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THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT – THIRD SESSION – 2019

DEPARTMENTAL COMMITTEE ON LANDS

REPORT ON THE CONSIDERATION OF A PETITION BY RESIDENTS OF
TIGANIA EAST CONSTITUENCY REGARDING ALLEGED UNLAWFUL
OCCUPATION OF ANCESTRAL LAND BY THE KENYA DEFENCE FORCES
SCHOOL OF ARTILLERY (78 TANK BATTALION)

THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 05 DEC 2019	DAY: THURSDAY
TABLED BY: CLERK AT THE TABLE:	Mr. R. Nyamai Chairperson Lemuna Mose

DIRECTORATE OF COMMITTEE SERVICES
CLERK'S CHAMBERS
PARLIAMENT BUILDINGS
NAIROBI

DECEMBER 2019

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CHAIRPERSON'S FOREWORD

The Petition by residents of Tigania East Constituency regarding unlawful occupation of ancestral land by the Kenya Defence Forces School of Artillery (78 Tank Battalion) was presented in the House on 2nd July, 2019 by the Hon. Josephat Kabeabea, MP on behalf of the Petitioners.

In considering the Petition, the Committee held meetings with Hon. Josephat Kabeabea, MP on behalf of the Petitioners, the Chief Administrative Secretary of Ministry of Lands and Physical Planning on 15th October 2019 and the Principal Secretary, Ministry of Defence on 5th November, 2019.

The Committee is thankful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings. The Committee is also thankful to the Petitioners, the Chief Administrative Secretary, Ministry of Lands & Physical Planning and the Principal Secretary, Ministry of Defence for the submissions they made to the Committee.

On behalf of the Committee, and pursuant to Standing Order, 227 it is my pleasant duty to table the Report of the Departmental Committee on Lands on its consideration of the Petition by residents of Tigania East Constituency regarding unlawful occupation of ancestral land by the Kenya Defence Forces School of Artillery (78 Tank Battalion).

Hon. Dr. Rachael Kaki Nyamai, MP
Chairperson, Departmental Committee on Lands

EXECUTIVE SUMMARY

The purpose of this report is to respond to prayers made in a petition by the residents of Tigania East Constituency regarding unlawful occupation of ancestral land by the Defence Forces School of Artillery (78 Tank Battalion). The Petitioners' prayers are that the National Assembly through the Departmental Committee on Lands;

- a. Inquiries into the circumstances under which the Kenya Defence Forces annexed an extra 20,000 acres of land belonging to the residents in excess of what was allocated to it by the County Councils of Isiolo, Samburu and Turkana in 1977 and the issuance thereof of an allotment letter on 12th June, 2018 in respect of the 20,000 acres of land.
- b. Intervenes through the Ministry of Lands and Physical Planning and other relevant government agencies, to cause survey of the land so as to clearly demarcate the portion of land that rightfully belongs to residents and that which was allocated to the Kenya Defence Forces by the County Councils of Isiolo, Samburu and Turkana in 1977.
- c. Makes any other recommendation(s) it deems fit in the circumstances of the petitioners.

The Committee observed that the 78 Tank Battalion land was declared an adjudication section on March 11th, 2016 and thereafter an amendment on the sectional boundaries was done on 29th June, 2018 and an allotment letter subsequently issued on 12th July, 2018 to the Kenya Defence Forces (KDF), being two years later after the adjudication.

The Committee noted that the Ministry of Lands and Physical Planning had erred in the demarcation of boundaries for the adjudication of Ngare Mara Adjudication Section and inadvertently adjudicated the KDF land. The error by the Ministry of Lands and Physical Planning in the adjudication of the Ngara Mara section had led to encroachment of land belonging to the KDF.

The Committee also observed that there were no further efforts made to compensate the public beyond the Gazette Notice No. 3210 issued on 1977 inviting persons who had claim on the land in question to make application for compensation.

The Committee further noted that the failure by the Kenya Defence Forces to secure and demarcate their land had contributed to the residents settling on the land.

The Committee also observed that although there was a gazette notice No. 3210 issued on 1977 inviting persons who had claim on the land in question to make application for compensation, the members of the public may not have had access to the Gazette Notice. There was also no evidence presented to the Committee indicating whether any person ever lodged a claim on the land in question.

The Committee recommends that the National Land Commission does determine the

persons who had claim on the 78 Tank Battalion land as of the date of issuance of the Gazette Notice Number 3210 of 1977 and compensate the affected persons for loss of property within three months of tabling of this report.

The Committee also recommends that the Ministry of Defence does secure all land allocated to the military to prevent encroachment and ownership disputes.

Finally, the Committee recommends that the Ministry of Lands and Physical Planning does survey the 78 Tank Battalion Land to clearly demarcate the land belong to the Kenya Defence Forces and the residents.

1.0 PREFACE

1.1 Mandate of the Committee

1. The Departmental Committee on Lands is established pursuant to the provisions of Standing Order No. 216 (1) and (5) with the following terms of reference: -
 - (i) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
 - (ii) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
 - (iii) study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;
 - (iv) study, access and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
 - (v) investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House.
 - (vi) study and review all legislations referred to it.

1.2 Committee subjects

2. The Committee is mandated to consider the following subjects:
 - a) Lands
 - b) Settlement

1.3 Oversight

3. The Committee oversees the Ministry of Lands and Physical Planning and the National Land Commission

1.4 Committee Membership

4. The Committee membership comprises:

Hon. Dr. Rachael Nyamai, MP – **Chairperson**

MP for Kitui South Constituency

Jubilee Party

Hon. Khatib Mwashetani, MP – **V/Chairperson**

MP for Lunga Lunga Constituency

Jubilee Party

Hon. Jayne Wanjiru Kihara, MP

Member for Naivasha
Constituency

Jubilee Party

Hon Joshua Kutuny Serem, MP

Member for Cherangany
Constituency

Jubilee Party

Hon. Kimani Ngunjiri, MP

Member for Bahati Constituency

Jubilee Party

Hon. Mishi Mboko, MP

Member for Likoni Constituency

**Orange Democratic Movement
(ODM)**

Hon. Omar Mwinyi, MP

Member for Changamwe
Constituency

**Orange Democratic Movement
(ODM)**

Hon. Ali Mbogo, MP

Member for Kisauni
Constituency

**Wiper Democratic Movement
(WDM)**

Hon. Babu Owino, MP

Member for Embakasi East
Constituency

**Orange Democratic Movement
(ODM)**

Hon. Caleb Kipkemei Kositany,
MP

Member for Soy Constituency

Jubilee Party

Hon. Catherine Waruguru, MP

Member for Laikipia County

Jubilee Party

Hon George Aladwa, MP

Member for Makadara
Constituency

**Orange Democratic Movement
(ODM)**

Hon George Risa Sunkuyia, MP

Member for Kajiado West
Constituency

Jubilee Party

Hon. Jane Wanjuki Njiru, MP

Member for Embu County

Jubilee Party

Hon. Josphat Gichunge
Kabeabea, MP

Member for Tigania East
Constituency

Party of National Unity (PNU)

Hon. Owen Yaa Baya, MP

Member for Kilifi North
Constituency

**Orange Democratic Movement
(ODM)**

Hon. Samuel Kinuthia Gachobe,
MP

Member for Subukia
Constituency

Jubilee Party

Hon. Simon Nganga Kingara,
MP

Member for Ruiru Constituency

Jubilee Party

Hon. Teddy Mwambire, MP

Member for Ganze Constituency

**Orange Democratic Movement
(ODM)**

1.5 Committee Secretariat

5. The Committee secretariat comprises:

Lead Clerk

Mr. Leonard Machira

Clerk Assistant I

Mr. Ahmad Guliye

Clerk Assistant III

Mr. Adan Abdi

Fiscal Analyst III

Mr. Joseph Tiyan

Researcher III

Ms. Winnie Kizia

Media Relations Officer III

Ms. Jemimah Waigwa

Legal Counsel I

Mr. Nimrod Ochieng

Audio Officer

Ms. Peris Kaburi

Serjeant-At-Arms

2.0 INTRODUCTION

6. The Petition by residents of Tigania East Constituency regarding unlawful occupation of ancestral land by the Kenya Defence Forces School of Artillery (78 Tank Battalion) was submitted to the House on 2nd July, 2019 by the Hon. Josephat Gichunge Kabeabea, MP on behalf of the Petitioners.
7. The Petitioners wished to draw the attention of the House the following, that:
 - i. The Petitioners have lived on the land in question, which is their ancestral land, in Tigania East Constituency for years;
 - ii. In 1977, the then County Councils of Isiolo, Samburu and Turkana jointly hived off from the community land hundreds of acres and allocated it to the Armed Forces School of Artillery through Gazette Notice No. 3210 of 31st October 1977 for purposes of expansion;
 - iii. In 2015, the Kenya Defence Forces encroached on and annexed more land belonging to the residents of Tigania East Constituency and claimed ownership of approximately 20,000 acres in excess of what was allocated by the County Councils of Isiolo, Samburu and Turkana;
 - iv. The residents later learnt with shock that the Kenya Defence Forces had been hurriedly issued an allotment letter, Ref. 189464/11 of 12th June, 2018 in respect of the 20,000 acres belonging to them;
 - v. The encroachment resulted in displacement of more than forty thousand people, closure of nine schools, two institutions offering special assistance to the vulnerable individuals in the community, three administration police camps, one dispensary and thirteen boreholes used for irrigation by the community;
 - vi. Officers from the Kenya Defence Forces forcibly accessed the land, demolished fences and structures and evicted residents from the said land, rendering them homeless and condemning them to nomadic lifestyle;
 - vii. The displacement of people has increased animosity between the displaced residents and the soldiers who have occupied their land;
 - viii. The evictions have disrupted residents' lives, rendered them homeless and cut them off from basic social amenities, including access to education by their children;

- ix. Attempts by the petitioners to amicably resolve the matter at the grass-root level through consultative meetings with the Kenya Defence Forces have not been successful;
 - x. The matter raised in this petition are not pending before any court of law or any other legal or constitutional body.
8. The petitioners prayed that the National Assembly, through the Departmental Committee on Lands;
- a. Inquires into the circumstances under which the Kenya Defence Forces annexed extra 20,000 acres of land belonging to the residents in excess of what was allocated to it by the County Councils of Isiolo, Samburu and Turkana in 1977 and the issuance thereof of an allotment letter on 12th June, 2018 in respect of the 20,000 acres of land;
 - b. Intervenes through the Ministry of Lands and other government agencies, to cause survey of the land so as to clearly demarcate the portion of land that rightfully belongs to residents and that which was allocated to the Kenya Defence Forces by the County Councils of Isiolo, Samburu and Turkana in 1977; and
 - c. Makes any other recommendation it deems fit in the circumstances of the petitioners.

3.0 SUBMISSIONS

3.1 Submissions by the Hon. Gichunge Kabeabea, MP on behalf of the Petitioners

9. The Hon. Gichunge Kabeabea, MP on behalf of the petitioners stated that:

10. The gazette notice of 1977 did not indicate the acreage of land that was to be acquired by the military.

11. The residents had agreed that the military be allocated only 400 acres, but the military annexed more land belonging to the residents of Tigania East Constituency and claimed ownership of approximately 20,000 acres in excess of what was allocated by the County Councils of Isiolo, Samburu and Turkana

12. The same gazette notice requested the affected persons to register with the District Commissioner's office for compensation. This indicated that the area was already occupied by residents. However, the affected residents were not compensated.

13. The local community had occupied the land in question for over 40 years. The area is also fully developed with schools, churches, hospitals and residential homes. He added that The Ministry of Defence should compensate the area residents for the land they intend to acquire.

14. An allotment letter, in favour of the Kenya Defence Forces, was only in 12th July 2018 while the residents had considered the area to be their ancestral land for many years

15. The encroachment resulted in displacement of more than forty thousand people, closure of nine schools, two institutions offering special assistance to the vulnerable individuals in the community, three administration police camps, one dispensary and thirteen boreholes used for irrigation by the community.

16. Officers from the Kenya Defence Forces forcibly accessed the land, demolished fences and structures and evicted residents from the said land, rendering them homeless and condemning them to nomadic lifestyle.

17. The displacement of affected resident had increased animosity between the displaced residents and the soldiers who have occupied their land.

3.2 Submissions by the Chief Administrative Secretary, Ministry of Lands and Physical Planning

18. The Committee held a meeting with the Chief Administrative Secretary, Ministry of Lands and Physical Planning on 15th October, 2019. During the meeting the Chief Administrative Secretary stated that the government had reserved the land in question for military use in vide gazette notice no. 3210 of 1977 which included land in Isiolo, Samburu and Turkana.
19. The land that that had been set apart for use by the Kenya Defence Forces (KDF) in Tigania East included;
 - a. 78 Tank Battalion with an approximate acreage of 20,170 acres;
 - b. School of Artillery with an approximate acreage of 9,071 acres;
 - c. 86 Battalion with an approximate acreage of 2,557 acres; and
 - d. Landing site with an approximate acreage of 250 acres (LR No. 270980)
20. He also stated that the 78 Tank Battalion lies within Ngare Mara Gambella area that was declared adjudication section on March 11, 2016. He added that an amendment of the sectional boundaries done on June 29, 2018.
21. During demarcation and survey, it was found out that out of the 20,170 acres of the 78 Tank Battalion parcel, only approximately 700 acres had been fenced off while the reminder portion was inadvertently adjudicated.
22. He further stated that the School of Artillery and the 86 Battalion both lie in the Nyambene National Reserve which covers approximately 640.6 square kilometers running to Igembe Sub-County. A conservatory order was issued barring the Ministry from continuing with the demarcation of the area referred to in the corrigendum of June, 2018. The conservatory order was issued following Petition no. 5 of 2019 at the Environment and Land Court (ELC) in Meru filed by residents from the Ameru community claiming that the Ministry was adjudicating g their ancestral land and issuing it to other communities (Borana, Turkana & Somali). The Court directed the Ministry to align itself with the existing law.
23. He stated that the Ministry erred in the demarcation of boundaries for the adjudication section.
24. He stated that KDF owns the land and the Ministry shall revise the sectional boundaries of Ngare Mara Adjudication section to conform to the reservation of the KDF land.

3.3 Submissions by the Principal Secretary, Ministry of Defense

25. The Committee held a meeting with the Principal Secretary, Ministry of Defence on 5th November, 2019. During the meeting the Principal Secretary stated that the government

had set aside the land for military use through Gazette Notice number 3210 of 1977 and as per the topographical map, the School of Artillery was allocated 3764 Hectares. The military took possession of the land pursuant to the Gazette Notice.

26. He stated that the Ministry was in the process of titling the land as Part Development Plan (PDP) has been issued by the Ministry of Lands & Physical Planning and an allotment letter issued by the National land Commission on 12th July 2018.
27. He further stated that the school of artillery trained military officers using guns with long range and high explosive power that require a larger buffer zone and enough room for training activities of soldiers. That explains why part of the artillery land remains undeveloped and free of obstructive buildings. Encroachment on the school of artillery land would endanger lives and properties of citizens.
28. He informed the Committee that the Ministry was allocated the land under the Trust land Act which allowed the President to set aside trust lands for central government use hence the military is in lawful occupation of the land. The compensation alluded to in the 1977 gazette notice was for physical developments/structures on the land in question if any.
29. The Ministry of Defence submitted that in accordance with Article 62(1)(b) of the Constitution of Kenya, 2010, the land having been lawfully held, occupied and used by the Kenya Defence Forces at the date of the promulgation of the Constitution, the land was public land. The following documents were submitted in support of ownership of the land by the Kenya Defence Forces;
 - a. Gazette Notice No. 3210 of 1977.
 - b. Topographical maps
 - c. Part Development Plan for School of Artillery land
 - d. Letter of allotment dated 12th July 2018

4.0 OBSERVATIONS

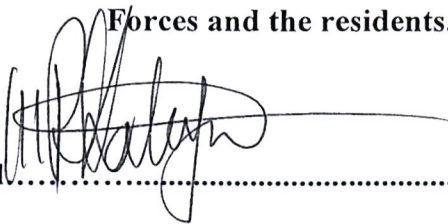
The Committee made the following observations:

1. The 78 Tank Battalion land which lies within Ngare Mara Gambella was allocated to the Kenya Defence Forces pursuant to Gazette Notice No. 3210 of 1977.
2. The 78 Tank Battalion land was declared an adjudication section on March 11th, 2016 and thereafter an amendment on the sectional boundaries was done on 29th June, 2018 and an allotment letter subsequently issued on 12th July, 2018 to the Kenya Defence Forces, being two years later after the adjudication.
3. The Ministry of Lands and Physical Planning had erred in the demarcation of boundaries for the adjudication of Ngare Mara Adjudication Section and inadvertently adjudication of the KDF land.
4. The error by the Ministry of Lands and Physical Planning in the adjudication of the Ngara Mara section had led to encroachment of land belonging to the KDF.
5. There were no further efforts made to compensate the public beyond the Gazette Notice No. 3210 issued on 1977 inviting persons who had claim on the land in question to make application for compensation.
6. The failure by the Kenya Defence Forces to secure and demarcate their land had contributed to the residents settling on the land.
7. Although there a gazette notice No. 3210 issued on 1977 inviting persons who had claim on the land in question to make application for compensation, the members of the public may not have had access to the Gazette Notice.
8. There was no evidence presented to the Committee indicating whether any person ever lodged a claim on the land in question.
9. There existed governments institutions on the 78 Tank Battalion land which were demolished, and people were also rendered homeless. In this regard, the Committee noted that the Petitioners were requesting for compensation for loss of their property on the 78 Tank Battalion land.

5.0 COMMITTEE RECOMMENDATIONS

The Committee made the following recommendations

1. The National Land Commission does determine the persons who had claim on the 78 Tank Battalion land as of the date of issuance of the Gazette Notice Number 3210 of 1977 and compensate the affected persons for loss of property within three months of tabling of this Report.
2. The Ministry of Defence does secure all land allocated to the military to prevent encroachment and ownership disputes.
3. The Ministry of Lands and Physical Planning does survey the 78 Tank Battalion Land to clearly demarcate the land belong to the Kenya Defence Forces and the residents.

Signed  Date 7/12/19

Hon. Dr. Rachael Kaki Nyamai, MP
Chairperson, Departmental Committee on Lands



NATIONAL ASSEMBLY

CLERK'S CHAMBERS

DEPARTMENTAL COMMITTEE ON LANDS

MEMBERS ADOPTION LIST

Report on the consideration of a petition by residents of Tigania East Constituency regarding alleged unlawful occupation of ancestral land by the Kenya Defence Forces School of Artillery (87th Tank Battalion)

DATE: 03/12/2019

NO	NAME	SIGNATURE
1.	Hon. Dr. Rachael Nyamai, MP - Chairperson	
2.	Hon. Khatib Mwashetani, MP - Vice Chairperson	
3.	Hon. Jayne Wanjiru Kihara, MP	
4.	Hon. Joshua Kutuny Serem, MP	
5.	Hon. Kimani Ngunjiri, MP	
6.	Hon. Mishi Mboko, MP	
7.	Hon. Omar Mwinyi Shimbwa, MP	
8.	Hon. Ali Mbogo, MP	
9.	Hon. Babu Owino, MP	
10.	Hon. Caleb Kipkemei Kositany, MP	
11.	Hon. Catherine Waruguru, MP	
12.	Hon. George Aladwa, MP	
13.	Hon. George Risa Sunkuyia, MP	
14.	Hon. Jane Wanjuki Njiru, MP	
15.	Hon. Josphat Gichunge Kabeabea, MP	
16.	Hon. Owen Yaa Baya, MP	
17.	Hon. Samuel Kinuthia Gachobe, MP	
18.	Hon. Simon Nganga Kingara, MP	
19.	Hon. Teddy Mwambire, MP	

**MINUTES OF THE 92ND SITTING OF THE DEPARTMENTAL COMMITTEE ON
LANDS HELD ON FIRIDAY, 29TH NOVEMBER, 2019 AT ENGLISHPOINT – MARINA,
MOMBASA AT 9.30 AM**

PRESENT

1. Hon. Dr. Rachael Nyamai, M.P - Chairperson
2. Hon. Khatib Mwashetani, MP - Vice Chairperson
3. Hon. Omar Mwinyi Shimbwa, M.P
4. Hon. Mishi Mboko, M.P
5. Hon. Ali Mbogo, M.P
6. Hon. Babu Owino, M.P
7. Hon. Owen Baya, M.P
8. Hon. Simon Nganga Kingara, M.P
9. Hon. Teddy Mwambire, M.P
10. Hon. George Risa Sunkuyia, M.P

APOLOGIES

1. Hon. Jayne Kihara, M.P
2. Hon. Joshua Kutuny, M.P
3. Hon. Kimani Ngunjiri, M.P
4. Hon. Caleb Kositany, M.P
5. Hon. Catherine Waruguru, M.P
6. Hon. George Aladwa, M.P
7. Hon. Jane Wanjuki Njiru, M.P
8. Hon. Josphat Gichunge Kabeabea, M.P
9. Hon. Samuel Kinuthia Gachobe, M.P

IN ATTENDANCE

THE NATIONAL ASSEMBLY SECRETARIAT

1. Ms. Florence Abonyo - Director, Committee Services
2. Mr. Leonard Machira - Clerk Assistant I
3. Mr. Ahmad Guliye - Clerk Assistant III
4. Ms. Jemimah Waigwa - Legal Counsel
5. Mr. Nimrod Ochieng - Audio Recording Officer
6. Ms. Peris Kaburi - Serjeant At Arms
7. Mr. Allan Nandasaba - Intern

MIN. NO. NA/DCS/LANDS/2019/362: PRELIMINARIES

The meeting was called to order at twenty – one minutes to ten o'clock and prayers were said.

MIN. NO. NA/DCS/LANDS/2019/363: ADOPTION OF THE AGENDA

The agenda of the meeting was adopted as outlined in the notice of agenda after it was proposed and seconded by Hon. Simon Kingara, MP and Hon. Ali Mbogo, MP

MIN. NO. NA/DCS/LANDS/2019/364: CONSIDERATION OF THE DRAFT REPORT ON THE PETITION BY MR. STEPHEN NGARI NJUKI, REGARDING DELAY IN ALLOCATION OF LAND IN MWEA SETTLEMENT SCHEME TO THE LEGITIMATE BENEFICIARIES

The Committee considered the draft report on the Petition by Mr. Stephen Ngari Njuki, regarding delay in allocation of land in Mwea Settlement Scheme to the legitimate beneficiaries and adopted it with the following observations and recommendations after it was proposed and seconded by Hon. Ali Mbogo, MP and Hon. Simon Kingara, MP respectively;

a. Observations

- i. The land in question LR No. 26461 FR No. 317/30 measuring approximately 17,830.6 Ha. is in Makima Location, Makima Division, Mbeere South Sub - County in Embu County.
- ii. The conflict regarding the administration of the scheme dates back to the 1970 and the relevant agencies have not been able to address the issue of resettlement of the beneficiaries, despite the establishment of various Commissions and Taskforces including the Akello Taskforce of 1990, J. Chesoni Commission of 1995 and Twang'a Verification Task Force of 2001. Further, the National Assembly Departmental Committee on Lands and Natural Resources on 9th January 2013 considered the issues relating to the scheme and recommended that the disputing parties resolve the matter out of court.
- iii. There have been efforts to have the issues relating to the resettlement of the beneficiaries at the scheme led by the National Land Commission, the County Government of Embu, and local leaders through Alternative Dispute Resolution Mechanisms leading to an agreement that the land in question be shared as follows:

(a) Mbeere – 40 %

- (b) Embu – 20 %
- (c) Mwea(Kamba) – 30%
- (d) Kirinyaga (Kikuyu) – 10%

- iv. The submissions made to the Committee by the Ministry of Lands and Physical Planning indicated that 6292 title deeds have been issued to the beneficiaries out of the 7,232 titles for the Scheme. The remaining 940 title deeds are at the Siakago Land Registry.
- v. Although the beneficiaries of the scheme have been issued with title deeds, they have not been able to access the land.
- vi. The issues relating to allocation of land to beneficiaries at the Mwea Scheme have been subject to several court cases including Petition ELC No. 2 of 2016 in which the court declared that the demarcation, alienation and allocation of land in the scheme was legal.
- vii. Although the Cabinet Secretary, Ministry of Interior and Coordination of National Government in his submission to the Committee committed to resume the resettlement process within ninety (90) days during which the underlying issues will be addressed by the Ministry of Interior and Coordination of National Government. The resettlement of legitimate beneficiaries in Mwea Settlement Scheme had not resumed to date.

b. Recommendation

The Committee recommended that a multi-agency Committee led by the Ministry of Interior and Coordination of National Government, County Government of Embu, Ministry of Lands and Physical Planning does ensure that the beneficiaries of the Mwea Settlement Scheme L.R 26461 FR 317/30 access the land in question within ninety (90) days.

**MIN. NO. NA/DCS/LANDS/2019/365: CONSIDERATION OF THE DRAFT REPORT
ON THE PETITION BY RESIDENTS OF
TIGANIA EAST CONSTITUENCY
REGARDING ALLEGED UNLAWFUL
OCCUPATION OF ANCESTRAL LAND BY
THE KENYA DEFENCE FORCES SCHOOL
OF ARTILLERY (78 TANK BATTALION)**

The Committee considered the draft report on the Petition by residents of Tigania East Constituency regarding alleged unlawful occupation of ancestral land by the Kenya Defence Forces school of artillery (78 tank battalion) and adopted it with the following observations and

recommendations after it was proposed and seconded by Hon. Owen Baya, MP and Hon. AKhatib Mwashetani, MP respectively;

a. Observations

- i. The 78 Tank Battalion land which lies within Ngare Mara Gambella was allocated to the Kenya Defence Forces pursuant to Gazette Notice No. 3210 of 1977.
- ii. The 78 Tank Battalion land was declared an adjudication section on March 11th, 2016 and thereafter an amendment on the sectional boundaries was done on 29th June, 2018 and an allotment letter subsequently issued on 12th July, 2018 to the Kenya Defence Forces, being two years later after the adjudication.
- iii. The Ministry of Lands and Physical Planning had erred in the demarcation of boundaries for the adjudication of Ngare Mara Adjudication Section and inadvertently adjudication of the KDF land.
- iv. The error by the Ministry of Lands and Physical Planning in the adjudication of the Ngara Mara section had led to encroachment of land belonging to the KDF.
- v. There were no further efforts made to compensate the public beyond the Gazette Notice No. 3210 issued on 1977 inviting persons who had claim on the land in question to make application for compensation.
- vi. The failure by the Kenya Defence Forces to secure and demarcate their land had contributed to the residents settling on the land.
- vii. Although there a gazette notice No. 3210 issued on 1977 inviting persons who had claim on the land in question to make application for compensation, the members of the public may not have had access to the Gazette Notice.
- viii. There was no evidence presented to the Committee indicating whether any person ever lodged a claim on the land in question.
- ix. There existed governments institutions on the 78 Tank Battalion land which were demolished, and people were also rendered homeless. In this regard, the Committee noted that the Petitioners were requesting for compensation for loss of their property on the 78 Tank Battalion land.

b. Recommendations

The Committee recommended the following;

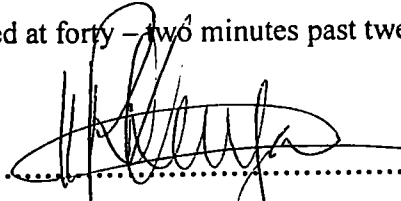
- i. The National Land Commission does determine the persons who had claim on the 78 Tank Battalion land as of the date of issuance of the Gazette Notice Number 3210 of 1977 and compensate the affected persons for loss of property within three months of tabling of this Report.
- ii. The Ministry of Defence does secure all land allocated to the military to prevent encroachment and ownership disputes.

- iii. The Ministry of Lands and Physical Planning does survey the 78 Tank Battalion Land to clearly demarcate the land belong to the Kenya Defence Forces and the residents.

MIN. NO. NA/DCS/LANDS/2019/366: ADJOURNMENT

The meeting was adjourned at forty – two minutes past twelve noon.

Signature



HON. DR. RACHAEL KAKI NYAMAI, M.P.

(Chairperson)

Date.....

4/12/2019



REPUBLIC OF KENYA
TWELFTH PARLIAMENT (THIRD SESSION)
THE NATIONAL ASSEMBLY

(No. 65 of 2019)

Approved
BN
SNA
2/7/19

PUBLIC PETITION

**BY RESIDENTS OF TIGANIA EAST CONSTITUENCY REGARDING
UNLAWFUL OCCUPATION OF ANCESTRAL LAND BY THE KENYA DEFENSE
FORCES SCHOOL OF ARTILLERY (78 TANK BATTALION)**

I, the **UNDERSIGNED**, on behalf of concerned residents of Tigania East Constituency;

DRAW the attention of the House to the following:

- 1) **THAT**, the Petitioners have lived on their ancestral land in Tigania East Constituency for years;
- 2) **THAT**, in 1977, the then County Councils of Isiolo, Samburu and Turkana jointly hived off from the community land hundreds of acres and allocated it to the Armed Forces School of Artillery through Gazette Notice No. 3210 of 31st October 1977 for purposes of expansion;
- 3) **THAT**, in 2015, the Kenya Defence Forces encroached on and annexed more land belonging to the residents of Tigania East Constituency and claimed ownership of approximately 20,000 acres in excess of what was allocated by the County Councils of Isiolo, Samburu and Turkana;
- 4) **THAT**, the residents later learnt with shock that the Kenya Defence Forces had been hurriedly issued an Allotment Letter, Ref. 189464/11 of 12th June 2018 in respect of the 20,000 acres belonging to them;
- 5) **THAT**, the encroachment resulted in displacement of more than forty thousand people, closure of nine schools, two institutions offering special assistance to the vulnerable individuals in the community, three administration police camps, one dispensary, and thirteen boreholes used for irrigation by the community;
- 6) **THAT**, officers from the Kenya Defence Forces forcibly accessed the land, demolished fences and structures and evicted residents from the said land, rendering them homeless and condemning them to nomadic lifestyle;

PUBLIC PETITION

**BY RESIDENTS OF TIGANIA EAST CONSTITUENCY REGARDING
UNLAWFUL OCCUPATION OF ANCESTRAL LAND BY THE KENYA DEFENSE
FORCES SCHOOL OF ARTILLERY (78 TANK BATALLION)**

- 7) **THAT**, the displacement of people has increased animosity between the displaced residents and the soldiers who have occupied their land;
- 8) **THAT**, the evictions have disrupted residents' lives, rendered them homeless and cut them off from basic social amenities, including access to education by their children;
- 9) **THAT**, attempts by Petitioners to amicably resolve the matter at the grass-root level through consultative meetings with the Kenya Defence Forces have not been successful;
- 10) **THAT**, the matters raised in this Petition are not pending before any court of law or any other legal or constitutional body;

THEREFORE, your humble Petitioners pray that the National Assembly through the Departmental Committee on Lands:

- ~~i) inquires into the circumstances under which the Kenya Defence Forces annexed an extra 20,000 acres of land belonging to residents in excess of what was allocated to it by the County Councils of Isiolo, Samburu and Turkana in 1977 and the issuance thereof of an Allotment Letter on 12th June 2018 in respect of the 20,000 acres of land;~~
- ii) Intervenes, through the Ministry of Land and other relevant Government agencies, to cause survey of the land so as to clearly demarcate the portion of land that rightfully belongs to residents and that which was allocated to the Kenya Defence Forces by the County Councils of Isiolo, Samburu and Turkana in 1977; and
- iii) makes any other recommendation(s) it deem fit in the circumstances of the petitioners.

And your **PETITIONERS** will ever pray.

PRESENTED BY



HON. JOSPHAT GICHUNGE KABEABEA, MP
MEMBER FOR TIGANIA EAST CONSTITUENCY

DATE:..... 25/6/2019



MINISTRY OF LANDS AND PHYSICAL PLANNING

RESPONSES TO PETITIONS FROM THE NATIONAL ASSEMBLY DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

Honourable Chair,

Pursuant to a letter Ref: **NA/DCS/ENR/2019(077)** dated September 20, 2019, the Committee invited the Cabinet Secretary, Ministry of Lands and Physical Planning to provide responses on the following petitions:

- i. Petition by former workers of the late Mayer Jacob Samuels regarding invasion and eviction from their land in Roysambu Constituency by the Kenya Defence Forces
- ii. Petition by Hon. Josephat Kabeabea, MP on behalf of residents of Tigania East Constituency regarding unlawful occupation of ancestral land in Tigania East Constituency by the Kenya Defence Forces

1.0 PETITION BY FORMER WORKERS OF THE LATE MAYER JACOB SAMUELS REGARDING INVASION AND EVICTION FROM THEIR LAND IN ROYSAMBU CONSTITUENCY BY THE KENYA DEFENCE FORCES

Honourable Chair, the Petitioners aver;

- 1) That they are Former Workers of the deceased Mayer Jacob Samuels who were employed in various cadres in his sisal processing and workshop industry on L.R. No. 5875/2 before he passed away in 1974. They claim to have lived on the premises since then.
- 2) That the deceased Sons revived the business later and the Petitioners continued working for them. The Employers allegedly defaulted on paying

salaries and instead requested the Employees to continue living on the land when they were away abroad.

- 3) That the Petitioners registered Roysa Community Development Society to safeguard the land from grabbers. A subdivision scheme was allegedly approved by the County Government of Nairobi and the National Land Commission and the Petitioners were issued with letters of allotment.
- 4) That a platoon of Kenya Defence Forces(KDF) later evicted the Petitioners and demolished their homes, business premises and the old structures which housed the factory on the grounds that the land belonged to KDF. The Petitioners have since been blocked from accessing the premises.
- 5) That there is no matter pending in Court in relation to the above issues.

Reasons for which the Petitioners pray that the National Assembly's Departmental Committee on Lands assists in;

- i. The upholding of the Petitioners' right to occupy, reside and do business and own L.R. NO. 5875/2
- ii. Expedites the issuance of subtitles/leases to the approved letter of allotment to Members of Roysa Community Development Society
- iii. Preserves and issues title deeds for the public purposes whose allotments are held by the Community
- iv. Investigate the eviction and invasion by Kenya Defence forces (KDF) from L.R. NO. 5875/2 and any claims of ownership by the same or any other interested party
- v. Order compensation for the demolition of the Petitioners' premises and any other relief that may be available.

RESPONSE

Honourable Chair, I wish to respond as follows,

- a) **Background and context**

L.R. No. 5875/2 measures 17.16 Acres as reflected in survey maps F/R 25/220. **(The map is attached as annexure I)** The parcel arose from the subdivision of L.R. NO. 1012, which measured approximately 4,443 Acres.

- i. L.R. NO. 5875/2 was registered under the Government Lands Act in volume N.10 at Folio 292/23
- ii. In 1964, it was transferred to Mayer Jacob Samuels from Bau Salau under a 99-year lease with effect from 1st November 1904
- iii. The lease expired on 1st November, 2003
- iv. Vide Kenya Gazette Notice No. 5151 and 5152 of November 22, 1985 the Government published a notice of intention to acquire the land. On August 8, 1995 an award by the Commissioner of Lands amounting to Kshs. 4,140,000/- was issued. **(Notices attached as Annexure II)**
- v. The notices reflected the size to be 16.16 Acres but this was corrected vide a corrigenda in the Kenya Gazette on March 14, 1986 **(Annexure III Correction of land parcel size)** to read 17.16 Acres
- vi. A 'Notice of Taking Possession' by the Government absolutely was lodged and registered in volume N. 10, Folio 494/30 File 6943 on June 25, 1986. **(Memorandum of registration of transfer is attached as annexure IV)**
- vii. On December 1, 1995, a request for allocation of the same land from Prilscot Company Limited was communicated but was declined as the land had prior commitments and was not available for allocation.

However, there was an unprocedural attempt by the National Land Commission (NLC) and the County Government of Nairobi (CGN) to allocate the same land.

b) Observations

L.R. NO. 5875/2 was initially Crown land allocated under the Government Lands Act. The lessor was the Government. It was compulsorily acquired and reserved for the KDF. Under Article 62 (2a) of the Constitution, public land held, used or

occupied by a National State organ is not within the purview of the County Governments or the National Land Commission.

c) **Conclusions**

According to records in the office, L.R. NO. 5875/2 is still registered to the Government upon acquisition for KDF in 1986. Therefore, it is not available for allocation or subdivision.

2.0 PETITION BY HON. JOSEPHAT KABEABEA, MP ON BEHALF OF RESIDENTS OF TIGANIA EAST CONSTITUENCY REGARDING UNLAWFUL OCCUPATION OF ANCESTRAL LAND IN TIGANIA EAST CONSTITUENCY BY THE KENYA DEFENCE FORCES

Honourable Chair, the petitioners aver that;

- i. They have lived on their ancestral land in Tigania Constituency for years and that in 1977, the then County Councils of Isiolo, Samburu and Turkana jointly hived off from the community land hundreds of acres and allocated it to the Armed Forces School of Artillery through Gazette Notice No. 3210 of 31st October 1977 for the purposes of expansion (Annexure VIII setting apart land for military use).
- ii. In 2015, the Kenya Defence Forces (KDF) encroached on and annexed more land belonging to the Residents of Tigania East Constituency and claimed ownership of approximately 20,000 acres in excess of what was allocated by the said County Councils. The Residents aver that they later learnt with shock that the KDF had been hurriedly issued an allotment letter Ref. 189464/11 of 12th June 2018 in respect of the 20,000 acres belonging to them.
- iii. The encroachment resulted in displacement of more than forty thousand people, closure of: nine schools, two institutions offering special assistance to vulnerable individuals in the community, three administration police camps, one dispensary and thirteen boreholes used for irrigation by the Community.
- iv. Officers from the KDF forcibly accessed the land, demolished fences and structures and evicted Residents from the said land, rendering them homeless and condemning them to nomadic lifestyle. The displacement of

people has increased animosity between the displaced Residents and the soldiers who have occupied their land

- v. The evictions have disrupted Residents' lives, rendered them homeless and cut them off from basic social amenities, including access to education by their Children and that the petitioners efforts to resolve the matter at the grass root level through consultative meetings with the KDF have not been successful
- vi. The matters raised in the petition are not pending before a Court of Law or any other legal or constitutional body.

The Petitioners prayers are that the Committee:

- i. Inquires into the circumstances under which the KDF annexed an extra 20,000 acres of land belonging to residents in excess of what was allocated to it by the County Councils of Isiolo, Samburu and Turkana in 1977 and the issuance thereof of an allotment letter on 12th June 2018 in respect of the 20,000 acres of land
- ii. Intervenes, through the Ministry of Lands and other relevant Government Agencies, to cause survey of the land so that it can clearly demarcate the portion of land that rightfully belongs to Residents and that which was allocated to the KDF by the County Councils of Isiolo, Samburu and Turkana in 1977 and
- iii. Makes any other recommendation(s) it deems fit in the circumstances of the Petitioners.

RESPONSE

Honourable Chair, I wish to respond as follows,

a) **Background and context**

Vide Kenya Gazette Notice No. 3210 of 1977 the Government reserved land for military use in Isiolo, Samburu and Turkana.

According to our office records, the KDF Land in Tigania East that has been set apart Includes: -

- 78 Tank Battalion with approximate 20,170 acres;
- School of Artillery with approximate 9,071 acres;
- 86 Battalion with approximate 2,557 acres and
- Landing Site with approximate 250 acres (LR NO. 270980).

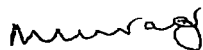
(The notice is attached as Annexure V)

- The 78 Tank Battalion also lies within Ngare Mara Gambella Adjudication section, which was declared on March 11, 2016, and an amendment of the sectional boundaries done on June 29, 2018. **(Annexures VI and VII)** During demarcation and survey, the 78 tank Battalion it was discovered that out of the 20,170 Acres of the 78 Tank Battalion parcel only approximately 700 Acres had been fenced off. The remainder of the portion was adjudicated.
- The school of Artillery and the 86 Battalion both lie in the Nyambene National Reserve which covers approximately 640.6 square kilometers running to Igembe Sub Counties. A Conservatory Order was issued barring the Ministry from continuing with demarcation of the area referred to in the corrigendum of June, 2018.

The Conservatory Order was issued following petition No. 5 of 2019 at the Environment and Land Court (ELC) Meru where the Petitioners mainly Ameru (Tigania) claimed that the Ministry was adjudicating their ancestral land and issuing it to other Communities (Borana, Turkana & Somali). After the orders were issued, the Court directed the Ministry to align itself with the existing law.

Recommendations: -

- The Ministry inadvertently erred in the demarcation of boundaries for the adjudication section
- The Ministry shall revise the sectional boundaries of Ngare Mara Adjudication section to conform to the reservation of KDF land
- KDF owns the land vide LR NO. 27098



Dr. Nicholas Muraguri
PRINCIPAL SECRETARY

REPUBLIC OF KENYA



MINISTRY OF DEFENCE


**RESPONSE TO THE PETITION BY RESIDENTS OF
NRAREMARA ON ALLEGED ILLEGAL ENCROACHMENT
OF COMMUNITY LAND BY THE SCHOOL OF ARTILLERY**

**RESPONSE TO THE PETITION BY RESIDENTS OF NGAREMARA ON ALLEGED
ILLEGAL ENCROACHMENT OF COMMUNITY LAND BY THE SCHOOL OF
ARTILLERY LAND**

1. The above petition has been presented on behalf of the citizens of Tigania East. They allege that the Ministry of Defence has been irregularly allocated land by the National Land Commission for military purposes.
2. The land the subject of the petition was set aside for Kenya Defence Forces use through Gazette Notice No. 3210 of 1977. The Gazette Notice set aside School of Artillery land, 78 Tank Battalion land and School of Infantry land. It further requested persons who may have claims on the land to submit applications for compensation to the District Commissioner, Isiolo. In accordance with the topographical map, the School of Artillery was allocated approximately 3,764 Ha. The part development plan issued by the Ministry of Lands mirrors the topographical map.
3. Pursuant to the Gazette notice of 1977, the Ministry took possession of the land and established the School of Artillery.
4. The Ministry is in the process of titling the land as required by the Land Registration Act, 2012 and a part development plan has been issued by the Ministry of Lands and a letter of allotment has been issued by the National Land Commission. The processing of the title is underway.
5. The school of Artillery trains military personnel to operate artillery guns which are characterized by long range and high explosive power. This requires a large firing range and a buffer zone to enable the movement of heavy artillery vehicles and sufficient room for training activities of soldiers. This explains why a large part of the School of Artillery land remains undeveloped and free of obstructive buildings.
6. The Ministry observes that the encroachment of the School's Land endangers the life and safety of the citizens given the military training taking place in the land.
7. The Ministry submits that in accordance with Article 62(1)(b) of the Constitution of Kenya, 2010, the land having been lawfully held, occupied and used by the Kenya Defence Forces at the date of the promulgation of the Constitution, the land is public land. The following documents are forwarded herewith for the Committee's perusal:

- a. Gazette Notice No. 3210 of 1977.
- b. Topographical maps.
- c. Part Development Plan for School of Artillery land.
- d. Letter of allotment dated 12th July 2018.

Dated at Nairobi this 12th day of November 2019.


Amb. Raychelle Omamo, SC EGH
Cabinet Secretary for Defence



SO A

1256

GAZETTE NOTICE No. 3210

THE KENYA GAZETTE

11th Nov

THE TRUST LAND ACT
(Cap. 288)

SETTING APART OF LAND FOR THE EXTENSION OF AREAS
FOR THE ARMED FORCES

WHEREAS the County Councils of Isiolo, Samburu and Turkana were on the 26th September, 1977 served with written notices by the President that the areas of Trust Land specified in the schedule hereto is required for the purposes of the Government of Kenya, notice is hereby given for and on behalf of the County Councils of Isiolo, Samburu and Turkana that the said unregistered Trust Land is required to be set apart for the expansion of areas for the Armed Forces, and that all applications for compensation by persons who claim to be entitled to compensation under section 8 of the Trust Land Act, Cap. 288, should be submitted to the respective District Commissioners at Isiolo, Maralal and Lodwar beginning from 15th November, 1977 up to and including the 15th day of December, 1977.

SCHEDULE

The areas of the presently unregistered Trust Land as shown edged red on the respective plans may be seen at the offices of the District Commissioners at Isiolo, Maralal and Lodwar or may be obtained from the Commissioner of Lands, P.O. Box 30089, Nairobi at the cost of Sh. 10 per copy.

Dated at Nairobi this 31st day of October, 1977.

J. R. NJENGA,
Commissioner of Lands.

CTO

GAZETTE NOTICE No. 3211

THE REGISTERED LAND ACT
(Cap. 300, section 35)

ISSUE OF A NEW CERTIFICATE

WHEREAS Wanyonyi Wesekania of Namutokholo Area P.O. Box 91 Chwele in the Republic of Kenya is registered as proprietor in absolute ownership interest of all that piece of land containing 3.0 hectares or thereabouts situated in the District of Bungoma known as Parcel No. 460 registered under Title No. S/Malakisi/S. Namwela/460, and whereas sufficient evidence has been adduced to show that the Land Certificate issued thereof has been lost. Notice is hereby given that after the expiration of sixty (60) days from the date hereof I shall issue a new Land Certificate provided that no objection has been received within that period.

Dated this 1st day of November, 1977.

J. M. K. OSORO,
Land Registrar,
Bungoma.

GAZETTE NOTICE No. 3212

THE REGISTERED LAND ACT
(Cap. 300, section 35)

ISSUE OF A NEW CERTIFICATE

WHEREAS Kamau Kimani of P.O. Box 89 Molo. In the Republic of Kenya, is registered as proprietor in absolute ownership interest of all that piece of land containing 0.32 hectares or thereabouts situated in the District of Bungoma known as Parcel No. 1811 registered under Title No. Ndivisi/Muchi/1811, and whereas sufficient evidence has been adduced to show that the Land Certificate issued thereof has been lost. Notice is hereby given that after the expiration of sixty (60) days from the date hereof I shall issue a new Land Certificate provided that no objection has been received within that period.

Dated this 1st day of November, 1977.

J. M. K. OSORO

GAZETTE NOTICE No. 3213

THE REGISTERED LAND ACT
(Cap. 300, section 35)

ISSUE OF A NEW LAND CERTIFICATE

WHEREAS Ngari Wakaba of P.O. Box 129, U. Republic of Kenya, is the registered as proprietor ownership interest of that piece of land containing or thereabouts situated in the District of Kiambu Parcel No. Lari/Kirenga/554, and whereas sufficient evidence has been adduced to show that the Land Certificate thereof has been lost. Notice is hereby given that the expiration of sixty (60) days from the date hereof, I shall issue a new Land Certificate provided that no objection received within that period.

Dated this 28th day of October, 1977.

MARY W. KIAF,
Land Registrar.

GAZETTE NOTICE No. 3214

THE REGISTERED LAND ACT
(Cap. 300, section 35)

ISSUE OF A NEW LAND CERTIFICATE

WHEREAS Muriuki, s/o Mulu-ID/NYI. 44201 of Gatungiriaini Location in the Republic of Kenya, is registered proprietor in absolute ownership of all that piece of land containing 1.94 hectares or thereabouts situated in the District of Nyeri known as Parcel No. 399 registered under Title No. Mulu/399, and whereas sufficient evidence has been adduced to show that the Land Certificate issued thereof has been lost. Notice is hereby given that after the expiration of sixty (60) days from the date hereof, I shall issue a new Land Certificate provided that no objection has been received within that period.

Dated this 13th day of October, 1977.

J. M. MURIUKI,
Acting Land Registrar,
Nyeri District.

GAZETTE NOTICE No. 3215

THE REGISTERED LAND ACT
(Cap. 300, section 35)

ISSUE OF A NEW LAND CERTIFICATE

WHEREAS Muayiri, s/o Chiuti of Thiu, Kirimukuyu Location in the Republic of Kenya, is registered as proprietor in absolute ownership of all that piece of land containing 0.946 hectares or thereabouts situated in the District of Nyeri known as Parcel No. 518 registered under Title No. Kirimukuyu/518, and whereas sufficient evidence has been adduced to show that the Land Certificate issued thereof has been lost. Notice is hereby given that after the expiration of sixty (60) days from the date hereof, I shall issue a new Land Certificate provided that no objection has been received within that period.

Dated this 13th day of October, 1977

NATIONAL LAND COMMISSION

Website: www.landcommission.go.ke
Telephone: Nairobi 718050/9
Email: Infor@landcommission.go.ke

REGISTERED

Ardhi House
Off Ngong Road
P.O. Box 44417
NAIROBI

Ref. 189464/II

12th July, 2018

Cabinet Secretary to the Treasury
P O Box 30007,
NAIROBI

S (s) MADAM,

LETTER OF ALLOTMENT

RE: UNS. SITE KENYA DEFENCE FORCES SCHOOL OF ARTILLERY – MERU
NORTH

I have the honor to inform you that the National Land Commission, on behalf of County Government of Meru hereby offers you grant of the above plot shown edged red on the attached Plan No subject to your formal written acceptance of the following conditions and to the payment of the charges as prescribed hereunder:

AREA: 3.764 hectares (approximately).

TERM:99..... years from the 1.7.2018

STAND PREMIUM:Nil } Subject to adjustment on survey, but

ANNUAL RENT: Shs. 72/= } there is no claim for reduction in area on Survey.

GENERAL: This Letter of Allotment is subject to, and the grant will be made under the provisions of the Lands Act (No. 6 of 2012) and title will be issued under the Land Registration Act (No. 3 of 2012)

Any lease issued without the Commission Seal and signature renders this offer null and void

SPECIAL CONDITIONS: See attached.

2. I should be glad to receive your acceptance of the attached conditions together with banker's cheque for the amount as set out below within Ninety (90) days of the postmark:

Stand Premium	Sh.
Rent from 1.7.2018....to 31.12.2018	Nil ...
Conveyancing Fees	36/=
Registration Fees	1,250/=
Stamp Duty	500/=
Rates	100/=
Survey Fees	-
Road and Road Drains	-
Others Approval fees	5,000/=
Planning fees	
ipt Nos..... Less Deposit	

If acceptance and payment respectively are not received within the said Ninety (90) days from the date hereof, the offer herein contained will be considered to have lapsed.

If the above plot is still unsurveyed at the time you commence building you should exercise the greatest care to ensure that any building or other works are contained within the boundaries of the plot for should you inadvertently overstep the aforesaid boundaries the cost of removal and reconstruction must be borne by you.

The issue of the Government grant or lease will be undertaken as soon as circumstances permit.

Your full name (s) in BLOCK LETTERS should be given for the purpose of the grant which will be submitted later to you. The attached special conditions form part of the offer which should be accepted in writing. The Commission shall not accept any liability whatsoever in the event of prior commitment or otherwise.

I have the honour to be,
Sir(s) Madam,
Your obedient servant,


Authority: N. L. C. Approval vide

File No.

Prepared by : S. M. Osodo

Serial No. LA/NLC/641

Typed by : R.M. Mutiso.


S. M. OSODO
For CHAIRMAN
NATIONAL LAND COMMISSION

ENCL

P/S Ministry of Lands and Settlement, Nairobi

The Director of Surveys, Nairobi.

The County Secretary, Isiolo

The Director of Physical Planning, Nairobi.

The County Commissioner, Isiolo

District Land Officer, Isiolo

Rafes Assistant.

The Accountant.

O/C Records.

Senior Plan Records Officer.

Plot File.

) All to note.

GPK (L)

