

## **LAND DEVELOPMENT (PROTECTION OF PURCHASERS) ACT, 1960 (ACT 2)**

### ARRANGEMENT OF SECTIONS

#### Section

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REPUBLIC OF GHANA

**THE SECOND  
ACT  
OF THE PARLIAMENT OF THE REPUBLIC OF GHANA  
ENTITLED**

**THE LAND DEVELOPMENT (PROTECTION OF PURCHASERS) ACT, 1960**

**AN ACT** to protect purchasers of land, and their successors, whose titles are found to be defective after a building has been erected on the land.

**DATE OF ASSENT:** 9th August, 1960

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

Section 1—Power to Cure Defective Titles.

(1) Where—

(a) a person (in this section referred to as "the purchaser") has taken a conveyance of land in a prescribed area at any time after 31st December, 1944 (whether before or after the date on which the area became a prescribed area), and

(b) the purchaser or a person claiming through him has in good faith erected a building on the land, and

(c) proceedings are brought to obtain a possession order in relation to the land on the ground that a person other than the purchaser or a person claiming through him is entitled to the land,

the court, where it considers that if this Act had not been passed the possession order would fall to be made by reason that the conveyance taken by the purchaser did not operate to confer on him the title to the land, but that to make the 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 conveyance taken by the purchaser shall be deemed for all purposes to have operated to confer on him the title to the land.

(2) Where an order is made under the 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 under the preceding subsection is made to pay to that person a sum of money by way of compensation:

Provided that the aggregate of any sums ordered to be paid under this subsection shall not exceed an amount equal to twice the value of the land at the date of the purported conveyance to the purchaser.

(3) The court may exercise the powers conferred by this section in any proceedings notwithstanding that the proceedings were instituted before the commencement of this Act, and, in proceedings on appeal, notwithstanding that the decision appealed against was given before the commencement thereof.

#### Section 2—Re-opening of Past Cases.

(1) Where—

(a) a person (in this section referred to as "the purchaser") took a conveyance of land in a prescribed area at some time after 31st December, 1944 and before the date on which the area became a prescribed area, and

(b) the purchaser, or a person claiming through him, in good faith erected a building on the land, and

(c) a possession order was made in relation to the land in proceedings finally disposed of before the date on which the area became a prescribed area, and was so made by reason that the conveyance taken by the purchaser did not operate to confer on him the title to the land,

the person against whom the possession order was made may, at any time within twelve months after the date on which the area became a prescribed area, apply to the High Court for an order under this section.

(2) If the court considers that the making of the possession order caused hardship and injustice to the person against whom it was made, the court may make an order setting aside the possession order and providing that the conveyance taken by the purchaser shall be deemed for all purposes to have operated to confer on him the title to the land:

Provided that an order under this subsection shall not be taken to render unlawful anything done in the period before the making of the order or to found a claim for mesne profits or other compensation in respect of occupation during that period.

(3) Where an order is made under the 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 under the preceding subsection is made to pay to that person a sum of money by way of compensation:

Provided that the aggregate of any sums ordered to be paid under this subsection shall not exceed an amount equal to the aggregate of—

(a) twice the value of the land at the date of the purported conveyance to the purchaser; and

(b) the value at the date when the order under this subsection is made of any improvements carried out on the land since the making of the possession order.

(4) Where an order is made under subsection (2) of this section and it is proved—

(a) that a lease or other right to the occupation of the land was granted by a person who, by virtue of the order, is to be taken to have had no right to make the grant, and

(b) that the said person or his successor received a payment in respect of the grant by way of premium, rent in advance or otherwise which was wholly or partly attributable to any period after the making of the order,

the court may make a further order requiring the person against whom the order under subsection (2) of this section is made to refund to the person who made the said payment or his successor the amount of the payment or the part thereof attributable to the said period as may be appropriate.

(5) The court shall not make an order under subsection (2) of this section if, after the making of the possession order, the land was conveyed to a person who took in good faith and for a valuable consideration, but in lieu thereof the court may make an order requiring any party to the proceedings before it, being a person who has been unjustly enriched by reason of the defect in the purchaser's title, to pay to the person against whom the possession order was made a sum of money by way of compensation.

(6) Where the person against whom the possession order was made has since died, subsections (1) and (5) of this section shall apply as if references therein to that person were references to the person who would be entitled to the land if, at the time of his death, the said person had been entitled thereto.

### Section 3—Provisions as to Payments.

An order requiring the payment of any sum under this Act may provide that the sum shall be payable by instalments or on a future date specified in the order, and may further require the giving of security for any sum payable under the order.

### Section 4—Interpretation.

(1) In this Act—

"conveyance" includes a transfer of land by customary law;

"possession order" means an order requiring the delivery up of possession of land or setting aside a conveyance or making a declaration of title or otherwise in defeasance of title to land;

"prescribed area" means an area prescribed for the purposes of this Act by a legislative instrument made by the Minister responsible for Lands.

(2) For the purposes of this Act a person shall be deemed to have erected a building if he has carried out the greater part of the work required for the erection thereof.