Title deed?

- A legal deed or document constituting evidence of a right, especially to ownership of property.

- It also shows the type of tenure of a property.
Land Tenure System in Kenya

- Land Tenure - rules, right or period of holding land;
- Freehold
- Leasehold
a. Freehold

- Holder has absolute ownership of land for life

- **Succession** - descendants can succeed the owner for as long as the family lineage exists

- **No restrictions** as to the use or occupation

- Exists conditional freeholds e.g. agricultural purposes or ranching only

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b. Leasehold

- Holder has specific period of ownership of land subject to payment of a fee or rent to the grantor.

- Rates are payable to respective county government.

- Leases are granted by the government for public land, the local authority for trust land and individuals with freeholds.

- Maximum term of government leases is 999 years for agricultural land and 99 years for urban plots, as well as 33-years leases for urban trust land.

- Holder can apply for renewal or extension of the lease.
Types of Title Deeds in Kenya

- Indenture title
- Grant title
- Certificate of title
- Certificate of lease
- Absolute title
- Sectional title
1. Indenture Title

- This was a title under the Government Lands Act Cap 280 which has since been repealed
2. Grant Title

This was a government grant under the Registration of Titles Act Cap 281 and a county council grant under Trust Land Act Cap 288. Both have been repealed.
3. Certificate of Title

This is under Cap 281 issued due to subdivision without change of user. Change of user happens when one shifts from, for instance, agriculture to residential
4. Certificate of Lease

- This is a title under the Registered Lands Act Cap 300 (repealed) for leasehold land.

- A leasehold is a form of land tenure where a lessee (occupant) holds rights to land for a specific period and subject to conditions imposed on land rights by the lessor (landowner).

- The period can be 33, 50, 66 or 99 years for all urban plots.
5. Absolute Title

- This is a title under the Registered Lands Act Cap 300 (repealed) for freehold land.

- This is a form of ownership in which the landowner has the maximum rights in terms of the period of ownership and use of the land.
6. Sectional Title

- This is a title for a unit within a building, for example, a flat. It emanates from the Sectional Properties Act of 1987 and the title is deemed to be registered under the Registered Lands Act Cap 300.

- It is important to note that the Land Registration Act, 2012 in Section 26 consolidates the above several titles into the Certificate of Title.

- The aim is to rationalize and reduce confusion brought about by previous Land Acts, which resulted in various types of titles existing concurrently.