

SUBSIDIARY LEGISLATION**THE LAND DISPUTES TRIBUNALS (FORMS AND
PROCEDURE) RULES, 1993**

L.N. 13/1993,
L.N. 179/2001,
L.N. 50/2008,
L.N. 4/2010.

1. These Rules may be cited as the Land Disputes Tribunals (Forms and Procedure) Rules, 1993. Citation.

2. In these Rules, unless the context otherwise requires— Interpretation.

“Appeals Committee” means a Land Disputes Appeals Committee constituted under section 9 of the Act;

“chairman” means the chairman of a Tribunal;

“clerk” means the clerk of a Tribunal;

“register” means the register required to be kept in accordance with section 3 (3) of the Act.

3. (1) An application for a determination of a dispute under section 3(1) of the Act by a Tribunal shall be in Form A set out in the First Schedule. Forms.

(2) A notice of hearing of the claim to be served on the complainant shall be in Form B set out in the First Schedule.

(3) A notice of attendance to be served on the objector shall be in Form C set out in the First Schedule.

(4) Where a court either on its own initiative or on a request by a party in a suit before it, refers a dispute for determination by a Tribunal the reference shall be in Form D set out in the First Schedule.

(5) A witness summons issued by a Tribunal shall be in Form E set out in the First Schedule.

4. The fees specified in the Second Schedule shall be payable in proceedings before a Tribunal and an Appeals Committee. Fees.

5. (1) An application for an appeal to an Appeals Committee in accordance with section 8 of the Act, shall be in Form 1 set out in the Third Schedule. Application for appeal.

(2) The hearing notice, and the notice of attendance to the respondent shall be in Forms 2 and 3 respectively set out in the Third Schedule.

6. Each Tribunal shall cause to be prepared and maintained by the clerk to the Tribunal a register containing with regard to any claim referred before the Tribunal the following— Register to be kept.

[Subsidiary]

- (a) date of claim;
- (b) claim’s serial number;
- (c) name(s) of claimant(s);
- (d) name(s) of objector(s);
- (e) nature of claim and relief sought by claimant;
- (f) names of elders present;
- (g) final determination;
- (h) date of final decision.

Application to tribunal.

7. Where any dispute exists, the party desirous of referring such dispute to a Tribunal shall make an application to the appropriate Tribunal established under section 4 of the Act in the appropriate form in the First Schedule and the Tribunal shall thereupon take cognizance of the dispute and register the dispute in the register.

Court to refer dispute.

8. Notwithstanding the provisions of rule 7, a court may on its own motion or on an application by a party in a civil suit before it, refer any dispute for determination by the appropriate Tribunal and where such dispute is referred the Tribunal shall follow the procedure provided for in these Rules.

Case files.

9. The clerk shall after charging the appropriate fee open a case file and shall record all the particulars in the register.

Clerk to fix dates.

10. The clerk shall fix a hearing date which shall not be earlier than fourteen days from the date of registration and in fixing the hearing date, due regard shall be had to the place of residence of the objector and the time necessary for the service of the attendance notice and the hearing date shall be so fixed as to allow the objector sufficient time to enable him to appear on such day:

Provided that where the parties are immediately available, the dispute may be set down for hearing at an earlier date.

Service of notice.
Cap. 21.

11. The clerk shall prepare a hearing notice and a notice of attendance in the prescribed forms and shall effect service both on the claimant and the objector in the manner provided for by the Rules made under the Civil Procedure Act.

Summoning witnesses.

12. Where a witness is required to appear before a Tribunal, the clerk shall prepare a witness summons in accordance with these Rules and effect service in accordance with rule 11.

Procedure of hearing before Tribunal.

13. On the day fixed for hearing if only the claimant attends and the Tribunal is satisfied—

[Subsidiary]

(a) that the notice of attendance was duly served on the objector the Tribunal may proceed to hear the matter *ex-parte*;

(b) that the attendance notice was not duly served on the objector, it shall direct that a second notice be served;

(c) that the notice was not served in sufficient time for the objector to attend or for other sufficient cause the objector was unable to attend it shall postpone the hearing.

14. If on the day fixed for the hearing only the objector attends and admits no part of the claim, the dispute shall be dismissed except for a good cause to be recorded by the Tribunal. Claimant fails to attend.

15. Where a dispute has been dismissed under rule 14, no fresh dispute may be brought in respect of the same claim: Dismissal of dispute.

Provided that where under these Rules a Tribunal has pronounced its decision the Tribunal may on an application by the claimant set aside the decision or vary the decision on the such terms as are just.

16. On the day fixed for hearing where all the parties are present, the claimant shall give his evidence first and may call his witnesses and produce any documents on which he wishes to rely. Evidence to be adduced by claimant.

17. Thereafter the objector shall respond to the claimant's claim and support his objection by calling witnesses and producing documents. Objector to respond.

18. Notwithstanding any provisions in these Rules, the Tribunal shall be at liberty to summon any person as a witness at any of its hearings or to produce any documents at the hearing of any dispute. Tribunal summons persons.

19. No party to or other person interested therein shall be entitled to appear by or to be represented by an advocate in any proceedings unless a Tribunal or an Appeals Committee directs otherwise. Advocates not allowed in Tribunals.

20. At the conclusion of every dispute the Tribunal shall make a determination to be served on the person affected by the decision and such determination shall be filed in the magistrates court, and the court shall enter judgement in accordance with the decision of the Tribunal and upon judgement being entered a decree shall issue and be enforceable in the manner provided for under the Civil Procedure Act. Determination by the Tribunal.

21. The chairman shall award costs and expenses to the witnesses and any other person who deserves to be awarded costs and expenses and in so doing he may be guided by the Advocates Remuneration Order. Awarding costs.

22. Proceedings of a Tribunal and of Appeals Committee shall be open to the public. Proceedings open to public.

23. A person aggrieved by the decision of a Tribunal may appeal to the Appeals Committee as provided under section 8 of the Act. Right of appeal.

FIRST SCHEDULE

Form A

(r. 3 (1))

THE LAND DISPUTES TRIBUNALS ACT, 1990
(No. 18 of 1990)

AN APPLICATION TO FILE A CLAIM

To
The Clerk

....., Land Disputes Tribunal.

I hereby apply to the Land Disputes Tribunal to file a claim—

1. Particulars of the Claimant:

- (a) Full names
- (b) Address
- (c) Nationality ID/No.
- (d) District of Residence

2. Particulars of Objector:

- (a) Full names
- (b) Address
- (c) Nationality ID/No.
- (d) District of Residence

3. The claim for—

- (a) the division of land in
- (b) the determination of boundaries to land in
- (c) occupation or working on land in
- (d) trespass to land in

4. Description of land subject of dispute:

- (a) Locality
- (b) Acreage
- (c) Nature of ownership

5. Material facts on which the claimant intends to reply:

.....
.....
.....
.....

6. Declaration:

I hereby declare that the above information is true to the best of my knowledge and belief.

.....
Signature of Claimant

Note.—Should the space allowed under any particular item be insufficient for the information a separate sheet with item numbers clearly marked and duly signed by the claimant should be attached.

[Subsidiary]

Form B

(r. 3 (2))

THE LAND DISPUTES TRIBUNALS ACT, 1990
(No. 18 of 1990)

IN THE DISTRICT COMMISSIONER'S/ OFFICER'S OFFICE

LAND DISPUTE NO. OF 19.....

NOTICE OF HEARING TO CLAIMANT

BETWEEN Claimant

Versus

..... Objector

To (Claimant)

.....
.....

TAKE NOTICE that the determination of your dispute has been fixed for day of, 19..... at O'clock in the noon or as soon thereafter as the dispute can be heard at the District Commissioner's or Officer's Office or at

If no appearance is made on your behalf or by yourself, the dispute will be heard and decided in your absence.

Given under my hand on the, 19

.....
Chairman of the Tribunal

Form C

(r. 3 (3))

THE LAND DISPUTES TRIBUNALS ACT, 1990
(No. 18 of 1990)

IN THE DISTRICT COMMISSIONER'S/OFFICER'S OFFICE

LAND DISPUTE NO. OF 19.....

NOTICE OF ATTENDANCE TO THE OBJECTOR

BETWEEN Claimant

Versus

..... Objector

To (Objector)

.....
.....

TAKE NOTICE THAT (Claimant)
has filed a claim against you in respect of Land in (Location)
..... in District and the hearing

2. Defendant(s)

Form E

(r. 3 (5))

THE LAND DISPUTES TRIBUNALS ACT, 1990
(No. 18 of 1990)

IN THE DISTRICT COMMISSIONER'S/OFFICER'S OFFICE

AT

LAND DISPUTE No. OF 19.....

WITNESS SUMMONS

..... Claimant

Versus

..... Objector

To (Witness)

for

.....

.....

.....

WHEREAS your attendance is required to
on behalf of the in the above district
you are hereby required (personally) to appear before the Land Disputes Tribunal
for the Registration District at this
office on the day of, 19.... at.....
O'clock, and to bring with you any documents or persons connected with the
above dispute, and so from day to day until your presence is dispensed with
by the Tribunal.

Given under my hand on, 19.....

.....

Chairman of the Tribunal

[Subsidiary]

L.N.179/2001, L.N. 50/2008, L.N. 4/2010.	SECOND SCHEDULE	(r. 4)
	<i>Fees</i>	<i>KSh.</i>
	(a) Filing of the claim	2, 000
	(b) Filing of the appeal	3,000
	(c) Visitation fees	2,000
	(d) Making certified copies of the proceedings	250
	(e) On issue of attendance notice	100
	(f) On issue of hearing notice	200
	(g) On issue of witness summons	200
	(h) Service fees in all case (local)	200
	(i) Service of fees in all cases (outside the district)	400

THIRD SCHEDULE

Form 1 (r. 5 (1))

THE LAND DISPUTES TRIBUNALS ACT, 1990
(No. 18 of 1990)

APPLICATION TO FILE AN APPEAL AGAINST THE DECISION OF
THE DISTRICT LAND DISPUTES TRIBUNAL

To:
The Clerk
..... Provincial Appeals Committee.

I hereby apply to theProvincial Appeals Committee
to file an appeal against the decision of the District Land
Disputes Tribunal.

1. Particulars of appellant:
(a) Full names.....
(b) Address
(c) Nationality ID/No.

2. Particulars of respondent:
(a) Full names.....
(b) Address
(c) Nationality ID/No.

[Subsidiary]

3. Description of Land:

(a) District

(b) Locality

(c) Acreage

4. Particulars of Appeal:

(a) Claim number in the register of claims

(b) Decision of the District Land Disputes Tribunal

(c) Specific grounds of appeal:

5. Declaration:

I hereby declare that the above information is true to the best of my knowledge and belief.

.....
Appellant's Signature

Note.—If spaces allowed under any particular item are insufficient for the information a separate sheet with item numbers and duly signed by the appellant should be attached.

Form 2

(r. 5 (2))

THE LAND DISPUTES TRIBUNALS ACT, 1990
(No. 18 of 1990)

IN THE PROVINCIAL COMMISSIONER'S OFFICE

APPEAL NO. OF 19.....

NOTICE FOR HEARING TO APPELLANT

..... Appellant

Versus

..... Respondent

To (Appellant)

.....

.....

.....

TAKE NOTICE that the determination of your appeal has been fixed for day of, 19..... atO'clock

[Subsidiary]

in the noon, or as soon thereafter as the appeal can be heard
by the Provincial Appeals Committee at the Provincial
Commissioner's Office or at

If no appearance is made by yourself, or on your behalf the appeal will
be heard and determined in your absence.

Given under my hand on, 19.....

.....
Chairman of Appeals Committee

Form 3 (r. 5 (2))

THE LAND DISPUTES TRIBUNALS ACT, 1990
(No. 18 of 1990)

IN THE PROVINCIAL COMMISSIONER'S OFFICE

APPEAL NO. OF 19.....

NOTICE OF ATTENDANCE TO THE RESPONDENT

..... Appellant

Versus

..... Respondent

To: (Respondent)

.....
.....
.....

TAKE NOTICE THAT (appellant)
has filed an appeal against the decision of the District
Land Disputes Tribunal in Land Dispute No. of
and the hearing of the appeal has been fixed before the Provincial Appeals
Committee at the Provincial Commissioner's Office on day of
....., 19 at O'clock or as soon thereafter
as the appeal can be heard.

If no appearance is made on your behalf by yourself, the appeal will be
heard and decided in your absence.

Given under my hand on, 19.....

.....
Chairman, Appeals Committee