



# LAND LAWS AND POLICIES

Women, Land & Corruption  
In Africa (WLCA) Project

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## WOMEN LAND AND CORRUPTION IN AFRICA (WLCA) PROJECT

The WLCA project with funding support from Friends of Transparency International (TI) is a project being implemented by TI chapters in Zimbabwe, Ghana and Uganda and coordinated by TI Secretariat (TIS) in Berlin.

### **Introduction**

In Africa, a large portion of arable land is in tenure by small-scale farmers – often women. Vast areas of savannah and semi-desert land are in tenure by pastoralists and indigenous communities. Each land deal – whether transparent or opaque – deprives customary land users of two of their most relevant

resources: water and land. Unfortunately, the results are often poverty and hunger. Approximately one in five people around the world, report that they have paid a bribe for land services during the last year; in Africa, almost every second client of land administration services was affected. At the same time, land investors seem to specifically target countries with weak governance.

### **Background**

The main purpose of Transparency International's (TI) "Women Land & Corruption in Africa" (WLCA) project is to link with other civil society organizations and institutions concerned with women, land governance, and together, generate and share relevant data and information on corruption in the land sector, as well as its trends, nature, and existing strategies and mechanisms that are utilized to combat it. The project is aimed at understanding the issue of corruption as it impacts land rights of women in Sub-Saharan Africa, specifically Ghana, Uganda, and Zimbabwe, and bringing this issue to the top of the agenda of national, regional and international land governance

discussions and projects. To achieve this, TI will first conduct research on corruption in land administration and land deals in the target countries. Then, based on this research, TI will network and advocate for recognition and integration of women's land rights and related anti-corruption activities in development and governance.

The overall goal of Transparency International's "Women Land & Corruption in Africa" project is to contribute to improved livelihoods of men and women of all generations adversely affected by corrupt practices in land administration and land deals, and thereby to enhanced security of tenure, as well as to equitable and fair access to land and water, and ultimately to sustainable and inclusive development and growth.

The project intends;

1. To increase the understanding on the issue of women, land and corruption
2. To leverage the discussion and recognition of corruption issues effecting women in their access

to, use of and control over land at national, regional and international forums

3. To enhance the capacity to design and implement projects which respond to women's concern about corruption in land administration and land deals



Mrs. Addah, Programmes Manager - GII delivering an opening address at the Women, Land and Corruption Risk Assessment training in Accra

## PROCEDURE TO ACQUIRE AND REGISTER LAND UNDER THE VARIOUS TYPES OF LAND OWNERSHIP IN GHANA

### **INDIVIDUAL / PRIVATE LANDS**

#### Registration Procedures

1. Applicant/developer negotiates with the actual owner concerned for the land.
2. Three copies of the document executed between the actual owner and the applicant to be submitted to Lands commission
3. A solicitor of the Supreme Court (i.e. a practicing lawyer) must sign the back of each copy with his stamp duly affixed.
4. Each copy of the document must have a site plan attached. Two extra site plans, making five (5) in all must accompany the documents.
5. The back of the site plans are to be endorsed by both the actual owner lessor/vendor and the applicant (lessee)/buyer.
6. Each site plan is to be certified by the stamps of a licensed surveyor and the Regional surveyor and duly dated.
7. At least two principal Elders of the stool (with status) must sign as witnesses.
8. The witnesses of the applicant (lessee) /buyer must write full names, provide addresses and signature.
9. Documents submitted to lands commission.
10. Processing and registration fees paid.
11. Documents processed at Lands commission.

12. Documents released for stamping at land valuation Board.
13. Applicant obtains Tax Clearance Certificate at Internal Revenue Service.
14. Document registered at Deeds Registry at Lands commission.
15. Original copy released to Applicant.



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## **STOOL/ SKIN LANDS**

### Registration Procedures

1. Applicant/ developer negotiates with the chief concerned for the land.
2. Three copies of the document executed between the chief and the applicant to be submitted to Lands commission
3. A solicitor of the supreme court (i.e. a practicing lawyer) must sign the back of each copy with his stamp duly affixed.
4. Each copy of the document must have a site plan attached. Two extra site plans, making five (5) in all must accompany the documents.
5. The back of the site plans are to be endorsed by both the chief lessor/vendor and the applicant lessee/buyer.
6. Each site plan is to be certified by the stamps of a licensed surveyor and the Regional surveyor and duly dated.
7. At least two principal Elders of the stool (with status) must sign as witnesses.

8. The witnesses of the applicant lessee/buyer must write full names, provide addresses and signature.
9. Documents submitted to lands commission.
10. Processing and registration fees paid.
11. Chairman of Lands commission grants concurrence.
12. Documents released for stamping at land valuation Board.
13. Applicant obtains Tax Clearance Certificate at Internal Revenue Service.
14. Document registered at Deeds Registry at Lands commission.
15. Applicant pays first year's ground rent
16. Original copy of the document is released to applicant.

## **FAMILY LANDS**

### Registration Procedures

1. Applicant/ developer negotiates with the family

Head and principal members of the family concerned for the land.

2. Three copies of the document executed between the family Head and principal members of the family and the applicant to be submitted to Lands commission
3. A solicitor of the supreme court (i.e. a practicing lawyer) must sign the back of each copy with his stamp duly affixed.
4. Each copy of the document must have a site plan attached. Two extra site plans, making five (5) in all must accompany the documents.
5. The back of the site plans are to be endorsed by both the actual owner lessor/seller and the applicant lessee/buyer.
6. Each site plan is to be certified by the stamps of a licensed surveyor and the Regional surveyor and duly dated.
7. At least two principal Elders of the stool (with status) must sign as witnesses.

8. The witnesses of the applicant (lessee) /buyer must write full names, provide addresses and signature.
  9. Documents submitted to lands commission.
  10. Processing and registration fees paid.
  11. Documents processed at Lands commission.
  12. Documents released for stamping at land valuation Board.
  13. Applicant obtains Tax Clearance Certificate at Internal Revenue Service.
  14. Document registered at Deeds Registry at Lands commission.
  15. Original copy released to Applicant.
3. Lands Commission gives approval, if a plot is available.
  4. Applicant pays requisite fees and charges
  5. Documents prepared by the secretariat of Lands Commission
  6. Applicant invited to to execute documents
  7. Documents executed by Chairman of Lands Commission
  8. Applicant pays ground rent and registration fee
  9. Documents released for stamping at Land Valuation Board
  10. Applicant obtains Tax Clearance Certificate at Internal Revenue Service
  11. Document finally registered at Deeds Registry at Lands Commission
  12. Original copy of document released to Applicant.

## **STATE AND STOOL VESTED LANDS**

### Registration Procedures

1. Apply to Lands Commission for plot of land
2. You would be invited to complete application form (form 5) and questionnaire with two (2) passport size pictures.

## TYPES OF INTERESTS IN LAND

1. The Allodial Title
2. Freehold ( Customary Or Common Law Freehold)
3. Leasehold
4. A Lesser Interest Created By Virtue Of Any Right Under Contractual Or Share-Cropping Or Other Customary Tenancy Arrangements

## THE ALLODIAL TITLE

This is the highest title in land recognized by law. Only traditional leaders, families or the Ghanaian government can hold such a title.

## FREEHOLD

*There are two forms of freehold title interest:*

**Customary freehold:** This is an interest that individuals or groups hold in a land, which is owned by a larger traditional community (the allodial owner) of which the interest holders are members or subjects. It is an interest that is transferrable to successors of the individual or sub-groups until there are no successors.

**Common law freehold:** Common law freehold is similar to the customary freehold. The difference, however, is that this interest can be acquired by both strangers and members of the community that owns the land. A stranger in this regard refers to a Ghanaian who is not a member of the land-owning community.

It is important to note that the 1992 Constitution by article 267 (5) forbids the creation of freehold interests in stool land in Ghana.

## Leasehold

A leasehold/lease is an interest in land that has a specified start and end for a period, subject to payment of annual ground rents and covenants.

There are some lesser land interest types created under contractual, share-cropping or other customary tenancy arrangements. Two very common tenancies in the Akan areas are "Abunu" and "Abusa" or "do ma yenkye." Other areas have different names for these arrangements in the local dialects.

## What is a lease?

A lease is an interest in land, which is created to last for a fixed period. This means that every lease has a



specific date on which it commences and a date on which it must expire. In Ghana, a lease may be as short as one year or as long as agreed between the parties involved. The most common practice is a 99 year lease. It would be incorrect to assume that there cannot be a lease of more than 99 years in Ghana. An example of a lease longer than 99 years is Tema Development Corporation's 125 years interest in Tema lands, which commenced in the year 1956. The 1992 Constitution, in Article 266, however limits the maximum interest a non- Ghanaian can have in land to 50 years.

The person who creates a lease is known as the Lessor and the person to whom the lease is granted is known as the Lessee. A lease creates a landlord and tenant relationship between the lessor and lessee. There are certain features that characterize a lease. It must, firstly, be for a definite period, i.e. the start and end dates must never be in doubt. This implies that the lessor is entitled to repossess the leased property (and whatever is built on it if the property is land) when the lease comes to an end.

A lease must also give exclusive possession of the subject land to the lessee. In summary, a lease must include:

- Names of the parties of the agreement
- The starting date and duration of the agreement
- The specific property being leased (usually depicted by the site plan)
- Conditions for renewal or non-renewal and other covenants
- A specific consideration (a lump sum, or periodic payments, such as ground rent) for granting the use of this object.

## **INDENTURE**

An indenture is a written instrument used to convey an interest in real property; thus an indenture or deed conveys legal title.

## **ACQUIRING LEGAL TITLE**

Alienation is the act of transferring ownership, title or interest in real property from one person to another. The alienation may be voluntary (with the owner's control and consent of the owner). Voluntary alienation is done by an indenture/deed and by last will and testament. Involuntary alienation is done by descent, escheat, adverse possession and eminent domain.

## **SITE PLAN**

It is a drawing depicting the site of a proposed or existing project. Some of the key elements of a Site Plan are property boundaries, land topography, vegetation, proposed and/or existing structures, easements, wells, and roadways.

## **CONVEYANCING**

A legal process whereby the ownership of land or an interest in land is transferred from one person to another so that the land or the interest therein becomes vested in that other person

## **LANDS COMMISSION**

Requirements for Land Registration  
(*State Land*) *State Land Second Transaction*

1. Date of instrument
2. Nature of instrument
3. Particulars of parties (telephone numbers and email address)
4. Signature of parties/witnesses/deponent
5. Jurat (where parties are illiterate)
6. Stamp duty
7. Oath of proof

8. Solicitor's Stamp
9. Supporting documents/recited documents
10. Approved plan
11. Consent for subsidiary transactions
12. Endorsement of site plans by both parties
13. Forms of identification for owner and/or agent (national ID, Passport e.t.c)
14. Site plan should Pre-date document
15. Check schedule against site plan

## **LANDS COMMISSION**

Requirements for Land Registration  
(*State Land*) *State Land Second Transaction*  
(*Assignment/Sub-Lease*)

1. Date of instrument
2. Nature of instrument
3. Particulars of parties (telephone numbers and email address)
4. Signature of parties/witnesses/deponent
5. Jurat (where parties are illiterate)
6. Stamp duty
7. Oath of proof
8. Solicitor's Stamp
9. Supporting documents/recited documents
10. Approved plan

11. Consent for subsidiary transactions
12. Endorsement of site plans by both parties
13. Forms of identification for owner and/or agent  
(national ID, Passport e.t.c)
14. Site plan should Pre-date document
15. Check schedule against site plan

### **LANDS COMMISSION**

Requirements for Land Registration  
(*Deeds Registration*)

1. Date of instrument
2. Nature of instrument
3. Particulars of parties (telephone numbers and email address)
4. Signature of parties
5. Accredited signatories
6. Stamp duty
7. Signature of parties/witnesses/deponent
8. Oath of proof
9. Solicitor's Stamp
10. Supporting documents/recited documents
11. Approved plan
12. Endorsement of site plans by both parties
13. Consent/concurrence (state lands and stool lands)
14. Check schedule against site plan

15. Planning Approval for concurrence (to be cross checked with planning authorities)

### **LANDS COMMISSION**

Requirements for Land Registration  
(*Stool Land*) *Stool Land Second Transaction*  
(*Assignment/Sub-Lease*)

1. Date of instrument
2. Nature of instrument
3. Particulars of parties (telephone numbers and email address)
4. Signature of parties/witnesses/deponent
5. Jurat (where parties are illiterate)
6. Stamp duty
7. Oath of proof
8. Solicitor's Stamp
9. Supporting documents/recited documents (the most recent transfer is of importance)
10. Approved plan
11. Consent for subsidiary transactions
12. Endorsement of site plans by both parties
13. Forms of identification for owner and/or agent  
(national ID, Passport e.t.c)
14. Site plan should Pre-date document
15. Check schedule against site plan

## **LANDS COMMISSION**

Requirements for Land Registration First Registration  
*Title Registration/Certification*)

1. Date of instrument
2. Nature of instrument
3. Particulars of parties (telephone numbers and email address)
4. Signature of parties/witnesses/deponent
5. Jurat (where parties are illiterate)
6. Stamp duty
7. Oath of proof
8. Solicitor's Stamp
9. Supporting documents/recited documents
10. Approved plan
11. Consent for subsidiary transactions
12. Endorsement of site plans by both parties
13. Forms of identification for owner and/or agent (national ID, Passport etc.)
14. Site plan should Pre-date document
15. Check schedule against site plan.

## **LANDS COMMISSION**

Requirements for Land Registration (Stamp Duty)  
*Stamping Process*

1. Identify the type of document (Lease, Sub-Lease, Assignment, Gift, Conveyance, Surrender, Variation, Declaration, Vesting Assent, Tenancy Agreement, Mortgages)
2. Check Customer's purpose for stamping
3. Check date of document
4. Check names of parties and addresses
5. Check consideration / Rent / Term / commencement date
6. Job No. from SMD
7. Check site plan against schedule;
  - *Name of Owner in Document and Site Plan*
  - *Land Size*
  - *Dimensions*
  - *Licensed Surveyor and Director of Survey's Signatures and date*
  - *Location of Property*
8. Check the extra Site Plan
9. Whether the back of the site plan has been signed by the parties
10. Signatures of parties and Witnesses
  - a) Jurat
11. Check Solicitor's Seal
12. Solicitor (In Good Standing)
13. Check Oath of Proof



Report Corruption  
Now to ALAC on  
**0800 100 25**

#### Corporate Office

H/No. 21 Abelenkpe Road  
(Near the Abelenkpe Traffic Light  
on the 37 Achimota Road)  
Abelenkpe - Accra

#### Postal Address

P.M.B CT 317, Cantonments - Accra

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