STATE LANDS REGULATIONS, 1995

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STATE LANDS ACT, 1991

STATE LANDS REGULATIONS, 1995

(Made Under Section 30)

PRELIMINARY

Short title 1. These regulations may be cited as the State Lands Regulations, 1995.

Interpretation 2. In these regulations, unless the context otherwise requires,

"certificate of occupancy" means a certificate issued by a Local Authority to a deemed lessee for the occupation of a parcel of land for a given period;

"development permit" means a permit issued to a developer under the Physical Planning and Development Control Act;

"eligibility criteria" is the standard use by the Land Administration Board to evaluate an application for a grant of land for residential purposes;

"infrastructure" means the network and appurtenances relating to roads, drainage, water supply, sewerage, electricity and telecommunication provided in an area covered by an approved plan;

"intensity of development" means the extent to which a plot is permitted to be developed which shall be governed by the Landuse Regulations, 1995;

"land register" means the register kept in accordance with the Land (Registration of Deeds) Act;

"land rent" means the annual rent charged on all grants of land within a designated area;

"lease plan" means a survey plan attached to a lease;
"off-site infrastructure" means the infrastructure which is essentially external to an area but necessary for the connection to and functioning of the infrastructure works within the area;

"on-site infrastructure" means infrastructure which is essentially local to an area and directly serving only that area;

"planned area" means any area covered by an approved plan;

"premium" means a charge levied on a grantee or deemed lessee to meet the cost of infrastructure on his parcel of land, and

"site plan" has the same meaning as in the Development Control Regulations, 1995.

PART I - APPLICATION FOR GRANT OF STATE LAND FOR RESIDENTIAL PURPOSE

<table>
<thead>
<tr>
<th>Grant of State land</th>
<th>3. All grants of State land shall be in planned areas only.</th>
</tr>
</thead>
</table>
| Application for residential purpose | 4. (1) All applications for grant of State land for residential purpose shall be in Form I of Schedule I.  

(2) A fee of ten dalasis shall be charged for such application form |
| Application to be registered | 5. The Board shall register all applications received by it. |
| Application to conform with eligibility criteria | 6. (1) The Board shall review all applications in accordance with the eligibility criteria prescribed in Schedule II.  

(2) An application which does not comply with the eligibility criteria or planning conditions laid down by the Planning Authority shall be rejected and the applicant informed accordingly.  

(3) The Minister may from time to time revise the eligibility criteria after due notification in the Gazette. |
7. (1) An applicant or his representative who possesses a power of attorney shall, if his application complies with the eligibility criteria and the required planning conditions, be called to an interview.

(2) The interview shall be conducted by the Board or by its sub-committee.

8. (1) The list of applicants selected by a Board and whose numbers are proportionate to the plots of land available for allocation shall be submitted to the Minister for approval.

(2) The Minister's approval shall be conveyed to each successful applicant in Form 3 of Schedule I.

9. A successful applicant shall inform the Board in Form 4 of Schedule I whether or not he accepts the grant under the terms and conditions specified in the letter of grant.

10. A successful applicant shall pay a survey fee and premium before a lease is issued.

11. Each grantee shall, within three months of receiving his lease, inform the Director in Form 5 of Schedule I whether or not the survey marks shown on the plan attached to his lease are in place.

PART II - APPLICATION FOR GRANT OF STATE LAND FOR NON-RESIDENTIAL PURPOSE

12. An application for the grant of State land for a non-residential purpose shall be in Form 2 of Schedule I, and shall include the following additional information:

(a) preferred location and site plan of the plot of land;

(b) justification of the required area;
(c) description and approximate cost of the proposed developments at the site; and

(d) such further information as may be required by the Board.

13. (1) The Board shall refer an application for non-residential land to the Planning Authority using Form 6 of Schedule I.

(2) The Planning Authority shall advise whether or not the proposed application conforms with the Approved Plan and established Planning Standards.

14. The Board shall, if advised that the proposed application conforms with the Approved Plan and established Planning Standards, submit the application to the Minister for approval.

15. The applicant shall be informed of the Minister’s approval in Form 3 Schedule I and the conditions of grant.

16. The provisions of regulations 9, 10, and 11 shall be followed for the grant of non-residential land under this Part.

PART III - APPLICATION FOR LEASE BY DEEMED LESSEE

17. A deemed lessee may apply for a lease in accordance with Form 7 of Schedule I.

18. (1) An application for a lease by a deemed lessee shall be accompanied by the following supporting documents:

(a) location and site plans showing the boundaries of the land and any development on the land;

(b) certificate of occupancy issued and countersigned by the Alkali and local District Authority which shall be in Form 8 of Schedule I;
(c) proof of identity of the deemed lessee; and

(d) such further information as the Board may require.

(2) The Board may seek the advice of the relevant Planning Authority for verification of the application in accordance with Form y of Schedule I.

19. (1) Where the Board decides that a lease should be granted, it shall specify the conditions of such grant and it shall indicate

(a) the size and subdivisions of the plot of land;

(b) readjustment of boundaries, if any;

(c) the use, type and value of development stipulated in the approved plan or by the Planning Authority; and

(d) the premium and ground rent payable.

(2) Where the land is situated in an area not covered by an approved plan, the Board shall refer the application to the Planning Authority for advice.

20. The Board shall submit its recommendation to the Minister for approval.

21. The deemed lessee shall be notified of the Minister's approval in Form 10 of Schedule I.

PART IV - COVENANTS IN ALL LEASES

22. Every lease shall contain the following covenants which the lessee shall observe:

(a) to erect within six months from the date of the lease a boundary fence surrounding the whole of the demised plot of land, and at all times thereafter to maintain the boundary fence in good condition and complete repair;
(b) not to use the land for a purpose other than that which the lease was granted or deemed to be granted;

(c) to take all reasonable measures to protect every survey mark erected on the land;

(d) to indemnify the lessor against all claims, demands, expenses and liabilities in connection with the land and to pay the cost, charges and expenses incurred by the lessor in abating any nuisance or for remedying any other matter in connection with the demised plot or land in compliance with any law;

(e) to permit the lessor or any officer appointed by him at reasonable times to enter upon the land and into any buildings on the land in order to view the state of the land;

(f) not to erect or permit to be erected any building or other structure on or over any part of any electricity reserve or water or sewerage way-leave affecting the land;

(g) not to carry out any development on or in relation to the land without first obtaining a development permit issued under the Physical Planning and Development Control Act, 1991 and any consent required under any other written law in respect of such development;

(h) to keep in good and substantial repair and condition all buildings together with all fixtures and fittings;

(i) not to do or permit anything to be done in the premises or any part thereof which may cause danger, nuisance, scandal or annoyance to the lessee of the neighbouring premises;

(j) to preserve existing trees as much as possible.
(k) that the lessee shall not mortgage or create any charge or encumbrance on the premises without the consent of the Minister in writing first obtained; and

(l) that the lessee shall not subdivide, convey, assign or otherwise alienate the premises or any part thereof by sale, transfer of possession, lease or sublease without the consent of the Minister in writing first obtained and such consent shall not be granted if the lessee has not developed the demised premises in accordance with the covenants in that behalf.

PART V - ADDITIONAL COVENANTS IN SPECIFIC LEASES

Additional covenants to be included in agricultural leases.

31. The following additional covenants shall apply to agricultural leases:

(a) to plant crops within two years of the date of the commencement of such lease in at least half of such part of the land as is suitable for such cultivation, and at least three quarters of the land within the first three years of the date of commencement and to keep at least three quarters of the land so planted or so established for the remaining term of the lease;

(b) in the case of animal husbandry, to commence using the land for such purpose within a year after the commencement of the lease;

(c) to use the demised plot of land for agricultural purpose only and not to build or permit to be built or erected any dwelling house other than a farm house on the demised premises; and

(d) to farm, cultivate, secure and manage the whole of the demised plot of land in a good and husbandlike manner and not to allow any part to become impoverished, injured or deteriorated and to keep the land clean and free from weeds.
24. The following additional covenants shall apply to residential leases:

(a) to erect upon the demised premises within three years from the date of the lease a dwelling house and outbuildings fit for immediate occupation; and

(b) to use the premises for the purpose of residence only and not to carry on any trade or business thereon and not to erect or exhibit any sign, notice or advertisement of any kind whatsoever upon the demised premises, provided that permission may be given for petty trading.

25. The following additional covenants shall apply to industrial leases:

(a) to erect upon the demised premises within three years from the date of the lease a building ready for operation; and

(b) to conform to the environmental and health standards stipulated in the relevant laws as far as the operation of the industry is concerned and adopt measures for the prevention of industrial nuisances and hazards, including the safe collection and disposal of industrial wastes.

26. The following additional covenants shall apply to leases for commercial purposes:

(a) to erect upon the demised premises within three years from the date of the lease, a building ready for commercial use, and

(b) to use the building for commercial purposes only.
Additional covenants for tourism leases

27. The following additional covenants shall apply to leases for purposes of tourism:

(a) to erect within six months from the date of the lease and at all times thereafter to maintain in good condition and complete repair a boundary fence surrounding the whole of the demised premises; and

(b) to erect a structure upon the demised premises within the period specified by the Tourism Area Development Board.

Contents of a lease

28. Every lease shall indicate

(a) a date on which the lease shall be effective;

(b) the term of the lease;

(c) the purpose for which the land shall be used;

(d) the time period within which the land has to be developed;

(e) the land rent payable;

(f) description of the boundaries of the land to be inserted in the form of a schedule to the lease document; and

(g) covenants to be complied with which shall be inserted in the form of a schedule to the lease document.

Lease to include deed plan and seal

29. A lease shall include a deed plan of the land drawn in accordance with the provisions of the Survey Regulations, 1995 and duly authenticated by the Director.
30. A lease shall bear the signature of the lessee, the Permanent Secretary Ministry for Local Government and Lands and the Minister, and the seal of the Department of Lands and Surveys shall be affixed on the lease.

31. The format of a lease shall be as shown in Schedule III which shall contain the relevant additional covenants.

PART VII - PREMIUM

32. (1) A Board under the provision of section 18 (c) of the Act shall fix and notify the grantees and deemed lessees of all lands in an area covered by an approved plan and not provided by infrastructure, or where substantial renewal of infrastructure is due, an appropriate premium to cover the cost or provision of infrastructure and the minimum premium chargeable shall be in accordance with Schedule IV.

(2) Such notification in respect of an area shall be published in the Gazette and the individual grantees and deemed lessees in that area shall be notified in writing.

33. A lease shall be issued by the Minister only after the premium has been paid by the grantees or deemed lessees and within the specified time which shall not exceed six months from the date of notification, failing which the grant of land or issue of lease shall be cancelled.

34. The premium payable by the grantee or deemed lessee shall be assessed and fixed by the Board on the basis of the estimated or actual costs or part thereof of the infrastructure for the whole layout or area of which the plot of land of the grantee or the deemed lessee forms part.
35. In assessing the premium of a plot of land the Board shall,

(a) in the case of a residential layout or area, include all on-site infrastructure costs and work out the unit costs in dalasis per square metre of land;

(b) in the case of an industrial area, central business and commercial area or tourism development area, include all on-site and appropriate off-site infrastructure costs and work out the unit cost in dalasis per square metre of land; and

(c) in the case of other layouts or area, include the on-site and off-site infrastructure costs, at its own discretion.

36. (1) In any layout or area, the premium chargeable per square metre of land shall be as follows:

(a) for purely residential plots, the premium shall be assessed as provided in paragraph (a) of Regulation 35;

(b) for corner residential plots, the premium shall be 1.25 multiplied by the premium chargeable for purely residential plots;

(c) for predominantly residential plots, the premium shall be 1.5 multiplied by the premium chargeable for purely residential plots; and

(d) for neighbourhood commercial plots, the premium shall be 2.0 multiplied by the premium chargeable for purely residential plots.

(2) In the case of layout of industrial area, central business and commercial area and tourism development area, the premium chargeable per square metres of land shall, subject to the minimum charge specified in Schedule IV, be as assessed in accordance with paragraph (b) of Regulation 35.
(3) In the case of other layouts or areas, the premium chargeable per square metres shall, subject to the minimum charges specified in Schedule IV, be assessed in accordance with paragraph (b) of Regulation 35.

PART VIII - LAND RENT

37. All properties within a designated area shall be charged land rent in accordance with Schedule V.

38. (1) Land rent shall be charged taking into account

(a) the use of the land, as stipulated in the lease or as indicated in the approved plan if a lease does not exist;

(b) the location of the land;

(c) the intensity of development as indicated in the approved plan and if such approved plan does not exist, it shall be the prevailing developments within the land; and

(d) the actual area of the land in square metres.

(2) The lessee shall notify the Board if there are any changes in use or the intensity of development of the extent of his land.

39. In the case of land allocated to religious and charitable organisations Schedule V shall not apply and the Board shall, in lieu of the standard rents mentioned in that Schedule, fix a nominal rent.
Grantees in default of land rent to forfeit the grant

40. (1) Owners of land in designated areas shall be notified of the rent by the appropriate Board in Form 10 of Schedule I.

(2) Land rent is payable in advance for each year, before 31st January of that year.

(3) A lessee who is in default of payment of land rent is liable to forfeit the grant of land and the Minister may re-enter his land in accordance with the provisions of the Act.

Charges for leases

41. The charges for the preparation of a lease excluding survey fees, stamp duty and registration fee shall be one hundred dalasis which shall be payable to the Central Revenue Department.

PART IX - MISCELLANEOUS

Development of public places

42. Public open spaces may be developed or maintained by the local authority of the area, for recreational purposes, with the consent of the Board.

Protective measures for green belts and buffer zones

43. (1) In the case of green belts and buffer zones, the boundaries shall be demarcated and appropriate boundary beacons shall be erected by the Department of Lands and Surveys.

(2) The local authority of an area shall in liaison with the Department of Forestry, plant trees along the boundaries of green belts and buffer zones and provide sign-boards at strategic points prohibiting squatting in such areas.

Protective measures for forest reserves Cap.61

44. (1) Forest reserves shall be protected and maintained by the appropriate authorities in compliance with the Forest Act.
(2) Any extension or change of boundaries of forest reserves shall be undertaken in consultation with the relevant Board.

(1) Unalienated woodland and cultivated areas within designated areas which are normally not subject to a grant of lease, shall not be used for purposes other than agriculture and related activities.

(2) All requests for grant of land for farming and related activities in the area shall be scrutinised by the Board which shall liaise with and obtain the consent of the appropriate Planning Authority and District Authority before land is granted.

The Minister may, by Notice published in the Gazette, revise charges, premiums, and all fees payable under these Regulations.
SCHEDULE I
FORM 1
APPLICATION FORM FOR GRANT OF STATE LAND
AT........................................FOR RESIDENTIAL PURPOSE

Ref and Date of Advertisement
Application Fee.................
T.R. No..............................
Date.............................

1. Curname
   Other Name
2. Address
3. National Identity Card No
4. Nationality
5. Date of Birth/Age
6. Marital Status
   No. of wives (if applicable)
7. No. of Dependents
8. Occupation
   Grade (if applicable)
   Net Annual Income D...
10. Name and Address of Employer (if applicable)

I already hold lease(s) for the following plots:
   Plot No Locality/Area Allocated on
   i)
   ii)
   iii)

Lease on Present Status
   i)
   ii)
   iii)

and following freehold properties
   Plot No Locality/Area Present Status
   i)
   ii)
   iii)

12. How do you intend to develop the plot(s) (financing and attach proof of the same)
   If Building loan is obtained, attach a copy of the letter on sanction of the loan.
13. Are you a tenant? YES NO. If yes, for how long
14. Amount of rent paid per month
15. Name and address of the landlord
16. Can you pay the premium or not
17. Did you apply for a grant of land
18. Any other facts which you think

FOR OFFICE USE ONLY
Verification and comments after interview

The application is complete in all respects and the details shown in the application comply with the general eligibility criteria and the criteria laid down for the layout plan. The applicant is eligible for grant of state land.

The application is incomplete

The details marked in red in the application do not comply with the general eligibility criteria or the criteria laid down for the layout plan. The application is rejected and returned to the applicant.
the Board should know for consideration of your application (e.g. whether plot of your land has been acquired by the Government for public or planning purposes)

**DECLARATION**

I .................. declare that to the best of my knowledge and belief the information furnished above is correct. (If upon investigation it is found that the information furnished is not correct, your application will not be considered).

Signature of the Applicant ..................
Date ..........................

<table>
<thead>
<tr>
<th>Secretary LAB</th>
<th>Chairman Sub-Committee LAB</th>
</tr>
</thead>
</table>
FORM 2

APPLICATION FOR GRANT OF STATE LAND
FOR PURPOSES OTHER THAN RESIDENTIAL

To:

........................................ (Name & Address)

........................................ of Land Administra-

........................................ tion Board)

........................................ Application number

1. Name of the Applicant ........................................

2. Address ........................................

3. Nationality ........................................

4. Purpose for which land is requested ..........................

5. Details of the Proposed Development: (Outline building plan
and site plan to be attached):

   (a) Type, floor area and number of floor of buildings..........

   (b) Parking space proposed ..................................

   (c) Landscaping proposed ..................................

   (d) Access to the plot of land ..............................

6. Evidence of financial support .................................

7. Registration Number of Applicant (if Company or other
   business) ........................................

8. Number of people to be employed ............................

9. Value of proposed investment ................................

10. Whether or not a feasibility study is available ...........

11. Location and extent of area requested ......................

12. I declare that to the best of my knowledge the information
    furnished above is correct. (If upon investigation, it is
    found that the information is not correct, the application
may be rejected even after the grant of land).

Signature of the Applicant..........................

Date:.................................

FOR OFFICIAL USE ONLY

Comments of the Planning Authority on the application

........................................

Signature of the Director of Physical Planning and Housing

Date:......................... Planning Authority

Taking due note of the facts given by the applicant and the comments of the Planning Authority, the application form:....

for........................................
is recommended/not recommended for award of the grant of State land.

The site recommended by the Board is indicated in the site plan and the planning conditions mentioned above by the Planning Authority shall apply to the grant.

........................................

Secretary LAB Chairman LAB
FORM 3

FORMAT OF A LETTER OF GRANT OF STATE LAND
BY THE MINISTER

Ref No.......... Name & Address of the Land Administration Board
..........................................
..........................................
..........................................

To:.........................
( Name of the Plot Allottee)

Address:......................
..........................................
..........................................

..........................................

ALLOCATION OF A PLOT OF STATE LAND FOR...............................
(purpose)

At..........................................

With reference to your application for a grant of a plot of State Land for the above mentioned purposes at................ we are pleased to inform you that the Honourable Minister has approved the allocation to you of Plot No...........in (Name of Layout if applicable)..........................

Please note that you have to pay the following charges:
Premium D...........(payable to Internal Revenue)
Survey fees D...........(payable to Internal Revenue)
Stamp Duty D...........(payable to Accountant General)

Unless you pay these amounts within 30 days of the date of this letter, no lease will be issued for the plot. This allocation does not permit you either to fence the plot or to develop it until you are granted a lease by the Minister and a Development Permit obtained from the Planning Authority.

If the terms and conditions of allocation mentioned above are acceptable to you, please complete and return the attached form within 30 days of this letter. If no reply is received within the specified date it will be taken for granted that you are not interested in the plot or have rejected the allocation and the plot allocated to you will be withdrawn.

..........................................
Signature of Director of Lands and Surveys
Date:.................................
FORM 4

FORMAT OF LETTER OF ACCEPTANCE/REJECTION OF ALLOCATION FROM THE PLOT ALLOTTEE TO THE LAND ADMINISTRATION BOARD

Name & Address of the Allottee

........................................

........................................

........................................

To: DIRECTOR OF LANDS AND SURVEYS

........................................

........................................

........................................

OFFER OF ALLOCATION OF A PLOT OF STATE LAND

At (Name of Layout) .................................................................

Please refer to your letter ref No: ...........of (date) ...........

indicating that I have been allocated Plot No........in........

.......................Layout.

* In this connection I wish to inform you that I accept the offer, the terms and conditions attached to the allocation are acceptable to me and I will pay the premium and survey and registration fees within the specified date.

* That I do not accept the offer due to the following reasons:

........................................

........................................

........................................

(Signature of the Allottee)

Name: ........................................

Address: ........................................

Date: ........................................

* [Delete whichever is not applicable]
FORM 5
NOTIFICATION OF MISSION SURVEY MARKS BY A GRANTEE

Name & Address of the Lessee

..................................................

..................................................

..................................................

To Director of Lands & Surveys

..................................................

..................................................

..................................................

Please note that.................................................

(indicate the number of missing survey marks)

survey marks implanted on my property situate at....................

has been found missing.

The lease document containing the approved survey plan was received

by me on..................................................

You are requested to restore the missing survey marks under the provision


..................................................

Name and Signature of the Lessee

..................................................

Date ..............................................
FORMAT OF A LETTER FROM A LAND ADMINISTRATION BOARD TO THE PLANNING AUTHORITY TO SCRUTINISE THE APPLICATION FOR LAND FOR PURPOSES OTHER THAN RESIDENTIAL

Secretary
To: ........................................Planim Authority
(Name of Planning Authority)
(Address) .........................

........................................

APPLICATION FROM MR/MRS/MISS ........................................

OF ........................................

FOR GRANT OF STATE LAND FOR ........................................

AT ........................................

______________________________

Please find attached a copy of the application form No.............
from the above named person for the purpose mentioned above.

It will be appreciated if the Planning Authority scrutinises the application and advise whether or not the land applied for conforms with the specified use and planning standards. If the land applied for does not conform with your stipulations, please advise on an alternative site if possible. Specify also the development conditions applicable to the site, which may be incorporated in the lease document.

______________________________

Secretary
Land Administration Board

Date: ........................................
**APPLICATION FOR ISSUE OF LEASE**

**FOR A LAND HELD UNDER CUSTOMARY TENURE/YEAR TO YEAR TENANCY AT**

**BUT DESIGNATED AS STATE LAND ON**

<table>
<thead>
<tr>
<th>Application Fee D.</th>
<th>PHOTO OF APPLICANT</th>
<th>FOR OFFICE USE ONLY</th>
</tr>
</thead>
<tbody>
<tr>
<td>T.R. No.</td>
<td></td>
<td>Verify the following details and tick them, if found correct. Otherwise indicate inaccuracies.</td>
</tr>
<tr>
<td>Date</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. Name of deceased person who is applying for lease

2. Nationality and National Identity Card No:

3. Address

4(a) Names, relationship and identity of other persons owning or sharing the land

<table>
<thead>
<tr>
<th>Names</th>
<th>Relationship to the Applicant</th>
<th>Identity Card No.</th>
</tr>
</thead>
</table>

4(b) No. of persons staying in the compound or land

5. Whether the lease has to be a joint lease in the names of all the above or not

6. Area of the land: _____ m²
7. How long are you in possession of the plot and how was it acquired?

8. Purpose for which lease is requested

9. Brief description of existing development in the land and condition
   (a) No. and Condition of Buildings

<table>
<thead>
<tr>
<th>Building</th>
<th>No. of Storeys</th>
<th>Total Floor Area</th>
<th>Type of Structure</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
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</tr>
</tbody>
</table>

(b) Area occupied by buildings and ancillary uses ______ m²

(c) Use of the rest of land

(d) Extent of undeveloped land ______ m²

10. Whether the deemed lessee wants the land to be sub-divided or not? ______

11. Whether the deemed lessee has any plan for the future development of the land? If so, give details ______

12. Any other information ______
CERTIFICATE OF OCCUPANCY OF LAND HELD UNDER CUSTOMARY TENANCY OR YEAR TO YEAR TENANCY

PART 1

We, the undersigned, have checked and hereby certify that Mr/Mrs/Miss

.................................................................
of ..............................................................

has been holding the land described as follows:

.................................................................

and as shown in the location plan attached to this certificate under customary tenure since .............................................

(state the date or No. of years)

Date:.........................................................

Signature and Name of Alkali of.............

Signature and Name of Chief of.............

.........................................................

Seal of District Authority

Date:.........................................................

.........................................................
Signature of Local Government Officer of Area Council/Clerk of Municipal Council of.............

.........................................................

Seal of Area Council or Municipal Council

Date:.........................................................
Declaration:

I declare that I am the owner of the land and to the best of my knowledge the information I furnished above is correct. (If upon investigation, it is found that information furnished in the application is incorrect, either the lease will not be issued or if issued it will be withdrawn).

(Sgd): ............................

Date: ............................

The ownership of the land and the particulars given in this application have been checked and found correct.

The ownership of the land and the particulars given in this application are doubtful. The application is to be referred to the ________ District Authority for verification.

LAB Secretary
PART II

(For office use only)

Verification and Statement of the District Authority

I, on behalf of the .................................. District Authority
(name of the District)

have verified the ownership of the above mentioned land at

.........................................and found that the applicant, Mr/Mrs/Miss

.........................................of..................................................

is the rightful owner/ is not the rightful owner of the land.
(delete whichever is not applicable)

Date:........................................

Seal of the

District Authority..............

Signature and Name of Chairman of
District Authority

........................................

........................................

........................................
FORM 9

FORMAT OF THE REQUEST OF LAND
ADMINISTRATION BOARD TO THE PLANNING
AUTHORITY TO SCRUTINISE LEASE APPLICATION
FORM

To Secretary

...........................................Planning Authority
(Name of Planning Authority)

...........................................

...........................................

APPLICATION FROM MR/MRS/MISS..................

OF...........................................TO LEASE THE CUSTOMARY LAND

AT...........................................NOW DESIGNATED AS STATE LAND UNDER

Please find attached a copy of the application form No............
from the above named deemed lessee to lease his property under
customary tenure but now designated as State Land. A copy of the
certificate of ownership is also attached.

It will be appreciated if you will advise on the present use, type
and value of development applicable to the land, pending its likely
sub-division according to an Approved Local Plan later.

...........................................
Secretary Land Administration Board

Date: ........................................
NOTIFICATION TO THE DECLARED LESSOR ON THE GRANT OF A LEASE FOR HIS PROPERTY AND THE CONDITIONS ATTACHED TO THE GRANT

Ref: ........................................  Name and Address of the Land Administration Board

To:  
(Name and Address of the Applicant)  Date: ........................................

APPLICATION FOR ISSUE OF A LEASE FOR YOUR CUSTOMARY LAND NOW DESIGNATED AS STATE LAND SITUATE AT ........................................

With reference to your application dated ........................................ for the grant of a lease for the land you are holding at the above mentioned location, please be advised that the Minister for Local Government and Lands has agreed to grant you a lease on the following conditions:

1. Use of the land should be ........................................

2. The plot will be sub-divided as indicated in the attached plan.

3. The .................. Planning Authority has recommended the acquisition of those sub-divisions or parts marked in red in the plan and the acquisition will be undertaken in accordance with the provisions of the Land Acquisition and Compensation Act, 1991. (Delete this paragraph if it is not applicable)

4. The type and value of development applicable to your land or the remaining sub-divisions shall be ........................................

5. You have to pay the following fees:

(a) Premium ........................................

(b) Land rent ..............................

6. Please note that if the premium specified above is not paid within six months of the date of this notification, no lease shall be issued in respect of the land or sub-division of the land.

........................................
Secretary, Land Administration Board
SCHEDULE II

GENERAL ELIGIBILITY CRITERIA FOR GRANT OF LAND FOR RESIDENTIAL PURPOSES IN APPROVED LAYOUT PLAN AREAS

A Land Administration Board in receiving applications for grant of land for residential purposes in approved layout plan areas shall apply the following eligibility criteria:

1. A person who is less than 21 years of age shall not be allocated a plot of land.

2. A non-Gambian shall not be allocated a plot of land.

3. As a general rule the allocation shall be one plot per person.

4. A person who sold, assigned or transferred his allocated land shall not be considered for allocation again up to five years from the date of sale, assignment or transfer of land.

5. A person who has not been allocated a plot of land by the government but having more than one plot of land in his name, whether under freehold or leasehold title, shall not be considered for allocation of land.

6. A person who applied for a plot of land before and was considered but failed because of the limited number of plots available shall be given priority over others.

7. A person who is in rented accommodation for over five years shall, subject to paragraph 6., be given priority over others.
8. Persons whose plots have been re-entered for contravention or non-compliance with lease conditions shall not be considered for grant of another plot for five years from the time of re-entry or until sufficient proof is produced to the effect that they would be in a position to develop the plot of land accordingly if allocated.

9. A person whose plot of land, whether leased or held under customary tenancy, has been acquired by the Government for public purposes shall be given priority over others.
SCHEDULE III

FORMAT OF A TITLE DEED

THIS LEASE IS MADE THIS ....day of........................., ......
between THE MINISTER for the time being responsible for the
administration of the State Lands Act, 1991 on behalf of the
Government of The Gambia by virtue of the powers vested in him by
the said Act of the one part and ...........................................
(NAME AND ADDRESS OF THE LESSEE)

(hereinafter called the "Lessee" which expression shall where the
context so admits include his assigns) of the other part.

WITNESSETH AS follows:

1. In consideration of the rent hereinafter reserved and of the
covenants on the part of the Lessee hereinafter contained or
implied by virtue of the said Act, the Minister hereby demises unto
the Lessee ALL THAT piece or parcel of land described in the First
Schedule hereto and delineated on the plan annexed thereto and
thereon surrounded by a pink verge line TO HOLD the same unto the
Lessee from the ..................................................for the term of
NINETY-NINE years PAYING THEREFORE during the said term the net
yearly rent of................................................DALASIS clear of
all deductions such rent to be payable in advance before the 31st
day of January of every year:

Provided that the net yearly rent may be reviewed in accordance
with the State Lands Act.

2. The Lessee hereby agrees to observe and perform the said
implied covenants and hereby further covenants with the Minister
that the Lessee will throughout the term hereby granted perform and
observe the provisions and stipulations contained in the Second
Schedule hereto.

3. If the Lessee is desirous of taking a new lease of the demised
premises after the expiration of the term hereby granted then the
Minister may grant to the Lessee a new lease of the premises hereby
demised for a further term of NINETY-NINE years provided there
shall be no subsisting breach of any of the lessee's obligations
under these presents.

4. If the rent hereby reserved or any part thereof shall at any
time be in arrears or there shall be any breach or non-observance
of the covenants and conditions expressed or implied by virtue of
the said Act or the Regulations made thereunder or as contained in
the Second Schedule hereto on the part of the Lessee then the
Minister may at any time after such breach or non-observance re-
enter into and upon the premises or any part thereof in the name
of the whole and shall repossess, hold and enjoy the same as in its
former state on behalf of the Government of The Gambia.
IN WITNESS WHEREOF the Minister in accordance with the provision of the Regulations to the said Act has hereunder set his hand and caused the seal of The Government of The Gambia to be affixed hereto and the Lessee has set his hand hereto the day and year first above written.

THE FIRST SCHEDULE ABOVE REFERRED TO:

(Description of the boundaries of the land, shown in the deed plan authenticated by the Director of Lands and Surveys to be inserted here).

THE SECOND SCHEDULE ABOVE REFERRED TO:

(The general covenants and the appropriate specific covenants applicable to the particular land use class mentioned in the State Lands Regulations, 1994 together with any additional planning conditions specified by the Planning Authority to be inserted here).

1. Signed and Sealed with the seal of the Department of Lands and Surveys and delivered by..............................

MINISTER FOR LOCAL GOVERNMENT & LANDS

In the presence of:

..........................
Permanent Secretary

2. Signed Sealed and delivered by the above named

In the presence of:

..........................
(Signature & Name of witness)
## SCHEDULE IV

MINIMUM PREMIUM CHARGES PER SQUARE METRE OF LAND

<table>
<thead>
<tr>
<th>Use of Plot</th>
<th>Type of Plot</th>
<th>Plot Size</th>
<th>Minimum Premium per m² in Dalasis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pure Residential</td>
<td></td>
<td>300</td>
<td>No premium</td>
</tr>
<tr>
<td></td>
<td></td>
<td>301-500</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td></td>
<td>501-750</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>Any size</td>
<td>25% extra or minimum</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Any size</td>
<td>between</td>
<td>payable for a corresponding</td>
</tr>
<tr>
<td></td>
<td></td>
<td>301-1000</td>
<td>residential plot.</td>
</tr>
<tr>
<td>Predominantly</td>
<td>Residential</td>
<td>Any size</td>
<td>50% extra of minimum</td>
</tr>
<tr>
<td></td>
<td></td>
<td>between</td>
<td>premium payable for</td>
</tr>
<tr>
<td></td>
<td></td>
<td>301-1000</td>
<td>a corresponding purely</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>residential plot.</td>
</tr>
<tr>
<td>Business</td>
<td>Neighbourhood</td>
<td>500-750</td>
<td>30</td>
</tr>
<tr>
<td>Commercial</td>
<td>Commercial</td>
<td>500-1000</td>
<td>50</td>
</tr>
<tr>
<td>Industrial</td>
<td>Small scale</td>
<td>1000</td>
<td>30</td>
</tr>
<tr>
<td></td>
<td>Large scale</td>
<td>1000</td>
<td>50</td>
</tr>
<tr>
<td>Private Institutions</td>
<td></td>
<td>500-1000</td>
<td>30</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1000</td>
<td>30</td>
</tr>
<tr>
<td>Tourism</td>
<td>Small Hotels &amp; Restaurants</td>
<td>2000-5000</td>
<td>30</td>
</tr>
<tr>
<td></td>
<td>Large Hotels</td>
<td>10000</td>
<td>40</td>
</tr>
<tr>
<td>Agricultural</td>
<td>Farms, Orchards</td>
<td>Below 10ha</td>
<td>1000 per ha</td>
</tr>
<tr>
<td></td>
<td>Nurseries, etc</td>
<td>10-50ha</td>
<td>1500 per ha</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Above 50ha</td>
<td>2000 per ha</td>
</tr>
</tbody>
</table>

* The Uses are classified in accordance with the Landuse Regulation, 1995.*
<table>
<thead>
<tr>
<th>Land Use Class</th>
<th>Commercial Area</th>
<th>Industrial Area</th>
<th>Public Areas</th>
<th>Transportation &amp; Communication Area</th>
<th>Utilities &amp; Services</th>
<th>Tourism, Mining &amp; Quarrying</th>
<th>Agriculture</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>4</td>
<td>2</td>
<td>1</td>
<td>5</td>
<td>1</td>
<td>1</td>
<td>0.5</td>
</tr>
<tr>
<td>Business &amp; Commercial</td>
<td>5</td>
<td>3</td>
<td>2</td>
<td>5</td>
<td>2</td>
<td>1</td>
<td>0.5</td>
</tr>
<tr>
<td>Industrial</td>
<td>4</td>
<td>2</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>1</td>
<td>0.0</td>
</tr>
<tr>
<td>Public Areas</td>
<td>4</td>
<td>2</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>0.5</td>
<td>0.3</td>
</tr>
<tr>
<td>Transportation &amp; Communication</td>
<td>4</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>0.5</td>
<td>0.0</td>
</tr>
<tr>
<td>Utilities &amp; Services</td>
<td>3</td>
<td>2</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>0.5</td>
<td>0.0</td>
</tr>
<tr>
<td>Tourism, Mining &amp; Quarrying</td>
<td>3</td>
<td>2</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>0.5</td>
<td>0.0</td>
</tr>
<tr>
<td>Agriculture</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Rate in Basis per 100 sq. m. per unit index</th>
</tr>
</thead>
<tbody>
<tr>
<td>500</td>
</tr>
<tr>
<td>501 - 1000</td>
</tr>
<tr>
<td>1001 - 2000</td>
</tr>
<tr>
<td>2001 - 3000</td>
</tr>
<tr>
<td>301 - 10,000</td>
</tr>
<tr>
<td>Above 10,000</td>
</tr>
</tbody>
</table>

Notes:
(a) Determine the location index of the land according to its land use and location.
(b) Determine the intensity of development index according to land use and type of development.
(c) Add (a) and (b) and multiply the sum with the appropriate rate shown on the table.
B. Definition of Terms in the Schedule

Central Area: This constitutes the area comprising the central, commercial and business area and the intensity built-up area, with a high density, adjoining the same.

Sub-urban Area: This constitutes the medium or low density area contiguous to the central area. Mostly this will constitute residential neighbourhoods but may also include other landuse such as industrial area, tourism area, etc.

Fringe Area: This is the outlying settlement within a designated area, mostly detached from the central and sub-urban area and includes undeated villages, Undicidal farmsteads, etc. This area will be characterised by very low density development with large areas mainly earmarked for cultivation, forest reserve, etc.

Tourism Development: This is a designated area, exclusively meant for tourism-related activities.

Intensity of Development: This is defined in Regulation 2 and it means the extent to which the plot is permitted to be developed. In the context of this Schedule, only the number of stories is taken as an index of intensity of development.

Landuse Class: This is landuse as classified and specified in the Landuse Regulations, 1995.

NB Within any designated area, the Land Administration Board, in close liaison with the Planning Authority will determine and delineate which areas constitute the Central Area, Suburban Area, Fringe Area, and Tourism Development Area, before embarking upon determination of the land rent for properties. The Board may revise these delineations at such a time when and found necessary.
### Example 1: How to Use the Land Rent Calculation Table

For a Residential plot of size 500m² located in the central area, adjoining a major road and adjoining a post office, with permission to build a three storey apartment.

<table>
<thead>
<tr>
<th>Location Index</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central Area</td>
<td>4</td>
</tr>
<tr>
<td>Adjoining major road</td>
<td>1</td>
</tr>
<tr>
<td>Adjoining public facilities</td>
<td>0.25</td>
</tr>
</tbody>
</table>

Total = 5.25

<table>
<thead>
<tr>
<th>Intensity of Development Index</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>For three storeys</td>
<td>1 for ground floor + 0.5 for each of two storeys = 1 + 2 x 0.5 = 2</td>
</tr>
</tbody>
</table>

Total for location index = 5.25 + 2 = 7.25 index

Unit slab rate for plots 500 and below = D10.0/100m²

Rent for the plot = Area x Unit rate x total index = 500 x 10 x 7.25

= D 362.5

### Example 2

Rent for a Hotel of 300 beds and occupying a land area of 2 ha in the Tourism Development Area. The hotel adjoining a minor road and at the intersection of two minor roads and it has permission to build two storey structures.

<table>
<thead>
<tr>
<th>Location Index</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Tourism Development Area</td>
<td>5</td>
</tr>
<tr>
<td>For Adjoining a minor road</td>
<td>1</td>
</tr>
<tr>
<td>For locating at the junction of roads</td>
<td>0.5</td>
</tr>
</tbody>
</table>

Sub-total = 6.5

<table>
<thead>
<tr>
<th>Intensity for Development Index</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>For two storeys</td>
<td>1</td>
</tr>
<tr>
<td>For the next floor</td>
<td>+ 0.5</td>
</tr>
</tbody>
</table>

Index for Hotel = 1 unit for first 500 beds = 1
Total Index \[= 6.5 + 1.5 + 1 = 9\]
Unit slab rate for plots of 2 ha (20,000 m\(^2\)) \[= \frac{25.00}{100} \]
\[= 20,000 \times 25 \times 9\]
\[= \frac{20,000}{100} \]
\[= \text{D}45,000\]

MADE THIS 0TH DAY OF FEBRUARY, 1992.

Cpt. YANKUBA TOUREY
Minister for Local Government and Lands