



COUNTY GOVERNMENT OF BUNGOMA
THIRD COUNTY ASSEMBLY – THIRD SESSION
THE COUNTY ASSEMBLY OF BUNGOMA
ORDERS OF THE DAY
WEDNESDAY 25TH SEPTEMBER, 2024 AT 9:30 A.M.
ORDER OF BUSINESS

PRAYERS

1. Administration of oath
2. Communication from the chair
3. Messages
4. Petitions
5. Papers (*As listed in the Appendix*)
6. Notices of Motion
7. Questions and Statements

8. **MOTION - REPORT BY THE SECTORAL COMMITTEE ON LANDS, URBAN PHYSICAL PLANNING AND HOUSING ON HALF YEAR FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31ST DECEMBER, 2023 WITH RESPECT TO THE DEPARTMENT OF LANDS, URBAN PHYSICAL PLANNING, HOUSING AND MUNICIPALITIES**

(Chairperson, Sectoral Committee Lands, Urban Physical Planning and Housing)

THAT, this House adopts the report by the Sectoral Committee on Lands, Urban Physical Planning and Housing on Half Year Financial Statements for the period ended 31st December, 2023 with respect to the department of Lands, Urban Physical Planning, Housing and Municipalities *laid on the Table of the House on 9th July, 2024*

9. **BILLS – THE BUNGOMA COUNTY VALUATION AND RATING BILL, 2024**

A Bill for an Act of the County Assembly of Bungoma to give effect to the provisions of Article 209(3) of the Constitution to provide a comprehensive framework for the imposition of rates on land, buildings and other immovable property in the Bungoma County and for connected purposes

(Chairperson, Sectoral Committee on Lands, Urban Physical Planning and Housing)
(Second reading)

10. **COMMITTEE OF THE WHOLE HOUSE ON THE BUNGOMA COUNTY VALUATION AND RATING BILL, 2024**

(Chairperson, Committee of the Whole House)

APPENDIX**ORDER NO 5 – PAPERS**

I. The Local Physical Development Plans for Nang'eni informal settlement in Webuye Town 2023 - 2027

(Leader of Majority Party)

ORDER NO. 10 - COMMITTEE OF THE WHOLE HOUSE**BUNGOMA COUNTY VALUATION AND RATING BILL, 2024**

Notice is given that the Chairperson of the Sectoral Committee on Lands, Urban Physical Planning and Housing intends to move the following amendments to the Bungoma County Valuation and Rating Bill, 2024 at the Committee Stage –

CLAUSE 4

THAT, Clause 4 of the Bill be amended by introducing two new objectives to cater for valuation;

- (a) provide for a legal framework for effective valuation and property rating in the county
- (b) enhance efficiency, accountability and transparency in administration of land valuation and rating.

CLAUSE 5

THAT, Clause 5 of the Bill be amended-

- i. In sub-clause (2) by inserting the word “County” immediately before the word ‘Valuation’

So as to read:

“(2) The office shall be headed by the County Valuation and Rating Officer, who will be a public officer, designated by the County Public Service Board.”

- ii. By deleting sub-clause (3)(a) &(b) in their entirety.

CLAUSE 7

THAT, Clause 7 of the Bill be amended inserting the word “the” immediately before the word ‘county’ on the sub title

So as to read:

“Functions of the County Valuation and Rating Office”

CLAUSE 8

THAT, Clause 8 of the Bill be amended by inserting the word “the” immediately before the word ‘county’ on the sub title

So as to read:

“*Expenditure of the County Valuation office*”

CLAUSE 10

THAT, Clause 10 of the Bill be amended in-

- i. Sub-clause (1) by inserting the word “land” immediately after the word ‘all’ and further inserting the word “other property” immediately after the word ‘any’

So as to read:

‘All land and any other property rates due and payable together with any interest and or penalties thereon shall be paid to the receiver of revenue or any other person authorized to collect rates.’

- ii. Sub-clause (2)(b) by inserting the word “the” immediately after the word “by”

So as to read:

“*At any other place as may be determined by the receiver of revenue.*”

CLAUSE 15

THAT, clause 15 of the Bill be amended in sub clause (4) by separating it into two distinct parts, one to cater for failure to comply and one for falsifying information

So as to read:

(4) The County Valuation and Rating Officer may, by notice in writing, require the rateable owner or the occupiers of any land to make a return containing such written particulars regarding that land as may be necessary to enable preparation of a valuation roll or supplementary valuation roll accurately;

(5) Any rateable owner or occupier who neglects to furnish the particulars within fourteen day after being called upon to do so commits an offence and is liable on conviction to a term of imprisonment not exceeding 6 months or fine not exceeding twenty thousand shillings, and any person who furnishes to any County Valuation and Rating Officer a false statement of value or of any other particulars aforesaid commits an offence and is liable on conviction to a term of imprisonment not exceeding 6 months or fine not exceeding Kenya Shillings twenty thousand (Ksh. 20,000).

CLAUSE 19

THAT, Clause 19 of the Bill be amended in sub clause (7) by deleting “2” appearing immediately after the word section and inserting thereof the number “3”

So as to read:

“Without prejudice to the foregoing provisions, within twenty-one days after publishing the notice provided for in sub section (3),”

CLAUSE 20

THAT, Clause 20 of the Bill be amended in sub clause (1) (b) by deleting the word “ascribed” appearing immediately after the word “value” and replacing it with the word “described”

So as to read:

“(b) any value described in any draft valuation roll or draft supplementary valuation roll to any rateable property; or”

CLAUSE 22:

THAT, Clause 22 of the bill be amended –

- i. In sub clause (1) by deleting number ‘21(5)’ appearing immediately after the word ‘section’ and replacing it with ‘20(1)(c)’

So as to read:

“(1) If on the expiration of the period of thirty days referred to in section 20 (1) (c) no objections have been received,”

- ii. In sub clause (2) by inserting letter “a” immediately after the word ‘publish’

So as to read:

“(2) The County Executive Member shall publish a notice that the valuation roll or supplementary valuation roll has been signed and certified under this section.”

CLAUSE 24

THAT, Clause 24 of the bill be amended in sub clause (2) by inserting letter “a” immediately before the word “chairperson”

So as to read:

“(2) Notwithstanding the provisions of sub-section (1) if at any sitting the chairperson is absent, the members of the committee present shall appoint a person from among themselves to act as a chairperson during that sitting.”

CLAUSE 26

THAT clause 26 of the Bill be amended in sub clause (5) by inserting letter “s” at the end of the words, “objection” and “finding” appearing immediately after the word ‘assessment’

So as to read:

“(5) The secretary of the committee shall cause a note to be taken of any evidence given before it, and shall keep minutes of its proceedings and a record of the assessment, objections and findings in regard to each objection.”

CLAUSE 27:

THAT clause 27 of the Bill be amended in-

- i. Sub clause (1) by deleting number “21” appearing immediately after the word ‘section’ and inserting number “20” thereof

So as to read:

(1) Valuation Complaints Committee shall at sittings duly called by the secretary, consider the objections made under section 20.”

- ii. Sub clause (6) by inserting the word “with necessary changes” immediately before the word ‘apply’ and further, by deleting word “mutatis mutandis” appearing immediately before ‘apply’

So as to read:

“(6) the Valuation Complaints Committee shall consider the objections made under paragraph (ii) of subsection (5), and the provisions of section 27 (5) shall apply with necessary changes, in respect of those objections.

CLAUSES 28

THAT, Clause 28 of the Bill be amended in sub clause (4) by inserting letter “a” immediately after the word ‘publish’

So as to read:

“(4) The County Executive Committee Member shall publish a notice that the valuation or supplementary valuation roll has been signed and certified under this section and that the notice shall state the manner in which and the latest day by which appeals may be made.”

CLAUSE 30

THAT, Clause 30 of the Bill be amended by deleting the word ‘subordinate’ appearing immediately before the word ‘court’ and further by deleting the words ‘presided by a magistrate’ appearing immediately after the word ‘court’ and substituting thereof the word ‘of competent jurisdiction’

So as to read:

“Any person who has appeared before the Valuation Complaints Committee on the consideration of an objection made before that committee under this Act, or who has submitted an objection in writing to the valuation committee, and who is aggrieved by the decision of the Valuation Complaints Committee on the objection, may appeal against the decision of the Valuation Complaints Committee within thirty days from the date of completion notice to a court of competent jurisdiction”

CLAUSE 33

THAT, clause 33 of the Bill be amended in sub clause (1) -,

- a) deleting the word “schedule” and number “1” appearing immediately after the word ‘in’ and substituting the same with the word ‘the First schedule’

So as to read:

“(a) area rate as provided for in the First schedule”

- b) deleting the word “schedule” and number “2” appearing immediately after the word ‘in’ and substituting therefore the word ‘the Second schedule’

So as to read:

“(b) agricultural rental value rate as provided for in the Second schedule; and”

- c) deleting the word “schedule” and number “3” appearing immediately after the word ‘in’ and inserting the word ‘the Third schedule’

So as to read:

“(c) Site value rate or an improvement rate as provided for in the Third schedule

CLAUSE 36

THAT, Clause 36 of the Bill be amended in sub clause (2) by deleting the word “schedule” and number”4” appearing immediately after the word ‘in’ and inserting therein the word “the Fourth schedule”

So as to read:

“Without prejudice to subsection (1), the County Assembly may, in determining the amount of a rate payable, use the wording set out in the Fourth schedule of the Act”

CLAUSE 40

THAT, Clause 40 of the Bill be amended by inserting the word ‘committee’ immediately after the word ‘Executive’

So as to read:

“The County Executive Committee Member for Finance, in accordance with the Public Finance Management Act, shall determine the rate-”

CLAUSE 42

THAT, Clause 42 of the Bill be amended in sub clause (3)(b) deleting the word “and” appearing immediately before the word ‘prima facie’ and substituting therefore the word “as”

So as to read:

*“(b) the amount or a part of the amount has not been paid on or before the date shall be admissible as **prima facie** evidence against the defendant in proceedings under this section.”*

CLAUSE 43

THAT, Clause 43 of the Bill be amended in-

- i. Sub clause (1) by deleting the word “and” appearing immediately after the word ‘county’

So as to read:

“Where any rate or part thereof remains unpaid after the day on which it became payable, the County Valuation and Rating Office may serve a written notice under subsection (2) upon any person paying rent to the owner of the land in respect of which such rate was imposed.”

- ii. Sub clause (2)(a) by deleting the number “12” appearing immediately after the word ‘section’ and inserting therein the number “10 (1)”

So as to read:

“(a) the amount of arrears payable, which may include interest calculated in accordance with section 10(1)”

CLAUSE 44

THAT, Clause 44 of the Bill be amended in sub clause (2) by deleting the word “and” appearing immediately after the word ‘county’

So as to read:

“The County Valuation and Rating Office may, in the prescribed form, deliver a notification of a charge to a registrar of land under which such land is registered and the registrar shall register the notification against the title to the land.”

CLAUSE 47

THAT, Clause 47 of the Bill be amended in sub clause (1) by inserting the word “committee” immediately after the word ‘county’. Further, by deleting letter’s’ appearing at the end of the word “ratings”

So as to read:

“The County Executive Committee Member may make regulations generally for the better carrying out of the provisions and purposes of this Act and different rules may be made in respect of different forms of rating or different rating areas.”

CLAUSE 3

THAT, Clause 3 of the Bill be amended by-

- i. Deleting “ 2” appearing immediately after the word schedule and inserting the word “the Second” immediately after the word “of”,

So as to read:

“agricultural rental value rate” has the meaning assigned to it in accordance with paragraph 1 of the Second Schedule;”

- ii. Deleting “ 1” appearing immediately after the word schedule and inserting the word “the First ” immediately after the word “of”,

So as to read:

“Area rate” has the meaning assigned to it in accordance with paragraph 1 of the First Schedule”

- iii. Deleting “3” appearing immediately after the word “schedule” and inserting the word “the Third” immediately after the word “of”,

So as to read:

“Improvement rate” has the meaning assigned to it in paragraph 2 of the Third schedule;”

- iv. Deleting the words “given by” appearing immediately after the word ‘meaning’ and inserting the words “assigned to it”,

So as to read:

“Receiver of Revenue” has the meaning assigned to it by the Bungoma County Revenue Administration Act, 2019;”

v. Deleting letter “3” appearing immediately after the word “schedule” and inserting the word “third” immediately after word “of”

So as to read:

“Site value rate” has the meaning assigned to it in paragraph 1 of the Third schedule;”

vi. Deleting the statement “includes any improvement on, in or under the land” appearing immediately after the word “land” in their entirety and inserting therein the following statement “the solid part of the surface of the earth”.

So as to read:

“Land” the solid part of the surface of the earth”