THE RELEVANCY AND APPLICABILITY OF THE DOCTRINES QUICQUID PLANTATUR SOLO SOLO CEDIT AND CIUS EST SOLUM IN LAND LAW REGIME IN TANZANIA

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ABSTRACT

Tanzania appliescommon law principles on land matters. Among the common law land principles which are applicable includes the doctrines *Quicquid plantatur solo solo cedit* and *cius est solum eius est usque ad coelum et ad inferas*. *Quicquid Plantatur solo solo cedit* means whatever is attached to the ground becomes part of the land. The land includes the soil, things naturally growing over the land, buildings, and all other things permanently attached to the building. However, in Tanzania the principle is tied up with some exceptions of the things which do not form part of the land. The things that are excluded to form part of the land are minerals, oil, gas, flora and fauna as well as water. Thus, the application of the doctrine is limited by the laws. *Cius est solum* doctrine means that whoever owns land own it from the heaven and down to hell. In Tanzania you cannot own land from the heaven down to the hell. In this paper the two doctrines are clearly elaborated and articulated. The observations are made specifically on the application of the two doctrines in line with Tanzanian land laws. The purpose is to analyze *whether one who occupies land in Tanzania occupies all things attached to land.* Not only that, but also this paper gives an analysis as to *whether the person occupying land in Tanzania can claim to be his or hers to the heaven and down to hell*. The paper beheld at the relevancy and applicability of the two doctrines in Tanzania. Lastly, the paper examines the challenges on the applicability of the two doctrines that is *Quicquid Plantatur solo solo cedit* and *cius est solum eius est asque ad coelum et ad inferas*.

INTRODUCTION

There are mainly two common law doctrines which constitute meaning of land. These include *Quicquid Plantatur solo solo cedit* and *cius est solum eius est asque ad coelum et ad inferas.* The first doctrine (*Quicquid Plantatur solo solocedit*) means whatever is permanently attached to the land form part of the land. The second doctrine (*cius est solum eius est asque ad coelum et ad inferas*) means that whoever owns land own it from the heaven and down to the hell. This article provides for the applicability and limitations of the two common law doctrines on the meaning of land. In Tanzania, it is not possible for a holder of the land to own everything attached to it. There are some constituents in the land which are exempted from being a part of the land. In Tanzania bases, properties like water, minerals, oil, gas, flora and fauna do not form part of the land. In that sense the application of common law doctrine is limited because not all things attached to the land in Tanzania forms part of the land.

Moreover; In Tanzania whoever owns land cannot own it from the heaven down to the hell as there is no room for granting such interest, basing on the current Tanzania land laws. The Land Act of 1999 state that the land includes the surface of the earth and earth below the surface. However, such Land Act does not clearly specify the surface of the earth in terms of its extent for upward and downward. Thus, this article critically addresses the applicability of the two principles and the limitations imposed therein in Tanzania laws.

APPLICABILITY OF THE TWO DOCTRINES IN TANZANIA

The maxim *Quicquid Plantatur solo solo cedit* constitutes the meaning of land at Common Law. *Quicquid Plantatur solo solocedit* is the doctrine which entails that whatever attached to the land forms part of the land. The effect of this maxim is that buildings, permanent structures and things naturally growing are part of the land. Things attached to the building(s) also form part of the land. This means that, both corporeal and incorporeal hereditaments at common law are taken as integral part of the land. In that sense any conveyance of the land will transfer the land and other rights and benefits attached to land. An exception to such doctrine only arises when the thing attached is a chattel.

Fixture forms part of the land at common law. The term *fixture*s include the objects which are permanently affixed the building or to the land. For an object to be fixture the two tests must

be reflected that are *degree of annexation* and *purpose of annexation*. It is important to take note that, the tests for an object attached to building to form part of land were established in the case of *Holland vs. Hodgson*.[i] In this case the Court of Exchequer chamber in England had to hold the machines attached to land as part of the land. In Blackburn J word *"an article which is affixed to the land even slightly is said to be considered as part of land, unless the circumstances are such as to show that it was intended to all along continue a chattel"*.

At common lawin England, chattels are not part of land unless they are fixtures; And that will only be held if and only if the chattel/object attached to the disputed land met the two tests which are *degree of annexation/attachment/affixation* and the object or *purpose of annexation*. In Blackburn J dictum *"blocks of stone placed one on the top of another without any mortar or cement for the purpose of forming a dry stone wall would become part of the land, though the same stones, if deposited in a builder's yard and for convenience sake stacked on the top of each other in form of a wall, would remain chattels"*

However, the maxim *Cius est solum eius est asque ad coelum et ad inferas* means whoever owns the land owns it from the heaven and deep down to the hell. The maxim literary means no one should interfere with vertical division of land. *Cius est solum* roots dates back to 1587 in the case of *Bury v. Pope.*[ii] In this case the House of Lords held that the owner of land who has not granted an easement was entitled to erect a house against his neighbor's window even though they had enjoyed direct sunlight for over 30 years. In Lord Coke's words "*the earth hath in law a great extent upwards, not only of water as hath been said, but of air, and all other things even up to heaven, for cius est solum eius est asque ad Coelum, as it is holden*". The implication of this maxim is that the owner of the land owns the earth below the surface, earth surface, above the surface, air up to the open space to heaven also down the soil to the hell.

The *Cius est solum eius est asque ad coelum et ad inferas* and the *Quicquid Plantatur solo solo cedit* maxims can therefore be said to explain the conditions upon which land is held (also called tenure) and the length/extent a person was entitled to hold (also known as estate). According to Meggary and Wade there are two forms of estate under common law namely, Freehold estate and lease hold estate.[iii] In free hold, ownership of land is endured for so long while in leasehold estate the owner could have best interest than anyone else except the state/crown. The freehold could further be expounded into *Estate in Fee Simple, Estate in Fee*

Tail, Life Estate and *Estate Pur Autre vie*. *Estate in Fee Simple* was an estate that could be inherited, an estate that existed as long as the holder has left an heir.Estate in Fee Tail was an estate that could be inherited only by specified descendants of the original holder.Life Estate was incapable of inheritance as it existed as long as the holder was alive while Estate PurAutre vie is an estate that depended on life of another.

Sist and Tenga[iv] quotes reflection of the two maxims under section 2 of the Law of Property and Conveyancing of 1881 where *"unless contrary intention appears, the term land includes land of any tenure, tenements and hereditaments, corporeal and incorporeal, and houses and other buildings, also undivided share on land".* All in all, as of now what constitutes land under common law is provided under the Law of Property Act, 1925. The relevant provision reads "*land includes land of any tenure, and mines and minerals, whether or not held apart from the surface, buildings or parts of buildings (whether the division is horizontal, vertical or made in any other way) and other corporeal hereditaments.*

MEANING OF LAND IN TANZANIA

According to Land Act, 1999 Land includes *the surface of the earth and the earth below the surface and all substances other than minerals and petroleum forming part of or below the surface, things naturally growing on the land, buildings and other structures permanently affixed to or under land and land covered by water*.[v] Such definition is very elaborative on what compose land in Tanzania. *Surface of the earth* entails that the occupier of any right in land has the right to occupy the face of the soil/ground. *The earth below the surface* means the holder of land has the right to own it deep down the earth/down deep to the hell. *Things naturally growing on land* means anything that is not planted on land surface by the holder is still a part of his land.Meanwhile *structures permanently attached to land* means the holder of an interest in land owns whatever thing permanently affixed onit.

However, even before it is ventured in detail about the application of *Quicquid Plantatur solo solo cedit* doctrine it has to be noted that statutorily substances like *minerals, petroleum, any water rights or rights over the foreshore, flora and fauna are excluded from the land (emphasis ours).*[vi]As it shall be discussed in this paper, such definition of what constitutes land will help in knowing the extent to which the two doctrines apply in Tanzania.

Interpretations of Laws Act on its part conceptualizes the term Landto *include buildings and other structures, and covered with water, and any estate, interest, easement servitude or right in or over land*[vii]. In nutshell, such definition considers anything attached to ground to form part of the land though it is not that much elaborative to state the extent to which a person can own land up to the heaven and down to the hell.

Another useful statute is the Village Land Act[viii] where the term *land is defined to include surface of the earth and the earth below the surface, things naturally growing on the land, building and other structures permanently affixed to or under the land and land covered by water.*[ix] Having noted that it can now be reverted to see how the two principles are applicable in Tanzanian land law regime.

THE RELEVANCY AND APPLICATION OF THE QUICQUID PLANTATUR SOLO, SOLO CEDIT" PRINCIPLE IN TANZANIA

The Maxim "*Quicquid Plantatur solo, solo cedit"* is relevant and applicable in Tanzania. However, it must be noted that the doctrine applies subject to exceptionsas per Tanzania land law regimes. As it was aforementioned literally, the "*Quicquid Plantatur solo, solo cedit"* principle denotes that whatever is attached to the ground becomes part of the land. However, the situation is different in Tanzania as *there are things attached to the land but do not form part of the land*.Section 2 of the Land Act, 199 reads "land means the surface of the earth and the earth below the surface and all substances *other than minerals and petroleum* forming part of or below the surface, things naturally growing on the land, buildings and other structures permanently affixed to or under land and land covered by water.[x]Without much ado, categoricallythis means that minerals and petroleum though part of the earth below surface do not form part of land in Tanzania. So, the holder of land rights cannot claim to have mineral or petroleum rights over the same piece of land unless he has sought and obtained the same. This is also vivid under section 22 (2) of the Land Act which states that"*A granted right of occupancy shall not confer on the holder…. any rights to mines, minerals, or gas" (*emphasis ours)[xi].

Another exception is on water resources where the Land Act stipulates that "*A granted right of occupancy shall not confer on the holderthe rights over water or foreshore. Thus, rights to*

water over landsare not granted to any holder of land unless the rights over it are expressly stated[xii].

Moreover, "*A granted right of occupancy shall not confer on the holder*the right to appropriate and remove from the country for gain or for purposes of research ofany kind any flora or fauna naturally occurring or present on the land or any paleontological or archaeological remains found on the land[xiii]. In other words, besides mineral, petroleum and water resources,plants and animals naturally growing or occurring or present on the land are not of forming part of right of occupancy.[xiv]This means that, the laws in Tanzania exclude water sources, minerals, gas as well as flora and fauna to be granted to any holder of land. Broad elaboration of such land constituents can be done in the following bases with sub headings: -

a. Minerals

Mineral are the substance which are normally in a solid form, liquid or gaseous form, occurring naturally in the earth or under the seabed formed-by or subject to a geological process.[xv]According to the Black's law dictionary[xvi]minerals entail any valuable inert or lifeless substance formed or deposited in its present position through natural agencies alone, and which is found either in or upon the soil of the earth or in the rocks beneath the soil. As far as Tanzanian legal regimes are concerned minerals do not include the petroleum and the surface water.[xvii] A holder of land cannot have any right to mines or minerals unless statutorily granted.[xviii] The *Mining Act*[xix] vests the control of minerals to the government of the United Republic of Tanzania. The Act further provides that all property as well as the control over all minerals in Tanzania is conferred in the United Republic.[xx]This is to say that the substances in or on land, whether in a solid form, liquid form or gaseous form, naturally occurring in or on the earth, or in or under the seabed formed by or subject to a geological process are minerals and thus they cannot form part of land in Tanzania.[xxi]Mineral rights are given to the applicant by the mining commission after he or she has met requisite conditions. Even the modes of challenging for rights over minerals are different in sense that the power is vested upon the *mining commission and not the ordinary land courts*.

b. Water

Water refers to entire water flowing on the earth surface, water contained in, and water flowing in or from a spring, stream, natural lake, reservoir and/or swamp.[xxii] It also includes a beneath

water course and all water from underground strata.[xxiii] The ownership and management of water in Tanzania are vested to the public and declared to be public water.

The *Water Resource Management Act*[xxiv] vested the public water to the president to be the trustee on behalf of the citizen.[xxv] The rationale behind excluding water to form part of land tenure is to ensure the protection of basic needs of human for present generations and future generation. Water is essential for human life. Thus, to ensure it is of beneficial use and to ensure that it is used for the public interest it has to be vested to the public so that the whole public can enjoy without limitations. For that matter the protection, use, development, conservation, management and control of water resources are vested to the government. The purposes and/or objective of water management are for the purposes of sustainable developments.[xxvi]

c. Petroleum and Gas

The *Petroleum Act*,[xxvii] defines the term petroleum Literary as oil and gas. The concept is defined to mean things naturally occurring by hydrocarbon which can either be gaseous, liquid or solid state.[xxviii] Petroleum also includes mixture of hydrocarbons occurring naturally whether in gaseous, liquid or solid state. The mixture of one or more hydrocarbons which is in gaseous, liquid or solid state and any other substance includes petroleum that has been returned to a natural reservoir.It must be further noted that Petroleum does not include coal and all other substances that are extracted from coal or other rocks.[xxix] Thus all substances falling under definition of petroleum does not form part of the Land. The petroleum substance whether liquid, gaseous, and all hydrocarbons of solid nature are vested and owned by the Government. The entire petroleum resources are exclusively managed by the united republic on behalf of the people of Tanzania.[xxx]

This is an exception in the definition of land in Tanzania. Furthermore, the Gas refers to any combination of hydrocarbons occurring naturally in gaseous form. The gas principally includes the methane having different quantities of ethane, propane, butane and other gases. Gas is basically used as a fuel or feedstock which can be pressurised in order to be transported and is normally distributed by using pipelines lateral lines and spur line.[xxxi] The gas is compressed in a special cylinders or vessels in order to be efficiently transported or stored as compressed natural gas (CNG) by special tracks or ship; or liquefied using special facilities, to be efficiently transported as liquefied natural gas (LNG).[xxxii] Gas and petroleum are excluded to form right of occupancy in Tanzania. Ownership of gas and petroleum are vested to the public managed

by the government. Thus, the interest in land cannot be granted over petroleum or gas hence shall not be used to create mortgage.

d. Flora and Fauna

Fauna refers to all kinds of invertebrate and vertebrate, animals and the young and eggs thereof that are not domestic animals.[xxxiii] Most of the areaswith flora and fauna normally are reserved land. For instance, areas like national parks, forest and other natural reserves. These areas do not form part of the land thus not granted as a right of occupancy. Flora and fauna are exempted to form part of right of occupancy.No holder of the right of occupancy can hold flora and fauna. No Flora and Fauna can form part of the land even if attached to the land.

The ownership of the natural resources in Tanzania is vested to the public under the trusteeship of the president.[xxxiv] Thus, it must be articulated and insisted that the common law maxim *Quicquid Plantatur solo, solo cedit* is still relevant as a person cannot sue to claim for personal rights over property by way of *suit for trespass to land or nuisance*. On trespass and encroachment upon surface of the earth or the earth below surface of another person by the tortfeasor will give right to sue for trespass even the holder of mining licence over the same piece of land cannot shield himself on mineral rights.[xxxv]

RELEVANCE AND APPLICATION OF THE MAXIM "CIUS EST SOLUM EIUS EST ASQUE AD COELUM ET AD INFERAS" IN TANZANIA

As aforementioned the maxim Cius *est solum eius est asque ad coelum et ad inferas* entails that whoever owns the land owns it up to the heaven and deep down to the hell. This ordinarily would mean land can be owned horizontally and vertically. Like the "*Quicquid Plantatur solo, solo cedit"* the doctrine is also relevant and applicable in tortuous claims such as Claim for Nuisance and trespass to land in which interference with one's land/enjoyment of land without justification gives raise to accrual of right to sue for damages/compensation. Its application also stems from section 2 (3) of the Judicature and Application of Laws Actas well as Section 180 of the Land Act. The two laws recognize the applicability of common law, doctrines of equity and statutes of general application forms part of laws applicable in Tanzania.[xxxvi] Thus, it must be noted that just like the "*Quicquid Plantatur solo, solo cedit"* doctrine the *Cius est*

solum eius est asque ad coelum et ad inferas rule does not have absolute application too. Some exceptions to note include the following:

a. Ownership of Condominium Property

This entails horizontal ownership of pieces of land. Before the development of condominium properties laws the general rule in Tanzania was that no registration could be done unless the same was made vertically.[xxxvii] However, with the advancement of science and technology, land can now be held horizontally. Such new mode of ownership is now governed by plethora of laws including the Unit Titles Act, 2008; the Unit Titles Regulations, 2009 and the Unit Titles (Amendment) Regulations of 2015. In new legal system property may be in form of high-rise structures, in row, terraces or in cluster form.[xxxviii] In unit property system there are *unit* and *common areas*. A unit is that part of landed property owned by specific person or persons for their exclusive use while common areas are those part of condominium property whichare owned by all owners for their common use.[xxxix] In essence ownership of land under *condo* way is now said to encourage proper urban planning. The undertaking also seems to minimize costs relating to land rent and property rent. Therefore, with the high-rise structure one cannot say, whoever owns the land owns it up to the heaven and deep down to the hell principle applies without qualification.

b. Exception under Electricity Act, Cap 131 R.E 2002

Under this a "*licensee*" (any person licensed to provide electricity market) may, upon issuance of a written notice to thelandowner and to the Authority, enter private property for the purposesof operating, repairing or maintaining his facilities. Same laws only place few conditions to the licensee in such a way that upon entering a property shall use his best efforts to protect the rights and property of the landowner; and upon completion of the work, keep such property to its former condition.[xl] This means you cannot sue him for trespass to your land as longer as notice was given to you by the licensee. Moreover, under the same statute the doctrine of *Cius est solum eius est asque ad coelum et ad inferas* cannot apply literally since the licensee is also clothed with power to remove or trim trees or other high vegetationwhich may pose threat to the safe and reliable operation of his facilities.[xli] It is necessary to be noted that as per section 35 thereof the Authority shall facilitate acquisition of a wayleave to alicensee around existing and future energy facilities in such a way that the owners of property on or

bordering a wayleave shall not interferewith a licensee's rights related thereto. What can owners get is just compensation of his or her property for any wayleave granted. In case the dispute arose in relation to the amount of compensation the same law is to the effect that it shallbe settled as if the wayleave had been obtained pursuant to the Land Acquisition Act.[xlii]

c. Exception under Aviation laws

Under this it is impracticable to apply the doctrine of *Cius est solum eius est asque ad Coelum et ad inferas* as it is. This is because the laws governing aviation sector doesn't take into consideration of the doctrine. For example, there is nothing like *'ad Coelum'* under the Civil Aviation Act.[xliii] The Act just empowers the minister responsible for aviation to give effect to the Chicago Convention, an international convention on civil aviation which establishes rules of airspace in which Tanzania is a state party thereto. What is needed to operate an aircraft is just license from the Tanzania Airport Authority (TAA) as well as the Tanzania Civil Aviation Authority (TCAA). A quick glance on the regulations made thereunder such as the Tanzania Air Navigation regulations merely requires aircraft to be registered.[xliv] It is authors' view that since the doctrine developed before the world has witnessed tremendous changes in science and technology then people need be aware of the alteration on the applicability of the doctrine of *Cius est solum eius est asque ad coelum et ad inferas* on matters relating to airspace.

d. Exception under Railway laws

Under this the applicable laws such as Tanzania Zambia Railway Act, 1995 and the Railway Act, 2017 allows interference with another person's land underneath. The 2017 Railway Act repealed the Railway Act no. 4 of 2002. This is therefore an exception on application of the doctrine of *Cius est solum eius est asque ad coelum et ad inferas.* In summary, the railway laws warrant is that any person wishing to operate a rail transport service in the future must apply to SUMATRA (now LATRA) so that he or she can be issued with a license to operate railway. In fact, before operating the said railway an applicant must also submit the safety plan and an environmental impact assessment report. Without the plan and report no license will be granted.

e. Exception under telecommunication sector

The doctrine of *Cius est solum eius est asque ad coelum et ad inferas* is also limited to telecommunication sector. In nutshell, both the Communication Act, 1993 and the National

Telecommunication Policy (NTP) of 1997 paveway to development of telecommunication sector in sense that rights over telecommunication in one area is not necessarily given to the holder of land rights in the same area. Even the establishment of Tanzania Communications Regulatory Authority (TCRA) in 2003 has more to do with regulation of postal, broadcast, and communication than protection of landed property in which communication equipment are installed.

CHALLENGES ASSOCIATED WITH THE TWO DOCTRINES

With the development of laws on condominium properties problems associated with the *Cius est solum eius est asque ad colum et ad inferas* are handled but with regard to the doctrine of *Quicquid Plantatur solo solo cedit* a lot can be said. There has been an endless dispute caused by the doctrine. For example, where the holder of land rights is not the holder of mineral rights over the same area possibilities of hostilities between artisanal miners and mining companies are high. It has happened in Geita, Bulyang'hulu and Kinyambwiga just to mention few.Same can be seen in Petroleum area where the lawful occupier of land is just entitled to surface rights such as grazing stocks and cultivating surface as long as they do not interfere with exploration and development operations in such area.

WHAT SHOULD BE THE WAY FORWARD

The use of the two doctrines *Cius est solum eius est asque ad coelum et ad inferas* and *Quicquid Plantatur solo solo cedit* should continue to be applied subject to current alterations, while the government working on problems associated with the doctrines. The government should take full control of all areas in which minerals or petroleum are discovered. This will continue be in line with the position inherited from common law where mines and minerals below the surface of the earth moved with the ownership of the soil above except gold and silver which were vested in the Crown by virtue of Royal prerogative.

Same will also proceed to be in line with what was in Tanganyika where the colonial masters vested all mines and minerals in the state. The government should establish mineral area

reserves. Owning of 'units', 'strata titles' and 'sectional titles' should be encouraged considering the congestion problem in urban areas. Holder of rights of occupancy should not be disallowed to divide his land into parts called units. Without much ado, section 53 of the Land Registration Act needs to be amended to be in harmony with development of unit titles. Such amendment will also be in line with article 17 of the Universal declaration of Human Rights, 1948 which stipulates that "everyone has the right to own property alone as well as in association with others. Rights relating to ownership and enjoyment of property should be fully guaranteed.

CONCLUSION

The two doctrines of the *Cius est solum eiusestasque ad coelum et ad inferas* and *Quicquid Plantatur solo solo cedit* are still relevant and useful to our jurisdiction only that the government and stakeholders should strive to do away with challenges associated with the two doctrines. However, it should be noted that there is no full recognition of the two common law land doctrines. The doctrines are applicable subject to the exceptions provided under Tanzania legal regimes. For instance, things like water, mineral, oil, gas, flora and fauna do not form part of the land. Further, whoever own land could not own it to the heaven and down to the hell. There are limitations imposed by the laws in that regards.

ENDNOTES

[i] (1872) ALL ER 7
[ii] Bury v. Pope (1587) Cro. Eliz 118
[iii]Meggary and Wade "*The Law of Real Property*" Chapter 3, pg 12-14
[iv] Sist Mramba and R. Tenga"*Manual on Land Law and Conveyancing*" at page 27
[v] Section 2 of the Land Act Cap 113.
[vi]Section 2 and 22 (2) of Cap 113
[vii] See Section 4 of Interpretation of Laws Act, 1996
[viii] Cap 114 R. E 2019.
[ix] See Section 2 VLA
[x]Section 2 of Cap 113.
[xi] Section 22 (2) of Cap 113.
[xii]Section 22 (2) of Cap 113.
[xiii]Section 22 (2) of Cap 113.
[xiv] Section 22 (2) of Cap 113 R. E 2019.

[xv] Section 4 of the Mining Act No. 14 of 2010.
[xvi](2008), Black's Law Dictionary 5th Edition
[xvii] Loc. cit.
[xviii] Section 22(2) of Cap 113 R. E 2019.
[xix] Act No. 14 of 2010.
[xx] Section 5 of Act No. 14 of 2010.
[xxi] Section 4 of Act No. 14 of 2010.
[xxii] Section 3 of the Water Resources Management Act No 11 of 2009
[xxiii] Section 3 of Act No. 11 of 2009.
[xxiv] Act No. 11 of 2009.
[xxv] Section 10 of Act No 11 of 2009.
[xxvi] Section 4 (1) (a) to (j) of Act No. 11 of 2009.
[xxvii] Act No. 21 of 2015.
[xxviii] Section 3 of Act No. 21 of 2015.
[xxix] Section 3 of Act No 21 of 2015.
[xxx] Section 4 (1) of Act No. 21 of 2015.
[xxxi] Section 4 (1) of Act No. 21 of 2015.
[xxxii] Section 3 of Act No. 21 of 2015..
[xxxiii] Section 3 of the Wildlife Conservation Act No. 5 of 2009.
[xxxiv] Section 4 of Cap 123, Section 5 of the Petroleum Act, section 9 of the Water Resource Management Act
[xxxv] See Julias Mugeta& 9 Others versus John Bina & Another, HCT Musoma (Unreported)
[xxxvi]See s. 2(3) JALA, see also section 180 of the Land Act, 1999
[xxxvii] Section 53 of the Land Registration Act
[xxxviii] See section 5 (2) of the Unit Titles Act, 2008
[xxxix] See Nancy Oliver Shuma *"Unit Titles Ownership Scheme: Sale and Registration Process, Challenges and Recommendations*". Presentation made on 25th October, 2019
[xl] See section 34 (2) of the Electricity Act
[xli] See section 34 (3) of the Electricity Act
[xlii] ibid
[xliii] Cap. 80 R.E 2002
[xliv] See Regulation 5of the GN no. 170 of 1983