

## CHAPTER 226

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## CHAPTER 226

### THE LAND ACQUISITION ACT.

*Commencement:* 2 July, 1965.

**An Act to make provision for the compulsory acquisition of land for public purposes and for matters incidental thereto and connected therewith.**

*Interpretation.*

#### **1. Interpretation.**

In this Act, unless the context otherwise requires—

- (a) “appointed officer” means a person appointed under section 10(1);
- (b) “assessment officer” means a public officer or other person appointed by the Minister to be an assessment officer for the purposes of this Act, either generally or in a particular case;
- (c) “declaration” means a declaration made under section 3(1);
- (d) “High Court” means the High Court of Uganda;
- (e) “land commission” means the Uganda Land Commission established by article 238(1) of the Constitution;
- (f) “person having an interest” in relation to any land includes all persons claiming an interest in compensation payable for or in respect of the land under this Act and all persons having an interest in an easement affecting the land;
- (g) “registered proprietor” in relation to land means a person registered as proprietor of the land under the Registration of Titles Act;
- (h) “Register Book” means the Register Book kept in pursuance of the Registration of Titles Act.

*Acquisitions, etc.*

#### **2. Power to enter on and examine land.**

(1) In order to ascertain the suitability of any land for a public purpose, any person authorised by the Minister may enter upon the land and—

- (a) survey the land;
- (b) dig or bore into the subsoil and remove samples; and
- (c) do any other thing necessary for ascertaining its suitability for that purpose.

(2) The Government shall pay compensation to any person who suffers damage as a result of the exercise of the powers conferred by subsection (1).

(3) Any dispute as to the compensation payable under this section shall be referred by the Attorney General to the court for decision.

### **3. Declaration that land is needed for public purpose.**

(1) Whenever the Minister is satisfied that any land is required by the Government for a public purpose, he or she may, by statutory instrument, make a declaration to that effect.

- (2) An instrument made under subsection (1) shall specify—
  - (a) the location of the land to which it relates;
  - (b) the approximate area of the land; and
  - (c) if a plan of the land has been made, a place and time at which the plan may be inspected.

(3) The Minister shall cause a copy of every declaration to be served on the registered proprietor of the land specified in the declaration or, as the case may be, on the controlling authority and, if the proprietor is not the occupier of the land, on the occupier.

### **4. Land to be marked out, etc.**

On the publication of a declaration under section 3 in respect of any land, the assessment officer shall cause the land to be marked out and measured and a plan of the land to be made if a plan of the land has not already been made.

### **5. Notice to persons having an interest.**

(1) As soon as may be after the publication of a declaration in respect of any land, the assessment officer shall cause a notice to be published in the Gazette and exhibited at convenient places on or near the land, stating that the Government intends to take possession of the land and that claims to

compensation for all interests in the land may be made to him or her.

(2) The assessment officer may, whenever he or she thinks it convenient or desirable to do so, publish and exhibit two or more notices in respect of the land, each notice relating to a separate part of the land.

(3) A notice published under subsection (1) shall give the particulars of the land to which the notice relates and shall require all persons having an interest in the land to appear personally or by agent before the assessment officer on a day and at a time and place specified in the notice in order to state—

- (a) the nature of their respective interests in the land;
- (b) the amount and particulars of their claims to compensation for those interests; and
- (c) their objections, if any, to any plan of the land made under section 4 or otherwise.

(4) The day specified under subsection (3) shall not be earlier than fifteen days and, unless the Minister otherwise directs, not later than thirty days after the publication of the notice in which it is specified.

(5) The assessment officer may require a statement made in pursuance of subsection (3) to be made in writing and signed by the party making it or his or her agent.

(6) The assessment officer shall cause a copy of every notice published under this section to be served on the registered proprietor of the land to which the notice relates or, as the case may be, on the controlling authority, and, if the proprietor is not the occupier of the land, on the occupier.

## **6. Inquiry and award.**

(1) Where a notice is published under section 5 in respect of any land, the assessment officer shall, on the day specified in the notice, proceed to hold an inquiry into claims and objections made in respect of the land and shall make an award under his or her hand specifying—

- (a) the true area of the land;
- (b) the compensation which in his or her opinion should be allowed for the land; and
- (c) the apportionment of that compensation among all the persons

known or believed by him or her to have an interest in the land, whether or not they have appeared before him or her.

(2) An inquiry held under this section may be adjourned from time to time by the assessment officer as the occasion may require.

(3) For the purposes of an inquiry under this section the assessment officer shall have the same power to summon and enforce the attendance of witnesses and to compel the production of documents as is vested in a magistrate's court in its civil jurisdiction.

(4) Where an assessment officer makes an award under this section in respect of any land—

- (a) he or she shall cause a copy of the award to be served on the Minister and on those persons having an interest in the land as are not present personally or by their representatives when the award is made; and
- (b) subject to subsection (5), the Government shall pay compensation in accordance with the award as soon as may be after the expiry of the time within which an appeal may be lodged.

(5) Where—

- (a) an appeal is lodged against an award made under this section;
- (b) a person awarded compensation under this section refuses to accept payment; or
- (c) any other circumstance arises which renders it inexpedient, difficult or impossible to make payment in accordance with the award,

the High Court, on the application of the Attorney General, may order payment to be made into court on such conditions as it thinks appropriate.

## **7. Taking possession.**

(1) Where a declaration has been published in respect of any land, the assessment officer shall take possession of the land as soon as he or she has made his or her award under section 6; except that he or she may take possession at any time after the publication of the declaration if the Minister certifies that it is in the public interest for him or her to do so.

(2) Where the assessment officer takes possession of land under subsection (1)—

- (a) the land shall immediately, by the operation of this Act, vest in the Land Commission free from all encumbrances; and
- (b) the estate and interest of every person having an interest in the land immediately before the land so vested shall be deemed to have been converted into a claim for compensation under this Act.

(3) As soon as may be after taking possession of land under subsection (1), the assessment officer shall forward to the registrar of titles a copy of the declaration relating to the land endorsed with a certificate signed by the assessment officer, which shall state that the assessment officer has taken possession of the land and specify the date when he or she did so.

(4) On receipt of a declaration endorsed in the manner provided by subsection (3), the registrar of titles shall, notwithstanding any inconsistency with the Registration of Titles Act, take such steps as may be necessary to give effect in the Register Book to the operation of subsection (2) in respect of the land specified in the declaration.

## **8. Withdrawal from acquisition.**

(1) Subject to this section, the Minister may revoke an instrument made under section 3(1) at any time before the assessment officer takes possession of the land under section 7.

(2) Upon the revocation of the instrument under subsection (1), the Government shall pay to any persons having an interest in the land compensation for any damage suffered by them as a result of such action as has been taken under this Act in respect of the acquisition.

(3) Any dispute as to the compensation payable under this section shall be referred by the Attorney General to the court for decision.

## **9. Acquisition of part of house, manufactory or other building.**

(1) Where a declaration is made which relates to a part only of a house, manufactory, or other building, the Minister shall extend the declaration to include the whole of the house, manufactory or building if requested to do so by the registered proprietor or the occupier of the house, manufactory or other building; but the registered proprietor or the occupier, as the case may be, may withdraw or modify his or her request at any time

before the assessment officer makes his or her award under section 6.

(2) Any dispute as to whether any land proposed to be acquired under this Act does or does not form part of a house, manufactory or other building shall be referred by the Attorney General to the court for decision.

(3) In deciding a reference made under subsection (2), the court shall have regard to the question of whether the land proposed to be acquired is reasonably required for the full and unimpaired use of the house, manufactory or building.

**10. Temporary occupation of waste or arable land for public purpose.**

(1) Whenever the Minister is satisfied that the temporary occupation and use of any waste or arable land are required by the Government for a public purpose, he or she may appoint a public officer or other person to procure the occupation and use of the land for such term, not exceeding three years from the commencement of the occupation, as the Minister thinks fit.

(2) The appointed officer shall—

- (a) give notice in writing to any persons having an interest in the land of the purpose and term for which the land is required and of the date on which the term is to commence; and
- (b) pay to those persons for the occupation and use of that land for that term, for the materials, if any, to be taken from the land and for the standing crops on the land, if any, such compensation, either in a gross sum of money or by monthly or other periodical payments, as may be agreed in writing between him or her and them.

(3) Any dispute as to the compensation payable under subsection (2) shall be referred by the Attorney General to the court for decision.

(4) The High Court may order compensation payable under subsection (2) to be paid into court on such conditions as it thinks appropriate if it is satisfied on the application of the Attorney General that the appointed officer cannot trace the person to whom the compensation is due or is for other good cause unable to make payment of the compensation.

(5) The appointed officer may enter on and take possession of the land to which his or her appointment relates—

- (a) on payment of the compensation due under subsection (2);
  - (b) on conclusion of an agreement for the payment of compensation in pursuance of subsection (2)(b);
  - (c) in the event of a dispute of the kind mentioned in subsection (3), when the dispute has been referred to the court; or
  - (d) where an order has been made under subsection (4), on payment into court in pursuance of the order,
- and the Government may thereupon occupy and use the land for the purpose and term mentioned in the notice given under subsection (2)(a).

#### **11. End of temporary occupation.**

(1) When the temporary occupation of any land under section 10 comes to an end, the Government—

- (a) shall pay compensation to any person having an interest in the land for any damage done to the land during the occupation, other than damage for which compensation has already been paid or agreed to be paid under that section; or
- (b) may, if the land has become permanently unfit to be used for the purpose for which it was used immediately before the occupation and if all the persons having an interest in the land so require, proceed to acquire the land under this Act as if it were required permanently for a public purpose.

(2) Subsection (1)(b) shall not apply where land occupied under section 10 has become permanently unfit to be used for the purpose for which it was used immediately before the occupation by reason only of the fact that stone, murrum or other building or road-making material has been taken from an area which is less than 4 percent of its total area.

(3) Any dispute as to the compensation payable under this section or as to the effect in any particular case of subsection (1)(b) or (2) shall be referred by the Attorney General to the court for settlement.

#### **12. Power of Minister where claim for severance is excessive.**

(1) Subject to subsection (2), where land is acquired in pursuance of a declaration and a person having an interest in the land makes a claim for compensation on account of the severing of the land from his or her other land which is in the opinion of the Minister unreasonable or excessive, the Government may acquire under this Act the severed portion of the land or the

whole of the land of which the land first sought to be acquired forms a part, notwithstanding the fact that only the land first sought to be acquired is needed for a public purpose.

(2) Any dispute whether a claim for compensation under subsection (1) is or is not reasonable or excessive, shall, with the consent of the person claiming the compensation, be referred by the Attorney General to the High Court for decision.

*Legal proceedings.*

**13. Appeals.**

Where an award is made under section 6, any person awarded or claiming that he or she should have been awarded compensation may within sixty days of the date of the award appeal to the High Court by way of objection to any or all of the following—

- (a) the total amount of the compensation awarded;
- (b) the apportionment of the compensation;
- (c) any failure or refusal of the assessment officer to include him or her in the apportionment.

**14. References to the court.**

(1) Where the Attorney General is required by this Act to refer a dispute relating to any land to the court for decision—

- (a) the reference shall be made by motion to the magistrate's court established in the area in which the land is situated; and
- (b) any party to the proceedings on the motion who is aggrieved by the court's decision may appeal against the decision to the High Court.

(2) A magistrate's court shall have jurisdiction to decide a reference made under subsection (1) notwithstanding any law limiting the court's jurisdiction in relation to the value of the subject matter in dispute.

**15. Enforcement of right to possession.**

(1) If the assessment officer or the appointed officer is opposed or impeded in taking possession of land in pursuance of this Act, he or she may apply ex parte to a magistrate grade I for relief.

(2) If on an application made under subsection (1) the magistrate is satisfied that the assessment officer or the appointed officer, as the case may be, is entitled under this Act to take possession of the land to which the application relates, he or she shall make a declaration to that effect in whatever form he or she considers appropriate; and any declaration so made may be enforced as if it were a decree of a magistrate's court made in the exercise of its civil jurisdiction.

## **16. Rules on procedure, etc.**

(1) The Chief Justice may, by statutory instrument, make rules of court for the purposes of appeals, applications and references under this Act.

(2) Until rules are made under this section, the practice and procedure to be followed on appeals, applications and references under this Act shall be regulated as nearly as may be—

- (a) in the case of appeals, by the provisions of the Civil Procedure Rules regulating appeals from magistrates courts; and
- (b) in the case of applications and references, by the provisions of the Civil Procedure Rules regulating applications to the court by motion.

### *Miscellaneous.*

## **17. Offences and penalties.**

Any person who—

- (a) wilfully obstructs any public officer or other person in the exercise of a power or the performance of a duty conferred or imposed by this Act;
- (b) wilfully fills up, destroys, damages or displaces any trench or mark made under section 2,

commits an offence and is liable on conviction to a fine not exceeding five hundred shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

## **18. Service of notices, etc.**

Without prejudice to any other method of service, any notice, declaration or similar document required to be served for the purposes of this Act may be

served by post or, if it relates to land or premises and it is not practicable after using due diligence to serve it on the person on whom it should be served, by delivering it to some person on the land or premises to which it relates or, if there is no person on the land or premises to whom it can be delivered, by affixing it or a copy of it to some conspicuous part of the land or premises.

**19. Saving for acquisition by agreement, etc.**

Nothing in this Act shall prevent the Government from entering into an agreement with a person having an interest in land by which—

- (a) that person's interest in land is acquired by the Government; or
- (b) that person's claim to compensation for land under this Act is settled by the grant of other land or in any other way.

**20. Regulations.**

The Minister may, by statutory instrument, make regulations for the assessment and payment of compensation under this Act and generally for giving full effect to the provisions and purposes of this Act.

**History:** Act 14/1965; S.I. 135/1968; Act 13/1970, s. 241.

**Cross References**

Civil Procedure Rules.

Constitution of 1995.

Registration of Titles Act, Cap. 230.

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