



Department of Geospatial and Space Technology | University of Nairobi

Towards Kenya's Profile of the Land Administration Domain Model

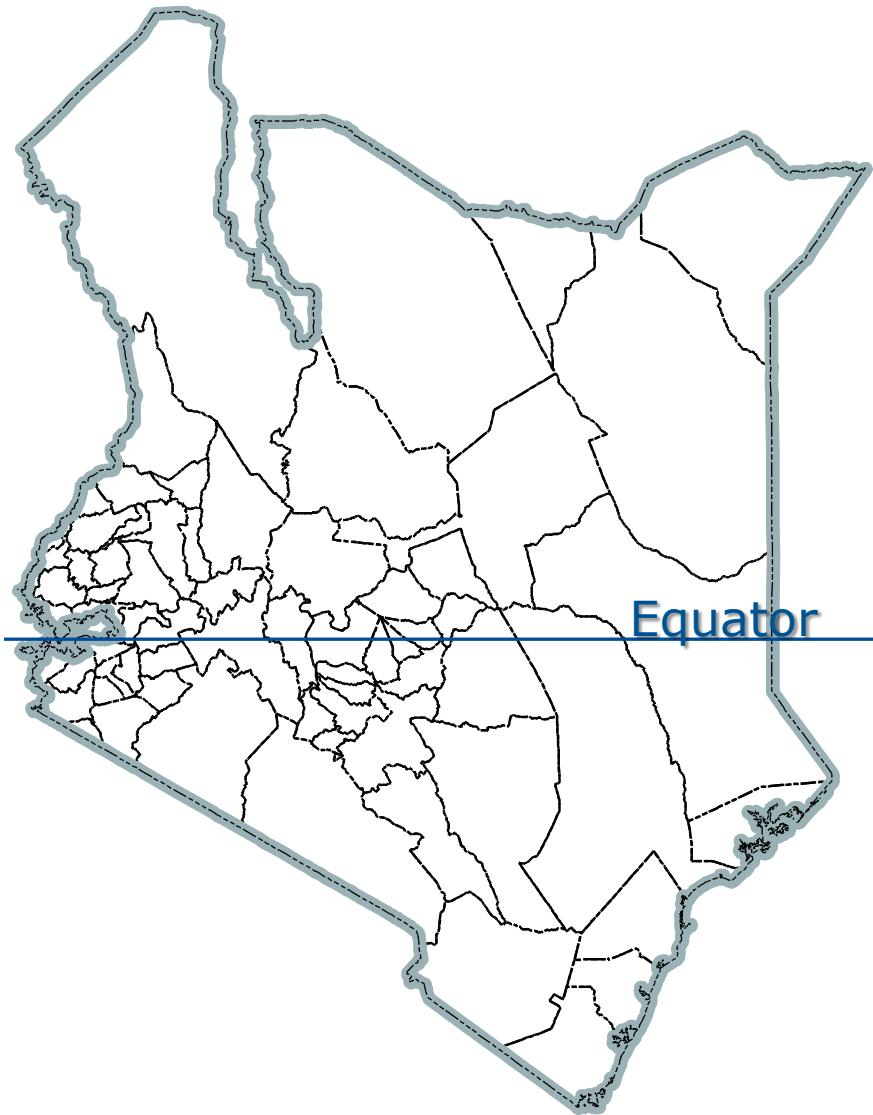
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Outline

- ▶ Kenya - country context
- ▶ Land Administration in Kenya
- ▶ Kenya's Profile of LADM



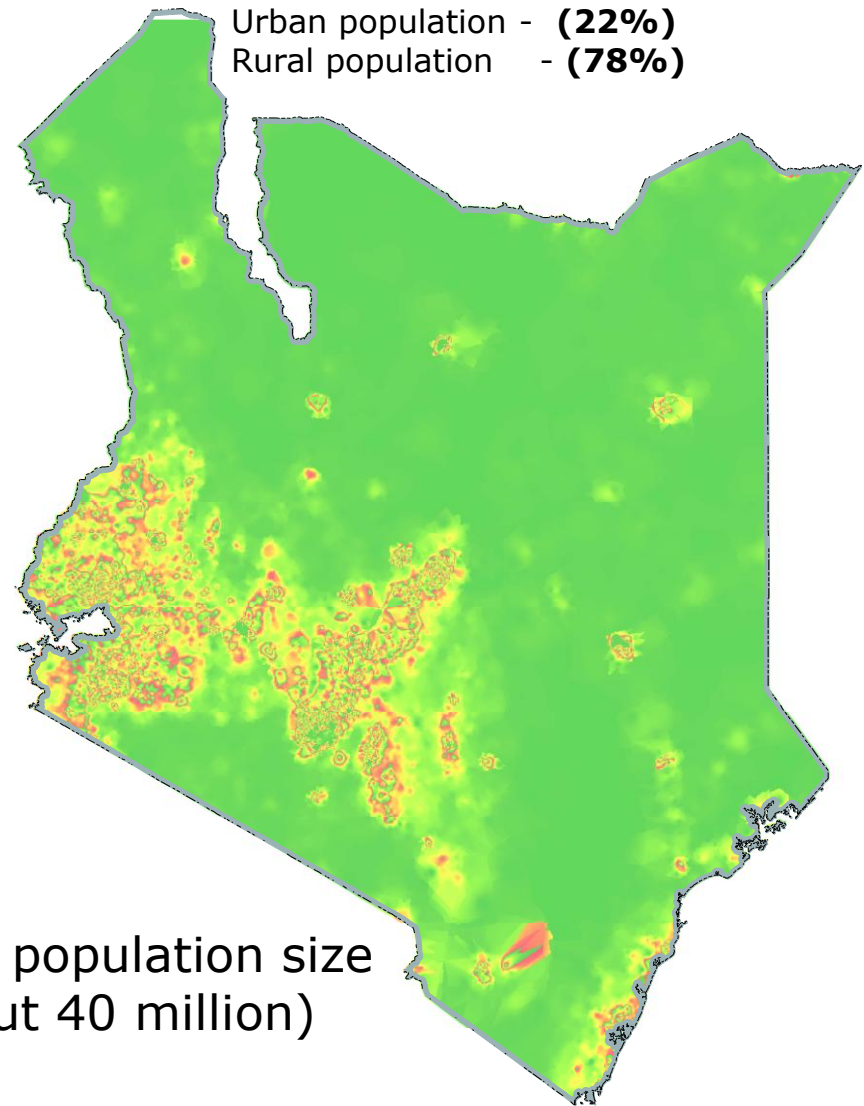
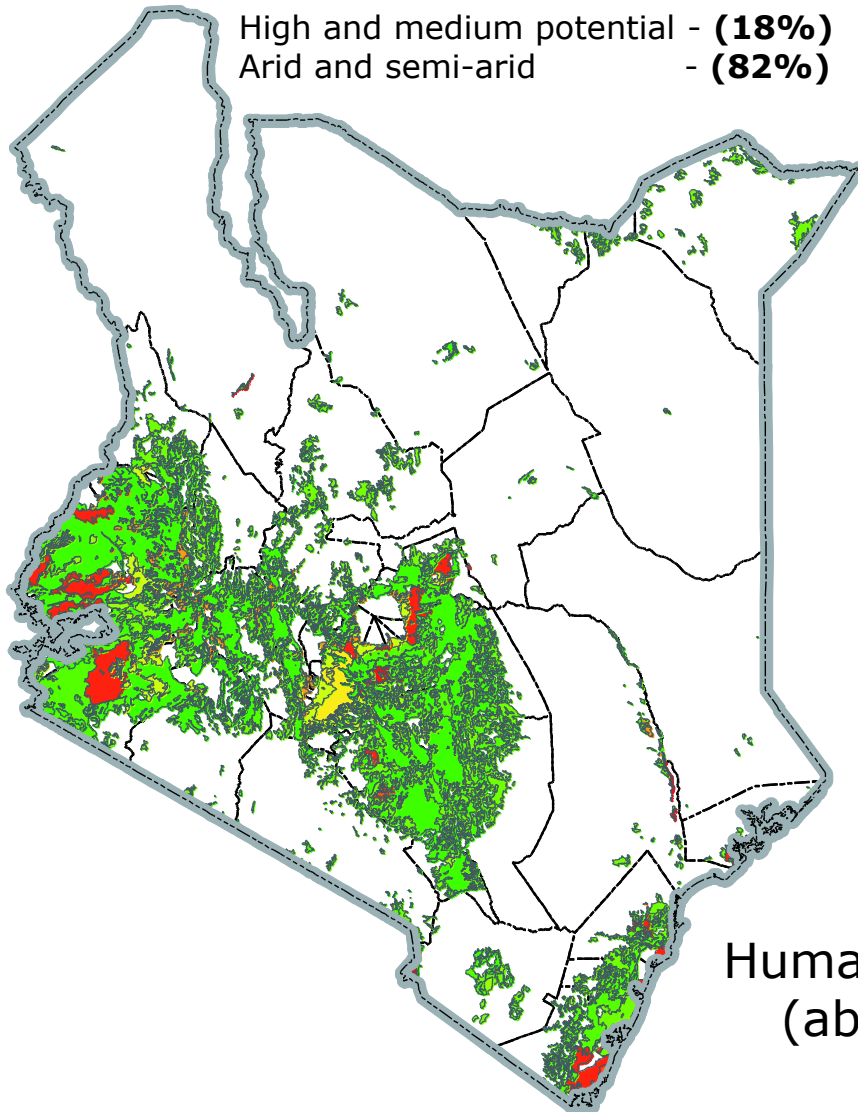
Kenya – Geographic and Political Context



- ▶ Eastern Africa
- ▶ 5°N - 5°S and 34°E – 42°E
- ▶ Equator “is found in Kenya”
- ▶ Area: 582 646 Km²
- ▶ Former British colony until 1963; new current constitution since 2010.
- ▶ Centralized (and now devolving) form of government



Kenya – Agriculture Potential and Human Population Distribution



Human population size
(about 40 million)



Kenya – Land Usage Categories

	<i>Category</i>	<i>Area (Km²)</i>	<i>Percentage of Total Land and Water Area</i>
1	Forest	7,084	1.2
2	Government Reserve	492	0.1
3	Townships	1,812	0.3
4	Alienated Land	33,397	5.7
5	Game Reserves	13,691	2.3
6	National Parks	3,149	0.5
7	Trust Land	457,449	78.5
8	Total area of surface water	11,230	1.9
	<i>Total Land and Water</i>	<i>582,646</i>	<i>100.0</i>



Land Administration - organizational structure

Ministry of Lands, Housing & Urban Development (name since 2013)

Dept. of Lands

Land Administration Division

Valuation Division

Registration Division

Roles:

- Alienation of Government and Trust lands;
- Registration of land transactions;
- Preparation and issuance of titles;
- Valuation for Stamp duty;
- Resolution of land disputes;
- Compulsory acquisition
- Processing of applications for extension of leases, extensions of user, changes of user and subdivisions
- Custody and maintenance of land records.

Dept. of Surveys

Geodetic and Computing Branch

Mapping Surveys Branch

Cadastral Surveys Branch

Adjudication Surveys Branch

Roles:

- Establishment and maintenance of geodetic control network;
- Provision of national of topographical and thematic maps of the country;
- Surveying, inspecting of maintaining national and international boundaries;
- Development and maintenance of maps and plans to support registration of title to land;
- Maintenance and storage of all survey records.
- Production, maintenance and provision of geographical data in digital form.

Dept. of Land Adjudication

Adjudication Division

Settlement Division

Roles:

- Ascertainment of interests and rights in Trust lands;
- Transformation of ownership from customary tenure to individual ownership through demarcation, survey and registration;
- Settlement of landless citizens through acquisition, planning; demarcation; survey and allocation.

Dept. of Physical Planning

Development Control Section

Enforcement Section

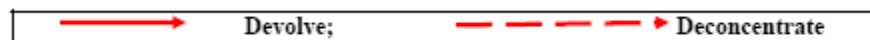
Roles:

- Coordinating and guiding the preparation of national, regional and urban land use plans;
- Preparation of part development plans for public utilities and development plans to guide development;
- Processing development applications such as extension of leases, change of users, subdivisions, amalgamations, and issuance of compliance certificates;
- Vetting of development plans and ensuring that they meet planning standards before forwarding the same to the Director and Minister for final approval;
- Publishing of notices in the press and Kenya Gazette of approved development plans

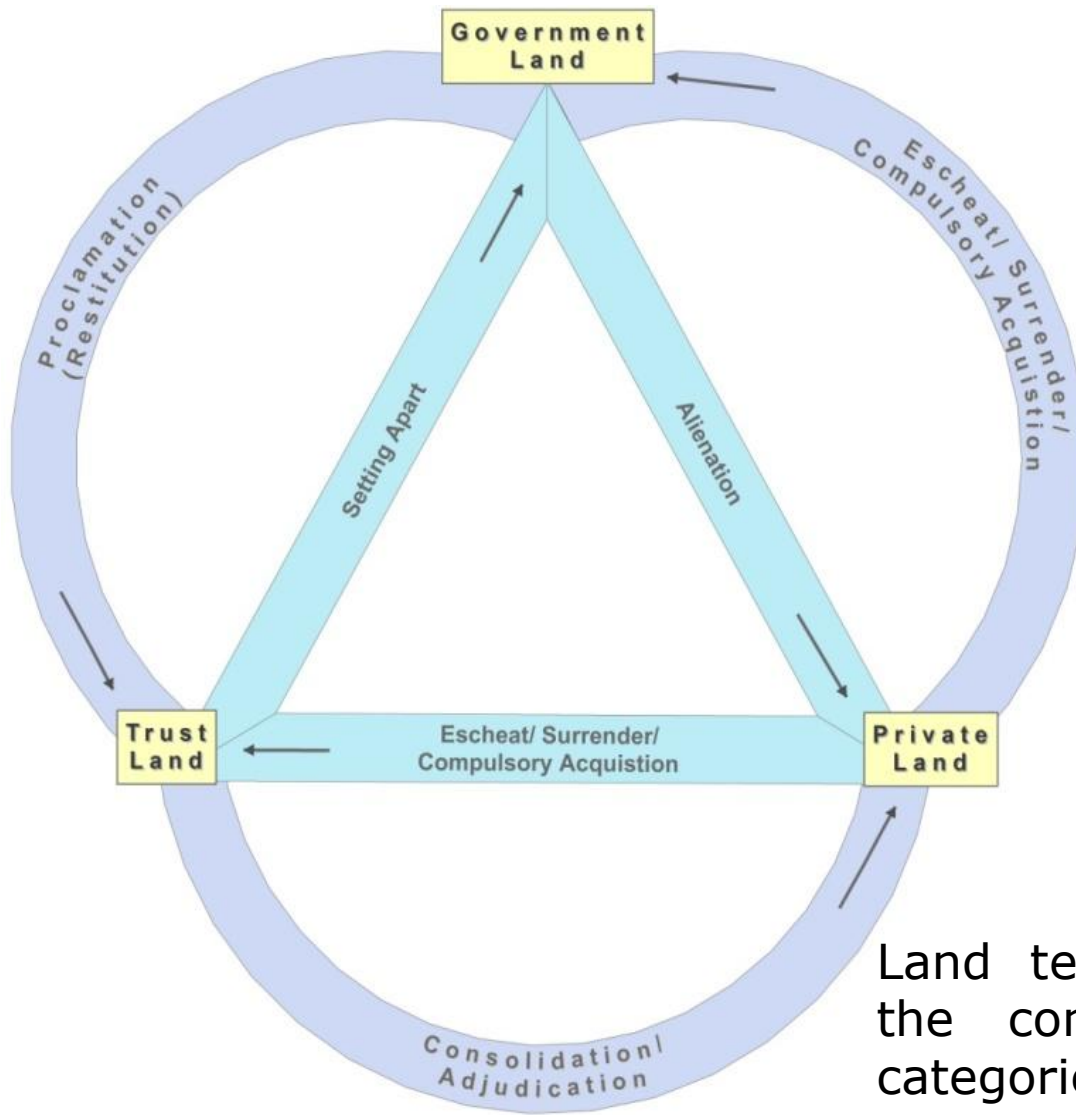


A proposed Decentralized Land Administration and Management Model (Institution of Surveyors of Kenya)

Land Administration function	National Govt	County Govt		NLC			Local Authority
	Cabinet Secretary	County Land boards	Sub-county	NLC	County offices	Sub-county	
Management of public land		→		→			
Registration of rights in private land	→						Subject to NLC's & County Govt's agreement
Recording, registration and publicizing of grants or transfers of those rights in land through e.g. sale, subdivision, consolidation	→ For private lands				→ For public land		
Management of Fiscal aspects related to rights in land, including land tax, historical sales data, valuation for a range of purposes, including assessment of fees and taxes and compensation for state acquisition.	→ On mngt fiscal aspects of private rights				→ On land acquisition & compensation matters		→ On land rates and valuation rolls preparation
Control of the use of land, including land use zoning and support for the development application/approval processes.	→ To LCBs				→ For public land		→ All functions



Land Administration - Land Tenure Processes



Land tenure processes involved in the conversion between different categories of land in Kenya;



The Party package

REPUBLIC OF KENYA
THE REGISTERED LAND ACT
(Chapter 300)

Title Deed

Title Number NGONG/NGONG/5409
Approximate Area 2.02 Ha.
Registry Map Sheet No. _____

This is to certify that LASITI MEREU LEPASH
ID/1357703 P O BOX 199 NGONG HILLS

is (are) now registered as the absolute proprietor(s) of the land comprised in the above-mentioned title, subject to the entries in the register relating to the land and to such of the overriding interests set out in section 30 of the Registered Land Act as may for the time being subsist and affect the land.

GIVEN under my hand and the seal of the
KWILAKO District Land Registry
this 14th day of May 2019
P. N. M. Mwa
Land Registrar

▶ The LA_Party, LA_GroupParty and the LA_PartyMember can be identified in the Kenyan land registration and land transfer documents.


▶ The Land Registrar is another Party identified in the title deed and in the certificate of lease other than the proprietor(s).

▶ More attributes that should be considered in the Kenyan case include the photograph (of the natural persons) and their National and Personal Identification numbers (PIN).



The Party package

PART B—PROPRIETORSHIP SECTION

ENTRY NO.	DATE	NAME OF REGISTERED PROPRIETOR	ADDRESS AND DESCRIPTION OF REGISTERED PROPRIETOR	CONSIDERATION AND REMARKS	SIGNATURE OF REGISTRAR
3	21.2.06	ANTHONY WALTHAKA IGBOHA			
4	-	TITLE DEED		ISSUED 11	

- ▶ The GroupParty and PartyMember can also be identified in the Proprietorship section of the title deed, where the names of all the members of the registered group are listed.
- ▶ The proprietorship section, contains the name, and where possible, the address of the proprietor and a note on any inhibition, caution or restriction affecting the right for disposition.



The Administrative package

(To be completed only when the applicant has paid the fee of Sh. 12.,)


At the date stated on the front hereof, the following entries appeared in the register relating to the land:

EDITION: 1		PART A—PROPERTY SECTION	
OPENED: 1.2.06			
REGISTRATION SECTION	EASEMENTS, ETC.	NATURE OF TITLE	
NGONG/NGONG			
PARCEL NUMBER			
35887			
APPROXIMATE AREA		ABSOLUTE	
0.10 Ha.			
REGISTRY MAP SHEET No.			

- ▶ The property section, contains a brief description of the tenure (absolute or lease), registration section and parcel number, area, particulars of its appertenances (e.g. Easements etc.) and reference to the registry map and filed plan if any;



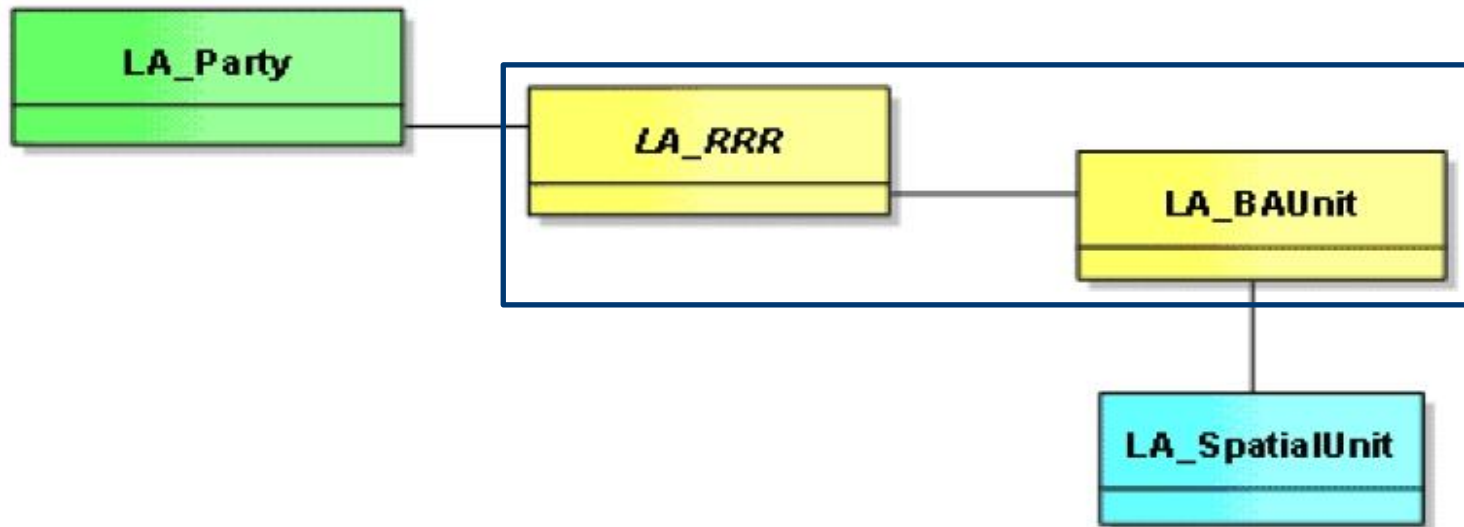
The Administrative package

PART C—ENCUMBRANCES SECTION				
ENTRY NO.	DATE	NATURE OF ENCUMBRANCE	FURTHER PARTICULARS	SIGNATURE OF REGISTRAR
1	21.2.06	CHARGE	TO CO-OPERATIVE BANK OF KENYA LIMITED TO SECURE A SUM OF KSHS.1,200,000 (WITH OTHER LANDS)	

- ▶ The Encumbrances section, contains a note of every encumbrance and every right adversely affecting the land or lease, for example, sub-leases, charges etc



The Administrative package



- ▶ The BAUnits in the current Kenya land administration system could be considered abstract, mainly because the basic unit in the land register is the land parcel



The Spatial Unit Package

- ▶ The Spatial Unit class can be identified in the different types of cadastral maps used to support land registration.
- ▶ Cadastral maps from which land parcels are plotted can be identified on the basis of:
 - blockname/number, registration section and district (now county) in which the parcel is.
- ▶ This information is available on every cadastral map



Special and External classes

Versioned classes

- ▶ Time stamping on : -
 - Entries in the land register
 - Amendments to the Cadastral Maps.
- ▶ Notes on cadastral maps help to trace the history of a particular land parcel from different editions of the map.
- ▶ Information in the land registers and cadastral maps may be sufficient for the versioning of the LADM packages

External classes

- ▶ Sufficient information that can be linked to external databases is available
- ▶ The information collected in the current land administration system includes:
 1. Names,
 2. Postal addresses,
 3. National Identity Number,
 4. Personal Identification Number,
 5. Passport photos



Final Remarks

- ▶ Currently, restructuring of the land administration system in Kenya is in progress
- ▶ A first draft of the profile can be delineated from the standard on the basis of this paper

