

LEGAL NOTICE NO. 131

THE LAND ACT, 2012

(No. 6 of 2012)

THE LAND (AMENDMENT) REGULATIONS, 2020

IN EXERCISE of the powers conferred by section 160 of the Land Act, 2012, the Cabinet Secretary for Lands and Physical Planning makes the following Regulations—

THE LAND (AMENDMENT) REGULATIONS, 2020

1. These Regulations may be cited as the Land (Amendment) Regulations, 2020. Citation.

2. The Land Regulations, 2017, in these Regulations, referred to as the principal Regulations, are amended in regulation 2 by inserting the following new definitions in proper alphabetical sequence—

“authorised user” means a person who has been granted permission to access, query on any information or submit any information or document in relation to a transaction under these Regulations;

“Chief Land Registrar” means the Chief Land Registrar appointed under section 12 of the Act;

No. 3 of 2012

“electronic” means anything relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities;

“electronic form” means any information generated, sent, received or stored in magnetic, optical, computer memory, microfilm or similar device;

“System” means the National Land Information System developed pursuant to paragraph 6 (h) Act; and

“user” means a person who has created an online electronic account for access or submission of information by electronic means in the System, and may include a property owner or a professional.

3. Regulation 3 (1) of the principal Regulations is amended by inserting the words "in physical or electronic form" immediately after the word "land".

4. Regulation 4 of the principal Regulations is amended by—

- (a) inserting the word "to" between the words "pursuant" and "section" appearing in paragraph (1).
- (b) inserting the words "in physical or electronic form" appearing immediately after the word "resources" in paragraph (1).

5. Regulation 6 of the principal Regulations is amended by inserting the following new paragraph immediately after paragraph (4)—

(5). Any notification and written feedback under this regulation may be given in electronic form.

6. Regulation 8 of the principal Regulations is amended—

- (a) in paragraph (1) by inserting the words "in electronic form" immediately after the word "inventory".
- (b) by inserting the following new paragraph immediately after paragraph (6)—

(7) Any submission of the inventory and the issuance of notices under this regulation may be done in electronic form.

7. Regulation 9 of the principal Regulations is amended—

- (a) in paragraph (1) by inserting the words "in electronic form" immediately after the words "county government";
- (b) by deleting paragraph (2) and substituting therefor the following new paragraph—

(2) Upon receipt of the application, the national government or relevant county government shall process the application whereupon the county government shall forward its recommendation to the Cabinet Secretary for grant of license to the successful applicant in Form LA 19 set out in the Third Schedule.

- (c) in paragraph (3) by deleting the word "Commission" and substituting therefor the words "Cabinet Secretary".
- (d) by inserting the following new paragraph immediately after paragraph (3)—

(4) The fees payable under any license shall be paid to the national government or relevant county government where applicable.

- (e) by inserting the following new paragraph immediately after paragraph (4)—

(5) Any applications under this Regulation may be made in electronic form.

8. Regulation 10 of the principal Regulations is amended by adding a new paragraph immediately after paragraph (2)—

(3) The notice issued under paragraph (1) may be made in electronic form.

9. Regulation 11 of the principal Regulations is amended by—

(a) deleting the word "Commission" wherever it appears and substituting therefor the words "Cabinet Secretary".

(b) deleting paragraph (2) and substituting therefor the following new paragraph—

(2) Land rent shall be payable to the national government or relevant county government, whichever is the head lessor.

(c) deleting paragraph (3).

10. The principal Regulations are amended by deleting regulation 12.

11. Regulation 13 of the principal Regulations is amended—

(a) by deleting the word "Commission" wherever it appears and substituting therefor the words "Cabinet Secretary".

(b) in paragraph (4) by deleting paragraph (b).

(c) by adding a new paragraph immediately after paragraph 13 (6)—

(7) The processing of applications under this regulation for purposes of consent to transfer, sublease or charge may be made in electronic form.

12. Regulation 14 of the principal Regulations is amended by adding the following new paragraph immediately after paragraph (6)—

(7) An application made under this regulation for purposes of notification may be made in electronic form.

13. Regulation 15 of the principal Regulations is amended—

(a) by deleting paragraph (3) and substituting therefor the following new paragraph—

(3) Upon receipt of the original title document and cadastral map and plan from the authority responsible for survey, the Commission shall forward the documents to the Cabinet Secretary for preparation and issuance of a lease for a term of ninety-nine years in the name of the registered proprietor.

(b) in paragraph (4) by deleting the word "Commission" and substituting therefor with the words "Cabinet Secretary".

(c) by adding the following new paragraph immediately after paragraph (6)—

(7) Any application made under this Regulation for purposes of conversion of tenure may be made in electronic form.

14. The principal Regulations are amended by deleting regulation 16 and replacing it with the following new regulation—

16. (1) An application for subdivision, amalgamation, partition and reparation of freehold land shall be submitted in electronic form to the relevant county government and shall be processed and approved in accordance with the laws relating to physical planning.

(2) The county government shall ascertain the viability of the subdivision, amalgamation, partition and reparation and shall in that regard seek representations, in physical or electronic form, from the relevant authorities including but not limited to—

- (a) officer representing the national Director of Surveys at the county;
- (b) officer representing the national Director of Physical Planning at the county;
- (c) the land administration officer of the national government at county;
- (d) representative of the Land Control Board, where applicable; and
- (e) any other relevant authority.

(3) Upon receipt of representations sought under paragraph (2), the relevant county government may grant development permission within thirty days and subsequently forward a copy of the same to the Cabinet Secretary in physical or electronic form.

(4) Where development permission sought as contemplated under paragraph (2) is denied, the relevant county government shall notify the applicant of its decision, in writing, within thirty days of the decision by physical or electronic means stating the reasons for refusal.

(5) Upon fulfilment of the requirements in paragraphs (2) and (3), the applicant shall cause a survey to be carried out and submit a cadastral map and plan to the Chief Land Registrar for registration and issuance of resultant title.

(6) The Chief Land Registrar shall decline to register a document where development permission has been denied.

(7) The applicant shall be required to submit the existing certificate of title to the Chief Land Registrar in exchange for a new one.

15. The principal Regulations are amended by deleting regulation 17 and replacing it with the following new Regulation—

17. (1) An application for subdivision, amalgamation, partition and reparation of leasehold land shall be submitted to the county government in physical or electronic form.

(2) The county government shall, before granting approval for subdivision, amalgamation, partition and reparation, seek representations in physical or electronic form from—

- (a) the officer representing the National Director of Surveys in the county;
- (b) the officer representing the National Director of Physical Planning in the county;
- (c) the land administration officer of the national government in the county;
- (d) the Land Control Board, where applicable; and
- (e) any other relevant authority.

(3) Upon receipt of the representations sought under paragraph (2), the county government may within thirty days, grant or refuse to grant the application.

(4) Where the application is not granted, the county government shall notify the applicant of the decision in writing by physical or electronic means within thirty days and set out the reasons for the refusal.

(5) The county government shall forward an approval granted under paragraph (5) to the Cabinet Secretary by physical or electronic means who shall—

- (a) cause the land to be re-surveyed and geo-referenced;
- (b) cause the land to be revalued in order to ascertain the land rent payable and other requisite fees; and
- (c) prepare subdivision, amalgamation, partition and reparation approval letters
- (d) prepare the subsequent lease and forward it to the Chief Land Registrar for registration in Form LA 29 as set out in the Third Schedule.

(6) The applicant shall be required to submit the existing certificate of lease to the Chief Land Registrar in exchange for a new one.

16. The principal Regulations are amended by deleting regulation 18 and replacing it with the following new Regulation—

18. (1) An application for change or extension of user on freehold land shall be submitted to the relevant county government by physical or electronic means.

(2) Upon receipt of the application, the county government shall ascertain the viability of the application and seek representations by physical or electronic means from relevant authorities including—

- (a) the officer representing the national Director of Surveys in the county;
- (b) the officer representing the national Director of Physical Planning in the county;

- (c) the land administration officer of the national government in the county;
- (d) the Land Control Board, where applicable; and
- (e) any other relevant authority.

(3) Upon receipt of the representations sought under paragraph (2), the county government may, within thirty days, approve or refuse to approve the application.

(4) Where the approval for development is not granted, the relevant county government shall notify the applicant of the decision in writing by physical or electronic means within thirty days and specify the reasons for refusal.

(5) Where the development permission is granted, the relevant county government shall forward the approval to the Cabinet Secretary in physical or electronic form for processing.

(6) On receipt of the approval from the county government under paragraph (5), the Cabinet Secretary shall cause an endorsement to be prepared in Form LA 30 set out in the Third Schedule which shall be forwarded to the Chief Land Registrar for noting in the register and the original certificate of title.

17. Regulation 19 of the principal Regulations is deleted and substituted therefor the following new Regulation—

19. (1) An application for change or extension of user on leasehold land shall be submitted to the relevant county government by physical or electronic means.

(2) Upon receipt of the application, the relevant county government shall ascertain the viability of the application and may seek representations by physical or electronic means from the relevant authorities including—

- (a) the officer representing the national Director of Surveys in the County;
- (b) the officer representing the national Director of Physical Planning in the County;
- (c) the land administration officer of the national government in the County;
- (d) the Land Control Board, where applicable; and
- (e) any other relevant authority.

(3) Upon receipt of the representations sought under paragraph (2), the relevant county government may, within thirty days, approve or refuse to approve the application.

(4) Where the approval for development is not granted, the relevant county government shall notify the applicant of its decision in writing, by physical or electronic means within thirty days and specify the reasons for the refusal.

(5) The county government shall forward the approval in physical or electronic form to the Cabinet Secretary, who shall—

- (a) cause the land to be re-surveyed and geo-referenced, where applicable;
- (b) cause the land to be revalued to ascertain the land rent payable and other requisite fees;
- (c) prepare the lease and forward it to the Chief Land Registrar for registration in Form LA 29 as set out in the Third Schedule.

18. Regulation 21 of the principal Regulations is amended by—

- (a) deleting paragraph (2) and substituting therefor the following new paragraph—
- (2) An application under paragraph (1) may be made in electronic form and shall be accompanied by proof of compliance with the special conditions on the lease where applicable.
- (b) adding the following new paragraph immediately after paragraph (6)—
- (7) The processing of applications under this Regulation for purposes of consent, may be made in electronic form.

19. The principal Regulations is amended by inserting the following new Part immediately after Part IV—

#### PART IVA—ELECTRONIC LODGING

21A. (1) There shall be a user account created for every User accounts. authorised user for purposes of electronic lodgement of documents.

(2) The authorised user provided for under paragraph (1) shall receive credentials for use in logging into the System.

21B. A user shall—

Users' obligations.

- (a) carry out such transactions as may be authorised under these Regulations;
- (b) be responsible for the security of the user's details for purposes of any transaction under these Regulations;
- (c) not distribute, sell or combine any information accessed through the System; and
- (d) not copy, exchange, disclose or use the land related information accessed from the System for any other purpose other than for purposes of the transactions under these Regulations.

20. (1) The First Schedule to the principal Regulations is amended by—

- (a) deleting Form LA 24 and Form LA 25.
- (b) deleting forms 12, 13, 14, 19, 20, 22, 26, 27, and 29 and substituting therefor the corresponding forms in the Schedule.

## SCHEDULE

FORM LA. 12

(r. 36(2))

## REPUBLIC OF KENYA

## INDENT FOR CADASTRAL MAP AND PLAN

File Reference Number .....

To.

The Director of Surveys

Date:.....20.....

RE: Parcel Number.....

Your Ref. ....F/R.....

Please Supply Cadastral Map/Plan(s) for: Surrender

Lease

Conversion

Consolidation

Amalgamation

Extension of Lease

Renewal of lease

Change of User

Extension of user

.....

Officer Indenting

For Cabinet Secretary.

S.R.O. Name &amp; Signature Date F/R

Report

Cadastral Map No. Cadastral Plan No.

S.H

Data

D.O.

Preparation

Ch/D

Checking

D/S.

S.R.O.

CP&amp;CM

Signature

Blue – print Forwarded

Forwarded

REMARKS:



FORM LA. 13

(r. 36(3))

The Land Act, 2012

(to be completed in quadruplicate)

Presentation Book Date received for registration:

Registration Fees: Ksh. .... Paid

No. 20.....,20.....

Receipt No. ....

REPUBLIC OF KENYA

THE LAND ACT, 2012

LEASE

REGISTRATION UNIT: .....

TITLE No. ....

KNOW ALL PERSONS BY THESE PRESENTS the Cabinet secretary on behalf of the County

Government...../National Government in consideration of the sum of shillings.....

HEREBY LEASES TO:

.....

(herein after called "the lessee") ALL THAT piece of land situated in

.....comprised in the above-mentioned title containing by

measurement approximately.....Hectares

the said parcel of land with the dimensions, abutments and boundaries thereof as delineated on the plan annexed hereto and more particularly on the Cadastral Plan Number ..... deposited in the office of Director of Surveys for the term of.....years from the.....day of

.....20.....

at the annual rent of.....payable in advance on the first day of January in each year and subject to the provisions of the

Land Act No. 6 of 2012 and the following special conditions:

SPECIAL CONDITIONS

1. No buildings shall be erected on the land nor shall additions or external alterations be made to any buildings otherwise than in conformity with the plans and specifications previously approved in writing by the County Government. The County Government shall not give its approval unless it is satisfied that the proposals are such as to develop the land adequately and satisfactorily.

2. The Lessee shall within six (6) calendar months of the actual registration of the lease submit in triplicate to the County Government building plans (including block plans showing the positions of the buildings and system of drainage for the disposal of the sewage, surface and sullage water), drawings, elevations and specifications of the

buildings the Lessee proposes to erect on the land and shall within 48 months of actual registrations of the lease complete the erection of such buildings and the construction of the drainage system in conformity with such plans, drawings, elevations and specifications as amended (if such be the case) by the County Government.

PROVIDED that notwithstanding anything to the contrary contained in or implied by the Land Act, 2012, if default shall be made in the performance or observance of any of the requirements of this condition it shall be lawful for the National and County Governments to re-enter into and upon the land or any part thereof in the name of the whole and thereupon the term hereby created shall cease but without prejudice to any right of action or remedy of the county government or National government in respect of any antecedent breach of any conditions herein contained.

3. The Lessee shall maintain in good and substantial repair and conditions all buildings at any time erected on the land.

4. Should the Lessee give notice in writing to the County government or National government that the lessee is unable to complete the buildings within the period aforesaid the County government or National government shall at the lessee's expense accept a surrender of land comprised herein PROVIDED FURTHER that if such notice is aforesaid shall be given (1) within twelve months of the actual registration of the Lease, the County government or National government shall refund to the lessee fifty per centum of the stand premium paid in respect of the land or (2) at any subsequent time prior to the expiration of the said period to the County government or National government shall refund the Lessee twenty-five per centum of the said stand premium. In the event of notice being given after the expiration of the said building period no refund shall be made.

5. The land and buildings shall only be used for ..... purposes.

6. The land shall be developed in accordance with the approved development plans.

7. The land shall not be used for any purpose which the County government or National government considers to be dangerous or offensive

8. The Lessee shall not subdivide, change or extend use of the land, without prior written consent of the county government and any other applicable regulatory authority.

9. The Lessee shall not sell, transfer, sublet, charge or part with possession of the land or any part thereof or any building thereon except with prior consent in writing of the County government or National government. No application of such consent (except in respect of a loan required for building purposes) will be considered until Special Condition No. 2 has been performed.

10. The Lessee shall from time to time pay to the County Government on demand such proportion of the cost of maintaining all roads and drains serving or adjoining the land as the County Government may assess.

11. The Lessee shall pay such rates, taxes, charges, duties, assessments or outgoings of whatever descriptions as may be imposed charged or assessed by the National and County Government upon the land or the buildings erected thereon, including any contribution or other sum paid by the County government or National government in lieu thereof.

12. The County government or National government or such person or authority as may be appointed for the purpose shall have the right to enter upon the land and lay and

have access to water main service pipes and drains, telephone wire, fiber optic and electric mains of all descriptions whether overhead or underground and the Lessee shall not erect any buildings in such a way as to cover or interfere with any existing alignments of main or services pipes or fiber optic or telephone wires and electric mains.

13. The County government or National government reserves the right to revise the annual ground rent payable here- under at the expiration of every ten years of the term. Such rental shall be at a rate to be determined by the County government or National government of the unimproved value of the land as at the end of every tenth year of the term.

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

\*Sealed with the common Seal of the Cabinet Secretary

Signed by

.....

On behalf of Cabinet Secretary

SIGNED by the Lessee in the presence of:

SIGNATURE:.....

ID/ PASSPORT NO:.....

PIN NO:.....

I CERTIFY that the above-named appeared before me on the ..... day of....., 20..... and being known to me/being identified by ..... acknowledged the above signature or marks to belong to the lessee and that the lessee freely and voluntarily executed this instrument and understood its contents.

.....

Signature of the Magistrate/ or Commissioner of Oaths/or Notary Public

REGISTERED this .....day of ....., 20....

Name..... Signature and Number.....

Land Registrar

DRAWN BY:

The Cabinet Secretary

PO Box 30450-00100

NAIROBI

\*Delete whichever is not applicable

FORM LA. 14

(r. 36 (5))

REPUBLIC OF KENYA

THE LAND ACT, 2012

SUBMISSION OF LEASE DOCUMENT TO THE CHIEF LAND REGISTRAR

To: The Chief Land Registrar

Date.....

RE: .....

HEREWITH find Lease Document (in triplicate) for the above-mentioned parcel of land duly signed and executed by both the Lessor and the Lessee for registration purposes

Registration fees of KSh..... Has been paid vide Receipt

No.....of.....

Signed.....

For Cabinet Secretary,

CC.

Owner .....(please call upon the Land Registrar for collection of your Certificate of

Lease).

Made on the ....., 20

Designated officer authorized by the Cabinet Secretary.

FORM LA. 19

(r. 9(2))

THE MINISTRY OF LANDS AND PHYSICAL PLANNING

Temporary Occupation Licence

AN AGREEMENT made this ..... day of ..... Two thousand and.....BETWEEN the Cabinet Secretary or the County government, as the case may be(hereinafter referred to as “the Licensor”) of ..... of the one part and (Full Name..... IDNo..... PIN No..... and Address.....) (hereinafter referred to as “the Licencee”) of the other part whereby the Licensor in pursuance of the powers conferred under sec 20(1) Land Act licences and the licensee agrees to occupy all that piece of land \*shown edged red on the enclosed Plan No. .... being \*Plot No.....(where unsurveyed) or Parcel No. .... situated in.....measuring.....for the purpose of.....

for the term of ..... months/years from the date hereof and thereafter until determined as hereinafter provided at the \*monthly/quarterly/yearly rental of Sh. .... Payable in advance on the first day of every\*month/quarter/year.

If the aforesaid rent or any part thereof is unpaid for one calendar month after the same has become due or if the licensee commits any breach of or fail to perform any of the conditions set out here-under this licence shall thereupon cease and determine and the Licensor or any other person authorized on behalf of the County/National government may re-enter upon the land or any part thereof.

This licence may be determined at any time after the expiration of the nine (9) months by either party giving to the other three calendar months’ notice in writing and is subject (save where expressly herein otherwise provided) to the provisions of the Land Act No. 6 of 2012 and to the special conditions and other matters stated here below.

SPECIAL CONDITIONS

- (i) The Licencee shall comply with and conform to development permission requirements granted by the relevant county government and all applicable laws.
- (ii) The Licencee shall not sell, transfer, sublet or charge the land or any part thereof except with the prior consent in writing of the Commission.
- (iii) The Licencee shall pay such rates, taxes, charges, duties, assessments or outgoings of whatever description as may be imposed, charged or assessed by Commission upon the land or the

buildings erected thereon including any contribution or other sum paid by the..... in lieu thereof.

- (iv) The Licencee shall maintain the plot in a clean and tidy condition and in such condition deliver it up at the determination of the licence.

\*Delete unnecessary words

P.T.O

For further special conditions, if any, see attached sheet.

Signed by the said .....

in the presence of:.....

..... Licencee

Stamp

Signed for and on behalf of the Cabinet Secretary

.....

Name.....

Designation.....

Form of Transfer

Name: .....

Address: .....

ID No/Certificate Of Incorporation No

.....

PIN: .....

hereby transfer all my rights, and interest in the within written licence to: .....

Name: .....

Address:

ID No/Certificate of incorporation No.....

PIN No: .....

In consideration of the sum of Kshs .....

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

Signed by the said .....

in the presence of: .....

Licencee

Signed by the said .....

in the presence of- .....

transferee

Witness

The Cabinet Secretary hereby grants consent to the above transfer.

Dated this ..... Day of ....., 20.....

FORM LA. 20

(r. 9(3))

REFERENCE NUMBER.....

REPUBLIC OF KENYA

MINISTRY OF LANDS AND PHYSICAL PLANNING

APPLICATION FOR CONSENT TO TRANSFER TEMPORARY LICENCE

(To be submitted in TRIPLICATE in respect of each transaction and sent to or deposited at the appropriate office of the cabinet secretary or such other office as the cabinet secretary may designate)

To: Cabinet Secretary

Date.....

TOL Reference No.....

I HEREBY apply for consent to transfer the above temporary licence and provide the following details-

1. Current registered owner details in BLOCK LETTERS

Name.....

ID. No. .... Certificate of Incorporation No.....PIN .....

Postal Address.....Physical Address.....

2. Proposed transferee (Details in BLOCK LETTERS)

Name.....

ID. No. .... Certificate of incorporation No..... PIN .....

3. Licence fees clearance certificate number.....(attach Duplicate)

For Official use (only)

(a) Consent fee Receipt No.....

(b) Consent issued/ Not issued.....

(c) Reason(s) for refusal to grant consent.....

.....

.....

(d) Name and Signature of Authorised Officer.....

FORM LA. 26

(r.13(1))

REFERENCE NUMBER.....

REPUBLIC OF KENYA

APPLICATION FOR CONSENT TO TRANSFER/ SUBLEASE/ CHARGE PUBLIC LAND

(To be submitted in TRIPLICATE in respect of each transaction and sent to or deposited at the appropriate office of the County government/National government)

To: Cabinet Secretary/CEC member

Date.....

I HEREBY apply for consent for the following transaction-

Nature of Transaction      Tick as Appropriate

- 1 Lease
- 2 Charge
- 3 Transfer
- 4 Other (Specify)

1. Current registered owner details in BLOCK LETTERS Name.....

ID. No. .... Certificate of Incorporation No.....

PIN .....

Postal Address.....

Physical Address.....

2. Description of land -

Title No. ....

Correspondence File No. (if known).....

Locality.....County/City/Town/.....

..... Nature of development .....

3. Proposed purchaser, transferee, chargee, tenant, lessee etc, (Details in BLOCK LETTERS) Name.....ID. No. ....

Certificate of incorporation No..... PIN .....

4. Annual Rent clearance certificate number.....(attach Duplicate)

5. In case the application is made by a Law Firm /Agency on behalf of the registered owner:

(i) Name of Firm/Agency.....

(ii) Name of Advocate/Agent.....

(iii) Signature.....

(iv) Official stamp of the firm/Agent.....

6. In case the applicant is the owner-



- (a) Name.....
- (b) ID No. /Certificate of incorporation No (attach copy of ID).....
- (c) PIN No.....
- (d) Signature.....
- (a) Consent fee Receipt No.....
- (b) Consent issued/ Not issued.....
- (c) Reason(s) for failure to grant consent.....
- .....

Name and Signature of Authorised Officer.....

FORM LA 27

(r. 13(4)(a))

SERIAL NO .....

REPUBLIC OF KENYA  
CONSENT CERTIFICATE FOR PUBLIC INSTITUTIONS  
(Sec 87, Reg.61)

Ref. No. ....

To. ....

.....

.....

Dear Sir/ Madam,

Nature of Transaction(s).....

Parcel No.....

With reference to your application dated.....day of.....20..

Consent is hereby given in respect of the above-mentioned transactions.

.....

Name and Signature of Authorised Officer

This certificate is issued without erasure or alteration.

FORM LA. 29

(r. 17(6), 19(7))

REPUBLIC OF KENYA

SUBMISSION OF LEASE DOCUMENT TO THE CHIEF LAND REGISTRAR

To: The Chief Land Registrar

Date.....

RE: .....

HEREWITH find Lease Document (in triplicate) for the above mentioned parcel of land duly signed and executed by both the Lessor and the Lessee for registration purposes

Registration fees of KSh.....has been paid vide Receipt No.....of.....

.....

Name and Signature of Authorised Officer

CC

Owner .....(please call upon the Land Registrar for collection of your Certificate of Lease)

Dated the 9th July, 2020.

FARIDA KARONEY,  
*Cabinet Secretary for Lands and Physical Planning.*

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