

STATE LANDS ACT, 1962 (ACT 125)

As amended by

STATE LANDS ACT, 1962 (AMENDMENT) DECREE, 1968 (NLCD 234)1

STATE LANDS (AMENDMENT) DECREE, 1979 (AFRCD 62)2

STATE LANDS (AMENDMENT) ACT, 2000 (ACT 586)3

ARRANGEMENT OF SECTIONS

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REPUBLIC OF GHANA

**THE HUNDRED AND TWENTY-FIFTH
ACT
OF THE PARLIAMENT OF THE REPUBLIC OF GHANA
ENTITLED
THE STATE LANDS ACT, 1962**

AN ACT to provide for the acquisition of land in the national interest and other purposes connected therewith.

DATE OF ASSENT: 14th June, 1962

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

Section 1—Acquisition.

(1) Whenever it appears to the President in the public interest so to do, he may, by executive instrument, declare any land specified in the instrument, other than land subject to the Administration of Lands Act, 1962 (Act 123), to be land required in the public interest; and accordingly on the making of the instrument it shall be lawful for any person, acting in that behalf and subject to a month's notice in writing to enter the land so declared for any purpose incidental to the declaration so made.

Provided that where the National Liberation Council is satisfied that special circumstances exist by reason of which it appears to the Council to be expedient that any particular land which is subject to the Administration of Lands Act, 1962 (Act 123) should be declared under this subsection to be land required in the public interest, the Council may by writing declare that it is so satisfied and thereupon it shall be lawful for the said land to be declared under this subsection to be land required in the public interest and the Administration of Lands Act, 1962 shall not apply to any such land in respect of which an executive instrument has been made in accordance with this subsection.[As inserted by the State Lands Act, 1962 (Amendment) Decree, 1968 (NLCD 234)]

Section 2—Publication of Instrument.

A copy of the instrument made under the preceding section shall,

- (a) be served personally on any person having an interest in the land; or
 - (b) be left with any person in occupation of the land; and
 - (c) be served on the traditional authority of the area of acquisition which shall request the Chief to notify the people of the area concerned; and
 - (d) be affixed at a convenient place on the land; and
 - (e) be published on three consecutive occasions in a newspaper circulating in the district where the land is situated and in such other manner as the Commissioner may direct.[As substituted by State Lands (Amendment) Decree, 1979 (AFRCD 62), s.(i)]
- (2) An instrument made under the preceding subsection may contain particulars in respect of the date on which the land so declared shall be surrendered and any other matter incidental or conducive to the attainment of the objects of the instrument including an assessment in respect of the compensation that may be paid.
- (3) On the publication of an instrument made under this section, the land shall, without any further assurance than this subsection, vest in the President on behalf of the Republic, free from any encumbrance whatsoever.

Section 3—Determination by High Court.

Subject to section 4, the High Court shall determine the rights or interest of any person,

- (a) where there is a dispute as to the right or interest claimed by reason of conflicting claims or interest,
- (b) where the person is dissatisfied with the compensation assessed by the Lands Commission.[As Substituted by the State Lands (Amendment) Act, 2000 (Act 586), s.1]

Section 4—Claims and Compensation.

(1) Any person who claims a right or has an interest in any land subject to an instrument made under section 1 of this Act or whose right or interest in any such land is affected in any manner shall, within six months from the date of the publication of the instrument made under section 1, submit in writing to the Lands Commission—

- (a) particulars of his claim or interest in the land;
- (b) the manner in which his claim or interest has been affected by the executive instrument issued under this Act;
- (c) the extent of any damage done; and
- (d) the amount of compensation claimed and the basis for the calculation of the compensation.

(2) The Lands Commission shall upon receipt of claim for compensation under subsection (1) cause to be assessed the payment of fair and adequate compensation by the government for the land acquired to the owner.

(3) In assessing the compensation for land under subsection (2) regard shall be had to—

- (a) the market or replacement value of the land;

(b) the cost of disturbance or any other damage suffered thereby; and

(c) the benefits to be derived by the people of the area in which the land is situated from the use for which the land is acquired.

(4) Subject to the Constitution, where a compulsory acquisition or possession of land effected under this Act involves displacement of any inhabitants, the Lands Commission or such other government agency as the President shall direct shall settle the displaced inhabitants on suitable alternative land with due regard for the economic well-being and social and cultural values of the inhabitants concerned.

(5) In assessing compensation under this Act no account shall be taken of any improvement on the land made within two years previous to the date of publication of the instrument made under section 1 of this Act unless the improvement was made in good faith and not made in contemplation of acquisition under this Act.

(6) Where compensation for land is assessed but cannot be paid owing to a dispute, Government shall, pending the final determination of the matter, lodge the accrued amount in an interest—yielding escrow account and the amount together with the interest shall be released to the person entitled upon the final determination of the matter. [As Substituted by the State Lands (Amendment) Act, 2000 (Act 586), s.2]

Section 4A—Appeals.

(1) Any person who is aggrieved by a decision of the High Court on any matter dealt with by the High Court under this Act may appeal against the decision to the Court of Appeal.

(2) The Court of Appeal may upon hearing the appeal confirm, reverse or vary the decision of the High Court and may make such other order as it think fit.

(3) The rules applicable to a civil appeal before the Court of Appeal shall apply to an appeal brought under this section. [As inserted by the State Lands (Amendment) Act, 2000 (Act 586), s.3]

Section 5—Leases and Licences.

The Lands Commission may grant a lease or a licence in respect of any land acquired under this Act. [As Substituted by the State Lands (Amendment) Act, 2000 (Act 586), s.4]

Section 6—Regulations.

The Minister may, by legislative instrument, make Regulations prescribing fees to be paid under this Act and for the better carrying into effect of the principles of this Act.

Section 7—Interpretation.

In this Act, unless the context otherwise requires,

"cost of disturbance" means the reasonable expenses incidental to any necessary change of residence or place of business by any person having a right or interest in the land;

"market value" means the sum of money which the land might have been expected to realise if sold in the open market by a willing seller at the time of the declaration made under section 1 of this Act;

"Minister" means the Minister responsible for lands;

"other damage" means damage sustained by any person having a right or interest in the land or in adjoining land at the date of the declaration made under section 1 of this Act, by reason of severance from or injurious affection to any adjoining land;

"replacement value" means the value of the land where there is no demand or market for the land by reason of the situation or of the purpose for which the land was devoted at the time of the declaration made under section 1 of this Act, and shall be the amount required for reasonable re-instatement equivalent to the condition of the land at the date of the said declaration.

Section 8—Repeals.

(1) The provisions of sections 4 to 18 of the State Property and Contracts Act, 1960 (CA 6) in so far as they relate to land shall cease to have effect.

(2) The Housing Schemes (Acquisition of Land) Ordinance (Cap. 85) is hereby repealed.

(3) The State Lands (Amendment) Decree, 1974 (NRCD 307). [Repealed by the State Lands (Amendment) Act, 2000 (Act 586), s.5]

Section 9—Saving.

Notwithstanding the repeal of the enactments specified in the preceding section, any subsidiary legislation made thereunder and in force immediately prior to the commencement of this Act, shall continue to have effect as if made under this Act.

Section 14—Regulations.

(1) The Minister may by legislative instrument make regulations —

(a) in respect of the records to be maintained for the purposes of this Act and for the imposition of any fees for such purposes;

(b) in respect of any matter relating to the Tribunal including the payment of fees and allowances to the members thereof; and

(c) for the purposes of giving effect to the principles and provisions of this Act.