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Nov 10 2 Comments Categories:Education,Land What is "Kabaka's Land"? During the 1900 Buganda Agreement, all land in Buganda was divided into two: crown land, which was under the control of the colonial government, and mailo land. This mailo land was also divided into two: Official mailo and private mailo. Official mailo includes the land given to the Kabaka (350 square miles) and the ssaza chiefs who got eight square miles, among others. The 350 square miles is the land that is currently managed by the Buganda Land Board. This land is predominately found in suburbs such as Nansana, Munyonyo, Buziga, Konge, Kigo, Maganjo, Kagoma, and Ganda, among others. One cannot buy and own the "Kabaka's land". The reason why they only give leases on this land. The difference between "kabaka's land" and private mailo is that a buyer is only given a leasehold title for Kabaka's land while for private mailo one can get either a leasehold title or an outright transfer. The Difference Between Private Mailo Land and Kabaka's Land Private Mailo; Private Mailo is the land parcelled out to individuals in the sense that it was their property. "People such as Kabaka Daudi Chwa, his mother, the Muhamedian prince, who was Mbogo, and the mother of Mwanga, were given land as individuals. They could deal with this land as they deemed fit; they could transfer it, or if one got a financial problem or any other, they could sell it. Between 1900 and 1908, roughly 1,300 Baganda individuals and institutions, including churches, were given the Private Mailo. Private owners own their property in perpetuity (forever) and can sell or pass their rights on to their heirs. Official Mailo; the Kabaka owns this land because of his position. The sale of Kabaka's land is not permitted because it benefits the Kabaka's office, Katikiro, Ssaza, and Gombolola Chiefs. In distinction, with Private Mailo, one can get either a leasehold title or an outright transfer. The other difference is that one has to pay the premium and annual ground rent for Kabaka's land. In contrast with the Private Mailo, you only pay for the premium. The official premium is 10% of the land's capital value, while ground rent is 1% of the premium. Let's say "If a plot, say in Buziga, costs USh 40 million, that is its capital value. The premium is 10 per cent, which translates into USh 4 million, while the ground rent is one per cent of USh 4 million which is USh 400, 000. For that plot in Buziga one pays premium once, and annual ground rent over the 49 years." When the lease expires, the land returns to Kabaka's ownership. The Kabaka's office determines whether to extend the lease. But it is the policy of Buganda Land Board that once a lease expires, we renew it and give it to the sitting tenant." All land sold at LUBA Properties Limited is Private Mailo Land. Talk to us on 0773259007 or 0757444666 for more information. Sep 06 7 Comments To fully comprehend land ownership in Uganda, one has to first go back to the 1900 Buganda Agreement when the British appropriated land for different purposes, and from these appropriations comes today's land tenures or forms of ownership. The 1900 Buganda Agreement divided into Crown land, Kabaka's land (Official mailo), land to chiefs (Private Mailo), and more. Currently, we have 4 modes of land ownership or tenure in Uganda namely; Mailo Land Freehold land Leasehold Customary land When acquiring land in Uganda, one has to carry out due diligence and understand the different modes of land ownership. This article is to help you understand exactly that; 1. Mailo Land This type of tenure is predominantly in Buganda, with some minimal parts of Ankole, Bunyoro and Tooro sub-regions having it. Mailo tenure is one where permanent ownership of a large plot of land belongs to landlords who acquired it through the 1900 Buganda agreement, while at the same time tenants on the land are recognized and they also have rights to live on and utilize the land. Owners have perpetual ownership and are free to sell or pass on their rights to their heirs. On the side of selling, many mailo holders have since 1900 sold off their holdings, to such an extent that the Ministry of Lands puts the number of owners to have risen to more than 300,000 today courtesy of so many having inherited or bought parts of what was previously one piece of land, thereby causing its subdivision. On the side of the constitution, it states that mailo landowners are not allowed to use their powers against the interests of customary tenants, bona fide, or lawful occupants. This provision was introduced in 1998 and revised further in 2010 with the aim of inhibiting the possible eviction by landlords of people occupying mailo land as customary tenants or squatters. It is important to note that there are no more new titles issued for land under Mailo tenure because all titles were issued prior to 1928. Today what happens is an only further subdivision of the existing titles which were issued prior to 1928, as well as changing the names on the titles in cases where ownership is being transferred. Under the process of subdivision and transfer of ownership, the applicant and the transferring landowner both fill application forms with the zonal office of the ministry of lands in their area, then wait for the zonal office to complete the rest of the process. 2. Freehold Tenure The Land Act 1998 defines freehold tenure as a tenure that bestows upon someone ownership of registered land in eternity—which means "owning the land forever," this type of tenure was set up by the 1900 agreement between Buganda and the British colonial government. Most owners of land under this tenure acquired it as grants from the colonial government before independence and from the Uganda Lands Commission after independence—with only a few having bought it mostly from the government. The Land Act specifies that the holder of land in freehold has the full power of ownership, which means they can use it for any lawful purpose and sell, rent, lease, dispose of it by will. The act also decrees that only citizens of Uganda are entitled to own land under freehold tenure, with non-citizens allowed only the alternative of leasing it for a period of up to 99 years. About obtaining certificates of title under this tenure is pursued directly through the government authorities where the Sub-county land office, the district land office, and the zonal office of the Ministry of Lands are all involved. 3. Leasehold The 1998 Constitution describes leasehold tenure as one where one party grants to another the right to exclusive possession of land for a specified period, usually in exchange for the payment of rent. Under this type, a landowner (whether through freehold, Mailo, or customary tenure) grants a lease to another person. In practice, much of the land that is leased was previously owned by government bodies, particularly the Land Commission and the District Land Board, and normally this comes with some development conditions imposed on the land's subsequent use by those to whom it is leased. 4. Customary Tenure With the exception of Buganda which is mainly held under Mailo, land in other parts of Uganda is held mostly under the customary tenure. He says the Land Act of the Constitution describes this tenure as one where land is owned communally, by a clan, or a tribe, among others. There are different forms in which customary land tenure exists in different parts of Uganda. "In some places, the land is held communally, in some it belongs to a particular clan while in others, it is held by individuals. The rules of customary law also vary in different parts of the country. The Land Act 1998 states that customary land tenure shall be governed by rules generally accepted as binding by the particular community, and anyone who acquires land in that community shall also be bound by the same rules." He adds that with customary tenure, obtaining of a private certificate of title is possible for individuals, whereby they simply have to agree with the community that owns the land (the clan or tribal chiefs), then the Sub-county and government land boards take up the process of issuing the title. The constitution also provides for the conversion of individual or communal tenure into one on freehold, and leasehold can also be issued by owners to tenants under this tenure. Conclusion It is, therefore, our advice that before you purchase a plot of land, you should know what type of tenure (the type of ownership or system) the land is under as well as the implications. Learn more about the land in Uganda here: Land Resources Sep 06 No Comments Categories:Education,Land Mailo land derives its name from the basic unit of the Mailo system which is a square mile, which is also equivalent to 640 acres. The term is used in Uganda to describe the land tenure system that came into effect when the Kingdom of Buganda signed an agreement with the British-administered Uganda Protectorate in 1900. Throughout history, Men would go far wars to defend their nation and their heroic reward by the king, who was the commander-in-chief was in terms of land. Because in Ganda customs, people belong to specific clans and would have ancestries (Obutaka), therefore, another known land was that of Obutaka which would be allocated by the Kabaka to clan heads in trust of his clan. Man has owned the land since forever but most registrable interests that would require surveying and acquisition of titles arose from the 1900 Buganda Agreement. Mailo land is predominantly on land in Buganda and some parts of Ankole, Bunyoro, and Tooro subregions. Mailo land same as other tenures has its origins in the 1900 agreement which was signed between the regents of Buganda, acting on behalf of the young Sir Daudi Chwa, and Sir Harry Johnson on behalf of the queen of England. This agreement divided the 19,600 square miles that form Buganda kingdom among different entities and individuals. These included the Kabaka (king), regents, chiefs, central government, key offices, and other individuals who were found fit. Mailo landowners have the same rights as freehold landowners, and many times, these two are confused. Well as there are similarities, these two are different. Mailo landowners (landlords) must respect the rights of lawful and bonafide occupants and Kibanja holders to occupy and live on the land. (Section 3 (4) of the Land Act). Buganda's landfalls in the category of Official Mailo land which means it cannot be sold entirely but can accommodate kibanja holders as well as leaseholders. Hereunder are a few descriptions of key terms used on this land tenure. Kibanja holders; Persons who had settled on the land in Buganda as customary tenants with the consent of the Mailo landowner under the Busuulu and Envujjo Law, 1928. On the side of the constitution, it states that mailo landowners are not allowed to use their powers against the interests of customary tenants, bona fide, or lawful occupants. This provision was introduced in 1998 and revised further in 2010 to inhibit the possible eviction by landlords of people occupying mailo land as customary tenants or squatters. It is important to note that there are no more new titles issued for land under Mailo tenure because all titles were issued prior to 1928. Today what happens is merely a further subdivision of the existing titles which were issued before 1928, as well as changing the names on the titles in cases where ownership is being transferred. Under the process of subdivision and transfer of ownership, the applicant and the transferring landowner both fill application forms with the zonal office of the ministry of lands in their area, then wait for the zonal office to complete the rest of the process. After all the steps are complete, the ministry of lands office issues a land title to the applicant. Read About: The process of acquiring a title in Uganda. Sep 06 16 Comments Land in Uganda is riddled with comen and fraudsters and the buying process most times takes a turn in an unimaginable direction. Over the years, we at Luba Properties have hired and recruited a great team with vast experiences in selling, dealing, and handling land-related matters. From our experience, comes this article to enlighten you about the legal process of acquiring titled land in Uganda, and in this case, we are going to use a Private Mailo title. In summary, the process of acquiring land legally in Uganda moves along these well-defined steps; 1. A visit to the property. 2. Carry out a search at the Ministry of lands 3. Negotiation with the seller. 4. Hire a surveyor to verify the land size 5. Preparation of sale agreement and payments. 6. Transfer of rights. 7. Property valuation 8. Payment of stamp duty 9. Final payment and handover of the title. In detail ... A visit to the property This is the first step to acquiring land in Uganda. Getting to assess the physical, economic, and social infrastructure of the area in which one would like to buy land. This visit will enable you to access the leadership (L.C 1) and neighbors to ascertain ground ownership and in any case if the land has any squatters or other occupants. Many make the mistake of buying land they haven't visited and this has led to unending legal battles and loss of lives. Carry out a search at the ministry of lands zonal office. For this step, use the services of a lawyer to verify the authenticity of the title of ownership in the land office. All you will need a photocopy of the land title deed from the seller to carry on the search properly. The Lands office will offer a Search Report, which must show the names of the owner in question plus other details as indicated on the title. Based on how busy the land office is, it takes one day to 3 days to get search results as feedback to a search application form attached with a title copy. This search assists the buyer to ascertain the right property ownership, its genuineness, establish its existence plus identifying the conditions, caveats, pending rates, or encumbrances on the title. Negotiation with the seller After ascertaining the proper ownership and provenance of the land in question, the buyer and his client can then meet the seller and negotiate on how much to pay for the land. Hire a professional Surveyor to verify the size of the land. Verifying the property size before any transactions are very paramount. Procure the services of a professional registered surveyor to carry out a topographic survey of the land and confirm to you the size and shape as indicated on the title. The surveyor will also identify the land boundaries and mark stones. And then issue to you a survey report in respect of the land. Sale agreement This sale agreement will be drafted by the buyer with all terms and conditions agreed on by both parties. This will stipulate all the demarcations, sums, payment schedules, and implications. Payment of land rates Buyers must know the payment of rates on land is a legitimate requirement of landowners and the seller should clear any pending rates on the property before completing the transaction. And a seller should present a clearance certificate for the land before it is transferred to the buyer. Transfer Documents and Consent to transfer The lawyer of the seller organizes transfer documents to be executed by both parties. These documents will only be accomplished following an issued consent to transfer by the commissioner of lands. Property Valuation An application for valuation is always made to the government valuer, who makes a site visit to enable him or her to prepare the requisite valuation report all for purposes of Stamp Duty. This duty is vital since it acts as a registration fee for the property. The duty is determined by a professional government valuer and the valuation is to determine the true open market value of the as at the date of transfer. The buyer has the responsibility of applying for the valuation of the land using the valuation form properly completed by the seller. The lands office uses such papers to fix the stamp duty payable. Payment of Stamp Duty The buyer has the obligation to pay the stamp duty, a tax levied on land transactions for registration and transfer purposes. It is imperative to know that the registration of transfer at the lands office cannot be executed not until the stamp duty has been cleared with a receipt to prove so. Final Payment and Exchange of documents On receiving the completion documents from the seller, the buyer is obliged to pay to the seller the total balance on the purchase price to complete the registration of the documents following payment of the obligatory stamp duty. Documents from the lawyers of the seller encompass the land's original title deed, the signed and witnessed transfer documents into the buyer's names, receipts indication paid-up land rents plus clearance certificate, and the consent to transfer. When the proper steps and due diligence are carried out, the chances of fraud are limited. However, it is always imperative to use the services of a Land Lawyer who can advise on the nitty-gritty of the law.

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