




Approved
DS/N/A
5th Nov 2024

THIRTEENTH PARLIAMENT – THIRD SESSION - 2024

PARLIAMENT
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REPORT OF:

THE MEDIATION COMMITTEE ON THE NATIONAL RATING BILL (NATIONAL
ASSEMBLY BILL NO. 55 OF 2022)

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 05 NOV 2024	
DAY: Tuesday	
TABLED BY:	Hon. Joses Helmeri MP Member, Mediation Committee
CLERK-AT THE-TABLE:	Moses Lomale

JOINT CLERKS' CHAMBERS
PARLIAMENT BUILDINGS
NAIROBI

OCTOBER 2024

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CHAIRPERSON'S FOREWORD

This report contains proceedings of the Mediation Committee on the National Rating Bill (*National Assembly Bill No. 55 of 2022*). The Senate considered the Bill and transmitted their amendments to the National Assembly for consideration on 9th May 2024.

The National Assembly approved the Motion on the Report of the Committee of the Whole House on the consideration of Senate Amendments to the National Rating Bill, 2022 on 12th June 2024. The Committee rejected some of the Senate amendments to the Bill warranting the committal of the Bill to the Mediation Committee according to Article 112 (2) (b) of the Constitution.

The Speaker of the National Assembly appointed Members to the Mediation Committee on Wednesday, 24th July 2024 as required by Standing Order 149 (2) of the National Assembly Standing Orders while the Speaker of the Senate appointed Senators to the Committee on Tuesday, 13th August 2024 under provisions of Standing Order No. 166 (2) of the Senate Standing Orders.

The Committee held four meetings to consider the clauses of the Bill that were under mediation and arrived at a mediated version of the Bill.

The Committee is grateful to the Offices of the Speakers and Clerks of both Houses of Parliament for the logistical and technical support accorded to it in the execution of its mandate.

Finally, I express my appreciation to Members of the Committee and the Committee Secretariat for their patience, sacrifice, endurance and commitment to the assignment which enabled the Committee to complete the task within the stipulated period.

It is now my pleasant privilege and honour to commend this report to the Houses for approval on behalf of the Mediation Committee pursuant to Article 113 (2) of the Constitution, Standing Order 150 (1) of the National Assembly Standing Orders and Standing Order 167 (1) of the Senate Standing Orders.

Hon. Joash Nyamache Nyamoko, HSC, MP
Chairperson, Mediation Committee on the National Rating Bill (N.A. Bill No. 55 of 2022)

CHAPTER ONE

1 PREFACE

1.1 ESTABLISHMENT OF THE COMMITTEE

1. The Mediation Committee on the National Rating Bill (*National Assembly Bill No. 55 of 2022*) was constituted by the Speaker of the National Assembly pursuant to Standing Order 149 (2) of the National Assembly Standing Orders and the Speaker of the Senate pursuant to Standing Order 166 (2) of the Senate Standing Orders on 24th July 2024 and 13th August 2024 respectively.

1.2 MANDATE OF THE COMMITTEE

2. The Mediation Committee derives its mandate from the provisions of Articles 112 (b) and 113 of the Constitution, Standing Order 149 of the National Assembly Standing Orders and Standing Order 166 of the Senate Standing Orders which outline the functions of the Committee as follows:
 - 1) *To consider Bills where the Houses do not agree on all or any of the amendments made by either Houses;*
 - 2) *To consider Bills where either House rejects a Motion that a Bill which originated in the other House be read a Second or Third time; and,*
 - 3) *To attempt to develop a version of the Bill that both Houses will pass.*

1.3 COMMITTEE MEETINGS

3. The Committee held four (4) sittings to deliberate on the National Rating Bill (*National Assembly Bill No. 55 of 2022*) in accordance with the Constitution and relevant provisions of the Standing Orders of the Senate and the National Assembly.
4. During the first sitting, the Committee elected Hon. Joash Nyamache Nyamoko, HSC, MP and Sen. John Methu Muhia, MP as Chairperson and Vice-Chairperson respectively pursuant to Standing Order 166 (4) and (5) of the Senate Standing Orders and Standing Order 149 (4) of the National Assembly Standing Orders.

1.3 COMMITTEE MEMBERSHIP

5. The Mediation Committee on the National Rating Bill (*National Assembly Bill No. 55 of 2024*) comprises the following Members:

Chairperson

Hon. Joash Nyamache Nyamoko, HSC, MP
North Mugirango Constituency
UDA Party

Vice-Chairperson

Sen. John Methu Muhia, MP
Nyandarua County
UDA Party

Hon. Jayne Kihara, MP
Naivasha Constituency
UDA Party

Sen. Dr. Steve Ltumbesi Lelegwe, CBS, MP
Samburu County
UDA Party

Hon. Joseph Gitari, MP
Kirinyaga Central Constituency
UDA Party

Sen. William Kipkorir Cheptumo, MP
Baringo County
UDA Party

Hon. Josses Lelmengit, MP
Emgwen Constituency
UDA Party

Sen. Wahome Wamatinga, MP
Nyeri County
UDA Party

Hon. Mathias Robi, MP
Kuria West Constituency
UDA Party

Sen. Mariam Sheikh Omar, MP
Nominated Senator
UDM Party

Hon. Paul Katana, MP
Kaloleni Constituency
ODM Party

Sen. Issa Boy Juma, MP
Kwale County
ODM Party

Hon. Eng. Thuddeus Nzambia, MP
Kilome Constituency
WIPER Party

Sen. Johnes Mwaruma, MP
Taita Taveta County
ODM Party

Hon. Zamzam Mohamed, MP
Mombasa County
ODM Party

Sen. Agnes Kavindu Muthama, MP
Machakos County
WIPER Party

Hon. Fatuma Jehow, MP
Wajir County
ODM Party

Sen. Beatrice Akinyi Ogolla, MP
Nominated Senator
ODM Party

1.4 COMMITTEE SECRETARIAT

6. The Committee was facilitated by the following staff:

- | | | |
|------------------------|---|-------------------------|
| 1. Mr. Joshua Ondari | - | Clerk Assistant |
| 2. Mr. Victor Bett | - | Clerk Assistant |
| 3. Ms. Ivy Nyambura | - | Clerk Assistant |
| 4. Mr. Binensa Mabungu | - | Clerk Assistant |
| 5. Mr. Sidney Lugaga | - | Senior Legal Counsel |
| 6. Ms. Angela Kagunyi | - | Legal Counsel |
| 7. Ms. Audrey Ogutu | - | Legal Counsel |
| 8. Ms. Brenda Michira | - | Research Officer |
| 9. Mr. John Gichia | - | Research Officer |
| 10. Mr. Jack Lemeteki | - | Media Relations Officer |
| 11. Mr. Cosmas Akhonya | - | Audio Officer |
| 12. Ms. Shirley Milimu | - | Audio Officer |

CHAPTER TWO

2 SENATE AMENDMENTS TO THE NATIONAL RATING BILL (NATIONAL ASSEMBLY BILL NO. 55 OF 2022)

2.1 INTRODUCTION

7. The National Rating Bill (*National Assembly Bill No. 55 of 2022*) is a Bill sponsored by the Leader of the Majority Party.
8. The Bill was published vide Kenya Gazette Supplement No. 185 of 15th November 2022 and was considered and passed with amendments by the National Assembly on 11th October 2023. The Bill, being a Bill concerning counties was forwarded to the Senate for consideration pursuant to Standing Order 142 of the National Assembly Standing Orders.
9. The Senate considered and passed the Bill with amendments on 9th May 2024 and transmitted the amendments to the National Assembly seeking concurrence on 17th May 2024.
10. The National Assembly approved the Motion on the Report of the Committee of the Whole House on the consideration of Senate Amendments to the National Rating Bill, 2022 on 12th June 2024. The Committee rejected some of the Senate amendments to the Bill warranting committal of the Bill to the mediation committee pursuant to Article 112 (2) (b) of the Constitution.

2.2 CLAUSES UNDER MEDIATION

The following clauses of the National Rating Bill (*National Assembly Bill No. 55 of 2022*) were considered by the Mediation Committee:

Senate Amendment to Clause 2

CLAUSE 2

2. THAT clause 2 of the Bill be amended by deleting —

- (a) the definition of the term 'occupier' and inserting therefor the following new definition

"occupier" means, in relation to rateable property, a person who is in physical possession of premises, or a person who has control over the premises, where the rateable owner is unknown;

Resolution

The Mediation Committee considered the definition and, after deliberation, resolved not to adopt the proposal from the Senate. It was observed that clause 8(1) of the Bill already clarifies the definition of a rateable owner, making it unnecessary to provide additional clarification within the definition of an 'occupier.'

- (b) the definition of the term 'valuation roll' and inserting therefor the following new definition—

"valuation roll" means a roll prepared in accordance with this Act;

Resolution

The Mediation Committee deliberated and resolved to adopt the proposal as submitted from the Senate.

(c) the definition of 'Chief Government Valuer' and inserting the following new definition

"Chief Government Valuer" means a valuer appointed under section 24A.

Resolution

The Mediation Committee deliberated and resolved to adopt the proposal as submitted from the Senate.

Senate amendment to clause 12

CLAUSE 12

3. THAT clause 12 of the Bill be amended in —

- (a) subclause (3) by inserting the words 'and the Council of County Governors' immediately after the words 'National Land Commission'.

- **Resolution**

- **The Mediation Committee deliberated and resolved to adopt the proposal as submitted from the Senate with the following modification—**

“subclause (3) by inserting the words 'and the Council of Governors' immediately after the words 'National Land Commission' ”

- (b) subclause (4) by inserting the words 'in consultation with the Council of County Governors' immediately after the words 'The Cabinet Secretary may'.

Resolution

The Mediation Committee deliberated and resolved to adopt the proposal as submitted from the Senate with the following modification—

“subclause (4) by inserting the words 'and the Council of Governors' immediately after the words 'The Cabinet Secretary may'”

Senate amendment to clause 20.

CLAUSE 20

4. THAT clause 20 of the Bill be amended in —

- (a) subclause (2) by inserting the words 'and the Council of County Governors' immediately after the words 'the Cabinet Secretary'.

Resolution

The Mediation Committee deliberated and resolved to adopt the proposal as submitted from the Senate with the following modification—

“subclause (2) by inserting the words 'and the Council of Governors' immediately after the words 'the Cabinet Secretary’”

- (b) subclause (6) by deleting the words 'recommend to the Cabinet Secretary Ministry of Lands to further review before submission' and inserting therefor the word 'submit'.

Resolution

The Committee considered the proposal from the Senate to remove the requirement for the Cabinet Secretary of Lands to review claims for contribution in lieu of rates and resolved not to adopt it. However, the Committee recommended and resolved to an amendment to the existing subclause (6) to clarify the role of the Cabinet Secretary, Ministry of Lands as follows—

“subclause (6) by deleting the words “further review before submission” and substituting therefor the word “transmit”

Senate amendment to clause 30

CLAUSE 30

- 5. THAT clause 30 of the Bill be amended by deleting —
 - (a) subclause (4),
 - (b) sub clause (5); and
 - (c) subclause (6).

Resolution

The Committee deliberated and resolved to adopt the proposal from the Senate as proposed with a modification to delete subclause (3) of Clause 30 and insert the subclause (3) as subclause (1) under the proposed new clause 30A as follows—

“CLAUSE 30

THAT clause 30 of the Bill be amended by deleting —

- (a) subclause (3),
- (b) subclause (4),
- (c) sub clause (5); and
- (d) subclause (6).”

Senate amendment to clause 32

CLAUSE 32

- 6. THAT clause 32 of the Bill be amended -
 - (a) in subclause (6) by deleting the word 'tabling' appearing immediately after the words 'county assembly for' and inserting therefor the word 'approval'.

Resolution

The Committee deliberated and resolved to adopt the proposal from the Senate as proposed with the following modification—

“in subclause (6) by inserting the words “for consideration” appearing immediately after the word 'tabling'.

(b) by inserting the following new subclauses immediately after subclause (6) —

- (7) The County Assembly shall, within sixty (60) sitting days of submission under subsection (6), by resolution approve or reject the draft valuation roll or draft supplementary valuation roll.
- (8) Where the County Assembly fails to make a resolution within the period under subsection (7), the draft valuation roll or draft supplementary valuation roll shall be deemed to have been approved.

Resolution

The Committee deliberated and resolved to adopt the proposal as submitted from the Senate.

Senate amendment to clause 34

CLAUSE 34

7. THAT clause 34 of the Bill be amended in subclause (6) by deleting the word 'may' appearing immediately after the words 'a county government' and inserting therefor the word "shall".

Resolution

The Committee deliberated and resolved not to adopt the proposal from the Senate in its current form. However, the Committee resolved to redraft subclause (6) of the Bill to introduce new provisions that establish procedures for handling objections after the valuer has received them as follows—

CLAUSE 34

THAT clause 34 of the Bill be amended by deleting subclause (6) and substituting therefor the following new subclauses—

“(6) A valuer who receives an objection under subsection (5) shall review the objection and submit a response to the County Executive Committee Member within sixty days.

(6A) The County Executive Committee Member shall, upon receipt of the response of the valuer, constitute a County Valuation Board and submit a response to an objection to the County Valuation Board for determination in accordance with subsection (6B).

(6B) A County Valuation Board constituted under subsection (6A) shall hear and determine objections to the valuation roll or supplementary valuation roll or any other dispute that may arise from rates determination and enforcements of rates payment at the first instance, before submission of a dispute to the Tribunal.

(6C) A County Valuation Board established under subsection (6A) shall—

(a) hear and determine the objection; and

(b) communicate the decision of the Board in writing to the objector, the rateable owner, the County Executive Committee Member, and the valuer.

(6D) A person who is not satisfied with a decision under subsection 6C(b) may appeal the decision before the Tribunal.”

Senate amendment to clause 56

CLAUSE 56

8. THAT clause 56 of the Bill be amended in —

- (a) subclause (1) by deleting the word 'may' appearing immediately after the words 'The Cabinet Secretary' and inserting therefor the words 'shall, in consultation with the Council of County Governors, '

Resolution

The Committee deliberated resolved to adopt the proposal from the Senate with the following modification—

“subclause (1) by deleting the word 'may' appearing immediately after the words 'The Cabinet Secretary' and inserting therefor the words 'shall, in consultation with the Council of Governors, '

- (b) subclause (2) by deleting the word 'may', appearing immediately after the words "the Cabinet Secretary" and inserting therefor the words "shall, in consultation with the Council of County Governors,".

Resolution

The Committee deliberated and resolved to adopt the proposal from the Senate as proposed with the following modification—

“subclause (2) by deleting the word 'may', appearing immediately after the words "the Cabinet Secretary" and inserting therefor the words "shall, in consultation with the Council of Governors,".

- (c) subclause (2) by inserting the following new paragraph immediately after paragraph (a)—
(a)—
(aa) the technological systems to be used in the preparation and implementation of the valuation roll or the supplementary valuation roll.

Resolution

The Committee deliberated and resolved not to adopt the proposal from the Senate. It was noted that clause 6 of the Bill already provides that each county government shall

employ appropriate technological systems in the preparation and implementation of the valuation roll or supplementary valuation roll. The Committee further observed that counties should be afforded the flexibility to select technological systems that best suit their specific needs, without being constrained by prescriptive regulations set at the national level.

Senate proposal on a new clause 24A

NEW CLAUSE 24A

1. THAT the Bill be amended by inserting the following new clauses immediately after clause 24

Chief Government Valuer 24A.

Resolution

The Committee deliberated and resolved to adopt the proposal from the Senate as proposed with the following modification—

Chief Government Valuer. 24A. (1) There shall be a Chief Government Valuer who shall be the principal advisor to the National Government and County governments on all matters relating to valuation.

(2) The Chief Government Valuer shall be appointed by the Public Service Commission through a competitive recruitment process

Qualification of the Chief Government Valuer. 24B. (1) A person is qualified for appointment as the Chief

Government Valuer if that person —

(a) is a citizen of Kenya;

(b) has a minimum of a Bachelor's degree from a university recognized in Kenya in — (i) land economics;

(ii) real estate; or;

(iii) any other relevant field;

(c) has at least fifteen years' experience in the valuation practice;

(d) is a full member of the Institution of Surveyors of Kenya (Chapter on Valuation) and in good standing; and

(e) meets the requirements of Chapter Six of the Constitution.

Establishment of the Office of the Chief Government

24A. (1) There is established the office of the Chief Government Valuer who shall be recruited and appointed by the Public Service Commission through a

Valuer. competitive process.

(2) The Chief Government Valuer shall be the principal advisor to the National Government and county governments on all matters relating to valuation.

Senate proposal on new clause 30A

NEW CLAUSE 30A.

2. THAT the Bill be amended by inserting the following new Clause immediately after clause 30—

Supplementary Valuation Roll 30A.

(1) The county government shall, in preparing a valuation roll, rely on data or information that was used in the preparation of the valuation roll to assign values to be adopted on the properties contained in a supplementary valuation roll.

(2) A supplementary valuation roll shall include only those alterations and additions to the valuation roll which are permitted by this section.

(3) The draft supplementary valuation roll shall take into account —

- (a) rateable property omitted from valuation;
- (b) new rateable property;
- (c) rateable property which is subdivided or consolidated with other rateable property; and,
- (d) re-categorization of the rate on the change of use of the rateable property.

Resolution

The Committee deliberated and resolved to adopt the proposal from the Senate as proposed with the following modification—

Supplementary Valuation Roll.

30A.

(1) Where the county government has reason to believe that a supplementary valuation roll needs to be prepared, the county government shall cause a supplementary valuation roll to be

prepared where necessary.

(2) The county government shall, in preparing a supplementary valuation roll, rely on data or information that was used in the preparation of the valuation roll to assign values to be adopted on the properties contained in a supplementary valuation roll.

(3) A supplementary valuation roll shall include only those alterations and additions to the valuation roll which are permitted by this section.

(4) The draft supplementary valuation roll shall take into account—

- (a) any rateable property omitted from valuation;
- (b) any new rateable property;
- (c) any rateable property which is subdivided or consolidated with other rateable property;
- (d) re-categorization of the rate on the change of use of the rateable property;

any rateable property which, from any cause particular to such rateable property arising since the time of valuation has materially increased or decreased in value, and include such valuation in a supplementary valuation roll.

CHAPTER THREE

3 COMMITTEE RECOMMENDATIONS

18. The Mediation Committee considered the Senate amendments on the National Rating Bill (*National Assembly Bill No. 55 of 2022*) and recommended as follows:

CLAUSE 2

THAT clause 2 of the Bill be amended by deleting —

- (a) the definition of 'Chief Government Valuer' and substituting therefor with the following new definition—

"Chief Government Valuer" means a valuer appointed under section 24A;

- (b) the definition of the 'valuation roll' and substituting therefor with the following new definition—

"valuation roll" means a roll prepared in accordance with this Act;

CLAUSE 12

THAT clause 12 of the Bill be amended in —

- (a) subclause (3), by inserting the words 'and the Council of Governors' immediately after the words 'National Land Commission'.
- (b) subclause (4) by inserting the words 'in consultation with the Council of Governors' immediately after the words 'The Cabinet Secretary may'.

CLAUSE 20

THAT clause 20 of the Bill be amended in —

- (a) subclause (2), by inserting the words 'and the Council of Governors' immediately after the words 'the Cabinet Secretary';
- (b) subclause (6), by deleting the words "further review before submission" and substituting therefor the word "transmit"

CLAUSE 30

THAT clause 30 of the Bill be amended by deleting —

- (a) subclause (3),
- (b) subclause (4),
- (c) sub clause (5); and
- (d) subclause (6)."

CLAUSE 32

THAT clause 32 of the Bill be amended -

(a) in subclause (6) by inserting the words “for consideration” appearing immediately after the word 'tabling'.

(b) by inserting the following new subclauses immediately after subclause (6) —

“(7) The County Assembly shall, by resolution approve or reject the draft valuation roll or draft supplementary valuation roll within sixty days of submission under subsection (6).

(8) Where the County Assembly fails to make a resolution within the period under subsection (7), the draft valuation roll or draft supplementary valuation roll shall be deemed to have been approved.”

CLAUSE 34

THAT clause 34 of the Bill be amended by deleting subclause (6) and substituting therefor the following new subclauses—

“(6) A valuer who receives an objection under subsection (5) shall review the objection and submit a response to the County Executive Committee Member within sixty days.

(6A) The County Executive Committee Member shall, upon receipt of the response of the valuer, constitute a County Valuation Board and submit a response to an objection to the County Valuation Board for determination in accordance with subsection (6B).

(6B) A County Valuation Board constituted under subsection (6A) shall hear and determine objections to the valuation roll or supplementary valuation roll or any other dispute that may arise from rates determination and enforcements of rates payment at the first instance, before submission of a dispute to the Tribunal.

(6C) A County Valuation Board established under subsection (6A) shall—

(c) hear and determine the objection; and

(d) communicate the decision of the Board in writing to the objector, the rateable owner, the County Executive Committee Member, and the valuer.

(6D) A person who is not satisfied with a decision under subsection 6C(b) may appeal the decision before the Tribunal.”

CLAUSE 56

THAT clause 56 of the Bill be amended in —

- (a) subclause (1) by deleting the word 'may', appearing immediately after the words "The Cabinet Secretary" and inserting therefor the words "shall, in consultation with the Council of Governors,".
- (b) subclause (2) by deleting the word 'may', appearing immediately after the words "the Cabinet Secretary" and inserting therefor the words "shall, in consultation with the Council of Governors,".

NEW CLAUSE 24A

THAT the Bill be amended by inserting the following new clauses immediately after clause 24 —

Establishment
of the Office
of the Chief
Government
Valuer.

24A. (1) There is established the office of the Chief Government Valuer who shall be recruited and appointed by the Public Service Commission through a competitive process.

(2) The Chief Government Valuer shall be the principal advisor to the National Government and County governments on all matters relating to valuation.

NEW CLAUSE 30A

THAT the Bill be amended by inserting the following new Clause immediately after clause 30—

Supplementary
Valuation
Roll.

30A. (1) Where the county government has reason to believe that a supplementary valuation roll needs to be prepared, the county government shall cause a supplementary valuation roll to be prepared where necessary.

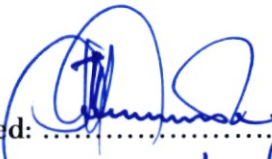
(2) The county government shall, in preparing a supplementary valuation roll, rely on data or information that was used in the preparation of the valuation roll to assign values to be adopted on the properties contained in a supplementary valuation roll.

(3) A supplementary valuation roll shall include only those alterations and additions to the valuation roll which are permitted by this section.

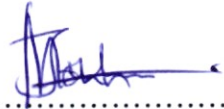
(4) The draft supplementary valuation roll shall take into account—

- (e) any rateable property omitted from valuation;
- (f) any new rateable property;
- (g) any rateable property which is subdivided or consolidated with other rateable property;
- (h) re-categorization of the rate on the


change of use of the rateable property;
any rateable property which, from any cause particular
to such rateable property arising since the time of
valuation has materially increased or decreased in value,
and include such valuation in a supplementary valuation
roll.

Signed: 
Date: 22/10/2024

Hon. Joash Nyamache Nyamoko, HSC, MP
Chairperson, Mediation Committee on
the National Rating Bill (N. A. Bill No. 34 of 2022)

Signed: 
Date: 22/10/2024

Sen. John Methu Muhia, MP
Vice-Chairperson, Mediation Committee
on the National Rating Bill (N. A. Bill
No. 55 of 2022)

 THE NATIONAL ASSEMBLY PAPERS LAID			
DATE: 05 NOV 2024 <table border="1" style="display: inline-table;"><tr><td>DAY:</td></tr><tr><td>Tuesday</td></tr></table>		DAY:	Tuesday
DAY:			
Tuesday			
TABLED BY:	Hon. Joses Kitemera, MP Member, Mediation Committee		
CLERK-AT THE-TABLE:	Moses Komale		

Annexure 1: Adoption Schedule for the Committee

Report on the Mediation Committee on the

National Rating Bill (*National Assembly Bill No. 55*

of 2022).



PARLIAMENT OF KENYA

(THIRD SESSION) 2024

MEDIATION COMMITTEE ON THE NATIONAL RATING BILL (NATIONAL ASSEMBLY BILLS
NO. 55 OF 2022)

REPORT ADOPTION LIST

We, the members of the Mediation Committee on the National Rating Bill (National Assembly Bill No. 55 of 2022), have pursuant to Senate Standing Order 167; National Assembly Standing Order 150; and Article 113 of the Constitution of Kenya, adopted this report and affix our signatures to affirm our approval and confirm its accuracy, validity and authenticity

DATE....22/10/2024.....

NO.	MEMBER	SIGNATURE
1.	Hon. Nyamoko Joash Nyamache, HSC, MP	
2.	Sen. John Muhia Methu, MP	
3.	Hon. Kihara Jayne Wanjiru Njeri, MP	
4.	Sen. (Dr) Steve Lelegwe Ltumbesi, MP	Virtual
5.	Hon. Robi Mathias Nyamabe, MP	
6.	Sen. Johnes Mwashushe Mwaruma, MP	Virtual
7.	Hon. Gitari Joseph Gachoki, MP	
8.	Sen. Beatrice Akinyi Ogola, MP	
9.	Hon. Nzambia Thuddeus Kithua, MP	
10.	Sen. Wamatinga Wahome, MP	
11.	Hon. Katana Paul Kahindi, MP	
12.	Sen. William Kipkorir Cheptumo, MP	
13.	Hon. Zamzam Mohamed, MP	
14.	Sen. Mariam Sheikh Omar, MP	
15.	Hon. Lelmengit Josses Kiptoo Kosgey, MP	
16.	Sen. Issa Boy Juma, MP	Virtual
17.	Hon. Fatuma Jehow, MP	
18.	Sen. Agnes Kavindu Muthama, MP	

Annexure 2: Minutes of the Committee's Sittings

meeting having been proposed by Sen. Beatrice Akinyi Ogoia, MP and seconded by Hon. Robi Mathias Nyamabe, MP.

MIN/NA/SEN/NRB/20/2024

MATTERS ARISING

There were no matters arising.

MIN/NA/SEN/NRB/21/2024

COSNIDERATION AND ADOPTION OF
THE REPORT ON THE NATIONAL
RATING BILL (NATIONAL ASSEMBLY
BILLS NO. 55 OF 2022)

The Committee was taken through the Report by the Legal counsel;

COMMITTEE RECOMMENDATIONS

The Mediation Committee considered the Senate amendments on the National Rating Bill (*National Assembly Bill No. 55 of 2022*) and recommended as follows:

CLAUSE 2

THAT clause 2 of the Bill be amended by deleting ---

- (a) the definition of 'Chief Government Valuer' and substituting therefor with the following new definition—

"Chief Government Valuer" means a valuer appointed under section 24A;

- (b) the definition of the 'valuation roll' and substituting therefor with the following new definition—

"valuation roll" means a roll prepared in accordance with this Act;

CLAUSE 12

THAT clause 12 of the Bill be amended in ---

- (a) subclause (3), by inserting the words 'and the Council of Governors' immediately after the words 'National Land Commission'.
- (b) subclause (4) by inserting the words 'in consultation with the Council of Governors' immediately after the words 'The Cabinet Secretary may'.

CLAUSE 20

THAT clause 20 of the Bill be amended in ---

- (a) subclause (2), by inserting the words 'and the Council of Governors' immediately after the words 'the Cabinet Secretary';

- (b) subclause (6), by deleting the words "further review before submission" and substituting therefor the word "transmit"

CLAUSE 30

THAT clause 30 of the Bill be amended by deleting —

- (a) subclause (3),
- (b) subclause (4),
- (c) sub clause (5); and
- (d) subclause (6)."

CLAUSE 32

THAT clause 32 of the Bill be amended -

- (a) in subclause (6) by inserting the words "for consideration" appearing immediately after the word 'tabling'.
- (b) by inserting the following new subclauses immediately after subclause (6) —

"(7) The County Assembly shall, by resolution approve or reject the draft valuation roll or draft supplementary valuation roll within sixty days of submission under subsection (6). Where the County Assembly fails to make a resolution within the period under subsection (7), the draft valuation roll or draft supplementary valuation roll shall be deemed to have been approved."

CLAUSE 34

THAT clause 34 of the Bill be amended by deleting subclause (6) and substituting therefor the following new subclauses—

"(6) A valuer who receives an objection under subsection (5) shall review the objection and submit a response to the County Executive Committee Member within sixty days.

(6A) The County Executive Committee Member shall, upon receipt of the response of the valuer, constitute a County Valuation Board and submit a response to an objection to the County Valuation Board for determination in accordance with subsection (6B).

(6B) A County Valuation Board constituted under subsection (6A) shall hear and determine objections to the valuation roll or supplementary valuation roll or any other dispute that may arise from rates determination and enforcements of rates payment at the first instance, before submission of a dispute to the Tribunal.

(6C) A County Valuation Board established under subsection (6A) shall—

- (a) hear and determine the objection; and

Supplementary Valuation Roll.

30A. (1) Where the county government has reason to believe that a supplementary valuation roll needs to be prepared, the county government shall cause a supplementary valuation roll to be prepared where necessary.

(2) The county government shall, in preparing a supplementary valuation roll, rely on data or information that was used in the preparation of the

30—

NEW CLAUSE 30A

THAT the Bill be amended by inserting the following new Clause immediately after clause

24A. (1) There is established the office of the Chief Government Valuer who shall be recruited and appointed by the Public Service Commission through a competitive process.

(2) The Chief Government Valuer shall be the principal advisor to the National Government and County governments on all matters relating to valuation.

Establishment of the Office of the Chief Government Valuer.

24—

THAT the Bill be amended by inserting the following new clauses immediately after clause

NEW CLAUSE 24A

THAT clause 56 of the Bill be amended in —

- (a) subclause (1) by deleting the word "may", appearing immediately after the words "The Cabinet Secretary" and inserting therefor the words "shall, in consultation with the Council of Governors,"
- (b) subclause (2) by deleting the word "may", appearing immediately after the words "the Cabinet Secretary" and inserting therefor the words "shall, in consultation with the Council of Governors,"

- (b) communicate the decision of the Board in writing to the objector, the rateable owner, the County Executive Committee Member, and the valuer.
- (6D) A person who is not satisfied with a decision under subsection 6C(b) may appeal the decision before the tribunal.

valuation roll to assign values to be adopted on the properties contained in a supplementary valuation roll.

(3) A supplementary valuation roll shall include only those alterations and additions to the valuation roll which are permitted by this section.

(4) The draft supplementary valuation roll shall take into account—

- (a) any rateable property omitted from valuation;
 - (b) any new rateable property;
 - (c) any rateable property which is subdivided or consolidated with other rateable property;
 - (d) re-categorization of the rate on the change of use of the rateable property;
- any rateable property which, from any cause particular to such rateable property arising since the time of valuation has materially increased or decreased in value, and include such valuation in a supplementary valuation roll.

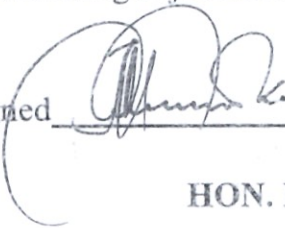
The Committee adopted its Report on the Mediation Committee on the National Rating Bill (National Assembly Bills No. 55 of 2022), having been proposed by Hon. Leimengit Josses Kiptoo Kosgey, MP and seconded by Sen. Beatrice Akinyi Ogola, MP.

MIN/NA/SEN/NRB/22/2024

ADJOURNMENT AND DATE OF NEXT MEETING

The meeting adjourned at 3:58 p.m.

Signed



Date

22/10/2024

HON. NYAMOKO JOASH NYAMACHE, HSC, MP



REPUBLIC OF KENYA

13TH PARLIAMENT – (THIRD SESSION)

MINUTES OF THE THIRD (3RD) SITTING OF THE MEDIATION COMMITTEE
ON THE NATIONAL RATING BILL, 2022 (NATIONAL ASSEMBLY BILLS NO.
55 OF 2022) HELD ON TUESDAY, 22ND OCTOBER, 2024 IN COMMITTEE
ROOM 2, 2ND FLOOR, CONTINENTAL BUILDING AT 11:00 A.M

MEMBERS PRESENT

- | | |
|--|---------------|
| 1. Hon. Nyamoko Joash Nyamache, HSC, MP | - Chairperson |
| 2. Sen. Agnes Kavindu Muthama, MP | - Member |
| 3. Hon. Lelmengit Josses Kiptoo Kosgey, MP | - Member |
| 4. Sen. Beatrice Akinyi Ogola, MP | - Member |
| 5. Hon. Zamzam Mohamed, MP | - Member |
| 6. Sen. Mariam Sheikh Omar, MP | - Member |
| 7. Hon. Robi Mathias Nyamabe, MP | - Member |
| 8. Hon. Katana Paul Kahindi, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|--|--------------------|
| 1. Sen. John Muhia Methu, MP | - Vice-Chairperson |
| 2. Hon. Kihara Jayne Wanjiru Njeri, MP | - Member |
| 3. Sen. (Dr.) Steve Lelegwe Ltumbesi, MP | - Member |
| 4. Hon. Gitari Joseph Gachoki, MP | - Member |
| 5. Sen. Johnes Mwashushe Mwaruma, MP | - Member |
| 6. Sen. Wamatinga Wahome, MP | - Member |
| 7. Sen. William Kipkorir Cheptumo, MP | - Member |
| 8. Hon. (Eng.) Nzambia Thuddeus Kithua, MP | - Member |
| 9. Sen. Issa Boy Juma, MP | - Member |
| 10. Hon. Fatuma Jehow, MP | - Member |

IN ATTENDANCE

SECRETARIAT

- | | | |
|------------------------|---|-------------------------|
| 1. Mr. Joshua Ondari | - | Clerk Assistant |
| 2. Mr. Victor Bett | - | Clerk Assistant |
| 3. Ms. Ivy Nyambura | - | Clerk Assistant |
| 4. Mr. Binensa Mabungu | - | Clerk Assistant |
| 5. Mr. Sidney Lugaga | - | Senior Legal Counsel |
| 6. Ms. Angela Kagunyi | - | Legal Counsel |
| 7. Ms. Brenda Michira | - | Research Officer |
| 8. Mr. John Gichia | - | Research Officer |
| 9. Ms. Janice Lekuton | - | Research Officer |
| 10. Mr. Jack Lemeteki | - | Media Relations Officer |
| 11. Mr. Cosmas Akhonya | - | Audio Officer |
| 12. Ms. Shirley Milimu | - | Audio Officer |

MIN/NA/SEN/NRB/11/2024

PRELIMINARIES

The meeting was called to order at 11:19 a.m. This was followed by a word of prayer, and a round of introduction.

MIN/NA/SEN/NRB/12/2024

ADPTION OF THE AGENDA

The agenda was adopted after it was proposed by Sen. Beatrice Akinyi Ogola, MP, and seconded by Hon. Robi Mathias Nyamabe, MP, as listed below-

1. Prayers
2. Preliminaries
3. Adoption of the Agenda
4. Confirmation of Minutes
5. Matters arising
6. **Consideration of the National Rating Bill (National Assembly Bills No. 55 of 2022)**
7. Any other Business
8. Adjournment/Date of the next meeting

MIN/NA/SEN/NRB/13/2024

CONFIRMATION OF MINUTES

The minutes of the 2nd sitting of the Mediation Committee on the National Rating Bill 2022 (National Assembly Bills No.55 of 2022) were confirmed as a true reflection of the

meeting having been proposed by Sen. Beatrice Akinyi Ogoia, MP and seconded by Hon. Robi Mathias Nyamabe, MP.

MIN/NA/SEN/NRB/14/2024

MATTERS ARISING

There were no matters arising.

MIN/NA/SEN/NRB/15/2024

COSNIDERATION OF THE NATIONAL
RATING BILL (NATIONAL ASSEMBLY
BILLS NO. 55 OF 2022)

CLAUSE 2

6. THAT clause 2 of the Bill be amended by deleting —

(a) the definition of the term 'occupier' and inserting therefor the following new definition

"occupier" means, in relation to rateable property, a person who is in physical possession of premises, or a person who has control over the premises, where the rateable owner is unknown;

(b) the definition of the term 'valuation roll' and inserting therefor the following new definition—

"valuation roll" means a roll prepared in accordance with this Act;

(c) the definition of 'Chief Government Valuer' and inserting the following new definition

"Chief Government Valuer" means a valuer appointed under section 24A.

Resolution

a) The Committee resolved to reject the definition of the term 'occupier' as had been proposed by the Senate, and retain the definition as had been proposed in the Bill as transmitted by the National Assembly. The Committee observed that clauses 8(1)(a) – (h) already define who a rateable owner is which includes an 'occupier'.

b) The Committee resolved to accept the definitions of 'Chief Government Valuer' and 'valuation roll' as proposed by the Senate.

CLAUSE 12

6. THAT clause 12 of the Bill be amended in —

(a) subclause (3) by inserting the words 'and the Council of County Governors' immediately after the words 'National Land Commission'.

- (b) subclause (4) by inserting the words 'in consultation with the Council of County Governors' immediately after the words 'The Cabinet Secretary may'.

Resolution

The Committee resolved to adopt the proposal from the Senate as proposed and without modification.

CLAUSE 20

7. THAT clause 20 of the Bill be amended in —

- (a) subclause (2) by inserting the words 'and the Council of County Governors' immediately after the words 'the Cabinet Secretary'.
- (b) subclause (6) by deleting the words 'recommend to the Cabinet Secretary Ministry of Lands to further review before submission' and inserting therefor the word 'submit'.

Resolution

The Mediation Committee deliberated and resolved not to adopt the proposal as submitted from the Senate as proposed with the following modification—

“subclause (2) by inserting the words 'and the Council of Governors' immediately after the words 'the Cabinet Secretary’”

However they resolved to adopt the proposal from the Senate as proposed with the following modification—

“subclause (6) by deleting the words “further review before submission” and substituting therefor the word “transmit”

CLAUSE 32

7. THAT clause 32 of the Bill be amended -

- (a) in subclause (6) by deleting the word 'tabling' appearing immediately after the words 'county assembly for' and inserting therefor the word 'approval'.
- (b) by inserting the following new subclauses immediately after subclause (6) —

- (2) The Chief Government Valuer shall be appointed by the Public Service Commission through a competitive recruitment process

Resolution

The Committee deliberated resolved to adopt the proposal from the Senate as proposed with the following modification—

Establishment of the Office of the Chief Government Valuer.

24A. (1) There is established the office of the Chief Government Valuer who shall be recruited and appointed by the Public Service Commission through a competitive process.

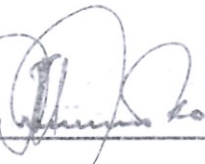
(2) The Chief Government Valuer shall be the principal advisor to the National Government and County governments on all matters relating to valuation.

MIN/NA/SEN/NRB/16/2024

ADJOURNMENT AND DATE OF NEXT MEETING

The meeting adjourned at 1:00 p.m. The next meeting to be held on Tuesday, 22nd October, 2024 at 3.00 p.m.

Signed



Date

22/10/2024

HON. NYAMOKO JOASH NYAMACHE, HSC, MP

- (7) The County Assembly shall, within sixty (60) sitting days of submission under subsection (6), by resolution approve or reject the draft valuation roll or draft supplementary valuation roll.
- (8) Where the County Assembly fails to make a resolution within the period under subsection (7), the draft valuation roll or draft supplementary valuation roll shall be deemed to have been approved.

Resolution

The Committee deliberated and resolved to adopt the proposal from the Senate as proposed with the following modification—

“in subclause (6) by inserting the words “for consideration” appearing immediately after the word ‘tabling’. Further, on Clause 32 (7 & 8) the Committee deliberated and resolved to adopt the proposal from the Senate as without modification.

NEW CLAUSE 24A

18. THAT the Bill be amended by inserting the following new clauses immediately after clause 24—

Chief Government Valuer 24A.

- (1) There shall be a Chief Government Valuer who shall be the principal advisor to the National Government and County governments on all matters relating to

Qualification of the Chief Government Valuer.	24B. (1) A person is qualified for appointment as the Chief Government Valuer if that person —
	(a) is a citizen of Kenya;
	(b) has a minimum of a Bachelor's degree from a university recognized in Kenya in — (i) land economics;
	(ii) real estate; or;
	(iii) any other relevant field;
	(c) has at least fifteen years' experience in the valuation practice;
	(d) is a full member of the Institution of Surveyors of Kenya (Chapter on Valuation) and in good standing; and
	(e) meets the requirements of Chapter Six of the Constitution.

valuation



REPUBLIC OF KENYA

13TH PARLIAMENT – (THIRD SESSION)

MINUTES OF THE SECOND (2ND) SITTING OF THE MEDIATION COMMITTEE ON THE NATIONAL RATING BILL, 2022 (NATIONAL ASSEMBLY BILLS NO. 55 OF 2022) HELD ON TUESDAY, 1ST OCTOBER, 2024 IN COMMITTEE ROOM 5, 1ST FLOOR, MAIN PARLIAMENT BUILDING AT 11:00 A.M

MEMBERS PRESENT

- | | |
|--|--------------------|
| 1. Hon. Nyamoko Joash Nyamache, HSC, MP | - Chairperson |
| 2. Sen. John Muhia Methu, MP | - Vice-Chairperson |
| 3. Sen. (Dr.) Steve Lelegwe Ltumbesi, MP | - Member |
| 4. Sen. Johnes Mwashushe Mwaruma, MP | - Member |
| 5. Hon. Zamzam Mohamed, MP | - Member |
| 6. Sen. Beatrice Akinyi Ogola, MP | - Member |
| 7. Hon. Robi Mathias Nyamabe, MP | - Member |
| 8. Sen. Wamatinga Wahome, MP | - Member |
| 9. Hon. Katana Paul Kahindi, MP | - Member |

ABSENT WITH APOLOGY

1. Hon. Kihara Jayne Wanjiru Njeri, MP
2. Sen. William Kipkorir Cheptumo, MP
3. Hon. Gitari Joseph Gachoki, MP
4. Hon. Lelmengit Josses Kiptoo Kosgey, MP
5. Sen. Mariam Sheikh Omar, MP
6. Hon. (Eng.) Nzambia Thuddeus Kithua, MP
7. Sen. Issa Boy Juma, MP
8. Hon. Fatuma Jehow, MP
9. Sen. Agnes Kavindu Muthama, MP

IN ATTENDANCE

SECRETARIAT

- | | | |
|------------------------|---|-------------------------|
| 1. Mr. Joshua Ondari | - | Clerk Assistant |
| 2. Mr. Victor Bett | - | Clerk Assistant |
| 3. Ms. Ivy Nyambura | - | Clerk Assistant |
| 4. Mr. Binensa Mabungu | - | Clerk Assistant |
| 5. Mr. Sidney Lugaga | - | Senior Legal Counsel |
| 6. Ms. Angela Kagunyi | - | Legal Counsel |
| 7. Ms. Brenda Michira | - | Research Officer |
| 8. Mr. John Gichia | - | Research Officer |
| 9. Mr. Jack Lemeteki | - | Media Relations Officer |
| 10. Mr. Cosmas Akhonya | - | Audio Officer |
| 11. Ms. Shirley Milimu | - | Audio Officer |

MIN/NA/SEN/NRB/05/2024

PRELIMINARIES

The meeting was called to order at 11:19 a.m. This was followed by a word of prayer, and a round of introduction.

MIN/NA/SEN/NRB/06/2024

ADPOTION OF THE AGENDA

The agenda was adopted after it was proposed by Sen. (Dr.) Steve Lelegwe Ltumbesi, MP, and seconded by Sen. Beatrice Akinyi Ogola, MP, as listed below-

1. Prayers
2. Preliminaries
3. Adoption of the Agenda
4. Confirmation of Minutes
5. Matters arising
6. Consideration of the National Rating Bill (National Assembly Bills No. 55 of 2022)
7. Any other Business
8. Adjournment/Date of the next meeting

MIN/NA/SEN/NRB/07/2024

CONFIRMATION OF MINUTES

The minutes of the 1st sitting of the Mediation Committee on the National Rating Bill 2022 (National Assembly Bills No.55 of 2022) were confirmed as a true reflection of the

meeting having been proposed by Sen. Beatrice Akinyi Ogola, MP and seconded by Sen. (Dr.) Steve Lelegwe Ltumbesi.

MIN/NA/SEN/NRB/08/2024

MATTERS ARISING

There were no matters arising.

MIN/NA/SEN/NRB/09/2024

COSIDERATION OF THE NATIONAL RATING BILL (NATIONAL ASSEMBLY BILLS NO. 55 OF 2022)

The Committee was briefed by the Legal counsel as follows-

- a) The National Rating Bill, 2022 (National Assembly Bill No. 55 of 22) was published vide a Kenya Gazette Supplement No. 185 on 15th November, 2022 as a Bill to provide a comprehensive legislative framework for imposition of property rates on land and buildings by county government; to provide for the valuation of rateable property; to provide for appointment functions and powers of property valuers; to provide for establishment, powers and functions of the National Rating Tribunal and for connected purposes;
- b) The National Assembly considered the National Rating Bill, 2022 (National Assembly Bill No. 22 of 2023) and passed it with amendments on 11th October, 2023 and forwarded the same to the Senate for concurrence pursuant to the provisions of Standing Order 144 and Article 110 of the Constitution. The Senate considered the Bill and passed it with amendments on 9th May, 2024 and referred back to the National Assembly for consideration in accordance with Article 112 of the Constitution.
- c) The Senate amendments to the Bill were subsequently referred to the Departmental Committee on Lands for consideration and reporting back to the House. The Committee considered the proposed amendments to the Bill and recommended that the House approves Clauses 14, 29 and 32(a) and rejects the proposed amendments to Clauses 2, 12, 20, 30, 32(b)&(c), 34, 56, new clause 24A and new clause 30A.

Analysis of Clauses

1. **Clause 12(4)- Agreed**

Clause 12 of the Bill contains provisions regulating Annual Rental Value rating. The effect of the proposal is to insert the Council of Governors as one of the offices that the Cabinet Secretary must consult when making regulations for the effective implementation of section 12 of the Bill.

The National Assembly accepts the proposal from the Senate on the grounds that the Council of County Governors should be consulted as it will be prudent when regulations are made for uniformity of legislation.

2. **Clause 30- Agreed-** Adopted with modification. (Draft a clause to provide for the procedure for a person to appeal a decision of the CECM)

The Senate proposed to separate provisions for the valuation roll and the supplementary valuation roll by deleting subclause (4), (5) and (6).

The committee accepts the proposal and proposes to amend further to delete subclause (3) and substitute as sub clause (1) of the new clause 30A that mirrors subclauses to ensure clarity of flow.

3. **Clause 34- Agreed-** Adopted with modifications- The Senate had proposed to make constitution of county valuation boards mandatory for handling valuation disputes

The proposal to amend clause 34 was accepted with a modification that existing sub-clause (3) be inserted as the new sub-clause (1) of the proposed new Clause 34(a)

4. **Clause 56 (1)-** The Senate proposed that sub -clause (1) be amended to require the Cabinet Secretary to consult with the Council of County Governors when prescribing regulations for the effective implementation of the law.

The Committee accepts the substitution of the word 'may' with 'shall'. The Committee rejects the wording in the proposal seeking to include the Council of County Governors on the grounds that first, the proposal as worded would mean that a Cabinet Secretary must make all regulations under clause 56 as opposed to enacting regulations as the need arises, and second, fails to recognize the constitutional requirements under Article 10 and 201(a) of the Constitution that requires the Cabinet Secretary to observe principles of democracy and public participation whenever it makes public policy decisions and financial matters including making regulations.

5. **Clause 56(2)-** The Senate proposed that sub -clause (1) be amended to require the Cabinet Secretary to consult with the Council of County Governors when prescribing regulations for the effective implementation of the law.

The Committee accepts the substitution of the word 'may' with 'shall'.

The Committee rejects the wording in the proposal seeking to include the Council of County Governors on the grounds that first, the proposal as worded means a

Cabinet Secretary must make all regulations under clause 56 as opposed to enacting regulations as the need arises, and second, fails to recognize the constitutional requirements under Article 10 and 201(a) of the Constitution that requires the Cabinet Secretary to observe principles of democracy and public participation whenever it makes public policy decisions and financial matters including making regulations.

6. **Clause 56(2) (aa)**- sub-clause (2) be amended by inserting new paragraph providing for the formulation of standard rules concerning the use of appropriate technological systems in the preparation and implementation of the valuation roll of the supplementary valuation roll.

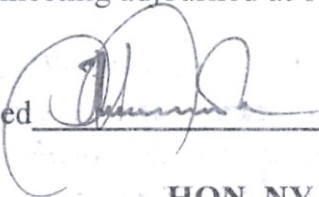
The Committee rejects the proposed amendment to the extent that, first, clause 6 of the Bill expressly provides guidelines stating that each county government shall establish or employ appropriate technological system in the preparation and implementation of the valuation roll or the supplementary valuation roll and, second, there is no justification in limiting the freedom of counties in adopting the most appropriate technological system in the preparation and implementation of the valuation roll or the supplementary valuation roll by enacting regulations contrary to clause 56(5)(a).

MIN/NA/SEN/NRB/10/2024

ADJOURNMENT AND DATE OF NEXT
MEETING

The meeting adjourned at 1:00 p.m. The next meeting was scheduled to be held on notice.

Signed



Date 22/10/2024

HON. NYAMOKO JOASH NYAMACHE, HSC, MP



REPUBLIC OF KENYA

13TH PARLIAMENT – (THIRD SESSION)

MINUTES OF THE FIRST (1ST) SITTING OF THE MEDIATION COMMITTEE
ON THE NATIONAL RATING BILL, 2022 (NATIONAL ASSEMBLY BILLS NO.
55 OF 2022) HELD ON TUESDAY, 24TH SEPTEMBER, 2024 IN COMMITTEE
ROOM 17, 3RD FLOOR, BUNGE TOWER BUILDING AT 12:00 P.M

MEMBERS PRESENT

- | | |
|--|--------------------|
| 1. Hon. Nyamoko Joash Nyamache, HSC, MP | - Chairperson |
| 2. Sen. John Muhia Methu, MP | - Vice-Chairperson |
| 3. Hon. Gitari Joseph Gachoki, MP | - Member |
| 4. Sen. (Dr.) Steve Lelegwe Ltumbesi, MP | - Member |
| 5. Hon. (Eng.) Nzambia Thuddeus Kithua, MP | - Member |
| 6. Sen. Beatrice Akinyi Ogola, MP | - Member |
| 7. Hon. Lelmengit Josses Kiptoo Kosgey, MP | - Member |

ABSENT WITH APOLOGY

1. Hon. Kihara Jayne Wanjiru Njeri, MP
2. Sen. William Kipkorir Cheptumo, MP
3. Hon. Robi Mathias Nyamabe, MP
4. Sen. Wamatinga Wahome, MP
5. Hon. Katana Paul Kahindi, MP
6. Sen. Mariam Sheikh Omar, MP
7. Hon. Zamzam Mohamed, MP
8. Sen. Issa Boy Juma, MP
9. Hon. Fatuma Jehow, MP
10. Sen. Johnes Mwashushe Mwaruma, MP
11. Sen. Agnes Kavindu Muthama, MP

IN ATTENDANCE

SECRETARIAT

- | | | | |
|----------------------|---|-----------------|---------------|
| 1. Mr. Joshua Ondari | - | Clerk Assistant | - (Presiding) |
|----------------------|---|-----------------|---------------|

The Committee unanimously agreed on the election of Hon. Nyamoko Joash Nyamache, HSC, MP as the Chairperson having been proposed by Sen. John Muchia Methu, MP and seconded by Sen. Beatrice Akinyi Ogoia, MP.

CHAIRPERSON

MIN/NA/SEN/NRB/03/2024 ELECTION OF THE CHAIRPERSON AND VICE

1. Prayer;
2. Introduction;
3. Adoption of the Agenda;
4. Election of the Chairperson and Vice Chairperson;
5. Remarks by the Chairperson and Vice-Chairperson;
6. Consideration of the National Rating Bill (National Assembly Bills No. 55 of 2022);
7. Any Other Business; and
8. Adjournment.

The agenda was adopted after it was proposed by Sen. Beatrice Akinyi Ogoia, MP, and seconded by Hon. Leimengit Josses Kiploo Kosgey, MP, as listed below-

MIN/NA/SEN/NRB/02/2024 ADOPTION OF THE AGENDA

The meeting was called to order at 12:28 p.m. This was followed by a word of prayer, and a round of introduction.

MIN/NA/SEN/NRB/01/2024 PRELIMINARIES

- | | | |
|------------------------|---|-----------------------|
| 2. Mr. Victor Bett | - | Clerk Assistant |
| 3. Ms. Ivy Nyambura | - | Clerk Assistant |
| 4. Mr. Bimensa Mabungu | - | Clerk Assistant |
| 5. Mr. Sidney Lugaga | - | Senior Legal Counsel |
| 6. Ms. Angela Kagunyi | - | Legal Counsel |
| 7. Ms. Brenda Michira | - | Researcher |
| 8. Mr. John Gichia | - | Researcher |
| 9. Ms. Janice Lekuton | - | Researcher |
| 10. Ms. Mary Kamande | - | Public Communications |
| 11. Mr. Jack Lemeteki | - | Media Relations |
| 12. Mr. Cosmas Akhonya | - | Audio Officer |
| 13. Ms. Shirley Mithmu | - | Audio Officer |

Additionally, Sen. John Muhia Methu, MP was elected as the Vice Chairperson after having been proposed by Sen. Beatrice Akinyi Ogola, MP and seconded by Hon. Gitari Joseph Gachoki, MP.

MIN/NA/SEN/NRB/04/2024

REMARKS BY THE CHAIRPERSON AND
VICE CHAIRPERSON

Remarks by the Vice Chairperson

Sen. John Muhia Methu, MP, began by noting that there was a need to have an open mind in the deliberations as the version to be agreed upon should have the best interest of all Kenyans. Further, he informed the meeting the Senate Land, Environment and Natural Resources Committee was currently working on another two (2) different Mediation Committees. He urged members to observe time, since the Report is required within the thirty (30) days as guided by the Standing Orders.

Remarks by the Chairperson

Hon. Nyamoko Joash Nyamache, HSC, MP, stated that it was prudent to have a clear term of reference on how the meetings would run. Additionally, he gave a brief background of the process undergone by the Bill stating that the Committee would primarily focus on the contentious clauses in the interest of time.

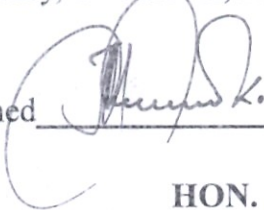
He then invited the legal counsel to take the Committee through the legal brief on the National Rating Bill, 2022 (National Assembly Bills No. 55 of 2022) highlighting the background, purpose and the various stakeholder engagements held with respect to the public participation requirement when considering a Bill.

MIN/NA/SEN/NRB/05/2024

ADJOURNMENT AND DATE OF NEXT
MEETING

The meeting adjourned at 1:00 p.m. The next meeting was scheduled to be held on Tuesday, 1st October, 2024 at 11.00 a.m.

Signed _____



Date _____

22/10/2024

HON. NYAMOKO JOASH NYAMACHE, HSC, MP

Annexure 3: Speaker's Communications on

Members of the Mediation Committee

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REPUBLIC OF KENYA

Telegraphic Address
'Bunge', Nairobi
Telephone 2848000
Fax: 2243694
E-mail: clerk.senate@parliament.go.ke



Clerk's Chambers
The Senate
Parliament Buildings
P. O. Box 41842 -00100
Nairobi, Kenya.

OFFICE OF THE CLERK OF THE SENATE

Ref. SEN./L&P/MC.2024 (05)

7th August, 2024

Mr. Samuel Njoroge, CBS,
Clerk of the National Assembly,
Parliament Buildings,
P. O. Box 41842-00100,
NAIROBI.

Dear *Mr. Clerk*

APPOINTMENT OF SENATORS TO THE MEDIATION COMMITTEES ON THE NATIONAL RATING BILL (NATIONAL ASSEMBLY BILLS NO. 55 OF 2022) AND THE CONFLICT OF INTEREST BILL (NATIONAL ASSEMBLY BILLS NO. 12 OF 2023)

Reference is made to the above subject matter and your letters Ref. NA/DLP/TBO/MTS/2024/(019) dated 24th July, 2024 and NA/DLP/TBO/MTS/2024/(019) dated 31st July, 2024 respectively.

This is to inform you that the Speaker of the Senate, pursuant to Article 113 of the Constitution, has appointed the following Senators to the Mediation Committees on the National Rating Bill (National Assembly Bills No. 55 of 2022) and the Conflict of Interest Bill (National Assembly Bills No. 12 of 2023), to attempt to develop versions of the two Bills that will be acceptable to both Houses:-

A. The National Rating Bill (National Assembly Bills No. 55 of 2022) –

- 1) Sen. John Methu Muhia, MP;
- 2) Sen. (Dr.) Steve Ltumbesi Lelegwe, CBS, MP;
- 3) Sen. William Kipkorir Cheptumo, MP;
- 4) Sen. Wahome Wamatinga, MP;
- 5) Sen. Mariam Sheikh Omar, MP;
- 6) Sen. Issa Boy Juma, MP;
- 7) Sen. Johnes Mwaruma, MP;
- 8) Sen. Agnes Kavindu Muthama, MP; and
- 9) Sen. Beatrice Akinyi Ogolla, MP.

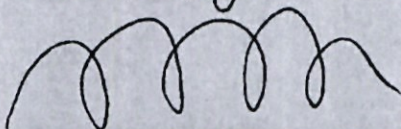
B. The Conflict of Interest Bill (National Assembly Bills No. 12 of 2023)

- 1) Sen. Omogeni Erick Okong'o, SC, MP;
- 2) Sen. Faki Mohammed Mwinyihaji, CBS, MP;

- 3) Sen. Maanzo Daniel Kitonga, MP;
- 4) Sen. Asige Crystal Kegehi, MP;
- 5) Sen. Orwoba Gloria Magoma, MP;
- 6) Sen. Mungatana Danson Buya, MGH, MP;
- 7) Sen. Nyutu Joe, MP;
- 8) Sen. Chute Mohamed Said, MP; and
- 9) Sen. Sigei Wakili Hillary Kiprotich, MP

Yours

Truly



**J. M. NYEGENYE, CBS,
CLERK OF THE SENATE.**

Copy to: The Rt. Hon. Amason Jeffah Kingi, EGH, MP,
Speaker of the Senate,
Parliament Buildings,
NAIROBI.

Mr. F. Rotich
Please find
25/07/2024

Mr. Rotich
facilitate
24/7/24



**THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK**

P.O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 Ext. 3300

Email: cna@parliament.go.ke

www.parliament.go.ke/the-national-assembly



When replying please quote

NA/DLP/TBO/MTS/2024/ (01)

24th July 2024

Mr. Jeremiah Nyegenye, CBS
Clerk of the Senate
Parliament Buildings
NAIROBI

DC (MA)
Please deal.
24/07/24
DLPS
MA
24/7/24

Dear *Distinguished Colleague,*

**RE: DECISION OF THE NATIONAL ASSEMBLY ON THE SENATE
AMENDMENTS TO THE NATIONAL RATING BILL (NATIONAL
ASSEMBLY BILL NO. 55 OF 2022)**

The above-mentioned subject matter refers.

Attached herewith, please find a Message in respect of the **decision** of the National Assembly on the Senate amendments to the National Rating Bill (National Assembly Bill No. 55 of 2022).

The Message conveys that consequent to the said decision, the Speaker of the National Assembly has appointed the following Members to the Mediation Committee to consider the Bill in accordance with Article 113 of the Constitution—

- (1) The Hon. Joash Nyamoko, MP;
- (2) The Hon. Jayne Kihara, MP;
- (3) The Hon. Josses Lemengit, MP;
- (4) The Hon. Joseph Gitari, MP;
- (5) The Hon. Mathias Robi, MP;
- (6) The Hon. Paul Katana, MP;
- (7) The Hon. (Eng.) Thuddeus Nzambia, MP;
- (8) The Hon. Zamzam Mohamed, MP; and
- (9) The Hon. Fatuma Jehow, MP.

I have also enclosed relevant copies of the Order Paper, the Votes and Proceedings and the Hansard Report, for your reference.

Yours *Sincerely,*

Samuel Njorge, CBS
CLERK OF THE NATIONAL ASSEMBLY



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE NATIONAL ASSEMBLY

MESSAGES

MESSAGE TO THE SENATE

(No. 019 of 2024)

**DECISION OF THE NATIONAL ASSEMBLY ON THE SENATE
AMENDMENTS TO THE NATIONAL RATING BILL (NATIONAL
ASSEMBLY BILL NO. 55 OF 2022)**

PURSUANT to the provisions of Standing Order 41(1) and 148(b), I hereby convey the following Message from the National Assembly—

WHEREAS, on 11th October 2023, the National Assembly passed the National Rating Bill (National Assembly Bill No. 55 of 2022) **with amendments**, and thereafter referred it to the Senate for consideration in accordance with Article 110(4) of the Constitution;

AND WHEREAS, on 9th May 2024, the Senate considered and passed the said Bill **with further amendments** and referred it back to the National Assembly for consideration;

FURTHER WHEREAS, on 12th June 2024, the National Assembly considered and **rejected** the Senate's amendments to the Bill, the effect of which the Bill is referred to a mediation committee in accordance with the provisions of Article 112(2)(b) of the Constitution;

NOW THEREFORE, in accordance with the provisions of Article 112 of the Constitution and Standing Orders 41(1) and 148(b), I hereby **convey** the said decision of the National Assembly to the Senate and seek the appointment of nine (9) Senators to a Mediation Committee to consider the Bill in accordance with Article 113 of the Constitution.


THE RT. HON. (DR.) MOSES F.M. WETANG'ULA, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY

Wednesday 24th July 2024

REPUBLIC OF KENYA

Telegraphic Address
'Bunge', Nairobi
Telephone 2848003
Fax: 2243694
E-mail: clerk.senate@parliament.go.ke



Clerk's Chambers
The Senate
Parliament Buildings
P. O. Box 41842 -00100
Nairobi, Kenya

**PARLIAMENT OF KENYA
OFFICE OF THE CLERK OF THE SENATE**

REF: SEN/L&P/MSG.2024/(22)

13th May, 2024

Mr. Samuel J. Njoroge, CBS,
Clerk of the National Assembly,
Parliament Buildings,
NAIROBI.

Dear 

**RE: PASSAGE OF THE NATIONAL RATING BILL (NATIONAL ASSEMBLY
BILLS NO. 55 OF 2022)**

The above matter refers.

The Senate, on Thursday, 9th May, 2024 passed **the National Rating Bill (National Assembly Bills No. 55 of 2022) with amendments.**

Pursuant to Article 112(1)(b) of the Constitution and the provisions of Standing Orders 46(2) and 164(c) of the Senate, I hereby forward to you the Message from the Speaker of the Senate.

Please find attached copies of the Votes and Proceedings, the Hansard and the Order Paper of the sitting.

Yours 

**J. M. NYEGENYE, CBS,
CLERK OF THE SENATE.**

Encls.



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (THIRD SESSION)

THE SENATE

MESSAGES

MESSAGE TO THE NATIONAL ASSEMBLY

No. 22 of 2024

**PASSAGE OF THE NATIONAL RATING BILL (NATIONAL ASSEMBLY BILLS
NO. 55 OF 2022)**

PURSUANT to Article 112(1)(b) of the Constitution and the provisions of Standing Orders 46(1) and 164(c) of the Senate, I hereby convey the following Message from the Senate –

“WHEREAS, the National Rating Bill (National Assembly Bill No. 55 of 2022) was published *vide* Kenya Gazette Supplement No. 185 on 15th November, 2022 as a Bill to provide a comprehensive legislative framework for imposition of property rates on land and buildings by county governments; to provide for the valuation of rateable property; to provide for the appointment and powers of property valuers; to provide for the establishment, powers and functions of the National Rating Tribunal and for connected purposes;

AND WHEREAS, the National Assembly considered the said Bill and passed it on Wednesday, 11th October, 2023 with amendments and referred the Bill to the Senate for consideration;

AND WHEREAS, the Senate considered and **passed** the said Bill on Thursday, 9th May, 2024 **with amendments** as in the schedule of amendments attached hereto;

NOW, THEREFORE, in accordance with the provisions of Article 112 (1)(b) of the Constitution and Standing Orders 46 (1) and 164 (c) of the Senate, I hereby convey the said decision of the Senate and seek concurrence of the National Assembly to the Senate amendments.”

**RT. HON. AMASON JEFFAH KINGI, EGH, MP
SPEAKER OF THE SENATE**

13th May, 2024

REPUBLIC OF KENYA

Telegraphic Address
'Bunge', Nairobi
Telephone 2848003
Fax: 2243694
E-mail: clerk.senate@parliament.go.ke



Clerk's Chambers
The Senate
Parliament Buildings
P. O. Box 41842 – 00100
Nairobi, Kenya

PARLIAMENT OF KENYA
OFFICE OF THE CLERK OF THE SENATE

SENATE AMENDMENTS TO THE NATIONAL RATING BILL (NATIONAL ASSEMBLY BILLS NO. 55 OF 2022)

The following amendments to the **National Rating Bill (National Assembly Bills No. 55 of 2022)** were passed by the Senate on Thursday, 9th May, 2024 –

CLAUSE 12

THAT clause 12 of the Bill be amended in –

- (a) subclause (3) by inserting the words 'and the Council of County Governors' immediately after the words 'National Land Commission'.
- (b) subclause (4) by inserting the words 'in consultation with the Council of County Governors' immediately after the words 'The Cabinet Secretary may'.

CLAUSE 14

THAT clause 14 be amended by inserting the following new subclause immediately after subclause (3) –

- (4) The amount of the rates set under subsection (1) shall not exceed four per cent of the unimproved value of the rateable property.

CLAUSE 20

THAT clause 20 of the Bill be amended in –

- (a) subclause (2) by inserting the words 'and the Council of County Governors' immediately after the words 'the Cabinet Secretary'.
- (b) subclause (6) by deleting the words 'recommend to the Cabinet Secretary Ministry of Lands to further review before submission' and inserting therefor the word 'submit'.

CLAUSE 29

THAT clause 29 of the Bill be amended in subclause (1) by deleting the word 'five' appearing immediately after the words 'undertaken in every' and inserting therefor the word 'ten'.

Signature

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end, positioned above a solid horizontal line.

CLAUSE 30

THAT clause 30 of the Bill be amended by deleting –

- (a) subclause (4);
- (b) sub clause (5); and
- (c) subclause (6).

CLAUSE 32

THAT clause 32 of the Bill be amended –

- (a) in subclause (3) by inserting the words ‘of preparing a report under subsection (4)’ immediately after the words ‘Valuer for purposes’;
- (b) in subclause (6) by deleting the word ‘tabling’ appearing immediately after the words ‘county assembly for’ and inserting therefor the word ‘approval’.
- (c) by inserting the following new subclauses immediately after subclause (6) –
 - (7) The County Assembly shall, within sixty (60) sitting days of submission under subsection (6), by resolution approve or reject the draft valuation roll or draft supplementary valuation roll.
 - (8) Where the County Assembly fails to make a resolution within the period under subsection (7), the draft valuation roll or draft supplementary valuation roll shall be deemed to have been approved.

CLAUSE 34

THAT clause 34 of the Bill be amended in subclause (6) by deleting the word ‘may’ appearing immediately after the words ‘a county government’ and inserting therefor the word “shall”.

CLAUSE 56

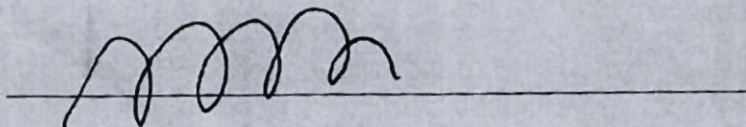
THAT clause 56 of the Bill be amended in –

- (a) subclause (1) by deleting the word ‘may’ appearing immediately after the words ‘The Cabinet Secretary’ and inserting therefor the words ‘shall, in consultation with the Council of County Governors,’
- (b) subclause (2) by deleting the word ‘may’, appearing immediately after the words “the Cabinet Secretary” and inserting therefor the words “shall, in consultation with the Council of County Governors,”.
- (c) subclause (2) by inserting the following new paragraph immediately after paragraph (a) –
 - (aa) the technological systems to be used in the preparation and implementation of the valuation roll or the supplementary valuation roll.

NEW CLAUSE 24A

THAT the Bill be amended by inserting the following new clauses immediately after clause 24 –

Signature

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, is written over a solid horizontal line.



REPUBLIC OF KENYA

13TH PARLIAMENT – (THIRD SESSION)

MINUTES OF THE SECOND (4TH) SITTING OF THE MEDIATION COMMITTEE ON THE NATIONAL RATING BILL, 2022 (NATIONAL ASSEMBLY BILLS NO. 55 OF 2022) HELD ON TUESDAY, 22ND OCTOBER, 2024 IN SENATE COMMITTEE ROOM 5, 1ST FLOOR, MAIN PARLIAMENT BUILDING AT 3:00 P.M

MEMBERS PRESENT

- | | |
|--|---------------|
| 1. Hon. Nyamoko Joash Nyamache, HSC, MP | - Chairperson |
| 2. Sen. Johnes Mwashushe Mwaruma, MP | - Member |
| 3. Hon. Zamzam Mohamed, MP | - Member |
| 4. Sen. Beatrice Akinyi Ogola, MP | - Member |
| 5. Hon. Robi Mathias Nyamabe, MP | - Member |
| 6. Sen. Wamatinga Wahome, MP | - Member |
| 7. Hon. Katana Paul Kahindi, MP | - Member |
| 8. Sen. (Dr.) Steve Lelegwe Ltumbesi, MP | - Member |
| 9. Hon. Lelmengit Josses Kiptoo Kosgey, MP | - Member |
| 10. Sen. Mariam Sheikh Omar, MP | - Member |
| 11. Sen. Issa Boy Juma, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|--|--------------------|
| 1. Sen. John Muhia Methu, MP | - Vice Chairperson |
| 2. Hon. Kihara Jayne Wanjiru Njeri, MP | |
| 3. Sen. William Kipkorir Cheptumo, MP | |
| 4. Hon. Gitari Joseph Gachoki, MP | |
| 5. Hon. (Eng.) Nzambia Thuddeus Kithua, MP | |
| 6. Hon. Fatuma Jehow, MP | |
| 7. Sen. Agnes Kavindu Muthama, MP | |

IN ATTENDANCE

SECRETARIAT

- | | | |
|------------------------|---|-------------------------|
| 1. Mr. Joshua Ondari | - | Clerk Assistant |
| 2. Mr. Victor Bett | - | Clerk Assistant |
| 3. Ms. Ivy Nyambura | - | Clerk Assistant |
| 4. Mr. Binensa Mabungu | - | Clerk Assistant |
| 5. Mr. Sidney Lugaga | - | Senior Legal Counsel |
| 6. Ms. Angela Kagunyi | - | Legal Counsel |
| 7. Ms. Brenda Michira | - | Research Officer |
| 8. Mr. John Gichia | - | Research Officer |
| 9. Mr. Jack Lemeteki | - | Media Relations Officer |
| 10. Mr. Cosmas Akhonya | - | Audio Officer |
| 11. Ms. Shirley Milimu | - | Audio Officer |

REF: MIN/NA/SEN/NRB/17/2024

PRELIMINARIES

The meeting was called to order at 5:17 p.m. This was followed by a word of prayer, and a round of introduction.

REF: MIN/NA/SEN/NRB/18/2024

ADOPTION OF THE AGENDA

The agenda was adopted after it was proposed by Hon. Leimangit Josses Kiptoo Kosgey MP, and seconded by Sen. Beatrice Akinyi Ogola, MP, as listed below-

1. Prayers
2. Preliminaries
3. Adoption of the Agenda
4. Confirmation of Minutes
5. Matters arising
6. **Consideration and Adoption of the Report on the National Rating Bill (National Assembly Bills No. 55 of 2022)**
7. Any other Business
8. Adjournment/Date of the next meeting

REF: MIN/NA/SEN/NRB/19/2024

CONFIRMATION OF MINUTES

The minutes of the 3rd sitting of the Mediation Committee on the National Rating Bill (National Assembly Bills No. 55 of 2022) were confirmed as a true reflection of the

Chief Government Valuer.

24A. (1) There shall be a Chief Government Valuer who shall be the principal advisor to the National Government and county governments on all matters relating to valuation.

(2) The Chief Government Valuer shall be appointed by the Public Service Commission through a competitive recruitment process.

NEW CLAUSE 24B.

Qualification of the Chief Government Valuer.

24B. (1) A person is qualified for appointment as the Chief Government Valuer if that person –

- (a) is a citizen of Kenya;
- (b) has a minimum of a Bachelor's degree from a university recognized in Kenya in –
 - (i) land economics;
 - (ii) real estate; or;
 - (iii) any other relevant field;
- (c) has at least fifteen years' experience in the valuation practice;
- (d) is a full member of the Institution of Surveyors of Kenya (Chapter on Valuation) and in good standing; and
- (e) meets the requirements of Chapter Six of the Constitution.

NEW CLAUSE 30A.

THAT the Bill be amended by inserting the following new Clause immediately after clause 30 –

Supplementary valuation roll

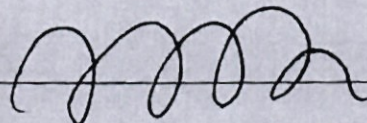
30A. (1) The county government shall, in preparing a supplementary valuation roll, rely on data or information that was used in the preparation of the valuation roll to assign values to be adopted on the properties contained in a supplementary valuation roll.

(2) A supplementary valuation roll shall include only those alterations and additions to the valuation roll which are permitted by this section.

(3) The draft supplementary valuation roll shall take into account –

- (a) rateable property omitted from valuation;
- (b) new rateable property;
- (c) rateable property which is subdivided or consolidated with other rateable property; and,

Signature



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- (d) re-categorization of the rate on the change of use of the rateable property.

CLAUSE 2

THAT clause 2 of the Bill be amended by deleting –

- (a) the definition of the term ‘occupier’ and inserting therefor the following new definition

–

“occupier” means, in relation to rateable property, a person who is in physical possession of premises, or a person who has control over the premises, where the rateable owner is unknown;

- (b) the definition of the term ‘valuation roll’ and inserting therefor the following new definition—

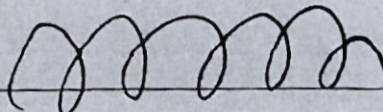
“valuation roll” means a roll prepared in accordance with this Act;

- (c) the definition of ‘Chief Government Valuer’ and inserting the following new definition

–

“Chief Government Valuer” means a valuer appointed under section 24A.

Signature



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