**EVALUATING THE ACCESSIBILITY OF LAND IN ACCORDANCE WITH THE LAND USE ACT**

**ABSTRACT**

This study appraised land accessibility under the Land Use Act. The case study area for this research has been Lagos state with special attention paid to the following local government areas in the state, namely: Lagos-Island local government, Apapa local government, Mushin Local Government, and Ikeja local government.

A total of 80 questionnaires were administered with 20 being given to each local government and a total of 65 questionnaires were retrieved. The procedure for simple random selection goes thus: A list of 80 potential respondents' in Lagos metropolis was drawn from the above four mentioned local government areas, which have the knowledge concerning land accessibility and judgemental sampling technique was used to select the final sample for the study, i.e. the division of the population of a given area in the state into four (4) major local government areas. Simple random selection was done to determine the exact respondents that will form the above average respondents for the study.

The data analysis and interpretation were used to highlight how the Land Use Act has affected access to development of land within the study area.

The recommendations and the concluding remarks emphasized the need for an enabling land instruments to administer land and make it readily available to the poor people in the society.

**CHAPTER ONE**

**1.0 INTRODUCTION**

**1.1 Background to the study**

One problematic issue in Nigeria now is having access to urban land, especially housing, commercial, industrial, recreational, and other urban development projects like infrastructural and social amenities. Because of this chronic shortage of urban land, prices have shot up incredibly, leaving most urban residents in fear that they might never be able to have their own house. Some who manage to secure urban land especially through land-owning families pay for such land twice or thrice, depending on how many floors they want to build. This has become the practice in many parts of Lagos. This shows that the demand for land in Lagos metropolis is extremely competitive.

Since the urban land is not easily accessible in the city, land thugs are having a field day grabbing land belonging to other people. Land owners too are not immune to the temptation of selling the same land to many buyers and even invading government land. This has made buying land in Lagos a very risky endeavour especially when the buyer fails to engage the services of professionals in handling the land transaction. The failure to engage the services of professionals is probably due to lack of fund or ignorance.

Lagos state is obviously faced with the general problems of accessibility to land. And studies shows that, one of the major problems of land accessibility is government policies and laws which emanated from enactment of the land use Act of 1978 (Umezuruike 2003). The Act nationalized all lands in the country (Iseh2003). Access to land in Nigeria is affected by the operation of land use Act. Its operation so far seems to have created more of bottleneck (Omirin 2003). The land use Act created serious problems for land management in the entire country (Mabogunje, 20003). Land speculation, racketeering, and thuggry had been on the increase (Udo, 1996). Though researches on land accessibility under the land use Act in Lagos is limited. The aim of this study is to appraise land accessibility under the Land Use Act in Lagos.

**1.2 Statement of the Research Problem**

An increasing proportion of the rapidly growing world population is attempting to satisfy its economic and social needs and desires in an urban context. The enormous migration of people into cities and towns has probably produced an uncontrollable urban explosion, an unprecedented increase in population, and greater demands on the urban infrastructure. The increasing population has led to a higher demand for urban land. This has made the demand for land far higher than its supply. Its physical supply is highly limited even as the demand for its use is increasing daily. As earlier stated in the background to this study, one of the problematic issues in Nigeria now is having access to urban land. Land is an important issue in every society. It affects all activities of man such as social, cultural, economic, political, religious etc.

Due to the increase in the demand for land which has led to extreme competition for available land, this has encouraged the practice of multiple sales of the same land to different buyers by land owning families. It has also led to tremendous land speculation and a subsequent rise in the prices of land. It has also created inequality in land ownership and increasing landlessness among the poorer segments of the population.

Before the land use Act, there was a multiplicity of land tenure systems in the country. Apart from the system in the Lagos Colony where an English freehold system had been established following its annexation in 1861, these diverse systems can be grouped broadly into two categories. The first obtained in the Northern Nigeria where the colonial administration has placed all lands under the control and subject to the disposition of the Governor. The second system that obtained in Southern Nigeria recognized that land was owned by lineages or extended families.

Individuals have only right of use on such family land. The only land held at the governor’s disposal was that which had been expressly acquired for public purposes as crown land. The control imposed by law on the lineages and other local landholders was an obligation to seek the consent of government when rights are being conveyed to aliens.

Faced with these contrasting land tenure systems and the considerable trouble in getting land for public purposes, especially in the southern Nigeria, the military government under General Olusegun Obasanjo sought to unify the two systems in the country through the land use decree of 1978.

The land use decree of 1978 (now the land use Act of 1978) nationalized all lands in Nigeria. It has been three decades ago since the Land Use Act has been promulgated and access to land is still one of the most problematic issues in Nigeria. This calls for the need to appraise land accessibility under the Land Use Act (L.U.A) in Lagos.

* 1. THE OBJECTIVES OF THESTUDY:

To achieve the aim of the study, the following objectives were pursued: -

* + 1. To determine the extent to which the objectives of the Land Use Act has been achieved;
		2. To identify the various socio-economic problems generated by the Land Use Act on property development;
		3. To determine the effect of the Land Use Act on land accessibility, acquisition and security of title on property development; and
		4. To recommend better area of study on the Act with respect to property development as a means of providing effective strategy for increasing propertystock.
	1. RESEARCH QUESTIONS:

To achieve the aim and objectives of the study the following questions and hypotheses were raised:

1. Has the objective of the Land Use Act in making land readily and easily accessible for Nigerian been achieved?
2. What are the problems prompted by the Land Use Act to property development in Lagos?
3. Has property development in Lagos witnessed any socio-economic problems?
4. Has the Land Use Act enhanced land acquisition, ease of accessibility and security of title for property development or has it retarded them.
5. How can the development of properties be encouraged in Lagos?
6. What is the best approach to tackle the controversial problems generated by the Land Use Act with respect to property development?
	1. RESEARCH HYPOTHESIS: HYPOTHESIS 1:

Null Hypothesis (Ho) – The Land Use Act did not create any problem to the ease of accessibility to land for property development in Lagos.

Alternative Hypothesis (H1) – The Land Use Act has created problems to the ease of accessibility to land for property development in Lagos.

HYPOTHESIS 2:

Null Hypothesis (Ho) – The Land Use Act has not imposed any difficulty in land acquisition for property development in Lagos.

Alternative Hypothesis (H1) – The Land Use Act has imposed some difficulties on land acquisition for property development in Lagos.

HYPOTHESIS 3:

Null Hypothesis (Ho) – The Land Use Act has promoted security of title to land for property development in Lagos.

Alternative Hypothesis (H1) – The Land Use Act has not promoted security of title to land for property development in Lagos.

 **1.6 Significance of the Study**

Land, which refers to the earth’s surface extending downward to the centre of the earth and upward to infinity, including those things permanently attached by nature, such as trees and water, is an important issue in every society. This is because it affects all activities of man, be they social, cultural, economic, political religious etc.

As stated earlier in the background to this study, one problematic issue in Nigeria now is having access to urban land, especially land for housing, commercial, industrial recreational and other urban development projects. There is chronic shortage of land and extreme competition for available land, which has led to high cost of land. The land use Act was promulgated three decades ago to address these problems. There is therefore need to appraise land accessibility under the land use Act in Lagos.

This study will be significant to potential real estate investors, financial institutions, real estate surveyors and valuers, estate agents, land owners, lawyers, estate management lecturers, students of tertiary institutions, and government.

 **1.7 Scope of the Study**

In scope, the study covers the accessibility of land in Lagos. Under the Land Use Act, the study is designed such that it identifies the land in Lagos, examine the Land Use Act, examine land accessibility in Lagos before the land use Act, appraise land accessibility in Lagos under the Land Use Act, analyse land accessibility in Lagos under the act through structured questionnaires and make conclusions and recommendation from the analyzed questionnaires. However, the research covers both the Island and Mainland of the state.

 **1.8 Definition of Terms**

Access to urban Land: This refers to the ability to procure and possess any developable plot within an urban area. In the content of this study, it covers the period of scouting for the land, payment, conveyance and registration, before development is expected to commence. This is the stage when your right to land is secured and unchallenged. However, such land to be accessed must be available, affordable with well secure tenure which can also be transferred easily.

 Certificate of Occupancy (C of O): This is a certificate issued by the governor of a state in Nigeria certifying the previous grant of statutory rights of occupancy usually through a letter of allocation/offer. As stipulated in (section 5(1) of the LUA, 1978). Or certifying the deemed grant of statutory right of occupancy under section 9. So as to exclude the local government declared all lands in the state as urban land.

Land: land is defined as the earth’s surface extending downward to the centre of the earth and upward to infinity, including those things permanently attached by nature, such as trees, water etc.

Land Use Act (L.U.A): The Land Use Act is a law promulgated in 1978 by the military government under General Olusegun Obasanjo to unify the land tenure systems of the country. It was promulgated as Land Use Decree No. 6 of 1978 with effect from 29 March 1978.

Land Use and Advisory Committee: This is a body established for each Local Government by the Act and shall have responsibility for advising the Local Government on any matter connected with the management of land within the area of jurisdiction of which the land is situated.

Land use Allocation Committee: This is a committee set up under section 2 of the land use Act to advice the governor on any matter connected with the management of urban land within the state.

Ratification Process: This is a special form of state allocation process. It is a process whereby government condones the illegality of certain squatters on government acquired lands. Such condonement can only be granted if such developed lands are not within government’s committed scheme, under high-tension power lines, within way of public infrastructure and utilities, and where the buildings and layouts do not contravene government regulations.

 1.9 Plan of the Study

The study is organized into five main chapters. Chapter one presented the overview of the study. Chapter two would focus on review of relevant literature to the research. Chapter three would present the research method needed to achieve the aim and objectives of the study. Chapter four would report the empirical results and discuss the findings while chapter five would conclude the study and recommend solutions to the findings.

CHAPTER TWO

* 1. **LITERATURE REVIEW**
	2. **LAND TENURE SYSTEM IN NIGRIA BEFORE THEACT**

**1.1.1 NORTHERNSTATES**

Traditionally, the land tenure law of the then northern states was akin to that of the south. Two events however altered the system. They are the Fulani invasion and conquest and the Britishcolonization.

The land tenure system in the northern state before the decree was consequently governed by the land tenure law of Northern Nigeria 1962 which itself was a product of series of enactments for example the land and native rights proclamation of 1910.

Under this law all lands in northern states of Nigeria were declared to be “native land”. All lands were subject to control and disposition by the commissioner charged with the responsibility for land matters who administered same for the common benefit of all. The natives were conferred with customary right of occupancy while non-natives enjoyed the statutory right of occupancy. The most obvious advantage of the law was that all land required for government purposes was made available with ease. This is because compensation was made for only the improvement on the land. The law reduced drastically the volume of litigation on the land in the law courts. It obviated the problem of multi-ownership which characterized land ownership in the south and the inalienability of land.

* + 1. WESTERNSTATES:

In the Yoruba provinces of Nigeria the native system of land tenure had in many areas been transformed partly as a result of the intrusion of English ideas on real property. Among the Yoruba’s generally, there was a religious attitude towards arable land, which was regarded as the gift of providence. Land which produced food was something sacred which should not be bought and sold like chattel but kept intact for succeeding generations. The same feeling was not felt towards town land, which was used for the production of commercial crops. Thus in the towns land was commonly bought andsold.

All land used, for or available for growing foods crops, however apportioned out, remained the collective property of the family. The collective spirit was stronger in some families than in others, and at the that time the tendency was to regard each allocation of land to individual members as permanent settlements.

In 1903 however a notice was published by the Bale in Council at Ibadan and counter signed by the British Commissioner to the effect that all the land in the town of Ibadan was rested on the oba’s. Such land could not however, be alienated from the native owners, though it might be leased for a term of years on payment of a fair annual rent. Leases could only be issued by the Bale in Council to whom the rent would be payable.

* + 1. EASTHERNSTATES:

A dual tenure system of customary and non-customary tenures existed in the East. This was because the colonial government never attempted to lay claim to absolute ownership due to the stiff opposition by the people. The position remains to a large extent in certain quarters despite the land use decree.

The customary land tenure system considers landownership in terms of communities, clans, hamlets, families, groups of individuals and at times individual. Land in this respect was regarded as property belonging to either the community or the family and was being held in trust by the chief or the community/family leader. The non- customary land tenure system is the English system of landownership. It facilities commerce and enhances the property market. For example, under this system, rest the concept of “fee-simple” interest, which confers absolute ownership on the owner.

Naturally, with the increase in population, more land was converted from the customary holding to the English type while at the same time laws on the former continued to take the trapping on the latter. The government under this situation continued to meet its land requirements through compulsoryacquisition.

* 1. THE LAND USE ACT OF1978

Long before 1960, when Nigeria became politically independent, various land policies had been laid down for the country. These policies the bulk of which were

couched in legal language were for the most regional rather than national in scope. They ranged from the land and Native Right proclamation of 1910 through the public land acquisition ordinance of 1958, the Land Tenure Law of 1962 to the public land (miscellaneous provisions) Decree of 1976.

Apart from all these land policies, the most profound, easily the most controversial, and probably the most explosive and vertical measure of land policy in the country is the Land Use Decree (Now Act) No. 6 of 29thMarch, 1978. It generated a lot of interest and controversy that surpasses the reaction and interest shown in any other previous known land policy in the country. According to **Umezurike** (1989), The Act seems to be a landmark in the history of land tenure in thecountry.

For about a decade before the Decree (Now Act) was promulgated there were incoherent demands for a change in the land tenure system of Nigeria. It was felt in many quarters that the absence of a proper Land Policy and the existence of mainly customary land tenure in Nigeria was responsible for the under development of the country. Virtually all the public agencies had cited the difficulty in land acquisition as the most prominent problem which caused delay in the implementation of their development projects. The Land Use Act could be seen as an attempt to harmonize the different land tenure system in the country and also to abolish the idea of individual landownership in order to facilitate development. In the traditional Nigerian Society, land was communally owned. Land was virtually not owned by individual members. The legal estate under the customary land tenure was therefore vested in the family or community as aunit.

However, with the advent of the British rule, commerce, increased economic activities and industrialization, it became necessary for individuals to privately own land. Individual ownership of land came into operation due to the introduction of the English ideas. It is also important to note that the introduction of the English land law did not completely abolish the traditional land tenure system in Nigeria. It only streamlined the existing land tenure system in the country and documented them into laws for effectiveness.

In this regard therefore, the then military government established an eleven member Land Use panel headed by a justice of the Supreme Court, Justice Atanda Fatayi Williams and gave them the following terms of reference:

* + 1. To undertake an in-depth study of the various land tenure, land use and land conservation practices in the country and recommend steps to be taken to streamlinethem;
		2. To examine the feasibility of a uniform land policy for the entire country, make necessary recommendations and propose guidelines for implementation;
		3. To study and analyse all the implications of a uniform land policy for the country;and
		4. To examine steps necessary for controlling future land use and also opening new land for the needs of government and Nigeria’s growing population in both urban and rural areas and make appropriate recommendations.
		5. Examine steps necessary for controlling future land use and also opening developing new land for the needs of government and Nigeria’s growing population in both urban and rural areas and make appropriate recommendations.

The need for the establishment of this panel arose from the recommendations of previous commissions and panels set up to examine some aspects of the structure of the country’s social and economic life. The problem had been foreseen in the Third National Development Plan. Both the Anti-inflation Tax Force and the Rent Panel Reports identified land as one of the major bottle-necks to development of the country. Thus after much homework from various panels set up by the government, the Land Use Decree (Now Act) No. 6 of 29thMarch 1978 was announced by the then Head of State to Nigerians.

The Land Use Act of 1978 generated a lot of interest and controversy among Nigerians and foreign observers. Of more fundamental consideration than the generation of expectation is the place of land in the mind, socio-economic horizon, and general life of the ordinary Nigerian, particularly the male and more so thelandholders.

**Ezeorah** (1985) commented, that “of all man’s material assets, land ranks second only to the possession of children”. It is not astonishing, therefore, that the Land Use Act, which impacts so directly and heavily on this hyper valued asset hold for the man an

intense degree of interest. This interest was evidenced by the turnout and composition of crowds during the tours by the various State Military Governors undertaken at Federal Governments directive to explain to the public the provisions of the Act.

In the Government’s view in connection with the concept of equity and liberalization of opportunity, all Nigerians are collectively owners of all land in the country and the rights of all Nigerians to use and enjoy the land of the country and the natural fruits thereof in sufficient quantity to enable them provided for the sustenance of themselves and their families should be ensured, protected and preserved. Ownership of land per say is irrelevant. What is important is the use to which land is put and no government should abdicate its responsibility in respect of a proper planning of land use within its territory”.

The main purpose of this Decree (Now Act) is to make land available to all, including individuals, co-operate bodies, institutions and governments. The aim of these is to achieve fast economic and social development at all levels, and in all parts of the country, and to minimize the action of the Land Use Act, the then military Governor of Lagos State stated the purpose of the Decree (Now Act) in the followingterms:

* + - 1. To remove the bitter controversies resulting at times in loss of lives and limbs, which land is known to begenerating.
			2. To streamline and simplify the management and ownership of land in the country.
			3. To assist the citizenry, irrespective of his social status to realize his ambition and aspiration of owing a place where he and his family will live a secure and peacefullife.
			4. To enable the government to bring under control the use to which land can be put in all part of the country and thus to facilitate planning and zoning programme for particularuse.
		1. POWERS OF THE GOVERNOR AND THE LOCALGOVERNMENT UNDER THEACT:

Section 5 of the Act empowers the Governors to grant statutory rights of occupancy over urban and non-urban lands to any person for any purpose for a defined term. The Act generally provides as follows “with effect from 29thMarch, 1978, all the land comprising the territory of each state in Nigeria is vested in the Military Governor of the state and such land shall be held in trust and administered for the use and common benefit of all Nigeria”.

Commenting on the above, **Umezurike** (1989) lamented that the only “real thing” for the state has been given over to the state governor. He stated that the state governor is empowered to grant statutory rights of occupancy over urban land to any person for any purpose for a defined term and also grant easements, appurtenances, demand rent for the grant and revise the rent at specified intervals or at any time during the term; impose penal rent for the breach of any condition, express or implied which precludes the holder from alienating the land by sale, mortgage, transfer of possession, sublease, bequest or otherwise without the prior consent or the Governor. The Governor may issue a certificate to the grantee of a statutory right of occupancy or an occupier under a customary right of occupancy who applies in the prescribed manner. The guarantee shall pay fee as prescribed and if he refuses or neglects without lawful excuse, the Governor can waive some of terms where the holder of the right will find it very difficult to comply with them. He also pointed out that the only limitation on the power of the Governor in granting right is that he cannot grant a statutory right of occupancy, or consent to its transfer, to any person under the age of 21years, except to the legal guardian or trustee of such aperson.

Commenting on section 28 of the Land Use Act, which provides that the Governor is empowered to revoke a right of occupancy of any form for overriding public interest. He argues that the Land Use Act is lacking in information, which should rightly be contained in a notice of acquisition or a notice revoking the rights of occupancy over a parcel of land. It is the information offered by such notice that interest or rights are affected to satisfy themselves that property is required for public purposes. Unfortunately theprivatepersonorpersonscannotdomorethansatisfyhimselfasstatedherebecause

he has no opportunity of opposing the public purpose for which his interests are being acquired and his rights being revoked. He further stated that if however, the private person whose property is being acquired or whose right of occupancy over a parcel of land is being revoked can prove that the property is not required for public purpose and that , he can challenge in court such unlawful acquisition orrevocation.

In the same section 28 of the Land Use Act, **Ezeugwu** (1992) observed that the Land Use Act did not make provisions which would state clearly the particular public purpose for which the land is required in the notice of acquisition or revocation. He stated that the Land Use Act does not lay down any form in which the notice should be made. From the form and from other relevant provisions of the Land Use Act according to him, one would expect to find the details of acquisition or notice of revocation of right of occupancy. The notice should specify the acquiring authority, the particular purpose for the acquisition or revocation; the description, including the precise survey description of the land involved, whether or not the holder’s and occupiers are entitled to compensation for their rights or interest being acquired or revoked; who can make claim for compensation; time within which the public body intends to take possession, the office where the site plan could be inspected. But according to **Ezejiofor** (1984) it is only when the particular purpose is clearly stated that the private owners or holder would be satisfied that his property is being acquired for a purpose authorized by law.

* + 1. RIGHTS AND PRIVILEGES OF AHOLDER:

Section 14 of the Land Use Act provides that subject to the provisions of the Act and laws relating to way leaves, to prospecting mineral oils or to mining or to oil pipelines and subject to the terms and conditions of any contract made under section 8 of this Act, the occupier shall have exclusive rights to the land against all persons other than theGovernor.

On this **Uzo** (1980), pointed that this can be contrasted with leasehold before the Act in which a lessee can alienate his interest either by subletting, assignment, mortgage, transfer of possession and he has exclusive possession against every body even the landlord. Heconcludedthattheabove notwithstanding, the main privilege conferred

upon the holder of a right of occupancy is to alienate it provided that the necessary consent is obtained.

Section 21 provides that a customary right of occupancy or part thereof may be alienated by assignment, mortgage, transfer of possession or sublease, provided that the approval of the appropriate Local Government Authority is obtained.

**Egwummuo** (1999), in connection with the above said that, it is difficult to see how a holder of customary right of occupancy can sublease his interest. But a holder of a customary right of occupancy holds an interest that is equivalent to that held under customary law. Therefore he cannot sublease. He will find it very difficult to sublease his right unless he holds it in his individual capacity, otherwise he has to consult the principal members of the family or community.

Again, section 22 provides that the holder of a statutory right of occupancy can alienate his right or part thereof by assignment, mortgage, transfer of possession, sublease or otherwise howsoever provided that the consent of the Governor was first had and obtained. From these wordings, **Ezeorah** (1985) observed that a statutory right of occupancy cannot be validly alienated unless and until the Governor’s consent is obtained while a customary right of occupancy can be validly alienated if the consent of the Local Government is obtained through the principal members of the family if the person is not the sole owner of the land.

* + 1. METHOD OF ACQUIRING LAND UNDER THE DECREE OF No. 6 1978:

A person may apply under one or more of the following major headings:

* + - 1. A statutory right of occupancy in respect of already developed urbanland;
			2. A statutory right of occupancy in respect of undeveloped urbanland;
			3. A statutory right of occupancy in respect of already developed ruralland;
			4. A customary right of occupancy in respect of underdeveloped ruralland;
			5. Assignment, transfer, mortgage or sublease of a statutory right of occupancy;
			6. Assignment, transfer, mortgage or sublease of a statutory right of occupancy;and
			7. License to enter a piece of land and remove stone, gravel, sand, clay or other materials (except minerals as defined in the mineral act) for building or for the manufacture of buildingmaterials.

The maximum sizes of land one may apply for are as follows:

1. Half a hectare for underdeveloped urbanland;
2. 400 hectares for land which building materials are to beextracted;
3. 500 hectares for agricultural land; and
4. 500 hectares for land meant for grazing purposes. The size of developed rural and /or urban land has nolimit.

In practice an individual or organization which wants land requests for an application form from Land Use and Allocation Committee of the state with a stipulated application fee. Usually in urban areas it is advertised. When these forms are completed, they are returned with a non-refundable deposit.

Successful applications are usually given 28-days to communicate acceptance of the grant or offer of allotment with a stipulated approval fee. Grants are made for up to 99years and the size of the plot granted depends on the layout because every layout is mapped out in a standard size for itsplots.

Other cost involved in acquiring land include the premium, ground rent, survey fee, stamp duty, registration fee, consent fee, search fee, legal fee which is negotiable and so on. The amount of premium varies possibly with what the government spent on preparing the land comprising the layout. The allottee is usually given two years from the date of the allotment to pay the premium and approval fee on receiving his statutory certificate of occupancy which is prepared on hisname.

* + 1. **REVOCATION OF RIGHTS OF OCCUPANCY AND COMPENSATION.** Part V of the Act provides for revocation of rights of occupancy and compensation. This power is conferred by section 28 (1) of the Act. The rest of the section deals with the situations in which the Governor can exercise this right. These situations fall into two broadcategories.

On one hand, it is exercisable at the discretion of the Governor. This class covers almost all imaginable circumstances under which Governor may revoke rights of occupancy.

**Umezurike** (1989) stated thus, “I regard this as discretionary because when the Governor weighs the benefits derivable from the project with the loss to be suffered by the owners/holders or occupiers of the land in question, he can apply his discretion to decide whether or not to go ahead with revocation of subsisting rights of occupancy. He continued by saying that is also discretionary for the Governor to revoke rights of occupancy because the grantee has alienated his interest by assignment, mortgage, transfer of possession, sublease, or otherwise contrary to the provisions of the Act or any regulations madethere-under.

On the other hand it is mandatory for the Governor to revoke a right of occupancy on behalf of the Head of the Federal Government. Such notice declares such land to be required by the Government for public purpose. The listing of land required by the Federal Government in two places in the section i.e. in section 28 (2) (b) and section 28

(40) further supports the mandatory appearance of the later provision. Section 28 (4) lays more emphasis on the requirement of the land by the Federal Government. He concluded by identifying the snag about this provision as being the omission of sanction against the Governor if he refuses or fails to revoke under the stated circumstances.

In some cases compensation is payable on the revocation of the right of occupancy. According to **Olawoye** (1988), the purpose of compensation is the same, whether the property taken is real or personal. It is to place in the hands of the owner of the expropriated land the full money equivalent the thing of which he has been deprived of. Continuing he said that the revocation is affected following the requirement of the land by any of the Governments for public purposes or for the extraction of building materials the owner is entitled to be compensated for their unexhausted improvements. Section50oftheLandUseActdefinedunexhaustedimprovementsas“anythingofany

quality from the expenditure of capital or labour by occupier or any person acting on his behalf, and increasing the productive capacity, the utility or the amenity thereof and include building, plantations of crops or trees, fencing walls, road and irrigation or reclamation works, but does not include the result of ordinary cultivation other than growing produce”.

Compensation payable under the foregoing provision is with respect to the land, and amount equal to the rent if any, paid by the occupier during the year in which the right is revoked. With respect to buildings, installations and improvement thereon, compensation is the replacement cost thereof with interest on delayed payment. According to **Ifekudu** (2002), the Land Use Act appears to lean heavily in favour of holders or occupiers of land with improvements on it. For crops, it is the amount determined by the appropriate officer. Therefore, compensation under the Act equals rent paid in the year of revocation plus cost of unexhausted improvement added to the value of crops. Here the compensation is to be paid to the holder or occupier of the statutory or customary right ofoccupancy.

Under the Land Use Act of 1978 compensation for community land should be directed to the leader of such community. It there is any dispute regarding the title or amount of compensation, it is usually settled by the land use and allocation committee. In connection to the above, **Scott** (1986) gave his opinion of compensation as follows; “The word compensation almost of itself carried the corollary that the loss to the seller must be completely made up to him. On the ground that unless he received a price that fully equaled his pecuniary detrainment, the compensation would not be equivalent to the compulsory sacrifice”.

**Umezurike** (1989) equally expressed that compensation should be based on the land revoked, if for agricultural or residential uses, the occupier can choose to be compensated by way of providing him with an alternative settlement. This is done by simple negotiation between the Government and the occupier, and on acceptance by the occupier, extinguishes the right to compensation in monetary term. The provisions of the Decree No. 33 of 1976 can apply only to the land acquired before 29thMarch 1978.

* + 1. IMPLEMENTATION OF THEACT:

Implementation of the Land Use Act is wide-ranging and complicated and worse still a tedious and depressingly slow process. The Act attracted a lot of attention from Nigerians.

**Uduehi** (1982) argues that the poor implementation of the Land Use Decree (Now Act) exerts serious negative effect on the rate of property development in Nigeria. On the foregoing, he outlined the following points as the major set back in the proper implementation of the Act. The first is the gross lack of skilled manpower with required integrity to serve in the Land Use and Allocation Committee. The poor staffing situation of the various State and Local Government Areas, inadequate equipment of the planning authorities, illegal sale and illegal development of land by unscrupulous developers.

**Ezejiofor** (1984) expressed that the Act attracted attention more than the upward revision of wages and salaries, popularly known as the Udoji Awards in 1974. It commanded the immediate attention, interest and zeal of the bulk of Nigerians. Continuing, he said that Nigerians had shown considerable interest in the provisions of the Act. Ownership or holdership of a piece of land no matter how tiny, fragmented or relatively inaccessible is an exceedingly treasured phenomenon among Nigerians, and any policy which indirectly purports to restructure or overtly insist on restructuring the ownership pattern is sure to generate a tremendous amount ofinterest.

**Udo** (2000), pointed out that making policies on property development is not the problem, but the implementation has proved to be obviously difficult for the system. According to him, things have failed to workout because of inherent draw back in operational blue print. **Adediji** (2000) identified lack of conducive enabling environment in terms of policy formulation and implementation, in this regard he is also worried about the land tenure system and the Land Use Act of 1978 which makes it impossible to have easy, problem – free and economically competitive access to land for development. **Omuojine** (2000), believes that the Land Use Act is a good document that attempts to evolve a unique Land policy for Nigeria based on the people’s experiences but oblivious of their pathological and psychological make-up. He therefore states that the problem with the Land Use Act is its implementation stressing that its implementation and executionwillhavetobeclearlyspeltoutattheendofwhichwemayevolveaBritanica

– Encyclopaedic – size document. In conclusion, he reported that the Land Use Act is still a confused piece of legislation in terms of management, execution and practicability and this to his mind calls for itsreview.

* + 1. EFFECTS OF THE LAND USE ACT ON PROPERTYDEVELOPMENT:

The Land Use Act evoked more controversies and fears from most Nigerians than any previous Acts. The hopes, which it evoked, were only matched by the disappointment that attended the promulgation. It was as thorough in its administrative arrangements as it was hollow in the provision of the sociological and economic foundation, which would make such an Act successful. **Awogbemi** (1981), pointed out that the Land Use Act has affected physical planning negatively in the sense that it created artificial scarcity of land as the previous landowners have not allowed the Government to enter their lands to survey and allocate land to applicants as stipulated in the Act. **Gooneskere** (1981) observed that government was too hasty in the implementation. He was of the opinion that some reasonable time would have been allowed for criticisms and possible amendments before throwing the Act into circulation and use. According to him the power vested on the governor of each state concerning transfer of interest in land, registration of title and borrowing from finance houses all of which must be with the Governors consent are too wide and unnecessary. Supporting the above observation **Sonoiki** (1981) felt that the need for the governor’s consent in all matters concerning the development and alienation of interest in land creates an unnecessarybottleneck.

**Uduehi** (1982) observed the following to be adverse effect of the Land Use Act towards property development in Nigeria:

1. The slowness of state authorities in laying out both industrial and residential plots and providinginfrastructure.
2. The delay in issuing certificates of occupancy to allottees, making it difficult or impossible for developers to obtain loan from financial houses and thus holding up development. On this he suggested that the state Governors should delegate the signing of certificate of occupancy to their appropriate commissioners or responsible officers who are less busy than the Governors themselves to avoiddelay.
3. Multiplicity of state agencies dealing with land allocation, approval of layouts and building plans leading to confusion and delay in projectdevelopment.
4. Lack of awareness of applicants on the need for planning approval in many cases leading to misunderstanding of the requirements of currentregulations.
5. The collusion of some Land Use and Allocation Committee staff that enables some landowning families to continue to sell land illegally and at exorbitant prices. He pointed out that some of these unpatriotic land owning families sell the same piece of land to several people who are forced to become litigants against oneanother.
6. Lack of procedural uniformity from one State to another and from one Local Government Authority to another coupled with the discrimination in allocation of state land to non-indigenes of a state even though they are Nigerians.

On the contrary **Uduehi** (1982) saw great hope for the future in the Land Use Act despite the problems listed above. According to him, the Land Use Act has made Nigerians land conscious. More so, it has made them realize that no matter how lowly placed they may be, the land in Nigeria belongs to them and their families. It has helped to curb the activities of certain wealthy foreigners who speculate on the best land in Nigeria. **Kasumu** (1982), stated that the Land Use Act has created artificial scarcity of land as previous landowners have not allowed the Government to enter their land to survey, plan and allocate land to applicants as stipulated in the Act. More so, section 43 of the Land Use Act is inimical to good planning and detrimental to orderly development as it provided for conviction in a court of law before the owner of any illegal developments or contravention can be penalized by way of imprisonment for one year or payment of a fine of N5,000.00. He opined that despite the defects inherent in the Land Use Act towards property development, yet there still remain several advantages in the act. According to him the advantages include the power which is now vested on the Governor of each state to control all the land, thereby enforcing meaningful physical planning and zoning in any vacant land. Again the Land Use Act has enabled the Town Planners to plan in such a manner that different land uses are juxtaposed in the most harmoniousandbeneficialrelationship.TheLandUseActhasalsoeliminatedtheland

grabbing practices of land speculators who buy land cheaply from those who claim to be the original landowners and sell later at very high prices to others. Finally it has made it possible for Government to execute projects on undeveloped land without having to pay any compensation for such land that has not been acquired before 28thMarch, 1978.

**Omotola** (1984), during the celebration of the “Tenth Anniversary of the Land Use Acts” Commented thus:

“What has happened in the ten years? Our insecurity of title to land has multiplied, disputes over title to land continued Unabated. The courts are busy as ever sorting these out. Land is now more difficult to acquire. Processing of documents for titles takes years to complete. Many applications for grant of rights of occupancy have been abandoned. The interval between a grant by the Governor and delivery of possession may take as long as eight years since the land invariably is not surveyed before money is demanded. In the interim, a new Governor may come in and revoke the grant. The cost of obtaining a plot of land has risen. Although government can now take land at will, the abuse associated with it is agonizing”.

The Land Use Act has added to the problem of insecurity of title over land, with adverse consequences on property development.

**Ezejiofor** (1984), observed that the Land Use Act imposed a strong limitation to the size of land one can hold or use which invariably has adverse effect on investment in real properties. He said that the act provides that the governor cannot grant license to take building materials from land which is more than 400-hectares, likewise the Local Government cannot grant a use of more than 500-hectares for grazing. This affects an investor who needs more than the specified size but could not obtain it; He may either be discouraged or may look for alternative investment where his decision would not be restricted. He was equally of the view that the unpredictable issue of revocation of right of occupancy adversely affects development of the land in the sense that an owner of a property may by the time of construction or after construction have his right revoked. Even where the compensation is paid to him, it is hardly adequate for the replacement he mustneedsincethisdoesnottakeaccountofthepricehewillpayforanewvacantland.

**Ezejiofor** (1984) further argued that the price and value of land have not stopped increasing since the Act due to the fact that it is now illegal to sell land out-rightly. Land acquisition from the government, is known to be difficult while few holders who have not yet lost their rights by revocation sell them illegally at very expensive prices. It is also his view that the Act has the objective of removing the excessive litigation which was associated with the tenure system but available evidence shows that several similar cases do not show that the Act has had substantial effect in changing the attitude of the people towards land disputes. Finally, he said that the only aspect of the Land Use Act which could be asserted to have made positive contribution towards real property development, is the allocation of state land to the public even though the percentage of people who benefit from this is always very small.

**Nwaiwu** (1985) noted that the Act has made it impossible for anyone to own an absolute title to land in Nigeria. What people now have is a Right of Occupancy which is derived from the Governors. She pointed out that this Act has curtailed the proprietary rights of landowners; which gives a limit to what can be done on land for instance, there cannot be an alienation of interest in land without the consent of the Governor. This requirement of the consent of the Governor before alienation has reduced the number of transactions in land, which invariably poses great difficulty to the average developer in acquiring land for development.

**Otunba** (1986) says that the expectation of the government was that following the promulgation of the decree, land will become more easily available and at affordable costs for both private and public uses. However, experience since its promulgation has shown that the contrary is the case. The cost and the availability of land has been a major constraint to prospective property developers throughout Nigeria. The bureaucracy of government has made land acquisition a cumbersome and costly exercise, as most purchasers have to pay twice for the same pieces of land in order to perfect their title. They are often obliged to buy from the traditional owner first, and to proceed to obtain their Certificate of Occupancy for the same pieces of land from the state at a fee. This constitutes an additional burden which increases the cost of development in the private sector.

**James** (1987) said that the delay in the decision-making processes in obtaining approval to land transactions and grants of rights of occupancy, and demands of exorbitant fees for these services have been a source of grave dissatisfaction. It is generally felt that the main objective of the charges, which was to make land available to every Nigerian in need at low cost, was beingdefeated.

**Nnamani** (1989), observed that one aspect of the Act which has brought untold hardship include the provisions relating to the issue of certificate and grant of consent to alienate. According to him both can take years and the applicant is subjected to the vagaries of bureaucratic action which demands for survey plans, fees, documents and lot of movements. These cumbersome procedures have adversely affected economic and business activity and made industrial take off a matter very much in the future.

**Umezuruike** (1989) expressed that the announcement of the Act was greeted with ovation in many quarters and heralded as the only legislation which was going to transform Nigeria from the abyss of under development to the height of a world power. But how far the Act has succeeded in achieving this is yet to be seen. To him the Act now appears to impede development more than the law it replaced.

**Amadi** (1997) identified that the Act has hindered land acquisition for estate development. According to him, the incidence of the Land Use Act No. of 1978 regrettably has had adverse effect on the process of acquisition of land in the following ways: -

The vesting of all the lands in the state governor to hold in trust and administer it for the use of the common benefits of all Nigeria as provided in section 1 of the Act, has made the present acquisition procedure cumbersome, time-wasting, and puts the developers to no choice but to accept what is available at the time of application and which the said authority is ready to allocate. Also a situation whereby the land is vested in the Governor while the original owners are still in physical possession of the land thus the Developer after paying allocation fees to the Authority also laterally goes back to buy the same piece of land from the original owners, else he would not be allowed to enter the land.

**Odumodu** (1999) argues that, if the whole land in Nigeria is under government ownership, perhaps there should be no need for land policy. He noted that the

government goes through some hurdle in order to get land for its purpose which invariably are in the public interest. According to him land holding has remained communal both before and after the Land Use Act of 1978; with individuals having only usufructuary rights and that the right to permanently dispose land rests on the groups which own the allodial interest in the land. He therefore described the Land Use Act as a paper tiger that cannot easily achieve its aims andobjectives.

**Otubu** (1999) noted that in spite of Government efforts at solving the hydrah- headed problem of property development, no appreciable positive results has been achieved. According to him, this lack of success in property development is not unconnected, with the effect of government land policy as espoused in the Land Use Act 1978. He argued that in spite of the Land Use Act there is still acute shortage of land for developmental purposes particularly from the perspective of individuals and private estate developers. He further stated that the Nigerian Urban and Regional Planning Decree is the long awaited planning law to guide orderly physical development in Nigeria. But however, most of its implementation are tied and made subject to the operation of the Land Use Act. On this he lamented, that the Act alienates physical planning from control and management of land and does not accord planning the priority it deserves, as an important activity that would ensure orderly development of various activities on land. He therefore suggested the amendment of the Land Use Act so as to make planning and provision of property a reality in today’sNigeria.

**Nwachukwu** (2000) expressed that despite the promulgation of the Land Use Act y the Federal Government to ensure fairness in land acquisition procedure, the problems of swindling and harassment usually faced by prospective land buyers is still a sore point. He further stated that the problem is not restricted to vacant plots, but also to developed and accommodation properties.

**Omuojine** (2000) provided an answer to the question on how to ameliorate the problem of development when he said that the only way is to have a well-managed National Development Fund and the amendment of or total abrogation of the Land Use Act in its entirety.

**Mabogunje** (2002) argued that despite the initial fanfare that heralded the promulgation of the “Act to provide solution” to land inaccessibility for property

development, today the story of the Act is rather that of fiction, frustration and regret in that the Act has not been able to provide the individual citizens of the country especially the urban poor the much needed land accessibility for property development. According to him, the only probable exception is that, the Act has made it easier for governments to acquire land for public purpose and it is possible that because of this latter reason, the State Governments have come to regard the Act as a good working tool and thus perhaps cared less to monitor its implementation programme to ensure proper functioning and the attainment of the other goals of theAct.

**Mabogunje** (2002) equally expressed that the exclusion from the Act of the rights of the families or individual to develop private layout has led to the emergence of a disjointed, uncoordinated and incoherent system of physical planning in Nigeria in cities and declining rate of property provision in the country.

Commenting on the effect of the Land Use Act to human rights, **Udombana** (2003) lamented that the expropriation of land has impaired Nigerian’s freedom to exercise those main rights that determine ownership of property, such as the right of management, physical and exclusive possession, and uncontrolled alienation. According to him, no one has the power to alienate any right of occupancy either by assignment, mortgage, transfer of possession, sublease or otherwise however without the consent of the Governor first had and obtained. He also stated that section 43(1) of the Land Use Act provides, arrogantly, that no person shall “erect any building, walls, fence or other structure” or enclose, obstruct, cultivate or do any act in relation to land” in an urban land without a prior certificate or right of occupancy or license. Any person who contravenes this provision shall be required to “remove any building, wall, fence, obstruction, structure or thing which he may have caused to be placed on the land and he shall put the land in the same condition as nearly as may be in which it was before such contravention”. Conclusively he suggested that the enactment of the Act may have “set out a definite framework for the equitable redistribution and utilization of our main source of wealth –land”.

**Babatunde** (2004) pointed out the following as the problem imposed by the Land Use Act to property development in Nigeria:

1. The Land Use Act, as it stands, represents an abrogation of the right of ownership of land enjoyed by Nigerian’s and hence limits the operation of common people to propertydevelopment.
2. It takes a very long time, in some cases, more than one year for some Governors to grant consent for land assignments or mortgage, thereby inhibiting the development of an efficient land market and mortgage finance institutions in the country.
3. Many State Governments have failed to establish the Land Use and Allocation Committee in their states for many years which have hampered the steady and continuous delivery of land for property developmentpurposes.
4. The imposition of astronomically high levy on approval of consent for assignment, transfer and mortgage by most state governments also constitutes a hindrance to efficient land market and fast accessibility to land for property development.
5. The powers of Governors to revoke Right of Occupancy over land for “Overriding Public Interest” have been used arbitrarily and this has continued to undermine the fragile rights conferred by thecertificate.

**Iseh** (2004) pointed out that the Land Use Act has not been able to redeem the nation from land inaccessibility for property development. More so, that despite the existence of the Act for 25 years land speculation and racketeering is still on the increase. There is a continued rise in the cost of urban land. There is great inadequacy of supply of building plots to meet the demand for them. There is inequitable allocation of the available building land in favour of the well-to-do or the well connected in the society (most of whom usually must have got their own residences) at the expense of the poor who are actually in need of the plots to build. There is a steady rise in the number of urban homeless especially among the urban poor due principally to land inaccessibility and there is also the continued rise of the urban housingrent.

CHAPTER THREE

* 1. **RESEARCHMETHODOLOGY:**
	2. RE-STATEMENT OFPROBLEM:

The promulgation of the Land Use Decree (Now Act) of 1978 and the spelling out of its aim and objectives were warmly embraced by property investors. It was seen as an aid to boost the development of various classes of property stocks at least to accommodate the teeming population and reduce the economic and social tension created by limited propertysupply.

The Act aimed at assisting in the land acquisition especially to private land investors but it seems that the enactment of the Act has added to the decrease in the development of properties in Lagos by removing the security of title to land, ease of acquisition and accessibility.

Also the poor implementation of the Act has mounted a serious problem in the process of accessing land.

* 1. STUDY AREASETTINGS:

Lagos as a city is synonymous with coal, hence the name coal city. Lagos was formerly the capital of the old Anambra State up to 1991. It is now the capital of Lagos State.

* + 1. HISTORICAL ORIGIN AND GROWTH OFLAGOS:

The modern city of Lagos dates back to the discovery and development of the coal mines in 1909. This discovery of coal at the foot of Udi hills paved way for the choice of the area around it for the establishment of an administrative centre as well as the development of camp for workers to mine the coal. Lagos as a matter of fact stands for Enu-Ugwu (Enugwu) which perfectly translates to the top of a hill (hilltop) in English. Following the discovery of coal, a British mining engineer **W. J. Lack** arrived Lagos from Onitsha in 1914 in the company of **Mr. Alfred Inoma** ostensibly to develop a coal industry. The Local Labour were quartered in a camp named **UgwuAlfred.**

Increase in the mining activity attracted more local labour leading to the development of coal camp also known as Ogbete as the second settlement for indigenous miners. Lagos subsequently grew from being simply a mining city to a political and administrative headquarters.

Since 1916 when the first coal train left Lagos for Port Harcourt, Coal has played an important role in the total growth and development of the city. The expansion of economic activities in the town and the influx of immigrants from the rural areas, (followed by demand for residential land) led to the fairly rapid physical development of the town. Lagos started as the headquarters of the central provinces (later southern provinces) in 1929 and changed to eastern region of Nigeria and later the capital of East Central State in 1967. In 1976 it changed to the capital of Anambra State and finally to that of Lagos State in1991.

* + 1. GEOGRAPHICAL LOCATION/COMMUNICATION:

The town Lagos is in the Eastern part of Nigeria. It situates some 110kilometers North East of Onitsha and lies between latitudes 6.27 North and 7.28 North and between longitudes 7.30” East and 8.19” East (Lagos master plan, 1978). **“Ugwu Alfred”** was immediately set up close to the foot of the Udi hills to house **Mr. Alfred Inoma** and his group (Nigerians) while the Europeans remained at the top of the hill. The development of the G.R.A. then called the European Quarters brought the Europeans down from the hilltop to settle there. **Njoku** (2001) reported that the Ngwo and Ogui Nike communities who originally owned the land ceded some 16-square kilometers of their land gratuitously to the government for the development of the coal industry and a railway station. The first major coal mine was opened in 1915 at the Udi siding while in 1917 the second mine was opened. **Lord Lugards** Township Ordinance and became known as “Lagos Ngwo”. Ngwo was dropped from the name in 1923 leaving the Township to be known as Lagos. The construction of a rail track from Lagos to Port Harcourt which commenced in 1914 enabled coal to have good accesses from these districtdirections.

The town currently enjoys a very good network of road which makes communication easier. Majority of the roads that define the heart of Lagos metropolis are tarred and in good motorable state while eleven roads have been dualised and these includes Chime Avenue, Ogui Road, Bissala Road, Rangers Avenue, Garden Avenue, Abakaliki Road, Market Avenue, Presidential Road, Okpara Avenue, Ebeano Tunnel Crossing and Agbani Road.

* + 1. PHYSICAL FEATURES:

Lagos urban area covers an area apprioxomately Forty-five square kilometers. The altitude is 223 meters above sea level. It is composed of roughly eight built up areas divided by streams, valleys and the rail road; which cut a great swath (i.e. ridge of grass) through the middle of the urban area. The recent study of Lagos has revealed the following specialcharacteristics:

* + - * The existence of future possible waterresources;
			* Streams and ravines provide potential outfalls for all areas except Uwani layout which is on intermittentbasis;
			* The availability of administrative technical and financial expertise in ministries, banks andinstitutions;
			* Location on major N-S rail road through Anambra connecting to Port Harcourt, Calabar, Jos, Kaduna, Kano, etc
			* The existence of dramatic views and settings due to escarpment, hills and valleys, with pleasantclimate;
			* Developable open spaces are dominant at the South-East, North-East, East, North andNorth-West;
			* Glaring pressure on existing educational, health and commercial infrastructures;
			* Existing mineral deposit that includes coal, limestone, and iron. Most of these are now being exploited while reasonable quantities of these deposits still lie in virginstate.
		1. CLIMATE ANDVEGETATION:

Lagos has pleasant climates with two dominant seasons per annum (Dry and Wet). It has average monthly rainfall of 15cm. The city has an annual relative humidity of 75%; average minimum temperature of 72.4F, and its maximum temperature of 87.5F. Theaverageyearlyrainfallis71.5inches.The city of Lagos is devoid of greenwoods, but at its outskirt, intersperse forest reserve can be observed. Lagos however, generally belongs to the vegetative zone in Nigeria known as Forest Savanna Mosaic.

* + 1. NEIGHBOURHOODS ANDOCCUPATION:

**Ikejiofor** (2004) reported that the original development of Lagos which was between 1916 and 1920 came as a by-product of mining activities. This is why up till now Lagos enjoys the sobriquet “Coal City”. The town has subsequently developed into an administrative, commercial, industrial and even educational centre with many highly populated neighbourhoods. The earliest neighbourhoods which developed as a direct consequence of coal mining activities and the colonial administration that came with it are Ogbete, G.R.A. and China Town. The trading activities and administration that followed brought many people into Lagos, some coming in to trade while others came in search of jobs. As the population increased more layouts were created and developed to absorbthem.

**Enechukwu** (1983) listed Ogbete, G.R.A., China Town, Asata, Ogui, Uwani, New Haven, Independence Layout, Trans-Ekulu, Emene, Nike, Idaw-River, and Awkunanaw as the neighbourhood which make upLagos.

About a decade ago, majority of the people who lived in Lagos were civil servants. It is obvious now that the population of traders is almost at par with that of civil servants while the student population is steadily on the increase and giving the other groups a hot chase.

* + 1. SERVICES:

As a long standing centre of administration, Lagos is highly developed and well serviced with all the essential infrastructural facilities such as good roads, electricity from the public mains, pipe borne water and telecommunication networks.

Educational Institutions from the primary through secondary to tertiary levels abound in good numbers. Equally readily available in good numbers in Lagos are health institutions which like educational institutions are provided by both the public and private investors. Radio and Television services are within the reach of every resident just as a few industries such as **ANAMCO, NIGERSTEEL, EMENITE** and other smaller industries serve the needs of Lagos. The two print media which operated in Lagos some ten or more years ago – daily star and satellite are no longer operating.

* + 1. POPULATION:

The growth of settlements is a function of natural increase in the number of settlers due to natural increase and net migration. The growth of Lagos from a small local mining settlement in 1909 to a regional headquarter in the 1950’s owes a lot to the sporadic increase in its population. This trend has continued unabated. For example, the population of Lagos grew from 138,457 in 1963 to 317,345 in 1980, 465,072 in 1991 and was estimated to be 3,257, 298 in 2006 census.

* 1. RESEARCH DESIGN ANDMETHOD:

This research adopted the survey research design, seeking to survey the opinion of land operators on the effects of the Land Use Act of 1978 on the rate of property development in Lagos Urban as well as its inherent problems. For purposes of data collection some stakeholders on landed matter were involved.

* 1. POPULATION OFSTUDY:

The population of this study consequently included several individuals whose profession deals on the development of property. Such persons include investors in land such as members of Redan (Real Estate Developers Association of Nigeria), qualified practicing Estate Surveyors and Selected Landlords. The selection of these people was based on the fact that within this period of study, they were engaged in one development or the other. The total population of study was 4650 distributed among the groups as indicated in table 3.3 below.

Table 3.4: Population Distribution of Sample Groups

|  |  |  |
| --- | --- | --- |
| **S/No.** | **NAME OF GROUP** | **POPULATION OF GROUP** |
| 1. | Members of Redan | 250 |
| 2. | Registered Estate Surveyors | 400 |
| 3. | Landlord | 4,000 |
|  | **Total Population of Study** | **4,650** |

**Source: Author’s field survey 2010**

* 1. **SAMPLING SIZE/SAMPLINGTECHNIQUE:**

Sampling is simply the procedure used in selecting a group of objects from a population for the purpose from which the sample has been drawn.

The impracticality of sampling every member of the study population because of the large size informed the adoption of a manageable number as sample for the purpose of data collection. The determination of the sample size adopted the **TARO YAMANI** formula which is used for a finite or knownpopulation.

The formula isgivenas n = N

 1 + N(e)2

Where n = Sample size

|  |  |  |
| --- | --- | --- |
| Ne | == | The finite populationLevel of significance (or limit of tolerable error) |
| n | = | 4,650 |

1 + 4,650(.05)2

The sample size is therefore 368 which on analysis was found to be 7.9% of the population of study.

i.e.samplesize x 100 = 368 x 100

Populationofstudy 1 4,650 1

Sample size = 368

The resultant percentage was subsequently applied to the population of each of the group to get the exact number from that group which will from part of the sample size. The calculation was done as indicated in Table 3.5.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **S/No.** | **Name of Group** | **Population****Size** | **Percentage****Contribution** | **Contribution to****Sample Size** |
| 1. | Members of Redan | 250 | 7.9% | 20 |
| 2. | Registered EstateSurveyors | 400 | 7.9% | 32 |
| 3. | Landlords | 4,000 | 7.9% | 320 |
| **Total** | **4,650** |  | **372** |

TABLE 3.5: THE CONSTITUTION OF FORMATION FOR THE SAMPLE

**Source: Author’s field survey, 2010**

**sample size368**

The above technique for determining the number of persons from each group required to build up the sample size of 368 was adopted in order to ensure uniform representation of the groups in the sample.

Each group contributed 7.9% of its population in the sample constituted, thus guaranteeing uniformity of opinion in the data collected.

The random sampling technique was adopted in the distribution of questionnaires to the sample since it is impossible to sample the entire population in Lagos Urban.

* 1. DATACOLLECTION:
		1. DATASOURCES:

Both primary and secondary data were sourced for the purpose of accomplishing the research objectives

1. PrimarySources:

The primary data for this work consisted of oral interviews, personal observations and questionnaires. The interviews and questionnaires were restricted to officials, and individuals who were involved in taking decision that directly and indirectly affected Land acquisition for property development.

1. SecondarySources:

The secondary data was collected by recourse to magazines that dwell on land policy and development, periodicals, seminar papers, gazettes, journals, newspaper, lecture notes, and textbooks.

* 1. RESEARCHINSTRUMENTS:

The main instrument used for data collection was the questionnaire. A questionnaire was raised containing close ended and open-ended questions. The questions were face-validated by experts in landed matters and my project supervisor to ensure their effectiveness in generating the kind of data which when analysed would solve the research problem. Close-ended questions were dominant in the questionnaire since they guaranteed uniformity in responses to the questions and thus made analysis much easier. Other research instruments used were oral interviews and personalsurvey.

* + 1. ADMINISTRATION OFINSTRUMENTS:

Altogether a total of 368 questionnaires were administered on the samples. The researcher personally administered the questionnaires to the professional groups involved in their offices on appointed dates as fixed by them. The questionnaires were retrieved after several weeks and months and the data obtained therefrom were analysed.

* + 1. VALIDITY AND RELIABILITY OF THEINSTRUMENTS:

The questions in the questionnaires were face validated to ensure that the instruments contained questions which would draw out answers relevant enough for the attainment of the research objectives. The questionnaire was passed over to experts to assess and advise on their effectiveness. Some questions as recommended by them were either entirely removed or were reconstructed.

3.8.0 METHOD OF DATAANALYSIS:

The collected data was analysed by the use of descriptive statistical approaches which included simple tables, percentages, frequencies, bar chart, pie chart, and histogram. The statistical tool involved the Non parametric Binomial Test of proportions for testing the three hypotheses while the chi-square was useds to test the mean effect of the three categories under study.

The procedure in testing the hypothesis with the Binomial Test and Chi-square statistics is to reject the null hypothesis (H0) at 99% or 95% if the p-value p<0.01or0.05.

CHAPTER FOUR

* 1. **PRESENTATION AND ANALYSIS OFDATA:**

The data were presented in tables and statistically analysed in this chapter based on the research questions and hypotheses that guided the study.

* 1. ANALYSIS OF RETURNS:

A total of 368 questionnaires were distributed and 350 of them were correctly filled and returned. This represents 95% of the distributed number. The returned questionnaires formed the basis for the analysis.

Table 4.1: Analysis of the distribution and return of questionnaires

|  |  |  |
| --- | --- | --- |
| **Respondents** | **Questionnaires Administered** | **Questionnaire Returned** |
| Staff of REDAN | **Frequency** | **Percentages** | **Frequency** | **Percentages** |
| 20 | 5.4% | 18 | 5% |
| Registered EstateSurveyors | 32 | 8.6% | 30 | 8% |
| Landlords | 316 | 86% | 302 | 82% |
| **Total** | **368** | **100%** | **350** | **95%** |

**Source: Author’s field survey 2010**

Table 4.1 reveals that 20 questionnaires were distributed to the staff of REDAN (Real Estate Developers Association of Nigeria) representing 5.4% of the 368 questionnaire distributed while 18 questionnaires representing 5% were correctly filled and returned. 32 questionnaires representing 8.6% of the whole 368 questionnaires were distributed to Registered Estate Surveyors while 30 of them representing 8% were correctly filled and returned. It also indicated that 316 questionnaire representing 86% of the entire questionnaire were distributed to selected landlords in Lagos Urban Municipal while 302 representing 82% were returned. The correctly filled and returned questionnaires totaling 350 represent 95% of the number distributed. The returned rate was statistically high enough to justify their use in the analysis.

* 1. ANALYSIS OF PERSONAL DATA Table 4.2.1 – Age distribution of theRespondents

|  |  |  |
| --- | --- | --- |
| **Age Group** | **Frequency** | **Percentage** |
| Below – 29 years | 50 | 14.29% |
| 30 – 49 years | 170 | 48.57% |
| 50 – 69 years | 100 | 28.57% |
| 70 and above | 30 | 8.57% |
| **TOTAL** | **350** | **100%** |

**Source: Author’s field survey 2010**

This is one of the most important characteristics of the respondents. From the table 4.2.1, it can be seen that the highest number of the respondents are adults of the immediate environment. 50 people representing 14.29% were 29 years and below, 170 people representing 48.57% were between the age of 30 – 49 years, 100 people representing 28.57% were 50 – 69 years while 30 people representing 8.57% of the respondents were 70 years and above. The above analysis reveals that the age group which constituted the highest number in the respondents were people who would contribute positively to the issue of study.

Table 4.2.2 – Educational Qualification of the Respondents

|  |  |  |
| --- | --- | --- |
| **Educational Qualification** | **Frequency** | **Percentage** |
| No formal education | - | - |
| FSLC | 17 | 4.86% |
| WASC/GCE | 38 | 10.86% |
| B.Sc./HND | 200 | 57.14% |
| M.Sc. and above | 95 | 27.14% |
| **TOTAL** | **350** | **100%** |

**Source: Author’s field survey 2010**

The essence of asking this particular question was to make sure that the respondents are equipped with certain minimum educational qualifications that will enable them respond correctly and confidently to thequestions.

Table 4.2.2 shows that all the respondents were educated to a reasonable extent.

200 people or 57.14% attained up to B.Sc./HND level which was reliable for justification. 95 people or 27.14% attained M.Sc., 38 people or 10.86% attained WASC/GCE level while 17 people or 4.8% attainedFSLC.

* 1. ANALYSIS OF (DATA)RESPONSES:

The responses to questions which are relevant to the research questions were here analysed in tables using frequencies and percentages and the outcome of the analysis provided answers to the research questions.

The main aim of the research and the research questions were to discover the extent to which the Land Use Act of 1978 exerted on property development in Nigeria as measured on the ease of accessibility, acquisition and security of title and to adopt a workable approach to ameliorate the situation. The 350 correctly filled and returned questionnaires were used for the analysis.

* + 1. KNOWLEDGE OF THE LAND USE ACT AND ITSOBJECTIVES:

Has the objectives of the Land Use Act of 1978 in making land readily available and easily accessible to Nigerians been achieved?

Question 17, 18, and 19 are relevant to this research question. The responses to these questions were therefore analysed to answer the research question.

Table 4.3.1:– Awareness of the Land Use and its objectives

**Question 17- To what extent do you know about the existence of the Land Use Act and its objectives?**

|  |  |  |  |
| --- | --- | --- | --- |
| **Responses** | **Frequency** | **Percentage** | **Degree** |
| Very well | 339 | 96.81% | 348.61 |
| Not too well | 4 | 1.27% | 41.56 |
| Moderate | 7 | 1.89% | 6.84% |
| No idea | 0 | 0 | 0 |
| **Total** | **350** | **100%** | **360** |

**Source: Author’s field survey 2010**

Table 4.3.1 reveals that 4 people representing 1.27% of the respondents indicated that they are not too familiar with the Land Use Act and its objectives; while 7 people representing 1.89% of the respondents stated that they had moderate knowledge of the Act. Another 339 people representing 96.81% were of the opinion that they have a very good knowledge of the 1978 Act and its objectives.

The above analyses buttress the fact that the majority of the respondents are well informed about the Land Use Act of 1978 and thereby in a good position to discuss the effects on property development in Lagos.

Figure 4.3.1 Pie-chart representation of the Responses



**Table 4.3.2 – The respondents’ Rating of the objectives of the Land Use Act Question 18 – To determine how the respondents rate the objectives of the Land Use Act**

|  |  |  |
| --- | --- | --- |
| **RESPONSES** | **FREQUENCY** | **PERCENTAGE** |
| Very good | 38 | 11.09% |
| Fair | 112 | 32.2% |
| Good | 179 | 51.1% |
| Bad | 21 | 6.1% |
| **Total** | **350** | **100%** |

**Source: Author’s field survey 2010**

Table 4.3.2 reveals that 21 people representing 6.1% of the respondent saw the objectives of the Land Use Act to be bad, 38 people representing 11% of the respondent saw it as very good, 112 people representing 32.2% of the respondents saw it also as being fair while 179 people representing 51.1% of the respondent saw the objective as being good. It then follows that the general view on the objectives of the Land Use Act of 1978 is that it is a good one since 51.1% representing the highest percentage perceived it to be so.

Figure 4.3.2: Histogram representation of the responses:



**Table 4.3.3:- Extent of Government achievement on the objectives of the Land Use Act.**

**Question 19 – To determine the extent to which the Government have gone in achieving the objectives of the Land Use Act of 1978**

|  |  |  |
| --- | --- | --- |
| **Responses** | **Frequency** | **Percentage** |
| High extent | 9 | 2.53% |
| Low extent | 64 | 18.35% |
| Very low extent | 244 | 79.11% |
| **Total** | **350** | **100%** |

**Source: Author’s field survey 2010**

The above table reveals that 9 people representing 2.53% of respondent acclaim that the government had gone to high extent in achieving the objectives of the Land Use Act of 1978; 64 people representing 18.35% of the respondents saw it that the government rate of operation is low while 277 people representing 79.11% of the respondents replied that the government is still very low in achieving the objectives of the Act. The government has not therefore satisfied peoples desires in achieving the objectives of the Land Use Act.

* 1. RESEARCH QUESTION 2: Problems generated by the Land Use Act to propertydevelopment:

What are the problems created by the Land Use Act to property development in Lagos? To answer the above question returns to questions 33, 34 and 37 were presented and analysed.

Table 4.4.1:-Greatest challenge confronting the Real Estate Developers for effectiveoperation.

**Question 33 – To determine the greatest challenge confronting the effectiveoperation of the Real Estate Developers Association**

|  |  |  |
| --- | --- | --- |
| **Responses** | **Frequency** | **Percentage** |
| General level of poverty | 16 | 4.62% |
| Legal restrictions | 172 | 49.23% |
| Mass apathy | 27 | 7.69% |
| Level of technologicaldevelopment | 54 | 15.38% |
| All of the above | 81 | 23.08% |
| **Total** | **350** | **100%** |

**Source: Author’s field survey 2010**

Table 4.4.1 shows that 16 people representing 4.62% of the respondents regard the general level of poverty as the greatest challenge towards effective provision of property delivery; 27 people representing 7.69% indicated that it is the mass apathy; 54 people representing 15.38% of the respondents show that it is the level of technological development that is responsible. The next 81 people representing 23.08% indicated that all the above factors could be seen as the challenge confronting effective provision of property in the case study area; while 172 people representing 49.23% of the respondents reveal that the greatest challenge is the legalrestriction.

The above analysis implies that legal restrictions seem to be the greatest challenge facing the real estate operations and thereby hindering the effective performance of property development.

Table 4.4.2: Determination of the astronomical levy imposed on the approval ofconsent for assignment, transfer and mortgage by the Land Use Act.

**Question 34 – to determine whether the Land Use Act has imposed an astronomicallevy on the approval of consent for assignment, transfer and mortgage**

|  |  |  |  |
| --- | --- | --- | --- |
| **Responses** | **Frequency** | **Percentage** | **Degree** |
| Yes | 298 | 85% | 306 |
| No | 15 | 4.4% | 16 |
| Not sure | 37 | 10.55% | 38 |
| **Total** | **350** | **100%** | **360** |

**Source: Author’s field survey 2010**

Table 4.4.2 indicate that 298 people representing 85% of the respondents claim that the Land Use Act has imposed an astronomical high levy on the approval of consent for assignment, transfer and mortgage, 15 people representing 4.4% of the respondents did not agree to this while 37 people representing 10.55% of the respondents were not sure whether the Land Use Act imposes high levy on the approval of consent for assignment, transfer, and mortgage.

Table 4.4.3: Assessment of the procedure for issuing of certificate of occupancy.Question 37: To assess the procedure of issuing of certificate of occupancy

|  |  |  |  |
| --- | --- | --- | --- |
| **Responses** | **Frequency** | **Percentage** | **Degree** |
| Cumbersome | 302 | 86.08% | 309.9 |
| Very easy | 22 | 6.33% | 22.78 |
| Normal | 26 | 7.59% | 27.34 |
| No idea | 0 | 0% | 0 |
| **Total** | **350** | **100%** | **360** |

**Source: Author’s field survey 2010**

Table 4.4.3 reveals that 22 people representing 6.33% of the respondents see the procedure of issuing of certificate of occupancy to be very easy, 26 people representing 7.5% of the respondents assessed it to be normal; while 302 people representing 86.08% of the respondents assessed the procedure to be cumbersome. It then follows that since majority of the respondents that is 86.08% assessed the situation to be cumbersome, that is to say that the Act had restricted property investors involvement in the property market and thereby reducing the number of property stock.

* 1. RESEARCH QUESTION 3: Socio-economic problems generated by the Land Use Act to propertydevelopment

Has property development in Lagos witnessed any socio-economic problem? To answer the above research question the returns to questions 5, 10, 11 and 13 were presented and analysed.

Table 4.5.1 Constitution of property development

**Question 5 – what in your opinion constitute property development?**

|  |  |  |
| --- | --- | --- |
| **Responses** | **Frequency** | **Percentage** |
| Application of labour and capital to land | 207 | 59.1% |
| Change in the form of land | 64 | 18.2% |
| Improvement on land | 79 | 22.7% |
| No idea | 0 | 0% |
| **Total** | **350** | **100%** |

**Source: Author’s field survey 2010**

Table 4.5.1 shows that 64 landlords representing 18.2% of the respondents believed that property development is all about change in the form of land; as many as 207 of the respondents representing 59.1% believed that property development is the application of labour and capital to land; while 79 of the respondents representing 22.7% believe that it is the improvement on land. The response of the 207 landlords which is 59.1% indicates that majority of the landlords in Lagos are enlightened and well acquainted with the concept of property development.

Table 4.5.2: Agreement on economic, socio-political, and geographical factorsaffecting property development

**Question 10 – did you agree that economic, socio-political and geographical factorsaffect the rate of property development?**

|  |  |  |  |
| --- | --- | --- | --- |
| **Responses** | **Frequency** | **Percentage** | **Degree** |
| Yes | 302 | 86.4% | 312 |
| No | 0 | 0% | 0 |
| Not sure | 48 | 13.6% | 48 |
| **Total** | **350** | **100%** | **360** |

**Source: Author’s field survey 2010**

Table 4.5.2 indicates that 302 people representing 86.4% of the respondents are of the opinion that the rate of property development is being affected by economic, socio- political and geographical factors. While 48 people representing 13.6% were not sure of the extent to which each of the factors affect the rate of property development. This implies that the rate of property development in Lagos is being affected by combinations of factors.

Table 4.5.3: Extent of the effect of Economic, socio-political and geographicalfactors to the rate of propertydevelopment

**Questions 11 – to determine the extent which economic, socio-political andgeographical factors affect the rate of property development**

|  |  |  |
| --- | --- | --- |
| **Responses Options** | **Frequency** | **Percentage** |
| Large | 64 | 18.2% |
| Small | 48 | 13.6% |
| Moderate | 79 | 22.7% |
| Very high | 143 | 40.9% |
| Very low | 16 | 4.6% |
| **Total** | **350** | **100%** |

**Source: Author’s field survey 2010**

The above table reveals that 16 person representing 4.6% of the respondent indicated that the rate at which economic, socio-political and geographical factors affecting property development is very low, 48 people representing 13.6% see the extent to be small; 64 people representing 18.2% were of the opinion that the extent is large; 79 people representing 22.7% of the respondents indicated that the extent is moderate while 143 people representing 40.9% of the respondents were of the opinion that the extent is very high. From the analysis the percentage of the respondents that indicated very high extent far-out reach every other response which shows that economic, socio-political and geographical factors have exerted great influence on the rate at which property is being developed in Lagos.

Table 4.5.4: Major economic factor affecting property development

**Question 13 – To determine the major economic factor that affect propertydevelopment**

|  |  |  |  |
| --- | --- | --- | --- |
| **Responses** | **Frequency** | **Percentage** | **Degree** |
| Population growth | 172 | 49.37% | 176 |
| Demand and supply of landed properties | 81 | 23.33% | 84 |
| Income level | 60 | 17.22% | 62 |
| Fixity of land | 37 | 10.55% | 38 |
| **Total** | **350** | **100%** | **360** |

**Source: Author’s field survey 2010**

In table 4.5.4, 37 people representing 10.55% of the respondents indicated that fixity of land is the major economic factors that affect the development of properties , 60 people representing 17.22% of the respondents see income level as the major economic factor affecting property development, 81 people representing 23.33% of the respondents were of the opinion that the major economic factor affecting property development is the demand and supply of landed properties while 172 people representing 49.37% of the respondents see population growth as the major economic factor affecting property development. Therefore, it became obvious from the above analysis that population growth is the major economic factor that affect property development since greater percentage of the respondents which is 49.37% attest to it.

* 1. **RESEARCH QUESTION 4: -Effect of Land Use Act on land acquisition, ease of accessibility and security of title to land for property development in Lagos**Has the Land Use Act enhanced Land Acquisition, ease of accessibility and security of title required for property development or has it retarded it? To answer the above research question, the returns to questions 24, 25, 26, 27, 28, and 29 are presented andanalysed.

Table 4.6.1: Determination of the effect of Land Use Act on the rate of propertydevelopment in Lagos

**Question 24 – To determine whether the Land Use Act has effect on the rate ofproperty development in Lagos.**

|  |  |  |  |
| --- | --- | --- | --- |
| **Responses** | **Frequency** | **Percentage** | **Degree** |
| Yes | 323 | 92.4% | 332.6 |
| No | 27 | 7.6% | 27.4 |
| **Total** | **350** | **100%** | **360** |

**Source: Author’s field survey 2010**

Table 4.6.1 reveals that 323 people representing 92.4% of the respondents agreed that the Land Use Act has effect on the rate of property development in Lagos while 27 people representing 7.6% replied no implying that the Land Use Act has no effect on the rate of property development in Lagos. Since 92.4% of the respondent which is to be far greater than 7.6% replied in the affirmative, it becomes obvious that the Land Use Act has great effect on the rate of property development in Lagos.

Table 4.6.2: Determination of the extent of land accessibility for property development after the Land Use Act

**Question 25 – To determine whether the Land Use Act had made land accessibilityfor property development easier**

|  |  |  |
| --- | --- | --- |
| **Responses** | **Frequency** | **Percentage** |
| Yes | 40 | 11.39% |
| No | 266 | 75.94% |
| Not sure | 44 | 12.66% |
| **Total** | **350** | **100%** |

**Source: Author’s field survey 2010**

Table 4.6.2 shows that 40 people representing 11.39% of the respondents confirm that the Land Use Act has made land readily accessible to prospective investors on property development. 266 people representing 75.94% of the respondents were of the opinion that the Land Use Act has made it difficult to access land for property development since they answered in the negative; while 44 people representing 12.66% of the respondents were not sure whether the Land Use Act has made accessibility to land easier ornot.

With as high as 75.94% of the respondents declaiming that the Land Use Act has created difficulty in accessibility to land for property development it means that the Act has serious negative effect on property development.

Table 4.6.3: Determination of the ease of accessibility to land to private investorsafter the Land Use Act

**Question 26 – to determine whether the Land Use Act has made accessibility toprivate property investors easier**

|  |  |  |  |
| --- | --- | --- | --- |
| **Responses** | **Frequency** | **Percentage** | **Degree** |
| Yes | 62 | 17.7% | 64 |
| No | 187 | 53.3% | 192 |
| Not sure | 101 | 28.8% | 104 |
| **Total** | **350** | **100%** | **360** |

**Source: Author’s field survey 2010**

Table 4.6.3 shows that 62 people representing 17.7% of the respondents agree to the fact that the Land Use Act has made land accessibility easier for private property developers, 187 people representing 53.3% of the respondents consider the Land Use Act not to have granted private property developers the needed access to land for their investment while 101 people representing 28.8% of the respondents indicated that they were not sure on whether accessibility to land by private land investors has become easier since after the Act of 1978.

The above analysis depicts that Land accessibility for private land developers has not been easier since after the Act, considering the greater percentage of the respondents which is 53.3% that responded in the negative.

Table 4.6.4: Determination of the difficulty in the process of land acquisition afterthe Land Use Act

**Question 27 – To determine if there is any difficulty in the process of acquiring landsince after the Act**

|  |  |  |  |
| --- | --- | --- | --- |
| **Responses** | **Frequency** | **Percentage** | **Degree** |
| Yes | 332 | 94.9% | 341.8 |
| No | 0 | 0% | 0 |
| Not sure | 18 | 5.06% | 18.2 |
| **Total** | **350** | **100%** | **360** |

**Source: Author’s field survey 2010**

Table 4.6.4 shows that 18 people representing 5.06% of the respondent were not sure if the Act poses any difficulty to the process of land acquisition while 332 people representing 94.9% of the respondents affirmed the fact that the Act created untold difficulty in the process of acquiring land. This implied that since after the Act of 1978 it has really become so difficult to acquire land for adequate property development.

Table4.6.5: Determination of the state of security of title to land after the LandUseAct

**Question 29 – To determine the state of security of title to land since after the LandUse Act of 1978.**

|  |  |  |
| --- | --- | --- |
| **Responses** | **Frequency** | **Percentage** |
| Easy | 39 | 11.1% |
| Difficult | 233 | 66.6% |
| Moderate | 68 | 19.4% |
| Not sure | 10 | 2.7% |
| **Total** | **350** | **100%** |

**Source: Author’s field survey 2010**

The above table shows that 10 people representing 2.7% of the respondents claimed that they are not sure on how the state of security of title to land has been since after the Act, 39 people representing 11.1% of the respondents were of the opinion that the Land Use Act has made the security of title to land easier, 68 people representing 19.4% of the respondents see the security of title to land as being moderate while 233 people representing 66.6% of the respondents see the state of security of title to land difficult since after the Act of 1978.

Hence, since the greater number of the respondents which is 66.6% attest to the fact that the Act has made security of title to land difficult. It can then be accepted that the Land Use Act of 1978 has imposed great difficulty in the security of title to land for property developers.

* 1. TEST OFHYPOTHESES

**RESEARCH QUESTIONS TO APPLY IN THE TEST OF RESEARCH HYPOTHESES**

1. Has the Land Use Act made land accessibility to land for property development easier?(q26)
2. Is there any difficulty in acquisition process since after the Act?(q27)
3. How would you rate the security of title to land since after the Act 1978? (q29) These research questions will be tested statistically using the Non Parametric Binomial Test of proportions for each of the following groupsnamely:
4. Landlords
5. Redanstaff
6. Registered Estate Surveyors andValuers
7. For the three groups put together (allsamples)

GROUP A – LANDLORDS TEST OF HYPOTHESES 1LANDLORDS I

H0: Land Use Act made land accessible for property developmenteasier

H1: Land Use Act did not make land accessible for property developmenteasier

= 0.05 and 0.01

TEST STATISTIC

**Z = (P1– P2)/((P1P2))where**

P1 = 0.34 is the proportion of respondents who indicated that Land Use Act has made accessibility to property developmenteasier.

P2 = 0.66 is the proportion of respondents who indicated that Land Use Act did not make accessibility to property developmenteasier.

P = 0.50 is the testproportion.

* + 1. Landlords response on whether or not Land Use Act has made land accessible for property development easier (BinomialTest)

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Research Question** | **Category** | **N** | **Observed****Prop.** | **Test Prop.** | **Asymp. Sig. (2-****tailed)** |
| Has Land Use Act made Land accessible for Property development easier. | NoYes | 192110 | .66.34 | .50 | .000a |
| **Total** |  | **302** | **1.00** |  |  |

**DECISION RULE:**

If P – value P < 0.01, Reject H0at 99% confidence If P – value P < 0.05, Reject H0at 95% confidence

CONCLUSION:

P – value = 0.00. We reject the null hypothesis and conclude that Land Use Act did not make land accessibility for property development easier.

TEST OF HYPOTHESIS 2:

**LANDLORDS II:**

H0: There are no difficulties in acquisition process after the Act of1978 H1: There are difficulties in acquisition process after the Act of1978

= 0.05 and 0.01

TEST STATISTIC:

**Z = (P1– P2)/((P1P2))where**

P1 = 0.63 is the proportion of respondents who indicated that there are difficulties in acquisition process after the Act of1978

P2 = 0.37 is the proportion of respondents who indicated that there are no difficulties in acquisition process after the act of1978.

P = 0.50 is the testproportion.

Table4.7.2: Landlords response on whether or not there are any difficulty inacquisition process after the Act of 1978 (BinomialTest)

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Research Question** | **Category** | **N** | **Observed****Prop.** | **Test****Prop.** | **Asymp. Sig.****(2-tailed)** |
| Is there any difficulty inacquisition process after the act of 1978. | YesNo | 180122 | .63.37 | .50 | .000a |
| **Total** |  | **302** | **1.00** |  |  |

**DECISION RULE:**

If P – value P < 0.01, Reject H0at 99% confidence If P – value P < 0.05, Reject H0at 95% confidence

CONCLUSION:

P – value = 0.00. We reject the null hypothesis and conclude at 99% confidence that there are difficulties in acquisition process after the act of 1978

TEST OF HYPOTHESIS 3:

**LANDLORDS III:**

H0: The rating of the security of title to land since after the act in 1978 was easy H1: The rating of the security of title to land since after the act in 1978 wasdifficult

= 0.05 and 0.01

TEST STATISTIC:

**Z = (P1– P2)/((P1P2))where**

|  |  |  |
| --- | --- | --- |
| P1 | = | 0.65 is the proportion of respondents who indicated that therating of lad since after the act of 1978 was difficult. |
| P2 | = | 0.35 is the proportion of respondents who indicated that therating of land since after the act of 1978 was easy. |
| P | = | 050 is the test proportion. |

**Table4.7.3: Landlords response on whether or not rating of the security title toland since after the act in 1978 was difficult (BinomialTest)**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Research Question** | **Category** | **N** | **Observed****Prop.** | **Test****Prop.** | **Asymp. Sig.****(2-tailed)** |
| Rating of the security title to land since after the act of 1978 | DifficultEasy | 180122 | .63.37 | .50 | .000a |
| **Total** |  | **302** | **1.00** |  |  |

**DECISION RULE:**

If P – value p < 0.01, Reject H0@99% confidence If P – value p < 0.05, Reject H0@95% confidence **CONCLUSION:**

P – value = 0.00, We reject the null hypothesis and conclude @99% confidence that the rating of the security of title to land since the Act in 1978 has been difficult.

GROUP B – REDAN STAFF:

**TEST OF HYPOTHESES 1 REDAN STAFF I:**

H0: Land Use Act has made land accessible for property development easier. H1: Land Use Act did not make land accessible for property developmenteasier.

= 0.05 and 0.01

TEST STATISTIC:

**Z = (P1– P2)/((P1P2))where**

|  |  |  |
| --- | --- | --- |
| P1 | = | 0.11 is the proportion of respondents who indicated that LandUse Act has made accessibility to property development easier. |
| P2 | = | 0.89 is the proportion of respondents who indicated that LandUse Act has not made accessibility to property development easier. |
| P | = | 0.50 is the test proportion. |

**Table4.7.4: Redan staff response on whether or not Land Use Act has made landaccessible for property development easier (BinomialTest)**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Research Question** | **Category** | **N** | **Observed****Prop.** | **Test Prop.** | **Exact Sig.****(2-tailed)** |
| Has Land Use Act made land accessible for property developmenteasier? | NoYes | 162 | .89.11 | .50 | .001 |
| **Total** |  | **18** | **1.00** |  |  |

**DECISION RULE:**

If P – value p < 0.01, Reject H0@99% confidence If P – value p < 0.05, Reject H0@95% confidence

CONCLUSION

P –value = 0.001, We reject the null hypothesis and conclude that Land Use Act did not make land accessible for property developmenteasier.

TEST OF HYPOTHESES 2:

**REDAN STAFF II:**

H0: There are no difficulties in acquisition process after the Act of1978 H1: There are difficulties in acquisition process after the Act of1978

= 0.05 and 0.01

TEST STATISTIC:

**Z = (P1– P2)/((P1P2))where**

|  |  |  |
| --- | --- | --- |
| P1 | = | 0.83 is the proportion of respondents who indicated that thereare difficulties in acquisition process after the Act of 1978 |
| P2 | = | 0.17 is the proportion of respondents who indicated that thereare no difficulties in acquisition process after the Act of 1978. |
| P | = | 0.50 is the test proportion. |

**Table4.7.5: Redan Staff response on whether or not there are any difficulty inacquisition process after the Act of 1978 (BinomialTest)**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Research Question** | **Category** | **N** | **Observed****Prop.** | **Test Prop.** | **Exact Sig.****(2-tailed)** |
| Is there any difficulty in acquisition process after the Act? | NoYes | 153 | .83.17 | .50 | .008 |
| **Total** |  | **18** | **1.00** |  |  |

**DECISION RULE:**

If P – value p < 0.01, Reject H0@99% confidence If P – value p < 0.05, Reject H0@95% confidence **CONCLUSION:**

P –value = 0.008, We reject the null hypothesis and conclude @99% confidence that there are difficulties in acquisition process after the Act of1978

TEST OF HYPOTHESIS 3:

**REDAN STAFF III:**

H0: The rating of the security title to land since after the Act in 1978 was easy H1: The rating of the security title to land since after the Act in 1978 wasdifficult

= 0.05 and 0.01

TEST STATISTIC:

**Z = (P1– P2)/((P1P2))where**

|  |  |  |
| --- | --- | --- |
| P1 | = | 0.89 is the proportion of respondents who indicated that therating of land since after the Act of 1978 was difficult |
| P2 | = | 0.17 is the proportion of respondents who indicated that therating of land since after the Act of 1978 was easy |
| P | = | 0.50 is the test proportion. |

**Table 4.7.6: Redan Staff response on the rating of the security title to land sinceafter the Act of 1978 (BinomialTest)**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Research Question** | **Category** | **N** | **Observed****Prop.** | **Test Prop.** | **Exact Sig.****(2-tailed)** |
| Rating of the security title to land since after the Act in 1978? | DifficultEasier | 162 | .89.11 | .50 | .001 |
| **Total** |  | **18** | **1.00** |  |  |

**DECISION RULE:**

If P – value p < 0.01, Reject H0@99% confidence If P – value p < 0.05, Reject H0@95% confidence **CONCLUSION:**

P – value = 0.001, We reject the null hypothesis and conclude @99% confidence that the rating of the security title to the land since after the Act in 1978 was difficult

GROUP C – REGISTERED ESTATE SURVEYORSTEST OF HYPOTHESES 1:

H0: Land Use Act has made land accessibility for property development easier H1: Land Use Act has not make land accessibility for property developmenteasier

= 0.05 and 0.01

TEST STATISTIC:

**Z = (P1– P2)/((P1P2))where**

|  |  |  |
| --- | --- | --- |
| P1 | = | 0.19 is the proportion of respondents who indicated that LandUse Act has made accessibility to property development easier |
| P2 | = | 0.81 is the proportion of respondents who indicated that LandUse Act has not made accessibility to property development easier |
| P | = | 0.50 is the test proportion. |

**Table4.7.7: Registered Estate Surveyors response on whether or not Land UseActhas made land accessible for property development easier (BinomialTest)**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Research Question** | **Category** | **N** | **Observed****Prop.** | **Test Prop.** | **Exact Sig.****(2-tailed)** |
| Has Land Use Act made land accessible for property developmenteasier? | NoYes | 624 | .19.81 | .50 | .001a |
| **Total** |  | **30** | **1.00** |  |  |

**DECISION RULE:**

If P – value p < 0.01, Reject H0@99% confidence If P – value p < 0.05, Reject H0@95% confidence

CONCLUSION:

P –value = 0.001, We reject the null hypothesis and conclude that Land Act did not make land accessible for property developmenteasier

TEST OF HYPOTHESES 2:

H0: There are no difficulties in the acquisition process after the Act of1978 H1: There are difficulties in the acquisition process after the Act of1978

= 0.05 and 0.01

TEST STATISTIC:

**Z = (P1– P2)/((P1P2))where**

|  |  |  |
| --- | --- | --- |
| P1 | = | 0.81 is the proportion of respondents who indicated that thereare difficulties in acquisition process after the Act of 1978 |
| P2 | = | 0.19 is the proportion of respondents who indicated that thereare no difficulties in acquisition process after the Act of 1978. |
| P | = | 0.50 is the test proportion. |

**Table4.7.8: Registered Estate Surveyors response on whether or not there is anydifficulty in the acquisition process after the Act of 1978 (BinomialTest)**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Research Question** | **Category** | **N** | **Observed****Prop.** | **Test Prop.** | **Exact Sig.****(2-tailed)** |
| Is there any difficulty in acquisition process after the Act | YesNo | 246 | .81.19 | .50 | .001a |
| **Total** |  | **30** | **1.00** |  |  |

**DECISION RULE:**

If P – value p < 0.01, Reject H0@99% confidence If P – value p < 0.05, Reject H0@95% confidence

CONCLUSION:

P –value = 0.001, We reject the null hypothesis and conclude @99% confidence that there are difficulties in acquisition process after the Act of1978

TEST OF HYPOTHESES 3:

**REGISTERED ESTATE SURVEYOR III:**

H0: The rating of the security title to land since after the Act of 1978 waseasy

H1: The rating of the security of title to land since after the Act in 1978 wasdifficult

= 0.05 and 0.01

TEST STATISTIC:

**Z = (P1– P2)/((P1P2))where**

|  |  |  |
| --- | --- | --- |
| P1 | = | 0.84 is the proportion of respondents who indicated that therating of land since after the Act of 1978 was difficult |
| P2 | = | 0.16 is the proportion of respondents who indicated that therating of land since after the Act of 1978 was easy |
| P | = | 0.50 is the test proportion. |

**Table4.7.9: Registered Estate Surveyors response on whether or not the securityof title to land since after the Act of 1978 was difficult (BinomialTest)**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Research Question** | **Category** | **N** | **Observed****Prop.** | **Test Prop.** | **Exact Sig.****(2-tailed)** |
| Rating of the security title to land since after the Act in 1978? | DifficultEasier | 255 | .84.16 | .50 | .000 |
| **Total** |  | **18** | **1.00** |  |  |

**DECISION RULE:**

If P – value p < 0.01, Reject H0@99% confidence If P – value p < 0.05, Reject H0@95% confidence

CONCLUSION:

P – value = 0.000, We reject the null hypothesis and conclude @99% confidence that the rating of the security title to the land since after the Act in 1978 was difficult

GROUP D – ALL SAMPLESTEST OF HYPOTHESES 1:

**ALL THE SAMPLE I:**

H0: Land Use Act has made land accessibility for property development easier H1: Land Use Act did not make land accessibility for property development easier

= 0.05 and 0.01

TEST STATISTIC:

**Z = (P1– P2)/((P1P2))where**

|  |  |
| --- | --- |
| P1 = 0.40 is the proportion of respondents who indicated that Land | Use Act has made accessibility to property development easier |
| P2 | = | 0.60 is the proportion of respondents who indicated that LandUse Act has not made accessibility to property development easier |
| P | = | 0.50 is the test proportion. |

Table 4.7.10: All Samples response on whether or not Land Use Act has made landaccessibility for property development easier (Binomial Test)

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Research Question** | **Category** | **N** | **Observed****Prop.** | **Test Prop.** | **Exact Sig.****(2-tailed)** |
| Has Land Use Act made land accessibility for property development easier? | YesNo | 140210 | .40.60 | .50 | .000a |
| **Total** |  | **350** | **1.00** |  |  |

**DECISION RULE:**

If P – value p < 0.01, Reject H0@99% confidence If P – value p < 0.05, Reject H0@95% confidence

CONCLUSION

P –value = 0.000, We reject the null hypothesis and conclude that Land Use Act did not make land accessible for property developmenteasier.

ALL SAMPLES II:

H0: There are no difficulties in acquisition process after the Act of1978 H1: There are difficulties in acquisition process after the Act of1978

= 0.05 and 0.01

TEST STATISTIC:

**Z = (P1– P2)/((P1P2))where**

|  |  |  |
| --- | --- | --- |
| P1 | = | 0.58 is the proportion of respondents who indicated that thereare difficulties in acquisition process after the Act of 1978 |
| P2 | = | 0.42 is the proportion of respondents who indicated that thereare no difficulties in acquisition process after the Act of 1978. |
| P | = | 0.50 is the test proportion. |

**Table 4.7.11: All samples response on whether or not there are any difficulty in theacquisition process after the Act of 1978 (Binomial Test)**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Research Question** | **Category** | **N** | **Observed****Prop.** | **Test Prop.** | **Exact Sig.****(2-tailed)** |
| Is there any difficult in acquisition process after the Act? | YesNo | 202148 | .58.42 | .50 | .004a |
| **Total** |  | **350** | **1.00** |  |  |

**DECISION RULE:**

If P – value p < 0.01, Reject H0@99% confidence If P – value p < 0.05, Reject H0@95% confidence

CONCLUSION

P –value = 0.004, We reject the null hypothesis and conclude @99% confidence that there are difficulties in acquisition process after the Act of1978

ALL SAMPLES III:

H0: The rating of the security title to land since after the Act in 1978 was easy H1: The rating of the security title to land since after the Act in 1978 was difficult

= 0.05 and 0.01

TEST STATISTIC:

**Z = (P1– P2)/((P1P2))where**

|  |  |  |
| --- | --- | --- |
| P1 | = | 0.62 is the proportion of respondents who indicated that therating of land since after the Act of 1978 was difficult |
| P2 | = | 0.38 is the proportion of respondents who indicated that theRating of land since after the Act of 1978 was easy |
| P | = | 0.50 is the test proportion. |

**Table 4.7.12: All Samples response on whether or not rating of the security of title toland since after the Act of 1978 was difficult (Binomial Test)**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Research Question** | **Category** | **N** | **Observed****Prop.** | **Test Prop.** | **Exact Sig.****(2-tailed)** |
| Rating of the security title to land since after the Act in 1978? | EasierDifficult | 134216 | .38.62 | .50 | .000a |
| **Total** |  | **350** | **1.00** |  |  |

**DECISION RULE:**

If P – value p < 0.01, Reject H0@99% confidence If P – value p < 0.05, Reject H0@95% confidence

CONCLUSION:

P – value = 0.000, We reject the null hypothesis and conclude @99% confidence that the rating of the security title to the land since after the Act in 1978 was difficult

SUMMARY:

Following the statistical analyses and tests performed on the research questions on whether or not the Land Use Act has made land accessible for property development

easier; whether or not there any difficulty in acquisition process since after the Act; and on the rating of the security title to land since after the Act in 1978, findings were as follows:

* + - 1. Land Act did not make land accessible for property developmenteasier
			2. There are difficulties in acquisition process after the Act of1978
			3. The rating of the security title to land since after the Act in 1978 was difficult.

These conclusions were the same for all the individual groups namely Landlords, Redan staff, Practicing Estate Surveyors and for the three groups put together (All Samples)

* 1. FURTHER TEST OFHYPOTHESES:

Here we want to test the mean effect of these research questions or factors on the three groups or categories under study. The resultant data being analysed are “count data” not “measured data”. According to **Snedecor** and **Cochran** (1973) “Count Data” are not suitable for analysis of variance, but could be analysed using chi-square test.

HYPOTHESIS 1

H0: The mean effect of the Land Use Act and easy accessibility to land for property development difer significantly among thegroups

H1: The mean effect of the Land Use Act and easy accessibility to land for property development is the same among thegroups

= 0.05 and 0.01

TEST STATISTIC

**Chi-square = (Oij– Eij)2/Eij where**

Oij: Is the observed frequency Eij: Is the expectedfrequency

Table 4.8.1: Land Use Act made land accessible for property development easiercross tab

|  |  |
| --- | --- |
|  | **GROUP** |
| **LANDLORD** | **STAFF OF REDAN** | **REGISTERED ESTATE****SURVEYORS** | **TOTAL** |
| Has Land Use Act madeland | 114 | 2 | 6 | 122 |
| accessibility for property | 188 | 16 | 24 | 228 |
| development easier? |  |  |  |  |
| **Total** | **302** | **18** | **30** | **350** |

**Chi-square Tests:**

|  |  |  |  |
| --- | --- | --- | --- |
|  | **VALUE** | **DF** | **ASSMP. SIG. (2-****SIDED)** |
| **Person Chi-square** | **8.629a** | **2** | **.013** |
| Likelihood Ratio | 9.745 | 2 | .008 |
| Linear-by-Linear | 6.499 | 1 | .011 |
| Association |  |  |  |
| N of Valid Cases | 350 |  |  |

**DECISION RULE:**

If P – value p < 0.01, Reject H0@99% confidence If P – value p < 0.05, Reject H1@95% confidence

CONCLUSION:

**Chi-square value = 8.629 with df = 2**

P – value = 0.013, p – value < 0.05 therefore we reject the null hypothesis and conclude @95% confidence that the mean effect of the Land Use Act and easy accessibility to property development is the same among the groups

HYPOTHESIS 2

H0: The mean effect of the difficulty in acquisition process after the Act of 1978 defers significantly among the threegroups

H1: The mean effect of the difficulty in acquisition process after the Act of 1978 are the same among the threegroups

= 0.05 and 0.01

TEST STATISTIC

**Chi-square = (Oij– Eij)2/Eij where**

Oij: Is the observed frequency Eij: Is the expectedfrequency

Table 4.8.2.: Difficulty in acquisition process after the Act of 1978 cross tab

|  |  |
| --- | --- |
|  | **GROUP** |
| **LANDLORD** | **STAFF OF REDAN** | **REGISTERED****ESTATE SURVEYORS** | **TOTAL** |
| Is there any difficulty in | 170 | 15 | 24 | 209 |
| acquisition process after the Act | 132 | 3 | 6 | 141 |
| **Total** | **302** | **18** | **30** | **350** |

**Chi-square Tests:**

|  |  |  |  |
| --- | --- | --- | --- |
|  | **VALUE** | **DF** | **ASSMP. SIG. (2-****SIDED)** |
| **Person Chi-square** | **9.176a** | **2** | **.010** |
| Likelihood Ratio | 10.019 | 2 | .007 |
| Linear-by-Linear | 7.901 | 1 | .005 |
| Association |  |  |  |
| N of Valid Cases | 350 |  |  |

**DECISION RULE:**

If P – value p < 0.01, Reject H0@99% confidence If P – value p < 0.05, Reject H1@95% confidence

CONCLUSION:

**Chi-square value = 9.176 with df = 2**

P – value = 0.010, p – value < 0.05 therefore we reject the null hypothesis and conclude @95% confidence that the mean effect of the difficulty in the acquisition process after the Land Use Act 1978 is the same among thegroups.

HYPOTHESIS 3

H0: The mean effect of the rating of the security of title to land since after the Act of 1978 defers significantly among the threegroups

H1: The mean effect of the rating of the security of title to land since after the Act of 1978 are the same among the threegroups

= 0.05 and 0.01

TEST STATISTIC

**Chi-square = (Oij– Eij)2/Eij where**

Oij: Is the observed frequency Eij: Is the expectedfrequency

Table 4.8.3: Rating of the security of title to land since after the Act in 1978 crosstab

|  |  |
| --- | --- |
|  | **GROUP** |
| **LANDLORD** | **STAFF OF REDAN** | **REGISTERED ESTATE****SURVEYORS** | **TOTAL** |
| Rating of the security Easier title to land since afterDifficultthe Act in 1978 | 115187 | 216 | 255 | 122228 |
| **Total** | **302** | **18** | **30** | **350** |

**Chi-square Tests:**

|  |  |  |  |
| --- | --- | --- | --- |
|  | **VALUE** | **DF** | **ASSMP. SIG. (2-****SIDED)** |
| **Person Chi-square** | **10.652a** | **2** | **.005** |
| Likelihood Ratio | 12.167 | 2 | .002 |
| Linear-by-Linear | 8.876 | 1 | .003 |
| Association |  |  |  |
| N of Valid Cases | 350 |  |  |

**DECISION RULE:**

If P – value p < 0.01, Reject H0@99% confidence If P – value p < 0.05, Reject H1@95% confidence

CONCLUSION:

**Chi-square value = 10.652 with df = 2**

P – value = 0.010, p – value < 0.05 therefore we reject the null hypothesis and conclude @95% confidence that the mean effect of rating of the security title to land since after the Land Use Act of 1978 are the same among the groups.

* 1. RESEARCH QUESTION 5-: Improvement of property development in Lagos.

How can development of property be encouraged in Lagos?

To answer the above question, the return to question 22 and 41 will be presented and analysed.

Table 4.9.1:– Nature of interest in land that encourages property developmentQuestion 22- To determine the type of interest in land that encourages thedevelopment of property

|  |  |  |
| --- | --- | --- |
| **Responses** | **Frequency** | **Percentage (%)** |
| Freehold | 272 | 77.7% |
| Leasehold | 29 | 8.3% |
| Estate for years | 35 | 10% |
| Estate at will | 14 | 3.8% |
| **Total** | **350** | **100%** |

**Source: Author’s field survey 2010**

Table 4.9.1 shows that 14 people representing 3.8% of the respondents believed that the best interest in land that can encourage property development is Estate at will, 29 people representing 8.3% of the respondents see leasehold interest as the best to encourage investment on property development, 35 people representing 10% of the

respondents see estate for years as the best for achieving greater investment on property development while 272 people representing 77.7% of the respondents believed that the best interest in land that can encourage investment in property development is the freeholdinterest.

Hence, it is clearly observed that the greater percentage of the respondent agreed that freehold interest is the best interest in land that can encourage investment in property development.

Table 4.9.2: Ways of improving investment in property development.

**Question 41 – To know how best to encourage investment in property development**

|  |  |  |
| --- | --- | --- |
| **Responses** | **Frequency** | **Percentage (%)** |
| Provision of adequate planning authority | 43 | 12.2% |
| Maintaining a stable government | 23 | 6.6% |
| Improvement in the manner of plot allocation to privatedevelopers | 35 | 10% |
| Provision of monitoring and evaluation committee | 55 | 15.5% |
| All of the above | 194 | 55.5% |
| **Total** | **350** | **100%** |

**Source: Author’s field survey 2010**

The above table reveals that 43 people representing 12.2% of the respondents are of the view that investment in property development can only be encourage if the government should provide adequate planning authority, 23 people representing 6.6% of the respondents see stability of our government to enhance the rate of property development, 35 people representing 10% of the respondents are of the opinion that the government should improve in the manner of plot allocation to private property investors in order to encourage the development of more properties, 55 people representing 15.5% of the respondents considered the provision of monitoring and evaluation committee responsible for land matters such that there will be improvement in investment on property development while 194 people representing 55.5% of the respondents indicated all the above mentioned factors together will encourage investment on property development. The implication is that the combination of the mentioned factors has a way of exerting positive impact towards enhancing property development especially for privateinvestors.

* 1. RESEARCH QUESTION 6:- Approaches for remedying the problems of Land Use Act on property development.

What is the best approach to tackle the controversial problems generated by the Land Use Act of 1978 in respect to property development?

The return to questions 38 and 40 will be relevant in answering the above research question.

Table 4.10.1: Factors that contributed to the poor implementation of the ActQuestion 38 – To determine what contributed to the poor implementation of the Act

|  |  |  |
| --- | --- | --- |
| **Responses** | **Frequency** | **Percentage (%)** |
| Unskilled manpower | 45 | 12.66% |
| Poor staffing situation | 75 | 21.19% |
| Inadequate equipment of the planning authority | 39 | 10.76% |
| Illegal sell of land | 12 | 3.16% |
| All of the above | 179 | 50.63% |
| **Total** | **350** | **100%** |

**Source: Author’s field survey 2010**

Table 4.10.1 reveals that 12 people representing 3.16% of the respondent indicated that illegal sell of land contributed to the poor implementation of the act; 39 people representing 10.76% of the respondents said that the cause is the inadequate equipment of the planning authority. 45 people representing 12.66% of the respondents were of the opinion that it is caused by unskilled manpower; 75 people representing 21.19% of the respondents replied that it is the poor staffing situation that resulted in the poor implementation of the act; while 179 people representing 50.63% of the respondents sees to it that the all other above mentioned actors also contributed to the poor implementation of the act. This implies that the poor implementation of the act is not caused by only one factor but rather combination of factors.

Table 4.10.2: Solutions to the problem of the Land Use Act on propertydevelopment.

**Question 40 – To determine the solution created by the Land Use Act on propertydevelopment**

|  |  |  |
| --- | --- | --- |
| **Responses** | **Frequency** | **Percentage (%)** |
| To have a well managed National Development Plan | 27 | 7.59% |
| Review amendment of the Land Use Act from the constitution | 199 | 56.96% |
| total expunction of the Land Use Act from the constitution | 86 | 24.68% |
| Total abrogation of the Land Use Act | 38 | 10.76% |
| None of the above | 0 | 0% |
| **Total** | **350** | **100%** |

**Source: Author’s field survey 2010**

Table 4.10.2 shows that every of the respondents has one or two solutions to the problem of the Act. 27 people representing 7.59% of the respondents see the solution to the Act problems on having a well managed National Development Plan, 38 people representing 10.76% of the respondents indicated that the Act need to be totally abrogated; 86 people representing 24.68% of the respondents see the Act total expunction from the constitution as the solution; while 199 people representing 56.96% of the respondents are of the opinion that the only solution to the problem of the Act will be in the reviewing and amendment.

Hence it implies that since 56.96% of the respondent which seemed to be the majority indicated that the Act has to be review and amended.

CHAPTER FIVE

* 1. **DISCUSSIONS AND IMPLICATION, FINDINGS, CONCLUSION AND RECOMMENDATIONS**
	2. DISCUSSIONS ANDIMPLICATIONS:

The issue of the effects of the Land Use Act of 1978 is important to consider in every state as it functions to regulate Land Use system which eventually affects property development. This research work is aimed at analyzing the effects of the Land Use Act of 1978 as measured in terms of ease of accessibility, ease of acquisition and security of title to land for property development in Lagos State.

Before the promulgation of the Land Use Act of 1978, it was clearly observed that there was no uniformity in land operation which poses untold difficulty in assessing to land by an average Nigerian. Based on the foregoing the then Head of State set up a committee that itemized four major reasons for the promulgation of the Act. These include:

* + 1. To remove the bitter controversies resulting at times in loss of lives and limbs, which land is known to be generating
		2. To streamline and simplify the management and ownership of land in the country
		3. To assist the Nigerian individual, irrespective of his social status to realize his ambition and aspiration of owing a place where the citizenry and his family will live a secure and peaceful life.
		4. To enable the government to bring under control the use to which land can be put in all parts of the country and thus facilitate planning and zoning programmes for particular uses.

To these may be added the following implicit objectives:

1. To reduce the quantum of compensation payable for kind compulsorily acquired by public authorities thereby facilitating the establishment of public projects or development schemes
2. To make land easily available to the government, government agencies and other public bodies for the performance of their functions
3. To eradicate completely or reduce drastically the practice of land speculation in the country.

It follows therefore, that the Act empowers the governor of a state to set up Land Use and Allocation Committee, which however will not be autonomous. Due to this lack of autonomy of committee the government still has a controlling influence over it which works out at the expanse of the general public thereby defeating the general claim of the Act that it is intended to benefit all and sundry. This in turn led to serious insecurity of title to land, difficulty in land acquisition and inaccessibility to land especially to private land investors.

In Lagos State there has been this controversy amongst members of the committee that any application for land from the governor should be treated with urgency as against the necessary process/stages required. This preferential treatment, created a bias in the mind of ordinary citizens who may desire to acquire land for property development. The issue of preference to applications of indigenes against non-indigenes has created a serious problem and hindrances to land investors who may not be citizens of Lagos State; which also conflicts with the preamble to the Act that the land of Nigeria should be used by all Nigerians.

Though the preamble of the Act and the objectives enunciated for its promulgation would present a picture of an Act aimed at enhancing the quality of life of all Nigerians through a liberal land policy an unbiased consideration of the overall provisions of the Act would readily reveal that its general intendment is to favour government policies respecting land.

Granting that this observation is true, it can then be said that the Land Use Act has stimulated public property development at the detriment of private property development.

More so, section 5 of the Act authorizes the governor to grant rights of occupancy in respect of any piece of land (urban or rural) to any person for all purposes. It is observed that, too many responsibilities have been assigned to the governor with the result that it seriously ties down the quick processing of the application brought to him.

Further more, when land is compulsorily acquired for overriding public interest, compensation is supposed to be paid for such land. Prior to the promulgation of the Act, assessment of compensation for land compulsorily purchased was governed by the Public Lands Acquisition Act, 1976 section 15 of the Act states the basis of computing such compensation as follows: -

1. No allowance shall be made on account of the acquisition being compulsorys
2. The value of the land, estate, interest or profit shall be fair market value of such land, estate, interest or profits. Open Market Value being such a value of the land if sold in an Open Market by a willing seller to a willing buyer with knowledge of all the disadvantages and advantages to which the land can be put after being properlyadvertised.
3. Where part of the land is acquired, the court may take into account any enhancement of the value of the residue by reason of the proximity of any improvements or works made, constructed or to be constructed by the government.
4. The court may also have regard, not only to the value of the land, interest, estate or profits to be acquired but also to the damage if any sustainable by the owner by reasons of severance of such land from other lands belonging to such owner or other injuriousaffections.

It follows that dispossessed landowners are being treated unfairly and unjustly since they will be under- paid.

* 1. SUMMARY OF FINDINGS:

This study primarily focused on the analysis of the effect of the Land Use Act on property development in Nigeria, with Lagos Urban as the case study. It investigated the effects whether positive or negative which the Land Use Act has on property development. Based on the analysis of the data collected; the following findings have emerged from the work;

1. The Land Use Act of 1978 has not enhanced land acquisition for property development. It has rather impeded growth of real property development by imposing difficulty on the process of acquiring land by an ordinary citizen.
2. The process of accessing land is characterized by procedural delays and red tapism. The process of obtaining access to land beginning from the identification of acceptable site through obtaining Governor’s consent down to the issuance and collection of certificate of occupancy is cumbersome and therefore very expensive. Some times it may take up to two years to achieve; leading to the abandonment of the effortmidway.
3. Based on the cumbersome process of land acquisition, people tend to resort to informal land market which doesn’t guarantee security of title to land and which also encourages fraudulent dealings onland.
4. Landowners no longer enjoy security of ownership of land in the sense that some mischievous state governors may under section 28 of the Act revoke the right of occupancy of any person under the guise of “public purpose”.
5. There is inequitable allocation of the available developable land in favour of the well-to-do or the well connected in the society at the expense of the poor who are actually in need of the plots to carry out one or the other types ofdevelopment.
6. The vesting of sole power to the governor to hold in trust for the citizen limited the ease to which a common Nigeria can access to land for propertydevelopment.
7. That there is inefficient implementation of the Act based on the lack of skilled manpower with required integrity to serve in the land use and allocationcommittee.
8. The delay in issuing of certificates of occupancy to applicants makes it impossible for developers to obtain loan from financial institutions which invariably causes delay to thedevelopment.
9. The limitation imposed on the number of hectarage granted to individual makes it impossible for large estate developers to operateeffectively.
10. The nature and manner of political system has frustrated the efficient implementation of theAct.

Despite antecedent problems created by the Land Use Act of 1978, it was also clearly observed that the Land Use Act has created land consciousness on Nigerians. It grants them a sense of belonging as far as Nigerian Land is concerned. It is also seem that the Act has curbed the activities of the Landed gentries who speculates onland

* 1. CONCLUSION:

The study has carried out investigation collected and analysed the data leading to the decision that the Land Use Act of 1978 has retarded the rate of property development in Nigeria.

In spite of the sentimentally packed concept in the preamble to the Act to the effect that it is in the public interest the rights of all Nigerians to use and enjoy land in sufficient quantity to enable them to provide for their families was dashed to the ground.

The Nigerian citizens still find it as difficult as before to access to land on which they can erect their shelter. The vesting of land to the hands of the governor has also created insecurity for title to land which also limit the level of land acquisition for a common citizen. It is conclusive to say that the attainment of the co-operate goals of the Act through property provision may never be possible if the operations of the Land Use Act are not committed to proving well planned procedure for their ministry of Lands.

There is undue delay in obtaining consent before ones interest in land can be alienated. These shortcomings and many others incorporated in the Act do not augur well, especially for private property developers. Therefore the operators of the Act should sincerely ensure that the right of every Nigerian to shelter is assured, protected and preserved.

* 1. RECOMMENDATIONS:

In order that the problems imposed by the Land Use Act of 1978 on the rate of property development is solved, we recommend as follows:

1. There is need for statutory reshaping of the Act to promote people’s access to Land Rights, so as to improve access to land and guarantee effective property development.
2. Some stipulations of the Land Use Act need to be re-visited for a review so as to eliminate ambiguity of expression, resentment as well as rivalry and conflict of authority which causes serious obstruction to the implementation of theAct.
3. The Act should expressly provide for all the requirements – ownership, control, management, nature of use, and manner of distribution of land among thecitizens.
4. Direct State allocation is recommended such that the Act should guarantee access to developable land for those citizens deprived of theirs through the process of revocation of land for publicpurposes.
5. The management should deploy experienced and well-motivated staff which will provide a conducive environment for identification of weakness in the system of control. Such arrangement could also assist in reducing the incidence of frauds which is very prevalent in the ministry thesedays.
6. A holder of a certificate of occupancy should have exclusive possession against all persons including the governor and hisdelegates.
7. The procedure for land acquisition should be made less cumbersome, since this poses great problems to those who seek land for developmentpurposes.
8. Appropriate definite time frame should be fixed as the maximum for the processing, issuance and collection of certificate ofoccupancy.
9. There is need to maintain a stable government in order to enforce a well managed National DevelopmentPlan.
10. It should be made mandatory that such state government should provide annually specified number of serviced plots to be distributed equitably among the cross section of thecitizens.
11. Finally, the government should aim at providing adequate planning authority, monitoring and evaluation committee who will serve as a watchdog to the activities of the landoperators.

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