

**THE PROBLEMS AND PROSPECTS OF LAND REGISTRATION IN
NIGERIA**

(A SURVEY DEPARTMENT OF BEAUREAU OF LANDS ILORIN)

BY:

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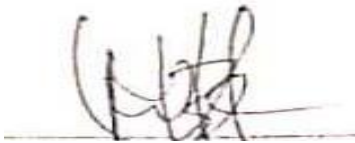
CERTIFICATION

This is to certify that this project was an original work carried out by **MOHAMMED MOHAMMED BOLAKALE** with Matric Number **HND/22/ETM/FT/214** of department of Estate management and valuation and has been prepared in accordance within the regulation governing the presentation of project In Kwara State Polytechnic Ilorin.




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ABSTRACT

This research project examined the impact of marketing strategies on organizational performance with particular reference to First Bank Plc. The objective was to investigate how relationship marketing and customer retention strategies influence performance outcomes such as profitability, customer loyalty, and operational efficiency. The study adopted a survey research method with a stratified random sampling technique, using structured questionnaires administered to 100 staff and customers of First Bank Plc, with 80 successfully retrieved. The data collected were analyzed using percentage analysis and correlation coefficient techniques. Findings revealed that effective relationship marketing strategies significantly contribute to enhanced customer retention, which in turn improves financial performance and market competitiveness. The study established a positive relationship between customer satisfaction, loyalty programs, and organizational growth. It concluded that in the dynamic and competitive banking sector, firms that invest in customer-centric marketing strategies tend to achieve higher profitability and sustainable market share. The study recommended that commercial banks in Nigeria should intensify relationship marketing practices and continuously assess their service delivery to remain relevant and competitive.

CHAPTER ONE

1.1 BACKGROUND OF STUDY

In almost every part of the world, land accessibility and acquisition for major projects are excessively time consuming, costly and administratively cumbersome. For developing countries in the world (Nigeria inclusive), the inaccessibility of land is rapidly becoming one of the most serious impediment to social and economic development to a large extent, this problem is attributed to the lack of readily available and accurate data describing the property boundaries and ownership.

In the normal sense, within our communities there must be and should always a difference between the methods of issuing the title to personal property. And those to real estate property. It is normally agreed that possession is the only evidence of title demanded by the seller of the personal property.

But since possession of real estate is not necessarily evidence of ownership and since the ownership of real estate property involves the investment of huge capital and large sum of money, it has become necessary to device a system of tracing title to reach estate base on not only possession but upon a careful examination of the public records from which investors in real estate can extract details which will convince the buyers that their money is safe.

In most developing countries, the absence of land data has made the private sector to deviate from large-scale development for housing, industry, transportation.

On the other hand, government and private individuals in most of the countries have not recognized the importance and significance of land registration, and this has given rise to avoidable law suit in our law courts. Thus, the purpose of this research is centered on appraising the problems associated with land registration and why titles still fail to arrest the situation and to

suggest possible ways of improving the system using Department of Beareau of Lands, Ilorin as case study.

1.2 STATEMENT OF RESEARCH PROBLEM

The problems associated with the title registration are not only peculiar in Nigeria, it is a universal problem and even more pronounced in the area of study due to the increase or migration of people from rural areas to urban areas in search of greener pastures, countries like Marshalls land, Timor-Leste face worse title registration as compared to Nigeria. Lack of true and exact description of legal right in land, absence of protection of right for all classes of land holders. However, this research work intends to examine why in the study area, land and reformatifying its disputes are the problems associated with non registration of title as enumerated above.

1.3 AIM AND OBJECTIVES

The aim of this research is to examine the problems and prospect of land registration in Ilorin East Local Government and to suggest ways of improving the process.

To achieve this aim, the following objectives shall be pursued.

- i. To examine the concept of land registration
- ii. To identify land registration process in the study area
- iii. To access the problems militating against effective re-land registration process.
- iv. To assess the prospect of land registration in the study area and
- v. To identify the problems associated with land registration and suggest ways of improving them.

1.4 JUSTIFICATION OF THE STUDY

The outcome of the study will help Department of Beareau of Lands, Ilorin and other related establishment to

- a) Create a sound data base that will be giving information to the property market.
- b) To create robust register for the structure of land use and land registration.
- c) To subsidize the initial creation cost of land administration system (Obansa 2007)
- d) To facilitate sustainable and standing land reform
- e) To monitor development project and the impact they have on the environment.
- f) To have an update of and information in Ilorin.

1.5 SCOPE OF THE STUDY

The research is undertaken to examine the problems and prospect of land registration in Ilorin East Local Government (Survey Department of Buareu of Land) the choice of Ilorin is motivate by;

- a) Convenience since the researcher is familiar with the study area; this will determine the ease of data collection
- b) Ilorin has unique land problem because of the position as the capital of Kwara state.

THE STUDY AREA HISTORICAL BACKGROUND

Ilorin is a city and local government area in North-central Nigeria and is the capital of Kwara State, a major oil producing state. The town became the capital of Kwara State on September 23, 1987 following the creation of Kwara State from erstwhile Cross River State. The University of Ilorin resides in this town. The population of Ilorin, according to the 2006

Nigerian Census which comprises Ilorin is 436,606 while the urban area, including Uruan, is 554,906.

The Land Use Act 1978 is the principal law guarding land acquisition, resettlement and its allocation o all eligible Nigerians, private sector, government organization and non government organizations. It provides for the government to hold land for the use and common benefit of all Nigerians for realization of equity, fairness and justice in the control and management of land, resettlement and compensation purposes. These ideas cannot be achieved without adequate and efficient land administration tools. One of those tools of course is a reliable and up to date land records.

1.6 DEFINITION OF TERMS

Land Registration: The process by which ownership, rights, interests, and transactions relating to land are officially recorded and documented in government records or land registry offices.

Prospects: These refer to the potential benefits, opportunities, or future possibilities associated with effective land registration systems in terms of development, investment, and land administration.

Problems: These are the challenges, obstacles, or issues encountered in the process of registering land, which may include bureaucracy, corruption, lack of awareness, poor record-keeping, or inadequate infrastructure.

Survey Department: A unit within the Bureau of Land responsible for measuring and mapping land areas, verifying boundaries, and producing survey plans used for legal land documentation.

Bureau of Land: A government agency responsible for land administration, including land allocation, documentation, and management within a given state or local government.

Title Deed: A legal document that serves as evidence of land ownership or a registered interest in a property.

Cadastral Survey: A detailed and official survey of land that defines boundaries, dimensions, and ownership, typically used in land registration.

Land Tenure: The legal or customary system under which individuals or groups hold rights to land.

Property Rights: Legal rights to use, control, and transfer land or property, usually established through registration or traditional ownership systems.

Deed of Assignment: A document used in Nigeria to legally transfer ownership of land or property from one party to another.

Systematic Land Registration: A comprehensive and organized approach to registering all land parcels within a defined area, often involving surveys, community involvement, and legal processes.

Customary Land Ownership: A traditional system of landholding recognized by local customs, often without formal legal documentation but widely practiced in many parts of Nigeria.

CHAPTER TWO

THEORETICAL AND CONCEPTUAL FRAMEWORK

CONCEPT OF LAND REGISTRATION

2.1 INTRODUCTION

Land registration is a systematic process by which information on land ownership, transaction, value and use in a defined administrative area is recorded in a public register or cadastre, to provide evidence of title, facilitate transactions and to prevent unlawful disposal of land. The basic forms of cadastres are; legal, fiscal and multi-purpose. Each type identifies land parcels and ownership, but the purpose to which each is applied is depending on the degree of accuracy required for each type.

The legal cadastre or title register provides the necessary data for land transaction, it identifies legal owner and precise boundaries of a land parcel. It also describes liens and all other rights and claim of property. A cadastre map is based on the findings of cadastre survey, generally accompanies the register showing technical parcels boundaries in relation to other parcels for legal purposes. It provides information for the drafting and enforcement of land reform kinds of public planning and project implementation.

A Fiscal cadastre is a cadastre designed for property tax purposes. That is, it includes those factors required for implementation of property tax system such as, legal description, dimension, location of boundaries, description of improvement and land use.

Multi-purpose cadastre is an integrated land information system containing legal, physical, and cultural information in a common accurate framework. In summary, when a cadastre is used for legal registration purposes, it is known as Legal Cadastre, when it is used for land taxation purposes and valuation, it is known as Fiscal Cadastre.

2.2 HISTORY OF LAND REGISTRATION

We often sometimes apt to smile in a superior sort of way at the primitive ideas of our ancestors and those who might have read in books or witness such instances of real estate laws and customs. In the olden days, within our land tenure system in this country certain transaction such as gift, loan or pledge requires the presence of a witnesses on the land to be granted. The publicity that this process involves in the family and in the community replaces or dispenses the process of recording the transactions. Also our fore fathers devised a means or plan of training certain elders of the community to witness and remember all dealings in land within the community. The degree of their collections of such matters years after the event depends on the individual. A capability which meets the demands of the period and it was relatively very satisfactory judging from the very scanty transaction of the period.

As soon as land became scares and human memory seems to fail with age, thus, the younger generation seems to be less interested in the existing processes of witness and feast because of the complexities of the period and due to the devices of the fraudulent and diver once of the society, the fair minded began to challenge the authenticity of the land transaction which is enshrined in the minds and memories of people who could be influenced by circumstances. This gave rise to various land disputes in the native courts of our land.

With the advent of European economy and other social ideas together with the introduction of the planting of economic crops, it became known that the government should do something in arranging adequate measures to record rights, obligation and other interest in land. The establishment of land registration in Nigeria occurred as early as 1863 with the No. 9 of 1863 when English law was first introduced in the colony of Lagos after it was ceded to the British Crown. This was later extended to some part of the protectorate of the Southern Nigeria with the

enactment of Land Registration Ordinance No. 8 of 1883. The repealed edition of the land registration ordinance was exacted; it was in the governor's power to establish more offices in the parts of the colony and protectorates. As a result, a land registry was established in the northern proclamation form the first time in Kaduna, in 1915 through the land proclamation 1901, in addition, it provided that all instruments affecting land which was registerable must be registered within six months of the testators death. The proclamation however, did not say what would happen if an occupier failed to register, and there was no judicious review.

As a result of the amalgamation of the Southern and Northern protectorate under Luggard's administration in 1914, both the Land Registration Ordinance 1907, and the provision of the land native rights proclamation 1910, for the registration of land instrument were repealed and replaced by a single enactment called land registration ordinance 1915, was later amended by the land registration ordinance, 1924 which until the creation of instrument affects land throughout Nigeria. Since the introduction of federal system of government, each of the three regions (north, west and east) has enacted the various instruments of law precisely the same provision but under slightly different title. These three regions have been re divided into states and the same law applied in the states.

Although there was various land registration enactment between 1863 and 1924 in Nigeria, it is not clearly known how such new enactment show no substantial difference in the enactments changed the existing law. For example, the only difference between ordinance of 1907 and 1915 was that the governor was given power in 1915 to extend the operation of the enactment to places outside the existing areas. Nearly all the enactments differ only in areas of operation and the persons to exercise the power derived from the enactments. It is interesting to note that all state government retain the land registration ordinance, 1924 as the law governing land and land

registration until the promulgation of Land Use Act No.6 of 1978.

LAND TENURE IN NIGERIA PRIOR TO THE PROMULGATION OF LAND USE ACT OF 1978

Prior to the promulgation of the land use act (1978) there are different land tenure practices in Nigeria, in two main divides namely, the North and the South.

THE NORTH

In the states comprising the erstwhile Northern Region of Nigeria, the Governor, on behalf of the people held land. The historical antecedent to the land holding by the Governor, dated back to the Fulani conquest. With the Fulani conquest, all land in the erstwhile Northern Region became vested in the Fulani conqueror. The Caliphate installed Emirs all over the north and charged them with amongst other duties, the management of land within the Emirates. That was the position prior to the imposition of the British rule in Nigeria in (1914). Who the colonialist who automatically stepped into the shoes of the Fulani caliphate, assumed the ownership of and placed management of same under the British government (Umezuruike, 2000).

Thus, the Fulani Emirs who had regarded themselves as the ultimate owner of land under their jurisdiction were succeeded by the Colonial Government, represented by the Governor who automatically assumed all the privileges of the Emirs including right of ownership over land.

THE SOUTH

In Southern Nigeria (including the southwest, south and south east)/ the second system recognize that land was owned by lineages or extended families. Individuals have only right of the use on such family land. The only land held at the Governor's disposal was that which had been expressly acquired for public purposes as Crown Land. The only control imposed by law on the lineages and other local land holders was an obligation to seek the consent of Government when

right is being conveyed to aliens. This system, created a number of problems for land management in the country.

First, it encouraged the practice of multiple sales of the same land to different to different buyers by land owning families in the absence of the titling and appropriate registration mechanisms for transactions in land. Second, particularly after the nation's political independence, it led to tremendous land speculation and a sharp rise in the prices of land for urban and infrastructural development. Poor farming families were encouraged to part with their land for relatively small amount compared with what the speculators made from laying the land out for sale.

2.3 LAND TENURE SYSTEM UNDER LAND USE ACT OF 1978

The military government sought to unify the two systems through the Land Use Act of 1978 (Udo, 1990). The thrust of the decree (act) was largely to extend the northern system of land management to the whole country as a means of ensuring easier access to land for government and, ostensibly for individuals. The main aim of the Acts is;

- i. Protecting and preserving the rights of all Nigerians as beneficiaries to hold, use and enjoy land in Nigeria
- ii. To regulate and control the use of land
- iii. To harmonize various land tenure system in the country before 1978
- iv. To facilitate the process of land acquisition by individuals, corporate bodies, institutions and government
- v. To eliminate land speculation.

The land use act introduced some major reforms into land tenure systems in the country; among which re the following

- i. The introduction of a uniform land law for the whole country

- ii. The abolition of the traditional freehold system
- iii. The replacement of conveyance system with certificate of occupancy
- iv. Making of the governor as the owner of superior title holder on urban land
- v. The making of everybody to become tenant of government as it were
- vi. The introduction of the need for Governor's consent on subsequent transaction on Certificate Of Occupancy.

2.4 OWNERSHIP AND MANAGEMENT

It will be necessary to distinguish between ownership and management to see who really has ownership and who has management power between the governor and the citizens. In relation to the provision of section (10, (5), (6), (34) and (36) of the Act, it is an established rule of trust that where property is vested in the trustee, he is deemed the legal owner and so the trust has the beneficial ownership. Hence, from the provision of section (1) of the Act, the legal ownership of all lands in a state is vested in the governor of that state for the benefit of all Nigerians. He also has the power to administer the land for the use of all citizens.

Thus the governor has the STATUTORY RIGHT OF OCCUPANCY and a certificate of occupancy as an evidence of his title. The other right of occupancy recognized by the Act is that under Section (1) a, THE CUSTOMARY RIGHT OF OCCUPANCY. This means the right of a person or community lawfully using or occupying land in accordance with customary law, it also includes a customary right of occupancy granted by the local government under the Act.

However, as regards registration of title or certainty of title for land under the Act, Section 4(b) of the act provided that (all existing laws relating to the registration of title to or any interest in land shall have effect subject to such modification whether by way of addition or alteration or omission, as well bring those laws in to conformity with this act or its general intendment). The

implication of this section is that all the registration law as preserved by Section 48 will apply to the Land Use Act. Every transaction, therefore involving the transfer or assignment of the title now requires the governors consent before it could be recognized and subsequently registered in the land registry. The procedure took precedence over every previous arrangements or document. In other words, this act now created an express provision which every other transfer document has to follow. In Nigeria today, the point of obtaining governors consent as provided by the act climates the process of perfecting title.

TYPES OF PERFECTING TITLE

There are three types perfecting land registration in land administration in Nigeria. These are;

- i. Registration of Instrument
- ii. Registration of Title
- iii. Registration of Encumbrances/Charges

Unlike in Nigeria or other advanced countries, it will appear that people are more concerned with the first two. However, for the purpose of completeness, each of these will be examined,

2.5 REGISTRATION OF INSTRUMENT

This is the oldest type of registration of land. The law was enacted to regulate registration of Instruments that are executed prior to and after the establishment of the Act in Nigeria. Registered instrument includes an estate contract, a deed of appointment or discharge or trustee containing expressly or impliedly a vesting declaration affecting any land.

Land registration Act of 1924 of Nigeria defined “Registrable instrument as a document affecting land whereby party called a grantor confers, transfer, limits, charges or extinguishes in favor of another party called the grantee any right or title to the interest in land and includes a certificate of purchase, power of attorney under which an instrument may be executed, but does

not include a will”

Therefore, it is generally agreed that a registerable instrument is a document, which transfers or creates a right, title, interest in land to or in favor of the grantee. But a will is expressly excluded from the ambit of registerable instrument. Consequently, a sales receipt, purchase receipt is not a registerable instrument if it is a mere acknowledgement of sales or payment and does not confer to transfer interest in land.

What this simply means is that it is compulsory and mandatory for any holder of any interest in land who wishes to transfer same to another to have registered such document at the appropriate Land Registry Office being established by the government as it will greatly help purchasers of such land in determining if the owner/seller has the genuine land title document to sell the property and all encumbrances that are attached to the land

To authenticate the transfer of title in any land transaction, the law requires the holder of such title to apply for the grantor’s consent, the deed of assignment document will then be stamped at the stamp duties office and therefore registered at the Lands Registry Office.

The law seeks to guarantee genuine land title document that have been investigated and registered by the Registrar of Title in each State of the Federation.

REGISTRATION OF TITLE

Historically, Ordinance No 13 of 1935 introduced the (Torrens) system of registration of titles in Nigeria to simplify the procedure for investigation of titles and to ensure certainty and security of title to land. Before now, the abstract epitome of title contained lengthily history of devolution of interest in a land making the investigation of title complicated and difficult, and only Lawyers

could venture into it. Even at that, there were possibilities of errors caused by myriad of transactions that may have been carried out concerning the land.

The system of registration of title was designed to reduce cost and time wasted in the investigation of title. Under this system, unlike the system of registration of instrument, the entries in the register at the Land Registry Office are conclusive proof of the title of the proprietor owner; this is the principle of indefeasibility of the registered title deeds. And unlike the system of registration of instrument, the vendor need not deduce title for thirty or forty years respectively. Hence the abstract of title is not necessary. Essentially, this system improved on the guidelines for Land Administration in the area where it is applied.

DIFFERENCES BETWEEN THE SYSTEM OF REGISTRATION OF INSTRUMENT AND REGISTRATION OF TITLES

- i. Under the system of registration of instrument, the proof of title depends on the production by the vendor of series of documents, which recite previous dealings or transactions affecting the land and showing the ability of the vendor to convey what he has agreed to convey. On the other hand, conveyance under the registration of titles is different. As soon as title is registered, its past history becomes irrelevant from that time title is guaranteed by the State and the purchaser can rely on it, and transfer of land becomes the substitution of one person's name for another in the Registry.
- ii. In respect of land under the system of registration of titles, the register is at all times the final authority (excluding overriding interest) and the State accepts responsibility of registration of instruments. The fact that the property is registered is not a guaranty that the title is genuine.

- iii. Under the system of registration of titles, the property register describes and identifies the land and survey plan is available for inspection at the Registry. But under the system of registration of instrument, the identity of the land must be specifically proved.
- iv. Under registration of title, a registered owner's title is indefeasible. But under the system of registration of instrument, a purchaser's title is subject to interest and claims for which he has notice.
- v. Under the registration of titles the consent of the registered owner is required to investigate his title at the registry. This consent is not necessary under the system of registration of instrument.

2.6 REGISTRATION OF ENCUMBRANCES

This is the system whereby various registers are provided in which any person claiming to be entitled to certain encumbrances on any registered land should register his claim. It requires registration in the land charge register, any right vested in person other than the State owner.

The objective is to enable a purchaser of land discover as soon as he makes his search at the register what encumbrances exist.

NATURE OF TITLE TO BE REGISTERED

CERTIFICATE OF OCCUPANCY

Section 9 of the Act empowers the Governor of a State to issue a certificate of occupancy to a grantee as an evidence of his right of occupancy. The exercise of his power is protected in S47 which ousts the jurisdiction of the court to question the power of the governor to grant a right of occupancy. A certificate of occupancy is a contract between the Governor and the grantee and it is stamped and registered at the Land Registry.

With the enactment of the Land Use Act 1978, the certificate of occupancy has become the most

popular document of title in Nigeria and preference is given to it. Unfortunately, the probative value of this document is not fully appreciated by those that flaunt it as a document of title. In *Ogunleye V Oni*, the Supreme Court had to decide the validity of a certificate of occupancy issued under the Land Use Act to confer title. The court laid down the following principles.

“Generally, a certificate of occupancy is prima facie evidence and raises the presumption that the holder is in exclusive possession and has a right of occupancy over the land in dispute. However, the presumption is a rebuttable one and has the onus of disproving this right on the person who asserts the contrary”. The court also held that *it is clear from the provision of S34 of the Land Use Act tat any person without title to a parcel of land irrespective of which a certificate of occupancy was issued, acquires no right or interest which he did not have before. This is the weakness of a certificate of occupancy issued in respect of a parcel of land. It cannot prohibit the court from enquiring into the validity and existence of the title that the person claimed to possess before the issue of the certificate. There is no guarantee for certificate of occupancy obtained under deemed grant as provided in Section 34 (2) of LUA, whereas that obtained via allocation of state land has better value and is guaranteed. This is because government acquisition destroys existing root of title and creates a new one. To minimize fraud in the process of applying for the certificate of occupancy, the application for the certificate is sworn to by the means of an affidavit. Where the applicant gives false information in the application form, he is liable in Perjury and it is to that extent and no more that the declaration is a deterrent.

DEED OF ASSIGNMENT

This is transfer of right in real property to another that gives the recipient (the transferee) the right that the owner or holder of the property (transferor) had prior to the transfer.

The validity of a conveyance depends on its compliance with all statutory requirements

concerning the creation and perfection of instruments. A deed of assignment that is duly perfected conveys a legal title that can be used as a good root of title.

LEGAL MORTGAGE

In the exercise of the mortgagee's power of sale, a legal mortgage has absolute power to convey the legal interest in the mortgage property to a value acting in good faith. It appears that the purchaser would acquire better title from mortgage than a purchaser under a deed of assignment. This is because it is expected that mortgagees as a professional, are not likely to compromise anything when investigating title for the purpose of granting loan.

Other documents that constitutes good root of title are A deed of gift and Registered title.

2.7 PROCESS OF REGISTRATION

The first step to be taken in the process of registration of land is to first describe the parcel to be registered. All land to be registered must be described by the applicant in such a way as by plan or otherwise, to enable the land to be fully identified on the ordinance map or general map. The general map is the one in the land certificate of a large number of properties. The disadvantage of this is that each time the map changes title holder, its land certificate uploaded together with the system is a cumbersome one. For this reason, the use of the general map has been superseded by the use of filed plans.

A filed plan means a plan prepared for the use of a particular title and on which the land in that title is edged. A copy of filed plan is bound up in the land or charge certificate and this gives a common description of the land to be registered. The application containing the instrument is then delivered to the Registrar duly stamped together with a true copy. The Registrar will stamp it, showing a certificate of delivery indicating the hour, day, month and year of such delivery. The Instrument is then checked to make sure that it complies with the requirements of the statute

concerning the description plan, execution and that it is not one prohibited to be registered. The copy is also checked and certified as a true copy, if it tallies with the original.

For the purpose of registration, the registry maintains separate files for different kinds of instrument, such as conveyance for sale, state lease, private lease, power of attorney, mortgage and judgment. These are again segregated into separate files according to the province. In other words, for such province there is a separate file for the different types of instrument. Each file constitutes a volume and is numbered serially from the date the Registry was opened. When an Instrument has been accepted for registration, the certified copy is put or pasted in the appropriate file and given a number; all the instruments in the file are numbered consecutively according to the time and date of delivery.

The pagination of the file follows the numbering of the instruments. It is then signed by the Registrar and returned upon application to the person who delivered it for registration. The time and date of delivery as certified on the instrument, becomes the time and date of registration. When a file or volume runs to a certain size, it is bound with a thick cover and closed. There is a volume register, which serves as an index showing the volume and page number of all registered instruments.

The Registrar is enjoined to refuse registration to an instrument which is declared by the statute to be void or those that do not comply with the regulation or where the copy is not a true copy. The instrument and copy are then endorsed 'Registration refused' and signed by the Registrar, and returned upon application to the person who delivered it. The instrument may be subsequently redelivered for registration, and then the procedure for registration will be the same as described above. To facilitate searches, the registry has a system of indexing. For every registered instrument, three index cards are kept. One is the Property card, which tells the history of the

particular piece of land, the dealings that have taken place in it and the encumbrance power etc., subsisting there in. there is the 'Grantor card', which merely gives the name of the grantor, and lastly the 'Grantee card', containing the name of the grantee.

The property card is really the vital one and others merely provide an index to it. If the searcher has the plot number of the property, he can go straight to the property card, but where the property has no plot number, the property can only be identified through the grantor or grantee card.

The whole process described above has now been computerized with the advent of Ilorin Geographic Information System {UGIS} with the aim of re-certifying land title in Ilorin.

2.8 REGISTRATION OF ENCUMBRANCES

As already stated, no interest less than a fee simple or a lease with less than five years unexpired term can be registered as an encumbrance can be registered as a title, but it can be registered as an encumbrance, caution or registration affecting the land for the purpose of ascertaining what encumbrance exists in land. The Registrar may require an applicant for registration and any other person appearing to have knowledge of the fact, to make statutory declaration that all encumbrances and material facts have been disclosed.

The Registrar is required to register as an encumbrance, any estate outstanding at the time of first registration and having priority to the title of the registered owners such as easement, mortgage, lien etc. where the first Registered owner is not absolutely entitled to his own benefit, the interest shall e protected by the registration of such cautions, restrictions or other notices, noted or entries as may be agreed upon by the person interested or in default of agreement the register may direct.

FORMS OF REGISTER

Registration is affected by many entries in the register. The operative is however the date of the receipt of the application, all application for registration, are being numbered serially in order of time of their receipt.

The register consists of three parts:

- i. The property register
- ii. The proprietor register
- iii. The charge register

The property register contains particulars of the property, its title number, location, card index number as on the intelligent sheet etc.

The proprietor register provides information relating to the registered proprietor, his name, address, occupation, time of registration, the price paid for the property as well as cautions or restrictions affecting land.

The charge registered, records entries of any covenant affecting the land. The register is open to inspection by the registered owner or by person authorized by him or by an order of the court or by a general rule, but not by other persons.

CERTIFICATE OF TITLE

After registration, the registered owner is given Certificate Of Title. The certificate is a certification that the land described there in or the lease annexed is registered in the land registry at UGIS and also list of subsisting entries in the register affecting the land. A certificate of title is a prima facie evidence of the several matters contained therein.

2.9 STAMPING OF DOCUMENTS

It is important that any document relating to land such as receipt for money paid on purchase, a

written contract for sale, a deed of conveyance or of gift, a lease or mortgage should be stamped with the appropriate duty payable there on within 30days of its execution.

A document which is not property stamped cannot, except in criminal proceedings, be given as evidence or be available for any purpose what so ever. This salvation is a peremptory one, requiring every judge, mugistrate, arbitrators or referee to take notice of any omission or insufficiency of stamps on an instrument chargeable with duty (Reg .Ord. 1917 as amended by 34 of 1938)

2.10 PRTECTION TO PURCHASE CONFERED BY REGISTRATION OF INSTRUMENT

A person taking a transfer of land enjoys a measure of protection, if such transaction is registered.

The dangers of investing money in the purchase of land only to discover that the land has already been sold to someone else is greatly minimized because if the earlier sale is carried through an instrument and the instrument is not registered, the subsequent purchase take free from it. Provided he has registered the instrument, if any, under which he acquired his own title.

There are three different sanctions provided by law;

Firstly, certain document are made void if there are not registered within a specified period of time. The period which the registration must be made is six months from the date of grant of instrument, if executed in Nigeria or twelve months if executed somewhere else.

Secondly, a registerable instrument which is not registered cannot be pleaded or given as evidence in any court as affecting land. If however, an instrument is registerable, it is admissible in evidence

Thirdly, a registered instrument as far as affects land, takes effect as against other instruments

affecting the same land, from the date of its registration.

SUMMARY OF LITERATURE REVIEW

Theme	Key Points / Concepts	Relevance to Study
Concept of Land Registration	Land registration records ownership, transactions, and use. Includes Legal, Fiscal, and Multi-purpose cadastres.	Forms the foundation for understanding how land is registered and classified in Nigeria.
History of Land Registration	Informal methods (witness-based) existed pre-colonial era. Formal systems began in Lagos (1863) and evolved till 1924. Unified via Land Registration Ordinance 1915 & 1924.	Traces Nigeria's legal framework and institutional development in land registration.
Land Tenure Before 1978	Northern Nigeria: Land held by governor on behalf of people. Southern Nigeria: Lineage/family-based ownership. Multiple sales and speculation were common issues.	Helps explain regional disparities and problems leading to national reforms.
Land Use Act 1978	Introduced uniform land management. Abolished freehold system; introduced C of O and governor's	Explains current legal basis of land registration in Nigeria.

	<p>consent.</p> <p>Aims to reduce speculation and simplify acquisition.</p>	
Ownership vs Management	<p>Legal ownership rests with the governor (trustee).</p> <p>Citizens hold beneficial interests (e.g., customary occupancy).</p>	Clarifies land rights and roles of various stakeholders under LUA.
Types of Title Registration	<p>Registration of Instruments, Title, and Encumbrances.</p> <p>Instruments must be registered to be admissible or effective.</p>	Details legal requirements and types of registration critical for effective land transactions.
Registration of Instrument vs Title	<p>Title registration is definitive (Torrens system).</p> <p>Instrument registration depends on documentation chain.</p> <p>Title provides state-backed guarantee; instrument does not.</p>	Explains the technical and legal reliability of different registration approaches.
Certificate of Occupancy (C of O)	<p>Granted by governor as evidence of title.</p> <p>Validity depends on underlying land rights.</p> <p>May not override earlier superior claims.</p>	Central to land ownership and registration system post-1978.

Deed of Assignment, Legal Mortgage	Deed: Transfers ownership. Mortgage: Stronger security; often used by professionals.	Key documents used in transactions and financing.
Process of Registration	Steps: Describe land, file application, Registrar's certification, indexing. Use of General/Filed plans and index cards (property, grantor, grantee).	Explains how land gets legally documented and verified.
Registration of Encumbrances	Encumbrances like easements, liens, mortgages must be registered. Failure to register affects purchaser's awareness.	Emphasizes importance of transparency in land interests.
Forms of Register	Includes: Property, Proprietor, and Charge Registers. Basis for issuing Certificate of Title.	Provides structure of legal land records.
Stamping of Documents	Must be stamped within 30 days. Unstamped documents are inadmissible in court.	Reinforces the legal validity and tax compliance of documents.
Legal Protection via Registration	Registered buyers are protected against prior unregistered claims. Sanctions for late or no registration.	Highlights legal protection as an incentive for formal registration.

CHAPTER THREE

RESEARCH DESIGN AND METHODOLOGY

3.1 INTRODUCTION

The various methods used in gathering the data for the study shall be discussed under this chapter; this includes the research which specifies the procedure for collecting and analyzing data, the identification of the population and sample size, the instruction of the research, the questionnaire design and data collection methods and administration.

3.2 RESEARCH DESIGN

The method of data collection used for this study is the primary and secondary data collection.

The primary data collection involves the use of questionnaire and oral interviews with the officials of Ilorin geographic information system Department of Beareau of Lands, Ilorin and from land owner in Ilorin.

The secondary data collection as through the review of basic related textbooks, journals, articles and handouts, which most were obtained from the library and from other colleagues.

3.3 METHOD OF DATA PRESENTATION

Population means indentifying the characteristics which members of the universe have in common and which will identify each unit of the member of a particular group that is, Ilorin Geographic Information System and property owners.

Population size is also referred to as a number of people that the researcher intends to administer i.e. Department of Beareau of Lands, Ilorin and Ilorin Municipal.

SAMPLE SIZE

Sample size is taking portion of a population or universe. The total of (200) two hundred persons under this sample size technique was simple random sampling because every person in the

population has equal chance of being selected.

3.4 DATA TYPES AND SOURCES

The study employed **both primary and secondary data** sources to ensure a comprehensive understanding of the problems and prospects of land registration in Ilorin East Local Government.

- **Primary data** were obtained directly from staff and clients of the Survey Department of the Bureau of Land through structured questionnaires and interviews.
- **Secondary data** were sourced from published books, academic journals, government reports, policy documents, internet sources, and existing records from the Bureau of Land in Ilorin East Local Government.

3.5 INSTRUMENT FOR DATA COLLECTION

The main instruments used for data collection in this study include:

- **Structured Questionnaires:** These were designed to collect quantitative data from respondents on their experiences and opinions regarding land registration.
- **Oral Interviews:** These were conducted with selected key staff of the Survey Department to gain deeper insights into administrative procedures, challenges faced, and suggestions for improvement.
- **Document Review:** Relevant records, registration files, and policy documents were reviewed to support the field data with factual information.

3.6 TARGET POPULATION

The target population for the study consists of:

- All staff of the **Survey Department of the Bureau of Land** in Ilorin East Local Government.
- **Registered landowners or applicants** who have interacted with the land registration process in the local government.
- Other stakeholders such as **land agents, surveyors, and community leaders** familiar with land transactions in the area.

3.7 SAMPLING PROCEDURE

The sampling technique used in this study is a **purposive sampling** method. This method was appropriate because:

- The study focused on individuals with direct knowledge and experience in the land registration process.
- Staff and stakeholders were deliberately selected based on their roles and engagement in land-related issues in Ilorin East.

3.8 METHOD OF DATA ANALYSIS

Data collected from questionnaires were **analyzed using descriptive statistics**, such as:

- **Frequencies and Percentages** – to show the distribution of responses.
- **Tables and Charts** – to present data in a visually interpretable format.

CHAPTER FOUR

4.0 DATA PRESENTATION AND ANALYSIS

4.1 INTRODUCTION

For the purpose of arriving at a logical and meaningful conclusion of the research work, the researcher choose to analyze all the relevant data relating to the problems and prospects of land registration in Nigeria, a case study of Ilorin Geographic Information System Department of Beareau of Lands, Ilorin this segment of the study present an analysis of all results.

4.2 SOCIO DEMOGRAPHIC CHARACTERISTICS OF THE DATA COLLECTION

TABLE 1

S/NO	Variables	Respondent	No of Respondent	Percentage
1	Gender	Male	95	61.37
		Female	60	38.7
		TOTAL	155	100
2.	Age Group	20-30	22	14.9%
		30-40	74	47.7%
		40-50	34	21.3%
		50 - Above	25	16.1%
		TOTAL	155	100%
3.	Marital	Single	54	34.8%
	Status	Married	101	65.2%

		TOTAL	155	100%
4.	Educational Qualification	GCE/SSCE	26	16.8%
		ND/NCE	30	19.4%
		HND/BSC	69	44.4%
		MASTER/PHD	30	19.4%
		TOTAL	155	100%
5.	Occupation Status	Self Employed	59	38%
		Government employed	87	57%
		Others	9	5%
		TOTAL	155	100%

SOURCE-FIELD SURVEY 2025

Table 1 above shows that male were 95 representing 61.3% while female were 60 representing 38.7%. Age group 20 -30 years were 22 representing 14.9%, 30 -40 ages were 74 representing 47.7%, 40-50 years were 34 representing 21.3%, while 50 and above were 25 representing 16.1%. Marital status, Single were 54 representing 34.8% while married were 101 representing 65.2%. Educational Qualification GCE/SSCR were 26 representing 16.8% ND/NCE were 30 representing 19.4%.HND/BSC were 69 representing 44.4% while MASTERS/ PHD were 30 representing 19.4%. Occupation, self employed were 59 representing 38%, government employed were 87 representing 57% while others were 9 representing 5% respectively.

TABLE 2: Number of applications received for the registration of C of O in ILORIN(2014)

S/NO	Residential	Number of Application
1	Residential	31,250
2.	Commercial	11,819

SOURCE UGIS 2025

2 above shows 31,250 AND 11,819 application were received between 2011and 2014 for residential and commercial use in ILORIN.

TABLE 3

Number of application received for registration of mortgage and the number registered from 2020-2025.

Year	Number of Application	Number Registered	Percentage of registered Application
201 1	445	440	50%
2012	315	310	36%
2013	505	495	56%
201 4	518	510	58%
Total	1,783	1,755	200%

SOURCE Land and Deeds registry UGIS 2025

TABLE 3: Above shows the number of application received for registration of mortgage. A total of 1,783 application were received from prospective applicants between 2020-2025. For registration 1,755 were registered while 28 application were unable to complete the process of registration.

TABLE 4

Year	Number of application received	Number Registered	Percentage of registered application
2011	192	184	62%
2012	116	112	38%
2013	108	96	37%
2014	204	198	67%
Total	626	590	200%

SOURCE: Land and Deed Registry UGIS 2025

TABLE 4 above shows the numbers of application received registration of deed of assignment.

A total of 620 application were received from respective applicant between 2011-2014 for registration 590 were registered while 30 application were not registered.

TABLE 5:

The reasons for the unregistered title by land owners

s/no	Variables	Respondents	Percentage
i	High registration fees	62	40%
ii	Slow process	30	19.4
iii	Too tedious & frustrating	46	29.1
iv	It is exploiting	17	11.5%
Total		155	100%

SOURCE:- Field Survey 2025

TABLE 5 Above, high registration fees were 62 represent 40%, slow processing were 30

representing 19.4% , too tedious and frustrating 46 representing 29.1% while it is exploiting 17 representing 11.5%.

TABLE 6

Identified land titling registration problem in ILORIN.

S/no	Variable	Responses	Percentage
I	Time delay	40	25.8%
Ii	Lack of transparency	24	15.5%
Iii	High cost of registration	30	19.4%
Iv	Loss of vital data	24	15.5%
V	Loss of revenue by government	31	20%
Vi	Bureaucraticprocess	6	3.8%
Total		155	100%

SOURCE: Field survey 2025

Table 6 Above shows that time delay 25.8% lack of transparency 15.5%, high cost of registration 19.4 % loss of vital data 15.5%, loss of revenueby government 20% while unnecessary bureaucratic process is 3.8%.

TABLE 7:

Cost of title registration in ILORIN

S/no	Days involved	Cost
1.	Fresh allocation (90 days)	Application N 100,000
2.	Assignment (2days)	8% of property value + stamp duty N10,000 registration feeN10,000
3.	Mortgage	10%of property value +stampduty N10,000+registration fee N 10,000
4.	Deed of release (6 days)	Stamp duty N5,000 Registration fee N15,000
5.	Power of authority (8 days)	N102,000

SOURCE: UGIS (2025)

Table 7 above shows the total cost of registering various land titles in ILORIN.

Table 8:

Shows how UGIS is meeting the needs and aspiration of land speculators in data bases and survey.

S/no	Variable	Responses	Percentage
I	Highly effective	39	26.2%
Ii	Effective	52	33.5%
Iii	Fairly effective	40	25.8%
Iv	Not effective	24	15.4%
Total		155	100

SOURCE: field survey 2025

From table 8, above highly effective were 39 representing 26.2%, effective were 52 representing 33.5% fairly effective 40 representing 25.8% while not effective 24 representing 15.4%.

TABLE 9

Sustainability of Geographic information system Department of Beareau of Lands, Ilorin provided by the authority of UGIS in providing solution to the masses.

S/no	Variable	Responses	Percentage
I	Highly sustainable	72	46.5%
Ii	sustainable	35	22.5%
Iii	Fairly sustainable	30	19.4%
Iv	Not sustainable	18	11.6%
Total		155	100%

From the table 9 above it shows that highly sustainable were 72 representing 46.5%, sustainable were 35 representing 22.5% fairly sustainable were 30 representing 19.4% while not sustainable were 18 representing 11.6%.

4.3 TYPES OF DOCUMENT THAT ARE REGISTERED INUGIS

Various types of documents relating to land and transaction in land are registered in UGIS. These documents includes;

1. Certificate of occupancy: By virtue of the land use Act Cap 202 1999, all land within the boundary of each state is vested in the state governor who would hold such hand in trust for the people. In the case of Federal Capital Territory, the ILORIN minister holds it in trust for the people. This law charged the entire property ownership scene. What is sought to do was to create leasehold titles in which case property is "owned" for a leasehold period of 99years by virtue of Certificate of Occupancy (C of O) which is issued by the minister or governor of a state, for the period the lease a sum is charged annually as ground rent payable to the federal capital territory administration. The certificate of occupancy is superior to the deed of conveyance and can be assigned or transferred, provided as the law stipulates ministers consent is obtained.
2. Deeds of conveyance: these documents convey freehold titles, that is, titles of ownership hold perpetually from generation to generation and are still in use today even though they are subject to the terms of land use act of 1978. The decree did not invalidate a deed of conveyance and so the deed is still acceptable today as good title to transfer property. It is no longer possible to obtain a fresh deed of conveyance but it is possible to transfer an old one through deed of assignment.
3. Deed of mortgage: This document is hold on a property until a debt is redeemed, it is in fact a security transaction designed

to secure the payment of debt. From the record of UGIS, it was discovered that the bulk of deed of mortgage registered occurred mostly between various commercial banks and the land owners.

4. Deed of Assignment: This refers to document transferring the whole term (with benefit and dividend) to another person. A landlord may transfer his reversion or tenants, his term of years and in so, it is qualified to be called an assignment. The person who makes the transfer is the assignor, and the person whom the transfer is made to, is called the assignee.

5. Power of Attorney: this is a legal document authorizing the transfer of interest from assignor to the assignee. Other registerable transactions that are registered in UGIS include:

- A deed of re-lease, for a long lease e.g (10) ten years and above
- A deed of sub-lease
- A gift either to a relation or loved one
- A will or inherited property
- Subsequently, up-stamping of an existing mortgage i.e. where the borrower whose property is mortgaged succeeds in negotiating to borrow an added sum to what he borrowed earlier, and the bank chooses to up stand to reflex this addition for cover

4.4 PROCEDURE FOR REGISTRATION

4.4.1 CERTIFICATE OF OCCUPANCY

The registration of certificate of occupancy (C of O) attracts a stamp duty of 1% of the total amount involve in its processing. It is however noted that such specified amount for different charges has been subjected to changes over the years.

The certificate of occupancy is then sent to chief deed registrar for his signature after which it is registered in the acts data base. Cases abounds however were some trustees of land fail to register this important document, a situation which render the document not only inadmissible as evidence in a judicial proceeding but also make them loose priority as against a registered C of O affecting the same land.

CHAPTER FIVE

5.0 SUMMARY OF FINDINGS, RECOMMENDATION AND CONCLUSION

5.1 SUMMARY OF FINDINGS

The problems of land registration have not made it easy for applicants to get their titles to land registered in good time or not registered at all. The problems mentioned below have contributed to no small measures to property or land owners in Ilorin municipality especially in the satellite towns backing the enthusiasm to register their land titles.

1. High cost of registration fees: the cost of registering a title and conducting a search in UGIS is quite on the high side considering the economic situation in the country. This does not encourage land owners to register their land.
2. Land of adequate manpower: The staff strength of UGIS is at the moment inadequate to cater for number of applicants requiring registration. It was also revealed that some staff are not qualified to be in UGIS as their course of study do not relate to the work designate.
3. Irregularities in documentation/non compliance with registration rules: some applicants who forwarded their application failed to submit along with their applications complete documents submitted are fraught with irregularities thereby causing themselves problems or unduce delay or rejection of application.
4. Bureaucratic Bottlenecks: The process in which applications followed is a slow process as it requires transferring of application from one table to another, these also cause delay as it may stay long in a particular table untreated.
5. Illegal activities of the staff: some of the land owners' interviewed gave a pathetic story of how some staff have made the process of registration unnecessarily difficult by

demanding gratification before assisting them in registering their titles and this has made many owners not completing their process.

5.2 RECOMMENDATIONS

Having regards to the problems and difficulties that have affected smooth registration of land in Ilorin, which therefore compared to a great extent a full realization, it is thus particular to providing some recommendation which will go a long way to put corrective measures to the associated problem.

There is the need to reduce the cost of registration, the cost should be such that every land owner irrespective of financial status should be able to afford. The lesser the amount fixed for different form of registration, the more application for registration that will be received and the more revenue for the government.

The applications should also be educated by the staff of UGIS through the use of handbooks on the procedures to follow and documents required for registration in other to avoid undue delay in registration or even outright rejection of application.

Furthermore, more qualified staff should be employed to cope with the work in UGIS, this will make processing of application to be faster and conduct of searches easier.

Finally, the staff should be re-oriented and any act of indiscipline should be punished accordingly. Hard work and dedication to work should also be rewarded as it will serve as a boost to the morale of the staff and reduce corruption.

5.3 CONCLUSION

Efficient land assembly for major projects cannot be accomplished without accurate and readily data on property owners and transactions on the land. Government must give priority to this often overlooked component of urban infrastructure and most systematic programmers to ensure that the increasing land requirements for social and economic development are accommodated.

Properly functioning land registration system will not only facilitate rapid land transfer for urgently needed project, but will provide basis upon which land reserve can be rationally managed.

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APPENDIX II

QUESTIONNAIRE

SECTION “A”

1. What is your Gender?

a. Male ()

b. Female ()

2. Age of respondent ()

3. Marital status: single () Married ()

4. Educational Qualification

WAEC () ND/NCE () HND/BSc () MB & above ()

5. Occupation status of respondent

Self employed ()

Government employed ()

Others ()

SECTION “B”

6. What are the numbers of applications received for the registration of C of O

2011 ()

2012 ()

2013 ()

2014 ()

7. What are the numbers of registered C of O

Year 2011 ()

Year 2012 ()

Year 2013 ()

Year 2014 ()

8. What are the numbers of applications received for the registration of deed and mortgage.

Year 2011 ()

Year 2012 ()

Year 2013 ()

Year 2014 ()

9. What are the numbers of registered Deed of Mortgage

Year 2011 ()

Year 2012 ()

Year 2013 ()

Year 2014 ()

10. What are the numbers of applications received for registration of deed of assignment

Year 2011 ()

Year 2012 ()

Year 2013 ()

Year 2014 ()

11. What are the numbers of registered Deed of Assignment

Year 2011 ()

Year 2012 ()

Year 2013 ()

Year 2014 ()

12. What are the numbers of applications received for the registration of Power of Attorney

Year 2011 ()

Year 2012 ()

Year 2013 ()

Year 2014 ()

13. What are the numbers of registered Irrevocable Power of Attorney

Year 2011 ()

Year 2012 ()

Year 2013 ()

Year 2014 ()

14. What are the numbers of application received for the registration of sub-lease.

Year 2011 ()

Year 2012 ()

Year 2013 ()

Year 2014 ()

SECTION “C”

15. Are you permanently a resident in Ilorin

Yes () No ()

16. What are the reasons for the unregistered title by Land owners High registration fees

()

Slow processing ()

Too tedious and frustrating ()

It is exploiting ()

17. How do you access the qualification of the existing manpower put in place by ugis in tackling the problems of land registration

Highly qualified ()

Qualified ()

No comment ()

Not qualified ()

18. What is your opinion about efficiency of manpower and machinery put in place by Ugis in the management and registration of title document.

Highly efficient ()

Efficient ()

Fairly efficient ()

Not efficient ()

19. How do you access the sustainability of the Geo-information system (GIS) provided by the authority of Ugis in providing solution to the masses.

Highly sustainable ()

Sustainable ()

Fairly sustainable ()

Not sustainable ()

20. How effective is the service provided by Ugis in meeting the needs and aspiration of land speculators in data base and survey.

Highly effective ()

Effective ()

Fairly effective ()

Not effective ()

21. Are you paying for services provided by Ugis

Yes () No ()

22. Between Geographic information system and analog basis, which one did you prefer in the management of problems and prospect of land registration in Ilorin

Geo-information system ()

Analog ()

23. Do you agree that problems and prospects through manpower and logistic efficiency can positively enhance sustainable management of land registration in Ilorin.

Strongly agree ()

Agree ()

Disagree ()

No comment ()

Strongly disagree ()