



## **LAND TITLE CONVERSION OF OLD REFERENCE NUMBERS TO NEW PARCEL NUMBERS**

### **Background**

The Cabinet Secretary, Ministry of Lands and Physical Planning vide a Special Gazette Notice No. 11348 of 2020 (“the Notice”) published on the 31<sup>st</sup> December, 2020 and a Press Statement on the 12<sup>th</sup> of January, 2021 notified the general public that the ministry had embarked on the process of conversion of old land reference numbers to new parcel numbers.

### **What is the purpose of the conversion process?**

Before the enactment of the Land Registration Act 2012, the registration of title to land in Kenya was characterized by multiple statutes, namely, the Government Lands Act (GLA), the Titles Act (LTA), the Registration of Titles Act (RTA) and the Registered Land Act (RLA).

This regime not only led to inconsistent conveyancing practices which were often ineffective but it also led to the duplicity of titles and fraudulent dealings in property. The enactment of the Land

Registration Act 2012 sought to streamline these issues by repealing all the laws under the previous regime and giving rise to a consolidated system of land registration under the Land Registration Act.

However, registration under the Act is yet to be effectively implemented with only the savings and transitional provisions of the Act being in use. This means that the country's land regime continues suffer the problems created by the previous regime even with the existence of a new regime.

**Who shall be affected by the conversion process?**

Anyone who owns property under the previous land regime shall be subject to the conversion process. The initial piloting phase of the process is to be carried out for titles within Nairobi.

**What is the legal basis of the conversion?**

As outlined above, the conversion process is couched under the Land Registration Act, 2012 ("the Act") and the Land Registration (Registration Units) Order of 2017 ("the Regulations") which were enacted by Parliament pursuant to Article 68 of the Constitution which requires Parliament to revise, consolidate and rationalize existing land laws. Additionally, Section 6 of the Act gives the Cabinet Secretary powers to constitute an area or areas of land to be a land registration unit and may at any time vary the limits of any such units.

**What does the process of conversion entail?**

The process of conversion will be undertaken according to the steps outlined in the Regulations as set out below:

### STEP ONE

Preparation of cadastral maps together with a conversion list by the office of Lands Survey indicating the new and (where applicable) the old numbers for parcels of land within each registration unit or registration section/block.



### STEP TWO

Submission of the cadastral maps together with the conversion list to the Registrar by the Lands Survey office after verification of the accuracy and completeness of the conversion list and cadastral maps.



### STEP THREE

Publication of the conversion list and cadastral maps by the Cabinet Secretary in the Kenya Gazette and in at least two daily newspapers of nationwide circulation within thirty days of receipt of the same from the Land Registrar



### STEP FOUR

At the commencement date, all registers shall be closed and all transactions carried out in the new register and any person with an interest in land in the registration unit shall lodge any complaint to the registrar who shall resolve the same within 90 days of receipt.



### STEP FIVE

Publication by the Registrar in at least two newspapers of nationwide circulation and announce in radio stations of nationwide coverage, a notice inviting the registered owners to make applications for replacement of title documents issued from the closed registers.



### STEP SIX

Registered owners making applications for replacement of titles shall accompany their application with the original title and copies of the owner's identification documents. The old title shall be surrendered to the Land Registry and the migration of titles shall then begin.



### STEP SEVEN

Replacement of title documents issued from the closed registers after which the Registrar shall cancel the previous title documents and retain them for safe custody.

**Will be there any changes to the size of a property after conversion?**

The migration of titles to the new regime shall have no effect on the size and area of a property. This is because conversion shall be done through the use of Registry Index Maps (RIMs) which are generated from survey plans with fixed boundaries. In the event that a landowner wishes to verify the boundaries of their property, the RIMs and survey plans are available at the Survey of Kenya Headquarters for verification.

**What effect shall the conversion have on existing interests to the property?**

All interests that had been registered against the property at the time of conversion shall be retained in the new register. However, the replacement titles issued shall differ in form from the previous titles.

**What if the title to the property subject to conversion is in possession of third parties?**

According to the Press Statement issued by the Cabinet Secretary, landowners whose titles are held by financial institutions and other third parties as collateral will have to consult with them on the procedures for release of the titles for purposes of making their application for the title replacement.

**When does the process take effect?**

The Special Gazette Notice issued contains the list of the parcel numbers which are subject to the conversion process which takes effect on 1<sup>st</sup> April, 2021.

**What steps should you take?**

We at AGO Advocates LLP are committed to ensuring our Clients' rights to property are protected and we advise our esteemed Clients with parcels of land within Nairobi to review the gazette notice which is accessible through this link [http://kenyalaw.org/kenya\\_gazette/gazette/volume/MjI2OA--/Vol.CXXII-No.242/](http://kenyalaw.org/kenya_gazette/gazette/volume/MjI2OA--/Vol.CXXII-No.242/) to confirm the details of their property before the 1<sup>st</sup> of April, 2021.

In the event that you may have any queries or complaints regarding the same, kindly do not hesitate to visit our offices or contact us via (+254) 020-22 11122 /0100 211 122) or ([info@agoadvocates.com](mailto:info@agoadvocates.com)).