THE UNITED REPUBLIC OF TANGANYIKA AND ZANZIBAR

No. 51 OF 1964

I ASSENT,

Julius K. Nyerere
President

17TH SEPTEMBER, 1964

An Act to provide for the Conservation, Development and Improvement of Grazing Lands

[2ND OCTOBER, 1964] G.N. 580 of 1964

ENACTED by the Parliament of the United Republic of Tanganyika and Zanzibar.

Short title and commencement

1. This Act may be cited as the Range Development and Management Act, 1964, and shall come into operation on such as the Minister shall, by notice in the *Gazette,* appoint.

PART I

INTERPRETATION AND ADMINISTRATION

Interpretation

2.-(1) In this Act, unless the context otherwise requires-

"allocation" in relation to land, means an allocation, of land in accordance with subsection (4) of section 26;

"authorized", in relation to stock units, means the number of stock units authorized for the time being under section 34 for the ranchlands of a ranching association;

"authorized officer" means an officer authorized in writing in that behalf by the Commission;

"closed area" means an area with respect to which a closing order has been made under section 10;

"the Commission" means the Commission established for a range development area;

"household", in relation to a member of a ranching association, means the wives, children, dependants and servants of such member;

"mining laws" means the Mining Ordinance or the Mining (Mineral Oil) Ordinance or any law amending or replacing either of them; Cap. 123 Cap. 399

"mining title" means a prospecting licence or right, an exploration licence or a claim, granted or made under the mining laws;

"the Minister" means the Minister for the time being responsible for animal husbandry;

"natural produce" includes any forest produce within the meaning ascribed to that expression in the Forests Ordinance; Cap. 389

"prospective members" means those persons-

(a) who, immediately prior to the allocation to a ranching association of lands included in proposals approved under Part III, or, if a right of occupancy is granted instead of such allocation, prior to the grant of such right of occupancy over such lands, exercise any rights over such lands in accordance with the customary law subsisting in the area; or

(b) whose grazing of stock on such lands at such time is recognized by such customary law as lawful; or

(c) who, though not exercising such rights at such time, are entitled under such customary law to any prior rights in such lands,

and in respect of any earlier time, means those persons who would fall within such categories if the current proposals were to be implemented, and an allocation of land made or a right of occupancy granted accordingly, forthwith;

"ranch management scheme" means a scheme prepared and submitted in accordance with section 34 and includes any amendment thereto so prepared and submitted, and an "approved ranch management scheme" and a "confirmed ranch management scheme" mean respectively a ranch management scheme which has been approved by the ranching association to which it relates and a ranch management scheme which has been confirmed by the Minister;

"ranching association" means an association registered under this Act;

"ranchlands" means the lands of a ranching association within a range development area including lands allocated to the association therein, other than any such lands which have been declared by the Commission not to be ranchlands;

"range development area" means an area for the time being declared to be a range development area by or in accordance with section 3;

"stock" means cattle, donkeys, sheep and goats;

"stock quota" means the number of stock units which a member of a ranching association, or if the association itself keeps or grazes stock, the association, is permitted by or under the association's by-laws to keep and graze on the association's ranchlands;

"stock unit" means any number of any stock or any description of stock, or combination of different descriptions of stock prescribed as a stock unit;

"survey area" means an area of which the Commission causes a survey to be made under section 23;

"Water Officer" means the Water Officer appointed under the Water Ordinance; Cap. 410

"written title" means a right of occupancy, a Government lease or a mining lease.

(2) References to the Area Commissioner or the Regional Commissioner in cases where a range development area extends over two or more districts or two or more regions means the Area or Regional Commissioner within whose district or region, as the case may be, the matter arises:

Provided that the Minister may, in any such case, declare one of such Area or Regional Commissioners to be the Area or Regional Commissioner, as the case may be, for the purposes of the range development area.

(3) General orders made by the Commission under this Act shall apply to persons generally or to such classes of persons as may be specified therein.

(4) Subject to the provisions of section 36, special orders made by the Commission under this Act shall apply to the person or persons to whom they are addressed.

Range development areas

3. (1) The area specified in the First Schedule to this Act is hereby declared to be a range development area.

(2) The Minister may, with the approval of the National Assembly, by order published in the *Gazette,* declare any area in Tanganyika to be a range development area.

(3) The Minister may, with the approval of the National Assembly, by order published in the *Gazette,* alter the boundaries of any range development area.

Range development Commissions

4.-(l) There shall be established in each range development area a range development Commission which shall be charged with the rehabilitation, conservation, development and improvement of the natural resources of the range development area in accordance with the provisions of this Act.

(2) The provisions of the Second Schedule to this Act shall have effect as to the constitution, proceedings and acts of, and otherwise in relation to, a Commission.

Failure to perform functions

5.-(1) If the Minister is satisfied that a Commission has defaulted in the performance of any function or duty conferred or imposed upon it by or under this Act, he may make an order declaring the Commission to be in default, and may by the same or any other order-

(a) for the purpose of removing the default, direct the Commission to perform such of its functions or duties in such manner and within such time or times as may be specified in the order; or

(b) transfer to such person or body as he may deem fit all the functions and duties of the Commission or such of its functions and duties as may be specified in the order.

(2) If the Commission fails to comply with. any requirement in an order made under paragraph (a) of subsection (1) of this section within the time limited thereby for compliance with that requirement, the Minister may make an order under paragraph (b) of that subsection.

(3) Where an order is made under paragraph (b) of subsection (1) of this section, the Minister may, by the same or any other order, suspend the Commission for such time as he may think fit from the performance of all its functions and duties of such of its functions and duties as may be specified in such order.

(4) Any person or body to whom any of the functions or duties of the Commission have been transferred under the provisions of this section shall, when performing such functions and duties and in respect thereof, be deemed to be the Commission for the purposes of this Act, and when so acting shall have all the powers of the Commission in that behalf and the immunities of the members thereof.

PART II

CONTROL OF RANGE DEVELOPMENT AREAS

(a) *Control of entry into, and residence and settlement within, a range development area*

Restriction of entry and residence in range development area

6. (1) The Minister may, after consultation with the Commission, make rules prohibiting, restricting and controlling entry into and residence within a range development area.

(2) Nothing in any rules made under this section shall operate so as to prohibit, restrict or control—

(a) the entry into or residence within a range development area, or any part thereof, of public officers on duty or members or officers of the Commission; or

(b) the entry into a range development area of persons holding therein any estate or interest in land held for a written title or, in the case of such land held by or allocated to a ranching association, of the members thereof, all reasonable access by such persons to such land, or the residence of such persons on such land; or

(c) the entry into a range development area of persons holding, over lands therein, a mining title, all reasonable access by such persons for the purposes of such title, or the residence of such persons in accordance with the rights thereby conferred; or

(d) the entry into or residence within a range development area of the wives, children dependants and servants of a person specified in paragraph (a),(b) or (c) of this subsection, to the same extent as such person is not subject to the operation of such rules; or

(e) the entry into a range development area upon any public highway of persons traveling through such area along such highway; or

(f) the entry into or residence within the range development area of any members of a tribe which, at the time when the area became subject to this Act, had established itself in such area:

Provided that nothing in this subsection contained shall be construed as exempting any of the persons specified in this subsection from complying with any other provision of, or restriction imposed by or under, this Act, or with any rules or orders made thereunder, notwithstanding that such provisions, restrictions, rules or orders may restrict, control or prevent the exercise of any right or title to which this subsection refers.

(3) Without prejudice to the generality of the power to make rules under this section, rules made under this section may-

(a) be made in respect of the whole of a range development area or any part or parts thereof;

(b) empower the Commission to issue permits permitting persons to enter, or to enter and reside within, the area or the parts to which such rules apply, subject to such terms and conditions as the Commission may think fit;

(c) provide for an appeal to the Regional Commissioner against the refusal of the Commission to issue a permit, and against any terms and conditions to which any permit is subject;

(d) empower any such person as may be specified therein to require anyone within the area or the parts to which such rules apply to produce any permit issued to him or to satisfy such specified person as aforesaid that he is a person to whom such rules do not apply;

(e) empower the Commission to erect barriers on public roads into or within the range development area for the control of entry into the area or the parts to which such rules apply;

(f) require the payment of, and fix fees to be paid on the issue of a permit to enter, or to enter and reside, in the area or the parts to which such rules apply, and fix different fees for different classes of persons or in respect of the different purposes for which persons seek to enter or reside therein;

(g) attach to the breach of any rule or of any term or condition inserted in a permit issued by the Commission penalties not exceeding the penalties prescribed in subsection (1) of section 19;

(h) authorize the removal by any such person as may be specified therein of anyone found within the area or the parts to which such rules apply in contravention of any such rules;

(i) provide generally for all matters or things necessary or incidental to the foregoing.

Certificates of residence

7.-(1) The Minister may, after consultation with the Commission, make rules requiring the persons who are described in paragraphs (b), (c), (d) and (f) of subsection (2) of section 6 or any of them or any class thereof, who reside in, or seek to enter a range development area, to apply for a certificate of residence.

(2) Without prejudice to the generality of the power to make rules under this section, rules made under this section may—

(a) be made in respect of the whole of a range development area or any part or parts thereof;

(b) authorize or require the Commission or such other persons as may be specified therein to issue certificates to such persons as apply therefor and who satisfy the Commission or other persons as aforesaid that they are persons to whom such rules apply;

(c) require all persons to whom a certificate is issued to produce the same to any person specified in such rules;

(d) authorize the Commission to impose conditions in any such certificate requiring the holder thereof to enter or leave the area or the parts to which such rules apply at any particular place or places;

(e) prohibit, regulate or control the entry into, or residence within the area or the parts to which such rules apply of any person who is required to apply for a certificate of residence who is not in possession of such a certificate;

(f) attach to the breach of any condition contained in any such certificate or to the breach of any rule made under paragraph (e) of this subsection, penalties not exceeding the penalties prescribed in subsection (1) of section 19;

(g) authorize the removal by any such person as may be specified therein of any one required to apply for a certificate of residence who is not in possession thereof when found in the area or the parts to which such rules apply;

(h) provide generally for all matters or things necessary or incidental to the foregoing.

(3) Any person aggrieved by the ~ refusal of the Commission or of any other person authorized in that behalf to issue to him a certificate under rules made under this section, or by the imposition of any condition in a certificate issued to him, may appeal against such refusal or imposition to the Regional Commissioner, and thereupon the Regional Commissioner may either confirm the refusal to issue such certificate or the imposition of the condition, or may require the Commission or other person authorized in that behalf to issue a certificate either with or without conditions, or may modify, vary or quash the condition; and the Commission or such other person as aforesaid, as the case may be, shall comply with any such requirement of the Regional Commissioner.

Control of residence and settlement

8.-(l) The Commission may, by special order or, with the prior approval of the Minister, by general order, prohibit, restrict or control residence or settlement in any part of a range development area (other than on land therein held for a written title or the subject of a claim made under the mining laws) for such time and in such manner as it thinks fit.

(2) Without prejudice to the generality of the power to make orders under this section, orders made under this section may—

(i) be made in respect of any category of residence or settlement;

(ii) provide for exemption therefrom and for the issue of permits of exemption, subject to such conditions as the Commission may think fit;

(iii) authorize the removal from any part to which such order applies of any person who takes up or continues residence or makes or continues any settlement in contravention of any such order or of any condition contained in a permit.

(b) Control of grazing and cultivation and protection of natural resources

Conservation of soil and protection of natural resources

9. (1) Subject to the provisions of section 13, whenever the Commission considers it necessary or expedient so to do for the purpose of the conservation of the soil of, or the prevention of the adverse effects of soil erosion on land in, a range development area or any part thereof, or otherwise for the rehabilitation, protection or improvement of the natural resources thereof, it may make special orders or, with the prior approval of the Minister, general orders—

(a) prohibiting, restricting or controlling the use of land for any agricultural purpose including the keeping or grazing of stock and other domestic animals;

(b) prohibiting, restricting, limiting or controlling-

(i) the breaking or clearing of land for the purposes of cultivation;

(ii) the firing, clearing or destruction of vegetation including stubble;

(iii) the use of agricultural implements or machinery;

(iv) the use of dams, wells, boreholes, waterholes, watercourses, streams, rivers or lakes;

(v) the introduction or removal of flora or fauna;

(vi) the introduction, grazing, watering or movement of stock and other domestic animals;

(vii) the gathering of natural produce;

(viii) the exercise of any rights in relation to forest produce determined under the provisions of the Forests Ordinance;

(ix) the carrying or use of weapons, snares, traps, nets or poison;

(c) requiring, regulating or controlling-

(i) the afforestation or re-afforestation of land;

(ii) the protection of slopes and closed areas;

(iii) the drainage of land, including the construction, maintenance or repair of artificial or natural drains, gullies, contour banks, terraces and diversion ditches;

(iv) the uprooting or destruction of any vegetation;

(v) the removal, dipping, inoculation, injection, branding or marking of stock and other domestic animals and the reporting of the signs of any animal disease;

(vi) the registration of brands and stock marks and the registration of ownership of stock;

(d) prescribing the method of cultivation of land;

(e) prohibiting, restricting or controlling—

(i) the construction or extension of buildings or works, or restricting or controlling the siting thereof;

(ii) the construction or extension of roads or tracks, or restricting or controlling the siting or alignment thereof:

Provided that no order made under paragraph (e) of this subsection-

(I) shall operate so as to require any person to demolish, destroy, alter or remove any buildings, works, roads or tracks of a permanent nature or any part thereof which were constructed prior to the area becoming subject to this Act; or

(II) shall operate so as to prevent the construction or extension of any buildings, works, roads or tracks by the holder of a right of occupancy who is required to construct or extend the same by the terms or conditions thereof or by the holder of a Government lease who is required to construct or extend the same in accordance with development requirements annexed thereto under the Freehold Titles (Conversion) and Government Leases Act, 1963; or

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(III) shall operate to prevent the construction or extension of any buildings, works, roads or tracks by the holder of a claim made or lease granted under the mining laws, within the limits of such claim or lease, which are necessary for the enjoyment of the rights granted under any such claim or lease.

(2) Without prejudice to the generality of the power to make orders under this section, general orders made under this section may provide-

(a) for such exemptions or conditional exemptions from the operation thereof as may be specified;

(b) for the grant of permits or conditional permits of exemption from the operation thereof and in particular for the exercise of the rights granted by such permits during such time or at such intervals as may be specified;

(c) for their application to certain periods or seasons of the year or to certain times or at certain intervals;

(d) that any act or thing be done at or within such time as may be specified and to the satisfaction of the Commission or any person specified therein;

(e) that such orders, and any permits issued thereunder, shall be subject to any special orders made under this section.

(3) Without prejudice to the generality of the power to make orders under this section, special orders made under this section may—

(a) provide for any of the matters specified in paragraph (a), (c) or (d) of subsection (2) of this section; and

(b) require any act or thing to be done and prohibit any act or thing from being done before or after any specified time.

Closing orders

10.-(l) Subject to the provisions of section 13, where the Commission is of the opinion that any land within a range development area, other than land occupied by a dwelling house, a shop or premises used for the accommodation of travelers and visitors, or under a mining claim made or a mining lease granted under the mining laws, is being or may become despoiled, it may, with the prior approval of the Regional Commissioner, by general or special order direct that such land shall be a closed area.

(2) Any order made under this section shall specify the land to which it applies and shall state that the occupation and cultivation of such land, the keeping or grazing of stock or other domestic animals, the cutting down or destruction of vegetation and the taking of natural produce thereon are prohibited.

Executive powers of Commission

11. The Commission may take measures within a range development area-

(a) for the control, conservation and utilization of water including storm water;

(b) for the protection of the source, course and banks of streams, rivers, furrows, waterholes, watercourses, wells, dams and lakes;

(c) for the mitigation and prevention of soil erosion;

(d) for the protection of flora and fauna;

(e) for the control, prevention and extinguishment of grass fires; and

(f) for the improvement of the soil, vegetation and water resources,

and may construct or execute such works as the Commission thinks necessary or expedient for any of such purposes.

Right of entry

12.- (1) Any person authorized in writing in that behalf by the Commission may at any time enter upon any land within a range development area, other than land occupied by a dwelling house—

(a) for the purpose of ascertaining whether any measures are necessary or desirable for the conservation or improvement thereof;

(b) for the purpose of ascertaining whether the land is being used in accordance with the provisions or in contravention of any order made under section 8, 9 or 10 or for the purpose of communicat. ing such orders;

(c) together with any necessary workmen, agents, contractors, supervisors or organizers, for the purpose of taking any measures or constructing or executing any works authorized under the provisions of section 11, or of inspecting, repairing or maintaining any works so constructed or executed.

(2) In addition to the powers contained in subsection (1), any such person as aforesaid may, within a survey area—

(a) make surveys and take samples of the natural resources of the area;

(b) take a census of the human and animal population and investigate or record the customary rights subsisting in or against the land or other natural resources.

(3) No compensation shall be payable to the owner of any land or of any interest therein upon which works have been constructed without negligence under the provisions of section 11 and of this section.

Limitation of powers of Commission in respect of ranchlands

13. Notwithstanding the foregoing provisions of this Part, where any order made by the Commission under this Part and applicable to a ranching association or its ranchlands conflicts with any approved or confirmed ranch management scheme in force for such association or its ranchlands, such order shall not, to the "tent of any such conflicts, be binding upon the association or any person on whom the association's by-laws are binding.

(c) Orders and appeals under Part II

Making and notification of orders

14.-(l) General orders made under this Part shall be in writing and shall be published by posting the same at the offices of the Commission in the range development area, at the district headquarters of the district and in such other manner as may be prescribed.

(2) A copy of every general order made by the Commission under this Part and of every special order made under section 8 or 10, authenticated in accordance with the provisions of the Second Schedule (or as provided for special orders in subsection (3)), shall be dispatched, at the time of making the same, to the Minister, the Regional Commissioner and the Area Commissioner.

(3) Special orders made under this Part shall be m writing. Such orders may be communicated to the person to whom they are addressed either by delivering to such person, or by leaving at such person's address, a copy thereof authenticated in accordance with the provisions of the Second Schedule (or where the order is made by a person to whom the power to make special orders has been delegated, by the signature of such person), or by a person authorized in that behalf by the Commission or to whom the power to make special orders has been delegated informing the person to whom such orders are addressed of their contents verbally; and when such orders are so made and communicated they shall be deemed to have been properly made and published to the person to whom they are addressed:

Provided that where any such order is communicated verbally, the person to whom it is communicated shall be entitled, on demand and upon signing a receipt therefor, to a written copy of such order authenticated as aforesaid.

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(4) Notwithstanding the provisions of section 7 of the Interpretation and General Clauses Ordinance, no order made under this Act shall require to be published in the *Gazette.*

Powers of Regional Commissioner with regard to special orders and certain conditions

15.-(1) Any person aggrieved by-

(a) a special order (other than a special order made under section 10) addressed to himself and made under this Part; or

(b) the refusal to grant a permit, or a condition imposed in a permit issued to him, under a general order made under this Part,

may appeal against such order or condition to the Regional Commissioner, and the Regional Commissioner may either confirm the order, refusal or condition or may vary, modify or quash the order or condition, or direct the issue of a permit, with or without conditions, as the case may be; and the Commission shall give effect to any such direction.

(2) Any special order or condition varied or modified under the provisions of subsection (1) of this section shall, from the date of such variation or modification, take effect as so varied or modified.

(3) Where the Regional Commissioner varies, modifies or quashes a special order or condition under subsection (1) of this section, he may give directions to the Commission in respect of any matter or thing previously done or suffered under the order or condition, and the Commission shall give effect to such directions.

(d) *Enforcement and penalties*

Power to demolish works

16.-(1) The Commission may, by special order, require any person who has constructed or extended any buildings, works, roads or tracks in contravention of any order made under this Part to modify, demolish or destroy the same within such period as the Commission may specify.

(2) If a person fails to comply with any such requirement, it shall be lawful for any person authorized in writing in that behalf by the Commission to enter upon any land together with all necessary workmen, agents, contractors, supervisors and organizers and to cause such building, works, road or track to be modified, demolished or destroyed, and the Commission may recover the cost of such modification, demolition or destruction from the person in default by civil suit.

(3) The Commission may sell any materials recovered from any buildings or works which it has caused to be demolished or destroyed under subsection (2) of this section and shall apply the proceeds of such sale, first towards the expenses thereof, secondly, in payment or part payment of the costs incurred in the execution of the powers contained in subsection (2) and thirdly, shall pay any surplus to the owners of such buildings or works.

Power to seize stock, implements and weapons, etc.

17. Where any police officer, or any member or officer of the Commission has reason to believe that—

(a) the keeping or grazing of any stock or other domestic animals;

(b) the use of any agricultural implement or machinery;

(c) the carrying or use of any weapon, snare, trap, net, or poison;

(d) the collecting of any natural produce,

is in contravention of any order made under this Part, he may seize such stock, animal, implement, machinery, weapon, snare, trap, net, poison, or natural produce:

Provided that the person seizing such property shall forthwith report such seizure to the nearest magistrate.

Power of arrest

18. A police officer, or member or officer of the Commission may arrest without warrant any person who he reasonably suspects has committed an offence against this Part or against any rules made hereunder, where-

(a) such person refuses to give his name and address or gives a name or address which there is reason to believe to be false; or

(b) there is reason to believe that such person will abscond:

Provided that every such officer or member making an arrest under this section shall ensure that the person so arrested is taken without delay before the nearest magistrate.

Offences

19. (1) Any person who-

(a) contravenes or fails to comply with an order made under section 8, 9 or 10; or

(b) contravenes or fails to comply with any condition of a permit issued under general orders made under section 8 or 9; or

(c) obstructs any person in the exercise of his powers under section 11, 12, 16, 17, 18, 35, 37, 40 or 5 1,

shall be guilty of an offence against this Act and shall be liable on conviction, in the case of a first conviction, to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding three months or to both such fine and imprisonment, and in the case of a second or subsequent conviction, to a fine not exceeding three thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(2) Any person who willfully tampers with, damages or alters any works constructed or executed by or on behalf of the Commission or a ranching association under this Act shall be guilty of an offence against this Act and shall be liable on conviction to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment; and any works so tampered with, damaged, or altered may be replaced or repaired by or on behalf of the Commission or the association concerned at the expense of any person convicted under this subsection and the cost so incurred may be recovered upon the order of the court as if it were a fine imposed by the court.

Forfeiture of stock or other animals and weapons, etc.

20. Where any person has been convicted of an offence under the provisions of subsection (1) of section 19 in respect of the keeping or grazing of stock or other animals, the carrying or use of weapons, snares, traps, nets or poison, the use of any agricultural implement or machinery or the collection of natural produce, the court may order that such stock, animals, weapons, snares, traps, nets, poison, agricultural implement or machinery, or natural produce, shall be forfeit to the United Republic.

(e) *Miscellaneous*

Conduct of prosecutions

21. A member or officer of the Commission authorized in that behalf by the Minister, may conduct a prosecution for an offence against this Part or any rules made thereunder, and shall for that purpose have the powers of a public prosecutor for the purposes of the Criminal Procedure Code.

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Delegation of power to make special orders

22. The Commission may delegate to any member of the Commission, approved in that behalf by the Minister, all or any of its powers to make special orders under this Part.

PART III

RANCHING ASSOCIATIONS AND RANCH LANDS

(a) *Formation of ranching associations and establishment of ranchlands*

Investigation into establishment of ranching projects and associations

23.-(1) Where-

(a) after such consultation with the prospective members as it thinks fit, the Commission is of the opinion that an investigation should be made into the practicability of—

(i) developing any part of a range development area as a ranching project; and

(ii) the formation of a ranching association amongst the prospective members for the development of such part and for the management of such ranching project; or

(b) the Minister requires the Commission to institute such an investigation,

the Commission shall cause a survey to be made of such part, and if it appears that such survey area, or any lands comprised therein, are suitable for development as a ranching project, the Commission shall cause plans to be prepared for the development of such area or lands as a ranching project and for the formation of a ranching association.

(2) The results of every survey carried out in accordance with this section shall be reported to the Minister by the Commission.

Submission of proposals

24. (1) Where it appears to the Commission that any survey area, or any lands therein, can suitably be developed as a ranching project, it may, and where it is so directed by the Minister it shall-

(a) deposit, at some convenient place where they can be examined free of charge by the prospective members, proposals for such development and for the formation of a ranching association; and

(b) summon a meeting or meetings of the prospective members for the consideration and approval of such proposals.

(2) Proposals deposited and submitted to a meeting under this section shall include-

(a) (i) a description of the proposed ranchlands and of the boundaries thereof;

(ii) a description of the proposed water rights, if any;

(iii) a description of any works for the rehabilitation, development, conservation and improvement of the natural resources of the ranchlands-

(A) which shall be provided by or on behalf of the Commission;

(B) which shall be provided by the proposed ranching association as a condition of the allocation of lands comprising, or the grant of a right of occupancy over, the ranchlands:

Provided that the proposals shall not include-

(I) any lands held for a written title unless the owner and any other person holding an interest therein has deposited with the Commission a written undertaking to surrender such title or interest in the event of such lands being included in the proposals when approved in accordance with section 25;

(II) any lands (including any lands surrendered in accordance with any such undertaking) other than those of which the Minister responsible for lands has notified the Commission that he is prepared to make an allocation of land or, if the association so elects, to grant a right of occupancy, to a ranching association,

(III) any lands forming any public highway or road;

(IV) any water rights other than those which the Water Officer has notified the Commission that he is prepared to grant to a ranching association;

(V) any such conditions unless the Minister responsible for lands has notified the Commission that he proposes to make them a condition of an allocation of land or to include them in a right of occupancy granted to a ranching association;

(b) an estimate of the number of authorized stock units for the proposed ranchlands;

(c) an estimate of the numbers of the prospective members and of the existing stock units of the prospective members;

(d) such other matters as may be prescribed.

(3) There shall also be deposited with the proposals and available at a meeting, drafts of any common form rules for ranching associations which have been approved by the Commission and a statement in the form approved by the Minister of the principal provisions of Parts III and IV of this Act, which statement shall include a statement of the association's right to elect between an allocation of land and a grant of a right of occupancy.

(4) At a meeting summoned under this section, the Commission-

(a) shall cause the proposals to be read and cause such explanations as it thinks fit to be given of the proposals and of the consequences of the establishment of a ranching project and of the formation of a ranching association;

(b) may amend the proposals:

Provided that if any amendment is made. to the description or boundaries of the proposed ranchlands, the estimates of the authorized and existing stock units and of the prospective members shall also be amended to any necessary extent;

(c) after any amendment, shall submit the proposals to the meeting for approval:

Provided that-

(i) the proposals shall not be submitted for approval unless there are present at the meeting not less than sixty per centum of the estimated number of prospective members;

(ii) not less than twenty per centum of the prospective members, or the owners (being prospective members) of not less than ten per centum of the estimated number of existing stock units, may require that, before the proposals are submitted for approval, the Commission shall cause to be made and exhibited a list of the prospective members and their existing stock units and, if the aggregate of such existing stock units exceeds the estimate of the number of authorized stock units, the number by which it is proposed each prospective member's existing stock units shall be reduced; and where such prospective members so require, the Commission shall not submit the proposals for approval until such list has been made and exhibited; and such list may, and shall in the event of any omission or error being brought to the attention of the Commission, be amended in the like manner as the proposals.

(5) Where it is proposed that the number of existing stock units shall be reduced in order that they shall not in the aggregate exceed the number of authorized stock units, they shall be reduced by an equal proportion of the existing stock units of every prospective member (fractions of whole numbers being disregarded).

(6) A meeting under this section shall be summoned on the prescribed notice, may be adjourned from time to time, and, when adjourned for more than thirty days, the adjourned meeting shall be summoned on the prescribed notice.

Approval of proposals and application for registration of ranching association

25. (1) Where proposals submitted to a meeting held in accordance with the Provisions of section 24 are approved by not less than sixty per centum of the estimated number of prospective members or, if any list of the prospective members has been prepared and exhibited, not less than sixty per centum of the number of prospective members included therein-

(a) the Commission shall make a declaration to that effect; and

(b) thereupon the prospective members, or any of them, may apply to the Commission for the registration of a ranching association under this Act.

(2) An application to the Commission for registration as a ranching association shall-

(a) be made in the prescribed form;

(b) be accompanied by the rules of the proposed association and draft by-laws specifying the stock quotas of every prospective member:

Provided that where the stock units of the prospective members have been included in a list made under section 24, the stock quota of each prospective member as specified in such draft by-laws shall not be less than the stock units of such member (reduced, if such be the case, in accordance with such list) as included in the list at the time the proposals were approved.

(3) In addition to any provision in the rules of a proposed association relating to the eligibility of any person to become a member thereof, such rules shall contain provision whereby every prospective member shall be entitled if-

(a) he exercises such option within the time and in the manner prescribed; and

(b) he limits his stock units to his stock quota in accordance with the first by-laws of the association in that behalf; and

(c) he pays or lenders any subscription or entrance face,

to become a member of the ranching association.

(4) Subject to the provisions of subsections (2) and (3) and the provisions of any regulations of the Minister prescribing the matters to be contained in rules of a ranching association or regulating the constitution, government and powers thereof, the Commission may require the amendment or withdrawal of any rule of a proposed association or draft by-laws, and may refuse to register the association until the applicants for registration have complied with such requirement.

Consequences of registration

26. (1) Where the Commission has registered a ranching association under this Act, every prospective member shall be entitled to become a member of the association in accordance with its rules.

(2) Where a ranching association has been registered as aforesaid and not less than sixty per centum of the prospective members have become members of the association, the ranching association shall be entitled-

(a) to an allocation of the lands included in the approved proposals (including any lands which are the subject of an undertaking of surrender) subject to any conditions specified in the approved proposals; or

(b) if the association, at that or any later time so elect, to a right of occupancy over such lands free of rent, for a term of ninety-nine years (less any period which has elapsed since the association was registered) and upon such terms and conditions as the Minister responsible for lands may determine, not being terms or conditions inconsistent with the development and use of the lands for ranching purposes; and

(c) to such water rights as were included in the approved proposals, and the Minister responsible for lands and the Water Officer shall, with all due dispatch, make such allocation and grants accordingly.

(3) On the allocation of, or the grant of such right of occupancy over, the said ranchlands to the ranching association-

(a) any lands therein which are the subject of an undertaking to surrender shall, if they have not already been surrendered in accordance with such undertaking, be deemed to have been so surrendered;

(b) all customary rights and titles therein to lands, grazing, passage or waters, or otherwise to the use or benefit of any natural resources (whether of persons who become members of the association to which such allocation or grant is made, or prospective members who do not become such members, or of others, and whether of individuals or tribes, or any division or subdivision of tribes) shall thereupon be extinguished; and

(c) all customary rights and titles to any lands, grazing, passage or waters, or otherwise to the use or benefit of any natural resources, within the range development area in which such ranchlands are situate of any person who is or becomes a member of the ranching association to which such allocation or grant is made shall be extinguished on the date of such allocation or grant or on the date of such person's becoming a member, whichever is the later.

(4) An allocation of lands under this Act shall be made in writing under the hand of the Minister responsible for lands or a person appointed by him for that purpose, and shall constitute a licence to the association to whom the lands are allocated to use and to permit the use of such lands for the purposes and in accordance with the provisions of this Act.

(5) An allocation of land under this Act shall not be revoked save on a ground that constitutes good cause for the revocation of a right of occupancy, or on the winding-up of the association to which the land is allocated.

Acquisition of contiguous land

27. The Commission may, at the request of a ranching association or of its own motion, cause an investigation to, be made of the practicability and desirability of extending the ranchlands of a ranching association to contiguous lands within the range development area, and may Prepare plans and make proposals for such purposes and for the admission to membership of the ranching association of those persons who would, were an investigation or proposals to be made under sections 23 and 24, be prospective members. Any

proposals made under this section, shall be subject to the approval of not less than sixty per centum of such prospective members and of such majority of the members of the ranching association as is necessary for the alteration of the rules of the association and shall be made subject to such procedures as will afford the prospective members the like information, opportunity for discussion and rights as are accorded to prospective members under the foregoing provisions of this Part; and any allocation of, or grant of a right of occupancy over, such contiguous land made as a consequence of any proposals so made and approved shall be deemed to be an allocation or a grant, as the case may be, under subsection (3) of section 26 and shall be subject to the consequences specified therein.

(b) General provisions relating to ranching associations

Associations to be bodies corporate

28.-(1) Every ranching association registered by the Commission under this Act shall-

(a) be a body corporate with perpetual succession;

(b) m its corporate name be capable of suing or being sued; and

(c) subject to the provisions of this Act and of any regulations of the Minister in that behalf, be capable of holding, purchasing and otherwise acquiring, and of disposing of property.

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(2) The provisions of subsection (1) of section 22 of the Co-operative Societies Ordinance shall apply in relation to a ranching association of which all the members are Africans as they apply in relation to a primary co-operative society of which all the members are Africans.

Functions

29.-(l) A ranching association shall manage and control its ranchlands for the benefit of its members and shall develop the natural resources of its ranchlands.

(2) In addition to the functions herein before conferred on a ranching association, an association shall have power—

(a) to buy and sell stock, agricultural implements and machinery, agricultural products and seeds, and natural products;

(b) to buy and sell such other goods as it may consider desirable for the benefit of its members;

(c) to keep and graze on the association's ranchlands, stock of the association not exceeding the association's stock quota;

(d) to reserve part of its ranchlands for the establishment of an exclusive ranch to be operated by the association, and to maintain and operate such ranch:

Provided that an association shall not reserve part of its ranchlands. for the establishment of an exclusive ranch except in pursuance of a resolution passed by such a majority of the members of the association as is necessary for the alteration of the rules of the association.

(3) The functions of the association shall be exercised in accordance with its rules and subject to any approved or confirmed range management scheme in force, and to any orders made by the Commission under this Act which apply to such association or its ranchlands.

(4) Nothing in this section shall be construed as exempting any association from any rule of law or any requirement to obtain a licence, permit or other authority.

Acquisition and disposal of land

30. A ranching association may, with the approval of the Commission and subject to such other consents, if any, required by law or under the title by which the land is held-

(a) purchase or otherwise acquire land held for a written title;

(b) mortgage or charge any land held for a written title;

(c) assign, lease, surrender or otherwise dispose of any land held for a written title;

(d) partition, consolidate or exchange any land:

Provided that an association shall not exercise the powers specified in paragraph (b), (c) or (d) of this section except in pursuance of a resolution passed by such a majority of the members of the association as is necessary for the alteration of the rules of the association.

Amalgarnation and division

31.-(l) A ranching association may, with the approval of the Commission-

(a) amalgamate with any other ranching association;

(b) divide into two or more ranching associations;

(c) divide into two or more parts for the purpose of the amalgamation of one or more of such parts with some other ranching association, and the establishment of the other or others as a separate ranching association.

(2) Any amalgamation or division of a ranching association or ranching associations shall be subject to such terms and conditions as the Commission shall direct, and shall, in the case of a division, be subject to such equitable distribution of the assets and liabilities of the association as the Commission and, in the case of interests in land or water or land allocated under this Act, the Minister or Ministers responsible for those matters, shall approve.

Dissolution

32. (1) The Commission may provide for the inspection of the affairs of, and may wind up and dissolve, a ranching association on the same grounds and subject to the same procedures as are provided for the winding up and dissolution of a co-operative society by the Minister responsible for co-operative societies or the Registrar of Co-operative Societies under the Co-operative Societies Ordinance; and the provisions of sections 50, 51, 52, 53, 54, 55 (2), 56, 57, 58 and 59 of that Ordinance shall apply *mutatis mutandis* to such winding up and dissolution.

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(2) Where, on the winding up of a ranching association-

(a) it is unnecessary to dispose of any ranchlands of the association which are held for a written title in order to meet the liabilities of the association to persons other than its members; or

(b) the association enjoys the use of any ranchlands by reason of the allocation to it of such lands,

the Commission may, and shall if the association so requires, report the same to the Minister responsible for lands and such Minister may prepare a scheme for the use of the lands forming such ranchlands of the association by the members thereof either under a written title or in accordance with the customary law obtaining in such lands prior to their becoming ranchlands of the association.

(3) Where the Minister responsible for lands makes any such scheme, he shall, on accepting a surrender of the right of occupancy over the ranchlands or revoking the allocation, as the case may be;, grant such

written title, or make such declaration of the rights of the individual members to use the lands in accordance with such customary law, as are provided for in the scheme and any such declaration of rights under such customary law, shall be deemed to be in accordance with such customary law and such rights may be exercised accordingly.

Restriction on alteration of rules

33. A ranching association shall not alter its rules without the consent of the Commission.

PART IV

THE DEVELOPMENT AND MANAGEMENT OF RANCH LANDS

(a) *Authorized stock units and ranch management schemes*

Authorized stock units and ranch management schemes

34.(l) The Commission—

(a) shall, at the time when any land becomes ranch land, declare the number of authorized stock units of such ranch land and may, from time to time, vary such authorized number:

Provided that the number initially so declared, and the number as varied during the first three years succeeding the land becoming ranch land, shall not be less than the estimated authorized number included in the proposals approved for such ranch land under Part III;

(b) may, at any time, cause to be prepared and submitted to a ranching association or, if a ranching association is not yet established, to the prospective members, a ranch management scheme for the development and management of the ranchlands or proposed ranchlands, or any part thereof, and may from time to time, cause to be prepared and submitted amendments to any existing ranch management scheme.

(2) Where a ranch management scheme is submitted to prospective members before the proposals referred to in section 24 are submitted to a meeting for approval, the scheme shall be deemed to form part of those proposals and the approval of the proposals in accordance with section 25 shall be deemed to include approval of the scheme, and no appeal shall lie against a scheme deemed to be so approved.

(3) Where a ranch management scheme or any amendment thereto is submitted to prospective members after the proposals referred to in section 24 have been approved, it shall be submitted to a meeting of such prospective members and the provisions of Head (a) of Part III relating to meetings (including the provisions relating to the majority required for approval) shall apply mutatis mutandis to meetings of the prospective members under this subsection. Unless such a scheme is approved by not less than sixty per centum of the prospective members, the Commission shall submit the scheme to the Minister for confirmation.

(4) Where-

(a) the Commission notifies a ranching association that it proposes to decrease the number of authorized stock units; or

(b) a ranch management scheme or any amendment thereof is submitted to a ranching association,

and the ranching association does not notify the Commission, within such time as may be prescribed, that such lesser number, scheme or amendment, as the case may be, is approved by the association, the Commission shall submit the same to the Minister for confirmation.

(5) The Minister-

(a) shall not confirm and reduction of the number of authorized stock units, scheme or amendment submitted to him under this section without affording the ranching association an opportunity of making representations against the same;

(b) may, whether or not representations are made by the ranching association, modify any such variation, scheme or amendment and confirm the same as so modified.

(6) No reduction in the number of authorized stock units, ranch management scheme or amendment shall come into force until it has been approved or confirmed in accordance with this section.

Seizure of stock in excess of authorized number

35.-(1) Where any authorized officer is satisfied that there are kept or grazed upon the ranchlands of an association any stock units in excess of the authorized number (other than stock not belonging to such association or its members which is being driven on stock routes approved by the Commission), he may seize such number of stock units as are being so kept or grazed in excess of the authorized number as if they were being kept or grazed in contravention of an order made under Part 11 of this Act and may take the same before a magistrate, and the magistrate may forfeit such stock to the United Republic.

(2) Where any stock so seized is the property of the association a member of the association and the association or the member has not exceeded its or his current stock quota (being a stock quota fixed with regard to the current number of authorized stock units of the association), the association or such member shall be entitled to be compensated from the excess of stock units kept or grazed on the association's ranchlands by any other member or the association over the number of his or its stock quota, and such compensation shall be awarded and given effect to either by the association in accordance with the provisions of section 41 or by a court at the suit of the person claiming the same.

Schemes may include orders under Part II

36.-(1) In addition to any other matter which may be contained in a ranch management scheme in order to give effect to the provisions of paragraph (b) of subsection (1) of section 34, there may be included in such a scheme any provision which the Commission may make by order under Part II; and if the Commission proposes that any such provision shall have effect as an order under that Part, it shall identify such provision as an order.

(2) Where any order is included and identified as such in an approved or confirmed scheme, it shall be deemed to be a special order applying to the association and to all persons who are bound by the association's by-laws and, on the scheme being delivered to the association, the order shall be deemed to have been published to all such persons in accordance with Part II and the provisions of that Part shall apply accordingly.

Works

37. Where a ranching association refuses or neglects to undertake or complete any works included in an approved or confirmed scheme, or in the conditions of any title on which it holds its ranchlands, or to repair or maintain any such works or any works provided by the Commission in accordance with proposals approved under section 25, the Commission shall have the like powers of entry to the ranchlands of

the association as are conferred by paragraph (c) of subsection (1) of section 12 and may itself undertake, complete, repair and maintain such works, and recover the cost thereof from the association.

(b) *By-laws of a ranching association*

By-laws

38.-(1) A ranching association-

(a) shall make by-laws prescribing each member's quota of stock units and, where the association itself keeps or grazes stock on its ranchlands, prescribing its own stock quota, and shall submit the same to the Commission for its approval:

Provided that the first by-law of an association under this paragraph shall not prescribe for any member a stock quota less than that specified for such member in the draft by-laws submitted to the Commission on the application for the registration of the association;

(b) may, with the approval of the Commission, make by-laws for the purposes of its functions, the implementation of any range management scheme, and to effect compliance with the terms and conditions of any title on which it holds its ranchlands and, without prejudice to the generality of the foregoing may make by-laws-

(i) controlling, regulating and prescribing the use of the lands, waters and other natural resources of its ranchlands;

(ii) for the conservation, preservation, rehabilitation and improvement of its ranchlands and the natural resources thereof;

(iii) for the performance of works necessary to the conservation, preservation, rehabilitation and improvement of its ranchlands by the members of the association;

(iv) closing parts of its ranchlands for grazing or agriculture and providing for the distribution and rotation of grazing and cultivation;

(v) for the prevention of bush fires and the construction of windbreaks;

(vi) for the extermination of noxious plants;

(vii) for the dipping, injection, quarantine, inspection, branding and marking of stock, the registration of the ownership of stock, and the reporting of the signs of disease amongst stock and other animals;

(viii) for the payment of fees by members of the association for any services performed by the association;

(ix) for the use and enjoyment by persons other than members of the association of the lands, waters or other natural resources of its ranchlands (including the passage of stock), and of the services of the association, and for the payment of fees therefor,

and may, from time to time revoke or amend the same.

(2) By-laws of a ranching association may prescribe penalties not exceeding two hundred shillings or the equivalent in stock for any contravention thereof.

(3) The Commission shall have power to require a ranching association-

(a) to make by-laws for any purpose within its powers and to submit the same to the Commission for its approval; and if the association neglects or refuses to make such by-laws, the Commission may itself make such by-laws; and

(b) to modify or withdraw any by-law submitted to it for its approval; and if the association fails or refuses to modify any by-law, the Commission may approve the same subject to such modifications as it may determine,

and any by-laws made by the Commission or approved subject to modifications by the Commission shall be deemed to have been made by the association and approved by the Commission and shall have force and effect accordingly.

(4) By-laws shall be published by the association in such manner as is appropriate or customary for bringing them to the attention of the members of the association, and, if the Commission so requires, in such manner as the Commission may direct.

Application of by-laws

39. By-laws made or deemed to, have been made by a ranching association with the approval of the Commission shall be binding on-

(a) its members;

(b) all persons residing on the ranchlands of the association; and

(c) all persons licensed or otherwise authorized by the association to use the lands, waters or other natural resources of the ranchlands of the association, including persons licensed to move stock through the ranchlands of the association.

Seizure of stock and goods

40. Subject to the rules of the association and to any by-laws in that behalf, any officer or member of the managing committee of an association may seize-

(a) any stock or other domestic animal which is being kept or grazed; or

(b) any implement or machinery which is being used; or

(c) any produce which has been cultivated or collected,

in contravention of the by-laws of the association and, anything so seized shall be produced before the managing committee or any sub-committee established by the rules for that purpose, or if the offender is not a member of the association or one of the household of a member of the association living with him on the association's ranchlands, before a magistrate.

Sanctions: members and their households

41. (1) Where any member of a ranching association or one of the household of such a member living with him on the association's ranchlands contravenes a by-law of the association, the managing committee or a sub-committee established by the rules for that purpose may-

(a) order the payment of a penalty not exceeding the penalty prescribed in the relevant by-law;

(b) order the confiscation to the association of any stock, animal, implement or machinery concerned in the contravention of the by-law:

Provided that where any member has suffered damage by reason of the contravention of a by-law by another, any stock animal or material confiscated under this paragraph may be ordered to be delivered as compensation to such first-mentioned member, or to be sold and the proceeds paid as compensation to him;

(c) order the destruction of any crops cultivated, works executed or settlements, habitations or other structures erected in contravention of the by-law;

(d) order the rehabilitation of any works or natural resources damaged or impaired in the course of the contravention of the by-law;

(e) in the case of a member who is a persistent offender against the association's by-laws recommend his expulsion from the association, and in the case of one of the household of a member who is a persistent offender against the association's by-laws recommend to the Commission that he be prohibited from remaining on the association's ranchlands.

(2) A member of a ranching association who, or one of whose household, has been adjudged to have contravened one of the association's by-laws under subsection (1) may appeal against any order made under subsection (1) to the Commission; the decision of the Commission thereon shall be final and the association shall give effect thereto.

(3) Subject to any decision of the Commission in the case of an appeal, a member of a ranching association who, or one of whose household, has been adjudged under this section to have contravened one of the association's by-laws shall comply with any order made under subsection (1) within such time as the managing committee or sub-committee may appoint and, if he fails to do so, such committee or sub-committee may recommend his expulsion from the association.

(4) Where a member of a ranching association fails to comply with an order made under paragraph (c) or paragraph (d) of subsection (1), the association may do such acts as are necessary to give effect thereto and may deduct the cost thereof from any moneys due or becoming due from the association to such member.

Prohibition orders

42.-(1) Where, in accordance with section 41 or 43, the managing or other Committee of a ranching association or a court has recommended to the Commission that a person be prohibited from remaining on the association's ranchlands, the Commission may-

(a) if satisfied that such person is a persistent offender against the association's by-laws; and

(b) after giving such person (and in the case of one of the household of a member, the member of the association concerned) an opportunity of making representations against the making of a prohibition order,

make an order prohibiting such Person from remaining on the ranch. lands of the association, and serve the same on such person and member.

(2) Any person against whom a prohibition order is made, and the member of the association of whose household he was a member immediately prior to the making of the same (if any), may appeal to the

Regional Commissioner against such order, and the decision of the Regional Commissioner on any such appeal shall be final, and the Commission shall give effect thereto.

(3) The Commission may revoke or suspend any order made under this section.

Sanctions: non-members

43. Where any person on whom the by-laws of a ranching association are binding, other than a member of the association or one of his household residing with him on the association's ranchlands, is alleged to have contravened one of the association's by-laws, he may be prosecuted therefor in a court having jurisdiction, and on his conviction he shall be liable to-

(a) a penalty not exceeding the penalty prescribed in the relevant by-law, or if such penalty is prescribed otherwise than in money, the equivalent in money as assessed by the court;

(b) if no such penalty is prescribed, a fine not exceeding two hundred shillings;

and the court may, either in lieu of or in addition to, any such penalty, make any order that might have been made in, the case of a contravention by a member under paragraph (b) or (c) of subsection (1) of section 41, or make such recommendation as might have been made in the case of a contravention by one of the household of a member under paragraph (c) of that subsection, and order the offender to pay the costs, as assessed by the court, of the destruction of any crops, works, settlements, habitations or structures contravening such by-laws or of the rehabilitation of any works or natural resources damaged or impaired in the course of the contravention.

Conflict

44. In the event of there being any conflict between the provisions of the by-laws of a ranching association and those of the orders of the Commission under this Act, the provisions of such orders shall prevail.

(c) Default of ranching associations

Declaration of associations in default

45. (1) A ranching association shall-

(a) not permit there to be kept or grazed on its ranchlands, a greater number of stock units than the authorized number:

Provided that nothing in this Paragraph shall be construed as precluding a ranching association permitting the passage of additional stock units, not belonging to itself or its members, on stock routes approved by the Commission;

(b) comply with and, so far as it has power in that behalf, enforce its members' compliance with any terms and conditions of the title for which its ranchlands are held;

(c) comply with and, so far as it has power in that behalf, enforce its members' compliance with any approved or confirmed ranch management scheme in force;

(d) comply with and, so far as it has powers in that behalf, enforce its members' compliance with any orders given by the Commission under this Act.

(2) A ranching association, which fails to comply with the provisions of subsection (1), shall, in addition to any other sanction to which it is liable, be liable to be declared an association in default by the Commission.

(3) For the avoidance of doubts it is hereby declared that nothing in subsection (1) shall be construed as exempting a ranching association from any rule of law or other obligation to which it is subject which is not specified therein.

(4) An association declared to be in default by the Commission may appeal against such declaration to the Minister and the Minister's decision on such appeal shall be final, and the Commission shall give effect thereto.

Power of Commission over associations in default

46.-(1) Where a ranching association is declared to be in default, the Commission may, and shall, if so directed by the Minister-

(a) direct the association to rectify such of its defaults within such time as may be specified in such directions; and

(b) if the association fails to carry out such directions, suspend from the functions of their office or remove from office, the managing committee or officers of the association and appoint some other Person or persons (whether or not they are members of the association) to Perform the functions of the managing committee and officers of the association.

(2) Where the Commission has appointed any person or persons to perform the functions of the managing committee or Officers of the association-

(a) any appointment or election of the committee or officers in accordance with the rules of the association shall be suspended so long as such first-mentioned appointment is subsisting; and

(b) any such person or persons shall have Power to exercise all the Powers, functions and duties conferred, whether by law, the rules of the ranching association, or otherwise, on the association (other than any power, function or duty conferred by the said rules on the members generally or a meeting of members), and all the Powers, functions and duties conferred by the rules of the association on the managing committee and any officer who is suspended or removed.

(3) Save where it exercises its functions under this section on the directions of the Minister, the Commission shall report to the Minister any case in which it suspends or removes the managing committee or an officer of a ranching association or appoints any person or persons to perform any functions of the managing committee or any Officer, and any revocation of such suspension or appointment.

(d) *Members of Ranching Associations*

Rights of members of association

47.-(1) A member of a ranching association shall be entitled-

(a) to reside on the ranchlands of the association together with the members of his household, other than any such member who is the subject of a prohibition order made by the Commission In relation to, such ranchlands;

(b) to keep and graze on the ranchlands of the association the stock of himself and the members of his household, not exceeding in the aggregate the stock units of his quota;

(c) to such other rights of pasturage, water, cultivation and enjoyment of the natural resources of the ranchlands as may be Provided for in the rules or by-laws of the association:

Provided that nothing in this subsection shall be construed as authorizing a member to reside or keep or graze stock or other animals In any part of such ranchlands which the association has reserved as an exclusive ranch to be operated by the association.

(2) The rights of a member of a ranching association specified in subsection (1) shall be exercised in conformity with the rules and by-laws of the association and the orders of the Commission under this Act.

Expulsion of members

48.-(1) A member of a ranching association shall not be expelled from such association except-

(a) if he has been absent from the ranchlands of the association for a consecutive period of not less than one year without having appointed and maintained during such absence a resident agent answerable to the association for his obligations to the association, and having notified the association thereof and of any changes in such appointment; or

(b) if he has failed to pay his subscriptions to the association after due demand; or

(c) if he is expelled on a recommendation made under subsection (1) of section 41,

and with the consent of the Commission.

(2) The Commission shall not give its consent to the expulsion of a member from a ranching association without affording him an Opportunity to make representations against such expulsion unless neither the member nor any resident agent is resident on the association's ranchlands. Where a resident agent is resident on the association's ranchlands, notice to such agent inviting him to make representations to the Commission shall be deemed to be notice to the member.

(3) Where a member has appointed a resident agent during his absence, such agent shall be responsible to the association for his principal's obligations to the association, and both he and his Principal shall be liable to the same extent for any contravention of a by-law by himself, his Principal or any member of his principal's household, and orders may be made against such agent and his Principal under sub. section (1) of section 41 accordingly:

Provided that no recommendation of expulsion may be made against a member of an association for the Persistent contravention by his resident agent of the association's by-laws unless such member has been afforded an opportunity to make representations against such recommendation.

Stock quotas

49.-(1) Save where the stock quotas of all the members of a ranching association are proportionately reduced as a consequence of-

(a) a reduction of the number of authorized stock units of the ranching association;

(b) the establishment of an exclusive ranch by the association on some part of its ranchlands and the consequential allocation of a stock quota to the association,

a member may appeal to the Commission against any by-law reducing his stock quota.

(2) The decision of the Commission on any appeal under this section shall be final and the ranching association shall give effect thereto.

(f) Trespassers

Trespass

50.-(1) Any person, other than a member of a ranching association or one of his household residing with him oil the ranchlands of the association, who-

(a) grazes on, drives over, or waters upon the ranchlands of such association, any stock or other domestic animals other than the stock or domestic animals of a member of the association;

(b) cultivates any such ranch lands or collects any natural produce there from

(c) executes any works, establishes any settlement or erects any habitation, building or structure on the ranchlands of the association,

without the licence or other authority of the association, shall be guilty of an offence and shall be liable on conviction to, a fine not exceeding one thousand shillings, or in the case of a second or subsequent conviction to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding three months or to both such fine and imprisonment, and the court by which he is convicted may order the forfeiture to the association of any stock, other animals, implements, machinery, crops or natural produce concerned in the offence and the payment by the offender to the association of the costs, as assessed by the court, of the destruction and removal of any such works, settlement, habitation, building or structure to which paragraph (c) refers:

provided that-

(a) where any person charged with an offence against this section satisfies the court-

(i) that he is not ordinarily resident m the range development area in which such ranchlands are situate or within ten miles outside the boundaries of such area; and

(ii) that he did not know and had no means of knowing that the lands On which the offence is alleged to have occurred were ranchlands,

he shall not be convicted of an offence against this subsection; and

(b) no, person acting in accordance with the instructions of the Commission in the exercise of its powers under this Act shall be guilty of an offence against paragraph (c) of this subsection.

(2) Any Person against whom a prohibition order has been made who, while such order is in force, enters upon the ranchlands to which the order relates shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand shillings.

Arrest and seizure

51.-(1) Any police officer, authorized officer or member of the association concerned, in whose view an offence is committed under section 50, may arrest the offender without warrant if_

(a) the offender refuses to give his name and address or gives a name or address which there is reason to believe is false; or

(b) there is reason to believe the offender will abscond.

(2) Any police officer, authorized officer or member of the association concerned, may seize any stock or other animal which is being grazed, driven or watered, and any implement or machinery which is being employed In cultivation or in the execution of any works, the, establishment of any settlement or the erection of any habitation, building or structure, in contravention of the provisions of section 50, and anything so seized shall be taken before a magistrate-

PART V

MISCELLANEOUS

Jurisdiction

52. In addition to any other court having jurisdiction, a primary court shall have jurisdiction to enforce the provisions of this Act.

Operation of other laws

53.-(l) Subject to the provisions of subsection (2) of this section' nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which also constitutes an offence against this Act, or from being liable under such other law to any greater punishment or penalty than that provided by this Act; provided that no person shall be punished twice for the same offence.

(2) The provisions of the Acts set out in the first and second columns of the Third Schedule to this Act shall take effect within a range development area subject to the modifications, additions and amendments set out in the third column thereof -

Indemnity

54. No member of the Commission and no person acting under and in accordance with any authorization lawfully given by the Commission under this Act shall incur any personal liability for any loss or damage caused by any act or omission in the administration of the affairs, or the exercise of the powers or functions, or the performance of the duties, of the Commission unless such loss or damage be occasioned by an intentionally wrongful act on his part.

Regulations

55. The Minister may make regulations generally for the better carrying out of the purposes of this Act and in particular, but without prejudice to the generality of the foregoing-

(a) providing for the constitution, the government, the regulation of the finances and the powers of ranching associations, prescribing the matters to be provided for in the rules of such associations and requiring or authorizing the use of seals or stamps by such associations;

(b) prescribing and regulating the procedures to be followed in any proceedings before the Commission or in any appeals to the Commission, the Regional Commissioner or himself;

(c) providing for the registration h of ranching associations, for the keeping of a register of such associations and the making of returns by such associations;

(d) with the concurrence of the Minister responsible for financial matters, for the exemption of ranching associations from any stamp duty or fees prescribed by or under any written law;

(e) prescribing anything which may be prescribed.

THE FIRST SCHEDULE

(Section 3)

THE MASAI RANGE DEVELOPMENT AREA

The Masai district other than the lands comprising the Ngorongoro Conservation Area.

THE SECOND SCHEDULE

(Section 4)

CONSTITUTION AND MEETING OF A COMMISSION

Constitution of Commision

1.-(1) The Commission shall consist of such number of members as the Minister may from time to time determine; and the members shall be appointed by the Minister who shall designate one of such members as Chairman.

(2) The members of the Commission shall, unless their appointments be previously revoked, hold office for three years, but shall be eligible for re-appointment.

Casual vacancies

2. In the event of the death or permanent incapacity for any cause or resignation or removal from office of any member, the Minister may appoint in his place another member who shall hold office for the unexpired residue of the period of office of the member in whose place he is appointed, unless his appointment is previously revoked.

Resignation

3. Any member of the Commission may resign his office by notice in writing to the Minister.

Vacancy

4. Subject to the provisions of paragraph 6, the Commission may act notwithstanding any vacancy in its number.

Defect in appointment

5. No act or proceeding of the Commission shall be affected or invalidated by reason of the fact that there was some defect in the appointment of a person purporting to be a member of the Commission.

Quorum

6. The quorum of the Commission shall be one-half of the number of the members determined by the Minister or the nearest whole number above such half, as the case may be.

Appointment of Secretary

7. The Minister may appoint a secretary and other staff to the Commission.

Meetings of the Commission

8.-(a) Meetings of the Commission shall be convened at such time and place as the Chairman shall direct, but so that not less than seven days' notice of such meetings is given.

(b) The Chairman shall at any time be bound to convene a meeting of the Commission within twenty-one days of the receipt of a requisition signed by two members of the Commission calling upon him to do so, but so that not less than seven days' notice of such meeting is given.

Election of Chairman of meetings

9. At any meeting of the Commission at which the Chairman is not present, the members present shall elect one of their number to be Chairman for that meeting.

Minutes

10.-(a) The Secretary shall cause minutes of the proceedings of every meeting of the Commission to be entered in a book to be kept for that purpose and the minutes shall be kept so as to show adequate details of the business conducted or transacted at each meeting. The minutes of the proceedings of each such meeting shall be read at that or at the next ensuing meeting, and if then passed as correct, shall be confirmed by the signature of the Chairman (or in the absence of the Chairman, by the member elected as Chairman for that meeting).

(b) Copies of the minutes of every meeting of the Commission shall, when confirmed, be dispatched to the Regional Commissioner and the Area Commissioner.

Power to regulate proceedings

11. Subject to the provisions of this Schedule and any regulations of the Minister the Commission shall have power to regulate its own proceedings.

Acts of the Commission

Acts to be decided by resolution

12. All acts, matters and things authorized or required to be done by the Commission shall be decided by resolution at a meeting at which a quorum is present. The decision of the majority of the members present and voting at a meeting shall be deemed to be a resolution of the Commission.

Casting vote

13. In the event of an equality of votes on any matter, the Chairman (or in his absence, the member elected as Chairman for the meeting) shall, in addition to his deliberative vote, have a casting vote.

Authentication of acts

14. All orders, directions notices, permits, certificates or other documents made or issued by the Commission shall be signed by the Chairman or Secretary or by a member of the Commission appointed by the Commission for that purpose, and when so signed shall be deemed to be duly made or issued by the Commission.

Annual Report

15. The Commission shall, within three months after the end of each year, render a report to the Minister on its operations during the previous year.

THE THIRD SCHEDULE

(Section 53)

AMENDMENT OF LAWS

1.	2.	3.
Mining (Cap. 123)	Section 14 (2) (f)	(a) Insert, immediately after the words "Fauna Conservation Ordinance" the commas, words and figures ", any range development area declared by or under the Range Development and Management Act, 1964"; and (b) insert, immediately after the words "game reserve" in the eighth line, the comma and words ", range development area"
Fauna Conservation (Cap. 302)	Section 11 (3)	(a) Insert, immediately after the word "Ordinance" the words, comma and figures "or within any range development area declared by or under the Range Development and Management Act, 1964"; and (b) insert immediately after the word "Area" in the last line, the words and comma or the Commission established for such range development area, as the case may be"
Local Government (Cap. 333)	Section 64 (1)	Delete the proviso thereto and substitute the following new proviso: - "Provided that before approving any by-law or any amendment to any by-law which affects the natural resources of the Ngoro-ngoro, Conservation Area, or of any range development area declared by or under the Range Development and Management Act, 1964, the Minister shall consult the Minister for the time being responsible for the

1.	2.	3.
		conservation of the natural resources of such area or the Minister responsible for animal husbandry, as the case may be, and in the event of any conflict between any such by-law or any rule or order made under the Ngorongoro Conservation Area Ordinance or such Act aforesaid, the provision of such rule or order shall prevail."
Societies (Cap. 337)	Section 2 (1)	Insert, immediately after the word "Ordinance" in paragraph (f) of the definition "Society" the words commas and figures "or an; ranching association registered under the Range Development and Management Act, 1964, or any agricultural association registered under the Agricultural Associations Act, 1964".
Forests (Cap. 389)	Section 19 (4)	(a) Insert, immediately after the word "Ordinance" the words, comma and figures "or within any range development area declared by or under the Range Development and' Management Act, 1964"; and (b) insert, immediately after the word "Area" in the last line, the words and comma "or the Commission established for such range development area, as the case may be"
Mining (Mineral Oil) (Cap. 399)	Section 6 (1)	Delete paragraph (xvii) and substitute the following new paragraph: - "(xvii) land within the Ngorongoro Conservation Area, or within any range development area declared by or under the Range Development and Management Act, 1964, unless the licensee or lessee shall have first given notice to, and complies with all orders made by the Conservator of the Ngorongoro Conservation Area or the Commission established for such range development area, as the case may be."

Passed in the National Assembly on the ninth day of September, 1964.

Msekwa

Clerk of the National Assembly

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