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CHAPTER L3

LAND REGISTRATION LAW

A Law to consolidate and amend the law relating to the registration of instruments and the filing of judgments affecting land.

[Amended by Law No. 14 of 2012.]

[Date of commencement: 12th February, 1998]

1. Citation

This Law may be cited as the Land Registration Law.

2. Interpretation

Definitions—

“**certificate of purchase**” means a certificate granted by a court certifying that the right, title and interest of a judgment debtor in certain immovable property has been sold to the person named in the certificate;

“**Commissioner**” means the State Commissioner assigned for the time being with responsibility for land matters;

“**instrument**” means a document affecting land whereby one party (hereinafter called the grantor) confers, transfers, limits, charges or extinguishes in favour of another party (hereinafter called the grantee) any right or title to, or interest in land, and includes a certificate of purchase and a power of attorney under which any instrument may be executed, but does not include a will;

“local judgment” means a judgment or order of the High Court or a Magistrates Court in Jigawa State whereby the title to land in Jigawa State is held under a Statutory right of occupancy, or shall be appointed or where the validity of any instrument under this Law is applied;

[Definition of “local judgment” amended by Law No. 14 of 2012.]

“office” means the proper office of the land registry established under this Law;

“state grant” includes a certificate of occupancy under or deemed under the Land Use Law, 1978, and a mining lease, mining right, water right or exclusive prospecting licence granted under the Minerals Law, and a timber licence granted under the Forestry Law, and every other grant, conveyance, lease or mortgage by or on behalf of the Government;

“statutory right of occupancy” means a right of occupancy granted or deemed to have been granted, under the provisions of the Land Use Law, 1978.

Land Registry

3. Land registry

(1) There shall be a land registry with an office or offices at such places as the Commissioner may from time to time direct.

(2) The registry shall be the proper office for the registration of all instruments including powers of attorney affecting land.

4. Appointment of registrars

(1) The Commissioner shall appoint such number of registrars, deputy registrars and assistant registrars as he may think fit for the purposes of this Law.

(2) Subject to the directions of the registrar, a deputy registrar or an assistant registrar may do anything which by this Law is required or authorised to be done by the registrar.

5. Registers and documents to be kept

(1) There shall be kept at each office such registers, books and files as may be prescribed and a registrar shall, subject to the provision of this Law, register therein the prescribed manner all instruments required to be registered and delivered to him for registration, and shall file all judgments required or permitted to be filed and delivered to him for filing.

(2) All registers kept in the offices of the land registry immediately before the commencement of this Law shall form part of the register under this Law.

Instruments, the Registration of which is Compulsory

6. Instruments executed after the commencement of the law

Subject to the provisions of this Law, every instrument executed after the commencement of this Law shall be registered.

7. Instruments executed before the commencement of the law

Subject to the provisions of this Law, every instrument executed before the commencement of this Law, and not already registered, shall be registered.

Requisites of Registration

8. Proof of instruments executed by illiterates in Nigeria

(1) No instrument executed in Nigeria after the commencement of this Law, the grantor or one or more of the grantors, whereof is illiterate, shall be registered unless it has been executed by such illiterate grantor or grantors in the presence of a magistrate or justice of the peace and is subscribed by such magistrate or justice of the peace as a witness thereto.

(2) *Proof of instruments executed out of Nigeria.*—No instrument executed out of Nigeria shall be registered unless it has endorsed thereon or attached thereto a certificate of proof (as in Form A in the First Schedule or to the like effect) by one of the persons mentioned in paragraph (a) or (b) of this subsection, as the case may be, or unless one of the subscribing witnesses executed thereto be one of such persons, or unless the due execution thereof is otherwise certified, to the satisfaction of the registrar, by one of such persons:

Provided that an instrument executed out of Nigeria by a person serving in the armed forces of the Federation on actual naval, military or air force service may be registered if it has been executed in the presence of—

- (a) the officer commanding the ship or other unit in which the person executing the instrument is serving; or
- (b) any other officer not below the rank of Lieutenant-Commander in the Nigerian Navy, or of Major in the Army, or of Squadron-Leader in the Air Force, and bears a statement that it has been executed on actual naval, military or air force service.

[Form A, First Schedule.]

[Subsection (2) amended by Law No. 14 of 2012.]

(3) The persons referred to in subsection (2) shall be every person having authority to administer an oath in any place out of Nigeria.

9. Description and plan of land affected

(1) (a) No instrument executed after the commencement of this Law, other than a power of attorney, shall be registered unless it contains a proper and sufficient description, and, subject to the regulations, a plan, of the land affected by such instrument.

(b) The decision of the registrar as to the adequacy of the description and plan of any land in any instrument for the purpose of identification shall be final, subject to any order of the High Court.

(2) *Plans attached to State grants to be signed by a surveyor and counter-signed by the Surveyor-General.*—No State grant executed after the 27th day of August, 1991, and no instrument executed after the said date affecting land the subject of a State grant executed after the said date shall be registered unless the plan of the land affected by such State grant or instrument is signed by a surveyor or is a copy of a plan so signed.

(3) *Plans attached to other instruments to be signed by a surveyor.*—No instrument executed after the 27th day of August, 1991, having thereon or attached thereto a plan of the land affected shall be registered unless the plan is signed by a surveyor or is a copy of a plan which has been signed by a surveyor.

(4) *Definition of terms.*—In this section the term “surveyor” has the meaning assigned to the term by the Survey Law.

10. Endorsement of consent in the case of certain instruments

No instrument requiring the consent of the Governor or Commissioner or of any public officer to the validity thereof shall be registered unless such consent be endorsed thereon or the registrar is otherwise satisfied that such consent has been given.

11. Validity of instrument

No instrument declared by any enactment repealed by this Law to be void shall be registered.

12. Compliance with the requirements of this Law or prior enactment

No instrument executed before the commencement of this Law shall be registered if it does not comply with the requirements of this Law or of the enactment in force at the date of execution thereof.

13. Registration of instrument endorsed on another instrument

No instrument endorsed on another instrument shall be registered unless the instrument on which it is endorsed is registered.

Sanctions

14. Certain documents void for non-registration

Every state grant executed after the commencement of this Law, and every instrument affecting land the subject of a State grant or whereby land is granted by a Nigerian to a non-Nigerian executed after the commencement of this Law shall, so far as it affects any land, be void unless the same is registered within six months from its date (or, in the case of an instrument whereby land is granted by a native to a non-native, from the date on which it receives the Governor's consent) if executed in Nigeria, or twelve months from its date (or, in the case of an instrument whereby land is granted by a Nigerian to a non-Nigerian, from the date on which it receives the Governor's consent) if executed elsewhere:

Provided that the registrar may extend such periods whenever he shall be satisfied that registration has been delayed without default or neglect on the part of the person acquiring the right or interest in the lands in question.

15. Inadmissibility in evidence

No instrument shall be pleaded or given in evidence in any court as affecting any land unless the same shall have been registered in the proper office as specified in section 3.

16. Loss of priority

Subject to the provisions of this Law every instrument registered under this Law shall, so far as it affects any land, take effect, as against other instruments affecting the same land, from the date of its registration as hereinafter defined in the proper office as specified in section 3, and every instrument registered before the commencement of this Law shall be deemed to have taken effect from the date provided by the law in force at the time of its registration.

Method of Registration

17. Instrument and copy to be delivered to registrar

(1) Any person desiring that any instrument shall be registered shall deliver the same together with a true copy thereof and the prescribed fee to the registrar at the office.

(2) *Certificate of delivery to registrar.*—The registrar shall, immediately after such delivery, place upon the instrument and upon the copy thereof a certificate, as in Form B in the First Schedule.

[Form B, First Schedule.]

(3) *Registration.*—Unless the instrument is one which is declared by this Law to be void or the registration of which is prohibited by this Law, the registrar shall compare the copy of the instrument with the original and if he shall find such copy to be a true copy and to comply with any regulations made under this Law and for the time being in force he shall certify the same by writing thereon the words “certified true copy” and appending his signature thereto.

(4) *Return of instrument.*—The registrar shall thereupon register the instrument by causing the copy so certified to be pasted or bound in one of the register books and by endorsing upon the original instrument a certificate as in Form C in the First Schedule, and upon such registration the year, month, day and hour specified in the certificate endorsed on the instrument in pursuance of subsection (2) shall be taken to be the year, month, day and hour at which the instrument was registered.

[Form C, First Schedule.]

(5) The original instrument shall thereafter, upon application, be returned to the person who shall have delivered it for registration:

Provided that if application for the return of the instrument is not made within twelve months after the date of registration the registrar may destroy the instrument.

18. When registration to be refused

(1) When, upon examining an instrument and the copy thereof delivered to him for registration, the registrar shall find that such instrument is one which is declared by this Law to be void or the registration of which is prohibited by this Law or that the copy is not a true copy, or does not comply with any regulations made under this Law for the time being in force, he shall refuse to register such instrument and shall write in red ink across the certificates endorsed on the instrument and copy in pursuance of section 17 (2) the words “registration refused” and shall append his signature thereto and the title of the registry office concerned.

(2) *Return of rejected instrument.*—Such instrument and copy shall thereafter, upon application, be returned to the person who shall have delivered it for registration:

Provided that if application for the return of the instrument and copy is not made within twelve months from the date on which they were delivered for registration the registrar may destroy them.

(3) *Redelivery for registration.*—(a) Nothing herein contained shall prevent an instrument the registration of which has been refused from being delivered again for registration provided that the provisions of section 17 are complied with, and that the instrument, if it was void by virtue of the provisions of section 14 when previously delivered for registration, has ceased to be void owing to the time of registration having been extended by the registrar.

(b) In the event of such subsequent delivery the procedure prescribed by section 17 shall be followed and the year, month, day and hour of registration shall be taken to be the year, month, day and hour of such subsequent delivery.

(4) When registration of an instrument is refused, the fee paid upon delivery for registration shall not be returnable, and in the event of the instrument being delivered again for registration, the fee upon delivery shall be payable again.

Filing of Judgments

19. Copy of local judgments to be transmitted with plan

(1) Within two calendar months from the date of every local judgment, the registrar of the court by which such judgment has been pronounced shall transmit to the registrar, at such registry office as the Commissioner may from time to time direct, a certified true copy of the judgment together with a copy of any map or plan ordered to be filed in that court to which the judgment refers, a copy whereof has not already been transmitted under the provisions of this Law, and any other map or plan ordered by the court to be transmitted.

(2) No map or plan other than those specified in subsection (1) shall accompany or be attached to a copy of a judgment transmitted under the provisions of that subsection.

20. Registrar to file copy of judgment

On receipt of the certified true copy of any judgment and file copy of the map or plan specified in section 19 (1) the registrar shall file the same.

21. Filing not to affect validity

The failure to transmit or file any judgment and any error in transmitting or filing any judgment shall not affect the validity or effect of such judgment.

22. Effect of filing

The filing of any judgment shall not confer upon it any effect or validity which it would not otherwise have had.

23. Chief Judge may make rules of court

The Chief Judge with the approval of the Governor may make rules of court for giving effect to sections 19, 20 and 21 of this Law in the High Courts in the State and in particular for requiring and regulating the filing in courts of maps and plans in matters wherein the title to land in Jigawa State or the validity of any instrument registered under this Law is or may be in issue.

*Miscellaneous***24. Effect of registration**

Registration shall not cure any defect in any instrument or, subject to the provisions of this Law, confer upon it any effect or validity which it would not otherwise have had.

25. Instrument to include endorsements thereon

For the purposes of registration, an instrument shall be deemed to include all certificates and other matters endorsed thereon or attached thereto at the time it is delivered for registration.

26. Registers to be deemed in legal custody and to be receivable in evidence

All books, registers and files of registered documents at the registry office shall be deemed to be in legal custody, and shall be receivable in evidence in any court and every registrar shall produce or cause to be produced any register book or file of registered documents in his office, on subpoena or order of any court without payment for so doing unless the court shall direct otherwise.

*Searches***27. Searches**

The registrar shall allow searches to be made at all reasonable times in any register book, register or file of registered or filed documents in his custody.

28. Copies of entries in registers

(1) The registrar shall upon request give a certified copy of any entry in any such register book or register, or of any filed document.

(2) Every such certified copy shall be received in evidence, without any further or other proof in all civil cases.

29. Penalty for false statement

Any person who shall wilfully make or cause to be made for the purpose of being inserted in any register under this Law any false statement touching any of the particulars herein required to be known and registered shall be liable to a fine of twenty thousand naira or to imprisonment for two years.

[Section 29 amended by Law No. 14 of 2012.]

30. Penalty for destroying or falsifying register

Any person who shall wilfully destroy or injure or cause to be destroyed or injured, any register books, register or filed document or any part thereof, or shall counterfeit or cause to be counterfeited any part of any such book, register or document or any certified

copy thereof, or extract therefrom, or shall wilfully insert or cause to be inserted in any such book, register, file, certified copy or extract any false entry, or shall certify any writing to be a copy or extract of any such book, register or file, knowing the same to be false in any part thereof, or shall forge and counterfeit the seal of any registry office, shall be liable to imprisonment for seven years.

31. Fees

The fees prescribed in the Second Schedule or such other fees as the Governor may by regulation prescribe shall be taken by the officers by or before whom the acts for which the fees are payable are done.

[Second Schedule.]

32. Power to remit fees

The Commissioner may, whenever he may think fit, remit or reduce the amount of any fee payable under this Law.

33. Power to make regulations

The Governor may make regulations—

- (a) for the governance and guidance of registrars and of all persons acting under them;
- (b) prescribing the nature, size and shape of the paper or other substance to be used for copies of instruments delivered for registration and generally the manner in which such copies are to be prepared;
- (c) excepting from the provisions of section 9 in so far as the said section relates to a plan, any class of instrument;
- (d) excepting from the provisions of this Law any class of instrument;
- (e) adding to or altering any of the forms given in the First Schedule;
- (f) generally for the purposes of this Law.

FIRST SCHEDULE

Forms

LAND REGISTRATION LAW

FORM A

Certificate of Proof

[Section 8 (2).]

This instrument was proved before me by the oath (or statutory declaration) of the within named (grantor, grantee or subscribing witness) to have been duly executed by the within named (grantor).

Given under my hand day of, 20

and seal this

(Signed)

Office

FIRST SCHEDULE—continued

FORM B

LAND REGISTRATION LAW

Certificate of Delivery to Registrar of Instrument

[Section 17 (2).]

This instrument was delivered to me for registration by A.B.
of (state his residence and profession)
at o'clock in the
noon, this day of, 20.....

.....
Registrar

FORM C

LAND REGISTRATION LAW

[Section 17 (4).]

This instrument is registered as No. at page in volume
of the Lands Registry in the office at

.....
Registrar

SECOND SCHEDULE

[Second Schedule amended by Law No. 14 of 2012.]

LAND REGISTRATION LAW

Fees

[Section 31.]

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1. Upon delivery of any instrument for registration—
 - (a) Instruments of not more than 300 words—
 - (i) when delivered for registration within sixty days of the date of execution if executed in Nigeria or within twelve months of the date of execution if executed elsewhere 100.00
 - (ii) when delivered for registration after sixty days have elapsed since the date of execution if executed in Nigeria or after twelve months have elapsed since the date of execution if executed elsewhere 111.00
 - (ii) when delivered for registration after sixty days have elapsed since the date of execution if executed in Nigeria or after twelve months have elapsed since the date of execution if executed elsewhere 120.00

The above fees to include the fee for comparing the copy with the original.

SECOND SCHEDULE—*continued*

- (b) Instruments of more than 300 words—
- (i) when delivered for registration within sixty days of the date of execution if executed in Nigeria or within twelve months of the date of execution if executed elsewhere 200.00
 2. For every attestation of an instrument under section 8 (1) 250.00
 3. For every search in the records, for every half-an-hour or part thereof 250.00
 4. For a certified copy of any registered instrument—
 - for every 100 words 200.00
 - and for every plan 50.00 to 200.00
 - as determined by the registrar according to the amount of work involved
 5. For comparing, if required, any instrument with the register thereof, for every 100 words 200.00
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CHAPTER L3**LAND REGISTRATION LAW****SUBSIDIARY LEGISLATION**

List of Subsidiary Legislation

1. Land Registration (Direction and Appointment) Notice.
 2. Land Registration (Filing of judgments) Directions.
 3. Land Registration Regulations.
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LAND REGISTRATION (DIRECTION AND APPOINTMENT) NOTICE

[Sections 3 and 4.]

1. This Notice may be cited as the Land Registration (Direction and Appointment) Notice.
 2. There shall be a land registry office at Dutse which shall be the proper office for the registration of all instruments affecting land in Jigawa State.
 3. The Registrar for Jigawa State shall be the Senior Deeds Registrar for the time being in charge of the office of the Land Registry in the Ministry of Land and Regional Planning, Dutse.
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LAND REGISTRATION (FILING OF JUDGMENTS) DIRECTIONS

[Section 19.]

1. These Directions may be cited as the Land Registration (Filing of judgments) Directions.
 2. The registry office at which all local judgments relating to land in Jigawa State shall be filed shall be the office of the Land Registry in the Ministry of Land and Regional Planning, Dutse.
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LAND REGISTRATION REGULATIONS

[Section 32.]

1. These Regulations may be cited as the Land Registration Regulations.
 2. Copies of instruments delivered for registration under the law shall be prepared on parchment or on stout paper of good and substantial quality, rectangular in shape, and the dimensions of such parchment or paper shall not exceed thirty-six centimetres in length by twenty-five centimetres in width (being the size known as "post") and shall not be less than thirty-two centimetres in length by twenty-one centimetres in width (being the size known as "foolscap") and such copies shall be so written or printed that a margin of two inches wide shall be left blank on the left hand side of the parchment or paper.
 3. Section 9 of the Law in so far as that section directs that an instrument shall not be registered unless it contains a plan of the land affected, shall not apply to the following instruments—
 - (a) leases of lands, houses or buildings for a term not exceeding three years (without a right of renewal);
 - (b) instruments affecting land the boundaries of which are defined in a plan attached to an instrument registered after the 1st day of June, 1918, and referred to in the instrument presented for registration;
 - (c) mining rights, water rights or assignments of mining rights or of water rights;
 - (d) timber licences granted under Part III of the Forestry Regulations;
 - (e) any instrument affecting land which the Commissioner by endorsement thereon may exempt from the provisions of the said section;
 - (f) exclusive prospecting licences which the Chief Inspector of Mines by endorsement thereon may exempt from the provisions of the said section;
 - (g) certificates of occupancy in respect of plots of land forming part of a general layout recognized by the Surveyor-General, a plan of which showing the plots and layout has been deposited in the Land Registry in the Ministry of Land and Regional Planning.
 4. Agreements for sale or for lease affecting land shall be excepted from the provisions of the law whether made before or after the coming into operation of these Regulations.
 5. Rights of occupancy granted under the Land Use Law for periods not exceeding one year in respect of plots of land not exceeding four acres in extent shall be excepted from the provisions of the law.
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