

THE AGRICULTURE (BASIC LAND USAGE) RULES

L.N.26/1965

Citation and application

1. These Rules may be cited as the Agriculture (Basic Land Usage) Rules, and shall not apply to plots of two acres or less used for residential purposes only within a municipality or a former township, or land used for recreational purposes.

Interpretation

2. In these Rules, unless the context otherwise requires—

"authorized officer" means the Director of Agriculture, a provincial agricultural officer, a district agricultural committee and any person appointed in writing in that behalf by the Director, a provincial agricultural officer or a district agricultural committee;

"owner" means the occupier, cultivator or right holder of the land in question:

"slope" means the vertical interval expressed as a percentage of the horizontal distance between two points;

"vegetation" means trees, palms, bamboos, stumps, brushwood, undergrowth, reeds or grass.

"watercourse" means a natural channel or depression in which water flows, either continuously or intermittently.

Protection of land with slope exceeding 35 per cent

3. Any person who cultivates, cuts down or destroys any vegetation, or depastures any livestock on any land of which the slope exceeds 35 per cent shall be guilty of an offence:

Provided that an authorized officer may authorize an owner to cultivate, depasture, cut down or destroy vegetation on the land subject to such conditions as he may decide.

Protection of land with slope exceeding 20 per cent

4. An authorized officer may by written order prohibit cultivation or cutting down or destruction of vegetation on any land of which the slope exceeds 20 per cent.

Protection of land with slope exceeding 12 per cent

5. (1) Any person who cultivates any land of which the slope exceeds 12 per cent and does not exceed 35 per cent, when the soil is not protected against erosion by conservation works to the satisfaction of an authorized officer, shall be guilty of an offence.

(2) Where the soil on any slope exceeding 12 per cent is not, in the opinion of an authorized officer, adequately protected against erosion, he may, by written order, require the owner to construct such works or to carry out such repairs as he deems necessary within such reasonable period of time as may be specified in the order.

(3) Any person who cultivates by ploughing or other means any land of which the slope exceeds 12 per cent except along the contour, or, except with the written permission of an authorized officer digs or ploughs any boundary furrows, trenches or ditches on such land, shall be guilty of an offence.

Protection of watercourse

6. Any person who, except with the written permission of an authorized officer, cultivates or destroys the soil, or cuts down any vegetation or depastures any livestock, on any land lying within 2 metres of a watercourse, or, in the case of a watercourse more than 2 metres wide, within a distance equal to the width of that watercourse to a maximum of 30 metres, shall be guilty of an offence.

Protection against erosion by run-off water

7. (1) Any person who uses any channel, ditch or drainage way which has been constructed for the removal of run-off water as a footpath, road, wagon track or livestock track shall be guilty of an offence, and the owners of the land over which such channel, ditch or drainage way passes, and of the adjoining land, shall comply with any orders issued by an authorized officer for the effective removal of run-off water and the avoidance of erosion.

(2) The owner of any land shall take such steps as an authorized officer may specify to prevent water from flowing on to any adjoining land in such manner as to cause the erosion thereof, and shall comply with such orders as may be given by an authorized officer to carry out the measures which the authorized officer deems necessary to prevent such erosion.

Failure to comply with order

8. Any person who fails to comply with any order made or any conditions imposed under these Rules shall be guilty of an offence.

Appeal.

9. Any person who is aggrieved by a decision taken, or an order made, under these Rules may, within 28 days of the decision or order, appeal to the Agricultural Appeals Tribunal, whose decision shall be final and shall not be questioned in any court.

Penalty

10. Any person who is guilty of an offence under these Rules shall be liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months or to both.

District agricultural committee may make regulations

11. A district agricultural committee may make regulations relating to agriculture and land usage under these Rules in respect of the district for which it is established.