

CHAPTER 296

THE RENT RESTRICTION ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

	<i>Page</i>
1. The Rent Restriction Regulations, 1966.....	3
2. The Rent Restriction (Appeals) Rules, 1969.....	9
3. Excepted Dwelling-Houses.....	11
4. Establishment of Rent Tribunals Under Section 4(1).....	13

THE RENT RESTRICTION REGULATIONS, 1966

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation
2. Interpretation
3. Register
4. Applications
5. Fees
6. Notice of hearing
7. Appearance at hearing
8. Proceedings to be in public
9. Decision of Tribunal
10. Matters to be recorded on decision
11. Procedure
12. Deposit of rent
13. Record of deposits
14. Receipt for deposit
15. Landlord to be informed of deposit
16. Payment out of deposit
17. Commission

SCHEDULES

SCHEDULE OF FEES

THE RENT RESTRICTION REGULATIONS, 1966

[Legal Notice 347 of 1966, Legal Notice 148 of 1967, Legal Notice 438 of 1988,
Legal Notice 527 of 1991, Legal Notice 24 of 1992, Legal Notice 223 of 1994]

1. Citation

These Regulations may be cited as the Rent Restriction Regulations.

2. Interpretation

In these Regulations—

“Chairperson” means the Chairperson of the tribunal;

“register” means the register to be maintained under regulation 3.

3. Register

A register shall be maintained by an officer appointed for the purpose in respect of—

- (a) applications for the assessment of standard rent under the Act, showing—
 - (i) date of application;
 - (ii) serial number;
 - (iii) name of landlord;
 - (iv) name of tenant;
 - (v) location of premises;
 - (vi) date of assessment;
 - (vii) amount of assessment;
- (b) all other proceedings under the Act, showing—
 - (i) date of instituting proceedings;
 - (ii) serial number;
 - (iii) name of plaintiff;
 - (iv) name of defendant;
 - (v) location of premises;
 - (vi) nature of proceedings;
 - (vii) date of hearing;
 - (viii) determination or order.

4. Applications

(1) Applications to the tribunal shall be made in such manner and form as the tribunal may decide.

(2) An application to the tribunal shall be signed by the applicant or his advocate.

5. Fees

The fees specified in the Schedule to these Regulations shall be payable in respect of the matters therein specified.

6. Notice of hearing

Notice of the hearing of any matter before the tribunal except as provided in section 25 of the Act, shall be served on the parties or their advocates, and the date fixed for hearing shall not be earlier than ten days from the date of service of the notice of hearing.

7. Appearance at hearing

At any hearing before the tribunal, a party may appear in person or by an advocate.

[Subsidiary]

8. Proceedings to be in public

Proceedings of the tribunal shall be open to the public.

9. Decision of Tribunal

A member of the tribunal shall not participate in a decision of the tribunal unless he has been present throughout the whole of the hearing.

10. Matters to be recorded on decision

The Chairperson shall record in writing the following particulars on the record of each case—

- (a) date of hearing;
- (b) composition of the tribunal;
- (c) names of the parties present or their advocates;
- (d) a record of the evidence;
- (e) the determination or order of the tribunal.

11. Procedure

The procedure to be followed by the tribunal shall, except as herein provided, be that prescribed under the Civil Procedure Act (Cap. 21), so far as is practicable.

12. Deposit of rent

Where a landlord unreasonably refuses to accept payment of rent tendered by his tenant, and the tenant has made all reasonable efforts to induce the landlord to accept payment, the tenant may deposit the rent with the tribunal.

13. Record of deposits

A record of deposits of rent made by a tenant shall be maintained in a deposits ledger, in which shall be recorded the date of deposit, the name of the tenant, the location of the premises, the receipt number and the amount deposited.

14. Receipt for deposit

A receipt shall be issued in respect of any deposit of rent made by a tenant, showing on the reverse the name and address of the landlord to whom the rent is payable.

15. Landlord to be informed of deposit

The tenant shall inform the landlord that he has deposited the rent with the tribunal, and also of the amount of the deposit.

16. Payment out of deposit

The landlord may apply in writing to the tribunal for the rent deposited in his name to be paid out to him.

17. Commission

The tribunal shall retain a fee of five per cent of all rents deposited, but the landlord shall nevertheless be deemed for all purposes to have been paid in full.

SCHEDULE

[r. 5]

SCHEDULE OF FEES

[L.N. 438/1988, s. 2, L.N. 527/1991, s. 2, L.N. 24/1992, s. 2, L.N. 223/1994, s. 2.]

Rent Restriction

[Subsidiary]

1. For filing an application under Order XXV of the Civil Procedure Rules	Sh. 200.	cts 00
2. For filing all other applications	100	00
3. On instituting proceedings for arrears of rent, where the sum involved is-	225 370 400	00 00 00
(i) less than Sh. 2,000.00	5 percent of the yearly rental value	
(ii) more than Sh. 2,000.00 but than Sh. 5,000.00 ...		
(iii) over Sh. 5,000.00		
(iv) on filing a plaint where no rent is claimed but an order for possession only is claimed		
4. On filing Bill of Costs	100 40	00 00
Issue of notice of taxation Usual service fees		
5. On filing an application (non-pecuniary matter) under Order XXXIX of the Civil Procedure Rules	300	00
Order thereon		
6. Issue of Rent Control Certificate	100	00
7. For inspecting or viewing premises at the request of a party—	200	00
(a) within 5 km.	20 per Km.	
(b) over 5 km.		
8. For making certified copy of proceedings or any document connected with the complaint-	100 50	00 00
(a) for the first folio of 100 words		
(b) for each subsequent folio		
9. For issue of hearing notice	100	00
10. For issue of witness summons	100	00
11. Service fees-	40	00
(a) within 2 km.	70 10 per Km.	00 00

Rent Restriction

[Subsidiary]

(b) over 2 km. and upto 10 km.		
(c) over 10 km.		
12. On payment in or deposit of money with the Tribunal	15 per cent of the sum paid in	
13. For every exhibit produced	40	00
14. On grant of orders for consent judgment	200	00
15. For perusal of file by advocate	100	00
16. For evidence in short-hand at the request of a party	200	00
17. For filing notice of appointment or change of advocate	60	00
18. On filing an affidavit	60	00
19. On filing valuation report	2 per cent of the annual rent.	
20. On request of adjournment	200	00
21. On filing defence	100	00
22. Notice of preliminary objection	100	00
23. Substituted Service - On application	100 50	00 00
Order thereon		
Issue of summons		
24. Consolidation of suits (under Order XI of Civil Procedure Rules)-	100	00
On application by a party	30	00
Order thereon		
Usual service fees		

THE RENT RESTRICTION (APPEALS) RULES, 1969

[Legal Notice 13 of 1969]

1. These Rules may be cited as the Rent Restriction (Appeals) Rules.
2. An appeal brought under section 8 (2) of the Act shall be filed within a period of fifteen days from the date of the decision, determination or order appealed against, excluding from that period any time which the tribunal may certify as having been requisite for the preparation and delivery to the appellant of a copy of the decision, determination or order:

Provided that the appellate court may admit the appeal out of time if it is satisfied that the appellant had good and sufficient cause for not filing the appeal in time.

3. The Civil Procedure Rules (Cap. 21, Sub. Leg) shall, *mutatis mutandis*, apply in respect of the procedure to be followed in an appeal under section 8 (2) of the Act as they apply in respect of an appeal from a subordinate court to the High Court.

EXCEPTED DWELLING-HOUSES

[Legal Notice 259 of 1983]

Dwelling-houses which are the property of, and let to the tenant by, the Government, the Kenya Railways Corporation, the Kenya Ports Authority, the Kenya Posts and Telecommunications Corporation, the National Housing Corporation or a local authority are excepted from the provisions of the Act.

Gazette notices No. 4662 of 1966 and 1987 of 1969 are revoked.

ESTABLISHMENT OF RENT TRIBUNALS UNDER SECTION 4(1)

[Legal Notice 212 of 1990, Legal Notice 33 of 1991, Legal Notice 114 of 1992, Legal Notice 187 of 1992, Legal Notice 431 of 1994]

The Nairobi Rent Tribunal, having jurisdiction in the Nairobi Area, the Kiambu District, the Machakos District, the Makeni District, the Kajiado District and the Thika District;

The Nyeri Rent Tribunal, having jurisdiction in the Nyeri District, the Murang'a District, the Kirinyaga District, the Nyandarua District and the Laikipia District;

The Garissa Rent Tribunal, having jurisdiction in the Garissa District, the Wajir District and the Mandera District;

The Embu Rent Tribunal, having jurisdiction in the Embu District, the Meru District, the Kitui District, the Isiolo District, the Marsabit District, the Nyambene District, the Mwingi District and the Tharaka-Nithi District;

The Mombasa Rent Tribunal, having jurisdiction in the Mombasa District, the Kwale District, the Taita Taveta District, the Lamu District, the Tana River District and the Kilifi District;

The Nakuru Rent Tribunal, having jurisdiction in the Nakuru District, the Narok District, the Baringo District, the Kericho District, the Samburu District, the Bomet District and the Trans Mara District;

The Kisumu Rent Tribunal, having jurisdiction in the Kisumu District, the Siaya District, the Nyamira District, the Kisii District, the Homa Bay District, the Kuria District and the Migori District;

The Kakamega Rent Tribunal, having jurisdiction in the Kakamega District, the Busia District, the Bungoma District, the Vihiga District and the Mt. Elgon District;

The Eldoret Rent Tribunal, having jurisdiction in the Uasin Gishu District, the West Pokot District, the Turkana District, the Elgeyo District, the Nandi District, the Trans Nzoia District and the Markwet District.

Legal Notices Nos. 40 and 187 of 1967 are revoked.
