

CHAPTER 302

LAND CONTROL ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

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ESTABLISHMENT OF PROVINCIAL LAND CONTROL APPEALS BOARD, 1967

[L.N. 47/1968, L.N. 75/1969.]

Legal Notices under sections 2, 3, 4 and 5 referring to declaration of agricultural land, application of the Act, establishment of divisions and establishment of land control boards are omitted being of local application only.

| | | |
|----------------------|-------|--|
| PROVINCE | | PROVINCIAL LAND CONTROL |
| Central Province | | Central Province Land Control Appeals Board. |
| Rift Valley Province | | Rift Valley Province Land Control Appeals Board. |
| Nyanza Province | | Nyanza Province Land Control Appeals Board. |
| Eastern Province | | Eastern Province Land Control Appeals Board. |
| Western Province | | Western Province Land Control Appeals Board. |
| Nairobi Area | | Nairobi Area Land Control Appeals Board. |
| Coast Province | | Coast Province Land Control Appeals Board. |



EXEMPTIONS UNDER SECTION 24*, 1967

[L.N. 261/1967, L.N. 263/1967, L.N. 270/1969.]

1. Any controlled transaction in respect of the plots situated within the area delineated and edged red on Boundary Plan No. 520 deposited in the Survey Records Office, Survey of Kenya, Nairobi.

2. (1) A mortgage of land in favour of any one of the following bodies—

- (a) The Land and Agricultural Bank of Kenya.
- (b) The Agricultural Finance Corporation.
- (c) The Agricultural Settlement Trust.
- (d) The Commissioner General of Income Tax.
- (e) Lands Limited.

(2) A notification to a Registrar by the Commissioner-General of Income Tax under section 123A(2) of the East African Income Tax (Management) Act, 1958, and the cancellation of any such notification.

3. Any controlled transaction entered into by the East African Power and Lighting Company Limited for the purpose of acquiring land for the generation, transmission, transformation, distribution, supply and use of electric energy for lighting and other purposes.

* Exemptions in respect of specific transactions are not included.

LAND CONTROL REGULATIONS, 1967

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation.
2. Manner of application for consent, etc.
- 2A. Manner of application for exemption.
3. Manner of giving consent.
4. Manner of appeal.
- 4A. Decisions of Appeals Boards.
5. Allowances for board members.

SCHEDULE – FORMS

[Subsidiary]

LAND CONTROL REGULATIONS, 1967

[L.N. 23/1968, L.N. 25/1970, L.N. 3/1975, L.N. 208/1988,
L.N. 297/1994, L.N. 180/2001, L.N. 48/2008, L.N. 3/2010.]

REGULATIONS UNDER SECTION 25**1. Citation**

These Regulations may be cited as the Land Control Regulations.

2. Manner of application for consent, etc.

(1) An application for consent to a controlled transaction shall be in Form 1 in the Schedule and be accompanied by a fee of one thousand shillings.

(2) Every application for approval to a subdivision of land shall be accompanied by—

- (a) a suitable plan on durable material showing the manner of subdivision, the means of access to each subdivision and, very approximately, any existing permanent development; and
- (b) a statement in writing of the water supply which is available for the subdivisions and the use to which the subdivisions are proposed to be put.

(3) Every applicant shall furnish the land control board with such additional information as the board may from time to time require.

[L.N. 208/1988, s. 2, L.N. 297/1994, s. 2, L.N. 180/2001, s. 2,
L.N. 49/2008, s. 2, L.N. 3/2010, s. 2.]

2A Manner of application for exemption

An application for exemption under section 24 of the Act shall be forwarded to the Commissioner of Lands and shall be accompanied by an application fee of twenty thousand shillings.

[L.N. 208/1988, s. 2, L.N. 297/1994, s. 2, L.N. 180/2001, s. 2,
L.N. 49/2008, s. 2, L.N. 3/2010, s. 2.]

3. Manner of giving consent

The consent of a land control board shall be given to the applicant, in duplicate, in Form 2 in the Schedule of these Regulations; the original consent shall be marked "Registration Copy" and shall accompany the document evidencing the controlled transaction when it is presented for registration.

4. Manner of appeal

(1) An appeal shall be in writing and shall specify the grounds of appeal; and an appeal to a provincial land control appeals board shall be sent to the Provincial Commissioner as chairman of the board, and an appeal to the central land control appeals board shall be sent to the Commissioner of Lands as secretary of the Board.

(2) An appeal to the central land control appeals board shall be accompanied by fee of KSh. 5,000 in respect of each transaction involved.

(3) An appeal to a Provincial Land Control Appeals Board shall be accompanied by a fee of KSh. 3,000 in respect of each transaction involved.

[L.N. 25/1970, s. 2, L.N. 208/1988, s. 2, L.N. 297/1994, s. 2, L.N. 180/2001,
s. 2, L.N. 49/2008, s. 2, L.N. 3/2010, s. 2.]

4A. Decisions of Appeals Boards

(1) The decision of a Provincial Land Control Appeals Board shall be given to the appellant in duplicate in Form 3 in the Schedule to these Regulations and shall, in every case where the appeal is allowed, accompany the document evidencing the controlled transaction when it is presented for registration.

Land Control

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(2) The decision of the Central Land Control Appeals Board shall be given to the appellant in duplicate in Form 4 in the Schedule to these Regulations and shall, in every case where the appeal is allowed, accompany the document evidencing the controlled transaction when it is presented for registration.

[L.N. 3/1975, s. 2.]

5. Allowances for board members

(1) An allowance of KSh. 500 inclusive of lunch shall be paid to each unofficial member of a land control board for every meeting which he attends.

(2) An allowance of KSh. 1,300 inclusive of lunch shall be paid to each unofficial member of a provincial land control appeals board for every meeting which he attends.

(3) A mileage allowance at prevailing Government rates shall be paid to unofficial members of a land control board.

[L.N. 208/1988, s. 2, L.N. 180/2001, s. 2.]

SCHEDULE

[L.N. 3/1975, s. 3.]

FORM 1

APPLICATION FOR CONSENT OF LAND CONTROL BOARD

To be submitted in TRIPLICATE in respect of each transaction and sent to or left at the appropriate office of the Commissioner of Lands.

To: The Land Control Board.

Official reference:

I Hereby apply to the Land Control Board for its consent to the transaction described below, and give the following information—

- 1. (a) Present registered holder of interest (full name in BLOCK LETTERS) (b) Nationality (c) Address 2. (a) Proposed purchaser, transferee, mortgagee, chargee, allottee, etc. (full name in BLOCK LETTERS) (b) If a limited liability company, names of directors, authorized and issued share capital and principal shareholders: if a co-operative society, names of chairman, secretary and treasurer and total number of members (c) Nationality Certificate No. (d) Address

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[Subsidiary]

SCHEDULE, FORM 1—continued

- 3. Nature of transaction (e.g. sale, gift, lease, mortgage, charge, etc.; if sale or allotment of shares, name of company, number and particulars of shares to be transferred)
- 4. Term (i.e. the length of time for which the land affected is to be transferred or leased: if sale or allotment of shares, authorized share capital of the company and numbers of shares issued at date of application)
- 5. Description of land—
 - L.R. or Parcel No.
 - Acreage
 - Locality
 - County Council
- 6. (a) Purchase price, if a sale or option Sh.
 - Rent Sh.
 - Estimated value of the land (if a gift) Sh.
 - Amount of loan (if a mortgage or charge) Sh.
 - Rate of interest (if a mortgage or charge) %
 - Any other information affecting the amount of the consideration, particularly regarding the description and area of crops with estimated yields and value thereof included in the purchase price
- (b) Full description and approximate value of improvements on land included in the consideration
- (c) Any other consideration passing between the parties
- 7. If a transfer or lease of the land—
 - Proposed development programme of purchaser, including funds available therefor with approximate dates
 - Does the purchaser/lessee intend to reside on the land?
- 8. (a) Other agricultural land registered in the name of or held under contract for sale by the proposed purchaser, transferee, lessee or allottee, or any members of his immediate family, or any company in which he has an interest (state the nature of any interest in such company)—
 - L.R. or Parcel Nos. Acreage
 - Owner
 - Nature of interest
 - Whether contiguous to land being purchased
- (b) Particulars of agricultural land held and disposed of by purchaser or lessee in the last three years—
 - L.R. or Parcel Nos. District Acres
 - L.R. or Parcel Nos. District Acres

Land Control

[Subsidiary]

SCHEDULE, FORM 1—continued

9. Farming experience of transferee
.....
.....

We hereby declare that the above information is true to the best of our knowledge and belief.

Signature of owner, lessor, mortgagor, charger or authorized agent or agents, etc. Signature of purchaser, lessee, mortgagee, chargee or authorized agent or agents, etc.

Date Date

If spaces allowed under any particular item are insufficient for the information, a separate sheet with item numbers and duly signed by all parties or their authorized agent or agents should be attached.

FORM 2

LETTER OF CONSENT

The Land Control Board

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

To:
.....
.....
.....

Date
Reg. No.
L.C.R. No.

SIR/MADAM,

- 1. With reference to your application dated the 20
the Board gave its consent to the following controlled transaction at its
meeting held on the 20
- 2. Nature of Transaction—
 - (a) L.R. or Parcel No.
 - (b) Locality
 - (c) Sale, lease, subdivision, mortgage, charge, etc.
 - (d) Names of parties—
 - (i) From
 - (ii) To
 - (e) Length of term
 - (f) Consideration
- 3. Special conditions of approval of subdivision—
 - (a)
 - (b)

Land Control

[Subsidiary]

SCHEDULE, FORM 2—continued

- (c)
- (d)
- (e)

I am Sir/Madam,
Your obedient servant,

.....
Chairman

.....
Land Control Board

Copy to—

- The Commissioner of Lands, Nairobi.
- The Central Agricultural Board.

FORM 3

DECISION OF A PROVINCIAL LAND CONTROL APPEALS BOARD

The Land Control Appeals Board
P.O. Box

To:

Date
Reg. No.
L.C.R. No.

SIR/MADAM,

1. With reference to your appeal dated the 20
the Board at its meeting held on the day of
..... 20 allowed/dismissed' the appeal in respect of
the following controlled Transaction—
2. Nature of transaction—
 - (a) L.R. No. or Parcel No.
 - (b) Locality
 - (c) *Sale, lease, subdivision, mortgage, charge, etc.
 - (d) Names of parties—
 - (i) From
 - (ii) To
 - (e) Length of term
 - (f) Consideration
3. Grounds of refusal of the transaction (where appeal dismissed)—
 - (a)
 - (b)

SCHEDULE, FORM 3—continued

- (c)
- (d)
- 4. Special conditions for approval of subdivision (if any)—
 - (a)
 - (b)
 - (c)
 - (d)

I am Sir/Madam,
Your obedient servant,

.....
Chairman

.....
Land Control Appeals Board

Copy to—

- The Commissioner of Lands, Nairobi.
- The Central Agricultural Board, Nairobi.

..... Land Control Board.

* Delete words not applicable.

FORM 4

DECISION OF THE CENTRAL LAND CONTROL APPEALS BOARD

The Central Control Appeals Board
P.O. Box 30089
NAIROBI

To:
.....
.....

Date
Reg. No.
L.C.R. No.

SIR/MADAM,

1. With reference to your appeal dated the, 20
the Central Land Control Appeals Board at its meeting held on the
day of, 20 allowed/dismissed the appeal in respect
of the following transaction—
2. Nature of Transaction—
 - (a) L.R. No. or Parcel No.
 - (b) Locality
 - (c) *Sale, lease, subdivision, mortgage, charge, etc.
 - (d) Names of parties—
 - (i) From
 - (ii) To

Land Control

[Subsidiary]

SCHEDULE, FORM 4—continued

- (e) Length of term
- (f) Consideration
- 3. Grounds of refusal of the transaction (where appeal dismissed)—
 - (a)
 - (b)
 - (c)
 - (d)
- 4. Special conditions for approval of subdivision (if any)—
 - (a)
 - (b)
 - (c)
 - (d)

I am Sir/Madam,
Your obedient servant,

.....
Chairman,
Central Land Control Appeals Board.

*Delete words not applicable.

Copy to—

..... Provincial Land Control Appeals Board.

..... Land Control Board.

The Central Agricultural Board, Nairobi.

