

**REPUBLIC OF KENYA**  
**COUNTY GOVERNMENT OF MACHAKOS**



**COUNTY ASSEMBLY OF MACHAKOS**

**THIRD ASSEMBLY**

---

-----

**REPORT OF THE FINANCE AND REVENUE COLLECTION COMMITTEE**  
**ON**  
**WAIVER OF PENALTIES AND INTERESTS ON LAND RATES AND BUILDING**  
**APPROVALS AND WAIVER OF FEES CHARGED FOR REGISTRATION OF**  
**PLOTS / PARCELS OF LAND**

-----

**MAY, 2024**

## TABLE OF CONTENTS

ABBREVIATIONS .....	3
1.0 PREFACE .....	4
1.1 Establishment of the Committee.....	4
1.2 Mandate of the Committee .....	4
1.3 Committee Membership.....	4
1.4 Committee Secretariat.....	5
1.5 Acknowledgement .....	5
2.0 BACKGROUND .....	6
3.0 CONSIDERATION OF WAIVER ON PENALTIES AND INTERESTS ON LAND RATES AND WAIVER OF FEES ON PLOTS / PARCELS OF LAND REGISTRATION.....	9
3.1 Justification of the waiver .....	9
3.2 Scope of the waiver.....	9
3.3 The status of land / plots registration and land rates arrears .....	9
3.4 The nature and period of the waiver .....	10
3.5 Compliance of the Waiver to the provisions of the law .....	10
3.6 Engagement with County Executive Committee Member - Lands, Urban Development, Housing and Energy on the Waiver.....	12
4.0 COMMITTEE OBSERVATIONS .....	14
5.0 COMMITTEE RECOMMENDATIONS.....	15

## **ABBREVIATIONS**

<b>CECM:</b>	County Executive Committee Member, Finance, Economic Planning, Revenue Management and ICT
<b>FY:</b>	Financial Year
<b>ICT:</b>	Information Communication Technology
<b>OSR:</b>	Own Source Revenue
<b>PFM:</b>	Public Finance Management Act

## **1.0 PREFACE**

### **1.1 Establishment of the Committee**

1. The Finance and Revenue Collection Committee is a sectoral Committee of the County Assembly of Machakos established pursuant to Standing Order No. 190 whose functions pursuant to Standing Order 190 (5) are as follows:
  - (a) To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
  - (b) To study the programme and policy objectives of departments and the effectiveness of the implementation;
  - (c) To study and review all county legislation referred to it;
  - (d) To study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
  - (e) To investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the Assembly;
  - (f) To vet and report on all appointments where the Constitution or any law requires the Assembly to approve, except those under Standing Order 184 (*Committee on Appointments*); and
  - (g) To make reports and recommendations to the Assembly as often as possible, including recommendation of proposed legislation.

### **1.2 Mandate of the Committee**

2. In accordance with the second schedule of the Standing Orders, the Committee is mandated to consider all matters relating to the management of County public finance and revenue collection.
3. In executing its Mandate, the Committee oversees the following Departments which are under the County Executive Committee Member for Finance, Economic Planning, Revenue Management and ICT;
  - (a) Finance;
  - (b) Revenue Management

### **1.3 Committee Membership**

4. The Finance and Revenue Collection Committee as currently constituted comprises of the following thirteen Honorable Members:
  1. Hon. Francis Kitaka - Chairperson

- |     |                      |                    |
|-----|----------------------|--------------------|
| 2.  | Hon. Paul Wambua     | - Vice Chairperson |
| 3.  | Hon. Lloyd Mutua     | - Member           |
| 4.  | Hon. Francis Kavyu   | “                  |
| 5.  | Hon. Judas Ndawa     | “                  |
| 6.  | Hon. Irene Mulu      | “                  |
| 7.  | Hon. Hellen Ndeti    | “                  |
| 8.  | Hon. Daniel Muindi   | “                  |
| 9.  | Hon. Jackson Ndaka   | ”                  |
| 10. | Hon. Grace Bahati    | “                  |
| 11. | Hon. Paul Muli       | “                  |
| 12. | Hon. Boniface Katiti | “                  |
| 13. | Hon. Anna Ndilo      | “                  |

#### **1.4 Committee Secretariat**

5. During the consideration of the waiver, the Committee was facilitated by the following secretariat:

- |     |                     |                             |
|-----|---------------------|-----------------------------|
| (a) | Mr. Dominic Musyoka | - Principal Clerk Assistant |
| (b) | Mr. Samuel Mutua    | - Clerk Assistant           |
| (c) | Ms. Emma Nthenya    | - Hansard Officer           |
| (d) | Mr. Kiptum Joel     | - Sergeant-At-Arms          |

#### **1.5 Acknowledgement**

6. The Finance and Revenue Collection Committee is grateful to the Office of the Speaker and that of the Clerk to the County Assembly for the support accorded during the execution of this task. I wish to express my appreciation to the Honorable Members of the Committee who sacrificed their time to participate in the consideration of the waiver and in preparation of this report.

## 2.0 BACKGROUND

7. The County Executive Committee Member for Finance, Economic Planning, Revenue Management and ICT (CECM) forwarded to the Assembly for approval, a waiver of interests and penalties outstanding on land rates, building plans and occupation certificates on 5<sup>th</sup> March, 2024. The request for the waiver was tabled in the House on 13<sup>th</sup> March, 2024 and committed to the Finance and Revenue Collection Committee for consideration and tabling a report in the Assembly for Approval. The CECM re-submitted the waiver to the Assembly for approval on 29<sup>th</sup> April, 2024 and on 2<sup>nd</sup> May, 2024 with additional information. The Committee considered all the information submitted via the three letters and has compiled a report.
8. Land rates are payable taxes imposed by the County Government in its area of jurisdiction. The tax is payable annually regardless of whether the land is idle or not. Land rates are levied based on a valuation roll prepared once every 10 years with yearly supplementary rolls.
9. Section 56 of the Physical and Land Use Planning Act 2019 empowers the County Government to undertake development control. Further, Section 63(1) of the same Act empowers the County Executive Committee Member responsible for physical and land use planning to levy fees against an applicant for development permission.
10. Penalty is charged to developers who fail to pay land rates and fees on build approvals and interest accrues on these penalties. These penalties and interests at times accrue to a point that they hinder development and also to a point that they exceed the value of the property.
11. The CECM relied on the Constitution of Kenya, Public Finance Management (PFM) Act and the Machakos County Tax Waivers Administration Act, 2022 to request approval for waiver of tax, fees and penalties by the Assembly.
12. Article 210 of the Constitution provides that:-
  - (1) *No tax or licensing fee may be imposed, waived or varied except as provided by legislation.*
  - (2) *If legislation permits the waiver of any tax or licensing fee—*
    - (a) *a public record of each waiver shall be maintained together with the reason for the waiver; and*
    - (b) *each waiver, and the reason for it, shall be reported to the Auditor-General.*

- (3) *No law may exclude or authorize the exclusion of a State officer from payment of tax by reason of—*
  - (a) *the office held by that State officer; or*
  - (b) *the nature of the work of the State officer.*

13. Section 159 of the PFM Act provides that:

- (1) The County Executive Committee member for finance may waive a county tax, fee or charge imposed by the county government and its entities in accordance with criteria prescribed in regulations provided that—
  - (a) *the County Treasury shall maintain a public record of each waiver together with the reason for the waiver and report on each waiver in accordance with Section 164 of this Act;*
  - (b) *a State Officer may not be excluded from payment of a tax, fee or charge by reason of the office of the State Officer or the nature of work of the State Officer; and*
  - (c) *Such waiver or variation has been authorized by an Act of Parliament or county legislation.*

14. Sections 5 to 8 of the Machakos County Tax Waivers Administration Act, 2022 provides for waiver of tax, fees or other charges due to the County Government. Section 5 of the Machakos County Tax Waivers Administration Act, 2022 provides that:

- (1) *Subject to subsection (2), the County Executive Committee Member may waive or vary the payment of any tax, fees or other charges due to the County Government.*
- (2) *The County Executive Committee Member may waive taxes in respect to any transaction according to the criteria prescribed herein but, in any case where –*
  - (a) *The waiver is for the purposes of encouraging defaulting tax payers to pay such amount as may enable the County Government recover part of the amount owing from the defaulting payer; and*
  - (b) *In the opinion of the Executive Committee Member, there exists such compelling circumstances that make it equitable, expedient and in the interest of the financial advantage to the County that the waiver be made.*
- (3) *The Executive Committee Member shall present the proposal for waiver to the Assembly for approval at least thirty (30) days before the intended waiver.*
- (4) *Subject to such conditions as may be contained in Regulations, any person may apply to the Executive Committee Member for a tax waiver granted only upon approval by*

*the County Assembly.*

- (5) The Executive Committee Member shall process an application for tax waiver made under subsection (4) in accordance with section 7.*
  - (6) The Executive Committee Member may extend the period for a tax waiver for a period of not more than thirty (30) days and shall report such extension of the waiver to the Assembly within fifteen (15) days of such extension.*
  - (7) For avoidance of doubt, the term “person” as used in this section includes both natural and juridical persons.*
15. Section 6 of the Machakos County Tax Waivers Administration Act, 2022 provides the conditions of tax waiver as provided under Article 210 of the Constitution. Section 7 of the Machakos County Tax Waivers Administration Act, 2022 provides that:
- (1) Before presenting a proposal for the waiver of taxes to the Assembly, the Executive Committee Member shall conduct public participation on the intended tax waiver by undertaking the following –*
    - (a) Publishing the intention to waive tax in the Gazette not less than fourteen (14) days before presenting the proposal for tax waiver to the Assembly;*
    - (b) Indicate in the notice referred in paragraph (a), the reasons for the intended waiver;*
    - (c) Indicate in the notice referred in paragraph (a), the period of the intended waiver;*
    - (d) Publicize the intended waiver as widely as possible by putting a notice in a newspaper of national circulation, in social media, radios, public announcements and by the use of any other media;*
    - (e) Invite comments from the members of the public in publishing the waiver; and*
    - (f) Take into consideration, the views of the public in publishing the waiver.*
  - (2) The Executive Committee Member shall submit the proposal of tax waiver, the evidence of public participation and the Analysis of the consideration of the views of members of the public to the Assembly for approval.*
  - (3) Where the Assembly approves a tax waiver, the Executive Committee Member shall publish and publicize the tax waiver.*
16. Section 8 of the Machakos County Tax Waivers Administration Act, 2022 provides that Executive Committee Member shall not waive tax or fees or authorize the exclusion of a State or Public Officer from payment of tax or fees by reason of the office held or nature of work.



### **3.0 CONSIDERATION OF WAIVER ON PENALTIES AND INTERESTS ON LAND RATES AND WAIVER OF FEES ON PLOTS / PARCELS OF LAND REGISTRATION**

17. The waiver aims at encouraging those who have arrears on land rates to pay and those who have not registered their plots and parcels of land to do so. The County aims also to increase its revenue collection through the activity. The waiver is a two – thronged strategy coupled with a call upon those who have not yet obtained certificates of occupation or the necessary approvals for their buildings or construction projects to do so during the period of the proposed waiver.

#### **3.1 Justification of the waiver**

18. The County Executive observed that the County Government of Machakos has not issued a waiver on land rates penalties and interest in the previous financial year. The County has also not issued a waiver on penalties on irregular and informal developments before. This has led to accumulation of large debts on property owners who continue to default on payments. The proposed waiver is important for the following reasons:
  - (a) It will encourage payment of land rates arrears that land owners have been unable to pay due to high penalties and interests accrued;
  - (b) It will encourage owners of lands and plots in Machakos to register. The County will then capture their details for future billing and levy of land rates and other property charges.
  - (c) It will help reduce the burden of approval fees which developers have not been able to pay due to high penalties and interests thereon.
  - (d) The waiver will create of awareness to the public on payment of land rates.
  - (e) The waiver will help increase revenue collection on land rates and building approvals.

#### **3.2 Scope of the waiver**

19. The proposed waiver will be applicable to the entire area of jurisdiction of Machakos County Government. The proposed timeframe as contained in the request for waiver is from 1<sup>st</sup> May, 2024 to 31<sup>st</sup> May, 2024. However, this was varied in the Gazette notice to commence on 15<sup>th</sup> May, 2024 to 14<sup>th</sup> June, 2024.

#### **3.3 The status of land / plots registration and land rates arrears**

20. The records on lands / plot registration show that there are over two (2) million parcels of

land in Machakos County. Out of these:

- (i) Only 13,000 parcels of land have their bio data captured by the County Government;  
and
  - (ii) Only 55,000 parcels of land are registered.
21. The proposed waiver intends to call upon owners of the unregistered parcels of land to register their parcels with an offer of waiver of plot registration fee as a motivation. This exercise of plot registration will help the County enlarge its data base records of land owners as well as help update the existing records and make easy for the County to bill in the future.
22. Machakos County has land rates arrears and penalties totaling to Kshs. 48 billion as at January, 2024. This amount comprises of land rate arrears of Kshs. 436 million and penalties of Kshs. 47.564 billion.
23. The County Executive noted the following gaps:
- (a) The arrears, penalties and interests for property owners have accrued above the value of the properties.
  - (b) Existing multiple informal developments that have not undergone the requisite approval process as provided for in legislation to ensure public safety, public health and public order.

### **3.4 The nature and period of the waiver**

24. The County Executive requests for approval of waiver as follows:
- (a) That there be a waiver of interest and penalties on outstanding land rates and on building approvals for the period of 1<sup>st</sup> May, 2024 to 31<sup>st</sup> May, 2024.
  - (b) That there be a waiver of plots / land registration fee for the period of the waiver for the period of 1<sup>st</sup> May, 2024 to 31<sup>st</sup> May, 2024.

### **3.5 Compliance of the Waiver to the provisions of the law**

25. The proposed waiver has been considered in line with Article 210 of the Constitution, Section 159 of the PFM Act and Sections 5 to 8 of the Machakos County Tax Waivers Administration Act, 2022.
26. The request of waiver has complied with relevant laws as follows:
- (a) It has stated the reasons for the intended waiver.
  - (b) It has stated the period for the waiver.
  - (c) Considering the date of presentation of the waiver on 5<sup>th</sup> March, 2024 and the

commencement date on 1<sup>st</sup> May, 2024; the waiver complies with section 5(3) of the Machakos County Tax Waivers Administration Act, 2022 which provides that, *the Executive Committee Member shall present the proposal for waiver to the Assembly for approval at least thirty (30) days before the intended waiver.*

- (d) The CECM undertook public participation in line with section 7 of the Machakos County Tax Waivers Administration Act, 2022 which provides that the County Executive Committee Member *shall conduct public participation on the intended tax waiver and shall submit the proposal of tax waiver, the evidence of public participation and the Analysis of the consideration of the views of members of the public to the Assembly for approval.*

3.6 The content of the publication for the waiver was in line with the provisions of section 7 of the Machakos County Tax Waivers Administration Act, 2022 Public participation for the waiver

27. The CECM used different channels to carry out public participation of the waiver as required by section 7 of the Machakos County Tax Waivers Administration Act, 2022. The Channels were:

**(a) Gazette Notice:**

- (e) The CECM issued a Gazette pursuant to Article 210 of the Constitution, section 159 of the PFM Act, regulation 64(3) of the PFM (County Governments) Regulations 2015 and section 7 of the Machakos County Tax Waivers Administration Act, 2022 that the County Government of Machakos is proposing to waive the interests and penalties on outstanding land rates and on building approvals.

- (i) The Gazette notice stated the reasons of the waiver which were as per the request of the waiver to the Assembly.
- (ii) The Gazette notice spelt the period of the waiver to commence from 15<sup>th</sup> day of May, 2024 to the 14<sup>th</sup> day of June, 2024.
- (iii) The notice informed the public that the intended waiver was available at the official Machakos County website <https://machakos.go.ke/>.
- (iv) Members of the public were invited to submit views on the intended waiver through email [machakoscountyfinancepp@gmail.com](mailto:machakoscountyfinancepp@gmail.com) or writing to the CECM via P.O Box 1996-90100, Machakos so as to be received not later than 28<sup>th</sup> March, 2024.

- (b) County Government of Machakos official website.** The public were invited to submit views on the intended waiver through email

[machakoscountyfinancepp@gmail.com](mailto:machakoscountyfinancepp@gmail.com) or writing to the CECM via P.O Box 1996-90100, Machakos so as to be received not later than 28<sup>th</sup> March, 2024. On the website, the County also called upon those who had not yet obtained certificates of occupation or necessary approvals for their buildings or construction projects to do so within the next 30 days before the County Government initiates enforcement.

(c) Selected social medial pages with the same information as in the official website.

28. The CECM informed that Committee that no responses were received vide email or in writing by close of submission period.
29. The documents requesting for waiver, scope and justification of the waiver and prove of public participation are attached as (annex – 1). 3.6

### **3.6 Engagement with County Executive Committee Member - Lands, Urban Development, Housing and Energy on the Waiver**

30. The Committee raised a number of concerns on the waiver and on consultation with the County Executive, the County Executive Committee Member for Lands, Urban Development, Housing and Energy was nominated to appear before the Committee for clarification. The County Executive Committee Member for Lands, Urban Development, Housing and Energy appeared before the Committee on 7<sup>th</sup> May, 2024 and tabled a written response on the issues raised as well as took the members through them (annex – 2).
31. The issues that the Committee was seeking clarification on were:
  - (i) The number of parcels in the County which is over 2 million, the number whose bio data is capture at 13,000 and the number that is registered which is 55,000.
  - (ii) Whether the amount of land rates of Kshs. 48 billion for land rates and penalties is for which parcels of land.
  - (iii) Whether during land transactions, the County requires land rates arrears to be cleared?
  - (iv) Whether the Gazette notice for the public participation was available?

32. In addition to the written response that the County Executive Committee Member tabled in the Committee, the Member responded as follows to the issues raised:

#### **(a) Number of parcels of land**

33. The County Executive Committee Member informed the Committee that, the number of plots is based on the information gathered from the Nairobi and Machakos land registries.

The parcels are owned by residents and non-residents of Machakos County and some have multiple of parcels of land.

34. In addition, the Member stated that, the 13,000 parcels of land whose bio data is captured is part of the 55,000 that is registered. The registration has been through persons who have volunteered to register with the revenue system but the information is not complete. This is the reason why the Department was issuing was waiver to encourage registration.

**(b) The amount of land rates and penalties amounting to Kshs. 48 billion**

35. The County Executive Committee Member informed the Committee that, the amount of Kshs. 48 billion is the arrears for all the registered parcels of land in Machakos County which is 55,000. Some of these arrears date back to 2008 when the last valuation roll done. The Department is in the process of finalizing another valuation roll and spatial planning where all land records will be digitized.

**(c) Clearance of land rates arrears during land transactions**

36. The Executive Committee Member stated that, it was a requirement for all land transactions such as land transfers and sub-divisions to have cleared all the land rates and obtained a land rates clearance certificate before approval. The Member had written to the responsible officers at lands to comply with this requirement and through the good working relationship between the officers and the Department, the directives were being implemented.

**(d) Public participation of the Waiver**

37. The Executive Committee Member informed the Committee that public participation was carried out by the Department of Finance, Economic Planning, Revenue Management and ICT.

#### 4.0 COMMITTEE OBSERVATIONS

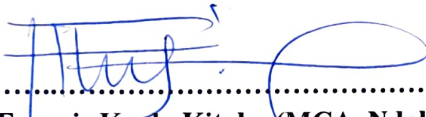

38. The Committee observed that:

- (i) The reasons stated for the waiver and the jurisdiction are within the mandate of the County Government. The overall aim of the waiver is to raise more revenue for the County and help the County Government meet its target of Kshs. 4.0 billion for the FY 2023/2024.
- (ii) The planned date for the start of the waiver vide letter ref: MCG/CECM/FIN/MKSCA/VOL.2/049 dated 29<sup>th</sup> April, 2024 which was to be 1<sup>st</sup> May, 2024 had been corrected via the Gazette notice to be 15<sup>th</sup> May, 2024. This date was reasonable and the period of the waiver as per the Gazette Notice is one (1) month.
- (iii) For, clarity, the CECM was intending to waive the interests and penalties amounting to Kshs. 47,564,000,000 on outstanding land rates and also waive fees charged for registration of plots / parcels of land.
- (iv) That the waiver period as per the Gazette notice was:
  - (a) One (1) month from the 15<sup>th</sup> day of May, 2024 to the 14<sup>th</sup> day of June, 2024 for penalties and interests on land rates;
  - (b) One (1) month from the 15<sup>th</sup> day of May, 2024 to the 14<sup>th</sup> day of June, 2024 for fees charged for registration of plots / parcels of land.
- (v) That there was need for the County Government to enforce payment of land rates and registration of plots / parcels of land at the point of exchange or trade of the properties. This will greatly reduce these arrears.

## 5.0 COMMITTEE RECOMMENDATIONS

39. The Committee recommends that the Assembly approves:

- (a) A waiver period of one (1) month from the 15<sup>th</sup> day of May, 2024 to the 14<sup>th</sup> day of June, 2024 for penalties and interests on land rates; and
- (b) A waiver period of one (1) month from the 15<sup>th</sup> day of May, 2024 to the 14<sup>th</sup> day of June, 2024 for fees charged for registration of plots / parcels of land.

Sign..........Date..........  
Hon. Francis Kyalo Kitaka (MCA, Ndalani Ward)  
**CHAIRPERSON – FINANCE AND REVENUE COLLECTION COMMITTEE**



REPUBLIC OF KENYA

DEPARTMENT OF FINANCE, ECONOMIC PLANNING, REVENUE MANAGEMENT & ICT

Office of the County Executive Committee Member

Website <https://machakos.go.ke>

MACHAKOS COUNTY

Machakos Town Hall  
P.O Box 1996-90100

Machakos, Kenya

2<sup>nd</sup> May, 2024

(5)

*Handwritten notes:*  
The Clerk ASST  
2/5/24

REF: MCG/CECM/FIN/MKSCA/VOL.2/52

The Clerk – County Assembly of Machakos

RE: WAIVER OF PENALTIES AND INTERESTS ON LAND RATES AND BUILDING APPROVALS AND WAIVER OF FEES CHARGED FOR REGISTRATION OF PLOTS/PARCELS OF LAND

The subject matter, and our letters, ref **MCG/CECM/FIN/MKSCA/VOL.2/049** dated **29<sup>th</sup> April, 2024**, and ref **MCG/CECM/FIN/MKSCA/VOL.2/024** dated **5<sup>th</sup> March, 2024**, as read together with your letter ref **MKSCA/PSC/CMM/FRC/Vol.9/17** dated **18<sup>th</sup> April, 2024**, refer.

We respond as here under -

- Public participation** - The proposed waiver was subjected to public participation via a notice to the public, which was published in the County Government of Machakos website, and in select Machakos County Government social media pages.
- Analysis of views from members of the public** - No response was received from any member of the public vide the email. In our notice to the public, public comments and views on this intended waiver were to be forwarded via email to [machakoscountyfinance.pp@gmail.com](mailto:machakoscountyfinance.pp@gmail.com) or in writing to the CEC Member Finance P.O Box 1996-90100, Machakos, so as to be received not later than 28th March, 2024.
- Clarification on the amount of arrears stated** – as per the proposal for waiver paper by the CEC Member – Lands, Energy, Housing & Urban Development, Machakos County has land rates arrears and penalties totaling to KShs. 48,000,000,000.00 as of January 2024. During the same reporting period, the arrears are at KShs. 436,000,000.00 and the penalties are KShs.47, 564,000,000.00

**ONESMUS KUYU MUIA**

CEC Member - Finance, Economic Planning, Revenue Management & ICT

Copy:

- The Speaker – County Assembly of Machakos**
- County Secretary & Head of Public Service**
- CEC Member – Lands, Energy, Housing & Urban Development**
- Chief Officer - Lands**







REPUBLIC OF KENYA  
COUNTY GOVERNMENT OF MACHAKOS  
COUNTY ASSEMBLY OF MACHAKOS



County Hall  
Along Mwalu Wa Ngoma Rd  
P.O. Box 1168 - 90100  
MACHAKOS - KENYA  
Third Assembly

Email: [assemblymks@gmail.com](mailto:assemblymks@gmail.com)

Third Session

OFFICE OF THE CLERK

MKSCA/PSO/CMM/ERC/VOL.9/17

Date: March 18, 2024

The County Executive Committee Member  
Department of Finance, Economic Planning, Revenue Management and ICT  
County Government of Machakos  
PO Box 1996  
Machakos

RE: REQUEST FOR INFORMATION

Article 210(1) of the Constitution provides that no tax or licensing fee may be imposed, waived or varied except as provided by legislation. Pursuant to this provision of the Constitution as read with section 159 of the Public Finance and Management Act and sections 5, 6 and 7 of the Machakos County Tax Waivers Administration Act, 2022; the Assembly received a request for waiver of interests and penalties on land rates and building plans dated 5<sup>th</sup> March, 2024.

The Committee considered the waiver pursuant to Article 210 of the Constitution, Section 159 of the Public Finance and Management Act, the Machakos County Tax Waivers Administration Act, 2022 and Standing Order 190 of the Machakos County Assembly Standing Orders. The Committee requests you to provide the following:

- (a) Evidence of public participation pursuant to section 7 of the Machakos County Tax Waivers Administration Act, 2022. This should include Gazette notice and advert in Newspaper of national circulation among others.
- (b) Analysis of the consideration of the views of the members of the public pursuant to section 7(2) of the Machakos County Tax Waivers Administration Act, 2022.
- (c) Clarification of the amount of the arrears stated since the one stated by County Executive Committee Member for Lands differ from the one stated by Chief Officer Revenue Management.

The information should reach the office of the Clerk on or before 22<sup>nd</sup> March 2024

  
PETER MBATHA

FOR: CLERK OF THE COUNTY ASSEMBLY

Cc:

The Speaker  
County Assembly of Machakos

County Secretary  
County Government of Machakos



REPUBLIC OF KENYA

DEPARTMENT OF FINANCE, ECONOMIC PLANNING, REVENUE  
MANAGEMENT & ICT

Office of the County Executive Committee Member

Address: PO BOX 200000

Machakos Town Hall

P.O. Box 198-8010

Machakos, Kenya

REF: MACH/CECOM/FRM/REGSOA/VOL.2/024

5<sup>th</sup> March, 2024

Clerk of The County Assembly

MACHAKOS COUNTY

RE: WAIVER OF INTERESTS AND PENALTIES ON LAND RATES AND  
BUILDING PLANS

PURSUANT TO:

- 1) Article 211 of the Constitution of Kenya (2010);
- 2) Section 159 of the Public Finance Management Act (Act No. 18 of 2012); and
- 3) sections 4, 5, 6, 7 & 8 of the Machakos Tax Waivers Administration Act (Kenya Gazette Supplement No. 8).

The undersigned forwards for consideration by the House, the proposed waiver of penalties and interests on outstanding land rates and on building approvals.

This waiver is proposed by the County Executive Committee (CEC) Member Lands, Housing, Urban Development & Energy, and was considered and approved by the Machakos County Executive Committee, in its 116<sup>th</sup> meeting.



Onesimus Kurui Muta

CEC Member - Finance, Economic Planning, Revenue Management & ICT

Copied -

1. H.E The Governor
2. CEC Member - Lands, Housing, Urban Development & Energy
3. The County Secretary & Head of Public Service

ENCLOSED:

The requested waiver supporting document

RECEIVED

5<sup>th</sup> MARCH 2024

SECRETARY

MACHAKOS COUNTY



REPUBLIC OF KENYA

DEPARTMENT OF FINANCE, ECONOMIC PLANNING, REVENUE  
MANAGEMENT & ICT

Office of the County Executive Committee Member

Website <https://machakos.go.ke>



MACHAKOS COUNTY

Machakos Town Hall  
P.O Box 1996-90100  
Machakos, Kenya

29<sup>th</sup>, April 2024

REF: MCG/CECM/FIN/MKSCA/VOL.2/049

**Clerk of The County Assembly**

Machakos County

**RE: WAIVER OF PENALTIES AND INTERESTS ON LAND RATES AND  
BUILDING APPROVALS AND WAIVER OF FEES CHARGED FOR  
REGISTRATION OF PLOTS/PARCELS OF LAND.**

Further to letter ref MCG/CECM/FIN/MKSCA/VOL.2/024 dated 5<sup>th</sup> March, 2024,  
PURSUANT to -

- (a) Article 210 of the Constitution of Kenya (2010);
- (b) Section 159 of the Public Finance Management Act (Act No. 18 of 2012); and
- (c) sections 4, 5, 6, 7 & 8 of the Machakos Tax Waivers Administration Act (*Kenya Gazette Supplement No. 8*),

The undersigned forwards for consideration by the House, the proposed **waiver of penalties and interests on land rates and building approvals and waiver of fees charged for registration of plots/parcels of land.**

This waiver is proposed by the County Executive Committee (CEC) Member Lands, Housing, Urban Development & Energy, and was considered and approved by the Machakos County Executive Committee, in its 118<sup>th</sup> meeting.

**Onesmus Kuyu Muia**

CEC Member - Finance, Economic Planning, Revenue Management & ICT

**Copied –**



1. H.E The Governor
2. CEC Member, Lands, Housing, Urban Development & Energy
3. The County Secretary & Head of Public Service

**ENCLOSED:**

*The requested waiver - supporting documents*



And by way (4)



**REPUBLIC OF KENYA  
COUNTY GOVERNMENT OF MACHAKOS  
MINISTRY OF LANDS, HOUSING, URBAN DEVELOPMENT AND ENERGY  
OFFICE OF THE COUNTY EXECUTIVE COMMITTEE MEMBER**

Telephone: +254-020-2004086  
Email: info@machakosgovernment.com  
Opp. County Commissioner's office

P.O Box 1996-90100,  
Mwatu Wa Ngoma Road,  
**MACHAKOS.**

**CABINET MEMO**

**From:** The C.E.C.M - **Lands, Housing, Urban Development & Energy**  
**To:** The C.E.C.M - **Finance, Economic Planning, Revenue Management & ICT**  
**Ref:** GMC/4/LHUD&E/C.P/VOL.1  
**Date:** 15<sup>th</sup> April, 2024

**RE: WAIVER OF PENALTIES AND INTERESTS ON LAND RATES AND BUILDING APPROVALS AND WAIVER OF FEES CHARGED FOR REGISTRATION OF PLOTS/PARCELS OF LAND**

The above subject matter refers.

Attached, please find a Policy Paper on Waiver of Penalties and Interests on Land Rates and Building approvals and Waiver of Fees Charged for Registration of Plots/Parcels of Land as an addendum to the previous approval for forwarding to the County Assembly.

Hon. Nathaniel Nganga,  
County Executive Committee Member,  
**LANDS, HOUSING AND URBAN DEVELOPMENT & ENERGY.**



**REPUBLIC OF KENYA**

**COUNTY GOVERNMENT OF MACHAKOS  
MINISTRY OF LANDS, HOUSING, URBAN DEVELOPMENT AND ENERGY**

**DEPARTMENT OF LANDS AND PHYSICAL PLANNING**

**PROPOSAL FOR**

**WAIVER OF PENALTIES AND INTERESTS ON LAND RATES AND BUILDING  
APPROVALS**

**- AND -**

**WAIVER OF FEES CHARGED FOR REGISTRATION OF PLOTS/PARCELS OF LAND**

**COUPLED WITH**

**CALLING UPON THOSE WHO HAVE NOT YET OBTAINED CERTIFICATES OF  
OCCUPATION OR THE NECESSARY APPROVALS FOR THEIR BUILDINGS OR  
CONSTRUCTION PROJECTS, TO DO SO DURING THE PERIOD OF WAIVER**

**CABINET INTENT**

**FEBRUARY 2024**

**WAIVER OF PENALTIES AND INTERESTS ON LAND RATES, BUILDING APPROVALS**

**- AND -**

**WAIVER OF FEES CHARGED FOR REGISTRATION OF PLOTS/PARCELS OF LAND**

**INTRODUCTION**

This Financial Year, county Government of Machakos has set an Own Source Revenue Target of 4 billion. This revenue target can easily be hit or surpassed by far if we collect the billions that the county government is owed in outstanding land rates.

This waiver is a two-pronged strategy coupled with a call **upon those who have not yet obtained Certificates of Occupation or the necessary approvals for their buildings or construction projects, to do so during the period of proposed waiver.**

**POWER OF COUNTIES TO LEVY CHARGES ON THEIR SERVICES, TO IMPOSE TAXES, ETC**

The 47 County Governments, just like the National Government, require resources in terms of money, in order to be able to finance their operations, and offer services to the public. The county governments are empowered by article 209 (3) of the Constitution, to impose property rates, entertainment taxes and any other tax that it is authorized by an Act of Parliament to impose. Article 209 (4) stipulates that the national and county governments may impose charges for services.

Article 209 (5) of the Constitution imposes a caveat on taxation and revenue raising powers of county governments that, the taxation and other revenue-raising powers of a county shall not be exercised in a way that prejudices national economic policies, economic activities across county boundaries or the national mobility of goods, services, capital or labour. The services which a county is constitutionally required to offer are listed in part 2 of schedule of the Constitution of Kenya, 2010.

It is the charges, levies, licenses issued, penalties imposed, interests charged, and such other taxes imposed by counties, which constitute what is known as the Own Source Revenue (OSR). The OSR, together with the County Equitable Share of Revenue form the two largest components of county resource basket, others being loans and grants. Grants may be conditional or unconditional.

Over the years, there have been delays in the disbursement of County Equitable Share of Revenue. Therefore, any efforts to increase the OSR will definitely help improve the liquidity, cash flow management and spur growth and development in the county. Issue of waivers with a view to encouraging tax payers to pay what is due to the county government, is one of the strategies of enhancing county OSR.

## OTHER LAWS THAT ALLOW COUNTIES TO IMPOSE PROPERTY RATES-

### **Rating Act**

This Act provides for the imposition of rates on land and buildings in Kenya.

### **Valuation for Rating Act.**

This Act empowers local government authorities (now County Governments) to value land for the purpose of rates

### **Physical & Land Use Planning Act No. 13 of 2019**

The Act empowers the County Government to undertake development control under section 56. Under section 63(1), the Act empowers the county executive committee member responsible for Physical and Land Use Planning to levy development fees against an applicant for Development permission.

Section 63(2) requires the County Government, by notice in the Kenya Gazette, to publish Regulations determining the circumstances under which a development fee are levied, the rates that are payable and the circumstances under which a development fee may be waived.

Section 63(3) states that where a development fee has been waived in relation to an application for development permission, the CECM responsible for Physical and Land Use Planning may require the applicant to develop infrastructure. This infrastructure is in relation to the property in question for general use by the residents of the area where the property in question is located.

## **LEGAL FRAMEWORK ON WAIVER OF COUNTY LEVIES, TAXES OR CHARGES**

The guiding laws on how Machakos County Government can waive tax, fees, charges and levies due to it are laid down in –

- (1) **Article 210 of Constitution of Kenya, 2010;**
- (2) **Section 159 of The Public Finance Management Act, 2012,**
- (3) **Regulation 64 (3) of the Public Finance Management (County Governments Regulations 2015, and**
- (4) **The Machakos Tax Waivers Administration Act, 2022.**

## CONSTITUTION OF KENYA 2010

Article 210 of the Constitution of Kenya, 2010, on the Imposition of tax it stipulates that -

- (1) No tax or licensing fee may be imposed, waived or varied except as provided by legislation.
- (2) If legislation permits the waiver of any tax or licensing fee—
  - a. a public record of each waiver shall be maintained together with the reason for the waiver; and
  - b. each waiver, and the reason for it, shall be reported to the Auditor-General.
- (3) No law may exclude or authorise the exclusion of a State officer from payment of tax by reason of—
  - a. the office held by that State officer; or
  - b. the nature of the work of the State officer.

## THE PUBLIC FINANCE MANAGEMENT ACT, 2012

Section 159 of the public Finance Management Act stipulates thus -

- 159 (1) The County Executive Committee member for finance may waive a county tax, fee or charge imposed by the county government and its entities in accordance with criteria prescribed in regulations provided that—
- (a) the County Treasury shall maintain a public record of each waiver together with the reason for the waiver and report on each waiver in accordance with Section 164 of this Act;
  - (b) State Officer may not be excluded from payment of a tax, fee or charge by reason of the office of the State Officer or the nature of work of the State Officer; and
  - (c) such waiver or variation has been authorised by an Act of Parliament or county legislation.



## **PUBLIC FINANCE MANAGEMENT (COUNTY GOVERNMENTS) REGULATIONS 2015**

Regulation 63 (3) of the Public Finance management (County Governments) Regulations 2015 stipulates that the accounting officer or receiver of revenue or collector of revenue shall include in the report under paragraph 1 (which requires an accounting officer to prepare financial statements not later than the 15<sup>th</sup> day after every quarter), the following details in respect of each waiver or variation—

- (a) the full name of each person benefiting from the waiver or variation;
- (b) the amount of tax, fee or charge affected by the waiver or variation;
- (c) the year to which the waiver or variation relates;
- (d) the reasons for the waiver or variation; and
- (e) the law in terms of which the waiver or variation was granted.

### **THE MACHAKOS TAX WAIVERS ADMINISTRATION ACT, 2022**

This Act commenced on 11<sup>th</sup> May, 2022 after being assented to by the Governor on 5<sup>th</sup> May, 2022. The definitions of tax, tax waiver and objectives of the Act are stated thus –

**“tax” includes a tax, charge or rates or a penalty imposed on such tax, charge or rates imposed by any revenue raising law or licensing fee payable by any person to the County Government; and**

**“Tax waiver” includes the forbearance of tax collection, partial or full remission, spreading out a payment in respect of tax already accrued and any variation of the amount due or interest or penalty due on any amount owing to the county government.**

#### **Object and purpose**

**3. The object and purpose of this Act is to—**

- (a) give further effect to Article 210 of the Constitution as regards tax waivers and their administration;
- (b) ensure transparency and accountability in the administration and waiving of taxes and other revenue; and
- (c) provide for the requirements and procedure for tax waivers.

Below and overleaf is an excerpt of sections 5, 6, 7 and 8 of the Machakos Tax Waivers Administration Act, 2022

2022

*Machakos County Tax Waivers Administration*

No. 3

## **PART II—AUTHORITY TO WAIVE TAX AND ADMINISTRATION OF TAX WAIVERS**

### **Applicable law**

4. Waiving of taxes shall be done only in accordance with this Act, any other Act of the County Assembly of Machakos or an Act of Parliament.

### **Power to waive taxes**

5. (1) Subject to subsection (2), the Executive Committee Member may waive or vary the payment of any tax, fees or other charges due to the County Government.

(2) The Executive Committee Member may waive taxes in respect of any transaction according to the criteria prescribed herein but, in any case, where—

(a) the waiver is for purposes of encouraging defaulting tax payers to pay such amount as may enable the County Government recover part of the amount owing from the defaulting payer; and

(b) in the opinion of the Executive Committee Member, there exists such compelling circumstances that make it equitable, expedient and in the interest of the financial advantage to the county that the waiver be made.

(3) The Executive Committee member shall present the proposal for waiver to the Assembly for approval at least thirty (30) days before the intended waiver.

(4) Subject to such conditions as may be contained in Regulations, any person may apply to the Executive Committee member for a tax waiver granted only upon approval by the County Assembly.

(5) The Executive Committee Member shall process an application for tax waiver made under subsection (4) in accordance with section 7.

(6) The Executive Committee Member may extend the period for a tax waiver for a period of not more than thirty (30) days and shall report such extension of the waiver period to the Assembly within fifteen (15) days of such extension.

(7) For the avoidance of doubt the term "person" as used in this section includes both natural and juridical persons.

**Conditions for waiver of taxes**

6. Pursuant to Article 210 of the Constitution and section 159 of the Public Finance Management Act, the Executive Committee Member may waive a tax or charge provided that—

- (a) the County Treasury maintains a public record of each waiver together with the reason for the waiver;
- (b) report on each waiver in accordance with Section 164 of the Public Finance Management Act; and
- (c) such waiver or variation has been authorised by an Act of Parliament or the County Assembly.

**Public participation in tax waiver**

7. (1) Before presenting a proposal for the waiver of taxes to the Assembly, the Executive Committee Member shall conduct public participation on the intended tax waiver by undertaking the following—

- (a) publishing the intention to waive tax in the Gazette not less than fourteen days before presenting the proposal for tax waiver to the Assembly;
- (b) indicate in the notice referred paragraph (a), the reasons for the intended waiver;
- (c) indicate in the notice referred paragraph (a), the period of the intended waiver;
- (d) publicise the intended waiver as widely as possible by putting a notice in a newspaper of national circulation, in social media, radios, public announcements and by the use of any other media;

- (e) invite comments from members of the public on the intended waiver; and
- (f) take into consideration the views of the public in publishing the tax waiver.
- (2) The Executive Committee Member shall submit the proposal of tax waiver, the evidence of public participation and the analysis of the consideration of the views of members of the public to the Assembly for approval.
- (3) Where the Assembly approves a tax waiver, the Executive Committee Member shall publish and publicise the tax waiver.

2022

3  
Mochokus County Tax Waivers Administration

No. 3

**No waiver for public officers**

8. The Executive Committee Member shall not waive tax or fees or authorise the exclusion of a State officer or public officer from payment of tax or fees by reason of the office held by that State officer or public officer or the nature of the work of the State officer or public officer.

## **JUSTIFICATION FOR THE PROPOSED WAIVER**

The County Government of Machakos did not issue waiver on land rates penalties and interest in the previous financial year (2023/2024).

The County has also not issued a waiver on penalties on irregular and informal developments before. This has led to accumulation of large debts on property owners who continue to default on payments.

The proposed waiver is important for the following reasons:-

1. It will encourage payment of land rates arrears that land owners have been unable to pay due to high penalties and interests accrued.
2. It will encourage owners of lands and plots in Machakos to register. The county will then capture their details for future billing and levy of land rates and other property charges.
3. It will help reduce the burden of approval fees which developers have not been able to pay due to the high penalties and interests thereon.
4. The waiver will create awareness to the public on payment of land rates.
5. The waiver will help increase revenue collection on land rates and building approvals.

## **SCOPE**

This Waiver on penalties and interest on land rates and penalty building approvals will be applicable to the entire area of jurisdiction of Machakos County Government.

**The time frame is proposed between 1<sup>st</sup> May, 2024 and 31<sup>st</sup> May 2024.**

## **RECORDS ON LANDS/PLOT REGISTRATION**

Records show that -

- (A) There are over 2 million parcels of land in Machakos County. Out of these,
- (i) Only 13,000 parcels of land in Machakos have their bio data captured by the County Government; and
  - (ii) Only 55,000 parcels of land are registered

It is proposed that the owners of the unregistered parcels of land be called upon to register the parcels of land, with an offer of waiver of the plot registration fee. This will encourage more plot owners to register. The county will not only enlarge its records/data base of land owners in Machakos, but it will also update its existing records. This will make it easy for the County to bill in the future.

### **LAND RATES ARREARS**

Machakos County has land rates arrears and penalties totaling to KShs. **48,000,000.00** as of January 2024. During the same reporting period, the arrears are at KShs. **436,000,000.00** and the penalties are KShs. **47,564,000,000.00**

### **RECOMMENDATION**

It is recommended as follows:-

1. There be a waiver of interests and penalties on outstanding land rates, on building approvals, for the period 1<sup>st</sup> May 2024 to 31<sup>st</sup> May 2024.
2. There be a waiver of plots/land registration fee for the period of the waiver for the 1<sup>st</sup> May 2024 to 31<sup>st</sup> May 2024.

If circumstances so require, the waiver period may be extended for further 30 days as stipulated in section 5(6) of the **Machakos Tax Waivers Administration Act, 2022**



Non. Nathaniel Nganga,  
County Executive Committee Member,  
**LANDS, HOUSING, URBAN DEVELOPMENT & ENERGY**

THE CONSTITUTION OF KENYA

THE PUBLIC FINANCE MANAGEMENT ACT

PUBLIC FINANCE MANAGEMENT (COUNTY GOVERNMENTS REGULATIONS)

THE MACHAKOS TAX WAIVERS ADMINISTRATION ACT

NOTICE OF INTENDED WAIVER

PURSUANT to Article 210 of Constitution of Kenya, 2010, Section 159 of the Public Finance Management Act, 2012, Regulation 64 (3) of the Public Finance Management (County Governments Regulations 2015), and Regulation 7 (a) of The Machakos Tax Waivers Administration Act, 2022, the County Government of Machakos is proposing to waive the interests and penalties on outstanding land rates and on building approvals as at the date of this notice.

**Reasons for the intended Waiver** as per section 7 (b) of the Machakos Tax Waivers Administration Act, 2022)

- (a) The waiver will encourage payment of land rates arrears that land owners are un-able to pay due to high penalties and interests accrued
- (b) The waiver will also encourage the payment of approval fees developers have not been able to pay due to the high penalties.
- (c) The waiver will create awareness to the public on payment of land rates.
- (d) The waiver will increase revenue collection on land rates and building approvals.
- (e) The waiver will enable registration of new plots.
- (f) The waiver will allow the already registered plot owners to pay, going forward.

**Period of the intended waiver** as per section 7 (c) of the Machakos Tax Waivers Administration Act, 2022)

The period of intended waiver is –

- (1) A waiver period of (1) month from the 15<sup>th</sup> day of May 2024 to the 14<sup>th</sup> day of June 2024, for Penalties and Interests on Land Rates.
- (2) A waiver period of (1) month from 15<sup>th</sup> day of May 2024 to the 14<sup>th</sup> day of June 2024, for fees charged for registration of plots/parcels of land.

The public notice of the intended waiver is available at the official Machakos County Website <https://machakos.go.ke/>.

Members of the public are invited to submit their views on this intended waiver through email [machakoscountyfinance\\_pp@gmail.com](mailto:machakoscountyfinance_pp@gmail.com) or in writing to the undersigned, addressed to P.O Box 1996-90100, Machakos, so as to be received not later than 28<sup>th</sup> March, 2024

Dated the 21<sup>st</sup> day of March 2024



County Executive Committee Member  
Department of Finance, Economic Planning, Revenue Management & ICT  
Machakos County Government



REPUBLIC OF KENYA

DEPARTMENT OF FINANCE, ECONOMIC PLANNING, REVENUE  
MANAGEMENT & ICT

Office of the County Executive Committee Member

Website <https://machakos.go.ke>



MACHAKOS COUNTY

Machakos Town Hall  
P.O Box 1996-90100  
Machakos, Kenya

REF: MCG/CECM/FIN/REVENUE/VOL.1/178

21<sup>st</sup> March 2024

Chief Officer – ICT & Infrastructure

Chief Officer – Public Participation, Citizen Engagement & Customer Service

**RE: PUBLIC PARTICIPATION BY PUBLISHING NOTICE OF INTENDED  
WAIVER IN THE MACHAKOS COUNTY GOVERNMENT WEBSITE, IN  
COUNTY SOCIAL MEDIA PAGES AND OTHER ONLINE/SOCIAL  
PLATFORMS**

PURSUANT to Article 210 of Constitution of Kenya, 2010, Section 159 of the Public Finance Management Act, 2012, Regulation 64 (3) of the Public Finance Management (County Governments Regulations 2015), and Regulation 5 and 7 of The Machakos Tax Waivers Administration Act, 2022

And Guided by the provisions of the **Machakos Tax Waivers Administration Act 2022** which requires public participation on any intended waiver of fees, charges or levies due the County Government of Machakos, kindly publish in the official Machakos County Government website, the enclosed notice – inviting public views on the intended waiver.

Note that the public views and comments should be received by 28<sup>th</sup> March, 2024, so the publishing on website and social media pages should be done immediately.

Also have the same published in the social media pages of the County Government of Machakos.

**Onesmus Kuyu Muia**

CEC Member - Finance, Economic Planning, Revenue Management & ICT

CC:

1. H.E The Governor
2. CEC Member -Lands, Housing, Urban Development & Energy
3. County Secretary & Head of Public Service
4. Chief Officer - Revenue Management
5. Chief Officer - Finance
6. Chief Officer - Lands





REPUBLIC OF KENYA

DEPARTMENT OF FINANCE, ECONOMIC PLANNING, REVENUE  
MANAGEMENT & ICT

Office of the County Executive Committee Member

Website <https://machakos.go.ke>



MACHAKOS COUNTY

Machakos Town Hall  
P.O Box 1996-90100  
Machakos, Kenya

REF: **MCG/CECM/FIN/REVENUE/VOL.1/179**

**21<sup>st</sup> March 2024**

**County Attorney**  
**County Government of Machakos**

**RE: PUBLISHING IN THE KENYA GAZETTE OF INTENDED WAIVER**

PURSUANT to Article 210 of Constitution of Kenya, 2010, Section 159 of the Public Finance Management Act, 2012, Regulation 64 (3) of the Public Finance Management (County Governments Regulations 2015), and section 7 (a) of The Machakos Tax Waivers Administration Act, 2022, kindly have the attached notice of intended waiver published in the Kenya Gazette

**Onesmus Kuyu Muia**

CEC Member - Finance, Economic Planning, Revenue Management & ICT

CC:

1. H.E The Governor
2. CEC Member -Lands, Housing, Urban Development & Energy
3. County Secretary & Head of Public Service
4. Chief Officer - Revenue Management
5. Chief Officer - Finance
6. Chief Officer - Lands



REPUBLIC OF KENYA



MACHAKOS COUNTY

DEPARTMENT OF FINANCE, ECONOMIC PLANNING, REVENUE  
MANAGEMENT & ICT

**WAIVER OF PENALTIES AND INTERESTS ON LAND RATES AND  
BUILDING APPROVALS AND WAIVER OF FEES CHARGED FOR  
REGISTRATION OF PLOTS/PARCELS OF LAND**

PURSUANT to Article 210 of Constitution of Kenya, 2010, Section 159 of The Public Finance Management Act, 2012, Regulation 64 (3) of the Public Finance Management (County Governments Regulations 2015, and Regulation 5 and 7 of The Machakos Tax Waivers Administration Act, 2022; the County Government of Machakos invites the public to submit its comments and views on the intended waiver of penalties and interests on land rates and building approvals.

Public Comments and Views on this intended waiver may be forwarded via email to [machakoscountyfinance.pp@gmail.com](mailto:machakoscountyfinance.pp@gmail.com) or in writing to the undersigned, P.O Box 1996-90100, Machakos, so as to be received not later than 28<sup>th</sup> March, 2024

The County Government of Machakos is also calling upon those who have not yet obtained Certificates of Occupation or the necessary approvals for their buildings or construction projects to do so within the next 30 days, before the County Government initiates enforcement on the same.

County Executive Committee Member  
Department of Finance, Economic Planning, Revenue Management & ICT  
Machakos County Government  
P.O Box 1996-90100  
Machakos

Public Participation Report



**REPUBLIC OF KENYA  
COUNTY GOVERNMENT OF MACHAKOS  
MINISTRY OF LANDS, HOUSING, URBAN DEVELOPMENT AND ENERGY**

**OFFICE OF THE COUNTY EXECUTIVE COMMITTEE MEMBER**

Telephone: +254-020-2004086  
Email: info@machakosgovernment.com  
Opp. County Commissioner's office

P.O Box 1996-90100,  
Mwatu wa Ngoma Road,  
**MACHAKOS.**

**ISSUES OF CONCERN ON WAIVER**

1. That there are over 2 million parcels of land in Machakos County, only 13,000 have bio data captured by County and only 55,000 parcels of lands are registered.

**- The number of plots seems to be very high noting that the population of the County is about 1.4 million. Are these numbers true?**

The number of plots is based on the registered number of parcels in Machakos Land Registry as well as Nairobi Central Land Registry. The question assumes that there is one parcel for every individual in Machakos County which is a wrong assumption. A good number of people own multiple parcels of land. It is also important to note that also a good number of people who own multiple parcels of land are not residents of Machakos County. The County Government of Machakos has finalised preparation of Machakos County Valuation Roll. In the process of its preparation, the county collected about 2 million parcels of land from the land registries. This is to confirm that the numbers are correct.

**- The no. of parcels whose bio data is captured (13,000) and those that are registered (55,000) seem not to tally. Can we have registered parcels and there is no bio data? Or is**

This depends on how the data was captured. The staff who captured the data may have not captured the full details either because of lack of adequate training or ignorance on land matters. This is why its important that systems that handle land records must be maintained by professionals in the built environment. The department is in the process of preparation of Machakos County Spatial Plan. The plan is Geographical Information System (GIS) based with a land information management system that holds all the land records in Machakos County. The database will be managed by qualified technicians who will ensure all data is captured without omission.

2. **That**, land rates and penalties total to 48 billion.

- Is this amount for the 55,000 parcels? Or the value is for how many parcels?

- The arrears date for how many years?

The 48 billion shillings are the arrears for all the registered parcels in Machakos County which are 55,000. These are arrears from the date from the previous valuation roll done in 2008.

**3. There are several land transactions and change of ownership carried out within the County per day.**

- Don't we require the persons doing transactions **not to clear land rates before the transactions can be completed by the County?**

It is a requirement for all land transactions such as land transfers and sub-divisions to have cleared all the land rates and obtained a land rates clearance certificate before approval.

**4. Public Participation**

- Can the Committee get the Gazette notice? There is need to quote the date of Gazette notice, volume and number, if it is possible.

Public participation was carried out by the department of Finance, Economic Planning and ICT

**5. There was a suggestion, a Competent Officer can appear before the Committee tomorrow Tuesday, 7<sup>th</sup> May, 2024 at 12.00 p.m.**