

ACT 481
OFFICE OF THE ADMINISTRATOR OF STOOL LANDS ACT, 1994

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ACT 481

OFFICE OF THE ADMINISTRATOR OF STOOL LANDS ACT, 1994¹

AN ACT to establish the Office of the Administrator of Stool Lands and provide for the administration of Stool Lands generally.

1. Office of Administrator of Stool Lands and functions

The Office of the Administrator of Stool Lands established by clause (2) of article 267 of the Constitution is responsible for

- (a) the establishment of a stool land account for each stool into which shall be paid rents, dues, royalties, revenue and any other payments whether in the nature of income or capital from the stool lands,
- (b) the collection of those rents, dues, royalties, revenues or the other payments whether in the nature of income or capital and to account for them to the beneficiaries specified in section 8, and
- (c) the disbursement of the revenues determined in accordance with section 7.

1. The Act was assented to on 7th August, 1994 and notified in the *Gazette* on 9th September, 1994.

2. Head of the Office

(1) The head of the Office is the Administrator of Stool Lands.

(2) The Administrator shall be appointed by the President in accordance with article 195 of the Constitution.

3. Qualifications of the Administrator

A person is not qualified to be the Administrator of Stool Lands if that person

- (a) is not a person knowledgeable and experienced in land administration generally, or
- (b) is not a citizen, or
- (c) has been adjudged or otherwise declared
 - (i) bankrupt under a law in force in the Republic and has not been discharged;
 - (ii) to be of unsound mind or is detained as a criminal lunatic under a law in force in the Republic, or
- (d) has been convicted
 - (i) for high crime under the Constitution or high treason or treason or for an offence involving the security of the Republic, fraud, dishonesty or moral turpitude; or
 - (ii) for any other offence punishable by death or by a sentence of not less than ten years, or
- (e) has been found by the report of a commission or a committee of inquiry to be incompetent to hold public office, or is a person in respect of whom a commission or committee of inquiry has found that while being a public officer that person acquired assets unlawfully or defrauded the Republic or misused or abused the office, or wilfully acted in a manner prejudicial to the interest of the Republic, and the findings have not been set aside on appeal or judicial review, or
- (f) is under sentence of death or any other sentence of imprisonment imposed by a court, or
- (g) is otherwise disqualified by a law.

4. Staff of the Office

(1) The Office of the Administrator of Stool Lands shall have the staff necessary for the efficient performance of its functions.

(2) Public officers shall be appointed to the Office in accordance with article 196 of the Constitution.

5. Location of the Office

The headquarters of the Office shall be located in Accra at offices determined by the Minister.

6. Prohibition on grant of freehold stool land

Subject to the Constitution, an interest in, or right over a stool land shall not be created which vests in a person or body of persons a freehold interest, however described.

7. Stool land revenue

(1) In accordance with clause (6) of article 267 of the Constitution, ten percent of the revenue accruing from stool lands shall be paid to the Office to cover administrative expenses and the remaining revenue shall be disbursed in the following proportions by the Administrator:

- (a) twenty-five percent to the stool through the traditional authority for the maintenance of the stool in keeping with its status;
- (b) twenty percent to the traditional authority; and
- (c) fifty-five percent to the District Assembly within the area of authority in which the stool lands are situated.

(2) A beneficiary of stool land revenue aggrieved by the apportionment of the stool land revenue, may submit a complaint to the Commission of Human Rights and Administrative Justice.

8. Consultation with stools and traditional authorities

The Administrator and the Regional Lands Commission shall consult with the stools and any other traditional authorities on matters relating to the administration and development of stool land and shall make available to them the relevant information and data.

9. Co-ordination with public agencies

The Administrator shall co-ordinate with the Lands Commission and any other relevant public agencies, traditional authorities and stools in preparing a policy framework for the rational and productive development and management of stool lands.

10. Provision of regional branches of Office

(1) The Office may have a branch in each Region to be known as the regional office of the Administrator of Stool Lands.

(2) Subject to the directions of the Administrator, a regional office shall perform in the Region the functions of the Administrator.

(3) A regional office shall be located at the office determined by the Minister.

(4) The President shall appoint under article 195 of the Constitution the officers and staff required for the efficient performance of the functions of the regional office.

11. Regional Stool Lands Officer

A Regional Office shall have as a regional stool lands officer a person knowledgeable and experienced in land administration.

12. Expenses of the Office

Without prejudice to subsection (1) of section 7, Parliament shall provide the Office with any other money required for the effective implementation of its functions.

13. Accounts and audit

(1) The Administrator shall keep proper books of account and proper records in relation to them in the form approved by the Auditor-General.

(2) The books and accounts of the Office shall be audited annually by the Auditor-General within six months of the end of the immediately preceding financial year.

(3) The head of a regional office shall keep the accounts of the Regional Stool Lands Office.

14. Annual report

(1) The Administrator shall within six months after the end of the financial year submit to the Minister a report of the activities of the Office during the preceding financial year including the manner in which the revenue has been distributed and the Auditor-General's report on the accounts.

(2) The Minister shall as soon as possible but not later than three months after receiving the annual report lay a copy of the report before Parliament.

15. Regulations

The Minister may in consultation with the Administrator, by legislative instrument, make Regulations to give full effect to this Act.

16. Modifications of certain Acts

The Administration of Lands Act, 1962 (Act 123), the Concessions Act, 1962 (Act 124), the State Lands Act, 1962 (Act 125) and any other enactment relating to land in force immediately before the commencement of this Act shall have effect with the modifications necessary to give effect to this Act.

17. Interpretation

In this Act, unless the context otherwise requires,

“**Administrator**” means the Administrator of Stool Lands;

“**Auditor-General**” includes an auditor appointed by the Auditor-General;

“**citizen**” means a citizen of Ghana;

“**Commission**” means the Lands Commission;

“**Minister**” means the Minister responsible for Lands and Forestry;

“**Office**” means the Office of the Administration of Stool Lands;

“**regional office**” means a regional office of the Administrator of Stool Lands;

“stool land” includes a land or an interest in, or right over, a land controlled by a stool or skin, the head of a particular community or the captain of a company, for the benefit of the subjects of that stool or the members of that community or company;

“traditional authority” means a House of Chiefs or any council or body established or recognised as such under customary law.

