

SPECIAL ISSUE

Kenya Gazette Supplement No. 26 (Senate Bills No. 6)



REPUBLIC OF KENYA

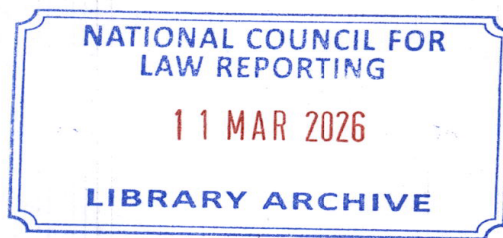
KENYA GAZETTE SUPPLEMENT

SENATE BILLS, 2026

NAIROBI, 2nd March, 2026

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**THE ENVIRONMENT AND LAND COURT
(AMENDMENT) BILL, 2026**

A Bill for

AN ACT of Parliament to amend the Environment and Land Court Act to provide for timelines within which cases before the Environment and Land Court should be heard and determined; and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the Environment and Land Court Act (Amendment) Act, 2026.

Short title.

2. The Environment and Land Court Act is amended in section 13 by inserting the following new subsection immediately after subsection (5) —

Amendment of section 13 of Cap. 8D.

(6) In exercise of its jurisdiction under this section, the Court shall—

- (a) hear and determine fresh cases within two years after filing; and
- (b) hear and determine appeals within one year after filing.

MEMORANDUM OF OBJECTS AND REASONS

This amendment Bill seeks to have the Court hear and conclude cases that are brought before it, within two years. Currently, litigants are experiencing delays on determination of court cases that are filed before the Environment and Land Court, because cases are taking long time to be heard and concluded.

By introducing this amendment to the Act, this Bill will help litigants get justice within a reasonable time and also help the Court dispense with land cases without undue delays.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

The Bill does not delegate legislative powers nor does it limit the fundamental rights and freedoms.

Statement on how the Bill concerns county governments

The Bill concerns counties as it affects the powers of the Court to adjudicate on matters that are devolved as function of counties. Under Paragraph 10 of the Fourth Schedule to the Constitution, implementation of specific policies on natural resources and environment, conservation including soil and water conservation and forestry, are functions of counties.

This is therefore a Bill that concerns counties in terms of Article 110(1) (a) of the Constitution.

Statement that the Bill is not a money Bill, within the meaning of Article 114 of the Constitution

This Bill is not a money Bill within the meaning of Article 114 of the Constitution.

Dated the 11th February, 2026.

TABITHA MUTINDA,
Senator.

Section 13 of Cap. 8D which it is propose to amend—

13. Jurisdiction of the Court

1. The Court shall have original and appellate jurisdiction to hear and determine all disputes in accordance with Article 162(2)(b) of the Constitution and with the provisions of this Act or any other law applicable in Kenya relating to environment and land.

2. In exercise of its jurisdiction under Article 162(2)(b) of the Constitution, the Court shall have power to hear and determine disputes—

- (a) relating to environmental planning and protection, climate issues, land use planning, title, tenure, boundaries, rates, rents, valuations, mining, minerals and other natural resources;
- (b) relating to compulsory acquisition of land;
- (c) relating to land administration and management;
- (d) relating to public, private and community land and contracts, choses in action or other instruments granting any enforceable interests in land; and
- (e) any other dispute relating to environment and land.

3. Nothing in this Act shall preclude the Court from hearing and determining applications for redress of a denial, violation or infringement of, or threat to, rights or fundamental freedom relating to a clean and healthy environment under Articles 42, 69 and 70 of the Constitution.

4. In addition to the matters referred to in subsections (1) and (2), the Court shall exercise appellate jurisdiction over the decisions of subordinate courts or local tribunals in respect of matters falling within the jurisdiction of the Court.

5. In exercise of its jurisdiction under this Act, the Court shall have power to make any order and grant any relief as the Court deems fit and just, including—

- (a) interim or permanent preservation orders including injunctions;
- (b) prerogative orders;
- (c) award of damages;
- (d) compensation;
- (e) specific performance;
- (f) restitution;
- (g) declaration; or
- (h) costs.