

REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

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THIRTEENTH PARLIAMENT – FIFTH SESSION – 2026
PUBLIC PETITIONS COMMITTEE

REPORT ON-

REPORT ON CONSIDERATION OF PUBLIC PETITION (NO. 15 OF 2026), REGARDING REFORM OF SUCCESSION LAW AND ADMINISTRATION OF ESTATES IN KENYA

THE NATIONAL ASSEMBLY
PAPERS LAID
DATE: 30 SEP 2026 DAY. Wednesday
TABLED BY: Hon. Janet Sitienei, MP (Vice - Chairperson)
CLERK-AT THE-TABLE: Lomale

NATIONAL ASSEMBLY
RECEIVED
30 SEP 2026
SPEAKER'S OFFICE
P.O. Box 41842-00100 NAIROBI

Directorate of Audit Appropriations &
General-Purpose Committees
Clerk's Chambers
Main Parliament Buildings
NAIROBI

SEPTEMBER, 2026

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CHAIRPERSON'S FOREWORD

On behalf of the Public Petitions Committee and pursuant to the provisions of Standing Order 227, it is my pleasant privilege and honour to present to this House the Report of the Committee on the Public Petition No. 15 of 2026 by Hon. John the former Governor for Taita Taveta County, Eng. John Mruttu and twenty-two (22) others regarding reform of succession Law and administration of estates in Kenya.

In consideration of the petition, the Committee engaged with the Petitioners, the Office of the Attorney General and the Kenya Law Reform Commission.

The Committee observed that although succession is fundamentally a legal and administrative matter governed by the Law of Succession Act (Cap.160), the current legal and administrative framework does not adequately facilitate accessible, affordable, and timely succession processes. International experience demonstrates that simplified procedures, administrative settlement mechanisms, decentralized probate services and digitization can significantly improve outcomes while safeguarding beneficiaries.

The Committee recommends that within ninety (90) days of adoption of this report the Attorney General in liaison with the Kenya Law Reform Commission submits amendments to the Law of Succession Act to provide for among others, estates below a prescribed value be wound up through a fastened and simplified procedure, introduction of a dedicated statutory small estate track defined by a monetary value threshold, administrative processing of uncontested cases and vest concurrent original jurisdiction over succession matters in lower (magistrates) courts for estates not exceeding a prescribed monetary value; gazettement of revised Probate, Administration (Fees) Rules and digitization of succession processes through Huduma Centres and the e-Citizen portal. Additionally, dedicated probate registries be established in all forty-seven counties, within the financial year 2026/27, and amendments to the Legal Aid Act, (Cap 16A) to expressly include succession matters within the defined scope of legal aid services.

The Committee appreciates the Offices of the Speaker and Clerk of the National Assembly for providing guidance and necessary technical support, without which its work would not have been possible. The Chairperson expresses gratitude to the Committee Members for their devotion and commitment to duty during the consideration of the Petition.

On behalf of the Committee and pursuant to the provisions of Standing Order 199, I now wish to lay the Report on the Table of the House.

HON. MUCHANGI KAREMBA, CBS, M.P.
CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

PART ONE

1. PREFACE

1.1 Establishment and Mandate of the Committee

1) The Public Petitions Committee is established under the provisions of Standing Order 208A with the following terms of reference:

   i) considering all public petitions tabled in the House;
   ii) making such recommendations as may be appropriate with respect to the prayers sought in the petitions;
   iii) recommending whether the findings arising from consideration of a petition should be debated; and
   iv) advising the House and reporting on all public petitions committed to it.

1.2 Committee Membership

2) The Public Petitions Committee was constituted in October 2022 and comprises the following Members:

Chairperson
Hon. Muchangi Karemba, CBS, M.P.
Runyenjes Constituency
United Democratic Alliance (UDA)

Vice Chairperson
Hon. Janet Jepkemboi Sitienei, M.P
Turbo Constituency
United Democratic Alliance (UDA)

Hon. Patrick Makau King'ola, M.P.
Mavoko Constituency
Wiper Democratic Movement-Kenya (WDM-K)

Hon. Edith Vethi Nyenze, M.P.
Kitui West Constituency
Wiper Democratic Movement-Kenya (WDM-K)

Hon. Ntwiga Patrick Munene, M.P.
Chuka Igambang'ombe Constituency
United Democratic Alliance (UDA

Hon. Maisori Marwa Kitayama, M.P.
Kuria East Constituency
United Democratic Alliance (UDA)

Hon. Joshua Chepyegon Kandie, M.P.
Baringo Central Constituency
United Democratic Alliance (UDA)

Hon. Beatrice Kadeveresia Elachi, M.P.
Dagoretti North Constituency
Orange Democratic Movement (ODM)

Hon. Bernard Muriuki Nebart, M.P.
Mbeere South Constituency
Independent

Hon. Biego Paul Kibichy, M.P.
Chesumei
United Democratic Alliance (UDA)

Hon. Peter Irungu Kihungi, M.P.
Kangema Constituency
Maendeleo Chap Chap Party (MCCP)

Hon. John Bwire Okano, M.P.
Taveta Constituency
Wiper Democratic Movement-Kenya (WDM-K)

Hon. Peter Mbogho Shake, M.P.
Mwatate Constituency
Jubilee Party (JP)

Hon. Sloya Clement Logova, M.P.
Sabatia Constituency
United Democratic Alliance (UDA)

Hon. Suzanne Ndunge Kiamba, M.P.
Makueni Constituency
Wiper Democratic Movement-Kenya (WDM-K)

1.3 Committee Secretariat

3) The Public Petitions Committee is facilitated by the following members of the secretariat:

Lead Clerk
Mr. Victor Weke
Principal Clerk Assistant II

Ms. Miriam Modo
First Clerk Assistant

Mr. Benard Toroitich
Third Clerk Assistant

Ms. Kafuyai Wamae
Third Clerk Assistant

Mr. Clinton Sindiga
Legal Counsel II

Ms. Nancy Akinyi
Research Officer III

Ms. Viola Saiya
Research Officer III

Ms. Roselyne Njuki
Principal Serjeant-at-Arms

Mr. Paul Shana
Serjeant-at-Arms

Mr. Pascal Valerian
Hansard Officer III

Mr. Collins Mahamba
Audio Officer III

Ms. Felistus Muiya
Public Communication Officer

Ms. Fridah Ngari
Media Relations Officer III

PART TWO

2. BACKGROUND OF THE PETITION

2.1 Introduction

4) Article 119 of the Constitution of Kenya gives every person the right to petition Parliament to consider any matter within its authority, including enacting, amending, or repealing legislation.

5) The Petition is brought before the House by the former Governor for Taita Taveta County, Eng. John Mruttu and twenty-two (22) others regarding reform of succession Law and administration of estates in Kenya.

6) The Petitioners state that a substantial proportion of productive assets in Kenya, particularly land, remain registered in the names of deceased persons due to delayed succession processes, and in many instances, the process is not completed for periods ranging between twenty (20) and forty (40) years after the passing on of persons holding the assets.

7) The Petitioners aver that succession procedures under the current legal framework are complex, costly, and inaccessible to ordinary citizens. Further, that such procedures involve multiple steps, including court filings, gazettement, legal representation, valuation, and registry processes, which collectively create barriers to access.

8) The Petitioners are concerned that delayed succession constrains economic growth as it hinders the use of assets as collateral, transfer efficiency, and investor confidence. This has led to limited access to credit, reduced agricultural productivity, increased disputes, pressure on the judiciary, and inefficiencies in asset markets.

9) The Petitioners submit that although succession is fundamentally a legal and administrative matter governed by the Law of Succession Act (Cap.160), the current legal and administrative framework does not adequately facilitate accessible, affordable, and timely succession processes.

10) The Petitioners state that international experience demonstrates that simplified procedures, administrative settlement mechanisms, decentralized probate services and digitization can significantly improve outcomes while safeguarding beneficiaries.

2.2 Petitioners' Prayers

11) The Petitioners prayed that the National Assembly, through the Public Petitions Committee—

i) Initiates a review and amendment of the Law of Succession Act (Cap.160), to provide for simplified succession procedures for small estates, administrative settlement of uncontested estates, as well as expanded and decentralized probate services across the country;

ii) Calls for review and rationalization of costs associated with succession processes, promotion of digitization and integration of succession, civil registration, and land

administration systems, and strengthening of mediation and alternative dispute resolution mechanisms in succession matters; and

iii) Takes any other legislative and administrative measures necessary to facilitate timely, accessible, and equitable succession processes in Kenya.

PART THREE

3. STAKEHOLDERS' SUBMISSIONS ON THE PETITION

3.1 The Petitioners

The Hon. Engineer John Mruttu, M.P, on Tuesday, 30th June, 2026, appeared before the Committee alongside submitted as follows;

12) This Petition respectfully invites Parliament to initiate a national conversation on succession and inheritance reform in Kenya. While succession is often viewed as a private family matter, its implications extend far beyond individual households and directly affect justice, women's empowerment, youth employment, agriculture, financial inclusion and national development.
13) Across our Republic, millions of Kenyans occupy, cultivate and invest in land that remains legally registered in the names of deceased persons. Families continue to build homes, rear livestock and support livelihoods on such land, yet many remain unable to realize its full economic value because ownership has not been formally transferred through succession. As a result, productive assets remain physically present but economically constrained. The living work the land, but in the records of the State, the dead still own it.
14) This disconnect between economic reality and legal ownership has quietly evolved into one of Kenya's most significant yet least discussed development challenges. Succession reform should therefore be viewed not merely as an inheritance issue, but as a justice issue, an economic transformation issue and an opportunity to unlock rural capital for inclusive national development.

Constitutional and Social Justice Imperatives

15) The Constitution of Kenya 2010 embodies the values of human dignity, equality, access to justice and protection of property rights. It envisions a society in which all citizens enjoy equal protection under the law and equitable access to opportunities necessary for a dignified life.
16) Succession procedures should therefore be accessible, affordable and responsive to the realities faced by ordinary citizens. When families are unable to complete succession because the process is too costly, too complex or too distant, the constitutional promise of equal access to justice becomes difficult to realize in practice.
17) Delayed succession disproportionately affects vulnerable groups, particularly widows and youth. Widows who may have contributed significantly to the acquisition and development of family assets often continue to live with uncertainty regarding security of tenure. Young people, on the other hand, frequently inherit land without inheriting the opportunity to utilize it productively.

15) No society can claim to uphold family values while leaving widows in prolonged uncertainty. Equally, children should inherit opportunity, not conflict.

Institutional Capacity and Access to Justice

18) The challenge of succession also raises important questions regarding institutional capacity and access to justice. Kenya records approximately 400,000 deaths annually. Even on the conservative assumption that only half of those individuals leave behind assets requiring succession, this would still result in about 200,000 potential succession matters every year.
19) If all such matters were to be processed through the courts, and assuming approximately 200 court stations across the country, each station would be required to hear and conclude roughly 1,000 succession cases annually, equivalent to about four succession cases every working day, in addition to existing civil and criminal caseloads. This simple illustration suggests that the present system, however well-intentioned, may be placing demands upon the courts that are difficult to sustain in the long term.
20) The challenge before us is therefore not only legal, but also institutional and developmental. Judicial resources should be concentrated on complex and contested estates, while simpler and uncontested matters may be resolved through more accessible administrative mechanisms with appropriate safeguards. Such an approach would strengthen access to justice, improve efficiency and reduce pressure on the courts.

Unlocking Kenya's Trapped Rural Capital

21) Kenya's rural communities are often asset-rich but capital-poor, not because wealth is absent, but because much of that wealth remains legally trapped and unable to participate fully in the formal economy. Secure ownership enables land to perform its economic function. It facilitates access to credit, supports investment and encourages enterprise development. Farmers can invest in irrigation, mechanization and value addition. Entrepreneurs can establish businesses and expand existing enterprises. Financial institutions can extend credit with greater confidence where ownership is clear and secure.
22) Possession of secure title will allow capital to flow to rural areas, stimulate enterprise development, create employment opportunities and reduce distress migration from rural to urban centres. Secure titles enable capital to flow into rural areas. Capital finances irrigation, mechanization, storage and value addition. Increased investment raises agricultural productivity and strengthens food security. Expanding rural enterprises create employment opportunities for young people, thereby reducing distress migration to urban centres and promoting more balanced national development.
23) One of the greatest economic opportunities before Kenya may not lie in discovering new resources, but in unlocking the wealth that already exists within our villages and farms.

Learning from Experience and Judicial Developments

24) Kenya is not the first nation to confront the challenge of delayed succession and unresolved estates. Across Africa and indeed across the world, countries have adopted various measures to modernize inheritance systems while preserving fairness, transparency and cultural values.

25) Rwanda has undertaken significant land and inheritance reforms that strengthened security of tenure and promoted gender equality in property ownership, contributing to reduced disputes and increased confidence in land rights. South Africa has introduced simplified procedures for smaller estates, recognizing that not every inheritance matter requires lengthy and expensive court processes. Jurisdictions such as Canada and the United Kingdom have developed streamlined probate procedures for modest estates while maintaining appropriate safeguards to protect beneficiaries.

26) These examples are not presented as models to be copied wholesale. Every nation must design laws that reflect its own history, culture and constitutional framework. Nevertheless, they demonstrate that succession systems can evolve to become more accessible, efficient and responsive to the needs of citizens.

27) I have been advised that our courts have, through various decisions over the years, increasingly underscored the need for succession law to evolve in harmony with the Constitution of Kenya 2010, particularly in relation to equality, dignity and the protection of vulnerable groups. These judicial developments provide useful guidance to policymakers and lawmakers as they consider reforms aimed at strengthening access to justice and promoting inclusive development.

28) Kenya therefore has an opportunity to draw upon both international experience and domestic jurisprudence in crafting reforms that are uniquely suited to our national circumstances and aspirations.

Recommendation

29) This Petition does not seek immediate amendment of the law. Rather, it respectfully proposes the establishment of a National Multi-Sectoral Task Force on Succession and Inheritance Reform to undertake a comprehensive review of the Law of Succession Act and related legislation.

30) The Task Force may include representatives from Parliament, the Judiciary, the Office of the Attorney General, the Ministry responsible for Lands, county governments, financial institutions, women's organizations, youth organizations, faith-based institutions and cultural leaders. Its mandate would include public participation, review of interconnected laws and submission of recommendations to Parliament within six months.

Conclusion

31) By simplifying succession procedures, strengthening access to justice and unlocking dormant assets, Kenya can strengthen families, expand financial inclusion, improve food security, create employment opportunities for young people and promote balanced regional development. This is not merely an inheritance agenda; it is a nation-building agenda.
32) By reforming succession, we do not merely transfer land from one generation to another. We transfer hope from one generation to the next.

3.2 Office of the Attorney General

The Solicitor General, Hon. Shadrack. J. Mose in a letter dated 13th August,2026 gave a written submission in response to the petition. He submitted as follows —

33) From the outset, the Office of the Public Trustee wishes to clarify, that succession in Kenya is not an automatic or state-initiated process. It is a voluntary process that must be commenced by the family or other persons interested in the estate of the deceased.
34) The Law of Succession Act (Cap. 160) does not impose a duty on the State to institute succession proceedings on behalf of a family; rather, it confers a right and a procedure upon interested parties to do so. Section 66 of the Law of Succession Act sets out the order of priority of persons who may petition for a grant of letters of administration in respect of an intestate estate. This order generally follows the surviving spouse(s), children, parents, siblings, and other relatives of the deceased, in that order of preference, before extending to other persons such as creditors of the estate and the Public Trustee as an administrator of last resort.
35) The implication of this framework is that the substantial delays in succession that the Petitioners have identified, in some cases ranging between twenty (20) and forty (40) years, are not, in the main, a failure of the legal framework to provide a mechanism for succession, but rather a reflection of the failure of families to invoke the mechanism that already exists which might inter alia be due to the psychosocial struggles/stress that comes with coping with the death of a loved one and the goodwill to undertake succession process. This distinction is important as it reframes part of the problem from one of law reform alone to one of public awareness.
36) Flowing from the above, the Office submits that there is a pressing need to sensitize members of the public on the importance and the procedure of succession, and on the consequences of failing to undertake it in a timely manner. Many of the difficulties identified by the Petitioners (land remaining registered in the names of deceased persons, families occupying land without formal legal ownership, and reduced access to credit) are perpetuated by a lack of public awareness rather than by gaps in the law alone.
37) This concern was similarly raised during a meeting held between the Office of the Attorney-General and representatives of the Agricultural Finance Corporation (AFC) on 27th February 2026, where it was resolved that there is need to sensitize the public on the mandates of the

respective departments in the Office of the Attorney-General and Department of Justice, including the Public Trustee department, with respect to succession and estate administration.

38) The Office supports the Petitioners' prayer for the promotion of public sensitization and recommends that this be undertaken collaboratively with the National Legal Aid Service, and other relevant stakeholders, including through community-level civic education, chiefs' barazas, and digital platforms.

Complexity of the current legal framework

39) The Office acknowledges the Petitioners' concern regarding the complexity of succession procedures.

40) The prescribed forms under the Probate and Administration Rules may, on their face, be complicated for a layperson without legal training or assistance to complete unaided. However, the Office submits that this challenge can be mitigated by existing institutional support mechanisms. The National Legal Aid Service (NLAS), established under the Legal Aid Act, 2016, is decentralized across thirty-three (33) counties and provides free assistance to indigent persons including in completing succession forms, in addition to equipping litigants with tools and guidance for self-representation in straightforward, uncontested matters.

41) In addition, court clerks and court administrators at the various Law Courts routinely guide members of the public on how to complete the requisite forms for filing succession causes. The combined effect of these two avenues of support is that, while the forms remain technical in character, the practical barrier to access is considerably lower than it may appear, particularly for the indigent and for uncontested estates.

42) The Office nonetheless welcomes proposals aimed at further simplification of the forms themselves as long as it does not diminish or negatively alter the rights of beneficiaries and dependents, as part of any review of the Law of Succession Act and the Probate and Administration Rules.

Cost of succession proceedings

43) On the calls for review and rationalization of costs associated with succession processes, the Office submits that the government through the judiciary has ensured that its citizens can easily access justice by capping the court filing fees at reasonable and affordable filing fees.

44) Currently, a Petitioner requires only Kshs. 2,500 as court filing fee for a succession case in a Kenyan court. The more significant cost drivers in succession matters that are taken to be hindrances tend to arise from; optional private legal representation, valuation fees for the estate assets, gazettement fees at the government printers and other delays occasioned by disputes among beneficiaries on who shall pay the subsidiary fees aside from the court filing fees, rather than from the statutory filing fee itself.

45) The Office clarifies that legal representation is not mandatory in succession matters in Kenya. A petitioner or any interested party can act in person, and many uncontested succession causes are in fact filed and concluded by lay petitioners, particularly with the support of the National Legal Aid Service and court registry staff referred to above.

46) Legal representation becomes material in contested matters or estates involving complex assets, but its absence is not, in itself, a bar to accessing succession services.

Gazettement as an essential safeguard

47) The Office submits that gazettement of a petition for a grant is not a mere administrative formality but a substantive and indispensable safeguard in the succession process. Gazettement serves the essential function of giving public notice of the petition, thereby affording any person who may have a legitimate claim in, or objection to the administration or distribution of an estate an opportunity to come forward within the prescribed thirty (30) days before a grant is issued.

48) This safeguard is of particular importance in protecting vulnerable beneficiaries, including widows, children, and persons who may not have been involved in the initial petition. The Kenyan courts have consistently underscored the centrality of due notice to all persons entitled to a share in an estate where they have held that where persons with a prior right to administration are not served with the requisite notice or citation under the Probate and Administration Rules, the resulting process is rendered defective, as the law envisages "a democratic and inclusive process, where all who are entitled are included and involved."

49) Accordingly, while the Office is open to exploring administrative settlement mechanisms for small, uncontested estates as proposed by the Petitioners, it submits that the principle of public notice underlying gazettement should not be diluted or overlooked in any resulting reform, given its protective function.

Timeliness: The Role of the Public Trustee and the definition of Small Estates

50) On the question of timeliness, the Office submits that a pathway for expedited administration already exists. The Office of the Public Trustee, under the Public Trustee Act, administers estates summarily, without the need to file a petition in court for estates whose gross value is Kshs. 3,000,000 and below, through the issuance of a Certificate of Summary Administration. This summary process is typically concluded within six (6) months, substantially faster than the court process.

51) The Office further notes that Deputy County Commissioners act as ex-officio agents of the Public Trustee and may administer estates whose gross value is Kshs. 100,000 and below at the grassroots level, which further decentralizes access to expedited administration.

52) In view of the Petitioners' concerns regarding delay, the Office submits that enhancing the pecuniary jurisdiction of the Public Trustee above the current Kshs. 3,000,000 thresholds for

summary administration may also be considered. This would bring a larger pool of estates within the faster, six-month summary process.

53) On the Petitioners' proposal for simplified procedures for "small estates," the Office submits that there is need to first define, through proper stakeholder engagement, what should constitute a "small estate" for these purposes, and in particular whether land should be included within that definition. The Office urges caution on this specific point: land in Kenya carries a deeply emotive and culturally significant character that often exceeds its monetary value, and a purely value-based threshold may inadequately capture the complexity and sensitivity of land succession, particularly ancestral land. This definitional question should be the subject of deliberate, evidence-based stakeholder input rather than an administrative presumption.

Decentralization and digitization of services

54) The Office of the Attorney General is currently undertaking decentralization aimed at extending its services to all counties across the country, with Public Trustee Services forming a key part of this expansion and has so far established offices in thirty-three (33) counties. This effort is intended to bring essential legal and trustee services closer to citizens.

55) The Attorney General's office is also completing its digitization, working to bring all of its services, including those offered by the Public Trustee, onto digital platforms to improve efficiency, accessibility, and turnaround times. In a related but separate effort, the Ministry of Lands has launched the Ardhi-Sasa platform to facilitate digital land transfers and streamline land administration processes.

The process for review and amendment of the law of Succession Act

56) The Office in principle is open to the Petitioners' prayer for a review and amendment of the Law of Succession Act (Cap. 160). However, the Office emphasizes that any such amendment must be preceded by structured stakeholder engagement as well as meaningful public participation, in fulfilment of Article 10 of the Constitution. The Office submits that this process should be coordinated and led by the Kenya Law Reform Commission and the Judiciary, consistent with its statutory mandate to review and reform the laws of Kenya.

57) The Office further informs the Committee that the Honourable Attorney-General, during the inauguration of the Task Force on the incorporation and institutional transformation of the Public Trustee Department on 26th June 2026, also mandated that Task Force to relook at the Law of Succession Act as part of its terms of reference. The Petitioners' concerns are therefore already, in part, under active consideration.

Mediation and Alternative Dispute Resolution

58) On the Petitioners' call for the strengthening of mediation and Alternative Dispute Resolution (ADR) mechanisms in succession matters, the Office clarifies that mediation and ADR have always been available in our courts and are already being actively used in succession causes, including through the Judiciary's Court-Annexed Mediation programme. The Office supports the continued strengthening, resourcing, and wider public awareness of these mechanisms, particularly given their suitability for resolving intra-family disputes in a manner that preserves relationships, but submits that this is a matter of expanding and resourcing an existing framework rather than introducing an entirely new one.

Summary of Recommendations to the Committee

59) The Office adopts a balanced position. It agrees that aspects of the succession framework can be improved, but contends that many of the practical challenges in succession arise from delayed initiation of proceedings, inadequate public awareness, and underutilization of existing mechanisms rather than fundamental defects in the Law of Succession Act itself. Consequently, it advocates targeted reforms that preserve essential legal safeguards while improving efficiency, accessibility, public education, and institutional capacity.

Recommendations

60) In light of the foregoing, the Office recommends that the Committee:
   i) Note that succession is a voluntary, family-initiated process under Section 66 of the Law of Succession Act, and recommend a coordinated public sensitization campaign on succession Spearheaded by the Public Trustee, National Legal Aid Service and Judiciary;
   ii) Recommend that any review of the Law of Succession Act be undertaken through structured stakeholder engagement and public participation;
   iii) Support continued resourcing and public awareness of mediation and ADR mechanisms already available within the Judiciary for succession disputes.

3.3 Kenya Law Reform Commission

The Commission Secretary, Mr. James Nombi, in a letter dated 30th June 2026 gave a written submission in response to the petition. He submitted as follows;

61) The Law of Succession Act (Cap. 160), enacted in 1981, is the principal statute governing the devolution of the estates of deceased persons in Kenya.

62) It provides for both testate and intestate succession, family provision, and the administration of estates through grants of representation issued by the High Court under Part VI. The procedural framework is elaborated in the Probate and Administration Rules (Legal Notice

No. 316 of 1980), which prescribe the applicable forms, statutory notices, and procedural steps.

63) Over more than four decades of operation, the Act has been subjected to only limited amendment, and the institutional infrastructure for its administration has not kept pace with Kenya's population growth, urbanization, constitutional evolution, and economic complexity. A substantial proportion of productive assets, particularly agricultural and residential land, remain registered in the names of deceased persons, sometimes for twenty (20) to forty (40) years after the owner's death. This is fundamentally a consequence of a legal and administrative framework that imposes multiple procedural barriers on ordinary citizens seeking to transmit inherited assets.

64) The Commission identifies four structural sources of these barriers: (a) the exclusive vesting of jurisdiction in the High Court under section 52 of the Act, which severely limits geographic access; (b) the mandatory requirement for public notification through the Kenya Gazette and a widely circulated newspaper, entailing significant cost and time; (c) the complexity of procedural requirements, including filing, schedules of assets and beneficiaries, valuation, and confirmation, which necessitate costly legal representation; and (d) the inadequate geographic spread of probate services, concentrated at the four principal High Court stations of Nairobi, Mombasa, Kisumu, and Nakuru.

65) The KLRC further notes the structural intersection between succession law and the land and civil registration systems. Section 54 of the Land Registration Act, 2012 requires a confirmed grant of representation before beneficiaries can be registered as proprietors of inherited land, creating a lock-in whereby succession cannot be completed without court proceedings, and court proceedings do not yield effective land registration without further processes at the land registry. Gaps in civil registration, particularly in rural and pastoralist communities, compound these delays. The Petition accurately identifies a genuine and pressing gap in Kenya's legal and administrative framework.

66) Article 40 of the Constitution guarantees every person the right to acquire, own, and transmit property. A succession framework that leaves inherited assets locked in the names of deceased persons for decades renders this right practically illusory for millions of Kenyans. Article 27 guarantees equality and freedom from discrimination; succession law, particularly in its interaction with certain customary practices, has historically disadvantaged women, widows, and daughters, making gender-sensitive reform a constitutional imperative.

67) Article 60(1) requires that land be held, used, and managed in a manner that is equitable, efficient, productive, and sustainable. Land locked in the names of deceased persons satisfies none of these requirements; it cannot be used as collateral, transferred, or developed. Article 68(c) further requires Parliament to enact legislation eliminating gender discrimination in law, customs, and practices related to land and property. Articles 53, 56, and 57 protect the rights of children, minorities, and older persons, requiring that succession procedures not disadvantage orphaned children or elderly persons lacking the resources to navigate complex proceedings.

68) The existing statutory framework intersecting with succession includes: the Land Registration Act, 2012, which governs the registration of interests transmitted on death under section 54; the Civil Registration Act (Cap. 149), which provides for birth and death registration foundational to succession proceedings; the Magistrates' Courts Act (No. 26 of 2015), under which limited succession jurisdiction can be extended to resident magistrates; the Legal Aid Act, 2016; and the Civil Procedure Act (Cap. 21), which provides the framework for alternative dispute resolution. A comprehensive succession reform must address the interaction between all these instruments and the principal Act.

Analysis of the prayers sought

Simplified Succession Procedures for Small Estates

69) The first limb of the first prayer seeks simplified succession procedures for small estates. KLRC strongly supports this prayer and finds it not only legally feasible but constitutionally necessary. The central legislative barrier is section 52 of the Act, which vests exclusive jurisdiction over probate and administration in the High Court, a provision that is no longer appropriate in the context of a constitutionally devolved governance structure with enhanced judicial infrastructure across all forty-seven counties.

70) Comparative international experience supports a simplified track for small estates. In South Africa, the Administration of Estates Act, 1965 enables estates below a prescribed value to be wound up through a simplified affidavit procedure before the Master of the High Court. In Rwanda, the Abunzi committee system manages inheritance matters at community level before escalation to formal courts. Similar models exist across the Commonwealth.

71) KLRC recommends that the Law of Succession Act be amended to introduce a dedicated statutory small estate track, defined by a monetary value threshold prescribed by the Attorney General by Gazette notice and reviewed periodically. KLRC recommends an initial threshold of between Kenya Shillings Five Hundred Thousand (KES 500,000) and One Million (KES 1,000,000) in net asset value. The simplified procedure should include:

    i) Filing of a simplified application by an adult beneficiary, supported by a statutory declaration in the prescribed form in lieu of a full petition;
    ii) Publication of statutory notice through an official government digital platform and at the relevant local administrative office, in lieu of mandatory Kenya Gazette and newspaper publication;
    iii) A shortened objection period of forty-five (45) days;
    iv) Issuance of a Certificate of Succession by an authorized administrative officer, rather than by court order, upon expiry of the objection period without a valid challenge; and
    v) Direct registration of the Certificate of Succession at the relevant land or asset registry, completing the succession-to-registration cycle administratively.

Administrative Settlement of Uncontested Estates

72) The second limb of the first prayer calls for administrative settlement of uncontested estates. KLRC considers this the single most impactful structural reform available, essential to clearing the substantial backlog of estate matters in the High Court.

73) Even entirely uncontested estates, where all beneficiaries are in full agreement, must currently pass through the High Court. This imposes court fees, legal costs, and significant delay on matters that do not require judicial determination. The court's role in such cases is limited to procedural verification: confirming that statutory notices have been published, that schedules are complete, and that no valid objection has been received. These functions could, with appropriate safeguards, be discharged by trained administrative officers.

74) KLRC recommends that the Act be amended to establish a cadre of Administrative Succession Officers (ASOs), operating within the Judiciary's administrative structure at the county level, empowered to:

i) Receive and process succession applications for uncontested estates meeting defined eligibility criteria;

ii) Verify the completeness and accuracy of applications and supporting documentation;

iii) Issue statutory notices and manage the prescribed objection period;

iv) Issue administrative letters of administration or grants of probate where no valid objection is raised; and

v) Refer contested applications promptly to the appropriate magistrate's court or the High Court.

75) Eligibility criteria for administrative settlement should include: absence of a bona fide dispute among beneficiaries; documented identification of all beneficiaries; written agreement on distribution confirmed by statutory declaration; and absence of outstanding third-party claims against the estate. These criteria should be prescribed by regulations under the Act, with clear escalation procedures protecting the rights of women and children from suppression through informal processes.

Expanded and Decentralized Probate Services

76) The third limb of the first prayer calls for expanded and decentralized probate services. KLRC notes that while the Magistrates' Courts Act permits the Chief Justice to extend succession jurisdiction to magistrates' courts, this power has been exercised inconsistently and does not guarantee access at the county level.

77) KLRC recommends a three-pronged approach. First, Parliament should amend the Law of Succession Act to expressly vest concurrent original jurisdiction over succession matters in magistrates' courts at the Senior Resident Magistrate level and above, for estates not exceeding a prescribed monetary value. Statutory vesting is more durable than administrative practice directions. Second, the Judiciary should establish dedicated probate registries in all forty-seven counties, staffed by trained clerks and equipped with digital case management

systems, functioning as the first point of contact for succession applicants. Third, a mobile probate clinic model should be developed for pastoralist and remote communities in consultation with the National Land Commission and civil society, ensuring succession services reach Kenyans beyond fixed administrative infrastructure.

Review and Rationalization of Succession Costs

78) The second prayer calls for rationalization of succession costs. KLRC identifies three principal cost barriers: court filing fees, statutory publication costs, and professional legal representation costs.

79) Court filing fees under the Probate and Administration (Fees) Rules should be revised to introduce a sliding scale fee structure, with reduced or waived fees for small estates and an income-tested fee waiver for applicants demonstrating financial incapacity. Publication costs in the Kenya Gazette and newspapers should be addressed by amending the Act to permit digital publication through the e-Citizen portal and county government websites at nominal cost, and through local administrative notice boards in lieu of mandatory Gazette and newspaper publication. This aligns with the Kenya Information and Communications Act and the government's digital transformation agenda. Legal representation costs will be substantially reduced by the simplified procedures and administrative settlement mechanisms recommended above; the Commission further recommends that the Legal Aid Act, 2016 be amended to expressly include succession matters within the scope of legal aid services under the National Legal Aid Service (NLAS).

Digitization and Integration of Succession, Civil Registration, and Land Administration Systems

80) KLRC strongly endorses the call for digitization and system integration, which addresses the fundamental operational inefficiency at the core of Kenya's succession crisis. The succession registry (Judiciary), the civil registration system (Department of Civil Registration), and the land registration system (Ministry of Lands) currently operate in administrative silos without automated interfaces. Succession proceedings are consequently delayed by the need for physical production of certified copies at each stage, and a confirmed grant of representation does not automatically trigger action in the land registration system, requiring beneficiaries to separately attend the land registry.

81) KLRC recommends development of an Integrated Digital Succession Platform that:

i) interfaces with the Civil Registration System (CRVS) to enable automated retrieval and verification of death certificates and identity documents upon application;

ii) interfaces with the Integrated Land Registration and Administration System (ILRAS) to enable real-time verification of land records and automatic transmission of confirmed succession grants for registration; and

iii) provides a secure digital portal accessible through Huduma Centres and the e-Citizen platform for filing applications, tracking status, serving notices, and paying fees. This platform should be developed within the Kenya Digital Economy Blueprint, 2019 and the NIIMS framework. The Law of Succession Act, the Land Registration Act, 2012, and the Civil Registration Act (Cap. 149) should be correspondingly amended to provide a legal basis for electronic grants of representation and digital succession certificates.

Strengthening Mediation and Alternative Dispute Resolution in Succession Matters

82) KLRC affirms that succession disputes are inherently family matters well-suited to consensual resolution. While the Civil Procedure Act and the Mediation Rules, 2020 provide a general ADR framework, there is no specific ADR mechanism tailored to succession matters, and the mandatory court process disincentivizes families from pursuing consensual resolution.

83) Further KLRC recommends that the Law of Succession Act be amended to:

i) introduce a mandatory pre-application family mediation step for contested succession matters, modeled on family dispute resolution requirements in comparable jurisdictions; (b) establish, under the Mediation Accreditation Committee, a specialized register of accredited succession mediators with competencies in succession law, family law, land law, and the cultural dynamics of inheritance;

ii) provide that authenticated mediated succession agreements registered with the succession registry have the same legal effect as confirmed grants of representation; and (d) enable Administrative Succession Officers, magistrates' courts, and the High Court to refer contested matters to mediation at any stage, with procedural safeguards protecting women, children, and older persons from coercion into inequitable settlements.

iii) KLRC further recommends development of a Community Succession Facilitation Programme, engaging trained community facilitators in partnership with the National Land Commission, county governments, and civil society, to assist families in reaching consensual distributions with referral pathways to formal proceedings where necessary.

Institutional and Policy Considerations

84) The reforms recommended in this submission require coherent institutional coordination and a supportive policy environment. KLRC observes that succession reform intersects directly with Kenya's broader land reform agenda. The National Land Policy, 2009 identifies delayed succession and insecurity of inherited land rights as major constraints on agricultural productivity and rural development. Succession reform is a critical enabler of the Kenya Vision 2030 and the Bottom-Up Economic Transformation Agenda (BETA), and should be expressly incorporated as a priority component of the ongoing Land Sector Review, with

resulting policy instruments addressing the link between timely succession and effective land registration.

85) KLRC underscores the gender dimensions of succession reform. Although the Law of Succession Act provides equal inheritance rights for sons and daughters under Part III, customary practices in many communities continue to exclude women and girls from inheritance of agricultural land in practice. Any simplified or administrative succession process must be designed with explicit safeguards ensuring that informality does not translate into informally enforced discrimination. Regulations under any amended Act should mandate annual gender equity monitoring of succession outcomes at the county level, with reports submitted to the office of the Attorney General and to the Kenya National Human Rights Commission. The Commission similarly recommends strengthening protections for children and other vulnerable groups under Part IV of the Act, including mandatory appointment of guardians ad litem for minors in both administrative and judicial proceedings, and robust screening by Administrative Succession Officers to identify and escalate matters where children's rights are at risk.

86) The success of succession reform further depends on sustained public legal literacy and institutional capacity. KLRC recommends development of a comprehensive Succession Rights and Process Information Package, disseminated in multiple languages through community radio, barazas, Huduma Centres, and digital platforms, in partnership with the Kenya School of Government, the National Legal Aid Service, and county governments. This should be accompanied by structured capacity building for Judiciary staff, land registry officers, civil registration officers, and the proposed Administrative Succession Officers, with the Judicial Training Institute developing and operationalizing a dedicated training programme in partnership with KLRC and the Law Society of Kenya.

87) Finally, the Commission underscores the importance of data-driven governance. There is currently no systematic collection of data on pending succession matters, processing times, geographic distribution of applications, or beneficiary demographics, making it difficult to measure the problem or evaluate reforms. The Judiciary's Performance Standards and Measurement System should be expanded to capture succession-specific data, and an annual succession reform progress report should be prepared and laid before the National Assembly to ensure ongoing legislative oversight.

KLRC's Recommendations

88) In light of the foregoing analysis, the KLRC submits that the Law of Succession Act (Cap. 160) should be comprehensively reviewed and amended to:

i) Introduce a statutory small estate track with a prescribed monetary threshold, simplified procedural requirements, and administrative issuance of Certificates of Succession without a court order;

ii) Establish a cadre of Administrative Succession Officers with authority to receive, process, and confirm uncontested succession applications at the county level, with clear escalation procedures for contested matters;

iii) Vest concurrent original jurisdiction over succession matters in magistrates' courts at the Senior Resident Magistrate level and above, for estates below a prescribed monetary value;

iv) Authorize and require digital filing of applications, digital publication of statutory notices through official government platforms, and electronic issuance of grants of representation and Certificates of Succession; and

v) Introduce a mandatory pre-application family mediation step for contested matters, establish a specialized succession mediator register, and provide for registration and legal recognition of mediated succession agreements.

89) The Probate and Administration (Fees) Rules should be reviewed to introduce a sliding scale fee structure with reduced or waived fees for small estates and income-tested waivers for indigent applicants.

90) An Integrated Digital Succession Platform should be developed, interfacing with the CRVS and ILRAS, and accessible through all forty-seven Huduma Centres and the e-Citizen portal.

91) The Legal Aid Act, 2016 should be amended to expressly include succession matters within the defined scope of legal aid services.

92) Dedicated probate registries should be established at the county level in all forty-seven counties, supported by adequate budgetary allocations.

93) A Community Succession Facilitation Programme should be developed in partnership with the National Land Commission, county governments, and civil society.

94) Gender equity safeguards should be built into the reformed framework, with mandatory annual gender equity monitoring of succession outcomes at the county level.

95) Protections for children under Part IV of the Law of Succession Act should be strengthened and expressly extended to administrative succession proceedings.

96) A nationwide public awareness and legal literacy programme on succession rights should be developed and implemented across all forty-seven counties.

97) The Judiciary's Performance Standards and Measurement System should capture succession-specific data, with an annual succession reform progress report laid before the National Assembly.

Conclusion

98) The KLRC commends the Petitioners for bringing to Parliament a matter of profound economic and social importance, particularly for the rural poor, women, children, widows, and other vulnerable groups whose access to the productive assets of deceased family members is impeded by a legal and administrative framework that has remained largely unchanged for over four decades. The succession backlog, with productive land and other assets locked in the names of deceased persons across Kenya, represents a structural

constraint on economic growth, credit access, agricultural productivity, and the realization of the constitutional right to property under Article 40.

99) The Law of Succession Act (Cap. 160) requires comprehensive reform aligned with the Constitution of Kenya 2010, the government's digital transformation agenda, and the constitutional imperative of genuine access to justice for all Kenyans. The reforms recommended in this memorandum are systemic, mutually reinforcing, and grounded in constitutional requirements and international best practice.

PART FOUR

4. COMMITTEE OBSERVATIONS

Upon hearing from the Petitioners, Office of the Attorney General and the Kenya Law Reform Commission, the Committee observed that—

100) Across the country many parcels of land that remain legally registered in the names of deceased persons because ownership has not been formally transferred through succession. As a result, productive assets remain physically present but economically constrained.

101) Although succession is fundamentally a legal and administrative matter governed by the Law of Succession Act (Cap.160), the current legal and administrative framework does not adequately facilitate accessible, affordable, and timely succession processes.

102) International experience demonstrates that simplified procedures, administrative settlement mechanisms, decentralized probate services and digitization can significantly improve outcomes while safeguarding beneficiaries.

103) Further, there is need to sensitize members of the public on the importance and the procedure of succession, and on the consequences of failing to undertake it in a timely manner. Many of the difficulties identified by the Petitioners (land remaining registered in the names of deceased persons, families occupying land without formal legal ownership, and reduced access to credit) are compounded by a lack of public awareness.

104) The Office of the Public Trustee, under the Public Trustee Act, administers estates summarily, without the need to file a petition in court for estates whose gross value is Kshs. 3,000,000 and below, through the issuance of a Certificate of Summary Administration. This summary process is typically concluded within six (6) months, substantially faster than the court process.

105) The Office of the Attorney General was in the process of decentralization aimed at extending its services to all counties across the country, with Public Trustee Services forming a key part of this expansion and has so far established offices in thirty-three (33) counties. This effort is intended to bring essential legal and trustee services closer to citizens.

PART FIVE

5. COMMITTEE RECOMMENDATIONS

106) Pursuant to the provisions of Standing Order 227, the Committee responds to the Petition as follows—

i) On the prayer that the Committee initiates a review and amendment of the Law of Succession Act (Cap.160), to provide for simplified succession procedures for small estates, administrative settlement of uncontested estates, as well as expanded and decentralized probate services across the country; **The Committee recommends that within ninety (90) days upon tabling of this report, the Attorney General in liaison with the Kenya Law Reform Commission submits to the National Assembly proposals to amend the Law of Succession Act, including but not limited to, estates below a prescribed value be wound up through a fastened and simplified procedure, introduction of a dedicated statutory small estate track defined by a monetary value threshold, administrative processing of uncontested cases and vest concurrent original jurisdiction over succession matters in lower (magistrates) courts for estates not exceeding a prescribed monetary value.**

ii) On the prayer that the Committee calls for review and rationalization of costs associated with succession processes, promotion of digitization and integration of succession, civil registration, and land administration systems, and strengthening of mediation and alternative dispute resolution mechanisms in succession matters; **The Committee recommends that within ninety (90) days of tabling of this report, the Attorney General should gazette revised Probate and Administration (Fees) Rules to introduce a sliding scale fee structure with reduced/ waived fees for small estates and indigent applicants.**

Further the Committee recommends that the Attorney General operationalizes an Integrated Digital Succession Platform through Huduma Centres and the e-Citizen portal and additionally, a dedicated probate registry be established at the county level in all forty-seven counties, within the financial year 2026/27.

iii) On the prayer that the Committee takes any other legislative and administrative measures necessary to facilitate timely, accessible, and equitable succession processes in Kenya; **the Committee recommends that within ninety (90) days of tabling of this report, the Attorney General submits to the National Assembly amendments to the Legal Aid Act, (Cap 16A) to expressly include succession matters within the defined scope of legal aid services.**

Signed: _____ **Date:** 30/09/2026

HON. MUCHANGI KAREMBA, M.P.

CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

THE NATIONAL ASSEMBLY
PAPERS LAID
DATE: 30 SEP 2026 DAY. Wednesday
TABLED BY: Hon. Jane Sitenei MP Vice-Chairperson
CLERK-AT THE-TABLE: Female

ANNEXURES

Annex 1: Report Adoption List

Annex 2: Public Petition No.15 of 2026 regarding reform of Succession law and administration of estates in Kenya

Annex 3: Minutes of proceedings

PUBLIC PETITIONS COMMITTEE

ADOPTION LIST

(i) Consideration and adoption of the P/No. ~~08~~ 15 of 2026 regarding Succession law and administration of estates in Kenya by Eng. John Mruttu, former Governor, Taita Taveta County

We, the undersigned, hereby affix our signatures to this Report to affirm our approval:

DATE: 2/9/2026

	HON. MEMBER	SIGNATURE
1.	Hon. Muchangi Karemba,CBS, M.P.(Chairperson)	
2.	Hon. Janet Jepkemboi Sitienei, CBS, M.P.(Vice Chairperson)	
3.	Hon. Patrick Makau King'ola, M.P.	
4.	Hon. Beatrice Kadeveresia Elachi, CBS, M.P.	
5.	Hon. Joshua Chepyegon Kandie, M.P.	
6.	Hon. Maisori Marwa Kitayama, M.P.	
7.	Hon. Edith Vethi Nyenze, M.P.	
8.	Hon. Patrick Ntwiga Munene,CBS, M.P.	
9.	Hon. Paul Biego Kibichy, M.P.	
10.	Hon. (Eng.) Bernard Muriuki Nebart, M.P.	
11.	Hon. Peter Mbogho Shake, M.P.	
12.	Hon. Suzanne Ndunge Kiamba, M.P.	
13.	Hon. John Bwire Okano, M.P.	
14.	Hon. Sloya Clement Logova, M.P.	
15.	Hon. Peter Irungu Kihungi, M.P.	

REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT - (FIFTH SESSION)

THE NATIONAL ASSEMBLY

CONVEYANCE OF PUBLIC PETITION

(No. 15 of 2026)

REGARDING REFORM OF SUCCESSION LAW AND ADMINISTRATION OF ESTATES IN KENYA

1. **Honourable Members,** Article 119 of the Constitution accords any person the right to petition Parliament to consider any matter within its authority. Further, Standing Order 225(2)(b) requires the Speaker to report to the House any Petition other than that presented by a Member.

2. In this regard, I wish to report to the House that my office has received a Petition from the *former Governor for Taita Taveta County, Eng. John Mruttu, (ID. No. 48xxx62) and twenty-two (22) others* regarding reform of succession Law and administration of estates in Kenya.

3. **Honourable Members,** the Petitioners state that a substantial proportion of productive assets in Kenya, particularly land, remain registered in the names of deceased persons due to delayed succession processes, and in many instances, the process is not completed for periods ranging between twenty (20) and forty (40) years after the passing on of persons holding the assets.

4. The Petitioners aver that succession procedures under the current legal framework are complex, costly, and inaccessible to ordinary citizens. Further, that such procedures involve multiple steps, including court filings, gazettement, legal representation, valuation, and registry processes, which collectively create barriers to access.

5. **Honourable Members,** the Petitioners are concerned that delayed succession constrains economic growth as it hinders the use of assets as collateral, transfer efficiency, and investor confidence. This has led to limited access to credit, reduced agricultural productivity, increased disputes, pressure on the judiciary, and inefficiencies in asset markets.

6. **Honourable Members**, the Petitioners submit that although succession is fundamentally a legal and administrative matter governed by the Law of Succession Act (Cap.160), the current legal and administrative framework does not adequately facilitate accessible, affordable, and timely succession processes.

7. **Honourable Members,** the Petitioners state that international experience demonstrates that simplified procedures, administrative settlement mechanisms, decentralized probate services and digitisation can significantly improve outcomes while safeguarding beneficiaries.

8. The Petitioners therefore pray that the National Assembly, through the Public Petitions Committee -

   (i) Initiates a review and amendment of the Law of Succession Act (Cap.160), to provide for simplified succession procedures for smal estates, administrative settlement of uncontested estates, as well as expanded and decentralised probate services across the country;

   (ii) Calls for review and rationalization of costs associated with succession processes, promotion of digitisation and integration of succession, civil registration, and land administration systems, and strengthening of mediation and alternative dispute resolution mechanisms in succession matters; and

   (iii) Takes any other legislative and administrative measures necessary to facilitate timely, accessible, and equitable succession processes in Kenya.

9. **Honourable Members,** having determined that the matters raised by the Petitioners are well within the authority of this House, I hereby commit the petition to the Public Petitions Committee for consideration pursuant to Standing Order 208A.

10. The Committee is required to consider the petition and report its findings to the House and the Petitioners in accordance with Standing Order 227(2).

I thank you!

Wetangula

THE RT. HON. (DR.) MOSES F.M. WETANG'ULA, SC, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY

Date.....

MINUTES OF THE 53RD SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD ON WEDNESDAY, 2ND SEPTEMBER, 2026 IN MASHUA CONFERENCE ROOM, SERENA HOTEL, MOMBASA COUNTY AT 9:00 A.M.

PRESENT

1. Hon. Eric Muchangi Karemba, CBS M.P. - **Chairperson**
2. Hon. Janet Jepkemboi Sitienei, CBS, M.P. - **Vice-Chairperson**
3. Hon. Beatrice Kadeveresia Elachi, CBS, M.P.
4. Hon. Joshua Chepyegon Kandie, M.P.
5. Hon. Maisori Marwa Kitayama, M.P.
6. Hon. (Eng.) Bernard Nebart Muriuki, M.P.
7. Hon. Edith Vethi Nyenze, M.P.
8. Hon. Paul Biego Kibichiy, M.P.
9. Hon. Peter Irungu Kihungi, M.P.
10. Hon. Suzanne Ndunge Kiamba, M.P.

APOLOGIES

1. Hon. Patrick Makau King'ola, M.P.
2. Hon. Peter Mbogho Shake, M.P.
3. Hon. Sloya Clement Logova, M.P.
4. Hon. Patrick Ntwiga Munene, CBS, M.P.
5. Hon. John Bwire Okano, M.P.

IN-ATTENDANCE

SECRETARIAT

1.	Mr. Oscar Namulanda	-	Deputy Director/HOD
2.	Mr. Victor Weke	-	Principal Clerk Assistant II
3.	Ms. Miriam Modo	-	Clerk Assistant I
4.	Mr. Bernard Toroitich	-	Clerk Assistant III
5.	Ms. Kafuyai Wamae	-	Clerk Assistant III
6.	Mr. Clinton Sindiga	-	Legal Counsel II
7.	Ms. Nancy Akinyi	-	Research Officer III
8.	Mr. Pascal Valerian	-	Hansard Officer II
9.	Mr. Collins Mahamba	-	Audio Officer
10.	Ms. Rahima Ahmed	-	Executive Secretary
11.	Mr. Paul Shana	-	Serjeant-at-Arms
12.	Mr. Mahlon Kiprono	-	Attachee
13.	Ms. Fridah Ngari	-	Media Relations Officer

MIN./PPC/2026/186: PRELIMINARIES

The Chairperson called the meeting to order at 9:00 am and Hon. Marwa Kitayama said the opening prayer.

MIN./PPC/2026/187: ADOPTION OF AGENDA

The proposed agenda was adopted having been proposed by Hon. Joshua Kandie, M.P and seconded by, Hon. Maisori Kitayama, M.P.

AGENDA

1. Prayer and Preliminaries
2. Adoption of the Agenda
3. Confirmation of previous Minutes
4. Matters Arising
5. Consideration and Adoption of the following Reports on: -
   (i) **Public Petition No. 02 of 2026 by the Hon. Gladys Boss, MGH, MP on behalf of the residents of Uasin Gishu County regarding production, distribution and consumption of illegal alcoholic brews in the county;**
   (ii) **Public Petition No. 15 of 2026 regarding reform of succession law and administration of estates in Kenya;**
   (iii) **Public Petition No. 08 of 2026 regarding amalgamation /conversion of former civil service non-contributory pension schemes to the current public service workers contribution scheme under the public service superannuation fund of 2021 and amendment of Pensions Act; and**
   (iv) **Public Petition No. 09 of 2026 regarding unpaid salary arrears and terminal dues by the former employees of Uchumi Supermarkets PLC.**
6. Any Other Business
7. Adjournment and Date of the Next Meeting

MIN./PPC/2026/188: CONFIRMATION OF MINUTES

This agenda item was deferred.

MIN./PPC/2026/189: CONSIDERATION AND ADOPTION OF REEPORTS ON VARIOUS PUBLIC PETITIONS

a) Public Petition No. 02 of 2026 by the Hon. Gladys Boss, MGH, MP on behalf of the residents of Uasin Gishu County regarding production, distribution and consumption of illegal alcoholic brews in the county

The Committee unanimously considered and adopted the Draft Report with the following recommendations having been proposed by the Hon. Joshua Kandie, MP and seconded by the Hon. Nebart Muriuki, MP –

1. On the prayer that the Committee investigates the status of implementation of regulations in place to curb production, distribution and consumption of illegal alcohol; the Committee found that implementation of the various laws has been weak and inconsistent. The Committee recommends that within three (3) months of tabling of this report;
   i. The Cabinet Secretary National Treasury, in liaison with KRA, fully operationalizes the Excise Duty (Remission of Excise Duty) Regulations, 2026;
   ii. The Cabinet Secretary Ministry of Interior & National Administration in liaison with the Council of Governors submits to Parliament proposals for harmonization of national-county Alcoholic Drinks Control regime as regards licensing;
   iii. The Cabinet Secretary Ministry of Interior & National Administration submits to Parliament draft amendments to the Alcoholic Drinks Control Act prescribing higher penalties for breaches of the law;

iv. The Cabinet Secretary Ministry of Trade & Industry in liaison with the Anti-Counterfeit Authority submit to Parliament draft amendments to the Anti-Counterfeit Act prescribing higher penalties for breaches of the law and criminal liability of beneficial owners of offending companies and address enforcement gaps; and

v. The Cabinet Secretary Ministry of Agriculture, Livestock and Fisheries in liaison with the Kenya Sugar Board submit draft amendments to the Sugar Act to provide for express provision for the licensing, monitoring and quarterly reporting by sugar millers of all molasses-based ethanol production; and mandatory disclosure of buyers, end-users and movement of ethanol consignments to KRA, KEBS and ACA.

2. On the prayer that the Committee determines the cause of the rampant production, distribution, and consumption of illegal alcohol in the country; the Committee found that the proliferation of illicit alcohol was due to a high tax regime, corruption amongst enforcement agencies, weak regulatory enforcement and smuggling of ethanol across borders. In particular, the NPS, KEBS and KRA bear the greatest responsibility. The Committee recommends that within three (3) months of tabling of this report;
   i. The Inspector General NPS and Commissioner General KRA report to the National Assembly on action taken to increase surveillance at the identified ethanol smuggling border points of Isibania, Shimoni, Busia, Mbale, Malaba, Lwakhakha, Namanga, Lunga Lunga and Moyale;
   ii. The Managing Director KEBS submits a strategy paper on revamped enforcement, quality assurance and inspection and market surveillance measures.

3. On the prayer that the Committee recommends a multiagency approach to curb the production, distribution and consumption of illegal alcohol, the Committee recommends that within three (3) months of tabling of this report the Cabinet Secretary Ministry of Interior & National Government submits to Parliament draft legislation to anchor the Multi-Agency Taskforce into law. This taskforce should comprise the Ministry's NGAO, NPS, NIS, KRA, KEBS, NACADA, ACA, COG, Ministry of Health, ODPP, EACC, and any other relevant government agency.

b) Public Petition No. 15 of 2026 regarding reform of Succession Law and Administration of Estates in Kenya

The Committee considered and adopted the Draft Report unanimously with amendments to recommendation (1) having been proposed by the Hon. Joshua Kandie, MP and seconded by the Hon. Edith Vethi Nyenze, MP as follows –

1. On the prayer that the Committee initiates a review and amendment of the Law of Succession Act (Cap.160), to provide for simplified succession procedures for small estates, administrative settlement of uncontested estates, as well as expanded and decentralized probate services across the country; The Committee recommends that within ninety (90) days of tabling of this report, the Attorney General in liaison with the Kenya Law Reform Commission submits to the National Assembly proposals to amend the Law of Succession Act, including but not limited to, estates below a prescribed value be wound

up through a fastened and simplified procedure, introduction of a dedicated statutory small estate track defined by a monetary value threshold, administrative processing of uncontested cases and vest concurrent original jurisdiction over succession matters in lower (magistrates) courts for estates not exceeding a prescribed monetary value.

2. On the prayer that the Committee calls for review and rationalization of costs associated with succession processes, promotion of digitization and integration of succession, civil registration, and land administration systems, and strengthening of mediation and alternative dispute resolution mechanisms in succession matters; The Committee recommends that within ninety (90) days of tabling of this report, the Attorney General gazettes revised Probate and Administration (Fees) Rules to introduce a sliding scale fee structure with reduced or waived fees for small estates and income-tested waivers for indigent applicants.

   Further the Attorney General ensures that an Integrated Digital Succession Platform is rolled-out through Huduma Centres and the e-Citizen portal. Additionally, a dedicated probate registry be established at the county level in all forty-seven counties, within the financial year 2026/27.

3. On the prayer that the Committee takes any other legislative and administrative measures necessary to facilitate timely, accessible, and equitable succession processes in Kenya; the Committee recommends that within ninety (90) days of tabling of this report, the Attorney General submits to the National Assembly amendments to the Legal Aid Act, (Cap 16A) to expressly include succession matters within the defined scope of legal aid services.

c) Public Petition No.8 of 2026 regarding amalgamation /conversion of former civil service non-contributory pension schemes to the current public service workers contribution scheme under the public service superannuation fund of 2021 and amendment of Pensions Act

The Committee unanimously considered and adopted the Draft Report with the following recommendations having been proposed by the Hon. Edith Vethi Nyenze, MP and seconded by the Hon. Marwa Kitayama, MP –

(i) On prayer that all non-contributory civil service pension schemes be amalgamated into a single, unified, equitable, and sustainable pension framework; The committee declines to grant this prayer.

(ii) On prayer that the National Treasury and the Salaries and Remuneration Commission undertake an immediate actuarial review of public service pensions and gazette appropriate pension increases to cushion pensioners against the effects of inflation and the rising cost of living; the Committee recommends that the National Treasury in liaison with the Salaries and Remunerations Commission conducts actuarial reviews every three (3) years and provides for resultant fiscal budgetary requirements. The first such actuarial review should be conducted by 31st December 2026.

(iii) On the prayer that the Pensions Act (Cap. 189) and the Pensions (Increase) Act (Cap. 190) be reviewed and amended to address existing gaps and ensure adequate protection of pensioners and their beneficiaries; The Committee recommends that within three (3) months of tabling of this report, the Multi- Agency Task Force through the National Treasury completes and submits to the National Assembly its report on review of the Pensions Act (Cap. 189), the Pensions (Increase) Act (Cap. 190) and the National Retirement Benefits Policy with proposals to modernize the legislative framework and address policy, administrative efficiency and fiscal considerations.

d) Public Petition No.9 of 2026 regarding unpaid salary arrears and terminal dues by the former employees of Uchumi Supermarkets PLC.

The Committee considered and adopted the Draft Report unanimously with the following recommendation having been proposed by the Hon. Peter Irungu Kinhungi, M.P and seconded by the Hon. (Eng.) Benard Nebart Muriuki, MP –

i. On the prayer that the Committee ensures transparency in the management of lease proceeds and other company assets; the Committee notes that the company had availed audited financial statements and recommends that the management avails to the CVA supervisor/ monitor quarterly written updates on operations of the company.

ii. On the prayer that the Committee facilitates the establishment of a clear timeline and mechanism for the resolution of all pending CVA obligations relating to former staff; the Committee recommends that subsequent to implementation of recommendation (c) below, dues owing to former employees totaling Kshs. 521,724,214 be fully settled as a matter of priority. The Committee recommends that management of Uchumi Supermarkets meet with the petitioners and representatives of the former employees and the respective workers' union within one (1) month of tabling of this report and provides breakdown of amounts owed to each former employee. A signed consent by all parties be filed with the National Assembly within two (2) weeks thereafter.

MIN./PPC/2026/190: ADJOURNMENT AND DATE OF THE NEXT MEETING

There being no other business, the meeting was adjourned at 4:30 p.m.

Sign: ..... **Date** 30/09/2026

HON. MUCHANGI KAREMBA, CBS, M.P.
CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

MINUTES OF THE 40TH SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD ON THURSDAY, 16TH JUNE, 2026 IN COMMITTEE ROOM 25, FLOOR, 5TH BUNGE TOWER AT 11:40 A.M.

PRESENT

1. Hon. Muchangi Karemba, CBS M.P. - **Chairperson**
2. Hon. Janet Jepkemboi Sitienei, CBS, M.P. - **Vice-Chairperson**
3. Hon. Beatrice Kadeveresia Elachi, CBS, M.P.
4. Hon. Joshua Chepyegon Kandie, M.P.
5. Hon. Edith Vethi Nyenze, M.P.
6. Hon. Suzanne Ndunge Kiamba, M.P.
7. Hon. Paul Biego Kibichiy, M.P.

APOLOGIES

1. Hon. Patrick Makau King'ola, M.P.
2. Hon. (Eng.) Bernard Nebart Muriuki, M.P.
3. Hon. Peter Irungu Kihungi, M.P.
4. Hon. Maisori Marwa Kitayama, M.P.
5. Hon. Patrick Ntwiga Munene, CBS, M.P.
6. Hon. John Bwire Okano, M.P.
7. Hon. Peter Mbogho Shake, M.P.
8. Hon. Sloya Clement Logova, M.P.

IN-ATTENDANCE

SECRETARIAT

1. Ms. Miriam Modo - Clerk Assistant I
2. Mr. Bernard Toroitich - Clerk Assistant III
3. Ms. Kafuyai Wamae - Clerk Assistant III
4. Mr. Clinton Sindiga - Legal Counsel II
5. Ms. Nancy Akinyi - Research Officer III
6. Mr. Collins Mahamba - Audio Officer
7. Ms. Felistas Muiya - Public Communications Officer
8. Ms. Fridah Ngari - Media Relations Officer
9. Ms. Rose Njuki - Senior Serjeant at arms
10. Mr. Pascal Valerian - Hansard Officer II
11. Mr. Brian Merimung' - Intern
12. Mr. Daniel Mumo - Intern

KENYA NATIONAL ASSOCIATION OF PUBLIC SERVICE RETIREES

1. Mr. John Serem - Chairperson
2. Mr. Joseph Langat - Vice Chairperson
3. Ms. Olive Chepkoech - Communications Officer
4. Ms. Aggrey Cheroitich - Information Technology Officer

TAITA TAVETA HUMAN RIGHTS WATCH

1. Eng.John Mruttu
2. Mr.Haji Mohamed Mwakio
3. Mr. Naure Mbaraka
4. Mr.John Mwakughu
5. Ms.Phebronia Mwasaku
6. Rev. Rose Rugendo
7. Mr.Kennedy Metion
8. Mr.Moses Maina Mruttu
9. Ms. Ramadhani Itambu
10. Mr.Brian Kahindi
11. Mr. Thomas Mzenge
12. Ms. Agripina Fumbu

MIN./PPC/2026/205: PRELIMINARIES

The Chairperson called the meeting to order at 11:40 am and the Hon. Beatrice Elachi, M.P said a word of prayer.

MIN./PPC/2026/206: ADOPTION OF AGENDA

The proposed agenda was adopted hereunder having been proposed by Hon. Joshua Chepyegon Kandie, M.P and seconded by, Hon. Edith Vethi Nyenze, M.P

AGENDA

1. Prayer & Preliminaries;
2. Adoption of the Agenda;
3. Confirmation of the Previous Minutes;
4. Matters Arising;
5. Meeting with the petitioners:
   i. Petition No.8 of 2026 on amalgamation of the civil service noncontributory pension scheme and the public service superannuation fund; and
   ii. Petition No.15 of 2026 on succession law and administration of estates in Kenya.
6. Any other Business; and
7. Adjournment

MIN./PPC/2026/207: CONFIRMATION OF MINUTES

This agenda item was deferred to the next sitting.

MIN./PPC/2026/208: MEETING WITH PETITIONERS

i. **Petition No.8 of 2026 on amalgamation of the civil service non-contributory pension scheme and the public service superannuation fund.**

The petitioners appeared before the Committee and submitted as follows-

The Petitioners are public service pensioners who are adversely affected by the current pension framework governing the public service. The Government, through the Public Service Superannuation Scheme Act, 2012, converted the previous Non-Contributory Defined Benefit (DB) pension scheme to a Defined Contributory (DC) scheme effective 1st January 2021.

This conversion excluded new entrants from the old scheme, leaving existing pensioners under an obsolete system whose obligations remain unmet in terms of adequacy and regularity of payment.

The current dual-pension architecture discriminates against former public servants under the Non-Contributory Defined Benefit pension scheme, who receive inadequate and irregular payments compared to the Defined Contributory scheme. They contend that this disparity amounts to unconstitutional discrimination among persons of the same class of entitlement.

In 2014, the Salaries and Remuneration Commission (SRC), based on Actuarial Study valuation, recommended a 50% increase in the tax-free pension contribution limit under the Defined Benefit (DB) pension scheme every three years. of pension by under the old Defined Benefit System, once every three years. However, no comprehensive actuarial pension review has been undertaken in conformity with the recommendations, leaving pensioners vulnerable to economic attrition.

The Government has inconsistently applied provisions of Section 17 of the Pensions Act that obligates payment of pension benefits to dependants upon the death of an officer. In this regard, access to Pension Benefits upon death of the Principal Officer by the respective next of kin remains administratively onerous hence violating the said provision.

Petitioners Prayers

The Petitioners prayed that the Committee conduct an investigation and recommend for-

i. Directs the amalgamation of all non-contributory civil service pension schemes into a single, unified and sustainable framework;
ii. Urges the National Treasury and the SRC to conduct an immediate actuarial study and gazette pension increases to mitigate the effects of inflation; and
iii. Facilitates the review of the Pensions Act(Cap.189) and the Pensions (Increase) Act(Cap.190)

Clarifications by the petitioner

Approximately 25% of public service pensioners currently earn below Ksh. 4,000 per month in pensions, which is below the average overall poverty line. The petitioners have contributed significantly to the development of the country hence they deserve to be catered for under an enhanced post-retirement medical schemes. A voluntary post-retirement medical scheme should be established for pensioners to guarantee the highest attainable standard of health.

There is a large number of retirees who possess knowledge and expertise in various areas hence retirees ought to be viewed as human capital. They have the benefit of expertise, experience and information and they can offer consultancy. This will result to a source of income for the retirees that will ease their financial burdens after retirement.

The next of kin for retirees are only paid their benefits for five years after which the payments cease. This inconveniences the beneficiaries because of the short time frame of five years.

Committee Observations

The Committee observed as follows: -

THAT-

1. The petitioner alleges to have made advances to the Retirement Benefits Authority and they did not get any audience or recourse.
2. Each occupational scheme has its own retirement schemes that may not necessarily be similar to the government scheme.
3. There is need to involve all pensioners, unions, labor groups and other stakeholders for

Committee Recommendations

The Committee resolved –

To engage -

a) The National Treasury;
b) The Salaries and Remuneration Commission;
c) The Retirement Benefits Authority;
d) The National Social Security Fund; and
e) The Attorney General.

ii. **Petition No.15 of 2026 on succession law and administration of estates in Kenya.**

The petitioners appeared before the Committee and submitted as follows-
A substantial proportion of productive assets in Kenya, particularly land, remain registered in the names of deceased persons due to delayed succession processes, and in many instances, the process is not completed for periods ranging between twenty (20) and forty (40) years after the passing on of persons holding the assets.

The Petitioners aver that succession procedures under the current legal framework are complex, costly, and inaccessible to ordinary citizens. Further, that such procedures involve multiple steps, including court filings, gazettement, legal representation, valuation, and registry processes, which collectively create barriers to access.

Delayed succession constrains economic growth as it hinders the use of assets as collateral, transfer efficiency, and investor confidence. This has led to limited access to credit, reduced agricultural productivity, increased disputes, pressure on the judiciary, and inefficiencies in asset markets.

Although succession is fundamentally a legal and administrative matter governed by the Law of Succession Act (Cap.160), the current legal and administrative framework does not adequately facilitate accessible, affordable, and timely succession processes.

International experience demonstrates that simplified procedures, administrative settlement mechanisms, decentralized probate services and digitisation can significantly improve outcomes while safeguarding beneficiaries.

Petitioners Prayers

The Petitioners prayed that the Committee conduct an investigation and recommend for-

(i) Initiates a review and amendment of the Law of Succession Act (Cap.160), to provide for simplified succession procedures for small estates, administrative settlement of uncontested estates, as well as expanded and decentralised probate services across the country;

(ii) Calls for review and rationalization of costs associated with succession processes, promotion of digitisation and integration of succession, civil registration, and land administration systems, and strengthening of mediation and alternative dispute resolution mechanisms in succession matters; and

(iii) Takes any other legislative and administrative measures necessary to facilitate timely, accessible, and equitable succession processes in Kenya.

Clarifications by the petitioner

The disconnect between economic reality and legal ownership has quietly evolved into one Kenya's most significant yet least discussed development challenges. Delayed succession disproportionately affects vulnerable groups, particularly widows and youths. No society can claim to uphold family values while leaving widows in prolonged uncertainty. Equally, children should inherit opportunity and not conflict.

This Petition does not seek immediate amendment of the law. Rather, it respectfully proposes the establishment of a National Multi-Sectoral Task Force on Succession and Inheritance Reform to undertake a comprehensive review of the Law of Succession Act and related legislation.
The Task Force may include representatives from Parliament, the Judiciary, the Office of the Attorney General, the Ministry responsible for Lands, county governments, financial institutions, women's organizations, youth organizations, faith-based institutions and cultural leaders. Its mandate would include public participation, review of interconnected laws and submission of recommendations to Parliament within six months.

By simplifying succession procedures, strengthening access to justice and unlocking dormant assets, Kenya can strengthen families, expand financial inclusion, improve food security, create

employment opportunities for young people and promote balanced regional development. This is not merely an inheritance agenda; it is a nation-building agenda.
By reforming succession, we do not merely transfer land from one generation to another. We transfer hope from one generation to the next.

Committee Observations

The Committee observed as follows: -

THAT-

1. The implications of succession matters go beyond the families and it affects the country as a whole;
2. Delayed succession processes have greatly interfered with service delivery to the public by members of parliament.

Committee Recommendations

The Committee resolved –

1. To engage -
   a) The Attorney General; and
   b) The Kenya Law Reform Commission.

2. To conduct a site, visit to ascertain the status of ancestral lands and the status of succession processes around the country.

MIN./PPC/2026/209: ADJOURNMENT

There being no other business, the meeting was adjourned at 2:00 p.m. The next meeting will be held on Thursday 18th June at a venue to be confirmed.

Sign: ..... **Date** 30/06/26

HON. MUCHANGI KAREMBA, CBS, M.P.
CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

(5) Head PBT to note/deal as appropriate 6/5.

(4) DLPS & 4/5/26

(1) DSO Prepare this petition for presentation upon resumption from recess. SNA 29/4/26.

(2). Advs. Millimo B Kindly deal. We discussed

COVER LETTER

The Speaker,

National Assembly of Kenya

Parliament Buildings

Nairobi.

Dear Rt. Hon (Dr.) Moses Wetangula,

RE: SUBMISSION OF A PUBLIC PETITION ON REFORM OF SUCCESSION LAW IN KENYA

Pursuant to Article 119 of the Constitution of Kenya and the Standing Orders of the National Assembly relating to Public Petitions, I hereby submit a Petition seeking consideration by the House on the reform of succession law and administration of estates in Kenya.

DSO 30/4/2026

The Petition draws attention to the widespread and persistent challenge of delayed succession, which has resulted in a significant proportion of productive assets—particularly land—remaining registered in the names of deceased persons for extended periods.

The Petition is accompanied by a detailed Policy Memorandum (Annex 1) providing full analysis, evidence, and proposed legislative and administrative reforms.

Kindly receive and process the Petition in accordance with the Standing Orders.

(3) Forwarded to CNA for kind consideration Millimo B 4/5/26

Yours faithfully,

Eng. John Mruttu
Tel: +254722410388

NATIONAL ASSEMBLY PETITIONS DESK
05 MAY 2026
SERIAL No. 106
RECEIVED

NATIONAL ASSEMBLY PETITIONS DESK
22 MAY 2026
SERIAL No. 120
RECEIVED

NATIONAL ASSEMBLY
RECEIVED
04 MAY 2026
DEPUTY CLERK
J.W.N
P. O. Box 41842 - 00100, NAIROBI

NATIONAL ASSEMBLY
RECEIVED
29 APR 2026
SPEAKER'S OFFICE
P.O. Box 41842-00100 NAIROBI

PUBLIC PETITION TO THE NATIONAL ASSEMBLY

ON REFORM OF SUCCESSION LAW AND ADMINISTRATION OF ESTATES IN KENYA

Submitted pursuant to Article 119 of the Constitution of Kenya and the Standing Orders of the National Assembly relating to Public Petitions.

TO:

The Speaker,

National Assembly of Kenya

WE, THE UNDERSIGNED PETITIONER(S), DRAW THE ATTENTION OF THE HOUSE TO THE FOLLOWING:

1. THAT a substantial proportion of productive assets in Kenya, particularly land, remains registered in the names of deceased persons due to delayed succession processes;

2. THAT in many communities, succession is not completed for periods ranging between twenty (20) and forty (40) years after death;

3. THAT succession procedures under the current legal framework are often complex, costly, and inaccessible to ordinary citizens;

4. THAT such procedures involve multiple steps including court filings, gazettement, legal representation, valuation, and registry processes which collectively create barriers to access;

5. THAT delayed succession constrains economic growth by preventing assets from being used as collateral, transferred efficiently, or invested in with confidence;

6. THAT the consequences of delayed succession include limited access to credit, reduced agricultural productivity, increased disputes, pressure on the judiciary, and inefficiencies in asset markets;

7. THAT succession is fundamentally a legal and administrative matter governed by the Law of Succession Act (Cap 160);

8. THAT the current legal and administrative framework does not adequately facilitate accessible, affordable, and timely succession processes;

9. THAT international experience demonstrates that simplified procedures, administrative settlement mechanisms, decentralised probate services, and digitisation can significantly improve outcomes while safeguarding beneficiaries;

10. THAT there exists a significant opportunity for Parliament to unlock dormant economic potential by reforming succession law and practice in Kenya.

THAT your Petitioner(s) have prepared and attached a detailed Policy Memorandum providing full analysis, evidence, and proposed reforms.

NOW THEREFORE, your Petitioner(s) humbly pray that the National Assembly:

1. Initiates a review and amendment of the Law of Succession Act (Cap 160);

2. Introduces simplified succession procedures for small estates;

3. Provides for administrative settlement of uncontested estates;

4. Expands and decentralises probate services across the country;

5. Reviews and rationalises the costs associated with succession processes;

6. Promotes digitisation and integration of succession, civil registration, and land administration systems;

7. Strengthens mediation and alternative dispute resolution mechanisms in succession matters;

8. Takes any other legislative or administrative measures necessary to facilitate timely, accessible, and equitable succession processes in Kenya.

AND your Petitioner(s) will ever pray.

SUBMITTED BY:

Eng. John Mruttu
Chairman, Board of Directors, Agricultural Finance Corporation (AFC)
District Chair, Governance & Ethics, Rotary District 9212
Tel: +254722410388
Date: March 2026

PETITION ON SUCCESSION LAW REFORM AND UNLOCKING RURAL CAPITAL FOR INCLUSIVE DEVELOPMENT

The Public Petitions Committee of the National Assembly
Parliament of Kenya

Presented by:
Eng. John Mruttu
Petitioner on Ancestral Land and Succession Reform

June 2026

EXECUTIVE SUMMARY

Petition on Succession Law Reform and Unlocking Rural Capital for Inclusive Development

Presented by: Eng. John Mruttu
Petitioner on Ancestral Land and Succession Reform

Introduction

This Petition respectfully invites Parliament to initiate a national conversation on succession and inheritance reform in Kenya. While succession is often viewed as a private family matter, its implications extend far beyond individual households and directly affect justice, women's empowerment, youth employment, agriculture, financial inclusion and national development.

Across our Republic, millions of Kenyans occupy, cultivate and invest in land that remains legally registered in the names of deceased persons. Families continue to build homes, rear livestock and support livelihoods on such land, yet many remain unable to realise its full economic value because ownership has not been formally transferred through succession. As a result, productive assets remain physically present but economically constrained. The living work the land, but in the records of the State, the dead still own it.

This disconnect between economic reality and legal ownership has quietly evolved into one of Kenya's most significant yet least discussed development challenges. Succession reform should therefore be viewed not merely as an inheritance issue, but as a justice issue, an economic transformation issue and an opportunity to unlock rural capital for inclusive national development.

Constitutional and Social Justice Imperatives

The Constitution of Kenya 2010 embodies the values of human dignity, equality, access to justice and protection of property rights. It envisions a society in which all citizens enjoy equal protection under the law and equitable access to opportunities necessary for a dignified life.

Succession procedures should therefore be accessible, affordable and responsive to the realities faced by ordinary citizens. When families are unable to complete succession because the process is too costly, too complex or too distant, the constitutional promise of equal access to justice becomes difficult to realise in practice.

Delayed succession disproportionately affects vulnerable groups, particularly widows and youth. Widows who may have contributed significantly to the acquisition and development of family assets often continue to live with uncertainty regarding security of tenure. Young people, on the other hand, frequently inherit land without inheriting the opportunity to utilise it productively. No society can claim to uphold family values while leaving widows in prolonged uncertainty. Equally, children should inherit opportunity, not conflict.

Institutional Capacity and Access to Justice

The challenge of succession also raises important questions regarding institutional capacity and access to justice. Kenya records approximately 400,000 deaths annually. Even on the conservative assumption that only half of those individuals leave behind assets requiring succession, this would still result in about 200,000 potential succession matters every year.

If all such matters were to be processed through the courts, and assuming approximately 200 court stations across the country, each station would be required to hear and conclude roughly 1,000 succession cases annually, equivalent to about four succession cases every working day, in addition to existing civil and criminal caseloads. This simple illustration suggests that the present system, however well-intentioned, may be placing demands upon the courts that are difficult to sustain in the long term.

The challenge before us is therefore not only legal, but also institutional and developmental. Judicial resources should be concentrated on complex and contested estates, while simpler and uncontested matters may be resolved through more accessible administrative mechanisms with appropriate safeguards. Such an approach would strengthen access to justice, improve efficiency and reduce pressure on the courts.

Unlocking Kenya's Trapped Rural Capital

Kenya's rural communities are often asset-rich but capital-poor, not because wealth is absent, but because much of that wealth remains legally trapped and unable to participate fully in the formal economy. Secure ownership enables land to perform its economic function. It facilitates access to credit, supports investment and encourages enterprise development. Farmers can invest in irrigation, mechanisation and value addition. Entrepreneurs can establish businesses and expand existing enterprises. Financial institutions can extend credit with greater confidence where ownership is clear and secure.

Possession of secure title will allow capital to flow to rural areas, stimulate enterprise development, create employment opportunities and reduce distress migration from rural to urban centres. Secure titles enable capital to flow into rural areas. Capital finances irrigation, mechanisation, storage and value addition. Increased investment raises agricultural productivity and strengthens food security. Expanding rural enterprises create employment opportunities for young people, thereby reducing distress migration to urban centres and promoting more balanced national development.

One of the greatest economic opportunities before Kenya may not lie in discovering new resources, but in unlocking the wealth that already exists within our villages and farms.

Learning from Experience and Judicial Developments

Kenya is not the first nation to confront the challenge of delayed succession and unresolved estates. Across Africa and indeed across the world, countries have adopted various measures to modernise inheritance systems while preserving fairness, transparency and cultural values.

Rwanda has undertaken significant land and inheritance reforms that strengthened security of tenure and promoted gender equality in property ownership, contributing to reduced disputes and increased confidence in land rights. South Africa has introduced simplified procedures for smaller estates, recognising that not every inheritance matter requires lengthy and expensive court processes. Jurisdictions such as Canada and the United Kingdom have developed streamlined probate procedures for modest estates while maintaining appropriate safeguards to protect beneficiaries.

These examples are not presented as models to be copied wholesale. Every nation must design laws that reflect its own history, culture and constitutional framework. Nevertheless, they demonstrate that succession systems can evolve to become more accessible, efficient and responsive to the needs of citizens.

I have been advised that our courts have, through various decisions over the years, increasingly underscored the need for succession law to evolve in harmony with the Constitution of Kenya 2010, particularly in relation to equality, dignity and the protection of vulnerable groups. These judicial developments provide useful guidance to policymakers and lawmakers as they consider reforms aimed at strengthening access to justice and promoting inclusive development.

Kenya therefore has an opportunity to draw upon both international experience and domestic jurisprudence in crafting reforms that are uniquely suited to our national circumstances and aspirations.

Recommendation

This Petition does not seek immediate amendment of the law. Rather, it respectfully proposes the establishment of a National Multi-Sectoral Task Force on Succession and Inheritance Reform to undertake a comprehensive review of the Law of Succession Act and related legislation.

The Task Force may include representatives from Parliament, the Judiciary, the Office of the Attorney General, Law Reform Commission, National Land Commission, the Ministry responsible for Lands, county governments, financial institutions, women's organisations, youth organisations, faith-based institutions and cultural leaders. Its mandate would include public participation, review of interconnected laws and submission of recommendations to Parliament within six months.

Conclusion

By simplifying succession procedures, strengthening access to justice and unlocking dormant assets, Kenya can strengthen families, expand financial inclusion, improve food security, create employment opportunities for young people and promote balanced regional development. This is not merely an inheritance agenda; it is a nation-building agenda.

By reforming succession, we do not merely transfer land from one generation to another. We transfer hope from one generation to the next.

BRIEFING TO THE PARLIAMENTARY COMMITTEE ON SUCCESSION LAW REFORM AND UNLOCKING RURAL CAPITAL FOR INCLUSIVE DEVELOPMENT

Presented by:
Eng. John Mruttu
Petitioner on Ancestral Land and Succession Reform

INTRODUCTION

Honourable Chairperson and Honourable Members of the Committee,

Allow me at the outset to express my sincere gratitude for granting me the opportunity to appear before this distinguished Committee following the submission of my Petition on Ancestral Land and Succession Reform.

I appear before you today not as a lawyer or legal scholar, but as an engineer, a farmer, a former Governor, a public servant and a citizen who has had the privilege of interacting with communities across our country for many years. Those experiences have taught me that some of the greatest barriers to development are often hidden in plain sight. We become so accustomed to them that we cease to notice their true cost and burden. Yet quietly and persistently, they continue to constrain families, communities and nations.

The challenge of succession is one such issue.

At first glance, succession appears to be a private family matter. Upon closer examination, however, it reveals itself as a national issue touching on justice, agriculture, banking, women's empowerment, youth employment, financial inclusion and economic transformation. It is therefore a matter that deserves the careful attention not only of families and communities, but also of Parliament and other institutions charged with advancing the national interest.

Indeed, I respectfully submit that succession reform may well be one of the most important economic reforms that Kenya has not yet undertaken. While much attention is rightly devoted to attracting investment, creating employment and expanding access to finance, comparatively little attention has been given to the legal and institutional barriers that prevent millions of Kenyans from fully utilising assets they already possess.

This Petition therefore is not merely about inheritance. At its heart, it is about justice, dignity and opportunity, and about ensuring that every Kenyan family can pass assets from one generation to the next in a manner that promotes stability, prosperity and inclusion.

Death does not discriminate.

Every Kenyan family, regardless of tribe, religion, social status or political affiliation, will one day confront the question of succession. The question before us is whether that process should bring dignity and opportunity, or conflict and exclusion. The answer to that question will shape not only families but also the economic future of our Republic.

The matters before this Committee therefore extend beyond the transfer of property after death. They concern the kind of society we seek to build and the legacy we wish to leave for future generations. They concern whether our legal and administrative systems are sufficiently responsive to the realities of ordinary citizens. They concern whether economic opportunity can be broadened and whether justice can be made more accessible.

It is in this spirit of constructive engagement and national service that I respectfully place these submissions before the Committee.

SECTION I: THE SILENT CRISIS BENEATH OUR FEET

Honourable Members,

Across our Republic, millions of Kenyans wake up every morning to till land that legally belongs to people who passed away many years ago. They cultivate crops, rear livestock, build homes and raise families on land that has sustained generations. Yet in the records of the State, ownership often remains vested in fathers, mothers and grandparents who departed this world decades earlier. Thus, while the living continue to work the land, the dead continue to own it in law.

This disconnect between economic reality and legal ownership has quietly evolved into one of the most significant yet least discussed development challenges facing our country. At first glance, succession appears to be a private family matter. However, when viewed from a national perspective, its effects extend far beyond individual households and reach into the very foundations of land administration, agricultural productivity, financial inclusion and social cohesion.

Across many communities in Kenya, succession is frequently delayed for years and sometimes even decades after the death of a landowner. Families often postpone the process due to cost, complexity, lack of information or the understandable desire to preserve harmony among relatives during periods of bereavement. In some cases, succession is only initiated when disputes arise or when the land is needed for sale, subdivision or financing. By then, what might initially have been a manageable process has often become significantly more difficult, as the number of beneficiaries increases, family relationships become more complex, records become harder to obtain and memories of earlier agreements gradually fade.

The consequences of this delay are profound. Families may occupy and develop land for generations while remaining unable to realise its full economic potential. A farmer may possess fertile land but lack the documentation required to access credit for irrigation or mechanisation. A young entrepreneur may identify opportunities in agribusiness yet remain unable to secure financing because ownership remains unresolved. A widow may continue cultivating family land for decades while living with uncertainty regarding her long-term security. In each case, valuable assets remain physically present but economically constrained.

The cumulative effect of these individual experiences has national implications. Kenya records hundreds of thousands of deaths annually, many involving individuals who leave behind land and other assets requiring succession. Even if only a modest proportion of these estates remain unresolved over time, the cumulative result is a substantial stock of productive assets whose legal ownership no longer reflects reality. The challenge before us is therefore not merely about

inheritance; it is about ensuring that the legal framework keeps pace with the social and economic realities of our people.

The challenge also raises important questions regarding institutional capacity and access to justice. Kenya records approximately 400,000 deaths annually. Even on the conservative assumption that only half of those individuals leave behind assets requiring succession, this would still result in about 200,000 potential succession matters each year. If all such matters were to be processed through the courts, and assuming approximately 200 court stations across the country, each station would be required to hear and conclude roughly 1,000 succession cases annually, equivalent to about four succession cases every working day, in addition to their existing civil and criminal caseloads.

This simple illustration suggests that the present system, however well-intentioned, may be placing demands upon the courts that are difficult to sustain in the long term. We have inadvertently created a system in which the volume of potential succession matters may exceed the practical capacity of existing institutions to resolve them in a timely manner. The challenge before us is therefore not only legal, but also institutional and developmental.

A modern succession framework should seek to ease the burden on the courts while ensuring that citizens enjoy timely, affordable and accessible justice. Judicial resources should be concentrated on complex and contested estates, while simpler and uncontested matters may be resolved through accessible administrative mechanisms with appropriate safeguards. Such an approach would strengthen access to justice, improve efficiency and unlock productive assets for national development.

In many respects, rural Kenya presents a striking paradox. Communities that sit upon valuable land and other assets often remain capital-constrained and economically vulnerable. This is not because they lack wealth, but because much of that wealth remains locked outside the formal economy. The result is that assets that should support investment, enterprise and prosperity remain underutilised. Kenya has therefore unintentionally created a class of assets that are economically active but legally inactive.

This challenge is neither regional nor ethnic. It affects pastoral communities and farming communities alike. It affects families in urban centres as much as those in rural areas. It affects rich households and poor households. Above all, it affects future generations whose opportunities depend upon secure and productive ownership of family assets.

For these reasons, succession reform should not be viewed solely as a legal or administrative matter. It is equally an issue of economic transformation, social justice and national development. Hidden beneath our feet lies one of the largest reservoirs of dormant capital in the country. Unlocking that capital has the potential to strengthen families, expand access to finance, increase agricultural productivity and accelerate inclusive growth across the Republic.

SECTION II: THE PROMISE OF THE CONSTITUTION

Honourable Members,

The Constitution of Kenya 2010 represented far more than a legal document. It embodied the aspirations of our people and articulated a shared vision of the nation we sought to build. At its heart lay the promise of a society founded upon human dignity, equality, justice and opportunity. It envisioned a Kenya in which every citizen, regardless of gender, social status or geographical location, would enjoy equal protection under the law and equitable access to the opportunities necessary for a dignified life.

The Constitution did not merely establish institutions of governance. It also expressed values that were intended to guide the evolution of our society. It sought to ensure that rights are not merely theoretical, but practical; that justice is not merely proclaimed, but accessible; and that development is not concentrated in a few places, but shared across the nation.

Succession reform must be viewed within this broader constitutional vision. When families are unable to complete succession because the process is too costly, too complex or too distant, the promise of equal access to justice becomes difficult to realise in practice. When widows continue to occupy family land without security of tenure, or when young people inherit uncertainty rather than opportunity, the constitutional aspiration of equality remains only partially fulfilled.

Our Constitution recognises the central importance of land in the social, economic and cultural life of our nation. Land is not merely a commodity. It is a source of livelihood, identity, security and intergenerational wealth. For many Kenyan families, land represents the single most important asset they possess. It supports agriculture, provides shelter, sustains enterprises and offers security against future uncertainty. A legal framework that enables citizens to enjoy the full benefit of such assets is therefore essential to achieving inclusive development.

The framers of our Constitution understood that rights acquire meaning only when citizens can exercise them in practice. A right that exists only on paper but remains inaccessible to ordinary citizens falls short of its intended purpose. It is therefore important that succession procedures remain not only legally sound but also accessible, affordable and responsive to the realities faced by ordinary families across the country.

Many Kenyans encounter succession at moments of grief and vulnerability. The loss of a loved one is itself emotionally demanding. When families must simultaneously navigate complicated procedures, incur significant costs and travel long distances in search of services, many choose to postpone the process. Such postponement is understandable from a human perspective, but its cumulative effect over time creates challenges that extend far beyond individual households.

Reforming succession procedures does not mean weakening safeguards or compromising the rights of beneficiaries. On the contrary, it offers an opportunity to strengthen those safeguards while making the system more accessible and efficient. A modern succession framework should protect families from fraud and disinheritance while ensuring that justice remains within the

reach of ordinary citizens. The objective should not be to diminish the law, but to enable the law to serve the people more effectively.

Our courts have increasingly underscored the importance of aligning succession law with constitutional values, particularly in relation to equality and the protection of vulnerable groups. Judicial decisions over the years have highlighted areas where existing procedures may benefit from review and modernisation. Parliament therefore has an opportunity not merely to amend legislation, but to fulfil a constitutional promise: the promise that justice shall be accessible, that rights shall be protected and that opportunity shall be shared.

In this regard, succession reform should not be viewed as a departure from constitutional principles. Rather, it should be seen as a continuation of the constitutional journey that Kenya embarked upon in 2010—a journey towards a more just, inclusive and prosperous society in which every citizen can participate fully in the economic and social life of the nation.

SECTION III: THE FACES BEHIND THE TITLE DEEDS

Honourable Members,

Public policy is often discussed in statistics, percentages and legal provisions. Yet behind every statistic lies a human story, and behind every unresolved title deed lies a family navigating uncertainty. The true impact of delayed succession is therefore not measured merely in the number of unresolved estates or disputed parcels of land, but in the lives of ordinary citizens whose aspirations remain constrained by circumstances beyond their control.

When we speak of succession, we are ultimately speaking about people. We are speaking about widows striving to preserve the dignity of their families. We are speaking about young people seeking opportunities to build livelihoods. We are speaking about brothers and sisters who wish to live in harmony, but who sometimes find themselves drawn into conflict over inheritance. Above all, we are speaking about the manner in which one generation passes opportunity, security and hope to the next.

Women often bear a disproportionate burden when succession remains unresolved. The death of a spouse brings emotional pain and economic uncertainty in equal measure. A widow who may have spent decades cultivating family land and contributing to household wealth can suddenly find herself confronted by legal processes that are unfamiliar, costly or difficult to access. Although she may continue living on the land and caring for her family, the absence of clear legal ownership may expose her to insecurity and disputes, particularly where competing claims arise within the extended family.

No society can claim to uphold family values while leaving widows in prolonged uncertainty. A woman who helped build a home should not spend years fighting to remain in it. Nor should her children grow up uncertain about the security of the only home they have ever known. Protecting the rights of widows is therefore not only a matter of law; it is a matter of dignity, fairness and

social justice. By strengthening succession systems, we strengthen the family, and by strengthening the family, we strengthen the nation.

Our youth too are profoundly affected by unresolved succession. Kenya is a youthful nation blessed with energy, innovation and enterprise. Yet many young people inherit land without inheriting opportunity. Across our villages and towns are young men and women eager to invest in agriculture, establish businesses and contribute to economic growth. Beneath their feet lies land capable of generating wealth and employment. However, when ownership remains unresolved, that land often cannot support the aspirations of those who stand to inherit it.

Without clear title, young people may struggle to access credit, attract investment or expand enterprises. The result is that potential remains unrealised and ambition goes unrewarded. Many of our young people leave rural areas not because they dislike village life, but because opportunities appear limited. Yet in many cases the very opportunities they seek already exist in the assets inherited from previous generations, waiting only to be unlocked through secure ownership and effective succession.

One of the greatest gifts that one generation can leave to another is not merely land, but secure ownership and the opportunity to build upon it. Inheritance should not transfer uncertainty. It should transfer hope. A title deed in the hands of a young farmer may become an irrigation system, a greenhouse, a dairy enterprise or a processing facility. In this way, succession reform becomes not only an inheritance issue but also a youth empowerment strategy and an investment in the future of our nation.

Families as a whole also bear the cost of unresolved succession. In many instances, relationships that were once harmonious become strained as uncertainty persists over ownership and inheritance. What begins as a family matter may gradually evolve into prolonged disputes that consume time, resources and emotional energy. Resources that could have been invested in education, enterprise or agricultural development are instead spent resolving disagreements that might have been avoided through timely and accessible succession processes.

The social costs of such disputes are often invisible but profound. Families lose peace, communities lose harmony and the nation forfeits productive potential that could otherwise contribute to economic growth and social stability. Children who should inherit security instead inherit conflict. Land, which ought to unite families across generations, may become a source of division and bitterness.

There is a saying in Kiswahili that captures the human dimension of this challenge: "Machozi ya mjane hayapaswi kufikia milango ya Mahakama Kuu"—the tears of a widow should not have to reach the doors of the High Court before justice is done. This simple statement reflects a profound truth: justice delayed is often justice denied, particularly for the vulnerable.

Honourable Members, as we deliberate on succession reform, it is important that we keep the human face of this issue firmly in view. Behind every title deed is a story. Behind every parcel of

land is a family. And behind every unresolved estate are citizens who seek not privilege, but fairness; not favour, but opportunity; and not conflict, but peace.

Ultimately, the measure of any legal system is not only its technical soundness but also its capacity to improve the lives of those it serves. A succession framework that protects families, empowers women, creates opportunities for youth and promotes harmony among communities is not merely a legal achievement. It is a national achievement.

Children should inherit opportunity, not conflict.

SECTION IV: UNLOCKING KENYA'S TRAPPED RURAL CAPITAL

Honourable Members,

Perhaps one of the greatest paradoxes of our country is that many rural communities possess substantial wealth and yet remain economically constrained. The explanation for this apparent contradiction lies not in the absence of assets, but in the inability of those assets to participate fully in the formal economy. Rural Kenya is often asset-rich but capital-poor. Wealth exists, but it cannot easily move. Assets exist, but they cannot readily generate investment. Land exists, but it cannot fully perform its economic function.

For millions of Kenyan households, land remains the principal store of wealth. It is the foundation upon which families build homes, cultivate crops, rear livestock and pass opportunities from one generation to another. In many rural communities, land is not merely an economic asset; it is a source of identity, dignity and social security. It is the inheritance parents hope to leave behind and the platform upon which future generations aspire to build better lives.

Yet across our Republic, vast tracts of productive land remain registered in the names of deceased persons. Families continue to occupy and utilise such land, but without clear legal ownership they are often unable to realise its full economic value. In effect, ownership exists in practice but not fully in law. The consequence is that land capable of generating prosperity remains constrained by legal and administrative barriers.

Economists have long observed that secure property rights are among the foundations of economic growth. A farmer is more likely to invest in irrigation if ownership is secure. A family is more likely to plant long-term crops if it is confident that future generations will enjoy the fruits of those investments. Financial institutions are more willing to extend credit when ownership is clear and enforceable. Conversely, uncertainty discourages investment, limits access to finance and slows economic transformation.

The challenge before us is therefore not merely about inheritance. It is about converting dormant wealth into productive capital. It is about enabling assets that already exist to participate more fully in the economy. Succession reform offers an opportunity not merely to transfer ownership from one generation to another, but to unlock one of the largest reservoirs of untapped capital in the country.

Experience in agricultural finance consistently demonstrates that access to collateral remains one of the greatest barriers facing rural households. Many hardworking farmers possess valuable land and productive enterprises, yet remain unable to secure affordable financing because legal ownership remains unresolved. As a result, opportunities for investment are delayed, enterprises remain small and household incomes stagnate.

This challenge is particularly important in an economy such as ours, where agriculture remains a major source of livelihood and employment. Farmers require capital to invest in irrigation systems, mechanisation, improved seed varieties, storage facilities and value addition. However, where land cannot be effectively leveraged because succession remains incomplete, investment is constrained and productivity suffers.

When land becomes bankable, capital begins to flow. Credit finances investment. Investment raises productivity. Increased productivity generates higher incomes. Higher incomes create savings, and savings support further investment. In this way, succession reform has the potential to initiate a virtuous cycle of growth extending far beyond individual households.

Secure ownership and timely succession have the potential to channel capital into rural economies on an unprecedented scale. As farmers gain access to credit, they are better able to invest in irrigation, mechanisation, improved seed varieties, storage facilities and value addition. Such investments increase agricultural productivity and strengthen national food security, particularly in a period marked by climate change and growing population pressures.

As economic activity expands, new opportunities emerge for young people in farming, processing, logistics, trade and other rural enterprises. Employment generation within rural areas reduces the economic pressures that often drive migration to urban centres. In this way, succession reform can contribute to more balanced regional development by ensuring that opportunity remains closer to where people live and work.

The flow of capital into rural economies therefore has benefits that extend far beyond individual households. It strengthens food security, creates employment, reduces rural-to-urban migration and promotes inclusive national development.

The benefits extend beyond agriculture. Secure ownership can support enterprise development in trade, manufacturing, tourism and other sectors of the economy. A title deed may support financing for a dairy enterprise, a cotton ginnery, a horticultural venture or a processing facility. In this way, succession reform contributes not only to agricultural transformation but also to broader economic diversification.

Indeed, every title deed transferred from the deceased to the living is far more than a legal document. It represents a potential loan for a farmer, an opportunity for a young entrepreneur, security for a widow and a foundation for enterprise. It carries within it the possibility of wealth creation, employment generation and improved livelihoods.

At a time when nations across the world compete to attract investment, Kenya should also look inward and recognise the immense wealth already residing within its villages and farms. One of the greatest economic opportunities before us may not lie in discovering new resources, but in unlocking resources we already possess.

Importantly, this transformation does not require substantial public expenditure. It does not increase the national debt. It does not require the creation of new assets. Rather, it enables existing assets to participate more fully in the economy by removing legal and administrative barriers that limit their productive use.

Few reforms possess the potential to generate such wide-ranging benefits at relatively low public cost. Succession reform should therefore be viewed not merely as a legal adjustment, but as a strategic economic intervention capable of unlocking rural capital, stimulating enterprise and promoting inclusive development across our nation.

In many respects, the future prosperity of rural Kenya may depend not on the discovery of new wealth, but on our collective ability to unlock the wealth that already exists. By simplifying succession procedures and enabling families to secure legal ownership, Parliament would not only strengthen property rights but also unleash productive energies that have remained dormant for far too long.

For generations, Kenyans have invested their labour, their savings and their hopes in the land. The task before us now is to ensure that the law enables that land to fulfil its full potential as a source of prosperity for present and future generations.

SECTION V: FROM RURAL WEALTH TO NATIONAL PROSPERITY

Honourable Members,

The benefits of succession reform extend far beyond individual households and family estates. While succession is often viewed as a private matter, its consequences ripple across the entire economy. When millions of families are unable to fully utilise their assets, the nation as a whole bears the cost. Conversely, when those assets become productive, the benefits extend beyond families to communities, counties and the Republic at large.

Economic growth is fundamentally driven by the productive use of resources. Land, labour and capital have long been recognised as the primary factors of production. Kenya is richly endowed with land and a youthful population willing to work and innovate. Yet where land cannot readily serve as capital, one of the key engines of growth remains underutilised. Succession reform therefore offers an opportunity to strengthen the link between land ownership and economic productivity.

When ownership is clear and secure, financial institutions are better able to extend credit with confidence. Farmers can borrow to invest in irrigation, mechanisation and improved technologies. Entrepreneurs can establish enterprises and expand existing businesses. Families can invest in housing, education and value addition. In this manner, capital begins to flow into

rural areas, stimulating economic activity and creating opportunities that extend far beyond the original landholding.

The movement of capital into rural economies has transformative effects. Increased investment generates demand for goods and services. Farmers require inputs, equipment and transport. Enterprises require storage facilities, processing plants and markets. As economic activity expands, employment opportunities emerge not only in agriculture but also in trade, logistics, manufacturing and services. The multiplier effect of such investment can be significant, with benefits spreading throughout local economies.

Agriculture remains the backbone of Kenya's economy and a major source of employment for millions of citizens. Yet agriculture itself has evolved. Modern agriculture increasingly depends upon irrigation, mechanisation, storage, processing and market access. These investments require capital. Where farmers are unable to access financing because ownership remains unresolved, agricultural transformation becomes more difficult to achieve. Succession reform should therefore be viewed not only as a land issue, but also as an agricultural transformation strategy.

The implications for food security are equally significant. Farmers who enjoy secure ownership are more likely to make long-term investments that improve productivity and sustainability. They are more willing to invest in soil conservation, water harvesting, irrigation infrastructure and climate-resilient farming practices. Such investments contribute not only to household incomes but also to national food security and resilience in the face of climate change.

Food security and employment are closely intertwined. A productive agricultural sector not only feeds the nation but also creates livelihoods for millions of citizens. As investment in rural areas increases, value chains expand, enterprises grow and employment opportunities multiply. When young people can access productive opportunities within their communities, migration to urban areas becomes a choice rather than an economic necessity.

Climate change presents one of the greatest challenges of our time. Increasingly unpredictable weather patterns, prolonged droughts and changing rainfall regimes require farmers to adopt new technologies and management practices. However, adaptation often requires investment. A farmer who lacks secure ownership may be reluctant or unable to undertake long-term improvements whose benefits accrue over many years. By strengthening tenure security, succession reform can encourage investments that build resilience and protect livelihoods against climatic shocks.

The economic benefits of succession reform are not confined to primary production. Secure ownership creates opportunities for value addition and rural industrialisation. Processing facilities for dairy products, horticulture, cotton and other agricultural commodities become more viable when investment conditions improve. Storage facilities reduce post-harvest losses. Improved logistics strengthen market access. In this way, succession reform can support the emergence of vibrant rural economies that generate employment and create wealth closer to where people live.

The impact on young people deserves particular attention. Across the country, many young men and women leave rural areas in search of opportunities in urban centres. This migration is often driven not by preference but by necessity. When opportunities are limited in rural areas, migration becomes an economic imperative. Yet when land becomes productive capital and investment flows into local economies, new opportunities emerge within communities themselves.

Many young people leave villages not because they dislike rural life, but because opportunity has left before them. If we unlock rural capital, perhaps our youth will no longer migrate in search of opportunity; rather, opportunity will remain where they live. Such a shift would not only reduce pressure on urban infrastructure and services but would also promote more balanced regional development and strengthen social cohesion.

The growth of prosperous rural economies contributes to national stability and shared prosperity. Strong local economies generate revenues, support public services and improve living standards. They reduce inequality between regions and strengthen national cohesion by ensuring that development is more evenly distributed across the country.

Succession reform should therefore be viewed as more than a legal or administrative exercise. It is a strategy for wealth creation. It is a strategy for employment generation. It is a strategy for financial inclusion. It is a strategy for food security and climate resilience. Above all, it is a strategy for ensuring that economic opportunities are available not only in cities, but throughout the Republic.

Strong villages create strong counties. Strong counties create a strong nation.

The decisions made by this Committee and by Parliament have the potential to influence not only the transfer of assets between generations, but also the trajectory of economic development for generations yet to come. By unlocking rural capital and enabling productive investment, Kenya can move closer to the vision of an inclusive economy in which prosperity is broadly shared and no region is left behind.

SECTION VI: LEARNING FROM OTHERS AND LISTENING TO OUR COURTS

Honourable Members,

Kenya is not the first nation to confront the challenge of delayed succession and unresolved estates. Across Africa and indeed across the world, countries have grappled with similar questions arising from changing family structures, evolving economies and increasing demands for accessible justice. The experiences of these countries demonstrate that succession systems can be modernised without compromising legal safeguards, family rights or cultural values.

International experience offers an important lesson: reform is both possible and beneficial. Countries that have simplified inheritance procedures, decentralised services and strengthened administrative mechanisms have often succeeded in reducing disputes, improving security of tenure and expanding economic participation. Their experience suggests that accessible

succession systems not only strengthen property rights but also contribute to broader economic and social development.

Rwanda, for example, has undertaken far-reaching reforms in land administration and inheritance, strengthening security of tenure while promoting gender equality in property ownership. These reforms have contributed to reduced disputes and increased confidence in land rights. South Africa has introduced simplified procedures for smaller estates, recognising that not every inheritance matter requires lengthy and expensive processes. Other jurisdictions, including Canada and the United Kingdom, have adopted streamlined approaches for modest estates while maintaining appropriate safeguards to protect beneficiaries.

These examples are not presented as models to be copied wholesale. Every nation must design laws that reflect its own history, culture and constitutional framework. Nevertheless, they remind us that succession systems can evolve to meet the needs of citizens while preserving fairness, transparency and accountability. Kenya can therefore draw lessons from international experience while crafting solutions suited to our unique circumstances.

I have been advised that our courts have, through various decisions over the years, increasingly underscored the need for succession law to evolve in harmony with the Constitution of Kenya 2010, particularly in relation to equality, dignity and the protection of vulnerable groups. These judicial developments provide useful guidance to policymakers and lawmakers as they consider reforms aimed at strengthening access to justice and promoting inclusive development.

The relationship between Parliament and the Judiciary is complementary rather than adversarial. Courts interpret the law and identify emerging constitutional concerns, while Parliament possesses the legislative mandate to respond through policy and legal reform. In this regard, judicial pronouncements provide valuable guidance to lawmakers on areas where legislation may benefit from review and modernisation.

The Constitution itself envisages a living legal system capable of responding to new challenges and changing circumstances. Laws enacted in one era may require adjustment in another to ensure that they continue to serve the public interest effectively. The Law of Succession Act has served the nation for many years and has provided an important framework for inheritance and estate administration. However, like all laws, it must periodically be reviewed to ensure that it remains responsive to the needs and aspirations of the people it serves.

The lessons from other countries and the guidance emerging from our own courts point to a common conclusion: succession reform is both necessary and achievable. The question before us is therefore not whether reform should occur, but how it can be undertaken in a manner that is consultative, inclusive and nationally owned.

The challenge of succession touches upon law, culture, land administration, financial systems and family relations. It requires sensitivity to tradition while embracing the demands of a modern economy. It calls for solutions that protect vulnerable groups while promoting enterprise and

growth. Such complexity demands thoughtful reform informed by evidence, consultation and national consensus.

Honourable Members, Kenya has never shied away from reform when circumstances have demanded it. The Constitution of 2010 itself stands as testimony to our collective capacity to reimagine institutions in pursuit of justice and national progress. Succession reform presents another such opportunity. By learning from the experiences of others and listening carefully to the guidance emerging from our own courts, Parliament can help shape a system that better serves present and future generations.

The challenge before us is not simply to inherit the laws of yesterday, but to build laws that are equal to the aspirations of tomorrow.

SECTION VII: A NATIONAL CONVERSATION FOR A NATIONAL CHALLENGE

Honourable Members,

The Petition before this Committee does not seek instant amendments to the law, nor does it presume that a challenge of this magnitude can be resolved through a single legislative intervention. Succession is a complex matter that sits at the intersection of law, land administration, family relations, financial systems, customary practices and social values. Its effects are felt in our homes, our farms, our courts and our financial institutions. For this reason, the challenge calls not for isolated action, but for a coordinated national response.

Given its intersection with law, land administration, finance and family relations, succession is a challenge that no single institution can effectively resolve acting alone. The Judiciary administers succession proceedings and interprets the law. The Ministry responsible for Lands oversees registration systems and land administration. Financial institutions depend upon clear ownership to extend credit. County governments encounter the consequences of unresolved succession in local development and service delivery. Cultural and faith-based institutions continue to play an important role in shaping family relationships and dispute resolution. Parliament, for its part, bears the responsibility of ensuring that laws remain responsive to the changing needs of society.

It is therefore my respectful submission that the time has come for Kenya to initiate a national conversation on succession and inheritance reform. Such a conversation should be broad-based, consultative and inclusive, bringing together institutions and communities that interact with succession in different ways. The objective should not be to discard what has served us well, but to strengthen what exists, address emerging challenges and ensure that our legal framework remains fit for purpose in the twenty-first century.

In this regard, I respectfully propose that Parliament considers the establishment of a National Multi-Sectoral Task Force on Succession and Inheritance Reform. The purpose of such a Task Force would be to undertake a comprehensive review of succession law and related systems,

with a view to recommending reforms that are practical, equitable and aligned with constitutional values.

The composition of the Task Force should reflect the national importance of the issue. It may include representatives from Parliament, the Judiciary, the Office of the Attorney General, the Ministry responsible for Lands, the National Land Commission, county governments, financial institutions, the Law Society of Kenya, women's organisations, youth organisations, faith-based institutions and cultural leaders. Such broad representation would ensure that the review process benefits from diverse perspectives and enjoys broad public confidence.

The mandate of the Task Force should extend beyond the Law of Succession Act alone. Succession interacts with several other areas of law and administration, including land registration, matrimonial property, civil registration, family law and financial regulation. A comprehensive review would therefore enable Kenya to harmonise these interconnected frameworks and reduce unnecessary complexity for citizens.

One of the objectives of reform should be to reserve judicial processes for complex and contested estates, while enabling simpler and uncontested matters to be resolved through more accessible administrative mechanisms with appropriate safeguards.

The Task Force may also examine the experience of other jurisdictions, review emerging judicial developments and undertake public participation across the country. The voices of ordinary citizens should remain at the centre of this process because they experience the consequences of delayed succession most directly. Widows, youth, farmers, professionals and community leaders all possess valuable insights that can contribute to meaningful reform.

Public participation has become one of the defining features of our constitutional order. Laws are strongest when they are informed by the lived experiences of the people they serve. A national conversation on succession reform would therefore not only strengthen policy outcomes but also reinforce public trust in institutions and the legislative process.

It may be appropriate for such a Task Force to complete its work within a defined timeframe, perhaps twelve months, and thereafter submit recommendations to Parliament for consideration. This would ensure that the process remains focused while providing sufficient time for meaningful consultation and evidence-based analysis.

Honourable Members, succession reform should not be viewed through a partisan lens. Death does not discriminate between political parties, communities, regions or economic classes. Every family, sooner or later, confronts questions of inheritance and succession. The challenge before us is therefore not one that belongs to any single constituency or region. It belongs to Kenya.

Few reforms possess the capacity to simultaneously advance women's empowerment, youth employment, financial inclusion, agricultural transformation, food security and social justice. Succession reform is one such reform. By addressing it thoughtfully and comprehensively, Parliament has an opportunity to leave a legacy that extends far beyond the present generation.

The decisions we make today will shape not only how assets are transferred after death, but also how opportunities are created for the living. Future generations may one day look back and recognise that this was the moment when Kenya chose to unlock dormant assets, strengthen families and widen the pathways to prosperity.

In many respects, this Petition invites Parliament not merely to review a law, but to renew a promise: the promise that justice shall be accessible, that opportunity shall be shared and that the fruits of development shall reach every corner of our Republic.

The task before us is therefore both practical and profound. It is practical because it concerns laws, procedures and institutions. It is profound because it concerns dignity, fairness and the future we wish to build for generations yet unborn.

History often judges nations not only by the wealth they create, but also by the opportunities they extend to their people. In responding to this challenge, Parliament has an opportunity to extend such opportunities to millions of Kenyans and, in so doing, help shape a more inclusive, prosperous and just Republic.

PRAYER

The Petitioner respectfully prays that this Honourable Committee recommends the establishment of a National Multi-Sectoral Task Force on Succession and Inheritance Reform to undertake a comprehensive review of the Law of Succession Act and related legislation, conduct nationwide public participation and submit recommendations to Parliament within twelve months, with a view to simplifying succession procedures, strengthening access to justice, protecting vulnerable groups and unlocking rural capital for inclusive national development.

CONCLUSION: TRANSFERRING HOPE BETWEEN GENERATIONS

Honourable Chairperson and Honourable Members of the Committee,

As I conclude my presentation, allow me to return to where this conversation truly begins: the ordinary Kenyan family.

Across our Republic lie title deeds bearing the names of fathers and mothers who departed this world many years ago. Those names evoke memories of sacrifice, hard work and the aspirations of generations that laboured to acquire land, build homes and secure a better future for their children.

Yet behind those title deeds are living people. There are widows seeking security and dignity in the homes they helped build. There are young people searching for opportunities to create enterprises and livelihoods. There are families striving to preserve harmony while navigating the complexities of inheritance. There are communities seeking prosperity and counties seeking development.

At its heart, succession is not merely about property. It is about people: preserving family unity, protecting the vulnerable and ensuring that one generation passes not only assets, but also opportunity, to the next.

The challenge before us today therefore extends beyond law and administration. It speaks to the kind of society we aspire to become. It asks whether our institutions can respond to the realities faced by ordinary citizens. It asks whether justice can be made more accessible, whether economic opportunities can be broadened and whether development can become more inclusive.

Kenya stands at a unique moment in its history. Our Constitution has laid a strong foundation for justice, equality and shared prosperity. Our people are energetic, innovative and resilient. Our land remains one of our greatest national assets. The opportunity before us is to ensure that these assets are able to participate fully in the economy and contribute to the prosperity of present and future generations.

The reforms proposed through this Petition are not intended to benefit one community, one region or one generation. Their benefits would extend to widows and orphans, to youth and farmers, to financial institutions and entrepreneurs, to counties and to the nation as a whole. By simplifying succession procedures and strengthening access to justice, we would unlock productive assets, expand financial inclusion and create new pathways for wealth creation and employment.

In doing so, we would also help direct capital towards rural areas where millions of Kenyans live and work. Increased investment would strengthen food security, stimulate enterprise development and create employment opportunities for young people. As rural economies become more vibrant and productive, many citizens who migrate in search of opportunity may instead find opportunity closer to home, thereby promoting more balanced and sustainable national development.

This is not merely an inheritance agenda; it is a nation-building agenda. It is an economic agenda, a social justice agenda, a women's empowerment agenda, a youth empowerment agenda, a financial inclusion agenda and ultimately a national development agenda.

The history of nations is often shaped not only by grand projects and major investments, but also by reforms that quietly unlock the potential of ordinary citizens. Succession reform has the potential to be one such reform. By removing barriers that have constrained families for generations, we may unleash productive energies whose benefits extend far beyond what we can presently imagine.

There is a saying that we inherit the earth not from our ancestors, but borrow it from our children. In the same spirit, the laws we make today are not for ourselves alone. They are a legacy for future generations. Our responsibility is therefore not merely to preserve what we inherited, but to improve it for those who come after us.

Honourable Members, the tears of a widow should not have to reach the doors of the High Court before justice is done. Young people should inherit opportunity rather than uncertainty. Land should unite families rather than divide them. And assets that have sustained generations should be empowered to create wealth, employment and prosperity for generations yet unborn.

By reforming succession, we do not merely transfer land from one generation to another. We transfer hope from one generation to the next.

History may remember this Parliament not only for the laws it enacted, but also for the opportunities it unlocked for millions of Kenyans yet unborn.

I thank you, Honourable Chairperson and Honourable Members, for your time, your consideration and your service to the Republic of Kenya.

God bless Kenya.

Respectfully submitted,

Eng. John Mruttu
Petitioner on Ancestral Land and Succession Reform
Date: ____ June 2026

NATIONAL ASSEMBLY
RECEIVED
02 JUL 2026
AUDIT, ADMINISTRATIONS &
GENERAL PURPOSE COMMITTEES

REPUBLIC OF KENYA

KLRC
KENYA LAW REFORM COMMISSION

(1) DAA&GPC & 1/7/26

KENYA LAW REFORM COMMISSION

KLRC/8/64/(41)

30th June, 2026

(2) Victor Weke
Committee to remind the Secretary.
2/7/26

Clerk of the National Assembly
National Assembly
Office of the Clerk
Main Parliament Buildings
P. O. Box 41842 - 00100
NAIROBI

(Attn: Mr. Jeremiah Ndombi, MBS)

RE: REQUEST FOR WRITTEN SUBMISSIONS ON PUBLIC PETITION NO. 15 OF 2026 REGARDING SUCCESSION LAW AND ADMINISTRATION OF ESTATES IN KENYA

Reference is made to your letter Ref: DAA&GPC/PPC/2026/100 dated 22nd June, 2026.

The Kenya Law Reform Commission (KLRC) is mandated by the KLRC Act, Cap 3 to keep all laws of Kenya under continuous review; recommend its reform, facilitate research and public participation, and provide technical support and advisory services on legislative proposals to Parliament, Ministries/Departments/Agencies (MDAs) and county governments. Guided by the Constitution, KLRC ensures that proposed laws are coherent, modern, and aligned to national values and principles of governance.

Enclosed herewith. please find the written submissions on Public Petition No.15 of 2026 regarding Reform of Succession Law and Administration of Estates in Kenya for further action.

We thank you for your continued cooperation and support.

James Nombi
Ag. SECRETARY/CEO

NATIONAL ASSEMBLY
RECEIVED
01 JUL 2026
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Encl.

Copy to:

Ms. Christine Agimba, SC, MBS
Chairperson, KLRC
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WRITTEN SUBMISSIONS ON PUBLIC PETITION NO. 15 OF 2026 REGARDING REFORM OF SUCCESSION LAW AND ADMINISTRATION OF ESTATES IN KENYA

1.0 INTRODUCTION

The Kenya Law Reform Commission (KLRC) is established under the Kenya Law Reform Commission Act (Cap. 3) and is mandated in Section 6 of the Act to keep under review all the laws of Kenya to ensure that they conform to the letter and spirit of the Constitution, to promote access to justice, and to advise on the reform and systematic development of the law at national and county government levels.

Pursuant to this mandate, the National Assembly's Public Petitions Committee, vide letter reference DAA&GPC/PPC/2026/100 dated 22nd June 2026, invited KLRC to make written submissions on Public Petition No. 15 of 2026 submitted by the former Governor of Taita Taveta County, Eng. John Mruttu (ID No. 48xxx62), and twenty-two (22) others, which seeks the reform of the Law of Succession Act (Cap. 160) and the broader framework governing the administration of estates in Kenya.

This memorandum provides a detailed legal, policy, and institutional analysis of the issues raised and the prayers sought in the Petition, guided by the constitutional principles of the rule of law, access to justice, equality and non-discrimination, the protection of vulnerable groups, and the equitable management of land and property in Kenya.

2.0 BACKGROUND AND CONTEXT

The Law of Succession Act (Cap. 160), enacted in 1981, is the principal statute governing the devolution of the estates of deceased persons in Kenya.

It provides for both testate and intestate succession, family provision, and the administration of estates through grants of representation issued by the High Court under Part VI. The procedural framework is elaborated in the Probate and Administration Rules (Legal Notice No. 316 of 1980), which prescribe the applicable forms, statutory notices, and procedural steps.

Over more than four decades of operation, the Act has been subjected to only limited amendment, and the institutional infrastructure for its administration has not kept pace with Kenya's population growth, urbanisation, constitutional evolution, and economic complexity. A substantial proportion of productive assets, particularly agricultural and residential land, remain registered in the names of deceased persons, sometimes for twenty (20) to forty (40) years after the owner's death. This is fundamentally a consequence of a legal and administrative framework that imposes multiple procedural barriers on ordinary citizens seeking to transmit inherited assets.

The Commission identifies four structural sources of these barriers: (a) the exclusive vesting of jurisdiction in the High Court under section 52 of the Act, which severely limits geographic access; (b) the mandatory requirement for public notification through the Kenya Gazette and a widely circulated newspaper, entailing significant cost and time; (c) the complexity of procedural requirements, including filing, schedules of assets and beneficiaries, valuation, and confirmation, which necessitate costly legal representation; and (d) the inadequate geographic spread of probate services, concentrated at the four principal High Court stations of Nairobi, Mombasa, Kisumu, and Nakuru.

The KLRC further notes the structural intersection between succession law and the land and civil registration systems. Section 54 of the Land Registration Act, 2012 requires a confirmed grant of representation before beneficiaries can be registered as proprietors of inherited land, creating a lock-in whereby succession cannot be completed without court proceedings, and court proceedings do not yield effective land registration without further processes at the land registry. Gaps in

civil registration, particularly in rural and pastoralist communities, compound these delays. The Petition accurately identifies a genuine and pressing gap in Kenya's legal and administrative framework.

3.0 CONSTITUTIONAL AND LEGAL FRAMEWORK

Article 40 of the Constitution guarantees every person the right to acquire, own, and transmit property. A succession framework that leaves inherited assets locked in the names of deceased persons for decades renders this right practically illusory for millions of Kenyans. Article 27 guarantees equality and freedom from discrimination; succession law, particularly in its interaction with certain customary practices, has historically disadvantaged women, widows, and daughters, making gender-sensitive reform a constitutional imperative.

Article 60(1) requires that land be held, used, and managed in a manner that is equitable, efficient, productive, and sustainable. Land locked in the names of deceased persons satisfies none of these requirements; it cannot be used as collateral, transferred, or developed. Article 68(c) further requires Parliament to enact legislation eliminating gender discrimination in law, customs, and practices related to land and property. Articles 53, 56, and 57 protect the rights of children, minorities, and older persons, requiring that succession procedures not disadvantage orphaned children or elderly persons lacking the resources to navigate complex proceedings.

The existing statutory framework intersecting with succession includes: the Land Registration Act, 2012, which governs the registration of interests transmitted on death under section 54; the Civil Registration Act (Cap. 149), which provides for birth and death registration foundational to succession proceedings; the Magistrates' Courts Act (No. 26 of 2015), under which limited succession jurisdiction can be extended to resident magistrates; the Legal Aid Act, 2016; and the Civil Procedure Act (Cap. 21), which provides the framework for alternative

dispute resolution. A comprehensive succession reform must address the interaction between all these instruments and the principal Act.

4.0 ANALYSIS OF THE PRAYERS SOUGHT

4.1 Simplified Succession Procedures for Small Estates

The first limb of the first prayer seeks simplified succession procedures for small estates. KLRC strongly supports this prayer and finds it not only legally feasible but constitutionally necessary. The central legislative barrier is section 52 of the Act, which vests exclusive jurisdiction over probate and administration in the High Court, a provision that is no longer appropriate in the context of a constitutionally devolved governance structure with enhanced judicial infrastructure across all forty-seven counties.

Comparative international experience supports a simplified track for small estates. In South Africa, the Administration of Estates Act, 1965 enables estates below a prescribed value to be wound up through a simplified affidavit procedure before the Master of the High Court. In Rwanda, the Abunzi committee system manages inheritance matters at community level before escalation to formal courts. Similar models exist across the Commonwealth.

KLRC recommends that the Law of Succession Act be amended to introduce a dedicated statutory small estate track, defined by a monetary value threshold prescribed by the Attorney General by Gazette notice and reviewed periodically. KLRC recommends an initial threshold of between Kenya Shillings Five Hundred Thousand (KES 500,000) and One Million (KES 1,000,000) in net asset value. The simplified procedure should include:

(a) Filing of a simplified application by an adult beneficiary, supported by a statutory declaration in the prescribed form in lieu of a full petition;

(b) Publication of statutory notice through an official government digital platform and at the relevant local administrative office, in lieu of mandatory Kenya Gazette and newspaper publication;

(c) A shortened objection period of forty-five (45) days;

(d) Issuance of a Certificate of Succession by an authorised administrative officer, rather than by court order, upon expiry of the objection period without a valid challenge; and

(e) Direct registration of the Certificate of Succession at the relevant land or asset registry, completing the succession-to-registration cycle administratively.

4.2 Administrative Settlement of Uncontested Estates

The second limb of the first prayer calls for administrative settlement of uncontested estates. KLRC considers this the single most impactful structural reform available, essential to clearing the substantial backlog of estate matters in the High Court.

Even entirely uncontested estates, where all beneficiaries are in full agreement, must currently pass through the High Court. This imposes court fees, legal costs, and significant delay on matters that do not require judicial determination. The court's role in such cases is limited to procedural verification: confirming that statutory notices have been published, that schedules are complete, and that no valid objection has been received. These functions could, with appropriate safeguards, be discharged by trained administrative officers.

KLRC recommends that the Act be amended to establish a cadre of Administrative Succession Officers (ASOs), operating within the Judiciary's administrative structure at the county level, empowered to:

(a) Receive and process succession applications for uncontested estates meeting defined eligibility criteria;

(b) Verify the completeness and accuracy of applications and supporting documentation;

(c) Issue statutory notices and manage the prescribed objection period;

Issue administrative letters of administration or grants of probate where no valid objection is raised; and

(e) Refer contested applications promptly to the appropriate magistrate's court or the High Court.

Eligibility criteria for administrative settlement should include: absence of a bona fide dispute among beneficiaries; documented identification of all beneficiaries; written agreement on distribution confirmed by statutory declaration; and absence of outstanding third-party claims against the estate. These criteria should be prescribed by regulations under the Act, with clear escalation procedures protecting the rights of women and children from suppression through informal processes.

4.3 Expanded and Decentralised Probate Services

The third limb of the first prayer calls for expanded and decentralised probate services. KLRC notes that while the Magistrates' Courts Act permits the Chief Justice to extend succession jurisdiction to magistrates' courts, this power has been exercised inconsistently and does not guarantee access at the county level.

KLRC recommends a three-pronged approach. First, Parliament should amend the Law of Succession Act to expressly vest concurrent original jurisdiction over succession matters in magistrates' courts at the Senior Resident Magistrate level and above, for estates not exceeding a prescribed monetary value. Statutory vesting is more durable than administrative practice directions. Second, the Judiciary should establish dedicated probate registries in all forty-seven counties, staffed by trained clerks and equipped with digital case management systems, functioning as the first point of contact for succession applicants. Third, a mobile probate clinic model should be developed for pastoralist and remote communities in consultation with the National Land Commission and civil society, ensuring succession services reach Kenyans beyond fixed administrative infrastructure.

4.4 Review and Rationalisation of Succession Costs

The second prayer calls for rationalisation of succession costs. KLRC identifies three principal cost barriers: court filing fees, statutory publication costs, and professional legal representation costs.

Court filing fees under the Probate and Administration (Fees) Rules should be revised to introduce a sliding scale fee structure, with reduced or waived fees for small estates and an income-tested fee waiver for applicants demonstrating financial incapacity. Publication costs in the Kenya Gazette and newspapers should be addressed by amending the Act to permit digital publication through the e-Citizen portal and county government websites at nominal cost, and through local administrative notice boards in lieu of mandatory Gazette and newspaper publication. This aligns with the Kenya Information and Communications Act and the government's digital transformation agenda. Legal representation costs will be substantially reduced by the simplified procedures and administrative settlement mechanisms recommended above; the Commission further recommends that the Legal Aid Act, 2016 be amended to expressly include succession matters within the scope of legal aid services under the National Legal Aid Service (NLAS).

4.5 Digitisation and Integration of Succession, Civil Registration, and Land Administration Systems

KLRC strongly endorses the call for digitisation and system integration, which addresses the fundamental operational inefficiency at the core of Kenya's succession crisis. The succession registry (Judiciary), the civil registration system (Department of Civil Registration), and the land registration system (Ministry of Lands) currently operate in administrative silos without automated interfaces. Succession proceedings are consequently delayed by the need for physical production of certified copies at each stage, and a confirmed grant of representation does not automatically trigger action in the land registration system, requiring beneficiaries to separately attend the land registry.

KLRC recommends development of an Integrated Digital Succession Platform that: (a) interfaces with the Civil Registration System (CRVS) to enable automated retrieval and verification of death certificates and identity documents upon application; (b) interfaces with the Integrated Land Registration and

Administration System (ILRAS) to enable real-time verification of land records and automatic transmission of confirmed succession grants for registration; and (c) provides a secure digital portal accessible through Huduma Centres and the e-Citizen platform for filing applications, tracking status, serving notices, and paying fees. This platform should be developed within the Kenya Digital Economy Blueprint, 2019 and the NIIMS framework. The Law of Succession Act, the Land Registration Act, 2012, and the Civil Registration Act (Cap. 149) should be correspondingly amended to provide a legal basis for electronic grants of representation and digital succession certificates.

4.6 Strengthening Mediation and Alternative Dispute Resolution in Succession Matters

KLRC affirms that succession disputes are inherently family matters well-suited to consensual resolution. While the Civil Procedure Act and the Mediation Rules, 2020 provide a general ADR framework, there is no specific ADR mechanism tailored to succession matters, and the mandatory court process disincentivises families from pursuing consensual resolution.

Further KLRC recommends that the Law of Succession Act be amended to: (a) introduce a mandatory pre-application family mediation step for contested succession matters, modeled on family dispute resolution requirements in comparable jurisdictions; (b) establish, under the Mediation Accreditation Committee, a specialised register of accredited succession mediators with competencies in succession law, family law, land law, and the cultural dynamics of inheritance; (c) provide that authenticated mediated succession agreements registered with the succession registry have the same legal effect as confirmed grants of representation; and (d) enable Administrative Succession Officers, magistrates' courts, and the High Court to refer contested matters to mediation at any stage, with procedural safeguards protecting women, children, and older persons from coercion into inequitable settlements.

KLRC further recommends development of a Community Succession Facilitation Programme, engaging trained community facilitators in partnership with the National Land Commission, county governments, and civil society, to assist

families in reaching consensual distributions with referral pathways to formal proceedings where necessary.

5.0 INSTITUTIONAL AND POLICY CONSIDERATIONS

The reforms recommended in this submission require coherent institutional coordination and a supportive policy environment. KLRC observes that succession reform intersects directly with Kenya's broader land reform agenda. The National Land Policy, 2009 identifies delayed succession and insecurity of inherited land rights as major constraints on agricultural productivity and rural development. Succession reform is a critical enabler of the Kenya Vision 2030 and the Bottom-Up Economic Transformation Agenda (BETA), and should be expressly incorporated as a priority component of the ongoing Land Sector Review, with resulting policy instruments addressing the link between timely succession and effective land registration.

KLRC underscores the gender dimensions of succession reform. Although the Law of Succession Act provides equal inheritance rights for sons and daughters under Part III, customary practices in many communities continue to exclude women and girls from inheritance of agricultural land in practice. Any simplified or administrative succession process must be designed with explicit safeguards ensuring that informality does not translate into informally enforced discrimination. Regulations under any amended Act should mandate annual gender equity monitoring of succession outcomes at the county level, with reports submitted to the office of the Attorney General and to the Kenya National Human Rights Commission. The Commission similarly recommends strengthening protections for children and other vulnerable groups under Part IV of the Act, including mandatory appointment of guardians ad litem for minors in both administrative and judicial proceedings, and robust screening by Administrative Succession Officers to identify and escalate matters where children's rights are at risk.

The success of succession reform further depends on sustained public legal literacy and institutional capacity. KLRC recommends development of a comprehensive Succession Rights and Process Information Package, disseminated in multiple

languages through community radio, barazas, Huduma Centres, and digital platforms, in partnership with the Kenya School of Government, the National Legal Aid Service, and county governments. This should be accompanied by structured capacity building for Judiciary staff, land registry officers, civil registration officers, and the proposed Administrative Succession Officers, with the Judicial Training Institute developing and operationalising a dedicated training programme in partnership with KLRC and the Law Society of Kenya.

Finally, the Commission underscores the importance of data-driven governance. There is currently no systematic collection of data on pending succession matters, processing times, geographic distribution of applications, or beneficiary demographics, making it difficult to measure the problem or evaluate reforms. The Judiciary's Performance Standards and Measurement System should be expanded to capture succession-specific data, and an annual succession reform progress report should be prepared and laid before the National Assembly to ensure ongoing legislative oversight.

6.0 KLRC'S RECOMMENDATIONS

In light of the foregoing analysis, the KLRC submits the following principal recommendations for the consideration of the Public Petitions Committee:

(a) The Law of Succession Act (Cap. 160) should be comprehensively reviewed and amended to:

(i) Introduce a statutory small estate track with a prescribed monetary threshold, simplified procedural requirements, and administrative issuance of Certificates of Succession without a court order;

(ii) Establish a cadre of Administrative Succession Officers with authority to receive, process, and confirm uncontested succession applications at the county level, with clear escalation procedures for contested matters;

(iii) Vest concurrent original jurisdiction over succession matters in magistrates' courts at the Senior Resident Magistrate level and above, for estates below a prescribed monetary value;

(iv) Authorise and require digital filing of applications, digital publication of statutory notices through official government platforms, and electronic issuance of grants of representation and Certificates of Succession; and

(v) Introduce a mandatory pre-application family mediation step for contested matters, establish a specialised succession mediator register, and provide for registration and legal recognition of mediated succession agreements.

(a) The Probate and Administration (Fees) Rules should be reviewed to introduce a sliding scale fee structure with reduced or waived fees for small estates and income-tested waivers for indigent applicants.

(c) An Integrated Digital Succession Platform should be developed, interfacing with the CRVS and ILRAS, and accessible through all forty-seven Huduma Centres and the e-Citizen portal.

(d) The Legal Aid Act, 2016 should be amended to expressly include succession matters within the defined scope of legal aid services.

(e) Dedicated probate registries should be established at the county level in all forty-seven counties, supported by adequate budgetary allocations.

(f) A Community Succession Facilitation Programme should be developed in partnership with the National Land Commission, county governments, and civil society.

(g) Gender equity safeguards should be built into the reformed framework, with mandatory annual gender equity monitoring of succession outcomes at the county level.

(h) Protections for children under Part IV of the Law of Succession Act should be strengthened and expressly extended to administrative succession proceedings.

(i) A nationwide public awareness and legal literacy programme on succession rights should be developed and implemented across all forty-seven counties.

(j) The Judiciary's Performance Standards and Measurement System should capture succession-specific data, with an annual succession reform progress report laid before the National Assembly.

7.0 CONCLUSION

The KLRC commends the Petitioners for bringing to Parliament a matter of profound economic and social importance, particularly for the rural poor, women, children, widows, and other vulnerable groups whose access to the productive assets of deceased family members is impeded by a legal and administrative framework that has remained largely unchanged for over four decades. The succession backlog, with productive land and other assets locked in the names of deceased persons across Kenya, represents a structural constraint on economic growth, credit access, agricultural productivity, and the realisation of the constitutional right to property under Article 40.

The Law of Succession Act (Cap. 160) requires comprehensive reform aligned with the Constitution of Kenya 2010, the government's digital transformation agenda, and the constitutional imperative of genuine access to justice for all Kenyans. The reforms recommended in this memorandum are systemic, mutually reinforcing, and grounded in constitutional requirements and international best practice. KLRC affirms its readiness to provide the Public Petitions Committee with any further technical assistance required, including the preparation of draft legislative text for a Law of Succession (Amendment) Bill and attendant subsidiary legislation, should the Committee so direct.

REPUBLIC OF KENYA

OFFICE OF THE ATTORNEY GENERAL

Our Ref: AG/CONF/6/B/62 **13th August 2026**

Your Ref: DAA&GPC/PPC/2026/098

Mr. Samuel Njoroge, CBS
Clerk of the National Assembly
Office of the Clerk
P.O. Box 41842-00100
NAIROBI

RE: INVITATION TO A MEETING WITH PUBLIC PETITION COMMITTEE

We acknowledge receipt of your letter dated 22nd June 2026 Ref. DAA&GPC/PPC/2026/098 inviting this Office to a meeting to make submissions addressing issues raised in the petition and make specific recommendations to address the prayers sought by the petitioners in the following petition:

i. **PINO. 15 of 2026 by Eng. John Mruttu regarding Succession Law and Administration of Estates in Kenya**

The Office has considered the petition and notes as follows:

Succession as a voluntary process initiated by the family

1. From the outset, the Office of the Public Trustee wishes to clarify, that succession in Kenya is not an automatic or state-initiated process. It is a voluntary process that must be commenced by the family or other persons interested in the estate of the deceased.

2. The Law of Succession Act (Cap. 160) does not impose a duty on the State to institute succession proceedings on behalf of a family; rather, it confers a right and a procedure upon interested parties to do so. **Section 66** of the Law of Succession Act sets out the order of priority of persons who may petition for a

grant of letters of administration in respect of an intestate estate. This order generally follows the surviving spouse(s), children, parents, siblings, and other relatives of the deceased, in that order of preference, before extending to other persons such as creditors of the estate and the Public Trustee as an administrator of last resort.

3. The implication of this framework is that the substantial delays in succession that the Petitioners have identified, in some cases ranging between twenty (20) and forty (40) years, are not, in the main, a failure of the legal framework to provide a mechanism for succession, but rather a reflection of the failure of families to invoke the mechanism that already exists which might inter alia be due to the psychosocial struggles/stress that comes with coping with the death of a loved one and the goodwill to undertake succession process. This distinction is important as it reframes part of the problem from one of law reform alone to one of public awareness.

4. Flowing from the above, the Office submits that there is a pressing need to sensitize members of the public on the importance and the procedure of succession, and on the consequences of failing to undertake it in a timely manner. Many of the difficulties identified by the Petitioners (land remaining registered in the names of deceased persons, families occupying land without formal legal ownership, and reduced access to credit) are perpetuated by a lack of public awareness rather than by gaps in the law alone.

5. This concern was similarly raised during a meeting held between the Office of the Attorney-General and representatives of the Agricultural Finance Corporation (AFC) on 27th February 2026, where it was resolved that there is need to sensitize the public on the mandates of the respective departments in the Office of the Attorney-General and Department of Justice, including the Public Trustee department, with respect to succession and estate administration.

6. The Office supports the Petitioners' prayer for the promotion of public sensitization and recommends that this be undertaken collaboratively with the National Legal Aid Service, and other relevant stakeholders, including through community-level civic education, chiefs' barazas, and digital platforms.

Complexity of the current legal framework

7. The Office acknowledges the Petitioners' concern regarding the complexity of succession procedures.

8. The prescribed forms under the Probate and Administration Rules may, on their face, be complicated for a layperson without legal training or assistance to complete unaided. However, the Office submits that this challenge can be

mitigated by existing institutional support mechanisms. The National Legal Aid Service (NLAS), established under the Legal Aid Act, 2016, is decentralized across thirty-three (33) counties and provides free assistance to indigent persons including in completing succession forms, in addition to equipping litigants with tools and guidance for self-representation in straightforward, uncontested matters.

9. In addition, court clerks and court administrators at the various Law Courts routinely guide members of the public on how to complete the requisite forms for filing succession causes. The combined effect of these two avenues of support is that, while the forms remain technical in character, the practical barrier to access is considerably lower than it may appear, particularly for the indigent and for uncontested estates.

10. The Office nonetheless welcomes proposals aimed at further simplification of the forms themselves as long as it does not diminish or negatively alter the rights of beneficiaries and dependants, as part of any review of the Law of Succession Act and the Probate and Administration Rules.

Cost of succession proceedings

11. On the calls for review and rationalization of costs associated with succession processes, the Office submits that the government through the judiciary has ensured that its citizens can easily access justice by capping the court filing fees at reasonable and affordable filing fees.

12. Currently, a Petitioner requires only Kshs. 2,500 as court filing fee for a succession case in a Kenyan court. The more significant cost drivers in succession matters that are taken to be hindrances tend to arise from; optional private legal representation, valuation fees for the estate assets, gazettement fees at the government printers and other delays occasioned by disputes among beneficiaries on who shall pay the subsidiary fees aside from the court filing fees, rather than from the statutory filing fee itself.

13. The Office clarifies that legal representation is not mandatory in succession matters in Kenya. A petitioner or any interested party can act in person, and many uncontested succession causes are in fact filed and concluded by lay petitioners, particularly with the support of the National Legal Aid Service and court registry staff referred to above.

14. Legal representation becomes material in contested matters or estates involving complex assets, but its absence is not, in itself, a bar to accessing succession services.

Gazettement as an essential safeguard

15. The Office submits that gazettement of a petition for a grant is not a mere administrative formality but a substantive and indispensable safeguard in the succession process. Gazettement serves the essential function of giving public notice of the petition, thereby affording any person who may have a legitimate claim in, or objection to the administration or distribution of an estate an opportunity to come forward within the prescribed thirty (30) days before a grant is issued.

16. This safeguard is of particular importance in protecting vulnerable beneficiaries, including widows, children, and persons who may not have been involved in the initial petition. The Kenyan courts have consistently underscored the centrality of due notice to all persons entitled to a share in an estate where they have held that where persons with a prior right to administration are not served with the requisite notice or citation under the Probate and Administration Rules, the resulting process is rendered defective, as the law envisages "a democratic and inclusive process, where all who are entitled are included and involved."

17. Accordingly, while the Office is open to exploring administrative settlement mechanisms for small, uncontested estates as proposed by the Petitioners, it submits that the principle of public notice underlying gazettement should not be diluted or overlooked in any resulting reform, given its protective function.

Timeliness: The Role of the Public Trustee and the definition of Small Estates

18. On the question of timeliness, the Office submits that a pathway for expedited administration already exists. The Office of the Public Trustee, under the Public Trustee Act, administers estates summarily, without the need to file a petition in court for estates whose gross value is Kshs. 3,000,000 and below, through the issuance of a Certificate of Summary Administration. This summary process is typically concluded within six (6) months, substantially faster than the court process.

19. The Office further notes that Deputy County Commissioners act as ex-officio agents of the Public Trustee and may administer estates whose gross value is Kshs. 100,000 and below at the grassroots level, which further decentralizes access to expedited administration.

20. In view of the Petitioners' concerns regarding delay, the Office submits that enhancing the pecuniary jurisdiction of the Public Trustee above the current Kshs. 3,000,000 thresholds for summary administration may also be considered. This would bring a larger pool of estates within the faster, six-month summary

process.

21. On the Petitioners' proposal for simplified procedures for "small estates," the Office submits that there is need to first define, through proper stakeholder engagement, what should constitute a "small estate" for these purposes, and in particular whether land should be included within that definition. The Office urges caution on this specific point: land in Kenya carries a deeply emotive and culturally significant character that often exceeds its monetary value, and a purely value-based threshold may inadequately capture the complexity and sensitivity of land succession, particularly ancestral land. This definitional question should be the subject of deliberate, evidence-based stakeholder input rather than an administrative presumption.

Decentralization and digitization of services

22. The Office of the Attorney General is currently undertaking decentralization aimed at extending its services to all counties across the country, with Public Trustee Services forming a key part of this expansion and has so far established offices in thirty-three (33) counties. This effort is intended to bring essential legal and trustee services closer to citizens.

23. The Attorney General's office is also completing its digitization, working to bring all of its services, including those offered by the Public Trustee, onto digital platforms to improve efficiency, accessibility, and turnaround times. In a related but separate effort, the Ministry of Lands has launched the Ardhi-Sasa platform to facilitate digital land transfers and streamline land administration processes.

The process for review and amendment of the law of succession act

24. The Office in principle is open to the Petitioners' prayer for a review and amendment of the Law of Succession Act (Cap. 160). However, the Office emphasizes that any such amendment must be preceded by structured stakeholder engagement as well as meaningful public participation, in fulfilment of Article 10 of the Constitution. The Office submits that this process should be coordinated and led by the Kenya Law Reform Commission and the Judiciary, consistent with its statutory mandate to review and reform the laws of Kenya.

25. The Office further informs the Committee that the Honourable Attorney-General, during the inauguration of the Task Force on the incorporation and institutional transformation of the Public Trustee Department on 26th June 2026, also mandated that Task Force to relook at the Law of Succession Act as part of its terms of reference. The Petitioners' concerns are therefore already, in part,

under active consideration.

Mediation and Alternative Dispute Resolution

26. On the Petitioners' call for the strengthening of mediation and Alternative Dispute Resolution (ADR) mechanisms in succession matters, the Office clarifies that mediation and ADR have always been available in our courts and are already being actively used in succession causes, including through the Judiciary's Court-Annexed Mediation programme. The Office supports the continued strengthening, resourcing, and wider public awareness of these mechanisms, particularly given their suitability for resolving intra-family disputes in a manner that preserves relationships, but submits that this is a matter of expanding and resourcing an existing framework rather than introducing an entirely new one.

Summary of Recommendations to the Committee

27. The Office adopts a balanced position. It agrees that aspects of the succession framework can be improved, but contends that many of the practical challenges in succession arise from delayed initiation of proceedings, inadequate public awareness, and underutilization of existing mechanisms rather than fundamental defects in the Law of Succession Act itself. Consequently, it advocates targeted reforms that preserve essential legal safeguards while improving efficiency, accessibility, public education, and institutional capacity.

Recommendations

28. In light of the foregoing, the Office recommends that the Committee:

    (i) Note that succession is a voluntary, family-initiated process under Section 66 of the Law of Succession Act, and recommend a coordinated public sensitization campaign on succession Spearheaded by the Public Trustee, National Legal Aid Service and Judiciary;

    (ii) Recommend that any review of the Law of Succession Act be undertaken through structured stakeholder engagement and public participation;

    (iii) Support continued resourcing and public awareness of mediation and ADR mechanisms already available within the Judiciary for succession disputes.

We trust that what we have stated above will be of assistance and that you will be pleased to be guided accordingly.

Hon. Shadrack J. Mose, CBS

SOLICITOR GENERAL



