

ACT 483

LANDS COMMISSION ACT, 1994

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**ACT 483****LANDS COMMISSION ACT, 1994<sup>1</sup>**

**AN ACT to provide for the management of public lands and other lands and for related matters.**

*Establishment and Functions of the Commission***1. The Lands Commission**

The Lands Commission established under article 258 of the Constitution shall act in accordance with the Constitution and this Act.

**2. Functions of the Commission**

(1) The Commission shall, in co-ordination with the relevant public agencies and governmental bodies,

- (a) on behalf of the Government, manage public lands and any other lands vested in the President by the Constitution or by any other enactment or the lands vested in the Commission;
- (b) advise the Government, local authorities and traditional authorities on the policy framework for the development of particular areas to ensure that the development of individual pieces of land is co-ordinated with the relevant development plan for the area concerned;
- (c) formulate and submit to Government recommendations on national policy with respect to land use and capability;
- (d) advise on, and assist in the execution of, a comprehensive programme for the registration of title to land throughout the Republic in consultation with the Title Registration Advisory Board established under section 10 of the Land Title Registration Act, 1986;<sup>2</sup> and
- (e) perform any other functions that the Minister may assign to the Commission.

(2) The Minister may, with the approval of the President, give general directions in writing to the Commission on matters of policy in respect of the management of public lands.

**3. Independence of the Commission**

Except as otherwise provided in the Constitution, this Act, or in any other law which is not inconsistent with the Constitution, the Commission is not subject to the direction or control of a person or an authority in the performance of its functions.

**4. Consent and concurrence in disposition of stool lands**

(1) In accordance with clause (3) of article 267, a stool land shall not be disposed of or developed by a person unless the Regional Lands Commission of the region in which

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1. The Act was assented to on 6th September, 1994 and published in the *Gazette* on 9th September, 1994.

2. P.N.D.C.L. 152.

the land is situated has certified that the disposition or development is consistent with the development plan drawn up or approved by the planning authority of the area.

(2) The grant of consent and concurrence by the Regional Lands Commission shall be communicated by it to the office of the Administrator of Stool Lands and the regional office of the Administrator of Stool Lands.

(3) Where the Regional Lands Commission fails or refuses to give the consent and concurrence under this section, a person aggrieved by the failure or refusal may appeal to the High Court.

### *Composition, Qualification, Appointment of Members*

#### **5. Composition of the Commission**

- (1) The Commission consists, in accordance with article 259 of the Constitution, of
- (a) the chairman, who is neither a Minister nor a Deputy Minister,
  - (b) one representative of, and nominated by,
    - (i) the National House of Chiefs,
    - (ii) the Ghana Bar Association,
    - (iii) the Ghana Institution of Surveyors,
    - (iv) each Regional Lands Commission,
    - (v) the department responsible for town and country planning,
    - (vi) the National Association of Farmers and Fishermen,
    - (vii) the Environmental Protection Council, and
    - (viii) the Ministry responsible for Lands and Forestry, and
  - (c) the chief administrator of the Lands Commission who shall be the executive secretary.

(2) In accordance with article 70 of the Constitution the chairman and the other members of the Commission shall be appointed by the President.

(3) The salaries and allowances payable, the facilities and the privileges available, to the chairman and the other members of the Commission shall be determined by the President in accordance with article 71 (1) (d) (iv) of the Constitution.

#### **6. Regional Lands Commission**

(1) In accordance with article 260 of the Constitution, the Commission shall establish a Regional Lands Commission which shall perform the functions of the Commission in respect of the Region.

(2) The activities of a Regional Lands Commission shall be co-ordinated by the Commission.

#### **7. Membership of Regional Lands Commission**

In accordance with article 261 of the Constitution, a Regional Lands Commission consists of

- (a) the chairman, who is neither a Minister nor a Deputy Minister,

- (b) one representative of, and nominated by,
  - (i) the Regional House of Chiefs,
  - (ii) each District Assembly within the Region, and
  - (iii) the department responsible for town and country planning,
- (c) one nominee of the Ghana Bar Association practising in the Region,
- (d) one nominee of the Ghana Institution of Surveyors practicing in the Region,
- (e) one nominee of the National Association of Farmers and Fishermen, and
- (f) the regional lands officer.

#### **8. Regional lands officer**

(1) By virtue of article 262 of the Constitution, a Regional Lands Commission shall have a regional lands officer who is a person knowledgeable and experienced in land administration.

(2) The regional lands officer shall be a member of, and the secretary to, the Regional Lands Commission.

(3) Subject to the directions of the executive secretary, the regional lands officer shall perform in the Region, the functions of the executive secretary.

#### **9. Qualification for membership**

(1) In accordance with article 263 of the Constitution, a person is not qualified to be a member of the Commission or a Regional Lands Commission, other than the executive secretary and the regional lands officer, unless that person is qualified to be a member of Parliament.

(2) A person is not disqualified from being a member of the Commission or a Regional Lands Commission because that person is a public officer.

(3) A member of the Commission or a Regional Lands Commission who has a professional qualification shall cease to be a member of the Commission or Regional Lands Commission if that member

- (a) is disqualified or suspended from practising that profession by an order of a competent authority made personally in respect of that member, or
- (b) ceases to be a member of the profession otherwise than at the request of that member.

#### **10. Tenure of office of members**

(1) The chairman and the other members of the Commission and the chairman and members of a Regional Lands Commission, other than the executive secretary and the regional lands officer, hold office for a term of four years and are eligible for reappointment.

(2) The office of the chairman or any other member of the Commission or the chairman or any other member of a Regional Lands Commission, other than the executive secretary and the regional lands officer, becomes vacant if that person

- (a) ceases to hold office under article 264 of the Constitution,

- (b) would be disqualified for appointment under article 263 of the Constitution,
- (c) is removed from office by the President, or, in the case of a member of a Regional Lands Commission, by the Minister for inability to perform the functions of office or for a stated misbehaviour.

### **11. Resignation of members**

(1) The chairman or any other member of the Commission may resign from office by notice addressed to the President.

(2) The chairman or any other member of a Regional Lands Commission may resign from office by notice addressed to the Minister.

### **12. Removal of members**

(1) The chairman or a member of the Commission may be removed from office by the President for inability to perform the functions of office or for a stated misbehaviour.

(2) The chairman or any other member of a Regional Lands Commission may be removed from office by the Minister for inability to perform the functions of office or for a stated misbehaviour.

### **13. Filling of vacancies**

(1) Where the chairman of the Commission or the chairman of a Regional Lands Commission dies, resigns or is removed from office or is by reason of illness unable to perform the functions of office, the members of the Commission or of the Regional Lands Commission shall elect one of their number to act as chairman until the chairman is able to perform the functions of office or until a new chairman is appointed.

(2) Where a member of the Commission or of a Regional Lands Commission dies, resigns or otherwise ceases to hold office, or is by reason of illness or any other sufficient cause unable to perform the functions of office, the President or the Minister may appoint another person to act until the member is able to resume the performance of the functions of office or until a new member is appointed.

(3) Where a person is elected as chairman or appointed a member to fill a vacancy that person shall hold office for the remainder of the term of the previous chairman or member and is eligible, subject to the Constitution and this Act, for reappointment, re-election or renomination.

### **14. Meetings of the Commission**

(1) The Commission or a Regional Lands Commission shall meet at least once in every three months for the dispatch of business at a time and place determined by the chairman.

(2) The quorum at a meeting of the Commission or of a Regional Lands Commission shall not be less than half of the membership of the Commission or the Regional Lands Commission.

(3) The chairman shall preside at meetings of the Commission or the Regional Lands Commission, and in the absence of the chairman a member of the Commission or the Regional Lands Commission appointed by the members present from among themselves shall preside.

(4) A member of the Commission or of a Regional Lands Commission who is absent without sufficient reason from three consecutive meetings ceases to be a member of the Commission or of the Regional Lands Commission.

(5) The validity of the proceedings of the Commission or of a Regional Lands Commission shall not be affected by a vacancy in its membership or a defect in the appointment or qualification of a member.

(6) Questions before the Commission or a Regional Lands Commission shall be decided by a majority of the members present and voting.

(7) The chairman or the person presiding at a meeting of the Commission or of a Regional Lands Commission shall in the event of equality of votes have a casting vote.

(8) The chairman of the Commission or of the Regional Lands Commission shall summon a special meeting of the Commission or the Regional Lands Commission within fourteen days of the receipt of a written request for the special meeting signed by not less than four members of the Commission or the Regional Lands Commission.

(9) Except as provided in this Act, the Commission or a Regional Lands Commission shall regulate the procedure at its meetings.

#### **15. Power to co-opt**

The Commission or a Regional Lands Commission may co-opt a person to act as an adviser at its meetings but a co-opted person is not entitled to vote at the meeting.

#### **16. Appointment of committees**

The Commission or a Regional Lands Commission may delegate any of its functions to a committee composed of members or non-members or both, except that a committee composed entirely of non-members may only advise the Commission.

### *Administration*

#### **17. Lands Commission Secretariat**

(1) There is established by this Act a Lands Commission Secretariat which shall be the Secretariat of the Commission.

(2) The Secretariat is responsible, subject to this Act, for giving effect to the decisions of the Commission and shall perform any other functions determined by the Commission.

#### **18. Executive secretary**

(1) The chief administrator of the Commission appointed under paragraph (c) of article 259 of the Constitution is the executive secretary of the Commission.

(2) *Omitted.*<sup>3</sup>

(3) The executive secretary is responsible for the day-to-day administration of the affairs of the Commission and the implementation of the decisions of the Commission subject to the general directives of the Commission.

(4) The executive secretary may delegate any of the functions of the executive secretary to an officer of the Commission but is not relieved from ultimate responsibility for the performance of the delegated functions.

(5) The executive secretary is responsible for the organisation and control of the employees of the Commission.

(6) The executive secretary shall act as the secretary to the Commission.

#### **19. Deputy executive secretary**

(1) The Commission shall have a deputy executive secretary appointed by the President in accordance with article 195 of the Constitution.

(2) The deputy executive secretary shall, in the absence of the executive secretary, perform the functions of the executive secretary specified under section 18 and shall perform any other functions assigned by the executive secretary.

#### **20. Other staff of the Commission**

(1) The Commission shall have the officers and staff as are reasonably necessary for the effective performance of its functions.

(2) In accordance with article 195 of the Constitution, the President may delegate to the Commission or a public officer the appointment of the officers and staff of the Commission.

(3) The officers and staff shall hold office on the terms and conditions appointed by the Public Services Commission.

(4) Public officers who have specialised knowledge of the work of the Commission may be transferred or seconded to the Commission or may otherwise give assistance to it.

(5) The Commission may engage the services of consultants and advisers.

### *Finance*

#### **21. Funds of the Commission**

(1) The funds of the Commission include

- (a) Government subventions, and
- (b) moneys received by the Commission from a source approved by the Minister responsible for Finance.

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3. By virtue of subsection (1) of section 18, the section reads,  
"The Executive Secretary shall be appointed by the President in accordance with the advice of the Commission given in consultation with the Public Services Commission."

(2) By virtue of article 174 of the Constitution, the Commission may, by legislative instrument, levy charges for anything required or authorised to be done by this Act to provide further funds to meet the expenses of the Commission.

## **22. Accounts and audit**

(1) The Commission shall keep proper books of account and proper records in relation to those accounts in a form approved by the Auditor-General.

(2) The books and accounts of the Commission shall be audited annually by the Auditor-General.

(3) A report on the audit shall be submitted to the Commission by the Auditor-General within two months of the end of each financial year.

## **23. Annual Report**

(1) The Commission shall as soon as possible after the expiration of each financial year but within six months after the end of the preceding financial year, submit to the Minister an annual report dealing generally with the activities of the Commission.

(2) The reports shall include

- (a) a copy of the audited accounts of the Commission together with the Auditor-General's report on it, and
- (b) any other information required by the Minister.

(3) The Commission shall submit to the Minister any other reports on its activities required by the Minister.

(4) A copy of the annual report shall be forwarded by the Commission to the

- (a) Office of the President,
- (b) Minister responsible for Finance,
- (c) Minister responsible for Food and Agriculture,
- (d) Minister responsible for Environment, Science and Technology,
- (e) Minister responsible for Energy and Mines,
- (f) Minister responsible for Science and Technology,
- (g) Minister responsible for Roads and Highways,
- (h) Minister responsible for Works and Housing,
- (i) Minister responsible for Transport and Communications,
- (j) Chairman, National Development Planning Commission,
- (k) Governor, Bank of Ghana,
- (l) State Enterprises Commission, and
- (m) Government Statistician.

(5) The Minister shall as soon as possible but not later than three months after receiving the annual report lay the report before Parliament.

*Miscellaneous***24. Access to information**

The executive secretary and the regional lands officer shall have access to the information and records of a department of state which are reasonably necessary for the performance of their functions under this Act.

**25. Offences**

A person who

- (a) at the request of the Commission for information deliberately or negligently submits a false or misleading statement, or
- (b) refuses without reasonable excuse to give information or provide a document which the Commission reasonably requests for the purposes of its functions, or
- (c) refuses without lawful excuse to admit an officer or designated agent of the Commission on to the business premises or otherwise obstructs an inspection,

commits an offence and is liable on summary conviction to a fine not exceeding two hundred penalty units or to a term of imprisonment not exceeding six months or to both the fine and the imprisonment.

**26. Offences by bodies corporate**

(1) Where an offence under this Act or the Regulations is committed by a body of persons,

- (a) in the case of a body corporate, other than a partnership, every director, manager, secretary or officer of similar status of that body corporate shall be deemed to have committed that offence;
- (b) in the case of a partnership, every partner or officer of similar status shall be deemed to have committed that offence.

(2) A person shall not be convicted of an offence under subsection (1) if it is proved that the act was committed by another person without the consent or connivance of that person and that due diligence was exercised to prevent the commission of that act as ought to have been done having regard to the circumstances.

**27. Regulations**

The Minister may, in consultation with the Commission, by legislative instrument, make Regulations to give effect to this Act.

**28. Acts to have effect with necessary modifications**

The Administration of Lands Act, 1962 (Act 123), the Concessions Act, 1962 (Act 124), the State Lands Act, 1962 (Act 125), and any other enactment relating to land, in force immediately before the commencement of this Act, shall have effect with the modifications that are necessary to give effect to this Act.

**29. Interpretation**

In this Act, unless the context otherwise requires,

“**Auditor-General**” includes an auditor appointed by the Auditor-General;

“**Commission**” means the Lands Commission;

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

“**Ministry**” means Ministry responsible for Lands and Forestry;

“**Regulations**” means the Regulations made under section 27;

“**Secretariat**” means the Lands Commission Secretariat;

“**traditional authority**” includes a House of Chiefs or a council or body established or recognised under the customary law as a traditional authority.

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