

Rwanda

Ministerial Order determining Modalities of Change of Land Use Ministerial Order 5 of 2022

Legislation as at 22 February 2022

FRBR URI: /akn/rw/act/mo/2022/5/eng@2022-02-22

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Ministerial Order determining Modalities of Change of Land Use

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Published in Official Gazette special on 22 February 2022

Assented to on 15 February 2022

Commenced on 22 February 2022

[This is the version of this document from 22 February 2022.]

The Minister of Environment;

Pursuant to the Constitution of the Republic of Rwanda of 2003 revised in 2015, especially in Articles 121, 122 and 176;

Pursuant to Law n° 27/2021 of 10/06/2021 governing land, especially in Article 63;

After consideration and adoption by the Cabinet, in its meeting of 14/12/2021;

ORDERS:

Article One – Purpose of this Order

This Order determines modalities of change of land use.

Article 2 – Change of land use

The change of land use is made for the purpose of–

- 1° complying with the requirements of the master plan of land use and development of the place where the land is located; or
- 2° changing land use as determined by master plan of land use and development for the purpose of strategic investment or public interests.

Article 3 – Request for change of land use

A person requesting for the change of land use submits, in writing, a request to the institution in charge of land use.

However, the institution in charge of land use, on its own initiative, may change the land use in order to comply with the land use plan or rectify defects identified. Prior to rectifying defects identified in the land use plan, the institution in charge of land use consults the Ministry in charge of economic planning and the Ministry in charge of land.

When the institution in charge of land use, on its own initiative, changes the land use, it informs the land owner about the change within a period not exceeding sixty (60) days from the date of the change of land use.

Article 4 – Content of request for change of land use aiming to comply with the master plan

The request for change of land use aiming to comply with the master plan of land use and development includes at least the following:

- 1° applicant identification;
- 2° the land title of the land which is subject to request of use change;
- 3° a well filled application form.

Article 5 – Content of request for change of land use aiming to modify the master plan

The request for change of land use aiming to modify the master plan of land use and development for strategic investment purpose or in public interest includes at least the following:

- 1° an application letter indicating the existing activities carried out on the land which is subject to request for change of land use and planned activities to be done on that land;
- 2° applicant identification;
- 3° a copy of the land title of the land for which the change of land use is requested or deed plan indicating the concerned land;
- 4° a non-objection letter issued by the District or City of Kigali in which the land is located confirming that the intended land use change is relevant to the development of the District or City of Kigali and does not interfere with the District or City of Kigali land use plan implementation;
- 5° the project study for strategic investment or public interests approved by the organ in charge of activities underlined in that project.

The project study for strategic investment or public interests shows–

- 1° how the new proposed land use is more valuable and beneficial than the existing land use; and
- 2° how the project implementation complies with the directives of national land use and development master plan and is not harmful to the environment.

Article 6 – Analysis and approval of change of land use

When analysing the request for change of land use for the purpose of changing the land use as determined by the master plan of land use and development for the purpose of strategic investment or public interest, the institution in charge of land use consults the Ministry in charge of economic planning and the Ministry in charge of land, before making a decision. It may also consult other relevant institutions.

If the institution in charge of land use finds that the requested is relevant, it approves it and changes the land use in the land register and master plan.

The response to the applicant is issued within a period not exceeding thirty (30) days from the date on which the application was received.

Article 7 – Commencement

This Order comes into force on the date of its publication in the Official *Gazette* of the Republic of Rwanda.