

LAND TITLE CONVERSION

January 2021

To Our Esteemed Clients,

Pursuant to our first client newsletter on this issue which can be accessed [here](#) we have prepared a follow-up newsletter that highlights the process of the conversion, key roles of major players and a guide on what needs to be done.

Conversion Process

The conversion process entails the following:

- Preparation of the cadastral maps together with a conversion list indicating new and old parcels of land.
- Publication of the cadastral maps together with a conversion list in the Kenya Gazette and two daily newspapers.
- Resolving all complaints lodged to the registrar.
- Closing of all registers on the commencement date and all transactions to be carried out in the new register.
- Publication of a notice in at least two newspapers of nationwide circulation inviting property owners to make applications for replacement of title documents from the closed registers.

Role of clients in this process

- Each property owner must interrogate the conversion list and confirm if their title number is listed.
- All clients aggrieved by the contents of the Gazette Notice as published are required to file a complaint with the Land Registrar. This includes owners of parcels of land within Nairobi County whose details may or may not be captured in the Notice and who wish to make a complaint to the Registrar for redress.
- Both the RIMs and the survey plans are accessible to landowners on request for verification of boundary details at the Survey of Kenya Headquarters, Ruaraka.

Lodging a complaint

All clients aggrieved by the contents of the Gazette Notice as published are required to file a complaint with the Land Registrar.

The complainant will be required to complete forms LRA 96 set out in the Second Schedule to the Land Registration (Registration Units Order, 2017) or LRA 67 set out in the sixth schedule to the Land Registration (General) Regulations, 2017.

The application should be supported by the following documents:

- a) Copy of title;
- b) Copy of Identification Card and KRA PIN; and
- c) Contact address and telephone number.

All complainants shall be recorded by the Registrar and assigned a case reference number to facilitate follow up.

Application of new titles

After the publication of the notice inviting property owners to make an application for replacement titles, the registered owners should make an application to the registrar in Form LRA 97 set out in the Second Schedule of the Land Registration (Registration Units Order, 2017) for replacement of the title issued from the closed registers.

The application shall be accompanied by:

- a) Original title.
- b) Certified copies of the owner's identification documents.
- c) Certified copies of certificate of registration/incorporation as well as copies of national identity cards/passports of the directors/officials (for companies)

Role of Surveyors in this process

- Licensed surveyors can assist clients to confirm if there are any inconsistencies in the acreage stated in the conversion list.
- Surveyors can also assist in looking at the survey plans and numbering of land parcels and identifying any inconsistencies (if any).

Clients to note that this would be an exclusive service offered by the surveyor at their own expense.

How We Can Assist

Kaplan & Stratton Advocates has a fully-fledged Real Estate team that offers a vast range of legal services. Our highly qualified and experienced personnel will assist with your matters subject to formal instruction on:

- Offering legal advice on the conversion process;
- Assistance with inspection and interrogation of the gazette notices, liaising with appointed surveyors, the Lands Office and the banks (where there is a security over the title) advising on the process of obtaining the new title, lodging complaints to the Registrar in respect of the information contained in the conversion list and the cadastral maps;
- Lodging a caution pending the clarification or resolution of any complaint; and
- Assistance in making applications for replacement of title documents from the closed registers.

Anticipated regulatory Framework

We are made to understand that The Law Society of Kenya is looking into setting up a joint committee with the Ministry of Lands to develop a manual which will guide the process of the conversion of titles and make provisions for the surrender of titles including those with securities. The manual will also include the procedure for lodging restrictions for titles under on-going litigation, dispute resolution and titles held in Court as surety among others. The Ministry of Lands has also confirmed that the process of surrender and re-issuance of new titles will be phased to ensure efficiency and expeditious service.

The Ministry of Lands and The Law Society of Kenya, Nairobi Branch has scheduled a further meeting to be held on 28th January 2020 to review the progress as well as follow up on the progress of developing the guiding manuals to the process and addressing any gaps.

You may access the gazette notice of 31st December 2020 Special Issue (Vol.CXX11-No.242) below:

<https://www.kaplanstratton.com/wp-content/uploads/2021/01/Vol.CXXII-No .242 .pdf>

We continue to monitor this space and shall continue to keep you updated.

If you require any further information or clarification on the contents of this note, please contact

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As indicated above, our first client newsletter on this issue can be accessed [here](#) 25th January 2021

This bulletin is not intended to offer professional advice and you should not act upon the matters referred to in it without taking specific advice. It is not intended to create, and receipt of it does not constitute, a lawyer client relationship. These regular bulletins provide incisive commentary on recent legal developments. If you have any comments on the bulletin, would like to receive further details on the subject matter or would like to stop receiving such communications from us, please send an email to KS@kapstrat.com or call your usual point of contact at Kaplan & Stratton.

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