

ACT 161
LANDS (MISCELLANEOUS PROVISIONS) ACT, 1963

ARRANGEMENT OF SECTIONS

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 3. Prescription of fees under the Concessions Act 1962 (Act 124), and the Minerals Act, 1962 (Act 126).
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ACT 161
LANDS (MISCELLANEOUS PROVISIONS) ACT, 1963(1)

AN ACT to apply to the State Lands Act, 1962 (Act 125), to land held on behalf of the Republic by virtue of other enactments; to make provision with respect to procedure in cases of acquisition of land commenced under the State Property and Contracts Act, 1960 (C.A. 6), but not completed; to provide for the prescribing of fees by regulations made under the Concessions Act, 1962 (Act 124), and the Minerals Act, 1962 (Act 126); to make provision in relation to the commencement of the Land Registry Act, 1962 (Act 122); and to amend section 5 of the Concessions Act, 1962.

1. Application of State Lands Act, 1962 (Act 125)

The provisions of sections 5 and 6 of the State Lands Act, 1962 (Act 125), (which sections relate respectively to the grant of leases and licences by the President and the making of regulations by the Minister) shall apply in relation to any land vested in the President by or by virtue of the State Property and Contracts Act, 1960 (C.A. 6) referred to in this Act as “the Act of 1960”, or any other enactment, other than the enactments specified in the Schedule as they apply in relation to land acquired under the State Lands Act.

2. Declaration and claims under the State Property and Contracts Act, 1960 (C.A. 6)

(1) Subject to the provisions of this section, where a declaration has been made by the President under section 4 of the Act of 1960 in respect of any land but no proceedings have been commenced in the High Court under section 14 of that Act for the grant of a certificate of title to that land, that declaration shall,

- (a) in the case of a declaration which relates to land to which the Administration of Lands Act, 1962 (Act 123), applies, be considered to be a notice, published on the date of the commencement of this Act referred to in this Act as “the relevant date”, under subsection (2) of section 10 of that Act (which subsection relates to the publication of notices concerning

land authorised by the President to be occupied or used under subsection (1) of that section), and the provisions of that section shall apply accordingly subject to the following modifications, that is to say,

- (i) where compensation has been agreed for the purposes of the Act of 1960, no payments or compensation shall be required by virtue of section 10;
 - (ii) where compensation has not been agreed as the President shall publish a notice in the *Gazette* giving particulars of any payments which it is intended to make under that section,
- (b) in any other case, be considered to be a declaration made by the President on the relevant date under section 1 of the said State Lands Act, and the provisions of that Act shall apply accordingly.

(2) Where any claim duly made under subsection (1) of section 8 of the Act of 1960 is, on the relevant date, under dispute but has not been referred to High Court under section 9 of that Act, that claim shall,

- (a) where it arises of a declaration to which paragraph (a) of the foregoing subsection applies, be treated as if it had been made by a person to whom subsection (4) of section 10 of the said Administration of Lands Act applies;
- (b) where it arises out of a declaration to which paragraph (b) of subsection (2) applies, be treated as a claim duly made on the relevant date under section 4 of the said State Lands Act, and the provisions of the last-mentioned Act shall apply to that claim accordingly, subject to the modification that the reference in subsection (3) of the said section 4 to the date of the publication of the instrument shall be construed for the purposes of the claim as a reference to the date on which the declaration giving rise to the claim was made under section 4 of the Act of 1960.

3. Prescription of fees under the Concessions Act, 1962 (Act 124), and the Minerals Act, 1962 (Act 126)

For the removal of doubt it is hereby declared that the power vested in the Minister to make Regulations by paragraph (c) of subsection (1) of section 14 of the Concessions Act, 1962 (Act 124), and by subsection (2) of section 11 of the Minerals Act, 1962 (Act 126), shall be considered always to have included the power to prescribe fees in those Regulations.

4. Commencement of the Land Registry Act, 1962 (Act 122)

The power conferred on the Minister by section 37 of the Land Registry Act, 1962 (Act 122), to appoint, by legislative instrument, a day on which that Act is to come into operation, shall be considered always to have included a power to appoint different days for the coming into operation of different provisions of that Act.

5. Amendment of section 5 of the Concessions Act, 1962

Section 5 of the Concessions Act, 1962 (which relates to the cancellation of concessions by the President) is hereby amended by the substitution in subsection (4) of that section for the words “the cancellation of the concession by the President”, of the words “the transmission of the application to the Tribunal by the Minister”.

Schedule

[Section 1]

The Ashanti Stool Lands Act, 1958 (No. 28).

The Stool Lands Act, 1960 (Act 27).

The Administration of Lands Act, 1962 (Act 123).

The Concessions Act, 1962 (Act 124).

The Minerals Act, 1962 (Act 126).

Endnotes

1 (Popup - Footnote)

1. This Act was assented to on 22nd March, 1963.