

- (c) prepare a lease for the extended period, stating the terms and conditions of the extension; and
- (d) have the lease executed;
- (e) forward the executed lease to the Registrar for the registration and the noting of the extended term in the register.

(4) An application for extension of lease made under this rule may be made in electronic form.

Lease granted by County Government.

4. (1) At any time before expiry of a lease granted by the County Government, a lessee may apply to the County Executive Committee Member for extension of lease in Form LA22 set out in the schedule.

(2) Upon receipt of an application under paragraph (2), the County Executive Committee Member shall review the application on behalf of the county government, respectively, and within ninety days of receipt of the application either—

- (a) approve the extension of lease for a specified term with such terms and conditions as may be specified ; or
- (b) decline to extend the lease and give the reasons thereof.

(3) Where the County Executive Committee Member approves an application d under paragraph (2),the County Executive Committee Member shall inform the Cabinet Secretary to-

- (a) require the lessee to have the land revalued in order to determine the land rent and other requisite fees, payable;
- (b) require the lessee to have the land re-surveyed and geo-referenced, where applicable;
- (c) prepare a lease for the extended period, stating the terms and conditions of the extension; and
- (d) have the lease executed;
- (e) forward the executed lease to the Registrar for the registration and the noting of the extended term in the register.

(4) An application for extension of lease made under this Rule may be made in electronic form.

Considerations to grant or decline.

5. In order to determine whether to grant or decline to grant an extension under rule (3) and (4), the Cabinet Secretary or the County Executive Committee Member shall consider—

- (a) in the case of a company, the names of the directors and their citizenship status including a search from the Registrar of Companies showing the shares of each director;
- (b) information relating to any existing encumbrances on the title of the land for which an extension is applied for;
- (c) evidence that the lessee has complied with the terms and conditions of the existing lease to the satisfaction of the lessor; and
- (d) where the application for extension is by a non-citizen, the unexpired term and the term of extension sought to ensure that they do not cumulatively exceed ninety-nine years.

Decline.

6. The national or county government shall inform the lessee of the decision to decline within fourteen (14) days and advise the lessee of their right of appeal.

Surrender.

7. (1) The national government or county government shall not require a lessee to surrender the unexpired term of an existing lease as a condition for the grant of an extension of a lease.

(2) The grant of an extension of lease shall not extinguish the unexpired term and shall take effect from the last day of the unexpired term.

PART III-NOTIFICATION OF EXPIRY

Expiry of a Leasehold Tenure.

8. (1) Subject to Section 13 of the Act, within five years before the expiry of a leasehold tenure, the Cabinet Secretary shall notify the lessee that the lease is about to expire by registered post, electronic form and any other means provided under these rules.

(2) A notification made under paragraph (1) shall also be forwarded to the Commission or County Executive Committee Member.

(3) Any notification made under paragraph (1) and (2) shall be in accordance to Form LA 21A set out in the Schedule and shall indicate—

- (a) the date of expiry the leasehold tenure;

- (b) inform the lessee of the lessee's pre-emptive right as provided under section 13 of the Act; and
- (c) to whom the lessee will make the application.

(4) A notification for the expiry of a leasehold tenure made under paragraph (1) and (2) may be made in electronic form.

Failure to Respond.

9. (1) Any lessee who fails to respond to the notification made under rule (7) within one (1) year from the date of service of the notification, the Commission shall publish another notification in two newspapers of nationwide circulation and shall require the lessee to respond within six months from the date of the publication thereof.

(2) Where a lessee fails to respond to the notification under paragraph (1), the Commission shall undertake a physical verification of the land to establish the status of the land.

(3) If upon verification under paragraph (5) the Commission establishes that the lessee is in occupation of the land, the Commission shall advise the lessee on the need to apply for renewal and the consequences of failing to apply for the renewal.

(4) The service of a notification by the Commission under this rule shall not preclude the lessee from seeking an extension of lease under rule (3).

PART III-RENEWALS

Applications for
Renewal.

10. (1) A person who wishes to renew a lease shall apply to the Commission for renewal, or any representative office of the Commission in the respective county, in Form LA 23.

(2) The Commission shall within seven days of receipt of an application under paragraph (1), forward the application to the Cabinet Secretary or County Executive Committee Member for consideration.

(3) The national government or county government shall make a decision within ninety days (90) of receipt of the application from the Commission made under paragraph (2) either —

(a) approve the renewal of lease for a specified term with such terms and conditions as may be specified ; or

(b) decline the renewal of the lease and give the reasons thereof.

(4) The national or county government shall inform the Commission of their decision to either approve or decline under paragraph (3) for implementation.

(5) An application for renewal of lease made under this rule may be made in electronic form.

Approval for Renewal.

11. (1) The Commission after receiving approval of renewal under Rule 10(3) shall—

(a) require the lessee to have the land revalued to determine the payable land rent and other requisite fees;

(b) require the lessee to have the land re-surveyed and geo-referenced; and

(c) issue a new letter of allotment in Form LA 5 for the parcel for the issuance of a new lease by the Cabinet Secretary in accordance with the provisions of the Act and these Rules.

(2) An approval for renewal of lease and a letter of allotment under this rule may be made in electronic form.

Decline of Renewal.

12. (1) Subject to Rule 10(3) (b), when the national government or county government declines the renewal of a lease and after informing the Commission, the Commission shall inform the decision to the applicant within seven days (7) of receipt of the decision and advise the applicant of the right of appeal.

(2) Any response made under this rule may be made in electronic form.

Determination by national government or county government

13. In order to determine whether to grant or not grant renewal, the national government or county government shall require, —

(a) in the case of a company, the names of the directors and their citizenship status including a search from the Registrar of Companies showing the shares of each director;

(b) evidence that the lessee has complied with the terms and conditions of the existing lease to the satisfaction of the lessor.

Renewal of leases after expiry.

14. (1) After the term of a lease has expired, the Commission shall require the lessee to apply for renewal of the lease in Form LA 23.

(2) An application for renewal of lease made under this paragraph (1) may be made in electronic form.

Considerations by Commission.

15. In order to determine whether to grant or not grant renewal, the Commission shall require, whether the lessee is a citizen or non-citizen—

- (a) in the case of a company, the names of the directors and their citizenship status including a search from the Registrar of Companies showing the shares of each director;
- (b) proof that the lessee has complied with the terms and conditions of the lease.

Land for public purpose.

16. (1) Subject to Section 13(1) (a), the national or county government shall notify the Commission of its intention not to renew the lease whenever they require any land to be used for public purpose.

(2) Before making the notification under Paragraph (1) the national or county government shall ascertain that the land under notification under paragraph (1) is included in the national or county spatial plan and cities and urban area plans under County Governments Act, 2012 and Urban Areas and Cities Act, 2011 respectively, and shall include the justification for the need of the land for public purpose.

(3) Upon receipt of the notification under paragraph (1), the Commission shall immediately notify the lessee accordingly.

(3) After a notification under paragraph (3) is given, the national or county government shall -

- (a) carry out an inventory of the developments on the land;
- (b) direct the lessee not to put up new developments or improvements thereon.

Substantial Transactions.

17. Subject to section 9(3) of the Act, the Commission in instances of substantial transactions, and in consultation with the national or county government shall ensure that—

- (a) the renewal is beneficial to the economy and the country as a whole;
- (b) the investment purpose is in accordance with the national or regional or county policies and plans; and
- (c) the renewal is in public interest, public safety, public order, public morality, public health and land use planning.

Site Inspection.

18. At any time, where the Commission deems it necessary, the Commission shall carry out a site inspection to verify the status of developments.

PART III-APPEALS

Appeals.

19. A lessee who is aggrieved by the decision not to extend or renew a lease under these Rules or under the Act, may within thirty days of receipt of the decision, appeal to the Commission directly or in respect of the county, through the office of the Commission.

Independent
Committee

Appeals

20. (1)The Commission shall within thirty days (30) of receipt of an appeal from a County, refer the matter to an *Ad Hoc* Independent Appeals Committee established by the Commission consisting of—

- (a) a representative from the Commission who shall be the chairperson of the committee;
- (b) a representative from Kenya Institute of Planners;
- (c) a representative from Institution of Surveyors of Kenya;
- (d) a representative from Law Society of Kenya;
- (e) a representative from Kenya Bankers Association; and
- (f) a representative from Kenya Private Sector Alliance.

Decision.

21. The decision of the *ad hoc* Independent Appeals Committee shall be binding and any party dissatisfied with the decision may appeal to the court.



REPUBLIC OF KENYA

APPLICATION FOR EXTENSION OF LEASE

(To be submitted in TRIPLICATE in respect of each transaction and sent to or deposited at the appropriate office of the Cabinet Secretary or County Executive Committee Member.)

To: cabinet Secretary/CEC....County

Date.....

I/ We HEREBY apply for extension of lease.

1. Details of the Applicant

Name:

Nationality

ID /Passport No.

Certificate of Incorporation No.....(where applicable)

Address

PIN No.

2. Description of Land-

Parcel No(s).

IR No. (where applicable)

Acreage..... (in Ha)

Locality

User

I attach the following supporting documents

- 1. Copy of ID/ Passport/Certificate of Registration of the registered proprietor(s)
2. Copy of the Title
3. Copy of official search
4. Rent and Rates Clearance Certificates (where applicable)

.....
Applicant



REPUBLIC OF KENYA

NOTICE OF EXPIRY OF LEASE BEFORE 5 YEARS

To Lessee.....

P.O. BOX

Reference is made to your lease in respect to Parcel No.....which issued on theday offor a term ofyears set to expire 5 years from this date on theday of

In accordance to Sec. 13 of the Act requiring that notice of expiry of lease be given to any Kenyan citizen lessee 5 years prior to expiry date, it is hereby accordingly NOTIFIED to you that your lease is set to expire as aforementioned and that you are at liberty to exercise your pre-emptive right to extend or renew the lease, whichever is applicable.

Dated

.....
for Cabinet Secretary



REPUBLIC OF KENYA
NATIONAL LAND COMMISSION

APPLICATION FOR RENEWAL OF LEASE

(To be submitted in TRIPLICATE in respect of each transaction and sent to or deposited at the appropriate office of the National Land Commission.)

To: National Land Commission,.....County

Date.....

I/ We HEREBY apply for Renewal of lease.

3. Details of the Applicant

Name:
Nationality
ID /Passport No.
Certificate of Incorporation No..... (where applicable)
Address
PIN No.

4. Description of Land-

Parcel No(s).
IR No (where applicable)
Acreage..... (in Ha)
Locality
User

I attach the following supporting documents

- 1. Copy of ID/ Passport/Certificate of Registration of the registered proprietor(s).
- 2. Copy of the Title.

.....
Applicant



Reference Number

NATIONAL LAND COMMISSION

LETTER OF ALLOTMENT

Name.....

Address.....

Date....., 20.....

Email Address.....

Dear Sir/Madam,

RE: Parcel No.....

I have the honor to inform you that the National Land Commission, on behalf of the National /County Government of....., hereby offers you a grant of the above parcel subject to your formal written acceptance of the following conditions and to the payment of the charges as prescribed hereunder:

AREA:.....hectares (approximately)

TERM.....years from the.....day of..... 20...

STAND PREMIUM Kshs

ANNUAL RENT Kshs

Rent fromto.....

Conveyance Fees Kshs

Registration Fees Kshs

Rates Kshs

Stamp Duty Kshs

Survey Fees Kshs

Road and Drains Kshs

Others Kshs

Receipt No..... Less Deposit.....

TOTAL Kshs
=====

GENERAL: This Letter of Allotment is subject to, and the lease will be made under the provisions of the Land Act (No. 6 of 2012) and certificate of title will be issued under the Land Registration Act (No. 3 of 2012)

SPECIAL CONDITIONS: (See attached)

I should be glad to receive your acceptance of the attached conditions together with banker's cheque for the amount as set out above within 90 days of the postmark:

If acceptance and payment respectfully are not received within the said 90 days from the date hereof the offer herein contained will be considered to have lapsed.

At the time you commence building you should exercise the greatest care to ensure that any building or other works are contained within the boundaries of the parcel for should you overstep the aforesaid boundaries the cost of removal and reconstruction must be borne by you.

The issue of the Government lease will be undertaken upon survey and proof of payment.

Your full name(s) ID, PIN, ADDRESS (Postal and Physical) AND CERTIFICATE OF INCORPORATION (*where applicable*) in BLOCK LETTERS, should be given for the purpose of the Certificate which will be submitted to you later. The attached special conditions form part of the offer which must be accepted in writing.

Yours faithfully,
Authority:

.....
For: National Land Commission

Made on the, 2020

***Chairperson,
National Land Commission.***

DRAFT