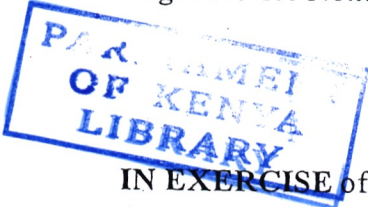


Legal Notice No.....

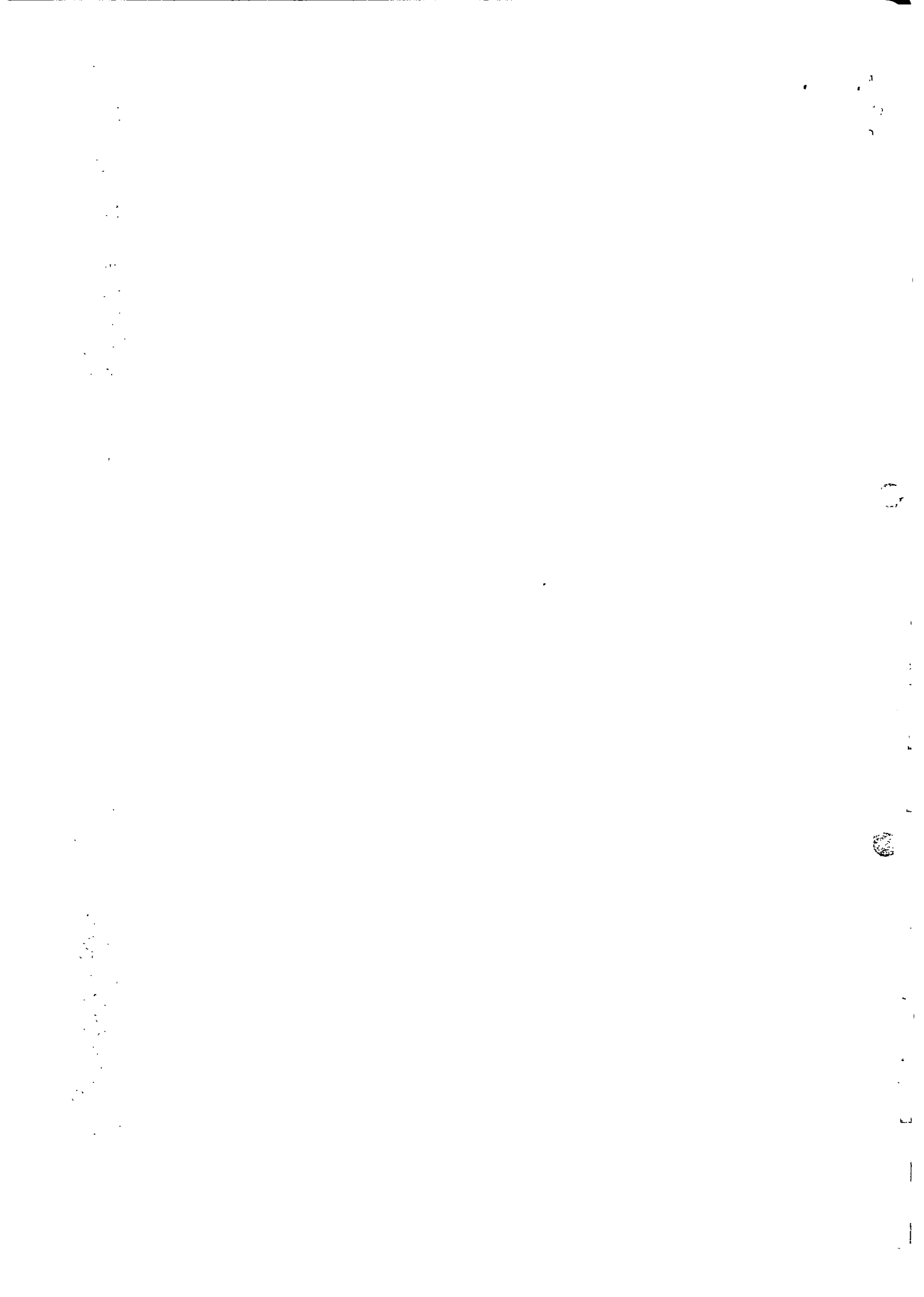


LAND REGISTRATION ACT

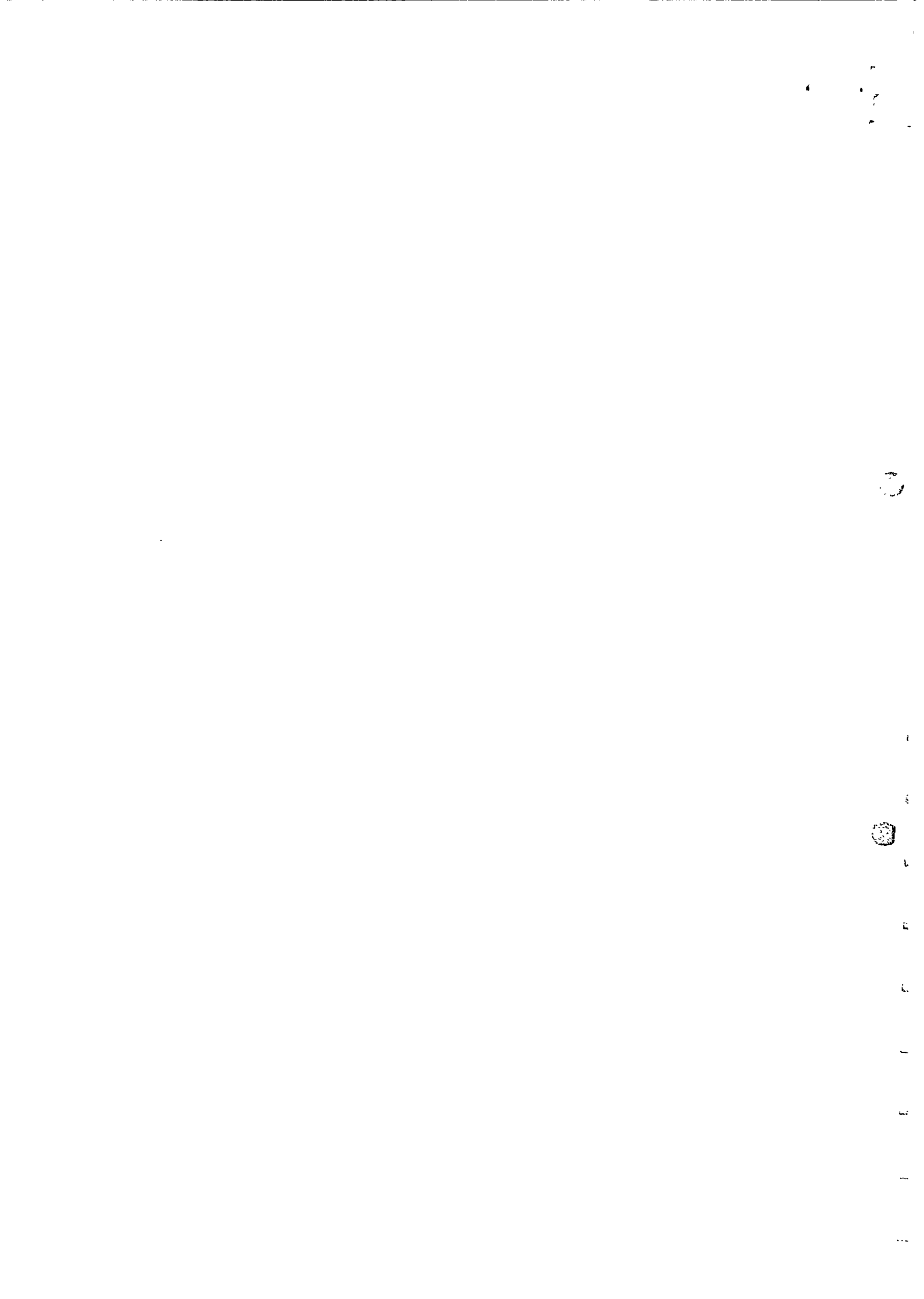
(NO. 3 OF 2012)

IN EXERCISE of the powers conferred by section 110 of the Land Registration Act, 2012 the Cabinet Secretary for Lands and Physical Planning in consultation with the National Land Commission, makes the following Regulations—

Land Registration (Electronic Transactions) Regulations, 2020.	
Part I—Preliminary	
Citation	1. These Regulations may be cited as the Land Registration (Electronic Transactions) Regulations, 2020
Interpretation	<p>2. In these Regulations, unless the context otherwise requires—</p> <p>"Act" means the Land Registration Act, 2012;</p> <p>"user" means a person capable of accessing services under these regulations by electronic means and through the system, and may include a property owner or a professional on the instructions of a property owner.</p> <p>"authorized staff" means an officer assigned administrative rights by the administrator (in this case the chief registrar) to undertake specific functions aimed at receiving, processing and approving applications and transactions;</p> <p>"authorized user" means a person who has been granted permission to access, query on any information or submit any documents in relation to any transaction under these Regulations;</p> <p>"Chief Land Registrar" means the Chief Land Registrar appointed under section 12 of the Land Registration Act;</p> <p>"Document" has the meaning assigned to it in the Interpretation and General Provisions Act;</p> <p>"Electronic Appeals Committee" means an appeals committee appointed by the Cabinet secretary under regulation 14 to hear and determine appeals arising from termination of user's access to National Land Information System.</p> <p>"Electronic form" has the meaning assigned to it in the Kenya Information and Communication Act;</p>



	<p>“Instrument” has the meaning assigned to it in the Act;</p> <p>“Electronic” has the meaning assigned to it in the Kenya Information and Communication Act;</p> <p>"system" means the electronic registry system in which all documents that are registered or recorded under the Act are maintained;</p> <p>“Unauthorised user” means a person who is illegally given access to the system by an authorised user.</p> <p>"user account" means an online account created by a user to allow access or submission of information in the registry.</p>
Application	3. (1) These Regulations shall apply to the system in the registries set out in the First Schedule.
Part II—Electronic Land Registry	
Electronic Registry	<p>4. (1) The Chief Land Registrar shall maintain an electronic land registry established in accordance with section 7 of the Act.</p> <p>(2) The electronic land registry shall be part of the National Land Information System established in accordance with section 6(h) of the Land Act.</p> <p>(3) The Registrar may by electronic means through the system —</p> <ul style="list-style-type: none"> (a) issue a notice, certificate or any document which is required to be issued by the Registrar under the Act; (b) certify a form, document or extract of a document required to be certified by the Registrar under the Act; or (c) send any document issued or certified by the Registrar to the electronic addresses provided by a user for that purpose.
Form of Register	5. The Registrar shall maintain an electronic register containing such particulars as contemplated under section 7(4) and 9(2) of the Act.
Access to the Cadastral Map	6. Cadastral maps shall for purposes of registration under these Regulations, be maintained in electronic form.
Authorized User	<p>7. (1) A person shall be an authorised user on signing up to the system by providing the following information in the case of natural person:</p> <ul style="list-style-type: none"> a) Name; b) National /Alien Identity Number; c) KRA Personal Identification Number; d) Telephone Number; e) E-mail address;



	<p>f) Postal Address;</p> <p>g) Passport photo as profile picture;</p> <p>h) Physical Address.</p> <p>(2) In the case of a legal person;</p> <p>a. the information listed in 1(a), (c), (d), (e), (f) and (h);</p> <p>b. Incorporation/Registration Number</p> <p>c. authorised representative's details as in 1 above.</p>
Access by Professional	8. A professional transacting in the system on behalf of another person shall provide further information in the prescribed form eLRA 1 set out in the Second schedule and as may be adopted for use in the system.
User Account	<p>9. (1) There shall be a user account created in the system for every authorised user.</p> <p>(2) An authorized user shall from their user account, in paragraph (1) above, electronically make an application or submit any instrument or document for registration or recording under the system as provided for in the Act and these Regulations.</p>
User obligations	<p>10. A person being an authorized user shall in addition to the terms of conditions set out in the Third Schedule to these Regulations: -</p> <p>(a) carry out such transactions as may be authorized under these Regulations;</p> <p>(b) be responsible for the security of his/ her/its details for purposes of any transaction under these Regulations;</p> <p>(c) not distribute, sell or combine any information accessed through the system; and</p> <p>(d) not copy, exchange, disclose or use the land related information accessed from the system for any other purpose other than for purposes of the transactions under these Regulations.</p>
Suspension of a user's access to the system	<p>11. (1) The Chief Land Registrar may immediately suspend a user's access when it comes to his/her notice that the user –</p> <p>a. has contravened the obligations or the terms and conditions of access</p> <p>b. is suspected to have committed any fraud, identity theft or system misuse;</p> <p>c. allows an unauthorised/unqualified person to <u>access the system</u>;</p> <p>d. in the case of professionals, is not in good standing;</p> <p>e. <u>is dead</u>;</p> <p>f. <u>is declared insolvent</u>;</p> <p>g. <u>is declared of unsound mind</u>.</p>

	<p>(2) The Chief Land Registrar shall on making the decision under Paragraph (1) (a), (b), (c) and (d) immediately inform the user of that decision and shall specify in the notification -</p> <ul style="list-style-type: none"> (b) the grounds of suspension; (c) the facts which, in the opinion of the Chief Land Registrar, justify each ground of suspension and intention to terminate; and (d) the period within which the user shall be required to respond to the notification. <p>(3) Subject to Paragraph (2), the Chief Land Registrar shall serve notification by—</p> <ul style="list-style-type: none"> (e) an electronic transmission to any electronic address specified in the user agreement as the user's through SMS Notification, email notification or any other form of electronic transmission; (f) post, to any postal address specified in the user agreement as the user's address of service; <p>(4) A user may respond to a suspension notice in writing or in electronic form stating the reasons why the suspension of access should be withdrawn and the response served upon the Chief Land Registrar before the expiry of the period specified in Paragraph (2)(c).</p> <p>(5) The Chief Land Registrar shall upon receipt of a response under Paragraph (4) if satisfied that it is no longer appropriate to suspend the user's access withdraw the suspension and send a notification to that effect to the user within 7 days.</p>
<p>Termination of a user's access</p>	<p>12. (1) Subject to Regulation 11(1), the Chief Land Registrar shall immediately terminate the user's access to the system upon confirming that the user is dead, is declared insolvent or is of unsound mind.</p> <p>(2) The Chief Land Registrar shall terminate the user's access if—</p> <ul style="list-style-type: none"> a. not satisfied with the user's response given under Regulation 11 (4) b. the user does not respond within the specified period in Regulation 11(2)(c) <p>(3) The Chief Land Registrar shall communicate the decision under Paragraph (2) to the user within 7 days.</p> <p>(4) The user may file an appeal to the Electronic Appeals Committee, through the Cabinet Secretary, within 14 days of the decision to terminate the user's access.</p>
<p>Appeals against the decision to terminate a user's access</p>	<p>13. (1) The Cabinet Secretary in consultation with the National Land Commission shall appoint an Electronic Appeals Standing Committee to hear appeals against the termination of user's account.</p> <p>(2) The membership of the Electronic Appeals Standing Committee shall comprise of:</p> <ul style="list-style-type: none"> (a) Three representatives from the Ministry; (b) One representative from National Land Commission;

	<ul style="list-style-type: none"> (c) One representative from Council of Governors; (d) Four representatives from the private sector provided that one of them shall be an Information Technology Specialist well versed with system forensic audit and cybercrime. <p>(3) The Electronic Appeals Standing Committee shall nominate from among the members of the Committee one member from the Ministry and one member from the Commission who shall serve as the secretariat.</p> <p>(4) The Electronic Appeals Standing Committee shall hear and determine any matter referred to it within 30 days and notify the user of its decision within 7 days.</p> <p>(5) A user aggrieved by the decision of the Electronic Appeals Standing Committee may appeal to the court within 30 days from the date of such decision.</p>
Search	<p>14. (1) A person shall access information in the electronic register by conducting an official search in the system after payment of the prescribed fees.</p> <p>(2) A person may under paragraph (1) undertake the following categories of searches –</p> <ul style="list-style-type: none"> (a) a current status search of which the result from the search shall include the ownership, size, user, encumbrances, inhibitions, unregistered dealings and annual ground rent payable (if applicable) for that parcel of land; or (b) a historical search of which the result shall provide a history of computer folio and list all transactions that should be availed in a chronological order together with the status and status date for each entry. <p>(3) The registrar shall furnish the applicant with the details requested through an electronic certificate of official search.</p> <p>(4) The Certificate in paragraph (3) shall be made available for download by the applicant.</p>

PART III— Pre-Registration Process

Preparation of instruments and documents	15. (1) For purposes of preparation of an instrument or document for electronic registration or filing, an authorized user shall -- (a) enter the required information in the applicable electronic form. (b) Cause the instrument or documents to be executed by use of electronic signatures of parties. (c) Attach the relevant supporting documents as may be required under the Act. (2) Where it is not possible to execute the instruments/documents by way of electronic signature, the user may download the duly filled form for execution and attestation and uploading into the system.
Valuation for Stamp Duty	16. (1) Where applicable, the authorised user shall submit the instrument or document for Valuation in electronic form. (2) Upon submission under of the instrument under sub regulation (1), the user shall receive an electronic notification indicating the date and time when the request was received. (3) The authorised user shall be notified of the assessed duty payable.
Payment of Stamp duty	17. The authorised user shall pay stamp duty through KRA's payment platform.
PART IV — Registration Process	
Application for registration	18. (1) A user shall lodge documents for registration by filing an application in the system and attach the documents in support of the application for registration. (2) An applicant under paragraph (1) shall pay the duly prescribed fee by electronic means (3) An instrument or document shall be deemed to be received for registration when the system generates a notice of electronic filing with a tracking number to the electronically filed document. (4) A document that is lodged electronically outside the business hours specified in Regulation 2 of the Land Registration (General) Regulations, 2017 will be deemed to have been received in the next business day.

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Effect of instruments filed electronically	19.	<p>(1) An instrument filed electronically at the registry under these Regulations has the same effect as if that instrument were in the form of a paper document.</p> <p>(2) If an instrument is electronically signed in accordance with these Regulations, the;</p> <p>(a) instrument is to be taken to be in writing for the purposes of registration under the Act; and</p> <p>(b) requirements of any other law relating to the execution, signing, witnessing, attestation or sealing of documents must be regarded as having been fully satisfied.</p>
Priority of registration	20	<p>(1) Subject to Regulation 8 of the Land Registration (General) Regulations, 2017, the tracking number assigned to the application or instrument by the system shall determine the priority of registration of the instrument.</p> <p>(2) The Registrar shall ensure that applications for registration are dealt with in the order of the tracking number assigned at the time of lodging of the instrument.</p>
Lodging of Physical Documents	21	An Authorized user shall when required manually present documents that cannot be lodged electronically which the Registrar requires the production of the original.
Registrar's source of information	22	The Registrar shall, for the purposes of processing the applications, rely on the documentation and data available within the system and may, where necessary, refer to the backup of manual records.
Rejection of instruments	23	<p>(1) The Instruments shall be scrutinized against entries in the register and to assess their conformity with the provisions of the relevant law.</p> <p>(2) The Registrar may return the instruments or documents to the applicant pointing out the minor errors for correction.</p> <p>(3) Upon making the necessary corrections on the instruments or documents returned under paragraph 2 the user shall lodge the documents under the same tracking number.</p> <p>(4) If the error apparent on the instrument or document is substantially defective, the Registrar shall reject the instrument or document with reasons thereof.</p> <p>(5) The instrument or document rejected under paragraph (4) above shall be lodged afresh as though it were a new transaction upon correction of errors.</p>



Registration	24.	<p>(1) Registration shall be completed upon approval of the transaction and making of corresponding entries into the register by the Registrar.</p> <p>(2) Upon approval by the Registrar there shall be an electronically generated notice to the effect that the document has been registered.</p> <p>(3) The date indicated on any registered instrument shall be the date on which the application was received.</p>
Electronic certificate of title or lease	25.	The Registrar may pursuant to section 30 of the Act issue an electronic certificate of title or lease as prescribed in Regulation 31(1) or (2) respectively in the Land Registration (General) Regulations, 2017.
Availability of documents	26.	The Registrar shall make the registered instruments and documents available for download by the applicant or any person conducting a search under Regulation 15 of these Regulations.
PART V – Miscellaneous		
Manual transactions	27	Where a transaction cannot be carried out using the electronic registration system, the person seeking to carry out the transaction shall carry out the transaction through such other means as the Chief Land Registrar may determine.
Manual Payment of fees	28	Where payment of fee cannot be made electronically, the user shall be allowed to make payment through such other alternative means the Chief Land Registrar may determine.

FIRST SCHEDULE

Registries

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1. Nairobi

DRAFT



SECOND SCHEDULE

Form eLRA1
 The Chief Land Registrar
 Ardhi House
 Nairobi

r. 8

Name/Partnership/LLP:		Id no./Reg. No./P.105			
Tel. No.		E-Mail Address:			
Physical Address:		Postal Address: Postal Code: Town:			
Contact Person Name:		P.105/			
Tel No.		Email Address			
In case of Partnership/LLP, individual authorised users:					
S/NO.	NAME	ID NO.	P.105/	TEL NO.	EMAIL
I have read and understood the terms and conditions of use. I AGREE TO BE BOUND BY SAID TERMS AND CONDITIONS					
Name		Signature		Date	

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THIRD SCHEDULE

TERMS AND CONDITIONS OF USE

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1. Introduction

- (i) The National Land Information System is an online system developed by the Government of Kenya through the Ministry of Lands and Physical Planning in collaboration with the National Land Commission. It is a system created for convenience in conducting land transactions.
- (ii) Upon registration to the system, a user is deemed to have accepted the terms and conditions and will equally be bound by the same. Once the user has completed the sign up process, a contract detailing the terms and conditions for use is entered into between the user and the system operators.
- (iii) The National Land Information System is a service-based platform upon which fees and charges may be preferred from time to time as stipulated in the relevant statutes.

2. Access and Use

- (i) Upon signing up; a username and a password will be created for the User's use in logging into the system.
- (ii) As an additional security measure, a One Time Password (OTP) in the form of a text message shall be sent to the user's Telephone Number to authenticate every log-in. The user of the system shall be required to keep the log in credentials, particularly the password, confidential to avoid unauthorized access to the system.
- (iii) A user shall access the system either in an individual capacity or through an authorized representative.
- (iv) The system shall allow electronic land transactions under the following Acts: Land Act; Land Registration Act; Physical and Land Use Planning Act; Survey Act; Community Land Act and County Government Act.

3. Availability of service and support

- (i) The Government of Kenya aim is to ensure accessibility to NLIS at all times, however there could be service interruption to allow for upgrading or maintenance of the system.
- (ii) The system shall be available around the clock for searching for the copy or image of any instrument, dealing, or document in the system or the lodgment of documents through the system.
- (iii) Processing of electronic documents shall be done during the business hours when the *back-end processes shall be available*.
- (iv) The system support and back-end processes shall be available during the business hours set out in Regulation 2 on the business days set out in Regulation 4 of the Land Registration (General) Regulations, 2017.
- (v) The Cabinet Secretary reserves the right to suspend the system in whole or in part in the circumstances where a significant breach of security has occurred or that a security

system has failed that compromises or that could compromise the integrity or security of the system's databases or service until such security breach or failure has been rectified.

- (vi) The Ministry will endeavour to provide you with the services at all times or at any specific times or will be able to operate at all times error-free. Ministry makes no warranties in regard to the availability of services but all reasonable efforts will be made to provide the best possible service to you. Notices regarding planned system outages will be made available on the Ministry's website.

4. Obligations

a) User obligations

The user shall;

- (i) carry out authorized transactions;
- (ii) complete such formalities as are required to become a registered user before accessing the system;
- (iii) meet the eligibility criteria at all times;
- (iv) be responsible for the security of his or her login credentials and for any access made using the login credentials;
- (v) use the information obtained for the intended purpose only.
- (vi) be responsible for the accuracy and completeness of all information provided or submitted by you when applying to join or when using the system
- (vii) Surrender/deactivate accounts for persons no longer in their employ
- (viii) Change his log in credentials from time to time

The User shall not;

- (i) impersonate another person or entity,
- (ii) distribute or sell any information accessed through the system;
- (iii) collect information about other users
- (iv) make available disruptive commercial messages or advertisements or communications which are prohibited by law
- (v) reverse engineer or otherwise attempt to extract any source code.
- (vi) use any robot, spider, site search/retrieval application, or other device to retrieve or index any portion of the system
- (vii) copy, exchange, sell, disclose or use the land related information accessed from the system for any other purpose other than what is stated in the user agreement without prior written approval of the Cabinet Secretary.
- (viii) Without prejudice to (i) and (ii); the user shall not use the system or its products and services in any manner that violates/infringes the provisions of the Kenya

Information and Communication Act, 1998, the Computer Misuse and Cybercrimes Act, 2018 or any other written law.

b) Organizations

In case of organizations (legal persons), the person in charge of the organization shall be responsible:

- (i) For selection and nomination of the users accessing the system on behalf of their organization;
- (ii) For ensuring compliance of the terms and conditions by the users as appointed in (i) above;
- (iii) For notification of revocation of access for any user in their organization at any time;
- (iv) For notification upon discontinuance of employment of any user appointed in paragraph (i).

c) Ministry obligations to User (Our obligation to you)

The Ministry shall;

- (i) Endeavour to maintain this system (NLIS) in good operational condition throughout the term of this agreement.
- (ii) Endeavour to inform the users in cases of scheduled and/or unscheduled system maintenance.
- (iii) Assist you to understand the operational requirements and any protocols adopted from time to time for use in the system.
- (iv) Comply with all statutory and regulatory requirements imposed on the Ministry regarding the implementation and functionality of the system.

5. Security of the System

- i. The User is responsible for maintenance of the confidentiality and control of all Security Measures associated with the use by the user (s). These Security Measures involve the use of digital signatures and digital certificates and are managed the Ministry.
- ii. You are responsible for the selection and nomination of those of your people who you intend to be Subscribers and, therefore, users of the Security Measures.
- iii. The Ministry reserves the right to reject with reasons thereof an application by any Applicant.
- iv. You must promptly notify the Cabinet Secretary in the Ministry if a Subscriber stops working for you.
- v. You are solely responsible for ensuring that the users comply with the User Obligations.

- vi. Any use of the NLIS by any person with access to the Security Measures used or made available to you or any of your people (whether authorised by you or not) constitutes sufficient authority for the Ministry to:
- vii. act on any enquiries, provide such information, update its registers or to otherwise transact such dealings, with or under the instruction of that person; and
- viii. charge fees for the use of the products and services associated with NLIS.
- ix. You shall promptly notify the Cabinet Secretary in the Ministry as soon as you become aware that any of the Security Measures used or available to you or any of your people are or have been compromised, or if you are aware of circumstances which give rise to a risk that those Security Measures have been compromised.
- x. You agree to help the Ministry with any investigation of any suspected or actual compromise of any of those Security Measures.
- xi. Any activity by a user in the system shall be catalogued and an audit trail of such activity created in the system.
- xii. You may request revocation of any of the Security Measures available to or being used by any of your people. Your people may also request revocation of their own Security Measures. The Ministry reserves the right at any time to revoke the Security Measures being used by you or any of your people in order to safeguard the integrity and security of NLIS databases

Disclaimer

Security is important to ensure NLIS functions effectively and efficiently. Although NLIS uses encryption security, there is no guarantee that personal or proprietary information and transactions on the NLIS portal or on the internet will be maintained confidential or secure. The Ministry will be held liable to the extent permissible in the relevant statute but will not be liable for acts of omission or commission out of its control.

6. Data Privacy Statement

1. The Ministry collects the applicant's personal information with the applicant's consent when the application is made for authorization to access the National Land Information System.
2. The Ministry does not on-board minors (any person under 18 years of age) except where an applicant additionally registers on their behalf as their parent and/guardian.
3. The information the Ministry collects and stores about the applicant includes but is not limited to the following: applicant's identity including name, photograph, address, location, phone number, identity document type and number, date of birth, email address, age, and gender.
4. The applicant consents to the Ministry making and retaining photocopies of personal information and all other documents provided in support of the application which will be kept for the term of the agreement for the purpose of enforcing the agreement.
5. The Ministry may make inquiries deemed necessary to verify the information provided in the application.

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6. The information and documentation provided will be used to administer the authorization to access and use the system.
7. The Ministry may disclose your information to:
 - a. Law enforcement agencies, regulatory authorities, courts or other statutory authorities in response to a demand issued with the appropriate lawful mandate and where the form and scope of the demand is compliant with the law;
 - b. Publicly available and/or restricted government databases to verify applicant's identity information in order to comply with the regulatory requirements;
 - c. Any other person that the Ministry deems legitimately necessary to share the data with.
8. The Ministry shall not release any information to any individual or entity that is acting beyond its legal mandate
9. The Ministry has put in place technical and operational measures to ensure integrity and confidentiality of the applicant's data via controls around: information classification, access control, cryptography, physical and environmental security and monitoring and compliance.
10. Subject to legal and contractual exceptions, the applicant has rights under data protection laws in relation to their personal data. These are listed below:
 - a. Right to be informed that the Ministry is collecting personal data about the applicant
 - b. Right to access personal data that the Ministry holds about the applicant and request for information about how the Ministry will process it;
 - c. Right to request that the Ministry correct the personal data where it is inaccurate or incomplete;
 - d. Right to request that the Ministry erase the personal data noting that the Ministry may continue to retain the information if obligated by the law or entitled to do so;
 - e. Right to object and withdraw the consent to processing of personal data. The Ministry may continue to process it if it has a legitimate or legal reason to do so;
 - f. Right to request restricted processing of the personal data noting that the Ministry may be entitled or legally obligated to continue processing the data and refuse the request;
 - g. Right to request transfer of the applicant's personal data (in an electronic format).
 - h. The Ministry may need to request specific information from the applicant to help it confirm the applicant's identity and also ensure their right to access their personal data (or to exercise any of the other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. The Ministry may also contact the applicant to ask for further

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information in relation to the applicant's request in order to speed up the response.

7. Copyright

The Government of the Republic of Kenya is the owner of all rights in and to the National Land Information System. The complete content of the National Land Information System platform is protected by the Copyright Laws of the Republic of Kenya and reproduction or redistribution of that content without the permission of the Government of the Republic of Kenya is strictly prohibited.

8. General Terms

- (i) The parties commit to a cooperative environment in the performance of the respective obligation to ensure any system difficulty and/or improvement is addressed.
- (ii) The Ministry reserves the right to change and adjust these terms and conditions without any further reasons as long as it is necessary due to legal adjustments or technical progress.
- (iii) The Ministry reserves the right to block the authorized user from the ability to upload content to National Land Information System if a violation of this agreement exists.
- (iv) These terms and conditions are to be read and construed according to the laws of the Republic of Kenya, and you agree to submit to the jurisdiction of this country.
- (v) These terms and conditions record the entire agreement. If any provision of these terms and conditions are held by a court to be unlawful, invalid, unenforceable or in conflict with any rule of law, statute or regulation it is to be severed so that the validity and enforceability of the remaining provisions are not affected.

9. User feedback

1. Feedback on user experience in the use of the system and specifically any complaints, complements and suggestions for improvement are highly encouraged.
2. The feedback in paragraph 1 can be channelled through the feedback portal in the system or through the address below:

Cabinet Secretary

Ardhi House

1st Ngong Avenue, off Ngong Road

Email: info@ardhi.go.ke

Tel: +254 202718050 / 204803886

P.O. Box 30450-00100

NAIROBI

I have read and understood the provisions of these terms and obligations and hereby agree to be so bound.

Name.....Sign.....Date.....

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Made on the.....2020

FARIDA KARONEY,
Cabinet Secretary for Lands and Physical Planning

DRAFT

Legal Notice No.....

**SURVEY ACT
(Chapter 299)**

IN EXERCISE of the powers conferred by section 45 of the Survey Act, the Cabinet Secretary responsible for matters relating to land makes the following Regulations—

Survey (Amendment) Regulations, 2020.

Citation.

1. These Regulations may be cited as the Survey (Amendment) Regulations, 2020.

Amendment of Regulation 6 of the Survey Regulations, 1994.

2. The Survey Regulations, 1994, hereinafter referred to as the "Principal Regulations" is amended in Regulation 6 by inserting the following words between the word "be" and letter "a" appearing in the introductory part of the Regulation—
(a) "maintained in an electronic format"

Amendment of Regulation 24 of the Survey Regulations, 1994.

3. Regulation 24 of the Principal Regulations is amended by—
(a) deleting the word "or" appearing in paragraph (1)(a) after the semi colon.
(b) deleting the "full stop" appearing at the end of paragraph (1)(b) and substituting therefor a "semi colon" and the word "or".
(c) inserting the following new paragraph immediately after paragraph 1(b);
(c) any other figure as the Director may from time to time, deem necessary.

Amendment of Regulation 25 of the Survey Regulations, 1994.

4. Regulation 25 of the Principal Regulations is deleted and substituted therefor the following new Regulation—

25. Maintenance of measuring instruments

(1) The Director may issue specifications for instruments to be used for surveys and guidelines on calibration of such instruments.

(2) Every surveyor shall record in his field notes the manufacturer's name and number of the model of the equipment used for each survey.

(3) The Director may require any licensed surveyor to submit any measuring equipment for his/her inspection.

(4) The Director may on receipt of measuring equipment from a licensed surveyor, refuse to authenticate any survey which has

THE SURVEY ACT

(Cap. 299)

IN EXERCISE of the powers conferred by section 45(1)(a) of the Survey Act, the Cabinet Secretary for Lands and Physical Planning makes the following Regulations—

Part I—Preliminary

Citation	1. These Regulations may be cited as the Survey (Electronic Cadastre Transactions) Regulations, 2020.
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Interpretation	<p>2. In these Regulations, unless the context otherwise requires -</p> <p>“Adjudication Register” has the same meaning as assigned by the Land Adjudication Act (sec 24) and the Land Consolidation Act (sec 24).</p> <p>“Authentication” has the meaning as under section 32 of the Survey Act;</p> <p>“Authorized User” means a person qualified to carry out survey and submit as per the Survey Act.</p> <p>“Cadastral Plan” has the same meaning as assigned to it by the Land Act No. 6 of 2012;</p> <p>“Cadastral map” has the meaning assigned to it under the Land Registration Act, 2012.</p> <p>“Checking Fees” means fees payable for the authentication of plans submitted to the Director for approval;</p> <p>“Chief Land Registrar” means the person appointed as the Chief Land Registrar under section 12 of the Land Registration Act, 2012;</p> <p>“Community Land Registrar” has the same meaning assigned to it by the Community Land Act, 2016</p> <p>“Parcel” has the same meaning assigned to it by the Land Registration Act No. 3 of 2012</p> <p>“Parcel Plan” means a plan of a parcel prepared by a surveyor from the cadastral plan depicting the parcel number, boundary data, area and abuttals and approved by the Director.</p>
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been made with inappropriate or defective measuring equipment.

Amendment of Regulation 30 of the Survey Regulations, 1994.

5. Sub-Regulation 30(2) of the Principal Regulations is deleted and substituted therefor the following new sub-Regulation—

(2) The Director may from time to time give guidance on the competent Authority responsible for giving approval under each respective Act.

Amendment of Regulation 69 of the Survey Regulations, 1994.

6. Sub-Regulation 69(1) of the Principal Regulations is deleted and substituted therefor the following new sub-Regulation—

(1) The Director may specify such special forms and formats for field notes.

Amendment of Regulation 78 of the Survey Regulations, 1994.

7. Sub-Regulation 78(1) of the Principal Regulations is deleted and substituted therefor the following new sub-Regulation—

(1) The Director may specify such special forms and formats for purposes of computation.

Amendment of Regulation 86 of the Survey Regulations, 1994.

8. Sub-Regulation 86(1) of the Principal Regulations is deleted and substituted therefor the following new sub-Regulation—

(1) The Director may specify such special forms and formats on which plans may be drawn.

Amendment of Regulation 117 of the Survey Regulations, 1994.

9. Regulation 117 of the Principal Regulations is amended by—

(a) inserting the words "in physical or electronic format" between the word "published" and "by" in sub Regulation (1).

(b) inserting the words "in physical or electronic format" between the word "in" and the letter "a" in sub Regulation (2).

Amendment of the Fourth Schedule of the Survey Regulations, 1994.

10. The Fourth Schedule of the Principal Regulations is deleted.

Made on the.....2020

FARIDA KARONEY,
Cabinet Secretary for Lands and Physical Planning

	<p>"sectional plan" has the meaning assigned to it by the Land Act No 6 of 2012.</p> <p>"System" means the National Land Information System developed under Section 6(h).</p> <p>"user" means any other person other than a Surveyor who has created an online electronic account for purposes of access into the System;</p> <p>"user account" means an online account created by an authorised user to allow access or submission of information in the Electronic Cadastral System.</p>
<p>Part II— Electronic Cadastre</p>	
<p>Electronic Cadastre</p>	<p>3. (1) The Director shall maintain an Electronic Cadastre which shall be part of the National Land Information System established in accordance with section 6(h) of the Land Act.</p> <p>(2) The Director of Surveys, may by electronic means on the Electronic Cadastre:</p> <ul style="list-style-type: none"> (a) issue a notice, certificate, instrument or document which is required to be issued by the Director under the Act; (b) certify a map, plan, form, document or extract of a map required to be certified by the Director under the Act; or (c) send a duly issued or certified map, plan, form, document or extract of a map to a user through the user's electronic address. (d) Send notification to the user through short message service, email or online notification.
<p>Survey Plans and Records</p>	<p>4. (1) All survey plans, field notes, computations and other survey data executed and sent to the Director for authentication shall be submitted by a surveyor in electronic form.</p> <p>(2) The data submitted to the Director of Survey under paragraph (1) shall be maintained in electronic form.</p> <p>(3) Notwithstanding paragraph (1), where a transaction cannot be carried out using the Electronic Cadastre, the person seeking to carry out the transaction shall carry out the transaction through such other means as the Director may determine.</p>

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Access by a Surveyor	5 (1) A surveyor shall access the electronic cadastre through a user account created in the system by signing in to the system and providing the information specified in Form SR1 set out in the First Schedule.
User Account	6. (1) A person other than a Surveyor who wishes to access the electronic cadastre shall create a user account in the system. (2) Upon being authorized, the user shall receive credentials for use in logging into their user account.
Access to information	7. (1) A user may electronically access Cadastral maps, cadastral plans or other plans on a read only format upon making a request in Form SR2 in the First Schedule and on payment of the prescribed fee. (2) The Director may allow a surveyor to electronically access and download survey data with non-edit rights. (3) The Director may restrict access to specific data in the system as may be deemed necessary in the public interest, as provided for in the Access to Information Act No 3 of 2016.
User obligations	8. A person being an authorized user shall, in addition to the terms and conditions set out in the Second Schedule of these Regulations: (a) carry out only such transactions as may be authorized under these Regulations; (b) be responsible for the security of his or her credentials for purposes of any transaction under these Regulations; (c) not copy, exchange, disclose or use the land related information accessed from the system for any other purpose other than for purposes of the transactions under these Regulations.
Suspension of a user's access to the System	9. (1) The Director may immediately suspend a user's access when it comes to his/her notice that the user— (a) has contravened the obligations or the terms and conditions of access; (b) is suspected to have committed any fraud, identity theft or system misuse; (c) allows an unauthorised/unqualified person to <u>access the system</u> ; (d) in the case of professionals, is not in good standing; (e) <u>is dead</u> ; (f) <u>is declared insolvent</u> ; (g) <u>is declared of unsound mind</u> . (2) The Director shall on making the decision under Paragraph (1) (a), (b), (c) and (d) immediately inform the user of that decision and shall specify in the notification (a) the grounds of suspension;

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	<p>(b) the facts which, in the opinion of the Chief Land Registrar, justify each ground of suspension and intention to terminate; and</p> <p>(c) the period within which the user shall be required to respond to the notification.</p> <p>(3) Subject to Paragraph (2), the Director shall serve notification by—</p> <p>(a) an electronic transmission to any electronic address specified in the user agreement as the user's through SMS Notification, email notification or any other form of electronic transmission;</p> <p>(b) post, to any postal address specified in the user agreement as the user's address of service.</p> <p>(4) A user may respond to a suspension notice in writing or in electronic form stating the reasons why the suspension of access should be withdrawn and the response served upon the Director before the expiry of the period specified in Paragraph (2) (c).</p> <p>(5) The Director shall upon receipt of a response under Paragraph (4) if satisfied that it is no longer appropriate to suspend the user's access withdraw the suspension and send a notification to that effect to the user within 7 days.</p>
<p>Termination of a user's access to the System</p>	<p>10 (1) Subject to Regulation 9(1), the Director shall immediately terminate the user's access to the system upon confirming that the user is dead, is declared insolvent or is of unsound mind.</p> <p>(2) The Director shall terminate the user's access if—</p> <p>a. not satisfied with the user's response given under Regulation 9(4)</p> <p>b. the user does not respond within the specified period in Regulation 9(2)(c)</p> <p>(3) The Director shall communicate the decision under Paragraph (2) to the user within 7 days.</p> <p>(4) The user may file an appeal to the Electronic Appeals Committee, through the Cabinet Secretary, within 14 days of the decision to terminate the user's access.</p>
<p>Appeals against the decision to terminate a user's access</p>	<p>11 (1) The Cabinet Secretary in consultation with the National Land Commission shall appoint an Electronic Appeals Standing Committee to hear appeals against the termination of user's account.</p> <p>(2) The membership of the Electronic Appeals Standing Committee shall comprise of:</p> <p>(a) Three representatives from the Ministry;</p>

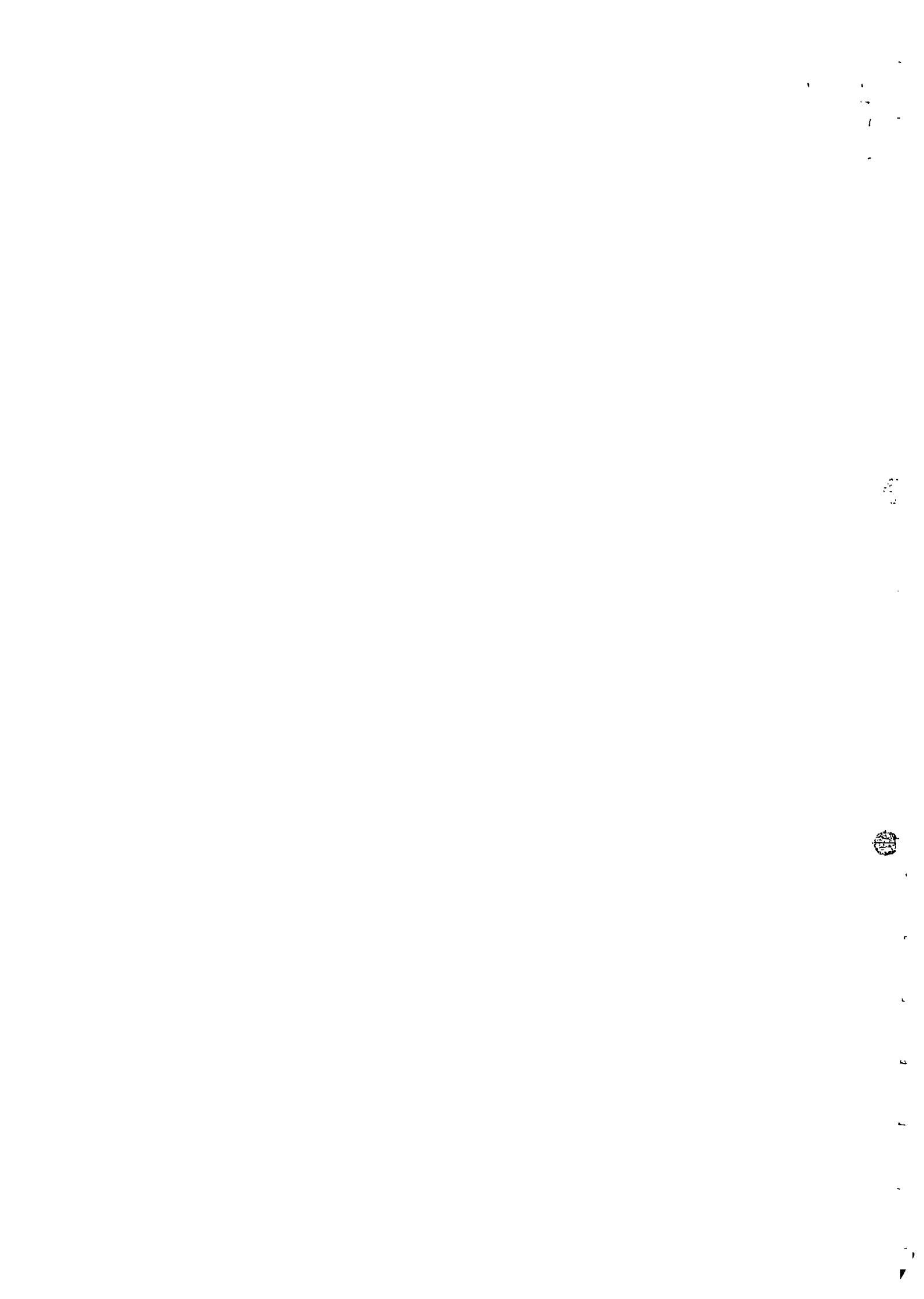
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	<ul style="list-style-type: none"> (b) One representative from National Land Commission; (c) One representative from Council of Governors; (d) Four representatives from the private sector provided that one of them shall be an Information Technology Specialist well versed with system forensic audit and cybercrime. <p>(3) The Electronic Appeals Standing Committee shall nominate from among the members of the Committee one member from the Ministry and one member from the Commission who shall serve as the secretariat.</p> <p>(4) The Electronic Appeals Standing Committee shall hear and determine any matter referred to it within 30 days and notify the user of its decision within 7 days.</p> <p>(5) A user aggrieved by the decision of the Electronic Appeals Standing Committee may appeal to the court within 30 days from the date of such decision.</p>
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PART III— Submission of a survey

<p>Submission of a survey to the Director</p>	<p>12. (1) For purposes of preparation of a survey for submission to the Director, a surveyor shall: -</p> <ul style="list-style-type: none"> (a) Submit the required information electronically in Form SR3 in the First Schedule (b) Upload the relevant supporting documents as may be required under the Act. <p>(2) The system shall be linked to the Board to authenticate the status of Licensed Surveyors accessing the system.</p> <p>(3) Upon submission of any survey data by the surveyor, the Director shall send a notification through short message service, email or directly through an online notification to confirm receipt.</p> <p>(4) The system shall automatically assign a tracking number to the survey data submitted under paragraph (3) to show the order of priority in processing the same.</p>
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<p>Receiving and authorization for processing</p>	<p>13. (1) The Director shall review documents received under Regulation 12 and authorize authentication.</p> <p>(2) The Director may refuse to authorize the authentication of documents received under Regulation 12 and return the documents through a notice in Form SR4 in the First Schedule setting out the reasons for refusal.</p>
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PART IV — Numbering of survey records

Numbering of survey plans, Field notes and computations

14. (1) An authorized officer shall examine the survey documents and authorise the Survey Records Officer to number the survey records as prescribed in **Form SR5** in the First Schedule
- (2) On completion of the numbering of the survey records, the Director shall notify the Surveyor.

PART V — Checking of Survey

Checking of Survey

15. (1) The checking shall be as prescribed in Forms **SR6, SR7, SR8, SR9, SR10** and **SR11** in the First Schedule
- (2) On completion of Checking of the survey records, the Director shall notify the Surveyor.

PART VI — Authentication

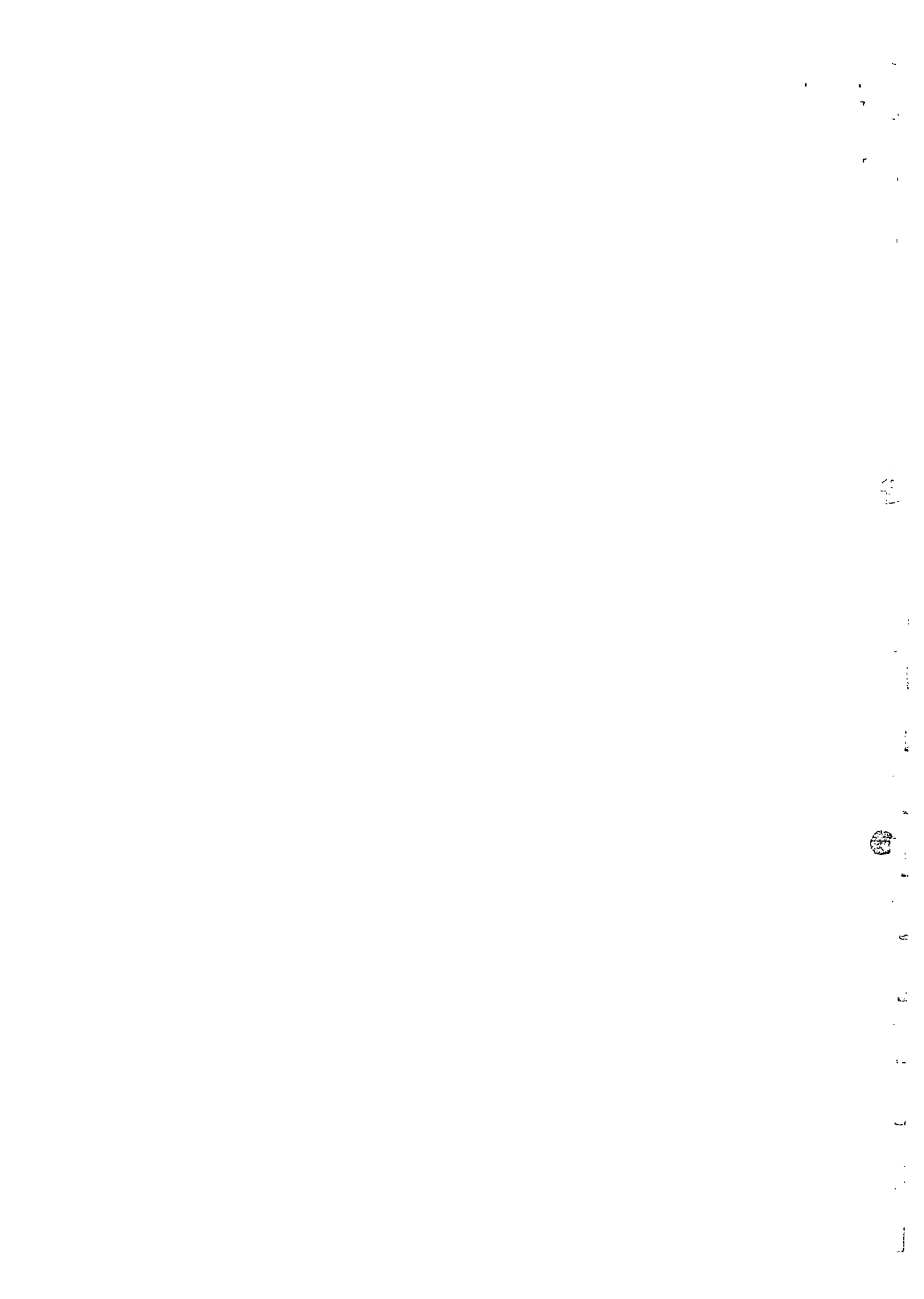
Authentication

16. (1) The Director shall undertake authentication paying due regard to comments made during the checking of the survey.
- (2) If the survey is authenticated as per comments made in 15(1), the Director shall assess the fee payable as per the provisions of the Fifth and Sixth Schedules of the Survey Regulations, 1994 and record it electronically in **Form SR12** set out in the First Schedule.
- (3) Upon authentication, the Director shall notify the Surveyor of the authentication of the survey and the fees payable in **Form SR13** set out in the First Schedule.
- (4) Where authentication is rejected, the Director shall notify the Surveyor of the rejection and provide the reasons therefor in **Form SR14** set out in the First Schedule.

PART VII — Updating of the cadastral map

Updating of the electronic cadastral map

17. (1) The Director shall effect updating of the electronic Cadastral Map after the surveyor-
- (a) Pays the required fees as per the letter authenticating the survey;
 - (b) Provides the required or pending approvals in electronic format; and
 - (c) Sends a notification through the system to the Director requesting for updating of the cadastral map.
- (2) Subject to 17(1), the Director shall update the electronic cadastral map to reflect the proposed amendment.



	(3) Once the electronic cadastral map has been updated, the Director shall notify the surveyor.
PART VIII — Sealing of the cadastral map	
Sealing of the cadastral map and forwarding to Land Administration	<p>18. (1) The Director shall effect sealing of the cadastral map on the request of the surveyor.</p> <p>(2) On sealing of the cadastral map under paragraph (1) the Director shall notify-</p> <ol style="list-style-type: none"> a. the Director of Land Administration that the cadastral map has been updated to facilitate preparation of lease documents; or b. the National Land Commission that the cadastral map has been updated to facilitate preparation of letters of allotment for New grant Surveys. <p>(3) The director shall send confirmation of notifications made under paragraph (2) to the surveyor.</p>
PART IX –Submission of data to the Chief Land Registrar	
Submission of Data to the Chief Land Registrar	<p>19. (1) An adjudication register, shall on completion of work in an adjudication section, be submitted to the Chief Land Registrar in electronic format.</p> <p>(2) A cadastral map of an adjudicated community land shall be submitted to the Community Land Registrar in electronic format.</p> <p>(3) Cadastral plans, cadastral maps, sectional plans including other plans, shall be provided to the Chief Land Registrar in electronic format.</p> <p>(4) Mutation form (ERA-27) shall be presented to the Chief Land Registrar in electronic format as provided for in sections 43, 44 and 45 of the Land Registration Act (General) Regulations, 2017.</p> <p>(5) The Director may, upon request prepare a parcel plan in electronic format for use in electronic conveyancing.</p> <p>(6) The Director of Surveys shall prepare a parcel plan to be embedded to the title of that particular parcel.</p>
PART X— Miscellaneous	



Fees	20. (1) The fees payable to the Director may be payable through such electronic means including mobile money, electronic funds transfer or other electronic modes as may be determined by the Cabinet Secretary from time to time.
Transition	21. (1) These Regulations shall not affect the validity of any survey work effected prior to the coming into operation thereof. (2) The Cabinet Secretary shall publish the date of transition from physical documents to electronic format and from cash based payment to electronic payment.

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FIRST SCHEDULE

FORM SR1: DETAILS REQUIRED FOR CREATING A USER ACCOUNT BY A SURVEYOR

- a) Name
- b) Personal Identity Number
- c) Survey Licence Number/ DOS Authorization Code
- d) Current Practicing Certificate Number
- e) Telephone Number
- f) E-mail Address
- g) Postal Address
- h) Passport Photo
- i) Physical Address

FORM SR2: REQUEST FOR PURCHASE OF DATA

To be completed by applicant				To be completed by Survey Records Officer		
S/NO.	TYPE OF DATA	F/R No./ SHEET No.	No. OF COPIES	ELECTRONIC FORMAT	UNIT PRICE	TOTAL COST
	Cadastral Plan					
	Cadastral Map					
	Topographical Map					
	Other Data					

APPROVAL OF REQUEST:

Request for purchase of maps is hereby Approved/Not approved.

(1) Approved: The O/C Survey records to supply the maps after the above payment has been made

Not Approved: Reasons:

Signed: Date:

Director of Surveys

ACCOUNTS SECTION:

Payment of Kshs..... in respect of the maps requested for is hereby acknowledged
 Signed: Date:

O/C: Accounts.....

O/C: SURVEY RECORDS:

Maps as requested for have been supplied
 Signed: Date:

O/C: Survey Records.....

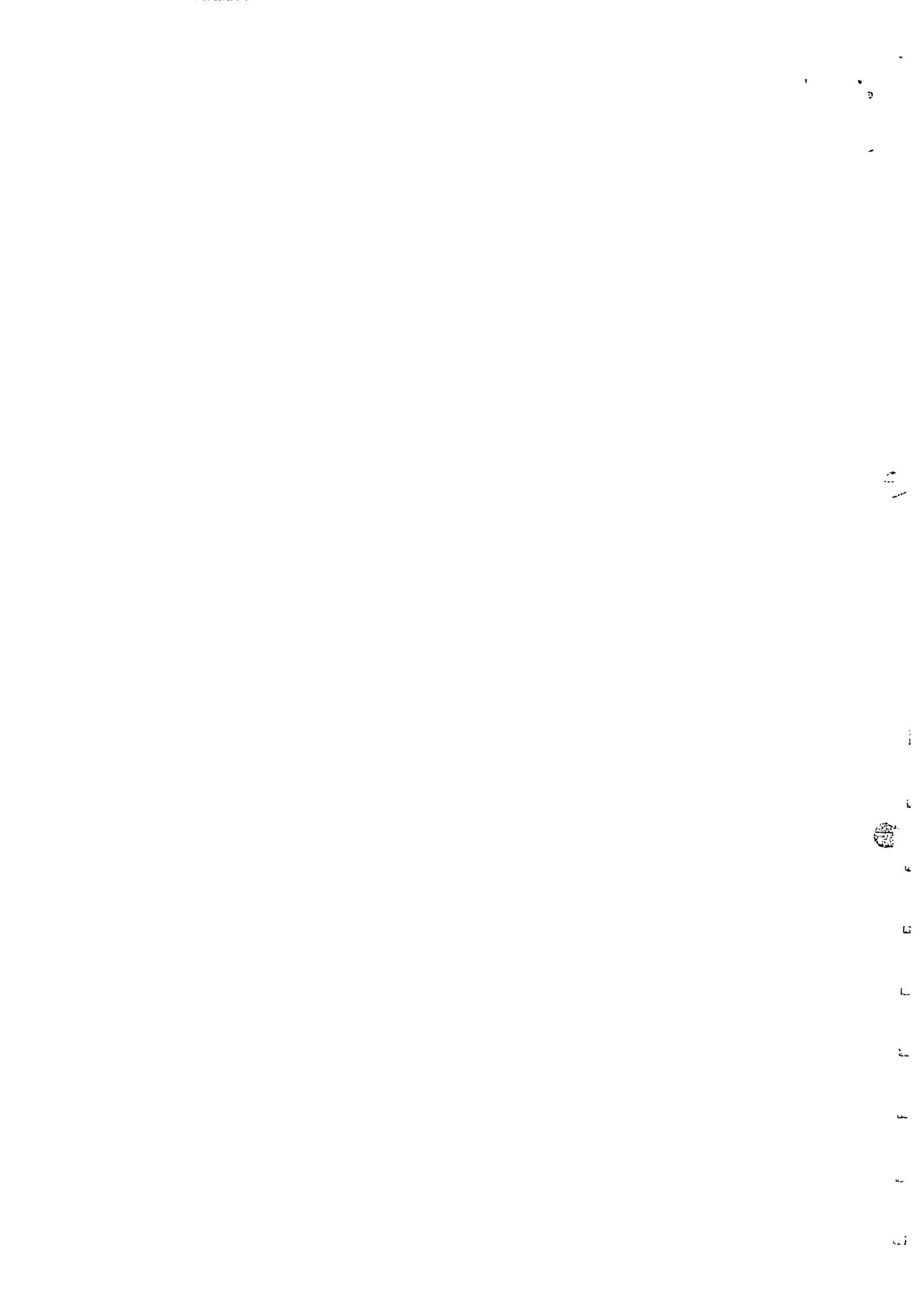
FORM SR3: SURVEY SUBMISSION FORM

- (1) Name of surveyor
- (2) Name of registered assistant – if applicable
- (3) Type of survey: (e.g. New grant; subdivision; partition; re-parcellation, combination; change of user; extension of user; renewal of lease; extension of lease; reestablishment; compilation etc.)
- (4) Date submitted
- (5) Locality
- (6) Plans used for data
- (7) Instruments used in the survey:
 - a. Manufacturer:
 - b. Model:
 - c. Serial No:
 - d. Date of calibration (if applicable):
- (8) Field Notes:
 - a. Total number of pages:
 - b. Cover page;
 - c. Index to field notes
 - d. Other pages
- (9) Survey Plans:
 - a. Total number:
 - b. Form No. 2
 - c. Form No. 3
 - d. Form No. 4
- (10) Survey Computations:
 - a. Total number of pages
 - b. Surveyors Report
 - c. Index to Computations
- (11) Approval Documents

FORM SR4: NOTIFICATION OF REJECTION OF A SURVEY BEFORE NUMBERING OF RECORDS

The letter of rejection of a survey before numbering of records shall include:

- a) Tracking number
- b) Former parcel number(s) or LR Nos
- c) Locality
- d) Reasons for returning the survey



FORM SR5: NUMBERING OF SURVEY RECORDS

NUMBERING IN SURVEY RECORDS OFFICE

Survey Records Tracking Number
Records Officer.....
Entry No..... and date..... of receipt of records in SRO
Survey of L.R. No./Parcel No..... Plan F/R No.....
Original No..... Comps. No.....
Head Title Deed Plan No..... F. Notes No.....
Locality.....
Surveyor.....
SK File No..... File is correct for locality of survey. Yes/No*.....
File ref. of Provisional Approval.....
File ref. of Final Approval.....
Approval stamp added to plan. Yes/No*.....
Reference Plans.....
.....
.....
Abuttals.....
Cross references on Survey Plans (Total Nos. only).....
Cross references on Tracings (Total Nos. only).....
Registration completed (Initials)..... Date.....
Registration checked (Initials)..... Date.....

PRELIMINARY CHECK

N.B. All check headings are to be completed. If a heading is not applicable to the plan, insert N/A. If there is insufficient room for your comments continue on an SK Form C/12
* Indicates "Delete where necessary"

FORM SR6: FIELD NOTES CHECK

Survey Records Tracking Number
Checker.....
(i) Date of completion of field survey.....
(ii) Date of calibration of chain.....
(iii) Calibration details used by surveyor are correct/incorrect by.....°C.....Kg/30m.*
(iv) Altitude figure used by surveyor is correct/incorrect by.....m.*
(v) Index is complete/except for*.....
(vi) Linear reduction errors of 0.01m or more occur on pages.....
(vii) Traverse bearing reduction errors of 10" or more occur on pages.....
(viii) Triangulation bearing reduction errors of 2" or more occur on pages.....
(ix) Reduction of trig. Height/tachy/levelling observations correct/except for*.....
(x) FINAL CHECKER'S comments on (i)-(ix) above.....
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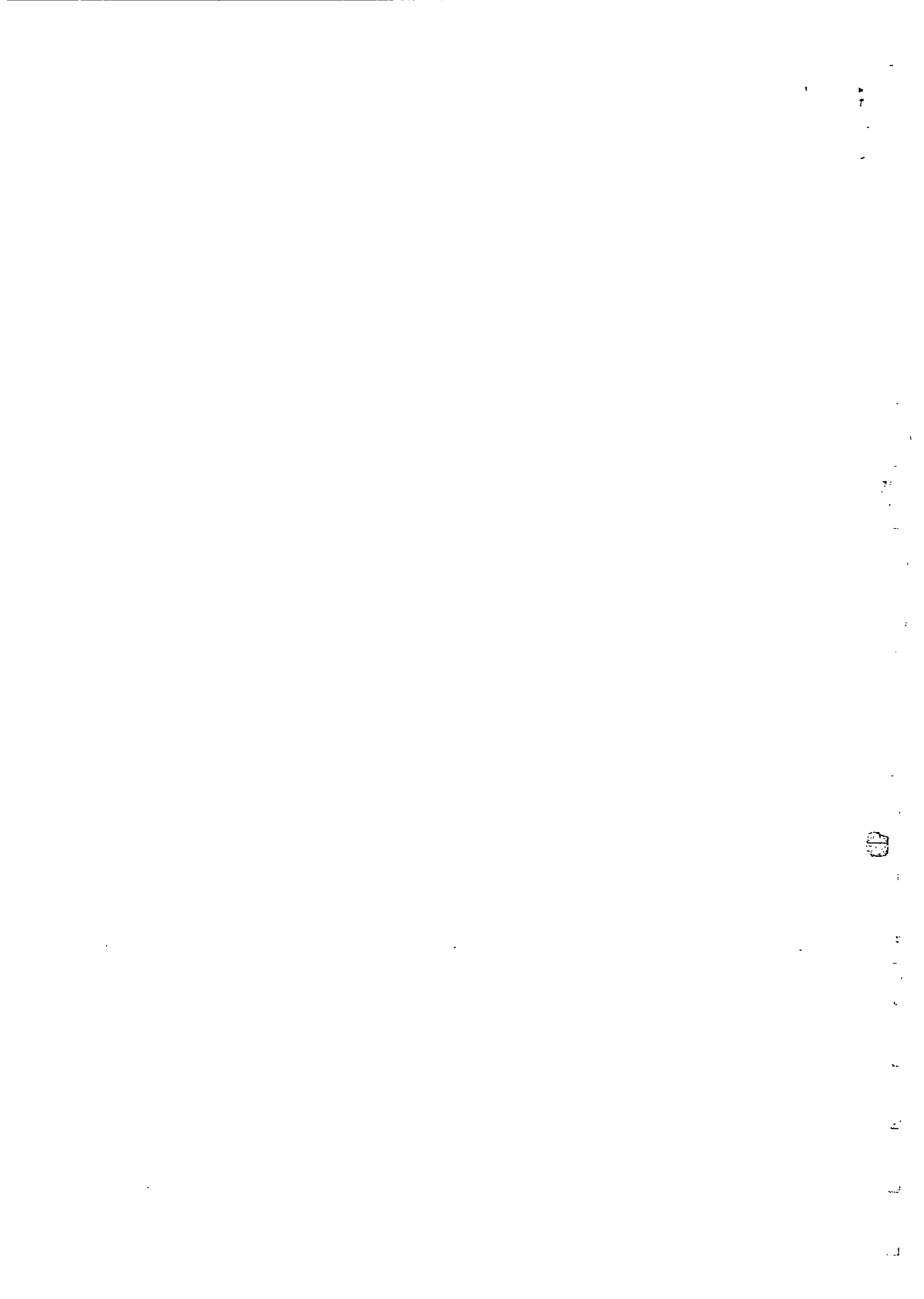
FORM SR7: PLOTTING OF PLAN CHECK

Survey Records Tracking Number

PLAN No. F/R

Checker.....

- (i) Is "UTM Metric Grid" stamp necessary? Yes/No*
- (ii) Longitude belt or other origin of coordinates is correct/should be*
- (iii) Coordinates and boundary data are to correct number of decimals/should be*
- (iv) Coordinates list has been transferred from the computations to the plan without errors or omissions/except for*
- (v) Numerical values, and descriptions, of datum points conform with their plan of origin/except for*
- (vi) All points listed in the computations coordinate list have been plotted on the plan/except for*
- (vii) Beacon descriptions of all new points agree with the field notes/except for*
- (viii) All beacons, trig. and traverse points are shown with the correct symbols and colours except for*
- (ix) Scale shown is correct/should be*
- (x) Grid values are correct/except for*
- (xi) The grid is rectangular/except for*
- (xii) No errors of more than 0.001m. occur in the plotting of the grid lines and beacons/except for*
- (xiii) Replot of curvilinear boundary is filed at page No errors occur/Errors are shown on tracing*
- (xiv) All river distances are given and are correct/except for*
- (xv) Is description of curvilinear boundary quoted on plan?
- (xvi) Is origin of curvilinear boundary quoted on plan?
- (xvii) Is name and direction of river shown on plan?
- (xviii) Replot of topographical detail is filed at page No errors occur/Errors are shown on tracing*
- (xix) Insets showing building encroachments and obstructed corners are correct/absent/except for*
- (xx) Colour borders are correct/except for*
- (xxi) Meridional District and Topo. Sheet numbers are correct/should be*
- (xxii) FINAL CHECKERS comments on (i) - (xxi) above.....



FORM SR8: CONSISTENCY OF PLAN DATA CHECK

Survey Records Tracking Number

PLAN No. F/R

Checker.....

- (i) All coordinates essential for the consistency have been listed on the plan/except for*
- (ii) All boundary data needed for consistency purposes has been quoted on the plan/except for*
- (iii) No errors occur in the consistency of the mathematical data /except for*
- (iv) All essential road secant data has been quoted on the plan except for*
- (v) All road secant data is geometrically correct/except for*
- (vi) All truncation data has been quoted on the plan except for*
- (vii) All truncation data is geometrically correct/except for*
- (viii) FINAL CHECKERS comments on (i) – (vii) above

FORM SR9: AREAS CHECK

Survey Records Tracking Number

PLAN No. F/R

Checker.....

- (i) All rectilinear areas are correct/except for*
- (ii) Curvilinear areas are taken from plan F/R Scale
- (iii) All curvilinear areas are correct/except for*
- (iv) All areas are quoted in conformity with Reg. 84/except for*
- (v) Summation of subdivision areas agrees with head title/except for*
- (vi) Road, riparian and trig. reserves agree with head title reserves as shown on cadastral plan./except for*
- (vii) FINAL CHECKERS comments on (i) – (vi) above



FORM SR10: ABUTTALS CHECK

Survey Records Tracking Number

PLAN No. F/R

Checker.....

- (i) Abuttal numbers checked against reference plans and found correct/except for*
- (ii) Abuttals checked against Cadastral Sheet/Cadastral Map No.....Scale.....
and found correct/except for*
- (iii) No errors of more than 0.001m occur in the plotting of the abuttals except for*
- (iv) FINAL CHECKERS comments on (i) – (iii) above.....

FORM SR11: FINAL CHECK

Survey Records Tracking Number

PLAN No. F/R

Checker.....

FINAL CHECKER'S REPORT ON CONDUCT OF SURVEY (Paragraph headings are to be used as follows: (a) Transference of data from field notes. (b) Datum used. (c) Details of new triangulation and traverse control. (d) Comparison between old and new work. (e) Basis for re-establishments. (f) General remarks)

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PURPOSE OF SURVEY.....

If survey is for a new grant, should any road/trig/riparian/pipeline reserves be made?

TRANSACTIONS INVOLVED.....

Is the plot numbering correct for these transactions?

Provisional approval of transactions is recorded at.....

Final approval of transactions is recorded at.....

Approved Plan is No..... Filed at.....

Survey conforms with conditions of approval/does not conform with conditions of approval as follows.....

Registration is to be under LRA- Tenure is Leasehold/Freehold

Survey instructions at.....

Final Checker's recommendation.....

.....

FORM SR12: AUTHENTICATION

Survey Records Tracking Number

PLAN No. F/R

Final Checker's recommendation.....
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.....

Authentication Decision.....
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.....

Plot Number								
Assessed Survey Fees								
Assessed Checking Fees								
Assessed Cadastral Map Amendment Fees								
Assessed Total Fees								

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FORM SR13: AUTHENTICATION LETTER

SURVEY OF KENYA,
P.O. BOX 30046,
NAIROBI.

E-mail:
.....
.....

Ref. No.
Date:

LAND REGISTRATION LAND ACT

REGISTRATION DISTRICT
REGISTRATION BLOCK/ RIM SHEET NUMBERS

Your Reference dated
Plan F/R representing the survey of parcels.....

(Old Parcel Nos.....) has been approved. Prints of the plan for use under section 18(6) of the Act are available at a cost of shs. each.

Further details are as follows: -

<u>New Parcel No.</u>	<u>Area (in hectares)</u>	<u>Survey/checking fees</u>	<u>Type of Boundary</u>
.....
.....
.....

Prints of the new amended Cadastral Map will be forwarded to the appropriate authorities as soon as they are available

.....
DIRECTOR OF SURVEYS

Copy to: Computations

Chief/Assistant Land Registrar
.....
.....

FORM SR14: NOTIFICATION OF REJECTION OF A SURVEY

- a) Survey Records Tracking Number .Name of the surveyor
- b) Locality
- c) New parcel numbers
- d) Fees payable to the Director
- e) New Survey Plan Number(s)
- f) Computations File Number
- g) Field Notes Number
- h) Reasons for returning the survey
- i) Requirement that corrections to the errors be done within twelve months



SECOND SCHEDULE

TERMS AND CONDITIONS OF USE

Chapter 1 Introduction

- (i) The National Land Information System is an online system developed by the Government of Kenya through the Ministry of Lands and Physical Planning in collaboration with the National Land Commission. It is a system created for convenience in conducting land transactions.
- (ii) Upon registration to the system, a user is deemed to have accepted the terms and conditions and will equally be bound by the same. Once the user has completed the sign up process, a contract detailing the terms and conditions for use is entered into between the user and the system operators.
- (iii) The National Land Information System is a service-based platform upon which fees and charges may be preferred from time to time as stipulated in the relevant statutes.

Chapter 2 Access and Use

- (i) Upon signing up; a username and a password will be created for the User's use in logging into the system.
- (ii) As an additional security measure, a One Time Password (OTP) in the form of a text message shall be sent to the user's Telephone Number to authenticate every log-in. The user of the system shall be required to keep the log in credentials, particularly the password, confidential to avoid unauthorized access to the system.
- (iii) A user shall access the system either in an individual capacity or through an authorized representative.
- (iv) The system shall allow electronic land transactions under the following Acts: Land Act; Land Registration Act; Physical and Land Use Planning Act; Survey Act; Community Land Act and County Government Act.

Chapter 3 Availability of service and support

- (i) The Government of Kenya aim is to ensure accessibility to NLIS at all times, however there could be service interruption to allow for upgrading or maintenance of the system.
- (ii) The system shall be available around the clock for searching for the copy or image of any instrument, dealing, or document in the system or the lodgment of documents through the system.
- (iii) Processing of electronic documents shall be done during the business hours when the *back-end processes shall be available*.
- (iv) The system support and back-end processes shall be available during the business hours set out in Regulation 2 on the business days set out in Regulation 4 of the Land Registration (General) Regulations, 2017.
- (v) The Cabinet Secretary reserves the right to suspend the system in whole or in part in the circumstances where a significant breach of security has occurred or that a security system has

failed that compromises or that could compromise the integrity or security of the system's databases or service until such security breach or failure has been rectified.

- (vi) The Ministry will endeavour to provide you with the services at all times or at any specific times or will be able to operate at all times error-free. Ministry makes no warranties in regard to the availability of services but all reasonable efforts will be made to provide the best possible service to you. Notices regarding planned system outages will be made available on the Ministry's website.

Chapter 4 Obligations

Chapter 5 User obligations

The user shall;

- (i) carry out authorized transactions;
- (ii) complete such formalities as are required to become a registered user before accessing the system;
- (iii) meet the eligibility criteria at all times;
- (iv) be responsible for the security of his or her login credentials and for any access made using the login credentials;
- (v) use the information obtained for the intended purpose only.
- (vi) be responsible for the accuracy and completeness of all information provided or submitted by you when applying to join or when using the system
- (vii) Surrender/deactivate accounts for persons no longer in their employ
- (viii) Change his log in credentials from time to time.

The User shall not;

- (i) impersonate another person or entity,
- (ii) distribute or sell any information accessed through the system;
- (iii) collect information about other users
- (iv) make available disruptive commercial messages or advertisements or communications which are prohibited by law
- (v) reverse engineer or otherwise attempt to extract any source code.
- (vi) use any robot, spider, site search/retrieval application, or other device to retrieve or index any portion of the system
- (vii) copy, exchange, sell, disclose or use the land related information accessed from the system for any other purpose other than what is stated in the user agreement without prior written approval of the Cabinet Secretary.

- (viii) Without prejudice to (i) and (ii); the user shall not use the system or its products and services in any manner that violates/infringes the provisions of the Kenya Information and Communication Act, 1998, the Computer Misuse and Cybercrimes Act, 2018 or any other written law.

Chapter 6 Organizations

In case of organizations (legal persons), the person in charge of the organization shall be responsible:

- (i) For selection and nomination of the users accessing the system on behalf of their organization;
- (ii) For ensuring compliance of the terms and conditions by the users as appointed in (i) above;
- (iii) For notification of revocation of access for any user in their organization at any time;
- (iv) For notification upon discontinuance of employment of any user appointed in paragraph (i).

Chapter 7 Ministry obligations to User (Our obligation to you)

The Ministry shall;

- (i) Endeavour to maintain this system (NLIS) in good operational condition throughout the term of this agreement.
- (ii) Endeavour to inform the users in cases of scheduled and/or unscheduled system maintenance.
- (iii) Assist you to understand the operational requirements and any protocols adopted from time to time for use in the system.
- (iv) Comply with all statutory and regulatory requirements imposed on the Ministry regarding the implementation and functionality of the system.

Chapter 8 Security of the System

- i. The User is responsible for maintenance of the confidentiality and control of all Security Measures associated with the use by the user (s). These Security Measures involve the use of digital signatures and digital certificates and are managed the Ministry.
- ii. You are responsible for the selection and nomination of those of your people who you intend to be Subscribers and, therefore, users of the Security Measures.
- iii. The Ministry reserves the right to reject with reasons thereof an application by any Applicant.
- iv. You must promptly notify the Cabinet Secretary in the Ministry if a Subscriber stops working for you.
- v. You are solely responsible for ensuring that the users comply with the User Obligations.
- vi. Any use of the NLIS by any person with access to the Security Measures used or made available to you or any of your people (whether authorised by you or not) constitutes sufficient authority for the Ministry to:

- vii. act on any enquiries, provide such information, update its registers or to otherwise transact such dealings, with or under the instruction of that person; and
- viii. charge fees for the use of the products and services associated with NLIS.
- ix. You shall promptly notify the Cabinet Secretary in the Ministry as soon as you become aware that any of the Security Measures used or available to you or any of your people are or have been compromised, or if you are aware of circumstances which give rise to a risk that those Security Measures have been compromised.
- x. You agree to help the Ministry with any investigation of any suspected or actual compromise of any of those Security Measures.
- xi. Any activity by a user in the system shall be catalogued and an audit trail of such activity created in the system.
- xii. You may request revocation of any of the Security Measures available to or being used by any of your people. Your people may also request revocation of their own Security Measures. The Ministry reserves the right at any time to revoke the Security Measures being used by you or any of your people in order to safeguard the integrity and security of NLIS databases

Disclaimer

Security is important to ensure NLIS functions effectively and efficiently. Although NLIS uses encryption security, there is no guarantee that personal or proprietary information and transactions on the NLIS portal or on the internet will be maintained confidential or secure. The Ministry will be held liable to the extent permissible in the relevant statute but will not be liable for acts of omission or commission out of its control.

Chapter 9 Data Privacy Statement

1. The Ministry collects the applicant's personal information with the applicant's consent when the application is made for authorization to access the National Land Information System.
2. The Ministry does not on-board minors (any person under 18 years of age) except where an applicant additionally registers on their behalf as their parent and/guardian.
3. The information the Ministry collects and stores about the applicant includes but is not limited to the following: applicant's identity including name, photograph, address, location, phone number, identity document type and number, date of birth, email address, age, and gender.
4. The applicant consents to the Ministry making and retaining photocopies of personal information and all other documents provided in support of the application which will be kept for the term of the agreement for the purpose of enforcing the agreement.
5. The Ministry may make inquiries deemed necessary to verify the information provided in the application.
6. The information and documentation provided will be used to administer the authorization to access and use the system.
7. The Ministry may disclose your information to:



- a. Law enforcement agencies, regulatory authorities, courts or other statutory authorities in response to a demand issued with the appropriate lawful mandate and where the form and scope of the demand is compliant with the law;
 - b. Publicly available and/or restricted government databases to verify applicant's identity information in order to comply with the regulatory requirements;
 - c. Any other person that the Ministry deems legitimately necessary to share the data with.
8. The Ministry shall not release any information to any individual or entity that is acting beyond its legal mandate
9. The Ministry has put in place technical and operational measures to ensure integrity and confidentiality of the applicant's data via controls around: information classification, access control, cryptography, physical and environmental security and monitoring and compliance.
10. Subject to legal and contractual exceptions, the applicant has rights under data protection laws in relation to their personal data. These are listed below:
- a. Right to be informed that the Ministry is collecting personal data about the applicant
 - b. Right to access personal data that the Ministry holds about the applicant and request for information about how the Ministry will process it;
 - c. Right to request that the Ministry correct the personal data where it is inaccurate or incomplete;
 - d. Right to request that the Ministry erase the personal data noting that the Ministry may continue to retain the information if obligated by the law or entitled to do so;
 - e. Right to object and withdraw the consent to processing of personal data. The Ministry may continue to process it if it has a legitimate or legal reason to do so;
 - f. Right to request restricted processing of the personal data noting that the Ministry may be entitled or legally obligated to continue processing the data and refuse the request;
 - g. Right to request transfer of the applicant's personal data (in an electronic format).
 - h. The Ministry may need to request specific information from the applicant to help it confirm the applicant's identity and also ensure their right to access their personal data (or to exercise any of the other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. The Ministry may also contact the applicant to ask for further information in relation to the applicant's request in order to speed up the response.

Chapter 10 Copyright

The Government of the Republic of Kenya is the owner of all rights in and to the National Land Information System. The complete content of the National Land Information System platform is protected by the Copyright Laws of the Republic of Kenya and reproduction or redistribution of that content without the permission of the Government of the Republic of Kenya is strictly prohibited.



Chapter 11 General Terms

- (i) The parties commit to a cooperative environment in the performance of the respective obligation to ensure any system difficulty and/or improvement is addressed.
- (ii) The Ministry reserves the right to change and adjust these terms and conditions without any further reasons as long as it is necessary due to legal adjustments or technical progress.
- (iii) The Ministry reserves the right to block the authorized user from the ability to upload content to National Land Information System if a violation of this agreement exists.
- (iv) These terms and conditions are to be read and construed according to the laws of the Republic of Kenya, and you agree to submit to the jurisdiction of this country.
- (v) These terms and conditions record the entire agreement. If any provision of these terms and conditions are held by a court to be unlawful, invalid, unenforceable or in conflict with any rule of law, statute or regulation it is to be severed so that the validity and enforceability of the remaining provisions are not affected.

Chapter 12 User feedback

1. Feedback on user experience in the use of the system and specifically any complaints, complements and suggestions for improvement are highly encouraged.
2. The feedback in paragraph 1 can be channelled through the feedback portal in the system or through the address below:

Cabinet Secretary
Ardhi House
1st Ngong Avenue, off Ngong Road
Email: info@ardhi.go.ke
Tel: +254 202718050 / 204803886
P.O. Box 30450-00100
NAIROBI

Made on the.....2020

FARIDA KARONEY,
Cabinet Secretary for Lands and Physical Planning

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THE STAMP DUTY ACT

(Cap. 480)

IN EXERCISE of the powers conferred by section 119 of the Stamp Duty Act, the Cabinet Secretary for Treasury and National Planning, makes the following Regulations—

Stamp Duty (Valuation) Regulations, 2020

1. Citation

These Regulations may be cited as the Stamp Duty (Valuation) Regulations, 2020 and shall come into force upon publication in the Gazette.

2. Interpretation

In these Regulations unless the context otherwise requires—

“Act” means the Stamp Duty Act;

“authorized user” means a person who has been granted permission to access, query on any information or submit any document in relation to a transaction under these Regulations;

“Court” means the Environment and Land Court established under the Environment and Land Court Act;

“date of valuation” means the date a transfer or conveyance is submitted for valuation;

“document” has the meaning assigned to it under the Interpretation and General Provisions Act;

“land” has the meaning assigned to it under Article 260 of the Constitution;

“market value” means in relation to land, the estimated amount for which an immovable property should exchange on the valuation date between a willing buyer and a willing seller in an arm’s length transaction, after proper marketing and wherein the parties had each acted knowledgeably, prudently and without compulsion;

“module” means the Electronic Valuation Module maintained under Regulation 4 to these Regulations;

“Valuers Registration Board” means the Board established under Section 3 of the Valuers Act; and

“System” means the National Land Information System.

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3. Application

These Regulations shall apply to documents electronically submitted for valuation.

4. Electronic Valuation Module

There shall be maintained an Electronic Valuation module, being part of the System, to enable—

- (a) electronic submission of valuation applications;
- (b) electronic submission of valuation reports;
- (c) storage of valuation documents;
- (d) the monitoring of the progress of the valuation processes;
- (e) the submission of objections under regulation 15 of these regulations; and
- (f) submission of any other relevant documents.

5. User Authorization

The Chief Government Valuer may authorize a user to access the module for purposes of undertaking an electronic transactions under these Regulations.

6. Electronic lodgment

(1) A document may be lodged electronically for the purposes of processing, if the document is—

- (a) in an electronic format;
- (b) signed by the authorized user; and
- (c) in such format as may be authorized by the Chief Government Valuer.

(2) A person wishing to undertake a valuation, shall in the prescribed Form IVA in the Schedule to these Regulations, make an electronic application to the Chief Government Valuer, for consideration.

7. Termination or suspension

(1) The Chief Government Valuer may terminate or suspend a user's access if the user—

- (a) commits any fraud, identity theft or system misuse;
- (b) contravenes the obligations or the terms of access; or
- (c) allows an unqualified person to access the system

(2) Without prejudice to the generality of sub-Regulation (1), a user's access shall be terminated if the user—

- (a) ceases to be a qualified person;
- (b) is declared insolvent; or
- (c) dies.

8. Notice of termination.

1. The first part of the document is a list of names and titles, including "The Hon. Mr. Justice" and "The Hon. Mr. Justice".

(1) The Chief Government Valuer shall within seven days of making a decision under Regulation 7, in writing, notify the person affected by that decision.

(2) The notice referred to under sub-Regulation (1), shall set out—

- (a) the grounds of termination;
- (b) the facts upon which the termination is made; and
- (c) the period within which the user may respond to the notice.

9. Contents of a valuation report

A valuation report shall contain—

- (a) the address of the land;
- (b) the land reference number;
- (c) details of the land and improvements thereon;
- (d) details of the valuation approach;
- (e) assumptions made;
- (f) basis of valuation;
- (g) value of the land; and
- (h) date of valuation.

10. Submission of stamp duty valuations

(1) A valuer on completion of a valuation exercise, shall electronically submit to the Chief Government Valuer the valuation report for approval.

(2) The valuation report referred to under sub-Regulation (1), shall be accompanied by—

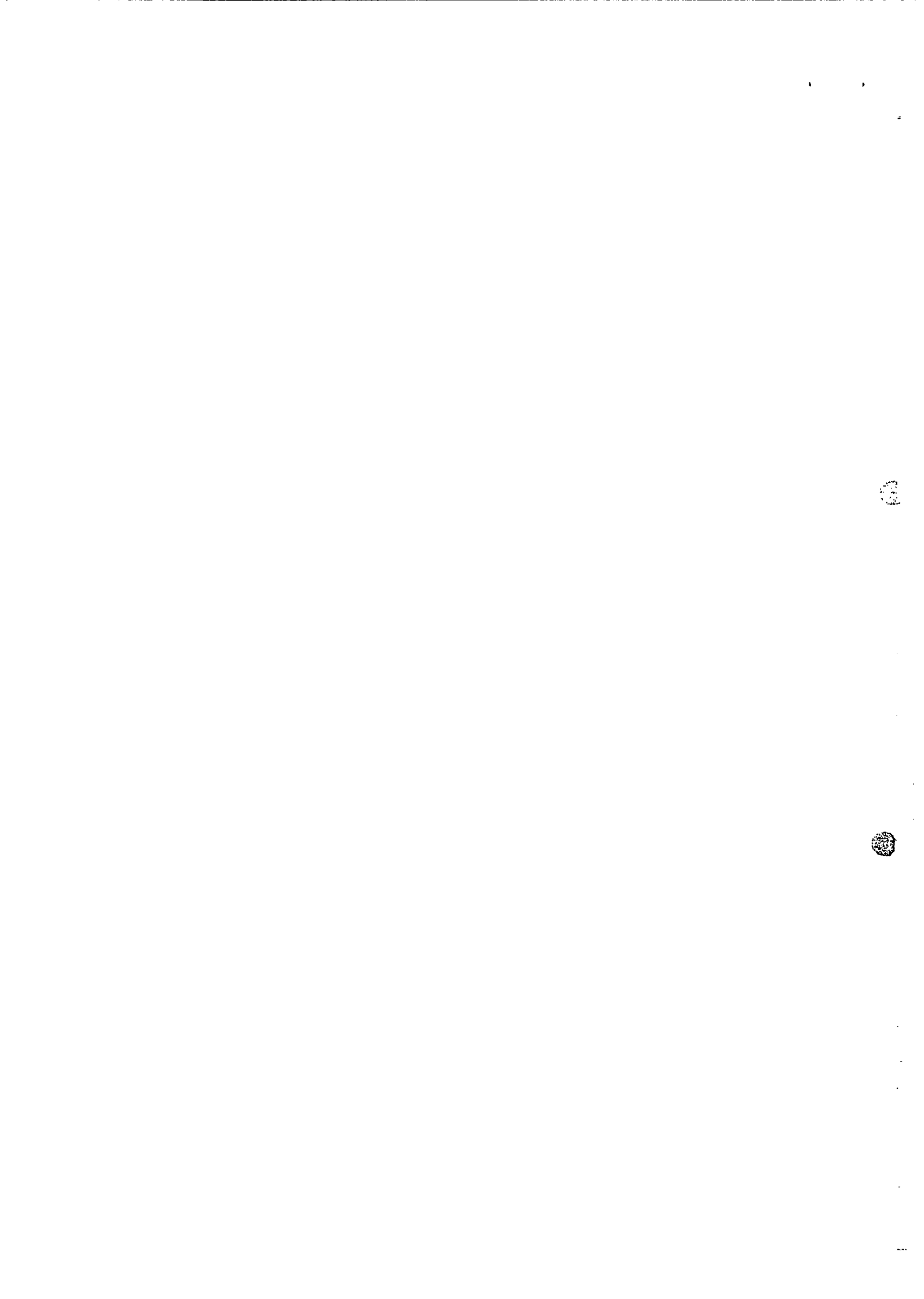
- (a) copies of the cadastral maps or physical development plans indicating the land inspected;
- (b) a copy of title document;
- (c) approved building plans, where applicable;
- (d) photographs of the property inspected; and
- (e) any other relevant document to support valuation.

11. Date of valuation

On completion of a valuation exercise and compilation of a valuation report, any value assigned to land shall be the value as at the date of the conveyance or transfer.

12. Validity of Valuation

A valuation report prepared under these Regulations, shall be valid for 12 months from the date of approval of such report.



13. Objection

(1) A person aggrieved by a valuation report made under the Act, may within seven days from the date of preparation of that report, electronically lodge an objection in Form 2VA in the Schedule to these Regulations.

(2) The objection referred to under sub-Regulation (1), shall—

- (a) contain the prescribed information, if any;
- (b) state the grounds on which the objection is made; and
- (c) state the amount that the objector contends is the correct value.

(3) The Chief Government Valuer may within seven days after receipt of the objection under this Regulation,

- (a) dismiss the objection, if he or she considers that no adjustment in the valuation is justified; or
- (b) make the adjustment, if he or she considers that the adjustment in the valuation is justified.

14. Grounds of objection

The grounds for objection under these Regulations shall be that—

- (a) the values assigned are too high or too low;
- (b) the area, dimension or description of the land are not correctly captured;
- (c) the interests held by various persons in the land have not been correctly captured;
- (d) land which should have been included in one valuation has been valued separately; or
- (e) land which should be valued separately has been included in one valuation.

15. Withdrawal of objections

A person who has lodged an objection application under these Regulations, may in writing withdraw the application by electronically issuing a withdrawal notice to the Chief Government Valuer.

16. Service of Notices

A notice that is permitted or required by the Act or these Regulations to be served may be made through email, mobile text message, registered post or any other means at the address set out in the application form for valuation.



SCHEDULE

r. 6(2)

Form IVA
Stamp Duty Valuation Application Form

Property owner details

Property Owner(s) Full Name:
National ID Number: PIN Number:
Postal Address: Code Town
Mobile Number: Email Address:

Buyer details

Buyer(s) Full Name:
National ID Number: PIN Number:
Postal Address: Code Town
Mobile Number: Email Address:

Advocate details

Name of Advocate/Agency:
National ID Number: PIN Number:
Postal Address: Code Town
Mobile Number: Email Address:

Property details

LR Number / Block Number: Area
Location: Road: Estate:
Rent Term: From:
Status of Land: Developed/Undeveloped
Nature of Development:
Interest Passing: Leasehold/Freehold/Fee simple
Whole or Part of Interest: Value submitted by parties:
Date of Transfer:

Signature of Property Owner / Advocate / Agent Date:

Official Use

For: Collector Of Stamp Duty

Valuer's Comments:
.....

Valuer (Name):

Signature:

Date:

Form 2VA

Prescribed Format of Lodging of Objection to the Collector of Stamp duty

Property owner details

Property Owner(s) Full Name:
National ID Number: PIN Number:
Postal Address: Code Town
Mobile Number: Email Address:

Advocate details

Name of Advocate/Agency:
National ID Number: PIN Number:
Postal Address: Code Town
Mobile Number: Email Address:

Property details

LR Number / Block Number: Area
Location: Road: Estate:
Rent Term: From:
Status of Land: Developed/Undeveloped
Nature of Development:
Interest Passing: Leasehold/Freehold/Fee simple
Whole or Part of Interest: Value submitted by parties
Date of Transfer:

Signature of Property Owner / Advocate / Agent

Date:

Grounds of objection.

- 1.
2.
3.
4.



Name of Objector:

Phone: Email:

Signature: Date:

For Official Use

Decision of Chief Government Valuer:

Objection dismissed on the following grounds:

- 1.....
- 2.....
- 3.....
- 4.....
- 5.....

Objection upheld

Chief Government Valuer

DRAFT

Made on the 2020

UKUR YATANI
Cabinet Secretary for Treasury and National Planning.

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THE STAMP DUTY ACT
(Cap. 480)

IN EXERCISE of the powers conferred by section 119 of the Stamp Duty Act, the Cabinet Secretary for Treasury and National Planning, makes the following Regulations—

Stamp Duty (Amendment) Regulations, 2020

Citation

1. These Regulations may be cited as the Stamp Duty (Amendment) Regulations, 2020.

Amendment of the
Stamp Duty
Regulations, 1958.

2. The Stamp Duty Regulations, 1958, hereinafter referred to as the "principal Regulations" is amended by inserting the following new Regulation immediately after Regulation 1—

1A. In these Regulations, unless the context otherwise Requires—
"Act" means the Stamp Duty Act;

"certificate" includes physical and electronic form;

"electronic" has the same meaning assigned to it under the Kenya Information and Communication Act;

"electronic form" has the same meaning assigned to it under the Kenya Information and Communication Act;

"instrument" has the meaning assigned to it under the Land Registration Act;

"notice" includes physical and electronic form; and

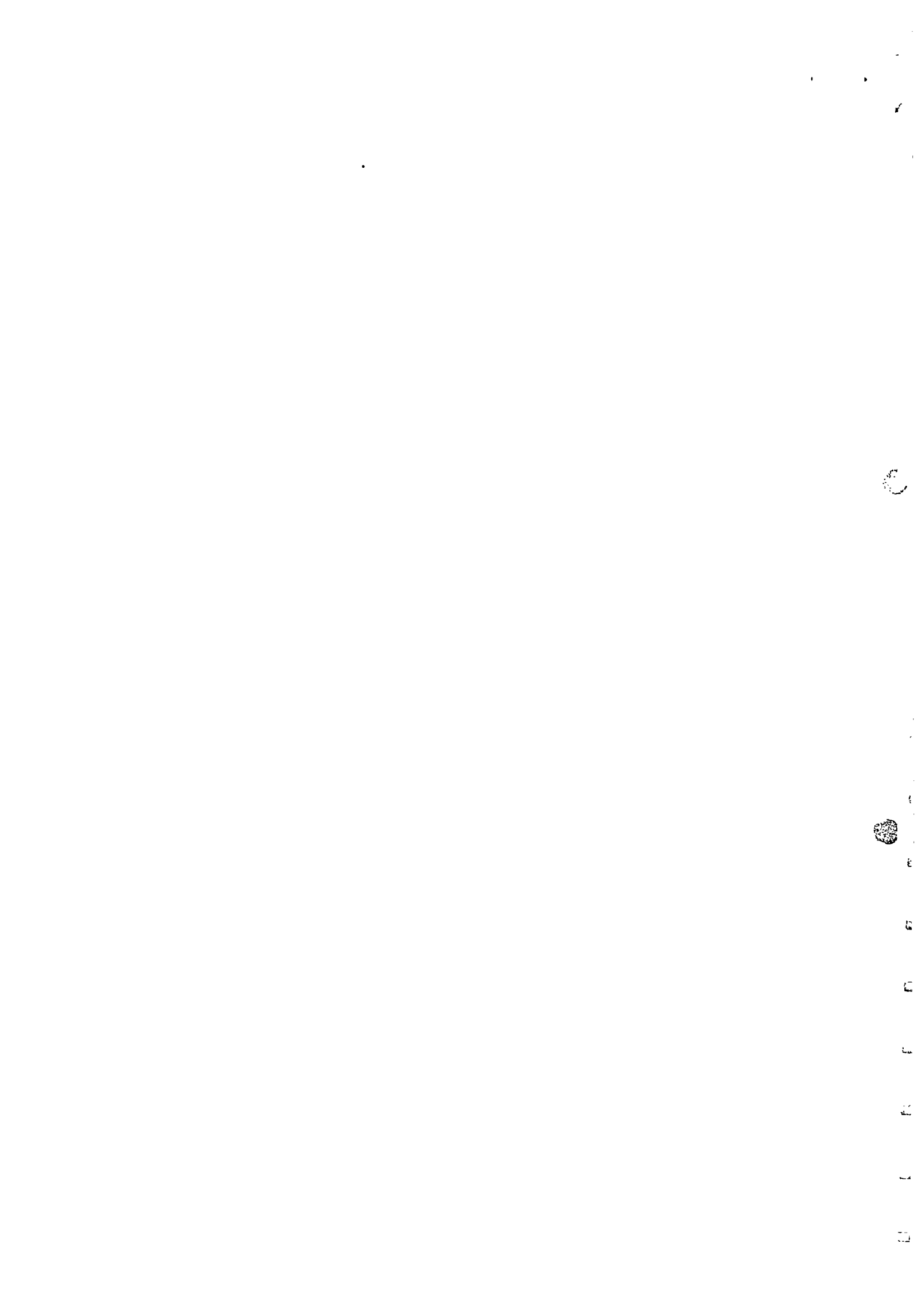
"system" means the National Land Information System.

Amendment
Regulation 2.

of

3. The Principal Regulations is amended by deleting Regulation 2 and substituting therefor the following new Regulation—

2. The stamp duty with which any instrument specified in the First and Fourth Schedules is chargeable may be paid and denoted by an adhesive revenue stamp affixed, or (subject to the provisions of Regulation 3) by means of a revenue stamp impressed by a franking machine, by electronic means, on the instrument; but save as aforesaid, the stamp duty with which instruments are chargeable shall be paid by electronic means or bankers cheque and denoted by an embossed stamp



which shall be embossed manually or by electronic means on the instrument under the direction of a collector in such manner as he or she may require.

Amendment of
Regulation 5.

4. The Principal Regulations is amended is amended in Regulation 5 by inserting the following new sub-Regulation immediately after sub-Regulation (9)—

(10). The execution of instruments, issuance of notices, applications, transfer of stocks, shares or marketable securities under these Regulations, shall be made electronically through the system.

Amendment of the
Principal
Regulations.

5. The Principal Regulations is amended by inserting the following new Regulations immediately after Regulation 12.

13. Modification of forms

For purposes of enabling electronic transactions, the forms prescribed under these Regulations may be used with the necessary modifications.

14. Notices.

A notice under these Regulations may be served electronically through email, mobile text message, by registered post or any other means through the address set out in the instrument submitted for stamp duty adjudication.

Made on the.....2020

UKUR YATANI
Cabinet Secretary for National Treasury and Planning

Legal Notice No.....

**LAND ACT
(No. 6 of 2012)**

IN EXERCISE of the powers conferred by section 160 of the Land Act, the Cabinet Secretary responsible for matters relating to land and physical planning, makes the following Regulations—

Land (Amendment) Regulations, 2020.

Citation.

Amendment of
Regulation 2 of L. N.
No. 280 of 2017.

Act No.1 of 2009.

Act No.1 of 2009.

Act No.6 of 2012.

Amendment of
Regulation 3 of L. N.
No. 280 of 2017.

Amendment of
Regulation 4 of L.
N. No. 280 of 2017.

1. These Regulations may be cited as the Land (Amendment) Regulations, 2020.
2. The Land Regulations, 2017, hereinafter referred to as the "principal Regulations" is amended in Regulation 2 by inserting the following new definition in their proper alphabetical sequence—
 - (a) "electronic" has the same meaning assigned under the Kenya Information and Communication Act;
 - (b) "electronic form" has the same meaning assigned under the Kenya Information and Communication Act;
 - (c) "register" includes electronic form; and
 - (d) "system" means the National Land Information System developed under Section 6(h) of the Land Act.
 - (e) "Electronic Appeals Committee" means an appeals committee appointed by the Cabinet secretary under regulation 21E.
 - (f) "user" means a person who has created an online electronic account for access or submission of information by electronic means in the system, and may include a property owner or a professional.
3. Regulation 3 of the principal Regulations is amended by adding the words "including electronic form" appearing after the word land.
4. Regulation 4 of the principal Regulations is amended in sub-Regulation (1) by adding the words "including electronic form" appearing after the word resources.

Amendment of
Regulation 6 of L. N.
No. 280 of 2017.

5. Regulation 6 of the principal Regulations is amended by inserting the following new sub-Regulation immediately after sub-Regulation (4)—

(5). Any notification and written feedback under this regulation may be given in electronic form.

Amendment
Regulation 8 of L. N.
No. 280 of 2017.

6. Regulation 8 of the principal Regulations is amended—

(a) in sub- Regulation (1) by inserting the word "in electronic form" appearing after the word "inventory";

(b) by inserting the following new sub-Regulation immediately after sub-Regulation (6)—

(7). Any submission under these Regulation to the inventory and the issuing of notices under sub-regulation (4) and (5) may be made in electronic form.

Amendment
Regulation 9 of L. N.
No. 280 of 2017.

7. Regulation 9 of the principal Regulations is amended by—

(a) inserting the word "in electronic form" after the word "county government" appearing in sub-Regulation (1).

(b) deleting sub-Regulation (2) and substituting therefor the following new sub-Regulation.

(2) Upon receipt of the application, the national or relevant county government shall process the application whereupon the county government shall forward its recommendation to the Cabinet Secretary for grant of license to the successful applicant in Form LA 19 set out in the Third Schedule

(c) deleting the word "Commission" appearing in Sub-Regulation (3) and substituting therefor the words "Cabinet Secretary".

(d) deleting sub-Regulation (4) and substituting therefor the following new sub-Regulation;

(4) The fees payable under any license shall be paid to the Cabinet Secretary where the national government is the licensor, and into the County Revenue Fund account where the county government is the licensor.

(e) inserting a new sub-regulation (5) as follows;

(5) Any applications under sub-regulations (1) (2) (3) and (4) may be made in electronic form."



Amendment
Regulation 10 of L.
N. No. 280 of 2017.

8. Regulation 10 of the principal Regulations is amended by adding a new sub-regulation (3) immediately after sub-Regulation (2)—

(3). The notice issued under sub-regulation (1) may be made in electronic form.

Amendment of
Regulation 11 of L.
N. No. 280 of 2017.

9. Regulation 11 of the principal Regulations is amended by—

- (a) deleting the word "Commission" wherever it appears in the Regulation and substituting therefor the words "Cabinet Secretary".
- (b) deleting sub-Regulation (2) and substituting therefor the following new sub-Regulation;
(2) Land rent shall be payable to the Cabinet Secretary where the head lessor is the national government and into the County Revenue Fund account where the county is the head lessor.
- (c) deleting sub-Regulation (3).

Amendment of
Regulation 12 of L.
N. No. 280 of 2017.

10. Regulation 12 of the principal Regulations is deleted.

Amendment of
Regulation 13 of L.
N. No. 280 of 2017.

11. Regulation 13 of the principal Regulations is amended by—

- (a) deleting the word "Commission" wherever it appears in the Regulation and substituting therefor the words "Cabinet Secretary".
- (b) deleting subparagraph (2).
- (c) by adding a new sub-regulation (7) immediately after sub-Regulation (6)—

(7) The processing of applications under sub-Regulation (1), (4) (5) and (6) for purposes of consent to transfer, sublease or charge may be made in electronic form.

Amendment of
Regulation 14 of L.
N. No. 280 of 2017.

12. Regulation 14 of the principal Regulations is amended by—

- (a) deleting the marginal note "Commission to notify" and substituting therefor the following marginal note

"Notification of affected non-citizen land owners.

- (b) deleting the word "Commission" wherever it appears in this Regulation and substituting therefor the words "Cabinet Secretary".
- (c) inserting the following new sub-Regulation immediately after sub-Regulation (6).

(7) Any application made under sub-Regulation (1) and (3) for purposes of notification may be made in electronic form.



Amendment of
Regulation 15 of L.
N. No. 280 of 2017.

13. Regulation 15 of the principal Regulations is amended by—
- (a) deleting the word "Commission" wherever it appears in this Regulation and substituting therefor the words "Cabinet Secretary".
 - (b) inserting the following new sub-Regulation immediately after sub-Regulation (6).

(7) Any application made under sub-Regulation (1) (2) (3) and (4) for purposes of conversion of tenure may be made in electronic form.

Amendment of
Regulation 16 of L.
N. No. 280 of 2017.

14. Regulation 16 of the principal Regulations is amended by inserting the following new sub-Regulation immediately after sub-Regulation (7).

- (i) inserting the following new sub-Regulation (1A) immediately after sub-regulation (1) as follows;

(1A.) An application under sub-regulation (1) shall be submitted, processed and approved in electronic form.

- (ii) inserting the following new sub-Regulation (3A) immediately after sub-regulation (3) as follows;

3A. An application under sub-regulation (2) and (3) to seek representations and approval may be made in electronic form.

- (iii) inserting the following new sub-Regulation (4A) immediately after sub-regulation (4) as follows;

4A. Any notification made to an applicant as provided for under sub-Regulation (4) may be made in electronic form.

Amendment of
Regulation 17 of L.
N. No. 280 of 2017.

15. Regulation 17 of the principal Regulations is amended by -

- (i) inserting the following new sub-Regulation (1A) immediately after sub-regulation (1) as follows;

(1A.) An application under sub-regulation (1) shall be submitted to the county government in electronic form.

- (ii) Deleting the words "Commission and of" appearing after the word "the" and after the word "national" at sub-regulation 2(c)

- (iii) inserting the following new sub-Regulation (2A) immediately after sub-regulation (2) as follows;

(2A) circulation of applications to seek representations under paragraph (2) may be made in electronic form

- (iv) inserting the following new sub-Regulation (4A) immediately after sub-regulation (4) as follows;



(4A) notification of the decision under paragraph (4) may be done in electronic form

(v) deleting the words “and forward the letters together with the cadastral map and plan to commission” appearing after the word “letters” at sub-regulation (5)(c)

(vi) inserting the following new paragraph (d) immediately after sub-regulation (5) (c) as follows;

(d) prepare the subsequent lease(s) and forward them to the Chief Land Registrar for registration in Form LA 29 set out in the Third Schedule

(vii) deleting sub-regulation (6)

(viii) inserting the following new sub-Regulation (6A) immediately after sub-regulation (6) as follows;

6A. Any leases prepared under sub-regulation (5) and approvals under sub-Regulation (6) shall be made in electronic form.

Amendment of
Regulation 18 of L.
N. No. 280 of 2017.

16. Regulation 18 of the principal Regulations is amended by

(i) inserting the following new sub-Regulation (1A) immediately after sub-regulation (1) as follows;

(1A.) An application under sub-regulation (1) shall be submitted to the county government in electronic form.

(ii) inserting the following new sub-Regulation (2A) immediately after sub-regulation (2) as follows;

2A. An application under sub-regulation (2) to seek representations may be made in electronic form.

(iii) Inserting the following new sub-Regulation (7) immediately after sub-Regulation (6).

(7) The processing of applications under sub-Regulation (4) (5) and (6) for purposes of change or extension of user on freehold land may be made electronically.

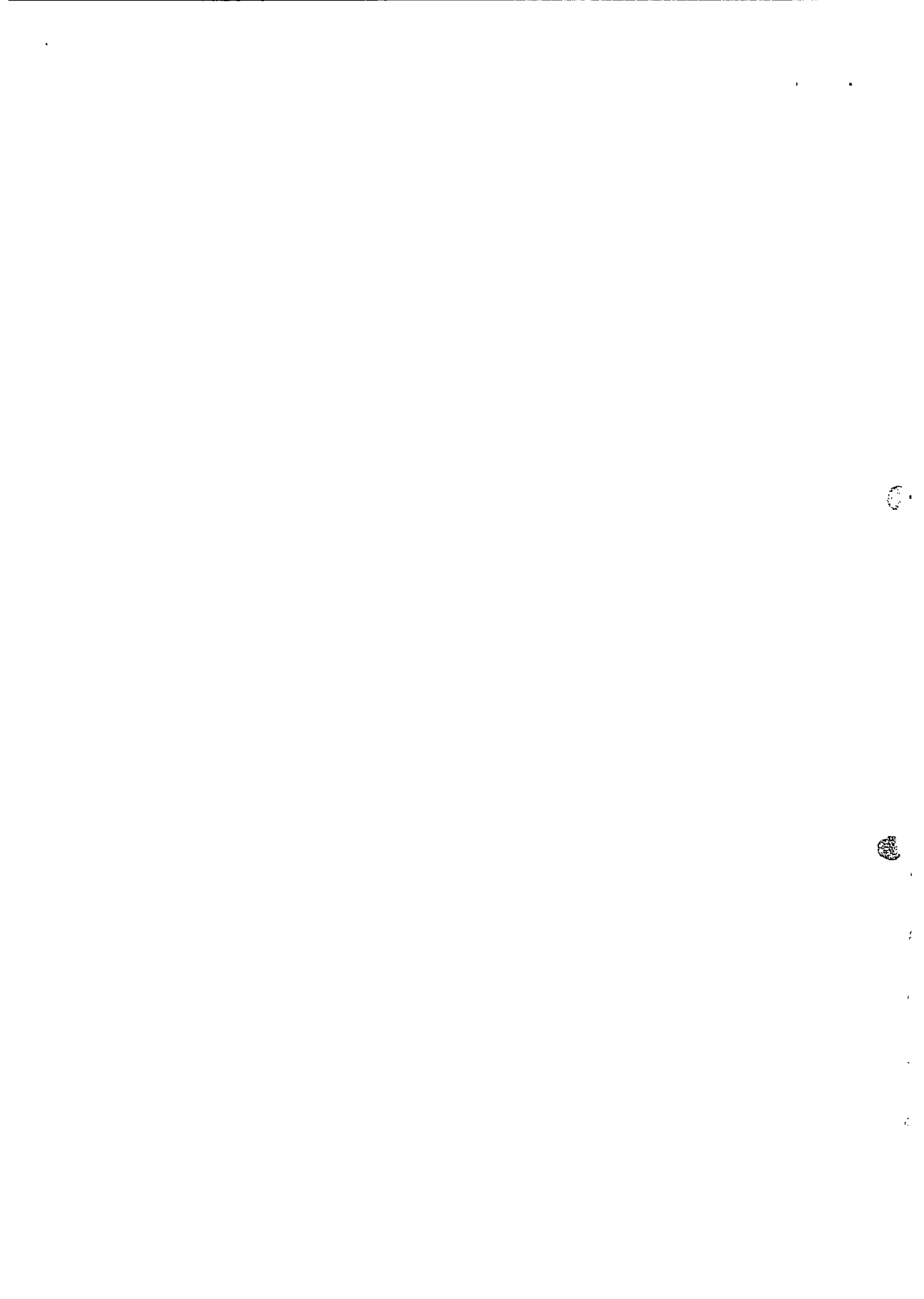
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Regulation 19 of L.
N. No. 280 of 2017.

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(1A.) An application under sub-regulation (1) shall be submitted to the county government in electronic form.

(ii) Deleting the words “Commission and of” appearing after the word “the” and after the word “national” at sub-regulation 2(c)



(4A) notification of the decision under paragraph (4) may be done in electronic form

(v) deleting the words “and forward the letters together with the cadastral map and plan to commission” appearing after the word “letters” at sub-regulation (5)(c)

(vi) inserting the following new paragraph (d) immediately after sub-regulation (5) (c) as follows;

(d) prepare the subsequent lease(s) and forward them to the Chief Land Registrar for registration in Form LA 29 set out in the Third Schedule

(vii) deleting sub-regulation (6)

(viii) inserting the following new sub-Regulation (6A) immediately after sub-regulation (6) as follows;

6A. Any leases prepared under sub-regulation (5) and approvals under sub-Regulation (6) shall be made in electronic form.

Amendment of
Regulation 18 of L.
N. No. 280 of 2017.

16. Regulation 18 of the principal Regulations is amended by

(i) inserting the following new sub-Regulation (1A) immediately after sub-regulation (1) as follows;

(1A.) An application under sub-regulation (1) shall be submitted to the county government in electronic form.

(ii) inserting the following new sub-Regulation (2A) immediately after sub-regulation (2) as follows;

2A. An application under sub-regulation (2) to seek representations may be made in electronic form.

(iii) Inserting the following new sub-Regulation (7) immediately after sub-Regulation (6).

(7) The processing of applications under sub-Regulation (4) (5) and (6) for purposes of change or extension of user on freehold land may be made electronically.

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(ii) Deleting the words “Commission and of” appearing after the word “the” and after the word “national” at sub-regulation 2(c)

(iii) inserting the following new sub-Regulation (2A) immediately after sub-regulation (2) as follows;

(2A) circulation of applications to seek representations under paragraph (2) may be made in electronic form.

(iv) inserting the following new sub-Regulation (4A) immediately after sub-regulation (4) as follows;

4A. Any notification to an applicant as provided for under sub-Regulation (4) may be made in electronic form.

(v) Inserting the following new paragraph (5)(c) immediately after paragraph (5)(b) as follows

(5)(c) prepare lease and forward it to the Chief Land Registrar for registration in Form LA 29 set out in the Third Schedule.

(vi) deleting sub- Regulation (6) and (7)

(vii) inserting the following new sub-regulation (7A) after sub-regulation (7) as follows

(7A) Forwarding of approval to the cabinet secretary under paragraph (5) may be made in electronic form.

Amendment of
Regulation 21 of L.
N. No. 280 of 2017.

18. Regulation 21 of the principal Regulations is amended by—

(a) deleting sub-regulation (2) and substitute it a new sub-regulation as follows

(2) An application in (1) above shall be accompanied by proof of compliance with the special conditions on the lease, where applicable and may be made in electronic form.

(b) inserting the following new sub-Regulation immediately after sub-Regulation (6).

(7) The processing of applications under sub-Regulation (1) and (4) for purposes of consent, may be made in electronic form.

19. The Principal Regulations is amended by inserting the following new Part IVA immediately after Part IV—

IVA. Electronic Lodging

User account

21A. (1) There shall be a user account created in the system for every authorise user.

(2) The authorised user shall receive credentials for use in logging into their user account.

User obligations.

- 21B. A person who has been allowed access into the system shall—
- (a) carry out such transactions as may be authorized under these Regulations;
 - (b) be responsible for the security of his or her details for purposes of any transaction under these Regulations;
 - (c) not distribute, sell or combine any information accessed through the system; and
 - (d) not copy, exchange, disclose or use the land related information accessed from the system for any other purpose other than for purposes of the transactions under these Regulations.

Suspension and termination

21C. Suspension and Termination of a user's access

- (1) The Director Land Administration may at any time immediately suspend a user's access if the user—
 - (a) Is suspected to commit any fraud, identity theft or system misuse;
 - (b) contravenes the obligations or the terms and conditions of access;
 - (c) allows an unauthorised/unqualified person to access the system
 - (d) is dead
 - (e) is declared insolvent and the Director Land Administration is duly notified
 - (f) is declared of unsound mind and the Director Land Administration is duly notified
- (2) The Director Land Administration shall on making the decision under sub-Regulation (1) immediately inform the user of that decision and shall specify in the notification -
 - (a) the grounds of suspension;
 - (b) the facts which, in the opinion of the Director Land Administration justify each ground of suspension and intention to terminate; and
 - (c) the period within which the user shall be required to respond to the notification.
- (3) The notification under sub-regulation (2) may be served by—
 - (a) An electronic transmission to any electronic address specified in the user agreement as the user's SMS Notification, email notification or any other form of electronic transmission
 - (b) post, to any postal address specified in the user agreement as the user's address of service;
- (4) A user may respond to a suspension notice in writing or in electronic form stating the reason why the suspension of access should be withdrawn and the response served upon the Director Land Administration before the expiry of the suspension period.

- (5) The Director Land Administration shall upon receipt of a response under sub-regulation (4) if satisfied that it is no longer appropriate to suspend a user's access withdraw the suspension by sending a notification to that effect to the user.

Termination of
user's access

21D. Termination of a user's access

- (1) Subject to Regulation 21(C)(1), the Director Land Administration shall immediately terminate the user's access to the system if the user is dead or upon receiving official notification that the user is declared insolvent or of unsound mind.
- (2) The Director Land Administration shall if not satisfied with a user's response under regulation 21(C)(4) terminate a user's access by sending a notice to that effect to the user.
- (3) The user may be at liberty to file an appeal to the appeals committee, through the Cabinet Secretary, within 14 days of the Director Land Administration's decision to terminate a user's access

Appeal against
termination

21E. Appeals against the decision of the Director Land Administration to terminate a user's access

- (1) The Cabinet Secretary shall appoint an appeals committee of not more than 9 members comprising of representatives from the following-
- (a) 3 representatives from the Ministry
 - (b) 1 representative from the National Land Commission;
 - (c) 3 representative from the private sector where one will be an expert system forensic and cybercrimes;
- (2) The Electronic Appeals Committee shall hear appeals to the cabinet secretary and arising from decisions of the relevant Directorates or the National Land Commission to terminate access to the system by any user.
- (3) The Electronic Appeals Committee shall hear and determine any matter referred to it within 30 days and immediately notify the user of their finding.
- (4) A user aggrieved by the Electronic Appeals Committee finding may appeal to the court within 30 days from the date of making of the decision by the committee.

Amendment to the
First Schedule of L.
N. No. 280 of 2017.

20. The principal Regulations is amended in the First Schedule by deleting Form LA 25

Made on the.....2020

FARIDA KARONEY,
Cabinet Secretary for Lands and Physical Planning

DRAFT

(4A) notification of the decision under paragraph (4) may be done in electronic form

(v) deleting the words “and forward the letters together with the cadastral map and plan to commission” appearing after the word “letters” at sub-regulation (5)(c)

(vi) inserting the following new paragraph (d) immediately after sub-regulation (5) (c) as follows;

(d) prepare the subsequent lease(s) and forward them to the Chief Land Registrar for registration in Form LA 29 set out in the Third Schedule

(vii) deleting sub-regulation (6)

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(v) Inserting the following new paragraph (5)(c) immediately after paragraph (5(b)) as follows

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(vi) deleting sub- Regulation (6) and (7)

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Suspension and termination

21C. Suspension and Termination of a user's access

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 - (e) is declared insolvent and the Director Land Administration is duly notified
 - (f) is declared of unsound mind and the Director Land Administration is duly notified
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- (4) A user may respond to a suspension notice in writing or in electronic form stating the reason why the suspension of access should be withdrawn and the response served upon the Director Land Administration before the expiry of the suspension period.

- (5) The Director Land Administration shall upon receipt of a response under sub-regulation (4) if satisfied that it is no longer appropriate to suspend a user's access withdraw the suspension by sending a notification to that effect to the user.

Termination of
user's access

21D. Termination of a user's access

- (1) Subject to Regulation 21(C)(1), the Director Land Administration shall immediately terminate the user's access to the system if the user is dead or upon receiving official notification that the user is declared insolvent or of unsound mind.
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Appeal against
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21E. Appeals against the decision of the Director Land Administration to terminate a user's access

- (1) The Cabinet Secretary shall appoint an appeals committee of not more than 9 members comprising of representatives from the following-
- (a) 3 representatives from the Ministry
 - (b) 1 representative from the National Land Commission;
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- (2) The Electronic Appeals Committee shall hear appeals to the cabinet secretary and arising from decisions of the relevant Directorates or the National Land Commission to terminate access to the system by any user.
- (3) The Electronic Appeals Committee shall hear and determine any matter referred to it within 30 days and immediately notify the user of their finding.
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Made on the.....2020

FARIDA KARONEY,
Cabinet Secretary for Lands and Physical Planning

DRAFT

**LAND ACT
(No. 6 of 2012)**

IN EXERCISE of the powers conferred by section 13(2) of the Land Act, 2012, the National Land Commission makes the following rules—

THE LAND (EXTENSION AND RENEWAL OF LEASES) (AMENDMENT) RULES, 2020

PART I-PRELIMINARY

- Citation. 1. These Regulations may be cited as the Land (Extension and Renewal) (Amendment) Rules, 2020.
- Interpretation. 2. In these Rules unless the context otherwise requires:-
“Cabinet Secretary” has the same meaning assigned under the Act
“County Executive Committee Member” means the County Executive Committee Member for the time being in charge of Land in a County

PART II-EXTENSION OF LEASE.

- Lease granted by National Government. 3. (1) At any time before expiry of a lease granted by the National Government, a lessee may apply to the Cabinet Secretary for an extension of lease in Form LA 22 set out in the Schedule.
- (2) Upon receipt of an application made under paragraph (1), the Cabinet Secretary shall review the application and within ninety days of receipt of the application either—
- (a) approve the extension of lease for a specified term with such terms and conditions as may be specified ; or
 - (b) decline to extend the lease and give the reasons thereof.
- (3) Where the Cabinet Secretary approves an application for extension of the lease under paragraph (2), the cabinet secretary shall—
- (a) require the lessee to have the land revalued in order to determine the land rent and other requisite fees, payable;
 - (b) require the lessee to have the land re-surveyed and geo-referenced, where applicable;

- (c) prepare a lease for the extended period, stating the terms and conditions of the extension; and
- (d) have the lease executed;
- (e) forward the executed lease to the Registrar for the registration and the noting of the extended term in the register.

(4) An application for extension of lease made under this rule may be made in electronic form.

Lease granted by County Government.

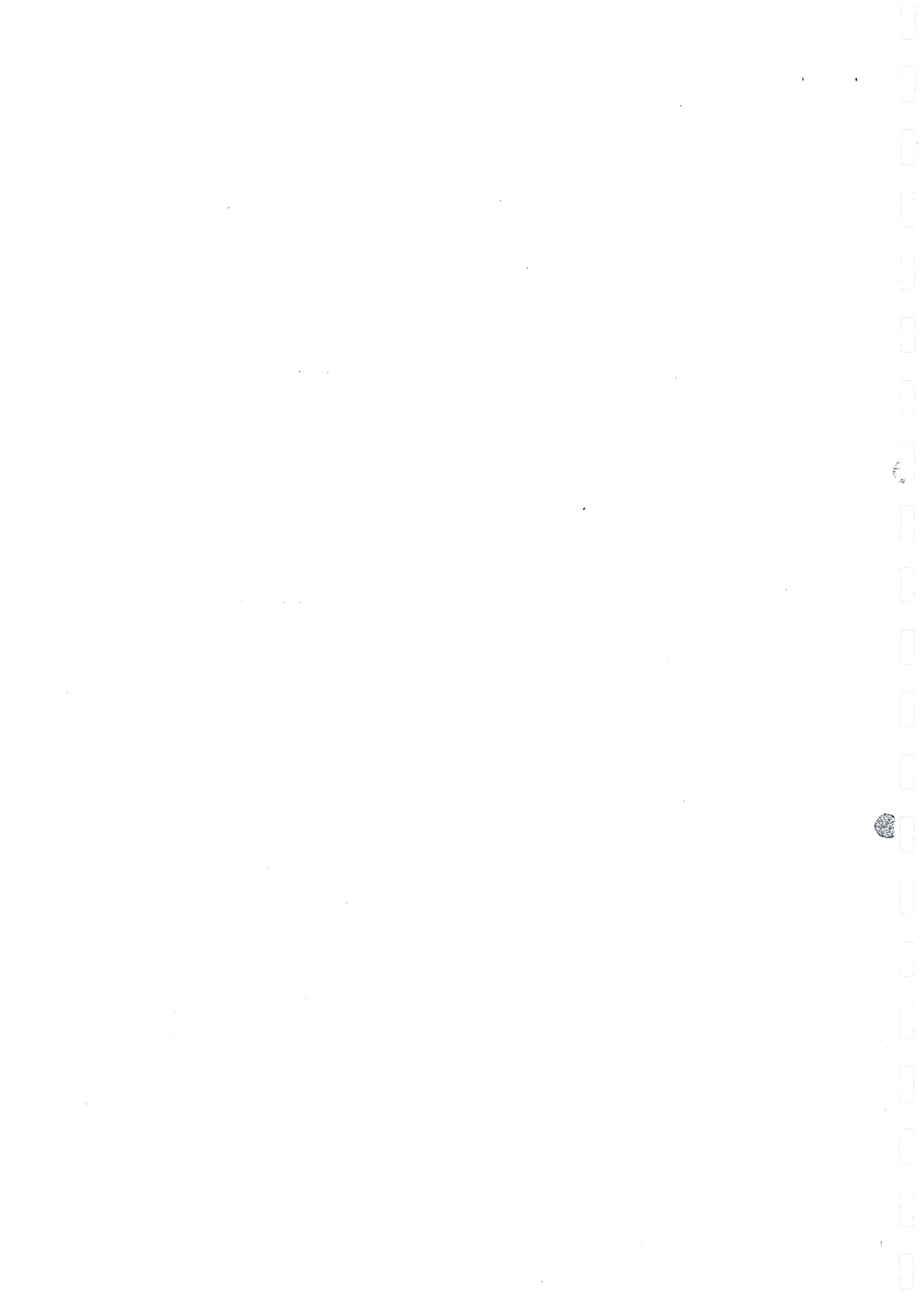
4. (1) At any time before expiry of a lease granted by the County Government, a lessee may apply to the County Executive Committee Member for extension of lease in Form LA22 set out in the schedule.

(2) Upon receipt of an application under paragraph (2), the County Executive Committee Member shall review the application on behalf of the county government, respectively, and within ninety days of receipt of the application either—

- (a) approve the extension of lease for a specified term with such terms and conditions as may be specified ; or
- (b) decline to extend the lease and give the reasons thereof.

(3) Where the County Executive Committee Member approves an application under paragraph (2), the County Executive Committee Member shall inform the Cabinet Secretary to—

- (a) require the lessee to have the land revalued in order to determine the land rent and other requisite fees, payable;
- (b) require the lessee to have the land re-surveyed and geo-referenced, where applicable;
- (c) prepare a lease for the extended period, stating the terms and conditions of the extension; and
- (d) have the lease executed;
- (e) forward the executed lease to the Registrar for the registration and the noting of the extended term in the register.



(4) An application for extension of lease made under this Rule may be made in electronic form.

Considerations to grant or decline.

5. In order to determine whether to grant or decline to grant an extension under rule (3) and (4), the Cabinet Secretary or the County Executive Committee Member shall consider—

- (a) in the case of a company, the names of the directors and their citizenship status including a search from the Registrar of Companies showing the shares of each director;
- (b) information relating to any existing encumbrances on the title of the land for which an extension is applied for;
- (c) evidence that the lessee has complied with the terms and conditions of the existing lease to the satisfaction of the lessor; and
- (d) where the application for extension is by a non-citizen, the unexpired term and the term of extension sought to ensure that they do not cumulatively exceed ninety-nine years.

Decline.

6. The national or county government shall inform the lessee of the decision to decline within fourteen (14) days and advise the lessee of their right of appeal.

Surrender.

7. (1) The national government or county government shall not require a lessee to surrender the unexpired term of an existing lease as a condition for the grant of an extension of a lease.

(2) The grant of an extension of lease shall not extinguish the unexpired term and shall take effect from the last day of the unexpired term.

PART III-NOTIFICATION OF EXPIRY

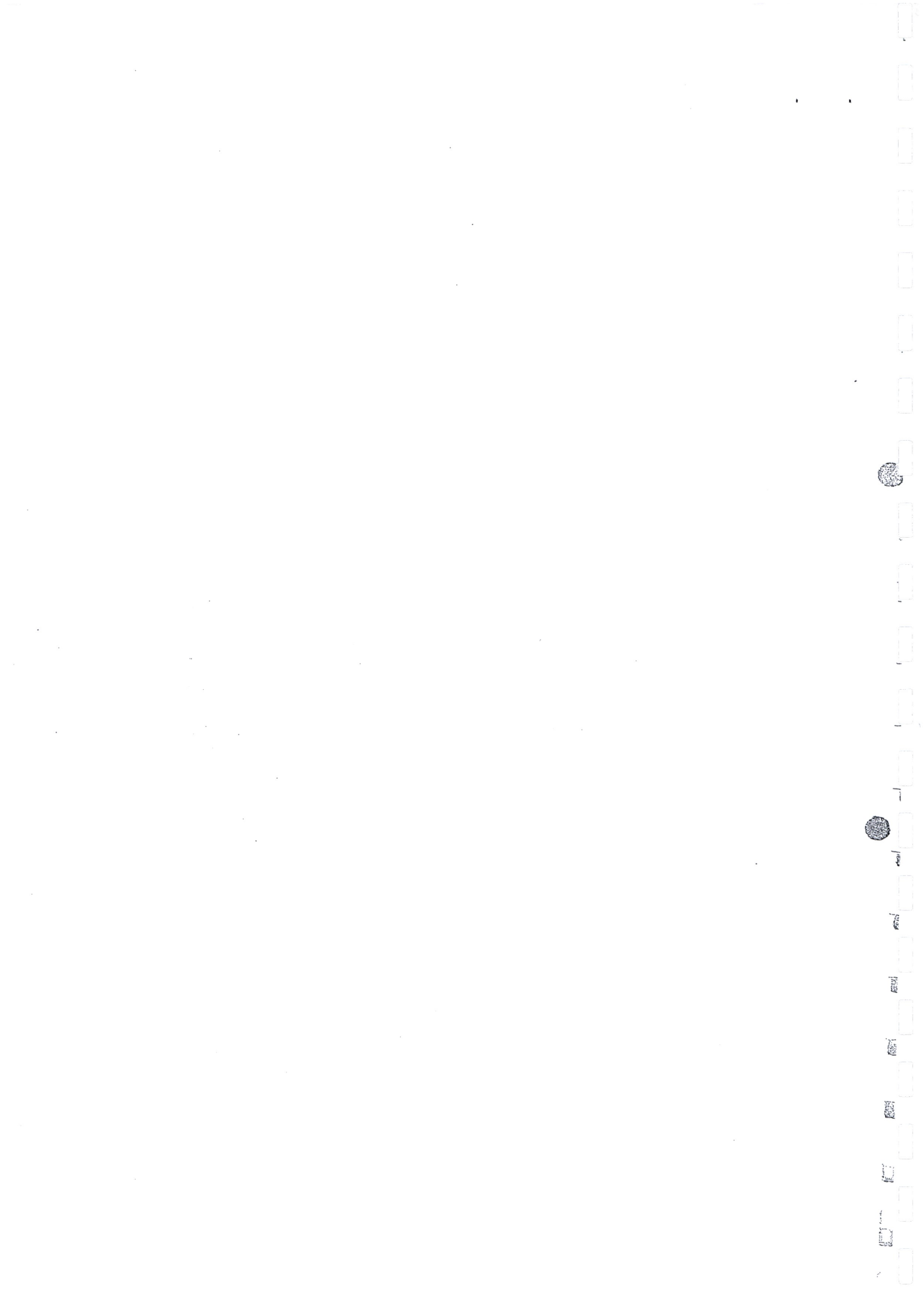
Expiry of a Leasehold Tenure.

8. (1) Subject to Section 13 of the Act, within five years before the expiry of a leasehold tenure, the Cabinet Secretary shall notify the lessee that the lease is about to expire by registered post, electronic form and any other means provided under these rules.

(2) A notification made under paragraph (1) shall also be forwarded to the Commission or County Executive Committee Member.

(3) Any notification made under paragraph (1) and (2) shall be in accordance to Form LA 21A set out in the Schedule and shall indicate—

- (a) the date of expiry the leasehold tenure;



- (b) inform the lessee of the lessee's pre-emptive right as provided under section 13 of the Act; and
- (c) to whom the lessee will make the application.

(4) A notification for the expiry of a leasehold tenure made under paragraph (1) and (2) may be made in electronic form.

Failure to Respond.

9. (1) Any lessee who fails to respond to the notification made under rule (7) within one (1) year from the date of service of the notification, the Commission shall publish another notification in two newspapers of nationwide circulation and shall require the lessee to respond within six months from the date of the publication thereof.

(2) Where a lessee fails to respond to the notification under paragraph (1), the Commission shall undertake a physical verification of the land to establish the status of the land.

(3) If upon verification under paragraph (5) the Commission establishes that the lessee is in occupation of the land, the Commission shall advise the lessee on the need to apply for renewal and the consequences of failing to apply for the renewal.

(4) The service of a notification by the Commission under this rule shall not preclude the lessee from seeking an extension of lease under rule (3).

PART III-RENEWALS

Applications
Renewal.

for

10. (1) A person who wishes to renew a lease shall apply to the Commission for renewal, or any representative office of the Commission in the respective county, in Form LA 23.

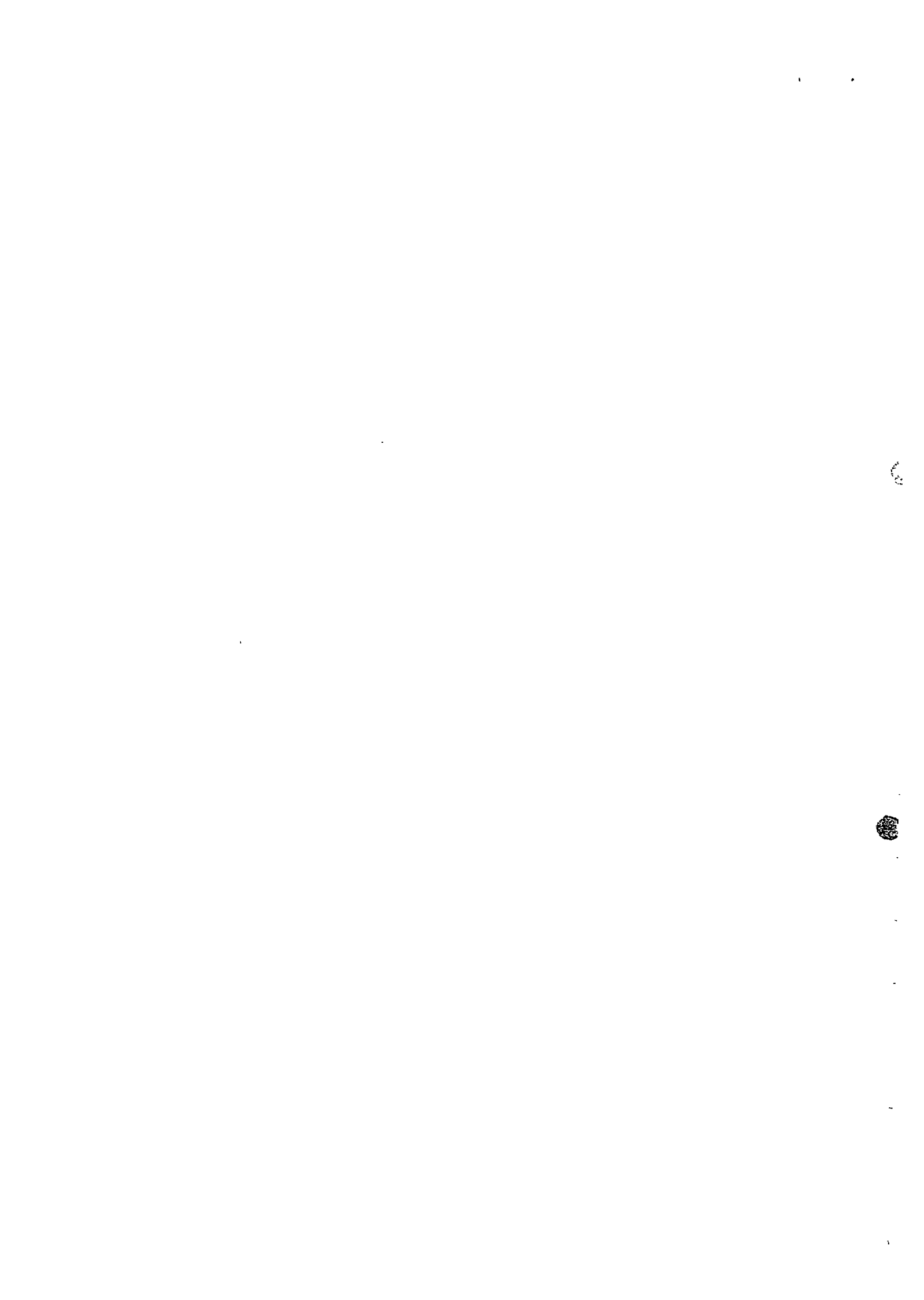
(2) The Commission shall within seven days of receipt of an application under paragraph (1), forward the application to the Cabinet Secretary or County Executive Committee Member for consideration.

(3) The national government or county government shall make a decision within ninety days (90) of receipt of the application from the Commission made under paragraph (2) either —

(a) approve the renewal of lease for a specified term with such terms and conditions as may be specified ; or

(b) decline the renewal of the lease and give the reasons thereof.

(4) The national or county government shall inform the Commission of their decision to either approve or decline under paragraph (3) for implementation.



(5) An application for renewal of lease made under this rule may be made in electronic form.

Approval for Renewal.

11. (1) The Commission after receiving approval of renewal under Rule 10(3) shall—

(a) require the lessee to have the land revalued to determine the payable land rent and other requisite fees;

(b) require the lessee to have the land re-surveyed and geo-referenced; and

(c) issue a new letter of allotment in Form LA 5 for the parcel for the issuance of a new lease by the Cabinet Secretary in accordance with the provisions of the Act and these Rules.

(2) An approval for renewal of lease and a letter of allotment under this rule may be made in electronic form.

Decline of Renewal.

12. (1) Subject to Rule 10(3) (b), when the national government or county government declines the renewal of a lease and after informing the Commission, the Commission shall inform the decision to the applicant within seven days (7) of receipt of the decision and advise the applicant of the right of appeal.

(2) Any response made under this rule may be made in electronic form.

Determination by national government or county government

13. In order to determine whether to grant or not grant renewal, the national government or county government shall require, —

(a) in the case of a company, the names of the directors and their citizenship status including a search from the Registrar of Companies showing the shares of each director;

(b) evidence that the lessee has complied with the terms and conditions of the existing lease to the satisfaction of the lessor.

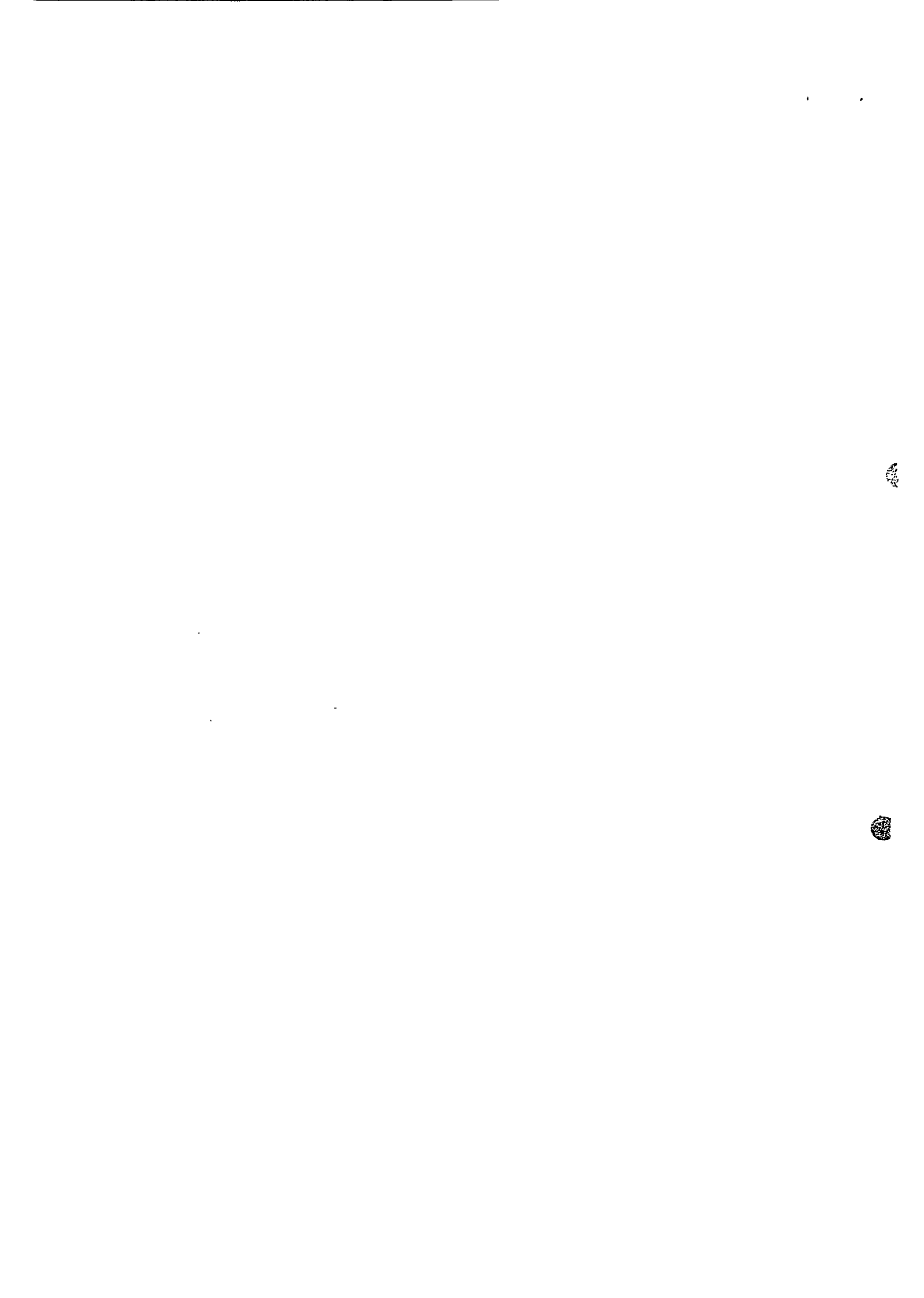
Renewal of leases after expiry.

14. (1) After the term of a lease has expired, the Commission shall require the lessee to apply for renewal of the lease in Form LA 23.

(2) An application for renewal of lease made under this paragraph (1) may be made in electronic form.

Considerations by Commission.

15. In order to determine whether to grant or not grant renewal, the Commission shall require, whether the lessee is a citizen or non-citizen—



- (a) in the case of a company, the names of the directors and their citizenship status including a search from the Registrar of Companies showing the shares of each director;
- (b) proof that the lessee has complied with the terms and conditions of the lease.

Land for public purpose.

16. (1) Subject to Section 13(1) (a), the national or county government shall notify the Commission of its intention not to renew the lease whenever they require any land to be used for public purpose.

(2) Before making the notification under Paragraph (1) the national or county government shall ascertain that the land under notification under paragraph (1) is included in the national or county spatial plan and cities and urban area plans under County Governments Act, 2012 and Urban Areas and Cities Act, 2011 respectively, and shall include the justification for the need of the land for public purpose.

(3) Upon receipt of the notification under paragraph (1), the Commission shall immediately notify the lessee accordingly.

(3) After a notification under paragraph (3) is given, the national or county government shall

- (a) carry out an inventory of the developments on the land;
- (b) direct the lessee not to put up new developments or improvements thereon.

Substantial Transactions.

17. Subject to section 9(3) of the Act, the Commission in instances of substantial transactions, and in consultation with the national or county government shall ensure that—

- (a) the renewal is beneficial to the economy and the country as a whole;
- (b) the investment purpose is in accordance with the national or regional or county policies and plans; and
- (c) the renewal is in public interest, public safety, public order, public morality, public health and land use planning.

Site Inspection.

18. At any time, where the Commission deems it necessary, the Commission shall carry out a site inspection to verify the status of developments.

PART III-APPEALS

Appeals.

19. A lessee who is aggrieved by the decision not to extend or renew a lease under these Rules or under the Act, may within thirty days of receipt of the decision, appeal to the Commission directly or in respect of the county, through the office of the Commission.

Independent
Committee

Appeals

20. (1) The Commission shall within thirty days (30) of receipt of an appeal from a County, refer the matter to an *Ad Hoc* Independent Appeals Committee established by the Commission consisting of—

- (a) a representative from the Commission who shall be the chairperson of the committee;
- (b) a representative from Kenya Institute of Planners;
- (c) a representative from Institution of Surveyors of Kenya;
- (d) a representative from Law Society of Kenya;
- (e) a representative from Kenya Bankers Association; and
- (f) a representative from Kenya Private Sector Alliance.

Decision.

21. The decision of the *ad hoc* Independent Appeals Committee shall be binding and any party dissatisfied with the decision may appeal to the court.



REPUBLIC OF KENYA

APPLICATION FOR EXTENSION OF LEASE

(To be submitted in TRIPLICATE in respect of each transaction and sent to or deposited at the appropriate office of the Cabinet Secretary or County Executive Committee Member.)

To: cabinet Secretary/CEC....County
Date.....

I/ We HEREBY apply for extension of lease.

1. Details of the Applicant

Name:
Nationality
ID /Passport No.
Certificate of Incorporation No. (where applicable)
Address
PIN No.

2. Description of Land-Parcel No(s).

IR No. (where applicable)
Acreage..... (in Ha)
Locality
User

I attach the following supporting documents

1. Copy of ID/ Passport/Certificate of Registration of the registered proprietor(s)
2. Copy of the Title
3. Copy of official search
4. Rent and Rates Clearance Certificates (where applicable)

.....
Applicant



REPUBLIC OF KENYA

NOTICE OF EXPIRY OF LEASE BEFORE 5 YEARS

To Lessee.....

P.O. BOX

Reference is made to your lease in respect to Parcel No.....which issued on theday offor a term ofyears set to expire 5 years from this date on theday of

In accordance to Sec. 13 of the Act requiring that notice of expiry of lease be given to any Kenyan citizen lessee 5 years prior to expiry date, it is hereby accordingly NOTIFIED to you that your lease is set to expire as aforementioned and that you are at liberty to exercise your pre-emptive right to extend or renew the lease, whichever is applicable.

Dated.....

.....
for Cabinet Secretary



REPUBLIC OF KENYA
NATIONAL LAND COMMISSION

APPLICATION FOR RENEWAL OF LEASE

(To be submitted in TRIPLICATE in respect of each transaction and sent to or deposited at the appropriate office of the National Land Commission.)

To: National Land Commission,County

Date.....

I/ We HEREBY apply for Renewal of lease

3. Details of the Applicant

Name:
Nationality
ID /Passport No
Certificate of Incorporation No..... (where applicable)
Address
PIN No.

4. Description of Land-
Parcel No(s)

IR No (where applicable)
Acreage..... (in Ha)
Locality
User

I attach the following supporting documents

- 1. Copy of ID/ Passport/Certificate of Registration of the registered proprietor(s).
- 2. Copy of the Title.

.....
Applicant

63

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Reference Number NATIONAL LAND COMMISSION

LETTER OF ALLOTMENT

Name.....
Address..... Date....., 20....
Email Address.....

Dear Sir/Madam,

RE: Parcel No.....

I have the honor to inform you that the National Land Commission, on behalf of the National /County Government of....., hereby offers you a grant of the above parcel subject to your formal written acceptance of the following conditions and to the payment of the charges as prescribed hereunder:

AREA:..... hectares (approximately)
TERM..... years from the..... day of..... 20...

STAND PREMIUM Kshs.....
ANNUAL RENT Kshs.....

Rent from..... to.....
Conveyance Fees Kshs.....
Registration Fees Kshs.....
Rates Kshs.....
Stamp Duty Kshs.....
Survey Fees Kshs.....
Road and Drains Kshs.....
Others Kshs.....

Receipt No..... Less Deposit.....

TOTAL Kshs.....

GENERAL: This Letter of Allotment is subject to, and the lease will be made under the provisions of the Land Act (No. 6 of 2012) and certificate of title will be issued under the Land Registration Act (No. 3 of 2012)

SPECIAL CONDITIONS: (See attached)

I should be glad to receive your acceptance of the attached conditions together with banker's cheque for the amount as set out above within 90 days of the postmark:

If acceptance and payment respectfully are not received within the said 90 days from the date hereof the offer herein contained will be considered to have lapsed.

At the time you commence building you should exercise the greatest care to ensure that any building or other works are contained within the boundaries of the parcel for should you overstep the aforesaid boundaries the cost of removal and reconstruction must be borne by you.

The issue of the Government lease will be undertaken upon survey and proof of payment.

Your full name(s) ID, PIN, ADDRESS (Postal and Physical) AND CERTIFICATE OF INCORPORATION (*where applicable*) in BLOCK LETTERS, should be given for the purpose of the Certificate which will be submitted to you later. The attached special conditions form part of the offer which must be accepted in writing.

Yours faithfully,
Authority:

.....
For: National Land Commission

Made on the , 2020

*Chairperson,
National Land Commission.*

DRAFT

LEGAL NOTICE NO.

THE LAND ACT
(No. 6 of 2012)

IN EXERCISE of the powers conferred by section 12(11) of the Land Act, 2012, the National Land Commission makes the following regulations—

THE LAND (ALLOCATION OF PUBLIC LAND) (AMENDMENT) REGULATIONS 2020

Citation.

1. These Regulations may be cited as the Land (Allocation of Public Land) (Amendment) Regulations, 2020.

Amendment of Rule 2 of L. N. No. 284 of 2017.

2. The Land (Allocation of Public Land) Regulations, 2017, hereinafter referred to as the "principal Regulations" is amended in Regulation 2 by inserting the following new definition in their proper alphabetical sequence—

(a) "electronic" has the same meaning assigned under the Kenya Information and Communication Act;

(b) "electronic form" has the same meaning assigned under the Kenya Information and Communication Act;

(c) "register" includes electronic form; and

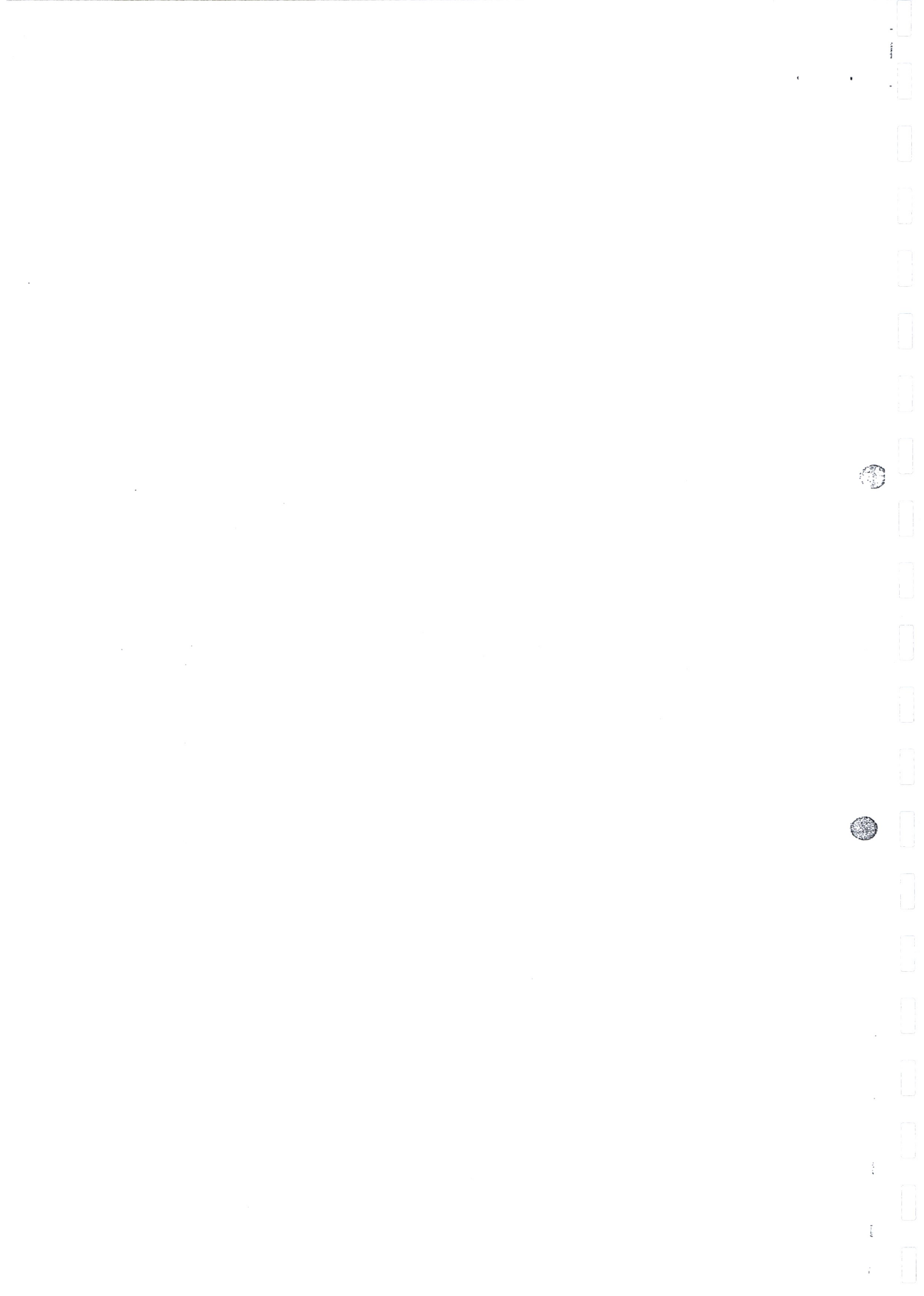
(d) "system" means the National Land Information System developed under Section 6(h) of the Land Act.

Amendment of Rule 6 of L. N. No. 284 of 2017.

3. Regulation 6 of the principal Regulations is amended by—
(i) deleting sub-Regulation (3) and substituting therefor with the following sub-regulation;

(3) The winner of the bid shall, at the fall of the hammer, pay to the cabinet secretary the full amount of the bid or percentage specified in the notice.

(ii) in sub- Regulation (6) by inserting the word "to the Cabinet Secretary" appearing after the words "days".



Amendment of Rule
17 of L. N. No. 284
of 2017.

4. Regulation 17 of the principal Regulations is amended by deleting sub-Regulation (3) and substituting therefor with the following sub-regulation;

17. The successful bidder shall pay to the cabinet secretary the stand premium within ninety days of receipt of the Commission's letter of notification under regulation 16(1).

Amendment of Rule
6 of L. N. No. 284
of 2017.

5. Regulation 26 of the principal Regulations is amended in sub-Regulation (2) paragraph (c) by inserting the word "to the Cabinet Secretary" appearing after the word "payable".

Amendment of Rule
34 of L. N. No. 284
of 2017.

6. Regulation 34 of the principal Regulations is amended in sub-Regulation (2) paragraph (c) by inserting the following new sub-Regulation 34(A).

34A. A letter of allotment issued under the provisions of this Act and these regulations may be done in electronic form.

Amendment of Rule
35 of L. N. No. 284
of 2017.

7. Regulation 35 of the principal Regulations is amended by deleting and substituting therefor with the following new regulation;

35. An allottee shall make payment of the requisite fees within 90 days from date of issue of the letter of allotment for preparation of the lease to the Cabinet Secretary

Amendment of Rule
36 of L. N. No. 284
of 2017.

8. Regulation 36 of the principal Regulations is amended by deleting the Regulation and substituting therefor with the following new regulation-

36(1) The cabinet secretary shall prepare and execute leases emanating from allocation of public land.

(2) Without prejudice to the generality of sub-regulation (1), leases prepared may be done in electronic form.

(3) In order to facilitate the preparation of leases on public land, the cabinet secretary shall request for three copies of sealed cadastral plan and cadastral map in Form LA 12 set out in the Schedule from the office or authority responsible for surveys.

(4) Without prejudice to the generality of sub-regulation (3), cadastral plan and cadastral map may be requested in electronic form.

(5) Upon receipt of the sealed cadastral plan and cadastral map, a lease document in Form LA 13 set out in the Schedule and shall be executed by an officer designated by the Cabinet Secretary by notice in the *Gazette*.

(6) The executed Lease document and the cadastral map and plan shall be forwarded to the Chief Land Registrar for registration and issuance of Certificate of Lease to the proprietor.

(7) Without prejudice to the generality of sub-regulation (5), a lease document prepared and a certificate of lease may be executed in electronic form.

9. These regulations are amended by inserting two new regulations after regulation 36

36A. Any fees or payment e prescribed under these regulations may be paid through authorized electronic means as may be advised by the Cabinet Secretary from time to time.

36B. Any fees or payment e prescribed under these regulations may be paid through authorized electronic means as may be advised by the Cabinet Secretary from time to time.

Made on the, 2020

*Chairperson,
National Land Commission.*



THE PHYSICAL PLANNING AND LAND USE ACT

THE PHYSICAL AND LAND USE PLANNING (ELECTRONIC DEVELOPMENT CONTROL AND ENFORCEMENT SYSTEM) REGULATIONS, 2020

PART I: PRELIMINARY

Application LN 156 of 2019	<p>1. (1) These Regulations shall apply to the Development Control and Enforcement activities under Part IV and V respectively and as set out in the Third Schedule of the Act.</p> <p>(2) Without prejudice to the generality of sub-Regulation 1(1) –</p> <p>(i) In the case of an application for development permission for projects of inter-county and/or strategic national importance projects as set out in the Physical and Land Use Planning (Classification of Strategic National or Inter-County Projects) Regulations, 2019; and</p> <p>(ii) the Cabinet Secretary may through a notice in the gazette, make regulations as set out in Part VII of the Act.</p>
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Interpretation	<p>2. In these Regulations, unless the context otherwise requires–</p> <p>"Act" means the Physical and Land Use Planning Act, 2019;</p> <p>"authorized officer" means an officer with a user account mandated to receive, record, advise, verify, notarise, transmit or file documents received for an application.</p> <p>"authorised user" means a person who has created an online electronic account for access or submission of information for purposes of physical and land use planning,</p> <p>"consultant" means a licensed/registered and practicing professional or consulting firm mandated to submit applications on behalf of the registered owner of the land;</p> <p>"Development Technical Validation Committee" means committee constituted for quality assurance of the processed applications before approval;</p> <p>"development control" has the meaning assigned to it under section 2 of the Physical and Land Use Planning Act, 2019;;</p> <p>"development conditions" has the meaning of conditions imposed by a planning authority on grant of a development permission under section 61(2)(a) of the Physical and Land Use Planning Act, 2019</p> <p>"development control instruments" means prescribed standard operating documents including forms and spreadsheets utilised in handling applications for development permission;</p>
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“conformance conditions” means conditions for applications that require further professional input such as structural, civil, electrical, mechanical and ICT engineering designs before commencement of development;

“development fees” means a fee levied under section 63 of the Physical and Land Use Planning Act, 2019 for development of infrastructure in relation to the property in question for general use by the residents of the area where the property in question is located;

“development permission” means permission granted by the planning authority to an applicant to develop land under section 57 of the Physical and Land Use Planning Act, 2019;

“electronic” has the meaning assigned to it under section 2 of the Kenya Information and Communications Act Cap 401A;

“electronic signature” has the meaning assigned to it by the Kenya Information and Communications Act Cap 401A;

“enforcement notice” means a notice served by a planning authority under section 72 of the Physical and Land Use Planning Act, 2019 on the owner, occupier or developer of the land requiring that owner, occupier or developer to comply with provisions of that section;

“fee waiver” has the meaning assigned to it under section 159 of the Public Finance and Management Act 2012;

“licenced professional” means a Physical Planner, Architect, Engineer, Landscape Architect or Urban Designer;

“on-line registration form” means form used for user account opening and registration;

“performance conditions” means conditions discharged during implementation through interim, partial and incremental certification;

“planning authorities” has the meaning assigned to it under section 2 of the Physical and Land Use Planning Act, 2019;

“preliminary application” means an application seeking detailed information and guidance to enable submission of a detailed application;

“prescribed agenda” means a schedule of applications for development permission that have been processed for tabling in Development Technical Validation Committee;

“relevant authorities” has the meaning assigned to it under section 60 of the Physical and Land Use Planning Act, 2019

“relevant Professional Registration Board” has the meaning assigned to Physical Planners Registration Act, Architects and Quantity Surveyors Act and Engineers Registration Act;

“registered owner” means the registered owner of land or property for which development permission is sought;

“register of development permission” has the meaning assigned to it under section 62(2) of the Physical and Land Use Planning Act, 2019;

“shared services agreement” has the meaning assigned to it under section 118 of the County Government Act;

“shared services tariffs” has the meaning assigned to it under section 120 of the County Government Act;

“sub- consultant” means an authorized user who may be sub-contracted to undertake specific conformance or performance tasks;

“system” means the physical and land use module of the National Land Information System;

“performance timeline” has the meaning assigned to it under sections 64 and 65 of the Act;

“use” means any use of land for which development permission has been obtained under the Physical and Land Use Planning Act, 2019;

“zoning ordinance” means a regulation that defines land in a specific geographic location can be developed and used.

PART II: THE DEVELOPMENT CONTROL AND ENFORCEMENT SYSTEM

System Establishment

3. There shall be established an electronic development control and enforcement system being a module within the National Land Information System for the purpose of handling applications for development permission.

Database and Operation Tools

4. (1) The Director-General shall maintain in the system, an electronic database for the –

(i) approved physical and land use plans in accordance to provisions of the First and Second Schedules of the Act;

(ii) development control instruments including handbooks, codes, zoning ordinances, policy statements, guidelines, circulars and manuals; and

(iii) registers of documents submitted by applicants for development permission as provided in Schedule 1.

(2) The database shall be displayed and retrieved in such a manner that enables–

(i) an authorized user, being a registered owner of a property shall retrieve information necessary to describe the permissible development which is the subject of the proposed application;

	<ul style="list-style-type: none"> (ii) a licenced professional authorised to submit an application for development permission, who shall link such property to their user account; and (iii) a member of the public or authorized agent of an institution desirous to access data for research purposes.
<p>Requirements for handling applications for development permission</p>	<p>5. (1) For purposes of submission of development proposals listed under section 1 of the Third Schedule of the Act, the Director-General shall—</p> <ul style="list-style-type: none"> (i) establish online links with relevant authorities for ease of information cross-referencing; (ii) enable module integration for property searches, cadastre outlay and property survey attributes for retrieval of such information for submission of development applications; and (iii) process development applications within the prescribed projects of national importance in accordance with section 69 of the Act. <p>(2) There shall be a County Government system operators who shall be –</p> <ul style="list-style-type: none"> (i) the County Director of Physical and Land Use Planning in accordance with section 20(h) the Act; (ii) such authorised planning officers in designated planning units in accordance with section 20(g) of the Act; (iii) such authorised technical officers in the relevant authorities or agencies in accordance to section 60(1) of the Act; and (iv) such authorised finance officers in designated finance units in accordance with section 120 of the County Government Act and section 157, 159 and 171 of the Public Finance Management Act.
<p>Signing Up for User Account</p>	<p>6. (1) There shall be a user account created in the system for every authorised user by –</p> <ul style="list-style-type: none"> (i) signing up and completing a prescribed on-line registration form eDCES001; (ii) selecting access level for the purpose of transacting activities listed in sub-regulation 5(2); and (iii) providing the following information: <ul style="list-style-type: none"> (a) Name; (b) Identity Number/Incorporation/Registration Number; Passport Number (c) Telephone Number; (d) Alternative Telephone Number; (e) E-mail address; (f) Postal Address; (g) Next of kin details; (h) Passport size photo as profile picture in case of natural persons; and

	<p>(i) Physical Address.</p> <p>(2) The Authorized user shall receive credentials for use in logging into their user account.</p>
User obligations	<p>7. A person being an authorized user shall in addition to the terms and conditions set out in the Third Schedule of these Regulations –</p> <p>(i) submit such applications for development permission as may be authorized under these Regulations;</p> <p>(ii) be responsible for the security of his or her details for purposes of any application under these Regulations;</p> <p>(iii) ensure integrity of the information submitted;</p> <p>(iv) not distribute, sell or combine any information accessed through the system;</p> <p>(v) not copy, exchange, disclose or use the land related information accessed from the system for any other purpose other than for purposes of the transactions under these Regulations; and</p> <p>(vi) not to use the system for any unauthorized purposes.</p>
Public Access	<p>8. A person may access the system if that person has—</p> <p>(i) established a user account; and</p> <p>(ii) submitted the requisite information in the designated fields.</p>
Access by Professionals	<p>9. (1) Subject to regulation 8, a professional submitting application for development permission on behalf of registered owner of a property shall provide further information including –</p> <p>(i) professional qualifications in accordance to section 59 of the Act;</p> <p>(ii) certificate of good standing and practising license from the relevant Professional Registration Board;</p>

22



Suspension of a user's access to the system

10. (1) The Director-General or County Director may immediately suspend a user's access when it comes to his/her notice that the user –
- (a) has contravened the obligations or the terms and conditions of access;
 - (b) is suspected to have committed any fraud, identity theft or system misuse;
 - (c) allows an unauthorised/unqualified person to access the system;
 - (d) in the case of professionals, is not in good standing;
 - (e) is dead;
 - (f) is declared insolvent;
 - (g) is declared of unsound mind.
- (2) The Director-General or County Director shall on making the decision under Paragraph (1) (a), (b), (c) and (d) immediately inform the user of that decision and shall specify in the notification –
- (a) the grounds of suspension;
 - (b) the facts which, in the opinion of the Chief Land Registrar, justify each ground of suspension and intention to terminate; and
 - (c) the period within which the user shall be required to respond to the notification.
- (3) Subject to Paragraph (2), the Director-General or County Director shall serve notification by—
- (a) an electronic transmission to any electronic address specified in the user agreement as the user's through SMS Notification, email notification or any other form of electronic transmission;
 - (b) post, to any postal address specified in the user agreement as the user's address of service.
- (4) A user may respond to a suspension notice in writing or in electronic form stating the reasons why the suspension of access should be withdrawn and the response served upon the Director-General or County Director before the expiry of the period specified in Paragraph (2) (c).
- (5) The Director-General or County Director shall upon receipt of a response under Paragraph (4) if satisfied that it is no longer appropriate to suspend the user's access withdraw the suspension and send a notification to that effect to the user within 7 days.

<p>Termination of a user's access to the system</p>	<p>11.</p> <p>(1) Subject to Regulation 10 (1), the Director-General or County Director shall immediately terminate the user's access to the system upon confirming that the user is dead, is declared insolvent or is of unsound mind.</p> <p>(2) The Director-General or County Director shall terminate the user's access if –</p> <ol style="list-style-type: none"> a. not satisfied with the user's response given under Regulation 10 (4) b. the user does not respond within the specified period in Regulation 10 (2) (c) <p>(3) The Director-General or County Director shall communicate the decision under Paragraph (2) to the user within 7 days.</p> <p>(4) The user may file an appeal to the Electronic Appeals Committee, through the Cabinet Secretary, within 14 days of the decision to terminate the user's access.</p>
<p>Appeals against the decision to terminate a user's access to the system</p>	<p>12. (1) The Cabinet Secretary in consultation with the National Land Commission shall appoint an Electronic Appeals Standing Committee to hear appeals against the termination of user's account.</p> <p>(2) The membership of the Electronic Appeals Standing Committee shall comprise of:</p> <ol style="list-style-type: none"> (a) Three representatives from the Ministry; (b) One representative from National Land Commission; (c) One representative from Council of Governors; (d) Four representatives from the private sector provided that one of them shall be an Information Technology Specialist well versed with system forensic audit and cybercrime. <p>(3) The Electronic Appeals Standing Committee shall nominate from among the members of the Committee one member from the Ministry and one member from the Commission who shall serve as the secretariat.</p> <p>(4) The Electronic Appeals Standing Committee shall hear and determine any matter referred to it within 30 days and notify the user of its decision within 7 days.</p> <p>(5) A user aggrieved by the decision of the Electronic Appeals Standing Committee may appeal to the court within 30 days from the date of such decision.</p>
<p>PART III: PREPARATION AND SUBMISSION OF DEVELOPEMNT APPLICATIONS</p>	
<p>Preparation of application</p>	<p>13. (1) For purposes of establishing the permitted use and zoning ordinance requirements of a property, the authorised user shall –</p> <ol style="list-style-type: none"> (i) log in and enter the required information; (ii) attach the relevant documents as may be required to search for the relevant approved plan; and (iii) retrieve planning particulars of the property. <p>(2) For purposes of establishing if the proposed development falls in the category of national strategic importance or inter-county in accordance to</p>

section 69 of the Act, the authorised user shall make reference to the Physical And Land Use Planning (Classification Of Strategic National or Inter-County Projects) Regulations, 2019;

(3) For applications whose policy interpretations may not be clear or constitute comprehensive development, the authorised user may –

- (i) prepare preliminary application for concept evaluation and recommendations;
- (ii) submit electronically the said application under the submission guidelines in these Regulations, or
- (iii) physically consult the authorised officer of the planning authority

(4) The recommendations obtained under sub-Regulation 14(3) shall constitute the full submission of the application.

Submission of application

14. (1) Application for development permission shall be made in the prescribed form, depending on the type of application.

(2) An application for development permission shall be transmitted to such electronic address in accordance to these Regulations;

(3) All applications for development permission shall be accompanied by supporting documents including –

- (i) Title Deed, Certificate of Lease or any legal ownership documents and a current search;
- (ii) Written consent in accordance to section 58(4) of the Act;
- (iii) Geo-referenced Cadastral map, sectional plans or other filed plans;
- (iv) Scheme plans/building plans in accordance to submission guidelines, approved standards and specifications.
- (v) Public Notification (where applicable) in accordance to section 58(7)(8);
- (vi) Planning Brief (where applicable)

(4) The written consent, public notification notice and planning brief shall be submitted PDF format and shall –

- (i) not be password protected;
- (ii) be A4 paper size;
- (iii) have line spacing 1.5;
- (iv) not contain hyperlinks;

(5) The uploaded files of a single application shall –

- (i) be limited to 25 Mb per file;
- (ii) have images of with resolution not less than XXXX pixels

(6) The e-mailing of document to the planning authority shall not constitute submission of a development application;

(7) Where due to a reasonable cause that may include a system prolonged down time, resulting in an authorized person inability to submit an application electronically, the consultant or sub-consultant may submit a hard copy application to the planning authority and give reasons;

(8) For purposes of computation of time, the deadline for electronic submission of documents including the planning authority communicating decisions on development applications lodged electronically shall be 23:59:59 hours Kenyan time;

(9) A signature may be-

- (i) a manual signature on a document that is scanned for electronic submission;
- (ii) an electronic signature.

(10) The consultant or sub-consultant shall be under a duty to inform the registered owner of the submission and progress made in processing the application

PART III: RECEIVING AND PROCESSING OF DEVELOPMENT APPLICATION

Receiving and Invoicing
Development
Application Fees

15. (1) The system shall generate an automated confirmation of receipt of the application bearing the date and time of submission and hyperlink of the documents attached;

(2) The application shall be received and downloaded by the authorised planning officer and subject to prescribed fees in accordance to the regulations issued from time to time by-

- (i) the Cabinet Secretary for proposed projects that fall in the classification of strategic national importance or inter-county;
- (ii) the County Executive Committee Member for proposed developments that fall outside those specified in paragraph (i)

(2) Electronic payments due to National Government shall be made in the form that the Cabinet Secretary may prescribe from time to time;

(3) Electronic payments due to County Government shall be made in the form the County Executive Committee Member may prescribe from time to time; and

(4) An application shall not be considered duly completed until the invoiced amount is paid in full.

<p>Registration of Development Application</p>	<p>16. (1) Upon confirmation by the authorised finance officer for payment of application fees or waiver authority, the authorised planning officer shall –</p> <ul style="list-style-type: none"> (i) prepare an electronic submission certificate in form ePLUPA 002 in the First Schedule with a tracking number issued by the system; and (ii) record the application in the development applications Register in line with section 62 of the Act;
<p>Circulation and Reviewing of application</p>	<p>17. (1) Subject to the provisions of Section 60 of the Act, the authorised planning officer shall transmit an electronic copy of the application to the authorised technical officer of the relevant authorities and agencies to review and comment.</p> <p>(2) The fully circulated application shall be received by the –</p> <ul style="list-style-type: none"> (i) Director-General for the prescribed projects of national importance for onward approval by the Cabinet Secretary; (ii) County Director of Physical and Land Use Planning who shall– <ul style="list-style-type: none"> a. enter as an item in the prescribed agenda; b. table the agenda in the Development Technical Validation Committee; and c. forward the resolution of the Development Technical Committee to the County Executive Committee Member for approval.
<p>Development Technical Validation Committee</p>	<p>18. (1) The County Executive Committee Member shall –</p> <ul style="list-style-type: none"> (i) establish the Development Technical Validation Committee to validate comments and recommendations received from the relevant authorities and agencies; (ii) appoint members of the committee who shall include – <ul style="list-style-type: none"> a. Chief Officer in charge of Physical and Land Use Planning or a designated representative who shall be the chairperson; b. City or municipal director of physical and land use planning or designated representative; c. County, city or municipal architect or a designated representative; d. County land surveyor or a designated representative; e. County city or municipal Engineer or a designated representative; f. County, city or municipal director of land administration or a designated representative;

	<p>g. County director of public health or a designated representative;</p> <p>h. County, city or municipal director of environment or a designated representative;</p> <p>i. County Director of Physical and Land Use Planning who shall be the secretary</p> <p>(2) Members of the Development Technical Validation Committee shall –</p> <ul style="list-style-type: none"> (i) hold scheduled meetings set out on an annual basis; (ii) deliberate the agenda items set in sub-Regulation 15(2)(ii) and validate each item; (iii) make comments based on their professional competence; <p>(3) The Development Technical Validation Committee shall with reasons recommend to the county executive committee member whether to grant, reject or differ a development application</p>
Decision Making and Communication	<p>19. (1) The Cabinet Secretary shall approve or decline applications for prescribed projects of strategic national importance in accordance with Section 69(4) of the Act;</p> <p>(2) The county Executive Committee Member shall –</p> <ul style="list-style-type: none"> (i) receive the resolutions of the Development Technical Validation Committee and for each item in agenda shall grant, refuse to grant or differ stating reasons for the decision; (ii) Authorise the County Director of Physical and Land Use Planning to communicate of the decisions in accordance to section 20(i) of the Act <p>(3) County Director of Physical and Land Use Planning shall –</p> <ul style="list-style-type: none"> (i) transmit the decision to such electronic address provided by the consultant supported by email or short message service to the property owner; and (ii) re-circulate deferred applications to the relevant authorities for further review and reporting in the subsequent validation meeting
Preparation of Conformance Conditions Applications	<p>20. (1) A consultant who receives approval decision with conformance conditions shall –</p> <ul style="list-style-type: none"> (i) Appoint qualified and authorised user as sub-sub-consultant and share the conformance conditions to be fulfilled; (ii) Instruct the sub-consultant to prepare secondary applications for the purpose of –

	<ul style="list-style-type: none"> a. conforming to requirements provided in section 11(c)(d) and (e) of Third Schedule of the Act; b. the charging of development fees where applicable in accordance to section 63 of the Act; and c. securing necessary wayleave permits in accordance to section 12 of Third Schedule of the Act;
<p>Receiving and Processing of Conformance Conditions Applications</p>	<p>21. (1) Application received by the authorised planning officer who shall—</p> <ul style="list-style-type: none"> (i) circulate to the authorised technical officers of the relevant authorities or agencies responsible for the matter under review; and (ii) forward the reviewed application to the County Director of Physical and Land Use planning for issuance of development permit;
<p>Issuance of Development Permission</p>	<p>22. (1) The County Director of Physical and Land Use planning shall issue notification of development application decision—</p> <ul style="list-style-type: none"> (i) granting permission with: <ul style="list-style-type: none"> a. performance conditions; b. performance timelines in accordance with Sections 64 and 92 of the Act; (ii) declining permissions giving reasons for the decision; or (iii) deferment seeking more information or clarification on specific matters.
<p>PART IV: PERFORMANCE CONDITIONS MONITORING AND INSPECTIONS</p>	
<p>Notifications of Inspections</p>	<p>23. (1) The registered owner of a property or duly authorised agent shall —</p> <ul style="list-style-type: none"> (i) send electronic form of notification to the authorised planning officer requesting for inspection during the — <ul style="list-style-type: none"> a. commencement the of the project b. subsequent stages stated in the performance conditions <p>(2) The authorised planning officer shall —</p> <ul style="list-style-type: none"> (ii) receive form of notification and within 24 hours from the hour of receipt issue electronic invoice subject to prescribed fees in accordance to the regulations issued from time to time; (iii) upon payment of the application fees circulate the notification within 24 hours to the authorised technical officer of the relevant authorities or agencies to carry out the inspection

<p>Site Inspection Procedure</p>	<p>24. (1) The authorised technical officer of the relevant authorities or agencies shall</p> <ul style="list-style-type: none"> (i) visit the project site within 24 hours of receiving the form of notification and conduct inspection in accordance to procedures prescribed in the relevant codes; (ii) prepare the inspection report in the prescribed inspection card and file an electronic copy and – <ul style="list-style-type: none"> a. if satisfied with standards on the visited site issue interim certificate authorizing progress of development within 7 days from the date of inspection; or; b. if not satisfied, demand compliance to the set standards or conditions of approval before embarking on the development <p>(2) The registered owner of a property carrying out the development shall not proceed with the development unless issued with a copy of the inspection report and interim certificate authorising progress.</p>
<p>Final Inspection Issuance of Compliance/Occupation Permit</p>	<p>25. (1) Upon completion of the development project the consultant or duly authorised agent shall on behalf of registered owner of a property–</p> <ul style="list-style-type: none"> (i) send electronic form of notification to the authorised planning officer requesting for joint final inspection of all authorised technical officers of the relevant authorities and agencies; (ii) prepare the site of the completed development to standards stipulated in the performance conditions; <p>(2) The authorised planning officer shall coordinate the final joint inspection exercise and consolidate all inspection reports and forward to the County Director of Physical and Land Use Planning;</p> <p>(4) the County Director of Physical and Land Use Planning shall receive the final joint inspection report and within 7 days from the date of receipt issue in prescribed forms ePLUPA003 –</p> <ul style="list-style-type: none"> (i) compliance certificate against development applications submitted by planning consultants; and (ii) occupation certificate for buildings
<p>PART VI: ENFORCEMENT ACTION</p>	
<p>Identification of contravention/breach and preparation of enforcement notice</p>	<p>26. (1) The Director of Planning and Land Use Planning shall, in liaison with relevant authorities and agencies, conduct routine surveillance visits for the purpose of –</p> <ul style="list-style-type: none"> (i) monitoring on-going developments in the county; (ii) identify un-authorised developments or those in contravention to approval;

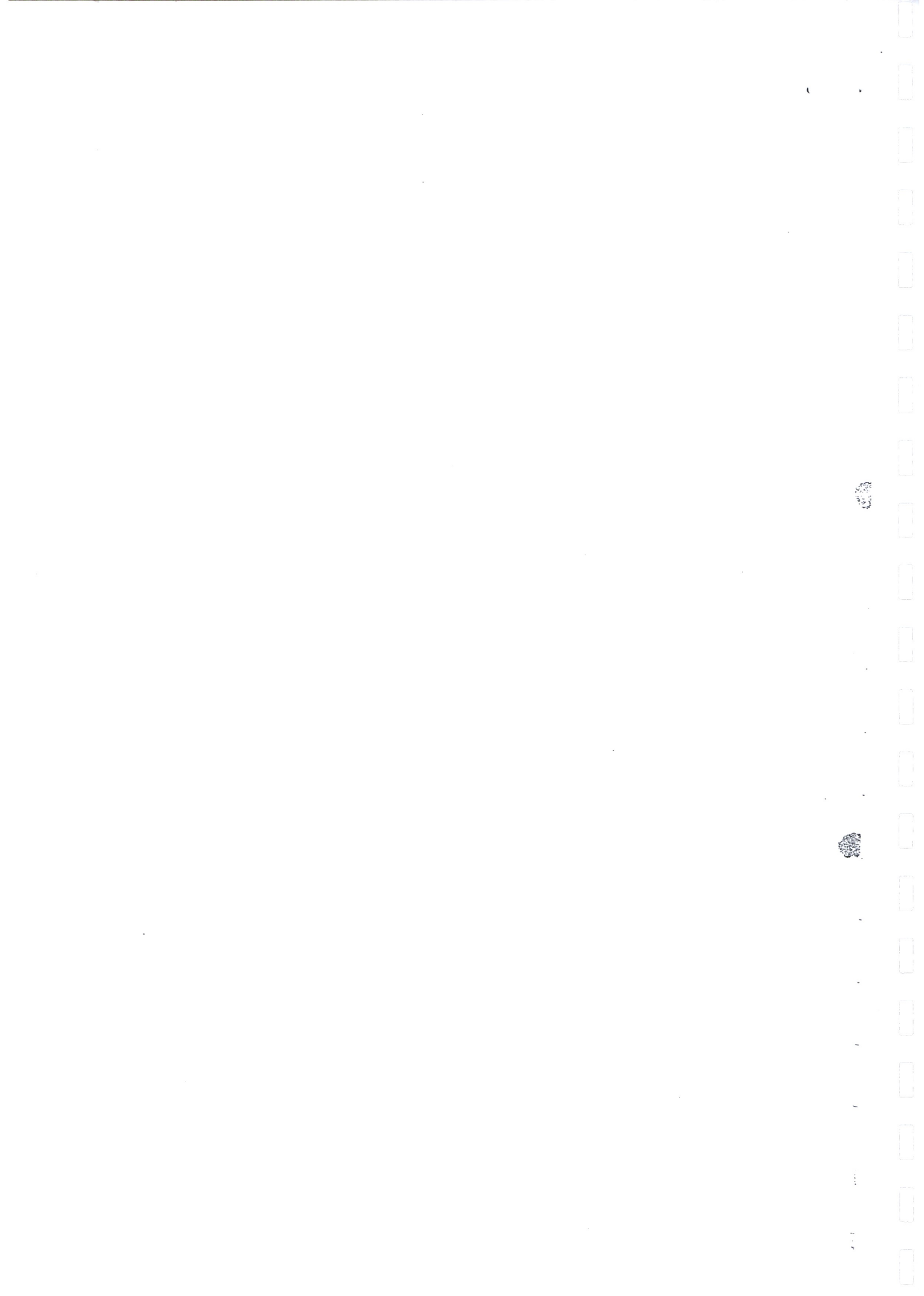
	<p>(2) The Director of Planning and Land Use Planning shall prepare an enforcement notice for non-conforming developments in a prescribed Form ePLUPA004 which shall –</p> <ul style="list-style-type: none"> (i) specifying the contravention/breach committed; and (ii) Remedial measures to be undertaken within a specified time.
<p>Service of Enforcement Notice and appeal</p>	<p>27. (1) The registered owner of a property or agent carrying out the unauthorised development or in contravention to approval shall either –</p> <ul style="list-style-type: none"> (i) be served with electronic copy of enforcement notice dispatched through short message service or email; or (ii) be served with an enforcement notice by post or physically delivered in the absence of an electronic address (iii) in the absence of a physical person, the notice shall be posted/mounted/pasted on a prominent spot within the property; <p>(2) The enforcement notice shall take effect from the date of service within which to comply; or</p> <p>(3) Any person aggrieved with the decision of the County Director of Physical and Land Use Planning may appeal to the respective County Physical and Land Use Liaison Committee in accordance to section 72(3)(4) of the Act.</p>
<p>Judicial Process for non-compliance</p>	<p>28. (1) Whereupon the registered owner of a property fails to comply to the decision of the county liaison committee, the County Director of Physical and Land Use Planning shall –</p> <ul style="list-style-type: none"> (i) commence the judicial process for court summons; (ii) prosecute the case to a logical conclusion; <p>(2) Without prejudice to the determination of the case, the County Director of Physical and Land Use Planning shall cause the demolition or restoration of the land to land to its original state in line with Section 57(3) of the Act.</p>

FIRST SCHEDULE

Development Application Registers

1. Name of the owner/Agent
2. Contacts of the Applicant(Address, Phone Number, e-mail address)
3. Name and Registration/Licence number of the Submitting Professional
4. Type of Application
5. Plot No
6. Acreage
7. Details of the proposed development
8. Coordinates (UTM)
9. Supporting Documents
10. Name of the receiving officer
11. Signature of the applicant
12. Signature of the receiving officer
13. Date of submission of the development application

DRAFT



Prescribed forms

Form EPLUPA 1

Registered Number of Application

Application for Development Permission

(S. 58(1))

(To be filled respect of each transaction and sent to or left at appropriate office of the County Government).

To the.....

(Insert Name and address of the appropriate County Government Office)

I/We hereby apply for permission to develop the land and/or building as described in this application and on the attached plans and drawings.

Date

Registration Number

Coordinates of Property/Plot(UTM).....

Section A—General Information

1. Owner's name and address
2. Applicant's name and address
3. If applicant is not the owner, state interest in the land e.g. leasee, prospective purchaser, etc. and whether the consent of the owner to this application has been obtained.
 - (a) L.R. or parcel No.....
 - (b) Road, District and Town
 - (c) Acreage.....
4. If an application has been previously been submitted state the registered number of the application

Section B—Subdivision

5. Describe briefly the proposed subdivision including the purposes for which land and/or buildings are to be used
6. State the purpose for which land and/or buildings are now used. If not now used, the purpose for which and the date on which they were last used
7. State whether the construction of a new or an alternative of an existing means of access to or from a road is involved
8. State method of:
 - (a) Water supply
 - (b) Sewerage disposal
 - (c) Surface water disposal
 - (d) Refuse disposal
9. Give details of any relevant easements affecting the proposed subdivision.....

Section C—Extension of Lease or User or Change of User

10. State whether subdivision is involved and if so whether permission has been applied for and if so give registered number of the application.....
11. Describe briefly the proposed development including the purpose for which land and/or buildings are to be used
12. State the purpose for which land and/or buildings are now used. If not now used, the purpose for which and date on which they were last used.....
13. State whether the construction of a new or alternative of an existing means of access to or from a road is involved
14. If the proposed development consists only of a change of user and does not involve building operations state the exact nature of such change
15. If the site abuts on road junction, give details and height of any proposed walls, fence, etc., fronting thereon
16. State method of:
 - (a) Water supply
 - (b) Sewerage disposal
 - (c) Surface water disposal
 - (d) Refuse disposal
17. Give details of any relevant easements affecting the proposals.....
18. State the:
 - (a) Area of land affected
 - (b) Area covered by buildings
 - (c) Percentage of site coveredby existing buildings
- by proposed buildings

Note.—Drawing and specifications must be prepared and signed by licenced professionals

If filled by Agent:

Name

Address

Profession.....

11

12

13

14

Submission Certificate

County Government of

Department/Section of Physical and Land Use Planning.....

On..... before(Name and Title of the Officer), personally received the application Ref No..... on Plot L.R No..... located along.....road inarea,.....Sub-County for the proposed.....

hereby acknowledge receipt of the application with the attachments mentioned below:

- a)
- b)
- c)
- d)
- e)
- f)
- g)

Name of the Applicant.....

ID No of the Applicant.....

Registration No of Registered Professional.....

This certificate will be deemed to be an approval, where the applicant does not receive written response to this application within 60 Working Days as per the provisions of Section 58 (6) of this Act.

Name of the Receiving Officer.....

Signature (Stamp)

CC:

CECM

The Applicant

Certificate of Compliance

THE PHYSICAL AND LAND USE PLANNING ACT

(No. 13 of 2019)

Certificate of Compliance

~~FORMEPLUPA~~003

Certificate No.

Name and Address of Applicant

Type of Development (Industrial, Commercial, etc.)

On L.R./Parcel No. with coordinates.....situated in

Road locality (City, Municipality, Township, etc.)

Received from (County Government) by

Ref. No. of

This is to certify that the application above is in compliance with— (a) Approved Development Plan No.

(b) Approved Subdivision Plan/Advisory Plan No.

(c) Special conditions specified in the Notification of Approval (Form P.A.A. 2) date.

with respect to Registered Application No.

Issued by (Name of Officer)

..... Signature
County Director of Physical Planning

Department Seal



REPUBLIC OF KENYA

COUNTY GOVERNMENT OF.....

ENFORCEMENT NOTICE

[Physical and Land Use Planning Act Sec 72(1)]

Ref No.....

To (Owner, Developer, Agent, Occupier)

Name.....

Postal address..... E mail Address.....

Physical address.....

1. Take notice that you have undertaken the development of land described here under without the grant of development permission and/or the following conditions required on that behalf under Part IV of the Physical and Land use Planning Act.

2. Description of the Land Parcel
No.....
Coordinates.....

Correspondence file No. (If known).....

General description of land (for un-surveyed land).....

County/City/Municipality/Town/Ward.....

Name of road/street.....

3. Nature of Development

4. Development conditions
contravened..... (See Details
overleaf)

5. By this notice you are required to*
- a. Immediately stop any further activities on the land
 - b. Alter/modify the buildings or works as per attached diagram
 - c. Demolish the buildings or works
 - d. Surrender Form PLUPA.....Serial no/Ref. no.....(the approval of development permission) issued for variation of development permission conditions.
 - e. Restore the land to its original or near condition as before within 90 days.
 - f. Any other measure (describe).....

*Tick whichever is applicable

6. This notice shall take effect on the.....day of, 20.....

7. If you are aggrieved by this notice, you may appeal to the County Physical and Land Use Planning Liaison Committee within fourteen days of this notice in which case the operation of this notice shall be suspended pending the final determination or withdrawal of the appeal

8. Any person who uses or causes or permits to be used the land to which this notice relates or carries out or causes or permits to be carried out operations on the said land in contravention to this notice shall be guilty of an offence provided by section 72(5) of the Act

TAKE NOTICE that at the expiry from the date of this notice, failure to comply, the County Government may enter on the said land and execute the requirements as outlined above and may recover as a civil debt in Environment and Land Court any related expenses incurred

Official use:

Name and signature of Authorised
Officer.....

FOR: County Executive Committee Member

Official stamp

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

CC

Deputy County commissioner.....Sub County

OCPD..... Division

Sub-County Enforcement Officer.....Sub-County

DRAFT

Details

1. Commencing the development of a Commercial/Residential/Industrial/Institutional building without the approval of building plans by the county government;
2. Commencing the development of Commercial/Residential/Industrial/Institutional building without submission of structural drawings to the county government for approval;
3. Commencing the development of Commercial/ Residential/Industrial/Institutional building without erecting notice of the development on the site
4. Commencing the development of a perimeter wall without the approval of building plans by the county government;
5. Extending development of Commercial/ Residential/Industrial/Institutional development up to level without development permission/ commencement notice;
6. Development of Commercial/ Residential/Industrial/ Institutional buildings using outdated development permission;
7. Development of Commercial/ Residential/Industrial/ Institutional premises without adhering to standard building lines;
8. Occupying/ allowing the occupation of Commercial/ Residential/Industrial/ Institutional buildings without acquiring Certificate of Compliance and consequent Certificate of Occupation from the County Government;
9. Developing/occupying/ allowing the occupation of substandard Commercial/ Residential/Industrial/ Institutional buildings that pose danger to the occupants and general public;
10. Subdividing/Re-parcelling/Amalgamating land without development permission;
11. Changing the Use/Extending the Use of the land without development permission;
12. Allowing effluent from the building to flow in the open posing danger to the public;
13. Dumping waste on undesignated waste disposal site;
14. Excavating soil/murram/sand without development permission;
15. Digging channels across/ along the road without development permission;
16. Leaving dug channels across/along roads uncovered/not cordoned posing danger to the public
17. Encroaching on a public road of access/ public space;
18. Displaying advertisement without development permission;
19. Generating excessive noise causing nuisance to the public;

SECOND SCHEDULE

Form eDCES 001
 The Director-General
 Physical and Land Use Planning
 Ardhi House
 Nairobi

SERVICE ACCESS LEVEL (select one field)						
Property Owner						
Consultant						Physical/Land Use Planner
						Architect
						Engineer
						Landscape Architect
						Urban Designer
Others						Individual
						Institution
Name/Partnership/LLP:			ID no./Reg. No./P.105			
Tel. No.			e-Mail Address:			
Physical Address:			Postal Address: Postal Code: Town:			
Contact Person Name:			P.105/			
Tel No.			Email Address			
In case of Partnership/LLP, individual authorised users:						
S/NO	NAME	ID NO.	P.105/	TEL NO.	EMAIL	
I have read and understood the terms and conditions of use. I AGREE TO BE BOUND BY SAID TERMS AND CONDITIONS						
Name		Signature		Date		

THIRD SCHEDULE

TERMS AND CONDITIONS OF USE

1. Introduction

- (i) The National Land Information System is an online system developed by the Government of Kenya through the Ministry of Lands and Physical Planning in collaboration with the National Land Commission. It is a system created for convenience in conducting land transactions.
- (ii) Upon registration to the system, a user is deemed to have accepted the terms and conditions and will equally be bound by the same. Once the user has completed the sign up process, a contract detailing the terms and conditions for use is entered into between the user and the system operators.
- (iii) The National Land Information System is a service-based platform upon which fees and charges may be preferred from time to time as stipulated in the relevant statutes.

2. Access and Use

- (i) Upon signing up; a username and a password will be created for the User's use in logging into the system.
- (ii) As an additional security measure, a One Time Password (OTP) in the form of a text message shall be sent to the user's Telephone Number to authenticate every log-in. The user of the system shall be required to keep the log in credentials, particularly the password, confidential to avoid unauthorized access to the system.
- (iii) A user shall access the system either in an individual capacity or through an authorized representative.
- (iv) The system shall allow electronic land transactions under the following Acts: Land Act; Land Registration Act; Physical and Land Use Planning Act; Survey Act; Community Land Act and County Government Act.

3. Availability of service and support

- (i) The Government of Kenya aims to ensure accessibility to NLIS at all times, however there could be service interruption to allow for upgrading or maintenance of the system.
- (ii) The system shall be available around the clock for searching for the copy or image of any instrument, dealing, or document in the system or the lodgment of documents through the system.
- (iii) Processing of electronic documents shall be done during the business hours when the *back-end processes shall be available*.
- (iv) The system support and back-end processes shall be available during the business hours set out in Regulation 2 on the business days set out in Regulation 4 of the Land Registration (General) Regulations, 2017.
- (v) The Cabinet Secretary reserves the right to suspend the system in whole or in part in the circumstances where a significant breach of security has occurred or that a security system has failed that compromises or that could compromise the integrity or security of the system's databases or service until such security breach or failure has been rectified.
- (vi) The Ministry will endeavour to provide you with the services at all times or at any specific times or will be able to operate at all times error-free. Ministry makes no warranties in regard



to the availability of services but all reasonable efforts will be made to provide the best possible service to you. Notices regarding planned system outages will be made available on the Ministry's website.

4. Obligations

a) User obligations

The user shall;

- (i) carry out authorized transactions;
- (ii) complete such formalities as are required to become a registered user before accessing the system;
- (iii) meet the eligibility criteria at all times;
- (iv) be responsible for the security of his or her login credentials and for any access made using the login credentials;
- (v) use the information obtained for the intended purpose only.
- (vi) be responsible for the accuracy and completeness of all information provided or submitted by you when applying to join or when using the system
- (vii) Surrender/deactivate accounts for persons no longer in their employ
- (viii) Change his log in credentials from time to time

The User shall not;

- (i) impersonate another person or entity,
- (ii) distribute or sell any information accessed through the system;
- (iii) collect information about other users
- (iv) make available disruptive commercial messages or advertisements or communications which are prohibited by law
- (v) reverse engineer or otherwise attempt to extract any source code.
- (vi) use any robot, spider, site search/retrieval application, or other device to retrieve or index any portion of the system
- (vii) copy, exchange, sell, disclose or use the land related information accessed from the system for any other purpose other than what is stated in the user agreement without prior written approval of the Cabinet Secretary.
- (viii) Without prejudice to (i) and (ii); the user shall not use the system or its products and services in any manner that violates/infringes the provisions of the Kenya Information and Communication Act, 1998, the Computer Misuse and Cybercrimes Act, 2018 or any other written law.

b) Organizations

In case of organizations (legal persons), the person in charge of the organization shall be responsible:

- (i) For selection and nomination of the users accessing the system on behalf of their organization;

- (ii) For ensuring compliance of the terms and conditions by the users as appointed in (i) above;
- (iii) For notification of revocation of access for any user in their organization at any time;
- (iv) For notification upon discontinuance of employment of any user appointed in paragraph (i).

c) Ministry obligations to User (Our obligation to you)

The Ministry shall;

- (i) Endeavour to maintain this system (NLIS) in good operational condition throughout the term of this agreement.
- (ii) Endeavour to inform the users in cases of scheduled and/or unscheduled system maintenance.
- (iii) Assist you to understand the operational requirements and any protocols adopted from time to time for use in the system.
- (iv) Comply with all statutory and regulatory requirements imposed on the Ministry regarding the implementation and functionality of the system.

5. Security of the System

- i. The User is responsible for maintenance of the confidentiality and control of all Security Measures associated with the use by the user (s). These Security Measures involve the use of digital signatures and digital certificates and are managed the Ministry.
- ii. You are responsible for the selection and nomination of those of your people who you intend to be Subscribers and, therefore, users of the Security Measures.
- iii. The Ministry reserves the right to reject with reasons thereof an application by any Applicant.
- iv. You must promptly notify the Cabinet Secretary in the Ministry if a Subscriber stops working for you.
- v. You are solely responsible for ensuring that the users comply with the User Obligations.
- vi. Any use of the NLIS by any person with access to the Security Measures used or made available to you or any of your people (whether authorised by you or not) constitutes sufficient authority for the Ministry to:
 - vii. act on any enquiries, provide such information, update its registers or to otherwise transact such dealings, with or under the instruction of that person; and
 - viii. charge fees for the use of the products and services associated with NLIS.
- ix. You shall promptly notify the Cabinet Secretary in the Ministry as soon as you become aware that any of the Security Measures used or available to you or any of your people are or have been compromised, or if you are aware of circumstances which give rise to a risk that those Security Measures have been compromised.
- x. You agree to help the Ministry with any investigation of any suspected or actual compromise of any of those Security Measures.
- xi. Any activity by a user in the system shall be catalogued and an audit trail of such activity created in the system.

12



- xii. You may request revocation of any of the Security Measures available to or being used by any of your people. Your people may also request revocation of their own Security Measures. The Ministry reserves the right at any time to revoke the Security Measures being used by you or any of your people in order to safeguard the integrity and security of NLIS databases

Disclaimer

Security is important to ensure NLIS functions effectively and efficiently. Although NLIS uses encryption security, there is no guarantee that personal or proprietary information and transactions on the NLIS portal or on the internet will be maintained confidential or secure. The Ministry will be held liable to the extent permissible in the relevant statute but will not be liable for acts of omission or commission out of its control.

6. Data Privacy Statement

1. The Ministry collects the applicant's personal information with the applicant's consent when the application is made for authorization to access the National Land Information System.
2. The Ministry does not on-board minors (any person under 18 years of age) except where an applicant additionally registers on their behalf as their parent and guardian.
3. The information the Ministry collects and stores about the applicant includes but is not limited to the following: applicant's identity including name, photograph, address, location, phone number, identity document type and number, date of birth, email address, age, and gender.
4. The applicant consents to the Ministry making and retaining photocopies of personal information and all other documents provided in support of the application which will be kept for the term of the agreement for the purpose of enforcing the agreement.
5. The Ministry may make inquiries deemed necessary to verify the information provided in the application.
6. The information and documentation provided will be used to administer the authorization to access and use the system.
7. The Ministry may disclose your information to:
 - a. Law enforcement agencies, regulatory authorities, courts or other statutory authorities in response to a demand issued with the appropriate lawful mandate and where the form and scope of the demand is compliant with the law;
 - b. Publicly available and/or restricted government databases to verify applicant's identity information in order to comply with the regulatory requirements;
 - c. Any other person that the Ministry deems legitimately necessary to share the data with.
8. The Ministry shall not release any information to any individual or entity that is acting beyond its legal mandate
9. The Ministry has put in place technical and operational measures to ensure integrity and confidentiality of the applicant's data via controls around: information classification, access control, cryptography, physical and environmental security and monitoring and compliance.
10. Subject to legal and contractual exceptions, the applicant has rights under data protection laws in relation to their personal data. These are listed below:
 - a. Right to be informed that the Ministry is collecting personal data about the applicant
 - b. Right to access personal data that the Ministry holds about the applicant and request for information about how the Ministry will process it;
 - c. Right to request that the Ministry correct the personal data where it is inaccurate or incomplete;

- d. Right to request that the Ministry erase the personal data noting that the Ministry may continue to retain the information if obligated by the law or entitled to do so;
- e. Right to object and withdraw the consent to processing of personal data. The Ministry may continue to process it if it has a legitimate or legal reason to do so;
- f. Right to request restricted processing of the personal data noting that the Ministry may be entitled or legally obligated to continue processing the data and refuse the request;
- g. Right to request transfer of the applicant's personal data (in an electronic format).
- h. The Ministry may need to request specific information from the applicant to help it confirm the applicant's identity and also ensure their right to access their personal data (or to exercise any of the other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. The Ministry may also contact the applicant to ask for further information in relation to the applicant's request in order to speed up the response.

7. Copyright

The Government of the Republic of Kenya is the owner of all rights in and to the National Land Information System. The complete content of the National Land Information System platform is protected by the Copyright Laws of the Republic of Kenya and reproduction or redistribution of that content without the permission of the Government of the Republic of Kenya is strictly prohibited.

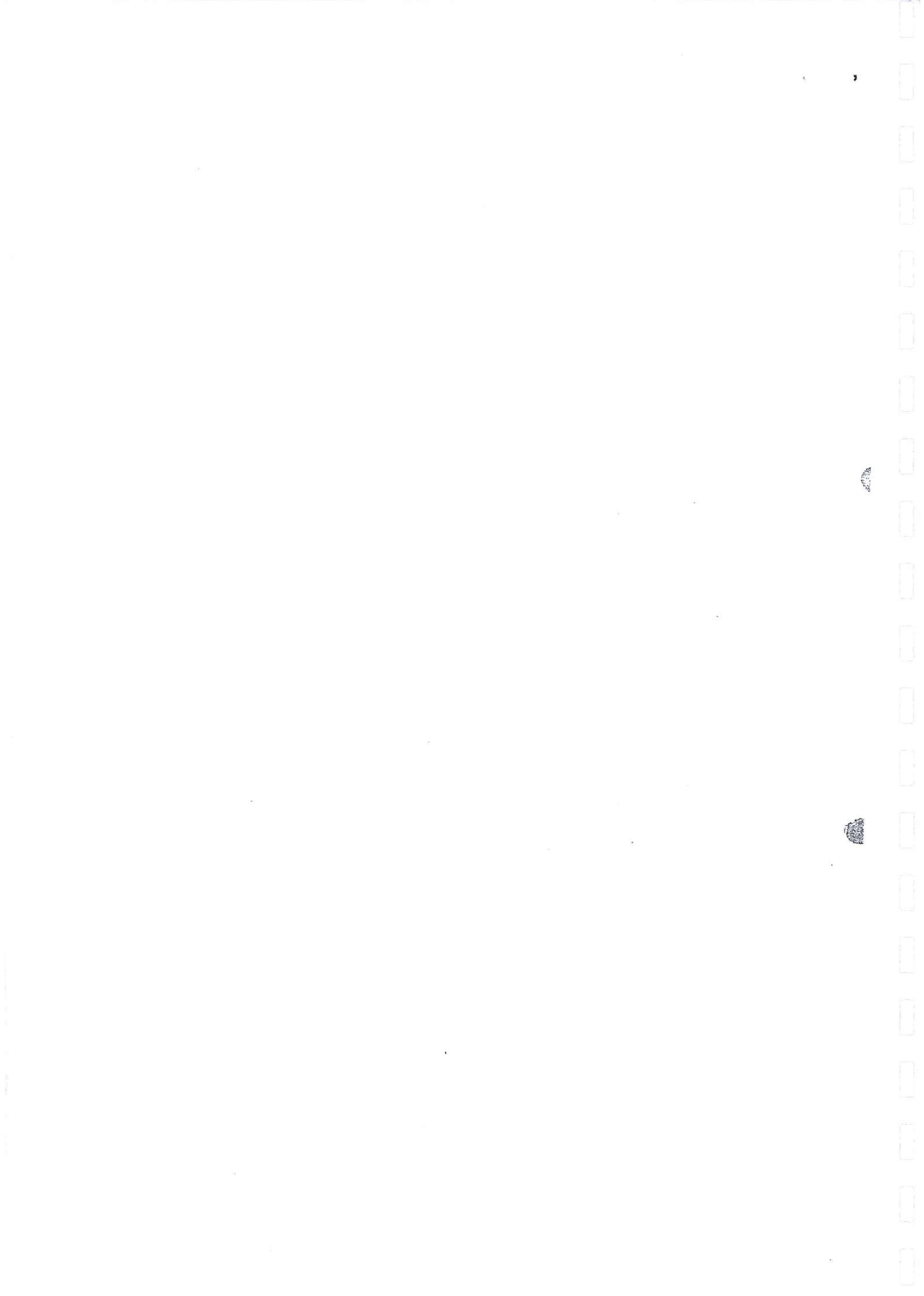
8. General Terms

- (i) The parties commit to a cooperative environment in the performance of the respective obligation to ensure any system difficulty and/or improvement is addressed.
- (ii) The Ministry reserves the right to change and adjust these terms and conditions without any further reasons as long as it is necessary due to legal adjustments or technical progress.
- (iii) The Ministry reserves the right to block the authorized user from the ability to upload content to National Land Information System if a violation of this agreement exists.
- (iv) These terms and conditions are to be read and construed according to the laws of the Republic of Kenya, and you agree to submit to the jurisdiction of this country.
- (v) These terms and conditions record the entire agreement. If any provision of these terms and conditions are held by a court to be unlawful, invalid, unenforceable or in conflict with any rule of law, statute or regulation it is to be severed so that the validity and enforceability of the remaining provisions are not affected.

9. User feedback

1. Feedback on user experience in the use of the system and specifically any complaints, complements and suggestions for improvement are highly encouraged.
2. The feedback in paragraph 1 can be channelled through the feedback portal in the system or through the address below:

Cabinet Secretary
Ardhi House
1st Ngong Avenue, off Ngong Road
Email: info@ardhi.go.ke
Tel: +254 202718050 / 204803886
P.O. Box 30450-00100
NAIROBI



Made on the.....2020

FARIDA KARONEY,
Cabinet Secretary for Lands and Physical Planning

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