

SUMMARY OF THE LEGAL FRAMEWORK ON LAND EVICTIONS.

1. A lawful or bonafide occupant to be evicted only for non-payment of ground rent. The court order shall state the date being not less than 6months after the date of the order, by which the person to be evicted shall vacate the land.
2. A tenant by occupancy who assigns his/her interest to another person without giving the first option of taking the assignment of tenancy to the registered owner commits an offence and the transaction shall be invalid and the tenant shall forfeit the right over the land and the land shall revert to the registered owner.
3. Change of ownership of the title by the owner shall not in any way affect the existing lawful interests or bonafide occupant and the new owner shall respect the existing interest.
4. The tenants on the registered land shall be deemed to be tenants of the registered owner though they may not have their encumbrances registered on the certificate of title.
5. Every eviction or demolition shall be preceded by a valid Court Order, properly identifying the persons taking part in the eviction or demolition and upon presentation of the formal authorizations for the eviction or demolition.
6. The Police and local authority of the area shall be notified and shall be present to witness the eviction or demolition.
7. Every eviction or demolition shall be carried out in a manner that respects the dignity, right to life, property and security of all persons affected.
8. Measures shall be taken to ensure the effective protection of vulnerable persons, including women, children, the elderly and persons with disabilities.
9. There shall be no arbitrary deprivation of property or possessions as a result of an eviction.
10. A Court Bailiff shall provide storage facilities to store property from eviction or demolition sites for a period of fourteen days, in order to protect the property and possessions from destruction.
11. Persons to be evicted shall be given an opportunity to salvage property or remove illegal structures before eviction or demolition can take place.
12. Eviction or demolition shall only be carried out between the hours of **8:00am and 6:00pm** and no eviction shall be carried out on a weekend, during court vacation or on a public holiday.
13. Before eviction and demolition takes place, there must be a valid Court order or decree clearly stating the name of the person or persons to be evicted or the illegal structure to be demolished.
14. There must be a notice of eviction or demolition issued to the affected persons to be affected and there must be a warrant of eviction or demolition.



15. A notice of eviction or demolition shall contain the particulars of the land to which the notice relates the reasons for the proposed eviction or demolition and any other relevant information on the eviction or demolition.
16. Notice of an eviction or demolition may be broadcast at public barazas or other broadcast media in English and in a local language or other language commonly spoken in the area.
17. An order of eviction shall state the particulars of the person to be evicted, the date of eviction, being not less than **90 days** and not more than **120 days** after the date of the order, by which the person to be evicted should have vacated the land.
18. An order of demolition shall state the identity of the claimant or claimants, defendants or affected persons, the date for the demolition and the persons who constructed the illegal structures on the land.
19. Every Court Bailiff shall, after carrying out an eviction or demolition, file in Court a return on the eviction or demolition.

