

THE ROLE OF THE REGISTRY INDEX MAP (RIM) IN LAND MANAGEMENT IN KENYA

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ABSTRACT

In Kenya, there are various types of maps that are used for registration of Land. However, the most famous map especially in the rural areas is the Registry Index Map. This is because it is easy to produce by simple chain survey and air survey methods. It has therefore been used for registration of large portions of land in Kenya, which would otherwise have taken a long time. It is used for various purposes among them being first registration of land, subdivision of small scale and large-scale farms, rural planning and solution of boundary disputes. For success of this map the landowner is expected to plant and maintain physical boundaries. It therefore assumes that the landowner will take possession of the land immediately after the survey process. In this paper, the general boundaries system used in Kenya is discussed.

1. INTRODUCTION

The Registry Map or The Registry Index Map (RIM) is a very useful document in registration and management of land in Kenya within the context of “General Boundaries” or “Approximate boundaries” as the terms are used in Kenya. The general boundary is defined as:

“a boundary of which the precise line is undetermined in relation to the physical features which demarcates it. i.e. it is not settled whether the boundary runs along the center of a fence, wall, or ditch or along its inner or outer face. However, it is clear on the ground where the parcel is situated and where the boundaries are, for they are clearly visible and unmistakable physical features, though they do not indicate the exact location of the line within the breadth which such physical features necessary possess.”

This map is used in the registration of land under the Registered Land Act (CAP 300) of the laws of Kenya.

This paper will attempt to define the registry map, and discuss its production, its uses in relation to registration of land, rural planning, and in solution of land boundary disputes. It will also discuss its limitations.

2. WHAT IS A REGISTRY MAP?

A registry map is created by section 18 (1) of the Registered Land Act and its production is vested in the Director of Surveys. The Act states: -

“The Director of Surveys shall prepare and thereafter maintain a map or series of maps to be called the registry map for every registration district.”

However, the act allows the Land Registrar to cause production of any other map to support registration in section 18 (2) which says:

“Where for any registration District or for a part thereof no map has been so prepared, the registrar may himself cause a map or series of maps to be prepared for that registration district or for that part, and thereafter maintained, and such map or series of maps shall be deemed to be the registry map until the Director of Surveys prepares a map or the maps under subsection 10 of this section and delivers it to the Registrar”

This paper will discuss the maps that are produced by the Director of Surveys. The Act further directs how the map should be prepared in section 18 (30) thus:

“On the registry map, every registration district shall be divided into registration sections, which shall be identified by distinctive names, and the registration sections may be further divided into blocks which shall be given distinctive numbers or letters or combination of numbers and letters”

The Director of Surveys has in some instances permitted licensed surveyors to carry out survey for registration of company and co-operative farms, but he still takes the responsibility of collecting all the field sheets from the surveyors for checking, compiling and publishing of the map. The surveyors have to forward to him all the copies of field sheets together with all field notes and all documents related to any measurements necessary for compilation of the map.

In the preparation of the map therefore the Director shows the following information on each sheet as shown in diagram 1.

- (a) Location
- (b) Sheet number and index
- (c) Plot number
- (d) Edition of sheet
- (e) Sheet History
- (f) North point

2.1. Location

This is the geographical location of the parcel of land shown on that particular sheet. The information may refer to the District name, location name, (that administration unit under the jurisdiction of a Chief), a sub-location or registration unit. For example in Kajiado District you will find a sheet that can be referred as *KAJIADO/ILKISONGO/ENTARARA/SHEET 2* indicating the District, the location, the sub location or unit and the sheet number respectively. With such map the user would not look for a parcel shown in it in Nandi District or Kiambu District nor would he look for it in any other location in Kajiado District except in Ilkisongo location, Entarara Registration Unit respectively.

2.2 Sheet Number and Index

In any given registration unit there may be more than one sheet of the registry map. These sheets are distinctively numbered and the number of each sheet is written usually at the top while an index showing the relationship of each sheet to the others in the same unit is prepared and is usually shown at the bottom right hand corner of the sheet. The sheet number is quoted in the area list, the land register and the title deed for ease of identification of the parcel on the map. The index helps in directions (i.e. to the North, East, South and West). Without this index, it would be difficult to identify the sheets required to define the Boundaries of the parcel, which may be covered, by more than one sheet.

2.3. Plot Number

Every distinct parcel is identified by a number, which is commonly referred to as parcel number. Care is always taken that this number is legible and that it is not duplicated not only on a particular sheet, but in any of the other sheets for that particular registration unit, since this can lead to very serious misunderstanding in ownership of the land. Reference to a parcel for example number 36 in the scheme above is given simply as *KAJIADO/ILKISONGO/ENTARARA/2*.

It is important to note here that the above information is the most vital for the identification and definition of the parcel.

2.4. Scale

Every sheet must indicate the scale. This is very important since no measurements are provided to show the dimensions of the boundaries, and the map user has to rely on the scale ruler to scale off the distances from the map. Various scales are used in the preparation of the maps. In areas done under land consolidation (cap. 283) and land adjudication (cap 284) programs, such as parts of Central province, the scale of 1:2,500 has been used, while in areas done under the land settlement program and subdivision of large scale farms owned by land buying companies and co-operative societies, scales of 1:5,000 and 1:10,000 have been used. In pastoral areas maps have been produced at a scale of 1:50,000 where they are referred to as Registry Index maps – Range (Provisional).

2.5. Edition of Sheet

Whenever an amendment of any boundary on the map is made, an Edition is created. This is done by deleting the number of the current edition and replacing it with the new number. When the map is first published, the sheet is assigned “*FIRST EDITION*”

2.6. Sheet History

This is the information showing all the amendments made to the map affecting the parcels since it was first published. The information is written along the sheet edge and it contains:

- (a) The date the amendment is done.
- (b) The reference to the letter authorizing the amendment.
- (c) Parcel numbers affected by the change (old number and new numbers created in case of subdivision).
- (d) The edition created by that amendment.

Table 2 shows an example of a history of amendments of a sheet in Kiambu District.

2.7. North Point

It is not usual for the North point to be shown in the registry maps because it is assumed that the North Point should always be regarded as the point where the heading is situated.

3. USES OF R.I.M.

Among the uses of the R.I.M., four can be mentioned such as:-

- (a) As a basis for first registration
- (b) For further subdivision of registered land.
- (c) For use in rural planning
- (d) In solving boundary disputes.

3.1. First Registration of Land

As shown above, for every parcel of land to be registered, a registry map has to be produced. These maps are prepared through various methods depending on the type of legislation used for registering rights to land.

3.1.1 Land Consolidation Programme

This is a process of re-planning the proprietary land units within a given area and re-distributing them in units of economic size and natural shape. The operation consists of first ascertaining what land each person is entitled to and second with a view to improving on agriculture, the elimination of scattered fragments of land of uneconomical sizes, by allocating in a planned manner a single plot of land equivalent to aggregate of all subplots

owned by an individual in a process known as “fragment gathering”. A “record of Existing rights” is prepared and from it an allocation plan made. Tracings from the allocation plan are used for demarcating boundaries on the ground to produce what is known as demarcation maps. Hedges are then planted and once they are grown and are air visible, the area is photographed from the air at a scale of 1:12,500 and from these photographs maps showing all farm boundaries are plotted at a scale of 1:2,500. Ground survey methods are then used to mark the missing or uncertain boundaries.

3.1.2 Land Adjudication Programme

In this case all existing rights in any particular parcel of land are authoritatively ascertained and confirmed in an adjudication register. The parcels are then mapped as above.

3.1.3 Land Settlement Programme

In this program the Director of Surveys is responsible for production of topographical maps at a scale of 1:2,500 on which plots and scheme layouts are planned, and then demarcated. When the scheme is fully demarcated and all plots boundaries are fully fenced, or hedges fully grown, the area is photographed as above and Registry index maps produced. In some instances ground survey methods are solely used where demarcation of plots on the ground is also the survey process taking place at the same time.

Once the map is published, it is forwarded to the Chief Land Registrar together with an area list of all the parcels in the registration section numbered consecutively, where possible, showing their resultant areas and the sheet number of each parcel. Once the Chief Land Registrar is satisfied that the R.I.M. represents all the parcels and after receiving a list of the landowners whose parcels are represented by the R.I.M., he sends these documents to the District Land registrar of the respective area who opens the registers and issues title deeds to the respective land owners.

3.2. Subdivision of Registered Land

The R.I.M. is used for subdivision of registered land. Here it is the basis for the planning, and the surveyor has to consult it in order to guard against encroachment to other lands and also to help him in his planning for the layout of new subplots in relationship to roads of access and water. Section 19 (1) forbids any amendment to the map except by use of a mutation form, which should be filed. It states:

“No correction to any line or position of any boundary shown in the registry map, may be made except on the instructions of the Registrar in writing, in the presented form to be known as a mutation form, and the mutation form shall be filed”.

The surveyor therefore prepares the mutation form in triplicate and on it he indicates all the measurements and areas of the resultant subplots. In case a landowner has commissioned a licensed surveyor, that surveyor sends the form to the District Surveyor who checks it with

regard to the accuracy in measurements, calculation of areas as well as its plotability for the amendment of the map. He then issues new numbers to the subplots and cancels the old number and presents the form to the Land Registrar for registration and issue of new title deeds. After this, the land Registrar retains (files) one copy and forwards two copies to the District Surveyor or in some cases the Director of surveys to use in the amendment of the R.I.M.

Without following this procedure, any amendment of the map as a result of sub division is a void. It should be noted that any other change on the R.I.M. should also be supported by a mutation form.

3.3. Boundary Disputes

The R.I.M. is also an important instrument for use in solution of boundary disputes in so far as the numbering and general layout of the parcels in concerned. It has proved very useful especially in areas where landowners have not taken possession of their lands and the hedges depicting boundaries have either never been planted or they have been destroyed or changed by neighbours to conceal the original identities.

R.I.M.'s have also been used to restore boundaries of roads of access, streams and public utility plots such as water wells and springs which could be consumed by neighboring parcels to the detriment of unsuspecting members of the public. In these cases surveyors have used the R.I.M.'s to relocate/restore these boundaries with high degree of success. It is important to note that though section 21 (2) gives power of settling land disputes to the Registrar basing his decision on any evidence that he may consider relevant, in the above cases the evidence of the R.I.M. as interpreted by the surveyor is most relevant and is always sought out by disputing parties.

3.4. Planning

The R.I.M. is used as a base map for planning for rural development. It has been used for planning of rural roads, rural electrification, irrigation and rural water schemes. It is used in identification of the land parcels that are already served with services as well as those intended to benefit from these expansions. It is also used by valuers, for the purpose of ascertaining value of land and developments thereon, for acquisition for public investment programmes, and in sitting of dams among many other uses.

4. LIMITATIONS OF R.I.M.

The R.I.M., though a very useful instrument in the management of land has various limitations, one of the most quoted being lack of indication of measurements on both the length of the boundaries, and of the areas of the individual parcel. It is argued that should an unscrupulous Cartographer change the position of a boundary illegally, it may be difficult to discover that fact, and since it is the scaling of the boundary with the scale ruler that determines the length and hence the area of the parcels, the true position and acreage of the parcels is not guaranteed. This is true in as much as the RIM is used solely on its own, and it

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is only when other documents such as the field sheets (in case of first edition) and Mutation Forms (in case of subsequent editions) that the measurements of the boundaries can be ascertained. Because all amendments are made on the original sheet whose scale is fixed the map can get very congested due to continuous changes on consecutive resultant parcels leading to illegibility. This is also true about the sheet history panels that can get filled up in the course of time. The fact that the success of this map relies so much on the maintenance of the physical boundary means that in case of a conflict between the map and the ground, it is the map that is changed. In some RIMs there is an indication that the map is not an authority on boundaries, which causes confusion to map users, especially when the same map is used in courts of law or in solving boundary disputes. In other words, the ordinary map user does not know the limit to which the RIM can be used.

5. CONCLUSION

The R.I.M. has been used in the registration of land in this country for a long time. Despite the limitation stated above, it has been found to meet the objective of facilitating registration of land in very large portions of the country. Many Kenyan Citizens have benefited by securing titles to land, which in turn have been used as security for loans, sureties in courts of law, etc. It can therefore be argued that the RIM has contributed to faster rural development in this country.

With the current technological advances in the field of surveying and mapping, the maps can be improved by resurveying the boundaries using Global Positioning Systems (GPS) or Total Stations. They can then be computerized and reproduced at required scales for various purposes. Before this is done however, the RIM in its present form will continue to serve us for a long time to come.

	AMENDMENTS	DATE
1	SUB DIV 904 INTO 3054-3061 ACC RD ENT MUT /2/1036/1/88 8 TH EDN PUB	10.8.90
2	SUBDIV 2774 TO 3483/3484 MUT/2/1147/8/91 9 TH ED PUB	16.12.91
3	SUB DIV 307 TO 3489-3493 MUT/2/1255/10/91 ACC RD 3493 10 TH ED PUB	5.12.93

Table 1: Example of History of amendments of a sheet in Kiambu District

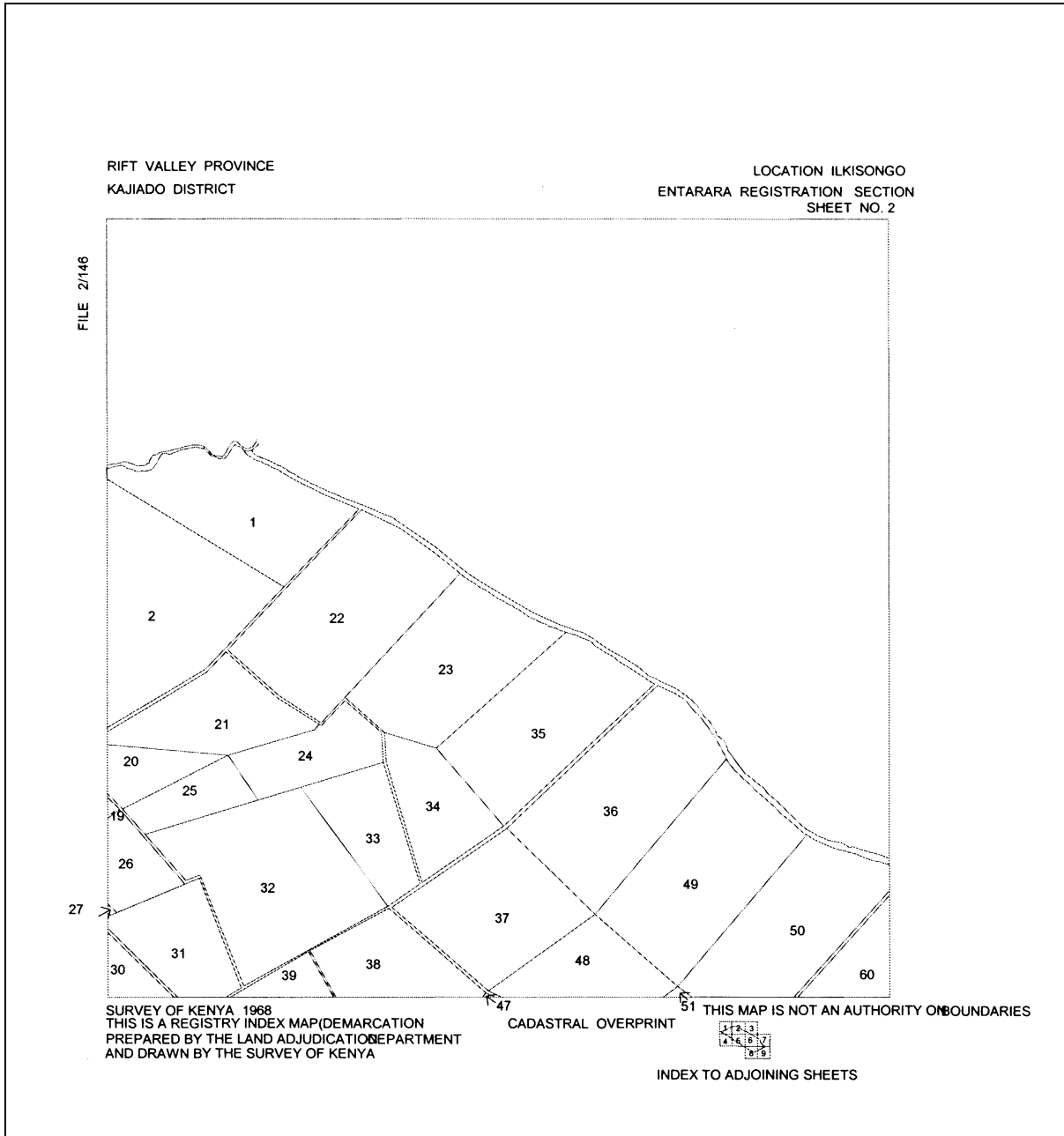


Diagram 1. A Registry Map for Kajiado District Kenya (courtesy , Director Survey of Kenya)

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BIOGRAPHICAL NOTES

- 1985-1990: District surveyor, Meru District, Kenya.
1990-1995: District surveyor, Murang'a District, Kenya .
1995-1997: Provincial Surveyor, Western Province, Kenya.
1997-1999: Provincial Surveyor, Central Province, Kenya.
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