

[Subsidiary]

### Regulations under section 36

L.N. 347/1966,  
L.N. 148/1967.

## THE RENT RESTRICTION REGULATIONS

Citation.

1. These Regulations may be cited as the Rent Restriction Regulations.

Interpretation.

2. In these Regulations-

“chairman” means the chairman of the tribunal;

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

Register.

3. 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.

Applications.

4. (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.

Fees.

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

Notice of hearing.

6. 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

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of service of the notice of hearing.

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| 7. At any hearing before the tribunal, a party may appear in person or by an advocate.   | Appearance at hearing.              |
| 8. Proceedings of the tribunal shall be open to the public.  | Proceedings to be in public.        |
| 9. 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.  | Decision of Tribunal.               |
| 10. The chairman shall record in writing the following particulars on the record of each case-   | Matters to be recorded on decision. |
| (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. The procedure to be followed by the tribunal shall, except as herein provided, be that prescribed under the Civil Procedure Act, so far as is practicable.   | Procedure.<br>Cap. 21.              |
| 12. 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.        | Deposit of rent.                    |
| 13. 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. | Record of deposits.                 |
| 14. A receipt shall be issued in respect of any deposit of rent made by a tenant, showing on the reverse the name and the address of the landlord to whom the rent is payable.   | Receipt for deposit.                |
| 15. The tenant shall inform the landlord that he has deposited the rent with the tribunal, and also of the amount of the deposit.  | Landlord to be informed of deposit. |
| 16. The landlord may apply in writing to the tribunal for the rent deposited in his name to be paid out to him.  | Payment out of deposit.             |
| 17. 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.   | Commission.                         |

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# SCHEDULE OF FEES

(r. 5)

L.N. 438/1988,  
L.N. 223/1994.

1. For filing an application under Order XXV of the Civil Procedure Rules
 

Sh. 200.00
2. For filing all other applications
 

Sh. 100.00
3. On instituting proceedings for arrears of rent, where the sum involved is-
 

- (i) less than Sh. 2,000.00
 

Sh. 225.00
  - (ii) more than Sh. 2,000.00 but less than sh. 5,000.00
 

Sh. 370.00
  - (iii) over Sh. 5,000.00
 

Sh. 400.00
  - (iv) on filing a plaint where no rent is claimed but an order for possession only is claimed
 

5 per cent of the yearly rental value.
4. On filing Bill of Costs
 

Sh. 100.00

Issue of notice of taxation
 

Sh. 40.00

Usual service fees
5. On filing an application (non-pecuniary matter) under Order XXXIX of the Civil Procedure Rules
 

Sh. 300.00

Order thereon
6. Issue of Rent Control Certificate
 

Sh. 100.00
7. For inspecting or viewing premises at the request of a party-
 

- (a) within 5km.
 

Sh. 200.00
  - (b) over 5km.
 

Sh. 20.00

per km.

# SCHEDULE OF FEES

L.N. 24/1992.

1. On filing an affidavit
 

Sh. 40.
2. On filing of valuation report
 

1 per cent of the annual
3. On request for adjournment
 

Sh.100.
4. On filing of defence
 

Sh. 40.

**Rules under section 37**