

**PUBLIC LANDS (PROTECTION) DECREE, 1974**

IN pursuance of the National Redemption Council (Establishment) Proclamation, 1972, this Decree is hereby made:

1. Any person who, without reasonable excuse (the proof of which shall be on him) sells or purports to sell, lease or otherwise dispose of public land, or any interest in or right over public land, shall be guilty of an offence and liable on summary conviction to imprisonment not exceeding five years, or to a fine not exceeding ₦5,000.00 or to both.

Sale or attempted sale, etc. of public land.

2. Any person who, without reasonable excuse (the proof of which shall be on him) occupies or in any manner encroaches on or interferes with public land, shall be guilty of an offence and liable on summary conviction to imprisonment not exceeding three years, or to a fine not exceeding ₦3,000.00 or to both.

Unlawful occupation, etc. of public land.

3. (1) Where any person (in this Decree referred to as "the trespasser") has unlawfully occupied or in any manner encroached upon or interfered with any public land, the appropriate authority or any duly authorised agent of such authority may, in writing, serve a notice on the trespasser, either personally or by affixing the notice to any part of the land affected, requiring the trespasser to vacate that land within twenty-one days from the date of the notice.

Ejection of trespassers.

(2) Where a trespasser refuses or fails to vacate the land within twenty-one days from the date of the notice referred to in subsection (1), the said authority or any duly authorised agent of such authority may—

- (a) eject the trespasser forthwith from that land;
- (b) confiscate or remove all goods of the trespasser from that land;
- (c) abate any nuisance or terminate any interference caused by the trespasser on that land;
- (d) confiscate, demolish or remove any structure or obstacle on that land.

(3) The authority or its duly authorised agent may use such reasonable force as may be necessary for the purpose of carrying out any of the measures specified in subsection (2).

(4) No civil action shall be brought against any person acting under this section in respect of any act done by him in good faith in the execution or intended execution of the provisions of this section.

4. Nothing in this Decree shall constitute a bar to any other remedy which the appropriate authority may pursue under any other law.

Decree not a bar to other remedies.

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Meaning of public land.

5. (1) For the purposes of this Decree public land includes land vested by any means in the Republic, the Chairman of the National Redemption Council on behalf of the Republic, the Government, any organ or agency of the Government, or any statutory corporation, whether such land is vested in trust or otherwise.

(2) Where in relation to any proceedings under this Decree, or in relation to any action taken or proposed to be taken under section 3 of this Decree, a doubt arises as to whether any land is public land within the meaning of this section, the Commissioner responsible for Lands may in writing certify that such land is public land, and such certificate shall be conclusive evidence that such land is public land for the purposes of this Decree.

Obstruction of authorised persons.

6. Any person who—

- (a) obstructs or insults a person acting in the exercise of his powers or duties under section 3 of this Decree; or
- (b) refuses or fails to comply with a requirement made by any such person in the exercise of those powers or duties; or
- (c) gives to any such person any information which he knows to be false in a material particular,

shall be guilty of an offence and liable on conviction to a fine not exceeding £500.00 or to imprisonment not exceeding twelve months or to both.

Offences committed by bodies or persons.

7. Where an offence under this Decree is committed by a body of persons then—

- (a) in the case of a body corporate (other than a partnership) every director or officer of the body shall be deemed also to be guilty of the offence; and
- (b) in the case of a partnership, every partner or officer of the body shall be deemed also to be guilty of that offence:

Provided that no person shall be deemed to be guilty of an offence by virtue of this section, if he proves that the offence was committed without his knowledge or connivance and that he exercised all due diligence to prevent the commission of the offence having regard to all the circumstances.

Recovery of expenses.

8. Nothing in this Decree shall prevent the appropriate authority from recovery from a trespasser any expenses reasonably incurred by it in taking action under section 3 of this Decree.

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9. In this Decree-

*Interpreta-  
tion.*

“ authority ” means any organ or agency of the Government or any statutory corporation in which land is vested, or any organ or agency of the Government which administers land vested in the Government or the Chairman of the National Redemption Council on behalf of the Republic.

Made this 29th day of January, 1974.

COLONEL I. K. ACHEAMPONG  
*Chairman of the National Redemption Council*

Date of Gazette notification: 5th February, 1974.