

Cap. 100 (1948),
Sub. Leg.,
G.N. 1606/1955,
L.N. 149/1957,
L.N. 625/1963.

THE TRUST LAND (MAKUENI AREA) RULES

1. These Rules may be cited as the Trust Land (Makueni Area) Rules, and shall apply to the Makueni Area.

2. In these Rules—

"headman" means any person appointed as a headman of the Makueni area;

"Makueni area" means the area described in the Schedule to these Rules;

"registered person" means a person whose name has been entered in the register under rule 5 of these Rules;

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

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

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

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

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

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

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

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

(a) the Settlement Officer shall give the registered person a copy of these Rules and obtain from such person a receipt therefor; and the Settlement Officer shall explain to the registered person the contents thereof, and such registered person shall, if he does so, state that he understands the rules;

(b) the registered person shall demarcate and cultivate such areas of land in the Makueni area as the Settlement Officer may specify in writing;

(c) the registered person shall not possess, herd or depasture within the Makueni area any stock, other than such stock as are entered against his name in the register, and such registered person shall, if the Settlement Officer so requires, remove from the Makueni area such stock as may be in excess of the number entered against his name in the register;

(d) the registered person shall comply with all such instructions as may, from time to time, be given by the Settlement Officer in regard to the branding, dipping, inoculating, herding, grazing and watering of stock, and in regard to the production of farmyard manure and compost;

(e) the registered person shall take all such measures for the preservation of the fertility of the soil and for the prevention of soil erosion, including the planting of such trees and the felling, stumping and clearing of such vegetation, as the Settlement Officer may, from time to time, direct;

(f) the registered person shall comply with all such directions as the Settlement Officer may issue in regard to the type and area of any crops or grass to be planted;

(g) the registered person shall erect, and maintain, his dwelling and other buildings to the satisfaction of the Settlement Officer;

{h) the registered person shall not, except with the permission of the Settlement Officer, allow any person who is

not a registered person to reside permanently, or to cultivate any land, in the Makueni area which the registered person is authorized to occupy;

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

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

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

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

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

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

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

(4) Where the registered person has failed to show cause to the satisfaction of either the Settlement Officer or the

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

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

SCHEDULE

(r. 2)

MAKUENI AREA

An area of land situated in the Machakos District.

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

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

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

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

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

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

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

thence downstream by the course of the latter river to its confluence with the Athi River;

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

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

thence up-stream by the centre line of the Thwaki (Thwake) River aforementioned, for a distance of approximately 7 1/2 miles, to its confluence with the Mukio River;

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

thence downstream by the centre line of the Sabani River, aforementioned, for a distance of approximately 1 1/2 miles to its intersection with the Mbumbuni-Makueni Road;

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

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

thence up-stream by the centre line of the Mba tributary, aforementioned, for a distance of approximately 1 1/2 miles to a beacon situated on its south bank;

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

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

point of commencement.

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