

THE LAND (GROUP REPRESENTATIVES) (PRESCRIBED INFORMATION) REGULATIONS, 1970

[Subsidiary]

L.N. 19/1970.

1. These Regulations may be cited as the Land (Group Representatives) (Prescribed Information) Regulations, 1970. Citation.
2. Every application made and every notification given by a group to the registrar shall—
- (a) be made in duplicate on the prescribed form listed in the First Schedule to these Regulations where appropriate;
 - (b) be typewritten unless the registrar permits otherwise;
 - (c) be in the English language;
 - (d) be signed by all the group representatives unless the form otherwise directs;
 - (e) be sent to the registrar in the original with the prescribed fee. The duplicate copy shall be retained by the group.
3. The register of each group kept by the registrar in accordance with section 4 (1) of the Act shall consist of the application for incorporation, the constitution of the group, the certificate of incorporation, the register of members and all subsequent notifications, applications, returns and certified extracts from the minutes of meetings forwarded by the group to the registrar. The register.
4. (1) An application for incorporation under section 7 (1) of the Act shall be forwarded in Form A in the First Schedule to these Regulations. Application for incorporation.
- (2) Each application for incorporation shall be accompanied by a draft of the constitution of the group the register of proposed members and a certified true copy of the minutes of the meeting at which it was resolved to seek application for incorporation.
- (3) If the conditions set out in section 7 (2) of the Act are not complied with to the satisfaction of the registrar he shall reject the application giving notice to that effect to the group and his reasons for the rejection.
5. The certificate of incorporation issued by the registrar under section 7 (2) of the Act shall be prepared in Form B in the First Schedule to these Regulations. Certificate of incorporation.
6. (1) The register of members maintained by each group under section 17 of the Act shall be kept in Form C in the First Schedule to these Regulations. Register of members.
- (2) In the event of a member of the group ceasing to be a member for any reason whatsoever then, within one month after the cessation of membership, the officers of the group shall notify the registrar of this fact with the reasons for the cessation of membership.

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(3) A rectification of cessation of membership shall be forwarded in Form D in the First Schedule to these Regulations.

Determination of membership.

7. A certificate of membership prepared under section 28 of the Act shall be in the Form E in the First Schedule to these Regulations.

Changes in group representatives.

8. (1) The notification of change of group representatives under section 9 of the Act shall be forwarded in Form F in the First Schedule to these Regulations and shall be signed by at least three officers of the group.

(2) Any notification of the replacement of a group representative by resolution under this section shall be accompanied by a certified true copy of the relevant minute of the meeting at which the resolution was passed.

Variation of certificate of incorporation.

9. (1) An application made under section 11 of the Act by group for the variation of any condition, limitation or exemption contained in the certificate of incorporation shall be forwarded in Form G in the First Schedule to these Regulations accompanied by a certified true copy of the relevant minutes of the meeting at which the resolution was passed.

(2) Where under this section the registrar rejects an application he shall notify the group to that effect giving reasons for the rejection.

Amendment of the name, constitution or rules.

10. (1) An application made under section 13 (1) (a) of the Act for the amendment of the name or constitution or rules of a group shall be forwarded in Form H in the First Schedule to these Regulations.

Application for dissolution.

(2) An application for dissolution under section 13 (1) (b) of the Act shall be forwarded in Form I in the First Schedule to these Regulations.

(3) If the registrar rejects an application submitted under section 13 (1) (a) or (b) of the Act he shall notify the group to that effect giving reasons for the rejection.

Notification of the creation of charges.

11. (1) The notification of the creation of a charge under section 23 of the Act shall be forwarded in Form J in the First Schedule to these Regulations.

(2) When a charge created under section 23 of the Act is discharged the notification of the discharge shall be forwarded in Form K in the First Schedule to the registrar by the treasurer of the group within seven days of its receipt.

Office and postal address.

12. The notification of the situation of the office or of the postal address and subsequent changes under section 16 (3) of the Act shall be forwarded in Form L in the First Schedule to these Regulations.

Certification of document.

13. The certificate attached to a certified true document shall be in the following form and shall be signed and dated by the secretary of the group and two other officers:—

“We certify that we have compared this copy with the original and that

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it is a full, true and complete copy of....”

14. Where a group proposes to exercise its powers under the provisions of section 8 (1) of the Act the group representatives shall give prior notice to that effect to the registrar in Form M in the First Schedule to these Regulations and the registrar shall make such comments or tender such advice on the proposed exercise of that power as he thinks fit. Powers of group representatives.
15. The secretary of a group shall forward to the registrar a certified true copy of any draft rule which a group proposes to adopt under section 12 of the Act and the registrar shall make such comments or tender such advice on the draft rule as he thinks fit. Adoption of rules.
16. (1) In the event of it appearing to the registrar that a dispute exists among the officers or members of a group so that he is not satisfied as to who are the officers of the group he may serve a notice on the group in Form N in the First Schedule to these Regulations to the effect that he or a public officer deputed by him in writing will attend at a general meeting to be held for the purpose of settling that dispute. Disputes.
- (2) The officers of the group shall furnish the evidence required by the registrar under section 10 (1) (a) or (b) of the Act within twenty-eight days of the receipt of the letter from the registrar demanding such evidence, or within such longer period as the registrar may in such letter permit.
- (3) Any order made by a District Magistrate’s Court in connexion with the settlement of a dispute under section 10 of the Act shall be forwarded to the registrar by the secretary of the group within seven days of its receipt.
17. The register of a group may be inspected by members of the public during normal office hours and extracts obtained therefrom will be prepared by the staff of the registrar on payment of the fee prescribed in the Second Schedule to these Regulations. Inspection of register.
18. The fees specified in the second column of the Second Schedule to these Regulations shall be paid in respect of the matters specified in the first column of that Schedule: Fees.
- Provided that where a time limit is fixed in the Act for giving notice on which a fee is payable to the registrar and notice is given by a group after the expiration of that time limit an additional fee equal to the notification fee shall be payable for each period of three months which has elapsed since such date:
- Provided further that—
- (i) in no such case shall the sum of the additional fees exceed five times the original fee payable; and
- (ii) the registrar may, in his discretion, remit any additional fee payable by virtue of this regulation either in whole or part.

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Payment of fees.

19. (1) Unless the registrar otherwise agrees fees shall be paid in cash.

(2) Every application or notice on which a fee is payable shall be presented with the prescribed fee unless the registrar in his discretion directs otherwise.

(3) The registrar may refuse to take cognizance of any application or of a notice forwarded to him in respect of which a fee is payable that has not been paid.

Recovery of fees.

20. Unpaid fees shall constitute a debt due to the registrar and shall be a civil debt recoverable summarily.

Refund of fees.

21. The registrar shall have an absolute discretion to refund fees paid either in whole or part save that no fee shall be refunded except pursuant to a written order made by the registrar to that effect.

FIRST SCHEDULE

FORM A

APPLICATION FOR INCORPORATION OF GROUP REPRESENTATIVE (s. 7 (1))

TO THE REGISTRAR OF GROUP REPRESENTATIVES

We the undersigned group representatives hereby inform you that at a meeting held aton the day of..... 19... in accordance with section 5 (1) of the Land (Group Representatives) Act, 1968, a constitution was adopted and group representatives and officers elected for the..... Group. The draft constitution of the group is attached to this application together with a register of the proposed members and a certified true copy of the minutes of the said meeting. We hereby apply under section 7 (1) of the Land (Group Representatives) Act, 1968, for incorporation of the..... Group.

The following are particulars of the group:—

- (a) The name of the group
 - (b) Description of the area determined in accordance with the Land Adjudication Act, 1968.....
 - (c) Registered office of the group
 - (d) Postal address of the group
 - (e) Object and purpose of the group
 - (f) Names, addresses, occupations and dates of birth of the group representatives.....
-
-
-
-

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.....
.....

(g) Names, addresses, occupations, dates of .birth .and .titles .of the office holders.

Provision is made in the draft constitution of the group for all other matters connected with the group and its functions.

Date.....

(Signed).....
(To be signed by all the group representatives)

FORM B

CERTIFICATE OF INCORPORATION (s.7)

No.

I,..... Registrar of Group Representatives, hereby certify that subject to the limitations and exemptions listed on the back of this certificate the..... whose representatives at the date of the issue of this certificate are:.....

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

is incorporated under section 7 of the Land (Group Representatives) Act, 1968.

Dated at Nairobi this day of.....19.....

.....
Registrar of Group Representatives

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FORM C											
REGISTER OF MEMBERS (S. 17)											
Registered Number	Name	Christian or Fore names	Year of Birth	Qualifications for Membership	Date of becoming a Member	Date of cessation of Membership	Reasons for cessation of Membership	Disability of Members	Guardian	Signature or thumb - print of Member	Remarks

.....
 Signature
 (To be signed by all office holders of the Group.)

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FORM D

NOTIFICATION OF CESSATION OF MEMBERSHIP OF A GROUP

TO THE REGISTRAR OF GROUP REPRESENTATIVES

We, the undersigned officers hereby inform you that a member of the group ceased to be a member of the said group by virtue of his (state reasons for cessation of membership) on the day of 19... and we request you to amend the register accordingly.

.....
.....
.....
(Signed by three officers of the group)

Date.....

FORM E

TO THE REGISTRAR OF GROUP REPRESENTATIVES

CERTIFICATE OF MEMBERSHIP (s. 28)

We, the undersigned group representatives hereby certify that . . . is/ is not a member of the Group.

(Signed).....
.....
.....
(To be signed by a majority of the group representatives)

Date

FORM F

NOTIFICATION OF CHANGE OF GROUP REPRESENTATIVES (s. 9)

TO THE REGISTRAR OF GROUP REPRESENTATIVES

PART A

We, the undersigned officers of thegroup hereby give notice that..... formerly a group representative of the said group died/became incapable of holding office by reason of /retired/ was replaced by resolution of the group on day of 19

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A certified true copy of the resolution passed at the said meeting is attached to this notice.

(Signed by three officers of the group)

Date

PART B

We, the undersigned officers of the..... group hereby give notice that at a general meeting of the group held on day of 19... a majority of not less than 60 per cent of the group members present elected..... to be a group representative of the said group and we request you to amend your register accordingly.

A certified true copy of the resolution passed at the said meeting is attached to this notice.

(Signed by three officers of the group)

FORM G

TO THE REGISTRAR OF GROUP REPRESENTATIVES

VARIATION OF A CERTIFICATE OF INCORPORATION (s. 11)

We, the group representatives of the.....group apply for a variation in the conditions/ limitations/exemptions contained in the certificate of incorporation of the said group in the following particulars:

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

A certified true copy of the resolution passed at the general meeting held on the day of 19 accompanies this application.

(Signed).....

.....
.....

(To be signed by all the group representatives)

Date.....

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FORM H

TO THE REGISTRAR OF GROUP REPRESENTATIVES

APPLICATION FOR THE AMENDMENT OF THE NAME/CONSTITUTION/
RULES OF A GROUP (S.13)

We, the undersigned group representatives of the... ..group hereby give notice that a meeting on the day of 19.... resolved that the Name/Constitution/Rules, of the said group be amended in the following particulars:

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

A certified true copy of the minutes of the above meeting accompanies this application.

In accordance with the provisions of section 13 (1) (a) and 13 (2) of the Land (Group Representatives) Act, 1968, we hereby request you to amend the name/constitution/rules accordingly.

(Signed).....

.....
(To be signed by a majority of group representatives)

FORM I

TO THE REGISTRAR OF GROUP REPRESENTATIVES

APPLICATION FOR THE DISSOLUTION OF THE INCORPORATED GROUP REPRESENTATIVES (S.13)

We, the group representatives of the..... group hereby give you notice that at a special general meeting held on the day of 19 a resolution was passed by a 60 per cent majority of the group to the effect that the incorporated group representatives of the group should stand dissolved.

A certified true copy of the minutes of the above meeting accompanies this application.

In accordance with section 13 (1) (b) and 13 (2) of the Land (Group Representatives) Act of 1968 and the above resolution, we the Group Representatives of the..... Group hereby apply for the dissolution of the said group and for the affairs of the group to be wound up in such manner as may be directed and that thereafter the group shall stand dissolved.

(Signed).....

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.....
.....
(To be signed by a majority of
group representatives)

Date.....

FORM J

TO THE REGISTRAR OF GROUP REPRESENTATIVES

NOTIFICATION OF A CHARGE (s.23)

I, the treasurer of the..... Group in accordance with section 23 (1) of the Land (Group Representatives) Act, 1968, hereby notify you of the creation of the following charge:

Particulars of a charge created by the..... Group.

<i>Date of instrument creating the charge</i>	<i>Amount secured</i>	<i>Short particulars of the property or assets securing the charge</i>	<i>Name and postal address of the chargee</i>	<i>Interest rate</i>

Signed..... Treasurer

Date.....

of..... Group

FORM K

TO THE GROUP REPRESENTATIVES.....GROUP

NOTIFICATION OF THE DISCHARGE OF CHARGE

I/We hereby discharge the charge created on the day of 19 in respect of the sum of shillings and secured by

Dated this day of 19

Signed by the chargee
In the presence of:—



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FORM L

TO THE REGISTRAR OF GROUP REPRESENTATIVES

NOTIFICATION OF THE OFFICE OR POSTAL ADDRESS OF A GROUP (s.16)

Notice is hereby given in accordance with the provisions of section 16 (1) and 16 (3) of the Land (Group Representatives) Act, 1968, that the Group * will have its office at has changed its office to *will have its postal address at has changed its postal address to

(Signed)
.....
.....

Date (By three officers of the group)

*Delete whichever is not applicable.

FORM M

NOTIFICATION OF THE PROPOSED EXERCISE OF POWER (s.8 (1))

TO THE REGISTRAR OF GROUP REPRESENTATIVES

We, the undersigned group representatives hereby give you notice that under section 8 (1) of the Land (Group Representatives) Act, we propose to sue/acquire/hold/charge/dispose of/borrow* as follows:—

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

The object of this proposal is: (state briefly the objects and reasons for the above proposal).

(Signed by three officers of the group)

Date

*Delete as necessary.

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FORM N

APPOINTMENT OF A PUBLIC OFFICER TO ATTEND AT A MEETING OF THE MEMBERS OF A GROUP (s. 15 (4))

In accordance with section 15 (4) of the Land (Group Representatives) Act, 1968, I hereby give you notice that I shall attend/appoint..... to attend a meeting of the group to be held a on the day of 19.....

Date

..... Registrar

SECOND SCHEDULE (reg.19)

FEES

<i>Column 1</i>	<i>Column 2</i>
	<i>Sh.</i>
(a) On the grant of a certificate of incorporation	100
(b) For the rectification of the register of members	5
(c) For the notification of change of group representatives	5
(d) For the variation of a certificate of incorporation	20
(e) For the amendment of the name, constitution and regulations of of a group	20
(f) For notification of the creation of a charge	20
(g) On application for dissolution	100
(h) For an inspection of the register	5
(i) For a certified copy of or certified extract from any documents in the Register:—	
For the first folio of 100 words or part thereof ...	5
For every subsequent folio of 100 words or part thereof	2
For a photostat copy for each page	3