

intention to acquire land, unless the additions or improvements were necessary for the maintenance of any building in proper state of repair.

6. The Commission shall add a sum equal to fifteen per cent of the market value to the amount of compensation as compensation for disturbance.

Additional
compensation.

Dated the 21st November, 2017

MUHAMAD SWAZURI,
Chairperson, National Land Commission.

LEGAL NOTICE NO. 284

THE LAND ACT

(No. 6 of 2012)

IN EXERCISE of the powers conferred by section 12(11) of the Land Act, 2012, the National Land Commission makes the following regulations—

THE LAND (ALLOCATION OF PUBLIC LAND) REGULATIONS,
2017

PART I—PRELIMINARY

1. These Regulations may be cited as the Land (Allocation of Public Land) Regulations, 2017.

Citation.

2. In these Rules unless the context states otherwise requires—

Interpretation.

“ballot paper” means an instrument picked by applicants to determine successful persons in land allocation process;

“base map” means a topographical map depicting the natural and man-made features of the land;

3. (1) Pursuant to section 12(1) of the Act, the Commission shall upon the request of the national or a county government, where necessary, allocate the whole or part of a specific public land, by—

Methods of
allocation of public
land.

- (a) public auction;
- (b) application confined to a targeted group of persons or groups;
- (c) public notice of tenders;
- (d) public drawing of lots;
- (e) public request for proposals; and
- (f) public land exchange of equal value.

(2) In determining the method of allocation the Commission shall, in consultation with the national government or respective county Government as the case may be, take into consideration all prevailing circumstances including the purpose for the allocation.

PART II—PUBLIC AUCTION

4. The Commission shall, after giving notice in accordance with section 14 of the Act, appoint a licensed auctioneer, by name, as its agent, for all or each parcel of land available for auction.

Commission to
appoint auctioneer

5. The Commission shall publish a notice in at least two daily newspapers of nation-wide circulation, one local newspaper and affix the notice at the county, sub-county and ward offices, specifying—

Notice of the
auction.

(a) the date of the auction which shall be at least one month from the date of the publication of the notice;

(b) the description of the land;

(c) the reserve price being the stand premium;

(d) the date, time and venue of the auction;

(e) the amount to be paid at the fall of the hammer; and

(f) the terms and conditions of allocation.

6.(1) Every auction shall be conducted by an agent appointed under regulation 4 in the presence of an authorized officer of the Commission.

Conduct of the
auction.

(2) The agent shall declare as winner the name of the highest bidder if the bid is higher than the reserve price.

(3) The winner of the bid shall, at the fall of the hammer, pay to the Commission the full amount of the bid or percentage specified in the notice.

(4) Notwithstanding paragraph (3) the amount to be paid at the fall of the hammer shall be at least twenty-five per cent of the stand premium.

(5) The agent shall immediately on the fall of the hammer issue a certificate of sale in Form LA 4 set out in the Schedule signed by the agent to the winner of the bid and the Commission as evidence of the sale.

(6) The winner of the bid shall present the certificate issued under paragraph (5) to the Commission for issuance of the letter of allotment in Form LA 5 set out in the Schedule and pay the outstanding balance within ninety days.

7. If the reserved price is not met by the bidders, the agent shall declare that fact and the auction shall be repeated on subsequent occasions until a winner is found.

Procedure when the
reserve price is not
met.

8. The Commission shall ensure that the process under this Part complies with the Public Procurement and Asset Disposal Act, 2015.

Compliance with
public procurement
requirements.
No. 33 of 2015.

PART III—ALLOCATION TO TARGETED GROUP OF PERSONS

9. (1) Where the national or county government is satisfied that it is necessary to allocate land to a targeted group in order to ameliorate the group's disadvantaged position pursuant to section 12(1)(b) of the Act, the national government or county government shall, after giving

Vetting of targeted
group of persons.

notice in accordance with section 14 of the Act, vet the targeted group to ascertain the nature of the group's disadvantaged position.

(2) In order to ascertain the disadvantaged position of the group the national or county government shall consider—

- (a) aspects of gender and equity;
- (b) persons with disabilities within the group;
- (c) social imbalances and injustices against the group;
- (d) historical injustices against the group; and
- (e) economic and cultural marginalization against the group.

(3) The national or county government shall prepare a report on the disadvantaged nature of the group and recommend allocation of the identified land to ameliorate the group's disadvantaged position.

(4) The Commission shall study the report and if satisfied reserve the recommended land to be implemented under section 134 of the Act.

PART III—ALLOCATION BY WAY OF TENDERS

10. The Commission shall, after giving notice in accordance with section 14 of the Act, invite bids for tenders by publishing a notice in Form LA 6 set out in the Schedule at the county, sub-county and ward offices and in two daily newspapers of nationwide circulation and one local newspaper at least two months before the date of the opening of the bids.

Commission to invite bids.

11. The notice inviting the bids shall, with respect to each tender, specify—

Details of the notice inviting bids.

- (a) the sale number;
- (b) bidding information including—
 - (i) the particulars of the parcel or parcels on offer;
 - (ii) the date and time for submission of the bid registration form;
 - (iii) the bid submission closing date and time;
 - (iv) the bid opening time; and
 - (v) the reserve price;
- (c) a schedule of the list of properties with the item number for bidder reference;
- (d) place and time to inspect land;
- (e) bidder registration requirement as well as contact person(s) or place(s) and times at which bidders can register and obtain bid forms; and
- (f) any other specific terms and conditions of sale.

12. (1) Every bid shall be submitted in a sealed envelope.

Receipt of the bids.

(2) The sealed envelope containing the bid shall be placed in a closed and sealed box provided for that purpose.

(3) Where a bid is received by an officer authorized to receive the bids, the officer shall, upon receipt, stamp the sealed envelope with an official date stamp and shall place it a closed and sealed box provided for that purpose.

13. (1) Upon the closing of the bids, the authorized officer of the Commission shall empty the sealed box containing the bids.

Closing of bids.

(2) Bids shall be opened in the presence of the bidders.

14.(1) The bids shall be numbered consecutively and the word "last" endorsed on the last bid and initialed by the authorized officer and witnessed by at least one other member of the Commission.

Commission to prepare list of bids and the bidders.

(2) The authorized officer of the Commission and at least one other member of the Commission shall prepare and sign a list of the bids showing the number of the bid and the name of the bidder.

(3) Upon preparation and signature of the list prepared under paragraph (2)—

- (a) the original list shall be retained by the authorized officer for eventual incorporation in the minutes;
- (b) the duplicate list shall be retained by the witnessing member; and
- (c) the triplicate list shall be forwarded to the accounting officer of the county government or national government, as the case may be.

15.(1) The Commission shall meet within two official working days of the date of opening of the bids to select the winning bid.

Selection of the winning bid.

(2) Where the Commission is of the opinion that it was not in the public interest to award the tender to the highest bidder, the Commission shall reject the bid and reasons for the rejection be recorded in the minutes.

(3) Minutes of the meetings held for the purposes of selecting winning bids shall be recorded by the secretary and signed by the chairman.

16. (1) Within seven days of the meeting of the Commission, the secretary shall notify the successful bidder of their success and shall also notify every unsuccessful bidder of the rejection of their bids and the details of the successful bid.

Notification of the successful bidder.

(2) The Commission shall issue a letter of allotment in Form LA 5 set out in the Schedule to the successful bidder.

17. The successful bidder shall pay to the Commission the stand premium within ninety days of receipt of the Commission's letter of notification under regulation 16(1).

Payment of the purchase price.

18. (1). The Commission may cancel or amend the whole or part of a tender for the sale of any land at any time and for any reason.

Cancellation or amendment of tender.

(2) Without limiting the generality of paragraph (1), the Commission may cancel a tender if the Commission—

- (a) receives information of or suspects any collusion among bidders;
- (b) suspects the use of coercion or threats by a bidder or bidders to dissuade the submission of bids by others or to affect the contents of another bidders' bid; or
- (c) suspects any engagement in improper activity, by any person, in connection with the tender.

19. (1) Subject to paragraph (2), where the Commission shall not be liable for any costs or liabilities incurred by any bidder or third parties upon cancels the tender, the Commission shall not be held responsible for.

Commission not to be liable for any losses on cancellation.

(2) Upon the cancellation of a tender, the Commission shall, within fourteen days of the date of cancellation, refund all bid deposits received and any other funds received except for the non-refundable bid submission fee.

20. (1) A member of the Commission who has an interest in the tendering process before the Commission shall disclose that interest and exclude himself or herself, as the case maybe, from the process.

Disclosure of interest.

(2) A member of the Commission who fails to disclose any existing conflict of interest commits an offence.

21. The Commission shall ensure that the process under this part is in compliance with Public Procurement and Asset Disposal Act, 2015.

Compliance with public procurement requirements. No. 33 of 2015.

PART IV—ALLOCATION BY PUBLIC DRAWING OF LOTS

22. The Commission shall, after giving notice in accordance with section 14 of the Act, send notices inviting applications for allocation by public drawing of lots.

Invitation for public drawing

23. On receipt of the applications, the Commission shall review the applications and shortlist the applicants based on the following—

Commission to shortlist the applicants

- (a) in cases of industrial and commercial parcels, evidence of capacity to develop the parcel;
- (b) citizenship;
- (c) proof of prior possession of the land where applicable;
- (d) in case of residential parcels, preference will be given to residents of the particular urban area who have no other residential property; and
- (e) any other criteria set by the Commission.

24. (1) The Commission shall prepare lots equivalent to the number of the shortlisted applicants.

Preparation of lots.

(2) The lots to be used in the draw shall be in Form LA 7 set out in the Schedule and shall have the following particulars—

- (a) parcel number of the subject land for the affirmative lots, or the words 'not successful' for the negative lots;
- (b) blank spaces to fill in Name, ID number or Passport number of successful applicants; and
- (c) the name and signature of the presiding officer.

(3) The affirmative lots shall be equivalent to the available parcels of land.

25. (1) The balloting shall be conducted in public and witnessed by an officer from the national government or county government authority responsible for betting, as the case may be.

Balloting to be conducted in public.

(2) The presiding officer shall fill in the particulars of every successful allottee on the ballot paper and append his or her name and signature on the ballot paper.

(3) The presiding officer shall enter the particulars of the successful allottees in the register kept by the Commission.

(4) The Presiding officer shall issue a certificate to the successful applicant in Form LA 8 set out in the Schedule.

(5) the Commission shall compile a report on the balloting consisting of—

- (a) the minutes of the allocation process meeting;
- (b) a list of successful applicants; and
- (c) copies of notices.

26. (1) Upon the completion of the allocation processes the Commission shall issue letters of allotment to the successful applicants in Form LA 5 set out in the Schedule and publish a notice in two newspapers of nationwide circulation, one locally circulating newspaper where applicable, and at the headquarters of the respective county setting out—

Commission to issue letters of allotment and publish list of beneficiaries

- (a) a list of the beneficiaries;
- (b) a requirement of the beneficiaries to physically collect their letters of allotment from the Commission's County offices; and
- (c) the date and place where the allocation was done.

(2) The letter of allotment shall contain the details of the offer including—

- (a) the name, identification number and address of the allottee;
- (b) the particulars of the parcel of land on offer including the parcel number, size, location and term of lease;
- (c) the stand premium and any other fees payable;
- (d) the time within which to pay the stand premium and the fees; and

(e) applicable special conditions.

PART V – ALLOCATION THROUGH PUBLIC REQUEST FOR PROPOSALS

27. (1) The Commission may, at the request of the National or County Government and after giving notice in accordance with section 14 of the Act, invite the public for proposals for utilization or development of the land.

Commission to invite public proposals.

(2) The Commission shall—

- (a) notify the public by issuing at least thirty days' notice in two newspapers with nationwide circulation;
- (b) specify in the notice details, the terms of reference and requirements of the proposal; and
- (c) specify the mode, method and process of submission of the proposals.

(3) Upon receipt of proposals, the Commission shall determine viable proposals based on the specified criteria, prepare a report and submit it to the national or respective county government for consideration.

(4) The national or the respective county government shall consider the report to determine the suitable proposals and recommend the successful applicants to the Commission for allocation of land.

(5) The Commission shall issue letters of allotment in Form LA 5 set out in the Schedule to the successful applicants and notify the unsuccessful applicants accordingly.

28. (1) Pursuant to section 12(3) of the Act, the Commission shall upon the request by the national or a county government set aside land for investment purposes.

Setting aside land for investment purposes at the request of the county.

(2) The national government or a county government shall submit the request for the setting aside of the land to the Commission in Form LA 9 set out in the Schedule.

(3) In order to determine suitable land to be set aside for investment purposes, the Commission shall consider—

- (a) the size and suitability for investment;
- (b) the viability of relevant infrastructure; and
- (c) whether the proposed investment is in conforms with the approved development plans and development conditions for the land.

(4) The request shall be accompanied by a base map indicating the location of the land.

(5) The Commission shall satisfy itself that the land proposed for reservation does not fall in the categories set out in section 12(2) of the Act.

(6) The Commission shall initiate public consultations by placing a notice in, at least two daily newspapers of nation-wide circulation, one local newspaper and affix notices at the county, sub county and

ward offices inviting comments or objections on the intended setting aside of public land.

(7) The notice referred to in sub-regulation (6) shall—

- (a) contain a description of the land in issue;
- (b) specify the date, venue and time of the public consultations; and
- (c) allow for not less than thirty days period for making the representations.

(8) Upon receipt of the representations from the public on the intended reservation, the Commission shall—

- (a) analyze the representations and ascertain the general opinion of the public;
- (b) take into consideration all other matters required under this Act or any other law; and
- (c) determine whether based on the considerations referred to under paragraph (a) and (b) the setting aside ought to be approved.

29. (1) Where the Commission is satisfied that all the conditions set in regulation 28 have been met, the Commission shall advise the national or county government to undertake the planning, survey, geo-referencing and servicing of the land.

Allocation of land for investments

(2) Allocation of land to investors within the reserved land shall be in accordance with the Regulations depending on the mode of allocation.

30. (1) Where any public institution wishes to be allocated public land or is in actual occupation of the public land, the public institution shall apply to the Commission for the formalization of the allocation and registration in the name of the institution.

Application for allocation of land by a public body.

(2) In order to determine an application under paragraph (1), the Commission shall—

- (a) satisfy itself that there is merit in the application and that such land is available;
- (b) consult and seek views of the national or county government; and
- (c) require the land to be planned, surveyed, geo-referenced and the necessary services provided.

31. The Commission shall, subject to the law governing the management of public entities, issue letters of allotment—

Letters of allotment for public entities

- (a) in the case of an incorporated public entity, in the name of the entity or other body authorized by law;
- (b) in the case of unincorporated entity, the Cabinet Secretary to the National Treasury as trustee, or other body authorized by law;

- (c) in the case of county government, in the name of the county government or other body authorized by law; or
- (d) in accordance with the relevant national or county government law on registration of land.

32. (1) Allocation of land made under any of the repealed Acts may be regularized by the Commission at the request of the county governments pursuant to section 162(1) of the Act.

Regularizing of existing allocation in urban areas by defunct local authorities

(2) Without limiting the generality of the foregoing, the Commission if satisfied that an occupier of public land was lawfully allocated land by any of the defunct local authorities in accordance with the repealed Acts and remains unregistered, it shall formally allocate the land.

(3) The Commission shall—

- (a) satisfy itself that the land does not fall within any of the categories set out in section 12(2) of the Act;
- (b) where the allottee is a non-citizen, ensure that the approval of the Cabinet Secretary is obtained where the land is controlled land as defined in section 12A (1) of the Act; and
- (c) require that the land is planned, surveyed, geo-referenced and serviced.

(4) Upon the Commission satisfying itself that all the conditions have been met, it shall issue letters of allotment in Form LA 5 set out in the Schedule.

33. (1) The Commission may allocate public land through the process of public exchange, upon a request from the national or county government, where private land is required for public purpose.

Allocation of public land by public exchange

(2) Upon receipt of the request under paragraph (1), the Commission shall satisfy itself that the land that is the subject of exchange is suitable for the intended purpose.

(3) Upon being satisfied on the suitability of the land for the intended purpose, the Commission shall negotiate and enter into an agreement with the registered owner of the land for the purposes of exchanging the private land with another public land of equal value.

(4) The Commission shall execute a deed of exchange or transfer on behalf of the national or county government, on the one part and the registered proprietor, on the other part.

(5) Upon the execution of the deed of exchange, the Commission shall forward it to the Land Registrar.

(6) The Commission shall facilitate the issuance of the respective titles and the conveyance fees shall be borne by the benefiting institution.

(7) The proprietor shall only surrender the original title in exchange for the title of the parcel of land received in exchange.

(8) The national or county government shall not take possession of the exchanged land until the title has been issued to the proprietor of the exchanged private land.

PART VI— MISCELLANEOUS PROVISIONS

34. (1) Where application for allocation of public land has been processed by Commission under these Regulations and identifies the applicant is an ineligible person under section 12A of the Act, the Commission shall seek the approval of the Cabinet Secretary before allocation in Form LA 10 set out in the Schedule.

Allocation and other transactions on controlled land

(2) The Cabinet Secretary shall, before granting approval, seek the approval of the relevant authorities in accordance with section 12A(3).

(3) The Cabinet Secretary shall communicate his or her decision to the Commission in Form LA 11 set out in the Schedule.

35. (1) An allottee shall pay fees within the period provided in the letter of allotment which shall not be more than ninety days from the date of the issuance of the letter of allotment.

Payment of fees.

(2) Fees payable in the letter of allotment shall be paid in the name of the Commission in an account to be designated by the Commission

36. (1) The Commission shall prepare and execute leases emanating from allocation of public land.

Preparation of leases on public land

(2) In order to facilitate the preparation of leases on public land, the Commission shall request for three copies of sealed cadastral plan and cadastral map in Form LA 12 set out in the Schedule from the office or authority responsible for surveys.

(3) Upon receipt of the sealed cadastral plan and cadastral map, a lease document in Form LA 13 set out in the Schedule shall be executed by designated officers of the Commission duly designated by notice in the *Gazette*, on behalf of the national government or county government.

(4) The executed Lease document and the cadastral map and plan shall be forwarded to the Chief Land Registrar for registration and issuance of Certificate of Lease to the proprietor.

(5) The Commission shall forward the documents in paragraph (4) to the Chief Land Registrar in Form LA 14 set out in the Schedule.

SCHEDULE

FORM LA. 4

(r. 6(5))

REPUBLIC OF KENYA
NATIONAL LAND COMMISSION

Serial No

CERTIFICATE OF SALE OF PUBLIC LAND IN A PUBLIC AUCTION

Name

Postal Address

ID No./Passport No.

PIN No.

This is to certify that the above named holder of this form has successfully qualified for allocation of Parcel Reference No. having participated in the public auction held on day of 20..... at

This form should be presented to the Chairman, National Land Commission withindays for issuance of Letter of Allotment.

.....

Auctioneer.

CC.

TO: CS, Ministry in charge of Lands

Office or authority responsible for surveys

Director of Physical Planning

The County Executive Committee Member for Lands

O/C Land Rent

O/C Rates

The Accountant

O/C Records.

All to note.

Senior Plan Record Officer

FORM LA. 5

(r. 6(6), 16(2), 26(1), 27(5), 32(4))

Reference Number.....

NATIONAL LAND COMMISSION
LETTER OF ALLOTMENT

Name.....

Address.....

Email Address

Dear Sir/Madam,

RE: Parcel No.....

I have the honor to inform you that the National Land Commission, on behalf of the National /County Government of....., hereby offers you a grant of the above parcel subject to your formal written acceptance of the following conditions and to the payment of the charges as prescribed hereunder:

AREA: hectares (approximately)

TERM years from the day of 20.....

STAND PREMIUM Kshs

ANNUAL RENT Kshs

Rent from to.....

Conveyance Fees Kshs

Registration Fees Kshs

Rates Kshs

Stamp Duty Kshs

Survey Fees Kshs

Road and Drains Kshs

Others Kshs

Receipt No. Less Deposit.....

TOTAL Kshs

=====

GENERAL: This Letter of Allotment is subject to, and the lease will be made under the provisions of the Land Act, 2012 (No. 6 of 2012) and certificate of title will be issued under the Land Registration Act, 2012 (No. 3 of 2012)

SPECIAL CONDITIONS: (See attached)

I should be glad to receive your acceptance of the attached conditions together with banker's cheque for the amount as set out above within 90 days of the postmark:

If acceptance and payment respectfully are not received within the said 90 days from the date hereof the offer herein contained will be considered to have lapsed.

At the time you commence building you should exercise the greatest care to ensure that any building or other works are contained within the boundaries of the parcel for should you overstep the aforesaid boundaries the cost of removal and reconstruction must be borne by you.

The issue of the Government lease will be undertaken upon survey and proof of payment.

Your full name(s) ID, PIN, ADDRESS (Postal and Physical) AND CERTIFICATE OF INCORPORATION (where applicable) in BLOCK LETTERS, should be given for the purpose of the Certificate which will be submitted to you later. The attached special conditions form part of the offer which must be accepted in writing.

Date....., 20.....

Yours faithfully,

Authority:

.....

For: National Land Commission

CC.

TO: CS, Ministry in charge of Lands

Director of Surveys

Director of Physical Planning

The County Executive Committee Member for Lands

O/C Land Rent

O/C Rates

The Accountant

O/C Records.

All to note.

Senior Plan Record Officer

FORM LA. 6

(r. 10)

REPUBLIC OF KENYA

NATIONAL LAND COMMISSION

INVITATION FOR BIDS FOR ALLOCATION OF PUBLIC LAND

The National Land Commission hereby gives notice of intention to allocate the parcel(s) of land described in the schedule hereunder subject to terms available at the Commission's Office in Nairobi and at the Commission's office in.....County. The mode of allocation shall be by way ofas prescribed under S. 12(1) of the Land Act, 2012.

The allocation shall take place at.....(place) on.....date at.....(time)

Members of public are hereby invited to apply. Application forms are available at the office of..... offices of the Commission at the county level, office of the Cabinet Secretary, Ministry in charge of Lands, Director of Surveys, Director of Physical Planning, the County Executive Committee Member for Lands, O/C Land Rent, O/C Rates, the Accountant, O/C Records or Senior Plan Record Officer or may be downloaded at the Commission's website www.....

Duly completed application forms should be returned to the office of.....County Land Management Board within 30 (thirty) days from the date hereof with a nonrefundable fee of Kshs 1000/- (one thousand only)

Parcel No: Area Hectares: User Fees payable

NATIONAL LAND COMMISSION

FORM LA. 7

(r. 24(2))

REPUBLIC OF KENYA
NATIONAL LAND COMMISSION

Serial No

BALLOT (LOT) PAPER

Parcel No..... Locality

Name of Applicant

ID No. / Passport No.

Postal Address

Name of the presiding officer Signature.....

Note: A Ballot with a blank Parcel Number is considered to be unsuccessful.

This form is issued without erasure or alteration.

FORM LA. 8

(r. 25(4))

REPUBLIC OF KENYA
NATIONAL LAND COMMISSION

Serial No

CERTIFICATE FOR ALLOCATION OF PUBLIC LAND UPON DRAWING OF LOTS

Name

Postal Address

ID/No./ Passport No.

PIN No.

This is to certify that the above named holder of this form has successfully qualified for allocation of Parcel Reference No. having participated in the public drawing of lots held onday of20..... at

This form should be presented to the Chairman, National Land Commission withindays for issuance of Letter of Allotment.

.....

Chairman,
National Land Commission.

FORM LA. 9

(r. 28(2))

REPUBLIC OF KENYA
NATIONAL LAND COMMISSION
REQUEST FOR RESERVATION OF PUBLIC LAND FOR INVESTMENT
PURPOSES

To: The National Land Commission

The National Government or County Government of of P. O. Box.....email.....hereby applies for reservation of land whose particulars are described as hereunder:

(a) Plot/parcel No. (where applicable)
(attach a cadastral plan or a base map)

(b) LocalityCity/Town/Ward

(c) Plot size (Ha)

(a) Purpose for which the land is required (specify).....
(attach a brief description of the intended investment)

Date Signature

Name.....

Designation.....

FOR OFFICIAL USE ONLY

Recommended/Not recommended

..... Date.....

Chairman,
National Land Commission.

FORM LA 10

(r. 34(1))

REPUBLIC OF KENYA
NATIONAL LAND COMMISSION
APPLICATION FOR APPROVAL TO ALLOCATE CONTROLLED LAND TO
INELIGIBLE PERSONS

To: The Cabinet Secretary

1. WHEREAS the person described in paragraph 4 has successfully applied for allocation of the parcel of land described in paragraph 5, the parcel of land falls within the meaning of controlled land under the Act and requires your approval before the allocation.
2. This is therefore to request for approval to allocate parcel of land described in paragraph 5 to the person named in paragraph 4.
3. Annex herewith are certified copies of all relevant documents in support of this application
4. Name of Allottee
 Nationality.....
 Passport No.....(Certified copy attached)
 Certificate of Incorporation No. (Certified copy attached)
 PIN (where applicable) (Certified copy attached)
 Postal Address (in Kenya)
 Physical Address (in Kenya)
5. Description of land:
 Parcel No. (if surveyed. If not surveyed, attach a site plan)
 Locality County/ City/Town/.....
 User of the Parcel

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

Chairman,
National Land Commission

FORM LA 11 (r. 34(3))

REPUBLIC OF KENYA
 MINISTRY OF LANDS AND PHYSICAL PLANNING
 APPROVAL OF ALOCATION ON CONTROLLED LAND

To: The Chairman, National Land Commission

RE: Parcel No.....

With reference to your application dated day of 20....
(Reference No.).

Your application is:

1. Approved/Not approved.....;
2. Approved subject to the following conditions;

- (a)
- (b)
- (c)

Yours faithfully,

.....

Cabinet Secretary

cc:

The County Government of.....

This approval is issued without erasure or alteration.

FORM LA. 12

(r. 36(2))

REPUBLIC OF KENYA
 NATIONAL LAND COMMISSION
 INDENT FOR CADASTRAL MAP AND PLAN

File Reference Number

To.

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

The Director of Surveys

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 National Land Commission.

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

Report

Cadastral Map No.	Cadastral Plan No.
S.H	Data
D.O.	Preparation
Ch/D	Checking
D/S.	Signature
S.R.O.	Blue – print Forwarded
CP & CM	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 National Land Commission 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 incomprised 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 at the annual rent of.....20.....

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 Commission and the County Government. The Commission and 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 and the Commission 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 Commission

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 Commission or any person authorized by it on behalf of 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 Commission 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 Commission that the lessee is unable to complete the buildings within the period aforesaid the Commission 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 Commission 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 Commission 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 Commission 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 Commission, 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 Commission. 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 Commission on behalf of the National and County Government upon the land or the buildings erected thereon, including any contribution or other sum paid by the Commission in lieu thereof.
12. The Commission 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 Commission reserves the right to revise the annual ground rent payable hereunder at the expiration of every ten years of the term. Such rental shall be at a rate to be determined by the Commission of the unimproved value of the land as at the end of every tenth year of the term.

Dated thisday of, 20.....

*Sealed with the common Seal of the Commission

Signed by

.....

On behalf of National Land Commission

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 thisday of, 20....

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

Land Registrar

DRAWN BY:

National Land Commission

P.O. Box 44417-00100

NAIROBI

*Delete whichever is not applicable

FORM LA. 14

(r. 36(5))

NATIONAL LAND COMMISSION

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 Kshs..... has been paid vide Receipt No.....of.....

Signed.....

For Chairman,

National Land Commission.

CC.

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

Dated the 21st November, 2017

MOHAMED SWAZURI,
Chairperson, National Land Commission.