

CITY COUNCIL OF NAIROBI

**(GROUND RENT ON LEASED LAND)
BY – LAWS 2009**

LOCAL GOVERNMENT ACT
(CAP 265)

IN EXERCISE of the powers conferred by Section 201 of the Local Government Act, Cap 265 the City Council of Nairobi hereby makes the following By-Laws:

THE CITY COUNCIL OF NAIROBI (GROUND RENT ON LEASED LAND)
BY-LAWS, 2009

PART I – PRELIMINARY

- Citation: 1. These By-laws may be cited as the City Council of Nairobi (Ground rent on leased land) By-laws, 2009.
- Interpretation: 2. In these By-laws, except where the context otherwise requires
“City” means the City of Nairobi;
“Council” means City Council of Nairobi;
“Ground Rent” means a charge against leased land or property imposed pursuant to this By-law;
“Designated Area” means the area within which ground rent is imposed and to which this by-law applies i.e. all leased land within the jurisdiction of the City of Nairobi.

Designated
Services:

It is hereby declared by the Council that all leased land within its city has increased need for services.

Ground rent shall be imposed on land leased by City Council of Nairobi for the services rendered there from.

Once this by-law is in force, the Ground Rent charge applicable as determined by this by-law shall apply without regard to the services required or used by the owner of the leased land.

Determination
And Payment Of
Ground Rent:

- i) Ground Rent for one year shall be calculated equal to the leased land area multiplied by the land rent rate per year.
- ii) The land area for calculating Ground Rent is the whole area currently managed and used by an organization, family household or individual for production and/or business activities, whether developed or undeveloped.
- iii) Such an area shall be determined under the land lease and the written declaration of Ground Rent payment registration.

- iv) Where the land lease contract is not available, the land assignee shall be required to pay ground rent on the land – over of production and/or business establishment, the land lease or written declaration by the land user shall serve as basis for such determination for payment.

Determination of ground rent per year:

- i) The Ground Rent rate per year varies according to location and size ‘within’ the CCN jurisdiction, and shall be revised as it deems fit.
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- ii) Ground rent calculated for the first year and last year of the land lease term shall be determined accordingly to the number of months during which the land is actually leased.
- iii) For the land area to revert back to the government, the Ground Rent shall be calculated up to the time of hand-over.

Exemptions:

- i) No leased land holder shall be exempted from payment of Ground Rent.

Enforcement of payment of ground rent:

- i) If, after the time fixed for payment of any Ground Rent, any person fails to pay any such rent due from him and any interest on any such unpaid rent as provided for this by-law, the Town Clerk may cause a written demand to be made upon such a person to pay, within fourteen days after service thereof on him, the rent due by such person and interest thereon shall be calculated in accordance with this by-law.
- ii) If any person who has had such demand served upon him makes default, proceedings shall be instituted in the Subordinate Court of the first class to secure such payment and interest thereof.

Term of By-Law: (i)

- This By-law shall continue in full force and effect from its enactment until its repeal.

This By-law may be cited as the Ground Rent or Leased Land By-laws, 2009.

Made this----- day of ----- 2009

By order of the City Council of Nairobi.

TOWN CLERK

Approved this -----day of ----- 2009

MINISTER FOR LOCAL GOVERNMENT

DATED OF PUBLICATION IN KENYA GAZETTE: ----- 2009