

**THE PETROLEUM ACT
(CAP. 308)**

IN EXERCISE of the powers conferred by sections 108, 126 and 127 of the Petroleum Act (Cap. 308), the Cabinet Secretary for Energy and Petroleum makes the following Regulations–

**DRAFT PETROLEUM (UPSTREAM PETROLEUM ACCESS TO LAND)
REGULATIONS, 2026.**

PART I - PRELIMINARIES		
Citation	1.	These Regulations may be cited as Petroleum (Upstream Petroleum Access to Land) Regulations, 2026.
Interpretation Cap. 308	2.	In these Regulations, unless the context otherwise requires– “Act” means the Petroleum Act; “Authority” means the Energy and Petroleum Regulatory Authority established under Section 9 of the Energy Act (Cap. 314). “best petroleum industry practice” has the same meaning assigned to it under section 2 of the Act; “Cabinet Secretary” means the Cabinet Secretary for the time being responsible for petroleum; “Commission” means the National Land Commission established by Article 67 of the Constitution; “Committee” means an ad-hoc Access to Land Acquisition and Resettlement Committee established under sub-regulation 15(1); “community” has the meaning assigned to it under section 2 of the Community Land Act (Cap. 280); "Community land" has the meaning assigned to it under

		Article 63 of the Constitution; “compensation” means payment in cash or in kind to a person in recognition of loss, suffering or injury; "Compulsory acquisition" has the same meaning as assigned to it under section 2 of the Land Act (Cap. 280); “Economic displacement” means loss of income streams or means of livelihood caused by land acquisition or obstructed access to land, resulting from the construction or operation of a project or its associated facilities; “Field Development Plan” means the development plan described under section 30(2) of the Act and shall include a joint development plan as described under section 36(4) of the Act “Framework” means an Access to Land, Acquisition and Resettlement Framework under these regulations; “Access to Land” means the temporary occupation or acquisition of rights to land other than full property rights , such as rights of way or certain usufructuary rights; “land acquisition” means land acquisition under section 7 of the Land Act (Cap. 280) “land restoration” means the process of restoring an area of land to as near as it may be to the state in which it was at the time of access to land or land acquisition by the project proponent; “livelihood” means the full range of means comprising of capabilities, assets (including both material and social resources) and activities required for individuals, families or communities to generate an income to secure the necessities of life; “livelihood restoration” means programs or measures designed specifically to maintain or improve the assets,
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		levels of economic productivity or standards of living to project-affected person whose livelihoods are adversely affected by the project; “physical displacement” means the loss of primary shelter, commercial or other premises resulting from the acquisition of land for a project that requires the project-affected persons to move to another location; “private land” has the meaning assigned to it under Article 64 of the Constitution; “project affected persons” means individuals who are adversely affected either by physical, economic, cultural and/or spiritual displacement by the access to land or acquisition of land for a project; “project proponent” means a contractor, or a holder of a non-exclusive exploration permit or, or any other person authorised to conduct onshore upstream petroleum operations; "public land" has the meaning assigned to it under Article 62 (1) of the Constitution;
Application	3.	(1) These Regulations shall apply to: (a) access to land for onshore upstream petroleum operations; (b) acquisition of an interest in land for onshore upstream petroleum operations; and (c) resettlement and livelihood restoration related to onshore upstream petroleum operations. (2) These Regulations shall not apply to: (a) access to land or acquisition of an interest in land for upstream petroleum operations being undertaken offshore; and (b) midstream and downstream petroleum operations.

Objectives	4.	(1) The objectives of these Regulations are to provide for the following; (a) an approach for access to land for onshore upstream petroleum operations; (b) promotion of onshore upstream petroleum projects while promoting and protecting the rights and freedoms of project-affected persons, project proponents and owners or occupiers of land; (c) preparation, submission, review, approval and implementation of Access to Land, Acquisition and Resettlement Frameworks; (d) establishment of a committee and its functions in Access to Land, acquisition and resettlement in onshore upstream petroleum operations; (e) procedures for land restoration and reversion upon completion of onshore upstream petroleum operations; and (f) any other related matters.
Guiding principles	5.	In these Regulations, Access to Land, acquisition and resettlement shall be guided by the principles of land policy under Article 60(1) of the Constitution, the relevant land laws, and best petroleum industry practices.
PART II – ACCESS TO LAND		
Access to Land	6.	(1) A project proponent who intends to enter upon any land to carry out a survey of the land to undertake exploration activities relating to petroleum operations shall seek the prior consent of the owner or occupier of the land in the specified land consent agreement form in the First Schedule. (2) The project proponent shall submit the signed land consent agreement form to the Authority upon payment of the prescribed fee in the Second Schedule. (3) Where land being accessed is community land, access and acquisition shall be in accordance with the Community Land Act (Cap. 287).

		(4) Where the owner or occupier of the land, for purposes of sub-regulation (1), cannot be traced, the project proponent shall ; (a) Publish a 30-day notice in the Gazette and in at least two newspapers of nationwide circulation; (b) make an announcement on a radio station(s) of local coverage in the area within the subject land for a period of two weeks; (5) The notice referred to in sub-regulation (4) shall be in the Form A set out in the Third Schedule. (6) Where the owner or occupier of the land cannot be found after the expiry of the notice under sub-regulation (4), then the project proponent shall seek consent from the Commission in Form B specified in the Third Schedule. (7) Where the owner or occupier declines to grant consent to access land to the project proponent for purposes of sub-regulation (1), then the project proponent shall seek consent from the Commission in the Form B specified in the Third Schedule. (8) The Commission may authorize in writing any project proponent to enter upon any land upon application under sub-regulations (6) or (7). (9) For purposes of sub-regulation (8), compensation for damage resulting from entry authorized by the Commission, shall be determined by the Commission in accordance with the relevant written laws. (10) Any person who contravenes the provisions of sub-regulations (1) and (4) commits an offence and shall, on conviction, be liable to the penalties specified in section 124 of the Act.
Development of Petroleum	7.	(1) No person shall plan, place, construct or install onshore petroleum facilities on any land without agreeing in writing with the landowner or occupier on the terms and conditions of access to enable such development or without any other lawful authorisation.

		(2) A project proponent who has agreed in writing with the landowner or occupier under sub-regulation (1) shall, within 14 days of entering into such an agreement, deposit a certified copy of the agreement thereof to the Authority: Provided that if there is any amendment or termination to the said agreement, such amendment or termination shall be submitted or notified, as the case may be, in writing to the Authority within 10 days. (3) Any person who contravenes the provisions of sub-regulation (1) commits an offence and shall, on conviction, be liable to the penalties prescribed in the section 124 of the Act.
Compensation	8.	(1) Whenever an owner or occupier of land or any person suffers denial, loss, damage or injury caused by access to land authorized under sub-regulation 6(1), such owner or occupier of land or such person shall be entitled to compensation in accordance with the Act and any other relevant written laws. Provided that this regulation shall not apply to compensation under sub-regulation 6(9) and regulation 9. (2) Whenever in the course of upstream petroleum operations, the project proponent; (a) denies the owner or occupier of the land the right to quiet enjoyment; (b) causes loss of use of or damage to land, crops, trees, buildings, stock or works therein or thereon; (c) causes loss of life or personal injury to the owner or occupier of any land or to his/her agents, workmen or servants; or (d) causes damage by any irregularity, trespass, or other wrongful proceedings, The project proponent shall be liable for compensation to an owner or occupier of land or any person, as the case may be. (3) While assessing compensation, the following factors shall be considered:

		(a) damage sustained or likely to be sustained to the owner's or occupier's property, whether movable or immovable, in any other manner on his or her actual earnings; (b) reasonable expenses incidental to the relocation of the project affected persons who will be compelled to change residence or place of business; and (c) any other relevant factor. (4) If the project proponent fails to pay or make compensation when demanded, or if an owner or occupier or any person is dissatisfied with the amount or nature of any compensation offered to him or her thereunder, the owner or occupier or any person may refer the matter to the Commission. (5) A person dissatisfied with compensation processes under sub-regulation (4) may complain to the Land Acquisition Tribunal established under Section 133C of the Land Act.
Compulsory acquisition of land	9.	(1) Where a project proponent fails to agree in writing with the landowner or occupier as provided for under regulation 7, the project proponent may apply to the Cabinet Secretary to facilitate the acquisition of such land in accordance with section 116 of the Act. (2) If the Cabinet Secretary is satisfied that the project proponent meets the requirements of section 116 (1) of the Act, the Cabinet Secretary may apply for compulsory acquisition to the Commission.
PART III - ACCESS TO LAND AND ACQUISITION AND RESETTLEMENT FRAMEWORK		
Access to Land and Acquisition and Resettlement Framework	10.	(1) A project proponent shall prepare in accordance with this Part, an Access to Land and Acquisition, and Resettlement Framework or any variation thereof: (a) upon approval or variation of the Environmental and Social Impact Assessment for the project in accordance with EMCA (Cap. 387), and prior to commencing any upstream petroleum

		operations which have a significant impact on the displacement of project-affected persons; or; (b) during the submission of a field development plan or a joint field development plan by a contractor to the Authority.
Preparation of the Framework	11.	(1) The project proponent shall engage a competent team of experts led by a lead expert to develop the terms of reference for the preparation of the framework and submit the terms of reference to the Authority prior to commencement of preparation of the framework. Provided that any person involved in the development of the terms of reference shall not be involved in the preparation of the framework. (2) The team of experts specified in regulation (1) shall include specialities in environment, social, legal and economics. (3) The Authority shall review the terms of reference and composition of the team of experts under sub-regulation (1) within twenty-one (21) days upon submission by the project proponent. (4) Subject to sub-regulation (2), the framework shall be prepared in accordance with all relevant written laws and best petroleum industry practices. (5) The framework shall include but shall not be limited to the following: (a) policy, legal framework, and applicable standards; (b) procedure of Access to Land and acquisition; (c) scoping and risk assessment; (d) planning for the framework process; (e) baseline data collection; (f) livelihood restoration; (g) stakeholder engagement; (h) grievance redress mechanisms;

		(i) implementation of the framework; (j) monitoring and evaluation; (k) land restoration and reversion; (l) framework data management; (m) roles and responsibilities of all the relevant agencies; and (n) composition of the team of experts who developed the framework and their qualifications.
Public participation during the preparation of the framework	12.	(1) During the preparation of the framework, the project proponent shall seek and record the views of persons who may be affected by the project by: (a) holding at least two (2) public meetings or such number as determined in the approved terms of reference under sub-regulation 11(1), with the affected parties and communities including the women, youth, persons with disability and other vulnerable groups in a venue convenient and accessible, and in a language understandable by the various stakeholders, to explain the project and its effects and to receive their oral or written comments; (b) ensuring that appropriate notices indicating the dates, times and venues of the meetings are publicized to the affected communities and the other concerned parties at least seven (7) days prior to the meetings referred to in paragraph (a) above; (c) placing posters in strategic public places and in the vicinity of the site of the proposed project, to inform the affected parties and communities of the meetings, so as to reach persons described in paragraph (a) above; and, (d) annexing the reports, minutes,

		proceedings, notice, list of attendance, and photographic, audio and video evidence of the public meetings. (2) The project proponent shall perform public disclosure in accordance with these Regulations and the Data Protection Act (Cap. 411C).
Submission of the framework	13.	(1) A project proponent shall submit at least ten (10) printed copies and an electronic copy of the framework, or in the manner prescribed by the Authority and accompanied by a duly completed submission form set out in the Fourth Schedule, upon payment to the Authority of the fees in the Second Schedule. (2) Upon submission of the framework to the Authority under sub-regulation (1), the Authority shall, within seven (7) days, conduct a preliminary review of the documentation received from the project proponent to determine the material completeness of the framework. (3) The Authority may request further information from the project proponent prior to notifying the Cabinet Secretary of the submission of the framework.
Access to Land, Acquisition and Resettlement Committee	14.	(1) There shall be established an ad-hoc Access to Land, Acquisition and Resettlement Committee for each submitted framework, which shall perform the functions in regulation 15. (2) The Cabinet Secretary shall, within twenty-one (21) days of being notified by the Authority of the submission of a complete framework by a project proponent, appoint the Committee, which shall be comprised of competent representatives from at least the following institutions: a) The Ministry responsible for petroleum, which shall chair the committee; b) Ministry responsible for land matters; c) Authority who shall be the Secretary; d) State department responsible for social protection; e) National Environment Management Authority; f) National Land Commission;

		g) relevant/affected county government(s); h) a representative of the Office of the Attorney General; and i) a representative from the local community where the proposed project is located. (3) The Cabinet Secretary may co-opt any other person as may be deemed necessary on the recommendation of the Committee.
Functions of the Committee	15.	(1) The Committee shall carry out the following functions: (a) review the framework and advise the Cabinet Secretary thereto; (b) oversee the management of the framework; (c) coordinate with other relevant entities as the case may be; and (d) such other functions as may be assigned in writing by the Cabinet Secretary.
Notice to the public.	16.	(1) The Committee shall, within ten (10) days of being appointed, prepare and issue a notice: (a) inviting the public to make written comments on the framework within thirty (30) days; and (b) inviting the public for a public hearing to be conducted no later than forty-five (45) days after the expiry of the notice period in paragraph (a). (2) The Committee shall, at the expense of the project proponent: (a) publish the notice on the proposed project in the Gazette and in at least two (2) newspapers of nationwide circulation; (b) make an announcement of the notice in both official and local languages on radio station(s) widely broadcasting in the area or the proposed area of the project; and (3) The notice under sub-regulation (1) shall be in the form specified in the Fifth Schedule. (4) The Committee may, on its own motion or on application by any person, extend the notice period stipulated in sub-regulation (1) so as to afford a reasonable opportunity for

		public participation.
Public hearing	17.	(1) The Committee shall, in consultation with the relevant National Government Administration Officers, hold a public hearing as stipulated in this regulation. (2) The public hearing shall be conducted at a venue convenient and accessible to people who are likely to be affected by the framework. (3) All public hearings shall be conducted in an informal and non-adversarial forum to create a conducive environment for participation by all stakeholders, including youth, women, persons with disabilities and other vulnerable groups, to permit a fair and full examination of all information presented. (4) The Committee, in consultation with National Government Administration Officers, shall determine the rules of procedure at the public hearing. (5) The project proponent shall be given an opportunity to make a presentation and to respond to specific issues raised at the public hearing. (6) Upon the conclusion of the public hearing, the Committee, in consultation with National Government Administration Officers, shall compile a report of the views presented at the public hearing.
Power of the Committee to request more information	18.	(1) The Committee may, during the review of the framework or any variation thereof, require any person to provide more information or documents. (2) Such a person shall provide the information or documents referred to under sub-regulation (1) within seven (7) days of the request. (3) For purposes of this regulation, the period of time for review of the framework or of a variation under regulation 18 and sub-regulation 23(4), respectively, shall stop running from the time the request under sub-regulation (2) is made until the Committee has received the information or documents and is satisfied as to their completeness.
Determination	19.	(1) Upon receipt of the recommendations from the

		Committee under regulation 18, the Cabinet Secretary shall, within fourteen (14) days: (a) approve the framework; (b) approve the framework with conditions; or (c) Reject the framework with reasons. (2) The determination in sub-regulation (1) above shall be communicated to the project proponent in writing. (3) A project proponent shall not commence any upstream petroleum operations before the approval of the Framework.
Variation of the Framework	20.	(1) A project proponent may apply to the Authority to vary an approved framework in the form prescribed in the Sixth Schedule and shall submit two (2) printed copies and an electronic copy of the proposed variation, reasons thereof, impact and any other relevant information, upon payment of a prescribed fee in the Second Schedule. (2) The Authority shall, within seven (7) days of submission of the variation under sub-regulation (1), conduct a preliminary review of the documentation received from the project proponent to determine the material completeness of the variation. (3) The Authority may request further information from the project proponent prior to forwarding the proposed variation to the Committee for review. (4) The Committee shall, within thirty (30) days of notification by the Authority under sub-regulation (3), make a determination as to whether or not the proposed variation is substantive. (5) Where the Committee determines that the proposed variation is substantive, the Committee shall make recommendations to the Cabinet Secretary as to the appropriate review procedure to be applied in reviewing the proposed variation. (6) Where the Committee determines that the proposed variation is minor, the Committee shall finalize the review and advise the Cabinet Secretary accordingly. (7) Upon receipt of the recommendations from the Committee, the Cabinet Secretary shall, within fourteen

		(14) days: a) make a determination on the applicable review procedure under sub-regulation (5); b) approve the variation with conditions; or c) reject the variation with reasons. (8) The determination in sub-regulation (7) above shall be communicated to the project proponent in writing.
PART IV - LAND RESTORATION AND REVERSION		
Land Restoration and Reversion	21.	(1) The project proponent, upon cessation or completion of upstream petroleum operations, shall, unless otherwise approved by the Authority, undertake decommissioning and restoration for any Access to land acquired temporarily, permanently, compulsorily or negotiated in accordance with relevant written laws. (2) Where the project proponent fails to utilize compulsorily acquired land for the intended purpose, breaches any term or condition of the lease or upon completion of the upstream petroleum operations on compulsorily acquired land, the land shall revert to the National Government. (3) Where the National Government intends to dispose of compulsorily acquired land or the compulsorily acquired land is not utilized for the intended purpose, the original owner or occupier shall be given the first right of refusal to acquire the land.
PART V – MONITORING AND EVALUATION		
Monitoring	22.	(1) The project proponent shall, in consultation with the Committee, monitor and evaluate the implementation of the framework. (2) The Committee shall oversee the monitoring and evaluation of the framework. (3) The project proponent shall submit a detailed report on monitoring and evaluation to the Authority at least thirty (30) days before the end of every calendar quarter, and any other period that may be prescribed. (4) The project proponent shall submit a report on monitoring and evaluation and recommendations, if any, to the

		Cabinet Secretary every six (6) months, and any other period that may be prescribed.
Completion audit	23.	(1) The Cabinet Secretary shall engage an independent expert to undertake a completion audit of the Access to Land and acquisition process. (2) The completion audit shall be undertaken to ensure that the Access to Land and acquisition process complies with applicable standards, planning objectives, commitments of the framework and written laws. (3) The audit shall be undertaken one (1) year after physical and economic displacement has taken place, at least five (5) years after the start of implementation of livelihood restoration measures and at any other time as may become necessary. (4) Upon conclusion of the audit, the expert shall submit a report of his or her findings and recommendations to the Cabinet Secretary.
PART VI - MISCELLANEOUS		
Data Management	24.	(1) Any data or information with respect to which these regulations apply shall be managed in accordance with all written laws. (2) Subject to sub-regulation (1) above, the project proponent shall have an obligation to provide access to data and information to the Cabinet Secretary. (3) The Committee's report documenting the findings shall be prepared and publicly disclosed to the project-affected persons and other relevant stakeholders.
Complaints	25.	(1) Where a person is dissatisfied with the resolution of a complaint under the grievance management and conflict resolution process under an approved framework, such person may, in writing, make a complaint to the NLC through the Authority with respect to the Access to Land acquisition and resettlement process for review. (2) Where a person is dissatisfied with the decision of the NLC, such a person may, within thirty (30) days, appeal to

		the Land Acquisition Tribunal established under Section 133A of the Land Act, Cap. 280 of the Laws of Kenya.
Appeals	26.	(1) A person aggrieved by a decision or order of the Land Acquisition Tribunal established under Section 133A of the Land Act, Cap. 280 of the Laws of Kenya may, within thirty (30) days of such a decision or order, appeal against such decision or order to the High Court or a court of equal status.
Offences and Penalties	27.	(1) A person who commits an offence deemed to be an economic crime under the Act shall, upon conviction, be liable to penalties described under section 121 of the Act. (2) A person who wilfully trespasses, obstructs, encroaches on, squats, or in any way interferes with land or access to land used or intended to be used for upstream petroleum operations shall, upon conviction, be liable to the penalties prescribed in the Seventh Schedule. (3) A person who commits an offence under these Regulations for which no express penalty is provided shall, on conviction, be liable to the penalties prescribed under section 124 of the Act. (4) A person who makes a false statement or a statement which he has reason to believe is untrue, to the Cabinet Secretary or to the Authority, shall, upon conviction, be liable to penalties prescribed under section 48 of the Act.

FIRST SCHEDULE

Petroleum (Upstream Petroleum Access to Land) Regulations, 2026

Regulation 6(1)

The Petroleum Act (Cap. 308)

1. A project proponent and owner/occupier of land shall enter into and submit to the Authority a duly completed and signed Access to Land Consent Agreement Form as provided below:

Sch. 1	Petroleum (Upstream Petroleum Access to Land) Regulations, 2026 Regulation 6(1) The Petroleum Act (Cap. 308) ACCESS TO LAND CONSENT AGREEMENT FORM
	This Form shall be submitted in complete original copies together with supporting documents; one (1) to the Authority and one (1) to the Cabinet Secretary.
1. Parties, beneficiaries and PSC/permit	Project proponent: Name:_____ Company registration number:_____ Nationality:_____ Address:_____ Production Sharing Contract (PSC): {provide details of parties; execution date; Block; exploration period; start date of exploration period; end date of exploration period}

	Non-exclusive exploration permit: { provide details of name permit holder(s); permit number/reference; date of issue; Block, date of expiry; permit area} Landowner and/or occupier: Name: _____ National identity card number(s), company registration number, etc.: _____ Address: _____ Indicate whether: registered owner; registered lessee, registered trustee (individual or body corporate); County Government (in case of unregistered community land), Registered Community Land Management Committee; Names of occupiers and/or beneficiaries: _____
2. Particulars of land	Land parcel/title registration number: _____ Description of precise physical location (County, area, locality, etc.): _____ Georeferencing of precise physical location: _____ Acreage: _____ Type of land tenure: _____ End period of land tenure (if any): _____ Type of land use: _____ Description of developments (bare, buildings, crops, forest, etc.): _____

3. Description of upstream petroleum operations	List all upstream petroleum operations to be carried out on the land:
4. Project proponent's covenants	4.1 The project proponent confirms that it holds the PSC or non-exclusive exploration permit described in clause 1 and thereby has all lawful authority to conduct the upstream petroleum operations described in clause 3. 4.2 The project proponent shall conduct the upstream petroleum operations described in clause 3 on the Owner's land in accordance with relevant written laws and as agreed by the Parties herein. 4.3 The project proponent undertakes to compensate the Owner in accordance with these Regulations and all relevant written laws. 4.4 In consideration thereof, the project proponent shall pay rent as agreed by the Parties.
5. Owner's/occupier's covenants	5.1 The Owner confirms that it is the registered owner; registered lessee; lawful occupier; lawful beneficiary as described in clause 1. 5.2. The Owner/occupier confirms that it possesses all lawful authority, and where necessary has sought and has been granted all such lawful authority, to grant and hereby so grants access to the project proponent to undertake the upstream petroleum operations described in clause 3 on terms and conditions agreed by the Parties. 5.3 The Owner/occupier confirms that it has at all times acted and continues to act of its free will in negotiating and signing this Form and all relevant agreements (if any) with the project proponent.

6. Term and renewal	The term of access to land shall be from [date] to [date]. The Parties have [agreed] [not agreed] to make provision for renewal/extension of the term for a further period of [defined] term.
7. Dispute resolution	Both Parties agree to exhaust the agreed-upon alternative dispute resolution mechanisms in the event of a dispute/conflict. The Parties shall, within fourteen (14) days, notify the Authority and the Cabinet Secretary of any dispute/conflict, and of the progress and resolution thereof. Any such notification to the Authority or Cabinet Secretary shall not entitle either Party to any action and/or remedy by the Authority or Cabinet Secretary with respect to the dispute/conflict.
	Dated _____ at _____ Project proponent: I/we hereby declare that the above information is true to the best of my/our knowledge, information and belief. I understand that the provision of any false statement is an offence under sections 47 and 48 of the Act and may lead to the cancellation, suspension, or otherwise of the consent. Name of authorized representative: _____ Signature: _____ Official endorsement (if any): _____ Witnessed by _____ Owner/occupier:

	I/we hereby declare that the above information is true to the best of my/our knowledge, information and belief. I understand that the provision of any false statement is an offence and may lead to the cancellation, suspension, or otherwise of the consent. Name of Owner or authorized representative:_____ Signature: _____ Official endorsement (if any): _____ Witnessed by_____	
List of copies of supporting documents submitted by each party as applicable	Including but not limited to: ○ Certified copies of Identification documents for the individuals and Directors ○ certified copies of duly signed supplemental/definitive Access to Land consent agreement between the Parties ○ certified copies of official land search ○ certified copies of the company search or an equivalent for foreign companies ○ certified copies of the title document ○ incorporation certificate ○ tax compliance certificate ○ KRA PIN ○ Any other relevant documents.	
FOR OFFICIAL USE ONLY		
Date of complete submission		
List of submitted attachments		

Checked by/date		
Verified by/date		

2. Where a Project proponent and owner/occupier of land enter into a definitive Access to Land agreement subject to paragraph 3, the Access to Land Consent Agreement Form in paragraph 1 above shall prevail over such other agreement in the event of a conflict or inconsistency.
3. Any definitive Access to Land agreement entered into between a Project proponent and owner/occupier of land shall contain at a minimum the following provisions:
 - i. Name of the parties
 - ii. Owner of the property
 - iii. Next of Kin to the registered landowner
 - iv. Access to Land fee
 - v. The title/parcel number
 - vi. Effective date
 - vii. Project proponent's covenants
 - viii. Landowner's covenants
 - ix. Landowner's warranties and representations
 - x. Alienation
 - xi. Movable and Project proponent's improvements
 - xii. Default and termination
 - xiii. Renewal, if desired
 - xiv. Ancillary rights
 - xv. Notices
 - xvi. Governing law
 - xvii. Dispute resolution
 - xviii. Legal intention to be bound;
 - xix. Date of execution; and
 - xx. Any other relevant clauses.

SECOND SCHEDULE

Petroleum (Upstream Petroleum Access to Land) Regulations, 2026

Regulations 6(2), 15(1) and 23(1)
APPLICABLE FEES

Regulation no.	Item	Fees in Kshs. Equivalent to (USD)
6 (2)	Submission of Access to Land Consent Agreement Form	Nil
13(1)	Framework Submission	50,000
21(1)	Framework Variation	10,000

**THIRD SCHEDULE
REPUBLIC OF KENYA**

THE PETROLEUM ACT (Cap. 308)

**PETROLEUM (UPSTREAM PETROLEUM ACCESS TO LAND) REGULATIONS,
2026**

Regulation 6(5)

NOTICE TO THE PUBLIC

**Notice to the Public for Access to Land to carry out a survey/inspection of land to
undertake exploration activities relating to petroleum operations**

Pursuant to Regulation 6(5) of the Petroleum (Upstream Petroleum Access to Land) Regulations, 2026....., the (Project proponent) HEREBY GIVES NOTICE of its intention to enter upon the land described below for purposes of carrying out a survey to undertake exploration activities relating to petroleum operations.

Description of the Land:

LAND REGISTRATION NO:

AREA:

COUNTY:.....

GPS CO-ORDINATES:

Details of the Registered Owner

NAME OF REGISTERED OWNER.....

LAST KNOWN ADDRESS.....

Details of the Project proponent

NAME OF PROJECT PROPONENT:

.....

CONTACT DETAILS:.....

ADDRESS:

TAKE NOTICE that if no objection is received by the Project proponent in writing, within the next thirty (30) DAYS of publication of this notice, the Project proponent may proceed to enter the subject land in accordance with the Act for purposes of undertaking the Survey/inspection.

Dated.....

**Director
PROJECT PROPONENT**

THIRD SCHEDULE

REPUBLIC OF KENYA

THE PETROLEUM ACT (Cap. 308)

**PETROLEUM (UPSTREAM PETROLEUM ACCESS TO LAND) REGULATIONS,
2026**

**APPLICATION FOR CONSENT OF NATIONAL LAND COMMISSION TO ACCESS
LAND TO CARRY OUT A SURVEY/INSPECTION TO UNDERTAKE EXPLORATION
ACTIVITIES RELATING TO PETROLEUM OPERATIONS**

(Pursuant to Regulation 6(6) and 6(7))

To be submitted in TRIPLICATE in respect of each transaction and sent to or left at the appropriate office of the National Lands Commission

TO: THE NATIONAL LAND COMMISSION

P. O. Box

Nairobi

Application No.....

I/ We HEREBY apply to the NATIONAL LAND COMMISSION for its consent to enter upon land to carry out a survey/inspection of the land to undertake exploration activities relating to petroleum operations for the parcel of land described below, and give the following information:

1. (a) Present registered holder of interest (if known) (full name in BLOCK LETTERS):

.....

(b) Nationality:.....

(c) Address:.....

2. (a) Project proponent /Applicant. (full name in BLOCK LETTERS)

-
- (b) If a limited liability company, names of directors, authorised and issued share capital and principal shareholders;
- (c) Incorporation Certificate No.....
- (d) Address.....
- (e) PIN No.....
3. Nature of Consent sought (e.g. consent to enter upon land to carry out a survey of the land to undertake exploration activities relating to petroleum operations)
-
- ...
-
- ...
4. Term/Time Required (i.e approximate the length of time for which the survey is to take)
-
5. Description of Land-
- L.R. or Parcel No.....
- Area:
- Locality:
- County:.....
6. (a) Estimated value of the land:Kshs
- (Any other information affecting the amount of the consideration, particularly regarding the description and area of crops with estimated yields and value thereof)
- (b) Full description and approximate value of improvements on land
-
- (c) Any other special considerations
-
- .
7. A Notice to the Public on Access to Land has been issued pursuant to Regulation 6(5), and the thirty (30) day period has lapsed, and no objection has been received by the Project proponent :
- a) Date of Notice:.....

- b) Mode of Publication:
- c) Date of Publication:
- d) Coverage of the Publication (County, national, international):
.....

I/we hereby declare that the above information is true to the best of my/our knowledge, information and belief. I understand that provision of any false statement is an offence under sections 47 and 48 of the Act and may lead to cancellation, suspension or otherwise of the authorisation.

Signature of the Applicant.....

Name;.....

Designation:

Name of the Project proponent
/Applicant:.....

Witnessed by:.....

Date.....

Attachments:

1. Certificate of Incorporation
2. Copy of Company Search Certificate (CR12)
3. Copy of KRA PIN Certificate
4. Copy of KRA Tax Compliance Certificate
5. Copy of Notice/ Newspaper Advertisement
6. Copy of Land Search
7. Certified copies of the Identification Documents of the Directors of the Applicant

FOURTH SCHEDULE

**PETROLEUM (UPSTREAM PETROLEUM ACCESS TO LAND) REGULATIONS,
2026**

Regulation 13(1)

PETROLEUM (UPSTREAM PETROLEUM ACCESS TO LAND) REGULATIONS, 2026	
ACCESS TO LAND, ACQUISITION AND RESETTLEMENT FRAMEWORK (LAARF) SUBMISSION FORM	
Date:	
To:	The Director General Energy and Petroleum Regulatory Authority
PART A: DETAILS OF PROJECT PROPONENT	
A1 Name of Project proponent..... A2 Address..... A3. Production Sharing Contract (PSC): parties; execution date; Block; exploration period; start date of exploration period; end date of exploration period..... A4. Non-exclusive exploration permit: name of permit holder(s); permit number/reference; date of issue; Block, date of expiry; permit area A5 Name and designation of the contact person.....	

A6 Telephone

Number:.....

A7 Email:

PART B: Project Description

Description of the proposed
project.....
.....
.....

PART C: The LAARF

C1 Title of the proposed
LAARF:.....

C2 Location of the proposed LAARF (L.R. No., area, County and GPS
Coordinates).....

C3 Description of the LAARF activities

C4. Objectives and scope of the
LAARF.....

C5 EIA License
No:.....

PART D: DECLARATION BY THE PROJECT PROPONENT

I/we hereby declare that the above information is true to the best of my/our knowledge, information and belief. I understand that provision of any false statement is an offence under sections 47 and 48 of the Act and may lead to prosecution and/ cancellation, suspension or otherwise of the Framework.

Name of authorized representative: _____

Signature: _____

Official endorsement (if any):

Witnessed by

PART E: FOR OFFICIAL USE

Received byDate.....

Checked

byDate.....

Verified

byDate.....

Vetting comments

.....

.....

...

Officer.....Sign.....Date

.....

PART F: FOR OFFICIAL USE

Date of submission to the LAARF Committee.....

Date of submission of recommendations to the Cabinet

Secretary.....

.....

Important note;

1.0 Submit Ten (10) hard copies of the framework

2.0 Submit an electronic copy of the framework sent to info@epra.go.ke

3.0 Pay the fees prescribed in Schedule 2.

FIFTH SCHEDULE

Regulation 17

Petroleum (Upstream Petroleum Access to Land) Regulations, 2026

Notice to the Public to Submit Comments and Invitation for Public Hearing on Access to Land, Acquisition and Resettlement Framework for *[Title of the proposed project]* (LAARF)

Pursuant to Regulation 17 of the Petroleum (Upstream Petroleum Access to Land) Regulations, 2026....., the Energy and Petroleum Regulatory Authority has received LAARF Report for the implementation of the proposed LAARF [title of the Framework].....(brief description of the Framework).....at • • (locality) of County. The said LAARF anticipates the following effects to the community, landowner(s) and/or environment. (describe the anticipated resettlement; livelihood restoration, stakeholder engagement, grievance management, implementation programme, etc.).

The Framework of the proposed project may be inspected during working hours at:

- (a) Ministry responsible for Petroleum;
- (b) Ministry responsible for Mining;
- (c) The Energy and Petroleum Regulatory Authority (EPRA) Headquarters;
- (d) Relevant County Government offices
- (e) Relevant County Commissioner officer
- (f) EPRA Regional offices, where applicable;
- (g) Ministry responsible for Petroleum, Mining and EPRA websites (accessible 24 hours):

The Access to Land, Acquisition and Resettlement Committee invites members of the public to submit written comments within thirty (30) days of the date of publication of this notice to the Director-General, Energy and Petroleum Regulatory Authority (Authority Physical and Email Address).

The Access to Land, Acquisition and Resettlement Committee invites members of the public for a public hearing to be held at [details of the location]..... on [date]..... From [time].....

Dated this.....day of.....20.....

Signature.....

Project proponent.....

LAARF Committee Chairperson.....

SIXTH SCHEDULE

PETROLEUM (UPSTREAM PETROLEUM ACCESS TO LAND) REGULATIONS, 2026

(Regulation 21(1))

Application Ref. No.:

LAARF Approval Ref. No.:

APPLICATION FOR VARIATION OF ACCESS TO LAND, ACQUISITION AND RESETTLEMENT FRAMEWORK (LAARF)

PART A: PREVIOUS APPLICATIONS

A 1: Have there been any previous applications for variation of the LAARF? YES

NO

A 2: If yes indicate the application number(attach copy)

PART B: DETAILS OF APPLICANT

B 1: Name (Company):

B2: Company Registration No

B3: Postal Address:

B4: Name of contact person:

B5: Nationality:

B5: Designation of contact person:

B6: ID/Passport No:

B6: Postal Address of contact person:

B7: Telephone No:

B8: E-mail:

PART C: DETAILS OF LAARF APPROVAL

C 1: Name of the Project proponent of the LAARF:

.....

C2: Application No. of the LAARF:

C3: Date of approval of the LAARF:

PART D: PROPOSED VARIATIONS OF THE LAARF

D1: Approval Conditions in the LAARF:

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.....
..

D2: Proposed variation(s):

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

D3: Reason for variation(s):

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

D4: Describe the changes (the project, implementation of the Framework, resettlement, livelihood restoration, socio-economic and environmental/ecological etc.) arising from the proposed variations:

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

D5: Describe how the landowner(s) and the community, implementation of Framework, natural ecosystems might be affected by the proposed variations:

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D6: Describe how and to what extent the performance requirements set out in the Framework previously approved or previously submitted for this Framework may be affected

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

D7: Describe any additional measures proposed to eliminate, reduce or control any adverse changes arising from the proposed variation(s) process

.....
.....

D8: ESIA Licence No:..... Validity
period.....

PART E: DECLARATION BY APPLICANT

I/we hereby declare that the above information is true to the best of my/our knowledge, information and belief. I understand that provision of any false statement is an offence under sections 47 and 48 of the Act and may lead to prosecution and/ cancellation, suspension or otherwise of the Framework.

.....

NameDesignation

.....Signature

Witnessed by:.....

Date

On behalf of.....

Company name and seal

PART E: FOR OFFICIAL USE

Received by.....Date.....

Checked

by.....Date.....

Verified

by.....Date.....

Vetting comments

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

Officer.....Sign.....Date
PART F: FOR OFFICIAL USE
Date of submission to the LAARF Committee..... Date of submission of recommendations to the Cabinet Secretary.....

Important note.

4.0 Submit Ten (10) hard copies of the framework

5.0 Submit an electronic copy of the framework sent to info@epra.go.ke

6.0 Pay the fees prescribed in Schedule 2.