

**NO. 6 OF 2012**

**THE LAND ACT**

SUBSIDIARY LEGISLATION

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## THE LAND (ALLOCATION OF PUBLIC LAND) REGULATIONS

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## THE LAND (ALLOCATION OF PUBLIC LAND) REGULATIONS

[Legal Notice 284 of 2017]

### PART I – PRELIMINARY

#### 1. Citation

These Regulations may be cited as the Land (Allocation of Public Land) Regulations.

#### 2. Interpretation

In these Rules unless the context states otherwise requires—

"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.

#### 3. Methods of allocation of public land

(1) Pursuant to section 12(1) of the Act, the Commission shall upon the request of the national or a county government, where necessary, allocate the whole or part of a specific public land, by—

- (a) public auction;
- (b) application confined to a targeted group of persons or groups;
- (c) public notice of tenders;
- (d) public drawing of lots;
- (e) public request for proposals; and
- (f) public land exchange of equal value.

(2) In determining the method of allocation the Commission shall, in consultation with the national government or respective county Government as the case may be, take into consideration all prevailing circumstances including the purpose for the allocation.

### PART II – PUBLIC AUCTION

#### 4. Commission to appoint auctioneer

The Commission shall, after giving notice in accordance with section 14 of the Act, appoint a licensed auctioneer, by name, as its agent, for all or each parcel of land available for auction.

#### 5. Notice of the auction

The Commission shall publish a notice in at least two daily newspapers of nation-wide circulation, one local newspaper and affix the notice at the county, sub-county and ward offices, specifying—

- (a) the date of the auction which shall be at least one month from the date of the publication of the notice;
- (b) the description of the land;
- (c) the reserve price being the stand premium;
- (d) the date, time and venue of the auction;
- (e) the amount to be paid at the fall of the hammer; and
- (f) the terms and conditions of allocation.

#### 6. Conduct of the auction

(1) Every auction shall be conducted by an agent appointed under regulation 4 in the presence of an authorized officer of the Commission.

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(2) The agent shall declare as winner the name of the highest bidder if the bid is higher than the reserve price.

(3) The winner of the bid shall, at the fall of the hammer, pay to the commission the full amount of the bid or percentage specified in the notice.

(4) Notwithstanding paragraph (3) the amount to be paid at the fall of the hammer shall be at least twenty-five per cent of the stand premium.

(5) The agent shall immediately on the fall of the hammer issue a certificate of sale in Form LA 4 set out in the Schedule signed by the agent to the winner of the bid and the Commission as evidence of the sale.

(6) The winner of the bid shall present the certificate issued under paragraph (5) to the Commission for issuance of the letter of allotment in Form LA 5 set out in the Schedule and pay the outstanding balance within ninety days.

### **7. Procedure when the reserve price is not met**

If the reserved price is not met by the bidders, the agent shall declare that fact and the auction shall be repeated on subsequent occasions until a winner is found.

### **8. Compliance with public procurement requirements**

The Commission shall ensure that the process under this Part complies with the Public Procurement and Asset Disposal Act (Cap. 412C)

#### PART III – ALLOCATION TO TARGETED GROUP OF PERSONS

### **9. Vetting of targeted group of persons**

(1) Where the national or county government is satisfied that it is necessary to allocate land to a targeted group in order to ameliorate the group's disadvantaged position pursuant to section 12(1)(b) of the Act, the national government or county government shall, after giving notice in accordance with section 14 of the Act, vet the targeted group to ascertain the nature of the group's disadvantaged position.

(2) In order to ascertain the disadvantaged position of the group the national or county government shall consider—

- (a) aspects of gender and equity;
- (b) persons with disabilities within the group;
- (c) social imbalances and injustices against the group;
- (d) historical injustices against the group; and
- (e) economic and cultural marginalization against the group.

(3) The national or county government shall prepare a report on the disadvantaged nature of the group and recommend allocation of the identified land to ameliorate the group's disadvantaged position.

(4) The Commission shall study the report and if satisfied reserve the recommended land to be implemented under section 134 of the Act.

#### PART IV – ALLOCATION BY WAY OF TENDERS

### **10. Commission to invite bids**

The Commission shall, after giving notice in accordance with section 14 of the Act, invite bids for tenders by publishing a notice in Form LA 6 set out in the Schedule at the county, sub-county and ward offices and in two daily newspapers of nationwide circulation and one local newspaper at least two months before the date of the opening of the bids.

### **11. Details of the notice inviting bids**

The notice inviting the bids shall, with respect to each tender, specify—

- (a) the sale number;
- (b) bidding information including—

- (i) the particulars of the parcel or parcels on offer;
- (ii) the date and time for submission of the bid registration form;
- (iii) the bid submission closing date and time;
- (iv) the bid opening time; and
- (v) the reserve price;
- (c) a schedule of the list of properties with the item number for bidder reference;
- (d) place and time to inspect land;
- (e) bidder registration requirement as well as contact person(s) or place(s) and times at which bidders can register and obtain bid forms; and
- (f) any other specific terms and conditions of sale.

**12. Receipt of the bids**

- (1) Every bid shall be submitted in a sealed envelope.
- (2) The sealed envelope containing the bid shall be placed in a closed and sealed box provided for that purpose.
- (3) Where a bid is received by an officer authorized to receive the bids, the officer shall, upon receipt, stamp the sealed envelope with an official date stamp and shall place it a closed and sealed box provided for that purpose.

**13. Closing of bids**

- (1) Upon the closing of the bids, the authorized officer of the Commission shall empty the sealed box containing the bids.
- (2) Bids shall be opened in the presence of the bidders.

**14. Commission to prepare list of bids and the bidders**

- (1) The bids shall be numbered consecutively and the word "last" endorsed on the last bid and initialed by the authorized officer and witnessed by at least one other member of the Commission.
- (2) The authorized officer of the Commission and at least one other member of the Commission shall prepare and sign a list of the bids showing the number of the bid and the name of the bidder.
- (3) Upon preparation and signature of the list prepared under paragraph (2)—
  - (a) the original list shall be retained by the authorized officer for eventual incorporation in the minutes;
  - (b) the duplicate list shall be retained by the witnessing member; and
  - (c) the triplicate list shall be forwarded to the accounting officer of the county government or national government, as the case may be.

**15. Selection of the winning bid**

- (1) The Commission shall meet within two official working days of the date of opening of the bids to select the winning bid.
- (2) Where the Commission is of the opinion that it was not in the public interest to award the tender to the highest bidder, the Commission shall reject the bid and reasons for the rejection be recorded in the minutes.
- (3) Minutes of the meetings held for the purposes of selecting winning bids shall be recorded by the secretary and signed by the chairman.

**16. Notification of the successful bidder**

- (1) Within seven days of the meeting of the Commission, the secretary shall notify the successful bidder of their success and shall also notify every unsuccessful bidder of the rejection of their bids and the details of the successful bid.

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(2) The Commission shall issue a letter of allotment in Form LA 5 set out in the Schedule to the successful bidder.

### **17. Payment of the purchase price**

The successful bidder shall pay to the Commission the stand premium within ninety days of receipt of the Commission's letter of notification under regulation 16(1).

### **18. Cancellation or amendment of tender**

(1) The Commission may cancel or amend the whole or part of a tender for the sale of any land at any time and for any reason.

(2) Without limiting the generality of paragraph (1), the Commission may cancel a tender if the Commission—

- (a) receives information of or suspects any collusion among bidders;
- (b) suspects the use of coercion or threats by a bidder or bidders to dissuade the submission of bids by others or to affect the contents of another bidders' bid; or
- (c) suspects any engagement in improper activity, by any person, in connection with the tender.

### **19. Commission not to be liable for any losses on cancellation**

(1) Subject to paragraph (2), where the Commission shall not be liable for any costs or liabilities incurred by any bidder or third parties upon cancels the tender, the Commission shall not be held responsible for.

(2) Upon the cancellation of a tender, the Commission shall, within fourteen days of the date of cancellation, refund all bid deposits received and any other funds received except for the non-refundable bid submission fee.

### **20. Disclosure of interest**

(1) A member of the Commission who has an interest in the tendering process before the Commission shall disclose that interest and exclude himself or herself, as the case maybe, from the process.

(2) A member of the Commission who fails to disclose any existing conflict of interest commits an offence.

### **21. Compliance with public procurement requirements**

The Commission shall ensure that the process under this part is in compliance with Public Procurement and Asset Disposal Act (Cap. 412C)

#### **PART V – ALLOCATION BY PUBLIC DRAWING OF LOTS**

### **22. Invitation for public drawing**

The Commission shall, after giving notice in accordance with section 14 of the Act, send notices inviting applications for allocation by public drawing of lots.

### **23. Commission to shortlist the applicants**

On receipt of the applications, the Commission shall review the applications and shortlist the applicants based on the following—

- (a) in cases of industrial and commercial parcels, evidence of capacity to develop the parcel;
- (b) citizenship;
- (c) proof of prior possession of the land where applicable;
- (d) in case of residential parcels, preference will be given to residents of the particular urban area who have no other residential property; and
- (e) any other criteria set by the Commission.



**24. Preparation of lots**

(1) The Commission shall prepare lots equivalent to the number of the shortlisted applicants.

(2) The lots to be used in the draw shall be in Form LA 7 set out in the Schedule and shall have the following particulars—

- (a) parcel number of the subject land for the affirmative lots, or the words 'not successful' for the negative lots;
- (b) blank spaces to fill in Name, ID number or Passport number of successful applicants; and
- (c) the name and signature of the presiding officer.

(3) The affirmative lots shall be equivalent to the available parcels of land.

**25. Balloting to be conducted in public**

(1) The balloting shall be conducted in public and witnessed by an officer from the national government or county government authority responsible for betting, as the case may be.

(2) The presiding officer shall fill in the particulars of every successful allottee on the ballot paper and append his or her name and signature on the ballot paper.

(3) The presiding officer shall enter the particulars of the successful allottees in the register kept by the Commission.

(4) The Presiding officer shall issue a certificate to the successful applicant in Form LA 8 set out in the Schedule.

(5) The Commission shall compile a report on the balloting consisting of—

- (a) the minutes of the allocation process meeting;
- (b) a list of successful applicants; and
- (c) copies of notices.

**26. Commission to issue letters of allotment and publish list of beneficiaries**

(1) Upon the completion of the allocation processes the commission shall issue letters of allotment to the successful applicants in Form LA 5 set out in the Schedule and publish a notice in two newspapers of nationwide circulation, one locally circulating newspaper where applicable, and at the headquarters of the respective county setting out—

- (a) a list of the beneficiaries;
- (b) a requirement of the beneficiaries to physically collect their letters of allotment from the Commission's County offices; and
- (c) the date and place where the allocation was done.

(2) The letter of allotment shall contain the details of the offer including—

- (a) the name, identification number and address of the allottee;
- (b) the particulars of the parcel of land on offer including the parcel number, size, location and term of lease;
- (c) the stand premium and any other fees payable;
- (d) the time within which to pay the stand premium and the fees; and
- (e) applicable special conditions.

**PART VI – ALLOCATION THROUGH PUBLIC REQUEST FOR PROPOSALS****27. Commission to invite public proposals**

(1) The Commission may, at the request of the National or County Government and after giving notice in accordance with section 14 of the Act, invite the public for proposals for utilization or development of the land.

(2) The Commission shall—

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- (a) notify the public by issuing at least thirty days' notice in two newspapers with nationwide circulation;
- (b) specify in the notice details, the terms of reference and requirements of the proposal; and
- (c) specify the mode, method and process of submission of the proposals.

(3) Upon receipt of proposals, the Commission shall determine viable proposals based on the specified criteria, prepare a report and submit it to the national or respective county government for consideration.

(4) The national or the respective county government shall consider the report to determine the suitable proposals and recommend the successful applicants to the Commission for allocation of land.

(5) The Commission shall issue letters of allotment in Form LA 5 set out in the Schedule to the successful applicants and notify the unsuccessful applicants accordingly.

## **28. Setting aside land for investment purposes at the request of the county**

(1) Pursuant to section 12(3) of the Act, the Commission shall upon the request by the national or a county government set aside land for investment purposes.

(2) The national government or a county government shall submit the request for the setting aside of the land to the Commission in Form LA 9 set out in the Schedule.

(3) In order to determine suitable land to be set aside for investment purposes, the Commission shall consider—

- (a) the size and suitability for investment;
- (b) the viability of relevant infrastructure; and
- (c) whether the proposed investment is in conforms with the approved development plans and development conditions for the land.

(4) The request shall be accompanied by a base map indicating the location of the land.

(5) The Commission shall satisfy itself that the land proposed for reservation does not fall in the categories set out in section 12(2) of the Act.

(6) The Commission shall initiate public consultations by placing a notice in, at least two daily newspapers of nation-wide circulation, one local newspaper and affix notices at the county, sub county and ward offices inviting comments or objections on the intended setting aside of public land.

(7) The notice referred to in subregulation (6) shall—

- (a) contain a description of the land in issue;
- (b) specify the date, venue and time of the public consultations; and
- (c) allow for not less than thirty days period for making the representations.

(8) Upon receipt of the representations from the public on the intended reservation, the Commission shall—

- (a) analyze the representations and ascertain the general opinion of the public;
- (b) take into consideration all other matters required under this Act or any other law; and
- (c) determine whether based on the considerations referred to under paragraph (a) and (b) the setting aside ought to be approved.

## **29. Allocation of land for investments**

(1) Where the Commission is satisfied that all the conditions set in regulation 28 have been met, the Commission shall advise the national or county government to undertake the planning, survey, geo-referencing and servicing of the land.

(2) Allocation of land to investors within the reserved land shall be in accordance with the Regulations depending on the mode of allocation.

**30. Application for allocation of land by a public body**

(1) Where any public institution wishes to be allocated public land or is in actual occupation of the public land, the public institution shall apply to the Commission for the formalization of the allocation and registration in the name of the institution.

(2) In order to determine an application under paragraph (1), the Commission shall—

- (a) satisfy itself that there is merit in the application and that such land is available;
- (b) consult and seek views of the national or county government; and
- (c) require the land to be planned, surveyed, geo-referenced and the necessary services provided.

**31. Letters of allotment for public entities**

The Commission shall, subject to the law governing the management of public entities, issue letters of allotment—

- (a) in the case of an incorporated public entity, in the name of the entity or other body authorized by law;
- (b) in the case of unincorporated entity, the Cabinet Secretary to the National Treasury as trustee, or other body authorized by law;
- (c) in the case of county government, in the name of the county government or other body authorized by law; or
- (d) in accordance with the relevant national or county government law on registration of land.

**32. Regularizing of existing allocation in urban areas by defunct local authorities**

(1) Allocation of land made under any of the repealed Acts may be regularized by the Commission at the request of the county governments pursuant to section 162(1) of the Act.

(2) Without limiting the generality of the foregoing, the Commission if satisfied that an occupier of public land was lawfully allocated land by any of the defunct local authorities in accordance with the repealed Acts and remains unregistered, it shall formally allocate the land.

(3) The Commission shall—

- (a) satisfy itself that the land does not fall within any of the categories set out in section 12(2) of the Act;
- (b) where the allottee is a non-citizen, ensure that the approval of the Cabinet Secretary is obtained where the land is controlled land as defined in section 12A(1) of the Act; and
- (c) require that the land is planned, surveyed, geo-referenced and serviced.

(4) Upon the Commission satisfying itself that all the conditions have been met, it shall issue letters of allotment in Form LA 5 set out in the Schedule.

**33. Allocation of public land by public exchange**

(1) The Commission may allocate public land through the process of public exchange, upon a request from the national or county government, where private land is required for public purpose.

(2) Upon receipt of the request under paragraph (1), the Commission shall satisfy itself that the land that is the subject of exchange is suitable for the intended purpose.

(3) Upon being satisfied on the suitability of the land for the intended purpose, the Commission shall negotiate and enter into an agreement with the registered owner of the land for the purposes of exchanging the private land with another public land of equal value.

(4) The Commission shall execute a deed of exchange or transfer on behalf of the national or county government, on the one part and the registered proprietor, on the other part.

Land

[Subsidiary]

(5) Upon the execution of the deed of exchange, the Commission shall forward it to the Land Registrar.

(6) The Commission shall facilitate the issuance of the respective titles and the conveyance fees shall be borne by the benefiting institution.

(7) The proprietor shall only surrender the original title in exchange for the title of the parcel of land received in exchange.

(8) The national or county government shall not take possession of the exchanged land until the title has been issued to the proprietor of the exchanged private land.

PART VII – MISCELLANEOUS PROVISIONS

34. Allocation and other transactions on controlled land

(1) Where application for allocation of public land has been processed by Commission under these Regulations and identifies the applicant is an ineligible person under section 12A of the Act, the Commission shall seek the approval of the Cabinet Secretary before allocation in Form LA 10 set out in the Schedule.

(2) The Cabinet Secretary shall, before granting approval, seek the approval of the relevant authorities in accordance with section 12A(3).

(3) The Cabinet Secretary shall communicate his or her decision to the Commission in Form LA 11 set out in the Schedule.

35. Payment of fees

(1) An allottee shall pay fees within the period provided in the letter of allotment which shall not be more than ninety days from the date of the issuance of the letter of allotment.

(2) Fees payable in the letter of allotment shall be paid in the name of the Commission in an account to be designated by the Commission.

36. Preparation of leases on public land

(1) The Commission shall prepare and execute leases emanating from allocation of public land.

(2) In order to facilitate the preparation of leases on public land, the Commission shall request for three copies of sealed cadastral plan and cadastral map in Form LA 12 set out in the Schedule from the office or authority responsible for surveys.

(3) Upon receipt of the sealed cadastral plan and cadastral map, a lease document in Form LA 13 set out in the Schedule shall be executed by designated officers of the Commission duly designated by notice in the Gazette, on behalf of the national government or county government.

(4) The executed Lease document and the cadastral map and plan shall be forwarded to the Chief Land Registrar for registration and issuance of Certificate of Lease to the proprietor.

(5) The Commission shall forward the documents in paragraph (4) to the Chief Land Registrar in Form LA 14 set out in the Schedule.

SCHEDULE

FORMS  
(r. 6(5))

FORM LA. 4  
REPUBLIC OF KENYA  
NATIONAL LAND COMMISSION

Serial No. ....  
CERTIFICATE OF SALE OF PUBLIC LAND IN A PUBLIC AUCTION  
Name .....

Land

[Subsidiary]

Postal Address .....

ID No./Passport No. ....

PIN No. ....

This is to certify that the above named holder of this form has successfully qualified for allocation of Parcel Reference No. .... having participated in the public auction held on..... day of ..... 20 at .....

This form should be presented to the Chairperson, National Land Commission within ..... days for issuance of Letter of Allotment.

.....

Auctioneer

CC.

TO: CS, Ministry in charge of Lands
Office or authority responsible for surveys
Director of Physical Planning
The County Executive Committee Member for Lands
O/C Land Rent
O/C Rates
The Accountant
O/C Record. All to note.
Senior Plan Record Officer

FORM LA. 5 (rr. 6(6), 16(2), 26(1), 27(5), 32(4))

Reference Number .....

REPUBLIC OF KENYA
NATIONAL LAND COMMISSION
LETTER OF ALLOTMENT

Name .....

Address .....

Email Address .....

RE: Parcel No. ....

I have the honor to inform you that the National Land Commission, on behalf of the National/County Government of ....., hereby offers you a grant of the above parcel subject to your formal written acceptance of the following conditions and to the payment of the charges as prescribed hereunder:

AREA: ..... hectares (approximately)

TERM ..... years from the ..... day of ..... 20 ...

AREA: ..... hectares (approximately)

TERM ..... years from the ..... day of ..... 20 .....

STAND PREMIUM Kshs. ....

ANNUAL RENT Kshs. ....

Rent from .....

to .....

Conveyance Fees Kshs. ....

Registration Fees Kshs. ....

Rates Kshs. ....

Land

[Subsidiary]

Stamp Duty	Kshs. ....
Survey Fees	Kshs. ....
Roads and Drains	Kshs. ....
Others	Kshs. ....
Receipt No. ....	Less
Deposit .....	
TOTAL KSHS.	

GENERAL: This Letter of Allotment is subject to, and the lease will be made under the provisions of the Land Act(Cap. 280) and certificate of title will be issued under the Land Registration Act(Cap. 300)

SPECIAL CONDITIONS: (See attached)

I should be glad to receive your acceptance of the attached conditions together with banker's cheque for the amount as set out above within 90 days of the postmark:

If acceptance and payment respectfully are not received within the said 90 days from the date hereof the offer herein contained will be considered to have lapsed.

At the time you commence building you should exercise the greatest care to ensure that any building or other works are contained within the boundaries of the parcel for should you overstep the aforesaid boundaries the cost of removal and reconstruction must be borne by you.

The issue of the Government lease will be undertaken upon survey and proof of payment.

Your full name(s) ID, PIN, ADDRESS (Postal and Physical) AND CERTIFICATE OF INCORPORATION (where applicable) in BLOCK LETTERS, should be given for the purpose of the Certificate which will be submitted to you later. The attached special conditions form part of the offer which must be accepted in writing.

Date ....., 20 .....

Yours faithfully,

Authority:

.....

For: National Land Commission

CC.

- TO:
- CS, Ministry in charge of Lands
  - Office or authority responsible for surveys
  - Director of Physical Planning
  - The County Executive Committee Member for Lands
  - O/C Land Rent
  - O/C Rates
  - The Accountant
  - O/C Record. All to note.
  - Senior Plan Record Officer

**FORM LA. 6** (r. 10)  
 REPUBLIC OF KENYA  
 NATIONAL LAND COMMISSION  
**INVITATION FOR BIDS FOR ALLOCATION OF PUBLIC LAND**

The National Land Commission hereby gives notice of intention to allocate the parcel(s) of land described in the schedule hereunder subject to terms available at the Commission's

Land

[Subsidiary]

Office in Nairobi and at the Commission's office in ..... County. The mode of allocation shall be the way of ..... as prescribed under section 12(1) of the Land Act (Cap. 280).

The allocation shall take place at ..... (place) on ..... date at ..... (time)

Members of public are hereby invited to apply. Application forms are available at the office of ..... Offices of the Commission at the county level, office of the Cabinet Secretary, Ministry in charge of Lands, Director of surveys, Director of Physical Planning, the County Executive Committee Member for Lands, O/C Land Rent, O/C Rates, the Accountant, O/C Records or Senior Plan Record Officer or may be downloaded at the Commission's website www .....

Duly completed application forms should be returned to the office of ..... County Land Management Board within 30 (thirty) days from the date hereof with a nonrefundable fee of Kshs 1000/- (one thousand only).

Parcel No:                      Area Hectares:                      User                                      Fees payable

NATIONAL LAND COMMISSION

**FORM LA. 7** \_\_\_\_\_ (r. 24(2))  
REPUBLIC OF KENYA  
NATIONAL LAND COMMISSION

Serial No: .....

BALLOT (LOT) PAPER

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

Name of Applicant: .....

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

Postal Address: .....

Name of the presiding officer: ..... Signature: .....

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

This form is issued without erasure or alteration.

**FORM LA. 8** \_\_\_\_\_ (r. 24(4))  
REPUBLIC OF KENYA  
NATIONAL LAND COMMISSION

Serial No: .....

CERTIFICATE FOR ALLOCATION OF PUBLIC LAND UPON DRAWING OF LOTS

Name: .....

Postal Address: .....

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

PIN No: .....

This is to certify that the above named holder of this form has successfully qualified for allocation of Parcel Reference No. .... having participated in the public drawing of lots held on ..... day of ..... 20 ..... at .....

This form should be presented to the Chairperson, National Land Commission within ..... days for issuance of Letter of Allotment.

Land

[Subsidiary]

.....  
Chairperson,  
National Land Commission.

**FORM LA. 9** (r. 28(2))  
REPUBLIC OF KENYA  
NATIONAL LAND COMMISSION  
**REQUEST FOR RESERVATION OF PUBLIC LAND FOR INVESTMENT PURPOSES**

To: The National Land Commission

The National Government or County Government of ..... of P. O. Box ..... email ..... hereby applies for reservation of land whose particulars are described as hereunder:

- (a) Plot/parcel No. (where applicable .....(attach a cadastral plan or a base map)
- (b) Locality: ..... City/Town/Ward
- (c) Plot size (Ha) .....
- (d) Purpose for which the land is required (specify) .....(attach a brief description of the intended investment)

Date: ..... Signature: .....  
Name: .....  
Designation: .....  
FOR OFFICIAL USE ONLY  
Recommended/Not recommended  
..... Date .....

Chairperson,  
National Land Commission.

**FORM LA. 10** (r. 34(1))  
REPUBLIC OF KENYA  
NATIONAL LAND COMMISSION  
**APPLICATION FOR APPROVAL TO ALLOCATE CONTROLLED LAND TO INELIGIBLE PERSONS**

To: The Cabinet Secretary

1. WHEREAS the person described in paragraph 4 has successfully applied for allocation of the parcel of land described in paragraph 5, the parcel of land falls within the meaning of controlled land under the Act and requires your approval before the allocation.

2. This is therefore to request for approval to allocate parcel of land described in paragraph 5 to the person named in paragraph 4.

3. Annex herewith are certified copies of all relevant documents in support of this application.

4. Name of Allottee .....  
Nationality .....



Land

[Subsidiary]

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) .....

5. Description of land:

Parcel No. (if surveyed. If not surveyed, attach a site plan) .....  
 Locality ..... County/City/Town/.....  
 User of the Parcel .....  
 Dated this ..... day of ..... 20 .....

.....  
 Chairperson,  
 National Land Commission.

**FORM LA. 11** ..... (r. 34(3))  
 REPUBLIC OF KENYA  
 MINISTRY OF LANDS AND PHYSICAL PLANNING  
**APPROVAL OF ALLOCATION ON CONTROLLED LAND**

To: The Chairperson, National Land Commission  
 RE: Parcel No. ....  
 With reference to your application date ..... day of ..... 20 .....  
 (Reference No. ....)

Your application is:

- 1. Approved/Not approved .....
- 2. Approved subject to the following conditions:

- (a) .....
- (b) .....
- (c) .....

Yours faithfully,

.....  
 Cabinet Secretary.

CC:  
 The County Government of .....

*This approval is issued without erasure or alteration.*

**FORM LA. 12** ..... (r. 36(2))  
 REPUBLIC OF KENYA  
 NATIONAL LAND COMMISSION  
 INDENT FOR CADASTRAL MAP AND PLAN

File Reference Number: .....

Land

[Subsidiary]

To:

Date: ..... 20 .....

The Director of Surveys

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 National Land Commission.

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

Report

Cadastral Map No

S.H

D.O.

Ch/D

D/S.

s.R.o.

CP&CM

REMARKS:

Cadastral Plan No.

Data

Preparation

Checking

Signature

Blue - print Forwarded

Forwarded

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 National Land Commission 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, abutments and boundaries thereof as delineated on the plan annexed hereto and

Land

[Subsidiary]

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 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 Commission and the County Government. The Commission and 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 and the Commission 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 the 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 Commission.

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 Commission or any person authorized by it on behalf of 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 Commission 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 Commission that the lessee is unable to complete the buildings within the period aforesaid the Commission 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 Commission 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 Commission 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 Commission 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 Commission, 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 Commission. 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.

Land

[Subsidiary]

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 Commission on behalf of the National and County Government upon the land or the buildings erected thereon, including any contribution or other sum paid by the Commission in lieu thereof.

12. The Commission 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 Commission reserves the right to revise the annual ground rent payable hereunder at the expiration of every ten years of the term. Such rental shall be at a rate to be determined by the Commission 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 Commission

Signed by:

.....

On behalf of National Land Commission

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:

National Land Commission

P.O. Box 44417-00100

NAIROBI

\* Delete whichever is not applicable

FORM LA. 14

(r. 36(5))

REPUBLIC OF KENYA

NATIONAL LAND COMMISSION

SUBMISSION OF LEASE DOCUMENT TO THE CHIEF LAND REGISTRAR

To: The Chief Land Registrar

*Land*

[Subsidiary]

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..... of .....

Signed: .....

For Chairperson,

National Land Commission.

CC.

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

\_\_\_\_\_



**THE LAND (ASSESSMENT OF JUST COMPENSATION) RULES**

ARRANGEMENT OF RULES

*Rule*

1. Citation
  2. Interpretation
  3. Factors to be considered in the assessment of compensation
  4. Assessment of market value
  5. Factors not to be considered in the determination of an award
  6. Additional compensation
-





## THE LAND (ASSESSMENT OF JUST COMPENSATION) RULES

[Legal Notice 283 of 2017]

### 1. Citation

These Regulations may be cited as the Land (Assessment of Just Compensation) Rules.

### 2. Interpretation

In these Rules unless the context states otherwise requires—

“market value” means the value of the land at the date of publication in the *Gazette* of the notice of intention to acquire the land.

### 3. Factors to be considered in the assessment of compensation

The Commission shall consider the following factors when assessing compensation—

- (a) the market value of the land;
- (b) damage sustained or likely to be sustained by persons interested at the time of the Commission's taking possession of the land by reason of severing the land from his or her other land;
- (c) damage sustained or likely to be sustained by persons interested at the time of the Commission's taking possession of the land by reason of the acquisition injuriously affecting his or her other property, whether moveable or immovable, in any other manner or his or her actual earnings;
- (d) reasonable expenses incidental to the relocation any of the persons interested or who will be compelled to change residence or place of business as a consequence of the acquisition; and
- (e) damage genuinely resulting from diminution of the profits of the land between the date of publication in the *Gazette* of the notice of intention to acquire the land and the date the Commission takes possession of the land.

### 4. Assessment of market value

(1) The Commission shall determine an award based on the market value of the land to be acquired.

(2) When assessing the market value—

- (a) the commission shall take into consideration the effect of any express or implied condition of title or law which restricts the use to which the land concerned maybe put;
- (b) if the market value of the land has been increased, or is currently increased, in either of the following ways, the increase shall be disregarded—
  - (i) an increase by reason of an improvement by the owner or his or her predecessor after the date of publication in the *Gazette* of the notice of intention to acquire the land; or
  - (ii) an increase by reason of the use of the land or premises in a manner which could be restrained by a court or is contrary to the law, or is detrimental to the health of the occupiers of the premises or to public health.

### 5. Factors not to be considered in the determination of an award

In determining the amount of compensation to be awarded for land acquired under the Act, the Commission shall not consider—

- (a) the degree of urgency which has led to acquisition;
- (b) any disinclination of the person interested to part with the land;

*Land*

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[Subsidiary]

- (c) damage sustained by the person interested which, if caused by a private person, would not be a good cause of action;
- (d) damage which is likely to be caused to the land after the date of publication in the *gazette* of the notice of intention to acquire the land or in consequence of the use to which the land will be put;
- (e) any increase in the actual value of the land as at the date of publication in the *Gazette* of the notice of intention to acquire likely to accrue from the use to which the land will be put when acquired; and
- (f) any outlay on additions or improvement to the land, incurred after the date of publication in the *Gazette* of the notice of intention to acquire land, unless the additions or improvements were necessary for the maintenance of any building in proper state of repair.

**6. Additional compensation**

The Commission shall add a sum equal to fifteen per cent of the market value to the amount of compensation as compensation for disturbance.

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**THE LAND (CONVERSION OF LAND) RULES**

ARRANGEMENT OF RULES

PART I – PRELIMINARY

*Rule*

1. Citation
2. Interpretation
3. Identification of land to be converted
4. Conversion of public land to private land
5. Public consultation
6. Planning and surveying of the land intended to be converted
7. Conversion of public land to community land

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**THE LAND (CONVERSION OF LAND) RULES**

[Legal Notice 282 of 2017]

## PART I – PRELIMINARY

**1. Citation**

These Regulations may be cited as the Land (Conversion of Land) Rules.

**2. Interpretation**

In these Rules unless the context states otherwise requires—

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

**3. Identification of land to be converted**

(1) The national or county government may, on its own motion or upon a request, identify the land and notify the Commission, in Form LA 1 set out in the Schedule, of its intention to convert the land from one category to another pursuant to section 9 of the Act.

(2) The notification in paragraph (1) shall be accompanied with a base map showing the location of the land.

**4. Conversion of public land to private land**

(1) Upon receipt of the notification under regulation 3 to convert public land to private land, the Commission consider the notification and shall satisfy itself that—

- (a) the land is, at the time of the intended conversion, public land;
- (b) the purposes for which it is intended to be used are compatible with land use planning for the respective area;
- (c) the land is not part of an ecologically sensitive area;
- (d) the conversion complies with any other provisions of the Act or any other law; and
- (e) the land is not controlled land as defined in section 12A(1) of the Act.

(2) Where the Commission is satisfied that the land meets the criteria set out paragraph (1), the Commission shall—

- (a) in the case of a substantial transaction refer the matter to the National Assembly or County Assembly for approval as the case may be as required by section 9(3) of the Act ; and
- (b) in all other cases, invite public consultations in accordance with regulation 5.

(3) Upon receipt of approval from the National Assembly or County Assembly, the Commission shall allocate the land and enter the particulars in the register.

**5. Public consultation**

(1) Where a conversion does not amount to substantial transactions, the Commission shall, upon satisfying itself of the viability of the conversion, invite comments on or objections on the intended conversion of public land into private land by—

- (a) placing a notice in Form LA 2 set out in the Schedule, in at least two daily newspapers of nation-wide circulation and one newspaper of county-wide circulation;
- (b) affixing a notice at the County and Sub-County headquarters, wards and other strategic places within the vicinity of the land;
- (c) announcing of the notice in both official and local languages in a radio with nationwide coverage; and
- (d) announcing in public *barazas* and places of worship.

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[Subsidiary]

- (2) The notice referred to in paragraph (1) shall—
  - (a) contain a description of the land in issue;
  - (b) provide the nature of conversion including particulars of the person or persons to whom the land is intended to be converted;
  - (c) specify the date, venue and time of the public consultations; and
  - (d) allow for representations to be received within fifteen days.
- (3) The Commission shall receive verbal and written representations.
- (4) Upon receipt of the representations from the public on the intended conversion, the Commission shall—
  - (a) analyze the representations and ascertain the general opinion of the public;
  - (b) consider all other matters required under this Act or any other law; and
  - (c) determine, based on the considerations received, whether the conversion ought to be approved.
- (5) If the Commission approves intended conversion of the land, it shall allocate the land and enter the particulars in the register.

## **6. Planning and surveying of the land intended to be converted**

The Commission shall require the national or county government to plan, survey, geo-reference and service the land before commencement of the conversion.

## **7. Conversion of public land to community land**

(1) Where public land is to be converted to community land the national or county government shall present an application to the Commission in Form LA 3 set out in the Schedule requesting for conversion of land from public land to community land.

(2) Upon receipt of the application under paragraph (1), the Commission consider the application and shall satisfy itself that—

- (a) the land is public land; and
- (b) the land shall be used for the benefit of the community as provided under Article 63 of the Constitution.

(3) The Commission shall, upon satisfying itself of the viability of the conversion, invite comments or objections on the intended conversion of public land to community land by placing a thirty days' notice in—

- (a) placing a notice in Form LA 2 set out in the Schedule, in at least two daily newspapers of nation-wide circulation and one newspaper of local circulation;
- (b) affixing a notice at the County and Sub-County headquarters, wards and other strategic places within the vicinity of the land;
- (c) announcing of the notice in both official and local languages in a radio with nationwide coverage; and
- (d) announcing in public *barazas* and places of worship.

(4) In cases where there are objections from the stakeholders and the Commission is satisfied that the objections are reasonable, the Commission shall notify the national or county government as the case may be.

(5) In cases where there are no objections, the Commission shall publish a notice in the Kenya *Gazette* of the conversion of the public land to community land.

(6) The Commission shall advise the land registrar to enter the conversion in the community land register.



**FORM LA. 1** (r. 3(1))  
**NATIONAL LAND COMMISSION**  
**NOTIFICATION FOR CONVERSION OF PUBLIC LAND TO PRIVATE LAND**

To The National Land Commission

I. Details of Applicant

- (a) Full Name of the applicant
  - (i) National Government (State Agency) .....
  - (ii) Name of the County Government .....
- (b) Postal Address .....
- (c) Physical Address .....
- (d) Pin No. ....

2. Description of Parcel applied for

- (a) County .....
  - (b) City/Municipality/Town .....
  - (c) Locality .....
  - (d) Parcel No. ....
  - (e) Current user as per approved land use plan .....
  - (f) Purpose for which the land is being Converted .....
3. Conversion involving substantial transaction(s) .....
- (a) Nature of Transaction .....
  - (b) Evidence of approval .....

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

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

FOR OFFICIAL USE ONLY

Recommended/Not recommended

.....

Chairman,  
National Land Commission

Date.....



**FORM LA. 2** (r. 5(1)(a))  
**NATIONAL LAND COMMISSION**  
**NOTICE OF INTENTION TO ALLOCATE PUBLIC LAND**

The National Land Commission hereby gives notice of intention to allocate the parcel(s) of land described in the schedule hereunder subject to terms available at the Commission's Office in Nairobi and at the commission's office in ..... County. The mode of allocation shall be by way

[Subsidiary]

of ..... as prescribed under section 12(1) of the Land Act (Cap. 280).

Parcel No: Area (Hectares) User Fees payable .....

Chairman,  
National Land Commission.

NOTE: Review form to reflect requirements of regulation 5(2)



REPUBLIC OF KENYA

**FORM LA. 3**

(r. 7(1))

**NATIONAL LAND COMMISSION**

**APPLICATION FOR CONVERSION OF PUBLIC LAND TO COMMUNITY LAND**

To The National Land Commission

National Government / Name of the County Government .....

(a) Postal Address .....

(b) Physical Address .....

Description of Parcel applied for

(a) County .....

(b) City/Municipality/Town .....

(c) Locality.....

(d) Parcel No .....

(e) Current user as per approved land use plan .....

(f) Purpose for which the land is being

Converted .....

(Where only a part of a parcel of land is to be converted, a map indicating the said area should be attached) .....

Date .....

Signature .....



**THE LAND (EXTENSION AND RENEWAL OF LEASES) RULES**

ARRANGEMENT OF RULES

*Rule*

1. Citation
2. Extension of lease
3. Notification of approaching expiration of the lease
4. Renewal of lease before expiry
5. Renewal of expired leases after expiry
6. Commission to seek for recommendations
7. Independent Appeals Committee

SCHEDULES

FORMS

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**THE LAND (EXTENSION AND RENEWAL OF LEASES) RULES**

[Legal Notice 281 of 2017]

**1. Citation**

These Rules may be cited as the Land (Extension and Renewal of Leases) Rules.

**2. Extension of lease**

(1) At any time before expiry of a lease, a lessee may apply to the Commission, through the office of the Commission in the respective county, for extension of lease in Form LA 22 set out in the Schedule.

(2) Upon receipt of the application, the Commission shall within seven days forward the application, to the Cabinet Secretary, where the national government is the lessor or the County Executive Committee Member responsible for matters relating to land, in the respective county government, where the county government is the lessor for, consideration.

(3) Upon receipt of an application under paragraph (2), the Cabinet Secretary or the County Executive Committee Member responsible for matters relating to land in the respective county government shall review the application on behalf of the national or county government, respectively, and within ninety days of receipt of the application either—

- (a) approve the extension of lease for a specified term with such terms and conditions as may be specified; or
- (b) decline to extend the lease and give the reasons thereof.

(4) In order to determine whether to grant or decline to grant an extension, the Cabinet Secretary or the County Executive Committee Member responsible for matters relating to land of the respective county government shall consider—

- (a) in the case of a company, the names of the directors and their citizenship status including a search from the Registrar of Companies showing the shares of each director;
- (b) the clearance certificate, relating to all land rates and rents from the relevant authority;
- (c) information relating to any existing encumbrances on the title of the land for which an extension is applied for;
- (d) evidence that the lessee has complied with the terms and conditions of the existing lease to the satisfaction of the lessor; and
- (e) where the application for extension is by a non-citizen, the unexpired term and the term of extension sought to ensure that they do not cumulatively exceed ninety-nine years.

(5) The Commission shall not require a lessee to surrender the unexpired term of an existing lease as a condition for the grant of an extension of a lease.

(6) The decision to grant or not grant an extension shall be communicated to the Commission for implementation.

(7) Where approval of extension of the lease is granted, the Commission shall—

- (a) require the lessee to have the land revalued in order to determine the land rent and other requisite fees, payable;
- (b) require the lessee to have the land re-surveyed and geo-referenced, where applicable;
- (c) prepare a lease for the extended period, stating the terms and conditions of the extension; and
- (d) have the lease executed;
- (e) forward the executed lease to the Registrar for the registration and the noting of the extended term in the register.

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[Subsidiary]

(8) The grant of an extension of lease shall not extinguish the unexpired term and shall take effect from the last day of the unexpired term.

(9) Where the extension of lease is not granted by the national or county government, the Commission shall communicate the decision to the lessee within seven days of receipt of the decision and advise the lessee of the right of appeal.

### **3. Notification of approaching expiration of the lease**

(1) Within five years before the expiry of a leasehold tenure, the Commission shall, in accordance with section 13 of the Act, notify the lessee, by registered post and any other means provided under these regulations, that the lease is about to expire and forward a copy of the notification to the Cabinet Secretary or County Executive Committee Member responsible for matters relating to land in the relevant county government, as the case may be.

(2) The notification under paragraph (1) shall indicate the date of expiry the leasehold tenure, inform the lessee of the lessee's pre-emptive right, under section 13 of the Act, to apply for the extension of the lease and to whom to make the application.

(3) If the lessee does not respond to the notification under paragraph (1) within one year from the date of service of the notification, the Commission shall publish the notification in two newspapers of nationwide circulation and require the lessee to respond within six months from the date of the publication.

(4) If the lessee does not respond to the notification referred to in paragraph (3), the Commission shall undertake physical verification of the land to establish the status of the land.

(5) If upon verification under paragraph (4) the Commission establishes that the lessee is in occupation of the land, the Commission shall advise the lessee on the need to apply for renewal and the consequences of failing to apply for the renewal.

(6) The service of a notification by the Commission under this regulation shall not preclude the lessee from seeking an extension of lease under regulation 2.

### **4. Renewal of lease before expiry**

(1) A person who wishes to renew a lease shall apply to the Commission for renewal, through the office of the Commission in the respective county, in Form LA 23 set out in the Schedule.

(2) The Commission shall within seven days of receipt of an application under paragraph (1), forward the application to the Cabinet Secretary or County Executive Committee Member responsible for matters relating to land in the relevant county government for consideration.

(3) In order to determine whether to grant or not grant renewal, the national government or county government shall require—

- (a) in the case of a company, the names of the directors and their citizenship status including a search from the Registrar of Companies showing the shares of each director;
- (b) clearance certificate from the relevant authority in relation to all land rates and rents; and
- (c) evidence that the lessee has complied with the terms and conditions of the existing lease to the satisfaction of the lessor.

(4) Where the national or county government needs the land for public purpose in accordance to section 13(1)(a) of the Act, the national or county government shall notify the Commission of need for the land for public purpose and require the Commission to notify the lessee accordingly.

(5) Upon notification by the Commission under paragraph (4)—

- (a) the national or county government shall carry out an inventory of the developments on the land;

- (b) the lessee shall be required not to put up new developments or improvements thereon.
- (6) The national government or county government shall within ninety days of receipt of the application under regulation 2—
- (a) approve the renewal of lease for a specified term with such terms and conditions as may be specified; or
  - (b) not approve the renewal of the lease and give the reasons thereof.
- (7) The decision of the national government or county government under paragraph (6) shall be forwarded to the Commission for implementation.
- (8) Where approval of renewal of the lease is granted, the Commission shall—
- (a) require the lessee to have the land revalued to determine the payable land rent and other requisite fees;
  - (b) require the lessee to have the land re-surveyed and geo-referenced; and
  - (c) issue a new letter of allotment in Form LA 5 set out in the Schedule for the parcel and a new lease shall be issued in accordance with the provisions of the Act and these Rules.
- (9) Where the renewal of lease is not granted by the national government or county government, the Commission shall communicate the decision to the applicant within seven days of receipt of the decision and advise the applicant of the right of appeal.

### **5. Renewal of expired leases after expiry**

- (1) Where the term of the lease has expired, the Commission shall require the lessee to apply for renewal of the lease in Form LA 23 set out in the Schedule.
- (2) In order to determine whether to grant or not grant renewal, the Commission shall require, whether the lessee is a citizen or non-citizen—
- (a) in the case of a company, the names of the directors and their citizenship status including a search from the Registrar of Companies showing the shares of each director;
  - (b) clearance certificate relating to all land rates and rents, from the relevant organ; and
  - (c) proof that the lessee has complied with the terms and conditions of the lease.
- (3) In instances of substantial transactions, the Commission shall, in consultation with the national or county government ensure that—
- (a) the renewal is beneficial to the economy and the country as a whole;
  - (b) the investment purpose is in accordance with the national or regional or county policies and plans; and
  - (c) the renewal is in public interest, public safety, public order, public morality, public health and land use planning.
- (4) The Commission shall carry out a site inspection to verify the status of developments.

### **6. Commission to seek for recommendations**

- (1) The Commission shall within seven days of receipt of an application under rule 5(1), forward the application to the County Executive Committee Member responsible for matters relating to land in the relevant county government for consideration.
- (2) The County Executive Committee Member responsible for matters relating to land in the relevant county government shall before the determining an application for renewal of lease under rule 5(1) seek representations from the relevant authorities.
- (3) The County Executive Committee Member responsible for matters relating to land in the relevant county government shall consider the representations of the relevant authorities and approve the renewal of the lease where favorable representations for renewal of the lease are received.

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[Subsidiary]

- (4) Where approval of renewal of the lease is granted, the Commission shall—
- (a) require the lessee to have the land revalued to determine the payable land rent and other requisite fees;
  - (b) require the lessee to have the land re-surveyed and geo-referenced; and
  - (c) issue a new letter of allotment in Form LA 5 set out in the Schedule for the parcel and a new lease shall be issued in accordance with the provisions of the Act and these Rules.

(5) Where the national or county government needs land for public purpose in accordance to section 13 of the Act and upon satisfying themselves that the land is included in the National or County Spatial Plan and cities and urban area plans under County Governments Act (Cap. 265) and Urban Areas and Cities Act (Cap. 275) respectively, the national or county government shall notify the Commission of its intention not to renew the lease.

(6) The notice under paragraph (5) shall include the justification for the need of the land for public purpose.

- (7) Upon notification under paragraph (6)—
- (a) the national or county government shall carry out an inventory of the developments on the land;
  - (b) the lessee shall be required not to put up new developments or improvements thereon.

(8) Where the renewal of lease is not granted by the county government, the Commission shall communicate the decision to the applicant within seven days of receipt of the decision and advise the applicant of the right of appeal to the Commission.

## 7. Independent Appeals Committee

(1) A lessee who is aggrieved by the decision not to extend or renew a lease may within thirty days, of receipt of the decision, appeal to the Commission through the office of the Commission in the respective county.

(2) The Commission shall within thirty days of receipt of an appeal the matter to an *ad hoc* Independent Appeals Committee established by the Commission at the county consisting of—

- (a) a representative from the Commission, who shall be the chairperson of the committee;
- (b) a representative from Kenya Institute of Planners;
- (c) a representative from Institution of Surveyors of Kenya;
- (d) a representative from Law Society of Kenya;
- (e) a representative from Kenya Bankers Association; and
- (f) a representative from Kenya Private Sector Alliance.

(3) The *ad hoc* Independent Appeals Committee shall hear and determine appeals within sixty days from the date of receipt of the appeal.

(4) The decision of the *ad hoc* Independent Appeals Committee shall be binding and any party dissatisfied with the decision may appeal to the court.

SCHEDULE

[r. 2(1)]

FORMS



REPUBLIC OF KENYA

**FORM LA. 22**

(r. 2(l))

NATIONAL LAND COMMISSION

APPLICATION FOR EXTENSION OF LEASE

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

To: National Land Commission ..... County

Date .....

I/We HEREBY apply for extension of lease.

Details of the Applicant

Name: .....

Nationality .....

ID /Passport No. ....

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

Address .....

PIN No. ....

2. Description of Land—

Parcel

No(s) .....

IR No. (where applicable) .....

Acreage ..... (in Ha)

Locality .....

User .....

I attach the following supporting documents

1. Copy of ID/ Passport/Certificate of Registration of the registered proprietor(s)
2. Copy of the Title
3. Copy of official search
4. Rent and Rates Clearance Certificates (where applicable)

.....

Applicant



REPUBLIC OF KENYA

**FORM LA. 23**

(rr. 4(1), 5(1))

NATIONAL LAND COMMISSION

APPLICATION FOR RENEWAL OF LEASE

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

[Subsidiary]

To: National Land Commission .....  
County  
Date .....

I/We HEREBY apply for Renewal of lease.

3. Details of the Applicant

Name: .....  
Nationality  
ID /Passport  
No. ....  
Certificate of Incorporation No.....  
(where applicable)  
Address .....  
PIN No. ....

4. Description of Land—

Parcel No(s).....  
IR No (where applicable).....  
Acreage..... (in Ha)  
Locality .....  
User .....

I attach the following supporting documents

- 1. Copy of ID/ Passport/Certificate of Registration of the registered proprietor(s).
- 2. Copy of the Title.

Applicant

FORM LA. 5

(r. 4 (8)(c), r. 6(4)  
(c))



Reference Number  
NATIONAL LAND COMMISSION  
**LETTER OF ALLOTMENT**

Name .....  
Address .....  
Date .....  
20 .....

Email  
Address .....

Dear Sir/Madam,  
RE: Parcel No. ....

I have the honor to inform you that the National Land Commission, on behalf of the National /County Government of ..... hereby offers you a grant of the above parcel subject to your formal written acceptance of the following conditions and to the payment of the charges as prescribed hereunder:

AREA: ..... hectares (approximately)  
TERM .....years from the ..... day of .....  
20 .....  
STAND PREMIUM           Kshs. ....



Land

[Subsidiary]

ANNUAL RENT	Kshs. ....
Rent from .....	to .....
Conveyance Fee	Kshs. ....
Registration Fee	Kshs. ....
Rates	Kshs. ....
Stamp Duty	Kshs. ....
Survey Fees	Kshs. ....
Road and Drains	Kshs. ....
Others	Kshs. ....
Receipt No. ....	Less
Deposit .....	
TOTAL Kshs	

GENERAL: This Letter of Allotment is subject to, and the lease will be made under the provisions of the Land Act (Cap. 280) and certificate of title will be issued under the Land Registration Act (Cap. 300).

SPECIAL CONDITIONS: (See attached)

If acceptance and payment respectfully are not received within the said 90 days from the date hereof the offer herein contained will be considered to have lapsed.

At the time you commence building you should exercise the greatest care to ensure that any building or other works are contained within the boundaries of the parcel for should you overstep the aforesaid boundaries the cost of removal and reconstruction must be borne by you.

The issue of the Government lease will be undertaken upon survey and proof of payment.

Your full name(s) ID, PIN, ADDRESS (Postal and Physical) AND CERTIFICATE of INCORPORATION (where applicable) in BLOCK LETTERS, should be given for the purpose of the Certificate which will be submitted to you later. The attached special conditions form part of the offer which must be accepted in writing.

Yours faithfully,

Authority:

.....  
For: National Land Commission

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## THE LAND REGULATIONS

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*Land*

[Subsidiary]

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**THE LAND REGULATIONS**

[Legal Notice 280 of 2017, Legal Notice 131 of 2020, Legal Notice 222 of 2020]

## 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.]

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[Subsidiary]

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 licensee 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 licensee 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.*

[Subsidiary]

**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 reparation of freehold land

(1) An application for subdivision, amalgamation, partition and reparation 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 reparation 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 reparation of leasehold land

(1) An application for subdivision, amalgamation, partition and reparation 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 reparation, 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.

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[Subsidiary]

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

(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 reparation 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 electronic means from 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 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 decision 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 government 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 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 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 government 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.]

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[Subsidiary]

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

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[Subsidiary]

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 is 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.

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**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.

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[Subsidiary]

#### 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.

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### **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.

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[Subsidiary]

**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).

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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.

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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.

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- 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.)]

(r. 36(2))

**FORM LA. 12**  
**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, abutments 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

Land

[Subsidiary]

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 aforesaid 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.

[Subsidiary]

**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 Licensee") of the other part whereby the Licensor in pursuance of the powers conferred under sec 20(1) Land Act licences and the licensee 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 licensee 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

Land

[Subsidiary]

- (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.

[Subsidiary]

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-

1. 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 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 .....

No. ....

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

[Subsidiary]

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. 14(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

Land

[Subsidiary]

SIGNED by the proprietor in the presence of
.....
Drawn by-

FORM LA. 31
REFERENCE
NUMBER .....

(r. 21(1))



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  
 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  
 NATIONAL LAND COMMISSION  
 NOTICE OF INTENTION TO COMPULSORILY ACQUIRE LAND

Land

[Subsidiary]

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

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 CONTESTATION OF AWARD**

*(Sec 113, Reg. 75 (4))*

Reference Number .....

Project Name: .....

Gazette Notice No. ....

Land

[Subsidiary]

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))



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 (I) 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))





**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))**



**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)**



**NATIONAL LAND COMMISSION**

**REFERENCE OF MATTERS TO COURT FOR DETERMINATION**

To The Registrar, Environment and Land Court ..... (station)  
P.O Box .....  
RE: Parcel No. ....

Land

[Subsidiary]

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))



REPUBLIC OF KENYA

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  
 Sub-county Selection Committee

Chairperson  
 Sub-county  
 Selection  
 Committee

Date .....

Date .....

**FORM LA. 43**

(r. 37(2))



**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))



**MINISTRY OF LANDS AND PHYSICAL PLANNING**

P.O. Box 30297  
 NAIROBI  
 Date: .....

When replying please quote

[Subsidiary]

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

I. 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.

Land

[Subsidiary]

(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.

.....

.....

Land

[Subsidiary]

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.....

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

Date.....

Witnessed by.....

(Signature).....

M.R.

No. ....

Full Name .....

**FORM LA. 46**

(r. 38(4))



REPUBLIC OF KENYA

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

[Subsidiary]

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

Land

[Subsidiary]

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
.....
20 .....

Presentation Book
No. .... /20 .....

Registration Fees:
Sh. ....

Paid Receipt
No. ....



**FORM LA. 48**  
REPUBLIC OF KENYA

(r. 38(8))

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 AUTHORIZED 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:.....

Land

[Subsidiary]

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 .....



Land

[Subsidiary]

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

Land

[Subsidiary]

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) .....  
(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))



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 .....

Land

[Subsidiary]

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.*

Land

[Subsidiary]

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

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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	The second working day after transmission electronic address

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