

THE LAND ACT, 1998.

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SCHEDULE
Currency Point.

THE LAND ACT, 1998.

An Act to provide for the tenure, ownership and management of land; to amend and consolidate the law relating to tenure, ownership and management of land; and to provide for other related or incidental matters.

DATE OF ASSENT: 2nd July, 1998.

Date of commencement: 2nd July, 1998.

BE IT ENACTED by the Parliament as follows:

PART I—PRELIMINARY.

1. This Act may be cited as the Land Act, 1998. Short Title.

2. In this Act, unless the context otherwise requires— Inter-pretation.

“alienated” means alienated by the grant of an estate in freehold or leasehold which is registered under the Registration of Titles Act and “unalienated” shall be interpreted accordingly; Cap. 205.

“Association” means a Communal Land Association established by section 16 of this Act;

“authorised undertaker” means a person or authority authorised or required by law to execute public works;

“Board” means the District Land Board established by article 240 of the Constitution and referred to in section 57 of this Act;

“*bona fide* and lawful occupant” have the meanings assigned to them in section 30 of this Act;

“certificate of customary ownership” means a certificate issued under section 5 of this Act;

“certificate of occupancy” means a certificate issued under section 34 of this Act;

“Commission” means the Uganda Land Commission established by article 238 of the Constitution and referred to in section 47 of this Act;

“Committee” means a Land Committee established by section 65 of this Act;

“community” means an indigenous community of Uganda as provided for in the Third Schedule to the Constitution, or any clan or sub-clan of any such indigenous community communally occupying, using or managing land;

“currency point” has the value assigned to it in the Schedule to this Act;

“customary tenure” means a system of land tenure regulated by customary rules which are limited in their operation to a particular description or class of persons the incidents of which are described in section 4 of this Act;

“former controlling authority” means the Uganda Land Commission or a designated authority in existence before the coming into force of the Constitution;

“former designated authority” means a city council, municipal council, town council, or town board established in a designated urban area;

“former public land” means land previously administered under the Public Lands Act, 1969 prior to the coming into force of the Land Reform Decree, 1975;

Act 13 of
1969.
Decree No.
3 of 1975.

“freehold land tenure” means the holding of registered land in perpetuity subject to statutory and common law qualifications the incidents of which are described in section 4 of this Act;

“gazetted” means published in the official gazette by either a statutory instrument or a Legal Notice issued by the responsible Minister;

“Land Tribunal” means a Land Tribunal established under section 75, 81 or 82 of this Act;

“leasehold land tenure” means the holding of land for a given period from a specified date of commencement, on such terms and conditions as may be agreed upon by the lessor and lessee the incidents of which are described in section 4 of this Act, and includes a sub- lease;

“mailo land tenure” means the holding of registered land in perpetuity and having roots in the allotment of land pursuant to the 1900 Uganda Agreement and subject to statutory qualifications the incidents of which are described in section 4 of this Act;

“Mediator” has the meaning assigned to it in section 90 of this Act;

“Minister” means the Minister responsible for lands;

“public works” means the construction of railways, roads, canals or airfields; the placing of telegraph lines and electric lines, and the erection of supports for such lines; the laying of sewer and water pipes; the construction of drains; the prospecting,

exploration, mining, extraction of petroleum resources, the construction of dams and hydro power plants; the establishment of hydrogeological, meteorological, hydrogeological and water quality stations; the construction of water and sewerage treatment plants, storage reservoirs and pumping stations; and any other works, construction of public buildings and other public institutions, declared by statutory instrument to be public works, the construction of buildings for public use such as hospitals and universities for the purposes of section 74 of this Act; and any other works ancillary or incidental to the foregoing;

“Recorder” means the Recorder established by section 69 of this Act;

Cap. 205.

“Register Book” means the book kept by the Registrar in accordance with the Registration of Titles Act;

Cap. 205.

“registered owner” means the owner of registered land registered in accordance with the Registration of Titles Act;

Cap. 205.

“registrable interest” means an interest registrable under the Registration of Titles Act, namely, mailo, freehold, leasehold and sub-leasehold; but includes a certificate of customary tenure and a certificate of occupancy;

Cap. 205.

“Registrar” means the Registrar of Titles appointed under the Registration of Titles Act;

Cap. 345.

“road” means a road reserve as defined in the Roads Act;

“tenant by occupancy” means the lawful or *bonafide* occupant declared to be a tenant by occupancy by section 32 of this Act;

“urban area” means a gazetted urban area.

PART II—LAND HOLDING.

3. Subject to article 237 of the Constitution, all land in Uganda shall vest in the citizens of Uganda and shall be owned in accordance with the following land tenure systems—

Land
ownership.

- (a) customary;
- (b) freehold;
- (c) mailo; and
- (d) leasehold.

4. (1) Customary tenure is a form of tenure—

Incidents of
forms of
tenure.

- (a) applicable to a specific area of land and a specific description or class of persons;
- (b) subject to section 28 of this Act, governed by rules generally accepted as binding and authoritative by the class of persons to which it applies;
- (c) applicable to any persons acquiring land in that area in accordance with those rules;
- (d) subject to section 28 of this Act, characterised by local customary regulation;
- (e) applying local customary regulation and management to individual and household ownership, use and occupation of, and transactions in, land;
- (f) providing for communal ownership and use of land;
- (g) in which parcels of land may be recognised as subdivisions belonging to a person, a family or a traditional institution; and
- (h) which is owned in perpetuity.

(2) Freehold tenure is a form of tenure deriving its legality from the Constitution and its incidents from the written law which—

- (a) involves the holding of registered land in perpetuity or for a period less than perpetuity which may be fixed by a condition;
- (b) enables the holder to exercise, subject to the law, full powers of ownership of land, including but not necessarily limited to—
 - (i) using and developing the land for any lawful purpose;
 - (ii) taking and using any and all produce from the land;
 - (iii) entering into any transaction in connection with the land, including but not limited to selling, leasing, mortgaging or pledging, sub-dividing creating rights and interests for other people in the land and creating trusts of the land;
 - (iv) disposing of the land to any person by will.

(3) For the avoidance of doubt, a freehold title may be created which is subject to conditions, restrictions or limitations which may be positive or negative in their application, applicable to any of the incidents of the tenure.

(4) Mailo tenure is a form of tenure deriving its legality from the Constitution and its incidents from the written law which—

- (a) involves the holding of registered land in perpetuity;
- (b) permits the separation of ownership of land from the ownership of developments on land made by a lawful or *bona fide* occupant; and

- (c) enables the holder, subject to the customary and statutory rights of those persons lawful or *bona fide* in occupation of the land at the time that the tenure was created and their successors in title, to exercise all the powers of ownership of the owner of land held of a freehold title set out in subsections (2) and (3) and subject to the same possibility of conditions, restrictions and limitations, positive or negative in their application as are referred to in those subsections.
- (5) Leasehold tenure is a form of tenure—
 - (a) created either by contract or by operation of law;
 - (b) the terms and conditions of which may be regulated by law to the exclusion of any contractual agreement reached between the parties;
 - (c) under which one person namely, the landlord or lessor, grants or is deemed to have granted another person namely the tenant or lessee exclusive possession of land usually but not necessarily for a period defined, directly or indirectly, by reference to a specific date of commencement and a specific date of ending;
 - (d) usually but not necessarily, in return for a rent which may be for a capital sum known as a premium or for both a rent and a premium but may be in return for services or may be free of any required return;
 - (e) under which both the landlord and the tenant, may, subject to the terms and conditions of the lease and having due regard for the interests of the other party, exercise such of the powers of a freehold owner as are appropriate and possible given the specific nature of a leasehold tenure.

Certificate
of
customary
ownership.

5. (1) Any person, family or community holding land under customary tenure on former public land may acquire a certificate of customary ownership in respect of that land in accordance with the provisions of this Act.

(2) A certificate for customary ownership shall be in the prescribed form and shall be issued by the Board.

(3) An application for a certificate of customary ownership shall be in the prescribed form and shall be submitted, together with the prescribed fee, to the Committee of the parish in which the land the subject of the application is situated.

Functions of
Committee
on
application
for
certificate
of
customary
ownership.

6. (1) On receipt of an application for a certificate of customary ownership, the Committee shall—

- (a) determine, verify and mark the boundaries of all interests in the land which is the subject of the application;
- (b) demarcate rights of way and other easements over the land the subject of the application and any adjacent land which benefit or burden or are reputed to benefit or burden any such land or which it considers will be necessary for the more beneficial occupation of any such land in respect of which an application may be granted or any adjacent land;
- (c) adjudicate upon and decide in accordance with and applying customary law, any question or matter concerning the land referred to it by any person with an interest in land which is the subject of an application or any land adjacent to it including the question of whether the customary law applicable to the land the subject of the application recognises individual rights to the occupation and use of land and if so, subject to what conditions and limitations;

- (d) record that if any person has, or two or more persons have, exercised rights under customary law over the land the subject of the application that should be recognised as ownership of that land, that person or those persons as the case may be, shall, *prima facie*, be entitled to be issued with a certificate of customary ownership and in the case of two or more persons, the shares of each such person and the nature of their ownership;
- (e) record that if any persons have exercised any right over the land or any part of it or are entitled to any interest in the land or part of it not amounting to ownership, including any lease, right of occupation or use, charge, pledge or other encumbrance whether by virtue of customary law or otherwise hereafter in this Act referred to as a third party right, shall record the nature, incidents and extent of that third party right and the persons entitled to the benefit of it;
- (f) advise the Board upon any question of customary law;
- (g) safeguard the interests and rights in the land which is the subject of the application of women, absent persons, minors and persons with or under a disability;
- (h) take account of any interest in land in respect of which, for any reason, no claim has been made;
- (i) exercise such other functions as may be prescribed.

(2) The Committee shall, in the exercise of any of its powers under this section which involve a hearing, comply with the rules of natural justice and, subject to that duty, may—

- (a) hear evidence which would otherwise not be admissible in a court of law;
- (b) call evidence of its own motion;

- (c) use evidence contained in any official record or adduced in any other claim;
- (d) refer any matters to any customary institution habitually accepted within the parish as an institution with functions over land for its advice and where relevant, use, with or without adaptations and additions, customary procedures relating to the settlement of disputes over land recognised and in general use within the community where the land is situated; and
- (e) generally, determine its own procedures.

(3) In order to discharge the functions referred to in subsection (1), the chairperson of a Committee shall have power to administer oaths and to issue summonses, notices and orders requiring the attendance of such persons and the production of such documents, as he or she may consider necessary for the carrying out of the functions of the Committee.

Procedures
for
application
for
certificate
of
customary
ownership.

7. (1) The chairperson of a Committee shall be responsible for ensuring that the procedures to be followed by the Committee as set out in this section and any other procedures that may be prescribed are complied with.

(2) Where an application has been submitted to the Committee, a notice in the prescribed form shall be published and posted in a prominent place in the parish and on the land which is the subject of the application—

- (a) specifying the location and approximate area of the land;
- (b) requiring all persons who claim any interest in the land or in any adjacent land which may be affected by the application, including in respect of any adjacent land, claims as to the boundaries of that land, to attend a meeting of the Committee at a specified time and put forward their claims and the time specified shall be not less than two weeks from the date on which the notice is published and posted as required by this subsection

(3) On the date specified under subsection (2) the Committee shall hear and determine all claims made under paragraphs (a) and (b) of that subsection.

(4) The Committee may adjourn any hearing into any claim and request an officer from the District Land Office, any other person or a group of persons recognised within the parish as having knowledge about land and its incidents of tenure within the parish to conduct further investigations into that claim.

(5) In hearing and determining any claim, the Committee shall use its best endeavours to mediate between and reconcile parties having conflicting claims to the land.

(6) The Committee shall—

- (a) prepare a report on the application, recording all claims to interests and rights in the land or to the occupation and use of the land and its opinion on whether those claims have been proved to exist, setting out its findings and recommendations with reasons on the application, including in all cases whether the application should be approved with or without conditions, restrictions or limitations endorsed on the certificate and forming part of the incidents of customary ownership evidenced by the certificate or refused, and all claims made in relation to the application;
- (b) give or send a copy of the report to the applicant;
- (c) submit the report to the Board;
- (d) make a copy of the report available within the parish for inspection by all persons who submitted claims to or who were heard by the Committee.

Functions
and
procedure
of Board on
application
for
certificate
of
customary
ownership.

8. (1) The Board, shall upon receipt of the report and recommendations of the Committee referred to in subsection (6) of section 7, consider the application in the light of that report and those recommendations and may—

- (a) confirm the recommendations of the Committee and where those recommendations are to issue a certificate of a customary ownership with or without conditions, restrictions or limitations, issue that certificate of customary ownership accordingly and where the recommendations are to refuse to issue a certificate of customary ownership, confirm that refusal; or
- (b) where the recommendation of the Committee is to issue a certificate, subject to conditions, restrictions or limitations, vary the recommendations of the Committee and issue a certificate of customary ownership, with or without conditions, restrictions or limitations in accordance with any such variations as it may make; or
- (c) return the report to the Committee with directions as to what action, including further investigations or hearings the Committee is to undertake on the application;
- (d) reject the report of the Committee and where the recommendation of the Committee is to issue a certificate, refuse to issue a certificate and where the recommendation of the Committee is to refuse to issue a certificate, issue a certificate.

(2) Where the Board rejects or varies a recommendation of the Committee, it shall give reasons for its decision.

(3) Where the Committee has recorded, under paragraph (e) of subsection (1) of section 6 that a person is entitled to the benefit of a third party right, a certificate of customary ownership may only be issued by the Board subject to that third party right, a record of which shall be endorsed on the certificate.

(4) The Board shall communicate its decision in writing to the Recorder.

(5) Where the decision of the Board is to issue, a certificate of customary ownership with or without conditions, restrictions or limitations, the recorder shall issue a certificate in the terms of the decision of the Board to the applicant.

(6) Any person aggrieved by a decision of the Board under this section may appeal to the Land Tribunal against that decision and the Land Tribunal may confirm, vary, reverse or modify the decision of the Board and make such other order in respect of that decision or as it is empowered to make by this Act.

9. (1) A certificate of customary ownership shall be taken to confirm and is conclusive evidence of the customary rights and interests specified in it and the land to which the certificate refers shall, continue to be occupied, used, regulated and any transactions in respect of the land undertaken and any third party rights over the land exercised in accordance with customary law.

Incidents of
customary
certificate
of
ownership.

(2) A customary certificate of ownership shall confer on the holder of the certificate the right of the holder to undertake, subject to the conditions, restrictions and limitations contained in the certificate and subject to the provisions of subsection (1), any transactions in respect of that land which may include but shall not be limited to—

(a) leasing the land or a part of it;

(b) permitting a person usufructuary rights over the land or a part of it for a limited period which may include a period for the life of the person granting or the person granted the usufructuary right;

(c) mortgaging or pledging the land or a part of it, where a certificate of customary ownership does not restrict it;

- (d) subdividing the land or a part of it, where a certificate of customary ownership does not restrict it;
- (e) creating, or with the consent of the person entitled to the benefit, altering or discharging any easement, right in the nature of an easement or third party right applicable to the land or a part of it;
- (f) selling the land or a part of it, where a customary certificate of customary ownership does not restrict it;
- (g) transferring the land or a part of it to any other person in response to an order of a court or a Land Tribunal;
- (h) disposing of the land by will.

(3) The holder of a certificate of customary ownership who undertakes any transaction in respect of the land to which the certificate relates shall provide the Recorder with a copy or other accurate record of the transaction and the Recorder shall keep all such records in the prescribed manner.

(4) No transaction referred to in paragraph (a), (c) or (f) of subsection (3) of this section shall have the effect of passing any interest in the land to which the transaction relates unless it is registered by the Recorder under subsection (3) of this section.

(5) For the avoidance of doubt, where a mortgage of land to which this section applies has been made under the provisions of the Mortgage Decree, the mortgagee has the power to sell and execute a transfer of that land to a purchaser in case of default by the mortgagor.

(6) In this section “usufructuary right” means the right to use and derive profit from a piece of property belonging to another while the property itself remains undiminished and uninjured in any way.

(7) A certificate of customary ownership, shall be recognised by financial institutions, bodies and authorities as a valid certificate for purposes of evidence of title.

10. (1) Any person, family, community or Association holding land under customary tenure on former public land may convert the customary tenure into freehold tenure in accordance with the provisions of this Act.

Conversion of customary tenure to freehold tenure.

(2) The decision of the Board approving the conversion to freehold tenure shall be in the prescribed form.

(3) An application for conversion from customary tenure to freehold tenure shall be in the prescribed form and shall be submitted, together with the prescribed fee, to the Committee of the parish in which the land the subject of the application is situated.

(4) On receipt of the report and recommendations of the Committee, the Board shall cause the land, in respect of which the application is made, to be surveyed before approving the application.

(5) When the Board approves an application for conversion, the Board may attach conditions to the conversion.

(6) Any party aggrieved by the decision of the Board may appeal to the Land Tribunal and the Tribunal may confirm, reverse, vary, or modify the decision and make such orders as it is empowered to make by this Act.

11. (1) A person, who wishes to be granted a freehold shall apply in the prescribed form to the Board.

Application for grant of land in freehold.

(2) The application referred to in subsection (1) of this section shall be lodged with the Committee.

12. (1) Upon receipt of an application made under section 10 or section 11, the Committee shall, subject to the provisions of this section exercise in respect of the application, all its functions under section 6.

Functions of the Committee on application for freehold tenure.

(2) The Committee shall when exercising the functions set out in paragraph (c) of subsection (1) of section 6 consider or take into account the question whether the customary law applicable to the land the subject of an application to which this section applies recognises or provides for individual ownership of land.

(3) In respect of an application made under section 10, the Committee shall, when exercising the functions set out in paragraph (d) of subsection (1) of section 6 record whether the person or persons referred to in that paragraph are, *prima facie*, entitled to have their customary tenure converted to freehold tenure and in any case where two or more persons are *prima facie* entitled to convert their customary tenure to freehold tenure, shall record whether they own or are entitled jointly or in common and in the latter case, the share of each.

(4) Any person who holds a certificate of customary ownership shall be exempted in respect of that land from the verification described by section 6 of this Act.

Procedures
for
application
for freehold
tenure.

13. (1) The Committee shall, subject to the provisions of this section, in respect of an application made under section 10 or 11, comply with all the procedures set out in section 7 of this Act.

(2) Where the applicant is in possession of a certificate of customary ownership—

(a) the provisions of paragraph (b) of subsection (2) and of subsections (3), (4) and (5) of section 7 shall not apply to any such application;

(b) the committee may, when preparing a report on the application to which section 10 applies, make use of any report prepared under paragraph (a) of subsection (6) of section 7 but shall, in so doing, have regard to the provisions of section 12 and whether, in the circumstances of the application, there are any new or additional matters, not dealt with in the report submitted under section 7 that should be brought to the attention of the Board.

Functions of
Board on
application
for freehold
tenure.

14. (1) The Board, shall upon receipt of the report and recommendations of the Committee referred to in paragraph (b) of subsection (2) of section 13, consider the application in the light of that report and those recommendations and, subject to subsection (1) of section 13 may—

- (a) confirm the recommendations of the Committee and where those recommendations are to approve the application, with or without conditions and restrictions, confirm that approval and refer the approval to the Registrar of Titles to issue the applicant with a certificate of title or, as the case may be, a limited certificate under the provisions of the Registration of Titles Act and where the recommendations are to refuse the application, confirm that refusal; or
- (b) where the recommendation of the Committee is to approve the application, subject to conditions, restrictions and limitations, vary the recommendations of the Committee and approve the application, with or without conditions, restrictions and limitations in accordance with any such variations as it may make; or
- (c) return the report to the Committee with directions as to what action, including any further investigations or hearings the Committee is to undertake on the application; or
- (d) reject the report of the Committee and where the recommendation of the Committee is to approve the application, refuse to approve the application and where the recommendation of the Committee is to refuse the application, approve the application and where the application is rejected, the Board shall give reasons as to why the application was rejected.

(2) Where the Committee reports, under paragraph (b) of subsection (2) of section 13 that a person is entitled to the benefit of a third party right, the Board shall, if it accepts the report of the Committee on the matter, and after taking into account the advice of the District Land Office, determine the nature of the third party right.

(3) Before approving the report and recommendations under paragraph (a) or (b) of subsection (1) of this section, the Board shall cause the land in respect of which the application is made to be surveyed.

(4) The Board may, where it has determined that any person is entitled to the benefit of a third party right in land which is subject to an application for conversion to freehold tenure, determine that any freehold title of such land shall be subject to such restrictions, conditions and limitations as it considers desirable in the interests of efficiency and equity in land management or as will enable full effect to be given to those third party rights.

(5) In respect of an application to which section 11 applies, the Board shall charge a fee for the freehold title which shall be prescribed and any such charge at the fair market valuation shall be set by the Board at the level determined by the Chief Government Valuer and any fee may be paid in one lump sum or in instalments as the Board may determine.

(6) Where the Board approves an application, it shall—

(a) send a copy of its decision to the Registrar to enable the Registrar to issue a certificate;

(b) request the Registrar to issue a certificate of freehold title to the applicant in terms of its decision, including endorsing on the title as an encumbrance, any restriction, condition or limitation as is referred to in subsection (3).

(7) Any person aggrieved by a decision or determination of the Board under this section may appeal to the Land Tribunal against that decision and the land Tribunal may confirm, vary, reverse or modify the decision or determination of the Board and make such other order in respect of that decision or determination as it is empowered to make by this Act.

15. (1) On receipt of a decision of the Board approving an application for the conversion of customary tenure to freehold tenure or approving a grant of land in freehold tenure accompanied by a certified survey plan, the Registrar shall issue a freehold certificate of title to the applicant.

Duties of
Registrar in
respect of
applications
under
sections 10
and 11.

(2) The Registrar may, in accordance with section 39A of the Registration of Titles Act, on the advice of the Commissioner for Surveys and Mapping, issue to the applicant a certificate of title endorsed with the words "Limited as to Parcels".

(3) Where the decision of the Board includes a request under paragraph (b) of subsection (6) of section 14 that the Registrar shall endorse the certificate of title with an encumbrance so as to give effect to a restriction, condition or limitation on the freehold title, the Registrar shall give effect to that request.

16. (1) A Communal Land Association may be formed by any group of persons in accordance with the provisions of this Act for any purpose connected with communal ownership and management of land, whether under customary law or otherwise.

Communal
Land
Associations.

(2) Within each District, the District Registrar of Titles shall perform such functions relating to communal Land Associations as are conferred on that officer by this Act or as may be prescribed.

(3) The District Registrar of Titles shall keep a public register of Associations in the prescribed form and shall exercise a broad and general supervision over the administration of the Associations within his or her district in order to ensure that they comply with their constitutions and manage the communal land under their control with due regard to the interests of the members of the Association, and, without limiting the generality of that function, he or she may, at any time that he or she

considers it necessary for the proper performance of his or her functions or that it is in the public interest so to do give directions to any officer of an Association as to the proper performance of his or her duties and that officer shall be under a duty to comply with any such order.

Meeting to
form
Association
and elect a
managing
Committee.

17. (1) A group of persons who wish to form themselves into an Association may apply to the District Registrar of Titles to become an Association under the Act.

(2) The District Registrar of Titles shall, on receipt of an application, convene a meeting of the group of persons.

(3) A notice to convene a meeting shall—

(a) state the place where and the time, being not less than twenty-one days from the date of the notice, at which the meeting is to be held;

(b) be drawn to the attention of all members of the group of persons in such manner that they will understand its nature and purpose.

(4) A meeting of a group of persons convened under this section shall—

(a) determine whether to incorporate themselves into an Association;

(b) where not less than sixty per cent of the group determine so to incorporate themselves, elect not more than nine nor less than three persons, of which not less than one third shall be women, to be the officers of the Association.

(5) The District Registrar of Titles or an authorised officer shall preside at the meeting convened under this section.

18. (1) The officers elected under section 17 shall be responsible for preparing a constitution for the Association.

Constitution
of an
Association.

(2) The District Registrar of Titles shall assist the officers in preparing a constitution for the Association and may provide the officers with a model constitution containing such matters as may be prescribed.

(3) A constitution prepared by the officers shall be submitted to the District Registrar of Titles for his or her certification that it complies with such matters as may have been prescribed or where no matter has been prescribed, that it provides for a transparent and democratic process of management of the affairs of the Association.

(4) Where the District Registrar of Titles is of the opinion that the constitution does not comply with the provisions of subsection (3), he or she shall, within not more than thirty days from the receipt of that constitution, return it to the officers with a statement of reasons as to why he or she has rejected it.

(5) A constitution which has been rejected under subsection (4) may be revised and resubmitted for certification.

(6) A constitution which has been certified as complying with the provision of subsection (3) shall be put before and voted on by a meeting of the members of the Association specifically convened for that purpose.

(7) A constitution shall be the approved constitution of the Association when and only when it is approved by an absolute majority of all the members of that Association at the meeting referred to in subsection (6).

(8) An approved constitution shall be binding on all members of the Association.

Incorporation of officers as Managing Committee.

19. (1) The officers of an Association which has voted to approve a certified constitution shall apply to the District Registrar of Titles on the prescribed form to be incorporated under this Act.

(2) On receiving an application under subsection (1), the District Registrar of Titles shall, if he or she is satisfied that the requirements of this Act and any regulations made under this Act have been complied with, issue a certificate of incorporation of the officers of the Association in the prescribed form, subject to such conditions and limitations as may be prescribed.

(3) Upon the issue of a certificate of incorporation, the persons named in it as the officers shall become a body corporate with the name specified in the certificate and shall have perpetual succession and a common seal.

(4) Where a certificate of incorporation has been issued subject to conditions and limitations, the officers may, with the approval of the District Registrar of Titles, vary any of those conditions or limitations.

Powers of managing committee.

20. (1) The issue of a certificate of incorporation shall, subject to the provisions of this Act confer on the officers the powers to sue and the liability to be sued in the corporate name of the Association, to make contract binding on the Association and all its members, to grant mortgages, pledges or liens over any property of the Association and to dispose of any property of the Association.

(2) The Managing Committee shall hold any land and other property which they hold as such and to exercise their powers as such for and on behalf of all members of Association on any exercise of their functions.

(3) Where land is held on a certificate of customary ownership or a freehold or leasehold title by the Managing Committee on behalf of an Association, no transactions of any kind in respect of the land or any part of the land shall be entered into or undertaken or concluded by the Managing Committee

unless and until a majority convened for the purpose to approve the specific transactions which are the subject of the meeting and any transaction which is concluded which does not comply with this subsection shall be null and void and shall give rise to no rights or interest in the land.

21. (1) If a dispute arises within an Association, the District Registrar of Titles may of his or her own motion or on a request in writing by not less than one-tenth of the membership of that Association—

Disputes.

- (a) undertake an inquiry into the activities of the Association and the matters which have caused or contributed to the dispute;
- (b) refer the dispute to the Board or such other person as he or she considers suitable to act as a conciliator to mediate the dispute between the members;
- (c) propose amendments to the constitution or the rules of the Association to avoid similar disputes in the future;
- (d) take such other action as he or she shall consider appropriate in the circumstances including action under this section.

(2) Where the District Registrar of Titles has intervened in a dispute within an Association under this section, all members of that Association shall comply with any directions given by that officer in connection with the resolution of that dispute and shall cooperate with any person appointed by that officer to assist in resolving the dispute.

22. (1) The managing committee may apply to the District Registrar of Titles for dissolution of the Association.

Dissolution
and de-
certification
of an
Association.

(2) An application under subsection (1) shall be made in the prescribed form and shall be—

- (a) signed by the officers;

- (b) accompanied by the duly and properly signed minutes of the meeting of the members of the Association specifically convened for the purpose at which a resolution to support the dissolution of the Association was approved by a majority of all members of the Association; and
 - (c) delivered or sent to the District Registrar of Titles within fourteen days of the date on which the resolution was approved.
- (3) The District Registrar of Titles may, if he or she thinks fit, consent to the dissolution applied for but the consent shall not affect any liability for any debts or remove any obligation to pay any taxes, fees, dues or other sums which the officers, on behalf of the association, owed up to the time of the dissolution and any action or proceedings against those officers which have been or which may be commenced in respect of any such debts or sums owing may be continued or commenced, as the case may be.
- (4) When an order of dissolution is consented to, the District Registrar of Titles shall—
- (a) give appropriate publicity to the dissolution and its effect;
 - (b) cancel the certificate of incorporation of the Association; and
 - (c) give such other directions and make such other orders as are necessary to give full effect to the dissolution and decertification of the Association.

Individual
holding of
land created
out of
communal
land.

23. (1) Where an Association holds land under a certificate of customary ownership or for a freehold title on behalf of a community, the Association shall, where the customary law of the area makes provision for it, recognise and verify that all or part of the land so held by it, is occupied and used by individuals and families for their own purposes and benefit.

(2) For the purpose of holding land under customary tenure, a family shall be deemed to be a legal person represented by the head of the family.

(3) Where any individual member of, or family within a community referred to in subsection (1) or otherwise wishes to own, in his or her or their own capacity land which is held communally but which, in accordance with customary law, is made available for the occupation and use of that individual or household, then—

- (a) if it is before the land held by an Association on behalf of the community, the individual or household may apply for a certificate of customary ownership under section 5, or for a freehold title under section 11, in respect of his or her or its portion of land and the provisions of sections 6 and 7 or, as the case may be, 12 to 15 shall apply to that application;
- (b) where the land communally owned is held by an Association under a certificate of customary ownership, the individual or family may apply to the Association to transfer to him, her or it, his or her or its portion of land and the Association shall consider the application and take a decision in the matter; and if the Association approves the application the applicant may cause his or her portion of the land to be demarcated and transferred to the applicant and registered by the Recorder;
- (c) where the land communally owned is held by an Association under freehold title, the individual or family may apply to the Association to transfer to him, her or to it, his, her or its portion of land and the Association shall consider the application and take a decision in the matter; and if the Association approves the application, the applicant may cause his or her portion of the land to be surveyed and transferred to the applicant and registered by the Registrar.

(4) Any person aggrieved by a decision of the Association under this section may appeal against the decision to the Land Tribunal and the Land Tribunal may confirm, vary, reverse or modify the decision of the Association and make such other order as it is empowered to make under this Act.

Establishment of areas of common land use in communally owned land.

24. (1) An Association may, and shall, when so requested to do so by the community on whose behalf it holds land, set aside one or more areas of land for common use by members of the group.

(2) The boundaries of any area of land which has been set aside for common use shall be marked out in such a manner, including any such manner as is customary amongst the persons who will use that land, so as to enable those persons to recognise and keep to those boundaries.

(3) The purposes for which land may be set aside for common use are—

- (a) the grazing and watering of livestock;
- (b) hunting;
- (c) the gathering of wood fuel and building materials;
- (d) the gathering of honey and other forest resources for food and medicinal purposes;
- (e) such other purposes as may be traditional among the community using the land communally.

Management of areas of common land use.

25. (1) An area of land set aside for common use shall be used and managed in accordance with the terms of a common land management scheme.

(2) A common land management scheme shall be made by an Association, but shall only come into effect when it is agreed to by the community on whose behalf the Association holds land.

(3) A common land management scheme may extend to cover the use and management of more than one area of common land.

(4) A person who is not a member of the community may, with the agreement of the Association, which agreement shall not be unreasonably withheld, use common land in accordance with the terms of the common land management scheme applicable to that land.

(5) Where a common land management scheme is made in respect of land held by an Association under freehold, all members of the community and persons referred to in subsection (4) shall be deemed to have the benefit and be subject to the burden of easements and rights in the nature of easements in respect of their use of the common land.

(6) The Board may prepare and publish a model common land management scheme and where a model scheme has been published, an Association shall have regard to such scheme when it makes its own scheme.

26. (1) A common land management scheme may include all or any of the following matters as seems most appropriate to the Association—

Content of
common
land
management
scheme.

(a) a description of the area or areas of common land to which it applies;

(b) where common land is to be used for the communal grazing and watering of livestock—

(i) the numbers and type of livestock which each member of the community may graze on the common land;

(ii) the locations within the common land where livestock may be grazed and the times when those locations may be used for the grazing;

(iii) the routes to and from the common land which livestock are required to use;

(c) where the common land is to be used for hunting, the terms and conditions on which hunting may take place, due regard being given to the Animal Diseases Act, Cattle Grazing Act and the Uganda Wildlife Statute 1996; and

Cap. 218.
Cap. 223.
Statute No.
14 of 1996.

(d) where common land is to be used for the gathering of wood fuel, and building materials and other natural resources—

- (i) the amount of wood fuel and building materials and other natural resources which any member of the community may gather for the use of his or her homestead and his or her family;
- (ii) the terms and conditions on which wood fuel and other natural produce may be gathered for sale;
- (e) a description of the management activities to be undertaken by the Association;
- (f) general rules concerning access to and use of common land by members of the community and by other persons;
- (g) fees that may be charged to those using the common land, and any such fees may differentiate between members of the community and other persons using the common land with permission of the Association;
- (h) the penalties that may be imposed on those violating the terms of the scheme, including the grounds for excluding any person from using the common land;
- (i) the duration of the scheme;
- (j) the procedures for reviewing and amending the scheme;
- (k) such other matters as the members of the Association may think fit to include or as may be prescribed.

(2) There shall be deemed to be included in every scheme the basic rights and duties of the members of the community using the common land to which that scheme applies as set out in section 27.

27. (1) The basic rights and duties of the members of a community under a common land management scheme are as follows—

Basic rights
and duties
of members
of
community
using
common
land.

- (a) the right to make reasonable use of the common land, jointly with all other members of the group, in accordance with the terms of the scheme;
- (b) the right to gather wood fuel and building materials and harvest the resources of the common land in accordance with the terms of the scheme;
- (c) the duty to comply with and assist in the enforcement of the rules set out in the scheme;
- (d) the right to exclude non-members of the group from the common land, other than those non-members who have been permitted to enter and use the common land;
- (e) the duty to bear a reasonable and proportionate share of any expenses or losses incurred in using and managing the common land or through any natural disaster affecting the common land;
- (f) the duty to support the establishment and management of a fund for the purposes of carrying out activities on and improvements to the common land in accordance with the terms of the scheme and to pay into the fund any fees and penalties collected under the scheme;
- (g) the duty not to transfer any rights to occupy or use or gather the produce of any common land to any person whether for a fee or otherwise, except in accordance with the terms of the agreement and the rules of the scheme;
- (h) the duty to comply with any decisions of the Association or any dispute settlement body established by the Association to settle disputes arising from the management of the scheme;

- (i) such other basic rights and duties as may be proposed by the Association and agreed to by the community.

(2) Any person aggrieved by a decision of an Association made in connection with the management of a scheme may appeal against that decision to the Land Tribunal and the Land Tribunal may confirm, vary, reverse or modify the decision of the Association and make such other order in respect of that decision as it is empowered to make by this Act.

Rights of women, children and persons with disability regarding customary land.

28. Any decision taken in respect of land held under customary tenure, whether in respect of land held individually or communally shall be in accordance with the custom, traditions and practices of the community, concerned; except that a decision which denies women or children or persons with disability access to ownership, occupation or use of any land or imposes conditions which violate articles 33, 34 and 35 of the Constitution on any ownership, occupation or use of any land shall be null and void.

Conversion of leasehold into free hold.

29. (1) Any lease which was granted to a Ugandan citizen out of former public land and was subsisting on the coming into force of this Act may be converted into freehold if the Board is satisfied that the following conditions have been complied with—

- (a) that the leasehold is authentic and genuine;
- (b) that there were no customary tenants on the land at the time of acquisition of the lease;
- (c) that if there were any customary tenants on the land at the time of acquisition whose tenancy was disclosed, those tenants were duly compensated;
- (d) that all development conditions and covenants have been complied with;
- (e) that any other conditions imposed by law from time to time have been complied with; and

(f) that the conversion shall be limited to one hundred hectares and that any area in excess of one hundred hectares shall be converted only if the Board has verified it and is satisfied that it is desirable in the public interest that it should be converted into freehold.

(2) Where a lease of land exceeding one hundred hectares is converted into freehold, the owner shall pay the market value as determined by the Chief Government Valuer for the new interest before the conversion becomes effective and the money paid shall become part of the Land Fund.

(3) Any sub-lease held under a lease converted in accordance with subsection (1) of this section shall be taken to be upgraded to a lease under the same terms, conditions and covenants.

(4) Up conversion the Registrar shall endorse on the leasehold certificate of title the words - "CONVERTED TO FREEHOLD", cite the applicable law and append his or her signature.

(5) Non-endorsement of the leasehold certificate of title under subsection (4) shall not affect the validity of the conversion.

(6) The Registrar shall have power to ask for the production of the duplicate of the certificate of title for endorsement in accordance with subsection (4) of this section.

(7) The Registrar shall endorse on a sub-leasehold deed to which subsection (3) applies the words - "CONVERTED TO LEASEHOLD," cite the applicable law and append his or her signature.

(8) Subsection (5) shall, with necessary modifications, apply to a sub leasehold as they apply to a leasehold.

(9) For the avoidance of doubt, the Registrar shall issue a certificate of title in respect of any sublease upgraded to a lease under this section.

(10) Non-endorsement shall not affect the validity of the conversion or upgrading.

(11) Any person aggrieved by the decision of the Board under this section, may appeal to the Land Tribunal against the decision and the Land Tribunal may confirm, reverse, vary or modify the decision and make such order as it may think fit.

Meaning of
lawful
occupant
and *bona
fide*
occupant.

30. (1) "Lawful occupant" means—

(a) a person occupying land by virtue of the repealed—

(i) Busuulu and Envujjo Law of 1928;

(ii) Toro Landlord and Tenant Law of 1937;

(iii) Ankole Landlord and Tenant Law of 1937; or

(b) a person who entered the land with the consent of the registered owner, and includes a purchaser;

(c) a person who had occupied land as a customary tenant but whose tenancy was not disclosed or compensated for by the registered owner at the time of acquiring the leasehold certificate of title.

(2) "*Bona fide* occupant" means a person who before the coming into force of the Constitution—

(a) had occupied and utilised or developed any land unchallenged by the registered owner or agent of the registered owner for twelve years or more; or

(b) had been settled on land by government or agent of the government which may include a local authority.

(3) In the case of paragraph (b) of subsection (2) of this section—

(a) Government shall compensate the registered owner whose land has been occupied by persons resettled by government or agent of government under the resettlement scheme;

(b) persons resettled on registered land may be enabled to acquire registrable interest in the land on which they are settled; and

(c) the Government shall pay compensation to the registered owner within five years after the coming into force of this Act.

(4) For the avoidance of doubt a person on land on the basis of a licence from the registered owner shall not be taken to be a lawful or *bona fide* occupant under this section.

(5) Any person who has purchased or otherwise acquired the interest of the person qualified to be a *bona fide* occupant under this section shall be taken to be a *bona fide* occupant for the purposes of this Act.

31. (1) Where a person has occupied and utilized or developed any land unchallenged by the registered owner of the land or agent of the registered owner for less than twelve years and therefore does not qualify to be a *bona fide* occupant under section 30, it shall be the duty of that person to take all reasonable steps to seek and identify the registered owner of the land for the purpose of undertaking negotiations with that owner concerning his or her occupation of the land.

Mediator to assist persons not qualified to be *bona fide* occupants.

(2) Where any negotiations are entered into between the occupant and the registered owner under subsection (1) and the parties are unable, within a prescribed time, to reach agreement in the matter of the occupation of the land, either party may, in the prescribed manner, invite the Mediator to assist them in their negotiations.

(3) The Mediator may, upon being invited under subsection (2) of this section and after satisfying himself or herself that there are reasonable prospects of reaching a satisfactory agreement between the parties, accept the invitation and give all reasonable assistance to the parties to reach an agreement on the occupation.

32. (1) A tenant by occupancy on registered land shall enjoy security of occupancy on the land.

Tenant by occupancy.

(2) The tenant by occupancy referred to in subsection (1) of this section shall be deemed to be a tenant of the registered owner to be known as a tenant by occupancy, subject to such terms and conditions as are set out in this Act or as may be prescribed.

(3) The tenant by occupancy shall pay to the registered owner an annual nominal ground rent as shall be determined by the Board.

(4) The tenant and the registered owner if aggrieved by the decision of the Board may appeal against the decision to the Land Tribunal and the Tribunal may confirm, reverse, vary, or modify the decision or make such other orders as it is empowered to make by this Act.

(5) The approved rent determined under subsection (3) shall not exceed one thousand shillings per year irrespective of the area or location of the land.

(6) If a tenant by occupancy fails to pay the approved ground rent for a period exceeding two years, the registered owner shall give a notice in the prescribed form to the tenant requiring him or her to show cause why the tenancy should not be terminated for non-payment of rent and shall send a copy of the notice to the Committee.

(7) If the ground rent is not paid within one year from the date of service of notice or the tenant by occupancy has not taken any steps within six months after the date of service of the notice to challenge the notice by referring to the Land Tribunal, the registered owner may apply to the Land Tribunal for an order terminating the tenancy for non-payment of the rent.

(8) The maximum annual ground rent referred to in subsection (5) may be revised every five years by regulations made under section 94 of this Act.

(9) For the avoidance of doubt the security of tenure of a lawful or *bona fide* occupant shall not be prejudiced by reason of the fact that he or she does not possess a certificate of occupancy.

33. (1) In any case before a Land Tribunal concerning the non-payment of the ground rent referred to in section 32 whether the case is commenced by a tenant or a landlord, the Land Tribunal shall have regard to the following factors—

Jurisdiction
of Land
Tribunal in
respect of
non-
payment of
ground rent.

- (a) whether the person claiming the ground rent is the registered owner of the land or his or her lawfully authorised agent;
- (b) whether the landlord has interfered with the quiet enjoyment by the tenant of his or her occupation of the land or contravened in any way the provisions of subsection (1) of section 32;
- (c) the circumstances, means and the necessary outgoings of the tenant;
- (d) whether the tenant has vacated the land, leaving dependants with no means of support on the land;
- (e) whether the non-payment of the ground rent is deliberate;
- (f) the efforts made by the tenant or the dependants referred to in paragraph (d) to pay the ground rent;
- (g) any negotiations over the arrears which have taken place between the landlord and the tenant and their outcome;
- (h) the likelihood that if the arrears were averaged out over such reasonable period as the tribunal may determine, the tenant or dependant referred to in paragraph (d) would be able to pay both those arrears and the regular yearly ground rent;
- (i) such other factors as the Land Tribunal shall think relevant or as may be prescribed.

(2) After hearing the parties to the case, the Land Tribunal shall make an order—

- (a) directing that the tenant shall pay the arrears either in one lump sum by a due date or in instalments over such period of time as the Tribunal shall set; or

- (b) granting the application for the termination of the tenancy but suspend the coming into effect of the order so as to allow the tenant the opportunity to pay the arrears in accordance with any order made for their payment by the Tribunal; or
- (c) granting the application for the termination of the tenancy stating in the order the date, being not less than six months from the date of the order, by which the tenant shall have vacated the land, and may grant any such order on such conditions if any, as to expenses, damages, compensation or any other relevant matter as the Tribunal thinks fit.

Certificate
of
occupancy.

34. (1) A tenant by occupancy may apply to the registered owner for and be issued with a certificate of occupancy in the prescribed form in respect of the land which he or she occupies in accordance with the provisions of this section.

(2) On receipt of the application, the registered owner shall notify the Committee and the Committee shall appoint a day, being not less than three weeks and not more than three months from the date of the receipt of the application, when it will meet at the place where the land is situated to determine, verify and adjudicate on the boundaries to the land and shall inform the tenant by occupancy and the owner of that date.

(3) In exercising its functions of determining, verifying and adjudicating on the boundaries of the land, the Committee shall, in the exercise of any of its powers under this section which involve a hearing of the affected parties comply with the rules of natural justice and, subject to that duty, may—

- (a) hear evidence which would not be admissible in a court of law;
- (b) call evidence of its own motion;
- (c) use evidence contained in any official record or adduced in any other claim; and
- (d) generally, determine its own procedures.

(4) A determination of the Committee on the boundaries of the land shall be sent to the tenant in occupancy and the owner of the land.

(5) A tenant in occupancy shall only be entitled to be issued with a certificate of occupancy if he or she has paid the ground rent for the land and has no arrears of ground rent outstanding or where there are arrears, the matter has been determined by a decision of the Land Tribunal under section 33.

(6) ~~Subject to subsection (5), on receipt of the~~ determination of the Committee, the owner shall without undue delay, give a consent in the prescribed form to the tenant.

(7) Where the registered owner has not, within six months after the receipt of the determination of the Committee, granted a consent to a certificate of occupancy to the tenant by occupancy, the tenant may appeal to the Land Tribunal and the Land Tribunal shall proceed as provided for in this Act to grant a consent to the certificate of occupancy.

(8) A grant of consent shall entitle the tenant by occupancy to be issued with a certificate of occupancy by the Recorder and the Recorder shall on being satisfied with the grant of consent, issue a certificate of occupancy to the tenant by occupancy who presented the grant of consent to the Recorder.

(9) The Recorder shall notify the Registrar of the issue of a certificate of occupancy and every such certificate shall be notified as an encumbrance on the certificate of title of the owner of the land.

35. (1) A tenant by occupancy may, in accordance with the provisions of this section, assign, sub-let, or pledge, create third party rights in, sub-divide and undertake any other lawful transaction in respect of the occupancy.

Transaction:
with the
tenancy by
occupancy.

(2) A tenancy by occupancy may be inherited.

(3) Prior to undertaking any transaction to which subsection (1) refers, the tenant by occupancy shall submit an application in the prescribed form to the owner of the land for his or her consent to the transaction.

(4) The registered owner shall, within six weeks from the date of receipt of the application or such longer time as may be prescribed, either grant a consent to the transaction in the prescribed form, with or without conditions, or refuse consent to the transaction.

(5) Where the registered owner refuses to grant consent to the transaction or grants consent subject to conditions which the tenant by occupancy objects to, or fails within the prescribed time to give any decision on the application, the tenant by occupancy may appeal to the Land Tribunal against the refusal.

(6) For the purposes of appealing under this section, the conditions or as the case may be, the failure to give a decision referred to in subsection (5) of this section shall be taken to be a refusal.

(7) The Land Tribunal shall, in the exercise of its functions under this section, grant the consent with or without conditions which may include or depart from conditions imposed by the owner, or refuse consent to the transaction or may adjourn the proceedings to enable the parties to reach an agreement on the matter.

(8) A copy of every consent, signed by the owner or where the consent has been granted by the Land Tribunal, by the Secretary of the Tribunal, shall be delivered or sent to the Recorder who shall keep a record in the prescribed form of all such consents.

(9) No transaction to which this section applies shall be valid and effective to pass any interest in land if it is undertaken without a consent as provided for in this section; and the Recorder shall not make any entry on the record of any such transaction in respect of which there is no consent.

36. (1) A tenant by occupancy who wishes to assign the tenancy shall, subject to the provisions of this section, give the first option of taking the assignment of the tenancy to the owner of the land.

Option to
purchase.

(2) The owner of land who wishes to sell the reversionary interest in the land shall, subject to the provisions of this section, give the first option of buying that interest to the tenant by occupancy.

(3) Any offer made under this section shall be on a willing buyer willing seller basis.

(4) Where an option to buy is offered to any party under subsection (1) or (2), the party who makes the offer must set out the terms of the offer with sufficient detail and clarity for the party to whom the offer is made to understand the offer and make an appropriate response to it.

(5) A party to whom an offer to buy is made under subsections (1) or (2) shall, within three months after the receipt of the offer either refuse the offer or make such a response as will enable meaningful negotiations to take place between the parties.

(6) Either party to the negotiations to which subsection (5) refers may at any time after three months have elapsed since the negotiations commenced, refer the matter to the Mediator for him or her to assist the parties to reach an agreement.

(7) Where the Mediator is unable, after three months of negotiations, to assist the parties to reach an agreement on the option to buy, he or she shall make a declaration to that effect, and the party who made the offer of the option to buy shall thereupon be enabled to assign the tenancy by occupancy or, as the case may be, sell the reversionary interest free of the option to buy, to such other person as he or she thinks fit.

37. (1) A registered owner and a tenant by occupancy may mutually agree that the land in which a tenant by occupancy has an interest be subdivided in such portions as the parties may agree with each party having exclusive occupancy or ownership of such portions as may be agreed or that the parties become joint proprietors of the land either as joint tenants or as tenants in common, and where they agree to be tenants in common, the shares of each in the land on such terms and conditions as they may agree.

Mutual
agreement
between
tenant by
occupancy
and
registered
owner.

(2) Where the parties agree to subdivide the land and become owners of individual portions of the subdivided land or where the parties agree to become joint proprietors of the land, they shall provide the Registrar with documentary evidence of their agreement and certified survey plans where applicable, and the Registrar shall—

- (a) make the appropriate entries on the certificate of title of the land;
- (b) issue new certificates of title to the parties;
- (c) inform the Recorder of the changes that must be made to the certificate of occupancy, including where relevant the cancellation of the certificate.

Abandon-
ment and
termination
of
occupancy.

38. (1) Subject to section 28 where a tenant by occupancy voluntarily abandons his or her occupancy—

- (a) the right of occupancy shall lapse;
- (b) the occupant may remove any structures, building and other things placed by him or her on the land but not dams or trees;
- (c) the occupant is not entitled to any compensation for loss of the occupancy.

(2) For the purposes of subsection (1) of this section a person shall be taken to have abandoned his or her occupancy—

- (a) where he or she gives notice to the registered owner of his or her intention to abandon the occupancy; or
- (b) where he or she leaves the whole of the land unattended to by himself or herself or member of his or her family or his or her authorised agent for three years or more.

(3) Where the occupant proves that he or she was under disability during any part of the period, the period of three years shall be extended by the period during which disability prevented the tenant by occupancy from exercising his or her right of occupancy and there was no member of the family and no authorised agent who could exercise the right of occupancy on behalf of the tenant.

(4) Where the tenant by occupancy is compelled to vacate the land by reason of the fact that his or her building has been condemned or demolished by order of a body or authority authorised to do so under any enactment, then where the occupancy is in respect of land in an urban area—

- (i) the occupant's right of occupancy shall not be taken to have been extinguished;
- (ii) if development is not possible, owing to planning or building restrictions under any law, the occupant is entitled to assign his or her right of occupancy giving the registered owner the first option;
- (iii) the registered owner shall have the right with the approval of the Board to acquire the right of occupancy upon payment to the occupant compensation for the right of occupancy and any development of the land, determined by a valuer appointed by the Government.

(5) The Urban Council within whose jurisdiction land in an urban area is situated, may determine that, subject to any existing scheme approved under the provisions of the Town and Country Planning Act, no building may be erected and no development may be carried out on that land unless the owner and the tenants by occupancy have agreed to a programme of planned development which has been approved by that Urban Council and any such programme of planned development shall include arrangements for the future ownership and occupation of the land, having regard to the provisions of this Act.

Cap. 30.

39. A tenant by occupancy referred to in section 32 of this Act may, in accordance with this section, acquire any of the following registrable interests in respect of the land he or she occupies—

Registrable
interest.

(a) freehold;

(b) mailo;

(c) lease; or

(d) sub-lease.

(2) Any tenant by occupancy who wishes to acquire any of the registrable interests referred to in subsection (1) of this section may apply to the registered owner.

(3) Upon receipt of the application referred to in subsection (2) of this section the registered owner may cause the registrable interest to be granted upon such terms and conditions as may be agreed upon.

(4) The registered owner shall, within three months after the receipt of the application, either refuse the offer or make such a response as will enable meaningful negotiations to take place between the parties.

(5) Where the parties have agreed to negotiate, either party to the negotiations to which subsection (4) refers may at any time after three months have elapsed since the negotiations commenced, refer the matter to the Mediator for him or her to assist the parties to reach an agreement on the acquisition of the registrable interest.

(6) Where the Mediator is unable, after three months of negotiations, to assist the parties to reach an agreement on the acquisition of the registrable interest, he or she shall make a declaration to that effect, and shall thereafter be entitled to withdraw from assisting the parties with their negotiations but any such withdrawal shall not operate to prevent the parties from continuing to negotiate on the acquisition of the registrable interest.

40. (1) No person shall—

(a) sell, exchange, transfer, pledge, mortgage or lease any land; or

(b) enter into any contract for the sale, exchange, transfer, pledging, mortgage or lease of any land;

(c) give away any land inter vivos, or enter into any other transaction in respect of land—

(i) in the case of land on which the person ordinarily resides with his or her spouse, and from which they derive their sustenance, except with the prior written consent of the spouse;

(ii) in the case of land on which a person ordinarily resides with his or her dependent children of majority age, except with the prior written consent of the dependent children of majority age;

(iii) in the case of land on which a person ordinarily resides with his or the children below the age of the majority, except with the prior written consent of the Committee;

(iv) in the case of land on which ordinarily reside orphans below majority age with interest in inheritance of the land, except with the prior written consent of the Committee.

(2) Subsection (1) of this section shall not apply to any transfer of land by a mortgagee in exercise of powers under the mortgage.

(3) Where consent is required to be given by a person other than the Committee under subsection (1) of this section, the consent shall be given to the Committee by the person giving the consent.

Restrictions
on transfer
of land by
family
members.

(4) Where any transaction is entered into by a purchaser in good faith and for value without notice that subsection (1) of this section has not been complied with, the transaction shall be void but the purchaser shall have the right to claim from any person with whom he or she entered into the transaction any money paid or any consideration given by him or her in respect of the transaction.

(5) A consent referred to in subsection (1) shall not be unreasonably withheld.

(6) Where the consent referred to in subsection (1) is withheld, a person aggrieved by the withholding of the consent may appeal to the Land Tribunal and the Tribunal shall require the spouse or children of majority age or the Committee as the case may be, to show cause why they cannot give consent and may, in its discretion, dispense with the consent.

(7) The spouse or children of majority age, not being the owners of any land to which subsection (1) applies, may lodge a caveat on the certificate of title or certificate of customary ownership of the person who is the owner of the land to indicate that the property is subject to the requirement of consent under subsection (1).

(8) The Committee may, on behalf of the children below majority age or orphans below majority age and not being owners, take action similar to that described in subsection (7) of this section.

(9) In this section—

“notice” means actual or constructive notice;

“purchaser” means a grantee, lessee, sub-lessee, assignee, mortgagee, chargee or other person who acquires an estate or an interest or right in the land.

41. (1) Subject to paragraph (c) of clause (2) of article 237 of the Constitution, a non-citizen may acquire a lease in land in accordance with this section. Acquisition of land by a non-citizen.

(2) A lease of five years or more acquired by a non-citizen shall be registered in accordance with the Registration of Titles Act. Cap. 205.

(3) A non-citizen shall not be granted a lease exceeding ninety nine years.

(4) Subject to the other provisions of this section, a non-citizen shall not acquire or hold mailo or freehold land.

(5) For the avoidance of doubt, any non-citizen who immediately before coming into force of the Constitution held land as lessee on conversion within the meaning of the Land Reform Decree, 1975 shall be deemed to have continued to be a lessee in accordance with the conditions of the lease. Decree No. 3 of 1975.

(6) Any citizen holding land under freehold or mailo tenure, who loses Ugandan citizenship shall have the freehold or mailo tenure converted to a leasehold tenure for a period of ninety nine years.

(7) For the purposes of this section, a non-citizen means—

(a) a person who is not a citizen of Uganda as defined by the Constitution and the Citizenship Act; Cap. 85.

(b) in the case of a corporate body, a corporate body in which the controlling interest lies with non-citizens;

(c) in the case of bodies where shares are not applicable, where the body's decision making lies with non-citizens;

(d) a company in which the shares are held in trust for non-citizens;

(e) a company incorporated in Uganda whose articles of association does not contain a provision restricting transfer or issue of shares to non-citizens.

(8) For purposes of subsection (7) of this section, “controlling interest” means—

- (a) in the case of companies with shares, the majority shares are held by persons who are not citizens; and
- (b) in the case of companies without shares, a company in which decisions are arrived at by the majority who are not citizens.

Land Fund.

42. (1) There shall be a Fund to be known as the Land Fund.

(2) Subject to the provisions of this section, the Land Fund shall be managed by the Commission.

(3) The monies to form part of the Land Fund shall be derived from the following sources—

- (a) monies appropriated by Parliament;
- (b) loans obtained by Government;
- (c) grants from any donors;
- (d) any monies paid into the Fund under this Act;
- (e) any other source approved by the Minister in writing in consultation with the Minister responsible for finance.

(4) The Fund shall be utilised as follows—

- (a) to give loans to tenants by occupancy to enable them to acquire registrable interests pursuant to paragraph (b) of clause (9) of article 237 of the Constitution;
- (b) by Government to purchase or acquire registered land to enable tenants by occupancy to acquire registrable interests pursuant to the Constitution;
- (c) to resettle persons who have been rendered landless by Government action, natural disaster or any other cause;
- (d) to assist other persons to acquire titles.

(5) For the purposes of giving effect to subsection (4) of this section, the Commission shall, in particular, carry out the following functions—

- (a) give loans to lawful or *bona fide* occupants to enable them to acquire registrable interests pursuant to paragraph (b) of clause (9) of article 237 of the Constitution;
- (b) purchase or acquire land where necessary in order to redistribute it to the tenants in occupancy on such terms and conditions as shall be determined by the Commission;
- (c) verify and distribute the land referred to in paragraph (b) of this subsection to the tenants by occupancy;
- (d) cause and facilitate the holding under paragraph (c) of this subsection to be surveyed and the occupant to acquire a registrable interest of the holding;
- (e) give loans to other persons to enable them to have their land surveyed for the purpose of acquiring certificates of title;
- (f) perform such other functions as provided in this Act or as the Minister may in writing determine.

(7) Notwithstanding any provisions to the contrary in the Land Acquisition Act—

Act No. 14
of 1965.

- (a) any compulsory acquisition of land for purposes of implementing paragraph (b) of subsection (4) shall be at a fair market valuation assessed on a willing seller willing buyer basis;
- (b) no person from whom land is to be acquired under this section shall be required to vacate that land until he or she has received the compensation awarded to, or agreed to, by them;

- (c) the Commission shall pay compensation for any losses caused by severance or injurious affection;
- (d) the Commission shall pay all reasonable costs of disturbance to the person from whom land is to be acquired; and
- (e) in the case of land occupied under customary tenure in addition to compensation assessed under this section, there shall be paid as a disturbance allowance a sum not exceeding fifteen per centum of the sum awarded to the person from whom land is to be acquired where that person was using the land as his or her home.

(8) The statutory and administrative charges such as fees and stamp duty shall be payable by the tenant in occupancy and shall not be paid out of the Fund.

(9) The Commission shall ensure that as far as possible the officers and other employees of the Commission who are allocated to the affairs of the Land Fund are identifiable and devote their attention exclusively to the affairs of the Fund.

(10) Subject to this section, the administrative costs of managing the Land Fund shall be charged on the Fund but salaries and other emoluments shall not be payable out of the Fund.

(11) The Minister shall ensure that monies are provided for the Land Fund and ensure that the fund is duly established within one year after the coming into force of this Act.

(12) The Commission shall maintain separate accounts for the Land Fund from its other accounts.

(13) The accounts of the Land Fund shall be audited by the Auditor General in accordance with article 163 of the Constitution and the Auditor-General shall report to Parliament on the accounts of the fund under clause (4) of article 163 of the Constitution.

(14) The Commission shall submit to the Minister once in every six months a report on its operations in the management of the Land Fund giving such information on the affairs of the fund as the Minister may specify in writing.

(15) The Minister shall submit progress reports to Parliament annually, on the performance of the Land Fund.

PART III—CONTROL OF LAND USE.

43. Government or Local Government may acquire land in accordance with the provisions of article 26 and clause (2) of article 237 of the Constitution.

Acquisition
of land by
Government.

44. A person who owns or occupies land shall manage and utilise the land in accordance with the Forest Act, the Mining Act, the National Environment Statute, 1995, the Water Statute, 1995, the Uganda Wildlife Statute, 1996, and any other law.

Utilisation
of land
according to
various
Statutes.
Cap. 246.
Cap. 248.
Statute No.
4 of 1996.
Statute No.
9 of 1995.
Statute No.
14 of 1996.

45. (1) The Government or a local government shall hold in trust for the people and protect natural lakes, rivers, ground water, natural ponds, natural streams, wetlands, forest reserves, national parks and any other land reserved for ecological and touristic purposes for the common good of the citizens of Uganda.

Control of
environ-
mentally
sensitive
areas.

(2) A local government may, upon request to the Government, be allowed to hold in trust for the people and the common good of the citizens of Uganda any of the resources referred to in subsection (1) of this section.

(3) Any resource that is not covered under subsection (1) of this section, which is identified after the coming into force of this Act may, upon request to the Government and with the approval of Parliament, be held in trust for the people and for the common good of the citizens of Uganda by a local government.

(4) Government or a local government shall not lease out or otherwise alienate any natural resource referred to in this section.

(5) The Government or a local government may grant concessions or licenses or permits in respect of a natural resource referred in this section subject to any law.

(6) Parliament or any other authority empowered by Parliament may from time to time review any land held in trust by the Government or a local government whenever the community in the area or district where the reserved land is situated so demands.

Land use
planning
and zoning.
Cap. 30.

46. Any use of the land shall conform to the provisions of the law relating to the Town and Country Planning Act and any other law.

PART IV—LAND MANAGEMENT.

Uganda Land Commission

Establish-
ment of
Commission.

47. (1) There shall be a Commission to be known as the Uganda Land Commission.

(2) The Commission shall be a body corporate with perpetual succession and a common seal, and may sue or be sued in its corporate name.

Membership
of the
Commission.

48. (1) The Commission shall consist of a Chairperson and not less than four other members appointed by the President with the approval of Parliament.

(2) A person shall not qualify for appointment as a member of the Commission unless the person—

(a) is of or above the age of twenty one years;

(b) is of sound mind;

(c) is of high moral character and proven integrity;

(d) has not been convicted of an offence involving moral turpitude; or

(e) has not been declared bankrupt.

(3) At least two of the members referred to in subsection (1) of this section shall be persons with qualifications and experience in matters related to land.

(4) At least one of the members referred to in subsection (1) of this section shall be a woman.

(5) A person holding office as a member of Parliament or a member of a local government council shall relinquish the office upon appointment as a member of the Commission in accordance with article 238 of the Constitution.

49. (1) The members of the Commission shall hold office for a period of five years and shall be eligible for re-appointment for a further one term. Tenure of office.

(2) A member of the Commission may be removed from office by the President only for—

- (a) inability to perform the functions of his or her office arising from infirmity of body or mind;
- (b) misbehaviour or misconduct; or
- (c) incompetence.

50. The functions of the Commission shall be to—

- (a) hold and manage any land in Uganda which is vested in or acquired by the Government in accordance with the Constitution;
- (b) where applicable, hold and manage any land acquired by the Government abroad; except that the Commission may delegate the management of such land to Uganda's missions abroad;
- (c) procure certificates of title for any land vested in or acquired by the Government;
- (d) perform such other functions as may be prescribed by or under this Act or any other enactment.

Functions of the Commission.

Secretary
and other
officers of
the
Commission.

51. (1) There shall be a Secretary to the Commission who shall be a public officer appointed by the President on the advice of the Public Service Commission upon such terms and conditions as may be specified in his or her letter of appointment.

(2) The Secretary shall be a person with knowledge and experience in matters related to land.

(3) The Secretary shall not be a member of the Commission but shall conduct the correspondence of the Commission, keep records, and perform such other functions as the Commission may direct.

(4) The Secretary shall keep custody of the seal of the Commission.

(5) The Commission shall have such other officers and employees as may be necessary for the discharge of its functions and those officers or employees shall be appointed by the Public Service Commission on such terms and conditions as may be specified in their letters of appointment.

Meetings of
the
Commission.

52. (1) The Chairperson shall preside at all meetings of the Commission and shall, in addition to his or her deliberative vote, have a casting vote.

(2) Where the Chairperson is absent from any meeting of the Commission, the members present shall elect one of their number to preside and the member so elected shall have the powers and perform the functions of the Chairperson.

(3) The Commission shall meet for the discharge of its functions under this Act at least once in every two months at such place and time as the Chairperson shall appoint.

(4) The quorum at any meeting of the Commission shall be three and any decision of the Commission shall be by consensus; but if there is no consensus it shall be by the majority of members present and voting.

(5) Subject to this Act, the Commission may regulate its own procedure.

53. (1) The common seal of the Commission shall be authenticated by the signature of the Chairperson or of some other member authorised by the Commission in writing, and the signature of the Secretary.

Authent-
ication of
common
seal, etc.

(2) Any order or decision of the Commission shall be in writing and signed by—

- (a) the Chairperson; or
- (b) any other member duly authorised by it in writing;
and
- (c) the Secretary.

(3) Any instrument or contract, other than an instrument which does not require to be under seal, may be entered into and executed on behalf of the Commission by any member or agent duly authorised in writing by the Commission for the purpose.

(4) Any document presented in evidence as—

- (a) an instrument executed or issued by the Commission and sealed with the common seal of the Commission and authenticated in the manner prescribed in subsection (1) of this section;
- (b) an order or decision of the Commission and signed in the manner prescribed in subsection (2) of this section; or
- (c) an instrument or contract of the kind referred to in subsection (3) of this section and entered into and executed on behalf of the Commission in the manner prescribed in that subsection;

shall be received in evidence and be presumed to be so executed, so signified and entered into on behalf of the Commission without further proof unless the contrary is shown.

54. For the purpose of performing its functions under the Constitution and this Act, the Commission may—

Powers of
the
Commission.

- (a) acquire by purchase, exchange or otherwise hold land rights, easements, or interests in land;
- (b) erect, alter, enlarge, improve, or demolish any building or other erection on any land held by it;
- (c) sell, lease, or otherwise deal with the land held by it;
- (d) cause surveys, plans, maps, drawings, and estimates to be made by or through its officers or agents; and
- (e) do such other things as may be necessary for or incidental to the exercise of those powers and the performance of those functions.

Salaries and expenses of the Commission.

55. (1) The members of the Commission shall be paid such salaries and allowances as may be specified in their letters of appointment and such salaries and allowances shall be charged on the Consolidated Fund.

(2) All expenses incurred by or on behalf of the Commission in connection with or incidental to the performance of its functions under this Act shall be out of funds appropriated by Parliament.

Commission to conform to Government policy.

56. (1) In the performance of its functions under the Constitution and this Act the Commission shall conform to the policy of the Government in relation to land matters.

(2) Subject to the Constitution, the Minister may, without prejudice to any other powers he or she may have under this Act, give to the Commission policy directions as are necessary to ensure compliance with subsection (1) of this section, and the Commission shall give effect to the directions.

District Land Boards.

Establishment of Board.

57. (1) There shall be for each district a District Land Board.

(2) The Board shall be a body corporate with perpetual succession and a common seal, and may sue or be sued in its corporate name.

58. Subject to a minimum membership of five, the Board shall consist of the following persons—

Membership
of the
Board.

- (a) Chairperson;
- (b) one member representing municipal councils;
- (c) one member representing urban councils;
- (d) one member from each county in the district.

(2) No person shall qualify to be appointed as a member of the Board if the person—

- (a) is less than eighteen years of age;
- (b) is of unsound mind;
- (c) is a member of Parliament;
- (d) has been convicted of an offence involving moral turpitude; or
- (e) has been declared bankrupt.

(3) At least one third of the members referred to in subsection (1) of this section shall be women.

(4) At least one of the members of the Board shall be a persons with qualifications and experience in matters relating to land.

(5) A person holding office as a member of a local government council shall relinquish the office upon appointment as a member of the Board.

59. (1) The members of the Board shall hold office for a period of five years and may be eligible for re- appointment for a further one term.

Tenure of
office of
members of
a Board.

(2) A member of the Board may be removed from office by the District Council on the recommendation of the District Executive Committee only for—

- (a) inability to perform the functions of his or her office arising from infirmity of body or mind;
- (b) misbehaviour or misconduct;

- (c) incompetence; or
- (d) absenting himself or herself from meetings of the Board for six consecutive times without reasonable cause.

Functions of
Board.

60. (1) The functions of a Board shall be to—

- (a) hold and allocate land in the district which is not owned by any person or authority;
- (b) facilitate the registration and transfer of interests in land;
- (c) take over the role and exercise the powers of the lessor in the case of a lease granted by a former controlling authority;
- (d) cause surveys, plans, maps, drawings, and estimates to be made by or through its officers or agents;
- (e) compile and maintain a list of rates of compensation payable in respect of crops, buildings of a non-permanent nature and any other thing that may be prescribed;
- (f) review every year the list of rates of compensation referred to in paragraph (e) of this subsection; and
- (g) deal with any matter which is incidental or connected to the foregoing.

(2) A Board within a district may, in the performance of its functions under paragraph (a) of clause (1) of article 241 of the Constitution, do so under the name of the institution of traditional leader or cultural leader existing under article 246 of the Constitution in relation to that district.

(3) For the avoidance of doubt, nothing in subsection (2) of this section shall be construed as conferring on the traditional leader or cultural leader referred to in that subsection, the power of direction or control over the Board.

(4) In carrying out its functions under paragraph (a) of subsection (1) of this section, the Board shall have regard to the provisions of clause (1) of article 237 of the Constitution.

(5) The Board shall, in compiling a list of rates of compensation referred to in paragraphs (e) and (f) of subsection (1) of this section, consult the technical officers in the district.

(6) Each District Council shall have a District Land Office comprising the offices of the District Physical Planner, the District Land Officer, the District Valuer, the District Surveyor and District Registrar of Titles.

(7) The District Land Office shall provide technical services to the Board to facilitate the Board in the performance of its functions under this Act.

(8) The Board shall hold in trust for the citizens the reversion on any lease to which paragraph (c) of subsection (1) relates and may exercise in relation to the lease and the reversion the powers of a controlling authority under the Public Lands Act, 1969 as if that Act has not been repealed; but subject to the foregoing, that Act shall, in respect of any such lease or reversion have effect with such modifications as may be necessary to give effect to this Act and shall be subject to the provisions of the Constitution.

61. (1) In the performance of its functions, a District Land Board shall be independent of the Uganda Land Commission and shall not be subject to the direction or control of any person or authority but shall take into account national and District Council policy on land, and the particular circumstances of different systems of customary land tenure within the district.

Powers of
Board.

(2) The Board shall have power to—

(a) acquire by purchase or otherwise rights or interests in land and easements;

(b) erect, alter, enlarge, improve, or demolish any building or other erection on any land held by it;

- (c) sell, lease, or otherwise deal with the land held by it;
and
- (d) do and perform all such other acts; matters, and things as may be necessary for or incidental to the exercise of those powers and the performance of those functions.

(3) In the performance of its functions, a District Land Board shall prepare and publish an annual report and shall have regard to any comments that the District Council may make on that annual report.

Secretary to
the Board,
etc.

62. (1) There shall be a Secretary to the Board who shall be a public officer appointed by the District Service Commission.

(2) The Secretary shall be a person with knowledge and experience in matters relating to land.

(3) The Secretary to the Board shall conduct the correspondence of the Board, keep records and custody of the seal of the Board, and perform such other functions as the Board may direct.

(4) The Board shall have such support staff as may be recruited for the purpose in accordance with the public service regulations.

Meetings of
the Board.

63. (1) The Chairperson shall preside at all meetings of the Board and shall, in addition to his or her deliberative vote, have a casting vote.

(2) Where the Chairperson is absent from any meeting of the Board, the members present shall elect one of their number to preside and the member so elected shall have the powers and perform the functions of the Chairperson and shall have a casting vote.

(3) The Board shall meet for the discharge of its functions under this Act at least once in every two months at such place and time as the Chairperson shall appoint.

(4) The quorum at any meeting of the Board shall be three.

(5) Any decision of the Board shall be arrived at by consensus and, in case of a contentious issue, by a majority vote.

(6) Subject to the provisions of this Act, the Board may regulate its own procedure.

64. (1) All expenses of the Board shall be charged on the District Administration Funds.

Expenses of Board, remuneration of members and audit.

(2) Members of the Board shall be paid as the District Council may determine.

(3) The accounts of the Board shall be audited annually.

Land Committees.

65. (1) There shall be for each parish a Land Committee consisting of a Chairperson and three other members appointed by the District Council on the recommendation of the Sub-county Council.

Establishment of Land Committees.

(2) There shall be for each gazetted urban area and each division in the case of a city, a Land Committee consisting of a Chairperson and three other members appointed by the Council on the recommendation of the Urban Council, and in the case of a city, on the recommendation of the City Division Council.

(3) A person holding office as a member of a local government council shall relinquish the office upon appointment as a member of the Land Committee.

(4) A member of the Committee shall hold office for a period of three years and may be eligible for re-appointment for a further one term.

(5) The District Council may terminate the appointment of a member of the Committee for his or her inability to perform the functions of his or her office or for any good cause.

(6) The Committee shall assist the Board in an advisory capacity on matters relating to land including ascertaining rights in land and shall perform any other function conferred on it by or under this Act or any other law.

Qualification
for
appointment
as member
of a
Committee.

66. (1) A person shall qualify for appointment as a member of the Committee if—

- (a) he or she is thirty years of age or more;
- (b) he or she has not been convicted of an offence involving moral turpitude; and
- (c) in the case of the Chairperson, he or she is able to speak and write English.

(2) At least one of the members referred to in section 65 of this Act shall be a woman.

(3) At least one of the members referred to in section 65 of this Act shall be a person with knowledge and experience in matters relating to land.

Remuner-
ation of
members of
Committees.

67. (1) A member of the Committee shall be paid such remuneration as may be determined by the District Council on the recommendation of the District Executive Committee.

(2) All expenses incurred by or on behalf of the Committee shall be charged on the District Administration funds.

Meetings of
the
Committee.

68. (1) The Chairperson shall preside at all meetings of the the Committee and shall, in addition to the Chairperson's deliberative vote, have a casting vote.

(2) Where the Chairperson is absent from any meeting of the Committee, the members present shall elect one of their number to preside over the meeting and the person shall have a casting vote in addition to his or her deliberative vote.

(3) The quorum of the Committee, shall be three.

(4) Proceedings and decisions of the Committee shall be in writing and the records shall be kept.

(5) A decision of the Committee shall be reached by consensus and in case of a contentious matter by majority vote.

(6) The records and instruments of the Committee shall be kept by the Chairperson.

(7) Subject to the provisions of this Act, the Committee may regulate its own procedure.

69. (1) There shall, for the purposes of sections 5 and 34 of this Act, be a Recorder for each Sub-county, each gazetted area and each division in the case of a city, who shall be answerable to the Board. Recorder.

(2) The Recorder shall be responsible for keeping records relating to certificates of customary ownership and certificates of occupancy.

(3) For the purposes of subsection (1) of this section, in the case of—

(a) a rural area, the Sub-county Chief shall be the Recorder;

(b) a gazetted urban area, the Town Clerk shall be the Recorder;

(c) a division of a city, the Assistant Town Clerk in-charge of the division shall be the Recorder; and

(d) a copy of each certificate referred to in subsection (2) shall be deposited with the Board.

General powers of Disposal and Right.

70. Subject to the provisions of this Act, the Commission or a Board shall have power to grant estates and create rights or interests in land and to manage, dispose of, and otherwise deal with the estate or interest in relation to land vested in it. General powers of disposal.

Water
rights.

71. (1) Subject to section 45 of this Act, all rights in the water of any natural spring, river, stream, water-course, pond, or lake on or under land, whether alienated or unalienated, shall be reserved to the Government and no such water shall be obstructed, dammed, diverted, polluted or otherwise interfered with, directly or indirectly except in pursuance of permission in writing granted by the Minister responsible for water or natural resources in accordance with the Water Statute, 1995.

Statute No.
9 of 1995.

(2) Nothing in this section shall prevent the reasonable use by an occupier of land of any waters referred to in subsection (1) for domestic, small-scale agricultural, or pastoral purposes.

Rights of
way.

72. (1) All land, whether alienated or unalienated, shall be subject to all existing public rights of way which shall be reserved to and vested in the Government on behalf of the public; and all such rights of way shall be maintained by the public uninterrupted unless they are terminated or altered by the direction of the Minister in writing.

Act No. 2
of 1969.

(2) The Access to Roads Act is amended by substituting "Land Tribunal" for the word "Magistrate" wherever it occurs.

Rights of
officials to
encamp.

73. (1) Where any officer of the Government necessarily and unavoidably in order to carry out his or her duties needs to enter on to private land, he or she may, enter giving not less than three days notice of the proposed entry to the owner or occupier of the land.

(2) A person who exercises the right conferred upon him or her by subsection (1) of this section shall, if so required by the occupier of the land in respect of which the right is exercised, establish his or her encampment in such suitable place as the occupier may select.

(3) The Government shall pay promptly—

(a) a reasonable fee to the owner or occupier of the land for every day that the land is encamped upon under this section and any such fee shall include payment for any produce or other things taken from the land with the permission of the owner or occupier;

(b) for all damage caused to the land or any thing attached to or forming part of the land or any moveable property on the land or any thing wrongly taken away from the land by the actions of any person encamped upon the land under this section, and an owner or occupier may appeal to the District Land Tribunal against any failure by the Government to comply with the provisions of this section.

(4) A person who, being the occupier of any land, refuses to allow a person to exercise a right conferred upon him or her by subsection (1) of this section or wilfully interferes with or obstructs the exercise of any such right, commits an offence and is liable on conviction to a fine not exceeding five currency points or imprisonment not exceeding six months or both.

(5) This section shall not apply to the encampment of any authorised security forces.

74. (1) Where it is necessary to execute public works on any land, an authorised undertaker shall enter into mutual agreement with occupier or owner of the land in accordance with this Act, and where no agreement is reached, the Minister may, compulsorily acquire land in accordance with section 43 of this Act.

Execution
of public
works.

(2) Where under subsection (1) of this section, an authorised undertaker executes public works upon or takes stone, murrum or similar material from the land, the authorised undertaker shall have over the land such rights of access and other rights as may be reasonably necessary for the execution, construction, and maintenance of the works or, as the case may be, the taking of the material and the land shall be deemed to be subject to those rights whether or not they have been registered under the Registration of Titles Act.

Cap. 205.

(3) An authorised undertaker executing public works on land under this section shall promptly pay compensation to any person having an interest in the land for any damage caused to crops or buildings and for the land and materials taken or used for the works.

(4) Any dispute as to compensation payable under subsection (3) of this section shall be referred to a Land Tribunal.

PART V—LAND TRIBUNALS.

District Land Tribunals

District
Land
Tribunals.

75. (1) There shall be for each district a Tribunal to be known as the District Land Tribunal which shall consist of a Chairperson and two other members.

(2) The Chairperson shall be a person qualified to be a Magistrate Grade I;

(3) A member of the Tribunal shall be a person with knowledge and experience in land matters.

(4) A person shall not qualify for appointment as a member of the Tribunal unless the person—

(a) is a person of the age of thirty years or more,

(b) is of sound mind,

(c) is of high moral character and proven integrity,

(d) has not been convicted of an offence involving moral turpitude,

(e) has not been declared bankrupt.

(5) Members of District Land Tribunals shall be appointed by the Chief Justice on the advice of the Judicial Service Commission.

(6) Members of District Land Tribunals shall be paid such salaries and allowances as may be determined by the Public Service Commission on the recommendation of the Judicial Service Commission, and such salaries or allowances shall be charged on the Consolidated Fund.

76. (1) Members of District Land Tribunals shall hold office for a period of five years and may be eligible for re-appointment.

Tenure of
members of
Land
Tribunals.

(2) A member of a District Land Tribunal may be removed from office by the Chief Justice only for—

- (a) inability to perform the functions of his or her office arising from infirmity of body or mind;
- (b) misbehaviour or misconduct;
- (c) incompetence;
- (d) absence from at least five consecutive meetings of the Tribunal without lawful excuse;
- (e) having been convicted of an offence involving moral turpitude; or
- (f) having been declared bankrupt.

77. (1) The jurisdiction of a District Land Tribunal shall be to—

Jurisdiction
of District
Land
Tribunals.

- (a) determine disputes relating to the grant, lease, repossession, transfer, or acquisition of land by individuals, the Commission, or other authority with responsibility relating to land;
- (b) determine any dispute relating to the amount of compensation to be paid for land acquired under section 43 of this Act;
- (c) determine disputes in respect of land the value of which exceeds the amount stipulated under section 85 of this Act;
- (d) make consequential orders relating to cancellation of entries on certificates of title or cancellation of title and vesting of title in cases handled by the lower land tribunals; and

- (e) determine any other dispute relating to land under this Act.

(2) In the exercise of jurisdiction over land matters provided for by this section, a District Land Tribunal shall have all the powers of a Magistrate's Court Grade I granted under the Magistrate's Act and shall, in addition and insofar as it is not provided for in that Act, have the power to grant decrees of specific performance and issue injunctions and generally shall have the power to grant such relief, make such orders and give such decisions against the operation of any action, notice, order, decree or declaration made by any official or any Board, or any Committee or any association or the Commission as the circumstances of the case require and without limiting the generality of that power, may—

- (a) cancel any action, notice, order, decree or declaration;
- (b) vary the operation of any action, notice, order, decree or declaration;
- (c) postpone the operation of any action, notice, order, decree or declaration;
- (d) substitute a different decision for the one determined by any official, Board, Committee, association or the Commission;
- (e) confirm any action, notice, order, decree, declaration made, notwithstanding that some procedural errors took place during the making of that action, notice, order, decree or declaration if the District Land Tribunal is satisfied that—
 - (i) the person applying for relief was made fully aware of the substance of the action, notice, order, decree or declaration; and

- (ii) no injustice will be done by confirming that action, notice, order, decree, declaration, and may grant that relief and all other orders made and decisions given on such conditions if any, as to expenses, damages, compensation or any other relevant matter as the District Land Tribunal considers fit.

(2) On receipt of a case referred to in subsection (2) of section 85 of this Act, the District Land Tribunal shall after satisfying itself make an appropriate order.

78. (1) The District Land Tribunal shall, in assessing compensation referred to in paragraph (b) of subsection (1) of section 77 take into account the following—

Computation
of com-
pensation.

- (a) in the case of a customary owner, the value of land shall be the open market value of the unimproved land;
- (b) the value of the buildings on the land, which shall be taken at open market value for urban areas and depreciated replacement cost for the rural areas;
- (c) the value of standing crops on the land, excluding annual crops which could be harvested during the period of notice given to the tenant.

(2) In addition to compensation assessed under this section, there shall be paid as a disturbance allowance of fifteen per cent or if less than six months' notice to give up vacant possession is given, thirty percent of any sum assessed under subsection (1) of this section.

(3) The rates set out in the list of rates of compensation referred to in paragraph (e) of subsection (1) of section 60 of this Act shall be used in determining the amount of compensation payable.

Rules of
procedure.

79. (1) The Land Tribunal shall apply rules of procedure made by the Chief Justice, who shall take into account the need to have rules of evidence with such modifications as are necessary to ensure the expeditious disposal of land disputes.

(2) The rules of procedure made under this section shall be made in such way as to be applied by the Sub-county and Urban Land Tribunals established under this Act.

Secretary of
Land
Tribunal.

80. (1) A District Land Tribunal shall have a Secretary who shall be a public officer qualified or knowledgeable in land matters.

(2) The Secretary shall be in charge of the registry of the Land Tribunal and shall be responsible for keeping records, the seal, conducting the correspondence, and performing such other functions as the District Land Tribunal may direct.

(3) The District Land Tribunal shall have such support staff as may be recruited for the purpose in accordance with the public service regulations.

Sub-county and Urban Land Tribunals etc.

Sub-county
Land
Tribunals.

81. (1) There shall be for each Sub-county a Land Tribunal.

(2) The Land Tribunal shall consist of a Chairperson and two other members at least one of the members shall be a woman.

(3) A person shall qualify for appointment as a member of the Land Tribunal if the person—

(a) is thirty years of age and above;

(b) has completed a minimum formal education of Ordinary Level or its equivalent;

(c) has not been declared bankrupt; or

(d) has not been convicted of an offence involving moral turpitude.

(4) Paragraph (a) of subsection (3) of this section shall not apply to a person who holds a diploma or higher qualifications in land related matters from a recognised institution.

82. (1) There shall be for each gazetted urban area a Land Tribunal.

Land
Tribunals in
urban areas.

(2) The Land Tribunal shall consist of a Chairperson and two other members.

(3) A person shall qualify for appointment as a member of the Land Tribunal if the person—

(a) is thirty years of age or more;

(b) has completed a minimum formal education of Diploma level from a recognised institution;

(c) has not been declared bankrupt; or

(d) has not been convicted of an offence involving moral turpitude.

(4) There shall be for each division in a city a Land Tribunal.

(5) A Land Tribunal referred to in subsection (4) of this section shall consist of a Chairperson and two other members.

(6) Subsection (3) of this section shall apply to a member of the Land Tribunal established under subsection (4) of this section.

(7) Paragraph (a) of subsection (3) of this section shall not apply to a person who holds a degree from a recognised university in land matters.

83. A member of a Land Tribunal established under sections 81 or 82 of this Act shall be appointed by the Judicial Service Commission.

Appoint-
ment of
Sub-county
and Urban
Land
Tribunals.

84. (1) A member of a Land Tribunal established under sections 81 or 82 of this Act shall hold office for a period of five years and may be eligible for re-appointment.

Tenure of
office of
members of
a Land
Tribunal.

(2) A member of a Land Tribunal referred to in subsection (1) of this section may be removed from office only for—

- (a) inability to perform the functions of his or her office arising from infirmity of body or mind;
- (b) misbehaviour or misconduct;
- (c) incompetence; or
- (d) absconding from duty.

Jurisdiction
of Sub-
county and
Urban Land
Tribunals.

85. (1) The jurisdiction of Land Tribunals established under sections 81 and 82 of this Act shall be to determine any land dispute the value of whose subject matter, in the case of a Land Tribunal—

- (a) in a rural area, does not exceed two thousand five hundred currency points;
- (b) in a gazetted urban area, does not exceed five thousand currency points; and
- (c) in a division, does not exceed twelve thousand five hundred currency points.

(2) Notwithstanding subsection (1) of this section, a Land Tribunal referred to in that subsection shall not make an order for the cancellation of entries in a certificate of title, cancellation of a certificate of title and vesting title, but shall refer such cases to the District Land Tribunal.

Rules of
procedure
of a Land
Tribunal.

86. The Rules of Procedure made in section 79 of this Act shall apply to a Land Tribunal established under sections 81 and 82 of this Act.

Remuner-
ation of
members of
Sub-county
and Urban
Land
Tribunals.

87. Members of Land Tribunals established under sections 81 and 82 of this Act shall be paid such salaries and allowances as may be specified in their letters of appointment and those salaries and allowances shall be charged on the Consolidated Fund.

Right of
appeal.

88. (1) An appeal shall lie from the decision of a District Land Tribunal to the High Court.

(2) An appeal shall lie from the decision of a Land Tribunal established under sections 81 or 82 of this Act to the District Land Tribunal.

(3) An appeal from the decision of a District Land Tribunal in exercise of its appellate jurisdiction shall lie to the High Court.

89. (1) Nothing in this Part shall be taken to prevent or hinder or limit the exercise by traditional authorities of the functions of determining disputes over customary tenure or acting as a mediator between persons who are in dispute over any matters arising out of customary tenure.

Customary
dispute
settlement
and
mediation.

(2) At the commencement of a case or at any time during the hearing of the case, a Land Tribunal may advise the parties to the case that, in its opinion, the nature of the case is such that the parties would be better served by using mediation to resolve their differences than by continuing with litigation in the Tribunal; and where such an opinion has been given, the Land Tribunal may adjourn the case for such period as it considers fit to enable the parties to use the services of the traditional authorities or the Mediator or some other person to mediate in the dispute.

The Mediator.

90. (1) There shall be a Mediator who shall be appointed by the Land Tribunal and the appointment shall be on adhoc basis.

Functions of
the
Mediator.

(2) The Mediator shall be a person of high moral character and proven integrity who by virtue of his or her skill, knowledge, work, standing or reputation in society is capable and likely to be able to bring parties who are in disagreement or dispute about an issue over land arising out of any matter provided for in this Act together to negotiate and reach a mutually satisfactory agreement or accomodation on that matter.

(3) The Mediator shall have such functions as are provided for in this Act or as may be conferred on him or her by regulations.

(4) In the exercise of his or her functions, the Mediator shall be independent and shall not be subject to the direction or control of any other person.

(5) In exercising any functions under this Act, the Mediator shall be guided by the principles of natural justice, general principles of mediation and the desirability of assisting the parties to reconcile their differences, understand each other's point of view and be prepared to compromise to reach an agreement but the Mediator shall not compel or direct any party to a mediation to arrive at any particular conclusion or decision on any matter the subject of the mediation.

(6) The Mediator shall in each case be a person agreed to by the two parties.

(7) A Mediator shall be paid such allowance as may be prescribed.

PART VI—MISCELLANEOUS.

Disposal of
fees, etc.

91. (1) All rents, fees, and other revenues received by a Board in respect of lands and in respect of its activities under this Act shall be paid to the District Treasury and form part of the revenues of the District Administration, except that revenues received by the Board in respect of urban land shall be paid to and form part of the revenue of the Urban Authority.

(2) The fees for Assurance of Title shall be part of the Consolidated Fund.

Special
powers of
Registrar.
Cap. 205.

92. (1) Subject to the provisions of the Registration of Titles Act, the Registrar shall, without referring a matter to Court or a District Land Tribunal, have power to take such steps as are necessary to give effect to this Act, whether by endorsement or alteration or cancellation of certificates of title, the issue of fresh certificates of title or otherwise.

(2) The Registrar shall, where a certificate of title or instrument—

- (a) is issued in error;
- (b) contains a misdescription of land or boundaries;
- (c) contains an entry or endorsement made in error;
- (d) contains an illegal endorsement;
- (e) is illegally or wrongfully obtained; or
- (f) is illegally or wrongfully retained;

call for the duplicate certificate of title or instrument for cancellation, or correction or delivery to the proper party.

(3) If a person holding a certificate of title or instrument referred to in subsection (2) of this section fails or refuses to produce it to the Registrar within a reasonable time, the Registrar shall dispense with the production of it and amend the Registry copy and where necessary issue a special certificate of title to the lawful owner.

(4) The Registrar may—

- (a) correct errors in the Register Book or in entries made in it;
- (b) correct errors in duplicate certificates or instruments; and
- (c) supply entries omitted under this Act.

(5) The Registrar may make amendments consequent upon alterations in names or boundaries but in the correction of any such error or making of any such amendment shall not erase or render illegible the original words.

(6) Upon the exercise of the powers conferred on the Registrar under subsection (5) of this section, the Registrar shall affix the date on which the correction or amendment was made or entry supplied and shall initial it.

(7) Any error or any entry corrected or supplied under this section shall have the same validity and effect as if the error had not been made or entry not omitted.

(8) In the exercise of any powers under this section the Registrar shall—

- (a) give not less than twenty one days' notice in the prescribed form to any party likely to be affected by any decision made under this section;
- (b) provide an opportunity to be heard to any such party to whom a notice under paragraph (a) has been given;
- (c) conduct any such hearing in accordance with the rules of natural justice but subject to that duty, shall not be bound to comply with the rules of evidence applicable in a court of law;
- (d) give reasons for any decision that he or she may make.

(9) The Registrar shall communicate his or her decision in writing to the parties and the Committee.

(10) Any party aggrieved by a decision or action of the Registrar under this section may appeal to the District Land Tribunal within sixty days after the decision was communicated to that party.

(11) Where the Registrar has cancelled a certificate of title or an entry in the Register Book, a party in whose favour the cancellation is made shall not transfer the title until the expiry of the time within which an appeal may be lodged; and where an appeal is lodged against the cancellation, he or she shall not transfer the title until the determination of the appeal.

(12) The party who lodges an appeal under this section shall take steps to ensure that the Registrar and the other party are served with the notice of appeal.

(13) Where the person who appealed under this section fails to prosecute the appeal, the Tribunal shall, on application by any other party to the appeal, strike out the appeal.

93. (1) A person who

Offences.

- (a) being a non-citizen, acquires land in freehold using fraudulent means; or
- (b) makes a false declaration in any manner relating to land; or
- (c) wilfully and without the consent of the owner occupies land belonging to another person; or
- (d) being a member of the Land Tribunal, a Board, a Committee, solicits or receives any payment from any person to whom any service is rendered under this Act being payment which such member is not authorised to collect or receive under this Act,

commits an offence.

(2) A person convicted of an offence specified in paragraph (a) of subsection (1) of this section is liable to a fine not exceeding one thousand currency points or imprisonment not exceeding three years or both.

(3) A person convicted of an offence specified in paragraph (b) of subsection (1) of this section is liable to a fine not exceeding twenty five currency points or imprisonment not exceeding one year or both.

(4) A person convicted of an offence specified in paragraph (c) of subsection (1) of this section is liable on conviction to a fine not exceeding twenty five currency points or imprisonment not exceeding six months or both.

(5) A person who commits an offence under paragraph (d) of subsection (1) of this section is liable upon conviction to a fine not exceeding twenty five currency points or imprisonment not exceeding six months or both.

(6) A court convicting a person of an offence to which subsection (4) of this section relates may, in addition, issue a warrant addressed to a police officer requiring the officer forthwith and subject to such conditions as the court may impose to—

- (a) enter upon the land which was the subject of the conviction;
- (b) dispossess and remove from the land the person convicted together with his or her family, dependants and servants;
- (c) take possession of the land on behalf of the owner together with crops growing on the land, and buildings and other immovable property;
- (d) hand over the property to the owner immediately after taking possession.

(7) No order shall be made under paragraph (c) of subsection (6) of this section if the Court is satisfied that some person other than the person convicted or his or her family, dependants, or servants is in lawful possession of the land.

Regulations.

94. (1) The Minister may, by statutory instrument with approval of Parliament, make regulations generally for the better carrying into effect the provisions of this Act.

(2) Without prejudice to the general effect of subsection (1) of this section, regulations made under this section may—

- (a) prescribe the procedure to be followed in the alienation of freehold and leasehold and the terms and conditions of any such grant;
- (b) fix fees to be charged for the preparation of any documents for or in connection with any disposition or dealing in land;
- (c) fix charges to be made by a Board or Commission in respect of agreements or other documents for the occupation of land; and

(d) prescribe anything to be prescribed under this Act.

95. The Minister may, with the approval of the Cabinet, by statutory instrument, amend the Schedule to this Act.

Power of Minister to amend Schedule.

96. Any action taken or done by the Administrator General from the 31st day of December, 1993 up to the coming into force of this Act in exercise of the functions conferred upon the Administrator General by the Local Administrations (Performance of Functions) Instrument, 1967, is hereby validated.

Validation of Administrator General's actions.

S.I. No. 150 of 1967.

97. The Registration of Titles Act is amended by repealing section 69 and paragraph (a) of section 178.

Amendment of Cap. 205.

98. (1) An Interim District Land Board established under section 7 of the Constitution (Consequential Provisions) Statute, 1996 shall continue in existence until the Board established by the Constitution and referred to in this Act is appointed.

Transitional provisions Statute No. 12 of 1996.

(2) The Board referred to in subsection (1) of this section shall be appointed within a period of six months from the date of the coming into force of this Act.

(3) On the coming into force of this Act, a former controlling authority shall cease to deal with any land matter, which was pending before it and any such matter shall be transferred to the Board.

(4) A person whose lease had expired by the time of the coming into force of the Constitution and had partially or fully developed the land, shall be entitled to a fresh grant upon application to the Board.

(5) Where any case, relating to a land dispute, was pending before the High Court prior to the coming into force of this Act, that case shall continue to be heard by the High Court until completion.

(6) Where any case, relating to a land dispute, was pending before a magistrates' court or a local council court prior to the coming into force of this Act, the court shall carry on and complete the case within a period of two years from the date of the coming into force of this Act.

(7) On the coming into force of this Act, Local Council Courts and Magistrates' Courts shall cease to deal with new cases related to land disputes.

Repeal and
saving.

99. (1) The following enactments are repealed—

Cap. 202.

(a) the Land Transfer Act;

Act No. 15
of 1965.

(b) the Public Lands (Compensation for Resumption)
Act, 1965; and

Act No. 13
of 1969.

(c) the Public Lands Act, 1969;

Decree No.
3 of 1975.

(d) the Land Reform Decree, 1975;

Statute No.
12 of 1996.

(e) Section 7 of the Constitution (Consequential
Provisions) Statute, 1996.

(2) Notwithstanding the repeal of the Public Lands Act, 1969 by subsection (1) of this section, any regulations saved under that Act shall continue in force until revoked by regulations made under this Act.

SCHEDULE

Sections 2, 95.

CURRENCY POINT.

A currency point represents twenty thousand Uganda Shillings.