PUBLIC | STAKEHOLDER CONSULTATION

[ANNEXURES 3a]

PARLIAMENT OF KENYA LIBRARY

THE NATIONAL ASSEMBLY
PAPERS LAID
DATE: 23 JUN 2020
DAY: TUESDAY
TABLED BY: MAJORITY LEADER
CLERK-AT THE-TABLE:

THE NATIONAL ASSEMBLY
PAPERS LAID
DATE: 23 JUN 2020 DAY. TUESDAY
TABLED BY: MAJORITY LEADER
CLERK-AT THE-TABLE:

MINISTRY OF LANDS AND PHYSICAL PLANNING

TASKFORCE ON FORMULATION OF ELECTRONIC LAND TRANSACTIONS REGULATIONS, 2020

SCHEDULE OF CONSULTATIVE MEETINGS WITH KEY STAKEHOLDERS

NO.	STAKEHOLDER	DATE	TIME
1.	Ministry of Lands & Physical Planning – All Technical Departments	14th May 2020	10:00 AM
2.	National Land Commission (NLC)	15th May 2020	10:00 AM
3.	Council of Governors (CoG)	18th May 2020	10:00AM
4.	Kenya Revenue Authority (KRA)/National Treasury/Ministry of ICT/ICTA	19th May 2020	10:00AM
5.	Law Society of Kenya (LSK)	20th May 2020	10:00 AM
6.	Kenya Institute of Planners / Town County Planners Association of Kenya Architectural Association of Kenya **Relevant Agencies** • Nairobi Metropolitan Service • NEMA • Roads Authorities – KeNHA, KURA, KeRRA, KRB • Kenya Railways • Kenya Airport Authority (KAA) • Engineers Board of Kenya • Institution of Engineers of Kenya • National Construction Authority • Ministry of Transport, Infrastructure, Housing and Urban Development	21st May 2020	10:00 AM

7.	Institution of Surveyors of Kenya / Land Surveyors Board/ Valuers Registration Board/ Estate Agents Registration Board	22nd May 2020	10:00 AM
8.	Kenya Private Sector Alliance /KPDA/Kenya Bankers Association **Civil Society Organizations** • Kenya Land Alliance • Federation of Women Lawyers • Reconcile • Pamoja Trust • GROOTS • Kituo Cha Sheria • Centre for Minority Rights Development • Land Development and Governance Institute • Hakijamii	25th May 2020	10:00 AM
9.	National Assembly Committee on Urban Development, Housing, Planning, Energy, Infrastructure and Lands	27th May 2020	10:00 AM
10	Senate Committee on Lands, Environment and Natural Resources	28th May 2020	10:00 AM
11	National Assembly Committee on Delegated Legislation	29th May 2020	10:00 AM

MINISTRY OF LANDS AND PHYSICAL PLANNING
OFFICE OF THE PRINCIPAL SECRETARY

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When replying please quote

MOLPP/TFELTR/REGS/01

Ardhi House
1st Ngong Road
P.O. Box 30450- 00100
Nairobi, Kenya

May 14, 2020

Mr. Enosh Onyango
Deputy Director General
Nairobi Metropolitan Service
20th Floor, Ambank House, University Way
P. O Box 30119-00100
NAIROBI

Dear Mr. Onyango

RE: PROPOSED LAND TRANSACTIONS (ELECTRONIC) REGULATIONS 2020

The Ministry of Lands and Physical Planning in collaboration with the National Treasury, National Land Commission and other key stakeholders is in the process of developing various sets of Regulations to facilitate Ease of Doing Business as far as Electronic End Transactions is concerned so as to enhance transparency, accountability and efficiency in land administration and management.

To this end, a Taskforce with membership from the National Government, National Land Commission, Council of Governors and private sector was appointed vide Gazette Notice No.2170 of March 13, 2020 to assist the Ministry in the formulation of Land Transactions (Electronic) Regulations, 2020 and also prepare a Regulatory Impact Statement in line with the Statutory instrument Act, 2013.

The Taskforce has since prepared the proposed Statutory instruments and Regulatory Impact Assessment Report in line with the existing Land Laws and the Statutory Instrument Act,2013 as below:-

1. Land Registration (Electronic Transactions) Regulations, 2020;
2. Survey (Electronic Cadastre Transactions) Regulations, 2020;
3. Stamp Duty (Valuation) Regulations, 2020;
4. Stamp Duty (Amendment) Regulations, 2020;
5. Land (Amendment) Regulations, 2020;
6. Land (Extension and Renewal of Leases) (Amendment) Rules, 2020;
7. The Land (Allocation of Public Land) (Amendments, Regulations), 2020; and
8. Physical and Land Use Planning (Electronic Development Control and Enforcement System) Regulations, 2020.

Given the above, the Ministry has placed the instruments in its Website and the stakeholders are invited to make inputs and submit written submissions on the same. Virtual Stakeholders participation/engagements will also be carried out between Thursday May 14, 2020 to Friday 22, 2020 as per the notice in the Ministry's Website and Daily Nation dated Thursday May 8, 2020.

The taskforce wishes to engage the **Nairobi Metropolitan Service** on the draft regulations on **May 21st 2020** at **10.00am.** The purpose of this letter, therefore, is to invite you to the said meeting. Attached please find schedule and dates of the meetings. Be keen to note your specific organization virtual meeting dates (Zoom)

Thank you for your continued support and cooperation.

Yours sincerely

DR. NICHOLAS MURAGURI
PRINCIPAL SECRETARY

Copy to: Cabinet Secretary
Chief Administrative Secretary

Encl

REPUBLIC OF KENYA

MINISTRY OF LANDS AND PHYSICAL PLANNING
Office of the Principal Secretary

Tel: +254(0)20 2718050
Email: cslands@ardhi.go.ke
Web: www.ardhi.go.ke
When replying please quote:

Ardhi House
1st Ngong Avenue
P.O.BOX 30450-00100
Nairobi, KENYA

Ref. No. MOLPP/TFELTR/REGS/01 **May 21, 2020**

Ms. Judy Oduma
Chief Executive Officer
County Assemblies Forum
P.O Box 73552 - 00200
NAIROBI

Dear Ms. Oduma

RE: DRAFT REGULATIONS TO ENABLE ELECTRONIC LAND TRANSACTIONS, REGISTRATION AND CONVEYANCING

The above subject matter refers.

The Ministry in collaboration with the National Land Commission is in the process of developing and implementing a National Land Information Management System (NLIMS) in line with the provisions of the Land Act, 2012 and the broader Government strategy to improve service delivery through e-government.

The Ministry appointed a taskforce vide Gazette Notice No. 2170 of March 13, 2020 (copy attached) to review the existing legal framework to enable effective implementation of NLIMS. The taskforce has developed various sets of regulations to support electronic land transactions, registration and conveyancing.

The proposed statutory instruments are as follows:

1. Land Registration (Electronic Transactions) Regulations, 2020
2. Survey (Electronic Cadastre Transactions) Regulations, 2020
3. Stamp Duty (Valuation) Regulations, 2020
4. Stamp Duty (Amendment) Regulations, 2020

5. Land (Amendment) Regulations, 2020
6. Land (Extension and Renewal of Leases) (Amendment) Rules, 2020
7. The Land (Allocation of Public Land) (Amendments, Regulations), 2020
8. Physical and Land Use Planning (Electronic Development Control and Enforcement System) Regulations, 2020; and
9. Survey (Amendment) Regulations, 2020.

A regulatory impact statement for the proposed regulations has been prepared (enclosed for reference).

The Ministry through the taskforce wishes to engage **Members of County Assembly** on the draft regulations on May 26, 2020. We propose to hold a virtual meeting (Zoom) starting at 10.00 a.m. Please confirm your availability to **Ms. Truphosa Achar 0720712439** to enable us plan accordingly.

Thank you for your continued support and cooperation.

Yours Sincerely

Dr. Nicholas Muraguri
Principal Secretary

Copy to: Cabinet Secretary
Chief Administrative Secretary

Encl

MINISTRY OF LANDS AND PHYSICAL PLANNING

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MOLPP/TFELTR/REGS/01

Ardhi House
1st Ngong Avenue
P.O. Box 30450- 00100
Nairobi, Kenya

May 13, 2020

The Chairperson
Valuers Registration Board, Kenya
1st Ngong Avenue, Off Ngong Road
Ardhi House, 3rd Floor Wing B, Office 313
P O Box 30450-00100
NAIROBI

Dear Chair

RE: PROPOSED LAND TRANSACTIONS (ELECTRONIC) REGULATIONS 2020

The above subject matter refers.

The Land Act (No. 6 of 2012) and the Land Registration Act (No. 3 of 2012) require the Ministry and the National Land Commission to develop and implement a National Land Information Management System (NLIMS) and to maintain a land register in electronic form. It is against the backdrop of these legal provisions and the broader e-government strategy, which is meant to improve service delivery, that the Government embarked on the development of NLIMS, a system that links and networks all land-related agencies in the country.

The Ministry appointed a taskforce vide Gazette Notice No. 2170 of March 13, 2020 to review the existing legal framework to enable effective implementation of

NLIMS. The taskforce has developed various sets of regulations to support electronic land transactions, registration and conveyancing. The proposed statutory instruments are as follows:

1. Land Registration (Electronic Transactions) Regulations, 2020;
2. Survey (Electronic Cadastre Transactions) Regulations, 2020;
3. Stamp Duty (Valuation) Regulations, 2020;
4. Stamp Duty (Amendment) Regulations, 2020;
5. Land (Amendment) Regulations, 2020;
6. Land (Extension and Renewal of Leases) (Amendment) Rules, 2020;
7. The Land (Allocation of Public Land) (Amendments, Regulations), 2020;
8. Physical and Land Use Planning (Electronic Development Control and Enforcement System) Regulations, 2020; and
9. Survey (Amendment) Regulations, 2020.

A regulatory impact statement for the proposed regulations has been prepared (enclosed for reference).

The taskforce wishes to engage you and members of the Kenya Valuers Registration Board on the draft regulations on **May 22, 2020**. The purpose of this letter, therefore, is to invite you to the said meeting. Please, confirm your availability to enable us plan accordingly.

Thank you for your continued support and cooperation.

Yours Sincerely

Dr. Nicholas Muraguri

PRINCIPAL SECRETARY

Copy to: Cabinet Secretary
Chief Administrative Secretary

Encl

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MOLPP/TFELTR/REGS/01

Ardhi House
1st Ngong Avenue
P.O. Box 30450- 00100
Nairobi, Kenya

May 13, 2020

Mr. Mohamed Rashid
Ag. Chief Executive Officer
Kenya Roads Board
3rd Floor Kenya Re Towers,
Off Ragati Rd, UpperHill
P.O. BOX 73718 – 00200
NAIROBI

Dear Mr. Rashid

RE: PROPOSED LAND TRANSACTIONS (ELECTRONIC) REGULATIONS 2020

The above subject matter refers.

The Land Act (No. 6 of 2012) and the Land Registration Act (No. 3 of 2012) require the Ministry and the National Land Commission to develop and implement a National Land Information Management System (NLIMS) and to maintain a land register in electronic form. It is against the backdrop of these legal provisions and the broader e-government strategy, which is meant to improve service delivery, that the Government embarked on the development of NLIMS, a system that links and networks all land-related agencies in the country.

The Ministry appointed a taskforce vide Gazette Notice No. 2170 of March 13, 2020 to review the existing legal framework to enable effective implementation of NLIMS. The taskforce has developed various sets of regulations to support electronic land transactions, registration and conveyancing. The proposed statutory instruments are as follows:

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7. The Land (Allocation of Public Land) (Amendments, Regulations), 2020;

8. Physical and Land Use Planning (Electronic Development Control and Enforcement System) Regulations, 2020; and

9. Survey (Amendment) Regulations, 2020.

A regulatory impact statement for the proposed regulations has been prepared (enclosed for reference).

The taskforce wishes to engage you and members of the Kenya Roads Board on the draft regulations on **May 21, 2020**. The purpose of this letter, therefore, is to invite you to the said meeting. Please, confirm your availability to enable us plan accordingly.

Thank you for your continued support and cooperation.

Yours sincerely

Dr. Nicholas Muraguri

PRINCIPAL SECRETARY

Copy to: Cabinet Secretary
Chief Administrative Secretary

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Ardhi House
1st Ngong Avenue
P.O. Box 30450- 00100
Nairobi, Kenya

May 13, 2020

Mr. Isaac Awuondo
The Chairman
Kenya Airports Authority Board
Head Office, Off Airport North Road.
P.O Box 19001 (00501)
NAIROBI

Dear Mr. Awuondo

RE: PROPOSED LAND TRANSACTIONS (ELECTRONIC) REGULATIONS 2020

The above subject matter refers.

The Land Act (No. 6 of 2012) and the Land Registration Act (No. 3 of 2012) require the Ministry and the National Land Commission to develop and implement a National Land Information Management System (NLIMS) and to maintain a land register in electronic form. It is against the backdrop of these legal provisions and the broader e-government strategy, which is meant to improve service delivery, that the Government embarked on the development of NLIMS, a system that links and networks all land-related agencies in the country.

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7. The Land (Allocation of Public Land) (Amendments, Regulations), 2020;
8. Physical and Land Use Planning (Electronic Development Control and Enforcement System) Regulations, 2020; and
9. Survey (Amendment) Regulations, 2020.

A regulatory impact statement for the proposed regulations has been prepared (enclosed for reference).

The taskforce wishes to engage you and members of the Kenya Airports Authority Board on the draft regulations on **May 21, 2020**. The purpose of this letter, therefore, is to invite you to the said meeting. Please, confirm your availability to enable us plan accordingly.

Thank you for your continued support and cooperation.

Yours sincerely

Dr. Nicholas Muraguri

PRINCIPAL SECRETARY

Copy to: Cabinet Secretary
Chief Administrative Secretary

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OFFICE OF THE PRINCIPAL SECRETARY

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MOLPP/TFELTR/REGS/01

Ardhi House
1st Ngong Avenue
P.O. Box 30450- 00100
Nairobi, Kenya

May 13, 2020

Eng. Nathaniel Omwolo Matalanga
President
Institution of Engineers of Kenya
Transcom Annex, 1st Floor Ngong Road
P.O Box 41346-00100
NAIROBI

Dear Matalanga

RE: PROPOSED LAND TRANSACTIONS (ELECTRONIC) REGULATIONS 2020

The above subject matter refers.

The Land Act (No. 6 of 2012) and the Land Registration Act (No. 3 of 2012) require the Ministry and the National Land Commission to develop and implement a National Land Information Management System (NLIMS) and to maintain a land register in electronic form. It is against the backdrop of these legal provisions and the broader e-government strategy, which is meant to improve service delivery, that the Government embarked on the development of NLIMS, a system that links and networks all land-related agencies in the country.

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8. Physical and Land Use Planning (Electronic Development Control and Enforcement System) Regulations, 2020; and
9. Survey (Amendment) Regulations, 2020.

A regulatory impact statement for the proposed regulations has been prepared (enclosed for reference).

The taskforce wishes to engage the Institution of Engineers of Kenya on the draft regulations on **May 21st 2020** at **10.00am.** The purpose of this letter, therefore, is to invite you to the said meeting. Attached please find schedule and dates of the meetings. Be keen to note your specific organization virtual meeting dates (Zoom)

Thank you for your continued support and cooperation.

Yours Sincerely

DR. NICHOLAS MURAGURI
PRINCIPAL SECRETARY

Copy to: Cabinet Secretary
Chief Administrative Secretary

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Ardhi House
1st Ngong Road
P.O. Box 30450- 00100
Nairobi, Kenya

May 14, 2020

Mr. Solomon Kitungu
Principal Secretary
Ministry of Transport, Infrastructure, Housing,
Urban Development and Public Works
Transcom House, Ngong Road
P. O Box 52692-00200
NAIROBI

Dear Mr. Kitungu

RE: PROPOSED LAND TRANSACTIONS (ELECTRONIC) REGULATIONS 2020

The Ministry of Lands and Physical Planning in collaboration with the National Treasury, National Land Commission and other key stakeholders is in the process of developing various sets of Regulations to facilitate Ease of Doing Business as far as Electronic End Transactions is concerned so as to enhance transparency, accountability and efficiency in land administration and management.

To this end, a Taskforce with membership from the National Government, National Land Commission, Council of Governors and private sector was appointed vide Gazette Notice No.2170 of March 13, 2020 to assist the Ministry in the formulation of Land Transactions (Electronic) Regulations, 2020 and also prepare a Regulatory Impact Statement in line with the Statutory instrument Act, 2013.

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Given the above, the Ministry has placed the instruments in its Website and the stakeholders are invited to make inputs and submit written submissions on the same. Virtual Stakeholders participation/engagements will also be carried out between Thursday May 14, 2020 to Friday 22, 2020 as per the notice in the Ministry's Website and Daily Nation dated Thursday May 8, 2020.

The taskforce wishes to engage the **Ministry of Transport, Infrastructure, and Housing** on the draft regulations on **May 21st 2020** at **10.00am.** The purpose of this letter, therefore, is to invite you to the said meeting. Attached please find schedule and dates of the meetings. Be keen to note your specific organization virtual meeting dates (Zoom)

Thank you for your continued support and cooperation.

Yours sincerely

DR. NICHOLAS MURAGURI
PRINCIPAL SECRETARY

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Ardhi House
1st Ngong Road
P.O. Box 30450- 00100
Nairobi, Kenya

May 14, 2020

Ms. Elizabeth Mwangi
Chief Executive Officer
Kenya Property Development Association
Fatima Flats, Suite 48
Marcus Garvey Road off Argwings Kodhek Road
P. O Box 76154-00508
NAIROBI

Dear Ms Mwangi

RE: PROPOSED LAND TRANSACTIONS (ELECTRONIC) REGULATIONS 2020

The Ministry of Lands and Physical Planning in collaboration with the National Treasury, National Land Commission and other key stakeholders is in the process of developing various sets of Regulations to facilitate Ease of Doing Business as far as Electronic End Transactions is concerned so as to enhance transparency, accountability and efficiency in land administration and management.

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The taskforce wishes to engage the **Kenya Property Development Authority** on the draft regulations on **May 25th 2020** at **10.00am.** The purpose of this letter, therefore, is to invite you to the said meeting. Attached please find schedule and dates of the meetings. Be keen to note your specific organization virtual meeting dates (Zoom)

Thank you for your continued support and cooperation.

Yours sincerely

DR. NICHOLAS MURAGURI
PRINCIPAL SECRETARY

Copy to: Cabinet Secretary
Chief Administrative Secretary

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Ardhi House
1st Ngong Road
P.O. Box 30450- 00100
Nairobi, Kenya

May 14, 2020

Ms. Pauline Gituri
Land Surveyors Board
Ardhi House, 10th Floor, Wing A
1st Ngong Avenue
P. O Box 30450-00100
NAIROBI

Dear Ms. Gituri

RE: PROPOSED LAND TRANSACTIONS (ELECTRONIC) REGULATIONS 2020

The Ministry of Lands and Physical Planning in collaboration with the National Treasury, National Land Commission and other key stakeholders is in the process of developing various sets of Regulations to facilitate Ease of Doing Business as far as Electronic End Transactions is concerned so as to enhance transparency, accountability and efficiency in land administration and management.

To this end, a Taskforce with membership from the National Government, National Land Commission, Council of Governors and private sector was appointed vide Gazette Notice No.2170 of March 13, 2020 to assist the Ministry in the formulation of Land Transactions (Electronic) Regulations, 2020 and also prepare a Regulatory Impact Statement in line with the Statutory instrument Act, 2013.

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8. Physical and Land Use Planning (Electronic Development Control and Enforcement System) Regulations, 2020.

Given the above, the Ministry has placed the instruments in its Website and the stakeholders are invited to make inputs and submit written submissions on the same. Virtual Stakeholders participation/engagements will also be carried out between Thursday May 14, 2020 to Friday 22, 2020 as per the notice in the Ministry's Website and Daily Nation dated Thursday May 8, 2020.

The taskforce wishes to engage the **Land Surveyors Board** on the draft regulations on **May 22nd 2020** at **10.00am.** The purpose of this letter, therefore, is to invite you to the said meeting. Attached please find schedule and dates of the meetings. Be keen to note your specific organization virtual meeting dates (Zoom)

Thank you for your continued support and cooperation.

Yours sincerely

DR. NICHOLAS MURAGURI
PRINCIPAL SECRETARY

Copy to: Cabinet Secretary
Chief Administrative Secretary

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OFFICE OF THE PRINCIPAL SECRETARY

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MOLPP/TFELTR/REGS/01

Ardhi House
1st Ngong Road
P.O. Box 30450- 00100
Nairobi, Kenya

May 14, 2020

Mr. Mamo B. Mamo
Ag. Director General
National Environment Management Authority
Popo Road South C, Off Mombasa Road
P.O Box 67839-00200
NAIROBI

Dear Mr. Mamo

RE: PROPOSED LAND TRANSACTIONS (ELECTRONIC) REGULATIONS 2020

The Ministry of Lands and Physical Planning in collaboration with the National Treasury, National Land Commission and other key stakeholders is in the process of developing various sets of Regulations to facilitate Ease of Doing Business as far as Electronic End Transactions is concerned so as to enhance transparency, accountability and efficiency in land administration and management.

To this end, a Taskforce with membership from the National Government, National Land Commission, Council of Governors and private sector was appointed vide Gazette Notice No.2170 of March 13, 2020 to assist the Ministry in the formulation of Land Transactions (Electronic) Regulations, 2020 and also prepare a Regulatory Impact Statement in line with the Statutory instrument Act, 2013.

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8. Physical and Land Use Planning (Electronic Development Control and Enforcement System) Regulations, 2020.

Given the above, the Ministry has placed the instruments in its Website and the stakeholders are invited to make inputs and submit written submissions on the same. Virtual Stakeholders participation/engagements will also be carried out between Thursday May 14, 2020 to Friday 22, 2020 as per the notice in the Ministry's Website and Daily Nation dated Thursday May 8, 2020.

The taskforce wishes to engage **NEMA** on the draft regulations on **May 21st 2020** at **10.00am.** The purpose of this letter, therefore, is to invite you to the said meeting. Attached please find schedule and dates of the meetings. Be keen to note your specific organization virtual meeting dates (Zoom)

Thank you for your continued support and cooperation.

Yours sincerely

DR. NICHOLAS MURAGURI
PRINCIPAL SECRETARY

Copy to: Cabinet Secretary
Chief Administrative Secretary

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MOLPP/TFELTR/REGS/01

Ardhi House
1st Ngong Road
P.O. Box 30450- 00100
Nairobi, Kenya

May 14, 2020

Mr. Philip Mainga
Managing Director
Kenya Railways Corporation
P. O Box 7150-20100
NAIROBI

Dear Mr. Mainga

RE: PROPOSED LAND TRANSACTIONS (ELECTRONIC) REGULATIONS 2020

The Ministry of Lands and Physical Planning in collaboration with the National Treasury, National Land Commission and other key stakeholders is in the process of developing various sets of Regulations to facilitate Ease of Doing Business as far as Electronic End Transactions is concerned so as to enhance transparency, accountability and efficiency in land administration and management.

To this end, a Taskforce with membership from the National Government, National Land Commission, Council of Governors and private sector was appointed vide Gazette Notice No.2170 of March 13, 2020 to assist the Ministry in the formulation of Land Transactions (Electronic) Regulations, 2020 and also prepare a Regulatory Impact Statement in line with the Statutory instrument Act, 2013.

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Given the above, the Ministry has placed the instruments in its Website and the stakeholders are invited to make inputs and submit written submissions on the same. Virtual Stakeholders participation/engagements will also be carried out between Thursday May 14, 2020 to Friday 22, 2020 as per the notice in the Ministry's Website and Daily Nation dated Thursday May 8, 2020.

The taskforce wishes to engage the **Kenya Railways Corporation** on the draft regulations on **May 21st 2020** at **10.00am.** The purpose of this letter, therefore, is to invite you to the said meeting. Attached please find schedule and dates of the meetings. Be keen to note your specific organization virtual meeting dates (Zoom)

Thank you for your continued support and cooperation.

Yours sincerely

DR. NICHOLAS MURAGURI
PRINCIPAL SECRETARY

Copy to: Cabinet Secretary
Chief Administrative Secretary

Encl

MINISTRY OF LANDS AND PHYSICAL PLANNING
OFFICE OF THE PRINCIPAL SECRETARY

Tel: +254(0)20 2718050
Fax: +254(0)202724470
When replying please quote

MOLPP/TFELTR/REGS/01

Ardhi House
1st Ngong Road
P.O. Box 30450- 00100
Nairobi, Kenya

May 14, 2020

Mr. Mairura Omwenga
Chairman
Town County Planners Association of Kenya
Galena Road, Kilimani
Block 2, White Court
P. O Box 15692-00100
NAIROBI

Dear Mr Omwenga

RE: PROPOSED LAND TRANSACTIONS (ELECTRONIC) REGULATIONS 2020

The Ministry of Lands and Physical Planning in collaboration with the National Treasury, National Land Commission and other key stakeholders is in the process of developing various sets of Regulations to facilitate Ease of Doing Business as far as Electronic End Transactions is concerned so as to enhance transparency, accountability and efficiency in land administration and management.

To this end, a Taskforce with membership from the National Government, National Land Commission, Council of Governors and private sector was appointed vide Gazette Notice No.2170 of March 13, 2020 to assist the Ministry in the formulation of Land Transactions (Electronic) Regulations, 2020 and also prepare a Regulatory Impact Statement in line with the Statutory instrument Act, 2013.

The Taskforce has since prepared the proposed Statutory instruments and Regulatory Impact Assessment Report in line with the existing Land Laws and the Statutory Instrument Act,2013 as below:-

1. Land Registration (Electronic Transactions) Regulations, 2020;
2. Survey (Electronic Cadastre Transactions) Regulations, 2020;
3. Stamp Duty (Valuation) Regulations, 2020;
4. Stamp Duty (Amendment) Regulations, 2020;
5. Land (Amendment) Regulations, 2020;
6. Land (Extension and Renewal of Leases) (Amendment) Rules, 2020;
7. The Land (Allocation of Public Land) (Amendments, Regulations), 2020; and
8. Physical and Land Use Planning (Electronic Development Control and Enforcement System) Regulations, 2020.

Given the above, the Ministry has placed the instruments in its Website and the stakeholders are invited to make inputs and submit written submissions on the same. Virtual Stakeholders participation/engagements will also be carried out between Thursday May 14, 2020 to Friday 22, 2020 as per the notice in the Ministry's Website and Daily Nation dated Thursday May 8, 2020.

The taskforce wishes to engage the **Town County Planners Association of Kenya** on the draft regulations on **May 21st 2020** at **10.00am.** The purpose of this letter, therefore, is to invite you to the said meeting. Attached please find schedule and dates of the meetings. Be keen to note your specific organization virtual meeting dates (Zoom)

Thank you for your continued support and cooperation.

Yours Sincerely

DR. NICHOLAS MURAGURI
PRINCIPAL SECRETARY

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MOLPP/TFELTR/REGS/01

Ardhi House
1st Ngong Road
P.O. Box 30450- 00100
Nairobi, Kenya

May 14, 2020

Eng. Jacob Mwingi
Chief Executive Officer
Architectural Association of Kenya
Room 605-6th Floor
Blue Violet Plaza Kindaruma
Off Ngong Road
P. O Box 44258-00100
NAIROBI

Dear Mwingi

RE: PROPOSED LAND TRANSACTIONS (ELECTRONIC) REGULATIONS 2020

The Ministry of Lands and Physical Planning in collaboration with the National Treasury, National Land Commission and other key stakeholders is in the process of developing various sets of Regulations to facilitate Ease of Doing Business as far as Electronic End Transactions is concerned so as to enhance transparency, accountability and efficiency in land administration and management.

To this end, a Taskforce with membership from the National Government, National Land Commission, Council of Governors and private sector was appointed vide Gazette Notice No.2170 of March 13, 2020 to assist the Ministry in the formulation of Land Transactions (Electronic) Regulations, 2020 and also prepare a Regulatory Impact Statement in line with the Statutory instrument Act, 2013.

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4. Stamp Duty (Amendment) Regulations, 2020;
5. Land (Amendment) Regulations, 2020;
6. Land (Extension and Renewal of Leases) (Amendment) Rules, 2020;
7. The Land (Allocation of Public Land) (Amendments, Regulations), 2020; and
8. Physical and Land Use Planning (Electronic Development Control and Enforcement System) Regulations, 2020.

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The taskforce wishes to engage the **Architectural Association of Kenya** on the draft regulations on **May 21st 2020** at **10.00am.** The purpose of this letter, therefore, is to invite you to the said meeting. Attached please find schedule and dates of the meetings. Be keen to note your specific organization virtual meeting dates (Zoom)

Thank you for your continued support and cooperation.

Yours Sincerely

DR. NICHOLAS MURAGURI
PRINCIPAL SECRETARY

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Chief Administrative Secretary

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MOLPP/TFELTR/REGS/01

Ardhi House
1st Ngong Avenue
P.O. Box 30450- 00100
Nairobi, Kenya

May 13, 2020

Eng. Nathaniel Omwolo Matalanga
President
Institution of Engineers of Kenya
Transcom Annex, 1st Floor Ngong Road
P.O Box 41346-00100
NAIROBI

Dear Matalanga

RE: PROPOSED LAND TRANSACTIONS (ELECTRONIC) REGULATIONS 2020

The above subject matter refers.

The Land Act (No. 6 of 2012) and the Land Registration Act (No. 3 of 2012) require the Ministry and the National Land Commission to develop and implement a National Land Information Management System (NLIMS) and to maintain a land register in electronic form. It is against the backdrop of these legal provisions and the broader e-government strategy, which is meant to improve service delivery, that the Government embarked on the development of NLIMS, a system that links and networks all land-related agencies in the country.

The Ministry appointed a taskforce vide Gazette Notice No. 2170 of March 13, 2020 to review the existing legal framework to enable effective implementation of NLIMS. The taskforce has developed various sets of regulations to support

electronic land transactions, registration and conveyancing. The proposed statutory instruments are as follows:

1. Land Registration (Electronic Transactions) Regulations, 2020;

2. Survey (Electronic Cadastre Transactions) Regulations, 2020;

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4. Stamp Duty (Amendment) Regulations, 2020;

5. Land (Amendment) Regulations, 2020;

6. Land (Extension and Renewal of Leases) (Amendment) Rules, 2020;

7. The Land (Allocation of Public Land) (Amendments, Regulations), 2020;

8. Physical and Land Use Planning (Electronic Development Control and Enforcement System) Regulations, 2020; and

9. Survey (Amendment) Regulations, 2020.

A regulatory impact statement for the proposed regulations has been prepared (enclosed for reference).

The taskforce wishes to engage the Institution of Engineers of Kenya on the draft regulations on **May 21st 2020** at **10.00am.** The purpose of this letter, therefore, is to invite you to the said meeting. Attached please find schedule and dates of the meetings. Be keen to note your specific organization virtual meeting dates (Zoom)

Thank you for your continued support and cooperation.

Yours Sincerely

DR. NICHOLAS MURAGURI
PRINCIPAL SECRETARY

Copy to: Cabinet Secretary
Chief Administrative Secretary

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MOLPP/TFELTR/REGS/01

Ardhi House
1st Ngong Avenue
P.O. Box 30450- 00100
Nairobi, Kenya

May 13, 2020

Eng. Collins Juma
President
Engineers Board of Kenya
Fortis Suites, 9th Floor, Hospital Road
P.O Box 30324-00100
NAIROBI

Dear Juma

RE: PROPOSED LAND TRANSACTIONS (ELECTRONIC) REGULATIONS 2020

The above subject matter refers.

The Land Act (No. 6 of 2012) and the Land Registration Act (No. 3 of 2012) require the Ministry and the National Land Commission to develop and implement a National Land Information Management System (NLIMS) and to maintain a land register in electronic form. It is against the backdrop of these legal provisions and the broader e-government strategy, which is meant to improve service delivery, that the Government embarked on the development of NLIMS, a system that links and networks all land-related agencies in the country.

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8. Physical and Land Use Planning (Electronic Development Control and Enforcement System) Regulations, 2020; and

9. Survey (Amendment) Regulations, 2020.

A regulatory impact statement for the proposed regulations has been prepared (enclosed for reference).

The taskforce wishes to engage the **Engineers Board of Kenya** on the draft regulations on **May 21st 2020** at **10.00am.** The purpose of this letter, therefore, is to invite you to the said meeting. Attached please find schedule and dates of the meetings. Be keen to note your specific organization virtual meeting dates (Zoom)

Thank you for your continued support and cooperation.

Yours Sincerely

DR. NICHOLAS MURAGURI
PRINCIPAL SECRETARY

Copy to: Cabinet Secretary
Chief Administrative Secretary

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MOLPP/TFELTR/REGS/01

Ardhi House
1st Ngong Avenue
P.O. Box 30450- 00100
Nairobi, Kenya

May 13, 2020

Eng. Jacob Ruwa, OGW
Executive Director
Kenya Roads Board
P.O Box 73718-00100
NAIROBI

Dear Eng. Ruwa

RE: PROPOSED LAND TRANSACTIONS (ELECTRONIC) REGULATIONS 2020

The above subject matter refers.

The Land Act (No. 6 of 2012) and the Land Registration Act (No. 3 of 2012) require the Ministry and the National Land Commission to develop and implement a National Land Information Management System (NLIMS) and to maintain a land register in electronic form. It is against the backdrop of these legal provisions and the broader e-government strategy, which is meant to improve service delivery, that the Government embarked on the development of NLIMS, a system that links and networks all land-related agencies in the country.

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7. The Land (Allocation of Public Land) (Amendments, Regulations), 2020;
8. Physical and Land Use Planning (Electronic Development Control and Enforcement System) Regulations, 2020; and
9. Survey (Amendment) Regulations, 2020.

A regulatory impact statement for the proposed regulations has been prepared (enclosed for reference).

The taskforce wishes to engage the **Kenya Roads Board** on the draft regulations on **May 21st 2020** at **10.00am.** The purpose of this letter, therefore, is to invite you to the said meeting. Attached please find schedule and dates of the meetings. Be keen to note your specific organization virtual meeting dates (Zoom)

Thank you for your continued support and cooperation.

Yours Sincerely

DR. NICHOLAS MURAGURI
PRINCIPAL SECRETARY

Copy to: Cabinet Secretary
Chief Administrative Secretary

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MOLPP/TFELTR/REGS/01

Ardhi House
1st Ngong Road
P.O. Box 30450- 00100
Nairobi, Kenya

May 14, 2020

Eng. Silas Kinoti
Ag. Director General
Kenya Rural Roads Authority
BARABARA Plaza JKIA, Off Airport South Road
Along Mazao Road opposite Aviation House
P. O Box 41727-00100
NAIROBI

Dear Eng. Kinoti

RE: PROPOSED LAND TRANSACTIONS (ELECTRONIC) REGULATIONS 2020

The Ministry of Lands and Physical Planning in collaboration with the National Treasury, National Land Commission and other key stakeholders is in the process of developing various sets of Regulations to facilitate Ease of Doing Business as far as Electronic End Transactions is concerned so as to enhance transparency, accountability and efficiency in land administration and management.

To this end, a Taskforce with membership from the National Government, National Land Commission, Council of Governors and private sector was appointed vide Gazette Notice No.2170 of March 13, 2020 to assist the Ministry in the formulation of Land Transactions (Electronic) Regulations, 2020 and also prepare a Regulatory Impact Statement in line with the Statutory instrument Act, 2013.

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The taskforce wishes to engage the **Kenya Rural Roads Authority** on the draft regulations on **May 21st 2020** at **10.00am.** The purpose of this letter, therefore, is to invite you to the said meeting. Attached please find schedule and dates of the meetings. Be keen to note your specific organization virtual meeting dates (Zoom)

Thank you for your continued support and cooperation.

Yours sincerely

DR. NICHOLAS MURAGURI
PRINCIPAL SECRETARY

Copy to: Cabinet Secretary
Chief Administrative Secretary

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OFFICE OF THE PRINCIPAL SECRETARY

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MOLPP/TFELTR/REGS/01

Ardhi House
1st Ngong Road
P.O. Box 30450- 00100
Nairobi, Kenya

May 14, 2020

Eng. Peter Mundinia
Executive Director
Kenya National Highways Authority
Barabara plaza
Off Airport South Road, opposite KCAA
P. O Box 49712-00100
NAIROBI

Dear Mundinea

RE: PROPOSED LAND TRANSACTIONS (ELECTRONIC) REGULATIONS 2020

The Ministry of Lands and Physical Planning in collaboration with the National Treasury, National Land Commission and other key stakeholders is in the process of developing various sets of Regulations to facilitate Ease of Doing Business as far as Electronic End Transactions is concerned so as to enhance transparency, accountability and efficiency in land administration and management.

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The taskforce wishes to engage the **Kenya National Highways Authority** on the draft regulations on **May 21st 2020** at **10.00am.** The purpose of this letter, therefore, is to invite you to the said meeting. Attached please find schedule and dates of the meetings. Be keen to note your specific organization virtual meeting dates (Zoom)

Thank you for your continued support and cooperation.

Yours Sincerely

DR. NICHOLAS MURAGURI
PRINCIPAL SECRETARY

Copy to: Cabinet Secretary
Chief Administrative Secretary

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OFFICE OF THE PRINCIPAL SECRETARY

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MOLPP/TFELTR/REGS/01

Ardhi House
1st Ngong Road
P.O. Box 30450- 00100
Nairobi, Kenya

May 14, 2020

Mr. Enosh Onyango
Deputy Director General
Nairobi Metropolitan Service
20th Floor, Ambank House, University Way
P. O Box 30119-00100
NAIROBI

Dear Mr. Onyango

RE: PROPOSED LAND TRANSACTIONS (ELECTRONIC) REGULATIONS 2020

The Ministry of Lands and Physical Planning in collaboration with the National Treasury, National Land Commission and other key stakeholders is in the process of developing various sets of Regulations to facilitate Ease of Doing Business as far as Electronic End Transactions is concerned so as to enhance transparency, accountability and efficiency in land administration and management.

To this end, a Taskforce with membership from the National Government, National Land Commission, Council of Governors and private sector was appointed vide Gazette Notice No.2170 of March 13, 2020 to assist the Ministry in the formulation of Land Transactions (Electronic) Regulations, 2020 and also prepare a Regulatory Impact Statement in line with the Statutory instrument Act, 2013.

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The taskforce wishes to engage the **Nairobi Metropolitan Service** on the draft regulations on **May 21st 2020** at **10.00am.** The purpose of this letter, therefore, is to invite you to the said meeting. Attached please find schedule and dates of the meetings. Be keen to note your specific organization virtual meeting dates (Zoom)

Thank you for your continued support and cooperation.

Yours sincerely

DR. NICHOLAS MURAGURI
PRINCIPAL SECRETARY

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Chief Administrative Secretary

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MOLPP/TFELTR/REGS/01

Ardhi House
1st Ngong Avenue
P.O. Box 30450- 00100
Nairobi, Kenya

May 13, 2020

Mr. Jerome Ochieng
Principal Secretary
Ministry of Information, Communication & Telecommunication
Teleposta Towers, Kenyatta Ave. Koinange Street
P.O Box 30025-00100
NAIROBI

Dear ~~Sincerely~~ Mr. Ochieng

RE: PROPOSED LAND TRANSACTIONS (ELECTRONIC) REGULATIONS 2020

The above subject matter refers.

The Land Act (No. 6 of 2012) and the Land Registration Act (No. 3 of 2012) require the Ministry and the National Land Commission to develop and implement a National Land Information Management System (NLIMS) and to maintain a land register in electronic form. It is against the backdrop of these legal provisions and the broader e-government strategy, which is meant to improve service delivery, that the Government embarked on the development of NLIMS, a system that links and networks all land-related agencies in the country.

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electronic land transactions, registration and conveyancing. The proposed statutory instruments are as follows:

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7. The Land (Allocation of Public Land) (Amendments, Regulations), 2020;
8. Physical and Land Use Planning (Electronic Development Control and Enforcement System) Regulations, 2020; and
9. Survey (Amendment) Regulations, 2020.

A regulatory impact statement for the proposed regulations has been prepared (enclosed for reference).

The taskforce wishes to engage the **Ministry of Information, Communication & Telecommunication** on the draft regulations on **May 19th 2020** at **10.00am.** The purpose of this letter, therefore, is to invite you to the said meeting. Attached please find schedule and dates of the meetings. Be keen to note your specific organization virtual meeting dates (Zoom)

Thank you for your continued support and cooperation.

Yours sincerely

DR. NICHOLAS MURAGURI
PRINCIPAL SECRETARY

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Chief Administrative Secretary

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MOLPP/TFELTR/REGS/01

Ardhi House
1st Ngong Road
P.O. Box 30450- 00100
Nairobi, Kenya

May 14, 2020

Dr. Katherine Getao, EBS
Chief Executive Officer
Information & Communication Technology Authority
Teleposta Tower, 12th Floor
Kenyatta Avenue
P. O Box 27150-00100
NAIROBI

Dear Getao

RE: PROPOSED LAND TRANSACTIONS (ELECTRONIC) REGULATIONS 2020

The Ministry of Lands and Physical Planning in collaboration with the National Treasury, National Land Commission and other key stakeholders is in the process of developing various sets of Regulations to facilitate Ease of Doing Business as far as Electronic End Transactions is concerned so as to enhance transparency, accountability and efficiency in land administration and management.

To this end, a Taskforce with membership from the National Government, National Land Commission, Council of Governors and private sector was appointed vide Gazette Notice No.2170 of March 13, 2020 to assist the Ministry in the formulation of Land Transactions (Electronic) Regulations, 2020 and also prepare a Regulatory Impact Statement in line with the Statutory instrument Act, 2013.

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The taskforce wishes to engage **Information & Communication Technology Authority** on the draft regulations on **May 19th 2020** at **10.00am.** The purpose of this letter, therefore, is to invite you to the said meeting. Attached please find schedule and dates of the meetings. Be keen to note your specific organization virtual meeting dates (Zoom)

Thank you for your continued support and cooperation.

Yours Sincerely

DR. NICHOLAS MURAGURI
PRINCIPAL SECRETARY

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Chief Administrative Secretary

Encl

MINUTES OF THE 32nd MEETING OF THE TASKFORCE ON FORMULATION OF REGULATIONS TO FACILITATE ELECTRONIC LAND TRANSACTIONS, REGISTRATION, CONVEYANCING AND OTHER RELATED ACTIVITIES HELD VIRTUALLY ON FRIDAY, JUNE 5TH, 2020 AT 11:00 A.M.

Attendance

S.N.	Name	Position
1.	Eric Nyadimo	Chair, TFELTR
2	Caroline Wanjeri	Member, TFELTR
3.	David Gatimu	Secretariat, TFELTR
4.	Charles Wamae	Member, TFELTR
5.	Eugene Lawi	Secretariat, TFELTR
6.	George Ruhara	Member, TFELTR
7.	Herbert Were	Member, TFELTR
8.	Mildred Ambani	Member, TFELTR
9.	James Nombi	Member, TFELTR
10	Jasper Mwenda	Secretariat, TFELTR
11.	Sereu Moinket	Member, TFELTR
12.	Julius Kahindi	Member, TFELTR
13.	Elizabeth Njoroge	Member, TFELTR
14.	Nancy Awere	Secretariat, TFELTR
15.	Damaris Lukwo	Secretariat, TFELTR
16	Rachel Dinda	Secretariat, TFELTR
17.	Stephen Chebii	Secretariat, TFELTR
18.	Clarah Ketyenya	Joint Secretary, TFELTR
19	Dr. Mary Macharia	Joint Secretary, TFELTR
20.	Moses Mugendi	Joint Secretary, TFELTR
21.	Agnes Matunda	Secretariat, TFELTR
22.	Esther Omulele	Member, TFELTR
Absent with Apologies		
1.	Brian Kimutai	Member, TFELTR
2.	Peter Musyimi	Member, TFELTR
3.	Carolyne Menin	Member, TFELTR
4.	Dr. Victor Ouno	Member, TFELTR
5.	Annette Omwoyo	Member, TFELTR
6.	Tom Abuta	Member, TFELTR
7.	Catherine Ochanda	Member, TFELTR
8.	Truphosa Achar	Member, TFELTR
9.	Dr. Samuel Nthuni	Member, TFELTR
10	Edward Ole Kateiya	Member, TFELTR

MIN.01/32/2020	**Adoption of Agenda**
	Items of discussion were adopted as follows: 1. Preamble/ Introductions 2. Presentations of: • Registration Matrix • Land Administration Matrix • Valuation Matrix • Physical Planning Matrix

	• Survey Matrix 3. Way forward 4. AOB
MIN.02/32/2020	**Preamble**
	• The Chairman called the meeting to order at 10:30 am. • Opening prayers were said by Clarah Ketyenya. • The Chairman welcomed the members to the meeting and gave a brief about the pending submissions and when they are to be ready and in addition shared the agenda of the day.
MIN.03/32/2020	**Presentations of matrix**
	Land Registration Matrix: Ms. Sereu Moinket gave presentation as follows: • On interpretation sections from KBA and other stakeholders • The proposed interpretation section on electronic signatures now to be called advanced electronic signatures • **On the issue of appeals committee for provisions of sec 86 of LRA.** The committee proposed to do away with the regulation 13 and allowed the chief land register to deal with complaints as per LRA. • **Regulation 15** -The task was to address the discrepancy between the marginal note and regulation. **Response:** Most of the Counties do not have the budget and so, the answer to this question may not be harmonious to all Counties. • **On the issue of fees raised by registrars on regulation14 - Response:** The law must be amended to remove any such fees for search, currently there is a waiver by the Government on both registration and search fees. The regulation has been amended to provide for the fees as applicable to cover for present and future situation. • Currently the applicant must upload a copy of the title during the search, the question was why is this necessary? **Response is** -This must be done for security purposes because of the tittle is surely for the applicant then it should be easy to upload **Planning Matrix** The team was not ready with the matrix and was asked to expedite the process due to time constraint that we have as a taskforce. The team for planning said the inputs and responses will be ready and submitted by the following week, 7th June ,2020. **Valuation Matrix** The valuation subcommittee presented the revised matrix as attached.

	Survey Matrix The cadastre subcommittee presented the matrix as attached.
MIN.04/32/2020	**Way forward**
	• The meeting created 2 teams to look at the issue of Electronic Appeals and Community Land Act. • The team to look at the Electronic Appeals would be made up of: Tom Abuta; Mary Wandia; Brian Kimutai; Samuel Nthuni; and Eugene Lawi • The team to look at the Community Land Act and Regulations would be made up of: Moses Mugendi (Chair); Edward Ole Kateiya; Agnes Kwamboka; Rachel Dinda; Sereu Moinket; and Truphosa Achar • The sub committees to work and finalize on the work by 7th June 2020 so that drafting commences on Monday 8th June 2020 • The meeting discussed the issue of tea and lunch to be provided to members as most of the meetings were running through the entire day
MIN.05/32/2020	**Adjournment and Date of the Next Meeting**
	• There being no other business the meeting ended at 3:55 PM with a word of prayer from Mr. Jasper Mwenda. • The next meeting is scheduled for Monday 8th June 2020 at 11. 00a.m

Minutes Read and Confirmed by:

Chair: ..... Date 15/6/2020

Secretary ..... Date 15/06/2020

Secretary ..... Date 15.06.2020

MINUTES OF THE 31ST MEETING OF THE TASKFORCE ON FORMULATION OF REGULATIONS TO FACILITATE ELECTRONIC LAND TRANSACTIONS, REGISTRATION, CONVEYANCING AND OTHER RELATED ACTIVITIES HELD VIRTUALLY ON THURSDAY, JUNE 4TH, 2020 AT 11:00 A.M.

Attendance

S.N.	Name	Position
1.	Eric Nyadimo	Chair, TFELTR
2	Carol Wanjeri	Member, TFELTR
3.	David Gatimu	Secretariat, TFELTR
4.	Edward Ole Kateiya	Member, TFELTR
5.	Eugene Lawi	Secretariat, TFELTR
6.	George Ruhara	Member, TFELTR
7.	Herbert Were	Member, TFELTR
8.	Mildred Ambani	Member, TFELTR
9.	James Nombi	Member, TFELTR
10	Jasper Mwenda	Secretariat, TFELTR
11.	Sereu Moinket	Member, TFELTR
12.	Truphosa Achar	Member, TFELTR
13.	Julius Kahindi	Member, TFELTR
14.	Elizabeth Njoroge	Member, TFELTR
15.	Nancy Awere	Secretariat, TFELTR
16.	Tom Abuta	Member, TFELTR
17.	Damaris Lukwo	Secretariat, TFELTR
18	Rachel Dinda	Secretariat, TFELTR
19.	Stephen Chebii	Secretariat, TFELTR
20.	Clarah Ketyenya	Joint Secretary, TFELTR
21.	Dr. Mary Macharia	Joint Secretary, TFELTR
22.	Moses Mugendi	Joint Secretary, TFELTR
23.	Dr. Samuel Nthuni	Member, TFELTR
24.	Catherine Ochanda	Member, TFELTR
25.	Agnes Matunda	Secretariat, TFELTR
26.	Esther Omulele	Member, TFELTR
27.	Carolyne Menin	Member, TFELTR
Absent with Apologies		
1.	Brian Kimutai	Member, TFELTR
2.	Peter Musyimi	Member, TFELTR
3.	Charles Wamae	Member, TFELTR
4.	Dr. Victor Ouno	Member, TFELTR
5.	Annette Omwoyo	Member, TFELTR
MIN.01/31/2020	**Adoption of Agenda**	
	Items of discussion were adopted as follows: 1. Preamble/ Introductions 2. Presentations of: -Land Administration Matrix -Valuation Matrix -Registration Matrix -Physical Planning Matrix -Survey Matrix 3. Way forward .	

	AOB (If any)
MIN.02/31/2020	**Preamble**
	• The Chairman called the meeting to order at 11:20 am. • Opening prayers were said by Mildred Ambani. • The Chairman welcomed the members to the meeting and informed them that the meeting was to discuss the matrix of comments from the public participation.
MIN.03/31/2020	**Presentations of matrix**
	Land Administration Matrix from the Public Participation Process Mr. Tom Abuta presented on the views received from the Public on Land Administration and the members gave the responses and way forward. Under the Extension and Renewal of Lease/Allocation of Public Land/Issue of leases and License • **On item 2**- Section 13 of the Land Act about management of Public Land gives the NLC mandate to manage public land. The NLC to manage Public Land on behalf of the County Government. **Way forward/Response**: Proposal to give notification in respect of expiry of leases by the CS in place of NLC shall be dropped in view of Section13(1) of the Land Act. • **On item 26** -Land processes at the County Government should be processed through a system developed by the County Government. **Way forward/response**: The Committee to converge a meeting with the system developer on this matter. • **On item 27** -Do Counties have the infrastructure and will? **Response:** Most of the Counties do not have the budget and so, the answer to this question may not be harmonious to all Counties. • **On item 29** -We the (COG) request for a validation meeting before you do your final drafts. **Response**: a meeting to be held with the Council of Governors • **On item 36** -If land has vested on the Public agencies, why should the NLC be the one to oversee management? **Way forward/response**: this is a Constitutional mandate. • **On item 37** -Users who are regular or professionals to be allowed access throughout the year by making annual subscription as opposed to other users. **Way forward/ response**: Access to the system is not charged (its free of charge)

- **On item 38** -Allow estate agents to make applications for extension and renewal of leases on behalf of owners.
  Way forward/ response: the regulation has not limited any user

- **On item 39** -A corporate user should be allowed to have more than one account.
  Way forward/ response: Corporates to provide a user to operate their account.

- **On item 43** -Director Land Administration is assigned roles by the regulations and yet the Office has not been created by statute.
  Way forward/ response: Concern to be taken on board.

- **On item 45** -Community Land has been left out in this process.
  Way forward/ response: Check further in relation to Cadastre and register in the Community Land Act, 2016.

- **On item 49** -The electronic appeals committee to be set up at every county level.
  Way forward/ response: this issue can be included in the report.

- **On item 55** -All pending applications in suspended accounts to be considered valid and processed just like any other application, so long as they are not fraudulent.
  Way forward/ response: once an account is frozen, all Transactions are stayed.

- **On item 56** -Inclusion of timelines on the suspension period.
  Way forward/ response: There is need to provide timelines.

Valuation Matrix from the Public Participation Process
Ms. Mildred Ambani presented on the views received from the public and the members gave the responses and way forward.

- **KRA** -Land Rent was not explicitly covered, land rent is covered through itax.
  Way forward/response: information on land rent will be captured and shared with KRA.

- **LSK** -Room created for Private Valuers to support valuation but the process has not kicked in properly -scope for the job to be done should be well addressed.
  Way forward/response: on appointment of Private Valuers Will be provided for and the CGV to approve reports submitted by the Private Valuer so long as the Valuer is a

	registered Valuer. • **LSK** -30 days rule -execution of the document -requirement that you should have paid duty -check with what the regulations say -date of execution **Way forward/response:** 30 days rule should apply from date when valuation is completed (team to look at it further). • **LSK** -refer to the Taskforce process in Hong Kong, India -where stamping has been introduced, need to move further but develop concept of stamping and borrow from the Hong Kong experience. **Way forward/response:** Honk Kong e-stamping to be covered in the report. • **LSK** -Suspension of User in Valuation regulation. **Way forward/response:** Look at other regulations and standardize. • **KIP/TCPAK/RELEVANT AGENCIES** - Compulsory acquisition must be Gazetted **Way forward/responses**: this is already provided for in the act. • **ISK** -Authorized user should be an appointed Valuer. **Way forward/response:** Authorized user will not be valid. • **ISK** - Definition of appointed Valuer. **Way forward/response:** appointed Valuer is already provided for. • **ISK** -Define property as per the Constitution. **Way forward/response:** Replace property with immovable property. • **ISK** - Objection to values should be done in 7days -need for timelines for response from the CGV. **Way forward/response:** Objection changed to 14 days provide for late objections.
MIN.04/31/2020	**Way forward**
	• The meeting discussed the need to have a Pre-Publication meeting with the Senate Committee on delegated legislation. • The meeting agreed that Pre-Publication meeting to be done after the Regulations have been sent to the AG. • Dates in the Taskforce Programme to be updated to reflect the changes • Valuation Committee to clean up the matrix of comments and resubmit

MIN.05/31/2020	Adjournment and Date of the Next Meeting
	• There being no other business the meeting ended at 4:15 pm with a word prayer from Carol Wanjeri. • The next meeting is scheduled for Friday, 5th June, 2020 at 10:00 am

Minutes Read and Confirmed by:

Chair: ..... Date 15/6/2020

Secretary ..... Date 15/06/2020

Secretary ..... Date 15-06-2020

MINUTES OF THE 30TH MEETING OF THE TASKFORCE ON FORMULATION OF RELATED REGULATIONS TO FACILITATE ELECTRONIC LAND TRANSACTIONS, REGISTRATION, CONVEYANCING AND OTHER RELATED ACTIVITIES WITH THE HEAD OF LEGAL TEAM OF THE PARLIAMENTARY COMMITTEE ON DELEGATED LEGISLATION VIRTUALLY ON TUESDAY, 2ND JUNE, 2020 AT 11:00 A.M.

Attendance of the Taskforce Members

S/No.	Name	Position
1.	Eric Nyadimo	Chair
2.	Herbert Were	Member
3.	Mildred Ambani	Member
4.	David Gatimu	Member
5.	Esther Omulele	Member
6.	Victor Ouno	Member
7.	Eugene Lawi	Member
8.	Tom Abuta	Member
9	Mary Macharia	Joint Secretary
10.	Julius Kahindi	Member
11.	Samuel Nthuni	Member
12.	Sereu Moinket	Member
13.	Clarah Ketyenya	Joint Secretary
14.	Edward Ole Kateiya	Member
15.	Elizabeth Njoroge	Member
16.	Jasper Mwenda	Member
17.	Agnes Matunda	Secretariat
18.	George Ruhara	Secretariat
19.	Mugendi Moses	Joint Secretary
20.	Caroline Kihara	Member
21.	Carolyne Menin	Member
22.	Truphosa Achar	Member
23.	Charles Wamae	Member
24.	Damaris Lukwo	Secretariat
25.	Catherine Ochanda	Member
26.	Rachel Dinda	Secretariat
27.	Annette Omwoyo	Joint Secretary
28.	James Nombi	Joint Secretary
29	Brian Kimutai	Member
Attendance of the Stakeholder		
30	Wilson Dima Dima	Head, Legal Team, PCDL
Apologies		
1.	Stephen Chebii	Member, TFELTR
2.	Nancy Awere	Member, TFELTR
3.	Peter Musyimi	Member TFELTR
MIN.01/30/2020	Agenda	
	1. Preliminaries 2. Introduction and Welcoming Remarks 3. Overall Expectation of Parliament in Scrutiny of Statutory Instruments	

	4. Drafting Comments on Proposed Regulations 5. Way Forward
MIN.02/30/2020	**Preliminaries**
	• The Chair called the meeting to order at 11:18 a.m. • Opening prayers were said by Mildred Ambani. • The Chair took members through the day's agenda.
MIN.03/30/2020	**Introduction and Welcoming Remarks**
	• The Chair presented an overview of the Taskforce including its TORs, mandate, the milestones it had realized and the roadmap for the remaining activities. • The Chair introduced the Taskforce Members and requested Mr. Wilson Dima Dima, the Parliamentary Legal Counsel to introduce himself. He reported that the CS had informed him about the process that is going on and what has been done so far, that he was happy to contribute to the process of development of the regulations
MIN.04/30/2020	**Overall Expectation of Parliament in Scrutiny of Instruments**
	Remarks by Parliamentary Legal Counsel 1. He explained that his role is to advise the Parliamentary Committee on Delegated Legislation and he would share with the taskforce the expectations of the committee 2. His work was not to redraft but to guide and advise the taskforce. He expressed confidence in the drafting work as several drafters are members of the taskforce 3. He explained that the parliamentary committee has only two options with regard to regulations submitted to it, either to approve or annul them. The committee has no mandate to amend the regulations 4. He explained that Section 13 of Statutory Instruments Act provides all the aspects committee look at. He presented a checklist that the Taskforce needs adhere to to meet the minimum requirements for the regulations to be approved including: a. Regulations should be submitted in 7 days. In this case, the Ministry has 3 weeks (because Parliament sits twice a week) upon publication. b. There should be clear demonstration of public participation, key issues being where, when, by whom and the signatures of the participants to the meetings held virtually or otherwise. Comments from the stakeholders and the resolutions of such engagement should be appended. c. Conformity of regulations with the legal frameworks, the Constitution and other written laws. Adherence to Article 259 of the Constitution should be demonstrated. 5. Notice of the Regulatory Impact Assessment (RIA) should be gazetted and copy appended to the submission to parliament

6. The taskforce should ensure that all the requirements are adhered to while avoiding any mistakes as this could lead to rejection of otherwise great regulations.
7. There is a lot of good material in the Terms and Conditions segment of the regulations that could be in the body of the document. This could answer a lot of how and by whom that could save the taskforce energy on answering these questions

Feedback from the Taskforce
In case of virtual participation, how should evidence of the engagement be presented, is virtual engagement considered as adequate public participation?

Response: Section 5A of Statutory Instruments Act requires explanation for not being able to hold physical participation. This can be used in Covid period. However, ensure advice is sought if that is the requirement, back this up with written evidence in form of list participants engaged. Where consultation between entities is a statutory requirement, demonstrate that this was done e.g. consultation between the Ministry and NLC in establishing the system

If signatures are not obtained, what happens?

Response: Explain the reasons for the virtual meeting, in this case COVID 19 ,based on Section 5A of SIA.

IS the RIA Document to be published supposed to be a final or preliminary document?
Response: Yes RIA is supposed to be a final document and should guide public participation. It should have been finalized by the publication stage.

Will there be a separate RIA on Stamp duty?
Response: No we can put all the facts about the different sections under the same RIA but touching on different aspects

On PLUPA Regulations, 17 pieces of regulations under Section 90 of the Act have been formulated and are at the AG for professional drafting in readiness of stakeholder engagement. How do the two processes of general and electronic regulations fuse, given the different stages and timelines?
Response: The gaps in the general regulations should be reviewed and be filled so that at the end of the day we have one set of regulations while providing the electronic aspect.

What is the difference between consultation and advice?
Response
1. Consultation, demonstrate that the person was consulted. The committee invites the other party for consultation. Demonstrate evidence of the consultation.
2. Advice of the other entity is sought in undertaking a certain task, in this case formulation of Regulations. Such advice is submitted in writing. However, advice must not always be taken. There must be

	demonstration of what part of the advice was taken and what was not taken. In the case of these regulations, the Commission should advise the Ministry. This should be deliberate and in writing. There should be evidence by the Ministry how the advice was acted on.
MIN.05/30/2020	Comments on Proposed Regulations
	Land Registration 1. Change the opening. 2. Section 13 (h) effects in drafting. 3. The schedule is clearer than the body for the registration. This should be brought out here. 4. Timelines for the court after appeal. 5. Appeal body should have a lawyer since it is quasi-judicial. Timeline for the court should not be 30 days we leave it to the court rules. 6. Which court? Define. 7. A lot in the body should be informed in the Terms and Condition especially on access and use. **Land Allocation Regulations** **Payment of Fees** • Why are we moving the fees from the Commission to the CS. Payment to government do to the consolidated Fund. It's a policy issue. Check PFM. Pre-Publication and representation to the Parliamentary committee • The engagement with the parliamentary committee should be when the drafts are cleaned. • They should be submitted in a near final form. • The law requires the committee to check that Public Participation has been done.
MIN.06/30/2020	Way forward
	• As the date of launching the system, which should be backed by the regulations is already set on 1st July 2020, the taskforce should consider working backwards to track progress • Gazette notice will determine how the taskforce will progress towards the launch • Special focus should be put on Regulation 6h and general issues on registration • Resolve NLC issue with the CS as a way forward • Have a smaller team to work closely with drafters to fine tune the drafts developed to date • On Physical Planning Regulations, the sub-committee should consider engaging the DG for further comments. Professional Associations that have not submitted their memoranda should be implored to do so within the set timelines • Written memoranda should be submitted by the organizations as promised during the meeting and in line with set timelines

	• Members to continue working on the comments from the public participation on Tuesday and Wednesday. Taskforce Meetings to review the comments to be held on Thursday and Friday
MIN.07/30/2020	**Adjournment and Date of the Next Meeting**
	• The Chair closed the meeting at 12:59 pm with closing prayers from Mary Wandia. • The Next meeting was scheduled for Thursday the 4th of June, 2020.

Minutes Read and Confirmed by:

Chairman ..... Date 10/6/2020

Secretary ..... Date 10/06/2020

Secretary ..... Date 10.06.2020

MINUTES OF THE 29TH MEETING OF THE TASKFORCE ONFORMULATION OF REGULATIONS TO FACILITATE ELECTRONIC LAND TRANSACTIONS, REGISTRATION, CONVEYANCING AND OTHER RELATED ACTIVITIES WITH KENYA PROPERTY DEVELOPERS ASSOCIATION (KPDA), KENYA BANKERS ASSOCIATION (KBA), KENYA PRIVATE SECTOR ALLIANCE (KEPSA) AND THE CIVIL SOCIETIES (CSO's) HELD VIRTUALLY ON WEDNESDAY, MAY 27, 2020 AT 10:00 A.M.

Attendance

S.N.	Name	Position
1.	Eric Nyadimo	Chair, TFELTR
2	Sereu Moinket	Member, TFELTR
3.	Tom Abuta	Member, TFELTR
4.	Agnes Matunda	Secretariat, TFELTR
5.	Anette Omwoyo	Joint Secretary, TFELTR
6.	Carol Wanjeri	Member, TFELTR
7.	Carolyne Menin	Member, TFELTR
8.	Charles Wamae	Member, TFELTR
9.	Damaris Lukwo	Secretariat, TFELTR
10	David Gatimu	Member, TFELTR
11.	Edward Ole Kateiya	Member, TFELTR
12.	Elizabeth Njoroge	Member, TFELTR
13.	Eshter Omulele	Member, TFELTR
14.	Eugene Lawi	Member, TFELTR
15.	George Ruhara	Member, TFELTR
16.	Herbert Were	Member, TFELTR
17.	James Nombi	Joint Secretary, TFELTR
18	Nancy Awere	Secretariat, TFELTR
19.	Rachel Dinda	Secretariat, TFELTR
20.	Jasper Mwenda	Member, TFELTR
21.	Julius Kahindi	Member, TFELTR
22	Dr.Mary Wandia	Joint Secretary, TFELTR
23.	Mildred Ambani	Member, TFELTR
24.	Mugendi Moses	Joint Secretary, TFELTR
25.	Ouno Victor	Member, TFELTR
26.	Dr. Samuel Nthuni	Member, TFELTR
27.	Truphosa Achar	Member, TFELTR
28.	Dr. Samuel Nthuni	Member, TFELTR
29	Stephen Chebii	Secretariat, TFELTR
30.	Catherine Ochanda	Member, TFELTR
31.	Angela Nyanchama	RECONCILE
32.	Catherine Kariuki	BOARD MEMBER, LDGI
33.	Cynthia Wakio	KPDA
34.	Dr. Mwendwa Makathimo	EXECUTIVE DIRECTOR, LDGI
35.	Carolyne Karugu	BOARD OF DIRECTOR, KPDA
36.	Emily Njeru	KEPSA
37.	Eshter Muiru	International Land Coalition
38.	Faith Allubbe	CEO, KLA
39.	Ken Otieno	CEO, RECONCILE
40.	Simon Kiriba*	Bowman
41.	Liz Kaimuri*	
42.	Mwathane Ibrahim	CHAIRMAN, LDGI
43.	Nancy Ikinu	CHAIRLADY, FIDA

44.	Nyangori Ohenjo	CEO, CEMIRIDE
45.	Pauline McAsila	KPDA
46.	Pauline Vata	EXECUTIVE DIRECTOR, HAKIJAMII
47.	Lucy Kiai	CO-OPERATIVE BANK
48.	Peter Lewis*	
49.	Racheal Matilya	HOMEAFRIKA LIMITED
50.	Raymond Molenje	KBA
51.	Starnley Maina	KPDA
52.	Stella Mutai	NCBA
53.	Elizabeth Mwangi	CEO, KEPSA
54.	B. Gitari*	
55.	Ravi Kohli	BOARD OF DIRECTOR, KPDA
56.	Tyson Mwenda	KEPSA
57.	Austin Waga	STANBIC BANK
58.	Angela Wangari	STANBIC BANK
59.	Nelly Towett*	
60.	Elizabeth Gichohi	FIDA
61.	Grace Ananda*	
62.	Jevans Otieno	PROP TECH KENYA
63.	Gikonyo Gitonga	BOARD OF DIRECTOR, KPDA
64.	Peter Thairu	KEPSA
Absent with Apologies		
1.	Brian Kimutai	Member, TFELTR
2.	Peter Musyimi	Member, TFELTR
MIN.01/29/2020	**Adoption of Agenda**	
	Items of discussion were adopted as follows: 1. Preamble/Introductions 2. Presentations 3. Plenary discussions 4. AOB	
MIN.02/29/2020	**Preamble**	
	• The Chair called the meeting to order at 10:15 am. • Opening prayers were said by Caroline Wanjeri. • The Chair introduced members of the Taskforce. • The Chair formally welcomed members from KPDA, KEPSA, KBA and the Civil Societies to the meeting. • The Chair invited the top officials from the various institutions to give their opening remarks. • The Chair took members through the programme and rules of meeting.	
MIN.03/29/2020	**Presentations on Proposed Regulations**	
	Highlights of regulations were done in the form of PowerPoint presentations in line with the programme as follows: • Registration Regulations • Land Administration Regulations • Valuation Regulations • Cadastre Survey Regulations	

	• Physical Planning Regulations
MIN.04/29/2020	**Plenary Discussions**
	The following comments/ questions were made/ raised after the presentation: **Registration Regulations** • There should be no use of manual transaction as an alternative and regulations. • There is need to put safeguards in place to ensure the rights of the marginalized are protected during registration. • There is need to educate the Communities on the transition and regulations. • On the ***Appeals Committee,*** -Be clear on the composition of the appeals committee. -There is lack of Non-State Actors and other players in land management e.g. KeNHA, KWS etc. **Land Administration Regulations** • The definition of electronic form should be harmonized. • Matters Public Land falls under the mandate of NLC, hence proposed amendment will perpetuate illegality. • To insert the element of public participation before renewal of leases especially in mega projects. • The regulations should take into consideration both the literate and illiterate. • There is need to be clear on the role of each institution for instance MoLPP and NLC. • The Director Land Administration is not in any statute. • There is a lot of deletion of the word ***Commission*** to be replaced with the ***Cabinet Secretary Lands.*** • Ensure that appointment of the Committee conforms to the 2/3 gender rule. • To take into consideration the role of the public in both public land inventory and allocation. **Valuation Regulations** • To include definition of a Valuer, Government Valuer and Licensed Practicing Valuer appointed by the Chief Government Valuer. • Amendment to stamp duty act to allow the Collector of Stamp Duty to appoint Valuers. • Cover the Valuation processes. • Chief Government Valuer to authenticate the work done by the Private Valuers. • There is need to consider immovable properties as pointed out by KRA.

	Cadastre Survey Regulations • Need to regularize on the checking fees. • Other Professional should also be allowed to download maps. • There are too many maps. **Physical Planning Regulations** • Clarify Conformance conditions. • Why can't the system check the documents without having to submit other documents for instance no need to keep checking payments made to the Finance Officers and revenue monitoring.
MIN.05/29/2020	**Adjournment and Date of the Next Meeting**
	• There being no other business, the Chairperson thanked the guests for their time and contribution to the meeting, after which he called upon Mr. David Gatimu to give a vote of thanks. • The Chairperson informed the Taskforce members that the stakeholder engagement with the National Treasury is scheduled to be on Friday, 29th May, 2020 at the Treasury Building, and that as for the NLC meeting, the Cabinet Secretary will advise. • The meeting ended at 4:00pm with closing prayers from Esther Omulele

Minutes Read and Confirmed by:

CHAIRMAN ..... DATE 10/6/2020

SECRETARY ..... DATE 10/06/2020

SECRETARY ..... DATE 10.06.2020

MINUTES OF THE 28TH MEETING OF THE TASKFORCE ON FORMULATION OF REGULATIONS TO FACILITATE ELECTRONIC LAND TRANSACTIONS, REGISTRATION, CONVEYANCING AND OTHER RELATED ACTIVITIES WITH MEMBERS OF THE COUNTY ASSEMBLIES FORUM(CAF) HELD VIRTUALLY ON MONDAY, MAY 26, 2020 AT 10:00 A.M.

Attendance

S.N.	Name	Position
1.	Eric Nyadimo	Chair, TFELTR
2	Julius Kahindi	Member, TFELTR
3.	Agnes Matunda	Secretariat, TFELTR
4.	Caroline Wanjeri	Member, TFELTR
5.	Damaris Lukwo	Secretariat, TFELTR
6.	Mildred Ambani	Member, TFELTR
7.	Sereu Moinket	Member, TFELTR
8.	Truphosa Achar	Member, TFELTR
9.	Tom Abuta	Member, TFELTR
10	George Ruhara	Secretariat, TFELTR
11.	Clarah Ketyenya	Joint Secretary, TFELTR
12.	Herbert Were	Member, TFELTR
13.	Moses Mugendi	Joint Secretary, TFELTR
14.	Jasper Mwenda	Member, TFELTR
15.	Elizabeth Njoroge	Member, TFELTR
16.	Esther Omulele	Member, TFELTR
17.	Eugene Lawi	Member, TFELTR
18	Nancy Awere	Secretariat, TFELTR
19.	Rachel Dinda	Secretariat, TFELTR
20.	David Gatimu	Member, TFELTR
21.	James Nombi	Joint Secretary, TFELTR
22	Dr. Victor Ouno	Member, TFELTR
23.	Stephen Chebii	Secretariat, TFELTR
24.	Charles Wamae	Member, TFELTR
25.	Annette Omwoyo	Joint Secretary, TFELTR
26.	Dr. Mary Macharia	Joint Secretary, TFELTR
27.	Dr. Samuel Nthuni	Member, TFELTR
28	Edward Ole Kateiya	Member, TFELTR
29.	Catherine Ochanda	Member, TFELTR
30.	Carolyne Menin	Member, TFELTR
31.	Rose Wairimu Kamau	CAF, Nyeri County
32.	Austin Munene	CAF Secretariat
33.	Stephen Ngethe Chege	CAF, Nakuru
34.	David Malel	CAF, Nakuru
35.	Peter Palang'a	CAF, Nakuru
36.	Adan Dye	CAF, Mandera
37.	Margaret Gatonye	CAF, Kiambu
38.	Yvonne Waweru	CAF, Kiambu
39.	Sumaya Mubarak Ali	CAF, Garissa
40.	Salome Awino	CAF
41.	Hindia Hussein	CAF, Mandera
42.	Judy Oduma	CEO, CAF
43.	Abdi Ali	CAF
44.	Gladys Kairu	CAF
45.	Josephat Waweru	CAF

46.	Hassan Omar	CAF
47.	Teno	CAF
48.	John Isaac Oganga	CAF, Busia
49.	Vince Karumba	CAF, Kiambu
50.	Robert Ringera	CAF
51.	Sherry Gatonye	CAF
52.	Edward Ouma*	
53.	John Gatumu Gichari	CAF Embu
54.	Nathan Mwari*	
55.	Harrison Mwaluko*	
56.	Atanasio Kabaire*	
Absent with Apologies		
1.	Brian Kimutai	Member, TFELTR
2.	Peter Musyimi	Member, TFELTR
MIN.01/28/2020	**Adoption of Agenda**	
	Items of discussion were adopted as follows: 1. Preamble/ Introductions 2. Presentations 3. Plenary discussions 4. AOB	
MIN.02/28/2020	**Preamble/Introductions**	
	• The Chair called the meeting to order at 10:20 am. • Opening prayers were said by Sereu Moinket • The Chair introduced members of the Taskforce. • The Chair formally welcomed members from the County Assemblies Forum to the meeting. • The Chair invited the Chair Lands Committee Ms. Rose Wairimu to give her opening remarks. • The Chair took members through the programme and rules of meeting. • He gave a brief summary of what the Taskforce had done since its formulation.	
MIN.03/28/2020	**Presentations on Proposed Regulations**	
	Highlights of regulations were done in the form of PowerPoint presentations in line with the programme as follows: • Registration Regulations • Land Administration Regulations • Valuation Regulations • Cadastre Survey Regulations • Physical Planning Regulations	
MIN.04/28/2020	**Plenary Discussions**	
	The following comments/ questions were made/ raised after the presentation: **<u>Registration Regulations</u>**	

Section recommended for amendment

1. **Regulation 6** - Cadastral maps shall for purposes of registration under these Regulations, be Maintained in electronic form."

Recommended amendment

Amend the clause to state: -

"Cadastral maps shall for purposes of registration under these Regulations, be maintained by the County Governments in electronic form"

Remarks

Land survey and mapping is a county function as per Schedule four of the Constitution.

Section recommended for amendment

2. The membership of the Electronic Appeals Standing Committee shall comprise of:
   (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

Recommended amendment

Add more members representing counties.

Remarks

Not representative considering 47 No. County Governments

Land Administration Regulations, 2020

Section recommended for amendment -Draft land (extension and renewal of leases) (amendment) rules, 2020

Regulation 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 re-valued in order to determine the land rent and other requisite fees, payable;

Recommended amendment

Amend to state that: -

'3) Where the County Executive Committee Member approves an application under paragraph (2), the County Executive Committee Member shall inform the National Land Commission to –

(a) require the lessee to have the land re-valued 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;'

Remarks

Refer to Article 62 (3) of the Constitution of Kenya which reads as follows: 'Public land shall vest in and be held by a county government in trust for

the people resident in the county, and shall be administered on their behalf by the National Land Commission, if it is classified under--clause (1) (a), (c), (d) or (e); and clause (1) (b), other than land held, used or occupied by a national State organ

Section recommended for amendment -Draft land (allocation of public land) amendment regulations

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

Recommended amendment

Amend to state: - A letter of allotment after provision of approved plans shall be issued under the provisions of this Act and these regulations may be done in electronic form.

Remarks

Planning should be the basis of these allocations to ensure order.

Section recommended for amendment

Regulation 36(1) and 36(3)

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

36 (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.

Recommended amendment

Amend to state: - Regulation 36 (1)

The National Land Commission shall prepare and execute leases emanating from allocation of public land".

Regulation 36(3) – 'In order to facilitate the preparation of leases on public land, the National Land Commission 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.'

Remarks

Refer to Article 62 (3) of the Constitution of Kenya which reads as follows: -(3) Public land classified under clause (1) (f) to (m) Shall vest in and be held by the national government in trust for the people of Kenya and shall be administered on their behalf by the National Land Commission."

<u>Cadastre Survey Regulations, 2020</u>

section recommended for amendment Draft survey electronic cadastre transactions regulations-2020

	Regulation 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. **Recommended amendment** Amend the following to: - The Director of Survey" 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. **Remarks** • There is lack of clarity of which specific Director is being addressed. • The Amendment provides moreclarity **section recommended for amendment** **Regulation 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 unauthorized/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. **Recommended amendment** Amend the following to state that:- "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 unauthorized/unqualified person to access the system; (d) is dead; (e) is declared insolvent; (f) Is declared of unsound mind. **Remarks** CAF proposes the removal of sub clause (d) because it lacks basis of what amounts to good standing. This clause can be misused to discriminate against professionals who carry land transactions daily as their tool of trade. Alternatively, expound on what amount to good standing with regards to professionals. Is it professionals who are in probation due to professional misconduct or neglect in their various fields or professionals who been suspended by their regulatory body?

	<u>Physical and Land Use Planning Regulations, 2020</u> **Section recommended for amendment -Physical and Land Use Planning regulations-2020** **Regulation 3(1)** -There shall be established an electronic development controlandenforcementSystem being a module within the National Land Information System for the purpose of handling applications for development permission. **Recommended amendment** Amend to state: -There shall be established an electronic development control and enforcement system managed by the County Governments for the purpose of handling applications for development permission. **Remarks** Development control is a County Government function **Section recommended for amendment** **Regulation 4 (1)** -The Director-General shall maintain in the system, an electronic database for the – (i) approvedphysicalandland use plans in accordance to provisions of the First and Second Schedules of the Act; 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. **Recommended amendment** Amend the following to state: - "(1) The County Directors of Physical and Land Use Planning/CEC shall maintain in the system, an electronic database for the– (i) approved physical and land use plans (note preparation and approval of these plans is a county function) in accordance to provisions of the First and Second Schedules of the Act; (ii) development control (note this is a county function) instruments including handbooks, codes, zoning ordinances, policy statements, guidelines, circulars and manuals; and Registers of documents submitted by applicants for development permission (County function) as provided in Schedule 1. **Remarks** This responsibility to be bestowed with the County **Section recommended for amendment** **Regulation 5(1)**- For purposes of submission ofdevelopmentproposalslisted under section 1 of the Third Schedule of the Act, the Director-General shall– **Recommended amendment** Amend the following to state:- (1) For purposes of submission of

development proposals listed under section 1 of the Third Schedule of the Act, the County Executive Members in charge of physical and land use planning shall–

Remarks

Section 57 of the Physical and Land Use Planning Act - Processing of development applications and grant of development permissions are vested with the CEC.

A person shall not carry out development within a county without a development permission granted by the respective county executive committee member.

Further Section 69 of the PLUPA refers to consideration of the Cabinet secretary of a development permission (meaning a permission that has alreadybeengranted by the County Government)

Section recommended for amendment

Regulation 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.

Recommended amendment

Amend to state: -

"The County Physical and Land Use Planning Liaison Committee shall hear appeals against the termination of user's account within fourteen (14) days of the decision by the county executive committee member."

Remarks

The County Physical and Land Use Planning Liaison Committee shall hear appeals against the termination of user's account within fourteen (14) days of the decision by the county executive committee member.

Section recommended for amendment

Regulation 15 (2) -The application shall be received and downloaded by the authorized planning officer and subject to prescribed fees in accordance to the regulations issued from time to time by–

Recommended amendment

Amend to state:- The application shall be received and downloaded by the authorized county planning officer and subject to prescribed fees in accordance to the regulations issued from time to time by-

Remarks

All developments including projects of strategic national importance or inter- county to be subjected to the feesand charges as prescribed by county finance act.

Section recommended for amendment

Regulations 17 (1) - Subject to the provisions of Section 60 of the Act, the authorized planning officer shall transmit an electronic copy of the application to the authorized technical officer of the relevant authorities

	and agencies to review and comment. (2) The fully circulated application shall be received by the – (I) Director-General for the prescribed projects of national importance for onward approval by the Cabinet Secretary. **Recommended amendment** Amend the following to state: -(1) Subject to the provisions of Section 60 of the Act, the authorized planning officer shall transmit an electronic copy of the application to the authorized technical officer of the relevant authorities and agencies to review and comment. (2) The fully circulated application shall be received by the – (I)county director of physical and land use planning forthe prescribed projects of national importance for onward approval by the County Executive Committee Member of physical and land use planning;" **Remarks** It is good to note Section 57 of PLUPA which states- "(1) A person shall not carry out development within a county without a development permission granted by the respective county executive committee member. **Section recommended for amendment** **Regulation 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;" **Recommended amendment** Amend the clause to state that: -The CEC in charge of physical and land use planning shall approve or decline applications for prescribed projects of strategic national importance in accordance with Section 69 and 33 of the Act. **Remarks** See section 57 of PLUPA. Section 69 on refers to consideration of the Cabinet secretary of a development permission (meaning a permission that has already been granted by the County Government.) Further Section 69 refers to section 33 of the PLUPA which provides that, "The County Executive Committee members of all counties participating in the Inter-County physical and land use development plan shall separately submit the plans to the respective County Assemblies for approval and thereafter submit the same to the Director-General of Physical and Land Use Planning for coordination and certification."

	Other issues raised concerning the Proposed Regulations 1. Devolution entails decentralization of governance and service provision; however, most of the proposed processes in these regulations contradict this purpose. 2. It is embedded in the Constitution of Kenya and counties being the devolved units will be largely affected by these regulations. 3. The proposed amendments are in conflict with the existing Supreme Law and subsequent legislation. 4. We have noted the deletion of County Executive Committee Member with Cabinet Secretary, National Land Commission Chairman with the same Cabinet Secretary. This waters-down the spirit of devolution. 5. The Committee therefore recommends that all laws and regulations be developed, adopted and implemented in a manner that is consistent with the Kenya Constitution. 6. The proposed draft regulations grant development approval rights for projects of strategic national importance and Inter-county projects to the cabinet secretary which contradicts schedule four of the Constitution of Kenya on powers given to counties. Apart from violating the constitution, these projects generate substantial revenue to the counties and allowing it will usurp counties some of their own-revenue generation stream. 7. It is further the feeling of the Committees that if the regulations are enacted as they are, Counties will lose out hugely on revenues that and noting that these are major technical changes aimed at undermining the spirit of devolution. 8. The Electronic system should not be centralized in Nairobi but should be decentralized at the County Levels. No effort has been made to disclose this will be done. 9. Extension and renewal of Leases should be the prerogative of the County Governments and National Land Commission, because they best understand emerging issues on the ground that may inform rejection e.g. new public need or proliferation of squatters. 10. We emphasize that registration of leases for public land must be informed by National Land Commission and County Governments and the transfer of land assets to County governments is long overdue. 11. Powers to approve and allocate public land should NOT be given to the Cabinet Secretary Lands only, this is against the constitution which administers that Public Land is held in custody by The County Government and administered on its behalf by NLC, I therefore wish to say that any allocation of Land should be made after proper and intensive consultation is done with the County Government. We have witnessed a number of problems and challenges in Counties like Lamu and Turkana where allocation of Land for Port and Oil was done without proper consultation with the Counties. 12. The powers to approve or deny change of user should NOT be left to the Chief Land Registrar and the County must be fully involved since Physical Planning is fully devolved and Counties have enough capacity to look into the matter. 13. The Survey Act has not been reviewed since inception of devolution and hence subdivision and mutations are being done in the Counties without the consent of the County Government, this should be

	addressed immediately. 14. Collection of Revenue through payment of stamp duties and any other sources should ensure that the County Government also give its approval and charges it's fees as these are the main own source revenue.
MIN.05/28/2020	General questions raised on Land
	• Which institution handles the issues on boundaries? **IEBC OR Survey office.** • How can one land have two title deeds? **This might be a case in dispute, a caveat to be placed while investigation is carried out.** • Where can we forward such like cases in (2) above? **The case can be forwarded to Chief Land Registrar.**
MIN.06/27/2020	Adjournment and Date of the Next Meeting
	• There being no other business, the chairperson thanked the guests for their time and contribution to the meeting, after which he called upon Mr. Eugene Lawi to give a vote of thanks. • The meeting ended at 2:00 p.m with a word of prayer from Moses Mugendi • The next meeting (with Civil Societies, KEPSA, KPDA and KBA) was scheduled for Wednesday, 27th May, 2020.

Minutes Read and Confirmed by:

Chairman ..... Date 10/6/2020

Secretary ..... Date 10/06/2020

Secretary ..... Date 10.06.2020

MINUTES OF THE 27TH MEETING OF THE TASKFORCE ON FORMULATION OF REGULATIONS TO FACILITATE ELECTRONIC LAND TRANSACTIONS, REGISTRATION, CONVEYANCING AND OTHER RELATED ACTIVITIES WITH INSTITUTE OF SURVEYORS OF KENYA (ISK), VALUERS REGISTRATION BOARD (VRB), LAND SURVEYORS BOARD (LSB), ESTATE AGENTS REGISTRATION BOARD (EARB) HELD VIRTUALLY ON FRIDAY, MAY 22, 2020 AT 10:00 A.M.

Attendance

S.N.	Name	Position
1.	Eric Nyadimo	Chair, TFELTR
2	Julius Kahindi	Member, TFELTR
3.	Agnes Matunda	Secretariat, TFELTR
4.	Carolyn Wanjeri	Member, TFELTR
5.	Damaris Lukwo	Secretariat, TFELTR
6.	Mildred Ambani	Member, TFELTR
7.	Sereu Moinket	Member, TFELTR
8.	Truphosa Achar	Member, TFELTR
9.	Tom Abuta	Member, TFELTR
10	George Ruhara	Secretariat, TFELTR
11.	Clarah Ketyenya	Joint Secretary, TFELTR
12.	Herbert Were	Member, TFELTR
13.	Moses Mugendi	Joint Secretary, TFELTR
14.	Jasper Mwenda	Member, TFELTR
15.	Elizabeth Njoroge	Member, TFELTR
16.	Esther Omulele	Member, TFELTR
17.	Eugene Lawi	Member, TFELTR
18	Nancy Awere	Secretariat, TFELTR
19.	Rachel Dinda	Secretariat, TFELTR
20.	David Gatimu	Member, TFELTR
21.	James Nombi	Joint Secretary, TFELTR
22	Dr. Victor Ouno	Member, TFELTR
23.	Stephen Chebii	Secretariat, TFELTR
24.	Charles Wamae	Member, TFELTR
25.	Annette Omwoyo	Joint Secretary, TFELTR
26.	Catherine Ochanda	Member, TFELTR
27.	Dr. Mary Macharia	Joint Secretary, TFELTR
28.	Dr. Samuel Nthuni	Member, TFELTR
29	Edward Ole Kateiya	Member, TFELTR
30.	Carolyne Menin	Member, TFELTR
31.	Kennedy Kubasu	ALSK
32.	Abraham Samoei	President, ISK
33.	Catherine Kariuki	VRB
34.	Peris Moraa****	
35.	Collins Mwange	ISK
36.	Dr. Musyoka	UoN, ISK
37.	Emily Njeru	LSB
38.	Erastus Chege	ISK
39.	Eunice Macharia	Chair, EARB
40.	Irene Kyatu	IEBC/GIS CHAPTER
41.	Jecinta Bowers Owino	ISK
42.	Julius Rotich	ALSK, Chairman
43.	Martin A. Dang'ana	SoK

44.	Nelly Mbugua	ISK
45.	Nora Nyakora	EARB
46.	Bernard Gachoka	ISK
47.	Jesse Kihoro	Valuer, ISK
48.	Wafula Nabutola	ISK
49.	Prof. Wayumba Gordon	TUK/ALSK
50.	Wycliffe Ongonge	ISK, Western
51.	Rose M. Mwaura	CEO, ISK
52.	Simon Ochieng	ISK
53.	Bibianna Rabuku	ISK
54.	Christopher Kinyua	ISK
55.	Dr. David Siriba	UoN
56.	Gikonyo Gitonga	KEPSA/KPDA
57.	Ruth Okal	Fahari, IREIT/ISK
58.	Edward Mwangi	ISK
59.	Prof. Faith Karanja	LSB
60.	Wycliffe Abiero	ISK
61.	Adam Kipkemei	ISK
62.	Monica Obongo	VRB
63.	Nicodemus Wanjala	GTL
64.	Victor Olonde	MOLPP
65.	Leah Muraguri	EARB
66.	Henry Ngomo	LSB
67.	Franklin Pendo	ISK
68.	Nicky Nzioki	UoN
69.	Sammy Musyoka	LSB
70.	Kipkoech Evans	ISK
71.	Joel Odhiambo	LSB
72.	Japhet Mitambo***	
73.	Ramadhan Abdul	ISK
74.	Robert Koech	ISK
75.	S.G. Mwangi	LSB
76.	Ephantus Waweru	ISK
77.	Isaiah Bonyo	ISK
78.	Paul Odak	ISK
79.	Nicholas Owino	MoLPP
80.	Charles Moemi	CGV, MoLPP
81.	Marcel Byron	MoLPP
82.	Charles Ohawa	MoLPP
83.	S.Makena	MoLPP
84.	Kenneth Sabatia	ISK
Absent with Apologies		
1.	Brian Kimutai	Member, TFELTR
2.	Peter Musyimi	Member, TFELTR
MIN.01/27/2020	**Adoption of Agenda**	
	Items of discussion were adopted as follows: 1. Preamble/ Introductions 2. Presentations 3. Plenary discussions 4. AOB	

MIN.02/27/2020	Preamble

- The Chair called the meeting to order at 10:10 am.
- Opening prayers were said by Caroline Wanjeri.
- The Chair introduced members of the Taskforce.
- The Chair formally welcomed members from ISK, VRB, LSB and EARB to the meeting.
- The Chair invited the top officials from ISK and the Registration Boards to give their opening remarks.
- The Chair took members through the programme and rules of meeting. The programme was adopted as follows:

Time	Item	*Assigned To*
10:00 - 10:30 am	Welcome, Introduction and Opening Remarks	*Eric Nyadimo, Taskforce Chair*
10:30 – 10:55 am	Land Registration (Electronic Transactions) Regulations, 2020	*Sereu Moinket*
10:55 – 11:20 am	The Land (Allocation of Public Land) (Amendment) Regulations, 2020; and Land (Amendment) Regulations, 2020; and the Land (Extension and Renewal of Leases) (Amendment) Rules, 2020	*Tom Abuta*
11:20 – 11:55 pm	Physical and Land Use Planning (Electronic Development Control and Enforcement System) Regulations, 2020	*David Gatimu*
11:55 – 12:20 pm	Stamp Duty (Valuation) Regulations, 2020; and Stamp Duty (Amendment) Regulations, 2020	*Esther Omulele*
12:20 -12:50 pm	Survey (Electronic Cadastre Transactions) Regulations, 2020; and Survey (Amendment) Regulations, 2020	*Jasper Mwenda*
12:50 – 1:30 pm	Break	*All*
1:30 – 4:00 pm	Plenary Discussions	*Eric Nyadimo, Taskforce Chair*
4:00 – 4:15 pm	Vote of Thanks and Closing	*Julius Kahindi*

MIN.03/27/2020	Presentations on Proposed Regulations

Highlights of regulations were done in the form of PowerPoint presentations in line with the programme as follows:

- Registration Regulations
- Land Administration Regulations
- Physical Planning Regulations
- Valuation Regulations
- Cadaster Survey Regulations

MIN.04/27/2020	Plenary Discussions

The following comments/ questions were made/ raised after the presentation:

Registration Regulations

- There is need to include a Land Surveyor and a representative from the ISK in the Appeals Committee.
- Elaborate more on the User.
- There is need to be more specific on the appointment of members of the Appeals Committee for instance who are the three representative from the Ministry.

	• There is need to change the forms from manual to electronic. • Reg 10- to provide a clause in the Act on how one can access information within the register. • Reg 14 -on searches –to change the **unregistered dealings** to read **registered dealings.** • Allow other professionals to carry out searches. • Expand application to cover other areas other than Nairobi. **Land Administration Regulations** • **Terms of suspension** –harmonize who can suspend a user from the system. For instance the Committee to suspend a user and not one individual. • Need for more clarity on licensing of alienated Public Land. • To relook at the mandates of the various bodies i.e. MoLPP and NLC. • Appeal Tribunal to be made up of an even number of people. • Repeated regulation to be corrected in due time. • Proposed Independent Appeals Committee. **Physical Planning Regulations** • There is need for separation of application forms. • The role of system management vested with the Director General of Planning should be vested with an officer directly generating data necessary for registration, preferably the Chief Land Registrar or Director of Surveys • Reg 14 – include georeferenced topographical map on list of documents required during the submission of development application. • Include Estate Agents and Surveyors in list of authorized officers of Physical Planning Module. • On Module Integration –change the term Cadastral Outlay to Cadastral Overlay to take note of the terminology change. Valuation Regulations • There is need to revise the Valuers Act. • There is need to include Valuers in the list of Authorized users. • On the Validity of the Valuation Report, the report should be valid for 6months and not 12. • Propose for an amendment on the **uneconomical land** resulting for acquisition of part of land that renders the remaining portion uneconomical. • There is need for a definition of a Valuation Report and state what it should contain. • Under the Stamp Duty Regulations, the involvement of a Registered Private Valuer has been left out.

	• On section 24(2) regulations should be consistent with the Principal Act. • Consult experts in various field e.g. Private Valuers. • Rename the Valuation Regulations or provide addition on Valuation. • Need to include Estate Agents in form 1A. • In article 260 of the Constitution, define **Land** and **Property** separately. • Objections to Value should be done in 7 days, need for timeline for response from Chief Government Valuer. • Technical Valuation Objection Review Committee to be formed, to review values that have been objected to. The Committee to comprise of ISK, EARB, VRB and MoLPP. • To rework Reg 10(2)-it should be based on a registered property and check how it applies to letter of allotment. • To provide a Transitional Clause because the roll out will not be at done once. • To include forms for Appointment and Transferee for stamp duty purposes. • To check what ISK submitted on **Removal** and **Suspension.** • To insert a new section on appointment of Valuers. • Define **Chief Government Valuer** and an **Appointed Valuer.** **Cadastre Survey Regulations** • There is need to amend the Survey Act, it is long overdue. • Provide a better definition for **User** and **Authorized User.** • Allow Non-Surveyors to download maps. • Provide timelines for Director of Survey to update maps. • There is need to include a representative form ISK in the Grievance Committee. • Do not only talk of field notes but also extend to records. • Provide guidelines and timelines on how mutation survey should be submitted tied to geo-referencing. • Survey Act to accommodate 3D Cadastre. • Specify sections of the Survey Act. • There is need to quote LR No. on forms SR2. • Allow for submission of manual for some time (transitional clause). • Need to change forms SR3 and SR5 to include modern equipment. • Provide timelines for the Coordinate System. • To correct typo error –Chief Land Registrar or Director of Survey to suspend. • Provide link to the LSB (they should maintain an electronic database. • Cadastre to be the basis from which other information will be retrieved.

	• Provide regulations and guidelines to cover general boundary survey. • Need to have electronic forms, which can be used to carry out all the operations online. • On submission of information to Director, both ISK and LSB should be linked (LSB maintain register of Licensed Surveyor). • On Reg 16 – provide timeline when the Director can be able to respond to rejection of authentication e.g. within 7 days. • Electronic signatures with security features shall be deemed to bear the seal of Survey of Kenya. • Updating of maps to be done at the Village Committee level for the Villagers to know which land is affected by Subdivision. • Instead of **Refuse** use **Decline** 13(2) Survey Regulations. • There is need to have Cadastral Technical Committee under the Director of Survey. **Other questions asked** • How will documents be transmitted electronically? • How are the sectional properties Act included in these regulations? • Surveyors to pay fees earlier?
MIN.05/27/2020	General Comments
	• How many processes can we eliminate? • Do we have the capacity to execute this? • Relook at the issue of integrity and abuse • What is the role of the Professional bodies in the management of the systems? • Need for a master plan for the process • Data clean-up is necessary • Need for a category of users • One stop land information Centre. • Guarantee on the use of data • Include Estate Agents in the RIA Report. • Provide portal for the Estate Agents.
MIN.06/27/2020	Adjournment and Date of the Next Meeting
	• There being no other business, the Chairperson thanked the guests for their time and dedication to the meeting, after which he called upon Mr. Julius Kahindi to give a vote of thanks. • The meeting ended at 4:40 pm with a word of prayer from Truphosa Achar. • The next meeting (with County Assembly Forum) was scheduled for Tuesday, 26th May, 2020.

Minutes Read and Confirmed by:

Chair: ..... Date 10/6/2020

Secretary ..... Date 10/06/2020

Secretary ..... Date 10.06.2020

MINUTES OF THE 26TH MEETING OF THE TASKFORCE ON FORMULATION OF RELATED REGULATIONS TO FACILITATE ELECTRONIC LAND TRANSACTIONS, REGISTRATION, CONVEYANCING AND OTHER RELATED ACTIVITIES WITH KAA, KURA, KRB, KENHA, KERRA, NCA, MINISTRY OF TRANSPORT, EBK, NMS, NEMA, TCPAK, AAK AND KIP HELD VIRTUALLY ON WENESDAY, MAY 21, 2020 AT 10:00 A.M.

Attendance of the Taskforce Members

S/No.	Name	Position
1.	Eric Nyadimo	Chair
2.	Rachel Dinda	Secretariat
3.	Mildred Ambani	Member
4.	David Gatimu	Member
5.	Esther Omulele	Member
6.	Victor Ouno	Member
7.	Herbert Were	Member
8.	Tom Abuta	Member
9	Mary Macharia	Joint Secretary
10.	Julius Kahindi	Member
11.	Samuel Nthuni	Member
12.	Sereu Moinket	Member
13.	Clarah Ketyenya	Joint Secretary
14.	Edward Ole Kateiya	Member
15.	Elizabeth Njoroge	Member
16.	Jasper Mwenda	Member
17.	Agnes Matunda	Secretariat
18.	George Ruhara	Secretariat
19.	Mugendi Moses	Joint Secretary
20.	Caroline Kihara	Member
21.	Carolyne Menin	Member
22.	Truphosa Achar	Member
23.	Charles Wamae	Member
24.	Damaris Lukwo	Secretariat
25.	Catherine Ochanda	Member
26.	Stephen Chebii	Secretariat
27.	Annette Omwoyo	Joint Secretary
28.	James Nombi	Joint Secretary

Attendance of the Stakeholders

29	Anthony Kusimba	KeNHA
30	Susan Rutto	NCA
31	Cindy Ogola	NCA
32.	Alexandra Muhaya	KAA
33	Juliet Kabere	AAK
34.	Catherine Kassim	KRB
35.	Catherine Mungania	EBK
36	Kim Mc Okoth	KIP
37	Cyrus Mbisi	AAK
38	Eliud Munene	KeNHA
39	Maurice Akech	NCA
40	Hellen Njoki	KIP
41	Irene Keino	TCPAK
42	James Odongo	AAK

43	John Barreh	KIP
44	Juliet Rita	AAK
45	Kenneth Wando	KERRA
46	Leina Kilesi	KIP
47	Stephen Mwilu	
48	Lucy Gathika	KRB
49	Mairura Omwenga	TCPAK
50	Grace Njeri	KeNHA
51	Juliana Mutua	NMS
52	Mwango Brenda	State Department of Transport
53	Nathaniel Natalanga	IEK
54	Obop Michael	KeNHA
55	Oceanic Sakwa	NEMA
56	Odak Paul	KURA
57	Patrick Gitile	KURA
58	Rashid Abdullahi	KAA
59	Robert Itambo	KeNHA
60	Robert Koech	KIP
61	Samson Lukoba	NCA
62	Edward Wabwoto	NEMA
64	Erick Akuba	TCPAK
65	Fredrick Warega	TCPAK
66	P. Bosire	KeNHA*
67	Milcah Muendo	KeNHA
68	Gaceri A.	
69	Jones Nyangweso	NMS
70	Joyce Kariuki	KIP
71	Jatani	KURA
72	Erastus Mwongera	Chair, EBK
73	Sylvester	
Apologies		
1.	Peter Musyimi	Member, TFELTR
2.	Eugene Lawi	Member, TFELTR
3.	Nancy Awere	Member, TFELTR
4.	Brian Kimutai	Member, TFELTR
MIN.01/26/2020	**Adoption of Agenda**	
	1. Preamble 2. Overview of Draft Regulations 3. Plenary Discussion 4. Close	
MIN.02/26/2020	**Preliminaries**	
	• The Chair called the meeting to order at 10:20 a.m. • Opening prayers were said by Mildred Ambani. • The Chair took members through the day's agenda. • The Chair presented an overview of the Taskforce including its TORs, mandate, the milestones it had realized and the roadmap for the remaining activities. • The Chair introduced the Taskforce Members and requested representatives from Kenya Institute of Planners, Town and County	

	Planners Association of Kenya, Architectural Association of Kenya, Institution of Engineers of Kenya, Engineers Board of Kenya, Kenya Rural Roads Authority, Kenya Airports Authority, NEMA, National Construction Authority, Nairobi Metropolitan Services and State Department of Transport to introduce their members and make opening remarks. • **Opening Remarks made by Stakeholders** 1. President, IEK, Eng. Matangala Nathaniel indicated that they received the invitation late. As such, they had not prepared their written submission. He also observed that they wished to be included throughout the process. 2. Eng. Mwongera Chair EBK appreciated the Taskforce for the invitation, indicated that engineers played a critical role in land use and physical planning, and said there exists calamity of plans in Kenya, encroachment on roads leads to loss of investments. Some of these could be nipped in bud if engineers were involved. 3. Kenneth Wando, who represented the roads authorities (KeNHA, KURA/ KRB), appreciated the efforts of the Ministry, committed to support the taskforce. He indicated that they would submit their memorandum later. 4. Rashid Abdullahi, who spoke on behalf of KAA, reported that KAA was facing challenges of land use around the airport. He indicated that he had been part of team that prepared draft PLUPA regulations and noted the deliberations were fruitful. He congratulated the Chair on the good work that his team had done and hoped for successful deliberations. 5. Sakwa Oceanic (spoke on behalf of NEMA) thanked the taskforce and promised to do a comprehensive memorandum later. 6. Samson Lukoba introduced the NCA CEO Eng. Maurice Akech. The CEO raised concerns about mix-ups in the letter that was sent to his office, appreciated the efforts of MoLPP, said that they have been working with the Ministry through its representatives in the taskforce, promised to continue to support 7. Jones Nyangweso, who represented the Nairobi Metropolitan Services, congratulated the taskforce on putting the great ideas together. 8. Brenda Mwango, State Department of Transport representative indicated that they received their invitation letter late and could not do a written submission, supported the Ministry's efforts and promised to submit their memorandum later.
MIN.05/26/2020	**Power-Point Presentations – Overview of Draft Regulations**
	Proposed electronic land transactions regulations were presented in the following order: • Valuation Regulations were presented by Esther Omulele. • Registration Regulations were done by Clarah Ketyenya. • Land Administration Regulations were presented by Tom Abuta. • Survey Regulations were done by Jasper Mwenda. • Physical Planning Regulations were presented by David Gatimu
MIN.06/26/2020	**Plenary Discussion**

	Valuation/Stamp Duty • Excision of land during compulsory acquisition is synonymous with sub-division of land. The process warrants the services of a planner as there is outright re-surveying which should be premised on planning. • The process of participation of stakeholders during compulsory acquisition should be well thought out including dealing with any contestations therein – see how this can be done • Involvement of private valuers appointed by the Chief Valuer is welcome, but there is a need to have very well-documented considerations to ensure uniformity. In land acquisition, we have observed situations where the Project Affected Persons present valuation reports done by private valuers which differ seriously from that done by the Government Valuer. • Compulsory acquisition – must be gazetted • The regulations propose that Valuation Reports be valid for twelve (12) months. This period can be limiting. Suggest twenty-four (24) months and provide a justification for the period. This relates to Stamp Duty – compulsory acquisition is governed by the Land Act. • Compensation money and survey fees – may not be feasible to submit the monies to NLC- Check on this further. **Registration** There is need to put an element of timeline within which a search certificate should be expected once an application is made electronically. The experience with the Nairobi Registry is that if the records are accurate, the search comes out in time – dependent on whether the data has been cleaned up or not **Land Administration** • Public land is either under national or county government. How then can all allocation fees be paid to Cabinet Secretary only. Land allocation under County government, payment must be to CEC – some of the fees should be remitted to the CRF while others should go to the National Government. There is need for a further review, especially of stand premium. • In extension and renewal of leases and administration of public land there is amendment to delete National Land Commission and replace this with Cabinet Secretary Lands, unless the principal act was or is amended to incorporate that, we may be treading on a legal landmine. A subsidiary legislation to the best of my knowledge cannot amend a substantive legislation – section 13(2), Section 23(2) **Survey** • Assumption Survey plans including mutation forms are predicated on approved plans – the procedures will be followed • All survey work must be by licenced surveyors both in Government and private sector – this is covered by the Regulations – an Admin issue for the use of Surveyors supervised by the DOS

	• We have surveyors in both National and County Governments. The regulations are not clear on how operations will run at county/National government levels – there are counties who have Licensed Surveyors and work is submitted under them • In survey regulations are under Reg.7: Access to information. Will it be possible to access the survey field notes apart from the plans/maps e.g. in a situation where there is need to verify the approved documents used in alienation and survey of land, some of which is road reserve • Since the mutation form has been amended under the land registration regulation 2017 to incorporate an endorsement by a licenced planner or advocate, how do we link this requirement in the application for development permission? • Land Consolidation Act (cap 283) has been repealed needs to be captured as such in documentation – some jobs are still being processed • Surveyors should be defined in the preliminary as Government surveyors and Licensed surveyor • Electronic Appeals - Land Surveyors Board to be captured as members of appeals against termination of users' access by Director of Surveys • Transition clauses should provide for use of both electronic and manual transaction to ensure continuity **Physical Planning** • Define development – to be done • Add Surveyors as part of the Licensed Professionals – submission of documents – provide access to them • Professionals should stick to their lanes for professional competency • Reg 19 – provision that the CS to decline is not very clear – needs to be clarified – all development applications must be submitted to the county govt for approval – check into this • Performance and Monitoring – part iv is dealing with buildings which should be dealt with by NCA – components on planning are missed out – NCA has more competence • Reg. 24/25 – goes outside the practice – check on this further. • Building inspection works should not be done by the Planner – check on this • Clarity on the Planning Unit - • Reg. 10 – define good standing and the role of professional body vs the registration boards – role is really with the registration bodies • DVTC – should be anchored to section 14 and 16(3) of the PLUPA which provides for the county consultative forum • Low risk projects to have a different circulation process • There should be no variance between the regulations under PLUPA and the electronic regulations – valid question • Have a clear demarcation between the county and national government on the system especially on termination of users

	• Reg 13 – full detailed application – outline application can be considered • Reg 21/22: in the event that there is no material comment and the 60 days have expired – the liaison committee should have a regulation to give approval provide in sec 61 • Supervision of development – at compliance once development is completed – have a requirement for the professionals to provide compliance certificate … follow with empirical evidence – should be included - • The judicial process should have connection with the appeal process – approvals in 30 days or less – appeal process should have a time line – integrate with enforcement notices – PLUPA 63(c) - needs to be strengthened • Linkage between the development control processes and PLUPA – where are the general PLUPA regulations • Who are the recipients of the applications - For professional competence, efficiency and accountability, each professional to keep to their area of competency. All professionals indemnify the developer and cannot be employed by other professionals. • Why should the Architect appoint a structural engineer? The Architect should advice the developer to appoint a structural engineer. This is the correct process. – to look into this and change • Response: Juliana Mutua - Architect appointing the Engineer-thought it has all to do with convenience and established working relations. However, agreed that the Developer should be afforded the opportunity to appoint the Engineer. • How do we ensure that National Government, Counties and Municipalities employ qualified professionals like architects, engineers to check drawings and enforce development? • What is the value addition of a planning officer inspecting a building construction? Inspections should be done by architects and engineers. – depends on the county/NCA can also assist. • Who decides on conformance conditions? – decided by various technical officers • Whoever is uploading documents should upload the contract to prove ownership of the work. This is important. Could this be part of NCA work? • Can we put a designation of who can be in charge and who can be employed at the county and at the national levels – the two (2) levels of government should employ qualified professionals – non-professionals are easily intimidated • Eng. Matalanga suggested that the team should consider including a schedule in the PLUPA Regulations defining the technical officers working at the County and National Government. This team comprises various professionals as well as supportive team and the enforcement team (diploma holders and 'askaris') • Provide for those providing land use services to be licenced by their regulating professional bodies and of good standing • The approving professionals at various government levels must be licenced professionals by their regulating bodies • Role of NCA – carry out to ensure that there are no overlaps. Inspection role of NCA should be taken into consideration

	• Building Code being developed by NCA – there are duplications which need to be looked into in PLUPA • Rectify several typos such as change or extension of use 'NOT user'; include change of development density- this is missing (Mairura) • Juliana Mutua: County Government Act is no 17 of 2012 and not 2013. Please note. What happens when all the steps of enforcement fail to achieve desired results due to failed governance? – timelines to be followed – liaison committees not in place • Juliet Rita: On Site Inspection, she foresees overlaps with mandate of NCA. Maybe NCA representatives can give insights into this. • By way of devolution, planning is one function that was devolved to the lowest unit possible, as it is possibly up to village level, if that is the preferred situation, how will the system allow the execution of the Regulations by the village or ward officer – have a schedule of officers • In the context of Cities, what is the coordination framework for City Director of Planning and County Director of Physical and Land Use Planning? Who should communicate upwards to the CECM? • The building code being domiciled under NCA is a major challenge. The code should be domiciled under county governments and Ministry of Lands • Include in the document a clause on basis of calculation of development control submission of fees – refer to the Tariffs and pricing – encourage counties to come up with a structure • In planning regulations under Section. 5: Requirements for handling applications for development approval - The online links that the DG will establish for ease of information cross-referencing should be more specific on the relevant authorities involved. In most cases, the Roads Authorities are not involved in this process leading to various ills e.g. encroachments onto road reserves – most of the work is done by the counties – if there is a way in which the relevant authorities can be captured so that the development application can be channeled - check on how this can be done – look for a way of specifying the roads authorities • On Electronic Development Control and Enforcement Regulations, PART III is appearing twice. Perhaps it is a typo – needs a revisit. • Which exact court does one appeal to if aggrieved by Electronic Appeals Standing Committee? ELC/ High Court? • It is inaccurate to describe people defined as professionals yet they do not have regulatory bodies. Reference has, for instance, been made to urban designers. The question is: What is the regulatory body for urban designers? Can they be defined and how can they be identified? • Sect 14(7) of Development Control and Enforcement System Regulations – Are reasons supposed to be given verbally or in a prescribed form? • Is it change of or extension of user? Does it include change of development density as well?

	• Public land is under National or County Government. How then can all allocation be made by the Cabinet Secretary, Lands? • Who decides on conformance conditions? • Were the Control functions and development plans not delegated to counties? • What actions have the Ministry taken to ensure the capacity of the officers in the Counties where functions have been delegated • Certificate of good standing informs the regulatory Board of registration and licensing of the members, therefore the former should be generated by the professional bodies and not the Board. • DC/ID should be different from each engineering discipline. The former for the structural cum mechanical and the electrical submission should be different as they capture different details • Provide for those providing land user service to be licensed in the regulations, the regulations are not clear how this would be effected between the County and the National Government • Why should architect appoint a structural engineer? The architect should advice the developer to appoint structural engineer • Approval process must be procedural and according to the law • What measures have we taken into consideration to ensure that all steps of enforcement lead to desired results? • The taskforce is asked to define all the officers that are defined in the regulations, define good standing and how advice can be given • Technical development committee can't be anchored in the law. Sec 14, 16(3) of PLUPA can anchor thus for land use – Discuss this, can the taskforce address this dilemma on where to anchor this • There should not be any variance between the regulations being developed and the old done previously • There should be clear cut between County and National Government on appeal suspension • It looks like the Director General is the one that disciplines while the disciplinary mechanism is at the county level. • Period in Registration 21, 22-60 days in the event of consent, liaison gives permission to develop, this should be concluded • On suspension of development, at compliance once development is completed, compliance should be given out and followed up with empirical evidence, professional liability taken should be included • Judicial processes should be with appeal process takes precedence. Approval on 30 days less integrated with enforcement notice • Under Sec 38, 39 appeal on Units/ National project at National level • PLUPA should put in place a provision; a bedrock to the development control to find landing and connection for all the regulations and other provisions. **General Comments** • Provide an overview of the structure of NLIMS – who is to hold the data? • Extend the period for further consultation

	• Consider allowing professional institutes a little more time for submission of written submissions, the institutions are still consulting their membership, and with Covid-19 challenges the inputs are taking a while to trickle in. • Transition clauses should provide for use of both electronic and manual transaction to ensure continuity. • Taskforce to sieve out what concerns the regulations – it is not the work of the taskforce to come up with new procedures etc. • Check through PLUPA regulations.
MIN.07/26/2020	**Way forward**
	Chairman Remarks • The chair thanked members and requested that written memorandums be submitted by the organizations as promised during the meeting • The chair requested members to continue working on the comments from the public participation and revise the regulations accordingly.
MIN.08/25/2020	**Adjournment and Date of the Next Meeting**
	A vote of thanks was passed and the fruitful engagements were acknowledged. The meeting ended at 5:00 p.m. Closing prayers were said by Mildred Ambani. Next public participation meeting was scheduled for Wednesday, May 22, 2020.

Minutes Read and Confirmed by:

Chairman ..... Date 10/6/2020

Secretary ..... Date 10/06/2020

Secretary ..... Date 10·06·2020

MINUTES OF THE 25th PUBLIC PARTCIPATION MEETING OF THE TASKFORCE ON FORMULATION OF RELATED REGULATIONS TO FACILITATE ELECTRONIC LAND TRANSACTIONS, REGISTRATION, CONVEYANCING AND OTHER RELATED ACTIVITIES AND LAW SOCIETY OF KENYA (LSK) HELD VIRTUALLY ON WEDNESDAY 20TH MAY 2020 AT 10:00 AM.

Attendance of the Taskforce Members

S/No.	Name	Position
1	Eric Nyadimo	Chair
2	Rachel Dinda	Secretariat
3	Mildred Ambani	Member
4	David Gatimu	Member
5	Esther Omulele	Member
6	Victor Ouno	Member
7	Herbert Were	Member
8	Tom Abuta	Member
9	Mary Macharia	Joint Secretary
10	Julius Kahindi	Member
11	Samuel Nthuni	Member
12	Sereu Moinket	Member
13	Clarah Ketyenya	Joint Secretary
14	Edward Ole Kateiya	Member
15	Elizabeth Njoroge	Member
16	Jasper Mwenda	Member
17	Agnes Matunda	Secretariat
18	George Ruhara	Secretariat
19	Mugendi Moses	Joint Secretary
20	Caroline Kihara	Member
21	Carolyne Menin	Member
22	Truphosa Achar	Member
23	Charles Wamae	Member
24	Damaris Lukwo	Secretariat
25	Eugene Lawi	Member
26	Catherine Ochanda	Member
27	Stephen Chebii	Secretariat
28	Nancy Awere	Secretariat
29	Brian Kimutai	Member
30	Annette Omwoyo	Joint Secretary
31	James Nombi	Joint Secretary
Apologies		
1.	Peter Musyimi	Member
Law Society of Kenya members present		
1	J. M Mburu	LSK
2	Barbara Wangari	LSK Rift Branch
3	C. Kigera	LSK
4	Carolyne Kamende	LSK
5	Carolyne Muthiani	LSK
6	Carren Kerubo Ondeyo	LSK
7	David Njoroge	LSK Mt. Kenya Branch

8	Eric Theuri	LSK
9	Gichohi Waweru	LSK Secretariat
10	Isaac Kiarie	LSK Kitale Branch
11	Jacqueline Waihenya	LSK Mombasa Branch
12	Janeirene Maina	LSK
13	Janet Katisya	LSK Coast
14	Janet Othero	Triple OK Law
15	Karim Chakera	LSK
16	Kennedy Owiti	LSK
17	Maritim Joshua	LSK North Rift Branch
18	Morgan Omusundi	LSK North Rift Branch
19	Mutua J. Makau	LSK South Eastern Branch
20	Nasra Nanda	Dentons HH & M
21	Nyabena Mathew	LSK Mombasa Branch
22	Ramadhan Abubakar	LSK Mt Kenya Branch
23	Ribin N. Ondwari	Ashivita Advocates
24	Rosemary Nderitu	LSK Mt Kenya Branch
25	Stephen Kibungei	LSK
26	Yasmin Abdulkadar	LSK
27	Joan Mati	LSK Lower Eastern Kitui
28	Mildred Chelimo	LSK
29	Nancy Mwangi	S.M Muhia & Co. Advocates
30	Wanja Gitau	LSK
31	Gichohi Waweru	LSK
32	Carolyne W. Kanyingi	LSK
33	Peter Mwangi	LSK
34	Justus Mutia	LSK South Eastern Branch
35	Riziki Emukule	LSK
36	Wanjiru Mutero	LSK
37	Collins Odhiambo	Deputy CEO LSK
38	Lorna Mainnah	LSK
39	Deborah Ontiri	LSK
40	Chrispine Odhiambo	LSK
41	Ms. Nduta	Letangule Advocates
42	Winnie Mumalla Muchela	LSK
43	Beth Michoma	LSK
44	Bellinda Akello	LSK
45	Irene Kiwool	LSK
46	Kellen	LSK
47	Nderitu	LSK
48	Ochang' Ajigo	LSK
49	Wilkins Ochola	LSK
50	Maroko	LSK
51	Herine Kabita	LSK Council Member
MIN.01/25/2020	**Agenda**	
	1. Program 2. Introduction to the Taskforce 3. Terms of Reference 4. Regulations 5. Plenary Discussion	

	6. Close
MIN.02/25/2020	**Preliminaries**
	• The Chair called the meeting to order at 10:26am. • Opening prayers were said by Caroline Wanjeri. • The Chair took members through the Agenda. • The Chair introduced the Taskforce Members and requested LSK to briefly introduce themselves.
MIN.03/25/2020	**Agenda**
	The program was adopted as follows:

Time	Item	*Assigned To*
10:00 - 10:30 am	Welcome, Introduction and Opening Remarks	*Eric Nyadimo, Taskforce Chair*
10:30 – 10:55 am	Survey (Electronic Cadastre Transactions) Regulations, 2020; and Survey (Amendment) Regulations, 2020	*Jasper Mwenda*
10:55 – 11:20 am	Physical and Land Use Planning (Electronic Development Control and Enforcement System) Regulations, 2020	*David Gatimu*
11:20 – 11:55 pm	The Land (Allocation of Public Land) (Amendment) Regulations, 2020; and Land (Amendment) Regulations, 2020; and the Land (Extension and Renewal of Leases) (Amendment) Rules, 2020	*Tom Abuta*
11:55 – 12:20 pm	Stamp Duty (Valuation) Regulations, 2020; and Stamp Duty (Amendment) Regulations, 2020	*Esther Omulele*
12:20 -12:50 pm	Land Registration (Electronic Transactions) Regulations, 2020	*Sereu Moinket*
12:50 – 1:30 pm	Break	*All*
1:30 – 4:00 pm	Plenary Discussions	*Eric Nyadimo, Taskforce Chair*
4:00 – 4:15 pm	Vote of Thanks and Closing	*Charles Wamae*
	END OF PROGRAMME	

MIN.04/25/2020	**Introduction to the Taskforce**
	The Chair presented an overview of the Taskforce including its mandate, milestones to date and road map of remaining activities.
MIN.05/25/2020	**Regulations**
	Land electronic regulations were presented in the following order: • Survey Regulations • Physical Planning Regulations • Land Administration Regulations • Valuation Regulations • Registration Regulations
MIN.06/25/2020	**Plenary Discussion**

	Physical Planning • Neighbourhood resident challenges, how they should be informed. **Response:** PLUPA 58 (7) Neighborhoods should be notified for a development application, clearance needed from the community. Need to have community sit in the liaison committee. • Appeal processes **Response** Covered in PLUPA 62(3) Read part V of PLUPA. • Some of the tasks for the Physical Planning can be handled by private physical planners to expedite service delivery. **Response:** Need to have regulations that bid the private professional in their work. **Valuation:** • Government has given room for the private valuers, this should be factored. Likelihood of mischief if private valuers are allowed. **Response** The regulations have not yet been enacted. **Response** The owner will choose to use a private valuer or the government valuer. • Stamp duty rule of 30days of execution of the document. This is a good opportunity to recommended amendment of this section of the act, it should change to the date the value makes payment. **Response:** Need to relook at this provision and will make relevant recommendations. Market value definition **Response** This can be expanded to include other assets. • The issue of the stamping- Hong Kong experience in e-stamping which is effective and recognized by law. **Response:** The team will benchmark with Hong Kong and manual processes will complement the electronic process. • Suspension of user **Response** Lack of standard for Valuers in the laws. • Contents of the Valuation report. Be specific on the Process of sale and transfer, distinguish the two. Transfer of documents Form D. **Response** The team focused on the transactions but not the details of the report. **Registration**

	• Definition of professional accessing the system is not done well. Recommendation to use definition in the Act. Response The advocates are the professional undertaking this exercise. • Reg 8- access by professional not identified as an advocate. - Check, Canada, Ontario **Response** Details required are for the advocate in the form. • Suspension of user. Esther presentation it was not there the issue of "suspected user", should reconsider if this will give rise to the suspension. • Attestation: Unauthorized user. This need to be checked. It may fall back to the advocate. **Response** Advocates will play a key role. • Priority of documents and rejection of documents will be relooked at. • Appeal process in the registration should be retained. • Reg 13 be specific on the advocates. Response This will be relooked at and its noted. • Reg 25- use the words Registrar shall. **Response** This will be relooked at and its noted. • Someone can generate interest by showing a title deed and allowed to search. How it can be captured in the system. • IS it that there is need to have owner consent before searching? **Response** This will be relooked at. **Terms and Use** • Disclaimer: Reconsider putting the disclaimer, we must be sure that the processes are genuine. Perhaps should be CONSENT so that information put can be used by government. **Response** To relook into this to avoid doubt by users of the system. **General Comments** Appeal committee should be streamlined. ADR should be more robust. Regulations to be expanded to allow ADR. • Some changes in the current Regulations – e.g. ownership – all documents emanating from the system should provide comfort • System Operator must also ensure that the details in system ensure that there is no identity fraud – provide an encryption key to ensure that info that is relayed has the same sanctity when compared to other electronic systems • Representation of the LSK in the appeal committee, be specific on the private actors. • Issue of the Appeal committee, need to have one electronic committee. Response

	Counties proposed to have appeal committees for each county, the chair invited views from the team. The taskforce recommended one appeal committee. • Land Control Board have been abolished but no gazettement has been done. Response: This will be checked further. • What measures have been put in place to deal with digitization of land transactions of land with Settlement Fund Scheme SFT issues especially in Coast? **Response** This can be captured in Survey, the team to consider. Not happening now as Nairobi is ongoing but once digitization of Mombasa will be reached it will be done. The taskforce should visit Mombasa and document views of the locals. All the records of SFT are in Nairobi. **Action** Organize for a virtual meeting with the Mombasa people to document this matter. • fake advocates, password that LSK can provide to members to be used on the system. • Define manual processes, some place there was manual process, hard copies but not paper documents. • Nairobi will be gazette first. But we should have timelines to anticipate other counties adoption of electronic system. **Response** May be difficult to give timelines but the CS will gazette as the registries gets ready. • Security and integrity of the system should be looked at. **Response** The team will relook on this matter further. Need for advocates to sit in the appeal committee Response This will be relooked further. **Land Administration** Section 23 (2) of the Land Act, where is the link with NLC and MOLPP in lease preparation. Response: The team has looked at the supreme court advisory 2016 but the Land Act was changed in 2018. • Reg 3- Extension and renewal of lease. Should have 90 days, what happens after lapse. **Response:** This will be relooked at so that its clear and compel the government so that it will be presumed done if 90 days expire. • Reg 8- Change to after 5 years not within 5 years. **Response** The taskforce to check if they have mandate on this. • Reg 9. May appeal to the court, which court, should be clarified. **Response** The team will look on this further.

	• NLC should not be part of the committee since they have rejected the appeal. **Response** It is ok for the NLC to sit in this committee since they are the agents to the National government or the County government. **Survey:** • Authentication of people submitting documents: **Response** Reg 8 and 9 have handled this where the submission is only done by the Licensed surveyor and the government surveyor. Devolution of Survey function and need to amend the Survey Act. **Response:** Restricted ourselves to the Survey Act, CAP 299. Disconnect between the subdivision and the RIM leading to multiplicity of titles.
MIN.07/25/2020	**Way forward & Adjournment**
	• The chair thanked members and requested that a written memorandum be submitted by LSK. • Charles Wamae gave the vote of thanks and acknowledged all participants for the fruitful engagement. • Closing prayers were said by Esther Omulele. • The Chair ended the meeting at 4.07pm. • Next meeting was scheduled for Thursday 21st May, 2020 from 10:00a.m with TCPAK, KIP and AAK.

Approval

Chairman ..... Date 10/6/2020

Secretary ..... Date 10/06/2020

Secretary ..... Date 10.06.2020

MINUTES OF THE 24TH MEETING OF THE TASKFORCE ON FORMULATION OF REGULATIONS TO FACILITATE ELECTRONIC LAND TRANSACTIONS, REGISTRATION, CONVEYANCING AND OTHER RELATED ACTIVITIES (WITH OFFICIALS FROM ICT AUTHORITY AND KENYA REVENUE AUTHORITY) HELD VIRTUALLY ON TUESDAY, MAY 19, 2020 AT 10:00 A.M.

Attendance

S.N.	Name	Position
1.	Eric Nyadimo	Chair, TFELTR
2	Tom Abuta	Member, TFELTR
3.	Truphosa Achar	Member, TFELTR
4.	Mildred Ambani	Secretariat, TFELTR
5.	Agnes Matunda	Member, TFELTR
6.	Dr. Mary Macharia	Joint Secretary, TFELTR
7.	Dr. Samuel Nthuni	Member, TFELTR
8.	Sereu Moinket	Member, TFELTR
9.	Clarah Ketyenya	Joint Secretary, TFELTR
10	Elizabeth Njoroge	Member, TFELTR
11.	David Gatimu	Member, TFELTR
12.	George Ruhara	Member, TFELTR
13.	Herbert Were	Member, TFELTR
14.	Moses Mugendi	Joint Secretary, TFELTR
15.	Dr. Victor Ouno	Member, TFELTR
16.	Stephen Chebii	Secretariat, TFELTR
17.	Julius Kahindi	Member, TFELTR
18.	Nancy Awere	Secretariat, TFELTR
19.	Eugene Lawi	Member, TFELTR
20.	Rachel Dinda	Secretariat, TFELTR
21.	Edward Ole Kateiya	Member, TFELTR
22	Catherine Ochanda	Member, TFELTR
23.	Charles Wamae	Member, TFELTR
24.	Carolyne Menin	Member, TFELTR
25.	Annette Omwoyo	Member, TFELTR
26.	Esther Omulele	Member, TFELTR
27.	Damaris Lukwo	Secretariat, TFELTR
28..	James Nombi	Member, TFELTR
29.	Caroline Wanjeri	Member, TFELTR
30.	Philip Irode	ICTA
31.	Margaret Ogega	KRA
32.	Desterius Shilabukha	KRA
33.	Margaret Masaku	KRA
34.	Pauline Kimotho	ICTA
35.	Millicent Saina	KRA
Absent with Apologies		
1.	Brian Kimutai	Member, TFELTR
2.	Peter Musyimi	Member, TFELTR
3.	Jasper Mwenda	Member, TFELTR
Minutes		
MIN.01/24/2020	**Adoption of Agenda**	
	Items of discussion were adopted as follows:	

	1. Preamble/ introductions 2. Presentations 3. Plenary discussions 4. AOB
MIN.02/24/2020	**Preamble**
	• The chairman called the meeting to order at 10:26 am. • Opening prayers were said by Moses Mugendi. • The Chair introduced members of the Taskforce. • The Chair formally welcomed members from KRA and ICTA to the meeting. • The Chair took members through the programme. • The Chair gave background information for formulation of the regulations which are to enhance efficiency and effectiveness in data access. • The officials from both ICTA and KRA introduced themselves to the taskforce. • In summary, the Chair talked about what the Taskforce had done since its formulation.
MIN.03/24/2020	**Presentations on Proposed Regulations**
	Highlights of regulations were done in the form of Power-Point presentations in line with the programme as follows: 1. Registration 2. Survey 3. Planning 4. Land Administration 5. Valuation.
MIN.04/24/2020	**Plenary Discussions**
	The following comments/ questions were made/ raised after presentations: • **Valuation report**- (information sharing) what is left out is the sharing of information on Valuation, there should be seamless flow of information. There is need to link ITAX with NLIS and provide a regulation that links ITAX with NLIS. The administrative process established should be regulated. • Market Value-the definition of market value should not only be limited to land, but should also include shares as the value of any property goes beyond land aspects. • **PIN**-there is need to capture the PIN; the initial data only captures the ID leaving out the PIN. • **Land Rent**

	The issue of land rent was also not well covered/ adequately articulated, for instance, it was not clear how the Ministry of Lands was going to collect the data on leasehold property, or issue demand notices to owners of these property. The role of KRA in collection of rent through ITax was not properly documented. There was need for documentation of land that attracted land rent to ensure enhanced collection. Other questions raised were: -Is there a mechanism for monitoring the number (the existing) leasehold property? -Is the Ministry of Lands able to share the information with KRA? -How can KRA get the information? **Systems issues raised** • Ensure all transactions done are traceable • System should have accountability from end user perspective. • Transactions need to be approved by the right parties. • The Ministry should share what the system is and what it can do. • Security features to be looked at to safeguard data. • Is their regulation for electronic signatures? Has ICT Authority developed regulations on this? the regulations are there under KICA law enacted in 2013. Issues of support maintenance are being addressed to bring on board more stakeholders and coordinate operations of different government agencies. • Water-tight security features should be developed to safeguard data security. • NPKI – digital signature for all public offices should be inputted to ensure security safeguards. The system should be aligned to this
MIN.05/24/2020	**Adjournment and Date of the Next Meeting**
	There being no other business, the Chairperson thanked the guests for their time and dedication to the meeting, after which he called upon Ms. Truphosa Achar to give a vote of thanks and say closing prayers. The meeting ended at 1:55 pm. The next meeting (with the Law Society of Kenya) was scheduled for Wednesday, 20th May, 2020.

Minutes Read and Confirmed by:

Chairman: ..... Date 10/6/2020

Joint Secretary: ..... Date 10/06/2020

Joint Secretary: ..... Date 10.06.2020

MINUTES OF THE 23RD PUBLIC PARTCIPATION MEETING OF THE TASKFORCE ON FORMULATION OF RELATED REGULATIONS TO FACILITATE ELECTRONIC LAND TRANSACTIONS, REGISTRATION, CONVEYANCING AND OTHER RELATED ACTIVITIES AND THE COUNCIL OF GOVERNORS (COG) HELD VIRTUALLY ON MONDAY 18TH MAY 2020 AT 11:00 AM.

Attendance of the Taskforce Members

S/No.	Name	Position
1	Eric Nyadimo	Chair
2	Rachel Dinda	Secretariat
3	Mildred Ambani	Member
4	David Gatimu	Member
5	Esther Omulele	Member
6	Victor Ouno	Member
7	Herbert Were	Member
8	Tom Abuta	Member
9	Mary Macharia	Joint Secretary
10	Julius Kahindi	Member
11	Samuel Nthuni	Member
12	Sereu Moinket	Member
13	Clarah Ketyenya	Joint Secretary
14	Edward Ole Kateiya	Member
15	Elizabeth Njoroge	Member
16	Jasper Mwenda	Member
17	Agnes Matunda	Secretariat
18	George Ruhara	Secretariat
19	Mugendi Moses	Joint Secretary
20	Caroline Kihara	Member
21	Carolyne Menin	Member
22	Truphosa Achar	Member
23	Charles Wamae	Member
24	Damaris Lukwo	Secretariat
25	Eugene Lawi	Member
26	Catherine Ochanda	Member
27	Stephen Chebii	Secretariat
28	James Nombi	Joint Secretary
29	Annette Omwoyo	Joint Secretary
Apologies		
1.	Nancy Awere	Secretariat
2.	Peter Musyimi	Member
3.	Brian Kimutai	Member
COG members present		
1	Eve Bosibori	Planner, Nyamira County
2	Robert Sangori	Homa Bay County
3	Alex Nthiwa	Chief Officer, Makueni County
4	`Mwenda Riungu	County Planning Director, Tana River County
5	Maurice Otieno	Mandera County
6	James Ambuga	CoG
7	Eva Sawe	CoG

8	Hon Barsosio	CECM Elgeyo Marakwet County
9	Hon. Charles Dadu	CECM Lands Kilifi County
10	Beatrice Chelangat	Planner, Nyeri County
11	Hon Ngeno K Barnabas - Kericho County	Chair CECMs Caucus
12	Mutuku Erastus	Narok County
13	Anita Wakoli	Trans Nzoia County
14	Charles Obondo	Planner Homa Bay County
15	Hon. Hamilton Parseina	CECM Lands Kajiado County
16	Veronicah Ndunge	Nandi County
17	Julius	
18	Sarah Masaki	Muranga County
19	Sylvia Inziani	Kericho County
20	Bii K Ng'eny	County Director of Planning, Makueni County
21	Alphonce Rotich	County Director Physical Planning, Baringo County
22	Joseph Shuel	CECM, Laikipia County
23	Elizabeth Mburu	Director, Meru County
24	Nicholas Waweru	Director Physical Planning, Kiambu County
25	Evans Kipruto	CoG
26	Emma Nyaboke	CoG
27	David Kitonga	Director Lands Kitui County
28	Hon Sereti Vivian Mpetti	CECM Lands Narok County
29	Hon Koima Kibiwott	CECM Baringo County
30	Nicodemus Mbwika	CoG, Secretariat

MIN.01/23/2020	Agenda
	1. Program 2. Introduction to the Taskforce 3. Terms of Reference 4. Regulations 5. Plenary Discussion 6. Close
MIN.02/23/2020	Preliminaries
	• The Chair called the meeting to order at 11:52am. • Opening prayers were said by Mildred Ambani. • The Chair took members through the Agenda. • The Chair introduced the Taskforce Members and requested Hon. Ng'eno to introduce CoG to team.
MIN.03/23/2020	MIN.02/23/2020-minute number not clear
	The program was adopted as follows:

	governments. As the draft regulations are, it mean that counties don't have any responsibility on strategic projects which are a preserve of the national government **Response:** Development control should be through the NLIS system and the county governments have a role where the project is being undertaken in that particular county. The counties would only channel projects deemed to be strategic or intercounty to the relevant approving authorities c) Sec 90 of PLUPA requires development of general regulations under the Act. there is need to stablish a clear link between the draft Regulations submitted to the (under section 90) and the electronic system ones **Response:** The manual processes need to be regulated before the electronic regulations. The two have been tied together. d) Reg 12 PLUPA- establishing a standing appeal committee at National Level, PLUPA is duplication of roles as PLUPA has very clear dispute resolution mechanism, the Liaison Committees. The existing resolution mechanism should be used and a member with IT background be adopted as a member in the existing committees. **Response:** The functions of the two committees are different the appeals committee under electronic regulations is purely administrative, dealing with issues of access to user accounts. Liaison committees established under PLUPA are for handling disputes arising from planning processes e) The CS should not prescribe fees for counties as counties have responsibility to prescribe their own fees. **Response:** There is need to coordinate how the various fees are generated f) The Land Administration regulations provide that Development Control issues for private land shall be handled by the CS. This is offensive and does not sit well with the County Governments who have a direct role on development control **Response:** All development processes start at the county level and approvals ae done there. However, administrative processes to inform eventual registration are vested with the CS g) Regarding Extension and renewal of Lease, NLC has the mandate under the CoK and laws to manage such transactions on behalf of the county governments and not the CS, this mandate according to the County government should be retained with NLC. **Response:** Section 13 of the Land Act, gives the mandate of NLC to make rules in extension and renewal of Leases. The aspect of processing leases is vested with the CS. Extension of Leases is with CS, since leases before expiry is private land. It follows that renewal and allocation processes are vested with the NLC. Eva Sawe 1. The proposed amendments to Survey regulations should be stayed awaiting the amendment of the Survey Act. The principal Act should be amended first to align it with the Constitution before the regulations to avoid double work.

Time	Item	Assigned To
10:00 - 10:30 am	Welcome, Introduction and Opening Remarks	*Eric Nyadimo, Taskforce Chair*
10:30 – 11:00 am	Land Registration (Electronic Transactions) Regulations, 2020	*Sereu Moinket*
11:00 – 11:30 am	Survey (Electronic Cadastre Transactions) Regulations, 2020; and Survey (Amendment) Regulations, 2020	*Jasper Mwenda*
11:30 – 12:00 pm	Stamp Duty (Valuation) Regulations, 2020; and Stamp Duty (Amendment) Regulations, 2020	*Esther Omulele*
12:00 – 12:30 pm	The Land (Allocation of Public Land) (Amendment) Regulations, 2020; and Land (Amendment) Regulations, 2020; and the Land (Extension and Renewal of Leases) (Amendment) Rules, 2020	*Tom Abuta*
12:30 -1:00 pm	Physical and Land Use Planning (Electronic Development Control and Enforcement System) Regulations, 2020	*David Gatimu*
1:30 – 2:00 pm	Break	*All*
2:00 – 4:00 pm	Plenary Discussions	*Eric Nyadimo, Taskforce Chair*
4:00 – 4:15 pm	Vote of Thanks and Closing	*Eugene Lawi*
END OF PROGRAMME		

It was noted that since the meeting started of late there was need to keep to time and allow more time for plenary discussion.

MIN.04/23/2020 Introduction to the Taskforce

The chair presented an overview of the Taskforce including its mandate, milestones to date and road map of remaining activities.

MIN.05/23/2020 Regulations

A highlight of regulations in form of Power Point presentations was presented in line with the programme as follows

a) Registration Regulations
b) Cadastre and Survey Regulations
c) Valuation Regulations
d) Land Administration Regulations
e) Physical Planning Regulations

MIN.06/23/2020 Plenary Discussion

Eva Sawe and Nicodemus Mbwika were nominated to table the COG comments and inputs.

Comments from Nicodemus:

He appreciated work done to date and highlighted several issues touching on

1. Governance issues
   Centralized system with diversity, NLIS envisages integrated system. The system should not negate devolution.
2. Legal issues
   Offensive language
3. Administrative Issues
   The country having the necessary infrastructure to uptake the system

Recommendations

a) Director General to operate PLUPA system, development control should not be managed from the National level because the functions are devolved. There be established a national System whose standards the counties can use to develop their own systems then appropriate linkages be established.

Response:

There is need for establishment of standards to coordinate development control by both the national and county governments.

b) With reference to PLUPA sec63 and67, development application for all types of development need to be done with the county

	Response: The taskforce restricted itself to the provisions of the existing Survey Act and Regulations. However, it noted areas of regulations that need to be improved to bring them up to date with the system, pending the amendment of the Act 2. Land Allocation: Reg 26. Mandates the CS to execute Leases. The CS should be replaced with NLC in line with the Land Act. Article 62 (3) mandates the NLC to manage public land. Further reference is made to the Supreme Court Advisory paragraph 2, which states that this is the function of the NLC. **Response:** Article 63 of the Constitution is clear on categories of public land. When land is allocated, it becomes private land and is under the CS. Leases are executed on private land. 3. The proposed Standing Appeal Committee should be established in consultation with COG and NLC. Article 259 of the COK provides that there should be consultations between the two level of Government in undertaking different activities. • Propose membership of the committee should be 3 MOLPP reps, 3 COG reps while the number of private sector reps is reduced to ensure the total membership does not exceed the 9 stipulated in Mwongozo, • There should be County Standing Committees in addition to the national one as NLIS will be administered in different counties. **Response:** The Registration team will deliberate further on this. 4. Regarding Stamp Duty, under Reg (2), Counties should be left to dictate own payment methods. Further, County government should have control of the NLIS system. **Response:** Stamp Duty is a tax and established by the National Treasury and collected by KRA. Comments from Hon Ngeno. • The Constitution provides rules of all players. Thus, the taskforce should be alive to its provision as they formulate the regulations. Further, the Taskforce should be alive to the Report by the Transition Authority dated 1st April 2016 which details the roles of national government and county government. Also, Sections 13 (2) of the Land Act denies the role of CS and NLC. • Section 56(3) PLUPA provides that the county governments shall have power within their jurisdiction to consider and approve all development application and provide development permission • Issue of Extension of Leases is in the domain of the NLC and the Taskforce should ensure this is upheld. Comments from Nicholas Waweru, Director Physical Planning, Kiambu County • County governments should have control of the national strategic projects as they will be implemented in counties **Response:**

	• Legal notice 156 provides for classification of the projects and the role of CS and Director General of Physical and Land Use Planning on the same. This issue can be deliberated further. Comments from Elizabeth Mburu- Director, Meru County • DG should not control the PLUPA system. The system should be stablished in collaboration with County Governments. **Response** Sections 103 and 114 of the Land Act provide safeguards against abuse of mandates vested with the two levels of government. The proposed Technical Committee is a hurdle in the county in fast tracking the development application process **Response** The Committee is important to check standards and validation of the applications; this is good for ownership of the processes and to ensure the County Director approves application on point of information as envisaged in PLUPA 20 (g). • DG should circulate the plans to the Counties on the Strategic projects. • CS should not overall mandate on private land. In case of agricultural land, whose subdivision is controlled by Land Control Boards established by the CS, it has proven difficult for counties to tame the boards. The boards should be controlled by the County governments. **Response:** The Land Control Board is in place as per the Land Control Act, which stands un-repealed. However, their effectiveness and practicability of the Act should be considered, moving forward. • Survey is a devolved function but so far the counties have been locked out of the survey process by the Survey Act. • During presentation of Stamp Duty regulations, there was mention of other valuation regulations already in circulation, but which have not been brought to the attention of the counties. This does not sit well with devolution **Response:** The private valuers incorporation regulations have been drafted and will be circulated at the right time by the relevant team. Comments from Sarah Masaki- CECM Muranga County • There is concerted effort to lock out the County governments from the formulation of the regulations and so far public notices published indicate the regulations are being established in consultation of the National Government and NLC. Counties should be considered at the inception stage of such tasks. **Response** The Taskforce seeks views to make the draft rich and is willing to incorporate CoG views. • Survey regulations left out planning role, which presents a loophole of subdivisions being undertaken by surveyors without reference to planners. • Development control is a county function and so control of the system should not be left with the DG.

	• Role of CS in extension of lease need to be clarified as it's a development application and should be tabled at the county. **Response:** The Survey is premised on the requisite approvals and the survey module is established on this understanding. Comments from Mwenda Riungu- Tana River • Regulations are not speaking to each other. No linkage of the different regulations. **Response** The regulations are based on clear workflows. The taskforce should relook into this matter. • There should be clear linkage of PLUPA general regulations and electronic regulations. • On Land Administration, how will the approvals be done electronically, the Land Administration regulations do not mention the role of County Government.
MIN.07/23/2020	**Way forward**
	Chairman Remarks • County government has the resources to do the NLIS system. The system will be rolled out phase by phase. • Other county systems should be linked to the NLIS. • Involvement of the stakeholders is timely since these are the draft documents. CoG should consider submitting a comprehensive written memorandum to the Taskforce **Ng'eno Remarks** • COG have been involved in several consultative meetings in the land sector and just like in previous engagements, CoG should be able to guide the regulation process. • Taskforce should ensure the regulations are informed by the laws and the TA report and Article 62 for the CoK on supremacy of the Institutions established to govern the land sector such as the NLC. • Section 56 (c) of PLUPA should be respected as it gives the counties the mandate to **consider** applications and **grant** development permission. Under Sec. 69 (4), CS receives secondary applications whose approval has been granted by the County Government. • The CoG will submit a written memorandum. • The taskforce should avail the improved regulations for validation by CoG before they are forwarded to the CS.
MIN.08/23/2020	**Adjournment and Date of the Next Meeting**
	• Eugene Lawi gave the vote of thanks and acknowledged all participants for the fruitful engagement. • The meeting ended at 4.38pm with closing prayers form Caroline Wanjeri. • The next meeting was scheduled for Thursday 19th May 2020 from 10:00a.m with Treasury and the Kenya Revenue Authority.

Approval

Chairman ..... Date 10/6/2020

Secretary ..... Date 10/06/2020

Secretary ..... Date 10/06 2020

MINUTES OF THE 22ND MEETING OF THE TASKFORCE ON FORMULATION OF RELATED REGULATIONS TO FACILITATE ELECTRONIC LAND TRANSACTIONS, REGISTRATION, CONVEYANCING AND OTHER RELATED ACTIVITIES (WITH HEADS OF DEPARTMENTS/ DIRECTORS IN THE MINISTRY OF LANDS AND PHYSICAL PLANNING) HELD VIRTUALLY ON THURSDAY MAY 14, 2020 AT 10:00 A.M.

Attendance of Taskforce Members

S.N.	Name	Position
1	Eric Nyadimo	Chair
2	Jasper Mwenda	Member
3	Mildred Ambani	Member
4	Agnes Matunda	Secretariat
5	Julius Kahindi	Member
6	Mary Macharia	Joint Secretary
7	Samuel Nthuni	Member
8	Sereu Moinket	Member
9	Clarah Ketyenya	Joint Secretary
10	Elizabeth Njoroge	Member
11	David Gatimu	Member
12	Truphosa Achar	Member
13	Herbert Were	Member
14	Moses Mugendi	Joint Secretary
15	Victor Ouno	Member
16	James Nombi	Joint Secretary
17	Tom Abuta	Member
18	Nancy Awere	Secretariat
19	Eugene Lawi	Member
20	Rachel Dinda	Secretariat
21	Edward Ole Kateiya	Member
22	Charles Wamae	Member
23	George Ruhara	Secretariat
24	Carolyne Menin	Member
25	Damaris Lukwo	Secretariat
26	Brian Kimutai	Member
27	Esther Omulele	Member
28.	Caroline Kihara	Member
29.	Stephen Chebii	Secretariat
Apologies		
1.	Catherine Ochanda	Member
2.	Peter Musyimi	Member
3.	Annette Omwoyo	Joint Secretary
Attendance by Ministry of Lands and Physical Planning		
1.	Esther Ogega	MoLPP
2.	P. K. Mwangi	MoLPP
3.	Augustine Masinde	MoLPP
4.	Edward Kosgei	MoLPP
5.	David Nyandoro	MoLPP
6.	Andrew Nyambeche	MoLPP
7.	Cyrus Mbogo	MoLPP

8.	Michael Kagwe	MoLPP
9.	Monica Obongo	MoLPP
10.	Cyrus Muchoki	MoLPP
11.	Philip Abongo	MoLPP
12.	Paul Ndungu	MoLPP
13.	Andrew Khaemba	MoLPP
14.	Dr. Zubeda Mucheke	MoLPP
15.	Dr. Peter Mburu	MoLPP
16.	Irene Muttai	MoLPP
17.	Victor Olonde	MoLPP
18.	Charles Wanjohi	MoLPP
19.	Lucy Mburu	MoLPP
20.	Michael Muikiria	MoLPP
21.	Berita Choka	MoLPP
22.	Zaverio Kinyua	MoLPP
23.	Felix Maura	MoLPP
24.	Jeff Manthi	MoLPP
25.	Kahochio Machua	MoLPP
In Attendance		
1.	Julius Tarus	NLC-ICT
2.	Ben Amollo	
3.	Jacqueline Waihenya	LSK
4.	Rachel Wanyonyi	
5.	Innocent Muganda	
6.	Vikki Chiira	
7.	Lorna Mainnah	LSK
8.	Deborah Ontiri	LSK
9.	Havi	
10.	Nora	
11.	Maria	
MIN.01/22/2020	**Preamble**	
	• The Chair called the meeting to order at 10:17 am. • Opening prayers were said by Clarah Ketyenya. • The Chair formally welcomed members to the meeting. • Virtual meeting rules were outlined. • The Chair went through the virtual meeting programme. • The Ministry Representative, Ms. Esther Ogega, was asked to give opening remarks. • Heads of Departments/ Directors and their representatives were introduced. • The Chair formally introduced members of the Taskforce and gave a synopsis of what the Taskforce had done. • The Stakeholder-participation schedule was highlighted.	
MIN.02/22/2020	**Power-point Presentations on Proposed Regulations**	
	Registration Regulations Sereu Moinket took the meeting through the proposed regulations.	

	Immediate Feedback on Sereu's Presentation Mr. Cyrus Mbogo: need to introduce adequate restrictions/ limitations on user access to avoid abuse of the system **Survey Regulations** Jasper Mwenda took the meeting through the survey regulations: Survey (Electronic Cadastre Transactions) Regulations, 2020 and Survey (Amendment) Regulations, 2020. **Immediate Feedback on Mwenda's Presentation** Mr. Paul Ndung'u: Regulation 17 on payment of fees to licensed surveyors needs to be refined. The Director of Survey should confer with the surveyor (to confirm) before approval/update of the cadastral map. **Valuation Regulations** Esther Omulele made the power-point presentation on valuation regulations: Stamp Duty (Valuation) Regulations, 2020 and Stamp Duty (Amendment) Regulations, 2020. She indicated that the regulations were anchored on Stamp Duty Act (Cap. 480). **Physical Planning Regulations** Mr. David Gatimu made the presentation for Physical and Land Use Planning. **Immediate Feedback on Physical Planning Regulations** Mr. Masinde (Director General, Physical Planning): What is being proposed should be anchored on substantive laws, any mix-ups and contradictions also need to be refined. He was appreciative of the Taskforce's efforts. **Land Administration Regulations** • Tom Abuta made the presentation on Land (Electronic Transactions) Regulations/ Rules, 2020, land administration processes and Land (Amendment) Regulations, 2020. • Mr. Abuta highlighted, inter alia, key terminologies such as 'electronic form,' 'electronic,' and 'user' that have been introduced in the regulations. There was a short lunch break. it was agreed that the sitting would reconvene for plenary session at 2:10pm.
MIN.03/22/2020	**Plenary Session: Comments/Questions – Ministry of Lands & Physical Planning**
	Planning Regulations • Reduce on the number of definitions • Reconsider the line spacing of documents presented during application as this makes the process cumbersome • Check on mandates granted to various actors in the regulations in line with those in PLUPA • There be clear definition of development conditions and permissions

	• Establishment of the system is being vested with the DG – check on how the same can be shared with the County Director to ensure efficiency and decentralization of functions – check Reg. 4(3) • Check on clause 12 and clause 13 on assignment of duties • PLUPA has not assigned responsibilities to Municipal Authorities and other entities in secondary statutes – check on substantive establishments under PLUPA • Have separate provisions for development control of projects of strategic national importance and inter-county projects • The regulations need to be effectively mainstreamed • On category of users, add Surveyor who would need to interact directly with the planning module to make decisions • Look at provisions of Section 20 (i)(j0 of PLUPA on functions of the County Director of Physical and Land Use Planning with regard to issuance of development permission. Structures to be established by the Director should be left to his discretion and need not be regulated • Consider provisions of Section 60 of PLUPA in view of the proposed technical validation committee. The committee seems to perform the same functions with the authorities the application is circulated to • The CS is better placed to consult the county governments rather than NLC on development control matters, as counties are direct players in the process • There are cross-cutting roles that need further clarification **Valuation Regulations and Registration Regulations** • Reg. 19(2)(b) • Search fees were waived – under Reg. 14 – to relook • Reg. 23 (3) – as drafted, it presents a gray area and should be relooked • Check issue of minor errors • Issue of electronic sealing and franking • Reg. 16 on valuation is skeletal and needs to be firmed up. • Chief Government Valuer is still tied to the collector of stamp duty. • Applications be made directly to the Government Valuer **General Comments** • There are many forms which need to be relooked and merged The basis of the Electronic Appeals Committee derive need to be clarified and mandate should be mainstreamed. If it is a quasi-judicial body, then it should be set up properly • Have a representative of the CS in-charge of ICT • It may be important to decentralize the operations of committee from Nairobi for efficiency • Relook at the composition of membership • Provide appeal to the court – ELC

	• To validate the Forms on the system, there is need to convene a meeting with the developers • Professionals in the built environment should be users across the modules • System should be open and accommodating • The provision of manual payment of fees needs to be looked at as the system should be geared towards doing away with manual payments • Need to look critically at the Business Laws Amendment • Need to circulate the information on the website to all members of staff – Victor to take action
MIN.04/22/2020	**Adjournment and Date of the Next Meeting**
	Vote of Thanks was given by Caroline Wanjeri after which the Chair closed the meeting at 3.47pm. Closing prayers were said by Agnes Kwamboka. The NLC meeting was slated for Friday, 15th of May 2020.

Minutes Read and Confirmed by:

Chairman ..... Date 10/6/2020

Secretary ..... Date 10/06/2020

Secretary ..... Date 10.06.2020

MINUTES OF THE 21TH MEETING OF THE TASKFORCE ON FORMULATION OF RELATED REGULATIONS TO FACILITATE ELECTRONIC LAND TRANSACTIONS, REGISTRATION, CONVEYANCING AND OTHER RELATED ACTIVITIES HELD VIRTUALLY ON WENESDAY 13TH MAY 2020 AT 11:00 AM.

Attendance

S/No.	Name	Position
1	Eric Nyadimo	Chair
2	Rachel Dinda	Secretariat
3	Mildred Ambani	Member
4	David Gatimu	Member
5	Esther Omulele	Member
6	Victor Ouno	Member
7	Herbert Were	Member
8	Tom Abuta	Member
9	Mary Macharia	Joint Secretary
10	Julius Kahindi	Member
11	Samuel Nthuni	Member
12	Sereu Moinket	Member
13	Clarah Ketyenya	Joint Secretary
14	Edward Ole Kateiya	Member
15	Elizabeth Njoroge	Member
16	Jasper Mwenda	Member
17	Agnes Matunda	Secretariat
18	George Ruhara	Secretariat
19	Mugendi Moses	Joint Secretary
20	Caroline Kihara	Member
21	Carolyne Menin	Member
22	Brian Kimutai	Member
23	Truphosa Achar	Member
24	Annette Omwoyo	Joint Secretary
25	Charles Wamae	Member
26	Damaris Lukwo	Secretariat
27	Eugene Lawi	Member
28	James Nombi	Joint Secretary
29	Catherine Ochanda	Member
Apologies		
1.	Stephen Chebii	Secretariat
2.	Nancy Awere	Secretariat
3.	Peter Musyimi	Member
MIN.01/21/2020	Agenda	
	1. Reading and Adoption of Previous Meetings 2. Matters Arising from Previous Minutes 3. Subcommittee PowerPoint Presentations 4. Way Forward	
MIN.02/21/2020	Preliminaries	
	• The Chair called the meeting to order at 11:24 am.	

	• The chair said that the agenda of the meeting was to go through the subcommittee PowerPoint Presentations to assess preparedness towards public participation meeting starting on 14th May, 2020. • Opening prayers were said by Esther Omulele.
MIN.03/21/2020	**Reading and Adoption of Previous Minutes**
	Members went through the minutes of the previous meeting, the minutes were proposed by Mildred Ambani and seconded Eugene Lawi.
MIN.04/21/2020	**Matters Arising from Previous Minutes**
	• The MoLPP meeting scheduled for 14th May, 2020 has been confirmed. • The NLC meeting on Friday 15th May, 2020 has been confirmed. • The chair will share schedule of the meetings. • The chair will also share the ZOOM invitation by end of the day. • Documents should be shared with Treasury by end of the day. • It was agreed that there is need to engage Treasury before the meeting. • Communication team to follow up with the Stakeholders for the public participation meeting.
MIN.05/21/2020	**Registration Presentation**
	This was presented by Clarah on behalf of the team. The outline of the presentation was as follows: • Overview- add the importance of the electronic transactions in Land Registration Act, Amendments done by the Business Amendments Act. • Outline of the Regulations • Plenary Discussions The meeting noted the need to define users of the system and update the Terms and Condition.
MIN.06/21/2020	**Valuation Presentation**
	• Mildred took members through the presentation. • The meeting noted the need for the team to rework on the presentation.
MIN.07/21/2020	**Survey Presentation**
	• This was presented by Jasper Mwenda • The meeting noted the need to add a slide with anchoring laws.
MIN.08/21/2020	**Physical Planning Presentation**
	• Presentation was made by David Gatimu • The meeting noted the need to check on the regulations numbers to align with the draft regulations shared on the website. • It will be good for all sub-committees to have anchoring laws as a slide in the overview.
MIN.09/21/2020	**Land Administration Presentation**

	Tom Abuta made the presentation and the meeting noted the need to finalize on the same.
MIN.10/21/2020	**Way Forward**
	• RIA can be presented to a few stakeholders. • All subcommittee PowerPoint presentations to be finalized by end of the day. • The stakeholder meetings will be recorded. Each subcommittee will take minutes. • Communication subcommittee to record the proceedings. • Need to have stakeholders profile and survey running concurrently in the meeting. • Provide rules for Stakeholder meetings.
MIN.11/21/2020	**Adjournment and Date of the Next Meeting**
	Chair ended the meeting at 2.03pm. Closing prayers were said by Caroline Wanjeri. Next meeting was scheduled for Thursday 14th May, 2020 from 10:00a.m.

Approval

Chairman ..... Date 10/6/2020

Secretary ..... Date 10/06/2020

Secretary ..... Date 10.06.2020

LINZS20018

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Authority and Identity Requirements for E-Dealing Standard 2018

This Standard is made under section 236 of the Land Transfer Act 2017 by the Registrar-General of Land.

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Authority and Identity Requirements for E-Dealing Standard 2018

1 Title

This is the Authority and Identity Requirements for E-Dealing Standard 2018.

2 Commencement

This Standard comes into force on 12 November 2018.

3 Purpose

To set 'safe harbour' requirements which, if met, will satisfy a practitioner's obligations under regulation 7 as to:

(a) client authority and legal capacity

(b) verifying client identity.

4 Interpretation

In this standard, the definitions in the Act and Regulations apply, and unless the context otherwise requires,—

Act means the Land Transfer Act 2017

Caveator means a client lodging a Caveat or Notice of Claim

Certify means to certify electronic instruments in accordance with the Act and Regulations

Client means the person presenting to the Practitioner as the interested party who is authorising the transaction

Delegate means an independent, trusted person whom a Practitioner can reasonably rely on to carry out the identity verification checks

LINZ means Land Information New Zealand

Practitioner means a lawyer or conveyancing practitioner who certifies

Regulations means the Land Transfer Regulations 2018

RGL means Registrar-General of Land appointed in terms of section 231 of the Act

Trusted Colleague means a person who works for the same firm or organisation as the Practitioner whom they can reasonably rely on to obtain authority and verify identity.

Practitioner's Obligations

Certification of Standard Matters

5 Client Authority and Legal Capacity

(1) Before certifying an electronic instrument as to the matters set out in regulation 7(3)(a) a practitioner must:

(a) obtain the client's written authority

(b) take reasonable steps to ensure the client has legal capacity.

(2) A practitioner may dispense with the requirement for written client authority, and instead record a file note, when certifying a caveat or notice of claim for a client who has provided verbal instructions.

6 Client Identity

Before certifying an electronic instrument as to the matters set out in regulation 7(3)(b) a practitioner must:

(a) take reasonable steps to verify the client's identity; and

(b) where applicable, seek further evidence and make further inquiries as provided in clauses 8 and 9.

7 Reasonable steps

(1) For the purposes of clause 6(a), 'reasonable steps' includes:

(a) having the client present in person with an acceptable form of photo ID and confirming that the client is the person for whom the photo identification has been issued; or

(b) having the client's identity independently verified by way of a statutory declaration in the form and manner set out in Schedule 1.

(2) For the purposes of clause 7(1)(a), an acceptable form of photo ID means:

(a) a passport;

(b) New Zealand government issued photo identification; or

(c) another form of photo identification which the RGL has confirmed is acceptable for use in connection with verifying a client's identity.

(3) The photo ID relied upon for the purposes of clause 7(1)(a) must be current or have expired within the previous 12 months.

(4) A practitioner may also rely on a trusted colleague or delegate to verify the client's identity in accordance with clause 7(1)(a).

8 Further evidence

(1) Where the electronic instrument is a transfer or mortgage, a practitioner acting for the transferor or mortgagor must also obtain:

(a) evidence in the form of a rates demand, bank statement, utility account, insurance policy or other official document connecting the client to the property; or

(b) if the client has only recently purchased the property, a copy of the agreement for sale and purchase.

(2) A practitioner who can confirm the client's connection to the property based on their own personal knowledge or that of a trusted colleague may choose to dispense with the requirement for evidence in clause 8(1) and instead record a file note as to these matters.

9 High risk transactions

(1) In the case of a high risk transaction a practitioner must, in order to manage the risk of fraud or improper dealing, make such further inquiries as may be reasonable in the circumstances to confirm the transaction is bona fide.

(2) A transaction is high risk if it meets the criteria set out in schedule 2.

10 Retention of Evidence

A Practitioner who certifies an electronic instrument must retain evidence as to client authority and identity for the 10 year retention period prescribed by regulation 7(6).

Clause 6(1)(b)

Schedule 1
Declaration of identity form

I [full name of witness] of [town/city of residence], [occupation] do solemnly and sincerely declare that:

1. I am aged 18 years or over.

2. I am independent of the client and the transaction. In particular, in relation to [full name of interested party whose identity is being verified]:

(a) I am not:

(i) related to them;

(ii) their partner or spouse;

(iii) part of their extended family group; and

(b) I do not:

(i) live at the same address as them; and

(ii) I am not involved with or benefitting from the transaction.

3. I have personally known [full name of interested party whose identity is being verified] for [number of years].

4. The residential address of [full name of interested party whose identity is being verified] is [interested party's full residential address].

5. The photograph annexed to this declaration and marked with the letter "A" is a true likeness of [full name of interested party whose identity is being verified].

6. I am the holder of current New Zealand government-issued photographic identification, or a current passport, an extract of which, showing my photograph and the identification number, is annexed to this declaration and marked with the letter "B".

I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957

Signature

DECLARED at [town, country]

this [dd] day of [Month] 20[yy]

before me

Signature Name

A person authorised to take a statutory declaration under the Oaths and Declarations Act 1957

Clause 6(e)

Schedule 2
High Risk Transactions

(1) The following transactions are high risk when one or more of the conditions in clause (2) apply:

Transaction type	Client
Transfer	Transferor
Mortgage	Mortgagor
Application for correction or change of name	Applicant

(2) The conditions referred to in clause (1) are:

(a) the client is not previously known to the practitioner or a trusted colleague, and

(i) is dealing with unencumbered land; or

(ii) is refinancing in a manner that significantly reduces the mortgagors' equity in the property; or

(iii) provides contact details that are not connected to the physical address of the property; or

(iv) provides unfamiliar or foreign photo identification;

(b) the practitioner or a trusted colleague has not personally met the client to receive instructions in relation to the current transaction; and

(i) a third party provides instructions on behalf of the client; or

(ii) the transaction involves family members and one family member is gaining an interest from another family member; or

(iii) the clients are co-owners, one of whom is providing instructions on behalf of themselves and another co-owner.

(c) in the circumstances outlined in clause 2(a) or (b), the instrument is authorised on behalf of the client under a power of attorney.

Made at Wellington on 10 October 2018.

Robbie Muir
Registrar-General of Land

Explanatory note

This note is not part of the legislation, but is intended to indicate its general effect.

The Authority and Identity Requirements for E-Dealing Standard 2018 does not add direct costs to transactions under the Act. The standard sets minimum requirements for Practitioners to mitigate against potentially significant impacts of wrongful or fraudulent transactions. These requirements have "de minimis" business impacts.

Land Transactions (Electronic) Regulations, 2020

Schedule to the Memorandum of the Law Society Conveyancing Committee

9th June 2020

1. Land Registration (Electronic Transactions) Regulations, 2020

Regulation	Comments	Proposed Amendment
Regulation. 2 and 9	The Regulations need to substitute the definition of a "Authorized User" as currently defined for purposes of who qualifies as an authorized user under Regulations 2 and 9 to be an Advocate. Advocates will still be mandated to have a User Account and User Agreement before using the e-system. A User on the other hand will be a member of the public who has a User Account and entered into a User Agreement.	An "Authorized User" should be an Advocate qualified to practice under the Advocates Act, Cap 16 Laws of Kenya.
New Regulation	We note that the e- system will be accessible to members of the public who may have scanty details about the Regulations. We note also that the e-system being introduced for the first time, users will need to understand how it works clearly. It is important for any User to sign a User Agreement upfront upon opening a User Account to understand the terms and conditions of use in clear and concise details.	To make provision for every User to have a User Agreement under Regulation 2 and defined as follows: *"User Agreement"* means an Agreement between a User and the Registry which permits a User to access services of the Registry electronically. The definition of a *"User"* under Regulation 2 needs to be revised to state that a User has entered into a User Agreement with the Registry. We propose the deletion of the words in the definition section from "*...and may include a property owner or a professional on the instructions of a property owner...*" In the UK, a User Agreement provides for certain terms worth noting: Address of services for both parties, terms and conditions of use, services available, what amounts to a material breach, type of electronic signature as well as the manner of affixation, retention and retrieval of documents, system and security requirements and when either party will be deemed to be or not to be liable to the other.

Third Schedule (Clause 5: Disclaimer)	**The Ministry as the custodian of land records as well as its officers should be responsible for the completeness and reliability of documents processed online as well as confidentiality, integrity and security of the e-system. The Government as the keeper of all land records in Kenya and must accurately mirror all active registrable interests land in both manual and electronic form. So fundamental is this information, that the land laws guarantee compensation to persons provided with wrong or misleading particulars.**[1] **We note that there is also need to distinguish when the Ministry or a User will be liable for their acts or omissions under the system.**	**To amend the disclaimer clause to guarantee the reliability and accuracy of documents processed online and to impose liability on the Ministry and its officers in the event of any loss or damage.** **To introduce new provisions on a User's and Registry/Officers' liability as follows:** **When a User will be liable:** - **the intentional, reckless or negligent misuse of the e-system by the User;** - **breach of the User agreement by a User;** - **negligent acts, errors or omissions by the User;** - **where a User has enabled a third party access and to the extent that such loss or damage is attributable to the User.** **When the Registry will be liable; A User is entitled to be indemnified by the registrar if he suffers loss by reason of:** - **inappropriate rectification of the electronic register;** - **a mistake in an electronic search;** - **a mistake in an instrument, electronic certificate of title or lease;** - **the loss or destruction of a document lodged electronically for registration;** - **failure by the registrar and its officers to perform its duties.** **The draft Regulations should also prescribe how the compensation will be made to the user in the event of any loss, destruction or damage arising from the above.**

[1] Civil Appeal No. 156 of 2013 Elizabeth Wambui & 28 Others vs KURA, Ministry of Roads, Ministry of Lands, KNHA & AG Consolidated with Cycad Properties Limited vs the AG, Ministry of Roads, Ministry of Lands, The National Highway Authority and KURA (Civil Appeal no. 160 of 2013).

Regulation 23 (3)	**There is need to align the provisions of the draft Regulations particularly Regulation 23 on rejection of documents with Regulation 35 (1) of the Land Registration (General) Regulations, 2017.** **Regulation 35 (1) provides that the Registrar shall reject a document and state reasons thereof where there is a substantial defect or where the document is submitted without the requisite documents required under the Act.** **An applicant who is dissatisfied can later file an appeal against the decision with the County Registrar and thereafter, the Chief Land Registrar.** **Regulation 23 (3) of the draft Regulations provides for multiplicity of rejections contrary to Regulation 35 (1) which mandate the Registrar to only have one rejection.** **Where a party is dissatisfied, the draft Regulations should allow an applicant to appeal the decision at the Electronic Appeals Committee and not restart the whole process of Registration.**	**To amend Regulation 23 of the draft Regulations by deleting sub regulation (2) (3) (4) (5) and substitute with the following:** **(2) The Registrar may reject an application that appears to the Registrar:** **(a) to be substantially defective; or** **(b) to have been submitted for registration without the requisite documents required under the Act or the Land Registration (General) Regulations, 2017.** **(3) The Registrar may be reject an application under paragraph (2) when the application is lodged for registration or at any time thereafter, and communicate the rejection in Form LRA 22 set out in the Sixth Schedule of the Land Registration (General) Regulations, 2017 and state the reason for the rejection.** **(4) A person whose application has been rejected under Regulations 23 (2) may appeal to the Electronic Appeal Committee.** **(5) The Electronic Appeal Committee as the case may be, shall hear and determine the appeal under paragraph (4) within fourteen days of receiving the appeal.** **(6) There shall be a stay of registration[2] and no instrument affecting the interest under review shall be considered for registration over the affected parcel during the fourteen days under paragraph (5).**

[2] See recommendation for introduction of stay of registration under Regulation 23 (3) in page 5

Regulation 23 (3)	The draft Regulations make provision under Regulation 23 (4) which allows the Registrar to reject documents submitted for registration with a substantial defect. There is need to introduce a new clause under 23 to allow for stay of registration pending the filing of an appeal by a User at the Electronic Appeals Committee.	To introduce a new sub regulation under Regulation 23 making provision for stay of registration as follows: (6) There shall be a stay of registration[3] and no instrument affecting the interest under review shall be considered for registration over the affected parcel during the fourteen days under paragraph (5).
Regulation 15 (b)	The draft Regulations need to make provision for documents processed and executed electronically under Regulation 15 (b) to be certified by an advocate.	To amend Regulation 15 (b) to make provision for electronic certification of documents by advocates and how electronic attestation will be done. We suggest adoption of a new legal concept of "electronic acknowledgement" which involves the signatory acknowledging to the witness after the event that they have applied their electronic signature to the document, following which the witness signs the document with their own electronic signature to record the signatory's acknowledgement.[4] The electronic acknowledgement will be prepared by advocates acting for both parties. A classic example would be as follows: "A signs a deed with her electronic signature. A phones or emails B to tell him that she has signed the document, then sends the document to B. B sees the document with A's signature. B signs the document with his electronic signature and includes a statement on the document that A has acknowledged her signature to him."[5]

[3] See recommendation for introduction of stay of registration under Regulation 23 (3) in page 5.
[4] Electronic contracts, deeds and signatures, Practical Law UK Practice Note 7-598-7269
[5] UK Law Commission: Execution of Electronic Documents Law Com. No 386

Regulation 15 (b)	**The draft Regulations do not make provision for: the type of electronic signature; the manner and format in which the electronic signature shall be affixed; the manner and procedure which facilitates identification of the person affixing the electronic signature and control of the process and procedure to ensure adequate integrity, security and confidentiality of electronic execution and attestation.** **All electronic signatures have to be generated using a signature creation device.[6] Further, the electronic signature should be capable of being validated or authenticated by an electronic certification service provider registered or recognized by the Communications Authority of Kenya.[7]**	**To introduce a separate schedule to address the unregulated areas dealing with electronic signatures listed in the in the comments section.** **This requires stakeholder engagement with the Communications Authority of Kenya.**
New Regulation	**The draft Regulations need to make express provision for the prescribed fees and that all documents submitted electronically shall be in the prescribed land forms set out in the Land Registration (General) Regulations, 2017.**	**To introduce a new Regulation mandating all users to use and adopt the prescribed forms in the land regulations as well as providing clarity on the applicable fees.** **<u>Proposed Clause to read as follows:</u>** **"The forms set out in the Sixth Schedule of the Land Registration (General) Regulations, 2017 shall be authorized for use in the system subject to such modifications as the Registrar may make under regulation 87(1) of the Land Registration (General) Regulations, 2017, from time to time, to enable the use of the forms electronically, in the system."**

[6] Section 2 Kenya Information and Communication Act, (KICA): Definition of a "signatory"
[7] Section 83 (E) KICA

Regulation 27 (Miscellaneous provision)	Certain services may not be offered online as there are legal requirements and due processes to be followed such as physical presence of the applicants e.g. processing of the Land Control Board Consent. The draft Regulations should outline the services under Regulation 27, which can be offered online and those that will be processed manually.	To amend Regulation 27 to outline services to be conducted manually and those to be conducted on the e- platform. This can include: payment of land rent and issuance of the land rent certificate, application for official searches, applications for registration of transfers, charges, discharges, leases, cautions and caveats. Land Control Board consents; spousal consents; County Government consents; management company consents as well as consents for controlled transactions will be obtained in accordance with the applicable laws and governing documents and uploaded into the system as they are not issued at the Ministry. In the interim, we propose the introduction of a two-year transition period for a manual back up system until all records are not only available but have been verified on the electronic system, and the electronic registry is fully operational.
Regulation 11, 12 and 13	The appeal process is very lengthy and involves engagement of a number of bodies which will in tandem delay the process of registration. The draft Regulations do not provide for the procedure of how one may approach or lodge a claim before the Appeals committee. The draft Regulations need to also clarify that the "Court" here refers to the Environment and Land Court	To amend Regulation 11 to 13 to make provision for one Appeal Committee to hear and determine any issues arising. A party aggrieved can later file an appeal with the Environment and Land Court. In addition, the Committee should compose of one representative from the Law Society of Kenya. The draft Regulations should also prescribe how one may approach or lodge such a claim before the Appeals Committee as well as the standing rules of the Committee. To delete the word *"court"* under Regulation 13 (5) and replace with *"Environment and Land Court."*

Third Schedule Regulation 5	**As a general comment, the Regulations provide that users will be provided with a one-time password to access the portal/system.** **However, the Regulations also provide that the user will be required to change their login credentials from time to time and to nominate subscribers who must be approved by the authority to use the account.** **The Regulations are silent on who may qualify as a subscriber to use the account.**	**To define who may be a subscriber for purposes of use of the account.**
Regulation 25	**Regulation 25 which makes provision for electronic processing of a certificate of lease or title, the word *"may"* should be replaced with the word *"shall"*.** **There needs to be a way in which a user can verify the authenticity of an online generated title document such as certificates of titles and leases. The Ministry of Lands should ensure that electronic certificates of title or leases issued have a unique serial number or security feature that prevents any duplication or tampering with the issued title document.**	**To delete the word *"may"* in Regulation 25 and replace with *"shall."*** **To amend Regulation 25 to make provision for unique serial numbers and security features for identification of title documents generated on the e-platform.**

Regulation 11 (3) (f)	**In the event the Chief Land Registrar suspends a user account, the notice should be immediately emailed to the user via the email provided at the time of creating the account and SMS through the contact provided.** **It is our opinion that providing the option to include notice of service via post would defeat the essence of the draft Regulations.**	**To amend Regulation 11 by deleting sub regulation 11 (3) (f).**

2. Survey (Electronic Cadastre Transactions) Regulations, 2020

Regulation	Comment	Proposed Amendment
Regulation 12	**There is need for the Ministry to ensure security, integrity and reliability of survey maps, survey plans, forms and documents processed electronically. This includes allowing users to access and download survey data and plans with non-edit rights.** **The Regulations are silent on how surveyors shall present their work to the Electronic Cadastre system for approval. There is therefore need for clarification on the type of computational procedures for surveyors.**	**To make provision for unique serial numbers and security features for identification of reliable online survey plans and maps with non-edit rights.** **There is need for review the process of how surveyors submit their work to ensure that they are using computational procedures that conform to technological advancement.**

Regulation 2	The draft regulations provide that an authorized user shall be a person qualified to carry out survey and submit as per the Survey Act. The scope of the definition needs to be expanded to include professionals who rely on survey plans as well e.g. Advocates, Architects, Surveyors and Land Valuers.	To amend Regulation 2 to include Users as Advocates, Architects, Surveyors and Land Valuers.

3. Stamp Duty (Valuation) Regulations, 2020

Regulation	Comment	Proposed Amendment
Regulations 4-5	We note that the provisions on accessing the Electronic Valuation module are not clear, since they do not specify whether a User will have to obtain a user account to access the module.	To amend Regulation 5 and specify whether a User must have a user account to access the Electronic valuation module.
Regulations 6-12	The draft Regulations should provide timelines to guide the valuation process, on receipt of the applications by the Chief Government Valuer timelines for acknowledgement of receipt, forwarding of the application to a valuer and notification of a user on the valuer's visitation for purposes of the valuation exercise.	To provide for timelines of the valuation exercise from Regulation 6 to 12.

Regulation 10	Regulation 10 requires that a valuer on completion of a valuation exercise, shall electronically submit to the Chief Government Valuer the valuation report for approval. There is need to include and engage licensed private valuers in the exercise to reduce any delays experienced in the past.	To amend 10 Regulation to make provision for engagement of private valuers.
Regulation 3	The draft Regulations should expand the scope of application under Regulation 3 to include other documents to which duty is payable such as charges, discharges and share transfer documents. Further, there is need to specify that the Regulations apply to documents submitted electronically for valuation for stamp duty purposes.	To amend Regulation 3 to make provision for charges, discharges and share transfer documents and to also specify that the Regulations apply to documents submitted electronically for valuation for stamp duty purposes. To amend Regulation 9 to make reference to valuation reports prepared with respect to other instruments.
Section 6 Stamp Duty Act	On a separate note, we note that section 6 of the Stamp Duty Act provides that every instrument shall be duly stamped with the proper duty before the expiration of thirty days after it is first executed. This has been a challenge for most practitioners.	We suggest an amendment to this provision of the Act to allow for time to start running from the date the valuation is completed and the amount assessed for payment.
New Regulation	The draft Regulations need to make provision to ensure that mistakes of land valuers during the valuation exercise are not be revisited upon the registered owners as has been the case in the past.	To introduce a new Regulation on the liability of land valuers during the valuation exercise.

4. Stamp Duty (Amendment) Regulations, 2020

We note that the Regulations do not set out in detail the process of e-stamping. Based on the Hong Kong system, we note that an effective e-stamping system will need to take into consideration a number of factors:

- **Harmonization of the processes and steps that need to be under taken before an instrument is deemed as *'duly stamped.'* This will therefore entail harmonization of the process of valuation, assessment, payment and finally the generation of the electronic stamp certificate.**
- **The system provides for how all the relevant information regarding the instrument and the parties that will be relied upon in generating the stamp certificate is to be keyed for purposes of generating the stamp certificate.**
- **For one to generate an electronic certificate, one must be an authorized user (advocates) and have a user account. The system should not be accessible to members of the public.**
- **To create a *"Stamp Certificate Enquiry"* section or tab in the system to allow Users to verify the authenticity of the stamp certificate. It is important that the electronic stamp certificate has unique security features not capable of being tampered with, to help Users verify the authenticity and reliability of the certificate.**
- **Provision for rectification or cancellation of a stamp duty certificate in the event of a mistake or error and how this will be done.**

It is also important that the draft Regulations include a provision that, an instrument that is electronically stamped is considered as a duly stamped document.

We further suggest that the definitions of the following terms be included in the interpretation section of the Regulations in order to provide clarity on the electronic stamping system:

a. **Definition of "e-stamp" - this would clarify on what amounts to an electronic stamp.**
b. **Definition of "duly stamped" - to include an instrument electronically stamped.**
c. **Definition of "stamp certificate" - to include a certificate in electronic form.**
d. **Definition of "e-stamping system" - this is a system that will enable users to make applications for an assessment of stamp duty, and the generate the stamp certificate.**

5. Land (Amendment) Regulations, 2020

Regulation	Comment	Proposed amendment
Regulation 21 E	The composition of the Electronic Appeals Committee as provided under Regulations 21 E should include an Advocate for purposes of ensuring due process in hearing and determination of disputes. The draft Regulations should provide the rules of conduct of the business of the Electronic Appeals Committee.	To amend Regulation 21E to ensure that there is a representative from the Law Society of Kenya in the Committee.

6. Land (Extension and Renewal of Leases) (Amendment) Rules, 2020

Regulation	Comment	Proposed amendment
Regulation 3-7	The Regulations are silent on the timeline for the new e-processes that the lessee should abide by (with respect to revaluating, resurveying and the geo-referencing of the land) in the event the application for extension or renewal is approved. The Regulations are also silent on the timelines the CS is required to prepare, execute and register the lease for the extension. These should be provided to ensure that transaction/process timelines may be tracked.	To amend Regulation 3 to provide for specific timelines on the renewal and extension process.

7. The Land (Allocation of Public Land) (Amendments, Regulations), 2020

Regulation	Comment	Proposed amendment
Regulation 36 (1)	Whilst the Regulations grant the Cabinet Secretary the power to prepare and execute leases electronically (Regulation 36 (1)), they do not provide timelines for how long this process should take. For this reason, it is our view that introducing systems to allow documents to be prepared, executed and lodged electronically will only affect transactions positively if there are appropriate fixed timelines for each stage to prevent delays.	To amend Regulation 36 (1) to provide for timelines for each stage.

8. Physical and Land Use Planning (Electronic Development Control and Enforcement System) Regulations, 2020

Regulation	Comment	Proposed amendment
Regulation 12	The composition of the Electronic Appeals Committee as provided under Regulation 12 should include an Advocate for purposes of ensuring due process in hearing and determination of disputes.	▪ To amend Regulation 12 to ensure that there is a representative from the Law Society of Kenya in the Committee. ▪ To ensure timeliness in decision making. Need to depart from the laxity of the present Liaison Committees that do not sit thereby frustrating appeal processes

New Regulation	We note that the digitization process may be tasking due to the high cost of developing the necessary ICT infrastructure, the time to be taken in uploading large records, which may occasion delays in the short-term. We also note that there is need to allow licensed physical planners to prepare certificates of occupation to avoid delays experienced in the past.	We propose a two-year transition period to allow the current physical system to support the new digital process until the same is fully operational.
Regulation 1 (2) (i) (ii)	Regulation 1(2) (i) appears incomplete. Regulation 1(2) (ii) grants a power to the Cabinet Secretary that ought to be derived from the substantive Act.	A reconsideration of the drafting of the Regulation to ensure clarity and completeness and to ensure that the power of Cabinet Secretary is derived from the Act and not the Regulations.
New Regulation / General	To enhance service delivery, licensed professionals from the private sector, who have signed agreements with the regulator and given sufficient indemnities, should be allowed to perform tasks certifications otherwise performed by civil servants.	Engagement of licensed professionals to enhance service delivery under the Regulations.
New Regulation / General	Our comments generally on electronic requirements apply to all the e-Regulations. Where e-signatures are used there is need to have a third party certifier to ringfence the exercise from frauds and identity theft.	Third party certification should be mandatory where e-signatures are used and the same should be done by an advocate.

9. Survey (Amendment) Regulations, 2020		
Regulation	**Comment**	**Proposed amendment**
New Regulation	**It is not clear the level or extent of automation which is being introduced. It would be useful to see an interphase between the survey and other land administration departments and the Ministry and the County as there are significant delays emanating from gaps in the intermediation.**	**There is need for clarity in the Regulations on the extent of automation which will entail engagement with other land administration departments.**
New Regulation	**The survey function is a key determinant of the transition to e-Conveyancing as the migration to the new e-Register is dependent on cadaster and authentication by surveyors. It would be useful for the Task Force to address these deliverables and to include comprehensive e-Regulations on this part.**	**There is need to include in the Regulations a comprehensive section on how the survey function will be digitalized.**
New Regulation / General	**To enhance service delivery, licensed professionals from the private sector, who have signed agreements with the regulator and given sufficient indemnities, should be allowed to perform tasks certifications otherwise performed by civil servants.**	**Engagement of licensed professionals to enhance service delivery under the Regulations.**

New Regulation / General	**Our comments generally on electronic requirements apply to all the e-Regulations. Where e-signatures are used there is need to have a third party certifier to ringfence the exercise from frauds and identity theft.**	**Third party certification should be mandatory where e-signatures are used and the same should be done by an advocate.**