



Navigating the New Norm: Understanding the Provisions and Impacts of the Lagos State Land Registration Law of 2015

SYLVESTER C. UDEMEZUE*

Abstract. The introduction of the Lagos State Land Registration Law (LRL) in 2015 marked a significant shift in the regulation of real property transactions in Lagos State. Prior to this, various laws such as the Registration of Titles Law, the Land Instrument Registration Law, the Electronic Management Systems Law of 2007, and the Registration of Titles (Appeal) Rules governed the registration process. However, these laws were repealed by the comprehensive LRL, which came into effect on 21 January 2015. The primary aim of the LRL was to establish a unified legal framework for the entire State, eliminating the previous dual system that caused confusion due to the parallel registration processes for titles and instruments. This paper examines the provisions and advancements introduced by the LRL regarding land registration in Lagos State, maintaining that the overarching goal of the LRL is to merge the previously distinct and concurrent registration systems in Lagos, thus promoting clarity and reducing the uncertainties that plagued the pre-2015 era in the State. Though the paper acknowledges that due to the partial implementation of the law, many of its provisions remain untested in both judicial proceedings and practical applications to evaluate their actual efficacy, it maintains that its conclusion remains justified by the text of the law itself and other primary sources. The paper, therefore, advocates for a pressing revision of the LRL 2015 to enhance its practicality and self-executing nature. This is to ensure prompt enforcement to facilitate the immediate enhancement of land systems and registration in Lagos State to align with international standards and best practices in conveyancing procedures.

Keywords: Land Registration; Real Property; Lagos State; Conveyancing; Power of Attorney; Sublease; Mortgage; Sale of Land; Registrar; Land Registry; Register

1. Background: Laws Regulating Property Law Transactions in Lagos State Before 2015

The Registration of Titles Law (RTL)¹ which was a Law to provide for registration of titles to land in Lagos State,² was first introduced in Lagos in 1935.³ and thenceforth operated as a system known as the system of registration of titles in Lagos State. The Governor determined which areas the Law applied in Lagos State. Such areas were collectively referred to as the Registration District of Lagos.⁴ Under the RTL, title of every registered land owner within the Registration District was guaranteed by the State, and a Certificate of Title was issued to every successfully registered title holder.⁵ Thus it was unnecessary for the purchaser to investigate the root of title of the land for the purpose of satisfying himself that the vendor had a good title. This is unlike what obtained under the system of registration of documents governed by the Land Instruments Registration Law (LIRL), in which each subsequent purchaser must conduct a fresh investigation of the land. The LIRL was a Law to consolidate and amend the Law relating to the registration of instruments and the filing of judgments affecting land in Lagos State.⁶ The LIRL defined “instruments” to include documents (excluding a Will) affecting land in the State, by which one party (a grantor) transfers, confers, limits, charges or extinguishes in favour of another party (the grantee)

¹ Cap R1, Laws of Lagos State, 2003

² See the Long Title to the RTL

³ YYD Dadem, *Property Law Practice In Nigeria (1st ed, Jos Univerity Press Lts) 156*

⁴ See RTL, section 2

⁵ *Op Cit, section 3*

⁶ See the Long Title to the LIRL

any right or title to or interest in land in the State and a certificate of purchase and a power of attorney under which any instrument may be executed while a “judgment” meant a judgment or decree of the Court of law by which title to land in the State is or shall be affected or by which the validity of any instrument registered under the Law was affected.⁷ Hence the LRL governed registration of documents affecting land as opposed the RTL which regulated the system of registration of titles to land. A major difference between the system of registration of documents and the system of registration of titles under the RTL was that titles registered under the RTL were guaranteed by the State, and thus indefeasible unlike registration of documents under the LRL. There was thus some dichotomy as two different and parallel systems of registration existed in Lagos State before 2015. This dichotomy which created some confusion was part of the reason for the introduction of the Land Registration Law, 2015. As is discussed in this article, the Land Registration Law, 2015 repealed all these Laws and created one uniform system applicable to the entire Lagos State.

2. Purpose of The Land Registration Law (LRL), 2015

The major objective of the LRL, 2015,⁸ is to harmonize the system of registration of titles and the systems of registration of land instruments in Lagos State and bring all systems in under one uniform system with the result that one uniform system now operates across the length and breadth of Lagos State. The Law expressly repeals all the laws hitherto existing on the subject, including the Registration of Titles Law,⁹ the Land Instruments Registration Law, Lagos,¹⁰ 2003, the Electronic Management Systems Law 2007 and the Registration of Titles Law & Registration of Titles (Appeal) Rules,¹¹ 2003, and replaced them with one uniform system of registration, thereby erasing the dichotomy that hitherto existed between the system of registration of instruments under the Land Instruments Registration Law, and the system of registration of titles under the Registration of Titles Law. The LRL tries to strike a balance between the two systems. The Lagos State Land Registration Law, 2015 (LLRL) was enacted to

establish a standard and modern system of registering and keeping the record of all transactions on ownership and transfer of interests in lands in Lagos State.¹² The law was enacted to consolidate all laws relating to registration of land in Lagos State.¹³ A look at the definition given to the words, “document,” “holder,” “registration,” “registered land,” Registrar,” in the interpretation section of the Law, reveals that the term “registration” under the Law is used to include any one or more of the following: registration of documents affecting Land; registration of holders of land; registration of titles to land; registration of dealings/transactions in land; and registration of land. Document includes any deed, judgment, decree, order or other document in writing requiring or capable of registration under the LRL, and includes a Certificate of Occupancy.¹⁴ A holder is a person registered under the Law as having legal interest in land including assignments, sub-lease, mortgage or sub-mortgage.¹⁵ Registered land means land registered under the LRL,¹⁶ while Registrar means Registrar of Titles.¹⁷ Meanwhile, while the short title of the Law tends to suggest that it is all about “land registration,” a look at the Long Title would reveal that the object of the Law is to make provisions for the “registration of title to land in Lagos State.” Besides, the Law provides¹⁸ that the head of the Land Registry Division of the Ministry of Lands shall be referred to as “The Registrar of Titles.” On the other hand, it would appear that the Law is also concerned with registration of “documents of interest or title to land in Lagos State,”¹⁹ or “registration of transactions” relating to land as the Law provides²⁰ for a “register of all transactions relating to transfer of interest in land.” The Law talks also about registration of “land documents,”²¹ and “registration of documents.”²² In view of the above, and by way of summary, the LRL could be described as a Law introduced to synchronize the systems of registration of titles to land, registration of land instruments and registration of transactions and dealings relating to land in Lagos State. It is neither entirely about registration of titles, nor entirely about registration of documents or transactions. It incorporates all the systems in one single document, and thus puts in place uniform procedures, processes and systems applicable to all parts of the State.

⁷ *Op Cit*, section 2

⁸ signed into law on 21 January 2015

⁹ Cap R1, Laws of Lagos State 2003

¹⁰ Cap L58 Laws of Lagos State

¹¹ Cap R4, Laws of Lagos State

¹² ‘Practice Under the Land Registration Law, 2015’ ([gravitasreview](http://gravitasreview.com)) <gravitasreview.com.ng/shop/registry-practice-land-registration-law-lagos/> accessed 02 April 2024.

¹³ *Ibid*

¹⁴ See LRL, section 1

¹⁵ *Ibid*

¹⁶ *Ibid*

¹⁷ *Ibid*

¹⁸ Section 4 (1)

¹⁹ See section 1

²⁰ Section 3 (4) (a)

²¹ See section 17

²² See section 26

3. Documents Required To Be Kept And Maintained In Each Land Registry Division²³ In Lagos State

For the purpose of enforcement and implementation of provisions of the LRL, and of a smooth operation of the system of registration under the LRL, the Registrar of Titles is mandated to maintain the following documents in the Lands Registry; this is among the differences that exist between the system under the LRL and the system under the LRL of the various States in Nigeria, because the LRL does not require some of these registers to be kept:

Register of Transactions relating to transfer of interest in land: This register shall be kept in both electronic and paper form.²⁴

Land Registry Map: this is a map compiled from plans and kept by the Registrar,²⁵ showing the boundaries of every parcel of land that is registered under the Law. Submission of a survey plan is a condition precedent to registration of any document under the Law;²⁶

Parcel File: is like a register of the land parcels, numbered consecutively, as shown in the survey plan.²⁷ The Parcel File contains documents and any plan filed in the Registry and which supports existing entries in the register.²⁸ Land parcel means any area separately shown on the Land Registry Map;²⁹

The Day List: all applications to the registry shall be recorded chronologically in this document and numbered consecutively;³⁰

Mutation Record: This is a Form containing changes made by the Registrar of Titles to the land registry map kept by the Registrar. The Registrar is empowered to make necessary alterations on any boundary shown on the Map.³¹ However, note that the altered or new parcels shall still vest in the person or persons in whose names they are registered -- that is, the registered holders;³²

Nominal Index: contains in an alphabetical order, the names and particulars of all land holders in the State together with the particulars of land parcels as the Registrar may direct;³³

Register of Power of Attorney:³⁴ contains particulars of all Power of Attorney registered in the State. It is submitted that existence of this register implies that power of attorney is among the registrable instruments in the State under the LRL.

4. The Land Information Management System (LIMS)³⁵

4.1 Establishment

The LIMS provides a platform for online storage of documents, virtual searches and payments, virtual applications and certification of documents, licensing of user groups, as well as for consolidation of all registrations, old and new, in Lagos State.³⁶ Every land document in Lagos State must be registered using the LIMS procedure.³⁷ Land documents already registered before the commencement of the LRL must re-registered using the LIMS.³⁸ The object of the LIMS system is to integrate the use of Information and Communication Technology into the system of registration of real property in Lagos State in order to make the system more efficient and seamless.

4.2 Registers to be Kept For Operation of the LIMS

The following registers shall be kept in the Registry for purpose of registration using the LIMS, and shall provide information on the subject and files as the Registrar may prescribe in the LIMS: (a) Day List; (b) Register of Mortgages; (c) Register of Caution; and (d) Any other Register as the Registrar may prescribe. Each of these Registers must contain the names and addresses of the parties to the affected transactions, description and location of the property that is subject of the transaction, and the survey plan of the

²³ Land Registry Divisions shall be as created by the Governor. See section 3

²⁴ See section 4(a) of the Law

²⁵ Section 1

²⁶ Section 12 (3)

²⁷ Section 12 (4)

²⁸ Section 3(4)(c)

²⁹ See Section 1

³⁰ Section 3(4)(d)

³¹ See sections 1 and 13

³² See s. 15 (2)

³³ Section 3(4)(e)

³⁴ Section 3(4)(f)

³⁵ Established by section 17 of the LRL

³⁶ Oluwakemi Mary Adekile, "The Lagos State Land Registration Law 2015: Needs, Principles, Provisions and Potentials" (SSRN, 27 January 2017) 6. Workshop: Essays on the Lagos State Lands Registration Law 2015, Department of Private and Property Law, University of Lagos, 2015, <<https://ssrn.com/abstract=3111203>> or <<http://dx.doi.org/10.2139/ssrn.3111203>> Accessed 02 April 2024

³⁷ Section 18

³⁸ *Ibid*

property.³⁹ All registers kept in the Land Registry before the commencement of the LRL shall now form part of the registers in the LIMS.⁴⁰ A document produced electronically from the LIMS is admissible in court provided that such document qualifies as a document under any relevant law.⁴¹ An application for the CTC of any such document kept in the Registry may be made by completing the prescribed Form 5.⁴²

4.2.1 Conducting Searches Under the LIMS

On being issued with a Letter of Accreditation⁴³ after the payment of prescribed, renewable fees,⁴⁴ any of the following persons or organizations may log on to the LIMS to conduct searches or to download information:⁴⁵ Law Firms; Financial Institutions; Corporate Organisations; and Registered Estate Surveyors and Valuers.

4.2.2 Procedure For Conducting A Search Under The LIMS

- Complete and submit an application in the prescribed form to the Registrar of Titles;⁴⁶
- Application may be submitted online after the applicant has made relevant payments using his Credit Card or other permissible form of electronic payment;⁴⁷
- Consideration of application and conduct of search by or on the orders of the Registrar;
- The Registrar shall issue an official report of search in the prescribed Form 4.⁴⁸

4.3 Registration Under The LRL⁴⁹

The timeline for application for registration is within sixty (60) days after the grant of Governor's consent, where applicable.⁵⁰ There is penalty for late registration of subleases and mortgages where such subleases or mortgages are not registered within six months from the date on which consent is given to such transaction.⁵¹ Prescribed Forms for registration of

interests covered by Certificate of Occupancy or Deeds are as in Form 1 and Form 2 attached to Schedule 1 of the LRL.⁵² The Registrar shall not register any assignment or sublease unless the land has been surveyed to the satisfaction of the office of the Surveyor-General.⁵³ A document creating any interest in land may not be registered without a survey plan describing and delineating the particular land.⁵⁴ Registration of any interest shall be sufficient evidence of holding of such an interest on the affected land, together with all accompanying rights, privileges and appurtenances, except the right to mineral resources or mineral oils.⁵⁵ Every document registered shall be sealed and marked by registrar as evidence of such registration.⁵⁶ Documents submitted for registration shall be registered the same day or the next working day;⁵⁷ But note that the Registrar reserves the right to refuse to proceed with any matter (including registration) until the appropriate fees and rates have been paid.⁵⁸ For determination of the appropriate fees.⁵⁹ On completion of registration, the Registrar shall issue to the registered holder a Land Certificate, which shall be a *prima facie* evidence of matters contained in it.⁶⁰ Such registered holder shall produce the Certificate to the Registrar for endorsement each time any mortgage or further disposition is made in respect of the land⁶¹ and at any time rectification is ordered in respect of the land.⁶² The Registrar shall upon request give a CTC of any book, register or filed document.⁶³ The Registrar shall, upon a subpoena or order of any court, produce or cause to be produced, free of charge, any register or file of registered document in his office or CTC of same.⁶⁴

4.3.1 Instances That Require Registration Under the LRL

- Documents of grants, subleases (excluding a sublease below three years), and all Power of Attorney;

³⁹ See section. 20

⁴⁰ Section 19 (3)

⁴¹ Section 24.

⁴² Section 21 (1).

⁴³ Section 25(1)

⁴⁴ Section 25(3)

⁴⁵ Section. 25

⁴⁶ The prescribed form is Form 3, attached to Schedule 1 of the Law.

⁴⁷ Section 22 (2), (3) and (4).

⁴⁸ The Form is as attached to Schedule 1 to LRL

⁴⁹ See sections 6, 7, 26, 27

⁵⁰ Section 26(1)

⁵¹ Section 28(3)

⁵² Section 26(1)

⁵³ Section 101

⁵⁴ Section 12(3)

⁵⁵ See section 27

⁵⁶ See sections 6 and 11

⁵⁷ Section 29 (2)

⁵⁸ Sections 113 (4)] & 118

⁵⁹ See section 113 (1) to (3)

⁶⁰ See section 35

⁶¹ Section 36 (1)

⁶² Section 99(5)

⁶³ Section 109

⁶⁴ Section 108

- Any succession to land under Will or Intestacy, on production of the Grant of Probate or letters of Administration;⁶⁵
- Any revocations, acquisition and excision of land pursuant to the Land Use Act --- this is the responsibility of the Director of Land Services in the State;⁶⁶
- Trusts, rights or interests acquired by operation of law and overriding interests.⁶⁷
- Purchaser of a mortgage property after a foreclosure or in exercise of mortgagee's power of sale. Note that in such a case, production of the Land Certificate for endorsement, as required under section 36 (1) of the Law, is unnecessary.⁶⁸
- Mortgages created by a holder of land, sublease or mortgage. To be registered as an encumbrance, and shall have effect only as a security.⁶⁹

Judgment or writ of execution issued by any court in respect of any land, sublease, or mortgage in Lagos State. Note that the Registrar shall not accept for registration any document in respect of such land, sublease or mortgage if the document is inconsistent with the judgment or writ already registered. While registration of a judgment does not cure any defect in that judgment, non-registration of the same would not affect its validity or effect.⁷⁰

Subject to obtaining Governor's consent, Certificate of Purchase issued to a purchaser pursuant to the provisions of the Sheriff and Civil Process Law.⁷¹

Every transfer of land, sublease or mortgage by Deed. Transaction is not complete until registered. Note that no transfer of part of a registered land shall be allowed unless the holder has first subdivided the land, after which the new interest shall then be registered.⁷² Registration is mandatory in the case of any "grant" or "sublease" of State land that exceeds five years. Thus, every sublease or grant by a land holder must be

registered. Until so registered and the seal of the Land Registry impressed upon the document or documents evidencing such grant or sublease, such documents or their CTC shall not be admissible in court.⁷³ Note that anywhere a document is admissible, a CTC of the document is equally admissible.⁷⁴

Registration of Restrictions: registration of restrictions is done for the purpose of protecting unregistered interests in land or mortgage created before or after registration, by prohibiting subsequent registration of any disposition or change of holding affecting the land or mortgage.⁷⁵

Registration of caution/caveat: a person having an interest in an unregistered land that entitles the person to object to any disposition of the land being made without the person's consent may apply to the Registrar to register a caution to the effect that he (the Cautioneer) is entitled to notice of any application for registration in respect of the land.⁷⁶ Once a caveat has been lodged and is subsisting, no disposition of the land, sublease or mortgage shall be made except to the extent that the caveat or caution permits,⁷⁷ and no entry affecting any such disposition shall be registered without the consent of the cautioner or caveator until the end of fourteen (14) working days⁷⁸ after service by the Registrar on the caveator or cautioner of a notice of the proposed registration,⁷⁹ or except by order of a competent court of law.⁸⁰ However, where notice is served on the Cautioneer or Caveator and he or she fails to respond within 14 days, the Registrar may go ahead with registration.⁸¹ The Registrar has a duty to give notice of any caveat or caution entered or subsisting, to the holder whose land is affected by it.⁸² A caveator or cautioner has a duty to furnish the Registrar with his address for service and any changes therein.⁸³ A caveat may be removed or withdrawn⁸⁴ with the consent of the caveator or by order of court or by the Registrar.⁸⁵ It may also be renewed.⁸⁶

⁶⁵ See also section 31 (b)

⁶⁶ Section 26(5)

⁶⁷ Section 31

⁶⁸ Section 36 (3)

⁶⁹ Section 49.

⁷⁰ See sections 58 and 59. See also section 60 for cancellation of registered judgments.

⁷¹ Section 61

⁷² See s. 62 and 63

⁷³ See section 108

⁷⁴ Section 109(2)

⁷⁵ See s. 64

⁷⁶ Section 69 (1)

⁷⁷ Section 69(2)

⁷⁸ See exceptions (where registration may be made before the 14 days) in section 69(7). But in such a situation, the cautioner or caveator is entitled to be given notice of such registration: section 69(10)&(11)

⁷⁹ Section 69(3)

⁸⁰ See section 69(6)

⁸¹ See also section 69(3)(a)& (4)

⁸² Section 69(5)

⁸³ Section 69(8)

⁸⁴ See section 69(9). The form for removal of caveat or caution is as in Form 7 attached to the Schedule.

⁸⁵ See section 71

⁸⁶ Section 72

Registrar May Compel Registration:⁸⁷ The Registrar may by notice require the registration of a registrable document. Registration fees and any additional fees payable in respect of such documents shall become payable as soon as the Registrar has given the notice, whether or not the notice is complied with by the person who has the authority to present the same for registration. In other words, once the Registrar has issued a notice to the person having the authority to present a registrable document for registration, any registration fees and other relevant fees payable in respect of such document would become due and payable whether or not such documents are presented for registration. Any person upon whom such notice is given must comply within one month of service of the notice. There is a penalty for noncompliance.

Optional Registration: Registration is optional in the case of an original land holder. Thus, a person who has power to assign or is entitled to any land within the State may apply to be registered as the holder of the land.

Refusal Of Registration: The Registrar may refuse registration, although a document in respect of which registration is refused may be represented for registration.⁸⁸ However, where registration of a document is refused, the fee paid on delivery for registration shall not be refunded and in the event of the document being re-delivered for registration, a new fee becomes payable.⁸⁹ Instances in which Registrar may refuse registration include the following:⁹⁰

- Registrar may refuse to proceed with a registration process unless and until the appropriate fee has been paid⁹¹
- Power of Attorney relating to transfer of land on which the consent of the Governor has not been endorsed;⁹²
- Documents declared void or in respect of which registration is prohibited under the Law;⁹³
- Document that has not complied with the provisions of the Law;⁹⁴
- Non fulfillment by an applicant of the requirements for registration;⁹⁵

- Where the Registrar is of the opinion that a question of priority or conflict of interest has arisen between or among documents submitted to him, the Registrar may refuse registration until he has heard and determined the rights of the parties interested in the documents;⁹⁶
- Where registration of restriction is required by the holder of the land or mortgage in respect of a document, the Registrar may refuse to register the restriction unless such document is presented in order that the restriction is entered;⁹⁷
- Registrar may refuse registration where the proposed registration will prejudicially affect an unregistered interest;⁹⁸
- Registrar shall refuse an application for registration of a disposition or transmission where such registration would result in the entry of more than ten (10) persons in the register as holders of any land, sublease or mortgage, until partition is sought or the family appoints representatives in the manner prescribed by this Law;⁹⁹
- While any judgment or writ of execution continues to be registered against any mortgage, the Registrar shall not accept for registration any document in respect of such land, sub-lease or mortgage that is inconsistent with the judgment or writ of execution;¹⁰⁰
- May refuse registration on grounds of conflict of interest;¹⁰¹
- May refuse to register on ground of applicant's failure to pay relevant rates;¹⁰²

Cancellation of Registration: Registration already effected, may be cancelled in the following instances: Mistake; Where registration was obtained by fraud; Cancellation of varied sublease;(s46) Cancellation of surrendered sublease; (s. 47(2) Cancellation of determined sublease; (s s.48) Cancellation of registration of a judgment; (s 60) Cancellation of registration of discharged mortgage; (s 55(2) Cancellation of restrictive covenants; (68) Cancellation of altered boundaries; (15(1)(a) . Note that registration shall not be canceled or amended so

⁸⁷ See section 26(4)

⁸⁸ Section 9(3)

⁸⁹ Section 9(4)

⁹⁰ Sections 7 and 9

⁹¹ See section 113(4)

⁹² Section 7

⁹³ Section 9

⁹⁴ *Ibid*

⁹⁵ See section 5(1)(c)

⁹⁶ Section 29(4)

⁹⁷ Section 64(2)

⁹⁸ See section 69(7)(a)

⁹⁹ See section 89(5)

¹⁰⁰ Section 59

¹⁰¹ See section 29 (3) and (4)

¹⁰² Section 118

as to adversely affect an interest acquired for consideration by the holder who is in possession, unless such holder is a party or privy to the omission, fraud or mistake in consequence of which cancellation or amendment is sought, or caused such omission, fraud or mistake or substantially contributed to it by his act, neglect or default.¹⁰³

4.4 Effect of Registration or Non Registration

Registered document or CTC of the same issued by or on the authority of the Registrar, shall be admissible in any court to prove the interest/transaction so registered;¹⁰⁴

Any document or instrument registrable under the Law, but is not registered shall not be admissible in court as affecting the land to which it relates;¹⁰⁵

Late registration attracts fine¹⁰⁶

Registration governs priority¹⁰⁷

Transaction remains inchoate, meaning that no interest is transferred or created unless and until the relevant document is registered.¹⁰⁸

The Register shall constitute conclusive evidence of all entries in it, and extract of the contents of the Register may, with leave of the court, be given as evidence in court. Such extract or certified copy shall be *prima facie* evidence of the original entry in the registry. However, no such leave may be granted where secondary evidence would suffice.¹⁰⁹

Failure to register any judgment shall not affect the validity or effect of the judgment.¹¹⁰

The registration of any judgment shall not confer on it any effect or validity which it would not have had.¹¹¹

4.5 Creation and Registration of Sublease Under LRL¹¹²

The holder of land may create a sublease for a fixed term, or subject to the happening of a contingency,¹¹³ and such must be registered where the term is five (5) years or above, subject to obtaining of Governor's consent.¹¹⁴ Sublease of below three years does not require registration.¹¹⁵ A sublease requiring registration must be presented for registration within

six months from date on which governor's consent is given; else it would attract payment of fine as penalty.¹¹⁶ No sublease may be created in respect of land or property which is subject of a mortgage except with the prior written consent of the mortgagee, unless the instrument creating the mortgage expressly provides otherwise.¹¹⁷ Similarly, no sublease which is subject of a mortgage or under-lease may be surrendered except with the written consent of the mortgagee or under-lessee as the case may be. Where a sublease is created to commence on a future date, such a date shall not exceed twenty-one years from the date of creation of the sublease and no person shall be put on notice of such sub-lease until it is registered.¹¹⁸ Any document purporting to create a sub-lease to commence on a date more than twenty-one (21) years from and including the date of the document shall be void.¹¹⁹ The agreements, conditions and terms contained in any sublease may be varied, and when so varied, the documents shall be submitted for registration before the expiration of the current sublease. Any agreement or conditions contained in sublease¹²⁰ maybe varied, and the terms may, by agreement be extended and registered before the expiration of the subsisting sublease.¹²¹ Under such circumstances, the Registrar may cancel the previous sublease and register the new one.¹²² A sublease may be surrendered, and upon presentation of the surrender document to the Registrar, the Registrar shall cancel the surrendered sublease.¹²³ Meanwhile, no sub-lease which is subject to a mortgage or under-lease shall be surrendered without the consent in writing of the mortgagee or under-lessee as the case may require.¹²⁴ The Registrar may, upon an application by the sub-lessor, cancel a sublease that has been determined.¹²⁵ A holder of sublease in respect of a land may create a mortgage upon the same land.¹²⁶

4.6 Registration of Mortgages Under LRL

Under the LRL,¹²⁷ "mortgage means an interest in land securing the payment of money or money's worth or the fulfillment of any condition and includes the

¹⁰³ Section 99(6)

¹⁰⁴ Sections 6, 24, 30, 108 and 109 (2)

¹⁰⁵ Section 30

¹⁰⁶ Section 28

¹⁰⁷ Section 29

¹⁰⁸ Section 40

¹⁰⁹ Section 39

¹¹⁰ Section 59(2)

¹¹¹ Section 59(3)

¹¹² Section 42 to 48

¹¹³ Section 41(1)

¹¹⁴ Section 42

¹¹⁵ Section 26(2)

¹¹⁶ Section 28(3)

¹¹⁷ Section 43

¹¹⁸ Section 44(1)

¹¹⁹ Section 44(2)

¹²⁰ Unless the sublease has been forfeited

¹²¹ Section 45

¹²² Section 46.

¹²³ Section 47(1)&(2)

¹²⁴ Section 47(3)

¹²⁵ Section 48

¹²⁶ Section 49

¹²⁷ Section 1

interest in land known as mortgage, and “sub-mortgage” shall have the corresponding meaning. “Mortgagee” means the holder of a mortgage while “mortgagor” means the holder of any land the subject of mortgage under this Law. A person upon whom a mortgage has vested shall be entitled to be registered as holder of that mortgage.¹²⁸ Where there is a foreclosure, a purchaser from the registered holder of a mortgage selling under the power of sale conferred by the mortgage, may be registered as the holder of the land or sub-lease and a new certificate or title to that land or sub-lease may be re-issued without the production of the old certificate of title to the land.¹²⁹ A holder of land under the LRL may create a mortgage in respect of that land, and the document creating the mortgage may be registered as an encumbrance,¹³⁰ and such shall have effect as security only.¹³¹ Under the Law,¹³² mortgages or charges created in respect of property or land within Lagos State are registrable. Further, creation of subsequent mortgages is permitted, provided that exercise of power of sale by the subsequent mortgagee shall be subject to the rights of the prior mortgagee.¹³³ Consolidation of mortgages is permitted, the right of consolidation shall take effect only after the registration of the proposed consolidation by the holder of the mortgages.¹³⁴ Where a court issues a judgment or writ of execution affecting any mortgage, the judgment or writ of execution shall not bind or affect any land, sub-lease or mortgage, unless it is registered¹³⁵. While any judgment or writ of execution continues to be registered against any mortgage, the Registrar shall not accept for registration any document in respect of such land, sub-lease or mortgage that is inconsistent with the judgment or writ of execution.¹³⁶ A mortgage shall be discharged by registration in the Registry of a Deed of Release.¹³⁷ A discharge of mortgage may be made by a deed of release in the prescribed form and the word “Discharged” may be written or printed on the document creating the mortgage, which may be registered. The discharge shall be completed when the Registrar cancels the registration in the register.¹³⁸

4.6 Registration of Power of Attorney Under LRL¹³⁹

Creation of Power of Attorney is permitted.¹⁴⁰ Power of Attorney authorizing any person to deal with any land, sublease or mortgage must be delivered to the Registrar for registration. Notice of revocation of any registered Power of Attorney must be given to the Registrar, otherwise the Power of Attorney shall be deemed to be subsisting and, as such, no disposition in purported exercise of such Power of Attorney to a person who was ignorant of such revocation shall be adversely affected by reason only that such Power has been revoked. The aforesaid shall not apply to an irrevocable Power of Attorney. Revocation of a Power of Attorney shall not affect any payment made or steps taken in good faith pursuant to the Power of Attorney if at the date of making the payment or taking the step, the Power of Attorney had been revoked without the knowledge of the Registrar. There is penalty of a fine¹⁴¹ for noncompliance with provisions of section 56 relating to Power of Attorney. Governor’s consent and registration are mandatory for an Irrevocable Power of Attorney relating to any land in Lagos State, and the Registrar shall not accept such Power of Attorney for registration unless the consent of the Governor has been obtained in respect of the same.¹⁴² A document of transfer, such as Deed of Assignment, Deed of Legal Mortgage or Deed of Sublease, among others, executed by an Attorney shall not be accepted for registration unless there is an irrevocable power of attorney authorizing such Attorney to execute the said document and the power of attorney has been duly registered or filed in the registry.¹⁴³ The Registrar shall not register any Power of Attorney relating to transfer of land on which the consent of the Governor has not been endorsed.¹⁴⁴

5. Encumbrances and Restrictions on Power of A Registered Holder To Dispose Of Land

The interest of a registered holder shall be indefeasible. Accordingly, a registered holder who is a purchaser for value is not affected by an express or implied notice of any unregistered interest of a previous registered holder.¹⁴⁵ Besides, such a registered purchaser for value is not required to inquire whether the terms of any caution or restriction have been complied with, where such caution or restriction

¹²⁸ Section 34

¹²⁹ Section 36(3)

¹³⁰ Section 49(1)

¹³¹ Section 49(2)

¹³² sections 49 (1) and 54

¹³³ Section 50

¹³⁴ Section 52

¹³⁵ Section 58

¹³⁶ Section 59

¹³⁷ Section 55

¹³⁸ Section 56

¹³⁹ Section 56

¹⁴⁰ Section 56(1)

¹⁴¹ of N100,000. See section 56(7)

¹⁴² See section 57.

¹⁴³ Section 94

¹⁴⁴ Section 7

¹⁴⁵ Section 111

relate to a time prior to his own (the holder's) registration.¹⁴⁶ However, the interest of a registered holder is subject to the following: Registered encumbrances, conditions or restrictions; Liabilities, rights or interest not requiring registration under this law; Interests prior to the transfer; the law relating to bankruptcy; Provisions relating to the winding up of companies; Overriding interests. The Law lists out the interests that make up overriding interest.¹⁴⁷ "Restrictive covenants" affecting the land (not being a covenant made between a sub-lessor and a sub-lessee), in respect of which a notice has been registered in accordance with the provisions of the Law, unless such restrictive covenant has been canceled or released.¹⁴⁸ Prohibition or restriction of transfer or disposal on grounds of fraud or improper dealing or for other sufficient cause.¹⁴⁹ Prohibition and restriction on dealings on land or any interest therein by persons under 18 years of age.¹⁵⁰ And where any document is already registered in the name of a minor, the registrar shall place a restriction on such document or transaction, as he (the Registrar) may deem fit. For the purpose of dealing in his land or interest in it, a minor, idiot, lunatic, or a person under any other form of disability is to be represented by his/her Guardian duly appointed for that purpose, and such Guardian shall produce evidence of such appointment otherwise the document so executed shall not be accepted for registration.¹⁵¹

5.1 Form and Execution of Registrable Documents

Forms of documents:¹⁵² Any documents for registration must be presented in duplicate copies – consisting of the original and a true copy. The original copy shall be returned to the holder on completion of registration. A document for registration must state the consideration, and the part of it that has been paid. And where consideration is monetary, the amount must be stated in both words and figure. Under the LRL, it is an offence to make false statements in a registrable document or to destroy or to counterfeit a register or book or filed document or any part of it,

Form of Execution of Documents:¹⁵³ Every document shall be executed by all parties, and shall be

deemed to have been duly executed if signed by a natural person; in the the case of a corporation aggregate, if sealed with the seal of a corporation and attested to by its clerk, secretary, director or other officer; in the case of a corporation sole, if signed and the official seal affixed; in the case of a corporation not required by law to have a common seal, if signed by persons so authorized by law or the statute of the corporation¹⁵⁴ or, in the absence of any such express provision, by two or more persons duly appointed for that purpose by the corporation. Documents required by this law to be stamped but which are not so stamped shall not be accepted for registration unless otherwise exempted under this law from such stamping.¹⁵⁵ For purposes of registration, a document includes all certificates and matters endorsed on or attached to it.¹⁵⁶ A document executed outside Nigeria shall not be registered in Lagos State, unless it has attached to it a certificate showing that it was attested to by a Nigerian or foreign judge, magistrate, Justice of the Peace (JP) or a Notary Public¹⁵⁷ Where a grantor is an illiterate, the document of transfer must be attested to by a judge, magistrate, Justice of the Peace (JP), Notary Public or Commissioner for Oaths.

6. Registration of Family Representatives for Dealings on Family Property¹⁵⁸

Where land is registered in the name of a particular family name, without any representatives, the family shall hold a family meeting and appoint not more than 10 (ten) members of the family to represent the family. The appointment shall be published in at least one national newspaper, and calling for objections if any. Where no objection is received by the Registrar within 21 days from the date of such publication, the Registrar shall enter the names of such representatives in the register. But where an objection is received from a member of the affected family, the registrar shall not enter the names of the representatives in the register unless he has received a retraction of the objection or a court order directing him (the registrar) to enter the names of the representatives in the register. The Registrar shall not entertain any application for registration of a disposition of family property where the number of representatives is beyond ten (10)

company is now governed by section 163 Evidence Act (where the company has or wants to use common seal) or section 102(2) CAMA (where the company executes without a seal).. See also section 840 for form of execution by corporation aggregates not being incorporated companies.

¹⁴⁶ Section 111

¹⁴⁷ See s. 66

¹⁴⁸ See sections 67 and 68

¹⁴⁹ Section 73

¹⁵⁰ See section 93

¹⁵¹ Section. 94 (3) & (4). See also s. 95

¹⁵² Section 74

¹⁵³ Section 76 (1)

¹⁵⁴ See the Companies and Allied matters Act, 2020 (Nigeria), sections 98, 100, 101, and 102. Execution by a

¹⁵⁵ Section 77

¹⁵⁶ Section 75

¹⁵⁷ Section 76 (2) & (3)

¹⁵⁸ Sections 89 - 92

persons.¹⁵⁹ When registered, the family representative shall have exclusive power to act for the family in respect of family land.¹⁶⁰ A disposition of family property shall not be valid if it is executed by a number of family representatives less than those whose names appear on the register.¹⁶¹

6.1 Amendment To The Register Of Family Representatives

The registrar shall delete the name of a family representative from the register where there is proof that a family representative whose name is on the register has died, or if the registrar is satisfied that the family representative is unable to act by reason of mental or physical incapacity, absence or imprisonment. Meanwhile, on the application of a family member, the Registrar may insert additional family representatives where it consists of less than ten (10) members. On receipt of a CTC of a court order to that effect, the Registrar shall delete, substitute, add, or insert additional family representatives to the register. Addition or removal of the name of a family representative from the register shall not limit the powers of the remaining family representatives to act on behalf of the family. A sole representative duly appointed shall have powers to act for the family.

6.2 Rectification of the Register¹⁶²

The Registrar may, with the consent of all affected persons or upon an application by a registered owner or an owner of a registered interest, amend the contents of the register or correct any error or errors therein. Rectification may be done notwithstanding that it may affect any land, rights, mortgage or interest acquired or protected by registration or entry in the register.¹⁶³ For the purpose of any rectification, the land certificate and any mortgage certificate which may be affected must be delivered to the Registrar.¹⁶⁴ The following are grounds for rectification: where a court has decided that a person other than the registered holder is entitled to an interest in the registered land; where the Court makes an order for rectification; where all affected persons consent to rectification; where entry in the register is obtained by fraud; where two or more persons are mistakenly registered as holders of the same land or mortgage; where any person appears to have acquired land or interest¹⁶⁵ --- that is, concealment of registration or consolidation of

mortgages; in any other justifiable case for reasons of error or omission, etc; where the title of the registered holder has been extinguished under the limitation law. And in such a case, the holder shall not be entitled to any compensation. Rectification may also be carried out for the purpose of giving effect to an overriding interest, which may affect the interest of a registered holder in possession and may only be carried out where it is shown that¹⁶⁶ the registered holder or his privy is privy to, or has by his act or neglect caused or contributed to, the fraud, mistake or omission in consequence of which such rectification is sought,¹⁶⁷ or that the disposition to the holder is void or the disposition to the person through whom the holder claims is void; but the second leg of this paragraph does not apply where the disposition to such person (through whom the holder claims) is for valuable consideration, or on just and equitable grounds, or pursuant to a court order.

7. Role of the Court in resolving disputes under the LRL¹⁶⁸

The Chief Judge of the State shall make rules of practice and procedure to regulate proceedings before the Registrar and appeals from decisions of the Registrar. But note that the Magistrates' Court' Rules shall apply pending when the Chief Judge makes rules for proceedings before the Registrar. The Commissioner is empowered to make regulations in respect of incidental matters. Where the Registrar is in doubt or encounters any difficulty in relation to any question of law or fact, he may apply to the court for direction. He may also state a case for the opinion of the court where any question arises in the performance of his duties or functions. If anyone fails to comply with an order of the Registrar, the Registrar may refer the matter to the Court to enforce compliance. Any person aggrieved by a decision of the Registrar may give Notice of Appeal to the Registrar in the prescribed form, of the aggrieved person's intention to appeal against such decision. On receipt of such Notice of Appeal, the Registrar shall prepare a brief statement of the question in issue to the court, the appellant and other interested person, and on the hearing of such appeal, a party may appear and be heard in person or by a legal practitioner. After hearing the appeal, the court may make any other as it may deem fit, and all parties shall be bound by such order. A Notice that an appeal is pending shall be entered

¹⁵⁹ Section 89(5)

¹⁶⁰ Section 91)

¹⁶¹ Section 92

¹⁶² Sections 96 –100

¹⁶³ Section 99 (3)

¹⁶⁴ See section 99(5)

¹⁶⁵ Under sections 11 and 51

¹⁶⁶ Section 99 (3)

¹⁶⁷ See section 99 (3 (a) & (6)

¹⁶⁸ See sections 103, 104, 105, 106, 107, 108, 116 & 120.

against the entry in the register affected by the appeal. But such appeal shall not affect any dealing for value registered prior to the delivery of the Notice of Appeal to the Registrar. These provisions shall apply to appeals to the Court of Appeal in the same manner as they apply to an appeal to the High Court. Note the power of the Registrar to order production of relevant title documents.¹⁶⁹

7.1 Acquisition of Title By Adverse Possession

The holding of land may be acquired by adverse possession against the state after a period of twenty (20) year and in any other case, after a period of twelve (12) years. After the expiration of the period (20 or 12 years as the case may be), the person acquiring such interest shall give notice of such acquisition to the Registrar, and thereafter apply to the court for an order directing him to be registered as the holder of such land/interest. But note that a person (that is, an agent) who is in possession on behalf of another person (a principal) shall be deemed to be holding the possession of such other person. Any application required to be signed by any person may be signed or made on that person's behalf by a Legal Practitioner. Officers in the lands registry and other officers engaged for the purpose of the Law are immune from civil action for acts or omission made in good faith and in exercise of their statutory powers.¹⁷⁰ The Law provides for offences and penalties.¹⁷¹ As has already been pointed out, the Law repeals certain laws hitherto regulating registration in Lagos State.¹⁷² Any reference to any title made under any of the repealed Laws shall be deemed to be reference to a title under the LRL.¹⁷³

7.2 Powers and Duties of the Registrar Under the LRL

The Registrar of Titles must be a lawyer of not less than 10 years post-call and is appointable by the Governor and is under the general direction of the Commissioner for Lands.¹⁷⁴ Apart from that the

Registrar is responsible for all matters relating to registration of interest in land and the control and administration of all Land Registry Divisions¹⁷⁵ created under the LRL,¹⁷⁶ the Registrar has the following additional powers and duties:¹⁷⁷ power to require the holder of an interest in land to produce any land document as may be necessary; power to summon a holder of a legal interest or any interested person to appear and give information as may be necessary for the purpose of the administration of the LRL;¹⁷⁸ power to refuse to register any document presented to him on grounds of non fulfillment of registration conditions; power to administer oaths and to require that any proceedings, information or explanations affecting registration be verified on oath; to order that the costs, charges and expenses incurred by him or any "other person in connection with any investigation or hearing held by him or survey made for the purpose of this Law, shall be paid by such persons in such proportions as he may think fit; power to compel registration;¹⁷⁹ power to maintain necessary registers and documents as prescribed by the Law, for effective administration of the LRL; power to conduct or allow registry search on land; power to register all documents or title or interest or transactions or land required to be registered under the Law; power to issue CTC of documents in the registry;¹⁸⁰ power to cancel registration; power to register family representatives;¹⁸¹ power to amend the register of family representatives;¹⁸² power to rectify the register;¹⁸³ power to amend the register; to refer matters to ¹⁸⁴court in appropriate cases; power to destroy documents;¹⁸⁵ power to mark documents;¹⁸⁶ power to retain documents;¹⁸⁷ power to require survey plan as may be necessary;¹⁸⁸ power to combine or subdivide land;¹⁸⁹ cancel or prepare new registers;¹⁹⁰ power to prescribe the forms to be used to access any information in the Registers kept in the LIMS;¹⁹¹ power to allow searches to be conducted;¹⁹² power to approve partition or to partition land;¹⁹³ duty to issue Land Certificate upon completion of registration;¹⁹⁴

¹⁶⁹ Section 110

¹⁷⁰ Section s. 117

¹⁷¹ See section 199.

¹⁷² See section 122

¹⁷³ Section 121

¹⁷⁴ Section 4(1)(a)

¹⁷⁵ See section 3(1)

¹⁷⁶ Section 4(3)

¹⁷⁷ See section 5

¹⁷⁸ Section 115

¹⁷⁹ Section 26(4)

¹⁸⁰ Sections 108 and 109

¹⁸¹ Section 89

¹⁸² *Ibid*

¹⁸³ Section 96

¹⁸⁴ Section 67

¹⁸⁵ Section 9(2)

¹⁸⁶ Section 11(1)

¹⁸⁷ Section 11(3)

¹⁸⁸ Section 13(1)

¹⁸⁹ Section 14

¹⁹⁰ Section 15.

¹⁹¹ Section 21

¹⁹² Section 22

¹⁹³ Section 34

¹⁹⁴ See Section 35(1): The Registrar shall issue to the registered holder of any land or mortgage a document showing in the prescribed manner all subsisting entries in the register affecting the land or mortgage.

power to issue extract of lost title documents;¹⁹⁵ power to issue a new Land Certificate on production of an affidavit of loss and a police report;¹⁹⁶ power to register restrictions;¹⁹⁷ power to issue certain notices;¹⁹⁸ power to cancel restrictive covenant;¹⁹⁹ power to require a caveator/cautioner to prove his claim;²⁰⁰ power to remove the caveat or caution from the register;²⁰¹ upon expiration of a caveat, power to refuse to accept a further caveat or caution by the same person or anyone acting on his behalf in relation to the same matter as that protected by the previous caveat or caution;²⁰² power to order the removal or variation of any restriction;²⁰³ power to allow land included in any number of titles or any number of registered mortgage to be dealt with by the same document;²⁰⁴ power to destroy documents not required by this Law to be retained by the Registrar or documents already retained by him for up to five years;²⁰⁵ power to delete the name of a deceased joint-holder from the register;²⁰⁶ power to register transfer, discharge of mortgage or surrender of sublease;²⁰⁷ duty to obey order of the court in relation to any registered land on being served with the order;²⁰⁸ power to apply to the

Court for the determination of any question of doubt or difficulty of Law or fact arising in connection with his duties under this Law or to state case for the opinion of the court;²⁰⁹ power to refer a matter to the High Court or to direct compliance where any person fails to comply with an order of the Registrar;²¹⁰ power to refuse to proceed with any matter until the appropriate fee has been paid;²¹¹ power to accept the signature or declaration of a legal practitioner or agent in respect of any application or declaration that is required to be either signed or made by any person;²¹² power to examine persons on oath in certain circumstances;²¹³ among other powers and duties.

7.3 Miscellaneous Provisions

The Law makes provisions on transmission, trust & bankruptcy.²¹⁴ Matters a purchaser or his solicitor shall rely on for investigation of the title include Inspection of the register of title or of a CTC of an extract from the register; statutory declaration as to the existence or otherwise of encumbrances; and evidence of registered encumbrances

7.4 Use of Forms and Precedents

In the Schedule to the LRL are attached prescribed Forms for the following purposes:

S/N	TITLE OF FORM	USE OF FORM
1.	LRL Form 1	Application form for registration of titles to land
3.	LRL Form 2	is the Application Form for the Registration of Land Covered by Deeds/Certificate of Occupancy;
4.	LRL Form 3	Application form for conducting searches
5.	LRL Form 4	form of Electronic Search report issued by the Land Registry
6.	LRL Form 5	Form of Application for obtaining CTC
7	LRL Form 6	Application form for registration of caution
8	LRL Form 7.	Form of Application form for withdrawal of caution

8. Conclusion

8.1 Summation

In this survey, the author has, it is believed, successfully provided researchers, law teachers, lawyers, law students, conveyancers and the general public with a handy source material which explains or exposes major provisions of the LRL on land

registration in Lagos. Beginning with a discussion of the pre-2015 position, and then to explaining the purpose of the LRL which is, the author believes, to create a uniform platform for land registration in Lagos State while improving upon hitherto existing systems by upgrading to the incorporation of the ICT into the system of land registration in the State, the author has discussed the nature of registration under the LRL, documents required to be kept by the

¹⁹⁵ Section 37

¹⁹⁶ See section 37(4)&(5)

¹⁹⁷ Section 64

¹⁹⁸ Sections 67, 69(5), 71(2)(a), and 73(4)

¹⁹⁹ Section 68

²⁰⁰ Section 69(4)(a)

²⁰¹ Section 71(2)(b)

²⁰² Section 71(5)

²⁰³ Section 73(6)

²⁰⁴ Section 74(4)

²⁰⁵ Section 79(2)&(3)

²⁰⁶ Section 80(1)

²⁰⁷ Section 82

²⁰⁸ Section 99(4)

²⁰⁹ Sections 104(1) and 106(1)

²¹⁰ Section 105

²¹¹ Section 113(4)

²¹² Section 115(5)

²¹³ Section 115(6)(a)

²¹⁴ See sections 80 to 93

Registrar of Titles for purpose of administration of land registration in Lagos, a discussion of the operation of the newly introduced Land Information Management System (LIMS) and the process and system of registration under the LRL, instances of mandatory and optional registrations, and other forms and variations of registration under the Law. Also discussed are such special provisions as registration and cancellation of restrictions and cautions/caveats, when and how the Registrar may compel registration, optional registration, refusal of registration, cancellation of registration, and effects or consequences of registration or non registration under the LRL. Special provisions of the Law as they pertain to creation and registration of transactions such as sale, sublease, mortgages, power of attorney as well as encumbrances, restrictive covenants, form and execution of instruments under the Law have been discussed alongside powers and duties of the Registrar under the LRL. The paper has also discussed other innovative provisions of the Law including registration of family representatives, amendment of the register of family representatives, rectification of the land register, role of the courts and lawyers under the LRL, plus acquisition of title by adverse possession. The various Forms prescribed under the Law for use in effecting land registration are displayed.

8.2 The System of Land Registration Under the LRL Versus the Other Systems In Nigeria

From the totality of the discussions above, the author has identified some distinction between the system in Lagos State under the LRL and the system in States that still operate system of registration of documents under the Land Instrument Registration Law. First,

unlike the repealed RTL, “first registration” under the LRL refers to registration of any dealing with the land or any sublease or mortgage affecting the whole or any part of the land (excluding a document having effect only as caveat or caution); thus, registration now has a much wider scope than what it had under the RTL

9. Recommendations

By way of recommendation, while the author believes that the introduction of the LIMS system is commendable, as a step towards upgrading the system of land registration in Lagos State to try to measure up to prevailing global trends and international best practices and standards with a view to complying with

which was strictly about registration of title and nothing more. Second, the LRL is strictly about registration of documents, unlike LRL which is a consolidation of various systems of registration including registration of transactions, registration of holders, registration of land, registration of title, registration of documents, among others. Third, under LRL registration does not make for indefeasibility of the document registered, unlike what obtains under the LRL. Fourth, under LRL, there is difference in the registers and in the documents required to be kept at the Land Registry by the Registrar, for the operation of the respective registration systems. Fifth, under the LRL, the Registrar need not conclude registration within 24 hours, unlike under the LRL where the Registrar has a duty to conclude processing of every application for registration within 24 hours of submission of the application and fulfillment of registration requirements by the applicant. Sixth, under LRL unregistered registrable documents are admissible to prove transaction or payment of consideration but not to prove title. On the other hand, under the LRL, unregistered registrable documents are not admissible at all. Seventh, under the LRL there is no issuance of Land Certificate to the holder upon completion of registration, unlike in LRL where the Registrar must issue a Land Certificate upon a successful registration. Eighth, under the LRL the Registrar possesses power to compel registration in respect of unregistered registrable lands, transactions or titles. Ninth, under the LRL a sublease above three years may not be registered on property that is subject of an existing mortgage without the prior written consent of the mortgagee, unless the terms of the mortgage provide otherwise; this restriction is absent in the LRL system. Tenth, under the LRL in order for a revocation of a registered Power of Attorney to be effective, notice of such a revocation must be given to the Registrar; this requirement is absent under the LRL system. Eleventh, immunity avails Land Registry Officials under the LRL,²¹⁵ unlike under the LRL.

the demands of 21st-century’s globalized economy, it is submitted that the provisions in respect of the operation of the LIMS are too weak to be impregnable enough to be effective in implementation and in realizing the objectives of introducing the system in Lagos. Considering the volume of transactions being conducted daily in Lagos State, nothing short of full digitization of all processes and procedures for land registration would effectively serve the interest of

²¹⁵ See see LRL, section 117

residents of Lagos State. It is therefore recommended that the LRL be urgently amended to introduce provision abolishing all manners of manual transaction of the business of land registration in Lagos. Full digitization or digitalization would serve the purpose of killing many birds with one stone. Full conversion to, and dependence on, virtual processes will help to minimize corrupt practices on the part of land registry officials, increase efficiency and effectiveness as well as enhance security of the process and documents used in the process. It would also reduce cost, save time by reducing the unnecessary delays being encountered currently. The merits of full digitization are so numerous that it would be difficult to enumerate all here. Registration of family representatives is another commendable innovation of the LRL, aimed mainly at reducing

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*Activities of Louts, Land Speculators, and Land Grabbers: The Omo N'ile*¹²⁷ quacks and other non-expert Land Speculators and Grabbers unleash their own terror.... To checkmate the activities of these land grabbers in Lagos State, Governor Akinwunmi Ambode had on 15 August 2016, signed into law the Lagos State Properties Protection Law, 2016, which is geared towards the prohibition of forceful entry and illegal occupation of landed properties, violent and fraudulent conducts in relation to landed properties in Lagos state. The main objective of the law is to provide legal comfort and assurance to interested investors that they can carry on legitimate land and property transactions without fear of harassment, intimidation or unnecessary exploitation by these land grabbers.¹²⁸ The Anambra State of Nigeria had earlier in 2012 enacted the Prohibition of Fraudulent Practices on Land and Property Law 2012.¹²⁹ Activities of these land grabbers, which cut across states in Nigeria, have serious adverse effects on conveyancing law practice in Nigeria; indeed, it is one of the major challenges faced by lawyers in conveyancing practice in Nigeria. Some writers have tried to explain the menace of land grabbers,¹³⁰ but the phenomenon persists. Recently, the Lagos State Government vowed to go tough on land grabbers.¹³¹

²¹⁶ Sylvester C Udemezue and Olajumoke M. Shaeab, 'Delimiting Lawyers' Involvement In Sale of Land In Light of The Steady Diminution of The Law Practice Space In Nigeria', (2022) 3(2) Law and Social Justice Review (LASJURE), 183.
<<https://www.nigerianjournalonline.com/index.php/LASJURE/article/view/2976>> or
<https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3818892> or

nefarious activities of speculators, land grabbers and racketeers some of whom disguise as family representatives in dealings over supposed family lands, while in fact ripping off unsuspecting conveyancers and their clients as well as innocent members of the public. When representatives of all land-owning families are registered, it becomes easy by a simple search in the Lands Registry, to find out who the genuine representatives of each land-owning family are. In this way, it becomes difficult for innocent dealers in land to fall prey to criminals masquerading as representatives of families in land transactions. Udemezue and Shaeab have made the following observations on the negative impacts of the criminal activities of land grabbers, racketeers and *Omo N'iles* especially in Lagos State:

It could therefore be concluded that the provisions on registration of family representatives, rectification of the registers and the other safeguards put in place by the LRL, are good developments. However, the 24-hour time-line given the Registrar to conclude registration, is unrealistic. A more pragmatic provision that takes into consideration prevailing socioeconomic realities, including the poor and dilapidated infrastructure, poor internet connectivity, lack of adequate and skilled manpower, low funding, epileptic power supply, among others challenges, would have been more better in the circumstances. Again, how long does it take to process and obtain Governor's consent? It is not enough to make governor's consent mandatory in certain situations, without first rejigging the procedure for processing Governor's consent to make it more effective and less strenuous than it currently is in Lagos State. Then, why the immunity provision in favour of Land Registry officials? Would this not encourage impunity and recklessness on their part? Further, the provision of the LRL, to the effect that unregistered registrable documents are not admissible at all is both unjust and untenable in view of the decision of the highest court in Nigeria, that such instruments, although not admissible to prove title, are admissible to prove existence of the transaction and as evidence of payment of consideration. The position taken by the courts, is more reasonable and balanced.¹ Moreover, it is

<<https://heinonline.org/HOL/LandingPage?handle=hein.journals/lwadsljerw3&div=51&id=&page=>> Accessed 02 April 2024

²¹⁷ Abdullahi v Adetutu (2019) LPELR-47384 (SC). See also Ojugbele v. Olasoji (1982) 4 SC 31; Akintola v. Solano (1986) 2 NWLR (Pt. 24) 598, (1986) 4 SC 141, (1986) All NLR 395; Edokpolo v. Ohenhen(1994)7 NWLR (Pt. 358) 511, (1994) 7 SCNJ 500

disheartening that more than nine years after its passage and coming into operation, the Lagos State Land Registration Law is yet to be fully implemented. Much of the applications, payments, searches, certifications, processing and registrations are still being conducted manually in spite of the electronic-processing requirements of the LIMS system. Making a law is not enough if the law is not impregnable which is a precondition to effectiveness implementation which is yet a different aspect. A law made but not being effectively implemented is as good not made at all. It is accordingly respectfully suggested that an urgent review of the LRL 2015 be undertaken by relevant stakeholders with a view to amending it or altogether repealing it and replacing it with a more pragmatic, self-executing and impregnable legislation that would compel instant implementation and ensure that land systems and registration in Lagos State are urgently upgraded in line with global benchmarks and international best practices in conveyancing practice and procedures. All eyes are on Lagos to take the lead in this area, and the State which prides itself as the Centre of Excellence, cannot afford to continue to dawdle, saunter or wander. It requires repeating that it is unfortunate, and unacceptable that a Law which came into force in 2015 is yet to be put into full operation by 2024.