

CHAPTER 1

ACQUISITION OF LAND BY ALIENS

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CHAPTER 1

ACQUISITION OF LAND BY ALIENS

A Law to regulate the acquisition of land by aliens

CRS 1979 Cap. 1

15th May, 1958

Delegation of power of Commissioner,

1. (1) The Commissioner may delegate such of the powers conferred upon him under the provisions of this Law as he shall think fit.
2. (2) Any delegation made under the provisions of subsection (1) shall be revocable at will and no delegation shall prevent the exercise of any power by the Commissioner.

Aliens not to acquire land save with approval of commissioner.

2. (1) No alien may acquire any interest or right in or over any land from a Nigerian, unless such alien has been approved in approval of writing by the Commissioner in that behalf, and then only under an Commissioner, instrument which, and the terms whereof, have also been so approved.
3. (2) Where any such right or interest has been lawfully acquired by an alien, such right or interest shall not be transferred, alienated, demised or otherwise disposed of to any other alien under any process of law, without the approval in writing of the Commissioner for such other alien and of the instrument and the terms thereof.
4. (3) Any transaction and any instrument under which an alien purports to acquire any interest or right over any land which has not been duly approved in accordance with provisions of this section shall be null and void and of no legal effect.

Unlawful occupation of land by alien

3. It shall be unlawful for any alien or for any person claiming under an alien to occupy any land belonging to a Nigerian unless the right of the alien to occupy or authorize the occupation of the land-
- b. Is evidenced by an instrument which has received the approval of Governor under the provisions of the repealed Native Land Acquisition Ordinance; or

- c. was acquired, if the land is situate in that part of Akwa Thorn State which in the year 1900 was included in the Protectorate of Southern Nigeria, before the 1 st of January, 1900 and in the case of lands situate elsewhere, before the 30th March, 1908; or
- d. Is authorized by or under any Act, or Law: Provided that, with the previous consent of the Commissioner, it shall be lawful for an alien or person claiming under an alien to occupy land belonging to a Nigerian pending the execution of an instrument the terms of which have been approved by the Commissioner. Such consent may, however, be with drawn by the Commissioner at any time, if he deems it necessary in the public interest to do so.

Offence and penalty

4. Any alien or other person who is in unlawful occupation of land belonging to a Nigerian shall be guilty of an offence and liable on summary conviction to a fine of twenty thousand naira or imprisonment for twelve months.

Ejection proceedings

5. (1)Where it appears to the court that any alien or person claiming to be entitled under an alien is in unlawful occupation of any land belonging to a Nigerian, the court may, on the application of the Attorney-General or any person authorized by him or of its own motion, cause a summons to be issued to such alien or person aforesaid, requiring him to appear before the court and produce the instrument by virtue whereof the alien who is occupying the land or under whom the land is occupied is entitled to occupy or authorize the occupation of the same, or a copy of such instrument certified in accordance with law relating to the registration of instruments.
6. (2) If on the hearing of such summons the court finds that such alien or person claiming under an alien is occupying land belonging to a Nigerian, and such alien or person fails to satisfy the court that such occupation is lawful, the court shall, notwithstanding the provisions of any written law, order such alien or person aforesaid to give up possession of land, and shall issue such process as may be necessary for enforcing such order.

Institution and conduct of legal proceedings

6. Notwithstanding the provisions of any written law, proceedings for an offence against any provision of this Law and all civil proceedings, hereunder shall be brought in the name of the Attorney-General and may be instituted and conducted by any person authorized by him generally, or specifically in relation to any particular proceedings or class of proceedings, by writing under his hand.

Power to make regulation

7. The Executive Council may make regulations with respect to regulations with respect to all or any of the following matters-
 1. the conditions upon which the approval of the Commissioner may be had and obtained to instruments by or under which aliens may acquire any interests or rights in or over any land from a Nigerian;
 2. The terms and conditions to be contained in such instrument, and the forms of such instruments; and
 3. The fees to be paid by aliens upon the approval of the Commissioner of such instruments, and upon the execution thereof by the parties thereto.

Interpretation

7. In this Law unless the context otherwise requires-"alien" means:
8. Any individual other than a Nigerian; and

9. Any company or association or body of persons corporate or unincorporated other than-
10. A body corporate established specifically by or under any Act or Law which empowers that body to acquire and hold land; or

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11. (ii) a corporate body incorporated under the provisions of the Companies and Allied Matters Act or any other Act or Law containing general provisions for incorporation where such corporate body is composed solely of Nigerians, or under the provisions of a written law relating to local government in Akwa Thorn State; or

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12. (iii) A co-operative society composed solely of Nigerians and registered under the provisions of Co-operative Societies Law;

"court" means the High Court or a Magistrate's Court;

"instrument" means any document in writing affecting land, and includes a will;

"Commissioner" means the Commissioner for the time being charged with responsibility for land;

"Nigerian" means any people whose parents were members of any tribe or tribes indigenous to Nigeria and the descendants of such persons; and includes any person one of whose parents was a member of such a tribe and includes any individual company, association or body of persons corporate or unincorporated that is not an alien.

9. This Law may be cited as the Acquisition of Land by Aliens Law.

Short title.

SUBSIDIARY LEGISLATION

No subsidiary Legislation