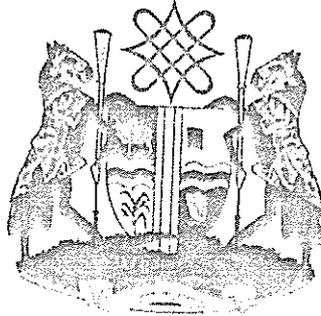


# LANDED PROPERTY LAW, 2018

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**A LAW TO PROHIBIT WRONGFUL ENTRY AND OCCUPATION OF LANDED PROPERTY, INCLUDING VIOLENT AND FRAUDULENT CONDUCT IN RELATION TO LAND IN KADUNA STATE**



Kaduna State of Nigeria

Law No. 30 ..... 2018

(1<sup>st</sup> December 2018 )

Commencement

**BE IT ENACTED** by the Kaduna State House of Assembly as follows:

1. This Law may be cited as the Kaduna State Landed Property Protection Law, 2018. Citation

2. This Law shall come into operation on 1<sup>st</sup> day of December 2018. Operation

3. In this Law; unless the context otherwise requires: Interpretation

**"Agent"** means a person who acts or purports to act on behalf of any party to a landed property transaction, whether in respect of a sale, lease, license, mortgage or other dealings or disposal of or relating to the property including any person engaged for the purpose of forceful take over or sale of a landed property;

**"Access"** means right to enter or make use of any part of any site, building or property;

**"Construction Activities"** includes roofing, repairs, decking, fencing and other building works, restoration or improvement on any property;

**"Encroachment"** means entry into the property of another without right or permission;

**"Landed property"** means a property, a parcel of land an improvement on land, a building, any land ancillary to a building, a site comprising of any building with any land ancillary to it;

**"Professional"** means any person, whether registered or not, who holds or puts himself out as having expertise or knowledge in matters relating to land;

**"State"** means Kaduna State of Nigeria;

**"Title"** means a legal or equitable interest in land as recognized by the Land Use Act;

**"Title-holder"** means the holder of a legal title to land accruing from a Customary or Statutory Right of Occupancy and includes the holder of an equitable interest acquired or derived there-from.

4. (1) As from the commencement of this Law, a person or group of persons who unlawfully enter, occupy or take over any landed property or engage in any act inconsistent with the property right of the title-holder in the State, commits an offence and shall be liable on conviction to a term of imprisonment of not less than One (1) year or to a fine of not less than Five Hundred Thousand Naira Only (₦500,000.00) or both.
- (2) A person or group of persons who having unlawfully occupied or taken over a landed property in the State before the commencement of this Law and still remains in possession of the said property three (3) months after the commencement of this Law commits an offence and shall be liable on conviction to imprisonment for a term of not less than One (1) year or to a fine of not less than One Million Naira Only (₦1,000,000.00) or both.

Prohibition of Unlawful entry and a takeover of Land

5. (1) A person who, without lawful authority, occupies, uses or threatens violence for the purpose of securing entry into any landed property for himself or for any other person commits an offence. Prohibition of Entry by Violence
- (2) A person's right to possession or occupation of any property shall not for the purposes of subsection (1) of this Section constitute lawful authority for the use, or the threat of violence by him or anyone acting on his behalf for the purpose of securing entry into that property.
- (3) For the purpose of this Section an offence is committed whether or not:
- (a) the violence is directed against the person or against the property; and
  - (b) the violence is intended to secure entry for the purpose of acquiring possession of the property or for any other purpose.
- (4) (a) A person who commits the offence of forceful entry under the provisions of this Law shall on conviction be liable to imprisonment for a term of not less than One (1) year or to a fine of not less than Five Hundred Thousand Naira Only (₦500,000.00) or both.
- (b) Any person who:
- (i) makes forceful entry with firearms, offensive weapons or any obnoxious or chemical materials or is in company of any person so armed; or
  - (ii) wounds or uses violence on any person, commits an offence and is liable on conviction to not less than Ten (10) years imprisonment.
6. (1) A person who is occupying a property as an encroacher and fails to leave the property on being required to do so Illegal Occupation of Property

by or on behalf of the owner of the property, commits an offence.

- (2) A reference in this Law to property includes a reference to an access to the property, whether or not any such access itself constitutes property, within the meaning of this Law.
- (3) Anyone who enters or is in occupation of any property by virtue of:
  - (a) purported title derived from an encroacher; or
  - (b) license or right given by an encroacher shall himself be treated as an encroacher for the purpose of this Law and references in this Law to a person entering, being on or occupying any property as an encroacher shall be construed as such.
- (4) Anyone who is on any property as an encroacher shall not cease to be an encroacher by virtue of being allowed time to leave the property.
- (5) A person who commits an offence under the provision of this Section shall, on conviction, be liable to imprisonment for a term of not less than five (5) years or a fine of not less than Five Million Naira Only (₦5,000,000.00) or both.

7. From the commencement of this Law, any person who places or caused to be placed on any land or landed property, any land agent(s) for the purpose(s) of unlawful occupation, encroachment or forceful takeover of the said land, commits an offence and shall be liable on conviction to a term of not less than five (5) years imprisonment or to a fine of not least than One Million Naira Only (₦1,000,000.00) or both.

Use of Land Agent

8. Any Law Enforcement Agent, Vigilante Group, Ethnic, Cultural or Traditional Militia member who executes the Judgment of a Court in respect of any landed property other than as provided

Illegal Use of Law  
Enforcement Agent etc

for under the Sheriff and Civil Process Law or any other Law in force in the State, commits an offence and shall be liable on conviction to a term of not less than five (5) years imprisonment.

9. A person who is on any property as an encroacher and having with him on the property any firearms, dangerous or offensive weapon(s), commits an offence and is liable on conviction to a term of not less than Ten (10) years imprisonment.

Encroaching with a  
weapon

10. (1) Any person who:

Offer for Sale

(a) offers for sale any property knowing that he has no lawful title to the property or authority of the title holder to offer for sale, commits an offence, and is liable on conviction to a term of not less than three (3) years imprisonment or to a fine of not less than one Million Naira Only (₦1,000,000.00) or both.

(b) sells a property knowing that he has no lawful title to the property or that the property has been previously sold by him or his privies; and

(c) without lawful authority of the title holder sells the property entrusted to him, commits an offence and is liable on conviction to imprisonment for a term of not less than Four (4) years or to a fine of not less than Five Million Naira Only (₦5,000,000.00) or both and the property shall revert to the lawful owner.

- (2) A person shall not alienate, sell or cause to be sold any interest in:

(a) land, landed property or any part of it without the consent or authority of the title holder;

(b) government land, property or any part of it without the consent or authority of the Federal, State or Local Government as the case may be.

- (3) A person or group of persons shall not sell or offer for sale any land that has been previously sold without a Court Judgment repudiating the earlier sale.
- (4) A person or group of persons that contravenes the provisions of subsections (2) and (3) of this section, commits an offence and is liable on conviction to imprisonment for a term of not less than Four (4) years or to a fine of not less than One Million Naira Only (₦1,000,000.00) or both.

11. A Professional:

Professional Misconduct

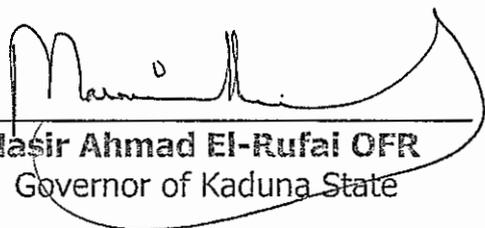
- (1) shall not in the conduct of his duties facilitate any Agreement between a title holder and any other person knowing that such Agreement will contravene the provisions of this Law or any other Law;
- (2) who executes a Judgment of Court without following due process as provided for in the Sheriff and Civil Process Law or any other Law commits an offence.
- (3) who contravenes the provision of subsection (1) of this section commits the offence of aiding and abetting the commission of such offence;
- (4) found guilty under the provisions of this Law shall be liable to imprisonment for a term of five (5) years and shall in addition be reported to the relevant professional body for misconduct and necessary actions.

12. (1) A person(s) who writes a false petition to any Authority, Ministry, Department or Agency knowing such claims contained in the petition to be false, commits an offence and shall be liable on conviction to a fine of not less than Five Hundred Thousand Naira Only (₦500,000.00) or imprisonment of not less than Six (6) months or both.
- (2) A petition in respect of a landed property shall be accompanied by a sworn declaration of the petitioner.

False Petitions

- (3) No Court shall entertain an action in relation to the provisions of this Law unless the complainant is a title holder.
13. (1) The court vested with jurisdiction to try offences under this Law shall be the shall be the High Court. Jurisdiction
- (2) The Chief Judge may establish a Special Offences Court or designate any High Court or any other Court of coordinate jurisdiction in the State to try any person for any offence specified in this Law.
- (3) The Nigerian Police and all other Law Enforcement Agencies have no jurisdiction or powers to entertain or determine any complaint in respect of land or landed property in the State.

**DATED AT KADUNA** this .....<sup>1<sup>st</sup></sup>.....day of *December*..... 2018

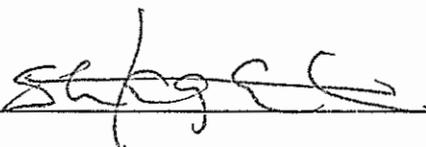
  
**Nasir Ahmad El-Rufai OFR**  
Governor of Kaduna State

**EXPLANATORY NOTE**

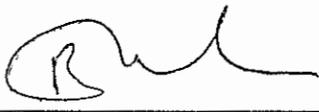
(This Note is not part of this Law and has no legal effect)

The purpose of this Law is to prohibit forceful entry and, or illegal occupation and dealings in landed property and other violent or fraudulent conduct in relation to same.

This printed impression has been carefully compared with the Bill which has passed the Kaduna State House of Assembly and found to be true and correctly printed copy of the said Bill.



**HON. AMINU ABDULLAHI SHAGALI**  
(Speaker)



**BELLO ZUBAIRU IDRIS Esq.**  
(Clerk to the Legislature)