



REPUBLIC OF KENYA
TWELFTH PARLIAMENT – (THIRD SESSION)
THE NATIONAL ASSEMBLY
ORDERS OF THE DAY
SUPPLEMENTARY
WEDNESDAY, MARCH 27, 2019 AT 2.30 P.M.
ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Questions and Statements

- 8*. **MOTION – SENATE AMENDMENTS TO THE LAND VALUE INDEX LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 3 OF 2018)**
(The Leader of the Majority Party)

THAT, the Senate amendments to the Land Value Index Laws (Amendment) Bill (National Assembly Bill No. 3 of 2018) be now considered.

(Question to be put)

- 9*. **MOTION – SENATE AMENDMENTS TO THE PHYSICAL PLANNING BILL (NATIONAL ASSEMBLY BILL NO. 34 OF 2017)**
(The Leader of the Majority Party)

THAT, the Senate amendments to the Physical Planning Bill (National Assembly Bill No. 34 of 2017) be now considered.

(Question to be put)

10*. **MOTION- REPORT ON AN INSPECTION VISIT TO THE NAMANGA ONE STOP BORDER POST IN KAJIADO COUNTY**

(The Chairperson, Committee on Regional Integration)

THAT, this House **adopts** the Report of the Committee on Regional Integration on Inspection Visit of the Namanga One Stop Border Post, Kajiado County held from 7th to 10th April 2018, *laid on the Table of the House on Tuesday, November 13, 2018.*

(Question to be put)

11*. **THE NATIONAL COHESION AND INTEGRATION COMMISSION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 12 OF 2019)**

(The Chairperson, Select Committee on National Cohesion and Equal Opportunity)

First Reading

12*. **MOTION – SENATE AMENDMENTS TO THE IRRIGATION BILL (NATIONAL ASSEMBLY BILL NO. 46 OF 2017)**

(The Leader of the Majority Party)

THAT, the Senate amendments to the Irrigation Bill (National Assembly Bill No. 46 of 2017) be now considered.

13*. **COMMITTEE OF THE WHOLE HOUSE**

- (i) Consideration of **Senate amendments** to the Land Value Index Laws (Amendment) Bill (National Assembly Bill No. 3 of 2018)
(The Leader of the Majority Party)
- (ii) Consideration of **Senate amendments** to the Physical Planning Bill (National Assembly Bill No. 34 of 2017)
(The Leader of the Majority Party)
- (iii) Consideration of **Senate amendments** to the Irrigation Bill (National Assembly Bill No. 46 of 2017)
(The Leader of the Majority Party)

14*. **MOTION - REPORT ON THE EXAMINATION OF THE FINANCIAL STATEMENTS OF THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION**

(The Chairperson, Public Accounts Committee)

THAT, this House adopts the Report of the Public Accounts Committee on its examination of the Report of the Auditor General on the Financial Statements for the Independent Electoral and Boundaries Commission for the year ended 30th June 2017, *laid on the Table of House on Wednesday, February 27, 2019.*

(To be considered excluding the expunged parts of the Report – Notice I)

15*. **MOTION – REPORTS ON BUDGETARY PROPOSALS FOR THE EAST AFRICAN COMMUNITY FOR FY 2017/2018 AND 2018/2019**

(The Chairperson, Committee on Regional Integration)

THAT, this House **notes** the Report of the Committee on Regional Integration on the Reports of the Committee on General Purpose on the Budgetary Proposals for the FY 2018/2019 & Supplementary Budget Proposals for the FY 2017/2018 of the East African Community, the EAC Supplementary Appropriation Bill, 2018 and the EAC Appropriation Bill, 2018, *laid on the Table of the House on Tuesday, November 27, 2018.*

(Resumption of debate interrupted on Tuesday, March 26, 2019)

16*. **THE SALARIES AND REMUNERATION COMMISSION (AMENDMENT) BILL (SENATE BILL NO. 12 OF 2018)**

(The Chairperson, Departmental Committee on Finance and National Planning)

Second Reading

17*. **THE COUNTY STATISTICS BILL (SENATE BILL NO. 9 OF 2018)**

(The Chairperson, Departmental Committee on Finance and National Planning)

Second Reading

18*. **MOTION – INQUIRY INTO LEGISLATIVE AND REGULATORY GAPS AFFECTING COMPETITION IN THE TELECOMMUNICATIONS SUB-SECTOR**

(The Chairperson, Committee on Communication, Information & Innovation)

THAT, this House **adopts** the Report of Departmental Committee on Communication, Information and Innovation on the Inquiry into Legislative and Regulatory Gaps affecting Competition in the Telecommunications Sub-Sector, *laid on the Table of House on Tuesday, March 5, 2019.*

19*. **MOTION – REPORTS OF THE KENYA DELEGATION TO SESSIONS OF THE ACP-EU JOINT PARLIAMENTARY ASSEMBLY**

(ACP-EU Leader of Delegation)

THAT, this House **notes** the Reports of the Kenya Delegation to the Sessions of the African Caribbean and Pacific Parliamentary Assembly and the African Caribbean, Pacific and European Union (ACP-EU) Joint Parliamentary Assembly, *laid on the Table of the House on Wednesday 27th February 2019* as follows:

- (i) Report of the 50th Session of the ACP Parliamentary Assembly and the 35th Session of the ACP-EU Joint Parliamentary Assembly held in Brussels, Belgium from 13th to 20th June 2018;
- (ii) Report of the 51st Session of the ACP Parliamentary Assembly and the Intercessional Meetings of the ACP-EU Joint Parliamentary Assembly held in Brussels, Belgium from 9th to 11th October, 2018; and
- (iii) Report of the 52nd Session of the ACP Parliamentary Assembly and the 36th Session of the ACP-EU Joint Parliamentary Assembly held in Cotonou, Benin from 25th November 2018 to 5th December 2018.

*** Denotes Orders of the Day**

N O T I C E S

I. EXPUNGED PARTS OF THE PUBLIC ACCOUNTS COMMITTEE REPORT ON THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION

In the Speaker's communication of Thursday, March 14, 2019, the following parts of the Report were declared inadmissible and subsequently expunged -

- (i) The words *"To that end, the Commissioners, Chief Executive Officer and the Directors who were involved in the unlawful procurement should vacate office immediately upon adoption of this report to allow for much needed reforms to be effected to restore public confidence in the Independent Electoral and Boundaries Commission"* in the General Recommendation No. 3 appearing at pages 4 and 127, of the Report in so far as it relates to the IEBC Commissioners;
 - (ii) Sections 4.0 and 34.0 of the Report relating to "***Basis for Committee Recommendation for Vacation of Office***" appearing on pages 6, 7, 129 and 130 of the Report in so far as it relates to the IEBC Commissioners;
 - (iii) The second sub-paragraph of paragraph 3 of the General Recommendation No. 3, appearing at page 4, which states that *"To that end, the, **Chief Executive Officer and the Directors** (emphasis on staff) who were involved in the unlawful procurement should vacate office immediately upon adoption of this report to allow for much needed reforms to be effected to restore public confidence in the Independent Electoral and Boundaries Commission."*
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II. SENATE AMENDMENTS TO THE LAND VALUE INDEX LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 3 OF 2018)

CLAUSE 1

Senate Amendment

THAT, clause 1 of the Bill be amended by deleting the words “Value Index” appearing immediately after the words “as the Land”.

CLAUSE 2

Senate Amendment

THAT, clause 2 of the Bill be amended by—

- (a) deleting the proposed definition of the term “prompt” and substituting therefor the following new definition—

“prompt” means within a reasonable time of, and in any case not more than one year after, the taking of possession of the land by the Commission;

- (b) deleting the proposed definition of the term “full” and substituting therefor the following new definition—

“full” in relation to compensation for compulsorily acquired land or creation of way leaves, easements and public rights of way means the restoration of the value of the land, including improvements thereon, as at the date of the notice of intention to acquire the land and any other matter provided for in this Act;

CLAUSE 3

Senate Amendment

THAT, the Bill be amended by deleting clause 3.

CLAUSE 4

Senate Amendment

THAT, the Bill be amended by deleting clause 4.

CLAUSE 5**Senate Amendment**

THAT, clause 5 of the Bill be amended —

- (a) by deleting paragraph (a) and substituting therefor the following new paragraph—
 - (a) by inserting the following new subsection immediately after subsection (3)—
 - (3A) Where the Commission rejects a request of an acquiring body in accordance with subsection (3), the Commission shall inform the relevant acquiring body within seven days of the decision to reject the request.;
- (b) in paragraph (b) by deleting the proposed new subsection (4)(b) and substituting therefor the following new paragraph—
 - (b) establish that the acquiring authority has identified the number and maintains a register of persons in actual occupation of the land, confirming for each such occupation how much time they have been in uninterrupted occupation or ownership of interest in the land prior to the date of the request for acquisition of the land, and the improvements thereon;
- (c) in paragraph (c) by deleting the word “body” appearing immediately after the words “in the acquiring” in the proposed subsection 107(5B) and substituting therefor the word “authority”.

CLAUSE 6**Senate Amendment**

THAT, clause 6 of the Bill be amended—

- (a) in the proposed new section 107A—
 - (i) by deleting subsection (1) and substituting therefor the following new subsection—
 - (1) Valuation of freehold land and community land for purposes of compensation under this Act shall be based on the provisions of this Part and the land value index developed for that purpose by the Cabinet Secretary in consultation with county governments and approved by the National Assembly and the Senate;
 - (ii) in subsection (4) by deleting the word “apparent” appearing immediately after the words “increase in the” in the introductory clause in paragraph (c);
 - (iii) in subsection (4) by inserting the words “and are not capital improvements” immediately after the words “state of repair” in paragraph (c)(ii)
 - (iv) in subsection (8) by deleting the word “twelve” appearing immediately after the words “uninterrupted period of” in paragraph (a) and substituting therefor the word “six”;
- (b) in the proposed new subsection 107B(2)—

- (i) by deleting paragraph (a) and substituting therefor the following new paragraph—
 - (a) the value of the land based on the unexpired term of the lease calculated on the basis of a land value index developed for that purpose by the Cabinet Secretary in consultation with county governments and approved by the National Assembly and the Senate;
- (ii) by deleting the word “cost” appearing immediately after the word “the” in paragraph (b) and substituting therefor the word “value”; and
- (iii) by inserting the words “in consultation with the Cabinet Secretary and county governments and with the approval of the National Assembly and the Senate” immediately after the words “prescribe in Regulations” in paragraph (c).

CLAUSE 7

Senate Amendment

THAT, clause 7 of the Bill be amended—

- (a) in the proposed new subsection (1A) by inserting the following proviso immediately after paragraph (f)—

Provided that regardless of the form of compensation under this section, where an acquisition process is not completed within twenty four months from the date of publication of the notice of intention to acquire, the acquisition shall lapse;
- (b) by renumbering the existing clause as sub-clause (1) and inserting the following new sub-clause immediately after sub-clause (1)—
 - (2) Section 111 of the Land Act is amended in subsection (1A) by deleting the word “body” appearing immediately after the words “The acquiring” and substituting therefor the word “authority”.

CLAUSE 12

Senate Amendment

THAT, clause 12 of the Bill be amended by—

- (a) deleting paragraph (a);
- (b) by deleting paragraph (b) and substituting therefor the following new paragraph—
 - (b) by deleting subsection (1) and substituting therefor the following new subsection—
 - (1) After an award has been made, the Commission may take possession of the respective land by serving on every person interested in the land a notice that on a specified day possession of the land and the title to the land will vest in the national or county government as the case may be, provided that such taking of possession will not result in persons being rendered homeless.

CLAUSE 13**Senate Amendment**

THAT, the Bill be amended by deleting clause 13.

CLAUSE 14**Senate Amendment**

THAT, the Bill be amended by deleting clause 14.

CLAUSE 16**Senate Amendment**

THAT, clause 16 of the Bill be amended by deleting paragraph (b).

CLAUSE 17**Senate Amendment**

THAT, clause 17 of the Bill be amended in the proposed new section 133A by deleting subsection (2) and substituting therefor the following new subsection—

(2) The members of the Tribunal shall consist of —

- (a) one person nominated by the Judicial Service Commission, who shall serve as the chairperson;
- (b) one person nominated by the Cabinet Secretary;
- (c) one person nominated by the Valuers Registration Board
- (d) one person nominated by Land Surveyors' Board; and
- (e) one person nominated by Attorney General.

III. NOTICE IS GIVEN THAT THE CHAIRPERSON OF THE DEPARTMENTAL COMMITTEE ON LANDS INTENDS TO MOVE THE FOLLOWING AMENDMENTS TO THE SENATE AMENDMENTS TO THE LAND VALUE INDEX LAWS (AMENDMENT) BILL, 2018 AT THE COMMITTEE STAGE—

CLAUSE 1

THAT, the Senate amendment to clause 1 be deleted.

CLAUSE 5

THAT, the Senate amendments to clause 5 be amended—

- (a) in paragraph (a), by deleting the word “seven” appearing in the proposed new subsection (3A) and substituting therefor the word “fourteen”;
- (b) by deleting paragraph (b);
- (c) by deleting paragraph (c);

CLAUSE 6

THAT, the Senate amendments to clause 6 be amended in paragraph (a) by—

- (a) deleting sub-paragraph (ii);
- (b) deleting sub-paragraph (iv);

CLAUSE 7

THAT, the Senate amendments to clause 7 be amended by deleting paragraph (b).

CLAUSE 17

THAT, the Senate amendments to clause 17 be deleted.

IV. SENATE AMENDMENTS TO THE PHYSICAL PLANNING BILL (NATIONAL ASSEMBLY BILL NO. 34 OF 2017)

THE TITLE

Senate Amendment

THAT, clause 1 of the Bill be amended by deleting the word “Physical” appearing immediately after the words “cited as the” and substituting therefor the words “Land Use”.

CLAUSE 2

Senate Amendment

THAT, clause 2 of the Bill be amended by—

- (a) deleting the word “planning” appearing immediately after the words “matter related to” in the definition of the term “Cabinet Secretary” and substituting therefor the words “land use”; and
- (b) deleting the definition of the term “land use planning” and substituting therefor the following new definition—

“land use planning” refers to the interdisciplinary process of evaluating, organising and controlling the present and the future development and use of land and its resources to secure the physical, economic and social efficiency, health and well-being of urban and rural communities;

- (c) deleting the definition of the term “local physical planning development plan” and substituting therefor the following new definition—

“local land use development plan” means a plan for the area or part thereof of a city, municipality, town or urban council and includes a plan with reference to any trading or marketing centre;

- (d) deleting the definition of the term “National Director of Physical Planning” and substituting therefor the following new definition in its proper alphabetical sequence—

“Director General of Land Use Planning” means the Director General of Land Use Planning appointed under section 10 of this Act;

- (e) deleting the definition of the term “physical planning” and substituting therefor the following new definition—

“physical planning” refers to a form of land use planning which attempts to achieve an optimal spatial coordination of different human activities for the enhancement of the quality of life;

- (f) deleting the words “responsible for matters relating to physical planning” appearing immediately after the words “Executive Committee Member” in paragraph (b) in the definition of the term “planning authority”;

- (g) deleting the definition of the term “Inter-County physical development plan” and substituting therefor the following new definition—

“Inter-County Land Use Development Plan” means a plan for an area covering two or more counties or parts thereof;

- (h) deleting the definition of the term “spatial planning” and substituting therefor the following new definition—

“spatial planning” means the methodology and approach used to influence the distribution of people and activities to achieve optimal utilization of physical, economic and sociocultural resources;

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

“county executive committee member” means the county executive committee member responsible for matters relating to land use planning in the respective county;

“registrar” has the same meaning assigned it under section 2 of the Land Registration Act

CLAUSE 3**Senate Amendment**

THAT, clause 3 of the Bill be amended by—

- (a) inserting the words “with respect to land use planning” immediately after the words “for dispute resolution” in paragraph (e); and
- (b) inserting the following new paragraphs immediately after paragraph (g) —
 - (h) a robust, comprehensive and responsive system of land use planning and regulation; and
 - (i) provide a framework to ensure that investments in property benefit local communities and their economies.

CLAUSE 4**Senate Amendment**

THAT, clause 4 of the Bill be amended by deleting the marginal note and substituting therefor the following new marginal note—

Values and principles.

PART II**Senate Amendment**

THAT, the title to PART II of the Bill be amended by deleting the word “**PHYSICAL**” and substituting therefor the words “**LAND USE**”.

CLAUSE 5**Senate Amendment**

THAT, clause 5 of the Bill be amended —

- (a) by deleting the word “Physical” appearing immediately after the words “established the National” in sub-clause (1) and substituting therefor the words “Land Use”;
- (b) in sub-clause (2) by—
 - (i) deleting the word “physical” appearing immediately after the words “matters related to” in paragraph (a) and substituting therefor the words “land use”
 - (ii) deleting paragraph (b) and substituting therefor the following new paragraph—

- (b) the Director General of land use planning;
- (iii) deleting paragraph (c) and substituting therefor the following new paragraph—
 - (c) three Governors appointed by the Council of Governors or their respective designated representatives;
- (iv) deleting paragraph (e);
- (v) inserting the words “or a designated member of the Commission” immediately after the words “National Land Commission” in paragraph (d);
- (vi) inserting the words “or a designated principal secretary” immediately after the words “to economic planning” in paragraph (f);
- (vii) inserting the words “or a designated principal secretary” immediately after the words “to the environment” in paragraph (g);
- (viii) inserting the words “or a designated principal secretary” immediately after the words “roads and infrastructure” in paragraph (h);
- (ix) inserting the words “or a designated principal secretary” immediately after the words “and community development” in paragraph (i);
- (x) inserting the words “or a designated principal secretary” immediately after the words “related to culture” in paragraph (j);
- (xi) inserting the words “or a designated principal secretary” immediately after the words “related to defence” in paragraph (k);
- (xii) deleting paragraph (o) and substituting therefor the following new paragraph—
 - (o) a person nominated by a registered association representing the largest number of entities in the private sector in Kenya; and
- (xiii) deleting paragraph (p) and substituting therefor the following new paragraph—
 - (p) a person nominated by a registered national association representing the largest number of residents in Kenya;
- (c) by deleting sub-clause (3) and substituting therefor the following new sub-clause—
 - (3) The Cabinet Secretary shall appoint members nominated under subsection (2)(l), (m), (n), (o), (p) and (q) by notice in the *Gazette*.
- (d) by deleting the word “Physical” appearing immediately after the word “National” in the marginal note and substituting therefor the words “Land Use”.

CLAUSE 6**Senate Amendment**

THAT, clause 6 of the Bill be amended by—

- (a) by deleting the word “Physical” appearing immediately after the words “of the National” in the introductory clause and substituting therefor the words “Land Use”;
- (b) deleting the word “physical” appearing immediately after the words “on the national” in paragraph (a) and substituting therefor the words “land use”;
- (c) deleting the word “physical” appearing immediately after the words “and integration of” in paragraph (b) and substituting therefor the words “land use”;
- (d) deleting the word “physical” appearing immediately after the words “and implementation of” in paragraph (c) and substituting therefor the words “land use”; and
- (e) deleting the word “Physical” appearing immediately after the words “of the National” in the marginal note and substituting therefor the words “Land Use”.

CLAUSE 7**Senate Amendment**

THAT, clause 7 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word “Physical” appearing immediately after the words “The National” and substituting therefor the words “Land Use”;
- (b) in sub-clause (2) by deleting the word “Physical” appearing immediately after the words “Act, the National” and substituting therefor the words “Land Use”;
- (c) in sub-clause (3) by deleting the word “Physical” appearing immediately after the words “The National” and substituting therefor the words “Land Use”;
and
- (d) by deleting the word “Physical” appearing immediately after the word “National” in the marginal note and substituting therefor the words “Land Use”.

CLAUSE 8**Senate Amendment**

THAT, clause 8 of the Bill be amended in paragraph (c) by deleting the word “physical” appearing immediately after the words “parameters relating to” and substituting therefor the words “land use”.

CLAUSE 9**Senate Amendment**

THAT, clause 9 of the Bill be amended—

- (a) in paragraph (a) by deleting the word “physical” appearing immediately after the words “national policy on” and substituting therefor the words “land use”;
- (b) in paragraph (b) by deleting the word “physical” appearing immediately after the words “specific aspects of” and substituting therefor the words “land use”;
- (c) by deleting paragraph (c) and substituting therefor the following new paragraph—
 - (c) approval and oversight over the preparation of national land use development plans;
- (d) by deleting paragraph (d); and
- (e) in paragraph (e) by inserting the words “land use” immediately after the words “county levels of”.

CLAUSE 10**Senate Amendment**

THAT, clause 10 of the Bill be amended—

- (a) in sub-clause (1) by deleting the words “National Director of Physical” appearing immediately after the words “office of the” and substituting therefor the words “Director General of Land Use”;
- (b) in sub-clause (2) by deleting the words “National Director of Physical” appearing immediately after the word “The” and substituting therefor the words “Director General of Land Use”;
- (c) in sub-clause (3) by deleting words “National Director of Physical” appearing immediately after the word “The” and substituting therefor the words “Director General of Land Use”; and
- (d) by deleting the marginal note and substituting therefor the following new marginal note —

Director General of Land Use Planning.

CLAUSE 11**Senate Amendment**

THAT, clause 11 of the Bill be amended—

- (a) in the introductory clause by deleting the words “National Director of Physical” appearing immediately after the words “appointment as the” and substituting therefor the words “Director General of Land Use”;

- (b) in paragraph (b) by deleting word “bachelor’s” appearing immediately after the words “holds a” and substituting therefor the word “master’s”;
- (c) by deleting paragraph (c) and substituting therefor the following new paragraph—
 - (c) is registered as a professional planner and is in good standing with the relevant professional body;
- (d) by deleting paragraph (d) and substituting therefor the following new paragraph—
 - (d) has the relevant post-qualification professional experience in land use planning; and
- (e) by deleting the marginal note and substituting therefor the following new marginal note —

Qualifications of the Director General of Land Use Planning.

CLAUSE 12

Senate Amendment

THAT, clause 12 of the Bill be amended —

- (a) in the introductory clause by deleting the words “National Director of Physical” appearing immediately after the word “The” and substituting therefor the words “Director General of Land Use”;
- (b) in paragraph (a) by —
 - (i) deleting the word “physical” appearing immediately after the words “government on strategic” and substituting therefor the words “land use”; and
 - (ii) deleting the word “on” appearing immediately after the words “matters that impact”;
- (c) in paragraph (b) by deleting the word “physical” appearing immediately after the words “formulating national” and substituting therefor the words “land use”;
- (d) in paragraph (c) by deleting the word “physical” appearing immediately after the words “preparation of national” and substituting therefor the words “land use”;
- (e) in paragraph (d) by deleting the word “physical” appearing immediately after the words “preparation of inter-county” and substituting therefor the words “land use”;

- (f) by inserting the following new paragraphs immediately after paragraph (e) —
- (f) undertaking research related to land use planning and development and making appropriate recommendations to relevant bodies; and
 - (g) the preparation of development plans for strategic national installations and projects; and
- (g) by deleting the marginal note and substituting therefor the following new marginal note —
- Responsibilities of the Director General of Land Use Planning.

CLAUSE 13**Senate Amendment**

THAT, clause 13 of the Bill be amended—

- (a) in the introductory clause by deleting the words “responsible for physical planning” appearing immediately after the words “executive committee member”;
 - (b) in paragraph (a) by deleting the word “physical” appearing immediately after the words “county policy on” and substituting therefor the words “land use”;
 - (c) by deleting paragraph (b);
 - (d) in paragraph (c) by deleting the word “physical” appearing immediately after the words “integration of county” and substituting therefor the words “land use”;
 - (e) by deleting the marginal note and substituting therefor the following new marginal note —
- Responsibilities of the County Executive Committee Member.

CLAUSE 14**Senate Amendment**

THAT, clause 14 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word “Physical” appearing immediately after the words “County Director of” and substituting therefor the words “Land Use”;
 - (b) by deleting sub-clause (2) and substituting therefor the following new sub-clause—
 - (2) The County Director of Land Use Planning shall advise and be responsible to the county executive committee member.
 - (c) by deleting the marginal note and substituting therefor the following new marginal note—
- County Director of Land Use Planning.

CLAUSE 15**Senate Amendment**

THAT, clause 15 of the Bill be amended—

- (a) in the introductory clause by deleting the word “Physical” appearing immediately after the words “County Director of” and substituting therefor the words “Land Use”;
- (b) by deleting paragraph (c) and substituting therefor the following new paragraph—
 - (c) is registered as a professional planner and is in good standing with the relevant professional body;
- (c) by deleting paragraph (d) and substituting therefor the following new paragraph—
 - (d) has the relevant post-qualification professional experience in land use planning; and
- (d) by deleting the marginal note and substituting therefor the following new marginal note—

Qualifications of a County Director of Land Use Planning.

CLAUSE 16**Senate Amendment**

THAT, clause 16 of the Bill be amended—

- (a) in the introductory clause by deleting the word “Physical” appearing immediately after the words “County Director of” and substituting therefor the words “Land Use”;
- (b) by deleting paragraph (a) and substituting therefor the following new paragraph—
 - (a) advising the county government on land use planning matters that impact the county;
deleting the word “physical” appearing immediately after the words “county government on” and substituting therefor the words “land use”; and
deleting the words “on the whole country” appearing immediately after the words “matters that impact” and substituting therefor the words “the county”;
- (c) in paragraph (b) by deleting the word “physical” appearing immediately after the words “formulating county” and substituting therefor the words “land use”;
- (d) in paragraph (c) by deleting the word “physical” appearing immediately after the words “preparation of county” and substituting therefor the words “land use”;

- (e) in paragraph (d) by deleting the word “physical” appearing immediately after the words “preparation of local” and substituting therefor the words “land use”;
- (f) in paragraph (e) by deleting the word “physical” appearing immediately after the words “preparation of inter-county” and substituting therefor the words “land use”;
- (g) in paragraph (f) by deleting the word “physical” appearing immediately after the words “matters relating to” and substituting therefor the words “land use”;
- (h) by inserting the following new paragraphs immediately after paragraph (g) —
 - (h) maintaining a land information system to guide land use planning;
 - (i) communicating decisions of the county government on development applications; and
 - (j) issuance of development permission and other development control instruments under this Act with the approval of the county executive committee member responsible for land use planning;
- (i) by deleting the marginal note and substituting therefor the following new marginal note —

Responsibilities of a County Director of Land Use Planning.

PART III

Senate Amendment

THAT, the title to PART III of the Bill be amended by deleting the words “**TYPES OF PHYSICAL**” and substituting therefor the words “**LAND USE**”.

CLAUSE 17

Senate Amendment

THAT, clause 17 of the Bill be amended—

- (a) by deleting sub-clause (1) and substituting therefor the following new sub-clause—
 - (1) The Cabinet Secretary shall cause the National Land Use Development Plan to be prepared for approval and publication in accordance with this Part;
- (b) in sub-clause (2) by deleting the word “Physical” appearing immediately after the words “The National” in the introductory clause and substituting therefor the words “Land Use”; and
- (c) by deleting the marginal note and substituting therefor the following new marginal note —

The National Land Use Development Plan.

CLAUSE 18**Senate Amendment**

THAT, clause 18 of the Bill be amended—

(a) by deleting sub-clause (1) and substituting therefor the following new sub-clause—

(1) The National Land Use Development Plan shall define strategic policies for the determination of the general direction and trends of land use development and sectoral development in Kenya and provide a framework for the use and development of land.

(b) in sub-clause (2) by—

(i) deleting the word “Physical” appearing immediately after the words “The National” in the introductory clause and substituting therefor the words “Land Use”;

(ii) deleting the word “physical” appearing immediately after the words “formulation of national” in paragraph (e) and substituting therefor the words “land use”; and

(c) by deleting the marginal note and substituting therefor the following new marginal note—

Purpose and objects of the National Land Use Development Plan.

CLAUSE 19**Senate Amendment**

THAT, clause 19 of the Bill be amended—

(a) in sub-clause (1) by—

(i) deleting the in the introductory clause and substituting therefor the following new introductory clause—

(1) In preparing a National Land Use Development Plan, the Director General of Land Use Planning shall—;

(ii) deleting the words “National Director of Physical” appearing immediately after the words “Development Plan the” in the introductory clause and substituting therefor the words “Director General of Land Use”;

(iii) deleting paragraph (d) and substituting therefor the following new paragraph—

(d) consult the National Land Use Planning Consultative Forum prior to the initiation of the National Land Use Development Plan and submit the proposed plan to the National Land Use Planning Consultative Forum for consideration and input before its final approval;

(b) in sub-clause (2) by—

- (i) deleting the word “Physical” appearing immediately after the words “consult the National” and substituting therefor the words “Land Use”;
 - (ii) deleting the word “Physical” appearing immediately after the words “prepare a National” and substituting therefor the words “Land Use”;
- and

(c) by deleting sub-clause (3) and substituting therefor the following new sub-clause—

(3) A notice published in accordance with this section shall state the objectives of National Land Use Development Plan, the purpose of the National Land Use Development Plan, the information to be set out in the plan, and the places where members of the public may provide written comments on the National Land Use Development Plan;

(d) by deleting the marginal note and substituting therefor the following new marginal note—

Procedure for preparation of the National Land Use Development Plan.

CLAUSE 20

Senate Amendment

THAT, clause 20 of the Bill be amended—

(a) in sub-clause (1) by—

- (i) deleting the word “Physical” appearing immediately after the words “a National” in the introductory clause and substituting therefor the words “Land Use”;
- (ii) deleting the word “Physical” appearing immediately after the words “the state of” in paragraph (b)(i) and substituting therefor the words “land use”;
- (iii) deleting the word “physical” appearing immediately after the words “and reports concerning” in paragraph (b)(ii) and substituting therefor the words “land use”;

- (iii) deleting the word “physical” appearing immediately after the words “challenges relating to” in paragraph (c) and substituting therefor the words “land use”;
- (b) in sub-clause (2) by deleting the words “National Director of Physical” appearing immediately after the word “The” and substituting therefor the words “Director General of Land Use”;
- (c) in sub-clause (3) by deleting the word “Physical” appearing immediately after the words “of the National” and substituting therefor the words “Land Use”;
- (d) in sub-clause (4) by deleting the word “Physical” appearing immediately after the words “which a National” and substituting therefor the words “Land Use”; and
- (e) by deleting the marginal note and substituting therefor the following new marginal note—

Content of National Land Use Development Plan.

CLAUSE 21

Senate Amendment

THAT, clause 21 of the Bill be amended—

- (a) by deleting sub-clause (1) and substituting therefor the following new sub-clause—
 - (1) Within thirty days of the preparation of the National Land Use Development Plan, the Cabinet Secretary shall publish a notice in the *Gazette*, in at least two newspapers of national circulation and through electronic media informing the public that the draft National Land Use Development Plan is available at the place and time specified in the notice for inspection and that any interested person may, within fourteen days, comment on the content of the draft National Land Use Development Plan.
- (b) by deleting sub-clause (2) and substituting therefor the following new sub-clause—
 - (3) The Cabinet Secretary shall, within twenty one days of the expiry of the period for making comments under subsection (1), consider the comments made on the National Land Use Development Plan and may incorporate the comments in the plan.

- (c) by inserting the following new sub-clause immediately after sub-clause (2)—

- (2A) Within seven days of making a decision under subsection (2), the Cabinet Secretary shall publish a notice in the Gazette, in at least two newspapers of national circulation and through electronic media informing the public that a decision on the comments received by the Cabinet Secretary has been made and that the reviewed draft National Land Use Development Plan is available at the places and times designated in the notice for perusal.
- (d) by inserting the words “within fourteen days of the publication of the notice under subsection (2A)” immediately after the words “Cabinet Secretary may” in sub-clause (3); and
- (e) by deleting the marginal note and substituting therefor the following new marginal note—

Notice of preparation of National Land Use Development Plan.

CLAUSE 22
Senate Amendment

THAT, clause 22 of the Bill be amended—

- (a) in sub-clause (1) by deleting the words “Physical Development Plan to the National Physical” appearing immediately after the words “the draft National” and substituting therefor the words “Land Use Development Plan to the National Land Use”;
- (b) in sub-clause (2) by deleting the word “Physical” appearing immediately after the word “The National” and substituting therefor the words “Land Use”;
- (c) in sub-clause (3) deleting the word “Physical” appearing immediately after the words “by the National” and substituting therefor the words “Land Use”; and
- (d) in sub-clause (5) deleting the word “Physical” appearing immediately after the words “of the National” and substituting therefor the words “Land Use”;
- (e) deleting the marginal note and substituting therefor the following new marginal note—

Approval of the National Land Use Development Plan.

CLAUSE 23
Senate Amendment

THAT, clause 23 of the Bill be amended by—

- (a) deleting sub-clause (1) and substituting therefor the following new sub-clause—

(1) Planning authorities shall base the preparation of inter-county land use development plans, integrated county land use development plans, city land use development plans, urban area land use development plans and sectoral plans on the National Land Use Development Plan.

(b) deleting sub-clause (2) and substituting therefor the following new sub-clause—

(2) Notwithstanding the lack of a National Land Use Development Plan, planning authorities at the county level shall prepare County and Local Land Use Development Plans.

(c) deleting the marginal note and substituting therefor the following new marginal note—

Implementation of a National Land Use Development Plan.

CLAUSE 24

Senate Amendment

THAT, clause 24 of the Bill be amended—

(a) in sub-clause (1) by deleting sub-clause (1) and substituting therefor the following new sub-clause—

(1) At least three months before the end of the financial year, each public institution of a government that is responsible for the application or the implementation of a National Land Use Development Plan shall prepare and submit a status report on the implementation of the National Land Use Development Plan to the Cabinet Secretary or the county executive committee member and the Commission for their purposes.

(b) in sub-clause (2) by inserting the word “be” immediately after the words “this section shall”.

CLAUSE 25

Senate Amendment

THAT, the Bill be amended by deleting clause 25 and substituting therefor the following new clause—

Establishment of Inter-County Joint Land Use Planning Development Committees.

25.(1) Two or more counties may, by mutual agreement or out of compelling necessity, formulate an inter-county land use development plan.

(2) In the preparation of a inter-county land use development plan, the counties shall form an inter-county land use planning joint committee.

(3)The inter-county land use planning joint committee shall consist of—

(a) the county executive committee member of the respective counties;

(b) two other relevant county executive committee members from the respective counties nominated by the relevant county governor; and

(c) the Director General of Land Use Planning who shall be an *ex-officio* member of the Committee;.

(4) The inter-county joint land use planning joint committee may co-opt such other persons as may be necessary to assist it in performance of its duties.

(5) The members of the inter-county joint land use planning joint committee appointed under subsection (3)(a) and (b) shall, during the first meeting of the Committee, elect from amongst themselves a chairperson and a vice chairperson provided that the chairperson and the vice chairperson shall not be county executive committee members from the same county.

(6) The Director General of Land Use Planning shall, in consultation with other members of the Committee, convene the first meeting.

(7) The Director General of Land Use Planning shall co-ordinate meetings of the inter-county joint land use planning joint committee and provide it with secretariat services.

CLAUSE 26

Senate Amendment

THAT, clause 26 of the Bill be amended—

(a) in the introductory clause by deleting the word “Physical” appearing immediately after the words “An Inter-County” and substituting therefor the words “Land Use”; and

(b) by deleting the marginal note and substituting therefor the following new marginal note—

Scope of the Inter-County Land Use Development Plan.

CLAUSE 27

Senate Amendment

THAT, clause 27 of the Bill be amended—

(a) in sub-clause (1) by deleting the words “Physical Planning Joint Committee preparing an Inter-County Physical” appearing immediately after the words “The Inter-County” and substituting therefor the words “Land Use Planning Joint Committee preparing an Inter-County Land Use”; and

(b) in sub-clause (2) by deleting the word “Physical” appearing immediately after the words “of the Inter-County” and substituting therefor the words “Land Use”;

- (c) in sub-clause (3) by deleting the word “Physical” appearing immediately after the words “complete the Inter-County” and substituting therefor the words “Land Use”;
- (d) in sub-clause (4) by deleting the word “Physical” appearing immediately after the words “of the Inter-County” and substituting therefor the words “Land Use”; and
- (e) by deleting the marginal note and substituting therefor the following new marginal note—

Commencement of Inter-County Land Use Planning Process.

CLAUSE 28

Senate Amendment

THAT, clause 28 of the Bill be amended by—

- (a) deleting sub-clause (1) and substituting therefor the following new sub-clause—
 - (1) Within thirty days of the completion of an Inter-County Physical Development Plan, the Inter-County Physical Planning Joint Committee shall publish a notice in the *Gazette* and in at least two newspapers of national circulation informing the public that the plan is available at the place and time specified in the notice for inspection and that any interested person may, within fourteen days, comment on the content of the plan.
- (b) deleting sub-clause (1) and substituting therefor the following new sub-clause—
 - (2) The Inter-County Land Use Planning Joint Committee shall, within twenty one days of the expiry of the period for making comments under subsection (1), consider the comments made about the plan and may or may not incorporate the comments in the plan.
- (c) inserting the following new sub-clause immediately after sub-clause (2)—
 - (2A) Within seven days of making a decision under sub-clause (2), the Inter-County Physical Planning Joint Committee shall publish a notice in the *Gazette* and in at least two newspapers of national circulation informing the public that a decision on the comments received by the joint committee has been made and that the reviewed draft Inter-County Physical Development Plan is available for perusal at the place and time specified in the notice.
- (d) deleting sub-clause (3);
- (e) deleting sub-clause (4); and
- (f) deleting the marginal note and substituting therefor the following new marginal note—

Notice of and objections to an Inter-County Land Use Development Plan.

CLAUSE 29**Senate Amendment**

THAT, clause 29 of the Bill be amended—

(a) in sub-clause (1) by—

- (i) deleting the word “physical” appearing immediately after the words “in the Inter-County” and substituting therefor the words “land use”; and
- (ii) deleting the words “and thereafter submit the same to the National Director of Physical Planning for processing and certification” appearing immediately after the words “Assemblies for approval”;

(b) by deleting sub-clause (2) and substituting therefor the following new sub-clause—

- (2) Within thirty days of the completion of an Inter-County Land Use Development Plan or if comments on the plan have been heard and determined, the Inter-County Physical Planning Joint Committee shall publish a notice in the *Gazette* and in at least two newspapers of national circulation informing the public that the Inter-County Physical Development Plan is available for perusal at the place and time specified in the notice.

(c) in sub-clause (3) by—

- (i) deleting the word “Physical” appearing immediately after the words “Before the Inter-County” and substituting therefor the words “Land Use”; and
- (ii) deleting the word “Physical” appearing immediately after the words “by the Inter-County” and substituting therefor the words “Land Use”;

(d) by deleting sub-clause (4) and substituting therefor the following new sub-clause—

- (4) The approved Inter-County Land Use Development Plan shall be deposited with the relevant County Director of Land Use Planning who shall submit certified copies of the plan to the Director General of Land Use Planning and the National Land Commission.

(e) by deleting the marginal note and substituting therefor the following new marginal note—

Approval of an Inter-County Land Use Development Plan.

CLAUSE 30**Senate Amendment**

THAT the Bill be amended by deleting clause 30 and substituting therefor the following new clause—

Implementation of the Inter-County Land Use Development Plan.

30. (1) In addition to the National Land Use Development Plan, the Inter-County Land Use Development Plan shall inform the preparation of a county land use development plan, a local land use development plan or an urban area land use development plan for the county governments within the planning area covered by the Inter-County Land Use Development Plan.

(2) Where a National Land Use Development Plan and an Inter-County Land Use Development Plan have not been prepared or approved, a county government may prepare other land use development plans which will be incorporated into the National Land Use Development Plan or the relevant Inter-County Land Use Development Plan after they have been prepared and approved in accordance with this Act.

CLAUSE 31
Senate Amendment

THAT, the Bill be amended by deleting clause 31 and substituting therefor the following new clause—

Status Reports on an Inter-County Land Use Development Plan.

31. At least three months before the end of each financial year, every county executive committee member in a county covered by an Inter-County Land Use Development Plan shall submit a report on the implementation of the respective Inter-County Land Use Development Plan to the Commission and the Cabinet Secretary for their purposes.

CLAUSE 32
Senate Amendment

THAT, clause 32 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word “physical” appearing immediately after the words “ten years a” and substituting therefor the words “land use”;
- (b) by deleting sub-clause (2) and substituting therefor the following new sub-clause—
 - (2) Each county land use development plan shall be in conformity with the National Land Use Development Plan and any relevant Inter-County Land Use Development Plan.
- (c) in sub-clause (3) by—

- (i) deleting the words “in charge of physical planning” appearing immediately after the words “executive committee member”; and
 - (ii) deleting the word “physical” appearing immediately after the words “ensure the county” and substituting therefor the words “land use”;
- (d) by deleting sub-clause (4); and
- (e) by deleting the marginal note and substituting therefor the following new marginal note—
- County Land Use Development Plan.

CLAUSE 33
Senate Amendment

THAT, clause 33 of the Bill be amended—

- (i) in the introductory clause by deleting the word “physical” appearing immediately after the words “of a county” and substituting therefor the words “land use”;
 - (ii) in paragraph (a) by deleting the word “physical” appearing immediately after the words “provide an overall” and substituting therefor the words “land use”; and
 - (iii) by deleting the marginal note and substituting therefor the following new marginal note—
- Purpose and objects of a county land use development plan.

CLAUSE 34
Senate Amendment

THAT, clause 34 of the Bill be amended—

- (a) by deleting sub-clause (2) and substituting therefor the following new sub-clause—
- (1) At least twenty-one days before commencing the preparation of a county land use development plan, the county executive committee member shall publish a notice in the Gazette and the notice shall include the intention to prepare a county land use development plan, the objects of the plan and the matters to be considered in the plan and the address to which any views on the plan may be sent.
- (b) in sub-clause (3) by deleting the word “physical” appearing immediately after the words “of the county” and substituting therefor the words “land use”;
 - (c) by deleting the marginal note and substituting therefor the following new marginal note—
- Notice of intention to prepare a county land use development plan.

CLAUSE 35**Senate Amendment**

THAT, clause 35 of the Bill be amended—

- (i) in the introductory clause by deleting the word “physical” appearing immediately after the words “A county” and substituting therefor the words “land use”;
- (ii) by deleting the marginal note and substituting therefor the following new marginal note—

Contents of a county land use development plan.

CLAUSE 36**Senate Amendment**

THAT, clause 36 of the Bill be amended—

(a) in sub-clause (1) by—

- (i) deleting the word “physical” appearing immediately after the words “of a county” and substituting therefor the words “land use”; and
- (ii) deleting the word “physical” appearing immediately after the words “the draft county” and substituting therefor the words “land use”;

(b) in sub-clause (2) by deleting the words “in charge of physical planning” appearing immediately after the words “executive committee member”;

(c) in sub-clause (3) by—

- (i) deleting the words “in charge of physical planning” appearing immediately after the words “executive committee member”; and
- (ii) deleting the word “physical” appearing immediately after the words “the draft county” and substituting therefor the words “land use”;

(d) in sub-clause (4) by—

- (i) deleting the word “physical” appearing immediately after the words “concerning the county” and substituting therefor the words “land use”; and
- (ii) deleting the word “physical” appearing immediately after the words “to the county” and substituting therefor the words “land use”;

(e) in sub-clause (5) by deleting the word “physical” appearing immediately after the words “(4) the county” and substituting therefor the words “land use”;

(f) in sub-clause (6) by deleting the word “physical” appearing immediately after the words “by the county” and substituting therefor the words “land use”;

- (g) in sub-clause (7) by deleting the word “Physical” appearing immediately after the words “of the County” and substituting therefor the words “Land Use”; and
- (h) by deleting the marginal note and substituting therefor the following new marginal note—

Public participation in the preparation of a county land use development plan.

CLAUSE 37
Senate Amendment

THAT, the Bill be amended by deleting clause 37 and substituting therefor the following new clause—

Completion and approval of
a county land use
development plan.

37.(1) If there are no applications for the review of a county land use development plan or if all applications for review have been heard and determined, the county executive committee member shall submit the draft county land use development plan to the County Land Use Planning Consultative Forum for comments.

(2) The County Land Use Planning Consultative Forum shall consider the plan and may propose changes which shall be incorporated in the plan.

(3) Upon incorporation of the proposed changes by the County Land Use Planning Consultative Forum, the county executive committee member shall submit the completed county land use development plan to the county governor who shall cause it to be placed before the county assembly for approval.

(4) On the approval of the county land use development plan by the respective county assembly, the county executive committee member shall publish the approved plan in the *Gazette* and in at least two newspapers with a national circulation within fourteen days of the approval and no development shall take place on any land unless it is in conformity with the approved plan

(5) A county land use development plan shall be the basis for the preparation of sectoral programmes and projects in the county and sub-county levels.

CLAUSE 38
Senate Amendment

THAT, clause 38 of the Bill be amended—

(a) in sub-clause (1) by—

- (i) deleting the words “in charge of spatial planning” appearing immediately after the words “executive committee member” in the introductory clause;
- (ii) deleting the word “physical” appearing immediately after the words “of a county” in the introductory clause and substituting therefor the words “land use”;
- (iii) deleting the word “physical” appearing immediately after the words “of that county” in paragraph (a) and substituting therefor the words “land use”; and
- (iv) deleting the word “physical” appearing immediately after the words “since the county” in paragraph (b) and substituting therefor the words “land use”;

(b) in sub-clause (2) by—

- (i) deleting the words “in charge of physical planning” appearing immediately after the words “Executive Committee member”; and
- (ii) deleting the word “physical” appearing immediately after the words “to the county” and substituting therefor the words “land use”;

(c) in sub-clause (3) by—

- (i) deleting the word “physical” appearing immediately after the words “amending a county” in the introductory clause and substituting therefor the words “land use”; and
- (ii) deleting paragraph (c) and substituting therefor the following new paragraph—

(c) be in conformity with the National Land Use Development Plan and all relevant Inter-County Land Use Development Plans;

(d) by deleting sub-clause (4) and substituting therefor the following new sub-clause—

- (4) Where a county executive committee member determines that a proposed amendment to the county land use development plan shall affect other counties, the county executive committee member shall consult the county executive committee members in the counties that are likely to be affected and shall take into account their comments before incorporating the amendment to the county land use development plan.
- (e) in sub-clause (5) by deleting the word “physical” appearing immediately after the words “amending a county” and substituting therefor the words “land use”;
- (f) in sub-clause (6) by deleting the word “physical” appearing immediately after the words “The amended county” and substituting therefor the words “land use”;
- (g) in sub-clause (7) by deleting the word “physical” appearing immediately after the words “to the County” and substituting therefor the words “Land Use”;
and
- (h) by deleting the marginal note and substituting therefor the following new marginal note—

Modification of a County Land Use Development Plan.

CLAUSE 39

Senate Amendment

THAT, clause 39 of the Bill be amended—

- (a) in sub-clause (1) by—
 - (i) deleting the words “in charge of physical planning” appearing immediately after the words “executive committee member”; and
 - (ii) deleting the word “physical” appearing immediately after the words “revising a county” and substituting therefor the words “land use”;
- (b) in sub-clause (2) by deleting the word “physical” appearing immediately after the words “of a county” and substituting therefor the words “land use”; and
- (c) by deleting the marginal note and substituting therefor the following new marginal note—

Revision of a county land use development plan.

CLAUSE 40**Senate Amendment**

THAT, clause 40 of the Bill be amended by—

- (a) deleting the word “Physical” appearing immediately after the words “and the County” and substituting therefor the words “Land Use”; and
- (b) deleting the marginal note and substituting therefor the following new marginal note—

Contents of the National, Inter-County and County Land Use Development Plans.

CLAUSE 41**Senate Amendment**

THAT, clause 41 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word “physical” appearing immediately after the words “prepare a local” and substituting therefor the words “land use”;
- (b) in sub-clause (2) by deleting the words “physical development plan may be for long-term physical development, short-term physical” appearing immediately after the words “A local” and substituting therefor the words “land use physical development plan may be for long-term land use development, short-term land use”.
- (c) by deleting sub-clause (3) and substituting therefor the following new sub-clause—
 - (3) A local land use development plan shall be consistent with an Integrated City or Urban Development Plan formulated under Part V of the Urban Areas and Cities Act.
 - (i) deleting the words “physical development plan shall be consistent with” appearing immediately after the words “A local” in the introductory phrase and substituting therefor the words “land use development plan shall not cover an area covered by”; and
 - (ii) deleting the words “as contemplated” appearing immediately after the words “Urban Development Plan” and substituting therefor the word “formulated”; and
- (d) by deleting the marginal note and substituting therefor the following new marginal note—

Local Land Use Development Plan.

CLAUSE 42**Senate Amendment**

THAT, clause 42 of the Bill be amended—

- (i) in the introductory clause by deleting the word “physical” appearing immediately after the words “prepare a local” and substituting therefor the words “land use”;
- (ii) by deleting paragraph (e); and
- (iii) by deleting the marginal note and substituting therefor the following new marginal note—

Purpose of a Local Land Use Development Plan.

CLAUSE 43**Senate Amendment**

THAT, clause 43 of the Bill be amended by—

- (i) deleting the words “in charge of physical planning” appearing immediately after the words “executive committee member”; and
- (ii) deleting the marginal note and substituting therefor the following new marginal note—

Initiation and preparation of a local land use development plan.

CLAUSE 44**Senate Amendment**

THAT, clause 44 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word “physical” appearing immediately after the words “A local” and substituting therefor the words “land use”;
- (b) in sub-clause (2) by deleting the word “physical” appearing immediately after the words “in a local” and substituting therefor the words “land use”; and
- (c) by deleting the marginal note and substituting therefor the following new marginal note—

Contents of a Local Land Use Development Plan.

CLAUSE 45**Senate Amendment**

THAT, clause 45 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word “physical” appearing immediately after the words “of a local” and substituting therefor the words “land use”;

(b) in sub-clause (2) by—

- (i) deleting the word “physical” appearing immediately after the words “to the county” and substituting therefor the words “land use”; and
- (ii) deleting the word “physical” appearing immediately after the words “committee concerning county” and substituting therefor the words “land use”;

(c) in sub-clause (3) by—

- (i) deleting the word “physical” appearing immediately after the words “of a local” and substituting therefor the words “land use”; and
- (ii) deleting the word “physical” appearing immediately after the words “of a local” and substituting therefor the words “land use”; and

(d) by deleting the marginal note and substituting therefor the following new marginal note—

Local Land Use Development Plan.

CLAUSE 46

Senate Amendment

THAT, clause 46 of the Bill be amended by—

- (a) deleting the words “in charge of physical planning” appearing immediately after the words “executive committee member”;
- (b) deleting the word “physical” appearing immediately after the words “of a local” and substituting therefor the words “land use”; and
- (c) deleting the marginal note and substituting therefor the following new marginal note—

Approval of local land use development plans.

CLAUSE 47

Senate Amendment

THAT, clause 47 of the Bill be amended—

- (a) in sub-clause (1) by deleting the introductory clause and substituting therefor the following new introductory clause—
 - (1) A county executive committee member may amend or revise a local land use development plan where—
- (b) in sub-clause (2) by—

- (i) deleting the words “in charge of physical planning” appearing immediately after the words “executive committee member”; and
 - (ii) deleting the word “physical” appearing immediately after the words “revise a local” and substituting therefor the words “land use”;
- (c) in sub-clause (3) by—
- (i) deleting the words “in charge of physical planning” appearing immediately after the words “Executive Committee member”; and
 - (ii) deleting the word “physical” appearing immediately after the words “of a local” and substituting therefor the words “land use”; and
- (d) by deleting the marginal note and substituting therefor the following new marginal note—

Amendment or revision of a local land use development plan.

CLAUSE 48

Senate Amendment

THAT, clause 48 of the Bill be amended—

- (a) in sub-clause (1) by—
 - (i) deleting the word “Physical” appearing immediately after the words “or the National” in the introductory clause and substituting therefor the words “Land Use”; and
 - (ii) deleting the word “and” appearing immediately after the words “has unique development” and substituting therefor the words “natural resource or”;
- (b) in sub-clause (2) by deleting the word “physical” appearing immediately after the words “area until a” and substituting therefor the words “land use”;
- (c) in sub-clause (6) by deleting the word “physical” appearing immediately after the word “A” and substituting therefor the words “land use”; and
- (d) by deleting the marginal note and substituting therefor the following new marginal note—

Local Land Use Development Plan.

CLAUSE 50

Senate Amendment

THAT, clause 50 of the Bill be amended in sub-clause (1) by—

- (a) deleting the word “physical development” appearing immediately after the words “to ensure orderly” in paragraph (a) and substituting therefor the words “development of land”;

- (b) deleting the word “physical” appearing immediately after the words “implementation of approved” in paragraph (c) and substituting therefor the words “land use”; and
- (c) deleting the word “physical” appearing immediately after the words “public participation in” in paragraph (f) and substituting therefor the words “land use”.

CLAUSE 51**Senate Amendment**

THAT, clause 51 of the Bill be amended by—

- (a) deleting the words “the planning authorities” appearing immediately after the words “Governments Act 2012” in the introductory clause and substituting therefor the words “county governments”;
- (b) deleting the word “physical” appearing immediately after the words “implementation of approved” in paragraph (d) and substituting therefor the words “land use”; and
- (c) deleting the word “physical” appearing immediately after the words “with the approved” in paragraph (f) and substituting therefor the words “land use”.

CLAUSE 52**Senate Amendment**

THAT, clause 52 of the Bill be amended—

- (a) by deleting sub-clause (1) and substituting therefor the following new sub-clause—
 - (1) A person shall not carry out development within a county without a development permission granted by the respective county executive committee member.
- (b) in sub-clause (3) by deleting the words “The planning authority” appearing in the introductory phrase and substituting therefor the words “A county executive committee member”;
- (c) in sub-clause (4) by—
 - (i) deleting the words “planning authority” appearing immediately after the words “sub-section (3) the” and substituting therefor the words “relevant county executive committee member”; and
 - (ii) deleting the word “may” appearing immediately after the words “as required and” and substituting therefor the word “shall”; and

- (d) in sub-clause (5) by deleting the words "The planning authority" appearing in the introductory phrase and substituting therefor the words "A county executive committee member"; and
- (e) in sub-clause (6) by deleting the words "The planning authority" appearing in the introductory phrase and substituting therefor the words "A county executive committee member".

CLAUSE 53**Senate Amendment**

THAT, clause 53 of the Bill be amended—

(a) in sub-clause (1) by—

- (i) deleting the words "a planning authority" appearing immediately after the words "development permission from" and substituting therefor the words "the respective county executive committee member"; and
- (ii) deleting the words "planning authority" appearing immediately after the words "permission from that" and substituting therefor the words "county executive committee member";

(b) in sub-clause (2) by deleting the words "planning authority" appearing immediately after the words "required by the" and substituting therefor the words "respective county executive committee member";

(c) in sub-clause (4) by deleting the words "planning authority" appearing immediately after the words "consent to the" and substituting therefor the words "respective county executive committee member";

(d) in sub-clause (5) by deleting the words "planning authorities" appearing immediately after the words "permission granted by" and substituting therefor the words "a county executive committee member";

(e) in sub-clause (8) by deleting the words "planning authorities" appearing immediately after the words "to the relevant" and substituting therefor the words "county executive committee member".

CLAUSE 54**Senate Amendment**

THAT, clause 54 of the Bill be amended—

- (a) by deleting the words "planning authority" appearing immediately after the words "provided to the" in sub-clause (1) and substituting therefor the words "respective county executive committee member";

(b) in sub-clause (2) by—

- (i) deleting the words “the planning authority” appearing immediately after the words “do so by” and substituting therefor the words “a county executive committee member”; and
- (ii) deleting the words “planning authority” appearing immediately after the words “provided to the” and substituting therefor the words “county executive committee member”.

CLAUSE 55

Senate Amendment

THAT, clause 55 of the Bill be amended—

(a) in sub-clause (1) by—

- (i) deleting the words “a county government” appearing immediately after the words “for development permission,” and substituting therefor the words “the county executive committee member”; and
- (ii) inserting the following new paragraph immediately after paragraph (f)—

(fa) urban development;

(b) by deleting sub-clause (2) and substituting therefor the following new sub-clause—

- (2) Within fourteen days of receiving the copy of the application for development permission from a county executive committee member, the relevant authorities or agencies shall submit their comments to the respective county executive committee member within twenty one days.

CLAUSE 56

Senate Amendment

THAT, clause 56 of the Bill be amended—

(a) in sub-clause (1) by—

- (i) deleting the words “planning authority” appearing immediately after the words “development permission a” in the introductory clause and substituting therefor the words “county executive committee member”; and
- (ii) deleting the word “physical development plan” appearing immediately after the words “the relevant approved” in paragraph (a) and substituting therefor the words “national, county, local, city, urban, town and special area plans”;

- (b) in sub-clause (2) by deleting the words “planning authority” appearing immediately after the words “for development permission” and substituting therefor the words “county executive committee member”;
- (c) in sub-clause (3) by—
 - (i) deleting the words “the planning authority” appearing immediately after the words “the decision of” and substituting therefor the words “a county executive committee member”; and
 - (ii) deleting the word “authority” appearing immediately after the words “decision by the” and substituting therefor the word “county executive committee member”.

CLAUSE 57**Senate Amendment**

THAT, clause 57 of the Bill be amended—

- (a) by deleting the words “A planning authority” appearing in the introductory phrase in sub-clause (1) and substituting therefor the words “Each county executive committee member”;
- (b) by deleting the words “A planning authority” appearing in the introductory phrase in sub-clause (2) and substituting therefor the words “Each county executive committee member”;
- (c) in sub-clause (3) by—
 - (i) deleting the words “the planning authority” appearing immediately after the words “register maintained by” and substituting therefor the words “a county executive committee member”; and
 - (ii) deleting the words “planning authority” appearing immediately after the words “scrutiny and the” and substituting therefor the words “Cabinet Secretary”.

CLAUSE 58**Senate Amendment**

THAT, clause 58 of the Bill be amended—

- (a) by deleting the words “planning authority” appearing immediately after the word “A” in the introductory phrase in sub-clause (1) and substituting therefor the words “county executive committee member”; and
- (b) by deleting the words “the planning authority” appearing immediately after the words “for development permission” in sub-clause (3) and substituting therefor the words “a county executive committee member”.

CLAUSE 59**Senate Amendment**

THAT, clause 59 of the Bill be amended—

(a) in sub-clause (2) by—

- (i) deleting the words “the planning authority” appearing immediately after the words “despite sub-section (1)” and substituting therefor the words “a county executive committee member”; and
- (ii) deleting the words “planning authority” appearing immediately after the words “year if the” and substituting therefor the words “county executive committee member”;

(b) in sub-clause (3) by deleting the words “the planning authority” appearing immediately after the word “Where” and substituting therefor the words “a county executive committee member”.

CLAUSE 60**Senate Amendment**

THAT, clause 60 of the Bill be amended by deleting the words “The planning authority” appearing at the beginning of the clause and substituting therefor the words “A county executive committee member”.

CLAUSE 61**Senate Amendment**

THAT, clause 61 of the Bill be amended by deleting the words “planning authority” appearing immediately after the words “by the relevant” and substituting therefor the words “county executive committee member”.

CLAUSE 62**Senate Amendment**

THAT, clause 62 of the Bill be amended in sub-clause (1) by—

- (i) deleting the words “planning authority” appearing immediately after the words “imposed by a” in paragraph (a) and substituting therefor the words “county executive committee member”;
- (ii) deleting the words “planning authority” appearing immediately after the words “approved by the” in paragraph (b)(iii) and substituting therefor the words “county executive committee member”;
- (iii) deleting the words “planning authority” appearing immediately after the words “apply to the” in paragraph (c) and substituting therefor the words “county executive committee member”; and
- (iv) inserting the following new sub-clauses immediately after sub-clause (1)
—

- (1A) A county government may require a person who commences, undertakes or carries out a development in contravention of this section to restore the land on which the development is taking place to its original condition or as near to its original condition as is possible and that such restoration shall take place within ninety days.
- (1B) Where a person who is required to do so fails to comply with the provisions of paragraph (d), the relevant county government may undertake to restore the land as required and shall recover the cost of the restoration from the person required to undertake the restoration.

CLAUSE 63**Senate Amendment**

THAT, clause 63 of the Bill be amended—

(a) in sub-clause (1)—

- (i) by deleting the words “planning authority” appearing immediately after the word “A” in the introductory phrase and substituting therefor the words “county executive committee member”; and
- (ii) by deleting the word “physical” appearing immediately after the words “by the relevant” and substituting therefor the words “land use”; and

(b) in sub-clause (2) by deleting the words “planning authority” appearing immediately after the words “obtained by a” and substituting therefor the words “county executive committee member”.

CLAUSE 64**Senate Amendment**

THAT, clause 64 of the Bill be amended in sub-clause (2) by deleting the word “physical” appearing immediately after the words “Any inter-county” and substituting therefor the words “land use”.

CLAUSE 66**Senate Amendment**

THAT, clause 66 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word “the” appearing immediately after the words “Heritage Act 2006” and substituting therefor the word “a”; and
- (b) in sub-clause (2) by deleting the word “physical” appearing immediately after the word “All” and substituting therefor the words “land use”.

CLAUSE 67**Senate Amendment**

THAT, clause 67 of the Bill be amended—

(a) in sub-clause (1) by—

(i) deleting the introductory clause and substituting therefor the following new introductory clause—

(1) A county executive committee member shall serve the owner, occupier, agent or developer of property or land with an enforcement notice if it comes to the notice of that county executive committee member that—

(ii) deleting the words “without development permission” appearing immediately after the words “on any land” in paragraph (a);

(b) in sub-clause (3) by deleting the word “Physical” appearing immediately after the words “the relevant County” and substituting therefor the words “Land Use”; and

(c) in sub-clause (4) by deleting the word “physical” appearing immediately after the words “of the county” and substituting therefor the words “land use”.

CLAUSE 68**Senate Amendment**

THAT, clause 68 of the Bill be amended by—

(a) deleting the word “Physical” appearing immediately after the words “established the National” and substituting therefor the words “Land Use”; and

(b) deleting the marginal note and substituting therefor the following new marginal note—

Establishment of the National Land Use Planning Liaison Committee.

CLAUSE 69**Senate Amendment**

THAT, clause 69 of the Bill be amended—

(a) in sub-clause (1) by—

(i) deleting the word “Physical” appearing immediately after the words “The National” in the introductory clause and substituting therefor the words “Land Use”;

(ii) inserting the following new paragraph immediately after paragraph (f)—

(fa) the National Director of Urban Development;

(iii) deleting the words “a representative” appearing in paragraph (g) and substituting therefor the words “two representatives”;

(iv) deleting paragraph (h) and substituting therefor the following new paragraph—

(h) a person nominated by a registered association representing the largest number of entities in the private sector in Kenya and appointed by the Cabinet Secretary;

(v) deleting the words “an association of architects in” appearing immediately after the words “architect nominated by” in paragraph (i) and substituting therefor the words “the Architectural Association of”; and

(vi) deleting the word “physical” appearing immediately after the words “a registered” in paragraph (j);

(b) in sub-clause (3) by deleting the word “Physical” appearing immediately after the words “of the National” and substituting therefor the words “Land Use”;

(c) in sub-clause (5) by deleting the word “Physical” appearing immediately after the words “The National” and substituting therefor the words “Land Use”;

(d) in sub-clause (6) by—

(i) deleting the word “Physical” appearing immediately after the words “members of the National” and substituting therefor the words “Land Use”; and

(ii) deleting the word “Physical” appearing immediately after the words “quorum of the National” and substituting therefor the words “Land Use”; and

(e) by deleting the marginal note and substituting therefor the following new marginal note—

Composition of National Land Use Planning Liaison Committee.

CLAUSE 70**Senate Amendment**

THAT, clause 70 of the Bill be amended—

(a) in sub-clause (1) by—

- (i) deleting the word “Physical” appearing immediately after the words “The National” in the introductory clause and substituting therefor the words “Land Use”; and
- (ii) deleting the word “physical” appearing immediately after the words “Secretary on broad” in paragraph (a) and substituting therefor the words “land use”;

(b) in sub-clause (2) by—

- (i) deleting the word “Physical” appearing immediately after the words “The National” in the introductory clause and substituting therefor the words “Land Use”; and
- (ii) deleting the word “physical” appearing immediately after the words “national or inter-county” in paragraph (c) and substituting therefor the words “land use”; and

(c) deleting the marginal note and substituting therefor the following new marginal note—

Functions of the National Land Use Planning Liaison Committee.

CLAUSE 71**Senate Amendment**

THAT, clause 71 of the Bill be amended by—

- (i) deleting the word “Physical” appearing immediately after the words “established a County” and substituting therefor the words “Land Use”; and
- (ii) deleting the marginal note and substituting therefor the following new marginal note—

Establishment of County Land Use Planning Liaison Committees.

CLAUSE 72**Senate Amendment**

THAT, clause 72 of the Bill be amended—

(a) in sub-clause (1) by—

- (i) deleting the word “Physical” appearing immediately after the words “The County” in the introductory clause and substituting therefor the words “Land Use”;
 - (ii) deleting the words “in charge of physical planning” appearing immediately after the words “Executive Committee member” in paragraph (a);
 - (iii) inserting the following new paragraph immediately after paragraph (b)—
 - (ba) a representative of the National Construction Authority;
 - (iv) deleting the words “in charge of physical planning” appearing immediately after the words “Executive Committee member” in paragraph (b);
 - (v) deleting the words “in charge of physical planning” appearing immediately after the words “Executive Committee member” in paragraph (ac);
 - (vi) deleting paragraph (d) and substituting therefore the following new paragraph—
 - (d) a registered architect with seven years’ post-qualification experience nominated by the Architectural Association of Kenya and appointed by the County Executive Committee member;
 - (vii) deleting the words “in charge of physical planning” appearing immediately after the words “Executive Committee member” in paragraph (e); and
 - (viii) deleting the words “in charge of physical planning” appearing immediately after the words “Executive Committee member” in paragraph (f);
- (b) in sub-clause (2) by deleting the word “physical” appearing immediately after the words “The county” and substituting therefor the words “land use”;
- (c) in sub-clause (3) by deleting the words “in charge of physical planning” appearing immediately after the words “Executive Committee member”;

- (d) in sub-clause (4) by deleting the word “Physical” appearing immediately after the words “of the County” and substituting therefor the words “Land Use”; and
- (e) by deleting the marginal note and substituting therefor the following new marginal note—
Composition of the County Land Use Planning Liaison Committee.

CLAUSE 73
Senate Amendment

THAT, clause 73 of the Bill be amended by—

- (i) deleting the word “Physical” appearing immediately after the words “of the County” in the introductory clause and substituting therefor the words “Land Use”;
- (ii) by deleting the word “physical” appearing immediately after the words “with respect to” in paragraph (b) and substituting therefor the words “land use”; and
- (iii) by deleting the word “physical” appearing immediately after the words “member on broad” in paragraph (c) and substituting therefor the words “land use”; and
- (iv) deleting the marginal note and substituting therefor the following new marginal note—

Functions of the County Land Use Planning Liaison Committee.

CLAUSE 74
Senate Amendment

THAT, clause 74 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word “Physical” appearing immediately after the words “The County” and substituting therefor the words “Land Use”;
- (b) in sub-clause (2) by deleting the words “Physical” appearing immediately after the words “of the County” and substituting therefor the words “Land Use”;
- (c) in sub-clause (3) by deleting the words “Physical” appearing immediately after the words “of the County” and substituting therefor the words “Land Use”;
- (d) in sub-clause (4) by deleting the words “Physical” appearing immediately after the words “of a County” and substituting therefor the words “Land Use”;

- (e) in sub-clause (5) by deleting the word "Physical" appearing immediately after the words "of a County" and substituting therefor the words "Land Use";
- (f) in sub-clause (6) by deleting the words "Physical" appearing immediately after the words "A County" and substituting therefor the words "Land Use"; and
- (g) by deleting the marginal note and substituting therefor the following new marginal note—

Procedure of the County Land Use Planning Liaison Committees.

CLAUSE 75

Senate Amendment

THAT, clause 75 of the Bill be amended by—

- (a) deleting the words "County Physical" appearing immediately after the words "who appeals to" in sub-clause (1) and substituting therefor the words "a County Land Use";
- (b) deleting the word "Physical" appearing immediately after the words "A County" in the introductory phrase in sub-clause (2) and substituting therefor the words "Land Use";
- (c) deleting the word "Physical" appearing immediately after the words "of a County" in sub-clause (3) and substituting therefor the words "Land Use"; and
- (d) deleting the marginal note and substituting therefor the following new marginal note—

Appeal to a County Land Use Planning Liaison Committee.

CLAUSE 76

Senate Amendment

THAT, clause 76 of the Bill be amended—

- (a) in sub-clause (1) by—
 - (i) deleting the word "Physical" appearing immediately after the words "before a County" and substituting therefor the words "Land Use"; and
 - (ii) deleting the word "or" appearing immediately after the words "Planning Liaison Committee"; and
- (b) by deleting the marginal note and substituting therefor the following new marginal note—

Duty to appear before a County Land Use Planning Liaison Committee.

CLAUSE 77**Senate Amendment**

THAT, clause 77 of the Bill be amended by deleting the word "Physical" appearing immediately after the words "by a County" and substituting therefor the words "Land Use".

CLAUSE 78**Senate Amendment**

THAT, clause 78 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word "Physical" appearing immediately after the words "before a County" and substituting therefor the words "Land Use";
- (b) in sub-clause (2) by deleting the word "Physical" appearing immediately after the words "The County" and substituting therefor the words "Land Use";
- (c) in sub-clause (3) by deleting the word "Physical" appearing immediately after the words "Where a County" and substituting therefor the words "Land Use";
- (d) in sub-clause (4) by deleting the word "Physical" appearing immediately after the words "The County" and substituting therefor the words "Land Use"; and
- (e) in sub-clause (5) by deleting the word "Physical" appearing immediately after the words "Every County" and substituting therefor the words "Land Use".

CLAUSE 79**Senate Amendment**

THAT, clause 79 of the Bill be amended by—

- (i) deleting the word "Physical" appearing immediately after the words "to the National" and substituting therefor the words "Land Use"; and
- (ii) deleting the marginal note and substituting therefor the following new marginal note—

Appeals to National Land Use Planning Liaison Committee.

CLAUSE 80**Senate Amendment**

THAT, clause 80 of the Bill be amended—

- (a) in sub-clause (1) by—
 - (i) deleting the word "Physical" appearing immediately after the words "of the National" and substituting therefor the words "Land Use"; and

- (ii) deleting the word "Physical" appearing immediately after the words "or a County" and substituting therefor the words "Land Use";
- (b) in sub-clause (2) by deleting the word "Physical" appearing immediately after the words "member of a" and substituting therefor the words "Land Use"; and
- (c) in sub-clause (3) by deleting the word "physical" appearing immediately after the words "member of a" and substituting therefor the words "land use".

CLAUSE 81**Senate Amendment**

THAT, clause 81 of the Bill be amended—

- (a) in sub-clause (1) by deleting the introductory clause and substituting therefor the following new introductory clause—
 - (1) A person shall not disclose, without the consent of the National Land Use Planning Liaison Committee or a County Land Use Planning Liaison Committee, as the case may be—
- (b) in sub-clause (3) by deleting the words "Physical Planning Liaison Committee or a County Physical" appearing immediately after the words "on the National" and substituting therefor the words "Land Use Planning Liaison Committee or a County Land Use".

CLAUSE 82**Senate Amendment**

THAT, clause 82 of the Bill be amended—

- (a) sub-clause (1) by deleting the word "Physical" appearing immediately after the word "Each" in the introductory phrase in and substituting therefor the words "Land Use";
- (b) in sub-clause (2) by deleting the word "Physical" appearing immediately after the words "register maintained by" and substituting therefor the words "Land Use";
- (c) in sub-clause (3) by deleting the word "Physical" appearing immediately after the words "apply to a" and substituting therefor the words "Land Use"; and
- (d) by deleting the marginal note and substituting therefor the following new marginal note—

Land Use Planning Liaison Committees to keep registers.

CLAUSE 83**Senate Amendment**

THAT, clause 83 of the Bill be amended by deleting the word "Physical" appearing immediately after the words "members of the" and substituting therefor the words "Land Use".

CLAUSE 85**Senate Amendment**

THAT, clause 85 of the Bill be amended in sub-clause (2) by—

- (i) deleting the word "physical" appearing immediately after the words "for delivery of" in paragraph (b) and substituting therefor the words "land use";
- (ii) deleting the word "Physical" appearing immediately after the words "operations of Inter-County" in paragraph (c) and substituting therefor the words "Land Use"; and
- (iii) deleting the word "Physical" appearing immediately after the words "the conduct of" in paragraph (d) and substituting therefor the words "Land Use".

CLAUSE 88**Senate Amendment**

THAT, clause 88 of the Bill be amended by—

- (i) deleting the word "physical" appearing immediately after the words "disputes relating to" and substituting therefor the words "land use"; and
- (ii) deleting the word "physical" appearing immediately after the words "national and county" and substituting therefor the words "land use".

NEW CLAUSES**Senate Amendment**

THAT, the Bill be amended by inserting the following new clause immediately after clause 4—

Principles and norms
of land use
planning.

4A. Every person engaged in land use planning and regulation shall adhere to the following principles and norms of land use planning—

- (a) land use planning shall promote sustainable land use and liveable communities which integrates human needs in any locality.
- (b) development activities shall be planned in a manner that integrates economic, social and environmental needs of present and future generations;
- (c) land use planning shall be comprehensive, sustainable and integrated at all levels of government, taking into consideration the interests of all parties concerned;
- (d) land use planning shall take into consideration long-term optimum utilization of land and conservation of scarce land resource including preservation of land with important functions;
- (e) land use planning shall be inclusive and must take into consideration culture and heritage of people concerned; and
- (f) land use planning should take into account new approaches such as transit-oriented development, mixed land-uses, planning for public transport and non-motorized transport among others to achieve sustainable development and more efficient use of natural resources.

THAT, the Bill be amended by inserting the following new clauses immediately after clause 12—

County Land Use
Planning Consultative
Forum.

12A. (1) There is established a County Land Use Planning Consultative Forum in each county.

(2) Each County Land Use Planning Consultative Forum shall comprise of—

(a) the respective County Executive Committee Member responsible for matters related to land use, who shall be the chairperson and shall provide the secretariat;

(b) the County Director of land use Planning;

(c) the Chairperson of the committee responsible for matters related to land use in the respective county assembly;

(d) the County Executive Committee Member responsible for matters related to economic planning;

(e) the County Executive Committee Member responsible for matters related to the environment;

(f) the County Executive Committee Member responsible for matters related to roads and infrastructure;

(g) the County Executive Committee Member responsible for matters related to social and community development;

(h) a person nominated by the Commission;

(i) a person nominated by the Director General of Land Use Planning;

(j) a person residing and working or conducting business in the respective county nominated by the Kenya Institute of Planners;

(k) a person residing and working or conducting business in the respective county nominated by the Institution of Surveyors of Kenya;

(l) a person residing and working or conducting business in the respective county nominated by the Architectural Association of Kenya;

Functions of the County
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Consultative Forum.

County Land Use
Planning Consultative
Forum Meetings.

- (m) a person residing and working or conducting business in the respective county nominated by a registered association representing the largest number of entities in the private sector in Kenya;
- (n) a person residing and working or conducting business in the respective county nominated by a registered national association representing the largest number of residents in Kenya;
- (o) a person residing and working or conducting business in the respective county nominated by the National Council for Persons with Disability; and
- (p) any person co-opted by the County Land Use Planning Consultative Forum for that person's special skills, interest and knowledge.

(3) The respective County Executive Committee Member responsible for matters related to land use shall appoint members nominated under subsection (2)(i), (k), (l), (m), (n), (o), (p) and (q) by notice in the *Gazette*.

12B. The functions of the National Physical Planning Consultative Forum shall be to—

- (a) provide a forum for consultation on County and Inter-County Land Use Development Plans;
- (b) promote effective coordination and integration of land use development and sector planning; and
- (c) advise on the mobilization of adequate resources for the preparation and implementation of land use development plans and strategies.

12C. (1) The County Land Use Planning Consultative Forum shall meet at least four times in a year.

(2) Subject to this Act and any relevant county legislation, the County Land Use Planning Consultative Forum may regulate its procedure.

(3) The County Land Use Planning Consultative Forum may establish committees for the effective performance of its functions.

THAT, the Bill be amended by inserting the following new clause immediately after clause 49—

Plans to be made
in accordance with
this Act.

49A. All plans formulated under the Urban Areas and Cities Act shall, with necessary modifications, be prepared and approved in accordance with this Act.

THAT, the Bill be amended by inserting the following new clause immediately after clause 60—

Registration of
documents at the
Lands Registry.

60A. (1) A registrar shall not register a transaction in respect of any premises or land whose development permission as required under this Act has not been granted by the relevant county government.

(2) A registration entered in contravention of sub-section (1) shall not be valid.

FIRST SCHEDULE **Senate Amendment**

THAT, the Bill be amended by deleting the First Schedule.

SECOND SCHEDULE **Senate Amendment**

THAT, the Second Schedule to the Bill be amended—

(a) in the title by deleting the word “PHYSICAL” appearing immediately after the words “INTER-COUNTY AND COUNTY” and substituting therefor the words “LAND USE”;

(b) in paragraph 3 by—

(i) inserting the following new subparagraph immediately after subparagraph (1)—

(1a) human rights, poverty eradication, gender and vulnerable groups;

(ii) inserting the following new subparagraph immediately after subparagraph (10)—

(10a) climate change;

(c) in paragraph 12 by deleting the words “Executive Committee” appearing immediately after the words “report to the” in subparagraph (1) and substituting therefor the words “relevant county assembly”.

THIRD SCHEDULE**Senate Amendment**

THAT, the Third Schedule to the Bill be amended—

- (a) deleting the word “PHYSICAL” appearing immediately after the words “CONTENTS OF LOCAL” in the title to the Schedule and substituting therefor the words “LAND USE”;
- (b) by deleting the word “PHYSICAL” appearing immediately after the words “IN A LOCAL” in the title to the Part A of the Schedule and substituting therefor the words “LAND USE”;
- (c) in paragraph 3 by inserting the following new subparagraph immediately after subparagraph (2)—
 - (c) addressing human rights challenges, poverty eradication, gender and vulnerable groups;
 - (d) combating climate change;
- (d) in paragraph 5 by deleting the word “physical” appearing immediately after the words “analysis accompanied by” in the introductory clause in subparagraph (a) and substituting therefor the words “land use”; and
- (e) in paragraph 7 by deleting the word “physical” appearing immediately after the words “maps of the” in subparagraph (b) and substituting therefor the words “land use”.

FOURTH SCHEDULE

THAT, the Fourth Schedule to the Bill be amended—

- (a) by deleting the words “MATTERS WHICH MAY BE DEALT WITH UNDER” in the title to the Schedule;
- (b) in paragraph 2 by—
 - (i) deleting the words “The Planning Authority” appearing in the introductory clause and substituting therefor the words “A county government”;
 - (ii) deleting the word “physical” appearing immediately after the words “bound by approved” in subparagraph (a) and substituting therefor the words “land use”;
- (c) in paragraph 3 by deleting the words “Planning Authority” appearing immediately after the words “agricultural land the” and substituting therefor the words “county government”;

- (d) by deleting paragraph 4 and substituting therefor the following new paragraph—
 - 4. Planning authorities shall require applications for major developments to be subjected to environmental and social impact assessment
- (e) in paragraph 5 by deleting the word “physical” appearing immediately after the words “of an approved” in subparagraph (a) and substituting therefor the words “land use”;
- (f) in paragraph 6 by deleting the word “physical” appearing immediately after the words “of relevant approved” in subparagraph (d) and substituting therefor the words “land use”;
- (g) in paragraph 7 by deleting the word “physical” appearing immediately after the words “of relevant approved” in subparagraph (b) and substituting therefor the words “land use”.
- (h) in paragraph 8 by—
 - (i) deleting the words “the Planning authority” appearing in the introductory clause and substituting therefor the words “a county government”;
 - (ii) deleting the words “planning authority” appearing immediately after the words “the required standard” in subparagraph (p) and substituting therefor the words “county government”;
- (i) in paragraph 9 by deleting the words “the planning authority” appearing immediately after the words “the required standard” and substituting therefor the words “a county government”;
- (j) in paragraph 10 by deleting the words “planning authority” appearing immediately after the words “period as the” and substituting therefor the words “county government”;
- (k) by deleting paragraph 14;
- (l) in paragraph 16 by—
 - (i) deleting the words “the Planning authority” appearing immediately after the words “permission from the” in the introductory clause and substituting therefor the words “relevant county government”;
 - (ii) deleting the words “Planning authority” appearing immediately after the words “factor that the” in subparagraph (9) and substituting therefor the words “county government”;

(m) in paragraph 17 by deleting the words "Planning authority" appearing immediately after the word "A" in the introductory phrase and substituting therefor the words "county government"; and

(n) in paragraph 18 by deleting the words "Planning authority" appearing immediately after the words "from the relevant" and substituting therefor the words "county government".

V. NOTICE IS GIVEN THAT THE CHAIRPERSON OF THE DEPARTMENTAL COMMITTEE ON LANDS INTENDS TO MOVE THE FOLLOWING AMENDMENTS TO THE SENATE AMENDMENTS TO THE PHYSICAL PLANNING BILL, 2017 AT THE COMMITTEE STAGE—

CLAUSE 1

THAT, the Senate amendments to clause 1 be deleted.

CLAUSE 2

THAT, the Senate amendments to clause 2 be amended by—

- (a) deleting the definition of the term "planning";
- (b) deleting the definition of the term "land use planning";
- (c) deleting the definition of the term "local land use development plan";
- (d) deleting the definition of the term "physical planning";
- (e) deleting the definition of the term "Inter-County Land Use Development Plan";
- (f) deleting the definition of the term "spatial planning";
- (g) deleting the definition of the term "registrar";

CLAUSE 3

THAT, the Senate amendment to clause 3 be amended—

- (a) in paragraph (a) by deleting the words "land use" and substituting therefor the word "physical";
- (b) in paragraph (b), by deleting the words "land use" appearing in the proposed new paragraph (h) and substituting therefor the word "physical";

PART II

THAT, the Senate amendment to Part II of the Bill be deleted.

CLAUSE 5

THAT, the Senate amendments to clause 5 be amended—

- (a) by deleting paragraph (a);
- (b) in paragraph (b), by—
 - (i) deleting sub-paragraph (i);
 - (ii) in sub-paragraph (ii) by deleting the words "land use and substituting therefor the word "physical";
 - (iii) deleting sub-paragraph (xii);
 - (iv) deleting paragraph (xiii);

- (c) by deleting paragraph (c);
- (d) by deleting paragraph (d);

CLAUSE 6

THAT, the Senate amendments to clause 6 be deleted.

CLAUSE 7

THAT, the Senate amendments to clause 7 be deleted.

CLAUSE 8

THAT, the Senate amendments to clause 8 be deleted.

CLAUSE 9

THAT, the Senate amendments to clause 9 be amended by—

- (a) deleting paragraph (a);
- (b) deleting paragraph (b);
- (c) deleting the words “land use” appearing in paragraph (c) and substituting therefor the word “physical”;
- (d) deleting paragraph (d);
- (e) deleting paragraph (e);

CLAUSE 10

THAT, the Senate amendments to clause 10 be deleted and substituted therefor the following new amendment—

THAT, clause 10 of the Bill be amended—

- (a) in sub-clause (1) by deleting the words “National Director of Physical” appearing immediately after the words “office of the” and substituting therefor the words “Director General of Physical”;
- (b) in sub-clause (2) by deleting the words “National Director of Physical” appearing immediately after the word “The” and substituting therefor the words “Director General of Physical”;
- (c) in sub-clause (3) by deleting words “National Director of Physical” appearing immediately after the word “The” and substituting therefor the words “Director General of Physical”; and
- (d) by deleting the marginal note and substituting therefor the following new marginal note —

Director General of Physical Planning.

CLAUSE 11

THAT, the Senate amendments to clause 11 be amended—

- (a) in paragraph (a), by deleting the words “Land Use” and substituting therefor the word “Physical”;

- (b) in paragraph (e), by deleting the words "Land Use" and substituting therefor the word "Physical";
- (c) by deleting paragraph (c);
- (d) by deleting paragraph (d);

CLAUSE 12

THAT the Senate amendments to clause 12 be amended by—

- (a) in paragraph (a), by deleting the words "Land Use" and substituting therefor the word "Physical";
- (b) by deleting paragraph (b);
- (c) by deleting paragraph (c);
- (d) by deleting paragraph (d);
- (e) by deleting paragraph (e);
- (f) in paragraph (f), by deleting the words "land use" and substituting therefor the word "physical";
- (g) in paragraph (g), by deleting the words "Land Use" and substituting therefor the word "Physical";

CLAUSE 13

THAT, the Senate amendments to clause 13 be amended by—

- (a) deleting paragraph (b);
- (b) deleting paragraph (c);
- (c) deleting paragraph (d);

CLAUSE 14

THAT, the Senate amendments to clause 14 be amended—

- (a) by deleting paragraph (a);
- (b) in paragraph (b), by deleting the words "Land Use" and substituting therefor the word "Physical";
- (c) by deleting paragraph (c);

CLAUSE 15

THAT, the Senate amendments to clause 15 be deleted.

CLAUSE 16

THAT, the Senate amendments to clause 16 be amended by—

- (a) deleting paragraph (a);
- (b) deleting paragraph (b) and substituting therefor the following new amendment—
 “(b) by deleting the word “country” appearing in paragraph (a) and substituting therefor the word “county”.
- (c) deleting paragraph (c);
- (d) deleting paragraph (d);
- (e) deleting paragraph (e);
- (f) deleting paragraph (f);
- (g) deleting paragraph (g);
- (h) deleting paragraph (i);

PART III

THAT, the Senate amendment to Part III of the Bill be deleted.

CLAUSE 17

THAT, the Senate amendments to clause 17 be deleted.

CLAUSE 18

THAT, the Senate amendments to clause 18 be deleted.

CLAUSE 19

THAT, the Senate amendments to clause 19 be amended—

(a) in paragraph (a)—

(i) by deleting the words “Land Use” appearing in sub-paragraph (i) and substituting therefor the word “Physical”;

(ii) by deleting the words “Land Use” appearing in sub-paragraph (ii) and substituting therefor the word “Physical”;

(iii) by deleting sub-paragraph (iii);

(b) by deleting paragraph (b);

(c) by deleting paragraph (c);

(d) by deleting paragraph (d);

CLAUSE 20

THAT, the Senate amendments to clause 20 be amended—

(a) by deleting paragraph (a);

(b) in paragraph (b), by deleting the words “Land Use” and substituting therefor the word “Physical”;

(c) by deleting paragraph (c);

(d) by deleting paragraph (d);

(e) by deleting paragraph (e);

CLAUSE 21

THAT, the Senate amendments to clause 21 be amended—

(a) in paragraph (a), by deleting the words “Land Use” wherever it appears and substituting therefor the word “Physical”;

(b) in paragraph (b), by deleting the words “Land Use” and substituting therefor the word “Physical”;

(c) in paragraph (c), by deleting the words “Land Use” and substituting therefor the word “Physical”;

(d) by deleting paragraph (e);

CLAUSE 22

THAT, the Senate amendments to clause 22 be deleted.

CLAUSE 23

THAT, the Senate amendments to clause 23 be deleted.

CLAUSE 24

THAT, the Senate amendments to clause 24 be amended by deleting paragraph (a).

CLAUSE 25

THAT, the Senate amendments to clause 25 be deleted and substituted therefor the following new amendment—

THAT, the Bill be amended by deleting clause 25 and substituting therefor the following new clause—

Establishment of Inter-County Joint Physical Planning Development Committees.

26.(1) Two or more counties may, by mutual agreement or out of compelling necessity, formulate an inter-county physical development plan.

(2) In the preparation of a inter-county physical development plan, the counties shall form an inter-county physical planning joint committee.

(3)The inter-county physical planning joint committee shall consist of—

- (d) the county executive committee member of the respective counties;
- (e) two other relevant county executive committee members from the respective counties nominated by the relevant county governor; and
- (f) the Director General of Land Use Planning who shall be an *ex-officio* member of the Committee;.

(4) The inter-county joint physical planning joint committee may co-opt such other persons as may be necessary to assist it in performance of its duties.

(5) The members of the inter-county joint physical planning joint committee appointed under subsection (3)(a) and (b) shall, during the first meeting of the Committee, elect from amongst themselves a chairperson and a vice chairperson provided that the chairperson and the vice chairperson shall not be county executive committee members from the same county.

(6) The Director General of Physical Planning shall, in consultation with other members of the Committee, convene the first meeting.

(7) The Director General of Physical Planning shall co-ordinate meetings of the inter-county joint physical planning joint committee and provide it with secretariat services.

CLAUSE 26

THAT, the Senate amendments to clause 26 be deleted.

CLAUSE 27

THAT, the Senate amendments to clause 27 be deleted.

CLAUSE 28

THAT, the Senate amendments to clause 28 be amended—

- (a) in paragraph (b), by deleting the words “Land Use” and substituting therefor the word “Physical”;
- (b) by deleting paragraph (d);
- (c) by deleting paragraph (e);
- (d) by deleting paragraph (f);

CLAUSE 29

THAT, the Senate amendments to clause 29 be amended—

- (a) by deleting paragraph (a);
- (b) in paragraph (b), by deleting the words “Land Use” and substituting therefor the word “Physical”;
- (c) by deleting paragraph (c);
- (d) in paragraph (d), by deleting the words “Land Use” wherever it appears and substituting therefor the word “Physical”;
- (e) by deleting paragraph (e);

CLAUSE 30

THAT, the Senate amendments to clause 30 be deleted.

CLAUSE 31

THAT, the Senate amendments to clause 31 be deleted.

CLAUSE 32

THAT, the Senate amendments to clause 32 be amended by—

- (a) deleting paragraph (a);
- (b) deleting paragraph (b);
- (c) deleting sub-paragraph (ii) of paragraph (c);
- (d) deleting paragraph (d);
- (e) deleting paragraph (e);

CLAUSE 33

THAT, the Senate amendments to clause 33 be deleted.

CLAUSE 34

THAT, the Senate amendments to clause 34 be deleted.

CLAUSE 35

THAT, the Senate amendments to clause 35 be deleted.

CLAUSE 36

THAT, the Senate amendments to clause 36 be amended by—

- (a) deleting paragraph (a);
- (b) deleting sub-paragraph (ii) of paragraph (c);
- (c) deleting paragraph (d);
- (d) deleting paragraph (e);
- (e) deleting paragraph (f);
- (f) deleting paragraph (g);
- (g) deleting paragraph (h);

CLAUSE 37

THAT, the Senate amendments to clause 37 be deleted.

CLAUSE 38

THAT, the Senate amendments to clause 38 be amended—

- (a) in paragraph (a)—
 - (i) by deleting sub-paragraph (ii);
 - (ii) by deleting sub-paragraph (iii);
- (b) by deleting sub-paragraph (ii) of paragraph (b);
- (c) by deleting paragraph (c);
- (d) by deleting paragraph (d);
- (e) by deleting paragraph (e);
- (f) by deleting paragraph (f);
- (g) by deleting paragraph (g);
- (h) by deleting paragraph (h);

CLAUSE 39

THAT, the Senate amendments to clause 39 be amended by—

- (a) deleting sub-paragraph (ii) of paragraph (a);
- (b) deleting paragraph (b);
- (c) deleting paragraph (c);

CLAUSE 40

THAT, the Senate amendments to clause 40 be deleted.

CLAUSE 41

THAT, the Senate amendments to clause 41 be deleted.

CLAUSE 42

THAT, the Senate amendments to clause 42 be deleted.

CLAUSE 43

THAT, the Senate amendments to clause 43 be amended by deleting paragraph (ii).

CLAUSE 44

THAT, the Senate amendments to clause 44 be deleted.

CLAUSE 45

THAT, the Senate amendments to clause 45 be deleted.

CLAUSE 46

THAT, the Senate amendments to clause 45 be amended by deleting paragraph (b).

CLAUSE 47

THAT, the Senate amendments to clause 4 be amended by—

- (a) deleting sub-paragraph (ii) of paragraph (b);
- (b) deleting paragraph (d);

CLAUSE 48

THAT, the Senate amendments to clause 48 be deleted.

CLAUSE 50

THAT, the Senate amendments to clause 50 be deleted.

CLAUSE 51

THAT, the Senate amendments to clause 51 be deleted.

CLAUSE 52

THAT, the Senate amendments to clause 52 be amended by—

- (a) deleting paragraph (a);
- (b) deleting paragraph (b);
- (c) deleting sub-paragraph (i) of paragraph (c);
- (d) deleting paragraph (d);
- (e) deleting paragraph (e);

CLAUSE 53

THAT, the Senate amendments to clause 53 be deleted.

CLAUSE 54

THAT, the Senate amendments to clause 54 be deleted.

CLAUSE 55

THAT, the Senate amendments to clause 55 be deleted and substituted therefor the following new amendment—

THAT, clause 55 of the Bill be amended—

(c) in sub-clause (1) by—

(iii) deleting the words “a county government” appearing immediately after the words “for development permission,” and substituting therefor the words “the county executive committee member”; and

(iv) inserting the following new paragraph immediately after paragraph (f)—

(fa) urban development;

(d) by deleting sub-clause (2) and substituting therefor the following new sub-clause—

(2) Within fourteen days of receiving the copy of the application for development permission from a planning authority, the relevant authorities or agencies shall submit their comments to the respective planning authority within twenty one days.

CLAUSE 56

THAT, the Senate amendments to clause 56 be deleted.

CLAUSE 57

THAT, the Senate amendments to clause 57 be amended by—

(a) deleting paragraph (a);

(b) deleting paragraph (b);

(c) deleting sub-paragraph (i) of paragraph (c);

CLAUSE 58

THAT, the Senate amendments to clause 58 be deleted.

CLAUSE 59

THAT, the Senate amendments to clause 59 be deleted.

CLAUSE 60

THAT, the Senate amendments to clause 60 be deleted.

CLAUSE 61

THAT, the Senate amendments to clause 61 be deleted.

CLAUSE 62

THAT, the Senate amendments to clause 62 be deleted.

CLAUSE 63

THAT, the Senate amendments to clause 63 be deleted.

CLAUSE 64

THAT, the Senate amendments to clause 64 be deleted.

CLAUSE 66

THA, the Senate amendments to clause 66 be amended by deleting paragraph (b).

CLAUSE 67

THAT, the Senate amendments to clause 67 be amended by—

- (a) deleting sub-paragraph (i) of paragraph (a);
- (b) deleting paragraph (b);
- (c) deleting paragraph (c);

CLAUSE 68

THAT, the Senate amendments to clause 68 be deleted.

CLAUSE 69

THAT, the Senate amendments to clause 69 be amended—

- (a) in paragraph (a)—
 - (i) by deleting sub-paragraph (i);
 - (ii) by deleting sub-paragraph (iv);
 - (iii) by deleting sub-paragraph (vi);
- (b) by deleting paragraph (b);
- (c) by deleting paragraph (c);
- (d) by deleting paragraph (d);
- (e) by deleting paragraph (e);

CLAUSE 70

THAT, the Senate amendments to clause 70 be deleted.

CLAUSE 71

THAT, the Senate amendments to clause 71 be deleted.

CLAUSE 72

THAT, the Senate amendments to clause 72 be amended by—

- (a) deleting sub-paragraph (i) of paragraph (a);
- (b) deleting paragraph (b);
- (c) deleting paragraph (e);

CLAUSE 73

THAT, the Senate amendments to clause 73 be deleted.

CLAUSE 74

THAT, the Senate amendments to clause 74 be deleted.

CLAUSE 75

THAT, the Senate amendments to clause 75 be deleted.

CLAUSE 76

THAT, the Senate amendments to clause 76 be amended by—
 (a) deleting sub-paragraph (i) of paragraph (a);
 (b) deleting paragraph (b);

CLAUSE 77

THAT the Senate amendments to clause 77 be deleted.

CLAUSE 78

THAT, the Senate amendments to clause 78 be deleted.

CLAUSE 79

THAT, the Senate amendments to clause 79 be deleted.

CLAUSE 80

THAT, the Senate amendments to clause 80 be deleted.

CLAUSE 81

THAT, the Senate amendments to clause 81 be deleted.

CLAUSE 82

THAT, the Senate amendments to clause 82 be deleted.

CLAUSE 83

THAT, the Senate amendments to clause 83 be deleted.

CLAUSE 85

THAT, the Senate amendments to clause 85 be deleted.

CLAUSE 88

THAT, the Senate amendments to clause 88 be deleted.

NEW CLAUSES

CLAUSE 4A

THAT, the new clause 4A of the Senate amendments be deleted and substituted therefor the following new clause 4A—

Principles and norms of physical planning.

4A. Every person engaged in physical planning and regulation shall adhere to the following principles and norms of physical planning—

- (g) physical planning shall promote sustainable land use and liveable communities which integrates human needs in any locality.
- (h) development activities shall be planned in a manner that integrates economic, social and environmental needs of present and future generations;
- (i) physical planning shall be comprehensive, sustainable and integrated at all levels of government, taking into consideration the interests of all parties concerned;
- (j) physical planning shall take into consideration long-term optimum utilization of land and conservation of scarce land resource including preservation of land with important functions;
- (k) physical planning shall be inclusive and must take into consideration culture and heritage of people concerned; and
- (l) physical planning should take into account new approaches such as transit-oriented development, mixed land-uses, planning for public transport and non-motorized transport among others to achieve sustainable development and more efficient use of natural resources.

CLAUSE 12A

THAT, the new clause 12A of the Senate amendments be deleted.

CLAUSE 12B

THAT, the new clause 12B of the Senate amendments be deleted.

CLAUSE 12C

THAT, the new clause 12C of the Senate amendments be deleted.

CLAUSE 60A

THAT, the new clause 60A of the Senate amendments be deleted.

SECOND SCHEDULE

THAT, the Senate amendments to the Second Schedule be amended by—

- (a) deleting paragraph (a);
- (b) deleting sub-paragraph (i) of paragraph (b);
- (c) deleting paragraph (c);

THIRD SCHEDULE

THAT, the Senate amendments to the Third Schedule be amended by—

- (a) deleting paragraph (a);
- (b) deleting paragraph (b);
- (c) deleting the proposed new paragraph (c);
- (d) deleting paragraph (e);

FOURTH SCHEDULE

THAT, the Senate amendments to the Fourth Schedule be amended by—

- (a) deleting paragraph (a);
- (e) deleting paragraph (b);
- (f) deleting paragraph (c);
- (g) deleting paragraph (e);
- (h) deleting paragraph (f);
- (i) deleting paragraph (g);
- (j) deleting paragraph (h);
- (k) deleting paragraph (i);
- (l) deleting paragraph (j);
- (m) deleting paragraph (l);
- (n) deleting paragraph (m);
- (o) deleting paragraph (n);

VI. SENATE AMENDMENTS TO THE IRRIGATION BILL
(NATIONAL ASSEMBLY BILL NO. 46 OF 2017)

CLAUSE 2**Senate Amendment**

THAT, Clause 2 of the Bill be amended by —

- (j) deleting the definition of the word “irrigation” and substituting therefor the following new definition—

“irrigation” means any process, other than by natural precipitation, which supplies water to crops or any other cultivated plants, livestock, aquaculture and desired forest trees;

(k) deleting the definition of the word “license” and substituting therefor the following new definition—

“licence” means a license issued by the Cabinet Secretary or such other person as the Cabinet Secretary may authorize;

CLAUSE 3

Senate Amendment

THAT, Clause 3 of the Bill be amended in sub-clause (1) by deleting the words “as more specifically provided in the Act for” appearing immediately after the words “Act shall apply” and substituting therefor the words “to matters relating to the”.

CLAUSE 6

Senate Amendment

THAT, Clause 6 of the Bill be amended—

(f) by deleting sub-clause (1) and substituting therefor the following new sub-clause—

(1) The Cabinet Secretary shall, in consultation with the Council of County Governors, regulate and promote the development and proper management of irrigation throughout Kenya and to this extent shall ensure the effective exercise and performance by any authority or person under the authority of the Cabinet Secretary of their powers and duties in relation to irrigation and drainage, including water harvesting and storage for irrigation.

(g) in sub-clause (2) by—

- (i) inserting the words “in consultation with the Council of County Governors” immediately after the words “Cabinet Secretary shall” in the introductory clause;
- (ii) deleting the word “facilitate” appearing at the beginning of paragraph (d) and substituting therefor the word “promote”; and
- (iii) deleting the word “Parliament” appearing immediately after the words “report to” in paragraph (h) and substituting therefor the words “the National Assembly and the Senate”; and

(h) by inserting the following new sub-clause immediately after sub-clause (3)—

(3A) The Cabinet Secretary shall consult the county governments of all counties affected by an irrigation scheme before issuing a license under subsection (2)(f).

CLAUSE 8**Senate Amendment**

THAT, Clause 8 of the Bill be amended in sub-clause (2) by inserting the words “safe storage” immediately after the words “promote the marketing” in paragraph (k).

CLAUSE 9**Senate Amendment**

THAT, Clause 9 of the Bill be amended—

(a) in sub-clause (1) by—

(i) deleting the words “State Department of” appearing immediately after the words “the Principal Secretary” in paragraph (b) and substituting therefor the words “responsible for”;

(ii) deleting the words “five other” appearing at the beginning of paragraph (f) and substituting therefor the word “two”;

(iii) inserting the following new paragraph immediately after paragraph (f)—

(g) four persons nominated by the Council of County Governors and appointed by the Cabinet Secretary, taking into account the various stakeholder interests in irrigation development and management as defined in subsection (2).

(b) in sub-clause (2) by deleting the words “include two representatives of county governments nominated by the Council of Governors and shall” appearing at the beginning of paragraph (b);

(c) by inserting the following new sub-clause immediately after sub-clause (2)—

(2A) The Council of County Governors shall, for purposes of subsection (2)(b), nominate and submit to the Cabinet Secretary, the names of eight persons out of whom the Cabinet Secretary shall appoint four.

(d) by deleting sub-clause (4).

CLAUSE 14**Senate Amendment**

THAT, Clause 14 of the Bill be amended—

(a) in sub-clause (1) by deleting the words “an irrigation function delegated by the Cabinet Secretary as may be prescribed in the Regulations” appearing immediately after the words “carrying out of” and substituting therefor the words “its functions with respect to irrigation pursuant to Part 2 of the Fourth Schedule to the Constitution”; and

- (b) in sub-clause (2) by deleting the word "Parliament" appearing immediately after the words "and approved by" and substituting therefor the words "the National Assembly and the Senate".

CLAUSE 16**Senate Amendment**

THAT, Clause 16 of the Bill be amended in sub-clause (6) by inserting the words "and the impact the irrigation scheme is likely to have on the environment" immediately after the words "and fish producers".

CLAUSE 17**Senate Amendment**

THAT, Clause 17 of the Bill be amended in sub-clause (1) by—

- (a) inserting the words "in consultation with the Council of County Governors," immediately after the words "Cabinet Secretary shall" in the introductory clause; and
- (b) inserting the following new paragraph immediately after paragraph (b)—
- (c) in consultation with the Water Resources Authority, for the handling of irrigation water effluent.

CLAUSE 20**Senate Amendment**

THAT, Clause 20 of the Bill be amended by deleting sub-clause (3) and substituting therefor the following new sub-clause—

- (3) An association may, with the approval by the Cabinet Secretary, enter into an agreement with the National Government, a county government, a private sector institution or another farmers' association for the establishment, expansion, implementation, improvement, modernization, operation or maintenance of a scheme.

CLAUSE 25**Senate Amendment**

THAT, Clause 25 of the Bill be amended in sub-clause (1) by inserting the word "intra-scheme" immediately after the words "scheme development, management,".

CLAUSE 34**Senate Amendment**

THAT, Clause 34 of the Bill be amended—

- (a) in sub-clause (1) by inserting the words “and with the approval of the Senate and the National Assembly,” immediately after the words “with county governments”; and
- (b) in sub-clause (2) by deleting paragraph (e) and substituting therefor the following new paragraph—
 - (e) the requirements, procedures and forms for licensing of irrigation schemes;

SCHEDULE**Senate Amendment**

THAT, the Schedule to the Bill be amended in paragraph 3 by deleting subparagraph (5) and substituting the following new subparagraph—

- (5) The chairperson shall preside at every meeting of the Board of and in the absence of the chairperson; a member of the Board elected by the members present from among their number shall preside.

VII. NOTICE IS GIVEN THAT THE CHAIRPERSON OF THE COMMITTEE ON AGRICULTURE AND LIVESTOCK INTENDS TO MOVE THE FOLLOWING AMENDMENTS TO THE SENATE AMENDMENTS TO THE IRRIGATION BILL (NATIONAL ASSEMBLY BILL NO. 46 OF 2017) AT THE COMMITTEE STAGE—

CLAUSE 6

THAT, the Senate amendments to clause 6 be amended—

- (a) by deleting paragraph (a);
- (b) in paragraph (b), by—
 - (i) deleting sub-paragraph (i);
 - (ii) deleting sub-paragraph (iii)
- (c) by deleting paragraph (c);

CLAUSE 9

THAT, the Senate amendments to clause 9 be amended—

- (a) in paragraph (a), by—
 - (i) deleting sub-paragraph (ii),
 - (ii) deleting sub-paragraph (iii);
- (b) by deleting paragraph (b);
- (c) by deleting paragraph (c);
- (d) by deleting paragraph (d).

CLAUSE 14

THAT, the Senate amendments to clause 14 be deleted.

CLAUSE 16

THAT, the Senate amendments to clause 16 be deleted.

CLAUSE 17

THAT, the Senate amendments to clause 17 be deleted.

CLAUSE 20

THAT, the Senate amendments to clause 20 be deleted.

CLAUSE 25

THAT, the Senate amendments to clause 25 be deleted.

CLAUSE 34

THAT, the Senate amendments to clause 34 be deleted.

SCHEDULE

THAT, the Senate amendments to the schedule to the Bill be deleted and substituted therefor with the following new amendment—

THAT, the schedule to the Bill be amended in paragraph 3 by deleting subparagraph (5) and substituting the following new subparagraph —

- (5) The chairperson shall preside over all meetings of the Board in which he or she is present, but in his or her absence, the vice-chairperson shall preside and in the absence of the vice-chairperson, the members present shall elect one of their members who shall, with respect to that meeting and the business transacted, have all the powers of the chairperson.

The House resolved on Wednesday, February 13, 2019 as follows:-

- VIII. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** shall be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each (if the Bill is not sponsored by either of them); and that priority in speaking shall be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.
- IX. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in debate on **Reports of Committees**, including a Report of a Joint Committee of the Houses of Parliament or any other Report submitted to the House for which limitation of time has not been specified, shall be limited as follows:- A maximum of sixty (60) minutes for the Mover in moving and thirty (30) minutes in replying, and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each; and that priority shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order.
- X. **THAT**, notwithstanding the provisions of Standing Order 97(4), each speech in a debate on any **Motion**, including a Special motion shall be limited in the following manner:- A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each, and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and that priority in speaking shall be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that order.

NOTICE PAPER

Tentative business for

Thursday, March 28, 2019

(Published pursuant to Standing Order 38(1))

It is notified that the House Business Committee, at their last meeting, approved the following **tentative** business to appear in the Order Paper for Thursday, March 28, 2019:-

A. MOTION – SENATE AMENDMENTS TO THE IRRIGATION BILL (NATIONAL ASSEMBLY BILL NO. 46 OF 2017)

(The Leader of the Majority Party)

B. MOTION – SENATE AMENDMENTS TO THE PUBLIC PRIVATE PARTNERSHIPS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 52 OF 2017)

(The Leader of the Majority Party)

C. COMMITTEE OF THE WHOLE HOUSE

(i) Consideration of Senate amendments to the Irrigation Bill (National Assembly Bill No. 46 of 2017)

(The Leader of the Majority Party)

(ii) Consideration of Senate amendments to the Public Private Partnerships (Amendment) Bill (National Assembly Bill No. 52 of 2017)

(The Leader of the Majority Party)

(iii) The Sports (Amendment) Bill (National Assembly Bill No.25 of 2018)

(The Leader of the Majority Party)

D. THE SALARIES AND REMUNERATION COMMISSION (AMENDMENT) BILL (SENATE BILL NO. 12 OF 2018)

(The Chairperson, Departmental Committee on Finance and National Planning)

Second Reading

(If not concluded on Wednesday, March 27, 2019 – Afternoon sitting)

E. THE COUNTY STATISTICS BILL (SENATE BILL NO. 9 OF 2018)

(The Chairperson, Departmental Committee on Finance and National Planning)

Second Reading

(If not concluded on Wednesday, March 27, 2019 – Afternoon sitting)

F. MOTION – REPORTS ON BUDGETARY PROPOSALS FOR THE EAST AFRICAN COMMUNITY FOR FY 2017/2018 AND 2018/2019

(The Chairperson, Committee on Regional Integration)

(If not concluded on Wednesday, March 27, 2019 – Afternoon sitting)

G. MOTION – INQUIRY INTO LEGISLATIVE AND REGULATORY GAPS AFFECTING COMPETITION IN THE TELECOMMUNICATIONS SUB-SECTOR

(The Chairperson, Committee on Communication, Information & Innovation)

(If not concluded on Wednesday, March 27, 2019 – Afternoon sitting)

H. MOTION– REPORTS OF THE KENYA DELEGATION TO SESSIONS OF THE ACP-EU JOINT PARLIAMENTARY ASSEMBLY

(ACP-EU Leader of Delegation)

(If not concluded on Wednesday, March 27, 2019 – Afternoon sitting)

APPENDIX

ORDER NO.7 - QUESTIONS

Pursuant to the provisions of Standing Order 42A (5) the following Members will ask **questions** for reply before the specified Departmental Committees:-

Question No.

QUESTION BY PRIVATE NOTICE

142/2019 The Member for Nairobi City County (Hon. Esther Passaris, M.P.) to ask the Cabinet Secretary for Labour and Social Protection: -

- (i) Could the Cabinet Secretary provide a list of all government-funded orphanages and related institutions and cost of running the said institutions?
- (ii) Could Cabinet Secretary further provide details of cost of food and utilities such as water, electric power and rent incurred by the orphanages and related institutions in the country?
- (iii) Considering the challenges faced by the said institutions, could the Cabinet Secretary consider subsidizing the cost of housing and utilities such as electric power and water in these facilities?

(To be replied before the Departmental Committee on Labour and Social Welfare)

ORDINARY QUESTIONS

151/2019 The Member for Marakwet West (Hon. William Kisang, MP) to ask the Cabinet Secretary for Education:-

- (i) Is the Cabinet Secretary aware of the existence of a lease agreement between Kisii University and Siokwei Tarita Limited regarding the tenancy of Tarita Centre which is part of L.R. No. Eldoret Municipality Block 7/162?
- (ii) If yes, what are the terms of the lease and what were the circumstances surrounding the termination of the said lease by Kisii University in October 2016?
- (iii) What measures is the Ministry, undertaking to resolve this dispute between Kisii University and Siokwei Tarita Limited?

(To be replied before the Departmental Committee on Education and Research)

152/2019 The Member for Sotik (Hon. Dominic K. Koskei, MP) to ask the Cabinet Secretary for Agriculture and Livestock –

Could the Cabinet Secretary explain the criteria used to write-off loans owed by farmers to Agricultural Finance Corporation following the presidential directive of 2017?

(To be replied before the Departmental Committee on Agriculture and Livestock)

154/2019 The Member for Kaiti (Hon. Joshua Kimilu, MP) to ask the Cabinet Secretary for Education: -

(i) Is the Cabinet Secretary aware that public secondary schools have continued to withhold Kenya Certificate for Secondary Education (KCSE) certificates for candidates with fees arrears in Kaiti Constituency and Makueni County at large contrary to the provisions of the Basic Education Act (No.14 of 2013)?

(ii) What measures is the Ministry taking to ensure that KCSE certificates for candidates who cannot afford to pay the arrears are released?

(To be replied before the Departmental Committee on Education and Research)

156/2019 The Member for Mwatate (Hon. (Eng.) Andrew Mwadime, MP) to ask the Cabinet Secretary for Education -

Could the Cabinet Secretary explain the policy on language of instruction for children at pre-primary and lower primary schools vis-à-vis the guiding principle regarding provision of basic education as provided for in Section 4 of the Basic Education Act (No.14 of 2013)?

(To be replied before the Departmental Committee on Education and Research)

157/2019 The Member for Kitui Rural (Hon. David M. Mboni, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing & Urban Development-

(i) What is the status of the construction of the South Eastern Kenya University (SEKU) - Kwa-Vonza Road in Kitui Rural Constituency?

(ii) When is the construction of the said road expected to be completed?

(To be replied before the Departmental Committee on Transport, Public Works and Housing)
