

Act 125



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:—

Acquisition.

1. (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.

(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.

2. A copy of the instrument made under the preceding section shall, Publication of instrument.

- (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 affixed at a convenient place on the land; and
- (d) be published on three consecutive occasions in a newspaper circulating in the district where the land is situate.

3. (1) The President may, in consultation with the Chief Justice Tribunal. by executive instrument, establish a Tribunal consisting of three persons one of whom shall be a Judge of the High Court who shall be chairman.

(2) The decision of the Tribunal on any matter referred to it under this Act shall be final save that the Tribunal may reserve for the consideration of the Supreme Court any question of law and section 11 of the Courts Act, 1960 (C.A. 9) shall apply accordingly.

(3) The President may, by legislative instrument, and after consultation with the Chief Justice, make Rules governing the functions and procedure of the Tribunal.

4. (1) Any person claiming a right or having 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 three months from the date of the publication of the instrument made under the said section 1, submit in writing to the Minister, Claims and compensation.

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

and the Minister may, having regard to the market value or the replacement value of the land or the cost of disturbance or any other damage suffered thereby, pay compensation in respect of that land or make an offer of land of equivalent value.

(2) Where there is a dispute as to the right or interest claimed by reason of conflicting claims or interests, or any person is not satisfied with the compensation assessed by the Minister, the Minister may refer the matter to the Tribunal.

(3) 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 the publication of the instrument made under section 1 of this Act unless the improvement was *bona fide* and not made in contemplation of acquisition under this Act.

Leases and
licences.

5. The President may grant a lease or licence in respect of any land acquired under this Act.

Regulations.

6. 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.

Interpreta-
tion.

7. 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.

Repeals.

8. (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.

Saving.

9. 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.