



THE GAMBIA

NO. 12 OF 2007

Assented to by The President,

this 5th day of October 2007

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YAHYA A. J. J. JAMMEH
President

AN ACT to provide for the establishment of the Lands Commission to mitigate the problems of land allocation and improve land administration in The Gambia and for matters connected therewith.

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ENACTED by the President and the National Assembly.

PART I - PRELIMINARY

1. This Act may be cited as the Lands Commission Act, 2007.

Interpretation

2. In this Act, unless the context, otherwise requires-

“Commission” means the Lands Commission established under section 4;

“Commissioner” means a Commissioner appointed under section 5 and includes the Chairperson;

“Department of State” means the Department of State responsible for lands;

“Director” means the Director of Lands and Survey;

“Secretary of State” means the Secretary of State responsible for lands.

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Administration of this Act

3. This Act shall be administered by the Department of State through the Department of Lands and Survey.

PART II – ESTABLISHMENT AND COMPOSITION OF THE LANDS COMMISSION

Establishment of the Lands Commission

4. (1) There is hereby established the Lands Commission, which shall be governed by the provisions of this Act.

(2) The Commission is a body corporate with perpetual succession and a common seal and may –

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(a) sue or be sued in its corporate name;

(b) enter into contracts, and acquire, hold and dispose of property; and

(4) The Director, as the Secretary to the Commission, shall –

- (a) keep the books and records and conduct the correspondence of the Commission;
- (b) prepare the agenda and record the minutes of meetings of the Commission; and
- (c) perform such other functions as may be assigned to him or her by the Commission.

PART V- FINANCIAL PROVISIONS

16. The Commission shall maintain a fund into which shall be paid –

- (a) sums appropriated to it, from time to time, by the National Assembly;
- (b) grants and gifts, provided that the terms and conditions attached to any grant or gift are not inconsistent with the functions of the Commission; and
- (c) such other sums as may accrue to the Commission from any other source.

17. (1) The Commission shall, not later than three months before the end of each financial year, prepare and submit to the Secretary of State for approval, estimates of the income and expenditure of the Commission for the ensuing year.

(2) The Commission shall keep proper records and books of accounts of its income, expenditure and transfers.

Fund of the Commission

Estimates, accounts and audit

(3) The Commission shall prepare, in respect of each financial year, a statement of accounts.

(4) The Commission shall, within three months of the end of each financial year, submit its statement of accounts to the Auditor General for audit.

(5) The audited accounts of the Commission and the Auditor General's report on those accounts shall form part of the Auditor General's overall report to the National Assembly.

Annual report

18. (1) The Commission shall, not later than two months after the end of each financial year, submit to the Secretary of State, in respect of the financial year, an annual report on the financial position and performance of the Commission.

(2) The report under subsection (1) shall include-

(a) a statement on the income, source of income and application of the moneys of the Commission;

(b) information with regard to the operation and performance of the Commission; and

(c) such other information as the Secretary of State may require.

(3) The Secretary of State shall, not later than three months after the end of the financial year, cause the report to be laid before the National Assembly.

(b) not participate in any deliberation and voting of the Commission in respect of the matter.

(2) The President may, on the recommendation of the Secretary of State, remove from the Commission, a Commissioner who contravenes the provisions of subsection (1).

11. A resolution is a valid resolution of the Commission if-

(a) it is signed or assented to by a majority of the Commissioners; and

(b) notice of the proposed resolution was given to each Commissioner and to the Director,

notwithstanding that it was not passed at a meeting of the Commission.

12. No action, suit, prosecution or other proceeding shall be brought or instituted against a Commissioner personally in respect of any thing done in good faith in pursuance, execution or intended execution of any of the provisions of this Act.

13. A Commissioner and a person co-opted to the Commission shall be paid such allowances as the Secretary of State may approve.

PART III – FUNCTIONS

14. The Commission shall-

Transaction of business without meeting

Protection of Commissioners

Allowances to Commissioners

Functions of the Commission

- (a) advise the Secretary of State on policy matters relating to land administration to ensure strict adherence to those policies and transparency in land allocations;
- (b) investigate disputes on land ownership and occupation in any area in The Gambia;
- (c) assess land rent and premium for properties within any area in The Gambia;
- (d) monitor the registration of properties and inspect land registers and records;
- (e) be responsible for all matters relating to national boundaries, including monitoring and reporting to the Secretary of State; and
- (f) perform such other functions as the Secretary of State may assign to it.

PART IV – SECRETARIAT OF THE COMMISSION

Secretariat

15. (1) The Secretariat of the Commission is the Department of Lands and Surveys.

(2) The Director is responsible for the execution and implementation of the policies of the Commission and the transaction of the day-to-day business of Commission.

(3) The Commission may delegate to the Director such of its functions as are necessary to enable him or her to transact efficiently the day-to-day business of the Commission, and for that purpose, the Commission may, from time to time, issue written instructions.

(2) The Chairperson shall, at the written request of the Director or not less than three Commissioners, convene a special meeting of the Commission to transact any extra-ordinary business on a date specified in the request.

(3) A written notice of a special meeting of the Commission shall –

(a) be sent to each Commissioner not later than forty-eight hours before the meeting; and

(b) specify the business for which the meeting is being convened.

(4) The quorum of the Commission at any meeting shall be three.

(5) The Commission shall take decisions by a simple majority of the votes of the Commissioners present and, where there is an equality of votes, the person presiding shall have a casting vote.

(6) The Chairperson shall preside at every meeting of the Commission at which he or she is present, and in his or her absence, the Commissioners present shall appoint one of their number to preside at the meeting.

(7) The minutes of every meeting of the Commission shall be recorded by the Secretary, and signed by the Chairperson or the person who presided at the meeting, after confirmation by Commissioners.

(8) The Commission may at any time co-opt a person to be an adviser at any of its meetings, but a person so co-opted shall not be entitled to vote at any meeting of the Commission.

(9) The validity of the proceeding of the Commission shall not be affected by—

(a) a vacancy in its membership;

(b) a defect in the appointment of any of its Commissioners; or

(c) reason that a person not entitled to do so, took part in the proceedings.

(10) Subject to this section, the Commission may regulate its own procedure.

Committees

9. (1) The Commission may appoint such technical and other committees, comprising such Commissioners and other persons, as it deems necessary to carry out, on its behalf, such of its functions as it may determine.

(2) A decision of a committee appointed under this section has no effect unless it is confirmed by the Commission.

Disclosure of interest

10. (1) A Commissioner who has an interest in any matter being undertaken or investigated by the Commission shall—

(a) disclose to the Commission the nature of his or her interest; and

(c) so far as is possible for a body corporate, exercise the rights, powers and privileges and incur the liabilities and obligations of a natural person of full age and capacity.

(3) The application of the common seal of the Commission shall be authenticated by the signature of the Chairperson or such other person as may be authorized by the Commission to sign on its behalf.

(4) A document bearing the imprint of the common seal of the Commission is deemed to be properly sealed, unless the contrary is proved.

Composition of
Commission

5. (1) The Commission consists of-

(a) a Chairperson;

(b) four persons of distinguished service and integrity with adequate knowledge and experience in administration in The Gambia; and

(c) the Director of Lands and Survey, who shall also act as Secretary to the Commission.

(2) The Chairperson of the Commission shall be a Judge of a superior court in The Gambia.

(3) The Commissioners, other than *ex-officio* Commissioners, shall be appointed by the President after consultation with the Public Service Commission.

Tenure of office
of Commis-
sioners

6. (1) The Commissioners, other than *ex-officio* Commissioners, shall hold office for a term of four years and may be re-appointed for such further terms as the President may determine.

(2) A person is not qualified to be a Commissioner or to continue to be a Commissioner if –

(a) he or she is adjudged to be a person of unsound mind;

(b) he or she has been convicted of an offence involving dishonesty or fraud and has not been granted a free pardon; or

(c) in the case of a person who has professional qualifications, he or she is disqualified or suspended, otherwise than at his or her request, from practising his or her profession by the order of a competent authority made in respect of him or her personally.

(3) A Commissioner may resign his or her office by notice in writing addressed to the President.

Power to give
general
directives

7. The Commission may give, to the Director, general directives as to the management of the property, business and funds of the Commission and other matters relating to the Commission.

Meetings of the
Commission

8. (1) The Commission shall meet for the discharge of its business at least once in every three months at such times and places as the Chairperson shall appoint.

(4) The Director shall also, from time to time, provide the Secretary of State with such information relating to the affairs of the Commission as the Secretary of State may request.

PART VI – LEGAL PROCEEDING

Notice of legal action

19. (1) No action may be brought against the Commission unless at least one month's written notice of the intention to bring the action has been served on the Commission by the intending plaintiff or his or her agent.

(2) The notice shall state the cause of action, the name and place of abode of the intending plaintiff and the relief, which he or she claims.

Service of process

20. The notice referred to in section 19 and any summons, notice or other document required or authorized to be served on the Commission in connection with a suit by or against the Commission, may be served by delivering it or sending it by registered post addressed to the Director.

Execution of judgment

21. In an action or suit against the Commission, no-

(a) execution or attachment or process in the nature of an execution or attachment shall be issued against the Commission; or

(b) sums of money which may by judgment of the court be awarded against the Commission, shall be paid by the Commission from its funds,

before the expiration of at least three months from the date of judgment of the court

Representation

22. In a suit against the Commission, the Commission may be represented in court at any stage of the proceedings by an officer or any other employee of the Commission duly authorized in writing by the Commission in that behalf.

PART VII- MISCELLANEOUS

Regulations

23. The Secretary of State may, on the recommendation of the Commission, make regulations that are necessary to give effect to this Act.

Dissolution of
Land Administration
Boards
No. 2 of 1991

24. The Land Administration Boards established under the State Lands Act, 1991 are hereby dissolved and any of their functions not included in the functions of the Commission under this Act are hereby transferred to the Department of State for Lands and Surveys.

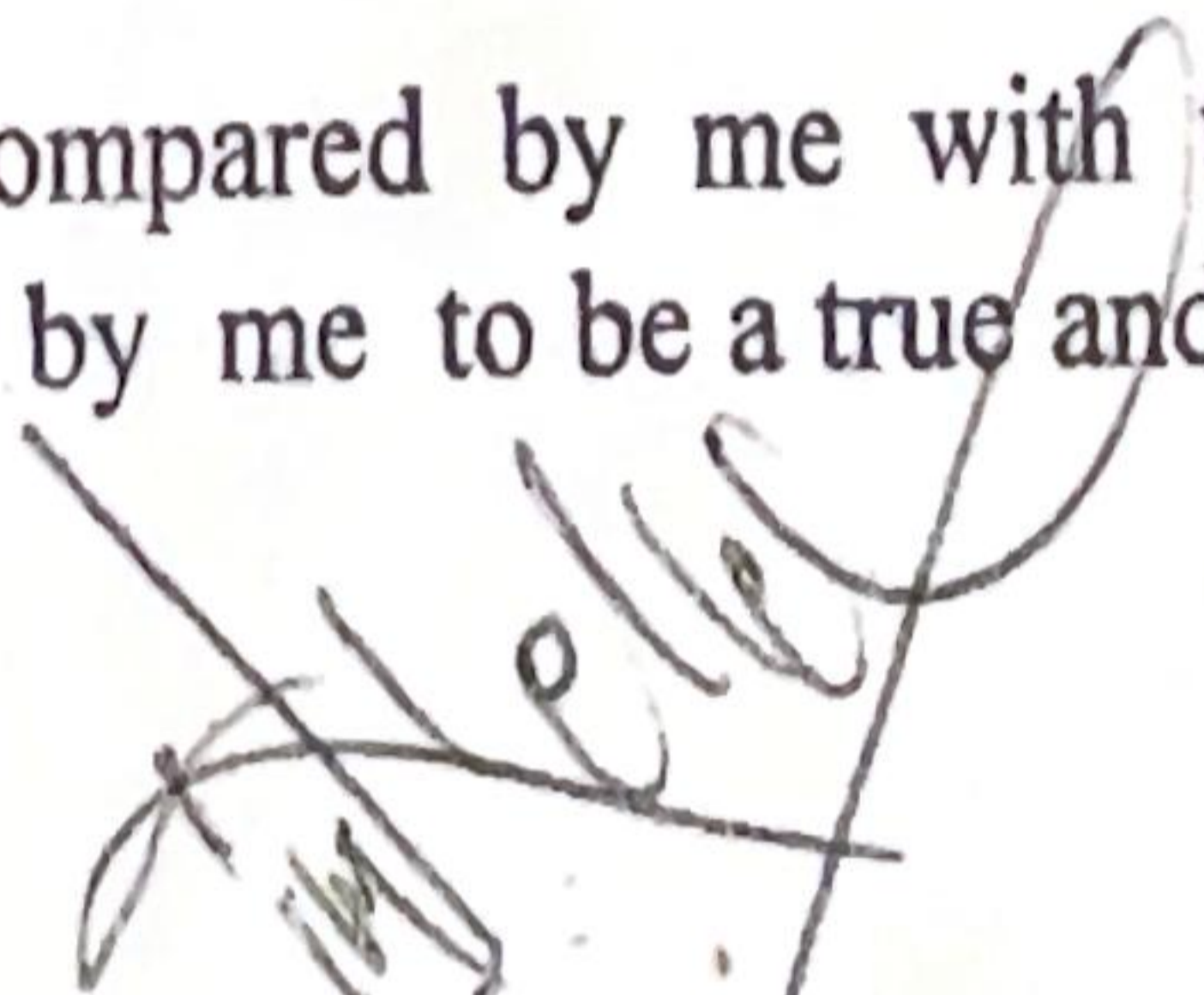
PASSED in the National Assembly this Tenth day of September
in the year of Our Lord Two Thousand and Seven



D. C. M. Kebbeh

Clerk of the National Assembly.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill
which has passed in the National Assembly, and found by me to be a true and correct
copy of the said Bill.



D. C. M. Kebbeh

Clerk of the National Assembly.