

LAND ADJUDICATION REGULATIONS, 1970

ARRANGEMENT OF REGULATIONS

[Rev. 2012]

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LAND ADJUDICATION REGULATIONS, 1970

[L.N. 143/1970, L.N. 242/1970, L.N. 213/1971, L.N. 15/1989.]

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[L.N. 143/1970, L.N. 242/1970, L.N. 213/1971, L.N. 15/1989, L.N. 212/1991, L.N. 304/1994.]

1. Citation and application

These Regulations may be cited as the Land Adjudication Regulations, 1970 and shall apply to all areas of Trust land to which the Land Adjudication Act has been applied.

2. Interpretation

In these Regulations, except where the context otherwise requires—

“**Act**” means the Land Adjudication Act;

“**assessor**” means a person appointed under regulation 11 and who is experienced in recognised customary law applicable to a party to an appeal under section 29 of the Act;

“**duly authorised agent**” means any person authorised in writing to represent the signatory in land disputes but does not include an advocate; and

“**holding**” means an individual parcel of land which is the subject of an entry in the adjudication record of any adjudication section.

[L.N. 242/1970, s.1, L.N. 15/1989, s. 2.]

3. Assessment of cost of demarcation of boundaries or lines

The costs of any demarcation or clearing of a piece of land or boundary line carried out under section 18 (3) of the Act shall be assessed by the Adjudication Officer as being the wages for the period concerned of all labourers and other staff of the Land Adjudication Department engaged full-time on the work in question, the cost price of all materials or services provided whether by way of hedging materials or otherwise, a charge for any transport supplied at Government mileage rates, together with a fee of 15 per cent of all such costs and charges, to cover overheads including costs of supervision.

4. Appeals to Minister against determination of objection

(1) Any person submitting an appeal to the Minister under section 29 of the Act shall attach to his appeal a tracing from the demarcation map of the boundaries of the holdings in dispute.

(2) A fee shall be payable in respect of each appeal at the rate specified in the Second Schedule to these Regulations:

Provided that the Minister may, in his discretion, waive part of the fees or the whole of the fees payable under this paragraph.

(3) In any case in which the Minister decides in favour of the appellant the Minister shall have discretion to order that any fees paid under paragraph (2) above shall be refunded to the appellant in whole or in part, and may also make orders as to payment of costs.

(4) Subject to the leave of the Minister being first obtained the appellant or any other party to an appeal may attend before the Minister either in person or by duly authorised agent, and shall be entitled to call witnesses.

(5) Obtaining copies of records—

Any party to an appeal shall be entitled to obtain copies of demarcation maps on payment of fees at the rates prescribed for certified copies of Registry Maps by the Fifth Schedule to the Registered Land Act (Cap. 300), and copies of relevant documents including the proceedings and decisions of committees, boards and adjudication officers in respect of the holdings in dispute on payment of copying fees at the rates prescribed for the provision of copies of court judgments in a subordinate court.

[L.N. 242/1970, s. 4, L.N. 213/1971, s. 2.]

5. Appeal to Minister on staying of land suits

(1) Any person submitting an appeal to the Minister under section 30(3) of the Act shall be required to pay a fee for each such appeal at the rate specified in the Second Schedule to these Regulations.

(2) In any case in which the Minister decides in favour of a person submitting an appeal under paragraph (1) of this regulation he may at his discretion order that the fee paid shall be refunded to the appellant in whole or in part.

6. Adjudication fees

(1) The fees specified in the First Schedule to these Regulations at the rates therein mentioned shall be paid by each landowner whose name is contained in the adjudication record in respect of any adjudication area or adjudication section.

(2) The fees payable under paragraph (1) of this regulation shall be paid to the Chief Land Registrar whenever, after the first registration, any person makes an application for the registration of any dealing affecting the holding:

Provided that no dealing as is mentioned in paragraph (2) of this regulation shall be registered until the fees payable under paragraph (1) hereof have been paid.

(3) All fees payable under paragraph (1) of this regulation shall be calculated to the nearest whole hectare.

(4) No fees paid under paragraph (1) of this regulation shall be refunded except by order of the Chief Land Registrar.

[L.N. 15/1989, s. 3.]

7. Committee and Board hearing fees

Any person at whose request a question is referred to a Committee or who requests that his complaint under section 21(3) of the Act be referred to an Arbitration Board or lodges an objection with an Adjudication Officer under section 26 of the Act shall pay a fee at the rate specified in the Second Schedule to these Regulations.

8. Allowances for members of Committees

No cash allowance of any kind shall be payable to members of Committees from public funds, but where necessary Government transport may be provided for their use.

9. Allowances for members of Boards

(1) Every member of an Arbitration Board shall be entitled to be paid a sitting allowance at the rate of one hundred and fifty shillings per day for every day on which he attends a meeting of the Board.

(2) In addition to the sitting allowance each member of an Arbitration Board may be provided from public funds with such accommodation, meals and transport as may be necessary, in the opinion of the Adjudication Officer, for the efficient functioning of the Board.

[L.N. 15/1989, s. 4.]

10. Interpreters

(1) The district commissioner of a district within which an adjudication area lies, shall, upon the request of the adjudication officer, appoint for the adjudication area a panel of ten interpreters who are fluent in the language of the parties to an appeal made under section 29 of the Act.

(2) The Minister may appoint any of the interpreters appointed under paragraph (1) to interpret any appeal proceedings before him into the language which a party to an appeal understands.

[L.N. 15/1989, s. 5.]

11. Appointment of assessors

(1) The District Commissioner of a district within which an adjudication area lies shall, upon the request of the adjudication officer, appoint for that adjudication area a panel of fifty assessors from which the Minister may appoint not less than three assessors to advise him on matters relating to customary land law during the hearing of an appeal under section 29 of the Act.

(2) No person who has sat as an assessor on a Committee or Board which has given a decision upon a particular question shall sit as an assessor to any other matter arising from the same question.

(3) The Minister shall, after consultation with the assessors, determine the appeal as he thinks fit.

[L.N. 15/1989, s. 5.]

12. Payment of assessors and interpreters

(1) Every assessor shall be entitled to a sitting allowance at the rate of a hundred shillings for every day on which he sits as an assessor.

(2) An interpreter who is not a public officer shall be paid an allowance of a hundred shillings for every day on which his services are engaged.

[L.N. 15/1989, s. 5.]

FIRST SCHEDULE

LAND ADJUDICATION FEES

[L.N. 242/1970, s. 5, L.N. 15/1989, s. 6.]

LAND ADJUDICATION FEES

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[L.N. 242/1970, s. 5, L.N. 15/1989, s. 6, L.N. 304/1994, s. 2.]

LAND ADJUDICATION FEES

SECOND SCHEDULE

[L.N. 143/1970.]

CASES FEES

SECOND SCHEDULE