



REPUBLIC OF GHANA

**OFFICE OF THE ADMINISTRATOR OF
STOOL LAND REGULATIONS, 2019**

(L.I. 2377)

OFFICE OF THE ADMINISTRATOR OF STOOL LANDS
REGULATIONS, 2019

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IN exercise of the power conferred on the Minister responsible for Lands and Natural Resources, acting in consultation with the Administrator, by section 15 of the Office of the Administrator of Stool Lands Act, 1994 (Act 481), these Regulations are made this 10th day of December, 2018.

Policy Formulation

Policy framework

1. (1) The Commission and the Office shall prepare a policy framework within one year after the coming into force of these Regulations.

(2) The policy framework shall

(a) provide for the rational and productive development and management of stool lands; and

(b) be consistent with the framework of the National Land Policy and include matters regarding

(i) the collection of data on stool lands;

(ii) the demarcation and registration of allodial boundaries;

(iii) a register of court decisions of chieftaincy disputes relating to land; and

(iv) any other relevant matter in the National Land Policy guidelines.

(3) The Office shall report on the implementation of the policy framework to the Minister every twelve months or as otherwise directed by the Minister.

(4) The policy shall be reviewed every five years or as otherwise directed by the Minister.

Regional Offices and District Offices

Creation of regional offices and district offices

2. (1) The Minister shall, in consultation with the Administrator, establish where necessary regional offices and district offices in consultation with the District Chief Executives concerned.

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(2) The Regional Stool Lands Officer or District Stool Lands Officer shall be the administrative head of the Office in a region or district and is responsible for

- (a) the day-to-day management of the Office; and
- (b) the disbursement of stool land revenue from the stools in the region or district.

*Access to Information and Technical Studies***Information from public agencies and other stakeholders**

3. The Office may request for information from a public agency and any other relevant stakeholder in order to perform its functions.

Technical studies

4. The Office may conduct technical studies to prepare working documents for public consultation on the administration and development of stool land and management of stool land revenue.

*Consultation and Co-ordination with Stools and Public Agencies***Consultative process for the administration and development of stool land**

5. (1) The Office shall conduct public hearings with stools and traditional authorities on matters related to the administration and development of stool land.

(2) The public hearing shall be conducted in accordance with the guidelines set out in the First Schedule.

Co-ordination with other institutions

6. (1) The Office shall obtain quarterly returns
- (a) of each recorded transaction on stool land from the Commission;
 - (b) in respect of mineral rights on stool land from the Minerals Commission; and
 - (c) in respect of timber rights on stool land from the Forestry Commission.
- (2) The information contained in the quarterly returns shall specify
- (a) the grantor of the interest;
 - (b) the names and contact details of persons granted the interest;

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- (c) the type of right granted;
- (d) the length of an interest granted;
- (e) the location and address of the land to which the interest relates;
- (f) the size of the land;
- (g) whether the interest granted is within a title registration area or deeds registration area;
- (h) the type of stool land revenue applicable; and
- (i) the amount paid or payable in respect of the grant of the interest over the stool land.

Register of grants of interest

7. (1) The Office shall compile and maintain a register of grants of interests made on stool lands.

(2) The register shall be compiled from lists which may be obtained from

- (a) the Commission;
- (b) the Forestry Commission;
- (c) the Minerals Commission;
- (d) the local government authority;
- (e) the local traditional authority;
- (f) information from a court;
- (g) searches made by the Office in collaboration with the local traditional authority on grants of interests in stool land; and
- (h) any other person.

Collaboration with public and private agencies

8. (1) The Office shall access, collect and assess information on stool land revenue generation and any other relevant matter.

(2) The Commission and the Office shall consult with stools and other traditional authorities and collaborate with relevant public agencies in the performance of functions under subregulation (1).

(3) The Office may seek information on stool land from a public or a private agency for the purpose of improving the records of the Office on stool land revenue.

*Office of the Administrator of Stool Land Regulations, 2019***Memorandum of understanding**

9. The Office may enter into a memorandum of understanding with
- (a) a traditional authority;
 - (b) a planning authority or a public agency, particularly an authority or agency with functions related to stool land to ensure the full co-operation of the authority or agency with the Office; and
 - (c) any other body or organisation concerned with or interested in stool land.

Process for co-ordination, monitoring and evaluation of development plan

10. The Office shall collaborate with a planning authority of a district and the Land Use and Spatial Planning Authority with respect to the development framework and development plans that affect stool lands.

*Administrative Matters***Organisational structure**

11. The Administrator shall develop an organisational structure and staffing norms for the Office for the consideration and approval of the Head of Civil Service.

*Stool Land Revenue***Collection and disbursement of stool land revenue**

12. The Office shall collect and disburse all types of stool land revenue in accordance with paragraph (b) of section 1 and section 7 of the Act.

Assessment of stool land revenue

13. The following stool land revenue shall be assessed in accordance with the Second Schedule:

- (a) annual rent payable under a timber concession;
- (b) annual ground rent payable under a mineral concession;
- (c) mineral royalties;
- (d) timber royalties;
- (e) ground rent; and
- (f) farm rent.

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Fees

14. (1) A person granted permission by the Minerals Commission to enter onto a stool land to explore for minerals or any other object or material of value for a commercial purpose shall pay an exploration or prospecting fee for the prospecting period to the Office as determined by the Minister responsible for Mines.

(2) The exploration or prospecting fee

- (a) is a single payment fee for the duration of the licence; and
- (b) shall be paid to the officer designated by the Office.

Dues

15. The Office shall collect dues from a person who engages in an informal commercial activity on stool land to be disbursed to stated beneficiaries.

Disbursement of Stool Land Revenue

Payment of stool land revenue

16. (1) A person who does not hold a customary freehold interest in the stool land occupied by that person shall pay the applicable rent, dues, royalty, revenue or other payment arising out of the occupation of the stool land.

(2) The payment of stool land revenue shall be made to the Office.

Demand notice

17. (1) The Office shall issue a demand notice for stool land revenue payable under the Act.

(2) A demand notice is valid for one year and shall state the

- (a) current rent payable;
- (b) period for which the rent is being demanded;
- (c) amount of arrears, if any;
- (d) size of the land for which rent is being demanded;
- (e) interest due;
- (f) date of demand notice;
- (g) details of the stool;
- (h) description and location of the land;
- (i) land use;
- (j) other costs;
- (k) signature and name of the officer demanding the rent; and
- (l) address of the Office.

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(3) The Office shall use the Bank of Ghana prime rate to assess the interest to be paid.

(4) A rent demand notice may be sent by post, hand or electronic means to the last known address or phone number of the person required to pay the stool land revenue.

Collection of stool land revenue

18. (1) A person required to pay stool land revenue shall pay that revenue

(a) by cash, cheque, bankers' draft or electronic means to the regional or district office of the Office unless otherwise determined in these Regulations; and

(b) in accordance with the Third Schedule.

(2) Where a person required to pay stool land revenue pays rent in advance over and above the covenanted period, the excess payment shall be stated on the official receipt and regarded as payment on account for the next period.

(3) Despite a payment in advance, a person required to pay stool land revenue is liable to pay any subsequent rent increase made during the period of the payment advance.

Stool lands account

19. The Office shall

(a) establish a separate ledger account for each stool; and

(b) publish the details of the accounts on the website of the Office.

Procedure to access stool land revenue

20. (1) The Office shall inform a stated beneficiary quarterly of revenue in the account of the beneficiary institution.

(2) The stated beneficiary shall apply to the Office by a letter for release of stool land revenue.

(3) The accountant of the Office shall, for the purpose of the release of stool land revenue, prepare a voucher with a cheque signed by the Regional Stool Lands Officer and the accountant.

(4) The voucher shall state

(a) the source of revenue; and

(b) the period for which the revenue payment relates.

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(5) An authorised officer of the stated beneficiary shall countersign the voucher and acknowledge receipt of the voucher.

(6) The Office shall issue a letter to

(a) the head of the beneficiary institution; and

(b) the Presiding Member of the relevant District Assembly, copied to the District Co-ordinating Director, that states

(i) the amount of the revenue,

(ii) the source of revenue, and

(iii) the date of disbursement.

(7) The Office shall send a half yearly statement of account of stool land revenue to a stated beneficiary.

Use of stool land revenue

21. (1) Stool land revenue shall be disbursed in accordance with the Constitution.

(2) A stool shall use its portion of stool land revenue to maintain the stool in keeping with its status.

(3) A District Assembly shall

(a) use its portion of stool land revenue for development in the district and associated general administrative expenditure; and

(b) undertake development projects especially in the catchment area that provided the revenue and in an area that is adversely affected by the operations that resulted in the generation of the revenue.

(4) A District Assembly shall indicate that a project has been funded with stool land revenue.

(5) The Minister shall issue guidelines on the utilisation of stool land revenue apportioned to a District Assembly.

(6) The Office shall monitor and report to the Minister on the utilisation of stool land revenue apportioned to the District Assembly in accordance with guidelines issued under subregulation (5).

Complaints

Lodgment of complaint

22. A person who is aggrieved with, dissatisfied with or adversely affected by the implementation of any of the provisions under these Regulations may submit a complaint in accordance with the Commission on Human Rights and Administrative Justice Act, 1993 (Act 456).

*Office of the Administrator of Stool Land Regulations, 2019**Miscellaneous Matters***Annual revenue targets**

23. (1) The Office shall set revenue collection targets at the beginning of each year against which performance shall be measured.

(2) The revenue collection targets shall be set taking into consideration the environmental challenges and opportunities within a particular region and the performance shall be monitored on a quarterly basis to ensure that the revenue targets are being met.

Education and sensitisation about stool land revenue administration

24. (1) Each regional office shall, in its area of operation, carry out educational and sensitisation programmes in consultation with the Commission to

(a) create public awareness of the existence and functions of the Office; and

(b) bring to the knowledge of stakeholders, basic land administration and management principles to enlighten the stakeholders on their rights and responsibilities in land transactions.

(2) The object of the educational and sensitisation programme is to enable stakeholders

(a) to be conversant with basic land administration principles and law; and

(b) appreciate and respect the customs and traditions that underline traditional land administration practices and to avoid infraction on the customs, the rights and sensibility of stakeholders especially traditional authorities.

(3) The officers and staff of the Office engaged in education and sensitisation programmes shall

(a) be conversant with the customs and traditional protocols that pertain in the traditional area to be visited; and

(b) refrain from meddling in chieftaincy issues and work strictly within the legal mandate of the Office.

(4) The Office may resort to various media to carry out its education and sensitisation programmes including the following:

(a) fora and durbars;

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- (b) radio and television discussions, advertisements and announcements;
- (c) brochures, flyers and leaflets;
- (d) newspaper publications;
- (e) house-to-house sensitisation;
- (f) publications on the website of the Office; and
- (g) social media.

Interpretation

25. In these Regulations, unless the context otherwise requires,
- “chief” means a chief as defined in the Chieftaincy Act, 2008 (Act 759);
 - “court” means court of competent jurisdiction;
 - “district” includes a metropolis, and a municipality and the area of operations or authority of a District, Municipal or Metropolitan Assembly;
 - “district office” includes a metropolitan and municipal office of the Office of the Administrator of Stool Lands;
 - “District Stool Lands Officer” means the head of a district office;
 - “dues” include periodic payments made by a person who engages in informal commercial activity on stool land and includes canoe dues, sand dues and charcoal dues;
 - “farm rent” means the rent payable annually by a tenant or a settler farmer for occupying stool land for agricultural purposes;
 - “guidelines” mean general rules, principles or advice;
 - “ground rent” means the rent payable annually by a holder of leasehold grants and other terminable interests in stool land;
 - “industrial minerals” mean basalt, clay, granite, gravel, gypsum, laterite, limestone, marble, rock, sand, sandstone, slate, talc, salt and such other minerals that the Minister may declare by notice published in the *Gazette* to be industrial minerals;
 - “informal commercial activity” includes charcoal burning, inland water fishing, sand winning, and wood carving;
 - “Land Use and Spatial Planning Authority” means the Land Use and Spatial Planning Authority established under the Land Use and Spatial Planning Authority Act, 2016 (Act 925);

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- “maintenance of a stool in keeping with its status” includes the care and replacement of stool regalia and the palace, administrative costs of the stool, the welfare of the chief, queen mother and principal elders of the stool and relevant stool attendants;
- “mineral” includes a substance in solid or liquid form that occurs naturally in or on the earth, or on or under the seabed, formed by or subject to a geological process and includes industrial minerals but does not include petroleum, crude oil or natural gas or a combination of both or water;
- “mineral rights” mean a reconnaissance licence, a prospecting licence, a mining lease, a restricted reconnaissance licence, a restricted prospecting licence or a restricted mining lease as defined in the Minerals and Mining Act, 2006 (Act 703);
- “mineral royalties” mean moneys payable to the Government by the holder of a mining lease in respect of its mining operations under the Minerals and Mining Act, 2006 (Act 703);
- “monitoring and evaluation” means tracking of the use of resources and progress towards the achievement of a stated goal, objectives and outputs through the systemic collection of data based on a specified indicator;
- “National Land Policy” means the National Land Policy, 1999 of Ghana;
- “person required to pay stool land revenue” includes
- (a) a tenant;
 - (b) a lessee;
 - (c) a licensee;
 - (d) a concessioner;
 - (e) an explorer; and
 - (f) any other user of stool land;
- “planning authority” means the physical planning department of a District Assembly;
- “policy framework” means a basic structure that directs a course or principle of action adopted or proposed by the Office;
- “public agency” means a Ministry, department, non-profit making statutory body or any other agency of Government;

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“recorded transaction on stool lands” includes leases, assignments, mortgages, vesting assent and any other transfer of an interest in land;

“Regional Stool Lands Officer” means the head of a regional office of the Office of the Administrator of Stool Lands;

“royalties” mean the fees paid to the owner of a resource or the holder of a patent for taking something from the resource or for the use of the patent;

“stakeholders” include individuals and organisations that have an interest or concern in matters relating to stool land;

“stated beneficiaries” mean the parties to whom disbursement of stool land revenue are to be made under section 8 of the Act;

“stool land revenue” includes money derived from the acquisition or use of stool land for any purpose and particularly includes residential, commercial, industrial, agricultural, mining, recreational, civic and cultural uses;

“technical studies” mean expert scholarly work in stool land matters;

“timber rights” mean the right to harvest trees and extract timber from a specified area of land under a timber utilisation contract; and

“types of stool land revenue” include rents, royalties, dues, fees, tributes, revenues and other payments whether in the nature of income or capital made in respect of stool land.

FIRST SCHEDULE*(regulation 5 (2))***Guidelines for the Conduct of Public Hearings**

The guidelines for the conduct of public hearings include specifications relating to

- (a) levels and number of public hearings;
- (b) dates, time and scheduling of public hearing;
- (c) participation in public hearing;
- (d) notice of public hearing;
- (e) the procedure and ethics at public hearing; and
- (f) the format for a public hearing report.

Levels and number of public hearings

1. (1) A regional office shall organise a public hearing to educate and sensitise the public on matters concerned with the stool lands development.
- (2) The public hearing shall be open to each citizen in the district.

Procedure for public hearing

2. The regional office shall
 - (a) prescribe a procedure to be followed at the public hearings; and
 - (b) hold a public hearing at least once in every six months at the regional office or at another location approved by the Regional Lands Officer.

Ethics during discussion at a public hearing

3. (1) As far as practicable, participants at a public hearing shall be given the opportunity to be heard in a civil manner.
- (2) At the public hearing, particular care shall be taken to encourage the participation of women and excluded, disadvantaged and marginalised groups.

Language and style used for discussion

4. (1) Presentation and discussions at a public hearing shall be in the language that is common to the majority of the participants.
- (2) Where a common language at the public hearing does not exist, interpretation and translation shall be provided.

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(3) Pictorial images may be used to demonstrate the characteristics, location and spatial or environmental impact among others of programmes and projects.

(4) The style shall be friendly and shall encourage participation.

Format for public hearing report

5. The following format shall be used to prepare the report on the public hearing:

Name of District and Region:

Venue:

Date:

- (1) Identifiable representations at hearing including traditional authorities, civil society groups, government agencies;
- (2) Total number of persons at the hearing;
- (3) Gender ratio percentage represented or a head count of women present;
- (4) Major issues in order of importance;
- (5) Main controversies and major areas of complaints;
- (6) Brief comment on the general level of participation;
- (7) Any other relevant information; and
- (8) Recommendations.

Signature of:

Staff member of the Office:

District Chief Executive:

Leader of District Planning Co-ordinating Unit:

Secretary to the traditional authority:

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SECOND SCHEDULE

(regulation 13)

Assessment of Stool Land Revenue

The following stool land revenue is assessed as follows:

Annual rent payable under a timber concession

1. (1) Pursuant to the Timber Resource Management Act, 1998 (Act 547), annual rent payable for a timber concession shall be

- (a) prescribed by the Minister responsible for Forestry on the advice of the Forestry Commission;
- (b) imposed on a holder of a timber utilisation contract; and
- (c) paid to the Office for onward disbursement to the stated beneficiaries.

(2) The Office shall liaise with the Forestry Commission regarding the assessment of annual rent payable for a timber concession.

Annual rent payable under a mineral concession

2. Pursuant to the Minerals and Mining Act, 2006 (Act 703), annual ground rent shall be

- (a) determined by the Minister responsible for Mines;
- (b) imposed on a holder of a mineral right; and
- (c) paid to the Office for onward disbursement to the stated beneficiaries.

Mineral royalties

3. Pursuant to the Minerals Development Fund Act, 2016 (Act 912), the Minerals Development Fund shall pay to the Office fifty percent of mineral royalty payments collected by the Ghana Revenue Authority for onward disbursement by the Office to the stated beneficiaries.

Timber royalties

4. Timber royalties for timber resources extracted from stool lands shall be collected by the Forestry Commission in accordance with the Timber Resource Management Act, 1998 (Act 547) and the relevant stumpage fee which includes royalties shall be paid to the Office for disbursement to stated beneficiaries.

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Ground rent

5. (1) The ground rent shall be a fraction of the capital value of the land as determined by parties to a stool land transaction or as determined by the Office where the parties to the transaction do not make any provision for ground rent.

(2) Where the parties to the transaction do not make any provision for ground rent, the Office shall assess ground rent based on the

(a) location of the land;

(b) size of the land;

(c) state of the land; and

(d) classification of the area where the land is located.

Farm rent

6. The Office shall assess farm rent based on a balancing of the cost of the inputs used or to be used on the farm, the price of the produce or crop produced on the farm and other relevant considerations.

Compensation

7. Compensation is payable, in accordance with article 20 of the Constitution, by the State to any owner of stool land for the expropriation of stool land.

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THIRD SCHEDULE

(regulation 18 (1)(b))

Collection and Payment of Stool Land Revenue

Procedure for collection of stool land revenue

1. A revenue officer shall
 - (a) keep an up-to-date rent ledger;
 - (b) ascertain the size of farm or plot, in acreages, by demanding land documents and or site plans;
 - (c) apply the prevailing or determined rate of farm rent or ground rent per acre;
 - (d) issue a rent demand notice indicating the rent to be paid by a farmer or a person required to pay ground rent;
 - (e) issue an official general counterfoil receipt to a farmer or a person required to pay ground rent indicating the stool and District Assembly where the revenue is coming from;
 - (f) record or enter the payment into a cash book and update the ledger; and
 - (g) lodge money at the bank, and demand the duplicate of the paying in-slip.

Procedure for payment of stool land revenue

2. (1) A person required to pay stool land revenue shall on receipt of a rent demand notice by an accredited official of the Office, ensure that the amount being demanded is accurate.

(2) A person required to pay stool land revenue shall make payment to the officer demanding the revenue or to a designated revenue collection point.

(3) On payment of revenue demanded, the person who pays the revenue shall demand a general counterfoil receipt which shall

- (a) be signed by the receiving officer; and

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- (b) indicate the amount paid both in words and figures, the name of the officer, the date of payment and the stool in respect of which the revenue is paid.
- (4) The person required to pay the revenue shall keep the receipt and shall make the receipt available for verification process on demand by the Office.

KWAKU ASOMAH-CHEREMEH
Minister responsible for Lands and Natural Resources

Date of *Gazette* notification: 19th February, 2019.

Entry into force: 27th March, 2019.

MINERALS AND MINING (GROUND RENT)
REGULATIONS, 2018

ARRANGEMENT OF REGULATIONS

Regulation

1. Ground rent payable
2. Revocation

SCHEDULE

Annual Ground Rent Payable

**MINERALS AND MINING (GROUND RENT)
REGULATIONS, 2018**

IN exercise of the power conferred on the Minister responsible for Mines by section 110 (1) of the Minerals and Mining Act, 2006 (Act 703), these Regulations are made this 12th day of February, 2018.

Ground rent payable

1. The ground rent payable annually by a mineral right holder in respect of a cadastral unit of land is as specified in the Schedule.

Revocation

2. The Prescription of Ground Rent Payable by Mineral Right Holders Regulations, 2017 (L.I. 2256) is revoked.

SCHEDULE

Annual Ground Rent Payable

NO.	TYPE OF MINERAL RIGHT	AMOUNT OF ANNUAL GROUND RENT
1.	Exploitation or mining rights with respect to (a) Mining lease (b) Restricted Mining lease	GH¢ 778.38 per cadastral unit
2.	Exploitation or mining rights with respect to Small Scale Mining Licence	GH¢ 31.50 per cadastral unit
3.	Exploration rights with respect to (a) Reconnaissance Licence (b) Restricted Reconnaissance Licence (c) Prospecting Licence (d) Restricted Prospecting Licence	GH¢ 6.75 per cadastral unit

*MINERALS AND MINING (GROUND RENT)
REGULATIONS, 2018*

JOHN PETER AMEWU
Minister responsible for Mines

Date of *Gazette* notification: 13th February, 2018.

Entry into force: 22nd March, 2018.