

**THE LAND (PERPETUAL SUCCESSION)
(AMENDMENT) ACT, 1980**

No. 2 of 1980

Date of Assent: 25th April, 1980

Date of Commencement: 2nd May, 1980

**An Act of Parliament to amend the Land (Perpetual
Succession) Act and extend its application**

ENACTED by the Parliament of Kenya as follows:—

Short title.

1. This Act may be cited as the Land (Perpetual Succession) (Amendment) Act, 1980.

Amendments
to long title of
Cap. 286.

2. The Land (Perpetual Succession) Act, hereinafter called the principal Act, is amended by deleting from the long title the words—

- (a) “associations of persons”, and substituting “trustees”; and
- (b) “succession to land”, and substituting “ownership of property”.

Change of
short title.

3. Section 1 of the principal Act is amended by deleting “Land (Perpetual Succession) Act” and substituting “Trustees (Perpetual Succession) Act”.

Insertion of
new section 1A.

4. The principal Act is amended by inserting the following new section—

Inter-
pretation.

1A. In this Act, unless the context otherwise requires—

“constitution” means the rules, regulations, terms and documents relating to the objects of a trust and regulating the affairs thereof and the appointment of trustees and other officers thereof;

“trustees” includes a sole trustee.

Amendments to
section 2.

5. Section 2 of the principal Act is amended—

(a) by deleting subsection (1) and substituting the following—

(1) Trustees who have been appointed by any body or association of persons established for any

religious, educational, literary, scientific, social, athletic or charitable purpose, or who have constituted themselves for any such purpose, may apply to the Minister in the manner provided in this Act for a certificate of incorporation of such trustees as a corporate body.;

(b) in subsection (2)—

(i) by deleting “such body or association of persons” in the second and third lines and substituting “the trust concerned”;

(ii) by deleting “the land” in the ninth line and substituting “movable or immovable property”;

(iii) by deleting “land” in the tenth line and substituting “property”;

(c) by deleting subsection (3) and substituting the following—

(3) The trustees shall thereupon become a body corporate by the name described in the certificate, and shall have perpetual succession and a common seal, and power to sue and be sued in such corporate name and, subject to the conditions and directions contained in the certificate, to hold and acquire, and by instruments under the common seal to convey, transfer, assign, charge and demise any movable or immovable property or any interest therein now or hereafter belonging to, or held for the benefit of, the trust concerned in the same manner and subject to such restrictions and provisions as trustees might so do without incorporation.

6. The principal Act is amended by repealing section 3 and substituting the following—

Property to
vest in body
corporate.

3. The certificate of incorporation shall vest in the body corporate all movable and immovable property and any interest therein belonging to or held by any person or persons for the benefit of the trust concerned.

Repeal and
replacement
of section 3.

7. Section 5 of the principal Act is amended—

(a) by deleting subsection (1) and substituting the following—

(1) Before a certificate of incorporation is granted the trustees shall have been effectually

Amendments to
section 5.

appointed or constituted to the satisfaction of the Minister, and where a certificate of incorporation has been granted vacancies in the number of trustees shall from time to time be filled so far as is required by the constitution of the trust concerned, or by any conditions or directions inserted by the Minister under subsection (2) of section 2, by such legal means as would have been available for the appointment of new trustees if no such certificate had been granted, or otherwise as shall be required by such conditions or directions;

(b) by deleting subsection (3) and substituting the following—

(3) Within one month after the expiration of each period of one year after the grant of a certificate of incorporation a return shall be made to the Minister by the trustees of the names and addresses of the trustees at the end of each such period.

Amendment to section 7.

8. Section 7 (1) of the principal Act is amended by deleting “for the time being of any body or association of persons in respect of which” in the first and second lines and substituting “in respect of whom”.

Amendment to section 9.

9. Section 9 of the principal Act is amended by deleting “or trustee as trusts of the said body or association of persons” and substituting “as terms of the trust concerned”.

Amendment to section 11.

10. Section 11 of the principal Act is amended—

(a) by deleting “the trustees or trustee of any association or body of persons” in the first and second lines and substituting “any trustees”;

(b) by deleting “land” in the third line and substituting “movable or immovable property”;

(c) by deleting “such body or association of persons” in the sixth line and substituting “the trust concerned”.

Amendment to section 14A.

11. Section 14A of the principal Act is amended by adding to subsection (2) the following proviso—

Provided that this subsection shall not apply where such corporate body is wound up under the provisions of section 33 of the Societies Act.

12. The Schedule to the principal Act is amended—Amendment to
the Schedule.

- (a) in the first paragraph, by deleting “the body or association of persons” and substituting “the trust concerned”;
- (b) by deleting the second and third paragraphs and substituting the following—

A statement and short description of the property or interest therein which at the date of application is held or intended to be held by the trustees.

A statement as to whether the trust concerned is a society registered or exempted from registration under the Societies Act, or is incorporated under the Companies Act, together with the relevant certificate of registration, exemption or incorporation.

Cap. 108.

Cap. 486.

The names and addresses of the trustees.
