

Article

LEGAL ALERT

Duty to verify postal address/ address of service by registered landowners and persons with registered interests in land.

DUTY TO VERIFY POSTAL ADDRESS/ ADDRESS OF SERVICE BY REGISTERED LANDOWNERS AND PERSONS WITH REGISTERED INTERESTS IN LAND.

Introduction



In a public notice dated 27th November 2023, the Office of the Commissioner Land Registration (Uganda) informed the public, specifically persons who are registered proprietors on land or hold any registered interests on such land, to exercise their duty of vigilance to ensure that the right postal addresses, email addresses and verified telephone contacts that match with their NIN or passport numbers are registered on the Register.

This notice was issued under the guidance of the Court of Appeal in its recent decision, **Mukiibi & Anor v. Commissioner Land Registration Civil Appeal No. 113 of 2020 [2023] UGCA 268**, which affirmed the postal address as the only recognized way under which the Commissioner Land Registration can serve persons with interests on any piece of land on the Register.

This alert seeks to encourage persons who are registered proprietors on land or hold any registered interests on such land, to verify or engage services of a lawyer to verify their details as currently reflected on the Register in order to prevent malicious activity from being conducted on their property without their knowledge.

Rationale

In Uganda, land registration plays a crucial role in safeguarding property rights and ensuring secure land tenure. An essential component of this process is the designation of an address of service for each registered landowner under Section 202 of the Registration of Titles Act, Cap 230. This address serves as the official point of contact for all communication and legal notices related to the property such as transactions on the land. In a bid to go digital, the Commissioner is given the power to also communicate via email, SMS or even through an address of service of the registered property owner's lawyer.

Benefits of an updated Postal Address/ Address of Service

A postal address/ address of service fulfills several critical functions in the context of secure land registration in Uganda:

1. **Communication Channel:** It serves as the primary channel for the Commissioner Land Registration to communicate with the registered landowner regarding land-related matters. This includes sending notices, summons, and other important communication.
2. **Legal Correspondence:** It acts as the official address for receiving legal correspondence, such as court summons and notices of legal proceedings related to the property, minimizing the risk of missed communications or delays.
3. **Service of Documents:** It facilitates the service of legal documents, ensuring that the landowner is properly informed of any legal actions or proceedings pertaining to their property.
4. **Record Accuracy:** It allows the Commissioner Land Registration to maintain accurate and up-to-date records of the landowner's contact information.



Requirements for a Postal Address/ Address of Service

The specific requirements for an address of service may vary depending on the local land registration authorities. However, some general guidelines include:

1. **Physical/Virtual Address:** A valid physical address within Uganda is typically required, or in the alternative an e-Box postal address which a lawyer can help open for the client.
2. **Accessibility:** The address should be readily accessible to couriers and postal services for effective delivery of documents.
3. **Contact Person:** If the landowner is not readily available at the address, a designated contact person should be identified. In this case, a lawyer's address of service could be a convenient mode of communication.
4. **Updates:** Registered landowners should promptly notify the Commissioner Land Registration of any changes to their address of service to maintain accurate records.

Conclusion

It is therefore of paramount importance that all registered landowners and any persons with registered interests in land verify their postal details to facilitate effective communication, legal protection, and accurate record-keeping by the Registry. This will also limit the chances of criminal elements who may connive with others to alter details on registered land or transact in such land without knowledge of the actual owner.

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