



**REPUBLIC OF KENYA
THE NATIONAL TREASURY AND ECONOMIC PLANNING**

www.treasury.go.ke
FAX NO. 3108
Telephone: 2252299
When replying please quote:

THE NATIONAL TREASURY
P.O. Box 30007
NAIROBI

Ref: NALM/2/1/C/ (106)

Date: 2nd August, 2024

NATIONAL TREASURY CIRCULAR NO. 5

To: All Principal Secretaries/Accounting Officers

All Chief Executive Officers of State Corporations

All County Secretaries of the County Governments

ACQUISITION OF TITLE DEEDS FOR PUBLIC INSTITUTIONS LAND

1. The purpose of this circular is to provide guidance to the Principal Secretaries / Accounting Officers, Chief Executive Officers of State Corporations and County Secretaries on:
 - a. The submission of public land title deeds to the National Treasury as the custodian of Government assets in accordance with Section 12 (2) (g) of the Public Finance Management Act Cap 412A, laws of Kenya;
 - b. The commencing of the process of acquiring public land title deeds under their jurisdiction; and
 - c. The process of processing of title deeds for public land under their jurisdiction.
2. Pursuant to Section 12 (2) (K) of the Public Finance Management Act, Cap 412A laws of Kenya, the National Treasury hereby guides public institutions for both levels of Governments who have not processed title deeds for their land, thus predisposing them to invasions and/or misappropriation by unscrupulous Public Officials and Private Citizens, as follows:
 - a. That Section 4.9 of the Policy on Asset and Liability Management in the Public Sector provides for Accounting Officers of all Public Sector entities to acquire ownership documents of ALL assets under their jurisdiction;
 - b. All Principal Secretaries / Accounting Officers and Chief Executive Officers of State Corporations are directed to prioritize acquisition of title deeds for Public Land;

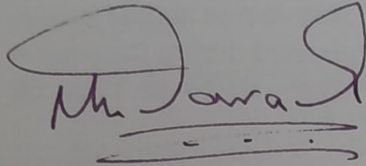
- c. That upon acquisition of the title deeds for public land by Principal Secretaries / Accounting Officers and Chief Executive Officers, the titles be deposited with the National Treasury or the County Treasury as provided for by law for safe custody and record purposes;
 - d. That where an entity is a body corporate, the title deed shall be in the name of the entity and shall be under the custody of the Chief Executive / Accounting Officer and a certified and sealed copy be sent to National Treasury for record purposes;
 - e. That the Principal Secretaries / Accounting Officers should indicate any public land title deed with any encumbrances / caveats and submit the same to the National Treasury indicating the nature of the encumbrance / caveat.
 - f. That except as provided for under paragraph (d) above, all public title deeds shall be in the name of Cabinet Secretary to the National Treasury of Kenya (Held in Trust for the specific Public Institution) or the County Executive Committee Member for Finance (Held in Trust for the Specific County Public Institution) and shall be under the custody of the National Treasury or the County Treasury at all times.
3. Principal Secretaries / Accounting officers and Chief Executive Officers should report ownership of their office accommodation / property and submit their title deeds or copies to the National Treasury or County Treasury.
 4. Principal Secretaries / Accounting Officers and Chief Executive Officers of State Corporations shall be required to submit a status report(s) on titling of ALL parcels of Public Land under their jurisdiction to reach the National Treasury or County Treasury on or before **31st August, 2024** with the following information:
 - a. Registration Name;
 - b. Title Deed LR. No.;
 - c. Location of the Public Land;
 - d. Freehold or Leasehold;
 - e. Free / Encumbered / Caveat and date of encumbrance / caveat and reasons;
 - f. Challenges, if any, why the Public Institution has not acquired a title deed; and
 - g. Actions being undertaken by the Principal Secretary / Accounting Officer and Chief Executive Officer to acquire the public land title and anticipated time the exercise will be completed.
 5. Principal Secretaries / Accounting Officers who are in charge of various infrastructure projects and have acquired wayleaves for public utilities such as roads, railway, water, electricity, ICT cables among others are required to acquire the titles for such public land and deposit their title deeds with the National Treasury or County Treasury within the Specific period.
 6. Principal Secretaries / Accounting Officers who had acquired land for the wayleaves for infrastructure projects and they have not acquired the land title deeds to submit the projects plots acquired to the National Land Commission and State

Department for Lands and Physical Planning for processing of title deeds with a copy to the National Treasury or County Treasury.

7. Principal Secretaries / Accounting Officer who would like to enhance existing public utilities by acquisition of additional land or way-leaves should ensure the final land surveys are done and the acquired land registered during the project life under the Cabinet Secretary for the National Treasury (Held in Trust of the Institution).
8. Principal Secretaries / Accounting Officers who have not acquired title deeds for their land should follow the procedure below to register the public land under their custody:
 - a. Land Planning of the subject land;
 - b. Land Surveying of the subject land;
 - c. Submit the land plan and survey to the National Land Commission to process the letter of allotment and advise on the further necessary steps with a copy to the National Treasury or County Treasury; and
 - d. Submit the letter of allotment to the Principal Secretary, State Department of Lands and Physical Planning for the registration with a copy to the National Treasury or County Treasury;
 - e. The Principal Secretary for State Department of Lands will prepare the land registration documents and submit them to the Cabinet Secretary for the National Treasury and Economic Planning for execution or the County Executive Committee Member for Finance for execution;
 - f. Upon execution by the Cabinet Secretary for the National Treasury and Economic Planning, the National Treasury will return the land registration documents to the Principal Secretary for State Department for Lands and Physical Planning for registration or the County Executive Committee Member for Finance, the County Treasury shall return the same registration documents to the Principal Secretary for State Department for Lands and Physical Planning for registration;
 - g. The Principal Secretary for the State Department of Lands and Physical Planning will register and issue a title deed for the subject land and return the registration title to the National Treasury or County Treasury for custody and record purposes; and
 - h. The National Treasury or County Treasury will send a copy of the registered title deed to the relevant Principal Secretary / Accounting Officer for his / her record.
9. Principal Secretaries / Accounting Officers and Chief Executive Officers of State Corporations who have institutions such as primary schools, secondary schools, hospitals, and technical institutes should coordinate this exercise and submit their reports to reach the National Treasury on or before **31st August, 2024**.
10. Principal Secretaries / Accounting Officers and Chief Executive Officers of State Corporations who have not demarcated wayleaves with beacons should do so within a reasonable time but not later than **30th December, 2026**.

11. Finally, the Cabinet has noted existence of gaps and consequent loss of Public Assets, in particular, Public Land which is not titled. This has also been pointed out by the Auditor General audit reports of Ministries, State Departments, and County Government Agencies and therefore, each Accounting Officer is guided to address this matter on priority basis.

Please bring the contents of this Circular to Public Agencies under you.



H. E. DR. MUSALIA MUDAVADI, EGH
Ag. CABINET SECRETARY
THE NATIONAL TREASURY AND ECONOMIC PLANNING

Copy to: Felix Koskei, EGH
Chief of Staff and Head of the Public Service
Executive Office of the President
Harambee House
NAIROBI.

The Attorney General
Office of the Attorney General and Department of Justice
State Law Office
NAIROBI

All Cabinet Secretaries

FCPA Nancy Gathung'u, CBS
Auditor General
Office of the Auditor General
NAIROBI

FCPA Margaret Nyakang'o
Controller of Budget
Bima House
NAIROBI

Gershom Otachi, CBS
Chairman
National Land Commission
NAIROBI

All County Executive Committee Members - Finance