

**THE CROP PRODUCTION AND LIVESTOCK  
(LIVESTOCK AND CONTROLLED AREAS) RULES**

L.N.199/1958, L.N.339/1958, L.N.435/1958, L.N.136/1959, L.N.390/1959, L.N.555/1959,  
L.N.362/1961, L.N.224/1963, L.N.541/1963.

**PART I—PRELIMINARY**

1. These Rules may be cited as the Crop Production and Livestock (Livestock and Controlled Areas) Rules and shall apply to the areas specified in the Schedule for these Rules.

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

"authorized sale" means any sale authorized by the committee for the disposal of livestock;

"cattle" means bulls, cows, oxen and heifers, and calves over weaning age;

"committee" means the committee appointed by the Minister under rule 3 of these Rules;

"controlled area" means any area declared under rule 8 of these Rules to be a controlled area;

"control officer" means any tribal police officer, border guard, grazing guard or veterinary scout, or any agricultural instructor employed by the Government or by the County Council having Jurisdiction over any area to which these Rules have been applied;

"inspector" means an administrative officer or any other officer of the Agricultural Department or Veterinary Department, or any field officer of the Board of Agriculture (Non-scheduled Areas), or any person whom the District Commissioner may authorize to exercise and perform the powers and duties of an inspector under these Rules;

"livestock" means cattle and camels, sheep, goats, horses, mules, donkeys and swine, and the weaned young thereof.

**PART II—APPOINTMENT OF COMMITTEE**

3. (1) The Minister shall, by notice in the Gazette, appoint a committee for each area to which these Rules apply

(2) The committee shall consist of not more than seven members, as follows—

(a) the District Commissioner or a person appointed by the Minister after consultation with the District Commissioner, who shall be chairman;

(b) not more than two members appointed after consultation with the County Council having jurisdiction in the area:

Provided that if there is no such County Council two members may be appointed who appear to the Minister to represent the interests of the local inhabitants of the area;

(c) not more than two members appointed after consultation with the District Agricultural Committee having jurisdiction in the area;

(d) not more than two other members

(3) At any meeting of the Committee, (our members, of whom one shall be the District Commissioner or his representative and one shall be a member appointed under subparagraph (6) or subparagraph (c) of paragraph (2) of this rule. shall constitute a quorum.

### PART III—BRANDING AND CULLING

4. (1) Every person owning livestock in an area to which these Rules apply shall, for the purpose of census, examination or registration, produce all his livestock before an inspector or control officer on such date and at such time and place as the inspector or control officer may direct.

(2) Any person who contravenes any of the provisions of any direction given to him by an inspector or control officer under paragraph (1) of this rule shall be guilty of an offence.

5. All copra in course of preparation shall be protected fully from rain and dew by a roof or by matting, makuti or leaves during periods of rain and between the hours of sunset and sunrise.

(ii) it is due to be castrated in accordance with an order of the inspector or control officer before whom it is produced;

(b) any ox which in the opinion of the inspector or control officer before whom it is produced is over six years of age;

Provided that no ox shall be branded with a cull brand under this subparagraph if it is required and used for draught purposes;

(c) any castrated male livestock which in the opinion of the inspector or control officer before whom it is produced is unsuitable for retention by reason of age or disease;

(d) any female livestock which in the opinion of a veterinary or livestock officer is a potentially poor breeder.

6. (1) The owner of any livestock which is branded with a cull brand under rule 5 of these Rules shall dispose of such livestock by slaughter or at an authorized sale, or remove such livestock or cause such livestock to be removed from the area to which these Rules apply within one month of such livestock being branded or within such longer period as an inspector may in his discretion allow:

Provided that the committee may extend the period beyond one month if the movement of livestock is stopped by quarantine imposed under the Animal Diseases Act. Cap. 364.

(2) The owner of any livestock branded as aforesaid who, in contravention of paragraph (I) of this rule, fails to dispose of such livestock or fails to remove such livestock or cause such livestock to be removed as aforesaid shall be guilty of an offence.

(3) The presence of any livestock branded under these Rules with a cull and within any area to which these Rules apply at any time after a period of one month, or after such longer period as an inspector may have allowed under paragraph (1) of this rule in respect thereof, has elapsed since the branding thereof shall be unlawful; and any person who owns, or is found in possession of, any livestock which is under this paragraph unlawfully present within such an area shall be guilty of an offence.

7.(1) The committee for an area to which these Rules apply may require any owner of livestock in that area to dispose of a specified number of his livestock within a specified time by slaughter or at an authorized sale or by removal from the aforesaid area, notwithstanding that such livestock have not

been branded with a cull brand under these Rules.

(2) In determining the number of livestock to be disposed of under any requirement made under paragraph (1) of this rule, due regard shall be had to the number of livestock owned by the person required to dispose of such livestock and to the grazing available for livestock in the aforesaid area.

(3) Any person who fails to comply with a requirement of the committee under paragraph (1) of this rule shall be guilty of an offence.

#### PART IV—CONTROLLED AREAS

8. (1) Subject to the provisions of paragraph (2) of this rule, the committee for an area to which these Rules apply may from time to time declare the area or any part thereof to be a controlled area.

(2) Before declaring any area or part of an area to be a controlled area, the committee shall give, by such means as the Provincial Commissioner may direct, at least one month's notice to the inhabitants of the area or part of its intention to declare it to be a controlled area, and if any substantial number of the inhabitants object to its being declared a controlled area their objection shall be referred to the Provincial Commissioner for his decision thereon.

9. (1) No person shall depasture livestock in any controlled area except under and in accordance with, and with the terms and conditions of a valid permit issued by the committee so to do.

(2) Any person who contravenes any of the provisions of this rule shall be guilty of an offence.

10. (1) The committee may, in any permit issued under rule 9 of these rules, specify the numbers and types of livestock which may be depastured by the permit holder in the controlled area to which the permit relates, the period of the validity of the permit and such other terms and conditions, in respect of grazing or otherwise, as to it seem fit.

(2) The Minister, on the recommendation of the committee, may impose fees to be paid in respect of each head of livestock specified such permit, and shall publish such fees by notice in the Gazette.

(3) Any person who applies for such permit shall pay such fees as have been imposed under paragraph (2) of this rule as a condition precedent to the issue of such permit:

Provided that the committee may, in its discretion in any particular case, waive, reduce or refund, in whole or in part, any such fee, but so however that no refund shall be made in respect of any permit revoked or varied under paragraph (4) of this rule for failure to comply with any of the terms or conditions of such permit.

(4) The committee may at any time, for good and sufficient reason, revoke or vary any permit issued under rule 9 of these Rules.

11. The committee shall keep for each controlled area a register shall be entered the name of every person to whom a permit has been issued to depasture livestock in that controlled area and the numbers and types of livestock permitted to be depastured in that controlled area under such permit.

12. Any livestock found in any controlled area shall be deemed, until the contrary is proved, to be in such controlled area with the consent of the owner, an offence.

13. (1) No person shall cultivate any land in a controlled area except under and in accordance with, and with the terms and conditions of, permit issued by the committee so to do.

(3) The committee may, in any permit issued under this rule, specify the type or types of crops which may be cultivated by the permit holder in the controlled area to which the permit relates, the area which may be cultivated and such other terms and conditions as to it seem fit,

(4) The committee may at any time, for good and sufficient reason, revoke or vary any permit issued under this rule.

#### PART V—GENERAL

14. (1) The committee may, on the advice of an officer of the Veterinary Department, require all cattle owners, within any area to which these Rules apply, to produce all their cattle, on such dates and at such times and places as may be specified by the committee, for immunization against or treatment for rinderpest or any other disease, and may further require such cattle owners to pay for such immunization or treatment.

(2) Any person who, being a cattle owner, fails to produce all his cattle as aforesaid on being required by the committee so to do shall be guilty of an offence.

15. (1) It shall be lawful for an inspector or control officer to seize and compound any livestock in respect of which he has reasonable grounds for believing that an offence against these Rules has been committed.

(2) Any livestock seized and impounded under paragraph (1) of this rule may, unless claimed by the owner thereof within fourteen days after such seizure, be sold at an authorized sale and the proceeds of such sale less any pound fees and fees incurred in the sale thereof, shall be paid to the owner.

(3) The owner of any livestock impounded under this rule shall pay a pound fee in respect thereof, at the current local rate:

Provided that the committee may in its discretion in any particular case waive, reduce or refund, in whole or in part, any such pound fee,

16. Any livestock which has been confiscated in consequence of a conviction for a breach of these Rules shall be disposed of in such a manner as the court may direct; and, if sold, the proceeds, less any fees or expenses incurred in respect of the sale thereof, shall be paid to the person so convicted.

Cap. 385.

Cap. 280. SCHEDULE (r. I)

1. The Baringo District.

2. The West Pokot District.

3. That part of the Northern Frontier District which is administered by the District Commissioner at Maralal.

4. That part of the Nanyuki District which comprises the Mukogodo Forest Reserve and the Mukogodo Special Reserve.

5. The Taita District.

6. That part of the Nakuru District which comprises the portion of the Lembus Forest Reserve lying north of Sclaters Road.

7. The Forest Reserves and Special Reserves referred to above are the Forest Reserves established under section 4 of the Forests.

Act and the Special Reserves defined in the Fourth Schedule to the Government Lands Act, 1933, respectively.

8. That part of the Northern Frontier District the boundaries whereof, commencing at the Koiya wells thence north-westerly in a straight line to the Sirirua wells;

run thence by the Merille Lugga up-stream to its junction with the Nabachakutuk Lugga;

thence by the Nabachakutuk Lugga up-stream to its junction with the Ambara Lugga;

thence north-westerly in a straight line along the Ambara Lugga to Ilamoton;

thence by a straight line north-westwards to the summit of Lonyeri Pesho;

thence by a straight line north-westwards to the Kisiriit Hill;

thence by a straight line north-westwards to the Maramoro Hill;

thence by a straight line north-westwards to Ellaut;

thence by the Laisamis-South Horr motor road north-westwards to the junction of that road with the Baragoi-South Horr motor road;

thence by the Baragoi-South Horr motor road northwards to the Ndigirr Nanyuki wells (Horr No. 1);

thence by a straight line northwards to the Andere wells;

thence by a straight line north-north-westwards to the Lonjerin wells;

thence by a straight line north-north-westwards to the Sirima Pool;

thence westwards by the Sirima watercourse to the shore of Lake Turkana;

thence generally southerly by the shore of that lake to a point on its southern shore due north of the summit of Teleki's Volcano;

thence due north to low water mark on the southernmost point of South Island;

thence generally northerly by the low water mark on the western shore of that Island to its northernmost point;

thence by a straight line north-westerly to low water mark on the southernmost point of Central Island;

thence by the low water mark on the eastern shore of that Island to its northernmost point;

thence by a straight line due north to low water mark on the southernmost point of North Island;  
thence by the low water mark on its eastern shore to the northernmost point of that island;  
thence due north to the Kenya-Ethiopia boundary;  
thence by that boundary easterly and south-easterly to the summit of Forole;  
thence to the commencement of the Lug Warabesa;  
thence by the thalweg of the Lug Warabesa to the nearest point to Korondere Hill;  
thence south-easterly in a straight line to the summit of Demo Dera Hill;  
thence southerly to Arba Jahan;  
thence south-westerly to Maddo Dedertu;  
thence south-westerly to the hill Barkuronyu adjacent to Barchuma Guda;  
thence to the Scbbei rock;  
thence northerly to the point of commencement.

9. The area known as B2 Yatta in the Kitui District which is more particularly defined as follows:—

Commencing at the Trigonometrical Beacon Thatha; thence by a straight line on a true bearing of  $266^{\circ} 40' 51''$  for a distance of 52,516.5 feet to a beacon;

thence by a straight line on a true bearing of  $176^{\circ} 40' 07''$  for a distance of 16,223 feet to its intersection with the headwater of the Mwita Chana (Siano) River;

thence downstream by that river to its intersection with the northern boundary of the old Machakos-Kitui track:

thence north-easterly by that northern boundary to its intersection with the Tiva River;

thence by that river up-stream for a distance of about  $4\frac{1}{2}$  miles;

thence by a straight line to a cairn on its right bank;

thence generally north-westerly by a line defined by a series of cairns to the Trigonometrical Beacons Thatha and Ndalai;

thence north-westerly by that straight line to the point of commencement.

**Fees imposed under rule 10 (2) of the Crop Production and Livestock (Livestock and Controlled Areas) Rules—**

A fee of 50 cents per month to be paid for every head of cattle depastured, under a permit issued under rule 9 of the Rules, in the following controlled area—

An area the boundaries whereof, commencing at the summit of the Orondete Hill, westwards in a straight line to the point where that line meets the Segel Lugga;

thence south-westerly by a straight line to the summit of Kakuma Hill;

thence south-south-westerly in a straight line to the summit of Utup Hill;

thence eastwards in a straight line to the summit of Ret Hill;

thence south-easterly in a straight line to the summit of Gudas Hill;

thence north-easterly in a straight line to Matalamma;

thence north-easterly in a straight line to the Jaldessa Lugga;

thence north-westerly to the point of commencement.

But excluding the Marsabit Forest Reserve, the boundaries of which, commencing at the Trigonometrical Beacon "Marsabit H" (Mt.H), run thence north-easterly along a straight line between that beacon and the Trigonometrical Beacon Mt.I to its intersection with the south-western boundary of Marsabit Township,

thence south-easterly by that boundary to the south-western Corner of the township;

thence northerly by part of the eastern boundary of the township to its intersection with the southern edge of the Lug Jaldessa road;

thence easterly by that road to its intersection with the straight line between the Trigonometrical Beacons Mt.I and Mt.D;

thence southerly by that straight line to the latter beacon;

thence west-north-westerly by a straight line to the Trigonometrical beacon Mt.C;

thence north-westerly by a straight line to the Trigonometrical Beacon Mt.E;

thence north-easterly by a straight line to the Trigonometrical Beacon Mt.G;

thence south-easterly by a straight line to the point of commencement;  
and the Marsabit Township, which is defined as that area:

Commencing at a beacon on the summit of the hill known as Governor's Camp Spur;

thence bounded by a straight line north-easterly for about one mile and a quarter to a beacon on the summit of Rageh Hill;

thence easterly by a straight line for about one mile and three-quarters to a beacon on the summit of Moyale Road Hill;

thence southerly for about two miles and a half by a straight line through a big tree (marked by a wall of stones round its base) to a watercourse;

thence north-westerly by that watercourse upstream for about two miles and three-quarters to a cairn;

thence northwesterly by a straight line to the point of commenc