its source at G.R. 478991; thence in a straight line to beacon C39 of plot No. 195 as delineated on Department of Surveys Plan S.D. 4446; thence along the boundary of the said plot on a bearing of 44°.37'.20" for a distance of 109.90 metres to beacon C41 of the said plot; thence in a straight line on a bearing of 41°.01'.00" for a distance of 416.91 metres to beacon H8 at the north-east corner of the Zomba Hospital plot No. 93 as delineated on Department of Surveys Plan SD. 3722; thence along the northern boundary of the said plot on a bearing of 80°.38'.50" for a distance of 123.04 metres to beacon H9 of the said plot; thence in a straight line on a bearing of 64°.56'.00" for distance of 115.11 metres to the point of commencement.

#### ADJUDICATION OF TITLE (KARONGA TOWNSHIP) ORDER

G.N. 15/1996



1. Citation

This Order may be cited as the Adjudication of Title (Karonga Township) Order.

2. Application of Cap. 50:07

The Adjudication of Title Act is hereby applied to all land, not being customary land, in the area more particularly described in the Schedule hereto, which said area shall, for the purpose of the Act, be known as the Karonga Township Adjudication Area.

SCHEDULE

All that piece of land as shown on Survey Department Sketch Plan No. 1443/89 commencing at G.R. 032971 on Map Sheet No. 0933D4 being a point on the shore of Lake Malawi, the boundary follows a straight line on a bearing of 276°. 10' for a distance of approximately 1,650 metres to a point where it meets the Kadikira Stream to its source G.R.016973; thence by the Kadikira Stream to its source G.R. 998964; thence in a south-westerly direction on a bearing of 261°.00' for a distance of approximately 1,500 metres to a confluence of two unnamed streams G.R.983962; thence by the stream downstream to its confluence with Phopa Stream G.R.983969; thence by the Phopa Stream upstream to a point G.R.975972; thence of north-westerly direction on bearing of 327°.00' for a distance of approximately 1,700 metres to the source of Chilambiro Stream G.R.968986; thence by the Chilambiro Stream downstream to its confluence with North Rukuru River G.R.961021; thence along the left bank of the North Rukuru River downriver to its mouth on Lake Malawi; thence along the lakeshore in a southerly direction to the point of commencement.

ADJUDICATION OF TITLE (CITY OF MZUZU) ORDER

G.N. 16/1996

1. Citation

This Order may be cited as the Adjudication of Title (City of Mzuzu) Order.

2. Application of Cap. 58:05

The Adjudication of Title Act is hereby applied to all land, not being customary land, in the area more particularly described in the Schedule hereto, which said area shall, for the purposes of the Act, be known as the City of Mzuzu Adjudication Area.

SCHEDULE para. 2

All that piece of land representing approximately 11,200 hectares in extent and which is more particularly delineated and shown on Department of Surveys Sketch Plan No. 54/80.

ADJUDICATION OF TITLE (SALIMA TOWNSHIP) ORDER

G.N. 74/1997

1. Citation and commencement

This Order may be cited as the Adjudication of Title (Salima Township) (Adjudication Area) Order, and shall come into operation on the 1st August, 1997.

2. Application of Cap. 58:05

The Adjudication of Title Act is hereby applied to all land, not being customary land in the area more particularly described in the Schedule hereto, which said area shall, for the purpose of the Act, be known as the Karonga Township Adjudication Area.

SCHEDULE

All that piece of land representing approximately 900.00 (nine hundred decimal point nought nought) hectares in extent and which is more particularly delineated and shown on Department of Surveys Sketch Plan No. 180/75.

ADJUDICATION OF TITLE (KASUNGU TOWNSHIP) ORDER

G.N. 75/1997

1. Citation and commencement

This Order may be cited as the Adjudication of Title (Kasungu Township) (Adjudication Area) Order, and shall come into operation on the 1st August, 1997.

2. Application of Cap. 58:05

The Adjudication of Title Act is hereby applied to all land, not being customary land in the area more particularly described in the Schedule hereto, which said area shall for the purpose of the Act be known as the Kasungu Township Adjudication Area.

SCHEDULE

All that piece of land representing approximately 3,548.00 (three thousand, five hundred and fourty eight decimal point nought nought) hectares in extent and which is more particularly delineated and shown on Department of Surveys Sketch Plan No. 166/78.

ADJUDICATION OF TITLE REGULATIONS

under s. 28

G.N. 3/1973

105/1982

100/1989

1. Citation

These Regulations may be cited as the Adjudication of Title Regulations.

2. Form of claim

The form set out in the First Schedule shall be used for the purposes of any claim pursuant to sections 6 and 8 of the Act made by a person respecting an interest in land.

3. Form of Adjudication Record

An Adjudication Record shall be in the form set out in the Second Schedule.

4. Fees

(1) Subject to subregulation (2), the fees specified in the second column of the Third Schedule shall be paid in respect of the corresponding matters specified in the first column of that Schedule: G.N. 105/1982, 100/1989

Provided that such fees shall not be payable by the Government.

(2) The Minister may, in respect of any adjudication area or a section of any adjudication area, suspend, for a definite or an indefinite period, payment of the fees payable under subregulation (1); and the Minister shall cause notice of such suspension to be published in the Gazette.

FIRST SCHEDULE

MALAWI GOVERNMENT ADJUDICATION OF TITLE ACT

(CAP. 58:05)

ADJUDICATION OF TITLE REGULATIONS

Form I

CLAIM TO AN INTEREST IN LAND

(Sections 6 and 8)

Note: Please complete in BLOCK LETTERS

1. Adjudication Area:

2. Adjudication Section:

3. Full name and address of claimant:

4. If claim submitted by an agent, name and address of agent:

.....

.....  
5. Plot No. or other description of land over which claim is made:

.....

.....

6. Details of interest claimed (Note: claims may only be submitted as owner or as a person entitled to the benefit of a lease, charge, easement, profit or restrictive agreement):

.....

7. List of documents upon which the claim is based. The original title deeds should, if possible, be attached to this form.

Date Deed No. Type of document Parties

8. If the claim is not based on documentary evidence, full details must be supplied together with the date on which it is claimed that the interest arose:

.....

.....

Date ..... Signature of Claimant or Agent

## SECOND SCHEDULE

MALAWI GOVERNMENT

ADJUDICATION OF TITLE ACT

( CAP. 58:05)

ADJUDICATION OF TITLE REGULATIONS

Form II

ADJUDICATION RECORD

1. Adjudication Area:

2. Adjudication Section:

3. Number of Approximate Area of piece:

4. Description of piece: Private Land/Public Land (delete whichever is not applicable).

5. (a) If the piece is private land, state full names, address and description of the owner, and, where two or more persons are entitled, whether they are joint owners or owners in common, the share

of each owner. State also details of title i.e. Absolute/ Provisional (delete whichever is not applicable) listing all documents in support, and if provisional state reasons:

DescriptionDateConsideration (if applicable)Parties.....

(b) If any person shown on this record is under a disability by reason of age, unsoundness of mind or otherwise, the name of his guardian.

.....

(c) Particulars of rights registerable under the Registered Land Act affecting the piece such as a lease, mortgage, charge, easement, profit, or restrictive agreement together with the name and description of the person entitled to the benefit thereof (and particulars of any restriction on his power of dealing with it).

.....

6. List of documents, if any, produced to the Recording Officer and retained by him: .....

Date ..... Recording Officer

Signatures of all persons whose names appear in paragraph 5 (a) and 5 (c) above accepting this record as correct .....

THIRD SCHEDULE G.N. 105/1982, 56/1983

FEES reg. 4

First ColumnSecond Column K t1.On a claim in respect of an interest in land— (a)where the value of the interest in land does not exceed K20,000 or where the annual rent or other annual payment reserved does not exceed K10040 00(b)in any other case80002.On a claim in respect of a mortgage, charge, easement, profit or restrictive agreement10 00