

ACT 107
FARM LANDS (PROTECTION) ACT, 1962

ARRANGEMENT OF SECTIONS

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ACT 107
FARM LANDS (PROTECTION) ACT, 1962(1)

AN ACT to protect farmers whose titles to land are found to be defective, and to provide for related matters.

1. Extinguishing title to land

Where a person acquires land after the commencement of this Act for the purposes of farming and does not farm a part or the whole of that land for a period of eight years from the date of the acquisition, the title to the whole of the land of that person or the portion that has not been farmed is, for all purposes, extinguished.

2. Power to confer valid title

(1) Where a farmer has, in good faith, at any time after the thirty-first day of December, 1940, and before the commencement of this Act, acquired land by customary law or otherwise in a prescribed area for purposes of farming and has begun farming on that land within eight years from the date of the acquisition, this section operates, despite a defect in the title to the contrary, to confer valid title on that farmer.

(2) Subsection (1) is operative where the land has not been farmed by any other person for a period of eight years previous to the acquisition by the farmer.

(3) Subject to subsection (4), where there are proceedings for vacant possession on the ground that a person other than the farmer who acquired the land under subsection (1) is entitled to the land, or proceedings have been instituted or are instituted by that farmer on the ground that the title to the land of that farmer is being challenged, the Court may, instead of making the possession order, make an order providing that the acquisition by that farmer shall be deemed for all purposes to have operated to confer on that farmer the title to the land.

(4) The Court shall not make an order under subsection (3) unless it considers that if this Act had not been passed a possession order would be made on the ground that the acquisition taken by the farmer did

not operate to confer on the farmer the title to the land, but that to make an order would cause hardship and injustice to the person against whom it would fall to be made.

(5) Where an order is made under subsection (3) and the Court considers that the order would by itself cause hardship and injustice to any other person, the Court may make a further order requiring the person in whose favour the order is made to pay the other person a sum of money by way of compensation.

(6) The aggregate of the sum of money ordered to be paid under subsection (5) shall not exceed an amount equal to twice the value of the consideration paid at the date of the purported acquisition.

(7) This section does not apply to a land in respect of which final judgment relating to title has been obtained.

3. Offence

A person who procures or attempts to procure any other person to give up possession of land by means other than by the due process of a court commits a misdemeanour.

4. Application

The Minister responsible for Lands may, by legislative instrument, prescribe the area to which this Act shall apply.²⁽²⁾

5. Interpretation

In this Act unless the context otherwise requires,

“**Court**” means a court of competent jurisdiction;

“**farmer**” means a person referred to in section 1;

“**farming**” means to plant and cultivate crops, and cognate expressions shall be construed accordingly;

“**possession order**” means an order requiring the delivery up of possession of land or setting aside a purchase or acquisition of land or making a declaration of title or otherwise in defeasance of title to land.

Endnotes

1 (Popup - Footnote)

1. The Act was assented to on 24th February, 1962.

2 (Popup - Footnote)

2. The word, "Stool" has been omitted in view of [article 267](#) of [the Constitution](#), and the operation of this section is subject to that article.