

**SECTION 31-THE LANDS (CUSTOMARY TENURE)  
(CONVERSION) REGULATIONS**  
*Regulations by the Minister*

Statutory  
Instrument  
89 of 1996

**1.** These Regulations may be cited as the Lands (Customary Tenure) (Conversion) Regulations.

Title

**2.** (1) A person-

Procedure on  
conversion of  
customary tenure  
into leasehold  
tenure

(a) who has a right to the use and occupation of land under

customary tenure; or

- (b) using and occupying land in a customary area with the intention of settling there for a period of not less than five years;

may apply, to the Chief of the area where the land is situated in Form I as set out in the Schedule, for the conversion of such holding into a leasehold tenure.

(2) The Chief shall consider the application and shall give or refuse consent.

(3) Where the Chief refuses consent, he shall communicate such refusal to the applicant and the Commissioner of Lands stating the reasons for such refusal in Form II as set out in the Schedule.

(4) Where the Chief consents to the application, he shall confirm, in Form II as set out in the Schedule-

(a) that the applicant has a right to the use and occupation of that land;

(b) the period of time that the applicant has been holding that land under customary tenure; and

(c) that the applicant is not infringing on any other person's rights; and shall refer the Form to the Council in whose area the land that is to be converted is situated.

**3.** (1) The council shall, after receiving the Form referred to in sub-regulation (4) of regulation 2, and before making a recommendation to the Commissioner of Lands, consider whether or not there is a conflict between customary law of that area and the Act.

Consideration of  
the application by  
the Council

(2) If the council is satisfied that there is no conflict between the customary law of that area and the Act, the council shall make a recommendation to the Commissioner of Lands in Form III as set out in the Schedule.

(3) The Commissioner of Lands shall accept or refuse to accept the recommendation, and shall inform the applicant accordingly.

4. Where a council considers that it will be in the interests of the community to convert a particular parcel of land, held under customary tenure into a leasehold tenure, the council shall, in consultation with the Chief in whose area the land to be converted is situated, apply to the Commissioner of Lands for conversion.

Conversion by council of customary tenure into leasehold tenure

(2) The Council shall, before making the application referred to in sub-regulation (1)-

- (a) ascertain any family or communal interests or rights relating to the parcel of land to be converted; and
- (b) specify any interests or rights subject to which a grant of leasehold tenure will be made.

5. A person holding land on leasehold after the conversion of such land from customary tenure shall be liable to pay such annual ground rent in respect of that land as the Commissioner of Lands may prescribe.

Requirement to pay ground rent

6. A person aggrieved by a decision of the Commissioner of Lands may appeal to the Lands Tribunal.

Appeals

## **SCHEDULE**

### ***(Regulations 2 and 3)***

#### **FORM I**

#### ***(Regulation 2)***

### **APPLICATION FORM FOR CONVERSION OF CUSTOMARY TENURE INTO LEASEHOLD TENURE**

*Particulars of Applicant*

1. Name
2. Postal and Physical Address:
  
3. Location of land:
4. Size of the land and plan No.
5. *Declaration of Rights:*

(a) I or my family have had the right to the use and occupation of the land shown on the plan for a continuous period of            years;

(b) I am entitled to or my family's is entitled to (delete as appropriate), the benefit to the land and I am not aware of any other person's right to the use or, occupation of the land or part of the land except:

And granting leasehold to me will not affect these rights.

Signed: ..... Date:

*Note:*

(i) If in occupation for less than five years, describe how the use and occupation of the land began, by stating the name of the Chief or the Headman who gave you permission to occupy and use the land;

(ii) Prove that the use and occupation of the land is exclusive, by describing the use that the land has been put to;

(iii) Please attach six layout plans of the land in issue to this Form.

**FORM II**  
***(Regulation 2)***

**APPROVAL OF THE CHIEF OF AN APPLICATION FOR  
CONVERSION OF CUSTOMARY TENURE INTO LEASEHOLD  
TENURE**

1, Chief of ..... (vilage)

confirm and certify that-

1. I have caused the right to the use and occupation of  
(property number) by (the applicant to  
be investigated and the investigation has revealed that the applicant or his family has for the  
last years been in occupation of the land described in the plan to which plan I have  
appended my signature.

2. I am not aware of any other right(s), personal or communal, to the use and occupation  
of the land or any other part of the land, except that these rights have always been enjoyed  
by the community and shall not affect the right of the applicant to the use and occupation of  
the land.

3. I have caused the consultation to be made with members of the community.

4. As a result of the consultation and the information made available to me I hereby  
give/refuse my approval for the said land to be converted into leasehold tenure.

Signed: ..... Date:

**FORM III**  
***(Regulation 3)***

**APPROVAL OF THE LOCAL AUTHORITY FOR THE  
CONVERSION OF CUSTOMARY TENURE INTO LEASEHOLD  
TENURE**

I, \_\_\_\_\_, in my capacity as Council  
Secretary of \_\_\_\_\_ District Council confirm  
and state that ( )property number)  
the land to be converted from customary tenure to leasehold tenure by the applicant  
(name of applicant) falls within the boundaries  
of \_\_\_\_\_ District Council.

AND THAT the said (property number) falls within the  
Jurisdiction of Chief \_\_\_\_\_. The approval/refusal of the  
Chief for the land to be converted from customary tenure to leasehold tenure is herewith  
attached.

2. The applicant (name) has occupied and has had the  
right to the use and occupation of the said land for a continuous period of  
years.

3. I am not aware of any other rights personal or communal to the use and occupation of  
the land or any part of the land.

4. As a result of the information available to me, I hereby give/refuse my approval for  
the said land to be converted into leasehold tenure.

Signed: ..... Date: