

OFFICE OF THE ADMINISTRATOR OF STOOL LANDS ACT - 1994 (ACT 481)

Section 1 Office Of Administrator of Stool Lands Established.

There is established by this Act the Office of the Administrator of Stool Lands, referred to in the Act as the "Office".

Section 2 Functions.

The Office of the Administrator of Stool Lands shall be responsible for-

- (a) the establishment of a stool land account for each stool into which shall be paid rents, dues, royalties, revenue or other payments whether in the nature of income or capital from the stool lands;
- (b) the collection of all such rents, dues, royalties, revenues or other payments whether in the nature of income or capital and to account for them to the beneficiaries specified in section 9 of this Act; and
- (c) the disbursement of such revenues as may be determined in accordance with section 9 of this Act.

Section 3 Administrator of Stool Lands.

- (1) The head of the Office shall be the Administrator of Stool Lands referred to in this Act as the "Administrator".
- (2) The Administrator shall be appointed by the President in accordance with the advice of the Civil Service Council given in consultation with the Public Services Commission.
- (3) The Administrator shall be a person knowledgeable and experienced in land administration generally.

Section 4 Qualifications of the Administrator.

- (1) No person is qualified to be the Administrator of Stool Lands who-
 - (a) is not a citizen of Ghana;
 - (b) has been adjudged or otherwise declared-
 - (i) bankrupt under any law in force in Ghana and has not been discharged; or
 - (ii) to be of unsound mind or is detained as a criminal lunatic under any law in force in Ghana; or
 - (c) has been convicted-

(i) for high crime under the Constitution or high treason or treason or for an offence involving the security of the State, fraud, dishonesty or moral turpitude; or

(ii) for any other offence punishable by death or by a sentence of not less than ten years; or

(d) has been found by the report of a commission or a committee of inquiry to be incompetent to hold public office or is a person in respect of whom a commission or committee of inquiry has found that while being a public officer he acquired assets unlawfully or defrauded the State or misused or abused his office, or wilfully acted in a manner prejudicial to the interest of the State, and the findings have not been set aside on appeal or judicial review; or

(e) is under sentence of death or other sentence of imprisonment imposed on him by any court; or

(f) is otherwise disqualified by a law for the time being in force.

Section 5 Staff of the Office.

(1) The Office of the Administrator of Stool Lands shall have such staff as may be necessary for the efficient performance of its functions.

(2) The staff of the Office shall be public officers appointed, subject to any delegation under clause (2) of article 195 of the Constitution by the President acting in accordance with the advice of the Civil Service Council in consultation with the advice of the Public Services Commission.

Section 6 Location of Office.

The headquarters of the Office shall be located in Accra at such offices as the Minister may determine.

Section 7 Prohibition on Grant Of Freehold Stool Land.

Subject to the provisions of the Constitution, no interest in, or right over any stool land shall be created which vests in a person or body of persons a freehold interest however described.

Section 8 Stool Land Revenue.

(1) Ten per cent of the revenue accruing from stool lands shall be paid to the Office to cover administrative expenses, the remaining revenue shall be disbursed in the following proportions by the Administrator-

(a) twenty-five per cent to the stool through the traditional authority for the maintenance of the stool in keeping with its status;

(b) twenty per cent to the traditional authority; and

(c) fifty-five per cent to the District Assembly within the area of authority in which the stool lands are situated.

(2) If a beneficiary of stool land revenue is aggrieved by the apportionment of the stool land revenue, the beneficiary may submit a complaint to the Commission of Human Rights and Administrative Justice.

Section 9 Consultation With Stools And Traditional Authorities.

The Administrator of Stool Lands and the Regional Lands Commission shall consult with the stools and other traditional authorities on matters relating to the administration and development of stool land and shall make available to them the relevant information and data.

Section 10 Co-ordination With Public Agencies.

The Administrator shall co-ordinate with the Commission and other relevant public agencies, traditional authorities and stools in preparing a policy framework for the rational and productive development and management of stool lands.

Section 11 Provision Of Regional Branches Of Office.

(1) The Office may have a branch in each region to be known as the Regional Office of the Administrator of Stool Lands.

(2) Subject to the directions of the Administrator, a Regional Office of the Administrator of Stool Lands shall perform the functions of the Administrator in the region concerned.

(3) A Regional Office of the Administrator of Stool Lands shall be located at such office as the Minister shall determine.

(4) There shall be appointed by the President under article 195 of the Constitution such officers and staff as may be required for the efficient performance of the functions of the Regional Office of the Administrator of Stool Lands.

Section 12 Regional Stool Lands Officer.

Each regional office of the Administrator of Stool Lands shall have a Regional Stool Lands Officer who shall be a person knowledgeable and experienced in land administration.

Section 13 Expenses Of The Office.

Without prejudice to subsection (1) of section 9, Parliament shall provide the Office with such other monies as it may require for the effective implementation of its functions.

Section 14 Accounts And Audit.

(1) The Administrator shall keep proper books of account and proper records in relation to them and the account books and records of the Office shall be in a form approved by the Auditor - General.

(2) The books and accounts of the Office shall be audited annually by the Auditor-General or by an auditor appointed by him within six months of the end of the immediately preceding financial year.

(3) The head of a Regional Office of the Administrator of Stool Lands shall keep the accounts of the Regional Stool Lands Office.

Section 15 Annual Report.

(1) The Administrator shall within six months after the end of each financial year submit to the Minister a report of his activities during the preceding financial year including the manner in which he has distributed the revenue under section 11 of this Act and the Auditor-General's report on the accounts.

(2) The Minister shall as soon as possible but not later than three months after receiving the annual report cause it to be laid before Parliament.

Section 16 Regulations.

The Minister may in consultation with the Administrator by legislative instrument make such regulations as are necessary to give full effect to the provisions of this Act.

Section 17 Act 123, 124, 125 To Have Effect With Necessary Modifications.

The Administration of Lands Act, 1962 (Act 123), the Concessions Act, 1962 (Act 124), the State Lands Act, 1962 (Act 125) and any other enactment relating to land in force immediately before the commencement of this Act, shall have effect with such modifications as may be necessary to give effect to this Act.

Section 18 Interpretation.

In this Act, unless the context otherwise requires-

"Administrator" means the Administrator of Stool Lands;

"Commission" means the Lands Commission;

"Minister" means the Minister responsible for Lands and Forestry;

"Office" means the Office of the Administrator of Stool Lands;

"stool land" includes any land or interest in, or right over, any land controlled by a stool or skin, the head of a particular community or the captain of a company, for the benefit of the subjects of that stool or the members of that community or company;

"traditional authority" means a House of Chiefs or any council or body established or recognized as such under customary law.