NO. 3 OF 2012

LAND REGISTRATION ACT

ARRANGEMENT OF SECTIONS

PART I – PRELIMINARY

Section
1. Short title.
2. Interpretation.
3. Application.
4. Limitation of application.
5. Conflict with other laws.

PART II – ORGANISATION AND ADMINISTRATION

Land Register, Land Registries and Offices
6. Registration units.
7. Land registry.
8. Community Land Register.
10. Public access to the register.
11. Seal of Registry.
15. Cadastral map.

Maps, Parcels and Boundaries
16. Power to alter boundary lines and to prepare new editions.
17. Approval for further surveys.
19. Fixed boundaries.
20. Maintenance of boundaries.
21. Interference with boundary features.
22. Combinations and subdivisions.
23. Reparcellation.

Effect of Registration
24. Interest conferred by registration.
26. Certificate of title to held as conclusive evidence of proprietorship.
27. Transfer without valuable consideration.
28. Overriding interests.
29. Actual notice.
Section
31. Production of certificates.
32. Dispositions of leases and charges.
33. Lost or destroyed certificates and registers.
34. Searches and copies.
35. Evidence.

PART III – DISPOSITION AFFECTING LAND

General Principles
36. Dispositions and dealings affecting private land.
37. Transfers.
38. Certificates as to payment of rates.
39. Certificates as to payment of rent.
40. Transfer to take effect immediately.
41. Conditions repugnant to interest transferred.
42. Transfer of part.
43. Instruments of dispositions.
44. Executions of instruments in writing.
45. Verification of execution.
46. Stamping.
47. Minors.
48. Agents and persons under disability.
49. Gift to person under incapacity.

Dispositions to Prejudice Creditors
50. Court orders on prejudicial dispositions.
51. Prejudicial dispositions.
52. Dispositions to prejudice creditors may be set aside.
53. Protection of person receiving land.

PART IV – LEASES
54. Registration of leases.
55. Lessor’s consent to dealing with leases.

PART V – CHARGES
56. Form and effect of charges.
57. Second and subsequent charge.
58. Statutory charge.
59. Lender’s consent to transfer.

PART VI – TRANSMISSIONS AND TRUSTS
60. Transmission on death of joint proprietor.
61. Transmission on death of a sole proprietor or proprietor in common.
62. Effect of transmission on death.
63. Transmission on bankruptcy.
Section
64. Liquidation.
65. Transmission in other cases.
66. Trusts not to be entered.
67. Survivor of trustees

PART VII – RESTRAINTS ON DISPOSITION

Inhibitions
68. Power of the court to inhibit registered dealings.
69. Effect of inhibition.
70. Cancellation of inhibition.

Cautions
71. Lodging of cautions.
72. Notice and effect of caution.
73. Withdrawal and removal of caution.
74. Second caution in respect of the same matter.
75. Wrongful cautions.

Restrictions
76. Restrictions.
77. Notice and effect of restriction.
78. Removal and variation of restrictions.

PART VIII – RECTIFICATION AND INDEMNITY

79. Rectification by Registrar.
80. Rectification by order of Court.
81. Right to indemnity.
82. Amount of indemnity.
83. Procedure for claiming indemnity.
84. Recovery of indemnity paid.
85. Errors in survey.
86. Review of the decision of the Registrar.
87. Meaning of ‘opportunity of being heard’.
88. Prescribed fees.
89. Recovery of fees and expenses.
90. Summary recovery.

PART IX – CO-TENANCY AND PARTITION

91. Meaning and incidents of co-tenancies.
92. Certificate of ownership of co-tenants.
93. Co-ownership and other relationships between spouses.
94. Partition.
95. Ancillary powers of Registrar in connection with partition.
96. Sale of co-owned land.
97. Partition to subject charge.
PART X – CREATION OF EASEMENTS AND ANALOGOUS RIGHT

Section
98. Creation of easement.
99. Cancellation and extinguishment of easements and analogous rights.
100. Enjoyment of easement and analogous rights.

PART XI – MISCELLANEOUS

101. Jurisdiction of Court.
102. Fees.
103. Offences.

PART XII – SAVINGS AND TRANSITION

104. Saving registers under repealed laws.
105. Transiting title documents.
106. Transitional provisions on rights, liabilities and remedies of parties over land.
107. Savings and transitional provisions with respect to rights, actions, dispositions.
108. Saving and transitional provisions with respect to rules, orders, regulations, directions, notices forms, notifications orders etc.

PART XIII – MISCELLANEOUS PROVISIONS

General

109. Repeals.
110. Regulations.

SCHEDULE – REPEALED LAWS

______________________________
An Act of Parliament to revise, consolidate and rationalize the registration of titles to land, to give effect to the principles and objects of devolved government in land registration, and for connected purposes

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Land Registration Act, 2012.

2. Interpretation

In this Act, unless the context otherwise requires—

“adjudication officer” has the meaning assigned to it in the Land Adjudication Act, (Cap. 284);

“adjudication register” has the meaning assigned to it in the Land Adjudication Act;

“assignee” means a person to whom an assignment has been made;

“borrower” means a person who obtains an advance of money or money’s worth or agrees to fulfill a condition on the security of a charge of that person’s land or lease;

“building” means a structure or erection of any kind, whether permanent or temporary, movable or immovable and whether completed or not;

“Cabinet Secretary” means the Cabinet Secretary responsible for matters relating to land;

“cadastral map” means a map or series of maps referred to under section 15;

“caution” means—

(a) a notice in the form of a register to the effect that no action of a specified nature in relation to the land in respect of which the notice has been entered may be taken without first informing the person who gave the notice; or

(b) a caveat.

“certificate of lease” means a certificate of lease in the prescribed form issued under section 30;

“certificate of title” means a certificate of title in the prescribed form issued under section 30;
“charge” means—

(a) an interest in land or a lease securing the payment of money or money's worth or the fulfillment of a condition;

(b) a sub-charge; and

(c) the instrument creating a mortgage or other charge;

“Commission” means the National Land Commission established by Article 67 of the Constitution;

“community” means a clearly defined group of users of land identified on the basis of ethnicity, culture or similar community of interest as provided under Article 63(1) of the Constitution, which holds a set of clearly defined rights and obligations over land and land-based resources;

“corporate body” means a body incorporated under any written law and includes a company, association or body of persons;

“co-tenancy” has the meaning ascribed to it by section 91;

“Court” means the Environment and Land Court established under the Environment and Land Court Act, 2011, (No. 19 of 2011);

“dealing” includes disposition and transmission;

“deliver” includes to transmit by post, hand, email, fax or other prescribed medium;

“disposition” means—

(a) a sale, charge, transfer, grant, partition, exchange, lease, assignment, surrender, or disclaimer and includes the creation of an easement, usufructuary right, or other servitude or any other interest in land or a lease and any other act by an owner of land or under a lease whereby the person's rights over that land or lease are affected; or

(b) an agreement to undertake any such disposition;

“dwelling house” means a house, part of a house or room used as a separate dwelling in any building and includes a garden or other premises within the cartilage of and used as a part of any such dwelling house;

“easement” has the meaning ascribed to it by the Land Act;

“effective date” means the commencement date of this Act;

“file” means place in the relative parcel file;

“Gazette” means Kenya Gazette and County Gazette;

“geo-reference” means the reference of an object using a specific location either on, above or below the earth's surface;

“head lease” means a lease in respect of which a sublease is entered into;

“inhibition” means an order made under section 70, or a prohibition;
“instrument” means—
(a) any writing, including an enactment that creates or affects legal or equitable rights or liabilities;
(b) any covenant or condition expressed in an instrument or implied in a instrument under this or any other enactment relating to land; or
(c) any variation of an instrument, except where otherwise provided;
“interest” means a right in or over land;
“land” has the meaning assigned to it under Article 260 of the Constitution;
“land administration” means the process of determining, recording, updating and disseminating information about the ownership, value and use of land;
“land register” means the land register compiled under section 7;
“lease” means—
(a) a lease or sublease, whether registered or unregistered of land; or
(b) a short-term lease or agreement to lease;
“legal incapacity” means a person of unsound mind or a person under the age of eighteen years;
“lender” means a person to whom a charge has been given as security for the repayment of an advance of money or money’s worth or to secure a condition;
“lessee” means a person to whom a lease is granted or a person who has accepted a transfer or assignment of a lease;
“lessor” means a person by whom a lease is granted and includes a person who has accepted the transfer or assignment of the reversion of a lease;
“licensee” means the person occupying land in accordance with the terms of a license;
“licensor” means the person granting or giving a licence;
“lien” means the holding by a lender of any document of title relating to land or a lease as security for an advance of money or money’s worth or the fulfillment of a condition;
“parcel” means an area of land separately delineated on the cadastral map;
“parcel register” means the folio of the land register kept in respect of a parcel of land or a registered lease;
“partition” means the separation, by legal instrument, of the share in land or a lease held by owners in common so that each owner takes their share free of the rights of the others;
“periodic lease” means a lease from year to year, half year to half year, quarter to quarter, month to month, week to week or the like;
“private land” has the meaning assigned to it under Article 64 of the Constitution;

“proprietor” means—
(a) in relation to land or a lease, the person named in the register as the proprietor; and

(b) in relation to a charge of land or a lease, the person named in the register of the land or lease as the person in whose favour the charge is made;

“public land” has the meaning assigned to it under Article 62 of the Constitution and includes the coast foreshore, rivers, dam, lake reserves and other reserves as provided under the Survey Act, (Cap. 299) or any other written law;

“register” means land register and community land register;

“Registrar” means the Chief Land Registrar, County Land Registrars and Land Registrars appointed under section 12 and 13;

“registration unit” means a land registration unit constituted under section 6(1);

“registration section” means a division of a registration unit established under section 6(2);

“registry” means land registry established under section 7;

“restriction” means an interest registered under section 76 and includes the Registrar’s caveat;

“restrictive agreement” means—
(a) a restrictive covenant; or

(b) an agreement by an owner of land restricting the building on, use or other enjoyment of that land for the benefit of the owner of the land or neighboring parcel of land;

“surveyor” means a surveyor as defined in the Survey Act, (Cap. 299);

“transfer” means—
(a) the passing of land, a lease or a charge from one party to another by an act of the parties and not by operation of the law; or

(b) the instrument by which any such passing is effected;

“transferee” means a person who receives land, a lease or charge passed through a transfer;

“transferor” means the person who passes land, a lease or charge through a transfer;

“transmission” means the passing of land, a lease or a charge from one person to another by operation of law on death, insolvency or otherwise;

“trustee” includes personal representative;

“valuable consideration” includes marriage, but does not include a nominal consideration;
“valuer” means a valuer registered and licensed to practice as a valuer in accordance with the Valuers Act;

“unexhausted improvement” means—
(a) anything or any quality permanently attached to the land directly resulting from the expenditure of capital or labour and increasing the productive capacity, the utility, the sustainability of its environmental quality; or
(b) trees, standing crops or growing produce whether of an agricultural or horticultural nature.

3. Application

Subject to section 4, this Act shall apply to—
(a) registration of interests in all public land as declared by Article 62 of the Constitution;
(b) registration of interests in all private land as declared by Article 64 of the Constitution; and
(c) registration and recording of community interests in land.

4. Limitation of application

This Act shall not prohibit or otherwise affect the system of registration under any law relating to mining, petroleum, geo-thermal energy or any other rights over land and land-based resources in respect of public land.

5. Conflict with other laws

Except as otherwise provided in this Act, no other written law, practice or procedure relating to land shall apply to land registered or deemed to be registered under this Act so far as it is inconsistent with this Act.

PART II – ORGANISATION AND ADMINISTRATION

Land Register, Land Registries and Offices

6. Registration units

(1) For the purposes of this Act, the Commission in consultation with national and county governments may, by order in the Gazette, constitute an area or areas of land to be a land registration unit and may at any time vary the limits of any such units.

(2) Every registration unit shall be divided into registration sections, which shall be identified by distinctive names, and may be further divided into blocks, which shall be given distinctive numbers or letters or combinations of numbers and letters.

(3) The parcels in each registration section or block shall be numbered consecutively, and the name of the registration section and the number and letter of the block, if any, and the number of the parcel shall together be a sufficient reference to any parcel.
(4) The office or authority responsible for land survey may, at any time, cause registration sections or blocks to be combined or divided, or cause their boundaries to be varied, and immediately inform the Registrar of the changes.

(5) Any order by the Commission under this section shall be published in the Gazette and in at least two daily newspapers of nationwide circulation.

(6) The land registration units shall be established at county level and at such other levels to ensure reasonable access to land administration and registration services.

7. Land registry

(1) There shall be maintained, in each registration unit, a land registry in which there shall be kept—

(a) a land register, in the form to be determined by the Commission;
(b) the cadastral map;
(c) parcel files containing the instruments and documents that support subsisting entries in the land register.
(d) any plans which shall, after a date appointed by the Commission, be geo-referenced;
(e) the presentation book, in which shall be kept a record of all applications numbered consecutively in the order in which they are presented to the registry;
(f) an index, in alphabetical order, of the names of the proprietors; and
(g) a register and a file of powers of attorney.

(2) The Registrar shall, upon payment of the prescribed fee, make information in the land registry accessible to any person.

(3) In establishing the land registry, the Public Service Commission and Cabinet Secretary, shall be guided by the principles of devolution set out in Articles 174 and 175 of the Constitution.

8. Community Land Register

(1) Subject to the legislation on community land made pursuant to Article 63 of the Constitution, there shall be maintained in each registration unit, a community land register in which shall be kept—

(a) a cadastral map showing the extent of the community land and identified areas of common interest;
(b) the name of the community identified in accordance with Article 63(1) of the Constitution and any other law relating to community land;
(c) a register of members of the community;
(d) the user of the land;
(e) the identity of those members registered as group representatives;
(f) the names and identity of the members of the group; and
(g) any other requirement as shall be required under the law relating to community land.
(2) The Registrar shall issue a certificate of title or certificate of lease in the prescribed form.

(3) The Registrar shall not register any instrument purporting to dispose of rights or interest in community land except in accordance with the law relating to community land.

(4) For the avoidance of doubt the provisions in this section shall not apply to unregistered community land held in trust by county governments on behalf of communities under Article 63(3) of the Constitution.

9. Maintenance of documents

(1) The Registrar shall maintain the register and any document required to be kept under this Act in a secure, accessible and reliable format including—

(a) publications, or any matter written, expressed, or inscribed on any substance by means of letters, figures or marks, or by more than one of those means, that may be used for the purpose of recording that matter;

(b) electronic files; and

(c) an integrated land resource register.

(2) The register shall contain the following particulars—

(a) name, personal identification number, national identity card number, and address of the proprietor;

(b) in the case of a body corporate, name, postal and physical address, certified copy of certificate of incorporation, personal identification numbers and passport size photographs of persons authorized and where necessary attesting the affixing of the common seal;

(c) names and addresses of the previous proprietors;

(d) size, location, user and reference number of the parcel; and

(e) any other particulars as the Registrar may, from time to time, determine.

10. Public access to the register

Subject to the Constitution and any other law regarding freedom of and access to information, the Registrar shall make information in the register accessible to the public by electronic means or any other means as the Chief Land Registrar may reasonably prescribe.

11. Seal of Registry

Each registry shall have an official seal, and every instrument bearing the imprint of the seal shall be received in evidence and, unless the contrary is proved, shall be deemed without further proof to be issued by or under the direction of the Registrar.

12. Appointment of officers

(1) There shall be appointed by the Public Service Commission, a Chief Land Registrar, and such other officers who shall be public officers as may be considered necessary for the effective discharge of functions under this Act.
(2) Any officer appointed under this Act shall be competitively recruited and vetted by the Public Service Commission.

13. Qualifications for appointment of Chief Land Registrar

(1) A person shall not qualify for appointment as Chief Land Registrar unless such a person—
   (a) is a citizen of Kenya;
   (b) holds a degree from a university recognized in Kenya;
   (c) is an advocate of the High Court of Kenya of not less than ten years standing;
   (d) has had at least ten years experience in land administration or management; and
   (e) meets the requirements of chapter six of the Constitution.

(2) A person shall not be qualified for appointment if that person—
   (a) has been convicted of a felony;
   (b) is an undischarged bankrupt;
   (c) has not met his or her legal obligations in relation to tax;
   (d) has benefited from or facilitated an unlawful and irregular allocation or acquisition of land or other public property; or
   (e) has been removed from office for contravening the provisions of the Constitution.

14. General powers of Land Registrars

The Chief Land Registrar, County Land Registrars or any other land registrars may, in addition to the powers conferred on the office of the Registrar by this Act—

   (a) require any person to produce any instrument, certificate or other document or plan relating to the land, lease or charge in question, and that person shall produce the same;
   (b) summon any person to appear and give any information or explanation in respect to land, a lease, charge, instrument, certificate, document or plan relating to the land, lease or charge in question, and that person shall appear and give the information or explanation;
   (c) refuse to proceed with any registration if any instrument, certificate or other document, plan, information or explanation required to be produced or given is withheld or any act required to be performed under this Act is not performed;
   (d) cause oaths to be administered or declarations taken and may require that any proceedings, information or explanation affecting registration shall be verified on oath or by statutory declaration; and
   (e) order that the costs, charges and expenses as prescribed under this Act, incurred by the office or by any person in connection with any
investigation or hearing held by the Registrar for the purposes of this Act shall be borne and paid by such persons and in such proportions as the Registrar may think fit.

15. Cadastral map

(1) The office or authority responsible for the survey of land shall prepare and thereafter maintain a map or series of maps, to be known as the cadastral map, for every registration unit.

(2) The parcel boundaries on such maps shall be geo-referenced and surveyed to such standards as to ensure compatibility with other documents required under this Act or any other law.

Maps, Parcels and Boundaries

16. Power to alter boundary lines and to prepare new editions

(1) The office or authority responsible for the survey of land may rectify the line or position of any boundary shown on the cadastral map based on an approved subdivision plan, and such correction shall not be effected except on the instructions of the Registrar, in writing, in the prescribed form, and in accordance with any law relating to subdivision of land that is for the time being in force.

(2) Notwithstanding subsection (1), any alteration made shall be made public and whenever the boundary of a parcel is altered on the cadastral map, the parcel number shall be cancelled and the parcel shall be given a new number.

(3) The office or authority responsible for the survey of land may prepare new editions of the cadastral map or any part thereof, and may omit from the new map any matter that it considers obsolete.

17. Approval for further surveys

(1) Further surveys may be made for any purpose connected with this Act, but such surveys shall be used to amend the cadastral map only if it is approved by the office or authority responsible for the survey of land.

(2) This section shall not preclude the Registrar from keeping in the registry records of cadastral information and maps approved by the office or authority responsible for survey.

(3) The office or authority responsible for the survey of land shall submit to the Commission a copy of the cadastral maps and the Commission shall be a depository of the maps.

18. Boundaries

(1) Except where, in accordance with section 20, it is noted in the register that the boundaries of a parcel have been fixed, the cadastral map and any filed plan shall be deemed to indicate the approximate boundaries and the approximate situation only of the parcel.

(2) The court shall not entertain any action or other proceedings relating to a dispute as to the boundaries of registered land unless the boundaries have been determined in accordance with this section.
(3) Except where, it is noted in the register that the boundaries of a parcel have been fixed, the Registrar may, in any proceedings concerning the parcel, receive such evidence as to its boundaries and situation as may be necessary:

Provided that where all the boundaries are defined under section 19(3), the determination of the position of any uncertain boundary shall be done as stipulated in the Survey Act, (Cap. 299).

19. Fixed boundaries

(1) If the Registrar considers it desirable to indicate on a filed plan approved by the office or authority responsible for the survey of land, or otherwise to define in the register, the precise position of the boundaries of a parcel or any parts thereof, or if an interested person has made an application to the Registrar, the Registrar shall give notice to the owners and occupiers of the land adjoining the boundaries in question of the intention to ascertain and fix the boundaries.

(2) The Registrar shall, after giving all persons appearing in the register an opportunity of being heard, cause to be defined by survey, the precise position of the boundaries in question, file a plan containing the necessary particulars and make a note in the register that the boundaries have been fixed, and the plan shall be deemed to accurately define the boundaries of the parcel.

(3) Where the dimensions and boundaries of a parcel are defined by reference to a plan verified by the office or authority responsible for the survey of land, a note shall be made in the register, and the parcel shall be deemed to have had its boundaries fixed under this section.

20. Maintenance of boundaries

(1) Every proprietor of land shall maintain in good order the fences, hedges, stones, pillars, beacons, walls and other features that demarcate the boundaries, pursuant to the requirements of any written law.

(2) The Registrar may in writing, order the demarcation within a specified time of any boundary mark, and any person who fails to comply with such an order commits an offence and is liable on conviction to a fine not exceeding two hundred thousand shillings.

(3) The Registrar may in writing, order which of adjoining proprietors shall be responsible for the care and maintenance of any feature demarcating a common boundary, and any proprietor so ordered to be responsible for the care and maintenance of the boundary feature who allows the boundary feature or any part of it to fall into disrepair, be destroyed or removed commits an offence and is liable on conviction to a fine not exceeding two hundred thousand shillings.

21. Interference with boundary features

(1) Any person who defaces, removes, injures or otherwise impairs a boundary feature or any part of it unless authorized to do so by the Registrar commits an offence and is liable on conviction to imprisonment for a term not exceeding two years or to a fine not exceeding two hundred thousand shillings or to both.
(2) Any person convicted of an offence under subsection (1), whether or not any penalty is imposed upon the person, is liable to pay the cost of restoring the boundary feature, and the cost shall be recoverable as a civil debt by any person who is responsible under this section for the maintenance of the feature.

22. Combinations and subdivisions

(1) Subject to authentication of the cadastral map, if contiguous parcels are owned by the same proprietor and are subject in all respects to the same rights and obligations, the Registrar, on application by the proprietor, may combine these parcels by closing the registers relating to them and opening a new register or registers in respect of the parcel or parcels resulting from the combination.

(2) Upon the application of a proprietor of a parcel for the division of that parcel into two or more parcels, and authentication of the cadastral map, the Registrar shall effect the division by closing the register relating to the parcel and opening new registers in respect of the new parcels resulting from the division, and recording in the new registers all subsisting entries appearing in the closed register:

Provided that nothing shall be done under this section that would be inconsistent with the provisions of this Act or any other written law.

23. Reparcellation

(1) Subject to section 15 and authentication of the cadastral map, on the application of the proprietors of contiguous parcels who are desirous of changing the layout of their parcels, and with the consent in writing of all other persons in whose names any right or interest in the parcels is registered and of any cautioner, the Registrar may—

(a) cancel the registers relating to those parcels and prepare new registers in accordance with the new edition of the cadastral map; or

(b) refuse to effect the reparcellation if the Registrar considers that the proposed reparcellation involves substantial changes of ownership, which should be effected by transfers without invoking this section, in which case, the Registrar shall direct the proprietors accordingly.

(2) Upon reparcellation, the new parcels shall vest in the persons in whose names they are registered.

Effect of Registration

24. Interest conferred by registration

Subject to this Act—

(a) the registration of a person as the proprietor of land shall vest in that person the absolute ownership of that land together with all rights and privileges belonging or appurtenant thereto; and

(b) the registration of a person as the proprietor of a lease shall vest in that person the leasehold interest described in the lease, together with all implied and expressed rights and privileges belonging or appurtenant thereto and subject to all implied or expressed agreements, liabilities or incidents of the lease.
25. Rights of a proprietor

(1) The rights of a proprietor, whether acquired on first registration or subsequently for valuable consideration or by an order of court, shall not be liable to be defeated except as provided in this Act, and shall be held by the proprietor, together with all privileges and appurtenances belonging thereto, free from all other interests and claims whatsoever, but subject—

(a) to the leases, charges and other encumbrances and to the conditions and restrictions, if any, shown in the register; and
(b) to such liabilities, rights and interests as affect the same and are declared by section 28 not to require noting on the register, unless the contrary is expressed in the register.

(2) Nothing in this section shall be taken to relieve a proprietor from any duty or obligation to which the person is subject to as a trustee.

26. Certificate of title to be held as conclusive evidence of proprietorship

(1) The certificate of title issued by the Registrar upon registration, or to a purchaser of land upon a transfer or transmission by the proprietor shall be taken by all courts as prima facie evidence that the person named as proprietor of the land is the absolute and indefeasible owner, subject to the encumbrances, easements, restrictions and conditions contained or endorsed in the certificate, and the title of that proprietor shall not be subject to challenge, except—

(a) on the ground of fraud or misrepresentation to which the person is proved to be a party; or
(b) where the certificate of title has been acquired illegally, unprocedurally or through a corrupt scheme.

(2) A certified copy of any registered instrument, signed by the Registrar and sealed with the Seal of the Registrar, shall be received in evidence in the same manner as the original.

27. Transfer without valuable consideration

(1) A proprietor who has acquired land, a lease or a charge by transfer without valuable consideration shall hold it subject to—

(a) any unregistered rights or interests subject to which the transferor held it;
(b) the law relating to Bankruptcy; and
(c) the winding-up provisions of the Companies Act, (Cap. 486).

(2) Notwithstanding subsection (1), the transfer when registered, shall have the same effect as a transfer for valuable consideration.

28. Overriding interests

Unless the contrary is expressed in the register, all registered land shall be subject to the following overriding interests as may for the time being subsist and affect the same, without their being noted on the register—

(a) spousal rights over matrimonial property;
(b) trusts including customary trusts;
(c) rights of way, rights of water and profits subsisting at the time of first registration under this Act;
(d) natural rights of light, air, water and support;
(e) rights of compulsory acquisition, resumption, entry, search and user conferred by any other written law;
(f) leases or agreements for leases for a term not exceeding two years, periodic tenancies and indeterminate tenancies;
(g) charges for unpaid rates and other funds which, without reference to registration under this Act, are expressly declared by any written law to be a charge upon land;
(h) rights acquired or in process of being acquired by virtue of any written law relating to the limitation of actions or by prescription;
(i) electric supply lines, telephone and telegraph lines or poles, pipelines, aqueducts, canals, weirs and dams erected, constructed or laid in pursuance or by virtue of any power conferred by any written law; and
(j) any other rights provided under any written law.

29. Actual notice

Every proprietor, at the time of acquiring any land, lease or charge, shall be deemed to have had notice of every entry in the register relating to the land, lease or charge and subsisting at the time of acquisition.

Certificates of Title, Certificates of Lease and Searches

30. Certificate of title and Certificate of lease

(1) The Registrar may, if requested by a proprietor of land or a lease where no certificate of title or certificate of lease has been issued, issue to him or her a certificate of title or a certificate of lease, as the case may be, in the prescribed form showing, if so required by the proprietor, all subsisting entries in the register affecting that land or lease.

(2) Notwithstanding subsection (1)—

(a) only one certificate of title or certificate of lease shall be issued in respect of each parcel or lease; and

(b) no certificate of title or certificate of lease shall be issued unless the lease is for a certain period exceeding twenty-five years.

(3) A certificate of title or certificate of lease shall be prima facie evidence of the matters shown in the certificate, and the land or lease shall be subject to all entries in the register.

(4) If there is more than one proprietor, unless they are tenants in common, the proprietors shall agree among themselves on which of them shall receive the certificate of title or the certificate of lease, and if they fail to agree, the certificate of title or the certificate of lease shall be filed in the registry.

(5) The date of issue of a certificate of title or certificate of lease shall be noted in the register.
31. Production of certificate

(1) If a certificate of title or a certificate of lease has been issued, then, unless it is filed in the registry or the Registrar dispenses with its production, it shall be produced on the registration of any dealing with the land or lease to which it relates, and, if the certificate of title or the certificate of lease shows all subsisting entries in the register, a note of the registration shall be made on the certificate of title or the certificate of lease.

(2) Where the disposition is a transfer, the certificate shall, when produced, be cancelled, and in that case a new certificate may be issued to the new proprietor.

(3) Where the disposition is a charge, the certificate shall be delivered to the chargee.

32. Dispositions of leases and charges

On the registration of any disposition of a lease or charge, the original and the duplicate of the lease or charge shall, unless the Registrar is satisfied that they cannot be produced, be produced to the Registrar, who shall note particulars of the disposition on the lease or charge and on the duplicate.

33. Lost or destroyed certificates and registers

(1) Where a certificate of title or certificate of lease is lost or destroyed, the proprietor may apply to the Registrar for the issue of a duplicate certificate of title or certificate of lease, and shall produce evidence to satisfy the Registrar of the loss or destruction of the previous certificate of title or certificate of lease.

(2) The Registrar shall require a statutory declaration to be made by all the registered proprietors, and in the case of a company, the director, where property has been charged, the chargee that the certificate of title or a certificate of lease has been lost or destroyed.

(3) If the Registrar is satisfied with the evidence proving the destruction or loss of the certificate of title or certificate of lease, and after the publication of such notice in the Gazette and in any two local newspapers of nationwide circulation, the Registrar may issue a duplicate certificate of title or certificate of lease upon the expiry of sixty days from the date of publication in the Gazette or circulation of such newspapers; whichever is first.

(4) If a lost certificate of title or certificate of lease is found, it shall be delivered to the Registrar for cancellation.

(5) The Registrar shall have powers to reconstruct any lost or destroyed land register after making such enquiries as may be necessary and after giving due notice of sixty days in the Gazette.

34. Searches and copies

A person who requires an official search in respect of any parcel, shall be entitled to receive particulars of the subsisting entries in the register, certified copies of any document, the cadastral map, or plan filed in the registry upon payment of the prescribed fee.
35. Evidence

(1) Every document purporting to be signed by a Registrar shall, in all proceedings, be presumed to have been so signed unless the contrary is proved.

(2) Every copy of or extract from a document certified by the Registrar to be a true copy or extract shall, in all proceedings, be received as \textit{prima facie} evidence of the contents of the document.

(3) Every entry or note in or on any register, cadastral map or filed plan shall be received in all proceedings as conclusive evidence of the matter or transaction that it records.

(4) No process for compelling the production of the register, or of the cadastral map, or of any filed instrument or plan, shall issue from any court except with the leave of that court, which leave shall not be granted if a certified copy or extract will suffice, and any such process, if issued, shall bear thereon a statement that it is issued with the leave of the court.

PART III – DISPOSITION AFFECTING LAND

General Principles

36. Dispositions and dealings affecting land

(1) A lease, charge or interest in land shall not be disposed of or dealt with except in accordance with this Act, and any attempt to dispose of any lease, charge or interest in land otherwise than in accordance with this Act or any other law, shall not, extinguish, transfer, vary or affect any right or interest in that land, or in the land, lease or charge.

(2) Nothing in this section shall be construed as preventing any unregistered instrument from operating as a contract.

(3) The Cabinet Secretary may prescribe terms and conditions of sale, which—

(a) shall apply to contracts by correspondence, subject to any modification or any stipulation or any intention to the contrary expressed in the correspondence; and

(b) may be made to apply to any other cases for which the terms and conditions are made available, where express reference is made to those terms and conditions.

(4) Subject to Article 67(2)(c) of the Constitution, the Cabinet Secretary shall make regulations prescribing the time within which instruments presented for registration must be registered and providing for the supervision of the registration process to achieve the objectives of efficiency, transparency and good governance.

37. Transfers

(1) A proprietor may transfer land, a lease or a charge to any person with or without consideration, by an instrument in the prescribed form or in such other form as the Registrar may in any particular case approve.

(2) A transfer shall be completed by—

(a) filing the instrument; and
(b) registration of the transforee as proprietor of the land, lease or charge.

38. Certificates of payment of rates

(1) The Registrar shall not register any instrument purporting to transfer or to vest any land, a lease of land, situated within the area of a rating authority unless, a written statement, by the relevant government agency, certifying that all outstanding rates and other charges payable to the agency in respect of the land including rates and charges for the last twelve months and up to the date of request for transfer have been paid is produced to the Registrar.

(2) No statement shall be required under subsection (1) if the instrument relates to—

(a) land which is subject to a lease, and the leasehold interest is, by virtue of any written law, the rateable property; or

(b) a lease, and the land or another leasehold interest is, by virtue of any written law, the rateable property.

39. Certificates as to payment of rent

(1) The Registrar shall not register an instrument purporting to transfer or create an interest in land, unless a certificate is produced with the instrument, certifying that no rent is owing to the national or county governments in respect of the land.

(2) The Registrar shall not register an instrument effecting a transaction unless satisfied that any consent required to be obtained in respect of the transaction has been given by the relevant County Land Management Board on the use of the land, or that no consent is required.

40. Transfer to take effect immediately

A transfer shall not be expressed to take effect on the happening of any event or on the fulfillment of any condition or at any future time.

41. Conditions repugnant to interest transferred

(1) A condition or limitation is void if it purports to—

(a) restrain absolutely a transferee or any other person from disposing of the interest transferred; or

(b) determine the interest of the transferee on the happening of any future event or on the failure of any future event to happen.

(2) Except as otherwise provided in this Act, no transfer of land shall contain a direction that the land shall be used or enjoyed by the transferee in a particular manner.

(3) This section does not apply to Wakfs.

42. Transfer of part

No part of the land comprised in a register shall be transferred unless the proprietor has first subdivided the land and duly registered each new subdivision.
43. Instruments of dispositions

(1) Every instrument effecting a disposition of land under this Act shall be in the form prescribed in relation to that disposition under this Act or any other written law.

(2) No instrument effecting any disposition of private land under this Act shall operate to sell or assign land or create, transfer or otherwise affect any land, lease or charge until it has been registered in accordance with the laws relating to the registration of instruments affecting the land in respect of which the disposition has been made.

(3) The provisions of subsection (2), shall not apply to any disposition that is exempt from registration.

(4) This section shall not apply to or affect the operation of any contract for a disposition under this Act.

44. Executions of instruments in writing

(1) Except as otherwise provided in this Act, every instrument effecting any disposition under this Act shall be executed by each of the parties consenting to it, in accordance with the provisions of this section.

(2) The execution of any instrument referred to in subsection (1), by a person shall consist of appending a person’s signature on it or affixing the thumbprint or other mark as evidence of personal acceptance of that instrument.

(3) The execution of any instrument referred to in subsection (1) by a corporate body, association, co-operative society or any other organization shall be effected in the presence of either an advocate of the High Court of Kenya, a magistrate, a Judge or a notary public.

(4) An instrument executed out of Kenya shall not be registered unless it has endorsed on it or attached to it a certificate in the prescribed form completed—

(a) if the instrument was executed in the Commonwealth, by a judge, magistrate, notary public, commissioner for oaths; or

(b) if the instrument was executed in a foreign country outside the Commonwealth, by any other person or class of persons as the Cabinet Secretary may prescribe.

(5) The transferee shall in addition to executing the instrument, attach the following—

(a) a copy of an identity card or passport; and

(b) a copy of a Personal Identification Number certificate;

(c) passport size photographs;

(d) where applicable, a marriage certificate; or

(e) such other identification documents as the Cabinet Secretary may prescribe.

45. Verification of execution

(1) Subject to subsection (3), a person executing an instrument shall—

(a) appear before the Registrar, public officer or other person as is prescribed; and
(b) be accompanied by a credible witness for the purpose of establishing identity, unless the person is known to the Registrar, public officer or other person.

(2) The Registrar, public officer or other person shall identify the person and ascertain whether the person freely and voluntarily executed the instrument, and shall complete thereon a certificate to that effect.

(3) The Registrar may dispense with verification under this section—

(a) if the Registrar considers that it cannot be obtained or it can only be obtained only with difficulty and is otherwise satisfied that the document has been properly executed; or

(b) if the Registrar knows the document has been properly executed, and shall record on the document the reasons for dispensing with the appearance of the parties.

46. Stamping

An instrument required by law to be stamped shall not be accepted for registration unless it is stamped in accordance with the Stamp Duty Act, (Cap. 480).

47. Minors

(1) The name of a person under the age of eighteen years may be entered in the register to enable the minor’s interest to be held in trust and shall be registered under the name of the guardian either on first registration or as a transferee or on transmission.

(2) Nothing in this section enables a person under eighteen years of age to deal with land or any interest in land by virtue of such registration, and, if the Registrar knows a child has been registered, the Registrar shall enter a restriction accordingly.

(3) If a disposition by a minor whose minority has not been disclosed to the Registrar has been registered, that disposition may not be set aside only on the grounds of minority.

48. Agents and persons under disability

(1) Except as provided in subsection (3), no instrument executed by any person as agent for any other person shall be accepted by the Registrar unless the person executing it was authorized in that behalf by a power of attorney executed and verified in accordance with section 45.

(2) The original of a power of attorney or, with the consent of the Registrar, a copy certified by the Registrar shall be filed.

(3) The guardian of a person under a legal incapacity or, if there is no such guardian, a person appointed under some written law to represent that person, may make an application, do any act and be party to any proceeding on behalf of that person, and may generally represent that person for the purposes of this Act.
(4) Before accepting a document executed by a guardian or other person so appointed to represent a person under a legal incapacity, the Registrar shall—

(a) be satisfied that the person claiming to be the guardian is entitled to execute the document; or

(b) require the production of the appointing instrument of the person, and shall file a note of the explanation to that effect.

49. Gift to person under incapacity

A person with a legal incapacity who has been registered as a proprietor of land, a lease or a charge acquired by way of gift may, repudiate the gift within six months after the person ceases to be under a legal incapacity, if the person has not already disposed of the subject-matter, but no such repudiation shall be effective until—

(a) the person has transferred the land, lease or charge to the donor, who is bound to accept it; and

(b) the transfer has been registered.

Dispositions Prejudicial to the Creditor

50. Court orders on prejudicial dispositions

The court may order that any interest in private land acquired or received under or through certain prejudicial dispositions of those interests in private land made by a debtor, or the value of those interests in land, be restored for the benefit of unsecured creditors and the order made under this section shall not increase or prejudice the value of any security held by a creditor over the interest in land of the debtor.

51. Prejudicial dispositions

(1) A disposition under this Act shall be deemed to prejudice a creditor if—

(a) the person making the disposition is unable to pay all their debts without recourse to that private land or any interest in it; and

(b) the disposition hinders, delays or defeats or is intended to hinder, delay or defeat the exercise by a creditor of any right of recourse to land or any interest in land in respect of which that disposition has been made in order to satisfy in whole or in part any debt owed to the creditor by the person making the disposition, subject to subsection (2).

(2) A disposition shall not be deemed to prejudice a creditor if it is made with the intention of preferring one creditor over another.

52. Dispositions to prejudice creditors may be set aside

(1) A creditor, public officer, national or county government or public entity charged with the responsibility for collection of money owing by any person to the national or county government or any part of may apply to the court under this section for an order of the court to set aside a prejudicial disposition.

(2) An application made under this section shall—

(a) specify the land to which it relates;
(b) specify the disposition alleged to be prejudicial;
(c) be served on—
   (i) the person who has made the disposition;
   (ii) the person in whose favour the disposition has been made;
   (iii) any other person involved in the disposition from whom compensation is sought.

(3) Subject to section 53, on being satisfied that an applicant has been prejudiced by a disposition to which this Part applies the court may order—

   (a) any person who acquired or received land under that disposition or through a person who acquired or received land under such a disposition—
      (i) to pay any amount of compensation within any time to the applicant which the court shall specify;
      (ii) to re-assign a land or a derivative right to the person who has made the prejudicial disposition; or
      (iii) to take any other action which the court may specify; or
   (b) the debtor who made the prejudicial disposition—
      (i) to hold the restored land through the re-assignment of land or derivative right under subsection (3)(a)(ii) as a trustee for debtor's creditors; and
      (ii) to deal with the land so held only in accordance with any orders that the court may issue.

53. Protection of person receiving land

(1) If a person acquires or receives land in respect of which the court could make an order for restoration or for the payment of reasonable compensation, the court shall not make that order against that person if that person proves that the land was—

   (a) acquired or received in good faith and without knowledge of the fact that it has been the subject of a disposition to which this part applies, or
   (b) acquired or received through a person who acquired or received it in the circumstances set out in paragraph (a).

(2) Reference to knowledge in this section shall include actual, constructive and imputed knowledge.

PART IV – LEASES

54. Registration of Leases

(1) Upon the registration of a lease containing an agreement, express or implied, by the lessee that the lessee shall not transfer, sub-let, charge or part with possession of any of the leased land leased without the written consent of the lessor, the agreement shall be noted in the register of the lease, and no dealing with the lease shall be registered until the consent of the lessor, verified in accordance with this Act has been produced to the Registrar.
(2) The Registrar, upon receipt of adequate proof, may dispense with the consent of the lessor—

(a) where satisfactory evidence is given to the registrar and the Registrar is satisfied that the lessor is dead and that there is no personal representative of the lessor; or

(b) if the Registrar considers that the consent of the lessor or the personal representative, as the case may be, cannot be obtained or that it can only be obtained with difficulty or at an unreasonable expense and shall, after making such enquiries as the Registrar may consider necessary in the circumstances, record on the document his or her reasons for dispensing with the consent and note as such in the register.

(3) The registration of interests in land under the law relating to sectional properties shall be carried out in the manner prescribed under that Act.

(4) The land register maintained under section 7 of this Act shall be deemed to be the land register for purposes of the Sectional Properties Act, (No. 21 of 1987).

(5) The Registrar shall register long-term leases and issue certificates of lease over apartments, flats, maisonettes, townhouses or offices having the effect of conferring ownership, if the property comprised is properly geo-referenced and approved by the statutory body responsible for the survey of land.

55. Lessor's consent to dealing with leases

If a lease contains a condition, express or implied, by the lessee that the lessee shall not transfer, sub-let, charge or part with the possession of the land leased or any part of it without the written consent of the lessor, and the dealings with the lease shall not be registered unless—

(a) the consent of the lessor has been produced to, and authenticated to the satisfaction of the Registrar and the Registrar shall not register any instrument purporting to transfer or create any interest in that land, and

(b) a land rent clearance certificate and the consent to the lease, certifying that no rent is owing to the Commission in respect of the land, or that the land is freehold, has been produced to the Registrar.

PART V – CHARGES

56. Form and effect of charges

(1) A proprietor may by an instrument, in the prescribed form, charge any land or lease to secure the payment of an existing, future or a contingent debt, other money or money's worth, or the fulfillment of a condition and, unless the chargee's remedies have been by instrument, expressly excluded, the instrument shall, contain a special acknowledgement that the chargor understands the effect of that section, and the acknowledgement shall be signed by the chargor or, where the chargor is a corporation, the persons attesting the affixation of the common seal.
(2) A date for the repayment of the money secured by a charge may be specified in the charge instrument, and if no such date is specified or repayment is not demanded by the charge on the date specified, the money shall be deemed to be repayable three months after the service of a demand, a written, by the chargee.

(3) The charge shall be completed by its registration as an encumbrance and the registration of the person in whose favour it is created as its proprietor and by filing the instrument.

(4) The Registrar shall not register a charge, unless a land rent clearance certificate and the consent to charge, certifying that no rent is owing to the Commission in respect of the land, or that the land is freehold, is produced to him or her.

(5) A charge shall have effect as a security only and shall not operate as a transfer.

(6) There shall be included, in an instrument of charge, securing the fulfillment of a condition or the payment of an annuity or other periodical payment not of the nature of interest on a capital sum, such provisions as the parties think fit for disposing, subject to application of purchase money by the charge, of the money which may arise on the exercise by the chargee of his or her power of sale, either by setting aside the proceeds of sale or part thereof and investing it to make the future periodical payments, or by payment to the chargee of such proceeds or part thereof to the extent of the estimated capital value of the chargee’s interest, or otherwise.

57. Second and subsequent charge

(1) A proprietor whose land or lease is subject to a charge may create a second or subsequent charge in the same manner as the first charge and the same provisions shall apply, but any sale under the power expressed or implied in any such charge shall be expressed to be subject to all prior charges unless all those charges have been discharged.

(2) Where a second or subsequent charge is to be created, the consent of the first charge shall be obtained before the second or subsequent charge is created.

58. Statutory charge

Nothing in this Part shall affect the provisions of any Act that provides for the registration of a notification or note in respect of any sum of money owing to a public body.

59. Lender’s consent to transfer

If a charge contains a condition, express or implied by the borrower that the borrower will not, without the consent of the lender, transfer, assign or lease the land or in the case of a lease, sublease, no transfer, assignment, lease or sublease shall be registered until the written consent of the lender has been produced to the Registrar.
PART VI – TRANSMISSIONS AND TRUSTS

60. Transmission on death of joint proprietor

If any of the joint tenants of any land, lease or charge dies, the Registrar shall, upon proof of the death, delete the name of the deceased tenant from the register by registering the death certificate.

61. Transmission on death of a sole proprietor or proprietor in common

(1) If a sole proprietor or a proprietor in common dies, the proprietor’s personal representative shall, on application to the Registrar in the prescribed form and on the production to the Registrar of the grant, be entitled to be registered by transmission as proprietor in the place of the deceased with the addition after the representative’s name of the words “as executor of the will of ............................................................................ [deceased]” or “as administrator of the estate of .................................................................................. [deceased]”, as the case may be.

(2) Upon confirmation of a grant, and on production of the grant the Registrar may, without requiring the personal representative to be registered, register by transmission—

(a) any transfer by the personal representative; and

(b) any surrender of a lease or discharge of a charge by the personal representative.

(3) In this section, “grant” means the grant of probate of the will, the grant of letters of administration of the estate or the grant of summary administration of the estate in favour of or issued by the Public Trustee, as the case may be, of the deceased proprietor.

62. Effect of transmission on death

(1) Subject to any restriction on a person’s power of disposing of any land, lease or charge contained in an appointment, the personal representative or the person beneficially entitled on the death of the deceased proprietor, as the case may be, shall hold the land, lease or charge subject to any liabilities, rights or interests that are unregistered but enforceable and subject to which the deceased proprietor held the land, lease or charge, but for the purpose of any dealing the person shall be deemed to have been registered as proprietor of the land lease or charge with all the rights conferred by this Act on a proprietor who has acquired land, a lease or a charge, as the case may be, for valuable consideration.

(2) The registration of a person as provided in section 61, shall relate back to and take effect from the date of the death of the proprietor.

63. Transmission on bankruptcy

(1) Upon production to the Registrar of a certified copy of the order of court adjudging a proprietor bankrupt, or directing that the estate of a deceased proprietor be administered according to the law on bankruptcy—

(a) a copy of the order shall be filed; and
64. Liquidation

(1) If a company is being wound up, the liquidator shall—
   (a) produce to the Registrar any resolution or order appointing the liquidator; and
   (b) satisfy the Registrar that the person has complied with the Companies Act (Cap. 486),

and the Registrar shall enter the appointment in respect of any land, lease or charge of which the company is registered as proprietor, and file the copy of the resolution or order.

(2) An instrument executed by or on behalf of a company in liquidation that has been presented for registration after the appointment of the liquidator has been entered under subsection (1) shall be sealed with the common seal of the company and attested by the liquidator or, in the case of a company not required by law to have a common seal, and be signed by the liquidator whose signature shall be verified in accordance with section 45.

(3) Where a vesting order has been made under the Companies Act, the liquidator shall present the order to the Registrar who shall register the liquidator as proprietor of any land, lease or charge to which the order relates.

65. Transmission in other cases

If a person has become entitled to any land, a lease or charge under any law or by virtue of any order or certificate of sale made or issued under any law, the Registrar shall, on the application of an interested person supported by instruments of transfer or such evidence as the Registrar may require, register the person entitled, as the proprietor.

66. Trusts not to be entered

(1) A person acquiring land, a lease or a charge in a fiduciary capacity may be described in that capacity in the instrument of acquisition and be registered with the addition of the words “as trustee”, but the Registrar shall not enter particulars of any trust in the register.

(2) An instrument that declares, or is deemed to declare, a trust, or a certified copy, may be deposited with the Registrar for safe custody; but the instrument or copy shall not form part of the register or be deemed to be registered.

(3) Where the proprietor of land, a lease or a charge is a trustee, the proprietor shall hold the land, lease or charge subject to any unregistered liabilities, rights or interests to which it is subject by virtue of the instrument
creating the trust, and for the purpose of any registered dealings, the proprietor shall be deemed to be the absolute proprietor, and no person dealing with the land, a lease or a charge registered under this section shall be deemed to have notice of the trust, nor shall any breach of the trust create a right to indemnity under this Act.

67. Survivor of trustees

Whenever two or more proprietors are registered jointly as trustees, and the survivor of such proprietors would not be entitled to exercise individually the powers that were vested in them, the Registrar shall enter a restriction to that effect.

PART VII – RESTRAINTS ON DISPOSITION

Inhibitions

68. Power of the court to inhibit registered dealings

(1) The court may make an order (hereinafter referred to as an inhibition) inhibiting for a particular time, or until the occurrence of a particular event, or generally until a further order, the registration of any dealing with any land, lease or charge.

(2) A copy of the inhibition under the seal of the court, with particulars of the land, lease or charge affected, shall be sent to the Registrar, who shall register it in the appropriate register.

(3) An inhibition shall not bind or affect the land, lease or charge until it has been registered.

69. Effect of inhibition

So long as an inhibition remains registered, any instrument that is inconsistent with the inhibition shall not be registered.

70. Cancellation of inhibition

The registration of an inhibition shall not be cancelled except in the following cases—

(a) on the expiration of the time stated in the inhibition;
(b) on proof to the satisfaction of the Registrar of the occurrence of an event stated in the inhibition;
(c) on the land, lease or charge being sold by a charge, unless such sale is itself inhibited; or
(d) by a consequent order of the court.

Cautions

71. Lodging of cautions

(1) A person who—

(a) claims the right, whether contractual or otherwise, to obtain an interest in any land, lease or charge, capable of creation by an instrument registrable under this Act;
(b) is entitled to a licence; or
(c) has presented a bankruptcy petition against the proprietor of any registered land, lease or charge,
may lodge a caution with the Registrar forbidding the registration of dispositions of the land, lease or charge concerned and the making of entries affecting the land lease or charge.

(2) A caution may either—
   (a) forbid the registration of dispositions and the making of entries; or
   (b) forbid the registration of dispositions and the making of entries to the extent expressed in the caution.

(3) A caution shall be in the prescribed form, and the Registrar may require the cautioner to support the caution by a statutory declaration.

(4) The Registrar may reject a caution that is unnecessary or whose purpose can be effected by the registration of an instrument under this Act.

(5) Subject to this section, the caution shall be registered in the appropriate register.

72. Notice and effect of caution

(1) The Registrar shall give notice, in writing, of a caution to the proprietor whose land, lease or charge is affected by the caution.

(2) A disposition that is inconsistent with the caution shall not be registered while the caution is still registered except with the consent of the cautioner or by the order of the court.

73. Withdrawal and removal of caution

(1) A caution may be withdrawn by the cautioner or removed by order of the court or, subject to subsection (2), by order of the Registrar.

(2) The Registrar, on the application of any person interested, may serve notice on the cautioner warning the cautioner that the caution will be removed at the expiration of the time stated in the notice.

(3) If a cautioner has not raised any objection at the expiry of the time stated, the Registrar may remove the caution.

(4) If the cautioner objects to the removal of the caution, the cautioner shall notify the Registrar, in writing, of the objection within the time specified in the notice, and the Registrar shall, after giving the parties an opportunity of being heard, make such order as the Registrar considers fit, and may in the order provide for the payment of costs.

(5) After the expiry of thirty days from the date of the registration of a transfer by a chargee in exercise of the chargee's power of sale under the law relating to land, the Registrar shall remove any caution that purports to prohibit any dealing by the chargee that was registered after the charge by virtue of which the transfer has been effected.
(6) On the withdrawal or removal of a caution, its registration shall be cancelled, and any liability of the cautioner previously incurred under section 74 shall not be affected by the cancellation.

74. Second caution in respect of the same matter

The Registrar may refuse to accept a further caution by the same person or anyone on behalf of that person in relation to the same matter as a previous caution.

75. Wrongful cautions

Any person who lodges or maintains a caution wrongfully and without reasonable cause shall be liable, in an action for damages at the suit of any person who has sustained damage, to pay compensation to such person.

Restrictions

76. Restrictions

(1) For the prevention of any fraud or improper dealing or for any other sufficient cause, the Registrar may, either with or without the application of any person interested in the land, lease or charge, and after directing such inquiries to be made and notices to be served and hearing such persons as the Registrar considers fit, make an order (hereinafter referred to as a restriction) prohibiting or restricting dealings with any particular land, lease or charge.

(2) A restriction may be expressed to endure—

(a) for a particular period;
(b) until the occurrence of a particular event; or
(c) until the making a further order is made,

and may prohibit or restrict all dealings or only the dealings that do not comply with specified conditions, and the restriction shall be registered in the appropriate register.

(3) The Registrar shall make a restriction in any case where it appears that the power of the proprietor to deal with the land, lease or charge is restricted.

77. Notice and effect of restriction

(1) The Registrar shall give notice, in writing, of a restriction to the proprietor affected by the restriction.

(2) An instrument that is inconsistent with it shall not be registered while the restriction is still registered except by order of the court or of the Registrar.

78. Removal and variation of restrictions

(1) The Registrar may, at anytime and on application by any person interested or at the Registrar’s own motion, and after giving the parties affected by the restriction an opportunity of being heard, order that the removal or variation of a restriction.

(2) Upon the application of a proprietor affected by a restriction, and upon notice to the Registrar, the court may order a restriction to be removed, varied, or other order as it deems fit, and may make an order as to costs.
PART VIII – RECTIFICATION AND INDEMNITY

79. Rectification by Registrar

(1) The Registrar may rectify the register or any instrument presented for registration in the following cases—

(a) in formal matters and in the case of errors or omissions not materially affecting the interests of any proprietor;

(b) in any case and at any time with the consent of all affected parties; or

(c) if upon resurvey, a dimension or area shown in the register is found to be incorrect, in such case the Registrar shall first give notice in writing to all persons with an interest in the rectification of the parcel.

(2) Notwithstanding subsection (1), the Registrar may rectify or direct the rectification of a register or document where the document in question has been obtained by fraud.

(3) Upon proof of the change of the name or address of any proprietor, the Registrar shall, on the written application of the proprietor, make an entry in the register to record the change.

(4) The Commission may by regulations prescribe the guidelines that the Registrar shall follow before rectifying or directing rectification under subsection (2) and without prejudice to the generality of the foregoing, the regulations may provide for—

(a) the process of investigation including notification of affected parties;

(b) hearing of the matters raised; and

(c) the criteria to be followed in coming up with the decision.

80. Rectification by order of Court

(1) Subject to subsection (2), the court may order the rectification of the register by directing that any registration be cancelled or amended if it is satisfied that any registration was obtained, made or omitted by fraud or mistake.

(2) The register shall not be rectified to affect the title of a proprietor who is in possession and had acquired the land, lease or charge for valuable consideration, unless the proprietor had knowledge of the omission, fraud or mistake in consequence of which the rectification is sought, or caused such omission, fraud or mistake or substantially contributed to it by any act, neglect or default.

81. Right to indemnity

(1) Subject to the provisions of this Act and of any written law relating to the limitation of actions, any person suffering damage by reason of—

(a) any rectification of the register under this Act; or

(b) any error in a copy of or extract from the register or in a copy of or extract from any document or plan certified under this Act,

shall be entitled to indemnity.
(2) No indemnity shall be payable under this Act to any person who has caused or substantially contributed to the damage by fraud or negligence, or who derives title, otherwise than under a registered disposition made bona fide for valuable consideration, from a person who caused or substantially contributed to the damage.

82. Amount of indemnity

An indemnity awarded in respect of the loss of any interest in land, shall not exceed—

(a) the value of the interest at the time when the mistake or omission which caused the damage was made, if the register is not rectified;
or
(b) the value of the interest immediately before the time of rectification, if the register is rectified.

83. Procedure for claiming indemnity

The Court may, on the application of any interested party, may determine whether a right of indemnity has arisen under this Part and, award indemnity, and may add any costs and expenses properly incurred in relation to the matter.

84. Recovery of indemnity paid

If any funds are paid by way of indemnity under this Part, the Cabinet Secretary shall be entitled to recover by suit or otherwise the amount so paid from any person who has caused or substantially contributed to the loss by fraud or negligence, and to enforce any express or implied agreement or other right which the person who has been indemnified would have been entitled to enforce in relation to the matter in respect of which the indemnity has been paid.

85. Errors in survey

(1) A claim to indemnity shall not arise between the national or county government and a proprietor, and no suit shall be maintained on account of any surplus or deficiency in the area or measurement of any land disclosed by a survey showing an area or measurement differing from the area or measurement disclosed on any subsequent survey or from the area or measurement shown in the register or on the cadastral map.

(2) As between a proprietor and any person from or through whom the proprietor acquired the land, no claim to indemnity shall be maintainable on account of any surplus or deficiency in the area or measurement above or below that shown in any other survey or above or below the area or measurement shown in the register or on the cadastral map, after a period of six months from the date of registration of the instrument under which the proprietor acquired the land.

86. Review of the decision of the Registrar

(1) If any question arises with regard to the exercise of any power or the performance of any duty conferred or imposed on the Registrar by this Act, the Registrar or any aggrieved person shall state a case for the opinion of the Court, and thereupon the Court shall give its opinion, which shall be binding upon the parties.
(2) The Rules Committee shall make rules on the procedures to be followed by the Registrar or an aggrieved person under subsection (1).

87. Meaning of ‘opportunity of being heard’

(1) If this Act requires that a person be given an opportunity to be heard before a particular thing is to be, or may be done, that person shall be deemed to have been given such an opportunity—

(a) if the person attends before the Registrar personally or by an advocate or other agent, and is given such an opportunity; or

(b) if the person intimates, personally or by an advocate or other agent, that the person does not wish to be heard; or

(c) if the person has been served with a notice in writing specifying the nature of the thing to be done and appointing a day and time not less than seven days after service of the notice at which, if the person attends before the Registrar, the person may be heard.

(2) If a person or an advocate or other agent on the person’s behalf attends before the Registrar concerning a matter on which the person is entitled to be heard, or fails to attend pursuant to such a notice, the Registrar may, adjourn the hearing from time to time, and, notwithstanding failure to attend, may hear that person at any time.

88. Prescribed fees

(1) The prescribed fees shall be payable in respect of a certificate of title, certificate of lease, searches, survey plans, printed forms and all other matters connected with registration, and the Registrar may refuse registration until the fees are paid.

(2) The Registrar shall not register a disposition of any land, lease or charge against which unpaid fees are recorded until such fees are paid and shall refuse to register a disposition or to issue a certificate of title or a certificate of lease if the fees payable to the Registrar under the Land Adjudication Act or the Land Consolidation Act are not recorded in the register as having been paid in full.

89. Recovery of fees and expenses

Unpaid fees or expenses incurred by the Registrar shall constitute a debt due and shall be a civil debt recoverable summarily.

90. Summary recovery

An order for the payment of a sum of money made by the Registrar under any power conferred by this Act shall be deemed to be a decree of the High Court and shall be enforceable as such.

PART IX – CO-TENANCY AND PARTITION

91. Meaning and incidents of co-tenancies

(1) In this Act, co-tenancy means the ownership of land by two or more persons in undivided shares and includes joint tenancy or tenancy in common.
(2) Except as otherwise provided in this Act, if two or more persons, not forming an association of persons under this Act or any other way which specifies the nature and content of the rights of the persons forming that association, own land together under a right specified by this section, they may be either joint tenants or tenants in common.

(3) An instrument made in favour of two or more persons and the registration giving effect to it shall show—
   (a) whether those persons are joint tenants or tenants in common; and
   (b) the share of each tenant, if they are tenants in common.

(4) If land is occupied jointly, no tenant is entitled to any separate share in the land and, consequently—
   (a) dispositions may be made only by all the joint tenants;
   (b) on the death of a joint tenant, that tenant’s interest shall vest in the surviving tenant or tenants jointly; or
   (c) each joint tenant may transfer their interest inter vivos to all the other tenants but to no other person, and any attempt to so transfer an interest to any other person shall be void.

(5) If any land, lease or charge is owned in common, each tenant shall be entitled to an undivided share in the whole and on the death of a tenant, the deceased’s share shall be treated as part of their estate.

(6) No tenant in common shall deal with their undivided share in favour of any person other than another tenant in common, except with the consent in writing, of the remaining tenants, but such consent shall not be unreasonably withheld.

(7) Joint tenants, not being trustees, may execute an instrument in the prescribed form signifying that they agree to sever the joining ownership and the severance shall be complete by registration in the prescribed register of the joint tenants and tenants in common.

(8) On and after the effective date, except with leave of a court, the only joint tenancy that shall be capable of being created shall be between spouses, and any joint tenancy other than that between spouses that is purported to be created without the leave of a court shall take effect as a tenancy in common.

92. Certificate of ownership of co-tenants

(1) Each co-tenant of land shall be entitled to receive a copy of the certificate of title of that land.

(2) The Registrar, on application by co-tenant in the prescribed form, shall issue a copy of the certificate of ownership to that co-tenant, with an endorsement signed by the Registrar that the copy has been issued to the co-tenant named in the endorsement.

(3) The Registrar shall note the issue of the copy of the certificate of ownership, in the register, and indicate the date of the issue of the copy and the co-tenant in whose name the copy has been issued.
93. Co-ownership and other relationships between spouses

(1) Subject to the law on matrimonial property, if a spouse obtains land for the co-ownership and use of both spouses or, all the spouses—

(a) there shall be a presumption that the spouses shall hold the land as joint tenants unless—

(i) a provision in the certificate of ownership or the certificate of customary ownership clearly states that one spouse is taking the land in, his or her own name only, or that the spouses are taking the land as joint tenants; or

(ii) the presumption is rebutted in the manner stated in this subsection; and

(b) the Registrar shall register the spouses as joint tenants.

(2) If land is held in the name of one spouse only but the other spouse or spouses contribute by their labour or other means to the productivity, upkeep and improvement of the land, that spouse or those spouses shall be deemed by virtue of that labour to have acquired an interest in that land in the nature of an ownership in common of that land with the spouse in whose name the certificate of ownership or customary certificate of ownership has been registered and the rights gained by contribution of the spouse or spouses shall be recognized in all cases as if they were registered.

(3) Where a spouse who holds land or a dwelling house in his or her name individually undertakes a disposition of that land or dwelling house—

(a) the lender shall, if that disposition is a charge, be under a duty to inquire of the borrower on whether the spouse has or spouses have, as the case may be, have consented to that charge; or

(b) the assignee or transferee shall, if that disposition is an assignment or a transfer of land, be under a duty to inquire of the assignor or transferor on whether the spouse or spouses have consented to that assignment.

(4) If the spouse undertaking the disposition deliberately misleads the lender or, the assignee or transferee by the answers to the inquiries made in accordance with subsection (3)(a) or (3)(b), the disposition shall be void at the option of the spouse or spouses who have not consented to the disposition.

94. Partition

(1) Any of the tenants in common may, with the consent of all the tenants in common, make an application, in the prescribed form, to the Registrar for the partition of land occupied in common and subject to the provisions of this Act and of any other written law applying to or requiring consent to a sub-division of land and of any covenants or conditions in a certificate of a land, the Registrar shall effect the partition of the land in accordance with the agreement of the tenants in common.

(2) An application, may be made to the Registrar, in the prescribed form, for an order for the partition of land owned in common by—

(a) any one or more of the tenants in common without the consent of all the tenants in common; or
(b) any person in whose favour an order has been made for the sale of an undivided share in the land in execution of a decree.

(3) The Registrar may, after hearing the applicant and any of the other tenants in common who wish to appear and be heard, make an order for the partition of land having regard to—

(a) whether the provisions of this Act, any other written law regulating the subdivision of land and any covenants and conditions in a land have been or will be complied with if the partition is effected;

(b) the nature and location of the land;

(c) the number of tenants in common and the extent of their respective shares particularly, the extent of the share of any tenant in common by whom or on whose behalf the application has been made;

(d) the value of any contribution made by any tenant in common to the cost of improvements to or the maintenance of the land or buildings occupied in common;

(e) where the tenants in common are spouses or the tenants in common who do not agree on the partition are dependants of or related to the tenants in common, whether the interests of those tenants in common who have not agreed to the partition have been or will be adequately provided for as a consequence of or after the partition is effected, and particularly, a spouse or dependants of the tenant in common who is applying for the partition will not be rendered homeless by the partition;

(f) in respect of an application made by a person referred to in subsection (2)(b), whether the interests of the spouse or any dependants of the tenant in common whose share is to be sold in execution of a judgment or decree, will be adequately catered for and particularly, any spouse or dependants will not be rendered homeless by the sale;

(g) if the tenants in common are pastoralists, whether the tenants in common who have not agreed to the partition will, after the partition, still retain grazing rights, including grazing rights created by an easement in the partitioned land, to sufficient land of the quality and nature and in the location customarily used by those pastoralists;

(h) the proper development and use of the land and whether it may be adversely affected by the partition applied for;

(i) the hardship that would be caused to the applicant or applicants by the refusal to an order in comparison with the hardship that would be caused to any other person by making the order; and

(j) any other matters that the Registrar considers relevant.

(4) The Registrar may make the order for partition subject to such limitations and conditions, including conditions relating to the payment of compensation to those tenants in common who have not agreed to the partition, by the tenants in common who have applied for the partition and how the expenses and costs of the partition are to be borne, as the Registrar may consider just and reasonable.
95. Ancillary powers of Registrar in connection with partition

(1) If the land sought to be partitioned is capable of being partitioned generally, and the tenants in common have agreed on the partition, but the resultant share of any particular tenant would be less in acreage than the minimum prescribed under the Land Act, either generally or for the development or use of the land which that particular proprietor intends to undertake on that land, the tenants in common shall endeavour to reach a compromise on the matter, with or without the aid of mediation, and any party who is dissatisfied with that compromise or otherwise may refer that partition to the Registrar who shall—

(a) add that share to the share of any other tenant in common; or

(b) distribute that share amongst two or more other tenants in common in any proportion that, in default of agreement, the Registrar shall consider just and reasonable; and cause the value of the share added or distributed to be assessed and order that there be paid to the tenant in common of that share by each tenant in common who has received an addition to his or her share, the value of that addition.

(2) If any sum is payable under subsection (1)(b), the Registrar may order that sum be secured by way of a charge on the share of the tenant or tenants in common liable to pay that sum.

96. Sale of co-owned land

(1) If for any reason the land sought to be partitioned is incapable of being partitioned, or the partition would adversely affect the proper use of the land, and the applicant for partition or one or more of the other tenants in common require the land to be sold, and the tenants in common cannot agree on the terms and conditions of the sale or the application of the proceeds of the sale, the tenants in common may make an application to the court for an order for sale and the court may—

(a) cause a valuation of the land and of the shares of the tenants in common to be undertaken; and

(b) order the sale of the land or the separation and sale of the shares of the tenants in common by public auction or any other means which appears suitable to the court; or

(c) make any other order to dispose of the application which the court considers fair and reasonable,

(2) The court shall, in exercising its powers under paragraphs (b) and (c), have regard to any of the matters set out in section 94(3)(a) to (f) that may be relevant in the circumstances.

(3) A tenant in common shall be entitled to purchase the land or any share of it that is offered for sale, either at an auction or at any time by private sale.

97. Partition subject to lender’s consent

(1) If any undivided share in land or a lease held by tenants in common is subject to a charge, a partition of that land or lease shall not be registered by the Registrar unless the lender’s written consent is produced to the Registrar.
(2) If a partition referred to in this section takes place with the consent of the lender, the land appropriated to the borrower shall, for all purposes, be deemed to be subject to the charge as if it had originally been comprised by it and the land appropriated to the other tenants in common shall be released from the charge.

PART X – CREATION OF EASEMENTS AND ANALOGOUS RIGHT

98. Creation of easement

(1) An owner of land or a lessor may, by an instrument in the prescribed form, grant an easement over the land, lease or a part of that land to the owner of another parcel of land or a lessee for the benefit of that other parcel of land.

(2) The owner of land or a lessor referred to in subsection (1), who is transferring, assigning or leasing land or a lease may, in the transfer, assignment or lease, grant an easement for the benefit of the land transferred, assigned or leased over the land retained by him or her or reserve an easement for the benefit of land retained by him or her.

(3) An instrument creating an easement shall clearly specify—
   (a) the nature of the easement and any conditions, limitations or restrictions subject to which it is granted;
   (b) the period of time for which it is granted;
   (c) the land, or the specific part of it burdened by the easement; and
   (d) the land to benefit from the easement, and shall, required by the Registrar, include in a plan that sufficiently defines the easement.

(4) If a co-owner, by a disposition, severs any building or part of it or land separated by a common dividing wall or other structure, whether that wall or other structure is a party wall or other structure, cross-easements of support of the dividing wall or other structure in respect of the severed buildings or land and the owners of the severed buildings or land shall be implied in the disposition and their successors in title shall be entitled to the benefit subject to the burdens of the cross-easements.

(5) There shall be implied in every grant of an easement the grant of all ancillary rights which may be reasonably necessary for the full and effective enjoyment of the grant.

(6) A grant of an easement may contain an agreement between the owners of the dominant and servient lands binding either or both of them to pay for or contribute towards the cost of constructing, maintaining or re-pairing any way, wall, drainage, installation or work forming the subject matter of the easement.

(7) No easement and no right in the nature of an easement shall be capable of being acquired by any presumption of a grant from long and uninterrupted use.

(8) Nothing in this section shall prevent the lawful use of a right of way for persons and for stock acquired and that right of way shall be deemed to be property.
99. Cancellation and extinguishment of easements and analogous rights

(1) Subject to subsection (3), an easement granted or an analogous right created under this Part may be cancelled by the person occupying the dominant land.

(2) Any cancellation pursuant to subsection (1), shall be effected in the prescribed form and the easement, or analogous right shall be extinguished on the date that cancellation is recorded in the register.

(3) On the application of any person occupying servient land, the Registrar may cancel an easement or an analogous right if the Registrar is satisfied that—

(a) the period of time for which the easement or analogous right was intended to subsist has expired; or

(b) the event upon which the easement or analogous right was intended to terminate has occurred

(4) The consent of any lessee or lender for the time being entitled to the benefit of any easement or analogous right shall be necessary for any cancellation of any such easements or analogous rights and such consent shall be signified in the prescribed form.

100. Enjoyment of easement and analogous rights

(1) The benefit of an easement, or an analogous right granted under this Part shall be enjoyed, during the term of its existence, by the owner of the dominant land, any successors in title and by—

(a) any lessee of the dominant land, or so far as the nature of the easement, or analogous right or part of it permits, and

(b) any lender on the security of a charge for the time being in possession of the dominant land, or so far as the nature of the easement or analogous right any part of it permit.

(2) Any person referred to in subsection (1)(a) or (b) who is by this section entitled to the benefit of an easement or analogous right may take out, in their own name, any proceedings necessary for the enforcement of the easement or the analogous rights.

PART XI – MISCELLANEOUS

101. Jurisdiction of court

The Environment and Land Court established by the Environment and Land Court Act, 2011 (No. 19 of 2011) has jurisdiction to hear and determine disputes, actions and proceedings concerning land under this Act.

102. Fees

(1) The Cabinet Secretary may prescribe the rates of fees payable for any matters in respect of which, by this Act, prescribed fees are required to be paid by any person and shall keep such fees under continuous review.

(2) Fees prescribed under this section shall be at a per centum rate of the value of the land that is, the subject of the application or other matter in respect of which fees are required to be paid.
(3) The Registrar shall refuse to make an entry on the register or register a document in respect of any grant of land or disposition arising in connection with land in respect of which a fee has not been paid in whole or in part, unless the Registrar is satisfied on the basis of written evidence that the fee has been waived in whole or in part or that it has been agreed between the payer and payee that fee may be paid in installments.

(4) Unpaid fees or expenses incurred by the Government in connection with any attempt to recover those unpaid fees shall constitute a civil debt recoverable summarily.

103. Offences

(1) A person who—

(a) knowingly makes a false statement, orally or in writing, in connection with a disposition or other transaction affecting land or any other matter arising under this Act, or

(b) knowingly gives a false information or makes a false statement, either orally or in writing, in connection with a call for information made under this Act or in connection with a investigation into the commission of any offence under this Act;

(c) fraudulently procures—

(i) the registration or issue of any certificate of ownership, or any other document or instrument relating to the land;

(ii) the making of a entry or the endorsement of a matter on a document or instrument referred to in subparagraph (i); or

(iii) the cancellation or amendment of the documents, instruments, entries or endorsements referred to in this paragraph.

(d) fraudulently alters, adds to, erases, defaces, mutilates or destroys any document or instrument relating to land or any entry on or endorsement of any such document or instrument; suppresses or conceals form the Registrar, or any authorized officer exercising powers under this Act, or assist or joins in so doing, any material document, factor matter,

 commits an offence and is liable on conviction to a fine not exceeding five million shillings or imprisonment for a term not exceeding five years or to both such fine and imprisonment.

(2) A person who unlawfully occupies public land commits an offence and is liable on conviction to a fine not exceeding five hundred thousand shillings, and in the case of a continuing offence to an additional fine not exceeding one hundred shillings for every day during which the offence continues.

PART XII – SAVINGS AND TRANSITION

104. Saving registers under repealed laws

(1) A register maintained under any of the repealed Acts shall, on the commencement of this Act, be deemed to be the land register for the corresponding registration unit established under this Act.
(2) Upon receiving an adjudication register from the Director of Land Adjudication, the Registrar shall forward it to the Deputy Registrar or Registrar in charge of the registration unit concerned, who shall prepare a register for each person shown in the adjudication record as an owner of land, and every person shown in the adjudication record as being entitled to an interest that does not amount to ownership of land shall be registered as being so entitled, subject, in every case to, any restriction of the power of the proprietor or of any person so entitled to deal with the land and to any interest, lease, right of occupation, charge or encumbrance affecting the land.

105. Transiting title documents

(1) On the effective date, the following provisions shall apply in respect of every parcel of land, the title to land which is already registered under the repealed Acts—

(a) if the title to a parcel of land is comprised in a grant or certificate of title registered under the repealed Registered Land Act—

(i) the grant or certificate of title shall be deemed to be a certificate of title or certificate of lease, as the case may be, issued under this Act; and

(ii) the folio of the register of titles kept under the repealed Act shall be deemed to be the register under this Act:

Provided that the Registrar may at any time prepare a register, in the prescribed form, showing all subsisting particulars contained in or endorsed on the folio of the register of titles and substitute such register for such folio and issue to the proprietor a certificate of title or certificate of lease, as the case may be, in the prescribed form.

(b) if the title to the parcel is comprised in a grant or certificate of title registered under the repealed Registration of Titles Act—

(i) the grant or certificate of title shall be deemed to be a certificate of title or certificate of lease, as the case may be, issued under this Act; and

(ii) the folio of the register of titles kept under section 7 of the repealed Registration of Titles Act shall be deemed to be the register under this Act:

Provided that the Registrar may at any time prepare a register, in the prescribed form, showing all subsisting particulars contained in or endorsed on the folio of the register of titles kept as aforesaid and substitute such register for such folio and issue to the proprietor a certificate of title or certificate of lease, as the case may be, in the prescribed form.

(c) if the title to the parcel is comprised in a register kept under the repealed Government Lands Act or the repealed Land Titles Act, the Registrar shall—

(i) as soon as conveniently possible, cause the title to be examined;
(ii) prepare a register, in the prescribed form, showing all subsisting particulars affecting the parcel which are capable of registration under this Act;

(iii) serve on the proprietor and on the proprietor of any lease or charge, a notice of intention to register; and

(iv) issue to the proprietor, upon request, a certificate of title or certificate of lease in the prescribed form;

(2) In compiling register in the name of the county or national government in trust for the people resident in the county or the people of Kenya, as the case may be, all public land in the area.

(3) Upon the registration of the Commission as proprietor of any land under subsection (2), there shall also vest in the Commission all rights, powers and liabilities under any grant or lease then subsisting in respect of the land.

106. Transitional provisions on rights, liabilities and remedies of parties over land

(1) On the effective date, the repealed Acts shall cease to apply to a parcel of land to which this Act applies.

(2) Nothing in this Act shall affect the rights, liabilities and remedies of the parties under any mortgage, charge, memorandum of equitable mortgage, memorandum of charge by deposit of title or lease that, immediately before the registration under this Act of the land affected, was registered under any of the repealed Acts.

(3) For the avoidance of doubt—

(a) any rights, liabilities and remedies shall be exercisable and enforceable in accordance with the law that was applicable to the parcel immediately before the registration of the land under this Act; and

(b) the memorandum of equitable mortgage or memorandum of charge by deposit of title may be discharged by the execution of a discharge in the form prescribed under the Act under which the memorandum was first registered.

(4) Notwithstanding this section, any notice in writing required to be served under the repealed Acts upon any of the parties under any mortgage, charge, memorandum of equitable mortgage or memorandum of charge by deposit of title may be served in accordance with this Act, and such service shall be deemed to be effective for all purposes.

107. Savings and transitional provisions with respect to rights, actions, dispositions

(1) Unless the contrary is specifically provided for in this Act, any right, interest, title, power, or obligation acquired, accrued, established, coming into force or exercisable before the commencement of this Act shall continue to be governed by the law applicable to it immediately prior to the commencement of this Act.

(2) Unless the contrary is specifically provided for in this Act or the circumstances are such that the contrary must be presumed to be the case,
where any step has been taken to create, acquire, assign, transfer, or otherwise execute a disposition, any such transaction shall be continued in accordance with the law applicable to it immediately prior to the commencement of this Act.

(3) For the avoidance of doubt, any lease granted to a noncitizen shall not exceed ninety-nine years.

(4) An instrument executed before the commencement of this Act whereby any disposition permitted under this Act is completed may be presented for registration in the prescribed register and—

(a) the question whether any instrument so presented is to be registered shall be determined by the Registrar by reference to the law in force at the time of its execution; and

(b) subject to the provisions of paragraph (a), the provisions of this Act shall apply to that instrument as if it had been executed after the commencement of this Act.

(5) If any step has been taken to forfeit a lease or to foreclose a charge before the effective date, a court may, if it considers it just and reasonable so to do, on and after the effective date, on the application of the lessee or, as the case may be, the borrower to issue an injunction to the lessor or, as the case may be, the borrower to issue an injunction to the lessor or, as the case may be, the lender to stop the continuation of any such step and where a court has issued an injunction under this subsection, the lessor or lender to whom the injunction has been issued may commence any action under this Act to terminate that lease or bring that charge to an end.

108. Saving and transitional provisions with respect to rules, orders, regulations, directions, notices forms, notifications orders etc.

Until the Cabinet Secretary makes the regulations contemplated under section 110, any rules, or other administrative acts made, given, issued or undertaken before the commencement of this Act under any of the Acts of Parliament repealed by this Act or any other law, shall continue in force and shall be construed with the alterations, adaptations, qualifications and exceptions necessary to bring them into conformity with this Act.

PART XIII – MISCELLANEOUS PROVISIONS

109. Repeals

The written laws set out in the Schedule are repealed.

110. Regulations

(1) The Cabinet Secretary shall make regulations prescribing anything which may be prescribed under this Act generally and for the better carrying into effect the purposes and provisions of this Act and without prejudice to the generality of the foregoing, such regulations may prescribe—

(a) the forms to be used in connection with this Act;

(b) the manner and form of the registries of land, the procedures to be followed by the registries and hours they are to be open for business;

[Issue 1] 46
(c) procedures for the transfer of land from one category to another;
(d) particulars and format to be contained in a register or other document required to be kept under this Act; and
(e) any other matter for the better carrying into effect of the provisions of this Act.

(2) In making the regulations, rules or prescribing any matters required under this Act, the Cabinet Secretary shall take into account the advice of the Commission as required under the Constitution and such regulations or rules shall be tabled before Parliament for approval.

SCHEDULE
[Section 109.]

REPEALED LAWS
The Indian Transfer of Property Act 1882
The Government Lands Act, (Cap 280)
The Registration of Titles Act, (Cap 281)
The Land Titles Act, (Chapter 282)
The Registered Land Act, (Cap. 300)
## List of Subsidiary Legislation

1. Division of Kenya into registration districts under section 4 ........................................ 51  
2. Registration of titles (Forms) Rules, 1991 ................................................................. 53  
3. The Registration of Titles (Fees) Rules, 2010 ............................................................. 61  
5. Government Lands (Applications for Leases and Licences for Special Purposes) Rules ..................................................................................... 65  
7. Government Lands (Registration Offices) Rules ....................................................... 69  
8. Government Lands (Forms) Rules ........................................................................... 71  
9. Government Lands (Road Reserves) Rules .............................................................. 81  
10. Government Lands (Consents) (Fees) Rules ............................................................. 83  
15. Government Lands (Consents) Rules ...................................................................... 93  
16. Land Arbitration Tribunal Rules, 2003 .................................................................. 95  
17. The Land Arbitration Tribunal (Fees) Rules, 2010 .................................................. 101  
18. The Government Lands (Penalty for Non-Payment of Rent) Regulations, 2005 ........................................................................................................... 103  
19. Application of Act under Section 2 ......................................................................... 105  
20. Land Titles (Forms) Rules ...................................................................................... 107  
21. Land Titles Rules .................................................................................................... 115  
22. Land Titles (Fees) (Custody of Documents) Rules .................................................. 121  
23. Land Titles (Fees) (Land Registration Court) Rules ............................................... 123  
24. Land Titles (Survey Fees) Rules ............................................................................. 125  
25. Land Titles (Registration Fees) Rules, 1994 ............................................................. 127  
26. Registered land (Registration of maximum number of proprietors) Rules, 1968 ........ 129  
27. Registered land Rules, 1963 ................................................................................... 131
DIVISION OF KENYA INTO REGISTRATION DISTRICTS UNDER SECTION 4

Kenya has been divided into two registration districts, as follows—

(a) the Coast District, comprising the Coast Province;
(b) the Inland District, comprising the rest of Kenya.
REGISTRATION OF TITLES (FORMS) RULES, 1991

1. These Rules may be cited as the Registration of Titles (Forms) Rules, 1991.

2. Forms P(1), P(2), P(3), Q(1), S, S(1), T, Y and Z in the Schedule to these Rules shall be used in all cases under the Act.


4. The fees payable in all matters connected with the forms mentioned in rules 2 and 3 wherever applicable of the principal Rules shall be those prescribed by the Minister in the Gazette.

5. (1) The Registrars of Titles 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.

   (2) The 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.

SCHEDULE

Form P (1)

NOTICE OF WITHDRAWAL OF CAVEAT

To: The Registrar of Titles,
    Land Registry, Nairobi/Mombasa.

I/We, ...........................................................................................................................................

of ...................................................................................................................................................

withdraw the caveat registered ....................................................................................................

Signed ................................................................

Date ....................................................................  ..................................................... ........................

(Advocate for) Caveator(s)

Form P(2)

APPLICATION FOR REMOVAL OF CAVEAT

To: The Registrar of Titles,
    Land Registry, Nairobi/Mombasa.

I/We, ...........................................................................................................................................

of ...................................................................................................................................................

Our reference—.................................................................................................................................

____________________________________

(Advocate for) Caveator(s)
hereby apply to you to remove the caveat registered as .................................................................

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

Signed .................................................................

Date .................................................................

(Advocate for) Caveatee(s)

To be submitted in triplicate.

Form P (3)

[Section 65, L.N. 66/1991, s. 2.]

CAVEAT TO SECURE PAYMENT OF ADDITIONAL STAMP DUTY

TAKE NOTICE that pursuant to my powers under the Registration of Titles Act (Cap. 281), I have today entered a caveat against this title on behalf of the Government of Kenya to secure the payment of Sh. ................................................................. additional stamp duty on a transfer dated ................................................................. and registered as I.R./C.R. ................................................................. as assessed by the Collector of Stamp Duties. This caveat shall remain registered against this title until such time as additional stamp duty together with penalties incurred for late payment has been paid or an appeal against the assessment by the collector has been upheld.

Signed .................................................................

Principal Registrar of Titles

Form Q (1)

NOTICE OF APPEAL AGAINST REFUSAL BY A REGISTRAR TO REGISTER A DOCUMENT

To: The Registrar-General of Titles

The Principle Registrar,

Land Registry, Nairobi

TAKE NOTICE that I/We ................................................................. of P.O. Box ................................................................. hereby appeal against the decision of the Registrar set forth in his letter No. ................................................................. dated ................................................................. refusing to register—

Description of Document .................................................................

Date of Document .................................................................

Parties to Document .................................................................

Land Reference Number(s) .................................................................

Presented on ................................................................., 20 ............... by .................................................................

My/Our grounds of appeal are as follows—

(If this space is insufficient please continue on the back)
### APPLICATION FOR PERSONAL SEARCH OF—

<table>
<thead>
<tr>
<th>Land Reference Number</th>
<th>Title or Deed File Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Adhesive revenue stamps to the value of the prescribed fee are affixed hereto.

Signature ............................................................
Postal address ....................................................
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 Sh. 5 affixed to the original, which will be retained in the Land Registry.
2. Persons making searches may take brief notes in pencil but no document 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.

### APPLICATION FOR POSTAL SEARCH

To: The Registrar of Titles, Our reference—
Land Registry, Nairobi/Mombasa. .......................................

APPLICATION is made for a certified copy of the last complete page of the abstract register or register of titles relating to Land Reference Number ...................................... Title/Deed File Number ........................................................ and any subsequent entries.
SCHEDULE—continued

Adhesive revenue stamps to the value of the prescribed fee is affixed hereto.

.................................................................
Signed

Name in capitals .................................................................
Postal address .................................................................
.................................................................

Date .................................................................

(For completion in the Registry)
POSTAL SEARCH CERTIFICATE No......................................................
Certified copy forwarded as requested above.

.................................................................
Registrar of titles

To be submitted in duplicate.

---

Form T

The Conditions on the Back of this form shall be Complied with.

APPLICATION FOR REGISTRATION

of the under mentioned documents in the following order of priority—

<table>
<thead>
<tr>
<th>Date of Document</th>
<th>Description (1)</th>
<th>Land Reference Number (2)</th>
<th>Deed File Number (3)</th>
<th>Fee (4)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Sh.</td>
</tr>
</tbody>
</table>

Number of new certificates of title required at the prescribed fee .................................................................
Adhesive revenue stamps affixed hereto to the value of .................................................................

The following documents are enclosed for endorsement—(5)
Grant No. .................................................. Lease No. .......................... Certificate No. ..............................

The following supporting documents are also enclosed—(6)
Clearance Certificate ☐ Estate Duty Certificate ☐ “Registration Copy” of Land Control
**Land Registration**

**SCHEDULE—continued**

<table>
<thead>
<tr>
<th>Board Consent and/or the Governor</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>“Registration Copy” of Provincial Commissioner’s Consent</td>
<td></td>
</tr>
<tr>
<td>Withholding Tax Certificate (W. 70)</td>
<td>Land Rent Certificate</td>
</tr>
</tbody>
</table>

The following consents are endorsed on the documents—

- Commissioner of Lands or the Chief Engineer, East African Railways and Harbours Administration under the terms of the Grant Chargee to surrender of lease under section 144 of the Registration of Titles Act (Cap. 281)

Special instructions, including, if necessary, the name and address of the person to whom the documents are to be sent if other than the presenter—

<table>
<thead>
<tr>
<th>Signature</th>
<th>Name in capitals.</th>
<th>Postal address</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Date .........................................................

To be submitted in triplicate

**CONDITIONS**

(Reverse)

**Form to accompany documents**

Every document presented for registration must be accompanied by this form.

**Number of forms to submit**

Application for registration forms are printed in sets of three, each set comprising an original, duplicate and triplicate. Forms may be obtained post free from the Registrar of Titles, Nairobi and Mombasa.

**How to complete**

The form must be completed accurately in accordance with these conditions. Failure to do so may result in the rejection of the application. The information supplied by the presenter must appear legibly in English on all three forms. If registration is sought at both the Nairobi and Mombasa Registries, separate applications accompanied by the document must be addressed to each. The following are the explanations of the numbers appearing in brackets on the form—

1. Give a brief description of each document, e.g. Conveyance, Assignment, Transfer, Charge, etc.

2. The land reference numbers of all parcels of land dealt with in each document must be entered, e.g. 1870/XX/9, 1870/XX/10. If the document is not to be registered against a title to land, e.g. powers of attorney, building plans, agreements, etc., the word “Nil” must be inserted.

3. Where possible the deed file number should be inserted in this column. In the case of titles registered under the Registration of Titles Act (Cap. 281) this is the title number. For titles registered under other Acts, the number of the deed file is shown in the right-hand column of the registration endorsement on the last registered document.
The registration fee tendered must be entered in this column, and the total fees entered at the foot thereof. The fee payable on presentation is the prescribed fee per entry in the register, and is not refundable. This fee is inclusive of copying. A document purporting to deal with two or more titles will attract the prescribed fee in respect of each title against which it is to be registered.

All documents presented for registration against titles under the Registration of Titles Act, other than caveats, statutory notifications and Court orders, must be accompanied by the appropriate title deed, and the registration particulars of that deed must be inserted in this paragraph of the form. No documents are required for endorsement under the other Acts.

Indicate, by placing a tick in the appropriate boxes, the supporting documents which accompany the application or consents which are endorsed on the documents.

Payment of fees

Fees may only be paid by affixing adhesive revenue stamps to the required value in the space provided on the original application form. Such stamps may be obtained from post offices. Spoilt or damaged adhesive revenue stamps will not be accepted but stamps upon which the presenter has placed his name stamp shall not be deemed spoilt or damaged for this purpose.

Separate applications to be made

A separate set of application forms must be submitted for each document except in the case of a set of documents which are to be registered against the same title or are related to each other. For example, a discharge of a charge, a surrender of a lease, a transfer and a new charge all relating to L.R. No. 999/999 would properly form the subject of one application, and similarly a power of attorney executed by the registered proprietor followed by a transfer executed by the attorney are related to each other and can form the subject of one application.

Submission of applications

Applications may be submitted as follows—
(a) by post to the appropriate Registrar;
(b) by delivery in the box provided at the appropriate Land Registry;
(c) by requesting the Collector of Stamp Duties to forward the application form to the appropriate Registrar after stamping the document. Priority is not established until the application is in the hands of the Registrar, and no responsibility is accepted by the Collector for any delay.

Rejections

Documents re-presented for registration following their previous rejection must be accompanied by a fresh set of forms of application duly completed. The fee in such a case is the prescribed fee for every document which was the subject of a formal rejection.

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:

...............................................................................................................................................................
...............................................................................................................................................................
...............................................................................................................................................................
...............................................................................................................................................................
...............................................................................................................................................................
SCHEDULE—continued

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 Z

APPLICATION FOR PROVISIONAL CERTIFICATE OF TITLE

PART 1

To: The Registrar of Titles, Our reference—

Land Registry, Nairobi/Mombasa. .................................................................

1. I have lost Grant/Certificate of Title/ ................................................................. and hereby apply for a

  No. I.R./C.R. ................................................................. Provisional Certificate of Title under section 71 of the Act.

2. I attach my statutory declaration as to the matters required by the Act.

3. I also attach the statutory declaration of .................................................................

4. I hereby undertake to forward the Grant/Certificate of Title/ .............................................. to you

  immediately should it be found.

5. Adhesive revenue stamps to the value of the prescribed fees are affixed hereto.
SCHEDULE—continued

6. The Provisional Certificate should be sent to me at .............................................................................................................................................
........................................................................................................................................ of P.O. Box ......................................................................................................................

Date ...........................................................................................................................................................................................................

Registered Proprietor

Name in block capitals ............................................................................................................................

Postal address ................................................................................................................................................

.................................................................................................................................................................

PART II

To: The above-named applicant—
......................................................................................................................................................

The Provisional Certificate applied for has been issued and is enclosed herewith.

Date ........................................................................................................................................................................

Registrar of Titles

To be submitted in duplicate.
REGISTRATION OF TITLES (FEES) RULES, 2010

1. These Rules may be cited as the Registration of Titles (Fees) Rules, 2010.

2. The Second Schedule to the Act is amended by deleting the fees prescribed therein and substituting therefore the following new fees—

<table>
<thead>
<tr>
<th>Description</th>
<th>Fees KSh.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) On making an application to bring land under the operation of the Act for every KSh. 10,000 or part thereof, of the unimproved value of the land</td>
<td>1,000</td>
</tr>
<tr>
<td>(b) For every instrument presented for registration</td>
<td>500</td>
</tr>
<tr>
<td>(c) For every notice (excluding notice given on registration of caveat)</td>
<td>250</td>
</tr>
<tr>
<td>(d) Taking any declaration or affidavit</td>
<td>500</td>
</tr>
<tr>
<td>(e) For making an entry in or correction of the register under section 81(3) of the Act</td>
<td>500</td>
</tr>
<tr>
<td>(f) For entering a restriction under section 92(2) of the Act</td>
<td>500</td>
</tr>
<tr>
<td>(g) For entering a withdrawal of or modification of a restriction under section 82(4) of the Act</td>
<td>500</td>
</tr>
<tr>
<td>(h) For preparation of a certificate of title</td>
<td>1,000</td>
</tr>
<tr>
<td>(i) On appeal to the Registrar from an order refusing to register a document under section 33 of the Act</td>
<td>1,000</td>
</tr>
<tr>
<td>(j) For attendance by an officer of the Registry at a place outside the Registration office</td>
<td>1,000</td>
</tr>
<tr>
<td>(k) For every application for a provisional certificate under section 71 of the Act</td>
<td>1,000</td>
</tr>
<tr>
<td>(l) For attestation by the Register under section 58 of the Act</td>
<td>500</td>
</tr>
<tr>
<td>(m) For every personal search</td>
<td>1,000</td>
</tr>
<tr>
<td>(n) For every postal search</td>
<td>500</td>
</tr>
<tr>
<td>(o) On submission of any instrument previously rejected because of an error therein or failure to comply with any prerequisite of registration</td>
<td>500</td>
</tr>
<tr>
<td>(p) For every copy of a registered instrument or abstract folio -</td>
<td></td>
</tr>
<tr>
<td>(i) Where the number of pages or folios does not exceed five</td>
<td>200 per copy of such pages or folios</td>
</tr>
<tr>
<td>(ii) Where the number of pages or folios exceeds five</td>
<td>200 per copy of the first five pages or folios plus Ksh.10 per page or folio in excess of the said five pages or folios</td>
</tr>
<tr>
<td>(q) For any act or thing not otherwise provided for</td>
<td>500</td>
</tr>
</tbody>
</table>

3. The fees prescribed in these Rules include the provision of photostatic copy prescribed by the Act.

4. Government miscellaneous receipts shall be issued upon payment of the fees prescribed in these Rules.

5. The Registration of Titles (Fees) Rules, 2008, are revoked.
GOVERNMENT LANDS (APPEALS) RULES

ARRANGEMENT OF RULES

Rule

1. Citation.
2. Lodging appeal.
3. Notice to Principal Registrar.
5. Certified copy of decision to go to Principal Registrar.
1. Citation

These Rules may be cited as the Government Lands (Appeals) Rules.

2. Lodging appeal

An appeal from a decision or order of the Principal Registrar from which an appeal lies to the High Court may be lodged in the High Court in the same manner as an appeal from a subordinate court.

3. Notice to Principal Registrar

On an appeal being lodged under rule 2 the Registrar of the Court shall give notice thereof to the Principal Registrar, who shall thereupon furnish the Court with a written statement of the reasons for his decision which is being appealed against; and the written statement shall be furnished in duplicate.

4. Notice of hearing

Notice of the hearing shall be given to the appellant but it shall not be necessary to serve anyone with notice as respondent on the appeal.

5. Certified copy of decision to go to Principal Registrar

A certified copy of the decision of the High Court shall be transmitted to the Principal Registrar by the Registrar of the Court free of charge.
GOVERNMENT LANDS (APPLICATIONS FOR LEASES AND LICENCES FOR SPECIAL PURPOSES) RULES
[Cap. 155 (1948), Sub. Leg.]

RULES UNDER SECTION 148

1. These Rules may be cited as the Government Lands (Applications for Leases and Licences for Special Purposes) Rules.

2. The form in the Schedule to these Rules shall be used in every application for a lease or licence for special purposes under Part V of the Act.

3. A deposit of one hundred and fifty shillings shall accompany every application, which deposit shall be—
   (a) allocated towards the amount due in respect of the area if granted;
   (b) refunded to the applicant if the application is refused;
   (c) forfeited, as provided for by subsection (2) of section 35 of the Act, if a false statement is made.

SCHEDULE
[Rule 2.]

GOVERNMENT LANDS ACT
Application for Lease or Licence of Land Required for Special Purposes

1. Full name, address and occupation of applicant .......................................................

2. Situation of land applied for (attach map if possible) .......................................................

3. Special purpose for which land is required .............................................................

4. Term (i.e. length of time for which the grant is required) ..............................................

5. Nature of the grant desired .............................................................

6. Deposit and nature of remittance .............................................................

7. Remarks .............................................................

Dated the.................................................................................................., 20...............................

Signed ................................................................

A deposit of Sh. 150 must be forwarded with the application. This deposit will be (a) credited to the amount due in respect of the grant if made; or (b) refunded if the application is refused; or (c) forfeited, as provided for by section 35(2) of the Act, if a false statement is made.

N.B.—This form, copies of which may be obtained from the Department of Lands, Nairobi, must be filled up and signed by the applicant or his duly constituted attorney and forwarded to the Department of Lands.
GOVERNMENT LANDS (REGISTRATION) RULES
[Cap. 155 (1948), Sub. Leg., L.N. 346/1960.]

1. These Rules may be cited as the Government Lands (Registration) Rules.

2. (1) The Registrar shall refuse to register any assignment of a lease issued under the
Act where the premium reserved by such lease is payable to the Government by
instalments, unless and until the head lease thereof is produced duly endorsed by the
Commissioner of Lands, as provided for in subsection (4) of section 24 of the Act.

(2) The Registrar shall not take cognizance of an endorsement under paragraph (1)
unless and until the same has been duly registered under the Act.

3. Powers of attorney registrable under section 108 of the Act, and revocations of such
powers, shall be registered in a special volume of the registry kept for the purpose.
GOVERNMENT LANDS (REGISTRATION OFFICES) RULES
[Cap. 155 (1948), Sub. Leg., L.N. 345/1960.]

1. These Rules may be cited as the Government Lands (Registration Offices) Rules.

2. There shall be established Government Lands Registration Offices at Nairobi and Mombasa.

3. In the Nairobi office, there shall be registered all transactions relating to Government land outside the Coast Province.

4. In the Mombasa office, there shall be registered all transactions relating to Government land in the Coast Province.
GOVERNMENT LANDS (FORMS) RULES


1. These Rules may be cited as the Government Lands (Forms) Rules.

2. The forms in the Schedule shall be used in all cases under Part X of the Act.

3. The Registrars of Government Lands at Nairobi and Mombasa shall keep a supply of Forms A to J for the use of the public.

3A. The fees payable in all matters connected with Forms A to J wherever applicable shall be those prescribed by the Minister in the Gazette.

4. (1) The Registrars of Government Lands 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.

   (2) The 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.

SCHEDULE

[Rule 2.]

Form A

MEMORANDUM OF EQUITABLE MORTGAGE BY DEPOSIT OF DOCUMENTS OF TITLE

Documents of title registered in Volume No. .......................................... Folio ...............................

File No. ............................... relating to ................................................................. was deposited by .............................

...............................................................................................................................................................

of P.O. Box No. ............................................... (Mortgagor) with .............................................. ...........

.............................................................  of P.O. Box No. ............................................................

(Mortgagee) by way of equitable mortgage on the .................................................................

...........................................................................................................................................................

The mortgagor and the mortgagee hereby certify, in accordance with the provisions of section 68(3) of the Stamp Duty Act, that the amount hereby secured is Sh. ............................ uncertain, and that the mortgagee hereby acknowledges to have received the above-mentioned document of title.

Dated the ......................................................................................................................., 20 ............

Signed in the presence of— Signature or Common Seal of mortgagor—

........................................................................................................................................

Postal Address ...................................................

........................................................................................................................................

Description .........................................................
SCHEDULE—continued

Signed in the presence of— Signature or Common Seal of mortgagee—

Postal Address .................................................................

Description ........................................................................

Drawn by—

Form B

MEMORANDUM OF DISCHARGE OF AN EQUITABLE MORTGAGE BY DEPOSIT OF DOCUMENT OF TITLE

The equitable mortgage by deposit of document of title registered in Volume No. ........................................ File No. ................................ relating to .................................................. was discharged on the ........................., 20 ............

It is certified that—
(a) the greatest amount at any time secured was Sh. .................................................................
(b) this is a partial discharge.

Dated the ................................................................., 20 ............

Signed in the presence of— Signature or Common Seal of mortgagee—

Postal Address .................................................................

Description ........................................................................

Drawn by—

Form C

CAVEAT

FORBIDDING REGISTRATION OF DEALING WITH LAND

To: The Registrar,

TAKE NOTICE that I, ................................................................. of ................................................................. (at which address within Kenya notices may be served), claiming (1) ................................................................. in (2) ................................................................. forbid the registration of any dealing with the said land—
(a) absolutely, or
(b) unless the transaction is expressed to be subject to the claim of the Caveator (3).

Dated the ................................................................., 20 ............

Signed .................................................................

I, of ................................................................. make oath and say/affirm (3) that to the best of my knowledge and belief the claim above referred to is true.
CAVEAT FOR ADDITIONAL STAMP DUTY

To: The Registrar,
Land Registry, Nairobi/Mombasa.

Take Notice that pursuant to my powers under the Government Lands Act (Cap. 280), I, on behalf of the Government of Kenya for the purpose of securing the payment of Sh. .................. additional stamp duty on a ..................................................................................................................
dated and registered in volume .............................................................................................................
folio ........................................................................................................................ file ...............................
on the.................................................................................. day of ....................................., 20 ............ as assessed by the Collector of Stamp Duties, forbid the registration of any dealing with the land
known as Land Reference Number ......................................................................................................
This caveat shall remain registered against the title to the said land until such time as additional
stamp duty together with any penalties incurred for late payment has been paid on an appeal
against the assessment by the collector has been upheld.

Signed ................................................................
Principal Registrar of Government Lands

NOTICE OF WITHDRAWAL OF CAVEAT

To: The Registrar,
Land Registry, Nairobi/Mombasa.

I/We, ..................................................................................................................................................
of ..................................................................................................................................................
withdraw the caveat registered as ..........................................................................................................

Signed ................................................................

Date .................................................................  ..................................................... ........................

[Advocate for] Caveator[s]

73 [Issue 1]
Form E

APPLICATION FOR REMOVAL OF CAVEAT

To: The Registrar,
Land Registry, Nairobi/Mombasa. ..................................................
I/We, ......................................................................................................................... ........................................
of .......................................................................................................................... hereby apply to you
to remove the caveat registered as ......................................................................................................................

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

Signed .................................................................

Date ................................................................. ......................................................

[Advocate for] Caveatee[s]

To be submitted in triplicate.

Form F

NOTICE OF APPEAL AGAINST REFUSAL BY A REGISTRAR TO REGISTER A DOCUMENT

To: The Registrar-General of Titles
The Principal Registrar of Government Lands,
Land Registry, Nairobi.

TAKE NOTICE that I/We, ..................................................................................................................
of P.O. Box ...........................................................................................................................
hereby appeal against the decision of the Registrar set forth in his letter Number ........................................
dated ............................................................................................................................... refusing to register—

Description of document ......................................................................................................................

Date of document ............................................................................................................................

Parties to document ...........................................................................................................................

Land Reference Number (s) .................................................................................................................

Presented on ................................................................. , 20 , , by ........................................

My/our grounds of appeal are as follows:

(If this space is insufficient please continue on the back)

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

Date ................................................................. .....................................................

Signature of Appellant or his Advocate

To be submitted in triplicate.
Form G

APPLICATION FOR PERSONAL SEARCH

APPLICATION FOR PERSONAL SEARCH OF—

<table>
<thead>
<tr>
<th>Land Reference Number</th>
<th>Title or Deed File Number</th>
</tr>
</thead>
</table>

Adhesive revenue stamps to the value of the prescribed fee are affixed hereto.

Date ........................................ Signature ...........................................
Postal Address ..............................................................................................................

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 the prescribed fee affixed to the original, which will be retained in the Land Registry.
2. Persons making searches may take brief notes in pencil but no document 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.

Form H

APPLICATION FOR POSTAL SEARCH

Our reference: ..............................................................
To: The Registrar, ............................................................
Land Registry, Nairobi/Mombasa.
APPLICATION is made for a certified copy of the last complete page of the abstract register or register of titles relating to Land Reference Number ..............................................................
Form I

APPLICATION FOR REGISTRATION

The conditions on the back of this form shall be complied with.

APPLICATION FOR REGISTRATION

of the undermentioned documents in the following order of priority—

<table>
<thead>
<tr>
<th>Date of Document</th>
<th>Description (1)</th>
<th>Land Reference Number (2)</th>
<th>Deed File Number (3)</th>
<th>Fee (4) Sh.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Registrar
Number of new certificates of title required at the prescribed fee ........................................................
Adhesive revenue stamps affixed hereto to the value of .............................................................................

The following documents are enclosed for endorsement: (5)
Grant No. ........................................ Lease No. ........................................ Certificate No. ...........................................

The following supporting documents are also enclosed: (6) Clearance Certificate
Estate Duty Certificate □ “Registration Copy” of Land Control Consent and/or □ or the
Governor’s “Registration Copy” of Provincial Commissioner’s Consent □ Withholding Tax
Certificate (W. 70) □ Land Rent Certificate

The following consents are endorsed on the documents: Commissioner of Lands or the Chief
Engineer, East African Railways Corporation and under the terms of the Grant. Chargee to
surrender of lease under section 144 of the Registration of Titles Act (Cap. 281)

(Reverse)

Special instructions, including, if necessary, the name and address of the person to whom the
documents are to be sent if other than the presentor—

Signed ..............................................................
Name in Block Capitals ..................................................
Postal Address ..............................................................
Date ..............................................................

To be submitted in triplicate.

CONDITIONS

Form to accompany documents
Every document presented for registration must be accompanied by this form.

Number of Forms to Submit
Application for registration forms are printed in sets of three, each set comprising an original,
duplicate and triplicate. Forms may be obtained post free from the Registrar of Titles, Nairobi and
Mombasa.

How to Complete
The form must be completed accurately in accordance with these conditions. Failure to do so
may result in the rejection of the application. The information supplied by the presentor must appear
legibly in English on all three forms. If registration is sought at both the Nairobi and the Mombasa
Registries, separate applications accompanied by the document must be addressed to each. The
following are the explanations of the numbers appearing in brackets on the form—

(1) Give a brief description of each document, e.g. Conveyance, Assignment, Transfer,
Charge, etc.

(2) The land reference numbers of all parcels of land dealt with in each document must be
entered, e.g. 1870/XX/9, 1870/XX/10. If the document is not to be registered against a title
to land, e.g. powers of attorney, building plans, agreements, etc., the word “Nil” must be
inserted.

(3) Where possible the deed file number should be inserted in this column. In the case of titles
registered under the Registration of Titles Act (Cap. 281), this is the title number. For titles
registered under other Acts, the number of the deed file is shown in the right-hand column
of the registration endorsement on the last registered document.

(4) The registration fee tendered must be entered in this column and the total fees entered at
the foot thereof. The fee payable on presentation is the prescribed fee per entry in the
register and is not purporting to deal with two or more titles will attract the prescribed fee in
respect of each title against which it is to be registered.
SCHEDULE—continued

(5) All documents presented for registration against titles under the Registration of Titles Act, other than caveats, statutory notifications and Court orders, must be accompanied by the appropriate title deed, and the registration particulars of that deed must be inserted in this paragraph of the form. No documents are required for endorsement under the other Acts.

(6) Indicate, by placing a tick in the appropriate boxes, the supporting documents which accompany the application or consents which are endorsed on the documents.

Payment of Fees

Fees may only be paid by affixing adhesive revenue stamps to the required value in the space provided on the original application form. Such stamps may be obtained from post offices. Spoilt or damaged adhesive revenue stamps will not be accepted but stamps upon which the presentor has placed his name stamp shall not be deemed spoilt or damaged for this purpose.

Separate Applications to be Made

A separate set of application forms must be submitted for each document except in the case of a set of documents which are to be registered against the same title or are related to each other. For example, a discharge of a charge, surrender of a lease, transfer and a new charge all relating to L.R. No. 999/999 would properly form the subject of one application, and similarly a power of attorney executed by the registered proprietor followed by a transfer executed by the attorney are related to each other and can form the subject of one application.

Submission of Application

Applications may be submitted as follows—
(a) by post to the appropriate Registrar;
(b) by delivery in the box provided at the appropriate Land Registry;
(c) by requesting the Collector of Stamp Duties to forward the application form to the appropriate Registrar after stamping the document. Priority is not established until the application is in the hands of the Registrar, and no responsibility is accepted by the Collector for any delay.

Rejections

Documents re-presented for registration following their previous rejection must be accompanied by a fresh set of forms of application duly completed. The fee in such a case is the prescribed fee for every document which was the subject of a formal rejection.
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 K

ENDORSEMENT BY REGISTRAR

GOVERNMENT LANDS REGISTRY
Registered at ...................................................... ........................................................, 20 .............
Presentation No. Volume Folio File

.............................................................................................................................................................

Registrar
GOVERNMENT LANDS (ROAD RESERVES) RULES

1. These Rules may be cited as the Government Lands (Road Reserves) Rules.

2. No Government land shall be let or sold outside the area of any township or station within a distance of 100 feet from the centre of any public road.

3. No building, fencing or other obstacle shall be erected within a distance of 100 feet from the centre of any public road outside the area of any township or station.
1. These Rules may be cited as the Government Lands (Consents) (Fees) Rules.

2. Notwithstanding anything contained in the Government Lands (Consents) Rules the following fees shall be charged for any consents applied for and given by the Commissioner of Lands as follows—

<table>
<thead>
<tr>
<th>Description</th>
<th>Fees KSh.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) For every consent in respect of a transfer conveyance, assignment,</td>
<td>1000</td>
</tr>
<tr>
<td>mortgage, charge, sale, lease or sub-lease of a developed plot within a</td>
<td></td>
</tr>
<tr>
<td>municipality</td>
<td></td>
</tr>
<tr>
<td>(b) For every consent in respect of a transfer conveyance, assignment,</td>
<td>500</td>
</tr>
<tr>
<td>mortgage, charge, sale, lease or sub-lease of a developed not within a</td>
<td></td>
</tr>
<tr>
<td>municipality</td>
<td></td>
</tr>
<tr>
<td>(c) For every consent in respect of any other transaction or dealing with</td>
<td>1000</td>
</tr>
<tr>
<td>land (within a municipality) not otherwise provided for in the Act</td>
<td></td>
</tr>
<tr>
<td>(d) For every consent in respect of any other transaction or dealing with</td>
<td>500</td>
</tr>
<tr>
<td>land (not within a municipality) not otherwise provided for in the Act</td>
<td></td>
</tr>
</tbody>
</table>
GOVERNMENT LANDS (APPROVALS) RULES, 1994

1. These Rules may be cited as the Government Lands (Approvals) Rules, 1994.

2. The following fees will be paid for the approval given by the Commissioner of Lands in respect of subdivisions of lands, building plans, extensions of the terms of leases, allocation of plots, changes of user, extensions of user and such other matter requiring approval—

<table>
<thead>
<tr>
<th>Description</th>
<th>Fees KSh.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) For approval of subdivision of land within an urban area (per resulting portion)</td>
<td>250</td>
</tr>
<tr>
<td>(b) For approval of building plans—</td>
<td></td>
</tr>
<tr>
<td>(i) Where the built-up area does not exceed 200 square metres</td>
<td>1,500</td>
</tr>
<tr>
<td>(ii) Where the built-up area exceeds 200 metres, KSh. 500 for every 100 square metres or part thereof.</td>
<td></td>
</tr>
<tr>
<td>(iii) For alterations or additions to an existing structure</td>
<td>1,500</td>
</tr>
<tr>
<td>(iv) For late submission of building plans and construction without approved plans—</td>
<td></td>
</tr>
<tr>
<td>(i) where land is within a municipality</td>
<td>7,000</td>
</tr>
<tr>
<td>(ii) where land is in other urban centres</td>
<td>1,000</td>
</tr>
<tr>
<td>(v) For building plans exceeding the stipulated site coverage—</td>
<td></td>
</tr>
<tr>
<td>(i) where land is within a municipality</td>
<td>15,000</td>
</tr>
<tr>
<td>(ii) where land is in other urban centres</td>
<td>7,500</td>
</tr>
<tr>
<td>(vi) For approval of changes of user or extension of user—</td>
<td></td>
</tr>
<tr>
<td>(i) where land is within a municipality</td>
<td>5,000</td>
</tr>
<tr>
<td>(ii) where land is in other urban centres</td>
<td>1,000</td>
</tr>
<tr>
<td>(vii) For approval of extension of term of lease—</td>
<td></td>
</tr>
<tr>
<td>(i) where land is within a municipality</td>
<td>5,000</td>
</tr>
<tr>
<td>(ii) where land is in other urban centres</td>
<td>1,000</td>
</tr>
<tr>
<td>(viii) For approval of allocation of plot</td>
<td>5,000</td>
</tr>
</tbody>
</table>

3. Building plans shall be submitted in triplicate to the Local Authority showing the following particulars—

(a) block plans showing the positions of the building and a system of drainage for disposing of sewage, surface and sullage water;
(b) drainage, elevations and specifications of the buildings the grantee or grantees proposes or propose to erect;
(c) the built-up area (or site coverage) in square metres or feet.
4. No building plans shall be approved before the necessary fees are paid.

5. After endorsing its approval on all copies of the plans the Local Authority shall pass the plans to the Commissioner of Lands who shall deal with them as follows—
   (a) on endorsing his approval on all copies the Commissioner of Lands shall retain one copy on the file and shall return to the Local Authority two copies;
   (b) the Local Authority may if it wishes retain one copy of the approved plan but shall return the third copy to the grantee.

6. (1) Every application for approval to subdivide land shall be made to the Commissioner of Lands and shall—
   (a) contain the applicant’s proposals for development of each portion created by the sub-division; and
   (b) be accompanied by suitable plans in quadruplicate on durable material showing the proposed sub-divisions together with roads of access to each and every sub-division.

   (2) Every such applicant shall furnish such further or other information or particulars as the Commissioner may require.

7. No application for such approval shall be entertained unless the building conditions (if any) have been complied with.

8. In no case shall annual rent reserved on any such portion be less than ten shillings nor the aggregate annual rent be less than that reserved in the original lease.

9. No proposal for sub-division shall be approved before the necessary fees are paid.

10. Any person who subdivides his land or causes it to be subdivided or commences the construction or building without the prior approval of the Commissioner of Lands shall be guilty of an offence and shall be liable to a fine not exceeding one thousand five hundred shillings or to imprisonment for a term not exceeding three months or both.
GOVERNMENT LANDS (CHARGES FOR TEMPORARY OCCUPATION LICENCES) RULES

1. These Rules may be cited as the Government Lands (Charges for Temporary Occupation Licences) Rules.

2. A charge of fifty shillings shall be made for a temporary occupation licence.

3. An applicant for a temporary occupation licence shall deposit with his application the amount of the charge prescribed by these Rules for the licence.

4. All sums deposited in pursuance of these Rules shall be dealt with in the manner following—
   (a) if the application is refused, the sum deposited shall be refunded to the applicant;
   (b) if the applicant withdraws his application, or refuses or neglects to execute or accept the licence when called upon to do so, and in every other case not hereinbefore provided for, the sum deposited shall be forfeited.
GOVERNMENT LANDS (FEES) RULES, 1994

1. These Rules may be cited as the Government Lands (Fees) Rules, 1994, and shall come into operation on the 26th August, 1994.

2. The following fees shall be levied under Part X of the Act—

<table>
<thead>
<tr>
<th>Description</th>
<th>Fees KSh.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) For every document presented for registration</td>
<td>500</td>
</tr>
<tr>
<td>(b) For every notice (excluding notice given on registration of a caveat)</td>
<td>500</td>
</tr>
<tr>
<td>(c) For acceptance of an affidavit under section 112 of the Act</td>
<td>500</td>
</tr>
<tr>
<td>(d) For correcting errors or supplying omissions in the register under section 120 of the Act</td>
<td>500</td>
</tr>
<tr>
<td>(e) For every personal search</td>
<td>1,000</td>
</tr>
<tr>
<td>(f) For every postal search</td>
<td>500</td>
</tr>
<tr>
<td>(g) On appeal to the Principal Registrar from an order refusing to register a document under Sections 110 and 113 of the Act</td>
<td>500</td>
</tr>
<tr>
<td>(h) For attendance by an officer of the registry at a place outside the registration office (per day or part thereof of the absence from the registry and the expenses incurred)</td>
<td>2,500</td>
</tr>
<tr>
<td>(i) On resubmission for registration of any document previously rejected because of error thereon or for failure to comply with any prerequisite of registration</td>
<td>500 per document rejected</td>
</tr>
<tr>
<td>(j) For every copy of a registered document or abstract of title—</td>
<td></td>
</tr>
<tr>
<td>(i) Where the number of pages or folios does not exceed five</td>
<td>200 per copy of such pages or folios</td>
</tr>
<tr>
<td>(ii) Where the number of pages or folios exceeds five</td>
<td>200 per copy of the first five pages or folios plus Ksh. 10 per page or folios in excess of the said five pages or folios</td>
</tr>
<tr>
<td>(k) For any act or thing not otherwise provided for</td>
<td>1,000</td>
</tr>
</tbody>
</table>

3. Every application for a plot of land which has been advertised in the Kenya Gazette shall be accompanied by a non-refundable fee of two hundred and fifty shillings payable to the Commissioner of Lands.

4. The fees prescribed by these Rules include the provision of photostatic copy prescribed by the Act.

5. Government miscellaneous receipts shall be issued upon payment of the fees prescribed in these Rules.
1. These Rules may be cited as the Government Lands (Conveyancing Fees) Rules, 1994, and shall come into operation on the 26th August, 1994.

2. The following fees shall be payable in respect of documents prepared by the Government:

   (a) For every lease, conveyance, agreement, concession, or licence (excluding a temporary occupation licence).................................................................  1,250

   (b) For every temporary occupation licence.............................................................  1,250

   (c) For every other document—
      (i) if by separate deed ................................................................................  750
      (ii) if by endorsement .............................................................................  500

3. The provisions of rule 2 are without prejudice to the provisions of the Government Land (Charges of Temporary Occupation Licences) Rules.

4. The Commissioner of Lands may remit any of the fees prescribed under these Rules.

5. The Government Lands (Conveyancing Fees) Rules, 1988, are revoked.
1. These Rules may be cited as the Government Lands (Consents) Rules.

2. (1) In all cases where a Government lease contains an express covenant not to assign, sublet or otherwise part with the possession of the land or any part thereof without the consent of the President in writing, or where such lease is subject to the provisions of the Crown Lands Act, 1902 (No. 21 of 1902), and to the rules for the time being in force under that Act, the lessee shall not be required to obtain the consent of the President to the execution of a mortgage of the land or any part thereof the subject of the lease, but such consent must be obtained—
   (a) before a mortgagee is given or obtains possession of the land the subject of the mortgage, whether by foreclosure or otherwise; and
   (b) before the land the subject of the mortgage is sold pursuant to a power of sale, or by order of the Court.

   (2) In this rule, “mortgagee” includes any person, corporation or company from time to time deriving title under the original mortgage.

3. In all leases of farms or town plots issued under the Crown Lands Act, 1902, the consent of the President to any assignment, transfer or sublease between parties of the same race is not required unless the assignment, transfer or sublease relates to a subdivision or re-subdivision in respect of which a separate title has not been granted by the Government:
   Provided that an assignment or sublease to which the Government has been a party, or on which the Land Officer’s consent is endorsed, shall be deemed for the purpose of this notice to constitute a separate title as abovementioned.
LAND ARBITRATION TRIBUNAL RULES, 2003

ARRANGEMENT OF RULES

Rule
1. Citation.
2. Interpretation.
3. Form and time for lodging an objection.
5. Service of memorandum of objection.
7. Notice of place of hearing.
8. Procedure at hearing of objection.
10. Fees and costs.
12. Enforcement.
1. Citation

These Rules may be cited as the Land Arbitration Rules, 2003.

2. Interpretation

In these Rules, unless the context otherwise requires—

“Chairman” means the chairman of the Tribunal appointed under section 147(2)(a);

“memorandum” means a memorandum of objection presented under rule 3;

“objection” means an objection submitted to the Tribunal in pursuance of section 18B(2);

“objector” means a person who has submitted an objection to the notice of rent revision under section 18B(2) or a person who raises any other matter in dispute arising under section 147(1) through an advocate or a duly authorised agent;

“Secretary” means the Secretary to the Tribunal appointed under section 147(4).

3. Form and time for lodging an objection

(1) An objection or dispute shall be entered by presentation of a memorandum of objection with three copies thereof, together with the prescribed fee, to the Secretary.

(2) The memorandum shall set out concisely, under distinct heads and numbered consecutively, the grounds of objection without argument or narrative.

(3) The memorandum shall be signed by the objector, if the objector is an individual, or by the director, if the objector is a company.

(4) The memorandum shall be presented within thirty days after the date on which the objector gives notice of an objection in writing to the Commissioner pursuant to section 18B(2).

(5) Where the Tribunal is satisfied that owing to sickness or other reasonable cause, the objector was prevented from presenting a memorandum within the given period and that there was no unreasonable delay on his part, the Tribunal may extend that period notwithstanding that the period had expired.

4. Statement of facts of objector

Each copy of a memorandum shall be accompanied by—

(a) a copy of the notice of rent revision issued by the Commissioner;

(b) a copy of the notice of objection;

(c) a valuation report from a registered and practising valuer; and

(d) a statement signed by the objector, setting out precisely all the facts on which the objection is based and referring specifically to documentary or other evidence which it is proposed to adduce at the hearing of the objection, and to which shall be annexed a copy of each document or extract from a document upon which the objector proposes to rely on as evidence at the hearing of the objection.
5. Service of memorandum of objection

Within forty-eight hours after the presentation of a memorandum of objection to the Secretary, a copy thereof and the statement of facts of the objector and the documents annexed thereto shall be served by the objector upon the Commissioner.

6. Statement of facts of Commissioner

(1) The Commissioner shall respond to the facts of the objector within twenty-one (21) days after the service thereof upon him under rule 5, by filing with the Secretary his statement of facts together with three copies thereof.

(2) Each copy of a statement shall be accompanied by—
   (a) a copy of the notice of rent revision;
   (b) a copy of the notice of objection; and
   (c) a statement signed by the Commissioner, setting out precisely all the facts on which the statement is based and referring specifically to documentary or other evidence which it is proposed to adduce at the hearing, and to which shall be annexed a copy of each document or extract from a document upon which the Commissioner proposes to rely on as evidence.

(3) Within forty-eight hours after the presentation of a statement of facts pursuant to paragraph (1), the Commissioner shall also serve a copy thereof together with copies of any documents annexed thereto upon the objector.

7. Notice of place of hearing

(1) As soon as it may be convenient after receipt of the memorandum of objection, the Secretary shall notify the Chairman thereof.

(2) The Chairman shall fix a time, date and place for a meeting of the Tribunal for the purpose of hearing the objection and the Secretary shall cause a notice thereof to be served upon the objector and the Commissioner.

(3) The Secretary shall supply each member of the Tribunal with a copy of the notice of hearing and all documents received by the Secretary from the parties to the objection.

(4) Unless the parties to the objection otherwise agree, each party shall be entitled to not less than ten days’ notice of the time, date and place fixed for the hearing of the objection.

8. Procedure at hearing of objection

At the hearing of an objection, the following procedure shall be observed—

(a) the Commissioner shall be entitled to be present or be represented;

(b) the objector shall state the grounds of his objection, and may support them by any relevant evidence; but save with the consent of the Tribunal and upon such terms as it may determine, the objector may not, at the hearing, rely on a ground of objection other than a ground stated in the memorandum of objection and may not adduce evidence of facts or documents unless those facts have been referred to and copies of those documents have been annexed to the statement of facts of the objector;

(c) at the conclusion of the statement, and evidence on behalf of the objector, the Commissioner may make submissions, supported by relevant evidence, and paragraph (b) shall mutatis mutandis apply to the evidence of facts and documents to be adduced by the Commissioner;

(d) the objector shall be entitled to reply but may not raise a new issue or argument;
(e) the Chairman or a member of the Tribunal may, at any stage or the hearing, ask any questions of the objector or the Commissioner or a witness examined at the hearing which he/she considers to be relevant to the determination of the objection;

(f) a witness called and examined by either party may be cross-examined by the other party to the objection;

(g) the Tribunal may call and examine witnesses, and a witness called and examined by the Tribunal may be cross-examined by either party to the objection;

(h) where the Tribunal considers it desirable for the purpose of avoiding expense or delay or any other special reason so to do, it may receive evidence by affidavit and administer interrogatories and require the person to whom the interrogatories are administered to make a full and true reply to the interrogatories within the time specified by the Tribunal;

(i) in its determination of any matter, the Tribunal may take into consideration any evidence which it considers relevant to the subject of an objection before it, notwithstanding that the evidence would not otherwise be admissible under the law relating to evidence;

(j) the Tribunal may adjourn the hearing of the objection for the production of any further evidence or for other good cause, as it considers necessary, on such terms as it may determine;

(k) the Tribunal shall consider and reach its decision according to law;

(l) the decision of the Tribunal shall be on the basis of a majority vote and shall be in writing, dated and signed by the Chairman and the members of the Tribunal who participated in the decision;

(m) the Secretary shall record the proceedings of the Tribunal and include that record, together with a copy of the decision, in a document to be certified and signed by the Chairman as a true and correct record of the proceedings and decision;

(n) the Secretary shall forward a certified copy of the document described in subparagraph (k) to each party;

(o) a copy certified under paragraph (k) shall be conclusive evidence of the decision and proceedings of the Tribunal;

(p) any interested party may be represented before the Tribunal by an advocate or by any other person whom the Tribunal may, in its discretion, admit to be heard on behalf of the party.

9. Copies of documents admissible

Save where the Tribunal in any particular case otherwise directs or where a party does not object, copies of documents shall be admissible in evidence, but the Tribunal may, at any time, direct that the originals shall be produced notwithstanding that a copy has already been admitted in evidence.

10. Fees and costs

Where the grounds of objection are held by the Tribunal to be frivolous, the Tribunal may order the objector to pay as costs to the Commissioner a sum not exceeding fifty thousand shillings.
11. **Powers of Tribunal**

   (1) On the hearing of an objection, the Tribunal shall have all the powers of a subordinate court of the first class to summon witnesses, to take evidence upon oath or affirmation and to call for the production of books and other documents.

   (2) The Tribunal shall have powers to award the costs of any proceedings before it and to direct that costs shall be taxed in accordance with any scale prescribed for suits in the High Court or to award a specific sum as costs.

   (3) All summons, notices or other documents issued under the hand of the Chairman of the Tribunal shall be deemed to be issued by the Tribunal.

12. **Enforcement**

   (1) Where the Tribunal awards costs in any objection, it shall, on application by the person to whom the costs are awarded, issue a certificate stating the amount of the costs.

   (2) Every certificate issued under section (1) may be filed in the High Court by the person in whose favour the costs have been awarded and, upon being so filed, shall be deemed to be a decree of the High Court and may be executed as such:

       Provided that an order for costs against the Government shall not be enforced save in the manner provided for by the Government Proceedings Act (Cap. 40).

13. **Rules**

   In matters of procedure not governed by these Rules, the Tribunal may adopt the Civil Procedure Rules made under the Civil Procedure Act (Cap. 21).

14. **Stay of suit**

   Where in any suit for the recovery of any money or amount payable under this Act, the Court is satisfied that any party to the suit has filed an objection to the Tribunal under section 18B(2) on any matter affecting any of the issues involved in the suit, the Court shall, on such conditions as it may think fit, stay the proceedings in the suit pending the determination of the objection.
LAND ARBITRATION TRIBUNAL (FEES) RULES, 2010
[Cap. 280, Sub. Leg, LN 12/2010.]

1. These rules may be cited as the Land Arbitration Tribunal (Fees) Rules, 2010.

2. The following fees shall be levied under section 147 of the Act—

<table>
<thead>
<tr>
<th>(a)</th>
<th>Filing of an application under the Act</th>
<th>2,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>(b)</td>
<td>Filing an affidavit</td>
<td>100</td>
</tr>
<tr>
<td>(c)</td>
<td>For Tribunal adjournment</td>
<td>1,000</td>
</tr>
<tr>
<td>(d)</td>
<td>Preparing certified copies of the proceedings or document connected with the application—</td>
<td></td>
</tr>
<tr>
<td>(i)</td>
<td>for the first folio</td>
<td>200</td>
</tr>
<tr>
<td>(ii)</td>
<td>for each subsequent folio</td>
<td>150</td>
</tr>
<tr>
<td>(e)</td>
<td>Filing a notice of appearance</td>
<td>100</td>
</tr>
<tr>
<td>(f)</td>
<td>Filing a defence or reply by Respondent</td>
<td>100</td>
</tr>
<tr>
<td>(g)</td>
<td>Filing a reply or defence by Appellant</td>
<td>100</td>
</tr>
<tr>
<td>(h)</td>
<td>Filing a notice of intention by third party to appear</td>
<td>2,000</td>
</tr>
<tr>
<td>(i)</td>
<td>Filing a notice to appoint/change/cessation of appointment of Advocate</td>
<td>100</td>
</tr>
<tr>
<td>(j)</td>
<td>For witness summons</td>
<td>300</td>
</tr>
<tr>
<td>(k)</td>
<td>Requisition of visit, survey or valuation of property</td>
<td>1,000</td>
</tr>
</tbody>
</table>
GOVERNMENT LANDS (PENALTY FOR NON-PAYMENT OF RENT) REGULATIONS, 2005
[Cap. 280, Sub. Leg, LN 105/2005.]

1. These Regulations may be cited as the Government Lands for Non-payment of Rent Regulations, 2005.

2. The rate of interest for late payment of land rent under section 75(1) of the Act shall be one percent per month or part thereof to be charged on the amount of land rent unpaid or remaining unpaid for the due year (excluding any penalties which would have been added from previous years) for more than one month after the due date until the full amount is recovered.
APPLICATION OF ACT UNDER SECTION 2
[Cap. 159 (1948), Sub. Leg.]

1. The former district of Malindi.

2. Mombasa Island.

3. Tana River District.

4. The area within the Coast Province the boundaries whereof, commencing at Mackenzie Point opposite Mombasa Fort, run thence in a northerly and then a north-westerly direction along the coast of the mainland bordering Port Tudor and up to what is known as the Jomvu Creek and along the course of the Kombeni River as far as the limits of the ten-mile zone; thence along the ten-mile zone to a point due west of Mwando Makonde, thence along the southern boundary of Mazrui Reserve Block No. 1 to the coast and southwards along the coast to Mackenzie Point, the point of commencement.

5. The area of land within the Coast Province the boundaries whereof, commencing at the point where the Umba River crosses the Tanzania boundary, run thence in a straight line to Mazeras Station, thence to a point at which the Kombeni River cuts the ten-mile zone, thence following the southern boundary of the area defined in paragraph 4 above to Mackenzie Point, thence in a straight line to Ras Mwaka Senge, thence following the coast line of the mainland south to Tanzania, thence in a westerly direction along the Tanzania boundary to the point of commencement.

6. The Island of Lamu.

7. The Lamu Archipelago outside Lamu Island and to the remainder of the former Lamu District lying north of the boundary of the Sultanate of Witu.

8. The Sultanate of Witu.
1. These Rules may be cited as the Land Titles (Forms) Rules.

2. (1) Forms B(1), D, E, F, G, H, I, J and K in the Schedule to these Rules are prescribed in addition to the forms in the Third Schedule to the Act.

   (2) The fees payable in all matters connected with the Forms B(1), D, E, F, G, I, J and K wherever applicable shall be those prescribed by the Minister.

3. The forms hereby prescribed shall be used in all cases under Part II of the Act.

4. The Registrars of Land Titles at Nairobi and Mombasa shall keep a supply of Forms A to K for the use of the public.

5. The Registrars of Land Titles 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 that 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.

SCHEDULE

[Rule 2.]

Form B(1)

APPLICATION FOR REMOVAL OF CAVEAT

To: The Registrar, Our reference—
   Land Registry, Nairobi/Mombasa. .................................

I/We, .......................................................................................................................

of ..............................................................................................................................,

hereby apply to you to remove the Caveat registered as ........................................יש

........................................................................................................................................

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

[Signed] ..............................................................

Date ....................................................................  ..................................................... ........................

(Advocate for)Caveatee(s)

To be submitted in triplicate.

__________________________
NOTICE OF APPEAL AGAINST REFUSAL BY A REGISTRAR TO REGISTER A DOCUMENT

To: The Registrar-General of Titles,
    The Principal Registrar,
    Land Registry, Nairobi,

TAKE NOTICE that I/We, ....................................................................................................................................................................................,
of P.O. Box ....................................................................................................................................................................................
hereby appeal against the decision of the Registrar set forth in his letter No. ............................................ , refusing to register—
Description of Document ....................................................................................................................................................................................
Date of Document ....................................................................................................................................................................................
Parties to Document ....................................................................................................................................................................................

Land Reference Number(s) ....................................................................................................................................................................................
Presented on ....................................................................................................................................................................................

My/Our grounds of appeal are as follows—
(If this space is insufficient please continue on the back.)
Adhesive revenue stamps to the value of Sh. ......................... in payment of fees are affixed hereto.

Date ....................................................................................................................................................................................
Signature of Appellant or his Advocate

To be submitted in triplicate.

APPLICATION FOR PERSONAL SEARCH OF—

<table>
<thead>
<tr>
<th>Land Reference Number</th>
<th>Title or Deed File Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Adhesive revenue stamps to the value of the prescribed fee are affixed hereto.

Date ......................................................... Signature ........................................... ....................
Postal address .................................................................

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 the prescribed fee affixed to the original, which will be retained in the Land Registry.
2. Persons making searches may take brief notes in pencil, but no document shall be copied.
3. In no circumstances may any note or mark be made on any document, file or register produced for inspection.

To: [Principal Registrar]

TAKE NOTICE that I/We, [Appellant], hereby appeal against the decision of the Registrar set forth in his letter No. [Letter No.], refusing to register—

Description of Document

Date of Document

Parties to Document

Land Reference Number(s)

Presented on

My/Our grounds of appeal are as follows—

(If this space is insufficient please continue on the back.)

Adhesive revenue stamps to the value of Sh. [Value] in payment of fees are affixed hereto.

Date

Signature of Appellant or his Advocate

To be submitted in triplicate.
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.

Form F

APPLICATION FOR POSTAL SEARCH

To: The Registrar, Our reference—
Land Registry, Nairobi/Mombasa. ....................................
APPLICATION is made for a certified copy of the last complete page of the abstract register or register of titles relating to Land Reference No. ...................................... Title/Deed File No. ............ and any subsequent entries.
An adhesive revenue stamp to the value of the prescribed fee is affixed hereto.

Date .......................................................... Signed .............................................. ..................
Name in block capitals ........................................
Postal address ................................................

(For completion in the Registry)
POSTAL SEARCH CERTIFICATE No................................................
Certified copy forwarded as requested above.

.......................................................... Registrar

To be submitted in duplicate

Form G

THE CONDITIONS ON THE BACK OF THIS FORM SHALL BE COMPLIED WITH

APPLICATION FOR REGISTRATION

of the undermentioned documents in the following order of priority—

<table>
<thead>
<tr>
<th>Date of Document</th>
<th>Description (1)</th>
<th>Land Reference Number (2)</th>
<th>Deed File Number (3)</th>
<th>Fee (4)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Sh.</td>
<td></td>
</tr>
</tbody>
</table>

109 [Issue 1]
No. 3 of 2012

Land Registration

[Subsidiary]

SCHEDULE—continued

Number of new certificate of title required at the prescribed fee ..........................................................

Adhesive revenue stamps affixed to the value of ...........................................................

The following documents are enclosed for endorsement—(5)

   Grant No. ....................... Lease No. ..................... Certificate No. ......................

The following supporting documents are also enclosed—(6)

   Clearance Certificate □ Estate Duty Certificate □ “Registration Copy” of Land Control
   Consent □ “Registration Copy” of Provincial Commissioner’s Consent □ Land Rent
   Certificate □ Withholding Tax Certificate (W. 70) □

The following consents are endorsed on the documents—

   Commissioner of Lands or the Chief Engineer, East African Railways and Harbours Administration
   under the terms of the Grant □ Chargee to surrender of lease under section 144 of the
   Registration of Titles Act.(Cap. 281) □

Special instructions, including, if necessary, the name and address of the person to whom the
documents are to be sent if other than the presentor—

   Signature ............................................................
   Name in block capitals ...........................................

Date ............................................................................

Postal address ..........................................................

To be submitted in triplicate

(REERVE)

CONDITIONS

Form to accompany documents

Every documents presented for registration must be accompanied by this form.

Number of forms to submit

Application for registration forms are printed in sets of three, each set comprising an original,
duplicate and triplicate. Forms may be obtained post free from the Registrar of Titles, Nairobi and
Mombasa.

How to complete

The form must be completed accurately in accordance with these conditions. Failure to do so
may result in the rejection of the application. The information supplied by the presentor must appear
legibly in English on all three forms. If registration is sought at both the Nairobi and Mombasa
Registries, separate applications accompanied by the document must be addressed to each. The
following are the explanations of the numbers appearing in brackets on the form—

   (1) Give a brief description of each document, e.g. Conveyance, Assignment, Transfer,
   Charge, etc.

   (2) The Land Reference Numbers of all parcels of land dealt with in each document must be
   entered, e.g. 1870/XX/9, 1870/XX/10. If the document is not to be registered against a title
   to land, e.g. powers of attorney, building plans, agreements, etc., the word “NIL” must be
   inserted.

   (3) Where possible the deed file number should be inserted in this column. In the case of titles
   registered under the Registration of Titles Act (Cap. 281) this is the title number. For titles
   registered under other Acts, the number of the deed file is shown in the right-hand column
   of the registration endorsement on the last registered document.
SCHEDULE—continued

(4) The registration fee tendered must be entered in this column, on the total fees entered at the foot thereof. The fee payable on presentation is the prescribed fee per entry in the register and is not refundable. This fee is inclusive of copying. A document purporting to deal with two or more titles will attract the prescribed fee in respect of each title against which it is to be registered.

(5) All documents presented for registration against titles under the Registration of Titles Act, other than caveats, statutory notifications and court orders, must be accompanied by the appropriate title deed, and the registration particulars of that deed must be inserted in this paragraph of the form. No documents are required for endorsement under the other Acts.

(6) Indicate, by placing a tick in the appropriate boxes, the supporting documents which accompany the application or consents which are endorsed on the documents.

Payment of fees

Fees may only be paid by affixing adhesive revenue stamps to the required value in the space provided on the original application form. Such stamps may be obtained from Post Offices. Spoilt or damaged adhesive revenue stamps will not be accepted but stamps upon which the presentor has placed his name stamp shall not be deemed spoilt or damaged for this purpose.

Separate applications to be made

A separate set of application forms must be submitted for each document, except in the case of a set of documents which are to be registered against the same title or are related to each other. For example, a discharge of a charge, a surrender of a lease, a transfer and a new charge all relating to L.R. No. 999/999 would probably form the subject of one application, and similarly a power of attorney executed by the registered proprietor followed by a transfer executed by the attorney are related to each other and can form the subject of one application.

Submission of application

Applications may be submitted as follows—

(a) by post to the appropriate Registrar;
(b) by delivery in the box provided at the appropriate Land Registry;
(c) by requesting the Collector of Stamp Duties to forward the application form to the appropriate Registrar after stamping the document. Priority is not established until the application is in the hands of the Registrar, and no responsibility is accepted by the Collector for any delay.

Rejections

Documents re-presented for registration following their previous rejection must be accompanied by a fresh set of forms of application duly completed. The fee in such a case is the prescribed fee for every document which was the subject of a formal rejection.

Form H

MEMORANDUM OF EQUITABLE MORTGAGE BY DEPOSIT OF DOCUMENTS OF TITLE

Document of title registered in Volume No. ......................... Folio ............... File No. ..........
relating to .............................................................. was deposited by ..............................................................
........................................................................ of P.O. Box ....................................................... (Mortgagor) with
........................................................................ of P.O. Box ....................................................... (Mortgagee) by way of equitable
mortgage on the ............................................................ day of .................................. 20 ............
The mortgagor and the mortgagee hereby certify, in accordance with the provisions of section 68(3)
of the Stamp Duty Act, that the amount hereby secured is Sh. ............................................ uncertain
and that the mortgagee hereby acknowledges to have received the above-mentioned document of
title.

Dated this ............................................................ day of ................................................. , 20 ............
MEMORANDUM OF DISCHARGE OF AN EQUITABLE MORTGAGE BY DEPOSIT OF DOCUMENT OF TITLE

The equitable mortgage by deposit of document of title registered in Volume No. ........................................... Folio No. ........................................... File No. ........................................... relating to ........................................... was discharged on the ........................................... day of ........................................... 20 ...............

It is hereby certified that—
(a) the greatest amount at any time secured was Sh. ...........................................
(b) this is a partial discharge.

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

Signed in the presence of— Signature or Common Seal of Mortgagee—

Postal address ...........................................

Description ...........................................

Drawn by—

APPLICATION FOR COPY

I/we request you to supply certified copies of the following:

For Official Use Only

No ...........................................
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 ........................................................................................................................................

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 ..............................................................................................................................

DISPATCH:

COLLECTED BY

Name: .................................................................................................................................
Signature .................................................................................................................................
Identity Card Number .........................................................................................................
Date .........................................................................................................................................

Form K  [Section 72 of the Act.]

CAVEAT SECURING ADDITIONAL STAMP DUTY

To:

The Registrar
Land Titles Registry
Mombasa

Land Reference Number .................................

TAKE NOTICE that pursuant to my powers under the Land Titles Act, I, on behalf of the Government of Kenya, for the purpose of securing the payment of Sh. ............................ additional stamp duty on a ........................................ and registered in volume ............................... folio
SCHEDULE—continued

file ................................................................. on the ................................ day of .............................., 20 .......... as assessed by the Collector of Stamp Duties, forbid the registration of any dealing with the land known as Land Reference Number ..........................................

This Caveat shall remain registered against the title to the said land until such time as the additional stamp duty together with penalties incurred for late payment has been paid or an appeal against the assessment by the collector has been upheld.

Signed .................................................................

Principal Registrar of Titles
LAND TITLES RULES
[Cap. 159/1948.]

PART I – PRELIMINARY

1. These Rules may be cited as the Land Titles Rules.

PART II – REGISTRATION OF JUDGMENT DECREES AND ORDERS
OF A COURT

2. (1) A copy of a judgment, decree or order of a court transmitted to a registrar by a court under section 61 of the Act, and a will, letters of administration or an order of a court presented for registration under paragraph (a) of subsection (1) of section 62 of the Act, shall not be copied into the register, but, on receipt of the prescribed fees, shall be filed in the office of the registrar in such manner as the Principal Registrar shall direct, and a note referring to the judgment, decree, order, will or letters of administration and to the book in which it is filed shall be entered by the registrar in the volume and folio of the register in which the holding affected is registered.

(2) On the filing of any such document and on the entry being made in the register book, the document shall be deemed to be duly registered for the purposes of the Act.

(3) The file of documents under rule 2 shall be open to inspection on the same terms and on payment of the same fees as may, from time to time, be prescribed for search in the register book.

4. (1) The Court or person required to apply for the registration of a will or letters of administration or an order of a court under paragraph (a) of subsection (1) of section 62 of the Act, or to transmit a document as required by paragraph (b) of that subsection, shall transmit to the Registrar out of the moneys of the estate the fee prescribed for the registration of the will, letters of administration, order of the Court or document, as the case may be.

(2) In the case of a will, letters of administration or order of a court, the prescribed fee shall be transmitted to the registrar as soon as moneys belonging to the estate and sufficient to pay the fee have been received by the executor, administrator, wasi or court, as the case may be.

(3) In the case of a document transmitted in pursuance of paragraph (b) of subsection (1) of section 62 of the Act, the prescribed fee shall be sent to the registrar, together with the document.

PART III – ASCERTAINMENT OF VALUE OF PROPERTY

5. (1) Whenever it is necessary that the value of any property shall be ascertained for the purpose of determining the fee to be paid in respect of a certificate of ownership to be granted under the Act, or for the purpose of determining the sum to be paid by an unsuccessful claimant under subsection (1) of section 33 of the Act, the value shall be determined by the Recorder of Titles, and, save as hereinafter provided, his determination shall be final and conclusive against the person to whom the certificate is to be granted, or against the claimant, as the case may be.

(2) Any person entitled to a certificate of ownership and any person against whom an order has been made under subsection (1) of section 33 of the Act who may be dissatisfied with the determination of the Recorder of Titles may, within thirty days after the determination has been first notified to him, appeal to the High Court against the determination in the manner prescribed by subsection (2) of section 7 of the Act for appeals against a final judgment or order.
6. Both for the purposes of the fee to be paid for a certificate of title and for the purposes of an order made against an unsuccessful claimant under subsection (1) of section 33 of the Act, the value of immovable property shall be deemed to be the market value of the property to be valued at the date of the valuation by the Recorder of Titles:

Provided that in determining the value of any land for the purpose of ascertaining the fee to be paid for a certificate of ownership the Recorder of Titles shall not take into consideration the value of any trees or crops or any buildings or other improvements on the land.

7. For the purpose of determining the value of any immovable property for any purpose under the Act, it shall not be necessary for the Recorder of Titles to have before him any documentary or oral evidence as to the value of the property:

Provided that the Recorder of Titles shall, if so required by any person who would have the right to appeal against his determination, receive and record any evidence produced by or on behalf of that person as to the value of the property.

PART IV – APPEALS

8. Every petition of appeal under the Act or any rules made thereunder shall be accompanied by the court fee prescribed by rules of court.

9. The Recorder of Titles shall endorse the date of lodgment on every petition so lodged, and shall forward the record of the claim or other matters in reference to which the appeal arises, together with the appeal fee, to the Registrar of the High Court.

10. In the event of an appellant wishing to appeal in forma pauperis, he may lodge with his petition of appeal a sworn statement as to means, and the Recorder of Titles shall attach to the record forwarded to the High Court his opinion thereon, and a judge of the High Court shall give directions as to the admission of the appeal in forma pauperis or otherwise.

11. Every petition of appeal shall concisely set forth the grounds of appeal, and shall be accompanied by as many copies as are necessary for service on the Commissioner of Lands and on each party who has claimed ownership of or an interest in the land in dispute before the Recorder of Titles.

12. The appearance of an appellant shall not be necessary for the hearing of an appeal, and if at the time of lodging his appeal he signifies his intention of not so appearing he may lodge with his petition of appeal arguments in support thereof together with a sufficient number of copies for service with the petition of appeal as required by rule 11.

13. If the original petition is in a language other than English or if the appellant does not file a sufficient number of copies as required by rules 11 and 12, the Registrar of the High Court shall cause the translation and a sufficient number of copies of the translation or of the original petition or of the arguments in support thereof, as the case may be, to be made at the cost of the appellant.

14. No person shall be entitled to be heard at the hearing of an appeal unless he is a person interested on whom notice has been served by the Recorder of Titles.

15. (1) The Commissioner of Lands, on behalf of the Government, shall not be entitled to be heard on an appeal except where he is the appellant or where he has notified the appellant through the Registrar of the High Court that he intends to contest the appeal on behalf of the Government.

(2) Notification shall be delivered to the Registrar of the High Court within fourteen days of the receipt of the copy of the petition of appeal by the Commissioner of Lands.
16. No appeal shall be set down for hearing till after the time for filing appeals with regard to the claim or matter in respect of which the appeal has been filed has expired, and, where more than one appeal has been filed in relation to disputes arising out of the same claim or matter or affecting the same immovable property, the High Court may hear the appeals separately or consolidate them as may be deemed fit.

17. The procedure at the hearing of an appeal shall, so far as may be, follow the existing procedure at the hearing by the High Court of an appeal from a subordinate court.

18. In addition to any other power conferred on the High Court as a court of appeal, the High Court shall have power—
   (a) to dismiss an appeal;
   (b) to reverse a judgment or order on a preliminary point, and on reversal to remand a claim to the Recorder of Titles with directions to deal with it on its merit;
   (c) to settle issues and finally determine a claim notwithstanding that the judgment or order appealed against has proceeded wholly on some other grounds than that on which the High Court proceeds;
   (d) to call additional evidence or direct the Recorder of Titles to take additional evidence;
   (e) to direct that any witness who has appeared before the Recorder of Titles be recalled and that his evidence on any point be recorded verbatim;
   (f) to reverse or vary the judgment or order against which the appeal is made;
   (g) to order that a judgment or order of the Recorder of Titles be set aside and that a claim or claims be reheard;
   (h) to settle issues and remand them to the Recorder of Titles for a finding thereon;
   (i) to make such order as to costs in the High Court and in the Land Registration Court as may be just, but no costs shall be awarded for or against the Commissioner of Lands except in those cases in which he is entitled to be heard under rule 15.

19. Costs shall be allowed and taxed according to the rules and practice under which costs are allowed and taxed on appeal from a subordinate court to the High Court.

PART V – DEMARCATION OF BOUNDARIES

20. In this Part—
   “dividing line” means a line cut or made in the course of and for the purposes of a survey of land under section 22 of the Act demarcating the boundary or boundaries, of the lands of adjoining landowners;
   “occupier” includes the owner of unoccupied land, not being Government land.

21. (1) Occupiers of land shall at all times maintain to the satisfaction of the Director of Surveys all dividing lines demarcating the boundary or boundaries of land occupied by them.
   (2) Dividing lines shall be maintained at the joint expense of the occupiers of the lands divided by those lines.

22. The occupier of land may serve a notice on the occupier of the adjoining land requiring him to assist in doing any work which may be necessary to maintain the dividing
line between those lands, and if the occupier refuses or neglects for the space of one month after the service of the notice to assist in doing the work the first-named occupier may do such work as may be necessary to maintain the dividing line and may demand and recover from the occupier his portion of the cost of the work.

23. Whenever it appears to the Director of Surveys or to any officer of the Survey Department that any work should be done to maintain a dividing line, the Director of Surveys or other officer may serve a notice on any occupier of land divided from other land by that line, requiring the occupier to do such work as the Director of Surveys or other officer may consider necessary for the purpose of maintaining the line and as shall be specified in the notice and to complete it within such time as shall be specified in the notice.

24. An occupier on whom a notice has been served who fails to comply with the requirements specified therein shall be guilty of an offence and be liable to a fine not exceeding six hundred shillings.

25. (1) Whenever an occupier upon whom a notice has been served under rule 23 fails to comply with the requirements of the notice, the Director of Surveys may cause the work specified in the notice to be done, and may demand and recover from the person on whom the notice has been served the cost of the work.

(2) Any proceedings for the recovery of costs under this Rule shall be taken in the name of the Director of Surveys.

26. An occupier on whom a notice has been served under rule 23 may serve a notice on any person on whom he is authorised by rule 22 to serve a notice, requiring that person to assist in doing the work directed to be done, and, if that person refuses or neglects to assist in doing the work, the occupier may demand and recover from that person his portion of the cost of the work done by the occupier in compliance with the notice served upon him.

27. (1) All boundary marks placed on any land for the purposes of section 22 of the Act shall be maintained and repaired at the joint or proportionate expense of the proprietor of the land and of the proprietors of land contiguous thereto.

(2) Rules 22 to 26 inclusive shall apply mutatis mutandis to the maintenance and repair of boundary marks and to the rights, duties and remedies of proprietors of land and of the Survey Department in respect thereof.

28. Any person in the service of the Survey Department may at any time enter upon any land for the purpose of inspecting any boundary mark or boundary line erected or made for the purposes of the Act.

PART VI – PROCEEDINGS RESPECTING LAND TO WHICH NO TITLE ESTABLISHED

29. At any time after all the applications for certificates in any one district or subdistrict have been adjudicated, upon or when the time allowed for making such applications has expired the Recorder may give notice in the Gazette that the remaining lands not dealt with in that district or subdistrict are Government lands.

30. After the hearing of any application for a certificate of ownership in respect of any lands to which no title is established, the Recorder may give notice in the same manner that the land comprised in the application is Government land.
31. A notice under this Part shall not be irrevocable.

32. At such time as may be deemed expedient, not being less than thirty days after the notices have been published by the Recorder, application may be made to the Land Registration Court by any Government officer thereto authorised for a certificate of ownership in favour of the Government in respect of those lands.

33. A certificate of ownership under rule 32 shall be an indefeasible title.
LAND TITLES (FEES) (CUSTODY OF DOCUMENTS) RULES
[Cap. 159 of 1948]

1. These Rules may be cited as the Land Titles (Fees) (Custody of Documents) Rules.

2. These Rules shall apply to certificates relating to land situated on Mombasa Island only.

3. A fee of two shillings per certificate per month or part of a month shall be charged for the custody by the Recorder of Titles of certificates of ownership which are ready for delivery on that date or thereafter:
   Provided that the Recorder of Titles may remit the whole or any portion of the fee in cases where it is shown to his satisfaction that good and sufficient reason exists.

4. The fee prescribed in rule 3 shall be in addition to, and not in substitution of, other fees payable on such certificates under the Act and any rules made thereunder.
1. These Rules may be cited as the Land Titles (Fees) (Land Registration Court) Rules.

2. The fees specified in the Schedule shall be leviable by the Land Registration Court in respect of the several matters and proceedings mentioned therein.

3. The Minister may authorise the Recorder of Titles to remit any fees in any particular case.

---

**SCHEDULE**

<table>
<thead>
<tr>
<th>Sh.</th>
<th>cts.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>10 00</td>
</tr>
<tr>
<td>2.</td>
<td>4 00</td>
</tr>
<tr>
<td>3.</td>
<td>4 00</td>
</tr>
<tr>
<td>4.</td>
<td>5 00</td>
</tr>
<tr>
<td>5.</td>
<td>2 00</td>
</tr>
</tbody>
</table>

5. For service of petition, answer, motion paper, notice, warrant, decree, order or other documents on a party, witness, assessors or other person under any branch whatever of the jurisdiction—
   - within two miles of the court issuing the same .................................................. 2 00
   - beyond that distance—such fee as will cover the cost of service, but not less than Sh. 4

6. On every warrant of attachment or sale of property—
   - (a) Court fee on order of attachment—
     - where the property attached does not exceed £75 ........................................... 5 00
     - where the property attached exceeds £75 ...................................................... 10 00
   - (b) Brokers fee on attachment of movable property—
     - where the property attached does not exceed £20 ........................................... 20 00
     - thereafter 5 percent on value of such property, to include keeping possession for 15 days; for keeping possession each day after the first 15 days—1/4 percent not exceeding Sh. 10 per diem
   - (c) Brokers fee on attachment of immovable property—
     - where property attached (within a township) does not exceed £75 ................. 15 00
     - where property attached exceeds £75 ............................................................ 10 00
   - (d) Brokers fee on sale of attached property—
     - in addition to the foregoing, such fee as may be provided in the Government scale for sales by official brokers for the time being in force to be reckoned on the amount to be levied less costs of levy;
     - in the event of a sale not realising the sum to be levied, the above fee shall be calculated on the sum actually realised less costs of levy.
     - *Note*—Where a sum for which execution has been issued is tendered to a broker entrusted with the execution before, or at the time of, or within half an hour after, attaching the property, together with his legally recoverable fees and expenses to that time, he shall not be entitled to charge possession fees.

7. For taking an affidavit .............................................................. 2 00
LAND TITLES (SURVEY FEES) RULES
[Cap. 282, Sub. Leg, L.N. 108/1965.]

1. These Rules may be cited as the Land Titles (Survey Fees) Rules.

2. Survey fees shall be charged in accordance with the Fifth Schedule to the Survey Regulations.

3. In the case of destitute persons, the fees prescribed by these Rules may be remitted by the Minister on the recommendation of the Recorder of Titles.

4. In the event of survey fees not being paid and in the event of a transfer of the property which is the subject of the certificate being made, the Government may charge a transfer fee up to the amount of the actual cost of the survey to the purchaser or transferee of the property.

5. The Land Titles (Survey Fees) Rules are hereby revoked.
LAND TITLES (REGISTRATION FEES) RULES, 1994

1. These Rules may be cited as the Land Titles (Registration Fees) Rules, 1994, and shall come into operation on the 26th August, 1994.

2. The following fees are prescribed in addition to those specified in the Second Schedule to the Act:—

<table>
<thead>
<tr>
<th>Fees</th>
<th>KSh.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) For every document presented for registration</td>
<td>500</td>
</tr>
<tr>
<td>(b) For every notice (excluding notice given on registration of a caveat)</td>
<td>500</td>
</tr>
<tr>
<td>(c) For acceptance of an affidavit under section 67 of the Act</td>
<td>500</td>
</tr>
<tr>
<td>(d) For correcting errors or supplying omissions in the register under section 81 of the Act</td>
<td>500</td>
</tr>
<tr>
<td>(e) For every personal search</td>
<td>1,000</td>
</tr>
<tr>
<td>(f) For every postal search</td>
<td>500</td>
</tr>
<tr>
<td>(g) On appeal to the Principal Registrar from an order refusing to register a document under section 65 and 69 of the act</td>
<td>500</td>
</tr>
<tr>
<td>(h) For attendance by any officer of the registry at a place outside the registration office (per day or part thereof of the absence from the registry and the expenses incurred)</td>
<td>2,500</td>
</tr>
<tr>
<td>(i) On resubmission for registration of any document previously rejected because of an error thereon or for failure to comply with any prerequisite of registration (per document rejected)</td>
<td>500</td>
</tr>
<tr>
<td>(j) For every copy of a registered document or abstract of title—</td>
<td></td>
</tr>
<tr>
<td>Where the number of pages or folios does not exceed five</td>
<td>200 per copy of such pages or folios</td>
</tr>
<tr>
<td>Where the number of pages or folios exceed five</td>
<td>200 per copy of the first five pages or folios plus KSh. 10 per page or folio in excess of the said five pages or folios</td>
</tr>
</tbody>
</table>

Note.— In (i) and (ii) above, a folio or a page or a register (title) shall be deemed to be two folios or pages.)

(k) For any act or thing not otherwise provided for, 1,000

3. The fees prescribed by these Rules include the provision of the photostat copy prescribed by the Act.

4. Government miscellaneous receipts shall be issued upon payment of the fees prescribed in these Rules.
REGISTERED LAND (REGISTRATION OF MAXIMUM NUMBER OF PROPRIETORS) RULES, 1968
[Cap. 300, Sub. Leg, L.N. 184/1968.]

RULES UNDER SECTIONS 101 (3) AND 160

1. These rules may be cited as the Registered Land (Registration of Maximum Number of Proprietors) Rules, 1968 and shall only apply only to those registration sections of Embu Land Registration District which are situated within the area of jurisdiction of the Embu County Council.

2. Twenty or any lesser number of persons may be registered as the proprietors of any land, lease or charge where charge to the title to the land restricts its user to any purpose other than agriculture and, in the opinion of the Registrar, the instrument presented for registration will have the effect of vesting the land, lease or charge in such persons jointly as partnership property.
REGISTERED LAND RULES

ARRANGEMENT OF RULES

Rule
1. Citation.
2. Form of register.
3. Forms of certificates.
4. Other forms.
5. Saving of forms under Cap. 283 and Cap. 281.
6. Forms to be in English.
7. Verification of instructions.
8. Fees.
10. Payment of fees.
11. Registrar not to prepare instruments in certain cases.
12. Deposit on account of fees.
12A. Disputed boundary — minimum fee.
13. Refund of fees.

SCHEDULES

FIRST SCHEDULE – THE REGISTER
SECOND SCHEDULE – FORMS
THIRD SCHEDULE – FORMS
FOURTH SCHEDULE – VERIFICATION OF INSTRUMENTS: PRESCRIBED OFFICERS AND OTHER PERSONS
FIFTH SCHEDULE – FEES
1. Citation
These Rules may be cited as the Registered Land Rules, 1963.

2. Form of register
A register shall be in one of the forms in the First Schedule to these Rules whichever is appropriate; the registration section and the parcel number shall together form the title number, and the parcel number entered in a register in respect of a lease shall contain—

(a) where the lease is of a whole parcel, the parcel number;
(b) where the lease is a sublease, a letter suffix unique to that sublease;
(c) where the lease or sublease is of a portion of a parcel, a subdivisional number unique to that portion,

and letters and subdivisional numbers shall appear in the order in which the respective interests were created.

3. Forms of certificates
A title deed and a certificate of lease shall be in the appropriate form in the Second Schedule to these Rules.

4. Other forms
The forms in the Third Schedule to these Rules shall, subject to section 108 of the Act, be used in all matters to which they refer.

5. Saving of forms under Cap. 283 and Cap. 281
Notwithstanding rules 2, 3 and 4 of these Rules, any register, certificate of freehold title or instrument which complies with the form prescribed under the Land Consolidation Act shall be deemed to comply with these Rules, and a grant for a term of years which was registered under the Registration of Titles Act shall, for the purposes of registration under this Act, be deemed to be a lease.

6. Forms to be in English
All forms shall be clearly and legibly completed in the English language.

7. Verification of instructions
(1) In addition to the Registrar and the persons specified in section 110 of the Act, the public officers and other persons specified in the Fourth Schedule to these Rules may verify any instrument for the purposes of that section.

(2) A certificate for the purpose of subsections (2) and (4) of section 110 of the Act shall be in the following form, which may be printed on, or otherwise incorporated in, any instrument present for registration—

I certify that the above-named ................................................................. appeared before me on the ....................... day of .............................................. 20 ...........
and, being identified by .............................................................................
[or being known to me], acknowledged the above signatures or makes to be his [theirs] and that he [they] had freely and voluntarily executed this instrument and understood its contents.

Signature and designation of person certifying

and the Registrar or the public officer or other person certifying (if he has a seal or stamp of office) shall affix his seal or stamp of office to the certificate.

8. Fees

The fees specified in the second column of the Fifth Schedule to these Rules shall be paid in respect of the matters specified in the first column of that Schedule:

Provided that—

(i) no fee shall be payable for the preparation or registration of any instrument in respect of any dealing in favour of the President, the Government, the Permanent Secretary to the Treasury (Incorporated), the Central Land Board, the Settlement Fund Trustees or in a Region, or in respect of any application, notice or caution made, given or presented by or on behalf of any of those persons or, where they are required for official purposes, for a search by or for the issue of any copy to any public officer;

(ii) where a parcel is identified by reference to more than one sheet of the registry map, the sheets required to identify that parcel shall, for the purposes of any fee, be deemed to be one sheet only.

9. Assessment of fees

Where any fee is calculated *ad valorem* and no consideration is expressed in the instrument, the value for the purposes of assessment of stamp duty shall be the value on which the fee is calculated.

10. Payment of fees

(1) Except where an instrument has been prepared by the Registrar, every instrument presented for registration shall be accompanied by the prescribed form of application for registration, and the fee payable therefor shall be paid by means of adhesive revenue stamps affixed to that form in the place provided.

(2) The Registrar shall cause to be impressed on all such forms and on all copies thereof a stamp recording the date 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 of presentation and that the fees stated in the application to have been paid have been paid.

(3) Unless the Registrar otherwise agrees, fees in all other cases shall be paid in cash.

(4) A restriction under section 136 to secure the payment of additional stamp duty shall be in Form RL 30 in the Third Schedule.

11. Registrar not to prepare instruments in certain cases

(1) Except where one of the parities to a disposition is the President, the Government, the Permanent Secretary to the Treasury (Incorporated), the Central Land Board or the Settlement Fund Trustees, no instrument shall be prepared by the Registrar where the amount or value of the annual rent or other annual payment reserved exceeds two thousand shillings or where the area of the land exceeds one hundred acres, and the
Registrar may refuse to prepare an instrument in any case where he is of the opinion that the parties to the transaction should obtain the advice of an advocate.

(2) Where an instrument is prepared by the Registrar, his responsibility is limited to the preparation of that instrument, and he shall not be concerned with, nor be in any way liable for, any other issue which may arise between the parties to any transaction.

12. Deposit on account of fees

Where any fee payable for the services of the Registrar or of the Survey of Kenya cannot be assessed until the service required by an application has been completed, the Registrar may require the applicant to deposit with the Registrar such sum not exceeding the maximum amount of the prescribed fee as the Registrar may determine, and he may refuse to proceed with the application until such deposit has been made.

12A. Disputed boundary—minimum fee

The minimum deposit for an application to the Registrar to indicate or determine a disputed boundary shall be four hundred shillings.

13. Refund of fees

No fee shall be refunded except by order of the Chief Land Registrar.
### PART A – PROPERTY SECTION

<table>
<thead>
<tr>
<th>Parcel No.</th>
<th>Approx. Area</th>
<th>Registry map sheet No.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### ABSOLUTE

<table>
<thead>
<tr>
<th>Nature of Title</th>
<th>Parcel No.</th>
<th>Address and Description of Registered Proprietor</th>
<th>Consideration and Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### PART B – PROPRIETORSHIP SECTION

<table>
<thead>
<tr>
<th>Entry No.</th>
<th>Date</th>
<th>Name of Registered Proprietor</th>
<th>Signature of Registrar</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- [Rule 2.]
- [First Schedule]
<table>
<thead>
<tr>
<th>Entry No.</th>
<th>Date</th>
<th>Nature of Encumbrance</th>
<th>Further Particulars</th>
<th>Signature of Registrar</th>
</tr>
</thead>
</table>

**PART C – ENCUMBRANCES SECTION**

FIRST SCHEDULE—continued
**PART A – PROPERTY SECTION**

<table>
<thead>
<tr>
<th>Parcel No.</th>
<th>Approx Area</th>
<th>Registry map sheet No.</th>
<th>Nature of Title</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>LEASEHOLD</td>
</tr>
</tbody>
</table>

**N.B.** Where the lease is of a part of a parcel, the parcel number refers to the number shown on the filed plan.

**PART B – PROPRIETORSHIP SECTION**

<table>
<thead>
<tr>
<th>Entry No.</th>
<th>Date</th>
<th>Name of Registered Proprietor</th>
<th>Address and Description of Registered Proprietor</th>
<th>Consideration and Remarks</th>
<th>Signature of Registrar</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Restriction: no disposition by the proprietor shall be registered without the written consent of the lessor (s. 48).

<table>
<thead>
<tr>
<th>Title No.</th>
<th>Registration Section</th>
<th>Parcel No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Entry No.</td>
<td>Date</td>
<td>Nature of Encumbrance</td>
</tr>
<tr>
<td>----------</td>
<td>------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>1.</td>
<td></td>
<td>The agreements, etc., contained or implied in the registered lease.</td>
</tr>
</tbody>
</table>
SECOND SCHEDULE

[Section 3.]
[Act No. 1 of 1987, s. 3.]

TITLE DEED

REPUBLIC OF KENYA

Title Number ........................................................................................................................................

Approximate Area ................................................................................................................................

Registry Map Sheet No. ...........................................................................................................................

This is to certify that ...................................................................................................................................

...............................................................................................................................................................

is (are) now registered as the absolute proprietor(s) of the land comprised in the above-mentioned title, subject to the entries in the register relating to the land and such of the overriding interests set out in section 30 of the Registered Land Act as may for the time being subsist and affect the land.

GIVEN under my hand and the seal of the .........................................................................................

...........................................................................................................................................................

day of .............................................................................................................................................., 20 ............

...........................................................................................................................................................

Land Registrar

(Back)

(To be completed only when the applicant has paid the fee of Sh. 50).

At the date stated on the front hereof, the following entries appeared in the register relating to the land:

(And the rest of the back of the title deed shall be the same as the front and back of the register prescribed in the First Schedule to these Rules)

CERTIFICATE OF LEASE

REGISTRATION OF LAND ACT

[Rule 3.]

[Front]

CERTIFICATE OF LEASE

Title Number ........................................................................................................................................

Lessor ...................................................................................................................................................

Rent ......................................................................................................................................................

Term .....................................................................................................................................................

This is to certify that ................................................................................................................................

is [are] now registered as the proprietor[s] of the leasehold interest above referred to, subject to the agreements and other matters contained in the registered lease, to the entries in the register relating to the lease and to such of the overriding interests set out in section 30 of the Registered Land Act as may for the time being subsist and affect the land comprised in the lease.

Given under my hand and the seal of the ..........................................................................................

District Registry this ....................  day of .............................................20 ............................................

...........................................................................................................................................................

Land Registrar
SECOND SCHEDULE—continued

[Back]

At the date stated on the front hereof, the following entries appeared in the register relating to the lease:

PART A—Property Section [easements, etc.]
PART B—Proprietorship Section [inhibitions, cautions and restrictions]
PART C—Encumbrances Section [subleases, charges, etc.]

..................................................................................................................................................................

Land Registrar

THIRD SCHEDULE

[Rule 4.]


Form R.L. 1

(L.N. 146/2005)

TRANSFER OF LAND

Title No.: ...........................................................

I/we ...................................................................................................................................................

in consideration of ...................................................................................................................................

(the receipt whereof is acknowledged) TRANSFER .............................................................................

to ...........................................................................................................................................................

of ...........................................................................................................................................................

the land comprised in the above-mentioned title.

The Transferees declare that they hold the land as proprietors in common in the following undivided shares:

...............................................................................................................................................................

[or as joint proprietors].

Dated the .............................................................................................................................................. 20 ............

Signed by the transferor in the presence of—

Coloured Photograph

ID/No ............................................................
Pin No. ............................................................
Signature ............................................................
THIRD SCHEDULE—continued

Signed by the Transferee in the presence of—

Coloured Photograph

ID/No ..........................................................
Pin No. .....................................................
Signature .................................................

OR

Sealed with the common seal of the Transferor/Transferee

In the Presence of—

Director

Coloured Photograph

SEAL

ID/No ..........................................................
Signature .................................................

Secretary

Coloured Photograph

ID/No ..........................................................
Signature .................................................

Note: The person attesting the signature must authenticate the coloured passport size photograph, National ID Number and Tax PIN Number.

Form R.L. 2 (L.N. 147/2005)

TRANSFER OF LEASE

Title No.: .............................................................

I/we ...................................................................................................................................................

...........................................................................................................................................................

in consideration of ..............................................................................................................................

(the receipt whereof is acknowledged) TRANSFER .............................................................................

to ...........................................................................................................................................................
THIRD SCHEDULE—continued

of ...........................................................................................................................................................

the leasehold interest comprised in the above-mentioned title.

The Transferees declare that they hold the leasehold interest as proprietors in common in the

following undivided shares:

...........................................................................................................................................................

[or as joint proprietors].

Dated the ........................................................................................................................................... 20 ............

Signed by the transferor in the presence of—

Coloured Photograph

ID/No ..........................................................
Pin No. ..........................................................
Signature ....................................................

Signed by the Transferee in the presence of—

Coloured Photograph

ID/No ..........................................................
Pin No. ..........................................................
Signature ....................................................

OR

Sealed with the common seal of the Transferor/Transferee

In the Presence of—

Director

Coloured Photograph

ID/No ..........................................................
Signature ....................................................

Secretary

Coloured Photograph
Form R.L. 3 (L.N. 148/2005)

TRANSFER OF CHARGE

Title No.: ...........................................................
I/we ...................................................................................................................................................

in consideration of ...................................................................................................................................

(the receipt whereof is acknowledged) HEREBY TRANSFER ............................................................
to ...........................................................................................................................................................
of ...........................................................................................................................................................

the charge shown as entry number ...................................................................  in the encumbrances

section of the register of the above-mentioned title.

The Transferor declares that the amount of principal and interest owing by the Chargor at the
date hereof is ........................................................................................................................................

...............................................................................................................................................................

[And the Chargor acknowledges that that is the amount now due and owing by him].*

Dated the ............................................................... 20 ............

Signed by the transferor in the presence of—

Coloured Photograph

ID/No ............................................................
Pin No. ............................................................
Signature ...................................................

Signed by the Transferee in the presence of—

Coloured Photograph

ID/No ............................................................
Pin No. ............................................................
Signature ...................................................
THIRD SCHEDULE—continued

Signed by the Chargor in the Presence of—

Coloured Photograph

ID/No ..........................................................
Pin No. .......................................................
Signature ...................................................

OR

Sealed with the common seal of the Transferor/Transferee
In the Presence of—

Director

Coloured Photograph

ID/No ..........................................................
Signature ...................................................

Secretary

Coloured Photograph

ID/No ..........................................................
Signature ...................................................

Note: The person attesting the signature must authenticate the coloured passport size photograph, National ID Number and Tax PIN Number.

* Delete these words if the Transferee does not require the Chargor to acknowledge.

Form R.L. 4 (L.N. 149/2005)

TRANSFER BY CHARgee IN EXERCISE OF POWER OF SALE

Title No.: ..........................................................
I/we ........................................................................................................................................

having exercised the power of sale conferred upon me/us by the charge shown as entry number ....
........................................................................................................................................................ in the encumbrances section of the register of the above-mentioned
THIRD SCHEDULE—continued

in the register of the above named title, in consideration of .................................................................
(the receipt whereof is hereby acknowledged) HEREBY TRANSFER to ..................................................
of ................................................................................ the interest comprised in the above-mentioned title.

The Transferees declare that they hold the said interest as proprietors in common in the following
undivided shares:

...............................................................................................................................................................[or as joint proprietors]

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

Signed by the transferor in the presence of—

Coloured Photograph

ID/No ........................................................
Pin No. ....................................................
Signature .............................................

Signed by the Transferee in the presence of—

Coloured Photograph

ID/No ........................................................
Pin No. ....................................................
Signature .............................................

OR

Sealed with the common seal of the Transferor/Transferee

In the Presence of—

Director

Coloured Photograph

ID/No ........................................................
Signature .............................................
THIRD SCHEDULE—continued

Secretary

Coloured Photograph

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

Signature ...................................................

Note: The person attesting the signature must authenticate the coloured passport size photograph, National ID Number and Tax PIN Number.

Form R.L. 5 (L.N. 150/2005)

TRANSFER OF PROFIT

Title No.: ...........................................................

I/we ...................................................................................................................................................

in consideration of ................................................................................................................................

(the receipt whereof is hereby acknowledged) HEREBY TRANSFER ................................................

to ...........................................................................................................................................................

of ................................................................. the profit shown as entry number ...................................

The Transferees declare that they hold the profit as proprietors in common in the following undivided shares:

[or as joint proprietors].

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

Signed by the transferor in the presence of—

Coloured Photograph

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

Pin No. ...........................................................

Signature ...................................................

Signed by the Transferee in the presence of—

Coloured Photograph

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

Pin No. ...........................................................

Signature ...................................................
THIRD SCHEDULE—continued

OR

Sealed with the common seal of the Transferor/Transferee

In the Presence of—

Director

Coloured Photograph

SEAL

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

Signature ...................................................

Secretary

Coloured Photograph

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

Signature ...................................................

Note: The person attesting the signature must authenticate the coloured passport size photograph, National ID Number and Tax PIN Number.

Form R.L. 6 (L.N. 151/2005)

TRANSFER OF UNDIVIDED SHARE

Title No.: ...........................................................

I/we in consideration of .........................................................................................................................

(the receipt whereof is hereby acknowledged) HEREBY TRANSFER ..........................................................

of ...............................................................................................................................................................

my/our undivided ........................................ share[s] [respectively] in the above-mentioned title.

The Transferees declare that they hold the [combined] undivided share[s] as proprietors in common in the following undivided shares:

[or as joint proprietors].

I/we ...........................................................................................................................................................

the remaining proprietor[s] of the interest comprised in the above-mentioned title hereby consent to this transfer.

Dated this ......................... day of ........................................................... 20 ..................................
THIRD SCHEDULE—continued

Signed by the transferor in the presence of—

Coloured Photograph

ID/No .......................................................... 
Pin No. ........................................................
Signature ..................................................

Signed by the Transferee in the presence of—

Coloured Photograph

ID/No .......................................................... 
Pin No. ........................................................
Signature ..................................................

OR

Sealed with the common seal of the Transferor/Transferee
In the Presence of—

Director

Coloured Photograph

ID/No ..........................................................
Signature ..................................................

Secretary

Coloured Photograph

ID/No ..........................................................
Signature ..................................................

Note: The person attesting the signature must authenticate the coloured passport size photograph, National ID Number and Tax PIN Number.
THIRD SCHEDULE—continued

Form R.L. 7
(L.N. 152/2005)

TRANSFER BY PERSONAL REPRESENTATIVE TO PERSON ENTITLED UNDER
A WILL OR ON AN INTESTACY

Title No.: ...........................................................
I/we ...................................................................................................................................................
deceased HEREBY TRANSFER to ......................................................................................................
of .................................................................................................................................................................
(being the person entitled thereto under the will [or on the intestacy] of the deceased) the interest of
the deceased comprised in the above-mentioned title.

The Transferees declare that they hold that interest as proprietors in common in the following
undivided shares:
...............................................................................................................................................................
[or as joint proprietors].

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

Signed by the transferor in the presence of—

Coloured Photograph

ID/No. ............................................................
Pin No. ..........................................................
Signature ..................................................

Signed by the Transferee in the presence of—

Coloured Photograph

ID/No. ............................................................
Pin No. ..........................................................
Signature ..................................................

OR

Sealed with the common seal of the Transferor/Transferee

In the Presence of—

Director

Coloured Photograph

SEAL
THIRD SCHEDULE—continued

ID/No .........................................................
Signature ...................................................
Secretary

ID/No .........................................................
Signature ...................................................

Note: The person attesting the signature must authenticate the coloured passport size photograph, National ID Number and Tax PIN Number.

Form R.L. 8

LEASE

Title No.: ...........................................................
I/We ..........................................................................................................................

HEREBY LEASE to ..............................................................................................................................
of ...........................................................................................................................................................
the land comprised in the above-mentioned title [or] that portion of the land comprised in the above-
mentioned title which is shown [on the registry map as parcel number ............................................../
or [on the filed plan as number ................................................... ] for the term of .........................
from the ........................................................................................ at the ............................................
rent of .............................................................. payable ......................................................................
The Lessees declare that they hold the lease as proprietors in common in the following undivided
shares:
.............................................................................................................................................................
[or as joint proprietors]

Dated this ...................................... day of .......................................................... 20 ................................
Signed by the Lessor in the presence of— .................................................................................

Signed by the Lessee in the presence of— .................................................................................

Form R.L. 9

CHARGE

Title No.: ...........................................................
I/We ..........................................................................................................................

HEREBY CHARGE my/our interest in the above-mentioned title [or the charge shown as entry
number .............................................................................................................................................

[Issue 1] 150
THIRD SCHEDULE—continued

in the encumbrances section of the register of the above-mentioned title] to secure payment to...........

of ...........................................................................................................................................................

of the principal sum of .............................................................. per centum per annum payable

with interest at the rate of .......................................................... per centum per annum payable

The principal sum shall be repaid on the ..........................................................

day of .............................................................. together with any interest then due.

And I/we the above-named Chargor[s] hereby acknowledge that we understand the effect of

section 74 of the Registered Land Act.

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

Signed by the Chargor
in the presence of—

Signed by the Chargee
in the presence of—

Form R.L. 10

DISCHARGE OF CHARGE

Title No.: ...........................................................

I/We ..........................................................................................................................

HEREBY DISCHARGE the Charge shown as entry number ........................................................... in
the encumbrances section of the register of the above-mentioned title wholly [or in relation to ...........

...............................................................................................................................................................

...............................................................................................................................................................

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

Signed by the Chargee
in the presence of—

Form R.L. 11

SURRENDER OF LEASE

Title No.: ...........................................................

I/We ..........................................................................................................................

in consideration of* .............................................................................................................................

(the receipt whereof is acknowledged)* ................................................................................................

HEREBY SURRENDER the lease comprised in the above-mentioned title and the Lessor HEREBY

ACCEPTS the said surrender.

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

Signed by the Lessee
in the presence of—
Form R.L. 12

GRANT OF EASEMENT

Title No.: ...........................................................
I/We .......................................................................................................................... ................................
in consideration of ..................................................................................................................
(the receipt whereof is acknowledged) HEREBY GRANT ................................................................
to ...............................................................................................................................................
of ........................................................................................................................................
the proprietor of the interest comprised in title number ................................................................
the following easement: ....................................................................................................................
Dated this .............................................. day of .................................................. 20 .............................
Signed by the Grantor in the presence of— .............................................................................
Signed by the Grantee in the presence of— .............................................................................

Form R.L. 13

GRANT OF PROFIT

Title No.: ...........................................................
I/We .......................................................................................................................... ................................
in consideration of ..................................................................................................................
(the receipt whereof is hereby acknowledged) HEREBY GRANT ........................................................
to ...........................................................................................................................................................
of ...........................................................................................................................................................
the following profit to arise from the interest comprised in the above-mentioned title.
The profit is to be enjoyed in gross [or as appurtenant to the interest of the Grantee comprised in
title number ..........................................................].
Dated this .............................................. day of .................................................. 20 .............................
Signed by the Grantor in the presence of— .............................................................................

[Issue 1] 152
THIRD SCHEDULE—continued

Form R.L. 14

RELEASE OF EASEMENT, PROFIT OR RESTRICTIVE AGREEMENT

Title No.: ...........................................................................................................................

I/We ..............................................................................................................................

being the person(s) now entitled to the benefit of the [easement] [profit] [restrictive agreement] shown as entry number ..................................................................... in the encumbrances section of the register of the above-mentioned title HEREBY RELEASE the [easement] [profit] [restrictive agreement].

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

Signed in the Presence of—

..........................................................................................................................

Form R.L. 15

SEVERANCE OF JOINT PROPRIETORSHIP

Title No.: ...........................................................................................................................

I/We ..............................................................................................................................

HEREBY SEVER our joint proprietorship of our interest in the above-mentioned title and apply to be registered as proprietors in common in the following shares:

...............................................................................................................................................................

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

Signed by the Proprietors in the presence of—

..........................................................................................................................

Form R.L. 16

APPLICATION FOR PARTITION

Title No.: ...........................................................................................................................

I/We ..............................................................................................................................

HEREBY APPLY for the land comprised in the above-mentioned title to be partitioned in the following manner:

...............................................................................................................................................................

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

Signed by the Applicant in the presence of—

..........................................................................................................................

Form R.L. 17

POWER OF ATTORNEY

Title No.: ...........................................................................................................................

I ..................................................................................................................................................

HEREBY APPOINT ...........................................................................................................................

of ..................................................................................................................................................
THIRD SCHEDULE—continued

to be my attorney and generally in relation to my interest in the above-mentioned title to do anything and everything that I myself could do, and for me and in my name to execute all such instruments and to do all such acts, matters and things as may be necessary or expedient for carrying out the powers given.

[If the power is to be limited to particular acts only, delete everything after the word “attorney” and set out below what powers are to be conferred.]

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

Signed by the Donor
In the presence of—

FORM R.L. 18

NOTICE OF REVOCATION OF A POWER OF ATTORNEY

Title No.: ...........................................................

I .......................................................................................................................................................... ........................

HEREBY GIVE NOTICE that the Power of Attorney filed in the register of powers of attorney as number .......................................................... has been revoked—

(a) by me, .............................................................................................................................................. ........................

or

(b) by the [death] [bankruptcy] [disability] of the donor, .............................................................................................................................................. ........................

or

(c) by the [death] [disability] of the attorney, .............................................................................................................. ........................

[And I attach the following documents in support thereof:

.......................................................... ........................

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

Signed in the
Presence of—

FORM R.L. 19

APPLICATION TO BE REGISTERED AS PROPRIETOR BY TRANSMISSION

Title No.: ...........................................................

I/We ..........................................................................................................................................................

as personal representative(s) of .............................................................................................................. ........................

deceased HEREBY APPLY to be registered by transmission as proprietor in place of the deceased of his interest in the above-mentioned title, and in support thereof attach the Grant as required by section 119(1) of the Act.

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

Signed by the Representative(s)
In the presence of—
THIRD SCHEDULE—continued

Form R.L. 20

CERTIFICATE OF SUCCESSION

Title No.: ...........................................................

THE .......................................................................... AFRICAN COURT HEREBY CERTIFIES that
the persons entitled to the interest of ..........................................................
deceased in the above-mentioned title and the nature and extent of their respective shares are:

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Share</th>
</tr>
</thead>
</table>

The persons who are to be registered as proprietors and their shares are:

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Share</th>
</tr>
</thead>
</table>

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

Signature of President and Seal of the Court:—

Form R.L. 21

ADVERTISEMENT UNDER SECTION 121(2)

[To Be Inserted in the Kenya Gazette]

THE ASSISTANT LAND REGISTRAR, .................................................. District, has been notified
by the ............................................. African Court that it has not issued a certificate of succession in
respect of the interest of .......................................................... of ..........................................................
in the title number .............................................................., IN ACCORDANCE with section
121(2) of the Registered Land Act, therefore, NOTICE IS HEREBY GIVEN that after the expiration
of thirty days from the date hereof the interest of the deceased will be registered in the name of the
.............................................................. Council as trustee in terms of section 121(3) of the Act.

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

Signature of Assistant Land Registrar
Form R.L. 22

CAUTION

Title No.: ...........................................................

I ..........................................................................................................................................................
of .........................................................................................................................................................
claim an interest as ...............................................................................................................................
in the above-mentioned title and forbid the registration of dealings and the making of entries in the
register relating to the title [altogether] [to the following extent ..........................................................
..............................................................................................................................................................]
without my consent, until this caution has been withdrawn by me or removed by order of the Court
or of the Registrar.

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

Signed in the presence of—

......................................................................................................................................................

Form R.L. 23

APPEAL TO THE CHIEF LAND REGISTRAR UNDER SECTION 150(1)

Title No.: ...........................................................

I ..........................................................................................................................................................
HEREBY APPEAL against the refusal of the ......................................................................................
Registrar to effect or cancel the following registration:

...............................................................................................................................................................

My grounds for appeal are as follows:

...............................................................................................................................................................

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

......................................................................................................................................................

Signature of Appellant

Form R.L. 24

NOTICE OF INTENTION TO APPEAL TO THE HIGH COURT

Title No.: ...........................................................

To: The Chief Land Registrar,
P.O. Box 30089.
Nairobi.

TAKE NOTICE that I intend to appeal to the Supreme Court against the decision taken by
you in my appeal to you dated the ..........................................................

......................................................................................................................................................
THIRD SCHEDULE—continued

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

.............................................................................

Signature of Appellant

______________________________

Form R.L. 25

APPLICATION TO INSPECT THE REGISTER

Title No.: ...........................................................

I HEREBY APPLY to inspect the register of the above-mentioned title. Adhesive revenue stamps to the value of Sh. .......................................................... in payment of the fee are affixed hereto.

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

.............................................................................

Signature ..........................................................

Postal address ....................................................

.............................................................................

 Parcel file checked on completion of search by:

.............................................................................

[Counter clerk’s initials]

To be submitted in duplicate.

CONDITIONS

1. Persons making searches may take brief notes in pencil, but no document shall be copied.

2. On no circumstances may any note or mark be made on any register, document or file produced for inspection.

3. Persons making searches shall check the contents of any parcel file produced to them and have it checked by the counter clerk, both before and on completion of the search, and obtain the counter clerk’s initials on the duplicate search form, otherwise the person searching will be held responsible for any document lost or damaged.

4. 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.

Form R.L. 26

APPLICATION FOR OFFICIAL SEARCH

(L.N. 123/2011)

Title No. ..........................................................

To: The Land Registrar,

..........................................................................................................................District Land Registry

PARTICULARS OF THE APPLICANT/ADVOCATE:

Full Names .................................................... Signature ..........................................................

Identity Card Number/Passport Number ..........................................................

Personal Identification Number ..........................................................

Address ........................................................................................................................................

Telephone Mobile .................................. Landline ..........................................................

Purpose of Search ..........................................................................................................................
THIRD SCHEDULE—continued

Owner of Property .............................................................................................................................................

Proposed Purchaser of Property ..................................................................................................................

Advocate/Agent ..........................................................................................................................................

Please supply—

(a) particulars of the subsisting entries in the register of the above-mentioned title, or

(b) a certified copy of the register

_____________________________________________________________________________________________________

Signature of Applicant or his Advocate

FOR: OFFICIAL USE ONLY:-

Search Application Number ..................................................................................................................

Booking Officer ..........................................................................................................................

DISPATCH:

COLLECTED BY:

Name ...........................................................................................................................................

Signature .............................................................................................................................................

Identity Card Number ...........................................................................................................

Date .............................................................................................................................................

Form R.L. 27 (L.N. 123/2011)

CERTIFICATE OF OFFICIAL SEARCH

[To be printed on the back of Form R.L. 26]

Title No.: .............................................. Search No.: ....................................................

On the ............................................. 20 ............. , the following were the subsisting entries on the

register of the above-mentioned title:

Part A—Property Section [easements, etc.]

Part B—Proprietorship Section

Name and address of proprietor:

Inhibitions, cautions and restrictions:

Part C—Encumbrances Section [leases, charges, etc.]

The following applications are pending:

The certified copies requested are attached.

The minimum fee is KSh. 500

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

Assistant Land Registrar

[Issue 1] 158
THIRD SCHEDULE—continued

To: The Assistant Land Registrar

Search No.: District Registry.

Adhesive revenue stamps for Sh. affixed hereto.

.................................................................
Signature of Applicant

Form R.L. 28

APPLICATION FOR REGISTRATION

I hereby apply for the registration of the undermentioned instruments in the following order of priority—

<table>
<thead>
<tr>
<th>Date of Instrument</th>
<th>Description</th>
<th>Title No.</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Please issue a land certificate/certificate of lease.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Additional fee, at the prescribed rate.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adhesive revenue stamps affixed hereto the value of</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The following documents are enclosed:

- Land Certificate.
- Clearance Certificate.
- Certificate of Lease.
- Estate Duty Certificate.
- Lease (duplicate and triplicate).
- Divisional Land Control Board consent
- Charge (duplicate and triplicate).
- Lessor’s consent in terms of the lease.
- Chargee’s consent in terms of the charge.

Special instructions, including in appropriate cases the name and address of the persons to whom the documents are to be sent if other than the presenter—

Signature ............................................................
Postal address ....................................................
Name in block capitals ........................................

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

[The conditions on the back of this form must be complied with]

CONDITIONS

1. Every instrument presented for registration, unless it has been prepared by the Registrar, must be accompanied by this form.

2. The form must be completed, in triplicate, accurately in accordance with these conditions. Failure to do so may result in the rejection of the application. The information supplied by the presentor must appear legibly in English. If registration is sought at different registries, separate applications accompanied by the instrument must be addressed to each.

3. Delete from the list of enclosed documents those which are not appropriate, and add any additional enclosures.

4. Fees may only be paid by affixing adhesive revenue stamps to the required value in the space provided on the original application form. These stamps may be obtained from post offices; spoilt or damaged adhesive revenue stamps will not be accepted, but stamps upon which the presentor has placed his name stamp shall not be deemed spoilt or damaged for this purpose.

5. Applications may be submitted as follows:
   (a) by post, addressed to the appropriate registrar;
   (b) by hand, delivered at the appropriate registry;
THIRD SCHEDULE—continued

(c) by requesting the Collector of Stamp Duties to forward the application form to the appropriate registrar after stamping the document; priority is not established until the application is in the hands of the Registrar and no responsibility is accepted by the Collector for any delay.

6. Documents re-presented for registration after they have been rejected must be accompanied by a fresh set of forms of application duly completed.

Form R.L. 29

Date received for Presentation Book Registration fees: .................................................................
Registration No.: ........................................ No. ................................ Sh. .................................... paid
Receipt No. ...................................................

MUTATION FORM

(This form is to be completed in triplicate)

Title No. ........................................................................................................................................
Approximate Area ............................................................................................................... Hectares
Registry Map Sheet No. ...................................................................................................................
Registered Proprietors’ instructions to Director of Surveyors:
1. Present boundaries of parcel are shown on the sketch below:
   (a) (i) The proprietor wishes to subdivide the parcel as shown by the dotted lines on the sketch.
   (ii) The proprietors wish to change their common boundary as shown by the dotted lines on the sketch.
   or
   (iii) The proprietors wish to partition the parcel as shown by the dotted lines on the sketch.
   (b) The new parcel numbers will be:
   relevant approximate area: ........................................................................................................
   (c) The relevant letter of consent to subdivide/partition the parcel is attached.
   (d) The persons interested, and their addresses are—
   ..................................................................................................................................................
   ..................................................................................................................................................
They will meet the District Surveyor at ....................................................................................
on ........................................ 20 ........ a.m./p.m. or on the land at a time appointed by him.
(e) Please advise the Land Registrar when the mutation is surveyed and registry map amended.

[page 2]

SKETCH

(to be completed by the registered proprietor(s)
(Not to Scale)

 ........................................................................................................................................
 ........................................................................................................................................
 ........................................................................................................................................

Signature or marks of the Proprietor(s)

Date ........................................................................
THIRD SCHEDULE—continued

SKETCH
(to be completed by District Surveyor)
(Not to Scale)

Date .................................................................... ..................................................... ........................
District Surveyor
....................................................................................................... District

Signature of parties present on the land at the time of survey:
...............................................................................................................................................................
...............................................................................................................................................................
...............................................................................................................................................................
...............................................................................................................................................................
...............................................................................................................................................................

To Director of Surveys:—
Please amend the registry map to conform with above.
The following additional information is supplied:—

Date ................................................ 20 ............. ........................................................ .....................
District Surveyor

Land Registrar, .......................................................................................................... District

I certify that the survey has been carried out. You may now register the mutation. Amended
Registry Index Map will be supplied by the Director of Survey.

Date ................................................ 20 ............. ........................................................ .....................
for Director of Survey

REGISTERED on the .............................................................. 20 ........................................................

..............................................................

Land Registrar

Form R.L. 30

[Rev. 2012] No. 3 of 2012

Land Registration

[Subsidiary]

RESTRICTION TO SECURE PAYMENT OF ADDITIONAL STAMP DUTY

Title No.: ............................................................

TAKE NOTICE that pursuant to my powers under the above Act, I have today entered a
restriction against this title on behalf of the Government of Kenya to secure the payment of Sh. .......
.............................................., additional stamp duty on a transfer dated ......................... and registered
as ................................................................. as assessed by the Collector of Stamp Duties.
THIRD SCHEDULE—continued

This restriction shall remain registered against this title until such time as additional stamp duty together with penalties incurred for late payment has been paid or an appeal against the assessment by the collector has been upheld.

Signed ..............................................
Chief Land Registrar

FOURTH SCHEDULE

VERIFICATION OF INSTRUMENTS: PRESCRIBED OFFICERS AND OTHER PERSONS

1. Instruments executed in Kenya—
   A judge or Magistrate.
   The Registrar and the Deputy Registrar of the High Court.
   The Registrar-General, the Deputy Registrar-General and any Assistant Registrar-General.
   An administrative officer.
   A Superintendent of Prisons.
   An advocate.
   A bank official.

2. Instruments executed in a foreign country—
   A notary public.

FIFTH SCHEDULE

FEES

(a) On application for a title deed or a certificate of lease—
   (i) adjudication fee for any digit for 0-1 hectare 500
   (ii) where the applicant requests the inclusion of all subsisting entries 500
   (iii) where no such request is made 500
   (b) On application for the preparation of a surrender of lease, discharge of charge, release of easement, release of profit or lease of restrictive agreement, application to sever a joint proprietorship, application for partition, caution except where item (d) applies 1,000
   (c) On application for the preparation of any instrument not herein above described, except where item (d) applies 1000
   (d) On application for the preparation of any instrument which in the opinion of the Registrar requires substantial additions to or variations from the prescribed form such fee not exceeding KShs. 1,500 as the Chief Land Registrar may assess.
FIFTH SCHEDULE—continued

(e) On application for the registration or filing of any instrument, for each title affected—
   (i) where the amount of value or the consideration or the value of the interests affected by the registration, does not exceed KShs. 2,000 or where the annual payment reserved does not exceed KSh. 200
   (ii) where the amount of value of the consideration or the value of the interest affected by the registration exceeds KShs. 2,000 but does not exceed KSh. 20,000 or where annual rent or other annual payment reserved exceeds KShs. 200 but does not exceed KSh. 2,000
   (iii) in any other case not otherwise provided for Provided that, where the instrument has been previously rejected as unfit for registration and relates to more than one title, the fee shall be calculated as if only one title were affected.

(f) For opening new registers consequent upon a partition or subdivision for each parcel resulting—
   (i) where the value of the interest before partition or subdivision did not exceed KSh. 20,000
   (ii) in any other case

(g) On application for the combination of two or more parcels—
   (i) where the value of the interest after combination does not exceed KSh. 20,000
   (ii) in any other case

(h) On application to inspect under section 36(1) for each title inspected

(i) On application for an official search under section 36(2) for supplying particulars of the subsisting entries in the register searched
   (i) On application for a copy of the existing register
   (ii) On application for a copy of an earlier edition of the register

(j) On application for a copy of any instrument (per copy of the first five pages of the instrument plus Kshs. 10 per page in excess of the said five pages)

(k) On application for a copy of a registry map or filed plan (per sheet of such map or plan)

(l) For fixing a boundary on the application of any person under section 22(1) (per day)

(m) For determining or indicating the position of a disputed or an uncertain boundary under the Act (per day)

(n) For attendance of any officer of the registry at a place outside the registration office (per day)

(o) (i) For any formal proceeding or hearing conducted by a Registrar under the Act
   (ii) For an appeal under section 150 of the Act—
      (a) On appeal to the Chief Land Registrar
      (b) On stating a case for the opinion of the High Court (excluding costs and court fees)

(p) For any act, matter or thing not otherwise provided for