



THE HUNDRED AND SEVENTH

ACT

OF THE PARLIAMENT OF THE REPUBLIC
OF GHANA

ENTITLED

THE FARM LANDS (PROTECTION) ACT, 1962

AN ACT to protect farmers whose titles to land are found to be defective.

DATE OF ASSENT: *24th February, 1962*

BE IT ENACTED by the President and the National Assembly in this present Parliament assembled as follows:—

1. Where a person, in this Act referred to as a farmer, acquires land after the commencement of this Act for the purposes of farming and does not farm a part or the whole of that land for a period of eight years from the date of the acquisition, his title to the whole of the land or that portion that has not been farmed shall be deemed for all purposes to have been extinguished.

Extinguish-
ing title
to land.

2. (1) Where a farmer has, in good faith, at any time after the thirty-first day of December, 1940, and before the commencement of this Act, acquired any land by customary law or otherwise in a prescribed area for purposes of farming and has begun farming on that land within eight years from the date of such acquisition, this section shall, notwithstanding any defect in the title to the contrary, operate to confer valid title on such farmer:

Power to
confer valid
title.

Provided that the land in question had not been farmed by any other person for a period of eight years previous to the acquisition by the farmer.

(2) Where there are any proceedings for vacant possession on the ground that a person other than the farmer who acquired the land under the preceding subsection is entitled to the land or proceedings have been instituted or are instituted by such farmer on the ground that his title to the land is being in any manner challenged, the Court, where it considers that if this Act had not been passed a possession order would fall to be made by reason that the acquisition taken by the farmer did not operate to confer on him the title to the land, but that to make an order would cause hardship and injustice to the person against whom it would fall to be made, may, instead of making the possession order, make an order providing that the acquisition by the farmer shall be deemed for all purposes to have operated to confer on him the title to the land.

(3) Where an order is made under the immediately preceding subsection and the Court considers that the order would by itself cause hardship and injustice to any person, the Court may make a further order requiring the person in whose favour the order is made to pay the other person a sum of money by way of compensation:

Provided that the aggregate of any such sum ordered to be paid under this section shall not exceed an amount equal to twice the value of the consideration paid at the date of the purported acquisition.

(4) The provisions of this section shall not apply to any land in respect of which final judgment relating to title has been obtained.

Offence. 3. Any person who procures or attempts to procure any other person to give up possession of land by any means other than by due process of a Court of competent jurisdiction shall be guilty of a misdemeanour.

Application. 4. The Minister responsible for stool lands may, by legislative instrument, prescribe any area to which the provisions of this Act shall apply.

Interpretation. 5. In this Act unless the context otherwise requires—
“possession order” means an order requiring the delivery up of possession of land or setting aside a purchase or acquisition of land or making a declaration of title or otherwise in defeasance of title to land;
“farming” means to plant and cultivate crops, and cognate expressions shall be construed accordingly.