

L.N. 122/1960,  
L.N. 477/1960,  
L.N. 625/1963.

Cap. 280.

Cap. 283.

## THE TRUST LAND (SHIMBA HILLS) RULES

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

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

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

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

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

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

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

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

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

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

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

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

4. Any person who—

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

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

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

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

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

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

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

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

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

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

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

to the other of them.

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

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

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

8. Every lessee or licensee in the area—

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

(b) shall demarcate and maintain the boundaries of his plot to the satisfaction of the Settlement Officer;

(c) shall himself reside on the plot, and shall erect and maintain thereon a dwelling-house and any other necessary buildings to the satisfaction of the Settlement Officer;

(d) shall not, except with the permission of the Settlement Officer, allow any person who is not a dependant to reside on, cultivate, graze or otherwise use his plot;

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

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

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

of trees and vegetation, the type and area of any crops to be planted (including fodder crops and trees) and the production of silage and hay, or by the Settlement Officer or the Medical Officer of Health with regard to the welfare, health and good discipline of the inhabitants of the area;

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

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

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

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

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

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

## **FIRST SCHEDULE**

**(r. (1))**

### **LICENCE TO OCCUPY LAND**

No. ....

Under the Trust Land (Shimba Hills) Rules

..... son of .....

of ..... is hereby authorized  
to occupy Plot No. .... of the Shimba Hills Area  
for a period of one year from the day of ..... 19....,  
renewable as hereinafter provided subject to—

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

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

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

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

Dated this .....day of ....., 19.....

.....

Settlement Officer

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

.....language, which he understands.

Date .....

.....

Settlement Officer

.....

Signature or thumb-print

of licensee  
.....  
Witness

[Subsidiary]

## SECOND SCHEDULE

(r. (2)1)

### LICENCE TO KEEP STOCK

No. ....  
Under the Trust Land (Shimba Hills) Rules

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

..... Bovines,

..... Sheep,

..... Goats,

..... Mules,

..... Donkeys,

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

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

Dated this ..... day of ..... 19....

.....

Settlement Officer

[Subsidiary]

### THIRD SCHEDULE

(r, 6 ( &})

#### ACKNOWLEDGEMENT

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

Occupation/Stock Licence No. ....

.....

Signature or thumb-print  
of licensee

Date .....

Witness