

STATUTORY INSTRUMENT

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THE NATIONAL LAND COMMISSION ACT, 2022.
(Act No. 19 OF 2022)

THE NATIONAL LAND COMMISSION (PARA-
SURVEYORS AND PARALEGALS) OPERATIONAL
REGULATIONS, 2023

Short title

In exercise of the powers conferred upon the Commission under section 90, the Commission after consultation with the Minister, hereby make the following Regulations -

PART I—PRELIMINARY

1. In these Regulations unless the context otherwise requires- ^{Interpretation.}

"Act" means the National Land Commission Act, 2022 (Act No. 19 of 2022);

"Director of Surveys" means the Head of the Surveys and Lands Department of the ministry responsible for lands and any duly appointed officer acting on his behalf;

"District Land Commission" means the District Land Commission established under section 35 of the National Land Commission Act, 2022;

"District Land Officer" means the officer referred to in paragraph (a) of subsection (1) of section 33 of the National Land Commission Act, 2022.

"District Surveyor" means the head of the survey department of the ministry responsible for lands in a district;

"Paralegal" means a person who has completed basic training and acquired key competencies and qualifications in advising clients on the registration of property rights and supporting them in preparation of legal documentation required for land registration, and is authorised by the Commission to work as a paralegal for land registration purposes;

"Para-surveyor" means a person qualified by education, training, or work experience to perform cadastral surveying work that requires knowledge of surveying concepts, mapping techniques and demarcation tools and authorised by the Commission to undertake work as a para-surveyor;

"Tertiary Education Commission" means the Commission established by the Tertiary Education Commission Act, 2001.

Application. 2. These Regulations shall apply to para-surveyors or paralegals authorised to assist communities in the provinces to register their land under customary tenure.

PART II—CUSTOMARY LAND TITLE REGISTRATION:
OPERATIONAL STANDARD FOR PARA-SURVEYORS.

Requirements for accreditation application to operate as para-surveyor.

3. A person applying for accreditation to operate as a para-surveyor shall -

- (a) have completed Senior Secondary School;
- (b) have completed training in the following areas-
 - (i) fundamentals of surveying and instrumentation;
 - (ii) introduction to cartography;
 - (iii) land dispute and conflict management;

- (iv) land law, land policy and gender;
- (v) introduction to Information and Communication Technologies;
- (c) have passed a practical examination organised by the training institution and overseen by a representative of the Director of Surveys; and
- (d) speak the dominant local language of the district in which he intends to operate.

4. A person recruited by a government ministry, department, or agency as a para-surveyor for the purpose of undertaking mass title registration in the provinces shall meet the minimum requirements and complete training in the areas specified in Regulation 3.

Requirements for recruiting government para-surveyor.

5. (1) Training for para-surveyors may be conducted by -

Training for para-surveyors.

- (a) the School of Survey;
- (b) an accredited educational institution;
- (c) a non-governmental organisation; or
- (d) a government ministry, department, or agency,

in accordance with the curriculum approved by the Tertiary Education Commission.

(2) The Director of Surveys shall -

- (a) provide to the Tertiary Education Commission with the parameters for developing a standardised curriculum for para-surveyor training, including continuous training, as well as technical assistance to approve para-surveyor training programmes;

- (b) set additional requirements to become a para-surveyor.

(3) On completion of the para-surveyor training, a successful candidate shall be issued a certificate by the training institution.

Application
for
accreditation
as
government
para-surveyor.

6. (1) An application for accreditation as a government para-surveyor shall be made in writing to the District Land Commission in the district where the para-surveyor intends to work.

(2) An application under sub-regulation (1), shall be addressed to the District Land Officer and shall include the applicant's

- (a) certificate as evidence of successful completion of his training;
- (b) telephone number and email address, stated in the application.

(3) The District Land Officer shall, on receipt of an application for accreditation, communicate an acknowledgment of receipt to the applicant by email or text message within 48 hours.

Award or
refusal of
accreditation.

7. (1) A decision to award or refuse accreditation shall be made by the District Land Officer after consultation with other unit heads of the District Land Commission and shall be communicated to the applicant within 7 days of receipt of application.

(2) Where accreditation is granted, the name of the para-surveyor shall be entered into a publicly accessible register of para-surveyors to be maintained at the offices of the District Land Commission with a unique identifier.

(3) The District Land Commission shall forward, once every quarter, a list of all accredited para-surveyors to the Commissioner-General of the National Land Commission.

(4) Where accreditation is denied, the applicant may appeal to the Commissioner-General of the National Land Commission within 5 days of receipt of the decision.

(5) The Commissioner-General may confirm or overturn the decision of the District Land Commission and shall communicate his decision within 7 days of receipt of the appeal.

(6) Where the Commissioner General overturns the decision of the District Land Commission, the appellant shall be granted accreditation by the District Land Commission and his name shall be included in the register of para-surveyors in the district.

8. (1) A person applying for accreditation shall pay a fee to be determined by the District Land Commission. Accreditation fee.

(2) A government ministry, department or agency recruiting para-surveyors for the purpose of undertaking mass title registration shall be responsible for the payment of the accreditation fee to the District Land Commission.

(3) A government ministry, department or agency undertaking mass title registration may apply for and obtain an exemption from the District Land Commission and where such exemption is granted, the District Land Commission shall waive payment of the accreditation fee.

Duration of accreditation.

9. (1) Accreditation shall be for a period of 2 years and shall be renewed at the expiration of the period granted, subject to satisfactory performance.

(2) Renewal of accreditation shall be automatic in the absence of performance issues, with evidence of continuous training, and on payment of the prescribed fee.

Para-surveyors' field work.

10. (1) A para-surveyor's work in the field shall include -

- (a) collection of data points or land coordinates using approved devices and methodologies;
- (b) delineate land with community members and identifying areas along the boundary for establishing markers;
- (c) work with paralegals and community stakeholders to address boundary disputes;
- (d) prepare a basic survey plan;
- (e) any other work that the Director of Surveys may deem appropriate.

(2) A para-surveyor shall not work in a district for which he has not been accredited.

(3) A para-surveyor accredited to work in one district may apply, in accordance with these Regulations, for accreditation in another district.

(4) A para-surveyor shall only work on land governed by customary law.

(5) A para-surveyor may charge a fee for his work guided by a fee schedule set out in the Survey Act or Survey Rules.

(6) Additional rules governing the work, conduct and disciplining of para-surveyors may be set out in the Survey Act or Survey Rules.

11. (1) A survey plan produced by a para-surveyor shall include the para-surveyor's name, unique accreditation number, his signature and the date the survey plan was drawn. Para-surveyors' survey plan.

(2) A survey plan produced by a para-surveyor shall be submitted to a District Surveyor for approval.

(3) The District Surveyor shall approve or reject the survey plan within 7 working days of receipt of the plan.

(4) Where a survey plan is approved, the survey plan and any other required documentation may then be submitted to the District Land Commission for registration.

(5) Where a survey plan is rejected, the District Surveyor shall proffer reasons for the rejection and the survey plan may be resubmitted after the reason for its rejection has been addressed by the para-surveyor.

(6) The Director of Surveys shall develop additional standard operating procedures for the efficient processing of survey plans submitted by para-surveyors to District Surveyors.

Offence.

12. (1) A person without accreditation to operate as a para-surveyor under these Regulations shall not -

(a) holds himself out as a para-surveyor;

(b) charge or collect money for the purpose of undertaking the work of a para-surveyor,

(2) A person who contravenes sub-regulation (1), commits an offence and on conviction is liable to a fine not exceeding 50,000.00 Leones or imprisonment for a term not exceeding 24 months or to both such fine and imprisonment.

Register of
accredited
para-
surveyors.

13. The District Land Commission shall maintain a register of accredited para-surveyors in the district containing their names, addresses, accreditation number, accreditation duration and any other relevant detail the District Land Commission shall deem necessary.

PART III-CUSTOMARY LAND TITLE REGISTRATION:
OPERATIONAL STANDARD FOR PARALEGALS

14. (1) A non-governmental organisation or a civil society organisation accredited to provide paralegal services under Legal Aid, Act, 2012 may apply to the District Land Commission for accreditation of its paralegals to work with or support communities or families seeking to register title to land under customary tenure.

Application
for
accreditation
under Legal
Aid
Act, 2012

(2) An application for accreditation under sub-regulation (1), shall be -

- (a) made in writing to the District Land Commission in the district where the organisation's paralegals will operate;
- (b) addressed to the District Land Officer and shall include evidence of Legal Aid Board accreditation and contact details for the organisation;
- (c) contain the names, addresses, emails, and telephone contacts of the paralegals;
- (d) a statement confirming that the paralegals speak at least one of the common local languages in the district;

- (e) a statement confirming that the paralegals are knowledgeable in the Customary Land Rights Act 2022, the National Land Commission Act 2022 and any other relevant laws or regulations.

(3) The District Land Officer shall, on receipt of an application for accreditation under sub-regulation (2), communicate an acknowledgment of receipt to the applicant by email or text message within 48 hours.

(4) A decision to award or refuse accreditation shall be made by the District Land Officer after consultation with other unit heads of the District Land Commission and shall be communicated to the applicant within 7 days of receipt of application.

(5) Where accreditation is granted, the name of the organisation and its paralegals shall be entered into a publicly accessible register of paralegals to be maintained at the offices of the District Land Commission.

(6) The District Land Commission shall forward, once every quarter, a list of all accredited paralegals to the Commissioner-General of the National Land Commission.

(7) Where accreditation is denied, the applicant may appeal to the Commissioner-General of the National Land Commission within 5 days of receipt of the decision.

(8) The Commissioner-General may confirm or overturn the decision of the District Land Commission and shall communicate his decision within 7 days of receipt of the appeal.

(9) Where the Commissioner General overturns the decision of the District Land Commission, the appellant shall be granted accreditation by the District Land Commission and the name of the organisation and its paralegals shall be included in the register of accredited paralegals in the district.

(10) The National Land Commission secretariat shall, in a district where a District Land Commission is not established, -

- (a) perform the functions of the District Land Commission in relation to the accreditation of para-surveyors and paralegals and related functions, until such time that a District Land Commission is established; or
- (b) direct an established District Land Commission in the region to perform the functions of the District Land Commission in relation to the accreditation of para-surveyors and paralegals and related functions, for the time being.

15. (1) Accreditation of a non-governmental organisation or a civil society organisation shall be for a period of 2 years and shall be renewed at the expiration of the period granted subject to satisfactory performance. ^{Duration of accreditation.}

(2) Renewal shall be automatic in the absence of performance issues, on payment of the prescribed fee.

Paralegal's
field work.

16. (1) A paralegal's work in the field shall include -

- (a) education of communities on the process of title registration with the District Land Commission;
- (b) facilitating the signing of boundary harmonisation agreements;
- (c) facilitating the development of community rules to govern land;
- (d) assist in the establishment of Village Area Land Committees, Town Land Committees and Chieftdom Land Committees;
- (e) supporting land (boundary) dispute resolution processes;
- (f) accompanying communities through the process of title registration and documenting the experience;
- (g) any other matters relating to the registration of customary title arising from the Customary Land Rights Act, 2022, the National Land Commission Act, 2022 and any other relevant laws or regulations.

(2) An accredited organisation and its paralegals shall in accordance with the Legal Aid Act, 2012 provide *pro bono* assistance to communities or families registering title to their land.

(3) A paralegal organisation shall not provide assistance to communities or families registering title to their customary land without accreditation by the District Land Commission.

17. An organisation applying for accreditation shall pay a fee to be determined by the District Land Commission. Accreditation fee.

18. The District Land Commission shall maintain a register of accredited paralegals and paralegal organisations assisting communities and families to register their land, containing their names, addresses, accreditation number, accreditation duration and any other relevant detail the District Land Commission shall deem necessary. Register of accredited paralegals.

PART IV - INFRINGEMENTS AND PENALTIES

19. (1) A person shall not infringe these Regulations. Infringement and penalties.

(2) An infringement of any of these regulations herein may result in -

- (a) non-accreditation of an applicant;
- (b) suspension or cancellation of accreditation;
- (c) imposition of a fine;
- (d) any other censure that the National Land Commission deems just.

(3) A person who is aggrieved by a decision or action of the National Land Commission may institute legal proceedings in a court competent.

MADE this day of , 2023.

SHEIKH SEUABU SOWA

*COMMISSIONER-GENERAL
NATIONAL LAND COMMISSION*

FREETOWN,
SIERRA LEONE,