



## The legal regime of digital registration of land in Nigeria

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### Abstract

Section 1 of the Land Use Act provides for voluntary registration of title. The issuance of the certificate of occupancy is an evidence of title and not an instrument of grant in itself. In many cases, certificate of occupancy had been wrongly issued to applicant when the customary owner had not been properly divested of his or her title in land and this has led to the court declaring certificate of occupancy as void or a worthless piece of paper. Recently, the Supreme Court case of *Abba v Abaiji* has towered and unraveled the Governor's inherent power to rectify anomalies in the issuance of certificate of occupancy. The article found out that there are challenges and issues to the registration of land in some states in Nigeria and that the protracted duration of manual land registration has been a conundrum as it requires over 14 different steps before perfection of title to land. The article further discovered that a title holder cannot be a legal owner of land without registration of his title. To this end the intent of this article is to examine the legal regime of digital land registration in Nigeria and other jurisdictions. The article shall further discuss proof of title by well authenticated titled documents. The proof of title by well authenticated titled document envisages registration of title of deeds. In conclusion, the article advocated for geographical information system to be implemented in all states in Nigeria as it registers land information of title holders and save these information permanently in a database. The article also recommended for the Land Use Act and also all State land laws be amended to include the compulsory registration of all lands. Furthermore, the article additionally recommended that the cost of land registration should be modest and the duration of registration should be streamlined.

**Keywords:** regime, digital registration, land

### Introduction

The Digital land registration calls to question the need for a comprehensive storage, preservation and registration of land titles. Lack of registration of land has led to uncertainty in land transactions; loss of income; land title litigation; loss of lives; state lands have remained unknown; review of title deeds and interest takes much longer time in cases where the land is currently unregistered; fraudsters and corn-men target unregistered land as they can easily fake documentation for it. On the other hand, registration of land title provides security of title <sup>[1]</sup>. Once a title holder is registered and title has been investigated and put in register, proof of title becomes easier as the register becomes evidence of title. Registration of land provides full information about the title and land which can be downloaded from the land registry website in seconds. Moreover, where title is registered, and the owner of land has become a subject of an elaborate fraud; title holder can claim indemnity from the land registry; lost deeds and instruments relating to a parcel of land poses no challenge as land information is safely stored in land registry database can be retrieved and updated at any point in time; land registration protects the valid property rights of an individual or group, it is a viable way of preventing conflict regarding ownership or rights and it makes buying and selling of land much easier. There are registration processes in other jurisdictions whose land registration is worthy of emulation. Presently there is no express national law that stipulates compulsory land registration, hence registration of land in Nigeria is voluntary. The Lagos State Lands Registration Law 2015 requires compulsory registration of lands in the States. In a similar vein, Abuja, Kaduna, Edo

State also have similar land registration laws like that of Lagos and they operate a geographical information systems. Before registered conveyancing was introduced in Nigeria, investigation of title was a difficult task, under customary law, for instance, proof of title was based on oral tradition of ownership from time immemorial. A trace must be made to the founder of the land, his heirs, sub families and how the land descends to present vendors. There was always missing links and conflicting histories. With absence of registered conveyance, the purchaser will have no means or discovering previous dealing and may buy from unscrupulous persons and most often ends up as a purchaser of litigation.

On the other hand, registration of title like the name implies, provided for the registration of titles to land as against the registration of instruments conveying those titles. The basic characteristics of the Act was that once a person is registered under it as the owner of a piece of land, he is to be regarded as the owner, even if it is proved that his title is defective until the register is rectified and his name is removed from the register. Once the title has been investigated and put in register, proof of title becomes easier as the register becomes evidence of title. This is known as indefeasibility of registered title. As soon as title is registered, its past history or abstract or epitome of title becomes irrelevant, from that time, title is guaranteed by the State and the purchaser can rely on it, and transfer of land becomes the substitution of one's person name for another in the registry <sup>[2]</sup>.

Digital land registration and title security offers a critique of the system. The issue with registration of title is what happens when an inaccuracy occurs. An adoption of a different approach perhaps, a hybrid of both not defined by

the type of registration with a register capable of correction of error and reinterpretation of underlying legal facts of the transaction can be the desired change needed in the registration of real property in Nigeria.

Moss contended that the registration of title via digital technology is transformative and may resolve many issues that earlier systems of registration had not. Modern databases offer significant advantages in terms of indexing, data storage and retrieval. Spatial databases and ability to rapidly identify rights relationships between different features through their spatial geometry are particularly powerful. It will cure the challenges of error fraud, identity fraud, cyber security and double sale of land <sup>[3]</sup>.

## 1. Conceptual Framework

There are some concepts associated with Real Property Registration. This chapter shall elucidate how those concepts are used, their origin, and its legal implications on land security management. These concepts include Land, Land rights, Instruments, Registration, Title, Casdastre, Tenure and Estate.

### 1.1 Land

According to Umezulike, land is conceived as a free gift of the creator to humanity, thus no human being can validly lay claim to the fact that land came into existence because of his or her ingenuity or expense <sup>[4]</sup>. Obi is of the view that land belongs to the ancestors and even generation yet unborn and it is therefore to be accorded respect. He went further to reason that human beings only have a right to use and occupy the land <sup>[5]</sup>. Wigwe stated that land remains a primary asset for survival and development in Africa as it supports the livelihood of most rural people who derive income from farming, livestock production and agro related activities <sup>[6]</sup>. Kironde opined that land remains the most important factor in development in African policy principles <sup>[7]</sup>. Kizito articulated that land remains a critical asset for both urban and rural dwellers due to its economic and social benefits <sup>[8]</sup>. Simpson verified that land is the source of all material wealth, from it we get everything that we use or value, whether it be food, clothing, shelter, metal or precious stones. He further confirmed that we live on land and from the land, and to the land our bodies or our ashes are committed when we die <sup>[9]</sup>.

Osamolu and others endorsed that land is generally defined not only the surface of the earth and the sub-soil, but also includes all appurtenances permanently attached to land; this includes buildings, trees, streams and ponds <sup>[10]</sup>. Section 3 of the interpretation Act defines land as including: land and everything attached to the earth or permanently fastened to anything which is attached to the earth and all chattels real <sup>[11]</sup>. It is put forward that the availability of land is the key to human existence, and its distribution and use are of vital importance. It is often the buildings and resources found within and upon the land that bring about wealth creation. In many parts of the world, the land and the buildings or objects upon the land are considered separately, and sometimes registered independently.

### 1.2 Land Rights

Rights simply put are legal, social or ethical principles of freedom for entitlement. It is what is being owed humans by virtue of their existence as humanity. Akinola reasoned that Land rights go beyond the right to use and control the land

as vital economic asset, but it involves the right to lay claim to it, obtain information about it, make decision and ultimately enjoy the benefits of the land thereof <sup>[12]</sup>. According to Frank-Igwe, the very existence of human society is heavily dependent on land and its resources as it provides a veritable source of wealth for individual, family and community <sup>[13]</sup>. Commenting on land rights to humanity, Gray laid down this proposition:

The great lawyers of a previous age were supremely conscious of the significance of land in human affairs. They were aware of the paradox of the integrity of man and his utter dependence upon his physical environment, of land as dignified by the habitation of man yet alone providing the means for his survival, for land as a base for human striving and as an inspiration towards fleeting comprehension of something more.

Land rights in the words of Gibert broadly refer to right to use, control and transfer a parcel of land. Expatiating on same, he further stated that land rights include rights to occupy, enjoy and use land and resources; restrict or exclude others from the land; transfer, sell, purchase, grant or loan; inherit and bequeath; develop or improve; rent or sublet; and benefit from improved land values or rental income. Land rights are not typically perceived to be human right issue as land rights usually fall within the categories of land laws, land tenure agreements or planning regulations but are rarely associated with human right to land. It is contended that land rights are a key human rights issue as it constitutes the basis for access of food, housing and development and without access to land; many people will find themselves in a situation of great economic insecurity. On a much stronger reason, without security of title to land offered through real property registration, purchasers will be dispossessed of ownership of land.

Out of the nine-core international human rights treaties, land rights are only marginally mentioned once, in the context of women' rights in rural areas <sup>[14]</sup>. The provision is to the effect that women should have access to equal treatment in land and agrarian reform as well as in land resettlement scheme. This provision is impressive as it clearly provide for access to land, enjoyment of real property rights and even prohibits discrimination against women who are land owners.

The reference to the right to property was dropped in the two covenants adopted in 1966, making property rights one of the only human rights affirmed in the UDHR which was not integrated into one of the legally binding Covenants.

### 1.3 Instrument

The word Instrument comes from an old French word: *instrumentum* meaning an implement or tool especially one for precision work <sup>[15]</sup>. As it applies to law, instrument is a written legal document that defines rights, duties, entitlements or liabilities <sup>[16]</sup>. Put simply land instrument comprises any form of document (apart from a will) which affects land and by which an interest in land is transferred from one person to another. Instrument include deed, mortgage, deed of trust, easement, lease, franchise, license, right of way, covenant or other document or agreement affecting or relating to disposition of interest in real property.

In *Oredola Okeya Trading Co. (Nig) Ltd v AG Kwara State* <sup>[17]</sup> the Supreme Court identified the elements which qualifies a document to be an instrument to include the

following: The import of the document rather than label, document must be instrument of grant, document must convey to grantee the grantor's entire interest in the land or residue or part thereof and document must purport to confer or pass on a person an interest or right in or over the land. The combined effect of statute and judicial meaning shows an instrument is a registrable document which confers a right or title to interest in land. It remains to add that where an instrument is not registered, it cannot be tendered or accepted as passing legal title to land but will be treated as evidence of payment of purchase price. The Land Instrument Registration Act required all documents by which an interest in land is transferred or charged to be registered<sup>[18]</sup>.

There are different types of land instruments. Abdullahi views the deed of conveyance as a document that transfer title of the land or property from the owner called (vendor) to the buyer called (purchaser). It is a formal document showing change of ownership of lands, buildings or real estates<sup>[19]</sup>. Another land instrument is the Deed of Gift. The latter is a signed legal document that voluntarily vest property by one party called the (donor) to another party called (donee) without consideration. By using this document, the donor transfers legal ownership of real property to the donee by way of Gift. Once Deed of Gift is created, it is irreversible and irrevocable; however, can be set aside on grounds of fraud or tax evasion. The deed of Gift can be used in lieu of a Will to give real property during lifetime. Deed of Gift is not charged ad valorem, as same is given without monetary consideration<sup>[20]</sup>.

Elerueanya and Oladejo sees the Deed of transfer as a legal instrument that transfers ownership of land or property from a party called *transferor* to another party called *transferee*. Deed of Transfer is mostly used where the transferor has a Certificate of Occupancy and wishes to transfer the remnant interest to the transferee<sup>[21]</sup>.

Deed of Assignment is an essential legal land document that records sales of land. It assigns the interest and title in real property of the party called *assignor* to another party called the *assignee* starting from the commencement date stated in the document. Deed of Assignment serves as estate contract, acts as legal root of title to the property.

#### 1.4 Registration

Land Registration systems are used throughout the world in order to store information on the ownership of land, rights attached to land and burdens affecting it. Land registration and property rights have deep historical foundations reaching back to the prehistoric times. Evidence of the sale and registration of private properties was noted as early as 2700 BC from the city-states of Ur and Uruk in the present day Iraq as attested by Powelson<sup>[22]</sup>. The Bible also recorded the land purchases and documentation of Abraham and Jeremiah<sup>[23]</sup>. In 587 BC, Jeremiah bought his cousin's field and a deed of purchase was prepared in accordance with legal requirements. This implies that the concept of registration of real property is not novel; it is a requisite for valid ownership of land.

In the pre-colonial Africa, recording of land transactions was not documentary but the traditional system still recognized some form of recording in the presence of witnesses. The witnesses were the formalities use to acquire title to property. At those times customary law did not know writing. The vendor after selling the property hands over the

property to the purchaser in the presence of witnesses and the purchaser was put in possession after being shown the boundaries.

The process of legislating on land registration in UK started in 1862. In Scotland land registration commenced in the sixteenth century<sup>[24]</sup>. According to Omodele, land registration refers to the system whereby ownership, possession or other rights in land is recorded to provide evidence of title, facilitate transactions and abate unlawful conveyancing<sup>[25]</sup>. Nuhu adduced that land registration can be seen as an aspect of land administration which is focused on recording of existing land tenure arrangements to facilitate titling, alienation and disposition<sup>[26]</sup>. Otubu contends that although the law requires that all transactions in land must be by deed and or evidenced in writing as the case may be, proof of title to land by these private unregistered documents may be contentious and complex leading to prolonged and expensive litigation due to several factors such as allegations of fraud, forgery and multiple claims over ownership of a parcel of land.

Land registration system addresses this concern by providing an official platform through which records on land, concerning ownership, possession or other rights in land are regularly kept and maintained with a view to providing evidence of title; facilitate transactions and prevent unlawful disposal<sup>[27]</sup>. He further added that the traditional trinity objectives of any registration law are to give certainty to the title of the real property; facilitate the proof thereof; and render the dealings with land more simple and economical<sup>[28]</sup>.

Aldington submitted that real estate is registered for two reasons namely: governments need to know who lives where and who owns what so that they can manage land resources optimally and for taxation purposes, providing income to help run the government and on the other hand to help government provide services that are needed to society, such as garbage and sewerage disposal, provision of utilities, locations of schools, transport networks, social services and hospitals amongst other things. Secondly that the business community and people in general need to know with clarity who live where and who owns what so that they can be secure when buying, selling, leasing, mortgaging or otherwise dealing with real property<sup>[29]</sup>.

The three systems for recording rights in land are by private conveyancing, registration of deeds and registration of title. In private conveyancing, land sale agreement is negotiated and drafted between the seller and purchaser according to the framework laid down by state. Private conveyancing is generally regarded as inefficient and potentially dangerous since it can be subject to fraud as there is no easy proof that the seller is the true owner. Under the system of registration of deeds in UK, a copy of the transfer document is deposited in a deeds registry. An entry in the registry then provides evidence of the vendor's right to sell.

#### 1.5 Title

A good title must sufficiently describe the property, disclose all interests; legal and equitable in respect of the property, it must not be subject to a greater interest and all doubts as regards the property must be cleared<sup>[30]</sup>. It requires time, effort and resources to verify a good title one that will not adversely affects the use of the land or drag the purchaser into litigation. A defective title may be illegal, fraudulent, contain administrative errors in the recording of the deed or

is in dispute. It is therefore a wise course, for the intending land purchaser to conduct due diligence by tracing previous changes of ownership on the land, consultation of public records, obtaining past transfers instruments to verify capacity of vendor and confirming whether consents were obtained for past transfers.

In *Idundun v Okumagba* <sup>[31]</sup>, the different ways of proving title to land was established to include traditional evidence, production of documents of title which must be fully authenticated by long possession, by transfer of interest in land, by first settlement or conquest. A new way to prove customary title to land via swearing of juju on disputed land was added by the Supreme Court in *Umeadi v Chibunze* <sup>[32]</sup>. The Court held that a family member who defends family land by oath taking automatically becomes exclusive owner of such family land.

### **The Legal Regime of Digital Land Registration in Nigeria**

The issue of real property registration constitutes a pivotal point of legal discuss both at the national, foreign and international levels. To this end, this heading will examine and analyse the national, foreign and international legal framework relating to digital capturing and registration of real property.

#### **1. National Legal Framework**

National legal framework refers to those laws, regulations and Acts that have been established by the Federal, State and Local government legislature which are in favor of the real property ownership and registration. The Constitution, Evidence Act. Land Use Act and many other laws will be considered.

##### **1.1 Constitution of the Federal Republic of Nigeria 1999 (as amended)**

The Constitution refers to the rules which stipulate the manner in which the State and the various arms of government are constituted, and which streamline the execution of governmental powers. It is the bedrock of the legal prestige of a country and it controls the relationships between the individual and the State <sup>[33]</sup>. The constitution is the main law of the country which has the highest legal power and the purpose of the constitution is to structure and organize the political, legal, and economic spheres and create support for the country's government <sup>[34]</sup>.

The government of Nigeria is designed to operate within the ambit of the constitution. The said constitution has prescribed tiers of government and makes clear their responsibilities, their structure, composition, power, operation and limitations <sup>[35]</sup>. The Constitution curtails individual and state excesses which leads to maintenance of law and order.

The present constitution was adopted in 1999. The constitution has a preamble and is divided into eight chapters and 320 sections. The second preamble contains this thought:

The people of Nigeria wholeheartedly accept to bring into existence a constitution which will promote better governance and rulership and will also cater for the good of the all persons. The tenet of the grundnorm shall be established upon liberty, equity and fairness and shall be a uniting touchstone for all the indigenous elements.

The preamble assures citizens that the government will provide for and ensure the welfare of all persons. It further stipulates that its regulations shall be founded and based on the rules of democracy and justice.

Section 43 of the Constitution provides for the right to own immovable properties anywhere in Nigeria. It is put forward that the right to own property extends to and cover the right to protect such property and the right to safeguard such property falls under right to register same digitally.

#### **1.2 Evidence Act, 2011**

The Evidence Act 2011 was enacted on the 3<sup>rd</sup> day of June 2011. It is an act of the Federal Republic of Nigeria that regulates admissibility, relevance and other processes relating to the use of evidences in a legal proceeding. Section 1 of the Act provides that evidence may be given in any suit or proceedings of the existence or non-existence of every fact in issue declared to be relevant. It is the National Assembly that is vested with the power to make laws on rules of admissibility in Court and not the State House of Assembly.

It is also important to note that any piece of evidence relevant cannot be excluded. In the case of *Benjamin v Kalio* <sup>[36]</sup>, the appellant insisted that a wrongly admitted evidence (an unregistered titled document) should be expunged from the evidence together with all the findings of the lower court based on it. Appellant contended that the exhibit on its face, was not registered as required by the Law, Cap 74 of Rivers State 1974 <sup>[37]</sup>, the Supreme Court held that the undoubted intent of the current Constitution as amended from sections 4 (3) and (5) is that State Houses of Assembly are precluded and prohibited from enacting any laws on evidence in the proceedings before the law courts in the Federal Republic. The Evidence Act is an Act deemed to have been enacted by the National Assembly pursuant to its legislative powers.

The Court further held that a piece of evidence pleadable and admissible in evidence by dint of Evidence Act cannot be rendered unpleadable and inadmissible in evidence by a law enacted by a State House of Assembly under the prevailing constitutional dispensation, that Evidence has been brought into exclusive legislative list as item 23 <sup>[38]</sup>. In another case, *Abdullahi v Adetutu* <sup>[39]</sup>, the appellant and the respondents contested title to the land in dispute. Dismissing his appeal, the Supreme Court held that admissibility of an unregistered registrable instrument depends on the purpose for which it is being sought to be admitted. It affirmed that an unregistered registrable instrument sought to be tendered for the purpose of proving or establishing title to land or interest in land would be inadmissible under section 15 of the Land instrument Registration Law. This case did not follow the earlier case of *Kalio* as the facts were different. This case proves the land owner will not be legal owner until the title is registered.

#### **1.3 Stamp Duty Act**

A Stamp Duty Act is a legislation that requires a tax to be paid on the transfer of certain documents. Those who pay the tax receive an official stamp on their documents, making them legal documents.

The Federal Inland Revenue Service is the competent authority to collect duties upon instruments relating to transactions or matters executed between corporate body and an individual, group or body of individuals <sup>[40]</sup>. The relevant state tax authorities are responsible for the

collection. The time for stamping *ad valorem* documents is within 30 days from first execution while document with fixed rate are to be stamped within 40 days from first execution. The Act does not expressly state the party that is obliged to ensure that a dutiable instrument is stamped in all cases but expressly mentions the party that is liable to penalty for not stamping<sup>[41]</sup>. It can therefore be deduced that these parties would be responsible for stamping the instruments.

There are financial penalties on conviction under SDA. The FIRS may choose to apply penalty as high as 10%. Also, in civil proceedings unstamped documents are not admissible as evidence.

Government charge stamp duty on instruments to raise revenue to fund its activities and projects<sup>[42]</sup>. The payment of stamp duty helps to reduce the cost of governance and make public service efficient. The Government Agencies which has the legal backing for stamp duty collection is the Federal Inland Revenue and no longer the Nigerian Postal Services<sup>[43]</sup>. Federal Inland Revenue is an agency of Federal Ministry of finance and Nigerian Postal Services is agency of Federal Ministry of Communication and Digital Economy.

#### 1.4 Lagos State Lands Registration Law, 2015

The enactment of the Land Registration Law by the Lagos State Government<sup>[44]</sup> is an attempt to provide a uniform platform for land registration in the state. It is a law to make provision for registration of title to land in Lagos State and for connected purposes. The Law merges and harmonize earlier laws relating to land registration in Lagos State.

It is posited that section 3 (4) (a) lends credence to electronic registration of real property. The registry is to maintain register of transfer of interest in electronic form. Globally, there is a move towards electronic conveyancing, many jurisdictions are transforming from traditional paper system to conveyancing and registration. The real estate conveyancing world has experienced more changes during the past 15 years than in the prior 300 years. The real estate conveyancing world is going through a major change brought on by a new electronic world; a world that could not be imagined by the creators of the parchment paper world<sup>[45]</sup>.

In consonance with section 18 of the Law, every land documents shall be registered using the Land Information Management System (LIMS) including those documents registered at the land registry before the commencement of this law. For the purposes of registration of documents by the LIMS, the following types of registers relating to information on Land shall be kept in the Land Registry; day list; mortgages; caution and any other register prescribed for use by the Registrar. It is worthy to note that all registers kept in the offices of the land registry before the commencement of this law shall form part of the register to be included in the LIMS under this law according to section 19 of the Law. It submitted that past records of land titles are to be uploaded and stored in the database for easy retrieval and search. This provision is commendable.

The registrar may allow searches to be conducted at all reasonable times in any book, register or file of registration or filed documents in his custody. Such search is made upon application in Form 3 in Schedule 1 and payment of necessary fees<sup>[46]</sup>.

Section 22 (3) declares thus: "To conduct a search on-line, the applicant shall pay the necessary fees before accessing the LIMS by credit card, or any form of electronic payment or such other means as may be prescribed by the Registrar." When a search is concluded, the applicant shall obtain an official report of the search, as is contained in form 4 in schedule 1 to this law. With online search, costs of physical transportation is saved, the crowd in the registry offices is reduced and the many users can interface the website at the same time. Searches for valid titles saves innocent purchasers from buying from wrong hands.

Where a holder intends to obtain a certified true copy of any document in the LIMS, such holder shall apply to the Registrar and shall be given such document in electronic form or paper form as applicable. Section 24 of the Law verifies the admissibility of such document. It further provides to the effect that such document shall be admissible in a Court proceeding if it is relevant under evidence Law. The Lagos Law represent a modern law in real property registration and it would be apt if other States should update their laws.

## 2. Foreign Legal Framework

Other countries of the world have in existence laws and regulations that promote voluntary and compulsory registration of land. The next heading shall briefly analyse the land registration laws of United Kingdom, Rwanda and Kenya.

### 2.1 Land Registration Act UK 2002

The Land Registration Act was adopted on 26 February 2002 and took effect on 13 October 2003<sup>[47]</sup>. The Act has 12 parts, 136 sections and 13 Schedules. The Land Registration was introduced in response to the Law Commission and HM Land Registry reports. The Act simplify and modernizes the law of land registration by making the register to reflect a more accurate picture of a title to land and showing more fully the rights and subsidiary interests that affect it. The Act also facilitates the introduction of e-conveyancing, encourages voluntary land registration; change the system of protection of third-party rights; and reforms the law of adverse possession.

The Act outlines necessary procedures for property to be registered to the legal owner and indicates who has legal rights to the property and what title the property has whether freehold or lease. Property must be registered to be transferred or sold as any registrable interest will not become legal interest until the title holder registers in the system<sup>[48]</sup>. The properties to be registered include according to section 3 include: Any transfer of interest on the land or legal estate in fee simple absolute; a lease on the land for more than seven years; a legal charge by way of legal mortgage; a profit in gross with a term of more that seven years; a franchise or a manor; a rent charge and a legal easement.

The Act asserts that registration of title guarantees the title derived under the law and validates it since same is protected by the state<sup>[49]</sup>.

### 2.2 Law Governing Land in Rwanda 2013

The Law governing Land in Rwanda was enacted on 16<sup>th</sup> day June 2013 to determine modalities of allocating, acquisition, transfer, use and management of the land in Rwanda<sup>[50]</sup>. The Land law in Rwanda provides a way

through which land can be acquired; through state-given inheritance from ascendants, buying, selling, donations or others.

The law required compulsory registration of land and converted customary holdings into leaseholds from the state via the Land Tenure Regularization programme. Section 2, article 20 of the law states thus: "Registration of land is obligatory for that land owner. An order of the minister in charge of land shall specify modalities and procedures for land registration and cancellation of land registration." Currently all land in Rwanda is registered and titled. With the help of development agencies, Rwanda designed and implemented a systematic land registration all over the country that has registered over 10 million of parcels of land over a period of less than six years. (2009- 2013).

This process encompassed registration of all land holdings and issuance of the land title to its rightful claimants. In 2016, Rwanda introduced an integrated electronic case management system which is web based application that integrates five main institutions of justice sector. Among other features, the system allows for the automatic registration of land, lawsuits, scheduling of cases and automated claims. The land information is linked to mortgage registration and is enjoyed by all banks offering the service. A restriction is added in the land information database immediately after the bank has registered the mortgage.

Article 34 of the law further makes provisions for land bureaus, land committees to be established in order to follow up management and use of land. Land owners shall enjoy full rights to exploit land and state is mandated to protect land owners for being dispossess of the land whether totally or partially except in case of expropriation due to public interest.

It is put forward that real property registration should be made compulsory in Nigeria in the whole country not just some few states in the country but nationwide and within the space of six years with thorough follow up maximum successes will be recorded. A robust review of legislation will be a step in the right direction.

### 2.3 The Land Registration (Electronic Transactions) Regulations, 2020

The regulation was made pursuant to section 110 of the land registration Act 2012<sup>[51]</sup>, the regulation became operative in July 2020. It seeks to revolutionize the current land registration process in the country by introducing the electronic land registry which provide accurate information of the property, the proprietorship or ownership of the property, the user of the land, any other feature required under the law or deemed necessary by the cabinet secretary in consonance to sections 4 to 6 of the regulation.

Section 9 of the regulation stipulates that any person or community who wishes to carry out transaction on the system should sign up an account and provide his or her name, national identification number, contact details, phone number and any other necessary information. According to section 10 of the regulation, a user may wish to appoint advocates who will follow up the electronic land registration process and a user can terminate such appointment as and when due.

To prepare an instrument for electronic filing, an authorised user should enter all the necessary information in the application form, electronically sign and upload all

supporting land titled documents. Thereafter assessment will be made for online payment of stamp duties and is followed with payment for registration. Upon registration there shall be an electronically generated notice providing that the instrument has been registered. Regulation 23 further empowers the Registrar to issue an electronic certificate of title or lease which will contain unique serial numbers and security features to be used for verification of authenticity. The registered documents would thereafter be made available for download for the records of the users. The regulation provides for search of land information.

The system sought to ensure that land transactions are genuine; to make available updated verified database of land records; to eliminate fraud, corruption and manipulation of critical land records by ensuring an authorised user is notified by SMS should an unauthorised person try to gain access to the account. It is submitted that such system can serve as a model in reforming Nigeria real property registration.

### Conclusion and Recommendation

This article has revealed that cadastral registration of land was the intendment of the Land Use Act. The Lagos Land Registration Law 2015 represent the modern law in respect of digital registration of land as it takes into consideration the compulsory registration of land title, online capturing of land information data through a process known as geographical information system and cadastral mapping. These indices accords with international standard prevalent in contemporary societies.

The following is hereby recommended to improve the land registry practice and digital registration in Nigeria:

1. The Land Use Act should be amended and land registration should be made compulsory.
  2. State lands should be surveyed and divided into clearly identifiable plots in consonance with cadastral mapping.
- The geographical information system should be introduced in states in Nigeria and make functional. This system will enable the land information of titleholders to be linked to their plot, such information store permanently on database and easily accessible for search.

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