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Supplement to the Sierra Leone Gazette Extraordinary Vol. CXLXIII, No. 47

dated 5th July, 2022

THE NATIONAL LAND COMMISSION ACT, 2022

TABLE OF CONTENT

PART I—PRELIMINARY

1. Interpretation

PART II—ESTABLISHMENT OF NATIONAL LAND COMMISSION

2. Establishment of National Land Commission
3. Common seal
4. Board of Directors
5. Functions of the Commission
6. Tenure of Members of the Board
7. Filling of vacancies
8. Meetings of the Board
9. Disclosure of interest
10. Immunity of Members of the Board
11. Remuneration and allowances of Members of the Board
12. Committees of Board
13. Secretary to the Board
14. Standing orders

PART III—THE ROLE OF THE MINISTER AND THE MINISTRY

15. Role of the Minister
16. Role of the Ministry

PART IV—THE SECRETARIAT OF THE NATIONAL LAND COMMISSION

17. Secretariat
18. Commissioner-General
19. Removal or suspension of Commissioner-General
20. Deputy Commissioner-General
21. Additional requirement for Commissioner-General and Deputy Commissioner-General

22. Commissioners
23. Departments
24. Title Registry Department
25. Legal Department
26. Cadastral Index Mapping Department
27. Monitoring and Evaluation Department
28. Corporate Communication and Advocacy Department
29. Other staff
30. Secondment of public officers
31. Experts
32. Remuneration
33. Disclosure of Interest
34. Protection of officers

PART V—DISTRICT LAND COMMISSION

35. District Land Commission
36. Composition of District Land Commission
37. Functions of the District Land Commission
38. Meetings
39. Disclosure of interest
40. Immunity of Members of District Land Commission
41. Secretariat of District Land Commission
42. Units
43. Title Registry Unit
44. Alternative Dispute Resolution Unit
45. Cadastral Index Mapping Unit
46. Remuneration
47. Protection of officers
48. Report

PART VI—CHIEFDOM LAND COMMITTEE

49. Chiefdom Land Committee
50. Composition of Chiefdom Land Committee
51. Functions of the Chiefdom Land Committee

52. Vesting of communal land
53. Accountability for communal land
54. Meetings
55. Appeal to the District Land Commission

PART VII—TOWN OR VILLAGE AREA LAND COMMITTEE

56. Town or Village Area Land Committee
57. Composition of Town or Village Area Land Committee
58. Functions of the Town or Village Area Land Committee
59. Vesting of communal village land
60. Accountability
61. Meetings
62. Community rules
63. Appeal to the District Land Commission

PART VIII—THE NATIONAL LAND REGISTRY

64. National Land Registry
65. Chief Registrar
66. Register
67. District Land Registries
68. Registrar of District Land Registry
69. Public access to the Register
70. Seal of Registry
71. Other staff

PART IX—REGISTRATION OF LAND SUBJECT TO CUSTOMARY LAW

72. Registration of land subject to customary law
73. Immunity of transfer
74. Land tenure rights
75. Assistance to register land
76. Non-registration of land
77. Cost of registration
78. Submission of application

PART X—MANAGEMENT OF COMMUNAL LANDS AND NATURAL
RESOURCES

79. Public land
80. Benefits of communal land
81. Rules or bye laws
82. Non-establishment of Town or Village Area Committee
83. Legal action

PART XI—LAND DISPUTE

84. Grievance redress mechanism
85. Land Adjudication Tribunal
86. Land tenure disputes
87. Field level grievance redress mechanism
88. Approaching another grievance mechanism
89. Decisions in writing
90. Operational grievance
91. Complaints

PART XII—FINANCIAL PROVISIONS

92. Funds of the Commission
93. Estimates of income and expenditure of the Commission
94. Books of account
95. Financial year of Commission
96. Annual report

PART XIII—MISCELLANEOUS PROVISIONS

97. Regulations
98. Repeal

No.



Sierra Leone

2022

A BILL ENTITLED

The National Land Commission Act 2022

Short title.

Being an Act to provide for the establishment of the National land Commission, the District Land Commission and other land administrative bodies to secure effective and holistic land administration and to provide for other related matters

[

] Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

PART I – PRELIMINARY

1. In this Act, unless the context otherwise requires -

Interpretation.

"basic map" means a flat graphic representation of the area of the earth's surface of interest, depicting topologically true, the boundary fabric of landed property with unique identifiers, and sufficient geographic orientation features, produced by para-surveyors in consultation with local stakeholders in the field, and certified by licenced surveyors, applying a general boundary approach, and with adequate levels of geometric accuracy;

"Board" means the Board established under section 4;

"Chairperson" means the Chairperson of the Board;

"Chiefdom Land Committee" means the Chiefdom Land Committee established under section 48;

"Chief Registrar" means the Chief Registrar appointed under section 64;

"Commission" means the National Land Commission established under section 2;

"Commissioner-General" means the Commissioner-General appointed under Section 18;

"Communal or Community land" means land subject to customary law, owned and managed by a community in any of the provinces in Sierra Leone and includes-

- (a) wetlands;
- (b) forests;
- (c) grazing lands;

- (d) market areas;
- (e) sacred sites;
- (f) graveyards; and
- (g) family land that is within the community;

community" means any settlement of people in a village, chiefdom, town or city;

"community member" means a male or female who is ordinarily resident in a village, town or chiefdom and include persons who-

- (a) were born in the community;
- (b) have married into the community;
- (c) have moved to the community for any other reasons

"customary land" means land owned, governed by, or administered under customary law in the provinces;

"customary land rights" means the full range of primary and secondary rights to land under customary law;

"customary law" means any rule other than a rule of general law having the force of law in Sierra Leone and by which rights and duties are acquired or imposed in accordance with natural justice and equity and in accordance with the provisions of the 1991 constitution or any other law applying to the provinces including any amendment made to customary law by any enactment;

"District Land Commission " means the District Land Commission established under section 35;

"District Registry" means the District Registry established under section 66;

"ecologically sensitive areas" include-

- (a) wetlands;
- (b) wildlife habitats;
- (c) steep slopes;
- (d) virgin or old growth forest; and
- (e) any other area designated as sensitive under formal or customary law;

"family" means a group of persons tracing descent from a common ancestor or persons who have married into the family;

"family land" means land vested in and owned by a family as a unit under customary law and administered by a family head;

"Government land" (also known as State Land) means

- (a) lands belonging to the Government by virtue of any treaty, cession, conventions or agreement;
- (b) lands acquired by or on behalf of the government in the Western Areas, the Provinces or outside the jurisdiction of Sierra Leone for any public purpose;
- (c) land acquired under the Public Land Act which includes -

- (i) shores;
- (ii) beaches;
- (iii) lagoons;
- (iv) creeks;
- (v) rivers;
- (vi) estuaries and
- (vii) other places and waters
belonging to and acquired by
the Government;

"investment" means an enterprise or undertaking for good and services for commercial purposes;

"land" include land covered by water, any house, building or structure whatsoever and any estate, interest or right in, to or over land or water;

"lease agreement" means a grant of a specifically defined area of land, in writing, for a term of years, and containing an obligation to give consideration, signed by the landowners as lessors and those renting the land as lessees;

"Minister" means the Minister responsible for land and "Ministry" shall be construed accordingly;

"paralegal" means a person who has completed basic training and acquired key competencies and qualifications in advising clients on the registration of property rights and supporting them in preparation of legal documentation required for land registration, and is authorised by the Commission to work as a paralegal for land registration purposes;

"para-surveyor" means a person qualified by education, training, or work experience to perform cadastral surveying work that requires knowledge

of surveying concepts, mapping techniques and demarcation tools and authorised by the Commission to undertake work as a para-surveyor;

"primary rights" means the right to exclude, transfer, transact, bequeath, manage and make decisions about the land;

"private land" means land vested in and owned by

- (a) a community;
- (b) a family;
- (c) an individual;
- (d) group of individuals ;or
- (e) other legal entity

"public land" means land reserved, held or used by the government, local councils or communities for public purposes and includes forest reserves, community forests, national parks, community parks, common grazing fields, wildlife sanctuaries, road reserves and lands carrying public infrastructure and similar land categories which are fully protected in the long-term public and national interest;

"public purposes" means -

- (a) exclusive government use or for general public use;
- (b) in connection with sanitary improvements of any kind including reclamations;
- (c) in connection with the laying out of any new Government station or the extension or improvement of any existing Government station;

- (d) obtaining control over land contiguous to any port or airport;
- (e) obtaining control over land required for defence purposes;
- (f) obtaining control over land required for civil aviation purposes
- (g) obtaining control over land the value of which will be enhanced by the construction of any railway, road or other public work or convenience about to be undertaken or provided by the Government;

"secondary rights" include

- (a) right of way;
- (b) right of access to use natural resources located on land shared by more than one community such as permanent or seasonal access rights which include-
 - (i) right to use the land for pasture or agriculture;
 - (ii) right to use trees or collect firewood in the forest;
 - (iii) the right to travel across the land or water ;
 - (iv) the right to drive cattle across an area to obtain water from a river

"survey" means the gathering of data concerning a land parcel in order to determine the relative position of boundary corners or physical and cultural features above, on, or beneath the surface of the Earth, and document property boundaries and to depict them in a usable form known as plan or map, using "fit for purpose" surveying technologies and participatory methodologies ensuring adequate levels of data quality for variations in density of settlement, parcel size and topography, (with generally higher degrees of geometric accuracy for high-value, small size urban parcels, and generally lower degrees of geometric accuracy for lower-value, larger size rural parcels);

"Town or Village Land Committee" means a Town or Village Area Land Committee established under section 55.

PART II—ESTABLISHMENT OF NATIONAL LAND COMMISSION

Establishment
of National
Land
Commission

2 (1) There is hereby established a commission to be known as the National Land Commission.

(2) The Commission shall be a body corporate with perpetual succession and power to acquire, hold and dispose of property whether movable or immovable, charge fees for services provided, enter into contracts, sue and be sued in its corporate name and subject to this Act do all things which a body corporate may lawfully do.

Common
seal

3. (1) The Commission shall have a common seal the affixing of which shall be authenticated by the signatures of -

- (a) the Chairperson or other member of the Board generally or specifically authorised by the Board for that purpose;
- (b) the Commissioner-General or other officer authorised by him for that purpose.

(2) Every document purporting to be an instrument executed or issued by or on behalf of the Commission and to be sealed with the common seal of the Commission authenticated in the manner stated in subsection (1) shall be deemed to be so executed or issued without further proof unless the contrary is proven.

(3) In appropriate cases the seal may be affixed to documents outside Sierra Leone

4 (1) The governing body of the Commission shall be a Board of Directors consisting of the following members Board of Directors.

- (a) a Chairperson appointed by the President subject to the approval of Parliament and such person shall possess demonstrable leadership skills ; knowledge, integrity and proven practical experience in matters relevant to the functions of the Commission;
- (b) a representative each from the following Ministry or Institution not below the rank of a director-
 - (i) the Ministry;
 - (ii) ministry responsible for environmental affairs;
 - (iii) ministry responsible for agriculture;
 - (iv) ministry responsible for mining;
 - (v) ministry responsible for trade;
 - (vi) ministry responsible for local government;

- (vii) ministry responsible for water resources;
- (viii) ministry responsible for fisheries;
- (ix) ministry responsible for tourism;
- (x) National Revenue Authority;
- (xi) National Investment Board ,
- (xii) Association of Licensed Surveyors;
- (xiii) Sierra Leone Bar Association ;
- (xiv) Sierra Leone Institution of Engineers;
- (xv) National Council of Paramount Chiefs;
- (xvi) Civil Society Organisation dealing with land issues; and
- (xvii) private sector dealing with land investment.

(2) Members appointed under sub-paragraphs (xv) to (xix) of subsection (1) shall be appointed by the President subject to the approval of Parliament

(3) At least 30% of the board members shall be women.

(4) The Board shall update the Minister regularly on the activities of the Commission.

(5) Subject to the Act the Commission shall perform the following functions-

- (a) take inventory of private, government and public lands;
- (b) maintain a comprehensive and updated register of government and public lands;
- (c) establish and maintain a system of registration of title to land throughout Sierra Leone;
- (d) set rules and standards for conducting examination for persons wishing to be enrolled as pupil surveyors and licensed surveyors;
- (e) set standards for the training and accreditation of para-surveyors and specialist paralegals;
- (f) provide oversight responsibility in monitoring land use planning throughout the country;
- (g) provide recommendation on national land use, planning and capability;
- (h) establish grievance redress mechanisms, including, when necessary, Land Adjudication Tribunals to adjudicate land title disputes prior to registration of title;

- (i) raise funds to support the implementation of the functions of the Commission;
- (j) recognise and support civil society organisations assisting communities to register their land;
- (k) maintain an effective land information system for public and state lands;
- (l) conduct research that informs policy design for the management and administration of land across Sierra Leone; and
- (m) any other function to attain the objects of the Commission.

Tenure of
Members of
the Board .

6. (1) The Chairperson and members appointed under sub-paragraph (xv) to (xix) of paragraph (b) of sub-section (1) of section 4 shall hold office for a period of 3 years and shall be eligible for reappointment for not more than one term for a period of 3 years.

(2) A person shall cease to be a member of the Board on any of the following grounds-

- (a) inability to perform the functions of office by reason of infirmity of mind or body;
- (b) proven misconduct;
- (c) convicted and sentenced for an offence involving fraud or dishonestly ;
- (d) failing to attend three consecutive meetings of the Board without reasonable excuse;
- (e) resignation from office by submitting a written notice to the President.

7. (1) Where the Chairperson or a member of the Board dies, resigns, is removed from office pursuant to subsection (2) of section 6 or is absent from Sierra Leone for a continuous period exceeding three months - Filling of Vacancies

- (a) in the case of the Chairperson the members of the Board shall elect one of their number to act as Chairperson until such time as the Chairperson resumes his office or another is appointed in her or his stead; and
- (b) in the case of a member of the Board the Chairperson shall arrange subject to this Act to have another person appointed to the Board.

(2) Where a person is appointed as a Chairperson or a member of the Board to fill a vacancy he or she shall hold office for the remainder of the term of the previous Chairperson or member and shall subject to this Act be eligible for re-appointment.

8. (1) The Board shall meet for the dispatch of its business once every six months at such time and place as the Chairperson may determine. Meetings of the Board

(2) The Chairperson shall preside at every meeting of the Board if present and in his absence the members present shall appoint a member from among themselves to preside at the meeting

(3) A majority of the members of the Board may by notice in writing signed by them request the Chairperson to summon a special meeting of the Board for the purpose stated in the notice.

(4) The Chairperson or in his absence the member appointed to act on his behalf shall summon a special meeting within 5 days of receipt of the notice referred to under subsection (3)

(5) The quorum at any meeting of the Board shall be half of its membership.

(6) Any question which fails to be determined by the Board at any of its meetings shall be decided by a majority of the votes of the members present and voting

(7) The Chairperson or other member presiding shall have a casting vote where there is an equality of votes.

(8) Any proposal circulated among all members and agreed to in writing by a two-thirds majority of members shall be of the same force or effect as a decision made at a duly constituted meeting of the Board and shall be incorporated in the minutes of the next succeeding meetings of the Board:

Provided that if a member requires that such proposal be placed before a meeting of the Board, this subsection shall not apply to such proposal.

(9) The Board may co-opt any person to attend and participate in its deliberations on any matter but such person shall not be entitled to vote on any issue for decision by the Board.

(10) The Board shall cause minutes of all its meetings to be taken and signed by the Chairperson and Secretary to the Board and kept in a proper form.

(11) Subject to this Act the Board shall regulate its own proceedings.

Disclosure of
Interest

9 (1) A member of the Board who has any interest whether direct or indirect in any matter to be considered by the Board shall disclose the nature of his interest to the Board and such disclosure shall be recorded in the minutes of the Board and the member shall not take part in any deliberation or decision of the Board relating to that matter.

(2) A member of the Board who contravenes this section commits an offence and shall be liable to be removed from the Board.

10 (1) No action or other proceeding shall lie or be instituted against any member of the Board or member of a Committee of the Board for or in respect of any act or thing done or omitted to be done in good faith in the exercise or purported exercise of his functions under this Act.

Immunity of
Members of
Board

(2) No member of the Board shall be personally liable for any debt or obligation of the Commission emanating from transactions expressly done in good faith in the exercise of the member's functions under this Act.

11. Members of the Board shall receive Board sitting fees as the Board may determine subject to the approval of the Minister based on sitting of other Boards in the public sector

Remuneration
and allowance
Board

12. (1) The Board may for the discharge of its functions appoint one or more committees to perform functions determined by the Board.

Committees
of Board .

(2) A committee shall consist of members of the Board or non-members or both as the Board may determine.

(3) A committee shall submit a report of its proceedings to the Board at such time as the Board may determine.

(4) Non-members of the Board appointed to committees under subsection (3) shall be entitled to be paid sitting fees as the Board may determine subject to the approval of the Minister for each committee meeting they attend and shall be reimbursed for expenses incurred in connection with the discharge of their functions .

Secretary to
Board .

13 (1) There shall be a Secretary to the Board who shall be appointed by the Board subject to such terms and conditions as the Board may determine.

(2) The Secretary shall perform the following functions -

- (a) the day-to-day affairs of the Board under the general supervision of the Commissioner-General;
- (b) arranging the business of the Board including meetings and recording of minutes;
- (c) performing any other duties as the Board may determine.

Standing
Orders

14. Subject to this Act, the Board may make standing orders regulating the following -

- (a) holding of meetings , the notices to be given for meetings and the conduct of proceedings at the meetings ;
- (b) keeping of minutes of meetings and the custody production and inspection of the minutes;
- (c) custody and the use of the common seal;
- (d) the manner in which cheques shall be issued on behalf of the Commission;
- (e) any other matter pertaining to the internal operations or management of the Commission.

PART III—ROLE OF THE MINISTER AND THE MINISTRY

Role of the
Minister

15. (1) The Commission shall be under the general supervision of the Minister.

(2) The Minister shall provide policy guidance and advice to the Commission to ensure that the Commission implements its functions efficiently.

16. The Ministry shall carry out the following functions to ensure that the functions of the Commission are efficiently implemented-

Role of the
Ministry

- (a) ensure the devolution of land administration and management functions to the land administrative bodies established under this Act;
- (b) undertake policy making and coordination on land tenure administration.;
- (c) mobilise resources for the sector;
- (d) provide policy advocacy, political leadership, and public accountability;
- (e) facilitate the implementation of the land policy reform programme to its logical conclusion;
- (f) monitor and evaluate sector performance, especially with regard to enhanced accountability; and
- (g) oversee, through the various statutory bodies created for the purpose, the regulation of the land-related professions.

PART IV—THE SECRETARIAT

- Secretariat 17. The Commission shall have a Secretariat which shall be headed by a Commissioner- General.
- Commissioner-
General 18 (1) The Commissioner-General referred to under section 17 shall be appointed by the President on the recommendation of the Minister subject to the approval of Parliament.
- (2) No person shall be appointed as a Commissioner-General unless that person-
- (a) is a formally trained and qualified professional of at least 10 years standing in a profession or discipline relevant to the functions of the Commission ;
 - (b) has considerable knowledge and experience in land administration matters; and
 - (c) has proven ability in public administration and management
- (3) The Commissioner -General shall hold office for a term of four years and may be re- appointed for not more than one additional term of four years
- (4) The Commissioner-General shall be responsible for the-
- (a) implementation of decisions of the Board;
 - (b) control and management of the day-to-day business of the Commission;
 - (c) administration, organisation and control of the other officers and staff of the Commission; and

- (d) management of the funds , property and business of the Commission.

(5) Two months prior to the commencement of the financial year the Commissioner General shall prepare an annual business plan outlining the investments required, income to be generated and services to be provided in the coming year and shall submit the plan to the Board for its approval.

19. The Commissioner-General shall be removed from office for any of the following reasons;

Removal or
Suspension
of Commis-
sioner-General

- (a) inability to perform the functions of his office due to negligence or infirmity of mind or body;
- (b) proven misconduct;
- (c) if he becomes bankrupt or insolvent;
- (d) if he is convicted and sentenced for an offence involving fraud or dishonesty;
- (e) if he fails to attend 3 consecutive meetings of the Board without reasonable excuse or
- (f) if he resigns from office by forwarding a written notice to the Chairperson .

20. (1) The Commission shall have a Deputy Commissioner-General who shall be appointed by the President on the recommendation of the minister subject to the approval of parliament

Deputy
Commissioner-
General

(2) The qualification of the Commissioner-General , the tenure and the removal provisions shall apply to the Deputy Commissioner-General

(3) The Deputy Commissioner-General shall be the principal assistant to the Commissioner-General.

Additional requirements for Commissioners General and Deputy

21. Either the Commissioner-General or the Deputy Commissioner-General shall -

- (a) be a woman; and
- (b) have considerable knowledge and experience in customary land matters.

Commissioners

22. (1) The Commission shall have commissioners who shall be recruited through a process that is transparent and merit based.

(2) A commissioner shall head any department established by the Commission

Departments

23 (1) The Commissioner-General shall set up the following departments -

- (a) Title registry department;
- (b) Legal department;
- (c) Cadastral index mapping department;
- (d) Monitoring and evaluation department
- (e) Corporate communication and advocacy department;
- (f) Administration department; and
- (g) any other departments the Commission deems necessary for the efficient performance of its functions.

Title Registry Department

24. (1) The Title Registry Department shall be headed by a Commissioner who shall be a legal practitioner of at least 10 years standing with proven experience on matters relating to land.

(2) The Title Registry Department shall carry out the following functions -

- (a) operate a land title registry throughout Sierra Leone;
- (b) maintain an inventory of public and government lands;
- (c) maintain a depository (electronic or manual) of all registers, instruments, records and copies creating rights and interests in land across the country as well as encumbrances in or over land;
- (d) permit searches to be made in the records, instruments and registers or copies and provide certified copies of extracts from the instruments, records, registers or copies when required, on payment of a prescribed fee;
- (e) undertake any other functions that may be assigned to it by the Board.

25. (1) The Legal Department shall be headed by a Commissioner who shall be a legal practitioner with at least 10 years standing with proven experience on matters relating to land. Legal Department

(2) The Legal Department shall carry out the following functions-

- (a) provide oral and written legal advice and opinion to the Board;
- (b) represent the Commission in legal or administrative proceedings in which the commission is involved;

- (c) procure and oversee with the approval of the Board, outside legal services as needed from time to time;
- (d) undertake any other functions that may be assigned to it by the Board.

Cadastral
Index
Mapping
Department

26. (1) The Cadastral Index Mapping Department shall be headed by a Commissioner with at least 10 years proven experience in land mapping, land management and land administration

(2) The Cadastral Index Mapping Department shall carry out the following functions -

- (a) develop guidelines for undertaking cadastral mapping throughout Sierra Leone;
- (b) maintain a depository of cadastral index maps;
- (c) permit searches to be made in the cadastral records and provide certified copies of extracts from such records on payment of a prescribed fee;
- (d) undertake any other functions that may be assigned to it by the board.

Monitoring
and Evaluation
Department

27. (1) The Monitoring and Evaluation Department shall be headed by a Commissioner who shall be -

- (a) a trained and qualified monitoring and evaluation specialist having at least 10 years of experience in project or programme monitoring and evaluation; or
- (b) a trained and qualified land economist with at least 10 years experience in land management and land administration

(2) The Monitoring and Evaluation Department shall carry out the following functions-

- (a) develop programme goals for the commission;
- (b) assist the various departments and units in the preparation of yearly work plans;
- (c) provide ongoing monitoring of District Land Commissions, Chiefdom Land Committees and Village or Town Area Land Committees;
- (d) prepare departments and units for periodic evaluations of their programmes;
- (e) undertake research on any area of the Commission's mandate or functions;
- (f) undertake any other functions that may be assigned to it by the Board

28. (1) The Corporate, Communication and Department shall be headed by a Commissioner who is a qualified communication strategist and policy advocate with at least 10 years experience in communication strategy and policy advocacy.

Corporate
Advocacy
Communication
and Advocacy
Department

(2) The Corporate Communication and Advocacy Department shall carry out the following functions -

- (a) develop a communication and advocacy strategy;
- (b) lead public education and sensitisation programmes;
- (c) interface with the media; and

- (d) undertake any other functions that may be assigned to it by the Board.

Other Staff

29. Subject to the approval of the Board, the Commissioner-General shall appoint other staff as he deems necessary for the efficient functioning of the Commission.

Secondment of public officers

30. (1) Public officers may at the instance of the Commissioner-General be seconded or otherwise render assistance to the Commission subject to the approval of the Board.

(2) The Commissioner-General subject to the approval of the Board may request the withdrawal of the seconded officer who is unable to carry out assigned functions in the manner satisfactory to the Commissioner-General.

Experts etc

31. The Commissioner-General may engage the services of experts or advisors to support the work of the Commission.

Remuneration

32. (1) The salaries and allowances payable and the facilities and privileges available to the Commissioner General, Deputy Commissioner General, Commissioners and staff of the Commission shall be determined by the Board based on salaries and allowances for professionals in the public sector with the same level of qualification and approved by the Minister

Disclosure of Interest.

33. (1) The Commissioner-General, Deputy Commissioner-General, Commissioners and other members of the Commission who have a direct or indirect interest in any matter to be considered by the Commission shall disclose the nature of their interest to the Commission and that person shall not take part in any deliberation or decision of the Commission relating to that matter.

(2) Proof of a person's failure to comply with subsection (1) shall constitute misconduct and shall be a ground for removal from the Commission

34. No officer, employee of the Commission or any person acting on the direction of an officer or employee of the Commission shall be liable in respect of any matter or thing done by him in good faith under this Act. Protection of Officers

PART V—DISTRICT LAND COMMISSION

35 (1) The Commission shall provide its services in each district and based on the availability of funds establish branch offices to be known as District Land Commission. District land Commission

(2) The secretariat referred to in section 17 shall provide any services required in any district without a District Land Commission.

36. (1) Each District Land Commission shall consist of the following members who shall reside in their respective Districts. Composition of District Land

- (a) a District Land Commissioner who shall be the head of the District Land Commission and shall be a person with adequate knowledge in land related matters;
- (b) heads of the units of the District Land Commission; and
- (c) support staff.

(2) The District Land Commissioner and heads of the units of the District Land Commission shall be appointed by the Board

(3) The support staff shall be appointed by the Commissioner-General subject to the approval of the Board.

(3) At least 30% of the members of the District Land Commission shall be women.

Functions of
the District
Land
Commission

37. (1) The object for which the District Land Commission is established is to provide technical support to Chieftdom and other land committees in the management and administration of customary land in the respective districts.

(2) Notwithstanding the generality of subsection (1) the District Land Commission shall perform the following functions-

- (a) set up and maintain a comprehensive register of government and public lands in the district;
- (b) set up and maintain a customary land title registry for the district which shall contain records of rights held by communities, families and individuals to land in the district and records of land transaction in the district;
- (c) issue customary land title or other certificates in the appropriate form to holders of registered rights to land in the district;
- (d) hire, train and supervise para-surveyors and specialist paralegals in the district or accredit persons wishing to operate as para-surveyors or specialist paralegals;
- (e) deploy para-surveyors and specialist paralegals in each chieftdom through the chieftdom land committees to train and assist communities and families undertaking land registration;
- (f) undertake administrative matters in the district relating to-
 - (i) education and sensitization on environmental issues;

- (ii) any other functions devolved by the ministry to the localities under the law relating to local government
- (g) provide land information services and other administrative functions necessary to facilitate land transaction;
- (h) coordinate and oversee the work of the Chiefdom Land Committees;
- (i) co-manage foreshores with the Town or Village Area land Committee in the particular area; and
- (j) perform any other functions assigned to it by the National Land Commission

38. (1) The District Land Commissioner shall preside at every Meetings meeting of the District Land Commission if present and in his absence one of the Unit heads shall preside.

(2) The District Land Commission may co-opt any person to attend and provide technical assistance or advice to the District Land Commission on any matter.

(3) The District Land Commission shall cause minutes of all its meetings to be taken and signed by the District Land Commissioner and kept in a proper form.

(4) Subject to this Act the District Land Commission shall regulate its own proceedings.

39. (1) A member of the District Land Commission who has any interest whether direct or indirect in any matter to be considered by the District Land Commission shall disclose the nature of his interest to the District Land Commission and such disclosure shall be recorded in the minutes and the member concerned shall not take part in any deliberation or decision relating to that matter.

Disclosure of
Interest

(2) A member of the District Land Commission who contravenes this section commits an offence and shall be liable to be removed from the District Land Commission .

Immunity of
Members of
District Land
Commission

40 (1) No action or other proceeding shall lie or be instituted against any member of the District Land Commission for or in respect of any act or thing done or omitted to be done in good faith in the exercise or purported exercise of his functions under this Act.

(2) No member of the District Land Commission shall be personally liable for any debt or obligation of the District Land Commission emanating from transactions expressly done in good faith in the exercise of the member's functions under this Act

Secretariat of
District Land
Commission

41. Each District Land Commission shall have a secretariat.

Units

42. The District Land Commissioner shall establish within the Secretariat the following units -

- (a) Title Registry Unit;
- (b) Alternative Dispute Resolution Unit;
- (c) Cadastral Index Mapping Unit;
- (d) any other units the Board deems necessary for the efficient performance of its functions in the district.

Title Registry
Unit

43. (1) The Title Registry Unit shall carry out the following functions-

- (a) maintain an inventory of public and government lands;

- (b) maintain a depository (electronic or manual) of all registers, instruments, records and copies creating rights and interests in land as well as encumbrances in or over land;
- (c) permit searches to be made in the records, instruments and registers or copies and provide certified copies of extracts from the instruments, records, registers or copies when required, on payment of a prescribed fee;
- (d) undertake any other functions that may be assigned to it by the Board.

(2) The Title Registry Unit shall be headed by the District Land Commissioner.

44. (1) The Alternative Dispute Resolution Unit shall be responsible for settling disputes within the district

Alternative
Dispute
Resolution
Unit

(2) The Alternative Dispute Resolution Unit shall be headed by a legal practitioner of at least 10 years standing with proven experience in alternative dispute resolution.

45. (1) The Cadastral Index Mapping Unit shall carry out the following functions -

Cadastral
Index
Mapping
Unit

- (a) maintain a repository of cadastral index maps for the district;
- (b) permit searches to be made in the cadastral records and provide certified copies of extracts from such records on payment of a prescribed fee;
- (c) train and supervise para-surveyors;
- (d) undertake any other functions that may be assigned to it by the board.

(2) The Cadastral Index Mapping Unit shall be headed by a person with at least 10 years proven experience in land mapping, land management and land administration.

Remuneration 46 The salaries and allowances payable and the facilities and privileges available to the District Land Commissioner, heads of units and Support staff of the District Land Commission shall be determined by the Board based on salaries and allowances for professionals in the public sector with the same level of qualifications subject to the approval of the Minister.

Protection of Officer 47. The District Land Commissioner, heads of unit support staff or any person acting on the direction of an officer of the District Land Commission shall not be liable in respect of any matter or thing done by him in good faith under this Act.

Report 48. (1) The District Land Commission shall submit a report to the Board every six months outlining activities undertaken by the District Land Commission and any other relevant matters to ensure the efficient implementation of its functions in the District

(2) The District Land Commissioner shall share the report with other District Land Commissioners and other relevant agencies

PART VI—CHIEFDOM LAND COMMITTEES

Chieftdom Land Committee 49. The Commission shall establish in each chieftdom a committee to be known as the Chieftdom Land Committee

Composition of Chieftdom land Committee 50. (1) Each Chieftdom Land Committee shall consist of the following members who shall be resident in the Chieftdom-

- (a) the Paramount Chief of the Chieftdom or his representative who shall be the Chairperson of the Chieftdom Land Committee;
- (b) one land owner from each section of the Chieftdom nominated by the Town or Village Area Land Committee in accordance with customary law; and

- (c) one land user from each section of the Chiefdom nominated by the Town or Village Area Land Committee in accordance with customary law;

(2) At least 30% of the members of a Chiefdom Land Committee shall be women.

51. Subject to this Act a Chiefdom Land Committee shall perform the following functions

Functions of
the chiefdom
land
committee

- (a) manage communal chiefdom lands in the chiefdom;
- (b) enforce rules for the sustainable use of natural resources, such as forests, grazing lands, rivers and swamps within the chiefdom;
- (c) obtain and maintain a facsimile of registered customary land rights for land in the chiefdom from the District Title Registry;
- (d) prior to the registration of title, adjudicate land title disputes at chiefdom level through the Land Adjudication Tribunal established under section 85;
- (e) levy and facilitate collection of, and manage all land tax revenues levied by chiefdom authorities; and
- (f) perform such other functions as the Commission may determine.

Vesting of
communal
Chiefdom
land

52. Ownership and title to communal land in the chiefdom shall be vested in the people of that chiefdom as a community to be managed and administered by the Chiefdom Land Committee.

Accountability
for
Community
land

53. (1) Members of the Chiefdom Land Committee shall be accountable to the members of the community for any decision taken in respect of the community's land holdings.

(2) The Chiefdom Land Committee shall publish and disseminate reports of its activities and finances on a quarterly basis.

Meetings

54 (1) The Chiefdom Land Committee shall determine the frequency and place of meetings but shall meet at least once every three months.

(2) Notice of each meeting including the proposed agenda shall be widely circulated throughout the chiefdom at least two weeks in advance of the meeting .

(3) The Paramount Chief or his representative shall preside at every meeting of the Chiefdom Land Committee if present and in his absence one of the members shall preside.

(4) Each Member shall have one vote and in the case of equality of votes the Paramount Chief or his representative or other member presiding shall have a casting vote.

(5) Any question failed to be determined by the Chiefdom Land Committee at any of its meetings shall be decided by two thirds majority of members present

(6) The Chiefdom Land Committee may co-opt any person to attend and provide technical assistance or advice to the Committee on any matter but such person shall not be entitled to vote on any issue for decision by the Chiefdom Land Committee.

(7) The quorum of a meeting shall be not less than two third of its members present and voting

(8) The Chiefdom Land Committee shall cause minutes of all its meetings to be taken and signed by the Paramount Chief or his representative and kept in a proper form.

(9) Subject to this Act the Chiefdom land Committee shall regulate its own proceedings.

(10) The minutes of each meeting shall be made publicly available at an easily accessed location to ensure transparency.

55 A party that is dissatisfied with a decision of the Chiefdom Land Committee may after exhausting all other available conflict resolution mechanisms, appeal to the District Land Commission.

Appeal to
District Land
Commission.

PART VII—TOWN OR VILLAGE AREA LAND COMMITTEE

56. The Commission shall recognise in each town or village in the provinces the established Town or Village Area Land Committee

Town or
Village Land
Committee

57 (1) Each Town or Village area Land Committee shall consist of the following members who shall reside in their respective towns or villages-

Composition
of Town or
village Land
Committee

- (a) town or village chief who shall be the Chairperson or a representative of the chief;
- (b) 4 resident land owners in the town or village;
and
- (c) 2 resident non-land owners in the town or village

(2) Members referred to under paragraphs (b) and (c) of subsection (1) shall be elected by a majority vote of two-thirds of the residents of the community aged 18 years and above.

(3) A least 30% of the members of a Town or Village Area Committee shall be women.

Functions of the town or village land committee.

58 (1) Subject to this Act the Town or Village area Land Committee shall perform the following functions -

- (a) manage communal lands in the town or village on behalf of the community ;
- (b) enforce rules adopted by the town or village for the sustainable use of land and natural resources;
- (c) resolve land tenure disputes arising within the community;
- (d) perform any other function assigned by the Commission

Vesting of communal Village land

59. Ownership and title to communal land in the town or village shall be vested in the people of the town or village as a community to be managed and administered by the Town or Village Area Land Committee.

Accountability

60. (1) Members of the Town or Village Area Land Committee shall be accountable to the members of the community for decisions taken in respect of the community's landholding.

(2) The Town or Village Area Land Committee shall provide to the community on a quarterly basis a written report on its activities and finances.

Meetings

61. (1) The Town or Village Area Land Committee shall determine the frequency and place of meetings but shall meet at least once every three months.