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GAZETTE NOTICE No. 7648

THE CONSTITUTION OF KENYA

THE INDEPENDENT ELECTORAL AND BOUNDARIES
COMMISSION ACT

(No. 9 of 2011)

THE ELECTIONS ACT

(No. 24 of 2011)

THE ELECTIONS (GENERAL) REGULATIONS, 2012

NOTICE OF BY-ELECTION FOR MEMBER OF THE NATIONAL ASSEMBLY
FOR KIBRA CONSTITUENCY SCHEDULED TO BE HELD ON 7TH
NOVEMBER, 2019

IN EXERCISE of powers conferred by Articles 84, 85, 88 (4), 97 (1) (a), 99 and 101 (4) of the Constitution of Kenya, sections 2, 5 (b), 13 (3), 16, 24, 32, 33, 38, 43(5A) and 74 of the Elections Act, 2011 and Regulation 11 (4), 12 (1), 13B, 14 and 15, Parts III, V and IX of the Election (General) Regulations, 2012, the Independent Electoral and Boundaries Commission gives notice that:

- (a) Following the Declaration of Vacancy in the office of Member of the National Assembly for Kibra Constituency *vide* a letter from the National Assembly Speaker received on Wednesday, 14th August, 2019, there shall be a by-election for Kibra Constituency on Thursday, 7th November, 2019.
- (b) Each Political Party intending to participate in the by-election shall submit the names of the persons contesting in a party primary and the date of the party primary on or before Monday, 26th August, 2019.
- (c) A public officer who intends to contest in a by-election under this Act shall resign from public office within seven (7) days of the declaration of a vacancy.
- (d) The Commission shall publish, in the *Gazette*, the names of the persons contesting in a party primary and the date of the party primary within seven (7) days of receipt of the names of the candidates.
- (e) Candidates intending to participate in the by-election as independent candidates shall not have been members of any political party at least three months immediately before the date of the by-election.

- (f) Political parties intending to present candidates in this by-election shall, after its primaries resolve all intra-party disputes and submit the list of persons nominated to contest in this election to the Commission on or before the Tuesday, 3rd September, 2019.
- (g) Candidates intending to participate in this by-election as independent candidates shall submit their names and symbols that they intend to use during the by-election for purposes of nomination of independent candidates to the Commission on or before Monday, 26th August, 2019.
- (h) The Commission shall publish in the *Gazette*, the names and symbols of persons intending to contest in the by-election as independent candidates at least fourteen (14) days before the nomination day being on or before Monday, 26th August, 2019.
- (i) The days for the nomination of political party candidates and independent candidates for the by-election shall be on Monday, 9th September, 2019 and Tuesday, 10th September, 2019 and the nomination papers shall be delivered by the candidates to the respective Returning Officer between the hours of eight o'clock in the morning and one o'clock in the afternoon and between the hours of two o'clock and four o'clock in the afternoon at the place designated by the Commission.
- (j) Disputes relating to or arising from the nominations shall be determined within ten (10) days of the lodging of the dispute with the Commission.
- (k) The campaign period for purposes of the Thursday, 7th November, 2019 by-election shall commence on, Monday, 9th September, 2019 and cease on Monday, 4th November, 2019 being 48 hours before the by-election day.
- (l) The Campaign time shall run from 7.00 a.m. to 6.00 p.m. during the campaign period.
- (m) Political parties and Independent candidates shall appoint and submit to the Commission the names of their Constituency Elections Agents to the Commission on or before Wednesday, 23rd October, 2019.
- (n) The registration and revision of the register of voters for the said electoral areas is suspended until Monday, 18th November, 2019.
- (o) If the elections are contested, the poll will take place on the Thursday, 7th November, 2019.

NOTES:

1. The attention of candidates and persons subscribing nomination papers is drawn to the provisions of Parts III, V, and IX of the Election (General) Regulations, section 13(2) and the First Schedule to the Leadership and Integrity Act, 2012 and Chapter Six of the Constitution of Kenya.

2. Every political party, candidate and every person who participates in the election shall subscribe to and observe the Electoral Code of Conduct set out in the Second Schedule to the Elections Act, 2011.

3. A person guilty of an election offence will be liable to the penalties imposed by the Election Offences Act, 2016 (No. 37 of 2016), the disqualifications imposed thereof and the Constitution of Kenya.

4. The attention of candidates and political parties is drawn to the provisions of section 43(5A) of the Elections Act, 2011.

5. The attention of candidates is drawn to the provisions of section 26 of the Elections Act, 2011.

6. The attention of political parties, candidates and every person who participates in the election is drawn to section 2 of the Elections Act, 2011 on the campaign period.

Dated the 16th August, 2019.

W.W. CHEBUKATI,
*Chairperson,
Independent Electoral and Boundaries Commission.*

GAZETTE NOTICE NO. 7649

THE PHYSICAL PLANNING ACT

(No. 6 of 1996)

DECLARATION OF A SPECIAL PLANNING AREA

IN EXERCISE of the powers conferred by section 23 of the Physical Planning Act, the National Director of Physical Planning declares the land specific in the following Schedule to be a Special Planning Area.

The purpose of this declaration is to facilitate preparation of harmonized comprehensive Local Physical Development Plans (LDP) which will provide the framework for the physical development and management of the area and to guide the development control processes within Dongo Kundu Special Economic Zone.

In addition, the declaration will facilitate the realization of the objectives of Dongo Kundu Special Economic Zone having been declared so by the Cabinet Secretary for Industry, Trade and Co-operatives as per Gazette Notice No. 6880 dated 11th July, 2019 published in the *Kenya Gazette* Vol. CXLX–No. 93 of 26th July, 2019.

Consequent to this declaration, the Special Economic Zone Authority shall undertake to finalize the following processes within a period of six (6) months from the date of this notice:

1. Prepare a harmonized comprehensive Local Physical Development Plan (LPDP) covering the entire scope of the subject land parcels described in the schedule for submission to the National Director of Physical Planning for approval in accordance with the provisions of the Physical Planning Act, 1996;

2. In consultation with the Ministry of Lands and Physical Planning and other relevant Ministries and Agencies, formulate harmonized standards and guidelines for buildings and other forms of development as defined under the provisions of section 3 of the Physical Planning Act, 1996 consistent with the attendant laws, regulations, standards and policy guidelines to provide a single reference framework for developers and regulatory agencies with regard to development control processes within Dongo Kundu Special Economic Zone; and

3. Establish and operationalize a 'One-Stop' shop within the Special Economic Zone to facilitate the processing and issuance of development and construction permits and certificates of occupancy as envisaged under the provisions of section 11 of the Special Economic Zones Act, 2015

Notwithstanding the above, any developments for which development permission has been sought from the relevant planning authority at the time of this Notice as per the provisions of Section 31 of the Physical Planning Act, 1996 shall be allowed to be carried out upon approval but in strict compliance with the terms of such approval.

Further, notwithstanding anything to the contrary herein or elsewhere contained, any building or other structure to be erected on the affected area or any alterations or extensions to be effected to any existing building or structure on the general area defined in the schedule shall be erected strictly in accordance with the development codes applicable within the Special Economic Zone, the design review process as outlined in the development standards and the design guidelines applicable to the Special Economic Zone and specifically in accordance with building plans which have been submitted to and approved in writing by Special Economic Zone Authority.

A map of the subject area will be posted at the offices of the County Government of Mombasa, Mombasa and the Ministry of Lands and Physical Planning, Ardhi House, 5th Floor, Nairobi for public viewing and comments.

For further clarification on this matter, interested persons may contact the undersigned through Tel. No. 2718050, e-mail address: cslands@ardhi.go.ke or Augustine.masinde@ardhi.go.ke or P.O. Box 45025–00100, Nairobi.

SCHEDULE

All that land being title Nos.:

L.R. No. Msa/Ms/Blk/IV/247

L.R. No. Msa/Ms/Blk/IV/248

L.R. No. Msa/Ms/Blk/IV/250

L.R. No. Msa/Ms/Blk/IV/251

Measuring 1,214.06 hectares (3,000 acres) in Dongo Kundu area within Mombasa County.

Dated the 1st August, 2019.

AUGUSTINE K. MASINDE,
National Director of Physical Planning.

GAZETTE NOTICE NO. 7650

THE PHYSICAL PLANNING ACT

(No. 6 of 1996)

DECLARATION OF A SPECIAL PLANNING AREA

IN EXERCISE of the powers conferred by section 23 of the Physical Planning Act, the National Director of Physical Planning declares all that land being title No. L.R. No. 8396/56, measuring 404.7 hectares (1,000 acres) in Mai-Mahiu area within Nakuru County to be a Special Planning Area.

The purpose of this declaration is to facilitate preparation of harmonized comprehensive Master Plan which will provide the framework for the physical development and management of the area and to guide the development control processes within Naivasha Special Economic Zone.

In addition, the declaration will facilitate the realization of the objectives of Naivasha Special Economic Zone having been declared so by the Cabinet Secretary for Industry, Trade and Co-operatives as per Gazette Notice No. 6881 dated 11th July, 2019 published in the *Kenya Gazette* Vol. CXLX–No. 93 of 26th July, 2019.

Consequent to this declaration, the government shall undertake to finalize the following processes within a period of twelve (12) months from the date of this notice:

1. Prepare a harmonized comprehensive Master Plan covering the entire scope of the subject land parcel No. L.R. No. 8396/56 for submission to the National Director of Physical Planning for approval in accordance with the provisions of the Physical Planning Act, 1996;

2. Preparation of a Local Physical Development Plan for a ten (10) kilometres radius buffer zone;

3. In consultation with the Ministry of Lands and Physical Planning and other relevant Ministries and Agencies, formulate harmonized standards and guidelines for buildings and other forms of development as defined under the provisions of section 3 of the Physical Planning Act, 1996 consistent with the attendant laws, regulations, standards and policy guidelines to provide a single reference framework for developers and regulatory agencies with regard to development control processes within Naivasha Special Economic Zone; and

4. Establish and operationalize a 'One-Stop' shop within the Special Economic Zone to facilitate the processing and issuance of development and construction permits and certificates of occupancy as envisaged under the provisions of section 11 of the Special Economic Zones Act, 2015.

Notwithstanding the above, any developments for which development permission has been sought from the relevant planning authority at the time of this notice as per the provisions of section 31 of the Physical Planning Act, 1996 shall be allowed to be carried out upon approval but in strict compliance with the terms of such approval.

Further, notwithstanding anything to the contrary herein or elsewhere contained, any building or other structure to be erected on the affected area or any alterations or extensions to be effected to any existing building or structure on the general area defined in the schedule shall be erected strictly in accordance with the development codes applicable within the Special Economic Zone, the design review process as outlined in the development standards and the design guidelines applicable to the Special Economic Zone and specifically in accordance with building plans which have been submitted to and approved in writing by the Special Economic Zone Authority.

A map of the subject area will be posted at the offices of the County Government of Nakuru, Naivasha Town and the Ministry of Lands and Physical Planning, Ardhi House, 5th Floor, Nairobi for public viewing and comments.

For further clarification on this matter, interested persons may contact the undersigned through Tel. No. 2718050, e-mail address: cslands@ardhi.go.ke or Augustine.masinde@ardhi.go.ke or P.O. Box 45025-00100, Nairobi.

Dated the 1st August, 2019.

AUGUSTINE K. MASINDE,
National Director of Physical Planning.