

**KENYA**

**SUBSIDIARY LEGISLATION**

**THE DEVELOPMENT AND USE OF LAND (PLANNING)  
REGULATIONS 1961**

L.N. 516/1961, L.N. 457/1963, 21 of 1966, 34 of 1967.

**PART I - PRELIMINARY**

1. These regulations may be cited as the Development and Use of Land (Planning) Regulations, 1961.

2. These Regulations shall apply to such areas as the President may, by notice in the Gazette, specify.

3. In and for the purposes of these Regulations, unless the context otherwise requires -

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"advertisement" means any word, letter, device, model, sign, placard, board, notice or representation, whether illuminated or not, in the nature of and employed wholly or in part for the purposes of advertisement of a proprietary article and without prejudice to the foregoing provision includes any hoarding or similar structure used or adapted for use for the display of advertisements, and references to the display of advertisements shall be construed accordingly:

Provided that an advertisement displayed inside a building shall not be included;

"agriculture" has the meaning assigned to it in section 2 of the Agriculture Act, 1955;  
Rev. Ed. 1961

"Appeal Tribunal" means the central land control appeals board established by the Land Control Act, 1967;  
37 of 1967

"area plan" means the plan of an area of land to which these Regulations apply prepared in accordance with the provisions of part III of these Regulations;

"building" means any structure or erection and any part of any structure or erection of any kind whatsoever whether permanent, temporary or movable, and whether completed or uncompleted;

"building line" means a line, which may be defined by the Central Authority or an interim planning authority, prescribing the minimum distance of any building

or proposed building from the boundary of any land or from any proposed or existing road boundary or the centre line of any proposed or existing road;

"building operations" includes rebuilding operations, structural alterations of or additions to buildings, and other similar operations and the making of access roads, railways, water-works, sewerage and drainage works, electrical and telephonic installations and any road works preliminary to or incidental to

the erection of buildings;

"buildings or works" includes waste materials, refuse, and other matters deposited on land, and reference to the erection or construction of buildings or works shall be construed accordingly;

"Central Authority" means the Central Authority established under the Land Control Regulations, 1961;  
L.N. 142/1961

"density" means the maximum amount of development permitted, or the maximum number of persons permitted to reside, as the case may be, on any area of land;

"development" means -

- (a) the making of any material change in the use or density of any buildings or land or the subdivision of any land which, for the purposes of these Regulations, shall be termed Class A development, and
- (b) the erection of such buildings or works and the carrying out of such building operations, as the Minister may, from time to time determine, which for the purposes of these Regulations shall be termed Class B development;

Provided that -

- (i) the subdivision of agricultural land into plots of twenty acres or more where no change of use is involved;
- (ii) the use of land for the purposes of agriculture or forestry or the use of buildings occupied with land so used;
- (iii) the carrying out of works for the maintenance or improvement or other alteration of, or addition to, any building where such alteration or addition does not exceed 10 per cent of the floor area of the building measured at the date these Regulations are applied to the area in which that building or land is situated;
- (iv) the carrying out by a competent authority of any works required for the construction, maintenance or improvement of a road, if the works are carried out on land within the road reserve;
- (v) the carrying out by any local authority or statutory undertaker of any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of any street for that purpose and the installation of services by a local authority;
- (vi) the use of any buildings or land within the curtilage of a dwelling

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shall not constitute development for the purposes of these Regulations.

For avoidance of doubt, and without prejudice to the generality of the foregoing, it is hereby declared that, for the purposes of these Regulations -

- (a) the deposit of refuse, scrap or waste materials on land involves a change of use thereof;
- (b) the use as two or more dwelling of a building previously used as one dwelling constitutes Class A development;
- (c) the erection of more than one dwelling and/or shop on one plot constitutes Class A development;
- (d) the display of any advertisement constitutes Class A development;

"local authority" has the meaning assigned to it in the Interpretation and General Provisions Act: Cap. 2

Provided that -

"dwelling" means a building or any part or portion of a building, used or constructed, adapted or designed to be used, for human habitation, as a separate tenancy or by one family only, whether detached, semi-detached, or separated by party walls or by floors from adjoining buildings or part or portion of the same building, together with such out-buildings as are reasonably required to be used or enjoyed therewith;

(i)

"existing building" and "existing work" means, respectively, a building or work erected, constructed or carried out before the date these Regulations are applied to the area in which the building or work is situated, and include a building or work, as the case may be, commenced before, but completed after such date;

"existing use" means, in relation to any building or land, the use of that building or land for any purpose of the same character as that for which it was used prior to the date these Regulations are applied to the area in which the building or land is situated:

Provided that where an existing use of land is, after such date, extended on to, under or over adjoining land, whether such adjoining land is held under the same title or not, such extension shall not be an existing use for the purposes of these Regulations;

"interim planning area" means an area to which these Regulations apply;

"interim planning authority" means an authority designated as such by the Minister under the provisions of regulation 4 of these Regulations;

"land" includes any land covered with water, and any building or other thing attached to land, and any interest or right or easement in, to or over land;

"Land Control Board" means a land control board established under the Land Control Act, 1967;

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f these Regulations "local authority" does not include a county district or county division constituted under the provisions of the Local Government (County Councils) Act, 1952; and

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- (ii) that where a municipality is included in a scheme of county administration the Municipal Council or Board shall be the local authority for that municipality for the purposes of these Regulations;

"Minister" means the Minister for the time being responsible for town planning;

"owner", in the case of freehold land, means the person owning such land, and in the case of any land held under a lease for a period of not less than ten years, or for the natural life of any person, or which is renewable from time to time at the will of the lessee indefinitely, or for periods which together with the first period thereof amount in all to not less than ten years, and includes any agent who receives rents or profits from any such person and also any superintendent, overseer or manager or any such owner of the freehold or lessee in respect of the holding on which he resides as such superintendent, overseer or manager;

"planning application" means an application made by an owner for permission to develop land;

"road" means any road whether public or private and includes any street, square, court, alley, bridge, footway, path, passage or highway whether a thoroughfare or not;

"safeguarding area" means any area adjoining any land owned or occupied by the armed forces for the Republic which the President may, by notice in the Gazette, declare to be a safeguarding area for the purposes of these Regulations;

"subdivision and use plan" means a plan approved by the Minister or the Central Authority or an interim planning authority, as the case may be, indicating the permitted subdivision and use of the land specified in such plan together with conditions, if any, attached to such approval;

"town plan" means a plan for the area, or part thereof, of a municipality, township, or trading centre or former township or trading centre within the scheme of country administration to which these Regulations apply, prepared in accordance with Part III of these Regulations, and which may form part of an area plan;

"Town Planning Adviser" means the Town Planning Adviser to the Government;

"unalienated Government land" means Government land in respect of which no title has been issued or letter of allotment has been accepted.

PART II - PLANNING AUTHORITY

4. (1) Where an area plan or town plan has been prepared and approved for a local authority area, or any part thereof, in accordance with regulation 6 of these Regulations, and if it appears to the Minister to be expedient in the interests of securing the proper control of development in such area, he may, with the agreement of that local authority, by order published in the Gazette, constitute that local authority as the interim planning authority for that area or part thereof, as aforesaid.

Interim planning authority

(2) Any interim planning authority shall consider and determine in the manner prescribed by these Regulations and any rules made thereunder, planning applications submitted to it under regulation 11 (1) of these Regulations.

5. Where a preparatory authority has been appointed under the Town Planning Act for an area for which an interim planning authority has been constituted, such preparatory authority shall, in respect for the area of such interim planning authority, cease to have or perform any powers, and where the area of such interim planning authority, extends over the whole of the area of such preparatory authority, such preparatory authority shall be dissolved as from the date of appointment of such interim planning authority.

Curtailling of powers of preparatory authority. Cap.134 (1948)

PART III - AREA PLANS AND OTHER PLANS

6. (1) A local authority may, after consultation with, and with the agreement of, the Minister, prepare and submit to the Minister for his approval a town plan or area plan, as the case may be, for that part of the area under its jurisdiction to which these Regulations apply.

Submission of area plans and town plans

(2) Subject to the provisions of any rules made under these Regulations for regulating the form and content of area plans and town plans, any such plans shall include such maps and descriptive matter as may be necessary to illustrate the planning proposals as may be appropriate to different parts of the area and any such plans shall in particular define existing development, proposed roads, the different use and density zones proposed and areas (if any) in which no subdivision is permitted for the time being.

(3) The Minister, for the purpose of securing the proper subdivision of land in an area other than of unalienated Government land, may require a local authority which has submitted a town plan or area plan, as the case may be, for approval, to submit to him for approval subdivision and use plans for its area or any part thereof.

(4) An interim planning authority may prepare and submit to the Minister for his approval plans and particulars of any amendment to a town or

area plan, as the case may be, which has previously been approved.

7. (1) Wh

ere no town plan or subdivision and use plan has been approved, and in respect of unalienated Government land, the Minister may prepare such plans. Other plans

(2) Any

plans approved by the Commissioner of Lands under section 23 or section 24 of the Town Planning Act which relates to land to which these Regulations apply shall be deemed to be a plan

approved by the Minister for the purposes of these Regulations and the Minister may prepare such additional plans and amendments to any such plan as may be necessary having regard to the development requirements of the area.  
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(8) The Minister may approve any town plan, area plan, subdivision and use plan or any amending plan submitted under this Part of these Regulations either without modification or subject to such conditions or modifications as he may consider necessary, or may refuse approval and may require the preparation and submission of new plans.

whether in either case, by means of conveyance, transfer or assignment (by way of sale, gift, exchange, settlement or otherwise), by partition, lease, licence or letting, or by means of succession, or in any other way whatsoever.

9. (1) Except where otherwise required by the Minister, a local authority shall before submitting any plans to the Minister for his approval under this Part of these Regulations take such steps as may be necessary to acquaint the owners of any land affected by such plans and particulars with the proposals contained therein, and the local authority, when submitting such plans and particulars to the Minister for approval, shall certify that such steps have been taken and shall submit to the Minister any comments or objections made by such land owners.

(2) Except where otherwise required by the Minister, a local authority shall in respect of any plans submitted to and approved by the Minister under these Regulations publish in such manner as may be prescribed a notice stating that the plan has been approved or amended, as the case may be, and naming the place at which, at all reasonable hours, the plan may be inspected.

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PART IV - CONTROL OF DEVELOPMENT

10. (1) Subject to these Regulations, no person shall carry out development in an interim planning area except with the consent of the authority under these Regulations empowered to grant consent.

Consent required for development; penalty for non-compliance

(2) Any person who carries out development without consent shall be guilty of an offence against these Regulations and shall be liable to a fine not exceeding five thousand shilling or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(3) Any dealing with any subdivision shall, in the event of an offence under these Regulations being committed in relation thereto, be null and void absolutely, and any development in respect of which an offence against these Regulations has been committed shall cease and the land on which the development has taken place shall be returned to its existing use.

(4) For the purposes of paragraph (3) of this regulation, a person shall be deemed to be dealing with any subdivision if -

ry person requiring consent for development shall make application to the interim planning authority for the area in which the land concerned is situated or where no such authority exists for the area, to the Central

Authority in such form and such manner as may be prescribed and shall include such plans and particulars as are necessary to indicate the intention of the applicant.

(2) In particular such application shall show the use and density proposed and the land which the applicant intends to surrender for the purposes of -

- (a) principal and secondary means of access to any subdivisions within the area included in the application and to adjoining land, and
- (b) public purposes consequent upon the proposed development.

(3) For the purpose of this regulation "public purpose" means any not-profit-making purpose which may be declared by the Minister to be a public purpose and includes -

- (a) educational, medical and religious purposes;
- (b) public open spaces and car parks;
- (c) Government and local government purposes.

12. (1) Where no interim planning authority exists the Central Authority shall refer an application which is before it -

- (a) to the local authority in that area;
- (b) in the case of -
  - (i) application for change of use of agricultural land into plots of less than 20 acres where the plot to be subdivided exceeds 20 acres,
    - to the Divisional Board for the area in which the land to be developed is situated;
- (c) in the case of an application in respect of land within three miles of an adjacent municipality, to that local authority;
- (d) to such other authorities as the Central Authority may think proper.

Provided -

(2) The Central Authority shall, in relation to any application that is before it have power -

- (a) to consent to the application subject to such conditions (if

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- (ii) that the Central Authority shall not approve an application in respect of which the local authority for the area concerned has recommended refusal unless it has first notified such local authority of its intention so to do and of its reasons therefor and has considered any representations that the local authority may make as a result of such notification.

13. The Divisional Board to whom a copy of an application has been sent under regulations 12 and 14 of these Regulations shall have power -

- (a) to refuse the application, in which case it shall forthwith so inform the applicant and the Central Authority or the interim planning authority as the case may be; or
- (b) to recommend to the Central Authority or the interim planning authority as the case may be, that it should consent to the application; or
- (c) where an application is referred back to the Divisional Board under regulation 12 (2) or regulation 14 (2) of these Regulations, to recommend to the Central Authority or the interim planning authority as the case may be, that it should refuse to consent or that it should consent to the subdivision.

14. (1) An interim planning authority shall, in respect of any planning application referred to it under regulation 11 (1) of these Regulations, refer such application -

- (a) in the case of an application -
  - (i) for change of use of agricultural land where the plot of land concerned exceeds 20 acres; or
  - (ii) to subdivide agricultural land into subdivisions of less than 20 acres where the plot of land to be subdivided exceeds 20 acres,

to the Divisional Board for the area in which the land concerned is situated;
- (b) in the case of an application in respect of land within three miles of an adjacent municipality, to that local authority;
- (c) to the Commissioner of Lands and to such other authorities

or the Minister may require,

in order that the recommendation of such authorities and Divisional Board may be obtained.

(2) An interim planning authority shall in respect of a planning application before it have power -

- (a) to consent to the application subject to such conditions (if any) as it may think proper to impose;
- (b) to refuse on such grounds as it may think proper to consent to the application:

Provided that where the Divisional Board has recommended approval of an application the interim planning authority shall not refuse to consent unless it has first notified the Divisional Board of its intention so to do and of its reasons therefor and has considered any representations which the Divisional Board may make to it as a result thereof.

(3) An interim planning authority shall notify the applicant of its decision in respect of a planning application and shall state the conditions of consent (if any) and, in the case of a refusal to consent and the reasons for such refusal and shall forward a copy of such decision to the authorities to whom the application has been circulated.

15. (1) The Central Authority, or an interim planning authority, as the case may be, shall, when considering a planning application -

- (a) be bound by the provisions of any relevant area or town plans approved by the Minister; and
- (b) have regard to the health, amenities and convenience of the community generally, and the proper planning and density of development and use of land in the area; and
- (c) have regard to any comments received from the authorities to whom the application is circulated; and
- (d) have regard to any relevant plans and particulars prepared by the Town Planning Adviser.

16. (1) Conditions imposed in granting consent to a planning application may require the doing of things, or may require that things shall not be done in relation to land or buildings or any part thereof, or may be of such other character as the Central Authority or interim planning authority, as the case may be,

may think proper, and the Central Authority or the interim planning authority, as the case may be, may require the applicant to enter into an undertaking in such form as may be prescribed, to observe the conditions imposed and may require the applicant (except in the case of unalienated Government land) to furnish security, whether by bond or otherwise, in such sum as the Central Authority or the interim planning authority, as the case may be, may think fit, for the due observance of the

conditions.

(2) Where in the opinion of the Central Authority or the interim planning authority, as the case may be, insufficient land is surrendered in the application for the purposes specified under regulation 11 (2) of these Regulations or such land is, for any reason, unsatisfactory, the authority may disapprove the application or may inform the applicant that the application will be approved if additional land or satisfactory land, as the case may be, is surrendered:

Provided that -

- (i) the authority shall not request the surrender of additional land for public purposes if, having regard to the nature and amount of the development proposed in the application, the land surrendered for such purposes represents an appropriate contribution of the total land required for public purposes to serve the area as a whole;
- (ii) The authority shall not disapprove an application under this paragraph where the owner surrenders an area of land for public purposes equal to 20 per cent or more of the area of land included in the application;
- (iii) land surrendered for the public purposes specified under regulation 11 (2) of these Regulations shall be freely surrendered to the government and subject to the approval of the Minister the land surrendered shall be made available for public purposes related to the area generally, as and when requires;
- (iv) where it is shown to the satisfaction of the Minister that other more suitable land is required for public purpose, the Minister may, with the consent of the President and on such terms in regard to the use and development thereof as he may, in consultation with the Central Authority, or the interim planning authority, as the case may be, specify, dispose of the surrendered land and use the proceeds for the purpose of purchasing such other land;
- (v) in the case of land obtained for public purposes before the date of the coming into force of these Regulations where it is shown to the satisfaction of the Minister that other more suitable land is required, the Government may, with the consent of the President, dispose of such land for the purpose of obtaining the new land for public purpose in accordance with the provisions of the foregoing paragraph.

(3) The Government shall not be bound by any condition imposed under paragraph (2) of this regulation.

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 For the purpose of this regulation "public purpose" has the meaning assigned to it by regulation 11 (3) of these Regulations .  
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 The Central Authority, or the interim planning authority, as the case may be, may, by notice or postponement served on an applicant in the prescribed manner, postpone the consideration of a planning application, either generally or for such period as may be specified in

such notice, unless the applicant shows to their satisfaction that the proposed development would be carried out within 12 months if the application were granted. Supplementary provisions as to planning applications

(2) If a planning application submitted in accordance with the provisions of these Regulations is not determined within a period of four months from the date of the submission thereof, the authority to whom the planning application was submitted shall agree in writing with the applicant an extension of such period. Where no agreement is reached, the authority or the applicant may appeal to the Minister for a decision as to the period within which the planning application shall be determined.

(3) Planning applications made -

- (a) by owners in respect of safeguarding areas;
- (b) in respect of unalienated Government land; and
- (c) by the Land Development and Settlement Board, established by section 167 of the Agriculture Act, 1955;

Rev. Ed. 1961

shall be made to, and be determined by, the Central Authority:

Provided that in the case of planning applications in respect of unalienated Government land, and application made by the Land Development and Settlement Board, the Central Authority shall consult the local authority concerned before reaching a decision thereon.

18. (1) (a) The Minister may direct that any specified planning application or any specified class of planning applications be referred to him for determination.

(b) An interim planning authority may submit any planning application which in its opinion involves matters of major public policy to the minister for determination.

(2) Where a planning application is referred or submitted to the Minister under paragraph (1) of this regulation, the provisions of these Regulations shall apply in relation to the determination thereof by the Minister:

Provided that, before determining any such planning application, the Minister shall, if so requested by either the applicant or the planning authority, afford to each of them an opportunity of making representations in writing thereon.

(3) The decision of the Minister on planning applications referred or submitted to him under the provisions of paragraph (1) of this regulation shall be final, and shall not be questioned in any court.

Reference of planning applications to Minister

19. Any consent to develop granted under these Regulations shall be of no effect unless the development in respect of which consent was granted is

commenced within 12 months of the date of such consent and completed within two years of the date of such consent, or within such longer period as the authority which granted consent may, having regard to the nature of the development, decide.

20. If the Minister is satisfied, after due inquiry, that an interim planning authority has unreasonably failed to enforce the provisions of an approved town plan or an approved area plan, he may require the authority to

do all things necessary for enforcing the plan, and may, at his discretion, revoke the appointment of such interim planning authority.

Enforcement of provisions of approved plan

21. (1) An applicant aggrieved by a decision of the Central Authority or an interim planning authority, as the case may be, may, within 30 days of receipt by him of notification of such decision, appeal to the Minister in writing against the decision in such manner as may be prescribed.

(2) The Minister may allow or dismiss an appeal brought under paragraph (1) of this regulation, or may reverse or vary any part of the decision appealed against, whether or not the appeal relates to that part, and may deal with the application as if it had been made to him in the first instance; and the provisions of these Regulations shall apply in relation to the determination by the Minister of a planning application or an appeal under paragraph (1) of this regulation as they apply to the determination by the Minister of a planning application referred to him.

(3) A decision by the Minister on an appeal to him under paragraph (1) of this regulation shall be final and shall not be questioned in any court:

Provided that where any applicant is aggrieved in respect of a decision by the Minister which relates in any way to the amount of land to be surrendered for public purposes under regulation 11 (2) and regulation 16 of these Regulations he may appeal to the High Court.

Appeals to Ministers

22. Any person who is aggrieved by the refusal of a Divisional Board to consent to the development of land may within 30 days after the date of notification of the refusal, appeal in writing to the Appeals Tribunal, which may in its discretion refuse consent to the application (in which case the decision shall be final and shall not be questioned in any court) or recommend to the Central Authority or the interim planning authority, as the case may be, that consent should be given to the development, whereupon that authority shall consider the application as if it had not been an application for development in respect of land included under regulation 12 (1) (b) or subparagraph (2) or paragraph (1) of regulation 14 of these Regulations. Appeal to Regional Board. L.N. 457/1963

23. (Deleted by 34 of 1967.)

24. (1) The Registrar shall refuse to register a document relating to the development of land unless consent required by these Regulations has been given or unless the appropriate conditions relating to such consent have been complied with.

(2) In paragraph (1) of this regulation, the word "Registrar" has the respective meanings assigned to it in section 2 of the Government Lands Act and section 2 of the Registration of Titles Act, and, in relation to land to which Part II of the Land Titles Act applies, means the Principal Registrar and any registrar

appointed for the purposes of that part, and, in relation to land registered under the provisions of the Land Registration (Special Areas) Act, 1959, means the Land Registrar (Special Areas).

Cap. 280  
Cap. 281  
Cap. 282  
27 of 1959

25. Any person who knowingly makes any false statement in any application or appeal under these Regulations, or who knowingly gives any false information to any person in the course of the determination of any application

or appeal under these Regulations shall be guilty of an offence and liable to a fine not exceeding five thousand shillings or imprisonment for a term of six months or to both such fine and imprisonment.

Penalty for false statement

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person on whom an enforcement notice is served who is aggrieved by such enforcement notice may within the period specified therein appeal to the Minister whose decision thereon shall be final, and shall not be questioned in any court.

PART V - ENFORCEMENT OF PLANNING CONTROL

26. In this Part "authority" means a local authority, an interim planning authority or the Central Authority, as the context may require.

Interpretation 21 of 1966, 1st. Sch.

27. (1) If it appears to an authority that development of land has been carried out after the date these Regulations are applied without the granting of consent required in that behalf, or that any conditions subject to which consent to develop was granted have not been complied with, then such authority, subject to any directions given by the Minister may, within five years of such development being carried out and having regard to the provisions of any relevant approved plan, or the proper development of the area, serve an enforcement notice on the owner or occupier of the land.

Enforcement notice. 21 of 1966, 1st. Sch.

(2) An enforcement notice shall specify the development alleged to have been carried out without consent, or, as the case may be, the conditions attached to a consent which it is alleged to have been breached, and may require such steps as may be specified therein to be taken within such period as may be specified therein to restore the land to its condition before the development took place, or for securing compliance with the conditions, as the case may be, and in particular such enforcement notice may require the demolition or alteration of any building or works, the discontinuance of any use of land, or the carrying out of any building or other operation.

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If,

(3) Subject to paragraph (4) of this regulation, an enforcement notice shall take place after the expiration of such period (not being less than 28 days after the date of service thereof) as may be specified therein:

within the period specified in an enforcement notice or within such extended period as the authority may allow, any steps required to be taken (other than discontinuance of any use of land)

Provided that -

- (a) if within the period aforesaid an application is made to the Central Authority for permission to retain any building or works or to continue the use of the land, as the case may be, to which the enforcement notice relates, the notice shall be of no effect pending the determination of such application and if permission as aforesaid is granted, then notice shall similarly be of no effect;
- (b) if within the period aforesaid an appeal is made to the Minister under paragraph (4) of this regulation, the enforcement notice shall be of no effect pending the determination of the appeal.

have not been taken, the authority may enter on the land and take those steps, and may, without prejudice to any other penalties that may be imposed or any other action that may be taken under these Regulations, recover as a simple contract debt from the person on whom the enforcement notice was served, any expenses reasonably incurred by it in that behalf; and if that person, having been entitled to appeal under regulation 27 (4) of these Regulations has failed to make such an appeal, he shall not be entitled to dispute the validity of any action taken by the authority under the provisions of this paragraph upon any grounds that could have been raised in such appeal.

(2) Where an authority has taken action under paragraph (1) of this regulation, any materials removed by them from the land pursuant to any such action may, unless the owner lays claim thereto and removes such materials, be sold and the proceeds thereof, after deduction of any expenses reasonably incurred by such action and by such sale, be paid to the owner.

(3) Any person who obstructs an authority in the execution of its powers under paragraph (1) of this regulation shall be guilty of an offence against these Regulations and shall be liable to a fine not exceeding five thousand shillings or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

29. The Minister may require an authority to take such action as he considers appropriate in order to ensure compliance without undue delay with this Part of these Regulations.

PART VI - MISCELLANEOUS AND TRANSITIONAL PROVISIONS

30. No land in respect of which a town planning scheme under the provisions of the Town Planning Act has been approved shall be included within an interim planning area.

31. The Public Health (Division of Lands) Act is hereby repealed.  
Repeal Cap. 131 (1948)

32. The provisions of sections 23 and 24 of the Town Planning Act shall cease to apply to land within an interim planning area or land included in a plan prepared under regulation 7 of these Regulations.  
Non-application of Cap. 134 (1948)

33. (1) The Minister may, with the consent of the President, delegate all or any of his powers and functions under these Regulations as he may deem fit.

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rural district  
council  
shall for the  
purposes of  
these  
Regulations  
, for such  
functions as  
re delegated  
to it, be a  
local  
authority.  
  
34.  
(1)  
The  
Minister  
may make  
rules  
prescribing  
anything  
which may  
be  
prescribed  
under these

Regulations and generally for carrying into effect the intent and purposes of these Regulations.

Rules

(2) Without prejudice to the generality of the provisions of paragraph (1) of this regulation, such rules may provide -

- (a) for prescribing the forms to be used, and the fees to be paid for things required to be done, under these Regulations;
- (b) for prescribing the procedure for the making of applications and appeals under these Regulations, and the particulars and material to be furnished;
- (c) for regulating the meetings of interim planning authorities, Divisional Boards and the Central Authority, and the conduct of business thereat;
- (d) in consultation with the Treasury, for the payment of travelling or other expenses and subsistence allowances to members of Divisional Boards and the Central Authority, not being public officers.

35. Except where otherwise exempted and in respect of development by or on behalf of the armed forces of the Republic, the government shall be bound by the provisions of these Regulations.

Government to be bound

36. (1) Any approval for development given under the provisions of any written law, with the exception of any consent given under building by-laws, in force immediately prior to the commencement of these Regulations and relating to land to which these Regulations apply shall be deemed to be a consent to develop given under the provisions of these Regulations:

Provided that such approval shall be of no effect unless the development in respect of which approval was given has been commenced within 12 months and is completed within four years of the commencement of these Regulations.

(2) Any application for permission to develop land made to the Commissioner of Lands or the Public Health (Division of Lands) Board, established under the provisions of the Public Health (Division of Lands) Act, made before the commencement of these Regulations, being an application that has not been determined by the appropriate authority before that date shall, for the purposes of these Regulations, be deemed to be a planning application made to the Central Authority, and shall be deemed to have been made on the commencement of these Regulations.

(3) Where any application for permission to develop land made to the said Board before the commencement of these Regulations has been

determined before such commencement, and where no appeal has been lodged and the time within which such appeal could have been lodged has not expired, the decision of the said Board shall be deemed to have been made on the commencement of these Regulations, and an appeal against that decision may be made in accordance with the provisions of these Regulations.

(4) Any appeal to the President against a decision of the said Board which has

not been determined at the commencement of these Regulations shall be deemed to be an appeal to the Minister and shall be determined by him in accordance with these Regulations.

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Cap. 131 (1940)