

# LAND AND PROPERTY RIGHTS

## What does the law say?

### The Constitution of the Republic of Uganda

**Article 26 (1)** states that every person has the right to own property either individually or in association with others.

**Article 33** guarantees women equal rights with men and prohibits any customary laws, traditions, or customs that discriminate against women.

**Article 31** states that men and women shall have equal rights to property at marriage, during marriage, and at its dissolution.

**Article 21** forbids discrimination based on gender and accords equal rights for men and women.

### The Land Act CAP 227

**Section 27** declares null and void any decision on customary land that denies women and girls access to ownership, occupation, or use of any land or imposes conditions that violate their Constitutional rights.

**Section 39** states that no person shall sell, exchange, transfer, pledge, mortgage or lease any family land, or enter into any contract for the sale, exchange, transfer, or give away any family land, except with the prior written consent of his or her spouse.



### Mailo land tenure system

- Mailo land is registered land which is owned without any time limits.

- Very common in Buganda and certain areas in eastern Uganda.
- It recognises tenants by occupancy locally known as kibanja holders.
- It can be registered under the registration of Titles Act just like free hold land

### Public Land and Land held in trust by Government

- This is a form of land ownership in which the government owns land.
- Government has the right to lease it to any company, organization or individuals on specific terms and conditions.

### Land held in trust by Government

Government or Local government shall hold in trust for the people, natural lakes, rivers, wetlands, forest reserves, game reserves, national parks and any land to be reserved for ecological (environmental) and tourists' purposes for the common good of all citizens.

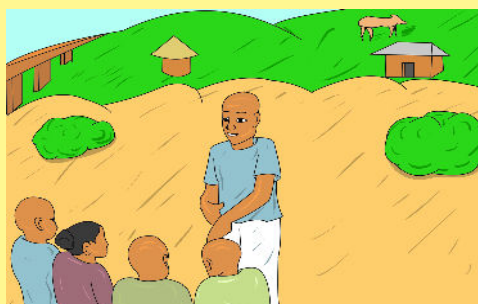
## Land tenure systems in Uganda

**Article 237(1)** of The Constitution states that land in Uganda belongs to all citizens and shall be owned in accordance with following land tenure systems as provided in (section 2 of the Land Act as amended)



### Freehold Land

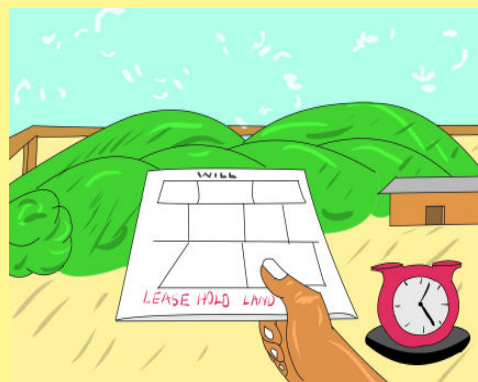
- Land that is registered/titled and owned without time limits. (Section. 3 (2) Land Act).
- This cannot be owned by a non-Ugandan (section 40 of the Land Act)



### Customary Land

- Land is held or owned communally or jointly by a particular group of people in a given area.
- It is regulated by customary rules of a particular community

- Land under this system is owned forever and used according to the customs and practices of a community.
- Customary rules must not conflict with the Constitution of Uganda.
- Land owned customarily is passed on through the clan, relatives or the family when a land owner dies.



### Leasehold Land

- Landowner grants another person called tenant/lessor ownership of land for a specific period
- A person can get lease from an individual, local authority, organisation or institutions like kingdoms.
- When the period of the lease expires, landlord gets back the right to control his or her land.

- A person who owns land under leasehold can only use it based on the conditions that are stated in his or her lease agreement.
- He or she can sell the lease, give it as security to a bank, construct a family or business building, or give it away in a Will.
- Any beneficiary of this lease will still only own it for the number of years stated in the lease agreement.