

Rwanda

Ministerial Order on Land Registration

Ministerial Order 6 of 2022

Legislation as at 6 June 2022

FRBR URI: /akn/rw/act/mo/2022/6/eng@2022-06-06

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Rwanda

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Ministerial Order 6 of 2022

Published in Official Gazette 23 on 6 June 2022

Assented to on 12 May 2022

Commenced on 6 June 2022

[This is the version of this document from 6 June 2022.]

The Minister of Environment;

Pursuant to the Constitution of the Republic of Rwanda of 2003 revised in 2015 especially in its article 35, 121, 122, and 176;

Given Law n° 27/2021 of 10/06/2021 governing land in Rwanda especially in its article 17 and 20;

After consideration and approval by the Cabinet, in its meeting of 09/04/2022;

ORDERS:

Chapter One

General provisions

Article One – Purpose of this Order

This Order determines—

- 1° format of the land register;
- 2° modalities for land registration;
- 3° formalities for land registration; and
- 4° modalities for cancellation of land registration.

Article 2 – Definitions

In this Order, the following terms have the following meanings:

- 1° territorial location: a territory in which the registrar of land titles operates, which is determined in accordance with the powers vested in him or her;
- 2° land readjustment: a practice of merging and parcelling plots for improved land management, in accordance with the detailed plan of the site where the land is located;
- 3° Authority: the State organ in charge of land management and use;
- 4° Unique Parcel Identifier: a number assigned to the registered land, of which structure is set up by the Chief Registrar of land titles;
- 5° land registration: a process of recording, in the land register, land rights, related obligations and caveat on land transfer, as provided for by relevant laws;
- 6° land owner: a person who is registered in the land register as a holder of land rights and their acquisition is lawful.

Chapter II

Format and management of the land register

Section one – Format of the land register

Article 3 – Content of the land register

Land register contains the following information:

- 1° information on the land:
 - a. Unique Parcel Identifier;
 - b. location;
 - c. surface area;
 - d. land use;
 - e. extract of cadastral plan;
- 2° information on the land owner:
 - a. names of the land owner;
 - b. number of identification document of the land owner;
 - c. residence address of the land owner, in case of a single land owner;
 - d. names and residence address of the representative of land owners, in case of more than one land owners;
- 3° information related to land owners' rights:
 - a. type of land tenure;
 - b. shares of each land owner;
 - c. lifetime of the land rights.

However, the Authority may add other information and documents in the land register, if necessary.

Article 4 – Types of certificates of land registration

A certificate of land registration may be in one of the following types:

- 1° a certificate of registration of emphyteutic lease;
- 2° a certificate of registration of freehold;
- 3° a certificate of registration of a condominium unit;
- 4° a certificate of registration of sub-lease;
- 5° a certificate of registration of emphyteutic lease for investment;
- 6° a certificate of registration of State land lease for strategic investment;
- 7° a certificate of registration of land concession;
- 8° a certificate of registration of land concession of unprotected swamp.

Article 5 – Sections of a certificate of land registration

Each certificate of land registration is comprised of three (3) sections as follows:

- 1° a section of information on the land;
- 2° a section of information on the land owner;
- 3° a section of extract of cadastral plan.

Templates of certificates of land registration are in annex of this Order.

Section 2 – Management of the land register

Article 6 – Recording of entries in the land register

Entries recorded in the land register are assigned a serial number. If the same act gives rise to different entries, each entry is assigned a separate number.

Entries and information are recorded in the land register established in electronic format. They may also be recorded in the land register established in print format, if there is a cause that led to the non-use of electronic format.

If the cause is terminated, the entries and information recorded in the land register established in print format are put in the land register established in electronic format, within a period of ninety (90) days from the date of the withdrawal of the cause.

Article 7 – Rectification and change of information entered in the land register

The registrar of land titles may rectify or change information entered in the land register:

- 1° if there is occurrence of issues of formal nature and errors or omissions, which do not materially affect the land owner's interests;
- 2° if parties interested in the rectification of information recorded in the land register consent thereto;
- 3° if the land owner's identification has changed, upon his or her request;
- 4° if it is found that errors were made during the land registration, upon decision of the Council of registrars of land titles;
- 5° if there is a change of land use;
- 6° if information that served the basis of land registration is false, upon decision of the Council of registrars of land titles;
- 7° if information on the land survey is found inaccurate or incomplete, and its rectification is not likely to adversely affect the neighbours' rights, on basis of minutes of public servants in charge of land surveying;
- 8° if there is a judgment, or a decision taken by a competent authority to determine on the rectification of boundaries;
- 9° if, during the re-demarcation of the land, the surface area indicated in the land register is found incorrect.

Before the rectification of boundaries or surface area of the land, the registrar of land titles informs and hears from parties that appear in the land register and may be interested or affected by the rectification. However, if parties are not available, the registrar of land titles undertakes the rectification, on basis of the report of the land committee.

Article 8 – Probative value of content of the land register

Information contained in the land register must be accepted as authentic. If the information appearing on the issued certificate of land registration differs from the information contained in the land register, the information contained in the land register prevails.

Article 9 – Maintenance of the land register

The Registrar of land titles ensures maintenance of the land register through prevention of damage. He or she also keeps with the utmost care and protection information entered in the land register.

For security reasons, the land register is made up of at least one (1) copy that is kept by the Chief Registrar of land titles.

Article 10 – Access to information entered in the land register

The basic information on land is accessible and given to any person, without compromising the rights of the land owner.

Detailed information on land is given to the land owner, other person or organ with legal credentials, upon request.

The land owner can electronically access the information on his or her land.

Article 11 – Replacement of a certificate of land registration

A certificate of land registration is replaced, upon request by the land owner—

- 1° if it is lost;
- 2° if it is destroyed;
- 3° in case of transfer of land rights;
- 4° in case of acquisition of land rights on basis of prescription;
- 5° in case of subdivision of land;
- 6° in case of merging of land;
- 7° if information entered in the land register is rectified or changed.

A certificate of land registration loses its value, once it is replaced.

Chapter III

Formalities and modalities of land registration and procedures of cancellation

Section one – Formalities and modalities of land registration

Subsection one – Formalities of land registration

Article 12 – Territorial locations for land registration

Territorial locations for land registration are the following:

- 1° territorial location for land registration of the City of Kigali;

- 2° territorial location for land registration of the Northern Province;
- 3° territorial location for land registration of the Southern Province;
- 4° territorial location for land registration of the Eastern Province;
- 5° territorial location for land registration of the Western Province.

Article 13 – Application for land registration

An application for land registration is submitted to the registrar of land titles in the territorial location where the land is located.

The application for land registration is submitted through online mode of service delivery or in print format, through the staff in charge of land administration at the level of Sector or District where the land is located.

However, application for land registration in the framework of investment or expropriation, may be submitted to the registrar of land titles, without passing through the staff in charge of land administration at the level of Sector or District where the land is located.

Article 14 – Basic formalities for land registration

Basic formalities for land registration are the following:

- 1° land registration is done within the territorial location of the land;
- 2° land registration is done upon request of the land owner, an enforcement order, an agreement between the land owner and a third party signed before a land notary, or another official document, or upon decision of the registrar of land titles;
- 3° documents and proofs submitted for land registration are recorded and kept by a relevant registrar of land titles;
- 4° registered land is assigned a Unique Parcel Identifier, and the old Unique Parcel Identifier of the land before being subdivided or merged is annotated in the land register;
- 5° land registration is sanctioned with a certificate of land registration;
- 6° the certificate of land registration for the State land indicates its classification;
- 7° caveat on land transfer is registered upon request of the interested person, after submission of a proof attesting that the land owner was notified in writing.

Article 15 – Specific formalities for registration of concession or lease of State land for strategic investment

The Minister in charge of land submits to the Chief Registrar of land titles the required documents for registering concession or lease of State land for strategic investment.

Article 16 – Condition of documents and proof to be submitted for land registration

Documents and proof to be submitted for land registration must be original or true copies certified by the notary or an electronic document with a digital signature granted by the competent organ.

If the documents and proof are enforcement orders, they must bear an enforcement formula or execution.

Article 17 – Time limit for registration of change of land information

Time limit for registration of change of land information is sixty (60) days from the date of the change.

Subsection 2 – Modalities of land registration

Article 18 – Registration of unregistered land

Unregistered individual land is provisionally registered as the State land in private domain, until the holder of rights to the land provides the registrar of land titles of the territorial location of the land with proof attesting his or her rights to the land, for registration.

If the land provisionally registered as the State land in private domain is required for expropriation, the registrar of land titles orders to the holder of rights to the land, when he or she is known, to process its registration.

State organs using unregistered State land register it with the Ministry in charge of land management and use.

Article 19 – Land registration on basis of intestate succession

Land registration on basis of intestate succession is done upon presentation of the following documents:

- 1° a document certifying the heirs, in the absence of a dispute;
- 2° a copy of judgement confirming the heirs and their rights to the land, in the event of a dispute;
- 3° a certificate of land registration of the land subject to succession;
- 4° a copy of the successor's identification document;
- 5° another document that may be determined by the Authority.

Article 20 – Land registration on basis of inheritance

Land registration on basis of inheritance is done upon presentation of the following documents:

- 1° authentic or private will;
- 2° a certificate of land registration of the land subject to inheritance;
- 3° another document that may be determined in accordance with relevant laws;
- 4° a copy of the heir's identification or registration document;
- 5° a heir's civil status record, in case of an individual;
- 6° another document that may be determined by the Authority.

Article 21 – Land registration on basis of donation

Land registration on basis of donation is done upon presentation of the following documents:

- 1° a donation agreement;
- 2° a certificate of land registration of the land subject to donation;
- 3° a death certificate of the donor, in case the donation is in form of a legacy;
- 4° a copy of the identification or registration document of the receiver of the donation;
- 5° a civil status record of the donor and the receiver of the donation, in case of an individual;
- 6° another document that may be determined by the Authority.

Article 22 – Land registration on basis of sale for investment

Land registration on basis sale for investment is done upon presentation of the following documents:

- 1° a sales contract;
- 2° a business plan of the investment project approved by the competent organ;
- 3° a document issued by the State organ in charge of investment certifying that the implementation of the investment project requires land;
- 4° a certificate of land registration of the land subject to investment;
- 5° a copy of the investor's identification document;
- 6° another document that may be determined by the Authority.

Article 23 – Registration of a contract of State land lease for strategic investment

Registration of a contract of State land lease for strategic investment is done upon presentation of the following documents:

- 1° a contract of State land lease for strategic investment;
- 2° a business plan of the strategic investment project approved by the competent organ;
- 3° a copy of the Cabinet resolutions approving the lease of the land for strategic investment, in case of the lease without competition;
- 4° a copy of the State land lessee's identification or registration document;
- 5° a document indicating the Unique Parcel Identifier of the leased land;
- 6° another document that may be determined by the Authority.

Article 24 – Land registration on basis of sale

Land registration on basis of sale is done upon presentation of the following documents:

- 1° a sales agreement;
- 2° a certificate of land registration of the land subject to sale;
- 3° a copy of the buyer's identification or registration document;
- 4° a civil status record of the buyer and the seller, in case of an individual;
- 5° another document that may be determined by the Authority.

Article 25 – Registration of sublease

Registration of sublease is done upon presentation of the following documents:

- 1° a sublease;
- 2° a certificate of land registration of the land subject to sublease;
- 3° a copy of the sub-lessee's identification or registration document;
- 4° a civil status record of the sub-lessor and the sub-lessee, in case of an individual;
- 5° a deed plan of the sub-leased land, accompanied by a land survey report signed by the land owner and the land surveyor, where applicable;

- 6° another document that may be determined by the Authority.

Article 26 – Land registration on basis of exchange

Land registration on basis of exchange is done upon presentation of the following documents:

- 1° an exchange agreement;
- 2° a certificate of land registration of the land subject to exchange;
- 3° copies of identification or registration documents of parties in land exchange;
- 4° civil status records of the parties in land exchange, in case of an individual;
- 5° another document that may be determined by the Authority.

Article 27 – Land registration on basis of mortgage acquisition

Land registration on basis of mortgage acquisition is done upon presentation of the following documents:

- 1° a certificate of mortgage acquisition issued by the Registrar General;
- 2° a letter of the Registrar General requesting registration of transfer of land rights on basis of mortgage acquisition;
- 3° a certificate of land registration of the land subject to mortgage acquisition;
- 4° a copy of the identification or registration document of the person who acquired the mortgage;
- 5° a civil status record of the person who acquired the mortgage, in case of an individual;
- 6° another document that may be determined by the Authority.

Article 28 – Registration of land concession

Registration of land concession is done upon presentation of the following documents:

- 1° a land concession for strategic investment;
- 2° a business plan of the strategic investment project approved by the competent organ;
- 3° a copy of the Cabinet resolutions approving the concession of the land for strategic investment, in case of the concession without competition;
- 4° a document indicating the Unique Parcel Identifier of the conceded land.

Article 29 – Land registration on basis of expropriation

Land registration on basis of expropriation is done upon presentation of the following documents:

- 1° a document proving the decision on expropriation issued by the competent authority;
- 2° a proof of payment of fair compensation;
- 3° a certificate of land registration of the land subject to expropriation;
- 4° a deed plan of the land acquired through expropriation, where necessary, accompanied by a land survey report signed by a representative of the State organ that did expropriation and the land surveyor;
- 5° another document that may be determined in accordance with relevant laws.

Article 30 – Land registration on basis of prescription

Land registration on basis of prescription is done upon presentation of the following documents:

- 1° a report of the land committee at the level of Sector, where the land is located;
- 2° a copy of identification or registration document of the applicant for registration of the land rights on basis of prescription;
- 3° a civil status record of the applicant for registration of the land rights on basis of prescription, in case of an individual;
- 4° a deed plan of the land subject to prescription, accompanied by a land survey report signed by the applicant for registration of the land rights on basis of prescription and the land surveyor;
- 5° another document that may be determined by the Authority.

Article 31 – Land registration on basis of subdivision of land

Land registration on basis of subdivision of land is done upon presentation of the following documents:

- 1° a deed plan of each land subdivision accompanied by a land survey report signed by the land owner and the land surveyor;
- 2° a certificate of land registration of the land subject to subdivision of land.

Article 32 – Land registration on basis of merger of land

Land registration on basis of merger of land is done upon presentation of certificates of land registration of the adjacent land with the same land owner, land management and use, subject to merger.

Article 33 – First land registration

The first land registration is done upon presentation of the following documents:

- 1° a document stating persons with land rights, issued by the land committee at Cell level, approved by the authority of Cell and Sector where the land is located;
- 2° a copy of identification or registration document of the applicant for land registration;
- 3° a civil status record of the applicant for land registration, in case of an individual;
- 4° a document proving the number of the land, if known, or a deed plan of the land, accompanied by a land survey report signed by the applicant for land registration and the land surveyor.

Article 34 – Land registration on basis of land readjustment

Land derived from land readjustment is recorded in the land register in accordance to the provisions of this Order.

Article 35 – Land registration on basis of enforcement order

Land registration on basis of an enforcement order is done upon presentation of the following documents:

- 1° an enforcement order;
- 2° a document indicating the Unique Parcel Identifier of the land to be registered, or a deed plan of the land, accompanied by a land survey report signed by the applicant for land registration and the land surveyor;

- 3° a document established by a bailiff, proving that the deed plan of the land was done in accordance with the judgement execution, if necessary;
- 4° minutes of auction, if applicable;
- 5° a certificate of land registration;
- 6° a copy of identification or registration document of the applicant for land registration;
- 7° a civil status record of the applicant for land registration in case of an individual;
- 8° another document that may be determined by the Authority.

Article 36 – Conversion of freehold into emphyteutic lease

A land freehold holder may request to the registrar of land titles for conversion of freehold into emphyteutic lease.

The registrar of land titles, on his or her initiative, can convert freehold into emphyteutic lease, on basis of the land use inspection report that proves that the land no longer complies with criteria to be granted freehold.

If the registrar of land titles, on his or her initiative, converts freehold into emphyteutic lease, he or she notifies, in writing, the land owner and other relevant persons, within thirty (30) days from the date he or she has entered the change in the land register. The registrar of land titles also requests the land owner to bring back the certificate of registration of freehold to be replaced.

Subsection 3 – Modalities of registration of a caveat on land transfer

Article 37 – Registration of surety

A person who applies for registration of surety submits to the registrar of land titles an application file comprised of the following documents:

- 1° an enforcement order or another document determined in accordance with relevant laws;
- 2° a court decision putting the property under surety or another enforcement order;
- 3° a document issued by the bailiff requesting the losing party to indicate the property from which payment may result;
- 4° a document indicating the Unique Parcel Identifier of the land under surety or the number of identification document of the debtor.

Article 38 – Registration of a caveat on land transfer

A person who applies for registration of a caveat on land transfer fills an appropriate form accompanied by the following documents:

- 1° a copy of identification or registration document of the applicant;
- 2° a document indicating the Unique Parcel Identifier of the land under caveat or number of identification document of the owner of the land under caveat;
- 3° a document signed by a bailiff notifying that the land owner has been notified about the request for registration of caveat on his or her land.

If the land owner is not available at his or her residence, the bailiff records it in the notice of caveat addressed to the land owner.

However, a caveat requested by a competent State organ is registered without prior notice to the land owner.

Article 39 – Effect of registration of a caveat on land transfer

The registration of a caveat on land transfer restricts the land owner's rights as long as it remains valid.

Transfer of land rights cannot be effected before the caveat is cancelled.

Article 40 – Land not subject to caveat

The State land is not subject to caveat.

Section 2 – Procedures of cancellation of land registration

Article 41 – Cancellation of land registration

The Council of land registrars cancels land registration on the following grounds:

- 1° a court has ruled that land registration was done on basis of forged documents;
- 2° there was an error on the Unique Parcel Identifier during land registration and the registered land owner is not willing to apply for correction;
- 3° there was an error due to information technology system, and the land was registered to a non-right land owner and the holder of land title is not willing to apply for correction;
- 4° there is a proof that the State land has been registered to another person in an unlawful way;
- 5° the registered land owner has not complied with the provisions of the emphyteutic lease, State land lease for investment, State land concession or the signed contract between the State and the land owner before granting a freehold.

Article 42 – Correction of errors committed during systematic land registration

If it is found that there were errors made during the systematic land registration or information on the basis of which the land was registered is false, the Council of registrars of land titles makes corrections by cancelling the certificate of land registration and informs, in writing, the concerned persons.

Article 43 – Effects of cancellation of land registration

If land registration is cancelled, the subsequent certificate of land registration is immediately cancelled.

The Chief Registrar of land titles notifies the concerned persons, in writing, within ten (10) working days from the date of holding the meeting of the Council of Registrars of land titles.

Chapter V Transitional and final provisions

Article 44 – Time for replacing existing certificates of land registration

The holder of the certificate of land registration legally acquired before the entry into force of the Ministerial Decree n° 002/2008 of 01/04/2008 determining modalities of land registration or who holds a provisional certificate of land registration acquired during systematic land registration, applies for its replacement within a period of one (1) year from the date of publication of this Order in Official *Gazette* of the Republic of Rwanda.

After the period referred to in Paragraph one of this Article, the certificate of land registration becomes invalid. The holder of an invalid certificate of land registration newly applies for land registration.

Article 45 – Commencement

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

Annex

Forms

[Editorial note: The forms have not been reproduced.]