

STATUTORY INSTRUMENTS SUPPLEMENT

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S T A T U T O R Y I N S T R U M E N T S

2014 No. 27.

THE LAND FUND REGULATIONS, 2014

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S T A T U T O R Y I N S T R U M E N T S

2014 No. 27.

The Land Fund Regulations, 2014 *(Under section 93 of the Land Act, Cap 227)*

IN EXERCISE of the powers conferred upon the Minister responsible for lands by section 93 of the Land Act, these Regulations are made this 28th of February, 2014

PART I—PRELIMINARY

1. Title.

These Regulations may be cited as the Land Fund Regulations, 2014.

2. Interpretation.

In these Regulations, unless the context otherwise requires—

“Act” means the Land Act;

“board” means a district land board established by section 57 of the Act;

“committee” means a land committee established by section 64 of the Act;

“Commission” means the Uganda Land Commission established by section 46 of the Act;

“Fund” means the Land Fund established under section 41 of the Act;

“Minister” means the Minister responsible for lands;

“registrable interest” means an interest registrable under the Registration of Titles Act, namely, mailo, freehold, leasehold and sub leasehold and includes a certificate of customary tenure and a certificate of occupancy;

“secretary” means the Secretary of the Uganda Land Commission appointed under section 50 of the Act;

“tenant by occupancy” means the lawful or *bonafide* occupant declared to be a tenant by occupancy by section 31 of the Act.

PART II—PURPOSES OF THE FUND

3. Purposes of the Fund

(1) The Fund shall be utilized as follows—

- (a) to give loans to tenants by occupancy to enable them to acquire registrable interests under article 237(9) (b) of the Constitution;
- (b) by the Government to purchase or acquire registrable interests in land in accordance with the Constitution;
- (c) to resettle persons who have been rendered landless by Government action, natural disaster or any other cause.

(2) For the purposes of giving effect to sub regulation (1), the Commission shall—

- (a) give loans to lawful or bona fide occupants to enable them acquire registrable interests in land pursuant to article 237 (9) (b) of the Constitution;
- (b) purchase or acquire land where necessary in order to redistribute it to tenants in occupancy on such terms and conditions as are specified in these Regulations;
- (c) verify and distribute the land acquired by the Commission under paragraph (b) to the tenants by occupancy;
- (d) cause and facilitate the land under paragraph (c) to be surveyed and the occupant to acquire a registrable interest in the land;

- (e) give loans to persons other than tenants by occupancy to enable them to have their land surveyed for the purpose of acquiring certificates of title;
- (f) perform other functions incidental to the above as the Minister may, in writing determine.

(3) For the avoidance of doubt, the Fund shall not be used to facilitate a person who has acquired land fraudulently.

PART III—FINANCIAL PROVISIONS

4. Financial resources of the Fund.

The finances of the Fund shall consist of—

- (a) money appropriated by Parliament;
- (b) loans obtained by the Government;
- (c) grants from donors with approval of Government;
- (d) monies paid into the Fund under section 28(2) of the Act or any other section of the Act;
- (e) repayment of loans given under these Regulations;
- (f) any other monies accruing to the Fund.

5. Government to ensure provision of monies for the Fund.

The Government shall ensure that sufficient monies are provided for the purposes of the Fund.

6. Accounts of the Fund.

(1) The Commission shall maintain separate accounts for the Fund from its other accounts.

(2) The accounts shall be maintained with a financial institution approved for the purpose by the Minister responsible for finance.

7. Expenses out of the Fund.

The Commission shall pay out of the Fund—

- (a) money to a contracted entity to provide loans to tenants by occupancy and other persons under the Act;
- (b) costs and expenditure, excluding fees and stamp duty, relating to the purchase, surveying, verifying, management and distribution of registered land acquired by Government for the purpose of enabling tenants by occupancy to acquire registrable interests in the land;
- (c) costs and expenditure relating to the resettlement of persons rendered landless by Government action, natural disaster or any other cause;
- (d) costs and expenditure arising out of a determination by the Minister under section 41(5)(f) of the Act;
- (e) administrative costs in administering the Fund, other than salaries and other emoluments, and any other cost or expenditure incurred under the Act shall be debited to the Fund;
- (f) any amount reimbursed at the discretion of the Secretary where—
 - (i) the Fund has been erroneously credited with that amount;
 - or

that amount is not owed to the Fund.

8. Auditing.

(1) The accounts of the Fund shall be audited by the Auditor General in accordance with article 163 of the Constitution.

(2) The Auditor General shall report to Parliament on the accounts of the Fund under article 163(4) of the Constitution.

(3) The Secretary of the Commission shall—

- (a) keep such accounting records as are necessary to accurately reflect the status of the Fund and the accounts forming part of the Fund; and
- (b) within three months after the end of a financial year submit such accounting records to the Auditor General as the Auditor General may require.

9. Report on the Fund.

(1) The Commission shall once in every six months submit to the Minister a report on the operations, affairs and management of the Fund containing—

- (a) a progress report on the implementation of the work plan;
- (b) a status report on the accounts of the Fund;
- (c) other particulars as the Minister in writing may require.

(2) The Minister shall within six months after the end of any financial year submit to Parliament copies of the progress reports referred to in sub regulation (1).

PART IV—MANAGEMENT OF LAND FUND

Administration of Fund

10. Commission to manage the Fund.

(1) The Commission shall be responsible for the overall management of the Fund.

(2) Subject to sub regulation (1), the Commission may contract out the management of any part of the Fund to a financial institution or micro deposit-taking institution licensed by the Central Bank.

(3) A contract entered into by the Commission under sub regulation (2) shall not absolve the Commission of the responsibility of management of the Fund.

(4) The Secretary of the Commission shall be the accounting officer of the Fund and shall be responsible for the day-to-day administration of the Fund.

(5) The Secretary shall designate such officers within the Commission as may be necessary to handle matters in respect of the Fund.

(6) The officers designated by the Secretary shall as far as possible devote their attention exclusively to the affairs of the Fund.

11. Minister to oversee operations of the Fund.

(1) The Minister shall oversee the operations of the Fund by the Commission.

(2) The Minister may in accordance with sub regulation (1) give policy guidance to the Commission in respect of matters pertaining to the Fund.

Contracting out management of the Fund

12. Contracting out management of Fund or part of the Fund.

(1) Where the Commission contracts out the management of any part of the Fund, the Commission shall ensure that there is a balance between the interest of the contracted entity and the interests of the Government.

(2) In contracting out the management of any part of the Fund the Commission shall consider the following—

- (a) the capacity of the entity to manage the part of the Fund to be contracted out;and
- (b) the experience and credibility of the entity in managing money or achieving any of the objectives of the Fund.

13. Commission to invite institutions licensed by the Central Bank.

(1) The Commission shall before contracting out the management of any part of the Fund, invite by advertisement, financial institutions and micro deposit-taking institutions licensed by the Central Bank to an orientation meeting on contracting out the management of the Fund.

(2) The Commission shall at the meeting inform the institutions invited under sub regulation (1) about the Fund and the objectives and purposes of the Fund.

(3) The Commission shall after the meeting referred to in sub regulation (2), invite the institutions to submit proposals on the running of a scheme under the Fund or on the management of the Fund or any part of the Fund.

14. Agreement between Commission and contracted party.

(1) The Commission shall enter into an agreement with the entity for the management of any part of the Fund on such terms and conditions as the Commission may set including but not limited to—

- (a) terms and conditions relating to the management of the Fund;
- (b) the functions to be performed by the contracted entity;
- (c) the book keeping, auditing and reporting requirements of the entity;
- (d) the duration and repayment of the monies advanced to the contracted entity;
- (e) the interest rate at which the entity shall advance money to the tenants by occupancy and other persons;
- (f) the security requirements for accessing the money from the entity; and
- (g) the mode of recovery of the monies advanced.

(2) For the purposes of sub regulation (1), in arriving at the interest rate, the Commission shall as much as practicable, be guided by Government policy, other schemes already established by Government and the purposes of the Fund.

15. Role of Commission.

(1) Where the Commission has contracted out the management of any part of the Fund, it shall be responsible for—

- (a) supervising the transfer of Funds from the Fund to the contracted entity;
- (b) monitoring and evaluating the contracted entity to assess the compliance with the Act and these Regulations.
- (c) terminating a contract on the recommendation of the Secretary or any other reasons as determined by the Commission;

(2) Where the Secretary recommends termination of a contract under sub regulation (1) the Commission may after considering the recommendation, terminate or vary the contract or take any other action that the Commission considers appropriate.

16. Commission to provide contracted entity with Funds.

(1) The Commission shall provide the contracted entity with funds to enable the entity to enter into loan agreements with tenants by occupancy and resettled persons who have been rendered landless by Government action, natural disaster or any other cause.

(2) The Commission shall specify in the agreement entered into under regulation 7 that the Funds advanced to the entity are only for the purposes of the Fund.

17. Monitoring and evaluation of contracted entity by Commission.

(1) The Secretary shall monitor and evaluate the entity contracted in accordance with these Regulations to ensure that the funds advanced to it are being used in accordance with the purposes of the Fund.

(2) Where the Secretary is satisfied that the contracted entity is not using the funds allocated to it in accordance with and for the purposes of the Fund, the Secretary shall recommend to the Commission that the agreement with the contracted entity be terminated immediately.

(3) Where the Secretary has observed and identified any defects and shortcomings in the management of the Fund by the contracted entity, the Secretary may recommend to the Commission that the defects and shortcomings be made good in accordance to the law.

18. Applicant for loan to comply with Act and other regulations.

These Regulations shall not be construed as absolving an applicant for a loan or a recipient of loan funds from complying with any requirement of the Act or any regulations.

PART V—LOAN SCHEMES

19. Establishment of loan scheme.

(1) The Commission may establish a loan scheme from monies in the Fund to enable—

- (a) tenants by occupancy to acquire registrable interests in land; and
- (b) persons resettled by Government to have their land surveyed for purposes of acquiring certificates of title.

(2) The scheme under sub regulation (1) may be established for the whole of Uganda or for any part of Uganda.

(3) The Commission shall only establish a loan scheme if it is satisfied that there is sufficient demand from persons referred to in sub regulation (1) to acquire registrable interests or titles in land.

(4) Despite sub regulation (3), the Commission shall not establish a loan scheme if in the opinion of the Commission there are no sufficient Funds available to operate the scheme.

20. Commission to advertise intention to contract out loan scheme.

(1) Where the Commission decides to establish a loan scheme, the Commission shall by advertisement invite financial institutions and micro deposit-taking institutions licensed by the Central Bank to an orientation meeting on the establishment of a loan scheme under these Regulations.

(2) The Commission shall at the meeting inform the institutions invited under sub regulation (1) about the Fund and the objectives and purposes of the loan scheme.

(3) The Commission shall after the meeting referred to in sub regulation (2) invite the institutions to submit proposals on the running and management of the loan scheme under the Fund.

(4) Where the Commission concludes an agreement with an institution under this regulation, the Commission shall publish in the media, a notice containing the following particulars—

- (a) the name, address and other particulars of the contracted institution;
- (b) the areas to which the loan scheme shall apply;
- (c) the class of applicants to whom the scheme shall apply;
- (d) the loan size or amount available under the scheme;
- (e) the nature and purpose for which loans shall be granted and used;
- (f) an invitation to applicants to apply for loans and give particulars on how, where and to whom to apply;
- (g) a copy of an application form to be used;
- (h) a brief explanation of the operation of the scheme, including particulars of the entity advancing the loans;
- (i) the interest rates to be charged by the entity for the loan scheme;
- (j) the repayment periods;
- (k) the system of recovery of monies under the scheme and the procedure where there is default;
- (l) such other particulars as the Commission deems expedient to facilitate the management and operation of the scheme.

21. Operation of loan scheme.

The loan scheme under these Regulations may be managed by the Commission or a financial institution or a micro deposit-taking institution licensed by the Central Bank on behalf of the Commission in accordance with the Act and these Regulations.

22. Application of the loan scheme.

The scheme shall only be used in accordance with the purposes of the Fund under section 41 of the Act and regulation 3.

23. Scheme to be voluntary.

(1) The loan scheme under these Regulations shall be voluntary and a person shall not be forced or unduly influenced to join the scheme.

(2) The Commission shall not be liable to any person for any damages arising out of or connected with a voluntary agreement entered into under the scheme.

24. Loan amount under the scheme.

A loan granted under these Regulations shall in the case of a loan to a tenant by occupancy to acquire a registrable interest in land, be limited to the amount agreed upon by the Commission and the contracted entity, but shall not include the surveying costs or other statutory and administrative charges such as fees and stamp duty payable by the tenant by occupancy.

25. Title deed, certificate of occupancy or interest in land to operate as security for the loan.

The title deed of the land, certificate of occupancy or the interest of the applicant in the land shall be the security for the loan without the need for any further security from the applicant.

26. Other loan terms to be agreed upon by Commission and contracting entity.

(1) The other terms and conditions of a loan under the scheme which are not expressly provided for in these Regulations shall be agreed upon by the Commission and the contracting entity at the time of entering into the contract.

(2) The contracting entity shall not introduce or vary the terms of the loans under the scheme without the express written consent of the Commission.

27. Eligibility for a loan under the scheme.

A tenant by occupancy who wishes to acquire a registrable interest in the land or a person other than a tenant by occupancy who wishes to acquire title under the Act may apply for a loan under the scheme.

28. Application for loans under the scheme.

(1) An application for a loan under the scheme shall be in Form 1 in the Schedule to these Regulations.

(2) The application shall be submitted to the contracted entity and shall be accompanied by the following—

- (a) where the applicant is a tenant by occupancy, a duly filled in application for certificate of occupancy or grant of consent specified in Form 2 in the Schedule;
- (b) where the applicant is not a tenant by occupancy, a dully filled Form 3 specified in the Schedule;
- (c) such other particulars as the Commission and the contracted entity may determine with the approval of the Commission.

(3) For the avoidance of doubt, by the time a person who is not a tenant by occupancy applies for a loan under this Part, he or she should have acquired the land for which the title is to be processed and the Commission or the contracted entity may require proof of ownership before approving the loan.

29. Approval of loan.

(1) On receipt of an application under these Regulations, the contracted entity shall verify the information contained in the application and shall within thirty working days after verification approve or reject the application.

(2) Where the application is approved under sub regulation (1), the contracted entity shall enter into an agreement with the applicant, which shall be subject to such terms, and conditions as are provided for in these Regulations.

(3) On the successful conclusion of an agreement for a loan under these Regulations, the contracted entity shall pay the amount advanced under the scheme to the applicant or registered owner as the case may be.

(4) Where an application is rejected, the contracted entity shall within thirty working days, give reasons for the rejection.

(5) A person aggrieved by a decision of the contracted entity may appeal to the Commission within fourteen days after notification of the decision.

30. Role of Committees and Boards.

Where an area land committee or a board is required to give a recommendation, the committee or board shall follow the procedure and guidelines laid down in the Act and Land Regulations 2004.

31. Redemption of title by applicant after repayment of loan.

(1) Upon completion of the repayment of the loan principal and interest, the person who applied for the loan shall be given the title to the land without any further requirement.

(2) Where the person who is required to pay the loan has paid the loan amount in full before the expiration of the term for the repayment of the loan, the contracted entity shall hand over the title of the land to that person without requiring that person to pay any further amount.

PART VI—ACQUISITION OF LAND BY GOVERNMENT

32. Acquisition of land by the Commission.

The Commission may, from monies in the Fund—

- (a) purchase or acquire registered land in order to enable tenants by occupancy to acquire registrable interests in the land in accordance with the Constitution;
- (b) purchase or acquire land in order to resettle persons who have been rendered landless by Government action, natural disaster or any other cause.

33. Adjudication, demarcation and allocation of acquired land.

(1) The Commission shall survey the land and adjudicate and demarcate the land in accordance with the number and nature of interest of the tenants by occupancy as recognised under the Act.

(2) The Commission shall facilitate the registration and transfer of interests in land to the tenants by occupancy.

(3) The Commission may take into account areas affected by historical imbalance in determining the nature of facilitation.

34. Adjudication and registration of ownership.

In adjudicating and registering land acquired by the Commission under these Regulations, the Commission shall ensure that—

- (a) there is no discrimination between tenants by occupancy;
- (b) a person or tenant by occupancy is not unduly advantaged relative to other persons or tenants by occupancy;
- (c) registration of land into the names of persons or tenants by occupancy is done in accordance with the Act.

35. Residual land to be retained by Uganda Land Commission.

Where there is any residual land after the Commission has demarcated and registered the interests of all the registered tenants by occupancy on the land, the residual land shall be retained and managed by the Commission.

PART VII—RESETTLEMENT OF LANDLESS PERSONS

36. Resettlement of landless persons.

(1) The Commission may from land acquired under Part VI of these Regulations resettle persons who have been rendered landless as a result of Government action, natural disasters or any other cause.

(2) The resettlement of persons rendered landless by Government action, natural disasters or any other cause shall be done by the Government.

PART VIII—MISCELLANEOUS

37. Commission to issue guidelines on the Fund.

(1) The Commission shall in consultation with the Minister, issue guidelines for the effective management of the Fund.

(2) Without prejudice to sub regulation (1), the Commission shall issue guidelines relating to—

- (a) the maximum rate of interest for loans provided under these Regulations;
- (b) the manner and period within which loans shall be processed;
- (c) the mode of recovery of the loan amount in case of default;
- (d) receiving of complaints about any financial or micro deposit taking institution contracted to run a scheme or manage any part of the Fund;
- (e) any other matter that in the opinion of the Commission requires guidelines.

38. Commission to carry out sensitization campaign.

The Commission shall from time to time sensitise the public on these Regulations.

39. Powers of Minister.

(1) The Minister may in writing direct the Commission to carry out such functions in relation to the Fund as the Minister may determine.

(2) The functions under sub regulation (1) shall be directly connected with the purposes of the Fund and shall not exceed, subrogate or disregard any utilization of the Fund or function of the Commission.

(3) Any other function with financial implications shall be subject to approval by the Minister in consultation with the Minister responsible for finance.

SCHEDULE

Form 1

Reg 28 (1)

Form of application for a loan

THE REPUBLIC OF UGANDA

THE LAND ACT, CAP 227

THE LAND FUND REGULATIONS, 2014

APPLICATION FOR A LOAN UNDER THE LAND FUND

(to be filled in triplicate)

To:
.....
.....

(Commission or other entity contracted to handle loans)

I *(State name of applicant)* hereby apply for a loan under the Land Fund.

2. ADDRESS OF APPLICANT

Village or Zone.....

Town or Parish.....

Sub county or Division.....

3. DESCRIPTION OF THE LAND

District County/ Division Sub-County/ where land is located.....
.....

Town Parish/Ward Village/ Zone Parcel No.....

Block Plot

FRV/LRV Folio

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

FORM 2
THE REPUBLIC OF UGANDA

Reg. 28(2)(a)

THE LAND ACT, CAP 227
THE LAND REGULATIONS, 2004
APPLICATION FOR CERTIFICATE OF OCCUPANCY/
GRANT OF CONSENT

PART I: (To be filled by the applicant in quadruplet)

- | 1. | <i>Full Name</i>
(Surname first) | <i>Sex</i>
(M/F) | <i>Age</i>
<i>Status</i> | <i>Marital</i> | <i>Citizenship</i> |
|-------|---|---------------------|-----------------------------|----------------|--------------------|
| (i) | ..... | ..... | ..... | ..... | ..... |
| (ii) | ..... | ..... | ..... | ..... | ..... |
| (iii) | ..... | ..... | ..... | ..... | ..... |
| (iv) | ..... | ..... | ..... | ..... | ..... |
| (v) | ..... | ..... | ..... | ..... | ..... |
| | (Add as necessary) | | | | |
| 2. | Address | (i) Permanent | ..... |  |  |
| | | (ii) Contact | ..... |  |  |
| | | | | | |
| 3. | Location of land the subject of application: | | | | |
| | Village/Zone | | | | |
| | Parish/Ward. | | | | |
| | Sub-county/Town | | | | |
| | County/Division. | | | | |
| | District | | | | |
| 4. | Approximate area (ha) | | | | |
| 5. | Use or occupation of land (eg. Farming, housing, family dwelling..... | | | | |
| | | | | | |
| 6. | Names of owners of adjacent land | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| 7. | Date of commencement of occupancy | | | | |

8. State how you came to occupy the land

.....

.....

.....

9. (a) Do you wish to hold the land as a family? YES/NO
(b) Do you wish to hold the land as a community? YES/NO
If yes, state shares (fractions or percentages)
- (c) Do you wish to hold the land as individual(s)? YES/NO

I am/We are requesting your consent to my/our application to register my/our tenancy by occupation in the office of the recorder and obtain a certificate of occupancy.

Name and Signature/Thumbprint of applicants(s)

- (i)
- (ii)
- (iii)
- (iv)

Date of application

PART II: (To be filled by the registered owner)

Notice is hereby given to the committee that I/We have received the above application for a certificate of occupancy.

I/We hereby forward the application for your verification and further action.

Name and signature of registered owner(s)

.....

.....

.....

.....

Date

PART III: (To be filled by the committee)

..... Area land committee has determined, verified and demarcated the boundaries of the land as contained in the attached sketch/Plan on form 24.

Other remarks

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

Name and signature of Chairperson

.....

Area land committee

Official stamp

Date

PART IV: (To be filled by the registered owner)

A: I/We the registered owner(s) of land of the above particulars hereby grant/do not grant* consent to your application to register a tenancy by occupancy.

B: Reasons for refusal.

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

**(Delete whichever is inapplicable)*

Name and signature of registered owner(s)

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

Witness:

.....
.....

Date

****This form should be presented to the board for forwarding to the recorder for issuance of a certificate of occupancy in accordance with section 33(8) of the Act.***

THE REPUBLIC OF UGANDA
 THE LAND ACT, CAP 227
 THE LAND REGULATIONS, 2004
 APPLICATION FOR CONVERSION FROM
 CUSTOMARY TENURE TO FREEHOLD TENURE/GRANT OF
 FREEHOLD*

PART I: (To be filled by applicant in triplicate)

- | 1. | <i>Full Name</i>
(Surname first) | <i>Sex</i>
(M/F) | <i>Age</i>
<i>Status</i> | <i>Marital</i> | <i>Citizenship</i> |
|----|--|---------------------|-----------------------------|----------------|--------------------|
| | (i) ..... | ..... | ..... | ..... | ..... |
| | (ii) ..... | ..... | ..... | ..... | ..... |
| | (iii) ..... | ..... | ..... | ..... | ..... |
| | (iv) ..... | ..... | ..... | ..... | ..... |
| | (v) ..... | ..... | ..... | ..... | ..... |
| | (Add as necessary) | | | | |
| 2. | Address | | | | |
| 3. | Location of land the subject of application: | | | | |
| | Village/Ward | | | | |
| | Parish/Zone | | | | |
| | Sub-county/Town | | | | |
| | County/Division | | | | |
| | District. | | | | |
| 4. | PIN (Where applicable) | | | | |
| 5. | Approximate area (ha) | | | | |
| 6. | (a) Is the land occupied? .....YES/NO | | | | |
| | (b) If occupied, by whom? | | | | |

- (c) Claims of occupiers
-
-
- (d) State current use of the land (eg. Farming, housing, and dwelling house)
- (e) State intended use of the land

7. Names of owners of adjacent land

.....

.....

(Add as necessary)

- 8. (a) We wish to hold the land as individual(s)
- (b) We wish to hold the land as a family
- (c) We wish to hold the land as a community*
If c) state shares (fractions or percentages)
**(Delete whichever is inapplicable)*

Name and signature/Thumb print of applicant(s)

.....

.....

.....

Date

PART II: (for official use only)

A: Remarks and recommendations of area land committee
(attach report)

.....

.....

.....

.....

Names and signatures of members of area land committee

- i.
- ii.
- iii.
- iv.

B: Decision of district land board

The applicant is approved/rejected/deferred*

The applicant is approved upon the following terms and conditions

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

The application is not approved for the following reasons

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

Minute number

Name and signature, Chairperson District land board

Name and signature, Secretary District land board

Official seal

Date

**The board shall send a copy of this form to the office of titles for issuance of a certificate in accordance with section 13(6) of the Act.*

DAUDI MIGEREKO, (MP)
Minister of Lands, Housing and Urban Development.