



MINISTRY OF LANDS AND PHYSICAL PLANNING

PRESS STATEMENT

LAND TITLE CONVERSION UNDER THE LAND REGISTRATION ACT (No. 6 of 2012) AND THE LAND REGISTRATION (REGISTRATION UNITS) ORDER, 2017

Background

The promulgation of the Constitution of Kenya, 2010 ushered in a shift in land policy in Kenya. Key amongst this was the provision of Article 68 which required Parliament to revise, consolidate and rationalise land registration regimes under the repealed Indian Transfer of Property Act, 1882, the Government Lands Act (Cap. 280), the Registration of Titles Act (Cap. 281), the Land Titles Act (Cap. 282) and the Registered Land Act (Cap. 300). Each of these pieces of legislation created its own register making land registration complex. The confusion occasioned by the different regimes has become a breeding ground for fraud, delays in service delivery, centralisation of land services and threats to the right to property.

The Land Registration Act was enacted in 2012 thereby repealing all other land registration statutes. This effectively unified the registration regime in Kenya under this statute. The Country has however not migrated to the exclusive use of the Land Registration Act, 2012 and continues to ride on the saving and transitional clauses in the Act and thus operating as though the statutes had not been repealed.

The Ministry has thus embarked on a process of conversion of all parcels from the ambit of the repealed statutes with a view to migrating to the purview of the Land Registration Act, 2012.

The Land Registration Act, 2012 at Section 6 as read with Paragraph 4 to 9 of the Land Registration (Registration Units) Order, 2017 outlines the conversion procedure as highlighted below.

The Conversion process

The conversion process entails the following:

- i. Preparation of cadastral maps together with a conversion list indicating new and old numbers for parcels of land within a registration unit or registration section/ block and their corresponding acreages.
- ii. Regulation 4(4) of the Land Registration (Registration Units) Order, 2017 requires publication of the cadastral maps together with a conversion list in the Kenya Gazette and two daily newspapers. The notice shall specify a date to be the date after which the register shall be open to the public for transactions or dealings within the registration unit.
- iii. Any person with an interest in land in the registration unit shall lodge a complaint to the registrar who shall resolve the same within 90 days of receipt.
- iv. At the commencement date, all registers shall be closed and all transactions carried out in the new register. All the closed registers and supporting documents shall be maintained in the new registration unit.
- v. A notice will be published in at least two newspapers of nationwide circulation and announced in radio stations of nationwide coverage inviting registered owners to make application for replacement of title documents from the closed registers. The application shall be accompanied by the original title and the owner's identification documents. The registrar will replace title deeds with new ones.
- vi. The registrar shall retain the old title documents for record and safe custody.

What happens now?

The object of the conversion is to collapse land registration processes in the repealed land registration laws into one. All titles issued under the repealed laws shall be cancelled and replaced with titles under the Land Registration Act, 2012.

The cancellation and replacement will migrate the parcels to the new regime while retaining the ownership, size and the other interests registered against the respective title.