FREQUENTLY ASKED QUESTIONS IN RESPECT OF SPOUSAL CONENT

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| No. | QUESTION | ANSWER |
|  | What is a Spousal Consent? | It is a requirement that for there to be a successful sale, lease, charge or gift of matrimonial property both spouses must be aware of the transaction and must agree to it. |
|  | Who is a spouse? | A spouse is either a husband or a wife married under any recognized marriage regimes in Kenya. The recognized marriages in Kenya include Civil, Customary, Christian, Islamic and Hindu marriages. |
|  | What is matrimonial property? | It is any property acquired by any of the spouses during the subsistence of the marriage and includes matrimonial home, household goods and effects in the matrimonial home and any other immovable and movable property. |
|  | What is the purpose of spousal consent? | It ensures that the spouses’ rights to dispose of matrimonial property are equal as both parties must agree to such disposition. |
|  | What is an affidavit of negation of spousal consent? | It is an affidavit confirming that spousal consent for transfer/charge is not required. It is required where the property is not matrimonial property. |