

PUBLIC CONVEYANCING ACT, 1965 (ACT 302)

ARRANGEMENT OF SECTIONS

Section

1. Declaration of selected area.
2. President to grant land in selected area to certain persons.
3. Plan and Schedule to plan, etc.
4. Grants of land to other persons.
5. Regulations.
6. Interpretation.
7. Repeal.



REPUBLIC OF GHANA

**THE THREE HUNDRED AND SECOND
ACT
OF THE PARLIAMENT OF THE REPUBLIC OF GHANA
ENTITLED
THE PUBLIC CONVEYANCING ACT, 1965**

AN ACT to provide for the declaration of a selected area, the granting of land in such area, and matters connected therewith or incidental thereto.

DATE OF ASSENT: 29th September, 1965

BE IT ENACTED by the President and the National Assembly in this present Parliament assembled as follows:—

Section 1—Declaration of Selected Area.

(1) Whenever it appears to the President in the public interest so to do, he may by executive instrument declare any area of state or stool land to be a selected area, and, accordingly, on the making of such instrument, such area shall for the purposes of this Act be a selected area and titles to land therein shall be granted as prescribed under this Act.

(2) Where any stool land in respect of which an executive instrument has been made under subsection (1) of this section has not been vested in the President under section 7 of the Administration of Lands Act, 1962 (Act 123), such instrument in respect of such land shall have the same effect as an instrument made under the said section 7.

Section 2—President to Grant Land in Selected Area to Certain Persons.

(1) Save as otherwise provided in this Act, the President upon recommendation by the Minister shall grant land in a selected area, on such terms and conditions as he may think fit to the following persons and no others:—

(a) persons deprived of the use of land by reason of a natural catastrophe;

(b) persons deprived of the use of land by reason of the application of the provisions of any other enactment;

- (c) persons deprived of the use of land in the town of Tema and resettled in the Tema acquisition area;
- (d) persons desirous of settling in a planned irrigation area;
- (e) persons deprived of the use of land by reason of a slum clearance scheme;
- (f) persons affected by re-adjustment of boundaries of land within an area under any enactment relating to town and country planning;
- (g) persons desirous of acquiring land within a planned housing area;
- (h) persons desirous of settling in a land reclamation area;
- (i) persons desirous of carrying out husbandry, including animal husbandry, in a planned land area.

(2) No person to whom a grant of land has been made shall transfer his grant to any other person, except with the written consent of the Minister, and, subject to such conditions as he may specify therein.

(3) The provisions of section 4 shall not apply to any transfer referred to in subsection (2) of this section.

(4) Where any other enactment confers powers for the settlement or resettlement of persons on any other Minister or Council or a statutory corporation, grants under this section shall be made, if the powers for the settlement or resettlement of persons were conferred on—

- (a) any other Minister, upon the recommendation of such other Minister;
- (b) a Council, upon the recommendation of the Minister responsible for local government; and
- (c) a statutory corporation, upon the recommendation of the Minister responsible for such corporation.

Section 3—Plan and Schedule to Plan, Etc.

(1) There shall be made a plan as prescribed of a selected area and there shall be specified in the prescribed manner on the plan a Schedule setting out in entries the lands granted under section 2 and in corresponding entries the names of the grantees, the interests held by them in such land, the dates from which such grants take effect and such other particulars as may be prescribed.

(2) The Minister shall make an endorsement below the last entry that the particulars specified in the plan and the Schedule thereto are in accordance with the provisions of this Act and any other enactment in that behalf and are true and accurate and shall sign and date that endorsement.

(3) The Minister shall cause each plan of a selected area together with its Schedule to be registered under the Land Registry Act, 1962 (Act 122), and the provisions of that Act shall mutatis mutandis apply to such registration in like manner as those provisions apply to the registration of any other instrument.

(4) Where a plan of a selected area with its Schedule has been registered under the preceding provisions of this section, a copy, extract or certificate of registration purporting to be signed by a registrar within the meaning of the said Act, or made in the prescribed manner shall be receivable in any court as evidence of the particulars specified therein without further or other proof, unless it is proved to be a forgery.

Section 4—Grants of Land to Other Persons.

(1) Where any land in any selected area remains vacant, the President may grant land in such area to any person, subject to such conditions as he may think fit, including the payment of rent, but the provisions of section 3 shall not apply to such grants.

(2) Grants made under subsection (1) of this section shall be made in accordance with the appropriate provisions of the Administration of Lands Act, 1962 (Act 123) and the State Lands Act, 1962 (Act 125) and any statutory instruments made thereunder.

Section 5—Regulations.

Regulations may be made by the Minister by legislative instrument in respect of such matters as are authorised or required by this Act to be prescribed and for the purposes of carrying out the principles and provisions of this Act.

Section 6—Interpretation.

In this Act, unless the context otherwise requires:—

"Council" means a Council within the meaning of the Local Government Act, 1961 (Act 54);

"land reclamation area" means an area of land, which was covered or otherwise affected by water and which by diverse works has been made suitable for development, and for which a layout has been approved by the Minister responsible for Town and Country Planning in consultation with the Ministers responsible for agriculture, health, housing, lands, local government and community development;

"Minister" means the Minister responsible for lands;

"plan" means a cadastral plan within the meaning of the Survey Act, 1962 (Act 127), or any other plan made to the satisfaction of the Minister referred to in section 5 of that Act;

"planned housing area" means an area destined for residential development for which a lay-out has been approved by the Minister responsible for Town and Country Planning in consultation with the Ministers responsible for housing, health, lands, and local government;

"planned irrigation area" means an area for which water for irrigation is being supplied by any organ of the State or a Council or a statutory corporation and for which area a lay-out has been approved by the Minister responsible for Town and Country Planning in consultation with the Ministers responsible for lands and agriculture;

"planned land area" means an area of agricultural land, the conditions of carrying out of husbandry within which are prescribed by the Minister responsible for agriculture, and for which a lay-out has been approved by the Minister responsible for Town and Country Planning in consultation with the Ministers responsible for agriculture, communications, lands and community development;

"selected area" means an area of state land or of stool land declared a selected area by the President by executive instrument under section 1 and includes in the Tema Acquisition Area the area of resettlement of persons from the town of Tema;

"slum clearance scheme" means a scheme of reconstruction of a built-up area undertaken, in consequence of the overcrowding of inhabitants in dwellings, of unsatisfactory sanitary conditions, and of the dilapidation of buildings, by an organ of the State, a Council or a statutory corporation in accordance with a plan approved by the Minister responsible for Town and Country Planning in consultation with the Ministers responsible for lands, health, social welfare, housing and local government;

"state land" means land declared by the President by executive instrument under section 1 of the State Lands Act, 1962 (Act 125) to be land required in the public interest;

"statutory corporation" means a statutory corporation within the meaning of the Statutory Corporations Act, 1964 (Act 232), or established under any other enactment;

"stool land" shall have the same meaning as in the Administration of Lands Act, 1962 (Act 123);

"Tema acquisition area" means the area specified in the First Schedule to the Tema Town and Port (Acquisition of Land) Ordinance, 1952 (No. 38); and

"town of Tema" means the town of Tema referred to in the First Schedule to the Towns Ordinance (Cap. 86).

Section 7—Repeal.

The Village Sites Ordinance (Cap. 141) is hereby repealed.