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COMMITTEE	Delegated Legislation
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THE SENATE

THIRTEENTH PARLIAMENT | THIRD SESSION

SELECT COMMITTEE ON DELEGATED LEGISLATION

REPORT ON THE CONSIDERATION OF THE VARIOUS STATUTORY INSTRUMENTS ON LAND MATTERS:

- The Physical and Land Use Planning (Planning Fees) (Amendment) Regulations, Legal Notice No. 72 of 2024;
- The Land (Amendment) Regulations, Legal Notice No. 74 of 2024; and
- The Land Registration (General) (Amendment) Regulations, Legal Notice No. 77 of 2024.

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ABBREVIATIONS AND ACRONYMS

CS	Cabinet Secretary
CoG	Council of Governors
MDAs	Ministries, Departments and Agencies
PSC	Parliamentary Service Commission
RIA	Regulatory Impact Assessment
RIS	Regulatory Impact Statement
RMA	Regulation Making Authority
Sen	Senator

CHAIRPERSON'S FOREWORD

Mr. Speaker,

Establishment of the Committee

The Senate Select Committee on Delegated Legislation is established under Standing Order 195 (1) of the Senate Standing Orders. The Committee is mandated to scrutinize statutory instruments laid before the Senate to ensure that they are consistent with the provisions of the Statutory Instruments Act, 2013.

Membership of the Committee

The Select Committee on Delegated Legislation is comprised of the following members:-

- | | |
|--|---------------------------|
| (i) Sen. Mwenda Gataya Mo Fire, MP | - Chairperson |
| (ii) Sen. Danson Buya Mungatana, MGH, MP | - Vice-Chairperson |
| (iii) Sen. Joyce Chepkoech Korir, MP | - Member / VC, PSC |
| (iv) Sen. Mohamed Mwinyihaji Faki, MP | - Member |
| (v) Sen. Agnes Kavindu Muthama, MP | - Member |
| (vi) Sen. Daniel Kitonga Maanzo, MP | - Member |
| (vii) Sen. Julius Murgor Recha, MP | - Member |
| (viii) Sen. Betty Batuli Montet, MP | - Member |
| (ix) Sen. Gloria Orwoba, MP | - Member |

Mr. Speaker,

In line with its mandate, the Committee received the Physical and Land Use Planning (Planning Fees) (Amendment) Regulations, Legal Notice No. 72 of 2024; the Land (Amendment) Regulations, Legal Notice No. 74 of 2024 and the Land Registration (General) (Amendment) Regulations, Legal Notice No. 77 of 2024 for parliamentary scrutiny pursuant to Part IV of the Statutory Instruments Act, 2013.

The instruments were prepared by the Ministry of Lands, Public Works, Housing and Urban Development and published by the Cabinet Secretary on 25th April, 2024. The regulations were forwarded to the Senate by the Cabinet Secretary, Ministry of Lands, Public Works, Housing and Urban Development, within seven (7) sitting days pursuant to section 11(1) of the Statutory

Instruments Act, 2013. The regulations were tabled before the Senate on 2nd May, 2024 and subsequently stood committed to the Senate Committee on Delegated Legislation. Pursuant to section 15(2) of the Statutory Instruments Act, the Committee was required to scrutinize the regulations up until 30th July, 2024, after which the stipulated twenty-eight (28) sitting days from 2nd May, 2024 would have lapsed.

Mr. Speaker,

In scrutinising the statutory instruments, the Committee was guided by the Constitution of Kenya, the Land Act, 2012, the Land Registration Act, 2012, the Land Control Act (Cap 302) the Sectional Properties Act, 2020, the Physical Planning and Land Use Act, 2019, and the Statutory Instruments Act (Cap 2, Laws of Kenya).

Mr. Speaker,

Kindly allow me to inform this Honourable House of the reasons why the Committee has reached a resolution to annul the Physical and Land Use Planning (Planning Fees) (Amendment) Regulations, Legal Notice No. 72 of 2024, the Land (Amendment) Regulations, Legal Notice No. 74 of 2024 and the Land Registration (General) (Amendment) Regulations, Legal Notice No. 77 of 2024.

At the time of presentation before the Senate, the Regulation Making Authority, in this case the Cabinet Secretary for Lands, Public Works, Housing and Urban Development, provided the Committee with the Regulatory Impact Statement, the Explanatory Memorandum, and a matrix detailing the public participation undertaken and the result of the consultations.

Mr. Speaker,

Pursuant to section 16 of the Statutory Instruments Act, the Committee invited the Regulation Making Authority (Cabinet Secretary in charge of Lands), the Council of Governors and the Law Society of Kenya for a meeting on Thursday, 11th July, 2024 to consider the instruments.

Mr. Speaker,

During this meeting with the Council of Governors and the Law Society of Kenya, concerns were observed by the Committee on its own motion and raised on some of the Regulations. Some of the concerns observed and raised by the invited stakeholders are as follows—

A. The Physical and Land Use Regulations Planning (Planning Fees) (Amendment) Regulations, Legal Notice No. 72 of 2024

These Regulations amend the Schedule of the Physical and Land Use Regulations Planning (Planning Fees) (Amendment) Regulations, 2021 by adding new charges on court attendances and consultancies. The LSK proposed the removal of the proposed fees for the services in the Regulations for the following reasons—

- a. the fees are punitive given the high cost of living in the country;
- b. the services of attending court or a place outside the office are routine services that ought not to be charged separately;
- c. the introduction of payment for transport and subsistence allowance runs the risk of opening corruption channels; and
- d. the county governments' proposed engagement in consultancy may lead to a situation of conflict of interest.

On its part, the Committee observed that the Regulatory Impact Statement that was forwarded to the Committee stated that this statutory instrument was based on the broader context of the land reforms envisioned in the proposed Land Laws (Amendment) Bill, 2023 which has not been enacted into law. The RMA had based the Regulations on a legislation that had not been considered and passed by Parliament.

B. The Land (Amendment) Regulations, Legal Notice No. 74 of 2024;

The Regulations amend the Land Regulations, 2017 to add a Fifth Schedule of new charges in land transactions such as approval fees on applications for alienations, change of user, extension of user, application for allocation of public land, attending court, approval of sectional plans among other charges. Approval Fees should be raised to a reasonable sum that considers the value and size of the land in question. Furthermore, there is need to demonstrate that public land is valuable. Charging low prices for its administration opens it up for abuse.

The Committee noted that the majority of the fees proposed in the Schedule to the regulations are inconsistent with section 154(2) of the Land Act, Cap 280 which mandates fees to be calculated as a percentage of the land's value. Instead, these fees are specified as fixed amounts, with only

the Planning and Settlement fees meeting the percentage requirement. Consequently, the Regulations exceed the powers conferred by section 154(2) of the Land Act, and do not align with section 13(i) of the Statutory Instruments Act, Cap 2A and Article 94(6) of the Constitution; and

Additionally, the proposal to include fees for the application of Land Control Board Consent and special Land Control Board Consent in the Fifth Schedule of the regulations to the Land Act as opposed to regulations under the Land Control Board Act is irregular as section 25 of Cap 302 permits the Cabinet Secretary to create regulations under the said Act and not under the Land Act.;

C. The Land Registration (General)(Amendment) Regulations, Legal Notice No. 77 of 2024

On these Regulations, the LSK recommended the revocation and review of the item labelled “professional advice on any land registration matters by the land registrar or Chief Land Registrar” which is charged at Kshs. 3,000. The reasons cited are that the Ministry of Land should in the ordinary course of business render advisory services and guidelines to the public for free as it is part of their statutory roles. Further, the act of placing a land registrar or the chief registrar as a practicing professional who can charge fees for their professional advice leaves this regulation open to abuse and corruption by registrars and third parties which has the additional effect of increasing the costs of land transactions.

The Committee on its part noted that fees outlined in the Schedule to the Land Registration (General) (Amendment) Regulations 2024 do not adhere to section 102(2) of the Land Registration Act, which mandates fees to be calculated as a percentage of the land's value. Instead, these fees are specified as fixed amounts. Consequently, the Regulations exceed the powers conferred by section 102(2) of the Land Registration Act, and do not align with section 13 (i) of the Statutory Instruments Act, Cap 2A and Article 94(6) of the Constitution.

Mr. Speaker,

Public participation, regarded as the bedrock of Kenya’s legislative process, has been entrenched in the Constitution under Article 10 as a national value and principle of governance and is binding on all persons whenever any of them applies or interprets the Constitution, enacts, applies or interprets any law or makes or implements public policy decisions.

In considering whether public participation has been undertaken to the constitutional standard, the Committee is obligated to consider not just the quantitative aspect (i.e. how many people have been consulted) but also qualitative aspect (i.e. how did the RMA consider the feedback received?). While the Committee received written memoranda from stakeholders, the RMA was unable to demonstrate whether it considered the feedback received from stakeholders, a majority of whom decried the increased fees which would raise the cost of transactions in land at a time when the cost of living was high. Aside from the increase in the charges, there are other fundamental matters such as non-conformity with the parent Acts. The Committee observed that these issues ought to have been addressed at the public participation stage. The existence of such matters after the instruments had been published raised the question of whether the public participation was qualitative.

The RMA was given ample time and opportunity to submit the evidence of adequate public participation, to show how it incorporated the views and concerns from the public and the stakeholders into the instruments, and a regulatory impact assessment that outlined the financial implication of the Regulations and Rules as well as fees outlined Schedule. There was no explanation from the Regulation Making Authority on how the Regulations changed after the public participation. As such, the Committee observed that public participation was not qualitative and was therefore contrary to Article 10 of the Constitution.

Mr. Speaker,

After careful consideration of the Physical and Land Use Planning (Planning Fees) (Amendment) Regulations, Legal Notice No. 72 of 2024, the Land (Amendment) Regulations, Legal Notice No. 74 of 2024 and the Land Registration (General) (Amendment) Regulations, Legal Notice No. 77 of 2024 and pursuant to section 18 of the Statutory Instruments Act and Standing Order 195 (4)(b), the Committee recommends that the Senate resolves that the Physical and Land Use Planning (Planning Fees) (Amendment) Regulations, Legal Notice No. 72 of 2024, the Land (Amendment) Regulations, Legal Notice No. 74 of 2024 and the Land Registration (General) (Amendment) Regulations, Legal Notice No. 77 of 2024 be annulled for the following reasons—

- (i) the Physical and Land Use Regulations Planning (Planning Fees) (Amendment) Regulations, Legal Notice No. 72 of 2024 was based on the broader context of the land reforms envisioned in the proposed Land Laws (Amendment) Bill, 2023 which has not been enacted into law. Additionally, the Regulations introduce irregular charges. The services of attending court or a place outside the office are routine services that ought not to be charged separately, the introduction of payment for transport and subsistence allowance runs the risk of opening corruption channels; and proposed engagement in consultancy may lead to a situation of conflict of interest.
- (ii) For the Land (Amendment) Regulations, Legal Notice No. 74 of 2024, majority of the fees proposed are *ultra vires* to section 154(2) of the Land Act, Cap 280 which mandates fees to be calculated as a percentage of the land's value and do not align with section 13 (i) of the Statutory Instruments Act, Cap 2A and Article 94(6) of the Constitution. Additionally, the charges for application for the Land Control Board Consent and the special Land Control Board Consent should have been enacted under the Land Control Act and not the Land Act.
- (iii) the fees outlined in the Schedule to the Land Registration (General) (Amendment) Regulations 2024 do not adhere to section 102(2) of the Land Registration Act, which mandates fees to be calculated as a percentage of the land's value and do not align with section 13 (i) of the Statutory Instruments Act, Cap 2A and Article 94(6) of the Constitution. Additionally, the Regulations make unusual use of the powers by introducing an irregular charge on seeking the professional advice of the Chief Land Registrar or a land registrar. Registrars should in the ordinary course of business render professional advice and undertake regular sensitisation to the public on their mandate and operations. Further to this, the scope and type of professional advice being given has not been defined leaving it open to abuse by registrars and other third parties and unnecessarily increases the cost of land transactions.

(iv) Contrary to Article 10, 118 of the Constitution and Section 5A. (1)(d)(e) of the Statutory Instruments Act, the regulatory making authority did not submit evidence of an adequate post-drafting public participation for the Regulations that satisfactorily considered the issues from the public and stakeholders involved.

Mr. Speaker,

I wish to thank the Members of the Committee for their unwavering commitment to scrutinizing this statutory instruments. I also wish to thank the Offices of the Speaker and the Clerk of the Senate as well as the Secretariat for the support extended to it in fulfilling its mandate. Additionally, I extend my appreciation to the Ministry of Lands, Public Works, Housing and Urban Development and all the stakeholders involve, for appearing before the committee and making their submissions.

Mr. Speaker

It is now my duty, pursuant to Section 15(1) of the Statutory Instruments Act and standing order 195(4) (b) of the Senate Standing Orders, to present the report of the Select Committee on Delegated Legislation on the Physical and Land Use Planning (Planning Fees) (Amendment) Regulations, Legal Notice No. 72 of 2024; the Land (Amendment) Regulations, Legal Notice No. 74 of 2024; and the Land Registration (General) (Amendment) Regulations, Legal Notice No. 77 of 2024.

Signed

Date 22/08/2024

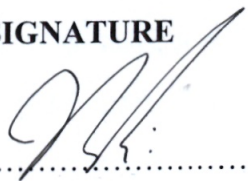
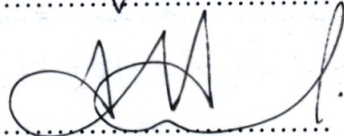
SEN. MWENDA GATAYA MO FIRE, MP

CHAIRPERSON

SELECT COMMITTEE ON DELEGATED LEGISLATION

**ADOPTION OF THE ON REPORT ON THE CONSIDERATION OF THE PHYSICAL
AND LAND USE PLANNING (PLANNING FEES) (AMENDMENT) REGULATIONS,
LEGAL NOTICE NO. 72 OF 2024, THE LAND (AMENDMENT) REGULATIONS,
LEGAL NOTICE NO. 74 OF 2024; AND THE LAND REGISTRATION (GENERAL)
(AMENDMENT) REGULATIONS, LEGAL NOTICE NO. 77 OF 2024.**

**We, the undersigned Members of the Select Committee on Delegated Legislation, do hereby
append our signatures to adopt the Report-**

	NAME	DESIGNATION	SIGNATURE
1.	Sen. Mwenda Gataya Mo Fire, MP	Chairperson	
2.	Sen. Danson Buya Mungatana, MGH, MP	Vice Chairperson	
3.	Sen. Gloria Magoma Orwoba, MP	Member	
4.	Sen. Joyce Chepkoech Korir, MP	Member	
5.	Sen. Julius Murgor Recha, MP	Member	
6.	Sen. Daniel Kitonga Maanzo, MP	Member	
7.	Sen. Mohamed Mwinyihaji Faki, MP	Member	
8.	Sen. Betty Batuli Montet, MP	Member	
9.	Sen. Agnes Kavindu Muthama, MP	Member	

CHAPTER ONE

INTRODUCTION

1.1 BACKGROUND

1. Section 2 of the Statutory Instruments Act defines a statutory instrument as follows—

“statutory instrument” means any rule, order, regulation, direction, form, tariff of costs or fees, letters patent, commission, warrant, proclamation, by-law, resolution, guideline or other statutory instrument issued, made or established in the execution of a power conferred by or under an Act of Parliament under which that statutory instrument or subsidiary legislation is expressly authorized to be issued.

2. Section 11 of the Statutory Instruments Act provides as follows-

11. Laying of statutory instruments before Parliament

- (1) Every Cabinet Secretary responsible for a regulation-making authority shall within seven (7) sitting days after the publication of a statutory instrument, ensure that a copy of the statutory instrument is transmitted to the responsible Clerk for tabling before the relevant House of Parliament.*
- (2) Notwithstanding subsection (1) and pursuant to the legislative powers conferred on the National Assembly under Article 109 of the Constitution, all regulation-making authorities shall submit copies of all statutory instruments for tabling before the National Assembly.*
- (3) The responsible Clerk shall register or cause to be registered every statutory instrument transmitted to the respective House for tabling or laying under this Part.*
- (4) If a copy of a statutory instrument that is required to be laid before the relevant House of Parliament is not so laid in accordance with this section, the statutory instrument shall cease to have effect immediately after the last day for it to be so laid but without prejudice to any act done under the statutory instrument before it became void.*

3. In line with its mandate, the Committee received the Physical and Land Use Planning (Planning Fees) (Amendment) Regulations, Legal Notice No. 72 of 2024; the Land (Amendment) Regulations, Legal Notice No. 74 of 2024 and the Land Registration (General)

(Amendment) Regulations, Legal Notice No. 77 of 2024 for parliamentary scrutiny pursuant to Part IV of the Statutory Instruments Act, 2013.

4. The Regulations were published by the Cabinet Secretary in charge of Lands, Public Works, Housing and Urban Development, pursuant to Section 160 of the Land Act, 2012, Section 110 of the Land Registration Act, 2012, and Section 90 of the Physical Planning and Land Use Act, 2019, which empowers the Cabinet Secretary, in consultation with the Board, to make Regulations for the better carrying out of the provisions of the Acts.
5. The Physical and Land Use Planning (Planning Fees) (Amendment) Regulations, Legal Notice No. 72 of 2024; the Land (Amendment) Regulations, Legal Notice No. 74 of 2024; and the Land Registration (General) (Amendment) Regulations, Legal Notice No. 77 of 2024 were prepared by the Ministry of Lands, Public Works, Housing and Urban Development and published by the Cabinet Secretary on 25th April, 2024.
6. The regulations were forwarded to the Senate pursuant to section 11(1) of the Statutory Instruments Act. The Regulations were tabled before the Senate 2nd May, 2024 and subsequently stood committed to the Senate Committee on Delegated Legislation. Pursuant to section 15(2) of the Statutory Instruments Act, the Committee was required to scrutinize the regulations up until 30th July, 2024, after which the stipulated twenty-eight (28) sitting days from its referral date would have lapsed.

1.2 SCRUTINY OF THE REGULATIONS

7. In scrutinizing the statutory instruments, the Committee considered whether the instruments conforms—
 - i) to the letter and spirit of the Constitution;
 - ii) the Land Act, Cap. 280, the Land Registration Act, Cap. 300, and the Physical Planning and Land Use Act, Cap. 303, with the Statutory Instruments Act, Cap 2, Laws of Kenya.
8. Pursuant to section 16 of the Statutory Instruments Act, the Committee invited Cabinet Secretary in charge of Lands, Public Works, Housing and Urban Development, the Council

of Governors, and the Law Society of Kenya for a meeting on 11th July, 2024 to discuss the six regulations.

9. All the invited stakeholders appeared before the Committee on Thursday 11th July, 2024. Some of the concerns raised by the stakeholders and observed by the Committee on the Regulations—

A. The Physical and Land Use Regulations Planning (Planning Fees) (Amendment) Regulations, Legal Notice No. 72 of 2024

10. These Regulations amend the Schedule of the Physical and Land Use Regulations Planning (Planning Fees) (Amendment) Regulations, 2021 by adding new charges on court attendances and consultancies. The LSK proposed the removal of the proposed fees for the services in the Regulations for the following reasons—
 - a. the fees are punitive given the high cost of living in the country;
 - b. the services of attending court or a place outside the office are routine services that ought not to be charged separately;
 - c. the introduction of payment for transport and subsistence allowance runs the risk of opening corruption channels; and
 - d. the county governments' proposed engagement in consultancy may lead to a situation of conflict of interest.

11. On its part, the Committee observed that the Regulatory Impact Statement that was forwarded to the Committee stated that this statutory instrument was based on the broader context of the land reforms envisioned in the proposed Land Laws (Amendment) Bill, 2023 which has not been enacted into law. The RMA had based the Regulations on a legislation that had not been considered and passed by Parliament.

B. The Land (Amendment) Regulations, Legal Notice No. 74 of 2024;

12. The Regulations amend the Land Regulations, 2017 to add a Fifth Schedule of new charges in land transactions such as approval fees on applications for alienations, change of user, extension of user, application for allocation of public land, attending court, approval of sectional plans among other charges. Approval Fees should be raised to a reasonable sum

that considers the value and size of the land in question. Furthermore, there is need to demonstrate that public land is valuable. Charging low prices for its administration opens it up for abuse.

13. The Committee noted that the majority of the fees proposed in the Schedule to the regulations are inconsistent with section 154(2) of the Land Act, Cap 280 which mandates fees to be calculated as a percentage of the land's value. Instead, these fees are specified as fixed amounts, with only the Planning and Settlement fees meeting the percentage requirement. Consequently, the Regulations exceed the powers conferred by section 154(2) of the Land Act, and do not align with section 13(i) of the Statutory Instruments Act, Cap 2A and Article 94(6) of the Constitution.
14. Additionally, the proposal to include fees for the application of Land Control Board Consent and special Land Control Board Consent in the Fifth Schedule of the regulations to the Land Act as opposed to regulations under the Land Control Board Act Cap. 302 is irregular as section 25 of the Land Control Act permits the Cabinet Secretary to create regulations under the said Act and not under the Land Act.

C. The Land Registration (General)(Amendment) Regulations, Legal Notice No. 77 of 2024

15. On these Regulations, the LSK recommended the revocation and review of the item labelled “professional advice on any land registration matters by the land registrar or Chief Land Registrar” which is charged at Kshs. 3,000. The reasons cited are that the Ministry of Land should in the ordinary course of business render advisory services and guidelines to the public for free as it is part of their statutory roles. Further, the act of placing a land registrar or the chief registrar as a practicing professional who can charge fees for their professional advice leaves this regulation open to abuse and corruption by registrars and third parties which has the additional effect of increasing the costs of land transactions.
16. The Committee on its part noted that fees outlined in the Schedule to the Land Registration (General) (Amendment) Regulations 2024 do not adhere to section 102(2) of the Land Registration Act, which mandates fees to be calculated as a percentage of the land's value.

Instead, these fees are specified as fixed amounts. Consequently, the Regulations exceed the powers conferred by section 102(2) of the Land Registration Act, and do not align with section 13 (i) of the Statutory Instruments Act, Cap 2A and Article 94(6) of the Constitution.

CHAPTER TWO

COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

2.1 COMMITTEE OBSERVATIONS

1. All the invited stakeholders appeared before the Committee on Thursday 11th July, 2024. Some of the observations by the Committee on the Regulations—
 - (a) **Compliance with the Statutory Instruments Act.**
 - A. *The Physical and Land Use Regulations Planning (Planning Fees) (Amendment) Regulations, Legal Notice No. 72 of 2024*
2. These Regulations amend the Schedule of the Physical and Land Use Regulations Planning (Planning Fees) (Amendment) Regulations, 2021 by adding new charges on court attendances and consultancies. The Committee observed that—
 - a. the fees are punitive given the high cost of living in the country;
 - b. the services of attending court or a place outside the office are routine services that ought not to be charged separately;
 - c. the introduction of payment for transport and subsistence allowance runs the risk of opening corruption channels; and
 - d. the county governments' proposed engagement in consultancy may lead to a situation of conflict of interest.
17. It was also observed that the Regulatory Impact Statement that was forwarded to the Committee stated that this statutory instrument was based on the broader context of the land reforms envisioned in the proposed Land Laws (Amendment) Bill, 2023 which has not been enacted into law. The RMA had based the Regulations on a legislation that had not been considered and passed by Parliament.
 - B. *The Land (Amendment) Regulations, Legal Notice No. 74 of 2024;*
18. The Regulations amend the Land Regulations, 2017 to add a Fifth Schedule of new charges in land transactions such as approval fees on applications for alienations, change of user, extension of user, application for allocation of public land, attending court, approval of

sectional plans among other charges. Approval Fees should be raised to a reasonable sum that considers the value and size of the land in question. Furthermore, there is need to demonstrate that public land is valuable. Charging low prices for its administration opens it up for abuse.

19. The Committee observed that the majority of the fees proposed in the Schedule to the regulations are inconsistent with section 154(2) of the Land Act, Cap 280 which mandates fees to be calculated as a percentage of the land's value. Instead, these fees are specified as fixed amounts, with only the Planning and Settlement fees meeting the percentage requirement. Consequently, the Regulations exceed the powers conferred by section 154(2) of the Land Act, and do not align with section 13(i) of the Statutory Instruments Act, Cap 2A and Article 94(6) of the Constitution.
20. Additionally, the proposal to include fees for the application of Land Control Board Consent and special Land Control Board Consent in the Fifth Schedule of the regulations to the Land Act as opposed to regulations under the Land Control Board Act Cap. 302 is irregular as section 25 of the Land Control Act permits the Cabinet Secretary to create regulations under the said Act and not under the Land Act.

C. The Land Registration (General)(Amendment) Regulations, Legal Notice No. 77 of 2024

21. These Regulations introduced an item labelled "*professional advice on any land registration matters by the land registrar or Chief Land Registrar*" which is charged at Kshs. 3,000/=. The Committee observed that the Ministry of Land should in the ordinary course of business render advisory services and guidelines to the public for free as it is part of their statutory roles. Further, the act of placing a land registrar or the chief registrar as a practicing professional who can charge fees for their professional advice leaves this regulation open to abuse and corruption by registrars and third parties which has the additional effect of increasing the costs of land transactions.
22. The Committee also noted that fees outlined in the Schedule to the Land Registration (General) (Amendment) Regulations 2024 do not adhere to section 102(2) of the Land

Registration Act, which mandates fees to be calculated as a percentage of the land's value. Instead, these fees are specified as fixed amounts. Consequently, the Regulations exceed the powers conferred by section 102(2) of the Land Registration Act, and do not align with section 13 (i) of the Statutory Instruments Act, Cap 2A and Article 94(6) of the Constitution.

(b) Public Participation

23. The Committee received the Explanatory Memorandum explaining the nature and extent of public participation undertaken. The Committee also received and considered the matrix of comments received from stakeholders that were consulted.
24. Public participation, as the bedrock of Kenya's legislative process, has been entrenched in the Constitution under Article 10 as a national value and principle of governance and is binding on all persons whenever any of them applies or interprets the Constitution, enacts, applies or interprets any law or makes or implements public policy decisions.
25. The Supreme Court in *British American Tobacco Kenya, PLC (formerly British American Tobacco Kenya Limited) v Cabinet Secretary for the Ministry of Health & 2 others* laid down the following guiding principles for public participation—
 - (a) As a constitutional principle under Article 10(2) of the Constitution, public participation applies to all aspects of governance;
 - (b) The public officer and or entity charged with the performance of a particular duty bears the onus of ensuring and facilitating public participation;
 - (c) The lack of a prescribed legal framework for public participation is no excuse for not conducting public participation; the onus is on the public entity to give effect to this constitutional principle using reasonable means;
 - (d) Public participation must be real and not illusory. It is not a cosmetic or a public relations act. It is not a mere formality to be undertaken as a matter of course just to 'fulfill' a constitutional requirement. There is need for both quantitative and qualitative components in public participation;
 - (e) Public participation is not an abstract notion; it must be purposive and meaningful;
 - (f) Public participation must be accompanied by reasonable notice and reasonable

opportunity. Reasonableness will be determined on a case to case basis;

- (g) Public participation is not necessarily a process consisting of oral hearings, written submissions can also be made. The fact that someone was not heard is not enough to annul the process;
- (h) Allegation of lack of public participation does not automatically vitiate the process. The allegations must be considered within the peculiar circumstances of each case: the mode, degree, scope and extent of public participation is to be determined on a case to case basis;
- (i) Components of meaningful public participation include the following:
 - (i) *clarity of the subject matter for the public to understand;*
 - (ii) *structures and processes (medium of engagement) of participation that are clear and simple;*
 - (iii) *opportunity for balanced influence from the public in general;*
 - (iv) *commitment to the process;*
 - (v) *inclusive and effective representation;*
 - (vi) *integrity and transparency of the process;*
 - (vii) *capacity to engage on the part of the public, including that the public must be first sensitized on the subject matter.*

26. Additionally, *the High Court in Mui Coal Basin Local Community & 15 others v Permanent Secretary Ministry of Energy & 17 others [2015] eKLR* held that—

“First, it is incumbent upon the government agency or public official involved to fashion a programme of public participation that accords with the nature of the subject matter. It is the government agency or Public Official who is to craft the modalities of public participation but in so doing the government agency or Public Official must take into account both the quantity and quality of the governed to participate in their own governance...

Second, public participation calls for innovation and malleability depending on the nature of the subject matter, culture, logistical constraints, and so forth. In other words, no single regime or programme of public participation can be prescribed and the Courts will not use any litmus test to determine if public participation has been achieved or not. The only test the Courts use

is one of effectiveness...

Third, whatever programme of public participation is fashioned, it must include access to and dissemination of relevant information....

Fourth, public participation does not dictate that everyone must give their views on an issue... To have such a standard would be to give a virtual veto power to each individual in the community to determine community collective affairs. A public participation programme... must, however, show intentional inclusivity and diversity. Any clear and intentional attempts to keep out bona fide stakeholders would render the public participation programme ineffective and illegal by definition. In determining inclusivity in the design of a public participation regime, the government agency or Public Official must take into account the subsidiarity principle: those most affected by a policy, legislation or action must have a bigger say in that policy, legislation or action and their views must be more deliberately sought and taken into account.

Fifth, the right of public participation does not guarantee that each individual's views will be taken as controlling; the right is one to represent one's views – not a duty of the agency to accept the view given as dispositive. However, there is a duty for the government agency or Public Official involved to take into consideration, in good faith, all the views received as part of public participation programme. The government agency or Public Official cannot merely be going through the motions or engaging in democratic theatre so as to tick the Constitutional box."

27. From the above judgments from the Courts, it is apparent that public participation must be real and not illusory. This is why section 5A(1)(e) provides that the explanatory memorandum should explain any changes made to the legislation as a result of the public participation.
28. While the Committee received written memoranda from stakeholders, the RMA was unable to demonstrate whether it considered the feedback received from stakeholders, a majority of whom decried the increased fees which would raise the cost of transactions in land at a time

when the cost of living was high. Aside from the increase in the charges, there are other fundamental matters such as non-conformity with the parent Acts. The Committee observed that these issues ought to have been addressed at the public participation stage. The existence of such matters after the instruments had been published raised the question of whether the public participation was qualitative.

29. The RMA was given ample time and opportunity to submit the evidence of adequate public participation, to show how it incorporated the views and concerns from the public and the stakeholders into the instruments, and a regulatory impact assessment that outlined the financial implication of the Regulations and Rules as well as fees outlined Schedule. There was no explanation from the Regulation Making Authority on how the Regulations changed after the public participation. As such, the Committee observed that public participation was not qualitative and was therefore contrary to Article 10 of the Constitution.

2.2 COMMITTEE RECOMMENDATIONS

30. Based on the observations made, the Committee therefore makes the following recommendations—

After careful consideration of the Physical and Land Use Planning (Planning Fees) (Amendment) Regulations, Legal Notice No. 72 of 2024, the Land (Amendment) Regulations, Legal Notice No. 74 of 2024 and the Land Registration (General) (Amendment) Regulations, Legal Notice No. 77 of 2024 and pursuant to section 18 of the Statutory Instruments Act and Standing Order 195 (4)(b), the Committee recommends that the Senate resolves that the Physical and Land Use Planning (Planning Fees) (Amendment) Regulations, Legal Notice No. 72 of 2024, the Land (Amendment) Regulations, Legal Notice No. 74 of 2024 and the Land Registration (General) (Amendment) Regulations, Legal Notice No. 77 of 2024 be annulled for the following reasons—

- (i) the Physical and Land Use Regulations Planning (Planning Fees) (Amendment) Regulations, Legal Notice No. 72 of 2024 was based on the broader context of the land reforms envisioned in the proposed Land Laws (Amendment) Bill, 2023**

which has not been enacted into law. Additionally, the Regulations introduce irregular charges. The services of attending court or a place outside the office are routine services that ought not to be charged separately, the introduction of payment for transport and subsistence allowance runs the risk of opening corruption channels; and proposed engagement in consultancy may lead to a situation of conflict of interest.

(ii) For the Land (Amendment) Regulations, Legal Notice No. 74 of 2024, majority of the fees proposed are *ultra vires* to section 154(2) of the Land Act, Cap 280 which mandates fees to be calculated as a percentage of the land's value and do not align with section 13 (i) of the Statutory Instruments Act, Cap 2A and Article 94(6) of the Constitution. Additionally, the charges for application for the Land Control Board Consent and the special Land Control Board Consent should have been enacted under the Land Control Act and not the Land Act.

(iii) the fees outlined in the Schedule to the Land Registration (General) (Amendment) Regulations Legal Notice No. 77 of 2024 do not adhere to section 102(2) of the Land Registration Act, which mandates fees to be calculated as a percentage of the land's value and do not align with section 13 (i) of the Statutory Instruments Act, Cap 2A and Article 94(6) of the Constitution. Additionally, the Regulations makes unusual use of the powers by introduce an irregular charge on seeking the professional advice of the Chief Land Registrar or a land registrar. Registrars should in the ordinary course of business render professional advice and undertake regular sensitisation to the public on their mandate and operations. Further to this, the scope and type of professional advice being given has not been defined leaving it open to abuse by registrars and other third parties and unnecessarily increases the cost of land transactions.

(iv) Contrary to Article 10, 118 of the Constitution and Section 5A. (1)(d)(e) of the Statutory Instruments Act, the regulatory making authority did not submit evidence of an adequate post-drafting public participation for the Regulations that satisfactorily considered the issues from the public and stakeholders involved.



THIRTEENTH PARLIAMENT | SECOND SESSION

**MINUTES OF THE FOURTY SECOND (42ND) MEETING OF THE COMMITTEE
ON DELEGATED LEGISLATION HELD ON THURSDAY, 11TH JULY, 2024 AT
11.00 A.M IN COMMITTEE ROOM 1, FIRST FLOOR, BUNGE TOWER**

PRESENT

- | | |
|---|--------------------|
| 1. Sen. Mwenda Gataya Mo Fire, MP | - Chairperson |
| 2. Sen. Danson Buya Mungatana, MGH, MP | - Vice Chairperson |
| 3. Sen. Mohammed Mwinyihaji Faki, CBS, MP | - Member |
| 4. Sen. Daniel Kitonga Maanzo, EBS, MP | - Member |
| 5. Sen. Agnes Kavindu Mutham, MP | - Member |
| 6. Sen. Betty Batuli Montent, MP, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|-----------------------------------|----------|
| 1. Sen. Joyce Chepkoech Korir, MP | - Member |
| 2. Sen. Julius Murgor Recha, MP | - Member |
| 3. Sen. Gloria Orwoba | - Member |

SECRETARIAT

- | | |
|------------------------|--------------------------|
| 1. Mr. Joseph Mwangi | - Senior Clerk Assistant |
| 2. Mr. Malcolm Ngugi | - Legal Counsel |
| 3. Ms. Angela Kagunyi | - Legal Counsel |
| 4. Ms. Zainab Jirma | - Legal Counsel |
| 5. Ms. Rahma Abdullahi | - Clerk Assistant |
| 6. Mr. Nicholas Arusei | - Audio/Hansard Officer |
| 7. Ms. Hawa Abdo | - Serjeant At- Arms |

IN ATTENDANCE

- | | |
|--------------------------------|---|
| 1. Hon. Anyang Nyongo
Urban | - Governor Kisumu County (Chair
Committee COG) |
| 2. Mr. Nicodous Mwaka | - Principal Planner (COG) |

- | | |
|-------------------------|---|
| 3. Mr. Peter Mwangi | - Advocate (LSK) |
| 4. Ms. Sarah Agong | -Advocate (LSK) |
| 5. Tom Abuta | -DCSC (Ministry of Lands, housing and public works) |
| 6. Eric Mutevu | -Technical advisor (Ministry of Lands) |
| 7. David Mwangi | -Advocate (LSK) |
| 8. Mr. Mutembei Richard | -Program Ass. Council of Governors |
| 9. Javan Odenyo | -PO (COG) |

MIN NO. CDL.215/2024 - PRELIMINARIES

The meeting was called to order at 11.20 a.m. followed by a word of prayer by Sen. Mwenda Gataya Mo Fire, MP.

The Chairperson invited all present to introduce themselves.

MIN.NO.CDL. 216/2024 - ADOPTION OF THE AGENDA

The agenda of the meeting was adopted unanimously as follows: -

AGENDA

1. Preliminaries;
 - a) Prayer
 - b) Introduction
2. Adoption of the Agenda;
3. Meeting with-
 - a) the Cabinet Secretary, Ministry of Lands, Housing and Urban Development;
 - b) the President of the Law Society of Kenya (LSK); and
 - c) the Chief Executive Officer Council of Governors
 to consider various Statutory Instruments on Land Matters (Legal Notices No. 70, 72, 73, 74,75 and 77 of 2024).
4. Any Other Business; and,
5. Date of the Next Meeting and Adjournment

MIN.NO.CDL.217/2024 MEETING WITH THE MINSITRY OF LANDS,COUNCIL OF GOVERNORS AND THE LAW SOCIETY OF KENYA TO CONSIDER VARIOUS STATUTORY INSTRUMENTS ON LAND MATTERS (LEGAL NOTICES NO. 70, 72, 73, 74,75 AND 77 OF 2024).

1. The committee sat to deliberate on various Statutory Instruments on Land Matters (Legal Notices No. 70, 72, 73, 74, 75 and 77 of 2024). To shed light on this; the committee invited the regulatory making authority (Ministry of Lands) before making a substantive decision.
2. To also enhance the principle of public engagement; the committee invited various stakeholders to air out their views on the various regulations among them the council of governors and the Law Society of Kenya.
3. Council of the governors attended the meeting as the regulations had a direct impact at the county level. The Law Society of Kenya (LSK) was also invited to give their concerns on certain regulations that to them were not in conformity with the constitution and other laws of Kenya
4. COG applauded the ministry for the first three regulations which to them were drafted in accordance with the constitution and other relevant laws. For the other regulations the council raised issues especially on the fees introduced by the amendments. The ministry was also tasked to explain why a consultancy fee which is to be paid per hour was introduced despite ministry officials being public servants.
5. In addition to the issues raised by the Council of Governors; the LSK tasked the ministry to explain the rationale behind giving compulsory acquisition powers to the minister of lands housing and public works despite this being a function of the National lands Commission.

The responses given by the Ministry of lands in trying to explain the issues raise was not satisfactory to the committee.

Resolutions of the Committee:

- I. The Committee resolved that the three regulations which are: -
 - a) The Valuers (Forms and Fees) (Amendment) Rules, Legal Notice No. 69 of 2024;
 - b) The Land Adjudication (Amendment) Regulations, Legal Notice No. 76 of 2024; and
 - c) The Survey (Amendment) Regulations, Legal Notice No. 71 of 2024 be republished afresh by the Ministry as they were amending already expired statutory instruments.

2. The rest of the Tabled six (6) Regulations:
- a) The Survey (Electronic Cadastre Transactions) (Amendment) Regulations, Legal Notice No. 70 of 2024
 - b) The Physical and Land Use Planning (Planning Fees) (Amendment) Regulations, Legal Notice No. 72 of 2024;
 - c) The Community Land (Amendment) Regulations, Legal Notice No. 73 of 2024;
 - d) The Land (Amendment) Regulations, Legal Notice No. 74 of 2024;
 - e) The Land Registration (Revocation) Regulations, Legal Notice No. 75 of 2024; and
 - f) The Land Registration (General) (Amendment) Regulations, Legal Notice No. 77 of 2024

the Ministry be advised to withdraw them and consider the amendments brought forward by the Law Society of Kenya (LSK) and the Council of Governors (COG) and publish them afresh for the Committee's consideration.

The Committee also observed that the Ministry had not undertaken proper public participation and since land matters were sensitive in nature, the Committee had proposed that the Ministry undertakes a proper public engagement before publishing the statutory instruments afresh.

MIN.NO.CDL. 218/2023 - ANY OTHER BUSINESS

There was no other business

MIN.NO.CDL.219/2023 - ADJOURNMENT AND DATE OF NEXT MEETING

There being no other business, the meeting was adjourned at 2.00 p.m. The Next meeting would be held on July 15th, 2024.

SIGNED: 

DATE:30/7/2024.....

**SEN. MWENDA GATAYA MO FIRE, MP.
CHAIRPERSON,
COMMITTEE ON DELEGATED LEGISLATION**



THIRTEENTH PARLIAMENT | SECOND SESSION

MINUTES OF THE FOURTY THIRD (43RD) MEETING OF THE COMMITTEE ON DELEGATED LEGISLATION HELD ON TUESDAY 16TH JULY, 2024 AT 11.00 A.M IN COMMITTEE ROOM 1, FIRST FLOOR, BUNGE TOWER.

PRESENT

- | | |
|---|---------------|
| 1. Sen. Mwenda Gataya Mo Fire, MP | - Chairperson |
| 2. Sen. Mohammed Mwinyihaji Faki, CBS, MP | -Member |
| 3. Sen. Daniel Kitonga Maanzo, EBS, MP | -Member |
| 4. Sen. Betty Batuli Montent, MP, MP | -Member |
| 5. Sen. Agnes Kavindu Muthama, MP | -Member |

ABSENT WITH APOLOGY

- | | |
|--|-------------------|
| 1. Sen. Danson Buya Mungatana, MGH, MP | -Vice Chairperson |
| 2. Sen. Joyce Chepkoech Korir, MP | -Member |
| 4. Sen. Gloria Orwoba, MP | -Member |
| 6. Sen. Julius Murgor Recha, MP | -Member |

SECRETARIAT

- | | |
|-------------------------|-------------------------|
| 1. Mr. Joseph Mwangi | -Senior Clerk Assistant |
| 2. Ms. Rahma Abdullahi | -Clerk Assistant |
| 3. Ms. Angelica Wachira | -Procurement Officer |
| 4. Ms. Shirley Milimu | -Audio/Hansard Officer |
| 5. Ms. Hawa Abdi | -Serjeant At Arms |

MIN NO. CDL.220/2024 - PRELIMINARIES

The meeting was called to order at 11.24 a.m. followed by a word of prayer by Sen. Mwenda Gataya Mo Fire, MP.

The Chairperson invited all present to introduce themselves.

MIN.NO.CDL. 221/2024 - ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed by Sen. Mohammed Mwinyihaji Faki, CBS, MP and Seconded by Sen. Agnes Kavindu Muthama, MP as follows: -

AGENDA

1. Preliminaries;
 - a) Prayer
 - b) Introduction
2. Adoption of the Agenda;
3. Confirmation of the previous minutes
4. Matters arising from previous minutes
5. Consideration of various Statutory Instruments on Land matters (Legal notices No. 70,72,73,74,75 and 77 of 2024)
6. Any Other Business; and,
7. Date of the Next Meeting and Adjournment

MIN.NO.CDL.222/2024 CONFIRMATION OF PREVIOUS MINUTES

1. Minutes of the thirteenth (13th) Meeting held on 21st March, 2024 were confirmed as a true record of that meeting, after they were proposed by Sen. Mohammed Mwinyihaji Faki, CBS, MP and seconded by Sen. Mwenda Gataya Mo Fire, MP.
2. Minutes of the sixteenth (16th) Meeting held on 9th April, 2024 were confirmed as a true record of that meeting, after they were proposed by Sen. Mohammed Mwinyihaji Faki, CBS, MP and seconded by Sen. Agnes Kavindu Muthama, MP.

MIN.NO.CDL.223/2024 CONFIRMATION OF PREVIOUS MINUTES

1. Members noted it was important to follow up with the issue of change of rates of national identity cards and fuel levy noting the same was not resolved through the Committee.
2. It was agreed that the relevant Ministry officials should be invited to explain the same.

MIN.NO.CDL.224/2024 CONSIDERATION OF VARIOUS STATUTORY INSTRUMENTS ON LAND MATTERS (LEGAL NOTICES NO. 70,72,73,74,75 AND 77 OF 2024)

It was noted that from the previous meeting; several shareholders including Law Society of Kenya and Council of Governors raised a few issues on the regulations such as evidence of public participation on certain instruments.

Resolutions of the Committee:

The Committee resolved to have the secretariat meet with their counterparts from the Ministry of Lands, Housing and Urban Development to guide the Ministry on the way forward for revoking the said Regulations, on Wednesday, 17th July 2024. This was a request made by the Ministry secretariat.

MIN.NO.CDL. 225/2023 - ANY OTHER BUSINESS

There was no other business.

MIN.NO.CDL.226/2023 - ADJOURNMENT AND DATE OF NEXT MEETING

There being no other business, the meeting was adjourned at 11.45 a.m. The Next meeting would be held on 18th July, 2024.

SIGNED: 

DATE:30/7/2024.....

**SEN. MWENDA GATAYA MO FIRE, MP.
CHAIRPERSON,
COMMITTEE ON DELEGATED LEGISLATION**



THIRTEENTH PARLIAMENT | SECOND SESSION

**MINUTES OF THE FOURTY FOURTH (44TH) MEETING OF THE COMMITTEE
ON DELEGATED LEGISLATION HELD ON THURSDAY 18TH JULY, 2024 AT
11.00 A.M HELD VITUALY.**

PRESENT

- | | |
|---|-------------------|
| 1. Sen. Mwenda Gataya Mo Fire, MP | -Chairperson |
| 2. Sen. Danson Buya Mungatana, MGH, MP | -Vice Chairperson |
| 3. Sen. Mohammed Mwinyihaji Faki, CBS, MP | -Member |
| 4. Sen. Betty Batuli Montent, MP, MP | -Member |
| 5. Sen. Agnes Kavindu Muthama, MP | -Member |

ABSENT WITH APOLOGY

- | | |
|--|---------|
| 1. Sen. Joyce Chepkoech Korir, MP | -Member |
| 2. Sen. Julius Murgor Recha, MP | -Member |
| 3. Sen. Daniel Kitonga Maanzo, EBS, MP | -Member |
| 4. Sen. Gloria Orwoba, MP | -Member |

SECRETARIAT

- | | |
|------------------------|-------------------------|
| 1. Mr. Joseph Mwangi | -Senior Clerk Assistant |
| 2. Mr. Malcolm Ngugi | -Legal Counsel |
| 3. Ms. Faith Wangui | -Legal Counsel |
| 4. Ms. Rahma Abdullahi | -Clerk Assistant |
| 5. Mr. Erick Ososi | -Research Officer |
| 6. Mr. Nicholas Arusei | -Audio/Hansard Officer |

MIN NO. CDL.227/2024 - PRELIMINARIES

The meeting was called to order at 11.20 a.m. followed by a word of prayer by Sen. Mohammed Mwinyihaji Faki, CBS, MP.

The Chairperson invited all present to introduce themselves.

MIN.NO.CDL. 228/2024 - ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed by Sen Agnes Kavindu Muthama, MP and Seconded by Sen. Betty Batuli Montet, MP as follows: -

AGENDA

1. Preliminaries;
 - a) Prayer
 - b) Introduction
2. Adoption of the Agenda;
3. Consideration of various Statutory Instruments on Land matters (Legal notices No. 70,72,73,74,75 and 77 of 2024)
4. Any Other Business; and,
5. Date of the Next Meeting and Adjournment

MIN.NO.CDL.229/2024 CONSIDERATION OF VARIOUS STATUTORY INSTRUMENTS ON LAND MATTERS (LEGAL NOTICES NO. 70,72,73,74,75 AND 77 OF 2024)

The Committee considered the following Statutory Instruments that had been laid before it—

- (i) the Survey (Electronic Cadastre Transactions) (Amendment) Regulations, Legal Notice No. 70 of 2024;
- (ii) the Physical and Land Use Planning (Planning Fees) (Amendment) Regulations, Legal Notice No. 72 of 2024;
- (iii) the Community Land (Amendment) Regulations, Legal Notice No. 73 of 2024;
- (iv) the Land (Amendment) Regulations, Legal Notice No. 74 of 2024;
- (v) the Land Registration (Revocation) Regulations, Legal Notice No. 75 of 2024; and
- (vi) the Land Registration (General)(Amendment) Regulations, Legal Notice No. 77 of 2024.

The Secretariat took the Committee through the issues raised by the Law Society of Kenya concerning; The Physical and Land Use Regulations Planning (Planning Fees) (Amendment) Regulations, Legal Notice No. 72 of 2024, The Land (Amendment) Regulations, Legal Notice No. 74 of 2024; and The Land Registration (General)(Amendment) Regulations, Legal Notice No. 77 of 2024.

Resolutions of the Committee:

The Committee resolved to meet on Tuesday, 23rd July, 2024 to make a resolution on the matter.

MIN.NO.CDL. 230/2023 - ANY OTHER BUSINESS

The Committee enquired if the Secretariat had written letters to Energy Petroleum and Regulatory Authority, Ministry of Roads and Transport and Ministry of Interior and National Administration to consider various regulations and the Secretariat confirmed the same.

MIN.NO.CDL.231/2023 - ADJOURNMENT AND DATE OF NEXT MEETING

There being no other business, the meeting was adjourned at 11.55 a.m. The Next meeting would be held on 23rd July, 2024.

SIGNED:



DATE:30/7/2024.....

SEN. MWENDA GATAYA MO FIRE, MP.
CHAIRPERSON,
COMMITTEE ON DELEGATED LEGISLATION



THIRTEENTH PARLIAMENT |SECOND SESSION

MINUTES OF THE FOURTY FIFTH (45TH) MEETING OF THE COMMITTEE ON DELEGATED LEGISLATION HELD ON TUESDAY, 23RD JULY, 2024 AT 11.00 A.M IN COMMITTEE ROOM 1, FIRST FLOOR, BUNGE TOWER

PRESENT

- | | |
|---|-------------------|
| 1. Sen. Mwenda Gataya Mo Fire, MP | - Chairperson |
| 2. Sen. Danson Buya Mungatana, MGH, MP | -Vice Chairperson |
| 3. Sen. Mohammed Mwinyihaji Faki, CBS, MP | -Member |
| 4. Sen. Daniel Kitonga Maanzo, EBS, MP | -Member |
| 5. Sen. Agnes Kavindu Muthama, MP | -Member |

ABSENT WITH APOLOGY

- | | |
|--------------------------------------|---------|
| 1. Sen. Joyce Chepkoech Korir, MP | -Member |
| 2. Sen. Julius Murgor Recha, MP | -Member |
| 3. Sen. Gloria Orwoba | -Member |
| 4. Sen. Betty Batuli Montent, MP, MP | -Member |

SECRETARIAT

- | | |
|----------------------------|-------------------------|
| 1. Mr. Ahmed Hassan Odhowa | -Hod, Governance |
| 2. Mr. Joseph Mwangi | -Senior Clerk Assistant |
| 3. Ms. Faith Wangui | -Legal Counsel |
| 4. Mr. Malcolm Ngugi | -Legal Counsel |
| 5. Ms. Rahma Abdullahi | -Clerk Assistant |
| 6. Mr. Nicholas Arusei | -Audio/Hansard Officer |

MIN NO. CDL.232/2024 - PRELIMINARIES

The meeting was called to order at 11.18 a.m. followed by a word of prayer by Sen. Danson Buya Mungatana, MP.

The Chairperson invited all present to introduce themselves.

MIN.NO.CDL. 233/2024 -

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed by Sen. Daniel Kitonga Maanzo, MP and Seconded by Sen. Agnes Kavindu Muthama, MP as follows: -

AGENDA

1. Preliminaries;
 - a) Prayer
 - b) Introduction
2. Adoption of the Agenda;
3. Consideration of various Statutory Instruments on Land matters (Legal notices No. 70,72,73,74,75 and 77 of 2024)
4. Any Other Business; and,
5. Date of the Next Meeting and Adjournment

MIN.NO.CDL.234/2024 CONSIDERATION OF VARIOUS STATUTORY INSTRUMENTS ON LAND MATTERS (LEGAL NOTICES NO. 70,72,73,74,75 AND 77 OF 2024)

The Committee was taken through the contents of Committee Paper No. 85. the Committee received various regulations seeking to amend existing statutory instruments relating to various land laws. Among the nine Land Regulations the Committee resolved to accede to three, annul three and seek an extension of time for three other Regulations.

The Committee resolved to accede to the following regulations—

- (i) the Survey (Electronic Cadastre Transactions) (Amendment) Regulations, Legal Notice No. 70 of 2024;
- (ii) the Community Land (Amendment) Regulations, Legal Notice No. 73 of 2024; and
- (iii) the Land Registration (Revocation) Regulations, Legal Notice No. 75 of 2024;

The Committee further resolved to annul the following regulations—

- (i) the Physical and Land Use Regulations Planning (Planning Fees) (Amendment) Regulations, Legal Notice No. 72 of 2024
- (ii) the Land (Amendment) Regulations, Legal Notice No. 74 of 2024; and
- (iii) the Land Registration (General)(Amendment) Regulations, Legal Notice No. 77 of 2024.



THIRTEENTH PARLIAMENT |THIRD SESSION

MINUTES OF THE FORTY SEVENTH (47TH) MEETING OF THE COMMITTEE ON DELEGATED LEGISLATION HELD ON MONDAY, 29TH JULY, 2024 AT 11.00 A.M AT COMMITTEE ROOM 1, FIRST FLOOR, BUNGE TOWER.

PRESENT

- | | |
|---|---------------------|
| 1. Sen. Mohammed Mwinyihaji Faki, CBS, MP | -Member |
| 2. Sen. Agnes Kavindu Muthama, MP | -Member |
| 3. Sen. Betty Batuli Montent, MP, MP | -Member (Ag. Chair) |

ABSENT WITH APOLOGY

- | | |
|--|-------------------|
| 1. Sen. Mwenda Gataya Mo Fire | -Chairperson |
| 2. Sen. Danson Buya Mungatana, MGH, MP | -Vice Chairperson |
| 3. Sen. Joyce Chepkoech Korir, MP | -Member |
| 4. Sen. Julius Murgor Recha, MP | -Member |
| 5. Sen. Daniel Kitonga Maanzo, EBS, MP | -Member |
| 6. Sen. Gloria Orwoba, MP | -Member |

SECRETARIAT

- | | |
|------------------------|-------------------------|
| 1. Mr. Joseph Mwangi | -Senior Clerk Assistant |
| 2. Mr. Malcolm Ngugi | - Legal Counsel |
| 3. Ms. Faith Wangui | -Legal Counsel |
| 4. Mr. Erick Ososi | -Research Officer |
| 5. Mr. Peter Katana | -Research Officer |
| 6. Ms. Hawa Abdi | -Serjeant-At-Arms |
| 7. Mr. Nicholas Arusei | -Audio Officer |
| 8. Mr. Ryan Muriithi | -Attachee |

MIN NO. CDL.242/2024 PRELIMINARIES

The meeting was called to order at 11.29 a.m. followed by a word of prayer by Sen. Betty Batuli Montet, MP.

MIN.NO.CDL. 243/2024 ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed by Sen. Betty Batuli Montet, MP and seconded by Sen. Mohammed Mwinyihaji Faki, MP, as follows: -

AGENDA

1. Preliminaries;
 - a) Prayer
 - b) Introduction
2. Adoption of the Agenda;
3. Adoption of the Annulment Report on Land Matters: -
 - a) the Physical and Land Use Regulations Planning (Planning Fees) (Amendment) Regulations, Legal Notice No. 72 of 2024;
 - b) the Land (Amendment) Regulations, Legal Notice No. 74 of 2024; and
 - c) the Land Registration (General) (Amendment) Regulations, Legal notice no 77 of 2024;
4. Any Other Business; and,
5. Date of the Next Meeting and Adjournment

MIN.NO.CDL.244/2024 ADOPTION OF THE ANNULMENT REPORT ON LAND MATTERS LEGAL NOTICE NO. 72, 74 AND 77 OF 2024

The Meeting was adjourned as there were only three members who were available, one member attended the meeting physically while two others attended the meeting virtually. Since adoption of the annulment Report required at least five (5) Senators, the Members resolved to postpone the meeting to tomorrow Tuesday, 30th July, 2024 at 9.00 a.m.

MIN.NO.CDL. 245/2024 ANY OTHER BUSINESS

There was no other business.

MIN.NO.CDL.246/2024 ADJOURNMENT AND DATE OF NEXT MEETING

There being no other business, the meeting was adjourned at 1.15p.m. The Next meeting would begin at 11.18 a.m. the same day.

SIGNED: 

DATE:30/7/2024

**SEN. MWENDA GATAYA MO FIRE, MP.
CHAIRPERSON,
COMMITTEE ON DELEGATED LEGISLATION**

The Committee resolved to seek for an extension to the following regulations which have expired -

(i) the Valuers (Forms and Fees) (Amendment) Rules, Legal Notice No. 69 of 2024;

(ii) the Land Adjudication (Amendment) Regulations, Legal Notice No.76 of 2024; and

(iii) the Survey (Amendment) Regulations, Legal Notice No.71 of 2024.

While scrutinising the three instruments, the Committee has learnt that the High Court in Machakos Petition No. E002 of 2024 Innocent Musumbi Kimanthi vs the Attorney General and the National Assembly ("the suit") has issued an order suspending the expiry of statutory instruments contained in Statutory Instruments (Exemption from Expiry) Regulations, 2022 as well as suspending the operation of section 21(1) of the Statutory Instruments Act.

The stay order at the High Court is alive and the Committee resolved to join the Case as an interested party.

Resolutions of the Committee:

The Committee resolved to annul three Regulations, accede to three and seek motion of extension for the expired three instruments.

MIN.NO.CDL. 235/2023 - ANY OTHER BUSINESS

There was no other business

MIN.NO.CDL.236/2023 - ADJOURNMENT AND DATE OF NEXT MEETING

There being no other business, the meeting was adjourned at 12.18 p.m. The Next meeting would be held on 25th July, 2024.

SIGNED:  DATE:30/7/2024.....

**SEN. MWENDA GATAYA MO FIRE, MP.
CHAIRPERSON,
COMMITTEE ON DELEGATED LEGISLATION**



THIRTEENTH PARLIAMENT | SECOND SESSION

MINUTES OF THE FOURTY SIXTH (46TH) MEETING OF THE COMMITTEE ON DELEGATED LEGISLATION HELD ON THURSDAY 25TH JULY, 2024 AT 11.00 A.M IN COMMITTEE ROOM 7, FIRST FLOOR, BUNGE TOWER.

PRESENT

- | | |
|---|--------------------|
| 1. Sen. Danson Buya Mungatana, MGH, MP | - Vice Chairperson |
| 2. Sen. Mohammed Mwinyihaji Faki, CBS, MP | -Member |
| 3. Sen. Daniel Kitonga Maanzo, EBS, MP | -Member |
| 4. Sen. Betty Batuli Montent, MP, MP | -Member |
| 5. Sen. Agnes Kavindu Muthama, MP | -Member |

ABSENT WITH APOLOGY

- | | |
|-----------------------------------|---------------|
| 1. Sen. Mwenda Gataya Mo Fire, MP | - Chairperson |
| 2. Sen. Joyce Chepkoech Korir, MP | -Member |
| 4. Sen. Gloria Orwoba, MP | -Member |
| 6. Sen. Julius Murgor Recha, MP | -Member |

SECRETARIAT

- | | |
|------------------------|--------------------------|
| 1. Ms. Faith Wangui | -Legal Counsel |
| 2. Ms. Rahma Abdullahi | -Clerk Assistant |
| 3. Mr. Erick Ososi | -Research Officer |
| 4. Mr. Ibrahim Oruko | -Media Relations Officer |
| 5. Mr. Nicholas Arusei | -Audio/Hansard Officer |
| 6. Ms. Hawa Abdi | -Serjeant At Arms |

IN ATTENDANCE

- | | |
|-------------------------------|---|
| 1. Hon W.K.Otichilo
COG | -Governor(Chair Environment Committee) |
| 2. Dr.Eng Festus Ngeno | -Principal Secretary(Ministry of environment) |
| 3. Mabwan Ewen
environment | -Personal Assistant ; PS Ministry of |
| 4. Naomi Kera | -Legal Officer(COG) |
| 5. Dr Nyatichi Omambia | -Director (NEMA) |

6. Dr. Pacfica Ogola
7. Linah Meeme
8. Brian Muthoka

-Director Climate Change
-Senior State Counsel
-Programme lead Water and environment

MIN.NO.CDL.237/2024 - PRELIMINARIES

The meeting was called to order at 11.29 a.m. followed by a word of prayer by Sen. Agnes Kwindu Muthama, MP.

The Chairperson invited all present to introduce themselves.

MIN.NO.CDL. 238/2024 - ADOPTION OF THE AGENDA

The agenda was adopted unanimously as follows;-

AGENDA

1. Preliminaries;
 - a) Prayer
 - b) Introduction
2. Adoption of the Agenda;
3. Meeting with the Principal Secretary, State Department for Environment and Climate Change for consideration of the Climate Change(Carbon Markets) Regulations (Legal Notice No. 84 of 2024);
4. Any Other Business; and,
5. Date of the Next Meeting and Adjournment

MIN.NO.CDL.239/2024 MEETING WITH THE PRINCIPAL SECRETARY, STATE DEPARTMENT FOR ENVIRONMENT AND CLIMATE CHANGE FOR CONSIDERATION OF THE CLIMATE CHANGE(CARBON MARKETS) REGULATIONS (LEGAL NOTICE NO. 84 OF 2024);

1. The Principal Secretary honored the invitation of the committee and appeared before it to consider the Climate Change (Carbon Markets) Regulations (Legal Notice No.84 of 2024). To incorporate stakeholder views members invited the Council of Governors who also attended the meeting.
2. Several issues were raised by the Council of governors, firstly the council noted that the regulations did not explicitly provide for the role of county governments in the implementation and management of carbon markets.
3. Moreover the regulations were also note clear on the role of county governments in the coordination of communities. Lastly the council also took issue of the fact that the devolved units were not involved in contributing to the information contained in the national carbon registry

4. Members also tasked the Ministry to explain whether the public participation conducted afforded citizens a chance to fully internalize on the regulations. The committee was dissatisfied with the responses given by the Ministry on certain issues.

Resolutions of the Committee:

There were documents missing from what the Ministry provided, hence the Committee resolved, the Secretariat from the Committee on Delegated Legislation and the Secretariat from the Ministry to meet on Wednesday, 31st July, 2024 and organize all documents needed and the Committee to plan another Meeting the week after as the Regulations are expiring on 5th September, 2024.

MIN.NO.CDL. 240/2023 - ANY OTHER BUSINESS

There was no other business.

MIN.NO.CDL.241/2023 - ADJOURNMENT AND DATE OF NEXT MEETING

There being no other business, the meeting was adjourned at 1.08 p.m. The Next meeting would be held on 29th July, 2024.

SIGNED: 

DATE:31/7/2024.....

SEN. MWENDA GATAYA MO FIRE, MP.
CHAIRPERSON,
COMMITTEE ON DELEGATED LEGISLATION



THIRTEENTH PARLIAMENT | THIRD SESSION

MINUTES OF THE FORTY EIGHT (48TH) MEETING OF THE COMMITTEE ON DELEGATED LEGISLATION HELD ON TUESDAY, 30TH JULY, 2024 AT 9.00 A.M AT COMMITTEE ROOM 3, FIRST FLOOR, BUNGE TOWER.

PRESENT

- | | |
|---|--------------|
| 1. Sen Mwenda Gataya Mo Fire, Mp | -Chairperson |
| 2. Sen. Mohammed Mwinyihaji Faki, CBS, MP | -Member |
| 3. Sen. Daniel Kitonga Maanzo, EBS, MP | -Member |
| 4. Sen. Agnes Kavindu Muthama, MP | -Member |
| 5. Sen. Betty Batuli Montent, MP, MP | -Member |

ABSENT WITH APOLOGY

- | | |
|--|-------------------|
| 1. Sen. Danson Buya Mungatana, MGH, MP | -Vice Chairperson |
| 2. Sen. Joyce Chepkoech Korir, MP | -Member |
| 3. Sen. Julius Murgor Recha, MP | -Member |
| 4. Sen. Gloria Orwoba, MP | -Member |

SECRETARIAT

- | | |
|------------------------|-------------------------|
| 1. Mr. Joseph Mwangi | -Senior Clerk Assistant |
| 2. Mr. Malcolm Ngugi | - Legal Counsel |
| 3. Ms. Faith Wangui | -Legal Counsel |
| 4. Mr. Peter Katana | -Research Officer |
| 5. Ms. Hawa Abdi | -Serjeant-At-Arms |
| 6. Mr. Nicholas Arusei | -Audio Officer |
| 7. Mr. Ryan Muriithi | -Attachee |

MIN NO. CDL.247/2024 PRELIMINARIES

The meeting was called to order at 9.29 a.m. followed by a word of prayer by Sen. Mwenda Gataya Mo Fire, MP. The Chairperson invited all present to introduce themselves

MIN.NO.CDL. 248/2024 ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed by Sen. Mohammed Mwinyihaji Faki, MP and seconded by Sen. Agnes Kavindu Muthama, MP, as follows: -

AGENDA

1. Preliminaries;
 - a) Prayer
 - b) Introduction
2. Adoption of the Agenda;
3. Adoption of the Annulment Report on Land Matters: -
 - a) the Physical and Land Use Regulations Planning (Planning Fees) (Amendment) Regulations, Legal Notice No. 72 of 2024;
 - b) the Land (Amendment) Regulations, Legal Notice No. 74 of 2024; and
 - c) the Land Registration (General) (Amendment) Regulations, Legal notice no 77 of 2024;
4. Any Other Business; and,
5. Date of the Next Meeting and Adjournment

MIN.NO.CDL.249/2024 ADOPTION OF THE ANNULMENT REPORT ON LAND MATTERS LEGAL NOTICE NO. 72, 74 AND 77 OF 2024

The Members were taken through the Annulment Report by the Secretariat.

The Report was adopted having been proposed by Sen. Agnes Kavindu Muthama, MP, and seconded by Sen. Mohammed Mwinyihaji Faki, MP

MIN.NO.CDL. 250/2024 ANY OTHER BUSINESS

There was no other business.

MIN.NO.CDL.251/2024 ADJOURNMENT AND DATE OF NEXT MEETING

There being no other business, the meeting was adjourned at 9.48 a.m. The Next meeting would begin at 9.51 a.m. the same day.

SIGNED:  DATE: 30/7/2024

**SEN. MWENDA GATAYA MO FIRE, MP.
CHAIRPERSON,
COMMITTEE ON DELEGATED LEGISLATION**



THIRTEENTH PARLIAMENT |THIRD SESSION

MINUTES OF THE FORTY NINGTH (49TH) MEETING OF THE COMMITTEE ON DELEGATED LEGISLATION HELD ON TUESDAY, 30TH JULY, 2024 AT 9.50 A.M AT COMMITTEE ROOM 3, FIRST FLOOR, BUNGE TOWER.

PRESENT

- | | |
|---|--------------|
| 1. Sen Mwenda Gataya Mo Fire, Mp | -Chairperson |
| 2. Sen. Mohammed Mwinyihaji Faki, CBS, MP | -Member |
| 3. Sen. Daniel Kitonga Maanzo, EBS, MP | -Member |
| 4. Sen. Agnes Kavindu Muthama, MP | -Member |
| 5. Sen. Betty Batuli Montent, MP, MP | -Member |

ABSENT WITH APOLOGY

- | | |
|--|-------------------|
| 1. Sen. Danson Buya Mungatana, MGH, MP | -Vice Chairperson |
| 2. Sen. Joyce Chepkoech Korir, MP | -Member |
| 3. Sen. Julius Murgor Recha, MP | -Member |
| 4. Sen. Gloria Orwoba, MP | -Member |

SECRETARIAT

- | | |
|------------------------|-------------------------|
| 1. Mr. Joseph Mwangi | -Senior Clerk Assistant |
| 2. Mr. Malcolm Ngugi | - Legal Counsel |
| 3. Ms. Faith Wangui | -Legal Counsel |
| 4. Mr. Peter Katana | -Research Officer |
| 5. Ms. Hawa Abdi | -Serjeant-At-Arms |
| 6. Mr. Nicholas Arusei | -Audio Officer |
| 7. Mr. Ryan Muriithi | -Attachee |

MIN NO. CDL.252/2024 PRELIMINARIES

The meeting was called to order at 9.51 a.m. followed by a word of prayer by Sen. Mwenda Gataya Mo Fire, MP. The Chairperson invited all present to introduce themselves

MIN.NO.CDL. 253/2024 ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed by Sen. Agnes Kavindu Muthama, MP and seconded by Sen. Mohammed Mwinyihaji Faki, MP, as follows: -

AGENDA

1. Preliminaries;
 - a) Prayer
 - b) Introduction
2. Adoption of the Agenda;
3. Confirmation of Previous Minutes;
4. Matters Arising from previous Minutes;
5. Any Other Business; and,
6. Date of the Next Meeting and Adjournment

MIN.NO.CDL.254/2024 CONFIRMATION OF MINUTES SITTING

The Minutes were confirmed as a true record, of the meeting's proceedings as follows-

No.	Sitting	Date of Meeting	Proposer	Seconder
1.	42 nd Sitting	11/7/2024	Sen. Agnes Kavindu Muthama, MP	Sen. Mohammed Mwinyihaji Faki, MP.
2.	43 rd Sitting	16/7/2024	Sen. Agnes Kavindu Muthama, MP	Sen. Mohammed Mwinyihaji Faki, MP.
3.	44 th Sitting	18/7/2024	Sen. Mohammed Mwinyihaji Faki, MP.	Sen. Mwenda Gataya, Mo Fire, MP.
4.	45 th Sitting	23/7/2024	Sen. Agnes Kavindu	Sen. Mohammed

			Muthama, MP	Mwinyihaji Faki, MP
5.	46 th Sitting	25/7/2024	Sen. Mohammed Mwinyihaji Faki, MP	Sen. Agnes Kavindu Muthama, MP
6.	47 th Sitting	29/7/2024	Sen. Mwenda Gataya, Mo Fire, MP.	Sen. Agnes Kavindu Muthama, MP
7.	48 th Sitting	30/7/2024	Sen. Mwenda Gataya, Mo Fire, MP.	Sen. Agnes Kavindu Muthama, MP

MIN.NO.CDL.255/2024 MATTERS ARISING

There were no matters arising from the previous minutes.

MIN.NO.CDL. 256/2024 ANY OTHER BUSINESS

The Committee was informed on the regulations brought by the Ministry of Agriculture on pest control products.

MIN.NO.CDL.257/2024 ADJOURNMENT AND DATE OF NEXT MEETING

There being no other business, the meeting was adjourned at 10.00 a.m. The Next meeting would be held on 8th August, 2024 at 11.00 a.m.

SIGNED:



DATE: 30/7/2024

SEN. MWENDA GATAYA MO FIRE, MP.
CHAIRPERSON,
COMMITTEE ON DELEGATED LEGISLATION

LEGAL NOTICE No. 72

THE PHYSICAL AND LAND USE PLANNING ACT

(Cap. 303)

IN EXERCISE of the powers conferred by section 90 of the Physical and Land Use Planning Act, the Cabinet Secretary for Lands,

Public Works, Housing and Urban Development make the following Regulations –

**THE PHYSICAL AND LAND USE PLANNING (PLANNING FEES)
(AMENDMENT) REGULATIONS, 2024**

1. These Regulations may be cited as the Physical and Land Use Planning (Planning Fees) (Amendment) Regulations, 2024. Citation.
2. Table 2 of the Schedule to the Physical and Land Use Planning (Planning Fees) Regulations, 2021 is amended by adding the items set out in the Schedule to these Regulations immediately after item 23. LN 243/2021.
3. The Physical and Land Use Planning (Planning Fees) (Amendment) Regulations, 2024 are revoked. LN 24/2024

SCHEDULE

<i>Consultancy services/ Professional Advice on Physical Planning.</i>		
	Item	Fees (Kshs.)
24.	Attending court or a place outside the office for a day or less than a day.	3,000 plus transport as per AA rates.
25.	Attending court or a place outside the office for more than a day.	3,000 plus transport as per AA rates and daily subsistence allowance prescribed by the Salaries and Remuneration Commission.
26.	Consultancy to a body corporate.	3000 per hour, the number of hours as assessed by the National Physical Planning Director

Made on the 11th April, 2024.

ALICE WAHOME,
Cabinet Secretary for Lands, Public Works,
Housing and Urban Development.

THE LAND ACT

(*Cap. 280*)

IN EXERCISE of the powers conferred by section 160 of the Land Act, 2012, the Cabinet Secretary for Lands, Public Works, Housing and Urban Development makes the following Regulations —

THE LAND (AMENDMENT) REGULATIONS, 2024

1. These Regulations may be cited as the Land (Amendment) Regulations, 2024. Citation.
2. The Land Regulations, 2017, in these Regulations herein after referred to as “principal Regulations” are amended by adding the following new regulation immediately after regulation 70 — LN 280/2017.
 - Fees. 71. The fees chargeable under section 154(1) of the Act shall be the fees prescribed in the Fifth Schedule.
3. The principal Regulations are amended by adding the Schedule set out in the Schedule to these Regulations, immediately after the Fourth Schedule.
4. The Land (Amendment) Regulations, 2024 are revoked. LN 27/2024.

SCHEDULE

FIFTH SCHEDULE	
(r. 71)	
FEES	
Land administration matters in respect of which fees are payable.	FEES (KShs.)
Approval fee on alienation/ allocation/renewal lease, extension of lease, change of user and extension of user.	10,000 for cities and municipalities, 5,000 for townships.
Application for allocation of publicland.	2,000.
Approval fee on sub-division, partition, re-parcelation, combination and amalgamation.	1,500 per portion.
Conveyancing fee on alienation/ allocation/renewal, extension of lease, change of user, extension of user, subdivision, partition, re-parcelation, combination and amalgamation.	3,000
Registration fee.	1,000
Application for the Land Control Board consent.	3,000.
Application for special Land Control Board consent	10,000.
Planning.	3% of stand premium.
Application for creation of a public right of way (wayleave).	5,000.
Application for a public right of way (communal).	5,000.
Application for approval of transaction on controlled land by an ineligible person.	250,000.
Attending court or a place outside the office for a day or less than a day	3,000 plus transport as per the AA rates.
Attending court or a place outside the office for more than a day.	3,000 plus transport as per the AA rates, plus Daily Subsistence Allowance as may be prescribed by the Salaries and Remuneration Commission.
Approval of sectional plans.	500 per a unit.

Balloting on settlement.	1,000.
Settlement.	20% of the market value of land.
Conveyancing for a settlementscheme.	2500.
Survey on a settlement scheme.	6000 per Acre with a minimum being6000 per portion.

Made on the 11th April, 2024.

ALICE WAHOME,
*Cabinet Secretary for Lands, Public Works,
Housing and Urban Development.*

LEGAL NOTICE NO. 77

THE LAND REGISTRATION ACT

(Cap. 300)

IN EXERCISE of the powers conferred by sections 102 and 110 of the Land Registration Act, 2012, the Cabinet Secretary for Lands, Public Works, Housing and Urban Development makes the following Regulations –

THE LAND REGISTRATION (GENERAL) (AMENDMENT)
REGULATIONS, 2024

1.. These Regulations may be cited as the Land Registration (General) (Amendment) Regulations, 2024.

2. Regulation 97 of the Land Registration (General) Regulations, 2017 herein after referred to as the “principal Regulations” is amended—

LN 278/2017.

- (a) by inserting the following new paragraph immediately before paragraph (1)—

(1) The fees and charges payable for the registration of documents or instruments and any other transaction shall be as prescribed in the Seventh Schedule.

- (b) by renumbering paragraph (1) and (2) as (2) and (3), respectively.

3. The principal Regulations are amended by adding the Schedule set out in the Schedule to these Regulations immediately after the Sixth Schedule.

4. The Land Registration (General) (Amendment) Regulations, 2024 are revoked.

LN 36/2024.

SCHEDULE

SEVENTH SCHEDULE.

(r. 97(1))

SERVICES	FEES (KSHS.)
Application for official search under section 34 of the Act (online and manual).	1,000
Application for registration of documents/instruments in the prescribed forms and any other whose forms are not prescribed.	1,000
Incorporation of a trust.	10,000
Corporation certificate.	1,500
Notice of change of corporation membership.	1,000
Notice of change of corporation board membership.	1,000
Public notice on the termination of sectional status.	1,000

Conversion of sub-leases/long-term leases.	1,000
Issuance of certificate of title or certificate of lease.	2,500
Resubmission for registration of any document previously rejected because of an error thereon or for failure to comply with any pre-requisite of registration (per document rejected)	1,000
Replacement of title.	2,500
Opening new registers resulting from adjudication, new lease, sectional units, partition, amalgamation or subdivision for each parcel.	1,000
Rectification of the register or change /correction of name not occasioned by the land registrar under section 79(1) and (3).	2,000
Preparation of a surrender of lease, discharge of charge, release of easement, release of profit or lease of restrictive agreement, application to sever a joint proprietorship, application for partition, notice of revocation of power of attorney or a caution under section 36 of the Act.	5,000
Application for approval of a form not provided in the prescribed forms or which in the opinion of the land registrar requires substantial additions to or variations from the prescribed form.	3,000 upon approval by the Chief Land Registrar.
Application for re-establishing a missing boundary or ascertainment of a boundary in dispute under section 16(4) of the Act.	3,000
Application for ascertaining and fixing boundaries under section 19 of the Act.	3,000
Placement of caution or restriction other than restriction by the land registrar or government entities under section 71 of the Act.	1,000
Any formal proceeding or hearing including caution, removal of caution, restriction, double registration, correction/change of name conducted by the registrar under section 14 of the Act.	3,000
Application for certified copies of the proceedings arising from the determination of the Land Registrar or Chief Land Registrar under section 34 of the Act.	1,000 for the first 10 pages, 100 for each additional page.
Appeals to the Chief Land Registrar from an order of the Land Registrar under section 14 of the Act.	5,000
Attending court or a place outside the office for a day or less than a day.	3,000 plus transport as per the AA rates.
Attending court or a place outside the office for more than a day.	3,000 plus transport as per the AA rates and daily subsistence

	allowance as may be prescribed by the Salaries and Remuneration Commission.
Application for certified copies of instruments under section 34 of the Act.	1,000 per instrument of 10 or less pages, 100 for each additional page.
Attestation of mutations/ sectional plans.	1,000 for 1-5 portions/units, plus 500 for additional 6-10 portions/units, plus 250 for additional portion/unit above 10 units.
Application to convert land from one category to another.	1,500
Attestation by the Registrar under section 45 of the Act.	2,500
Professional advice on any registration matters by the Land Registrar/ Chief Land Registrar.	3,000

Made on the 11th April, 2024.

ALICE WAHOME,
*Cabinet Secretary for Lands, Public Works,
Housing and Urban Development.*