

Table III.4.1

NORMS THAT REGULATE THE ISSUANCE OF RIGHTS OF OCCUPANCY

The Land Adjudication Act
<p>According to section 18 of the Land Adjudication Act, in a massive adjudication process, the occupier of the land will be subject to obtain a right of occupancy if he/she:</p> <ul style="list-style-type: none">• Provides documentary evidence consisting of a grant, conveyance, assignment or, a mortgage that is more than twelve years old; or• Is a beneficiary of a land disposition lawfully made under Presidential Decree No. 5 of 1966 or No. 1 of 1969, whether or not the same constitutes an instrument of a grant or produces a certificate of property.• Has occupied the land in a peaceful, open and uninterrupted manner for more than 12 years that is either recognized under customary law or considered as lawful occupancy. <p>This process foresees the massive issuance of a Right of Occupancy under two scenarios: i) conversion of a title issued previously by the Government (Three-acre plot / Urban purposes) or ii) pacific and public possession as an owner.</p>
The Registered Land Act
<p>According to section 140 (1) of the Registered Land Act, under the Part IX, Prescription, a Right of Occupancy of land may be acquired by “open, peaceful and uninterrupted occupation for a period of twelve years and without the permission of any person lawfully entitled to such right of provide that no person shall so acquire the right of occupancy of land which is registered as public land or of land which is foreshore.”</p> <p>This process foresees issuance of a right by virtue of possession to an individual.</p>
Land Tenure Act
<p>According to section 7 (a) and (b) of the Land Tenure Act, a Right of Occupancy may arise through: a) a grant from the Minister; b) recognition of a rightful interest following an adjudication carried out under the Land Adjudication Act and subsequent registration under the Registered Land Act.</p> <p>Adjudication refers to massive land allocation regulated by the Land Adjudication Act and the individual land allocation process prescribed by the Registered Land Act. Thus, when the Land Tenure Act refers to a grant from the Minister we can infer that is referring to new titles for individuals that do not currently possess land.</p> <p>This process foresees the issuance of new Rights of Occupancy for applicants seeking plots.</p>