RECONCILING CADASTRAL RECORDS IN A DUAL LAND REGISTRATION SYSTEM IN GHANA Collins Fosu KNUST Kumasi Ghana Francis W. Derby Penn State University, USA



Introduction Traditional Land Ownerships in Ghana Stool lands Skin lands Family lands Allocation was the responsibility of chiefs, traditional leaders, elders of clans, tribes and families



Origins of land records in Ghana Pre-independence: Colonial influence Deed Registration System Post-independence 1982 – Deed Registration System legalized 1986 – Land Title Registration System was adopted A Duality of the land registration system came into effects in 1986.



Salient Features of the Legal instruments

Land Registry Act:

- ➤ The state registers the transaction
- Requires a description of the property as an attachment to the deed.
- The deed serves as a record of a particular transaction
- > It is an evidence of the agreement
- Evidence of the recorded transaction does not in itself establish, nor acknowledge legality of the transaction.

Salient Features of the Legal instruments

Administration of Lands Act:

- Regulate land registration and land related transactions in Ghana.
- Empowered the government to compulsorily acquire (where necessary), any land and vest it in the state.

State Lands Act:

Monitor and regulate the use of lands that have been acquired by the state



Salient Features of the Legal instruments

Land Survey Act:

- Established the requirements for land surveying activities in the country.
- Empowered the registrar to use his/her discretion as to the quality of the attached plan
- Did not require specific reference to permanent
- Did not require any reference to a geodetic reference framework.



Effects of the Legal instruments

- Land Administration and state Lands Acts were designed to transfer land management activities from the customary leaders to the state.
- The Land registry and Land Survey Acts gave credence to the deed registration system.
- The customary land tenure system coexisted with the deed registration system.



Problems with the Deed Registration System

- Recording system is replete with documents supported by sketches, plans, and maps of varying accuracies
- > Because registration was not mandatory, only a small percentage of transactions have been recorded.
- Fraudulent transactions have been recorded
- The court system have been clogged with cases involving fraudulent transactions in land



Land Title Registration Act

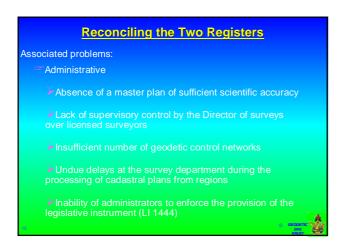
Established in 1986

- To remove the deficiencies of the deed registration system
- Avoid fraudulent activities by unscrupulous surveyors
- Certify ownership
- Facilitate proof of title
- Bring sanity into land delivery services
- Created the office of the Land Title Registry











Recommendations Land transaction should not be valid until the transaction has been recorded in the register Registration should be checked for correctness by registrar Registration should only be carried out after proper survey All legal or cadastral surveys should be tied to a geodetic control network

