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LAND CONSOLIDATION ACT

CHAPTER 283

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CHAPTER 283

LAND CONSOLIDATION ACT

ARRANGEMENT OF SECTIONS

PART I – PRELIMINARY

Section

1. Short title.
2. Application.
3. Effect of Act to be promulgated.
4. Interpretation.

PART II – ASCERTAINMENT AND RECORDING OF RIGHTS AND INTERESTS IN LAND; CONSOLIDATION AND DEMARCATION; AND CREATION OF ADJUDICATION REGISTER

5. Publication of notices.
 6. Officers.
 7. Adjudication sections.
 8. Staying of land suits.
 9. Committee.
 10. Arbitration Board.
 11. Committee to adjudicate.
 12. Notice of adjudication or arbitration.
 13. Attendance before Committee or Arbitration Board.
 14. Procedure in Committees and Arbitration Boards.
 15. Record of Existing Rights.
 16. Notice of completion of Record of Existing Rights.
 17. Objection to Record of Existing Rights.
 18. Procedure with regard to objections.
 19. Decision of Adjudication Officer to be final.
 20. Record of Existing Rights to be final.
 21. Consolidation.
 22. Interests not amounting to ownership.
 23. Demarcation.
 24. Adjudication Register.
 25. Notice of completion of Adjudication Register.
 26. Objection to Adjudication Register.
 27. Adjudication Register to be final.
 28. Correction of errors in Adjudication Register.
 29. Saving for records, etc., made before application of Act.
 30. Fees for adjudication.
 31. Regulations.
 32. Fees.
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CHAPTER 283

LAND CONSOLIDATION ACT

[Date of assent: 17th July, 1959.]

[Date of commencement: 28th July, 1959.]

An Act of Parliament to provide for the ascertainment of rights and interests in, and for the consolidation of, land in the special areas; for the registration of title to, and of transactions and devolutions affecting, such land and other land in the special areas; and for purposes connected therewith and incidental thereto

[L.N. 452/1956, Act No. 27 of 1959, L.N. 589/1960, Act No. 15 of 1961, Act No. 35 of 1961, Act No. 44 of 1962, L.N. 273/1962, Act No. 25 of 1963, L.N. 142/1963, L.N. 324/1963, L.N. 2/1964, L.N. 66/1964, L.N. 365/1964, Act No. 17 of 1967, Act No. 35 of 1968, Act No. 5 of 1969, Act No. 10 of 1969.]

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Land Consolidation Act.

[L.N. 589/1960, 1st Sch., Act No. 25 of 1963, Sch., Act No. 35 of 1968, 1st Sch.]

2. Application

(1) Whenever at the request of a local authority it appears expedient to the Minister that the ascertainment of rights and interests in, and the consolidation of, and the registration of title to, any area of Trust land (other than land to which the Land Adjudication Act (Cap. 284) applies) should be carried out, the Minister may, by order direct that this Act shall apply to such area of Trust land as is specified in the order, and upon publication of such order this Act shall apply to such area accordingly:

Provided that if, on the date on which this Act is enacted, the Native Land Tenure Rules, 1956 (L.N. 452/1956) (now revoked), apply to any area of the special areas, then, subject to the provisions of section 29(1), or of section 33(7), of this Act, as the case may require, this Act shall apply to such area.

(2) Whenever at the request of a local authority it appears expedient to the Minister that the registration of title to any land in the special areas, being land which has been set apart under and in accordance with the provisions of sections 115, 116, 117 and 118 of the Constitution, or is deemed to have been set apart by virtue of the provisions of the said Act, should be effected, the Minister may, by order, direct that this Act shall apply to such area of the special areas as is specified in the order, being an area wholly comprising land so set apart or deemed to have been set apart, and upon publication of such order this Act shall apply to such area accordingly.

(3) When any area of land has been added to the special areas under the Trust Land Act and it appears expedient to the Minister that registration of title to any land in such area should be effected, the Minister may, by order, direct that this Act shall apply to such area of the special areas, and upon publication of such order this Act, other than Part II, shall apply to such area accordingly.

[L.N. 142/1963, Sch., L.N. 66/1964, Act No. 35 of 1968. 1st Sch.]

3. Effect of Act to be promulgated

When this Act has been applied to any area, the Adjudication Officer of the district in which such area is situate shall forthwith cause notice of the general effect of the provisions of this Act to be given throughout the said area.

[L.N. 66/1964, s. 4.]

4. Interpretation

In this Act, except where the context otherwise requires—

“**adjudication area**” means an area to which this Act has been applied under section 2(1) of this Act;

“**Adjudication Officer**” means an Adjudication Officer appointed under section 6 of this Act;

“**Adjudication Register**” means an Adjudication Register completed under section 24 of this Act;

“**adjudication section**” means an adjudication section declared under section 7 of this Act;

“**adverse possession**” *deleted by Act No. 25 of 1963, Sch.;*

“**African court**” *deleted by Act No. 17 of 1967, 1st Sch.;*

“**Arbitration Board**” means an Arbitration Board formed under section 10 of this Act;

“**Assistant Registrar**” *deleted by Act No. 25 of 1963, Sch.;*

“**borrower**” *deleted by Act No. 25 of 1963, Sch.;*

“**certificate of title**” *deleted by Act No. 25 of 1963, Sch.;*

“**charge**” means a charge created on land for the purpose of securing the payment of money or money’s worth or the fulfilment of any condition, and includes a subcharge;

“**Committee**” means a Committee appointed under section 9 of this Act;

“**court**”, save as is otherwise expressly provided, means the Supreme Court or a subordinate court held by a Resident Magistrate;

“**dealing**” *deleted by Act No. 25 of 1963, Sch.;*

“**Demarcation Officer**” means a Demarcation Officer appointed under section 6 of this Act;

“**Demarcation Plan**” means a Demarcation Plan prepared under section 23 of this Act;

“**document**” includes any deed, judgment, decree, order or other instrument in writing requiring or capable of registration under this Act;

“**guardian**” means any person responsible (whether under native law and custom or otherwise) for protecting the interests of any person who is under a disability, whether by reason of age, unsoundness of mind or any other cause;

“**land**” includes land covered with water, any estate or interest in land other than a charge, all things growing thereon and buildings and other things permanently affixed thereto;

“**lease**” *deleted by Act No. 25 of 1963, Sch.;*

“**lender**” *deleted by Act No. 25 of 1963, Sch.;*

“**lessee**” *deleted by Act No. 25 of 1963, Sch.;*

“**lessor**” *deleted by Act No. 25 of 1963, Sch.;*

“**proprietor**” *deleted by Act No. 25 of 1963, Sch.;*

“**Record of Existing Rights**” means a Record of Existing Rights prepared under section 15 of this Act;

“**Recording Officer**” means a Recording Officer appointed under section 6 of this Act.

“**the Register**” *deleted by Act No. 25 of 1963, Sch.;*

“**the Registrar**” *deleted by Act No. 25 of 1963, Sch.;*

“**registration district**” *deleted by Act No. 25 of 1963, Sch.;*

“**registration section**” *deleted by Act No. 25 of 1963, Sch.;*

“**the Registry**” *deleted by Act No. 25 of 1963, Sch.;*

“**the Registry Map**” *deleted by Act No. 25 of 1963, Sch.;*

“**transfer**” *deleted by Act No. 25 of 1963, Sch.;*

“**transmission**” *deleted by Act No. 25 of 1963, Sch.*

[Act No. 15 of 1961, Sch., Act No. 25 of 1963, Sch., Act No. 17 of 1967, 1st Sch.]

PART II – ASCERTAINMENT AND RECORDING OF RIGHTS AND INTERESTS IN LAND; CONSOLIDATION AND DEMARCATION; AND CREATION OF ADJUDICATION REGISTER

5. Publication of notices

(1) Whenever, in accordance with the provisions of this Part, any notice is required to be given, the Adjudication Officer shall publish the same in writing at the office of the Civil Secretary of the Region within which the area is situated and at the office of the Regional Government Agent for the area and elsewhere as he may direct in such manner as he shall think fit, and the Regional Government Agent shall also cause the purport of such notice to be promulgated at *barazas* throughout the area and on such other occasions or in such other manner as he may determine.

(2) Every such notice shall be published, and the purport of such notice shall be promulgated in such language or languages as the Regional Government Agent shall deem to be most likely to be understood by all persons affected thereby.

[L.N. 66/1964, s. 5.]

6. Officers

(1) The Minister may appoint any fit and proper person to be Adjudication Officer for each adjudication area, and the Adjudication Officer may appoint such Demarcation Officers and Recording Officers as may be necessary for carrying out the adjudication, demarcation and registration of the adjudication area.

(2) The Adjudication Officer shall exercise general control and supervision over the adjudication and registration of the adjudication area and may issue such general or special directions as he thinks necessary to the officers appointed by him under subsection (1) of this section.

(3) The Adjudication Officer may exercise all or any of the powers given under this Act to officers appointed by him.

7. Adjudication sections

(1) Within each adjudication area the Adjudication Officer may, by notice, declare one or more adjudication sections.

(2) In each such notice the Adjudication Officer—

- (a) shall specify as nearly as possible the situation and limits of each adjudication section;
- (b) shall declare that rights and interests in land within the adjudication section will be ascertained and recorded in accordance with the provisions of this Part;
- (c) shall fix a period, which shall not be less than six months, within which any individual person claiming any right or interest in any land within the adjudication section is required to present his claim thereto to the Committee, either in person or by representation according to African customary law; and
- (d) may require any individual person claiming to be a landowner to point out the boundaries of the land of which he claims to be the owner to such person, in such manner and before such date as the Adjudication Officer shall specify.

[Act No. 17 of 1967, 1st Sch.]

8. Staying of land suits

(1) Subject to the provisions of this section, no person shall institute and no court whatever shall take cognisance of, or proceed with or continue to hear and determine, any proceedings in which the ownership or the existence under native law and custom of any right or interest whatsoever in, to or over any land in an adjudication area is called in question or is alleged to be in dispute unless the prior consent in writing of the Adjudication Officer to the institution or continuance of such proceedings has been given.

(2) No officer of any court whatever shall issue any plaint or other legal process for the institution or continuance of any proceedings which by virtue of the provisions of subsection (1) of this section are for the time being prohibited, except upon being satisfied that the consent required by those provisions has been given.

(3) Nothing in the foregoing provisions of this section shall prevent the enforcement or execution of any final order or decision given or made in any proceedings in respect of any land in an adjudication area, where such order or decision is not the subject of a pending appeal at the time of the application of this Act to such land.

(4) A certificate signed by an Adjudication Officer certifying any parcel of land to be, or to have become on a specified date, land within an adjudication area shall be conclusive evidence that the land is such land.

(5) Every certificate purporting to be signed by an Adjudication Officer shall be received in evidence and be deemed to be so signed without further proof, unless the contrary is shown.

[Act No. 17 of 1967, 1st Sch.]

9. Committee

(1) The Adjudication Officer within whose district an adjudication section is situate shall appoint a Committee for each adjudication section from amongst persons resident in the adjudication section and each Committee shall consist of not less than twenty-five members.

(2) The Adjudication Officer shall appoint an executive officer for each Committee within the district and such executive officer shall attend, and may speak, at any meeting of the Committee, but shall not vote.

[L.N. 66/1964, s. 6.]

10. Arbitration Board

(1) The Minister, after consultation with the local authority in whom the land is vested under section 208 of the Constitution, shall appoint not less than six and not more than twenty-five persons resident within the district within which any adjudication area is situate to form a panel from which the Adjudication Officer may from time to time select not less than five persons to form an Arbitration Board for any adjudication area within his district:

Provided that—

- (i) no person who has sat upon a Committee which has given a decision upon any particular matter shall be selected to be a member of an Arbitration Board to consider the same matter;
- (ii) where any land, in respect of which a Committee is unable to reach a decision on any claim to a right or interest therein, is situated on or near the boundary of a district, and the persons making such claims are resident in different districts, the Minister may, in his absolute discretion, appoint a Special Arbitration Board consisting of eight persons residing within the province; and in any such case a reference in this Part to an Arbitration Board shall include a reference to a Special Arbitration Board.

(2) The Minister may appoint any fit and proper person to be the executive officer of any Arbitration Board appointed for a district and such executive officer may attend and speak at any meeting of the Arbitration Board in respect of which he is appointed but shall not vote:

Provided that no person who has acted as executive officer of a Committee which has given a decision upon any particular matter shall act as executive officer of an Arbitration Board to consider the same matter.

[Act No. 44 of 1962, Sch., L.N. 66/1964, s. 7, L.N. 365/1964, Sch.]

11. Committee to adjudicate

(1) The Committee appointed for an adjudication section shall adjudicate upon and determine in accordance with African customary law the claim of any individual person to any right or interest in any land within the adjudication section.

(2) If a Committee is unable to reach a decision in accordance with African customary law it shall refer the matter to the Arbitration Board which shall decide the matter and shall inform the Committee of its decision.

[Act No. 17 of 1967, 1st Sch.]

12. Notice of adjudication or arbitration

Every Committee or Arbitration Board shall give seven clear days' warning of its intention to carry out an adjudication or arbitration, specifying the parcel or parcels of land upon which it proposes to adjudicate or arbitrate and stating the time and place at which it intends to adjudicate or arbitrate.

13. Attendance before Committee or Arbitration Board

(1) Every individual person claiming any right or interest in any land within an adjudication section, and any person whose presence is required by a Committee or Arbitration Board, shall attend in person, or by representative according to African customary law, as required by the Committee or Arbitration Board, at the time and place specified in the warning referred to in section 12 of this Act.

(2) If any such person fails to attend in person or by representative as provided by subsection (1) of this section, the adjudication or arbitration may proceed in his absence.

(3) If the Committee or Arbitration Board is satisfied that any individual person who has not made a claim has a claim to any right or interest in any land within the adjudication section the Committee may, but shall not be bound to, proceed as if he had made a claim.

(4) Where one or more of several heirs of a deceased person, or one or more out of a group of heirs, claiming a separate interest from another group or groups, appears, his or their appearance shall be deemed to be the appearance of all such heirs or all such groups, as the case may be, unless the Committee otherwise directs.

[Act No. 17 of 1967, 1st Sch.]

14. Procedure in Committees and Arbitration Boards

(1) If a member of a Committee or of an Arbitration Board has any interest, direct or indirect, in the determination by the Committee or the Arbitration Board (as the case may be) of any claim to any right or interest in any land, and is present at a meeting of the Committee or the Arbitration Board at which the determination of that claim is under consideration, he shall, at the meeting, as

soon as practicable after the commencement thereof, disclose the fact and shall not take part in the consideration or discussion of, or vote on any question with respect to, the determination of that claim.

(2) Each Committee and Arbitration Board shall elect one of its members to be chairman thereof, who shall preside at all meetings at which he is present; and if at any meeting the chairman is absent, the members present shall elect one of themselves to preside at that meeting.

(3) (a) The quorum of a Committee or of an Arbitration Board, where the total number of members thereof is an even number, shall be one-half of that number, and, where the total number of members thereof is an uneven number, shall be one-half of the even number that is greater than that number by one.

(b) In the event of an equality of votes the chairman or other member presiding shall have a casting as well as an original vote.

(4) Any decision of a Committee or of an Arbitration Board shall be signified in writing and signed by the chairman or executive officer thereof.

(5) Neither a Committee nor an Arbitration Board shall be disqualified for the transaction of business by reason of any vacancy amongst the members thereof; and any proceedings therein shall be valid, notwithstanding that some person, who was not entitled to do so, took part in the proceedings.

(6) (a) If any person fails to comply with the provisions of subsection (1) of this section, he shall be guilty of an offence and liable to imprisonment for a term not exceeding six months.

(b) A prosecution for an offence under this section shall not be instituted except with the consent of the Attorney-General.

15. Record of Existing Rights

(1) There shall be prepared in respect of each adjudication section and in accordance with the findings of the Committee or Arbitration Board, as the case may be, a Record of Existing Rights which shall be in three parts.

(2) The executive officer of the Committee shall enter or cause to be entered in Part I of the Record of Existing Rights—

- (a) the name and description of every person (hereafter in this Part referred to as a land owner) whose right, in the opinion of the Committee or Arbitration Board, should be recognized as ownership, together with a description or other sufficient identification and the approximate area of every parcel of land to which he is entitled;
- (b) any interest, lease, right of occupation, charge or other encumbrance affecting the land, whether by virtue of African customary law or otherwise, together with the name and description of every person entitled to the benefit thereof;
- (c) any restriction on the power of the landowner or of any such person to deal with the land or his interest, lease, right of occupation, charge or encumbrance;
- (d) in the case of any landowner or of any such person who is under a disability, whether by reason of age, unsoundness of mind or otherwise, the name of his guardian.

(3) The executive officer of the Committee shall enter or cause to be entered in Part II of the Record of Existing Rights a description or other sufficient identification, together with the approximate area, of each parcel of land which is not entered in Part I of the Record and which has not been set apart in accordance with the provisions of sections 208 and 209 of the Constitution and shall record the county council as the owner thereof, subject to any right of user or other limitation (if any) arising under African customary law or imposed under or by virtue of any written law, particulars of which shall be entered in the Record.

(4) The Adjudication Officer shall enter or cause to be entered in Part III of the Record of Existing Rights—

- (a) a description or other sufficient identification and the approximate area of any land which has been set apart or is deemed to have been set apart under and in accordance with the provisions of sections 115, 116, 117 and 118 of the Constitution;
- (b) the purpose of such setting apart;
- (c) the number and year of the notice in the *Gazette* setting such land apart,

and shall record the Government, the region or the county council as the case may be as the owner thereof, subject to such setting apart.

[L.N. 66/1964, s. 8, Act No. 17 of 1967, 1st Sch.]

16. Notice of completion of Record of Existing Rights

When the Record of Existing Rights in respect of any adjudication section has been completed, the chairman of the Committee and its executive officer shall sign and date a certificate to that effect and shall forthwith give notice of such completion, and of the place or places within the adjudication section at which the Record can be inspected.

17. Objection to Record of Existing Rights

Any person named in or affected by Part I of the Record of Existing Rights who considers the Record to be inaccurate or incomplete in any respect may, within sixty days of the date upon which the notice mentioned in section 16 of this Act is published at the office of the Regional Government Agent within whose district the adjudication area to which the Record relates is situated (and such date shall be endorsed upon the said notice), lodge an objection with the executive officer of the Committee concerned, stating in what respect the Record is alleged to be inaccurate or incomplete.

[L.N. 66/1964, s. 9.]

18. Procedure with regard to objections

(1) The executive officer, with whom an objection is lodged in accordance with the provisions of section 17 of this Act, shall either—

- (a) refer the objection to the Committee, if it appears to him that the inaccuracy or incompleteness alleged is a consequence of any decision of the Committee; or
- (b) submit the objection to the Adjudication Officer, if it appears to the executive officer that the inaccuracy or incompleteness alleged is a consequence of any decision of an Arbitration Board.

(2) Any objection referred to a Committee under subsection (1) of this section shall be considered by the Committee and the Committee shall make a finding thereon; every such finding shall be submitted to the Adjudication Officer.

(3) The Adjudication Officer, to whom an objection or the finding of a Committee is submitted under subsection (1) or subsection (2) of this section (as the case may be) shall, in the case of an objection so submitted to him, consider the matter with the Arbitration Board and, after making such further inquiries as he may think fit, determine the matter; and shall, in the case of a finding so submitted to him, either—

- (a) confirm the finding of the Committee; or
- (b) consider the matter with the Arbitration Board and, after making such further inquiries as he may think fit, determine the matter.

19. Decision of Adjudication Officer to be final

Any confirmation or determination of an Adjudication Officer made under section 18 of this Act shall be final and shall be notified in writing, signed by the Adjudication Officer, to the executive officer of the Committee concerned, who shall make such alteration, if any, as may be required in the Record of Existing Rights to give effect to such confirmation or determination.

20. Record of Existing Rights to be final

After the expiry of sixty days from the date mentioned in section 17, or on the date upon which all alterations to the Record of Existing Rights have been made in accordance with section 19, of this Act, whichever is the later, the Record shall be deemed to be a true and complete record of all existing rights and interests in the adjudication section to which the Record relates:

Provided that no inaccuracy in, or omission of, any particular shall in any way affect the validity of any lease or license granted under Part VI of the Trust Land Act (Cap. 288).

21. Consolidation

(1) The Committee shall set aside out of land in the adjudication section such land as may, in its opinion, be required for the needs of the community; and any detriment to any landowner caused by such setting aside shall be divided as equitably as possible between all landowners in the allocation of parcels (hereinafter provided for) within the adjudication section.

(2) To each landowner the Committee shall allocate land within the adjudication section, and in making such allocation the Committee shall have regard, so far as possible, to the site, quality, nature and extent of the land to which each landowner was entitled and to any interest, lease, right of occupation, charge or other encumbrance affecting the land, whether by African customary law or otherwise, according to the Record of Existing Rights, to the intent that so far as possible equality of exchange shall be achieved, subject to the liability of each such landowner to bear a share of the detriment caused by the setting aside of land for the community in accordance with the provisions of subsection (1) of this section.

(3) Without prejudice to the generality of the foregoing for the purposes of this section the Committee may—

- (a) consolidate all the land to which a landowner is entitled in accordance with the provisions of section 15(2)(a) of this Act;
- (b) require a landowner or the county council to relinquish any land to which he or it is entitled and to accept in place thereof other land;
- (c) require a landowner or the county council to relinquish any land to which he or it is entitled in order to create a right of way or to provide for the needs of the community:

Provided that the county council shall not be required to relinquish any land which is subject to a lease unless the lessee consents.

(4) If, in the exercise of any or all of its powers under subsection (3) of this section, a Committee is of the opinion that any compensation should be paid to any person on account of any detriment suffered by him as a result of such exercise of its powers, the Committee may require any other landowner or landowners who, in the opinion of the Committee, has or have profited therefrom to pay to such person such compensation as it may think proper; and such compensation shall be paid in money or in kind, and at such time or times, as the Committee may direct.

[L.N. 66/1964, s. 10, Act No. 17 of 1967, 1st Sch.]

22. Interests not amounting to ownership

(1) Where any person is entitled to the benefit of any interest, lease, right of occupation or charge affecting any land of a landowner, whether by virtue of African customary law or otherwise, and that landowner is required to relinquish that land in accordance with the provisions of section 21(3) of this Act, then such interest, lease, right of occupation or charge shall cease and determine in respect of that land together with the rights of the landowner; and such landowner shall either—

- (a) grant to the said person an interest, lease, right of occupation of, or a charge on, land allocated to the landowner in accordance with the provisions of subsection (2) of the said section; or
- (b) pay to the said person compensation, and thereupon his entitlement to the benefit of an interest, lease, right of occupation of, or a charge on, land of such landowner shall cease and determine.

(2) If the landowner and the person entitled to the benefit of the interest, lease, right of occupation or charge cannot agree whether an interest, lease, right of occupation, or charge is to be granted, in accordance with the provisions of subsection (1)(a) of this section, or whether compensation is to be paid in accordance with the provisions of paragraph (b) of the said subsection, or as to the extent of such interest, lease, right of occupation or charge, or the amount of such compensation, then the landowner or such person may refer the matter to the Committee, who shall decide the same.

(3) Any compensation payable by virtue of the provisions of this section shall be paid in money or in kind, and at such time or times, as the landowner and the person entitled thereto may agree or, in default of agreement, as the Committee may direct.

[Act No. 17 of 1967, 1st Sch.]

23. Demarcation

(1) The Demarcation Officer, with the assistance of the Committee or any member or members thereof, shall demarcate or cause to be demarcated by such means or in such manner as he may direct the boundaries of all parcels of land within the adjudication section in accordance with the Record of Existing Rights or with any allocation of land made under section 21 of this Act, as the case may be.

(2) The Demarcation Officer may order any landowner to whom land has been allocated in accordance with the provisions of section 21 of this Act within a reasonable time to be fixed by such officer—

- (a) to demarcate his land, and for the purpose of such demarcation to erect or plant, or to remove, such boundary marks as the said officer may direct;
- (b) to clear any boundary or other line which it may be necessary to clear for the purpose of demarcating his land;
- (c) to provide labour or otherwise assist in the demarcation of his land.

(3) If the land is not demarcated within the time and in the manner directed by the Demarcation Officer, he may demarcate or cause to be demarcated the boundaries of the land and may clear any boundary or other line which it may be necessary to clear for the purpose of such demarcation.

(4) All costs incurred under subsection (3) of this section shall be assessed by the Demarcation Officer, and shall be paid to him by the landowner concerned; and such costs may be recovered by the Demarcation Officer from such landowner as a civil debt recoverable summarily.

(5) The Demarcation Officer shall prepare or cause to be prepared a Demarcation Plan of the adjudication section, showing the separate parcels into which the same is divided.

24. Adjudication Register

(1) The Committee shall prepare or cause to be prepared in respect of every parcel of land shown on the Demarcation Plan a form containing the particulars set forth in either subsection (2) or subsection (3) of this section.

(2) The form shall contain in respect of land which has been allocated to landowners—

- (a) the name and description of the landowner, together with the number of the parcel of land as shown on the Demarcation Plan and its approximate area;
- (b) any interest, lease, right of occupation, charge or other encumbrance affecting the land, whether by virtue of African customary law or otherwise, together with the name and description of every person entitled to the benefit thereof;
- (c) any restriction on the power of the landowner or of any such person to deal with the land or his interest, lease, right of occupation, charge or encumbrance;

- (d) in the case of any landowner or of any such person who is under a disability, whether by reason of age, unsoundness of mind or otherwise, the name of his guardian; and
- (e) the date on which the form is completed.

(3) The form shall contain, in respect of land of which the county council is the owner, the particulars required by subsections (3) and (4) of section 15 of this Act, as the case may be.

(4) Each form shall be signed by the chairman of the Committee or by its executive officer and by the Demarcation Officer.

(5) The forms and the Demarcation Plan shall be delivered to the Adjudication Officer and shall collectively be known as the Adjudication Register.

[Act No. 17 of 1967, 1st Sch.]

25. Notice of completion of Adjudication Register

When the Adjudication Register in respect of any adjudication section has been completed the executive officer of the Committee shall sign and date a certificate to that effect and shall forthwith give notice of the completion thereof and of the place or places within the adjudication section at which the same can be inspected.

26. Objection to Adjudication Register

(1) Any person named in or affected by the Adjudication Register who considers such Register to be inaccurate or incomplete in any respect, or who is aggrieved by the allocation of land as entered in the Adjudication Register, may, within sixty days of the date upon which the notice mentioned in section 25 of this Act is published at the office of the Regional Government Agent within whose district the adjudication area to which such Register relates is situated (and such date shall be endorsed upon the said notice), inform the Adjudication Officer, stating the grounds of his objection, and the Adjudication Officer shall consider the matter with the Committee and may dismiss the objection, or, if he thinks the objection to be valid, order the Committee to take such action as may be necessary to rectify the matter and for this purpose the Committee may exercise all or any of the powers conferred by section 21 of this Act.

(2) If the Adjudication Officer considers that such rectification would incur unreasonable expense, delay or inconvenience, he may award such compensation in lieu of rectification as he may deem appropriate.

(3) No appeal shall lie against any decision by the Adjudication Officer to dismiss an objection or order rectification or to award compensation in lieu of rectification, as the case may be, but the Minister or any person to whom compensation has been awarded and who is dissatisfied with the amount awarded by the Adjudication Officer may apply to a subordinate court held by a Resident Magistrate for its revision in such manner as may be prescribed.

(4) Any compensation awarded by the Adjudication Officer under this section, together with such costs as the Court may award, shall be paid by the Minister.

[L.N. 66/1964, s. 11.]

27. Adjudication Register to be final

After the expiration of sixty days from the date of the certificate mentioned in section 25, or on the determination of all objections in accordance with section 26, of this Act, whichever shall be the later, the Adjudication Register shall be final.

28. Correction of errors in Adjudication Register

The Adjudication Officer may correct any clerical error or error of a like nature in the Adjudication Register.

29. Saving for records, etc., made before application of Act

(1) If this Act is applied to any area by virtue of the provisions of the proviso to section 2(1) of this Act, and a register has not, at the time of such application, been prepared and confirmed in accordance with the Native Land Tenure Rules, 1956 (L.N. 452/1956) (now revoked), then, notwithstanding the provisions of this Part, any recording, consolidation or demarcation which has been carried out in accordance with the provisions of the said Rules shall be deemed for the purposes of this Part to be a recording, consolidation or demarcation carried out under and in accordance with the provisions of this Part.

(2) If, on the date on which this Act is applied to any land in the special areas, any recording of rights and interests in such land has been carried out in accordance with native law and custom, and any consolidation or demarcation has, if necessary, been carried out, then, if the Minister is satisfied that such recording, consolidation or demarcation has been carried out substantially in accordance with the principles of this Part, he may give notice that any register prepared as a result of such recording, consolidation and demarcation shall be deemed for the purposes of this Part to be an Adjudication Register:

Provided that, for the purpose of objecting to any such Adjudication Register, the date of its completion shall be deemed to be the date of such notice, and the reference in section 26(1) of this Act to "the Committee" shall be construed as referring to the body, by whatever name called, by which the recording and consolidation was carried out.

30. Fees for adjudication

Every landowner whose name is contained in an Adjudication Register compiled or deemed to have been compiled in accordance with the provisions of this Part, whether such register was made before or after the application of this Act, shall pay a fee at such rate as may be prescribed in respect of the adjudication area or section.

31. Regulations

The Minister may make regulations for the purpose of carrying into effect the provisions and purposes of this Act.

[Act No. 25 of 1963, Sch.]

32. Fees

All fees, costs, charges and expenses to be paid under or by virtue of this Act shall be a civil debt recoverable summarily by the Chief Land Registrar appointed under the Registered Land Act (Cap. 300).

[Act No. 25 of 1963, Sch.]

CHAPTER 283

LAND CONSOLIDATION ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

	<i>Page</i>
1. Land Consolidation Regulations	21
2. Land Consolidation (Survey Fees) Regulations	23
3. Land Consolidation (Fees) Regulations	25

Regulations under section 31

LAND CONSOLIDATION REGULATIONS

[L.N. 639/1963.]

1. These Regulations may be cited as the Land Consolidation Regulations.
2. The fees specified in the second column of the Schedule to these Regulations shall be paid by each landowner whose name is contained in a Consolidation Register in respect of any consolidation area or section in any district specified in the first column of the said Schedule.
3. No fee shall be refunded except by order of the Chief Land Registrar.

SCHEDULE

[Rule 1.]

(1)	(2)
Kiambu, Murang'a and Nyeri Districts.	Sh. 10 per acre up to 20 acres, with a minimum fee of Sh. 10. Thereafter Sh. 5 per acre up to a maximum fee of Sh. 400.
Kirinyaga, Embu and Meru Districts.	Sh. 5 per acre up to 20 acres, with a minimum fee of Sh. 5. Thereafter Sh. 2/50 per acre up to a maximum of Sh. 200.
Taita District.	Sh. 5 per acre, with a minimum fee of Sh. 5, up to a maximum fee of Sh. 200
Baringo, Nandi and Elgeyo-Marakwet Districts.	Sh. 4 per acre up to 20 acres, with a minimum fee of Sh. 4. Thereafter Sh. 2 per acre up to a maximum fee of Sh. 200.
All other districts to any part of which the Act is applied.	Sh. 4 per acre, with a minimum fee of Sh. 4, up to maximum of Sh. 200.

LAND CONSOLIDATION (SURVEY FEES) REGULATIONS

[L.N. 36/1966.]

1. These Regulations may be cited as the Land Consolidation (Survey Fees) Regulations.
 2. Survey fees in respect of land to which the Act has been applied shall be charged in accordance with the Fifth Schedule to the Survey Regulations (Cap. 299, Sub. Leg.).
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LAND CONSOLIDATION (FEES) REGULATIONS

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation.
2. Interpretation.
3. Adjudication.
4. Committee and Board hearing fees.
5. Allowances for members of committees.
6. Allowances for members of boards.

SCHEDULES

- FIRST SCHEDULE – LAND CONSOLIDATION FEES
SECOND SCHEDULE – FEES FOR FILING LAND CONSOLIDATION CASES
-

[Subsidiary]

LAND CONSOLIDATION (FEES) REGULATIONS

[L.N. 16/1989, Corr. No. 29 of 1989.]

1. Citation

These Regulations may be cited as the Land Consolidation (Fees) Regulations, 1989.

2. Interpretation

In these Regulations—

“**holding**” means an individual parcel of land which is the subject of an entry in the adjudication register of any adjudication section.

3. Adjudication

(1) The fees specified in the First Schedule shall be payable, prior to the registration of any dealing affecting a holding, by every landowner whose name appears in an adjudication register in respect of any adjudication area or adjudication section.

(2) A fee payable under paragraph (1) shall be paid to the Chief Land Registrar whenever, after the first registration, any person makes an application for the registration of any dealing affecting a holding.

(3) A fee payable under this paragraph shall be calculated to the nearest whole hectare and no such fee shall be refundable except by order of the Chief Land Registrar.

4. Committee and Board hearing fees

Any person at whose request a claim is adjudicated upon by the adjudication committee under section 11(1) of the Act, or who lodges an objection with the executive officer of the committee under section 17 of the Act or who informs the adjudication officer of this objection to an entry in an adjudication register under section 26 of the Act shall pay a fee at the rate specified in the Second Schedule.

5. Allowances for members of committees

No cash allowance of any kind shall be payable to members of Committees from public funds, but where necessary Government transport may be provided for their use.

6. Allowances for members of boards

(1) Every member of an Arbitration Board to which a matter is referred by the adjudication committee under section 11(2) of the Act, or with which a matter is considered by the adjudication officer under section 18(3) of the Act, shall be entitled to payment of a sitting allowance at the rate of a hundred and fifty shillings per day on which he attends a meeting of the Board.

(2) In addition to the sitting allowance each member of an Arbitration Board may be provided, from public funds, with such accommodation, meals and transport as may be necessary, in the opinion of the adjudication officer, for the efficient functioning of the Board.

Land Consolidation

[Subsidiary]

FIRST SCHEDULE

[Corr. No. 29 of 1989.]

LAND CONSOLIDATION FEES

	<i>Fees per Acre</i>		<i>(Hectare)</i>	
	<i>Sh.</i>	<i>cts.</i>	<i>Sh.</i>	<i>cts.</i>
Range areas	1	00	2	50
	(subject to a maximum fee of Sh. 2,500)			
Other areas	10	00	25	00

SECOND SCHEDULE

[Corr. No. 29 of 1989.]

FEES FOR FILING LAND CONSOLIDATION CASES

<i>Class of Case</i>	<i>Sh.</i>
Land Adjudication under section 11 of the Act	50
Lodging of objection with executive officer under section 17 of the Act	150
Application for rectification of register under section 26 of the Act	200

