

L.N. 536/1962.

Rules made under section 64 of the Government Lands Act, Cap. 280, and deemed to have been made under section 65

L.N. 536/1962.

L.N. 181/1959,

L.N. 478/1960,

L.N. 625/1963.

Cap. 280.

**THE TRUST LAND (NORTH YATTA, YATTA PLATEAU
AND ITHANGA) RULES**

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

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

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

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

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

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

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

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

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

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

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

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

(2) The African Advisory Committee shall consist of—

(a) one or more chiefs or sub-chiefs appointed under the Chief's Authority Act and selected by the Settlement Officer; and

(b) not less than three other persons selected by the Settlement Officer in consultation with the licensees or such of them as he deems it practicable to consult:

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

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

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

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

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

- (a) cause these Rules to be read and explained to the applicant in a language which he understands;
 - (b) give the applicant a copy of these Rules; and
 - (c) obtain from the applicant in writing a receipt for the Rules, an acknowledgement that he understands them and an undertaking to observe them; such receipt, acknowledgement and undertaking shall be in the form set out in the Second Schedule to these Rules.
- (2) On delivering the licence to the licensee, the Settlement Officer shall inform him of the number of his registered dependants and the number and kinds of stock which he may keep, herd or depasture, and the fees and rents payable under paragraph (a) of rule 8 of these Rules.
7. (1) Within one year of being granted a licence, the licensee may nominate another who shall, in the event of the licensee's death, assume the rights and liabilities prescribed by these Rules.
- (2) No person nominated as successor may succeed until he reaches the age of eighteen years; if he has not reached that age, his family or clan shall select a person who shall act for him and shall assume the rights and liabilities prescribed by these Rules until the successor reaches the age of eighteen years; and if no such person is selected who is able and willing to act the licence shall be terminated.
- (3) No person nominated as a successor may succeed without the approval of the African Advisory Committee.
8. A licence shall entitle the licensee to occupy the land defined therein for the remainder of his life, and thereafter his nominated successor for the remainder of his life, subject to the following conditions—
- (a) the licensee shall pay such dues as may be prescribed by the Provincial Commissioner;
 - (b) the licensee shall demarcate and maintain the boundaries of his plot to the satisfaction of the Settlement Officer;
 - (c) the licensee shall himself reside on the plot, and shall erect and maintain thereon a dwelling-house and any other necessary buildings to the satisfaction of the Settlement Officer;
 - (d) the licensee shall not, except with the permission of the Settlement Officer, allow any person who is not his wife

or registered dependant to reside on, cultivate, graze or otherwise use his plot;

(e) except with the permission of the Settlement Officer, the licensee shall not cultivate any land, or depasture any stock on any land, within the area, except the plot of land denned in his licence;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Provided that—

(i) an appeal shall lie to the Settlement Officer against any order issued by a person authorized under this rule;

(ii) the power conferred by rules 6, 11, 12, 13 and 15 of these Rules shall not be so delegated.

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

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

(Subsidiary]

**FIRST SCHEDULE (r. 5)
LICENCE**

No,

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

.....son of
of is hereby authorized to occupy

Plot No. of the Special Reserve, and to keep thereon not more than the following number of stock.—

..... Bovines

..... Sheep

..... Goats

..... Mules

..... Donkeys

..... [Other stock Or domestic animals},

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

Dated this day of 19....

.....
Settlement Officer

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

Date

Settlement Officer

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

.....
Witness

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

ACKNOWLEDGEMENT AND UNDERTAKING

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

Licence No.

Date

Signature or thumb-print
of licensee

.....

Witness