



LEGAL NOTICE NO.

THE PHYSICAL AND LAND USE PLANNING ACT, 2019

(No. 13 of 2019)

IN EXERCISE of the powers conferred by section 90 of the Physical and Land Use Planning Act, 2019, the Cabinet Secretary for Lands and Physical Planning makes the following Regulations—

**THE PHYSICAL AND LAND USE PLANNING (LIAISON COMMITTEES)
REGULATIONS, 2020**

PART I—PRELIMINARY

Citation. **1.** These Regulations may be cited as the Physical and Land Use Planning (Liaison Committees) Regulations, 2020.

Interpretation. **2.** In these Regulations, unless the content otherwise requires—

“amendment” means formal additions, modifications or removal of parts of the complaint, claim or appeal with an intention to improve the complaint, claim or appeal;

“application for development permission” means an application made under section 55 for permission to develop land;

“appeal” means a matter filed before the National Physical and Land Use Planning Liaison Committee for determination under section 75 (1) (b) of the Act or matter filed before the County Physical and Land Use Planning Liaison Committee for determination under section 78 (a), (b) and (d) of the Act;

“Chairperson” means a chairperson of the committee appointed under section 74 (4) in the case of National Physical and Land Use Planning Liaison Committee or a person appointed in accordance with section 77 (1) (a) in the case of a County Physical and Land Use Planning Liaison Committee;

“Committee” means the National Physical and Land Use Liaison Committee established under section 73 and the County Physical and Land Use Planning

Liaison Committee established under section 76;

“County Liaison Committee” means the County Physical and Land Use Planning Liaison Committee established under section 76;

“enforcement notice” means a notice served by a planning authority on a developer under the provisions of section 72 of the Act communicating the intention of the planning authority to correct a breach or act on development that has been undertaken without planning permission or in contravention of planning permission granted;

“Secretary” means an officer appointed by the Cabinet Secretary in the case of National Physical and Land Use Planning Liaison Committee under section 74(2) or County Executive Committee Member for the County Physical and Land Use Planning Liaison Committee under section 77 (3);

“interested parties” means a person or a legal entity who expresses interest to be enjoined in a claim, complaint or appeal, who may be prejudiced if not joined but is not an original party to the appeal;

“member” means a person appointed under section 74 (1) and 77 (1) of the Act;

“National Liaison Committee” means the National Physical and Land Use Planning Liaison Committee established under section 73;

“party” includes an appellant, applicant, respondent or an interested party;

“Register” means a record of appeals kept pursuant to section 87 (1) of the Act and these Regulations;

“Secretariat” refers to an office provided by the Cabinet Secretary under section 74 (2) or by the County Executive Committee Member under section 77 (3) of the Act to provide secretariat services.

PART II—NATIONAL PHYSICAL AND LAND USE PLANNING LIAISON COMMITTEE

Conduct of
business of
National
Liaison
Committee.

3. The National Liaison Committee shall—

(a) determine its own procedure; and

- (b) shall meet at least four times in a year, with at least a meeting every quarter.

Election of the chairperson of the National Liaison Committee.

4. (1) The Cabinet Secretary shall convene the first meeting, inaugurate the National Liaison Committee and preside over the election of the chairperson.

(2) In the event the office of the chairperson falls vacant, the Cabinet Secretary shall convene a meeting and preside over the election of a new chairperson.

Election of an interim chairperson.

5. Where the chairperson of a National Liaison Committee is unable to exercise his functions owing to illness, genuine absence or any other reason, the members present shall elect one of the members appointed under paragraph (h), (i), (j), (k), (l), (m) of section 74(4) to act as an interim chairperson for a particular meeting.

Vacancy of office.

6. The position of the chairperson or a member shall become vacant if the holder—

- (a) resigns from his or her position by notice in writing addressed to the appointing authority;
- (b) is absent in three consecutive meetings of the committee without an apology;
- (c) is convicted of an offence by a court and sentenced to imprisonment for a term of six months or more without the option of a fine;
- (d) is unable or unfit, by reason of mental or physical infirmity, to discharge his functions as a member of the committee;
- (e) dies;
- (f) loses membership in the nominating professional body;
- (g) expiry of term of office; or
- (h) is removed from office on any of the following grounds—
 - (i) gross violation of the Constitution or any other written law;
 - (ii) gross misconduct or misbehavior;

- (iii) incompetence or neglect of duty; or
- (iv) declared bankrupt.

Filling of a vacancy.

7. (1) In the event that a vacancy falls in the position of the chairperson, the secretary shall communicate in writing to the Cabinet Secretary of the existence of a vacancy.

(2) In the event of a vacancy in the position of a member under section 74 (1) (h),(i),(j),(k),(l),(m) , the Cabinet Secretary shall communicate in writing to the respective body to nominate a replacement within thirty days of the occurrence of the vacancy.

(3) A vacancy under paragraph (1) shall be filled within fourteen days. after nomination of a member by the nominating body

Responsibilities of chairperson.

8. The responsibilities of the chairperson shall be to—

- (a) preside over the meetings of the National Liaison Committee;
- (b) approve communication from the National Liaison Committee;
- (c) notify the Cabinet Secretary on the existence of a vacancy of a member; and
- (d) assign any member or Secretariat any other role in accordance with these Regulations.

role of the Secretary

9. The Secretary shall—

- (a) be the head of secretariat;
- (b) be responsible for the day to day operations of the secretariat
- (c) prepare the agenda of meetings of the National Liaison Committee;
- (d) record proceedings, deliberations and decisions of the National Liaison Committee;
- (e) keep a record of meetings and decisions of the National Liaison

Committee;

- (f) avail certified copies of minutes when required;
- (g) receive, register and keep custody of appeals and any other supportive document to the appeal;
- (h) facilitate provision of extracts and copies from the register;
- (i) notify the Cabinet Secretary on the existence of a vacancy in the office of the chairperson; and
- (j) undertake any other duty assigned by the National Liaison Committee.

Filing of
appeals.

10. (1) A person or entity who is aggrieved by a decision of the planning authority, may file an appeal to the Committee pursuant to section 32 (4) or 75(2) of the Act.

(2) An appeal shall be initiated by filing a statement of appeal signed by the appellant or their authorized representative in Form PLUPA 1 (a) set out in the Schedule.

(3) A Statement of Appeal shall contain—

- (a) the names and addresses of the appellant;
- (b) the name and address of the appellant's authorized representatives, if any;
- (c) the nature of the decision appealed against and the facts and grounds on which the appeal relies on;
- (d) the relief sought;
- (e) any principle in law, policies or regulations that the appeal relies on;
- (f) a list of witnesses, if any; and
- (g) a list of the annexures containing—
 - (i) a copy of the decision being appealed against;
 - (ii) the documents the appellant wishes to rely on in the appeal; and

- (iii) the details of witnesses as specified in the appeals application Form {PLUPA 1(a) set out in the First Schedule;
- (iv) minutes of the decision being appealed against, if any; and
- (v) payment receipt of prescribed fee as per the Second Schedule.

(4) Upon the receipt of the appeal, the respondent may file a response within seven working days

Submission of appeals.

11. (1) The appeal shall be submitted to the secretariat of the National Physical and Land Use Planning Liaison Committee.

(2) The appellant shall submit the print and electronic copy of the appeal in triplicate.

(3) The secretary shall, on receipt of the appeal and confirmation of payment of the fee specified under these Regulations,—

- (a) record the particulars of the appeal in the register of appeals;
- (b) issue to the appellant a copy of the appeal, which has been duly stamped and with a reference number;
- (c) serve a copy of the appeal to the respondent within seven days; and
- (d) advise the appellant of any other matter which the secretary deems fit and necessary.
- (e) inform the appellant of the date the matter shall be heard

Particulars of the appeals register.

12. (1) The Secretary shall keep a register of appeals which shall contain the following particulars—

- (a) the identity of the parties and their respective contacts; including physical address
- (b) the particulars of interested parties enjoined in the appeal if any;
- (c) the serial number of the appeal;
- (d) the date of receipt of the appeal;

- (e) the nature of an appeal;
- (f) the relief sought by an appellant;
- (g) amendment, if any;
- (h) notice of withdrawal, if any and date thereof;
- (i) the decisions made and the date thereof;
- (j) the date of communication of the Committees decision to the appellant;
- (k) the date of filing the decision in the Environment and Land Court; and
- (l) any other details that the Committee may deem fit and just.

(2) A request for inspection of a register shall be in Form PLUPA Form 5 (a) set out in the First Schedule.

Interested parties

13. (1) Within fourteen days of an appeal being lodged, any person may apply to the chairperson in writing to be enjoined as an interested party

(2) An application under regulation 13(1) shall include—

- (a) description of the interested party;
- (b) depiction of such prejudice as the interested party would suffer if the request was denied;
- (c) the grounds or submissions to be advanced by the interested party, their relevance to the appeal and their departures from the stand point of the parties.

(3) The chairperson shall determine whether to allow the interested party to be enjoined in the appeal and communicate such decision to the applicant within two (2) days of receipt of the application.

Withdrawal and abandonment of appeals.

14. (1) An appellant may, with the leave of the Committee and upon such terms as to costs or otherwise as the Committee may direct at any time before the determination of an appeal, give a notice of intention to withdraw an appeal in writing in Form **PLUPA 8(a)** set out in the First Schedule.

(2) Where an appeal is withdrawn pursuant to paragraph (1), no further appeal

shall be allowed by the Committee in respect of the same subject matter.

(3) The Committee may determine an appeal to have been abandoned if the appellant fails to—

- (a) respond to summons to appear for hearings for two consecutive sittings ;
- (b) file a response when required; or
- (c) show cause why the appeal should not be deemed abandoned or withdrawn within seven days of service.

Amendment of Appeals.

15. The appellant may amend the appeal within two working days upon filing.

Filing of response by respondent.

16. Upon receipt of an appeal, the respondent shall file a written response within seven days stating whether or not the respondent intends to oppose the appeal and the grounds on which it relies in opposing the appeal.

Conduct of hearings.

17. (1) The secretary, in consultation with the chairperson, shall set the time, date and place of hearing of an appeal.

(2) The secretary shall communicate to the parties, in writing, the date, time and place of the hearing within seven days of receipt of appeal in Form PLUPA 6(a) set out in the First Schedule.

(3) At the commencement of a hearing, the chairperson shall direct the parties of the order in which they shall argue the appeal.

Disclosure of conflict of interest.

18. (1) A member of the committee shall disclose interest on the matter which is the subject of the proceedings which would conflict with the proper performance of the member's function.

(2) Except with the consent of all parties, any member of the committee who has declared interest under this regulation shall not take part in the proceedings.

(3) The committee shall maintain a register for recording of conflict of interest.

(4) A disclosure of conflict of interest shall be recorded in the minutes of the meeting and the conflict of interest register.

Consolidation of appeals.

19. The Committee may, in its discretion consolidate appeals, where appeals have been filed in respect of the same matter or in respect of several interests in the

same subject of the dispute.

Quorum of meetings and voting.

20. The quorum of the committee shall be at least nine members.

Language of hearing.

21. (1) The language of the appeals shall be Kiswahili or English.

(2) Despite paragraph (1), a party may make a request to make a representation in any language of their choice including braille or sign language.

(3) A request under paragraph (2) shall be made at least seven days before the hearing of the appeal.

(4) Upon receiving the request made under paragraph (2), the committee shall avail the interpretation services required during the hearing of the appeal.

Appearance of the parties at a hearing.

22. (1) The committee shall issue summons in Form PLUPA 2 (a) set out in the First Schedule, which shall be served upon the respondent by the secretary within the period specified in the summons.

(2) The appellant shall appear at the hearing in person or through an authorized representative.

(3) The appointment of the representative shall be communicated in Form of PLUPA Form 3(a) set out in the First Schedule.

(4) If on the scheduled date for hearing of an appeal—

(a) neither party attends the hearing, the application may be dismissed; or

(b) where either the applicant or the respondent does not attend the hearing, the committee may proceed as it deems fit.

(5) A party who, for a sufficient cause did not attend the hearing and is aggrieved by the decision of the committee under sub-regulation (4) may apply to the committee to have application heard afresh.

(6) The committee, in case of sub-regulation 5 shall consider a request for fresh determination and may set aside the decision made, provided that the party shall demonstrate sufficient cause for non-attendance.

Power to determine

23. The committee may, subject to consent in writing of all the parties to an

appeal
without
hearing

appeal, determine the appeal without an oral hearing.

Power to issue
interim orders

24. (1) The committee may issue interim orders to stop development pending determination of the appeal in Form PLUPA Form 7(a) set out in the First Schedule.

(2) Any development affecting any land to which an enforcement notice relates shall be discontinued and execution of the enforcement notice shall be stayed pending determination of an appeal.

(3) Where a party is aggrieved by a decision of the national planning authority and files an appeal seeking interim orders, the committee may direct that implementation of the decision be suspended until the matter is heard and determined.

Site visits.

25. Prior to the determination of an appeal, the committee may on its own motion or an application by any of the parties visit or inspect the site that is subject of appeal.

Communication of
determination.

26. The chairperson shall notify the parties in an appeal of the committee's determination in the prescribed in Form PLUPA 4(a) set out in the First Schedule.

Filing of
response by a
respondent.

27. The committee shall give reasons for all its decision and determinations, and each of any such decisions shall include—

- (a) a statement of the findings of fact made from the evidence adduced, including, where applicable, any relevant government policy; and
- (b) a statement of the laws and rules of law applied, and the interpretation thereof.

PART III— COUNTY PHYSICAL AND LAND USE PLANNING LIAISON COMMITTEE

Conduct of
business of
the
Committee.

28. The County Liaison Committee shall—

- (a) determine its own procedure; and
- (b) meet at least four times in a year, with at least a meeting in every quarter.

Inauguration
of the County
Liaison
Committee

29. The County Executive Committee Member shall convene the first meeting to inaugurate the County Liaison Committee.

Vacancy of
office.

30. The position of the chairperson or a member of the County Liaison Committee shall become vacant, if the holder—

- (a) resigns from his or her position by notice in writing addressed to the appointing authority;
- (b) is absent from three consecutive meetings of the committee without an apology;
- (c) is convicted of an offence by a court and sentenced to imprisonment for a term of six months or more without the option of a fine;
- (d) is unable or unfit, by reason of mental or physical infirmity, to discharge his functions as a member of the committee;
- (e) dies;
- (f) loses membership in the nominating professional body;
- (g) expiry of term of office; or
- (h) is removed from office on any of the following grounds—
 - (i) gross violation of the Constitution or any other written law;
 - (ii) gross misconduct or misbehavior;
 - (iii) incompetence or neglect of duty; or
 - (iv) declared bankrupt.

Filling of
vacancy .

31. (1) In the event that a vacancy falls in the office of the chairperson, the secretary shall within seven days notify in writing the County Executive Committee Member on the existence of a vacancy.

(2) The County Executive Committee Member shall within seven days declare vacancy and notify the Law society of Kenya to nominate a replacement within fourteen days after notification.

(3) In case of a vacancy in the office of a member under section 14 (2) the chairperson shall notify the County Executive Committee Member in writing within seven days on the existence of a vacancy of a member .

(4) A vacancy declared under paragraph (3) shall be filled within fourteen days from the date of notification.

Responsibility
of the
chairperson

32. The chairperson shall—

- (a) preside over the meetings of the County Liaison Committee;
- (b) approve communication from the County Liaison Committee;
- (c) notify the County Executive Committee Member on the existence of a vacancy of a member; and
- (d) may assign any other role to any committee member or secretariat under these Regulations.

Roles of
secretary

33. The secretary shall—

- (a) be the head of secretariat;
- (b) be responsible for the day to day operations of the secretariat
- (c) prepare the agenda of meetings;
- (d) record proceedings deliberations and decisions of the committee;
- (e) keep a record of meetings and decisions of the committee;
- (f) avail certified copies of minutes when required;
- (g) receive, register and keep custody of appeals and any other supportive document to the appeal;
- (h) facilitate provision of extracts and copies from the register;
- (i) notify the County Executive Committee Member on the existence of a

vacancy in the office of the chairperson;

(j) undertake any other duty assigned by the committee.

Complaint,
claim or
appeals
procedure

34. (1) A person, who wishes to appeal a decision by a planning authority, shall file an appeal to the committee pursuant to section 40 (4), 49 (2), 61 (3), 72 (3) and 78 of the Act which shall be signed by the appellant or the appellant's authorized representative in Form PLUPA 1 (b) as set out in the First Schedule.

Statement of
complaint or
claim or
appeal

35. A statement of appeal, complaint or claims shall contain—

- (a) the name and address of the complainant, claimant or appellant;
- (b) the names and address of the complainant, claimant or appellant's authorized representative, if any;
- (c) the nature of the complaint or claim appealed against, the facts and grounds on which the complaint, claim or appeal relies on;
- (d) the relief sought;
- (e) any principle in law, policies or regulations that the appeal relies on;
- (f) a list of witnesses, if any; and
- (g) a list of—
 - (i) copy of decision being complaint, claimed or appealed against;
 - (ii) documents the complainant, claimant or appellant wishes to rely on in the complaint, claim or appeal
 - (iii) details of witnesses in Form PLUPA 3(b) set out in the First Schedule;
 - (iv) minutes of the decision being appealed against, if any; and
 - (v) payment receipt of prescribed fee.

Submission of
complaint,
claim or

36. (1) The complaint, claim or appeal shall be submitted to the committee.

appeal

(2) The complainant, claimant or appellant shall submit three hard copies or in an electronic copy of the appeal.

(3) On receipt of a complaint, claim or appeal and confirmation of the payment of the prescribed fee under these Regulations, the secretary shall—

- (a) acknowledge receipt by stamping on the face of the statement of appeal the date of receipt, which date must be the date of filing;
- (b) record the particulars of the complaint, claim or appeal in the register of complaints, claims or appeals;
- (c) issue a copy of the complaint, claim or appeal stamped as received with a reference number from the register to the complainant, claimant or appellant;
- (d) forward a copy of the complaint, claim or appeal to the respondent within seven days; and
- (e) advise the complainant, claimant or appellant of any other matter which the secretary deems fit and just.

Particulars of
the appeals
register.

37. (1) The secretariat shall keep a register of complaint, claim or appeal which shall contain the following particulars—

- (a) the identity of the parties and their respective contacts;
- (b) the serial number of the complaint, claim or appeal;
- (c) the date of receipt of the complaint, claim or appeal;
- (d) the nature of a complaint, claim or appeal;
- (e) the relief sought in complaint, claim or appeal;
- (f) amendments, if any;
- (g) notice of withdrawal, if any and date thereof;
- (h) the decisions made and the date thereof;
- (i) date of communication of the Committees decision to the complainant,

claimant or appellant; and

(j) the date of filing the decision in the Environment and Land Court.

(2) A request for inspection of a register shall be made in Form PLUPA 5(b) set out in the First Schedule.

Withdrawal
and
abandonment
of complaint,
claim or
appeal.

38. (1) A complainant, claimant or appellant may, with the leave of the committee and upon such terms as to costs or otherwise as the committee may direct at any time before the determination of a complaint, claim or appeal, give a notice of intention to withdraw a complaint, claim or appeal in Form PLUPA 8 (b) set out in the First Schedule.

(2) Where a complaint, claim or appeal is withdrawn pursuant to 35(1), no further complaint, claim or appeal shall be allowed by the committee in respect of the same subject matter.

(3) The committee may determine a complaint, claim or appeal to have been abandoned if the complainant, claimant or appellant fails to—

(a) responds to summons by the committee within seven days of service effected either through electronic media, the known postal address or posting on the site;

(b) file a response when required within seven days of service effected either through electronic media, the known postal address or posting on the site;

(c) show cause why the appeal should not be declared abandoned or withdrawn within seven days of service;

(d) fails without demonstrating sufficient cause to attend the hearing either in person or through a representative

(e) A party who for sufficient cause did not attend the hearing and is aggrieved by the decision of the committee's under this regulation, may apply to the committee to have the complaint, claim or appeal heard afresh, the committee shall consider the request and may set aside or vary the decision made

Amendment
of
complaint/clai
m/appeal

39. The complainant, claimant or appellant may amend the complaint, claim or appeal within seven days upon filing and must serve all parties within seven days of filing ..

Filing of a
response by
respondent

40. (1) The respondent shall, upon receipt of a complaint, claim or appeal, file a written response within seven days of receipt thereof.

(2) The respondent shall state—

- (a) whether or not the he intends to oppose the appeal and the grounds on which it relies in opposing the appeal;
- (b) whether any other person or entity has a direct interest in the subject matter of the appeal, the name and address of such other person or entity; and
- (c) care must be taken to see that documents filed are legible.

Conduct of hearings.

41. (1) The Secretary, in consultation with the chairperson, shall set the time, date and place of hearing of an appeal.

(2) The Secretary shall communicate in writing on the date, time and place of the hearing to the respective parties within seven days of receipt of complaint, claim or appeal in Form PLUPA 6(b) set out in the First Schedule.

(3) At the commencement of a hearing, the chairperson shall direct the parties of the order in which they shall argue the complaint, claim or appeal.

Consolidation of complaint, claim or appeal

42. The Committee may, in its discretion consolidate complaints, claims or appeals, where they have been filed in respect of the same subject matter or in respect of several interests in the same subject of dispute.

Disclosure of conflict of interest

43. (1) The committee shall maintain a register for recording of conflict of interest.

(2) A disclosure of conflict of interest shall be recorded in the minutes of the meeting and the conflict of interest register.

Quorum at a hearing

44. The quorum shall be maintained throughout the meeting.

Language of hearing

45. (1) The language of the complaint, claim or appeal shall be Kiswahili or English.

(2) Despite paragraph (1) , a party may make a request to make a representation in any language of their choice including braille or sign language.

(3) A request under paragraph (2) shall be made at least seven days before the hearing of the complaint, claim or appeal.

(4) Upon the request made under paragraph (2), the committee shall avail the

required interpretation services required during the complaint, claim or appeal hearing.

Appearance of the parties at a hearing.

46. (1) The committee shall issue summons in Form PLUPA form 2 (b) set out in the First Schedule, which shall be served upon the respondent by the secretary within the period specified in the summons.

(2) The complainant, claimant or appellant shall appear at the hearing in person or through an authorized representative.

(3) The appointment or substitution of the representative shall be communicated in Form PLUPA 3 (b) set out in the First Schedule.

Power to determine complaint, claim or appeal without hearing.

47. The committee may, by consent in writing of all the parties to a complaint, claim or appeal determine the appeal without an oral hearing.

Power to issue interim orders.

48. (1) The committee may issue interim orders to stop development pending determination of the appeal in Form PLUPA 7(b) set out in the First Schedule.

(2) Any development affecting any land to which an enforcement notice relates shall be discontinued and execution of the enforcement notice shall be stayed pending determination of an appeal.

(3) Where a party is aggrieved by approval of a development application by the planning authority and files an appeal seeking interim orders, the committee may direct that the approval be suspended until the matter is heard and determined.

Site visits.

49. Prior to determination of a complaint, claim or appeal, the committee may on its own motion or an application from any of the parties visit or inspect the site subject of complaint, claim or appeal.

Communication of decisions.

50. The chairperson shall notify the parties in an appeal of the committee's determination of the complaint, claim or appeal, in Form PLUPA 4(b) set out in the First Schedule.

Reasons for committees' decisions.

51. The committee shall give reasons for all its decision and determinations, and each of any such decisions shall include—

(a) a statement of the findings of fact made from the evidence adduced,

including, where applicable, any relevant government policy; and

- (b) a statement of the laws and rules of law applied, and the interpretation thereof.

Filing and
publication of
determination.

52. The chairperson shall cause the determination of the committee to be filed in the Environment and Land Court within seven days from the date of determination.

Fees.

53. There shall be paid to the committee such fees as prescribed in the Second Schedule.

DRAFT

I. FIRST SCHEDULE

LIST OF FIRST SCHEDULES UNDER NATIONAL & COUNTY PHYSICAL AND LAND USE LIAISON COMMITTEES

1. Appeals application PLUPA form 1(a)
2. Complaint/Claim/Appeal Application PLUPA Form 1(b)
3. Summons PLUPA Form 2(a)
4. Summons PLUPA Form 2(b)
5. Appointment/Substitution of authorized Representative PLUPA Form 3(a)
6. Appointment/Substitution of authorized Representative PLUPA Form 3(b)
7. Notification of determination PLUPA Form 4(a)
8. Notification of determination PLUPA Form 4(b)
9. Inspection of Appeals Register PLUPA Form 5(a)
10. Inspection of Appeals Register PLUPA Form 5(b)
11. Notice of hearing PLUPA Form 6(a)
12. Notice of hearing PLUPA Form 6(b)
13. Order PLUPA Form 7(a)
14. Order PLUPA Form 7(b)
15. Withdrawal of An Appeal PLUPA Form 8(a)
16. Withdrawal of an Appeal PLUPA Form 8(b)

REPUBLIC OF KENYA



PHYSICAL AND LAND USE PLANNING ACT

(No. 13 of 2019)

THE NATIONAL PHYSICAL AND LAND USE PLANNING LIAISON
COMMITTEE

APPEALS APPLICATION FORM

.....
APPELLANT

-VERSUS

.....
RESPONDENT

AND (where applicable)

.....
INTERESTED PARTY

STATEMENT OF APPEAL

In the matter of an appeal under section 75 of The Physical and Land Use Planning Act, 2019

1. TAKE NOTICE that the Appellant appeals against the decision of the made on the..... day of20.....
2. The Appeal relates to.....
.....
3. The decision appealed against is
.....
.....
4. The Appeal is based on the following grounds: (set out each ground concisely)
 - a)
.....
 - b)
.....
 - c)
.....
5. The principle of policy or law relied on in the appeal:
 - a)
.....
 - b)
.....
 - c)
.....
6. The documents the Appellant intends to rely on in the Appeal:
 - a)
.....
 - b)
.....
 - c)
.....
7. The witnesses the Appellant intends to call up at the hearing of the Appeal: *where applicable*
 - 1) Name.....
contact(s)
ID/Passport No.

- 2) Name.....
 contact(s)
 ID/Passport No.
- 3) Name.....
 contact(s)
 ID/Passport No.
 (attach ID/passport copies)

6. The reliefs sought in this Appeal are as follows: (set out each relief concisely)

- a)
- b)
- c)

FILED ON THIS.....DAY OF.....20.....

SIGNED

Appellant

Name

Telephone No

Postal Address

Email Address

Physical Address

Appointed Representative's *where applicable*

SIGN.....

.....
 Name

Telephone No

Postal Address

Email Address

Physical Address

TO BE SERVED UPON: *Insert the names and address of the other parties to the Appeal.*

- 1)
- 2)
- 3)

For Official Use Only

APPEAL No OF 20.....

DRAFT

REPUBLIC OF KENYA

(Enter county name)

THE COUNTY PHYSICAL AND LAND USE PLANNING LIAISON COMMITTEE

COMPLAINT/CLAIM/APPEAL APPLICATION FORM

COMPLAINT/CLAIM/APPEAL No OF 20.....

.....

APPELLANT

-VERSUS

.....

RESPONDENT

AND (where applicable)

.....

INTERESTED PARTY

STATEMENT OF COMPLAINT/CLAIM/APPEAL

In the matter of an appeal under section 75 of The Physical and Land Use Planning Act, 2019

1. TAKE NOTICE that the Appellant complains/appeals against the decision of the county Executive Committee Member made on the..... day of 20.....

2. The Appeal relates to

.....
.....
.....

3. The decision appealed against is

.....
.....
.....

4. The Complaint/Claim/Appeal is based on the following grounds: (*set out each ground concisely*)

- a)
- b)
- c)

5. The principle of policy or law relied on in the appeal:

- a)
- b)
- c)

6. The documents the Complainant/Claimant/Appellant intends to rely on in the Appeal:

- a)
- b)
- c)

7. The witnesses the Complainant/Claimant/Appellant intends to call up at the hearing of the Appeal: *where applicable*

- 1) Name.....

Telephone No
Postal Address
Email Address
Physical Address
ID/Passport No.

2) Name.....

Telephone No
Postal Address
Email Address
Physical Address
ID/Passport No.

3) Name.....

Telephone No
Postal Address
Physical Address
Email Address
ID/Passport No.

(attach ID/passport copies)

6. The reliefs sought in this Complain/Claim/Appeal are as follows: *(set out each relief concisely)*

- a)
- b)
- c)

FILED ON THIS.....DAY OF.....20.....

SIGNED

Complainant/Claimant/Appellant

Name

Telephone No

Postal Address

Email Address

Physical Address

Appointed Representative's *where applicable*

Name.....

Telephone No

Postal Address

Email Address

Physical Address

SIGN.....

TO BE SERVED UPON: *Insert the names and address of the other parties to the Appeal.*

- 1)
- 2)
- 3)

REPUBLIC OF KENYA



PHYSICAL AND LAND USE PLANNING ACT
(No. 13 of 2019)

(Enter county name)

THE NATIONAL PHYSICAL AND LAND USE PLANNING LIAISON
COMMITTEE

SUMMON FORM

.....
APPELLANT

-VERSUS

.....
RESPONDENT

AND (where applicable)

.....
INTERESTED PARTY

SUMMONS TO:
.....
.....

NOTE YOU ARE SUMMONED to appear in person before the National Physical and Land Use Planning Liaison Committee at on day of for the hearing of the appeal and thereafter to remain in attendance until excused by the Liaison Committee regarding all matters within your knowledge relating to the appeal.

YOU ARE REQUIRED to bring and produce to the Liaison Committee the following; (*Insert the document to be produced*)

- a.
- b.
- c.
- d.

TAKE NOTE that if you do not comply with this summon you will be subject to Contempt of National Physical and Land Use Planning Liaison proceedings.

TAKE NOTE also that failure to honor the summon would not stop the Committee from determining the matter or taking any other action as it deems fit.

SIGNED ON THIS.....DAY OF.....20.....

.....
SECRETARY,
NATIONAL PHYSICAL AND LAND USE PLANNING LIAISON COMMITTEE.

REPUBLIC OF KENYA

(Enter county name)

**THE COUNTY PHYSICAL AND LAND USE PLANNING LIAISON
COMMITTEE**

SUMMON FORM

COMPLAINT/CLAIM/APPEAL No OF 20.....

.....
APPELLANT

-VERSUS

.....
RESPONDENT

AND (where applicable)

.....INTEREST
ED PARTY

SUMMONS

TO:
.....
.....

NOTE YOU ARE SUMMONED to appear in person before the County Physical and Land Use Planning Liaison Committee at on day of for the hearing of the complain/claim/appeal and thereafter to remain in attendance until excused by the Liaison Committee regarding all matters within your knowledge relating to the appeal.

YOU ARE REQUIRED to bring and produce to the Liaison Committee the following; *(Insert the document to be produced)*

- a.
- b.

- c.
- d.

TAKE NOTE that if you do not comply with this summon you will be subject to Contempt of County Physical and Land Use Planning Liaison proceedings.

TAKE NOTE also that failure to honor the summon would not stop the Committee from determining the matter or taking any other action as it deems fit.

SIGNED ON THIS.....DAY OF.....20.....

.....
SECRETARY,
COUNTY PHYSICAL AND LAND USE PLANNING LIAISON COMMITTEE.

REPUBLIC OF KENYA



PHYSICAL AND LAND USE PLANNING ACT

(No. 13 of 2019)

THE NATIONAL PHYSICAL AND LAND USE PLANNING LIAISON COMMITTEE

APPOINTMENT/SUBSTITUTION* OF RECOGNISED REPRESENTATIVE

.....
APPELLANT

-VERSUS

.....
RESPONDENT

AND (where applicable)

.....
INTERESTED PARTY

I.....
being the Appellant/Applicant/Respondent/Interested Party* authorize.....
.....to appear on my behalf in the above Appeal/Application.
I authorize that service of all pleadings shall be effected upon my recognized representative.

SIGNED ON THIS.....DAY OF.....20.....
APPELLANT/APPLICANT/RESPONDENT/INTERESTED PARTY*

.....

REPRESENTATIVE'S NAME AND ADDRESS

.....

.....

DRAFT

REPUBLIC OF KENYA

(enter County name)

THE COUNTY PHYSICAL AND LAND USE PLANNING LIAISON COMMITTEE

APPOINTMENT OF RECOGNISED REPRESENTATIVE FORM

COMPLAINT/CLAIM/APPEAL No OF 20.....

.....

APPELLANT

-VERSUS

.....

RESPONDENT

AND (where applicable)

.....

INTERESTED PARTY

I.....
being the appellant/applicant/respondent/ Interested Party* authorize.....
.....to
appear on my behalf in the above Appeal/Application.

I authorize that service of all pleadings shall be affected upon my recognized representative.

SIGNED ON THIS.....DAY OF20.....
APPELLANT/APPLICANT/RESPONDENT/INTERESTED PARTY*

.....

REPRESENTATIVE'S NAME AND ADDRESS

.....

.....

DRAFT

REPUBLIC OF KENYA



PHYSICAL AND LAND USE PLANNING ACT

(No. 13 of 2019)

THE NATIONAL PHYSICAL AND LAND USE PLANNING LIAISON COMMITTEE

NOTIFICATION OF DETERMINATION

.....
APPELLANT

-VERSUS

.....
RESPONDENT

AND (where applicable)

.....
INTERESTED PARTY

The National Physical and Land Use Planning Liaison Committee pursuant to provisions of section 80(2) of Physical and Land Use Planning Act, 2019 heard the Appeal Ref No.....filed on..... by (insert party(s) and vide minute No..... dated.....the Committee made the determination as follows (reliefs)

- 1.
- 2.

3.

Dated at this Day of 20.....

Name

Sign.....

Seal.....

CHAIRPERSON,

**NATIONAL PHYSICAL AND LAND USE PLANNING LIAISON
COMMITTEE**

DRAFT

REPUBLIC OF KENYA

(enter county name)

THE COUNTY PHYSICAL AND LAND USE PLANNING LIAISON COMMITTEE
NOTIFICATION OF DETERMINATION

COMPLAINT/CLAIM/APPEAL No OF 20.....

.....
APPELLANT

-VERSUS

.....
RESPONDENT

AND (where applicable)

.....
INTERESTED PARTY

The County Physical and Land Use Planning Liaison Committee pursuant to provisions of section 80(2) of Physical and Land Use Planning Act, 2019 heard the Complain/Claim/Appeal Ref No.....filed on..... by (insert party(s) and vide minute No.....dated.....the Committee made the determination as follows (reliefs)

1.
2.
3.

Dated at this Day of 20.....

Name.....

sign.....

seal.....

CHAIRPERSON,

**COUNTY PHYSICAL AND LAND USE PLANNING LIAISON
COMMITTEE**

DRAFT

REPUBLIC OF KENYA



PHYSICAL AND LAND USE PLANNING ACT

(No. 13 of 2019)

THE NATIONAL PHYSICAL AND LAND USE PLANNING LIAISON COMMITTEE

INSPECTION OF APPEALS REGISTER

I/We

.....
...of ID/passport/ Reg No(s).....Tel.
..... PO Box pursuant to section 87(3) of Physical and
Land Use Planning Act, 2019 apply to examine the Appeals register.

Subject Matter/Interest in the Register

.....
.....
.....
.....
.....

Signed by

Perusee.....

Date.....

(attach ID/passport copies)

Authorised by Secretary.....

REPUBLIC OF KENYA

(Enter county name)

THE COUNTY PHYSICAL AND LAND USE PLANNING LIAISON
COMMITTEE
INSPECTION OF APPEALS REGISTER

I/Weof
ID/passport/ Reg No(s).....Tel.
PO Box pursuant to section 87(3) of Physical and Land Use Planning
Act, 2019 apply to examine the Appeals register.

Subject Matter/Interest in the
Register.....

.....
.....
.....

.....Signed by
Perusee.....Date.....
.....

(attach ID/passport copies)

Authorised by Secretary.....

REPUBLIC OF KENYA



PHYSICAL AND LAND USE PLANNING ACT
(No. 13 of 2019)

THE NATIONAL PHYSICAL AND LAND USE PLANNING LIAISON
COMMITTEE
NOTICE OF HEARING

APPEAL No OF 20.....

.....
APPELLANT

-VERSUS

.....
RESPONDENT

AND (where applicable)

.....
INTERESTED PARTY

TO:

.....
.....
.....

TAKE NOTICE that the **HEARING** of this appeal has been scheduled for the day of,20..... starting(Time) before the Committee at(State location; Name of building, Floor and room Number)

Given under my hand and Seal of the Committee this..... day of.....,20.....

.....

SECRETARY

**NATIONAL PHYSICAL AND LAND USE PLANNING LIAISON
COMMITTEE**

DRAFT

REPUBLIC OF KENYA

(enter county name)

THE COUNTY PHYSICAL AND LAND USE PLANNING LIAISON
COMMITTEE

NOTICE OF HEARING

COMPLAINT/CLAIM/APPEAL No OF 20.....

.....

APPELLANT

-VERSUS

.....

RESPONDENT

AND (where applicable)

.....

INTERESTED PARTY

TO:

.....
.....
.....

TAKE NOTICE that the **HEARING** of this appeal has been scheduled for the
.....day of,20..... starting(Time) before the
Committee at

.....
.....(*State location; Name of building, Floor and room Number*)

Given under my hand and Seal of the Committee this..... day
of.....,20.....

.....

SECRETARY
COUNTY PHYSICAL AND LAND USE PLANNING LIAISON
COMMITTEE

DRAFT

REPUBLIC OF KENYA



PHYSICAL AND LAND USE PLANNING ACT
(No. 13 of 2019)

THE NATIONAL PHYSICAL AND LAND USE PLANNING LIAISON
COMMITTEE

ORDER FORM

APPEAL No OF 20.....

.....

APPELLANT

-VERSUS

.....

RESPONDENT
AND (where applicable)

.....

INTERESTED PARTY

TO:

.....

.....

.....

ORDER

In hearing the Appeal on (date)..... on its Own Motion,

In determining the appeal on (date) , on its Own Motion, the
Liaison Committee in its proceedings, vide minute number

.....

It is ORDERED that:

1.
.....
2.
.....
3.
.....
4.
.....
5.
.....

Made this.....day of.....20.....

Name.....Signature:.....

.....

**CHAIRPERSON,
NATIONAL PHYSICAL AND LAND USE PLANNING LIASION COMMITTEE.**

REPUBLIC OF KENYA

(Enter county name)

THE COUNTY PHYSICAL AND LAND USE PLANNING LIAISON COMMITTEE

ORDER FORM

COMPLAINT/CLAIM/APPEAL No OF 20.....

.....

APPELLANT

-VERSUS

.....

RESPONDENT

AND (where applicable)

.....

INTERESTED PARTY

TO:

.....
.....
.....

ORDER

In hearing the Appeal on (date)..... on its Own Motion,

In determining the appeal on (date) , on its Own Motion, the
Liaison Committee in its proceedings, vide minute number
.....

It is ORDERED that:

1.
.....
2.
.....
3.
.....
4.
.....
5.
.....

Made this.....day of.....20.....

<p>Name.....Signature:..... CHAIRPERSON, NATIONAL PHYSICAL AND LAND USE PLANNING LIASION COMMITTEE.</p>
--

REPUBLIC OF KENYA



PHYSICAL AND LAND USE PLANNING ACT

(No. 13 of 2019)

THE NATIONAL PHYSICAL AND LAND USE PLANNING LIAISON COMMITTEE

WITHDRAWAL OF AN APPEAL

I/Weof ID/passport
No(s)..... Tel. PO Box
..... pursuant to section 83(1) of PLUPA apply to withdraw appeal Ref. No.
.....Dated

Reasons for
withdrawal.....
.....
.....

Signed By.....

Date.....

Name:.....
.....

(attach ID/passport copies)

REPUBLIC OF KENYA

(enter county name)

WITHDRAWAL OF AN APPEAL

I/Weof
ID/passport No(s).....Tel. PO
Box pursuant to section 83(1) of PLUPA apply to withdraw appeal Ref.
No.Dated

.....
....

Reasons for
withdrawal.....
.....
.....

Signed
by.....Date.....
.....

Name:.....
.....

(attach ID/passport copies)

II. SECOND SCHEDULE

No	Fees description	Amount (Kshs)
1	Filing fees:	
	a) Costs of filing in National Liaison Committee	5000
	b) Costs of filing in County Liaison Committee	3000
2	Examination of appeals register	Free
	a) Obtaining extracts of appeals at National Physical and Land use planning Liaison Liasion committee	500
	b) Obtaining extracts of appeals at County Physical and Land use Liaison committee	300
3	Photocopy of determinations under both National and County Physical Planning and Land use committee by third parties:	
	a) Front page	300
	Any other page	20
4	Amendment of appeals	
	a) National Physical Planning and Land use committee	1000
	b) County Physical and Land use planning committee	500
5	Certification of Full determination	500
6	Appointment/ change of an authorized representative	
	a) National Physical Planning and Land use committee	1000
	b) County Physical and Land use planning committee	500
7	Counter-claim fees-Filing of counter claims	3000

Made on the, 2020.

FARIDA KARONEY,

Cabinet Secretary for Lands and Physical Planning

DRAFT