

CHAPTER 3

ACQUISITION OF LAND BY ALIENS LAW

ANS L CAP. 2

A Law to make provisions for regulating the procedure for the acquisition by aliens of land in the State and for connected purposes.

[27th August 1991.]

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

Short title.

2. In this Law —
“alien” means

Interpretation.

- (a) any individual other than a Nigerian; or
- (b) any company or association or body of persons corporate or unincorporate other than —
 - (i) a body corporate established specifically by or under any written law which empowers that body to acquire and hold land, or
 - (ii) a body corporate incorporated under the provisions of any written law which empowers that body to acquire and hold land, or
 - (iii) a co-operative society composed solely of Nigerians and registered under the provisions of any Co-operative Societies Act or Co-operative Societies Law,
 - (iv) an unincorporated body of persons composed solely of Nigerians carrying on business as a partnership,
 - (v) any other body of persons composed solely of Nigerians which under any law in force in Nigeria has capacity to own land;

“Court” means High Court or Magistrate’s Court;

“Governor” means Governor of the State

“instrument” means any document in writing affecting land, and includes a will

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

“State” means Enugu State of Nigeria.

Delegation of powers of Governor.

3. (1) The Governor may delegate such of the powers conferred upon him under the provisions of this Law as he shall think fit.
 (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 Governor.

Aliens not to acquire land save with the approval of Governor.

4. (1) No alien may acquire any interest or right in or over any land from a Nigerian, unless such alien has been approved in writing by the Governor in that behalf, and then only under an instrument, the terms whereof have also been so approved.

(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, or be sold to any other alien under any process of law, without the approval in writing of the Governor of such other alien and of the instrument and the terms thereof.

(3) Any transaction and any instrument by or under which an alien purports to acquire any interest or right in or over any land which has not been duly approved in accordance with the provisions of this section shall be null and void and of no legal effect.

Unlawful occupation of land by alien.

5. 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 —

- (a) is evidenced by an instrument which has received the approval of the Governor in writing; or
- (b) is evidenced by an instrument which has received the approval of the Head of State or the Governor under the provisions of the Native Lands Acquisition Ordinance; or
- (c) was acquired, if the land is situate in the part of Enugu State of Nigeria which in the year 1900 was included in the Protectorate of Southern Nigeria, before the 1st of January, 1900, and in the case of lands situate elsewhere, before 30th March, 1908; or
- (d) is authorized by or under any written law in force in the State:

Provided that —

- (i) with the previous consent of the Governor, 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 Governor; but such consent may, however, be withdrawn by the Governor at any time, if he deems it necessary in the public interest so to do,

- (ii) nothing in the provisions of this section shall affect any rights or interests of aliens in respect of lands in their lawful occupation at the commencement of this Law.

6. 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 two hundred naira or imprisonment for twelve months.

Offence and penalty.

7. (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 on its own motion, cause a summons to be issued to such alien or person aforesaid, requiring him to appear before the court and to 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 the Law relating to the registration of instruments.

Ejection and penalty

(2) If on the hearing of such summons the court shall find 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 the land, and shall issue such process as may be necessary for enforcing such order.

8. 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.

Institution and conduct of legal proceedings.

9. The Governor may make regulations with respect to all or any of the following matters —

Power to make regulation

- (a) the conditions upon which the approval of the Governor may be had and obtained in respect of instruments by or under which aliens may acquire any interest or rights in or over any land from Nigerians.
- (b) the terms and conditions to be contained in such instruments and the forms of such instruments.

- (c) the fees to be paid by aliens upon the approval of such instruments, and upon the execution thereof by the parties thereto.

SUBSIDIARY LEGISLATION

Acquisition of Land by Aliens Law

ACQUISITION OF LAND BY ALIENS (FEES) REGULATIONS
(Made under Section 9)

1. These regulations may be cited as the Acquisition of Land by Aliens (Fees) Regulations.
2. The fees set out in the Schedule hereto shall be payable in respect of the matters specified therein;
 Provided that the Commissioner may, in his discretion, reduce or remit the amount of any fee.

SCHEDULE

On approval of the Governor to instrument or agreement for lease	N 10.00
Upon execution of the deed by the parties for each N50 and also every fractional part of N50 of the rent	4.00
Upon the execution of the deed by the parties for the transfer or assignment of a lease for every N50 of the assessed value of the property or the premium or consideration paid or agreed to be paid (whichever is less).....	4.00
For the preparation by a Government official of draft instrument	10.00
For the preparation by a Government official of completed instrument in duplicate	10.00
For each additional copy of completed instrument	1.00