

Rwanda

Prime Minister's Order determining Modalities of Using State Land by State Organs

Prime Ministers Order 23 of 2022

Legislation as at 18 August 2022

FRBR URI: /akn/rw/act/pmo/2022/23/eng@2022-08-18

There may have been updates since this file was created.

PDF created on 21 February 2024 at 14:11.

[Check for updates](#)



About this collection

The legislation in this collection has been reproduced as it was originally printed in the Government Gazette, with improved formatting and with minor typographical errors corrected. All amendments have been applied directly to the text and annotated. A scan of the original gazette of each piece of legislation (including amendments) is available for reference.

This is a free download from the Laws.Africa Legislation Commons, a collection of African legislation that is digitised by Laws.Africa and made available for free.

www.laws.africa
info@laws.africa

There is no copyright on the legislative content of this document.
This PDF copy is licensed under a Creative Commons Attribution 4.0 License (CC BY 4.0). Share widely and freely.

Prime Minister's Order determining Modalities of Using State Land by State Organs
 Contents

Chapter One – General provisions 1

 Article One – Purpose of this Order 1

 Article 2 – Scope of application 1

 Article 3 – Definitions 1

Chapter II – Modalities of using state land by State organs 2

 Article 4 – Rights of a State organ 2

 Article 5 – Obligations of a State organ 2

 Article 6 – Management of the use of State land 2

 Article 7 – Management of the use of land allocated to Rwanda by another State 3

Chapter III – Modalities for granting rights to use State land and their transfer 3

 Section One – Modalities for granting rights to use State land 3

 Article 8 – Application for rights to use State land 3

 Article 9 – Content of the application file for rights to use State land not used by any other State organ 3

 Article 10 – Assessment of application for rights to use State land not used by any other State organ 3

 Article 11 – Granting rights to use State land not used by any other State organ 3

 Section 2 – Modalities for transfer of rights to use State land 3

 Article 12 – Application for transfer of rights to use State land 3

 Article 13 – Content of the application file for transfer of rights to use State land 3

 Article 14 – Assessment of application for transfer of rights to use State land 4

 Article 15 – Approval of transfer of rights to use State land 4

Chapter IV – Content of the report on the use of State land 4

 Article 16 – Report submitted by a State organ 4

 Article 17 – Report submitted by the Ministry in charge of foreign affairs 4

 Article 18 – Report on inspection of the State land use 5

Chapter V – Final provisions 5

 Article 19 – Authorities responsible for the implementation of this Order 5

 Article 20 – Commencement 5

Rwanda

Prime Minister's Order determining Modalities of Using State Land by State Organs

Prime Ministers Order 23 of 2022

Published in Official Gazette special on 18 August 2022

Assented to on 12 August 2022

Commenced on 18 August 2022

[This is the version of this document from 18 August 2022.]

The Prime Minister;

Pursuant to the Constitution of the Republic of Rwanda of 2003 revised in 2015 especially in Articles 119, 120, 122, and 176;

Pursuant to Law n° 27/2021 of 10/06/2021 governing land, especially in Articles 39 and 40;

On proposal by the Minister of Environment;

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° modalities of using State land by State organs;
- 2° modalities for granting rights to use State land and their transfer; and
- 3° the content of the report on the use of State land.

Article 2 – Scope of application

This Order applies to:

- 1° State land in public domain;
- 2° State land in private domain, except State land used for commercial activities registered under the name of a State-owned company or a specialised State organ.

Article 3 – Definitions

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

- 1° Authority: a State organ in charge of land use and management;
- 2° Ministry: the Ministry in charge of land;
- 3° Minister: The Minister in charge of land;

4° State organ: a State organ including a decentralised entity with legal personality, which uses State land.

Chapter II

Modalities of using state land by State organs

Article 4 – Rights of a State organ

A State organ is entitled to the following rights:

- 1° to use State land in compliance with the land use master plan of the area where the land is located;
- 2° to harvest the produce from the State land, in accordance with provisions of relevant laws;
- 3° to rent properties on State land;
- 4° to co-manage State land with another State organ.

Article 5 – Obligations of a State organ

A State organ has the following obligations:

- 1° to exploit State land in accordance with the land use master plan and required standards;
- 2° to prevent degradation of State land;
- 3° to prevent trespass on State land;
- 4° to add value to State land;
- 5° to prepare the documents and proofs for cases in relation to the State land and submit them to the Office of the Attorney General with a copy to the Ministry;
- 6° to submit to the Ministry a report containing an analysis and recommendations on issues related to State land, within fifteen (15) days from the date the State organ has learnt about the issue;
- 7° to inform the Ministry about court cases relating to State land;
- 8° to inform the Ministry about renunciation of use of State land, within fifteen (15) days from the date of the renunciation.

Article 6 – Management of the use of State land

The Ministry ensures the management of State land use, through—

- 1° issuing instructions relating to the management of State land used by State organs;
- 2° designing plans of exploitation of State land in collaboration with concerned State organs;
- 3° monitoring the implementation of plans of exploitation of State land;
- 4° approving the transfer of rights to use State land between State organs;
- 5° granting rights to use State land;
- 6° taking measures to ensure the efficient management of State land, on basis of the State land use report;
- 7° determining other modalities of using State land other than how it was previously used.

However, the Ministry grants to another State organ the rights to use State land that is ineffectively exploited, upon ninety (90) days notice given to the State organ that was using the State land.

Article 7 – Management of the use of land allocated to Rwanda by another State

The Ministry in charge of foreign affairs manages the use of land allocated to Rwanda by another State.

Chapter III

Modalities for granting rights to use State land and their transfer

Section One – Modalities for granting rights to use State land

Article 8 – Application for rights to use State land

A State organ that intends to use State land not used by any other State organ, submits to the Ministry an application file for the rights to use the land.

Article 9 – Content of the application file for rights to use State land not used by any other State organ

An application file for the rights to use State land not used by any other State organ comprises the following:

- 1° an application letter to the Minister;
- 2° a plan of exploitation of the land;
- 3° another relevant document.

Article 10 – Assessment of application for rights to use State land not used by any other State organ

The Ministry assesses the application for the rights to use State land within thirty (30) days from the date of reception of the application file.

Article 11 – Granting rights to use State land not used by any other State organ

If the Ministry approves the application for the rights to use the State land, it notifies the applicant in writing, with a copy to the Chief Registrar of land titles.

The Chief Registrar of land titles records the rights in the land register, and notifies, in writing, the State organ granted the rights to use State land.

Section 2 – Modalities for transfer of rights to use State land

Article 12 – Application for transfer of rights to use State land

A State organ that intends to use State land used by another State organ submits to the Ministry an application file for transfer of the rights to use the land.

Article 13 – Content of the application file for transfer of rights to use State land

An application file for transfer of the rights to use State land comprises the following:

- 1° an application letter to the Minister;

- 2° the Unique Parcel Identifier or deed plan of the State land subject to transfer;
- 3° a plan of exploitation of the land;
- 4° another relevant document.

Article 14 – Assessment of application for transfer of rights to use State land

The Ministry assesses the application for transfer of rights to use State land within thirty (30) days from the date of reception of the application file. During this period, the Ministry consults relevant State organs.

Article 15 – Approval of transfer of rights to use State land

If the Ministry approves the application for transfer of rights to use the State land, it notifies the applicant in writing, with a copy to the State organ previously using the land and the Chief Registrar of land titles

The Chief Registrar of land titles records the transfer in the land register, and notifies, in writing, the State organ granted the rights to use State land.

Chapter IV

Content of the report on the use of State land

Article 16 – Report submitted by a State organ

A State organ submits to the Authority a report on the use of State land, with a copy to the Ministry, not later than 31st July, each year.

The report indicates the following:

- 1° Unique Parcel Identifier;
- 2° land use;
- 3° current use of the land;
- 4° planned land use and time frame;
- 5° property on the land;
- 6° the current status of the land and property thereon;
- 7° the estimated value of the land and property thereon;
- 8° measures taken to prevent State land degradation;
- 9° further information on the land.

Article 17 – Report submitted by the Ministry in charge of foreign affairs

The Ministry in charge of foreign affairs submits to the Ministry a report on use of land allocated to Rwanda by another State, with a copy to the Authority, not later than 31st July, each year.

The report indicates the following:

- 1° surface area of the land;
- 2° current use of the land;
- 3° planned land use and time frame;

- 4° property on the land;
- 5° the estimated value of the land and property thereon;
- 6° further information on the land.

Article 18 – Report on inspection of the State land use

The report on inspection of the State land use indicates the following:

- 1° the number, surface area and estimated value of land under inspection;
- 2° a list of land used by State organs, information on the land, its surface area, and State organs using it;
- 3° the number and surface area of land effectively exploited;
- 4° a list of land ineffectively exploited, information on the land, State organs using it, reasons for ineffective exploitation and recommendations;
- 5° a list of land not exploited by any State organ, information on the land and its surface area;
- 6° surface area and information on land that was recovered;
- 7° surface area and information on State land repossessed by individuals;
- 8° surface area and information on State land provisionally registered as State land;
- 9° surface area and information on land conceded for strategic investment;
- 10° surface area and information on land conceded;
- 11° a description of how the use of State land is guided by the land use master plan;
- 12° measures taken to prevent land from trespass and degradation;
- 13° issues raised in State land use;
- 14° information on land allocated to Rwanda by other States, in relation with its surface area, location and current use;
- 15° information on the status of compliance of State land lease and concession for strategic investment;
- 16° information on the status of compliance of State land concession for social welfare;
- 17° information about court cases relating to State land;
- 18° other relevant information on State land use.

Chapter V Final provisions

Article 19 – Authorities responsible for the implementation of this Order

Minister of Environment and the Minister of Foreign Affairs and International Cooperation are entrusted with the implementation of this Order.

Article 20 – Commencement

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