GOVERNMENT NOTICE NO. 18

CUSTOMARY LAND ACT
(NO. 19 OF 2016)

CUSTOMARY LAND REGULATIONS, 2018

IN EXERCISE of the powers conferred by section 53 of the Customary Land Act, 2016, I, ANNA ANDREW NAMATHANGA KACHIKHO, Minister of Lands, Housing and Urban Development, make the following Regulations—

CUSTOMARY LAND REGULATIONS, 2018

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PART I—PRELIMINARY

Citation

1. These Regulations may be cited as the Customary Land Regulations, 2018.

Interpretation

2. In these Regulations, unless the context otherwise requires—

"Act" means the Customary Land Act, 2016; and

Act No. 19 of 2016

"committee" means a customary land committee established under section 5 of the Act.

Application

3. These Regulations shall apply to the administration and management of customary land under the Act.

PART II—CUSTOMARY LAND COMMITTEES

Nomination of members

4. A land clerk of each Traditional Land Management Area shall—

(*a*) issue a notice to a group village headman requesting for the list of all persons who are at least eighteen years of age and are ordinarily resident in the area under the jurisdiction of the group village headman;

(*b*) call for nominations of names of persons who are at least eighteen years of age and are ordinarily resident in the area under the jurisdiction of the group village headman for election to a committee;

(*c*) receive nominations of persons for election to a committee from persons who are at least eighteen years of age and are ordinarily resident in the area under the jurisdiction of the group village headman at least twenty-one days before the day of the election.

Membership criteria

5. In order to qualify for election and appointment as a member of a committee, a person shall—

(*a*) be a citizen of Malawi;

(*b*) be ordinarily resident in the area;

(*c*) be at least eighteen years of age;

(*d*) not be a member of the National Assembly;

(*e*) not be a ward councillor;

(*f*) not be a judicial officer;

(*g*) not be a public officer;

(*h*) not be a person holding a political party office;

(*i*) not be a mentally unfit person; and

(*j*) not a person who has been convicted of a criminal offence involving dishonesty or moral turpitude.

Vacancies

6. In addition to the provisions of section 5 (4) of the Act, a member of a committee shall vacate office, if he is—

(*a*) incapable of performing his duties as a result of any disability;

(*b*) adjudged bankrupt;

(*c*) elected a ward councillor;

(*d*) elected a Member of Parliament; or

(*e*) convicted of an offence involving dishonesty or moral turpitude.

Filling of vacanies

7.— (1) Upon the office of a member of a committee falling vacant, a land clerk of the area shall issue a notice for nomination of persons to contest in an election to fill the vacancy.

(2) The proceedings or any decision of a committee shall not be invalidated by reason of a vacancy within its membership.

Co-option of members

8.—(1) A committee may co-opt up to three members, at least one of whom shall be a woman, to attend a meeting of the committee on account of their expertise.

(2) The co-opted members may deliberate during the meeting of the committee but shall not have a vote.

(3) A person shall be eligible to be co-opted to a committee, if he satisfies membership criteria under regulation 5.

Qualifications of a voter

9. A person may nominate and vote for a candidate for appointment to a committee, if he is—

(*a*) a citizen of Malawi;

(*b*) at least 18 years of age;

(*c*) resident within the area; and

(*d*) registered in the Group Village Head register for the poll.

10. On the day of the elections, a land clerk shall introduce all candidates to the voters and thereafter the voters shall indicate their vote for a candidate by casting their ballots in secret. Voting procedure

11. The functions of a committee shall be to— Functions

(*a*) clarify all rights of occupation and use of customary land by land users in the area under the jurisdiction of the group village headman of the area;

(*b*) ensure all other categories of land and their respective boundaries within the jurisdiction of the group village headman of the area are clear and known;

(*c*) adjudicate customary land rights either sporadically or systematically for purposes of registration of land;

(*d*) process applications for and make grants of customary estates subject to the consent of the Traditional Authority;

(*e*) prescribe amounts of land that can be allocated to an individual, a family, group of persons, or an organization;

(*f*) liaise with and consult institutions and bodies within the jurisdiction whose activities and mandates affect land use, water, forestry, mining, agriculture, and development planning;

(*g*) in consultation with the Commissioner, levy any fees or charges on customary estates granted to organizations or bodies or annual rent on customary estate leases granted or sub-leased to organizations or bodies;

(*h*) inspect and verify whether the conditions subject to which a customary estate is granted are being complied with;

(*i*) approve any transactions on customary estates within the first five years of registration;

(*j*) carry out public outreach campaigns on any matter concerning the Act; and

(*k*) recommend to a local government authority, the appointment of any staff it may need to carry out its duties and responsibilities.

12.—(1) A committee shall hold a meeting at least once in a month. Procedure for meetings

(2) The chairperson shall convene meetings of the committee.

(3) Notwithstanding subregulation (2), the chairperson shall, upon a written request by at least three members, convene a special meeting of the committee to transact only the business specified in the request within 14 days of the request being made.

(4) The chairperson shall preside at every meeting of the committee at which he is present and in his absence, the members of the committee present

shall elect one person from their number to preside over the meeting of the committee and the person elected as such shall have full powers of the chairperson.

Notice of meeting

13. A land clerk shall issue a written notice of every meeting of a committee to each member at least seven days prior to the date of the meeting.

Quorum

14. The quorum for the conduct of the business of a committee shall be four members including the chairperson or the person presiding over the meeting and at least two women.

Decision making

15. Unless a unanimous decision is reached, a decision on any matter before a committee shall be by a majority of the votes of the members present and voting and in the case of an equality of votes, a chairperson or person presiding over the meeting shall have a casting vote.

Record keeping

16. A land clerk shall record and maintain minutes of the meetings of a committee.

PART III—ADJUDICATION AND DEMARCATION OF CUSTOMARY LAND

Public outreach

17. A committee shall, based on information provided by the Commissioner, the Commissioner for Physical Planning or the Surveyor General undertake community sensitization meetings highlighting the advantages and benefits of as well as issues to be considered pertaining to land use planning, demarcation, survey, registration and proper administration and management of customary land.

Description of boundaries

18. The District Land Registrar shall collect descriptions of the alignments of the boundaries of district, traditional land management areas and group village boundaries from a local government authority.

District maps

19. The District Land Registrar shall oversee the adjudication, demarcation of boundaries and preparation of maps in a district.

Orthophoto maps

20. The District Land Registrar shall print a district's orthophoto maps showing traditional land management areas and group villages which shall be used for the verification of the boundaries of the areas.

Boundary verification

21. A land clerk shall, in liaison with a committee, carry out the verification of boundaries of traditional land management areas using the orthophoto maps printed by the District Land Registrar under regulation 20.

Base maps and Land use plans

22.—(1) A land clerk shall, in accordance with instructions from the Surveyor General and the Commissioner for Physical Planning, prepare a base map and a land use plan for each traditional land management area and group village area in accordance with the Land Survey Act, 2016 and the Physical Planning Act, 2016.

Act No. 18 of 2016 and No. 17 of 2016

(2) The base map and land use plan referred to in subregulation (1) shall be used for purposes of preparing for the adjudication process.

(3) The base map and land use plan shall highlight the key natural resources that may require protection and management frameworks such as

wetlands, fragile lands, hazardous lands and existing infrastructure and services.

Notice of Adjudication and Demarcation

23.—(1) Not less than seven days before the demarcation of an adjudication area is commenced, a land clerk shall give notice of the intended demarcation and recording of claims, and of the time and place at which the demarcation will commence, in such manner as the land clerk considers most likely to bring the matter to the knowledge of the persons who will be affected by the demarcation and recording.

(2) The notice in subregulation (1) shall be posted in prominent places in the area in order to ensure that as many persons as possible have access to the information.

Claims of interest in land

24. Any person, body or organization with an interest in land within an adjudication area shall make a claim to a land clerk, and point out his or its boundaries to the land clerk.

Functions of land clerk

25. The land clerk shall, in liaison with a committee—

(*a*) verify the boundaries of land parcels and the individual claims to those land parcels in the presence of persons who may be affected by the verification;

(*b*) map the boundaries of land parcels using an image or a mobile device;

(*c*) set aside or make reservations of land or demarcate rights of way and other easements which it considers necessary for the more beneficial occupation of land;

(*d*) provide advice and guidance to claimants in accordance with customary law, on any questions about land parcel boundaries, land claims, and persons of interest;

(*e*) make provision for witnesses to be present during the recording of claims to attest to the validity of the claims and provide any evidence or testament to support the claims;

(*f*) safeguard the interests of absent persons, women, minors, the elderly and persons under a disability;

(*g*) without prejudice, hear any dispute or objection that may arise during the claims recording and record the parcel as "DISPUTED" for referral to the Customary Land Tribunal;

(*h*) ensure all claims are heard within the principles stated here as no claim shall be excluded by the field recorders;

(*i*) provide a unique parcel number that can be attributed to claimant; and

(*j*) present the final field records to the committee for checking and confirmation and once confirmed, the final field records shall form the preliminary adjudication and demarcation record register.

Insepction of Preliminary Adjudication Record

26.—(1) A land clerk shall give a notice of fourteen days for inspection of the adjudication register to enable other persons make objections or corrections, if any.

(2) The land clerk shall keep the adjudication record for inspection for a period of 60 days from the date of the expiry of the notice in subregulation (1).

Public display of notice

27. The notice under regulation 26 shall be posted in prominent places in the area.

Objections and corrections

28. Any objection or correction made under regulation 26 shall be heard in accordance with Part V of these Regulations.

Final Adjudication Record

29. Upon the resolution of disputes, the demarcation and adjudication record and the maps shall form the customary land register as provided for under Part IV.

PART IV—GRANT OF A CUSTOMARY ESTATE

Application

30.—(1) Registration of a customary estate shall commence with adjudication of parcels based on claims by holders of parcels of customary land.

(2) A person intending to register a customary estate shall complete an application in Form A and shall submit the said Form to a committee.

Guiding principles

31. Subject to section 22 of the Act, in deciding whether to grant a customary estate, a committee shall also consider the following factors—

(*a*) whether the land is subject to rights in favour of any person other than the applicant;

(*b*) whether the land is available for the use proposed by the applicant;

(*c*) whether the size of the land applied for and its location are suitable for the proposed use; and

(*d*) what other customary estates the applicant holds in the area.

Offer

32. Where a committee is satisfied that the applicant meets the conditions set out in section 22 of the Act and regulation 31, the committee shall make an offer to the applicant as prescribed in Form B.

Certificate of Customary Estate

33. An applicant may accept, in Form C, an offer made under regulation 32 within the prescribed period and a committee shall issue a Certificate of Customary Estate to the applicant in Form D.

Refusal of grant

34. Where a committee is satisfied that an applicant does not meet the conditions set out in section 22 of the Act and regulation 31, the committee shall, in writing, refuse to grant the applicant and state, in writing, the grounds of refusal.

35. A land clerk shall maintain a Land Record for each committee which shall comprise every parcel of land that has been registered and every customary estate or customary estate lease, if any, which has been granted. Customary Land Register

PART V—DISPUTE SETTLEMENT

36.—(1) A person aggrieved by a decision or conduct of a committee may lodge a dispute with the committee. Dispute before Land Committee

(2) A dispute made under subregulation (1) may be made orally or in writing.

(3) Where a dispute has been lodged with the committee orally, a land clerk shall record it in writing.

37.—(1) When a committee receives a dispute made under regulation 36, the committee shall appoint a person who is not a member of the committee to mediate between the parties. Mediator

(2) A person shall be appointed a mediator if he complies with membership criteria under regulation 5.

38. In resolving a dispute, a mediator appointed under regulation 37 shall follow the guiding principles under section 49 of the Act. Guiding principles

39. A committee, in liaison with the mediator, shall serve a notice of hearing on all persons mentioned in a dispute and the notice shall be in Form E. Service of notice

40.—(1) A party aggrieved by the outcome of the mediation of a dispute may, on payment of an appropriate fee under the Second Schedule, lodge a dispute to a Customary Land Tribunal for the area in which the land is situated. Appeals to Customary Land Tribunal

(2) An application for the determination of a dispute by a Customary Land Tribunal shall be in Form F.

41. The application for a determination to the Customary Land Tribunal shall outline the following particulars— Particulars of dispute

(*a*) a party against whom it is made;

(*b*) the nature of the dispute;

(*c*) any attempt to resolve the dispute; and

(*d*) the remedy that is being sought by the complainant.

42. Each Customary Land Tribunal shall maintain a register of disputes and the disputes shall be numbered consecutively in each year according to the order of their lodging. Register of Disputes and Determinations

43. Upon registering a dispute, the Customary Land Tribunal shall serve a copy of the application for the determination of a dispute under regulation 40 on the person against whom the dispute is made. Service of notice of dispute

Response to notice of dispute

44. A person on whom the notice of the dispute is served, unless the dispute is admitted, shall, within fourteen days after being notified, file with the Customary Land Tribunal a response, in Form G, to the matters stated in the dispute and a summary of facts upon which he wishes to rely.

Setting down for hearing

45.—(1) A Customary Land Tribunal shall set down for the hearing of a dispute within 30 days of an admission to a dispute or receipt of a response to a dispute.

(2) The Customary Land Tribunal shall serve a notice of hearing, in Form E, on all persons under a dispute.

Role of Tribunal during hearing

46. A Customary Land Tribunal shall take an active role in the conduct of the hearing by considering the wishes of the parties, the facts brought before it and make proposals for settlement of the dispute before the final determination of a dispute.

Agreement by parties

47. Where the parties reach an agreement for the settlement of the dispute before the determination of a Customary Land Tribunal, the Customary Land Tribunal shall draft terms of the agreement and shall require the signatures of both parties on the determination.

Determination by Customary Land Tribunal

48. Where the parties fail to reach an agreement, a Customary Land Tribunal shall adjudicate upon the dispute in accordance with law and custom, after hearing the parties to the dispute, any witness or witnesses called to testify and their submissions, if any, and each party shall be afforded an opportunity to question the other party's witness or witnesses.

Witness summons

49. A witness summons issued by a Customary Land Tribunal shall be in Form H.

Non-attendance by witness

50. Where a witness fails to attend or a party fails to produce a document that a Customary Land Tribunal considers necessary, the Customary Land Tribunal shall proceed to make a final determination of the dispute in writing.

Duration of hearing

51. A Customary Land Tribunal shall ensure that the hearing of any dispute is processed and determined within a period of sixty days from the date the dispute is registered.

Dismissal for non-attendance

52. Where on the date of the hearing an appeal the person who lodged the appeal fails to attend, a Customary Land Tribunal may dismiss the appeal.

Restoration of dispute

53. Where an appeal has been dismissed under regulation 52, a person may be allowed to restore the appeal, within 14 days from the date of the dismissal of the appeal, upon showing good cause why he failed to attend the appeal that had been previously set down for hearing.

Witness summons

54. A Customary Land Tribunal shall be at liberty to summon any person to appear as a witness or to produce a document at the hearing of an appeal.

Determination in writing

55. At the conclusion of the hearing of an appeal, a Customary Land Tribunal shall make a determination in writing which shall be served on all persons affected by the determination.

56. The Customary Land Tribunal shall award costs to the witnesses and any other person who deserves to be awarded costs. Costs

57. Proceedings of the Customary Land Tribunal shall be open to the public. Open proceedings

58. Each Customary Land Tribunal shall prepare and maintain a register containing, with regard to any dispute referred before it, the following particulars— Register of Disputes and Determinations

(*a*) the date of dispute;

(*b*) the dispute's serial number;

(*c*) the name and physical address of the complainant;

(*d*) the name and physical address of the respondent;

(*e*) the nature of claim and relief sought;

(*f*) the name of each member of the Tribunal;

(*g*) the final determination of the dispute; and

(*h*) the date of the final determination.

59. Any person aggrieved by the decision of a Customary Land Tribunal, other than a determination endorsed by the Customary Land Tribunal based on agreement of the parties, may, on payment of the appropriate fee under the Second Schedule, appeal to the District Land Tribunal within thirty days of the determination. Appeals to District Land Tribunal

60.—(1) On receipt of an appeal, a District Land Registrar shall open a case file and shall record all the particulars in the register. Date of hearing

(2) The District Land Registrar shall fix a date of hearing within thirty days from the date of the registration of the appeal.

(3) In fixing the date of hearing in subregulation (2), the District Land Registrar shall have due regard to the place of residence of the respondent and the time necessary for service of the notice of attendance and the hearing date shall be so fixed as to allow the respondent sufficient time to enable him to appear on such a day.

(4) Notwithstanding subregulation (3), where the parties are immediately available, the District Land Registrar may dispense with the requirement to notify and may set the hearing of the appeal promptly.

61. The District Land Registrar shall prepare a notice of hearing, in Form E, and shall serve the notice on all parties to the appeal. Notice of hearing

62. Where a witness is required to appear before the District Land Tribunal, the District Land Registrar shall prepare a witness summons in Form H. Witness summons

Attendance of respondent

63. Where a complainant attends the District Land Tribunal on the date of hearing and the District Land Tribunal is satisfied that—

(*a*) the notice of hearing was served on the respondent and the respondent has failed to attend, the Tribunal may proceed to hear the matter in the absence of the respondent; or

(*b*) the notice of hearing was not served in sufficient time for the respondent to attend the hearing or for other sufficient cause the respondent was unable to attend the hearing, the District Land Tribunal shall adjourn the hearing to another date.

Dismissal for non-attendance

64. Where on the date of the hearing an appeal the person who lodged the appeal fails to attend, the District Land Tribunal may dismiss the appeal.

Restoration of dispute

65. Where an appeal has been dismissed under regulation 64, a person may be allowed to restore the appeal, within fourteen days from the date of the dismissal of the appeal, upon showing good cause why he failed to attend the appeal that had been previously set down for hearing.

Procedure for hearing

66. Where all parties to an appeal are present on the date of hearing—

(*a*) a person who lodged the appeal shall give his evidence first and may call witnesses and produce documents to support his case; and

(*b*) a respondent shall respond to the matters under the appeal and may call witnesses and produce documents to support his case.

Witness summons

67. A District Land Tribunal shall be at liberty to summon any person to appear as a witness or to produce a document at the hearing of an appeal.

Determination in writing

68. At the conclusion of the hearing of an appeal, the Tribunal shall make a determination in writing which shall be served on all persons affected by the determination.

Costs

69. The District Land Tribunal shall award costs to the witnesses and any other person who deserves to be awarded costs.

Open procedings

70. Proceedings of the District Land Tribunal shall be open to the public.

Duration of hearing

71. The District Land Tribunal shall hear and determine an appeal before it within sixty days of the service of the notice of hearing.

Appeals to Central Land Board

72. Any person aggrieved with the decision of the District Land Tribunal may appeal to the Central Land Board within thirty days of the decision being made.

Procedure before Central Land Board

73. The Central Land Board shall follow the procedure laid under regulations 60 to 71.

Disposal of matter

74. The Central Land Board shall dispose of a matter before it within sixty days of the receipt of the appeal.

75. The determination of the Central Land Board shall be final on any issue of fact and no appeal shall lie to the High Court.

Final determination on facts

76. Any person aggrieved by a decision of the Central Land Board may appeal to the High Court on a point of law within thirty days from the date of the determination of the Board.

Appeals to High Court

PART VI—COMPENSATION

77. Where compensation may be payable to any person under the Act for loss of interests in customary land, the compensation shall be assessed in accordance with the Lands Acquisition (Amendment) Act, 2017.

Compensation Act No. 9 of 2017

FIRST SCHEDULE para. 3

FORM A

APPLICATION FOR A CUSTOMARY ESTATE

(s. 23 and reg. 30 (2))

1. Full name and address of applicant in BLOCK LETTERS: *In the case of a partnership registered under the Business Registration Act, a company incorporated under the Companies Act, a trust incorporated under the Trustees Incorporation Act or a co-operative society incorporated under the Co-operative Societies Act, the name and residential addresses of all partners, members, directors and trustees must be given.*
.....

2. Marital status of the Applicant: .....

3. Names of children and their ages (if any):

.....

.....

.....

4. If married, are you applying jointly with a spouse or as a family?

.....

5. Particulars of registration under the Business Registration Act, the Companies Act, the Trustees Incorporation Act or the Co-operative Societies Act (if applicable)

.....

6. Nationality of applicant: ..... ID No. .....

7. Particulars of freehold, leasehold property or customary estate already held in Malawi (*State plot number or description, Deed or instrument number, use of property and whether or not developed*)

.....

.....

8. Purpose for which land is required: .....

9. Particulars of land-

(*a*) place in which land is situated: .....

(*b*) size of land in hectares: .....

(*c*) unique parcel number: .....

Dated this ..... day of ....., 20 .....

.....

Signature of Applicant

FORM B

OFFER OF CUSTOMARY ESTATE (s. 23 (2) and reg. 33)

To: .....

.....

Your Application made the ..... day of ....., 20..... for the GRANT of a customary estate over land at Unique Parcel Number ..... has been considered by the Committee.

We now OFFER you a customary estate over land at Unique Parcel Number .....

The OFFER of the customary estate is made under the following conditions:

.....

.....

.....

.....

.....

Dated this ..... day of ....., 20 .....

....

Chairperson *Land Clerk*

NOTE: This offer must be accepted within twenty-one days.

FORM C

ACCEPTANCE OF OFFER OF CUSTOMARY ESTATE (s. 23 (2) and reg. 33)

To: The Chairperson (*Name the committee*)

.....

.....

I/WE, A.B., ACCEPT the OFFER of a customary estate the Committee made to me on the ..... day of .....,20 ..... over land at Unique Parcel Number .....

I/WE ACCEPT the OFFER with the conditions set out in the OFFER.

Dated this ..... day of ....., 20 .....

.....

Applicant(*s*)

FORM D

CERTIFICATE OF A CUSTOMARY ESTATE (ss. 23 (5) and 27, and reg. 33)

Adjudication Section: ..... Title No.: .....

This is to CERTIFY that: ..... is/are now granted a customary estate over the land at Unique Parcel Number .....

The following conditions apply to this customary estate:

.....

.....

.....

.....

.....

.....

.....

Signature of Grantee

....

Chairperson *Land Clerk*

Customary Land Committee

Given under my hand and the seal of the ..... District Registry this ..... day of ....., 20 .....

.....

District Land Registrar

[Back]

This grant is made subject to the conditions that—

(*a*) The occupier shall use, keep and maintain the land in good state, and, in the case of land to be used for farming, farm the land in accordance with the practice of good land husbandry ordinarily used in the area;

(*b*) No building shall be erected until all required permissions have been obtained;

(*c*) The occupier shall pay any applicable rent, fees, charges, taxes and other requirements, if applicable, in respect of the occupation of the land;

(*d*) The occupier shall comply with all rules, including by-laws applicable to the land and all lawful orders and directions given by a land committee relating to the use and occupation of the land;

(*e*) The occupier will retain and keep safe all boundary marks, whether natural or otherwise; and

(*f*) The Commissioner and a land committee representative may enter and inspect whether the conditions under which a customary estate is granted are being complied with.

FORM E

NOTICE OF HEARING (regs. 39, 45 and 60)

Customary Land Dispute No. ..... of 20 .....

BETWEEN

..... Complainant

AND

.....Respondent

To: .....

.....

TAKE NOTICE that the determination of your dispute has been set down for the ..... day of ..... 20 ..... at ..... o'clock in the ..... noon or soon thereafter as the dispute can be heard at .....

If no appearance is made on your behalf or by yourself, the dispute will be heard and decided in your absence.

Given under my hand on the ..... day of ....., 20 .....

.....

*Mediator/Chairperson of Tribunal/Board**

**delete whichever is inapplicable*

FORM F

APPLICATION FOR DETERMINATION OF A DISPUTE (reg. 40)

Customary Land Dispute No. ..... of 20 .....

BETWEEN

..... Complainant

AND

.....Respondent

To: The Land clerk/ Land Registrar/Commissioner*

I hereby apply to the ..... Customary Land Committee/Customary Land Tribunal/District Land Tribunal*..... District Registry to lodge a dispute —

1. Particulars of Complainant:
   (*a*) Full Names (in BLOCK LETTERS): .....
   (*b*) Postal Address: .....
   (*c*) Residential Address: .....
   (*d*) Nationality: ..... ID No.: .....

2. Particulars of Respondent:
   (*a*) Full Names (in BLOCK LETTERS): .....
   (*b*) Postal Address: .....
   (*c*) Residential Address: .....
   (*d*) Nationality: ..... ID No.: .....

3. Particulars of Dispute, Mediation Attempts and Relief Sought:

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4. Description of Land Subject of Dispute:

   (*a*) Locality .....

   (*b*) Unique Parcel Number .....

   (*c*) Size of land in hectares .....

   (*d*) Nature of ownership .....

I HEREBY DECLARE that the above information is true to the best of my knowledge and belief.

.....

Signature of Complainant

Note: Should the space provided under any particular item be insufficient for the information, a separate sheet with the item numbers clearly marked and signed by the complainant be attached.

**Delete whichever is inapplicable*

FORM G

RESPONSE TO APPLICATION FOR DETERMINATION OF A DISPUTE

(reg. 44)

Customary Land Dispute No. ..... of 20 .....

BETWEEN

..... Complainant

AND

.....Respondent

To: The Land Clerk/Registrar/Commissioner*

I, ..., the Respondent in this dispute deny the allegations as outlined in Form F and state as follows:

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

I HEREBY DECLARE that the above information is true to the best of my knowledge and belief.

.....

Signature of Respondent

**delete whichever is inapplicable*

Note: Should the space provided under any particular item be insufficient for the information, a separate sheet with the item numbers clearly marked and signed by the complainant be attached.

FORM H

WITNESS SUMMONS (regs. 49 and 62)

Customary Land Dispute No. ..... of 20...

BETWEEN

..... Complainant

AND

.....Respondent

To: .....

.....

You are HEREBY REQUIRED PERSONALLY to appear before the ..... Land Tribunal/Board* the ..... day of ....., 20..... at ..... o'clock in the ..... noon or soon thereafter and to bring with you any documents or persons connected with the above dispute, and so from day to day until your presence is dispensed with by the Tribunal/Board

Given under my hand on the ..... day of ....., 20 .....

.....

*Chairperson of Tribunal/Board**

**delete whichever is inapplicable*

FORM 1

NOTICE OF APPEAL (regs. 59 and 72)

BETWEEN

..... Complainant

AND

..... Respondent

TAKE NOTICE that the Complainant being dissatisfied with the determination/that part of the determination more particularly stated in paragraph 2* of the ..... Customary Land Tribunal/District Land Tribunal/Central Land Board contained in the determination of ..... dated the ..... day of ....., 20 ..... appeals to the District Land Tribunal/Central Land Board/ High Court upon the grounds set out in paragraph 3 and will at the hearing of the appeal seek the relief set out in paragraph 4.

The Complainant further states that the names and addresses of the persons directly affected by the appeal are those set out in paragraph 5.

2. Part of determination complained of†

3. Grounds of Appeal—

(1)

(2)

(3), etc.

4. Relief sought—

.....

.....

.....

.....

.....

5. Persons directly affected by the appeal—

Name Address

(1)

(2)

(3), etc.

Dated this ..... day of ....., 20 .....

.....

Complainant,

whose address is

.....

.....

.....

.....

NOTE — An address must be given for service of documents related to the determination of the dispute .

SECOND SCHEDULE

FEES AND FINES

Part A

		K	t
1.	Application for grant of Certificate of Customary Estate	1,000	00
2.	Grant of Certificate of Customary Estate	1,000	00
3.	Lodging of dispute with Customary Land Tribunal	2,000	00
4.	Filing of Notice of Appeal to District Land Tribunal	5,000	00
5.	Filing of Notice of Appeal to Central Land Board	10,000	00

Part B

Breach of conditions of Customary Estate	10,000	00

Dated this 7th day of March, 2018.

ANNA KACHIKHO

Minister of Lands, Housing and Urban Development

(FILE REF. NO. LHUD/C/1)