ACTS
SUPPLEMENT No. 1 **12th February, 2010.**

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Act 1 *Land (Amendment) Act* **2010**

THE LAND (AMENDMENT) ACT, 2010.

ARRANGEMENT OF SECTIONS.

Section

1. Amendment of section 31 of the Land Act.
2. Insertion of new section 32A.
3. Amendment of section 35 of principal Act.
4. Amendment of section 59 of principal Act.
5. Amendment of section 92 of principal Act.

THE LAND (AMENDMENT) ACT, 2010

An Act to amend the Land Act to enhance the security of occupancy of lawful and bona fide occupants on registered land in accordance with article 237 of the Constitution, and for related matters.

DATE OF ASSENT: 6th January, 2010.

Date of Commencement: 12th February, 2010.

BE IT ENACTED by Parliament as follows:

1. Amendment of section 31 of the Land Act.

Section 31 of the Land Act, in this Act referred to as the principal Act, is amended—

(a) by inserting immediately after subsection (3c) the following—

"(3d) Where the board has not determined the annual nominal ground rent payable by a tenant by occupancy within six months after the commencement of the Land (Amendment) Act 2010, the rent may be determined by the Minister.

(3e) The rent payable under this section shall be paid within one year after the Minister has approved the rent payable under subsection (3) or determined the rent payable under subsection (3d).";

(b) in subsection (6), by substituting for the words "two years" the words "one year".

2. Insertion of new section 32A.

The principal Act is amended by inserting immediately after section 32, the following—

"32A. Lawful or bona fide occupants to be evicted only for non payment of ground rent.

(1) A lawful or bona fide occupant shall not be evicted from registered land except upon an order of eviction issued by a court and only for non payment of the annual nominal ground rent.

(2) A court shall, before making an order of eviction under this section, take into consideration the matters specified in section 32(1).

(3) When making an order for eviction, the court shall state in the order, the date, being not less than six months after the date of the order, by which the person to be evicted shall vacate the land and may grant any other order as to expenses, damages, compensation or any other matter as the court thinks fit.

(4) For purposes of this section, the word "court" shall mean a court presided over by a Magistrate Grade 1 or a Chief Magistrate as the case may be, and reference to the Land Tribunal in this Act and amendments thereto shall be interpreted accordingly.

3. Amendment of section 35 of principal Act.

Section 35 of the principal Act is amended—

(a) by inserting immediately after subsection (1) the following—

"(1a) Subject to subsection (7), a tenant by occupancy who purports to assign the tenancy by occupancy without giving the first option of taking the assignment of the tenancy to the owner of the land commits an offence and is liable on conviction to a fine not exceeding ninety six currency points or imprisonment not exceeding four years or both; and the transaction shall be invalid and the tenant shall forfeit the right over the land and the land shall revert to the registered owner.";

(b) by inserting immediately after subsection (7) the following—

"(8) Subject to this section, a change of ownership of title effected by the owner by sale, grant and succession or otherwise shall not in anyway affect the existing lawful interests or bona fide occupant and the new owner shall be obliged to respect the existing interest."

4. Amendment of section 59 of principal Act.

Section 59 of the principal Act is amended by inserting immediately after subsection (1) the following—

"(1a) where a board enters into or undertakes or concludes any such transaction or allocates land in contravention of subsection (1)(a), the transaction shall be void."

5. Amendment of section 92 of principal Act.

Section 92 of the principal Act is amended—

(a) by inserting immediately after subsection (1)(d) the following—

"(e) attempts to evict, evicts, or participates in the eviction of a lawful or bonafide occupant from registered land without an order of eviction;"

(b) by substituting for subsection (4) the following—

"(4) A person convicted of an offence specified in subsection (1) (c) is liable to a fine not exceeding ninety six currency points or imprisonment not exceeding four years or both."

(c) by inserting immediately after subsection (5) the following—

"(5a) a person convicted of an offence specified in subsection (1) (e) is liable on conviction to imprisonment not exceeding seven years.

(5b) where a person is convicted under subsection (5a), the court may—

(a) order that person to pay compensation or damages to the person who was evicted; or

(b) make an order for restitution in favour of the person who was evicted."