



THE REPUBLIC OF KENYA

LAWS OF KENYA

THE LAND (CONVERSION OF LAND) RULES

NO. 282 OF 2017

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Kenya

Land Act

The Land (Conversion of Land) Rules

Legal Notice 282 of 2017

Legislation as at 31 December 2022

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LAND ACT

THE LAND (CONVERSION OF LAND) RULES

LEGAL NOTICE 282 OF 2017

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Part I – PRELIMINARY

1. Citation

These Regulations may be cited as the Land (Conversion of Land) Rules.

2. Interpretation

In these Rules unless the context states otherwise requires—

“base map” means a topographical map depicting the natural and man-made features of the land.

3. Identification of land to be converted

- (1) The national or county government may, on its own motion or upon a request, identify the land and notify the Commission, in Form LA 1 set out in the Schedule, of its intention to convert the land from one category to another pursuant to section 9 of the Act.
- (2) The notification in paragraph (1) shall be accompanied with a base map showing the location of the land.

4. Conversion of public land to private land

- (1) Upon receipt of the notification under regulation 3 to convert public land to private land, the Commission consider the notification and shall satisfy itself that—
 - (a) the land is, at the time of the intended conversion, public land;
 - (b) the purposes for which it is intended to be used are compatible with land use planning for the respective area;
 - (c) the land is not part of an ecologically sensitive area;
 - (d) the conversion complies with any other provisions of the Act or any other law; and
 - (e) the land is not controlled land as defined in section 12A(1) of the Act.
- (2) Where the Commission is satisfied that the land meets the criteria set out paragraph (1), the Commission shall—
 - (a) in the case of a substantial transaction refer the matter to the National Assembly or County Assembly for approval as the case may be as required by section 9(3) of the Act ; and
 - (b) in all other cases, invite public consultations in accordance with regulation 5.
- (3) Upon receipt of approval from the National Assembly or County Assembly, the Commission shall allocate the land and enter the particulars in the register.

5. Public consultation

- (1) Where a conversion does not amount to substantial transactions, the Commission shall, upon satisfying itself of the viability of the conversion, invite comments on or objections on the intended conversion of public land into private land by—
 - (a) placing a notice in Form LA 2 set out in the Schedule, in at least two daily newspapers of nation-wide circulation and one newspaper of county-wide circulation;
 - (b) affixing a notice at the County and Sub-County headquarters, wards and other strategic places within the vicinity of the land;
 - (c) announcing of the notice in both official and local languages in a radio with nationwide coverage; and
 - (d) announcing in public *barazas* and places of worship.
- (2) The notice referred to in paragraph (1) shall—
 - (a) contain a description of the land in issue;
 - (b) provide the nature of conversion including particulars of the person or persons to whom the land is intended to be converted;
 - (c) specify the date, venue and time of the public consultations; and
 - (d) allow for representations to be received within fifteen days.
- (3) The Commission shall receive verbal and written representations.
- (4) Upon receipt of the representations from the public on the intended conversion, the Commission shall—
 - (a) analyze the representations and ascertain the general opinion of the public;
 - (b) consider all other matters required under this Act or any other law; and
 - (c) determine, based on the considerations received, whether the conversion ought to be approved.
- (5) If the Commission approves intended conversion of the land, it shall allocate the land and enter the particulars in the register.

6. Planning and surveying of the land intended to be converted

The Commission shall require the national or county government to plan, survey, geo-reference and service the land before commencement of the conversion.

7. Conversion of public land to community land

- (1) Where public land is to be converted to community land the national or county government shall present an application to the Commission in Form LA 3 set out in the Schedule requesting for conversion of land from public land to community land.
- (2) Upon receipt of the application under paragraph (1), the Commission consider the application and shall satisfy itself that—
 - (a) the land is public land; and
 - (b) the land shall be used for the benefit of the community as provided under Article 63 of the Constitution.

- (3) The Commission shall, upon satisfying itself of the viability of the conversion, invite comments or objections on the intended conversion of public land to community land by placing a thirty days' notice in—
- (a) placing a notice in Form LA 2 set out in the Schedule, in at least two daily newspapers of nation-wide circulation and one newspaper of local circulation;
 - (b) affixing a notice at the County and Sub-County headquarters, wards and other strategic places within the vicinity of the land;
 - (c) announcing of the notice in both official and local languages in a radio with nationwide coverage; and
 - (d) announcing in public *barazas* and places of worship.
- (4) In cases where there are objections from the stakeholders and the Commission is satisfied that the objections are reasonable, the Commission shall notify the national or county government as the case may be.
- (5) In cases where there are no objections, the Commission shall publish a notice in the *Kenya Gazette* of the conversion of the public land to community land.
- (6) The Commission shall advise the land registrar to enter the conversion in the community land register.



REPUBLIC OF KENYA

FORM LA. 1

(r. 3(1))

NATIONAL LAND COMMISSION

NOTIFICATION FOR CONVERSION OF PUBLIC LAND TO PRIVATE LAND

To The National Land Commission

I. Details of Applicant

(a) Full Name of the applicant

(i) National Government (State Agency)

(ii) Name of the County Government

(b) Postal Address

(c) Physical Address

(d) Pin No.

2. Description of Parcel applied for

(a) County

(b) City/Municipality/Town

(c) Locality

(d) Parcel No.

(e) Current user as per approved land use plan

(f) Purpose for which the land is being Converted

3. Conversion involving substantial transaction(s)

(a) Nature of Transaction

(b) Evidence of approval

I hereby declare that the information provided in this application is true to the best of my knowledge.

Date. Signature

FOR OFFICIAL USE ONLY

Recommended/Not recommended

.....

Chairman,

National Land Commission

Date.....



FORM LA. 2

(r. 5(1)(a))

NATIONAL LAND COMMISSION

NOTICE OF INTENTION TO ALLOCATE PUBLIC LAND

The National Land Commission hereby gives notice of intention to allocate the parcel(s) of land described in the schedule hereunder subject to terms available at the Commission's Office in Nairobi and at the commission's office in County. The mode of allocation shall be by way of as prescribed under section 12(1) of the Land Act (Cap. 280).

Parcel No: Area (Hectares) User Fees payable

.....

Chairman,

National Land Commission.

NOTE: Review form to reflect requirements of regulation 5(2)



FORM LA. 3

(r. 7(I))

NATIONAL LAND COMMISSION

APPLICATION FOR CONVERSION OF PUBLIC LAND TO COMMUNITY LAND

To The National Land Commission

National Government / Name of the County Government

(a) Postal Address

(b) Physical Address

Description of Parcel applied for

(a) County

(b) City/Municipality/Town

(c) Locality.....

(d) Parcel No

(e) Current user as per approved land use plan

(f) Purpose for which the land is being Converted

(Where only a part of a parcel of land is to be converted, a map indicating the said area should be attached)

Date

Signature