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## The Land Registration (Electronic Transactions) Regulations, 2019.

Section 110 of the Land Registration Act, 2012 empowers the Cabinet Secretary to prescribe regulations for the better carrying of the objects of the Act. In a bid to make good the government's intention to digitize land transactions, the CS on 28th June 2019, by Legal Notice 101 of 2019 prescribed the Land Registration (Electronic Transactions) Regulations ('The Regulations') that establishes an Electronic Registration System ('ERS') for land transactions.

Under the regulations, which once operationalized will apply to the Nairobi registry and are likely to be replicated in the other registries, all registry transactions are required to be carried out through the ERS unless it is impossible to do so, in which case it can be done through other prescribed means as the Chief Land Registrar may determine. The regulations provide that documents which are lodged electronically are as good as those lodged in paper document. Documents that cannot be lodged electronically such as original Titles are presented manually when required. Under Section 4(3) of the Regulations, the Chief Land Registrar may refuse to process a transaction if the person seeking to carry out the transaction fails to properly complete the prescribed form, fails to attach a document or provide information in the prescribed form or fails to pay the prescribed fees.

Before one can be allowed access to the ERS platform, they are required to register, enter into a user agreement and subscribe to the Terms and Conditions prescribed by the Chief Land Registrar. Once registered, one can change their log-in credentials. Registration may however be revoked or suspended by Notice for non-compliance, in which event one may appeal the decision to the Cabinet Secretary and then to the Environment and Land Court.



The Regulations require that documents be prepared, serialized, printed, executed/ sealed, printed in hard and thereafter scanned and uploaded to the ERS. One is thereafter required to make payment for the transaction through the existing platforms. The documents are then processed, and the results availed to the applicants electronically through their dashboards. Through the ERS, the Registrar may issue notices as well as certify and send forms. Advocates and law firms are authorized to use the system to engross conveyancing documents.

The information uploaded into the ERS is accessible through an online platform and the same is protected as a person shall not access them without a user agreement.

All land transactions, including registering documents, searches; (as well as historical searches), valuation, assessment, stamping for duty, payment and lodging for registration within Nairobi City County are now required to be done electronically. The documents submitted are then stored in a cloud-management system within the ERS.

The Gazettement of these regulations is a big step towards guiding the process for the long-awaited digitization of land records. As a firm that believes in digital transformation, expedition and efficiency in transactions, we believe this system once implemented will be of great use in reducing land fraud. We also believe that this will enable us meet our turn-around time in land transactions and serve our clients effectively.

Should you require further information and guidance on this please get in touch with; Mr. Tom Onyango, Renice Midar, or any member of our Real Estate and Conveyancing Team.

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