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| DATE: 28 JUL 2020 | DAY. |
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PUBLIC PARTICIPATION

(ANNEXURES 3a)



Republic of Kenya

**TASKFORCE ON FORMULATION OF RELATED REGULATIONS TO FACILITATE
ELECTRONIC REGISTRATION, CONVEYANCING AND OTHER LAND TRANSACTIONS
IN LINE WITH EXISTING LAND LAWS**

PUBLIC PARTICIPATION

SCHEDULE OF VIRTUAL MEETINGS

| NO. | STAKEHOLDER | DATE | TIME |
|------------|--|---------------------------|-------------|
| 1. | Ministry of Lands & Physical Planning – All Technical Departments | 14 th May 2020 | 10:00 AM |
| 2. | Council of Governors | 18 th May 2020 | 10:00AM |
| 3. | Kenya Revenue Authority/ICT Authority | 19 th May 2020 | 10:00AM |
| 4. | Law Society of Kenya (LSK) | 20 th May 2020 | 10:00 AM |
| 5. | Kenya Institute of Planners / Town County Planners Association of Kenya/ Architectural Association of Kenya + Relevant Agencies <ul style="list-style-type: none"> • Nairobi Metropolitan Services • NEMA • Roads Authorities – KeNHA, KURA, KeRRA, KRB • Kenya Airport Authority • Engineers Board of Kenya • Institution of Engineers of Kenya • National Construction Authority • Ministry of Transport, Infrastructure, Housing and Urban Development | 21 st May 2020 | 10:00 AM |
| 6. | Institution of Surveyors of Kenya / Land Surveyors Board /Valuers Registration Board/ Estate Agents Registration Board | 22 nd May 2020 | 10:00 AM |
| 7. | County Assembly Forum | 26 th May 2020 | 10:00 AM |

| | | | |
|----|---|---------------------------|----------|
| 8. | Kenya Private Sector Alliance / KPDA / Kenya Bankers Association (KBA)/ Civil Society Organizations <ul style="list-style-type: none"> • Kenya Land Alliance • Federation of Women Lawyers (FIDA) • Reconcile • Pamoja Trust • GROOTS • Kituo Cha Sheria • Centre for Minority Rights Development • Land Development & Governance Institute • Haki Jamii | 27 th May 2020 | 10:00 AM |
| 9. | Ministry of National Treasury and Planning | 29 th May 2020 | 10:00 AM |



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. MOLPP/ADM/CSO/1/357

June 9, 2020

Hon. Wycliffe Ambetsa Oparanya, EGH, CGJ
Chairman
Council of Governors
P. O. Box 40401-00100
NAIROBI

Dear *Chairman,*

RE: **DELIBERATION ON PROPOSED LAND TRANSACTIONS
(ELECTRONIC) REGULATIONS 2020**

Reference is made to the above-named subject, your letter dated May 28, 2020, our letter dated June 3, 2020 and our subsequent virtual communications.

We take note of your recognition of our efforts to develop various sets of draft regulations to support electronic land transactions, registration and conveyancing.

We also acknowledge your interest in participating in the review of the said draft regulations.

In light of the foregoing, we invite Governors in the Legal and Human Rights Committee and Urban Development Planning and Lands Committee to a **virtual meeting on June 11, 2020 at 10.00 a.m.** The meeting credentials will be shared on Wednesday June 10, 2020.

Thank you for your continued support and cooperation.

Yours *Sincerely*



MINISTRY OF LANDS AND PHYSICAL PLANNING

Office of the Principal Secretary

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MOLPP/TFELTR/REGS/01

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

May 7, 2020

Mr. James Mburu
Commissioner General
Kenya Revenue Authority
Times Towers, Haile Selassie Avenue
P O Box 48240-00100
NAIROBI

Dear *James*

RE: PROPOSED LAND TRANSACTIONS (ELECTRONIC) REGULATIONS, 2020

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

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

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

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

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

Thank you for your continued support and cooperation.

Yours

Sincerely

Muraguri

DR. NICHOLAS MURAGURI

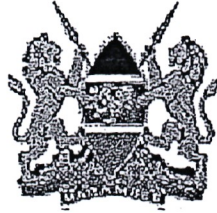
PRINCIPAL SECRETARY

Copy to:

Cabinet Secretary

Chief Administrative Secretary

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MOLPP/TFELTR/REGS/01

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

May 7, 2020

Mr. Nelson Havi
The President
Law Society of Kenya
Lavington, Opposite Valley Arcade, Gitanga Road
P.O. Box 72219-00200
NAIROBI

Dear

Havi

RE: PROPOSED LAND TRANSACTIONS (ELECTRONIC) REGULATIONS, 2020

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

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

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Thank you for your continued support and cooperation.

Yours



DR. NICHOLAS MURAGURI

PRINCIPAL SECRETARY

Copy to: Cabinet Secretary
Chief Administrative Secretary

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

MOLPP/TFELTR/REGS/01

May 7, 2020

Dr. Lawrence Esho
Chairperson
Kenya Institute of Planners
NSSF Building, Block A, Eastern Wing, 10th Floor
P O Box 10682-00100
NAIROBI

Dear

RE: PROPOSED LAND TRANSACTIONS (ELECTRONIC) REGULATIONS, 2020

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

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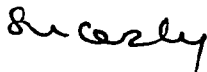
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Thank you for your continued support and cooperation.

Yours



DR. NICHOLAS MURAGURI

PRINCIPAL SECRETARY

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Cabinet Secretary
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MOLPP/TFELTR/REGS/01

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

May 14, 2020

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

Dear *Mr. Omwenga*

RE: PROPOSED LAND TRANSACTIONS (ELECTRONIC) REGULATIONS 2020

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

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

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

Thank you for your continued support and cooperation.

Yours



DR. NICHOLAS MURAGURI
PRINCIPAL SECRETARY

Copy to: Cabinet Secretary
Chief Administrative Secretary

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MOLPP/TFELTR/REGS/01

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

May 14, 2020

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

Dear

Mwingi

RE: PROPOSED LAND TRANSACTIONS (ELECTRONIC) REGULATIONS 2020

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

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

Thank you for your continued support and cooperation.

Yours



DR. NICHOLAS MURAGURI
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MOLPP/TFELTR/REGS/01

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

May 14, 2020

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

Dear *Mr. Onyango*

RE: PROPOSED LAND TRANSACTIONS (ELECTRONIC) REGULATIONS 2020

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

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

Thank you for your continued support and cooperation.

Yours *Sincerely*



DR. NICHOLAS MURAGURI
PRINCIPAL SECRETARY

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Chief Administrative Secretary

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MOLPP/TFELTR/REGS/01

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

May 14, 2020

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

Dear *Mr. Mamo*

RE: PROPOSED LAND TRANSACTIONS (ELECTRONIC) REGULATIONS 2020

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

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

Thank you for your continued support and cooperation.

Yours *sincerely*



DR. NICHOLAS MURAGURI
PRINCIPAL SECRETARY

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Chief Administrative Secretary

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

May 14, 2020

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

Dear

Mundinia

RE: PROPOSED LAND TRANSACTIONS (ELECTRONIC) REGULATIONS 2020

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

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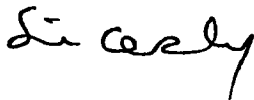
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The taskforce wishes to engage the **Kenya National Highways Authority** on the draft regulations on **May 21st 2020 at 10.00am**. The purpose of this letter, therefore, is to invite you to the said meeting. Attached please find schedule and dates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

Thank you for your continued support and cooperation.

Yours



DR. NICHOLAS MURAGURI
PRINCIPAL SECRETARY

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

May 14, 2020

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

Dear *Eng. Kinoti*

RE: PROPOSED LAND TRANSACTIONS (ELECTRONIC) REGULATIONS 2020

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

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

Thank you for your continued support and cooperation.

Yours



DR. NICHOLAS MURAGURI
PRINCIPAL SECRETARY

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MOLPP/TFELTR/REGS/01

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

May 13, 2020

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

Dear *Eng. Ruwa*

RE: PROPOSED LAND TRANSACTIONS (ELECTRONIC) REGULATIONS 2020

The above subject matter refers.

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

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

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

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

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

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

Thank you for your continued support and cooperation.

Yours *sincerely*
Nicholas Muraguri

DR. NICHOLAS MURAGURI
PRINCIPAL SECRETARY

Copy to: Cabinet Secretary
Chief Administrative Secretary

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MINISTRY OF LANDS AND PHYSICAL PLANNING

Office of the Principal Secretary

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MOLPP/TFELTR/REGS/01

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

May 13, 2020

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

Dear *Mr. Awuondo*

RE: PROPOSED LAND TRANSACTIONS (ELECTRONIC) REGULATIONS 2020

The above subject matter refers.

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

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

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

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

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

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

Thank you for your continued support and cooperation.

Yours *minutely*
Muraguri

Dr. Nicholas Muraguri

PRINCIPAL SECRETARY

Copy to: Cabinet Secretary
Chief Administrative Secretary

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MOLPP/TFELTR/REGS/01

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

May 13, 2020

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

Dear *Juma*

RE: PROPOSED LAND TRANSACTIONS (ELECTRONIC) REGULATIONS 2020

The above subject matter refers.

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

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

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

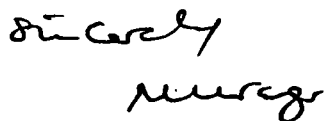
1. Land Registration (Electronic Transactions) Regulations, 2020;
2. Survey (Electronic Cadastre Transactions) Regulations, 2020;
3. Stamp Duty (Valuation) Regulations, 2020;
4. Stamp Duty (Amendment) Regulations, 2020;
5. Land (Amendment) Regulations, 2020;
6. Land (Extension and Renewal of Leases)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

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

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

Thank you for your continued support and cooperation.

Yours



DR. NICHOLAS MURAGURI
PRINCIPAL SECRETARY

Copy to: Cabinet Secretary
Chief Administrative Secretary

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MOLPP/TFELTR/REGS/01

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

May 13, 2020

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

Dear *Matalanga*

RE: PROPOSED LAND TRANSACTIONS (ELECTRONIC) REGULATIONS 2020

The above subject matter refers.

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

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

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

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

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

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

Thank you for your continued support and cooperation.

Yours *Si Gely*

ung

DR. NICHOLAS MURAGURI
PRINCIPAL SECRETARY

Copy to: Cabinet Secretary
Chief Administrative Secretary

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MOLPP/TFELTR/REGS/01

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

May 7, 2020

Eng. Maurice Akech
Executive Director
National Construction Authority
9th Floor, KCB Towers
Upper Hill
NAIROBI

Dear

Akech

RE: PROPOSED LAND TRANSACTIONS (ELECTRONIC) REGULATIONS, 2020

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

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

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

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

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

Thank you for your continued support and cooperation.

Yours



DR. NICHOLAS MURAGURI

PRINCIPAL SECRETARY

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

May 14, 2020

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

Dear *Mr. Kitungu*

RE: PROPOSED LAND TRANSACTIONS (ELECTRONIC) REGULATIONS 2020

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

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

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

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

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

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

Thank you for your continued support and cooperation.

Yours *sincerely*



DR. NICHOLAS MURAGURI
PRINCIPAL SECRETARY

Copy-to: Cabinet Secretary
Chief Administrative Secretary

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

May 14, 2020

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

Dear *Mr. Mainga*

RE: PROPOSED LAND TRANSACTIONS (ELECTRONIC) REGULATIONS 2020

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

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

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

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

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

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

Thank you for your continued support and cooperation.

Yours



DR. NICHOLAS MURAGURI
PRINCIPAL SECRETARY

Copy to: Cabinet Secretary
Chief Administrative Secretary

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MOLPP/TFELTR/REGS/01

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

May 7, 2020

Ms. Rose Mwaura
Chief Executive Officer
Institution of Surveyors of Kenya
10th Floor, Reinsurance Plaza
Taifa Road, Aga Khan Walk
P O Box 40707-00100
NAIROBI

Dear

Mwaura

RE: PROPOSED LAND TRANSACTIONS (ELECTRONIC) REGULATIONS, 2020

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

To this end, a taskforce with membership from the National government, National Land Commission, Council of Governors and private sector was appointed vide gazette Notice No. 2170 of March 13, 2020 to assist the Ministry in the formulation of Land

Transactions (Electronic) Regulations, 2020 and also prepare a Regulatory Impact Statement in line with the Statutory Instrument Act, 2013.

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

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

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

Thank you for your continued support and cooperation.

Yours *Sincerely*

Muraguri

DR. NICHOLAS MURAGURI

PRINCIPAL SECRETARY

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Chief Administrative Secretary

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

May 14, 2020

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

Dear *Ms. Gituri*

RE: PROPOSED LAND TRANSACTIONS (ELECTRONIC) REGULATIONS 2020

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

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

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

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

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

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

Thank you for your continued support and cooperation.

Yours *sincerely*



DR. NICHOLAS MURAGURI
PRINCIPAL SECRETARY

Copy to: Cabinet Secretary
Chief Administrative Secretary

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**MINISTRY OF LANDS AND PHYSICAL PLANNING
OFFICE OF THE PRINCIPAL SECRETARY**

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MOLPP/TFELTR/REGS/01

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

May 14, 2020

Mr. Charles Moemi
Director, valuation
1st Ngong Avenue, off Ngong Road
Ardhi House, 3rd floor Wing B, Office 313
P.O. Box 30450-00100
NAIROBI

Dear *Mokuni*

RE: PROPOSED LAND TRANSACTIONS (ELECTRONIC) REGULATIONS 2020

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

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

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

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

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

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

Thank you for your continued support and cooperation.

Yours *Sincerely*



DR. NICHOLAS MURAGURI
PRINCIPAL SECRETARY

Copy to: Cabinet Secretary
Chief Administrative Secretary

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MINISTRY OF LANDS AND PHYSICAL PLANNING

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MOLPP/TFELTR/REGS/01

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

May 7, 2020

Ms. Eunice M. Macharia
Chairperson
Estate Agents Registration Board
P O Box 30089
NAIROBI

Dear

Macharia

RE: PROPOSED LAND TRANSACTIONS (ELECTRONIC) REGULATIONS, 2020

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

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

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

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

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

Thank you for your continued support and cooperation.

Yours *Su Crely*

su crely

DR. NICHOLAS MURAGURI

PRINCIPAL SECRETARY

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Chief Administrative Secretary

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MINISTRY OF LANDS AND PHYSICAL PLANNING
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Ardhi House
1st Ngong Road

Mr. Julius Rotich
Chairman
Association of Licensed Surveyors of Kenya
P.O Box 62093-00200
NAIROBI

14th May 2020

Dear

RE: PROPOSED LAND TRANSACTIONS (ELECTRONIC) REGULATIONS 2020

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

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

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

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

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

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

Thank you for your continued support and cooperation.

Yours sincerely



DR. NICHOLAS MURAGURI
PRINCIPAL SECRETARY

Copy to: Cabinet Secretary
Chief Administrative Secretary

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

MOLPP/TFELTR/REGS/01

May 13, 2020

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

Dear

Mr. Ochieng

RE: PROPOSED LAND TRANSACTIONS (ELECTRONIC) REGULATIONS 2020

The above subject matter refers.

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

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

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

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

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

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

Thank you for your continued support and cooperation.

Yours

sincerely

mug

DR. NICHOLAS MURAGURI
PRINCIPAL SECRETARY

Copy to: Cabinet Secretary
Chief Administrative Secretary

Encl



**MINISTRY OF LANDS AND PHYSICAL PLANNING
OFFICE OF THE PRINCIPAL SECRETARY**

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

MOLPP/TFELTR/REGS/01

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

May 14, 2020

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

Dear *Getao*

RE: PROPOSED LAND TRANSACTIONS (ELECTRONIC) REGULATIONS 2020

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

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

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

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

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

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

Thank you for your continued support and cooperation.

Yours *Sincerely*

Muraguri

DR. NICHOLAS MURAGURI
PRINCIPAL SECRETARY

Copy to: Cabinet Secretary
Chief Administrative Secretary

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TFELTR/SEM/REGS/COM/01

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

May 7, 2020

Mr. Gikonyo Gitonga
The Chairperson – Lands and Physical Planning Sector Board
Kenya Private Sector Alliance
5th Floor, Shelter Afrique Building, Mamlaka Rd.
P O Box 3556-00100
NAIROBI

Dear

Gikonyo

RE: PROPOSED LAND TRANSACTIONS (ELECTRONIC) REGULATIONS, 2020

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

To this end, a taskforce with membership from the National government, National Land Commission, Council of Governors and private sector was appointed vide gazette Notice No. 2170 of March 13, 2020 to assist the Ministry in the formulation of Land

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

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Thank you for your continued support and cooperation.

Yours



DR. NICHOLAS MURAGURI

PRINCIPAL SECRETARY

Copy to: Cabinet Secretary

Chief Administrative Secretary

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MOLPP/TFELTR/REGS/01

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

May 14, 2020

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

Dear

Ms Mwangi

RE: PROPOSED LAND TRANSACTIONS (ELECTRONIC) REGULATIONS 2020

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

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

Thank you for your continued support and cooperation.

Yours *sincerely*

muraguri

DR. NICHOLAS MURAGURI
PRINCIPAL SECRETARY

Copy to: Cabinet Secretary
Chief Administrative Secretary

Encl



MINISTRY OF LANDS AND PHYSICAL PLANNING

Office of the Principal Secretary

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MOLPP/TFELTR/REGS/01

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

May 7, 2020

Mr. Joshua Oigara
The Chairperson
Kenya Bankers Association
13th Floor, International House
Mama Ngina Street
P O Box 73100 – 00200
NAIROBI

Dear *Oigara*

RE: PROPOSED LAND TRANSACTIONS (ELECTRONIC) REGULATIONS, 2020

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

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Thank you for your continued support and cooperation.

Yours *Sincerely*

Muraguri

DR. NICHOLAS MURAGURI

PRINCIPAL SECRETARY

Copy to: Cabinet Secretary
Chief Administrative Secretary

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Send By
secretary on
13/5/20 (Reg.)

MINISTRY OF LANDS AND PHYSICAL PLANNING
OFFICE OF THE PRINCIPAL SECRETARY

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MOLPP/TFELTR/REGS/01

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

May 11, 2020

Ms. Faith Allube
Chief Executive Officer
Kenya Land Alliance
Miti Mingi Mbaruk Road
P. O Box 2177-20100
NAKURU

Dear *Allube.*

**RE: INVITATION TO A STAKEHOLDER-ENGAGEMENT FORUM ON
FORMULATION OF ELECTRONIC LAND TRANSACTION REGULATIONS**

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

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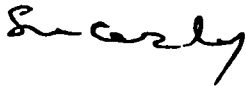
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Please note that all Civil Society meeting will be held on 22nd May 2020 at 10.00am. It will be a Virtual meeting. Kindly share contacts of your participant/s.

Thank you for your continued support and cooperation.

Yours



DR. NICHOLAS MURAGURI

PRINCIPAL SECRETARY

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Chief Administrative Secretary

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MINISTRY OF LANDS AND PHYSICAL PLANNING

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MOLPP/TFELTR/REGS/01

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

May 7, 2020

Anne Ireri
Executive Director
Federation of Women Lawyers (FIDA)
Amboseli Road, Off Gitanga Road
P.O Box 72219-00200
NAIROBI

Dear 

RE: PROPOSED LAND TRANSACTIONS (ELECTRONIC) REGULATIONS, 2020

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

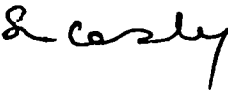
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Thank you for your continued support and cooperation.

Yours 



DR. NICHOLAS MURAGURI

PRINCIPAL SECRETARY

Copy to: Cabinet Secretary

Chief Administrative Secretary

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**MINISTRY OF LANDS AND PHYSICAL PLANNING
OFFICE OF THE PRINCIPAL SECRETARY**

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MOLPP/TFELTR/REGS/01

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

May 11, 2020

Ken Otieno
Ag. Executive Director
Resource Conflict Institute (RECONCILE)
Off Oginga Odinga Avenue, next to
Sunrise Evans Hospital
P.O Box 7150-20100
NAKURU, KENYA

Dear

**RE: INVITATION TO A STAKEHOLDER-ENGAGEMENT FORUM ON
FORMULATION OF ELECTRONIC LAND TRANSACTION REGULATIONS**

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

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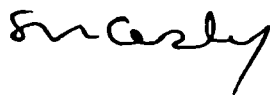
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Please note that all Civil Society meeting will be held on **22nd May 2020 at 10.00am**. It will be a Virtual meeting. Kindly share contacts of your participant/s.

Thank you for your continued support and cooperation.

Yours



DR. NICHOLAS MURAGURI

PRINCIPAL SECRETARY

Copy to: Cabinet Secretary
Chief Administrative Secretary

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**MINISTRY OF LANDS AND PHYSICAL PLANNING
OFFICE OF THE PRINCIPAL SECRETARY**

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MOLPP/TFELTR/REGS/01

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

May 11, 2020

Mr. Samuel Orlando
The Executive Director
Pamoja Trust
P.O BOX 10269-00100
NAIROBI

Dear

Samuel

**RE: INVITATION TO A STAKEHOLDER-ENGAGEMENT FORUM ON
FORMULATION OF ELECTRONIC LAND TRANSACTION REGULATIONS**

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

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Thank you for your continued support and cooperation.

Yours



DR. NICHOLAS MURAGURI

PRINCIPAL SECRETARY

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Chief Administrative Secretary

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MOLPP/TFELTR/REGS/01

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

May 11, 2020

Ms. Fridah Githuku
Executive Director
GROOTS Kenya
Divyam House no. 2, Cedar
Road off Langata Road Westlands
P. O Box 10320
NAIROBI

Dear

Fridah Githuku

**RE: INVITATION TO A STAKEHOLDER-ENGAGEMENT FORUM ON
FORMULATION OF ELECTRONIC LAND TRANSACTION REGULATIONS**

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

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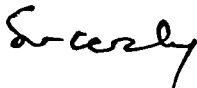
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Thank you for your continued support and cooperation.

Yours



DR. NICHOLAS MURAGURI

PRINCIPAL SECRETARY

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Chief Administrative Secretary

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MOLPP/TFELTR/REGS/01

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

May 11, 2020

Ms. Annette Mbogoh
Ag. Executive Director
Kituo Cha Sheria
P. O Box 7483-00300
NAIROBI

Dear

**RE: INVITATION TO A STAKEHOLDER-ENGAGEMENT FORUM ON
FORMULATION OF ELECTRONIC LAND TRANSACTION REGULATIONS**

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

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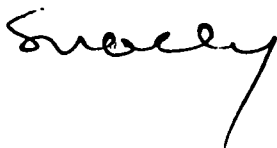
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Thank you for your continued support and cooperation.

Yours



DR. NICHOLAS MURAGURI

PRINCIPAL SECRETARY

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MOLPP/TFELTR/REGS/01

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

May 11, 2020

Mr. Nyang'ori Ohenjo
Chief Executive Officer
Centre for Minority Rights Development
Dam Estate, Suite No. 132, Off Langata Road
P. O Box 14692
NAIROBI

Dear *Ohenjo*

**RE: INVITATION TO A STAKEHOLDER-ENGAGEMENT FORUM ON
FORMULATION OF ELECTRONIC LAND TRANSACTION REGULATIONS**

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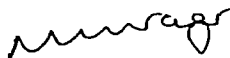
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2. Survey (Electronic Cadastre Transactions) Regulations, 2020;
3. Stamp Duty (Valuation) Regulations, 2020;
4. Stamp Duty (Amendment) Regulations, 2020;
5. Land (Amendment) Regulations, 2020;
6. Land (Extension and Renewal of Leases) (Amendment) Rules,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

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

Please note that all Civil Society meeting will be held on **22nd May 2020 at 10.00am**. It will be a Virtual meeting. Kindly share contacts of your participant/s.

Thank you for your continued support and cooperation.

Yours



DR. NICHOLAS MURAGURI

PRINCIPAL SECRETARY

Copy to: Cabinet Secretary
Chief Administrative Secretary

Encl



MINISTRY OF LANDS AND PHYSICAL PLANNING

Office of the Principal Secretary

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

MOLPP/TFELTR/REGS/01

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

May 7, 2020

Mr. Kennedy Masime
Executive Director
Land Development Governance Institute
Prof. Nelson Awori Centre, 5th Floor
Suite B6, Ralph Bulche Road
P O Box 8222-00100
NAIROBI

Dear

Masime.

RE: PROPOSED LAND TRANSACTIONS (ELECTRONIC) REGULATIONS, 2020

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

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

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

1. Land Registration (Electronic Transactions) Regulations, 2020;
2. Survey (Electronic Cadastre Transactions) Regulations, 2020;
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8. Physical and Land Use Planning (Electronic Development Control and Enforcement System) Regulations, 2020.

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Thank you for your continued support and cooperation.

Yours *R. Carby*

Muraguri

DR. NICHOLAS MURAGURI

PRINCIPAL SECRETARY

Copy to: Cabinet Secretary

Chief Administrative Secretary

Encl



**MINISTRY OF LANDS AND PHYSICAL PLANNING
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MOLPP/TFELTR/REGS/01

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

May 11, 2020

Ms. Pauline Vata
Executive Director
Haki Jamii
P. O Box 11356-00100
NAIROBI

Dear *Vata*

**RE: INVITATION TO A STAKEHOLDER-ENGAGEMENT FORUM ON
FORMULATION OF ELECTRONIC LAND TRANSACTION REGULATIONS**

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

To this end, a Taskforce with membership from the National Government, National Land Commission, Council of Governors and private sector was appointed vide Gazette Notice No.2170 of March 13, 2020 to assist the Ministry in the

formulation of Land Transactions (Electronic) Regulations, 2020 and also prepare a Regulatory Impact Statement in line with the Statutory instrument Act, 2013.


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

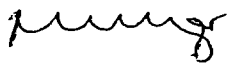
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Please note that all Civil Society meeting will be held on **22nd May 2020 at 10.00am**. It will be a Virtual meeting. Kindly share contacts of your participant/s.

Thank you for your continued support and cooperation.

Yours 



DR. NICHOLAS MURAGURI

PRINCIPAL SECRETARY

Copy to: Cabinet Secretary
Chief Administrative Secretary

Encl



**MINISTRY OF LANDS AND PHYSICAL PLANNING
OFFICE OF THE PRINCIPAL SECRETARY**

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When replying please quote

MOLPP/TFELTR/REGS/01

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

May 11, 2020

Mr. George Onyango
Regional Director
We Effect
Lower Kabete Ngecha Road
P. O Box 45767-00100
NAIROBI

Dear *Onyango*

**RE: INVITATION TO A STAKEHOLDER-ENGAGEMENT FORUM ON
FORMULATION OF ELECTRONIC LAND TRANSACTION REGULATIONS**

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

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

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Please note that all Civil Society meeting will be held on 22nd May 2020 at 10.00am. It will be a Virtual meeting. Kindly share contacts of your participant/s.

Thank you for your continued support and cooperation.

Yours 



DR. NICHOLAS MURAGURI

PRINCIPAL SECRETARY

Copy to: Cabinet Secretary
Chief Administrative Secretary

Encl

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

Attendance of Taskforce Members

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

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|-----------------------|---|---------|
| 8. | Michael Kagwe | MoLPP |
| 9. | Monica Obongo | MoLPP |
| 10. | Cyrus Muchoki | MoLPP |
| 11. | Philip Abongo | MoLPP |
| 12. | Paul Ndungu | MoLPP |
| 13. | Andrew Khaemba | MoLPP |
| 14. | Dr. Zubeda Mucheke | MoLPP |
| 15. | Dr. Peter Mburu | MoLPP |
| 16. | Irene Muttai | MoLPP |
| 17. | Victor Olonde | MoLPP |
| 18. | Charles Wanjohi | MoLPP |
| 19. | Lucy Mburu | MoLPP |
| 20. | Michael Muikiria | MoLPP |
| 21. | Berita Choka | MoLPP |
| 22. | Zaverio Kinyua | MoLPP |
| 23. | Felix Maura | MoLPP |
| 24. | Jeff Manthi | MoLPP |
| 25. | Kahochio Machua | MoLPP |
| In Attendance | | |
| 1. | Julius Tarus | NLC-ICT |
| 2. | Ben Amollo | |
| 3. | Jacqueline Waihenya | LSK |
| 4. | Rachel Wanyonyi | |
| 5. | Innocent Muganda | |
| 6. | Vikki Chiira | |
| 7. | Lorna Mainnah | LSK |
| 8. | Deborah Ontiri | LSK |
| 9. | Havi | |
| 10. | Nora | |
| 11. | Maria | |
| MIN.01/22/2020 | Preamble | |
| | <ul style="list-style-type: none"> • The Chair called the meeting to order at 10:17 am. • Opening prayers were said by Clarah Ketyenya. • The Chair formally welcomed members to the meeting. • Virtual meeting rules were outlined. • The Chair went through the virtual meeting programme. • The Ministry Representative, Ms. Esther Ogega, was asked to give opening remarks. • Heads of Departments/ Directors and their representatives were introduced. • The Chair formally introduced members of the Taskforce and gave a synopsis of what the Taskforce had done. • The Stakeholder-participation schedule was highlighted. | |
| MIN.02/22/2020 | Power-point Presentations on Proposed Regulations | |
| | Registration Regulations Sereu Moinket took the meeting through the proposed regulations. | |

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| | <p>Immediate Feedback on Sereu's Presentation Mr. Cyrus Mbogo: need to introduce adequate restrictions/ limitations on user access to avoid abuse of the system</p> <p>Survey Regulations Jasper Mwenda took the meeting through the survey regulations: Survey (Electronic Cadastre Transactions) Regulations, 2020 and Survey (Amendment) Regulations, 2020.</p> <p>Immediate Feedback on Mwenda's Presentation Mr. Paul Ndung'u: Regulation 17 on payment of fees to licensed surveyors needs to be refined. The Director of Survey should confer with the surveyor (to confirm) before approval/update of the cadastral map.</p> <p>Valuation Regulations Esther Omulele made the power-point presentation on valuation regulations: Stamp Duty (Valuation) Regulations, 2020 and Stamp Duty (Amendment) Regulations, 2020. She indicated that the regulations were anchored on Stamp Duty Act (Cap. 480).</p> <p>Physical Planning Regulations Mr. David Gatimu made the presentation for Physical and Land Use Planning.</p> <p>Immediate Feedback on Physical Planning Regulations Mr. Masinde (Director General, Physical Planning): What is being proposed should be anchored on substantive laws, any mix-ups and contradictions also need to be refined. He was appreciative of the Taskforce's efforts.</p> <p>Land Administration Regulations</p> <ul style="list-style-type: none"> • Tom Abuta made the presentation on Land (Electronic Transactions) Regulations/ Rules, 2020, land administration processes and Land (Amendment) Regulations, 2020. • Mr. Abuta highlighted, inter alia, key terminologies such as 'electronic form,' 'electronic,' and 'user' that have been introduced in the regulations. <p>There was a short lunch break. it was agreed that the sitting would reconvene for plenary session at 2:10pm.</p> |
| MIN.03/22/2020 | Plenary Session: Comments/Questions – Ministry of Lands & Physical Planning |
| | <p>Planning Regulations</p> <ul style="list-style-type: none"> • Reduce on the number of definitions • Reconsider the line spacing of documents presented during application as this makes the process cumbersome • Check on mandates granted to various actors in the regulations in line with those in PLUPA • There be clear definition of development conditions and permissions |

- Establishment of the system is being vested with the DG – check on how the same can be shared with the County Director to ensure efficiency and decentralization of functions – check Reg. 4(3)
- Check on clause 12 and clause 13 on assignment of duties
- PLUPA has not assigned responsibilities to Municipal Authorities and other entities in secondary statutes – check on substantive establishments under PLUPA
- Have separate provisions for development control of projects of strategic national importance and inter-county projects
- The regulations need to be effectively mainstreamed
- On category of users, add Surveyor who would need to interact directly with the planning module to make decisions
- Look at provisions of Section 20 (i)(j) of PLUPA on functions of the County Director of Physical and Land Use Planning with regard to issuance of development permission. Structures to be established by the Director should be left to his discretion and need not be regulated
- Consider provisions of Section 60 of PLUPA in view of the proposed technical validation committee. The committee seems to perform the same functions with the authorities the application is circulated to
- The CS is better placed to consult the county governments rather than NLC on development control matters, as counties are direct players in the process
- There are cross-cutting roles that need further clarification

Valuation Regulations and Registration Regulations.


- Reg. 19(2)(b)
- Search fees were waived – under Reg. 14 – to relook
- Reg. 23 (3) – as drafted, it presents a gray area and should be relooked
- Check issue of minor errors
- Issue of electronic sealing and franking
- Reg. 16 on valuation is skeletal and needs to be firmed up.
- Chief Government Valuer is still tied to the collector of stamp duty.
- Applications be made directly to the Government Valuer


General Comments

- There are many forms which need to be relooked and merged
The basis of the Electronic Appeals Committee derive need to be clarified and mandate should be mainstreamed. If it is a quasi-judicial body, then it should be set up properly
- Have a representative of the CS in-charge of ICT
- It may be important to decentralize the operations of committee from Nairobi for efficiency
- Relook at the composition of membership
- Provide appeal to the court – ELC

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| | <ul style="list-style-type: none"> • To validate the Forms on the system, there is need to convene a meeting with the developers • Professionals in the built environment should be users across the modules • System should be open and accommodating • The provision of manual payment of fees needs to be looked at as the system should be geared towards doing away with manual payments • Need to look critically at the Business Laws Amendment • Need to circulate the information on the website to all members of staff – Victor to take action |
| MIN.04/22/2020 | Adjournment and Date of the Next Meeting |
| | Vote of Thanks was given by Caroline Wanjeri after which the Chair closed the meeting at 3.47pm. Closing prayers were said by Agnes Kwamboka. The NLC meeting was slated for Friday, 15 th of May 2020. |

Minutes Read and Confirmed by:

Chairman  Date. 10/6/2020

Secretary  Date. 10/06/2020

Secretary  Date. 10.06.2020.

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

Attendance of the Taskforce Members

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

| | | |
|-----------------------|---|--|
| 8 | Hon Barsosio | CECM Elgeyo Marakwet County |
| 9 | Hon. Charles Dadu | CECM Lands Kilifi County |
| 10 | Beatrice Chelangat | Planner, Nyeri County |
| 11 | Hon Ngeno K Barnabas - Kericho County | Chair CECMs Caucus |
| 12 | Mutuku Erastus | Narok County |
| 13 | Anita Wakoli | Trans Nzoia County |
| 14 | Charles Obondo | Planner Homa Bay County |
| 15 | Hon. Hamilton Parseina | CECM Lands Kajiado County |
| 16 | Veronica Ndunge | Nandi County |
| 17 | Julius | |
| 18 | Sarah Masaki | Muranga County |
| 19 | Sylvia Inziani | Kericho County |
| 20 | Bii K Ng'eny | County Director of Planning, Makueni County |
| 21 | Alphonse Rotich | County Director Physical Planning, Baringo County |
| 22 | Joseph Shuel | CECM, Laikipia County |
| 23 | Elizabeth Mburu | Director, Meru County |
| 24 | Nicholas Waweru | Director Physical Planning, Kiambu County |
| 25 | Evans Kipruto | CoG |
| 26 | Emma Nyaboke | CoG |
| 27 | David Kitonga | Director Lands Kitui County |
| 28 | Hon Sereti Vivian Mpetti | CECM Lands Narok County |
| 29 | Hon Koima Kibiwott | CECM Baringo County |
| 30 | Nicodemus Mbwika | CoG, Secretariat |
| | | |
| | | |
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| | | |
| MIN.01/23/2020 | Agenda | |
| | <ol style="list-style-type: none"> 1. Program 2. Introduction to the Taskforce 3. Terms of Reference 4. Regulations 5. Plenary Discussion 6. Close | |
| MIN.02/23/2020 | Preliminaries | |
| | <ul style="list-style-type: none"> • The Chair called the meeting to order at 11:52am. • Opening prayers were said by Mildred Ambani. • The Chair took members through the Agenda. • The Chair introduced the Taskforce Members and requested Hon. Ng'eno to introduce CoG to team. | |
| MIN.03/23/2020 | MIN.02/23/2020-minute number not clear | |
| | The program was adopted as follows: | |

| | Time | Item | Assigned To |
|-------------------------|--|--|--|
| | 10:00 - 10:30 am | Welcome, Introduction and Opening Remarks | <i>Eric Nyadimo, Taskforce Chair</i> |
| | 10:30 - 11:00 am | Land Registration (Electronic Transactions) Regulations, 2020 | <i>Sareu Moinket</i> |
| | 11:00 - 11:30 am | Survey (Electronic Cadastre Transactions) Regulations, 2020; and Survey (Amendment) Regulations, 2020 | <i>Jasper Mwenda</i> |
| | 11:30 - 12:00 pm | Stamp Duty (Valuation) Regulations, 2020; and Stamp Duty (Amendment) Regulations, 2020 | <i>Esther Omulele</i> |
| | 12:00 - 12:30 pm | The Land (Allocation of Public Land) (Amendment) Regulations, 2020; and Land (Amendment) Regulations, 2020; and the Land (Extension and Renewal of Leases) (Amendment) Rules, 2020 | <i>Tom Abuta</i> |
| | 12:30 -1:00 pm | Physical and Land Use Planning (Electronic Development Control and Enforcement System) Regulations, 2020 | <i>David Gatimu</i> |
| | 1:30 - 2:00 pm | Break | <i>All</i> |
| | 2:00 - 4:00 pm | Plenary Discussions | <i>Eric Nyadimo, Taskforce Chair</i> |
| | 4:00 - 4:15 pm | Vote of Thanks and Closing | <i>Eugene Lawi</i> |
| END OF PROGRAMME | | | |
| | It was noted that since the meeting started of late there was need to keep to time and allow more time for plenary discussion. | | |
| MIN.04/23/2020 | Introduction to the Taskforce | | |
| | The chair presented an overview of the Taskforce including its mandate, milestones to date and road map of remaining activities. | | |
| MIN.05/23/2020 | Regulations | | |
| | A highlight of regulations in form of Power Point presentations was presented in line with the programme as follows a) Registration Regulations b) Cadastre and Survey Regulations c) Valuation Regulations d) Land Administration Regulations e) Physical Planning Regulations | | |
| MIN.06/23/2020 | Plenary Discussion | | |
| | Eva Sawe and Nicodemus Mbwika were nominated to table the COG comments and inputs. Comments from Nicodemus: He appreciated work done to date and highlighted several issues touching on 1. Governance issues Centralized system with diversity, NLIS envisages integrated system. The system should not negate devolution. 2. Legal issues Offensive language 3. Administrative Issues The country having the necessary infrastructure to uptake the system Recommendations a) Director General to operate PLUPA system, development control should not be managed from the National level because the functions are devolved. There be established a national System whose standards the counties can use to develop their own systems then appropriate linkages be established. Response: There is need for establishment of standards to coordinate development control by both the national and county governments. b) With reference to PLUPA sec63 and67, development application for all types of development need to be done with the county | | |

governments. As the draft regulations are, it mean that counties don't have any responsibility on strategic projects which are a preserve of the national government

Response:

Development control should be through the NLIS system and the county governments have a role where the project is being undertaken in that particular county. The counties would only channel projects deemed to be strategic or intercounty to the relevant approving authorities

- c) Sec 90 of PLUPA requires development of general regulations under the Act. there is need to stablish a clear link between the draft Regulations submitted to the (under section 90) and the electronic system ones

Response:

The manual processes need to be regulated before the electronic regulations. The two have been tied together.

- d) Reg 12 PLUPA- establishing a standing appeal committee at National Level, PLUPA is duplication of roles as PLUPA has very clear dispute resolution mechanism, the Liaison Committees. The existing resolution mechanism should be used and a member with IT background be adopted as a member in the existing committees.

Response:

The functions of the two committees are different the appeals committee under electronic regulations is purely administrative, dealing with issues of access to user accounts. Liaison committees established under PLUPA are for handling disputes arising from planning processes

- e) The CS should not prescribe fees for counties as counties have responsibility to prescribe their own fees.

Response:

There is need to coordinate how the various fees are generated

- f) The Land Administration regulations provide that Development Control issues for private land shall be handled by the CS. This is offensive and does not sit well with the County Governments who have a direct role on development control

Response:

All development processes start at the county level and approvals ae done there. However, administrative processes to inform eventual registration are vested with the CS

- g) Regarding Extension and renewal of Lease, NLC has the mandate under the CoK and laws to manage such transactions on behalf of the county governments and not the CS, this mandate according to the County government should be retained with NLC.

Response:

Section 13 of the Land Act, gives the mandate of NLC to make rules in extension and renewal of Leases. The aspect of processing leases is vested with the CS. Extension of Leases is with CS, since leases before expiry is private land. It follows that renewal and allocation processes are vested with the NLC.

Eva Sawe

1. The proposed amendments to Survey regulations should be stayed awaiting the amendment of the Survey Act. The principal Act should be amended first to align it with the Constitution before the regulations to avoid double work.

| | |
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| | <p>Response: The taskforce restricted itself to the provisions of the existing Survey Act and Regulations. However, it noted areas of regulations that need to be improved to bring them up to date with the system, pending the amendment of the Act</p> <p>2. Land Allocation: Reg 26. Mandates the CS to execute Leases. The CS should be replaced with NLC in line with the Land Act. Article 62 (3) mandates the NLC to manage public land. Further reference is made to the Supreme Court Advisory paragraph 2, which states that this is the function of the NLC.</p> <p>Response: Article 63 of the Constitution is clear on categories of public land. When land is allocated, it becomes private land and is under the CS. Leases are executed on private land.</p> <p>3. The proposed Standing Appeal Committee should be established in consultation with COG and NLC. Article 259 of the COK provides that there should be consultations between the two level of Government in undertaking different activities.</p> <ul style="list-style-type: none"> • Propose membership of the committee should be 3 MOLPP reps, 3 COG reps while the number of private sector reps is reduced to ensure the total membership does not exceed the 9 stipulated in Mwongozo, • There should be County Standing Committees in addition to the national one as NLIS will be administered in different counties. <p>Response: The Registration team will deliberate further on this.</p> <p>4. Regarding Stamp Duty, under Reg (2), Counties should be left to dictate own payment methods. Further, County government should have control of the NLIS system.</p> <p>Response: Stamp Duty is a tax and established by the National Treasury and collected by KRA.</p> <p>Comments from Hon Ngeno.</p> <ul style="list-style-type: none"> • The Constitution provides rules of all players. Thus, the taskforce should be alive to its provision as they formulate the regulations. Further, the Taskforce should be alive to the Report by the Transition Authority dated 1st April 2016 which details the roles of national government and county government. Also, Sections 13 (2) of the Land Act denies the role of CS and NLC. • Section 56(3) PLUPA provides that the county governments shall have power within their jurisdiction to consider and approve all development application and provide development permission • Issue of Extension of Leases is in the domain of the NLC and the Taskforce should ensure this is upheld. <p>Comments from Nicholas Waweru, Director Physical Planning, Kiambu County</p> <ul style="list-style-type: none"> • County governments should have control of the national strategic projects as they will be implemented in counties <p>Response:</p> |
|--|---|

- Legal notice 156 provides for classification of the projects and the role of CS and Director General of Physical and Land Use Planning on the same. This issue can be deliberated further.

Comments from Elizabeth Mburu- Director, Meru County

- DG should not control the PLUPA system. The system should be established in collaboration with County Governments.

Response

Sections 103 and 114 of the Land Act provide safeguards against abuse of mandates vested with the two levels of government.

The proposed Technical Committee is a hurdle in the county in fast tracking the development application process

Response

The Committee is important to check standards and validation of the applications; this is good for ownership of the processes and to ensure the County Director approves application on point of information as envisaged in PLUPA 20 (g).

- DG should circulate the plans to the Counties on the Strategic projects.
- CS should not overall mandate on private land. In case of agricultural land, whose subdivision is controlled by Land Control Boards established by the CS, it has proven difficult for counties to tame the boards. The boards should be controlled by the County governments.

Response:

The Land Control Board is in place as per the Land Control Act, which stands un-repealed. However, their effectiveness and practicability of the Act should be considered, moving forward.

- Survey is a devolved function but so far the counties have been locked out of the survey process by the Survey Act.
- During presentation of Stamp Duty regulations, there was mention of other valuation regulations already in circulation, but which have not been brought to the attention of the counties. This does not sit well with devolution

Response:

The private valuers incorporation regulations have been drafted and will be circulated at the right time by the relevant team.

Comments from Sarah Masaki- CECM Muranga County

- There is concerted effort to lock out the County governments from the formulation of the regulations and so far public notices published indicate the regulations are being established in consultation of the National Government and NLC. Counties should be considered at the inception stage of such tasks.


Response

The Taskforce seeks views to make the draft rich and is willing to incorporate CoG views.


- Survey regulations left out planning role, which presents a loophole of subdivisions being undertaken by surveyors without reference to planners.
- Development control is a county function and so control of the system should not be left with the DG.

| | |
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| | <ul style="list-style-type: none"> • Role of CS in extension of lease need to be clarified as it's a development application and should be tabled at the county. <p>Response: The Survey is premised on the requisite approvals and the survey module is established on this understanding.</p> <p>Comments from Mwenda Riungu- Tana River</p> <ul style="list-style-type: none"> • Regulations are not speaking to each other. No linkage of the different regulations. <p>Response The regulations are based on clear workflows. The taskforce should relook into this matter.</p> <ul style="list-style-type: none"> • There should be clear linkage of PLUPA general regulations and electronic regulations. • On Land Administration, how will the approvals be done electronically, the Land Administration regulations do not mention the role of County Government. |
| MIN.07/23/2020 | Way forward |
| | <p>Chairman Remarks</p> <ul style="list-style-type: none"> • County government has the resources to do the NLIS system. The system will be rolled out phase by phase. • Other county systems should be linked to the NLIS. • Involvement of the stakeholders is timely since these are the draft documents. CoG should consider submitting a comprehensive written memorandum to the Taskforce <p>Ng'eno Remarks</p> <ul style="list-style-type: none"> • COG have been involved in several consultative meetings in the land sector and just like in previous engagements, CoG should be able to guide the regulation process. • Taskforce should ensure the regulations are informed by the laws and the TA report and Article 62 for the CoK on supremacy of the Institutions established to govern the land sector such as the NLC. • Section 56 (c) of PLUPA should be respected as it gives the counties the mandate to consider applications and grant development permission. Under Sec. 69 (4), CS receives secondary applications whose approval has been granted by the County Government. • The CoG will submit a written memorandum. • The taskforce should avail the improved regulations for validation by CoG before they are forwarded to the CS. |
| MIN.08/23/2020 | Adjournment and Date of the Next Meeting |
| | <ul style="list-style-type: none"> • Eugene Lawi gave the vote of thanks and acknowledged all participants for the fruitful engagement. • The meeting ended at 4.38pm with closing prayers form Caroline Wanjeri. • The next meeting was scheduled for Thursday 19th May 2020 from 10:00a.m with Treasury and the Kenya Revenue Authority. |

Approval

Chairman  Date. 10/6/2020

Secretary  Date. 10/06/2020

Secretary  Date. 10/06 2020

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

Attendance

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

Absent with Apologies

| | | |
|----|---------------|----------------|
| 1. | Brian Kimutai | Member, TFELTR |
| 2. | Peter Musyimi | Member, TFELTR |
| 3. | Jasper Mwenda | Member, TFELTR |

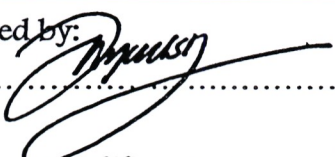
Minutes


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| MIN.01/24/2020 | Adoption of Agenda |
| | Items of discussion were adopted as follows: |


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|-----------------------|---|
| | <ol style="list-style-type: none"> 1. Preamble/ introductions 2. Presentations 3. Plenary discussions 4. AOB |
| MIN.02/24/2020 | Preamble |
| | <ul style="list-style-type: none"> • The chairman called the meeting to order at 10:26 am. • Opening prayers were said by Moses Mugendi. • The Chair introduced members of the Taskforce. • The Chair formally welcomed members from KRA and ICTA to the meeting. • The Chair took members through the programme. • The Chair gave background information for formulation of the regulations which are to enhance efficiency and effectiveness in data access. • The officials from both ICTA and KRA introduced themselves to the taskforce. • In summary, the Chair talked about what the Taskforce had done since its formulation. |
| MIN.03/24/2020 | Presentations on Proposed Regulations |
| | <p>Highlights of regulations were done in the form of Power-Point presentations in line with the programme as follows:</p> <ol style="list-style-type: none"> 1. Registration 2. Survey 3. Planning 4. Land Administration 5. Valuation. |
| MIN.04/24/2020 | Plenary Discussions |
| | <p>The following comments/ questions were made/ raised after presentations:</p> <ul style="list-style-type: none"> • Valuation report- (information sharing) what is left out is the sharing of information on Valuation, there should be seamless flow of information. There is need to link ITAX with NLIS and provide a regulation that links ITAX with NLIS. The administrative process established should be regulated. • Market Value-the definition of market value should not only be limited to land, but should also include shares as the value of any property goes beyond land aspects. • PIN-there is need to capture the PIN; the initial data only captures the ID leaving out the PIN. • Land Rent |

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| | <p>The issue of land rent was also not well covered/ adequately articulated, for instance, it was not clear how the Ministry of Lands was going to collect the data on leasehold property, or issue demand notices to owners of these property. The role of KRA in collection of rent through ITax was not properly documented. There was need for documentation of land that attracted land rent to ensure enhanced collection. Other questions raised were:</p> <p>-Is there a mechanism for monitoring the number (the existing) leasehold property? -Is the Ministry of Lands able to share the information with KRA? -How can KRA get the information?</p> <p>Systems issues raised</p> <ul style="list-style-type: none"> • Ensure all transactions done are traceable • System should have accountability from end user perspective. • Transactions need to be approved by the right parties. • The Ministry should share what the system is and what it can do. • Security features to be looked at to safeguard data. • Is their regulation for electronic signatures? Has ICT Authority developed regulations on this? the regulations are there under KICA law enacted in 2013. Issues of support maintenance are being addressed to bring on board more stakeholders and coordinate operations of different government agencies. • Water-tight security features should be developed to safeguard data security. • NPKE – digital signature for all public offices should be inputted to ensure security safeguards. The system should be aligned to this |
| MIN.05/24/2020 | Adjournment and Date of the Next Meeting |
| | <p>There being no other business, the Chairperson thanked the guests for their time and dedication to the meeting, after which he called upon Ms. Truphosa Achar to give a vote of thanks and say closing prayers. The meeting ended at 1:55 pm. The next meeting (with the Law Society of Kenya) was scheduled for Wednesday, 20th May, 2020.</p> |

Minutes Read and Confirmed by:

Chairman:  Date. 10/6/2020

Joint Secretary:  Date. 10/06/2020

Joint Secretary:  Date. 10.06.2020

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

Attendance of the Taskforce Members

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

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

| | 6. Close | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|------------------|---|--------------------------------------|------|-------------|------------------|---|--------------------------------------|------------------|---|----------------------|------------------|--|---------------------|------------------|--|------------------|------------------|--|-----------------------|-----------------|---|----------------------|-----------------|-------|------------|----------------|---------------------|--------------------------------------|----------------|----------------------------|----------------------|------------------|--|--|
| MIN.02/25/2020 | Preliminaries | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | <ul style="list-style-type: none"> • The Chair called the meeting to order at 10:26am. • Opening prayers were said by Caroline Wanjeri. • The Chair took members through the Agenda. • The Chair introduced the Taskforce Members and requested LSK to briefly introduce themselves. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| MIN.03/25/2020 | Agenda | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | <p>The program was adopted as follows:</p> <table border="1"> <thead> <tr> <th>Time</th> <th>Item</th> <th>Assigned To</th> </tr> </thead> <tbody> <tr> <td>10:00 - 10:30 am</td> <td>Welcome, Introduction and Opening Remarks</td> <td><i>Eric Nyadimo, Taskforce Chair</i></td> </tr> <tr> <td>10:30 - 10:55 am</td> <td>Survey (Electronic Cadastre Transactions) Regulations, 2020; and Survey (Amendment) Regulations, 2020</td> <td><i>Jasper Mwenda</i></td> </tr> <tr> <td>10:55 - 11:20 am</td> <td>Physical and Land Use Planning (Electronic Development Control and Enforcement System) Regulations, 2020</td> <td><i>David Gatimu</i></td> </tr> <tr> <td>11:20 - 11:55 pm</td> <td>The Land (Allocation of Public Land) (Amendment) Regulations, 2020; and Land (Amendment) Regulations, 2020; and the Land (Extension and Renewal of Leases) (Amendment) Rules, 2020</td> <td><i>Tom Abuta</i></td> </tr> <tr> <td>11:55 - 12:20 pm</td> <td>Stamp Duty (Valuation) Regulations, 2020; and Stamp Duty (Amendment) Regulations, 2020</td> <td><i>Esther Omulele</i></td> </tr> <tr> <td>12:20 -12:50 pm</td> <td>Land Registration (Electronic Transactions) Regulations, 2020</td> <td><i>Sereu Moinket</i></td> </tr> <tr> <td>12:50 - 1:30 pm</td> <td>Break</td> <td><i>All</i></td> </tr> <tr> <td>1:30 - 4:00 pm</td> <td>Plenary Discussions</td> <td><i>Eric Nyadimo, Taskforce Chair</i></td> </tr> <tr> <td>4:00 - 4:15 pm</td> <td>Vote of Thanks and Closing</td> <td><i>Charles Wamae</i></td> </tr> <tr> <td colspan="3" style="text-align: center;">END OF PROGRAMME</td> </tr> </tbody> </table> | Time | Item | Assigned To | 10:00 - 10:30 am | Welcome, Introduction and Opening Remarks | <i>Eric Nyadimo, Taskforce Chair</i> | 10:30 - 10:55 am | Survey (Electronic Cadastre Transactions) Regulations, 2020; and Survey (Amendment) Regulations, 2020 | <i>Jasper Mwenda</i> | 10:55 - 11:20 am | Physical and Land Use Planning (Electronic Development Control and Enforcement System) Regulations, 2020 | <i>David Gatimu</i> | 11:20 - 11:55 pm | The Land (Allocation of Public Land) (Amendment) Regulations, 2020; and Land (Amendment) Regulations, 2020; and the Land (Extension and Renewal of Leases) (Amendment) Rules, 2020 | <i>Tom Abuta</i> | 11:55 - 12:20 pm | Stamp Duty (Valuation) Regulations, 2020; and Stamp Duty (Amendment) Regulations, 2020 | <i>Esther Omulele</i> | 12:20 -12:50 pm | Land Registration (Electronic Transactions) Regulations, 2020 | <i>Sereu Moinket</i> | 12:50 - 1:30 pm | Break | <i>All</i> | 1:30 - 4:00 pm | Plenary Discussions | <i>Eric Nyadimo, Taskforce Chair</i> | 4:00 - 4:15 pm | Vote of Thanks and Closing | <i>Charles Wamae</i> | END OF PROGRAMME | | |
| Time | Item | Assigned To | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| 10:30 - 10:55 am | Survey (Electronic Cadastre Transactions) Regulations, 2020; and Survey (Amendment) Regulations, 2020 | <i>Jasper Mwenda</i> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 10:55 - 11:20 am | Physical and Land Use Planning (Electronic Development Control and Enforcement System) Regulations, 2020 | <i>David Gatimu</i> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 11:20 - 11:55 pm | The Land (Allocation of Public Land) (Amendment) Regulations, 2020; and Land (Amendment) Regulations, 2020; and the Land (Extension and Renewal of Leases) (Amendment) Rules, 2020 | <i>Tom Abuta</i> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 11:55 - 12:20 pm | Stamp Duty (Valuation) Regulations, 2020; and Stamp Duty (Amendment) Regulations, 2020 | <i>Esther Omulele</i> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| 12:50 - 1:30 pm | Break | <i>All</i> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1:30 - 4:00 pm | Plenary Discussions | <i>Eric Nyadimo, Taskforce Chair</i> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 4:00 - 4:15 pm | Vote of Thanks and Closing | <i>Charles Wamae</i> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| END OF PROGRAMME | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| MIN.04/25/2020 | Introduction to the Taskforce | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | The Chair presented an overview of the Taskforce including its mandate, milestones to date and road map of remaining activities. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| MIN.05/25/2020 | Regulations | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | <p>Land electronic regulations were presented in the following order:</p> <ul style="list-style-type: none"> • Survey Regulations • Physical Planning Regulations • Land Administration Regulations • Valuation Regulations • Registration Regulations | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| MIN.06/25/2020 | Plenary Discussion | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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| | <p>Physical Planning</p> <ul style="list-style-type: none"> • Neighbourhood resident challenges, how they should be informed. Response: PLUPA 58 (7) Neighborhoods should be notified for a development application, clearance needed from the community. Need to have community sit in the liaison committee. • Appeal processes Response Covered in PLUPA 62(3) Read part V of PLUPA. • Some of the tasks for the Physical Planning can be handled by private physical planners to expedite service delivery. Response: Need to have regulations that bid the private professional in their work. <p>Valuation:</p> <ul style="list-style-type: none"> • Government has given room for the private valuers, this should be factored. Likelihood of mischief if private valuers are allowed. Response The regulations have not yet been enacted. Response The owner will choose to use a private valuer or the government valuer. • Stamp duty rule of 30days of execution of the document. This is a good opportunity to recommended amendment of this section of the act, it should change to the date the value makes payment. Response: Need to relook at this provision and will make relevant recommendations. Market value definition Response This can be expanded to include other assets. • The issue of the stamping- Hong Kong experience in e-stamping which is effective and recognized by law. Response: The team will benchmark with Hong Kong and manual processes will complement the electronic process. • Suspension of user Response Lack of standard for Valuers in the laws. • Contents of the Valuation report. Be specific on the Process of sale and transfer, distinguish the two. Transfer of documents Form D. Response The team focused on the transactions but not the details of the report. <p>Registration</p> |
|--|---|

- Definition of professional accessing the system is not done well. Recommendation to use definition in the Act.
Response
The advocates are the professional undertaking this exercise.
- Reg 8- access by professional not identified as an advocate. -
Check, Canada, Ontario
Response
Details required are for the advocate in the form.
- Suspension of user. Esther presentation it was not there the issue of “suspected user”, should reconsider if this will give rise to the suspension.
- Attestation: Unauthorized user. This need to be checked. It may fall back to the advocate.
Response
Advocates will play a key role.
- Priority of documents and rejection of documents will be relooked at.
- Appeal process in the registration should be retained.
- Reg 13 be specific on the advocates.
Response
This will be relooked at and its noted.
- Reg 25- use the words Registrar shall.
Response
This will be relooked at and its noted.
- Someone can generate interest by showing a title deed and allowed to search. How it can be captured in the system.
- IS it that there is need to have owner consent before searching?
Response
This will be relooked at.

Terms and Use

- Disclaimer: Reconsider putting the disclaimer, we must be sure that the processes are genuine. Perhaps should be CONSENT so that information put can be used by government.
Response
To relook into this to avoid doubt by users of the system.

General Comments

Appeal committee should be streamlined. ADR should be more robust. Regulations to be expanded to allow ADR.


- Some changes in the current Regulations – e.g. ownership – all documents emanating from the system should provide comfort
- System Operator must also ensure that the details in system ensure that there is no identity fraud – provide an encryption key to ensure that info that is relayed has the same sanctity when compared to other electronic systems
- Representation of the LSK in the appeal committee, be specific on the private actors.
- Issue of the Appeal committee, need to have one electronic committee.


Response


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| | <p>Counties proposed to have appeal committees for each county, the chair invited views from the team. The taskforce recommended one appeal committee.</p> <ul style="list-style-type: none"> • Land Control Board have been abolished but no gazettelement has been done. Response: This will be checked further. • What measures have been put in place to deal with digitization of land transactions of land with Settlement Fund Scheme SFT issues especially in Coast? Response This can be captured in Survey, the team to consider. Not happening now as Nairobi is ongoing but once digitization of Mombasa will be reached it will be done. The taskforce should visit Mombasa and document views of the locals. All the records of SFT are in Nairobi. Action Organize for a virtual meeting with the Mombasa people to document this matter. • fake advocates, password that LSK can provide to members to be used on the system. • Define manual processes, some place there was manual process, hard copies but not paper documents. • Nairobi will be gazette first. But we should have timelines to anticipate other counties adoption of electronic system. Response May be difficult to give timelines but the CS will gazette as the registries gets ready. • Security and integrity of the system should be looked at. Response The team will relook on this matter further. Need for advocates to sit in the appeal committee. Response This will be relooked further. <p>Land Administration Section 23 (2) of the Land Act, where is the link with NLC and MOLPP in lease preparation. Response: The team has looked at the supreme court advisory 2016 but the Land Act was changed in 2018.</p> <ul style="list-style-type: none"> • Reg 3- Extension and renewal of lease. Should have 90 days, what happens after lapse. Response: This will be relooked at so that its clear and compel the government so that it will be presumed done if 90 days expire. • Reg 8- Change to after 5 years not within 5 years. Response The taskforce to check if they have mandate on this. • Reg 9. May appeal to the court, which court, should be clarified. Response The team will look on this further. |
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| | <ul style="list-style-type: none"> NLC should not be part of the committee since they have rejected the appeal. <p>Response It is ok for the NLC to sit in this committee since they are the agents to the National government or the County government.</p> <p>Survey:</p> <ul style="list-style-type: none"> Authentication of people submitting documents: <p>Response Reg 8 and 9 have handled this where the submission is only done by the Licensed surveyor and the government surveyor. Devolution of Survey function and need to amend the Survey Act.</p> <p>Response: Restricted ourselves to the Survey Act, CAP 299. Disconnect between the subdivision and the RIM leading to multiplicity of titles.</p> |
| MIN.07/25/2020 | Way forward & Adjournment |
| | <ul style="list-style-type: none"> The chair thanked members and requested that a written memorandum be submitted by LSK. Charles Wamae gave the vote of thanks and acknowledged all participants for the fruitful engagement. Closing prayers were said by Esther Omulele. The Chair ended the meeting at 4.07pm. Next meeting was scheduled for Thursday 21st May, 2020 from 10:00a.m with TCPAK, KIP and AAK. |

Approval

Chairman  Date. 10/6/2020

Secretary  Date. 10/06/2020

Secretary  Date. 10.06.2020

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

Attendance of the Taskforce Members

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

Attendance of the Stakeholders

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

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| 43 | John Barreh | KIP |
| 44 | Juliet Rita | AAK |
| 45 | Kenneth Wando | KERRA |
| 46 | Leina Kilesi | KIP |
| 47 | Stephen Mwilu | |
| 48 | Lucy Gathika | KRB |
| 49 | Mairura Omwenga | TCPAK |
| 50 | Grace Njeri | KeNHA |
| 51 | Juliana Mutua | NMS |
| 52 | Mwango Brenda | State Department of Transport |
| 53 | Nathaniel Natalanga | IEK |
| 54 | Obop Michael | KeNHA |
| 55 | Oceanic Sakwa | NEMA |
| 56 | Odak Paul | KURA |
| 57 | Patrick Gitile | KURA |
| 58 | Rashid Abdullahi | CAA |
| 59 | Robert Itambo | KeNHA |
| 60 | Robert Koech | KIP |
| 61 | Samson Lukoba | NCA |
| 62 | Edward Wabwoto | NEMA |
| 64 | Erick Akuba | TCPAK |
| 65 | Fredrick Warega | TCPAK |
| 66 | P. Bosire | KeNHA |
| 67 | Mileah Muendo | KeNHA |
| 68 | Gaceri A. | |
| 69 | Jones Nyangweso | NMS |
| 70 | Joyce Kariuki | KIP |
| 71 | Jatani | KURA |
| 72 | Erastus Mwongera | Chair, EBK |
| 73 | Sylvester | |
| Apologies | | |
| 1. | Peter Musyimi | Member, TFELTR |
| 2. | Eugene Lawi | Member, TFELTR |
| 3. | Nancy Awere | Member, TFELTR |
| 4. | Brian Kimutai | Member, TFELTR |
| MIN.01/26/2020 | Adoption of Agenda | |
| | <ol style="list-style-type: none"> 1. Preamble 2. Overview of Draft Regulations 3. Plenary Discussion 4. Close | |
| MIN.02/26/2020 | Preliminaries | |
| | <ul style="list-style-type: none"> • The Chair called the meeting to order at 10:20 a.m. • Opening prayers were said by Mildred Ambani. • The Chair took members through the day's agenda. • The Chair presented an overview of the Taskforce including its TORs, mandate, the milestones it had realized and the roadmap for the remaining activities. • The Chair introduced the Taskforce Members and requested representatives from Kenya Institute of Planners, Town and County | |

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| | <p>Planners Association of Kenya, Architectural Association of Kenya, Institution of Engineers of Kenya, Engineers Board of Kenya, Kenya Rural Roads Authority, Kenya Airports Authority, NEMA, National Construction Authority, Nairobi Metropolitan Services and State Department of Transport to introduce their members and make opening remarks.</p> <ul style="list-style-type: none"> • Opening Remarks made by Stakeholders <ol style="list-style-type: none"> 1. President, IEK, Eng. Matangala Nathaniel indicated that they received the invitation late. As such, they had not prepared their written submission. He also observed that they wished to be included throughout the process. 2. Eng. Mwangera Chair EBK appreciated the Taskforce for the invitation, indicated that engineers played a critical role in land use and physical planning, and said there exists calamity of plans in Kenya, encroachment on roads leads to loss of investments. Some of these could be nipped in bud if engineers were involved. 3. Kenneth Wando, who represented the roads authorities (KenHA, KURA/ KRB), appreciated the efforts of the Ministry, committed to support the taskforce. He indicated that they would submit their memorandum later. 4. Rashid Abdullahi, who spoke on behalf of KAA, reported that KAA was facing challenges of land use around the airport. He indicated that he had been part of team that prepared draft PLUPA regulations and noted the deliberations were fruitful. He congratulated the Chair on the good work that his team had done and hoped for successful deliberations. 5. Sakwa Oceanic (spoke on behalf of NEMA) thanked the taskforce and promised to do a comprehensive memorandum later. 6. Samson Lukoba introduced the NCA CEO Eng. Maurice Akech. The CEO raised concerns about mix-ups in the letter that was sent to his office, appreciated the efforts of MoLPP, said that they have been working with the Ministry through its representatives in the taskforce, promised to continue to support 7. Jones Nyangweso, who represented the Nairobi Metropolitan Services, congratulated the taskforce on putting the great ideas together. 8. Brenda Mwangi, State Department of Transport representative indicated that they received their invitation letter late and could not do a written submission, supported the Ministry's efforts and promised to submit their memorandum later. |
| MIN.05/26/2020 | Power-Point Presentations – Overview of Draft Regulations |
| | <p>Proposed electronic land transactions regulations were presented in the following order:</p> <ul style="list-style-type: none"> • Valuation Regulations were presented by Esther Omulele. • Registration Regulations were done by Clarah Ketyenya. • Land Administration Regulations were presented by Tom Abuta. • Survey Regulations were done by Jasper Mwenda. • Physical Planning Regulations were presented by David Gatimu |
| MIN.06/26/2020 | Plenary Discussion |

Valuation/Stamp Duty

- Excision of land during compulsory acquisition is synonymous with sub-division of land. The process warrants the services of a planner as there is outright re-surveying which should be premised on planning.
- The process of participation of stakeholders during compulsory acquisition should be well thought out including dealing with any contestations therein – see how this can be done
- Involvement of private valuers appointed by the Chief Valuer is welcome, but there is a need to have very well-documented considerations to ensure uniformity. In land acquisition, we have observed situations where the Project Affected Persons present valuation reports done by private valuers which differ seriously from that done by the Government Valuer.
- Compulsory acquisition – must be gazetted
- The regulations propose that Valuation Reports be valid for twelve (12) months. This period can be limiting. Suggest twenty-four (24) months and provide a justification for the period. This relates to Stamp Duty – compulsory acquisition is governed by the Land Act.
- Compensation money and survey fees – may not be feasible to submit the monies to NLC- Check on this further.

Registration

There is need to put an element of timeline within which a search certificate should be expected once an application is made electronically. The experience with the Nairobi Registry is that if the records are accurate, the search comes out in time – dependent on whether the data has been cleaned up or not

Land Administration

- Public land is either under national or county government. How then can all allocation fees be paid to Cabinet Secretary only. Land allocation under County government, payment must be to CEC – some of the fees should be remitted to the CRF while others should go to the National Government. There is need for a further review, especially of stand premium.
- In extension and renewal of leases and administration of public land there is amendment to delete National Land Commission and replace this with Cabinet Secretary Lands, unless the principal act was or is amended to incorporate that, we may be treading on a legal landmine. A subsidiary legislation to the best of my knowledge cannot amend a substantive legislation – section 13(2), Section 23(2)

Survey

- Assumption Survey plans including mutation forms are predicated on approved plans – the procedures will be followed
- All survey work must be by licenced surveyors both in Government and private sector – this is covered by the Regulations – an Admin issue for the use of Surveyors supervised by the DOS

- We have surveyors in both National and County Governments. The regulations are not clear on how operations will run at county/National government levels – there are counties who have Licensed Surveyors and work is submitted under them
- In survey regulations are under Reg.7: Access to information. Will it be possible to access the survey field notes apart from the plans/maps e.g. in a situation where there is need to verify the approved documents used in alienation and survey of land, some of which is road reserve
- Since the mutation form has been amended under the land registration regulation 2017 to incorporate an endorsement by a licenced planner or advocate, how do we link this requirement in the application for development permission?
- Land Consolidation Act (cap 283) has been repealed needs to be captured as such in documentation – some jobs are still being processed
- Surveyors should be defined in the preliminary as Government surveyors and Licensed surveyor
- Electronic Appeals - Land Surveyors Board to be captured as members of appeals against termination of users' access by Director of Surveys
- Transition clauses should provide for use of both electronic and manual transaction to ensure continuity

Physical Planning

- Define development – to be done
- Add Surveyors as part of the Licensed Professionals – submission of documents – provide access to them
- Professionals should stick to their lanes for professional competency
- Reg 19 – provision that the CS to decline is not very clear – needs to be clarified – all development applications must be submitted to the county govt for approval – check into this
- Performance and Monitoring – part iv is dealing with buildings which should be dealt with by NCA – components on planning are missed out – NCA has more competence
- Reg. 24/25 – goes outside the practice – check on this further.
- Building inspection works should not be done by the Planner – check on this
- Clarity on the Planning Unit -
- Reg. 10 – define good standing and the role of professional body vs the registration boards – role is really with the registration bodies
- DVTC – should be anchored to section 14 and 16(3) of the PLUPA which provides for the county consultative forum
- Low risk projects to have a different circulation process
- There should be no variance between the regulations under PLUPA and the electronic regulations – valid question
- Have a clear demarcation between the county and national government on the system especially on termination of users

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

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


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


General Comments

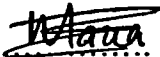
- Provide an overview of the structure of NLIMS – who is to hold the data?
- Extend the period for further consultation

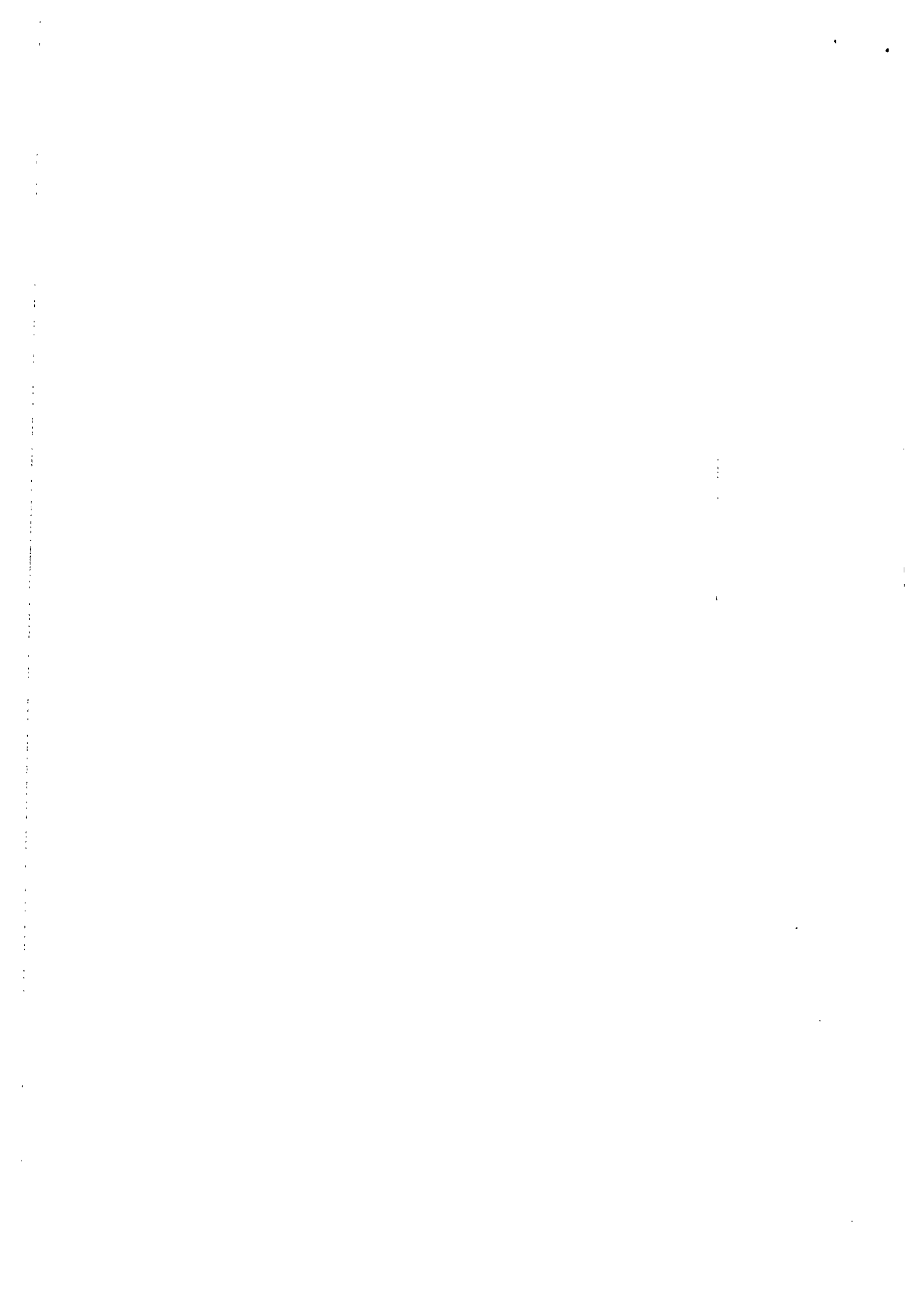
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| | <ul style="list-style-type: none"> • Consider allowing professional institutes a little more time for submission of written submissions, the institutions are still consulting their membership, and with Covid-19 challenges the inputs are taking a while to trickle in. • Transition clauses should provide for use of both electronic and manual transaction to ensure continuity. • Taskforce to sieve out what concerns the regulations – it is not the work of the taskforce to come up with new procedures etc. • Check through PLUPA regulations. |
| MIN.07/26/2020 | Way forward |
| | <p>Chairman Remarks</p> <ul style="list-style-type: none"> • The chair thanked members and requested that written memorandums be submitted by the organizations as promised during the meeting • The chair requested members to continue working on the comments from the public participation and revise the regulations accordingly. |
| MIN.08/25/2020 | Adjournment and Date of the Next Meeting |
| | A vote of thanks was passed and the fruitful engagements were acknowledged. The meeting ended at 5:00 p.m. Closing prayers were said by Mildred Ambani. Next public participation meeting was scheduled for Wednesday, May 22, 2020. |

Minutes Read and Confirmed by:

Chairman  Date... 10/6/2020

Secretary  Date... 10/06/2020

Secretary  Date... 10.06.2020



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

Attendance

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

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

| MIN.02/27/2020 | Preamble | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|------------------|---|----------------------------------|------|-------------|------------------|---|----------------------------------|------------------|---|---------------|------------------|--|-----------|------------------|--|--------------|------------------|--|----------------|------------------|---|---------------|-----------------|-------|-----|----------------|---------------------|----------------------------------|----------------|----------------------------|----------------|
| | <ul style="list-style-type: none"> • The Chair called the meeting to order at 10:10 am. • Opening prayers were said by Caroline Wanjeri. • The Chair introduced members of the Taskforce. • The Chair formally welcomed members from ISK, VRB, LSB and EARB to the meeting. • The Chair invited the top officials from ISK and the Registration Boards to give their opening remarks. • The Chair took members through the programme and rules of meeting. The programme was adopted as follows: <table border="1" data-bbox="480 577 1321 1099"> <thead> <tr> <th>Time</th> <th>Item</th> <th>Assigned To</th> </tr> </thead> <tbody> <tr> <td>10:00 - 10:30 am</td> <td>Welcome, Introduction and Opening Remarks</td> <td>Eric Nyadimo, Taskforce Chair</td> </tr> <tr> <td>10:30 - 10:55 am</td> <td>Land Registration (Electronic Transactions) Regulations, 2020</td> <td>Sereu Moinket</td> </tr> <tr> <td>10:55 - 11:20 am</td> <td>The Land (Allocation of Public Land) (Amendment) Regulations, 2020; and Land (Amendment) Regulations, 2020; and the Land (Extension and Renewal of Leases) (Amendment) Rules, 2020</td> <td>Tom Abuta</td> </tr> <tr> <td>11:20 - 11:55 pm</td> <td>Physical and Land Use Planning (Electronic Development Control and Enforcement System) Regulations, 2020</td> <td>David Gatimu</td> </tr> <tr> <td>11:55 - 12:20 pm</td> <td>Stamp Duty (Valuation) Regulations, 2020; and Stamp Duty (Amendment) Regulations, 2020</td> <td>Esther Omulele</td> </tr> <tr> <td>12:20 - 12:50 pm</td> <td>Survey (Electronic Cadastre Transactions) Regulations, 2020; and Survey (Amendment) Regulations, 2020</td> <td>Jasper Mwenda</td> </tr> <tr> <td>12:50 - 1:30 pm</td> <td>Break</td> <td>All</td> </tr> <tr> <td>1:30 - 4:00 pm</td> <td>Plenary Discussions</td> <td>Eric Nyadimo, Taskforce Chair</td> </tr> <tr> <td>4:00 - 4:15 pm</td> <td>Vote of Thanks and Closing</td> <td>Julius Kahindi</td> </tr> </tbody> </table> | Time | Item | Assigned To | 10:00 - 10:30 am | Welcome, Introduction and Opening Remarks | Eric Nyadimo, Taskforce Chair | 10:30 - 10:55 am | Land Registration (Electronic Transactions) Regulations, 2020 | Sereu Moinket | 10:55 - 11:20 am | The Land (Allocation of Public Land) (Amendment) Regulations, 2020; and Land (Amendment) Regulations, 2020; and the Land (Extension and Renewal of Leases) (Amendment) Rules, 2020 | Tom Abuta | 11:20 - 11:55 pm | Physical and Land Use Planning (Electronic Development Control and Enforcement System) Regulations, 2020 | David Gatimu | 11:55 - 12:20 pm | Stamp Duty (Valuation) Regulations, 2020; and Stamp Duty (Amendment) Regulations, 2020 | Esther Omulele | 12:20 - 12:50 pm | Survey (Electronic Cadastre Transactions) Regulations, 2020; and Survey (Amendment) Regulations, 2020 | Jasper Mwenda | 12:50 - 1:30 pm | Break | All | 1:30 - 4:00 pm | Plenary Discussions | Eric Nyadimo, Taskforce Chair | 4:00 - 4:15 pm | Vote of Thanks and Closing | Julius Kahindi |
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| 10:55 - 11:20 am | The Land (Allocation of Public Land) (Amendment) Regulations, 2020; and Land (Amendment) Regulations, 2020; and the Land (Extension and Renewal of Leases) (Amendment) Rules, 2020 | Tom Abuta | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| 12:20 - 12:50 pm | Survey (Electronic Cadastre Transactions) Regulations, 2020; and Survey (Amendment) Regulations, 2020 | Jasper Mwenda | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 12:50 - 1:30 pm | Break | All | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| 4:00 - 4:15 pm | Vote of Thanks and Closing | Julius Kahindi | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| MIN.03/27/2020 | Presentations on Proposed Regulations | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | <p>Highlights of regulations were done in the form of PowerPoint presentations in line with the programme as follows:</p> <ul style="list-style-type: none"> • Registration Regulations • Land Administration Regulations • Physical Planning Regulations • Valuation Regulations • Cadaster Survey Regulations | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| MIN.04/27/2020 | Plenary Discussions | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | <p>The following comments/ questions were made/ raised after the presentation:</p> <p>Registration Regulations</p> <ul style="list-style-type: none"> • There is need to include a Land Surveyor and a representative from the ISK in the Appeals Committee. • Elaborate more on the User. • There is need to be more specific on the appointment of members of the Appeals Committee for instance who are the three representative from the Ministry. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

- There is need to change the forms from manual to electronic.
- Reg 10- to provide a clause in the Act on how one can access information within the register.
- Reg 14 -on searches –to change the unregistered dealings to read registered dealings.
- Allow other professionals to carry out searches.
- Expand application to cover other areas other than Nairobi.

Land Administration Regulations

- Terms of suspension –harmonize who can suspend a user from the system. For instance the Committee to suspend a user and not one individual.
- Need for more clarity on licensing of alienated Public Land.
- To relook at the mandates of the various bodies i.e. MoLPP and NLC.
- Appeal Tribunal to be made up of an even number of people.
- Repeated regulation to be corrected in due time.
- Proposed Independent Appeals Committee.

Physical Planning Regulations

- There is need for separation of application forms.
- The role of system management vested with the Director General of Planning should be vested with an officer directly generating data necessary for registration, preferably the Chief Land Registrar or Director of Surveys
- Reg 14 – include georeferenced topographical map on list of documents required during the submission of development application.
- Include Estate Agents and Surveyors in list of authorized officers of Physical Planning Module.
- On Module Integration –change the term Cadastral Outlay to Cadastral Overlay to take note of the terminology change.

Valuation Regulations

- There is need to revise the Valuers Act.
- There is need to include Valuers in the list of Authorized users.
- On the Validity of the Valuation Report, the report should be valid for 6months and not 12.
- Propose for an amendment on the uneconomical land resulting for acquisition of part of land that renders the remaining portion uneconomical.
- There is need for a definition of a Valuation Report and state what it should contain.
- Under the Stamp Duty Regulations, the involvement of a Registered Private Valuer has been left out.

- On section 24(2) regulations should be consistent with the Principal Act.
- Consult experts in various field e.g. Private Valuers.
- Rename the Valuation Regulations or provide addition on Valuation.
- Need to include Estate Agents in form 1A.
- In article 260 of the Constitution, define Land and Property separately.
- Objections to Value should be done in 7 days, need for timeline for response from Chief Government Valuer.
- Technical Valuation Objection Review Committee to be formed, to review values that have been objected to. The Committee to comprise of ISK, EARB, VRB and MoLPP.
- To rework Reg 10(2)-it should be based on a registered property and check how it applies to letter of allotment.
- To provide a Transitional Clause because the roll out will not be at done once.
- To include forms for Appointment and Transferee for stamp duty purposes.
- To check what ISK submitted on Removal and Suspension.
- To insert a new section on appointment of Valuers.
- Define Chief Government Valuer and an Appointed Valuer.

Cadastre Survey Regulations

- There is need to amend the Survey Act, it is long overdue.
- Provide a better definition for User and Authorized User.
- Allow Non-Surveyors to download maps.
- Provide timelines for Director of Survey to update maps.
- There is need to include a representative form ISK in the Grievance Committee.
- Do not only talk of field notes but also extend to records.
- Provide guidelines and timelines on how mutation survey should be submitted tied to geo-referencing.
- Survey Act to accommodate 3D Cadastre.
- Specify sections of the Survey Act.
- There is need to quote LR No. on forms SR2.
- Allow for submission of manual for some time (transitional clause).
- Need to change forms SR3 and SR5 to include modern equipment.
- Provide timelines for the Coordinate System.
- To correct typo error –Chief Land Registrar or Director of Survey to suspend.
- Provide link to the LSB (they should maintain an electronic database.
- Cadastre to be the basis from which other information will be retrieved.

| | |
|----------------|--|
| | <ul style="list-style-type: none"> • Provide regulations and guidelines to cover general boundary survey. • Need to have electronic forms, which can be used to carry out all the operations online. • On submission of information to Director, both ISK and LSB should be linked (LSB maintain register of Licensed Surveyor). • On Reg 16 – provide timeline when the Director can be able to respond to rejection of authentication e.g. within 7 days. • Electronic signatures with security features shall be deemed to bear the seal of Survey of Kenya. • Updating of maps to be done at the Village Committee level for the Villagers to know which land is affected by Subdivision. • Instead of Refuse use Decline 13(2) Survey Regulations. • There is need to have Cadastral Technical Committee under the Director of Survey. <p>Other questions asked</p> <ul style="list-style-type: none"> • How will documents be transmitted electronically? • How are the sectional properties Act included in these regulations? • Surveyors to pay fees earlier? |
| MIN.05/27/2020 | General Comments |
| | <ul style="list-style-type: none"> • How many processes can we eliminate? • Do we have the capacity to execute this? • Relook at the issue of integrity and abuse • What is the role of the Professional bodies in the management of the systems? • Need for a master plan for the process • Data clean-up is necessary • Need for a category of users • One stop land information Centre. • Guarantee on the use of data • Include Estate Agents in the RIA Report. • Provide portal for the Estate Agents. |
| MIN.06/27/2020 | Adjournment and Date of the Next Meeting |
| | <ul style="list-style-type: none"> • There being no other business, the Chairperson thanked the guests for their time and dedication to the meeting, after which he called upon Mr. Julius Kahindi to give a vote of thanks. • The meeting ended at 4:40 pm with a word of prayer from Truphosa Achar. • The next meeting (with County Assembly Forum) was scheduled for Tuesday, 26th May, 2020. |

Minutes Read and Confirmed By:

Chair:



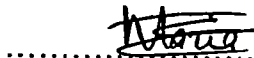
Date... 10/6/2020

Secretary



Date... 10/06/2020

Secretary



Date... 10.06.2020

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

Attendance

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

| | | |
|------------------------------|--|----------------|
| 46. | Hassan Omar | CAF |
| 47. | Teno | CAF |
| 48. | John Isaac Oganga | CAF, Busia |
| 49. | Vince Karumba | CAF, Kiambu |
| 50. | Robert Ringera | CAF |
| 51. | Sherry Gatonye | CAF |
| 52. | Edward Ouma* | |
| 53. | John Gatumu Gichari | CAF Embu |
| 54. | Nathan Mwari* | |
| 55. | Harrison Mwaluko* | |
| 56. | Atanasio Kabaire* | |
| Absent with Apologies | | |
| 1. | Brian Kimutai | Member, TFELTR |
| 2. | Peter Musyimi | Member, TFELTR |
| MIN.01/28/2020 | Adoption of Agenda | |
| | Items of discussion were adopted as follows: <ol style="list-style-type: none"> 1. Preamble/ Introductions 2. Presentations 3. Plenary discussions 4. AOB | |
| MIN.02/28/2020 | Preamble/Introductions | |
| | <ul style="list-style-type: none"> • The Chair called the meeting to order at 10:20 am. • Opening prayers were said by Sereu Moinket • The Chair introduced members of the Taskforce. • The Chair formally welcomed members from the County Assemblies Forum to the meeting. • The Chair invited the Chair Lands Committee Ms. Rose Wairimu to give her opening remarks. • The Chair took members through the programme and rules of meeting. • He gave a brief summary of what the Taskforce had done since its formulation. | |
| MIN.03/28/2020 | Presentations on Proposed Regulations | |
| | <p>Highlights of regulations were done in the form of PowerPoint presentations in line with the programme as follows:</p> <ul style="list-style-type: none"> • Registration Regulations • Land Administration Regulations • Valuation Regulations • Cadastre Survey Regulations • Physical Planning Regulations | |
| MIN.04/28/2020 | Plenary Discussions | |
| | <p>The following comments/ questions were made/ raised after the presentation:</p> <p><u>Registration Regulations</u></p> | |

Section recommended for amendment

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

Recommended amendment

Amend the clause to state: -

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

Remarks

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

Section recommended for amendment

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

- (a) Three representatives from the Ministry;
- (b) One representative from National Land Commission
- (c) One representative from Council of Governors;
- (d) Four representatives from the private sector provided that one of them shall be an Information Technology Specialist well versed with system forensic audit and cybercrime

Recommended amendment

Add more members representing counties.

Remarks

Not representative considering 47 No. County Governments

Land Administration Regulations, 2020

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

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

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

Recommended amendment

Amend to state that: -

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

- (a) require the lessee to have the land re-valued in order to determine the land rent and other requisite fees, payable;
- (b) require the lessee to have the land re-surveyed and geo-referenced, where applicable;’

Remarks

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

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

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

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

Recommended amendment

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

Remarks

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

Section recommended for amendment

Regulation 36(1) and 36(3)

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

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

Recommended amendment

Amend to state: - Regulation 36 (1)

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

Regulation 36(3) – ‘In order to facilitate the preparation of leases on public land, the National Land Commission shall request for three copies of sealed cadastral plan and cadastral map in Form LA 12 set out in the Schedule from the office or authority responsible for surveys.’

Remarks

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

Cadastre Survey Regulations, 2020

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

Regulation 3(1) - The Director shall maintain an Electronic Cadastre which shall be part of the National Land Information System established in accordance with section 6(h) of the Land Act.

Recommended amendment

Amend the following to: - The Director of Survey” shall maintain an Electronic Cadastre which shall be part of the National Land Information System established in accordance with section 6(h) of the Land Act.

Remarks

- There is lack of clarity of which specific Director is being addressed.
- The Amendment provides more clarity

section recommended for amendment

Regulation 9(1) -The Director may immediately suspend a user’s access when it comes to his/her notice that the user –

- (a) has contravened the obligations or the terms and conditions of access;
- (b) is suspected to have committed any fraud, identity theft or system misuse;
- (c) allows an unauthorized/unqualified person to access the system;
- (d) in the case of professionals, is not in good standing;
- (e) is dead;
- (f) is declared insolvent;
- (g) Is declared of unsound mind.

Recommended amendment

Amend the following to state that:-

“9. (1) The Director may immediately suspend a user’s access when it comes to his/her notice that the user –

- (a) has contravened the obligations or the terms and conditions of access;
- (b) is suspected to have committed any fraud, identity theft or system misuse;
- (c) allows an unauthorized/unqualified person to access the system;
- (d) is dead;
- (e) is declared insolvent;
- (f) Is declared of unsound mind.

Remarks

CAF proposes the removal of sub clause (d) because it lacks basis of what amounts to good standing. This clause can be misused to discriminate against professionals who carry land transactions daily as their tool of trade.

Alternatively, expound on what amount to good standing with regards to professionals. Is it professionals who are in probation due to professional misconduct or neglect in their various fields or professionals who been suspended by their regulatory body?

Physical and Land Use Planning Regulations, 2020

Section recommended for amendment -Physical and Land Use Planning regulations-2020

Regulation 3(1) -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.

Recommended amendment

Amend to state: -There shall be established an electronic development control and enforcement system managed by the County Governments for the purpose of handling applications for development permission.

Remarks

Development control is a County Government function

Section recommended for amendment

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

- (i) approved physical and land use plans in accordance to provisions of the First and Second Schedules of the Act; development control instruments including handbooks, codes, zoning ordinances, policy statements, guidelines, circulars and manuals; and
- (ii) Registers of documents submitted by applicants for development permission as provided in Schedule 1.

Recommended amendment

Amend the following to state: -

“(1) The County Directors of Physical and Land Use Planning/CEC shall maintain in the system, an electronic database for the–

- (i) approved physical and land use plans (note preparation and approval of these plans is a county function) in accordance to provisions of the First and Second Schedules of the Act;
- (ii) development control (note this is a county function) instruments including handbooks, codes, zoning ordinances, policy statements, guidelines, circulars and manuals; and Registers of documents submitted by applicants for development permission (County function) as provided in Schedule 1.

Remarks

This responsibility to be bestowed with the County

Section recommended for amendment

Regulation 5(1)- For purposes of submission of development proposals listed under section 1 of the Third Schedule of the Act, the Director-General shall–

Recommended amendment

Amend the following to state:- (1) For purposes of submission of

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

Remarks

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

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

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

Section recommended for amendment

Regulation 12(1)- The Cabinet Secretary in consultation with the National Land Commission shall appoint an Electronic Appeals Standing Committee to hear appeals against the termination of user's account.

Recommended amendment

Amend to state: -

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

Remarks

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

Section recommended for amendment

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

Recommended amendment

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

Remarks

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

Section recommended for amendment

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

and agencies to review and comment.

(2) The fully circulated application shall be received by the –

(1) Director-General for the prescribed projects of national importance for onward approval by the Cabinet Secretary.

Recommended amendment

Amend the following to state: -(1) Subject to the provisions of Section 60 of the Act, the authorized planning officer shall transmit an electronic copy of the application to the authorized technical officer of the relevant authorities and agencies to review and comment.

(2) The fully circulated application shall be received by the –

(1) county director of physical and land use planning for the prescribed projects of national importance for onward approval by the County Executive Committee Member of physical and land use planning;”

Remarks

It is good to note Section 57 of PLUPA which states-
“(1) A person shall not carry out development within a county without a development permission granted by the respective county executive committee member.

Section recommended for amendment

Regulation 19(1) -The Cabinet Secretary shall approve or decline applications for prescribed projects of strategic national importance in accordance with Section 69(4) of the Act;”

Recommended amendment

Amend the clause to state that: -The CEC in charge of physical and land use planning shall approve or decline applications for prescribed projects of strategic national importance in accordance with Section 69 and 33 of the Act.

Remarks

See section 57 of PLUPA.

Section 69 on refers to consideration of the Cabinet secretary of a development permission (meaning a permission that has already been granted by the County Government.)


Further Section 69 refers to section 33 of the PLUPA which provides that, “The County Executive Committee members of all counties participating in the Inter-County physical and land use development plan shall separately submit the plans to the respective County Assemblies for approval and thereafter submit the same to the Director-General of Physical and Land Use Planning for coordination and certification.”

Other issues raised concerning the Proposed Regulations

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

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| | addressed immediately. 14. Collection of Revenue through payment of stamp duties and any other sources should ensure that the County Government also give its approval and charges it's fees as these are the main own source revenue. |
| MIN.05/28/2020 | General questions raised on Land |
| | <ul style="list-style-type: none"> • Which institution handles the issues on boundaries? IEBC OR Survey office. • How can one land have two title deeds? This might be a case in dispute, a caveat to be placed while investigation is carried out. • Where can we forward such like cases in (2) above? The case can be forwarded to Chief Land Registrar. |
| MIN.06/27/2020 | Adjournment and Date of the Next Meeting |
| | <ul style="list-style-type: none"> • There being no other business, the chairperson thanked the guests for their time and contribution to the meeting, after which he called upon Mr. Eugene Lawi to give a vote of thanks. • The meeting ended at 2:00 p.m with a word of prayer from Moses Mugendi • The next meeting (with Civil Societies, KEPSA, KPDA and KBA) was scheduled for Wednesday, 27th May, 2020. |

Minutes Read and Confirmed by:

Chairman  Date... 10/6/2020

Secretary  Date... 10/06/2020

Secretary  Date... 10.06.2020

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

Attendance

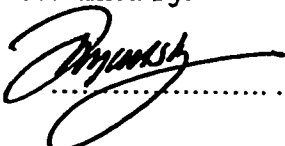
| S.N. | Name | Position |
|------|-----------------------|------------------------------|
| 1. | Eric Nyadimo | Chair, TFELTR |
| 2 | Sereu Moinket | Member, TFELTR |
| 3. | Tom Abuta | Member, TFELTR |
| 4. | Agnes Matunda | Secretariat, TFELTR |
| 5. | Anette Omwoyo | Joint Secretary, TFELTR |
| 6.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

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| 44. | Nyangori Ohenjo | CEO, CEMIRIDE |
| 45. | Pauline McAsila | KPDA |
| 46. | Pauline Vata | EXECUTIVE DIRECTOR, HAKIJAMII |
| 47. | Lucy Kiai | CO-OPERATIVE BANK |
| 48. | Peter Lewis* | |
| 49. | Racheal Matilya | HOMEAFRIKA LIMITED |
| 50. | Raymond Molenje | KBA |
| 51. | Starnley Maina | KPDA |
| 52. | Stella Mutai | NCBA |
| 53. | Elizabeth Mwangi | CEO, KEPSA |
| 54. | B. Gitari* | |
| 55. | Ravi Kohli | BOARD OF DIRECTOR, KPDA |
| 56. | Tyson Mwenda | KEPSA |
| 57. | Austin Waga | STANBIC BANK |
| 58. | Angela Wangari | STANBIC BANK |
| 59. | Nelly Towett* | |
| 60. | Elizabeth Gichohi | FIDA |
| 61. | Grace Ananda* | |
| 62. | Jevans Otieno | PROP TECH KENYA |
| 63. | Gikonyo Gitonga | BOARD OF DIRECTOR, KPDA |
| 64. | Peter Thairu | KEPSA |
| Absent with Apologies | | |
| 1. | Brian Kimutai | Member, TFELTR |
| 2. | Peter Musyimi | Member, TFELTR |
| MIN.01/29/2020 | Adoption of Agenda | |
| | Items of discussion were adopted as follows: 1. Preamble/Introductions 2. Presentations 3. Plenary discussions 4. AOB | |
| MIN.02/29/2020 | Preamble | |
| | <ul style="list-style-type: none"> • The Chair called the meeting to order at 10:15 am. • Opening prayers were said by Caroline Wanjeri. • The Chair introduced members of the Taskforce. • The Chair formally welcomed members from KPDA, KEPSA, KBA and the Civil Societies to the meeting. • The Chair invited the top officials from the various institutions to give their opening remarks. • The Chair took members through the programme and rules of meeting. | |
| MIN.03/29/2020 | Presentations on Proposed Regulations | |
| | Highlights of regulations were done in the form of PowerPoint presentations in line with the programme as follows: <ul style="list-style-type: none"> • Registration Regulations • Land Administration Regulations • Valuation Regulations • Cadastre Survey Regulations | |

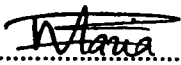
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| | <ul style="list-style-type: none"> • Physical Planning Regulations |
| MIN.04/29/2020 | Plenary Discussions |
| | <p>The following comments/ questions were made/ raised after the presentation:</p> <p>Registration Regulations</p> <ul style="list-style-type: none"> • There should be no use of manual transaction as an alternative and regulations. • There is need to put safeguards in place to ensure the rights of the marginalized are protected during registration. • There is need to educate the Communities on the transition and regulations. • On the <i>Appeals Committee</i>, <ul style="list-style-type: none"> -Be clear on the composition of the appeals committee. -There is lack of Non-State Actors and other players in land management e.g. KeNHA, KWS etc. <p>Land Administration Regulations</p> <ul style="list-style-type: none"> • The definition of electronic form should be harmonized. • Matters Public Land falls under the mandate of NLC, hence proposed amendment will perpetuate illegality. • To insert the element of public participation before renewal of leases especially in mega projects. • The regulations should take into consideration both the literate and illiterate. • There is need to be clear on the role of each institution for instance MoLPP and NLC. • The Director Land Administration is not in any statute. • There is a lot of deletion of the word <i>Commission</i> to be replaced with the <i>Cabinet Secretary Lands</i>. • Ensure that appointment of the Committee conforms to the 2/3 gender rule. • To take into consideration the role of the public in both public land inventory and allocation. <p>Valuation Regulations</p> <ul style="list-style-type: none"> • To include definition of a Valuer, Government Valuer and Licensed Practicing Valuer appointed by the Chief Government Valuer. • Amendment to stamp duty act to allow the Collector of Stamp Duty to appoint Valuers. • Cover the Valuation processes. • Chief Government Valuer to authenticate the work done by the Private Valuers. • There is need to consider immovable properties as pointed out by KRA. |

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| | <p>Cadastre Survey Regulations</p> <ul style="list-style-type: none"> • Need to regularize on the checking fees. • Other Professional should also be allowed to download maps. • There are too many maps. <p>Physical Planning Regulations</p> <ul style="list-style-type: none"> • Clarify Conformance conditions. • Why can't the system check the documents without having to submit other documents for instance no need to keep checking payments made to the Finance Officers and revenue monitoring. |
| MIN.05/29/2020 | Adjournment and Date of the Next Meeting |
| | <ul style="list-style-type: none"> • There being no other business, the Chairperson thanked the guests for their time and contribution to the meeting, after which he called upon Mr. David Gatimu to give a vote of thanks. • The Chairperson informed the Taskforce members that the stakeholder engagement with the National Treasury is scheduled to be on Friday, 29th May, 2020 at the Treasury Building, and that as for the NLC meeting, the Cabinet Secretary will advise. • The meeting ended at 4:00pm with closing prayers from Esther Omulele |

Minutes Read and Confirmed by:

CHAIRMAN  DATE 10/6/2020

SECRETARY  DATE 10/06/2020

SECRETARY  DATE 10.06.2020

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

Attendance of the Taskforce Members

| S/No. | Name | Position |
|-------|--------------------|-----------------|
| 1. | Eric Nyadimo | Chair |
| 2. | Herbert Were | Member |
| 3. | Mildred Ambani | Member |
| 4. | David Gatimu | Member |
| 5. | Esther Omulele | Member |
| 6. | Victor Ouno | Member |
| 7. | Eugene Lawi | Member |
| 8. | Tom Abuta | Member |
| 9. | Mary Macharia | Joint Secretary |
| 10. | Julius Kahindi | Member |
| 11. | Samuel Nthuni | Member |
| 12. | Sereu Moinket | Member |
| 13. | Clarah Ketyenya | Joint Secretary |
| 14. | Edward Ole Kateiya | Member |
| 15. | Elizabeth Njoroge | Member |
| 16. | Jasper Mwenda | Member |
| 17. | Agnes Matunda | Secretariat |
| 18. | George Ruhara | Secretariat |
| 19. | Mugendi Moses | Joint Secretary |
| 20. | Caroline Kihara | Member |
| 21. | Carolyne Menin | Member |
| 22. | Truphosa Achar | Member |
| 23. | Charles Wamae | Member |
| 24. | Damaris Lukwo | Secretariat |
| 25. | Catherine Ochanda | Member |
| 26. | Rachel Dinda | Secretariat |
| 27. | Annette Omwoyo | Joint Secretary |
| 28. | James Nombi | Joint Secretary |
| 29. | Brian Kimutai | Member |

Attendance of the Stakeholder

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| 30 | Wilson Dima Dima | Head, Legal Team, PCDL |
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Apologies

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| 1. | Stephen Chebii | Member, TFELTR |
| 2. | Nancy Awere | Member, TFELTR |
| 3. | Peter Musyimi | Member TFELTR |

MIN.01/30/2020

Agenda

1. Preliminaries
2. Introduction and Welcoming Remarks
3. Overall Expectation of Parliament in Scrutiny of Statutory Instruments

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| | <p>4. Drafting Comments on Proposed Regulations</p> <p>5. Way Forward</p> |
| MIN.02/30/2020 | <p>Preliminaries</p> <ul style="list-style-type: none"> • The Chair called the meeting to order at 11:18 a.m. • Opening prayers were said by Mildred Ambani. • The Chair took members through the day's agenda. |
| MIN.03/30/2020 | <p>Introduction and Welcoming Remarks</p> <ul style="list-style-type: none"> • The Chair presented an overview of the Taskforce including its TORs, mandate, the milestones it had realized and the roadmap for the remaining activities. • The Chair introduced the Taskforce Members and requested Mr. Wilson Dima Dima, the Parliamentary Legal Counsel to introduce himself. He reported that the CS had informed him about the process that is going on and what has been done so far, that he was happy to contribute to the process of development of the regulations |
| MIN.04/30/2020 | <p>Overall Expectation of Parliament in Scrutiny of Instruments</p> <p>Remarks by Parliamentary Legal Counsel</p> <ol style="list-style-type: none"> 1. He explained that his role is to advise the Parliamentary Committee on Delegated Legislation and he would share with the taskforce the expectations of the committee 2. His work was not to redraft but to guide and advise the taskforce. He expressed confidence in the drafting work as several drafters are members of the taskforce 3. He explained that the parliamentary committee has only two options with regard to regulations submitted to it, either to approve or annul them. The committee has no mandate to amend the regulations 4. He explained that Section 13 of Statutory Instruments Act provides all the aspects committee look at. He presented a checklist that the Taskforce needs adhere to to meet the minimum requirements for the regulations to be approved including: <ol style="list-style-type: none"> a. Regulations should be submitted in 7 days. In this case, the Ministry has 3 weeks (because Parliament sits twice a week) upon publication. b. There should be clear demonstration of public participation, key issues being where, when, by whom and the signatures of the participants to the meetings held virtually or otherwise. Comments from the stakeholders and the resolutions of such engagement should be appended. c. Conformity of regulations with the legal frameworks, the Constitution and other written laws. Adherence to Article 259 of the Constitution should be demonstrated. 5. Notice of the Regulatory Impact Assessment (RIA) should be gazetted and copy appended to the submission to parliament |

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

Feedback from the Taskforce

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

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

If signatures are not obtained, what happens?

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

IS the RIA Document to be published supposed to be a final or preliminary document?

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

Will there be a separate RIA on Stamp duty?

Response: No we can put all the facts about the different sections under the same RIA but touching on different aspects

On PLUPA Regulations, 17 pieces of regulations under Section 90 of the Act have been formulated and are at the AG for professional drafting in readiness of stakeholder engagement. How do the two processes of general and electronic regulations fuse, given the different stages and timelines?

Response: The gaps in the general regulations should be reviewed and be filled so that at the end of the day we have one set of regulations while providing the electronic aspect.

What is the difference between consultation and advice?


Response


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

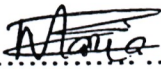
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| | <p>demonstration of what part of the advice was taken and what was not taken.</p> <p>In the case of these regulations, the Commission should advise the Ministry. This should be deliberate and in writing. There should be evidence by the Ministry how the advice was acted on.</p> |
| MIN.05/30/2020 | <p>Comments on Proposed Regulations</p> <p>Land Registration</p> <ol style="list-style-type: none"> 1. Change the opening. 2. Section 13 (h) effects in drafting. 3. The schedule is clearer than the body for the registration. This should be brought out here. 4. Timelines for the court after appeal. 5. Appeal body should have a lawyer since it is quasi-judicial. Timeline for the court should not be 30 days we leave it to the court rules. 6. Which court? Define. 7. A lot in the body should be informed in the Terms and Condition especially on access and use. <p>Land Allocation Regulations</p> <p>Payment of Fees</p> <ul style="list-style-type: none"> • Why are we moving the fees from the Commission to the CS. Payment to government do to the consolidated Fund. It's a policy issue. Check PFM. <p>Pre-Publication and representation to the Parliamentary committee</p> <ul style="list-style-type: none"> • The engagement with the parliamentary committee should be when the drafts are cleaned. • They should be submitted in a near final form. • The law requires the committee to check that Public Participation has been done. |
| MIN.06/30/2020 | <p>Way forward</p> <ul style="list-style-type: none"> • As the date of launching the system, which should be backed by the regulations is already set on 1st July 2020, the taskforce should consider working backwards to track progress • Gazette notice will determine how the taskforce will progress towards the launch • Special focus should be put on Regulation 6h and general issues on registration • Resolve NLC issue with the CS as a way forward • Have a smaller team to work closely with drafters to fine tune the drafts developed to date • On Physical Planning Regulations, the sub-committee should consider engaging the DG for further comments. Professional Associations that have not submitted their memoranda should be implored to do so within the set timelines • Written memoranda should be submitted by the organizations as promised during the meeting and in line with set timelines |

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| | <ul style="list-style-type: none"> Members to continue working on the comments from the public participation on Tuesday and Wednesday. Taskforce Meetings to review the comments to be held on Thursday and Friday |
| MIN.07/30/2020 | Adjournment and Date of the Next Meeting |
| | <ul style="list-style-type: none"> The Chair closed the meeting at 12:59 pm with closing prayers from Mary Wandia. The Next meeting was scheduled for Thursday the 4th of June, 2020. |

Minutes Read and Confirmed by:

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

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

Secretary  Date..... 10.06.2020

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