

CHAPTER 285

THE REGISTRATION OF DOCUMENTS ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

	<i>Page</i>
1. The Registration of Documents (Forms) Rules.....	3
2. The Registration of Documents (Change of Name) Regulations.....	9
3. The Registration of Documents (Fees) Regulations.....	17

THE REGISTRATION OF DOCUMENTS (FORMS) RULES

[Legal Notice 379 of 1960, Legal Notice 303 of 1964,
Legal Notice 165 of 1976, Legal Notice 126 of 2011]

- 1. These Regulations may be cited as the Registration of Documents (Forms) Regulations.
- 2. Forms A, B, C and D in the Schedule shall be used in all cases under the Act.
- 2A. The fees payable in all matters connected with Forms A, B, C and D wherever applicable shall be those prescribed by the Cabinet Secretary.

[L.N. 165/1976.]

3. The registrars of documents at Nairobi and Mombasa shall keep a supply of the forms for the use of the public.

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

SCHEDULE

[r. 2]

FORM

FORM A

[L.N. 303/1964, Sch., L.N. 165/1976.]

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

APPLICATION FOR REGISTRATION

of the undermentioned documents in the following order or priority:—

Date of document	Description (1)	Land Reference Number (2)	Deed File Number (3)	Fee (4)
				Sh.

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 # "Registration copy" of Civil Secretary'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, Kenya Railways under the terms of the Grant #

Chargee to surrender of lease under section 44 of the Registration of Titles Act (Cap. 281) (Repealed) #

Registration of Documents

[Subsidiary]

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:—

Signature.....
Name in block capitals.....
Postal Address.....

Date

To be submitted in triplicate

[Reverse]

CONDITIONS

1. Form to accompany documents

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

2. 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.

3. 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) (Repealed) 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 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 (Repealed), 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.

4. 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.

5. 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.

6. 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.

7. 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 B

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

To: The Registrar-General of Titles, Our reference:—
The Principal Registrar,
Land Registry, Nairobi
TAKE NOTICE that I/

We
of P.O. Boxhereby
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)

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 C

[L.N 126/2011.]

Registration of Documents

[Subsidiary]

APPLICATION FOR OFFICIAL SEARCH
APPLICATION FOR COPY

Affix adhesive revenue in payment of the fee here
For Official Use Only
No

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

.....
.....

PARTICULARS OF THE APPLICANT/ADVOCATE:

Full Names
Signature
Identity Card Number/
Passport.....
Personal Identification
Number.....
Postal
Address.....
Telephone Mobile.....
Landline.....
Purpose of
Search.....
Owner of
Property.....
Proposed Purchaser of
property.....
Advocate/
Agent.....
Adhesive revenue stamps at the rate of KSh. 520 per certified copy are pinned
to this application to meet the stamp duty payable thereon.
Date.....20.....

FOR: OFFICIAL USE ONLY:

Search Application
Number.....
Booking Time.....
Officer.....

The above-mentioned copy/copies is/are forwarded herewith.
The above required cannot be met because

.....
.....

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

FOR: REGISTRAR DISPATCH:

COLLECTED BY:

Name:
Signature

.....
Identity Card Number.....
Date.....

FORM D

[L.N 165/1976]

APPLICATION FOR OFFICIAL SEARCH OF:-

Land Reference Number	Title or Deed File Number
-----------------------	---------------------------

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 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.

**THE REGISTRATION OF DOCUMENTS
(CHANGE OF NAME) REGULATIONS**

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation
2. Interpretation
3. Document evidencing change of name may be endorsed on registration
4. Further evidence to be produced
5. Statutory declaration
6. Resident outside Kenya
7. Forms

SCHEDULES

SCHEDULE —

FORMS

**THE REGISTRATION OF DOCUMENTS
(CHANGE OF NAME) REGULATIONS**

[Legal Notice 277 of 1967]

1. Citation

These Regulations may be cited as the Registration of Documents (Change of Name) Regulations.

2. Interpretation

In these Regulations—

"minor" does not include a woman who has been married;

"the relevant person" means the person whose name is being changed.

3. Document evidencing change of name may be endorsed on registration

(1) A document evidencing a change of name of a person resident in Kenya—

- (a) which is in Form 1 in the Schedule of these Regulations; and
- (b) in respect of which the following requirements of these Regulations have been complied with,

shall, upon being registered, be endorsed by the registrar with the words "Registered in accordance with the Registration of Documents (Change of Name) Regulations 1967".

(2) If the relevant person is a woman she shall be described in the document as a spinster, a married woman, a widow or (if her marriage has been dissolved) a feme-sole, as the case may be.

(3) The document shall be signed by the relevant person in both the old and the new names (or in the case of a minor by his parent or other legal guardian), and the signature shall be witnessed by one witness.

(4) If a minor whose name is being changed is over sixteen years of age his consent shall be endorsed on the document and witnessed by an advocate.

4. Further evidence to be produced

The following further evidence shall be produced to the registrar in relation to the relevant person—

- (a) in all cases, a certificate of birth, unless the birth was not registered;
- (b) if a married woman, her certificate of marriage, or other evidence of her marriage if it was not registered, together with—
 - (i) the written consent of her husband to her change of name, the consent being endorsed on the document evidencing the change of name and witnessed by an advocate; or
 - (ii) a certificate from an advocate that she is living separate from her husband in such circumstances that the separation is likely to be permanent;
- (c) if a widow, her certificate of marriage, or other evidence of her marriage if it was not registered, together with the certificate of death of her husband;
- (d) if a feme-sole, her certificate of marriage, or other evidence of her marriage if it was not registered, together with the decree absolute or certificate of divorce.

5. Statutory declaration

The documents mentioned in regulations 3 and 4 shall be exhibited to a statutory declaration made by a person resident in Kenya in Form 6 in the Schedule.

[Subsidiary]

6. Resident outside Kenya

If the relevant person is resident outside Kenya evidence shall be produced that he does not intend such residence to be permanent, and the registrar may require the production of a certificate by an advocate as to the nature and probable duration of such residence.

7. Forms

The forms set out in the Schedule shall be used for the purposes of these Regulations.

SCHEDULE

FORMS

FORM 1 (rr. 3, 5, 7) DEED POLL ON CHANGE OF NAME

THIS CHANGE OF NAME DEED is made this day of 20 by me of 1 a resident of Kenya now or until recently called.....

WITNESSES AND IT IS HEREBY DECLARED [On behalf of myself my wife and my children and remoter issue born or to be born] 2 as follows :—

- 1. I absolutely renounce and abandon the use of my said former name of and I assume and determine to take and use [from the date hereof] 1 the new name of..... in substitution for my former name of
2. I shall at all times hereafter in all records documents and other writings and in all actions and dealings and on all occasions whatsoever use the new name of..... in substitution for my former name of so relinquished as aforesaid to the intent that I [my wife and my children and issue] 3 may hereafter be known not by the former name of..... but by the new name of only.
3. I authorize and require all persons at all times to describe and address me [my wife and my children and issue] 3 by the new name of

IN WITNESS whereof I have hereunto subscribed my new name of and also my former name of..... and have affixed my seal the day and year first herein written

SIGNED SEALED AND DELIVERED } (former name)
by the above-named in the presence of: }
4 } (new name)

This is the Deed marked "A" referred to in the Declaration of and produced and shown to him on making the said Declaration before me this day of 19

Commissioner for Oaths

NOTES:

- 1 Insert name and description. A woman must be described as spinster, married woman, widow or (if her marriage has been dissolved) feme-sole.
2 Omit as necessary.
3 Omit if the change-has already taken place.
4 One witness is required.

FORM 2 _____ (rr. 3, 5 & 7)

CONSENT OF HUSBAND

(To be endorsed on Deed Poll of Married Woman)

I of the husband of the within-named hereby certify that I consent to the change of name of my wife effected by this Deed.

Date Signed

Witness to the signature of the above-named: Advocate.

FORM 3 _____ (rr. 3, 5 & 7)

CERTIFICATE OF ADVOCATE

(alternative to Form 2)

I of an advocate of the High Court of Kenya hereby certify that the within-named..... is known personally to me and is separated from her husband..... in such circumstances that the separation is likely to be permanent.

Date Signed

Witness to the signature of the above-named:

FORM 4 _____ (rr. 3, 5 & 7)

"A"

DEED POLL BY PARENT OR GUARDIAN ON CHANGE OF NAME BY INFANT

THIS CHANGE OF NAME DEED is made the..... day of..... 19..... by me..... of..... the [father and] ¹ [mother and] ¹ legal guardian of of..... now or until recently called..... who is an infant now of the age of..... years [and a spinster] ¹ and a resident of Kenya

WITNESSES AND IT IS HEREBY DECLARED as follows:—

1. On behalf of the said..... I absolutely renounce and abandon the use of..... his (her) former name of..... and on his (her) behalf assume and determine to take and use the new name of..... in substitution for his (her) former name of.....
2. The said..... will at all times hereafter in all records documents and other writings and in all actions and dealings and, on all occasions whatsoever use the new name of..... in substitution for his (her) former name of..... so relinquished as aforesaid to the intent that the said..... (his wife and his children and remoter issue) ² may hereafter be known not by the former name of..... but by the new name of..... only.
3. On behalf of the said I authorize and require all persons at all times to describe and address the said (his wife and his children and remoter issue) ² by the new name of.....

IN WITNESS whereof I have hereunto set my hand and seal the day and year first herein written.

.....
SIGNED SEALED AND DELIVERED}
by the above-named in the presence
of:—³

(Exhibit marking as for Form 1)

NOTES:

Registration of Documents

[Subsidiary]

- 1 Delete as appropriate.
- 2 Delete in the case of a female infant.
- 3 One witness is required.

I of being of the age..... years consent to the change of my name effected by this Deed.

Date Signed

Witness to the signature of the above-named: Advocate.

FORM 5 STATUTORY DECLARATION OF IDENTITY

I..... of a person resident in Kenya do solemnly and sincerely declare as follows:—

- 1. I have for years personally known the person formerly known as and now known as..... referred to in the Deed now produced and shown to me and marked "A" which person is hereinafter referred to as the relevant person.
- 2. The certificate of birth now produced and shown to me and marked "B" is the certificate of birth of the relevant person.

[OR]

To the best of my knowledge information and belief the birth of the relevant person was not registered.

- 3. The relevant person and the person who executed the said Deed marked "A" are one and the same person.
- 4. I declare as aforesaid from my personal knowledge of the person formerly known as and now known as and I make this Declaration conscientiously believing the same to be true and according to the Oaths and Statutory Declarations Act.

Declared by the above-named Before me, Commissioner for Oaths.

FORM 6 STATUTORY DECLARATION OF IDENTITY (for change of name of a minor)

I of..... a person resident in Kenya do solemnly and sincerely declare as follows:—

- 1. I have for years personally known' the person formerly known as..... and now known as and referred to in the Deed now produced and shown to me and marked "A" which person is hereinafter referred to as the relevant person.

Minor

- 2. The certificate of birth now produced and shown to me and marked -B" is the certificate of birth of the relevant person.
- 3. To the best of my knowledge and belief the person who executed the said Deed is the parent [guardian] of the relevant person.

Married Woman

- 2. The certificate of birth and the certificate of marriage now produced and shown to me and respectively marked "B" and "C" are the certificate of birth of the relevant person (whose

Registration of Documents

[Subsidiary]

single name was) certificate of marriage of the relevant person with [name of husband].

Widow

2. The certificate of birth and certificate of marriage now produced and shown to me and respectively marked "B" and "C" are the certificate of birth of the relevant person (whose single name was) and the certificate of marriage of the relevant person with [name of husband].

3. The certificate of death now produced and shown to me and marked "D" is the certificate of death of the said [name of husband]

Feme-sole

2. The certificate of birth and certificate of marriage now produced and shown to me and respectively marked "B" and "C" are the certificate of birth of the relevant person (whose single name was) and the certificate of marriage of the relevant person with [name of husband].

3. The certified copy decree absolute of divorce [or] certificate of divorce now produced and shown to me and marked "D" is a true copy of the decree dissolving [or] certificate of the dissolution of my said marriage.

4. I declare as aforesaid from my personal knowledge of the said..... and I make this solemn Declaration conscientiously believing the same to be true and according to the Oaths and Statutory Declarations Act.

Declared by the above-named

Before me,

Commissioner for Oaths.

Note.—If any birth, marriage or death was not registered, the declarant should so declare to the best of his knowledge and belief, and the rest of the form should be modified accordingly.

THE REGISTRATION OF DOCUMENTS (FEES) REGULATIONS

[Legal Notice 300 of 1994, Legal Notice 54 of 2008, Legal Notice 8 of 2010]

1. These Regulations may be cited as the Registration of Documents (Fees) Regulations and shall come into operation on the 26th August, 1994.

2. The fees levied for services under the Act shall be as set out in the Schedule.

[L.N. 54/2008, r. 2, L.N. 8/2010, r. 2.]

3. The fees prescribed by these Regulations include the provision of the photostat copy prescribed by the Act.

4. The Government miscellaneous receipts shall be issued upon payment of the fees for services levied under the Act.

[L.N. 54/2008, r. 3, L.N. 8/2010, r. 3.]

SCHEDULE

FEES

[L.N. 8/2010, r. 4.]

		Fees KSh.
(a)	For every document presented for registration	500
(b)	For every personal search	1,000
(c)	On appeal to the Principal Registrar from an order refusing to register or cancelling a registration under section 34 of the Act	500
(d)	For attendance by any officer of the registry at any place outside the registration office (per day or part thereof of the absence from the registry and the expenses incurred)	2,500
(e)	On re-submission for registration of any document previously rejected because of an error therein or failure to comply with any prerequisite of registration (per document)	500
(f)	For every copy of a registered document or abstract folio—	

Registration of Documents

[Subsidiary]

- | | | |
|-----|--|--|
| | (i) Where the number of pages or folios does not exceed five | 100 per of copy such pages or folios |
| | (ii) Where the number of pages or folios exceed five | 100 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 |
| (g) | For every copy of a registered plan (per sheet of such plan) | 200 |
| (h) | For any act or thing not otherwise provided for | 1,000 |

5. The Registration of Documents (Fees) Regulations, 1988, are revoked.
