



NGOCC Reflections on the Proposed Amendment of the Lands and Deeds Act of 1994, Cap 185

1. Introduction

In Zambia, many women still have limited access to land ownership, and the struggle for gender equality is closely tied to the fight for land rights. Although the National Land Policy is gender-sensitive and allocates 50% of land rights to women, the implementation of this policy has faced numerous challenges. Many pledges made by custodians of land are not followed, which creates barriers for women in accessing and controlling land, thus perpetuating cycles of discrimination and economic vulnerability.

For instance, between 2000 and 2019, only 13 percent of land title deeds were issued to women. This lack of legal ownership exposes women to land grabbing and can lead to violent disputes, further exacerbating their exclusion, especially following the death of a spouse or father, or after a relationship breakdown. This experience is agonising for women, as aggrieved parties may use their power to seize land from them.

The Vision 2030 serves as Zambia's guide to the nation's development efforts, including the development of policies, and to ensure access to all land for both women and men. Through this national vision, the country seeks a land sector where both women and men have fair access and control over land for social and economic development by 2030.

Further, the legal and policy framework on land in Zambia is guided by, but not limited to, the following:

- i. The Lands Act No 20 of 1996, Cap 184
- ii. Lands and Deeds Act of 1994, Cap 185
- iii. The Administrative Circular of 1985
- iv. Statutory Instrument No.7 of 1964 and Gazette Notice No.1345 of 1975
- v. National Land Policy
- vi. The Vision 2030 section 2.

This analysis, however, will focus on the Lands and Deeds Act of 1994, Cap 185, and the proposed amendment of this Act through the Lands and Deeds Registry (Amendment) Bill, 2025. This brief will be undertaken from a gender perspective, specifically considering how the proposed Bill will affect women of Zambia.

2. Proposed Amendment of the Lands and Deeds Act of 1994, Cap 185

- a) Lands and Deeds Act of 1994, Cap 185, aims “to provide for the registration of documents; to provide for the issue of Provisional Certificates of Title and Certificates of Title; to provide for the transfer and transmission of registered land; and to provide for matters incidental to or connected with the foregoing.”¹
- b) The object of the Lands and Deeds Registry (Amendment) Bill, 2025, “is to amend the Lands and Deeds Registry Act so as to— (a) grant the Chief Registrar the power to cancel a Certificate of Title; and (b) provide for matters connected with, or incidental to the foregoing.”
- c) Section 57 of the Lands and Deeds Act of 1994, Cap 185, provides for the issuance of a Certificate on sale for non-payment of rates. It specifically states:

“Where a transfer has been lodged for registration without production of the outstanding Provisional Certificate or Certificate of Title, the Registrar may, if he is satisfied that such outstanding Certificate cannot be got in and cancelled, register the transfer and issue a new Certificate in the name of the purchaser without such cancellation.”

The Bill proposes to insert a provision to empower the Chief Registrar to cancel a certificate of Title if the certificate was issued against any written law, in error, or obtained through misrepresentation or concealment of a material fact. The specific proposal is as follows:

“The Bill proposes to amend the Lands and Deeds Act of 1994, Cap 185, by inserting the following new section immediately after section 57: 57A. (1) Despite sections 33 and 34, the Chief Registrar may, on application by an interested person, cancel a Certificate of Title if the Certificate of Title was— (a) issued in contravention of this Act or any other written law; (b) issued in error; or (c) obtained through fraud, misrepresentation or concealment of a material fact.”

(2) An application referred to under subsection (1) shall be in writing.

(3) The Chief Registrar shall, within ninety days of receipt of an application referred to under subsection (1) (a) notify the holder of the Certificate of Title of the application received under subsection (1); and

“Insertion of section 57a Cancellation of Certificate of Title NAB 13, 2025 4 No. of 2025] Lands and Deeds Registry (Amendment) (b) require the holder of the Certificate of Title to respond to the application and show cause, within thirty days of receipt of the notice, why the Certificate of Title should not be cancelled.

(4) The Chief Registrar shall cancel the Certificate of Title if the holder of the Certificate of Title, having been notified in accordance with subsection (3), fails to respond to the application within the period specified in subsection (3)(b).

(5) The Chief Registrar shall, where the holder of the Certificate of Title responds to the application in accordance with subsection (3), within sixty days of receipt of the response (a) consider the response received; and (b) approve or reject the application for cancellation of the Certificate of Title.

¹ Lands and Deeds Act of 1994 Cap 185

(6) The Chief Registrar shall, where the Chief Registrar rejects an application for cancellation of the Certificate of Title in accordance with subsection (5), notify all interested persons within thirty days of the decision, in writing, stating the reason for the rejection.

(7) The Chief Registrar shall approve the application for the cancellation of a Certificate of Title in accordance with subsection (5) and cancel the Certificate of Title where the holder of the Certificate of Title fails to show cause to the satisfaction of the Chief Registrar why the Certificate of Title should not be cancelled and notify all interested persons within seven days of the cancellation of the Certificate of Title, in writing, stating the reasons for the cancellation of the Certificate of Title.

(8) A person aggrieved with a decision of the Chief Registrar under subsection (5) may, within fourteen days of receipt of the decision, appeal to the Minister.

3. NGOCC Reflections on Granting the Chief Registrar the Power to Cancel a Certificate of Title.

Below are NGOCC's reflections on the proposed Bill No.13.

1. Any system established to resolve land disputes should consider the needs of women and children affected by these situations. While amendments to the Bill may aim to streamline bureaucracy and expedite conflict resolution, they can also be exploited by those with power and resources. This has the potential to empower authorities to take land from vulnerable groups, especially widows and children, through corrupt practices.
2. The processes for resolving land disputes tend to be lengthy, and the quickest way to address these issues for marginalised groups, such as women and children, could be the establishment of tribunals within Local Authorities and the Ministry of Lands. This approach is crucial for ensuring equal land rights and fostering the prosperity and harmony of entire communities.
3. The Tribunal way should be the starting point for resolving conflicts rather than one person or going to the Courts of law, which could be expensive and lengthy in securing the land tenure for women and youth. This will not concentrate power in one individual but rather be managed by a Tribunal. This would make it easier and more affordable for women and other vulnerable groups to access justice.
4. Any amendments should aim to strengthen families, facilitate development for all, and bring about transformative change for everyone.
5. Women are already grappling with low access to and control over land. This amendment will exacerbate this already sad situation by making it easy to cancel a land title. The government should channel its efforts into land reforms to make it more accessible for women to own and control in their own right.

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