

The Practice of Re-entry and Forfeiture and its Implication on Land Administration in Ghana

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Key words: Access to land; Land management; Re-entry, Allocation Paper, Land Act, Land Administration, Stool lands

SUMMARY

Increasingly, the concept of re-entry has become a common practice in Ghana's Land Administration System in recent years. Indeed, the Land Act, 2020 (Act 1036) provides clear guidelines by which re-entry ought to be carried out. This study sought to test the consistency of the practice with the Land Act (section 57). The study used the doctrinal legal method to analyse legislations and case law on the concept of re-entry and allocation paper. Also, a limited number of primary data were gathered through interviews. The findings of the study were to the effect that, allocation paper has been held by the courts as not being sufficient as complete evidence of title to the land. Furthermore, the study found out that breach of covenants in an allocation paper could not amount to automatic re-entry by grantors unless done in accordance with section 57 of the Land Act. The study concludes that, though, re-entry is a practice that is allowed by law, it must be done in accordance with section 57 of the Land Act 2020 (Act 1036) to have the full effect of law. Anything done contrary to the said provision is unlawful and voidable. The study recommends that there should be a punitive mechanism put in place to go alongside the guidelines in the Land Act. Also, a state led sensitization on the position of re-entry and the manner it should be carried out in accordance with section 57 of the Land Act is highly recommended.

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