



DIGITIZATION OF LAND TRANSACTIONS

The Ministry of Lands and Physical Planning has upgraded the Electronic Management System to ease the processing of Land Transactions at the Ministry.

Late last year, a Public Notice was issued informing land owners within Nairobi and Central Registries that from 4th December 2017 all fees and duties would be paid online within the e-citizen portal. This was effectuated from the said date. The Ministry further issued a Public Notice informing landowners that from 13th April 2018, the following services shall ONLY be available online:

1. Application for Registration (Transfer, Charge, Lease, Caution/ Caveat, Court Orders and any other services as may be communicated from time to time)
2. Issuance of Consent to Transfer, Charge, Lease etc. will be created automatically upon application
3. Valuation requests will be created automatically upon application for Transfer;
4. Payment of Land Rent and Issuance of Land Rent Clearance Certificate
5. All payments (Payment of Stamp Duty, Registration Fees, Consent Fees)
6. Application for official searches (Nairobi and Central Registries – Nairobi Properties

TARGET GROUP

The Land Information Management System targets all land owners and potential investors in land within the Republic of Kenya. Operations of the online platform commenced in the Nairobi and Central Registry with Land Owners within Nairobi being given up to 13th April 2018 to finalize pending manual transactions. The Ministry is working to effect the same in other registries within the Republic of Kenya.

HOW TO TRANSFER PROPERTY ONLINE

As from 13th April 2018, all property owners within Nairobi and Central Registry shall have their land details listed in their profile under 'Manage Property' menu in the LIMS via the e citizen portal. The owner shall be required to verify and authenticate their Title by uploading a copy of the Title and the Transfer Document. Once the Land details are approved at the registry, the proprietor shall be able to access it under 'Manage Property' and make an application against it.

For purposes of effecting the Transfer, the Land Owner should scan the following documents to the LIMS portal; Copy of Title, County Clearance Certificate, Transfer Instrument (drawn by an Advocate), Land Control Board Consent (For Agricultural land only) Land sketch Map for valuation visit, Proof of Occupation (For New Grants only).



WHAT ARE THE BENEFITS OF LAND INFORMATION MANAGEMENT SYSTEM?

1. The online land transaction system eliminates the cost associated with keeping of manual records and reduces unnecessary costs associated with land transactions.
2. Digitization saves valuable time as it eradicates bureaucracy of the manual system while making payments and processing of land rent and land rates clearances, stamp duty as well as other routine administrative processes.
3. With regard to record keeping, the online platform is effective as it minimizes any chances of lost files or fraudulent manipulation of records.

WHAT ARE THE SETBACKS ASSOCIATED WITH THE ONLINE PLATFORM?

NO LEGAL FRAMEWORK FOR E- CONVEYANCING

The Land Act No 6 of 2012 and the Land Registration Act No 3 of 2012 came into operation prior to the digitization process therefore failing to regulate electronic conveyancing. There is need for legal and regulatory reforms that will enable the successful implementation of e-conveyancing platform by protecting and promoting the integrity of the land registry system safeguarding and guaranteeing the sanctity of the every Title document.

LACK OF PUBLIC PARTICIPATION & INVOLVEMENT OF KEY STAKEHOLDERS

The Ministry of Lands failed to conduct public participation and involve the Law Society of Kenya, as a key stakeholder in determining the mode and methodology of digitization of land transactions.

LACK OF GUIDELINES TO REGULATE THE DIGITIZATION PROCESS

Pursuant a Legal Notice No.278 (Land Registration (General) Regulations, 2017 on electronic registration and conveyancing, the Cabinet Secretary in consultation with the National Land Commission is required to issue Guidelines regulating the procedure to be followed in keeping of the register in an electronic format, applying for information or registration and the procedure to be followed by the registrar relating to the various applications.

CONCLUSION

Digitization of land transactions in Kenya is a positive transformation that will improve the efficiency of our processes. However, there is need to streamline the legal and regulatory framework and to put in place proper e-conveyancing regulations to ensure that the proprietary rights and interests of Land owners are upheld and the sanctity of Title documents is maintained.

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