

CERTIFICATE OF OCCUPANCY UNDER THE LAND USE ACT: WHAT HAPPENS AFTER 99 YEARS?

INTRODUCTION

The Land Use Act seems to have begotten more questions than the answers it was enacted to proffer. What therefore seemed to be the beginning of the end to a controversy surrounding land matters in Nigeria has only proven to be an end to the beginning it proposed to introduce.

One controversial question the Act has introduced is; what happens to the right of occupancy conferred on Nigerians after the expiration of 99 years. This question is necessitated by the literal import of the wordings of the clause embodied in the certificate of occupancy. For the purpose of clarity, the clause reads thus:

“This is to certify that (hereinafter called the holder which term shall include any person defined as such in section 50 of the Land Use Decree) is entitled to a right of occupancy in and over the land described in the schedule and more particularly delineated in the plan annexed hereto, for a term of 99 years commencing from the – according to the true intent and meaning of the Land Use Decree and subject to the provisions thereof and to the following special terms and conditions”

As clear as this clause is, it in itself has raised so many questions and reactions from scholars of law and lawyers. The following questions have therefore been the subject of debate;

- Does the above clause contemplate renewal of a right of occupancy? If yes, to who? Is it the original grantee i.e. the former owner of the right of occupancy or the Assignee?
- If no, will the governor be entitled to the improvements on the land
- Assuming renewal is contemplated, will such be discretionary on the part of the governor, and what yardstick will be used in exercising the discretion

This and many more questions will be crux of this article as an attempt will be made at taking a carousal look at the intent of the drafters of the Act in the light to resolving this puzzling questions of law.

Certificate Of Occupancy What Happens After 99 Years

**United States. Congress. Senate.
Committee on Banking and Currency**

Certificate Of Occupancy What Happens After 99 Years:

Land as a Human Right Abdon Rwegasira, 2012-09-05 Wherever there is a persons right there is a corresponding duty imposed upon that person to respect the rights of others This co existence of rights and duties may be explained better by the principle of reciprocity of rights and duties Such is the basis of Land as as Human Right A History of Land Law and Practice in Tanzania The esteemed author documents Tanzanian land law along its line of historical development pre and post independence whereby the thorny issues about rights and duties of the landed landless and the intermediaries are elucidated This volume is not limited to events in Tanzania but includes jurisprudence of land law of other countries in order to tap some interpretative devices of our own by way of analogies Various case types reported and unreported local and foreign provide a tangible content to what would otherwise be pure theory He also makes references to local newspapers as a way of tapping the public responses about land related matters His survey of such cases in and outside Tanzania led automatically to judgments touching on womens right to matrimonial property and inheritance individual and collective rights to land and the right to land of the indigenou peoples It is the authors view that land law has remained poorly documented in Tanzania There is plenty of literature about Land Law yet these sources are not easily available or even accessible to every interested person Equally some of the available literature is so old that it may not always depict land law and or practice as we tend to understand it today This volume is a comprehensive text on land law in which all the necessary land law principles are highlighted with great precision Advocate Rwegasira does this with a human rights approach believing that it is through this approach that a persons right to land whether individual or collective can best be explained especially in this era when conflict over land is unabatedly becoming central in family communal and societal relations The language of human rights is for all of us to speak It follows therefore that practitioners both of the bar and the bench will also find it useful for quick reference much as will do policy makers law reformers and the general public in and outside Tanzania **FHA**

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