



THE REPUBLIC OF KENYA

LAWS OF KENYA

THE LAND (ASSESSMENT OF JUST COMPENSATION) RULES

NO. 283 OF 2017

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Kenya

Land Act

The Land (Assessment of Just Compensation) Rules Legal Notice 283 of 2017

Legislation as at 31 December 2022

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The Land (Assessment of Just Compensation) Rules (Legal Notice 283 of 2017)

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LAND ACT

THE LAND (ASSESSMENT OF JUST COMPENSATION) RULES

LEGAL NOTICE 283 OF 2017

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1. Citation

These Regulations may be cited as the Land (Assessment of Just Compensation) Rules.

2. Interpretation

In these Rules unless the context states otherwise requires—

“market value” means the value of the land at the date of publication in the *Gazette* of the notice of intention to acquire the land.

3. Factors to be considered in the assessment of compensation

The Commission shall consider the following factors when assessing compensation—

- (a) the market value of the land;
- (b) damage sustained or likely to be sustained by persons interested at the time of the Commission's taking possession of the land by reason of severing the land from his or her other land;
- (c) damage sustained or likely to be sustained by persons interested at the time of the Commission's taking possession of the land by reason of the acquisition injuriously affecting his or her other property, whether moveable or immovable, in any other manner or his or her actual earnings;
- (d) reasonable expenses incidental to the relocation any of the persons interested or who will be compelled to change residence or place of business as a consequence of the acquisition; and
- (e) damage genuinely resulting from diminution of the profits of the land between the date of publication in the *Gazette* of the notice of intention to acquire the land and the date the Commission takes possession of the land.

4. Assessment of market value

- (1) The Commission shall determine an award based on the market value of the land to be acquired.
- (2) When assessing the market value—
 - (a) the commission shall take into consideration the effect of any express or implied condition of title or law which restricts the use to which the land concerned maybe put;
 - (b) if the market value of the land has been increased, or is currently increased, in either of the following ways, the increase shall be disregarded—
 - (i) an increase by reason of an improvement by the owner or his or her predecessor after the date of publication in the *Gazette* of the notice of intention to acquire the land; or

- (ii) an increase by reason of the use of the land or premises in a manner which could be restrained by a court or is contrary to the law, or is detrimental to the health of the occupiers of the premises or to public health.

5. Factors not to be considered in the determination of an award

In determining the amount of compensation to be awarded for land acquired under the Act, the Commission shall not consider—

- (a) the degree of urgency which has led to acquisition;
- (b) any disinclination of the person interested to part with the land;
- (c) damage sustained by the person interested which, if caused by a private person, would not be a good cause of action;
- (d) damage which is likely to be caused to the land after the date of publication in the *gazette* of the notice of intention to acquire the land or in consequence of the use to which the land will be put;
- (e) any increase in the actual value of the land as at the date of publication in the *Gazette* of the notice of intention to acquire likely to accrue from the use to which the land will be put when acquired; and
- (f) any outlay on additions or improvement to the land, incurred after the date of publication in the *Gazette* of the notice of intention to acquire land, unless the additions or improvements were necessary for the maintenance of any building in proper state of repair.

6. Additional compensation

The Commission shall add a sum equal to fifteen per cent of the market value to the amount of compensation as compensation for disturbance.