**NAME: EDOH PRECIOUS EHI  
MATRIC NUMBER: 16/LAW01/065  
COURSE TITTLE: LAND LAW  
COURSE CODE: LPB 402  
DATE: 21ST APRIL, 2020.**

**QUESTION:**

**INSTRUCTIONS:**

READ THROUGH THE COURSE MATERIAL ON CUSTOMARY LAND TENURE SYSTEM AS PREPARED BY PROF E.A TAIWO (FIND BELOW)**QUESTION:** PREPARE A BRIEF PAPER (NOT MORE THAN 3 PAGES, 12PT, TIMES NEW ROMAN, 1.5 LINE SPACING) ON THE CUSTOMARY LAND TENURE SYSTEM AS PRACTISED IN YOUR LOCALITY (STATE THE LOCALITY, STATE, LOCAL GOVERNMENT OR COMMUNITY YOU ARE WRITING ABOUT). THIS SHOULD **BRIEFLY** COVER THE CREATION, OWNERSHIP, MANAGEMENT AND DETERMINATION OF FAMILY OR COMMUNAL LAND IN YOUR LOCALITY. NOTE THAT THE EXAMINER EXPECTS YOU TO WRITE BASED ON YOUR RESEARCH OR KNOWLEDGE ACQUIRED WITH RESPECT TO CUSTOMARY LAND TENURE IN YOUR LOCALITY.

**ANSWER:**

The question above is in regards to the customary land tenure system. Land tenure is the system of landholding in a given society.[[1]](#footnote-1) Customary law is 'living law' of the community concerned and current practice is more important to the legal status of an alleged rule than its historical pedigree.[[2]](#footnote-2) In our context here, customary land tenure system refers to the system of land holding governed by the customary law. It should be noted that since 1978, the Nigerian customary land tenure has been modified to a large extent, by the provisions of the Land Use Act, 1978. The Act provides for a new uniform land tenure system in Nigeria. In *Otunba Hakeem Sobande v Barrister Andy Igbowkwe*,[[3]](#footnote-3) the Supreme Court held that the object of the Land Use Act is not intended to destroy incidence of customary law, but it modified its application.  
How do you go about owning a land in Lagos State? In **Lagos**, there are various land tenure systems that vary from the villages, towns or cities. The idea behind **land tenure system in Lagos** is to regulate land ownership behaviours in the country. There are various forms of land tenure systems in Lagos ranging from communal ownership, inheritance tenure system, leasehold tenure system, rent tenure system, gift tenure system, freehold tenure system and tenant at government will.

We will talk about the following:

* Communal land tenure system
* Inheritance tenure system
* Leasehold tenure system
* Gift tenure system
* Rent tenure system
* Freehold tenure system
* Tenants at government will

1. **Communal Land Tenure System: Communal land tenure system** promotes the community as the governing power of the land**.** The head of the community decides the basis for land sharing or ownership.  This system encourages large scale farming but cannot be used as collateral for a loan.
2. **Inheritance Tenure System:** In **inheritance tenure system**, land ownership is transferred at the death of the main owner to the next of kin. This system provides for children yet unborn but sometimes land allocation may lead to conflicts among beneficiaries and other family members.
3. **Leasehold Tenure System: Leasehold tenure system** is an ownership of a temporary right to hold land in which a tenant holds rights to the land by some form of title from a landlord. This system allows for permanent crop cultivation depending on the lease period but it cannot serve as security for loans.
4. **Gift Tenure System: Gift tenure system** of land ownership in which rights to a piece of land is voluntarily given out by the owner to another person.  It can be used to source for a loan from financial institutions by the new owner although the land ownership can be revoked by a court order.
5. **Rent Tenure System:** In **rent tenure system** a tenant pays some amount for the period of using the land to a stated landlord. The period of rent is relatively very short compared to leasehold systems. Although this system discourages long-term plan on the part of the tenant.
6. **Freehold Tenure System:** In **freehold tenure system**, a person pays a certain sum of money for the right of ownership of a piece of land. Under this system, land can be used as collateral for the loan but the purchase of these lands under this system is expensive.
7. **Tenants at Government Will: Tenants at government will** system is whereby land is given out to farmers by the **Federal Government of Nigeria**. The land is cheap to acquire although the land cannot be used as collateral for the loan.

1. *THE NIGERIAN LAND LAW BY ADEWOLE TAIWO* [↑](#footnote-ref-1)
2. www.sciencedirect.com [↑](#footnote-ref-2)
3. (2016) 11 NWLR (pt 1523) 335 at 355. [↑](#footnote-ref-3)