

**CHAPTER 164**

**THE TRUSTEES (PERPETUAL SUCCESSION) ACT**

SUBSIDIARY LEGISLATION

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**THE LAND (PERPETUAL SUCCESSION) REGULATIONS**

[Legal Notice 167 of 1976, Legal Notice 209 of 1988, Legal Notice 299 of 1994, Legal Notice 53 of 2008, Legal Notice 7 of 2010, Legal Notice 127 of 2011]

1. These Regulations may be cited as the Land (Perpetual Succession) Regulations.
2. Every application for a certificate of incorporation shall be accompanied by an application for the registration thereof in Form A in the Schedule.
3. Every application for the recording of a certificate of appointment of new trustees shall be in Form B in the Schedule.
4. Applications for copies of documents or abstract folios shall be in Form C in the Schedule.
5. Applications to inspect the register shall be in Form D in the schedule.
6. The fees payable under the Act shall be as follows—

**Fees KSh.**

- (a) For every certificate of incorporation 2,500
- (b) For every application for registration of a certificate of incorporation 500
- (c) For every copy of a document or abstract folio or extract therefrom 1,000
- (d) For every personal search or inspection 1,000
- (e) For every other act, matter or thing not otherwise provided for 500

[L.N. 209/1988, r. 2, L.N. 299/1994, r. 2, L.N. 53/2008, r. 2, L.N. 7/2010, r. 2.]

**6A.** The fees prescribed by these Rules include the provision of photostatic copy under the Act.

[L.N. 53/2008, r. 3, L.N. 7/2010, r. 3.]

**6B.** Government miscellaneous receipts shall be issued upon payment of the fees prescribed in these Regulations.

[L.N. 53/2008, r. 3, L.N. 7/2010, r. 3.]

**7.** The Registrars of Documents at Nairobi and Mombasa shall keep a supply of forms for the use of the public.

**8.** The Registrars of Documents shall cause to be impressed on all applications on which fees are paid, and on all copies thereof, a stamp recording the date and time of presentation in such manner (in the case of the original) as to cancel the stamps affixed in payment of fees; and such impression shall, in the absence of fraud, be conclusive evidence of the date and time of presentation and that the fees stated in the application to have been paid have been paid.

**9.** The Land (Perpetual Succession) Regulations (L.N. 382/1960) are hereby revoked.

Trustees (Perpetual Succession)

[Subsidiary]

SCHEDULE

Form A

(r. 2)

APPLICATION FOR THE REGISTRATION OF A CERTIFICATE OF INCORPORATION

PART I

(To be submitted in triplicate)

To: The Registrar of Documents, Nairobi.

My/Our\* reference:

I/We\*, ..... hereby apply for the registration of ..... a certificate of incorporation of..... dated the \* ..... day of ..... 19 .....

On completion of registration, please forward the certificate to:—

Name .....

P.O. Box .....

Stamps to the value of Sh. .... in payment of fees are affixed hereto.

(Signed) .....

Date .....

PART II

To: The above-named Presentor.

The above-mentioned certificate of incorporation is enclosed here-with duly registered.

Registrar

Date .....

\*Delete whichever is not applicable. +To be completed in the Registry

Form B

(r. 3)

APPLICATION FOR THE RECORDING OF A CERTIFICATE OF APPOINTMENT OF NEW TRUSTEES

(To be submitted in triplicate)

To: The Principal Registrar of Documents, Nairobi.

My/Our\* reference:

I/We\* (Trustee(s)\* or Secretary), ..... of (name of incorporated body) ..... of P.O. Box .....

HEREBY REQUEST you to record the appointment of ..... (new trustee(s))\* in place of ..... (old trustee(s))\* and in support thereof enclose—

- (a) the certificate of incorporation;
(b) a certified copy of the resolution appointing the new trustee(s).

Stamps to the value of Sh. .... in payment of fees are affixed hereto

(Signed) .....

Date .....

PART II

To: The above-named Applicant.

The appointment has been recorded, and the certificate of incorporation is enclosed herewith.

\*Delete whichever is not applicable.

**Form C**

(r. 4)

[L.N. 127/2011]

APPLICATION FOR OFFICIAL SEARCH  
APPLICATION FOR COPY

Affix adhesive revenue in payment of the fee here  
For Official Use Only

No. ....

I/we request you to supply certified copies of the following:  
PARTICULARS OF THE APPLICANT/ADVOCATE:

Full Names .....

Signature .....

Identity Card Number/  
Passport .....

Personal Identification  
Number .....

Postal  
Address .....

Telephone Mobile .....

Landline .....

Purpose of Search .....

Owner of Property .....

Proposed Purchaser of property .....

Advocate/Agent .....

Adhesive revenue stamps at the rate of KSh. 520 per certified copy are pinned to  
this application to meet the stamp duty payable thereon.

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

FOR: OFFICIAL USE ONLY:

Search Application Number.....

Booking Officer.....

Time.....

The above-mentioned copy/copies is/are forwarded herewith.

The above required cannot be met because

.....

.....

DATE ..... 20 .....

FOR: REGISTRAR

DISPATCH:

COLLECTED BY

Name: .....

Signature .....

Identity Card Number .....

Date .....

**Form D**

(r. 5)

APPLICATION FOR PERSONAL SEARCH OF—

*Land Reference No.*

*Title or Deed File No.*

Adhesive revenue stamps to the value of Sh. .... in payment of the  
fee are affixed hereto.

*Signature* .....

*Postal Address* .....

*Trustees (Perpetual Succession)*

[Subsidiary]

.....

Date .....

Deed file checked on completion of search by—

.....

*Counter Clerk's Initials*

**CONDITIONS**

1. This form must be submitted in duplicate with revenue stamps to the value of Shillings ..... affixed to the original, which will be retained in the Land Registry.
2. Persons making searches may take brief notes in pencil but no documents shall be copied.
3. In no circumstances may any note or mark be made on any document, file or register produced for inspection.
4. Persons making searches shall check the contents of any deed file produced to them and have it checked by the Counter Clerk both before and on completion of the search, and obtain his initials on the duplicate search form, otherwise the person searching will be held liable for any document lost or damaged.
5. The Counter Clerk's duty does not extend to answering questions on matters of title and no responsibility is accepted for any opinion which may be expressed by him.

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