

Abstract:

The Act consists of 99 sections which are divided into 6 Parts: Preliminary (I); Land Holding (II); Control of Land Use (III); Land Management (IV); Land Tribunals (V); Miscellaneous (VI).

Section 3 declares all land in Uganda to be vested in its citizens and divides land tenure systems into 4 categories: customary; freehold; mailo; and leasehold. Section 4 defines these titles in detail.

Mailo tenure is a form of freehold tenure introduced under the 1900 Agreement between the King of (B)Uganda and the British Government, establishing the Uganda Protectorate, by which large parts of Buganda were vested in absolute ownership in perpetuity to members of the royal family, chiefs and other notables. The Mailo ownership was imposed on existing customary tenure turning such owners into mere tithe paying tenants of the Mailo. The system has survived to the present day but with modifications following a peasant's revolt in 1928, known as the Busulu and Envujo Law, which protects the customary owners against eviction provided the tithe was paid. The Lands Act continues this protection by recognizing the peasant owners as lawful occupants or in some cases bona fide occupants, with the right to own the developments made on land.

A certificate of customary ownership may be acquired by persons holding former public land in customary tenure, under section 5, individually or as a community. Such a certificate entitles the owner to sell or lease or mortgage the land as security for credit. Banks are to recognize the certificate for that purpose, which is an improvement on the situation existing before the 1995 Constitution which recognized Customary Tenure alongside freehold tenure. A Land Committee established under section 65 of the Act shall process applications for such certificate in accordance with section 6.

A District Land Board established under the Constitution shall decide on granting of a certificate on the basis of advice of a Committee under section 8. Section 10 concerns the conversion of customary titles into freehold titles. Sections 11 to 15 prescribe procedures for the granting of land in freehold. Decisions under sections 10 and 11 shall be registered by the Registrar of Titles under section 15.

Communal land associations may be formed by a group of persons in accordance with sections 16 to 20, and acquire a certificate of customary tenure. The establishment of such association shall be controlled by the Registrar of Titles and the association shall be managed by a managing committee. Disputes shall be resolved by the Registrar in accordance with section 21. The Association shall set aside land for common use (sec. 24) and manage such land in accordance with rules laid down in sections 25 to 27. The area set-aside shall be managed in accordance with a common land use scheme.

Section 29 provides for the conversions of leasehold titles into freehold titles, whereas section 30 defines "lawful occupant" and bona-fide occupant". Section 31 to 39 concern some rights and duties of occupants of land including paying rent, security of tenancy,

option to purchase, and identification of the owner. Sections 40 and 41 contain rule regarding transfer of land. A Land Fund is established under section 42. The Fund shall be managed by the Uganda land Commission established under the constitution. Section 45 provides for the holding in trust of land of environmentally sensitive areas including wetlands, forest reserves, national parks, by the Government or local government.

The Uganda Land Commission is established as a body corporate (sec. 47); its functions are defined in section 50, and its powers in section 54. District Land Boards shall be established for each district under section 57. These Boards shall hold and allocate land in a district in accordance with section 60. In each parish Land Committees shall be established under section 65. Section 71 concerns the reservation of rights in springs, rivers, lakes, etc. by the Government subject to section 45. In each district a Land Tribunal shall be established in accordance with section 75. Jurisdiction of such courts are defined in section 77. Tribunals shall also be established for sub-counties and gazetted urban areas (secs. 81 and 82). Section 90 spells out the function of Mediators appointed by Land Tribunals. Miscellaneous provisions deal with matters of registration, offences, and regulation making powers of the Minister responsible for lands.