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REPUBLIC OF KENYA

KENYA NATIONAL ASSEMBLY



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ELEVENTH PARLIAMENT – SECOND SESSION

DEPARTMENTAL COMMITTEE  
ON  
FINANCE, PLANNING & TRADE

REPORT ON THE CONSIDERATION OF  
THE SECURITIES AND INVESTMENT ANALYSTS BILL, 2014

CLERK'S CHAMBER  
PARLIAMENT BUILDINGS  
NAIROBI

OCTOBER, 2014

## **PREFACE**

### **Mr. Speaker, Sir**

The Committee on Finance, planning & Trade is one of the Departmental Committees of the National Assembly established under Standing Order 216 and mandated to, inter alia; **‘to study and review all legislations referred to it’.**

### **Mr. Speaker, Sir**

The Committee on Finance, Planning & Trade was constituted by the House on Thursday 16<sup>th</sup> May, 2013 comprising of the following members:

1. The Hon. Benjamin Langat, MP (**Chairman**)
2. The Hon. Nelson Gaichuhie, MP (**vice Chairman**)
3. The Hon. Jones M Mlolwa, MP
4. The Hon. Anyanga, Andrew Toboso, MP
5. The Hon. Timothy M .E. Bosire, MP
6. The Hon. Ahmed Shakeel Shabbir Ahmed, MP
7. The Hon. Joash Olum, MP
8. The Hon. Dr. Oburu Oginga, MP
9. The Hon. Patrick Makau King’ola, MP
10. The Hon. Abdullswamad Sheriff, MP
11. The Hon. Sumra Irshadali, MP
12. The Hon. Ogendo Rose Nyamunga, MP
13. The Hon. Iringo Cyprian Kubai, MP
14. The Hon. Dennis Waweru, MP
15. The Hon. Tiras N. Ngahu, MP
16. The Hon. Sakaja Johnson, MP
17. The Hon. Jimmy Nuru Angwenyi, MP
18. The Hon. Ronald Tonui, MP
19. The Hon. Mary Emase, MP
20. The Hon. Joseph Limo, MP
21. The Hon. Lati Lelelit, MP
22. The Hon. Kirwa Stephen Bitok, MP
23. The Hon. Sammy Mwaita, MP
24. The Hon. Daniel E. Nanok, MP
25. The Hon. Eng. Shadrack Manga, MP
26. The Hon. Abdul Rahim Dawood, MP
27. The Hon. Sakwa John Bunyasi, MP
28. The Hon. Alfred W. Sambu, MP
29. The Hon. Sammy Koech, MP

**Mr. Speaker, Sir,**

On 3<sup>rd</sup> June 2014, the Securities and Investment Analysis Bill, 2014 sponsored by the Departmental Committee on Finance, Planning & Trade was read a first time and thereafter committed to the Departmental Committee on Finance, Planning & Trade for consideration pursuant to Article 118 of the Constitution and Standing Order No. 127.

**Mr. Speaker, Sir,**

In examining the Bill, the Committee considered the views of the National Treasury, the Institute of Securities and Investment Analysts, the Capital Markets Authority and the Nairobi Securities Exchange.

**Mr. Speaker, Sir,**

While examining the Bill, the Committee noted the following:-

1. The principle object of the Bill is to provide for the establishment, powers and functions of the Institute of Certified Securities and Investment Analysts and for the registration of certified securities and investment analysts to facilitate realization of accountable, efficient and trustworthy securities and Investment analysts in Kenya.
2. **Part I** of the Bill contains preliminary provisions and clause 2 bearing definitions.
3. **Part II** of the Bill establishes the Institute of Certified Securities and Investment Analysts and defines its membership. Clause 5 of the Bill provides that the expenditure of the Institute shall be met from the funds generated by Institute and its bodies. However, there are no financial provisions for the Institute in the Bill. Clause 8 provides for the functions of the institute. One of the major functions of the institute is to advise the Cabinet Secretary on matters relating to securities and Investments in all sectors of the economy.

*Though clause 8(g) provides that the institute shall administer ethics test on a continuous basis for its members, it fails to include the integrity part in it.*

Clause 12 provides for the appointment of a secretary to the Council but fails to indicate that the Chief Executive Officer to the Council shall be the Secretary to the Council.

4. **Part III** of the Bill deals with registration services. Clause 14 of the Bill provides for the registration of financial securities and investment analysts by the Registration Board formed in clause 13. Though clause 16 provides that an individual should have passed examination and issued with the certificate of certified securities and investment analysts, there is no provision that such an individual should have passed the ethics and integrity test.

Clause 17 provides for the procedure for disqualification from registration whereby of major importance to this provision is the due process to be followed to the letter. However, there is need for the inclusion of a provision under clause 19 that disqualifies an individual from registration upon failing an ethics and integrity examination.

While clause 20 gives a registered individual authority to practice, it introduces the word “financial” over and above one being an investment and security analyst. This introduction is not consistent with the Bill and may interfere with the other professions like the accountants.

5. **Part IV** of the Bill deals with disciplinary provisions for the Members of the Institute. Clause 27 provides for the appointment of the membership to the disciplinary council which includes a nominee from an agency that promotes public governance under 27(3)(d). It will be important to specify the exact agency in this case will be the Institute of Certified Public Secretaries of Kenya
6. The Bill fails to provide for the protection from liability and also financial provisions. Financial provisions are very important in any entity established in law that will go a long way to creating confidence in the membership as far as accountability of their resources is concerned.

**Mr. Speaker, Sir,**

The Committee will propose appropriate amendments to the Bill in clauses 2,4,7,8,10,12, 13,14,15,16,17,18,19, 20,21,22,23, 24, 26,27,29,, 30, 31,34, and 35 to address the concerns observed above.

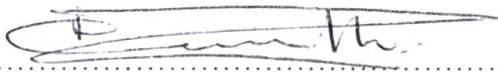
**Mr. Speaker, Sir,**

The Committee is thankful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its Sittings. The Committee wishes to thank all the stakeholders for their participation in scrutinizing the Bill. Finally, I wish to express my appreciation to the Honourable Members of the Committee who sacrificed their time to participate in the activities of the Committee and preparation of this report.

**Mr. Speaker, Sir,**

It is therefore my pleasant duty and privilege, on behalf of the Departmental Committee on Finance, Planning & Trade, to table its Report on the consideration of the Securities and Investment Analysis Bill, 2014 for consideration by the House Pursuant to Standing Order 127

Signed .....



**(HON. NELSON GAICHUHIE, MP)**

**VICE-CHAIRPERSON,**

**DEPARTMENTAL COMMITTEE ON FINANCE, PLANNING & TRADE**

Date: .....

14<sup>th</sup> Oct 2014

## 1.0 Background

- 1.1 The Securities and Investment Analyst Bill, 2014 is a bill for an Act of Parliament to provide for the establishment, powers and functions of the Institute of Certified Securities and Investment Analyst (ICSIA) as a body corporate that regulate security and investment analysts professionals.
- 1.2 According to International Organization for Securities Commissions (IOSCO) the goal of securities regulation includes: protecting investors, reducing systematic risk and ensuring that markets are fair, efficient and transparent.
- 1.3 Countries with deep and vibrant securities markets have effective regulatory and enforcement institutions of the market. In Kenya, Capital Markets Authority has performed the regulatory function with supervisory powers over market intermediaries (*Securities and Investment Analysts*). It is equally important to subject the regulatory institution to meaningful accountability mechanisms.
- 1.4 It is in this line that it is critical to bring out the role that *Securities and Investment Analysts* play as intermediaries in the securities market to ensure that there is a link between investor protection and capital formation.

## 2.0 Situational Analysis

- 2.1 The capital markets industry in Kenya is regulated by various legislations such as the Capital Markets Act, Central Bank of Kenya Act, Retirement Benefits Authority Act, and the Insurance Act. The legal frameworks for the industry have organized and strengthened the institutional framework of the capital markets in Kenya. However, these legislations do not provide a framework for regulation of the professionals in the capital market industry.
- 2.2 These professional work as pension fund managers; financial advisors in stock brokerage firms; investment advisors in firms listed at the Nairobi Securities Exchange; and managers in investment banks among others.
- 2.3 The capital markets in the recent past have been marred by challenges relating to professional ethics and integrity of market players such as stock brokers. This resulted into devastating collapse of some of the prominent stock brokers such as **Ngenye Kariuki Stock broker and Nyaga stock brokers**. The collapse was attributed to poor management and fraud committed by some of the professionals who were engaged in malpractices such as secretly trading in investors' funds.
- 2.4 There have also been instances of lack of fiduciary responsibility among some members of the Boards of some of the listed trading institutions at the Nairobi Securities Exchange. This has led to loss of investors' funds, erosion of market confidence, and low saving rate resulting in low capital formation.

2.5 There is an existing similar Institute with same names and objects as the proposed Institute. The existing institute was first registered as the Institute of Investment Professionals for East Africa (IIPEA) on 22<sup>nd</sup> July 1997 under section 10 of the Societies Act (Cap.108) of the Laws of Kenya. It later changed its name to the Institute of Certified Securities and Investment Analysts (ICSIA) and held its last election on 4<sup>th</sup> March 2011. The main objective of the institute as indicated in its website ([www.icsia.co.ke](http://www.icsia.co.ke)) is to develop a professional designation to further enhance training for capital market participants in the East African Region.

### 3.0 International Comparative Analysis

3.1 The following section provides a brief overview of the international scene:

- (a) **South Africa:** - There is the Investment Analyst Society of South Africa (IASSA) which was formed in 1969 as a liaison body of the financial analyst profession and it is based in Johannesburg with members from Cape Town and Durban. (IASSA) has 2100 members drawn from the analyst profession that includes investment banks, insurances companies and it is managed by a board and one full time executive officer
- (b) **United Kingdom (UK):-** The proposed institute is modeled on the London based Chartered Institute for Securities & Investment (CISI) which is the largest and most widely respected professional body for professionals in the securities and investment industry in the United Kingdom (UK) . To highlight the importance of acting with integrity at all times, the CISI London holds a membership requirement for all members to take and pass an online ethics test. This ethics test provision is not explicitly provided in the legislative proposal
- (c) **Japan:** - There is the Securities Analyst Association of Japan (SAAJ) which was established in 1962 with the aim of developing recognized standards for securities and investment professionals. As of 31<sup>st</sup> March 2009, individuals and corporate/associate members of SAAJ stood at 23,067.

### 4.0 Clause by Clause Highlights and Review

4.1 This section provides a clause by clause analysis including highlights and review by the Parliamentary Budget Office.

Part I- Preliminary		
Clause	Highlights	Review
Clause 1	Provide short title of the Act	This is in line with the Bill
Clause 2	Provides for interpretation of various terms used in the Act such as: <i>annual license, council, disciplinary board,</i>	The term " <i>Registration Board</i> " should include " <i>and Quality Assurance</i> " to emphasis on quality assurance as well There is no definition of a " <i>Security and Investment</i>

	<i>examination board, registration board.</i>	<i>Analyst”</i> The Cabinet Secretary in this case should be the one responsible for matters relating to securities and investments
<b>Part II- Establishment of Institute</b>		
Clause 3	Establishes ICSIA and its capability in its corporate name.	The borrowing, acquisition, holding and disposal of investments should be subject to approval of the Cabinet Secretary.
Clause 4	Establishes categories of membership of the Institute and allow each registered member to place the prefix term ‘IA’ before the person name.	The prefix term before the name of a registered member should be in line with the category of membership and NOT the term “IA”.
Clause 5	Provide for the source of the funds of the institute.	The clause is totally misplaced and limits the funding of the institute to membership contribution which is inadequate. A new part need to be introduced in the Bill to take care of Financial Provisions with specific clauses on: <i>funds of the Institute; financial year; annual estimates. Accounts and audit; and investment of funds.</i>
Clause 6	Provides for invitation into Honorary Fellowship of the Institute.	This is in line with the international best practice
Clause 7	Sets qualifications of the Chairperson of the institute	The election procedure is provided for in the first schedule of the Bill
Clause 8	Outlines the functions of the Institute.	Ethics and integrity test should be an annual requirement for renewal of membership and not only entry test.
Clause 9	Establishes the Council as the governing body of the institute and its various powers.	Clause 9(4) on issuance of By-laws limits the extent of By-laws to operations. The By-laws, rules and regulations should cover operations of the Institute and practice by members of the Institute.
Clause 10	Provide for the establishment of Board of Council to perform the functions of the Institute	The use of the term Boards in this clause may be confusing. The clause should make reference to Committees and not Boards.
Clause 11	Provide for the membership of the council which shall be composed of eleven (11) members.	The election of non-nominated members is provided for in the second schedule. There may be need to include at least two members to represent a profession other than Security and Investments

Clause 12	Provide for a position of Secretary to the Council appointed by the Council and perform functions determined by the Council	It should be made clear that the secretary to the council shall be the chief executive off the institute.
Clause 13	Establishes the Registration and Quality Assurance Board, its membership and the functions.	This is in order.
<b>Part III- Registration and Practice</b>		
Clause 14	Provide for the process of application for registration as financial, securities and investment analyst	A fine of not exceeding Kshs. 1 million for an offence of making a false or misleading statement in application is highly punitive and contrary to the practice in other professional body.
Clause 15	Provides for a transition for holders of authority to practice prior to the commencement of the Act.	This is in line with the best practice
Clause 16	Provides for conditions for qualification for registration as a member	Include sitting and passing ethics and integrity test administered by the Institute as one of the conditions for qualification for registration.
Clause 17	Outline conditions of disqualification from registration.	Include sitting and failing ethics and integrity test administered by the Institute as one of the conditions for disqualification for registration.
Clause 18	Provides for keeping of a register of members.	This is proper and in line with the best practice
Clause 19	Outlines the circumstance for cancellation of the registration of a member.	Include sitting and failing annual ethics and integrity test administered by the institute as one of the conditions for cancellation.
Clause 20	Provide for restriction on authority to practice as a certified financial, securities and investment analyst.	The word "financial" in the wording of the professional practice is inconsistent with the bill. The fine of Kshs. 500,000. /- is okay
Clause 21	Provide for the definition of a practice and how a person can practice	The word "financial" in the title of the practice (certified financial, securities and investment analyst) should be deleted wherever it appears immediately before the words "Security and Investment Analyst" in the Bill.
Clause 22	Provide application of a practicing certificate.	This is in order
Clause 23	Provide for the issuance of practicing certificate by the Registration Board	This is in order

Clause 24	Issuance of annual license to a person who holds a practicing certificate and intends to practice as a firm.	This is in order
Clause 25	Certificate/annual license is a property of the Institute	This is in order
<b>Part IV- Disciplinary Provisions</b>		
Clause 26	Outlines what constitute a professional misconduct by a member	This is exhaustive and in order
Clause 27	Establishes a Disciplinary Board within the Council composed of seven members	Include in the Board, one member nominated by the Institute of Certified Public Secretaries of Kenya (ICPSK) which is the professional body that promotes corporate governance. The Chair of the Board should meet the minimum qualification for appointment as Judge of the High Court.
Clause 28	Provides that all matters of professional misconduct should be referred to the Disciplinary Board	This is in order The provisions of the fourth schedule guides the inquiry by the Board
Clause 29	Outlines the possible recommendations after inquiry by the Disciplinary Board	The inquiry period should be defined in the laws.
Clause 30	Provides for an appeal against Disciplinary Board decision.	This is in line with fair hearings as enshrined in the Constitution
Clause 31	Provides for the disciplinary provisions of the Act to apply to the previous holders of securities and investment analysts	This is necessary for avoidance of doubt and for transitional purposes.
<b>Part V- Miscellaneous</b>		
Clause 32	Provide for the staff of the Institute and the examination board	This is in order
Clause 33	This clause on protection from liability is skipped	Entire clause on protection from liability” is missing
Clause 34	The Institute to keep proper book of account and prepare for audit.	A new part need to be introduced in the Bill to take care of Financial Provisions with specific reference to: <i>funds of the Authority; financial year; annual estimates. Accounts and audit; and investment of funds.</i>

Clause 35	Define the offences	Fine not exceeding Kshs. 500,000/- and a further fine of not exceeding Kshs. 1 million each day for continuing offence is adequate.
Clause 36	Provide that a vacancy in the membership of the Council does not affect its function	This is in order
Clause 37	Outlines the appointment of interim manager where a member in private practice is incapacitated	This is in order
Clause 38	Provide for the Cabinet Secretary to make regulations	This is in order
Clause 39	Provides for transitional provision	This is in order
<b>First Schedule:- Provisions Relating to the Institute</b>		
Clause 1	Election and eligibility of the Chairperson of the institute.	The term of the office should not be limited to only two terms .
Clause 2	Provide for the appointment an acting Chairperson	The Council should have a Vice Chairperson who should automatically act in absence of the Chairperson
Clause 3	Provide for the annual /special general meeting meetings of the institute	Renumber the Clause to 3 and not 2.
Clause 4	Chairperson to preside all meeting and if not present the vice-chairperson	This is in order
Clause 5	Defines the quorum of the meetings of the institute	A quorum of 50% of members is good for the credibility of the decisions made.
Clause 6	Outlines the business to be transacted in the institute meetings	This is in order
Clause 7	Defines powers of the person presiding the meeting of the institute	This is in order
Clause 8	Voting procedure at the meetings of the institute.	This is in order
<b>Second Schedule:- Provisions Relating to the Council</b>		
Clause 1	Provide for the membership of the Council and disqualification to contest a position in the Council	This is in order

Clause 2	Provide for rotation of election of council members	This is in order to allow for smooth transition
Clause 3	Vacation of office by a member of the council.	Renumber this clause to 3 and not 2.
Clause 4	Filing of vacancy that arise from the members of the council	Renumber this clause to 4 and not 3
Clause 5	The Vice-chairperson of the Council and its term of office	Renumber this clause to 5 and not 4
Clause 6	Quorum and procedure of the Council meetings	The quorum should be defined and not left at the whim of the council
Clause 7	Chairperson to have a deliberative and casting vote	This is in order
Clause 8	Keeping of the minutes of Council meeting	The minutes of the Council should be in the custody of the Secretary
<b>Third Schedule:- Provisions Relating to the Registration And Quality Assurance Board</b>		
Clause 1	Term of office of the members of Registration Board	This should be one term of three years
Clause 2	Procedure for quality assurance review	This is in order
Clause 3	Provide for the results of quality assurance review	This is in order
Clause 4	Registration Board to provide report on quality assurance reviews to the Council.	The report timelines should be defined
Clause 5	Define the penalty for unauthorized disclosure of information	A fine of fifty thousand may be too lenient
Clause 6	Define the quorum of the meeting of the Registration Board as four.	This is in order
Clause 7	Provide for voting by the Board and the chairperson to have a casting vote	This is in order
Clause 8	Provide for the validity of the proceedings of the Board.	This is in order
Clause 9	Record keeping of the proceeding of the Registration Board	This is in order
<b>Fourth Schedule: Provisions Relating to the Disciplinary Board Proceedings On Inquiry</b>		
Clause 1	Statement of allegations of professional misconduct.	This is in order
Clause 2	Provision of notice of inquiry indicating the date, time and	This is in order

	place	
Clause 3	Representation by an advocate	This is in order
Clause 4	Powers of the disciplinary board	This is in order
Clause 5	Procedures for inquiry by the Disciplinary Board.	This is in order
Clause 6	Voting of the member of the Disciplinary Board in making decision.	Renumber the clause to 6 and not 5
Clause 7	Validity of the proceeding of inquiry	This is in order
Clause 8	Defines offences for a witness to the inquiry	The fine of not exceeding twenty thousand is reasonable.
Clause 9	Immunity and protection of the Member of the Disciplinary board.	This is in order
Clause 10	Proceeding of the Board is deemed judicial proceedings	This is in order
<b>Fifth Schedule: Provision Relating to Interim Manager</b>		
Clause 1	Incapacitation of a member in practice	This is in order
Clause 2	Nomination of interim manager in the event of incapacity or inability of a member of the institute.	This is in order
Clause 3	Council to nominate interim manager where a member fails to nominate.	This is in order
Clause 4	Outlines the obligations of the interim manager.	This is in order

## COMMITTEE'S PROPOSED AMENDMENTS

Having considered the Bill, the Committee will introduce the following amendments during the Committee stage of the Bill:

### **CLAUSE 2**

**THAT**, clause 2 be amended—

- (a) by deleting the definition “Registration Board” and substituting therefor the following definition—  
“Registration Committee” means the registration and quality assurance committee established under section 13 of this Act;”

### **CLAUSE 4**

**THAT**, clause 4 be amended—

- (a) in sub clause (1)—

- (i) by inserting the words “under section 16 of this Act” immediately after the word “Institute”;

### **CLAUSE 7**

**THAT**, clause 7 be amended in sub clause (1) by deleting the word “matter” before the word “provided” and substituting therefor with the word “manner”.

### **CLAUSE 8**

**THAT**, clause 8 be amended—

- (a) by deleting paragraph (a);
- (b) in paragraph (b) by inserting the word “ethical” before the word “practice”;
- (c) in paragraph (e) by deleting the words “financial, securities and investments” after the word “licensing” and substituting therefor the words “security and investments”;
- (d) in paragraph (g) by inserting the words “and integrity” immediately after the word “ethics”.

### **CLAUSE 10**

**THAT**, clause 10 be amended in by deleting the word “Boards” and substituting therefor the following word “Committees”.

### **CLAUSE 12**

**THAT**, clause 12 be amended by deleting sub clause (1) and substituting therefor with following new clause—

- “(1) There shall be a Secretary to the Council who shall be the Chief Executive Officer of the Institute and shall be appointed by the Council.”

### **CLAUSE 13**

**THAT**, clause 13 be amended—

- (a) in sub clause (1) by deleting the words “ Registration and Quality Assurance Board” and substituting therefor the words “Registration Committee”;
- (b) in sub clause (2)—
  - (i) in paragraph (b) by inserting the word “for” immediately after the word “responsible”;
- (c) in sub clause (3)—
  - (i) by deleting the word “Board” and substituting therefor the word “Committee”;
  - (ii) in paragraph (a) by deleting the words “financial, securities and investments” after the word “certified” and substituting therefor the words “securities and investments”.
- (d) in sub clause (4) by deleting the word “Board” after the word “Registration” and substituting therefor the word “Committee”;
- (e) in sub clause (5) by deleting the word “Board” after the word “Registration” and substituting therefor the word “Committee”;
- (f) in sub clause (6) by deleting the word “Board” and substituting therefor the word “Committee”;
- (g) in sub clause (7) by deleting the word “Board” after the word “Registration” and substituting therefor the word “Committee”;
- (h) in sub clause (8) by deleting the word “Board” after the word “Registration” and substituting therefor the word “Committee”;
- (i) in sub clause (9) by deleting the word “Board” after the word “Registration” and substituting therefor the word “Committee”;
- (j) in sub clause (10) by deleting the word “Board” after the word “Registration” and substituting therefor the word “Committee”;

#### **CLAUSE 14**

**THAT**, clause 14 be amended—

- (a) in sub clause (1) by deleting the words “ financial, securities and investment” and substituting therefor the words “ Securities and investment” and by deleting the word “Board” after the word “Registration” wherever it occurs and substituting therefor the word “Committee”.
- (b) in sub clause (2) by deleting the words “ financial, securities and investment” and substituting therefor the words “ Securities and investment”.
- (c) in sub clause (3) by deleting the word “ Board” before the word “Registration” and substituting therefor the word “ Committee”.
- (d) in sub clause (5) by deleting the words “one million” and substituting therefor the words “two hundred thousand”.

**CLAUSE 15**

**THAT**, clause 15 be amended—

(a) in sub clause (1) by deleting the words “ financial, securities and investment” and substituting therefor the words “ Securities and investment”.

(e) by deleting the word “Board” wherever it occurs and substituting therefor the word “Committee”.

**CLAUSE 16**

**THAT**, clause 16 be amended—

(a) in sub clause (1)—

(i) by inserting the following new paragraph immediately after paragraph (a)—

“(aa) has satisfied the requirements of Chapter Six of the Constitution;”

(b) in sub clause (3)—

(i) by deleting the word “Board” wherever it occurs and substituting therefor the word “Committee”;

(ii) by deleting the words “ financial, securities and investment” and substituting therefor the words “securities and investment”.

**CLAUSE 17**

**THAT**, clause 17 be amended—

(a) by inserting the following new paragraphs immediately after paragraph (c)—

“(ca) if such person does not meet the requirements of Chapter Six of the Constitution;

(cb) if such person sits and fails the annual ethics and integrity test administered by the Institute;”

(b) by deleting the word “Board” wherever it occurs and substituting therefor the word “Committee”.

**CLAUSE 18**

**THAT**, clause 18 be amended—

(a) by deleting the word “Board” wherever it occurs and substituting therefor the word “Committee”;

**CLAUSE 19**

**THAT**, clause 19 be amended—

(a) by deleting the word “Board” wherever it occurs and substituting therefor the word “Committee”;

(b) by inserting the following new paragraph immediately after paragraph (c)—

“(ca) if such person does not meet the requirements of Chapter Six of the Constitution;

**CLAUSE 20**

**THAT**, clause 20 be amended—

(a) in sub clause (1)—

- (i) by deleting the words “ financial, securities and investment” and substituting therefor the words “securities and investment”;
- (ii) by deleting the word “Board” and substituting therefor the word “Committee”.

#### **CLAUSE 21**

**THAT**, clause 21 be amended—

- (a) by deleting the words “ financial, securities and investment” wherever they occur and substituting therefor the words “securities and investment”;
- (b) in sub clause (1) paragraph (c) by deleting the word “securities”.

#### **CLAUSE 22**

**THAT**, clause 22 be amended in sub clause (1) by deleting the word “Board” and substituting therefor the word “Committee”.

#### **CLAUSE 23**

**THAT**, clause 23 be amended in sub clause (1) —

- (a) by deleting the word “Board” and substituting therefor with the word “Committee”;

#### **CLAUSE 24**

**THAT**, clause 24 be amended by deleting the word “Board” wherever it occurs and substituting therefor the word “Committee”.

#### **CLAUSE 26**

**THAT**, clause 26 be amended in sub clause (1) —

- (a) in paragraph (a) by deleting the words “ financial, securities and investment” wherever they occur and substituting therefor the words “securities and investment”;
- (b) by deleting paragraph (p) and substituting therefor with following paragraph—

“(p) is an employee of an institution whose license is granted under the Capital Markets Act or any applicable law in Kenya, fails to keep the funds of a client in a separate account or uses such funds for purposes for which they are intended.”

#### **CLAUSE 27**

**THAT**, clause 27 be amended in sub clause (3)—

- (a) in paragraph (a)—
  - (i) by deleting the word “four” and substituting therefor the word “three”;
  - (ii) by inserting the words “who meets the minimum qualifications for appointment a judge of the High Court” immediately after the word “ chairperson”;
- (b) by deleting paragraph (d) and substituting therefor the following new paragraph—

“(d) one nominated by the Institute of Certified Public Secretaries of Kenya;”
- (c) by inserting the following new paragraph immediately after paragraph (d)—

“(da) one nominated by the Capital Markets Authority;” .

#### **CLAUSE 29**

**THAT**, clause 29 be amended in sub clause (1)

- (i) in paragraph (f) by deleting the words “one hundred” and substituting therefor the word “five hundred”.
- (ii) by deleting the word “Board” after the word “Disciplinary” wherever they occur in clause 29 and substituting therefor the word “Committee”

#### **CLAUSE 30**

**THAT**, clause 30 be amended

- (i) by deleting the word “Board” after the word “Disciplinary” wherever they occur in clause 30 and substituting therefor the word “Committee”

#### **NEW PART**

**THAT**, the Bill be amended by introducing a new PART IVA- FINANCIAL PROVISIONS immediately after Part IV.

#### **PART IVA— FINANCIAL PROVISIONS**

Funds of the Institute

**31A.** The funds of the Institute shall consist of —

- (a) such fees, monies or assets as may accrue to or vest in the Institute in the course of the exercise of its powers or the performance of its functions under this Act or under any other written law;
- (b) such gifts as may be given to the Institute; and
- (c) all monies from any other source provided for or donated to the Institute.

Financial year

**31B.** Unless otherwise provided, the financial year of the Institute shall be the period for twelve months ending on the thirty-first day of December in each year.

Annual estimates

**31C. (1)** At least three months before the commencement of each financial year, the Institute shall cause to be prepared estimates of revenue and expenditure for that year.

(2) The annual estimates shall be approved by the Council before the commencement of the financial year to which they relate.

(3) The Council shall cause to be kept all proper books and records of accounts of the income, expenditure and assets of the Institute.

(4) Within a period of four months from the end of each financial year, the Council shall submit to its auditors the accounts of the Institute for audit.

(5) Within six months before the end of the financial year, the Council shall lay the audited accounts before the annual general meeting of its members

together with any reports made by the auditors.

**CLAUSE 34**

**THAT**, clause 34 of the Bill be deleted.

**CLAUSE 35**

**THAT**, clause 35 be amended—

- (a) in sub clause (4) by deleting the word “five” and substituting therefor the word “one”.

**SCHEDULE**

**THAT**, the First Schedule of the Bill be amended in Clause (1) by deleting sub clause (3) and substituting therefor the following new sub clause —

(3) A person who holds the office of Chairperson is not eligible for re- election until after the expiry of a period of at least two years since he or she vacated the office.

**THAT**, the Third Schedule of the Bill be amended-

- (a) in the heading by deleting the words “ Registration and Quality Assurance Board” and substituting therefor the words “Registration Committee”;

- (b) by deleting the word “Board” wherever it occurs and substituting therefor the word “Committee”.

MINUTES OF THE 41<sup>ST</sup> SITTING OF THE DEPARTMENTAL COMMITTEE  
ON FINANCE, PLANNING & TRADE HELD ON THURSDAY 26<sup>TH</sup> JUNE,  
2014 IN THE MEDIA CENTRE, PARLIAMENT BUILDINGS , AT 10.00AM

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**Present**

Hon. Benjamin Langat, MP	-	Chairperson
Hon. Nelson Gaichuhie, MP	-	Vice-Chairperson
Hon. Abdul Rahim Dawood ,MP		
Hon. Iringo Cyprian Kubai, MP		
Hon. Mary Emase, MP		
Hon. Anyanga Andrew Toboso, MP		
Hon. Dr. Oburu Oginga, MP		
Hon. Eng. Shadrack Manga, MP		
Hon. Timothy Bosire, MP		
Hon. Ogendo Rose Nyamunga, MP		
Hon. Shakeel Shabbir Ahmed, MP		
Hon. Ronald Tonui, MP		
Hon. Kirwa Stephen Bitok, MP		
Hon. Joseph Limo, MP		
Hon. Jones Mlolwa, MP		
Hon. Daniel Epuyo Nanok, MP		
Hon. Sammy Mwaita, MP		
Hon. Sammy Koech, MP		
Hon. Sakaja Johnson, MP		
Hon. Sakwa John Bunyasi, MP		
Hon. Patrick Makau King'ola, MP		

**Absent with Apologies**

Hon. Sumra Irshadali, MP  
Hon. Alfred Sambu, MP  
Hon. Abdullswamad Shariff, MP  
Hon. Dennis Waweru, MP  
Hon. Lati Lelelit, MP  
Hon. Jimmy Nuru Angwenyi, MP  
Hon. Tiras Ngahu, MP  
Hon. Joash Olum, MP

## IN ATTENDANCE

1. Mr. Evans Oanda - First Clerk Assistant
2. Esther Nginyo - Third Clerk Assistant
3. Mr. Nicodemus Maluki - Third Clerk Assistant
4. Mr. Joash Kosiba - Fiscal Analyst

## NAIROBI SECURITIES EXCHANGE

1. Mr. David Irungu Wagemu - Manager, Information Technology
2. Mr. Rogito Nyangeri - Strategy Manager
3. Mr. Terry Adebese - Business Development Manager

## MIN.NO. DCF/191/2014 PRELIMINARIES

The Chairperson called the meeting to order at 10. 30 a.m. followed by a word of prayer.

## MIN.NO. DCF/192/2014 CONSIDERATION OF THE SECURITIES AND INVESTMENT ANALYSTS BILL, 2014

The Parliamentary Budget Office presented the following on the Bill:-

### I. Background

1. The Securities and Investment Analyst Bill, 2014 is a bill for an Act of Parliament to provide for the establishment, powers and functions of the Institute of Certified Securities and Investment Analyst (ICSIA) as a body corporate that regulate security and investment analysts professionals.

### II. Situational Analysis

2. The capital markets industry in Kenya is regulated by various legislations such as the Capital Markets Act, Central Bank of Kenya Act, Retirement Benefits Authority Act, and the Insurance Act. The legal frameworks for the industry have organized and strengthened the institutional framework of the capital markets in Kenya. However, these legislations do not provide a framework for regulation of the professionals in the capital market industry.

3. These professional work as pension fund managers; financial advisors in stock brokerage firms; investment advisors in firms listed at the Nairobi Securities Exchange; and managers in investment banks among others.
4. The capital markets in the recent past have been marred with challenges relating to professional ethics and integrity of market players such as stock brokers. This resulted into devastating collapse of some of the prominent stock brokers such as **Ngenye Kariuki Stock broker and Nyaga stock brokers.**
5. The collapse was attributed to poor management and fraud committed by some of the professionals who were engaged in malpractices such as secretly trading in investors' funds.
6. There have also been instances of lack of fiduciary responsibility among some members of the Boards of some of the listed trading institutions at the Nairobi Securities Exchange. This has led to loss of investors' funds, erosion of market confidence, and low saving rate resulting in low capital formation.
7. There is an existing similar institute with same names and objects as the proposed institute. The existing institute was first registered as the Institute of Investment Professionals for East Africa (IIPEA) on 22<sup>nd</sup> July 1997 under section 10 of the Societies Act (Cap.108) of the Laws of Kenya. It later changed its name to the Institute of Certified Securities and Investment Analysts (ICSIA) and held its last election on 4<sup>th</sup> March 2011.
8. The main objective of the institute as indicated in its website ([www.icsia.co.ke](http://www.icsia.co.ke)) is to develop a professional designation to further enhance training for capital market participants in the East African Region.

### III. International Comparative Analysis

9. The following section provides a brief overview of the international scene:
  - (a) **South Africa:** - There is the Investment Analyst Society of South Africa (IASSA) which was formed in 1969 as a liaison body of the financial analyst profession and it is based in Johannesburg with members from Cape Town and Durban. (IASSA) has 2100 members drawn from the analyst profession

that includes investment banks, insurances companies and it is managed by board and one full time executive officer

- (b) **United Kingdom (UK):-** The proposed institute is modeled on the London based Chartered Institute for Securities & Investment (CISI) which is the largest and most widely respected professional body for professionals in the securities and investment industry in the United Kingdom (UK) . To highlight the importance of acting with integrity at all times, the CISI London holds a membership requirement for all members to take and pass an online ethics test. This ethics test provision is not explicitly provided in the legislative proposal
- (c) **Japan: -** There is the Securities Analyst Association of Japan (SAAJ) which was established in 1962 with the aim of developing recognized standards for securities and investment professionals. As of 31<sup>st</sup> march 2009, individuals and corporate/associate members of SAAJ stood at 23,067.

#### IV. Key Issues and Proposed Draft Amendments

10. The following are the proposed amendments

- i) **Amend Clause 2 by:** (a) inserting the word "*Quality Assurance*" between the words "*Registration Board*". This is to provide emphasis on quality assurance. (b) Defining who is a "*Security and Investment Analyst*" (c) Inserting new interpretation for "*Cabinet Secretary*" means the *Cabinet Secretary responsible for matters relating to securities and investments.*  
**Justification:** - This is to make the interpretations in tandem with the letter and spirit of the Bill.
- ii) **Delete:** - the term "*IA*" appearing in Clause (4)1) and replace with the words "*the relevant prefix as per the category of membership provided for in Clause (4) (2).* Justification: This is to align the prefix to category of membership
- iii) **Introduce** "*A new Part V on Financial Provisions*" after Part IV. This is to consolidate all provisions on finances including specific clauses on: funds

of the institute; financial year; annual estimates. Accounts and audit; and investment of funds.

- iv) **Amend** Clause 8(g) by deleting the words "*continuous development programme for its members*" and replacing with "*ethics and integrity tests to be undertaken by its members annually*". This is to make ethics & integrity test an annual test for all members
- v) **Replace** the word "*Board*" in Clause 10 with the Word "*Committee*". This is to avoid the confusion that may arise.
- vi) **Amend** Clause 12 (1) by inserting the word "*and shall be the Chief Executive Officer of the Institute*" after the last word Council. This is it to clearly provide for the Secretary of the council as the Chief Executive of the Institute.
- vii) **Amend** Clause 14 (5) by deleting the "*one million*" and replacing with the words "*one hundred thousand*". This is to make the fine less punitive and realistic in line with other professional practice
- viii) **Insert** in Clause 16(1) a new sub clause (c) after (b) reading "*Sat and passed the initial ethics and integrity test administered by the institute*" This is to make ethics and integrity a mandatory test before registration.
- ix) **Insert** in Clause 17(1) a new sub clause (e) after (d) reading "*Sat and failed the annual ethics and integrity test administered by the institute*" This is to make ethics and integrity a mandatory test before renewal of registration.
- x) **Insert** in Clause 19(1) a new sub clause (d) after (c) reading "*Sat and failed the annual ethics and integrity test administered by the institute*" This is to failure of ethics and integrity a mandatory test a condition for cancelation off registration.
- xi) **Delete** the word "*financial*" where it appears in clause 20 and wherever it appears as an immediate word before the words "Security and Investment Analyst". The introduction of the word "*financial*" immediately before the words "Security and Investment Analyst" is inconsistent with the

provisions of the Bill and may infringe on other professional practices such as Accountants.

- xii) **Delete** in Clause 27(1) (d) the words “an organization that promotes corporate governance” and **replace** with the words “*Institute of Certified Public Secretaries of Kenya (ICPSK)*”. This is to incorporate ICSPK into the Board as the professional body that promotes corporate governance.
- xiii) **Add after** end of Clause 27(3) (a) the words “*The Chairperson of the Board shall meet the minimum qualification for appointment as Judge of the High Court.* This is to ensure the Chair has the capacity to conduct a judicial proceedings
- xiv) **Insert a new clause 33 on protection from liability”** which is missing
- xv) **Renumber** clause 2, 3 & 4 in the Second Schedule to read clause 3, 4 & 5 respectively. This is for consistency purposes.
- xvi) **Renumber** the clause 5 in the Fourth Schedule to read clause 6. This is for consistency purposes.

## V. Policy Options

11. The following policy options are available for the Committee’s consideration

No.	Policy Option	Impact
1.	Pass the Bill as Draft	The will lead to establishment of a professional body for securities and investment analyst and additional expenditure for the government. The flaws in the Bill will not have been corrected to make a better legislation
2.	Reject the Bill	The present situation where professionals in securities and investment analyst operate without proper legislation will continue.
3.	Pass the Draft Bill with the amendments.	The proposed amendments will enhance the effectiveness of the legislation by making it better for proper regulation of securities and investment professionals

## VI. Clause by Clause Highlights and Review

12. This section provides a clause by clause analysis including highlights and review by the Parliamentary Budget Office.

Part I- Preliminary		
Clause	Highlights	PBO Review
Clause 1	Provide short title of the Act	This is in line with the Bill
Clause 2	Provides for interpretation of various terms used in the Act such as: <i>annual license, council, disciplinary board, examination board, registration board.</i>	The term " <i>Registration Board</i> " should include " <i>and Quality Assurance</i> " to emphasis on quality assurance as well There is no definition of a " <i>Security and Investment Analyst</i> " The Cabinet Secretary in this case should be the one responsible for matters relating to securities and investments
Part II- Establishment of Institute		
Clause 3	Establishes ICSIA and its capability in its corporate name.	The borrowing, acquisition, holding and disposal of investments should be subject to approval of the Cabinet Secretary.
Clause 4	Establishes categories of membership of the institute and allow each registered member to place the prefix term 'IA' before the person name.	The prefix term before the name of a registered member should be in line with the category of membership and NOT the term "IA".
Clause 5	Provide for the source of the funds of the institute.	The clause is totally misplaced and limits the funding of the institute to membership contribution which is inadequate. A new part need to be introduced in the Bill to take care of Financial Provisions with specific clauses on: <i>funds of the Institute; financial year; annual estimates. Accounts and audit; and investment of funds.</i>
Clause 6	Provides for invitation into Honorary Fellowship of the Institute.	This is in line with the international best practice

Clause 7	Sets qualifications of the Chairperson of the institute	The election procedure is provided for in the first schedule of the Bill
Clause 8	Outlines the functions of the institute.	Ethics and integrity test should be an annual requirement for renewal of membership and not only an entry test.
Clause 9	Establishes the Council as the governing body of the institute and its various powers.	Clause 9(4) on issuance of By-laws limits the extent of By-laws to operations. The By-laws, rules and regulations should cover operation of the institute and practice by members of the Institute.
Clause 10	Provide for the establishment of Boards of Councils to perform the functions of the institute	The use of the term Boards in this clause may be confusing. The clause should make reference to Committees and not Boards.
Clause 11	Provide for the membership of the council which shall be composed of eleven (11) members.	The election of non-nominated members is provided for in the second schedule. There may be need to include at least two members to represent a profession other than Security and Investments
Clause 12	Provide for a position of Secretary to the Council appointed by the Council and perform functions determined by the Council	Powers and roles of the secretary should be provided and the term of office of the Secretary clearly stipulated.
Clause 13	Establishes the Registration and Quality Assurance Board, its membership and the functions.	This is in order.

### Part III- Registration and Practice

Clause 14	Provide for the process of application for registration as financial, securities and investment analyst	A fine of not exceeding Kshs. 1 million for an offence of making a false or misleading statement in application is highly punitive and contrary to the practice in other professional bodies.
Clause 15	Provides for a transition for holders of authority to	This is in line with the best practice

	practice prior to the commencement of the Act.	
Clause 16	Provides for conditions for qualification for registration as a member	Include sitting and passing ethics and integrity test administered by the institute as one of the conditions for qualification for registration.
Clause 17	Outline conditions of disqualification from registration.	Include sitting and failing ethics and integrity test administered by the institute as one of the conditions for disqualification for registration.
Clause 18	Provides for keeping of a register of members.	This is proper and in line with the best practice
Clause 19	Outlines the circumstance for cancellation of the registration of a member.	Include sitting and failing annual ethics and integrity test administered by the institute as one of the conditions for cancellation.
Clause 20	Provide for restriction on authority to practice as a certified financial, securities and investment analyst.	The word "financial" in the wording of the professional practice is inconsistent with the bill. The fine of Kshs. 500,000. /- is okay
Clause 21	Provide for the definition of a practice and how a person can practice	The word "financial" in the title of the practice (certified financial, securities and investment analyst) should be deleted wherever it appears immediately before the words "Security and Investment Analyst" in the bill.
Clause 22	Provide application of a practicing certificate.	This is in order
Clause 23	Provide for the issuance of practicing certificate by the Registration Board	This is in order
Clause 24	Issuance of annual license to a person who holds a practicing certificate and intends to practice as a firm.	This is in order
Clause 25	Certificate/annual license is a property of the institute	This is in order
<b>Part IV- Disciplinary Provisions</b>		

Clause 26	Outlines what constitute a professional misconduct by a member	This is exhaustive and in order
Clause 27	Establishes a Disciplinary Board within the Council composed of seven members	Include in the Board, one member nominated by the Institute of Certified Public Secretaries of Kenya (ICPSK) which is the professional body that promotes corporate governance. The Chair of the Board should meet the minimum qualification for appointment as Judge of the High Court.
Clause 28	Provides that all matters of professional misconduct should be referred to the Disciplinary Board	This is in order The provisions of the fourth schedule guides the inquiry by the Board
Clause 29	Outlines the possible recommendations after inquiry by the Disciplinary Board	The inquiry period should be defined in the laws.
Clause 30	Provides for an appeal against Disciplinary Board decision.	This is in line with fair hearings as enshrined in the Constitution
Clause 31	Provides for the disciplinary provisions of the Act to apply to the previous holders of securities and investment analysts	This is necessary for avoidance of doubt and for transitional purposes.
<b>Part V- Miscellaneous</b>		
Clause 32	Provide for the staff of the institute and the examination board	This is in order
Clause 33	This clause on protection from liability is skipped	Entire clause on protection from liability” is missing
Clause 34	The institute to keep proper book of account and prepare for audit.	A new part need to be introduced in the Bill to take care of Financial Provisions with specific reference to: <i>funds of the Authority; financial year; annual estimates. Accounts and audit; and investment of funds.</i>

Clause 35	Define the offences	Fine not exceeding Kshs. 500,000/- and a further fine of not exceeding Kshs. 1 million each day for continuing offence is adequate.
Clause 36	Provide that a vacancy in the membership of the Council does not affect its function	This is in order
Clause 37	Outlines the appointment of interim manager where a member in private practice is incapacitated	This is in order
Clause 38	Provide for the cabinet secretary to make regulations	This is in order
Clause 39	Provides for transitional provision	This is in order

**First Schedule:- Provisions Relating to the Institute**

Clause 1	Election and eligibility of the Chairperson of the institute.	The term of the office should be not more than two terms of two years each.
Clause 2	Provide for the appointment an acting Chairperson	The Council should have a Vice Chairperson who should automatically act in absence of the Chairperson
Clause 3	Provide for the annual /special general meeting meetings of the institute	Renumber the Clause to 3 and not 2. The AGM should be held 4 months and not 6 months after the close of year
Clause 4	Chairperson to preside all meeting and if not present the vice-chairperson	This is in order
Clause 5	Defines the quorum of the meetings of the institute	A quorum of 50% of members is very high and may be unattainable as the membership grows
Clause 6	Outlines the business to be transacted in the institute meetings	This is in order
Clause 7	Defines powers of the person presiding the meeting of the institute	This is in order

Clause 8	Voting procedure at the meetings of the institute.	This is in order
<b>Second Schedule:- Provisions Relating to the Council</b>		
Clause 1	Provide for the membership of the council and disqualification to contest a position in the council	This is in order
Clause 2	Provide for rotation of election of council members	This is in order to allow for smooth transition
Clause 3	Vacation of office by a member of the council.	Renumber this clause to 3 and not 2.
Clause 4	Filing of vacancy that arise from the members of the council	Renumber this clause to 4 and not 3
Clause 5	The Vice-chairperson of the Council and its term of office	Renumber this clause to 5 and not 4
Clause 6	Quorum and procedure of the Council meetings	The quorum should be defined and not left at the whim of the council
Clause 7	Chairperson to have a deliberative and casting vote	This is in order
Clause 8	Keeping of the minutes of Council meeting	The minutes of the Council should be in the custody of the Secretary
<b>Third Schedule:- Provisions Relating to the Registration And Quality Assurance Board</b>		
Clause 1	Term of office of the members of Registration Board	This should be one term of three years
Clause 2	Procedure for quality assurance review	This is in order
Clause 3	Provide for the results of quality assurance review	This is in order
Clause 4	Registration Board to provide report on quality assurance reviews to the Council.	The report timelines should be defined

Clause 5	Define the penalty for unauthorized disclosure of information	A fine of fifty thousand may be too lenient
Clause 6	Define the quorum of the meeting of the Registration Board as four.	This is in order
Clause 7	Provide for voting by the Board and the chairperson to have a casting vote	This is in order
Clause 8	Provide for the validity of the proceedings of the Board.	This is in order
Clause 9	Record keeping of the proceeding of the Registration Board	This is in order
<b>Fourth Schedule: Provisions Relating to the Disciplinary Board Proceedings On Inquiry</b>		
Clause 1	Statement of allegations of professional misconduct.	This is in order
Clause 2	Provision of notice of inquiry indicating the date, time and place	This is in order
Clause 3	Representation by an advocate	This is in order
Clause 4	Powers of the disciplinary board	This is in order
Clause 5	Procedures for inquiry by the Disciplinary Board.	This is in order
Clause 6	Voting of the member of the Disciplinary Board in making decision.	Renumber the clause to 6 and not 5
Clause 7	Validity of the proceeding of inquiry	This is in order
Clause 8	Defines offences for a witness to the inquiry	The fine of not exceeding twenty thousand is reasonable.
Clause 9	Immunity and protection of the Member of the Disciplinary board.	This is in order

Clause 10	Proceeding of the Board is deemed judicial proceedings	This is in order
<b>Fifth Schedule: Provision Relating to Interim Manager</b>		
Clause 1	Incapacitation of a member in practice	This is in order
Clause 2	Nomination of interim manager in the event of incapacity or inability of a member of the institute.	This is in order
Clause 3	Council to nominate interim manager where a member fails to nominate.	This is in order
Clause 4	Outlines the obligations of the interim manager.	This is in order

**MIN.NO. DCF/193/2014      COMMITTEE'S OBSERVATIONS**

The Committee raised the following concerns from the presentation;

- i. There is need to provide a comparative analysis of the United States of America which has the strongest Securities Analyst Association in addition to the overview of South Africa, United Kingdom and Japan.
- ii. The proposed Bill should provide for a regulatory body and not as a parastatal.
- iii. In Clause 8(g), ethics and integrity test should be undertaken in addition to continuous development programme.
- iv. In Clause 12(1) to be amended by deleting the word 'Secretary' and replacing it with the words 'Chief Executive Officer' and to insert the word 'and shall be the Secretary to the Council'.
- v. In Clause 14(5) the fine for willfully making false or misleading statement for one to be registered should be Kshs. One million.
- vi. In Clause 29, the Council should not be empowered to take fines from its members as that are a preserve of the courts. The Committee directed that the Legal Counsel to advise further on that particular clause.

**MIN.NO. DCF/194/2014      COMMITTEE RESOLUTIONS**

The Committee resolved to meet with the Institute of Certified Securities and Investment Analysts to share further on the Bill at an opportune time.

**MIN.NO. DCF/195/2014 ANY OTHER BUSINESS**

The following issues were raised under this agenda item;

**(1) Pending Statements**

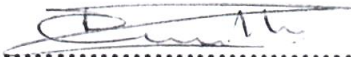
The Committee noted with concern that it has not responded to the statements sought in House pursuant to Standing Order 44(2)(c ) due to delayed response from the executive. All the pending statements before the Committee were specifically being delayed by the National Treasury despite numerous requests done by the Clerk of The National Assembly to have them responded to. The Secretariat was asked to do a final letter to the National Treasury requesting for the same urgently. The Chair also undertook to speak to the Cabinet Secretary with a view to having the responses obtained.

**(2) Pending Bills**

The Committee further noted that the Ministry of Finance has not provided any comments on the Retirement Benefits (Deputy President and Designated State Officers) Bill, 2014 despite numerous requests from the Committee to have the same. Being a money Bill, the Committee can only proceed upon getting the comments of the Cabinet Secretary. The Secretariat was asked to do a final letter to the National Treasury requesting for the same and the Securities and Investment Analysts Bill urgently. The Chair also undertook to speak to the Cabinet Secretary with a view to having the responses obtained.

**MIN.NO. DCF/196/2014 ADJOURNMENT**

The chairperson adjourned the meeting at 12.25 p.m.

Signed.....  
**Chairperson**

Date..... 26/08/2014

**MINUTES OF THE 54<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE  
ON FINANCE, PLANNING & TRADE HELD ON TUESDAY 14<sup>TH</sup> OCTOBER,  
2014 IN CONTINENTAL HOUSE, 4<sup>TH</sup> FLOOR, PARLIAMENT BUILDINGS,  
AT 10.00AM**

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**Present**

1. Hon. Nelson Gaichuhie, MP
2. Hon. Abdul Rahim Dawood, MP
3. Hon. Iringo Cyprian Kubai, MP
4. Hon. Mary Emase, MP
5. Hon. Anyanga Andrew Toboso, MP
6. Hon. Dr. Oburu Oginga, MP
7. Hon. Eng. Shadrack Manga, MP
8. Hon. Timothy Bosire, MP
9. Hon. Ogendo Rose Nyamunga, MP
10. Hon. Shakeel Shabbir Ahmed, MP
11. Hon. Ronald Tonui, MP
12. Hon. Kirwa Stephen Bitok, MP
13. Hon. Joseph Limo, MP
14. Hon. Jones Mlolwa, MP
15. Hon. Daniel Epuyo Nanok, MP
16. Hon. Sammy Mwaita, MP
17. Hon. Sammy Koech, MP
18. Hon. Patrick Makau King'ola, MP
19. Hon. Dennis Waweru, MP
20. Hon. Lati Lelelit, MP
21. Hon. Jimmy Nuru Angwenyi, MP
22. Hon. Tiras Ngahu, MP

**Vice-Chairperson**

**Absent with Apologies**

1. Hon. Benjamin Langat, MP
2. Hon. Sumra Irshadali, MP
3. Hon. Alfred Sambu, MP
4. Hon. Abdullswamad Shariff, MP
5. Hon. Joash Olum, MP
6. Hon. Sakaja Johnson, MP
7. Hon. Sakwa John Bunyasi, MP

**Chairperson**

**IN ATTENDANCE**

- 1. Ms. Esther Nginyo - Third Clerk Assistant
- 2. Mr. Nicodemus Maluki - Third Clerk Assistant
- 3. Mr. Fredrick Otieno - Third Clerk Assistant
- 4. Mr. Joash Kosiba - Fiscal Analyst
- 5. Ms. Catherine Burure - Fiscal Analyst
- 6. Mr. Charles Atamba - Research Officer

**MIN.NO. DCF/254/2014                      PRELIMINARIES**

The Vice-Chairperson called the meeting to order at 10. 30 a.m. followed by a word of prayer.

**MIN.NO. DCF/255/2014                      CONSIDERATION OF THE REPORT ON  
SECURITIES AND INVESTMENT ANALYSTS  
BILL, 2014**

Members considered the report on Securities and Investment Analysts Bill, 2014 and it was adopted unanimously as proposed by Hon. Shakeel Shabbir, MP and seconded by Hon. Kubai Iringo, MP.

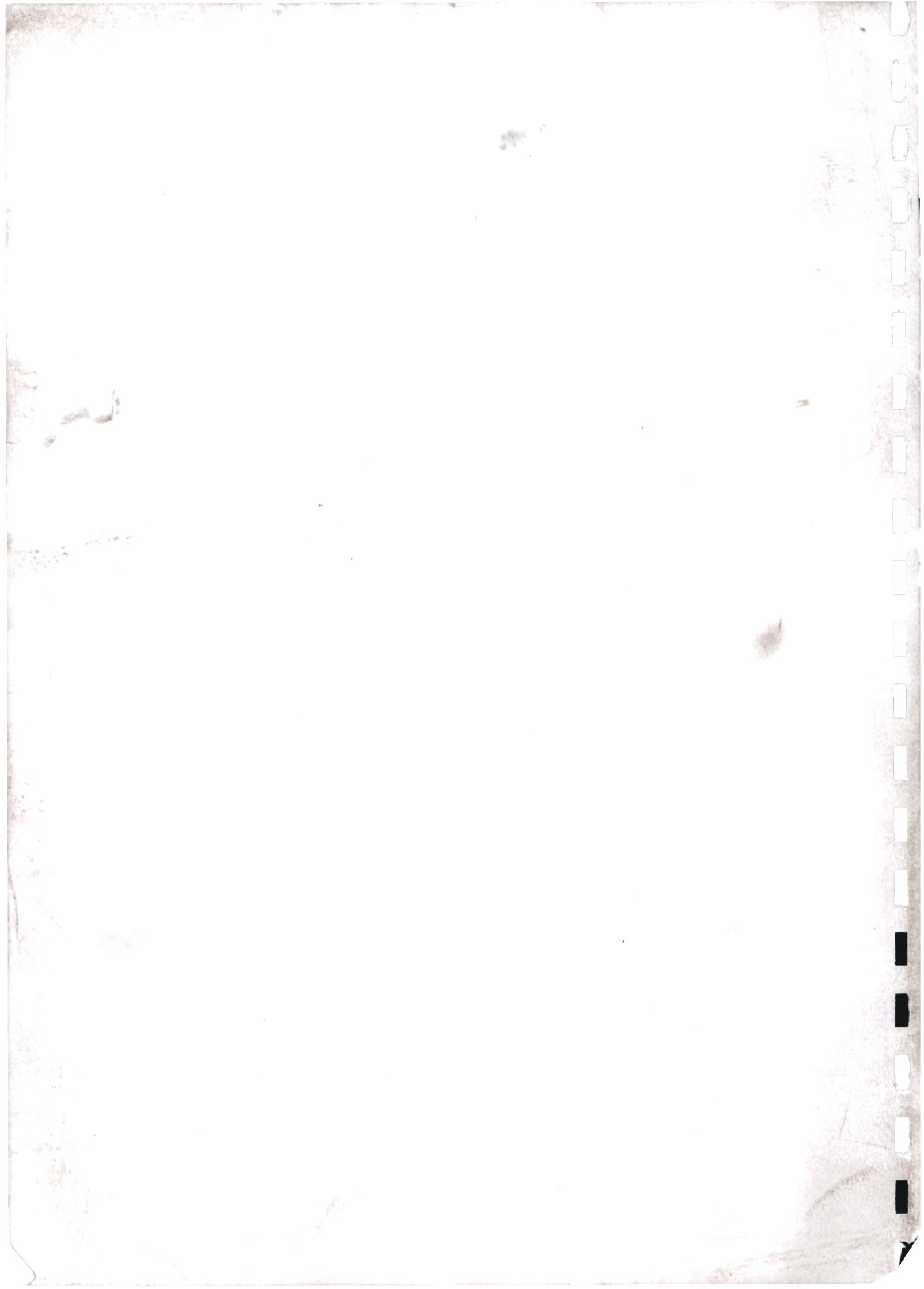
**MIN.NO. DCF/196/2014                      ADJOURNMENT**

The chairperson adjourned the meeting at 12.25 p.m.

ivng

**Signed.....**  
**Chairperson**

**Date.....**



9410 30th January 1932  
brochure of form of no. 9 above

1st February 1932  
THE FOLLOWING DOCUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:  
REGISTRAR OF TITLES

9th January 1932  
change to James Kenyan & Kenneth Kenyan  
Thomas Charles Kenyan, William Kenyan, Henry Kenyan

1st February 1932  
REGISTRAR OF TITLES

Dated the 25th day of July 1922  
HIS MOST GRACIOUS MAJESTY  
KING GEORGE THE FIFTH  
-to-  
E. B. Norman  
Farm L.O. No. 3586  
Kiambu District  
Kiambu Province  
(Discharged Soldiers Settlement Cat  
No. A/417 Grant  
L.O. File No. 13942

30th January 1932  
brochure of form of no. 11 above

5th July 1934  
FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:  
REGISTRAR OF TITLES

20th June 1934  
Transfer to William Beakham Warner  
20th June 1934 - Kamburu  
Annual Rent 50/-  
vide certificate of title L.R. 5579  
27.1.42

14th January 1932  
THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:  
REGISTRAR OF TITLES

24th January 1932  
Presentation No. 5439 Date of Registration 24.1.32

15th January 1932  
brochure of form of no. 14 above

5787 30.7.32

REGISTRY OF TITLES  
COLONY OF KENYA

Charge to Merrill Goldberg and Robert-Henry Mathew 140 Acres  
LR No. 3586/2

16

8658 14/11/55 *almond*

Discharge of No. 16 above

10789 26-11-59

31<sup>st</sup> May 1963

18

689

58/-  
23-9-63  
L.R. 3586/2

*Magowan*

Caveat by Magowan Lindsay Poppleton  
Claiming Beneficiary's Interest  
LR 3586/2 Absolutely

990 26-8-77

Sub-division certificate by Nairobi City Council dividing the plot LR 3586/2 into 2 sub-plots.

20

102

Withdrawal of caveat No. 19 above

21

103 2-3-1978

Robate of the will of Arnold Bradley  
to Barclays Bank International Limited

22

104 2-3-1978

Transfer (Assent) to Arnette Therese Benson  
2.019 ha. LR 3586/2/2  
Annual rent Shs 10 (Reversible)

23

105 2-3-1978

*maie*

PROPERTY HAS BEEN REGISTERED

Registered to John Mugo Kamau 54-394A  
No. 3586/3 (Original No. 3586/2/3)  
Value 32,000,000/- Term 999 years from 1.7.1919  
Annual Rent Sh. 981 (REV)  
DEED CERTIFICATE OF TITLE IR 31187

315 Date of Registration 24.8.78

*W. M. Muigai*  
Registrar

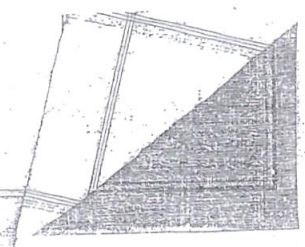
I hereby certify this to be a true copy  
of the Original  
Stamp fee  
Copying fee

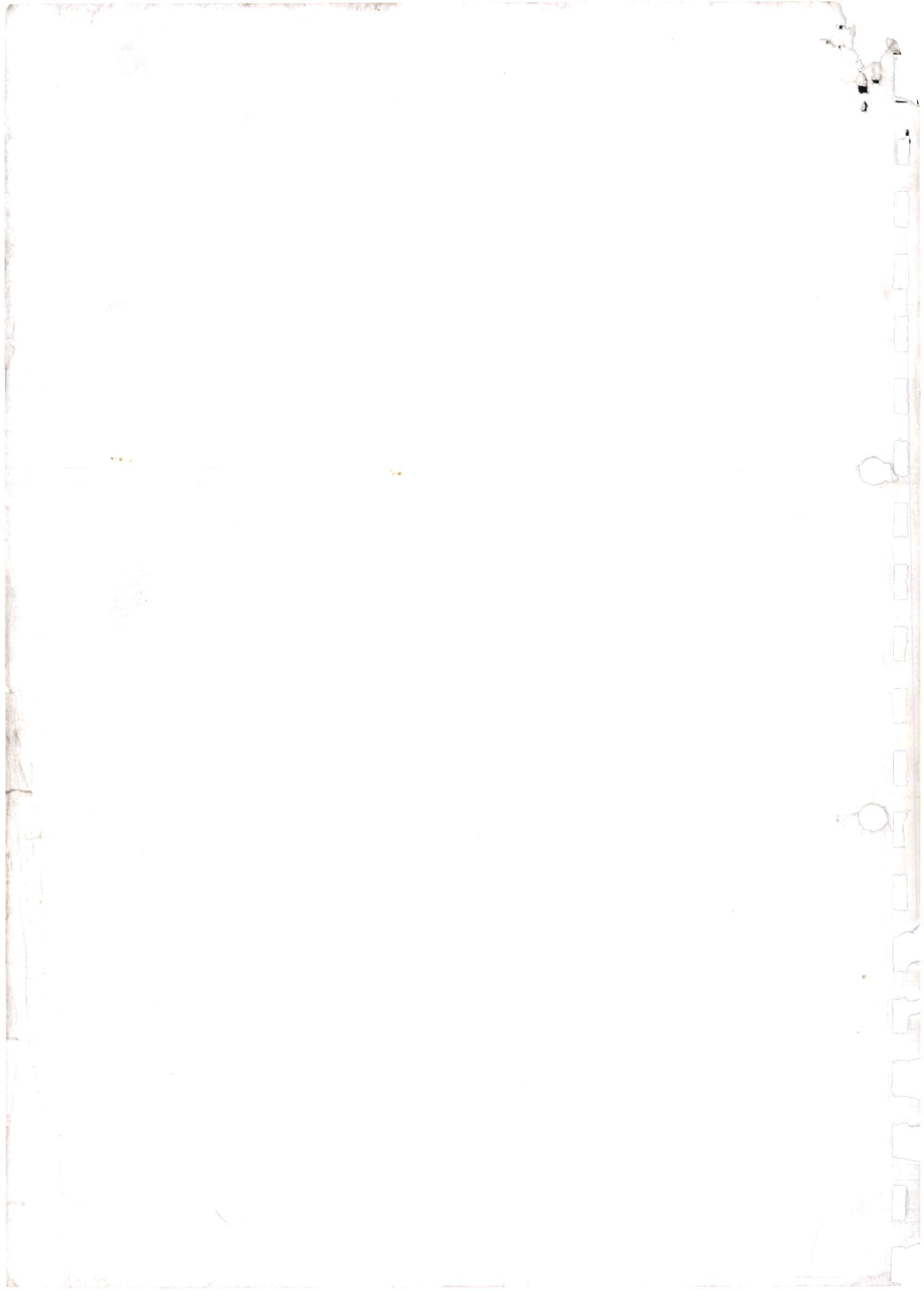
**FOUR**  
3rd October 2014

above Subdivisions Comprises The  
whole Area and as such this title  
has no evidence to Ownership

REGISTERED  
*W. M. Muigai 265*

①





3

THE FOLLOWING DOCUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:-  
No. 9R 94/3 DATE OF REGISTRATION 27<sup>th</sup> February 1928  
Discharge of Lien no. 2

WITNESSED THE 27<sup>th</sup> DAY OF February 1928 G. P. Robbings  
REGISTRAR OF TITLES

4

THE FOLLOWING DOCUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:-  
No. 1R 94/4 DATE OF REGISTRATION 27<sup>th</sup> February 1928  
Transfer to Arnold BAADLEY

WITNESSED THE 27<sup>th</sup> DAY OF February 1928 G. P. Robbings  
REGISTRAR OF TITLES

5

THE FOLLOWING DOCUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:-  
No. 1R 94/5 DATE OF REGISTRATION 27<sup>th</sup> February 1928  
Change to Mrs. Mayorie CAMPBELL

WITNESSED THE 27<sup>th</sup> DAY OF February 1928 G. P. Robbings  
REGISTRAR OF TITLES

6

THE FOLLOWING DOCUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:-  
No. 94/6 DATE OF REGISTRATION 24<sup>th</sup> January 1930  
Lien in favour of Standard Bank of South  
Africa Ltd. Eldon - over charges interest  
in No. 5 above

WITNESSED THE 27<sup>th</sup> DAY OF January 1930 H. Sulgan  
REGISTRAR OF TITLES

7

THE FOLLOWING DOCUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:-  
No. 1R 94/7 DATE OF REGISTRATION 25<sup>th</sup> February 1931  
Discharge of Lien of no. 6 above

WITNESSED THE 26<sup>th</sup> DAY OF February 1931 H. Sulgan  
REGISTRAR OF TITLES

8

THE FOLLOWING DOCUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:-  
No. 1R 94/8 DATE OF REGISTRATION 25<sup>th</sup> February 1931  
Discharge of charge of no. 5 above

WITNESSED THE 26<sup>th</sup> DAY OF February 1931 H. Sulgan  
REGISTRAR OF TITLES

9

THE FOLLOWING DOCUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:-  
No. 1R 94/1 DATE OF REGISTRATION 7<sup>th</sup> March 1931  
Lien in favour of Barclays  
Bank (P.C.S.D.)

WITNESSED THE 9<sup>th</sup> DAY OF March 1931 H. Sulgan  
REGISTRAR OF TITLES

# EAST AFRICA PROTECTORATE

PROVINCE OF UKAMBA

DISTRICT OF KIAMBU

Locality, S.W. of Nairobi (Mbogathi)

Scale: 1 in 10,000 or 833.33 Feet to 1 Inch

Land Office Reference No. 3586 (Co. No. 1417)

Re-Subdivision No.

of Subdivision No.

of Section No.

of Portion No. 46

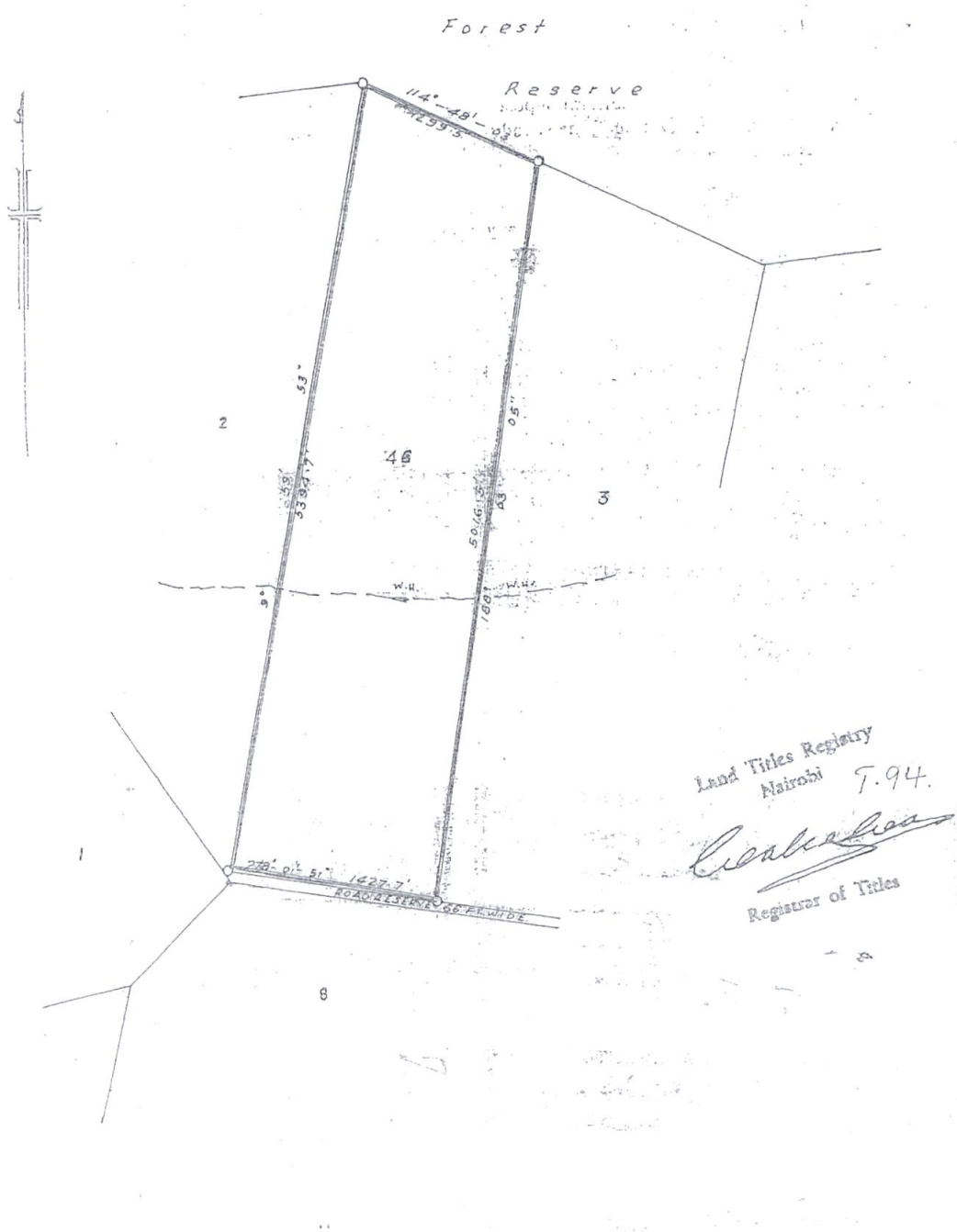
of Meridional District South-A 37  
G. 22

Area 160 Acres (Approx)

Co-Ordinates

Refered to Equator y.	Feet	°E Longitude x.

Bearings	Distances
°	Feet



Land Titles Registry  
Nairobi 7.94.  
*C. F. ...*  
Registrar of Titles

Nairobi July 5<sup>th</sup> 1921  
C. F. ...  
Deputy Director of Surveys, Cadastral Branch  
PLEASE QUOTE PLAN N° 10979.

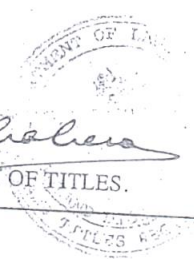
Traced by: ...  
Compared by: ...

THE SCHEDULE HEREINBEFORE REFERRED TO.

- Farm buildings of all descriptions.
- Fencing.
- Water Furrows.
- Planting trees or live hedges.
- Walls.
- Wells.
- Draining land or reclamation of swamps.
- Road Making.
- Bridges.
- Clearing of land for agricultural purposes.
- Laying out and cultivating gardens and nurseries.
- Water Boring.
- Water races
- Sheep or cattle dips.
- Embankments or protective works of any kind.
- Planting of long lived crops.
- Water tanks.
- Irrigation works.
- Fixed machinery.
- Reservoirs.
- Dams of permanent nature.
- Dwelling houses occupied by the Grantee or some person or persons in permanent employ.

REGISTERED at the Registry of Titles at Nairobi this *third*  
day of *August* 1921 *Time 4 pm*  
No. *94/1*  
Presentation No. *123/21*

*Ceslialena*  
REGISTRAR OF TITLES.



FOLLOWING DOCUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:

No. *JR 94/2* DATE OF REGISTRATION *13<sup>th</sup> September 1921*  
*Lien in favour of Grace Pauline Holmes*

*2*  
DATE *13<sup>th</sup>* OF *September* 1921 *Yphobing*  
REGISTRAR OF TITLES

9. If the said rents hereby reserved or any part thereof shall be in arrears and unpaid for the space of thirty days after the same shall have become due (whether formally demanded or not) or if there shall be any breach non-observance or non-performance on the part of the Grantee of any of the conditions herein contained or implied by virtue of the provisions of the hereinbefore mentioned Ordinance then and in any such case it shall be lawful for His Majesty to enter into and upon the premises the subject of this Grant or any part thereof in the name of the whole and the same to have again and repossess as if this Grant had not been made and thereupon this Grant shall absolutely cease and determine and all monies paid thereunder shall be forfeited to His Majesty in respect of any antecedent breach by the Grantee of any of the conditions herein contained or implied as aforesaid.

10. This Improvements (if any) already effected on the said land at the date hereof shall count towards the amount of improvements required by conditions one and three hereof provided the same are duly maintained.

IN WITNESS WHEREOF I the said  
Governor have hereunto set my hand  
and the seal of the Colony at *Hamilton*  
day of *Twenty fifth*  
*June* 1892  
nine hundred and twenty  
in the presence of

*H. K. ...*

*Cescheba*

- (c) From the first day of January One thousand nine hundred and seventy-six until the thirty first day of December Two thousand and five an annual rent calculated as the rate of two per centum on the unimproved value of the land hereby granted in the year One thousand nine hundred and seventy-five.
- (d) For every subsequent period of thirty years thereafter to expire on the thirty day of December in every thirtieth year following year until the expiration or sooner determination of the term hereby granted an annual rent calculated at the rate of three per centum on the unimproved value of the land hereby granted in the year preceding the first year of each succeeding period of thirty years.

This Grant is subject to the provisions and conditions contained in the Crown Lands Ordinance One thousand nine hundred and fifteen (excepting part eleven thereof) the Crown Lands (Discharged Soldiers Settlement) Ordinance One thousand nine hundred and twenty-one and the Registration of Titles Ordinance One Thousand nine hundred and nineteen and also to the special conditions hereunder written:-

1. The Grantee will on or before the *thirtieth* day of *June* One thousand nine hundred and *twenty four* have on the land hereby granted improvements of the nature specified in the Schedule hereto to the value of not less than *Two hundred and six hundred*
2. The Grantee will at all times after the said *thirtieth* day of *June* One thousand nine hundred and *twenty six* during the continuance of the term hereby granted maintain and keep or cause to be maintained and kept on the said land improvements of the nature and of the value specified in the last preceding condition in that behalf.
3. The Grantee will not on or before the *thirtieth* day of *June* of One Thousand nine hundred and *twenty six* have on the said land improvements of the nature specified in the Schedule hereto to the value of not less than
4. The Grantee will at all times after the said *thirtieth* day of *June* One Thousand nine hundred and *twenty six* until the expiration or sooner determination of the term hereby granted maintain and keep or cause to be maintained and kept on the said land improvements of the nature and the value specified in the last preceding condition in that behalf.
5. The Grantee shall reside within the Colony or Protectorate of Kenya for an aggregate period of eighteen months during a period of three years commencing from the *first* day of *July* One thousand nine hundred and *nineteen* and shall furnish to the Land Officer during the month of January in every year until the completion of such period of residence evidence thereof which shall be supported by affidavits and a certificate signed by a magistrate.
6. The Grantee shall not assign sublet or otherwise part with the possession (except by way of Mortgage) of the land hereby granted or any part thereof until the period of residence shall have been completed as prescribed in the last preceding condition in that behalf.
7. The Grantee shall not dived or subdivide the said land or any part thereof or assign sublet or otherwise part with the possession of any such division or subdivision in any manner whatsoever without the previous written consent of the Governor-in-Council.
8. The Grantee shall not without the previous written consent of the Governor-in-Council appoint or allow a Non-European to manage or otherwise occupy or be in control of the said land.

# COLONY OF KENYA.

## DEPARTMENT OF LANDS.

INLAND REGISTRATION DISTRICT

REGISTER OF TITLES No. 94

ANNUAL RENT *Shorino 16/-* (Revisable as herein provided.)

Term 999 years from *1-7-1919* To *30-6-2918*

This is the Exhibit marked "*G581*"  
referred to in the annexed affidavit declaration  
of *Gratten Biddulph Norman*  
before me this *8th* day of *March* 1919.  
Commissioner for Oaths

by these presents that I, EDWARD NORTHEY, knight Commander of the Most Distinguished Order of Saint Michael and Saint George a companion of the Most honourable Order of the Bath the Governor of the Colony of Kenya on behalf of His Most Gracious Majesty King George the Fifth do hereby under and by virtue of the powers vested in me GRANT unto *Gratten Biddulph Norman of Nairobi in the said Colony civil servant*

(hereinafter referred to as the Grantee which expression shall where the context so admits include *his* executors administrators and assigns) ALL THAT piece of land situate at *Mbagathi* in the *Kiambu* District of the Province of the said Colony containing by measurement acres more or less and bounded as follows that is to say Portion Number *46* (Land Office Number *3586* of Meridional District *South A.37* which said piece of land with the Dimensions abbutals and boundaries thereof is delineated on the plan drawn on these presents and more particularly on Land Survey Plan Number deposited in the Lands surveys Office at Nairobi.

TO HOLD for the term of nine hundred and ninety nine from the *first* day of *July* One thousand nine hundred and *nineteen* subject to the payment therefore for the said term the respective rents following payable in advance on the first day of January in every year and so in proportion for any less period than one year namely:-

- (a) From the *first* day of *July* One thousand nine hundred and *nineteen* until the thirty first day of December One thousand nine hundred and forty five an annual rent of *Shorino sixteen*
- (b) From the first day of January One Thousand nine hundred and forty-six until the first day of December One Thousand Nine Hundred and seventy - five an annual rent calculated at the rate of one per centum on the unimproved value of the land hereby granted in the year One Thousand nine hundred and forty five.

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE

23

Transfer (~~Assent~~) to Annette Therese  
Berwon 2.019 ha. LR 3586/2  
Annual rent Str. 10% (Revisable)  
Vide CERTIFICATE OF TITLE IR 31884

Registration No. 105 Date of Registration 2-3-1978 Registrar

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE

24

Transfer (~~Assent~~) to Muchanga  
Investments Limited 54.39 Hg LR No  
3586/3 (orig No 3586/2/3) Assent Term 999 years from 1-7-1919  
Annual Rent Str 4.8% (Revisable) VIDE CERTIFICATE OF TITLE  
IR 37285

Registration No. 315 Date of Registration 11-2-83 Registrar

16

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE  
Charge to Merrill Goldberg and Robert Henry Mathews 140 acres LR No. 3586/2  
Presentation No. 858 Date of Registration 16/11/55 Registrar of Titles

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE  
Discharge of No. 16 above

17

Registration No. 10789 Date of Registration 26-11-59 Registrar of Titles

18

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE  
Sub division Certificate by Nairobi City Council dividing the plot LR 3586 into 2 subplots.

Presentation No. 102 Date of Registration 2-3-78 Registrar

18

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE  
Declaration by the Crown dated 31-5-1963 declaring the annual Rent payable for the Land comprised in the within-written Grant to be Sh 58/- with effect from 1-1-1961  
Presentation No. 689 Date of Registration 23-9-1963 Registrar J. P. M. M. M. M.

19

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE  
Caveat by Inogen Lindsay Popperton claiming beneficiary's interest in LR 3586/2 Absolutely.

Presentation No. 990 Date of Registration 26-8-77 Registrar

20

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE  
Sub division Certificate by Nairobi City Council dividing the plot LR 3586/2 into 2 subplots

Presentation No. 102 Date of Registration 2-3-1978 Registrar

21

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE  
Withdrawal of Caveat 180, 19 above

Presentation No. 103 Date of Registration 2-3-1978 Registrar

22

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE  
Probate of the Will of Arnold Bradley to Barclays Bank International Limited

Presentation No. 104 Date of Registration 2-3-1978 Registrar

No. I. R. 94/10 DATE OF REGISTRATION 30th January 1952

Discharge of Lien of No. 9 above

NAIROBI, THE 1st DAY OF February 1952 REGISTRAR OF TITLES  
THE FOLLOWING DOCUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:-

No. I. R. 94/11 DATE OF REGISTRATION 30th January 1952

Charge to James Rowland Arncliffe Kolony  
& Armand Hinks Kennedy Wilbraham Northey

NAIROBI, THE 1st DAY OF February 1952 REGISTRAR OF TITLES

Dated the 25th day of July 1951

HIS MOST GRACIOUS MAJESTY  
KING GEORGE THE FIFTH

-10-

C. B. M...  
A. Bradley

Grant

Form L. O. No. 5586

Keam Co District

Wakamba Province

(Discharged Soldiers Settlements CA)

No. A. 117

L. O. File No. 13962

LAND DEPARTMENT  
Registry of Titles  
COLONY OF KENYA

THE FOLLOWING DOCUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:-

No. I. R. 204/2 DATE OF REGISTRATION 2nd July 1954

Discharge of charge of  
No. 11 above

NAIROBI, THE 5th DAY OF July 1954 REGISTRAR OF TITLES

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:-

Transfer to William Becham Warner

20.2 acres, S. R. No. 3586/1 - Keambu

Annual Rent shs 10/-

vide Certificate of Title N.R. 5579

Registration No. 255 Date of Registration 27.1.52 REGISTRAR OF TITLES

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE

Memo of Charge with Barclays Bank

(Dominion, Colonial and Overseas)

Presentation No. 439 Date of Registration 24.1.50

Registrar of Titles

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE

Memo of Discharge of No. 14 above

Presentation No. 5787 Date of Registration 30.7.55

Registrar of Titles

10

11

12

13

14

15

3

THE FOLLOWING DOCUMENT HAS BEEN REGISTERED AGAINST THIS TITLE.  
No. 18 94/3 DATE OF REGISTRATION 27<sup>th</sup> February 1928.

Discharge of Lien no. 2.

NAIROBI, THE 27<sup>th</sup> DAY OF February 1928 REGISTRAR OF TITLES. *J.P. Robbins*

4

THE FOLLOWING DOCUMENT HAS BEEN REGISTERED AGAINST THIS TITLE.  
No. 18 94/4 DATE OF REGISTRATION 27<sup>th</sup> February 1928.

Transfer to Arnold BRADLEY

NAIROBI, THE 27<sup>th</sup> DAY OF February 1928 REGISTRAR OF TITLES. *J.P. Robbins*

5

THE FOLLOWING DOCUMENT HAS BEEN REGISTERED AGAINST THIS TITLE.  
No. 18 94/5 DATE OF REGISTRATION 27<sup>th</sup> February 1928.

Charge to Mr. Major's C.M.C.B. Ltd.

NAIROBI, THE 27<sup>th</sup> DAY OF February 1928 REGISTRAR OF TITLES. *J.P. Robbins*

6

THE FOLLOWING DOCUMENT HAS BEEN REGISTERED AGAINST THIS TITLE.

No. I. R. 94/6 DATE OF REGISTRATION 27<sup>th</sup> January 1930

Lien in favour of Standard Bank of South Africa Ltd. Eldoret over Charges entered in No. 5 above

NAIROBI, THE 27<sup>th</sup> DAY OF January 1930 REGISTRAR OF TITLES. *J. Smit*

7

THE FOLLOWING DOCUMENT HAS BEEN REGISTERED AGAINST THIS TITLE.

No. I. R. 94/7 DATE OF REGISTRATION 25<sup>th</sup> February 1931

Discharge of lien of No. 6 above

NAIROBI, THE 26<sup>th</sup> DAY OF February 1931 REGISTRAR OF TITLES. *J. Smit*

8

THE FOLLOWING DOCUMENT HAS BEEN REGISTERED AGAINST THIS TITLE.

No. I. R. 94/8 DATE OF REGISTRATION 25<sup>th</sup> February 1931

Discharge of Charge of No. 5 above

NAIROBI, THE 26<sup>th</sup> DAY OF February 1931 REGISTRAR OF TITLES. *J. Smit*

9

THE FOLLOWING DOCUMENT HAS BEEN REGISTERED AGAINST THIS TITLE.

No. I. R. 94/9 DATE OF REGISTRATION 7<sup>th</sup> March 1931

Lien in favour of Barclays Bank (D.C.S.O.)

NAIROBI, THE 9<sup>th</sup> DAY OF March 1931 REGISTRAR OF TITLES. *J. Smit*

# EAST AFRICA PROTECTORATE.

PROVINCE OF UKAMBA

DISTRICT OF KIAMBU

Locality, S.W. of Nairobi (Mbogathi)

Scale: 1 in. 10,000 or 833.33 Feet to 1 Inch

Co-Ordinates.

Referred to Equator & y.	°E. Longitude Incl. z.

Land Office Reference No. 3586 (Co. N<sup>o</sup> 1417)

Re-Subdivision No. -

of Subdivision No. -

of Section No. -

of Portion No. 46

of Meridional District South A. 37  
G. II. C

Area - 160 Acres (Approx)

Bearings			Distances Feet
0	I	II	

Forest



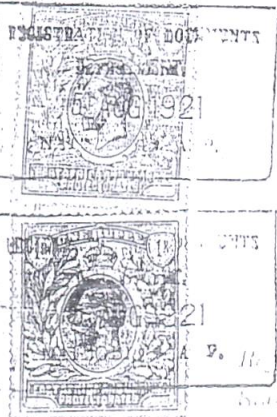
Nairobi July 5<sup>th</sup> 1921 -191

Deputy-Director of Surveys, Cadastral Branch

31

THE SCHEDULE HEREIN BEFORE REFERRED TO.

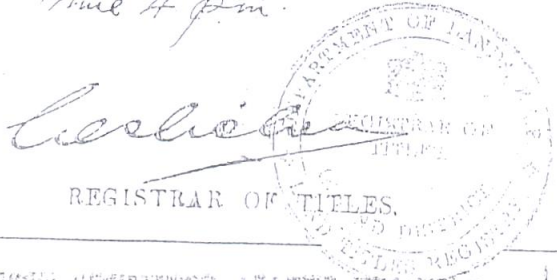
- Farm buildings of all descriptions.
- Fencing.
- Water Furrows.
- Planting trees or live hedges.
- Walls.
- Wells.
- Draining land or reclamation of swamps.
- Road making.
- Bridges.
- Clearing of land for agricultural purposes.
- Laying out and cultivating gardens and nurseries.
- Water boring.
- Water races.
- Sheep or cattle dips.
- Embankments or protective works of any kind.
- Planting of long-lived crops.
- Water tanks.
- Irrigation works.
- Fixed machinery.
- Reservoirs.
- Dams of a permanent nature.
- Dwelling houses occupied by the Grantee or some person or persons in *his* permanent employ.



REGISTERED at the Registry of Titles at Nairobi this  
 day of *August* 1921. *Time 4 pm*  
 No. *94/1*  
 Presentation No. *123/21*

*Third*

Stamp Duty... Rs. 10/-  
 Registration Fee... Rs. 1/-  
*W. J.*



REGISTRAR OF TITLES.

THE FOLLOWING DOCUMENT HAS BEEN REGISTERED AGAINST THE TITLE  
 No. *94/1* DATE OF REGISTRATION *13th September 1921*  
*in favour of Grace Pauline Holmes*

REGISTERED THIS *13th* DAY OF *September* 1921 REGISTRAR OF TITLES  
*W. J. Robbins*

Traced

9. If the said rents hereby reserved or any part thereof shall be in arrear and unpaid for the space of thirty days after the same shall have become due (whether formally demanded or not) or if there shall be any breach non-observance or non-performance on the part of the Grantee of any of the conditions herein contained or implied by virtue of the provisions of the hereinbefore mentioned Ordinances then and in any such case it shall be lawful for His Majesty to enter into and upon the premises the subject of this Grant or any part thereof in the name of the whole and the same to have again and repossess as if this Grant had not been made and thereupon this Grant shall absolutely cease and determine and all monies paid thereunder shall be forfeited to His Majesty but without prejudice to any right of action or remedy of His Majesty in respect of any antecedent breach by the Grantee of any of the conditions herein contained or implied as aforesaid.

10. The improvements (if any) already effected on the said land at the date hereof shall count towards the amount of improvements required by conditions one and three hereof provided the same are duly maintained.

IN WITNESS WHEREOF I the said  
 Governor have hereunto set my hand  
 and the seal of the Colony at Nairobi  
 this *twenty-fifth*  
 day of *July* One thousand  
 nine hundred and twenty-one  
 in the presence of

*W. K. L...*

*[Signature]*

Registrar of Deeds

(c) From the first day of January One thousand nine hundred and seventy-six until the thirty-first day of December Two thousand and five an annual rent calculated at the rate of two per centum on the unimproved value of the land hereby granted in the year One thousand nine hundred and seventy-five.

(d) For every subsequent period of thirty years thereafter to expire on the thirty first day of December in every thirtieth year following until the expiration or sooner determination of the term hereby granted an annual rent calculated at the rate of three per centum on the unimproved value of the land hereby granted in the year preceding the first year of each succeeding period of thirty years.

This Grant is subject to the provisions and conditions contained in the Crown Lands Ordinance One thousand nine hundred and fifteen (excepting part eleven thereof) the Crown Lands (Discharged Soldiers Settlement) Ordinance One thousand nine hundred and twenty-one and the Registration of Titles Ordinance One thousand nine hundred and nineteen and also to the special conditions hereunder written :-

1. The Grantee will on or before the *thirtieth* day of *June* One thousand nine hundred and *twenty-four* have on the land hereby granted improvements of the nature specified in the Schedule hereto to the value of not less than *Shorins one thousand and six hundred*
2. The Grantee will at all times after the said *thirtieth* day of *June* One thousand nine hundred and *twenty-four* during the continuance of the term hereby granted maintain and keep or cause to be maintained and kept on the said land improvements of the nature and of the value specified in the last preceding condition in that behalf
3. The Grantee will ~~on or before the~~ *thirtieth* day of *June* One thousand nine hundred and *twenty-six* have on the said land improvements of the nature specified in the Schedule hereto to the value of not less than *Shorins two thousand and four hundred*
4. The Grantee will at all times after the said *thirtieth* day of *June* One thousand nine hundred and *twenty-six* until the expiration or sooner determination of the term hereby granted maintain and keep or cause to be maintained and kept on the said land improvements of the nature and of the value specified in the last preceding condition in that behalf.
5. The Grantee shall reside within the Colony or Protectorate of Kenya for an aggregate period of eighteen months during a period of three years commencing from the *first* day of *July* One thousand nine hundred and *nineteen* and shall furnish to the Land Officer during the month of January in every year until the completion of such period of residence evidence thereof which shall be supported by affidavit and a certificate signed by a Magistrate.
6. The Grantee shall not assign sublet or otherwise part with the possession (except by way of mortgage) of the land hereby granted or any part thereof until the period of residence shall have been completed as prescribed in the last preceding condition in that behalf.
7. The Grantee shall not divide or subdivide the said land or any part thereof or assign sublet or otherwise part with the possession of any such division or subdivision in any manner whatsoever without the previous written consent of the Governor-in-Council.
8. The Grantee shall not without the previous written consent of the Governor-in-Council appoint or allow a Non-European to manage or otherwise occupy or be in control of the said land.



# Division (Clean Money)

## Ch Division of Revenue Bills

" 89(5) → Power may allow any?  
rs

Our Instructions are to request that you direct the Parliamentary Committee on Land not to summon any person(s) before it with a view to determining ownership of the Land until the High Court case is heard and determined.

Your guidance and action in the matter will be greatly appreciated.

Yours faithfully,

**FOR: MILLER & COMPANY ADVOCATES,**

  
CECIL MILLER.

**CC: CLIENT**

417

248

Site: 4th Street, Bruce House, 13th Floor,  
P.O. Box 45707 - 00100 GPO, Nairobi, Kenya.  
Tel: +254 20 2248461, 2248467, 2228081  
Cell: +254 727 531005/ +254 736 248424  
Fax: +254 20 2249754  
Email: miller@milleradvocates.com  
Website: www.milleradvocates.com

**ADVOCATES**  
Managing Partner  
■ Cecil G. Miller

**Senior Associates**

- Samuel Maina
- Rose Onsare
- Pauline Kamunya-McAsila
- Anne Kaguri

**Associates**

- Valarie Odera
- Terry Otieno
- George Mugane
- Esther Wanga
- Clive Mulama
- Alfred Deya
- Joshua Ndere

**MILLER & COMPANY**  
Advocates, Commissioners For Oaths & Notaries Public  
**NATIONAL ASSEMBLY**  
**RECEIVED**  
22 OCT 2014  
SPEAKER'S OFFICE  
P.O. Box 41842, NAIROBI.

② D/Committee

Our Ref: CGM/3389/2014/PK/PW/CGM

Date: 22<sup>nd</sup> October 2014

**THE SPEAKER,  
NATIONAL ASSEMBLY OF KENYA,  
PARLIAMENT BUILDINGS,  
NAIROBI.**

① — CWA  
Pass on this letter to the Committee  
to note and oblige.  
Blaise NA  
29/10/14

Dear Sir,

⑬ GINONO  
pls deal  
FA 29/10

RE: INVESTIGATION OVER ALLEGED FRAUD INVOLVING LAND  
REFERENCE NO. 3586/3 BY THE PARLIAMENTARY LAND  
COMMITTEE

We act on behalf of **MUCHANGA INVESTMENTS LIMITED** who are the Plaintiffs in **NAIROBI HIGH COURT ELC. CASE NO. 1180 OF 2014, MUCHANGA INVESTMENTS LIMITED VERSUS HABENGA HOLDINGS LIMITED & OTHERS**, with instructions to write to you as we do hereunder:

Our Client filed the above captioned suit in the High Court of Kenya at Nairobi claiming ownership of **LAND REFERENCE NO. 3586/3** situated in Karen/Langata Nairobi. The said suit is pending hearing and determination in the High Court.

Our Clients instructions are that several articles have appeared in the Print Media indicating that the Honourable Cabinet Secretary for Lands and the Chairman of the National Land Commission have been summoned to appear before the Parliamentary Land Committee on 23<sup>rd</sup> October 2014, which committee is investigating the ownership of Land Reference Number 3586/3.

Although our Client has not been summoned to appear before the Committee, our Client is of the view that the **"Sub Judice"** Rule prevents the committee and any other party or persons from commenting, deliberating and/or making a finding on a matter that is pending determination by a Court of Law. Our Client is therefore apprehensive of ventilating its position before the Committee when the matter is pending in Court.

**MOMBASA OFFICE:**  
Sea View Plaza, Mama Ngina Drive, 1st Floor  
P.O. Box 90088 - 80100, Mombasa, Kenya.  
Tel: +254 41 2319483/4/5/90  
Telcom Wireless: +254 020 231 7568  
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Email: miller@milleradvocates.com  
Website: www.milleradvocates.com

29 OCT 2014

VAT No: 0132091V  
PIN No: A001965821B

# REPUBLIC OF KENYA

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'Bunge', Nairobi  
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When replying please quote



National Assembly  
Clerk's Chambers  
Parliament Buildings  
P. O. Box 41842-00100  
NAIROBI, Kenya

KNA/ CIOC/CORR/43/2014

31<sup>st</sup> October, 2014

Ms. Mariamu El Maawy  
Principal Secretary,  
Ministry of Lands, Housing and Urban Development  
Ardhi House  
**NAIROBI**



Dear

**RE: MEETING WITH THE CONSTITUTION IMPLEMENTATION OVERSIGHT COMMITTEE.**

The Constitutional Implementation Oversight Committee (CIOC) is a Select Committee of the National Assembly of Kenya responsible for overseeing the implementation of the Constitution of Kenya, 2010.

Pursuant to its Mandate, the Committee resolved to invite the Cabinet Secretary Ministry of Lands, Housing and Urban Development for a meeting to report on the following: progress in operationalisation of various land laws, development of legislation on community land as required by article 63 of the Constitution and progress made on implementation of resolutions reached during the Committee meeting held on Tuesday, April 29, 2014 that involved the Ministry and the National Land Commission.

The purpose of this letter is therefore to request you to inform the Cabinet Secretary to attend the Committee meeting scheduled for Tuesday 11<sup>th</sup> November, 2014 in Committee Room on 2<sup>nd</sup> Floor Committee Room, Continental House, Parliament Buildings at 10.00 am.

Yours

JUSTIN BUNDI, CBS  
CLERK OF THE NATIONAL ASSEMBLY

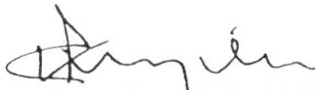
Copy to:

Mrs. Charity Kaluki Ngilu, EGH  
Cabinet Secretary,  
Ministry of Lands, Housing and Urban Development,  
Ardhi House,  
NAIROBI.

A handwritten signature in black ink, appearing to read 'Justin Bundi', written over the typed name of the Clerk of the National Assembly.

3. The matter of LR No. 3586/3 in Karen is before the Courts and I am aware of the sub judice rule. I need your advice on whether answering this question with as much detail as requested by the Committee will not be prejudicial to the case in court and the Ministry and I could be exposed to contempt proceedings?

Yours Sincerely



**Hon. Charity Kaluki Ngilu, EGH**  
**Cabinet Secretary**

Copy to:

**Hon. Aden Dualle, MP**  
Leader of Majority  
The National Assembly

**Hon. Alex Muiru, MP**  
Chairman  
Land Committee

However on the Tuesday of 11<sup>th</sup> November 2014, I was shocked to hear from media reports that the Land Committee seeks to censure me for not appearing before them. The Committee further demanded that I appear before it on Thursday 13<sup>th</sup> November 2014. These were media summons and I did not receive an official letter on the same.

I immediately wrote to your office and the other Leaders in Parliament to express my concerns and to seek your guidance.

On 13<sup>th</sup> November 2014, I received a letter from the office of the Clerk asking me to appear on the 18<sup>th</sup> November 2014 before the Committee. However there is only one matter I was to respond to, that of LR No. 209/13332-Upper Hill land.

I therefore write to seek your guidance and direction on the following issues:

1. The initial re-appearance before the Committee was to furnish the Committee with more information on the two matters of LR No. 3586/3 in Karen and LR No. 209/13332 in Upper Hill. The most recent letter of 13<sup>th</sup> November 2014 has only 1 item of LR No. 209/13332 in Upper Hill. **I seek your guidance on whether I should respond to both matters or restrict myself on the matter of LR No. 209/13332.**
2. The media attack on me and the Chairman of the Committee has continued even after communication from the Chair by the Deputy Speaker on 13<sup>th</sup> November 2014 restricting the Committee members from the same. I need your guidance on whether it is proper for the Vice Chairman of the Committee to continue with media attacks like the one quoted on Sunday 16<sup>th</sup> November 2014 where he imputed ill motive on my not appearing before the Committee. As a former Member of Parliament I am aware that Standing Orders restrict members from discussing matters before the Committee outside the House.

*D/Committee  
urgently draft a  
response  
Can  
I & S*



**MINISTRY OF LAND, HOUSING AND URBAN DEVELOPMENT**

Telegrams: MINLANDS, Nairobi  
Telephone: Nairobi 2718050  
Fax: +254 2716757  
E-mail: cslands@ardhi.go.ke

NATIONAL ASSEMBLY  
RECEIVED  
17 NOV 2014  
SPEAKER'S OFFICE  
P. O. Box 41842, NAIROBI.

OFFICE OF THE CABINET SECRETARY  
ARDHI HOUSE  
NGONG ROAD  
P.O. BOX 30450  
NAIROBI

November 17, 2014

**Hon. Justin Muturi**  
Speaker  
The National Assembly  
Parliament Buildings  
Nairobi

*- Noted. CNA  
The C/S has raised a  
number of serious issues.  
A quick response is needed.  
B. Muturi A  
17/11/14*

Dear *Mr. Speaker,*

**RE: APPEARANCE BEFORE THE LANDS COMMITTEE OF THE NATIONAL ASSEMBLY**

Refer to the above matter, where there has been a number of conflicting statements from the Land Committee as regards my appearance before them, I wish to seek your direction and guidance on how I should proceed.

At the Committee meeting of 3<sup>rd</sup> November 2014, it was agreed that I appear again before the Land Committee at 10:00am on Tuesday 11<sup>th</sup> November 2014 to provide further information on the two issues regarding LR No. 3586/3-Karen Land and LR No. 209/13332-Upper hill land. I received a letter of invitation from the Clerk on 4<sup>th</sup> November 2014. (Copy enclosed)

However on the same Tuesday at 10.00am, I had to appear before the Committee on Implementation of the Constitution, a meeting that had been scheduled earlier vide a letter of invitation to me from the Clerk of 31<sup>st</sup> October 2014. (Copy enclosed)

I wrote a letter to the Chairman of the Land Committee and copied to the office of the Clerk explaining why I could not appear before the Land Committee as had to appear before the CIOC. (Copy enclosed)

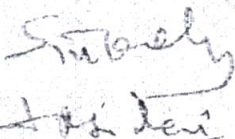
- j) Proof of ownership and or acquisition of the said land by Mr. John Mugo Kamau; and subsequent sale agreements and or transfers to Telesorce.Com Ltd in 2005
- k) Copies of deed plans and survey plans issued to Telesorce.com Ltd by the Ministry in 2011;
- l) The copy of the caveat order placed on the land in 1997;
- m) Evidence of any court cases on the piece of land between 1997 and 2005;
- n) The Sale agreements/corresponding transfer documents intervening between the original owner and the current owner;
- o) Subdivision approvals for Telesource.com limited;
- p) The original grant document of the said land/ Grant Survey plans and the corresponding deed plan copies;
- q) Any other information/documents as it relates to the sale, transfer and subdivision of the land between 1997 and 2014.

2. The Disputed Land in upper Hill LR no.209/13332.

Further the Cabinet Secretary made submissions regarding the Ministerial request by Hon. Jakoyo Midiwo, MP on a piece of land LR No.209/13332 during which the Committee noted that the submission made had reference to land LR No. 123384/1 and 209/12184 and was not relevant to the parcel of land in question, LR No.209/13332. It was therefore resolved that the meeting be rescheduled to **Tuesday 11<sup>th</sup> November, 2014** to provide adequate time for the Cabinet Secretary to submit the information on the LR No.209/13332.

This is therefore to request you to inform the Cabinet Secretary to attend the said meeting which will be held in **Committee Room on 2<sup>nd</sup> Floor Continental House at 10.00 am.**

Yours



**MICHAEL R. SIALAI,**  
**FOR: CLERK OF THE NATIONAL ASSEMBLY**

Copy to:-

✓ Hon. Charity Ngilu EGH  
Cabinet Secretary  
Ministry of Lands,  
Housing and Urban Development  
Ardhi House, Ngong Road  
**NAIROBI**

# REPUBLIC OF KENYA



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OO IOOE-mail: [clerk@parliament.go.ke](mailto:clerk@parliament.go.ke)  
When replying please quote

National Assembly  
Clerk's Chambers  
Parliament Buildings  
P.O. Box 41842-  
NAIROBI, Kenya

KNA/DCL/CORR/2014(95)

4<sup>th</sup> November, 2014

Ms. Mariam el-Maawy,  
Principal Secretary,  
State Department of Lands,  
Ministry of Lands,  
Housing and Urban Development  
Ardhi House, Ngong Road  
**NAIROBI**

Dear *MDW*

**RE: MEETING WITH THE DEPARTMENTAL COMMITTEE ON LANDS**

Reference is made to the 96<sup>th</sup> Sitting of the Committee held on Tuesday 4<sup>th</sup> November 2014 in which the Cabinet Secretary was in attendance. The meeting was re-scheduled to Tuesday 11<sup>th</sup> November, 2014 to provide adequate time for the Cabinet Secretary to submit the information and/or supporting documents in regard to the following issues;

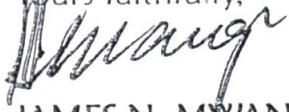
1. The disputed piece of land in Karen L.R No. 3586:

- a) Proof of Acquisition of the said land by Mr. Arnold Bradley in 1928;
- b) The Subdivision approvals of 1941 which created LR Nos.3586/1 and 3586/2;
- c) The Transfer documents of 1957 to Kikangati Mines;
- d) The Disapproval of the lease to Kenya Productions Ltd in 1957;
- e) Proof of Acquisition of the land by Barclays Bank Limited;
- f) Proof of acquisition of the land by Muchanga Investments from Barclays Bank in 1983;
- g) The proof of acquisition of the said land by telesource.com Ltd and the date they came into existence and the subsequent acquisition of the said land by Telesource.com;
- h) Transfer documents in regard to no.(f) and (g) above;
- i) The application for subdivisions made by Muchanga Investments Ltd in 1997 and the subsequent rejection by the Ministry and those made by Telesorce.Com Ltd in 1983;

- corresponding deed plan copies;
4. How the said land was transferred from the original owner to the Current owners;
  5. Proof of acquisition of the land by Muchanga Investments from Barclays Bank in 1983;
  6. The proof of acquisition of the said land by telesource.com Ltd and the date they came into existence and the subsequent acquisition of the said land by Telesource.com;
  7. Any other information as may be relevant.

This is therefore to request you to inform the Chairman to attend the said meeting which will be held in **Committee Room on 4<sup>th</sup> Floor Protection House at 10.00 am.**

Yours faithfully,



**JAMES N. MWANGI**

**FOR: CLERK OF THE NATIONAL ASSEMBLY**

Copy to:

Mr. Mumo Matemu, MBS  
Chairman  
Ethics and Anti Corruption Commission,  
Integrity Centre  
Milimani/Valley Road Junction  
**NAIROBI**

*Deliberation  
Committee*

*Forwarding Questions*

# REPUBLIC OF KENYA

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Telephone 2221291/2848000  
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When replying please quote



National Assembly  
Clerk's Chambers  
Parliament Buildings  
P.O. Box 41842-00100  
NAIROBI, Kenya

KNA/DCL/CORR/2014(96)

6<sup>th</sup> November, 2014

Mr. Halakhe Dida Waqo  
Chief Executive Officer  
Ethics and Anti Corruption Commission  
Integrity Centre  
Milimani /Valley Road Junction  
NAIROBI

Dear Sir,

**RE: MEETING WITH THE DEPARTMENTAL COMMITTEE ON LANDS**

The Departmental Committee on Lands was constituted on 16 May 2013, pursuant to provisions of the Standing Order 216 (1) and (5) of the National Assembly and is mandated amongst others:-

*"to study, assess and analyse the relative success of the Ministries and Departments, as measured by the results obtained as compared with their stated objectives and investigate and inquire into all matters relating to the assigned Ministries and Departments as they may deem necessary, and as they may be referred to it by the House".*

During its sitting held on Tuesday 4<sup>th</sup> November 2014, the Committee received submissions from the Cabinet Secretary for Lands, Housing and Urban Development on the matter regarding the disputed 134 acre piece of land in Karen LR No. 3586. The Committee was informed that the Ethics and Anti-Corruption Commission (EACC) is already investigating the matter and is in possession of the original Grant deed for the said piece of Land for purposes of on-going investigations and therefore the same is not in possession of the Ministry.

Consequently, the Committee resolved to invite the Chairman of EACC for a meeting on Tuesday 18<sup>th</sup> November, 2014 to report progress on the investigation and specifically on the following matters among others:-

1. The real owners of Muchanga Investments Company limited and Telesource.com limited;
2. Subdivision approvals for Telesource.com limited;
3. The original grant document of the said land/ Grant Survey plans and the

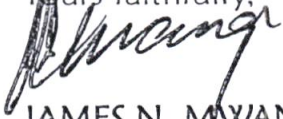
*Rutiny*

owner;

5. Proof of acquisition of the land by Muchanga Investments from Barclays Bank in 1983;
6. The proof of acquisition of the said land by telesource.com Ltd and the date they came into existence and the subsequent acquisition of the said land by Telesource.com;
7. Any other information as may be relevant.

This is therefore to request you to attend the said meeting which will be held on Tuesday 18<sup>th</sup> November, 2014 in Committee Room on 4<sup>th</sup> Floor Protection House at 10.00 am.

Yours faithfully,



JAMES N. MWANGI

FOR: CLERK OF THE NATIONAL ASSEMBLY

# REPUBLIC OF KENYA

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National Assembly  
Clerk's Chambers  
Parliament Buildings  
P.O. Box 41842-00100  
NAIROBI, Kenya

KNA/DCL/CORR/2014(98)

6<sup>th</sup> November, 2014

Mr. Ndegwa Muhoro (1)  
Director  
Criminal Investigations Department  
Kiambu Road, Muthaiga  
**NAIROBI**

Dear Sir,

## RE: MEETING WITH THE DEPARTMENTAL COMMITTEE ON LANDS

The Departmental Committee on Lands was constituted on 16 May 2013, pursuant to provisions of the Standing Order 216 (1) and (5) of the National Assembly and is mandated amongst other things:-

*"to study, assess and analyse the relative success of the Ministries and Departments, as measured by the results obtained as compared with their stated objectives and investigate and inquire into all matters relating to the assigned Ministries and Departments as they may deem necessary, and as they may be referred to it by the House".*

During its sitting held on Tuesday 4<sup>th</sup> November 2014, the Committee received submissions from the Cabinet Secretary for Lands, Housing and Urban Development on the matter regarding the disputed 134 acre piece of land in Karen LR No. 3586. The Committee was informed that the Criminal Investigations Department is in possession of the original Grant deed for the said piece of Land for purposes of on-going investigations and therefore the same is not in possession of the Ministry.

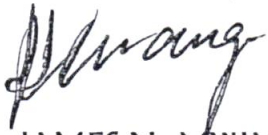
The Committee further noted the parallel investigations being conducted by various government agencies on the matter and resolved to invite the Director, Criminal Investigations Department for a meeting on **Tuesday 18<sup>th</sup> November, 2014** with a view to updating the Committee on the progress made so far and specifically address the following issues among others:

1. The real owners of Muchanga Investments Company limited and Telesource.com limited;
2. Subdivision approvals for Telesource.com limited;
3. The original grant document of the said land/ Grant Survey plans and the corresponding deed plan copies;
4. How the said land was transferred from the original owner to the Current

0734 665 665

This is therefore to request you to submit the said information by **Thursday, 13<sup>th</sup> November 2014.**

Yours faithfully,



**JAMES N. MWANGI**

**FOR: CLERK OF THE NATIONAL ASSEMBLY**

Copy to:

Dr. Mohammed Swazuri,  
Chairman,  
National Land Commission,  
Ardhi House, Ngong Road  
**NAIROBI**

# REPUBLIC OF KENYA

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KENYA NATIONAL ASSEMBLY

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National Assembly  
Parliament Buildings  
P.O. Box 41842-00100  
NAIROBI, Kenya

KNA/DCL/CORR/2014(99)

6<sup>th</sup> November, 2014

Mr. Tom Aziz Chavangi  
Chief Executive  
National Land Commission  
Ardhi House  
NAIROBI

Dear Sir

## RE: DEPARTMENTAL COMMITTEE ON LANDS- SUBMISSIONS ON KAREN LAND

Reference is made to a sitting of the Committee held on Tuesday 28<sup>th</sup> October 2014 in which you were in attendance.

As you will recall the Chairman, National Land Commission made submissions based on information he had received from Muchanga Investment Ltd regarding the subject matter while alluding that the land in dispute belonged to the said company. You will further recall that the Chairman undertook to submit his brief together with the documents he referred to during his presentation before the end of business on 28<sup>th</sup> October 2014.

It is noted that the said documents have not been submitted to the Committee to-date and you are reminded to submit the following documents among others:-

1. Copies of letters and documents from Muchanga Investments Ltd to the NLC proving ownership of the land;
2. A Copy of the lease on the land and the deed plans which Muchanga Investment Ltd presented to the Commission;
3. Transfer documents/receipts of payment for the land by the said Company;
4. Application for subdivision from Muchanga Investment and subsequent approvals;
5. Copies of documents showing the cancellation of the deed plans;
6. Copies of letters from the NLC to the Director of Survey, Director of Physical planning, records office and Registrar of titles requesting for information and responses received if any;
7. Any other information/document which is relevant on the subject matter.

3. The details of the 22 land titles which were being considered for revocation;
4. Any other information regarding the issue.

This is therefore to request you to inform the Cabinet to attend the said meeting which will be held in **Committee Room on 4<sup>th</sup> Floor Protection House at 11.30 am.**

Yours



**JUSTIN BUNDI, CBS**  
**CLERK OF THE NATIONAL ASSEMBLY**

Copy to:

Hon. Charity K. Ngilu EGH  
Cabinet Secretary  
Ministry of Lands,  
Housing and Urban Development  
Ardhi House, Ngong Road  
**NAIROBI**

# REPUBLIC OF KENYA

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National Assembly  
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P. O. Box 41842 -00100  
NAIROBI, Kenya

KNA/DCL/CORR/2014(87)

October 21, 2014

Ms Mariam El Maawy,  
Principal Secretary,  
State Department of Lands,  
Ministry of Lands,  
Housing and Urban Development  
Ardhi House, Ngong Road  
**NAIROBI**

Dear

RE: INVITATION FOR A MEETING WITH THE DEPARTMENTAL COMMITTEE ON LANDS

The Departmental Committee on Lands is constituted pursuant to the provisions of the Standing Order 216 of the National Assembly and is mandated inter alia, *"to investigate and inquire into all matters relating to the assigned Ministries and Departments as they may deem necessary, and as be referred to them by the House.*

During its Sitting held on 15<sup>th</sup> October 2014, the Committee noted the reports appearing on the Sunday Nation of 12<sup>th</sup> October, 2014 regarding a dispute of land in Karen and having deliberated on the issue especially on the alleged irregular allocations and subdivision of the said Land, the Committee resolved to invite the Cabinet Secretary, Ministry of Lands, Housing and Urban Development for a meeting on Tuesday 28<sup>th</sup> October 2014 to deliberate on the following issues among others:

**A. Karen Land Dispute;**

1. The details of the specific land in question measuring 134 Acres and its current status;
2. The details of the real owner(s) of the land in dispute;
3. The details of all beneficiaries of the land after subdivision;
4. To Inform the committee why subdivision is still on-going despite a court order barring activity on the land
5. Any other relevant information.

**B. Lamu Land Disputes**

1. The revocation of Titles in Lamu;
2. Appraise the Committee of the Report of the Commission having completed its public participation exercise on the Lamu issue;

8. Rates, Rents receipt and clearance Certificates are available but were not availed to the Committee.

**The Committee observed that;**

1. There were no subdivisions nor was there any other ongoing work on the piece of land;
2. There were several structures constructed on the site.

**The Committee resolved:**

That the following documents be presented to the Committee through the lawyer:

1. Copies of payment receipts for stamp duty and other payments in regard to the land, clearance Certificates, sale agreements and title deeds.

**MINUTE NO. DCK/LN/2014/228 ADJOURNMENT & DATE OF THE NEXT SITTING**

And the time being Thirty Minutes past four O'clock, the Chairperson adjourned the Sitting to Tuesday 28<sup>th</sup> October at 10.00 a. m

SIGNED

  
.....  
(CHAIRPERSON)

DATE

11/12/2014  
.....

to see for themselves the land in dispute. Members present were asked to declare their interest in line with the provisions of Standing Order 90. None of the Members present declared interest in the land.

Members introduced themselves and members of the public who had bought the land and were present introduced themselves.

**MINUTE NO. DCK/LN/2014/227      FIELD VISIT REPORT-EVIDENCE**

The following people appeared before the Committee as buyers of the land in conflict.

Mr. John Mithamo-Plot No.295/296, Mr. Charles Mwangi- Plot No.322, Mr. Sammy Muinde- Plot No.329, Mr. Absalom Odongo- Plot No.285, Mr. Joshua Odenge- Plot No.289, Mr. James Chege- Plot No.317, Mr. Gerald Okumu- Plot No.234, Mr. Samson Asoto- Plot No.233, Mr. Abdalla Onyango- Plot No.210, Mr. Dan Otieno Ngadi- Plot No.333, Mr. Julius Odero Okwany- Plot No.119, Mr. Julius Oketch- Plot No.271, Mr. Austin Mugambi- Plot No.227, Mr. Moses Atamba and Mr. Collins Ogenga.

Mr. Charles Mwangi on behalf of the buyers informed the Committee that:

1. Subdivision of the land begun in 2009 up to 2013;
2. They bought the land from Telesource Limited on a willing buyer willing seller basis;
3. They were buying subdivided half acre pieces;
4. The original LR no for the land before subdivision is 3586;
5. Deed plans for the land were ready in 2011 but were later cancelled with no reason given for the cancellation;
6. Telesource provided other deed plans in 2014 and the buyers were able to transfer the property into their names;
7. They have paid the requisite fees i.e stamp duty;
8. There was no difference in the 2011 and 2014 deed plans. The plot numbers did not change;
9. They had already begun work on their pieces of land but a court order was issued stopping work on the land after the ownership wrangles arose.

Mr Julius Anyoka of Anyoka and Associates representing the buyers informed the Committee that:

1. He has a total of about 50 clients who bought the said land after its subdivision and that there is no Member of Parliament who is his client in the matter;
2. The buyers did not know each other at the time of purchase and they have subsequently joined together after the conflict arose;
3. The buyers bought land as individuals on a willing buyer willing seller basis; and that there are about 180 plots in total after subdivision;
4. Preliminary findings show that searches were carried out by individuals, prices negotiated individually and sale agreements drawn on an individual basis;
5. Transactions commenced on diverse dates in 2010 and some buyers have completed payments as per the purchase price and respective agreements, some have paid stamp duty and other outgoing fees;
6. Consent for the subdivision and transfer was given by the Commissioner of Lands and records show that that the land was available for transfer;
7. Buyers took possession, some have already prepared drawings and received relevant approvals from the Nairobi City County government;

**MINUTES OF THE NINETY FOURTH SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON MONDAY 27<sup>TH</sup> OCTOBER 2014, AT THE KAREN LAND IN DISPUTE, AT 2.00 P.M**

**PRESENT:**

- |  |   |                         |
|--|---|-------------------------|
| 1. The Hon. Alex Mwiru, M.P.             | - | <b>Chairperson</b>      |
| 2. The Hon. Moses Ole Sakuda, M.P.       | - | <b>Vice Chairperson</b> |
| 3. The Hon. Francis W. Nderitu, M.P.     |   |                         |
| 4. The Hon. Mutava Musyimi, M.P.         |   |                         |
| 5. The Hon. Francis Kigo Njenga, M.P.    |   |                         |
| 6. The Hon. Eusilah Ngeny, M.P.          |   |                         |
| 7. The Hon. Hellen Chepkwony, M.P.       |   |                         |
| 8. The Hon. George Oner, M.P.            |   |                         |
| 9. The Hon. Mathew L. Lempurkel, M.P.    |   |                         |
| 10. The Hon. Sarah Korere, M.P.          |   |                         |
| 11. The Hon. Joseph Oyugi Magwanga, M.P. |   |                         |
| 12. The Hon. Bernard Bett, M.P.          |   |                         |
| 13. The Hon. Kipruto Moi, M.P.           |   |                         |
| 14. The Hon. Patrick Makau, M.P.         |   |                         |
| 15. The Hon. John Kihagi, M.P.           |   |                         |
| 16. The Hon. Onesmus Ngunjiri, M.P.      |   |                         |

**APOLOGIES**

1. The Hon. Thomas Mwadeghu, M.P.
2. The Hon. Dr. Paul Otuoma, M.P.
3. The Hon. Benson Mbai, M.P.
4. The Hon. A. Shariff, M.P.
5. The Hon. Esther Murugi, M.P.
6. The Hon. Hezron Awiti Bollo, M.P.
7. The Hon. Shakila Abdallah, M.P.
8. The Hon. Kanini Kega, M.P.
9. The Hon. Suleiman Dori, M.P.
10. The Hon. Gideon Mung'aro, M.P.
11. The Hon. Mpuru Aburi, M.P.
12. The Hon. Julius Ndegwa, M.P.

**ABSENT**

1. The Hon. Oscar Sudi, M.

**KENYA NATIONAL ASSEMBLY**

- |                         |                     |
|-------------------------|---------------------|
| 1. Mr. James Ginono     | Clerk Assistant I   |
| 2. Ms. Ruth Mwihaki     | Clerk Assistant III |
| 3. Ms. Rehema Chepkirui | Hansard Intern      |

**MINUTE NO. DCK/LN/2014/226**

**PRELIMINARIES**

The Chairman called the meeting to order at 3.11 p. m with a word of prayer.  
He thereafter informed those present that the committee's visit was meant for members

ten out of forty seven Counties have approved the CLMBs. The NLC is however working together with County Assemblies and they have given them a January 2015 deadline to have the CLMBs in place.

**12. Execution of Titles and Leases**

The NLC started executing Titles and leases up until when the Commissioner of Lands was removed. The Department of Survey stopped producing deed plans while the Ministry took over registration and execution which is illegal. The NLC has titles which the ministry has failed to register

**13. Sale of Ranches in Kajiado and Gullman Ranch issues in Baringo**

The Committee was informed that the NLC is meeting with local leaders in the Gullman Ranch matter and will also meet with local leaders in Kajiado first in order to resolve issues there.

**MINUTE NO. DCK/LN/2014/231 Any Other Business.**

**a. Nyali/Changamwe/Kilifi Visit**

Members were informed that the committee would undertake the visit as earlier agreed. Members would depart for Mombasa on Thursday 30<sup>th</sup> and return to Nairobi on 2<sup>nd</sup> November 2014.

**b. Visit to Shompole and Magadi**

The Committee resolved that some members would accompany the National Land Commission when the Commission visits Shompole and Magadi over the public land being auctioned

**c. Foreign Visits**

Members were informed the Committee would undertake study visits to Hungary, New Zealand, Columbia and South Africa. Details of the Visits would be communicated in due course once.

**MINUTE NO. DCK/LN/2014/232 ADJOURNMENT & DATE OF THE NEXT SITTING**

And the time being Thirty Minutes past four O'clock, the Chairperson adjourned the Sitting to Tuesday 4<sup>th</sup> November at 10.00 a. m

SIGNED

  
.....  
(CHAIRPERSON)

DATE

11/12/2014  
.....

## LAMU LAND ISSUES

The Committee was informed that:

1. The terms of reference for the investigation was for only 22 parcels of land. Public hearings on the 22 pieces of land in Lamu commenced in KICC soon after the directive was received on 31/7/14 and most of the information has been received;
2. The Commission has received information as follows:
  - i. Information has been received on twenty (20) parcels,
  - ii. No information has been received on one(1) parcel,
  - iii. one(1) parcel is partly subdivided by the Navy and EPZs,
  - iv. three(3) parcels were sold by their original owners,
  - v. Two(2) are charged to Kenya Commercial Bank and Diamond Trust Bank,
  - vi. One (1) parcel had its name confused and the NLC was able to establish that Brick Investment does not own any land but Bricks Investments does.
  - vii. There are interested parties(squatters) claiming rights to the land on the basis of ancestral claims to the land and have settled on five(5) parcels,
  - viii. Six(6) ranches were designated in 1970-71 as community ranches for community cooperatives under the then directorate of agriculture;
3. The allottees are all indigenous to Lamu;
4. The size of the parcels of land allotted ranges from 5-80 acres;
5. Information received has been from the Ministry of Lands Officials, the owners and the Mombasa and Lamu registries.
6. Lamu Governor Issa Timammy had also requested the NLC to investigate large ranches in Lamu
7. The final report will be ready next week

The Committee was further as follows

### **8. Compulsory Acquisitions for the LAPPSET/Standard Gauge Railway (SGR) projects**

- a) The NLC was enjoined late in the process of acquisitions and in the public interest, the commission was unable to restart the process as it would have delayed the project;
- b) When different entities are involved in the compulsory acquisitions, they all come up with different lists of beneficiaries. The NLC is therefore keen to take up the compulsory acquisitions as they are the ones with a legal mandate to do so.
- c) None of the (Kenya Ports Authority, County governments etc) currently doing the compulsory acquisitions for the LAPSET and Standard Gauge railway project have the legal mandate to do so;
- d) The NLC has already done the sensitization, valuations and prepared offers for the SGR compensations. Payment for the same is yet to be released by treasury. No one has been paid yet.
- e) Variance in the payments is due to the fact that factors that affect value are different for various pieces of land in terms of access, land marks and facilities.

### **9. Evictions and Resettlement Procedures Bill**

The bill had already been submitted to the Constitutional Implementation Commission for Comments.

### **10. Development of Legislation on Historical Land Injustices**

The Taskforce on Historical Injustices is almost finalizing collection views from the public and has a December 2014 deadline to come up with a draft bill

### **11. Establishment of County Land Management Boards (CLMBs)**

The Committee was informed that CLMBs have to go through County Assemblies. Only

## KENYA NATIONAL ASSEMBLY

- |                       |                     |
|-----------------------|---------------------|
| 1. Mr. James Ginono   | Clerk Assistant I   |
| 2. Ms. Ruth Mwhaki    | Clerk Assistant III |
| 3. Ms. Lynette Otieno | Legal Counsel II    |

### MINUTE NO. DCK/LN/2014/229

### PRELIMINARIES

The Chairman called the meeting to order at 10.35 a. m with a word of prayer. He thereafter called upon Members of the Committee and the National Land Commission Officials present to introduce themselves and further acknowledged members of the fourth estate present.

### MINUTE NO. DCK/LN/2014/230

### SUBMISSIONS FROM THE NATIONAL LAND COMMISSION

#### KAREN LAND DISPUTE

The Chairman of the National Lands Commission informed the Committee that:

- 1.The information the Commission had in regard to the Karen Land was based on reports received from Mssrs. Muchanga Investments Ltd who claims to be the owner and that;
- 2.The land is registered as LR No. 3586/3, IR No 37285 in Karen Nairobi;
- 3.Rumors started in January about the land being acquired. The owner- Muchanga Investments however wrote to the NLC on 1/9/14 complaining that the land had been subdivided by the survey department and requested that the NLC confirms that the land was private and investigate the activities of one Ms. Pauline Gitimu who instructed that the subdivision be carried out on claims that the land is public;
- 4.The NLC has been unable to access the Karen Land file from the registry;
- 5.Muchanga Investments wrote a second time on 9/9/14 complaining of the same and has provided documents to prove ownership of the land. Records submitted to NLC show that the land was transferred to Arnold Bradley in 1928(entry no 4). The first title is dated 1928 and that in between 1928, entries show applications for subdivision and charges to various banks;
- 6.The land was transferred to Muchanga Investments in 1983 as LR 3586/3(original no 3586/2/3 vide certificate of title IR no 37285.
- 7.Other persons used the same subdivision in the exact format but using new LR no's. Any new subdivisions should have however followed the same format. Old LR no's were cancelled and the new deed plans have new LR no;
- 8.The NLC has written to the Director of Physical Planning, Director of Survey, Registrar of Titles and Records Office requesting for information on the parcel of land but no information has been received except from the Director of Physical Planning who has confirmed that he has no records of the parcel of land;
- 9.Muchanga investments further claims that Mr. David Gitau, a private surveyor who did the work of subdivision received instructions from Ms. Pauline Gitimu who is a senior Deputy Director of Survey in the Survey Department;
10. The Involvement of NLC in the matter was because subdivision approvals pass through the NLC and in this case they did not.

**The Committee resolved that;**

1. The NLC submits copies of any documents /letters it has in possession in regard to the land to the Committee.

**MINUTES OF THE NINETY FIFTH SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON TUESDAY 28<sup>TH</sup> OCTOBER 2014, AT THE 4<sup>TH</sup> FLOOR BOARD ROOM, PROTECTION HOUSE AT 10.30 A.M**

**PRESENT:**

1. The Hon. Alex Mwiru, M.P. - Chairperson
2. The Hon. Moses Ole Sakuda, M.P. - Vice Chairperson
3. The Hon. Francis W. Nderitu, M.P.
4. The Hon. Mutava Musyimi, M.P.
5. The Hon. Francis Kigo Njenga, M.P.
6. The Hon. Eusilah Ngeny, M.P.
7. The Hon. Hellen Chepkwony, M.P.
8. The Hon. Mathew L. Lempurkel, M.P.
9. The Hon. Sarah Korere, M.P.
10. The Hon. Joseph Oyugi Magwanga, M.P.
11. The Hon. Bernard Bett, M.P.
12. The Hon. Kipruto Moi, M.P.
13. The Hon. Patrick Makau, M.P.
14. The Hon. John Kihagi, M.P.
15. The Hon. Thomas Mwadeghu, M.P.
16. The Hon. Onesmus Ngunjiri, M.P.
17. The Hon. A. Shariff, M.P.
18. The Hon. Esther Murugi, M.P.
19. The Hon. Shakila Abdallah, M.P.
20. The Hon. Suleiman Dori, M.P.
21. The Hon. Mpuru Aburi, M.P.

**APOLOGIES**

1. The Hon. Dr. Paul Otuoma, M.P.
2. The Hon. George Oner, M.P.
3. The Hon. Benson Mbai, M.P.
4. The Hon. Hezron Awiti Bollo, M.P.
5. The Hon. Kanini Kega, M.P.
6. The Hon. Gideon Mung'aro, M.P.
7. The Hon. Julius Ndegwa, M.P.

**ABSENT**

1. The Hon. Oscar Sudi, M.P.

**IN ATTENDANCE**

**NATIONAL LAND COMMISSION (NLC)**

1. Dr. Mohammad Swazuri-Chairman
2. Mr. Abdukadir Khalif- Commissioner
3. Mr. Tom Aziz Chavangi- Chief Executive Officer
4. Mr. Kaptuiya Chebwoiwo- Director, Legal and Enforcement
5. Mr. Solomon Mbuthia- Legal Officer

And the time being Thirty Minutes past two O'clock, the Chairperson adjourned the Sitting to Tuesday 11<sup>th</sup> November at 10.00 a. m.

SIGNED

  
.....  
(CHAIRPERSON)

DATE

11/12/2014  
.....

was reversed following a court Decision in the High Court of Kenya at Nairobi petition no 106 of 20010 and on advise by the Attorney General vide a letter dated 8<sup>th</sup> July 2013. Gazette Notice No. 12864 of 13<sup>th</sup> September, 2013, was subsequently issued;

4. The ownership and shareholding of Rosestar properties Limited is Aaron Omeke and Jignes Patel;
5. The property is being claimed by the department of Immigration, the National Council of population and Development and the Rosestar investments. The matter therefore required further investigation and advice from the Attorney General.

#### **Committee Observations**

Members observed that the court case attached in the Cabinet Secretaries submission refers to LR 209/12184 while the LR in question is 209/13332.

#### **Committee Recommendations**

The Committee resolved that the Cabinet Secretary re-appears before the Committee and makes submissions specific to LR no 209/13332 on Tuesday 11<sup>th</sup> November 2014 at 10.00 a.m.

#### **KAREN LAND DISPUTE**

The Committee was informed that the matter is already in Court and that the Ministry was dealing with about 7000 other cases regarding land in the courts;

The Committee was also informed as follows:

1. The land was initially allocated to G.B Norman in 1919 for a 999 years lease and registered as parcel No. 46 which was later surveyed and given LR No. 3586;
2. G.B Norman later sold the land to Mr. Arnold Bradley as 160 acres. The first subdivision was approved in 1941 to two portions - LR 3586/1 measuring approximately 20 acres and LR No. 3586/2 measuring approximately 140 acres which remained in the main file under Arnold Bradley who later attempted to transfer the said land in 1957 to Kikangati Mines, this company was also owned by Arnold Bradley and his family;
3. It is not clear from the records if he attempted to transfer everything or a piece of it. However, in 1957, records show that Kikangati tried to sublease the land to Kenya Productions limited but the lease was not approved and the land reverted back to the original owner;
4. The Cabinet Secretary is unaware of the 40 Members of Parliament mentioned as some of the beneficiaries of the Karen Land;

#### **Committee Observations**

Members observed that there was an unexplained lack of information on transactions on the land between 1957 and 1983 which was not justified.

#### **Committee Resolution:**

The Committee resolved that the Cabinet Secretary appears before the Committee on Tuesday 11<sup>th</sup> November to address the following matters:

- a) Provide deeds and other documents being held by the EACC;
- b) How Mr. Arnold Bradley acquired the land in 1928;

3. Ms. Anne Kigoro
4. Mr. Yakub Ahmed

Research Assistant III  
Media Relations Officer III

**MINUTE NO. DCK/LN/2014/233**

**PRELIMINARIES**

The Chairman called the meeting to order at 11.23 a. m with a word of prayer.

**MINUTE NO. DCK/LN/2014/234**

**ADOPTION OF THE AGENDA**

The agenda was adopted after being proposed by the Hon. Francis Nderitu, M.P and seconded by the Hon. Hezron Awiti Bollo, M.P.

**MINUTE NO. DCK/LN/2014/235**

**BRIEF FROM HON.JAKOYO MIDIWO  
REGARDING THE MINISTERIAL QUESTION ON  
CIRCUMSTANCES SURROUNDING A PARCEL  
OF LAND IDENTIFIED AS LR.NO.209/13332 IN  
COMMUNITY AREA, NAIROBI**

As per the Provisions of Standing order 90 on Declaration of Interest, the Hon. Jakoyo Midiwo declared that he has no interest in the piece of land in Question and only took up the matter when it was brought to his attention by a Kenyan on goodwill.

The Committee thereafter informed that:

1. The land in question, LR No. 209/13332 is in the Community area of Nairobi, opposite the law Courts and was inhabited by Administration Police and had some wooden houses constructed but at some point the houses were burnt down;
2. The parcel is among those mentioned in the Ndung'u report and during Presidents Kibaki's administration, some individuals owned the land and had a title deed which had been charged to a collapsed bank for ksh.300 million;
3. S.M. Muhia and Co. advocates now claim to have authority to sell that land in the name of Rosestar Properties limited;
4. The gazette notice revoking the title was a special issue while the listed owners are not the actual owners;
5. The Minister should clarify on the ownership of the land and other pieces of land mentioned in the Ndung'u report which are at a risk of being grabbed.

**MINUTE NO. DCK/LN/2014/236**

**SUBMISSIONS FROM THE CABINET  
SECRETARY FOR LANDS, HOUSING AND  
URBAN DEVELOPMENT**

**QUESTION BY HON. JAKOYO MIDIWO**

The Committee was informed that:

1. According to the Ministry's records, the land was allocated to a private developer i. e Rosestar properties vide letter of allotment Ref.No.32639/V/19 on 29<sup>th</sup> October 1996 with the consent of the Permanent Secretary in the office of the Ministry of Planning and National Development;
2. The allocation of land was based on the no objection letter written by the Permanent Secretary Ministry of Planning and National Development dated 14<sup>th</sup> October 1996;
3. The title of the property was revoked vide gazette notice No.3460 of 1<sup>st</sup> April 2010.Following the revocation, a title IR No.123384/1 was issued to the Permanent Secretary to the Treasury as trustee for Ministry of Immigration and registration of Persons on 3<sup>rd</sup> June 2010.The revocation of the title for Rosestar Properties Limited

**MINUTES OF THE NINETY SIXTH SITTING OF THE DEPARTMENTAL COMMITTEE  
(K) ON LANDS HELD ON TUESDAY 4<sup>TH</sup> NOVEMBER 2014, AT THE 2<sup>ND</sup> FLOOR  
COMMITTEE ROOM, CONTINENTAL HOUSE AT 11.00 A.M**

**PRESENT:**

1. The Hon. Alex Mwiru, M.P. - Chairperson
2. The Hon. Moses Ole Sakuda, M.P. - Vice Chairperson
3. The Hon. Mutava Musyimi, M.P.
4. The Hon. Dr. Paul Otuoma, M.P.
5. The Hon. Francis W. Nderitu, M.P.
6. The Hon. Onesmus Ngunjiri, M.P.
7. The Hon. Francis Kigo Njenga, M.P.
8. The Hon. Hellen Chepkwony, M.P.
9. The Hon. Sarah Korere, M.P.
10. The Hon. Joseph Oyugi Magwanga, M.P.
11. The Hon. Bernard Bett, M.P.
12. The Hon. Kipruto Moi, M.P.
13. The Hon. Patrick Makau, M.P.
14. The Hon. John Kihagi, M.P.
15. The Hon. George Oner, M.P.
16. The Hon. Benson Mbai, M.P.
17. The Hon. Hezron Awiti Bollo, M.P.
18. The Hon. A. Shariff, M.P.
19. The Hon. Esther Murugi, M.P.
20. The Hon. Mpuru Aburi, M.P.

**APOLOGIES**

1. The Hon. Kanini Kega, M.P.
2. The Hon. Gideon Mung'aro, M.P.
3. The Hon. Mathew L. Lempurkel, M.P.
4. The Hon. Julius Ndegwa, M.P.
5. The Hon. Suleiman Dori, M.P.
6. The Hon. Thomas Mwadeghu, M.P.
7. The Hon. Shakila Abdallah, M.P.
8. The Hon. Eusilah Ngeny, M.P.

**ABSENT**

1. The Hon. Oscar Sudi, M.P.

**IN ATTENDANCE**

1. The Hon. Jakoyo Midiwo, M.P.
2. The Hon. Kimani Ichungwa, M.P.

**MINISTRY OF LANDS, HOUSING AND URBAN DEVELOPMENT**

1. Hon. Charity Ngilu- Cabinet Secretary, Ministry of Lands,
2. Mr. Peter Kahuho-Lands Secretary
3. Mr. Barasa E. Wohonjo-SDS(Liason Officer)

**KENYA NATIONAL ASSEMBLY**

1. Mr. James Ginono Clerk Assistant I
2. Ms. Ruth Mwihaki Clerk Assistant III