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CONSULTATIONS WITH

NATIONAL LAND COMMISSION

(ANNEXURES 4)

16 JUN 2020
OFFICE OF THE CAS

REPUBLIC OF KENYA

MINISTRY OF LANDS AND PHYSICAL PLANNING
Office of the Cabinet Secretary

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Nairobi, KENYA

Ref. No. MOLPP/ADM/OCS/370

June 16, 2020

Mr. Gershom Otachi Bw'omanwa
Chairperson
National Land Commission
P.O. Box 44417 – 00100
NAIROBI

Dear Chairman,

RE: PROPOSED AMEDMENTS TO VARIOUS REGULATIONS TO SUPPORT IMPLEMENTATION OF A NATIONAL LAND INFORMATION SYSTEM AND RELATED REGULATIONS IN LINE WITH EXISTING LAND LAWS

Reference is made to your letter Ref: NLC/CHAIR/6-20/20 dated Friday June12, 2020 and the eight (seven physical and one virtual) consultative meetings between the Ministry and the Commission held from Friday May 29, 2020 to Wednesday June 10, 2020 (schedule of meetings attached)

The Ministry has noted the contents of the letter, the robust deliberations in the meetings and the consequent proposals for inclusion in the Proposed Draft Regulations and make comments as follows: -

a) Proposals made with regard to Land (Allocation of Public Land) (Amendment) Regulations, 2020 have been taken into consideration with necessary modifications to align them with the existing laws.

   The use of the phrase "national or county government" as proposed under item number 1, 2, 3, 6. 7, 8, 9 has been adopted under Regulations 3(3), 2(3) (b), 4, 4(b)(ii), 10 and 11 in the proposed Regulations attached herein.

   The proposals under item 10, 11 and 12 on the use of the phrase "through the system" have been adopted with modification to read "electronic form" and payment made by "electronic means" in line with the Kenya Information & Communication Act, 1998.

Proposals made under item number 12 have been adopted and new forms done under the Regulations. See the attached Regulations.

b) Proposals made with regard to Land (Extension and Renewal of Leases) (Amendment) Rules, 2020 have been incorporated to the extent consistent with existing land laws.

We note that your proposals are not aligned to the amendments introduced to the Land Act, 2012, vide the Statute Miscellaneous (Amendment) Law, 2018. The proposals have been taken into consideration with necessary modifications informed by the Constitution and the existing land laws. See the attached Regulations.

c) Proposals under Land (Amendment) Regulations, 2020, item number 1 to 30, have been adopted to the extent consistent with the Constitution and existing land laws. See the attached Regulations.

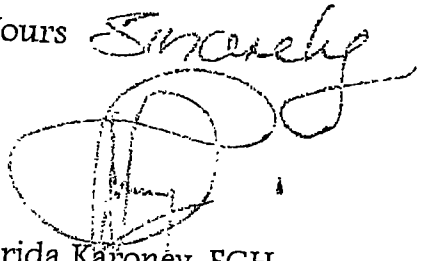
d) Proposals on the Survey (Electronic Cadastre Transactions) Regulations, 2020, item number 1 to 10 have been noted and adopted with necessary modifications in line with the Survey Act, Kenya Information & Communication Act, 1998, the Business Laws (Amendment) Act, 2020 and existing land laws. See the attached Regulations

e) Proposals on the Physical and Land Use Planning (Electronic Development Control and Enforcement system) Regulations, 2020 have been noted. The proposals will be used to enrich the Regulations under the subject that are with the Attorney General for cleaning and processing. The same will be subjected to public participation in the next financial year 2020/2021.

f) Proposals made under the Land Registration (Electronic) Regulations, 2020 have been noted and have been adopted with modification as per the attached Regulations. See the attached Regulations.

Thank you for your advice, support and cooperation in this process.

Yours Sincerely



Farida Karoney, EGH
CABINET SECRETARY

Copy to: Chief Administrative Secretary

Principal Secretary

Encls.

SCHEDULE OF MEETINGS

S/No	Date	In attendance
1.	29/5/2020	Cabinet Secretary and Commissioners
2.	30/5/2020	Joint Secretariat
3.	1/6/2020	Joint Secretariat
4	3/6/2020	Cabinet Secretary and Commissioners
5.	5/6/2020	Joint Secretariat (virtual)
6.	8/6/2020	Cabinet Secretary and Commissioners
7.	9/6/2020	Chief Administrative Secretary and Commissioners
8.	10/6/2020	Chief Administrative Secretary and Commissioners

LEGAL NOTICE NO. .....

THE LAND ACT
(No. 6 of 2012)

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

The Land (Allocation Of Public Land)(Amendment) Regulations 2020

Citation.

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

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

2. The Land (Allocation of Public Land) Regulations, 2017, in these Regulations, referred to as the "principal Regulations" are amended in Regulation 2 by—

(a) deleting the word "Rules" and substituting therefor the word "Regulations" wherever it appears;

(b) inserting the following new definitions in their proper alphabetical sequence—

"Act" means the Land Act;

"electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities;

No. 6 of 2012

"electronic format" with reference to information, means any information generated, sent, received or stored in magnetic, optical, computer memory, microfilm or similar device; and

"System" means the National Land Information System in accordance with Section 6(h) of Act.

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

3. Regulation 6 of the principal Regulations is amended by –

(a) deleting sub regulation 6(3) and substituting therefor with the following new sub regulation—

"(3)The winner of the bid shall, at the fall of the hammer, pay to the National or respective County Government, the full amount

of the bid or percentage specified in the notice;"

(b) inserting the word "to the National or respective County Government" immediately after the word "days" appearing in sub-Regulation (6).

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

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

"17.(3) The successful bidder shall pay to the National or respective County Government, the stand premium within ninety days of receipt of the Commission's letter of notification under Regulation 16(1)."

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

5. Regulation 26 of the principal Regulations is amended by—

(a) deleting paragraph (b) of sub regulation 26(1) and substituting therefor the following new sub regulation-

"(b) a requirement of the beneficiaries to collect their letters of allotment from the Commission's County offices either-

(i) physically; or

(ii) in electronic format."

(b) inserting the following words "to the National or respective County Government" appearing immediately after the word "payable" in paragraph (c) in sub regulation 26(2).

Amendment of Regulation 28 of L. N. No. 284 of 2017.

6. Regulation 28 of the principal Regulations is amended by inserting the words "in physical or electronic format" between the word "request" and "for" in sub regulation 28(2).

Amendment of Regulation 30 of L. N. No. 284 of 2017.

7. Regulation 30 of the principal Regulations is amended by inserting the words "in physical or electronic format" between the word "apply " and "to" in sub regulation 30(2).

Amendment of Regulation 33 of L. N. No. 284 of 2017.

8. Regulation 33 of the principal Regulations is amended by—

(a) inserting the words "in physical or electronic format" the word "request" and "for" in sub regulation 33(2).

(b) inserting the words "in physical or electronic format" after the word "request" in sub regulation 33(5).

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

9. The principal Regulations are amended by inserting the following new Regulation immediately after Regulation 34—

"34A. A letter of allotment issued under the provisions of this Act and these Regulations may be done in electronic format."

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

10. The principal Regulations are amended by deleting Regulation 35 and substituting therefor the following new Regulation—

"35. An allottee shall make payment of the requisite fees to the national or respective county government within ninety days from date of issue of the letter of allotment for preparation of the lease."

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

11. The principal Regulations are amended by deleting Regulation 36 and substituting therefor the following new Regulation—

"36(1) The Cabinet Secretary shall prepare and execute leases emanating from allocation of public land.

(2) Without prejudice to the generality of sub regulation (1), leases prepared under this Regulation may be done in physical or in electronic format in the system.

(3) In order to facilitate the preparation of leases on public land, the office or authority responsible for surveys shall, within seven days of being notified, submit to the Cabinet Secretary three copies of sealed cadastral plan and cadastral map in Form LA 12 set out in the Schedule .

(4) Without prejudice to the generality of sub regulation (3), cadastral plan and cadastral map may be submitted in physical or electronic format.

(5) The Cabinet Secretary or an officer designated as such by the Cabinet Secretary by notice in the Gazette, may upon receipt of the sealed cadastral plan and cadastral map, issue to the applicant a lease document in Form LA 13 set out in the Schedule and shall be executed by the officer in physical or electronic format.

(6) The executed Lease document and the cadastral map and

plan shall be forwarded to the Chief Land Registrar for registration and issuance of Certificate of Lease to the proprietor.

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

Insertion of a new Regulation to L. N. No. 284 of 2017.

12. The principal Regulations are amended by inserting the following new Regulation immediately after Regulation 36—

"36A. Any fees or payment prescribed under these Regulations may be made through authorized electronic means as may be advised by the National or respective County Government from time to time".

Amendment to the schedule to L. N. No. 284 of 2017

13. The principal Regulations is amended in the Schedule by deleting and replacing forms 12, 13 and 14.

SCHEDULE

FORM LA. 12 **(r. 36(2))**



REPUBLIC OF KENYA
INDENT FOR CADASTRAL MAP AND PLAN

File Reference Number .....

To. Date:.....20.....
The Director of Surveys

RE: Parcel Number.....

Your Ref. .....F/R.....

Please Supply Cadastral Map/Plan(s) for:
Surrender
Lease
Conversion
Consolidation
Amalgamation
Extension of Lease
Renewal of lease
Change of User
Extension of user

.....
Officer Indenting
For Cabinet Secretary.

S.R.O. Name & Signature Date F/R

Report

Cadastral Map No. Cadastral Plan No.

S.H	Data
D.O.	Preparation
Ch/D	Checking
D/S.	Signature
S.R.O.	Blue – print Forwarded
CP & CM	Forwarded

REMARKS:

FORM LA. 13 (r. 36(3))

REPUBLIC OF KENYA

THE LAND ACT, 2012

LEASE

The Land Act, 2012
(to be completed in quadruplicate)
Presentation Book Date received for registration:
Registration Fees: Ksh. ..... Paid
No. 20.....,20.....
Receipt No. .....

REGISTRATION UNIT: .....
TITLE No. .....

KNOW ALL PERSONS BY THESE PRESENTS the Cabinet secretary on behalf of the County Government...../National Government in consideration of the sum of shillings.....

HEREBY LEASES TO:
.....

(herein after called "the lessee") ALL THAT piece of land situated in .....comprised in the above-mentioned title containing by measurement approximately.....Hectares the said parcel of land with the dimensions, abuttals and boundaries thereof as delineated on the plan annexed hereto and more particularly on the Cadastral Plan Number ..... deposited in the office of Director of Surveys for the term of.....years from the.....day of .....20..... at the annual rent of.....

payable in advance on the first day of January in each year and subject to the provisions of the Land Act No. 6 of 2012 and the following special conditions:

SPECIAL CONDITIONS
1. No buildings shall be erected on the land nor shall additions or external alterations be made

to any buildings otherwise than in conformity with the plans and specifications previously approved in writing by the County Government. The County Government shall not give its approval unless it is satisfied that the proposals are such as to develop the land adequately and satisfactorily.

2. The Lessee shall within six (6) calendar months of the actual registration of the lease submit in triplicate to the County Government building plans (including block plans showing the positions of the buildings and system of drainage for the disposal of the sewage, surface and sullage water), drawings, elevations and specifications of the buildings the Lessee proposes to erect on the land and shall within 48 months of actual registrations of the lease complete the erection of such buildings and the construction of the drainage system in conformity with such plans, drawings, elevations and specifications as amended (if such be the case) by the County Government.
PROVIDED that notwithstanding anything to the contrary contained in or implied by the Land Act, 2012, if default shall be made in the performance or observance of any of the requirements of this condition it shall be lawful for the National and County Governments to re-enter into and upon the land or any part thereof in the name of the whole and thereupon the term hereby created shall cease but without prejudice to any right of action or remedy of the county government or National government in respect of any antecedent breach of any conditions herein contained.

3. The Lessee shall maintain in good and substantial repair and conditions all buildings at any time erected on the land.

4. Should the Lessee give notice in writing to the County government or National government that the lessee is unable to complete the buildings within the period a foresaid the County government or National government shall at the lessee's expense accept a surrender of land comprised herein **PROVIDED FURTHER** that if such notice is aforesaid shall be given (1) within twelve months of the actual registration of the Lease, the County government or National government shall refund to the lessee fifty per centum of the stand premium paid in respect of the land or (2) at any subsequent time prior to the expiration of the said period to the County government or National government shall refund the Lessee twenty-five per centum of the said stand premium. In the event of notice being given after the expiration of the said building period no refund shall be made.

5. The land and buildings shall only be used for ..... purposes.

6. The land shall be developed in accordance with the approved development plans.

7. The land shall not be used for any purpose which the County government or National government considers to be dangerous or offensive

8. The Lessee shall not subdivide, change or extend use of the land, without prior written consent of the county government and any other applicable regulatory authority.

9. The Lessee shall not sell, transfer, sublet, charge or part with possession of the land or any

part thereof or any building thereon except with prior consent in writing of the County government or National government. No application of such consent (except in respect of a loan required for building purposes) will be considered until Special Condition No.2 has been performed.

10. The Lessee shall from time to time pay to the County Government on demand such proportion of the cost of maintaining all roads and drains serving or adjoining the land as the County Government may assess.

11. The Lessee shall pay such rates, taxes, charges, duties, assessments or outgoings of whatever descriptions as may be imposed charged or assessed by the National and County Government upon the land or the buildings erected thereon, including any contribution or other sum paid by the County government or National government in lieu thereof.

12. The County government or National government or such person or authority as may be appointed for the purpose shall have the right to enter upon the land and lay and have access to water main service pipes and drains, telephone wire, fiber optic and electric mains of all descriptions whether overhead or underground and the Lessee shall not erect any buildings in such a way as to cover or interfere with any existing alignments of main or services pipes or fiber optic or telephone wires and electric mains.

13. The County government or National government reserves the right to revise the annual ground rent payable here- under at the expiration of every ten years of the term. Such rental shall be at a rate to be determined by the County government or National government of the unimproved value of the land as at the end of every tenth year of the term.

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

*Sealed with the common Seal of the Cabinet Secretary

Signed by

.....
On behalf of Cabinet Secretary

SIGNED by the Lessee in the presence of:

SIGNATURE:.....

ID/ PASSPORT NO:.....

PIN NO:.....

I CERTIFY that the above-named appeared before me on the ..... day of....., 20..... and being known to me/being identified by ..... acknowledged the above signature or marks to belong to the lessee and that the lessee freely and voluntarily executed this instrument and understood its contents.

.....
Signature of the Magistrate/ or Commissioner of Oaths/or
Notary Public

REGISTERED this .....day of ....., 20....

Name..... Signature and Number.....

Land Registrar

DRAWN BY:

The Cabinet Secretary
PO Box 30450-00100
NAIROBI

*Delete whichever is not applicable

FORM LA. 14 (r. 36(5)



REPUBLIC OF KENYA

THE LAND ACT, 2012
SUBMISSION OF LEASE DOCUMENT TO THE CHIEF LAND REGISTRAR

To: The Chief Land Registrar

Date.....
RE: .....

HEREWITH find Lease Document (in triplicate) for the above mentioned parcel of land duly signed and executed by both the Lessor and the Lessee for registration purposes

Registration fees of Kshs..... has been paid vide Receipt No.....of.....

Signed.....
For Cabinet Secretary,

CC.
Owner .....(please call upon the Land Registrar for collection of your Certificate of Lease).

Made on the ....., 20

Designated officer authorized by the Cabinet Secretary.

Explanatory Memorandum

The proposed Land (Allocation of Public Land)(Amendment) Regulations, 2020 are made pursuant to the powers vested in the National Land Commission under section 12(11) of the Land Act, No. 6 of 2012.

Land transactions in the country are currently, largely paper-based. These Regulations proposes that processes such as the issuing and collection of letters of allotment, preparation and execution of leases is done in both physical and electronic form. These Regulations recognizes the fact that within the society ,there exists special categories of persons , such as persons living with disabilities, who may need the processes to be conducted physically. These Regulations also provide that during the conduct of auctions any fees payable therein is to the National or respective County Government.

The formulation of these Regulations, is an outcome of an interagency taskforce appointed by the Cabinet Secretary *vide* a gazette notice No. 49 dated 13th March, 2020. The draft Regulations were through a newspaper advert dated 8th May, 2020, subjected to a wider public participation pursuant to Article 10 of the Constitution and section 5 of the Statutory Instruments Act, No. 23 of 2013. These public consultation ran from 14th to 29th May, 2020. The comments received from the public consultations were considered and used to enrich these Regulations.

Considering the challenges faced by most people in the adoption and use of technology, as a general guide, there is an ongoing need to engage the users of these Regulations. As such, the Ministry in collaboration with the National Land Commission and other relevant government agencies, shall on the commencement of these Regulations undertake a wider public education to educate the public on the impact of these Regulations on land transactions in the country.

These Regulations have been made in conformity to the provisions of Article 2(4) of the Constitution, section 12(11) of the Land Act, No. 6 of 2012, section 24 of the Statutory Instruments Act, No. 23 of 2013 and section 31 of the Interpretation and General Provisions Act, Chapter 2 of the Laws of Kenya. The Regulations does not limit the fundamental rights and freedoms as spelt out in Chapter four of the Constitution. To further understand the impact of these Regulations on the general public, a copy of the Regulatory Impact Assessment has been attached for your consideration.

It is expected that the adoption and application of these Regulations will facilitate the ease of doing business in the country as far as land transactions are concerned. These notes, however, only acts as a guide and as such an exhaustive and proper understanding of the Regulations requires a clause by clause reading of the Regulations.

Made on the.....2020

Gershom Otachi, ***Chairperson,***
National Land Commission.

Legal Notice No.....

The Land (Extension and Renewal of Leases) Rules, 2020

Arrangement of Rules

Part I–Preliminary

Rule

1. Citation.
2. Interpretation.

Part II–Extension of Lease

3. Lease granted by national Government.
4. Lease granted by county Government.
5. Considerations to grant or decline.
6. Decline.
7. Surrender.

Part III–Notification of Expiry

8. Expiry of a leasehold tenure.
9. Failure to respond.

Part IV–Renewals

10. Application for renewal.
11. Approval of renewal.
12. Decline of renewal.
13. Determination by national or county Government.
14. Renewal of leases after expiry.
15. Considerations by Commission
16. Land for public purpose.
17. Substantial transactions.
18. Site inspection.

Part V–Appeals

19. Appeals.
20. Independent Appeals Committee.
21. Decision.
22. Revocation of L.N. 281 of 2017.

SCHEDULE.

LAND ACT
(No. 6 of 2012)

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

The Land (Extension And Renewal of Leases) Rules, 2020

Part I-Preliminary

Citation.

1. These Rules may be cited as the Land (Extension and Renewal of Leases) Rules, 2020.

Interpretation.

2. In these Rules unless the context otherwise requires—

No.6 of 2012.

"Act" means the Land Act;

"Cabinet Secretary" has the same meaning assigned under the Act;

"County Executive Committee Member" means the respective County Executive Committee Member for the time being in charge of Land in a County

"electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities; and

"electronic form" with reference to information, means any information generated, sent, received or stored in magnetic, optical, computer memory, microfilm or similar device.

Part II-Extension of Lease.

Lease granted by National Government.

3. (1)At any time before expiry of a lease in respect of which the National Government is the lessor, a lessee may through the registration unit where the lease is registered apply to the Cabinet Secretary, for an extension of lease in Form LA 22 set out in the Schedule.

(2) Upon receipt of an application made under sub rule (1), the Cabinet Secretary shall review the application and within ninety days of receipt of the application either—

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

(b) decline to extend the lease and give the reasons thereof.

(3) Where the Cabinet Secretary approves an application for extension of the lease under sub rule (2), the Cabinet Secretary shall—

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

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

(c) prepare a lease for the extended period, stating the terms and conditions of the extension;

(d) have the lease executed; and

(e) forward the executed lease to the Registrar for the registration and the noting of the extended term in the register.

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

Lease granted by county Government.

4. (1)At any time before expiry of a lease in respect of which the County Government is the lessor, a lessee may apply to the County Executive Committee Member for extension in Form LA 22 set out in the Schedule.

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

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

(b) decline to extend the lease and give the reasons thereof.

(3) Where the County Executive Committee Member approves an application made under sub rule (2), the County Executive Committee Member shall forward the application to Cabinet Secretary who shall—

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

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

(c) prepare a lease for the extended period, stating the terms and conditions of the extension;

(d) have the lease executed; and

(e) forward the executed lease to the Registrar for the registration and the noting of the extended term in the register.

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

Considerations to grant or decline.

5. In order to determine whether to approve or decline the extension of a lease under Rule 4, the Cabinet Secretary or the respective County Executive Committee Member, shall consider—
   (a) in the case of a company, the names of the directors and their citizenship status including a search from the Registrar of Companies showing the shares of each director;
   (b) information relating to any existing encumbrances on the title of the land for which an extension is applied for;
   (c) evidence that the lessee has complied with the terms and conditions of the existing lease to the satisfaction of the lessor; and
   (d) where the application for extension is by a non-citizen, the unexpired term and the term of extension sought to ensure that they do not cumulatively exceed ninety-nine years.

Decline.

6. The national or respective county government shall,by physical or electronic means,inform the lessee of the decision to decline within fourteen days and advise the lessee of their right of appeal.

Surrender.

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

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

Part III-Notification of Expiry

Expiry of a leasehold tenure.

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

(2) A notification made under sub rule (1) shall also be forwarded to the Cabinet Secretary or respective County Executive Committee Member.

(3) Any notification made under sub rule (1) and (2) shall be in accordance to Form 21 set out in the Schedule and shall indicate—
   (a) the date of expiry the leasehold tenure;
   (b) inform the lessee of the lessee's pre-emptive right as provided under section 13 of the Act; and
   (c) to whom the lessee will make the application.

(4) A notification for the expiry of a leasehold tenure made under this rule may be made in electronic form.

Failure to respond.

9. (1) The Commission shall cause another notification to be published in at least two newspapers of nationwide circulation and shall require the lessee to respond within six months from the date of the publication if the lessee had previously failed to respond to the notification made under rule 8 within one year from the date of service and after the expiry of the term.

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

(3) If upon verification under sub rule (2) the Commission establishes that the lessee is in occupation of the land, the Commission shall advise the lessee on the need to apply for renewal and the consequences of failing to apply for the renewal.

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

Part IV-Renewals

Applications for renewal.

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

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

(3)The Cabinet Secretary or the respective County Executive Committee Member shall consider the application made under sub rule (2) and shall —

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

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

(4) The Cabinet Secretary or the respective County Executive Committee Member shall inform the Commission of their decision to either approve or decline under sub rule (3) for implementation.

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

Approval for renewal.

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

(a) require the lessee to have the land revalued to determine the payable land rent and other requisite fees;
(b) require the lessee to have the land re-surveyed and geo-referenced; and
(c) issue a new letter of allotment a Form LA 5 for the parcel for the issuance of a new lease by the Cabinet Secretary in accordance with the provisions of the Act and these Rules.

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

Decline of renewal.

12. (1)The national or county government shall inform the applicant of their decision to decline within seven days (7) of receipt of the decision.

(2) A response made under this Rule may be made in electronic form.

Determination by national government or county government

13. In order to determine whether to approve or decline the renewal of a lease, the national or county government shall require—

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

Renewal of leases after expiry.

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

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

Considerations by Commission.

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

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

Land for public purpose.

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

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

No.5 of 2011.

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

(4) After a notification under sub rule (3) is given, the national or county government shall—

(a) carry out an inventory of the developments on the land; and

(b) direct the lessee not to put up new developments or improvements thereon.

Substantial Transactions.

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

(a) the renewal is beneficial to the economy and the country as a whole;

(b) the investment purpose is in accordance with the national or regional or county policies and plans; and

(c) the renewal is in public interest, public safety, public order, public morality, public health and land use planning.

Site Inspection.

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

PART V-APPEALS

Appeals.

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

Independent Appeals Committee

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

Committee established by the Commission consisting of—

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

Decision.

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

Revocation of L.N. 281 of 2017.

22. The Land (Extension and Renewal of Leases) Rules are revoked.

SCHEDULE

FORM LA. 22

(r. 3(1), 4(1))

REPUBLIC OF KENYA
NATIONAL LAND COMMISSION

APPLICATION FOR EXTENSION OF LEASE

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

To: *Cabinet Secretary/ County Executive Committee Member*
Date.....

I/ We HEREBY apply for extension of lease.

1. Details of the Applicant
   Name: .....
   Nationality .....
   ID /Passport No. .....
   Certificate of Incorporation No.....(where applicable)
   Address .....
   PIN No. .....
2. Description of Land-
   Parcel No(s). .....
   IR No. (where applicable) .....
   Acreage..... (in Ha)
   Locality .....
   User .....

I attach the following supporting documents

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

.....
Applicant

FORM LA. 23 (r. 10(1), 14(1)

REPUBLIC OF KENYA
NATIONAL LAND COMMISSION

APPLICATION FOR RENEWAL OF LEASE

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

To: National Land Commission ,.....County

Date.....

I/ We HEREBY apply for Renewal of lease.

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

4. Description of Land-
   Parcel No(s). .....
   IR No (where applicable) .....
   Acreage..... (in Ha)
   Locality .....
   User .....

I attach the following supporting documents

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

.....
Applicant

FORM LA. 5

(r.11(1)(c))

Reference Number

NATIONAL LAND COMMISSION

LETTER OF ALLOTMENT

Name.....
Address.....
Email Address.....

Date....., 20.....

Dear Sir/Madam,

RE: Parcel No.....

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

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

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

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

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

TOTAL Kshs

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

SPECIAL CONDITIONS: *(See attached)*

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

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

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

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

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

Yours faithfully,
Authority:

.....
For: National Land Commission

Made on the ....., 20

Chairperson,
National Land Commission.

Form LA21A

(r. 8(3))

REPUBLIC OF KENYA

NATIONAL LAND COMMISSION

NOTICE OF EXPIRY OF LEASE BEFORE 5 YEARS

To Lessee.....

P.O. BOX .....

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

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

Dated .....

.....

for Chairman National Land Commission

Explanatory Memorandum

The proposed Land (Extension and Renewal of Leases)Rules, 2020, are made pursuant to the powers vested in the National Land Commission, under section 13(1) of the Land Act, No.6 of 2012 of the laws of Kenya.

Land transactions in the country are currently, largely paper-based, as such, these Rules proposes how leases will be extended and renewed. It also provides for how substantial transactions will be conducted. These Rules provide for the undertaking of these processes in electronic form to ensure speed and efficiency. It also revokes the Land (Extension and Renewal of Leases Rules of 2017.

The formulation of these Rules, is an outcome of an interagency taskforce appointed by the Cabinet Secretary *vide* a gazette notice No. 49 dated 13th March, 2020. The draft Rules were through a newspaper advert dated 8th May, 2020, subjected to a wider public participation pursuant to Article 10 of the Constitution and section 5 of the Statutory Instruments Act, No. 23 of 2013. These public consultations ran from 14th to 29th May, 2020. The comments received from the public consultations were considered and used to enrich the Rules.

Considering the challenges faced by most people in the adoption and use of technology, as a general guide, there is an ongoing need to engage the users of these Rules. As such, the Ministry in collaboration with the National Land Commission and other relevant government agencies, shall on the commencement of these Rules undertake a wider public education to educate the public on the impact of these Rules on land transactions in the country.

These Rules have been made in conformity to the provisions of Article 2(4) of the Constitution, section 13(1) of the Land Act, No. 6 of 2012, section 24 of the Statutory Instruments Act, No. 23 of 2013 and section 31 of the Interpretation and General Provisions Act, Chapter 2 of the Laws of Kenya. The Rules does not limit the fundamental rights and freedoms as spelt out in Chapter four of the Constitution. To further understand the impact of these Rules on the general public, a copy of the Regulatory Impact Assessment has been attached for your consideration.

It is expected that the adoption and application of these Rules will facilitate the ease of doing business in the country as far as land transactions are concerned. These notes, however, only acts as a guide and as such an exhaustive and proper understanding of the Rules requires a clause by clause reading of the Rules.

Made on the.....2020

Chairperson, Gershom Otachi,
National Land Commission

Legal Notice No.....

LAND ACT
(No. 6 of 2012)

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

Land (Amendment) Regulations, 2020.

Citation.

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

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

2. The Land Regulations, 2017, in these Regulations, referred to as the "principal Regulations" are amended in Regulation 2 by inserting the following new definitions in their proper alphabetical sequence—

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

"Chief land Registrar" means the Chief Land Registrar appointed under section 12 of the Act;

Act No.3of 2012.

"electronic" means anything relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities;

"electronic form" means any information generated, sent, received or stored in magnetic, optical, computer memory, microfilm or similar device;

Act No.6 of 2012.

"System" means the National Land Information System developed pursuant to paragraph 6(h) of the Land Act;

"user" means a person who has created an online electronic account for access or submission of information by electronic means in the System, and may include a property owner or a professional.

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

3. Regulation 3 of the principal Regulations is amended by inserting the words " in physical or electronic form" appearing immediately after the word "land" appearing in sub regulation 3(1).

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

4. Regulation 4 of the principal Regulations is amended by-

(a) inserting the word "to" between the words "pursuant "and "section" appearing in sub regulation 4(1).

(b) inserting the words "in physical or electronic form" appearing immediately after the word "resources" in sub regulation 4(1).

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

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

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

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

6. Regulation 8 of the principal Regulations is amended by—

(a) inserting the word "in electronic form" appearing after the word "inventory in sub regulation 8(1).

(b) inserting the following new sub regulation immediately after sub regulation 8(6)—

"(7). Any submission of the inventory and issuing of notices under this Regulation may be done in electronic form."

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

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

(a) inserting the word "in electronic form" after the word "County government" appearing in sub regulation 9(1).

(b) deleting sub regulation 9(2) and substituting therefor the following new sub regulation—

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

(c) deleting the word "Commission" and substituting therefor the words "Cabinet Secretary" appearing in sub regulation 9(3).

(d) deleting sub regulation 9(4) and substituting with the following new sub regulation-

"(4) The fees payable under any license shall be paid to the National or respective County government where applicable ."

(e) inserting the following new sub regulation immediately after sub regulation 9(4)—

"(5) Any applications under this Regulation may be made in electronic form."

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

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

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

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

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

(a) deleting the word "Commission" wherever it appears in the Regulation and substituting therefor the words "Cabinet Secretary".

(b) deleting sub regulation 11(2) and substituting therefor the following new sub regulation—

"(2) Land rent shall be payable to the National or respective County government where either is the head lessor."

(c) deleting sub regulation 11(3).

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

10. Regulation 12 of the principal Regulations is deleted.

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

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

(a) deleting the word "Commission" wherever it appears in the Regulation and substituting therefor the words "Cabinet Secretary".

(b) deleting paragraph (b) appearing in sub regulation13 (4).

(c) adding a new sub regulation immediately after sub regulation

13(6)—

"(7) The processing of applications under this regulation for purposes of consent to transfer, sublease or charge may be made in electronic form."

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

12. Regulation 14 of the principal Regulations is amended by inserting the following new sub regulation immediately after sub regulation 14(6).

"(7) Any application made under this regulation for purposes of notification may be made in electronic form."

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

13. Regulation 15 of the principal Regulations is amended by—

(a) deleting sub regulation 15(3) and substituting therefor the following new sub regulation;

(3) Upon receipt of the original title document and cadastral map and plan from the authority responsible for survey, the Commission shall forward the documents to the Cabinet Secretary for preparation and issue of a lease for a term of ninety-nine years in the name of the registered proprietor.

(b) deleting the word "Commission" in sub regulation (4) and substituting therefor with the words "Cabinet Secretary".

(c) inserting the following new sub regulation immediately after sub regulation 15(6).

"(7) Any application made under this Regulation for purposes of conversion of tenure may be made in electronic form."

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

14. Regulation 16 of the principal Regulations is deleted and substituting therefor the following new Regulation-

16(1) An application for subdivision, amalgamation, partition and reparcellation of freehold land shall be submitted in electronic form to the respective County government and shall be processed and approved in accordance with the laws relating to physical planning.

(2)The county government shall ascertain the viability of the subdivision, amalgamation, partition and reparcellation and shall in that regard seek representations, in physical or electronic form from the relevant authorities including but not limited to—

(a) officer representing the national Director of Surveys at the county;

(b) officer representing the national Director of Physical Planning at the county;

(c) the land administration officer of the national government at county;

(d) representative of the Land Control Board, where applicable; and

(e) any other relevant authority.

(3) Upon receipt of representations sought under paragraph 16(2), the respective County government may grant development permission within thirty days and subsequently forward a copy of the same to the Cabinet Secretary in physical or electronic form.

(4) Where development permission sought as contemplated under paragraph 16(2) is denied, the respective County government shall notify the applicant of its decision, in writing, within thirty days of the decision by physical or electronic means stating the reasons for refusal.

(5)Upon fulfilment of the requirements in paragraph 16(2) and 16(3), the applicant shall cause a survey to be carried out and submit a cadastral map and plan to the Chief Land Registrar for registration and issuance of resultant title.

(6) The Chief Land Registrar shall decline to register a document where development permission has been denied.

(7) The applicant shall be required to submit the existing certificate of title to the Chief Land Registrar in exchange for a new one.

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

15. Regulation 17 of the principal Regulations is deleted and substituting therefor the following new Regulation—

17.(1) An application for subdivision, amalgamation, partition and reparcellation of leasehold land shall be submitted to the county government in physical or electronic form.

(2) The County government shall before granting approval for subdivision, amalgamation, partition and reparcellation seek representations in physical or electronic form from the following—

(a) the officer representing the national Director of Surveys at the county;

(b) the officer representing the national Director of Physical Planning at the county;

(c) the land administration officer of the national government at the county;

(d) the Land Control Board, where applicable; and

(e) any other relevant authority.

(3)Upon receipt of the representations sought under paragraph 17(2), the county government may within thirty days—

(a) approve the application ; or

(b) refuse to approve the application.

(4)Where the approval is not granted, the county government shall notify the applicant of its decision, in writing, by physical or electronic means, within thirty days, stating the reasons for refusal.

(5) The county government shall forward an approval granted under paragraph 17(5) to the Cabinet Secretary by physical or electronic means who shall—

(a) cause the land re-surveyed and geo-referenced;

(b) cause the land to be revalued to determine the payable land rent and other requisite fees; and

(c) prepare sub-division, amalgamation, partition and

reparcellation approval letters

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

(10)The applicant shall be required to submit the existing certificate of lease to the Chief Land Registrar in exchange for a new one.

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

16. Regulation 18 of the principal Regulations is deleted and substituting therefor the following new Regulation–

18.(1)Application for change or extension of user on freehold land shall be submitted to the relevant county government by physical or electronic means.

(2)Upon receipt of the application, the county government shall ascertain the viability of the application and shall seek representations by physical or electronic means, from the relevant authorities including—

(a) the officer representing the national Director of Surveys at the county;

(b) the officer representing the national Director of Physical Planning at the county;

(c) the land administration officer of the national government at the county;

(d) the Land Control Board, where applicable; and

(e) any other relevant authority.

(3)Upon receipt of the representations sought under paragraph 18(2), the county government may within thirty days—

(a) approve the application ; or

(b) refuse to approve the application.

(4)Where the approval for development is not granted, the respective County government shall notify the applicant of its decision, in writing, by physical or electronic means, within thirty days, stating the reasons for refusal.

(5)Where the development permission is granted, the respective County government shall forward to the Cabinet Secretary in physical or electronic form for processing.

(6)The Cabinet Secretary shall cause an endorsement to be prepared in Form LA 30 set out in the Third Schedule which shall be forwarded to the Chief Land Registrar for noting in the register and the original certificate of title.

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

17. Regulation 19 of the principal Regulations is deleted and substituted therefor the following new Regulation—

"19.(1) An Application for change or extension of user on leasehold land shall be submitted to the to the relevant County government by physical or electronic means.

(2)Upon receipt of the application, the respective County government shall ascertain the viability of the application and may seek representations by physical or electronic means from the relevant authorities including—

(a) the officer representing the national Director of Surveys at the County;

(b) the officer representing the national Director of Physical Planning at the County;

(c) the land administration officer of the national government at the County;

(d) the Land Control Board, where applicable; and

(e) any other relevant authority

(3)Upon receipt of the representations sought under sub regulation 19(2), the respective County government may within thirty days—

(a) approve the application; or

(b) refuse to approve the application.

(4)Where the approval for development is not granted, the respective County government shall notify the applicant of its decision, in writing, by physical or electronic means, within thirty days, stating the reasons for

refusal.

(5)The county government shall forward the approval in physical or electronic form to the Cabinet Secretary, who shall—

(a) cause the land re-surveyed and geo-referenced, where applicable; and

(b) cause the land to be revalued to determine the payable land rent and other requisite fees.

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

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

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

(a) deleting sub regulation 21(2) and substituting therefor the following new sub regulation as follows—

(2) An application in 21(1) may be made in electronic form and shall be accompanied by proof of compliance with the special conditions on the lease where applicable.

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

(7) The processing of applications this Regulation for purposes of consent, may be made in electronic form.

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

IVA. Electronic Lodging

User account

21A. (1) There shall be a user account created for every authorised user for purposes of electronic lodgement of documents.

(2) The authorised user provided for under sub regulation (1) shall receive credentials for use in logging into the System.

User obligations.

21B. A person who has been allowed access into the System shall—

(a) carry out such transactions as may be authorized under these Regulations;

(b) be responsible for the security of his or her details for purposes of any transaction under these Regulations;

(c) not distribute, sell or combine any information accessed through the System; and

(d) not copy, exchange, disclose or use the land related information accessed from the System for any other purpose other than for purposes of the transactions under these Regulations.

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

20. (1)The principal Regulations is amended in the First Schedule by-

(i) deleting Form LA 24 and 25.

(ii) deleting and replacing forms 12, 13, 14, 19, 20, 22, 26, 27, and 29

SCHEDULE

FORM LA. 12 **(r. 36(2))**

REPUBLIC OF KENYA
INDENT FOR CADASTRAL MAP AND PLAN

File Reference Number .....

To. Date:.....20.....
The Director of Surveys

RE: Parcel Number.....

Your Ref. .....F/R.....

Please Supply Cadastral Map/Plan(s) for: Surrender
Lease
Conversion
Consolidation
Amalgamation
Extension of Lease
Renewal of lease
Change of User
Extension of user

.....

Officer Indenting
For Cabinet Secretary.

S.R.O. Name & Signature Date F/R

Report
Cadastral Map No. Cadastral Plan No.

S.H	Data
D.O.	Preparation
Ch/D	Checking
D/S.	Signature
S.R.O.	Blue – print Forwarded
CP & CM	Forwarded

REMARKS:

FORM LA. 13 (r. 36(3))

The Land Act, 2012
(to be completed in quadruplicate)
Presentation Book Date received for registration:
Registration Fees: Ksh. ..... Paid
No. 20.....,20.....
Receipt No. .....

REPUBLIC OF KENYA

THE LAND ACT, 2012

LEASE

REGISTRATION UNIT: .....
TITLE No. .....

KNOW ALL PERSONS BY THESE PRESENTS the Cabinet secretary on behalf of the County Government...../National Government in consideration of the sum of shillings.....

HEREBY LEASES TO:
.....

(herein after called "the lessee") ALL THAT piece of land situated in .....comprised in the above-mentioned title containing by measurement approximately.....Hectares the said parcel of land with the dimensions, abuttals and boundaries thereof as delineated on the plan annexed hereto and more particularly on the Cadastral Plan Number ..... deposited in the office of Director of Surveys for the term of.....years from the.....day of .....20..... at the annual rent of.....

payable in advance on the first day of January in each year and subject to the provisions of the Land Act No. 6 of 2012 and the following special conditions:

SPECIAL CONDITIONS

1. No buildings shall be erected on the land nor shall additions or external alterations be made to any buildings otherwise than in conformity with the plans and specifications previously approved in writing by the County Government. The County Government shall not give its approval unless it is satisfied that the proposals are such as to develop the land adequately and satisfactorily.

2. The Lessee shall within six (6) calendar months of the actual registration of the lease submit in triplicate to the County Government building plans (including block plans showing the positions of the buildings and system of drainage for the disposal of the sewage, surface and sullage water), drawings, elevations and specifications of the buildings the Lessee proposes to erect on the land and shall within 48 months of actual registrations of the lease complete the erection of such buildings and the construction of the drainage system in conformity with such plans, drawings, elevations and specifications as amended (if such be the case) by the County Government.
PROVIDED that notwithstanding anything to the contrary contained in or implied by the Land Act, 2012, if default shall be made in the performance or observance of any of the requirements of this condition it shall be lawful for the National and County Governments to re-enter into and upon the land or any part thereof in the name of the whole and thereupon the term hereby created shall cease but without prejudice to any right of action or remedy of the county government or National government in respect of any antecedent breach of any conditions herein contained.

3. The Lessee shall maintain in good and substantial repair and conditions all buildings at any time erected on the land.

4. Should the Lessee give notice in writing to the County government or National government that the lessee is unable to complete the buildings within the period a foresaid the County government or National government shall at the lessee's expense accept a surrender of land comprised herein **PROVIDED FURTHER** that if such notice is aforesaid shall be given (1) within twelve months of the actual registration of the Lease, the County government or National government shall refund to the lessee fifty per centum of the stand premium paid in respect of the land or (2) at any subsequent time prior to the expiration of the said period to the County government or National government shall refund the Lessee twenty-five per centum of the said stand premium. In the event of notice being given after the expiration of the said building period no refund shall be made.

5. The land and buildings shall only be used for ..... purposes.

6. The land shall be developed in accordance with the approved development plans.

7. The land shall not be used for any purpose which the County government or National government considers to be dangerous or offensive

8. The Lessee shall not subdivide, change or extend use of the land, without prior written consent of the county government and any other applicable regulatory authority.

9. The Lessee shall not sell, transfer, sublet, charge or part with possession of the land or any part thereof or any building thereon except with prior consent in writing of the County government or National government. No application of such consent (except in respect of a loan required for building purposes) will be considered until Special Condition No.2 has been performed.

10. The Lessee shall from time to time pay to the County Government on demand such proportion of the cost of maintaining all roads and drains serving or adjoining the land as the County Government may assess.

11. The Lessee shall pay such rates, taxes, charges, duties, assessments or outgoings of whatever descriptions as may be imposed charged or assessed by the National and County Government upon the land or the buildings erected thereon, including any contribution or other sum paid by the County government or National government in lieu thereof.

12. The County government or National government or such person or authority as may be appointed for the purpose shall have the right to enter upon the land and lay and have access to water main service pipes and drains, telephone wire, fiber optic and electric mains of all descriptions whether overhead or underground and the Lessee shall not erect any buildings in such a way as to cover or interfere with any existing alignments of main or services pipes or fiber optic or telephone wires and electric mains.

13. The County government or National government reserves the right to revise the annual ground rent payable here- under at the expiration of every ten years of the term. Such rental shall be at a rate to be determined by the County government or National government of the unimproved value of the land as at the end of every tenth year of the term.

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

*Sealed with the common Seal of the Cabinet Secretary

Signed by

.....
On behalf of Cabinet Secretary

SIGNED by the Lessee in the presence of:

SIGNATURE:.....

ID/ PASSPORT NO:.....

PIN NO:.....

I CERTIFY that the above-named appeared before me on the ..... day of....., 20..... and being known to me/being identified by ..... acknowledged the above signature or marks to belong to

the lessee and that the lessee freely and voluntarily executed this instrument and understood its contents.

.....

Signature of the Magistrate/ or Commissioner of Oaths/or
Notary Public

REGISTERED this .....day of ....., 20....

Name..... Signature and Number.....

Land Registrar

DRAWN BY:

The Cabinet Secretary
PO Box 30450-00100
NAIROBI

*Delete whichever is not applicable

FORM LA. 14

(r. 36(5)

REPUBLIC OF KENYA

THE LAND ACT, 2012
SUBMISSION OF LEASE DOCUMENT TO THE CHIEF LAND REGISTRAR

To: The Chief Land Registrar

Date.....
RE: .....

HEREWITH find Lease Document (in triplicate) for the above mentioned parcel of land duly signed and executed by both the Lessor and the Lessee for registration purposes

Registration fees of Kshs..... has been paid vide Receipt No.....of.....

Signed.....
For Cabinet Secretary,

CC.
Owner .....(please call upon the Land Registrar for collection of your Certificate of Lease).

Made on the ....., 20

Designated officer authorized by the Cabinet Secretary.

FORM LA. 19

(r. 9(2))

THE MINISTRY OF LANDS AND PHYSICAL PLANNING
Temporary Occupation Licence

AN AGREEMENT made this ..... day of ..... Two thousand and.....BETWEEN the Cabinet secretary or the County government, as the case may be(hereinafter referred to as "the Licensor") of ..... of the one part and (Full Name..... ID No..... PIN No..... and Address .....) (hereinafter referred to as "the Licencee") of the other part whereby the Licensor in pursuance of the powers conferred under sec 20(1) Land Act licences and the licencee agrees to occupy all that piece of land *shown edged red on the enclosed Plan No. ..... being *Plot No .....(where unsurveyed) or Parcel No. ..... situated in.....measuring.....for the purpose of .....
.....
.....
for the term of ..... months/years from the date hereof and thereafter until determined as hereinafter provided at the *monthly/quarterly/yearly rental of Sh. ..... payable in advance on the first day of every *month/quarter/year.

If the aforesaid rent or any part thereof is unpaid for one calendar month after the same has become due or if the licencee commits any breach of or fail to perform any of the conditions set out here-under this licence shall thereupon cease and determine and the Licensor or any other person authorized on behalf of the County/National government may re-enter upon the land or any part thereof.

This licence may be determined at any time after the expiration of the nine (9) months by either party giving to the other three calendar months' notice in writing and is subject (save where expressly herein otherwise provided) to the provisions of the Land Act No. 6 of 2012 and to the special conditions and other matters stated here below.

SPECIAL CONDITIONS

(i) The Licencee shall comply with and conform to development permission requirements granted by the respective county government and all applicable laws.

(ii) The Licencee shall not sell, transfer, sublet or charge the land or any part thereof except with the prior consent in writing of the Commission.

(iii) The Licencee shall pay such rates, taxes, charges, duties, assessments or outgoings of whatever description as may be imposed, charged or assessed by Commission upon the land or the

buildings erected thereon including any contribution or other sum paid by the ..... in lieu thereof.

(iv) The Licencee shall maintain the plot in a clean and tidy condition and in such condition deliver it up at the determination of the licence.

*Delete unnecessary words

P.T.O

For further special conditions, if any, see attached sheet.

Signed by the said .....

in the presence of:

.....
Licencee

.....
Stamp

Signed for and on behalf of the Cabinet Secretary

.....

Name.....

Designation.....

Form of Transfer

Name: .....
Address: .....
ID No/Certificate Of Incorporation No .....
PIN: .....
hereby transfer all my rights, and interest in the within written licence to: .....

Name: .....
Address:
ID No/Certificate of incorporation No.....
PIN No: .....
In consideration of the sum of Kshs .....

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

Signed by the said .....

in the presence of: .....
Licencee

Signed by the said .....

in the presence of- .....
transferee

Witness

The Cabinet Secretary hereby grants consent to the above transfer.

Dated this ..... Day of ....., 20.....

FORM LA. 20

(r. 9(3))
REFERENCE NUMBER.....

REPUBLIC OF KENYA

MINISTRY OF LANDS AND PHYSICAL PLANNING
APPLICATION FOR CONSENT TO TRANSFER TEMPORARY LICENCE

(To be submitted in TRIPLICATE in respect of each transaction and sent to or deposited at the appropriate office of the cabinet secretary or such other office as the cabinet secretary may designate)

To: Cabinet Secretary

Date.....

TOL Reference No.....

I HEREBY apply for consent to transfer the above temporary licence and provide the following details-

1. Current registered owner details in BLOCK LETTERS

   Name.....
   ID. No. .....Certificate of Incorporation No.....
   PIN .....
   Postal Address.....
   Physical Address.....

2. Proposed transferee (Details in BLOCK LETTERS)

   Name.....
   ID. No. ..... Certificate of incorporation No.....
   PIN .....

3. Licence fees clearance certificate number.....(attach Duplicate)

For Official use (only)

(a) Consent fee Receipt No.....

(b) Consent issued/ Not issued.....

(c) Reason(s) for refusal to grant consent.....

.....

.....

(d) Name and Signature of Authorised Officer.....

FORM LA. 26 (r.13(1))

REFERENCE NUMBER.....

REPUBLIC OF KENYA

APPLICATION FOR CONSENT TO TRANSFER/ SUBLEASE/ CHARGE PUBLIC LAND

(To be submitted in TRIPLICATE in respect of each transaction and sent to or deposited at the appropriate office of the County government/National government)

To: Cabinet Secretary/CEC member

Date.....

I HEREBY apply for consent for the following transaction-

	Nature of Transaction	Tick as Appropriate
1	Lease	
2.	Charge	
3.	Transfer	
4.	Other (Specify)	

1. Current registered owner details in BLOCK LETTERS

   Name.....

   ID. No. ..... Certificate of Incorporation No.....

PIN .....

Postal Address.....

Physical Address.....

2. Description of land -

   Title No. .....

   Correspondence File No. (if known).....

   Locality..... County/City/Town/.....

   Nature of development .....

   .....

3. Proposed purchaser, transferee, chargee, tenant, lessee etc, (Details in BLOCK LETTERS)

   Name.....

   ID. No. ..... Certificate of incorporation No.....

   PIN .....

4. Annual Rent clearance certificate number.....(attach Duplicate)

5. In case the application is made by a Law Firm /Agency on behalf of the registered owner:

   (i) Name of Firm/Agency.....

   (ii) Name of Advocate/Agent.....

   (iii) Signature.....

   (iv) Official stamp of the firm/Agent.....

6. In case the applicant is the owner-

(a) Name.....

(b) ID No. /Certificate of incorporation No (attach copy of ID).....

(c) PIN No.....

(d) Signature.....

For Official use (only)

(a) Consent fee Receipt No.....

(b) Consent issued/ Not issued.....

(c) Reason(s) for failure to grant consent.....

.....

Name and Signature of Authorised Officer.....

FORM LA 27 **(r. 13(4)(a))**

SERIAL NO .....

REPUBLIC OF KENYA

CONSENT CERTIFICATE FOR PUBLIC INSTITUTIONS

(Sec 87, Reg.61)

Ref. No. .....

To. .....

.....

.....

Dear Sir/ Madam,

Nature of Transaction(s).....

Parcel No.....

With reference to your application dated.....day of.....20..

Consent is hereby given in respect of the above-mentioned transactions.

.....

Name and Signature of Authorised Officer

This certificate is issued without erasure or alteration.

FORM LA. 29 (r. 17(6), 19(7))

REPUBLIC OF KENYA

SUBMISSION OF LEASE DOCUMENT TO THE CHIEF LAND REGISTRAR

To: The Chief Land Registrar

Date.....

RE: .....

HEREWITH find Lease Document (in triplicate) for the above mentioned parcel of land duly signed and executed by both the Lessor and the Lessee for registration purposes

Registration fees of Kshs.....has been paid vide Receipt No.....of.....

.....

Name and Signature of Authorised Officer

CC

Owner .....(please call upon the Land Registrar for collection of your Certificate of Lease)

Explanatory Memorandum

The proposed Land Regulations (Amendment) Regulations, 2020 are made pursuant to the powers vested in the Cabinet Secretary, Ministry of Lands and Physical Planning under section 160 of the Land Act, No. 6 of 2012.

Land transactions in the country are currently, largely paper-based as such , these Regulations provides for the lodgement of documents electronically as contemplated under section 6(h) of the Land Act,No.6 of 2012. These regulations further propose that applications for sub-division, amalgamation, partition and reparcellation of leasehold land shall be submitted to the County government electronic form. Moreover, the seeking of development permission and representations on the same shall also be done electronically.

The formulation of these Regulations, is an outcome of an interagency taskforce appointed by the Cabinet Secretary *vide* a gazette notice No. 49 dated 13th March, 2020. The draft Regulations were through a newspaper advert dated 8th May, 2020, subjected to a wider public participation pursuant to Article 10 of the Constitution and section 5 of the Statutory Instruments Act, No. 23 of 2013. These public consultation ran from 14th to 29th May, 2020. The comments received from the public consultations were considered and used to enrich these Regulations.

Considering the challenges faced by most people in the adoption and use of technology, as a general guide, there is an ongoing need to engage the users of these Regulations. As such, the Ministry in collaboration with the National Land Commission and other relevant government agencies, shall on the commencement of these Regulations undertake a wider public education to educate the public on the impact of these Regulations on land transactions in the country.

These Regulations have been made in conformity to the provisions of Article 2(4) of the Constitution, section 160 of the Land Act, No. 6 of 2012, section 24 of the Statutory Instruments Act, No. 23 of 2013 and section 31 of the Interpretation and General Provisions Act, Chapter 2 of the Laws of Kenya. The Regulations does not limit the fundamental rights and freedoms as spelt out in Chapter four of the Constitution. To further understand the impact of these Regulations on the general public, a copy of the Regulatory Impact Assessment has been attached for your consideration.

It is expected that the adoption and application of these Regulations will facilitate the ease of doing business in the country as far as land transactions are concerned. These notes, however, only acts as a guide and as such an exhaustive and proper understanding of the Regulations requires a clause by clause reading of the Regulations.

Made on the.....2020

FARIDA KARONEY,

Cabinet Secretary for Lands and Physical Planning.

Legal Notice No.....

Survey (Electronic Cadastre Transactions) Regulations, 2020.

Arrangement of Regulations

Part I–Preliminary

Regulation

1. Citation.
2. Interpretation.

Part II–Electronic cadastre

3. Electronic cadastre.
4. Survey plans and records.
5. Access by a Surveyor.
6. User account.
7. Access to information.
8. User obligations.

Part III–Submission of a survey

9. Submission of a survey to the Director.
10. Review and authorization.

Part IV–Numbering of survey records

11. Numbering of survey plans.

Part V–Checking of survey

12. Checking of surveys.

Part VI–Authentication

13. Authentication.

Part VII–Cadastral map

14. Updating of an electronic cadastral map.
15. Sealing of a cadastral map.

Part VIII–Submission of data to the Chief Land Registrar

16. Submission of data to the Chief Land Registrar.

Part IX–Miscellaneous

17. Disputes.
18. Modification of forms.
19. Offences and penalty.
20. Fees.
21. Transition.

SCHEDULE

THE SURVEY ACT

(Cap. 299)

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

Survey (Electronic Cadastre Transactions) Regulations, 2020.

Part I–Preliminary

Citation.

1. These Regulations may be cited as the Survey (Electronic Cadastre Transactions) Regulations, 2020.

Interpretation.

2. In these Regulations, unless the context otherwise requires—

Cap. 299. "Act" means the Survey Act;

Cap. 284. "adjudication register" means the register referred to under section 24 of the Land Adjudication Act;

"Board" means the Land Surveyors' Board established under section 7 of the Act;

"cadastre" means a parcel based and an up-to-date land information system containing a record of interests in land;

"cadastral map" has the meaning assigned to it under section 2 of the Land Registration Act, 2012;

No. 3 of 2012. "cadastral plan" has the meaning assigned to it under section 2 of the Land Registration Act;

"checking" includes the authentication or verification of any information recorded in connection with surveys submitted to the Director under the Act or these Regulations;

"checking fee" means a fee payable for the authentication of surveys submitted to the Director for approval;

No. 27 of 2016. "Chief Land Registrar" means the person appointed as the Chief Land Registrar pursuant to section 12 of the Land Registration Act, 2012;

"Community Land Registrar" means the person designated as the community land registrar under section 9 of the Community Land Act;

"Director" has the meaning assigned to it under section 2 of the Act;

"electronic" means anything relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities;

"electronic form" means any information generated, sent, received or

stored in magnetic, optical, computer memory, microfilm or similar device;

"parcel" has the meaning assigned to it under section 2 of the Land Registration Act;

"plan" has the meaning assigned to it under section 2 of the Act;

"sectional plan" has the meaning assigned to it under section 2 of the Land Registration Act;

No. 6 of 2012.

"System" means the National Land Information System developed pursuant to paragraph 6(h) of the Land Act;

"user" means a person who has created a user account for purposes of access into the System; and

"user account" means an account created in accordance to Regulation 6 of these Regulations for purposes of access to the System.

Part II–Electronic cadastre

Electronic cadastre.
No. 6 of 2012.

3. (1) The Director shall establish and maintain an electronic cadastre as part of the System contemplated under paragraph 6(h) of the Land Act.

(2) The Director may through the electronic cadastre referred to under sub regulation (1), electronically—

(a) issue a notice, certificate, instrument or document which is required to be issued by the Director under the Act;

(b) certify a map, plan, form, document or extract of a map required to be certified by the Director under the Act; or

(c) send a duly issued or certified map, plan, form, document or extract of a map to a user through the user's electronic address.

(3) The System contemplated under sub regulation (1), shall be linked to the Board for authenticating the status of a Surveyor for purposes of undertaking a transaction under these Regulations.

Survey plans and records.

4. (1) All survey plans, field notes, computations and other survey data executed and sent to the Director for authentication shall be submitted in an electronic format.

(2) The data submitted to the Director under sub regulation (1), shall be maintained in electronic form.

(3) Despite sub regulation (1), where for any reason, a transaction cannot be carried out electronically, the person seeking to carry out the transaction may carry out the transaction through such other means as the Director may determine.

Access by a Surveyor.

5. A Surveyor shall access the electronic cadastre through a user account created in the System by signing into the System and providing the information specified in Form SR1 prescribed in the First Schedule to these Regulations.

User account.

6. (1) A person who wishes to access the System shall—
(a) create a user account; and
(b) legibly enter such information in the required designated fields.

(2) Upon being authorized, the user shall receive such sign in credentials for purposes of accessing the System.

Access to information.

7. (1) A user may electronically access and download a cadastral map, cadastral plan or other plan on a read only format upon making a request in Form SR2 prescribed in the First Schedule to these Regulations and on payment of such prescribed fee.

(2) The Director may—
(a) allow a Surveyor to electronically access and download such survey data with non-edit rights upon payment of such prescribed fee; and

No. 31 of 2016.

(b) subject to the Access to Information Act, restrict access to specific data in the System as may be deemed necessary.

User obligations.

8. A user shall—
(a) carry out only such transactions as may be authorized under these Regulations;
(b) be responsible for the security of his or her sign in credentials for purposes of any transaction under these Regulations; and
(c) not copy, exchange, disclose or use the land related information accessed from the System for any other purpose other than for purposes of carrying out a transactions under these Regulations.

Part III–Submission of a survey

Submission of a survey to the Director.

9. (1) A Surveyor shall on completion of a survey work—
(a) electronically in Form SR3, prescribed in the First Schedule to these Regulations, submit the information to the Director; and

(b) upload the relevant supporting documents as may be required under the Act.

(2) The Director shall confirm receipt by notification through a short message service or email, on receipt of any survey data submitted by a Surveyor.

(3) A tracking number shall, for purposes of processing the survey data submitted under these Regulations, be automatically generated through the System.

Review and authorization.

10. (1) The Director may review and decline the processing of any document received under these Regulations, if such document is not in conformity with these Regulations or the Act.

(2) Upon reviewing and making the decision under sub regulation (1), the Director shall through a notice in Form SR4 prescribed in the First Schedule to these Regulations, return the document, setting out the reasons for the decision.

Part IV–Numbering of survey records

Numbering of survey plans.

11. (1) An authorized officer shall examine the survey documents and authorise numbering of the survey records in Form SR5 prescribed in the First Schedule to these Regulations.

(2) On completion of the numbering of the survey records, the Director shall notify the Surveyor.

Part V–Checking of survey

Checking of surveys.

12. (1) The checking of any survey work, shall be in Forms **SR6, SR7, SR8, SR9, SR10** and **SR11** prescribed in the First Schedule to these Regulations.

(2) On completion of checking of the survey records, the Director shall notify the Surveyor.

Part VI–Authentication

Authentication

13. (1) The Director may undertake an authentication of any survey, by paying due regard to comments made during the checking of the survey.

(2) The Director shall on the authentication of any survey under sub regulation (1), assess the fee payable and electronically make a record in Form SR12 set out in the First Schedule.

(3) The Director shall within seven days of the authentication, notify the Surveyor of the authentication of the survey in Form SR13 prescribed in the First Schedule to these Regulations and the fees payable.

(4) Where authentication is rejected, the Director shall within seven days of making the decision, notify the Surveyor of such rejection and provide the reasons for the rejection in Form SR14 prescribed in the First Schedule to these Regulations.

Part VII–Cadastral map

Updating of an electronic cadastral map.

14. (1) A Surveyor may at any time, in Form SR15 prescribed in the First Schedule to these Regulations and upon payment of such prescribed fees, request the Director, to update any information in the cadastral map.

(2) The Director shall, on updating any information in the electronic cadastral map, notify the surveyor in Form SR16 prescribed in the First Schedule to these Regulations.

Sealing of a cadastral map.

15. The Director shall be responsible for the sealing of a cadastral map on the request of a Surveyor.

Part VIII–Submission of data to the Chief Land Registrar

Submission of data to the Chief Land Registrar.

16. (1) On completion of adjudication work in an adjudication section, the Director of land adjudication, shall submit the adjudication data to the Chief Land Registrar in electronic format.

(2) A cadastral map of an adjudicated community land shall be submitted to the Community Land Registrar in electronic format.

(3) A Cadastral plan, cadastral map, mutation form, sectional plans including other plans, shall be provided to the Chief Land Registrar in an electronic format.

(4) The Director may, upon request prepare a parcel plan in electronic format, to be attached to a particular land parcel for the purpose of electronic conveyancing.

Part IX–Miscellaneous

Disputes.

17. If a dispute arises between a Surveyor and the Director over the application of these Regulations, either party may refer the matter to the Board for determination.

Modification of forms.

18. The manual forms prescribed under Act, may with necessary modifications as the Director may deem necessary, be used for purposes of electronic transactions under these Regulations.

Offences and penalty.

19. A person who is in breach of any of the provisions of these Regulations, commits an offence and shall on conviction, be liable to a penalty as prescribed in the Act.

Fees.

20. The fees payable to the Director may be made through such electronic means including mobile money, electronic funds transfer or other electronic modes as may be determined by the Cabinet Secretary from time to time.

Transition.

21. (1) These Regulations shall not affect the validity of any survey work effected prior to the coming into operation thereof.

(2) The Cabinet Secretary shall on the commencement of these Regulations, publish the date upon which the use of physical survey documents shall cease to have effect.

FIRST SCHEDULE

R. 5

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

(i) Name
(ii) Personal Identity Number
(iii) Survey Licence Number/ DOS Authorization Code
(iv) Current Practicing Certificate Number
(v) Telephone Number
(vi) E-mail Address
(vii) Postal Address
(viii) Passport Photo
(ix) Physical Address

FORM SR2:
REQUEST FOR DATA FORM

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

APPROVAL OF REQUEST:

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

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

Not Approved: Reasons: .....

Signed: ..... Date: .....
: .....
Director of Surveys

ACCOUNTS SECTION:

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

OI/C: Accounts.....

OI/C: SURVEY RECORDS:

Maps as requested for have been supplied
Signed: ..... Date: .....

OI/C: Survey Records.....

R.9.

FORM SR3
SURVEY SUBMISSION FORM

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

R. 10.

FORM SR4

NOTIFICATION OF REJECTION OF A SURVEY BEFORE NUMBERING OF RECORDS

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

(i) Tracking number .....
(ii) Former parcel number(s) or LR Nos.
(iii) Locality
(iv) Reasons for returning the survey

FORM SR5:

NUMBERING OF SURVEY RECORDS

NUMBERING IN SURVEY RECORDS OFFICE

Survey Records Tracking Number .....

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

PRELIMINARY CHECK

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

* Indicates "Delete where necessary."

FORM SR6:

FIELD NOTES CHECK

Survey Records Tracking Number .....

Checker.....

(i) Date of completion of field survey.....

(ii) Date of calibration of chain.....

(iii) Calibration details used by surveyor are correct/incorrect by.....°C.....Kg/30m.*

(iv) Altitude figure used by surveyor is correct/incorrect by.....m.*.....

(v) Index is complete/except for*.....

(vi) Linear reduction errors of 0.01m or more occur on pages.....
.....

(vii) Traverse bearing reduction errors of 10" or more occur on pages.....
.....

(viii) Triangulation bearing reduction errors of 2" or more occur on pages.....
.....

(ix) Reduction of trig. Height/tachy/levelling observations correct/except for*.....
.....

(x) For GNNS Surveys

a. RINEX data submitted, yes----------no.....

b. Final coordinates, 3cm in East and North

c. Adjusted final base line vectors, 3cm in XYZ, 3cm in residual/Length

d. Repeated baseline vectors, 3cm in XYZ, 3cm in residual/Length

e. Loop closures, 3cm length or 3cmin XYZ

f. RTK picking and placings, 3cm East & North

g. Observations record/information

h. observation time, height of the antenna, antenna types etc)

(xi) FINAL CHECKER'S comments on (i)-(ix) above.....
.....
.....
.....

FORM SR7:

PLOTTING OF PLAN CHECK

Survey Records Tracking Number .....

PLAN No. F/R

Checker.....

(i) Is "UTM Metric Grid" stamp necessary? Yes/No*

(ii) Longitude belt or other origin of coordinates is correct/should be*.....

(iii) Coordinates and boundary data are to correct number of decimals/should be*.....

(iv) Coordinates list has been transferred from the computations to the plan without errors or omissions/except for*.....

(v) Numerical values, and descriptions, of datum points conform with their plan of origin/except for*... .....

(vi) All points listed in the computations coordinate list have been plotted on the plan/except for*..... .....

(vii) Beacon descriptions of all new points agree with the field notes/except for*..... .....

(viii) All beacons, trig. and traverse points are shown with the correct symbols and colours except for*..... .....

(ix) Scale shown is correct/should be*.....

(x) Grid values are correct/except for*.....

(xi) The grid is rectangular/except for*.....

(xii) No errors of more than 0.001m. occur in the plotting of the grid lines and beacons/except for*..... .....

(xiii) Replot of curvilinear boundary is filed at page .....No errors occur/Errors are shown on tracing*.... .....

(xiv) All river distances are given and are correct/except for*.....

(xv) Is description of curvilinear boundary quoted on plan? .....

(xvi) Is origin of curvilinear boundary quoted on plan? .....

(xvii) Is name and direction of river shown on plan? .....

(xviii) Replot of topographical detail is filed at page .....No errors occur/Errors are shown on tracing*..... .....

(xix) Insets showing building encroachments and obstructed corners are correct/absent/except for*..... .....

(xx) Colour borders are correct/except for*.....

(xxi) Meridional District and Topo. Sheet numbers are correct/should be*.....

(xxii) FINAL CHECKERS comments on (i) – (xxi) above..... .....

FORM SR8:
CONSISTENCY OF PLAN DATA CHECK

Survey Records Tracking Number .....

PLAN No. F/R

Checker.....

(i) All coordinates essential for the consistency have been listed on the plan/except for*.....

(ii) All boundary data needed for consistency purposes has been quoted on the plan/except for*.....
.....

(iii) No errors occur in the consistency of the mathematical data /except for*.....
.....

(iv) All essential road secant data has been quoted on the plan except for*.....
.....

(v) All road secant data is geometrically correct/except for*.....
.....

(vi) All truncation data has been quoted on the plan except for*.....

(vii) All truncation data is geometrically correct/except for*.....
.....

(viii) FINAL CHECKERS comments on (i) – (vii) above
.....
.....

FORM SR9:
AREAS CHECK

Survey Records Tracking Number .....

PLAN No. F/R

Checker.....

(i) All rectilinear areas are correct/except for*.....
.....

(ii) Curvilinear areas are taken from plan F/R.....Scale.....

(iii) All curvilinear areas are correct/except for*.....
.....

(iv) All areas are quoted in conformity with Reg. 84/except for*.....
.....

(v) Summation of subdivision areas agrees with head title/except for*.....
.....

(vi) Road, riparian and trig. reserves agree with head title reserves as shown on cadastral plan./except for*.....
.....

(vii) FINAL CHECKERS comments on (i) – (vi) above.....
.....
.....

FORM SR10:

ABUTTALS CHECK

Survey Records Tracking Number .....

PLAN No. F/R

Checker.....

(i) Abuttal numbers checked against reference plans and found correct/except for*.....
.....

(ii) Abuttals checked against Cadastral Sheet/Cadastral Map No.....Scale.....
and found correct/except for*.....

(iii) No errors of more than 0.001m occur in the plotting of the abuttals except for*.....

(iv) FINAL CHECKERS comments on (i) – (iii) above.....
.....

FORM SR11:
FINAL CHECK

Survey Records Tracking Number .....

PLAN No. F/R

Checker.....

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

.....
.....
.....
.....
.....
.....
.....
.....

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

TRANSACTIONS INVOLVED.....
.....
.....
.....

Is the plot numbering correct for these transactions?
Provisional approval of transactions is recorded at.....
Final approval of transactions is recorded at.....
Approved Plan is No.....Filed at.....
Survey conforms with conditions of approval/does not conform with conditions of approval as follows.....
.....
.....
Registration is to be under LRA- Tenure is Leasehold/Freehold
.....
Survey instructions at.....
.....

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

r. 13(2)

FORM SR12:
AUTHENTICATION

Survey Records Tracking Number .....

PLAN No. F/R

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

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

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

r.13(3)

FORM SR13:
AUTHENTICATION LETTER

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

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

Ref. No. .....
Date: .....

LAND REGISTRATION LAND ACT

REGISTRATION DISTRICT .....
REGISTRATION BLOCK/ RIM SHEET NUMBERS .....
Your Reference ..... dated .....
Plan F/R ..... representing the survey of parcels.....
(Old Parcel Nos.....) has been approved. Prints of the plan for use under section 18(6) of the Act are available at a cost of ..... shs. ..... each.

Further details are as follows: -

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

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

.....

For DIRECTOR OF SURVEYS

Copy to: Computations .....

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

r.13(4)

FORM SR14

NOTIFICATION OF REJECTION OF A SURVEY

(i) Survey Records Tracking Number
(ii) Date of notification
(iii) Name of the surveyor
(iv) Locality
(v) New parcel numbers
(vi) Fees payable to the Director
(vii) New Survey Plan Number(s)
(viii) Computations File Number
(ix) Field Notes Number
(x) Reasons for returning the survey
(xi) Requirement that corrections to the errors be done within twelve months

r.14(1)

FORM SR15:
REQUEST TO UPDATE CADASTRAL MAP

(i) Survey Records Tracking Number
(ii) Date of request
(iii) Name of the surveyor
(iv) Locality
(v) New parcel numbers
(vi) New Survey Plan Number(s)
(vii) Computations File Number
(viii) Field Notes Number
(ix) Request for update of cadastral map

r.14(2)

FORM SR16:
NOTIFICATION OF SEALING OF CADASTRAL MAP

(i) Survey Records Tracking Number
(ii) Date of notification to Surveyor
(iii) Officer notifying
(iv) Name of the surveyor
(v) Locality
(vi) New parcel numbers
(vii) New Survey Plan Number(s)
(viii) Computations File Number
(ix) Field Notes Number
(x) Office being notified: NLC/Land Administration

EXPLANATORY MEMORANDUM

Survey (Electronic Cadastre Transactions) Regulations, 2020.

PART I

Name of Statutory Instrument	Survey (Electronic Cadastre Transactions) Regulations, 2020.
Name of Parent Act	Survey Act (Cap. 299)
Enacted pursuant to	Section 45 of the Survey Act (Cap. 480)
Name of the Ministry	Ministry of National Treasury and Planning
Gazetted on	
Tabled on	

PART II

1. Purpose of the Statutory Instrument

The objective of these Regulations is to provide for the establishment of an electronic cadastre for purposes of facilitating land transactions, by allowing for the lodging of the survey documents electronically.

2. Legislative Context

Land transactions in the country are currently, largely paper-based, as such, Regulation 3 of the proposed Regulations proposes the establishment and maintenance of an electronic cadastre as part of the System contemplated under paragraph 6(h) of the Land Act, No. 6 of 2012.

3. Policy Background

The proposed Regulations, have been made pursuant to the powers vested in the Cabinet Secretary, Ministry of Lands and Physical Planning under section 45 of the Survey Act, Chapter 299 of the laws of Kenya. Section 45 of the Survey Act, mandates the Cabinet Secretary to prescribe the manner in which surveys shall be carried out and the manner and form in which the records of surveys shall be prepared and furnished to the Director.

Over the years, the department has faced various challenges in the discharge of its functions including human resource capacity. This has resulted in delays in service delivery and has had a negative impact on the economy.

The introduction of these Regulations will not only ensure an increase in efficiency and effectiveness in service delivery but would also prevent economic growth and development from being curtailed.

4. Consultative Outcome

The formulation of the Regulations was spearheaded by the Ministry of Lands and Physical Planning and the National Land Commission through an interagency taskforce appointed vide Gazette Notice No. 2170 published on March 13, 2020. The initial draft of

the Regulations was subjected to public scrutiny where views were received from stakeholders and members of the public. Due to the prevailing global health concerns the taskforce organized virtual meetings with stakeholders and members of the public to receive comments on the draft Regulations. The consultation ran for two weeks from May 14, 2020 to May 27, 2020 as shown in the following schedule-

NO.	STAKEHOLDER	DATE	TIME
1.	Ministry of Lands & Physical Planning – All Technical Departments	14th May 2020	10:00 AM
2.	National Land Commission	15th May 2020	10:00 AM
3.	Council of Governors	18th May 2020	10:00AM
4.	Kenya Revenue Authority/National Treasury/Ministry of ICT/ICTA	19th May 2020	10:00AM
5.	Law Society of Kenya	20th May 2020	10:00 AM
6.	Kenya Institute of Planners / Town County Planners Association of Kenya (David) / Architectural Association of Kenya **Relevant Agencies** • Nairobi Metropolitan Services • NEMA • Roads Authorities – KeNHA, KURA, KeRRA, KRB • Kenya Railways • Kenya Airport Authority • 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.	County Assembly Forum	26th May 2020	10:00 AM

9.	Kenya Private Sector Alliance / KPDA / Kenya Bankers Association (KBA)/ Civil Society Organizations • Kenya Land Alliance • Federation of Women Lawyers (FIDA) • Reconcile • Pamoja Trust • GROOTS • Kituo Cha Sheria • Centre for Minority Rights Development • Land Development & Governance Institute • HakiJamii	27th May 2020	10:00 AM

The consultation documents were availed on the Ministry of Lands and Physical Planning's website https://lands.go.ke and responses could be sent to the Ministry by email or post.

The taskforce also received memoranda and submissions from the following-

1. County Assembly Forum
2. MMS Advocates
3. Andrew Mbugua
4. Intersex Persons Society of Kenya
5. John Ayienda
6. Kenya Bankers Association
7. Nakuru County Public Opinion Consultative Initiative
8. Estate Agents Registration Board
9. FIDA Kenya
10. Lawyers Hub
11. Association of Licensed Surveyors of Kenya
12. Onyango Morgan
13. Kenya Institute of Planners
14. Natural Justice
15. Reconcile
16. David Chiuri Mwangi
17. Yvonne Kariuki
18. Joseph Kabiru
19. Benjamin Ngala
20. Nikita Openda
21. Muthengi Munyalo
22. David Mwangi
23. Jesse Kihoro
24. National Construction Authority
25. Institution of Surveyors of Kenya
26. Kenya Land Alliance

27. Architectural Association of Kenya
28. Town and County Planners Association of Kenya
29. Land Surveyors Board
30. Engineers Board of Kenya
31. Council of Governors
32. ICT Authority
33. Land Development Governance Institute
34. Law Society of Kenya
35. Kenya National Highways Authority (KeNHA)

The consultation made proposals as shown in the matrix attached marked **Annexure 2**.

The consultation documents and the responses to this consultation are attached herewith.

5. Guidance

Considering the challenges faced by most people in the adoption and use of technology, there is going to be need to continue to engage with the users and enforcement agency involved in the application of these Regulations. These Regulations being new in many aspects will need to be brought to the attention of the public and users through public education.

6. Impact

(a) The Impact on Fundamental Rights and Freedoms

These Regulations have been formulated in conformity with the Constitution of Kenya, 2010. Further, the Regulations have been made in conformity to the provisions of Article 2(4) of the Constitution, section 45 of the Survey Act, Chapter 299, section 24 of the Statutory Instruments Act, No. 23 of 2013 and section 31 of the Interpretation and General Provisions Act, Chapter 2 of the Laws of Kenya.

(b) The impact on the private sector

Going by the response and support received from the private sector during the formulation process of these Regulations it is expected that the application thereof will create a positive impact on the private sector. The Regulations will go a long way to expedite valuation for stamp duty purpose. This also means that conduct of land transactions will be easy, predictable and fast.

(c) The impact on the public sector

Land being a critical sector, the public agencies vested with the responsibility of managing and enforcing these Regulations have an enormous task of ensuring a positive impact envisaged by these Regulations is delivered to the general public. It is expected that through the many changes and new features contained in these Regulations will enable the public agencies involved in land registration to arrest the vices that have bedevilled the land sector in the past.

7. Monitoring and Review

The Ministries will continuously seek feedback from public on the application of the Regulations to monitor the operation.

Disclaimer

This notes acts only as a guideline and as such they are not exhaustive and for clarity proper reference should be made to the main body of these Regulations.

Made on the.....2020

FARIDA KARONEY,
Cabinet Secretary for Lands and Physical Planning

Legal Notice No.....

SURVEY ACT
(Chapter 299)

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

Survey (Amendment) Regulations, 2020.

Citation.

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

Amendment of Regulation 6 of the Survey Regulations, 1994.

2. The Survey Regulations, 1994, in these Regulations, referred to as the "Principal Regulations" are amended in Regulation 6 by inserting the following words between the word "be" and letter "a" appearing in the introductory part of the Regulation—

(a) "maintained in an electronic format"

Amendment of Regulation 24 of the Survey Regulations, 1994.

3. Regulation 24 of the principal Regulations is amended by—

(a) deleting the word "or" appearing in paragraph (1)(a) after the semi colon.

(b) deleting the "full stop" appearing at the end of paragraph (1)(b) and substituting therefor a "semi colon" and the word "or".

(c) inserting the following new paragraph immediately after paragraph 1(b);

(c) any other figure as the Director may from time to time, deem necessary.

Amendment of Regulation 25 of the Survey Regulations, 1994.

4. The principal Regulations are amended by deleting Regulation 25 and substituting therefor the following new Regulation—

25. Maintenance of measuring instruments

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

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

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

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

been made with inappropriate or defective measuring equipment.

Amendment of Regulation 30 of the Survey Regulations, 1994.

5. The principal Regulations are amended by deleting sub regulation 30(2) and substituting therefor the following new sub regulation—

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

Amendment of Regulation 69 of the Survey Regulations, 1994.

6. The principal Regulations are amended by deleting sub regulation 69(1) and substituting therefor the following new sub regulation—

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

Amendment of Regulation 78 of the Survey Regulations, 1994.

7. The principal Regulations are amended by deleting sub regulation 78(1) and substituting therefor the following new sub regulation—

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

Amendment of Regulation 86 of the Survey Regulations, 1994.

8. The principal Regulations are amended by deleting sub regulation 86(1) and substituting therefor the following new sub regulation—

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

Amendment of Regulation 117 of the Survey Regulations, 1994.

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

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

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

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

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

Explanatory Memorandum

The proposed Survey (Amendment) Regulation, 2020, are made pursuant to the powers vested in the Cabinet Secretary, Ministry of Lands and Physical Planning under section 45 of the Survey Act, Chapter 299 of the laws of Kenya. The Regulations seeks to amend the Survey Regulations, 1994 for purposes of facilitating electronic transactions.

Land transactions in the country are currently, largely paper-based, as such, these Regulations proposes to allow the Director of Survey to electronically receive and issue instruments.

The formulation of these Regulations, is an outcome of an interagency taskforce appointed by the Cabinet Secretary *vide* a gazette notice No. 49 dated 13th March, 2020. The draft Regulations were through a newspaper advert dated 8th May, 2020, subjected to a wider public participation pursuant to Article 10 of the Constitution and section 5 of the Statutory Instruments Act, No. 23 of 2013. These public consultation ran from 14th to 29th May, 2020. The comments received from the public consultations were considered and used to enrich the Regulations.

Considering the challenges faced by most people in the adoption and use of technology, as a general guide, there is an ongoing need to engage the users of these Regulations. As such, the Ministry in collaboration with the National Land Commission and other relevant government agencies, shall on the commencement of these Regulations undertake a wider public education to educate the public on the impact of these Regulations on land transactions in the country.

These Regulations have been made in conformity to the provisions of Article 2(4) of the Constitution, section 110 of the Land Registration Act, No. 3 of 2012, section 24 of the Statutory Instruments Act, No. 23 of 2013 and section 31 of the Interpretation and General Provisions Act, Chapter 2 of the Laws of Kenya. The Regulations does not limit the fundamental rights and freedoms as spelt out in Chapter four of the Constitution. To further understand the impact of these Regulations on the general public, a copy of the Regulatory Impact Assessment has been attached for your consideration.

It is expected that the adoption and application of these Regulations will facilitate the ease of doing business in the country as far as land transactions are concerned. These notes, however, only acts as a guide and as such an exhaustive and proper understanding of the Regulations requires a clause by clause reading of the Regulations.

Made on the.....2020

FARIDA KARONEY,
Cabinet Secretary for Lands and Physical Planning

LEGAL NOTICE NO. .....

THE LAND REGISTRATION ACT
(No. 3 of 2012)

IN EXERCISE of the powers conferred by section 110 of the Land Registration Act, 2012 the Cabinet Secretary for Lands and Physical Planning, after taking into account the advice of the National Land Commission, makes the following Regulations—

THE LAND REGISTRATION (ELECTRONIC TRANSACTIONS) REGULATIONS, 2020

PART I–PRELIMINARY

Citation.

1. These Regulations may be cited as the Land Registration (Electronic Transactions) Regulations, 2020.

Application.

2.(1) These Regulations shall apply to the system in the registries set out in the First Schedule.

Interpretation.

3. In these Regulations, unless the context otherwise requires—

No. 3 of 2012

"Act" means the Land Registration Act, 2012;

No. 2 of 1998

"advanced electronic signature" has the meaning assigned to it in the Kenya Information and Communication Act, 1998;

Cap. 16

"authorized user" means an advocate qualified to practice under the Advocates Act who has been granted permission to access, query any information or submit any application, instrument or document in relation to any transaction in accordance with these Regulations on behalf of another person;

No. 2 of 1998

"electronic" has the meaning assigned to it in the Kenya Information and Communication Act, 1998;

No. 2 of 1998

"electronic form" has the meaning assigned to it in the Kenya Information and Communication Act, 1998;

No. 29 of 2015

"personal identification number (PIN)" means the personal identification number (PIN) issued under section 11 of the Tax of Procedures Act, 2015;

No. 6 of 2012

"system" means the National Land Information System established in accordance with section 6(h) of the Land Act, 2012;

"user" means a person who has signed up to the system and accepted the terms and conditions;

"user account" means an online account created to allow access or submission of information in the system.

PART II—ELECTRONIC LAND REGISTRY

Electronic registry.

4.(1) The Chief Land Registrar shall maintain an electronic land registry established in accordance with section 7 of the Act.

(2) The electronic land registry shall be part of the system.

Form of registers.

5.(1) The Chief Land Registrar shall maintain—

(a) an electronic land register which shall contain the features specified in section 7(4) of the Act; and

(b) an electronic community land register containing the particulars specified in section 8(1) of the Act and section 21(1) of the Community Land Act, 2016.

Electronic registry transactions.

6.(1) All registry transactions under the Act shall be carried out through the system in the registries set out in the Schedule.

(2) The Registrar may by electronic means through the system—

(a) issue a notice, certificate or any document which is required to be issued by the Registrar under the Act;

(b) certify a form, document or extract of a document required to be certified by the Registrar under the Act; or

(c) send any document issued or certified by the Registrar to the electronic addresses provided by a user for that purpose.

Access to the Cadastral Map

7. For the purposes of registration the Registrar shall refer to the electronic cadastre in order to verify information relating to a parcel, where necessary.

Registration as a user of the system.

8.(1) A person who wishes to use or undertake a transaction shall sign up to the system by providing the following information—

(a) in the case of a natural person—

(i) the name;

(ii) the national identity card or alien card number;

(iii) the personal identification number (PIN);

(iv) a current passport size photo as profile picture;

(v) personal contact details including postal address, email address, the telephone number and such other details as the system may require.

(b) in the case of a legal person or a community—

(i) the name;

(ii) the incorporation or registration number;

(iii) the personal identification number (PIN);

(iv) the contact details including postal address, email address, the telephone number and such other details as the system may require; and

(v) the information required under paragraph (a) of its authorised representative.

(3) A user shall upon signing up accept the terms and conditions set out in the Second Schedule to these Regulations.

User Account

9.(1) There shall be a user account, user name and password created in the system for every user to enable the user log into the system.

(2) As an additional security measure, a One Time Password (OTP) in the form of a text message shall be sent to the user's Telephone Number to authenticate every log-in.

(3) A user shall keep the log in credentials, particularly the password, confidential to avoid unauthorized access to the system.

(4) A user may change his or her log in credentials from time to time.

(5) Every user shall apply or submit any instrument or document for registration or recording, under the Act, electronically through their user account.

Authorized user.

10. An advocate shall be an authorised user upon providing additional information in Form **eLRA 1** set out in the Third Schedule or as may be modified for use in the system.

User obligations.

11.(1) A user shall—

(a) access the system and carry out transactions under the Act in the system in an individual capacity or through an authorized representative;

(b) complete such formalities as are required before accessing the system;

(c) be responsible for the security of his or her login credentials and for any access made using the login credentials;

(d) use the information obtained from the system for lawful purposes only;

(e) be responsible for the accuracy and completeness of all information provided or submitted when using the system; and

(f) surrender or deactivate accounts of persons who have ceased being their authorized representatives.

(2) Where a user is a legal person or community, the user shall be responsible for—

(a) the selection and nomination of the user's authorized representative accessing the system on behalf of their organization;

(b) ensuring compliance of paragraph (1) by the authorized representatives; and

(c) notification of revocation of the nomination or employment of any authorized representative.

(3) A user shall not—

(a) impersonate another person or entity;

(b) collect information about other users;

(c) make available disruptive commercial messages or advertisements or communications which are prohibited by law in the system;

(d) reverse engineer or otherwise attempt to extract any source code;

(e) use any robot, spider, site search or retrieval application, or other device to retrieve or index any portion of the system;

(f) copy, exchange, disclose or use the land related information accessed from the system for any other purpose other than for purposes of the transactions under these Regulations without prior written approval of the Cabinet Secretary;

(g) distribute, sell or combine any information accessed through the system; and

(h) use the system or its products and services in any manner that contravenes the provisions of the Kenya Information and Communication Act, 1998, the Computer Misuse and Cybercrimes Act, 2018 or any other written law.

No. 2 of 1998

No. 5 of 2018

Suspension of a user's access to the system.

12.(1) The Chief Land Registrar may immediately suspend a user's access when it comes to the Chief Land Registrar's attention that the user—

(a) has not fulfilled their obligations or the terms and conditions of access;

(b) is suspected to have committed any fraud, identity theft or system misuse;

(c) allows an unauthorised or unqualified person to access the system;

(d) in the case of professionals, is not in good standing;

(e) is dead;

(f) is declared insolvent; or

(g) is declared of unsound mind.

(2) The Chief Land Registrar shall upon suspending a user under paragraph (1)(a), (b), (c) and (d) immediately notify the user of the suspension, in writing.

(3) The Chief Land Registrar shall state in the notification under paragraph (1)—

(a) the grounds of suspension;

(b) the facts which, in the opinion of the Chief Land Registrar, justify each ground of suspension and intention to terminate; and

(c) the period, not being less than fourteen days, within which the user shall be required to respond to the notification.

(4) The Chief Land Registrar shall serve the notification by an electronic transmission, through SMS notification, email notification or any other form of electronic transmission to the contacts of a user provided during signing up.

(5) A user may respond to a suspension notice stating the reasons why the suspension of access should be withdrawn in writing, or in electronic form and serve the response upon the Chief Land Registrar within the period specified in paragraph (3).

(6) The Chief Land Registrar shall upon receipt of a response served in accordance with paragraph (4), consider the response and if satisfied that it is no longer appropriate to suspend the user's access, withdraw the suspension and send a notification to that effect to the user within seven days.

Termination of a user's access.

13.(1) The Chief Land Registrar shall immediately terminate the user's access to the system upon confirming that the user is dead, is declared insolvent or is of unsound mind.

(2) The Chief Land Registrar shall terminate a user's access if—

(a) not satisfied with the user's response given under regulation 12(5); or

(b) a user does not respond within the specified period in Regulation 12(3)(c).

(3) The Chief Land Registrar shall send a notification by electronic transmission, through SMS notification, email notification or any other form of electronic transmission to the contacts of a user provided during signing up.

(4) A user who is aggrieved by the decision of the Chief Land Registrar to terminate access may appeal to Court, within fourteen days of receipt of the notification.

Searches.

14.(1) A user who wishes to conduct an official search in the electronic register shall apply to conduct an official search through the system and pay the prescribed fees.

(2) A user may under paragraph (1) undertake the following categories of searches—

(a) a current status search of which the result from the search shall include particulars of the subsisting entries in the register, certified copies of any document, the cadastral map, or plan filed in the registry; or

(b) a historical search of which the result shall provide a history of computer folio and list all transactions

availed in a chronological order together with the status and date for each entry.

(3) A Registrar shall furnish the applicant with the details requested through an electronic certificate of official search.

(4) The certificate of official search furnished under paragraph (3) shall be made available for download by the user.

PART III— PRE-REGISTRATION PROCESS

Forms. LN 278/2017

15. Pursuant to regulation 87(1) of the Land Registration (General) Regulations, 2017, a user shall use the forms set out in the Sixth Schedule to the Land Registration (General) Regulations, 2017, in the system subject to such modifications as the Chief Land Registrar may make, to enable the use of the forms electronically, in the system.

Preparation of instruments and documents.

16. (1) An authorised user shall obtain and maintain client instructions in respect of each electronic transaction in Form **eLRA 2** set out in the Fourth Schedule.

(2) For the purposes of preparation of an instrument or document for electronic registration or filing, an authorized user shall—

(a) enter all the required information in the applicable electronic form;

(b) cause the instrument or documents to be executed by use of advanced electronic signature of parties;

(c) attach the relevant supporting documents required under the Act.

(3) Where it is not possible to execute the instruments or documents by way of an advanced electronic signature, the authorized user may—

(a) enter the required information in the applicable electronic form;

(b) print the duly filled form for execution and attestation;

(c) scan and upload the duly executed and attested form onto the system; and

(d) attach the relevant supporting documents as may be required under the Act.

Valuation for stamp duty.

17.(1) Where applicable, the authorised user shall submit the instrument or document for valuation in electronic form.

(2) Upon submission of the instrument for valuation under paragraph (1), the authorised user shall receive an electronic notification indicating the date and time when the request was received.

(3) The authorised user shall be notified of the assessed duty payable through SMS notification, email notification or any other form of electronic transmission to the contacts of a user provided during signing up.

Payment of stamp duty.

18. The authorised user shall pay stamp duty through the Kenya Revenue Authority payment platform.

PART IV — REGISTRATION PROCESS

Submission for registration.

19.(1) An authorized user shall submit the application, instruments or documents for registration in the system and pay the prescribed fee, where applicable.

(2) An instrument or document shall be deemed to be received for registration when the system generates a notice of electronic filing with a tracking number for the electronically filed application, instrument or document.

(3) An application, instrument or document that is submitted electronically outside the business hours specified

LN 278/2017

in regulation 2 of the Land Registration (General) Regulations, 2017 shall be deemed to have been received on the next business day.

Priority of registration.

20.(1) Subject to Regulation 8 of the Land Registration (General) Regulations, 2017, the tracking number assigned to the application or instrument by the system shall determine the priority of registration of the instrument.

(2) The Registrar shall ensure that applications for registration are dealt with in the order of the tracking number assigned at the time of lodging of the instrument.

Lodging of physical documents.

21. An Authorized user shall manually present documents which the Registrar requires the production of an original.

Registrar's source of information.

22. The Registrar shall, for the purposes of processing the applications, rely on the documentation and data available within the system and may, where necessary, refer to the backup of manual records.

Rejection of instruments.

23.(1) The Registrar shall reject an application, instrument or document that appears—

(a) to be substantially defective; or

(b) to have been submitted for registration without the relevant supporting documents required under the Act or the Land Registration (General) Regulations, 2017.

LN 278/2017

(2) An authorised user shall, upon making the relevant corrections, lodge an instrument or document rejected under paragraph (1) afresh as though it were a new transaction.

(3) An authorised user whose application has been rejected under regulations 2 may appeal in the manner provided under regulation 37 of Land Registration (General) Regulations, 2017.

LN 278/2017

Registration.

24.(1) The registration of an instrument or document shall be completed upon the approval of the transaction and the making of corresponding entries into the register by the Registrar.

(2) Upon registration, there shall be an electronically generated notice to the effect that the document has been registered.

(3) The date of registration shall be the date on which the application was received.

Electronic certificate of title or lease. LN 278/2017

25.(1) The Registrar shall pursuant to section 30 of the Act issue an electronic certificate of title or lease in accordance with regulation 31(1) or (2) respectively of the Land Registration (General) Regulations, 2017.

(2) The electronic certificate of title or lease shall contain unique serial numbers and security features which can be used to verify the authenticity of the certificate.

Availability of documents.

26. The Registrar shall make the registered instruments and documents available for download by the authorized user or any person conducting a search under regulation 14.

PART V —TRANSITIONAL PROVISIONS

Manual transactions.

27.(1) Where a transaction cannot be carried out using the electronic registration system, the person seeking to carry out the transaction shall carry out the transaction through such other means as the Chief Land Registrar may determine.

(2) An instrument or document filed and registered electronically at the registry under these Regulations has the same effect as if that instrument or document were in the form of a paper document.

FIRST SCHEDULE (r. 2(1))

REGISTRIES TO WHICH THESE REGULATIONS SHALL APPLY

1. **Nairobi Land Registry**

SECOND SCHEDULE

TERMS AND CONDITIONS OF USE (r. 8(3))

1. Introduction

(i) The National Land Information System is an online system developed by the Government of Kenya through the Ministry of Lands and Physical Planning in collaboration with the National Land Commission. It is a system created for convenience in conducting land transactions.

(ii) Upon registration to the system, a user is deemed to have accepted the terms and conditions and will equally be bound by the same. Once the user has completed the sign up process, a contract detailing the terms and conditions for use is entered into between the user and the system operators.

(iii) The National Land Information System is a service-based platform upon which fees and charges may be preferred from time to time as stipulated in the relevant statutes.

2. Availability of service and support

(i) The Government of Kenya aim is to ensure accessibility to NLIS at all times, however there could be service interruption to allow for upgrading or maintenance of the system.

(ii) The system shall be available around the clock for searching for the copy or image of any instrument, dealing, or document in the system or the lodgment of documents through the system.

(iii) Processing of electronic documents shall be done during the business hours when the *back-end processes shall be available.*

(iv) The system support and back-end processes shall be available during the business hours set out in Regulation 2 on the business days set out in Regulation 4 of the Land Registration (General) Regulations, 2017.

(v) The Cabinet Secretary reserves the right to suspend the system in whole or in part in the circumstances where a significant breach of security has occurred or that a security system has failed that compromises or that could compromise the integrity or security of the system's databases or service until such security breach or failure has been rectified.

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

3. Obligations of Ministry

The Ministry shall;

(i) Endeavour to maintain this system (NLIS) in good operational condition throughout the term of this agreement.

(ii) Endeavour to inform the users in cases of scheduled and/or unscheduled system maintenance.

(iii) Assist you to understand the operational requirements and any protocols adopted from time to time for use in the system.

(iv) Comply with all statutory and regulatory requirements imposed on the Ministry regarding the implementation and functionality of the system.

4. Security of the System

i. The User is responsible for maintenance of the confidentiality and control of all Security Measures associated with the use by the user (s). These Security Measures involve the use of digital signatures and digital certificates and are managed the Ministry.

ii. You are responsible for the selection and nomination of those of your people who you intend to be Subscribers and, therefore, users of the Security Measures.

iii. The Ministry reserves the right to reject with reasons thereof an application by any Applicant.

iv. You must promptly notify the Cabinet Secretary in the Ministry if a Subscriber stops working for you.

v. You are solely responsible for ensuring that the users comply with the User Obligations.

vi. Any use of the NLIS by any person with access to the Security Measures used or made available to you or any of your people (whether authorised by you or not) constitutes sufficient authority for the Ministry to:

vii. act on any enquiries, provide such information, update its registers or to otherwise transact such dealings, with or under the instruction of that person; and

viii. charge fees for the use of the products and services associated with NLIS.

ix. You shall promptly notify the Cabinet Secretary in the Ministry as soon as you become aware that any of the Security Measures used or available to you or any of your people are or have been compromised, or if you are aware of circumstances which give rise to a risk that those Security Measures have been compromised.

x. You agree to help the Ministry with any investigation of any suspected or actual compromise of any of those Security Measures.

xi. Any activity by a user in the system shall be catalogued and an audit trail of such activity created in the system.

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

Disclaimer

The Ministry will be held liable to the extent permissible in the relevant statute but will not be liable for acts of omission or commission out of its control.

5. **Data Privacy Statement**

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

a. Law enforcement agencies, regulatory authorities, courts or other statutory authorities in response to a demand issued with the appropriate lawful mandate and where the form and scope of the demand is compliant with the law;
b. Publicly available and/or restricted government databases to verify applicant's identity information in order to comply with the regulatory requirements;
c. Any other person that the Ministry deems legitimately necessary to share the data with.

8. The Ministry shall not release any information to any individual or entity that is acting beyond its legal mandate
9. The Ministry has put in place technical and operational measures to ensure integrity and confidentiality of the applicant's data via controls around: information classification, access control, cryptography, physical and environmental security and monitoring and compliance.
10. Subject to legal and contractual exceptions, the applicant has rights under data protection laws in relation to their personal data. These are listed below:
    a. Right to be informed that the Ministry is collecting personal data about the applicant
    b. Right to access personal data that the Ministry holds about the applicant and request for information about how the Ministry will process it;
    c. Right to request that the Ministry correct the personal data where it is inaccurate or incomplete;
    d. Right to request that the Ministry erase the personal data noting that the Ministry may continue to retain the information if obligated by the law or entitled to do so;
    e. Right to object and withdraw the consent to processing of personal data. The Ministry may continue to process it if it has a legitimate or legal reason to do so;

f. Right to request restricted processing of the personal data noting that the Ministry may be entitled or legally obligated to continue processing the data and refuse the request;

g. Right to request transfer of the applicant's personal data (in an electronic format).

h. The Ministry may need to request specific information from the applicant to help it confirm the applicant's identity and also ensure their right to access their personal data (or to exercise any of the other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. The Ministry may also contact the applicant to ask for further information in relation to the applicant's request in order to speed up the response.

6. Copyright

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

7. General Terms

(i) The parties commit to a cooperative environment in the performance of the respective obligation to ensure any system difficulty and/or improvement is addressed.

(ii) The Ministry reserves the right to change and adjust these terms and conditions without any further reasons as long as it is necessary due to legal adjustments or technical progress.

(iii) The Ministry reserves the right to block the authorized user from the ability to upload content to National Land Information System if a violation of this agreement exists.

(iv) These terms and conditions are to be read and construed according to the laws of the Republic of Kenya, and you agree to submit to the jurisdiction of this country.

(v) These terms and conditions record the entire agreement. If any provision of these terms and conditions are held by a court to be unlawful, invalid, unenforceable or in conflict with any rule of law, statute or regulation it is to be severed so that the validity and enforceability of the remaining provisions are not affected.

8. User feedback

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

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

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

Name.....Sign.....

Date.....

THIRD SCHEDULE

Form eLRA1 (r. 10)
The Chief Land Registrar
Ardhi House
Nairobi

Name/Partnership/LLP:	Id no./Reg. No./P.105
Tel. No.	E-Mail Address:
Physical Address:	Postal Address: Postal Code: Town:
Contact Person Name:	P.105/
Tel No.	Email Address

In case of Partnership/LLP, individual authorised users:

S/NO.	NAME	ID NO.	P.105/	TEL NO.	EMAIL

I have read and understood the terms and conditions of use.
I AGREE TO BE BOUND BY THE TERMS AND CONDITIONS

Name **Signature** **Date**

FOURTH SCHEDULE

FORM e-LRA2 **(r. 16(1))**

ELECTRONIC TRANSACTION: CLIENT INSTRUCTION AND AUTHORITY FORM

1. ADVOCATE

Name of Advocate.....
Admission Number.....
Practice Number .....
Firm (if applicable):.....
Telephone number.....
Email Address.....
Postal Address.....
Physical Address.....

2. CLIENT(S):

Client name .....
ID No/Passport No/Reg number.....
Telephone. Number.....
Email Address .....
Postal Address .....
Name of Authorised Representative (where applicable) .....
Power of Attorney No. (if applicable) .....
ID No/Passport No.....
Telephone. No.....
Email Address .....

3. Nature of transaction

.....
.....

4. I, the above-named person hereby instructs the advocate to undertake registration of the above transaction.

.....

Client Name **signature** **Date**

*(Note: **Each Client named must sign personally.** 'For and on behalf' is not acceptable.)*

I certify that:

(a) I have witnessed the client(s) sign this form;

(b) I have sighted the original form(s) of identity attached herein.

(c) I have attached a copy of ID(s)/Passport/ photo(s) name(s) and signature(s) match the client(s) name(s) and identification provided;

(d) The client(s) is transacting in their free will

(e) the client(s) appear(s) to be of sound mind.

.....

Name of advocate **Signature** **Date**

Notes to the form:

1. *Before signing any authority instruction, the advocate must ensure they have proper authority from their client;*
2. *The advocate must take reasonable steps to ensure their client has legal capacity;*
3. *The advocate must verify the identity of their client;*
4. *The advocate must retain the evidence they have relied on to support those certifications;*
5. *Where the client is signing this form under a Power of Attorney the identity that is required to be established is that of the attorney. Attach a copy of the PA.*

Made on the.....2020

FARIDA KARONEY,
Cabinet Secretary for Lands and Physical Planning.

Mnbnxcvb,j





OFFICE OF THE CHAIRMAN

tel. 0208000242
Email: chair@landcommission.go.ke
Website: www.landcommission.go.ke
When replying please quote

ACK GARDEN ANNEX BUILDING
1ST NGONG AVENUE
OFF NGONG ROAD
P.O. BOX 44417 -00100
NAIROBI

OUR REF: NLC/CHAIR/6-20/20

Date: 12th June, 2020

Ms. Farida Karoney
Cabinet Secretary
Ministry of Lands and Physical Planning
Ardhi House, 12th Floor-Wing A
P.O Box 30297-00100
NAIROBI

Dear C. S. Farida Karoney,

RE: PROPOSED AMENDMENTS TO VARIOUS REGULATIONS TO SUPPORT IMPLEMENTATION OF A NATIONAL LAND INFORMATION SYSTEM

We take cognisance that the Government has prioritised developing a National Land Information System (NLIS) as provided for under Section 6(h) of the Land Act, 2012. Under this section, the Commission is required to collaborate with your Ministry in the development and implementation of the system.

The Commission has had a chance to interact with the system and review the workflows with the guidance of the system developers. Bearing in mind the need to ensure flexibility regarding internal dynamics in respective institutions whilst ensuring the digitization process can take off within the confines of the current substantive law, the Commission has made proposals to support the implementation of the system. In view of the foregoing we recognize the fact that the Ministry has proposed amendments to various regulations that are supposed to originate from your office; namely:

1. Draft Land (Amendment) Regulations, 2020.

2. Draft Land Registration (Electronic Transactions) Regulations, 2020.
3. Draft Physical and Land Use Planning (Electronic Development Control and Enforcement System) Regulations, 2020.
4. Draft Survey (Electronic Cadastre Transactions) Regulations, 2020.
5. Draft Survey (Amendment) Regulations, 2020

The Commission has audited the above listed draft regulations and proposed amendments to ensure they are in line with the Constitution, the existing statutes and the principles of land reforms. Consequently, the Commission has provided a justification for the misaligned amendments where applicable. ***(The audit report with specific recommendations is attached for your reference).***

Further, to provide for electronic land transactions, the Commission has proposed amendments to the Land (Allocation of Public Land) Regulations, 2017 and the Land (Extension and Renewal of Leases) Rules, 2017 as provided for under Sections 12(11) and 13(2) of the Land Act, 2012 respectively. ***(The following proposed amendments to the principal regulations are attached for your reference):***

1. Proposed Land (Allocation of Public Land) (Amendment) Regulations, 2020.
2. Proposed Land (Extension and Renewal of Leases) (Amendment) Rules, 2020.

We note that there will certainly be need to progressively review the workflows and, if necessary, underlying regulations over time; a process the Commission will endeavour to participate actively in, to ensure the complete success of the digitization project.

We reiterate the Commission's unwavering commitment to collaborate with your Ministry towards the successful realization of a NLIS that will act as a single source of truth in the lands sector.

Yours Sincerely,

Gershom Otachi Bw'omanwa
CHAIRMAN

PROPOSED AMENDMENTS TO THE LAND (ALLOCATION OF PUBLIC LAND) REGULATIONS, 2017

INTRODUCTION

Section (11) of the Land Act, 2012 mandate the Commission to make regulations prescribing the criteria for allocation of land and for connected matters. Section (12) of the same Act also provides that the Commission shall make regulations prescribing the criteria for allocation of public land including prescribing the following; forms of ownership and access to land under all tenure systems; the procedure and manner of setting aside land for investments; procedures to be followed with respect to auction and disposition of land; appropriate mechanisms for repossession of land given to citizens at the expiry of a lease; and mechanisms of benefit sharing with local communities whose land have been set aside for investment.

PROPOSED AMENDMENTS

Pursuant to the powers conferred by section 12(11) of the Land Act, 2012, the Commission therefore makes the following proposals to amend the Land (Allocation of Public Land) Regulations, 2017.

1. Regulation 6(3) is amended by deleting the word 'Commission' and replacing it with words 'National or County Government or such place as such government may prescribe'.
2. Regulation 6(6) is amended by inserting after the word 'present' insert the words 'where practicable, be made through the system.'
3. Regulation 6(6) is amended by inserting after the word after the word 'allotment' insert the words 'shall, where practicable, be made through the system.'
4. Regulation 17 is amended by deleting the word 'Commission' and inserting the words 'National or County Government or such place as such government may prescribe'.
5. Regulation 26(1)(b) is amended by inserting after the word 'offices' the words 'or retrieve them electronically where practicable'.
6. Regulation 26(2)(c) is amended by inserting after the word 'payable' the words 'to the National or County Government or such place as such government may prescribe'.
7. The Regulations are amended by inserting the following new Regulation immediately after Regulation 34.

   '34A. An accepted letter of allotment issuing under Regulations 27(5), 31, 32(4) and 35(1) may be prepared and processed by the Commission and forwarded to the Cabinet `Secretary in the case of allocation by the National government or the County Executive Committee Member in case of allocation by the County Government and

forwarded to the Chief Land Registrar for registration through the National Land Information System in electronic form in accordance with the conditions of the lease.'

8. Regulation 35 is amended by inserting after the word 'be' insert the words 'paid to the National or County Government, as the case may be.'
9. The Regulations are amended by inserting the following new Regulation immediately after Regulation 36(5).
   '36(6) Processes under paragraphs (1), (2), (3), (4) and (5) above may be carried through the System.'
10. The Regulations are amended by inserting the following new Regulation immediately after Regulation 37.
    '37A. Various fees prescribed under these regulations may be paid through authorized electronic means as may be advised by the receiving office from time to time.'
11. The Regulations are amended by inserting the following new Regulation immediately after Regulation 37A.
    '37AA. Various Forms prescribed under the Schedule for respective manual transactions shall be uploaded into the system and apply as if it were a manual process.
12. The Regulations are amended by inserting the following new Regulation immediately after Regulation 37AA.
    '37AAA Processes under these regulations shall, where practicable, be made through the system in electronic form.'

THE PROPOSED AMENDMENTS TO THE LAND (EXTENSION AND RENEWAL OF LEASES) RULES, 2017)

INTRODUCTION

Section 13(2) of the Land Act mandates the Commission to make rules for the better carrying out the provisions on the Lessee's pre-emptive rights to allocation including the following: prescribing the procedures for applying for extension of leases before their expiry; prescribing the factors to be considered by the Commission in determining whether to extend the tenure of the lease or re-allocate the land to the lessee; the stand premium and or the annual rent to be paid by the lessee in consideration of extension of the lease or re-allocation of the land; and other covenants and conditions to be observed by the lessee.

PROPOSED AMENDMENTS

Pursuant to the powers conferred by section 13(2) of the Land Act, 2012, the Commission makes the following rules to amend the Land (Extension and Renewal of Leases) Rules, 2017.

1. Regulation 2(5) is amended by deleting the word 'Commission' and substituting thereof the words 'the national government or county governments.'
2. The Regulations are amended by inserting the following new Regulation immediately after Regulation 2(10).
   '2(10) All processes under these regulations and connected to application for extension or renewal of lease made under sub-regulation (1) shall, where applicable, be made through the system.'
3. Regulation 4(3) is amended by deleting Regulation 4(3)(b).

4. Regulation 4(8)(c) is amended by after the word 'and' inserting the words 'prepare a lease that shall be registered by the Chief Land Registrar.'
5. Regulation 7 is amended by inserting a new Regulation 7(6).
'7(6) Processes under these regulations shall, where practicable, be made through the system in electronic form.'
13. The Regulations are amended by inserting the following new Regulation immediately after Regulation 7(6).
'7(7). Various Forms prescribed under the Schedule for respective manual transactions shall be uploaded into the system and apply as if it were a manual process.

National Land Commission's Response on the Proposed Amendments to various Regulations

A. Land (Amendment) Regulations, 2020 under Section 160 of the Land Act, 2012

	Section of the existing Regulations	Section of the proposed amendment	National Land Commission's Proposal	Reference/ Justification
1	New insertions into principal Regulation 2 on "interpretations" introducing new terms for electronic transaction systems.	2.The Land Regulations, 2017, hereinafter referred to as the "principal Regulations" is amended in Regulation 2 by inserting the following new definition in their proper alphabetical sequence— (a) "electronic" has the same meaning assigned under the Kenya Information and Communication Act; (b) "electronic form" has the same meaning assigned under the Kenya Information and Communication Act;	The interpretations are okay. However, all new regulation provisions should indicate "Cabinet Secretary in collaboration with the Commission" to be in compliance with section 6 (h) of Art, e.g. "The Ministry, Commission and, any other public agency may, through the system and under these regulations— (a) Circulate, forward, send, execute and process documents (b) Communicate or notify (c) Do any act as may be required. etc.	Section 6(h) of the Land Act provides for collaboration between the CS and the Commission in the development and implementation of NLIS. Director Land Administration is not an office recognized by any statute.

		(c) "register" includes electronic form; and (d) 'system" means the National Land Information System developed under Section 6(h) of the Land Act. (e) "Electronic Appeals Committee" means an appeals committee appointed by the Cabinet secretary under regulation 21E. (f) "user" means a person who has created an online electronic account for access or submission of information by electronic means in the system, and may include a property owner or a professional. (3) The Cabinet Secretary through the Director Land Administration; the County Government; Director General Physical and Land Use Planning; Director Land Valuation; Director of Survey; and, any other public agency may through the system		

		including in electronic form.		
5	NEW	6(5) Notification under paragraph (2) and written feedback under paragraph (4) may be made through the system in electronic form	The proposed amendment is Ok.	Provides for electronic transactions
6	8.(1) The Commission shall require the public institutions vested with the control, care and management of public to submit an inventory in electronic form of all land under their control and actual occupation. (7) Submission of the inventory under sub-regulation (1) and notifications under sub-regulations (4) and (5) may be issued through the system in electronic form.	Regulation 8 of the principal Regulations is amended— (a) in sub- Regulation (1) by inserting the word "in electronic form" appearing after the word "inventory; (b)by inserting the following new sub-Regulation immediately after sub-Regulation (6)___ (7). Any submission under these Regulation to the inventory and the issuing of notices under sub-regulation (4) and (5) may be made in electronic form.	The proposed amendment is Ok.	Provides for electronic transactions
7	9.(1) Applications for temporary occupation licence shall be submitted	9.(1) Applications for temporary occupation licence shall be submitted to the national or relevant	The proposed amendment is Ok.	Provides for electronic transactions

		and under these regulations— (a) Circulate, forward, send, execute and process documents (b) Communicate or notify (c) Do any act as may be required		
2	3. The Commission shall keep and maintain a data base of all public land.	3. The Commission shall keep and maintain a data base of all public land including in electronically form.	The proposed amendment is okay. However, we propose to amend this regulation as follows: The Commission shall create, maintain and update a database of all public land including in electronic form.	
3	4.(1) Pursuant to section 15(3) the Act, Commission shall keep and maintain an inventory of land based natural resources.	4.(1) Pursuant to section 15(3) the Act, Commission shall keep and maintain an inventory of land based natural resources including in electronic form.	The proposed amendment is okay. However, we propose to amend this regulation as follows: Pursuant to section 15(3) the Act, Commission shall create, maintain and update an inventory of land based natural resources including in an electronic form.	Land Act 15(3) which states that 'Upon coming into force of this Act, the Commission shall undertake an inventory of all land based natural resources'.
4	4(2) The inventory shall be available for inspection by members of public.	4(2) The inventory shall be available for inspection by members of public	The proposed amendment is Ok.	Provides for electronic transactions

	to the national or relevant county government	county government in electronic form.		
8	9.(2) Upon receipt of the application, the national or relevant county government shall process the application and forward their recommendation to the Commission for grant of licence to the successful applicant in Form LA 19 set out in the Third Schedule.	9.(2) Upon receipt of the application, the national or relevant county government shall process the application whereupon the county government shall forward its recommendation to the cabinet secretary for grant of licence to the successful applicant in Form LA 19 set out in the Third Schedule.	-Retain the original regulation but add "in electronic form" after the word "Third Schedule".	The Cabinet Secretary has no powers to allocate land -Article 62 (1) (m) list alienated land as public land managed by the Commission. -Article 62 (2), -Section 20 of the Land Act provides that: (1) The Commission may grant a person a licence to use alienated public land for a period not exceeding five years subject to planning principles as it may prescribe. (2) The Commission may serve a notice to quit upon the licensee at any time after the expiration of nine months from the date of the license. (3) The fee payable under a license under this section, the period and the agreements and conditions of the licence, shall be prescribed by the Commission. (4) The licensee may, with the consent of the Commission, transfer the benefit of a licence under this

				section, and the transfer and the consent thereto shall be endorsed on the licence.
9	9(3) The applications for consent to transfer temporary licences shall be made to the Commission in Form LA 20 set out in the Third Schedule.	9 (3) The applications for consent to transfer temporary licences shall be made to the Cabinet Secretary in Form LA 20 set out in the Third Schedule.	-Retain the original regulation.	Article 67(2)(a) Land Act 20. (4) The licensee may, with the consent of the Commission, transfer the benefit of a licence under this section, and the transfer and the consent thereto shall be endorsed on the licence.
10	9(4)The fees payable under any licence shall be paid to the Commission which shall remit such funds into the Consolidated Fund account in the case where the national government is the licensor; and, to the County Revenue Fund account where the county government is the licensor.	9(4) The fees payable under any licence shall be paid to the Cabinet Secretary where the national government is the licensor; and, to the County Revenue Fund account where the county government is the licensor.	9(4) The fees payable under any licence shall be paid to the national government where the national government is the licensor; and, to the County Revenue Fund account where the county government is the licensor.	Land Act 20. (3), The fee payable under a licence under this section, the period and the agreements and conditions of the licence, shall be prescribed by the Commission.
11	NEW	9(5) Applications under sub-regulations (1) and (3), processing and forwarding under sub-regulation (2) and payment of fees under sub-regulation (4) may be made through the system in electronic form	The proposed amendment is Ok.	Provides for electronic transactions

12	NEW	10(3) the notice under sub-regulation (1) may be made in through the system in electronic form."	The proposed amendment is Ok.	Provides for electronic transactions
13	11 (l) The Commission shall issue land rent demand notes to the lessees in accordance with the terms of a lease. (2) Land rent shall be paid into a bank account designated by the Commission. (3) Where the national government is the head lessor, the Commission shall remit such funds into the Consolidated Fund account and where the county government is the head lessor, the Commission shall remit such funds into the respective County Revenue Fund account by the fifth day the following month.	11(1) The Cabinet Secretary shall issue land rent demand notes to the lessees in accordance with the terms of a lease. (2) Land rent shall be payable to the cabinet secretary where the head lessor is the national government and into the County Revenue Fund account where the county is the head lessor.	Section 11(1) should be retained as it is. Section 11(2) is amended as follows: (2) Land rent shall be payable to the national government where the head lessor is the national government and into the County Revenue Fund account where the county is the head lessor.	Article 67 (2) (g) The Commission to assess tax on land and premiums on immovable property in any area designated by law; Land Act (28). Rents and other payments (1) The rent, royalties and payments reserved under any lease or licence shall be a debt owed to the national or county government, as the case may be, and shall be paid by the lessee or licensee at the office of the respective government or at such place as such government may prescribe. (2) The annual rent reserved under any lease or licence shall be payable in advance on the first day of January in each year of the term. (3) The records of the payments made under subsection (2) shall be

				submitted to the Commission by the respective government.
14	13.(1) An application for consent to transfer, sublease or charge land shall be submitted to the Commission in Form LA 26 set out in the Third Schedule.	13.(1) An application for consent to transfer, sublease or charge land shall be submitted to the cabinet secretary in Form LA 26 set out in the Third Schedule.	-Maintain the original regulation.	-amendment should not be done since authority to manage public land is bestowed in the Commission. -The Cabinet Secretary should not receive applications on behalf of the County Governments who are also lessors
15	13(2) An application under (1) above shall be accompanied by a rent clearance certificate issued under regulation 12.	Deleted	The proposed amendment is Ok.	The Business Laws (Amendment) Act, 2020
16	13(3) The Commission shall conduct a site inspection to confirm any matter in relation to the land. 13 (4) The Commission shall— (a) give the consent in Form LA 27 set out in the Third Schedule;or	13 (3) The cabinet secretary shall conduct a site inspection to confirm any matter in relation to the land. 13 (4) The cabinet secretary shall— (a) give the consent in Form LA 27 set out in the Third Schedule; or	-Retain the original regulation. -The lessors (the respective government) are free to conduct site inspection in respect to their mandate through an additional sub-regulation.	Section 87of the Land Act: If a charge contains a condition, express or implied that chargee prohibits the chargor from, transferring, assigning, leasing, or in the case of a lease, subleasing the land, without the consent of the chargee, no transfer, assignment, lease or sublease shall be registered until the written consent of the chargee has been

				produced to the Registrar.
17	NEW	13(7) processes under sub-regulations (1), (4), (5) and (6) may be made through the system in electronic form	The proposed amendment is okay. However, it should be clear in the regulations how the Commission and the Ministry will be integrating	
18	**14.**(1) The Commission shall within five years from the commencement of these regulations undertake the conversions of all freehold titles and leases held by non-citizens that exceed ninety nine years.	**14.**(1) The cabinet secretary shall within five years from the commencement of these regulations undertake the conversions of all freehold titles and leases held by non-citizens that exceed ninety nine years.	-Retain the original regulation. By virtue of the constitution (Article 65) all leases beyond 99 years become null and void and land reverted to the government as public land. -The government can only lease it again through the Commission as the manager. -Since the government is converting freehold to non-citizens into leaseholds then it is justified by the Commission.	-Article 65 on land holding by non-citizens, Land Act, sec. 9 (commission to maintain a register on converted public land & conversion criteria for freehold land).
19	(2) The Commission shall require the Chief Land Registrar to cause an entry to be made on all registers of land owned by non-citizens whose term was reduced to ninety-nine years with effect from 27th August	14.(2) The cabinet secretary shall require the Chief Land Registrar to cause an entry to be made on all registers of land owned by non-citizens whose term was reduced to ninety-nine years with effect from 27th August	-Retain the original regulation.	By virtue of the constitution (Article 65) all leases beyond 99 years become null and void and land reverted to the government as public land. -The government can only lease it again through the Commission as the manager. -Since the government is converting freehold to non-citizens into leaseholds then it

	2010.	2010.		
20	(3) The Commission shall, in Form LA 28 set out in the Third Schedule or through a notice published in the Gazette and in at least two newspapers with nationwide circulation, notify non-citizens who possess freehold titles or leasehold titles that exceed ninetynine years—	14.(3) The cabinet secretary shall, in Form LA 28 set out in the Third Schedule or through a notice published in the Gazette and in at least two newspapers with nationwide circulation, notify non-citizens who possess freehold titles or leasehold titles that exceed ninetynine years—	-Retain the original regulation.	is justified by the Commission. By virtue of the constitution (Article 65) all leases beyond 99 years become null and void and land reverted to the government as public land. -The government can only lease it again through the Commission as the manager. -Since the government is converting freehold to non-citizens into leaseholds then it is justified by the Commission.
21	NEW	14.(4) processes under sub-regulation (1) and (3) may be made through the system in electronic form.	The proposed amendment is Ok.	
22	15.(1) The Commission shall cause the land to be re-surveyed, geo referenced and cadastral map and plan produced by the authority responsible for survey.	15.(1) The cabinet secretary shall cause the land to be re-surveyed, geo referenced and cadastral map and plan produced by the authority responsible for survey.	-Retain the original regulation.	By virtue of the constitution (Article 65) all leases beyond 99 years become null and void and land reverted to the government as public land. -The government can only lease it again through the Commission as the manager. -Since the government is converting freehold to non-citizens into leaseholds then it

				is justified by the Commission.
23	**15.**(3) Upon receipt of the original title document and cadastral map and plan from the authority responsible for survey, the Commission shall prepare a lease for a term of ninety-nine years in the name of the registered proprietor.	**15.**(3) Upon receipt of the original title document and cadastral map and plan from the authority responsible for survey, the cabinet secretary shall prepare a lease for a term of ninety-nine years in the name of the registered proprietor.	-Retain the original regulation.	By virtue of the constitution (Article 65) all leases beyond 99 years become null and void and land reverted to the government as public land. -The government can only lease it again through the Commission as the manager. -Since the government is converting freehold to non-citizens into leaseholds then it is justified by the Commission.
24	15(4) The Commission shall forward the original title document, the lease and the cadastral map and plan to the Chief Land Registrar for registration.	15(4) The cabinet secretary shall forward the original title document, the lease and the cadastral map and plan to the Chief Land Registrar for registration.	- Retain the original regulation.	By virtue of the constitution (Article 65) all leases beyond 99 years become null and void and land reverted to the government as public land. -The government can only lease it again through the Commission as the manager. -Since the government is converting freehold to non-citizens into leaseholds then it is justified by the Commission.
25	NEW	(d)(e) processes under sub-regulations (1), (2), (3) and (4) may be made through the system in electronic form	The proposed amendment okay Numbering should be corrected	Provides for electronic transactions

26	NEW	Regulation 16 of the principal Regulations is amended by inserting the following new sub-Regulation immediately after sub-Regulation (7). (i) inserting the following new sub-Regulation (1A) immediately after sub-regulation (1) as follows; (1A.) An application under sub-regulation (1) shall be submitted, processed and approved **in electronic form.** (ii) inserting the following new sub-Regulation (3A) immediately after sub-regulation (3) as follows; 3A.An application under sub-regulation (2) and (3) to seek representations and approval may be made in electronic form. (iii) inserting the following new sub-Regulation (4A)	The proposed amendment is okay	Provides for electronic transactions

		immediately after sub-regulation (4) as follows; 4A.Any notification made to an applicant as provided for under sub-Regulation (4) may be made in electronic form.		
27	17.(1) Application for subdivision, amalgamation, partition and reparcellation of leasehold land shall be submitted to the county government. (2) The county government shall before granting approval for subdivision, amalgamation, partition and reparcellation seek representations from the following— (a) the officer representing the national Director of Surveys at the county; (b) the officer representing the national Director of Physical Planning at the county; (c) the land administration officer of the Commission	**15.** Regulation 17 of the principal Regulations is amended by - (i) inserting the following new sub-Regulation (1A) immediately after sub-regulation (1) as follows; (1A.) An application under sub-regulation (1) shall be submitted to the county government in electronic form. (ii) Deleting the words "Commission and of" appearing after the word "the" and after the word "national" at sub-regulation 2(c) (iii) inserting the following new sub-Regulation (2A)	The Commission is mandated to manage public land under Article 67(2)(c) of the Constitution. - Retain the original regulation 17 (2) (c) as it is.	Reg. 2c, of the original regulation.

	and of national government at the county; (d) the Land Control Board, where applicable; and (e) any other relevant authority. (3) Upon receipt of the representations sought under paragraph (2), the county government may within thirty days— (a) approve the application ; or (b) refuse to approve the application. (4) Where the approval is not granted, the county government shall notify the applicant of its decision, in writing, within thirty days, stating the reasons for refusal. (5) The county government shall forward an approval granted under paragraph (3) to the Cabinet Secretary who shall—	immediately after sub-regulation (2) as follows; (2A) circulation of applications to seek representations under paragraph (2) may be made in electronic form (iv) inserting the following new sub-Regulation (4A) immediately after sub-regulation (4) as follows; (4A) notification of the decision under paragraph (4) may be done in electronic form (v) deleting the words "and forward the letters together with the cadastral map and plan to commission" appearing after the word "letters" at sub-regulation (5)(c) (vi) inserting the following new paragraph (d) immediately after sub-regulation (5) (c)as follows; (d)prepare the subsequent lease(s) and forward them to the Chief Land Registrar for registration	It is the commission as the manager of the public land to prepare lease. Reg. 6A is okay so long as the amendments in Reg. 5 and 6 above are implemented.	-Regulation 17 (5) should be amended by deleting the word CS and inserting the word Commission. Under maintain Reg. 5 (c), do not replace the Commission. Maintain original Regulation 17 (6), the Commission to prepare subsequent Leases.

		in Form LA 29 set out in the Third Schedule (vii) deleting sub-regulation (6) (viii) inserting the following new sub-Regulation (6A) immediately after sub-regulation (6) as follows; 6A.Any leases prepared under sub regulation (5) and approvals under sub-Regulation (6) shall be made in electronic form.		
28.	18.(1) Application for change or extension of user on freehold land shall be submitted to the relevant county government. (2) Upon receipt of the application, the county government shall ascertain the viability of the application and shall seek representations of the relevant authorities including— (a) the officer representing the national Director of	**16.** Regulation 18 of the principal Regulations is amended by (i) inserting the following new sub-Regulation (1A) immediately after sub-regulation (1) as follows; (1A.) An application under sub-regulation (1) shall be submitted to the county government in electronic form. (ii) inserting the following new sub-Regulation (2A)	The proposed amendment is Ok.	Provides for electronic transactions

	Surveys at the county; (b) the officer representing the national Director of Physical Planning at the county; (c) the land administration officer of the national government at the county; (d) the Land Control Board, where applicable; and (e) any other relevant authority. (3) Upon receipt of the representations sought under paragraph (2), the county government may within thirty days— (a) approve the application ; or (b) refuse to approve the application. (4) Where the development permission from the county government is not granted, the county government shall notify the applicant of its decision, in writing, within thirty	immediately after sub-regulation (2) as follows; 2A. An application under sub-regulation (2) to seek representations may be made in electronic form. (iii) Inserting the following new sub-Regulation (7) immediately after sub-Regulation (6). (7) The processing of applications under sub-Regulation (4) (5) and (6) for purposes of change or extension of user on freehold land may be made electronically.		

	days, and shall specify the grounds for refusal. (5) Where the development permission is granted, the county government shall forward to the Cabinet Secretary for processing. (6) The Cabinet Secretary shall cause an endorsement to be prepared in Form LA 30 set out in the Third Schedule which shall be forwarded to the Chief Land Registrar for noting in the register and the original certificate of title.			
29.	19.(1) Application for change or extension of user on leasehold land shall be submitted to the to the relevant county government. (2) Upon receipt of the application, the county Government shall ascertain the viability of the application	Regulation 19 of the principal Regulations is amended by— (i) inserting the following new sub-Regulation (1A) immediately after sub-regulation (1) as follows; (1A.) An application under sub-regulation (1) shall be submitted to the	Retain Regulation 19 (2) (c), as it is	As abobe

	and may seek representations from the relevant authorities including— (a) the officer representing the national Director of Surveys at the county; (b) the officer representing the national Director of Physical Planning at the county; (c) the land administration officer of the Commission and of national government at the county; (d) the Land Control Board, where applicable; and (e) any other relevant authority. (3) Upon receipt of the representations sought under paragraph (2), the county government may within thirty days— (a) approve the application; or (b) refuse to approve the application.	county government in electronic form. (ii) Deleting the words "Commission and of" appearing after the word "the" and after the word "national" at sub-regulation 2(c) (iii) inserting the following new sub-Regulation (2A) immediately after sub-regulation (2) as follows; (2A) circulation of applications to seek representations under paragraph (2) may be made in electronic form. (iv) inserting the following new sub-Regulation (4A) immediately after sub-regulation (4) as follows; 4A. Any notification to an applicant as provided for under sub-Regulation (4) may be made in electronic form. (v) Inserting the following new paragraph		-Regulation 19 (5) should be amended by deleting the word CS and inserting the word Commission. Maintain sub-Reg. 6 & 7 on forwarding the approvals and

	(4) Where the development permission from the County Government is not granted, the County Government shall notify the applicant of its decision, in writing in writing, within thirty days stating the reasons for refusal. (5) The county government shall forward the approval to the to the Cabinet Secretary who shall—	(5)(c) immediately after paragraph (5(b)) as follows (5)(c) prepare lease and forward it to the Chief Land Registrar for registration in Form LA 29 set out in the Third Schedule. (vi) deleting sub-Regulation (6) and (7) (vii) inserting the following new sub-regulation (7A) after sub-regulation (7) as follows (7A) Forwarding of approval to the cabinet secretary under paragraph (5) may be made in electronic form.		preparation of the news leases. Delete Cabinet Secretary and insert Commission
30.	20.(1) Application for building plans on leasehold land shall be submitted to the relevant county government. (2) Where the county government has approved building	**20** (2) Where the county government has approved building plans or any other development on leasehold land, it shall communicate the said approval to the Cabinet Secretary for purposes of noting that the conditions of the lease have been met.	-Retain the original regulation.	Article 67(2)(a) provides that the Commission shall manage public land on behalf of the national and county governments;

	plans or any other development on leasehold land, it shall communicate the said approval to the Cabinet Secretary and the Commission for purposes of noting that the conditions of the lease have been met.			

B. Survey (Electronic Cadastre Transactions) Registration, 2020 under Section 45 of the Survey Act, CAP 299

Regulation No.	Proposed Regulation	Commission Proposal	Justification of Position
2	Definition "Authorized User" – Any one authorized to carry out survey and submit under the principal Act	Should be expanded to include surveyors of the Commission	Commission Consumes survey products and should be allowed to access survey data
		Require an express provision describing the manner and form of access that the Commission & County Governments will access to the System through	Commission & County Government are partners with the Ministry not just a stakeholder and has functions that support the Ministry
18	On sealing the cadastral map the Director shares with Director Land Administration and the Commission	Include County Governments in the notification – devolved function The maps are used in the execution of other mandates other than the ones provide. Don't prescribe the purpose of the maps	Survey has some components that were declared devolved under the Constitution.
19	Submission of data to Chief Land Registrar	Add a new part (Part X) to define the manner and form through which the Director will share cadastral maps on public land created by surveys	The LRA Section 17 requires the Director to share cadastral maps on public land to the NL
SR6	(ii) date of calibration of chain	Should be removed	The chain is no longer used. It should be reworked to cater for new survey techniques and instrumentation

Second Schedule	The NLC has been pointed out as a partner but has not been granted commensurate roles in the system	Have the CS and Chairman have shared overall roles of administering the system	The system is collaboratively built by the Ministry and NLC and should reflect this across the entire terms and conditions of use

C. Physical and land use Planning (Electronic Development Control and Enforcement system) Regulations, 2020

Existing Regulations	Proposed Electronic Regulations	Commission Proposal	Justification of Position
No regulations have been made for this law. Reference is made to the principal law	Sec 2 Interpretation i. "licenced professional" means a Physical Planner, Architect, Engineer, Landscape Architect or Urban Designer; **ii.** "relevant Professional Registration Board" has the meaning assigned to Physical Planners Registration Act, Architects and Quantity Surveyors Act and Engineers Registration Act;	We propose Physical/land use planner The board that registers physical/land use planners	The new law has widened the scope from what was in the original Physical planning act to embrace **Physical and land use planning** The Physical Planners registration board is a board instituted under the repealed Physical Planning act. the regulations should adhere to the new law with anticipation that the process of repealing the Registration act should commence soon.
""	Sec. 4(1 (1) The Director-General shall maintain in the system, an electronic database for the – (i) approved physical and land use plans in accordance to provisions of the First and Second Schedules of the Act; (ii) development control instruments including handbooks, codes, zoning ordinances, policy statements, guidelines, circulars and manuals;	**This module should have a segment for NLC** The NLC will maintain in the system monitoring frameworks and oversight parameters as provided for in section 9(c) of the principal act	1.Section 9 of the principal act reinforces the monitoring and oversight role of the commission. 2.section 33 of the principal act requires approved physical and land use plans to be submitted to Director general and NLC 3. section 35 of the principal act provides that progress reports on implementation of various categories of plans shall be submitted to NLC and the Cabinet secretary. Development control is an element of plan implementation 1. The commission has a crucial role in monitoring all aspects in the planning

	4(2) "authorised user" means a person who has created an online electronic account for access or submission of information for purposes of physical and land use planning;	The system should grant NLC access and user rights	and implementation process under (section 9) of the principal act. Without access to this database the commission cannot effectively undertake its responsibility in section9(b) of the principal act
	Section 12 (2) electronic appeals committee Provides for one member of the committee from the commission	Include three (3)representatives from the commission instead of one (1)	i. The Commission has a constitutional responsibility to monitor and have oversight over land use planning **throughout** the country it is not confined to public land in land use planning. ii. if the commission has only one member in the committee, yet it should provide a member to serve in the secretariat, then this will not be sufficient representation.
	Sec.14(3) (3) All applications for development permission shall be accompanied by supporting documents including – (i) Title Deed, Certificate of Lease or any legal ownership documents and a current search; (ii) Written consent in accordance to section 58(4) of the Act; (iii) Geo-referenced Cadastral map, sectional plans or other filed plans; (iv) Scheme plans/building plans in accordance to submission	-The regulations could provide for ESIA certificate as one of the documents to be submitted. This should be done in advance to reduce unnecessary red tape - consent from land control board be one of the attachments for applications requiring the.	**Third schedule of the principal act** 4.Planning authorities shall require applications for major developments to be subjected to environmental and social impact assessment. 3. If any development application requires subdivision or change of user of any agricultural land, the county government shall require the applicant to obtain consent from the relevant Board

	guidelines, approved standards and specifications. (v) Public Notification (where applicable) in accordance to section 58(7)(8); (vi) Planning Brief (where applicable)		This has been causing unnecessary delays in the development permission process
	Sec 18 ii) appoint members of the committee who shall include – a. Chief Officer in charge of Physical and Land Use Planning or a designated representative who shall be the chairperson; b. City or municipal director of physical and land use planning or designated representative;	-Include County Director of agriculture as well as those listed in **section 60** of the principal act -Include NLC representative at the county level	Development applications include subdivision and change of user of agriculture land. Regulation 16(2)(c) of regulations to the land act 2017
	Sec 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;	1.Provide a segment for NLC to be in the technical committee that reviews applications prescribed as projects of strategic national importance. **(this may require that the regulations for the principal act details this)** 2. the decision to approve or disapprove to be communicated by the CS and NLC to receive this decision	-The attorney general in the advisory advised that NLC should be involved throughout the process to avoid raising issues when a matter has been concluded. -The NLC is required to prepare status reports on implementation of plans and development control sec. 9(b The Commission will need this information to update its inventory of public land

	Sec.20(1) A consultant who receives approval decision with conformance conditions shall – (i) Appoint qualified and authorised user as sub-consultant and share the conformance conditions to be fulfilled; (ii) Instruct the sub-consultant to prepare secondary applications for the purpose of –	This section needs to be clear on who appoints the sub consultants. Can the registered owner also receive a copy of the approval so that they can recruit an appropriate consultant for the next stage of implementation	There is need to safeguard developers from unscrupulous consultants who may hold them at ransom.
	Sec. 22 issuance of development permission	The regulations should clarify to whom the decision will be communicated to. We propose that this decision be communicated to the applicant (consultant) with a copy to the registered owner or developer. As well, Copy of development permission granted should be communicated to NLC	This safeguards the developer or registered owner from consultants who may become uncooperative along the way. The NLC is required to prepare status reports on implementation of plans and development control sec. 9(b)
	Sec.24(2) The registered owner of a property carrying out the development shall not proceed with the development unless issued with a copy of the inspection report and interim certificate authorizing progress.	Commit the inspecting officer to file their inspection report within 24 hours (strict timelines)	This will safeguard the developer from undue delays

Sec. 66 of the principal act. A licensing authority shall not grant a license for the commercial or industrial use or occupation of any building, or in respect of any premises or land, for which development permission has not been granted by the relevant county executive committee member	This is not addressed in the regulations	Can the system have an interface with licensing authorities for quick confirmation	This will further the government agenda of enhancing the ease of doing business

Third schedule
Terms and conditions of use
3(v) The Cabinet Secretary reserves the right to suspend the system in whole or in part in the circumstances where a significant breach of security has occurred or that a security system has failed that compromises or that could compromise the integrity or security of the system's databases or service until such security breach or failure has been rectified.

For checks and balances, there should be consultation with the Commission, since the regulations have been developed consultatively as in item 1(i) of this schedule

8 (ii)The Ministry reserves the right to change and adjust these terms and conditions without any further reasons as long as it is necessary due to legal adjustments or technical progress

it may be useful that the Commission also participates in the decision to change or adjust the conditions

D. Land Registration (Electronic Transactions) Regulations, 2020 under section 110 of Land Registration Act, 2012

Existing Regulations	Proposed Electronic Regulations	Commission Proposal	Justification of Position
These are new regulations	**Sec 2 - Interpretation** **"user"** means a person capable of accessing services under these regulations by electronic means and through the system, and may include a property owner or a professional on the instructions of a property owner. **"authorized staff"** means an officer assigned administrative rights by the administrator (in this case the chief registrar) to undertake specific functions aimed at receiving, processing and approving applications and transactions; **"authorized user"** means a person who has been granted permission to access, query on any information or submit any documents in relation to any transaction under these Regulations;	The National Land Commission and the County Governments should be an authorized user and administrator as defined in the regulations	This is because of Article 67(2)(a) mandates the Commission to manage public land on behalf of the national and county governments and (c) to advise the national government on a comprehensive programme for the registration of title in land throughout Kenya.

	Section 13 – Appeals against the decision to terminate a user's access (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. (2) The membership of the Electronic Appeals Standing Committee shall comprise of: 1 (a) Three representatives from the Ministry; (b) One representative from National Land Commission; (c) One representative from Council of Governors.	The National Land Commission and the County Governments membership in the Electronic Appeals Standing Committee should be the same as the Ministry of Lands (3 members each).	There are 47 County Governments and there is need to ensure equitable representation to ensure the functions of the Counties are adequately taken into account.
No regulations have been made for this law. Reference is made to the principal law	**Section 17 - Payment of Stamp duty** The authorised user shall pay stamp duty through KRA's payment platform.	The Commission should assess the stamp duty as provided in Article 67(2)(g) of the Constitution and then it shall be collected by KRA. Stamp Duty Act should be amended to align it with the Constitution.	Article 67(2)(g) mandate the Commission to assess tax on land and premiums on immovable property in any area designated by law.
	Section 21 - Lodging of Physical Documents Proposed regulation: An	There is need to provide for verification of the documents to be lodged	This is to avoid abuse of the system.

	Authorized user shall when required manually present documents that cannot be lodged electronically which the Registrar requires the production of the original.	physically to prevent abuse of the system.	
	Regulation 27 – Manual transactions Proposed regulation: Where a transaction cannot be carried out using the electronic registration system, the person seeking to carry out the transaction shall carry out the transaction through such other means as the Chief Land Registrar may determine.	There is need to provide for checks to prevent abuse of the system.	This is to avoid abuse of the system.

REPUBLIC OF KENYA

MINISTRY OF LANDS AND PHYSICAL PLANNING
Office of the Cabinet Secretary

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Ref. No. MOLPP/ADM/CSO/1/354 **June 4, 2020**

Mr. Gershom Otachi Bw'omanwa
The Chairman
National Land Commission
P.O. Box 44417 – 00100
NAIROBI

Dear Chairman

RE: NATIONAL LAND INFORMATION MANAGEMENT SYSTEM (NLIMS)

The above subject matter and your letter Ref: NLC/CHAIR 06-20/01 of June 3, 2020 requesting a meeting to interact with the system refer.

We welcome these engagements aimed at a collaborative approach to development of the NLIMS. However, we regret that the proposed date is too soon to marshal materials for the meeting.

We therefore propose that the meeting be rescheduled to Tuesday June 9, 2020 at the 8th Floor Boardroom, Ardhi House at 10 am.

Meanwhile, please nominate two (2) officers to participate in data cleaning as agreed in our meeting of Wednesday June 3, 2020.

Lastly, I wish to confirm my availability for consultations on the proposed regulations to operationalise NLIMS on Monday June 8, 2020 at 8am in the same venue as above.

Your positive response will be highly appreciated.

Yours Sincerely

Farida Karoney, EGH
CABINET SECRETARY

MINISTRY OF LANDS & PHYSICAL PLANNING
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Ref: NLC/CHAIR 06-20/01

3rd June, 2020

Farida Karoney, EGH
Cabinet Secretary
Ministry of Lands and Physical Planning
P.O. Box 30450-00100
NAIROBI

Dear C.S. Farida Karoney,

NATIONAL LAND INFORMATION MANAGEMENT SYSTEM (NLIMS)

I refer to your letter Ref: MOLPP/ADM/CSO/1/349 dated 2nd June, 2020 on NLIMS and the demonstration of the system to the Chairman and Commissioners earlier today (3rd June, 2020).

As provided under section 6(h) of the Land Act, No.6 2012 the development and implementation of NLIMS should be coordinated by the Cabinet Secretary Ministry of Lands and Physical Planning in collaboration with the National Land Commission.

As proposed in the meeting, the Commission will need a whole day interaction with the system to fully appreciate it and pave way for meaningful collaboration in its development. We suggest Friday 5th June, 2020 for this interaction. To enable us fully interact and appreciate the system, we will require a copy of all the workflows.

Yours Sincerely,

Gershom Otachi Bw'Omanwa
CHAIRMAN

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Ref. No. MOLPP/ADM/CSO/1/349

June 2, 2020

Mr. Gershom Otachi Bw'omanwa
Chairman, National Land Commission
P.O. Box 44417 – 00100
NAIROBI

Dear Chairman,

RE: NATIONAL LAND INFORMATION MANAGEMENT SYSTEM (NLIMS)

As you are aware, the Government is in the process of developing a National Land Information Management System (NLIMS). NLIMS is envisioned to ensure efficient and sustainable management of land and land-based resources. The NLIMS will also restore public confidence in how the Government manages this important resource.

The development of the system is being undertaken by a multi-agency team launched in 2018.

This is therefore to invite you to a meeting on **Wednesday June 3, 2020 at 10 am.** The meeting will take place at the **8th floor boardroom, Ardhi House.**

The agenda of the meeting is the receipt of updates on the NLIMS software development.

Your positive response will be highly appreciated.

Yours Sincerely

Farida Karoney, EGH
CABINET SECRETARY

REPUBLIC OF KENYA

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Ref. No. MOLPP/ADM/SCO/1/339

May 21, 2020

Mr. Gershom Otachi Bw'omanwa
The Chairperson
National Land Commission
P.O. Box 44417 – 00100
NAIROBI

Dear Chairman,

RE: FORMULATION OF REGULATIONS TO FACILITATE ELECTRONIC LAND TRANSACTIONS IN LINE WITH EXISTING LAND LAWS

Reference is made to the above subject and your letter Ref: NLC/CHAIR 05-20/09 dated Monday May 18, 2020.

The Government is in the process of developing a National Land Information Management System (NLIMS) whose overall objective is to fully automate/ digitise land transactions/processes that will put in place end to end processes to integrate several workflows linking Physical Planning, Survey, Land Administration, Valuation , Registration and other key stakeholders including the National Land Commission relevant to processes of land administration and management in Kenya.

The Ministry has noted the four broad issues addressed in your letter under reference regarding:

a) The powers of the Cabinet Secretary to make regulations under Section 110 of the Land Registration Act, 2012

b) Your support of the Proposed Land Registration (Electronic Transactions) Regulations, 2020 and further proposals by the Commission in paragraph eight(8)

c) Concerns raised on the proposed Regulations made under the Land Act, 2012 on extension and renewal of leases, and allocation of public land in line with related Constitutional provisions and the attendant legislation in paragraph nine (9) and ten (10)

d) Comments raised on electronic Regulations made under the Physical and Land Use Planning Act, 2019, Survey Act (Cap 299) and the Land (Amendment) Regulations, 2020 under the Land Act, 2012 in paragraphs thirteen (13), 14, 15 and 16

e) Comments raised with regards to proposed Regulations under the Stamp Duty Act and consultation with the National Treasury in paragraph 17

f) Comments raised with regards to amendments to existing legislations to include related matters in electronic format in paragraph 19, 20 and 21

From the foregoing, the Ministry proposes a virtual (zoom) meeting with the Taskforce that developed the proposed regulations on Friday May 22, 2020 at 10.00 am to discuss the concerns raised and map a way forward, whilst taking congnisance of the timelines that have been given to the Ministry by the Government.

Thank you for your continued support and cooperation.

Yours Sincerely

Farida Karoney, EGH
CABINET SECRETARY

Copy to: Chief Administrative Secretary

Principal Secretary

MINISTRY OF LANDS & PHYSICAL PLANNING
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Our Land, Our Wealth, Our Heritage

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Ref: NLC/CHAIR 05-20/09

18th May, 2020

Faridah Karoney, EGH
Cabinet Secretary
Ministry of Lands and Physical Planning
P.O. Box 30450-00100
NAIROBI

Dear CS Farida Karoney,

RE: TASKFORCE ON FORMULATION OF RELATED REGULATIONS TO FACILITATE ELECTRONIC REGISTRATION AND OTHER LAND TRANSACTIONS IN LINE WITH EXISTING LAWS

I refer to previous correspondence on this matter Ref. No. MOLPP/ADM/CSO/1/328 dated 12th May, 2020.

The Commission has now carried out a preliminary review of the proposed Land Transactions (Electronic) Regulations, 2020 and other proposed regulations.

Having read and reviewed the said Regulations, the Commission has identified a number of issues and has categorized the proposed regulations into four broad clusters for purposes of commentary, as informed by the Constitution of Kenya and other existing legislation.

The first category relates to the Land Registration (Electronic Transactions) Regulations, 2020.

Section 110 of the Land Registration Act, 2012 mandates the Cabinet Secretary to make regulations, rules or prescribe on any matters required under the Act, and expressly requires the Cabinet Secretary to take into account the advice of the Commission after which the regulations or rules shall be tabled before Parliament for approval.

The Commission is aware of the convoluted history of the attempts to ensure concurrence around these regulations. We note that Parliament rejected the draft presented at the conclusion of the work of the first task force you had set up. We further note that, significantly, one of the reasons for the said rejection was "consultation with the National Land Commission was not adequately demonstrated", this, despite the fact of inclusion of certain members of staff of NLC in the task force. Whereas some two members of staff were incorporated in your second task force though without prior request and concurrence by the Commission regarding the process or the choice the Commission, nevertheless, without prejudice to its right to raise this issue in other fora if absolutely necessary, prefers not to focus on this procedural defect at this stage. The objective is to ensure the key regulations under Section 110 are not unnecessarily delayed any further.

We note that the mandate of the task force set up this year is the same as that set up in 2018, to wit; formulate regulations to facilitate Electronic land transactions, registration, conveyancing and other related activities. Whereas the Commission has not seen its report and recommendations, to the extent that the second task force has formulated regulations under Section 110 of the Act, it can be presumed, in our view, to have acted under its broad mandate. To that end, the Commission reiterates that the two staff members who were picked by yourself to the task force could not and did not understand its mandate to extend any further.

The Commission therefore wishes to categorically state that it supports the process to come up with the Land Registration (Electronic Transactions) Regulations, 2020 to facilitate electronic land transactions that will enhance ease of doing business and will, therefore, make its specific proposals to improve them and ensure they are aligned to the relevant statutes and the Constitution.

The second category relates to the (Extension and Renewal of Leases) (Amendment) Rules, 2020 and The Land (Allocation of Public Land) (Amendments) Regulations, 2020. The Commission notes that Article 67 (2) (a) of the Constitution of Kenya gives the Commission the mandate to manage public land on behalf of the National and County Governments. Section 12 (11) of the Land Act gives the Commission powers to make regulations prescribing the criteria for allocation of public land and any other connected matters. For this reason, the formulation or any amendment to Land (allocation of public land) Regulation 2017 ought to be initiated by the Commission.

On extension and renewal of Leases, Section 13 of the Land Act provides guidelines for the Renewal and Extension of leases on land. Specifically, Section 13 (2) Land Act gives the Commission powers to make rules for the better carrying out of the provisions of this section.

The task force has not only exceeded its mandate in proposing the various amendments but has proposed amendments that go into the core of the respective mandates of the Commission and the Cabinet secretary, content that relates to substantive law rather than addressing matters relating to registration.

For these reasons, the formulation or any amendment to the laws in this category, if any, shall be initiated by the Commission.

The third category pertains to the Physical and Land Use Planning (Electronic Development Control and Enforcement System) Regulations, 2020; the Survey (Electronic Cadastre Transactions) Regulations, 2020 and Land (Amendment) Regulations, 2020.

The Commission observes that whereas the mandate to formulate regulations under the various statutes is vested in the Cabinet Secretary, the Commission did not understand the task force's mandate as extending to formulating substantive regulations under the said Statutes.

With respect to these regulations, the Commission in light of Section 90 of the Physical and Land Use Planning Act, 2019; Section 45 of the Survey Act and Section 160 (1) recommends that:

i. The Survey Act (CAP 299) should be reviewed in order to align with the constitution and distribute functions among the different actors and to take into consideration the current technological advancements.
ii. The principal regulations to operationalize the Physical and Land Use Planning Act be developed and completed in a participatory manner to provide an anchor for the electronic transactions.
iii. The proposed amendments to the Land Regulations, 2017 be based on the provisions of the Land Act 2012 as amended in 2016, 2018 and 2019. Further, in case of conflicts on the provisions of the Act, the Act should be reviewed and amended before the amendment of the Regulations.

With regard to this category, the Commission advises that the processes relating to formulation of the regulations be started independently.

The fourth category relates to Regulations to be formulated by other actors outside the sector, such as the Stamp Duty (Amendment) Regulations, 2020. The Commission recommends that these may be processed subject to adequate collaboration and concurrence with the respective agencies and institution such as Cabinet Secretary responsible for The National Treasury. However, it is the opinion of the Commission that the Stamp Duty Act be amended to align with the current constitutional dispensation.

The Commission notes that the taskforce was specifically appointed to recommend amendments to regulations subject to the existing laws in order to facilitate implementation of electronic land transactions. The Commission similarly notes that the Taskforce proposed substantive legislative amendments that went beyond their mandate; and the regulations as they currently stand are procedurally flawed while in some instances exceed the provisions of the parent statutes. The resultant effect of these is that the Taskforce has created legal hurdles and conflicts that may unnecessarily delay the operationalization of the National Land Information System.

It is the considered view of the Commission that it is it not entirely necessary to proceed through a laborious exercise of attempting to amend a wide range of regulations or create new ones for purposes of electronic registration, considering that there hardly any provisions in the Laws relating to land expressly providing for manual format. Besides, it might be a lot more convenient to propose, through a miscellaneous amendment bill, an omnibus provision to open up all Laws that deal with land transactions by way of a new provision to the effect that **all applications** under the various land-related statutes are to be made in Electronic or manual form, as may be prescribed by the Registrar. Such a provision would be inserted in the Land Act, Survey Act, Physical and Land Use Planning Act, Environmental Management and Coordination Act, Sectional property Act, National Land Commission Act, County Government Act, Valuation Act and Rating Act, Stamp duty Act, Land Registration Act and any relevant laws.

The Commission's view is that focus on regulations under Section 110 of the Land Registration Act, 2012 would be the prudent way to proceed.

The Commission reiterates it's support for the process and assures you that it will play its rightful role and supports participation of all stakeholders so that together we realize an efficient and effective transition towards an electronic platform for land administration and management. In this regard, we look forward to further engagement to fast-track the implementation of the electronic platform among other land reform initiatives.

Yours Sincerely,

GERSHOM OTACHI
CHAIRMAN

REPUBLIC OF KENYA

MINISTRY OF LANDS AND PHYSICAL PLANNING
Office of the Cabinet Secretary

Tel: +254(0)20 2718050
Fax: +254(0)20 2724470
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/ADM/CSO/1/328

May 12, 2020

Mr. Gershom Otachi Bw'omanwa
Chairperson
National Land Commission
P.O. Box 44417 – 00100
NAIROBI

Dear Chairman,

RE: FORMULATION OF REGULATIONS TO FACILITATE ELECTRONIC LAND TRANSACTIONS

The above subject and your letter Ref: NLC/CHAIR 05-20/08 of May 8, 2020 refer (copy attached for reference).

As you may be aware, digitalization of land management and administration is a key pillar of His Excellency the President's vision of a shared prosperity for all Kenyans. Proper management and administration of land and land-based resources will enhance opportunities for investors and land owners.

I share your commitment to develop and implement a National Land Information Management System (NLIMS) that will ensure efficient and sustainable management of land and land-based resources. The NLIMS will also restore public confidence in how their government manages this important resource.

To this end, a Taskforce drawing its membership from representatives of various organizations in the private sector, the Council of Governors, the Office of the Attorney General, the Law Reform Commission, the National Land Commission and the Ministry was constituted for a term of six weeks through a letter REF: MOLPP/ADM/LND7/1VOL.IV/(92) of March 9, 2020 to the Attorney General(copy attached) and published as Gazette Notice No. 2170 dated March 13, 2020 (Copy attached). The Taskforce was charged with developing regulations to facilitate transactions in the NLIMS.

The membership of the current Taskforce was drawn from a previous one constituted in 2018 vide Gazette Notice No. 7859 of August 3, 2018 (copy attached). By a letter REF: NLC/1/26/1 of May 31, 2018 (copy attached), the Commission nominated amongst others Mr David Kuria as its representative. Mr Kuria upon being appointed the acting Secretary/CEO, nominated Dr. Mary Macharia and Mr. Samuel Nthuni as his replacement in the Taskforce in a letter REF: NLC/1/26/1 of August 28, 2019 (copy attached). The Commission is represented by the two officers as members of the current Taskforce together with two others that form part of the Secretariat. A letter REF: MOLPP/ADM/CSO/1/298 of March 27, 2020 notifying the Secretary/CEO of the same is attached.

Your letter has also raised issues with regards to; extension and renewal of leases and proposals to put in place a mechanism to review and propose regulations in the existing laws. To this end, I draw your attention to the provisions of Section 13(1) and (2) read with the provisions of Section 23 of the Land Act, 2012 as amended through Statute Law (Miscellaneous Amendments), 2018 on the role of the Cabinet Secretary and the National Land Commission with regards to renewal and extension of leases. Please also refer to the Article 62, 63 and 64 of the Constitution and the Advisory Opinion of the Supreme Court, Reference No.2 of 2017 that has spelt out clearly the role of the undersigned and the Commission.

The term of the Taskforce has since been extended for a further six weeks vide Gazette Notice No. 3384 of May 8, 2020 (copy attached). The proposed instruments remain working documents and collaboration and feedback is vital to guarantee a successful conclusion of the assignment.

The proposal for further consultation on the subject aimed at putting in place a review mechanism that will align the proposed Statutory Instruments with existing land laws is appreciated and welcome. To this end, we extend an invitation for a consultative meeting to be held on Friday May 15, 2020 at 10.00am.

Thank you for your continued support and cooperation.

Yours Sincerely

Farida Karoney, EGH
CABINET SECRETARY

Copy to: Chief Administrative Secretary
Principal Secretary

Encl

NATIONAL LAND COMMISSION
Our Land, Our Wealth, Our Heritage

05 JUN 2018
315
CABINET SECRETARY'S OFFICE

OFFICE OF THE CEO/SECRETARY

Telegrams: "MINILANDS", Nairobi

Telephone: Nairobi 2718050

ARDHI HOUSE
NGONG ROAD
P.O. Box 44417
NAIROBI

Ref: NLC/1/26/1

Date: 31st May 2018

Farida Karoney
Cabinet Secretary
Ministry of Lands & Physical Planning
P.O. Box 30450-00100
NAIROBI

RE: NOMINATION OF REPRESENTATIVES TO AN INCLUSIVE TASKFORCE ON ELECTRONIC REGISTRATION AND CONVEYANCING SYSTEM

Further to your notice requesting for nomination of members for the Taskforce referred to above, I hereby nominate Jacinta Muthoni Gitau, Principal Land Administration Officer, Prof. David Kuria, Director NLIMS and Daniel Kithunka, Deputy Director Land Administration as representatives of the National Land Commission.

Kindly accord them the necessary support. Attached herewith, please find their Curriculum Vitae.

Yours sincerely,

CHAVANGI AZIZ TOM
SECRETARY/CEO

GAZETTE NOTICE NO.....

THE TASKFORCE ON ELECTRONIC LAND TRANSACTIONS, REGISTRATION, CONVEYANCING AND OTHER RELATED ACTIVITIES UNDER THE LAND REGISTRATION ACT, 2012; THE LAND ACT, 2012; THE COMMUNITY LAND ACT, 2016.

APPOINTMENT

IT IS notified for the general public that the Cabinet Secretary for Lands and Physical Planning has constituted a taskforce on Electronic Land Transactions, Registration, Conveyancing and other related activities under the Land Registration Act, 2012; The Land Act, 2012; The Community Land Act, 2016, by appointing the following persons:

Chairperson

1.Eric Nyadimo

Members

2. David Kuria
3.Caroline W. Kihara
4. Jasper Ntwiga Mwenda
5.Charles W. Wamae
6.Lucy Sereu Moinket
7.Esther Njiru-Omulele
8.David Kinyanjui Gatimu
9.Mildred Ambani
10.Eugine Lawi
11. Sarah Maina
12. Eric Mugo
13. Edward Lekaichu Ole Kateiya
14. Carolyne Menin
15. Catherine Ochanda

Joint Secretaries

Pauline Pesa
Bellinda Akello

1. The terms of reference of the taskforce shall be to-
   a) Study and review the Land Registration Act and the Land Registration (General) Regulations and Land sector related laws with a view to formulate guidelines for electronic registration transactions and conveyancing system.

b) Perform any other task as may be assigned by the Cabinet Secretary;
c) Submit the draft guidelines and final report to the Cabinet Secretary within 2 (two)months of this appointment

2. In the performance of its functions, the taskforce-
   a) Shall regulate its own procedures
   b) Shall prepare and submit to the Cabinet Secretary its work plan and budget;
   c) Shall hold such number of meetings in such places and at such times as it may consider necessary for the discharge of its functions
   d) May solicit, receive and consider the views of members of the public and any interest groups
   e) May co-opt not more than three persons who possess relevant expertise, skills or experience where the taskforce considers necessary; and
   f) Shall submit the guidelines or rules and a final report to the Cabinet Secretary within two months of this appointment
3. The taskforce shall finalize its task within a period of two months from the date this notice is published in the gazette or for such longer period as the Cabinet Secretary may, by notice in the Gazette, prescribe.
4. The costs incurred by the taskforce including facilitation and payment of allowances in respect of the members and joint secretaries of the taskforce shall be defrayed from the voted funds of the Ministry of Lands and Physical Planning.
5. The Secretariat to the Taskforce shall be at the Ministry of Lands and Physical Planning, Ardhi House,1st Ngong Avenue, P.O Box 30450, Nairobi

Dated the ...13th.....day of July,2018

Farida Karoney
CABINET SECRETARY
MINISTRY OF LANDS AND PHYSICAL PLANNING



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1. The Taskforce shall comprise of the following—

Chairperson

Erick Nyadimo

Members

David Kuria
Caroline W. Kihara
Jasper Ntwiga Mwenda
Charles W. Wamae
Lucy Sereu Moinket
Esther Njiru-Omulele
David Kinyanjui Gatimu
Mildred Ambani
Eugine Lawi
Sarah Maina
Eric Mugo
Edward Lekaichu ole Kateiya
Carolyne Menin
Catherine Ochanda

Joint Secretaries

Pauline Pesa
Bellinda Akello

2. The terms of reference of the Taskforce shall be to—

(a) study and review the Land Registration Act, 2012 and the Land Registration (General) Regulations, 2017 and land sector related laws with a view to formulate guidelines for electronic registration transactions and conveyancing system;

(b) perform any other task as may be assigned by the Cabinet Secretary; and

(c) submit the draft guidelines and final report to the Cabinet Secretary within two (2) months, with effect from the date of publication of this notice.

3. In the performance of its functions, the Taskforce—

(a) shall regulate its own procedures;

(b) shall prepare and submit to the Cabinet Secretary its work plan and budget;

(c) shall hold such number of meetings in such places and at such times as it may consider necessary for the discharge of its functions;

(d) may solicit, receive and consider the views of members of the public and any interest groups;

(e) may co-opt not more than three persons who possess relevant expertise, skills or experience where the taskforce considers necessary; and

(f) shall submit the draft guidelines or rules and a final report to the Cabinet Secretary within two (2) months, with effect from the date of publication of this notice.

4. The Taskforce shall finalize its task within a period of two months from the date this notice is published in the gazette or for such longer period as the Cabinet Secretary may, by notice in the *Gazette*, prescribe.

5. The costs incurred by the Taskforce including facilitation and payment of allowances in respect of the members and joint secretaries of the Taskforce shall be defrayed from the voted funds of the Ministry of Lands and Physical Planning.

6. The Secretariat to the Taskforce shall be at the Ministry of Lands and Physical Planning, Ardhi House, 1st Ngong Avenue, P.O. Box 30450, Nairobi.

Dated the 13th July, 2018.

FARIDA KARONEY,
Cabinet Secretary for Lands and Physical Planning.

GAZETTE NOTICE NO. 7860

THE PUBLIC FINANCE MANAGEMENT ACT

(*No.* 18 *of* 2012)

THE PUBLIC FINANCE MANAGEMENT (NATIONAL GOVERNMENTS AFFIRMATIVE ACTION FUND) REGULATIONS, 2016

APPOINTMENT

IN EXERCISE of the powers conferred by section 8 (3) *(a)* of the Public Finance Management (National Government Affirmative Action Fund) Regulations, 2016, the Cabinet Secretary for Public Service, Youth and Gender Affairs appoints—

Under Paragragh (e) –

Charles Chirchir Kimutai

Under Paragraph (f) –

Linda Gaceri Kinyua

Under Paragraph (g) –

Regina Ndambuki
Florence Ayabei Chepkemoi Murgor
Wanjiku Mukabi Kabira

to be members of the National Government Affirmative Action Fund Board, for a period of three (3) years, with effect from the 12th July, 2018.

Dated the 26th July, 2018.

MARGARET KOBIA,
Cabinet Secretary for Public Service, Youth and Gender Affairs.

GAZETTE NOTICE NO. 7861

THE MINING ACT

(*No* 12 *of* 2016)

APPLICATION FOR A MINING LICENCE

NOTICE is given by virtue of section 34 of the Mining Act that an application for a Mining Licence, whose details and area boundary schedule are as described here below, has been made under section 101 of the Act and the said application has been accepted for consideration.

Applicant	ARM Minerals and Chemicals Limited
Address	P.O. Box 41908–00100, Nairobi, Kenya
Application No.	ML/2017/0017
Area	4.6212 km²
Within Land Parcel(s)	Kajiado/Elangata-Wuas/609, 611–A&B
Locality	Elangata-Wuas, Kajiado County
Mineral(s) Sought	Limestone

Any objection to the grant of the Mining Licence may be made in writing and addressed to the Cabinet Secretary, Ministry of Petroleum and Mining, P.O. Box 30009–00100, GPO, Nairobi, Kenya to reach him within forty two (42) days from the date of the publication of this notice in the *Kenya Gazette*.

SCHEDULE OF THE PROPOSED APPLICATION BOUNDARIES

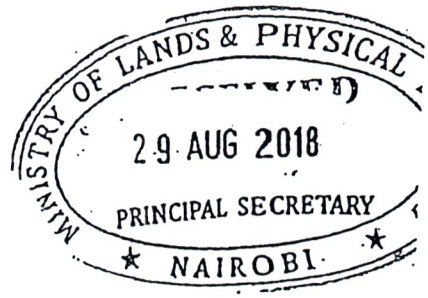
The proposed application's area is particularly described by the following WGS 84 co-ordinates.

Order	*Lat. Deg.*	*Lat. Min.*	*Lat. Sec.*	*N/S*	*Long. Deg.*	*Long. Min.*	*Long. Sec.*	*E/W*
1	1	56	20.04	S	36	40	33.30	E
2	1	55	14.72	S	36	39	54.60	E
3	1	54	37.75	S	36	40	37.53	E
4	1	55	23.04	S	36	41	29.36	E

The said application may also be accessed from the mining cadastre portal *vide* website: - https://portal.miningcadastre.go.ke

Dated the 18th July, 2018.





OFFICE OF THE SECRETARY/CEO

Website: www.landcommission.go.ke
Telephone: Nairobi 020 (2718050)
Email address: info@landcommission.go.ke

ARDHI HOUSE
1ST NGONG AVENUE
OFF NGONG ROAD
P.O. BOX 44417 -00100
NAIROBI

File Ref: NLC/1/26/1

DATE: 28th August 2018

Dr. Nicholas Muraguri, CBS
Principal Secretary
Ministry of Lands and Physical Planning
Ardhi House
NAIROBI

Dear Dr Muraguri,

REPLACEMENT OF DIGITIZATION TASKFORCE MEMBERSHIP

The above matter refers.

I appreciate the appointment to serve on the Digitization Taskforce gazetted by the Cabinet Secretary. However, due to changes that have taken place at the National Land Commission where I have been appointed the acting Secretary/CEO, I feel I may not be able to serve effectively on the taskforce.

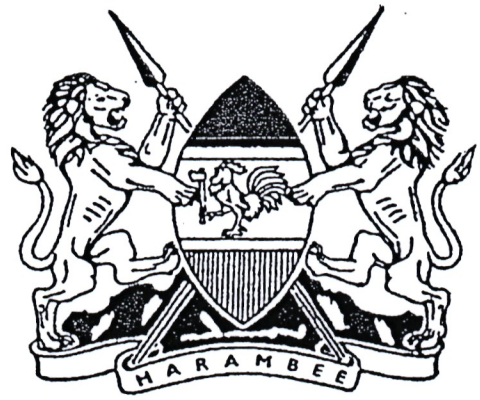
Making reference to our telephone conversation on Monday, 27th August 2018 (Prof. Kuria and Dr. Muraguri), I wish to nominate Dr. Mary Macharia and Samuel Nthuni to serve as my replacement.

I have confidence in their capacity to support the aspirations of this noble initiative.

Thank you very much for your cooperation and support.

Yours sincerely,

PROF. DAVID KURIA
Ag. SECRETARY/CEO



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FLORENCE KALEKYE KIRIINYA

to be a member of the National Government Affirmative Action Fund, for period of three (3) years, with effect from the 13th March, 2020. The appointment of Regina Ndambuki* is revoked

MARGARET KOBIA,
Cabinet Secretary for Public Service and Gender.

*G.N. 7053/2018

GAZETTE NOTICE NO. 2170

THE TASKFORCE ON FORMULATION OF RELATED REGULATIONS TO FACILITATE ELECTRONIC REGISTRATION, CONVEYANCING AND OTHER LAND TRANSACTION IN LINE WITH EXISTING LAND LAWS

APPOINTMENT

IT IS notified for the general public that the Cabinet Secretary for Lands and Physical Planning has constituted a taskforce to formulate regulations that will facilitate electronic registration, conveyancing and other land transactions under the Land Registration Act, 2012; the Land Act, 2012; the Survey Act (Cap. 299); the Physical Planning and Land Use Act, 2019; the Community Land Act, 2016 and the National Land Commission Act, 2012.

1. The Taskforce shall comprise of the following—

Chairperson

Eric Nyadimo

Members

Caroline W. Kihara
Jasper Ntwiga Mwenda
Charles W.Wamae
Samuel Nthuni
Lucy Sereu Moinket
Tom Abuta
Esther Njiru Omulele
David Kinyanjui Gatimu
Eugine Lawi
Mildred Ambani
Truphosa Achar
Edward Lekaichu ole Kateiya
Carolyne Menin
Catherine Ochanda
Elizabeth Njoroge
Herbert Were
Julius Kahindi
Eustace Kithumbu
Brian Kimutai

Joint Secretaries

Geoffrey Moses Mugendi
Clarah Chemutai Ketyenya
Mary Macharia
Annette Bosibori Omwoyo
James Nombi

2. The terms of reference of the Taskforce shall be to—

(a) study and review the Land Registration Act, 2012; the Land Act, 2012; the Survey Act; the Community Land Act, 2016 and their respective Regulations/Rules with a view to formulate Regulations, Rules or Guidelines to facilitate electronic land transactions;

(b) conduct the process in accordance with the Statutory Instruments Act and specifically carry out public participation and prepare a Regulatory Impact Assessment Statement;

(c) perform any other task as may be assigned by the Cabinet Secretary; and

(d) submit the final report with the draft Regulations, Rules or Guidelines to the Cabinet Secretary within six (6) weeks of this appointment.

3. In the performance of its functions, the Taskforce—

(a) shall regulate its own procedures;

(b) shall prepare and submit to the Cabinet Secretary its work plan and budget;

(c) shall hold such number of meetings in such places and at such times as it may consider necessary for the discharge of its functions;

(d) may solicit, receive and consider the views of members of the public and any interest groups;

(e) may co-opt not more than three persons who possess relevant expertise, skills or experience where the taskforce considers necessary; and

(f) shall submit the guidelines or rules and a final report to the Cabinet Secretary within two months of this appointment.

4. The Taskforce shall finalize its task within a period of six (6) weeks from the date this notice is published in the gazette or for such longer period as the Cabinet Secretary may, by notice in the Gazette, prescribe

5. The costs incurred by the taskforce including facilitation and payment of allowances in respect of the members and joint secretaries of the Taskforce shall be defrayed from the voted funds of the Ministry of Lands and Physical Planning

6. The Secretariat of the taskforce shall be at the Ministry of Lands and Physical Planning, Ardhi House, 1st Ngong Avenue, P.O. Box 30450, Nairobi.

FARIDA KARONEY,
Cabinet Secretary for Lands and Physical Planning.

GAZETTE NOTICE NO. 2171

THE INDUSTRIAL TRAINING ACT

(*Cap.* 237)

APPOINTMENT OF INDUSTRIAL TRAINING INSPECTORS

IN EXERCISE of the powers conferred by section 23 (i) of the Industrial Training Act, the Cabinet Secretary for Labour ans Social Protection appoints—

Stephen Omondi Ogenga
William Okello Mwanza
Gipson Kithinji Ndwiga
Collins Ochieng Owino
Paul Kibara Gitonga
Phyllis Sitienei Kiplagat
Peter Njue Njiru
Rose Wangui Komu (Dr.)
Kevin Omulako Mutuli
Douglas Oriechi Momanyi
Irene Mumbi Muraguri
George Gathirwa Munene
Regina Akinyi Ojala
Caleb Ojuk Malunga
Mary Watiri Thangaru
Lwanga Oguna Karoli
Peter Oribo Maranga
Susan Mueni Musau
Augustine Kiplagat Rono
Susan Wanjiru Mburu
Irine Moraa Ogamba
Caroline Jepkorir Kibiwott
Fredrick Mbeya Odhiambo
Patrick Barasa Masinde
Joseph Njiru Njeru
Edward Githinji Mucheru
Trusila Monyenye Nyandika
Peter Kamau Maingi
Jane Wanjiru Kamau
Esther Nduta Mwaura
Zakayo Mwirigi Mutonga
Joseph Musyoki Kivuva
Eileen Nyambura Nguthari
Christine Njeri Mwangi
Mary Mugure Wamoko
Felix Gonza Ogutu
Moses Muriuki Kamunge
George Kimuyu Ndonye
Evans Asumari Abaya
Liban Roba Duba
Alfred Ogutu Makokha
John Kibet Chirchir
Eric Aduogo Abok
Javan Chiro Kambu
Galm Guyo Rogicha
Martina Wato Yattani
Rahma Abdulahi Jaldesa
Keziah Njeri Mwangi
Beatrice Njeri Ng'ang'a
Bernard Onserio Okemwa
Nancy Cherop Muge
Jackson Kiago Isaac
Davina Chematia Kiplagat
Lydia Kanana Kithinji
Simon Julius Lenanyokie
Musa Opuk Ochieng
Evance Owino Odhiambo
Joshua Kibiti M'Aburi
Ann Muthoni Karigi
Festus Wabomba Kitui
Teresa Lagat
Elvina Atieno Osodo
Millicent Janet Otom
Ruth Adhiambo Odero

REPUBLIC OF KENYA

MINISTRY OF LANDS AND PHYSICAL PLANNING
Office of the Cabinet Secretary

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

Ref. No. MOLPP/ADM/CSO/1/298

March 27, 2020

Ms. Kabale Tache
Ag. Chief Executive Officer
National Land Commission
P.O. Box 44417-00100
NAIROBI

Dear Ms. Tache

RE: THE TASKFORCE ON FORMULATION OF RELATED REGULATIONS TO FACILITATE ELECTRONIC REGISTRATION, CONVEYANCING AND OTHER LAND TRANSACTIONS

Reference is made to the above subject and Gazette Notice No. 2170 published on March 13, 2020 appointing your officers Samuel Nthuni and Mary Macharia to the above taskforce (enclosed for reference).

The said officers were nominated to represent the Commission in the taskforce on Electronic Land Transactions, Registration, Conveyancing and Other Related Activities appointed vide Gazette Notice No. 7859 published on August 3, 2018 (also enclosed for reference). The final report of the taskforce was submitted in February, 2019. The taskforce also submitted draft regulations to facilitate electronic registration of land transactions. The proposed regulations were however rejected by Parliament for various reasons.

The Ministry has embarked on formulation of new regulations and require the said officers to assist in the process. This is therefore to request you to allow the officers to attend to the assignment from time to time within the period prescribed in the Gazette Notice No. 2170 of March 13, 2020.

Please feel free to contact me should you require more information.

Yours Sincerely

Farida Karoney, EGH
CABINET SECRETARY

Encl

NATIONAL COUNCIL FOR
LAW REPORTING
LIBRARY



THE KENYA GAZETTE

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CORRIGENDUM

IN Gazette Notice No. 2919 of 2020, *amend* the expression printed as "In the Chief Magistrate's Court at Narok" to *read* "In the Chief Magistrate's Court at Nyamira".

GAZETTE NOTICE NO. 3377

THE STATE CORPORATIONS ACT

(*Cap.* 446)

THE KENYATTA NATIONAL HOSPITAL BOARD ORDER

(*L.N.* 109/1987)

APPOINTMENT

IN EXERCISE of the powers conferred by section 7 (3) of the State Corporations Act, I, Uhuru Kenyatta, President and Commander-in-Chief of the Kenya Defence Forco. es appoint—

GEORGE OPONDO OOKO

to be the Chairperson of the Kenyatta National Hospital Board, up to 2nd May, 2022, with effect from the 21st April, 2020. The appointment of Nicholas Gumbo* is revoked.

Dated the 21st April, 2020.

UHURU KENYATTA,
President.

*G.N. 4288/2019

GAZETTE NOTICE NO. 3378

THE WAREHOUSE RECEIPT SYSTEM ACT

(*No.* 8 *of* 2019)

APPOINTMENT

IN EXERCISE of the powers conferred by section 3 (3) (*a*) of the Warehouse Receipt System Act, I, Uhuru Kenyatta, President and Commander-in-Chief of the Kenya Defence Forces appoints—

JANE MUMBI NGIGE

to be the Chairperson of the Warehouse Receipt System Council, for a period of three (3) years, with effect from the 16th April, 2020.

Dated the 16th April, 2020.

UHURU KENYATTA,
President.

GAZETTE NOTICE NO. 3379

THE KENYA DEFENCE FORCES ACT

(*No.* 25 *of* 2012)

DISCONTINUATION OF DEPLOYMENT

NOTICE is given that pursuant to section 34 (3) (*a*) of the Kenya Defence Forces Act, the deployment of the Kenya Defence Forces in West Pokot and Turkana Counties via Gazette Notice No. 8001 of 2014 was discontinued on 28th February, 2017.

Dated the 24th April, 2020.

MONICA JUMA,
Cabinet Secretary for Defence and Chairperson of the Defence Council.

GAZETTE NOTICE NO. 3380

THE KENYA DEFENCE FORCES ACT

(*No.* 25 *of* 2012)

DISCONTINUATION OF DEPLOYMENT

NOTICE is given that pursuant to section 34 (3) (*a*) of the Kenya Defence Forces Act, the deployment of the Kenya Defence Forces in Laikipia, Samburu, Turkana, Baringo and West Pokot Counties via Gazette Notice No. 2698 of 2017 was discontinued on 22nd September, 2017.

Dated the 24th April, 2020.

MONICA JUMA,
Cabinet Secretary for Defence and Chairperson of the Defence Council.

GAZETTE NOTICE NO. 3381

THE KENYA DEFENCE FORCES ACT

(*No.* 25 *of* 2012)

DISCONTINUATION OF DEPLOYMENT

NOTICE is given that pursuant to section 34 (3) (*a*) of the Kenya Defence Forces Act, the deployment of the Kenya Defence Forces in Marsabit County was discontinued on 30th May, 2014.

Dated the 24th April, 2020.

MONICA JUMA,
Cabinet Secretary for Defence and Chairperson of the Defence Council.

GAZETTE NOTICE NO. 3382

THE KENYA DEFENCE FORCES ACT

(*No.* 25 *of* 2012)

DISCONTINUATION OF DEPLOYMENT

NOTICE is given that pursuant to section 34 (3) (*a*) of the Kenya Defence Forces Act, the deployment of the Kenya Defence Forces in Samburu County was discontinued on 28th February, 2020.

Dated the 15th April, 2020.

MONICA JUMA,
Cabinet Secretary for Defence and Chairperson of the Defence Council.

GAZETTE NOTICE NO. 3383

THE PUBLIC FINANCE MANAGEMENT ACT

(*No.* 18 *of* 2012)

THE PUBLIC FINANCE MANAGEMENT (UWEZO FUND) REGULATIONS, 2014

(*L.N. No.* 21 *of* 2014)

APPOINTMENT

IN EXERCISE of the powers conferred by regulation 15 of the Public Finance Management (Uwezo Fund) Regulations, 2014, the Cabinet Secretary for Public Service and Gender appoints—

Sub-County Commissioner or a representative	Member
Sub-County Development Officer or a representative	Member
Sub-County Accountant	Member
National Government Representative – Ministry responsible for Youth and Women	Secretary
CDF Fund Account Manager	*Ex officio*
John Maina Muna	Member
Sarah N. Fwamba	Member
Zipporah N. Wetete	Member
Christopher Tenge	Member
Simiyu Daniel	Member
Evelyne Nanjala Sosio	Member
Joseph B. Muyubeni	Member

to be members of the Constituency Uwezo Fund Management Committee for Kimilili Constituency, for a period of three (3) years.

Dated the 20th April, 2020.

MARGARET KOBIA,
Cabinet Secretary for Public Service and Gender.

NATIONAL LAND COMMISSION

Our Land, Our Wealth, Our Heritage

OFFICE OF THE CHAIRMAN

Website: www.landcommission.go.ke
Telephone: 020 2945000
When replying please quote
Email: infor@landcommission.go.ke

ACK Garden Annex Building
1st Ngong Avenue
Off Ngong Road
P.O. Box 44417
NAIROBI

MINISTRY OF LANDS & PHYSICAL PLANNING
RECEIVED
08 MAY 2020
825
CABINET SECRETARY'S OFFICE
NAIROBI

Ref: NLC/CHAIR 05-20/08 **8th May, 2020**

Faridah Karoney, EGH
Cabinet Secretary
Ministry of Lands and Physical Planning
P.O. Box 30450-00100
NAIROBI

Dear C. S. Farida Karoney

PUBLIC NOTICE:
NOTIFICATION OF REGULATORY IMPACT STATEMENT ON PROPOSED LAND TRANSACTIONS (ELECTRONIC) REGULATIONS, 2020

I have learnt with dismay of the publication on page 24 of today's (8/7/2020) Daily Nation newspaper of a notice purported to be endorsed by National Land Commission.

By way of background, the first formal communication to me on this matter, annexing seven draft regulations, was your letter Ref: No. MOLLP/ADM/CSO/1/317 dated 4th May, 2020 received on the afternoon of 5th May, 2020. Hardly 24 hours later, a notice had been forwarded to the media for publication. A preliminary look at the proposed regulations show they are patently inconsistent with statute or plainly unconstitutional. Besides some of the proposed regulations purport to have been drafted by or in consultation with the National Land Commission. For example, the Land (Extension and Renewal of Leases) (Amendment) Rules 2020 indicate they are done by National Land Commission under section 13(2) of the Land Act, 2012. The National Land Commission has neither contemplated nor resolved to propose any regulations or originated any such idea. As such the public notice published in the newspapers today is misleading.

The Task force that formulated the proposed regulations was not set up jointly or in consultation so as to derive any mandate to propose regulations on the Commission's behalf or by yourself and National Land Commission. We note that the Task Force you set up was, according to the notice, required to complete it's work within 6 weeks from 13th March,2020. The report from your Task force (that has clearly gone well beyond its mandate as indicated) which purportedly came up with the radical unconstitutional proposals underlying the draft regulations, is yet to be shared with us.

For instance, the proposed Land (Extension and Renewal of Leases) (Amendment) Rules 2020 preposterously purport to create a whole new legal regime that is clearly inconsistent with Land Act No.6 of 2012 on renewal of leases. It is difficult to conceive of the link between the substantive law on renewal of leases and the process of conversion of the procedure of registration from manual to electronic. In any event, only parliament can amend the substantive law in accordance with the Constitution.

We therefore wish to make it clear that the National Land Commission dissociates itself from the said advert as crafted and strongly protests the improper use of its name in the said advertisement.

I reiterate that National Land Commission fully supports the development and implementation of the electronic registration system that enhances transparency and ease of conducting business at the land registry. To this end the Commission welcomes, in a proper consultative manner, a mechanism to review and propose new regulations as provided in existing statutes. However, an advert that creates a false impression that the National Land Commission (which has a statutory and constitutional mandate to propose regulations) has proposed amendments to regulations when it has not even considered the matter, is plainly wrong.

We look forward to you remedying the egregious procedural flaws that may have the unfortunate consequence of delaying the much anticipated implementation of the electronic system at the Lands Registry.

Thank you for your continued support and cooperation.

Yours Sincerely,

Gershom Otachi Bw'Omanwa
CHAIRMAN

REPUBLIC OF KENYA

MINISTRY OF LANDS AND PHYSICAL PLANNING
Office of the Cabinet Secretary

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Nairobi, KENYA

Ref. No. MOLPP/ADM/CSO/1/317

May 4, 2020

Mr. Gershom Otachi Bw'omanwa
The Chairman
National Land Commission
P.O. Box 44417 – 00100
NAIROBI

Dear Chairman,

RE: REGULATIONS ON ELECTRONIC LAND TRANSACTIONS

The above matter refers.

As you may be aware, the Ministry constituted a taskforce to develop regulations that would facilitate electronic transactions under the land laws.

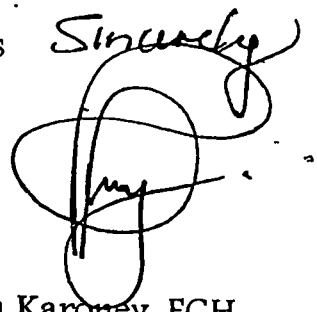
Accordingly, the taskforce has submitted drafts of the intended legislative instruments for review.

Enclosed for your review and commentary are;

I. Land (Amendment) Regulations, 2020
II. Land (Extension and Renewal of Leases) (Amendment) Rules, 2020
III. Land (Allocation of Public Land) (Amendment) Regulations, 2020
IV. Land Registration (Electronic Transactions) Regulations, 2020
V. Survey (Electronic Cadastre) Regulations, 2020
VI. Physical and Land Use Planning (Electronic Development Control and Enforcement System) Regulations, 2020
VII. Stamp Duty (Valuations) Regulations, 2020

Thank you for your continued cooperation and support.

Yours Sincerely



Farida Karoney, EGH
CABINET SECRETARY

Legal Notice No.....

LAND REGISTRATION ACT

(NO. 3 OF 2012)

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

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

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	"Instrument" has the meaning assigned to it in the Act; **"Electronic"** has the meaning assigned to it in the Kenya Information and Communication Act; **"system"** means the electronic registry system in which all documents that are registered or recorded under the Act are maintained; **"Unauthorised user"** means a person who is illegally given access to the system by an authorised user. **"user account"** means an online account created by a user to allow access or submission of information in the registry.
Application	**3.** (1) These Regulations shall apply to the system in the registries set out in the First Schedule.
Part II—Electronic Land Registry	
Electronic Registry	**4.** (1) The Chief Land Registrar shall maintain an electronic land registry established in accordance with section 7 of the Act. (2) The electronic land registry shall be part of the National Land Information System established in accordance with section 6(h) of the Land Act. (3) The Registrar may by electronic means through the system — (a) issue a notice, certificate or any document which is required to be issued by the Registrar under the Act; (b) certify a form, document or extract of a document required to be certified by the Registrar under the Act; or (c) send any document issued or certified by the Registrar to the electronic addresses provided by a user for that purpose.
Form of Register	**5.** The Registrar shall maintain an electronic register containing such particulars as contemplated under section 7(4) and 9(2) of the Act.
Access to the Cadastral Map	**6.** Cadastral maps shall for purposes of registration under these Regulations, be maintained in electronic form.
Authorized User	**7.** (1) A person shall be an authorised user on signing up to the system by providing the following information in the case of natural person: a) Name; b) National /Alien Identity Number; c) KRA Personal Identification Number; d) Telephone Number; e) E-mail address;

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

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	(2) The Chief Land Registrar shall on making the decision under Paragraph (1) (a), (b), (c) and (d) immediately inform the user of that decision and shall specify in the notification - (b) the grounds of suspension; (c) the facts which, in the opinion of the Chief Land Registrar, justify each ground of suspension and intention to terminate; and (d) the period within which the user shall be required to respond to the notification. (3) Subject to Paragraph (2), the Chief Land Registrar shall serve notification by— (e) an electronic transmission to any electronic address specified in the user agreement as the user's through SMS Notification, email notification or any other form of electronic transmission; (f) post, to any postal address specified in the user agreement as the user's address of service; (4) A user may respond to a suspension notice in writing or in electronic form stating the reasons why the suspension of access should be withdrawn and the response served upon the Chief Land Registrar before the expiry of the period specified in Paragraph (2)(c). (5) The Chief Land Registrar shall upon receipt of a response under Paragraph (4) if satisfied that it is no longer appropriate to suspend the user's access withdraw the suspension and send a notification to that effect to the user within 7 days.
Termination of a user's access	**12.** (1) Subject to Regulation 11(1), the Chief Land Registrar shall immediately terminate the user's access to the system upon confirming that the user is dead, is declared insolvent or is of unsound mind. (2) The Chief Land Registrar shall terminate the user's access if – a. not satisfied with the user's response given under Regulation 11 (4) b. the user does not respond within the specified period in Regulation 11(2)(c) (3) The Chief Land Registrar shall communicate the decision under Paragraph (2) to the user within 7 days. (4) The user may file an appeal to the Electronic Appeals Committee, through the Cabinet Secretary, within 14 days of the decision to terminate the user's access.
Appeals against the decision to terminate a user's access	**13.** (1) The Cabinet Secretary in consultation with the National Land Commission shall appoint an Electronic Appeals Standing Committee to hear appeals against the termination of user's account. (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;

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	(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. (3) The Electronic Appeals Standing Committee shall nominate from among the members of the Committee one member from the Ministry and one member from the Commission who shall serve as the secretariat. (4) The Electronic Appeals Standing Committee shall hear and determine any matter referred to it within 30 days and notify the user of its decision within 7 days. (5) A user aggrieved by the decision of the Electronic Appeals Standing Committee may appeal to the court within 30 days from the date of such decision.
Search	**14.** (1) A person shall access information in the electronic register by conducting an official search in the system after payment of the prescribed fees. (2) A person may under paragraph (1) undertake the following categories of searches – (a) a current status search of which the result from the search shall include the ownership, size, user, encumbrances, inhibitions, unregistered dealings and annual ground rent payable (if applicable) for that parcel of land; or (b) a historical search of which the result shall provide a history of computer folio and list all transactions that should be availed in a chronological order together with the status and status date for each entry. (3) The registrar shall furnish the applicant with the details requested through an electronic certificate of official search. (4) The Certificate in paragraph (3) shall be made available for download by the applicant.

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

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

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

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FIRST SCHEDULE

Registries r. 3

1. Nairobi

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SECOND SCHEDULE

Form eLRA1 r. 8

The Chief Land Registrar
Ardhi House
Nairobi

Name/Partnership/LLP:	Id no./Reg. No./P.105
Tel. No.	E-Mail Address:
Physical Address:	Postal Address: Postal Code: Town:
Contact Person Name:	P.105/
Tel No.	Email Address

In case of Partnership/LLP, individual authorised users:

S/NO.	NAME	ID NO.	P.105/	TEL NO.	EMAIL

I have read and understood the terms and conditions of use.
I AGREE TO BE BOUND BY SAID TERMS AND CONDITIONS

Name	**Signature**	**Date**

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THIRD SCHEDULE

TERMS AND CONDITIONS OF USE

r. 11

1. Introduction

(i) The National Land Information System is an online system developed by the Government of Kenya through the Ministry of Lands and Physical Planning in collaboration with the National Land Commission. It is a system created for convenience in conducting land transactions.

(ii) Upon registration to the system, a user is deemed to have accepted the terms and conditions and will equally be bound by the same. Once the user has completed the sign up process, a contract detailing the terms and conditions for use is entered into between the user and the system operators.

(iii) The National Land Information System is a service-based platform upon which fees and charges may be preferred from time to time as stipulated in the relevant statutes.

2. Access and Use

(i) Upon signing up; a username and a password will be created for the User's use in logging into the system.

(ii) As an additional security measure, a One Time Password (OTP) in the form of a text message shall be sent to the user's Telephone Number to authenticate every log-in. The user of the system shall be required to keep the log in credentials, particularly the password, confidential to avoid unauthorized access to the system.

(iii) A user shall access the system either in an individual capacity or through an authorized representative.

(iv) The system shall allow electronic land transactions under the following Acts: Land Act; Land Registration Act; Physical and Land Use Planning Act; Survey Act; Community Land Act and County Government Act.

3. Availability of service and support

(i) The Government of Kenya aim is to ensure accessibility to NLIS at all times, however there could be service interruption to allow for upgrading or maintenance of the system.

(ii) The system shall be available around the clock for searching for the copy or image of any instrument, dealing, or document in the system or the lodgment of documents through the system.

(iii) Processing of electronic documents shall be done during the business hours when the *back-end processes shall be available.*

(iv) The system support and back-end processes shall be available during the business hours set out in Regulation 2 on the business days set out in Regulation 4 of the Land Registration (General) Regulations, 2017.

(v) The Cabinet Secretary reserves the right to suspend the system in whole or in part in the circumstances where a significant breach of security has occurred or that a security

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

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

4. Obligations

a) User obligations

The user shall;

(i) carry out authorized transactions;

(ii) complete such formalities as are required to become a registered user before accessing the system;

(iii) meet the eligibility criteria at all times;

(iv) be responsible for the security of his or her login credentials and for any access made using the login credentials;

(v) use the information obtained for the intended purpose only.

(vi) be responsible for the accuracy and completeness of all information provided or submitted by you when applying to join or when using the system

(vii) Surrender/deactivate accounts for persons no longer in their employ

(viii) Change his log in credentials from time to time

The User shall not;

(i) impersonate another person or entity,

(ii) distribute or sell any information accessed through the system;

(iii) collect information about other users

(iv) make available disruptive commercial messages or advertisements or communications which are prohibited by law

(v) reverse engineer or otherwise attempt to extract any source code.

(vi) use any robot, spider, site search/retrieval application, or other device to retrieve or index any portion of the system

(vii) copy, exchange, sell, disclose or use the land related information accessed from the system for any other purpose other than what is stated in the user agreement without prior written approval of the Cabinet Secretary.

(viii) Without prejudice to (i) and (ii); the user shall not use the system or its products and services in any manner that violates/infringes the provisions of the Kenya

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

b) Organizations

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

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

(ii) For ensuring compliance of the terms and conditions by the users as appointed in (i) above;

(iii) For notification of revocation of access for any user in their organization at any time;

(iv) For notification upon discontinuance of employment of any user appointed in paragraph (i).

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

The Ministry shall;

(i) Endeavour to maintain this system (NLIS) in good operational condition throughout the term of this agreement.

(ii) Endeavour to inform the users in cases of scheduled and/or unscheduled system maintenance.

(iii) Assist you to understand the operational requirements and any protocols adopted from time to time for use in the system.

(iv) Comply with all statutory and regulatory requirements imposed on the Ministry regarding the implementation and functionality of the system.

5. Security of the System

i. The User is responsible for maintenance of the confidentiality and control of all Security Measures associated with the use by the user (s). These Security Measures involve the use of digital signatures and digital certificates and are managed the Ministry.

ii. You are responsible for the selection and nomination of those of your people who you intend to be Subscribers and, therefore, users of the Security Measures.

iii. The Ministry reserves the right to reject with reasons thereof an application by any Applicant.

iv. You must promptly notify the Cabinet Secretary in the Ministry if a Subscriber stops working for you.

v. You are solely responsible for ensuring that the users comply with the User Obligations.

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vi. Any use of the NLIS by any person with access to the Security Measures used or made available to you or any of your people (whether authorised by you or not) constitutes sufficient authority for the Ministry to:

vii. act on any enquiries, provide such information, update its registers or to otherwise transact such dealings, with or under the instruction of that person; and

viii. charge fees for the use of the products and services associated with NLIS.

ix. You shall promptly notify the Cabinet Secretary in the Ministry as soon as you become aware that any of the Security Measures used or available to you or any of your people are or have been compromised, or if you are aware of circumstances which give rise to a risk that those Security Measures have been compromised.

x. You agree to help the Ministry with any investigation of any suspected or actual compromise of any of those Security Measures.

xi. Any activity by a user in the system shall be catalogued and an audit trail of such activity created in the system.

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

Disclaimer

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

6. **Data Privacy Statement**

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

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

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

7. Copyright

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

8. General Terms

(i) The parties commit to a cooperative environment in the performance of the respective obligation to ensure any system difficulty and/or improvement is addressed.

(ii) The Ministry reserves the right to change and adjust these terms and conditions without any further reasons as long as it is necessary due to legal adjustments or technical progress.

(iii) The Ministry reserves the right to block the authorized user from the ability to upload content to National Land Information System if a violation of this agreement exists.

(iv) These terms and conditions are to be read and construed according to the laws of the Republic of Kenya, and you agree to submit to the jurisdiction of this country.

(v) These terms and conditions record the entire agreement. If any provision of these terms and conditions are held by a court to be unlawful, invalid, unenforceable or in conflict with any rule of law, statute or regulation it is to be severed so that the validity and enforceability of the remaining provisions are not affected.

9. User feedback

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

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

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

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

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Made on the.....2020

FARIDA KARONEY,
Cabinet Secretary for Lands and Physical Planning

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Legal Notice No.....

SURVEY ACT
(Chapter 299)

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

Survey (Amendment) Regulations, 2020.

Citation.

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

Amendment of Regulation 6 of the Survey Regulations, 1994.

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

Amendment of Regulation 24 of the Survey Regulations, 1994.

3. Regulation 24 of the Principal Regulations is amended by—
   (a) deleting the word "or" appearing in paragraph (1)(a) after the semi colon.

   (b) deleting the "full stop" appearing at the end of paragraph (1)(b) and substituting therefor a "semi colon" and the word "or".

   (c) inserting the following new paragraph immediately after paragraph 1(b);

   (c) any other figure as the Director may from time to time, deem necessary.

Amendment of Regulation 25 of the Survey Regulations, 1994.

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

25. **Maintenance of measuring instruments**

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

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

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

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

THE SURVEY ACT

(Cap. 299)

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

Part I–Preliminary

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

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been made with inappropriate or defective measuring equipment.

Amendment of Regulation 30 of the Survey Regulations, 1994.

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

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

Amendment of Regulation 69 of the Survey Regulations, 1994.

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

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

Amendment of Regulation 78 of the Survey Regulations, 1994.

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

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

Amendment of Regulation 86 of the Survey Regulations, 1994.

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

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

Amendment of Regulation 117 of the Survey Regulations, 1994.

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

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

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

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

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

Made on the.....2020

FARIDA KARONEY,
Cabinet Secretary for Lands and Physical Planning

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	"sectional plan" has the meaning assigned to it by the Land Act No 6 of 2012. "System" means the National Land Information System developed under Section 6(h). "user" means any other person other than a Surveyor who has created an online electronic account for purposes of access into the System; "user account" means an online account created by an authorised user to allow access or submission of information in the Electronic Cadastral System.
Part II— Electronic Cadastre	
Electronic Cadastre	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. (2) The Director of Surveys, may by electronic means on the Electronic Cadastre: (a) issue a notice, certificate, instrument or document which is required to be issued by the Director under the Act; (b) certify a map, plan, form, document or extract of a map required to be certified by the Director under the Act; or (c) send a duly issued or certified map, plan, form, document or extract of a map to a user through the user's electronic address. (d) Send notification to the user through short message service, email or online notification.
Survey Plans and Records	4. (1) All survey plans, field notes, computations and other survey data executed and sent to the Director for authentication shall be submitted by a surveyor in electronic form. (2) The data submitted to the Director of Survey under paragraph (1) shall be maintained in electronic form. (3) Notwithstanding paragraph (1), where a transaction cannot be carried out using the Electronic Cadastre, the person seeking to carry out the transaction shall carry out the transaction through such other means as the Director may determine.

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

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

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	(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. (3) The Electronic Appeals Standing Committee shall nominate from among the members of the Committee one member from the Ministry and one member from the Commission who shall serve as the secretariat. (4) The Electronic Appeals Standing Committee shall hear and determine any matter referred to it within 30 days and notify the user of its decision within 7 days. (5) A user aggrieved by the decision of the Electronic Appeals Standing Committee may appeal to the court within 30 days from the date of such decision.
PART III – Submission of a survey	
Submission of a survey to the Director	**12.** (1) For purposes of preparation of a survey for submission to the Director, a surveyor shall: - (a) Submit the required information electronically in **Form SR3** in the First Schedule (b) Upload the relevant supporting documents as may be required under the Act. (2) The system shall be linked to the Board to authenticate the status of Licensed Surveyors accessing the system. (3) Upon submission of any survey data by the surveyor, the Director shall send a notification through short message service, email or directly through an online notification to confirm receipt. (4) The system shall automatically assign a tracking number to the survey data submitted under paragraph (3) to show the order of priority in processing the same.
Receiving and authorization for processing	**13.** (1) The Director shall review documents received under Regulation 12 and authorize authentication. (2) The Director may refuse to authorize the authentication of documents received under Regulation 12 and return the documents through a notice in **Form SR4** in the First Schedule setting out the reasons for refusal.

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PART IV — Numbering of survey records	
Numbering of survey plans, Field notes and computations	**14.** (1) An authorized officer shall examine the survey documents and authorise the Survey Records Officer to number the survey records as prescribed in **Form SR5** in the First Schedule (2) On completion of the numbering of the survey records, the Director shall notify the Surveyor.
PART V —Checking of Survey	
Checking of Survey	**15.** (1) The checking shall be as prescribed in Forms **SR6, SR7, SR8, SR9, SR10** and **SR11** in the First Schedule (2) On completion of Checking of the survey records, the Director shall notify the Surveyor.
PART VI — Authentication	
Authentication	**16.** (1) The Director shall undertake authentication paying due regard to comments made during the checking of the survey. (2) If the survey is authenticated as per comments made in 15(1), the Director shall assess the fee payable as per the provisions of the Fifth and Sixth Schedules of the Survey Regulations, 1994 and record it electronically in Form **SR12** set out in the First Schedule. (3) Upon authentication, the Director shall notify the Surveyor of the authentication of the survey and the fees payable in Form **SR13** set out in the First Schedule. (4) Where authentication is rejected, the Director shall notify the Surveyor of the rejection and provide the reasons therefor in Form **SR14** set out in the First Schedule.
PART VII — Updating of the cadastral map	
Updating of the electronic cadastral map	**17.** (1) The Director shall effect updating of the electronic Cadastral Map after the surveyor- (a) Pays the required fees as per the letter authenticating the survey; (b) Provides the required or pending approvals in electronic format; and (c) Sends a notification through the system to the Director requesting for updating of the cadastral map. (2) Subject to 17(1), the Director shall update the electronic cadastral map to reflect the proposed amendment.

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	(3) Once the electronic cadastral map has been updated, the Director shall notify the surveyor.
PART VIII — Sealing of the cadastral map	
Sealing of the cadastral map and forwarding to Land Administration	**18.** (1) The Director shall effect sealing of the cadastral map on the request of the surveyor. (2) On sealing of the cadastral map under paragraph (1) the Director shall notify- a. the Director of Land Administration that the cadastral map has been updated to facilitate preparation of lease documents; or b. the National Land Commission that the cadastral map has been updated to facilitate preparation of letters of allotment for New grant Surveys. (3) The director shall send confirmation of notifications made under paragraph (2) to the surveyor.
PART IX –Submission of data to the Chief Land Registrar	
Submission of Data to the Chief Land Registrar	**19.** (1) An adjudication register, shall on completion of work in an adjudication section, be submitted to the Chief Land Registrar in electronic format. (2) A cadastral map of an adjudicated community land shall be submitted to the Community Land Registrar in electronic format. (3) Cadastral plans, cadastral maps, sectional plans including other plans, shall be provided to the Chief Land Registrar in electronic format. (4) Mutation form (LRA-27) shall be presented to the Chief Land Registrar in electronic format as provided for in sections 43, 44 and 45 of the Land Registration Act (General) Regulations, 2017. (5) The Director may, upon request prepare a parcel plan in electronic format for use in electronic conveyancing. (6) The Director of Surveys shall prepare a parcel plan to be embedded to the title of that particular parcel.
PART X— Miscellaneous	

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

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FIRST SCHEDULE

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

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

FORM SR2: REQUEST FOR PURCHASE OF DATA

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

APPROVAL OF REQUEST:

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

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

Not Approved: Reasons: .....

Signed: ..... Date: .....
: .....
Director of Surveys

ACCOUNTS SECTION:

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

OI/C: Accounts.....

OI/C: SURVEY RECORDS:

Maps as requested for have been supplied
Signed: ..... Date: .....

OI/C: Survey Records.....

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FORM SR3: SURVEY SUBMISSION FORM

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

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

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

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

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FORM SR5: NUMBERING OF SURVEY RECORDS

NUMBERING IN SURVEY RECORDS OFFICE

Survey Records Tracking Number .....

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

PRELIMINARY CHECK

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

* Indicates "Delete where necessary"

FORM SR6: FIELD NOTES CHECK

Survey Records Tracking Number .....

Checker.....

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

Survey Records Tracking Number .....

PLAN No. F/R

Checker.....

(i) Is "UTM Metric Grid" stamp necessary? Yes/No*

(ii) Longitude belt or other origin of coordinates is correct/should be*.....

(iii) Coordinates and boundary data are to correct number of decimals/should be*.....

(iv) Coordinates list has been transferred from the computations to the plan without errors or omissions/except for*.....

(v) Numerical values, and descriptions, of datum points conform with their plan of origin/except for*...
.....

(vi) All points listed in the computations coordinate list have been plotted on the plan/except for*.....
.....

(vii) Beacon descriptions of all new points agree with the field notes/except for*.....
.....

(viii) All beacons, trig. and traverse points are shown with the correct symbols and colours except for*.....
.....

(ix) Scale shown is correct/should be*.....

(x) Grid values are correct/except for*.....

(xi) The grid is rectangular/except for*.....

(xii) No errors of more than 0.001m. occur in the plotting of the grid lines and beacons/except for*.....
.....

(xiii) Replot of curvilinear boundary is filed at page .....No errors occur/Errors are shown on tracing*....
.....

(xiv) All river distances are given and are correct/except for*.....

(xv) Is description of curvilinear boundary quoted on plan? .....

(xvi) Is origin of curvilinear boundary quoted on plan? .....

(xvii) Is name and direction of river shown on plan? .....

(xviii) Replot of topographical detail is filed at page .....No errors occur/Errors are shown on tracing*.....
.....

(xix) Insets showing building encroachments and obstructed corners are correct/absent/except for*.....
.....

(xx) Colour borders are correct/except for*.....

(xxi) Meridional District and Topo. Sheet numbers are correct/should be*.....

(xxii) FINAL CHECKERS comments on (i) – (xxi) above.....
.....

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FORM SR8: CONSISTENCY OF PLAN DATA CHECK

Survey Records Tracking Number .....

PLAN No. F/R

Checker.....

(i) All coordinates essential for the consistency have been listed on the plan/except for*.....

(ii) All boundary data needed for consistency purposes has been quoted on the plan/except for*.....

.....

(iii) No errors occur in the consistency of the mathematical data /except for*.....

.....

(iv) All essential road secant data has been quoted on the plan except for*.....

.....

(v) All road secant data is geometrically correct/except for*.....

.....

(vi) All truncation data has been quoted on the plan except for*.....

(vii) All truncation data is geometrically correct/except for*.....

.....

(viii) FINAL CHECKERS comments on (i) – (vii) above

.....

.....

FORM SR9: AREAS CHECK

Survey Records Tracking Number .....

PLAN No. F/R

Checker.....

(i) All rectilinear areas are correct/except for*.....

.....

(ii) Curvilinear areas are taken from plan F/R.....Scale.....

(iii) All curvilinear areas are correct/except for*.....

.....

(iv) All areas are quoted in conformity with Reg. 84/except for*.....

.....

(v) Summation of subdivision areas agrees with head title/except for*.....

.....

(vi) Road, riparian and trig. reserves agree with head title reserves as shown oncadastral plan./except for*.....

.....

(vii) FINAL CHECKERS comments on (i) – (vi) above.....

.....

.....

DRAFT

FORM SR10: ABUTTALS CHECK

Survey Records Tracking Number .....

PLAN No. F/R

Checker.....

(i) Abuttal numbers checked against reference plans and found correct/except for*.....
.....

(ii) Abuttals checked against Cadastral Sheet/Cadastral Map No.....Scale.....
and found correct/except for*.....

(iii) No errors of more than 0.001m occur in the plotting of the abuttals except for*.....

(iv) FINAL CHECKERS comments on (i) – (iii) above.....
.....

FORM SR11: FINAL CHECK

Survey Records Tracking Number .....

PLAN No. F/R

Checker.....

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

PURPOSE OF SURVEY.....
.....
.....

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

TRANSACTIONS INVOLVED.....
.....
.....

Is the plot numbering correct for these transactions?
Provisional approval of transactions is recorded at.....
Final approval of transactions is recorded at.....
Approved Plan is No.....Filed at.....
Survey conforms with conditions of approval/does not conform with conditions of approval as follows.....
.....
.....
Registration is to be under LRA- Tenure is Leasehold/Freehold
.....
Survey instructions at.....

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

DRAFT

FORM SR12: AUTHENTICATION

Survey Records Tracking Number .....

PLAN No. F/R

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

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

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

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FORM SR13: AUTHENTICATION LETTER

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

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

Ref. No. .....
Date: .....

LAND REGISTRATION LAND ACT

REGISTRATION DISTRICT .....
REGISTRATION BLOCK/ RIM SHEET NUMBERS .....
Your Reference ..... dated .....
Plan F/R ..... representing the survey of parcels.....
(Old Parcel Nos.....) has been approved. Prints of the plan for use under section 18(6) of the Act are available at a cost of ..... shs. ..... each.

Further details are as follows: -

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

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

.....
DIRECTOR OF SURVEYS

Copy to: Computations .....

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

DRAFT

FORM SR14: NOTIFICATION OF REJECTION OF A SURVEY

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

SECOND SCHEDULE

TERMS AND CONDITIONS OF USE

Chapter 1 Introduction

(i) The National Land Information System is an online system developed by the Government of Kenya through the Ministry of Lands and Physical Planning in collaboration with the National Land Commission. It is a system created for convenience in conducting land transactions.

(ii) Upon registration to the system, a user is deemed to have accepted the terms and conditions and will equally be bound by the same. Once the user has completed the sign up process, a contract detailing the terms and conditions for use is entered into between the user and the system operators.

(iii) The National Land Information System is a service-based platform upon which fees and charges may be preferred from time to time as stipulated in the relevant statutes.

Chapter 2 Access and Use

(i) Upon signing up; a username and a password will be created for the User's use in logging into the system.

(ii) As an additional security measure, a One Time Password (OTP) in the form of a text message shall be sent to the user's Telephone Number to authenticate every log-in. The user of the system shall be required to keep the log in credentials, particularly the password, confidential to avoid unauthorized access to the system.

(iii) A user shall access the system either in an individual capacity or through an authorized representative.

(iv) The system shall allow electronic land transactions under the following Acts: Land Act; Land Registration Act; Physical and Land Use Planning Act; Survey Act; Community Land Act and County Government Act.

Chapter 3 Availability of service and support

(i) The Government of Kenya aim is to ensure accessibility to NLIS at all times, however there could be service interruption to allow for upgrading or maintenance of the system.

(ii) The system shall be available around the clock for searching for the copy or image of any instrument, dealing, or document in the system or the lodgment of documents through the system.

(iii) Processing of electronic documents shall be done during the business hours when the *back-end processes shall be available.*

(iv) The system support and back-end processes shall be available during the business hours set out in Regulation 2 on the business days set out in Regulation 4 of the Land Registration (General) Regulations, 2017.

(v) The Cabinet Secretary reserves the right to suspend the system in whole or in part in the circumstances where a significant breach of security has occurred or that a security system has

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

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

Chapter 4 Obligations

Chapter 5 User obligations

The user shall;

(i) carry out authorized transactions;

(ii) complete such formalities as are required to become a registered user before accessing the system;

(iii) meet the eligibility criteria at all times;

(iv) be responsible for the security of his or her login credentials and for any access made using the login credentials;

(v) use the information obtained for the intended purpose only

(vi) be responsible for the accuracy and completeness of all information provided or submitted by you when applying to join or when using the system

(vii) Surrender/deactivate accounts for persons no longer in their employ

(viii) Change his log in credentials from time to time.

The User shall not;

(i) impersonate another person or entity,

(ii) distribute or sell any information accessed through the system;

(iii) collect information about other users

(iv) make available disruptive commercial messages or advertisements or communications which are prohibited by law

(v) reverse engineer or otherwise attempt to extract any source code.

(vi) use any robot, spider, site search/retrieval application, or other device to retrieve or index any portion of the system

(vii) copy, exchange, sell, disclose or use the land related information accessed from the system for any other purpose other than what is stated in the user agreement without prior written approval of the Cabinet Secretary.

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

Chapter 6 Organizations

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

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

(ii) For ensuring compliance of the terms and conditions by the users as appointed in (i) above;

(iii) For notification of revocation of access for any user in their organization at any time;

(iv) For notification upon discontinuance of employment of any user appointed in paragraph (i).

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

The Ministry shall;

(i) Endeavour to maintain this system (NLIS) in good operational condition throughout the term of this agreement.

(ii) Endeavour to inform the users in cases of scheduled and/or unscheduled system maintenance.

(iii) Assist you to understand the operational requirements and any protocols adopted from time to time for use in the system.

(iv) Comply with all statutory and regulatory requirements imposed on the Ministry regarding the implementation and functionality of the system.

Chapter 8 Security of the System

i. The User is responsible for maintenance of the confidentiality and control of all Security Measures associated with the use by the user (s). These Security Measures involve the use of digital signatures and digital certificates and are managed the Ministry.

ii. You are responsible for the selection and nomination of those of your people who you intend to be Subscribers and, therefore, users of the Security Measures.

iii. The Ministry reserves the right to reject with reasons thereof an application by any Applicant.

iv. You must promptly notify the Cabinet Secretary in the Ministry if a Subscriber stops working for you.

v. You are solely responsible for ensuring that the users comply with the User Obligations.

vi. Any use of the NLIS by any person with access to the Security Measures used or made available to you or any of your people (whether authorised by you or not) constitutes sufficient authority for the Ministry to:

vii. act on any enquiries, provide such information, update its registers or to otherwise transact such dealings, with or under the instruction of that person; and

viii. charge fees for the use of the products and services associated with NLIS.

ix. You shall promptly notify the Cabinet Secretary in the Ministry as soon as you become aware that any of the Security Measures used or available to you or any of your people are or have been compromised, or if you are aware of circumstances which give rise to a risk that those Security Measures have been compromised.

x. You agree to help the Ministry with any investigation of any suspected or actual compromise of any of those Security Measures.

xi. Any activity by a user in the system shall be catalogued and an audit trail of such activity created in the system.

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

Disclaimer

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

Chapter 9 **Data Privacy Statement**

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

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a. Law enforcement agencies, regulatory authorities, courts or other statutory authorities in response to a demand issued with the appropriate lawful mandate and where the form and scope of the demand is compliant with the law;
b. Publicly available and/or restricted government databases to verify applicant's identity information in order to comply with the regulatory requirements;
c. Any other person that the Ministry deems legitimately necessary to share the data with.

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

Chapter 10 Copyright

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

Chapter 11 General Terms

(i) The parties commit to a cooperative environment in the performance of the respective obligation to ensure any system difficulty and/or improvement is addressed.

(ii) The Ministry reserves the right to change and adjust these terms and conditions without any further reasons as long as it is necessary due to legal adjustments or technical progress.

(iii) The Ministry reserves the right to block the authorized user from the ability to upload content to National Land Information System if a violation of this agreement exists.

(iv) These terms and conditions are to be read and construed according to the laws of the Republic of Kenya, and you agree to submit to the jurisdiction of this country.

(v) These terms and conditions record the entire agreement. If any provision of these terms and conditions are held by a court to be unlawful, invalid, unenforceable or in conflict with any rule of law, statute or regulation it is to be severed so that the validity and enforceability of the remaining provisions are not affected.

Chapter 12 User feedback

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

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

Made on the.....2020

FARIDA KARONEY,
Cabinet Secretary for Lands and Physical Planning

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THE STAMP DUTY ACT

(Cap. 480)

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

Stamp Duty (Valuation) Regulations, 2020

1. Citation

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

2. Interpretation

In these Regulations unless the context otherwise requires—

"Act" means the Stamp Duty Act;

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

"Court" means the Environment and Land Court established under the Environment and Land Court Act;

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

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

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

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

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

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

"System" means the National Land Information System.

3. **Application**

These Regulations shall apply to documents electronically submitted for valuation.

4. **Electronic Valuation Module**

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

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

5. **User Authorization**

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

6. **Electronic lodgment**

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

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

(2) A person wishing to undertake a valuation, shall in the prescribed Form 1VA in the Schedule to these Regulations, make an electronic application to the Chief Government Valuer, for consideration.

7. **Termination or suspension**

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

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

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

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

8. **Notice of termination.**

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

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

(a) the grounds of termination;

(b) the facts upon which the termination is made; and

(c) the period within which the user may respond to the notice.

9. Contents of a valuation report

A valuation report shall contain—

(a) the address of the land;

(b) the land reference number;

(c) details of the land and improvements thereon;

(d) details of the valuation approach;

(e) assumptions made;

(f) basis of valuation;

(g) value of the land; and

(h) date of valuation.

10. Submission of stamp duty valuations

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

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

(a) copies of the cadastral maps or physical development plans indicating the land inspected;

(b) a copy of title document;

(c) approved building plans, where applicable;

(d) photographs of the property inspected; and

(e) any other relevant document to support valuation.

11. Date of valuation

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

12. Validity of Valuation

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

13. Objection

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

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

(a) contain the prescribed information, if any;

(b) state the grounds on which the objection is made; and

(c) state the amount that the objector contends is the correct value.

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

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

(b) make the adjustment, if he or she considers that the adjustment in the valuation is justified.

14. Grounds of objection

The grounds for objection under these Regulations shall be that—

(a) the values assigned are too high or too low;

(b) the area, dimension or description of the land are not correctly captured;

(c) the interests held by various persons in the land have not been correctly captured;

(d) land which should have been included in one valuation has been valued separately; or

(e) land which should be valued separately has been included in one valuation.

15. Withdrawal of objections

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

16. Service of Notices

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

SCHEDULE

r. 6(2)

Form 1VA

Stamp Duty Valuation Application Form

Property owner details

Property Owner(s) Full Name: .....

National ID Number: ..... PIN Number: .....

Postal Address: ..... Code..... Town.....

Mobile Number: ..... Email Address.....

Buyer details

Buyer(s) Full Name: .....

National ID Number: ..... PIN Number: .....

Postal Address: .....Code..... Town.....

Mobile Number: .....Email Address.....

Advocate details

Name of Advocate/Agency: .....

National ID Number: .....PIN Number: .....

Postal Address: .....Code..... Town.....

Mobile Number: .....Email Address.....

Property details

LR Number / Block Number: ..... Area.....

Location: .....Road: ..... Estate: .....

Rent .....Term: ..... From: .....

Status of Land: Developed/Undeveloped

Nature of Development: .....

Interest Passing: Leasehold/Freehold/Fee simple

Whole or Part of Interest: .....Value submitted by parties.....

Date of Transfer: .....

.....

Signature of Property Owner / Advocate / Agent Date: .....

Official Use

For: Collector Of Stamp Duty

Valuer's Comments: .....

.....

Valuer (Name):

Signature:

Date:

r. 13(1)

Form 2VA

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

Property owner details

Property Owner(s) Full Name: .....

National ID Number: .....PIN Number: .....

Postal Address: .....Code..... Town.....

Mobile Number: ..... Email Address.....

Advocate details

Name of Advocate/Agency: .....

National ID Number: .....PIN Number: .....

Postal Address: .....Code..... Town.....

Mobile Number: .....Email Address.....

Property details

LR Number / Block Number: .....Area.....

Location: .....Road: ..... Estate: .....

Rent .....Term: ..... From: .....

Status of Land: Developed/Undeveloped

Nature of Development: .....

Interest Passing: Leasehold/Freehold/Fee simple

Whole or Part of Interest: ..... Value submitted by parties.....

Date of Transfer: .....

.....

Signature of Property Owner / Advocate / Agent Date: .....

Grounds of objection.

1.....

2.....

3.....

4.....

Name of Objector:

Phone: ..... Email: .....

Signature: ..... Date: .....

For Official Use

Decision of Chief Government Valuer:

Objection dismissed on the following grounds:

1.....

2.....

3.....

4.....

5.....

Objection upheld

Chief Government Valuer

DRAFT

Made on the 2020

UKUR YATANI
Cabinet Secretary for Treasury and National Planning.

THE STAMP DUTY ACT
(Cap. 480)

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

Stamp Duty (Amendment) Regulations, 2020

Citation

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

Amendment of the Stamp Duty Regulations, 1958.

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

1A. In these Regulations, unless the context otherwise Requires–

"Act" means the Stamp Duty Act;

"certificate" includes physical and electronic form;

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

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

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

"notice" includes physical and electronic form; and

"system" means the National Land Information System.

Amendment of Regulation 2.

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

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

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

Amendment of Regulation 5.

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

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

Amendment of the Principal Regulations.

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

13. Modification of forms

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

14. Notices.

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

Made on the.....2020

UKUR YATANI

Cabinet Secretary for National Treasury and Planning

Legal Notice No.....

LAND ACT
(No. 6 of 2012)

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

Land (Amendment) Regulations, 2020.

Citation.

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

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

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

Act No. 1 of 2009.

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

Act No. 1 of 2009.

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

(c) "register" includes electronic form; and

Act No. 6 of 2012.

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

(e) "Electronic Appeals Committee" means an appeals committee appointed by the Cabinet secretary under regulation 21E.

(f) "user" means a person who has created an online electronic account for access or submission of information by electronic means in the system, and may include a property owner or a professional.

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

3. Regulation 3 of the principal Regulations is amended by adding the words "including electronic form" appearing after the word land.

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

4. Regulation 4 of the principal Regulations is amended in sub-Regulation (1) by adding the words "including electronic form" appearing after the word resources.

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

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

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

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

6. Regulation 8 of the principal Regulations is amended—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) deleting the word "Commission" wherever it appears in the Regulation and substituting therefor the words "Cabinet Secretary".

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

(2) Land rent shall be payable to the Cabinet Secretary where the head lessor is the national government and into the County Revenue Fund account where the county is the head lessor.

(c) deleting sub-Regulation (3).

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

10. Regulation 12 of the principal Regulations is deleted.

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

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

(a) deleting the word "Commission" wherever it appears in the Regulation and substituting therefor the words "Cabinet Secretary".

(b) deleting subparagraph (2).

(c) by adding a new sub-regulation (7) immediately after sub-Regulation (6)—

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

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

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

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

"Notification of affected non-citizen land owners.

(b) deleting the word "Commission" wherever it appears in this Regulation and substituting therefor the words "Cabinet Secretary".

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

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

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

13. Regulation 15 of the principal Regulations is amended by—

(a) deleting the word "Commission" wherever it appears in th Regulation and substituting therefor the words "Cabinet Secretary

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(vii) deleting sub-regulation (6)

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

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

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

16. Regulation 18 of the principal Regulations is amended by

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

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

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

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

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

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

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

17. Regulation 19 of the principal Regulations is amended by—

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

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

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

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

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

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

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

(vii) deleting sub-regulation (6)

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

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

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

16. Regulation 18 of the principal Regulations is amended by

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

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

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

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

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

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

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

17. Regulation 19 of the principal Regulations is amended by—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

IVA. Electronic Lodging

User account

21A. (1) There shall be a user account created in the system for every authorise user.
(2) The authorised user shall receive credentials for use in logging into their user account.

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User obligations.

21B. A person who has been allowed access into the system shall—

(a) carry out such transactions as may be authorized under these Regulations;

(b) be responsible for the security of his or her details for purposes of any transaction under these Regulations;

(c) not distribute, sell or combine any information accessed through the system; and

(d) not copy, exchange, disclose or use the land related information accessed from the system for any other purpose other than for purposes of the transactions under these Regulations.

Suspension and termination

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

(1) The Director Land Administration may at any time immediately suspend a user's access if the user—

(a) Is suspected to commit any fraud, identity theft or system misuse;

(b) contravenes the obligations or the terms and conditions of access;

(c) allows an unauthorised/unqualified person to access the system

(d) is dead

(e) is declared insolvent and the Director Land Administration is duly notified

(f) is declared of unsound mind and the Director Land Administration is duly notified

(2) The Director Land Administration shall on making the decision under sub-Regulation (1) immediately inform the user of that decision and shall specify in the notification -

(a) the grounds of suspension;

(b) the facts which, in the opinion of the Director Land Administration justify each ground of suspension and intention to terminate; and

(c) the period within which the user shall be required to respond to the notification.

(3) The notification under sub-regulation (2) may be served by—

(a) An electronic transmission to any electronic address specified in the user agreement as the user's SMS Notification, email notification or any other form of electronic transmission

(b) post, to any postal address specified in the user agreement as the user's address of service;

(4) A user may respond to a suspension notice in writing or in electronic form stating the reason why the suspension of access should be withdrawn and the response served upon the Director Land Administration before the expiry of the suspension period.

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(5) The Director Land Administration shall upon receipt of a respons under sub-regulation (4) if satisfied that it is no longer appropriate t suspend a user's access withdraw the suspension by sending notification to that effect to the user.

Termination of user's access

21D. Termination of a user's access

(1) Subject to Regulation 21(C)(1), the Director Land Administration shal immediately terminate the user's access to the system if the user is dead o upon receiving official notification that the user is declared insolvent or o unsound mind.

(2) The Director Land Administration shall if not satisfied with a user's response under regulation 21(C)(4) terminate a user's access by sending a notice to that effect to the user.

(3) The user may be at liberty to file an appeal to the appeals committee through the Cabinet Secretary, within 14 days of the Director Land Administration's decision to terminate a user's access

Appeal against termination

21E. Appeals against the decision of the Director Land Administration t**o terminate a user's access.**

(1) The Cabinet Secretary shall appoint an appeals committee of not more than 9 members comprising of representatives from the following-

(a) 3 representatives from the Ministry
(b) 1 representative from the National Land Commission;
(c) 3 representative from the private sector where one will be an expert system forensic and cybercrimes;

(2) The Electronic Appeals Committee shall hear appeals to the cabinet secretary and arising from decisions of the relevant Directorates or the National Land Commission to terminate access to the system by any user.

(3) The Electronic Appeals Committee shall hear and determine any matter referred to it within 30 days and immediately notify the user of their finding.

(4) A user aggrieved by the Electronic Appeals Committee finding may appeal to the court within 30 days from the date of making of the decision by the committee.

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

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

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Made on the.....2020

FARIDA KARONEY,
Cabinet Secretary for Lands and Physical Planning

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

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

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

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

(vii) deleting sub-regulation (6)

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

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

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

16. Regulation 18 of the principal Regulations is amended by

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

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

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

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

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

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

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

17. Regulation 19 of the principal Regulations is amended by—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

IVA. Electronic Lodging

User account

21A. (1) There shall be a user account created in the system for every authorise user.
(2) The authorised user shall receive credentials for use in logging into their user account.

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User obligations.

21B. A person who has been allowed access into the system shall—

(a) carry out such transactions as may be authorized under these Regulations;

(b) be responsible for the security of his or her details for purposes of any transaction under these Regulations;

(c) not distribute, sell or combine any information accessed through the system; and

(d) not copy, exchange, disclose or use the land related information accessed from the system for any other purpose other than for purposes of the transactions under these Regulations.

Suspension and termination

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

(1) The Director Land Administration may at any time immediately suspend a user's access if the user—

(a) Is suspected to commit any fraud, identity theft or system misuse;

(b) contravenes the obligations or the terms and conditions of access;

(c) allows an unauthorised/unqualified person to access the system

(d) is dead

(e) is declared insolvent and the Director Land Administration is duly notified

(f) is declared of unsound mind and the Director Land Administration is duly notified

(2) The Director Land Administration shall on making the decision under sub-Regulation (1) immediately inform the user of that decision and shall specify in the notification -

(a) the grounds of suspension;

(b) the facts which, in the opinion of the Director Land Administration justify each ground of suspension and intention to terminate; and

(c) the period within which the user shall be required to respond to the notification.

(3) The notification under sub-regulation (2) may be served by—

(a) An electronic transmission to any electronic address specified in the user agreement as the user's SMS Notification, email notification or any other form of electronic transmission

(b) post, to any postal address specified in the user agreement as the user's address of service;

(4) A user may respond to a suspension notice in writing or in electronic form stating the reason why the suspension of access should be withdrawn and the response served upon the Director Land Administration before the expiry of the suspension period.

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(5) The Director Land Administration shall upon receipt of a respons under sub-regulation (4) if satisfied that it is no longer appropriate t suspend a user's access withdraw the suspension by sending notification to that effect to the user.

Termination of user's access

21D. Termination of a user's access

(1) Subject to Regulation 21(C)(1), the Director Land Administration shal immediately terminate the user's access to the system if the user is dead o upon receiving official notification that the user is declared insolvent or o unsound mind.

(2) The Director Land Administration shall if not satisfied with a user' response under regulation 21(C)(4) terminate a user's access by sending notice to that effect to the user.

(3) The user may be at liberty to file an appeal to the appeals committee through the Cabinet Secretary, within 14 days of the Director Lanc Administration's decision to terminate a user's access

Appeal against termination

21E. Appeals against the decision of the Director Land Administration t**terminate a user's access**

(1) The Cabinet Secretary shall appoint an appeals committee of not mor than 9 members comprising of representatives from the following-

(a) 3 representatives from the Ministry
(b) 1 representative from the National Land Commission;
(c) 3 representative from the private sector where one will be an expert system forensic and cybercrimes;

(2) The Electronic Appeals Committee shall hear appeals to the cabine secretary and arising from decisions of the relevant Directorates or the National Land Commission to terminate access to the system by any user.

(3) The Electronic Appeals Committee shall hear and determine any matte referred to it within 30 days and immediately notify the user of thei finding.

(4) A user aggrieved by the Electronic Appeals Committee finding may appeal to the court within 30 days from the date of making of the decision by the committee.

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

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

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Made on the.....2020

FARIDA KARONEY,
Cabinet Secretary for Lands and Physical Planning

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Legal Notice No.....

LAND ACT
(No. 6 of 2012)

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

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

PART I-PRELIMINARY

Citation.

1. These Regulations may be cited as the Land (Extension and Renewal) (Amendment) Rules, 2020.

Interpretation.

2. In these Rules unless the context otherwise requires:-

"Cabinet Secretary" has the same meaning assigned under the Act

"County Executive Committee Member" means the County Executive Committee Member for the time being in charge of Land in a County

PART II-EXTENSION OF LEASE.

Lease granted by National Government.

3. (1) At any time before expiry of a lease granted by the National Government, a lessee may apply to the Cabinet Secretary for an extension of lease in Form LA 22 set out in the Schedule.

(2) Upon receipt of an application made under paragraph (1), the Cabinet Secretary shall review the application and within ninety days of receipt of the application either—

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

(b) decline to extend the lease and give the reasons thereof.

(3) Where the Cabinet Secretary approves an application for extension of the lease under paragraph (2), the cabinet secretary shall—

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

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

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(c) prepare a lease for the extended period, stating the terms and conditions of the extension; and

(d) have the lease executed;

(e) forward the executed lease to the Registrar for the registration and the noting of the extended term in the register.

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

Lease granted by County Government.

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

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

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

(b) decline to extend the lease and give the reasons thereof.

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

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

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

(c) prepare a lease for the extended period, stating the terms and conditions of the extension; and

(d) have the lease executed;

(e) forward the executed lease to the Registrar for the registration and the noting of the extended term in the register.

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

Considerations to grant or decline.

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

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

(b) information relating to any existing encumbrances on the title of the land for which an extension is applied for;

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

(d) where the application for extension is by a non-citizen, the unexpired term and the term of extension sought to ensure that they do not cumulatively exceed ninety-nine years.

Decline.

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

Surrender.

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

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

PART III-NOTIFICATION OF EXPIRY

Expiry of a Leasehold Tenure.

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

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

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

(a) the date of expiry the leasehold tenure;

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(b) inform the lessee of the lessee's pre-emptive right as provided under section 13 of the Act; and

(c) to whom the lessee will make the application.

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

Failure to Respond.

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

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

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

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

PART III-RENEWALS

Applications for Renewal.

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

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

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

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

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

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

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

Approval for Renewal.

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

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

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

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

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

Decline of Renewal.

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

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

Determination by national government or county government.

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

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

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

Renewal of leases after expiry.

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

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

Considerations by Commission.

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

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

Land for public purpose.

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

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

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

(3) After a notification under paragraph (3) is given, the national or county government shall -
(a) carry out an inventory of the developments on the land;
(b) direct the lessee not to put up new developments or improvements thereon.

Substantial Transactions.

17. Subject to section 9(3) of the Act, the Commission in instances of substantial transactions, and in consultation with the national or county government shall ensure that—
(a) the renewal is beneficial to the economy and the country as a whole;
(b) the investment purpose is in accordance with the national or regional or county policies and plans; and
(c) the renewal is in public interest, public safety, public order, public morality, public health and land use planning.

Site Inspection.

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

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PART III-APPEALS

Appeals.

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

Independent Appeals Committee

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

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

Decision.

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

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FORM LA. 22

(r. 2(1))

REPUBLIC OF KENYA

APPLICATION FOR EXTENSION OF LEASE

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

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

I/ We HEREBY apply for extension of lease.

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

2. Description of Land-
   Parcel No(s). .....
   IR No. (where applicable) .....
   Acreage ..... (in Ha)
   Locality .....
   User .....

I attach the following supporting documents

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

.....
Applicant

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FORM LA. 21 (r. 10(1))

REPUBLIC OF KENYA

NOTICE OF EXPIRY OF LEASE BEFORE 5 YEARS

To Lessee.....

P.O. BOX .....

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

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

Dated.....

.....

for Cabinet Secretary

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FORM LA. 23 (r. 4(1), 5(1)

REPUBLIC OF KENYA
NATIONAL LAND COMMISSION

APPLICATION FOR RENEWAL OF LEASE

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

To: National Land Commission,.....County

Date.....

I/ We HEREBY apply for Renewal of lease

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

4. Description of Land-
   Parcel No(s). .....
   IR No (where applicable) .....
   Acreage..... (in Ha)
   Locality .....
   User .....

I attach the following supporting documents

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

.....
Applicant

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FORM LA. 5

(r.5(8)(c), r. 6(4)(c))

Reference Number

NATIONAL LAND COMMISSION

LETTER OF ALLOTMENT

Name.....
Address.....
Email Address.....

Date...., 20.....

Dear Sir/Madam,

RE: Parcel No.....

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

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

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

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

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

TOTAL Kshs

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

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

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

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

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

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

Yours faithfully,
Authority:

.....
For: National Land Commission

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Made on the ......, 2020

Chairperson,
National Land Commission.

LEGAL NOTICE NO. .....

THE LAND ACT
(No. 6 of 2012)

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

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

Citation.

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

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

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

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

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

(c) "register" includes electronic form; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Made on the ....., 2020

Chairperson,
National Land Commission.

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THE PHYSICAL PLANNING AND LAND USE ACT	
THE PHYSICAL AND LAND USE PLANNING (ELECTRONIC DEVELOPMENT CONTROL AND ENFORCEMENT SYSTEM) REGULATIONS, 2020	
PART I: PRELIMINARY	
Application LN 156 of 2019	1. (1) These Regulations shall apply to the Development Control and Enforcement activities under Part IV and V respectively and as set out in the Third Schedule of the Act. (2) Without prejudice to the generality of sub-Regulation 1(1) – (i) In the case of an application for development permission for projects of inter-county and or strategic national importance projects as set out in the Physical and Land Use Planning (Classification of Strategic National or Inter-County Projects) Regulations, 2019; and (ii) the Cabinet Secretary may through a notice in the gazette, make regulations as set out in Part VII of the Act.
Interpretation	2. In these Regulations, unless the context otherwise requires– **"Act"** means the Physical and Land Use Planning Act, 2019; **"authorized officer"** means an officer with a user account mandated to receive, record, advise, verify, notarise, transmit or file documents received for an application; **"authorised user"** means a person who has created an online electronic account for access or submission of information for purposes of physical and land use planning; **"consultant"** means a licensed/registered and practicing professional or consulting firm mandated to submit applications on behalf of the registered owner of the land; **"Development Technical Validation Committee"** means committee constituted for quality assurance of the processed applications before approval; **"development control"** has the meaning assigned to it under section 2 of the Physical and Land Use Planning Act, 2019;; **"development conditions"** has the meaning of conditions imposed by a planning authority on grant of a development permission under section 61(2)(a) of the Physical and Land Use Planning Act, 2019 **"development control instruments"** means prescribed standard operating documents including forms and spreadsheets utilised in handling applications for development permission;

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	"conformance conditions" means conditions for applications that require further professional input such as structural, civil, electrical, mechanical and ICT engineering designs before commencement of development; **"development fees"** means a fee levied under section 63 of the Physical and Land Use Planning Act, 2019 for development of infrastructure in relation to the property in question for general use by the residents of the area where the property in question is located; **"development permission"** means permission granted by the planning authority to an applicant to develop land under section 57 of the Physical and Land Use Planning Act, 2019; **"electronic"** has the meaning assigned to it under section 2 of the Kenya Information and Communications Act Cap 401A; **"electronic signature"** has the meaning assigned to it by the Kenya Information and Communications Act Cap 401A; **"enforcement notice"** means a notice served by a planning authority under section 72 of the Physical and Land Use Planning Act, 2019 on the owner, occupier or developer of the land requiring that owner, occupier or developer to comply with provisions of that section; **"fee waiver"** has the meaning assigned to it under section 159 of the Public Finance and Management Act 2012; **"licenced professional"** means a Physical Planner, Architect, Engineer, Landscape Architect or Urban Designer; **"on-line registration form"** means form used for user account opening and registration; **"performance conditions"** means conditions discharged during implementation through interim, partial and incremental certification; **"planning authorities"** has the meaning assigned to it under section 2 of the Physical and Land Use Planning Act, 2019; **"preliminary application"** means an application seeking detailed information and guidance to enable submission of a detailed application; **"prescribed agenda"** means a schedule of applications for development permission that have been processed for tabling in Development Technical Validation Committee; **"relevant authorities"** has the meaning assigned to it under section 60 of the Physical and Land Use Planning Act, 2019 **"relevant Professional Registration Board"** has the meaning assigned to Physical Planners Registration Act, Architects and Quantity Surveyors Act and Engineers Registration Act;

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	"registered owner" means the registered owner of land or property for which development permission is sought; **"register of development permission"** has the meaning assigned to it under section 62(2) of the Physical and Land Use Planning Act, 2019; **"shared services agreement"** has the meaning assigned to it under section 118 of the County Government Act; **"shared services tariffs"** has the meaning assigned to it under section 120 of the County Government Act; **"sub- consultant"** means an authorized user who may be sub-contracted to undertake specific conformance or performance tasks; **"system"** means the physical and land use module of the National Land Information System; **"performance timeline"** has the meaning assigned to it under sections 64 and 65 of the Act; **"use"** means any use of land for which development permission has been obtained under the Physical and Land Use Planning Act , 2019; **"zoning ordinance"** means a regulation that defines land in a specific geographic location can be developed and used.
PART II: THE DEVELOPMENT CONTROL AND ENFORCEMENT SYSTEM	
System Establishment	3. There shall be established an electronic development control and enforcement system being a module within the National Land Information System for the purpose of handling applications for development permission.
Database and Operation Tools	4. (1) The Director-General shall maintain in the system, an electronic database for the – (i) approved physical and land use plans in accordance to provisions of the First and Second Schedules of the Act; (ii) development control instruments including handbooks, codes, zoning ordinances, policy statements, guidelines, circulars and manuals; and (iii) registers of documents submitted by applicants for development permission as provided in Schedule 1. (2) The database shall be displayed and retrieved in such a manner that enables– (i) an authorized user, being a registered owner of a property shall retrieve information necessary to describe the permissible development which is the subject of the proposed application;

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	(ii) a licenced professional authorised to submit an application for development permission, who shall link such property to their user account; and (iii) a member of the public or authorized agent of an institution desirous to access data for research purposes.
Requirements for handling applications for development permission	5. (1) For purposes of submission of development proposals listed under section 1 of the Third Schedule of the Act, the Director-General shall– (i) establish online links with relevant authorities for ease of information cross-referencing; (ii) enable module integration for property searches, cadastre outlay and property survey attributes for retrieval of such information for submission of development applications; and (iii) process development applications within the prescribed projects of national importance in accordance with section 69 of the Act. (2) There shall be a County Government system operators who shall be – (i) the County Director of Physical and Land Use Planning in accordance with section 20(h) the Act; (ii) such authorised planning officers in designated planning units in accordance with section 20(g) of the Act; (iii) such authorised technical officers in the relevant authorities or agencies in accordance to section 60(1) of the Act; and (iv) such authorised finance officers in designated finance units in accordance with section 120 of the County Government Act and section 157, 159 and 171 of the Public Finance Management Act.
Signing Up for User Account	6. (1) There shall be a user account created in the system for every authorised user by – (i) signing up and completing a prescribed on-line registration form eDCES001; (ii) selecting access level for the purpose of transacting activities listed in sub-regulation 5(2); and (iii) providing the following information: (a) Name; (b) Identity Number/Incorporation/Registration Number; Passport Number (c) Telephone Number; (d) Alternative Telephone Number; (e) E-mail address; (f) Postal Address; (g) Next of kin details; (h) Passport size photo as profile picture in case of natural persons; and

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

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

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Termination of a user's access to the system	**11.** (1) Subject to Regulation 10 (1), the Director-General or County Director shall immediately terminate the user's access to the system upon confirming that the user is dead, is declared insolvent or is of unsound mind. (2) The Director-General or County Director shall terminate the user's access if – a. not satisfied with the user's response given under Regulation 10 (4) b. the user does not respond within the specified period in Regulation 10 (2) (c) (3) The Director-General or County Director shall communicate the decision under Paragraph (2) to the user within 7 days. (4) The user may file an appeal to the Electronic Appeals Committee, through the Cabinet Secretary, within 14 days of the decision to terminate the user's access.
Appeals against the decision to terminate a user's access to the system	**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. (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. (3) The Electronic Appeals Standing Committee shall nominate from among the members of the Committee one member from the Ministry and one member from the Commission who shall serve as the secretariat. (4) The Electronic Appeals Standing Committee shall hear and determine any matter referred to it within 30 days and notify the user of its decision within 7 days. (5) A user aggrieved by the decision of the Electronic Appeals Standing Committee may appeal to the court within 30 days from the date of such decision.
PART III: PREPARATION AND SUBMISSION OF DEVELOPMEMNT APPLICATIONS	
Preparation of application	**13.** (1) For purposes of establishing the permitted use and zoning ordinance requirements of a property, the authorised user shall – (i) log in and enter the required information; (ii) attach the relevant documents as may be required to search for the relevant approved plan; and (iii) retrieve planning particulars of the property. (2) For purposes of establishing if the proposed development falls in the category of national strategic importance or inter-county in accordance to

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	section 69 of the Act, the authorised user shall make reference to the Physical And Land Use Planning (Classification Of Strategic National or Inter-County Projects) Regulations, 2019; (3) For applications whose policy interpretations may not be clear or constitute comprehensive development, the authorised user may – (i) prepare preliminary application for concept evaluation and recommendations; (ii) submit electronically the said application under the submission guidelines in these Regulations, or (iii) physically consult the authorised officer of the planning authority (4) The recommendations obtained under sub-Regulation 14(3) shall constitute the full submission of the application.
Submission of application	**14.** (1) Application for development permission shall be made in the prescribed form, depending on the type of application. (2) An application for development permission shall be transmitted to such electronic address in accordance to these Regulations; (3) All applications for development permission shall be accompanied by supporting documents including – (i) Title Deed, Certificate of Lease or any legal ownership documents and a current search; (ii) Written consent in accordance to section 58(4) of the Act; (iii) Geo-referenced Cadastral map, sectional plans or other filed plans; (iv) Scheme plans/building plans in accordance to submission guidelines, approved standards and specifications. (v) Public Notification (where applicable) in accordance to section 58(7)(8); (vi) Planning Brief (where applicable) (4) The written consent, public notification notice and planning brief shall be submitted PDF format and shall – (i) not be password protected; (ii) be A4 paper size; (iii) have line spacing 1.5; (iv) not contain hyperlinks; (5) The uploaded files of a single application shall –

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	(i) be limited to 25 Mb perf file; (ii) have images of with resolution not less than XXXX pixels (6) The e-mailing of document to the planning authority shall not constitute submission of a development application; (7) Where due to a reasonable cause that may include a system prolonged down time, resulting in an authorized person inability to submit an application electronically, the consultant or sub-consultant may submit a hard copy application to the planning authority and give reasons; (8) For purposes of computation of time, the deadline for electronic submission of documents including the planning authority communicating decisions on development applications lodged electronically shall be 23:59:59 hours Kenyan time; (9) A signature may be– (i) a manual signature on a document that is scanned for electronic submission; (ii) an electronic signature. (10) The consultant or sub-consultant shall be under a duty to inform the registered owner of the submission and progress made in processing the application
PART III: RECEIVING AND PROCESSING OF DEVELOPMENT APPLICATION	
Receiving and Invoicing Development Application Fees	15. (1) The system shall generate an automated confirmation of receipt of the application bearing the date and time of submission and hyperlink of the documents attached; (2) The application shall be received and downloaded by the authorised planning officer and subject to prescribed fees in accordance to the regulations issued from time to time by– (i) the Cabinet Secretary for proposed projects that fall in the classification of strategic national importance or inter-county; (ii) the County Executive Committee Member for proposed developments that fall outside those specified in paragraph (i) (2) Electronic payments due to National Government shall be made in the form that the Cabinet Secretary may prescribe from time to time; (3) Electronic payments due to County Government shall be made in the form the County Executive Committee Member may prescribe from time to time; and (4) An application shall not be considered duly completed until the invoiced amount is paid in full.

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Registration of Development Application	**16.** (1) Upon confirmation by the authorised finance officer for payment of application fees or waiver authority, the authorised planning officer shall – (i) prepare an electronic submission certificate in form ePLUPA 002 in the First Schedule with a tracking number issued by the system; and (ii) record the application in the development applications Register in line with section 62 of the Act;
Circulation and Reviewing of application	**17.** (1) Subject to the provisions of Section 60 of the Act, the authorised planning officer shall transmit an electronic copy of the application to the authorised technical officer of the relevant authorities and agencies to review and comment. (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; (ii) County Director of Physical and Land Use Planning who shall– a. enter as an item in the prescribed agenda; b. table the agenda in the Development Technical Validation Committee; and c. forward the resolution of the Development Technical Committee to the County Executive Committee Member for approval.
Development Technical Validation Committee	**18.** (1) The County Executive Committee Member shall – (i) establish the Development Technical Validation Committee to validate comments and recommendations received from the relevant authorities and agencies; (ii) appoint members of the committee who shall include – a. Chief Officer in charge of Physical and Land Use Planning or a designated representative who shall be the chairperson; b. City or municipal director of physical and land use planning or designated representative; c. County, city or municipal architect or a designated representative; d. County land surveyor or a designated representative; e. County city or municipal Engineer or a designated representative; f. County, city or municipal director of land administration or a designated representative;

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	g. County director of public health or a designated representative; h. County, city or municipal director of environment or a designated representative; i. County Director of Physical and Land Use Planning who shall be the secretary (2) Members of the Development Technical Validation Committee shall – (i) hold scheduled meetings set out on an annual basis; (ii) deliberate the agenda items set in sub-Regulation 15(2)(ii) and validate each item; (iii) make comments based on their professional competence; (3) The Development Technical Validation Committee shall with reasons recommend to the county executive committee member whether to grant, reject or differ a development application
Decision Making and Communication	**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; (2) The county Executive Committee Member shall – (i) receive the resolutions of the Development Technical Validation Committee and for each item in agenda shall grant, refuse to grant or differ stating reasons for the decision; (ii) Authorise the County Director of Physical and Land Use Planning to communicate of the decisions in accordance to section 20(i) of the Act (3) County Director of Physical and Land Use Planning shall – (i) transmit the decision to such electronic address provided by the consultant supported by email or short message service to the property owner; and (ii) re-circulate deferred applications to the relevant authorities for further review and reporting in the subsequent validation meeting
Preparation of Conformance Conditions Applications	**20.** (1) A consultant who receives approval decision with conformance conditions shall – (i) Appoint qualified and authorised user as sub-sub-consultant and share the conformance conditions to be fulfilled; (ii) Instruct the sub-consultant to prepare secondary applications for the purpose of –

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	a. conforming to requirements provided in section 11(c)(d) and (e) of Third Schedule of the Act; b. the charging of development fees where applicable in accordance to section 63 of the Act; and c. securing necessary wayleave permits in accordance to section 12 of Third Schedule of the Act;
Receiving and Processing of Conformance Conditions Applications	**21.** (1) Application received by the authorised planning officer who shall– (i) circulate to the authorised technical officers of the relevant authorities or agencies responsible for the matter under review; and (ii) forward the reviewed application to the County Director of Physical and land Use planning for issuance of development permit;
Issuance of Development Permission	**22.** (1) The County Director of Physical and Land Use planning shall issue notification of development application decision– (i) granting permission with: a. performance conditions; b. performance timelines in accordance with Sections 64 and 92 of the Act; (ii) declining permissions giving reasons for the decision; or (iii) deferment seeking more information or clarification on specific matters.
PART IV: PERFORMANCE CONDITIONS MONITORING AND INSPECTIONS	
Notifications of Inspections	**23.** (1) The registered owner of a property or duly authorised agent shall – (i) send electronic form of notification to the authorised planning officer requesting for inspection during the – a. commencement the of the project b. subsequent stages stated in the performance conditions (2) The authorised planning officer shall – (ii) receive form of notification and within 24 hours from the hour of receipt issue electronic invoice subject to prescribed fees in accordance to the regulations issued from time to time; (iii) upon payment of the application fees circulate the notification within 24 hours to the authorised technical officer of the relevant authorities or agencies to carry out the inspection

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Site Inspection Procedure	24. (1) The authorised technical officer of the relevant authorities or agencies shall – (i) visit the project site within 24 hours of receiving the form of notification and conduct inspection in accordance to procedures prescribed in the relevant codes; (ii) prepare the inspection report in the prescribed inspection card and file an electronic copy and – a. if satisfied with standards on the visited site issue interim certificate authorizing progress of development within 7 days from the date of inspection; or; b. if not satisfied, demand compliance to the set standards or conditions of approval before embarking on the development (2) The registered owner of a property carrying out the development shall not proceed with the development unless issued with a copy of the inspection report and interim certificate authorising progress.
Final Inspection Issuance of Compliance/Occupation Permit	25. (1) Upon completion of the development project the consultant or duly authorised agent shall on behalf of registered owner of a property– (i) send electronic form of notification to the authorised planning officer requesting for joint final inspection of all authorised technical officers of the relevant authorities and agencies; (ii) prepare the site of the completed development to standards stipulated in the performance conditions; (2) The authorised planning officer shall coordinate the final joint inspection exercise and consolidate all inspection reports and forward to the County Director of Physical and Land Use Planning; (4) the County Director of Physical and Land Use Planning shall receive the final joint inspection report and within 7 days from the date of receipt issue in prescribed forms ePLUPA003 – (i) compliance certificate against development applications submitted by planning consultants; and (ii) occupation certificate for buildings
PART VI: ENFORCEMENT ACTION	
Identification of contravention/breach and preparation of enforcement notice	26. (1) The Director of Planning and Land Use Planning shall, in liaison with relevant authorities and agencies, conduct routine surveillance visits for the purpose of – (i) monitoring on-going developments in the county; (ii) identify un-authorised developments or those in contravention to approval;

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	(2) The Director of Planning and Land Use Planning shall prepare an enforcement notice for non-conforming developments in a prescribed Form ePLUPA004 which shall – (i) specifying the contravention/breach committed; and (ii) Remedial measures to be undertaken within a specified time.
Service of Enforcement Notice and appeal	27. (1) The registered owner of a property or agent carrying out the unauthorised development or in contravention to approval shall either – (i) be served with electronic copy of enforcement notice dispatched through short message service or email; or (ii) be served with an enforcement notice by post or physically delivered in the absence of an electronic address (iii) in the absence of a physical person, the notice shall be posted/mounted/pasted on a prominent spot within the property; (2) The enforcement notice shall take effect from the date of service within which to comply; or (3) Any person aggrieved with the decision of the County Director of Physical and Land Use Planning may appeal to the respective County Physical and Land Use Liaison Committee in accordance to section 72(3)(4) of the Act.
udicial Process for non-compliance	28. (1) Whereupon the registered owner of a property fails to comply to the decision of the county liaison committee, the County Director of Physical and Land Use Planning shall – (i) commence the judicial process for court summons; (ii) prosecute the case to a logical conclusion; (2) Without prejudice to the determination of the case, the County Director of Physical and Land Use Planning shall cause the demolition or restoration of the land to land to its original state in line with Section 57(3) of the Act.

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FIRST SCHEDULE

Development Application Registers

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

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Prescribed forms

Form EPLUPA 1 Registered Number of Application ....

Application for Development Permission (S. 58(1)

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

To the.....

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

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

Date .....

Registration Number .....

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

Section A—General Information

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

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Section B—Subdivision

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

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

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

   by existing buildings .....

   by proposed buildings .....

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

If filled by Agent:

Name .....

Address .....

Profession.....

Submission Certificate

County Government of .....

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

On..... before .....(Name and Title of the Officer), personally received the application Ref No..... on Plot L.R No.....located along.....road in .....area,.....Sub-County for the proposed.....
.....
hereby acknowledge receipt of the application with the attachments mentioned below:

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

Name of the Applicant.....

ID No of the Applicant .....

Registration No of Registered Professional .....

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

Name of the Receiving Officer.....

Signature ..... (Stamp)

CC:

CECM

The Applicant

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Certificate of Compliance

THE PHYSICAL AND LAND USE PLANNING ACT

(No. 13 of 2019)

Certificate of Compliance

FORM EPLUPA 003

Certificate No. .....

Name and Address of Applicant .....

.....

Type of Development (Industrial, Commercial, etc.) .....

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

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

Received from ..... (County Government) by

Ref. No. ..... of .....

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

(*b*) Approved Subdivision Plan/Advisory Plan No.

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

with respect to Registered Application No.

Issued by ..... (Name of Officer)

..... Signature

County Director of Physical Planning

Department Seal

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FORM EPLUPA 004

REPUBLIC OF KENYA

COUNTY GOVERNMENT OF.....

ENFORCEMENT NOTICE

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

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Ref No.....

To (Owner, Developer, Agent, Occupier)

Name.....

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

Physical address.....

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

2. Description of the Land Parcel
   No.....
   Coordinates.....
   Correspondence file No. (If known).....
   General description of land (for un-surveyed land).....
   County/City/Municipality/Town/Ward.....
   Name of road/street.....

3. Nature of Development .....

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

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

   *Tick whichever is applicable

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

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

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

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

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Official use:

Name and signature of Authorised Officer.....

FOR: County Executive Committee Member

Official stamp

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

CC

Deputy County commissioner.....Sub County

OCPD..... Division

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

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Details

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

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SECOND SCHEDULE

Form eDCES 001

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

SERVICE ACCESS LEVEL (select one field)		
Property Owner		
Consultant	Physical/Land Use Planner	
	Architect	
	Engineer	
	Landscape Architect	
	Urban Designer	
Others	Individual	
	Institution	
Name/Partnership/LLP:	ID no./Reg. No./P.105	
Tel. No.	e-Mail Address:	
Physical Address:	Postal Address: Postal Code: Town:	
Contact Person Name:	P.105/	
Tel No.	Email Address	

In case of Partnership/LLP, individual authorised users:

S/NO.	NAME	ID NO.	P.105/	TEL NO.	EMAIL

I have read and understood the terms and conditions of use.
I AGREE TO BE BOUND BY SAID TERMS AND CONDITIONS

Name **Signature** **Date**

THIRD SCHEDULE

TERMS AND CONDITIONS OF USE

1. Introduction

(i) The National Land Information System is an online system developed by the Government of Kenya through the Ministry of Lands and Physical Planning in collaboration with the National Land Commission. It is a system created for convenience in conducting land transactions.

(ii) Upon registration to the system, a user is deemed to have accepted the terms and conditions and will equally be bound by the same. Once the user has completed the sign up process, a contract detailing the terms and conditions for use is entered into between the user and the system operators.

(iii) The National Land Information System is a service-based platform upon which fees and charges may be preferred from time to time as stipulated in the relevant statutes.

2. Access and Use

(i) Upon signing up; a username and a password will be created for the User's use in logging into the system.

(ii) As an additional security measure, a One Time Password (OTP) in the form of a text message shall be sent to the user's Telephone Number to authenticate every log-in. The user of the system shall be required to keep the log in credentials, particularly the password, confidential to avoid unauthorized access to the system.

(iii) A user shall access the system either in an individual capacity or through an authorized representative.

(iv) The system shall allow electronic land transactions under the following Acts: Land Act; Land Registration Act; Physical and Land Use Planning Act; Survey Act; Community Land Act and County Government Act.

3. Availability of service and support

(i) The Government of Kenya aim is to ensure accessibility to NLIS at all times, however there could be service interruption to allow for upgrading or maintenance of the system.

(ii) The system shall be available around the clock for searching for the copy or image of any instrument, dealing, or document in the system or the lodgment of documents through the system.

(iii) Processing of electronic documents shall be done during the business hours when the *back-end processes shall be available.*

(iv) The system support and back-end processes shall be available during the business hours set out in Regulation 2 on the business days set out in Regulation 4 of the Land Registration (General) Regulations, 2017.

(v) The Cabinet Secretary reserves the right to suspend the system in whole or in part in the circumstances where a significant breach of security has occurred or that a security system has failed that compromises or that could compromise the integrity or security of the system's databases or service until such security breach or failure has been rectified.

(vi) The Ministry will endeavour to provide you with the services at all times or at any specific times or will be able to operate at all times error-free. Ministry makes no warranties in regard

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

4. Obligations

a) User obligations

The user shall;

(i) carry out authorized transactions;

(ii) complete such formalities as are required to become a registered user before accessing the system;

(iii) meet the eligibility criteria at all times;

(iv) be responsible for the security of his or her login credentials and for any access made using the login credentials;

(v) use the information obtained for the intended purpose only.

(vi) be responsible for the accuracy and completeness of all information provided or submitted by you when applying to join or when using the system

(vii) Surrender/deactivate accounts for persons no longer in their employ

(viii) Change his log in credentials from time to time

The User shall not;

(i) impersonate another person or entity,

(ii) distribute or sell any information accessed through the system;

(iii) collect information about other users

(iv) make available disruptive commercial messages or advertisements or communications which are prohibited by law

(v) reverse engineer or otherwise attempt to extract any source code.

(vi) use any robot, spider, site search/retrieval application, or other device to retrieve or index any portion of the system

(vii) copy, exchange, sell, disclose or use the land related information accessed from the system for any other purpose other than what is stated in the user agreement without prior written approval of the Cabinet Secretary.

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

b) Organizations

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

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

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(ii) For ensuring compliance of the terms and conditions by the users as appointed in (i) above;

(iii) For notification of revocation of access for any user in their organization at any time;

(iv) For notification upon discontinuance of employment of any user appointed in paragraph (i).

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

The Ministry shall;

(i) Endeavour to maintain this system (NLIS) in good operational condition throughout the term of this agreement.

(ii) Endeavour to inform the users in cases of scheduled and/or unscheduled system maintenance.

(iii) Assist you to understand the operational requirements and any protocols adopted from time to time for use in the system.

(iv) Comply with all statutory and regulatory requirements imposed on the Ministry regarding the implementation and functionality of the system.

5. Security of the System

i. The User is responsible for maintenance of the confidentiality and control of all Security Measures associated with the use by the user (s). These Security Measures involve the use of digital signatures and digital certificates and are managed the Ministry.

ii. You are responsible for the selection and nomination of those of your people who you intend to be Subscribers and, therefore, users of the Security Measures.

iii. The Ministry reserves the right to reject with reasons thereof an application by any Applicant.

iv. You must promptly notify the Cabinet Secretary in the Ministry if a Subscriber stops working for you.

v. You are solely responsible for ensuring that the users comply with the User Obligations.

vi. Any use of the NLIS by any person with access to the Security Measures used or made available to you or any of your people (whether authorised by you or not) constitutes sufficient authority for the Ministry to:

vii. act on any enquiries, provide such information, update its registers or to otherwise transact such dealings, with or under the instruction of that person; and

viii. charge fees for the use of the products and services associated with NLIS.

ix. You shall promptly notify the Cabinet Secretary in the Ministry as soon as you become aware that any of the Security Measures used or available to you or any of your people are or have been compromised, or if you are aware of circumstances which give rise to a risk that those Security Measures have been compromised.

x. You agree to help the Ministry with any investigation of any suspected or actual compromise of any of those Security Measures.

xi. Any activity by a user in the system shall be catalogued and an audit trail of such activity created in the system.

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

Disclaimer

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

6. Data Privacy Statement

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

d. Right to request that the Ministry erase the personal data noting that the Ministry may continue to retain the information if obligated by the law or entitled to do so;

e. Right to object and withdraw the consent to processing of personal data. The Ministry may continue to process it if it has a legitimate or legal reason to do so;

f. Right to request restricted processing of the personal data noting that the Ministry may be entitled or legally obligated to continue processing the data and refuse the request;

g. Right to request transfer of the applicant's personal data (in an electronic format).

h. The Ministry may need to request specific information from the applicant to help it confirm the applicant's identity and also ensure their right to access their personal data (or to exercise any of the other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. The Ministry may also contact the applicant to ask for further information in relation to the applicant's request in order to speed up the response.

7. Copyright

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

8. General Terms

(i) The parties commit to a cooperative environment in the performance of the respective obligation to ensure any system difficulty and/or improvement is addressed.

(ii) The Ministry reserves the right to change and adjust these terms and conditions without any further reasons as long as it is necessary due to legal adjustments or technical progress.

(iii) The Ministry reserves the right to block the authorized user from the ability to upload content to National Land Information System if a violation of this agreement exists.

(iv) These terms and conditions are to be read and construed according to the laws of the Republic of Kenya, and you agree to submit to the jurisdiction of this country.

(v) These terms and conditions record the entire agreement. If any provision of these terms and conditions are held by a court to be unlawful, invalid, unenforceable or in conflict with any rule of law, statute or regulation it is to be severed so that the validity and enforceability of the remaining provisions are not affected.

9. User feedback

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

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

Made on the.....2020

FARIDA KARONEY,
Cabinet Secretary for Lands and Physical Planning

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REPORT OF THE WORKING GROUP TO REVIEW REGULATIONS FOR IMPLEMENTATION OF AN ELECTRONIC PLATFORM FOR LAND TRANSACTIONS.

Introduction

Pursuant to a meeting between the Chairman National Land Commission and the Cabinet Secretary Ministry of Lands and Physical Planning(MOLPP) on 29th May 2020 it was agreed a joint working group be established to explore options and a way forward regarding the draft regulations that had been prepared by the Ministry of Lands and Physical Planning. Subsequently the Chairman of NLC appointed a seven member team to engage with the team appointed by the Cabinet Secretary (MOLPP)

The Commission had raised concerns on how the regulations were prepared and to unlock the stalemate several proposals were put forth for consideration by the Cabinet Secretary Ministry of Land and the Chairperson National Land Commission.

The joint working group met on 30th May 2020 to unbundle the options as proposed and come up with proposals on what regulations can be adopted to enable the launch of the electronic platform by His Excellency the president system on the 1st of July 2020 and thereafter constructively review regulations to implement the National Land Information System (NLIS) pursuant to section 6(h) of the Land Act. The system will require to be operationalized by regulations and the meeting explored how best to anchor the system in law. The available options for consideration are proceeding with the regulations under Section 110 of the Land Registration Act, development of regulations under section 6(h) of the Land act or amending the land laws and laws affecting the system through an omnibus.

1. Draft Regulations under Section 110 of the Land Registration Act

Section 110 of the Land Registration Act empowers the Cabinet Secretary Ministry of Land to make regulations prescribing anything which maybe prescribed under the Land Registration Act. Regulations that maybe prescribed include;

a) Forms to be used in connection with the Act
b) The manner and form of registries of land, the procedures to be followed by the registries and hour they are to be open for business
c) Procedure for the transfer of land from one category to another
d) Particulars and format to be contained in a register or other document required to be kept under this Act; and
e) Any other matter for the better carrying out the provisions of the Act.

Notably, regulations under Section 110 only affect registration functions under the Land Registration Act and they would not be sufficient to fully anchor the end to end system as currently developed by the Ministry of Lands. In the meeting held with the Working Group from the Ministry of Lands on 29th May 2020, the team from Ministry of Land acknowledged the shortcomings of the regulations developed under Section 110 of the Land Registration Act and proposed to have regulations developed under section 6(h) of the Land Act.

The system as developed and anchored under Section 110 of the LRA is simply an electronic land registration system to be solely administered and controlled by the Chief Land Registrar. The implication is that the system leaves out other key stakeholders in the sector including the NLC and county governments and other departments within MOLPP such as Survey and Physical Planning.

The National Land Commission is only a user like any other outside person interacting with the system. Section 110 in our view is not sufficient to address an end to end system and if the system is to be launched under Section 110 of LRA the Working Group proposes;

1. That MOLPP restricts itself to an electronic registration system and it is not legally tenable to venture into creating an end to end system because NLIS is anchored under Section 6(h) of the Land Act.
2. Audit the electronic system and draft regulations under Section 110 of the Land Registration Act and propose what will be included or exempt from the regulations bearing in mind the mandate of the National Land Commission and other key stake holders.
3. Given the short time available, the working group can also explore whether the Ministry of Lands would consider phasing the operationalization of the NLIS by starting with the electronic registration under Section 110 of the Land Registration Act.

The purpose of the regulations are simply to facilitate the establishment of an end to end system. The regulation are to elaborate on how the electronic platform will function. Therefore we cannot effectively talk about the regulations without talking about the system. Our concern as the Commission is what rights does the Commission have in the system and to what extent can execute our functions and access the system especially when our functions and mandate have been moved into the system. The regulations only recognize the Chief Land Registrar as the administrator and the National Land Commission is simply a user.

The Chief Land Registrar has power to suspend and terminate users from the system and to restrict access of users to the system. There are functions and workflows of the National

Land Commission already in the system and the National Land Commission cannot simply be designated as a user in the regulations.

2. <u>Preparations of Regulations under Section 160 and Section 6(h) of the Land Act</u>

The legal foundation for the National Land Information system is section 6(h) of the Land Act which mandates the Cabinet Secretary to co-ordinate the development and implementation of a National Land Information system (NLIS) in collaboration with the Commission. The mandate to develop a NLIS was initially a function of the National Land Commission under section 5(2)(c) of the National Land Commission Act before the said section was repealed and the mandate designated a joint function of the National Land Commission and the Cabinet Secretary Ministry of Lands through an amendment and subsequent introduction of section 6(h) of the Land Act. The Commission had developed a Land Information system in collaboration with the Ministry of Land before the repeal of section 5(2) of National Land Commission Act. The system as developed by the NLC had a Land Administration component, Valuation and Taxation component and Adjudication and Settlement component.

A Land Information Management system is ideally supposed to be a platform or infrastructure where all functions in land sector are done through an all encompassing system that is developed around specific functions and mandates of various persons, bodies and agencies in the land sector. A proper and legal LIMS would have various components in it such as planning, allocation, adjudication, settlement, survey which are all coordinated to work together and all leading to registration which is the last stage. LIMS is about conversion of paper to digital form to a database which will then constitute the digital data. The paper records are then moved to an archive to be used only for reference. It also further involves digitizing processes and activities in land transactions that take place in a daily basis.

The Ministry of land have embarked on the process of developing what is presumably a Land Information System from the tail end by digitizing the registries first instead of starting with Part Development Plans from where any allocation of public land starts or even for instance the Registry Index Maps for private land. LIMS envisages all the plans,maps,surveyrecords,correspondence files and registers would all be converted to a digital form and that the mandate holders for instance National Land Commission as regards public land would input their records into this system and the County government wherein the survey and planning function vests would also input their records and data into this synchronized and coordinated system before Ministry of Land can input data on registration to enhance verifiability and accuracy of the system.

The Ministry of Land has already developed regulations under Section 110 of the Land Registration Act and the regulations have been challenged for being developed without the input of the National land Commission and for not being capable of anchoring an end to end system in law since the regulations under section 110 only address electronic registration.

There is very limited time to the launch of the system by the His Excellency the President and the immediate working group concerns were;

1. Whether it is practical or even possible to have regulations under section 6(h) in less than fifteen days.
2. Whether public participation can be done in the limited period as per the requirements of the law
3. Whether regulations can lawfully be developed under section 6(h)
4. Whether regulations under section 6(h) require public participation.
5. What is the most expedient way of implementing the system in the short term

Indeed the team has less than thirty days to develop regulations and engage all stakeholders through public participation and the period may not be enough. The suggestions proposed thus were to audit the existing draft regulations under Section 110 of LRA and see what can be changed to accommodate the mandate of the National Land Commission.

Notably however, the National Land Commission has not been involved in the development of the system and neither has there been any engagement with the software developers to understand how the system will work. This was identified as a priority area lest the National Land Commission blindly endorses the operationalization of a system whose functioning it unaware of.

3. **Omnibus**

The proposal here is to amend all the laws affecting the end to end system with a view of ensuring that the system is fully anchored in law. Members felt that the limited time available would not be sufficient to address any shortcomings in the laws and such review of the land laws and any other law affecting the system could only be done post 1st July 2020 after the launch of the NLIS.

The National Land Policy is being reviewed to inform law reform in the land sector and this will be the basis of the omnibus. Further as the law currently stands it does not stop electronic transactions and there is no immediate need for an overhaul of the law if the sole intention is simply to anchor an end to end system.

4. **Way forward**

1. Regulations are necessary to anchor the system in law and the first step is to review the existing legal framework to establish if there really is a need to develop any

regulations to anchor the end to end system and if yes what are the regulations to address.

2. Secondly the Commission audits the existing draft regulations and improve on them with a bias to ensuring that the National Land Commission has access and control of the system where its functions are affected by the system. The audit should also seek to make the draft regulations facilitative to the electronic system.
3. There is need to audit the draft regulations and all existing laws to see if there is anything in the regulations that would hinder the National Land Commission from having its functions and processes in the NLIS.
4. Address issues of general user access and control of the system.
5. Regulations before the office of the Attorney General on Physical Planning be availed for discussion by the Commission as a critical stakeholder since the Commission had no input in the preparation of the said regulations.
6. The proposed Regulations be restricted to operationalization of the electronic platform only and any consequential amendments to the substantive law be done later.

Conclusion

The team proposed for a hybrid system that is developed under section 110 of the Land Registration Act and Section 6(h) of the Land Act.

2ND REPORT OF THE WORKING GROUP TO REVIEW REGULATIONS FOR IMPLEMENTATION OF AN ELECTRONIC PLATFORM FOR LAND TRANSACTIONS.

INTRODUCTION

Further to the meeting between the Cabinet Secretary for Lands and Physical Planning and the Chairman, National Land Commission with respect to operationalizing electronic land transactions, it was resolved that a joint technical team be constituted to look at the options that are available with a view to advice the principals on the best way to move the process forward. This came as a response to an earlier advisory from the Chairman expressing reservations on the manner in which the process of effecting the electronic land transactions was being conducted. The advisory highlighted areas that the Commission noted were flawed particularly that the taskforce constituted by the Cabinet secretary had gone beyond the scope of its assignment by proposing regulations that the Commission should originate without concurrence. In some instances, the draft regulations have proposed amendments that are contrary to the Constitution and principal Acts. The advisory also gave direction on how the process could move forward.

The joint working team has so far held two meetings to explore the options available to enable the process proceed in conformity with the constitution and the rule of law. In the process of adjudicating this, the team from the Commission looked at the existing laws to determine if the laws and regulations existing can support the conversion of land transaction to electronic and it was clear that the laws as they exist with minor adjustments to provide for "electronic" whenever "documents" or "applications" are mentioned. This can enable the conversion without necessitating serious amendments to existing law. Having also received a demonstration of the system, it was clear that what is required are the workflows as per the existing laws and therefore it may not be absolutely necessary to make massive changes to the existing laws.

This advisory therefore is given within the understanding of Article 249 of the Constitution of Kenya that grants power and authority to the Commission in exercising its mandate to protect the sovereignty of the people, to promote constitutionalism and to ensure that those who work with them observe national values and principles which include the rule of law.

LEGAL POSITION ON PREPARATION OF REGULATIONS

Section 24(2) of the Statutory Instruments Act provides that a statutory instrument shall not be inconsistent with the provisions of the enabling legislation or of any act and the statutory instrument shall be void of that inconsistency. The draft Land (Extension and Renewal of Leases Amendment) Rules,2020,Land (allocation of public land)(amendments regulations)2020;and the Land (Amendment)Regulations 2020 are inconsistent with the Parent Statutes to the extent that they purport to amend the Land Act under Sections 12 and 13.The Regulations purport to vest functions and mandate of the National Land Commission on the Cabinet Secretary MOLPP and they are void for purposes of the said inconsistency since sections 12 and 13 of the Land Act have not been amended to vest such functions on the Cabinet secretary MOLPP. The regulations therefore usurp the Constitutional powers of Parliament to make and amend laws under Article

94 of the Constitution and they are unconstitutional to that extent. The position of the Commission is that in developing the draft regulations, the provisions of section 12 and 13 of the Land Act ought to be interpreted and implemented as they are and not as they ought to be.

Article 2(4) of the Constitution provides that any law that is inconsistent with the constitution is void to the extent of the inconsistency. Article 67 of the Constitution establishes the National Land Commission with a primary mandate to administer and manage public land.The draft regulations purport to vest specific functions of the National Land Commission on the Cabinet secretary in management and administration of public land and they are unconstitutional to that that extent.

Section 2 of the Interpretation and General Provisions Act defines a "regulation making body" as "any authorized authority by an Act of parliament to make statutory instruments". Statutory instruments is defined in section 2 of the said Act to include regulations. Section 12(11),Section 12(12) and Section 13(2) of the Land Act designate the National Land Commission as the Regulation Making Authority for purposes of those statutory provisions. The statutory Instrument Act makes no provision for the delegation of regulation making power and it is clear that statutory instruments can only be made by the Regulation Making body identified in the Act of Parliament. More strongly, NLC is an independent Constitutional Commission and attempts by MOLPP to unlawfully make regulations on its behalf offend the provisions of Article 249 that declare the Constitutional Commission not subject to the direction and control of any person or authority.

The draft Land (Extension and Renewal of Leases Amendment) Rules, 2020, Land (Allocation of Public Land) (Amendments Regulations)2020;and the Land (Amendment)Regulations 2020 are therefore inconsistent with the Parent Act under Section 12(11),Section 12(12) and Section 13(2)of the Land Act to the extent that they have not been formulated by the National Land Commission which is the body mandated by the parent Act to formulate the regulations.

The draft Regulations offends the principle of public participation as set out under Article 10 of the Constitution. Public Participation is defined under Section 2 of the Statutory Instruments Act to mean "involvement by the regulation making authority of persons or stakeholders that the statutory instrument may directly or indirectly apply to". The National Land Commission is a critical stakeholder in the land sector and the regulations as drafted directly affect the mandate of the National Land Commission. The National Land Commission has not been involved in the process of developing the draft regulations.

Similarly, the advice of the National Land Commission has not been sought and given as required by the provisions of Section 110 of the Land Registration Act and neither has the National Land Commission been involved in the development of the National Land Information Management System or the subsequent regulations as required by the provisions of Section 6(h) of the Land Act.

Inconsistencies between the system as developed and the draft regulations. The workflows in the system are not consistent with the law and the regulations are not consistent with the law or the workflows.

REGULATIONS TO BE ORIGINATED BY THE NATIONAL LAND COMMISSION:

As stated in the Commission's earlier correspondence to the CS, there are regulations that ought to have been originated by the Commission. These Regulations include the following:

1. The Land (Allocation of Public Land) Amendment Regulations 2020.
2. The Land (Extension and Renewal of Leases) (Amendment) Rules, 2020.
3. The Land (Amendment) Regulations, 2020 (where applicable).

Based on our audit findings, the above regulations were identified as the set of regulatory frameworks that raises fundamental questions of non-compliance with the law with regard to the originating authority. They also represent instances where the taskforce overstepped its mandate by purporting to alter sections of existing legislations.

Allocation of Public Land is an aspect of management of public land which is a mandate bestowed to the Commission under Article 67 (2) of the Constitution. Section 12 (12) of the Land Act, 2012 is very clear that the Commission should make regulations prescribing criteria for allocation of public land.

Originating regulations governing **Extension and Renewal of Leases** is also a prerogative of the Commission. Equally, the extension of lease is the function of the Commission either 'before or after expiry' of the term. Section 13 (2) of the Land Act, 2012 gives the Commission powers to make rules for the better carrying out of the provisions of the law.

In formulating **The Land (Amendment) Regulations** the CS exercised powers conferred under section 160 of the Land Act, 2012. The section of the law provides that the Commission or the Cabinet Secretary, where applicable, make regulations prescribing anything which may be prescribed under the Act and generally for the better carrying into effect the purposes and provisions of the Act. This provides for an all-encompassing provision of general powers to both the Commission and the CS to make rules and regulations pertaining to their respective functions.

In this instance the Commission has not formulated regulations to guide its operations, for example on issuance of license for temporary occupation of un-alienated public land, keeping and maintaining data base of all public land and an inventory of land based natural resources, conversion of tenures and other functions related to its constitutional and legal mandates.

The NLC technical working group, therefore, is of the view that the originating of the above regulations is flawed and do not meet the constitutional and legal threshold. The upshot of the foregoing is that the Commission should:

1) Originate the above three sets of regulations to guide and operationalize the electronic land transactions platform in accordance with Commission's specific mandate in management and administration of public land as provided in the existing laws.

Identify necessary consequential amendments in existing laws to facilitate seamless and efficient operations in the land sector.

COMMENTS ON SPECIFIC REGULATIONS

DRAFT THE LAND REGISTRATION (ELECTRONIC TRANSACTIONS) REGULATIONS, 2020

Introduction

Section 110 (2) of the Land Registration Act provides that:

> **"In making the regulations, rules or prescribing any matters required under this Act, the Cabinet Secretary shall take into account the advice of the Commission as required under the Constitution and such regulations or rules shall be tabled before Parliament for approval."**

As noted above the commission's input is imperative as noted from the use of the word "shall". The preamble to the draft regulations read:

> **"In exercise of the powers conferred by section 110 of the Land Registration Act,2012 the Cabinet Secretary for Lands and Physical Planning in consultation with the National Land Commission makes the following regulations."**

The functions of the commission in land registration are drawn from the Constitution of Kenya and various statutes. As will be seen from the table below it is important to provide for or map out the land registration processes that flow from the commission's constitutional and statutory functions.

Against this backdrop the commission has audited the draft regulations and makes the following proposals for inclusion.

TABLE

ITEM	COMMISSION'S ROLE	DRAFT REGULATIONS	PROPOSAL
1	S.6 LRA-MOLLP in consultation with NLC and county governments to declare registration units	Not provided for	Need to provide for and map the business processes

2	S.17(3) LRA-NLC shall be a depository of all cadastral maps relating to public land.	Not provided for	Need to provide for the business processes as the cadastral maps on public land will be amended from time to time.
3	Article 67 (2)(c)-NLC has a duty to advice the National Government on a comprehensive program for registration of title throughout Kenya.	Not provided for	Need to map the business processes.
4	S.14 NLC Act (lapse)-NLC has the powers to cancel illegal titles	Not provided for	Need to map the business processes because there is pending work (see S.26 & 23(3) of CAP 2-on what happens when the law lapse).Parliament may also extend the timeframe for Section 14.
5	Part VIII of the Land Act and the Land Value (Amendment) Act,2019 gives NLC the function of compulsory acquisition.	Not provided	Need to map the business processes us registration of acquired private land (vesting)will debit the public land account as well as affect the cadastral maps on public land.
6	Article 67 (2) (e) of the Constitution grants NLC the duty to investigate historical and present land injustices	Not provided	Need to map the processes as NLC can recommend the cancelling of certificates of title or lease that have been

			acquired illegally.
7	Authorized staff of the commission	Clause 2 defines "authorized staff" to mean an officer given administrative rights by the Chief Land Registrar.	We propose the inclusion of NLC personnel given the critical role they play on land registration as outlined above.

Positive Take Aways

It is worth noting that the draft regulations have also very positive provisions that we should support such as:

a) Clause 13 gives NLC and MOLPP power to jointly establish the Electronic Appeals Standing Committee to hear appeals by aggrieved parties under the regulations.

b) Clause 22 & 27 proposes backups of manual records where the system fails or where staff needs to make reference to primary manual documents.

c) Clause 25 provides for electronic certificates of title or lease. This is impressive given the myriad cases of forged physical certificates of lease and title and attendant consequences.

DRAFT SURVEY (ELECTRONIC CADASTRE TRANSACTIONS) REGISTRATION, 2020

In accordance with section 8(a) of the Land Act 2012, the Commission is mandated to identify public land, prepare and keep a database of all public land, which shall be geo-referenced and authenticated by the statutory body responsible for survey. It is therefore necessary that the Commission be notified when maps are amended so that the public land database will be updated.

Existing Regulations	Proposed Electronic Regulations	Commission Proposal	Justification of Position
2	Definition "Authorized User" – Any one authorized to carry out survey and	Should be expanded to include surveyors of the NLC	NLC Consumes survey products and should be allowed to access survey data

	submit under the principal Act		
		Require an express provision describing the manner and form of access that the NLC & County Governments will access to the System through	NLC & County Government are partners with the Ministry not just a stakeholder and has functions that support the Ministry
	Director has quite a host of functions in the system as captured in various places in the regulations	Being a system, many of these functions should be assigned to different users	The Director should retain the overall functions as prescribed in the principal Act but the operationalization within the system context should allow a hierarchy of users
18	On sealing the cadastral map the Director shares with DLA and NLC	Include County Governments in the notification – devolved function	Survey has components that were declared devolved under the Constituion
19	Submission of data to Chief Land Registrar	Add a new part (Part X) to define the manner and form through which the Director will share cadastral maps on public land created by surveys	The LRA Section 17 requires the Director to share cadastral maps on public land to the NL
SR6	(ii) date of calibration of chain	Should be removed	The chain is no longer used. It should be reworked to cater for new survey techniques and instrumentation
Second Schedule	The NLC has been pointed out as a partner but has not been granted	Have the CS and Chairman have shared overall roles of	The system is collaboratively built by the Ministry and NLC and should reflect this

	commensurate roles in the system	administering the system	across the entire terms and conditions of use

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

1.0 Introduction

This advisory is issued on the basis of Article 249 of the Constitution of Kenya that grants power and authority to the commission in exercising its mandate to protect the sovereignty of the people, to promote constitutionalism and to ensure that those who work with them observe national values and principles. The Attorney General advisory 2016 (herein attached) states that the constitution gives the NLC the first say on all matters concerning land, policy, management, use taxation and registration of titles. Further, the commission is obligated to ensure that all state organs and state officers they deal with observe the National values and principles which include the rule of law. Further, Article 67(2)(h) of the constitution empowers the Commission to monitor and have oversight responsibilities over land use planning throughout the country.

2.0 General concerns

1. The commission notes that the Regulations to operationalize the physical and land use planning Act 2019 are not yet in place.

It is advisable that the regulations **be prepared and finalized in a participatory manner and with adequate consultation** with the Commission because it is these regulations that anchor the e-transaction.

2. The e-regulations ought to recognize planning and development control functions and responsibilities that have been assigned in other statutes like section 111 of the County

Governments Act and sections 20, 36 (emphasis section 20(1)(d) of the Urban Areas and Cities Act. These regulations have however consolidated development control responsibilities in the Director General and the County Director of Physical and Land use planning yet most development control activities occur in urban areas, and municipalities which so far have been established in Kenya.

3. it is essential to synchronize these regulations with the Draft land amendment regulations 2020 particularly clauses 14 ,15,16,17 as read together with sections 16, 17, 18,19 and 20 of the principal regulations dealing with the processing of subdivisions, amalgamation change or extension of user and building plans on both freehold and leasehold land.

3. The constitution of Kenya 2010, introduced the element of monitoring and oversight of land use planning and allocated this responsibility to NLC. The system that has been institutionalized in the e transaction regulations lock out NLC thus jeopardizing its responsibility in monitoring and oversighting the full cycle of land use planning. This goes against section 9(a-d) of the principal act. The regulations therefore should clearly embed monitoring and oversight by the commission in the system.

3. Specific concerns

Existing regulations	Proposed Electronic Regulations	Commission	Justification for the proposal

""	Sec. 4 (1) The Director-General shall maintain in the system, an electronic database for the – (i) approved physical and land use plans in accordance to provisions of the First and Second Schedules of the Act; (ii) development control instruments including handbooks, codes, zoning ordinances, policy statements, guidelines, circulars and manuals;	**This module Should have a segment for NLC** The NLC will maintain in the system monitoring frameworks and oversight parameters as provided for in section 9(c) of the principal act	1. Section 9 of the principal act reinforces the monitoring and oversight role of the commission. 2.section 33 of the principal act requires approved physical and land use plans to be submitted to Director general and NLC 3. section 35 of the principal act provides that progress reports on implementation of various categories of plans shall be submitted to NLC and the Cabinet secretary. Development control is an element of plan implementation
	Sec.14(3) (3) All	-The regulations	

	applications for development permission shall be accompanied by supporting documents including – (i) Title Deed, Certificate of Lease or any legal ownership documents and a current search; (ii) Written consent in accordance to section 58(4) of the Act; (iii) Geo-referenced Cadastral map, sectional plans or other filed plans; (iv) Scheme plans/building plans in accordance to submission	could provide for ESIA certificate as one of the documents to be submitted. This should be done in advance to reduce unnecessary red tape - consent from land control board be one of the attachments for applications involving subdivision of agriculture land and change of user .	**Third schedule of the principal act** 4.Planning authorities shall require applications for major developments to be subjected to environmental and social impact assessment. 3. If any development application requires subdivision or change of user of any agricultural land, the county government shall require the applicant to obtain consent from the relevant Board This has been causing unnecessary delays in the development permission process

	guidelines, approved standards and specifications. (v) Public Notification (where applicable) in accordance to section 58(7)(8); (vi) Planning Brief (where applicable)		
	Sec 17 2(ii and sec.18	Its necessary to clarify what happens if an application relates to the jurisdiction of a municipality	
	Sec 18 ii) appoint members of the committee who shall include – a. Chief Officer in charge of Physical and Land Use Planning or a designated representative who shall be	-Include county Director of agriculture as well as those listed in section 60 of the principal act -Include NLC representative at the county level	Development applications include subdivision and change of user of agriculture land. Regulation 16(2)(c) of regulations to the land act 2017

	the chairperson; b. City or municipal director of physical and land use planning or designated representative;		
	Sec 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;	1.Provide a segment for NLC to be in the technical committee that reviews applications prescribed as projects of strategic national importance. **(this may require that the regulations for the principal act details this)** 2. the decision to approve or disapprove to be communicated	-The attorney general in the advisory advised that NLC should be involved throughout the process to avoid raising issues when a matter has been concluded. -The NLC is required to prepare status reports on implementation of plans and development control sec. 9(b The Commission will need this information to update its inventory of public land

		by the CS and NLC to receive this decision	
	Sec.20(1) A consultant who receives approval decision with conformance conditions shall – (i) Appoint qualified and authorised user as sub-sub-consultant and share the conformance conditions to be fulfilled; (ii) Instruct the sub-consultant to prepare secondary applications for the purpose of –	This section needs to be clear on who appoints the sub consultants. Can the registered owner also receive a copy of the approval so that they can recruit an appropriate consultant for the next stage of implementation	There is need to safeguard developers from unscrupulous consultants who may hold them at ransom.
	Sec. 22 issuance of development permission	The regulations should clarify to whom the decision will be	This safeguards the developer or registered owner from consultants who may become uncooperative along the way.

		communicated to. We propose that this decision be communicated to the applicant (consultant) with a copy to the registered owner or developer. As well, Copy of development permission granted should be communicated to NLC	The NLC is required to prepare status reports on implementation of plans and development control sec. 9(b)
	Sec.24(2) The *registered owner of a property carrying out the development shall not proceed with the development unless issued with a copy of the inspection* *report and interim certificate authorising progress.*	Commit the inspecting officer to file their inspection report within 24 hours (strict timelines)	This will safeguard the developer from undue delays This is not addressed in the regulations

Sec. 66 of the principal act. A licensing authority shall not grant a license for the commercial or industrial use or occupation of any building, or in respect of any premises or land, for which development permission has not been granted by the relevant county executive committee member	Can the system lave an interface with licensing authorities for quicl confirmitior

Third schedule

Terms and conditions of use

3(v) The Cabinet Secretary reserves the right to suspend the system in whole or in part in the circumstances where a significant breach of security has occurred or that a security system has failed that compromises or that could compromise the integrity or security of the system's databases or service until such security breach or failure has been rectified.

For checks and balances, there should be consultation and or notification of relevant actors in the sector. A case in point is the recent attempt by the Director General of Nairobi metropolitan services to suspend the e- transaction system in the city

8 (ii)The Ministry reserves the right to change and adjust these terms and conditions without any further reasons as long as it is necessary due to legal adjustments or technical progress

it may be useful that the ministry also should notify and consult the authorized users.

MINUTES OF THE 1ST MEETING BETWEEN MOLPP AND NLC ON PROPOSED ELECTRONIC REGULATIONS HELD ON SATURDAY, MAY 30, 2020 AT 1400 HOURS AT ARDHI HOUSE 8TH FLOOR.

Attendance

S/No.	Name	INSTITUTION
1.	Truphosa Achar	MoLPP
2.	Clarah Ketyenya	MoLPP
3.	Julius Kahindi	MoLPP
4.	James Nombi	KLRC
5.	Annette Omwoyo	KLRC
6.	Brian Ikol	NLC
7.	Edmond Gichuru	NLC
8.	Samuel Nthuni	NLC
9.	Rose Kitur	NLC
10	Mary Macharia	NLC
11.	Charles Kagema	NLC
12.	Solomon Mbuthia	NLC
Apologies		
1.	Tom Abuta	MoLPP

MIN.01/01/2020	Adoption of Agenda
	1. Opening prayers 2. Introductions and apologies 3. Remarks from MOLLPP, NLC and KLRC 4. Discussion • Rules of engagement • Background of the Taskforce • How to conduct business • Scope of this team and TORs • Timelines 5. Way Forward
MIN.02/01/2020	Opening prayers
	• The Chair called the meeting to order at 1435 Hours. • Opening prayers were said by Dr. Rose Kitur.
MIN.03/01/2020	Introductions and Apologies
	• All members introduced themselves and apologies were recorded. • The Chairperson took members through the day's agenda and it was adopted with modifications. • The agenda was proposed by James Nombi and seconded by Edmond Gichuru.
MIN.04/01/2020	Remarks from MOLLPP, NLC and KLRC
	Remarks from MOLPP • The meeting was informed that the Technical Working Group (TWG) on Land Transactions Electronic Regulations was formed following the Principals meeting on the Friday May, 2020. • The TWG was formed to come up with solutions to address the

	concerns raised by the NLC to the Ministry geared towards the fastructing Regulations to anchor Land Transaction Electronic Transaction, which NLIS was 90% developed as of May,2020. • It was also reported that the NLIMS is due to be launched by H.E the President of the Republic on July 1, 2020 • The Co-Chairperson also reported that a Taskforce was set up by the Cabinet Secretary in March 13,2020 vide gazette notice No.xxx to formulated Land Transactions (Electronic Regulations) to anchor the NLIMS. • The membership of the Taskforce includes National Land Commission, Ministry, Private Sector and COG. • It was reported that the TWG was set up to audit the work done by the Taskforce on the Proposed Land Transactions Electronic regulations and related Regulatory Impact Assessment and make proposals and recommendation geared towards the passing of the Regulations anchoring the NLIMS. • The TGW will be independent to the Taskforce and to report to the Principals (CS and the Commission) by Wednesday June 3, 2020 or at a date that will be guided by the Principals. • It was also reported that the Survey Act and Stamp Duty Act will need total overhaul after the NLIMS has been launch and consequential amendments to the existing Regulations be made in line with the Business Amendment Laws,2020 and other provision to support the processes anchored in the NLIMS. • The Proposed Land Transactions Electronic Regulations on Physical Planning will be added to the Proposed PLUPA Regulations which were sent to the Office of the Attorney General and Department of Justice in February, 2020 for processing. **Remarks from National Land Commission** • The Commission noted and supports the need to have the MOLPP and NLC deliver the NLIMS jointly with related Regulations to anchor the same. • Need to explore whether NLIMS can be anchored under Section 110 of the Land Registration Act, 2020, 6(h) and 160 of Land Act, 2012. • Need to anchor the system within the existing laws. • Regulations should speak to the workflows of the different process anchored in the NLIMS. **Remarks from the KLRC** • KLRC stated it commitment to support the MOLPP and NLC to draft the related Regulations and offer any other legal technical support to facilitated preparation of Land Transactions the Regulations. • The meeting was informed that the envisaged Regulations should describe the "how" land transactions and processes will be done in the NLIMS. • KLR emphasized the need for MOLPP and NLC to come out clearly on how and when to collaborate to deliver the required service within their mandate on land to Kenyans.

	• It was also stated that the organization expects clear drafting instructions and be allowed to provide drafting solutions that will meet the required objectives of the anchoring the NLIS in Regulations within the existing laws.
MIN.05/01/2020	Discussion
	Rules of engagement for TWG • The meeting resolved that TWG will be a standalone, independent Technical Working Group (TWG) to report to the Principal (CS and Commission) and not part of the Taskforce that is in place. • The TWG will play an advisory to the Principals on the best way the Proposed Land Transitions Electronic Regulations should be finalized. Background of the Taskforce • The meeting was informed that the Taskforce as appointed by the by the Cabinet Secretary vide gazzettee notice No.2170 on 13th March, 2010 had prepared Proposed Land Transactions Regulations and Regulatory Impact Statement which were in the Ministry website. • Previous Taskforce was also formed in 2018, which came up with comprehensive report dated February, 2017 that contained approached and workflow to anchor and end to end system (NLIMS) to support Electronic Land Transactions. TWG conduct of business • It was resolved that the TWG will hold physical and virtual meetings in carrying out its assignment. • The meeting also resolved that the Ministry will facilitate the Members with necessary requirement and facilities including allowances during the period of the assignment. Scope of the TWG and TORs It was resolved that the TWG will; Audit the work done by the Taskforce on Proposed Land Transactions Electronic Regulations; Propose consequential amendments to the existing Regulations to support the operations of NLIMS; Prepare best options to anchor NLIMS under the existing laws to facilitate the launch of the System and;

	Facilitate the passing of the Regulations by June 20, 2020. Offer advisory to the Principals on how the regulations should be finalized; Timelines The NLIMS will be launched on July 1, 2020 but the regulations will be passed by 15th June, 2020. General discussion The team to consider how their output will affect the work of the Taskforce.
MIN.06/01/2020	Way forward
	• The TWG to be provided with the outputs of the Taskforce and the PLUPA regulations at the AG for information. • TWG to consider the short term options for the NLIMS operationalization, related proposed Regulations and consequential amendments to the existing Regulation. • Long Team options will include review of the existing Land Policy, 2009 and holistic approach to review the existing legal framework. After July, 2020 to harmonize all the relevant through an omnibus. Options for consideration; a) What can be done in the existing laws and regulations to operationalised NLIMS; b) Need to explore whether Section 110 of the LRA and Land Act section 6(h) and 160 to anchor the NLIMS; c) Omnibus to review the Land Policy 2009 and harmonize related laws after July, 2020. d) Audit the Propose Land Transaction Electronic Regulations as prepared by the Taskforce. e) NLC team to look at the options and prepare and share documents before the next meeting.
MIN.07/01/2020	Adjournment and Date of the Next Meeting
	The date for the next meeting was scheduled for Monday, 1st June, 2020.

Minutes Read and Confirmed by:

Co- Chairperson NLC..... ..... Date.....Sign.....

Co –Chairperson MoLPP ..... Date..... Sign.....

Joint Secretary NLC .....Date.....Sign .....

Joint Secretary MoLPP .....Date.....Sign.....

MINUTES OF THE 2ND MEETING BETWEEN MOLPP AND NLC ON PROPOSED ELECTRONIC REGULATIONS HELD ON MONDAY, JUNE 1 2020 AT 1300 HOURS AT 8TH FLOOR, BOARDROOM ARDHI HOUSE.

Attendance

S/No.	Name	INSTITUTION
1.	Truphosa Achar	MoLPP- Co - Chairperson
2.	Brian Ikol	NLC- Co-Chairperson
3.	Tom Abuta	MoLPP
4.	Clarah Ketyenya	MoLPP
5.	Julius Kahindi	MoLPP
6.	James Nombi	KLRC
7.	Annette Omwoyo	KLRC
8	Edmond Gichuru	NLC
9.	Samuel Nthuni	NLC
10.	Rose Kitur	NLC
11.	Charles Kagema	NLC
12	Solomon Mbuthia	NLC

Apologies		
1.	Mary Macharia	NLC

MIN.01/02/2020	Agenda
	1. Opening Prayer and Adoption of Agenda 2. Apologies 3. Remarks from MOLLPP, NLC and KLRC 4. Confirmation of Previous Minutes 5. Matters Arising 6. NLC Presentation on • Options including Section 110 LRA, Section 6(h) and 160 LA • Omnibus Law for consequential amendments 7. Way Forward • Preparation of joint position for submission to the Principals • Others
MIN.02/02/2020	Opening Prayer and Adoption of Agenda
	• The Chair called the meeting to order at 1345 Hours. • Opening prayers were said by Dr. Rose Kitur. • The Chair took members through the day's agenda which was adopted with amendments. • The Agenda was proposed by Samuel Nthuni and seconded by Julius Kahindi.
MIN.03/02/2020	Apology
	• Apology was recorded.
MIN.04/02/2020	Remarks
	NLC remarks • We shall work together to ensure successful launch.

	• We should have a roadmap. Every system is built incrementally. • We have an important task and are here to ensure that objective. Remarks from KLRC • We shall guide on drafting of matters and legality of issues. Instructions are key. Remarks from MoLPP • This is our second meeting, and we need to build consensus. • Suggestion of the name of the team –"Joint Legal Working Group". Proposed by Samuel, seconded by Julius and blessed by Annette. • Group to look at legal framework and regulations and any other mandate as may be assigned by the Principals. • Brief on the National Land Information System (NLIS).
MIN.05/02/2020	Confirmation of Previous Minutes
	Minutes to be done and then shared. Confirmation will be at the next meeting.
MIN.06/02/2020	NLC Presentation
	• The three options under Section 110, LRA Section 6(h) LA and omnibus law. • Way forward on auditing the Taskforce Regulations. • Conclusion on proposed hybrid system. • Discussions by the members on challenges and advantages of the listed options.
MIN.07/02/2020	Way forward
	• NLC to carry out audit of the Taskforce Regulations and give proposals for inclusion. • Launch of system operationalization that speak to end to end process. • Laws as they are: what prevents launch and operationalization of end to end process? • Do the laws as they are have adequate provisions to allow for the launch of end to end process? What can be done if they don't allow?
MIN.08/02/2020	Adjournment and Date of the Next Meeting
	• Meeting was adjourned at 6.15pm • Next meeting was scheduled for Wednesday, 3rd June 2020 at 2.00pm • Closing prayer was said by Rose.

Minutes Read and Confirmed by:

Co-Chairperson NLC .....Date.....sign .....

Co-Chairperson MoLPP..... Date.....Sign.....

Joint Secretary NLC... .....Date.....Sign.....

Joint Secretary NLC... .....Date.....Sign.....

MINUTES OF THE 3rd VIRTUAL MEETING BETWEEN MoLPP AND NLC ON PROPOSED ELECTRONIC REGULATIONS HELD VIRTUALLY ON FRIDAY, JUNE 5 2020 AT 11.00AM

Attendance

S/No.	Name	INSTITUTION
1.	Truphosa Achar	MoLPP Co-Chair
2.	Brian Ikol	NLC Co-Chair
3.	Tom Abuta	MoLPP
4.	Mary Macharia	NLC
5.	James Nombi	KLRC
6.	Samuel Nthuni	NLC
7.	Rose Kitur	NLC
8	Charles Kagema	NLC
9.	Clarah Ketyenya	MoLPP
10.	Julius Kahindi	MoLPP
11.	Annette Omwoyo	KLRC
12	Solomon Mbuthia	NLC
Apologies		
1.	Edmond Gichuru	NLC

MIN.01/03/2020	Agenda
	1. Preliminaries Opening Prayer and Adoption of Agenda Apologies 2. Confirmation of minutes 3. Discussions: a) - b) - NLC Proposal on options under 6(h) and Section 160 Land Act on NLIMS NLC Report on the Audit of the Taskforce Regulations b) – Discussion on way forward 3. Way forward
MIN.02/03/2020	Preliminaries
	• The Chair called the meeting to order at 1100 Hours. • Opening prayers were said by Dr. Mary Macharia • The Chair took members through the day's agenda which was adopted with amendments. • The Agenda was proposed by Dr. Rose Kitur and seconded by Tom Abuta. • Apology was recorded.
MIN.03/03/2020	Confirmation of minutes
	There will be a physical meeting next week where all the minutes will be confirmed.
MIN.04/03/2020	Remarks from the MOLPP and NLC
	NLC remarks • Welcomed all members to the meeting and said that the Commission had prepared a document on the way forward. Remarks from MoLPP • There is need to finalize the document in readiness to brief

	our principals later in the day.
MIN.05/03/2020	Discussion
	Registration The Commission requested for unlimited access to the registry information because of its role in: • Article 67 (2)(c)-NLC has a duty to advice the National Government on a comprehensive program for registration of title throughout Kenya. • Article 67 (2) (e) of the Constitution grants NLC the duty to investigate historical and present land injustices • Survey. • Part VIII of the Land Act and the Land Value (Amendment) Act,2019 gives NLC the function of compulsory acquisition. Survey 1. Access by the NLC and county Surveyors to the system. NLC and County surveyors are included in the definition surveyors. It was agreed that this will be captured in the Access since the Survey Act cannot be changed for now. 2. County and NLC Access to the system. Nothing prohibits the County to connects as users but also they may not be ready. 3. System administrator should be the CS or the Commission. 4. Internal users from the NLC, MOLPP or county government will access data that is relevant to them. 5. Access of NLC surveyor to the system and sharing of data to be provided for in the 6h. 6. Add a clause to speak to the internal users to include the NLC and MOLPP surveyors. The will be able to access data that is relevant to their work. 7. There is issue of the NLC being ramped out as a general user in the system, while it has specific mandate that should come out explicitly and how the commission may be authorized to access data. 8. The way forward is that we can align so that the surveyor from the Commission will have same roles as the government surveyor. 9. How NLC will access survey data without limitation in its role of management of public land. Agreed: • The Commission to be provided access as an institution unlimited to be able to do their work under Survey. • System to be accessible to the Commission in line with its mandate and function. This will open unlimited access to the system. Action: • Nombi and Annette to draft on this issue and report back in the next meeting. • Add a clause that the Director for Survey will provide data in electronic form to the NLC. Julius to look at this and provide a proposal. • PLUPA electronic regulations • The role of the Commission to oversight land use in Kenya as

	per • Article 67 (2)(h) and PLUPA Section 9 (a-d. • Technical Committee that vets the development applications, NLC and director Agriculture to sit in this committee. Section 60 of PLupa all this member to be included in the committee as they play a vital role. Agreed The main regulations for PLUPA which are at the AG to be shared with the Commission for input. Achar to action.
MIN.07/02/2020	Way forward
	• It was agreed that Regulations under section 6(h) and section 160 of the Land Act to be considered after 2nd July 2020 • NLC did an audit of Survey, Land Registration and Physical Planning Taskforce Regulations and made recommendations for inclusion in the Taskforce Regulations • MoLPP made a request to NLC to carry out an audit of the three Taskforce Regulations that are to be gazetted by the Chairman in the spirit of the other three that they audited and make comments and recommendations on the concerns/issues they are not comfortable with and to generate drafts that are agreeable with them. • Respective parties to consult principals on the way forward. • Any issues that the MOLPP team has in regards to the submissions by the NLC be in writing.
MIN.08/02/2020	Adjournment and Date of the Next Meeting
	• Meeting was adjourned at 7.20pm • Next meeting was scheduled for Monday, 8th June 2020.

Minutes Read and Confirmed by:

Co-Chair .... Date.....

Co-Chair.....Date.....

Secretary ....Date.....

1st Meeting.

ATTENDANCE LIST FOR THE SECOND MEETING BETWEEN MINISTRY OF LANDS AND PHYSICAL PLANNING AND NATIONAL LAND COMMISSION ON MAY 30, 2020 AT 8TH FLOOR BOARDROOM, ARDHI HOUSE

S/NO	NAME	ORGANIZATION	CONTACT	SIGNATURE
1.	James Nombi	KLRC	0725128903	
2.	Julius K. KAHINDI	MoLPP	0725-779875	
3.	Clarah Kebyenya	MoLPP	0722284081	

4.	Dr. Rose Kitur	NLC	0722742353	RKit
5.	CHARLES KAGEMA	NLC	0722997748	[illegible]
6	BRIAN IKOL	NLC	0724543702	[illegible]
7.	EDMOND GICHUZU	NLC	0720793712	[illegible]
8.	MARY MACHARIA	NLC	0700166145	[illegible]
9.	Dr. SAMUEL NTHUNI	NLC	0722218533	[illegible]
10.	Solomon Mbuthia	NLC	0727552236	[illegible]
11.	Annette Omwoyo	KLRC	0700484811	[illegible]
12.	Tinophosa Aehar	MOL PP	0720712	[illegible]
13.				
14.				

9	Hon. Gideon Mung'aro	MoLPP	CAS	0726008856	
10	Truphosa Achar	MoLPP	PSC	0720712487	
11	Prof. J.K. Tuitoek	NLC	NLC Commissioner	0724845662	

HARAMBEE

ATTENDANCE LIST OF THE CONSULTATIVE MEETING BETWEEN THE MINISTRY OF LANDS AND PHYSICAL PLANNING AND NATIONAL LAND COMMISSION

MAY 29, 2020

S/NO	NAME	ORGANIZATION	DESIGNATION	CONTACTS	SIGNATURE
1.	Farida Karoney	MOLPP	CS	0722518689	
2.	Gershom OTACHI	NLC	Chairman	0721380533	
3.	Reginald Okumu	NLC	commissioner	0721456365	R. Okumu
4.	ALISTER MURIMI	NLC	COMMISSIONER	0722650431	
5.	Hon. S.K. Kambi	NLC	Commissioner	0722651511	
6.	TOM ABUTA	MOLPP	DCSC	0721628302	
7.	Charles Kebyenyo	MOLPP	CLRC	0722284081	
8.	Annette Omwoyo	KLRC	PLO	0700484811	

ATTENDANCE LIST OF THE CONSULTATIVE MEETING BETWEEN THE MINISTRY OF LANDS AND PHYSICAL PLANNING AND NATIONAL LAND COMMISSION ON JUNE 1, 2020 AT 8TH FLOOR BOARDROOM, ARDHI HOUSE AT 10.30 AM

2nd Meeting.

S/NO	NAME	ORGANIZATION	DESIGNATION	CONTACTS	SIGNATURE
1.	James Nombi	KLRC	SLO	0725128903	
2.	Tom Abuta	MoLPP	DCSC	0721628307	
3.	Edmond Gichuru	NLC	DDLAE	0720793712	
4.	BRIAN IKOL	NLC	Ag. DLA&E	0727543702	
5.	Charles Kagema	NLC	County Coordinator	0722957748	
6.	Rose Kitur	NLC	DD/LUP	0722742253	
7.	Clarah Kebenya	MoLPP	CLRO	0722284081	
8.	JULIUS·K·KAHINDI	MoLPP	PLS	0725-779875	

9	Samuel Nthuni	NLC	D/ Director	0722218533	
10.	Solomon Mbuthia	NLC	SLO	0727552236	
11.	Annette Omwoyo	KLRC	PLO	0700484811	
12.	Tryphosa Achar	MOLPP	PSC	0720712489	

MEETING BETWEEN THE MINISTRY OF LANDS AND PHYSICAL PLANNING, NATIONAL LAND COMMISSION AND JINAM - JUNE 3, 2020

S/No	Name	Organization	E-mail	Cellphone
	Farida Karoney	MOLPP-CS	farida.karoney@gmail.com	0722518689
	Gideon Mung'aro	MOLPP - CAS	gmungaro66@gmail.com	0721600851
	Gershom OTACHI	NLC - Chairman	andictr@gmail.com	0721380533
	Gertrude NGOKU	NLC - Vice Chair	nngoku@yahoo.com	0725649966
	Hon. S.K. Kazungu	NLC - Commissioner	Kazungu@rivaal.com	0722615671
	ALISTER MURIMI	NLC - Commissioner	alistermurimi@gmail.com	0722650[illegible]

			Email	Cellphone
	James K Tuitoek	NLC.		0729-849662
	Julius Tarus	NLC.	juliustarus@landcommission.go.ke	0727984288
	Reginald Olanmu	NCC	rolanmu08@gmail.com	0721491265
	Samuel Nthuni	NLC	Samuel.nthuni@landcommission.go.ke	0722218533

3rd

MEETING BETWEEN MINISTRY OF LANDS AND PHYSICAL PLANNING AND NATIONAL LAND COMMISSION

JUNE 8, 2020, 8TH FLOOR BOARDROOM

Serial	Name	Organization	e-mail	Cell phone
1.	Farida Karoney	MOLPP-CS		0722 618689
2.	Gershom OTACHI	Chair NLC	andictrg@gmail.com	0721 380533
3.	Gertrude NGOLO	Vice Chair NLC		0725 649966
4.	Hon. Samuel Kazungu	MP NLC	kazungs@parliament.go.ke	0722675770
5	JAMES K. TUITOEK	NLC	JK_tuitoek@yahoo.com	0724 849662
6	Reginald Omumu	NLC	romumu05@gmail.com	0721486565
7	Gideon Mungaro	CAC MOLPP	gmungaro@gmail.com	0724 [illegible]
8	Truphosa Achesa	MOLPP	truphosaachesa@gmail.com	

4TH MEETING BETWEEN THE MINISTRY OF LANDS AND PHYSICAL PLANNING AND NATIONAL LAND COMMISSION
JUNE 9, 2020

ON NLIMS OVERVIEW TO APPRECIATE SYSTEM

S/No	Name	Organization	E-mail	Cell phone
1	HON GIDEON MUNG'ARO	CAS - MOLPP	gmungaro66@gmail.com	0724 600856
2	Gershom OTACHI	Chair : NLC	andictr@gmail.com	0721 380533
3.	Gertrude Ngugu	Vice chair NLC	[illegible]@yahoo.com	0725 649966
4	Reginaid Okumu	COMMISSIONER - NLC	rokumu08@gmail.com	0727 486365
5.	JAMES K. TUITOEK	" NLC	jk_tuitoek@yahoo.com	0724 849662
6.	Kabale Tache Aero	Ag CEO - N.L.C	tache.kabale@landcommission.go.ke	0722445849
7	DR. MARY MACHARIA	NLC	mary.wanda@gmail.com	0701661455
8	Dennis Kitkunka	NLC	kitkunka@gmail.com	[illegible]
9	Sospeter [illegible]	NLC	[illegible]	[illegible]
10	Jacinta Gitau	NLC	jacinta[illegible]@gmail.com	[illegible]
11	Dr. Rose Kitur	NLC	rosekitur@yahoo.com	0722742353
12	LEKAKENY KAROI	JNAM	LEKAKENY.KAROI@GMAIL.COM	0705359904

5TH MEETING BETWEEN THE MINISTRY OF LANDS AND PHYSICAL PLANNING AND NATIONAL LAND COMMISSION
JUNE 10, 2020

S/No	Name	Organization	E-mail	Contact	Sign
	Gershom OTACHI	NLC chair	andictr@gmail.com	0721 380533	[illegible]
	TOM ABUTA	MoLPP	tomabuta@yahoo.com	0721628302	[illegible]
	Jacinta Gitau	NLC	jacintagt69@gmail.com	0722703307	[illegible]
	Daniel Kithuka	NLC	kithuka@gmail.com	0722692005	[illegible]
	Prof David Kuria	NLC	david.kuria@landcommission.go.ke	0727399208	[illegible]
	MACHARIA MARY DR	NLC	marywadia@gmail.com	0701661455	[illegible]
	Boniface THAA	~~NAMPI~~ JNAM	thaabonfac@gmail.com	0775297 22	[illegible]
	PETER SITUMA	JNAM	psmungasi@gmail.com	0715302571	[illegible]
	JOSEPH KAMINJA KAIBA	JNAM	josephkaibak@gmail.com	0721715035	[illegible]

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	SARAH MASIVE	JNAM	Saramasive@gmail.com	0700147275	[signature]
	LEKAKENY KAROI	JNAM	lekakeny.karoi@gmail.com	0705359904	[signature]
	JULIUS Tarus	NLC	tarusjkip@gmail.com	0727989888	[signature]
	J.Muthoni Ngamthi	NLC	jngamthi@yahoo.com	0721203860	[signature]
	Sospeter Ohanya	NLC	Ohanyasoi1@gmail.com	0721.236928	[signature]
	SAMUEL GATUKU	NLC	samgatuku@gmail.com	0720868814	[signature]