

No. 25 of 2006.

*National Land Registration (Amendment) Act 2006.*

Certified on : 18.06.07

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No. of 2006.

*National Land Registration (Amendment) Act 2006.*

**ARRANGEMENT OF SECTIONS.**

1. Amendment of long title.
2. Interpretation (Amendment of Section 1).
3. New Section 25A.

**"25A. INDEPENDENCE OF COMMISSION."**

4. Constitution of Commission (Amendment of Section 26).
5. Procedures, etc., of the Commission (Amendment of Section 34).
6. Obstruction (Amendment of Section 37).
7. New Sections 37A, 37B and 37C.

**"37A. LEGAL REPRESENTATION."**

**"37B. SURVEYORS."**

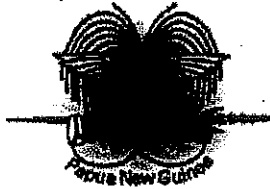
**"37C. CONTEMPT OF THE COMMISSION."**

8. Claims of Settlement payments (Amendment of section 39).
9. Award of settlement payments (Amendment of Section 44).
10. Amount of settlement payments (Amendment of Section 45).
11. New Section 46A.

**"46A. OFFENCES."**

12. Repeal and Replacement of Schedule 2.

**"SCHEDULE 2".**



No. of 2006.

AN ACT

entitled

***National Land Registration (Amendment) Act 2006.***

Being an Act to amend the *National Land Registration Act* (Chapter 357),

MADE by the National Parliament to come into operation in accordance with a notice in the National Gazette by the Head of State, acting with, and in accordance with, the advice of the Minister.

**1. AMENDMENT OF LONG TITLE.**

The Principal Act is amended in the long title –

(a) by adding at the end of Paragraph (f) the following:-  
"; and"; and

(b) by inserting the following new paragraph:-

"(g) give effect to Section 53(2) of the *Constitution* that just compensation must be paid by the expropriating authority, giving full weight to the National Goals and Directive Principles and taking into account the interests of the State as well as the person or persons affected."

**2. INTERPRETATION (AMENDMENT OF SECTION 1).**

Section 1 of the Principal Act is amended by inserting immediately after the definition "claimant" the following new definition:-

"Chief Commissioner" means the National Land Chief Commissioner appointed under Section 26;"

**3. NEW SECTION 25A.**

Part V of the Principal Act is amended by inserting after Section 25 the following new section:-

**"25A. INDEPENDENCE OF COMMISSION.**

In the performance of its functions, the Commission is not subject to direction or control by any person or authority."

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**4. CONSTITUTION OF COMMISSION (AMENDMENT OF SECTION 26).**

Section 26 of the Principal Act is amended in Subsection (1) by repealing the words "Commissioner or Commissioners" and replacing them with the following:-

"Chief Commissioner and two Commissioners".

**5. PROCEDURES, ETC., OF THE COMMISSION (AMENDMENT OF SECTION 34).**

Section 34 of the Principal Act is amended by inserting after Subsection (4) the following new subsections:-

"(5) Where the presiding Commissioner or Commissioners in a proceeding are informed that a party to the proceeding is not ready to proceed with the proceeding, the Commissioners shall adjourn the proceeding and shall require that all the parties to the proceeding prepare and tender written submissions to the Commission within 90 days.

"(6) The Chief Commissioner may, from time to time, issue practice directions not inconsistent with the provisions of this Act, in relation to the conduct of proceedings of the Commission."

**6. OBSTRUCTION (AMENDMENT OF SECTION 37).**

Section 37 of the Principal Act is amended by repealing the penalty clause and replacing it with the following:-

"Penalty: A fine not exceeding K5,000.00 or imprisonment for a term not exceeding five years."

**7. NEW SECTIONS 37A, 37B AND 37C.**

The Principal Act is amended in Part V by inserting after Section 37 the following new sections:-

**"37A. LEGAL REPRESENTATION.**

"Subject to this Act, any person who has an interest in any proceeding before the Commission may be represented by a lawyer.

**"37B. SURVEYORS.**

"The Commission or a Commissioner may, in such circumstances as it or he considers it necessary for factual information, request surveyors in the employ of the State to establish the actual boundary and the total area of the land the subject of a settlement payment under this Act.

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**"37C. CONTEMPT OF THE COMMISSION.**

"(1) A person, who, during the course of a hearing or proceeding before the Commission or a Commissioner –

- (a) willfully interrupts the hearing or proceeding; or
- (b) conducts himself in such a way that shows disrespect towards the Commission or a Commissioner; or
- (c) assaults or obstructs a person in attendance at the hearing or proceeding,

is guilty of an offence.

Penalty: A fine not exceeding K5,000.00 or imprisonment for a term not exceeding five years, or both.

"(2) For the purposes of this section, any person or authority or head of institutions or organizations that have an interest in any matter that comes before the Commission or a Commissioner shall comply with all or any orders or directions issued by the Commission or a Commissioner and any person or authority or the head of any institution or organization that fails to comply with such orders or directions, is guilty of an offence.

Penalty: A fine not exceeding K5,000.00 or imprisonment for a term not exceeding five years, or both.

"(3) Notwithstanding anything in this Act or any other law, the Commission or a Commissioner has the same powers in relation to contempt as the National or Supreme Court or a judge of the National or Supreme Court."

**8. CLAIMS FOR SETTLEMENT PAYMENT (AMENDMENT OF SECTION 39).**

Section 39 of the Principal Act is amended –

- (a) in Subsection (1) by inserting after the reference "Section 9" (twice occurring) the following:-  
"or Section 13"; and

- (b) by inserting after Subsection (2) the following new subsection:-

"(3) A copy of the notice of claim under Subsection (1) shall be served on the Attorney-General or Solicitor-General."

**9. AWARD OF SETTLEMENT PAYMENTS (AMENDMENT OF SECTION 44).**

Section 44 of the Principal Act is amended by repealing Subsection (4) and replacing it with the following:-

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"(4) The settlement payment shall be made by the Secretary for Finance out of monies available for that purpose upon advice from the Attorney-General given after certification by the Solicitor-General on the recommendation of the Commission."

**10. AMOUNT OF SETTLEMENT PAYMENTS (AMENDMENT OF SECTION 45).**

Section 45 of the Principal Act is amended –

(a) by inserting after Subsection (1) the following new subsection:-

"(1A) An amount of settlement statement that is not consistent with Schedule 2 is not binding on the State and the State is not liable to pay any such settlement payment."; and

(b) by repealing Subsection (4) and replacing it with the following:-

"(4) The Minister may accept or reject, wholly or in part, a recommendation by the Commission under Subsection (3), and, in the event that he accepts a recommendation –

(a) he shall make a determination of the variation in such form as is prescribed; and

(b) on the making of such determination, the amount of the settlement payment is increased accordingly."

**11. NEW SECTION 46A.**

Part VI of the Principal Act is amended by inserting after Section 46 the following new section:-

**"46A. OFFENCES.**

"A person, who knowingly makes a claim for compensation over land that has already been the subject of a final determination by the Commission or a tribunal of competent jurisdiction under this Act, is guilty of an offence.

Penalty: A fine not exceeding K5,000.00 or imprisonment for a term not exceeding 12 months, or both."

**12. REPEAL AND REPLACEMENT OF SCHEDULE 2.**

Schedule 2 of the Principal Act is repealed and is replaced with the following:-

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"SCHEDULE 2

"Sec. 45.

**BASIC AMOUNT OF SETTLEMENT PAYMENTS.**

<i>"Land in Towns -</i>	<i>K</i>
Not exceeding 1 ha	5,000.00
Exceeding 1 ha but not exceeding 2 ha	9,500.00
Exceeding 2 ha but not exceeding 3 ha	13,500.00
Exceeding 3 ha but not exceeding 4 ha	17,000.00
Exceeding 4 ha but not exceeding 5 ha	20,000.00
Exceeding 5 ha but not exceeding 6 ha	22,500.00
Exceeding 6 ha but not exceeding 7 ha	24,500.00
Exceeding 7 ha but not exceeding 8 ha	26,000.00
Exceeding 8 ha but not exceeding 9 ha	27,000.00
Exceeding 9 ha but not exceeding 10 ha	28,000.00
Exceeding 10 ha but not exceeding 50 ha	28,000.00 plus 750.00 per ha or part of a ha in excess of 50 ha
Exceeding 50 ha but not exceeding 500 ha	58,000.00 plus 50.00 per ha or part of a ha in excess of 50 ha
Exceeding 500 ha	283,000.00 plus 100.00 per ha or part of a ha in excess of 500 ha

***Land Outside Towns –***

Not exceeding 5 ha	2,000.00 per ha or part of a ha
Exceeding 5 ha but not exceeding 10 ha	10,000.00 plus 1,000.00 per ha or part of a ha in excess of 5 ha
Exceeding 10 ha but not exceeding 50 ha	15,000.00 plus 200.00 per ha or part of a ha in excess of 10 ha
Exceeding 50 ha	20,000.00 plus 100.00 per ha or part of a ha in excess of 50 ha."

I hereby certify that the above is a fair print of the *National Land Registration (Amendment) Act 2006* which has been made by the National Parliament.

Clerk of the National Parliament.

I hereby certify that the *National Land Registration (Amendment) Act 2006* was made by the National Parliament on 22 August 2006.

Speaker of the National Parliament.