

SPECIAL ISSUE

Nairobi City County Gazette Supplement No. 15 (Acts No. 3)



REPUBLIC OF KENYA

**NAIROBI CITY COUNTY GAZETTE
SUPPLEMENT**

ACTS, 2015

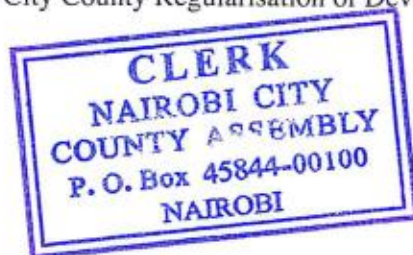
NAIROBI, 27th August, 2015

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The Nairobi City County Regularisation of Developments Act, 20151



**THE NAIROBI CITY COUNTY REGULARISATION OF
DEVELOPMENTS ACT, 2015**

No. 3 of 2015

Date of Assent: 20th August, 2015

Date of Commencement: See Section 1

ARRANGEMENT OF SECTIONS

Section

PART—PRELIMINARY

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2—Interpretation.

3—Objectives of the Act.

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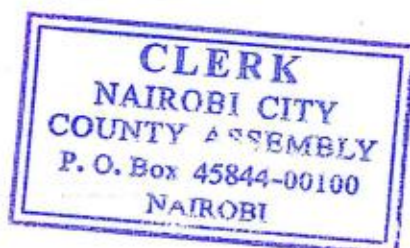
15—Establishment of the regularisation advisory committee

16—Functions of the regularisation advisory committee.

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Act and the words, phrases or expressions used in this Act shall have corresponding meaning as set out in the national Physical Planning Act, unless the context requires otherwise.

3. The objectives of this Act are to—

Objectives of the Act.

- (a) bring unauthorized developments under the umbrella of planning framework and to provide basic facilities and infrastructure to the residents of the concerned areas in the County;
- (b) provide for regularisation of unauthorized developments commenced or completed before the date of commencement of this Act;
- (c) exclude unauthorized development made on any public land from the benefit of regularisation;
- (d) provide for regularization of unauthorized developments made in conservation area declared as such under the relevant law;
- (e) provide for regularisation of unauthorized developments which fall within the required set-off specified in any law governing buildings;
- (f) provide for appointment of an advisory committee for the purpose of this Act.

PART II—THE REGULARISATION PROCESS

4. Notwithstanding anything contained in any law, but subject to such rules as may be prescribed, any unauthorized development made in the County, except those specified in section 7, made prior to the commencement of this Act by any person on—

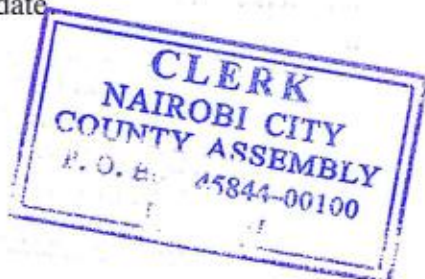
Regularisation.

- (a) allotted land belonging to the County Government;
or
- (b) private land,

may, on the application of such person made before such date as may prescribed, be regularised in accordance with the provisions of this Act.

5. (1) Developments shall be eligible for regularization under this Act from the date of commencement of this Act and shall lapse at the expiry of twelve months from such date.

Regularisation Period.



- (d) unauthorised developments done in violation of any law other than planning law;
- (e) unauthorised development on public land or land otherwise reserved for public utility;
- (f) unauthorised development on land appurtenant to any building owned by the Government or by a company owned or controlled by the Government;
- (g) unauthorised development done on land belonging to the County Government and not allotted;
- (h) unauthorised development on any land reserved for parks, play grounds, open places or for providing any public amenities;
- (i) unauthorised development which is otherwise structurally unsound or which poses danger to the occupants or to the occupants of neighbouring premises or members of the public generally;
- (j) such other unauthorised development as the Executive Committee Member may determine.

8. All things done, or omitted to be done, and all actions taken, or not taken, with respect to obtaining approval for development during the period before the commencement of this Act shall, in so far as they are in conformity with, and regularised in accordance with the provisions of, this Act be deemed to have been done, or omitted to be done, or taken, or not taken, under the provisions of this Act as if such provisions were in force at the time such things were done or omitted to be done and action taken, or not taken, during that period.

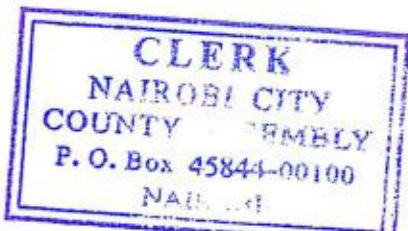
Prior actions to be recognized under this Act.

9. The Executive Committee Member may regularise a development subject to such conditions as he or she may impose, and a certificate of regularisation shall not issue unless such conditions are met by the owner and within such timelines as the Executive Committee Member may determine.

Conditional regularization

10. (1) All notices issued by the County Government for initiating action against unauthorised development in respect of such development shall be deemed to have been suspended and no punitive action shall be taken till the

Amnesty



**PART III— REGULARISATION ADVISORY
COMMITTEE**

15. (1) There is established the regularisation advisory committee.

Establishment of
the Regularisation
Advisory
Committee

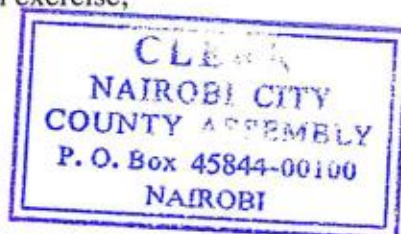
(2) The committee shall consist of the following members appointed by the Governor—

- (a) The Committee shall be chaired by a Chairperson who is a registered planner;
- (b) an Urban Planning Expert;
- (c) a surveyor nominated by the Kenya Institute of Surveying and Mapping;
- (d) an Environmental Expert;
- (e) an engineer nominated by the Institute of Engineers of Kenya;
- (f) an architect nominated by the Architectural Association of Kenya;
- (g) the Executive Committee Member responsible for Finance
- (h) the County Attorney of the County Government or an officer deputed by the County Attorney;
- (i) the Chief Officer of the County Government responsible for Planning;
- (j) the chief officer of the County Government responsible for Lands;
- (k) a planner nominated by the Kenya Institute of Planners;
- (l) a representative of the Association of Consulting Engineers of Kenya;
- (m) a representative of the National Construction Authority.

16. (1) The committee shall be responsible for—

- (a) advising the County Government generally on the regularisation exercise, providing and facilitating the necessary stakeholder involvement in the regularisation exercise;

Functions of the
Regularisation
Advisory
Committee.



18. The Executive Committee Member shall put in place measures necessary to enable the full operationalization of this Act, including establishing the necessary administrative arrangements for that purpose.

Administrative
and other
arrangements.

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NAIROBI