

**CHAPTER 302**

**THE LAND CONTROL ACT**

SUBSIDIARY LEGISLATION

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*List of Subsidiary Legislation*

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**EXEMPTIONS UNDER SECTION 24\***

[Legal Notice 261 of 1967, Legal Notice 263 of 1967, Legal Notice 270 of 1969]

1. Any controlled transaction in respect of the plots situated within the area delineated and edged red on Boundary Plan No. 520 deposited in the Survey Records Office, Survey of Kenya, Nairobi.

2. (1) A mortgage of land in favour of any one of the following bodies—

- (a) The Land and Agricultural Bank of Kenya.
- (b) The Agricultural Finance Corporation.
- (c) The Agricultural Settlement Trust.
- (d) The Commissioner General of Income Tax.
- (e) Lands Limited.

(2) A notification to a Registrar by the Commissioner-General of Income Tax under section 123A(2) of the East African Income Tax (Management) Act, 1958, and the cancellation of any such notification.

3. Any controlled transaction entered into by the East African Power and Lighting Company Limited for the purpose of acquiring land for the generation, transmission, transformation, distribution, supply and use of electric energy for lighting and other purposes.

\* Exemptions in respect of specific transactions are not included.



**THE LAND CONTROL REGULATIONS**

ARRANGEMENT OF REGULATIONS

*Regulation*

- 1. Citation
- 2. Manner of application for consent, etc.
- 2A. Manner of application for exemption
- 3. Manner of giving consent
- 4. Manner of appeal
- 4A. Decisions of Appeals Boards
- 5. Allowances for board members

SCHEDULES

SCHEDULE —

FORMS

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## THE LAND CONTROL REGULATIONS

[Legal Notice 23 of 1968, Legal Notice 25 of 1970, Legal Notice 3 of 1975, Legal Notice 208 of 1988, Legal Notice 297 of 1994, Legal Notice 180 of 2001, Legal Notice 49 of 2008, Legal Notice 3 of 2010, Legal Notice 158 of 2017]

### 1. Citation

These Regulations may be cited as the Land Control Regulations.

### 2. Manner of application for consent, etc.

(1) An application for consent to a controlled transaction shall be in Form 1 in the Schedule and be accompanied by a fee of one thousand shillings.

(2) Every application for approval to a subdivision of land shall be accompanied by—

- (a) a suitable plan on durable material showing the manner of subdivision, the means of access to each subdivision and, very approximately, any existing permanent development; and
- (b) a statement in writing of the water supply which is available for the subdivisions and the use to which the subdivisions are proposed to be put.

(3) Every applicant shall furnish the land control board with such additional information as the board may from time to time require.

[L.N. 208/1988, r. 2, L.N. 297/1994, r. 2, L.N. 180/2001, r. 2, L.N. 49/2008, r. 2, L.N. 3/2010, r. 2.]

### 2A. Manner of application for exemption

An application for exemption under section 24 of the Act shall be forwarded to the Commissioner of Lands and shall be accompanied by an application fee of twenty thousand shillings.

[L.N. 208/1988, r. 2, L.N. 297/1994, r. 2, L.N. 180/2001, r. 2, L.N. 49/2008, r. 2, L.N. 3/2010, r. 2.]

### 3. Manner of giving consent

The consent of a land control board shall be given to the applicant, in duplicate, in Form 2 in the Schedule of these Regulations; the original consent shall be marked "Registration Copy" and shall accompany the document evidencing the controlled transaction when it is presented for registration.

### 4. Manner of appeal

(1) An appeal shall be in writing and shall specify the grounds of appeal; and an appeal to a provincial land control appeals board shall be sent to the Provincial Commissioner as chairman of the board, and an appeal to the central land control appeals board shall be sent to the Commissioner of Lands as secretary of the Board.

(2) An appeal to the central land control appeals board shall be accompanied by fee of KSh. 5,000 in respect of each transaction involved.

(3) An appeal to a Provincial Land Control Appeals Board shall be accompanied by a fee of KSh. 3,000 in respect of each transaction involved.

[L.N. 25/1970, r. 2, L.N. 208/1988, r. 2, L.N. 297/1994, r. 2, L.N. 180/2001, r. 2, L.N. 49/2008, r. 2, L.N. 3/2010, r. 2.]

### 4A. Decisions of Appeals Boards

(1) The decision of a Provincial Land Control Appeals Board shall be given to the appellant in duplicate in Form 3 in the Schedule to these Regulations and shall, in every case where the appeal is allowed, accompany the document evidencing the controlled transaction when it is presented for registration.

(2) The decision of the Central Land Control Appeals Board shall be given to the appellant in duplicate in Form 4 in the Schedule to these Regulations and shall, in every case

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where the appeal is allowed, accompany the document evidencing the controlled transaction when it is presented for registration.

[L.N. 3/1975, r. 2.]

5. Allowances for board members

(1) An allowance of KSh. 2,500 inclusive of lunch shall be paid to each unofficial member of a land control board for every meeting which he attends.

(2) An allowance of KSh. 3,500 inclusive of lunch shall be paid to each unofficial member of a provincial land control appeals board for every meeting which he attends.

(3) A mileage allowance at prevailing Government rates shall be paid to unofficial members of a land control board.

[L.N. 208/1988, r. 2, L.N. 180/2001, r. 2. L.N. 158/2017, r. 2 ]

SCHEDULE

FORMS

[L.N. 3/1975, r. 3.]

(r. 2)

FORM 1

APPLICATION FOR CONSENT OF LAND CONTROL BOARD

To be submitted in TRIPLICATE in respect of each transaction and sent to or left at the appropriate office of the Commissioner of Lands.

To: The .....

Land Control Board.

Official reference:

I Hereby apply to the ..... Land Control Board for its consent to the transaction described below, and give the following information—

- (a) Present registered holder of interest (full name in BLOCK LETTERS) .....
(b) Nationality .....
(c) Address .....
(a) Proposed purchaser, transferee, mortgagee, chargee, allottee, etc. (full name in BLOCK LETTERS) .....
(b) If a limited liability company, names of directors, authorized and issued share capital and principal shareholders: if a co-operative society, names of chairman, secretary and treasurer and total number of members .....
(c) Nationality ..... Certificate No. ....
(d) Address .....

3. Nature of transaction (e.g. sale, gift, lease, mortgage, charge, etc.; if sale or allotment of shares, name of company, number and particulars of shares to be transferred) .....

4. Term (i.e. the length of time for which the land affected is to be transferred or leased: if sale or allotment of shares, authorized share capital of the company and numbers of shares issued at date of application) .....

5. Description of land—

L.R. or Parcel No. ....

Acreage .....



Land Control

[Subsidiary]

Locality .....

County Council .....

(a) Purchase price, if a sale or option ..... Sh. ....

Rent ..... Sh. ....

Estimated value of the land (if a gift) ..... Sh. ....

Amount of loan (if a mortgage or charge) ..... Sh. ....

Rate of interest (if a mortgage or charge) ..... %

Any other information affecting the amount of the consideration, particularly regarding the description and area of crops with estimated yields and value thereof included in the purchase price .....

(b) Full description and approximate value of improvements on land included in the consideration .....

(c) Any other consideration passing between the parties .....

7. If a transfer or lease of the land—

Proposed development programme of purchaser, including funds available therefor with approximate dates .....

Does the purchaser/lessee intend to reside on the land? .....

(a) Other agricultural land registered in the name of or held under contract for sale by the proposed purchaser, transferee, lessee or allottee, or any members of his immediate family, or any company in which he has an interest (state the nature of any interest in such company)—

L.R. or Parcel Nos. .... Acreage .....

Owner .....

Nature of interest .....

Whether contiguous to land being purchased .....

(b) Particulars of agricultural land held and disposed of by purchaser or lessee in the last three years—

L.R. or Parcel Nos. .... District .... Acres .....

L.R. or Parcel Nos. .... District .... Acres .....

9. Farming experience of transferee .....

We hereby declare that the above information is true to the best of our knowledge and belief.

Signature of owner, lessor, mortgagor, charger or authorized agent or agents, etc.

Date

Date

Signature of purchaser, lessee, mortgagee, chargee or authorized agent or agents, etc.

If spaces allowed under any particular item are insufficient for the information, a separate sheet with item numbers and duly signed by all parties or their authorized agent or agents should be attached.

FORM 2 LETTER OF CONSENT

(r. 3)

The ..... Land Control Board

Land Control

[Subsidiary]

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

To: .....  
.....  
.....  
.....

Date .....  
Reg. No. .....  
L.C.R. No. ....

SIR/MADAM,

1. With reference to your application dated the ..... 20 ..... the Board gave its consent to the following controlled transaction at its ..... meeting held on the ..... 20 .....

2. Nature of Transaction—

- (a) L.R. or Parcel No. ....
- (b) Locality .....
- (c) Sale, lease, subdivision, mortgage, charge, etc. ....
- (d) Names of parties—
  - (i) From .....
  - (ii) To .....
- (e) Length of term .....
- (f) Consideration .....

3. Special conditions of approval of subdivision—

- (a) .....
- (b) .....
- (c) .....
- (d) .....
- (e) .....

I am Sir/Madam,  
Your obedient servant,

.....  
Chairperson

.....  
Land Control Board

Copy to—

The Commissioner of Lands, Nairobi.

The Central Agricultural Board.

**FORM 3**

(r. 4A(1))

DECISION OF A PROVINCIAL LAND CONTROL APPEALS BOARD

The ..... Land Control Board

P.O BOX .....

.....  
.....

To: .....  
.....

Land Control

[Subsidiary]

.....  
.....

Date .....  
Reg. No. ....  
L.C.R. No. ....

SIR/MADAM,

1. With reference to your appeal dated the ..... 20 ..... the Board at its meeting held on the ..... day of ..... 20 ..... allowed/dismissed\* the appeal in respect of the following controlled Transaction—

2. Nature of transaction—

- (a) L.R. No. or Parcel No. ....
- (b) Locality .....
- (c) \*Sale, lease, subdivision, mortgage, charge, etc. ....
- (d) Names of parties—
  - (i) From .....
  - (ii) To .....
- (e) Length of term .....
- (f) Consideration .....

3. Grounds of refusal of the transaction (where appeal dismissed)—

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

4. Special conditions for approval of subdivision (if any)—

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

I am Sir/Madam,  
Your obedient servant,

.....  
Chairperson  
.....  
Land Control Board

Copy to—

- The Commissioner of Lands, Nairobi.
- The Central Agricultural Board, Nairobi.
- ..... Land Control Board.

\* Delete words not applicable.

**FORM 4** (r. 2)  
DECISION OF THE CENTRAL LAND CONTROL APPEALS BOARD  
The ..... Land Control Board  
.....  
.....

Land Control

[Subsidiary]

To: .....  
.....  
.....  
.....

Date .....  
Reg. No. ....  
L.C.R. No. ....

SIR/MADAM,

1. With reference to your appeal dated the ....., 20 ..... the Central Land Control Appeals Board at its meeting held on the ..... day of ....., 20 ..... allowed/dismissed\* the appeal in respect of the following transaction—

2. Nature of Transaction—

- (a) L.R. No. or Parcel No. ....
- (b) Locality .....
- (c) \*Sale, lease, subdivision, mortgage, charge, etc. ....
- (d) Names of parties—
  - (i) From .....
  - (ii) To .....
- (e) Length of term .....
- (f) Consideration .....

3. Grounds of refusal of the transaction (where appeal dismissed)—

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

4. Special conditions for approval of subdivision (if any)—

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

I am Sir/Madam,  
Your obedient servant,

.....  
Chairperson  
.....  
Land Control Board

\* Delete words not applicable.

Copy to—

.....  
Provincial Land Control Appeals Board.  
.....  
Land Control Board.  
The Central Agricultural Board, Nairobi.

**ESTABLISHMENT OF PROVINCIAL LAND CONTROL APPEALS BOARD**

[Legal Notice 47 of 1968, Legal Notice 75 of 1969]

Legal Notices under sections 2, 3, 4 and 5 referring to declaration of agricultural land, application of the Act, establishment of divisions and establishment of land control boards are omitted being of local application only.

PROVINCE	PROVINCIAL LAND CONTROL
Central Province .....	Central Province Land Control Appeals Board.
Rift Valley Province .....	Rift Valley Province Land Control Appeals Board.
Nyanza Province .....	Nyanza Province Land Control Appeals Board.
Eastern Province .....	Eastern Province Land Control Appeals Board.
Western Province .....	Western Province Land Control Appeals Board.
Nairobi Area .....	Nairobi Area Land Control Appeal Board.
Coast Province .....	Coast Province Land Control Appeals Board.

