

# LAND REGISTRATION IN NIGERIA: ISSUES AND CHALLENGES - CASE STUDY LAGOS STATE

By

AWOLAJA Adekunle 'Gbenga FNIVS, M. Sc. Real Estate (Reading), FNIVS, RSV,  
MNIM

Lagos State Valuation Office

Block 18A, the Secretariat, Alausa, Ikeja, Lagos

Email: [kunlaj2002@yahoo.com](mailto:kunlaj2002@yahoo.com)

# INTRODUCTION

## ➤ WHAT IS LAND REGISTRATION?

Land Registration generally describes systems by which matters concerning ownership, possession or other rights in land can be recorded (usually with a government agency or department) to provide evidence of title, facilitate transactions and to prevent unlawful disposal.

# GLOBAL LAND REGISTRATION SYSTEM

Global Land registration systems, involve **Deeds Recording and Title Registration.**

## ➤ DEED RECORDING:

Deed recording is a system of giving publicity to land transactions and helping to prevent concealed dealings.

The act of recording a deed gives notice to the public of a claimed interest inland and establishes priority against other possible claimants to the same interest. System of deeds recording requires certain information such as; a document presented for entry which normally accepted at face Value, Survey plan, Boundary descriptions.

# DEED RECORDING: ADVANTAGES AND DISADVANTAGE

## ADVANTAGE

- Documents can be recorded more quickly and at a lower cost than under a land titles registration system.
- Deeds registries are less costly to establish, also to help yield substantial revenues to governments.

## DISADVANTAGE

- Insufficient information to identify areas and extent of private and public lands.
- Uncertainties of ownership, boundary disputes, unlawful occupancy, and the lack of a national, regional or local land inventory for system.

# TITLE REGISTRATION

## ➤ TITLE REGISTRATION

Title Registration is an authentication of the ownership of, or a legal interest in, a parcel of land.

The Act of title registration confirms transactions that confer, affect or terminate that ownership or interest and once the registration process is completed no search behind the register is needed to establish a chain of title to the property, for the register itself is conclusive proof of title. This type of title is often referred to as indefeasible (or absolute).

# REQUIREMENTS FOR LAND TITLE

The following are required for an appropriate title registration, they are;

- Legislation:
- Cadastral survey
- Land adjudication (or land settlement as it is sometimes called).



# LAGOS STATE LAND REGISTRY CASE STUDY

- The land registry in Lagos is currently the most developed land registry in Nigeria. The registration of instruments affecting land in Lagos dates back to 1863 .
- This was a paper based system, which was later improved to an Electronic Document Management Solution (EDMS), because of the problem of storage facilities and rampant corruption.

# BENEFITS OF EFFICIENT LAND REGISTRATION SYSTEM IN LAGOS

- Encourage business and commerce flourish which may contribute to the alleviation of poverty in the state.
- Improve the revenue generated for the state budget with direct impact on various sectors of state service delivery such as health, education and environmental protection.
- Provides larger and more effective storage facility for documentation and safekeeping.
- Ease of Access ; Online Availability and Registration Procedures that are straight forward.



# CHALLENGES OF LAND TITLE REGISTRATION

- Propensity to commit fraud by stakeholders in land registration
- Inadequate funding of the land registry
- Non-capturing of all parcels of land in the state through proper and efficient cadastral surveys
- Non recognition of title registration, indeed emphasis is placed on deed registration
- Non anticipation of technological advancement that makes EDMS less reliable in this modern world
- Non recognition of land administration experts such as Estate Surveyors and Valuers as Registrars of Titles



Picture showing a typical example of the paper based storage system used in the Lagos State Land Registry before the development of EDMS



A picture showing the Concept of Electronic Data Management System





LAGOS STATE LANDS  
REGISTRY PUBLIC GUIDE

*BY*


LANDS  
BUREAU



LAGOS STATE LANDS  
REGISTRY PUBLIC GUIDE

*BY*

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The Lagos state government through the lands bureau recently issued out Twelve (12) new Land Registry Public Guides which are listed below;

- The Benefits of Registration
- Searches
- Certified True Copies
- The Registration Procedure
- Deed Registration Procedures
- Procedures for Registering a Caution under the Registration of Titles Act
- Withdrawal of Caution
- Lost Land Certificate
- Lost Instrument
- Deeds of Assent
- Registration of Vesting Deeds
- Registration of Certificate of Occupancy



## 1. THE BENEFIT OF REGISTRATION

There are four (4) key benefits of registration which are;

- Evidence of Ownership
- Higher Property Value
- Security of Title
- Ease of Transaction

## 2. SEARCHES

With the introduction of the Electronic Data Management Scheme, searching can be done online is now more efficient and can be done at a payable fee of N3,750.

### **REQUIRED INFORMATION:**

- Registered Particular
- Registered Name on the document
- Address of the Property
- Survey Plan attached to deed

### 3. CERTIFIED TRUE COPIES (CTC)

In order to obtain a certified true copy of a registered deed of title, there is need to provide an affidavit of purpose to support the application.

There are Six key stages in obtaining the CTC of a property, which are:

- A. Endorsement of application at the investigation section.
- B. Payment of fees at Account Department and collection of receipt.
- C. Submission of receipts at the main reception
- D. Retrieving of the document and generation a printout by System Administrator.
- E. Certification of registered document in investigation department.
- F. Delivery of Certified True Copy

TIME DURATION: 30 Minutes

#### 4. TITLE REGISTRATION PROCEDURE

Under the Registration of Title Law, documents such as assignment, leases, subleases, mortgage and any other document which confer title to land.

TIME DURATION: 21 Days ( 5 days via the internet).

FEE: A fee of 3% of the capital value of the property except incase of a mortgage the amount payable is 0.5%

#### 5. DEED REGISTRATION PROCEDURE

This procedure is quite similar to that of Title registration only that it takes a shorter time duration.

TIME DURATION: 2 days.

FEE: A fee of 3% of the capital value of the property except incase of a mortgage the amount payable is 0.5%

## 6. Procedures for Registering a Caution under the Registration of Titles Act

Cautions can only be registered in titled areas. Section 44 of the Registration of Titles laws says “Any person claiming an unregistered estate, interest or claim in any registered land or charge may apply for a caution to b registered against the registration of any disposition or change of ownership affecting the Land or charge”.

TIME DURATION: 21 DAYS (5 Days via Internet)

FEE: N 28,125.

## 7. WITHDRAWAL OF CAUTION

A caution can be withdrawn by virtue of section 46 (3) of the Registration of Title laws which states that “ A caution may be withdrawn by the person who lodged it or applied for its registration”.

**TIME DURATION: 5 Days**

**FEE: N13,125 ( Thirteen Thousand, One Hundred and Twenty Five Naira Only)**

## 8. LOST LAND CERTIFICATE

A Land Certificate is issued for land applications brought for certain areas which are covered by registration of Titles Law 1935. If a Land Certificate is lost, there is a procedure that must be undertaken for replacement.

### **REQUIRED DOCUMENTS:**

Application letter, letter of Authority, Affidavit, Police Report.

**TIME DURATION: 2 Days**

**FEE: N 37,500 (Thirty Seven Thousand, Five hundred Naira Only).**

## 9. LOST INSTRUMENT

An instrument is a document affecting land whereby one party confers, transfers, limits, charges or extinguishes in favour of another party, any right or Title to or interest in land but note that this does not include a will.

### **REQUIRED DOCUMENT:**

Application letter, Original CTC, Affidavit, Publication of the loss made in any Nigerian Newspaper.

**TIME DURATION: 2 Days**

**FEE: N 18,750 (Eighteen Thousand, Seven hundred Fifty Naira Only).**

## 10. DEEDS OF ASSENT

An assent is an agreement of an executor or administrator to pass over a legal interest in the property in question to legatee (a person). An assent relates to property which has been bequeathed to an individual or individuals.

### **REQUIRED DOCUMENT:**

Letter of administration, Original CTC, Affidavit, Land Certificate.

**TIME DURATION: 14 Days**

**FEE: N 37,500 (Thirty Seven Thousand, Five hundred Naira Only).**



## **11. REGISTRATION OF VESTING DEEDS**

The Vesting Deed is created under the land Instrument Registration Law 1925.

### **REQUIRED DOCUMENTS:**

Letter of administration, Vesting Deed.

**TIME DURATION: 2 Days**

**FEE: N 37,500 (Thirty Seven Thousand, Five hundred Naira Only).**

## **12. REGISTRATION OF CERTIFICATE OF OCCUPANCY**

Registration of Certificate of Occupancy involves five key stages which include;

- Certificate of Occupancy is brought with a covering letter from the Land Use and Allocation Committee
- Registration and forwarding of Letter to Litigation Section for checking and Numbering
- Preparation and Registration of Certificate of Occupancy
- Document is Sealed and sent for signature of Deputy Registrar or Registrar of Titles
- Document is returned to Land Use and Allocation committee where it is delivered to the proprietor.

# SOURCE

- Lagos State Government
- Lagos State Lands Bureau