

S.M.C.D. 77

LAND AND BUILDINGS (ACQUISITION) ACT, 1977¹

AN ACT to provide for the vesting of a certain property in the Republic.

House No. 340/2 Independence Avenue, Accra deemed to have been vested under A.M.C. Agreement.

Despite anything to the contrary, the interests in the land and buildings formerly known as House Number 340/2 Independence Avenue and now known as House No. 71 Independence Avenue in Accra shall, with effect from the 1st day of January, 1975 be deemed to have been transferred to the Republic as being part of the fixed assets of the African Manganese Company transferred by Agreement made between the Government and that Company and dated 19th September, 1975 but free from all encumbrances.

1. This Act was issued as the Land and Buildings (Acquisition) Decree, 1977 (S.M.C.D. 77) made on the 10th day of November, 1977 and notified in the *Gazette* on the 25th March, 1977.

proceedings on appeal, although that the decision appealed against was given before the commencement date.

2. Reopening of past cases

(1) Where

- (a) a person 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 the purchaser, 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 the purchaser 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) Where the Court considers that the making of the possession order would cause 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 considered for all purposes to have operated to confer on the purchaser the title to the land.

(3) An order under subsection (2) 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 for any other compensation in respect of occupation during that period.

(4) Where an order is made under subsection (2) and the Court considers that the order would by itself cause hardship and injustice to a person, the Court may make a further order requiring the person in whose favour the order under subsection (2) is made to pay to that person a sum of money by way of compensation.

(5) The aggregate of the sums ordered to be paid under subsection (4) 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 subsection (4) is made of the improvements carried out on the land since the making of the possession order.

(6) Where an order is made under subsection (2) and it is proved

- (a) that a lease or any 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 person or the person's 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) is made to refund to the person who made the payment or successor the amount of the payment or the part attributable to the period, as may be appropriate.

(7) The Court shall not make an order under subsection (2) 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 of this the Court may make an order requiring a party to the proceedings before it, being a person who has been unjustly enriched by virtue 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.

(8) Where the person against whom the possession order was made has since died, subsections (1) and (7) shall apply as if references to that person were references to the person who would be entitled to the land if, at the time of that person's death, the person had been entitled thereto.

3. Provisions as to payments

An order requiring the payment of a sum of money 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 the sum payable under the order.

4. Interpretation

(1) In this Act, unless the context otherwise requires,

“**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;

“**purchaser**” means a person who takes a conveyance in the circumstance referred to in section 1 or section 2.

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

