

THE ADMINISTRATION OF LANDS REGULATIONS, 1962

ARRANGEMENT OF REGULATIONS

Regulation

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ADMINISTRATION OF LANDS REGULATIONS, 1962

IN exercise of the powers conferred on the President by section 29 of the Administration of Lands Act, 1962 (Act 123) (hereinafter referred to as "the Act"), the following Regulations are hereby made this 30th day of October, 1962.

Direction by the President under section 2 of the Act.

1. The Minister shall cause any direction given by the President under section 2 of the Act (which empowers the President to direct an intervention in proceedings relating to stool lands) to be published in the *Gazette*.

Decision of the Minister under section 3 of the Act.

2. The Minister shall cause any decision made by him under section 3 of the Act (which relates to the determination of the extent of a traditional area) to be published in the *Gazette*.

Request by Minister to Traditional Council under section 3 of the Act.

3. Any request by the Minister to a Traditional Council under section 3 of the Act, whether such request is for information or otherwise, shall be complied with not later than three months after the request is made.

Form of requisition by the President under section 4 of the Act.

4. Any requisition made by the President to a Stool under section 4 of the Act (which relates to the declaration by Stools of interests in lands) shall be in the appropriate form specified in the First Schedule hereto.

Decision by the Minister under section 4 of the Act.

5. The Minister shall cause any decision made by him under section 4 of the Act to be published in the *Gazette*.

Form of certificate of allegiance to the Asantehene.

6. Any certificate to which subsection (9) of section 5 of the Act applies (which subsection relates to certificates concerning allegiance to the Asantehene) shall be in the appropriate form specified in the said First Schedule.

Appeal tribunal.

7. (1) Every appeal to the tribunal under section 8 or 10 of the Act shall state the reasons for the appeal, and, where there is written evidence in support of the appeal, that evidence shall be lodged at the same time as the appeal is lodged; and every such appeal shall be referred by the Minister to the tribunal in the appropriate form specified in the First Schedule hereto.

(2) Any decision of the tribunal under subsection (2) of section 8 of the Act shall be published in the *Gazette*.

Duties of Minister under section 8 of the Act.

8. (1) Any refusal by the Minister to give his concurrence to the disposal of any land under subsection (1) of section 8 of the Act shall be accompanied by a statement of the reasons for such refusal.

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(2) Any appeal lodged with the Minister under subsection (4) of the said section 8 shall be forwarded by the Minister to the appeal tribunal not later than one week after the receipt of that appeal by the Minister.

9. Every application for the grant of any Stool Land vested in the President in trust shall, where the land is required for the purpose of the exercise of the rights—

Applica-
tions for
grants
under
section 12
of the Act.

(a) referred to in paragraph (a) or (c) of subsection (2) of section 12 of the Act, be made to the Minister in the appropriate form specified in the First Schedule hereto;

(b) referred to in paragraph (b) of that subsection, be made in accordance with the Timber Leases and Licences Regulations, 1962 (L.I. 229).

10. Upon receipt of any application duly made under the last foregoing regulation the Minister shall—

Publication
of notice of
application.

(a) cause notice of the application to be published in the *Gazette*; and

(b) direct the District Commissioner of the district in which the land to which the application relates is situate, to give such publicity to the application as may be specified in the direction.

11. (1) For the purpose of considering and reporting on applications duly made under regulation 9 the Minister may establish a Board of Enquiry (hereinafter referred to as "the Board").

Board
appointed
by Minister
to consider
applica-
tions.

(2) The composition and procedure of the Board shall be such as the Minister may direct.

(3) After considering any such application the Board shall make a report to the Minister thereon.

(4) In exercising its functions under sub-regulation (1) of this regulation the Board may require the applicant to furnish it with such further information relating to the application as it thinks fit.

12. The Minister shall cause—

(a) every decision of the President either to grant or to refuse an application duly made under these regulations; and

Publication
of decisions
and
comments.

(b) every consent given by the Minister in respect of any grant made by him under these regulations,

to be published in the manner prescribed in regulation 10 in relation to notices of applications.

13. (1) Any order made by the Minister under section 16 of the Act (which relates to orders to surrender land unlawfully occupied) shall be in the appropriate form specified in the First Schedule hereto.

Orders
under
section 16
of the Act.

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(2) Any such order shall be served on the occupier of the land concerned by a person authorised in that behalf by the Minister, or, if the occupier cannot be found after reasonable search within two weeks of the date of the order, a copy of the order shall be posted on the land; and an affidavit by the person who served or posted the order shall be sufficient evidence of such service or posting (as the case may be).

Stool
Lands
Accounts.

14. Every Stool Lands Account and all ledgers, books and documents relating thereto, shall be kept in such form and in accordance with such rules as the Auditor-General may direct.

Restriction
on grant of
land for
mining.

15. No grant shall be made, or concurred to, of any land under the Act for mining unless the grantee is the holder of a minerals licence granted under the Minerals Regulations, 1962 (L.I. 231).

Restriction
on leasing
land in an
approved
lay-out.

16. No grant shall be made of any land comprised in an approved lay-out if the terms of the grant are inconsistent with the lay-out or with any zonal restrictions of user applicable to that land, and no concurrence shall be given to any such grant; and no grant shall be made or concurred to of any land in a planning area otherwise than in accordance with an approved lay-out.

Use of land
for public
purposes:
application
of State
Lands
Regulations,
1962.

17. The provisions of regulations 1-9 of the State Lands Regulations, 1962 (L.I. 230) (which provisions relate to the establishment, composition and functions of Site Advisory Committees and the functions of Regional Commissioners in connection with the acquisition by the President of land in the public interest under section 1 of the State Lands Act, 1962) shall, with the necessary modifications, apply in connection with any authorisation by the President of the occupation and use of any land under section 10 of the Act (which section empowers the President to authorise the occupation and use of certain land for any purpose which, in his opinion, is conducive to the public welfare or the interests of the State).

Publication
of delega-
tions.

18. The Minister shall cause particulars of any delegation made by him under section 24 of the Act, together with particulars of any conditions or limitations attached to the delegation, to be published in the *Gazette*.

Proof of
title under
section 30
of the Act.

19. Any person seeking to prove his title to any land to which subsection (2) of section 30 of the Act applies shall furnish to the Minister, either—

(a) the following documents, that is to say—

(i) the original instrument purporting to transfer the title to the land to that person;

(ii) a document evidencing the consent of the Traditional Authority concerned to the transfer, and, where the transfer was not made by the owners of the land, a document evidencing their consent to the transfer; and

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- (iii) where no plan is annexed to the instrument referred to in paragraph (a) of this regulation, a plan drawn by reference to a map or to survey pillars and showing the boundaries of the land on such a scale and in such a manner as to enable the boundaries to be readily identified on the ground; or
- (b) where no such documents have been executed, the following information, that is to say—
- (i) particulars of the land concerned (including the area thereof), and of the grantor of the land;
 - (ii) the consideration paid for the land; and
 - (iii) the terms and conditions of the grant together with such a sketch plan complying with the requirements of sub-paragraph (iii) of the preceding paragraph.

20. Any person who makes any application or is in receipt of any document or service specified in the Second Schedule hereto shall pay to the Stool Lands Account the appropriate fee specified in relation thereto in that Schedule. Fees.

21. Unless the President otherwise directs no lease or other instrument purporting to grant in accordance with these Regulations any rights over land vested in the President in trust shall be valid unless the lease or other instrument (as the case may be) is executed by the Minister, or by a person authorised by him in that behalf by notice published in the *Gazette*, and bears a seal specified by the Minister by a notice so published. Execution of leases and other instruments.

22. This regulation shall be construed as a delegation by the Minister under section 24 of the Act to the Chief Registrar of Lands of the Minister's functions with respect to the custody of deeds, records, registers and other documents, being functions vested in the Minister by section 14 of the Act. Delegation of Minister's functions in connection with custody of documents, etc.

FIRST SCHEDULE

Form 1

REPUBLIC OF GHANA

THE ADMINISTRATION OF LANDS ACT, 1962 (ACT 123)

THE ADMINISTRATION OF LANDS REGULATIONS, 1962

NOTIFICATION UNDER SECTION 4 (1) OF THE ACT

To _____

Take notice that the President requires that you declare any interest in any land which the _____

name of Stool

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may hold, and that you are required to send full particulars of any such interest to the Minister within three months from the date of this notification.

.....
Signature and rank.

ACCRA.....
date of issue

Form 2

THE ADMINISTRATION OF LANDS ACT, 1962 (ACT 123)

THE ADMINISTRATION OF LANDS REGULATIONS, 1962

CERTIFICATE OF ALLEGIANCE UNDER SECTION 5 (9) OF THE ACT
(delete where inapplicable)

I, (being a person nominated
in writing by the) Asantehene, hereby certify that Mr./Mrs./Miss
..... does/does not owe allegiance to
me/the Asantehene.

Kumasi, the day of 196.....

.....
*Signature of Asantehene or of
a person nominated by him.*

Form 3

THE ADMINISTRATION OF LANDS ACT, 1962 (ACT 123)

THE ADMINISTRATION OF LANDS REGULATIONS, 1962

**APPLICATION UNDER SECTION 12 (2) (a) OF THE ACT FOR
LAND REQUIRED FOR MINING**

(delete where inapplicable)

1. Name of applicant in full:
2. Address (registered office):
3. Nationality or country of incorporation:

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4. Whether applicant has applied for a Minerals Licence and, if so, state date of application:
5. Particulars of term desired:
6. Description of area (with reference to a topographical map) in a manner permitting identification on the ground and approximate size in square miles of surface area which applicant is desirous to use for purposes of exercise of the Minerals Licence:
7. Particulars of sketch map (with reference to a topographical map) showing area and situation of installations which applicant proposes to erect (*N.B.* enclose 3 copies):
8. Whether applicant intends to process minerals mined in Ghana and, if so, state particulars of intended processes:

The _____ day of _____ 196_____

Signature or Seal as appropriate

Form 4

THE ADMINISTRATION OF LANDS ACT, 1962 (ACT 123)**THE ADMINISTRATION OF LANDS REGULATIONS, 1962****APPLICATION FOR A GRANT UNDER SECTION 12 (2) (c) OF THE ACT OF RIGHTS IN RESPECT OF LAND EXCEEDING AN AREA OF 50 ACRES**

(delete where inapplicable)

1. Name of applicant in full:
2. Address (registered office):
3. Nationality (country of incorporation):
4. Names, nationality and addresses of partners or directors:
5. Name, address and nationality (country of incorporation) of holding company or of majority shareholder:
6. Amount of nominal and paid up capital of applicant, and cash working capital available for expenditure in Ghana:
7. Name of bankers of applicant both in and outside Ghana:
8. Purpose of lease:

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9. Whether applicant or associated firms at any time held any rights for similar purposes in another country, and, if so, where:
10. Whether such operations have ceased and if so, where, when and whether by revocation, forfeiture, expiry or termination of rights:
11. Whether applicant is a party to any contracts for the sale of products of the soil (other than timber):
12. Particulars of such contracts (*N.B.* enclose three copies):
13. Estimated annual production:
14. Whether applicant intends to process produce:
15. Particulars of any installations which applicant intends to construct (including workers camps, offices, bungalows, etc.):
16. Whether applicant does not intend to sell produce but intends to use it solely for his own purposes and, if so, for what purposes:
17. Particulars of bankers reference or guarantee (*N.B.* enclose three copies):
18. Particulars of audited Balance Sheet, Profit and Loss Accounts, Statement of Capital Accounts, Directors, Annual Reports and Auditor's reports on the accounts of the applicant for the last five years (*N.B.* enclose three copies of each document):
19. What part of his profits applicant intends to re-invest in Ghana and how:
20. Particulars of powers of attorney (*N.B.* enclose three copies):
21. Description of area with reference to a topographical map in a manner permitting identification on the ground and containing approximate size of area in square miles:
22. Particulars of sketch map showing area and situation of installations with reference to a topographical map (*N.B.* enclose three copies):

I hereby declare the above particulars to be true.

The _____ day of _____ 196__

Signature or Seal as appropriate

ADMINISTRATION OF LANDS REGULATIONS, 1962

Form 5

REPUBLIC OF GHANA

THE ADMINISTRATION OF LANDS ACT, 1962 (ACT 123)

THE ADMINISTRATION OF LANDS REGULATIONS, 1962

ORDER UNDER SECTION 16 OF THE ACT TO SURRENDER LAND

(delete where inapplicable)

To _____
(Name of occupier)

Take notice that whereas you have been found in unlawful occupation of _____
(description of land)

I, _____ (being a public officer performing a function delegated to me by) the Minister, in pursuance of subsection (1) of section 16 of the Act, hereby order you to surrender the said land not later than the _____ day of _____, 196____, upon the following terms:

(Particulars of terms as to the removal of buildings, the reaping of growing produce, and other matters.)

Signature and rank

(Place and date of issue)

SECTION 16 OF THE ACT

" 16. (1) If any person is found in unlawful occupation of land to which this Act applies the Minister may order him to surrender the land within such period and upon such terms, if any, as to the removal of buildings, the reaping of growing produce, and other matters, as the Minister thinks proper.

Unlawful
 occupation
 of land.

(2) Any person who continues in occupation of any land after the date on which he is to surrender it under this section, or who, having surrendered it, renews his unlawful occupation thereof, shall be guilty of a misdemeanour and, in the case of a continuing offence, shall be liable in addition to any fine imposed for the original offence, to an additional fine not exceeding ten pounds for every day during which the offence is continued.

(3) In proceedings against any person under this section, the proof that his occupation was lawful shall lie upon the defendant; and the averment that any land is land to which this Act applies shall be sufficient without proof of such fact, unless the defendant proves the contrary."

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Form 6

REPUBLIC OF GHANA

THE ADMINISTRATION OF LANDS ACT, 1962 (ACT 123)

THE ADMINISTRATION OF LANDS REGULATIONS, 1962

TRANSMISSION BY THE MINISTER TO THE TRIBUNAL UNDER SECTION 8 (4) OF AN APPEAL MADE UNDER SECTION 8 (2)

(delete where inapplicable)

In the matter of _____
(specify type of disposal)

by _____ to _____
(name) (name)

at _____
(describe location)

WHEREAS _____ is aggrieved
(appellant)

by a refusal to approve the disposal of the land/by a failure to notify the decision regarding the disposal and

WHEREAS he has lodged an appeal for transmission to the Tribunal and has submitted the following written evidence in support of the appeal

(specify documents)

NOW THEREFORE the appeal and the documents are transmitted to the Tribunal

AND these comments are made on the said appeal _____

Accra, the _____ day of _____, 196_____

Minister

ADMINISTRATION OF LANDS REGULATIONS, 1962

Form 7

REPUBLIC OF GHANA

THE ADMINISTRATION OF LANDS ACT, 1962 (ACT 123)

THE ADMINISTRATION OF LANDS REGULATIONS, 1962

**TRANSMISSION BY THE MINISTER TO THE TRIBUNAL UNDER SECTION
10 (5) OF APPEAL MADE UNDER SECTION 10 (4)**

(delete where inapplicable)

In the matter of the occupation and use of land at.....

(short description)

WHEREAS the President has authorized the occupation and use of
the land, and

WHEREAS.....
(appellant)

claims to have suffered special loss by reason of disturbance and

WHEREAS the Minister has determined that compensation should
not/should be paid to the amount of £G..... and

WHEREAS the appellant is dissatisfied with the failure of the Minister
to grant compensation/with the amount of such compensation and

WHEREAS the appellant has lodged an appeal for transmission
to the Tribunal and has submitted the following written evidence in
support of the appeal.....

(specify documents)

NOW THEREFORE the appeal and the documents are submitted
to the Tribunal.

AND these comments are made on the said appeal for considera-
tion by the Tribunal.....

Accra, the..... day of....., 196.....

Minister

ADMINISTRATION OF LANDS REGULATIONS, 1962

Reg. 20

SECOND SCHEDULE

FEES

	£G	s.	d.
For an application for a grant of land for mining ..	26	5	0
For preparation of a grant of land for mining	75	0	0
For an application for consent to an assignment of a grant of land for mining	26	5	0
For consent to an assignment of a grant of land for mining	75	0	0
For an application for a grant of rights under section 12 (2) (c)	2	12	0
For preparation of a grant of rights under section 12 (2) (c)	7	10	0
For an application for consent to an assignment of a grant under section 12 (2) (c)	2	12	0
For consent to an assignment of a grant under section 12 (2) (c)	7	10	0
For a copy of a decision of an Appeal Tribunal ..	2	0	0
For a certified copy of an executive decision recorded in any Boundary Book under section 26 (2) of the Act	10	0	0
For an application for proof of a title to land (section 30 (2))	1	0	0
For proof of a title to land (section 30 (2) of the Act)	2	0	0

By Command of the President.

K. A. OIJRI ATTA
Minister of Justice.

Date of *Gazette* notification: 2nd November, 1962