THE NIGERIAN LAND LAW
Principles, Doctrines & Practice

1. Introduction

Land is the basis of all wealth and development. Nigerian land law determines who can own, use and transfer land and under what conditions.

Objectives of Land Law
• Regulate ownership and use of land.
• Promote justice, equity and development.
• Prevent disputes and ensure orderly transfer.
• Protect the rights of all interests in land.

2. Sources of Nigerian Land Law

Constitution of the Federal Republic of Nigeria, 1999
Vests all land in each state in the Governor to hold in trust for the people.

Statutes / Legislation
• Land Use Act 1978
• Registered Titles Act
• Tenancy Laws

Common Law
Judicial decisions that interpret rights and obligations in land matters.

Customary Law
Customs and traditions applicable to land, especially in rural areas.

Equity
Fairness and good conscience in the enforcement of rights.

3. Land Tenure System in Nigeria

Statutory Tenure
• All land is vested in the Governor of the State.
• The Governor holds it in trust for the people.

Customary Tenure
• Recognized under customary law and practiced in rural areas.
• Includes communal, family and individual ownership.

Implication
Rights of occupancy are granted by the Governor, while customary rights subsist subject to law.

4. Rights in Land

• Right of Occupancy – The right granted by the Governor to use and enjoy land for a period.
• Customary Right of Ownership – Arising from traditional law and practice.
• Easement – The right to use another person's land for a specific purpose.
• Mortgage – An interest in land given as security for a loan.
• Lease – A grant of a right to occupy land for a term in return for rent.

5. Acquisition of Right of Occupancy

1. Statutory Allocation – By the Governor through the Land Use Act.
2. Purchase – By buying from the state or a statutory holder.

3. Inheritance – As part of the estate of a deceased person.
4. Conversion – From customary ownership to statutory right of occupancy.

Characteristics
• Heritable
• Alienable
• Mortgageable
• Subject to terms and conditions of grant.

6. Transfer and Termination of Rights in Land

Transfer
• Sale
• Gift
• Lease
• Assignment

Requirements for Valid Transfer
• Consent of Governor (where necessary)
• Proper documentation
• Payment of statutory fees
• Registration (where applicable)

Termination
• Expiration of term
• Surrender
• Revocation for overriding public interest
• Breach of terms and conditions.