



LAWS OF KENYA

THE TRUST LAND ACT

CHAPTER 288

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CHAPTER 288

THE TRUST LAND ACT

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CHAPTER 288

THE TRUST LAND ACT

Commencement : 1st March, 1939

An Act of Parliament to make provision for Trust land

PART I—PRELIMINARY

1. This Act may be cited as the Trust Land Act.

2. In this Act, except where the context otherwise requires—

“common minerals” means clay, country rock, gravel, lime, sand, shale, shingle, murrum, mineral water, brine, dolomite, kaolin, building dimension stone, constructional stone (for ballast and aggregate and allied uses), ornamental stone, sodium and potassium compounds (except sodium compounds forming part of the Lake Magadi saline deposit), pyrophyllite (Kisii stone), slate and surface salt;

“council”, in relation to Trust land, means the local authority in whom the Trust land is vested;

“Divisional Board” means a Divisional Land Board established under section 5 of this Act;

“Scheduled Areas” means the areas of land, other than Trust land, which on 1st January, 1956, were Scheduled Areas for the purposes of the Agriculture Act, 1955.

3. This Act applies to all land which for the time being is Trust land.

PART II—ESTABLISHMENT OF DIVISIONS AND DIVISIONAL BOARDS

4. A council shall divide the Trust land vested in it into such divisions as appear to it to be necessary or expedient for the purposes of this Act, or may declare the whole of that land to be a division.

5. There shall be established in respect of each division created under this Part a Divisional Land Board, which shall consist of—

Cap. 100 (1948),
64 of 1950,
35 of 1958,
27 of 1959,
38 of 1959,
L.N. 589/1960,
28 of 1961,
L.N. 142/1961,
L.N. 65/1962,
L.N. 625/1963,
L.N. 58/1964,
9 of 1967,
43 of 1968,
L.N. 42/1973.

Short title.
L.N. 589/1960.
Interpretation.
L.N. 625/1963,
43 of 1968, Sch.

8 of 1955.

Application.
L.N. 625/1963.

Establishment of
divisions.
L.N. 625/1963.

Divisional Boards.
L.N. 625/1963,
9 of 1967, Sch.

- (a) a chairman, appointed by the Minister for the time being responsible for land after consultation with the council;
- (b) not less than four and not more than fifteen persons appointed by the council;
- (c) not more than two public officers appointed by the council; and
- (d) two persons appointed by the council from amongst its members:

L.N. 457/1963.

Provided that, where a Divisional Board established under the Kenya (Land Control) (Transitional Provisions) Regulations, 1963, has jurisdiction over any division created under this Part, that Board shall be the Divisional Land Board for that division for the purposes of this Act.

PART III—INTER-TRIBAL OCCUPATION PERMITS AND EXCHANGES

6. (*Repealed by 43 of 1968, s. 6.*)

PART IV—SETTING APART OF LAND

Setting apart
at instance of
Government.
43 of 1968, s. 2,
L.N. 42/1973.

7. (1) Where written notice is given to a council, under subsection (1) of section 118 of the Constitution, that an area of Trust land is required to be set apart for use and occupation for any of the purposes specified in subsection (2) of that section, the council shall give notice of the requirement and cause the notice to be published in the Gazette.

(2) Before publishing a notice under subsection (1) of this section, the council may require the Government, within a specified reasonable time—

- (a) to demarcate the boundaries of the land, and for this purpose to erect or plant, or to remove, such boundary marks as the council may direct; and
- (b) to clear any boundary or other line which it may be necessary to clear for the purpose of demarcating the land;

and, if the land is not demarcated within the time fixed by the council, or if the person or body on whose application the land is to be set apart so requests, the council may carry out all work necessary for the demarcation of the land and require the applicant to pay the cost of the demarcation.

(3) A notice under subsection (1) of this section shall specify the boundaries of the land required to be set apart and the purpose for which the land is required to be set apart, and shall also specify a date before which applications for compensation are to be made to the District Commissioner.

(4) Where the whole of the compensation awarded under section 9 of this Act to persons who have applied before the date specified in the notice given under subsection (1) of this section has been deposited in accordance with section 9 of this Act, the council shall make and publish in the Gazette a notice setting the land apart.

8. (1) Where land is set apart under section 7 of this Act, full compensation shall be promptly paid by the Government to any resident of the area of land set apart who—

Compensation to be paid.
L.N. 625/1963,
43 of 1968, Sch.

(a) under African customary law for the time being in force and applicable to the land has any right to occupy any part thereof; or

(b) is, otherwise than in common with all other residents of the land, in some other way prejudicially affected by the setting apart.

(2) A notice of setting apart published under section 7 of this Act shall also be published by displaying a copy at the District Commissioner’s office and at some other public or conspicuous place in the area concerned.

9. (1) A person who claims to be entitled to compensation under section 8 of this Act shall apply therefor to the District Commissioner.

Assessment of compensation.
L.N. 625/1963,
43 of 1968, Sch.

(2) If, after consultation with the Divisional Board, the District Commissioner is satisfied that the applicant is entitled to compensation, he shall award the applicant a sum of compensation in accordance with subsection (3) of this section; and if he is not so satisfied the District Commissioner shall reject the application.

(3) The compensation to be awarded shall be assessed by the District Commissioner after consultation with the Divisional Board, and shall be assessed in respect of the loss of the right of occupation referred to in paragraph (a), or in respect of the applicant having been otherwise prejudicially affected as referred to in paragraph (b), of section 8 (1) of this Act.

(4) The District Commissioner shall give notice in writing to

the applicant of the award or of the rejection of the application as the case may be.

Appeals as to
compensation.
9 of 1967, Sch.,
43 of 1968, Sch.

10. (1) Any person who is dissatisfied with the rejection of his application for compensation under section 9 of this Act, or with the amount of the award, may, within thirty days after being notified of the award or rejection, as the case may be, appeal in writing through the District Commissioner to the Provincial Agricultural Board of the province in which the land to be set apart is situate, and that Board shall hear and determine the appeal and shall notify the appellant in writing of its decision.

(2) If the Commissioner of Lands is dissatisfied with the making of an award, or with the amount of an award, he may appeal in like manner to the Provincial Agricultural Board, who shall hear and determine the matter accordingly.

(3) The Minister may make regulations to provide for the practice and procedure to be followed in respect of appeals to a Provincial Agricultural Board under this section.

(4) Any party to an appeal to a Provincial Agricultural Board who is dissatisfied with the decision of that Board may appeal to the Resident Magistrate's Court.

(5) Any party to an appeal to the Resident Magistrate's Court who is dissatisfied with the decision may appeal to the High Court whose decision shall be final.

Provision and
payment of
compensation
awarded.
L.N. 625/1963,
43 of 1968, Sch.

11. (1) Where the District Commissioner makes an award, he shall give notice in writing of any award to the Minister, who shall cause the amount of the award to be deposited forthwith with the District Commissioner for payment to the person entitled thereto.

(2) Where on appeal the amount of the award is reduced, the District Commissioner shall pay the amount by which the sum deposited exceeds the reduced amount of the award to the person who deposited it.

(3) Where on appeal the amount of the award is increased, the District Commissioner shall give notice thereof to the appellant, and also to the Minister, who shall cause the amount of the increase to be deposited forthwith with the District Commissioner.

(4) The District Commissioner shall be responsible for paying the compensation awarded to the persons entitled thereto, and every such payment shall be made in one single payment.

12. Notwithstanding anything in this Act, any person claiming a right or interest in land set apart under this Act shall have access to the High Court for—

Right of access to High Court.
L.N. 625/1963.

- (a) the determination of the legality of the setting apart; and
- (b) the purpose of obtaining prompt payment of any compensation awarded.

13. (1) In pursuance of section 117 (1) of the Constitution, a council may set apart an area of Trust land vested in it for use and occupation—

Setting apart by council.
43 of 1968, s. 3.

- (a) by any public body or authority for public purposes; or
- (b) for the purpose of the extraction of minerals or mineral oils; or
- (c) by any person or persons for purposes which in the opinion of the council are likely to benefit the persons ordinarily resident in that area or any other area of Trust land vested in the council, either by reason of the use to which the area set apart is to be put or by reason of the revenue to be derived from rent therefrom.

(2) The following procedure shall be followed before land is set apart under subsection (1) of this section—

- (a) the council shall notify the chairman of the relative Divisional Board of the proposal to set apart the land, and the chairman shall fix a day, not less than one and not more than three months from the date of receipt of the notification, when the Board shall meet to consider the proposals, and the chairman shall forthwith inform the council of the day and time of the meeting;
- (b) the council shall bring the proposal to set apart the land to the notice of the people of the area concerned, and shall inform them of the day and time of the meeting of the Divisional Board at which the proposal is to be considered;
- (c) the Divisional Board shall hear and record in writing the representations of all persons concerned who are present at the meeting, and shall submit to the council its written recommendation concerning the proposal to set apart the land, together with a record of the representations made at

the meeting;

- (d) the recommendation of the Divisional Board shall be considered by the council, and the proposal to set apart the land shall not be taken to have been approved by the council except by a resolution passed by a majority of all the members of the council:

Provided that where the setting apart is not recommended by the Divisional Board concerned, the resolution shall require to be passed by three-quarters of all the members of the council.

(3) Where the council approves a proposal to set apart land in accordance with subsection (2) (d) of this section, the council shall cause a notice of the setting apart to be published in the Gazette.

(4) Subject to this section, sections 7 (3) and (4), 8 (1), 9, 10 and 11 of this Act shall apply in respect of land set apart under this section, *mutatis mutandis*, and subject to the modification that the compensation shall be paid by the council (without prejudice to the council obtaining reimbursement thereof from any other person).

14 to 26. (*Repealed by L.N. 625/1963.*)

PART V

27 to 29. (*Repealed by L.N. 625/1963.*)

PART VI—LEASES AND LICENCES

30 to 36. (*Repealed by L.N. 625/1963.*)

37. (1) Notwithstanding anything contained in this Act, licences may be granted, in such manner and subject to such conditions as may be prescribed, and subject to the payment of such fees or royalties or both as the council may with the approval of the Minister fix, to any person for the purpose of—

- (a) the grazing of livestock; or
- (b) the removal of timber or other forest produce from Trust land which is not included in a forest area within the meaning of the Forests Act; or
- (c) the taking of common minerals; or

Licences.
L.N. 625/1963,
43 of 1968, Sch.

(d) wayleaves; or

(e) the establishment of temporary labour accommodation.

(2) The council may appoint licensing officers for the purpose of granting licences under this section.

38. (1) A wayleave licence may be granted to any person empowering him and his servants and agents to enter upon Trust land vested in the council and to lay pipes, make canals, aqueducts, weirs and dams and execute any other works required for the supply and use of water, to set up electric power or telephone lines, cables or aerial ropeways and erect poles and pylons therefor, and to make such excavations as may be necessary for the carrying out of any such purposes, and to maintain any such works as aforesaid:

Wayleaves.
L.N. 625/1963,
43 of 1968, Sch.

Provided that, where the land concerned is the subject of a mining right under the Mining Act, or of a subsisting lease, the council shall not grant a wayleave licence in respect of such land except with the consent of the lessee or the holder of the mining right, as the case may be; but if any such lessee or holder refuses his consent, the council may apply to the Minister, who may grant consent in his place.

Cap.306.

(2) In any case where a wayleave licence over any such land has been applied for and the lessee or the holder of the mining right will suffer loss by reason of disturbance or damage to his interest, he shall be entitled to compensation therefor in such sum as may be agreed upon between the licensee and the lessee or holder, as the case may be, or, in default of such agreement, such sum as may be determined by the Minister.

(3) The council may, after consultation with the Divisional Board, in addition to any award made under subsection (2) of this section, make a further award of compensation for loss of the use of land in any case where the usefulness of the land for agricultural purposes is impaired.

(4) All sums payable in respect of compensation under subsections (2) and (3) of this section shall be deposited with the District Commissioner by the applicant for the wayleave licence before the licence is granted.

38A. Where a lessee of land set aside under section 117 (1) of the Constitution desires a change of user of any land so set aside, he shall make application in writing to the council concerned.

Change of user.
L.N. 58/1964.

39. (1) If, in respect of land which is held under a lease granted under this Act—

Forfeiture of lease or
licence.
43 of 1968, s. 4.

- (a) any rent is at any time in arrear for a period of twenty-one days after it first became due; or
- (b) there has been any breach of any of the lessee's covenants; or
- (c) the lessee or a person deriving title under him remains in possession of the land after the expiration or other lawful determination of the lease,

the council may serve on the lessee a notice specifying the rent in arrear, or the covenant or condition broken, or the unlawful possession, as the case may be, and the council may, at any time after thirty days from the service of the notice, bring proceedings for the recovery of the land in the Resident Magistrate's Court, if the value of the land falls within the limits of that court's civil jurisdiction, and to the High Court if it does not.

(2) Upon proof of the facts alleged in a notice served under subsection (1) of this section, the court shall, subject to any relief which it may consider it just to grant, declare the lease forfeited (if it is still subsisting), and make an order for the payment of the arrears of rent and the costs of the proceedings and for the delivery of possession of the land to the council either forthwith or on a specified date.

(3) The foregoing provisions of this section apply to a licence granted under this Act as they apply to a lease, and in such application—

- (a) references to rent are to be taken as references to fees;
- (b) references to lessee's covenants are to be taken as references to conditions in the licence; and
- (c) the reference to the Resident Magistrate's Court or the High Court in the alternative is to be taken as a reference to the Resident Magistrate's Court alone.

Debt not to be extinguished by forfeiture.

40. No forfeiture of any lease or licence under this Act or any rule made thereunder shall operate to extinguish any debt due in respect of any rent or other payment to be made by a lessee or licensee under a lease or licence forfeited.

Licences and permits to be subject to rules.

41. The issue of licences and occupation permits in respect of land set apart under this Act shall, save where a contrary intention is in this Act expressed, be governed by rules made under this Act.

PART VII—MISCELLANEOUS POWERS

42 to 46. (Repealed by L.N. 625/1963.)

47. (Repealed by 43 of 1968, s. 6.)

48 to 50. (Repealed by L.N. 625/1963.)

51. (1) Subject to subsections (5) and (6) of this section, the President or the Community may, after giving not less than thirty days' notice to the council and to the occupier, enter upon Trust land for any purpose incidental to the setting apart of land under section 118 (3) of the Constitution, or for carrying out any of the works specified in subsection (3) of this section.

Powers of entry of President.
L.N. 625/1963,
43 of 1968, Sch.

(2) (Deleted by 43 of 1968, Sch.)

(3) The works referred to in subsection (1) of this section are—

- (a) the taking of stone and other materials for the making and repair of roads, railways, canals, water channels or other public works, whether of a like nature or not;
- (b) any of the works specified in section 38 (1) of this Act, and any other works of a public nature;
- (c) any work which may be considered necessary for maintaining or improving the flow of water in any river, stream, spring, lake or swamp, and for that purpose constructing dams and diverting any river, stream, spring, lake or swamp.

(4) The President or the Community may in writing authorize any person to exercise any of the powers conferred upon the President or the Community, as the case may be, by this section, and any authority so granted shall be deemed to include the contractors, agents and servants of such person.

(5) Compensation, assessed in accordance with section 9 of this Act, shall be payable in respect of anything done under this section for loss or disturbance and for the fair value of buildings and crops destroyed or damaged, and, in any case where the usefulness of any land for agricultural purposes is impaired by anything so done, compensation in respect thereof shall be payable.

(6) In addition to the payment of compensation under subsection (5) of this section, any person who has, pursuant to this section, temporarily occupied any land for a camp site or has used or constructed

any road of access to any land, whether such land was used as a camp site or not, shall so far as is reasonably practicable, rehabilitate the land so occupied as a camp site or used or constructed as a road of access.

Power to enter land and premises.
L.N. 625/1963,
43 of 1968, Sch.

52. (1) Any officer of the Government and any person authorized by any such officer shall for any purpose relating to this Act have power at all times to enter upon any Trust land or to enter any premises or place on such lands, and there to make such inspection, examination and inquiry and to call for such information as may be necessary for carrying into effect any of the provisions of this Act or of any other law.

(2) Any person who refuses to permit any such officer or authorized person to carry out any of the powers conferred by subsection (1) of this section, or obstructs or hinders any such officer or authorized person in the execution of his duty under this Act, or fails to give any required information, or furnishes false information, to such officer or authorized person, shall be guilty of an offence and liable to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

PART VIII—GENERAL

Commissioner of Lands to administer Trust land.
43 of 1968, s. 5.

53. The Commissioner of Lands shall administer the Trust land of each council as agent for the council, and for that purpose may—

- (a) exercise on behalf of the council, personally or by a public officer, any of the powers conferred by this Act on the council, other than that conferred by section 13 (2) (d) of this Act; and
- (b) execute on behalf of the council such grants, leases, licences and other documents relating to its Trust land as may be necessary or expedient:

Provided that—

- (i) the Commissioner of Lands shall act in compliance with such general or special directions as the council may give him; and
- (ii) the Minister may, by notice in the Gazette, terminate the Commissioner of Land's power to act under this section in relation to the Trust land of any particular council, where the Minister is satisfied that the council has made satisfactory arrangements to administer its Trust land itself.

54. (1) No action shall lie against the Government or against any officer thereof, or against any person authorized by any such officer, for any act done in good faith and without negligence under this Act or for the purpose of carrying into effect any of its provisions.

Protection of Government and officers.

(2) No compensation shall be payable to any person for any act done under this Act in good faith and without negligence, save where express provision is made in this Act for the payment of compensation.

55. (*Repealed by L.N. 625/1963.*)

56. (1) Any application, statement, demand, instrument, notice or other document authorized or required by this Act, or any rule made thereunder, may be served on the person to whom it is to be given either personally or by leaving it for him at his last known place of abode or by sending it through the post in a registered letter addressed to him there.

Service of documents.

(2) Where any such document is to be served on a person by being sent through the registered post, it shall be deemed to have been served not later than the fourteenth day succeeding the day on which it was posted, and for proof of such service it shall be sufficient to prove that the letter containing the notice was properly addressed, registered and posted.

57. (1) Any order, notice or other document required by this Act, or any rule made thereunder, to be published may be published by affixing a copy in the District Commissioner's office and in some other public or conspicuous place or situation in the area concerned, and, where it is deemed necessary, by publishing it in the Gazette.

Publication of notices, etc.

(2) Such publication or affixing shall be deemed good and sufficient publication and notice to all persons concerned.

(3) Any person who, without lawful cause or excuse, tears, defaces, alters, injures or removes any notice so affixed shall be guilty of an offence and liable to a fine not exceeding two hundred shillings.

58. Save where provision to the contrary is expressly made in this Act, no appeal shall lie from any decision given, order made or matter or thing done under this Act.

Orders to be final.

59. Save in regard to matters wherein express provision is made in this Act, Trust land shall be subject in all respects to the general law from time to time in force.

Trust land subject to general law except where express provision made. 43 of 1968, Sch.

Penalty.

60. Every omission or neglect to comply with, and every act done or attempted to be done contrary to, the provisions of this Act or of any rule or order made thereunder, or in breach of the conditions and restrictions subject to or upon which any licence or permit has been issued, shall be deemed to be an offence under this Act, and for every such offence for which no penalty is specially provided the offender shall be liable to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

Unauthorized
occupation of land.
35 of 1958, s.13,
L.N. 625/1963,
43 of 1968, Sch.

61. (1) Any person who unlawfully occupies Trust land, in any manner whatsoever, shall be guilty of an offence.

(2) No person entering or being in Trust land shall be deemed to be a trespasser on or to be in unlawful occupation of such land save in so far as he would be liable to be proceeded against for trespass or for unlawful occupation of land under this Act or any rules made thereunder or under the provisions of any other law for the time being in force.

(3) Travellers shall be allowed to encamp with their servants, transport and baggage on any uncultivated Trust land for a period not exceeding forty-eight hours, and, with the consent of the District Commissioner, for a longer period, and they shall with their servants be allowed access to any spring, river, stream or lake upon the land.

(4) If, while encamping on any uncultivated Trust land in exercise or purported exercise of the powers conferred by subsection (3) of this section, any traveller does any damage to such land or to anything growing or being thereon, he shall pay to the District Commissioner as compensation therefor such sum as the District Commissioner shall determine, and thereupon the District Commissioner shall dispose of such sum by payment either to such person as he is satisfied is a private right-holder in respect of such land, or to the council for the area in which such land is situated, or to both in such proportions as the District Commissioner may deem appropriate.

False declarations.

62. Any person who makes a false declaration in relation to any matter or thing required to be done by this Act, or by any rules made thereunder, or who produces any false declaration or certificate, knowing the same to be false in any material particular, shall be guilty of an offence.

Saving of other laws.

63. Nothing in this Act contained shall prevent a prosecution under any other law, but so that a person shall not be punished twice for the same offence.

64. (*Repealed by L.N. 625/1963.*)

65. (1) Subject to the provisions of this Act, the Minister may, with the approval of the council concerned, make rules, relating to Trust land, for the purpose of carrying this Act into effect and for prescribing the fees to be paid for any matter or thing done under this Act, and more particularly for all or any of the following purposes—

Rules.
35 of 1958, s.14,
L.N. 625/1963,
43 of 1968, Sch.

- (a) controlling the occupation and use of Trust land for grazing and pasturing stock, flocks and herds;
- (b) compulsorily reducing the numbers of stock, flocks and herds;
- (c) regulating the reconditioning of land, and for such purpose prohibiting and regulating the occupation of any areas therein;
- (d) regulating generally the use and conservation of any area;
- (e) regulating any matters relating to the tenure of land;
- (f) regulating the grant of leases in respect of land set apart and all matters relating thereto, and prescribing—
 - (i) the form of leases issued for a term of one year or less;
 - (ii) the term for which any particular class of lease may be granted;
 - (iii) the conditions or restrictions subject to and upon which any particular class of lease may be granted;
 - (iv) the method of collecting the rents for leases and the persons to whom such rents are to be paid;
- (g) regulating the issue of licences in respect of—
 - (i) cattle-grazing rights;
 - (ii) the removal of timber, forest produce, sand, lime, stone and other common minerals (excluding surface salt);
 - (iii) wayleaves;
- (h) prescribing the form and term of licences and occupation permits and the conditions upon and subject to which such licences and permits may be issued;

Cap. 385.

(i) for the protection of trees and forest produce on land not within a forest area within the meaning of the Forests Act, and for regulating the felling or removal of such trees or forest produce, as the case may be.

(2) In any rules made under this section, the Minister may reserve power to apply all or any of the provisions of such rules to Trust land as a whole, or to any particular area of Trust land.

(3) Any rules made under this section shall be in addition to, and not in derogation of, the provisions of any law for the time being in force relating to the matters specified in paragraphs (a), (b), (c) and (d) of subsection (1) of this section.

(4) Any rules made under this section may, with the concurrence of the Treasury, expressly provide that any fees to be paid for any matter or thing done under this Act and prescribed by such rules shall be paid to such person as shall be specified in such rules; and, in the absence of any such express provision, all such fees shall be paid into the Consolidated Fund.

PART IX—SAVING-EXTINGUISHMENT OF RIGHTS

66 and 67. (*Repealed by L.N. 625/1963.*)

Government rights.

68. Save as is expressly provided in this Act, nothing herein contained shall affect prejudicially any right, power, privilege or exemption of the Government.

Rights in Trust land.
L.N. 625/1963.

69. In respect of the occupation, use, control, inheritance, succession and disposal of any Trust land, every tribe, group, family and individual shall have all the rights which they enjoy or may enjoy by virtue of existing African customary law or any subsequent modifications thereof, in so far as such rights are not repugnant to any of the provisions of this Act, or to any rules made thereunder, or to the provisions of any other law for the time being in force.

70 and 71. (*Repealed by L.N. 625/1963.*)

FIRST SCHEDULE

(*Deleted by L.N. 625/1963.*)

SECOND SCHEDULE

(*Deleted by L.N. 625/1963.*)

SUBSIDIARY LEGISLATION**Notices of setting apart of land under section 13**

These are not included in the Laws of Kenya, being of local application only.

Licensing officers appointed under section 37 (2)

All District Commissioners are appointed licensing officers within their respective districts for the purpose of granting licences for the grazing of livestock in Trust land, and for the removal of timber or other forest produce from Trust land. Cap. 100 (1948), Sub. Leg.

Rules under section 65**THE TRUST LAND (WAYLEAVES FOR ELECTRIC LINES)
RULES**

Cap. 100 (1948),
Sub. Leg.,
L.N.625/1963.

1. These Rules may be cited as the Trust Land (Wayleaves for Electric Lines) Rules, and shall apply to all Trust land.

2. In these Rules, "electric line" has the meaning assigned to it in the Electric Power Act. Cap. 314.

3. A wayleave licence granted under section 38 for the purpose of erecting or laying an electric line over or under land shall be in the form in the Schedule to these Rules, or as near thereto as possible, regard being had to the circumstances and requirements of each case.

4. Before granting any such wayleave licence, the council shall satisfy itself that compensation in respect of disturbance or of any other loss or expenses likely to be caused by the erection or laying of the electric line has been or will be paid to the Africans concerned in like manner and to the same extent as if the land had been set apart under the Act and as if the compensation were being paid under section 8 of the Act.

5. No such wayleave licence shall be valid for a longer period than the period of validity of the relevant licence issued under the Electric Power Act. Cap. 314.

6. The annual fee to be paid for such a wayleave licence shall be assessed at 25 cents per annum per pole or pylon, or, where the electric line is laid underground, Sh. 5 per mile.

[Subsidiary]

SCHEDULE

(r. 3)

WAYLEAVE LICENCE

Under section 38 of the Trust Land Act

IN EXERCISE of the powers conferred by section 38 of the Trust Land Act and all other powers thereunto enabling, the Council of (hereinafter referred to as the Grantor), hereby grants a wayleave licence to (hereinafter called the Licensee, which expression shall include his servants and agents) to enter upon the land described in the Schedule hereto at such time or times as shall be reasonably necessary for the purpose of placing and maintaining an electric line across or under the said land and of replacing the same or any part thereof, and of keeping clear a track parallel with and adjoining the electric line not exceeding seven feet in width.

2. The Licensee may fell, lop or remove any tree, crops or shrubs which obstruct or interfere, or which may obstruct or interfere, with the working of the electric line:

Provided that no trees, crops or shrubs shall be so felled, lopped or removed unless and until the Licensee has given to the owner of the land on which such trees, crops or shrubs are growing not less than three days' notice in writing of his intention so to do.

3. If, at any time after the expiration of a period of ten years from the date hereof, development which involves the erection of any building on the alignment of the electric line is, in the opinion of the Grantor, necessary, the Licensee shall at his own expense move the electric line so as to permit such building to be erected:

Provided that at least three months' notice of the intention to erect such building shall be given to the Licensee by the Grantor:

And provided further that the Grantor shall make available to the Licensee a reasonable alternative route for the said electric line.

4. This licence shall remain in force during the period of validity of Licence No. dated the day of, 19...., and issued under the provisions of the Electric Power Act.

5. The Licensee shall pay to the Grantor an annual fee of Sh.

6. If at any time the Licensee fails to comply with or commits a breach of any of the conditions of this Licence, or if he fails to maintain and keep the electric line in good repair, the Grantor may, upon giving three months' notice in writing to the Licensee, revoke this Licence and require the Licensee at his own expense to remove the said electric line within a time to be specified in such written notice.

[Subsidiary]

7. Upon determination of the aforesaid Licence, the Licensee shall at his own expense remove the said electric line within such reasonable period as may be specified by the Grantor.

8. When the electric supply line is removed under paragraph 6 or paragraph 7 of this Licence, the surface of the land shall forthwith be restored to its former condition, as far as possible; and in default thereof such removal or restoration may be carried out by the Grantor, and the costs thereof shall be recoverable from the Licensee as a civil debt due and owing to the Grantor.

Dated at, thisday of,19.....

The Council of

SCHEDULE

[Description of land]

THE TRUST LAND (REMOVAL OF FOREST PRODUCE) RULES

Cap.100 (1948),
Sub. Leg.,
L.N. 617/1961,
L.N. 625/1963.

1. These Rules may be cited as the Trust Land (Removal of Forest Produce) Rules.

2. In these Rules—

“licensing officer” means the District Commissioner or any other officer whom the council may appoint in writing to be a licensing officer for the purposes of these Rules;

“prescribed fee” means the licence fee payable at the rate set forth in the second column of the Second Schedule to these Rules.

3. A licensing officer may grant to any person, on payment of the prescribed fee, a licence, in the form in the First Schedule to these Rules, to take the forest produce specified in the first column of the Second Schedule to these Rules:

Provided that a licensing officer may, in his discretion, grant such licence subject to the condition (which shall be expressed in the licence) that the forest produce specified in the licence shall be stacked at a specified place for inspection and checking before it is removed.

4. The holder of a valid licence under these Rules shall be exempt from the necessity to take out a licence under the Forests (Coast Special Areas) Rules in respect of any particular article of forest produce for the removal of which he holds a valid licence under these Rules.

Cap.385,
Sub. Leg.

[Subsidiary]

FIRST SCHEDULE

(r. 3)

FOREST PRODUCE LICENCE

Under section 38 of the Trust Land Act

Licence is hereby granted to,
of, to take up to cubic feet/
running feet/head loads of 60 lb./wagon loads/truck loads/pounds/korja (score)/
stacked cubic feet of, at the rate of Sh. cts.
per cubic foot/running foot/head load of 60 lb./two running feet/wagon load/truck
load/ pound/korja (score)/stacked cubic foot, from in the
district of..... in the Land Unit.

2. This licence is valid for twelve months from the date hereof.

FEE PAID, SH.

Date.....

.....
Licensing Officer

..... *Council of*

SECOND SCHEDULE

(rr. 2 and 3)

[Subsidiary]

<i>Forest Product</i>	<i>Licence Fee</i>
1. TIMBER—	<i>Cents per cubic foot</i>
Afzelis quanzensis—M'bamba Kofi ..	60
Brachylaena Hutchinsii—Muhugu ..	60
Chlorophora excelsa—Iroko or Mvule ..	60
Dalbergia melanoxylon—Ebony ..	60
Podocarpus gracilior—Podo	50
Pygeum africanum—Mueri	50
Albizzia spp.	30
Casearia spp.	30
Dombeya mastersii	30
Maba abyssinica	30
Macaranga kilinmandscharica	30
Strombosia soheffleri	30
Croton megalocarpon	30
Juniperus procera—Pencil cedar	50
Ocotea gardneri—Camphor	50
Ocotea usambarensis—Camphor	50
Olea hochstetteri—E. African Olive ..	30
Podocarpus milanjiana—Podo	40
Terminalia spinoza	35
All other trees and exotic trees	20
(Provided that no licence shall be required by any person to take trees which such person has planted himself.)	
2. POST—	
Posts of such species and cut in such places as may be specified by the licensing officer used for fencing or agricultural holdings	Half the above rates.
3. POLES—	
Class I—Basal diameter, 2 inches to 4 inches—	
1st quality	2 cents per running foot.
2nd quality	1 cent per running foot.
3rd quality	1 cent per two running feet.
<i>Forest Product</i>	<i>Licence Fee</i>
CLASS II— Basal diameter, 4 inches to 6 inches—	
1st quality	3 cents per running foot.
2nd quality	3 cents per two running feet.
3rd quality	1 cent per running foot.

[Subsidiary]

CLASS III—Basal diameter, 6 inches to 8 inches—	
1st quality	6 cents per running foot.
2nd quality	3 cents per running foot.
3rd quality	3 cents per two running feet.
(Poles over 8 inches diameter will be sold as timber.)	
4. BAMBOOS—	
Class I—Indigenous bamboos not exceeding 3 inches basal diameter	1 cent per ten running feet.
Class II—Indigenous bamboos exceeding 3 inches and exotic bamboos	5 cents per ten running feet.
5. WITHIES—	
1st quality	30 cents per head load of 60 lb.
2nd quality	15 cents per head load of 60 lb.
6. FIREWOOD—	
Firewood	6 cents per stacked cubic foot.
Firewood	Sh. 6 per wagon load.
Firewood	Sh. 20 per 10-ton truck load.
Firewood (without axes)	Sh. 1 per 1 head load per day per month.
Firewood (with axes)	Sh. 2 per 1 head load per day per month.
7. RUBBER	10 cents per lb. or part of a lb.
8. GUM COPAL	2 cents per lb. or part of a lb.
9. FLOTITE	3 cents per two running feet.

Cap. 100 (1948),
 Sub. Leg.,
 G.N. 133/1949,
 G.N.1226/1951,
 G.N.1233/1955,
 L.N. 625/1963,
 L.N. 196/1969.

THE TRUST LAND (REMOVAL OF COMMON MINERALS) RULES

1. These Rules may be cited as the Trust Land (Removal of Common Minerals) Rules.

2. In these Rules—

“common minerals” has the meaning assigned to it by section 2 of the Act;

“licensing officer” means the District Commissioner or any other officer whom the council may appoint in writing to be a licensing officer for the purposes of these Rules.

[Subsidiary]

3. No person shall remove stone or other common minerals excluding surface salt from any land within the special areas unless he is in possession of a valid licence issued under these Rules.

4. (1) A licensing officer may grant a licence in the form in the First Schedule to these Rules to remove common minerals from land in the special areas on payment of the fees specified in the Second Schedule to these Rules:

Provided that where—

- (i) a licence is granted to an African to remove common minerals from land situate in the land unit in which he lawfully resides;
- (ii) the licensing officer is satisfied that any African or group of Africans are by native law and custom entitled to a royalty or other benefit from the common mineral, or to any rent or other benefit from the land in respect of which the licence is granted, and that such rent, royalty or other benefit has been agreed to be paid by the applicant, not being an African lawfully residing in the land unit to which the licence relates,

the fee payable shall, unless the licensing officer, on the advice of the council, otherwise directs, be five shillings per month, irrespective of the quantity or kind of common minerals to be removed.

(2) The fees collected by a licensing officer on the grant of a licence shall be paid to the council.

(3) A licence may be issued for such period as the licensing officer may think fit:

Provided that no licence shall be issued for a period exceeding twelve months at any one time, except with the consent of the Trust Land Board.

(4) The issue of every licence by a licensing officer shall be subject to any general or specific instructions of the council having jurisdiction within the land unit to which such licence relates, and no licensing officer shall issue any licence to which such council objects.

(5) A licensing officer shall have power, in his absolute discretion, to refuse to issue or to renew a licence without assigning any reason, and to reduce or to waive any fee payable.

5. No licence shall be granted under these Rules unless—

- (a) the licensing officer is satisfied that any Africans who have rights in the land in respect of which the application for a licence is made have given their consent to the issue of the licence;
- (b) the applicant has undertaken in writing, in the form in the Third

[Subsidiary]

Schedule to these Rules, to pay to any occupier compensation for any damage or disturbance caused by the operations performed under the licence, including the construction of roads of access; and

- (c) the applicant has deposited with the licensing officer such sum as the licensing officer may consider sufficient to cover the probable compensation payable for any damage or disturbance caused by the operations performed under the licence:

Provided that nothing in this rule shall apply to a person who is lawfully residing in the land unit to which the licence relates.

6. A licence issued under these Rules shall be subject to the following conditions—

(a) that the licensee shall take all such lawful, necessary and reasonable practicable measures as may be required by the medical officer of health of the district with respect to—

Cap. 242. (i) housing and sanitary conditions in accordance with Part IX of the Public Health Act;

Cap. 246. (ii) anti-malaria measures in accordance with the Malaria Prevention Act;

(iii) eradication and control of tsetse fly and simulum (*Onchocerciasis*);

Cap. 306. (b) that the licensee shall take such safety measures as may lawfully be required by the inspector of mines in accordance with Part V of the Mining Act;

(c) that the licensee shall, if required by the licensing officer, stack all common minerals won by him in such manner as to permit of periodical measurement by the licensing officer or his representative before the removal of such common minerals from the area concerned;

(d) that the licensee shall, if required by the licensing officer, in the case of any common minerals delivered on sale to other persons, submit to the licensing officer true accounts and receipts in respect of the common minerals so delivered;

(e) that the licensee shall, if required by the licensing officer, submit a plan showing the levels of any excavations he proposes to make, and when such plan is approved by the licensing officer the licensee shall adhere to that plan;

(f) that the licensee shall take common minerals only from such areas as may be allotted to him by the licensing officer;

[Subsidiary]

THIRD SCHEDULE

(r. 5)

UNDERTAKING

In consideration of being granted a licence under the Trust Land (Removal of Common Minerals) Rules, I/we,hereby undertake to pay to any occupier of Trust land compensation to be assessed by the District Commissioner,for any disturbance or damage caused by my/our activities connected with the taking of common minerals from the Land Unit.

Date Signature.....

Witness.....

G.N. 1459/1953,
L.N. 625/1963,
L.N. 214/1988,
L.N. 298/1994.

THE TRUST LAND (CONVEYANCING FEES) RULES, 1994

Citation.

1. These Rules may be cited as the Trust Land (Conveyancing Fees) Rules, 1994, and shall come into operation on the date of gazettelement.

Fees.

2. The following fees shall be payable in respect of leases and documents:

Table with 2 columns: Description and Fee (Sh.). Rows include: (a) For every lease (1,250), (b) For every endorsement on any such lease (500), (c) For every other document, except a licence issued under section 38 of the Act (750), (d) For every endorsement on any document chargeable under paragraph (c) (500).

L.N. 214/1988.

3. The Trust Land (Conveyancing Fees) Rules, 1988, are revoked.

L.N. 123/1959.

THE TRUST LAND (FORM OF LEASE) RULES

1. These Rules may be cited as the Trust Land (Form of Lease) Rules.

2. Leases of land in the Trust land granted for a term not exceeding one year shall be substantially in the from in the Schedule to these Rules.

SCHEDULE

(r. 2)

THE TRUST LAND ACT

LEASE

Know all men by these presents that the President hereby, under and by virtue of the powers vested in him by the Trust Land Act, leases to..... of (hereinafter called “the Lessee”) all that piece of land situate at in the district of, containing by measurementmore or less, that is to say Plot No.....,which said piece of land with the dimensions abuttals and boundaries thereof is delineated on a plan numbered and filed in the office of the District Commissioner atto hold for the term of one year from the day of....., 19...., renewable however as hereinafter provided, subject to (1) the payment in advance of the annual rent of Sh. (2) the provisions of the said Act and (3) the special conditions set forth in the Schedule hereto.

2. If at the end of the original term of this lease, or of any further term for which it may have been renewed as herein provided, the Provincial Commissioner or the Lessee has not given at least three months’ notice in writing to the contrary to the other of them, a renewal for a further term of one year will *ipso facto* be implied:

Provided that not more than..... such renewals shall be so implied.

3. The expression “Lessee” includes all successors in title of the Lessee.

In witness whereof the Provincial Commissioner of the Province has hereunto set his hand this day of,19....

Signed by the said Provincial Commissioner
in the presence of—

}
}

SCHEDULE

THE TRUST LAND (KWALE) (GRAZING) RULES

Cap. 100 (1948),
Sub. Leg.,
L.N. 625/1963.

1. These Rules may be cited as the Trust Land (Kwale) (Grazing) Rules.

2. In these Rules—

“the area” means those parts of the Trust land which lie within the Kwale District;

“licensing officer” means the District Commissioner or any other officer

[Subsidiary]

appointed by the Chairman of the Provincial Council to be in charge of the area for the purposes of these Rules;

“stock” means any bull, cow, ox, heifer, calf, sheep, goat, mule, donkey or swine.

3. (1) The Settlement Officer shall appoint a committee, to be known as the African Advisory Committee, to advise him upon the exercise of his powers, duties and functions under these Rules.

(2) Such Committee shall consist of the headman of the Makueni area and at least two other persons to be nominated by the majority of the registered persons in the Makueni area.

4. No person, other than a registered person, shall within the Makueni area occupy any land or possess, herd or depasture any stock.

5. The Settlement Officer shall keep a register in which he shall enter the names of members of the Akamba tribe, and such members of their families and their dependants and such stock as may be approved by the Settlement Officer.

6. (1) Every registered person shall have the right, subject to the provisions of these Rules, to occupy such area of land, and to herd and depasture such number and kinds of stock, as may be entered against his name in the register.

(2) The right of any registered person so to occupy land in the Makueni area shall be subject to the following conditions—

- (a) the Settlement Officer shall give the registered person a copy of these Rules and obtain from such person a receipt therefor; and the Settlement Officer shall explain to the registered person the contents thereof, and such registered person shall, if he does so, state that he understands the rules;
- (b) the registered person shall demarcate and cultivate such areas of land in the Makueni area as the Settlement Officer may specify in writing;
- (c) the registered person shall not possess, herd or depasture within the Makueni area any stock, other than such stock as are entered against his name in the register, and such registered person shall, if the Settlement Officer so requires, remove from the Makueni area such stock as may be in excess of the number entered against his name in the register;
- (d) the registered person shall comply with all such instructions as may, from time to time, be given by the Settlement Officer in regard to the branding, dipping, inoculating, herding, grazing and watering of stock, and in regard to the production of farmyard manure and compost;

[Subsidiary]

- (e) the registered person shall take all such measures for the preservation of the fertility of the soil and for the prevention of soil erosion, including the planting of such trees and the felling, stumping and clearing of such vegetation, as the Settlement Officer may, from time to time, direct;
- (f) the registered person shall comply with all such directions as the Settlement Officer may issue in regard to the type and area of any crops or grass to be planted;
- (g) the registered person shall erect, and maintain, his dwelling and other buildings to the satisfaction of the Settlement Officer;
- (h) the registered person shall not, except with the permission of the Settlement Officer, allow any person who is not a registered person to reside permanently, or to cultivate any land, in the Makueni area which the registered person is authorized to occupy;
- (i) the registered person shall take all such measures in relation to his plots and holdings as the Settlement Officer or the Medical Officer of Health may, from time to time, require for the maintenance of the health of the persons within the Makueni area.

7. (1) The Settlement Officer may, in writing, authorize any person named in such writing to uproot, graze or otherwise dispose of any crop planted in wilful contravention of any lawful order, direction or requirement issued to a registered person under rule 6 of these Rules.

(2) No compensation shall be payable for any crop which has been so uprooted, grazed or otherwise disposed of.

8. (1) Where the Settlement Officer is satisfied that a registered person has not complied with any of the provisions of these Rules or of any lawful order, direction or requirement issued thereunder or under any other law for the time being in force, or with the rules of good husbandry, he shall serve written notice upon the registered person warning him to that effect, and requiring him to take such steps, within such period, as may be specified in such notice.

(2) Where the registered person has failed, on the expiration of such period, to comply with the terms of such notice, the Settlement Officer shall, by notice in writing, call upon the registered person to show cause, on a date to be specified in the notice, to the Settlement Officer and the African Advisory Committee why his name and the names of any other registered persons who are authorized to occupy with him the area of land entered against his name in the register should not be expunged from the register.

(3) The registered person shall appear personally in answer to the notice to show cause, and the case shall be heard by the Settlement Officer, with members of the African Advisory Committee sitting as assessors; the Settlement Officer shall ask the opinions of the members of the African Advisory Committee, but shall not be bound by these opinions:

Provided that, where the opinion of the majority of the members of the African Advisory Committee differs from the opinion of the Settlement Officer, the matter shall be referred to the council, whose decision shall be final.

(4) Where the registered person has failed to show cause to the satisfaction of either the Settlement Officer or the council, as provided in the proviso to paragraph (3) of this rule, his name and the names of all other registered persons who are authorized to occupy with him the area of land entered against his name in the register shall be expunged from the register, and he and such other persons shall be required to remove themselves and their stock from the area within such time as the Settlement Officer may require; and any person who is required to remove himself from the Makueni area shall receive compensation for any crops, buildings or improvements at such rates as may be fixed by a committee of arbitration, which shall consist of the Settlement Officer, an agricultural officer and a representative of the Machakos African District Council.

(5) Where any registered person's name has been expunged from the register, he may nominate to the Settlement Officer the name of a person, being an African of the Akamba tribe, whom he desires to occupy the area of land from which he has been removed, and such person shall, subject to the provisions of rule 5 of these Rules, be registered by the Settlement Officer accordingly.

SCHEDULE

(r. 2)

MAKUENI AREA

An area of land situated in the Machakos District.

Commencing at a concrete beacon known as Nthangu 2 situated on Nthangu Hill;

thence generally south-westerly, southerly and south-easterly by a cut and beacons line passing Simba Crag to a trigonometrical point Nzueni;

thence continuing south-easterly by a cut and beacons line to the intersection of that line with the west side of the Nzueni-PoiMatiliku Road;

thence generally southerly and south-easterly by the west side of that road to its intersection with the Poi-Metallic Road;

thence by a cut and beacons line on a true bearing of approximately 46° 00' to the summit of Nduluani Hill;

thence by a cut and beacons line on a true bearing of approximately 357° 00' to the point where Hunters Track crosses the main stream of the Ngosini River east of Ngosini East Borehole;

thence downstream by the Ngosini River to its confluence with the Thwaki (Thwake) River;

thence downstream by the course of the latter river to its confluence

[Subsidiary]

with the Athi River;

thence up-stream by the centre line of the Athi River in a generally northerly direction to the intersection of a cut and beacons line with the western bank of the latter river at a point approximately four miles north of the confluence of the Thwaki River with the Athi River;

thence due west by that cut and beacons line to its intersection with the centre line of the Thwaki (Thwake) River;

thence up-stream by the centre line of the Thwaki (Thwake) River aforementioned, for a distance of approximately 7½ miles, to its confluence with the Mukio River;

thence by a cut and beacons line in a westerly direction for a distance of approximately 10,800 feet to a beacon situate on the east bank of the Sabani River;

thence downstream by the centre line of the Sabani River, aforementioned, for a distance of approximately 1½ miles to its intersection with the Mbumbuni-Makueni Road;

thence generally westerly and generally southerly by that road to its intersection with the Mbimbini River;

thence downstream by the centre line of the Mbimbini River, aforementioned, to its confluence with the Mba tributary;

thence up-stream by the centre line of the Mba tributary, aforementioned, for a distance of approximately 1½ miles to a beacon situated on its south bank;

thence by a cut and beacons line in a south-westerly direction for a distance of approximately 10,200 feet to a beacon Nthangu 1;

thence by a cut and beacons line in a north-westerly direction for a distance of approximately 2,850 feet to the point of commencement.

The foregoing boundaries are delineated on Boundary Plans No. 183/12 and No. 183/17, which are deposited in the Survey Records Office, Survey of Kenya, Nairobi.

G.N. 962/1952,
G.N. 966/1954,
L.N. 207/1956,
L.N. 359/1958,
L.N. 625/1963.

THE TRUST LAND (ATHI-TIVA) (LAND UTILIZATION) RULES

1. These Rules may be cited as the Trust Land (Athi-Tiva) (Land Utilization) Rules.

2. In these Rules—

[Subsidiary]

“the area” means the Athi-Tiva Land Utilization Area as defined in the Schedule to these Rules;

“licence” means a licence issued under rule 4 of these Rules;

“licensing officer” means the District Commissioner or any other officer whom the council may appoint in writing to be a licensing officer for the purposes of these Rules;

“stock” means any bull, cow, ox, heifer, calf, sheep, goat, mule, donkey or swine.

3. (1) No person shall possess, herd or depasture any stock within the area unless such person is in possession of a valid licence authorizing him so to do, for which licence there shall be payable annually in advance a fee calculated at the rate of fifty cents per month per head of cattle.

(2) Every holder of a licence shall produce his licence at such time and place as the licensing officer may direct.

(3) Any person who possesses, herds or depastures any stock within the area without being in possession of a valid licence as aforesaid shall be guilty of an offence.

4. (1) The licensing officer may issue to any member of the Kitui Akamba tribe a licence authorizing him to possess, herd or depasture a stated number of stock within the area.

(2) For the purposes of this rule, one donkey or five sheep or five goats shall equal one head of cattle, and an unweaned foal, calf, lamb or kid shall not be taken into account in reckoning a number of stock.

(3) Any person who possesses, herds or depastures a greater number of stock in the area than is specified in his licence, or who commits a breach of any other condition of his licence, shall be guilty of an offence.

5. The licensing officer may cancel a licence if the holder of the licence, or any person acting upon his instructions, is convicted of an offence under these Rules, or of an offence under any other law for the time being in force which, in the opinion of the licensing officer, is prejudicial to proper use of the land in the area.

6. The licensing officer may, by order in writing, require any person whose licence has been cancelled to remove his stock from the area within such period as may be specified in such order, and, if such person fails to comply with such order, the licensing officer may order him to leave the area together with his family and stock, and in so doing may use such force as is reasonably necessary.

7. A licence shall be issued subject to the following conditions—

[Subsidiary]

- (a) the licence holder shall state that he fully understands that he is bound by the conditions of the licence and that he will observe such conditions;
- (b) the licence holder shall not possess, herd or depasture within the area any stock except as may be authorized in writing by the licensing officer;
- (c) the licence holder shall comply with all such instructions as may from time to time be given by the licensing officer in regard to the branding and inspection of stock, and shall remove from the area any stock which the licensing officer may order him to remove;
- (d) the licence holder shall comply with all directions of the licensing officer relating to the herding, paddocking, grazing and watering of stock;
- (e) the licence holder shall comply with all orders of the licensing officer in regard to the felling, stumping and clearing of vegetation within the area.

8. (1) A veterinary officer may require the owner of, or the person herding or depasturing, any stock for the time being in the area to be immunized against rinderpest or any other disease or treated for any disease within a period of not less than twenty-four hours.

(2) Any person who, having been served with such notice as aforesaid, fails to comply therewith within the period specified therein shall be guilty of an offence.

9. (1) No person, whether or not he holds a valid licence, shall remove any stock from the area except with the written permission of the licensing officer.

(2) Any person who contravenes the provisions of this rule shall be guilty of an offence.

10. Any permission, instruction, requirement or order issued to a person under these Rules may be served upon the person to whom it is issued either personally or by leaving it for him at his last known place of abode.

SCHEDULE

(R. 2)

THE ATHI-TIVA LAND UTILIZATION AREA

An area of land situated in the Kitui District.

Commencing at the intersection of the Tiva River and the track passing through Kavisuni and Mombasa Camp;

thence along that track in a north-westerly direction to its junction with the track running south from Yatta Camp to Ikutha;

thence on a bearing of 270° to a point on the Athi River;

thence downstream by that river to a point on that river immediately below the Ikutha-Kibwezi bridge;

thence north-easterly by the boundary of the Kamba Land Unit to its intersection with the Tiva River;

thence up-stream by that river to its intersection with the Kavisuni-Mombasa-Yatta Road, the point of commencement.

THE TRUST LAND (LAMBWE VALLEY) RULES

G.N. 1321/1954,
L.N. 625/1963.

1. These Rules may be cited as the Trust Land (Lambwe Valley) Rules.

2. In these Rules—

“licence” means a licence issued under rule 5 of these Rules;

“register” means the register kept under rule 4 of these Rules;

“registered person” means any person whose name is entered in the register;

“settlement area” means the Lambwe Valley Settlement Area as defined in the Schedule to these Rules;

“Settlement Officer” means the District Commissioner or any person appointed by the Chairman of the Provincial Council to be in charge of the area for the purposes of these Rules;

“stock” means any bull, cow, ox, heifer, calf, sheep, goat, mule, donkey or swine.

3. (1) The Settlement Officer shall appoint a committee, to be known as the African Advisory Committee, to advise him upon the exercise of his powers, duties and functions under these Rules.

(2) Such committee shall consist of a headman or headmen of the settlement area and at least three other persons to be nominated by the Settlement Officer after consultation with the registered persons in the settlement area.

4. The Settlement Officer shall keep a register in which shall be entered—

[Subsidiary]

- (a) the names of all persons who, on the 14th September, 1954, are, with the permission of the Settlement Officer, lawfully occupying land in the settlement area;
- (b) the names of all persons who, after the said date obtain permission in writing from the Settlement Officer to occupy land in the settlement area; and
- (c) the details of any licence issued.

5. (1) The Settlement Officer may issue to any registered person a licence authorizing him to cultivate a certain area of land within the settlement area and to herd and depasture a stated number of stock thereon.

(2) There shall be paid in respect of any such licence an annual fee to be determined by the Provincial Commissioner.

6. (1) No person other than a registered person shall occupy any land in the settlement area.

(2) No person other than a registered person to whom a licence has been issued shall cultivate land or herd or depasture any stock within the settlement area.

(3) Any person who contravenes the provisions of this rule shall be guilty of an offence.

7. (1) A licence shall be issued subject to the following conditions—

- (a) the licence holder shall state that he fully understands that he is bound by the conditions of the licence;
- (b) the licence holder shall not herd or depasture a greater number of stock than that authorized by the Settlement Officer;
- (c) the licence holder shall cultivate only such area of land as is specified in the licence;
- (d) the licence holder shall comply with all such instructions as may from time to time be given by the Settlement Officer either communally or individually, in regard to sound farming practice, including land management and crop and stock husbandry;
- (e) the licence holder shall not dispose of any land which he is authorized to cultivate by such licence without the prior permission of the Chief Commissioner;
- (f) the licence holder shall not, save with the prior permission of the Settlement Officer, allow any person other than a registered person to reside in, or to cultivate, or to herd or depasture stock in, the settlement area;

[Subsidiary]

(g) the registered person shall take all measures in relation to his plots and holdings as the Settlement Officer or Medical Officer of Health may, from time to time, require for the maintenance of the health of persons within the settlement area.

(2) Any person who contravenes any of the provisions of this rule shall be guilty of an offence.

8. (1) The Settlement Officer, or any person authorized by him in writing for that purpose, may uproot, graze or otherwise dispose of any crop planted in contravention of any direction issued by the Settlement Officer under rule 7 of these Rules.

(2) No compensation shall be payable in respect of any crop which has been so uprooted, grazed or otherwise disposed of.

9. (1) Where the Settlement Officer is satisfied that a registered person has not complied with any of the provisions of these Rules, or of any lawful order, direction or requirement issued thereunder, or under any other law for the time being in force, or with the rules of good husbandry, he shall serve written notice upon the registered person warning him to that effect, and requiring him to take such steps, within such period, as may be specified in such notice to remedy his default.

(2) Where the registered person has failed, on the expiration of such period, to comply with the terms of such notice, the Settlement Officer shall, by notice in writing, call upon the registered person to show cause, on a date to be specified in the said notice, to the Settlement Officer and the African Advisory Committee why his name and the names of any other registered persons, who are authorized to occupy with him the area of land entered against his name in the register, should not be expunged from the register.

(3) The registered person shall appear personally in answer to the notice to show cause why his name should not be expunged from the register, and the case shall be heard by the Settlement Officer, with at least three members of the African Advisory Committee sitting as assessors; the Settlement Officer shall ask the opinions of the members of the African Advisory Committee but shall not be bound by their opinions:

Provided that, where the opinion of the majority of the members of the African Advisory Committee differs from the opinion of the Settlement Officer, the matter shall be referred to the council, whose decision shall be final.

(4) Where the registered person has failed to show cause to the satisfaction of either the Settlement Officer or the council, as provided in the proviso to paragraph (3) of this rule, his name, and the names of all other registered persons who are authorized to occupy with him the area of land specified in the licence issued to him, shall be expunged from the register, and he and such other persons shall be required to remove themselves and their stock from the area within such time as the Settlement Officer may specify.

[Subsidiary]

(5) Any registered person who is required under paragraph (4) of this rule to remove himself from the settlement area shall be entitled to receive from the Government compensation for any standing crops, buildings or improvements which he is compelled to abandon, at such rates as may be fixed by a committee of arbitration appointed under paragraph (6) of this rule.

(6) Where any registered person is required to remove himself from the settlement area under paragraph (4) of this rule, the Settlement Officer shall appoint a committee of arbitration consisting of himself as chairman, an agricultural officer and a representative of the African District Council to determine the amount of compensation to be paid to the registered person under paragraph (5) of this rule.

10. In addition to the provisions of rule 9 of these Rules, any person who is guilty of an offence under these Rules shall be liable to a fine not exceeding five hundred shillings or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

SCHEDULE

(r. 2)

THE LAMBWE VALLEY SETTLEMENT AREA

The area of land in the South Nyanza District the boundaries whereof are delineated on a plan signed by the Provincial Commissioner and the Acting Chief Native Commissioner and deposited at the Settlement Officer's Office.

THE TRUST LAND (SARORA) RULES

G.N.1343/1955,
L.N. 625/1963.

1. These Rules may be cited as the Trust Land (Sarora) Rules.

2. In these Rules—

“headman” means any person appointed as a headman of the settlement area;

“register” means the register kept under rule 5 of these Rules;

“registered person” means a person whose name is entered in the register;

“settlement area” means the area described in the Schedule to these Rules;

“Settlement Officer” means the District Commissioner or any person appointed by the Chairman of the Provincial Council to be in charge of the area for the purposes of these Rules;

“stock” means any bovine, sheep, goat, mule, donkey or swine.

3. (1) The Settlement Officer shall appoint a committee to be known as the African Advisory Committee to advise him upon the exercise of his powers,

[Subsidiary]

duties and functions under these Rules.

(2) Such Committee shall consist of a headman or headmen of the settlement area and at least three other persons to be nominated by the Settlement Officer after consultation with the registered persons in the settlement area.

4. No person, other than a registered person, shall within the settlement area occupy any land or possess, herd or depasture any stock.

5. The Settlement Officer shall keep a register in which he shall enter the names of Africans and such members of their families and their dependants and such stock and such area of land for occupation by the registered person as may be approved by the Settlement Officer.

6. (1) The Settlement Officer shall furnish to any person desirous of being registered a copy of these Rules, for which he shall obtain a receipt, and shall, before effecting such registration, explain the contents of these Rules and satisfy himself that the applicant understands them.

(2) Any registered person shall have the right, subject to the provisions of these Rules, to occupy such area of land, and to herd and depasture such number and kinds of stock, as may be entered against his name in the register.

(3) Every registered person shall on registration and as a condition of registration nominate a person who, in the event of the registered person's death, shall inherit the right to occupy the area of land allocated to the registered person, and such beneficiary shall, if he accepts the inheritance, be subject to the provisions of these Rules.

(4) The right of any registered person so to occupy land in the settlement area shall be subject to the following conditions—

- (a) the registered person shall make to the Sirikwa County Council such payment as may be prescribed by the Provincial Commissioner;
- (b) the registered person shall demarcate and cultivate such areas of land within the settlement area as the Settlement Officer may specify;
- (c) the registered person shall not possess, herd or depasture within the settlement area any stock other than such stock as are entered against his name in the register by the Settlement Officer, and such registered person shall if the Settlement Officer so requires remove from the settlement area such stock as may be in excess of the number entered against his name in the register and dispose of them by sale:

Provided that such registered person shall not be required to sell such excess stock if he can prove to the satisfaction of the Settlement Officer that he can dispose of them satisfactorily in any other manner;

[Subsidiary]

- (d) the registered person shall comply with all such instructions as may, from time to time, be given by the Settlement Officer in regard to the branding, dipping, inoculating, herding, grazing and watering of stock, and in regard to the production and use of manure and compost;
- (e) the registered person shall take such measures as the Settlement Officer may direct for the preservation of the fertility of the soil and for the prevention of erosion;
- (f) the registered person shall comply with all orders from the Settlement Officer for the eradication and control of tsetse fly, including the felling, stumping and clearing of such trees and vegetation, as the Settlement Officer may from time to time direct:
- (g) the registered person shall comply with all such directions as the Settlement Officer may issue in regard to the type and area of any crops, including fodder crops or trees to be planted, and with regard to the production of silage or hay;
- (h) the registered person shall erect and maintain his dwelling and other buildings to the satisfaction of the Settlement Officer;
- (i) the registered person shall not, except with the permission of the Settlement Officer, allow any person who is not a registered person to reside on or to cultivate any land in the settlement area which the registered person is authorized to occupy;
- (j) the registered person shall take all measures in relation to his plots and holdings as the Settlement Officer or the Medical Officer of Health may, from time to time, require for the maintenance of the health of persons within the settlement area.

7. (1) The Settlement Officer may, in writing, authorize any person named in such writing to uproot, graze or otherwise dispose of any crop planted in wilful contravention of any lawful order, direction or requirement given to a registered person under rule 6 of these Rules; and no compensation shall be payable for any crop which has been so uprooted, grazed or otherwise disposed of.

(2) The Settlement Officer may, by order in writing, authorize any person to perform any of the acts which he himself is empowered to perform by these Rules:

Provided that the powers conferred by paragraph (1) of rule 7 of these Rules may not be delegated by the Settlement Officer to any other person.

8. (1) Where the Settlement Officer is satisfied that a registered person has not complied with any of the provisions of these Rules, or of any lawful order, direction or requirement issued thereunder, or under any other law for the time being in force, or with the Rules of good husbandry, he shall serve written notice upon the registered person warning him to that effect, and requiring him

[Subsidiary]

to take such steps, within such period, as may be specified in such notice to remedy his default.

(2) Where the registered person has failed, on the expiration of such period, to comply with the terms of such notice, the Settlement Officer shall, by notice in writing, call upon the registered person to show cause, on a date to be specified in the notice, to the Settlement Officer and the African Advisory Committee why his name and the names of any other registered persons who are authorized to occupy with him the area of land entered against his name in the register should not be expunged from the register.

(3) The registered person shall appear personally in answer to the notice to show cause, and the case shall be heard by the Settlement Officer, with at least three members of the African Advisory Committee sitting as assessors; the Settlement Officer shall ask the opinions of the members of the African Advisory Committee but shall not be bound by their opinions:

Provided that, where the opinion of the majority of the members of the African Advisory Committee differs from the opinion of the Settlement Officer, the matter shall be referred to the council, whose decision shall be final.

(4) Where the registered person has failed to show cause to the satisfaction of either the Settlement Officer or the council, as provided in the proviso to paragraph (3) of this rule, his name, and the names of all other registered persons who are authorized to occupy with him the area of land entered against his name in the register, shall be expunged from the register, and he and such other persons shall be required to remove themselves and their stock from the area within such time as the Settlement Officer may specify.

(5) (a) Any registered person who is required, under paragraph (4) of this rule, to remove himself from the settlement area shall be entitled to receive from the African District Council compensation for any standing crops, buildings or improvements which he is compelled to abandon, at such rates as may be fixed by a committee of arbitration appointed under paragraph (6) of this rule.

(b) The African District Council shall have power to dispose of the standing crops, buildings or improvements for which compensation has been paid in such a manner as it sees fit, and, if such effects are sold, to credit the sale proceeds to its own funds.

(6) Where any registered person is required to remove himself from the settlement area under paragraph (4) of this rule, the Settlement Officer shall appoint a committee of arbitration consisting of himself as chairman, an agricultural officer and a representative of the Nandi African District Council to determine the amount of compensation to be paid to the registered person under paragraph (5) of this rule.

9. Any person who contravenes or fails to comply with any of these Rules, or with any order, direction or requirement lawfully given thereunder, shall be guilty of an offence.

[Subsidiary]

10. Any person who is guilty of an offence under these Rules shall be liable to a fine not exceeding five hundred shillings or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment, in addition to, or in lieu of, any other penalty prescribed by these Rules.

SCHEDULE

(r. 2)

SARORA SETTLEMENT AREA

An area of land situated in the Nandi District.

Commencing at the intersection on the south-western boundary of a portion of Government land (orig. L.R. No. 3134) of an unnamed tributary of the Kipkarren River which tributary forms the north-western boundary of a portion of Government land (orig. L.R. No. 7140);

thence up-stream by the course of the latter tributary in a generally south-westerly direction to the intersection of the generally south-western boundary of that portion;

thence continuing up-stream by the course of the aforementioned tributary in a generally north-westerly direction to the intersection of the generally western boundary of an unnumbered portion of Government land lying immediately west of the portion referred to above as orig. L.R. No. 7140;

thence generally southerly by the western boundaries of that unnumbered portion of Government land to a beacon on the generally north-western boundary of a portion of Government land (orig. L.R. No. 6957);

thence continuing in a southerly and south-easterly direction by the above boundary and the generally south-western boundary of that portion to its intersection with the generally north-western boundary of a portion of Government land (orig. L.R. No. 3159);

thence in a generally south-westerly direction by part of the latter boundary and the western boundaries of portions of Government land (orig. L.R. Nos. 3160 and 7489) to a beacon at the southwest corner of the latter portion;

thence easterly by the southern boundary of that portion of Government land (orig. L.R. No. 7489) to its intersection with the generally western boundary of that portion of Government land (orig. L.R. No. 7411);

thence generally south-westerly and south-easterly by part of the generally western boundary and the south-western boundary of the latter portion to a beacon at its most southerly corner;

thence continuing south-easterly by the generally southern boundary of an unnumbered portion of Government land to the intersection of that boundary

[Subsidiary]

with the generally southern boundary of a portion of Government land (orig. L.R. No. 3161);

thence continuing south-easterly by part of the latter boundary and the southern boundaries of portions of Government land (orig. L.R. Nos. 3150, 3149, 3148 and 3147) to a beacon at the southeast corner of the latter portion;

thence north-easterly by the eastern boundary of the latter portion and the eastern boundary of a portion of Government land (orig. L.R. No. 3151) and continuing to a beacon at the most southerly corner of a portion of Government land (orig. L.R. No. 3120);

thence north-westerly by the south-western boundaries of that portion of Government land (orig. L.R. No. 3120) and L.R. No. 3121, the north-eastern boundary of an unnumbered portion of Government land lying to the west, and continuing north-westerly by the north-eastern boundary of a portion of Government land (orig. L.R. No. 7140) to the point of commencement.

THE TRUST LAND (KAIMOSI) RULES

L.N. 20/1958,
L.N. 107/1963,
L.N. 625/1963.

1. These Rules may be cited as the Trust Land (Kaimosi) Rules.

2. In these Rules—

“headman” means the person appointed to be headman of the settlement area;

“register” means the register kept under rule 5 of these Rules;

“registered dependant” means any person whose name is entered in the register as being a member of the family or a dependant of a registered person;

“registered person” means any person whose name is entered in the register, and “registered” shall be construed accordingly;

“settlement area” means the area the boundaries of which are set forth in the First Schedule to these Rules;

“Settlement Officer” means the District Commissioner or any person appointed by the Chairman of the Provincial Council to be in charge of the area for the purposes of these Rules;

“stock” includes cattle, sheep, goats, horses, mules, donkeys and swine.

3. (1) There shall be established a committee, to be known as the Kaimosi Settlement Committee, to advise the Settlement Officer upon the proper carrying out of the provisions of these Rules.

[Subsidiary]

(2) The Committee shall consist of—

- (a) the Settlement Officer, who shall be chairman;
- (b) the headman; and
- (c) not less than three persons appointed by the Settlement Officer after consultation with the registered persons in the settlement area.

(3) The members of the committee, other than *ex officio* members, shall hold office for three years, but shall be eligible for reappointment.

4. No person, other than a registered person, shall occupy any land within the settlement area, or keep, herd or depasture any stock therein.

5. (1) The Settlement Officer shall keep a register in which shall be entered the name of every African approved by him to be a registered person, together with the names of his registered dependants, the details of the stock permitted to him, the area of land which he may occupy and on which he may depasture his stock and the name of his successor.

(2) The registration of any person shall, subject to the provisions of these Rules, confer upon the registered person the right to occupy such area of land and to keep, herd and depasture thereon the number and kind of stock entered against his name in the register.

6. (1) Any person desirous of becoming a registered person shall make application to the Settlement Officer, who shall furnish him with a copy of these Rules and shall obtain a receipt therefor.

(2) The Settlement Officer may, in his sole discretion, if he is satisfied that the applicant understands these Rules, approve the application and cause the applicant's name to be entered in the Register:

Provided that no person shall become a registered person until he has nominated another who shall, in the event of the registered person's death, assume the rights and liabilities prescribed by these Rules.

(3) The Settlement Officer shall, when he approves an application to become a registered person, inform the applicant of the number of dependants who shall be registered as being permitted to live with him in the settlement area, and of the number and kinds of stock which he may keep, herd or depasture therein.

7. (1) Every registered person shall—

- (a) pay to the Settlement Officer the fees specified in the Second Schedule to these Rules;
- (b) demarcate and cultivate such area of land within the settlement area as may be specified by the Settlement Officer;

[Subsidiary]

- (c) comply with all such instructions as may, from time to time, be issued by the Settlement Officer in regard to the branding, dipping, inoculating, herding, grazing and watering of stock and in regard to the production and use of animal manure and compost;
 - (d) take such measures as the Settlement Officer may order for the preservation of the fertility of the soil and the prevention of erosion;
 - (e) declare to the Settlement Officer the natural increase of his permitted stock and comply with any instructions issued by the Settlement Officer as to their disposal;
 - (f) comply with all orders from the Settlement Officer for the eradication and control of tsetse fly, including the felling, stumping and clearing of such trees and vegetation as the Settlement Officer may, from time to time, direct;
 - (g) comply with all such directions as the Settlement Officer may issue in regard to the type and the area of planting of any crops, including fodder crops or trees and with regard to the production of silage or hay;
 - (h) erect and maintain his dwelling and other buildings to the satisfaction of the Settlement Officer;
 - (i) take all measures in relation to his plots and holdings as the Settlement Officer or the Medical Officer of Health may, from time to time, require for the maintenance of the health of the inhabitants of the settlement area; and
 - (j) obey all orders and instructions issued by the Settlement Officer for the better carrying out of the provisions of these Rules.
- (2) No registered person shall—
- (a) keep, herd or depasture within the settlement area any stock in excess of the number entered against his name in the register; or
 - (b) allow, except with written permission of the Settlement Officer, any person, other than a registered dependant, to reside on or cultivate any land within the settlement area which the registered person is authorized to occupy.
- (3) The Settlement Officer shall pay all fees received by him under paragraph (1) (a) of this rule to the African District Council of Nandi.
- (4) The Settlement Officer may in his discretion remit or reduce any fee prescribed in the Second Schedule to these Rules in any individual case of hardship or for any other good reason.

[Subsidiary]

8. (1) Where any stock in excess of the number entered against the name of a registered person in the register, such excess stock not having been declared under subparagraph (e) of paragraph (1) of rule 7 of these Rules, is found in the possession or under the control of such person within the settlement area, the Settlement Officer may order the registered person to remove such excess stock from the settlement area within such reasonable time as he may specify.

(2) In the event of any excess stock not being removed from the settlement area within the specified time, the Settlement Officer may seize such excess stock and sell it and, if he thinks fit, pay the proceeds or a portion of them to such registered person.

9. (1) The Settlement Officer may cause to be uprooted or grazed or may otherwise dispose of any crop planted in contravention of any direction lawfully issued under rule 7 of these Rules.

(2) No compensation shall be payable in respect of any crop so uprooted, grazed or otherwise disposed of.

10. The Settlement Officer may, in writing under his hand, delegate to any person by name or to the person for the time being holding any office the exercise of any of the powers and performance of any of the duties vested in him by these Rules:

Provided that the powers conferred by rules 6, 9 and 12 of these Rules shall not be delegated by the Settlement Officer to any person.

11. Where it appears to the Settlement Officer that any registered person has not complied with the provisions of these Rules or of any lawful order, direction or requirement issued thereunder, or of any other written law for the time being in force, he shall serve written notice upon the registered person informing him of his apparent default and requiring him to do or to refrain from doing within such reasonable time as may be specified in the notice all such acts as are necessary to discontinue such default.

12. (1) Where, on the expiration of the time specified in a notice served under rule 11 of these Rules, the registered person fails to comply with the requirements of the notice, the Settlement Officer shall, by a further notice in writing, call upon the registered person to show cause, on a date to be specified in such notice, why his name and the names of his registered dependants should not be struck off the register.

(2) Where a registered person upon whom a notice under paragraph (1) of this rule has been served fails to show cause to the satisfaction of the Settlement Officer (who shall be assisted by not less than three members of the Kaimosi Settlement Committee) why his name and the names of his registered dependants should not be struck off the register, the Settlement Officer may thereupon order that his name and the names of his registered dependants be struck off the register:

Provided that, where the majority of the members of the Kaimosi

[Subsidiary]

Settlement Committee disagree with the decision of the Settlement Officer, the matter shall be referred to the council, whose decision shall be final.

(3) Where the Settlement Officer or the council, as the case may be, has ordered that the name of any registered person and the names of his registered dependants be struck off the register, such registered person and his registered dependants shall, together with such registered person's stock, remove themselves from the settlement area within such time as the Settlement Officer may specify, and, if they fail or neglect so to do, they may be removed therefrom.

(4) An order by the Settlement Officer or the Provincial Commissioner that the name of a registered person be struck off the register shall, from the date of the making thereof, operate to extinguish all the rights and benefits prescribed by these Rules.

(5) Where the name of a registered person has been struck off the register, the Nandi African District Council shall, if so advised by the Kaimosi Settlement Committee, make to such person a payment based upon the value of the permanent improvements upon the area which that person had, before his name was struck off the register, occupied under these Rules, and may recover the sum so paid from any person next registered in the register as the occupier of such land.

13. Any person who contravenes or fails to comply with the provisions of these Rules or of any order, direction or requirement lawfully given thereunder shall be guilty of an offence and, in addition to any other action which may be taken under these Rules, liable to a fine not exceeding five hundred shillings or to imprisonment for a term not exceeding two months, or to both such fine and such imprisonment.

FIRST SCHEDULE

(r. 2)

KAIMOSI SETTLEMENT AREA

An area of about 6,753 acres comprising portions originally known as L.R. Nos. 1900/2, 6068, 1901, 1902, 6734, 6735, 6736/2, 1904 and 1906 and part of the 100-foot wide surveyed road reserve between portions originally known as L.R. Nos. 1901 and 1902 aforesaid. The area is wholly within, and forms part of, the Nandi Land Unit, and adjoins and lies to the east of the Kakamega African Forest Reserve, and adjoins and lies to the south-west of the North Nandi African Forest Reserve, and is situate approximately eight miles west of Kapsabet Township. The boundaries of this area are as follows—

Commencing at the trigonometrical beacon Kipsogur on the common boundary of the Nandi and Kavirondo Land Units at a point where that common boundary meets the generally eastern boundary of the Kakamega African Forest Reserve;

[Subsidiary]

thence by that common boundary aforesaid on a true bearing of $100^{\circ} 30' 46''$ for a distance of 2,086.5 feet to a beacon 19 N.E.;

thence on a true bearing of $171^{\circ} 57' 20''$ for a distance of 7,877.1 feet to a beacon A.aps.Eng.;

thence on a true bearing of $66^{\circ} 45' 20''$ for a distance of 7,351.0 feet to a beacon Choroï on the generally western boundary of the North Nandi African Forest Reserve;

thence on a true bearing of $166^{\circ} 24' 36''$ for a distance of 8,951.9 feet to a beacon Kipyamyuri at the northernmost corner of L.R. No. 6736/1;

thence by the north-western boundary of L.R. No. 6736/1, aforesaid, on a true bearing of $205^{\circ} 44' 49''$ for a distance of 3,768.0 feet to a beacon M2;

thence continuing by the western boundary of L.R. No. 6736/1, aforesaid, on a true bearing of $180^{\circ} 30' 10''$ for a distance of 410.3 feet to a beacon M1 situate at its southernmost corner;

thence on a true bearing of $233^{\circ} 24' 50''$ for a distance of 3,662.1 feet to a beacon Rd.3;

thence continuing on a true bearing of $233^{\circ} 24' 50''$ for a distance of 468.7 feet to a beacon Headwaters I;

thence on a true bearing of $235^{\circ} 07' 59''$ for a distance of 2,564.1 feet to a beacon Headwaters II;

thence on a true bearing of $274^{\circ} 20' 58''$ for a distance of 6,397.8 feet to a beacon River III;

thence on a true bearing of $318^{\circ} 46' 15''$ for a distance of 3,423.3 feet to a beacon K.R.14S on the south-eastern boundary of a road reserve;

thence by a straight line crossing the road reserve on a true bearing of approximately 300° for a distance of approximately 100 feet to a beacon K.R.14N on the north-western boundary of the aforesaid road reserve;

thence by that road reserve boundary, to a beacon K.R.1N, through intermediate beacons as follows—

<i>From beacon</i>	<i>To beacon</i>	<i>True bearing</i>	<i>Distance Feet</i>
K.R.14N	K.R.13N	$214^{\circ} 30' 39''$	392.11
K.R.13N	K.R.12N	$175^{\circ} 41' 07''$	682.72
K.R.12N	L	$209^{\circ} 52' 46''$	933.66
L	K.R.8N	$277^{\circ} 32' 29''$	1,497.30
K.R.8N	K.R.7N	$345^{\circ} 05' 10''$	197.53
K.R.7N	K.R.6N	$287^{\circ} 33' 33''$	451.60
K.R.6N	1	$254^{\circ} 07' 46''$	57.41
1	K.R.5N	$254^{\circ} 07' 46''$	212.09

[Subsidiary]

K.R.5N	K.R.4N	191° 23' 29"	397.86
K.R.4N	K.R.3N	146° 01' 20"	83.40
K.R.3N	K.R.2N	191° 30' 15"	280.14
K.R.2N	K.R.1N	146° 09' 20"	299.61

thence continuing by the aforesaid road reserve boundary on a true bearing of 168° 11' 00" for a distance of 109.2 feet to its intersection with the centre line of the Yala River;

thence downstream, by the centre line of the Yala River aforesaid, which, in the vicinity of the islands, shall be taken as the centre line of the northern or upper channel, to a point thereon where a line which bears 198° 24' 53" and is distant 750 feet from a beacon 13 SW, which is situate on the northern bank of the said river, intersects it, this point of intersection being on the common boundary of the Nandi and the Kavirondo Land Units;

thence by that common boundary of the Nandi and the Kavirondo Land Units in a straight line to the beacon 13 SW, aforementioned;

thence continuing by that common boundary aforesaid on a true bearing of 18° 24' 53" for a distance of 10,298.4 feet to a beacon F.E. situate on the generally eastern boundary of the Kakamega African Forest Reserve;

thence by that boundary of the Kakamega African Forest Reserve coterminous with the common boundary of the Nandi and the Kavirondo Land Units on a true bearing of 93° 42' 22" for a distance of 5,036.8 feet to a beacon R.B.;

thence continuing by that boundary of the Forest Reserve coterminous with the common boundary aforesaid on a true bearing of 21° 35' 28", for a distance of 12,908 feet to a trigonometrical beacon Kipsogur, the point of commencement.

SECOND SCHEDULE (r. 7)

FEEES

Sh. cts

1. Grazing fees—

- (a) for each head of cattle per month 50
- (b) for every three head of stock other than cattle, per month.. . . . 50

2. Occupation fees: for each plot of land, either—

- (a) per annum.. . . . 120 00
- (b) per month.. . . . 10 00

[Subsidiary]

L.N. 267/1961,
L.N. 589/1961,
L.N. 625/1963.

THE TRUST LAND (MERU CONCESSIONAL AREA) RULES

1. These Rules may be cited as the Trust Land (Meru Concessional Area) Rules, and shall apply to the area known as the Meru Concessional Area the boundaries of which are set out in the First Schedule to these Rules.

2. In these Rules—

“area” means the area to which these Rules apply;

“dependant” means, in relation to a licensee, his father and mother and such of his children as are unmarried and under the age of eighteen years;

“licence” means a licence, granted under rule 4 of these Rules, to occupy the area or any portion thereof;

“licensee” means any group, family or individual to whom a licence has been granted, and includes any person who succeeds a licensee, or who acts for such a successor under rule 6 of these Rules;

“register” means the register kept under paragraph (2) of rule 4 of these Rules;

“registered dependant” means any person whose name is entered in the register as being a dependant of a licensee;

“Settlement Officer” means the District Commissioner or any person appointed by the Chairman of the Provincial Council to be in charge of the area for the purposes of these Rules;

“stock” means any bull, cow, bullock, heifer, calf, ox, sheep, goat, mule, donkey, camel or swine, and includes poultry and domestic animals.

3. Any person who possesses, herds or depastures stock otherwise than under and in accordance with the terms of a valid licence in respect of which he is the licensee under these Rules shall be guilty of an offence.

4. (1) Every licence shall be in the form in the Second Schedule to these Rules, and shall be prepared in duplicate; the original shall be given to the licensee and the duplicate to the Settlement Officer.

(2) The Settlement Officer shall keep a register in which shall be entered the name of every licensee, together with the names of his dependants, the details of the stock permitted to him, a description of the area which he may occupy and in which he may depasture his stock and the name of the person nominated as the licensee’s successor as hereinafter provided.

5. (1) Before delivering the licence to the licensee, the Settlement Officer shall—

(a) cause these Rules to be read and explained to the applicant in a language which he understands;

[Subsidiary]

(b) give the applicant a copy of these Rules; and

(c) obtain from the applicant in writing a receipt for the Rules, an acknowledgement that he understands them and an undertaking to observe them; such receipt, acknowledgement and undertaking shall be in the form in the Third Schedule to these Rules.

(2) On delivering the licence to the licensee, the Settlement Officer shall inform him of the number of his registered dependants and the number and kinds of stock which he may keep, herd or depasture, and the fees and rents payable under paragraph (a) of rule 7 of these Rules.

6. (1) Within one year of being granted a licence, the licensee may nominate another who shall, in the event of the licensee's death, assume the rights and liabilities prescribed by these Rules.

(2) No person nominated as successor may succeed until he reaches the age of eighteen years; if he has not reached that age, his family or section shall select a person who shall act for him and shall assume the rights and liabilities prescribed by these Rules until the successor reaches the age of eighteen years; and if no such person is selected who is able and willing to act the licence shall be terminated.

7. A licence shall entitle the licensee to occupy and use the land defined therein subject to the following conditions—

(a) the licensee shall pay such dues as may be prescribed by the Provincial Council;

(b) the licensee shall himself reside in the area and shall erect and maintain therein a dwelling-house and any other necessary buildings to the satisfaction of the Settlement Officer:

Provided that—

(i) such dwelling-house and outbuildings shall be built only of temporary materials;

(ii) no compensation shall be payable to a licensee in respect of such dwelling-house and outbuildings in the event of his being ordered to vacate or move such dwelling-house and outbuildings;

(c) the licensee shall not, except with the permission of the Settlement Officer, keep, herd or depasture any stock in excess of the number of stock entered on his licence;

(d) the licensee shall comply with all instructions which may from time to time be given by the Settlement Officer in writing with regard to the branding, dipping, inoculating, herding, grazing or watering of stock, the preservation of fertility of the soil and the prevention of soil erosion, the felling, stumping and clearing of

[Subsidiary]

trees and vegetation and the production of silage and hay, or by the Settlement Officer or the Medical Officer of Health in writing with regard to the welfare, health and good discipline of the inhabitants of the area;

- (e) the licensee shall declare to the Settlement Officer the natural increase of his permitted stock and comply with any instructions issued by the Settlement Officer as to their disposal.

8. Any licensee who fails to comply with any of the conditions set out in rule 7 of these Rules, or with any lawful order or instruction issued thereunder, shall be guilty of an offence.

9. (1) Where any stock in excess of the numbers entered in the licence which has not been declared under paragraph (e) of rule 7 of these Rules is found in the possession or under the control of any licensee within the area, the Settlement Officer may order the licensee to remove such excess stock from the area within such reasonable time as he shall specify.

(2) If the licensee fails within such time to comply with such order, the Settlement Officer may confiscate and sell such excess stock, paying the proceeds thereof, less any expenses of the sale, to the licensee.

10. The Settlement Officer may, by order in writing, authorize any person named in such order to perform such of the acts which he himself is authorized by these Rules to perform, as may be specified in such order:

Provided that—

- (i) an appeal shall lie to the Settlement Officer against any order issued by a person authorized under this rule;
- (ii) the power conferred by rule 5 of these Rules shall not be so delegated.

FIRST SCHEDULE

(r. 1)

MERU CONCESSIONAL AREA

That area of the Meru Land Unit commonly known as the Meru Concessional Area contained within the following boundaries—

Commencing where the eastern boundary of Isiolo Township intersects the main road from Isiolo to Wajir;

thence continuing northwards and westwards by that boundary to its intersection with the Isiolo River;

thence downstream by the centre line of that river to its intersection with the Northern Frontier District boundary in the vicinity of the old K.A.R. Wagon Camp;

thence north-easterly by that district boundary in a straight line to the southern of the two principal summits of Shaba Hill;

thence southerly by a straight line to a beacon on the main road from Isiolo to Wajir twenty miles from Isiolo;

thence south-westerly by that road to the point of commencement.

SECOND SCHEDULE (r. 4 (1))

LICENCE

Under the Trust Land (Meru Concessional Area) Rules

....., son of, of the District of the Northern Province, is hereby authorized to occupy that part of the Meru Land Unit commonly known as the Meru Concessional Area as described in the Trust Land (Meru Concessional Area) Rules, and to keep thereon not more than the following number of stock—

..... Bulls	..... Cow
..... Oxen	..... Sheep
..... Heifers	..... Mules
..... Goats	..... Camels
..... Donkeys	.....[Other stock or domestic animals]

subject to the conditions prescribed by the Trust Land (Meru Concessional Area) Rules.

Dated this day of, 19.....

.....
Settlement Officer

In accordance with rule 5 of the said Rules, I have caused those Rules to be read and explained to the above-named licensee in the..... language, which he understands.

Date.....
.....
Settlement Officer

.....
Signature or thumb-print
of licensee

.....
Witness

[Subsidiary]

THIRD SCHEDULE

(r. 5 (1))

ACKNOWLEDGEMENT AND UNDERTAKING

I,, son of, of the.....
District of the Northern Province, hereby acknowledge receipt of
 a copy of the Trust Land (Meru Concessional Area) Rules. I have had these
 Rules explained to me and I fully understand them and I undertake to observe
 all these Rules.

Licence No.

Date.....

Signature or thumb-print
 of licensee

.....
 Witness

L.N. 535/1962,
 L.N. 625/1963.

THE TRUST LAND (IRRIGATION AREAS) RULES

1. These Rules may be cited as the Trust Land (Irrigation Areas) Rules,
 and shall apply to such areas of Trust land as the Minister may, by notice in the
 Gazette, declare to be irrigation areas.

2. In these Rules, except where the context otherwise requires—

“African court” means the African court having jurisdiction in the
 area;

“area” means any area declared to be an irrigation area under rule 1 of
 these Rules;

“authorized dependant” means, in relation to a licensee, his father and
 mother, wives and such of his children as are unmarried and under the age of
 eighteen years;

“committee” means an irrigation committee appointed under rule 3 of
 these Rules;

“holding” means that part of an area specified in a licence;

“licence” means a licence granted under rule 4 of these Rules;

“licensee” means any person to whom a licence has been granted, and
 includes any person who succeeds a licensee under rule 7 of these Rules;

“manager” means such person as may from time to time be appointed
 by the Minister to be in charge of an irrigation area.

[Subsidiary]

3. (1) The Minister may appoint a committee for any area, such committee to be known as an irrigation committee, to be responsible for advising the manager on the general administration of the area in accordance with Government policy.

(2) Such committee may either be the District Agricultural Committee of the district in which the area is situate or may be composed of such members as the Minister may appoint.

4. Any person who resides in, carries on business in, or occupies any part of the area or grazes any stock thereon shall, unless he is the holder of a valid licence granted to him under these Rules by the manager with the approval of the committee or is the authorized dependant of such licensee, be guilty of an offence.

5. (1) Every licence shall be in the form in the First Schedule to these Rules, and shall be prepared in duplicate; the original shall be given to the licensee and the duplicate shall be retained by the manager.

(2) The manager shall maintain a register in which he shall enter the name of every licensee, the number of his holding and the names of his authorized dependants.

(3) The manager shall also maintain a separate register in which he shall enter the name of any successor nominated by the licensee under rule 7 of these Rules, together with the number of the holding in respect of which the successor has been nominated.

6. Before issuing a licence, the manager shall—

- (a) cause these Rules to be read and explained to the licensee in a language which he understands;
- (b) give the licensee a copy of these Rules; and
- (c) obtain from the licensee, in the form in the Second Schedule to these Rules, a receipt for the Rules, an acknowledgement that he understands them and an undertaking to observe them.

7. (1) A licensee may, at any time after the date of being granted a licence, nominate, in writing to the manager, another person to succeed him as licensee in the event of his death; and a licensee may at any time, in writing to the manager, revoke or alter any such nomination which may have been made by him:

Provided that no person nominated as successor may succeed until he has attained the apparent age of eighteen years; if he has not reached that age, his guardian under customary law may, within one month of the licensee's death, and with the approval of the manager, appoint a person to act on his behalf until the successor is of age.

(2) No person nominated as a successor may succeed without the approval

[Subsidiary]

of the committee.

(3) The authorized dependant of a deceased licensee may, within thirty days of his death, appeal to the African court against the nomination, under paragraph (1) of this rule, of a successor.

(4) The authorized dependant may—

- (a) where a licensee dies without having nominated a successor in accordance with paragraph (1) of this rule; or
- (b) where, under paragraph (3) of this rule, an appeal to the African court against the nomination of a successor has been successful,

within one month of the death of the licensee or one month after the determination of the appeal, as the case may be, nominate, in writing to the manager, a successor who must be approved by the African court.

(5) In the event of—

- (a) no person being appointed within the time prescribed in the proviso to paragraph (1) of this rule; or
- (b) no person being nominated within the time prescribed in paragraph (4) of this rule; or
- (c) any person nominated or appointed under this rule failing to accept such nomination or appointment or failing to assume the responsibilities inherent in such nomination or appointment within a period of three months from the death of the licensee; or
- (d) no successor being acceptable to the committee,

the holding shall be deemed to have been vacated, the licence in respect of such holding shall terminate, and a fresh licence may be granted in accordance with rules 5 and 6 of these Rules.

(6) In the event of a holding being deemed to have been vacated in terms of paragraph (5) of this rule—

- (a) the manager may make provision for the cultivation of any such holding and where appropriate recover the costs from the incoming licensee; and
- (b) in accordance with rule 23 of these Rules reasonable compensation may be paid to the authorized dependant of a licensee in respect of any improvement to the holding effected by the licensee.

8. (1) Every licence shall be granted subject to the following conditions—

[Subsidiary]

- (a) a licensee shall devote his full personal time and attention to the cultivation and improvement of his holding and shall not, without the permission, in writing, of the manager, allow any other person to occupy his holding or to cultivate it on his behalf;
- (b) a licensee shall maintain the boundaries of his holding in a manner satisfactory to the manager;
- (c) a licensee shall maintain at all times his holding and all field, feeder and drainage channels to the satisfaction of the manager;
- (d) a licensee shall maintain to the satisfaction of the manager all irrigation channels and works on or serving his holding;
- (e) a licensee shall cultivate his holding to the satisfaction of, and in accordance with the crop rotation laid down by, the manager, and shall comply with all instructions given by the manager relating to the cultivation and irrigation of his holding;
- (f) a licensee shall comply with all instructions given by the manager with regard to good husbandry, the branding, dipping, inoculating, herding, grazing or watering of stock, the production and use of manure and compost, the preservation of the fertility of the soil, the prevention of soil erosion, the planting, felling, stumping and clearing of trees and vegetation and the production of silage and hay;
- (g) a licensee shall not hire, cause to be hired, or employ stock or machinery for cultural operations, other than stock and machinery owned by the manager, without prior approval, in writing, from the manager;
- (h) a licensee shall not absent himself from the area for longer than one month without prior approval, in writing, of the manager.

(2) Any licensee who fails to comply with the conditions specified in paragraph (1) of this rule shall be guilty of an offence.

(3) Any licensee who refuses, or without reasonable excuse fails, to comply with any of the conditions of this rule shall, in addition to any penalty that may be imposed under paragraph (2) of this rule, be liable to have his licence terminated, subject to confirmation by the committee, by the manager.

9. (1) A licensee shall pay to the manager, on demand, such rates in respect of water and other services in respect of his holding as shall be calculated in accordance with rates prescribed by the Minister from time to time.

(2) The whole or part of any rates prescribed under paragraph (1) of this rule may be varied or remitted by the Minister, either generally or in any particular case, in his absolute discretion.

[Subsidiary]

10. (1) The manager may allocate to a licensee a house to be occupied by him within the area, or may permit a licensee to erect his own house.

(2) In either event it shall be the duty of the licensee to maintain his house and precincts to the satisfaction of the manager, and if the manager is dissatisfied with the condition of the house or precincts he may give written notice to the licensee of the repairs which he considers necessary and specify a reasonable time within which they must be completed.

(3) If the licensee fails to complete such repairs within the time specified and to the satisfaction of the manager, the manager may cause such repairs to be carried out and may recover the cost thereof from the licensee.

(4) The licensee may not occupy any house other than that allocated to him without prior permission, in writing, from the manager.

(5) A licensee shall not construct buildings or other works of any kind on his holding or elsewhere in the area without the prior consent, in writing, of the manager. In the event of his having erected a structure or building without such consent, the manager may direct, in writing, that the structure be removed and the land returned to its original state. If the licensee fails to comply with this direction within one month, the manager may enter the building or structure for the purpose of demolition. Any expenses incurred by the manager for the removal of the building or structure may be recovered from the licensee.

11. (1) If a licensee is sentenced to imprisonment for a term of six months or more, his licence may be terminated forthwith.

(2) If a licence is terminated under paragraph (1) of this rule, a successor may be nominated or appointed in accordance with rule 7 of these Rules.

12. The manager shall have power to order the destruction of any crops planted in contravention of his instructions or of the provisions of these Rules and to recover the expenses incurred from the licensee. No compensation shall be payable in respect of crops so destroyed.

13. If, in the opinion of the manager, it would be beneficial to a licensee's crops or to all the licensees in the area to cultivate by machinery, or to apply fertilizers, or manure, or to treat any crops or stocks in any way to protect them against disease, pests, or damage of any kind, then the manager may do so and recover the costs thereof from the licensee or licensees.

14. As soon as each crop has been harvested the licensee shall deliver it, other than such portion as he may wish to retain for his own consumption and that of his authorized dependants living with him, to the manager at a collecting station to be appointed by the manager, or shall otherwise dispose of it in accordance with the instructions of the manager.

15. (1) The manager may, when necessary, collect, process and market the crops delivered to him under rule 14 of these Rules and may arrange for the sale of such crops, in which event he shall give the licensees details of the sales of all such crops as soon as possible.

(2) The manager shall not be obliged to keep or sell the crops of individual licensees separately.

16. (1) A licensee shall not keep on his holding any stock other than those specified in his licence and shall declare to the manager annually the natural increase in such stock and shall comply with any instructions issued by the manager as to their disposal.

(2) A licensee who fails to comply with the provisions of paragraph (1) of this rule, or with any instructions issued by the manager thereunder, shall be guilty of an offence, and where any additional undeclared stock is found in the possession of a licensee within the area, the manager may order a licensee to remove such additional stock from the area forthwith.

(3) If a licensee fails to remove his additional stock in accordance with an order to that effect given by the manager under paragraph (2) of this rule, the manager may confiscate and sell such additional stock, paying the proceeds thereof, less any expenses incurred by such confiscation and sale, to the licensee.

17. (1) If, in the opinion of the manager, a licensee has been negligent in the use of his land, the use of irrigation water or the cultivation of his crops, the manager may direct him to take such steps as the manager may specify to remedy the effects of such negligence, and, in the event of a licensee failing to comply with any such directions, the manager may take such measures as he considers necessary to safeguard the crop and to preserve the holding and irrigation water, and may recover the costs of any such measures from the licensee.

(2) If a licensee is absent owing to illness or any other reason, the manager may take such measures as he considers necessary to safeguard the crop and to preserve the holding and irrigation water, and may recover the costs of any such measures from the licensee.

18. A licensee shall not permit any of his stock to be upon any part of the area which is closed to stock or to cause damage to any crops or water installations or communications or other property, and shall be liable to pay the cost of the repair of any damage so caused.

19. (1) Any licensee who wilfully or negligently causes damage or causes to be damaged any road, bridge, or culvert within the area shall be guilty of an offence.

(2) The manager may, where such damage has been caused by a licensee, repair any such damage and shall recover the cost of the repairs to such damage from the licensee.

20. The manager may deduct from the proceeds of the sale, under rules 15 and 16 of these Rules, of any crops or stock belonging to a licensee—

(a) the costs or expenses incurred by the manager—

[Subsidiary]

- (i) in the making of provisions for the cultivation of any holding under rule 7 (6) (a) of these Rules;
 - (ii) in the removal of any building or structure or repairs carried out to any house under rule 10 of these Rules;
 - (iii) in the destruction of any crops under rule 12 of these Rules;
 - (iv) in providing manure, fertilizers, insecticides or any agricultural operations under rule 13 of these Rules;
 - (v) in the collecting, processing and marketing of crops under rule 15 of these Rules;
 - (vi) in remedying the negligence or safeguarding crops or preserving the holding under rule 17 of these Rules;
 - (vii) in repairing any damage caused by stock under rule 18 of these Rules;
 - (viii) in repairing damage under rule 19 (2) of these Rules; and
- (b) any amounts due for rates payable under rule 9 of these Rules, any outstanding amount of any advance made to such licensee for the purpose of the cultivation, irrigation or other improvement of his holding, and such charges as may be agreed to by the Minister on the recommendation of the committee.

Cap. 399.

21. Any person who causes any motor vehicle to be driven within the area over any road other than a public road within the meaning of the Public Roads and Roads of Access Act unless he is in possession of a permit issued by the manager, and unless he complies with all conditions made on such permit by the manager, shall be guilty of an offence.

22. (1) Where the manager is satisfied that a licensee has failed to comply with any of the provisions of these Rules or with any instructions given thereunder or under any other law for the time being in force, he may serve a notice in writing on the licensee requiring him to comply with the said provisions, instructions or rules within such time as is specified in the notice.

(2) If the licensee fails within such time to comply with the requirements of such notice, the manager may, by notice in writing, call upon the licensee to show good cause, by a date specified in the notice, why his licence should not be terminated.

(3) If the licensee fails to show good cause as aforesaid to the satisfaction of the manager, the manager may, with the approval of the committee, give notice in writing to the licensee requiring him to remove himself, his dependants and his stock from the area within a period specified in such notice.

(4) A licensee who is given notice under paragraph (3) of this rule may,

[Subsidiary]

within twenty-eight days of such notice, appeal in writing to the Minister whose decision shall be final.

(5) If there is no appeal, the licence shall be deemed to have terminated on the date specified in the notice.

(6) If there is an unsuccessful appeal, the licence shall terminate on such date as the Minister may specify.

(7) Any person whose licence has been terminated under this rule and who fails to comply with the terms of the notice given him shall be guilty of an offence.

23. Where any licence is terminated in accordance with any of the provisions of these Rules, a board consisting of the manager and one representative of both the outgoing and the incoming licensees, shall assess the amount, if any, due to the outgoing licensee or his dependants in respect of capital and labour expended by him in improving the holding, and the manager shall make arrangements for the payment of such amount by the incoming licensee within such time as the manager considers reasonable.

24. The manager shall have power, in the event of any emergency, to order all licensees to undertake emergency repair work in any part of the area, and any licensee who refuses to obey any such order by the manager shall be guilty of an offence.

25. Subject to the provisions of rules 7, 8, 11 and 22 of these Rules, every licence shall be valid for a period of one year and from year to year thereafter, but may be terminated at any time—

- (a) by the licensee giving to the manager six months' notice in writing of his intention to surrender his licence;
- (b) by the manager, on the instruction of the Minister, giving to the licensee 12 months' notice in writing of his intention to terminate the licence.

26. Any person who—

- (a) unlawfully interferes with the flow of irrigation water in canals or the opening or closing of control gates within the area;
- (b) makes unlawful use of irrigation water by taking irrigation water out of turn or otherwise;
- (c) refuses to permit the authorized passage of irrigation water across his holding;
- (d) wilfully damages or obstructs canals or control works; or
- (e) refuses to accept or drain off irrigation water when required to do so,

[Subsidiary]

shall be guilty of an offence.

27. (1) Any person who is guilty of an offence under these Rules shall be liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding two months, or to both such fine and such imprisonment.

(2) Where any person is convicted of an offence under rule 4 or rule 22 (7) of these Rules, the court may, in addition to any penalty which it may impose, authorize any administrative officer or police officer to cause such person, together with his dependants and property, if any, to be removed from the area.

FIRST SCHEDULE

(r. 5)

THE TRUST LAND (IRRIGATION AREAS) RULES

Licence No.

..... son of
of the district of theProvince, is hereby authorized to occupy holding No.of the.....
irrigation area for the period from the day of, 19....., to the day of, 19....., and from year to year thereafter unless sooner terminated in accordance with the provisions of the above Rules, and to keep thereon not more than the following number of stock—

- bovines
- sheep
- goats
- mules
- donkeys
- [other stock]
-

subject to the conditions prescribed by the above Rules.

Dated this day of, 19.....

.....
Manager

In accordance with rule 6 of the above Rules, I have caused the Rules to be read and explained to the above-named licensee in the language, which he understands.

.....
Manager

[Subsidiary]

SECOND SCHEDULE

(r. 6)

I,, son of,
of thedistrict of the.....
Province, hereby acknowledge receipt of a copy of the Trust Land (Irrigation
Areas) Rules. I have had these Rules explained to me and I fully understand
them and I undertake to observe them and to pay all sums of money payable
by me.

.....
Signature or thumb-print of licensee

.....
Witness

.....
Date

Areas declared to be irrigation areas under rule 1 of the above Rules

The following areas are declared under rule 1 of the Trust Land (Irrigation
Areas) Rules to be irrigation areas—

- (a) the area known as the Perkerra Irrigation Area in the Baringo L.N. 536/1962.
District, the boundaries whereof are set out in the Schedule to
a setting apart Notice published as Gazette Notice No. 4643 of
1959;
- (b) the area known as the Mwea / Tebere Irrigation Area in the Embu L.N. 536/1962.
District, the boundaries whereof are set out in the Schedules to
setting apart Notices published as Gazette Notices Nos. 3090,
3093, 3095, 3096, 3097, 3098, 3099, 3100, 3101, 3102 and 3103
of 1960.

Rules made under section 64 of the Government Lands Act, Cap. 280, and deemed to have been made under section 65**THE TRUST LAND (NORTH YATTA, YATTA PLATEAU
AND ITHANGA) RULES**

L.N. 181/1959,
L.N. 478/1960,
L.N. 625/1963.

1. These Rules may be cited as the Trust Land (North Yatta, Yatta Plateau
and Ithanga) Rules, and shall apply to the areas which on the 31st May, 1963,
constituted the North Yatta Special Reserve, the Yatta Plateau Special Reserve
and the Ithanga Special Reserve, and were then defined in the Fourth Schedule
to the Government Lands Act.

Cap. 280.

2. In these Rules, except where the context otherwise requires—

“African Advisory Committee” means the Committee appointed under
paragraph (1) of rule 3 of these Rules;

[Subsidiary]

“area” means any of the areas to which these Rules apply;

“dependant” means, in relation to a licensee, his father and mother and such of his children as are unmarried and under the age of eighteen years;

“licence” means a licence, granted under rule 4 of these Rules, to occupy the area or any portion thereof;

“licensee” means any group, family or individual to whom a licence has been granted, and includes any person who succeeds a licensee, or who acts for such successor, under rule 7 of these Rules;

“register” means the register maintained in accordance with paragraph (2) of rule 5 of these Rules;

“registered dependant” means any person whose name is entered in the register as being a dependant of a licensee;

“Settlement Officer” means the District Commissioner or any person appointed by the Chairman of the Provincial Council to be in charge of the area for the purposes of these Rules;

“stock” means any bull, cow, bullock, heifer, calf, ox, sheep, goat, mule, donkey or swine, and includes poultry and domestic animals.

3. (1) The Settlement Officer shall appoint a committee, to be known as the African Advisory Committee, to advise him upon the exercise of his powers, duties and functions under rules 12 and 13 of these Rules.

(2) The African Advisory Committee shall consist of—

- (a) one or more chiefs or sub-chiefs appointed under the Chief’s Authority Act and selected by the Settlement Officer; and
- (b) not less than three other persons selected by the Settlement Officer in consultation with the licensees or such of them as he deems it practicable to consult:

Provided that if the Settlement Officer so decides the Committee shall consist only of the persons referred to in subparagraph (b) of this paragraph.

4. Any person who occupies land or who possesses, herds or depastures stock otherwise than under and in accordance with the terms of a valid licence granted by the Settlement Officer in respect of which he is the licensee shall be guilty of an offence.

5. (1) Every licence shall be in the form in the First Schedule to these Rules, and shall be prepared in duplicate; the original shall be given to the licensee and the duplicate to the Settlement Officer.

Cap.128.

[Subsidiary]

(2) The Settlement Officer shall maintain a register in which shall be entered the name of every licensee, together with the names of his dependants, the details of the stock permitted to him, the number of the plot which he may occupy and on which he may depasture his stock and the name of the person nominated as the licensee's successor as hereinafter provided.

6. (1) Before delivering the licence to the licensee, the Settlement Officer shall—

- (a) cause these Rules to be read and explained to the applicant in a language which he understands;
- (b) give the applicant a copy of these Rules; and
- (c) obtain from the applicant in writing a receipt for the Rules, an acknowledgement that he understands them and an undertaking to observe them; such receipt, acknowledgement and undertaking shall be in the form set out in the Second Schedule to these Rules.

(2) On delivering the licence to the licensee, the Settlement Officer shall inform him of the number of his registered dependants and the number and kinds of stock which he may keep, herd or depasture, and the fees and rents payable under paragraph (a) of rule 8 of these Rules.

7. (1) Within one year of being granted a licence, the licensee may nominate another who shall, in the event of the licensee's death, assume the rights and liabilities prescribed by these Rules.

(2) No person nominated as successor may succeed until he reaches the age of eighteen years; if he has not reached that age, his family or clan shall select a person who shall act for him and shall assume the rights and liabilities prescribed by these Rules until the successor reaches the age of eighteen years; and if no such person is selected who is able and willing to act the licence shall be terminated.

(3) No person nominated as a successor may succeed without the approval of the African Advisory Committee.

8. A licence shall entitle the licensee to occupy the land defined therein for the remainder of his life, and thereafter his nominated successor for the remainder of his life, subject to the following conditions—

- (a) the licensee shall pay such dues as may be prescribed by the Provincial Commissioner;
- (b) the licensee shall demarcate and maintain the boundaries of his plot to the satisfaction of the Settlement Officer;
- (c) the licensee shall himself reside on the plot, and shall erect and maintain thereon a dwelling-house and any other necessary buildings to the satisfaction of the Settlement Officer;

[Subsidiary]

- (d) the licensee shall not, except with the permission of the Settlement Officer, allow any person who is not his wife or registered dependant to reside on, cultivate, graze or otherwise use his plot;
- (e) except with the permission of the Settlement Officer, the licensee shall not cultivate any land, or depasture any stock on any land, within the area, except the plot of land defined in his licence;
- (f) the licensee shall not, except with the permission of the Settlement Officer, keep, herd or depasture on his plot any stock in excess of the numbers of stock entered on his licence;
- (g) the licensee shall comply with all instructions which may from time to time be given by the Settlement Officer with regard to the branding, dipping, inoculating, herding, grazing or watering of stock, the production and use of manure and compost, the preservation of fertility of the soil and the prevention of soil erosion, the felling, stumping and clearing of trees and vegetation, the type and area of any crops to be planted (including fodder crops and trees) and the production of silage and hay, or by the Settlement Officer or the Medical Officer of Health with regard to the welfare, health and good discipline of the inhabitants of the area;
- (h) the licensee shall declare to the Settlement Officer the natural increase of his permitted stock and comply with any instructions issued by the Settlement Officer as to their disposal.

9. Any licensee who fails to comply with any of the conditions set out in rule 8 of these Rules, or with any lawful order or instruction issued thereunder, shall be guilty of an offence.

10. (1) Where any stock in excess of the numbers entered in the licence, which has not been declared under paragraph (h) of rule 8 of these Rules, is found in the possession or under the control of any licensee within the area, the Settlement Officer may order the licensee to remove such excess stock from the area within such reasonable time as he shall specify.

(2) If the licensee fails within such time to comply with such order, the Settlement Officer may confiscate and sell such excess stock, paying the proceeds thereof, less any expenses of the sale, to the licensee.

11. The Settlement Officer may in writing authorize any person named in such writing to uproot, graze or otherwise dispose of any crop planted in wilful contravention of any instruction given to a licensee under paragraph (g) of rule 8 of these Rules; and no compensation shall be payable for any crop which has been so uprooted, grazed or otherwise disposed of.

12. (1) Where the Settlement Officer is satisfied that a licensee has failed to comply with the provisions of any of these Rules, or of any instruction given thereunder or under any other law for the time being in force, or with the terms

[Subsidiary]

of his licence or with the rules of good husbandry, he may serve a written notice of such failure upon the licensee requiring him to do such things to comply with the said provisions, terms or rules within such time as is specified in the notice.

(2) If the licensee fails within such time to comply with the terms of such notice, the Settlement Officer may, by notice in writing, call upon the licensee to show cause, on a date specified in the notice, to the Settlement Officer why his licence should not be terminated.

(3) The licensee shall appear personally on such date before the Settlement Officer sitting with at least three members of the African Advisory Committee as assessors; the Settlement Officer shall consult the assessors but shall not be bound by their opinions:

Provided that, where the opinion of the majority of the assessors differs from that of the Settlement Officer, or if the licensee so requests, the matter shall be referred to the council whose decision shall be final.

(4) If the licensee fails to show cause to the satisfaction of the Settlement Officer, or, if the matter is referred to the council, to the satisfaction of the council, the licence shall, or if the licensee has been convicted of a cognizable offence under any other law for the time being in force the licence may, be terminated by the Settlement Officer.

(5) Where the Settlement Officer terminates a licence under paragraph (4) of this rule, he shall inform the licensee accordingly, and shall give to him notice in writing requiring him to remove himself, his dependants and his stock from the area within a period specified therein; such notice shall operate to extinguish all rights and benefits of the licensee under these Rules.

13. (1) Any licensee who is required under rule 12 of these Rules to remove himself from the area shall be entitled to receive from the Settlement Officer such compensation for crops which he cannot harvest and for buildings and improvements on the land as may be assessed by a Committee of Arbitration appointed under paragraph (2) of this rule.

(2) Where any claim for compensation arises under paragraph (1) of this rule, the Settlement Officer shall appoint a Committee of Arbitration consisting of himself as chairman, an Agricultural Officer and a member of the African Advisory Committee, to determine the compensation to be paid.

(3) The Settlement Officer may dispose of any crops, building or improvements for which compensation has been paid in such manner as he thinks fit, and may recover the amount of the compensation or part thereof from the next licensee licensed to occupy the land.

14. The Settlement Officer may, by order in writing, authorize any person named in such order to perform such of the acts which he himself is authorized by these Rules to perform, as may be specified in such order:

Provided that—

[Subsidiary]

- (i) an appeal shall lie to the Settlement Officer against any order issued by a person authorized under this rule;
- (ii) the power conferred by rules 6, 11, 12, 13 and 15 of these Rules shall not be so delegated.

15. Notwithstanding the foregoing provisions of these Rules, the Settlement Officer may, on the instruction of the council and on giving not less than six months' notice of his intention so to do, terminate a licence, and the council shall pay in respect of such termination compensation for buildings and improvements and for any crops planted before the giving of such notice which the licensee by such termination is prevented from harvesting, such compensation to be assessed in accordance with rule 13 of these Rules.

16. Any moneys accruing from the sale of stock or crops under these Rules shall, after deducting any expenses entailed, be utilized in such manner as the Minister may direct.

FIRST SCHEDULE (r. 5)

LICENCE

No.

Under the Trust Land (North Yatta, Yatta Plateau and Ithanga) Rules

....., son of,
of, is hereby authorized to occupy Plot No.
of the Special Reserve, and to keep thereon not
more than the following number of stock—

- Bovines
- Sheep
- Goats
- Mules
- Donkeys
- [Other stock or domestic animals],

subject to the conditions prescribed by the Trust Land (North Yatta, Yatta Plateau and Ithanga) Rules.

Dated this day of, 19....

.....
Settlement Officer

In accordance with rule 6 of the said Rules, I have caused those Rules to be read and explained to the above-named licensee in the..... language, which he understands.

Date
.....
Settlement Officer

.....
*Signature or thumb-print
of licensee*

.....
Witness

SECOND SCHEDULE (r. 6 (1) (c))

ACKNOWLEDGEMENT AND UNDERTAKING

I,, son of.....
....., of, hereby acknowledge receipt of a copy
of the Trust Land (North Yatta, Yatta Plateau and Ithanga) Rules. I have had
these Rules explained to me and I fully understand them and I undertake to
observe all these Rules.

Licence No.

Date

.....
*Signature or thumb-print
of licensee*

.....
Witness

THE TRUST LAND (ISIOLO) RULES

1. These Rules may be cited as the Trust Land (Isiolo) Rules, and shall
apply to the area which on the 31st May, 1963, constituted the Isiolo Special
Leasehold Area and was then defined in the Sixth Schedule to the Government
Lands Act (hereinafter referred to as the area).

L.N. 68/1961,
L.N. 625/1963.

Cap. 280.

2. In these Rules, except where the context otherwise requires—

“dependant” means, in relation to a licensee, his father and mother and
such of his children as are unmarried and under the age of eighteen years;

“licence” means a licence, granted under paragraph (1) of rule 4 of these
Rules, to occupy the area or any portion thereof;

“licensee” means any group, family or individual to whom a licence has
been granted, and includes any person who succeeds a licensee, or who acts for
such successor under rule 6 of these Rules;

“register” means the register maintained in accordance with paragraph
(2) of rule 4 of these Rules;

“registered dependant” means any person whose name is entered in the
register as being a dependant of a licensee;

[Subsidiary]

“Settlement Officer” means the District Commissioner or any person appointed by the Chairman of the Provincial Council to be in charge of the area for the purposes of these Rules;

“stock” means any bull, cow, bullock, heifer, calf, ox, sheep, goat, mule, donkey, camel or swine, and includes poultry and domestic animals.

3. Any person who occupies land or who possesses, herds or depastures stock otherwise than under and in accordance with the terms of a valid licence in respect of which he is the licensee under these Rules shall be guilty of an offence.

4. (1) Every licence shall be in the form in the First Schedule to these Rules and shall be prepared in duplicate; the original shall be given to the licensee and the duplicate to the Settlement Officer.

(2) The Settlement Officer shall maintain a register in which shall be entered the name of every licensee, together with the names of his dependants, the details of the stock permitted to him, a description of the area which he may occupy and in which he may depasture his stock and the name of the person nominated as the licensee’s successor as hereinafter provided.

5. (1) Before delivering the licence to the licensee, the Settlement Officer shall—

- (a) cause these Rules to be read and explained to the applicant in a language which he understands;
- (b) give the applicant a copy of these Rules; and
- (c) obtain from the applicant in writing a receipt for the Rules, an acknowledgement that he understands them and an undertaking to observe them; such receipt, acknowledgement and undertaking shall be in the form in the Second Schedule to these Rules.

(2) On delivering the licence to the licensee, the Settlement Officer shall inform him of the number of his registered dependants and the number and kinds of stock which he may keep, herd or depasture, and the fees and rents payable under paragraph (a) of rule 7 of these Rules.

6. (1) Within one year of being granted a licence, the licensee may nominate another who shall, in the event of the licensee’s death, assume the rights and liabilities prescribed by these Rules.

(2) No person nominated as successor may succeed until he reaches the age of eighteen years; if he has not reached that age, his family or section shall select a person who shall act for him and shall assume the rights and liabilities prescribed by these Rules until the successor reaches the age of eighteen years; and if no such person is selected who is able and willing to act the licence shall be terminated.

[Subsidiary]

7. A licence shall entitle the licensee to occupy and use the land defined therein subject to the following conditions—

- (a) the licensee shall pay such dues as may be prescribed by the Provincial Commissioner;
- (b) the licensee shall himself reside in the area, and shall erect and maintain therein a dwelling-house and any other necessary buildings to the satisfaction of the Settlement Officer;
- (c) the licensee shall not, except with the permission of the Settlement Officer, keep, herd or depasture any stock in excess of the numbers of stock entered on his licence;
- (d) the licensee shall comply with all instructions which may from time to time be given by the Settlement Officer in writing with regard to the branding, dipping, inoculating, herding, grazing or watering of stock, the preservation of fertility of the soil and the prevention of soil erosion, the felling, stumping and clearing of trees and vegetation, and the production of silage and hay, or by the Settlement Officer or the Medical Officer of Health in writing with regard to the welfare, health and good discipline of the inhabitants of the area;
- (e) the licensee shall declare to the Settlement Officer the natural increase of his permitted stock and comply with any instructions issued by the Settlement Officer as to their disposal.

8. Any licensee who fails to comply with any of the conditions set out in rule 7 of these Rules, or with any lawful order or instruction issued thereunder, shall be guilty of an offence.

9. (1) Where any stock in excess of the numbers entered in the licence, which has not been declared under paragraph (e) of rule 7 of these Rules, is found in the possession or under the control of any licensee within the area, the Settlement Officer may order the licensee to remove such excess stock from the area within such reasonable time as he shall specify.

(2) If the licensee fails within such time to comply with such order, the Settlement Officer may confiscate and sell such excess stock, paying the proceeds thereof, less any expenses of the sale, to the licensee.

10. The Settlement Officer may, by order in writing, authorize any person named in such order to perform such of the acts which he himself is authorized by these Rules to perform, as may be specified in such order:

Provided that—

- (i) an appeal shall lie to the Settlement Officer against any order issued by a person authorized under this rule;
- (ii) the power conferred by rule 5 of these Rules shall not be so delegated.

[Subsidiary]

FIRST SCHEDULE

(r. 4 (1))

LICENCE

No.

Under the Trust Land (Isiolo) Rules

....., son of
of, is hereby authorized to occupy the Isiolo Special Leasehold Area as described in the Sixth Schedule to the Government Lands Act and to keep thereon not more than the following number of stock—

..... Bulls	..... Cows
..... Oxen	..... Sheep
..... Heifers	..... Mules
..... Goats	..... Camels
..... Donkeys	..... [Other stock or domestic animals],

subject to the conditions prescribed by the Trust Land (Isiolo) Rules.

Dated this day of, 19....

.....
Settlement Officer

In accordance with rule 5 of the said Rules, I have caused those Rules to be read and explained to the above-named licensee in the language, which he understands.

Date
.....
Settlement Officer

.....
*Signature or thumb-print
of licensee*

.....
Witness

[Subsidiary]

SECOND SCHEDULE

(r. 5 (1))

ACKNOWLEDGEMENT AND UNDERTAKING

I,, son of,
of, hereby acknowledge receipt of a copy of the
Trust Land (Isiolo) Rules. I have had these Rules explained to me and I fully
understand them and I undertake to observe all these Rules.

Licence No.....

Date

*Signature or thumb-print
of licensee*

.....
Witness

THE TRUST LAND (OLENGURUONE) RULES

1. These Rules may be cited as the Trust Land (Olunguruone) Rules, and shall apply to the area which on the 31st May, 1963, constituted the Olunguruone Special Settlement Area and was then defined in the Seventh Schedule to the Government Lands Act (hereinafter referred to as the area).

L.N. 2/1959,
L.N. 480/1960,
L.N. 625/1963.

2. In these Rules, except where the context otherwise requires—

“African Advisory Committee” means the Committee appointed under paragraph (1) of rule 3 of these Rules;

“dependant” means, in relation to a licensee, his father and mother and such of his children as are unmarried and under the age of eighteen years;

“licence” means a special settlement licence, granted under rule 5 of these Rules, to occupy the area or any portion thereof;

“licensee” means any group, family or individual to whom a licence has been granted, and includes any person who succeeds a licensee, or who acts for such successor, under rule 7 of these Rules;

“register” means the register maintained under paragraph (2) of rule 5 of these Rules;

“registered dependant” means any person whose name is entered in the register as being a dependant of a licensee;

“Settlement Officer” means the District Commissioner or any person appointed by the Chairman of the Provincial Council to be in charge of the area for the purposes of these Rules;

[Subsidiary]

“stock” means any bull, cow, bullock, heifer, calf, ox, sheep, goat, mule, donkey or swine, and includes poultry and domestic animals.

3. (1) The Settlement Officer shall appoint a committee, to be known as the African Advisory Committee, to advise him upon the exercise of his powers, duties and functions under rules 12 and 13 of these Rules.

(2) The African Advisory Committee shall consist of—

- (a) one or more chiefs or sub-chiefs appointed under the Chief’s Authority Act and selected by the Settlement Officer; and
- (b) not less than three other persons selected by the Settlement Officer in consultation with the licensees or such of them as he deems it practicable to consult:

Provided that if the Settlement Officer so decides the Committee shall consist only of the persons referred to in subparagraph (b) of this paragraph.

4. Any person who occupies land or who possesses, herds or depastures stock otherwise than under and in accordance with the terms of a valid licence in respect of which he is the licensee under these Rules shall be guilty of an offence.

5. (1) Every licence shall be in the form in the First Schedule to these Rules, and shall be prepared in duplicate; the original shall be given to the licensee and the duplicate to the Settlement Officer.

(2) The Settlement Officer shall maintain a register in which shall be entered the name of every licensee, together with the names of his dependants, the details of the stock permitted to him, the number of the plot which he may occupy and on which he may depasture his stock and the name of the person nominated as the licensee’s successor as hereinafter provided.

6. (1) Before delivering the licence to the licensee, the Settlement Officer shall—

- (a) cause these Rules to be read and explained to the applicant in a language which he understands;
- (b) give the applicant a copy of these Rules; and
- (c) obtain from the applicant in writing a receipt for the Rules, an acknowledgement that he understands them and an undertaking to observe them; such receipt, acknowledgement and undertaking shall be in the form in the Second Schedule to these Rules.

(2) On delivering the licence to the licensee, the Settlement Officer shall inform him of the number of his registered dependants and the number and kinds of stock which he may keep, herd or depasture, and the fees and rents payable under paragraph (a) of rule 8 of these Rules.

Cap. 128.

7. (1) Within one year of being granted a licence, the licensee may nominate another who shall, in the event of the licensee's death, assume the rights and liabilities prescribed by these Rules.

(2) No person nominated as successor may succeed until he reaches the age of eighteen years; if he has not reached that age, his family or clan shall select a person who shall act for him and shall assume the rights and liabilities prescribed by these Rules until the successor reaches the age of eighteen years; and, if no such person is selected who is able and willing to act, the licence shall be terminated.

(3) No person nominated as a successor may succeed without the approval of the African Advisory Committee.

8. A licence shall entitle the licensee to occupy the land defined therein for the remainder of his life, and thereafter his nominated successor for the remainder of his life, subject to the following conditions—

- (a) the licensee shall pay such dues as may be prescribed by the Provincial Council;
- (b) the licensee shall demarcate and maintain the boundaries of his plot to the satisfaction of the Settlement Officer;
- (c) the licensee shall himself reside on the plot, and shall erect and maintain thereon a dwelling-house and any other necessary buildings to the satisfaction of the Settlement Officer;
- (d) the licensee shall not, except with the permission of the Settlement Officer, allow any person who is not his wife or registered dependant to reside on, cultivate, graze or otherwise use his plot;
- (e) except with the permission of the Settlement Officer, the licensee shall not cultivate any land, or depasture any stock on any land, within the area, except the plot of land defined in his licence;
- (f) the licensee shall not, except with the permission of the Settlement Officer, keep, herd or depasture on his plot any stock in excess of the numbers of stock entered on his licence;
- (g) the licensee shall comply with all instructions which may from time to time be given by the Settlement Officer with regard to the branding, dipping, inoculating, herding, grazing, castrating or watering of stock, the production and use of manure and compost, the preservation of fertility of the soil and the prevention of soil erosion, the felling, stumping and clearing of trees and vegetation, the type and area of any crops to be planted (including fodder crops and trees) and the production of silage and hay, or by the Settlement Officer or the Medical Officer of Health with regard to the welfare, health and good discipline of the inhabitants of the area;

[Subsidiary]

(h) the licensee shall declare to the Settlement Officer the natural increase of his permitted stock and comply with any instructions issued by the Settlement Officer as to their disposal.

9. Any licensee who fails to comply with any of the conditions set out in rule 8 of these Rules, or with any lawful order or instruction issued thereunder, shall be guilty of an offence.

10. (1) Where any stock in excess of the numbers entered in the licence, which has not been declared under the provisions of paragraph (h) of rule 8 of these Rules, is found in the possession or under the control of any licensee within the area, the Settlement Officer may order the licensee to remove such excess stock from the area within such reasonable time as he shall specify.

(2) If the licensee fails within such time to comply with such order, the Settlement Officer may confiscate and sell such excess stock, paying the proceeds thereof, less any expenses of the sale, to the licensee.

11. The Settlement Officer may in writing authorize any person named in such writing to uproot, graze or otherwise dispose of any crop planted in wilful contravention of any instruction given to a licensee under paragraph (g) of rule 8 of these Rules, and no compensation shall be payable for any crop which has been so uprooted, grazed or otherwise disposed of.

12. (1) Where the Settlement Officer is satisfied that a licensee has failed to comply with the provisions of any of these Rules, or of any instruction given thereunder or under any other law for the time being in force, or with the terms of his licence or with the rules of good husbandry, he may serve a written notice of such failure upon the licensee requiring him to do such things to comply with the said provisions, terms or rules within such time as is specified in the notice.

(2) If the licensee fails within such time to comply with the terms of such notice, the Settlement Officer may, by notice in writing, call upon the licensee to show cause, on a date specified in the notice, to the Settlement Officer why his licence should not be terminated.

(3) The licensee shall appear personally on such date before the Settlement Officer sitting with at least three members of the African Advisory Committee as assessors; the Settlement Officer shall consult the assessors but shall not be bound by their opinions:

Provided that, where the opinion of the majority of the assessors differs from that of the Settlement Officer, or if the licensee so requests, the matter shall be referred to the council, whose decision shall be final.

(4) If the licensee fails to show cause to the satisfaction of the District Commissioner or, if the matter is referred to the council, to the satisfaction of the council, the licence shall, or if the licensee has been convicted of a cognizable offence under any other law for the time being in force the licence may, be terminated by the Settlement Officer.

[Subsidiary]

(5) Where the Settlement Officer terminates a licence under paragraph (4) of this rule, he shall inform the licensee accordingly and shall give to him notice in writing requiring him to remove himself, his dependants and his stock from the area within a period specified therein; such notice shall operate to extinguish all rights and benefits of the licensee under these Rules.

13. (1) Any licensee who is required under rule 12 of these Rules to remove himself from the area shall be entitled to receive from the Settlement Officer such compensation for crops which he cannot harvest and for buildings and improvements on the land as may be assessed by a Committee of Arbitration appointed under paragraph (2) of this rule.

(2) Where any claim for compensation arises under paragraph (1) of this rule, the Settlement Officer shall appoint a Committee of Arbitration consisting of himself as chairman, an Agricultural Officer and a member of the African Advisory Committee, to determine the compensation to be paid.

(3) The Settlement Officer may dispose of any crops, buildings or improvements for which compensation has been paid in such manner as he thinks fit, and may recover the amount of the compensation or part thereof from the next licensee licensed to occupy the land.

14. The Settlement Officer may, by order in writing, authorize any person named in such order to perform such of the acts which he himself is authorized by these Rules to perform as may be specified in such order:

Provided that—

- (i) an appeal shall lie to the Settlement Officer against any order issued by a person authorized under this rule;
- (ii) the power conferred by rules 6, 11, 12, 13 and 15 of these Rules shall not be so delegated.

15. Notwithstanding the foregoing provisions of these Rules, the Settlement Officer may, on giving not less than six months' notice of his intention so to do, terminate a licence, and the council shall pay in respect of such termination compensation for buildings and improvements and for any crops planted before the giving of such notice which the licensee by such termination is prevented from harvesting, such compensation to be assessed in accordance with rule 13 of these Rules.

16. Any moneys accruing from the sale of stock or crops under these Rules shall, after deducting any expenses entailed, be utilized in such manner as the Minister may direct.

[Subsidiary]

FIRST SCHEDULE

(r. 5)

LICENCE

No.

Under the Trust Land (Olenguruone) Rules

....., son of,
of, is hereby authorized to occupy Plot No.
of the Olenguruone Special Settlement Area, and to keep thereon not more than
the following number of stock—

- Bovines,
..... Sheep,
..... Goats,
..... Mules,
..... Donkeys,
..... [Other stock or domestic animals],

subject to the conditions prescribed by the Trust Land (Olenguruone) Rules.

Dated this day of, 19.....

.....
Settlement Officer

In accordance with rule 6 of the said Rules, I have caused those Rules to be
read and explained to the above-named licensee in the
language, which he understands.

Date
.....
Settlement Officer

.....
Signature or thumb-print
of licensee

.....
Witness

SECOND SCHEDULE

(r. 6 (1) (c))

[Subsidiary]

ACKNOWLEDGEMENT AND UNDERTAKING

I,, son of....., of, hereby acknowledge receipt of a copy of the Trust Land (Olenguruone) Rules. I have had these Rules explained to me and I fully understand them and I undertake to observe all these Rules.

Licence No.

Date.....

.....
Signature or thumb-print
of licensee

.....
Witness

Dues prescribed under rule 8 (a) of the above Rules

L.N. 192/1960.

The following dues are prescribed under paragraph (a) of rule 8 of the Trust Land (Olenguruone) Rules—

- (a) a due of Sh. 24 a year or any part thereof payable by every licensee;
- (b) (i) a due in respect of each donkey, bull, cow, bullock, heifer or calf (being over the age of six months) depastured within the area—Sh. 1 a quarter or any part thereof;
- (ii) a due in respect of each sheep or goat depastured within the area—20 cents a quarter or any part thereof:

Provided that a licensee shall not be liable to pay any due under paragraph (b) above if all his stock is grazed within his plot, nor in respect of any period allowed him by the Settlement Officer for the initial development of his plot.

THE TRUST LAND (SHIMBA HILLS) RULES

L.N. 122/1960,

L.N. 477/1960,

L.N. 625/1963.

1. These Rules may be cited as the Trust Land (Shimba Hills) Rules, and shall apply to the area which on the 31st May, 1963, constituted the Shimba Hills Special Settlement Area and was then defined in the Seventh Schedule to the Government Lands Act (hereinafter referred to as the area).

Cap. 280.

2. In these Rules, except where the context otherwise requires—

“African Advisory Committee” means the Committee appointed under paragraph (1) of rule 3 of these Rules;

“dependant” means, in relation to a licensee, his wife and father and mother and such of his children as are unmarried and under the age of eighteen

[Subsidiary]

years;

Cap. 283.

“lessee” means the holder of a lease registered under the Land Consolidation Act;

“licence” means a special settlement licence, granted under paragraph (1) of rule 5 of these Rules, to occupy the area or any portion thereof;

“licensee” means any group, family or individual to whom a licence has been granted, and includes any person who succeeds a licensee, or who acts for such successor, under rule 7 of these Rules;

“register” means the register maintained under paragraph (2) of rule 5 of these Rules;

“registered dependant” means any person whose name is entered in the register as being a dependant of a licensee;

“Settlement Officer” means the District Commissioner or any person appointed by the Chairman of the Provincial Council to be in charge of the area for the purposes of these Rules;

“stock” means any bull, cow, bullock, heifer, calf, ox, sheep, goat, mule, donkey or swine, and includes poultry and domestic animals.

3. (*Deleted by L.N. 625/1963.*)

4. Any person who—

(a) occupies land otherwise than under and in accordance with the terms of a valid lease or a licence issued under rule 5 (1) of these Rules; or

(b) possesses, herds or depastures stock otherwise than in accordance with the terms of a valid licence, of which he is the licensee, issued under rule 5 (2) of these Rules,

shall be guilty of an offence.

5. (1) Every licence to occupy land shall be in the form in the First Schedule to these Rules.

(2) Every licence to possess, herd or depasture stock shall be in the form in the Second Schedule to these Rules.

(3) Licences shall be prepared in duplicate, the original shall be given to the licensee and the duplicate shall be kept by the Settlement Officer.

(4) The Settlement Officer shall maintain a register in which shall be entered the name of every licensee, the details of the stock permitted to him and the number of the plot which he may occupy and on which he may depasture his stock.

[Subsidiary]

6. (1) Every lessee or licensee shall be given a copy of these Rules.

(2) Before delivering a licence to a licensee, the Settlement Officer shall—

- (a) cause these Rules to be read and explained to the applicant in a language which he understands; and
- (b) obtain from the applicant in writing a receipt for the Rules and an acknowledgement that he understands them; and

such receipt and acknowledgement shall be in the form in the Third Schedule to these Rules.

7. (1) A licence may be terminated by the Settlement Officer or the licensee giving three months' notice in writing to the other of them.

(2) On receiving notice of termination of his licence by the Settlement Officer, the licensee may, within thirty days of the date of the notice, appeal in writing to the council, and the decision of the council shall be final.

(3) Where a licence is terminated under this rule, the Settlement Officer shall inform the licensee accordingly, and shall give him notice in writing requiring him to remove himself, his dependants and his stock, or in the case of a lessee his stock only, from the area within a period specified therein; and such notice shall operate to extinguish all rights and benefits of the licensee under these Rules.

(4) Any licensee who is required to remove himself from the area under this rule shall be entitled to receive from the council full compensation for crops which he cannot harvest and for buildings and improvement on the land.

8. Every lessee or licensee in the area—

- (a) shall pay such dues as may be prescribed by the Provincial Council;
- (b) shall demarcate and maintain the boundaries of his plot to the satisfaction of the Settlement Officer;
- (c) shall himself reside on the plot, and shall erect and maintain thereon a dwelling-house and any other necessary buildings to the satisfaction of the Settlement Officer;
- (d) shall not, except with the permission of the Settlement Officer, allow any person who is not a dependant to reside on, cultivate, graze or otherwise use his plot;
- (e) except with the permission of the Settlement Officer, shall not cultivate any land, or depasture any stock on any land, within the area, except the plot of land defined in his lease or licence;

[Subsidiary]

(f) shall not, except with the permission of the Settlement Officer, keep, herd or depasture on his plot any stock in excess of the numbers of stock entered on his licence;

(g) shall comply with all instructions which may from time to time be given by the Settlement Officer with regard to the branding, dipping, inoculating, herding, grazing or watering of stock, the production and use of manure and compost, the preservation of fertility of the soil and the prevention of soil erosion, the felling, stumping and clearing of trees and vegetation, the type and area of any crops to be planted (including fodder crops and trees) and the production of silage and hay, or by the Settlement Officer or the Medical Officer of Health with regard to the welfare, health and good discipline of the inhabitants of the area;

(h) shall declare to the Settlement Officer the natural increase of his permitted stock and comply with any instructions issued by the Settlement Officer as to their disposal.

9. Any lessee or licensee who fails to comply with any of the conditions set out in rule 8 of these Rules, or with any lawful order or instruction issued thereunder, shall be guilty of an offence.

10. (1) Where any stock in excess of the numbers entered in the licence, which has not been declared under paragraph (h) of rule 8 of these Rules, is found in the possession or under the control of any licensee within the area, the Settlement Officer may order the licensee to remove such excess stock from the area within such reasonable time as he shall specify.

(2) If the licensee fails within such time to comply with such order, the Settlement Officer may confiscate and sell such excess stock, paying the proceeds thereof, less any expenses of the sale, to the licensee.

11. The Settlement Officer may in writing authorize any person named in such writing to uproot, graze or otherwise dispose of any crop planted in wilful contravention of any instruction given to a lessee or licensee under paragraph (g) of rule 8 of these Rules; and no compensation shall be payable for any crop which has been so uprooted, grazed or otherwise disposed of.

12 to 16. (Deleted by L.N. 625/1963.)

FIRST SCHEDULE

(r. 5 (1))

LICENCE TO OCCUPY LAND

No.

Under the Trust Land (Shimba Hills) Rules

....., son of
of is hereby authorized to occupy Plot No.
of the Shimba Hills Area for a period of one year from the day of

[Subsidiary]

....., 19....., renewable as hereinafter provided subject to—

(1) the payment in advance of the annual fee of Sh.....; and

(2) the conditions prescribed by the Trust Land (Shimba Hills) Rules.

2. If at the end of the original term of this licence, or of any further term for which it may have been renewed as herein provided, the Settlement Officer or the lessee has not given at least three months' notice to the contrary to the other of them, a renewal for a further period of one year will be implied:

Provided that not more than five such renewals shall be so implied.

Dated this day of, 19.....

.....
Settlement Officer

In accordance with rule 6 of the said Rules, I have caused these Rules to be read and explained to the above-named licensee in the language, which he understands.

Date
.....
Settlement Officer

.....
*Signature or thumb-print
of licensee*

.....
Witness

SECOND SCHEDULE (r. 5 (2))

LICENCE TO KEEP STOCK
No.

Under the Trust Land (Shimba Hills) Rules

....., son of,
of, the lessee/licensee of Plot No.
of the Shimba Hills Area, is hereby authorized to keep thereon not more than
the following number of stock—

- Bovines,
- Sheep,
- Goats,
- Mules,
- Donkeys,
- [Other stock or domestic animals],

[Subsidiary]

subject to the conditions prescribed by the Trust Land (Shimba Hills) Rules.

Dated this day of, 19.....

.....
Settlement Officer

THIRD SCHEDULE

(r. 6 (2) (b))

ACKNOWLEDGEMENT

I,, son of
of, hereby acknowledge receipt of the Trust Land (Shimba Hills) Rules. I have had these Rules explained to me and I fully understand them.

Occupation/Stock Licence No.

.....
*Signature or thumb-print
of licensee*

Date

.....
Witness

