



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

*Approved
SNA
30/9/26*

THIRTEENTH PARLIAMENT – FIFTH SESSION – 2026
PUBLIC PETITIONS COMMITTEE

REPORT ON-

REPORT ON CONSIDERATION OF PUBLIC PETITION (NO. 15 OF 2026),
REGARDING REFORM OF SUCCESSION LAW AND ADMINISTRATION OF
ESTATES IN KENYA

THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 30 SEP 2026	DAY: Wednesday
TABLED BY:	Hon. Janet Sithiwa MP (Vice-Chairperson)
CLERK-AT THE TABLE:	hormale



Directorate of Audit Appropriations &
General-Purpose Committees
Clerk's Chambers
Main Parliament Buildings
NAIROBI

SEPTEMBER, 2026

TABLE OF CONTENTS

TABLE OF CONTENTS	1
CHAIRPERSON'S FOREWORD	2
PART ONE	3
1. PREFACE	3
1.1 Establishment and Mandate of the Committee	3
1.2 Committee Membership.....	4
1.3 Committee Secretariat.....	5
PART TWO	6
2. BACKGROUND OF THE PETITION	6
2.1 Introduction.....	6
2.2 Petitioners' Prayers	6
PART THREE	8
3. STAKEHOLDERS' SUBMISSIONS ON THE PETITION	8
3.1 The Petitioners	8
3.2 Office of the Attorney General	11
3.3 Kenya Law Reform Commission.....	15
PART FOUR.....	24
4. COMMITTEE OBSERVATIONS.....	24
PART FIVE	25
5. COMMITTEE RECOMMENDATIONS.....	25

CHAIRPERSON'S FOREWORD

On behalf of the Public Petitions Committee and pursuant to the provisions of Standing Order 227, it is my pleasant privilege and honour to present to this House the Report of the Committee on the Public Petition No. 15 of 2026 by Hon. John the former Governor for Taita Taveta County, Eng. John Mruttu and twenty-two (22) others regarding reform of succession Law and administration of estates in Kenya.

In consideration of the petition, the Committee engaged with the Petitioners, the Office of the Attorney General and the Kenya Law Reform Commission.

The Committee observed that although succession is fundamentally a legal and administrative matter governed by the Law of Succession Act (Cap.160), the current legal and administrative framework does not adequately facilitate accessible, affordable, and timely succession processes. International experience demonstrates that simplified procedures, administrative settlement mechanisms, decentralized probate services and digitization can significantly improve outcomes while safeguarding beneficiaries.

The Committee recommends that within ninety (90) days of adoption of this report the Attorney General in liaison with the Kenya Law Reform Commission submits amendments to the Law of Succession Act to provide for among others, estates below a prescribed value be wound up through a fastened and simplified procedure, introduction of a dedicated statutory small estate track defined by a monetary value threshold, administrative processing of uncontested cases and vest concurrent original jurisdiction over succession matters in lower (magistrates) courts for estates not exceeding a prescribed monetary value; gazettment of revised Probate, Administration (Fees) Rules and digitization of succession processes through Huduma Centres and the e-Citizen portal. Additionally, dedicated probate registries be established in all forty-seven counties, within the financial year 2026/27, and amendments to the Legal Aid Act, (Cap 16A) to expressly include succession matters within the defined scope of legal aid services.

The Committee appreciates the Offices of the Speaker and Clerk of the National Assembly for providing guidance and necessary technical support, without which its work would not have been possible. The Chairperson expresses gratitude to the Committee Members for their devotion and commitment to duty during the consideration of the Petition.

On behalf of the Committee and pursuant to the provisions of Standing Order 199, I now wish to lay the Report on the Table of the House.

HON. MUCHANGI KAREMBA, CBS, M.P.

CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

PART ONE

1. PREFACE

1.1 Establishment and Mandate of the Committee

- 1) The Public Petitions Committee is established under the provisions of Standing Order 208A with the following terms of reference:
 - i) considering all public petitions tabled in the House;
 - ii) making such recommendations as may be appropriate with respect to the prayers sought in the petitions;
 - iii) recommending whether the findings arising from consideration of a petition should be debated; and
 - iv) advising the House and reporting on all public petitions committed to it.

1.2 Committee Membership

- 2) The Public Petitions Committee was constituted in October 2022 and comprises the following Members:

Chairperson

Hon. Muchangi Karemba, CBS, M.P.

Runyenjes Constituency

United Democratic Alliance (UDA)

Vice Chairperson

Hon. Janet Jepkemboi Sitienei, M.P.

Turbo Constituency

United Democratic Alliance (UDA)

Hon. Patrick Makau King'ola, M.P.

Mavoko Constituency

Wiper Democratic Movement-Kenya
(WDM-K)

Hon. Edith Vethi Nyenze, M.P.

Kitui West Constituency

Wiper Democratic Movement-Kenya (WDM-
K)

Hon. Ntwiga Patrick Munene, M.P.

Chuka Igambang'ombe Constituency

United Democratic Alliance (UDA)

Hon. Maisori Marwa Kitayama, M.P.

Kuria East Constituency

United Democratic Alliance (UDA)

Hon. Joshua Chepyegon Kandie, M.P.

Baringo Central Constituency

United Democratic Alliance (UDA)

Hon. Beatrice Kadeveresia Elachi, M.P.

Dagoretti North Constituency

Orange Democratic Movement (ODM)

Hon. Bernard Muriuki Nebart, M.P.

Mbeere South Constituency

Independent

Hon. Biego Paul Kibichy, M.P.

Chesumei

United Democratic Alliance (UDA)

Hon. Peter Irungu Kihungi, M.P.

Kangema Constituency

Maendeleo Chap Chap Party (MCCP)

Hon. John Bwire Okano, M.P.

Taveta Constituency

Wiper Democratic Movement-Kenya (WDM-
K)

Hon. Peter Mbogho Shake, M.P.

Mwatate Constituency

Jubilee Party (JP)

Hon. Sloya Clement Logova, M.P.

Sabatia Constituency

United Democratic Alliance (UDA)

Hon. Suzanne Ndunge Kiamba, M.P.

Makueni Constituency

Wiper Democratic Movement-Kenya
(WDM-K)

1.3 Committee Secretariat

3) The Public Petitions Committee is facilitated by the following members of the secretariat:

Lead Clerk

Mr. Victor Weke

Principal Clerk Assistant II

Ms. Miriam Modo

First Clerk Assistant

Ms. Kafuyai Wamae

Third Clerk Assistant

Ms. Nancy Akinyi

Research Officer III

Ms. Roselyne Njuki

Principal Serjeant-at-Arms

Mr. Pascal Valerian

Hansard Officer III

Ms. Felistus Muiya

Public Communication Officer

Mr. Benard Toroitich

Third Clerk Assistant

Mr. Clinton Sindiga

Legal Counsel II

Ms. Viola Saiya

Research Officer III

Mr. Paul Shana

Serjeant-at-Arms

Mr. Collins Mahamba

Audio Officer III

Ms. Fridah Ngari

Media Relations Officer III

PART TWO

2. BACKGROUND OF THE PETITION

2.1 Introduction

- 4) Article 119 of the Constitution of Kenya gives every person the right to petition Parliament to consider any matter within its authority, including enacting, amending, or repealing legislation.
- 5) The Petition is brought before the House by the former Governor for Taita Taveta County, Eng. John Mruttu and twenty-two (22) others regarding reform of succession Law and administration of estates in Kenya.
- 6) The Petitioners state that a substantial proportion of productive assets in Kenya, particularly land, remain registered in the names of deceased persons due to delayed succession processes, and in many instances, the process is not completed for periods ranging between twenty (20) and forty (40) years after the passing on of persons holding the assets.
- 7) The Petitioners aver that succession procedures under the current legal framework are complex, costly, and inaccessible to ordinary citizens. Further, that such procedures involve multiple steps, including court filings, gazettement, legal representation, valuation, and registry processes, which collectively create barriers to access.
- 8) The Petitioners are concerned that delayed succession constrains economic growth as it hinders the use of assets as collateral, transfer efficiency, and investor confidence. This has led to limited access to credit, reduced agricultural productivity, increased disputes, pressure on the judiciary, and inefficiencies in asset markets.
- 9) The Petitioners submit that although succession is fundamentally a legal and administrative matter governed by the Law of Succession Act (Cap.160), the current legal and administrative framework does not adequately facilitate accessible, affordable, and timely succession processes.
- 10) The Petitioners state that international experience demonstrates that simplified procedures, administrative settlement mechanisms, decentralized probate services and digitization can significantly improve outcomes while safeguarding beneficiaries.

2.2 Petitioners' Prayers

- 11) The Petitioners prayed that the National Assembly, through the Public Petitions Committee—
 - i) Initiates a review and amendment of the Law of Succession Act (Cap.160), to provide for simplified succession procedures for small estates, administrative settlement of uncontested estates, as well as expanded and decentralized probate services across the country;
 - ii) Calls for review and rationalization of costs associated with succession processes, promotion of digitization and integration of succession, civil registration, and land

administration systems, and strengthening of mediation and alternative dispute resolution mechanisms in succession matters; and

- iii) Takes any other legislative and administrative measures necessary to facilitate timely, accessible, and equitable succession processes in Kenya.

PART THREE

3. STAKEHOLDERS' SUBMISSIONS ON THE PETITION

3.1 The Petitioners

The Hon. Engineer John Mruttu, M.P, on Tuesday, 30th June, 2026, appeared before the Committee alongside submitted as follows;

- 12) This Petition respectfully invites Parliament to initiate a national conversation on succession and inheritance reform in Kenya. While succession is often viewed as a private family matter, its implications extend far beyond individual households and directly affect justice, women's empowerment, youth employment, agriculture, financial inclusion and national development.
- 13) Across our Republic, millions of Kenyans occupy, cultivate and invest in land that remains legally registered in the names of deceased persons. Families continue to build homes, rear livestock and support livelihoods on such land, yet many remain unable to realize its full economic value because ownership has not been formally transferred through succession. As a result, productive assets remain physically present but economically constrained. The living work the land, but in the records of the State, the dead still own it.
- 14) This disconnect between economic reality and legal ownership has quietly evolved into one of Kenya's most significant yet least discussed development challenges. Succession reform should therefore be viewed not merely as an inheritance issue, but as a justice issue, an economic transformation issue and an opportunity to unlock rural capital for inclusive national development.

Constitutional and Social Justice Imperatives

- 15) The Constitution of Kenya 2010 embodies the values of human dignity, equality, access to justice and protection of property rights. It envisions a society in which all citizens enjoy equal protection under the law and equitable access to opportunities necessary for a dignified life.
- 16) Succession procedures should therefore be accessible, affordable and responsive to the realities faced by ordinary citizens. When families are unable to complete succession because the process is too costly, too complex or too distant, the constitutional promise of equal access to justice becomes difficult to realize in practice.
- 17) Delayed succession disproportionately affects vulnerable groups, particularly widows and youth. Widows who may have contributed significantly to the acquisition and development of family assets often continue to live with uncertainty regarding security of tenure. Young people, on the other hand, frequently inherit land without inheriting the opportunity to utilize it productively.

- 15) No society can claim to uphold family values while leaving widows in prolonged uncertainty. Equally, children should inherit opportunity, not conflict.

Institutional Capacity and Access to Justice

- 18) The challenge of succession also raises important questions regarding institutional capacity and access to justice. Kenya records approximately 400,000 deaths annually. Even on the conservative assumption that only half of those individuals leave behind assets requiring succession, this would still result in about 200,000 potential succession matters every year.
- 19) If all such matters were to be processed through the courts, and assuming approximately 200 court stations across the country, each station would be required to hear and conclude roughly 1,000 succession cases annually, equivalent to about four succession cases every working day, in addition to existing civil and criminal caseloads. This simple illustration suggests that the present system, however well-intentioned, may be placing demands upon the courts that are difficult to sustain in the long term.
- 20) The challenge before us is therefore not only legal, but also institutional and developmental. Judicial resources should be concentrated on complex and contested estates, while simpler and uncontested matters may be resolved through more accessible administrative mechanisms with appropriate safeguards. Such an approach would strengthen access to justice, improve efficiency and reduce pressure on the courts.

Unlocking Kenya's Trapped Rural Capital

- 21) Kenya's rural communities are often asset-rich but capital-poor, not because wealth is absent, but because much of that wealth remains legally trapped and unable to participate fully in the formal economy. Secure ownership enables land to perform its economic function. It facilitates access to credit, supports investment and encourages enterprise development. Farmers can invest in irrigation, mechanization and value addition. Entrepreneurs can establish businesses and expand existing enterprises. Financial institutions can extend credit with greater confidence where ownership is clear and secure.
- 22) Possession of secure title will allow capital to flow to rural areas, stimulate enterprise development, create employment opportunities and reduce distress migration from rural to urban centres. Secure titles enable capital to flow into rural areas. Capital finances irrigation, mechanization, storage and value addition. Increased investment raises agricultural productivity and strengthens food security. Expanding rural enterprises create employment opportunities for young people, thereby reducing distress migration to urban centres and promoting more balanced national development.
- 23) One of the greatest economic opportunities before Kenya may not lie in discovering new resources, but in unlocking the wealth that already exists within our villages and farms.

Learning from Experience and Judicial Developments

- 24) Kenya is not the first nation to confront the challenge of delayed succession and unresolved estates. Across Africa and indeed across the world, countries have adopted various measures to modernize inheritance systems while preserving fairness, transparency and cultural values.
- 25) Rwanda has undertaken significant land and inheritance reforms that strengthened security of tenure and promoted gender equality in property ownership, contributing to reduced disputes and increased confidence in land rights. South Africa has introduced simplified procedures for smaller estates, recognizing that not every inheritance matter requires lengthy and expensive court processes. Jurisdictions such as Canada and the United Kingdom have developed streamlined probate procedures for modest estates while maintaining appropriate safeguards to protect beneficiaries.
- 26) These examples are not presented as models to be copied wholesale. Every nation must design laws that reflect its own history, culture and constitutional framework. Nevertheless, they demonstrate that succession systems can evolve to become more accessible, efficient and responsive to the needs of citizens.
- 27) I have been advised that our courts have, through various decisions over the years, increasingly underscored the need for succession law to evolve in harmony with the Constitution of Kenya 2010, particularly in relation to equality, dignity and the protection of vulnerable groups. These judicial developments provide useful guidance to policymakers and lawmakers as they consider reforms aimed at strengthening access to justice and promoting inclusive development.
- 28) Kenya therefore has an opportunity to draw upon both international experience and domestic jurisprudence in crafting reforms that are uniquely suited to our national circumstances and aspirations.

Recommendation

- 29) This Petition does not seek immediate amendment of the law. Rather, it respectfully proposes the establishment of a National Multi-Sectoral Task Force on Succession and Inheritance Reform to undertake a comprehensive review of the Law of Succession Act and related legislation.
- 30) The Task Force may include representatives from Parliament, the Judiciary, the Office of the Attorney General, the Ministry responsible for Lands, county governments, financial institutions, women's organizations, youth organizations, faith-based institutions and cultural leaders. Its mandate would include public participation, review of interconnected laws and submission of recommendations to Parliament within six months.

Conclusion

- 31) By simplifying succession procedures, strengthening access to justice and unlocking dormant assets, Kenya can strengthen families, expand financial inclusion, improve food security, create employment opportunities for young people and promote balanced regional development. This is not merely an inheritance agenda; it is a nation-building agenda.
- 32) By reforming succession, we do not merely transfer land from one generation to another. We transfer hope from one generation to the next.

3.2 Office of the Attorney General

The Solicitor General, Hon. Shadrack. J. Mose in a letter dated 13th August, 2026 gave a written submission in response to the petition. He submitted as follows —

- 33) From the outset, the Office of the Public Trustee wishes to clarify, that succession in Kenya is not an automatic or state-initiated process. It is a voluntary process that must be commenced by the family or other persons interested in the estate of the deceased.
- 34) The Law of Succession Act (Cap. 160) does not impose a duty on the State to institute succession proceedings on behalf of a family; rather, it confers a right and a procedure upon interested parties to do so. Section 66 of the Law of Succession Act sets out the order of priority of persons who may petition for a grant of letters of administration in respect of an intestate estate. This order generally follows the surviving spouse(s), children, parents, siblings, and other relatives of the deceased, in that order of preference, before extending to other persons such as creditors of the estate and the Public Trustee as an administrator of last resort.
- 35) The implication of this framework is that the substantial delays in succession that the Petitioners have identified, in some cases ranging between twenty (20) and forty (40) years, are not, in the main, a failure of the legal framework to provide a mechanism for succession, but rather a reflection of the failure of families to invoke the mechanism that already exists which might inter alia be due to the psychosocial struggles/stress that comes with coping with the death of a loved one and the goodwill to undertake succession process. This distinction is important as it reframes part of the problem from one of law reform alone to one of public awareness.
- 36) Flowing from the above, the Office submits that there is a pressing need to sensitize members of the public on the importance and the procedure of succession, and on the consequences of failing to undertake it in a timely manner. Many of the difficulties identified by the Petitioners (land remaining registered in the names of deceased persons, families occupying land without formal legal ownership, and reduced access to credit) are perpetuated by a lack of public awareness rather than by gaps in the law alone.
- 37) This concern was similarly raised during a meeting held between the Office of the Attorney-General and representatives of the Agricultural Finance Corporation (AFC) on 27th February 2026, where it was resolved that there is need to sensitize the public on the mandates of the

respective departments in the Office of the Attorney-General and Department of Justice, including the Public Trustee department, with respect to succession and estate administration.

- 38) The Office supports the Petitioners' prayer for the promotion of public sensitization and recommends that this be undertaken collaboratively with the National Legal Aid Service, and other relevant stakeholders, including through community-level civic education, chiefs' barazas, and digital platforms.

Complexity of the current legal framework

- 39) The Office acknowledges the Petitioners' concern regarding the complexity of succession procedures.
- 40) The prescribed forms under the Probate and Administration Rules may, on their face, be complicated for a layperson without legal training or assistance to complete unaided. However, the Office submits that this challenge can be mitigated by existing institutional support mechanisms. The National Legal Aid Service (NLAS), established under the Legal Aid Act, 2016, is decentralized across thirty-three (33) counties and provides free assistance to indigent persons including in completing succession forms, in addition to equipping litigants with tools and guidance for self-representation in straightforward, uncontested matters.
- 41) In addition, court clerks and court administrators at the various Law Courts routinely guide members of the public on how to complete the requisite forms for filing succession causes. The combined effect of these two avenues of support is that, while the forms remain technical in character, the practical barrier to access is considerably lower than it may appear, particularly for the indigent and for uncontested estates.
- 42) The Office nonetheless welcomes proposals aimed at further simplification of the forms themselves as long as it does not diminish or negatively alter the rights of beneficiaries and dependents, as part of any review of the Law of Succession Act and the Probate and Administration Rules.

Cost of succession proceedings

- 43) On the calls for review and rationalization of costs associated with succession processes, the Office submits that the government through the judiciary has ensured that its citizens can easily access justice by capping the court filing fees at reasonable and affordable filing fees.
- 44) Currently, a Petitioner requires only Kshs. 2,500 as court filing fee for a succession case in a Kenyan court. The more significant cost drivers in succession matters that are taken to be hindrances tend to arise from; optional private legal representation, valuation fees for the estate assets, gazette fees at the government printers and other delays occasioned by disputes among beneficiaries on who shall pay the subsidiary fees aside from the court filing fees, rather than from the statutory filing fee itself.

- 45) The Office clarifies that legal representation is not mandatory in succession matters in Kenya. A petitioner or any interested party can act in person, and many uncontested succession causes are in fact filed and concluded by lay petitioners, particularly with the support of the National Legal Aid Service and court registry staff referred to above.
- 46) Legal representation becomes material in contested matters or estates involving complex assets, but its absence is not, in itself, a bar to accessing succession services.

Gazettement as an essential safeguard

- 47) The Office submits that gazettement of a petition for a grant is not a mere administrative formality but a substantive and indispensable safeguard in the succession process. Gazettement serves the essential function of giving public notice of the petition, thereby affording any person who may have a legitimate claim in, or objection to the administration or distribution of an estate an opportunity to come forward within the prescribed thirty (30) days before a grant is issued.
- 48) This safeguard is of particular importance in protecting vulnerable beneficiaries, including widows, children, and persons who may not have been involved in the initial petition. The Kenyan courts have consistently underscored the centrality of due notice to all persons entitled to a share in an estate where they have held that where persons with a prior right to administration are not served with the requisite notice or citation under the Probate and Administration Rules, the resulting process is rendered defective, as the law envisages “a democratic and inclusive process, where all who are entitled are included and involved.”
- 49) Accordingly, while the Office is open to exploring administrative settlement mechanisms for small, uncontested estates as proposed by the Petitioners, it submits that the principle of public notice underlying gazettement should not be diluted or overlooked in any resulting reform, given its protective function.

Timeliness: The Role of the Public Trustee and the definition of Small Estates

- 50) On the question of timeliness, the Office submits that a pathway for expedited administration already exists. The Office of the Public Trustee, under the Public Trustee Act, administers estates summarily, without the need to file a petition in court for estates whose gross value is Kshs. 3,000,000 and below, through the issuance of a Certificate of Summary Administration. This summary process is typically concluded within six (6) months, substantially faster than the court process.
- 51) The Office further notes that Deputy County Commissioners act as ex-officio agents of the Public Trustee and may administer estates whose gross value is Kshs. 100,000 and below at the grassroots level, which further decentralizes access to expedited administration.
- 52) In view of the Petitioners’ concerns regarding delay, the Office submits that enhancing the pecuniary jurisdiction of the Public Trustee above the current Kshs. 3,000,000 thresholds for

summary administration may also be considered. This would bring a larger pool of estates within the faster, six-month summary process.

- 53) On the Petitioners' proposal for simplified procedures for "small estates," the Office submits that there is need to first define, through proper stakeholder engagement, what should constitute a "small estate" for these purposes, and in particular whether land should be included within that definition. The Office urges caution on this specific point: land in Kenya carries a deeply emotive and culturally significant character that often exceeds its monetary value, and a purely value-based threshold may inadequately capture the complexity and sensitivity of land succession, particularly ancestral land. This definitional question should be the subject of deliberate, evidence-based stakeholder input rather than an administrative presumption.

Decentralization and digitization of services

- 54) The Office of the Attorney General is currently undertaking decentralization aimed at extending its services to all counties across the country, with Public Trustee Services forming a key part of this expansion and has so far established offices in thirty-three (33) counties. This effort is intended to bring essential legal and trustee services closer to citizens.
- 55) The Attorney General's office is also completing its digitization, working to bring all of its services, including those offered by the Public Trustee, onto digital platforms to improve efficiency, accessibility, and turnaround times. In a related but separate effort, the Ministry of Lands has launched the Ardhi-Sasa platform to facilitate digital land transfers and streamline land administration processes.

The process for review and amendment of the law of Succession Act

- 56) The Office in principle is open to the Petitioners' prayer for a review and amendment of the Law of Succession Act (Cap. 160). However, the Office emphasizes that any such amendment must be preceded by structured stakeholder engagement as well as meaningful public participation, in fulfilment of Article 10 of the Constitution. The Office submits that this process should be coordinated and led by the Kenya Law Reform Commission and the Judiciary, consistent with its statutory mandate to review and reform the laws of Kenya.
- 57) The Office further informs the Committee that the Honourable Attorney-General, during the inauguration of the Task Force on the incorporation and institutional transformation of the Public Trustee Department on 26th June 2026, also mandated that Task Force to relook at the Law of Succession Act as part of its terms of reference. The Petitioners' concerns are therefore already, in part, under active consideration.

Mediation and Alternative Dispute Resolution

- 58) On the Petitioners' call for the strengthening of mediation and Alternative Dispute Resolution (ADR) mechanisms in succession matters, the Office clarifies that mediation and ADR have always been available in our courts and are already being actively used in succession causes, including through the Judiciary's Court-Annexed Mediation programme. The Office supports the continued strengthening, resourcing, and wider public awareness of these mechanisms, particularly given their suitability for resolving intra-family disputes in a manner that preserves relationships, but submits that this is a matter of expanding and resourcing an existing framework rather than introducing an entirely new one.

Summary of Recommendations to the Committee

- 59) The Office adopts a balanced position. It agrees that aspects of the succession framework can be improved, but contends that many of the practical challenges in succession arise from delayed initiation of proceedings, inadequate public awareness, and underutilization of existing mechanisms rather than fundamental defects in the Law of Succession Act itself. Consequently, it advocates targeted reforms that preserve essential legal safeguards while improving efficiency, accessibility, public education, and institutional capacity.

Recommendations

- 60) In light of the foregoing, the Office recommends that the Committee:
- i) Note that succession is a voluntary, family-initiated process under Section 66 of the Law of Succession Act, and recommend a coordinated public sensitization campaign on succession Spearheaded by the Public Trustee, National Legal Aid Service and Judiciary;
 - ii) Recommend that any review of the Law of Succession Act be undertaken through structured stakeholder engagement and public participation;
 - iii) Support continued resourcing and public awareness of mediation and ADR mechanisms already available within the Judiciary for succession disputes.

3.3 Kenya Law Reform Commission

The Commission Secretary, Mr. James Nombi, in a letter dated 30th June 2026 gave a written submission in response to the petition. He submitted as follows;

- 61) The Law of Succession Act (Cap. 160), enacted in 1981, is the principal statute governing the devolution of the estates of deceased persons in Kenya.
- 62) It provides for both testate and intestate succession, family provision, and the administration of estates through grants of representation issued by the High Court under Part VI. The procedural framework is elaborated in the Probate and Administration Rules (Legal Notice

No. 316 of 1980), which prescribe the applicable forms, statutory notices, and procedural steps.

- 63) Over more than four decades of operation, the Act has been subjected to only limited amendment, and the institutional infrastructure for its administration has not kept pace with Kenya's population growth, urbanization, constitutional evolution, and economic complexity. A substantial proportion of productive assets, particularly agricultural and residential land, remain registered in the names of deceased persons, sometimes for twenty (20) to forty (40) years after the owner's death. This is fundamentally a consequence of a legal and administrative framework that imposes multiple procedural barriers on ordinary citizens seeking to transmit inherited assets.
- 64) The Commission identifies four structural sources of these barriers: (a) the exclusive vesting of jurisdiction in the High Court under section 52 of the Act, which severely limits geographic access; (b) the mandatory requirement for public notification through the Kenya Gazette and a widely circulated newspaper, entailing significant cost and time; (c) the complexity of procedural requirements, including filing, schedules of assets and beneficiaries, valuation, and confirmation, which necessitate costly legal representation; and (d) the inadequate geographic spread of probate services, concentrated at the four principal High Court stations of Nairobi, Mombasa, Kisumu, and Nakuru.
- 65) The KLRC further notes the structural intersection between succession law and the land and civil registration systems. Section 54 of the Land Registration Act, 2012 requires a confirmed grant of representation before beneficiaries can be registered as proprietors of inherited land, creating a lock-in whereby succession cannot be completed without court proceedings, and court proceedings do not yield effective land registration without further processes at the land registry. Gaps in civil registration, particularly in rural and pastoralist communities, compound these delays. The Petition accurately identifies a genuine and pressing gap in Kenya's legal and administrative framework.
- 66) Article 40 of the Constitution guarantees every person the right to acquire, own, and transmit property. A succession framework that leaves inherited assets locked in the names of deceased persons for decades renders this right practically illusory for millions of Kenyans. Article 27 guarantees equality and freedom from discrimination; succession law, particularly in its interaction with certain customary practices, has historically disadvantaged women, widows, and daughters, making gender-sensitive reform a constitutional imperative.
- 67) Article 60(1) requires that land be held, used, and managed in a manner that is equitable, efficient, productive, and sustainable. Land locked in the names of deceased persons satisfies none of these requirements; it cannot be used as collateral, transferred, or developed. Article 68(c) further requires Parliament to enact legislation eliminating gender discrimination in law, customs, and practices related to land and property. Articles 53, 56, and 57 protect the rights of children, minorities, and older persons, requiring that succession procedures not disadvantage orphaned children or elderly persons lacking the resources to navigate complex proceedings.

- 68) The existing statutory framework intersecting with succession includes: the Land Registration Act, 2012, which governs the registration of interests transmitted on death under section 54; the Civil Registration Act (Cap. 149), which provides for birth and death registration foundational to succession proceedings; the Magistrates' Courts Act (No. 26 of 2015), under which limited succession jurisdiction can be extended to resident magistrates; the Legal Aid Act, 2016; and the Civil Procedure Act (Cap. 21), which provides the framework for alternative dispute resolution. A comprehensive succession reform must address the interaction between all these instruments and the principal Act.

Analysis of the prayers sought

Simplified Succession Procedures for Small Estates

- 69) The first limb of the first prayer seeks simplified succession procedures for small estates. KLRC strongly supports this prayer and finds it not only legally feasible but constitutionally necessary. The central legislative barrier is section 52 of the Act, which vests exclusive jurisdiction over probate and administration in the High Court, a provision that is no longer appropriate in the context of a constitutionally devolved governance structure with enhanced judicial infrastructure across all forty-seven counties.
- 70) Comparative international experience supports a simplified track for small estates. In South Africa, the Administration of Estates Act, 1965 enables estates below a prescribed value to be wound up through a simplified affidavit procedure before the Master of the High Court. In Rwanda, the Abunzi committee system manages inheritance matters at community level before escalation to formal courts. Similar models exist across the Commonwealth.
- 71) KLRC recommends that the Law of Succession Act be amended to introduce a dedicated statutory small estate track, defined by a monetary value threshold prescribed by the Attorney General by Gazette notice and reviewed periodically. KLRC recommends an initial threshold of between Kenya Shillings Five Hundred Thousand (KES 500,000) and One Million (KES 1,000,000) in net asset value. The simplified procedure should include:
- i) Filing of a simplified application by an adult beneficiary, supported by a statutory declaration in the prescribed form in lieu of a full petition;
 - ii) Publication of statutory notice through an official government digital platform and at the relevant local administrative office, in lieu of mandatory Kenya Gazette and newspaper publication;
 - iii) A shortened objection period of forty-five (45) days;
 - iv) Issuance of a Certificate of Succession by an authorized administrative officer, rather than by court order, upon expiry of the objection period without a valid challenge; and
 - v) Direct registration of the Certificate of Succession at the relevant land or asset registry, completing the succession-to-registration cycle administratively.

Administrative Settlement of Uncontested Estates

- 72) The second limb of the first prayer calls for administrative settlement of uncontested estates. KLRC considers this the single most impactful structural reform available, essential to clearing the substantial backlog of estate matters in the High Court.
- 73) Even entirely uncontested estates, where all beneficiaries are in full agreement, must currently pass through the High Court. This imposes court fees, legal costs, and significant delay on matters that do not require judicial determination. The court's role in such cases is limited to procedural verification: confirming that statutory notices have been published, that schedules are complete, and that no valid objection has been received. These functions could, with appropriate safeguards, be discharged by trained administrative officers.
- 74) KLRC recommends that the Act be amended to establish a cadre of Administrative Succession Officers (ASOs), operating within the Judiciary's administrative structure at the county level, empowered to:
 - i) Receive and process succession applications for uncontested estates meeting defined eligibility criteria;
 - ii) Verify the completeness and accuracy of applications and supporting documentation;
 - iii) Issue statutory notices and manage the prescribed objection period;
 - iv) Issue administrative letters of administration or grants of probate where no valid objection is raised; and
 - v) Refer contested applications promptly to the appropriate magistrate's court or the High Court.
- 75) Eligibility criteria for administrative settlement should include: absence of a bona fide dispute among beneficiaries; documented identification of all beneficiaries; written agreement on distribution confirmed by statutory declaration; and absence of outstanding third-party claims against the estate. These criteria should be prescribed by regulations under the Act, with clear escalation procedures protecting the rights of women and children from suppression through informal processes.

Expanded and Decentralized Probate Services

- 76) The third limb of the first prayer calls for expanded and decentralized probate services. KLRC notes that while the Magistrates' Courts Act permits the Chief Justice to extend succession jurisdiction to magistrates' courts, this power has been exercised inconsistently and does not guarantee access at the county level.
- 77) KLRC recommends a three-pronged approach. First, Parliament should amend the Law of Succession Act to expressly vest concurrent original jurisdiction over succession matters in magistrates' courts at the Senior Resident Magistrate level and above, for estates not exceeding a prescribed monetary value. Statutory vesting is more durable than administrative practice directions. Second, the Judiciary should establish dedicated probate registries in all forty-seven counties, staffed by trained clerks and equipped with digital case management

systems, functioning as the first point of contact for succession applicants. Third, a mobile probate clinic model should be developed for pastoralist and remote communities in consultation with the National Land Commission and civil society, ensuring succession services reach Kenyans beyond fixed administrative infrastructure.

Review and Rationalization of Succession Costs

- 78) The second prayer calls for rationalization of succession costs. KLRC identifies three principal cost barriers: court filing fees, statutory publication costs, and professional legal representation costs.
- 79) Court filing fees under the Probate and Administration (Fees) Rules should be revised to introduce a sliding scale fee structure, with reduced or waived fees for small estates and an income-tested fee waiver for applicants demonstrating financial incapacity. Publication costs in the Kenya Gazette and newspapers should be addressed by amending the Act to permit digital publication through the e-Citizen portal and county government websites at nominal cost, and through local administrative notice boards in lieu of mandatory Gazette and newspaper publication. This aligns with the Kenya Information and Communications Act and the government's digital transformation agenda. Legal representation costs will be substantially reduced by the simplified procedures and administrative settlement mechanisms recommended above; the Commission further recommends that the Legal Aid Act, 2016 be amended to expressly include succession matters within the scope of legal aid services under the National Legal Aid Service (NLAS).

Digitization and Integration of Succession, Civil Registration, and Land Administration Systems

- 80) KLRC strongly endorses the call for digitization and system integration, which addresses the fundamental operational inefficiency at the core of Kenya's succession crisis. The succession registry (Judiciary), the civil registration system (Department of Civil Registration), and the land registration system (Ministry of Lands) currently operate in administrative silos without automated interfaces. Succession proceedings are consequently delayed by the need for physical production of certified copies at each stage, and a confirmed grant of representation does not automatically trigger action in the land registration system, requiring beneficiaries to separately attend the land registry.
- 81) KLRC recommends development of an Integrated Digital Succession Platform that:
 - i) interfaces with the Civil Registration System (CRVS) to enable automated retrieval and verification of death certificates and identity documents upon application;
 - ii) interfaces with the Integrated Land Registration and Administration System (ILRAS) to enable real-time verification of land records and automatic transmission of confirmed succession grants for registration; and

- iii) provides a secure digital portal accessible through Huduma Centres and the e-Citizen platform for filing applications, tracking status, serving notices, and paying fees. This platform should be developed within the Kenya Digital Economy Blueprint, 2019 and the NIIMS framework. The Law of Succession Act, the Land Registration Act, 2012, and the Civil Registration Act (Cap. 149) should be correspondingly amended to provide a legal basis for electronic grants of representation and digital succession certificates.

Strengthening Mediation and Alternative Dispute Resolution in Succession Matters

- 82) KLRC affirms that succession disputes are inherently family matters well-suited to consensual resolution. While the Civil Procedure Act and the Mediation Rules, 2020 provide a general ADR framework, there is no specific ADR mechanism tailored to succession matters, and the mandatory court process disincentivizes families from pursuing consensual resolution.
- 83) Further KLRC recommends that the Law of Succession Act be amended to:
 - i) introduce a mandatory pre-application family mediation step for contested succession matters, modeled on family dispute resolution requirements in comparable jurisdictions; (b) establish, under the Mediation Accreditation Committee, a specialized register of accredited succession mediators with competencies in succession law, family law, land law, and the cultural dynamics of inheritance;
 - ii) provide that authenticated mediated succession agreements registered with the succession registry have the same legal effect as confirmed grants of representation; and (d) enable Administrative Succession Officers, magistrates' courts, and the High Court to refer contested matters to mediation at any stage, with procedural safeguards protecting women, children, and older persons from coercion into inequitable settlements.
 - iii) KLRC further recommends development of a Community Succession Facilitation Programme, engaging trained community facilitators in partnership with the National Land Commission, county governments, and civil society, to assist families in reaching consensual distributions with referral pathways to formal proceedings where necessary.

Institutional and Policy Considerations

- 84) The reforms recommended in this submission require coherent institutional coordination and a supportive policy environment. KLRC observes that succession reform intersects directly with Kenya's broader land reform agenda. The National Land Policy, 2009 identifies delayed succession and insecurity of inherited land rights as major constraints on agricultural productivity and rural development. Succession reform is a critical enabler of the Kenya Vision 2030 and the Bottom-Up Economic Transformation Agenda (BETA), and should be expressly incorporated as a priority component of the ongoing Land Sector Review, with

resulting policy instruments addressing the link between timely succession and effective land registration.

- 85) KLRC underscores the gender dimensions of succession reform. Although the Law of Succession Act provides equal inheritance rights for sons and daughters under Part III, customary practices in many communities continue to exclude women and girls from inheritance of agricultural land in practice. Any simplified or administrative succession process must be designed with explicit safeguards ensuring that informality does not translate into informally enforced discrimination. Regulations under any amended Act should mandate annual gender equity monitoring of succession outcomes at the county level, with reports submitted to the office of the Attorney General and to the Kenya National Human Rights Commission. The Commission similarly recommends strengthening protections for children and other vulnerable groups under Part IV of the Act, including mandatory appointment of guardians ad litem for minors in both administrative and judicial proceedings, and robust screening by Administrative Succession Officers to identify and escalate matters where children's rights are at risk.
- 86) The success of succession reform further depends on sustained public legal literacy and institutional capacity. KLRC recommends development of a comprehensive Succession Rights and Process Information Package, disseminated in multiple languages through community radio, barazas, Huduma Centres, and digital platforms, in partnership with the Kenya School of Government, the National Legal Aid Service, and county governments. This should be accompanied by structured capacity building for Judiciary staff, land registry officers, civil registration officers, and the proposed Administrative Succession Officers, with the Judicial Training Institute developing and operationalizing a dedicated training programme in partnership with KLRC and the Law Society of Kenya.
- 87) Finally, the Commission underscores the importance of data-driven governance. There is currently no systematic collection of data on pending succession matters, processing times, geographic distribution of applications, or beneficiary demographics, making it difficult to measure the problem or evaluate reforms. The Judiciary's Performance Standards and Measurement System should be expanded to capture succession-specific data, and an annual succession reform progress report should be prepared and laid before the National Assembly to ensure ongoing legislative oversight.

KLRC's Recommendations

- 88) In light of the foregoing analysis, the KLRC submits that the Law of Succession Act (Cap. 160) should be comprehensively reviewed and amended to:
 - i) Introduce a statutory small estate track with a prescribed monetary threshold, simplified procedural requirements, and administrative issuance of Certificates of Succession without a court order;

- ii) Establish a cadre of Administrative Succession Officers with authority to receive, process, and confirm uncontested succession applications at the county level, with clear escalation procedures for contested matters;
 - iii) Vest concurrent original jurisdiction over succession matters in magistrates' courts at the Senior Resident Magistrate level and above, for estates below a prescribed monetary value;
 - iv) Authorize and require digital filing of applications, digital publication of statutory notices through official government platforms, and electronic issuance of grants of representation and Certificates of Succession; and
 - v) Introduce a mandatory pre-application family mediation step for contested matters, establish a specialized succession mediator register, and provide for registration and legal recognition of mediated succession agreements.
- 89) The Probate and Administration (Fees) Rules should be reviewed to introduce a sliding scale fee structure with reduced or waived fees for small estates and income-tested waivers for indigent applicants.
 - 90) An Integrated Digital Succession Platform should be developed, interfacing with the CRVS and ILRAS, and accessible through all forty-seven Huduma Centres and the e-Citizen portal.
 - 91) The Legal Aid Act, 2016 should be amended to expressly include succession matters within the defined scope of legal aid services.
 - 92) Dedicated probate registries should be established at the county level in all forty-seven counties, supported by adequate budgetary allocations.
 - 93) A Community Succession Facilitation Programme should be developed in partnership with the National Land Commission, county governments, and civil society.
 - 94) Gender equity safeguards should be built into the reformed framework, with mandatory annual gender equity monitoring of succession outcomes at the county level.
 - 95) Protections for children under Part IV of the Law of Succession Act should be strengthened and expressly extended to administrative succession proceedings.
 - 96) A nationwide public awareness and legal literacy programme on succession rights should be developed and implemented across all forty-seven counties.
 - 97) The Judiciary's Performance Standards and Measurement System should capture succession-specific data, with an annual succession reform progress report laid before the National Assembly.

Conclusion

- 98) The KLRC commends the Petitioners for bringing to Parliament a matter of profound economic and social importance, particularly for the rural poor, women, children, widows, and other vulnerable groups whose access to the productive assets of deceased family members is impeded by a legal and administrative framework that has remained largely unchanged for over four decades. The succession backlog, with productive land and other assets locked in the names of deceased persons across Kenya, represents a structural

constraint on economic growth, credit access, agricultural productivity, and the realization of the constitutional right to property under Article 40.

- 99) The Law of Succession Act (Cap. 160) requires comprehensive reform aligned with the Constitution of Kenya 2010, the government's digital transformation agenda, and the constitutional imperative of genuine access to justice for all Kenyans. The reforms recommended in this memorandum are systemic, mutually reinforcing, and grounded in constitutional requirements and international best practice.

PART FOUR

4. COMMITTEE OBSERVATIONS

Upon hearing from the Petitioners, Office of the Attorney General and the Kenya Law Reform Commission, the Committee observed that—

- 100) Across the country many parcels of land that remain legally registered in the names of deceased persons because ownership has not been formally transferred through succession. As a result, productive assets remain physically present but economically constrained.
- 101) Although succession is fundamentally a legal and administrative matter governed by the Law of Succession Act (Cap.160), the current legal and administrative framework does not adequately facilitate accessible, affordable, and timely succession processes.
- 102) International experience demonstrates that simplified procedures, administrative settlement mechanisms, decentralized probate services and digitization can significantly improve outcomes while safeguarding beneficiaries.
- 103) Further, there is need to sensitize members of the public on the importance and the procedure of succession, and on the consequences of failing to undertake it in a timely manner. Many of the difficulties identified by the Petitioners (land remaining registered in the names of deceased persons, families occupying land without formal legal ownership, and reduced access to credit) are compounded by a lack of public awareness.
- 104) The Office of the Public Trustee, under the Public Trustee Act, administers estates summarily, without the need to file a petition in court for estates whose gross value is Kshs. 3,000,000 and below, through the issuance of a Certificate of Summary Administration. This summary process is typically concluded within six (6) months, substantially faster than the court process.
- 105) The Office of the Attorney General was in the process of decentralization aimed at extending its services to all counties across the country, with Public Trustee Services forming a key part of this expansion and has so far established offices in thirty-three (33) counties. This effort is intended to bring essential legal and trustee services closer to citizens.

PART FIVE

5. COMMITTEE RECOMMENDATIONS

106) Pursuant to the provisions of Standing Order 227, the Committee responds to the Petition as follows—

i) On the prayer that the Committee initiates a review and amendment of the Law of Succession Act (Cap.160), to provide for simplified succession procedures for small estates, administrative settlement of uncontested estates, as well as expanded and decentralized probate services across the country; **The Committee recommends that within ninety (90) days upon tabling of this report, the Attorney General in liaison with the Kenya Law Reform Commission submits to the National Assembly proposals to amend the Law of Succession Act, including but not limited to, estates below a prescribed value be wound up through a fastened and simplified procedure, introduction of a dedicated statutory small estate track defined by a monetary value threshold, administrative processing of uncontested cases and vest concurrent original jurisdiction over succession matters in lower (magistrates) courts for estates not exceeding a prescribed monetary value.**

ii) On the prayer that the Committee calls for review and rationalization of costs associated with succession processes, promotion of digitization and integration of succession, civil registration, and land administration systems, and strengthening of mediation and alternative dispute resolution mechanisms in succession matters; **The Committee recommends that within ninety (90) days of tabling of this report, the Attorney General should gazette revised Probate and Administration (Fees) Rules to introduce a sliding scale fee structure with reduced/ waived fees for small estates and indigent applicants.**

Further the Committee recommends that the Attorney General operationalizes an Integrated Digital Succession Platform through Huduma Centres and the e-Citizen portal and additionally, a dedicated probate registry be established at the county level in all forty-seven counties, within the financial year 2026/27.

iii) On the prayer that the Committee takes any other legislative and administrative measures necessary to facilitate timely, accessible, and equitable succession processes in Kenya; **the Committee recommends that within ninety (90) days of tabling of this report, the Attorney General submits to the National Assembly amendments to the Legal Aid Act, (Cap 16A) to expressly include succession matters within the defined scope of legal aid services.**

Signed:  Date: 30/09/2026

HON. MUCHANGI KAREMBA, M.P.

CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

THE NATIONAL ASSEMBLY
PAPERS LAID
DATE: 30 SEP 2026
DAY: Wednesday
TABLED BY: Hon. Jane Sitereri M.P.
CLERK-AT-THE-TABLE: Vice-Chairperson
hemaie

ANNEXURES

- Annex 1: Report Adoption List
- Annex 2: Public Petition No.15 of 2026 regarding reform of Succession law and administration of estates in Kenya
- Annex 3: Minutes of proceedings

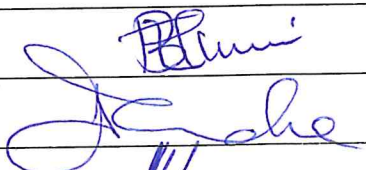
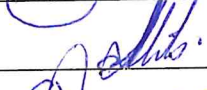
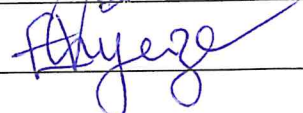
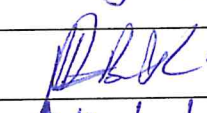
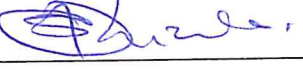
PUBLIC PETITIONS COMMITTEE

ADOPTION LIST

- (i) Consideration and adoption of the P/No. ¹⁵~~08~~ of 2026 regarding Succession law and administration of estates in Kenya by Eng. John Mruttu, former Governor, Taita Taveta County**

We, the undersigned, hereby affix our signatures to this Report to affirm our approval:

DATE: 21/9/2026

	HON. MEMBER	SIGNATURE
1.	Hon. Muchangi Karemba, CBS, M.P. (Chairperson)	
2.	Hon. Janet Jepkemboi Sitienei, CBS, M.P. (Vice Chairperson)	
3.	Hon. Patrick Makau King'ola, M.P.	
4.	Hon. Beatrice Kadeveresia Elachi, CBS, M.P.	
5.	Hon. Joshua Chepyegon Kandie, M.P.	
6.	Hon. Maisori Marwa Kitayama, M.P.	
7.	Hon. Edith Vethi Nyenze, M.P.	
8.	Hon. Patrick Ntwiga Munene, CBS, M.P.	
9.	Hon. Paul Biego Kibichy, M.P.	
10.	Hon. (Eng.) Bernard Muriuki Nebart, M.P.	
11.	Hon. Peter Mbogho Shake, M.P.	
12.	Hon. Suzanne Ndunge Kiamba, M.P.	
13.	Hon. John Bwire Okano, M.P.	
14.	Hon. Sloya Clement Logova, M.P.	
15.	Hon. Peter Irungu Kihungi, M.P.	