

## CHAPTER 122.

## PROTECTORATE LAND.

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## SECTION.

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## CHAPTER 122.

## PROTECTORATE LAND.

16 of 1927.  
34 of 1928.  
32 of 1933.  
1 of 1935.  
Rules Nos.  
15 of 1930.  
24 of 1933.

**An Ordinance to Make Provision Relating to the Tenure of Land by Non-Natives in the Protectorate.**

[1ST AUGUST, 1927.]

Preamble.

WHEREAS all land in the Protectorate is vested in the Tribal Authorities who hold such land for and on behalf of the native communities concerned:

AND WHEREAS it is expedient to make provision regulating the interests in land which such Tribal Authority may grant to non-natives.

1. This Ordinance may be cited as the Protectorate Land Ordinance, and shall be read and construed as one with the Protectorate Ordinance.

Short title and construction.  
Cap. 60.

2. In this Ordinance unless the context otherwise requires—

Interpretation.

“decree book” means any book of record of such a nature as those in which, before the passing of this Ordinance, there were entered the terms on which Tribal Authorities consented to the settlement of non-natives on lands in the Protectorate; or any other form of record which the Governor shall by Order prescribe;

“deed” means an agreement under seal;

“Tribal Authority” means paramount chiefs and their councillors, and men of note, or sub-chiefs and their councillors, and men of note;

“tenancy at will” means a tenancy in which the lessee holds at the will of the lessor, and which may be determined without notice by either the lessor or the lessee;

“tenancy at sufferance” means the tenancy of a person who having originally come into possession of land by a lawful title holds such possession after the determination of his title. Such tenancy may be determined without notice by the lessor;

“term of years” means an interest in land created by lease and subject to a yearly rent payable at regular periodic intervals;

“lease” means a grant of the possession of land by the tribal authority, as lessor, to a non-native, as lessee, for a term of years or other fixed period with the reservation of a rent.

3. (1) No land in the Protectorate shall be occupied by a non-native unless he has first obtained the consent of the Tribal Authority to his occupation of such land.

Conditions on which non-natives may occupy land in the Protectorate.

(2) Any non-native who shall occupy land in the Protectorate without the approval of the District Commissioner shall be a tenant at will within the meaning of this Ordinance.

(3) Whenever any non-native shall, with the consent of the Tribal Authority and the approval of the District Commissioner, occupy land in respect of which no lease shall be executed by the Tribal Authority as lessor and the non-native as lessee, a memorandum of the terms of such occupation, consent to which shall have been given by the Tribal Authority with the approval of the District Commissioner, shall be drawn up and entered in the decree book or in such other manner as the Governor may by Order prescribe, by the District Commissioner and shall set out—

(a) the annual consideration to be paid by the non-native for occupation of the land;

(b) the area of the land to be occupied;

(c) the duration of the term, which shall in no case be for more than three years;

(d) any special conditions (such as an undertaking to establish permanent cultivation of crops, such as rubber, cocoa, etc.) with which the non-native has to comply in consideration of occupying the land without payment or at a reduced annual rental;

(e) whether or not the interest of the non-native may be assigned or, in the case of death, is intended to devolve on his executors, administrators or assigns.

Non-native  
not to acquire  
greater  
interest than  
lease for  
50 years.

4. No non-native shall acquire a greater interest in land in the Protectorate than a tenancy for a term of fifty years; but nothing in this section shall prevent the insertion in any lease of a clause providing for the renewal of such lease, for a second or further terms not exceeding twenty-one years.

Revision of  
rent.

5. (1) The rent reserved under any lease of land in the Protectorate shall be subject to revision by the District Commissioner—from whom there shall be a right of appeal to the Provincial Commissioner—every seven years:

Proviso.

Provided that no increase of rent shall be sanctioned by the District Commissioner by reason only of improvements made by the tenant or his predecessors in title.

Indorsement  
on lease.

(2) A note of any such revision of rent shall be endorsed on the lease and entered by the District Commissioner in the decree book.

6. No tenancy for a term exceeding three years shall be created by any agreement not under seal.

Tenancy exceeding three years to be under seal.

7. No tenancy by this Ordinance required to be created by agreement under seal shall, unless it is duly made by deed and unless the District Commissioner has endorsed thereon his consent, be construed as creating a greater interest than a tenancy from year to year.

Construction of defective lease.

8. Every tenancy from year to year shall be determinable by either party giving three months' notice to the other. Such notice shall expire at the end of a current year of the tenancy.

Determination of tenancies from year to year.

9. Every deed creating a tenancy of land shall be voidable by either party, unless it—

Voidable deed.

(a) is executed in the presence of two witnesses by the lessor before the District Commissioner of the district in which the land is situated; and is executed, in the presence of two witnesses, by the lessee or his attorney or his agent before a Magistrate; and

(b) has endorsed upon it certificates of execution in their presence signed respectively by the District Commissioner and the Magistrate before whom it was executed; and

(c) provides that the lessee shall not sublet or assign his interest thereunder except with the consent of the Tribal Authority with the approval in writing of the District Commissioner, provided that such consent shall not be unreasonably withheld; and

(d) contains stipulations with regard to all the matters set out in rule 3 to the schedule to this Ordinance; and

(e) is registered within sixty days in the office of the Registrar General.

10. The terms of all leases to which his consent is required shall be recorded by the District Commissioner in the decree book, and such record shall be admissible in all courts of law in the Colony and Protectorate as *prima facie* evidence of the matters therein stated.

Record and evidence.

11. The reversion in all fixtures affixed to the land by the tenant, whether fences or of whatever other nature soever, and any building erected by him thereon, and of all economic trees, shall, whether the tenancies concerned were created before the

Fixtures, buildings and economic trees.