

**THE LAND SURVEYING AND MAPPING BILL, 2021**

**ARRANGEMENT OF CLAUSES**

*Clause*

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**THE LAND SURVEYING AND MAPPING BILL, 2021**

**A Bill for**

**AN ACT** of Parliament to make provision in relation to land surveying and mapping, institutional and legal framework and for connected purposes.

**ENACTED** by the Parliament of Kenya as follows—

PART I – PRELIMINARY	
<b>Short title.</b>	<b>1.</b> This Act may be cited as the Land Surveying and Mapping Act, 2021.
<b>Interpretation.</b>	<b>2.</b> In this Act, unless the context otherwise requires—
	“aerial survey” means survey undertaken from above ground using a static or mobile platform for purposes of mapping;
<b>No. 4 of 2009</b>	“aids to navigation” has the meaning assigned to it in <b>section 220</b> of the Merchant Shipping Act, 2009;
	“base map” means a three dimensional geo-referenced map made from primary data that acts as a reference;
	“board” means the Land Surveyors Board established in accordance with the Land Surveyors Registration Act, 2021;
	“boundary” means a line or a series of lines that delimits and show the extent of a unit, parcel, region or territory;
	“boundary plan” means a map, plan or diagram prepared for the purpose of defining a boundary line and the adjacent territory.

	“Cabinet Secretary” means the Cabinet Secretary responsible for matters relating to land surveying and mapping;
	“cadastral survey” means land survey for purposes of registration of land or interest in land;
	“copy” means a reproduction, transcript or replica of an original photograph, plan, map or document;
No. 3 of 2012	“cadastral map” is a map or a series of maps prepared and maintained by the Surveyor-General for land registration purposes as defined by section 15 of the Land Registration Act 2012;
	“cadastral plan” is a geo-referenced map showing a single or many parcels of land or unit authenticated by the Surveyor-General;
	“cartography” means the art, science and technology of making and interpretation of maps;
	“clearing house” means a repository which may be physical or virtual that collects, stores and disseminates geospatial data and metadata;
	“client” means a person or entity who has procured land surveying and mapping services;
	“collaborative maintenance” means a data maintenance agreement between a data custodian and other data custodians or the Authority;
	“control point” means a point on the ground or any permanent structure whose horizontal and vertical location or position is known;
	“consulting land surveyor” means a consulting land surveyor registered under the Land Surveyors Registration Act, 2021;

	“copyright” has the same meaning as defined in the Copyrights Act;
	“CORS” means Continuously Operating Reference Station that provides Global Navigation Satellite System (GNSS) data in support of positioning and navigation;
	“County Director of Surveys” refers to an office established within the County Public Service in accordance with <b>section 9</b> of this Act;
	“data” means raw or processed geospatial information;
	“dataset” means an identifiable collection of related geospatial information;
	“data custodian” means a public or private entity that captures, maintains, manages, integrates, distributes or uses geospatial information;
	“data vendor” means a person who supplies geospatial information on behalf of a data custodian;
	“Director of Surveys” for the purposes of other Acts where the Director of Surveys is mentioned the term has the same meaning as the Surveyor General under this Act;
	“features” means geospatial phenomena having common characteristics;
	“fundamental dataset” means the geospatial information which have been captured or collected by a data custodian including geodetic control; digital imagery; geographical names; administrative boundaries; parcel boundaries; hydrography; elevation; transportation; vegetation; utilities; buildings and geology;

	“fundamental survey mark” means trigonometric stations, CORS, zero order stations, 1st and 2nd order geodetic control point, aids to navigation and fundamental benchmark;
	“geographical name” means a name describing a geospatial feature;
	“Geographical Names Committee” means the standing committee on geographical names established under <b>section 70</b> of this Act;
	“geo-reference” means the positioning of an object using a defined co-ordinate reference system on, above or below the earth’s surface as may be determined by the Surveyor-General from time to time;
	“geospatial dataset” means geo-referenced data and this includes cadastral, topographical, infrastructure, hydrographic, aeronautical and bathymetric data and their attributes;
	“geospatial information” means information that is directly or indirectly spatially referenced to a location on, above and below the earth's surface; such information includes the attributes of the entities involved plus their relationships;
	“graduate land surveyor” means a person accredited as such under the Land Surveyors Registration Act, 2021;
<b>No. 6 of 2012</b>	“grant” means any conveyance, lease or license of un-alienated public land for a period exceeding one year made on behalf of the government under the Land Act 2012;
	“grantee” means the recipient of any grant;

	<p>“High-water mark” means the highest ever level reached by the sea at high tide, or by a lake or river in time of flood.</p>
	<p>“Hydrographic Committee” means the Kenya National Hydrographic Committee established under <b>section 64</b> of this Act;</p>
	<p>“hydrographic data” means data acquired through hydrographic surveys;</p>
	<p>“hydrographic survey” means that branch of land surveying that measures and describes geospatial features of water bodies;</p>
	<p>“imagery” means an image of the earth or part of the earth derived from remote sensing;</p>
	<p>“infrastructure” includes buildings, roads, sub-ways, utility lines, bridges, sewer lines, tunnels, canals, mines, ducts, dams, pipelines, service lines, masts;</p>
	<p>“Kenya National Spatial Data Infrastructure” means the Kenya National Spatial Data Infrastructure established by <b>section 49</b>;</p>
	<p>“Kenya National Spatial Data Infrastructure Committee” means the Kenya National Spatial Data Infrastructure Committee established under <b>section 50</b>;</p>
	<p>“land” has the meaning assigned to it in Article 260 of the Constitution of Kenya, 2010;</p>
	<p>“land registrar” means the Chief Land Registrar, the Deputy Land Registrar, County Land Registrars and Land Registrars appointed under section 12 and 13 of the Land Registration Act, 2012 and section 9 of the Community Land Act, 2016;</p>



	<p>“land survey” means the science and technique of acquiring, creating, processing, managing, presenting, and disseminating geo-referenced spatial data above, on or below the earth’s surface for purposes of land administration and management, spatial planning, infrastructure development and maintenance, exploration and mining and location based services and includes but not limited to geodetic surveying, aerial mapping, photogrammetry, remote sensing, cadastral surveying, topographic mapping, infrastructure survey, hydrographic surveying, mining survey, underground utility survey, cartography and spatial addressing;</p>
	<p>“land surveyor” means a person registered as such under the Land Surveyors Registration Act, 2021;</p>
	<p>“land survey technician” means a person accredited as such under the Land Surveyors Registration Act, 2021;</p>
	<p>“licence” means annual practicing certificate issued as per <b>section 4</b> of the Land Surveyors Registration Act;</p>
	<p>“maintenance” when used in relation to spatial information, means measures taken to ensure that geospatial information conforms to standards and the updating or modification of geospatial information to ensure that it remains accurate;</p>
	<p>“map” means a geometrically accurate graphical representation of land which includes cadastral maps, topographical maps, administrative maps, nautical charts, aeronautical charts and other thematic and special purpose maps;</p>
	<p>“mapping” means the process of locating and representing geospatial features using land surveying techniques;</p>

	<p>“metadata” means information about geospatial data and includes a description of the content, quality condition and other characteristics of spatial information;</p>
	<p>“mobile mapping” means the process of collecting geospatial data from a mobile vehicle, typically fitted with a range of GNSS, photographic, radar, laser, LiDAR or any number of remote sensing systems.</p>
	<p>“mining surveying” means all land survey activities connected with mining operations on or below the surface which results into mining survey plans for open pit and underground workings;</p>
	<p>“national gazetteer” means a published indexed list of Standard Geographical Names indicating coordinates and types of features that can be used to locate areas that the names are associated in a country;</p>
	<p>“ordinary high-water” mark means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris.</p>
No. 3 of 2012	<p>“parcel” has the same meaning as defined by the Land Registration Act, 2012;</p>
	<p>“parcel number” means a unique numeric or alphanumeric characters that identifies a parcel of land as assigned by the Surveyor-General;</p>
	<p>“plan” includes sectional plans, floor plans, cadastral plan, boundary plan, nautical chart, diagram, satellite images or aerial photograph approved by the Surveyor-General as suitable for land survey, navigation and connected purposes;</p>

	<p>“photogrammetry” means the “art, science and technology of obtaining reliable information about physical objects and the environment through the process of recording, measuring and interpreting photographic images and patterns of electromagnetic radiant imagery and other phenomena;</p>
	<p>“public entity” means an institution established by the state for furtherance of public interest;</p>
	<p>“quality” means the degree to which spatial information which has been captured or collected satisfies stated or implied needs, and includes geographic information about lineage, completeness, currency, logical consistency and accuracy of the spatial information;</p>
	<p>“riparian reserve” means a strip of land located on each side of a watercourse or adjacent to a stationary water body;</p>
	<p>“remote sensing” means the science of acquiring information about the Earth's surface without being in contact with it, through sensing and recording reflected or emitted energy and processing, analyzing, and applying that information;</p>
	<p>“spatial data infrastructure” means the combination of technology, data, institutional arrangements and persons that enable the discovery, evaluation, dissemination and application of geospatial data for users from all sectors of the economy and the general citizenry;</p>
	<p>“specifications” means standards or requirements to be satisfied by a design or product as provided under this Act;</p>
	<p>“survey mark” includes any trigonometrical station, CORS, fundamental benchmark, benchmark,</p>

	hydrographic beacon, boundary beacon, peg, picket mark, reference mark, temporary flag, signal, aids to navigation, or pole, whether on, above or below the surface of the ground, which is fixed, placed or set up by, or under the direction of a Surveyor-General for the purpose of any land survey and mapping under this Act;
	“Surveyor-General” means the Surveyor General appointed under <b>section 3</b> of this Act;
	“topographic mapping” refers to the process carried out to depict natural and man-made features in 3 dimensions using aerial, remote sensing or ground based land surveying techniques;
	“unit” has the same meaning as defined in the Sectional Properties Act, 2020;
	“user” means any person who has obtained access to Geospatial information in order to use that information.
	<b>PART II – ADMINISTRATION</b>
Appointment of the Surveyor-General.	<b>3.</b> (1) There is established the office of the Surveyor-General which shall be an office in the public service.
	(2) The Surveyor-General shall advise and be responsible to the Cabinet Secretary responsible for Land Surveying and Mapping.
	(3) The Surveyor-General shall be competitively recruited by the Public Service Commission.
	(4) The Surveyor-General may delegate in writing all or any of his/her powers, duties or functions under this Act, or of any regulations made there under, either generally or specially to any other officer appointed under subsection (1) and may at any time revoke or vary any such delegation.

	<p>(5) The delegation in subsection (4) shall not be deemed to divest the Surveyor-General of all or any of his/her powers, duties or functions, he/she may, as considered fit, exercise and perform such powers, duties and functions notwithstanding the delegation.</p>
Qualifications of the Surveyor-General.	<p><b>4.</b> A person shall qualify for appointment as the Surveyor-General if that person—</p>
	<ul style="list-style-type: none"><li>(a) is a citizen of Kenya by birth;</li><li>(b) holds a Bachelor’s degree in land surveying from a university recognized by the Land Surveyors Board;</li><li>(c) is registered as a land surveyor under the Land Surveyors Registration Act, 2021;</li><li>(d) holds a Master’s degree in a relevant surveying discipline;</li><li>(e) has at least fifteen years’ experience in the discipline of land surveying and mapping;</li><li>(f) has at least ten years’ experience in senior management in the public or private sector;</li><li>(g) is a full member of the Institution of Surveyors of Kenya and in good standing;</li><li>(h) meets the requirements of Chapter Six of the Constitution; and</li><li>(i) meets any other requirements set by the Public Service Commission for this position.</li></ul>

Functions of the Surveyor-General.	<b>5. The Surveyor-General shall—</b>
	(a) Advise both national and county governments on land surveying and mapping policies, guidelines, standards and strategies;
	(b) Monitor the implementation of land surveying and mapping policies, guidelines, standards and strategies to ensure compliance;
	(c) report to relevant authorities for investigation any person or entity suspected to be contravening the provisions of this Act;
	(d) approve centres for calibration for land surveying and mapping equipment that requires calibration;
	(e) supervise and validate public funded geospatial datasets;
	(f) establish and maintain a Kenya National Spatial Data Infrastructure clearing house and the nodal links with partner agencies;
	(g) develop, maintain and disseminate Kenya National Spatial Data Infrastructure fundamental datasets;
	(h) be responsible for the survey of land for the purposes of the Land Registration Act, 2012 and any other written laws;
	(i) delineate an area of land which needs to be gazetted under any written law;
	(j) establish facilities for the receipt of cadastral survey datasets, determine conditions for the use of the facilities, store and provide access to cadastral survey data;

	(k) ensure timely updating and maintenance of the cadastre in electronic format and any other record that may be required electronically;
	(l) co-ordinate cadastral surveying projects that cut across counties;
	(m) define, determine, prescribe and maintain a uniform national coordinate reference system;
	(n) establish, publish and maintain the national geodetic control network;
	(o) prepare and maintain a digital National Gazetteer of Geographical Names and publish the National Gazetteer in the Gazette not later than the 31st day of March of every calendar year;
	(p) survey, inspect and maintain international boundaries with neighbouring countries in accordance with international laws;
	(q) prepare basemap for land use and suitability analysis;
	(r) be the authority responsible for the preparation and publication of the official maps of Kenya including and not limited to administrative, topographical and thematic maps;
	(s) prepare and publish the National Atlas of Kenya;
	(t) delineate and map the high-water mark for the water bodies;
	(u) coordinate all hydrographic surveying activities and services in the country in compliance with

	national and international maritime laws for the time being in force;
	(v) develop hydrographic surveying infrastructure including tide gauges and height datum;
	(w) undertake collection and compilation of hydrographic data and the publication, dissemination and keeping up to date of all nautical information necessary for safe navigation;
	(x) ensure uniformity in charts and nautical publications taking into account relevant international resolutions and recommendations;
	(y) prepare and disseminate nautical charts, sailing directions, lists of lights, tide tables and other nautical publications, where applicable, satisfying the needs of safe navigation;
	(z) promulgate notices to mariners in order that nautical charts and publications are kept, as far as possible, up to date;
	(aa) represent the government in international and regional organisations and facilitate co-operation at international and regional level;
	(bb) undertake research for the purposes of the functions under this section; and
	(cc) perform any other functions conferred by this Act, or any other written law.



Divisions	<p><b>6.</b> The Cabinet Secretary shall—</p> <p>a) establish divisions to deal with the following matters—</p> <ul style="list-style-type: none"> <li>(i) Cadastral Surveys</li> <li>(ii) Mapping</li> <li>(iii) Hydrography</li> <li>(iv) Geodetic Controls, International and National Boundaries</li> <li>(v) Geo-Information Management</li> <li>(vi) Kenya School of Surveying</li> </ul> <p>b) notwithstanding paragraph (a), form other divisions based on policy priority areas in consultation with the Surveyor-General.</p>
Surveys office.	<p><b>7.</b> The principal office of the Surveyor-General shall be at Nairobi, but there may be established such other offices at such places as the Surveyor-General may from time to time determine.</p>
Seal of the Surveyor-General	<p><b>8.</b> The Surveyor-General shall have and use a seal of office bearing the impression of the badge of the Survey of Kenya having inscribed thereon “Survey of Kenya”, and the imprint of such a seal shall be valid whether impressed or made in wax, ink or any other substance or impressed on electronic form.</p>
<b>County Director of Surveys.</b>	<p><b>9.</b> (1) There shall be appointed by the County Service Public Board a County Director of Surveys.</p>
	<p>(2) A County Director of Surveys shall be the advisor to the County government on all matters relating to land surveying and mapping within a county and may perform any functions that may be conferred by this Act.</p>
	<p>(3) A County Director of Surveys shall, in the discharge of his or her functions, be guided by the policies, procedures, standards and strategies formulated by the Surveyor-General.</p>

	<p>(4) A person is qualified for appointment as a County Director of Surveys if that person—</p>
	<ul style="list-style-type: none"><li>(a) is a citizen of Kenya;</li><li>(b) holds a degree in land surveying from a university recognized by the Land Surveyors Board;</li><li>(c) is registered as a land surveyor under the Land Surveyors Registration Act;</li><li>(d) is a full member of the Institution of Surveyors of Kenya and in good standing;</li><li>(e) has at least seven years' experience in land surveying and mapping;</li><li>(f) meets the requirements of Chapter Six of the Constitution; and</li><li>(g) meets any other requirements set by the County Public Service Board.</li></ul>
	<p>(5) A County Director of Surveys shall be responsible for—</p>
	<ul style="list-style-type: none"><li>(a) ensuring the implementation of national land surveying and mapping policies and standards in the county;</li><li>(b) ensuring the establishment of third to fourth order geodetic control network;</li><li>(c) ensuring the submission of reports on the status of the international and county boundaries to the Surveyor-General;</li><li>(d) coordinate the maintenance and provision of up to date geospatial data including—</li></ul>

	<ul style="list-style-type: none"> <li>(i) ensuring that all public land in the county are identified, surveyed and registered;</li> <li>(ii) the inspection and verification of land parcel boundaries for development control purpose;</li> <li>(iii) ensuring the setting out and carrying out of as built surveys of county government infrastructure;</li> <li>(iv) coordinate the deformation monitoring of county government infrastructure;</li> <li>(v) the verification of surveys for the design and construction alignment of county government infrastructure;</li> </ul>
	<ul style="list-style-type: none"> <li>(e) prepare and/or certify base maps for physical and land use planning and infrastructure development within the County;</li> <li>(f) provide comments on development application in relation to land survey as provided in section 60(1) of the Physical and Land Use Planning Act, 2019 and any other written law;</li> <li>(g) collect bathymetric surveys data in consultation with the Surveyor-General and in compliance with national standards and policies for the time being in force;</li> <li>(h) establish and maintain a parcel based County Geospatial Information System linked to the National Cadastre;</li> <li>(i) the establishment and maintenance of a County Spatial Data Infrastructure and link to the Kenya National Spatial Data Infrastructure;</li> </ul>

	<p>(j) the management of riparian reserves in accordance with the national policy;</p> <p>(k) ensuring survey equipment procured by the county are calibrated;</p> <p>(l) advising the county government on all matters related to land surveying and mapping; and</p> <p>(m) any other function in collaboration with the national government that are necessary for the implementation of this Act.</p>
<b>County Director of Surveys Office</b>	<b>10.</b> The principal office of the County Director of Surveys shall be at the County Headquarters, but there may be established such other offices at such places as the County Director of Surveys may from time to time determine.
<b>PART III – THE CONDUCT OF SURVEYS</b>	
<b>Persons qualified to conduct land surveys.</b>	<b>11.</b> (1) A person shall not carry out land surveys under this Act unless that person is registered as a land surveyor.
	(2) A land surveyor may retain such number of accredited graduate land surveyors and land survey technicians to work under him or her.
	(3) A person retained as a Graduate Land Surveyor or Land Survey Technician under subsection (2) shall not present themselves as being land surveyors or carry out land surveying and mapping without the supervision of a land surveyor.
	(4) Any person who carries out land survey and mapping without being qualified under subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding one million shillings or to

	imprisonment for a term not exceeding one year or to both.
<b>Duties of land surveyors.</b>	<b>12.</b> (1) A land surveyor shall carry out every land survey and mapping in a manner that will ensure that the land survey and mapping is in accordance with the provisions of this Act and any regulations made thereunder.
	(2) A land surveyor shall be responsible for the correctness and completeness of every land survey and mapping carried out by the land surveyor.
<b>Exemption.</b>	<b>13.</b> (1) Notwithstanding the provisions of <b>section 11</b> the Surveyor-General may exempt certain land survey and mapping works from standards of accuracy prescribed under this Act.
	(2) Such exemption shall be granted upon request by the Land Surveyor and in consideration of extreme circumstances that include hostility, insecurity, difficult terrain or any other circumstances that may make the standards unachievable.

<p><b>Non-liability of the Government.</b></p>	<p><b>14.</b> Neither the Government nor any public officer shall be liable for any defective land survey and mapping, or any work appertaining thereto, performed by a land surveyor, notwithstanding that any plan relating to such land survey and mapping or work has been authenticated in good faith and in accordance with the requirements and provisions of this Act or accepted for registration under any written law for the time being in force relating to the registration of transactions in or of title to land.</p>
<p><b>Uniform coordinate reference systems.</b></p>	<p><b>15.</b> The Surveyor-General shall by notice in the <i>Gazette</i>, specify and prescribe a uniform coordinate reference systems upon which all land surveys and mapping shall be based.</p>
<p><b>Cadastral map.</b></p>	<p><b>16.</b> (1) Pursuant to section 15 of the Land Registration Act, 2012, the Surveyor-General shall prepare and maintain a map or series of maps, to be known as the cadastral map, for every land registration unit.</p>
	<p>(2) The parcel boundaries on any map prepared and maintained under subsection (1) shall be geo-referenced and surveyed to such standards as to ensure compatibility with other documents required under the Land Registration Act, 2012 Act or any other written law.</p>
<p><b>Cadastral surveys.</b></p>	<p><b>17.</b> (1) A land surveyor shall carry out survey of land for the purpose of registration of land under any written law for the time being in force and in accordance with the standards prescribed by the Surveyor-General from time to time.</p>
	<p>(2) Any person who makes presentation of a Parcel or Unit Number for any purpose where that Parcel or Unit Number has not been issued by the Surveyor-General commits an offence under this Act and is liable on conviction to a fine not exceeding five hundred</p>

	thousand shillings or to imprisonment for a term not exceeding one year or to both.
	(3) For purposes of description of an external boundary of any area, the declaration of an adjudication section shall be on a geo-referenced map approved by the Surveyor-General.
<b>Infrastructure development surveys.</b>	<b>18.</b> (1) A land surveyor shall carry out any land survey for purposes of infrastructural development in accordance with approved land use development plans, the prescribed standards and provisions of this Act.
	(2) The Surveyor-General shall, in collaboration with the relevant institutions that utilize spatial data for development of infrastructure, develop standards and specifications for undertaking land surveys for such purposes.
	(3) Where the land surveys for infrastructural development is undertaken by a public entity, the Surveyor-General shall require the public entity to avail the geospatial data and metadata for such land surveys in a prescribed form.
	(4) Where an infrastructural development has been completed, the 'as built' spatial data shall be submitted to the Surveyor-General for purposes of updating topographical maps and the County Director of Surveys for the purposes of development control.

<b>Land Survey for purposes of compulsory acquisition of land.</b>	<b>19.</b> A land surveyor shall carry out land survey for compulsory acquisition in accordance with the provisions of the Land Act, 2012 and this Act.
<b>Sectional property surveys.</b>	<b>20.</b> (1) All units surveyed under the Sectional Properties Act, 2020 shall be geo-referenced, assigned a number and authenticated by the Surveyor-General in accordance with this Act.
	(2) No document shall be presented to the Land Registrar conferring long-term leases or ownership to a sectional property unless the sectional unit is surveyed according to this Act.
<b>Physical and land use planning.</b>	<b>21.</b> (1) A person preparing a physical and land use development plan shall base the development plan on a topographical base map certified by a land surveyor in accordance with the standards prescribed by the Surveyor-General in this Act.
	(2) A person shall prepare a physical and land use plan based on a three dimensional geo-referenced base map prepared and or certified by a land surveyor in accordance with the standards prescribed by the Surveyor-General in accordance with this Act.
<b>Land surveying and mapping by county governments.</b>	<b>22.</b> All county governments shall carry out their land surveying and mapping activities in accordance with this Act.
<b>Aerial surveys.</b>	<b>23.</b> (1) A person who intends to carry out any aerial survey for use in mapping or similar purposes shall notify the Surveyor-General of the intention, in writing, at least one month before the date of the intended aerial survey and request for authorization to carry out the aerial survey.
	(2) The notification under subsection (1) shall—
	(a) state the intention to carry out the aerial survey;



	<p>(b) provide all information relating to the aerial survey, including the geographical extent to enable the Surveyor-General to process and grant the permit'</p> <p>(c) request for the authorization of the Surveyor-General to carry out the aerial survey.</p>
	<p>(3) The Surveyor-General shall within twenty-one days of receiving the notification consider and grant authorization, in writing, where appropriate.</p>
	<p>(4) Where authorization is not granted, the Surveyor-General shall communicate the decision and state the reasons, in writing.</p> <p>(5) Where the Surveyor-General does not communicate within 21 days, the authorization shall be deemed to have been granted.</p>
	<p>(6) Upon carrying out the aerial survey, the person authorized to carry out an aerial survey under paragraph (3) shall—</p>
	<p>(a) submit all the imageries and associated data thereby acquired to the Surveyor-General, for inspection; and</p> <p>(b) submit such copies of maps, imageries and metadata to the Surveyor-General on request at the Surveyor-General's cost unless the aerial survey is funded by the Government.</p>
	<p>(7) The submission of maps, imageries and metadata to the Surveyor-General under subsection (6) shall not in any way affect the copyright therein of the person submitting them or the owner of such copyright.</p>
	<p>(8) A person who fails to comply with subsection (1) or (6) commits an offence and shall be liable, on</p>

	<p>conviction, to a fine not exceeding two million shillings or imprisonment of a term not exceeding three years, or both.</p> <p>(9) Notwithstanding the provisions of <b>section 23(1)</b>, the Surveyor-General shall make exemptions for application to undertake aerial surveys in cases of urgent humanitarian intervention such as flooding, earthquakes and fires through a gazette notice.</p>
	<p>(10) The Surveyor-General shall prescribe standards, specifications and guidelines for aerial surveys using manned and unmanned aerial vehicles.</p>
<b>Underground surveys.</b>	<p><b>24.</b> (1) A land surveyor shall carry out any underground surveys in accordance with the provisions of this Act.</p>
	<p>(2) A land surveyor shall upon completing an underground survey submit the survey report and the survey plan to the Surveyor-General for purposes of updating topographical maps and the County Director of Surveys for development control.</p>
	<p>(3) The Surveyor-General shall in collaboration with the institutions that utilize spatial data for development of infrastructure, prescribe the standards and specifications for undertaking underground surveys.</p>
	<p>(4) Where the underground survey is carried out by a public entity, the Surveyor-General shall require the public entity to avail the geospatial data and metadata for such land surveys in a prescribed form.</p>
<b>Mining surveys.</b>	<p><b>25.</b> (1) A land surveyor shall carry out any mining survey in accordance with the provisions of this Act.</p>
	<p>(2) Upon the completion of any mining survey, a land surveyor shall submit the survey report and the</p>

	survey plan to the Surveyor-General for the purposes of updating topographical maps.
	(3) The Surveyor-General shall prescribe standards, specifications and guidelines for carrying out mining surveys.
<b>Mobile mapping surveys.</b>	<b>26.</b> (1) A person who intends to carry out any mobile mapping survey for use in mapping or similar purposes shall notify the Surveyor-General of the intention, in writing, at least one month before the date of the intended mobile mapping survey and request for authorization to carry out the mobile mapping survey.
	(2) The notification under subsection (1) shall—
	(a) state the intention to carry out the mobile mapping survey;
	(b) provide all information relating to the mobile mapping survey, including the geographical extent to enable the Surveyor-General to process the required permit; and
	(c) request for the authorization of the Surveyor-General to carry out the mobile mapping survey.
	(3) The Surveyor-General shall within twenty-one days of receiving the notification consider and grant authorization, in writing, where appropriate.
	(4) Where authorization is not granted, the Surveyor-General shall communicate the decision and state the reasons, in writing.
	(5) Where the Surveyor-General does not communicate within 21 days, the authorization shall be deemed to have been granted.

<p>No. 24 of 2019.</p>	<p>(6) A person who acquires or processes data acquired by mobile mapping platforms shall handle the data in accordance with the Data Protection Act, 2019.</p>
	<p>(7) Upon carrying out the mobile mapping survey, the person authorized to carry out a mobile mapping survey under paragraph (3) shall—</p>
	<p>(a) submit to the Surveyor-General, for inspection a copy of all imageries acquired and associated data; and</p> <p>(b) submit such data as the Surveyor-General may require, at the Surveyor-General's cost (unless publicly funded).</p>
	<p>(8) The submission of maps or imageries to the Surveyor-General under subsection (7) shall not in any way affect the copyright therein of the person submitting them or the owner of such copyright.</p>
	<p>(9) A person who fails to comply with subsection (1) or (7) commits an offence and shall be liable, on conviction, to fine not exceeding one million shillings or imprisonment of a term not exceeding one year, or both.</p>
	<p>(10) The Surveyor-General shall prescribe standards, specifications and guidelines for mobile mapping surveys.</p>
<p><b>Hydrographic surveys.</b></p>	<p><b>27.</b> (1) A land surveyor shall carry out hydrographic surveys in accordance with the provisions of this Act.</p>
	<p>(2) A person or institution that intends to carry out any hydrographic surveys shall notify the Surveyor-General of the intention, in writing, at least one month before the date of the intended hydrographic survey.</p>

	(3) Upon completion of a hydrographic survey, a person or institution which has carried out the hydrographic survey shall—
	(a) submit to the Surveyor-General, for inspection, all the hydrographic data and products and such other information as the Surveyor-General may specify; and  (b) submit to the Surveyor-General, at the Surveyor-General's cost, such copies as may be required of the hydrographic work and data.
	(4) A person who fails to comply with subsection (1) and (3) commits an offence and shall be liable on conviction to a fine not exceeding <b>ten million shillings</b> or imprisonment for a term not <b>exceeding five years</b> or to both.
<b>Land surveying equipment.</b>	<b>28.</b> (1) The Surveyor-General shall issue guidelines for equipment to be used to conduct land surveys under this Act from time to time.
	(2) All survey equipment requiring calibration shall be calibrated in accordance with the guidelines issued by the Surveyor-General from time to time.
	(3) The Surveyor-General shall not authenticate any survey where it is established that the survey was carried out using equipment which does not meet the required standards and specifications prescribed by the Surveyor-General.
<b>Powers of the land surveyors to enter upon land.</b>	<b>29.</b> (1) A land surveyor may enter upon any land, seashore, enclosed place or reserve on land or ocean and internal waters with such assistants as may be necessary, for the purpose of—
	(a) making or supervising any survey or re-survey;

	<p>(b) affixing or setting up thereon or therein any survey mark;</p> <p>(c) inspecting any survey marks;</p> <p>(d) altering, repairing, moving, or removing any survey mark;</p> <p>(e) doing anything necessary for carrying out any of the aforesaid purpose;</p> <p>(f) examining or inspecting the conduct of any survey; or</p> <p>(g) maintaining the vicinity of any survey mark.</p>
	<p>(2) A land surveyor shall, as soon as is practicable, before entering upon any land for the purpose of subsection (1), whenever practicable, give reasonable notice to the owner or occupier of the land of the intended entry, and shall, upon entry, produce written evidence of authorization or identification to any person reasonably requiring the same.</p>
	<p>(3) A land surveyor shall, when exercising any power or performing any duty conferred or imposed under subsection (1), minimize any form of damage or inconvenience caused by the exercise of that power or performance of that duty.</p>
	<p>(4) A land surveyor shall not affix, repair, maintain, remove, alter, or supervise the survey of, International Boundary pillars, or First and Second Order Geodetic Survey Control Points and fundamental benchmarks, navigation aids including Continuously Operating Reference Stations (CORS) without the written authorization of the Surveyor-General.</p>
	<p>(5) The owner of any property including trees and crops cut or damaged in the exercise of any of the</p>

	powers under subsection (1) may be paid by the client such compensation, as calculated in the prescribed manner.
	<b>PART IV – LAND SURVEYING DATASETS AND RECORDS</b>
<b>Submit land surveying dataset to the Surveyor-General.</b>	<b>30.</b> (1) A land surveyor shall submit all survey data including all plans, field notes and computations and such other data from a survey executed by the land surveyor for purposes of checking and authentication by the Surveyor-General and shall become public record.
	(2) The checking and authentication in subsection (1) shall be as prescribed in the regulations.
	(3) A person shall not, in any way, alter or amend any plan or geospatial data authenticated by the Surveyor-General in accordance with subsection (1) without the permission of the Surveyor-General.
	(4) Any person who alters or amends any plan or geospatial data authenticated by the Surveyor-General in accordance with subsection (1) without the permission of the Surveyor-General commits an offence and shall be liable on conviction to a fine not exceeding five hundred thousand shillings or to imprisonment not exceeding three months or to both.
<b>Correction of errors.</b>	<b>31.</b> (1) The Surveyor-General, or a land surveyor working under the Surveyor-General in that behalf, may at any time undertake such field and office checks on the survey work of a land surveyor as prescribed.
	(2) The Surveyor-General, or a land surveyor duly authorized to authenticate a plan or map under <b>section 33</b> may by notice in writing, instruct any land surveyor to correct at their own expense within the time specified

	<p>in such notice any error made in the survey represented by the plan submitted for authentication.</p> <p>Provided that such notice shall not be sent more than six months after the date on which the plan was sent to the Surveyor-General under <b>section 30,</b></p>
	<p>(3) Where a Land Surveyor has refused or neglected to correct such error, within the time specified under subsection (2) it shall be lawful for the Surveyor-General to undertake such correction and to recover the whole cost of such correction from the Land Surveyor concerned.</p>
	<p>(4) Where the land surveyor has refused or neglected to pay the cost of the correction referred to in subsection (3) within thirty days of receiving the demand for payment, the Surveyor-General may report the matter to the Land Surveyors Board for disciplinary action.</p> <p>(5) The Land Surveyors Board may after, due inquiry, order the land surveyor to pay the cost of correction to the Surveyor-General and the Land Surveyors Board may subject to <b>section 39</b> of the <b>Land Surveyors Registration Act,</b> where the land surveyor has refused or neglected to comply with an order made under subsection (4) within thirty days after the date of the order, suspend the licence of the land surveyor until the cost of correction is paid.</p>
	<p>(6) The Land Surveyors Board shall initiate disciplinary proceeding against the land surveyor if the cost of correction is not paid within three months of notice to make payment.</p>
	<p>(7) The cost of such correction by the Surveyor-General shall be recovered as a civil debt.</p>



<p><b>Submission of hydrographic data.</b></p>	<p><b>32.</b> (1) A land surveyor shall submit all hydrographic survey data to the Surveyor-General and shall become public record.</p> <p>(2) The Authority may, by notice in the <i>Gazette</i>, direct any person identified in the notice to communicate and submit any information regarding anything that poses a navigational threat and is relevant to or has an influence on the safety of navigating in the sea, ocean or navigable water that is in the possession of that person.</p>
	<p>(3) A person who fails to communicate and submit information as directed under subsection (2) commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand shillings or to imprisonment for a period not exceeding twelve months, or to both.</p>
<p><b>Authentication of plans.</b></p>	<p><b>33.</b> No land shall be deemed to have been surveyed or resurveyed until the plan thereof has been authenticated by the signature of the Surveyor-General or a land surveyor authorized by the Surveyor-General, in writing, in that behalf, or by the affixing of the seal of the Surveyor-General in accordance with <b>section 8</b>.</p>
<p><b>Cancellation of an authenticated survey plan.</b></p>	<p><b>34.</b> (1) Where, before the registration of a document or instrument to which an authenticated survey plan is attached, or in which reference to such a plan is made,—</p>
	<p>(a) the plan is found to be inaccurate by reason of any error or omission in the survey; or</p> <p>(b) the plan does not conform with the terms and conditions subject to which permission to subdivide the land to which the plan relates has been given.</p> <p>the Surveyor-General may cancel the authentication of such plan and may recall any copies which may have</p>

	been issued, and in every case the provisions of <b>section 31</b> shall apply.
	(2) Where a document or an instrument to which a cancelled authenticated plan was attached, the Registrar may rectify the register or any instrument presented for registration in accordance with <b>sections 79 and 80 of the Land Registration Act 2012</b> .
	(3) The Surveyor-General shall upon the cancellation of the authentication of any plan, notify as prescribed in writing—
	<p>(a) the registered owner of the land to which such plan relates or, in the case of public land, the National Land Commission; and</p> <p>(b) the land surveyor by whom the survey was executed; and</p> <p>(c) the Land Registrar.</p>
<b>Authenticated boundary plans to be prepared and published by the Surveyor-General.</b>	<b>35.</b> (1) No boundary plans shall be considered authentic unless such plans have been prepared, authenticated and published in the <i>Gazette</i> by the Surveyor-General.
	(2) All boundaries of any land or area, or the situation and extent of any land or area, or particulars necessary to identify any land or area, or defining or designating the boundaries or limits of any land or area shall be geo-referenced.
	(3) Any agency or government institution that is required to produce any boundary plan shall submit the plans for quality control and authentication by the Surveyor-General before the plans are distributed for use.

	(4) All boundary plans shall conform to the specifications and standards prescribed by the Surveyor-General.
<b>Provisions regarding authenticated boundary plans.</b>	<b>36.</b> (1) A plan shall be considered to be authenticated and identified for the purposes of <b>section 35</b> if—
	(a) it is authenticated, by the seal or signature of the Surveyor-General or of a land surveyor authorized, in writing, by the Surveyor-General in that behalf and by the signature of the authority by whom the notice is given, to be the land or area to which the notice in the Gazette refers; and  (b) it is published in the <i>Gazette</i> ; and  (c) it is identified by a reference number.
	(2) Every authenticated and identified boundary plan shall be deposited at the Surveyor-General Office.

<b>Proof of authentication.</b>	<b>37.</b> All plans authenticated under this Act, purporting to be signed by the Surveyor-General, or his/her authorized officer(s), or to be sealed with the seal of the Surveyor-General, shall be presumed, until the contrary is proved, to have been signed by the Surveyor-General, or by his/her agents authorized as aforesaid, or to have been sealed with the seal of the Surveyor-General, as the case may be.
<b>Inspection of plans.</b>	<b>38.</b> Any person may, at such times as may be specified by the Surveyor-General, inspect any boundary plan, referred to in any notice in the <i>Gazette</i> , which is in the possession of the Surveyor-General.
	<b>PART V – THE PRESERVATION OF SURVEY MARKS</b>

<p><b>Survey marks to be shown on plan.</b></p>	<p><b>39.</b> A land surveyor shall show on the plan (if any) all survey marks erected or placed for the purpose of defining the boundaries of any holding or land or any monument defining infrastructure attached to, or referred to in, any document or instrument purporting to confer, declare, transfer, limit, extinguish or otherwise deal with or affect any right, title or interest, whether vested or contingent to, in or over such holding or land, being a document or instrument which is required to be registered, or is ineffectual until registered, under any written law for the time being in force relating to the registration or transactions on land.</p>
<p><b>Hydrographic Survey marks.</b></p>	<p><b>40.</b> A land surveyor shall construct or erect, under the supervision of the Surveyor-General, in the prescribed manner by the Surveyor-General any flag, peg, signal, hydrographic beacon, benchmark, survey reference mark or hydrographic instrument erected in accordance with this Act.</p>
<p><b>Sites of fundamental survey marks.</b></p>	<p><b>41.</b> (1) Fundamental survey marks prescribed in the regulations shall be deemed, for the purposes of this Act and of any regulations made thereunder, to comprise the land within six decimal naught (6.0) of a metre from the center-mark of such station or within six decimal naught (6.0) of a metre from the center of the pillar or of such fundamental benchmark, as the case may be, together with a right-of-way to and from the same.</p>
	<p>(2) The Surveyor-General shall cause to be published in the Gazette not later than the 31<sup>st</sup> day of March in every calendar year, a list, coordinates and digital map of the fundamental survey marks.</p>
	<p>(3) The Surveyor-General may, from time to time, cause notice to be given to any public entity of the location of any fundamental survey marks that are</p>

	located within the land that is subject to the entity's control or management.
	(4) A public entity to which such a notice is given shall ensure that all fundamental survey marks identified in the notice are protected.
	(5) The Surveyor-General shall maintain the fundamental survey marks identified in a notice under subsection (3) in good condition and repair.
<b>Responsibility for protection of survey marks.</b>	<b>42.</b> (1) Every owner or occupier of land shall take all reasonable measures to protect every survey marks erected or placed on the land they own or occupy.
	(2) The owner or occupier of land shall pay to the Surveyor-General the cost of restoring any survey mark erected or placed on the land owned or occupied which has been removed, destroyed, displaced, defaced, mutilated, obliterated or broken, or the position of which has been altered and the cost of any survey made for that purpose, unless any other person has been convicted of an offence under this Act in respect of that survey mark.
	(3) Where a survey mark is common to the land of two or more owners or occupiers, the cost of restoring any such survey mark, under subsection (2), shall be divided equally between them.
	(4) The cost under subsection (2) and (3) shall be a civil debt recoverable summarily.

<p><b>Responsibility to report destruction of a fundamental survey mark.</b></p>	<p><b>43.</b> (1) The representative of the Surveyor-General shall in collaboration with the County Director of Surveys, the Ministry responsible for national government administration and the National Police Service in the area in which the survey mark is situate to ascertain that survey marks are in place and report any destruction to the Surveyor-General.</p>
<p><b>Prohibited blasting of rock, prospecting and mining within site reserved for fundamental survey marks.</b></p>	<p><b>44.</b> (1) A person shall not carry out rock-blasting, prospecting and mining operations within one hundred meters of any fundamental survey mark without the authorization of the Surveyor-General.</p>
	<p>(2) The Cabinet Secretary responsible for mining shall before approving any mining activity under the Mining Act, 2016 obtain the confirmation of the Surveyor-General that the fundamental survey marks within the area to be mined will be adequately protected.</p>
	<p>(3) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding one million shillings or to imprisonment for a term not exceeding two years or to both.</p>
	<p>(4) In addition to the penalty under subsection (3), a person convicted of an offence under subsection (3) shall, whether or not any penalty is imposed, be liable to pay the cost of restoring any feature damaged by the rock-blasting, prospecting and mining operations and the cost shall be recoverable as a civil debt by any person responsible for the maintenance of the fundamental survey mark.</p>

<p><b>Duty of lessee to ascertain that survey marks shown on plan are in place.</b></p>	<p><b>45.</b> (1) A lessee shall within sixty days of receiving a lease, ascertain that the survey marks shown on any plan attached to the lease or referred to therein are in place as indicated on the plan.</p>
	<p>(2) A lessee shall notify the Surveyor-General, in writing, if the lessee is unable to find the survey marks indicated on the cadastral plan attached to the lease and referred to in the lease, and deposit with the Surveyor-General a sum which, in the estimation of the Surveyor-General, is sufficient to cover the cost of the inquiry by the Surveyor-General into the matter.</p>
	<p>(3) If as a result of an inquiry under subsection (2) the Surveyor-General finds that the survey marks are not in place as indicated on the plan, the Surveyor-General shall cause the survey marks to be placed in accordance with the cadastral plan, and the sum deposited under subsection (2) shall be refunded to the person who made the deposit.</p>
	<p>(4) If as a result of an inquiry under subsection (2) the Surveyor-General finds that the survey marks were not put in place by the land surveyor who carried out the work, the expenses of the Surveyor-General shall be recoverable as a civil debt from the land surveyor unless there is proof that such survey marks were placed in accordance with this Act, in which case the sum deposited shall not be refunded.</p>
	<p>(5) If as a result of such inquiry the Surveyor-General finds that the survey marks are in place as shown on the plan, the sum deposited, or such portion thereof as shall be sufficient to cover the cost of such inquiry, shall be forfeited and paid to the Principal Secretary responsible for matters relating to land surveying and mapping.</p>



<b>Tampering with survey marks.</b>	<p><b>46.</b> (1) A person who, without being duly authorized to do so, intentionally takes away, found in possession of, removes, destroys or displaces, or alters the position of any survey mark, or defaces, mutilates, obliterates or breaks any survey mark, commits an offence and is liable, on conviction,—</p>
	(a) if such act was done with intent to defraud, to imprisonment for a term not exceeding three years;
	(b) in any other case, to a fine not exceeding one million shillings or to imprisonment for a term not exceeding two years or to both;
	(c) if the survey mark is an aids to navigation, the penalty prescribed under section 224 of the Merchant Shipping Act, 2009.
	(3) The court may, in addition to the penalty prescribed under subsection (2), order that the person pays to the Surveyor-General the cost of restoring such survey mark (including the cost of any survey made for that purpose).
	<b>PART VI – SURVEY OF INTERNATIONAL BOUNDARIES</b>
<b>Survey of International boundaries</b>	<p><b>47.</b> (1) The Surveyor-General shall undertake international boundary surveys;</p> <p>(2) The international boundaries of the Republic of Kenya shall be surveyed, delineated and mapped in accordance with the international boundary treaties and concluded through bilateral agreements;</p> <p>(3) Subject to the provisions of 47(2), there shall be collaboration and consultation with relevant government ministries and departments in the actualization of provisions under this section;</p>

	<p>(4) The plans and maps delineating the international boundaries shall be authenticated and published by the Surveyor-General;</p> <p>(5) The plans and maps of the International Boundaries shall be kept at Survey of Kenya;</p> <p>(6) The international boundary will be demarcated as prescribed under this Act;</p> <p>(7) The Surveyor-General shall determine and maintain the international boundary vista as prescribed under this Act;</p> <p>(8) Any person who encroaches on the international boundary vista commits an offence and is liable on conviction to a fine not exceeding Kenya Shillings Five Hundred Thousand or to imprisonment for a term not exceeding 2 years or to both.</p>
<b>PART VII – RIPARIAN RESERVES</b>	
<b>Riparian reserves.</b>	<p><b>48.</b> (1) A land surveyor shall when surveying land fronting a watercourse or a stationary water body, survey and indicate a strip of land to be known as riparian reserve as provided in the <b>first schedule</b> of this Act.</p>
	<p>(2) the reference point for measuring the riparian reserve shall be defined as follows:</p> <ul style="list-style-type: none"> <li>a) for oceans, lakes and rivers the high-water mark;</li> <li>b) for dams the buffer zone as defined by the dam design;</li> <li>c) for swamps the width or length of the swamp; and</li> <li>d) for springs the centre of the spring.</li> </ul> <p>(3) for a parcel of land fronting a river the boundary shall be taken as the centre line of the river as prescribed in this Act.</p>

	<b>PART VIII – THE KENYA NATIONAL SPATIAL DATA INFRASTRUCTURE</b>
<b>Establishment of Kenya National Spatial Data Infrastructure.</b>	<b>49.</b> (1) The Surveyor-General shall establish the Kenya National Spatial Data Infrastructure in accordance with <b>section 5(e)</b> .
	(2) The Kenya National Spatial Data Infrastructure shall be a national platform for hosting, finding, accessing, sharing and using geospatial data.
	(3) The Surveyor-General shall ensure that the Kenya National Spatial Data Infrastructure established under subsection (1)—
	(a) facilitates data production, data presentation; data transfer, data exchange and provision of metadata in accordance with the standards set under this Act;
	(b) incorporate roles for data owners, data custodians, data vendors and data users;
	(c) guarantees data quality, security, confidentiality, privacy and copyright of all geospatial data; and
	(d) enables collaborative maintenance of geospatial data between data owners and data custodians.
	(3) If the Surveyor-General reasonably considers that a public entity holds geospatial data that is of value for land survey and mapping purpose, the public entity shall be required to submit the datasets to the Authority, at the request of the Surveyor-General, in writing.

<p><b>Establishment of Standing Committee on Kenya National Spatial Data Infrastructure.</b></p>	<p><b>50.</b> (1) There is established a Standing Committee to be known as the Kenya National Spatial Data Infrastructure Committee consisting of the following—</p>
	<p>(a) the chairperson appointed by the Cabinet Secretary from amongst the members under sub <b>section 50(1)(h)</b></p> <p>(b) the Surveyor-General who shall be the secretary;</p> <p>(c) one County Director of Surveys nominated by the Council of Governors;</p> <p>(d) one County Director of Physical and Land Use Planning nominated by the Council of Governors;</p> <p>(e) one land surveyor nominated by the National Land Commission;</p> <p>(f) one land surveyor from the Institution of Surveyors of Kenya;</p> <p>(g) one representative from the Independent Electoral and Boundaries Commission;</p> <p>(h) Eight other persons, appointed by the Cabinet Secretary as follows—</p>
	<p>(i) one nominated by the Cabinet Secretary responsible for water from amongst the water service providers;</p> <p>(ii) one Land Surveyor nominated by the Cabinet Secretary responsible for education from amongst universities accredited under the Land Surveyors Registration Act, 2021 to offer degrees in land surveying;</p>

	<ul style="list-style-type: none"> <li>(iii) one person nominated by the Cabinet Secretary responsible for forestry, environment or agriculture;</li> <li>(iv) one person nominated by the Cabinet Secretary responsible for energy from amongst the electricity distribution providers;</li> <li>(v) one person nominated by the Cabinet Secretary responsible for ICT;</li> <li>(vi) one person nominated by the Cabinet Secretary responsible for national statistics;</li> <li>(vii) one person nominated by the Cabinet Secretary responsible for mining; and</li> <li>(viii) one person nominated by the Cabinet Secretary responsible for transport, infrastructure, housing, urban development and public works;</li> </ul>
<b>Tenure</b>	<p><b>51.</b> (1) A member of the Kenya National Spatial Data Infrastructure Committee, under <b>subsection 50(1)(h)</b> shall hold office for a term of three years but shall be eligible for re-appointment for one further term.</p>
	<p>(2) A member, other than an ex officio member of "the KNSDI committee may—</p>
	<ul style="list-style-type: none"> <li>a) at any time resign from office by notice, in writing, to the Cabinet Secretary;</li> <li>b) be removed from office by the Cabinet Secretary on recommendation of the KNSDI committee if that member—             <ul style="list-style-type: none"> <li>i. has been absent from three consecutive meetings of the KNSDI committee without the permission of the chairperson;</li> <li>ii. is convicted of a criminal offence and sentenced to imprisonment for a term of six months or more without an option of a fine;</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>iii. becomes, for any reason including infirmity, incompetent or incapable of performing the functions of the office; or</li> <li>iv. has left the organization in which he was appointed from or is otherwise unable or unfit to discharge his functions.</li> </ul>
	<p>(3) The secretariat of the Kenya National Spatial Data Infrastructure Committee shall be at the Surveyor-General's office and shall be supported by such staff as may be necessary for the performance of the committee functions.</p>
<p><b>Functions of the Kenya National Spatial Data Infrastructure Committee.</b></p>	<p><b>52.</b> (1) The Kenya National Spatial Data Infrastructure Committee shall—</p>
	<ul style="list-style-type: none"> <li>(a) be the inter-agency committee responsible for the development, coordination and implementation of the Kenya National Spatial Data Infrastructure;</li> <li>(b) Advise the Cabinet Secretary on the development and maintenance of the Kenya National Spatial Data Infrastructure;</li> <li>(c) advice the Cabinet Secretary on the enforcement and compliance guidelines for submission of metadata subject to any subsisting copyright from data providers;</li> <li>(d) coordinate the uploading of geospatial data and creation of metadata by partner agencies;</li> <li>(e) organize such Technical Working Groups focused on different thematic areas for the effective performance of its functions;</li> <li>(f) advice the cabinet secretary on training and capacity building on Kenya National Spatial Data Infrastructure;</li> </ul>

	<p>(g) resolve conflicts from users arising from using geospatial data supplied through Kenya National Spatial Data Infrastructure;</p> <p>(h) recommend to the Cabinet Secretary to co-opt experts or persons with special skills necessary for the performance of their functions.</p>
<p><b>Meetings of the Kenya National Spatial Data Infrastructure Committee.</b></p>	<p><b>53.</b> (1) The Kenya National Spatial Data Infrastructure Committee shall meet not less than four times in a year at such times and places as the chairperson may determine.</p> <p>(2) The Kenya National Spatial Data Infrastructure Committee shall develop their own procedure.</p> <p>(3) The members of the Kenya National Spatial Data Infrastructure Committee shall be paid such allowances as may be determined by the Cabinet Secretary in consultation and on the advice of the Salaries and Remuneration Commission.</p>
<p><b>Resolution of complaints.</b></p>	<p><b>54.</b> (1) Subject to <b>section 62(4)</b>, a user or data vendor shall make a complaint relating to any deficiency in the quality of geospatial data from the Kenya National Spatial Data Infrastructure platform within fourteen days of noticing the deficiency.</p>
	<p>(2) The secretary shall submit the complaint to the Kenya National Spatial Data Infrastructure Committee for consideration and determination.</p>
	<p>(3) The Kenya National Spatial Data Infrastructure Committee shall determine the complaint within three months of receiving the complaint.</p>

<p><b>Actors within the Kenya National Spatial Data Infrastructure.</b></p>	<p><b>55. (1)</b> The actors within the Kenya National Spatial Data Infrastructure shall include—</p>
<p>.</p>	<p>(a) data owners who shall be responsible for the production of geospatial data and own the copyright of the data unless otherwise agreed, in writing;</p>
	<p>(b) data custodians shall be persons or organizations responsible for the production, storage, management and distribution of geospatial data on behalf of a data owner;</p>
	<p>(c) data vendors who shall be persons or organizations responsible for the sale of geospatial data on behalf of a data owner or data custodian; and</p>
	<p>(d) data users who shall be persons or organizations who uses geospatial data.</p>
	<p>(e) data producers who shall be persons or organizations which produce or create geospatial data.</p>
<p><b>Capture and publication of metadata.</b></p>	<p><b>56. (1)</b> A data custodian shall—</p>
	<p>(a) capture and maintain metadata for any geospatial data the custodian holds in accordance with this Act; and</p> <p>(b) ensure that the metadata is available to users by availing the metadata to the Authority in the prescribed manner, for inclusion in the electronic metadata catalogue.</p>
	<p>(2) The Cabinet Secretary may, by notice in the Gazette, exempt any data custodian or any type of exercise generally or in a particular instance from any</p>



	provision relating to the capture or maintenance of geospatial data made in in accordance with this Act.
Access to geospatial data.  No. 31 of 2016 No. 24 of 2019	<b>57.</b> A person may access data on the Kenya National Spatial Data Infrastructure subject to the Access to Information Act, 2016 and the Data Protection Act, 2019.
Supply of and accountability for geospatial data.	<b>58.</b> (1) A data custodian may, appoint a data vendor to supply products derived from the data custodian’s dataset in the prescribed manner but shall be accountable for the integrity of unmodified geospatial data which is supplied by the data vendor in accordance with this Act.
	(2) A data custodian or a data vendor supplying geospatial data shall provide the data in the prescribed manner together with the relevant metadata and the geospatial data.
Confidentiality, privacy and liability.	<b>59.</b> (1) A person may access data available on the Kenya National Spatial Data Infrastructure in accordance with <b>section 57</b> except geospatial data related to national security, which shall be confidential and may only be shared at the discretion of the data owner.
	(2) A data custodian or owner shall not be accountable for the integrity of data that has been modified by a user.
	(3) A data custodian or owner shall have immunity against any liability arising from unlawful use of a dataset.
	(4) A person shall not be liable for anything done in good faith in the exercise, performance or purported exercise or performance of any power or duty under this Act.

<b>Copyright.</b>	<b>60.</b> (1) A geospatial data owner shall own copyright of the data unless otherwise stated.
	(2) A data producer shall, in the case of value-added data, own the copyright of the new data subject to any prior agreement with the original owner and shall acknowledge the source of the original data.
	(3) A data producer shall own the copyright for integrated datasets, on condition that permission has been obtained from the copyright holder of the individual fundamental dataset.
	(4) A data custodian or owner and user shall, prior to the utilization of any geospatial dataset to which the user has gained access, enter into a licensing agreement with regard to the use of the dataset.
	(5) The licensing agreement referred to in subsection (4) shall provide for—
	<ul style="list-style-type: none"> <li>(a) the duration of the agreement;</li> <li>(b) the legal protection of the copyright of the State and any other interested party;</li> <li>(c) maximum number of permitted users within the organization where an organization is the beneficiary of the agreement; and</li> <li>(d) any other provisions that the parties may deem necessary.</li> </ul>
	(6) A user shall not supply data to a third party unless the supply is provided for in a licensing agreement between the user and the data owner.
	(7) A person who uses geospatial data from a data owner without acknowledging the source of the geospatial data commits an offence and shall be liable

	on conviction to a fine not exceeding two hundred and fifty thousand shillings or to imprisonment for a term not exceeding three months or to both.
<b>Collaborative Maintenance Agreement.</b>	<b>61.</b> (1) A data custodian may exchange geospatial data with the Authority or other data custodians through a collaborative maintenance agreement providing for the regular updating of fundamental datasets within a prescribed period.
	(2) A collaborative maintenance agreement shall contain—
	<ul style="list-style-type: none"> <li>(a) format and medium to be used in providing the updated geospatial data;</li> <li>(b) duration of the agreement;</li> <li>(c) stipulate the frequency with which updated versions of the Fundamental datasets in question shall be provided;</li> <li>(d) legal protection of the copyright of the state and other interested parties; and</li> <li>(e) any other provision that the parties may consider necessary and as may be prescribed.</li> </ul>
	(3) A data custodian of a fundamental dataset shall, in the absence of an agreement contemplated in this section, furnish all updates of geospatial data of the fundamental dataset to the data custodian of a derivative dataset, within a prescribed period in order to ensure synchronized updates of the two datasets.
	(4) A data custodian of a derivative dataset shall update the dataset within a prescribed period after receiving an update of the fundamental dataset.
	(5) The data custodian of a fundamental dataset shall render all reasonable assistance to the data custodian of

	data derived from a fundamental dataset to update a data set as required under subsection (4).
<b>Reporting on data quality.</b>	<b>62.</b> (1) A user or data vendor shall report any deficiency in the quality of geospatial data to the data custodian or the data vendor who supplied the information, within fourteen days of discovering the deficiency.
	(2) The user or data vendor shall provide specific and sufficient information in the report to enable the data custodian or data vendor who supplied the geospatial data to identify the record concerned and shall specify what the record should contain.
	(3) The data custodian or data vendor shall respond to the user or data vendor who made a report under subsection (1) within fourteen days, of receiving the report.
	(4) If a data custodian or data vendor does not respond after the expiry of the fourteen days, the user or data vendor may refer the matter to the Secretary of the Kenya National Spatial Data Infrastructure Committee.
	(5) Upon receipt of the complaint in (4), the Kenya National Spatial Data Infrastructure Committee may take any remedial action it considers necessary or expedient.
<b>Security of geospatial data.</b>	<b>63.</b> A data custodian shall
	(a) take reasonable steps to effect adequate and appropriate security measures to protect against any loss of geospatial data in its custody;

	<p>(b) prevent any unauthorized or unlawful access to and modification or disclosure of that geospatial data; and</p> <p>(c) ensure the protection of the copyright of the State and other interested parties in the geospatial data in its custody.</p>
	<p><b>PART IX – THE KENYA NATIONAL HYDROGRAPHIC COMMITTEE</b></p>
<p><b>Establishment of the Standing Committee Kenya National Hydrographic Committee.</b></p>	<p><b>64.</b> There is established a Standing Committee to be known as the Kenya National Hydrographic Committee.</p>
<p><b>Functions of the Hydrographic committee</b></p>	<p><b>65.</b> The Hydrographic Committee shall -</p> <p>a) create awareness on the importance of hydrography and nautical charting;</p> <p>b) advice on policies, guidelines, and procedures in respect of hydrographic services in the country;</p> <p>c) advice the cabinet secretary on critical areas for carrying out hydrographic surveys;</p> <p>d) advice the cabinet secretary on training needs in hydrographic surveying.</p>
<p><b>Membership of the Hydrographic committee</b></p>	<p><b>66.</b> (1) The Hydrographic Committee shall consist of 14 members as follows:</p>
	<p>a) the chairperson appointed by the cabinet secretary from <b>subsection 66(c)</b>;</p> <p>b) the Surveyor-General who shall be the secretary;</p> <p>c) twelve other persons, appointed by the Cabinet Secretary as follows-</p>

	<ul style="list-style-type: none"> <li>(i) One County Director of Surveys nominated by the Council of Governors;</li> <li>(ii) a representative of the Kenya Navy;</li> <li>(iii) a representative of the Kenya Ports Authority;</li> <li>(iv) a representative of Kenya Marine and Fisheries Research Institute</li> <li>(v) a representative of Kenya Meteorological Service</li> <li>(vi) a Land Surveyor from the National Land Commission;</li> <li>(vii) a representative of the Kenya Maritime Authority</li> <li>(viii) a representative of the Ministry responsible for Environment;</li> <li>(ix) a representative of the Ministry responsible for Transport;</li> <li>(x) a representative of the Ministry responsible for Mining;</li> <li>(xi) One Land Surveyor from the Institution of Surveyors of Kenya; and</li> <li>(xii) One Land Surveyor on the advice of the Cabinet Secretary in charge of Education from Universities accredited to offer degrees in Land Surveying recognized under the Land Surveyors Registration Act, 2021.</li> </ul>
	<p>(3) The members under <b>subsection 66(1)(c)</b> shall be appointed in writing.</p>
	<p>(4) The Committee may recommend to the Cabinet Secretary to co-opt experts or persons with special skills.</p>

<p><b>Meetings of the Hydrographic committee</b></p>	<p><b>67.</b> (1) The Hydrographic committee shall meet not less than four times in a year at such times and places as the chairperson may determine.</p> <p>(2) The chairperson may at any time on reasonable grounds and on notice of the purpose of the meeting convene a special meeting of the Hydrographic Committee to be held on a date and place that he/she determines.</p> <p>(3) The Hydrographic committee shall develop their own procedure that regulate their meetings.</p> <p>(4) The Hydrographic committee shall be paid such allowances as may be determined by the Cabinet Secretary in consultation with the Salaries and Remuneration Commission.</p>
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<b>Tenure and vacation of office</b>	<p><b>68.</b> (1) A member of the Hydrographic committee, except an ex officio member, shall hold office for a term of three years but shall be eligible for re-appointment for one further term.</p> <p>2) A member, other than an ex officio member of the Hydrographic committee may—</p> <ul style="list-style-type: none"> <li>a) at any time resign from office by notice, in writing, to the Cabinet Secretary;</li> <li>b) be removed from office by the Cabinet Secretary on recommendation of the Hydrographic Committee if that member— <ul style="list-style-type: none"> <li>(i) has been absent from three consecutive meetings of the Hydrographic committee without the permission of the chairperson;</li> <li>(ii) is convicted of a criminal offence and sentenced to imprisonment for a term of six months or more without an option of a fine;</li> <li>(iii) becomes, for any reason including infirmity, incompetent or incapable of performing the functions of the office;</li> <li>(iv) has left the organization in which he was appointed from or is otherwise unable or unfit to discharge his functions.</li> </ul> </li> </ul>
<b>Secretariat of the Hydrographic Committee</b>	<p><b>69.</b> (1) The Hydrographic committee shall draw its secretariat from the Surveyor-General.</p> <p>(2) The secretary shall subject to the direction of the hydrographic committee be responsible for the day to day management of the committee.</p>
<b>PART X – THE STANDING COMMITTEE ON GEOGRAPHICAL NAMES</b>	



<p><b>Establishment of the Standing Committee on Geographical Names.</b></p>	<p><b>70.</b> (1) There is established a Standing Committee to be known as the Geographical Names Committee.</p> <p>(2) The Committee shall consist of—</p>
	<p>(a) The chair who shall appointed by the Cabinet Secretary from amongst the members appointed under clause <b>70(2)(c)</b>;</p> <p>(b) the Surveyor-General, who shall be the secretary of the Committee;</p> <p>(c) eleven other members appointed by the Cabinet Secretary, in writing, of whom—</p>
	<p>i. a County Director of Surveys nominated by the Council of Governors;</p> <p>ii. a representative of the National Land Commission;</p> <p>iii. a Land Surveyor nominated by the Institution of Surveyors of Kenya;</p> <p>iv. a representative from the Department of Defence;</p> <p>v. a representative from the Communications Authority of Kenya;</p> <p>vi. a representative from the Ministry responsible for coordination of national Government;</p> <p>vii. a representative from the Attorney General's office;</p> <p>viii. a representative from the Ministry responsible for transport and infrastructure;</p>

	<ul style="list-style-type: none"> <li>ix. a representative from the Independent Electoral and Boundaries Commission;</li> <li>x. a representative from the body responsible for National Statistics;</li> <li>xi. a representative of the National Museums of Kenya;</li> </ul>
<p><b>Tenure and vacation of office</b></p>	<p><b>71.</b> (1) A member of the Geographical Names Committee, except an ex officio member, shall hold office for a term of three years but shall be eligible for re-appointment for one further term.</p>
	<p>(2) A member, other than an ex officio member of the Geographical Names committee may—</p> <ul style="list-style-type: none"> <li>a) at any time resign from office by notice, in writing, to the Cabinet Secretary;</li> <li>b) be removed from office by the Cabinet Secretary on recommendation of the Geographical Names Committee if that member— <ul style="list-style-type: none"> <li>(i) has been absent from three consecutive meetings of the Geographical Names Committee without the permission of the chairperson;</li> <li>(ii) is convicted of a criminal offence and sentenced to imprisonment for a term of six months or more without an option of a fine;</li> <li>(iii) becomes, for any reason including infirmity, incompetent or incapable of performing the functions of the office;</li> <li>(iv) has left the organization in which he was appointed from or is otherwise unable or unfit to discharge his functions.</li> </ul> </li> </ul>
	<p>(3) The Committee may recommend to the Cabinet Secretary to co-opt experts or persons with special</p>

	skills necessary for the performance of their functions.
<b>Functions of the Geographical Names Committee</b>	<b>72.</b> (1) The Geographical Names Committee shall be responsible for—
	(a) approving geographical names;
	(b) developing guidelines on geographical names; and
	(c) advising the Cabinet Secretary as to the standardization and spelling of all geographical place names on maps of Kenya having due regard to historical, orthographical and ethnic considerations.
<b>Meetings of the Geographical Names Committee.</b>	<b>73.</b> (1) The Geographical Names Committee shall meet at least four times in a year at such places as the chairperson may determine.
	(2) The Geographical Names Committee shall regulate their procedure.
	(3) The members shall be paid such allowances as may be determined by the Cabinet Secretary on the advice of the Salaries and Remuneration Commission.
<b>Requests for use of a geographical name.</b>	<b>74.</b> (1) A person or organization who intends to use a geographical name or name a physical feature shall use the approved geographical name or apply to the Geographical Names Committee in writing for approval.
	(2) The Geographical Names Committee shall determine an application under subsection (1) within three months from the date of receipt of an application.
	(3) A person or organization who uses a geographical name or names a physical feature on an official map without the approval of the Geographical Names

	Committee commits an offence and is liable on conviction to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding three months or to both.
	<b>PART XI – MISCELLANEOUS PROVISIONS</b>
<b>Protection from liability.</b>	<b>75.</b> The Surveyor-General, the County Director of Surveys or any officer or agent working under the offices established under this Act shall not be personally liable to any action or other proceeding for or in respect of any act or matter done in good faith in the exercise or performance, or the purported exercise or performance, of any powers, duties or functions conferred by this Act or by any regulations made there under.
<b>Offences.</b>	<b>76.</b> (1) A person who willfully obstructs or hinders a land surveyor, or his agent or servant, in the performance of any duty or the exercise of any power under this Act commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.
	(2) A person who publishes, sells, transmits or disseminates a Map of Kenya or part thereof, without an express approval from National Mapping and Hydrographic Authority commits an offence and shall be liable on conviction to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

<b>General penalty.</b>	<b>77.</b> A person who commits an offence under this Act for which no specific penalty is provided for shall be liable on conviction, unless otherwise specified in that section, to a fine not exceeding one hundred thousand shillings or imprisonment not exceeding three months or to both such fine and imprisonment.
<b>Regulations.</b>	<b>78.</b> (1) The Cabinet Secretary may make regulations generally for giving effect to this Act, and for prescribing anything required to be prescribed by or under this Act.  (2) Without prejudice to the generality of subsection (1), regulations made under that subsection may provide for—
	(a) the manner in which land surveys shall be carried out;  (b) the manner and form in which the records of land surveys shall be prepared and furnished to the Surveyor-General;  (c) the standards of accuracy and specifications to be achieved, and the limits of error allowed in surveys and resurveys of land;  (d) the nature, form and dimensions of survey marks, the manner of marking the same for identification and the manner of their construction, erection, protection, maintenance and repair;  (e) the testing, calibration and certification of surveying instruments to be used in the survey of land;  (f) the unit of measurement which shall be used for Land Surveying and Mapping;

	<ul style="list-style-type: none"><li>(g) the fees and charges to be made for the undertaking of any land survey and mapping services by the Surveyor-General and the County Director of Surveys;</li><li>(h) the fees payable for authentication of plans under this Act;</li><li>(i) the fees or charges payable in respect of any plan or document issued, or any act or matter required or permitted to be performed or dealt with by the Surveyor-General;</li><li>(j) the circumstances in which any person may inspect any unpublished plan in the possession of the Surveyor-General;</li><li>(k) matters relating to the direction and guidance of land surveyors;</li><li>(l) the format for the submission of survey computations;</li><li>(m) the standards for the establishment of the extent of an area of land that needs to be gazetted under any written law;</li><li>(n) the standards for the structure, storage, and provision of national geospatial data and cadastral survey datasets;</li><li>(o) the standards and guidelines on riparian reserves;</li><li>(p) the guidelines and the procedures of carrying out as built surveys; underground surveys; mining surveys; mobile mapping; aerial surveys; and sectional property surveys.</li></ul>
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	<ul style="list-style-type: none"><li>(q) the manner in which plans and maps shall be approved before publishing;</li><li>(r) the manner and procedure for the allocation of parcel numbers;</li><li>(s) the standards and prescriptions to facilitate the sharing and integration of geospatial data and metadata;</li><li>(t) the metadata standards for Kenya National Spatial Data Infrastructure;</li><li>(u) the manner and specification for the capturing of geospatial data including any application for exemption from such manner or specification;</li><li>(v) measures relating to the avoidance of duplication of capture, safeguarding the integrity of captured geospatial data, and access to and distribution of geospatial data;</li><li>(w) the management and maintenance of hydrographic records which include source documents, original surveys, nautical publications and nautical charts;</li><li>(x) determining minimum standards in respect of—<ul style="list-style-type: none"><li>(i) access to, transfer and sharing of the nautical publications and nautical charts and any other relevant information;</li><li>(ii) the rules and guidelines for securing the integrity and authenticity of the nautical publications and nautical charts and any other relevant information;</li></ul></li></ul>
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	<p>(iii) the storage or archiving of nautical publications and nautical charts and any other relevant information;</p> <p>(iv) the remedial measures in the event of loss of nautical publications and nautical charts and any other relevant information; and</p> <p>(v) any other matter required for the adequate protection, management and control of such information.</p> <p>(y) prescribe hydrographic surveying standards and ensure adherence to the standards;</p> <p>(z) prescribe equipment to be used for land surveying and mapping;</p> <p>(aa) the fees or charges to be made for the undertaking of any land survey and mapping services by land surveyors.</p> <p>(bb) anything which under this Act may be prescribed, and generally as to any matter appertaining to the surveying and mapping of land, and for carrying out the intent and purpose of this Act.</p>
<p><b>Repeal of Survey Act, Cap. 299</b></p>	<p><b>79.</b> The Survey Act is repealed.</p>
<p><b>Transitional provisions.</b></p>	<p><b>80.</b> (1) The provisions of the Second Schedule shall, upon the repeal of the Survey Act, have effect with respect to the transfer of the functions, employees, assets and liabilities of Survey of Kenya under the repealed Act to the Survey of Kenya under this Act.</p> <p>(2). County Governments shall fill the position of County Director of Surveys within 3 years of commencement of this Act</p>



FIRST SCHEDULE

[Section 48]

PROVISIONS RELATING TO RIPARIAN RESERVES

**1. Rivers**

- a) All streams of not more than 3 metres in width shall have a reservation of not less than 6 metres in width from the water edge at the ordinary high-water mark which shall be the riparian reserve.
- b) On all streams of width between 3 and 10 metres a reservation of not less than 10 metres in width from the water edge at ordinary high-water mark shall be the riparian reserve.
- c) On all rivers of width between 10 and 30 metres, a reservation of not less than 20 metres in width above the ordinary high-water mark shall be the riparian reserve.
- d) On all rivers of width greater than 30 metres, a reservation of not less than 30 metres in width above the ordinary high-water mark shall be the riparian reserve.

**2. Oceans**

Where land is fronting on the seacoast, a reserve of land not less than 60 metres in width shall be indicated above the ordinary high-water mark shall be the riparian reserve.

**3. Lakes**

- a) where land is fronting on a lake, a reserve of not less than 30 metres in width from ordinary high-water mark shall be the riparian reserve; and
- b) For lake Naivasha, the riparian reserve will be as per contour 6210 feet above the mean sea level.

**4. Dams**

- a) For small dams up-to 15 metres in height a reserve of a minimum of 10 metres above the maximum water level shall be the riparian reserve. ; and

- b) For large dams beyond 15 metres in height a reserve of a minimum of 30 metres above the maximum water level shall be the riparian reserve. .

**5. Swamps and Springs**

- a) Swamps with a width or length greater than 150 metres should be the riparian reserve.
- b) For a spring, a minimum radius of 6 metres from the centre of the spring shall be the riparian reserve.

**6. Exceptions**

(1) An exception on identification of a riparian reserve may be required in the following circumstances-

- a) That there are special circumstances or conditions affecting the property;
- b) That the exception is necessary for the proper design and function of some permitted or existing activity on the property; or
- c) Special limits are specified in other legislations.

(2) Exceptions in (1) above shall be on approval by the Surveyor-General

The exceptions shall be as tabulated below.

<b>Exceptions</b>	<b>Recommended Width</b>
Waterways which supply the water and food needs of local communities	100 metres
Reserves that are upstream of conservation areas or are significant breeding grounds for fish and aquatic life	100 metres
Reserves that are important wildlife corridors, support rare, threatened, and endangered species of economic importance to local communities	> 200 metres

SECOND SCHEDULE  
[Section 80]  
TRANSITIONAL PROVISIONS

**1. Interpretation**

In this Part, unless the context otherwise requires;

“assets” include all property movable or immovable and all estates, easements and rights whether equitable or legal in, over or out of property, choses-in-action, money or goodwill of the Survey of Kenya [now defunct] whether situated in Kenya or elsewhere;

“Survey of Kenya” means the Directorate of Surveys headed by the Surveyor-General appointed under **Section 3** of this Act;

“inaugural date” means the dates of inauguration of the Survey of Kenya established under this Act, which dates shall commence upon enactment of this Act;

“rights” means all rights, powers, privileges and immunities whether actual, contingent or prospective, whether observed or performed in Kenya or elsewhere;

**2. Transfer of functions**

(1) On the inaugural date for the Authority, all functions of the Survey of Kenya pertaining to geodetic control, topographic surveys, bathymetric surveys, hydrographic surveys and geospatial surveys shall be deemed to have been transferred, assigned to the Authority.

(3) On the inaugural date for the Directorate, all functions of the Survey of Kenya pertaining to Cadastral Survey shall be deemed to have been transferred or assigned to the Directorate.

**3. Transfer of rights and powers**

(1) All rights, powers, liabilities and duties, whether arising under any written law or otherwise, which immediately before the commencement of this Act were vested in, imposed on or enforceable against the Government in respect of Surveying and Mapping shall, on the respective inaugural dates

be transferred to, vested in, imposed on or be enforceable against the Authority, the Institute and the Directorate as the case may be.

(2) All rights, powers and liabilities relating directly to Surveying and Mapping, whether arising under any written law or otherwise, which immediately before the commencement of this Act were vested in, imposed on or enforceable against Survey of Kenya in respect to geodetic control, topographic surveys, bathometric surveys, hydrographic surveys and geospatial surveys shall, on the inaugural date for the Authority, be transferred to, vested in, imposed on or be enforceable against the Authority.

(3) All rights, powers and liabilities relating directly to Surveying and Mapping, whether arising under any written law or otherwise, which immediately before the commencement of this Act were vested in, imposed on or enforceable Survey of Kenya pertaining to Cadastral Survey shall, on the inaugural date for the Directorate, be transferred to, vested in, imposed on or be enforceable against the Directorate.

#### **4. Survey of Kenya, orders issued before commencement**

(1) All lawful directions, orders, rules, authorizations and other things published, made, given or done by Survey of Kenya relating to geodetic control, topographic surveys, bathometric surveys, hydrographic surveys and geospatial surveys, or subsidiary legislation thereunder, subsisting at the inaugural date shall on and after that day be deemed to have been published, given, made or done by the Survey of Kenya under this Act.

(3) All legal directions, orders, rules, authorisations and other things published, made, given or done by Survey of Kenya under the repealed Act in relation to Cadastral Survey, or subsidiary legislation thereunder subsisting at the inaugural date shall on and after that day be deemed to have been published, given, made or done by Survey of Kenya under this Act.

#### **5. Acts or action performed before commencement of this Act**

(1) Any legal act or thing done or purported to be made or done or any act or thing omitted to be done on behalf of or in the name of the Survey of Kenya under the repealed Act prior to the inaugural date under this Act by any person acting in good faith and with due or apparent authority in that

behalf shall be deemed to be an act or thing made or done or omitted to be done, as the case may be, by the Survey of Kenya.

(2) Any legal act or thing done or purported to be made or done or omitted to be done on behalf of or in the name of Survey of Kenya under the repealed Act as relates directly to Land Surveying and Mapping, prior to the inaugural date of Survey of Kenya under this Act by any person acting in good faith and with due or apparent authority in that behalf shall be deemed to be an act or thing made or done or omitted to be done, as the case may be, by the Survey of Kenya under this Act.

(3) All legal directions, orders, rules, authorization and other things published, made, given or done by Survey of Kenya under the repealed Act in relation to Land Surveying and Mapping, or subsidiary legislation thereunder subsisting at the inaugural date shall on and after that date be deemed to have been published, given, made or done by the Survey of Kenya under this Act, as the case may be.

#### **6. Updating of records**

Every public officer having the power or duty to effect or amend any entry in a register relating to property, or to issue or amend any certificate upon request made by or on behalf of Survey of Kenya under the repealed Act, shall do all such things as are by law necessary to give final effect to the transfer of property mentioned in any order made under this Schedule.

#### **7. Employees**

Upon the commencement of this Act the employees of Survey of Kenya under the repealed Act shall be deemed to be employees of Survey of Kenya under this Act.

#### **8. Records transfer**

Upon commencement of this Act, all documents, records and admissions, digital or otherwise, in relation to past and on-going contracts and consultancies' which would, before that date, have been evidence in respect of any matter for or against Survey of Kenya under the repealed Act shall be deemed to be transferred to the Survey of Kenya under this Act.