
KENYA

The Land Planning Act

CHAPTER 303

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CHAPTER 303

THE LAND PLANNING ACT
37 of 1968

Commencement: 28th June, 1968

An Act of Parliament to make provision for planning the use and development of land

1. This Act may be cited as the Land Planning Act.
Short title

2. The Development and Use of Land (Planning) Regulations, 1961, shall continue to have effect, but as if they had been enacted in and were part of this Act and subject to the amendments set out in the Schedule to this Act.
L.N. 516/1961 to continue as if part of Act.

3. (1) Subject to subsection (2) of this section -
- (a) the Land Control Regulations, 1961; and
 - (b) the Development and Use of Land (Planning) Regulations, 1961,

are revoked.

Revocation of L.N. 142/1961 and L.N. 516/1961

(2) The continuity of the law relating to the planning of the development and use of land is not affected by the repeal of the Development and Use of Land (Planning) Regulations, 1961, and their enactment as part of this Act, and accordingly -

- (a) as the areas specified under regulation 2 of those Regulations as the areas to which the Regulations apply shall be areas to which the Regulations (as re-enacted in this Act) apply; and
- (b) any matter or thing which immediately before the commencement of this Act is pending under those Regulations shall upon such commencement be deemed to be pending under this Act and may be proceeded or dealt with accordingly.

SCHEDULE

(s.2)

Amendment

Provision

Delete the definition of "Appeals Tribunal", "Central Authority", "local authority" and "safeguarding area". Insert -
r.3.

"Central Authority" means the authority of that name established by regulation 9A of these Regulations;

"central land control appeals board" has the same meaning as in the Land Control Act, 1967;

"safeguarding area" means any area which adjoins land occupied by armed forces and is declared by the Minister, by notice in the Gazette, to be a safeguarding area for the purposes of these Regulations;

Delete "Divisional Board" throughout and substitute "land control board".
rr. 12, 14, 22

Delete "with the consent of the President".
r. 16(2) provisos (iv) and (v).

Delete paragraph (b). Delete paragraph (c) and substitute -
r. 17 (3)

(c) by the Settlement Fund Trustees established by section 167 of the Agriculture Act.

Delete "Appeals Tribunal" and substitute "central land control appeals board".
r. 22

Insert "and section 2 of the Registered land Act" after "Registration of Titles Act".
r. 24 (2)

Delete all words after "that part".
Delete "with the consent of the President".
r. 33 (1)

Delete "Divisional Boards".
r. 34 (2) (c)

Delete "Divisional Boards and".
r. 34 (2) (d)

Delete.
r. 35

Insert immediately before regulation 10 in Part IV -

9A. There is hereby established a Central Authority, which shall consist of -
Central Authority

- (a) The Commissioner of Lands, who shall be chairman;
- (b) a public officer deputed by the Minister for the time being responsible for local government;
- (c) a public officer deputed by the Minister for the time being responsible for economic planning;
- (d) a public officer deputed by the Minister for the time being responsible for agriculture;
- (e) a public officer deputed by the Minister for the time being responsible for public works;
- (f) a public officer deputed by the Minister for the time being responsible for health; and
- (g) the Town Planning Adviser.

(2) If the chairman is absent from a meeting, the members present may elect one of their number to preside at that meeting.

(3) The quorum of the Central Authority shall be four members.

(4) The Central Authority may, by resolution, delegate to its chairman its power to determine applications in any particular class of case, except that the chairman may not refuse any application but must refer it back to the Central Authority for determination.