



TITLE  
DEEDS

**Protect Your Land:**  
**Step by Step Guide on**  
**How to Obtain a Valid Title**



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## Introduction

Transfer of land in Kenya is guided by the Land Act and other relevant guidelines by government. Section 2 of the Land Act define transfer of land to mean the passing of land, a lease or a charge from one party to another.

Title to land may also be acquired through allocation, adjudication process, compulsory acquisitions, prescription, government settlement program, transmission and conversion of land from one form of ownership to another. Public land can also be converted into private land and vice versa. The majority of these acquisition methods require the involvement of the National Land Commission, the National Assembly, The County Assembly, National Treasury, approval by Boards or Council and participation or involvement of members of the public.

This booklet shall restrict itself to direct transfer or sale of land between a willing buyer and seller. It shall provide a step-by-step guide on how one can acquire or purchase land in Kenya.



## Definition of Terms

The following are the meaning of the common terms that have been used in this booklet:

- a. **Ardhi sasa** - It is an online platform that allows Citizens, stakeholders and
- b. **Green card** - The green-card is a document that holds all the original interested parties to interact with land information held and processes undertaken by Government of all transactions relating to a leasehold title. It is what is used to produce the lease title. It is thus the most important document for verifying the ownership of a piece of land, or water to the public.
- c. **Prescription** - It is the non-possessory interest in land through the long, records of all transactions relating to a free hold title. It is what is used to produce the title deed. It is thus the most important document for verifying the ownership of a piece of land.
- d. **Riparian reserve** - A riparian reserve is a physical. area that borders a stream, lake or river.
- e. **Utility company** - A company that supplies something such as electricity, gas e.t.c.
- f. **White card** - The white card is a document that holds all the original records continuous use of the land.

## PART 1

# Procedure for Acquiring Private Land

The steps involved in acquiring a title deed for private land is as follows;



## STEP 1: Obtain Official Land Search

This stage is very important as it shows if someone else owns the land or if the land has been registered before.

### A. Apply for a Search

- a. This is done at the nearest land registry where the land is located. One pays a fee of Ksh 500 for the search; submits a standard form for search application (this is provided by the registry (Annexure C) and attach the copy title document. The land search at Lands office takes an average of 3 days.
- b. One can also apply for a search online by logging and registering on <https://ardhisasa.lands.go.ke/>
- c. After the search one is issued with a stamped Certificate of Official search (Annexure C) showing the status of the land.

### The Importance of a Search is to Help Ascertain:

- a. The owner of the land.
- b. Whether there are cautions put on the title deeds because of disputes on the land or pending court cases or any other issue.
- c. Whether the title deed has been used for securing a loan from a bank.
- d. The exact acreage of the land.
- e. the term of lease.



## STEP 2: Obtain Land Transfer Documents

This step involves requesting the seller to provide you with the following documents:

- a. A rates clearance certificate from the County Government. This is obtained by following the following process:

- i. A formal application made to the County government attaching copy of the title, a search certificate, deed plan and proof or evidence of payment of the current or any disputed rate payments.
  - ii. Payment of the prescribed fees for the certificate.
  - iii. Issuance of the Rates clearance certificate by the County Government.
  - iv. A Land Rent Clearance Certificate from the Ministry of Lands by logging onto <https://ardhisasa.lands.go.ke/> and following the prompts on the website.
- b. A no objection letter from a utility company If the land is located next or near any facility or infrastructure that is owned by a utility company.
  - c. Obtain a survey plan for the area to determine the exact location of your land; and the location of common utilities like road or Power lines that maybe next or near your land.
  - d. location of roads,
  - e. Copy of the seller's national identity card
  - f. Copy of the seller's PIN certificate
  - g. 2 recent coloured passport photos of the seller.
  - h. Copy of the title deed
  - i. Transfer form (Annexure A) that has been duly signed by the seller in the presence of an Advocate. This would apply to areas outside Nairobi that have not been captured on the ardhi sasa platform.
  - j. Stamp duty
  - k. Consent from the Land Control's Board if the title falls under agricultural land.



### STEP 3: Due Diligence Exercise Leading to the Establishment of the Root of a Title

Once the documents stated in Step 2 above;

The next step before completion of the sale would require the buyer to establish the root title of the land that he intends to purchase. This should be done before the sale agreement is signed and deposit for the purchased title is paid. The steps involved in establishing the root title of land include the following:

- a. Carrying out a second search at the land registry to verify the search given by the buyer.
- b. Contacting the County Government, Ministry of Lands, Kenya Power and the Local water utility company to verify the certificates issued by the seller.
- c. Obtaining a clearance certificate from Environment Management Authority (NEMA) and, or Water Resource Management Authority (WARMA) if the land sold is next to a river, ocean, lake or any water point. This will help you establish:
  - i. the exact acreage of land that the buyer can sell;
  - ii. whether the land has encroached onto the riparian area;
  - iii. if the land is on a wetland; or
  - iv. if the land has been reserved for some conservation purpose.

Once the riparian reserve is established the purchaser would be at liberty to use the riparian reserve as part of his property but only for the prescribed restricted use. If the restrictions are not indicated, then the purchaser should have the knowledge that he would be required to comply with any restrictions that maybe imposed on the riparian portion of the land.

- d. Requesting for a Green or White Card if the title from the Land Registry to help you interrogate and verify the history of the land. This It can be obtained upon making a formal request to the land registrar and paying the prescribed fees.
- e. Confirming the zoning system of the land from either the National or County Government. Land in Kenya could be categorised as residential, commercia, industrial, recreational, riparian, forest reserve, a park, wildlife corridor, flight path, historical site among others. This will enable the buyer to confirm if the zoning system is consistent with his intended use.
- f. Establish the planning or zoning policy for area where the land purchased lies. This information will help you determine whether your development plans on the land are consistent with the zoning/planning polices for the area. This information can be obtained from the County Government offices planing department. Avoid purchasing land in an area where you are not likely to obtain a change of user for your future development plans.
- g. Obtaining the services of lawyer to establish if the process laid down for converting land from public to private use was followed if the land was previously classified as public land.
- h. Obtaining the services of the surveyor to help you ascertain the boundaries of the land and to also verify its acreage,
- i. Meeting the seller in person and confirm his details in the identity card against the person who is appearing before you.
- j. Confirming whether the seller you have met in person is similar to the seller whose coloured passport photograph is in the custody of the Land Registrar.
- k. Interviewing the owners of the neighbouring plots about the history of the land. the interview should confirm whether there are family squabbles, boundary disputes, whether the land was a previously a settlement scheme or a government land and any other issue that relate and or is touching on the land. Share with the neighbours the photo or ID card of the seller to help you verify if he is the actual seller. If the photo in your possession is not that of the real owner, then you could ask them if they can help you identify that fraudster.
- l. Carrying out an interview with the area a chief to help you determine the history and the actual owners of the land.
- m. Visiting the actual land and inspecting it yourself. If possible, carry out the visit during a rainy season to confirm the soil type n that rea and drainage system in that locality. This is to avoid the cases like that of houses that were flooded by rain water in Upmarket Green-Park Estate in Athi River in March 2018 when Soni Athi River burst its banks.
- n. Verifying the authenticity of a letter of grant if the seller is selling the property under the authority of a confirmed grant (letters of administration). This can be done by requesting to peruse the relevant court file form the court registry where the grant was issued.
- o. Requesting the seller if you could erect a temporary fence on the land pending the conclusion of the land transfer process. Fencing will help you unearth the presence of other people who are also laying claim to the land. This way you may only lose the cost of erecting a temporary fence and not the entire purchase price plus costs of litigation.
- p. Verifying the seller's details from the Registrar of persons. This has become necessary to help the buyer establish whether the seller has defaced or forged the ID card.
- q. Interview family members of the seller to determine whether the land on sale is a matrimonial property or if there are pending succession disputes on the property. Ensure to obtain spousal consent if the land is a matrimonial property and consent of the children if the land is a trust land. That is to men that the land was inherited by their parents from their grandparents.



- r. Establish the extent to which the lessor has complied with the conditions on the lease title. Specific interest should be on whether the noncompliance with the conditions on the lease is likely to expose his title to risk of repossession of the land.



## STEP 4: Drafting of Sale Agreement

The sale agreement should be witnessed an independent witness of the seller and the buyer. Its preferable that sale of family property should be witnessed by the spouse, the children or any other family member. This will help control future disputes where children allege that they were not aware that the parents or the spouses had sold the land.



## STEP 5: Consent to Transfer Land

- a. The seller must seek and obtain consent to transfer land from the local Land Control Board.
- b. The seller and the buyer shall appear in person before the land Controls Board. In cases of matrimonial property, the seller shall be required to be accompanied with the spouse and both of them shall be required to give consent.
- c. The Land Controls Board (LCB) shall issue the seller with a certificate of approval or rejection.



## STEP 6: Valuation and Stamp Duty

- a. Valuation of the land shall be done by a government valuer or a licensed valuer appointed by the Government Valuer.
- b. The stamp duty on the land shall be assessed on the basis of the value indicated on the valuation report. The stamp duty is assessed at 4% of the land value for land situated in an urban area and 2% of the land value for land situated in a rural land.
- c. The Stamp duty shall be paid to the Commissioner for Domestic Taxes (KRA) at the nearest the bank and a physical deposit slip obtained.



## STEP 7: Payment

The buyer will be obligated to pay the seller the entire purchase price upon the receipt of the of all the registration documents and the relevant consent from the LCB or within 90 days from the date of the sale agreement, whichever comes early.



## Step 8: Registration

- a. The buyer shall lodge all the documents identified in step 2 above, together with the sale agreement, transfer form and evidence of payment of stamp duty with the Land Registrar for registration.
- b. The Land Registrar shall issue title document to the purchaser if all his documents are in order and he has also paid the prescribed fees and taxes.



## Step 9: Post Purchase Activities

- a. After a successful registration the buyer will receive the following documents:
  - i. An original title deed with the name of the buyer
  - ii. Registered and stamped transfer forms
  - iii. The pay in slip for stamp duty
- b. The buyer should carry out a search on the property after two weeks of receiving the title deed. This is intended to confirm that the register has indeed been updated and that the said land has now been registered in the name of the buyer.

Apart from direct sale, title to land may also acquire through allocation, adjudication process, compulsory acquisitions, prescription, government settlement program, transmission and conversion of land from one form of ownership to another. Public land can also be converted into private land and vice versa. The majority of these acquisition methods require the involvement of the National Land Commission, the National Assembly, The County Assembly, National Treasury, approval by Parastatal Boards or Council and participation or involvement of members of the public.

## PART 2

### Mistakes to Avoid

- a. Purchase of land belonging to a deceased person before succession process is completed.
- b. Buying land near roads, lakes, rivers, swamps, schools, government facilities before you determine the root of that title or the actual boundaries of the land.
- c. Carrying out developments on land before you obtain all the statutory approvals.
- d. Purchasing a leasehold land that has a few years left on it. There is no guarantee that the said lease will be renewed.
- e. Paying booking fee or commission before the conclusion of the due diligence exercise.
- f. Paying any money to the seller of the land before the conclusion of the due diligence exercise.
- g. Buying land on trust and without the support of a sale agreement.
- h. Buying land without a witness.
- i. paying deposit that exceeds 10% of the purchase price.
- j. Making any payment to the seller without supporting documents like a receipt or an acknowledgement of payment.
- k. Converted public land that lacks any of the prescribed approvals.
- l. Purchase of a land that fails to meet the roots title test.

**Anexure A: Transfer Form**

FORM LRA.33



(n.49(I))

**REPUBLIC OF KENYA  
THE LAND REGISTRATION ACT  
THE LAND REGISTRATION (GENERAL) REGULATIONS, 2017**

Date Received ..... Presentation Book No:..... Official Fees Paid Kshs .....

**TRANSFER OF INTEREST IN LAND  
TITLE NO: NYANDO/KAKOLA/7893**

<b>Date of Transfer</b>	
<b>Transferor(s)</b>	Give full name(s)
<b>ID/Passport/Company Registration No.</b>	
<b>Transferee (s)</b>	Give full name(s)
<b>ID/Passport/Company Registration No.</b>	
<b>Consideration</b>	Amount of ..... (Receipts is hereby acknowledged by the Transferor(s))
	Other .....
<b>Nature of interest to be transferred</b>	

This **TRANSFER OF INTEREST IN LAND** witnesses as follows:

1. The Transferor (s) hereby TRANSFER to the Transferee (s) the above –mentioned interest in the above title.
  - a. The provisions of the Land Registration Act (No.3 of 2012) and The Land Act (No. 6 of 2012);
  - b. The interests noted in the Register of the Title.
2. The transfer is subject to the following:
3. The Transfer is also subject to the following additional provisions, (if any)

**IN WITNESS** the transferor(s) and the Transferees(s) have signed this Transfer as a deed

**EXECUTIONS**

<p><b>SIGNED</b> as a deed by the Transferor(s) in the presence of: -</p> <p>..... Name and signature of person certifying</p>	<div style="border: 1px solid black; width: 100%; height: 100%; margin-bottom: 10px;"></div> <p>ID/Passport Number ..... Pin No ..... Signature /Thumb print .....</p>
--	--

**Certificate of verification under Section 45 of the Land Registration Act**

**I CERTIFY** that the above-mentioned Transferors .....  
 Appeared before me on the ..... day of ..... and Being known to me/being  
 identities by .....Of ..... Acknowledged the above signatures and  
 marks to be his/her/theirs and he/she/they had freely and voluntarily executed this instrument and  
 understood its contents.

.....  
Name and signature of person certifying

<p><b>SIGNED</b> as a deed by the Transferee (s) in the presence of: -</p> <p>..... Name and signature of person certifying</p>	<div style="border: 1px solid black; width: 100%; height: 100%; margin-bottom: 10px;"></div> <p>ID/Passport Number ..... Pin No ..... Signature /Thumb print .....</p>
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**Certificate of verification under Section 45 of the Land Registration Act**

**I CERTIFY** that the above-mentioned Transferee(s) .....  
 Appeared before me on the ..... day of ..... and Being known to me/being  
 identities by .....Of ..... Acknowledged the above signatures and  
 marks to be his/her/theirs and he/she/they had freely and voluntarily executed this instrument and  
 understood its contents.

.....  
Name and signature of person certifying

Registered and sealed this.....day of ..... 20 .....

Seal .....

**Land registrar**

Name: ..... Registrar's Stamp /No .....

Signature .....

## Anexure B: Land Control Board Form



### THE LAND CONTROL ACT (Cap.302)

#### **APPLICATION FOR CONSENT OF LAND CONTROL BOARD**

*To be submitted in TRIPLICATE in respect of each transaction and  
Sent to or left at the appropriate office of the Commissioner of Lands*

To: THE NYANDO  
LAND CONTROL BOARD

L.C.R. No. ....

I HEREBY apply to the .....  
Land Control Board for its consent to the transaction described below, and give the following information:

1. (a) Present registered holder of interest (full name in BLOCK LETTERS):  
.....  
(b)Nationality.....  
(c)Address.....
2. (a) Proposed purchaser, transferee, mortgagee, chargee, allottee, etc (full name in  
(BLOCKLETTERS)  
.....  
(b) If a limited liability company, names of directors, authorized and issued share capital and principal shareholders; if a co-operative society, names of chair- man, secretary and treasurer and total number of members---  
  
(c) Nationality.....Certificate No.....  
(d) Address.....
3. Nature of transaction (e.g) sale, gift, lease, mortgage, charge, etc: if sale allotment of shares name of company number and particulars of shares to be transferred  
.....
4. Term (i.e. the length of time for which the land affected is to be transferred or leased if sale or allotment of shares, authorized share capital of the company and numbers of shares issued at date of application)  
.....
5. Description of Land .....  
Area.....  
Locality .....  
County .....
6. (a) Purchase price, if a sale or option                          Sh.....  
    Rent    Sh. ....  
    Estimated value of the land (if a gift)                      Sh.....  
    Amount of loan (if mortgage or charge)                      Sh. ....

Rate of interest (if a mortgage or charge .....%)  
 Any other information affecting the amount of the consideration, particularly regarding the description and area of crops with estimated yields and value thereof included in the purchase price .....

(b) Full description and approximate value of improvements on land included in the Consideration .....

(c) Any other consideration passing between the parties.....

7. If a transfer or lease of the land---  
 Proposed development programme of purchaser, including funds available thereof with approximate date .....

Does the purchaser/lessee intend to reside on the land?  
 .....

8. (a) Other agricultural land registered in the name of or held under contract for sale by the proposed purchaser, transferee, lessee or allottee, or any member(s) of his immediate family, or any company in which he has an interest (state the nature of any interest in such company)---  
 L.R. or Parcel Nos.....Area.....  
 Owner.....  
 Nature of interest .....

(b) Particulars of agricultural land held and disposed of by purchaser or lessee in the last three years\_\_  
 L.R. or Parcel Nos. ....District .....Area.....  
 L.R. or Parcel Nos. ....District .....Area. ....

9. Farming experience of transferee.....

We hereby declare that the above information is true to the best of our knowledge and belief. 12

.....  
 Signature of purchaser, lessee,  
 mortgagee, chargee, or authorized  
 or agents. Etc.

.....  
 Signature of owner, lessor,  
 mortgagor, charger, or authorized agent  
 agent or agents, etc.

Date .....

Date .....

*If spaces allowed under any particular item are insufficient for the information. A separate sheet with Item numbers and duly signed by all parties or their authorized agent of agents should be attached.*



# Anexure C: Search Form

FORM LRA 85

(r. 86(3))



REPUBLIC OF KENYA  
THE LAND REGISTRATION ACT  
THE LAND REGISTRATION (GENERAL) REGULATIONS, 2017  
CERTIFICATE OF OFFICIAL SEARCH

TITLE NO. ....SEARCH NO.....

On the..... day of.....20..... the following were the subsisting entries on the register of the above-mentioned title:

**Part A - Property Section [easements, etc.]**

Nature of title.....  
Approximate area.....

**Part B - Proprietorship Section**

Name and address of proprietor.....  
Inhibitions, cautions and restrictions- .....

**Part C - Encumbrances Section [leases, charges, etc.]**

.....  
.....

The following applications are pending:

- (a) .....
- (b) .....

The following certified copies are attached as requested:

- (a) .....
- (b) .....

Date..... day ..... 20.....

Seal .....

**SIGNED** by the Registrar

Name:

Signature:





### **NAIROBI OFFICE**

Kuwindia Lane, Off Lang'ata Road, Karen C  
P O Box 112 - 00202, KNH Nairobi  
Tel: +254 020 2515790  
Mobile: +254 710 261 408 / +254 788 220 300  
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### **KISUMU OFFICE**

Nyalenda Railways Estate, Block 9/220  
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P.O Box 7708 - 40100, Kisumu - Kenya  
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Cell: +254 716 978 740/+254 710 261 408