



The KPDA Legislative Bulletin summarizes some of the key Bills, and Motions set for debate and consideration before Parliament in the week ending 7th June 2019.

## THE NATIONAL ASSEMBLY



### 1. The Building Surveyors Bill, 2017

The Bill seeks to provide for the registration of building surveyors and for connected purposes. The Bill is yet to be passed by Parliament.

### 2. The Land Value Index Laws (Amendment) Bill, 2018

The Bill seeks to amend the Land Act, the Land Registration Act and the Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act; to provide for the assistance of land value index in respect of compulsory acquisition of land; and for connected purposes.

The Bill was passed by Parliament and subsequently forwarded

to the Senate for consideration on 29th August, 2019. The Senate considered it and passed it with amendments on 14th February 2019. The amendments were thereon conveyed to Departmental Committee on Lands.

### 3. The Physical Planning Bill, 2017

The Bill seeks to make a provision for the planning, use, regulation and development of land and for connected purposes.

The Bill was passed by the Senate with amendments and referred back to the National Assembly for concurrence. The Bill was referred to the Mediation Committee.

### 4. The Sectional Properties Bill, 2019

The Bill provides 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 connected purposes.

Cabinet discussed and approved the Bill on 21st February 2019. The Bill will be forwarded to the Office of the Attorney General for Publication after which it will be sent to Parliament for enactment. The Bill if enacted will modernize ownership of sectional properties in Kenya.

## Key Words and their Meaning

**Committee of the Whole** - This is a Committee composed of all Senators in plenary. At Committee, the Senate considers the Bill clause by clause and may amend the clauses. Any Senator, other than the sponsor of the Bill, who wishes to move an amendment to the Bill, must give written notification of the amendment to the Clerk at least twenty-four (24) hours before commencement of the sitting at which the amendment is to be considered.

**Concurrence of the National Assembly** - A Bill that is passed by the Senate must be submitted to the National Assembly. A certified copy of the Bill is forwarded to the Clerk of the National Assembly together with a Message signed by the Speaker requesting concurrence of the Assembly. If the National Assembly agrees with the Bill and does not propose any amendments, the Senate forwards the Bill to the President for assent. If the National Assembly proposes amendments to the Bill, the amendments are submitted to the Senate and are circulated to the Senators. The amendments are then considered in the Committee of the Whole. The Senate may then pass the Bill

by including all the amendments or may reject any or all the amendments. Where an amendment is rejected, the Bill is referred to a mediation committee.

**Defer** - Postponing the Bill to a later time.

**Mediation Committee** - Whenever the Senate does not agree to any of the amendments proposed by the National Assembly or rejects a Motion that a Bill which originated in the National Assembly be read a second or third time, the Speakers of both Houses appoint a Mediation Committee, consisting of an equal number of Senators and Members of the National Assembly to develop a version of the Bill that is agreeable to both Houses. If the Committee agrees on a version that is passed by both Houses, the Bill is passed.

**Recess** - Basically a break where a legislative body is released and reassembles at a later time. The members of the body are however expected to return back soon in the case of a short recess.

**Second Reading** - A stage where the Senators debate the essence and principles of the Bill and give their views on the Bill.