

ACT 125

STATE LANDS ACT, 1962

ARRANGEMENT OF SECTIONS

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ACT 125

STATE LANDS ACT, 1962¹

AN ACT to provide for the acquisition of land in the national interest and for related matters.

1. Acquisition

(1) Where it appears to the President in the public interest so to do, the President may, by executive instrument, declare the land specified in the instrument, other than land subject to the Administration of Lands Act, 1962 (Act 123), as land required in the public interest.

(2) On the making of the instrument under subsection (1), a person acting in that behalf and subject to a month's notice in writing may enter the land for a purpose incidental to the declaration so made.

(3) Where the President is satisfied that special circumstances make it expedient that a particular land which is subject to the Administration of Lands Act, 1962 (Act 123) should be declared under subsection (1) as land required in the public interest, the President may, by executive instrument, declare that land as land required in the public interest, and the Administration of Lands Act, 1962 shall not apply to the land in respect of which an executive instrument is made in accordance with this subsection.²

1. The Act was assented to on 14th June, 1962.

2. Inserted as a proviso to subsection (1) by the State Lands Act, 1962 (Amendment) Decree, 1968 (N.L.C.D. 234).

(4) An instrument made under this section may contain particulars in respect of the date on which the land so declared shall be surrendered and any other matter incidental or conducive to the attainment of the objects of the instrument including an assessment of the compensation that may be paid.

(5) On the publication of an instrument made under this section, the land shall, without further assurance than this subsection, vest in the President on behalf of the Republic, free from any encumbrances.

2. Publication of instrument

A copy of the instrument made under section 1

- (a) shall be served personally on a person having an interest in the land, or left with a person in occupation of the land, and
- (b) shall be served on the traditional authority of the area in which the land is situated and that authority shall request the chief to notify the people of the area concerned, and
- (c) shall be affixed at a convenient place on the land, and
- (d) shall be published on three consecutive occasions in a newspaper circulating in the district where the land is situated and in any other manner directed by the Lands Commission.³

3. Determination by High Court

Subject to section 4, the High Court shall determine the rights or interest of a person,

- (a) where there is a dispute as to the right or interest claimed by reason of conflicting claims or interests, or
- (b) where that person is dissatisfied with the compensation assessed by the Lands Commission.⁴

4. Claims and compensation

(1) A person who claims a right or has an interest in land subject to an instrument made under section 1 or whose right or interest in that land is affected shall, within six months from the date of the publication of the instrument made under section 1, submit in writing to the Lands Commission,

- (a) particulars of the claim or interest in the land of that person,
- (b) the manner in which the claim or interest is affected by the executive instrument issued under this Act,
- (c) the extent of the damage done, and
- (d) the amount of compensation claimed and the basis for the calculation of the compensation.

3. Substituted by the State Lands (Amendment) Decree, 1979 (A.F.R.C.D. 62).

4. Substituted by the State Lands (Amendment) Act, 2000 (Act 586).

(2) The Lands Commission shall on receipt of the claim for compensation under subsection (1) cause the payment to the owner, of fair and adequate compensation to be assessed by the Government for the land acquired.

(3) In assessing the compensation for land under subsection (2) account shall be taken of

- (a) the market or replacement value of the land,
- (b) the cost of disturbance or any other damage suffered thereby, and
- (c) the benefits to be derived by the people of the area in which the land is situated from the use for which the land is acquired.

(4) Subject to the Constitution, where a compulsory acquisition or possession of land effected under this Act involves displacement of the inhabitants, the Lands Commission or any other government agency as directed by the President shall settle the displaced inhabitants on suitable alternative land with due regard for the economic well-being and social and cultural values of those inhabitants.

(5) In assessing compensation under this Act account shall not be taken of the improvement on the land made within two years previous to the date of publication of the instrument made under section 1, unless the improvement was made in good faith and not made in contemplation of acquisition under this Act.

(6) Where compensation for land is assessed but cannot be paid owing to a dispute, the Government shall, pending the final determination of the dispute lodge the accrued amount in an interest yielding escrow account and the amount together with the interest shall be released to the person entitled on the final determination of the dispute.⁵

5. Appeals

(1) A person who is aggrieved by a decision of the High Court on a matter dealt with by the High Court under this Act may appeal against the decision to the Court of Appeal.

(2) The Court of Appeal may on hearing the appeal confirm, reverse or vary the decision of the High Court and may make any other order.

(3) The rules applicable to a civil appeal before the Court of Appeal shall apply to an appeal brought under this section.⁶

6. Leases and licences

The Lands Commission may grant a lease or licence in respect of land acquired under this Act.⁷

7. Regulations

The Minister may, by legislative instrument, make Regulations prescribing fees to be paid under this Act and for the better carrying into effect of the principles of this Act.

- 5. Amended by the State Lands (Amendment) Decree, 1974 (N.R.C.D. 307) and substituted by section 2 of the State Lands (Amendment) Act, 2000 (Act 586).
- 6. Inserted by section 2 of the State Lands (Amendment) Decree, 1974 (N.R.C.D. 307) as section 4A and substituted by section 3 of the State Lands (Amendment) Act, 2000 (Act 586).
- 7. Amended by section 4 of the State Lands (Amendment) Act, 2000 (Act 586).

8. Interpretation

In this Act, unless the context otherwise requires,

“**cost of disturbance**” means the reasonable expenses incidental to a necessary change of residence or place of business by a person having a right or an interest in the land;

“**market value**” means the sum of money which the land might have been expected to realise if sold in the open market by a willing seller at the time of the declaration made under section 1;

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

“**other damage**” means damage sustained by a person having a right or an interest in the land or in an adjoining land at the date of the declaration made under section 1 by reason of severance from or injurious affection to an adjoining land;

“**replacement value**” means the value of land where there is no demand or market for the land by reason of the situation or of the purpose for which the land was devoted at the time of the time of the declaration made under section 1, and shall be the amount required for reasonable re-instatement equivalent to the condition of the land at the date of the declaration.

9. Repeals

(1) Sections 4 to 18 of the State Property and Contracts Act, 1960 (C.A. 6) in so far as they relate to land shall cease to have effect.

(2) The Housing Schemes (Acquisition of Land) Ordinance (Cap. 85) is hereby repealed.

10. Savings

Despite the repeal of the enactments specified in section 9, the subsidiary legislation made under any of those enactments and in force immediately prior to the commencement of this Act, shall continue to have effect as if made under this Act.
