



Kenya – October 2020

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The Stamp Duty (Valuation of Immovable Property) Regulations, 2020

The Cabinet Secretary for National Treasury and Planning has enacted the Stamp Duty (Valuation of Immovable Property) Regulations, 2020 (the Regulations) which allow the Chief Government Valuer to appoint a private valuer to conduct property valuation on behalf of the government.

The appointment of a private valuer is valid for a period of three years from the date of the appointment.

Notable highlights of the Regulations include the following:

A. Application for valuation

A transferee of land or its authorised representative can apply to the Chief Government Valuer in writing for a valuation of the property by a government valuer or an appointed valuer.

Where a transferee elects to have a valuation conducted by an appointed valuer, the Chief Government Valuer shall assign the valuation to an appointed valuer and notify the transferee of the name of the appointed valuer within seven working days.

The transferee shall bear the costs of the valuation where it elects to have the valuation conducted by an appointed valuer.

B. Procedure and timelines for valuation

The government valuer or appointed valuer is required to submit a valuation report within 21 days of the application by the transferee. The appointed valuer is required to submit a valuation report immediately after payment has been made.

The Chief Government Valuer shall review the valuation report submitted by a government valuer or an appointed valuer and, if in agreement, approve the report and thereafter notify the transferee and the Collector of Stamp Duty in writing of the approved market value of the property and the stamp duty payable thereon.

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If the Chief Government Valuer finds the valuation report to be deficient in any respect, it may revise the report and notify the valuer who conducted the valuation of the revision in writing.

The value assigned to the land shall be its value on the date of the conveyance or transfer of the land.

A valuation report is valid for a period of 12 months from the date of the approval of the report by the Chief Government Valuer.

C. Objections

A person who is aggrieved by the valuation report may lodge an objection in writing to the Chief Government Valuer within 21 days from the date the transferee receives written notification of the approved market value of the land. The objection may only be lodged by the person liable to pay the stamp duty.

Objections are limited to the following matters: (a) value assigned to the land; (b) the apportionment of the area, dimensions or description of the property; (c) the land that should have been included in the valuation has been valued separately; (d) the land that should have been valued separately has been included in the valuation; or (e) the person named in the report is not the true transferee of the land.

D. Notices

Applications, notices, statements, reports or other documents under the Regulations shall be lodged electronically with the Chief Government Valuer unless authorised in writing by the Chief Government Valuer to submit the document in any other manner.

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