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Title deed?

- 👁️ A legal deed or document constituting **evidence of a right**, especially to ownership of property
- 👁️ It also shows the **type of tenure** of a property



Land Tenure System in Kenya

- Land Tenure - rules, right or period of holding land;
- Freehold
- Leasehold



a. Freehold

- Holder has absolute ownership of land for life
- **Succession** - descendants can succeed the owner for as long as the family lineage exists
- **No restrictions** as to the use or occupation
- Exists conditional freeholds e.g. agricultural purposes or ranching only



b. Leasehold

- ⦿ Holder has specific period of ownership of land subject to payment of a fee or rent to the grantor
- ⦿ Rates are payable to respective county government
- ⦿ Leases are granted by the government for **public land**, the local authority for **trust land** and individuals with **freeholds**
- ⦿ Maximum term of government leases is **999 years** for **agricultural land** and **99 years** for **urban plots**, as well as **33-years** leases for **urban trust land**
- ⦿ Holder can apply for renewal or extension of the lease



Types of Title Deeds in Kenya

- ◉ Indenture title
- ◉ Grant title
- ◉ Certificate of title
- ◉ Certificate of lease
- ◉ Absolute title
- ◉ Sectional title



1. Indenture Title

- This was a title under the Government Lands Act Cap 280 which has since been repealed



2. Grant Title

- This was a government grant under the Registration of Titles Act Cap 281 and a county council grant under Trust Land Act Cap 288. Both have been repealed



3. Certificate of Title

- This is under Cap 281 issued due to subdivision without change of user. Change of user happens when one shifts from, for instance, agriculture to residential



4. Certificate of Lease

- This is a title under the Registered Lands Act Cap 300 (repealed) for leasehold land
- A leasehold is a form of land tenure where a lessee (occupant) holds rights to land for a specific period and subject to conditions imposed on land rights by the lessor (landowner).
- The period can be 33, 50, 66 or 99 years for all urban plots



5. Absolute Title

- This is a title under the Registered Lands Act Cap 300 (repealed) for freehold land.
- This is a form of ownership in which the landowner has the maximum rights in terms of the period of ownership and use of the land.



6. Sectional Title

- 🕒 This is a title for a unit within a building, for example, a flat. It emanates from the Sectional Properties Act of 1987 and the title is deemed to be registered under the Registered Lands Act Cap 300.
- 🕒 It is important to note that the Land Registration Act, 2012 in Section 26 consolidates the above several titles into the Certificate of Title.
- 🕒 The aim is to rationalize and reduce confusion brought about by previous Land Acts, which resulted in various types of titles existing concurrently



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