

AGRICULTURE (BASIC LAND USAGE) RULES, 1965

ARRANGEMENT OF RULES

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AGRICULTURE (BASIC LAND USAGE) RULES, 1965

[L.N. 26/1965.]

1. Citation and application

These Rules may be cited as the Agriculture (Basic Land Usage) Rules, 1965, and shall not apply to plots of two acres or less used for residential purposes only within a municipality or a former township, or land used for recreational purposes.

2. Interpretation

In these Rules, unless the context otherwise requires—

“**authorized officer**” means the Director of Agriculture, a provincial agricultural officer, a District Agricultural Committee and any person appointed in writing in that behalf by the Director, a Provincial Agricultural Officer or a District Agricultural Committee;

“**owner**” means the occupier, cultivator or right holder of the land in question;

“**slope**” means the vertical interval expressed as a percentage of the horizontal distance between two points;

“**vegetation**” means trees, palms, bamboos, stumps, brushwood, undergrowth, reeds or grass;

“**watercourse**” means a natural channel or depression in which water flows, either continuously or intermittently.

3. Protection of land with slope exceeding 35 per cent

Any person who cultivates, cuts down or destroys any vegetation, or depastures any livestock on any land of which the slope exceeds 35 per cent shall be guilty of an offence:

Provided that an authorised officer may authorize an owner to cultivate, depasture, cut down or destroy vegetation on the land subject to such conditions as he may decide.

4. Protection of land with slope exceeding 20 per cent

An authorized officer may by written order prohibit cultivation or cutting down or destruction of vegetation on any land of which the slope exceeds 20 per cent.

5. Protection of land with slope exceeding 12 per cent

(1) Any person who cultivates any land of which the slope exceeds 12 per cent and does not exceed 35 per cent, when the soil is not protected against erosion by conservation works to the satisfaction of an authorised officer, shall be guilty of an offence.

(2) Where the soil on any slope exceeding 12 per cent is not, in the opinion of an authorised officer, adequately protected against erosion, he may, by written order, require the owner to construct such works or to carry out such repairs as he deems necessary within such reasonable period of time as may be specified in the order.

(3) Any person who cultivates by ploughing or other means any land of which the slope exceeds 12 per cent except along the contour, or, except with the written permission of an authorised officer digs or ploughs any boundary furrows, trenches or ditches on such land, shall be guilty of an offence.

6. Protection of watercourse

Any person who, except with the written permission of an authorized officer, cultivates or destroys the soil, or cuts down any vegetation or depastures any livestock, on any land lying within 2 metres of a watercourse, or, in the case of a watercourse more than 2 metres wide, within a distance equal to the width of that watercourse to a maximum of 30 metres, shall be guilty of an offence.

7. Protection against erosion by run-off water

(1) Any person who uses any channel, ditch or drainage way which has been constructed for the removal of run-off water as a footpath, road, wagon track or livestock track shall be guilty of an offence, and the owners of the land over which such channel, ditch or drainage way passes, and of the adjoining land, shall comply with any orders issued by an authorized officer for the effective removal of run-off water and the avoidance of erosion.

(2) The owner of any land shall take such steps as an authorized officer may specify to prevent water from flowing on to any adjoining land in such manner as to cause the erosion thereof, and shall comply with such orders as may be given by an authorized officer to carry out the measures which the authorised officer deems necessary to prevent such erosion.

8. Failure to comply with order

Any person who fails to comply with any order made or any conditions imposed under these Rules shall be guilty of an offence.

9. Appeal

Any person who is aggrieved by a decision taken, or an order made, under these Rules may, within 28 days of the decision or order, appeal to the Agricultural Appeals Tribunal, whose decision shall be final and shall not be questioned in any court.

10. Penalty

Any person who is guilty of an offence under these Rules shall be liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months, or to both.

11. District agricultural committee may make regulations

A district agricultural committee may make regulations relating to agriculture and land usage under these Rules in respect of the district for which it is established.

COFFEE DEVELOPMENT AUTHORITY ORDER, 1966

[L.N. 279/1966.]

1. This Order may be cited as the Coffee Development Authority Order, 1966.

2. There is hereby established an authority, to be known as the Coffee Development Authority (hereinafter called the Authority).

(1) The Authority shall consist of the following members—

- (a) the Permanent Secretary of the Ministry;
- (b) the Permanent Secretary of the Ministry for the time being responsible for Co-operatives;
- (c) the Director of Agriculture;
- (d) the Commissioner for Co-operative Development;
- (e) the chairman of the Coffee Board;
- (f) the chairman of the Coffee Marketing Board.

(2) The members present at the meeting shall appoint any one of their members to act as chairman at that meeting.

4. A quorum of the Authority shall be a majority of the members of the Authority.

5. A decision of the Authority shall be by a simple majority of the members present and voting, but the chairman shall have a casting as well as a deliberative vote.

6. Subject to this Order, the Authority shall regulate its own proceedings.

7. The Authority shall be empowered to do the following things in respect of coffee—

- (a) control and supervise the cultivation by growers;
- (b) control and supervise the establishment of nurseries;
- (c) control and supervise the purchase and sale of seedlings;
- (d) inspect the growing and harvested crops;
- (e) control and supervise the purchase, transportation and storage of the crop;
- (f) control and supervise the processing of cherry;
- (g) appoint agents for the implementation or performance of any function of the Authority under this Order;
- (h) with the approval of the Minister, by order published in the *Gazette*—
 - (i) regulate and control the cultivation, picking, selecting, processing and marketing of coffee;
 - (ii) provide for any other matter which is approved by the Minister as being in the furtherance of the development of coffee or incidental or conducive to the exercise of any of the powers of the Authority;
- (i) with the approval of the Minister, do any other thing which in the opinion of the Authority will assist the development of the coffee industry:

Provided that, without prejudice to powers conferred upon it elsewhere in this Order, the Authority shall carry out its functions subject to any general or specific directions that may be given to it by the Minister.

8. Any person who contravenes any Order of the Authority made under section 7(h) shall be guilty of an offence and shall be liable to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding one month.
