

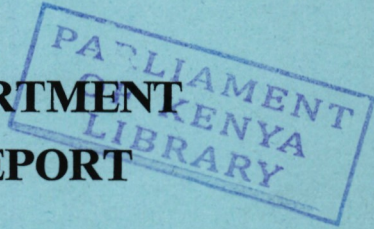
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REPUBLIC OF KENYA

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LANDS DEPARTMENT
ANNUAL REPORT
1965



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**LANDS DEPARTMENT
ANNUAL REPORT
1965**

KENYA NATIONAL ASSEMBLY
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I—REVIEW OF THE YEAR

In 1965, the Department consolidated its position following the period of significant change related to Kenya's recent constitutional progress and the modifications of land legislation and policy which this has entailed. During the year, greater stability was achieved in the staffing of the Department as the initial exodus of expatriate officers under the General Compensation Scheme drew to an end and as their newly appointed and promoted African successors gained confidence in the conduct of their duties.

2. The Commissioner of Lands continued to administer Government land and, in terms of the Constitution of Kenya (Amendment) Act 1966 (No. 16 of 1966), the Commissioner's authority to administer Trust land on behalf of the county councils in whom it is vested, was extended until 12th December 1967.

3. The Department continued to play its important part in the Government's programmes for land reform and land development.

4. The number of District Registries in the Land Adjudication and Consolidation areas remained unchanged at eleven, but preliminary work for the establishment of new registries was carried out in a number of new districts, including South Nyanza, Busia, Taita and Kericho, and plans were made for the establishment of sub-registries in Meru District.

5. There was a significant increase in the amount of business transacted at the District Registries, and the total registrations which took place during the year at District Registry level showed an increase of 50 per cent on the equivalent figure for 1964.

6. The Department continued to deal with conveyancing for the Settlement Scheme programme and during the year 7,283 letters of allotment were issued to settlement scheme farmers for their agricultural holdings, bringing the total number of letters of allotment now issued for Settlement Scheme plots to 23,826.

7. In addition, a total of 181 settlement township plots were allotted and 141 other such plots were issued on temporary occupation licences.

8. In November 1965, on dissolution of the Central Agricultural Board, the Department took over responsibility for the valuation of land which is to be purchased by the Government for Settlement Scheme programmes.

9. The Recorder of Titles continued during the year to conduct the adjudication of land titles at the Coast. All adjudications were completed in the Mambui area, with the exception of seven appeals, and good progress was made with the adjudication of claims in the Lamu area. Much consideration was given during the year to the solution of outstanding land problems at the Coast and in particular the Settlement Schemes in that area were placed on a sounder basis.

10. The Department gave assistance to the Special Commissioner for Squatters, in his inquiries into the squatter problem in Kenya. The Special Commissioner was provided with comprehensive schedules showing the availability of Government land throughout the country on which squatters might be settled, and the Department also handled negotiation and conveyancing in cases where it was agreed that portions of properties in private ownership should be given up for squatter settlement.

11. In the Trust land areas, the Department made arrangements for the setting apart of land for national projects, and projects initiated by the county councils, to be placed on a more systematic footing.

12. The Department presented evidence to the Mission on Land Consolidation and Registration in Kenya which began its deliberations in the final months of 1965, with the principal object of ensuring that the Mission was provided with full factual information and sound local advice on the requirements which will have to be met if the registration of title to land is to be dealt with successfully as part of the accelerated programme for Land Adjudication and Consolidation. This programme will include arrangements for the issue of registered titles in Narok and Kajiado Districts, which are primarily Masai pastoral areas, and the Department participated in the proceedings of a working party set up to examine the most suitable means of providing the benefits of registered title in the Masai areas.

13. The Department continued to be responsible for assisting Divisional Land Control Boards in the conduct of their work, relating to the control of transactions in agricultural land, and departmental officers also carried out work on behalf of the Appeals Tribunal which considers appeals against Divisional Land Control Board decisions.

14. The Central Authority, sitting under the Chairmanship of the Commissioner of Lands, also continued to examine applications for subdivision involving change of user of agricultural land, and for approval to other schemes of development, and held three meetings during the course of the year.

15. The Department continued to deal with allocations of Government land throughout Kenya and negotiations were conducted with a view to the alienation and development of important sites in Nairobi City Square. The Department also continued to deal with allocations of Trust land throughout Kenya on behalf of the county councils concerned.

16. At Nakuru, an area of over 170 acres was acquired by the Government to make possible the extension of the town's rail-served industrial estate.

17. The total area of agricultural land alienated during the year was 28,582 acres.

18. Collection of land revenues continued to be an important part of the Department's function, and total rent receipts were £409,221, as against £411,028 for 1964. Stand premia in respect of town plots and farms, of £10,275 and £10,511 respectively, were collected. Revenue from Stamp Duty amounted to £729,846 as compared with £783,110 in 1964. Conveyancing and registration fees were collected in the amounts of £13,706 and £27,014 respectively.

19. The Departmental training programmes were vigorously pursued during the year, and a course for Junior Land Assistants, and Junior Assistant Land Officers, was successfully completed by four Junior Land Assistants and two supernumerary Assistant Land Officers. One African Valuer (Trainee) prepared during the year for the Intermediate Examination of the Royal Institution of Chartered Surveyors, which he subsequently passed, and other Valuer trainees prepared for the first examination of the Royal Institution of Chartered Surveyors. An African officer was appointed to fill the post of Deputy Chief Land Registrar, and arrangements were made for the creation of a new post of Assistant Commissioner (Supernumerary) to which a suitably qualified African officer might be appointed. Two African officers received training as Registrars of Title (Trainee) and other officers in all sections of the Department attended training courses at the Kenya Institute of Administration.

20. As a result of formal training and internal arrangements to enable newly appointed and promoted officers to gain diversity of experience, the difficulties of the present transitional period have been minimized and standards of departmental efficiency maintained at an acceptable level.

II—PROMOTIONS

R. L. R. Naish, Senior Valuation Officer	1.12.65
F. N. Njogu Mathenge, Assistant Land Officer ..	4.8.65
S. Mwago, Executive Officer Grade III	8.4.65
M. Waluchio, Junior Land Assistant (Trainee) ..	1.3.65
E. Karagania, Land Rent Assistant (Court Section)	1.4.65
D. K. Muthua, Assistant Land Officer	12.8.65

III—LEGISLATION

The Constitution of Kenya (Amendment) Act 1965 (No. 14 of 1965), made further necessary legal provision for important functions connected with the administration of land. The Act provided for the Kenya (Land Control) Transitional Provisions) Regulations 1963 (Legal Notice No. 457 of 1963), to continue in force as from 12th December 1964, to 12th December 1965. The effectiveness of these Regulations was further extended from the latter date until 12th December 1967, by a further Constitutional Amendment Act passed after the end of the year which is now under review. The Constitution Amendment Act of 1965 also provided for Part 3 of Chapter XII of the Kenya Constitution which deals with land control matters to be repealed, but to continue in force as if it had been re-enacted as a part of the Act. The Constitution Amendment Act further provided for the President of Kenya to make dispositions of Government land and empowered the Commissioner of Lands to continue to administer Trust land on behalf of the county councils in which it is vested until the 12th December 1965. This administrative function has been further extended by fresh legislation passed after the end of the year now under review, until 12th December 1967. Provision, under the Act, was also made for county councils to continue to set apart Trust land vested in them in accordance with the provisions of the Trust Land Act as from 12th December 1964.

During the year, work continued on the preparation of draft amendments to other legislation, which has significance from the point of view of land administration, in particular the Crown Lands Act, which has now been redesignated "The Government Lands Act".

A significant fact, not hitherto noted in this Department's Annual Report, is that, in terms of section 208 of schedule 2 to the Kenya Independence Order in Council 1963 (No. 1968 of 1963), the whole of Kenya's Northern Province is now Trust land and, as such, is vested in the appropriate county councils.

IV—BOARDS AND COMMITTEES

(i) Central Authority

The Central Authority met on three occasions during 1965 and considered 64 applications concerning non-agricultural subdivisions, including the establishment of farm shops. Out of these, 39 were approved, four were refused, 12 were

subsequently cancelled and nine were outstanding at the end of the year pending comments from the various consulting authorities and/or additional information from the applicants.

(ii) Divisional Land Control Boards

The Commissioner of Lands examined and passed on to the Divisional Boards covering the former Scheduled Areas applications in respect of the following:—

(a) Fifty-six subdivisional schemes affecting agricultural land, out of which 35 were approved, five refused, 11 subsequently cancelled and five were pending at the end of the year under review;

(b) Nine hundred and ninety-four applications for dealings with land, made up as follows:—

Sales	..	..	..	..	..	..	620
Leases	..	..	..	..	..	..	137
Gifts	..	..	..	..	..	..	19
Shares/Allotment of Shares	..	..	..	..	..	..	45
Mortgages and Charges	..	..	..	..	..	..	120
Cancelled transactions	..	..	..	..	..	..	53

Out of the total, 958 were approved, six refused and 30 were awaiting meetings of the Divisional Boards concerned in the new year.

The 45 transactions regarding transfer or allotment of shares in private companies owning agricultural land involved 105,575 shares representing a total consideration of Sh. 3,600,280/50 and 1,200,002 shares for distribution of assets on reorganization.

(iii) Appeals Tribunal

During the year, eight appeals against refusals by Divisional Boards were submitted to the Tribunal. The Appeals Tribunal met four times during 1965 and upheld four of the appeals, dismissed three and one was withdrawn.

(iv) Government Estates Development Committee

The Committee, whose activities are here described, was formerly known as The Crown Estates Development Committee.

The demand for land which would require planning and the installation of new services, before alienation and development, remained at a low level, and it was necessary for the Committee to meet only once during 1965. At this meeting the Committee recommended amendments to its Rules to bring these into line with Constitutional development and these were approved and promulgated by the Minister for Lands and Settlement.

The Committee considered the Annual Accounts and continued to make provision for the maintenance and construction of roads under its authority, which had not yet been adopted by local authorities. A survey of proposed rail-served industrial areas at Nakuru and Eldoret was completed.