

ACT NO. 9 OF 2014

Land (Amendment) Act, 2014

An Act to amend the Land Act 2010¹.

Enacted by the Parliament of Lesotho.

Short title and commencement

1. This Act may be cited as the Land (Amendment) Act 2014 and shall come into operation on the date of its publication in the Gazette.

Commissioner of Lands

2. The Land Act 2010 (to be called “the principal law”) is amended by deleting section 11 and substituting it with the following:

“11. There is established the office of Commissioner of Lands which shall be in the public service.”

Functions of the Commissioner

3. The principal law is amended in section 12:
 - (a) by deleting subsection (1) and substituting it with the following:

“(1) The functions of the Commissioner shall be:

- (a) to advise allocating authorities in the performance of their duties under Part IV and V of the Act;
- (b) to issue notices of land to be advertised under section 27 of the Act;
- (c) to take measures to recover abandoned land under section 43 of the Act;
- (d) to deal with acquisition of land under Part VIII

of the Act;

- (e) to deal with acquisition of land under Part IX of the Act;
- (f) to prepare or execute or cause to be prepared and executed and retain copies of public servitudes;
- (g) to prepare documents and notices relating to land management for publication in the Gazette by the Minister;
- (h) to keep records of land held by the Government within and outside Lesotho;
- (i) to keep copies of records of land allocated by councils;
- (j) to deal with interest in land on behalf of the State and to execute all documents relating to such dealings subject to directions from the Minister;
- (k) to levy and collect fees for service rendered for land management;
- (l) to perform statutory functions under Town and Country Planning Act 1980; and
- (m) to advise parastatals and local authorities on acquisition of land and other land issues.”;

(b) by deleting subsection (2);

(c) by adding the following section:

“ Collection of duties

12A. Upon execution of any document referred to in this Act:

- (a) the Land Administration Authority shall, collect from the

grantee or transferee, all duties which may be payable under the Stamp Duties Act 1972 or the Transfer Duty Act 1966 in the case of a deed of transmission, and any registration fees;

- (b) the Commissioner shall collect from a landlord, a stamp duty payable in a tenancy agreement under the Stamp Duties Act 1972.”.

General

- 4. The principal law is amended by deleting the word “Commissioner” wherever it appears in the provisions relating to land administration matters and substituting it with the word “Authority”.

Allocating authority to issue certificate relating to grant of title

- 5. The principal law is amended in section 29:

- (a) in subsection (1), by deleting the word “triplicate” and substituting it with “quadripartite”;
- (b) by deleting subsection (2) and substituting it with the following:

“(2) The allocating authority shall, within 14 days of the grant of title, forward to the Commissioner and the Authority the certificate under subsection (1) and the Authority shall, within 3 months of receipt of the certificate, cause a lease document to be prepared for execution.”.

NOTE

- 1. Act No. 8 of 2010

GOVERNMENT NOTICE NO. 46 OF 2014

The Parliament of Lesotho

Statement of Objects and Reasons of the Land (Amendment) Act, 2014

(Circulated by the authority of the Minister responsible for Local Government, Chieftainship and Parliamentary Affairs)

1. The proposed reform

The Land (Amendment) Act, 2014 proposes to make a provision for the establishment of the position of Commissioner of Lands in the Government.

2. The Current Position

The Land Act 2010 as amended complicates land management in that land functions that are supposed to be performed by the Commissioner of Lands as a Government representative are now performed by the Land Administration Authority. In terms of Town and Country Planning Act 1980, the Commissioner of Lands is the planning authority, however, the Land Act 2010 as amended gives power to the Director General in the Land Administration Authority to become planning authority yet land management functions such as physical planning and surveying are within the Government.

3. Rationale/objectives

The intention of the Bill is to make a provision for the establishment of the position of Commissioner of Lands in the Government. This position is currently established under the Land Administration Authority.