

GOVERNMENT OF KENYA



LANDS DEPARTMENT ANNUAL REPORT 1962

Two Shillings - 1963

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LANDS DEPARTMENT ANNUAL REPORT 1962

KENYA NATIONAL ASSEMBLY

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DEPARTMENT OF LANDS ANNUAL REPORT, 1962

I—REVIEW OF THE YEAR

There was a continued decline in development during 1962, and very few new building proposals were put forward. The number of new plots leased was considerably less than in 1961. On the other hand, revenue from stamp duty recovered to some extent and the collection from conveyancing fees also showed an increase over 1961.

The effects of the invasion of army-worm, drought and floods in 1961 were still being felt in 1962. Many farmers fell in arrears with the payment of their land rent and were only able to meet their liabilities out of payments made from the Disaster Relief Fund. The penalty date for payment of land rent was deferred from 31st March to 31st May to ease the position. Over the whole year, however, there was a small increase in land rent receipts.

Surveys having been completed, 246 agricultural holdings were converted from 99-year leases to 999-year leases.

The pace of resettlement by the Land Development and Settlement Board increased and 220,000 acres were purchased and the leases surrendered. In addition to this, Special Settlement Schemes for unemployed Africans were brought into existence and a large number of families were settled on five-acre plots. At the beginning of the year, the Department became responsible for the administration of urban land in the Special Areas and for the registration of titles under the Land Registration (Special Areas) Ordinance.

The training of local personnel to replace overseas officers likely to leave Kenya on Independence was continued and the trainees made excellent progress. The trainee Registrars of Title completed their training and were all acting in posts of Registrars of Title by the end of the year.

II—STAFF PROMOTIONS

Mr. M. T. H. Lawrence-Brown, Senior Land Officer, 28th February, 1961.

Mr. T. S. Whittaker, Land Officer, 2nd June, 1962.

Mr. A. Khalil, Registrar of Titles, 1st June, 1962.

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e the twitte Divisional Boards.

Mr. J. D. C. Coutinho, Assistant Land Officer, 2nd June, 1962,

Mr. S. S. Rupra, Senior Plan Records Officer, 25th November, 1962.

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Although no important legislation affecting land administration was effected during the year, work on a new Bill to be entitled "The Registered Land Bill" was carried out and discussions held both with various departments of the Government interested in the matter, and with the Law Society. By the end of the year, the Bill was in its final form and will be published during 1963. It is intended to replace all existing Registration Oordinances on a systematic process so that all land will be registered and dealt with in the same way 375,021,52

IV—BOARDS AND COMMITTEES

(i) The Land Board

The Land Board met on four occasions during the year. It recommended that eight areas of agricultural land, comprising 14,312 acres, should be alienated, all to adjoining farms. Forty-five applications for the conversion of agricultural leases to freehold under the provisions of the Conversion of Leases Regulations, 1960, were considered, and 40 offers of freehold were made. Of these, 23 were accepted, involving 63,233 acres approximately, while 17 offers were not accepted within the time limit laid down.

(ii) The Land Advisory Board (Coast Province)

The Coast Land Advisory Board met on three occasions during the year to consider matters concerning the development and control of land in the Coast Province. Its recommendations included the approval of two additions to the Coast Land Unit at Taita and Sabaki, amounting to 39 and 502 square miles respectively; the grants of two school sites, measuring five acres each, the grant of one residential plot at Watamu and the issue of a Temporary Occupation Licence for grazing purposes over 21 square miles at Mackinnon Road.

(iii) The Central Authority

The Central Authority met on seven occasions during the year. One hundred applications under the Land Control Regulations, 1961, or the Development and Use of Land (Planning) Regulations, were considered, out of which sixty-nine were approved, seven refused and four cancelled. The remaining twenty applications were still under investigation at the end of the year.

(iv) The Nairobi District Preparatory Authority

The Nairobi District Preparatory Authority did not meet in 1962 as no policy decisions were required. The day-to-day business was dealt with by the Sub-committee which met on six occasions during the year and considered nineteen applications, recommending twelve for approval (nine by the Central Authority and three by the Commissioner of Lands), six for refusal and the one remaining item was still under investigation at the end of the year.

(v) The Crown Estates Development Committee

In view of the lack of demand for plots both in Nairobi and elsewhere, only one new scheme providing for light industrial workshops in the Eastlands Area of Nairobi was embarked upon during the year. Mr. F. W. G. Bompas was appointed a member of the Committee in place of the Hon. G. A. Tyson, C.M.G., M.L.C., who resigned in 1961. The Rules of the Fund were revised during 1962 and were published in the Kenya Gazette under Notice No. 5594 dated 5th December, 1962.

(vi) The Land Control Regulations, 1961—Approval to Transactions

As required under the Land Control Regulations, 1961, 865 applications in respect of dealings with land for determination by the twelve Divisional Boards, were received by the Commissioner of Lands. Four applications were cancelled, the balance being approved, comprising 538 in respect of sales, 40 in respect of leases with options to purchase, 236 relating to leases and 47 to gifts, assents to bequest, etc. In respect of share transactions, the Commissioner of Lands approved 58 applications involving 1,466,051 shares in nineteen companies holding land in the Declared Areas, representing a total consideration of Sh. 23,129,648.

V—ANALYSIS OF AREAS: KENYA: UP TO 31ST DECEMBER, 1962— STATEMENT OF AREAS

Special Areas (Trust Lands)— Trust lands (Trust Lands Ordinance)	<i>Sq. miles</i> 48,991
The above figure includes the following areas:— Sq. mi	les
(i) Forest Reserves 1,034 (ii) Townships and Trading Centres 47	
(iii) Agricultural, Veterinary, Outspans, Railway and other Government Reserves	
(v) Open Water 86	
Special Reserves (Crown Lands)—	
Special Reserves (Crown Lands Ordinance)	720 1,012
Communal Reserves and Special Settlement Areas (Crown Lands Ordinance)	403
Non-Special Areas (Crown Lands)—	
Forest Reserves Municipalities, Townships and Trading Centres Agricultural, Veterinary, Outspans, Railway and other	5,077 563
Government Reserves	416 11,844 8,525
Royal National Parks	0,323
PRIVATE (FREEHOLD) LAND (NON-SPECIAL AREAS)	1,043 1,778
UNALIENATED CROWN LAND excluding the Northern Frontier and	
Turkana (but includes Swamps and Riparian Reserves part of which is suitable for alienation)	17,861 120,744 898 5,085
TOTAL AREA OF KENYA	224,960

VI—LAND ALIENATION

(a) Municipalities and Townships

New plots were alienated as follows, the 1961 figures being given for comparison:—

			1961	1962
Crown Land	 	 	337	167
Special Areas	 	 	153	19

The alienations are summarized in Appendix "A".

(b) Agricultural Land

- (i) A total of 811 acres was alienated during the year, and 3,190 acres were reserved to the Agricultural Department for pasture research.
- (ii) Under the provisions of the Conversion of Leases Regulations, 1960, twelve holdings were converted from leasehold to freehold tenure.

(c) Smallholder Settlement Schemes

By the end of the year 198 estates, totalling 220,000 acres approximately, had been acquired by the Land Development and Settlement Board and many others were in the process of negotiation. Orders under the Land (Registration of Titles) Regulations, 1961, were made in respect of 152 of these estates whereby, for purposes of registration of title, the land can be treated similarly to that in the Special Areas, the purpose of the Orders being to facilitate the transfer of plots to smallholders. Altogether, 1,583 letters of allotment were issued with the necessary legal charges to secure in each case the loans made by the Settlement Board to the new farmers.

VII—LAND TITLES REGISTRY

At the beginning of the year the Principal Registrar of Titles also became the Land Registrar Special Areas and therefore responsible for the administration of the District Registries established under the Land Registration (Special Areas) Ordinance (Chapter 283). This resulted in the absorption of the registries which were in operation at Kiambu, Fort Hall, Nyeri and Embu in Central Province; and Eldama Ravine, Kapsabet, Iten and Chepkorio in Rift Valley Province. Staff was also stationed at Meru, Kisii, Kisumu, Kakamega and Bungoma dealing with matters arising during the pre-registration period and to be ready to open registers as land consolidation comes to completion.

(i) Revenue

The stamp duty, registration and conveyancing fees collected amounted to £598,069 as compared with £546,194 in 1961, an increase of £51,875.

The principal sums collected	d for	stamp	duty	were:-	_	
•		-				£
(i) Cheques						114,206
(ii) Conveyances .						116,015
(iii) Revenue Stamps .						85,087
(iv) Bills of Exchange a	and P	romisso	ory N	otes		64,731
(v) Mortgages .						42,354
(vi) Share Transfers .						28,446
(vii) Share Capital .						48,993
(viii) Leases						16,300
(ix) Insurance Policies .						9,808
(x) Agreements—mainly	con	cerning	the the	sales	of	
business						7,111
The duty collected represen	nts:—	_				£
(i) Transfers of land to	the v	value o	f app	roximat	ely	5,800,750
(ii) Transfers of Shares	s to	the val	lue of	appro	xi-	
mately						5,689,200
(iii) Newly created Co	ompan	y Sha	are C	Capital	of	0.700 :00
approximately .		• •	• •		• •	9,798,600

Revenue collections showed a slight improvement over 1961, and there are indications that they may be maintained in 1963.

The allowance for spoilt and misused stamps amounted to £19,629.

The duty collected in the years 1957-62 is classified in Schedule I hereto and the total revenue from all sources in Schedule II.

(ii) Conveyancing

- (a) 2,063 documents were prepared and completed during the year as compared with 3,285 in 1961. Conveyancing fees amounted to £7,680 as compared with £6,702 in 1961. Over two-thirds of the documents prepared were free on Government account.
- (b) 334 Certificates of Title, arising from subdivisional transfers, were prepared as compared with 263 in 1961.

(iii) Registration

The number of documents registered during the year was 11,893 as compared with 17,370 in 1961, and shows a decrease of 5,477 documents.

Registration Fees amounted to £18,139 as compared with £20,836 in 1961.

Nairobi Land Registry registered 1,918 instruments free on Government account.

Nairobi Land Registry supplied 467 certified and uncertified copies against the 1961 total of 625.

The documents registered in the past six years are classified in Schedule III hereto.

(iv) Franking Machines

The system of using franking machines continues to prove a benefit, both to commerce and to Government.

(v) Staff

The staff continued to produce a high standard of efficiency and devotion to duty.

(vi) Settlement Schemes

A considerable proportion of the effort of the Registry was devoted to the purchases of land by the Land Development and Settlement Board for the purposes of the million-acre settlement scheme.

(vii) District Registries

Although the District Registries became the responsibility of the Principal Registrar of Titles from the beginning of the year, he only assumed responsibility for collection of revenue from 1st July, 1962. The total conveyancing and registration fees collected for the six months involved were £2,362.

VIII—DEVELOPMENT PLANS

Development Plans, in whole or part, were approved as follows:-

Date of Approval	Locality	Approved by
5.1.62	Kericho Part Development Plan	Commissioner of Lands
5.1.62	Nyeri Part Development Plan	Commissioner of Lands
9.1.62	Nakuru Part Development Plan	Commissioner of Lands
22.1.62	Gilgil Part Development Plan	Commissioner of Lands
23.1.62	Bungoma Whole Development Plan	Commissioner of Lands
12.2.62	Kisii Part Development Plan	Commissioner of Lands
19.2.62	Nanyuki Part Development Plan	Commissioner of Lands
7.3.62	Molo Part Development Plan	Commissioner of Lands
19.3.62	Lumbwa Part Development Plan	Commissioner of Lands
30.3.62	Nyeri Part Development Plan	Commissioner of Lands
31.3.62	Narok Part Development Plan	Commissioner of Lands
9.4.62	Nanyuki Part Development Plan	Commissioner of Lands
18.4.62	Nyeri Part Development Plan	Commissioner of Lands
18.4.62	Thika Part Development Plan	Commissioner of Lands
1.5.62	Embu Part Development Plan	Commissioner of Lands
4.6.62	Homa Bay T.C. Part Development Plan	Commissioner of Lands
21.6.62	Kiambu Part Development Plan	Commissioner of Lands
7.7.62	Malindi Part Development Plan	Commissioner of Lands
13.8.62	Kitui Part Development Plan	Commissioner of Lands
14.8.62	Kedowa Part Development Plan	Commissioner of Lands
24.8.62	Nanyuki Part Development Plan	Commissioner of Lands
3.9.62	Eldoret Part Development Plan	Commissioner of Lands
4.9.62	Nakuru Part Development Plan	Commissioner of Lands
11.9.62	Kakamega Part Development Plan	Commissioner of Lands
18.9.62	Kisumu Part Development Plan	Commissioner of Lands
19.9.62	Kapsabet Part Development Plan	Commissioner of Lands
26.9.62	Homa Bay T.C. Part Development Plan	Commissioner of Lands
2.10.62	Eldama Ravine Part Development Plan	Commissioner of Lands
6.10.62	Embu Part Development Plan	Commissioner of Lands
6.10.62	Kiambu Part Development Plan	Commissioner of Lands
12.10.62	Kericho Part Development Plan	Commissioner of Lands

Date of Approval	Locality	Approved by
15.10.62	Athi River T.C. Part Development Plan	Commissioner of Lands
17.10.62	Embu Part Development Plan	Commissioner of Lands
17.10.62	Ngong Part Development Plan	Commissioner of Lands
19.10.62	Kendu Bay Part Development Plan	Commissioner of Lands
20.10.62	Kericho Part Development Plan	Commissioner of Lands
22.10.62	Karatina Part Development Plan	Commissioner of Lands
30.10.62	Yala Part Development Plan	Commissioner of Lands
1.11.62	Embu Part Development Plan	Commissioner of Lands
9.11.62	Homa Bay T.C. Part Development Plan	Commissioner of Lands
19.11.62	Turbo T.C. Whole Development Plan	Commissioner of Lands
21.11.62	Kibera Part Development Plan	Commissioner of Lands
30.11.62	Kakamega Part Development Plan	Commissioner of Lands
6.12.62	Eldoret Part Development Plan	Commissioner of Lands
13.12.62	Nanyuki Part Development Plan	Commissioner of Lands
18.12.62	Eldoret Part Development Plan	Commissioner of Lands
19.12.62	Ruiru Part Development Plan	Commissioner of Lands
19.12.62	Ruiru Part Development Plan	Commissioner of Lands
19.12.62	Ruiru Part Development Plan	Commissioner of Lands

IX—VALUATION

It was again a year of very reduced activity generally and the amount of work undertaken in connexion with the management of Crown land was comparatively light, although there was some activity in land in African areas.

Arbitrations arising from the revision of agricultural rents in the Scheduled Areas were completed and work under this Head was confined to apportionments of rents on subdivision of farms. Assistance to the Land Development and Settlement Board was again given by some of the agricultural valuers.

Services of valuers to Local Authorities continued, and work in connexion with rural valuation rolls was undertaken for the Nyanza and Aberdare County Councils. No new valuation rolls were prepared for urban areas, the work being confined to the preparation of Supplementary Valuation Rolls for the Municipalities of Kisumu, Eldoret, Kitale, the County Councils of Nairobi, Naivasha, Nakuru, Aberdare and Nyanza, and various Townships. The Nairobi City Council Valuation Roll was successfully contested and considerable reductions have resulted in the valuations of Crown land.

Some 110 cases were dealt with for stamp duty purposes, the total value of property being a little over £400,000, and agreed increases amounted to £50,000.

Valuations for purchase and sale, and compensation, were undertaken for various Government Departments.

X-RECORDER OF TITLES

At the beginning of the year, investigations as to the number of unadjudicated claims outstanding were carried out in that area of the Malindi District south of the Sabaki River.

Adjudication of all claims within the Malindi Township area is complete with the exception of seven cases which are in dispute.

The adjudication of the Malindi District north of the Sabaki River, i.e. the Mambrui lands, commenced in the first quarter of the year. Within an acreage of approximately 70,000 acres there were 387 unadjudicated claims. 200 of the shamba claims have been finally dealt with, although 13 are in dispute and the final hearings have been adjourned at the request of the parties concerned. 81 claims have been allowed and the remaining 106 have either not been prosecuted or have been disallowed. 12 shamba claims have been demarcated and 74 notices requiring demarcation to begin in January, 1963, were issued for the Magarini, Pumwani and Shauri Moyo areas.

Twenty-six Certificates of Title of Ownership were issued during 1962.

XI—ACQUISITIONS, 1962

L.R. or Plot No.	Locality	Area (Acres) Approx.	Purpose
Plot M.7	Malindi Township Langata	0·7 5·0	Police Station. African Welfare Centre.

XII—SUBDIVISIONS OF LAND

Urban and peri-urban subdivisions again showed a marked decrease as compared with the previous year, but there was an increase in the number of subdivisions of agricultural land.

Urban			1961	1962
Schemes	 	 	38	 9
Plots	 	 	117	 22
Peri-urban				
Schemes	 	 	22	 13
Plots	 	 	41	 18
Agricultural				
Schemes	 	 	4	 38
Plots	 	 	37	 120

REVENUE STATISTICS

The following Schedules I, II and III show comparative detailed revenue and statistical figures for the past six years:—

SCHEDULE I—STAMP DUTIES

		-						
Class of Inst	rume	nt	1957	1958	1959	1960	1961	1962
			£	£	£	£	£	£
CHEQUES— Nairobi			119,694	116,480	126,938	131,091	125,940	114,206
Revenue Stamps Nairobi	S		116,671	99,410	87,991	93,837	82,290	85,087
Conveyances— Nairobi Mombasa		• •	184,546 29,670	134,702 22,812	145,389 21,280	166,040 30,076	94,355 19,434	99,719 16,296
			214,216	157,514	166,669	196,116	113,789	116,015
Mortgages— Nairobi Mombasa			24,506 4,240	26,854 4,275	42,105 3,648	36,186 4,604	24,348 3,615	38,597 3,757
			28,746	31,129	45,753	40,790	27,963	42,354
BILLS OF EXCHA Nairobi Mombasa Post Office	NGE 		14,182 23,724 28,510 66,416	16,391 19,056 30,241 65,688	27,453 21,298 35,361 84,112	32,662 20,326 37,001 89,989	25,914 15,583 25,937 67,434	45,974 18,757 28,747
Leases— Nairobi Mombasa			19,009 3,876 22,885	12,853 1,738 14,591	9,821 1,372 11,193	8,404 1,095 9,499	22,056 716 22,772	15,685 615 16,300
Powers of Atto	ORNEY							
Nairobi Mombasa			431 153	497 186	543 256	543 346	544 324	1,148 366
			584	683	799	889	868	1,514
Companies— (1) Share Capit Nairobi Mombasa	tal: 	::	50,505 5,509	21,158 1,671	37,433 2,592	33,480 3,226	24,372 1,454	47,894 1,099
			56,014	22,829	40,025	36,706	25,826	48,993

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SCHEDULE I—STAMP DUTIES—(Contd.)

		_)		1	1	I	1
Class of Ins	trumer	nt	1957	1958	1959	1960	1961	1962
					£	£	£	£
Companies—(Co (2) Memorand Articles of tion:		and cia-						
Nairobi Mombasa			1,750 132	1,313 67	1,551 90	1,339 131	1,219 121	1,487
			1,882	1,380	1,641	1,470	1,340	1,583
(3) <i>Share Tran</i> Nairobi Mombasa	nsfer: 		28,800 1,462	29,106 2,402	23,948 1,017	25,211 6,497	24,691 2,307	26,256 2,190
			30,262	31,508	24,965	31,708	26,998	28,446
Agreements— Nairobi Mombasa			1,812 135	6,040 610	8,067 348	4,838 236	7,158 275	6,879 232
			1,947	6,650	8,415	5,074	7,433	7,111
Partnerships— Nairobi Mombasa			613 1,237	1,049 115	507 469	211	218 245	370 41
			1,850	1,164	976	244	463	411
Insurance Pol Nairobi Mombasa	ICIES—		5,928 830 6,758	6,497 688 7,185	9,780 3,976 13,756	9,399 2,968 12,367	9,038 2,043 11,081	7,543 2,265 9,808
Trusts— Nairobi Mombasa			2,995	4,395	1,058 459	1,517	709 77	5,513 47
Miscellaneous Nairobi Mombasa			521 821	4,405 644 511	3,216 423	7,981 564	3,225 445	1,064 320
			1,342	1,155	3,639	8,545	3,670	1,384
Total			672,262	561,771	618,389	659,934	518,656	572,250

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SCHEDULE II—REVENUE COLLECTIONS

Class of Ins	trume	ent	1957	1958	1959	1960	1961	1962
			£	£	£	£	£	£
Conveyancing	Fees-							
Nairobi			14,571	10,056	10,635	10,403	6,565	7,595
Mombasa			148	226	262	233	137	85
TOTAL		£	14,719	10,282	10,897	10,636	6,702	7,680
STAMP DUTIES—	_							
Nairobi			571,963	477,389	525,800	552,739	446,077	497,422
Mombasa			71,789	54,141	57,228	70,194	46,642	46,081
Post Office			28,510	30,241	35,361	37,001	25,937	28,747
TOTAL		£	672,262	561,771	618,389	659,934	518,656	572,250
REGISTRATION F	EES-							
Nairobi			15,606	12,220	14,857	14,718	17,142	15,201
Mombasa			4,170	3,808	3,927	3,709	3,694	2,938
TOTAL		£	19,776	16,028	18,784	18,427	20,836	18,139

SCHEDULE III—DOCUMENTS REGISTERED

1962	obi basa		30 37 97		751 155 587 89	679 95 374 107			9,818 2,075 11,893
	Nairobi		N 61	1,3		3.6	C) V	3,6	8,6
1961	Mom- basa		35 182	699 281	208 160	127	175	737	2,720
19	Nairobi		652 81	1,110 1,461	3,058	1,089	308	5,574	14,650
90	Mom- basa		39	1,067	283 231	117	192	1,102	4,185
1960	Nairobi		806 216	1,670	946	757	431	4,436	13,167
62	Mom- basa		39	972	347	62	33	897	2,904 3,605
1959	Nairobi		731	2,048	965	928	305	3,689	12,904
1958	Mom- basa		68	1,027 910 451	235	129	71	807	4,122
19.	Nairobi		1,088	1,731	739	968	392	3,339	12,111
57	Mom- basa		70	1,237	241	112	161	960	3,613
1957	Nairobi		1,115	2,154	624	1,024	489	3,314	12,987
De la Description	CLASS OF DOCUMENTS -		Grants Certificates of Title	Documents of Title Transfers	Discharge of Mortgages Equitable Mortgages	Discharge of Equitable Mortgages Powers of Attorney	Caveats	Miscellaneous	TOTAL

APPENDIX A

SUMMARY OF LAND ALIENATION, RESERVATION, ETC., IN TOWNSHIPS AND MUNICIPALITIES

t -	y.)	Total	2 7 7 7 5 7 5 6 7 5 7 5 7 5 7 5 7 5 7 5 7	182
etc., no	vidual	Northern F. Prov.	1	3
ANEOUS nships,	list indi	Coast Province	2 - - - -	9
MISCELLANEOUS (i.e. Smaller Townships, etc., not	too numerous to list individually.	Nyanza Province	2 - 2	2
e. Smal	o numer	.Ч.У.Я	7 8 9 7 1	20
į.	to	Central Province		2
		Special Areas	2 8 4 4 1 1 1	19
	slla	Thomson's Fa	- 2	3
		Тһіка	- - - -	10
		Nanyuki	2 -	3
LOTS		Nyeri	- - -	2
NUMBER OF PLOTS		Kitale	= -	4
NUMB		Kisumu	4 1 4 1 2 5 1 1	18
		Eldoret	- -2 -	S
		Nakuru	- 7 1 9 1 1 1	13
		Mombasa	2 - - 2 5	=
		Nairobi	1	45
		Purpose	Industrial, including Garage, Workshop and Petrol Stations Business, including Business and Residential Cinema Residential Residential Religious, Charitable and Educational Extensions of Leases and Exchange Special Purposes Sports Purposes Staff Housing Staff Housing E.A. Railways and Harbours E.A. Railways and Harbours Government	TOTAL

G.P.K. 1448—470—6/63

