

Land registration procedures in some states in Nigeria and other jurisdictions

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Abstract

Ownership of land in Nigeria is a beneficial investment as land tends to appreciate in value rather than depreciate with passage of time. The ownership and transfer of land is delicate transaction as it may make or mar the purchaser. There are procedures to be meticulously followed in order to register title to land in Nigeria. The article examined registration procedure in selected states in Nigeria and other jurisdictions. The article found out that purchaser of land must have document that serves as evidence or proof of ownership which will be lodged at the relevant state land registry. In conclusion the article recommended that all the states in Nigeria should key into digital registration which serves time and offer maximum security of title.

Keywords: Procedure, title documents, land registration, registered title

Introduction

Land registration is a cornerstone of modern land governance, serving as the interface between property rights, market functionality, and state control. In Nigeria, the formal land registration system has evolved from colonial statutory schemes to the centralized framework introduced by the Land Use Act 1978. Its primary goal is to ensure tenure security, facilitate real estate transactions, and provide a reliable legal record of land ownership and interests ^[1].

Formal land registration enhances legal certainty by enabling individuals and institutions to verify ownership and encumbrances before entering into land-related transactions. This function is vital for urban planning, credit access, and dispute resolution. Registration is typically effected through the issuance of Certificates of Occupancy, title entries in land registries, or recordation of deeds and instruments. In recent decades, Geographic Information Systems (GIS) and digitized land registries have been introduced to address inefficiencies, fraud, and duplication in traditional paper-based systems.

The ease with which title to real properties is registered enhances the property rights enjoyed by private persons and well as corporate in any country. Land acquisition and security of title is fundamental to the harnessing of investments, expansion of businesses and the growth of economies. Registration vests purchaser with legal title over the land which towers over and above the equitable title acquired once payment is made on the land and possession is duly given by vendor to purchaser.

It is the registration procedure for interests in land that usually culminates in the perfection of title to the land. Perfection connotes the complete acquisition of legal interest in land ^[2]. Where the purchaser fails, tarry or neglect to perfect his title to land, he stands the risk of losing the land to a bonafide purchaser for value without notice of any equitable encumbrance to land who has taken steps to perfect his title at the appropriate land registry. To this end, this article will briefly outline types of formal land Registration and how some states in Nigeria perfect title to

property and in conclusion will proffer solutions to further better land registration procedure.

Types of Formal Land Registration

a. Certificate of Occupancy (C of O)

The Certificate of Occupancy (C of O) is the most recognizable form of land title in Nigeria today. It is issued under Section 5 of the *Land Use Act* by the Governor of a state, serving as legal evidence of the holder's statutory right of occupancy over a specified parcel of land ^[3]. A C of O typically contains details such as the plot number, location, size, term (usually 99 years), permitted use (residential, agricultural, or commercial), and any conditions imposed by the Governor. ²

This document was designed to streamline land management and reduce conflicting claims. It effectively substitutes previous ownership systems and extinguishes prior legal and equitable interests. However, it does not necessarily confer absolute ownership, but rather a leasehold interest subject to state regulation.³ In *Shell Petroleum v. Abedi*, the court emphasized that the issuance of a C of O does not automatically extinguish existing rights unless proper procedures of revocation and compensation are followed ^[4].

b. Registered Land Title

A registered title refers to a land interest formally recorded in the official land registry in compliance with relevant legislation such as the *Land Instruments Registration Law* or, in some cases, the *Registration of Titles Act*. Registration provides constructive notice to the public and acts as prima facie evidence of ownership.⁵ The landmark case of *Oshoboja v Amuda* affirmed the evidentiary value of registered titles, noting that registration constitutes a public record of proprietary rights ^[5].

While most states operate under the *Land Instruments Registration Law*, which provides for recordation of documents, Lagos State has implemented title registration systems that incorporate geospatial references and verification mechanisms. This shift from document-based to title-based systems is significant in terms of both

legal certainty and transaction efficiency ^[7]. Nonetheless, registries are plagued by duplication, poor indexing, and manual filing in many states, limiting the reliability of such records in dispute contexts.

c. Conveyancing

Conveyancing is the legal process by which ownership or interest in land is transferred from one party to another, typically documented through a deed of assignment, lease, or mortgage ^[8]. In the Nigerian context, the process is complicated by Section 22 of the Land Use Act, which requires the Governor's consent for any alienation of a right of occupancy ^[9]. This requirement, though aimed at preserving orderly development and oversight, has become a procedural bottleneck due to administrative delays and abuse of discretion.

Failure to obtain Governor's consent renders the transaction **void** in law, as affirmed in *Savannah Bank v Ajilo* ^[6], where the Supreme Court held that non-compliance with Section 22 of the Act invalidated a mortgage agreement. Although recent administrative reforms in some states (e.g., Lagos and Kaduna) have introduced digitized consent portals, the process remains opaque and prone to rent-seeking behaviour by officials.

d. Geographic Information Systems (GIS) Registration

The integration of Geographic Information Systems (GIS) in land registration offers a transformative approach to tenure documentation. GIS-supported registration involves georeferencing land parcels, assigning unique identifiers, and digitally mapping boundaries, thereby enhancing transparency and minimizing land-related fraud ^[7]. It also supports land use planning, cadastral management, and dispute prevention by providing spatially verifiable data.

The World Bank's 2017 ^[8] Land Governance Assessment Framework (LGAF) for Nigeria identified GIS deployment as a critical reform priority ^[8]. States like Kaduna and Cross River have initiated GIS-based land information systems, linking survey departments with land registries. However, success depends on cross-agency coordination, technical expertise, and sustained funding. Moreover, digitization must be paired with legal reforms to ensure that GIS records carry the same evidentiary weight as traditional registration instruments. Let us now delve into land registration procedure in some states in Nigeria.

Land Registration Procedures in Abuja

The Abuja Geographical Information systems is a computerized land registry of the Federal Capital Territory (FCT), Abuja. AGIS was established by the Federal Capital Territory Act in 2004 ^[9]. The department provides a comprehensive, all-inclusive, state of the art, computerised, geospatial data infrastructure for the FCT. AGIS has helped to curb land racketeering and fraudulent practices relating to land scam in the FCT. Before now, they were complaint leveled against former physical registry in respect to double allocation, theft of allocation documents, fake allocations as well as its employees demanding bribes before performing their statutory duties. But AGIS has gradually changed the narratives ^[10].

The functions of AGIS include to computerise the cadastral and land registry for Federal Capital City, the Area Councils and the Satellite Towns of the Federal Capital Territory, to prepare and issue certificates of occupancy and other

certificates evidencing titles, production and printing of Title Deed Plan, textual and graphic data on FCT, including land record, aerial photographs, satellite images, engineering drawing, and scanned pictures of building, to conduct property search and verification of land record. AGIS has office of the Director, Legal unit, Document Management System and Record unit, Geographic information systems unit Audit unit, Consultant unit and Administration unit amongst others.

Land in Abuja can be classified into public, government or private land. FCDA land is allocated directly by the FCT Minister with AGIS acting as the administrators of the process. There are 6 area council in the FCT specifically Abaji, Abuja Municipal, Bwari, Gwagwalada, Kuje and Kwali.

To apply for land in AGIS, applicant or any owner of land in Abuja who wish to obtain the original land title of that land must complete the application form and pay processing fee of one hundred thousand naira for commercial land and fifty thousand naira for residential land at designated banks. Applicant will furnish evidence of payment to the AGIS to obtain a receipt. Thereafter applicant submit completed application form with the following documents to AGIS for processing: applicant's proof of identity, land registration proof, site clearance document, plan of survey, payment slips of necessary payments and any supporting documents. For land that are to be developed for commercial purposes: a schematic design of the proposed building, an environmental and technical capacity. Where the applicant is a company, incorporation certificate and corporate tax certificate are required ^[11].

The original of the titled document is required at the AGIS for sighting. Thereafter a search of the property will be carried out by AGIS staff. They conduct search and develop a report stating whether the information provided in the application letter matches that of the document with them or any land registered there in the land registry. The report shall also state the rates payable and provide information on any encumbrance on the land ^[12]. This procedure is commendable and it is submitted that due diligence should be conducted by Land Registry as done in Abuja before registration of land.

Under the AGIS regime, both Power of Attorney and Deed of Assignment cannot be registered simultaneously on a single portion of land. Where there is a change of ownership of land in the Federal Capital Territory, the new owner files a Power of Attorney if the land is undeveloped. But where the land is developed, the document of title needed is the Deed of Assignment.

AGIS issues a Statutory Certificate of Occupancy on a land once. A subsequent owner who acquires title from the holder of a C of O need a Deed of Assignment to register title. It is apposite to note that a duly registered Deed of Assignment will achieve the same purpose as the Certificate of Occupancy and even more as it helps third parties and AGIS officials to easily trace the subsequent owner's root of title over the land.

Furthermore, where a portion of land contains several plots, a subsequent owner of the portion of land must take steps to register his title on the individual plots that make up the portion of land. The reason for this is that each plot of land has different file number and documentations at AGIS, as such registration of title in one plots does not translate to registration of title over other plots in the portion of land.

However, after registration of title over the title plots in the portion of land, the title holder may apply for the plots in the portion of land to be consolidated ^[13].

AGIS also handles dispute arising from double allocation of lands. In circumstances where the allotment of land to a first allotted is wrongly re-allotted to a third party, three options for settlement are opened to the applicant namely:

1. Application to the Director of land and follow up administratively for the subsequent allotment to be canceled.
2. Commencement of a suit in Court against the Minister of the FCT and the subsequent allotted for sub allotment to be canceled.
3. Application to the Director of Land for a fresh allotment of another land in light of the land that was wrongly allotted to a third party.

The Federal Capital Territory Land Use Regulations is the operative law in Abuja. Section 4 provides that an allocation of land shall be made only from the official layouts and from the official cadastral date; that only un-allocated plot shall be allocated; all land allocations shall be made using the most recent data in official date repository at AGIS; all allocations shall be documented in the official digital data repository immediately; all right of occupancy shall be printed from the official repository at AGIS.

With respect to land revocations, section 5 of the regulation states that: 'All land revocations shall use the most recent data; shall be accompanied by physical field verification and all land revocations shall be documented in the official digital data repository an immediately copied to the departments of survey, mapping, development control and the minister's office'. In a case where the land revocation had an old date and was not noted in the digital repository of AGIS, the Supreme Court declared that the revocation was void as there was in existence a valid right of occupancy that was not properly revoked ^[14].

Dr. Jalo, Director of AGIS capitulated that AGIS has positively contributed to the success Nigeria recorded in its upward movement on the ease of doing Business in the 2019 World Bank Index. He further revealed that Federal Capital Territory Administration in 2019 received a total of 7, 826 fresh applications for various plots in the FCT which were all successfully handled. The application included private residential-4901; Commercial-2,120; Resettlement-431; Area Council-373 and diplomatic-1 ^[15].

a. Land Registration Procedures in Lagos

Lagos is Nigeria's largest populated city. Over 15 million people live in the city and urban area of Lagos State. Its topography is made up of sandbars, islands and lagoons ^[16]. The Land registration process in Lagos State is principally governed by the Land Use Act ^[17], and the Land Registration Law of Lagos ^[18]. The Lands Registry or Lands Bureau of Lagos is statutorily empowered and saddled with the responsibility of keeping an up to date record of all land transactions in the State.

For land to be duly registered in Lagos, such land must have been duly charted and surveyed. The Governor must also assent to the transfer. Hence the procedure for registration covers the survey of land to be registered, the procurement of the Governor's consent and the actual registration. The

registrable instruments that require Governor's consent include:

- a. Property Transfer Title Deed
- b. Mortgage
- c. Lease over three years
- d. Gift of property

For applicant to obtain Governor's consent, applicant need to apply to the Land Bureau and fill Form 1c and attach the following documents ^[19].

- a. Duly completed Land form duly signed by parties and sworn before a Magistrate.
- b. Certified True copy (CTC) of root of title.
- c. Deed or instruments of transfer, three (3) in number with charitable survey plans annexed.
- d. Four passport photographs of assignee or vendor only.
- e. Certificate of incorporation of companies and registered bodies (assignee only).
- f. Site photograph with date and time.
- g. Site location sketch.
- h. Receipts for charting and endorsement (N10,500).
- i. Applicant's or Agents means of identification.
- j. Covering letter with functional telephone lines and email addresses.

The procedure for obtaining certificate of occupancy in Lagos depend on whether the land is privately owned or Government allocated lands. Documents required for Government allocated land include the following:

1. A formal letter addressed to the Executive Secretary of Land use and Allocation Committee.
2. Submission of duly filled allocation form together with payment receipt
3. Four passports photographs with white background
4. Evidence of payment of income tax, development tax.
5. Survey plan with evidence of lodgment of red copy attached
6. Payment receipts for land charges

The applicant is required to buy and submit application pack to the Land use Allocation committee and collect acknowledgment slip and offer of allocation of plot letter. If applicant accepts the offer, then pays for the allocated land and is issued letter of confirmation which prescribes the plot number ^[20].

The scheme officer processes application of certificate of occupancy with the digitized survey plan sent to him by the Surveyor General office and signs off the file to the secretary LUAC who in turn send the file to the senior special assistant to the Governor. The SSA (Lands) vets entire file and send application with a memo to the permanent secretary Lands Bureau, if file has a query, message is relayed by notification, but where there is none, the Permanent Secretary signs off on the memo and sends file to the Governor. The Governor approves file and electronically signs the certificate of occupancy. The file is then sent to Registrar of Titles to register the title and request for printing of the certificate of occupancy.

For private Lands or Non-State lands, the following documents is required for land registration:

1. Formal letter addressed to the Executive Secretary LUAC
2. Completed certificate of occupancy form with receipt

3. Land information certificate with receipt
4. Four original survey plan
5. Four original passport photographs with white background
6. Sketch map of the site location
7. Evidence of income tax, current development levy and capital contribution fees where applicable.
8. Publication fees
9. Building plan approval if plot is developed, copy of tenement rate receipt if plot is occupied, or Land use charge.

Applicant is required to submit the application form and provide the vital information needed. Thereafter, there is compilation of applicants names for publication in a widely read newspaper. Title search for previous registration is conducted and site inspection if land is for industrial or commercial use. The certificate of occupancy is engrossed and sent to Executive secretary LUAC who then forward the certificate to the Senior Special Assistant to his Excellency. Upon execution of the Certificate by the Governor, the Certificate of occupancy is registered at the Land Registry and the certificate is ready for collection by the applicant.

b. Land Registration Procedures in Kaduna State

Kaduna State Geographic information system was launched in 2016 following an executive bill presented to and passed by the State Assembly to replace Ministry of Lands, and Survey with KADGIS. The e-system is aimed at eradicating all forms of corrupt practices by land speculators, the illegal sale of land and also to make procurement of land hassle-free ^[21]. To regulate its practices, a regulation was made. Section 15 of regulation prescribe the function of KADGIS to include introduction, implementation, and sustenance of best practices for land ownership an title certification. They are to receive, conduct due diligence on land documents and verify application submitted for issuance of certificates of occupancy ^[22].

KADGIS is also charged to develop and maintain a database of all land with particular reference to the land title, history, location, size and other related issues. It is pleasantly observed that a situation where information is stored in the cloud service, there will be no incident of missing files.

There are eight steps to follow in registering of real property with KADGIS, first the applicant must collect a correct application form at the physical office ^[23], or download the form from official website ^[24]. Secondly, the applicant is required to fill the form completely and attached all relevant land documents in original copies. After completion the application form is returned and the applicant must have valid means of identification coupled with passport. Applicant upon submission will pay to KADGIS designated account an acknowledgment letter which contain list of documents submitted will be sent to applicant. The application will go through the stage of verification and rectification of the plot of land applied for. Upon successful completion applicant will receive offer attached with terms and condition to be observed in respect of the registered land and upon applicant acceptance the Certificate of Occupancy or a registered document is due for collection. The stages listed is what KADGIS follow to register land and the fact that it is online makes the process seamless. By digitising land titles, the KADGIS is guaranteeing the integrity of title documents.

c. Real Property Registration Procedure in Rivers State

Rivers State, particularly Port Harcourt, conducts land registration under the Ministry of Urban Development and Ministry of Lands and Survey. Unlike Lagos and Abuja, there is no consolidated one-stop portal. Applicants must file their documents in person and often interact with several departments. Required documentation includes Deed of conveyance or assignment, survey plan approved by the Surveyor-General, evidence of rent payment, C of O (if existing), tax clearance certificate, and proof of family or community consent for customary land ^[25].

While the legal framework is largely inherited from the Land Instruments (Preparation and Registration) Law of 1999, implementation has been marred by poor recordkeeping, manual processing, and weak oversight mechanisms. Fees are not published and are often negotiated, resulting in transactional opacity. Multiple registrations and disputed consents are common. Reforms are ongoing through the Rivers Geographic Information System (RIVGIS) project, though it remains at the pilot phase ^[26].

After conducting a thorough land search to verify the ownership status of the property, the applicant will commission a licensed surveyor to conduct a survey plan at the exact location of the land to produce authentic survey plan. Applicant will consult a lawyer for a Deed of conveyance reciting the vendors root of title and detailing the transfer of ownership from vendor to purchaser. Applicant will apply and obtain Governor's consent.

There are three stages for Perfection of title in Rivers State. The first stage is a visit to the Surveyor General's office to confirm that the land survey is genuine, deposited and registered. If it is genuine, then applicant will be given the Certificate of Deposit. To ensure land is genuine the surveyor General office will chart the property to be sure there's no government interest. If there is government interest, the applicant does not have to go any further because applicant won't be to register title or get a Certificate of Occupancy, or even a Certificate Of Deposit in a property the as the government has interest in it. It is compulsory that applicant apply for survey upload so that it would reflect on the portal for the Ministry of land to follow up.

During the second stage, the applicant will go to the Rivers State Revenue House for payment of stamp duties if the property sought to be registered is owned by an individual. If the property is owned by a company, then the applicant will go to the Federal Inland Revenue for payment of stamp duties. At the Board of internal revenue applicant will pay stamp duty (which is 3 percent of the consideration, and ten percent of the three percent for every year of default). Applicant will also pay the Capital gains tax. (it's usually 10 percent of the capital on the property depending on the location).

During the third stage, the applicant will apply for Certificate of Occupancy or apply for registration of an assignment of the property if the property already has Certificate of Occupancy.

The applicant is required to submit the following documents

1. Tax clearance certificate of the owner of the property
2. Passport photographs and valid Identity Card
3. Copies of the Deed or Assignment.

Applicant will pay the following fees

1. Application fee
2. C of O fee
3. Consent fee (this is 10 percent of the consideration)
4. Publication fee
5. Charting fee
6. Registration fee.

Real Property Registration Procedure in United Kingdom

The procedure for registration of land in the HM land registry will be briefly analysed:

1. Applicant buying or selling land or property or taking out a mortgage must apply to www.gov.uk to register land or property. Search the register to ensure the property address, description, tenure type and whether there are restrictive covenants or easements.
2. Apply for a search from the land charges department to search against all previous owners since 1925. Detailed results of such search will be sent to the applicant's registered email.
3. Any new owner of registered land or property purchased, given, inherited or received in exchange for other property or land also need to apply for registration.
4. An interest affecting registered land or property such as a mortgage or a lease or a right of way is a registrable instrument of which the applicant must also apply.
5. Fill an application for first registration. Land or property must be registered for the first time if it is unregistered as at the time it is purchased or taken ownership of lease of.
6. Applicant need to provide reliable information about ownership of an interest affecting land and property^[27].
7. Applicants need to upload land title guaranteed by the government and title plan that indicate general boundaries. Where land measurement is not shown in the deed, applicant will prepare a scale plan showing where the land is outlined.
8. Applicant identifies the correct registration fee depending on the value of the property.
9. Applicant will send all documents, forms and fees to HM land registry for sighting.
10. Proof of identity form is required if the applicant is not legal practitioner or conveyancer and a disclosable interests form must be completed if there are unregistered interest in the property not mentioned in the deeds such as short-term lease or right of occupancy.

To change the registered owner's name, applicant must apply to HM land registry as the new owner of a property or if there is addition of someone as joint owners following these outlined steps:

1. Download and fill application to change register;
2. Fill in either a transfer of whole of registered title form or transfer of part of registered title form,
3. Fill in a certificate of identity for a private individual,
4. Use correct fee scale to verify how much to pay or land registration fee calculator,
5. Send your documents, forms and fees to HM registry.

There is also provisions for updating correct contact addresses and also for changing of names to reflect true appellations of title holders. Registration of title places on

the registrar a greater responsibility to properly verify documents uploaded and presented by the applicant. The chief land registrar is responsible for land registration in England and Wales. He/she is the Head of Her Majesty's Land Registry. The register of each property becomes the actual guaranteed record of land rights that exist in the property as the register takes the place of the documents. It is therefore necessary for the Registrar to be satisfied that the documents lodged for registration do properly express the intentions or the parties and these can be affected without conflict with the law or with the interests of any other registered property. The UK land registration system is also map based. The boundaries and the extent of the property is also endorsed. The title registration not only provide a single authoritative record of land rights but machinery of registration which promotes simplified land transfer. Registration of land confers legal status on the rights in land. It is thus compulsory for those obtaining new rights in land to register these rights, the effect of failure to register new or transferred lands in UK can result in loss of the right of the unregistered owner or beneficiary as the legal estate has not passed. There is no protection for the right unless it is registered and failure to register can mean that hostile transactions could take place on the land within the space of time the land is left unrecorded.

In UK, registrable rights relating to land that have been expressed in a deed are registrable whether these are freehold, leasehold or shared ownership. Rights other than ownership that are also registrable include mortgages, easements, judicial sale, third party rights, annotations, concessions and matrimonial interests. Registered rights are guaranteed in UK. A person buying registered land is entitled to rely on the accuracy of the register and is indemnified against any loss suffered in the event of any error. This guarantee secured by the state ensure that any loss incurred by a registered land resulting from reliance on the conclusiveness of the land Registry by a land purchaser will be compensated through a statutory indemnity system.

Real Property Registration Procedure in Rwanda

Rwanda is a country in the east-central Africa, it is known as the land of a thousand hills due to the fact that its landscape is mostly hilly and mountainous. The capital is Kigali located in the center of the country. The population of Rwandan is over 13 million and total land area is 10,169 square meters. It is a multiparty republic with two legislative houses senate and chamber of Deputies. The civil war and genocide in 1994 left Rwanda's economy and social fabric in shambles as estimated one million people were massacred. Thirty percent of the population temporarily fled the country. Within three years, Rwanda was faced with the need to resettle millions of refugees and internally displaced people on limited land for which there were often multiple claims of rights. A survey found out that only about one of every landowner had even bothered to register the transaction and obtain official title. Rwanda's land tenure reform programme initiated a systematic land registration effort designed to promote land access and address tenure insecurity. The registry urgently had to make it easier to register transaction and build public awareness about the importance of keeping the land database up to date. A registry team in response launched a nationwide campaign to raise awareness about importance of titling and of reporting all land transactions.

In 2005, after the passage of land law, Rwandan government launched an ambitious program to title every parcel in the country. At the time, the national registry had records on only twenty thousand parcels. With funding from international donors, in 2007 a pilot project using aerial photography instead of traditional survey methods in four localities were launched. Then staffers visited every household to determine ownership of each parcel. Subsequently aerial mapping technique was used for the whole country and there was follow up verification of ownership in 2008. The maps and hand drawn borders were sent to head office to digitize the paper maps. A new software platform to speed transactions was set up. As of 2013, the program had demarcated and adjudicated 10.3 million parcels, of which 81 percent had received approval for titling. The Rwandan land administration system recognised different types of land transactions covering a broad range of categories including mergers of adjoining parcels, or the correction of incorrect demarcations, sales, court ordered sales or auctions, voluntary transfers not involving money such as inheritances, donations, and exchanges of land. Land holders also could apply to the registry to rectify mistakes such as misspelled names, they could add annotations, or conditions to their titles. The law specified the circumstances under which the government could expropriate, confiscate, requisition, or seize land. Land owners could apply to convert lease rights to freehold, register subleases, change the tenure type and land use of their parcels, and add an owner's name or remove one from a title. The laws supporting right to ownership of land include the Rwanda Constitution of 2015. Article 34 provides for right to private property and it states thus: 'Everyone has the right to private property, whether individually or collectively owned, private property whether owned individually or collectively is inviolable'. In the case of *Kagwenyonga v The Sons of Rwubusisi* ^[28], relating to succession to the right to own land of Rwubusisi, the Royal Court analysed the case and put into consideration the common human values, the improvement an adjustment of the national culture and custom towards justice and equity, decided to put on the same level the right of the sons and daughters of Rwubusisi to own landed property.

Rwanda Court also declared the Rwandan customary law that excluded female children from right to own land was in breach of the Constitution ^[29]. The right to property shall not be encroached upon except in public interest and in accordance with the provisions of the law. Also article 35 provides for right to private ownership of land to wit: Private ownership of land and other rights related to land are granted by the State; this state law determines modality of concession, transfer and use of land.

Another relevant law in favour of land registration is the Law governing Land in Rwanda. It was enacted on 16th day June 2013 to determine modalities of allocating, acquisition, transfer, use and management of the land in Rwanda ^[30]. 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 ^[1].

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 modality 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 ^[32]. 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.

The procedure for land registration in Rwanda include the following process

1. The applicant obtain signed and stamped certificate of provisional land ownership from the vendor.
2. Applicant submit certificate of provisional land ownership to the registry.
3. Pays for systematic land registration and attach copies proof of identity, Power of Attorney.
4. For land with full ownership title like family and communal lands, sign purchase agreement in presence of Land officer.
5. Pays full ownership title transfer fees.
6. Submits full ownership title transfer documents.
7. Obtain modified ownership title.

The total duration of land registration in Rwanda is about six to eight days and three institutions: District office at Nyarugenge, Bank of Kigali and Rwanda Natural Resources Authority are involved the real property registration in Rwanda.

Real Property Registration Procedure in Kenya

Kenya is a country in East of Africa with coastline on the Indian ocean. The population of Kenya is about 50, 830,000. Kenya operates a presidential representative democratic republic in which elected officials represent the people and the president is the head of state and government. The laws in support of land registration in Kenya include the Constitution, Land Registration Act and the Regulation. Chapter five the Kenyan constitution deals with land and environment ^[33]. One of its principles is to cater for security of land rights ^[34]. All land in Kenya belongs to the people of Kenya collectively as a nation, as communities and as individuals ^[35]. Section 61 (2) provides thus: 'Land in Kenya is classified as public, community or private.

The Land Registration Act provides thus: 'The registration of a person as the proprietor of land shall vest in that person the absolute ownership of that land together with all rights and privileges belonging or appurtenant thereto ^[36]. This

section establishes the fact that registration of land in Kenya gives the proprietor absolute right over the land. Where a third party is wrongly given the land without knowledge and consent of the proprietor in the register, the court will uphold the right of the registered proprietor. An illustrative case is *Mwangi v Chief Land Registrar* ^[37]. The plaintiff vide an amended plaint sought a declaration that his father was the lawful owner of the registered parcel of land; an order canceling the registration documents in the possession of the 2nd and 3rd defendants and an injunction restraining them from interfering with the quiet enjoyment and possession of the land in dispute. The plaintiff's case was that he was the lawful proprietor of the land since 2002, then legally registered same in 2016, that he later discovered that the 2nd and 3rd defendants had allegedly in collusion with the 1st defendant clandestinely procured their registration as the proprietors of the suit land, he pleaded that the defendants used forged documents and faked his signature and impersonated him in the process of that registration. The plaintiff stated that he and the members of this immediate family have been residing on the suit land without interruption from 2002 and that he had never sold it to anyone. The 1st defendant's case was that the first entry as to ownership was in the name of plaintiff but was transferred to the names of 2nd and 3rd defendants on 23rd January 2018. During cross examination he stated that he had no supporting documents to back up the registration of 2nd and 3rd defendants as proprietors of the suit land. In the end, the court found the plaintiff has established the claim against the 2nd and 3rd defendants and granted an order declaring the plaintiff the rightful proprietor of the suit land. Court ordered for the cancellation of the registration of the defendants which lack supporting documents.

The law is to the effect that the rights of a proprietor, where acquired on first registration or subsequently for valuable consideration or by an order of court, shall not be liable to be defeated except as provided by the Act ^[38]. This law is a guarantee for registered holders of land. It gives security of tenure and title. Upon registration, a certificate of title is required by law to be given to the proprietor. Section 26 provides thus: 'The certificate of title issued by the Registrar upon registration, or to a purchaser of land upon a transfer or transmission by the proprietor shall be taken by all courts as *prima facie* evidence that the person named as proprietor of the land is the absolute and indefeasible owner' In the case of *Gathimu v Maina* ^[39], the plaintiff submitted that the real import of Section 26 of the Act is to protect the genuine proprietor from being deprived of his rights by third parties.

In the case of *Kiragu v Muchunke* ^[40], it was held that when a court is faced with two or more titles over the same piece of land, it has to investigate it, starting from the root of title and tracing all the processes and procedures that brought the titles at hand. The title to be upheld in those circumstances is the one that conformed to procedure and in respect of which there is no break in chain of processes and procedures. In *Kamare v Land Registrar Kajiado* ^[41], the Court observed that without any documents to support the registration of the appellant as the proprietor of the land subject matter of that suit the appellant had failed to discharge the evidential burden of proof as required, and that he had not demonstrated the root of his purported title to the property and that he could not consequently claim title to the property. Kenya also have a regulation made pursuant to section 110 of the land registration Act 2012 ^[42].

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 ^[43]. 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. ^[44]. 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. ^[45] 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 earlier steps followed in purchasing a land in Kenya included:

1. First the purchaser identify the piece of land that meets criteria;
2. Carry out an official search at the county registry. The search indicates ownership and status of the land, registered owner, its size, any encumbrances against the land, for instance cautions and caveats;
3. Fill a search application form and attach single copy of the title deed, Identification card and pin certificate;
4. Make payment and obtain official receipt;
5. The buyer applies for the valuation of the land by the government valuer who give assessment of stamp duty to be paid,
6. Once payment is done, the buyer should lodge the documents at the lands office for stamping with duty;
7. Thereafter, the buyer should book the following documents for registration: title deed; land rent; rates clearance certificates; valuation report, consent transfer, stamp duty declaration and pay in slip.

The applications for land rent clearance, consent and valuation was done digitally on the online eCitizen platform, title search took about three days, land rent clearance took 19 days, land rates clearance took five days, consent to transfer needed nine days, file valuation requisition utilized four days, site visit and reporting required Twenty days, endorsement and assessment took four days, payment of stamp duty was approximately four days and title registration took five days. The total days was 73 days to finalize registration of land process which was tedious and time consuming.

Under the new process, the earlier tedious steps have been condensed into three steps namely:

1. Step one includes issuance of land rent clearance certificate, consent to transfer, lease or charge and valuation for stamp duty assessment which is to be concluded in five days.
2. Step two include site visit and report writing for valuation purposes to be completed in three days.
3. Step three is the registration of title to land and other instruments to be done with four days.

Cumulatively, the whole process is estimated to take a total of twelve days to finalize ^[46]. There is no manual applications under the new system. 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. In the case of *Ntutu v Minister of Lands* ^[47], the court held that where there is a mistake, the equitable maxim of the first in time ought to prevail in respect of the titles issued to the suit land. This position is correct as there can not be two original titles held by the two parties at the same time.

The analysis of the procedure of registration in different jurisdiction reveals that there are well organized registration procedure in some places while in others, the registration procedure is in the offing stage. From the various jurisdictions examined, the land registration procedure and requirements could be summarized as follows:

1. Conducting of land search,
2. Preparation of titled documents,
3. Application for Governor's consent,
4. Payment of all relevant fees,
5. Stamping of titled documents,
6. Registration of titled documents at the Land Registry,
7. Issuance of Certificate of Occupancy.

Conclusion

The benefit of registration is profound. It enables title documents to be pleaded as title and tendered as evidence to establish ownership of parcel of land. Registered title documents constitute notice of encumbrance to the whole world. The land buyer who undergoes the registration procedure does not lose priority to a bonafide purchaser or legal estate for value without notice. Perfection of title is fundamental to securing a good title to land and it confers legal title affording purchaser priority against any competing interest.

Recommendations

1. It is recommended that the states in Nigeria should embrace the procedure used in Abuja, Lagos and other climes and utilize relevant digital technology to make registration faster and unified.
- It is further recommended that manual registration should be gradually saved in the cloud to avert issues of loss of land registration files.

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