

Property Law in Kenya

Property law in Kenya governs ownership, transfer, leasing, and use of land and property. The law provides a framework for protecting rights of landowners, tenants, and buyers, while ensuring fair transactions and preventing disputes.

1. Types of Property

Property is classified into movable and immovable property. In Kenya, immovable property refers primarily to land and buildings.

2. Land Ownership

Land ownership is categorized as freehold or leasehold. Freehold grants absolute ownership, while leasehold is ownership for a specified period, often 99 years.

3. Land Registration

All land must be registered under the Land Registration Act. Title deeds provide legal proof of ownership.

4. Transfer of Property

Property can be transferred through sale, gift, inheritance, or compulsory acquisition by the government. All transfers must be registered to be legally binding.

5. Landlord and Tenant Rights

The law protects both landlords and tenants. Landlords must provide habitable premises, while tenants must pay rent and use the property responsibly.

6. Property Disputes

Disputes are handled by the Environment and Land Court. Common cases involve boundaries, succession, and illegal evictions.

7. Succession and Inheritance

Upon death, property is distributed according to a valid will or under the Law of Succession Act if there is no will.

Property law ensures secure ownership, fair transactions, and peaceful resolution of disputes. Individuals should always conduct due diligence before purchasing property and seek legal guidance to avoid fraud or disputes.