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PARLIAMENT OF KENYA



THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT – THIRD SESSION – 2019

DEPARTMENTAL COMMITTEE ON LANDS

REPORT ON THE CONSIDERATION OF THE SECTIONAL PROPERTIES BILL,  
2019

DIRECTORATE OF COMMITTEE SERVICES  
CLERK'S CHAMBERS  
PARLIAMENT BUILDINGS  
NAIROBI

JULY, 2019


 <b>THE NATIONAL ASSEMBLY PAPERS LAID</b>		
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## **CHAIRPERSON'S FOREWORD**

The Sectional Properties Bill, 2019 is a Bill which seeks to provide for the division of buildings into units to be owned by individual proprietors and common property to be owned by proprietors of the units as tenants in common and to provide for the use and management of the units and common property and for connect purposes.

The Bill underwent first Reading on Thursday 2<sup>nd</sup> May 2019 and was subsequently committed to the Departmental Committee on Lands for consideration pursuant to the provisions of Standing Order 127.

The Committee subjected the Bill to the provisions of Article 118 of the Constitution and Standing Order 127 of the National Assembly Standing Orders on public participation and placed an advert in the print media on Thursday 9<sup>th</sup> May 2019 inviting the public to submit memoranda on the Bill. By close of business on Wednesday 15<sup>th</sup> May 2019 the Committee had received submissions from the Ministry of Lands and Physical Planning and the Institution of Surveyors of Kenya and Mr. John Gardner.

Further, the Committee held meetings with the Ministry of Lands and Physical Planning and the Institution of Surveyors of Kenya on Thursday 20<sup>th</sup> June 2019. During the meetings the stakeholders made oral submissions and submitted written memoranda. The submissions mainly focused on the certificates to accompany sectional plans, application for sub-division of a unit, conversion to units, establishment of the Corporation and renting of units.

The Committee thereafter considered the report of the Bill and made various observations and recommendations as indicated in this Report.

On behalf of the Committee, and pursuant to Standing Order, 127 (4) it is my pleasant duty to table the Report of the Departmental Committee on Lands on its consideration of the Sectional Properties Bill, 2019

**The Hon. Dr. Rachel Nyamai, MP**  
**Chairperson Departmental Committee on Lands**

## **1.0 PREFACE**

### **1.1 Mandate of the Committee**

The Departmental Committee on Lands is established pursuant to the provisions of Standing Order No. 216 (1) and (5) with the following terms of reference: -

- (i) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
- (ii) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
- (iii) study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;
- (iv) study, access and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
- (v) investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House or a Minister.
- (vi) study and review all legislation referred to it

### **1.2 Committee subjects**

The Committee is mandated to consider the following subjects: -

- a) Land Policy,
- b) Physical Planning,
- c) Land Transactions,
- d) Survey and Mapping
- e) Land Adjudication
- f) Settlement
- g) Land registration
- h) Land Valuation
- i) Administration of Private, community and Public Land
- j) Land Information and Management System

### **1.3 Oversight**

The Committee oversights:

- i. The Ministry of Lands and Physical Planning; and



ii. The National Land Commission

**1.4 Committee membership**

The Committee membership comprises: -

<b>Member</b>	<b>Constituency</b>	<b>Party</b>
Hon. Dr. Rachael Nyamai, MP - <b>Chairperson</b>	Kitui South	Jubilee Party
Hon. Khatib Mwashetani, MP - <b>V/Chairperson</b>	Lunga Lunga	Jubilee Party
Hon. Jayne Wanjiru Kihara, MP	Naivaisha	Jubilee Party
Hon Joshua Kutuny Serem, MP	Cherangany	Jubilee Party
Hon. Kimani Ngunjiri, MP	Bahati	Jubilee Party
Hon. Mishi Mboko, MP	Likoni	Orange Democratic Movement (ODM)
Hon. Omar Mwinyi, MP	Changamwe	Orange Democratic Movement (ODM)
Hon. Ali Mbogo, MP	Kisauni	Wiper Democratic Party
Hon. Babu Owino, MP	Embakasi East	Orange Democratic Movement (ODM)
Hon. Caleb Kipkemei Kositany, MP	Soy	Jubilee Party
Hon. Catherine Waruguru, MP	Laikipia County	Jubilee Party
Hon George Aladwa, MP	Makadara	Orange Democratic Movement (ODM)
Hon George Risa Sunkuyia, MP	Kajiado West	Jubilee Party
Hon. Jane Wanjuki Njiru, MP	Embu County	Jubilee Party
Hon. Josphat Gichunge Kabeabea, MP	Tigania East	Party of National Unity
Hon. Owen Yaa Baya, MP	Kilifi North	Orange Democratic Movement (ODM)
Hon. Samuel Kinuthia Gachobe, MP	Subukia	Jubilee Party
Hon. Simon Nganga Kingara, MP	Ruiru	Jubilee Party
Hon. Teddy Mwambire, MP	Ganze	Orange Democratic Movement (ODM)

**1.5 Committee Secretariat**

<b>Clerk Assistant I</b>	Mr. Leonard Machira
<b>Clerk Assistant III</b>	Mr. Ahmad Guliye
<b>Legal Counsel I</b>	Ms. Jemimah Waigwa
<b>Researcher III</b>	Mr. Joseph Tiyan
<b>Fiscal Analyst III</b>	Ms. Lucy Makara
<b>Audio Officer</b>	Mr. John Mungai
<b>Media Relations Officer</b>	Ms. Winnie Kizziah

## **2.0 INTRODUCTION**

The Sectional Properties Bill, 2019 seeks to provide for the division of buildings into units to be owned by individual proprietors and common property to be owned by proprietors of the units as tenants in common. To this end, the Bill repeals the Sectional Properties Act of 1987.

### **2.1 Analysis of the Bill**

The Bill is divided into Five Parts. Part 1 is the preliminary and consists of the short title, application and the interpretation. The Bill shall apply only in respect of land held in freehold title or on a leasehold title where the unexpired residue of the term is not less than 21 years and there is an intention to confer ownership.

Part II deals with preparation and registration of sectional plans and units as follows-

#### **Sub-division of buildings into units.**

Clause 4 of the Bill provides that an existing structure may be designated as building containing a unit or part of a unit or divided into two or more units by the registration of a sectional plan prepared, by a surveyor, from a building plan that has been approved by a county government. A surveyor shall not prepare a sectional plan unless he is presented with proof of ownership of the parcel or unit to which the sectional plan shall apply. A sectional plan shall be accompanied by an application for registration by the corporation and a list of the persons who are the owners of the units in the parcel which shall be updated from time to time on need basis. The Registrar shall not register a sectional plan unless the sectional plan describes two or more units in it; and is presented for registration in quadruplicate.

#### **Registration of sectional plans.**

Clause 6 provides that the Registrar shall on opening a register for a unit include in that register the share in common property which shall be held by the owners of all the units as tenants in common in shares proportional to the unit factors. The common property and each unit on a sectional plan have such rights of support, shelter and protection for the passage or provision of water, sewerage and every structure for the reasonable use or enjoyment of the common property or unit. The common property and each unit on a sectional plan shall, the full, free and uninterrupted access and use of light to or for any windows, doors or other apertures existing at the date of the registration of the sectional plan and enjoyed at that date.

#### **Certificates to accompany sectional plans.**

Clause 11 provides that every plan presented for registration as a sectional plan shall be endorsed by a surveyor stating that the structure shown on the plan is within the external surface boundaries of the parcel which is the subject of the plan, and if gutterings project beyond those external boundaries, that an appropriate easement has been granted as an appurtenance of the parcel; and a certificate from the county government stating that the



proposed division of the structure as illustrated on the plan has been approved by the county government.

**Application for sub-division, etc., of a unit.**

Any proprietor may, with the approval of the local authority, sub-divide or consolidate his unit by registering a sectional plan relating to the unit intended to be so sub-divided or consolidated in the manner provided by this Act for the registration of sectional plans.

Part III deals with the establishment of the Corporation known as the Owners, Sectional Plan No. The Corporation shall consist of all those persons who are owners of units. Clause 20 provides the duties of the Corporation which consists of controlling and managing common property. The Corporation shall maintain a fund for administrative expenses. A Corporation shall have a board of management that shall be constituted as provided by the by-laws of the Corporation. This Part also provides for the making and enforcement of the by-laws of the Corporation, annual meeting of the Corporation and the voting rights of each unit owner and the manner in which the administrative expenses of the Corporation would be met. Clause 35 confers upon the Corporation, the power to invest funds that are not immediately required by the Corporation. Clause 38 imposes an obligation upon a developer to insure units prior to the sale of the units and the passing of the insurance to the Corporation upon the registration of a sectional plan.

Part IV contains provisions on matters relating to units including their sale, the entering of a management agreement and renting of the units. Clause 43 of the Bill provides that a developer shall not sell or agree to sell a unit or proposed unit unless the developer has delivered to a purchaser a copy of the purchase agreement; the by-laws or proposed by-laws; the management agreement or proposed management agreement, if any; the recreational agreement or proposed recreational agreement, if any and the lease or title of the parcel on which the unit is located or the certificate of title or the certificate of lease in respect of the unit among other things.

Part V contains miscellaneous provisions that provide for the termination of sectional property, the dissolution, the assessment and taxation by the rating authority, the right of entry by county government, public authority or person authorized by either a county government or public authority, the service of documents and notices, offences and penalties, the power of the Cabinet Secretary to make regulations and the repeal of the Sectional Properties Act, 1987.



### 3.0 SUBMISSIONS AND PUBLIC PARTICIPATION

The Committee subjected the Bill to the provisions of Article 118 of the Constitution and Standing Order 127 of the National Assembly Standing Orders on public participation and placed an advert in the print media on Thursday 9<sup>th</sup> May 2019 inviting the public to submit memoranda on the Bill. By close of business on Thursday 15<sup>th</sup> May 2019 the Committee had received submissions from the Ministry of Lands and Physical Planning, the Institution of Surveyors of Kenya and Mr. John Gardner.

Further the Committee held meetings with the Cabinet Secretary of the Ministry of Lands and Physical Planning on and the Institution of Surveyors of Kenya on Thursday 20<sup>th</sup> June 2019. The stakeholders made the following written and oral submissions.

#### 3.1 Submissions by the Cabinet Secretary Ministry of Lands and Physical Planning

The Cabinet Secretary presented written submissions to the Committee contained in a memorandum dated 20<sup>th</sup> June, 2019. The Cabinet Secretary also made oral submissions during a meeting with the Committee held Thursday 20<sup>th</sup> June 2019 focusing on the merits of the Bill as follows:

1. The Bill seeks to simplify the process of registering section properties and create an enabling environment for investors and property owners.
2. The Bill guarantees rights of property owners by conferring absolute rights to unit owners.
3. The Bill vest reversionary interests in individual unit owners.
4. The current law is not responsive to emerging market needs such as the growing demand for affordable housing, mixed use and master planned communities.
5. The proposed Bill provides for the closure of the mother title or head lease to prevent mischief by property developers.
6. The Bill provides for registration and issuance of a sectional title premised on a registered sectional plan prepared by a surveyor.
7. The sectional title issued to the individual owner shall include the proportionate share of the unit owner in the common area.
8. All long-term leases or sub-leases shall be reviewed to conform to the provisions of section 54 of the Land Registration Act, 2012.
9. The Corporation envisaged in the Bill is comprised of unit owners and is responsible for the management of the sectional property.
10. The Bill also provides that by a unanimous decision of the Corporation, the sectional property can be terminated and the same transferred. The Corporation shall stand dissolved on termination of sectional property.
11. The Bill also provides for a revision of lease term from 45 years to 21 years to align it with the provisions of Land Registration Act in terms of section 30(2)(b).
12. The Bill provides for a dispute resolution mechanism through a Dispute Resolution Committee established under Clause 20 unlike the Sectional Properties Act of 1987

which had provided for a Landlords and Tenants Tribunal which had no jurisdiction under the Act.

13. The Bill is consistent with the Constitution and there are no proposals for amendments.

### 3.2 Submissions by the Institution of Surveyors of Kenya

The President of the Institution of Surveyors of Kenya presented written submissions to the Committee contained in a memorandum dated 14<sup>th</sup> May, 2019. The Institution of Surveyors of Kenya also made oral submissions during a meeting with the Committee held on 20<sup>th</sup> June 2019 as follows:

Section	Existing Clause in the bill	Our proposed Amendment	Justification
11 (2)	“A Surveyor shall apply for endorsement by a county government under subsection (1) (b), in the prescribed form, to the County Executive Committee Member responsible for approval of buildings”	Replace “County Executive Member” appearing after prescribed form with “Director in Charge of approval of buildings”	Our amendment seeks to ensure that the process of the endorsement is carried out within the shortest time possible. CECM is a policy maker and may not be in a possible to comprehend on issues at hand.  The Director in Charge of approval of buildings has requisite technical expertise and experience. Moreover, their currently in charge of approval of building plans and application for development permissions.
11 (3)	Where the plan presented is in respect of a building containing units, it shall, in addition to the certificate required under subsection (1), be endorsed by a surveyor or such other person as shall be approved by the Director of Surveys stating that the units	(i) Replace “Surveyor or such other person as shall be approved by the Director of Surveys” with “Licensed Surveyor or authority responsible for survey”	The authority responsible for survey or a licensed surveyor has legal capacity under Survey Act, Cap 299 to check authenticity of sectional plan. This is important for quality



	shown on the plan correlate with the existing structure	(ii) Replace “existing structure” with “approved building plan”	control purposes.  Our other proposed amendment seeks to clarify that the mandate of the authority for survey is to confirm the sectional plan against approved building plan. He or she may not be in a position to inspect the existing buildings
11 (4)	Upon receipt of an application for an endorsement under subsection (1) (b), the respective county government shall, with respect to a structure for which a building permit was issued, issue an endorsement, within thirty days, if satisfied that the structure conformed to-	Amend the section by inserting “approved building plan” after “to”	This amendment seeks to cushion the developer from the unpredictable development control laws and policies. It is our contention that the building plans are only approved after they comply with planning laws and policies. Furthermore, this process will open windows for rent seeking
11 (4) (a)	the development scheme, development control by-law, zoning by-law or land use by-law or land use by-law, as the case may be; and	Delete	
11 (4) (b)	Any permit issued under that scheme or by-law that existed at the building permit was issued	Delete	
12 (1)	Any proprietor may, with the approval of the local authority, sub-divide or consolidate his unit by registered a sectional plan relating to the unit intended to be so sub-divided or consolidated in the manner	Replace “local authority” with “County Government”	The amendment seek to align the bill with the current constitutional dispensation

	provided by this Act for the registration of sectional plans		
12 (5)	Before registering a proposed sectional plan of sub-division or consolidation, the Registrar shall amend the original sectional plan in the manner prescribed by regulations	Replace the section with the following provisions;  (i) The office responsible for survey shall amend the original plan in a manner prescribed by the regulation  (ii) the Registrar shall register the amended approved subdivision or consolidated plan in a manner prescribed by the regulations	The Registrar does not have technical capacity to amend a sectional plan. This can only be done by the authority responsible for survey who shall forward the amended sectional plan to the Registrar for registration
13 (2)	All long term sub-leases that are intended to confer ownership of an apartment, flat, maisonette, town house or an office that were registered before the commencement of this Act shall be reviewed to confirm to section 54 (5) of the Land Registration Act, 2012 within a period of two years of the commencement to this Act”	We propose that section 54 (5) of the Land Registration Act, 2012 be amended to refer to sub-leases instead of long-term leases	The provision of this section is in conflict with the provision of Section 54 (5) of the Land Registration Act, 2012, particularly in reference to long term-leases and sub-leases.  It is our contention that long term leases inferred in the Land Registration Act, 2012 are sub-leases
New Section	Appointment of property manager	Insert the following new section after section 26  (1) The board shall, not more than twenty-eight days after its election, appoint an property manager for the management of the units, the movable and	Management of the units and the common areas will comprise of the bulk of the work of the board of management. It is therefore very necessary for the Board to appoint a manager who is



		<p>immovable property of the Corporation and the common property</p> <p>(2) The person appointed as an institutional manager under subsection (1) shall be—</p> <p>a person registered as an estate agent under the Estate Agents Act (Cap. 533) and a member of the Institution of Surveyors of Kenya (ISK)</p> <p>(3) The property manager shall perform such functions as may be delegated to him by the Corporation.</p>	<p>registered with Estate Agents Registration Board and also member of the Institution of Surveyors of Kenya (ISK)</p>
New Section	Establishment of Sectional Properties Tribunal	<p>(1) There is established a Tribunal to be known as the Sectional Properties Tribunal which shall consist of five persons appointed by the Cabinet Secretary through a notice in the Gazette.</p> <p>(2) The members of the Tribunal shall consist of —</p> <p>(a) one person appointed from among three persons nominated by Ministry of in charge of Sectional Properties who shall be chairperson</p>	<p>It is important to have tribunal to determine any dispute arising from operationalization of this Act.</p>

		<p>(b) two persons appointed from among five persons nominated by Institution of Surveyors of Kenya;</p> <p>(c) one person appointed from among three persons nominated by the Board of Registration of Quantity Surveyors and Architects (BORAQS)</p> <p>(d) one person appointed from among two persons nominated by the Attorney-General.</p> <p>(3) The Tribunal may, co-opt an expert to advise it on any matter before it and shall regulate its own procedure.</p> <p>(4) Members of the Tribunal shall be paid such allowances or other remuneration as the Judicial Service Commission may, on the advice of the Salaries and Remuneration Commission, determine.</p> <p>(5) The Tribunal has jurisdiction to hear and determine appeals of disputes arising from this Act.</p>	
30 (7)	If a party is dissatisfied with	Replace "Court"	A tribunal will give

	the determination of a Committee under this section, the part may appeal to the Court	appearing after “appeal to the” with “Sectional Properties Tribunal”	both parties an opportunity to engage resolve any dispute before they are escalated to the courts.
30 (8)	New provision	Insert new clause to read;  “The tribunal shall make its ruling after a hearing conducted in accordance with the rules of natural justice and there shall be no appeal to any court from a ruling of the tribunal except in respect of an error of law”.	Furthermore, the court process is lengthy and costly process
New subsection		(43) (3) (a) for the purpose of proposed units under sub-section (1) the Cabinet Secretary shall cause to be registered all developers  (b) the developers shall also be required to appoint a registered estate agent	Section 43 (1) section anticipates a scenario where the developer will engage in selling of units before being developed.  There is need to regulate conduct of the developers to cushion unsuspecting buyers from unscrupulous developers.  Our proposal therefore seeks to ensure that all developers who intend to engage in off plan sales are registered after being vetted by the Cabinet Secretary. There is also need for the developers to ensure that they appoint registered estate agents to

			safeguard interest of the buyers
45 (3)	The owner of a unit shall give the Corporation written notice of the name of the tenant residing in the unit within twenty days from commencement of the tenancy	Replace “twenty days” with “seven days”	It is important for the owner of the unit to inform the Corporation immediately there is a new tenant or that the house is vacant for security reasons.
45 (4)	Within twenty days of ceasing to rent his unit, the owner shall give the Corporation written notice that his unit is no longer rented.	Replace “twenty days” with “seven days”	

### General comments

**Phased development** - These is a development approach that is gain traction in the real estate development in Kenya. It is characterized by the large-scale development over large tracks of land using an approved master plan and owing to financial factors are implemented in phases.

There is, therefore need, to incorporate this model in the proposed bill.

### 3.3 Written submissions by Mr. John Gardner

Vide a written submission Mr. John Garner a resident of Nyali proposed amendments to the Bill to provide for the following-

1. Each developer should register a management company.
2. Each owner to be issued with a share in the management company.
3. A developer should not to be part of the management company.
4. Each developer should pay service charge on all unsold units.
5. The format for the formation and draft constitution should be prescribed in the Bill.
6. The Bill should include provisions on failure by owners to meet financial obligations owed to the management company.
7. The Bill should prescribe ground rules for the management and use of service charge funds.



#### **4.0 CONSIDERATION OF THE BILL**

The Committee deliberated on the Bill and the memoranda submitted and agreed with Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60.

The Committee proposed amendments to Clauses 11 and 12 of the Bill.

#### **5.0 GENERAL OBSERVATIONS**

The Committee made the following observations and comments on the Bill:

1. There is no need to amend Clause 11(2) to delete reference to the term County Executive Committee Member and replace with the Director in charge of approval of buildings. This is because although the County Executive Committee Member responsible for approval of buildings at the county government is a policy maker, there are technical officers responsible for advising the County Executive Committee Member on all technical matters relating to approval of buildings and hence his or her decisions shall be based on technical advice rendered by the technical officers.
2. The proposed amendment to Clause 11(3) to delete the words “surveyor or such other person as shall be approved by the Director of Surveys” and substitute therefor the words “licensed Surveyor or authority responsible for survey” is ambiguous as it is not clear which is the authority responsible for survey. Further, clause 2 of the Bill defines a surveyor as a person who has the meaning assigned to it under the Surveyors Act. Section 2 of the Surveyors Act defines a surveyor as a government surveyor or a licensed surveyor. Consequently, reference to the term surveyor under clause 11(3) connotes a licensed surveyor.
3. The Committee also observed that it would be important for purposes of registration of section plans for the units shown on the plans to correlate not just with the existing structures but also the approved building plans.
4. For purposes of Clause 11(4), the Committee observed that the county governments should issue endorsement on every plan presented for registration if satisfied that the structure conforms to the development scheme, development control and land use laws among other considerations.
5. Clause 12(1) of the Bill should be amended to delete reference to the term local authority and substitute with county government.
6. The process of amending original sectional plan and registration in cases where there is sub-division or consolidation of units should be left to the Registrar being the custodian of the Register where all units are registered.

7. The proposed amendment to clause 13 to include reference to warehouses and go-downs do not fall within the object of the Bill as it deals with division of buildings into units. However, the same would still be covered by the Bill where the warehouses or go-downs are divided into units.
8. The Committee also observed that there is no conflict that exist between section 54 of the Land Registration Act, 2012 and clause 13 of the Bill as sub-leases are types of leases which can also be long term depending on their duration of time they are proposed to apply.
9. The Committee observed that although the proposal for appointment of a property manager was valid, the requirement in the proposal that all property managers shall be surveyors or real estate agents is limiting. The Committee further observed that property managers need to have management skills rather than possess qualifications for surveying in line with the nature of their job. Further, it should be within the preserve of unit owners to determine and appoint the persons they wish to act as property managers.
10. The Committee also rejected the proposal to establish a Sectional Properties Tribunal as the Bill in clause 20(6) already provides for establishment of an Internal Dispute Resolution Committee on a need basis to hear and determine disputes.
11. The Committee also observed that noting the nature of disputes that are likely to arise between the owners of units, having a Tribunal which is quasi-judicial in nature and has strict rules of procedure would not be appropriate for determination of such disputes which are also likely to arise on a day to day basis.
12. The Tribunal processes are also likely to have high cost implication on persons seeking to settle disputes relating to the units.
13. There is no need for provisions for registration and vetting of developers of buildings to be included in the Bill noting the Bill already provides for safeguards to guard against fraud by requiring a developer to deliver to a purchaser certain documents including the lease or title of the parcel which the unit proposed to be sold is located prior to selling a unit to a purchaser.
14. The requirements for registration and vetting of developers of buildings by the Cabinet Secretary is also bound to limit the ease of doing business in the building sector.

15. The twenty days' notice required for an owner of a unit to give to the Corporation relating to the name of a tenant residing in a unit is sufficient and should not be reduced.
16. The Committee observed that the proposal to include issues dealing with phased development in the Bill would expand the scope of the Bill contrary to Standing Order 133(5) noting the object of the Bill is dealing with only division of building into units.
17. The Committee also observed that the proposal for establishment of a management company and formulation of rules to govern the company among others are adequately catered for in Part III of the Bill which deals with the establishment of the Corporation.



**6.0 COMMITTEE RECOMMENDATION**

Having analyzed the Bill vis-à-vis the memoranda submitted by the public the Committee recommends that the Bill be approved and passed by the House subject to the proposed amendments in this Report.

**7.0 PROPOSED AMENDMENTS**

The Committee made the following proposed amendments to the Bill—

**CLAUSE 11**

THAT clause 11 of the Bill be amended in sub-clause (3) by inserting the words “and approved building plan” immediately after the words “existing structure”.

**Justification**

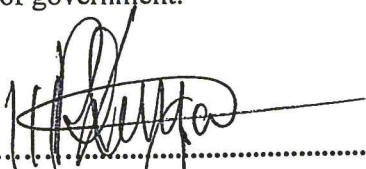
It is important for purposes of registration of section plans for the units shown on the plans to correlate not just with the existing structures but also the approved building plans. This will ensure that developers comply with approved building plans in building apartments or units.

**CLAUSE 12**

THAT clause 12 of the Bill be amended in sub-clause (1) by deleting the words “local authority” and substituting therefor the words “county government”.

**Justification**

The amendment seeks to correct a typographical error and align the Bill with the constitutional structures of government.

Signed..........Date.....31/07/2019.....

**The Hon. Dr. Rachel Nyamai, MP**  
**Chairperson Departmental Committee on Lands**

