

COMMUNITY LAND REGULATIONS

ARRANGEMENT OF REGULATIONS

PART I—PRELIMINARY

Citation.

1. These Regulations may be cited as the Community Land Regulations, 2017 and shall come into force on such date as the Cabinet Secretary may by notice in the gazette, appoint and different dates may be appointed for different parts of the Regulations.

Interpretation.

2. In these Regulations unless the context states otherwise requires—
“Act” means the Community Land Act 2016;
“Adjudication” means the ascertainment of rights and interests in unregistered community land;
“Adjudication team” means a working team comprising of Land Adjudication Officers, Surveyors and community land management committee with the mandate of ascertainment of rights, demarcation and survey of community land;
“Certificate of Registration” means a certificate issued by the Registrar under Section 7 of the Act;
“Community Land Management Committee” means a committee elected under Section 7 of the Act;
“Demarcation” means
“Form” or “Forms” means a form or the forms in the _____ Schedule.

PART II— RECOGNITION, PROTECTION AND REGISTRATION OF COMMUNITY LAND RIGHTS

Claim of an Interest in Land

3. (1) Any community claiming an interest in land, including group representatives registered under the Land (Group Representatives) Act, and wishes to have it registered shall notify the registrar of such intention. Such notification shall—
(a) be made in duplicate in Form CLA.....;
(b) be signed by at least fifteen (15) members of the community; and
(c) be submitted to the registrar with the prescribed fee, with a duplicate being retained by the community.
(2) Upon being notified, the registrar shall invite all members of the community for a meeting in Form CLA..... indicating the date, time and place of the meeting.
(3) The notice shall be published in at least one newspaper of nationwide circulation and announced in a radio station of

nationwide coverage in both official and local language.

(4) The registrar may use other available means of communication such as affixing notices at the headquarters of the respective county, sub-county, wards, location, and in strategic places where the community land is situate.

(5) A copy of the notice issued above shall be delivered to the administrators for both the national and county government in charge of the county, sub county, wards and location where the community land is situate.

(6) The registrar or a public officer appointed by the registrar in writing for the purpose shall preside at the meeting to be held under Section 7(5) of the Act.

(7) The conduct of the meeting for election of the community land management committee shall be in accordance with the rules in Schedule

*Establishment of
community land
management committees*

4. (1) Having issued the notice under section 7(2) of the Act, the Land registrar together with the National County Administrators, the County Executive Committee Member responsible for lands and the Sub-County Administrator(s) for the area where land is located, shall convene and oversee the process of election of community land management committee members
- (2) The election of community land management committee members in accordance with sections 7, 15 (3) and (4) of the Act shall be guided by the following rules and procedures:
- (a) The community assembly will nominate eligible persons to vie for membership into the committee
 - (b) The assembly shall by way of secret ballot elect between 7 and 15 members into the management committee taking into account the two third gender rule in accordance with Article 27(8), values and principles of Articles 10 and 60 (1)(f) of the Constitution.
 - (c) The executive members of the committee shall consist of a chairman, vice-chairman, secretary, treasurer who shall be appointed by members at the first meeting of the committee
 - (d) The committee shall hold office for a period of 3 years
 - (e) At the end of the period of office, a third of members of the committee shall be eligible for re-election.

*Eligibility for Election
as Member of
Community Land
Management Committee*

5. (1) No person shall be elected as a member of the community land management committee if that person -
- (a) has been convicted of a crime involving fraud or dishonesty;
 - (b) does not meet the requirements of Chapter VI of the Constitution of Kenya;
 - (c) has been adjudged bankrupt;
 - (d) is below eighteen years of age.
- (2) The membership of committee shall not be less than seven and

not more than fifteen and shall ensure that at least one third of the members is from either gender.

Registration of communities

6. (1) The community land management committee shall apply to the registrar for registration of the community.
- (2) The community land management committee shall, on behalf of the community assembly, prepare rules and regulations to govern the operations of the community as provided for in section 15(4)(e) of the Act.
- (3) The content of rules and regulations shall follow the guidelines provided for in the _____ schedule
- (4) An application for registration of a community under section 7 (6) of the Act shall be made to the registrar in Form CLA.....
- (5) The application for registration shall be accompanied by-
 - (a) name of the community;
 - (b) register of members of the community;
 - (c) a certified true copy of the minutes of the meeting at which it was resolved to seek application for registration;
 - (d) rules and regulations of the community;
 - (e) description of the interest being claimed by the community.
- (7) On receiving an application for registration of a community, the registrar, if he is satisfied that—
 - (a) the name proposed to be registered has not been used by any other registered community;
 - (b) the requirements of the Act and of any regulations made under it have been complied with; and
 - (c) the rules and regulations of the community are acceptable in substance and in form,

may issue a certificate of registration of the community in Form CLA..., subject to any conditions, limitations or exemptions which he considers appropriate.

(8) Upon issuance of the certificate of registration, the persons named shall thereupon become the community land management committee of the community and a body corporate with the name specified in the certificate, and shall have perpetual succession, and the persons elected to be the community land management committee of the community shall become the officers of the community.

(9) Any conditions or limitations in a certificate of registration constitute a binding obligation upon the community to observe them, so far as they are applicable to the community.

(10) If the conditions set out in the regulations are not complied with to the satisfaction of the registrar he shall reject the application for registration of a community giving notice to that effect in Form CLA... to the community and his reasons for the rejection.

(11) The issue of a certificate of registration of a community shall,

subject to the Act and these regulations and to the conditions, limitations and exemptions in the certificate of registration, confer on the community power to sue and be sued in its name, and to acquire, hold, charge and dispose of property of any kind, and to borrow money with or without giving security.

(12) The community land management committee are under a duty to hold any property which they hold as such, and to exercise their powers as such, on behalf and for the collective benefit of all the members of the community, and fully and effectively to consult the other members of the community on such exercise.

Register of Communities 7. The registrar shall keep a register of the registered communities in Form CLA.... which shall consist of the application for registration, the name of the community, register of members of the community, rules and regulations of the community, duplicate of certificate of registration and all subsequent notifications, applications, returns and certified extracts from the minutes of meetings forwarded by the community to the registrar.

*Replacement of
Community Land
Management Committee
Members*

8. (1) Where a community land management committee member dies, becomes incapable or wishes to retire, he shall be replaced in accordance with the rules and regulations of the community.
(2) A community land management committee member may be replaced by resolution of the community assembly.
(3) Where a community land management committee member dies, or becomes incapable, or is replaced under sub regulations 1 and 2 above, at least three (3) members of the community land management committee shall give notice to the registrar in Form CLA.... within twenty-eight days after the happening, and the registrar shall amend the register accordingly,

Provided that any notification of the replacement of a community land management committee member by resolution of the community assembly under these regulations shall be accompanied by a certified true copy of the relevant minutes of the meeting at which the resolution was passed.

*Declaration of
Community Land
Registration Units*

9. (1) The Cabinet Secretary shall declare Community Land Registration Units as declared inSchedule of the Land Registration Regulations
(2) The Cabinet Secretary shall in consultation with respective county governments constitute additional community land registration units in specific sub-counties for purposes of ensuring reasonable access to land administration and registration services.

*Protection of
Community land rights*

10. (1) The Director of Land Adjudication and Settlement (DLAS) shall identify and recommend to the Cabinet Secretary officers to be appointed and gazetted as Land Adjudication officers (LAOs).

- (2) The Director Land Adjudication and Settlement in collaboration with the Office or authority responsible for survey shall constitute an adjudication team comprising of Land Adjudication Officers and Surveyors to work together with the Community Land Management Committee for purposes of adjudication and documentation of customary land rights.
- (3) The Land Adjudication team shall receive claims from a registered community entity for purposes of adjudication and documentation in Form CLA.....
- (4) Adjudication of customary land claims shall be done in accordance with the procedure provided in Regulation
- (5) The Adjudication team shall establish the boundary limits of the claim by the registered community on satellite imageries.

*Identification of
Unregistered
Community Land*

- 11.** (1) Within One Year from the effective date of these regulations, the Cabinet Secretary shall require respective County Governments, in consultation with communities to prepare and submit an inventory of all unregistered community land within their jurisdiction for developing and publishing a comprehensive adjudication programme under Section 8(1) of the Act.
- (2) The inventory shall be in Form CLA.....
- (3) The Inventory shall contain:
 - (a) The name of the community occupying the land or laying a claim on that land;
 - (b) Locality;
 - (c) Description of the perimeter boundary;
 - (d) Current use of the land;
 - (e) Any claims by any other persons in respect of that land;
 - (f) Any other relevant information.
- (4) In the event that a County Government fails to submit the inventory within the stipulated time, the Cabinet Secretary in consultation with the communities shall nonetheless prepare an adjudication programme based on the existing data on adjudication programmes.
- (5) Upon publishing of the comprehensive adjudication programme, the Cabinet Secretary shall issue Notice(s) of intention to commence demarcation, survey and registration of community land in Form CLA..... as set out in _____ Schedule of these regulations.
- (6) Any person(s) with a claim on the land mentioned in the above notice(s) shall be required to appear in person to present their claim(s) in Form CLA..... to the community land management committee and the adjudication team for consideration.
- (7) The decision of the committee shall be communicated to the claimant(s) in writing within 30 days from the date of determination.
- (8) The adjudication team shall demarcate and survey the

community land excluding public purpose plots and any other registered private land in accordance with section 8(6) and(7) of the Act.

(9) Any dispute arising from the process of recognition and adjudication of community land shall be resolved in the first instance through the dispute resolution mechanism provided by the Act and these regulations.

Confirmation of validity of existing customary rights of occupancy

- 12.** (1) The respective Land Adjudication Officer shall advise the community land management committee on the determination of a customary right of occupancy.
(2) Upon application in Form CLA.... of a customary right of occupancy, the land adjudication team will survey and demarcate the extent of the rights as guided and determined by the community land management committee.
(3) The team will prepare and submit a map showing the extent of rights to the land management committee for issuance of certificate of customary use and occupancy.
(4) The certificate of customary use and occupancy shall be in Form CLA.....which shall be forwarded to the registrar for noting in the register.

Community land register

- 13.** (1) There shall be maintained a community land register in accordance with the provisions of Section 8 of the Land Registration Act, 2012.
(2) Upon receipt of the cadastral map in accordance with Section 8(7) of the Act, the Registrar shall open a community land register in the name of the community and issue a certificate of title or lease in accordance with Section 8 of the Land Registration Act, 2012.
(3) Any transaction on community land shall be noted in the register in accordance with the provisions of the Land Registration Act, 2012.

Cancellation of leasehold interest by the Community

- 14.** Where a community wishes to cancel a leasehold interest under Section 33 of the Act, the Registrar shall require the community land management committee to submit such an application in Form CLA.....

Provided that the lessee shall have been notified of such intention at least sixty (60) days before the application is made to the registrar..

PART III—ADMINISTRATION AND MANAGEMENT OF COMMUNITY LAND

Promoting public education and

- 15.** (1) The Cabinet Secretary shall develop and roll out a national programme for public education and awareness on provisions of the Act within 12 months after the effective date of the regulations.

awareness

(2) Such programme shall be developed in consultation with the relevant county governments, National Land Commission and the communities.

(3) Upon establishment of the community land management committees, such committees shall be responsible for continuous implementation of the public education and awareness programmes.

(4) In implementation of the public education and awareness programmes, the committees may seek the support from national and county governments, and other relevant agencies.

PART V—CONVERSION OF LAND

*Conversion of
Community Land through
Compulsory Acquisition,
Transfer and Surrender*

16. (1) Where the community land management committee receives notification from the National Land Commission on part or whole of the land to be compulsorily acquired, it shall forward the notice to the community assembly for information. The procedures to be followed will be as prescribed in Part IV of the Land Act Regulations, 2017.

(2) Where community land is to be converted through transfer/surrender,:

(a) The community assembly shall give its approval in writing.

(b) A transfer/surrender instrument shall be prepared and executed by the Chairman and the Secretary of the community land management committee in accordance with the Land Registration Act, 2012, after which the transfer instrument shall be forwarded to the registrar for registration.

*Setting Aside
Community Land for
Public purposes*

17. (1) Where the community intends to set aside land for an identified public purpose that was not in the approved development plan, the community shall consult the relevant authority responsible for county planning for direction.

(2) Upon recommendation from the planning authority, the community shall cause the preparation of a physical development plan for the land to be set aside which shall be forwarded to the relevant County Government for approval

(3) The approved physical development plan for the land to be set aside for public purpose shall be forwarded to the National Land Commission for gazettelement.

PART VI -SPECIAL RIGHTS AND ENTITLEMENT IN COMMUNITY LAND

*Allocation of Registered
Community Land to
community members*

18. (1) Where a member/s of a registered community wishes to be allocated land for a particular use, they shall apply to the community land management committee for consideration.

(2) The community land management committee shall circulate the application within the community for comments to be received

within 30 days.

(3) Upon receipt of the presentations the community land management committee shall prepare a report and present it to the community assembly for approval.

(4) The community land management committee shall communicate decision of the assembly to the applicant within 14 days after the assembly meeting.

(5) The community land management committee shall issue the successful applicant with a letter in a prescribed Form indicating the detailed conditions of the allocation and fees payable.

PART VII—ENVIRONMENT AND NATURAL RESOURCES MANAGEMENT

Principles guiding the management of environment and natural resources

19. The community land management committee shall assist and encourage the community to observe the following principles:

- (a) Land Management Principles as articulated under Article 60 (1) of the Constitution;
- (b) Sound principles of land use, range management, animal husbandry and commercial practice;
- (c) Benefit sharing;
- (d) Public participation.

Requirements for Investor Partnerships

20. (1) The community assembly may enter into partnerships for purposes of investment and development of community land. Such partnerships shall be guided by the principles provided in sub-regulation 1 above

(2) In determining whether to allocate land to individuals or partners for investment purposes, the community land management committee shall ensure that:

- (a) The land is geo-referenced and planned in line with national and county spatial plans
- (b) Public consultations are made by placing a notice in, at least two daily newspapers of nation-wide circulation, one local newspaper and affix notices at the County, Sub County and ward offices inviting comments on or objections on the intended reservation of community land. The notice shall—
 - (i). contain a description of the property in issue;
 - (ii). The details of the envisaged investment;
 - (iii). specify the date, venue and time of the public consultations; and
 - (iv). Allow for not less than thirty (30) days period for making the representations.

(c) The investor shall demonstrate and provide evidence of the

accruing benefits of the investment to the community.

(3) Upon receipt of the representations from the public on the intended allocation, the community land management committee shall—

- (a) analyze the representations and ascertain the general feeling of the community;
- (b) take into consideration all other matters required under the Act or any other law; and
- (c) Determine whether based on the considerations referred to under paragraph (a) and (b), the land ought to be allocated.

(4) The allocation shall be approved by two thirds of the adult members of the community assembly in accordance with section 36(3) of the Act.

Payment of compensation and royalties

21. (1) The community land management committee shall cause valuation to be carried out for purposes of assessment of market value of the land and land rent to be paid prior to allocation of land to investors.

(2) The community land management committee shall seek the services of relevant government experts in determining the amount and nature of royalties payable to the community for expropriation of the resources therein.

(3) Payments of royalties in respect to mining activities on community land shall be guided by the Mining Act No. 12 of 2016.

(4) The community land management committee shall keep proper records and book of accounts regarding transactions relating to allocation of land, payment of compensation and royalties.

Conditions for prospecting or mining within community land

22. (1) Prospecting or mining on community land shall be in accordance with section 38 of the Mining Act, 2016.

(2) The community land management committee shall ensure that the conditions set out in section 38 of the Mining Act, 2016 are enforced.

PART VIII—SETTLEMENT OF DISPUTES RELATING TO COMMUNITY LAND REGISTRATION

Settlement of disputes relating to Community Land Registration Process

23. (1) Where disputes arise from community land registration process [in terms of Section 8 of the Act] within a registration unit, the claim shall be addressed to the Cabinet Secretary and shall be received and recorded by the land adjudication officer in charge of the registration unit in Form CLA.....

Provided that where the dispute traverses different registration units and or counties, the claim shall be received and recorded by either of the land adjudication officers in charge of any of the affected registration units and or counties and copied to the other(s).

(2) The Cabinet Secretary may appoint an *ad hoc* committee to hear and determine the disputes filed in this regulation.

(3) The Cabinet Secretary shall appoint the following officers to the *ad hoc*:-

- (a) Survey officer;
- (b) Recording Officer; and
- (c) Land adjudication officer, who shall be the secretary to the *ad hoc* committee;

(4) The Cabinet Secretary shall ensure that the *ad hoc* committee is comprised of:-

- (a) two (2) nominees from the county government where the community land is situate;
- (b) one national county administrator where the community land is situate.

(5) The *ad hoc* committee shall co-opt not more than four (4) representatives from the Communities where the community land is situate.

Provided that the co-opted representatives are not members of the community land management committee and the appointment will comply with the two thirds gender rule.

(6) (a) Where the community land under dispute traverses different registration units and or Counties, the Cabinet Secretary may constitute a special *ad hoc* committee consisting of not more than nine (9) persons.

(b) In constituting the special *ad hoc* committee, the Cabinet Secretary shall ensure there is representation from the registration units and or counties involved.

(7) An *ad hoc* committee shall elect one of its members from nominees in sub-regulation 3(2) to be chairman, 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.

(8) In hearing the dispute, the *ad hoc* committee may use alternative methods of dispute resolution mechanisms including traditional dispute and conflict resolution mechanisms where appropriate.

(9) The process of conducting hearings by the *ad hoc* committee shall be in accordance with the _____ Schedule.

(10) Nothing in these regulations shall preclude any person(s) or entity(ies) from lodging a claim(s) of an interest over community land in accordance with sub-regulation 3.

(11) Any party dissatisfied with the decision of the *ad hoc* committee may, within thirty (30) days after the date of the determination of the dispute, appeal to the court.

PART IX — CONVERSION OF GROUP REPRESENTATIVES

*Conversion of Group
Representatives to a
Community*

- 24.** (1) The Director Land Adjudication and Settlement shall cause to be prepared an inventory of all land held under the repealed Land (Group representatives) Act, Cap 287 indicating their status and forward it to the registrar.
- (2) The registrar shall notify the group representatives and its members, including those group representatives which had applied for dissolution before the commencement of this Act but had not dissolved, of the requirement to convert into a community and invite them to a meeting in accordance with this regulations above.(provide timeline)
- (3) Pursuant to the meeting held in regulation ____, an application for registration shall be made in accordance with regulations ____.
- (4) Upon issuance of certificate of registration, the community's particulars and interest shall be entered in the register in accordance with Section 8 of the Land Registration Act, 2012 and thereafter certificate of title or lease issue.
- (5) The registrar shall, before issuing certificate of title or lease, require the surrender of the existing title document and certificate of incorporation issued under the Land (Group Representatives) Act for cancellation.

Provided that where the existing title document and certificate of incorporation are not surrendered to the registrar in accordance with this regulation, they shall be deemed cancelled at the expiry of thirty (30) days notice in Form CLA..... in the Gazette.

(6) Groups that have applied for dissolution and have been issued with certificates of dissolution shall be allowed to finalize the process within three years.

(7)The Director Land Adjudication and Settlement shall on behalf of the Cabinet Secretary facilitate the handing over and any changes caused by implementation of this.

PART X—GENERAL PROVISIONS

*Finalization of ongoing
adjudication
programmes*

- 25.** (1) The Director Land Adjudication and Settlement shall on behalf of the Cabinet Secretary develop an inventory of new and existing Land Adjudication sections per county indicating their status of implementation.
- (2) The Director Land Adjudication and Settlement shall prepare a schedule of implementations and finalization of the sections in accordance with the Land Adjudication Act (Cap. 284) and Land Consolidation Act (Cap. 283).
- (3) At the expiry of the stipulated period, the Director Land

Adjudication and Settlement shall review the adjudication program with a view to developing a new program of finalization under the provision of the Community Land Act, 2016 for approval and gazettelement by the Cabinet Secretary.

DRAFT

SCHEDULES

FIRST SCHEDULE

(Section 7 and 15 of Community Land Act –Conduct of the Community Assembly and Community Land Management Committees)

Composition of community assembly of the Community

1. (1) There shall be a community assembly for every registered community.
(2) The assembly shall comprise of all adult members of the community.
(3) The assembly shall, at its first meeting, elect between 7 and 15 members of the community land management committee
(4) The members of the community land management committee elected under sub-section 3 shall elect among themselves a chairperson, a secretary and such other officials as may be necessary for purposes of discharging functions of the assembly.

Meetings of the Assembly

2. (1) The Assembly shall meet not less than two times in every year for purposes of transacting its business.
(2) The chairperson shall convene the meetings of the assembly at a place accessible by the members.
(3) Despite the provisions of sub-paragraph (1), the chairperson shall, upon a written request by at least five members of the Committee, convene a special meeting of the assembly at any time where he/she considers it expedient for the transaction of the business of the assembly.
(4) Unless three quarters of the total number of the members of the assembly otherwise agree, at least fourteen days written notice of every meeting of the assembly shall be given to every member.
(5) The quorum for the conduct of the business of the assembly shall be two thirds of the total number of members including the chairperson or the person presiding.
(6) The chairperson shall preside at every meeting of the assembly at which the chairperson is present and in his or her absence, the members of the assembly present shall elect one person from their number to preside over the meeting and such person shall have all the powers of the Chairperson.
(7) Unless a unanimous decision is reached, a decision on any

matter before the assembly shall be by a majority of the votes of the members present and voting and in the case of an equality of votes, the chairperson or person presiding over the meeting shall have a casting vote.

(8) The proceedings of the assembly shall not be invalidated by reason of a vacancy within its membership.

General meetings of the community.

3. (1) There shall be two classes of general meetings; Annual General Meetings and Special General Meetings which shall be attended by all members including members of the management committee.

(2) The Annual General Meeting shall be held not later than 31st December of every year.

(3) Notice in writing of such annual General meeting, accompanied by the annual statement of account and the agenda for the meeting shall be sent to all members through an advert in a newspaper with a national circulation, not less than 21 days before the date of the meeting.

(4) The Agenda for any Annual General Meeting shall consist of the following:

(a) the chairpersons report;

(b) the treasurer's report;

(c) consideration of the accounts;

(d) election of assembly office bearers and the committee members;

(e) appointment of auditors;

(f) ratification of decisions of the committee; and

(g) Any other business with the approval of the assembly to which a notice shall have been given in writing to the Secretary at least seven days before the date of the AGM.

(5) A special general meeting may be called for any special purpose by the assembly.

(6) Notice of such meeting shall be sent to all members not less than 7 days before the date thereof by way of an advert in a newspaper with a national circulation.

(7) A special general meeting may also be requisitioned for a specific purpose by order in writing to the secretary of not less than 1/3 members of the community and such meeting shall be held within 21 days of the matter shall be discussed other than that stated in the requisition.

(8) Quorum for general meetings shall be not less than two thirds the number of the registered members of the assembly.

Disclosure of interest

4. (1) If a member is directly or indirectly interested in any contract, proposed contract or other matter before the assembly and is present at a meeting of the assembly at which the contract, proposed contract or other matter is the subject of consideration, the member shall, at the meeting and as soon as reasonably practicable after the commencement thereof, disclose his or her interest in the matter and shall not take part in the deliberations over, or vote on, the matter.
- (2) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.
- (3) Any contract or instrument which if entered into or executed by a person not being a body corporate, would not be required to be under seal may be entered into or executed on behalf of the Authority by any person generally or specially authorized by the assembly for that purpose.

Meetings of the Committee

5. (1) The Committee shall meet not less than four times in every financial year and not more than four months shall elapse between the date of one meeting and the date of the next meeting.
- (2) The Chairperson shall convene the ordinary meetings of the Committee at the premises of the Authority.
- (3) Despite the provisions of sub-paragraph (1), the Chairperson shall, upon a written request by at least five members of the Committee, convene a special meeting of the Committee at any time where he considers it expedient for the transaction of the business of the Committee.
- (4) Unless three quarters of the total number of the members of the Committee otherwise agree, at least fourteen days written notice of every meeting of the Committee shall be given to every member of the Committee by the chief executive officer.
- (5) The quorum for the conduct of the business of the Committee shall be two-thirds of the total number of members including the Chairperson or the person presiding.
- (6) The Chairperson shall preside at every meeting of the Committee at which he is present and in his absence, the members of the Committee present shall elect one person from their number to preside over the meeting of the Committee and he shall have all the powers of the Chairperson.

(7) Unless a unanimous decision is reached, a decision on any matter before the Committee shall be by a majority of the votes of the members present and voting and in the case of an equality of votes, the Chairperson or person presiding over the meeting shall have a casting vote.

(8) The proceedings of the Committee shall not be invalidated by reason of a vacancy within its membership.

(9) Subject to provisions of this Schedule, the Committee may determine its own procedure and the procedure for any committee of the Committee and for the attendance of other persons at its meetings thereof.

Disclosure of interest

6. (1) If a member is directly or indirectly interested in any contract, proposed contract or other matter before the Committee and is present at a meeting of the Committee at which the contract, proposed contract or other matter is the subject of consideration, the member shall, at the meeting and as soon as reasonably practicable after the commencement thereof, disclose his or her interest in the matter and shall not take part in the deliberations over, or vote on, the matter.
- (2) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.
- (3) Any contract or instrument which if entered into or executed by a person not being a body corporate, would not be required to be under seal may be entered into or executed on behalf of the Authority by any person generally or specially authorized by the Committee for that purpose.

SECOND SCHEDULE

(Section 15(4)(e) of Community Land Act – Matters to be provided for in the guidelines to govern the operations of the community)

1. The name of the community.
2. A description and extent of the land which the community has, under recognized customary law, exercised rights of use and occupation.
3. The persons who are the members of the community.

4. The persons to whom membership is open.
5. The particulars of the members of the Committee, term of office, the method and frequency of their election, appointment, suspension and dismissal.
6. The authority for and the method of filling vacancies occurring amongst the officers of the Committee.
7. Payment of allowances to Committee members and other officers of the Committee.
8. The frequency of, quorums for, method of calling and dates of the annual general meetings.
9. The custody and investment of the funds and property of the community, and the designation of the persons responsible.
10. The purposes for which the funds and property of the Community may be used.
11. The maintenance and inspection of books of account, the register of members and the record of interests, by any member or officer of the community.
12. The periodic audit of accounts.
13. The manner of making and amending the name, constitution or rules of the community.
14. The manner of the dissolution of the community and the disposal of its property on dissolution.
15. The mechanisms for dispute resolution.

**THIRD SCHEDULE: Section 8(4) of Community Land Act –
Procedure for Recognition and Adjudication of Community Land**

1. The Land Adjudication Officer (LAO) shall seek confirmation of availability of the land from the Director of Land Administration
2. The Director of Land Administration shall communicate the findings to the Land Adjudication Officer within 14 days.
3. The Director Land Adjudication and Settlement shall prepare the notice(s) to adjudicate and register community land and submit to

the CS for publication in the media, sub county offices and on the land to be adjudicated.

4. The Land Adjudication Officer in consultation with the County govt. and with the community land management committees shall call for a public Baraza to sensitize the resident communities on commencement of demarcation, survey and registration of the Community Land.
5. The Adjudication team shall prepare a Preliminary Community Land Adjudication Record as well as the cadastral map(s).
6. The Land Adjudication Officer shall prepare an adjudication record in a prescribed format indicating the name of the registered community.
7. The surveyor shall within 30 days of completion of field survey submit the preliminary cadastral map to the Land Adjudication Officer.
8. The adjudication record and Cadastral map(s) shall constitute the Community Land Register.
9. The Land Adjudication Officer shall give a 14 days' notice of inspection of the adjudication register at an agreed place within the community land.
10. The Land Adjudication Officer shall compile a list of disputes that may arise for resolution within 30 days.
11. Any dispute arising from the claims shall be resolved as per procedure stipulated in part VIII of Community Land Act, 2016.
12. Upon resolution of the disputes, the surveyor will forward the final cadastral map to the office or authority responsible for survey for authentication and publication while Land Adjudication Officer shall forward the Adjudication record to the Director Land Adjudication and Settlement for checking.
13. The office or authority responsible for survey shall within 14 days forward the final cadastral map to Director Land Adjudication and Settlement.
14. Upon checking the Director Land Adjudication and Settlement shall certify that the register as final in all respects

15. Director Land Adjudication and Settlement shall forward the adjudication register and finality to the Community Land Registrar for registration and issuance of title deed to the respective community.

FOURTH SCHEDULE of Community Land Act – Fees and Charges

SERVICE	CHARGES (KSHS)
Issuance of certificate of title after completion of adjudication process	Preparation fees: Kshs 500 per title Adjudication fee: minimum Kshs 500 per ha
Issuance of customary rights of occupancy	•
Issuance of certificate of title (on transfer or transmission)	Registration fee: Kshs 500 per sub-plot
Issuance of sub-leases	•
Grant of grazing rights	•
Stamp Duty	• 2% of the land value for trading and market centres and rural areas • 4% of the land value for cities, municipalities and townships
Registration of documents: Transfers Charges Discharges Succession, correction of names, mutations/partition Power of attorney Leases Cautions/withdrawals of cautions	Kshs 500
Issuance of search certificates	Kshs 520
Resolution of boundary disputes	Minimum: Kshs 3,000
Hearing of caution	Kshs 2,000
Approval of sub-division/amalgamation schemes	Kshs 250 per sub-plot
Approval of building plans	Minimum: Kshs 750
Transfer of plots through transmission	Kshs 250
Conveyancing fees for certificate of title	Kshs 1250

FIFTH SCHEDULE

(Regulation ___)

PROCEDURE FOR CONDUCTING HEARINGS BY THE *AD HOC* COMMITTEE

1. The *ad hoc* committee shall send a notice of hearing to all parties with interest in the dispute.
2. The notice of hearing shall indicate the date, time and place of the hearing.
3. A party to the dispute may be required to produce a document(s) that the *ad hoc* committee may deem necessary for effective determination of the dispute.
4. The languages to be used during a hearing shall be Kiswahili or English. The *ad hoc* committee may procure services of an interpreter, where the parties do not communicate in either Kiswahili or English.
5. In the hearing of the dispute, the *ad hoc* committee may admit evidence from any person(s) or entity(ies) it deems necessary for proper determination of the dispute.
6. The *ad hoc* committee shall record and keep proceedings of the hearing in English.
7. A decision made by the *ad hoc* committee shall be in writing and shall be communicated to the parties to the dispute and the Cabinet Secretary within twenty one (21) days from the date of hearing.

SIXTH SCHEDULE

Forms