

L.N.240/1967,  
L.N.161/1977,

Citation. L.N.26/2006  
**SUBSIDIARY LEGISLATION**

**Rules under sections 25 and 26—**

THE VALUATION FOR RATING (PUBLIC LAND)(AMENDMENT) RULES, 2006

1. These Rules may be cited as the Valuation for Rating (Public Land)(Amendment) Rules, 2006.

Interpretation  
and application

of Act. 2. (1) In these Rules, except where the context otherwise requires—

"clerk" means the clerk of the local authority;

"public land" means Government land;

"relevant authority" means the Commissioner of Lands, the Managing Director of the Kenya Railways Corporation or the Managing Director of the Kenya Ports Authority, as the case may be, the Managing Director of the Kenya Posts and Telecommunications Corporation and the Managing Director of Kenya Airports Authority.

"valuation committee" means a valuation committee appointed under rule 12.

(2) Except in rule 8 and in sections 3, 4 and 18 of the Act (as applied by these Rules), "public land valuation roll" includes a supplementary public land valuation roll, and "draft public land valuation roll" includes a draft supplementary public land valuation roll.

(3) Subject to these Rules, the provisions of sections 3, 4, 6, 8, 14, 18, 20, 21, 22, 23 and 24 of the Act shall apply in respect of public land as they apply in respect of rateable property and as if references to rateable property, rateable owner, valuation roll, supplementary valuation roll and valuation court in those sections were references respectively to public land, relevant authorities, public land valuation roll, supplementary public land valuation roll and valuation committee, and as if the references therein to sections 9, 11, 16 and 17 of the Act were references respectively to rules 9, 11, 14 and 15.

Public land  
valuation roll

Cap. 267. 3. (1) For the purposes of assessing the contribution in lieu of rates payable to a local authority in respect of Government land under [the Rating Act](#), the valuer shall prepare a draft public land valuation roll, which shall be separate from,

but at the same time of valuation as, the valuation roll of rateable property in the area of the local authority.

(2) The draft public land valuation roll shall comprise all public land within the area of the local authority which would, if it were not public land, be rateable property (but not land excluded from the roll under rule 4), and shall distinguish between—

- (a) land of the Government;
- (b) land of the Kenya Railways Corporation;
- (c) land of the Kenya Posts and Telecommunication Corporation;
- (d) the Kenya Ports Authority;
- (e) the Kenya Airways Corporation.
- "(f) Kenya Airports Authority"

Land used for certain public purposes to be excluded from roll.

Cap.394.

Cap.391. 4. Public land shall not be included in a draft public land valuation roll, or be liable to any contribution in lieu of rates, if it is being directly and exclusively used for any of the undermentioned purposes—

- (a) museums, art galleries, and ancient monuments (including Fort Jesus at Mombasa);
- (b) botanical gardens and arboreta;
- (c) veterinary quarantine areas and outspans;
- (d) all State Houses and all President's Lodges;
- (e) aerodromes within the meaning of [the Civil Aviation Act](#) and [the Kenya Airports Authority Act](#) which are managed and controlled by the Kenya Airports Authority, excluding areas used for passenger reception or the handling or storage of goods, the offices of airline companies or agencies, immigration and customs offices and premises, restaurants, lounges, bars, shops, hangars, workshops, posts and telecommunications installations and stores, police stations, animal holding grounds, freight sheds and dumps;
- (f) railway tracks, including tracks in sidings and marshalling yards and signal boxes, water towers and other such buildings or structures essential to the operation of railway tracks, but excluding areas used for passenger or goods stations, offices, workshops, servicing areas, sheds and depots;
- (g) wharves, piers, jetties, berths and navigational aids in a harbour within the meaning of [the Kenya Ports Authority Act](#), and the loading or unloading of vessels

and the storage of cargoes in transit at or adjacent to those wharves, piers, jetties and berths, and any land below high-water mark in a harbour;

(h) roads and streets which are used as such by the public for vehicular traffic, whether as of right or not;

(i) parks and open areas managed and controlled by a local authority for the use of the public,

except to the extent that the land (other than that used for the purposes set out in paragraph (d) is used for any residential purpose.

Land reserved  
for public  
purposes to

be exempt. 5. (1) Any public land which is Government land which should in the opinion of the Minister be reserved for any of the purposes specified in rule 4 shall, if it is duly reserved for that purpose by letter of reservation given by the Commissioner of Lands in accordance with the Minister's opinion or if it is duly shown as reserved or required for such a purpose on a subdivisional or development plan approved and signed by the Commissioner of lands under any written law, be exempt from payment of contribution in lieu of rates while the land is not being used for any other purpose except that paragraph (ii) of the proviso to section 25 (1) of the Act shall be complied with in respect of Government land.

(2) Land which is exempt from payment of contribution in lieu of rates by virtue of paragraph (1) shall be included in the public land valuation roll, but it shall be shown separately from other land in the roll.

Parcels of

valuation. 6. (1) Public land shall be valued in such parcels as are appropriate to the nature, boundaries and size of each area involved and no parcel need correspond with or comprise the whole of any existing surveyed plot or existing title, and—

(a) land of one of the bodies mentioned in rule 3 (2) shall not be valued in the same parcel as land of another of those bodies;

(b) land exempt under rule 5 shall not be valued in the same parcel as any other land;

(c) land shall not be valued in the same parcel as other land which it does not adjoin; and for this purpose land shall not be taken as adjoining other land if it is separated from it by land which is excluded from the roll by virtue of rule 4 or section 27 of the Act, or which is exempt by virtue of rule 5.

(2) Each such parcel shall be a unit of valuation and shown separately on the public land valuation roll.

(3) This rule shall be deemed to have come into operation on the 1st January, 1966.

Certain land  
not to be  
treated as  
restricted

in use. 7. In valuing land belonging to one of the bodies mentioned in rule 3 (2), the land (whether or not it is exempt from payment of contribution in lieu of rates under rule 5) shall not be taken to be, or to have been at any time since the 1st January, 1966, restricted in use to the purposes of that or any like body or to any other railway, harbour, postal, telecommunication or (after the 1st December, 1967) aviation purpose, notwithstanding anything—

(a) in section 8 of the Act, or

(b) appearing on any plan or planning scheme (whether or not such plan or scheme is operative or enforceable in law),

and the land shall be valued without regard to any such restriction and accordingly without regard to the profitability, whether actual, notional or potential, of that body or any like body, but the land shall be valued with regard to the best use to which the land can be put and the suitability of the land for that use in comparison with other land in the vicinity.

Supplementary

roll. 8. (1) A supplementary public land valuation roll under section 4 of the Act (as applied by these Rules) shall, notwithstanding anything in that section, be prepared once in each of the years following the financial year in which the public land valuation roll has come into force, and shall take into account every change in ownership or other disposition affecting public land of which the local authority has been notified before the end of the preceding financial year.

(2) Upon a supplementary public land valuation roll being certified in accordance with rule 11 or rule 15, it shall become part of the public land valuation roll.

Objections

to roll. 10. (1) Any of the relevant authorities or the local authority may object to any value or other matter contained in or omitted from the draft public land valuation roll by giving written notice stating the grounds of objection, to the clerk, within six months of his being notified of the making of the roll, and the clerk shall furnish a copy of any objection which the local authority may raise within the same period to such of the relevant authorities as is concerned.

(2) The valuer may, by agreement in writing with the parties affected, alter the roll before it is submitted to the valuation committee, in which case the objection shall stand withdrawn.

Certification of  
uncontested  
roll.

11. If no objection has been made to the Clerk within the period of

six months, or if any objection made has been withdrawn, the clerk shall so inform the Minister and the relevant authorities, and shall certify the draft public land valuation roll accordingly, and the draft public land valuation roll shall thereupon become the public land valuation roll.

#### Valuation

committee. 12. (1) If an objection has been made and is not withdrawn, the draft public land valuation roll shall be submitted to a valuation committee consisting of the following members—

(a) a magistrate having power to hold a subordinate court of the first class or an advocate of not less than five years' standing, appointed by the Minister with the approval of the Chief Justice, who shall be chairman;

(b) one member and one alternate member appointed by the Minister, both of whom may sit on the committee, but when both of them sit on the committee only one of them may vote; and

(c) one member and one alternate member appointed by the local authority, both of whom may sit on the committee, but when both of them sit only the substitute member may vote:

Provided that the valuer may not be appointed a member of the valuation committee.

(2) The Minister may, with the approval of the Chief Justice, appoint a duly qualified person to be an alternate chairman, who may attend and preside at any meeting which the substantive chairman is unable to attend.

(3) Where an alternate chairman or other alternate member takes the place of the substantive chairman or other member, it shall not invalidate the previous proceedings of the valuation committee except in regard to any objection which the committee has not fully considered, which shall be reheard.

(4) The local authority shall pay to the Government in respect of any magistrate who is chairman of a valuation committee, or may pay to any advocate who is chairman, the same fees as are prescribed in relation to the president of a Valuation Court, and may pay to other members of a valuation committee fees not exceeding the fees so provided.

Clerk of  
committee to

call meetings. 13. The local authority shall appoint a clerk to the valuation committee, who may be the clerk of the local authority, and who shall—

(a) request the Minister and the local authority to make the appointments provided for by rule 12;

(b) call meetings of the committee to consider the draft public land valuation roll within twelve months of the notification given under rule 9;

Provided that the chairman of the committee may, for good reason, extend such period, or, if no chairman has been appointed, the Minister may extend the period;

(c) cause notes to be taken of evidence given before the committee, and keep minutes of its proceedings and a record of the assessment, objection and finding in regard to each objection.

Determination of objections. 14. (1) The committee shall consider objections to the draft public land valuation roll, and may confirm the roll or may amend it by reducing or increasing any valuation in it, or by adding any item to it or deleting any item from it.

(2) The local authority and any objector may present evidence, call and examine witnesses and ask questions of any objector, and may be represented by an advocate or accredited representative; and the committee may, if the chairman so decides, take such evidence on oath, and may at any time, either of its own accord or on the application of any party, summon any person whose attendance is required either to give evidence or to produce documents.

(3) The valuer shall attend and answer on oath questions arising from any objection put to him by the objector or by the valuation committee, and may himself present evidence, call and examine witnesses and ask questions of any objectors, and may himself be represented by an advocate.

(4) If the valuer or any objector whose objection is heard and determined by the valuation committee so requests, the chairman of the committee shall provide a written statement of the decision of the committee, giving the committee's reasons for reaching its decision.

Certification of roll after objections

determined. 15. As soon as practicable after all objections have been heard and determined, and after the draft public land valuation roll has been amended accordingly, the chairman of the valuation committee shall sign and certify the roll, whereupon it shall become the public land valuation roll.

Appeals. 16, (1) Within three months from the date upon which the public land valuation roll is signed and certified by the chairman, the local authority or any party who appeared on an objection determined by the valuation committee may appeal to the High Court against any decision of the valuation committee.

(2) No appeal under this rule or case stated under section 20 of the Act (as applied by these Rules) shall operate as a stay of execution of the decision of a valuation committee.

Calculation of contribution in lieu of rates.

Cap. 267. 17. (1) The contribution in lieu of rates payable in respect of public land shall be calculated at the same rate as that levied by the local authority on rateable

property in the same rating area (as defined by [the Rating Act](#)) as that in which the land is situated.

(2) The contribution in lieu of rates shall be payable on such date or dates and in such instalments as may be determined by the Minister, who may fix different dates and instalments for the different bodies mentioned in rule (2).

(3) If during any financial year any land, before the date fixed by the local authority for payment of rates in that year, becomes exempt from payment of contribution in lieu of rates by virtue of rule 4 or rule 5, no contribution shall be payable in respect of that land for that year.

(4) When in pursuance of a decision of a valuation committee under rule 14, or of the High Court under rule 16 or under section 20 of the Act, an amendment has been made to a draft land valuation roll or a public land valuation roll which affects the amount of the contribution in lieu of rates payable in respect of any public land, the amount underpaid or overpaid shall thereupon be paid or repaid, as the case may be.

Transitional.

L.N.7/1972. 18. (1) Every draft valuation roll, valuation roll, draft supplementary valuation roll and supplementary valuation roll prepared under the Rating (Valuation of Crown and Authority Land) Rules (hereby revoked) and in force immediately before the commencement of these Rules shall continue in force according to its terms after such commencement until it is superseded by a public land valuation roll under these Rules, and shall be subject to these Rules (except rule 3 of these Rules).

(2) A draft valuation roll or draft supplementary valuation roll prepared at any time under the revoked Rules shall not be taken to have been invalidated by reason of the fact that it was not considered by a valuation committee under those Rules within the time prescribed by those Rules.

Dated 3rd March,2006

Musikari Kombo,

Minister for Local Government