**FOREIGN OWNERSHIP OF LAND IN KENYA**

Article 40 of the constitution guarantees ownership of land in Kenya by any person. However, this provision is not absolute as it is subject to Article 65 of the constitution. Article 65 provides that a person who is not a Kenyan citizen may hold land on the basis of leasehold tenure only, and any such lease, however granted, shall not exceed ninety-nine years. Therefore, this means that if a foreigner purchases land on a freehold, the title of land is automatically assumed to be on a leasehold of 99years.

Foreign companies are those with more than one foreign shareholder. When seeking to purchase land with a foreign company it is not possible to own freehold land. Under Article 8(1) in the Sixth Schedule to the Constitution, any freehold interest in land in Kenya held by a person who is not a Kenyan citizen shall revert to the Republic of Kenya. Any freehold land held by a non-Kenyan is shortened to a 99-year lease with an extremely low rate.

Another limitation on foreigners owning land in Kenya is that they cannot own first-row beach plots and agricultural land unless explicitly allowed by the president through a notice in the Kenyan Gazette. The Land Control Act (the Act) restricts the ownership by non-citizens of agricultural land or land within land control areas. section 9 and section 6 of the Act provide that any dealing in agricultural land or controlled land the purported effect of which is to sell, transfer, lease, charge, partition or exchange land with a non-citizen is void for all intents and purposes.

Listed below are the requirements of owning land in Kenya :

1. Owning as an individual; A foreigner can own property in Kenya individually. They will need a letter of approval from the Cabinet Secretary of Lands and Physical Planning.
2. Owning land through a company; Register the company with the Registrar of companies. The company should have a Kenya address, bank account. Moreover, the company should meet the required financial capacity.
3. Owning through a trust; the trust should be registered in Kenya. Have a residential address where one intends to develop and maintain the property. You’ll need a Kenyan bank account; and meet the required financial capacity.