

Land Records & Registration

IN UGANDA [1908-2016]

The image shows two documents related to land registration in Uganda. On the left is a historical document from 1910, and on the right is a modern Certificate of Title from 2013. Two arrows point from the historical document to the modern one, indicating a transition or update in the land records system.

Historical Document (Left):
This is to Certify that His Majesty's Government recognizes
Tomasi Nyambi Nabonga
of Bunga
the absolute owner of the MAILO LAND situated at Bunga
in the County of Nyasinda
in UGANDA containing One acre
or thereabouts more particularly delineated in the plan attached hereto and thereto aligned with out.
Dated this 24th day of December one thousand nine hundred and twenty one
Sealed with the Seal of the Land Officer and signed by the Land Officer by order of the Government in the presence of
W. Robertson
M.L.O. 15387

Modern Document (Right):
LW/56/61
THE REPUBLIC OF UGANDA
REGISTRATION OF TITLES ACT
Certificate of Title
FREEHOLD REGISTER, VOLUME HQT1 FOLIO 2
DESCRIPTION OF LAND
ALL THIS piece of land delineated and edged red on the plan hereto annexed containing the following area or thereabouts and situate as follows:

Area	County	District	Parish
19,000 SQUARE METERS	Nyasinda		

and known as: Block(Road) 56 Plot 61 at Nyanza
(Subject to conditions herein)
OWNERSHIP
JOHN DOKULA, P.O.Box 6575, JINGA
Is /are now the proprietors of an estate in fee simple in the land above described subject to the conditions and incumbrances herein after set out.
Dated this 9th day of May 2013
Signature of Registrar
W. Robertson
Registrar of Titles
Owner's Copy
Volume HQT1 Folio 2
MLB00000033



MINISTRY OF LANDS, HOUSING
AND URBAN DEVELOPMENT



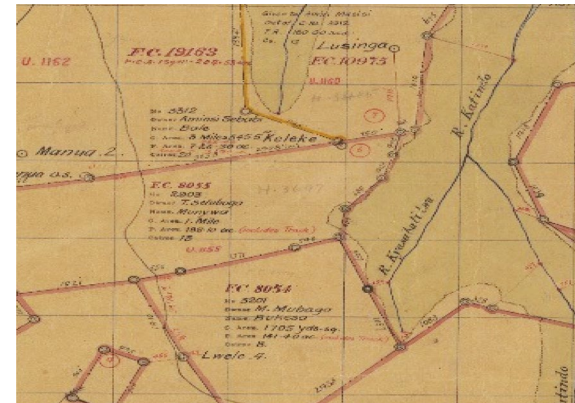


The first Certificates of Registration issued in Uganda.

Land Records

The land records in Uganda are among the first records created. They originated from the 1900 Buganda Agreement which provided for the allotment of land. Shortly after its signing, the first steps were taken to establish a Land and Survey Department and the first Chief Surveyor arrived in the Country in 1901. It was proposed that the first settlement survey would take 10 years to complete. In 1902, after establishment of the initial topographical survey, the chief surveyor gave his estimate as 14 years at a cost of 76,000 pounds. It was with this estimate in mind that the work was eventually started upon what came to be called the Mailo Survey of Buganda in July 1904.

The allotment lists were prepared and confirmed by Mengo Lukiiko. Once confirmed, each claim was further evidenced by the issue of a Provisional Certificate (PC) pending formal demarcation and survey. After survey and the production of plans, an allocatee's mailo interest was recognised by the issuance of a Final Certificate (FC) supported by a dimensional plan. This in turn led to the issuance of a Mailo – Owner Certificate of Title upon its registration under the Ordinance of 1908. The first titles were made in 1908 and were distributed by Sir Hesketh Bell, the Governor of Uganda on 2nd January 1909. These PC's and FC's are the first land records in Uganda.



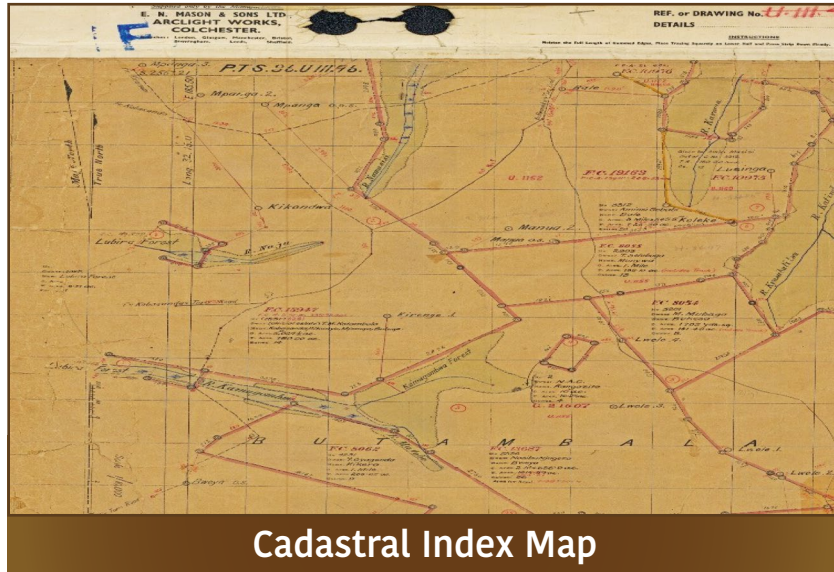
Map showing Final Certificate (FC) and Owner.

The Survey Process

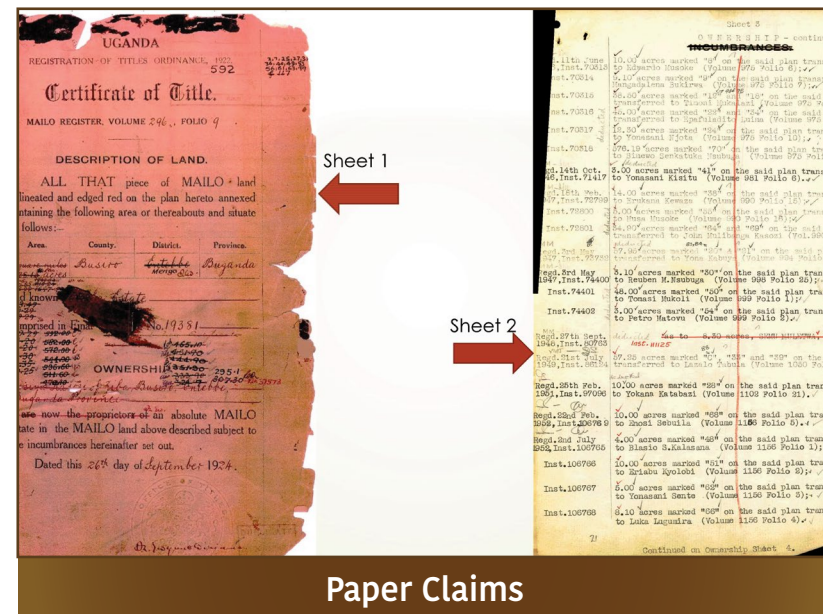
The whole survey process which was done systematically, started in 1904 covered the area from Ssinga County and was concluded in Buvuma Islands in May 1936 at an estimated cost of 200,000 pounds.

The survey task, which initially was thought to be easy and simple ended up being complex, long and expensive. The original one thousand allocatees virtually quadrupled. Claims and complex land dealings developed. The First World War also caused further delays. A systematic method of survey was used with the policy of first dealing with those claims lying in the fertile and densely settled counties in the vicinity of Kampala and working outwards in a radical fashion to survey the relatively fewer claims in the outlying areas.

In September 1904, the **Registration of Documents Ordinance** came into force. The Chief Surveyor was also appointed the Principal Registrar of Documents with effect from 1905. This law provided for the compulsory registration of all documents conferring right, title or interest in immovable property, except those of a testamentary nature. This was the first legislative attempt to provide for the maintenance of adequate land records but was superseded, before it came into effective operation, by the **Registration of Titles** law.



Cadastral Index Map



Paper Claims

Difficulties Encountered

a) Complex and lengthy process

After getting a PC, allocatee's lay claim for a particular area. Upon survey the land could be less than allocated, necessitating him/her to look for extra elsewhere. Even at initial laying claim, an allocatee of say 3,000 acres, could lay claim to pieces of land in different counties, eg 1,000 in Kyaggwe, 500 in Kibuga and 1,500 in Ssinga. This made the survey and titling process more complex, tedious and lengthy.

Surplus estates - Once an allocatee surveyed his/her entitlement as per the PC, any excess area became surplus estate which automatically reverted to the Crown. However, the Chiefs redistributed some of these surplus estates by surrendering equivalent land from lesser desirable areas to better desirable areas.

b) Paper Claims

The Mailo settlement, at that time, was like a rolling snowball which increases in size as it proceeds. No staff were available to attend to the mutations occurring upon the estates already demarcated. The work which had been estimated to end by 1918 was way behind schedule and was interrupted by the 1st World War.

Clearly something had to be done to increase the officers and pass on expertise to locals to assist in the survey. Since people could not get the survey services in time, they resorted to having their claims registered onto the titles and would get a paper confirming registration of their claim. This gave rise to many paper claims on the title which made the register become more of a register of claims/ caveats rather than a register of titles.

c) Lack of adequate trained personnel

The lack of adequate trained personnel gave rise to the establishment of a survey training school for training plain tablers to assist the surveyors, hence the School for Survey and Land Management being located in Entebbe.

When the allotment survey was completed in 1936, with the complex land records generated, a decision was made to archive the claims which were the root of the mailo titles. This was done from 1936 onwards. After archiving, these records were closed and Mailo titles used (Section 32 of the Registration of Titles Act).



The School of Land Management, Entebbe

Land Records [Period 1943-1956]

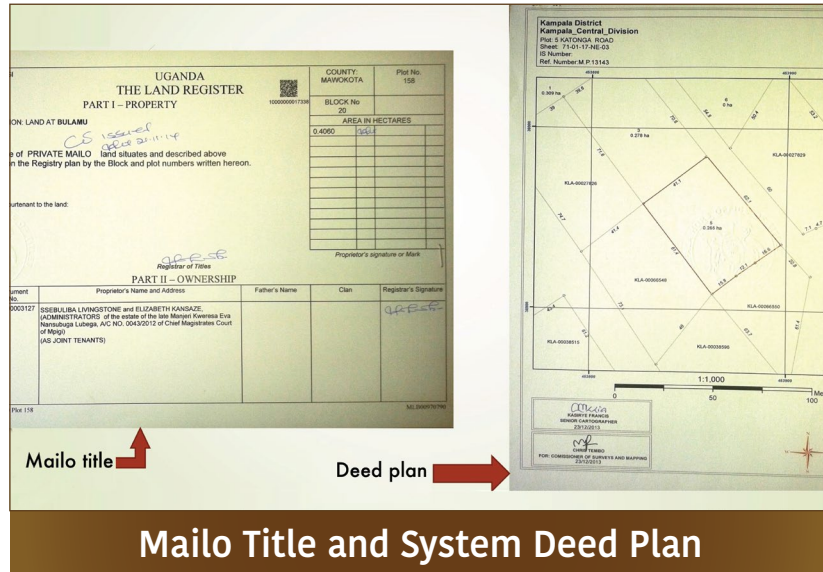
At this point in time, all records were centrally kept at the Lands and Survey office in Entebbe. The title records were increasing in number and the demand for the land services had extended beyond the native Buganda region. The Table below shows statistics of the parcels surveyed and titled at that time.

Year	Plots surveyed by Govt	Plots surveyed privately	Total No. of Plots surveyed	Current mutations	No. of Titles issued
1954	1,961	-	1,961	-	1,123
1955	2,721	-	2,721	-	2,408
1956	3,294	806	4,100	-	3,847
1957	5,832	1,135	6,967	7,929	6,136
1958	8,395	1,737	10,132	7,665	7,634
1959	8,500	1,000	9,500	6,088	8,413
1960	8,156	833	8,989	4,941	7,293
1961	6,431	825	6,756	2,698	5,222
1962	4,843	321	5,164	2,910	6,443

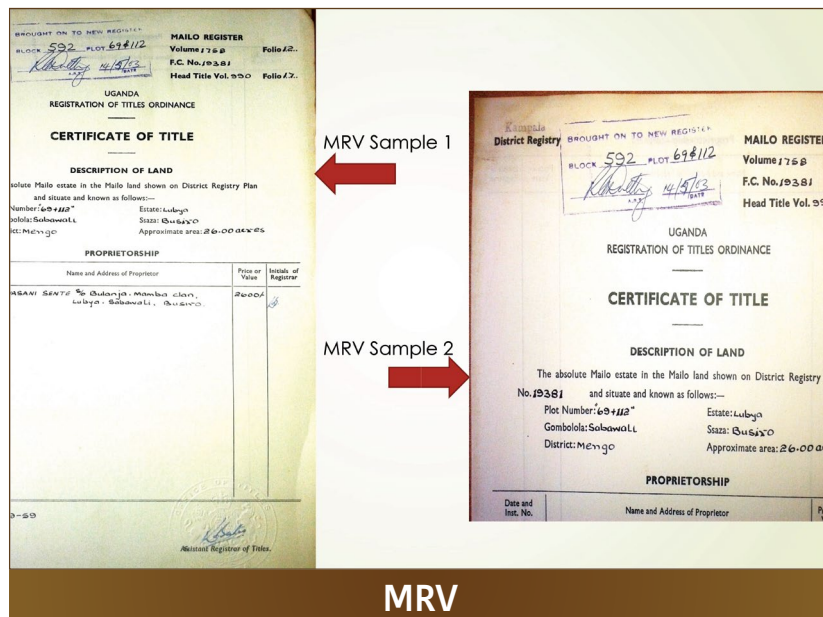
Source: Lands and Surveys Department Annual Report, 1954 - 1962

A decision was made to create zonal and branch offices to take services nearer to the people. This gave rise to 7 branch offices of Mukono, Bukalasa (Luweero District), Mityana, Masaka, Fort Portal, Mbarara and Kabale for mailo and native freehold titles. The leasehold and freehold titles of the rest of the country stayed at headquarters. These became operational in 1956. Zonal offices were created at Mbale, Arua, Gulu, Kabale, Fort Portal to cater for other land management services, particularly surveys and land administration.

Before transfer of the Mailo records, a decision was also made to improve the method of title referencing of the mailo titles from the register volume and folio method (MRV). These were also closed and archived and Mailo Block and Plot titles created. At closure, only the active instruments were carried forward to the new title i.e the Registered Proprietor and encumbrances still affecting the land.



Mailo Title and System Deed Plan



MRV

Storage of Land Records [Before Computerisation]

The records at the centre increased in number despite the facilities remaining the same. The title records came to about 592,000. The situation of the records before computerisation was as seen below:



Kampala Mailo Office

Leasehold Registry

This impacted on delivery of service and on the integrity of land records.

Computerisation & Modernisation of the Land Registry

The Ministry created six zonal offices, in the first phase. These are KCCA, Wakiso, Jinja, Mukono, Masaka and Mbarara which are now functional with all land services in that geographical area. The districts for the second phase include: Lira, Kabarole, Gulu, Arua, Mbale, Kibaale and Masindi. The third phase includes districts of Luweero, Rukungiri, Mpigi, Soroti, Tororo, Moroto, Mityana, Kabale and Kyadondo (Kasangati).

Benefits of Computerization

Uganda's **Computerized Land Registration System** is now one of the best in Africa. The system is more responsive to the needs and demands of the citizens and business clients. A number of benefits are now visible, thanks to the Political and Technical supervision and persistence of implementing the Land Information System (LIS).

High level Political and technical delegations from African countries such as Ghana, Kenya, Tanzania, South Africa, Egypt, Southern Sudan, Nigeria and Mali have come to learn and replicate the method used by Uganda to computerize its Land Registry. This achievement has turned Uganda's Land Registry into a model which other African countries are now following.

The problems of missing land records has been eliminated. Customer Care points have been set up as part of the process to facilitate land administration transactions and speedy response to customer needs. Most challenges which were experienced under the manual system have been contained. These include: Multiple allocations of the same plot; Fraud and forgeries; Landuse abuses; Encroachment on road reserves; wrong and overlapping surveys; inefficient revenue generation and loss of revenue; and rampant subdivisions, amendments and false survey information.

The implementation of the computerized system has led to: reduced time and costs in land transactions; provision of in-built security measures for ensuring accuracy, reliability of registry records and ensure their integrity; easy identification and prevention of fraud and illegal transaction; facilitate search and verification of title information in the shortest possible time; facilitate monitoring and analysis of market and rental values of land and property; and after enactment of the Land Information System Law, there shall be provision of a special online access to Courts, banks and financial institutions and Real Estate agents.



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