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LAND INSTRUMENTS REGISTRATION

A Law to consolidate and Amend the Law relating to the Registration of Instruments and the Filing of judgments affecting Land.

[1st_January, 1925]

1. This Law may be cited as the Land Instruments Registration Law.
2. In this Law-

"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;

"instrument" means a document affecting land in the State** 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 in the State and a certificate of purchase and a power of attorney under which any instrument may be executed, but not a will;

"local judgment" means a judgment or decree of the Supreme Court, the High Court or a Magistrate's Court whereby the title to land in the State is or shall be affected or whereby the validity of any instrument registered under this Law is affected;

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

* **For grants in respect of the territorial waters and the continental shelf of Nigeria see the Off-Shore Oil Revenues (Registration of Grants) Decree, 1972 No. 23.

"State grant" includes a mining lease, mining right, water right or exclusive prospecting licence granted under the Minerals Act, and a timber licence granted under the Forest Law, and every other grant, conveyance, lease or mortgage by or on behalf of the Government.

- (2) No State or former Crown grant executed after the 1st June, 1918, and no instrument executed after the said date affecting land the subject of such a grant executed after the said date shall be registered unless the plan of the land affected by such a grant or instrument is signed by a surveyor or is a copy of a plan so signed.
- (3) No instrument executed after the 1st June, 1918, 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) In this section the term "surveyor" has the meaning assigned to it by the Survey Law.
10. No instrument requiring the consent of the Governor or of any public officer to the validity thereof shall be registered unless such consent be indorsed thereon or the registrar is otherwise satisfied that such consent has been given.
11. No instrument declared by any enactment repealed by this Law to be void shall be registered.
12. 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. No instrument indorsed on another instrument shall be registered unless the instrument on which it is indorsed is registered.

Sanctions 14. 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 Citizen of Nigeria 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 citizen of Nigeria to a non-Nigerian, 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 citizen of Nigeria 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. 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:

Provided that a memorandum given in respect of an equitable mortgage affecting land in the State executed before the 1st day of July, 1944, and not registered under this Law may be pleaded and shall not be inadmissible in evidence by reason only of not being so registered.

16. 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. (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) 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.
- (3) 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) 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 indorsed 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.

- (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.

- (6) Every instrument duly certified as having been registered at the Enugu registry or the Ibadan registry between the 30th day of September, 1949, and the date upon which the Land Registration (Amendment) Ordinance, 1948, came into operation shall be deemed for all purposes to have been registered at the hour in the day of the month and year specified in the certificate placed thereon in accordance with the provisions of subsection (2) of this section.

18. (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 indorsed on the instrument and copy in pursuance of subsection (2) of the last preceding section the words "registration refused" and shall append his signature thereto and the title of the registry office concerned.

- (2) Such instrument and copy thereafter, upon application, shall be returned to the person who shall have delivered it for registration:

Provided that if application for the return of die 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) (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 17 when previously delivered for registration, has ceased to be void owing to the time for 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. (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. On receipt of the certified true copy of any local judgment and the map or plan specified in subsection (1) of section 20 the registrar shall file the same.

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

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

Miscellaneous

23. 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.

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

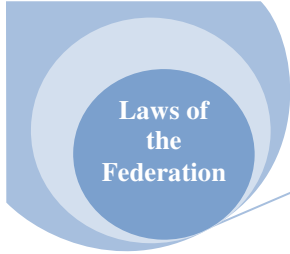
25. All register books, registers and files of registered documents at the registry office shall be deemed to be in legal custody, and shall be receivable in evidence in any court and every registrar shall produce or cause to be produced any register book, register or file of registered documents in his office, on subpoena or order of any court without payment for so doing unless the court shall direct otherwise.
26. 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.
27. (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.
28. 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 one hundred naira or to imprisonment for two years.
29. 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.

30. The fees prescribed in the Second Schedule or such other fees as the Commissioner may by regulation prescribe shall be taken by the officers by or before whom the acts for which the fees are payable are done.
31. The Commissioner may, whenever he may think fit, remit or reduce the amount of any fee payable under this Law.
32. The Commissioner 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; generally for the purposes of this Law.

FIRST SCHEDULE
FORM A s. 8

Certificate of Proof



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 and seal this day of 19 (Signed)

Office
FORM B

s. 17.

Certificate of Delivery to Registrar of Instrument

This instrument was delivered to me for registration by A.B of (state his residence and profession) o'clock in the noon, this day of 19.....

(Registrar)

17. Form C s. 17

This instrument is registered as No at page in volume of the Lands Registry in the office at (Registrar)

SECOND SCHEDULE

FEES

1.	Upon delivery of an instrument for registration-	N	k
	(a) within sixty days of the date of execution if executed in Nigeria or within twelve months of the date of execution if executed elsewhere (b) after sixty days have elapsed since the date of execution if	3	00

	executed in Nigeria or after twelve months have elapsed since the date of execution if executed elsewhere	20	00
2.	For every attestation of an instrument under section 8	0	50
3.	For every search in the records, for every half an hour or part thereof	0	50
4.	For a certified copy of any registered instrument (not including any plan thereon) for every 100 words	0	50
5.	For a copy of every plan as determined by the registrar according to the amount of work involved but not less than	1	00
6.	For comparing, if required any instrument with the register thereof, for every 100 words	0	25