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SPECIAL ISSUE

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REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2022

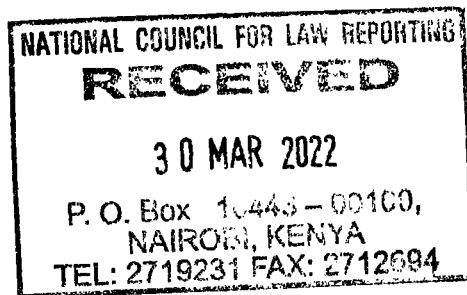
NAIROBI, 25th February, 2022

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THE LAND CONTROL BILL, 2022

A Bill for

AN ACT of Parliament to regulate certain transactions in land for connected purposes

ENACTED by the Parliament of Kenya, as follows—

PART I—PRELIMINARY

1. This Act may be cited as the Land Control Act, 2022. Short title.

2. In this Act, unless the context otherwise requires— Interpretation.
“agricultural land” means—

- (a) an area not designated as a city or urban area under the Urban Areas and Cities Act, 2011; or No. 13 of 2011.
- (b) land declared by the Cabinet Secretary, by notice in the *Gazette*, to be agricultural land for the purposes of this Act;

other than land which, by reason of any condition or covenant in the title thereto or any limitation imposed by law, is subject to the restriction that it may not be used for agriculture or to the requirement that it shall be used for a non- agricultural purpose;

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to land;

“appeals committee” means the Land Control Appeals Committee appointed under section 15;

“controlled transaction” means one of the transactions specified in section 3;

“co-operative society” means a society registered as a co-operative society under the Co-operative Societies Acts; Cap. 490.

“land” includes an estate, interest or right in land;

“land control area” means an area to which the Cabinet Secretary has applied this Act under section 3(2);

“land control committee” means a Land Control Committee appointed under section 4;

“mortgage” includes charge;

“private company” means a private company within the meaning of section 9 of the Companies Act, 2015;

“Chief Land Registrar” means the Chief Land Registrar appointed under section 12 of the Land Registration Act, 2012; No. 3 of 2012.

“older member of society” means a person who has attained the age of sixty years;

“registrar” means any person charged with the registration of dealings in land under a written law or, in relation to shares, the person keeping the register of the shares;

“share” means a share within the meaning of the Companies Act, 2015. No. 17 of 2015.

“youth” means the collectivity of all individuals in the Republic who—

- (a) have attained the age of eighteen years; but
- (b) have not attained the age of thirty-five years.

3. (1) This Act shall apply to all transactions relating to— Application.

- (a) disposition of land within an area not designated as a city or urban area under section 4 of Urban Areas and Cities Act, 2011; No. 13 of 2011.
- (b) disposition of land within an area planned or designated for agricultural use under the Physical and Land Use Planning, 2019; and No. 13 of 2019
- (c) disposition of land used for agricultural purposes.

(2) The Cabinet Secretary may, in consultation with the National Land Commission and the approval of the National Assembly, designate specific land control areas and transactions to be subject to the provisions of this Act.

PART II—ESTABLISHMENT OF LAND CONTROL COMMITTEES

4. (1) The Chief Land Registrar shall, by notice in the *Gazette*, appoint a Land Control Committee in each constituency Establishment of committees.

(2) Each land control committee shall comprise—