

MINISTRY OF LANDS AND PHYSICAL PLANNING

SPEECH BY FARIDA KARONEY, EGH, CABINET SECRETARY

**ON LAND TITLE CONVERSION UNDER THE LAND REGISTRATION
ACT (NO. 6 OF 2012) AND THE LAND REGISTRATION
(REGISTRATION UNITS) ORDER, 2017**

**MEETING WITH KENYA ALLIANCE OF RESIDENTS ASSOCIATION
FEBRUARY 9, 2021 AT SERENA HOTEL, NAIROBI**

Chief Executive Officer

Civil Society Organisations

Distinguished guests

Ladies and gentlemen

I take this opportunity to thank Kenya Alliance of Residents Association (KARA) for inviting me to this meeting. Land issues are very sensitive in Kenya and I understand the kind of emotions that it evokes. In recognition of these facts, the Ministry is making deliberate efforts to enhance accountability, transparency and efficiency in land administration and management.

We launched our strategic plan last year. This strategic plan is founded on four key pillars: digitalisation, national titling, policy, legal and institutional reforms and decentralisation. These strategic directions are geared towards improving service delivery.

Digitalisation is the Ministry's priority project. This programme is anchored on legal reforms. We proposed amendments to business laws under what is now cited as the Business Laws (Amendment) Act, 2020 to introduce electronic land transactions and allow for re-engineering of business processes. These reforms are in tandem with Article 60 of the Constitution that provides for sustainable land use and management.

Attempts to digitalise the land transactions have been made by successive regimes since 1999. We drew critical lessons from the false starts and developed a project plan. The starting point in this programme was the development of the cadastre. It is at this point in our journey towards digitalising Nairobi Registration Unit that the need to migrate to the new registration regime arose.

The Land Registration Act, 2012 was enacted pursuant to Article 68 of the Constitution to revise, consolidate and rationalise the existing land laws. The Act repealed the Indian Transfer of Property Act, 1882, the Government Lands Act (Cap. 280), the Registration of Titles Act (Cap. 281), the Land Titles Act (Cap. 282) and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 Land Registration Act seeks to consolidate the above registration regimes by way of a conversion process. This is envisaged under Section 6 of the Act and the Land Registration (Registration Units) Order, 2017. Section 6 of the Act provides for the establishment of registration units divided into registration sections/blocks. Parcels in each registration section/block are to be numbered consecutively.

The conversion process entails preparation of cadastral maps together with a conversion list indicating the new and the old numbers for parcels of land within the registration unit or registration section/block and their corresponding acreage. Sections 7 and 15 provide for the maintenance of cadastral maps for every registration section.

The Land Registration (Registration Units) Order, 2017 prescribes the migration process to the new registration system. Regulation 4(4) requires publication of the cadastral maps together with a conversion list in the Kenya Gazette and two daily newspapers of nationwide circulation.

The Ministry has commenced the migration process for land parcels within the Nairobi Registration Unit. We have prepared and published cadastral maps and conversion lists for a number of registration sections/blocks. The Ministry is preparing the cadastral maps and conversion lists for the remaining registration sections/blocks for publication. Once this process is completed in Nairobi, we shall embark on converting title deeds in the Metropolis.

The confusion occasioned by the different regimes had become a breeding ground for fraud, delays in service delivery, centralisation of land services and threats to the right to property. The conversion process was supposed to be completed in 2017; however, regulations to operationalise the Act were approved by Parliament in 2017.

The Ministry started developing the Nairobi cadastre in 2018 to allow for a seamless transition to the new legal regime. We have digitised all our cadastral maps and our survey databases are tamper-proof. 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.

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. 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. Regulation 4(4) of the Land Registration (Registration Units) Order, 2017 requires;
- iii. lodging and consideration of complaints within 90 days of receipt;

- iv. closure of old registers and commencement of transactions in the new register; and
- v. application for replacement of title documents in the closed registers.

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 titles. This conversion means that Registry Index Maps (RIMs) will be fully used as registration instruments, replacing the deed plans. Boundaries will not be affected because these RIMs are generated from survey plans. Both RIMs and survey plans are accessible to land owners on request for verification of boundary details at the Survey of Kenya, Ruaraka. The use of RIMs will minimise fraud. Unlike a deed plan that captures data on one specific parcel, a Registry Index Map displays all land parcels within an area. It is therefore easy to note changes or alterations on an RIM.

Ladies and gentlemen

The Ministry has put in a number of measures to ensure accountability and enhance public confidence in the exercise:

1. We have developed a catalogue of frequently asked questions, which are posted on our website www.lands.go.ke
2. The Ministry has also set up a help desk at Ardhi House
3. The Ministry conducted media campaigns for one week to sensitise Kenyans on this process
4. We have also sponsored our social media platforms to reach out to more stakeholders
5. The Ministry, in conjunction with the Law Society of Kenya, is developing a manual that will offer guidelines on the entire process

6. In recognition of the public interest in the process, we have always created time to discuss this process during our stakeholder engagement sessions on NLIMS.

I thank you once again for giving this opportunity and I look forward to more engagements on land issues in this Country.

Thank you.