

THE REQUIREMENT OF GOVERNOR'S CONSENT IN THE ALIENATION OF INTEREST IN LAND UNDER THE LAND USE ACT: A CRITICAL REVIEW

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Abstract

This paper discussed the challenges in obtaining Governor's consent in order to validly alienate interest in a land that is subject to either Statutory or customary right of occupancy. The methodology of the paper is doctrinal in collecting and analysing data from primary and secondary sources. The finding of the paper is these challenges have made Governor's consent counter-productive as it has become a heavy obstacle to the actualization of a key goal of the Land Use Act, that is, easy access to land for farming, industrialization and other developmental needs. The recommendation of the paper is that the requirement of Governor's consent as a condition precedent for a valid alienation of interest in land should be expunged from the Act.

Keywords: Land Use Act 1978, Governor's consent, Alienation of interest in land, Challenges to obtaining Governor's consent

1. Introduction

Prior to the enactment of the Land Use Act 1978, a Nigerian owner of land within the Southern part of Nigeria could freely alienate his interest either by way of sale, lease, mortgage, grant of occupancy or usufructuary rights to any other Nigerian without the need to obtain consent from government or its agencies. In Northern Nigeria where the Land Use Tenure Law was applicable, holders of

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rights of occupancy were free to alienate them. However, consent was required by the Land Use Tenure Law to be obtained when the alienation or transaction involved an alien who included a Nigerian of Southern origin or by one alien to another.³ Going by this requirement of consent to alienate interest in land in Northern Nigeria, it seems that the colonial government sought to protect the then unsophisticated natives from the speculative tendencies of growing number of aliens in that part of the country.⁴ Apart from the consent requirement demanded by the Land Tenure Law of Northern Nigeria in alienating interest to an alien, every Nigerian was free to alienate his or her interest in land before the promulgation of Land Use Act on 29th day of March 1978. These disparate regimes on land regulations constituted great difficulties for the acquisition of land for government projects, housing, commercial farming, industrialization *et cetera*. Coming to streamline the regulations the Land Use Act (hereinafter referred to as LUA) nationalized the consent requirement in the sense that without the consent of the Governor⁵ or that of the relevant Local Government authorities⁶ first had and obtained, a person cannot validly alienate his interest in land. This came after the LUA has in section 1 taken away allodial or radical rights over land from people who used to have it and transferred same to the Governor in respect of land comprised in the territory of a State. This section states:

Subject to the provisions of this Act, all land comprised in the territory of each state in the Federation are hereby vested in the Governor of the State and such land shall be held in trust and administered for the use and common benefit of all Nigerians in accordance with the provisions of this Act⁷

By taking away the allodial rights in land and transferring same to the Governor all that a person or an institution could have under the LUA is a right of occupancy which lies fundamentally at the pleasure of the Governor. In this way control and management of land in the federation is entrusted to Governors. To

³ See Hon. Justice I. A Umezulike, *ABC Contemporary Land Law in Nigeria* (Revised and Large Edition) printed by Snaap Pres Nigeria Ltd. Snaap Drive, Independence Layout, Enugu, Enugu State at pg. 179.

⁴ *Ibid* at pg. 179

⁵ S. 22, Land Use Act 1978, Cap L5 LFN 2004 (Hereinafter referred to as LUA)

⁶ S. 21 *Ibid*.

⁷ S.1 *Ibid*.

further strengthen the control of Governors over land in their States the LUA imposed the requirement of the consent of the Governor before a person can validly alienate his Statutory right of occupancy and certain customary rights of occupancy.⁸ Section 26 of the LUA makes any purported alienation of interest in land null and void if the consent of the Governor was not first had and obtained. This section provides:

Any transaction or any instrument which purports to confer on or rest in any person interest or right over land other than in accordance with the provisions of this Act shall be null and void.

Experience has shown that the practice of the consent requirement poses great obstacles and challenges to citizens freely transacting in land for the purpose of meeting non-governmental development goals like housing, farming and industrialization. In the light of these challenges this paper critically reviewed the practice of the requirement of Governor's consent to assess its continued relevance. The research adopted the doctrinal methodology in sourcing and analysing data from primary and secondary sources. The finding of the paper is that the requirement of Governor's consent is more of a problem than a means for an effective control and management of land. For this it is recommended that the requirement should be expunged from the LUA.

2. Brief History of the Land Use Act

Prior to the promulgation of the Land Use Act in 1978, there were many challenges facing Government, commercial farmers and industrialists as regards acquisition of land. This could be seen in the publication of *Daily Times of Nigeria* on 11th day of November, 1976 with the headline entitled "Nigeria's Land Tenure System-worst Form of Capitalism". Similarly, on the 15th day of December, 1976, the *Daily Sketch's* concerned headline was 'Halt Rising Cost of Land'.

It is all these publications and other similar publications that led the Federal Military Government to set up the Land Use Panel in May 1977 to examine the land problems in the country. The findings of this panel led to the enactment of

⁸ S. 22 *Ibid.*

the Land Use Act in 1978.⁹ However, even before the move to set up the Land Use Panel in May, 1977 there was an FAO¹⁰ Report on 'Agricultural Development in Nigeria 1965 to 1980'¹¹ prepared at the request of the Federal Government of Nigeria. This report recognized the seriousness of the land situation for Nigeria's economic development. The report further identified the land tenure system in Nigeria as the most complex and delicate problem facing agricultural development. The two cardinal recommendation of the FAO Report are the following: (a) That a National Commission for Land Policy having representatives from all the states be established at an early date to advise Government on the promulgation of a land policy suitable for the need of Agricultural Development and also the details of implementation of the new policy. (b) That the legitimate aspirations of people who are short of land can only be satisfied by inter-regional co-operation in setting them up in areas which are under-populated¹²

The Government at that time appreciated that the existing land tenure system in Nigeria was a major obstacle to national development and expressed great concern over what it called 'a system where only the rich and powerful owned all the land which is a God-given national asset'¹³ According to Jegede, there was no doubt that before the promulgation of the Land Use Act the land tenure system was restrained with a number of difficulties and challenges which usually occasioned insecurity of title to land and posed a great impediment to its economic utilization.¹⁴

The LUA therefore became a revolutionary initiative in order to make land accessible to the entire citizenry of Nigeria thereby taking away allodial or radical ownership of land from individuals and institution and conferring same on the Governor of a State in trust for the common good of all citizens. This is enshrined in section 1 of the LUA. All that a person can have under the Act is a

⁹ See The address presented by Major-General Shehu Musa Yar' Adua as Chief of Staff, Supreme Headquarters on May 26th 1977 during the formal inauguration of the Land Use Act Panel in May 1977.

¹⁰ Acronym for 'The Food and Agriculture Organization', a specialized agency of the United Nations.

¹¹ FAO Report on Agricultural Development in Nigeria (1966).

¹² Ibid

¹³ See again the Address presented by Major-General Shehu Musa Yar' Adua as Chief of Staff, Supreme Headquarters on May 26th 1977 during the formal inauguration of the Land Use Act Panel in May 1977.

¹⁴ MI Jegede, "Land Use Decree- Six Years After" (Being a paper presented at the National Symposium of the Nigerian Institute of Estate Surveyors and Valuers on 22nd November, 1984).

right of occupancy. Buttressing the revolutionary nature of the LUA, Nwocha identified the main objectives of the Act as:

First, the Act was intended to curb land speculation, which accounted for the astronomical rise in land values especially in urban areas. It was believed then that once ownership of land was vested in the government, speculators would be forced out of business and government would then be able to stabilize the value of land. Second, the Act was intended to assist the citizenry irrespective of their social status to realize their ambitions or aspirations of owning the place where they and their families would live a secure and peaceful life. Third, investing ownership of land in government sought to remove the difficulty which government encountered in acquiring land for public purposes. Fourth, the Act intended to harmonize the tenure systems throughout the country especially in the southern part of the country which lacked a coordinated and formalized tenure arrangement as was the case in the North under the Land Tenure Law 1962.¹⁵

Summarily, the Act came to break away from the erstwhile allodial or radical ownership rights of persons over land and to transfer same to the Governor in trust for all Nigerians as beneficial owners.

3. Requirement of Governor's Consent for the Alienation of Interest in Land

Section 22 of the Land Use Act prohibits the alienation of interest in land without the consent of the Governor first had and obtained. This section states:

It shall not be lawful for the holder of a statutory right of occupancy granted by the Governor to alienate his right of occupancy or any part thereof by assignment, mortgage,

¹⁵ ME Nwocha "Impact of the Nigerian Land Use Act on Economic Development in the Country", <http://journals.univdanubius.ro/index.php/administratio/article/view/3976/3876#:~:text=The%20Nigerian%20Land%20Use%20Act%201978%20is%20the%20principal%20legislation,contemporary%20land%20tenure%20in%20Nigeria.&text=For%20these%20reasons%2C%20the%20law,common%20benefit%20of%20all%20Nigerians>

transfer of possession, sublease or otherwise howsoever without the consent of the Governor first had and obtained.

The consent of the Governor is required not only in the context of statutory right of occupancy but also in alienation of interest in certain customary rights of occupancy. Section 21(a) of the Act provides: "It shall not be lawful for any customary right of occupancy or any part thereof to be alienated by assignment, mortgage, transfer of possession, sublease or otherwise howsoever - without the consent of the Governor in cases where the property is to be sold by or under the order of any court under the provisions of the applicable Sheriffs and Civil Process Law". These provisions make illegal any alienation of a statutory right of occupancy or concerned customary right of occupancy or any part thereof without the consent of Governor first had and obtained. As such it makes Governor's consent a serious precedent requirement for the alienation of these interests in land. This seriousness is further confirmed by section 26 of the Act which makes any purported alienation without the consent null and void. This section provides:

Any transaction or any instrument which purports to confer on or vest in any person any interest or right over land other than in accordance with the provisions of this Act shall be null and void.

Judicial decisions have reinforced the indispensability of Governor's consent for the validity of any alienation of statutory right of occupancy in land in Nigeria. The landmark case is *Savannah Bank Ltd. & Anor v. Ammel Ajilo & Anor*¹⁶ where the plaintiffs had executed a Deed of Mortgage dated 5th September, 1980 in favour of the 1st defendant. Upon default by the plaintiffs the 1st defendant sought to sell the property involved by advertising the auction sale. The plaintiffs sued for declarations that the Deed of Mortgage was void and also that the Auction Note was also void. The grounds of the action were that: (1) The property involved was situated in an urban area in Lagos. (2) The property was already vested in the 2nd plaintiff before the Land Use Act of 1978 came into force. (3) By section 22 of the Act, the consent of the Governor of Lagos State ought to be first sought and obtained before the execution of the Deed of Mortgage and

¹⁶ (1989) 1 NWLR (Pt. 390) p.305. See also *Awojugbagbe Light Ind. Ltd. v Chinukwu* (1995) 4 NWLR (Pt. 390) P. 379.

also the Public Auction. (4) As no consent was sought as aforementioned, both the Deed of Mortgage and the Auction Notice were void. The contention of the defendants on the other hand was that the provision of section 22 of the Act did not apply to land being held before the coming into effect of the Land Use Act.

The plaintiffs succeeded in the High Court and the defendants appealed to the court of appeal where the appeal was dismissed. Being dissatisfied with the judgment, the defendant further appealed to the Supreme Court where he also lost the appeal in favour of the plaintiff.

At this juncture, one may wonder why the Act by virtue of sections 21(a), 22 and 26 is so serious with obtaining Governor's consent before alienation of interest in land. In other words, one may ask, what is the purpose and benefit of this Governor's consent in the alienation of interest in land? The requirement of the consent of the Governor comes to reinforce the trust power of the Governor over the land in his State.

Considering the core mischief which the Act came to address, that is, the difficulty in obtaining land for governmental development, commercial farming activities and industrialization, it becomes questionable whether the requirement of Governor's consent is an effective mechanism that advances or frustrates these objectives of the Act.

3. Problems with the Requirement of Governor's Consent

The most valuable aspect of land is the market value it possesses. It can be sold and bought. In this way it becomes an accessible ingredient for development. A person who has land but no money can alienate his interest in land in order to raise funds for developmental purposes. Conversely, a person who has money but no land can buy land for developmental purposes. Development is easier if its factors and elements such as land are easily accessible. The requirement of Governor's consent has turned to be a huge obstruction to the ease of access to land and consequently, it has become a hindrance to land for farming, housing and other non-governmental development. It does not however hinder government access to land because the Governor is already the legal owner of all land in the State and according has the powers under the Act to revoke existing rights of occupancy in order to advance overriding public interests.¹⁷ The

¹⁷ S. 28 LUA.

following are ways in which the consent requirement frustrates the objectives of the Act.

3.1 Subjecting Governor's Consent to Political Considerations

It has been observed that people who intend to transact on land are refused consent simply on political grounds. Underscoring this unfortunate development, Umezulike wrote:

There have however been questions relating to the refusal of consent to transactions in land involving the perceived opponents of the Governor and Local Government functionaries. There have been delays in granting consents to parties involved in transaction in land, and the unjustifiable very high consent fees being charged in some states. These are however, matters relating to the implementation of the Act rather than the substance.¹⁸

Given that a Governor or Local Government functionaries occupy political offices, their opponents imply, in the least, their political opponents. In other words, Governors and Local Government functionaries refuse consent to their perceived political opponents who wish to alienate their interests in land. As stated earlier this paper focuses on the requirement of Governor's consent.

Other challenges to the practice of the requirement of Governor consent identified by Umezulike are delays in granting consents and very high consent fees being charged. By considering these challenges to be matters relating to the implementation of the Act rather than to the substance of the Act Umezulike appears to indicate that these problems do not substantially affect the Act. It is humbly submitted that these challenges substantially affect the Act because an Act is effective only if its enforcement process is without problems.

Subjecting consent for the alienation of interest in land to political considerations on the part of the Governor is a breach of the trust ultimately given to the Governor over all the land comprised in the State under section 1 of the LUA. Under the trust, the Governor is only the legal owner of all the land in the

¹⁸ Umezulike I.A op. cit at p.185-186.

territory of the State, with the exception of the land belonging to the Federal Government, but not *the* beneficial owner. The beneficial owners are all Nigerians for whose common benefit the Governor is to administer the land in the State. It is not arguable that, as a Nigerian citizen, the Governor is *a* beneficial owner but not *the* beneficial owner. The import of this is that in the administration of land in the State, he should be guided by common interest of all and not his personal interest. Any refusal of his consent must be for common interest.

The Act does not specify the conditions under which consent for the alienation of interest in land can be refused an applicant. All that it says is that it must be *had and obtained* before alienation can be validly done. Given that the precedent requirement of consent is a mechanism imposed by the Act in order for the land in the State to be administered pursuant to the objectives of the Act, it reasonably follows that consent can be refused if the Governor sees that a particular alienation would go against overriding public interest or against the objectives of the Act. Alienation would go against overriding public interest if it purports to sell a land whose right of occupancy has been validly revoked in favour of, for example, construction a road or a public institution. On the other, alienation would be contrary to the objective of the Act if, for instances, it tries to convey to a purchaser and allodial right over the land. Denying someone consent simply because he is a political opponent of the governor indicates that the refusal of the consent was not because the alienation concerned was against an overriding public interest or against an objective of the Act.

Consequently, refusing a political opponent consent simply because he is such a person is a breach of trust on the part of the Governor and this goes against the overall objective of the Act which is to make land easily accessible to the citizenry. In the end, the consent requirement becomes counter-productive.

3.2 Governor's Consent Subjected to Undue Delays

Undue delay in public administration in Nigeria is a matter that is not identified only in land administration. It is present in other spheres of public administration in Nigeria. Agbonika and Musa wrote an article titled: "Delay in the Administration of Criminal Justice in Nigeria: Issues from a Nigerian Viewpoint"¹⁹ and Justice David G. Mann of the High Court of Plateau State gave

¹⁹ <https://core.ac.uk/download/pdf/234649906.pdf>

a paper captioned: "Curbing Delays in the Administration of Justice: Case Management in the Magistrate Courts".²⁰ Time is critical in land transactions for many reasons. Undue delay in getting the consent can make a prospective alienee change his mind on the alienation with the result that the alienor would lose the opportunity of raising funds for development. Again, undue delays could force a prospective alienee to divert his money to an unforeseen circumstance that could arise. Undue delay in land administration in Nigeria is not quick on the exit route because factors responsible for it are not abating. One factor is deviation from personnel regulation in the recruitment of public workers. Whereas positions are supposed to be filled on the basis of merit, the reality in Nigeria according to Azu is that "political, family, ethnic and religious factors are relevant considerations in achieving bureaucratic appointments and promotion."²¹ Other factors include human resource inadequacy, poor remuneration, bureaucratic corruption, institutionalized corruption, lack of executive capacity, high cost of administration and poor funding.²² Since these factors of undue delay in the public service of the country are not going away any soon, it follows that undue delay in securing Governor's consent would persist, thereby frustrating the objectives of the LUA.

3.3 High Consent Fees for Granting Governor's Consent

It is unarguable that fees are charged for government services. However, when they are very high they impede easy access to land because they frustrate persons who would otherwise have liked to alienate their interests in land in order to raise fund for some other developmental purposes. What amounts to high fees for Governor's consent is not common in all places. It varies depending on the income level in a place. What may be a high consent fee in a State with low per capita income many not be so in a State like Lagos with a higher per capita income. In the end the idea of high consent fee for the alienation of interest in land becomes a relative issue. Be that as it may, the fact of high fees being charged for Governor's consent whether for States of low per capita income or States of high per capita income militates against the ease of access to land for developmental purposes. Umezulike, as seen above, underscored this fact when

²⁰ https://nji.gov.ng/images/Workshop_Papers/2017/Orientation_Newly_Appointed_Magistrates/s2.pdf,

²¹ VN Azu, "Public Administration and Policy Implementation in Nigeria", <https://iiardpub.org/get/IJEBM/VOL.%202%20NO.%201%202016/PUBLIC%20ADMINISTRATION%20AND%20POLICY.pdf>,

²² Ibid.

he associated delays in transaction in land, to very high consent fees being charged in some States.²³ Confirming the fact that Governor's consent has been tied to high fees in some States Kasunmu remarked that turning the consent requirement of the Act into 'a money making venture' is a pervasion of the provisions of the Act and would amount to fees in the nature of tax which would be *ultra-vires* the state government.²⁴ This again militates against the objective of the LUA.

3.4 Possibility of Subjecting Governor's Consent to Religious Profiling

The requirement of Governor's consent is susceptible to being an instrument of religious persecution against non-Muslims and particularly against Christians in Northern Nigeria. This is particularly so in States with Muslim predominance, which States can better be configured with the twelve States that have adopted full Sharia jurisprudence.²⁵ The full introduction of Shariah which is contrary to the letter²⁶ and spirit²⁷ of the 1999 Constitution of Nigeria (as amended) has heightened the persecution of Christians in those States with them being treated as second-class citizens. The full introduction of Sharia jurisprudence occurred in the present democratic dispensation from 1999. Enwerem gives an account of how prior to the return to the present dispensation of democracy in 1999 the Military actively persecuted Christians in the North.²⁸ He reported of discriminatory restrictions which the military government placed on Christian evangelism without placing similar restrictions of Islam. Buttressing this point he cited the complaint of the leadership of CAN (Christian Association of Nigeria) Northern Zone which reads:

Our schools and colleges have been taken over by government and yet we see schools and colleges established under the umbrella of another religion [that is, Islam] being

²³ Umezulike I.A op. cit at p.185-186.

²⁴ A.B Kasunmu, "The Question of Consent to Alienate Effect on Development." Report of National Workshop on Land Use Act (1982) p. 100

²⁵ The 12 States that have adopted full Sharia jurisprudence are Zamfara, Kano, Sokoto, Katsina, Bauchi, Borno Jigawa, Kebbi, Yobe, Kaduna, Niger and Gombe.

²⁶ S. 38, 1999 Constitution of the Federal Republic of Nigeria (as amended) (Hereinafter referred to as 1999 CFRN)

²⁷ See Ss. 10, 15 & 42, 1999 CFRN

²⁸ IM Enwerem, "The Politicization of Christianity in Nigeria", <https://books.openedition.org/ifra/417?lang=en>

sponsored and entirely financed and administered by government; we have been denied access to the use of the electronic media in certain parts of the country and yet another religion has the monopoly of rendering a near-24-hours religious broadcast in the same areas; some States have deliberately refused to accept and recognize the growing population of Christians in the States, thus depriving the Christians not only of their rights, but also questioning their claim to being indigenes of such states as claim to be religiously homogeneous.²⁹

This bad situation has not improved under the present Nigerian democracy, it has rather become worse. ADF (Alliance Defending Freedom) International in 2016 gave a report which it titled: "The Persecution of Christians in Nigeria".³⁰ In this report, it identified the sources of religious persecution to be (i) Islamic Extremism, (ii) Northern Muslim Political and Religious Elite, and (iii) Political Violence and State Oppression.³¹ On political violence and State oppression the report stated *inter alia*, "Systematic violence by politicians, political elites, corruption, epidemic violence, weak state institutions, bad governance, and competition for political power have contributed to the persecution of Christians in Nigeria."³² With the pervasive culture of persecution of Christians in these Northern States, the requirement of consent for the alienation of interest in land becomes a ready tool to be exploited for religious profiling of the alienor and the alienee before consent can be given. Governors form part of the Northern Muslim political elite that drive the persecution against Christians. Under this circumstance the exploitation of the consent requirement would operate to defeat the objective of the LUA as it would no longer be an instrument for the advancement of the objectives of the LUA but rather an instrument that undermines them.

²⁹ *Ibid.*

³⁰ ADF International, "The Persecution of Christians in Nigeria", https://adflegal.blob.core.windows.net/international-content/docs/default-source/default-document-library/resources/campaign-resources/europe/bringbackourgirls/nigeria-memo_11-april-2016.pdf

³¹ *Ibid.*

³² *Ibid.*

4. Conclusion: Governor's Consent should not be a Necessity for Alienation of Interest in Land

With Governor's consent subjected to political considerations, undue delays, high consent fees and religious considerations it ceases to be an instrument of effective administration of land for the benefit of all Nigerians. From the perspective of subjecting it to political and religious considerations it becomes an instrument of political and religious persecution contrary to the purpose of the Act. It constitutes a big problem to people having easy access to land in order to actualize their dream of having a place they can call home or develop farming or improve the industrialization of the country.

Since the Act has taken away allodial rights of ownership from individuals and institutions and conferred same in trust to the Governor for the good of all Nigerians, any person who has a right of occupancy should be able to alienate his interest without being subjected to the horrendous process of securing the consent of the Governor. With the above seen hurdles on the way to the Governor consent, alienation of interest in land becomes so difficult. Governor's consent becomes counter-productive as it makes access to land rather difficult. The consent constitutes Governors new lords who decide whether or not a person can have access to land. This is not the situation the LUA set out *ab initio* to create. The practice of Governor's consent, therefore, has perverted and corrupted the LUA. Consequently, it should be expunged from the Act.

5. Recommendations

Land administration should be made easier in Nigeria by expunging the requirement of Governor's consent before land can be validly alienated. In doing this Nigeria should be borrowing a leaf from countries like Canada and United States of America where such consent is not required before citizens can alienate their interest in land. In Canada, the Land Titles Act, R.S.O. 1990, chapter. L.5 of Ontario provides thus in section 86(1): "A registered owner may transfer land or any part of land in the manner specified by the Director."³³ Going further in section 86 (2) the Act provides that "The transfer shall be completed by the land registrar entering on the register the transferee as owner of the land transferred, and the transferor shall be deemed to remain owner of the land until the

³³ Land Titles Act, R.S.O 1990, chapter L.5 as amended in the year 2020.
<https://www.ontario.ca/laws/statute/90l05>

registration of the transfer has been completed in accordance with this Act." In effect, under the Ontario law all that is required on alienation of interest in land is registration of the interest by the transferee or alienee. No consent is required by the transferor or alienor before an alienation can be validly made.

In the United States of America, the 2019 New Jersey revised Statutes (Title 46 Property) provides in section Section 46:3-5:

"From and after March Eighteenth, One Thousand Seven Hundred and Ninety-Five, any freeholder may give, sell or alien the real estate whereof he is, or at anytime shall be, seized in fee simple, or any part thereof, at his pleasure; and such donee, purchaser or alienee shall hold the same free of any tenure or service to the donor, seller or alienor.³⁴

The idea of freehold interest in land is a much deeper concept in land ownership when compared to the concept of right of occupancy under the Nigerian Land Use Act. Freehold interest in land implies that the ownership is not limited to a number of years or tied to payment of ground rent. Statutory right of occupancy under the Land Use Act is tied to the payment of ground rent.³⁵ The relevance of this provision to this paper is that an owner of land in New Jersey can alienate his interest without needing the consent of government. Therefore, sections 21, 22, and 26 of the Land Use Act should be expunged for easy transaction or alienation of interest in land.

³⁴ Nj Rev. Stat S46: 3-5 (2019), [https:// law.justia.com/codes/new-jersey/2019/title-46/section 46. 3-5/](https://law.justia.com/codes/new-jersey/2019/title-46/section-46-3-5/).<https://law.justia.com/codes/new-jersey/2019/title-46/>

³⁵ S.10(b) LUA