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Land Act

The Land Regulations

Legal Notice 280 of 2017

Legislation as at 25 April 2024

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LAND ACT

THE LAND REGULATIONS
LEGAL NOTICE 280 OF 2017

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Part I – PRELIMINARY

1. Citation

These Regulations may be cited as the Land Regulations.

2. Interpretation

In these Regulations unless the context states otherwise requires—

“Act” means the Land Act (Cap. 280);

"**authorised user**" means a person who has been granted permission to access, query on any information or submit any information or document in relation to a transaction under these Regulations;

"ballot paper” means an instrument picked by applicants to determine successful persons in land allocation process;

"base map” means a topographical map depicting the natural and man-made features of the land;

"Board” means the Land Settlement Fund Board of Trustees established under section 135 of the Act;

“cadastral map” has the meaning assigned in section 2 of the Land Registration Act (Cap. 300);

“cadastral plan” has the meaning assigned in section 2 of the Land Registration Act (Cap. 300);

"**Chief Land Registrar**" means the Chief Land Registrar appointed under section 12 of the Act;

"Committee” means the Sub-county Selection Committee as established by section 134(4) of the Act;

"**electronic**" means anything relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities;

"**electronic form**" means any information generated, sent, received or stored in magnetic, optical, computer memory, microfilm or similar device;

“legal documents” means the letter of offer, transfer, notification of charge, ancillary agreement, notification of discharge of charge issued under settlement program;

"**System**" means the National Land Information System developed pursuant to paragraph 6(h) Act;

“targeted groups” means groups of persons in disadvantaged positions or situations intended for special consideration in land allocation; and

"**user**" means a person who has created an online electronic account for access or submission of information by electronic means in the System, and may include a property owner or a professional.

[L.N. 131/2020, r. 2.]

Part II – ADMINISTRATION OF PUBLIC LAND

3. Commission to maintain data base

The Commission shall keep and maintain a data base of all public land in physical or electronic form.

[L.N. 131/2020, r. 3.]

4. Inventory of land based natural resources

(1) Pursuant to section 15(3) the Act, Commission shall keep and maintain an inventory of land based natural resources in physical or electronic form.

(2) The inventory shall be available for inspection by members of public.

[L.N. 131/2020, r. 4.]

5. Care, control and management of reserved public land

The public agencies, statutory bodies and state bodies vested with the control, care and management of reserved land under section 16 of the Act shall carry out their mandate in accordance with the guidelines set out in the First Schedule.

6. Variation Order

(1) The Commission may vary the conditions of care, control or management of public land attached to the vesting order mentioned in regulation 5, in accordance with section 16(2) of the Act.

(2) Where the variation will affect not only the respective agency, statutory body or State or county corporation but also a third party, the Commission shall, in accordance with section 16(3) of the Act, notify the third party of the intended variation in Form LA 17 set out in the Third Schedule before publishing the variation order in the *Gazette*.

(3) The notice may also—

(a) set out the details of the proposed variation and;

(b) specify how they are to affect the third party.

(4) The Commission shall consider the submissions and give a written feedback to the affected third party within seven days of receipt of the submissions.

(5) Any notification and written feedback under this regulation may be given in electronic form.

[L.N. 131/2020, r. 5.]

7. Revocation of order

The Commission may revoke the management Order in accordance with section 18(1) of the Act stating the in Order, the reasons for the revocation and any other conditions or directions to be complied with by the respective body, agency or state corporation.

8. Inventory of public land vested in public entities

(1) The Commission shall require the public institutions vested with the control, care and management of public land to submit an inventory in electronic form of all land under their control and actual occupation.

(2) The inventory under paragraph (1) shall contain the following particulars—

(a) name of the entity;

(b) the location of the land;

(c) size of the land;

(d) current use of land;

(e) management plans;

(f) types of natural resources within the land, if known; and

(g) value of land including any development thereon.

(3) The Commission shall conduct annual inspections to ensure that developments on public land are in accordance with the relevant development, management and land use plans.

(4) If upon inspection the Commission establishes that conditions of development, management and land use have been breached, a notice of not more than sixty days specifying the actual breach and actions to be taken to remedy the breach may be given by the Commission.

(5) If a management body fails to comply with the notice, penalties may be imposed including—

(a) making good the damage;

(b) revocation of management Order; and

(c) any other penalty prescribed under any law.

(6) All management bodies shall ensure that the interests of local communities and the national values and principles of governance set out under Article 10 of the Constitution are observed.

(7) Any submission of the inventory and the issuance of notices under this regulation may be done in electronic form.

[L.N. 131/2020, r. 6]

9. Issuance of licences on un-alienated public land

(1) An application for a temporary occupation licence shall be submitted to the national or relevant county government in electronic form.

(2) Upon receipt of the application, the national government or relevant county government shall process the application whereupon the county government shall forward its recommendation to the Cabinet Secretary for grant of license to the successful applicant in Form LA 19 set out in the Third Schedule.

(3) An application for consent to transfer a temporary licence shall be made to the Cabinet Secretary in Form LA 20 set out in the Third Schedule.

(4) The fees payable under any licence shall be paid to the national government or relevant county government where applicable.

(5) Any applications under this Regulation may be made in electronic form.

[L.N. 131/2020, r. 7.]

10. Notice to licencee to quit un-alienated public land

(1) The Commission may, after the expiration of the period specified in the licence, serve the licensee with a notice to vacate the public land in Form LA 21 set out in the Third Schedule.

(2) The notice shall require the licencee to remove any structures on the land within a specified period.

(3) The notice issued under paragraph (1) may be made in electronic form.

[L.N. 131/2020, r. 8.]

11. Payment of land rent

(1) The Cabinet Secretary shall issue land rent demand notes in physical or electronic form to the lessees in accordance with the terms of a lease.

(2) Land rent shall be payable to the national government or relevant county government, whichever is the head lessor.

(3) *Deleted by L.N. 131/2020, r. 9(c).*

[L.N. 131/2020, r. 9, L.N. 222/2020, r. 2.]

12. *Deleted*

Deleted by L. N 131/2020, r. 10.

13. Application for consent to transfer, sublease or charge

(1) An application for consent to transfer, sublease or charge land shall be submitted to the Cabinet Secretary in Form LA 26 set out in the Third Schedule.

(2) An application under paragraph (1) shall be accompanied by a rent clearance certificate issued under regulation 12.

(3) The Cabinet Secretary shall conduct a site inspection to confirm any matter in relation to the land.

(4) The Cabinet Secretary shall—

(a) give the consent in Form LA 27 set out in the Third Schedule; or

(b) *deleted by L.N. 131/2020, r. 11(b).*

(5) Where an application to transfer land owned by national public institutions to private individuals or entities is received, the Cabinet Secretary shall require that such application be accompanied by a written confirmation from the Cabinet Secretary in charge of the institution that the transfer is done in accordance with the relevant procurement and disposal procedures.

(6) Where an application to transfer land owned by county government to private individuals or entities is received, the Cabinet Secretary shall require that such application be accompanied by a written confirmation from the County Government that the transfer is done in accordance with the laid down procurement and disposal procedures.

(7) The processing of applications under this regulation for purposes of consent to transfer, sublease or charge may be made in electronic form.

[L.N. 131/2020, r. 11.]

Part III – CONVERSION OF FREEHOLD AND LEASEHOLD TENURE OVER NINETY-NINE YEARS OWNED BY NON CITIZENS

14. Commission to notify affected non-citizen land owners

(1) The Commission shall within five years from the commencement of these regulations undertake the conversions of all freehold titles and leases held by non-citizens that exceed ninety nine years.

(2) The Commission shall require the Chief Land Registrar to cause an entry to be made on all registers of land owned by non-citizens whose term was reduced to ninety-nine years with effect from the 27th August, 2010.

(3) The Commission shall, in Form LA 28 set out in the Third Schedule or through a notice published in the *Gazette* and in at least two newspapers with nationwide circulation, notify non-citizens who possess freehold titles or leasehold titles that exceed ninety-nine years—

(a) of the intention to convert the freehold or leasehold tenure of over ninety-nine years to ninety-nine years;

(b) of the intention to have the parcels of land resurveyed for purposes of issuance of ninety-nine year leasehold titles; and

(c) of the dates when the affected parcels of land shall be resurveyed.

15. Conversion of tenure

(1) The Commission shall cause the land to be re-surveyed, geo referenced and cadastral map and plan produced by the authority responsible for survey.

(2) The registered proprietor shall be required to surrender the original title document to the Commission.

(3) Upon receipt of the original title document and cadastral map and plan from the authority responsible for survey, the Commission shall forward the documents to the Cabinet Secretary for preparation and issuance of a lease for a term of ninety-nine years in the name of the registered proprietor.

(4) The Cabinet Secretary shall forward the original title document, the lease and the cadastral map and plan to the Chief Land Registrar for registration.

(5) All Government processing fees incurred under the process will be free of charge.

(6) Any transfer of land from a non-citizen to a citizen that may have occurred after the 27th August, 2010 shall be deemed to have transferred a leasehold term of no more than ninety-nine years.

(7) Any application made under this Regulation for purposes of conversion of tenure may be made in electronic form.

[L.N. 131/2020, r. 13.]

Part IV – ADMINISTRATION OF PRIVATE LAND

16. Subdivision, amalgamation, partition and reparcellation of freehold land

(1) An application for subdivision, amalgamation, partition and reparcellation of freehold land shall be submitted in electronic form to the relevant county government and shall be processed and approved in accordance with the laws relating to physical planning.

(2) The county government shall ascertain the viability of the subdivision, amalgamation, partition and reparcellation and shall in that regard seek representations, in physical or electronic form, from the relevant authorities including but not limited to—

(a) officer representing the national Director of Surveys at the county;

(b) officer representing the national Director of Physical Planning at the county;

(c) the land administration officer of the national government at county;

(d) representative of the Land Control Board, where applicable; and

(e) any other relevant authority.

(3) Upon receipt of representations sought under paragraph (2), the relevant county government may grant development permission within thirty days and subsequently forward a copy of the same to the Cabinet Secretary in physical or electronic form.

(4) Where development permission sought as contemplated under paragraph (2) is denied, the relevant county government shall notify the applicant of its decision, in writing, within thirty days of the decision by physical or electronic means stating the reasons for refusal.

(5) Upon fulfilment of the requirements in paragraph (2) and (3), the applicant shall cause a survey to be carried out and submit a cadastral map and plan to the Chief Land Registrar for registration and issuance of resultant title.

(6) The Chief Land Registrar shall decline to register a document where development permission has been denied.

(7) The applicant shall be required to submit the existing certificate of title to the Chief Land Registrar in exchange for a new one.

[L.N. 131/2020, r. 14.]

17. Subdivision, amalgamation, partition and reparcellation of leasehold land

(1) An application for subdivision, amalgamation, partition and reparcellation of leasehold land shall be submitted to the county government in physical or electronic form.

(2) The county government shall, before granting approval for subdivision, amalgamation, partition and reparcellation, seek representations in physical or electronic form from—

(a) the officer representing the National Director of Surveys in the county;

(b) the officer representing the National Director of Physical Planning in the county;

(c) the land administration officer of the national government in the county;

(d) the Land Control Board, where applicable; and

(e) any other relevant authority.

(3) Upon receipt of the representations sought under paragraph (2), the county government may within thirty days, grant or refuse to grant the aplication.

(4) Where the application is not granted, the county government shall notify the applicant of the decision in writing by physical or electronic means within thirty days and set out the reasons for refusal.

(5) The county government shall forward an approval granted under paragraph (5) to the Cabinet Secretary by physical or electronic means who shall—

(a) cause the land to be re-surveyed and geo-referenced;

(b) cause the land to be revalued in order to ascertain the land rent payable and other requisite fees; and

(c) prepare subdivision, amalgamation, partition and reparcellation approval letters;

(d) prepare the subsequent lease and forward it to the Chief Land Registrar for registration in Form LA 29 as set out in the Third Schedule,

(6) The applicant shall be required to submit the existing certificate of lease to the Chief Land Registrar in exchange for a new one.

[L.N. 131/2020, r. 15.]

18. Change or extension of user on freehold land

(1) An application for change or extension of user on freehold land shall be submitted to the relevant county government by physical or electronic means.

(2) Upon receipt of the application, the county government shall ascertain the viability of the application and seek representations by physical or electrnoic means from relevant authoritites including—

(a) the officer representing the national Director of Surveys in the county;

(b) the officer representing the national Director of Physical Planning in the county;

(c) the land administration officer of the national government in the county;

(d) the Land Control Board, where applicable; and

(e) any other relevant authority.

(3) Upon receipt of the representations sought under paragraph (2), the county government may, within thirty days, approve or refuse to approve the application.

(4) Where the approval for development is not granted, the relevant county government shall notify the applicant of the decsion in writing by physical or electronic means within thirty days and specify the reasons for refusal.

(5) Where the development permission is granted, the relevant county government shall forward the approval to the Cabinet Secretary in physical or electronic form for processing.

(6) On receipt of the approval from the county governemnt under paragraph (5), the Cabinet Secretary shall cause an endorsement to be prepared in Form LA 30 set out in the Third Schedule which shall be forwarded to the Chief Land Registrar for noting in the register and the original certificate of title.

[L.N. 131/2020, r. 16.]

19. Change or extension of user on leasehold land

(1) An application for change or extension of user on leasehold land shall be submitted to the relevant county government by physical or electronic means.

(2) Upon receipt of the application, the relevant county government shall ascertain the viability of the application and may seek representations by physical or electronic means from the relevant authorities including—

(a) the officer representing the national Director of Surveys in the County;

(b) the officer representing the national Director of Physical Planning in the County;

(c) the land adminsitraton officer of the national governemnt in the County;

(d) the Land Control Board, where applicable; and

(e) any other relevant authority.

(3) Upon receipt of the representations sough under paragraph (2), the relevant county government may, within thirty days, approve or refuse to approve the application.

(4) Where the approval for development is not granted, the relevant county government shall notify the applicant of its decision in writing, by physical or electronic means within thirty days and specify the reasons for the refusal.

(5) The county governemnt shall forward the approval in physical or electronic form to the Cabinet Secretary, who shall—

(a) cause the land to be re-surveyed and geo-referenced, where applicable;

(b) cause the land to be revalued to ascertain the land rent payable and other requisite fees;

(c) prepare the lease and forward it to the Chief Land Registrar for registration in Form LA 29 as set out in the Third Schedule.

[L.N. 131/2020, r. 17.]

20. Approval of building plans or other development on leasehold land

(1) Application for building plans on leasehold land shall be submitted to the relevant county government.

(2) Where the county government has approved building plans or any other development on leasehold land, it shall communicate the said approval to the Cabinet Secretary and the Commission for purposes of noting that the conditions of the lease have been met.

21. Application for consent to transfer, sublease or charge on leasehold land

(1) Applications for consent to transfer, sublease or charge leasehold land shall be submitted to the county government or the Cabinet Secretary as the case may be in Form LA 31 set out in the Third Schedule.

(2) An application under paragraph (1) may be made in electronic form and shall be accompanied by proof of compliance with the special conditions on the lease where applicable.

(3) The Cabinet Secretary or county government may conduct a site inspection to confirm any matter relating to the land.

(4) The Cabinet Secretary or the county government may—

(a) give the consent in Form LA 32 set out in the Third Schedule; or

(b) refuse to give the consent stating reasons thereof.

(5) Where the leasehold land is for agricultural purposes, consent shall be obtained in accordance with the Land Control Act (Cap. 302).

(6) Where an application to transfer foreign Government owned land is received, the Cabinet Secretary or the County Government shall refer the application to the Attorney-General for confirmation that the transaction is sanctioned and approved by the respective foreign government in accordance with their laws.

(7) The processing of applications under this Regulation for purposes of consent, may be made in electronic form.

[L.N. 131/2020, r. 18.]

Part IVA – ELECTRONIC LODGING

21A. User accounts

(1) There shall be a user account created for every authorised user for purposes of electronic lodgement of documents.

(2) The authorised user provided for under paragraph (1) shall receive credentials for use in logging into the System.

[L.N. 131/2020, r. 19.]

21B. Users' obligations

A user shall—

(a) carry out such transactions as may be authorised under these Regulations;

(b) be responsible for the security of the user's details for purposes of any transaction under these Regulations;

(c) not distribute, sell or combine any information accessed through the System; and

(d) not copy, exchange, disclose or use the land related information accessed from the System for any other purpose other than for purposes of the transactions under these Regulations.

[L.N. 131/2020, r. 19.]

Part V – COMPULSORY ACQUISITION OF INTERESTS IN LAND

22. Application for compulsory acquisition

(1) Pursuant to section 107(2), an acquiring body shall apply, in writing, to the Commission for compulsory acquisition of land.

(2) The Commission shall require the acquiring body to confirm, in writing, that it has sufficient funds for the intended acquisition.

(3) The Commission shall further satisfy itself that the geo-referencing of the land to be acquired has been done.

23. Notification of the proposed acquisition

(1) Upon receipt of an application for compulsory acquisition, the Commission shall publish at least a thirty days' notice of intention to acquire the land in Form LA 33 set out in the Third Schedule in the *Gazette*, in at least two daily newspapers with nationwide circulation, one local newspaper and affix notices at the County, Sub County and ward offices.

(2) The Commission shall, in accordance with section 131 of the Act, serve the notice of intention to compulsory acquire land to the affected persons and Registrar.

(3) The Commission shall, in consultation with the affected persons, inspect and collect data on—

(a) the location;

(b) the area to be acquired;

(c) the proposed land use in the national, regional or county spatial plans;

(d) existing use of the land;

(e) improvements on the land being acquired;

(f) the impacts of the acquisition; and

(g) any other information relevant for the acquisition.

24. Entry of the proposed acquisition in the register

The Registrar shall upon receipt of a notice under regulation 23(1), make an entry of the intended acquisition in the register.

25. Notice of inquiry to be issued by Commission

(1) The Commission shall issue a notice of inquiry in Form LA 34 set out in the Third Schedule to every person whose interest appears in the register and who claims to be interested in the land.

(2) The Commission shall also publish a notice of inquiry in the *Gazette*, in at least two dailies with nationwide circulation, and county *Gazette* and at the respective county, sub county and ward offices at least fifteen days before the date of the inquiry.

(3) At the expiry of the fifteen days, the Commission shall conduct an inquiry to hear and determine issues of propriety and claims for compensation by persons interested in the land as stipulated under section 112 of the Act.

26. Valuation of claims and interests

(1) The Commission shall carry out valuation of interests or claims determined at the inquiry for purposes of determining the full and just compensation to be payable to the persons whose interest or claims have been determined and inform the acquiring body of the costs.

(2) The determination and assessment of just compensation shall be in accordance with the set out in the Second Schedule.

27. Preparation and service of award

(1) The Commission shall prepare an award which shall include the size of the land to be acquired, the value of the land and the amount of compensation payable to the persons with interest in the land.

(2) This shall be served on each person with a determined interest in Form LA 35 set out in the Third Schedule notifying the respective persons of the award and offer for compensation.

(3) The *bona fide* persons shall be required to communicate their acceptance or rejection of the award in Form LA 37 set out in the Third Schedule.

(4) Where the award is accepted, the *bona fide* person(s) shall forward their bank details, PIN number and identification documents to the Commission.

(5) A *bona fide* person who is aggrieved by an award shall refer the matter to the Court in accordance to section 128 of the Act.

28. Acquisition of part of the land and survey

Where only a portion of the land comprised has been acquired, the Commission shall within six months cause a final survey of the acquired land to be carried out and cadastral map and plan prepared before payment of compensation.

29. Payment of compensation

(1) The acquiring body shall deposit with the Commission the compensation funds in addition to survey fees, registration fees and any other incidental costs.

(2) The Commission shall pay the compensation in accordance with the award to the persons entitled within ninety days from the date of receipt of funds from the acquiring body.

(3) Upon payment of compensation, the land owner shall—

(a) where the whole land comprised has been acquired, deliver the original title to the Commission who shall prepare surrender documents to be signed by the proprietor and forwarded to the Registrar provided that delivery of the original title shall be done not later than fifteen days from the date of payment of compensation; and

(b) where only a portion of the land comprised has been acquired, deliver the original title to the Commission who shall prepare surrender documents of the acquired portion to be signed by the proprietor and forwarded to the Registrar provided that delivery of the original title shall be done not later than fifteen days from the date of payment of compensation.

(4) The Registrar shall register the acquired parcel in favour of the acquiring authority and register the remaining parcel in the name of the proprietor, where applicable.

(5) Where the parcel is deemed unfit for the purpose for which the acquisition was intended, the Commission shall notify the Registrar to remove the notice of intention to acquire on the register within seven days from the date of the notice.

(6) The Commission shall take possession of the land on a specified date upon service of the notice in Form LA 38 to all persons interested in the land.

30. Power to obtain temporary occupation of land

(1) The Commission shall serve notice, in Form LA 39 set out in the Third Schedule, on every person interested or who claims to be interested in the land that is required by a public body for a period not exceeding five years.

(2) Upon giving the notice, the Commission shall within seven days of the notice cause the land to be valued for compensation.

(3) Upon payment of full compensation, the Commission shall take possession of the land by entering and posting a notice to take temporary possession on the land in Form LA 40 serve a copy of the notice to the occupier.

(4) The Commission shall require the Chief Land Registrar to make an entry of the temporary acquisition in the register.

31. Reference of matters to court for determination by the Commission

The Commission may by application in Form 41 set out in the Third Schedule refer the matters set out in section 127(1) to court for determination.

Part VI – SETTLEMENT PROGRAMMES

32. Planning and survey of settlement scheme land

(1) Where the national or county government has identified public land for establishment of a settlement scheme, they shall request the Commission to reserve the land to the Board for implementation of a settlement scheme in accordance with section 134 of the Act.

(2) Where the public land is not available, the Board may purchase or acquire land for establishment of a settlement scheme.

(3) Where the land bought under paragraph (2) is on leasehold tenure, the Board may apply to the lessor to purchase reversionary interest in order to create a freehold interest.

(4) The Board shall request the authority responsible for survey to prepare a base map of the reserved land.

(5) Upon receipt of the base map, the Board shall cause the land to be planned, surveyed, geo-referenced and serviced.

(6) Where the land is freehold tenure, the Board shall forward the cadastral plan and map and area list to the Chief Land Registrar for registration of the scheme.

(7) Where the land is leasehold tenure, the Board shall forward the cadastral plan and map to the Commission for preparation of leases in favor of the Board and forward to the Chief Land Registrar.

(8) The registrar shall open a register for each parcel of land in favour of the Board before the land is further allocated to the beneficiaries.

33. Establishment of the sub-county selection committee

(1) The Cabinet Secretary shall appoint members of the sub-county selection committee in accordance with section 134(4) of the Act to identify and verify beneficiaries.

(2) The Cabinet Secretary shall request relevant organizations to nominate suitable persons to be members of the sub-county selection committee.

(3) The names of the nominees shall be received at the office of the relevant County Commissioner for submission to the Cabinet Secretary for appointment.

(4) The secretary to the selection committee shall be the officer in charge of settlement programmes at the county.

(5) Members of the committee may be paid reasonable honoraria and allowances for their services as determined and approved by the Cabinet Secretary.

34. Identification and verification of beneficiaries

(1) The sub-county selection committee shall identify the intended beneficiaries from among members of the targeted groups.

(2) In order to identify and verify the beneficiaries, the committee shall vet the persons to ascertain their eligibility and in the case of—

(a) squatters, shall ensure that the person—

(i) does not own any land elsewhere; and

(ii) is not a beneficiary of any other settlement programme; and

(b) displaced persons, shall ensure that the persons—

(i) are the *bona fide* owners of the parcels of land from which they were displaced;

(ii) were displacement as a result of natural causes, internal conflicts or other causes that may lead to the movement and displacement of persons and, the persons cannot access their land; and

(iii) whoever benefits from land of comparable value surrenders the title for the original land which will be vested in the national or county government, where applicable; and

(iv) where title in referred to in paragraph (iii) is not available, the Board shall request the land registrar to make an entry in the register indicating forfeiture of the land to the National or County Government, where applicable; and

(c) poor and the landless, the Committee shall, ensure that the beneficiaries—

(i) have no own dwelling;

(ii) have no means of livelihood;

(iii) will undertake to live and work on the land;

(iv) have not benefitted from any settlement programs; and

(v) shall adhere to the conditions of allocation.

35. Preparation of list of beneficiaries

(1) The committee shall, after the verification exercise, prepare a list of proposed beneficiaries in Form LA 42 set out in the Third Schedule and submit the list together with the minutes of the committee to the Board for approval.

(2) The Board may upon receipt of the list of beneficiaries prepared under paragraph (1), consider and approve the list of beneficiaries or may send it back to the committee for further verification and clarification if not satisfied with the process.

36. Determination of the cost of land

(1) The Board shall upon approving the list of beneficiaries, determine the cost of land based on the area where the land is located, purchase price, the administrative costs and other costs to be borne by the beneficiaries.

(2) The Board may elect to charge the beneficiaries a nominal fee to cover the purchase price, the administrative costs and other costs.

(3) Every parcel of land allocated under the settlement programme may be held on freehold or leasehold tenure.

37. Allocation of land in settlement schemes

(1) On the date of the actual allocation of the land—

(a) the proposed beneficiaries may draw ballots for specific parcels, in public, in the presence of an officer from the national or county government authority responsible for betting, where land is vacant; or

(b) the Board may approve a list of beneficiaries already identified in a prior exercise of verification, for direct allocation.

(2) The ballot papers used in the draw in paragraph (1)(a) shall be in Form LA 43 set out in the Third Schedule.

(3) Upon completion of the balloting, the committee secretary shall enter all the names of the beneficiaries into a register and forward it to the Board.

(4) The successful beneficiaries shall be shown their respective parcels of land by the committee.

38. Board to publish names of successful beneficiaries

(1) Upon receipt of the register of the successful beneficiaries, the Board shall within thirty days publish the list in at least two newspapers of nationwide circulation and affix a copy of the register at the headquarters of the respective county, sub county and ward offices where the settlement scheme is located.

(2) The Board shall issue letters of offer in Form LA 44 set out in the Third Schedule indicating the name of the beneficiary, parcel number and the amount of money to be paid for the parcel and the settlement conditions to be fulfilled.

(3) Where parcels are set aside for public purpose under this Part, the Commission shall *gazette* such parcels of land for allocation to the relevant public institutions.

(4) On payment of the requisite fees, the Board and the beneficiaries shall execute legal documents which include the land offer document in Form LA 45, the notification of charge (where applicable) in Form LA 46 and an ancillary agreement in Form LA 47.

(5) The Board shall forward the notification of charge (where applicable) to the Registrar to be entered in the register.

(6) The Registrar shall enter the name of the beneficiary in the property section of the register and the notification of charge in the encumbrance section.

(7) Where there is no notification of charge, the Registrar shall issue a certificate of title or a certificate of lease to the beneficiary.

(8) Upon the full payment of all the moneys due, the Board shall execute the transfer in accordance with the Land Registration Act (Cap. 300) and, a notification of discharge of the charge in Form LA 48, which shall be forwarded to the Registrar for registration and issuance of certificate of title or certificate of lease.

(9) The Land Settlement Fund Board of Trustees notify the general public of the names of persons who have been allocated land in the settlement scheme in Form 49 set out in the Third Schedule.

(10) The Registrar shall enter a restriction in the register that the parcel is not transferable except by a process of succession as provided for under section 134 (7) of the Act.

39. Breach of settlement land allocation conditions

(1) The Board may in three year intervals of three undertake a verification exercise within settlement schemes to confirm compliance with the terms and conditions of allocation.

(2) Upon receipt of the report of a verification exercise under paragraph (1), the Board shall issue notices of breach of settlement conditions to beneficiaries in form LA 50 set out in the Third Schedule.

(3) Upon expiry of the period specified in the notice under paragraph (2) the board shall review the status of the plot and either issue a fresh notice or cancel the allocation in Form LA 51 set out in the Third Schedule.

(4) The Board shall proceed to re-allocate the plots whose allocation had been cancelled in accordance with this regulation.

(5) Upon cancellation under paragraph (3), the Board shall notify the registrar, in writing, to cancel the charge and revert the property to the Board.

40. Development and promotion of settlement programmes

The Board may, if circumstances so permit, provide funding from the Land Settlement Fund for—

(a) the provision of basic infrastructure and services in settlement schemes; and

(b) any other purpose that would enhance development and promote settlement programmes.

41. Settlement of squatters

(1) Pursuant to section 135 of the Act, the Board may on its own motion or on request by the national or county government initiate the process of settlement of squatters.

(2) In order to resettle the squatters, the Board may—

(a) negotiate to purchase, or acquire private or community land; or

(b) request the Commission to reserve public land.

(3) The Board shall satisfy itself that—

(a) the land is consistent with the conditions set in section 12(2) of the Act; and

(b) the squatters are not beneficiaries of any other settlement programme.

(4) The Board shall cause the valuation, planning and survey of the land and ensure due diligence in the exercise.

(5) The Board shall request the committee to identify, vet and verify the *bona fide* squatters and compile a list.

(6) In the event that the available land is inadequate for all the *bona fide* squatters, the Board shall keep a register of the remaining squatters for future consideration on priority basis.

(7) The Board shall determine the fee payable by the beneficiaries in regulation 36(2) and issue letters of offer as provided for in regulation 38(2).

42. Procedures of the Board

(1) The Board shall meet at least four times in a year at intervals of three calendar months.

(2) The Chairperson or in his absence the vice-Chairperson may convene meetings of the Trustees as and when he considers the same necessary or desirable for the proper conduct of their business.

(3) Every meeting of the Board shall be convened by a written notice sent to the Trustees at least seven days before the meeting.

(4) The quorum for meetings shall be four Trustees.

(5) The decisions of the Board shall be made by consensus or by a majority vote in case consensus is not arrived at.

(6) In case of a tie in the votes, the Chairperson or the member presiding over the meeting shall have a casting vote in addition to his or her deliberative vote.

(7) Subject to the provisions of this regulation, the Board may regulate its own procedures.

(8) The Board shall keep a Minute Book which shall contain records of minutes of all meetings, deliberations and resolutions of the Board.

43. Trustees' administrative managements

For the efficient conduct of the affairs of the Fund the Board shall—

(a) appoint a public officer to be the officer administering the Fund who shall *inter alia*–

(i) be the secretary of the Board and responsible for the day to day administration of the Fund;

(ii) appraise applications for financing of projects and programmes;

(iii) prepare agreements with beneficiaries and other stakeholders;

(iv) ensure disbursement of Funds;

(v) monitor the implementation of projects;

(vi) carry out technical and financial audits of projects and programmes;

(vii) facilitate the provision of technical and advisory support to, and sensitization of communities;

(viii) give administrative and technical support to the Trustees;

(ix) give advice to the Trustees and consider the suitability and appropriateness in the circumstances; and

(x) provide supervisory role over technical and support staff in the settlement programmes;

(b) establish such technical and administrative support system as may be necessary for the operation of the Fund;

(c) ensure that the secretary takes and keeps minutes of all meetings of the Board the implementation of resolutions of the Board; and

(d) from time to time make arrangements to delegate any of the functions, powers or any business relating to the Fund to anyone or more of their members such as sub-committees.

44. Opening accounts

(1) The Board shall open and maintain accounts for the Fund with such banks as shall be approved by the Cabinet Secretary for the time being responsible for National Treasury.

(2) The accounts and investments shall be held for and on behalf of the Fund in the name of the Land Settlement Fund Board of Trustees.

(3) Monies owed to the Board by beneficiaries of land in settlement schemes shall be paid into bank accounts opened under paragraph (1).

45. Books of accounts

(1) The Trustees shall keep proper books of accounts and shall prepare annual statements of accounts in accordance with the Public Finance Management Act (Cap. 412A).

(2) The accounts of the Board, including donor funds, shall be managed in accordance with the Public Finance Management Act (Cap. 412A).

46. Audit

The books of accounts of the Board shall be prepared, audited and reported in accordance with Articles 226 and 229 of the Constitution and the Public Audit Act (Cap. 412B).

47. Financial year of the Board

The financial year of the Board shall be the period of twelve months ending on the 30th of June of every year.

48. Conflict of Interest

(1) The Trustees shall not hold any interest in any property of the Fund otherwise other than in their capacity as Trustees of the Fund or receive remuneration or be interested in the supply of work, goods or services to the Fund.

(2) The Trustees may be paid reasonable honoraria and allowances for their services of an amount to be determined by the Cabinet Secretary on the advice of the Salaries and Remuneration Commission.

(3) A Trustee may be reimbursed any reasonable and proper expenses including traveling or any other expenses incurred by the Trustee in the performance of the duties of Trustee.

49. Trustees Liability

No member of the Board shall be liable for any action, suit or proceedings for or in respect of any act done or omitted to be done in good faith in exercise of the functions, powers and duties conferred under these regulations.

50. Transitional provision

Unless the contrary is specifically expressed in the Act or any other written law, all assets, liabilities, functions and responsibilities of the Settlement Fund Trustee before coming into force of the Act shall be deemed to be the assets, liabilities, functions and responsibilities of the Land Settlement Fund Board.

Part VII – EASEMENTS AND ANALOGOUS RIGHTS

51. Applications for creation of public rights of way to the Commission

(1) A State Department, county government, public authority or corporate body may apply to the Commission for the creation of a way leave under sections 143 and 144 of the Act in Form LA 52 set out in the Third Schedule.

(2) A county government, an association, or any group of persons may apply to the Commission for the creation of communal right of way under section 145 of the Act in Form LA 53 set out in the Third Schedule.

(3) The applicant in paragraphs (1) and (2) shall obtain a survey map from the authority responsible for survey and mark the proposed position of the public right of way.

(4) The applicant in paragraphs (1) and (2) shall forward the marked survey map, relevant documents and drawings and any other information to the Commission for processing.

(5) Pursuant to section 144(3), where the Commission intends to create a way leave by its own motion, the Commission shall complete Form LA 52 set out in the Third Schedule.

52. Notices by the Commission

(1) The Commission shall serve a notice in Form LA 54 set out in the Third Schedule to all persons occupying the land over which the proposed way leave or communal right of way is to be created.

(2) The Commission shall—

(a) visibly post the notice along the route of the proposed way leave or communal right of way;

(b) make an announcement of the notice in radio stations with nationwide coverage; and

(c) cause an inspection where the way leave or communal right of way is proposed to be created.

53. Creation of a public right of way where there are no objections

Upon receipt of all the required information and where there are no objections after the expiry the period specified in the notice, the Commission shall recommend to the Cabinet Secretary to create the public right of way in accordance with section 146(4) of the Act.

54. Objections to create public right of way

Where there are objections to the creation of the public right of way, the Commission shall at the end of the period specified in the notice, recommend to the Cabinet Secretary in accordance section 146(b) of the Act.

55. Public inquiry in case of objections

(1) Where the recommendation is for a public inquiry under section 146(b)(i) of the Act, the Cabinet Secretary shall constitute a public inquiry panel which shall consist of—

(a) a representative of the Institution of Surveyors of Kenya, who shall be the chairperson;

(b) a representative of the Ministry of Lands and Physical Planning, who shall be the secretary;

(c) a representative of the Law Society of Kenya;

(d) a representative of the Commission;

(e) a representative of the respective county government; and

(f) a representative of the Kenya Institute of Planners.

(2) The quorum of the public inquiry panel shall be the Chairperson and three members.

(3) The Cabinet Secretary shall meet all the expenses of the inquiry including the honoraria of the members of the panel subject to the advice of the Salaries and Remuneration Commission.

56. Notice of public inquiry

(1) The secretary of the public inquiry panel shall publish a two weeks' notice in Form LA 55 set out in the Third Schedule specifying the date, time and place of the inquiry to all parties to make objections, submissions or observations in relation to the proposed way leave or public right of way.

(2) The panel may after receiving the submissions, objections or observations from the respective stakeholders, but before the expiry of the period specified in the notice, require a party to give such additional information as may be necessary.

(3) At the expiry of two weeks from the date of hearing, the Secretary to the panel shall prepare and submit a report to the Cabinet Secretary containing—

(a) a description of the objections received;

(b) a summary of issues arising out of any submissions and observations; and

(c) recommendations on whether the proposed way leave or public right of way shall be created, with or without modifications.

57. Referral to the county government

(1) Where the Commission recommends to the Cabinet Secretary that the matter be referred to the county government for its opinion under section 146(b)(ii) of the Act, the Cabinet Secretary shall within two weeks of such recommendation request the county government to give their opinion regarding the application.

(2) The county government shall forward within two weeks of the request under paragraph (1) submit its opinion to the Cabinet Secretary, in writing.

58. Negotiations where there are objections

Where the Commission recommends negotiations under section 146 (b)(iii) of the Act, the Cabinet Secretary, shall, within two weeks, initiate negotiations between the persons who made objections or submissions and the applicants.

59. Compensation for land and other interests on creation of public right of way

(1) The compensation shall be paid by the state department, county government, public authority or corporate body on whose behalf the public right of way was created.

(2) Upon survey and valuation of the land acquired for creation of a public right of way, the state department, county government, public authority or corporate body on whose behalf the public right of way is created shall pay the respective compensation to the affected parties in accordance with regulations on compulsory acquisition.

(3) In the case of a creation of a way leave, a survey of the route shall be undertaken and depicted on the cadastral map.

60. Order to create public right of way

(1) Upon completion of the processes in regulations 54 to 59, the Cabinet Secretary may create the public right of way in accordance with section 146 (4) of the Act.

(2) In case of a public right of way, the land acquired shall vest in the national government or relevant county government as the case maybe.

61. Registration of the way leave or public right of way

The order for the public right of way or way leave shall be forwarded to the Land Registrar in the relevant County registry for noting in the register.

Part VIII – MISCELLANEOUS

62. Controlled land

(1) The cabinet secretary shall identify and establish an inventory of all controlled land within the country.

(2) All transactions within controlled land involving ineligible persons shall pursuant to section 12A of the Act be subject to the approval of the Cabinet Secretary.

(3) An application to the Cabinet Secretary for approval under paragraph (2) shall be in Form 56.

63. Eviction notice to unlawful occupiers of public land

(1) Upon establishing that a particular parcel of public land is unlawfully occupied, the Commission shall issue a notice to the unlawful occupiers of public land to vacate the land in Form LA 57 set out in the Third Schedule.

(2) The notice under paragraph (1) shall be published the *Gazette*, in one newspaper with nationwide circulation, by radio announcement in a local language where appropriate and by affixing it on the affected land.

64. Eviction notice to unlawful occupiers of unregistered community land

(1) Upon establishing that a particular parcel of unregistered community land is unlawfully occupied, the County Executive Committee Member responsible for land matters in the county shall issue notice in Form LA 57 set out in the Third Schedule to the unlawful occupiers to vacate the land.

(2) The County Executive Committee Member shall publish a notice issued under paragraph (1) in the *Gazette*, in one newspaper with nationwide circulation, by radio announcement in a local language where appropriate and by affixing it on the affected land.

65. Eviction notice to unlawful occupiers of private land

Upon establishing that a particular parcel of private land is unlawfully occupied, the owner of the land shall issue a notice in Form LA 57 set out in the Third Schedule to the unlawful occupiers to vacate the land.

66. Proper identification of persons taking part in the eviction

Any person participating in an eviction shall identify themselves by production of—

(a) the original national identification cards;

(b) official or staff identification cards;

(c) a letter of authorization from the owner; or

(d) a letter from the Commission in case of public land.

67. Formal authorizations for evictions

(1) Evictions shall be formally authorized in writing and by—

(a) the Commission, in the case of public land;

(b) the County Executive Committee Member responsible for land matters, in the case of unregistered community land; or

(c) the owner of the land, in the case of private or community land.

(2) The authorization granted under paragraph (1) shall be copied to the national government administrators in the county and to the Officer Commanding the Police Division of the area in which the land is situate.

68. Time during which evictions should be undertaken

Evictions shall be carried out between 6.00 am and 6.00pm.

69. Protection of property or possessions

(1) The persons taking part in eviction shall allow the evictees to carry with them their personal property and possessions.

(2) The persons taking part in eviction shall not destroy the property and possessions left behind involuntarily.

70. Service of Notices

(1) All notices required under these regulations may be served—

(a) by post, to any postal address in Kenya entered in the register as an address for service;

(b) by post, to any postal address outside Kenya entered in the register as an address for service;

(c) by leaving the notice at any postal address in Kenya entered in the register as an address for service;

(d) by electronic transmission to the electronic address entered in the register as an address for service;

(e) by hand delivery through the national or county government administration officers within the area of their jurisdiction;

(f) by any of the methods of service given in paragraph (1) (a), (b), (c), (d) and (e) to any other address where the person giving the notice believes the addressee is likely to receive it.

(2) Service of a notice which is served in accordance with this Regulation shall be regarded as having taken place at the time set out in the Fourth Schedule.

(3) In this Regulation, "post" means pre-paid delivery by a postal service, for delivery of documents within Kenya or outside Kenya as necessary.

(4) In paragraph (2) "working day" means any day from Monday to Friday (inclusive) between 6.00 a.m. and 6.00 p.m. which is not a day declared to be a holiday under the Public Holidays Act (Cap. 110).

71. Fees

The fees chargeable under section 154(1) of the Act shall be the fees prescribed in the Fifth Schedule.

[L.N. 27/2024, s. 2, L.N. 74/2024, s. 2.]

FIRST SCHEDULE [r. 5.]

GUIDELINES FOR MANAGEMENT OF PUBLIC LAND HELD BY PUBLIC AGENCIES, STATUTORY BODIES AND STATE CORPORATIONS

1. All public agencies, statutory bodies and state corporations shall maintain an inventory of all lands held by them and ensure that such lands are surveyed and titled.
2. The public agencies, statutory bodies and state corporations shall maintain the land for the purposes for which it was allocated.
3. The institutions shall undertake to prepare long term land-use and management plans for the land and deposit the plans with the Commission.
4. The institutions shall be responsible for provision and maintenance of relevant infrastructure.
5. The institutions shall ensure compliance to applicable statutory fees and charges including prompt payments of rates and rents.
6. Where the land or part thereof forms part of an ecologically fragile ecosystem, due measures should be undertaken to conserve such land.
7. Any change of use of the whole or part of the land, from the registered use shall require public consultation as required by law and approval from the National or County Government in addition to any other relevant approval.
8. Where part of the land held by the institutions may be required in the interest of defense, public security, public morality, public safety, public order, or public health the Commission shall cause the Chief Land Registrar to make a temporary entry of the acquisition in the register.
9. The institutions shall undertake periodic valuation of their land by the chief government valuer.
10. The institutions shall ensure that they comply with environmental management regulations as maybe prescribed by any other law.
11. Where the institutions are found to be in breach of any conditions in the land management plans, they shall undertake appropriate action as shall be required by the Commission.

SECOND SCHEDULE [r. 27(3)]

GUIDELINES AND CRITERIA FOR DETERMINATION OF JUST COMPENSATION

1. The acquiring body shall clearly state the purpose for which the land is being compulsorily acquired for. This shall be accompanied by approved project designs.
2. Where the acquiring body is a county government, the application shall be accompanied by an approved County Spatial Plan.

3. The acquiring body shall confirm, in writing, to the Commission, that there are sufficient funds for the acquisition process and the geo-referencing of the parcels to be acquired has been done.
4. The acquiring body shall be required to deposit funds for compensation, final survey and registration with the Commission.
5. The acquiring body shall take possession and secure the land upon payment of the compensation funds.

THIRD SCHEDULE

FORMS

[L.N. 131/2020, r. 20(1).]

FORM LA. 12 (r. 36(2))

REPUBLIC OF KENYA

INDENT FOR CADASTRAL MAP AND PLAN

File Reference Number .....

To.

The Director of Surveys

Date ..... 20 .....

RE: Parcel Number .....

Your Ref. ..... F/R .....

Please Supply Cadastral Map/Plan(s) for:

Surrender

Lease

Conversion

Consolidation

Amalgamation

Extension of Lease

Renewal of lease

Change of User

Extension of user

.....

Officer Indenting

For Cabinet Secretary.

S.R.O. Name & Signature Date F/R

Report

Cadastral Map No. Cadastral Plan No.

S.H

Data

D.O.

Preparation

Ch/D

Checking

D/S.

S.R.O.

CP&CM

Signature

Blue — print Forwarded

Forwarded

REMARKS:

FORM LA. 13 (r. 36(3))

The Land Act (Cap. 280)

(to be completed in quadruplicate)

Presentation Book Date received for registration:

Registration Fees: Ksh. ..... Paid

No. 20 ....., 20 .....

Receipt No. .....

REPUBLIC OF KENYA

THE LAND ACT (Cap. 280)

LEASE

REGISTRATION UNIT: .....

TITLE No. .....

KNOW ALL PERSONS BY THESE PRESENTS the Cabinet secretary on behalf of the County Government ..... /National Government in consideration of the sum of shillings .....

HEREBY LEASES TO:

.....

(herein after called "the lessee") ALL THAT piece of land situated in ..... comprised in the above-mentioned title containing by measurement approximately ..... Hectares the said parcel of land with the dimensions, abuttals and boundaries thereof as delineated on the plan annexed hereto and more particularly on the Cadastral Plan Number..... deposited in the office of Director of Surveys for the term of ..... years from the ..... day of ..... 20 ..... at the annual rent of ..... payable in advance on the first day of January in each year and subject to the provisions of the Land Act (Cap. 280) and the following special conditions:

SPECIAL CONDITIONS

1. No buildings shall be erected on the land nor shall additions or external alterations be made to any buildings otherwise than in conformity with the plans and specifications previously approved in writing by the County Government. The County Government shall not give its approval unless it is satisfied that the proposals are such as to develop the land adequately and satisfactorily.

2. The Lessee shall within six (6) calendar months of the actual registration of the lease submit in triplicate to the County Government building plans (including block plans showing the positions of the buildings and system of drainage for the disposal of the sewage, surface and sullage water), drawings, elevations and specifications of the buildings the Lessee proposes to erect on the land and shall within 48 months of actual registrations of the lease complete the erection of such buildings and the construction of the drainage system in conformity with such plans, drawings, elevations and specifications as amended (if such be the case) by the County Government.

   PROVIDED that notwithstanding anything to the contrary contained in or implied by the Land Act (Cap. 280) if default shall be made in the performance or observance of any of the requirements of this condition it shall be lawful for the National and County Governments to re-enter into and upon the land or any part thereof in the name of the whole and thereupon the term hereby created shall cease but without prejudice to any right of action or remedy of the county government or National government in respect of any antecedent breach of any conditions herein contained.

3. The Lessee shall maintain in good and substantial repair and conditions all buildings at any time erected on the land.

4. Should the Lessee give notice in writing to the County government or National government that the lessee is unable to complete the buildings within the period a foresaid the County government or National government shall at the lessee's expense accept a surrender of land comprised herein PROVIDED FURTHER that if such notice is aforesaid shall be given (1) within twelve months of the actual registration of the Lease, the County government or National government shall refund to the lessee fifty *per centum* of the stand premium paid in respect of the land or (2) at any subsequent time prior to the expiration of the said period to the County government or National government shall refund the Lessee twenty-five *per centum* of the said stand premium. In the event of notice being given after the expiration of the said building period no refund shall be made.

5. The land and buildings shall only be used for ..... purposes.

6. The land shall be developed in accordance with the approved development plans.

7. The land shall not be used for any purpose which the County government or National government considers to be dangerous or offensive.

8. The Lessee shall not subdivide, change or extend use of the land, without prior written consent of the county government and any other applicable regulatory authority.

9. The Lessee shall not sell, transfer, sublet, charge or part with possession of the land or any part thereof or any building thereon except with prior consent in writing of the County government or National government. No application of such consent (except in respect of a loan required for building purposes) will be considered until Special Condition No. 2 has been performed.

10. The Lessee shall from time to time pay to the County Government on demand such proportion of the cost of maintaining all roads and drains serving or adjoining the land as the County Government may assess.

11. The Lessee shall pay such rates, taxes, charges, duties, assessments or outgoings of whatever descriptions as may be imposed charged or assessed by the National and County Government upon the land or the buildings erected thereon, including any contribution or other sum paid by the County government or National government in lieu thereof.

12. The County government or National government or such person or authority as may be appointed for the purpose shall have the right to enter upon the land and lay and have access to water main service pipes and drains, telephone wire, fiber optic and electric mains of all descriptions whether overhead or underground and the Lessee shall not erect any buildings in such a way as to cover or interfere with any existing alignments of main or services pipes or fiber optic or telephone wires and electric mains.

13. The County government or National government reserves the right to revise the annual ground rent payable here-under at the expiration of every ten years of the term. Such rental shall be at a rate to be determined by the County government or National government of the unimproved value of the land as at the end of every tenth year of the term.

Dated this ..... day of ....., 20 .....

*Sealed with the common Seal of the Cabinet Secretary

Signed by

.....

On behalf of Cabinet Secretary

SIGNED by the Lessee in the presence of:

SIGNATURE .....

ID/ PASSPORT NO. .....

PIN NO.....

I CERTIFY that the above-named appeared before me on the ..... day of ....., 20 ..... and being known to me/being identified by ..... acknowledged the above signature or marks to belong to the lessee and that the lessee freely and voluntarily executed this instrument and understood its contents.

Signature of the Magistrate/ or Commissioner of Oaths/or Notary Public

REGISTERED this ..... day of ....., 20 .....

Name ..... Signature and Number .....

Land Registrar

DRAWN BY:

The Cabinet Secretary

P.O. Box 30450-00100

NAIROBI

*Delete whichever is not applicable

FORM LA. 14 (r. 36(5))

REPUBLIC OF KENYA

THE LAND ACT (Cap. 280)

SUBMISSION OF LEASE DOCUMENT TO THE CHIEF LAND REGISTRAR

To: The Chief Land Registrar

Date .....

RE: .....

HEREWITH find Lease Document (in triplicate) for the above-mentioned parcel of land duly signed and executed by both the Lessor and the Lessee for registration purposes Registration fees of KSh. ..... Has been paid vide Receipt No. ..... of .....

Signed .....

For Cabinet Secretary,

CC.

Owner ..... (please call upon the Land Registrar for collection of your Certificate of Lease).

Made on the ....., 20 .....

Designated officer authorized by the Cabinet Secretary.

FORM LA. 17 (r. 6(2))

REPUBLIC OF KENYA

NATIONAL LAND COMMISSION

NOTICE OF INTENDED VARIATION

To: .....

P.O. Box .....

Ref. .....

You are hereby informed that the National Land Commission intends to make the following variations to the Vesting Order Ref:... ..... of ..... (date)

1. .....

2. .....

3. .....

You are hereby requested to submit any comments within 15 days from the date of receipt of this notice.

.....

For or on behalf of the National

Land Commission

FORM LA. 19 (r. 9(2))

THE MINISTRY OF LANDS AND PHYSICAL PLANNING

Temporary Occupation Licence

AN AGREEMENT made this ..... day of ..... Two thousand and..... BETWEEN the Cabinet Secretary or the County government, as the case may be (hereinafter referred to as "the Licensor") of ..... of the one part and (Full Name ..... ID No. ..... PIN No. ..... and Address .....) (hereinafter referred to as "the Licencee") of the other part whereby the Licensor in pursuance of the powers conferred under sec 20(1) Land Act licences and the licencee agrees to occupy all that piece of land *shown edged red on the enclosed Plan No. ..... being *Plot No. ..... (where unsurveyed) or Parcel No. ..... situated in ..... measuring ..... for the purpose of .....for the term of ..... months/years from the date hereof and thereafter until determined as hereinafter provided at the *monthly/quarterly/yearly rental of Sh. ..... Payable in advance on the first day of every *month/ quarter/year.

If the aforesaid rent or any part thereof is unpaid for one calendar month after the same has become due or if the licencee commits any breach of or fail to perform any of the conditions set out here-under this licence shall thereupon cease and determine and the Commission or any other person authorized on behalf of the County/ National government may re-enter upon the land or any part thereof.

This licence may be determined at any time after the expiration of the nine (9) months by either party giving to the other three calendar months' notice in writing and is subject (save where expressly herein otherwise provided) to the provisions of the Land Act (Cap. 280) and to the special conditions and other matters stated here below.

SPECIAL CONDITIONS

(i) The Licencee shall comply with and conform to development permission requirements granted by the respective county government and all applicable laws.

(ii) The Licencee shall not sell, transfer, sublet or charge the land or any part thereof except with the prior consent in writing of the Commission.

(iii) The Licencee shall pay such rates, taxes, charges, duties, assessments or outgoings of whatever description as may be imposed, charged or assessed by Commission upon the land or the buildings erected thereon including any or other sum paid by the ..... in lieu thereof.

(iv) The Licencee shall maintain the plot in a clean and tidy condition and in such condition deliver it up at the determination of the licence.

*Delete unnecessary words

P.T.O

For further special conditions, if any, see attached sheet.

Signed by the said .....

in the presence of .....

..... Licencee

Stamp

Signed for and on behalf of the Cabinet Secretary

Name .....

Designation .....

Form of Transfer

Name: .....

Address: .....

ID No/Certificate Of Incorporation No. .....

PIN: .....

hereby transfer all my rights, and interest in the within written licence to: .....

Name: .....

Address:.....

ID No/Certificate of incorporation No. .....

PIN No: .....

In consideration of the sum of Kshs .....

Dated this ..... day of ..... 20 .....

Signed by the said .....

in the presence of: .....

Licencee

Signed by the said .....

in the presence of- .....

transferee

Witness

The Cabinet Secretary hereby grants consent to the above transfer.

Dated this ..... Day of ....., 20 .....

FORM LA. 20 (r. 9(3))

REFERENCE NUMBER .....

REPUBLIC OF KENYA

MINISTRY OF LANDS AND PHYSICAL PLANNING

APPLICATION FOR CONSENT TO TRANSFER TEMPORARY LICENCE

(To be submitted in TRIPLICATE in respect of each transaction and sent to or deposited at the appropriate office of the Cabinet Secretary or such other office as the cabinet secretary may designate)

To: Cabinet Secretary

Date .....

TOL Reference No. .....

I HEREBY apply for consent to transfer the above temporary licence and provide the following details-

I. Current registered owner details in BLOCK LETTERS

Name .....

ID. No. ..... Certificate of Incorporation No. ..... PIN .....

Postal Address ..... Physical Address .....

2. Proposed transferee (Details in BLOCK LETTERS)

Name .....

ID. No. ..... Certificate of incorporation No. ..... PIN .....

3. Licence fees clearance certificate number ..... *(attach Duplicate)*

For Official use (only)

(a) Consent fee Receipt No. .....

(b) Consent issued/ Not issued .....

(c) Reason(s) for refusal to grant consent .....

.....

.....

(d) Name and Signature of Authorised Officer .....

FORM LA. 21 (r. 10(1))



REPUBLIC OF KENYA

NATIONAL LAND COMMISSION

NOTICE TO VACATE TEMPORARY OCCUPIED LAND

To .....

P.O. BOX .....

Reference is made to the Temporary Occupation Licence Ref. ..... dated ..... granting you right of occupation for a period of ..... months/years.

Kindly note that the licence expired on ..... and the Commission has no intention of renewing the same.

You are hereby ordered to vacate the land and remove any structures thereon within ..... days.

Dated .....

.....

for Chairperson National Land Commission

FORM LA. 24

Deleted by L.N. 131/2020, r. 20(a).

FORM LA. 25

Deleted by L.N. 131/2020, r. 20(a).

FORM LA. 26 (r. 13(1))

REFERENCE NUMBER .....

REPUBLIC OF KENYA

APPLICATION FOR CONSENT TO TRANSFER/ SUBLEASE/ CHARGE PUBLIC LAND

(To be submitted in TRIPLICATE in respect of each transaction and sent to or deposited at the appropriate appropriate office of the County government/National government)

To: Cabinet Secretary/CEC member

Date .....

I HEREBY apply for consent for the following transaction-

	Nature of Transaction	Tick as Appropriate
1.	Lease	
2.	Charge	
3.	Transfer	
4.	Other (Specify)	

1. Current registered owner details in BLOCK LETTERS Name .....

ID. No. ..... Certificate of Incorporation No. .....

PIN .....

Postal Address .....

Physical Address .....

2. Description of land-

Title No. .....

Correspondence File No. (if known) .....

Locality..... County/City/Town/.....

Nature of development .....

3. Proposed purchaser, transferee, chargee, tenant, lessee *etc*., (Details in BLOCK LETTERS)
Name ..... ID. No. .....

Certificate of incorporation No. ..... PIN .....

4. Annual Rent clearance certificate number ..... *(attach Duplicate)*

5. In case the application is made by a Law Firm /Agency on behalf of the registered owner:

(i) Name of Firm/Agency .....

(ii) Name of Advocate/Agent .....

(iii) Signature .....

(iv) Official stamp of the firm/Agent .....

6. In case the applicant is the owner-

(a) Name.....

(b) ID No. /Certificate of incorporation No (attach copy of ID)

(c) PIN No. .....

(d) Signature .....

(a) Consent fee Receipt No. .....

(b) Consent issued/ Not issued .....

(c) Reason(s) for failure to grant consent .....

.....

Name and Signature of Authorised Officer .....

FORM LA. 27 (r. 13(4)(a))

SERIAL NO .....

REPUBLIC OF KENYA

CONSENT CERTIFICATE FOR PUBLIC INSTITUTIONS

(Sec 87, Reg. 61)

Ref. No. .....

To. .....

.....

.....

Dear Sir/ Madam,

Nature of Transaction(s) .....

Parcel No .....

With reference to your application dated ..... day of ..... 20 .....

Consent is hereby given in respect of the above-mentioned transactions.

.....

Name and Signature of Authorised Officer

This certificate is issued without erasure or alteration.

FORM LA. 28 (r. l4(3))



REPUBLIC OF KENYA

NATIONAL LAND COMMISSION

PUBLIC NOTICE

CONVERSION OF FREEHOLD TITLES AND LEASES EXCEEDING NINETY-NINE YEARS OWNED BY NON-CITIZENS

The National Land Commission hereby gives notice of intention to effect the conversion of all freehold titles and leases exceeding 99 years held by non-citizens to 99 year leases from the date of the promulgation of the Constitution of Kenya, 2010.

Pursuant to the above, the Commission shall:

(a) Resurvey and geo-reference the affected parcels of and;

(b) Require the landowner to surrender the original title in exchange for 99 year leasehold.

All processing fees incurred under this process will be free on the Commission's Account.

.....

Chairperson

National Land Commission.

FORM LA. 29 (r . 17(6), 19(7))

REPUBLIC OF KENYA

SUBMISSION OF LEASE DOCUMENT TO THE CHIEF LAND REGISTRAR

To: The Chief Land Registrar

Date .....

RE: .....

HEREWITH find Lease Document (in triplicate) for the above mentioned parcel of land duly signed and executed by both the Lessor and the Lessee for registration purposes.

Registration fees of Kshs. ..... has been paid vide Receipt No. ..... of .....

Name and Signature of Authorised Officer

CC

Owner ..... *(please call upon the Land Registrar for collection of your Certificate of Lease)*

_____

FORM LA. 30 (r. 18(6))

REPUBLIC OF KENYA

MINISTRY OF LANDS AND PHYSICAL PLANNING

ENDORSEMENT

KNOW ALL PERSONS by these presents that at the request of the within named .....

(Herein after called the Proprietor) the Cabinet Secretary hereby grants unto the proprietor all that the within written parcel of land, an approval of change of user from ..... to ..... in addition to the within written special conditions (If any) as are specified or implied in the within written Certificate of Title.

IN WITNESS whereof the Cabinet Secretary has set his hand and the proprietor has set his hand this ..... day of ..... 20 .....

SIGNED by .....

In the presence of

Land Registrar

MINISTRY OF LANDS AND PHYSICAL PLANNING

ENDORSEMENT

SIGNED by the proprietor in the presence of

.....

Drawn by-

_____

FORM LA. 31 (r. 21(1))

REFERENCE
NUMBER .....

REPUBLIC OF KENYA

MINISTRY OF LANDS AND PHYSICAL PLANNING

APPLICATION FOR CONSENT TO TRANSFER/ SUBLEASE/ CHARGE PRIVATE

LAND ON LEASEHOLD TENURE

(To be submitted in TRIPLICATE in respect of each transaction and sent to or deposited at the appropriate office of the Ministry of Lands and Physical Planning)

To: Ministry of Lands and Physical Planning

Date .....

I HEREBY apply for consent for the following transaction-

	Nature of Transaction	Tick Appropriate
1	Lease	
2.	Charge	
3.	Transfer	
4.	Other (Specify)	

10. Current registered owner details in BLOCK LETTERS

Name .....

ID. No. ..... Certificate of Incorporation No. .....

PIN No. .....

Postal Address .....

Physical Address .....

11. Description of land -

Title No. .....

Correspondence File No. (if known) .....

Locality..... County/ City/Town/.....

Nature of development .....

.....

12. Proposed purchaser, transferee, chargee, tenant, lessee *etc*, (Details in BLOCK LETTERS)

Name .....

ID. No. ..... Certificate of incorporation No. .....

PIN .....

13. Annual Rent clearance certificate number ..... (attach Duplicate)

14. In case the application is made by a Law Firm /Agency on behalf of the registered owner:

(i) Name of Firm/Agency .....

(ii) Name of Advocate/Agent .....

(iii) Signature .....

(iv) Official stamp of the firm/Agent .....

15. In case the applicant is the owner-

(a) Name .....

(b) ID No. /Certificate of incorporation No (attach copy of ID) .....

(c) PIN No. .....

(d) Signature .....

For Official use (only)

(i) Consent fee Receipt No. .....

(j) Consent issued Not issued .....

(k) Reason(s) for refusal to grant consent .....

.....

(l) Name and Signature of Authorised Officer .....

FORM LA. 32 (r. 21(4)(a))

SERIAL NO. .....



REPUBLIC OF KENYA

REPUBLIC OF KENYA

MINISTRY OF LANDS AND PHYSICAL PLANNING

CONSENT CERTIFICATE

Ref. No. .....

To. .....

.....

Dear Sir/ Madam,

Nature of Transaction .....

Parcel No. .....

With reference to your application dated ..... day of ..... 20 .....

Consent is hereby given in respect of the above-mentioned transactions.

Yours faithfully,

.....

For: Cabinet Secretary

This certificate is issued without erasure or alteration.

FORM LA. 33 (r. 23(1))

REPUBLIC OF KENYA

REPUBLIC OF KENYA

NATIONAL LAND COMMISSION

NOTICE OF INTENTION TO COMPULSORILY ACQUIRE LAND

PROJECT NAME: .....

Notice is hereby given that the National Land Commission on behalf of National Government/County Government of ..... intends to acquire the land shown in the schedule hereunder in accordance with Section 110 of the Land Act (Cap. 280) for the purpose(s) of .....

Interested persons should inspect maps/plans of the affected land at the offices of the Commission at ..... during official working hours.

Schedule

Name of Registered owner	Parcel No.	Area to be acquired (HA)

Notice of the inquiries will be published in the *Kenya Gazette* in accordance with section 112 of the Land Act (Cap. 280).

Dated .....

.....

Chairperson,

National Land Commission.

FORM LA. 34 (r. 25(1))



REPUBLIC OF KENYA

NATIONAL LAND COMMISSION

NOTICE OF INQUIRY INTO PROPOSED COMPULSORY ACQUISITION OF LAND

PROJECT NAME

.....

The National Land Commission calls upon persons who have an interest or claim in the land shown in the schedule here below, which the Commission intends to compulsorily acquire for purposes of ..... to appear before the Commission in person on (date) ..... at (venue) ..... at (time) ..... to

inquire into:

a) Issues of propriety of the proposed acquisition.

b) Issues of compensation

c) Any other relevant issues.

Name of Registered owner	Parcel No.	Area to be acquired (HA)

Persons interested in the affected land should deliver written claims of compensation to be received by the Commission on or before the date of inquiry.

Chairperson

National Land Commission.

FORM LA. 35 (r. 27(2))

REPUBLIC OF KENYA

NATIONAL LAND COMMISSION

NOTICE OF AWARD OF COMPENSATION

Mr./Mrs/Ms .....

PROJECT NAME: .....

GAZETTE NOTICE NOS: .....

PARCEL/PLOT NO: ..... (PART/WHOLE)

AWARD

PURSUANT TO SECTION 114 (l) of the Land Act (Cap. 280), having concluded the inspections and inquiry relating to the acquisition of the land described above, I HEREBY AWARD you the sum of Kshs ..... (in words) ..... in respect of your interest in the land and permanent improvements acquired for the development of the above project.

I hereby give the following particulars relating to the acquisition -

(a) The area of the land to be acquired is ..... Ha approximately.

(b) The total value of land and improvements is in my opinion Kshs. .....

(c) The total compensation payable for land and improvements is Kshs. .....

(d) The compensation HEREBY AWARDED is payable to the following person(s) interested in the land-

.....

.....

Please complete the attached Acceptance or Contestation of Award Form and send the same to the office of the Commission as soon as possible.

DATED the ..... day of ..... 20 .....

FOR: NATIONAL LAND COMMISSION

The award shall be published in the *Kenya Gazette*.

FORM LA. 37 (r. 27(3))

REPUBLIC OF KENYA

NATIONAL LAND COMMISSION

ACCEPTANCE OR CONTENSTATION OF AWARD

(Sec I13, Reg. 75 (4))

Reference Number .....

Project Name: .....

Gazette Notice No. .....

I ..... ID NO. ..... PIN No. ..... of PO Box ..... being the *bonafide* person entitled to payment of award in respect of Parcel/ Plot No. ..... hereby:

A .Accept the award of Kshs. ..... and request that the compensation due to me be paid into my bank account as per details attached.

Date: ..... Signed: .....

B. Do not accept the award and I intend to appeal against it in the Environment and Land Court in accordance with section 128 of the Land Act (Cap. 280)

Date: ..... Signed: .....

FORM LA. 38 (r. 29(6)



REPUBLIC OF KENYA

NATIONAL LAND COMMISSION

NOTICE OF TAKING POSSESSION AND VESTING

File No. (VAL) .....

Name .....

Address .....

Dear Sir(s)/Madam,

Project Name: .....

Gazette Notice No.:

Parcel No: .....

Area Acquired: ..... (Ha)

Please TAKE NOTICE THAT under section 120 (3) of the Land Act (Cap. 280) (Part VIII), the National Land Commission HAS TAKEN POSSESSION of the land described above and the same will vest in the ..... free from all encumbrances with effect from .....

Under Section 121 (l) of the said Act, if you are still in possession of the original title document in respect of the said land, you are required to surrender the same to the Chief Land Registrar/County Land Registrar, ... for amendment/cancellation.

Dated this ..... day of ..... 20 .....

.....

FOR: Chairperson, NATIONAL LAND COMMISSION

C.C

1. Chief Land Registrar/County Land Registrar, ... (Please proceed with lodging of caveats/rectification of titles to protect Government's acquisition interest)

2. The Director of Surveys, Nairobi: (Please undertake the final survey. Plans for the project are hereby enclosed)

FORM LA. 39 (r. 30(1))

REPUBLIC OF KENYA

NATIONAL LAND COMMISSION

NOTICE OF INTENTION TO TAKE TEMPORARY POSSESSION

Notice is hereby given that the National Land Commission intends to take possession of Parcel No(s) or part thereof as shown in the schedule hereunder for a period of ..... months/years for the purpose of .....

Schedule

Name of Registered Proprietor	Parcel No	Acreage (Ha)

Dated .....

.....

Chairperson,

National Land Commission.

FORM LA. 40 **r. 30(3))**

REPUBLIC OF KENYA

NATIONAL LAND COMMISSION

NOTICE TO TAKE TEMPORARY POSSESSION

Notice is hereby given that the National Land Commission has taken possession of Parcel No(s) .....
or part thereof for a period of ..... months/years for the purpose of .....

Dated .....

.....

Chairperson,

National Land Commission.

To be served upon

.....

FORM LA. 41 (r. 31)

REPUBLIC OF KENYA

NATIONAL LAND COMMISSION

REFERENCE OF MATTERS TO COURT FOR DETERMINATION

To The Registrar, Environment and Land Court ..... (station)

P.O Box .....

RE: Parcel No. .....

Project name .....

The National Land Commission hereby refers the following matters relating to compulsory acquisition of the above parcel No. ....., which was *gazetted* for acquisition *vide* the *Gazette* Notice No. .....for determination of the following:

(a) .....

(b) .....

(c) .....

(d) .....

Relevant supporting documents are herewith attached

Dated this ..... day of ..... 20 .....

Signed by .....

For: National Land Commission

To be served upon

..... [Person(s)]

———————————

FORM LA. 42 (r. 35(1))



MINISTRY OF LANDS AND PHYSICAL PLANNING

BENEFICIARY VERIFICATION DATA CAPTURE FORM FOR LAND IN SETTLEMENT SCHEMES

..... Sub-County

1. Household Details

(a) Full Name of Household head (Mr. /Mrs. /Ms. ..... Gender .....

(b) Postal Address ..... Code .....

(c) Physical Address..... Phone No. ..... Email .....

(d) Identity card No. .....

(e) Age .....

(f) Occupation .....

(g) Disability, if any .....

(h) Name of spouse(s) (where applicable)

(i) Name ..... ID No. .....

(ii) Name ..... ID No. .....

(i) List of dependent Children by age:

(i) Name ..... ID No. ..... Age .....

(ii) Name ..... ID No. ..... Age .....

(iii) Name ..... ID No. ..... Age .....

(iv) Name ..... ID No. ..... Age .....

(attach additional sheet where necessary)

2. Nature of land Development where applicable

Describe

.....

.....

3. Name of person providing information (if different from the beneficiary in 1 above)

.....

ID No. .....

Relationship with the beneficiary .....

Telephone number .....

I hereby declare that the information provided in this data sheet is true to the best of my knowledge.

Signature ..... Date .....

FOR OFFICIAL USE ONLY

1) Recommended for allocation .....

Scheme Name .....

2) Not recommended

(Reasons) .....

.....

.....	.....
Secretary	Chairperson
Sub-county Selection Committee	Sub-county Selection Committee
Date	Date .....

FORM LA. 43 **(r. 37(2)**

REPUBLIC OF KENYA

NATIONAL LAND COMMISSION

Serial No. .....

BALLOT (LOT) PAPER

Parcel No. ..... Locality .....

Name of Applicant .....

ID/No / Passport No. .....

Postal Address .....

Committee Secretary ..... Signature .....

Note: A Ballot with a blank Parcel Number is considered to be unsuccessful.

This form is issued without erasure or Alteration.

FORM LA. 44 (r. 38(2)

REPUBLIC OF KENYA

MINISTRY OF LANDS AND PHYSICAL PLANNING

P.O. Box 30297

NAIROBI

Date: .....

When replying please quote

Ref: No. .....

..... (Name and ID No of beneficiary)

(c/o Secretary Sub-county Selection Committee

P.O. BOX .....

Dear Sir/Madam

RE: SETTLEMENT SCHEME PARCEL - LETTER OF OFFER

I am pleased to inform you that the Land Settlement Fund Board of Trustees has offered

you Parcel No. ..... of approximately Ha at .....

Settlement Scheme in ..... County. The term of allocation is freehold/lease of 99 years with effect from ..... Day of ..... 20 .....

In pursuant thereto, please note that you are required to report to the
Secretary, ...

Sub-county Selection Committee, so that you are shown the parcel boundaries and be issued with a letter confirming this before documentation.

This offer is valid for 90 days from the date of this letter. Within this period, you are required to pay to the Board, 10% deposit of the land purchase price; or pay the outright purchase price of Kshs. ..... failure to which will lead to cancellation of the offer without further reference to you.

Please note that this land shall not be transferred except through a process of succession

in accordance with Section 134(7) of the Land Act (Cap. 280).

Yours faithfully,

For: LAND SETTLEMENT FUND BOARD OF TRUSTEES

CC

The Principal Secretary

Ministry In-charge of Lands

P.O. BOX 30450

NAIROBI

CEC in-charge of Lands

County Government of .....

The Secretary,

..... Sub-County selection Committee.

FORM LA. 45 (r. 38(4)



REPUBLIC OF KENYA

MINISTRY OF LANDS AND PHYSICAL PLANNING

Dear Sir/Madam

SETTLEMENT SCHEME LAND OFFER DOCUMENT IN ..... SCHEME

I offer you the under mentioned parcel of land in the above-mentioned Scheme upon the following terms and conditions, viz

l. Title: FREEHOLD/ LEASEHOLD, subject to the following conditions:

The land shall only be used for ..... purposes.

(a) The land shall not be transferred except in case of succession.

(b) Within six months of taking possession of the land, the allottee shall, to the satisfaction of the Board;

(i) use the land for the purposes it was intended for;

(ii) erect a dwelling house of suitable materials; and

(iii) establish and maintain the parcel boundaries.

(c) Upon any breach of the conditions in (c) above the land shall become liable to forfeiture to the Board, but such forfeiture shall not be enforceable by re-entry, suit or otherwise unless a notice shall have been served on the proprietor of the land—

(a) specifying the particular breach complained of;

(b) if the breach is capable of remedy, requiring the proprietor to remedy the breach; and

(c) in any case, requiring the allottee to make compensation in money for the breach, and the allottee shall have failed, within a reasonable time thereafter, to remedy the breach, if it is capable of remedy, and to make reasonable compensation in money.

2. There is reserved to the Board during the period from the date hereof to the date of execution of the transfer of the land—

(a) the right to enter upon the land for the purpose of constructing, laying, sinking, erecting, inspecting, repairing and maintaining pipelines, canals, reservoirs, cattle troughs, pump houses, boreholes, dams, wells and other structures or installations necessary for the efficient supply of water to the land and all other pieces of land on the estate of which the piece of land forms part;

(b) the right to provide such ways of access as may be necessary for and incidental to such matters as aforesaid and the access thereto and to rivers by persons and livestock from adjoining and neighboring pieces of land:

Provided that the Board shall have regard, where possible to the interest of the allottee in deciding the possible or alignment of any such rights.

3. The transfer to the allottee shall include—

(a) the grant to the allottee and his successors in title of such easements over adjoining or neighboring pieces of land as shall at the date of transfer have been provided in accordance with the last proceeding clause and are necessary for the proper enjoyment of the land hereby allotted; and

(b) the reservation in favour of the Board and its successors in title the owner or owners of the remainder of the estate of which the land hereby allotted forms part of such easements over the land hereby allotted as shall at the date of transfer have been provided as aforesaid and are necessary for the proper enjoyment of the remainder of the said estate or any part of parts thereof.

4. It is expressly declared and agreed that all plant, equipment and works installed, laid or constructed by or on behalf of the Board on the land hereby allotted shall be and remain the property of the Board and its successors.

5. Parcel No. ..... Scheme Name .....

Settlement Charge Kshs .....

.....

.....

The allottee shall, on accepting this offer, execute the attached charge.

.....

.....

FEES

The allottee shall, on accepting this offer, pay the

Following fees and charges

Conveyancing fees ..... Sh. .....

Registration fees	Sh. .....
Stamp duty	Sh. .....
TOTAL	Sh. .....

6. If you accept the above offer please sign the formal acceptance below and return this letter to me, together with shillings .....

And the executed charge..... not later than ..... p.m. on..... day of....., 20 .....

Signed .....

Name .....

Designation .....

For: The Land Settlement Fund Board of Trustees

Name Of Allottee .....

ID/No. .....

P.O.Box .....

I accept the above offer: .....

(Signature).....

Full Name.....

Date.....

Witnessed by.....

(Signature).....

Full Name .....

Acknowledgement of receipt of amount shown in para.6 above to be shown in the space below.

M.R. No. .....

.....

FORM LA. 46 (r. 38(4))



REPUBLIC OF KENYA

MINISTRY OF LANDS AND PHYSICAL PLANNING

SETTLEMENT LAND NOTIFICATION OF CHARGE

Parcel No: .....

Area : .....

Name of Registered Proprietor: .....

ID No. .....

Address: .....

Pursuant to the Land Act (Cap. 280), this notification of charge on the land comprised in the above mentioned parcel number(s) is hereby given by the Land Settlement Fund Board of Trustees. Particulars of the charge are as follows and it is subject to the conditions referred to overleaf—

AMOUNT OF LOAN	RATE OF INTEREST	DATE OF LOAN

Date .....

Signed .....

Name.....

Designation .....

For: The Land Settlement Board of Trustees

To:

The Land Registrar,

..... Registration Unit,

P.O. BOX.....

.....

CONDITIONS

1. .....
2. .....
3. .....
4. .....

and made between the named proprietor(s) and the Board.

Registration this ..... day of .....20 .....

.....

and entered in the encumbrances section as No.....

.....

Date .....

Signed .....

Name.....

Designation.....

For: The Land Settlement Fund Board of Trustees

DRAWN BY- .....

THE LAND SETTLEMENT FUND BOARD OF TRUSTEES,

P.O. BOX 30297,

NAIROBI.

FORM LA. 47 (r. 38(4))



REPUBLIC OF KENYA

MINISTRY OF LANDS AND PHYSICAL PLANNING

SETTLEMENT ANCILLARY AGREEMENT

To: The Land Settlement Fund Board of Trustees

P.O. BOX 30297,

NAIROBI.

Dear Sir/Madam,

Date .....

PARCEL No. ..... SCHEME .....

1. I ..... (beneficiary)* in consideration of your having today advanced to me the sum of Kenya Shillings ..... (Amount in words) ..... in respect of which I have today executed in your favor a charge to secure that amount which charge is to be registered against the title to the above-mentioned piece of land when that title has been created, I HEREBY UNDERTAKE to observe and perform the agreements on my part contained in the said charge as if the same had been embodied in this undertaking, and to the same extent as if the said charge had been registered.

2. I further agree, in the event of the whole of the money payable by virtue of the said charge becoming immediately due and payable to you in accordance with provisions of Clause 4 of the said charge, that, without prejudice to any claims or demands you may at that time have against me:

(a) I will, on being so requested by you, vacate the said piece of land and deliver up possession thereof to you or as you may direct, and

(b) You may, without further reference to me cancel the letter of allotment dated ..... where upon I shall have no further claim to the land.

3. On registration of the said charge, this Undertaking shall cease to have any effect, and the charge shall, as between the Board and me, be deemed to have been in full operation and effect from the date hereof.

Yours Faithfully,

.....

.....

Signed by the said.....

In the presence of-

Date.....

Revenue Stamp

*where the context so admits, Beneficiary shall include the personal representatives and permitted assignees.



Date received for registration	Presentation Book	Registration Fees:
		Sh. .....
..... 20	No. ...../20	
		Paid Receipt
		No. .....

FORM LA. 48 (r. 38(8)

REPUBLIC OF KENYA

THE LAND ACT

(Cap. 280)

NOTIFICATION OF DISCHARGE OF CHARGE

TITLE NO: .....

TITLE NAME: ..... ID NO. .....

I/We the LAND SETTLEMENT FUND BOARD OF TRUSTEES (hereinafter referred to as the "chargee")

HEREBY DISCHARGE the Charge shown as entry number ..... ONE ..... in the encumbrances section of the register of the above-mentioned title wholly.

Dated this ..... day of ..... 20 .....

Sealed with the common }
Seal of the chargee }
In the presence of: }
..... }

I CERTIFY that the above-named, ...

THE DULY AUTHORZED OFFICER / OFFICER ADMINISTERING THE FUND appeared before me on the ..... day of ..... 20 ..... and, being known to me acknowledged the above signatures or marks to be his and that he had freely and voluntarily executed this instrument and understood its contents.

.....

Signature and Designation of Person Certifying

REGISTERED this ..... day of ..... 20 .....

.....

Land Registrar

IN WITNESS WHEREOF, I }
The DULY AUTHORIZED OFFICER/ }
THE OFFICER ADMINISTERING THE FUND }
has hereunto set my hand and the seal of the }
Land Settlement Fund Board of Trustees this ..... day of ..... 20 ..... }

Signed by the transferee in the presence of The Land Adjudication and Settlement Officer IN CHARGE

NAME: .....

ID/NO. .....

PIN NO.: .....

TITLE NO:.....

NAME OF THE WITNESSING OFFICER .....

COUNTY/SUB COUNTY .....

SIGNATURE .....

DATE.....

I CERTIFY THAT the above-named transferee appeared before me on the ..... day of .....20 ..... and being known to me acknowledge the above signature (or thumb print) to be his/hers and that he/she had freely and voluntarily executed this instrument and understood its contents.

.....

Signature

.....

Designation of the person certifying

REGISTERED this ..... day of ..... 20 .....

.....

Land Registrar

FORM LA. 49 (r. 38(9))



REPUBLIC OF KENYA

MINISTRY OF LANDS AND PHYSICAL PLANNING

LAND SETTLEMENT FUND BOARD OF TRUSTEES

PUBLIC NOTICE OF BENEFICIARIES

SETTLEMENT SCHEME .....

DATE OF ALLOCATION .....

The Land Settlement Fund Board of Trustees hereby notifies the general public that the persons indicated below have been allocated land in the settlement scheme above.

S/No.	Name of beneficiary	ID Number	Parcel No.	Area acquired (HA)

Chairperson

Land Settlement Fund Board of Trustees

Dated ..... Day of ..... 20.....

Form LA 50 (r. 39(2))



REPUBLIC OF KENYA

MINISTRY OF LANDS AND PHYSICAL PLANNING

.....

C/O County and Adjudication & Settlement Officer

P. O. Box .....

.....

Dear Sir/Madam,

NOTICE OF BREACH OF SETTLEMENT CONDITIONS

The Land Settlement Fund Board of Trustees, allocated you Plot No. ..... of approximately ..... acres in ..... SETTLEMENT SCHEME in ..... COUNTY.

It has however been established that you are in breach of the condition(s) of the legal documents issued to you in respect of the said plot.

The particulars of the breach/breaches are as follows:

That you have failed to reside on the plot

That you neglected and/or failed to cultivate the plot

Failed to pay the land/development loans

In accordance with Land Settlement Fund Board of Trustees terms and conditions of Allocation of Settlement plots you are hereby directed to rectify the same within 60 (SIXTY DAYS). Failure to do so will lead to cancellation of your allocation of the plot without further notice to you.

Take further notice that in the event cancellation, your interest in the allocated plot will cease and your continued presence or any attempt to enter or deal with the plot will be construed as trespass and consequent legal action by the Land Settlement Fund Board.

Yours faithfully,

FOR: LAND SETTLEMENT FUND BOARD OF TRUSTEES

C.C.

Principal Secretary

The District Land Adj/settl. Officer

Ministry of Lands & P.O. BOX .....

Physical
Planning .....

P O BOX 30450

NAIROBI

The County Commissioner

P.O. BOX .....

Form LA. 51 (r. 39(3))

REPUBLIC OF KENYA

MINISTRY OF LANDS AND PHYSICAL PLANNING

COUNTY LAND ADJ. AND SETTLEMENT OFFICER

P.O. BOX .....

CANCELLATION OF SETTLEMENT PLOT ALLOCATION

The Ministry of Land, Housing and Urban Development allocated you with Plot No. .....
of approximately ..... in ..... SETTLEMENT SCHEME
in ..... COUNTY.

You neglected and/or failed to comply with the conditions of the legal documents the particulars of which are within your knowledge despite a notice calling upon you to rectify the breaches and sufficient time having been given to you.

In the circumstances therefore, and in accordance with the conditions of the said legal documents, your right interest in the said plot is hereby TERMINATED which right interest reverts back to Land Settlement Fund Board of Trustees. Further I hereby CANCEL the letter of allotment issued to you in respect of the said plot and demand that you vacate and hand over immediately the possession of the said plot on the service of this notice to Land Settlement Fund Board of Trustees through its agent, the County Land Adjudication and Settlement Office, P.O. Box .....

Failure to comply with this notice will render you liable for prosecution for trespass on Land Settlement Fund Board of Trustees property at your own risk as to costs and other consequences thereof.

FOR: LAND SETTLEMENT FUND BOARD OF TRUSTEES

C.C.

Principal Secretary The District Land Adj/settl. Officer The County Commissioner

Ministry of Lands & P O BOX ....

Physical Planning .....

P O BOX 30450

NAIROBI

Form LA. 52 (r. 51(5))

REPUBLIC OF KENYA

NATIONAL LAND COMMISSION

APPLICATION FOR CREATION OF A PUBLIC RIGHT OF WAY (WAYLEAVE)

(Sec. 143, 144 (2), Reg. 98)

(To be submitted in TRIPLICATE in respect of each transaction and sent to or deposited at the appropriate county office of the Commission.)

To: National Land Commission

Date .....

We HEREBY apply for creation of a wayleave over the parcel of land described in paragraph 2

1. Details of the Applicant

Name: .....

Certificate of Incorporation No. .....

Address .....

PIN .....

2. Description of Land-

Parcel No(s). .....

Locality .....

Nature/purpose of wayleave .....

3. In case the application is made by a Law Firm/Agency on behalf of the applicant:

(f) Name of Firm/Agency .....

(g) Name of Advocate/Agent .....

(h) Signature .....

(i) Official stamp of the Firm/Agent .....

(j) Certificate of Incorporation No (where applicable) .....

I hereby declare that the information provided in this application is true to the best of my knowledge.

Date .....

Signature .....

(A copy of the survey map showing the route of the proposed way leave should be attached)

For Official Use (only)

FOR OFFICIAL USE ONLY

Recommended .....

Not recommended (Reasons) .....

.....

For Chairperson,

National Land Commission

Form LA. 53 (r. 51(2))



REPUBLIC OF KENYA

NATIONAL LAND COMMISSION

APPLICATION FOR A PUBLIC RIGHT OF WAY (COMMUNAL)

To: The National Land Commission

The ..... (County Government/Association/Group Persons), hereby apply for a communal right of way over the following parcel(s) of land (if adjacent)

.....

(i) .....

(ii) .....

For the following purposes .....

.....

.....

Attached is a sketch plan indicating the proposed right of way.

Dated at .....this ..... day of 2017

.....

Applicant

_____

For Official Use Only

.....

.....

.....

For: Chairperson, National Land Commission

_____

Form LA. 54 (r. 52(1))

REPUBLIC OF KENYA

NATIONAL LAND COMMISSION

NOTICE OF INTENTION TO CREATE PUBLIC RIGHT OF WAY

The National Land Commission hereby gives notice of intention to create way leave/communal right of way on parcel(s) of land described in the schedule hereunder pursuant to sections 143 and 146 of the Land Act (Cap. 280) subject to terms available at the Commission's Office in Nairobi and at the Commission's office in ..... County

Registered Owner	Parcel No.	Area affected (Ha)	County

Dated .....

.....

Chairperson,

National Land Commission

_____

Form LA. 55 (r. 56(1))



NOTICE OF INQUIRY INTO PROPOSED PUBLIC RIGHT OF WAY

The Cabinet Secretary calls upon persons who have an interest or claim in the land shown in the schedule here below, which the Commission intends to create a public right of way for purposes ..... to appear before the public inquiry in person on (date) ..... at (venue) ..... at (time) ..... to inquire into:

(a) issues of propriety of the proposed public right of way;

(b) issues of compensation; any

(c) any other relevant issues.

Name of Registered owner	Parcel No.	Area to be acquired (HA)

Secretary

PUBLIC INQUIRY PANEL

Form LA. 56 (r. 62(3))

REPUBLIC OF KENYA

THE MINISTRY OF LANDS AND PHYSICAL PLANNING

APPLICATION FOR APPROVAL OF TRANSACTION ON CONTROLLED LAND BY INELIGIBLE PERSONS

(To be submitted in TRIPLICATE in respect of each transaction and sent to or deposited at the appropriate office of the Ministry of Lands and Physical Planning)

To: The Cabinet Secretary

Date .....

I HEREBY apply for approval of transaction on parcel of land described in paragraph 2

1. Name of Applicant .....

Nationality .....

Passport No. ..... (Certified copy attached)

Certificate of Incorporation No. ..... (Certified copy attached)

PIN (where applicable) ..... (Certified copy attached)

Postal Address (in Kenya) .....

Physical Address (in Kenya) .....

2. Description of land:

Parcel No. (if surveyed. If not surveyed, attach a site plan) .....

Locality ..... County/ City/Town/ .....

Nature of transaction .....

Signature .....

3. In case the application is made by a Law Firm /Agency on behalf of the applicant

Name of Firm/Agency .....

Name of Advocate/Agent .....

Signature .....

Official stamp of the firm/Agent .....

4. I attach certified copies of all relevant documents in relation to this application

I hereby declare that the information provided in this application is true.

Date .....

Signature ..... (Applicant)

FOR OFFICIAL USE ONLY

To .....

Dear Sir/ Madam,

RE: Parcel No. .....

With reference to your application dated ..... day of ..... 20 .....

(Reference No. .....)

Your application is:

1 . Approved/Not approved .....

2. Approved subject to the following conditions;

(a) .....

(b) .....

(c) .....

Yours

.....

Cabinet Secretary

cc:

The County Government of .....

The Chief Land Registrar

This approval is issued without erasure or alteration.

FORM LA. 57 (rr. 63(l), 64(l), 65)

REPUBLIC OF KENYA

NOTICE TO VACATE LAND

To:

Name .....

ID No. .....

P.O. BOX .....

Physical Address (Locality)

Take notice that you are in unlawful occupation of my and/ or our land .....
(description of the land) without express/ lawful authority or without any right or license under any law.

By this notice, you are required to—

(a) immediately stop any further activities on the land;

(b)remove any buildings and other improvements which you may have erected thereon:

(c) remove any growing crops you may have planted and livestock kept thereon; and

(d) vacate the land within three (3) months from the date of this notice.

TAKE NOTICE that at the expiry of three (3) months, I /we shall evict you without any further reference to you at your costs and peril.

Dated at ..... this ..... day of ..... 20 .....

Land Owner/National Land Commission/County Executive Committee

Member/Secretary of Registered Community.

CC:

1. Deputy County Commissioner, ..., Sub-County
2. Officer Commanding Police Division, ..., Division

FOURTH SCHEDULE [r. 70(2)]

SERVICE OF NOTICES

Method of service	Time of service
Post to an address in Kenya	The seven working day after posting
Delivery at a postal address	The working day after it was delivered
Post to an address outside Kenya	The fourteenth working day after posting
Electronic transmission to an electronic address	The second working day after transmission

FIFTH SCHEDULE

[r. 71, L.N. 27/2024, s. 3, L.N. 74/2024, s. 3.]

FEES	
Land administration matters in respect of which fees are payable.	FEES (Kshs)
Approval fee on alienation/allocation/renewal lease, extension of lease, change of user and extension of user.	10,000 for cities and municipalities, 5,000 for townships.
Application for allocation of public land.	2,000.
Approval fee on sub-division, partition, re-parcelation, combination and amalgamation.	1,500 per portion.
Conveyancing fee on alienation/ allocation/renewal, extension of lease, change of user, extension of user, subdivision, partition, re-parcelation, combination and amalgamation.	3,000
Registration fee.	1,000
Application for the Land Control Board consent.	3,000.
Application for special Land Control Board consent	10,000.
Planning.	3% of stand premium.
Application for creation of a public right of way (way leave).	5,000
Application for a public right of way (communal).	5,000
Application for approval of transaction on controlled land by an ineligible person.	250,000
Attending court or a place outside the office for a day or less than a day.	3,000 plus transport as per the AA rates.
Attending court or a place outside the office for more than a day.	3,000 plus transport as per the AA rates, plus Daily Subsistence Allowance as may be prescribed by the Salaries and Remuneration Commission.
Approval of sectional plans.	500 per a unit.

FEES	
Balloting on settlement.	1,000
Settlement.	20% of the market value of land.
Conveyancing for a settlement scheme.	2500
Survey on a settlement scheme.	6000 per Acre with a minimum being 6000 per portion.