

L.N.20/1958,
L.N.107/1962,
L.N.625/1963.

THE TRUST LAND (KAIMOSI) RULES

1. These Rules may be cited as the Trust Land (Kaimosi) Rules,

2. In these Rules—

"headman" means the person appointed to be headman of the settlement area;

"register" means the register kept under rule 5 of these Rules;

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

"registered person" means any person whose name is entered in the register, and "registered" shall be construed accordingly;

"settlement area" means the area the boundaries of which are set forth in the First Schedule to 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" includes cattle, sheep, goats, horses, mules, donkeys and swine.

3. (1) There shall be established a committee, to be known as the Kaimosi Settlement Committee, to advise the Settlement Officer upon the proper carrying out of the provisions of these Rules.

(2) The Committee shall consist of—

(a) the Settlement Officer, who shall be chairman;

(b) the headman; and

(c) not less than three persons appointed by the Settlement Officer after consultation with the registered persons in the settlement area.

(3) The members of the committee, other than ex officio members, shall hold office for three years, but shall be eligible for reappointment.

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

5. (1) The Settlement Officer shall keep a register in which shall be entered the name of every African approved by him to be a registered person, together with the names of his registered dependants, the details of the stock permitted to him, the area of land which he may occupy and on which he may depasture his stock and the name of his successor.

(2) The registration of any person shall, subject to the provisions of these Rules, confer upon the registered person the right to occupy such area of land and to keep, herd and depasture thereon the number and kind of stock entered against his name in the register.

6. (1) Any person desirous of becoming a registered person shall make application to the Settlement Officer, who shall furnish him with a copy of these Rules and shall obtain a receipt therefor.

(2) The Settlement Officer may, in his sole discretion, if he is satisfied that the applicant understands these Rules, approve the application and cause the applicant's name to be entered in the Register:

Provided that no person shall become a registered person until he has nominated another who shall, in the event of the registered person's death, assume the rights and liabilities prescribed by these Rules.

(3) The Settlement Officer shall, when he approves an application to become a registered person, inform the applicant of the number of dependants who shall be registered as being permitted to live with him in the settlement area, and of the number and kinds of stock which he may keep, herd or depasture therein.

7. (1) Every registered person shall—

- (a) pay to the Settlement Officer the fees specified in the Second Schedule to these Rules;
- (b) demarcate and cultivate such area of land within the settlement area as may be specified by the Settlement Officer;
- (c) comply with all such instructions as may, from time to time, be issued by the Settlement Officer in regard to the branding, dipping, inoculating, herding, grazing and watering of stock and in regard to the production and use of animal manure and compost;
- (d) take such measures as the Settlement Officer may order for the preservation of the fertility of the soil and the prevention of erosion;
- (e) 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;
- (f) comply with all orders from the Settlement Officer for the eradication and control of tsetse fly, including the felling, stumping and clearing of such trees and vegetation as the Settlement Officer may, from time to time, direct;
- (g) comply with all such directions as the Settlement Officer may issue in regard to the type and the area of planting of any crops, including fodder crops or trees and with regard to the production of silage or hay;
- (h) erect and maintain his dwelling and other buildings to the satisfaction of the Settlement Officer;
- (i) take all 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 inhabitants of the settlement area; and
- (j) obey all orders and instructions issued by the Settlement Officer for the better carrying out of the provisions of these Rules.

(2) No registered person shall—

- (a) keep, herd or depasture within the settlement area any stock in excess of the number entered against his name in the register; or

(b) allow, except with written permission of the Settlement Officer, any person, other than a registered dependant, to reside on or cultivate any land within the settlement area which the registered person is authorized to occupy.

(3) The Settlement Officer shall pay all fees received by him under paragraph (l) (a) of this rule to the African District Council of Nandi.

(4) The Settlement Officer may in his discretion remit or reduce any fee prescribed in the Second Schedule to these Rules in any individual case of hardship or for any other good reason.

8. (1) Where any stock in excess of the number entered against the name of a registered person in the register, such excess stock not having been declared under subparagraph (e) of paragraph (1) of rule 7 of these Rules, is found in the possession or under the control of such person within the settlement area, the Settlement Officer may order the registered person to remove such excess stock from the settlement area within such reasonable time as he may specify.

(2) In the event of any excess stock not being removed from the settlement area within the specified time, the Settlement Officer may seize such excess stock and sell it and, if he thinks fit, pay the proceeds or a portion of them to such registered person.

9. (1) The Settlement Officer may cause to be uprooted or grazed or may otherwise dispose of any crop planted in contravention of any direction lawfully issued under rule 7 of these Rules.

(2) No compensation shall be payable in respect of any crop so uprooted, grazed or otherwise disposed of.

10. The Settlement Officer may, in writing under his hand, delegate to any person by name or to the person for the time being holding any office the exercise of any of the powers and performance of any of the duties vested in him by these Rules:

Provided that the powers conferred by rules 6, 9 and 12 of these Rules shall not be delegated by the Settlement Officer to any person.

11. Where it appears to the Settlement Officer that any registered person has not complied with the provisions of these Rules or of any lawful order, direction or requirement issued thereunder, or of any other written law for the time being in force, he shall serve written notice upon the registered person informing him of his apparent default

and requiring him to do or to refrain from doing within such reasonable time as may be specified in the notice all such acts as are necessary to discontinue such default.

12. (1) Where, on the expiration of the time specified in a notice served under rule 11 of these Rules, the registered person fails to comply with the requirements of the notice, the Settlement Officer shall, by a further notice in writing, call upon the registered person to show cause, on a date to be specified in such notice, why his name and the names of his registered dependants should not be struck off the register.

(2) Where a registered person upon whom a notice under paragraph (1) of this rule has been served fails to show cause to the satisfaction of the Settlement Officer (who shall be assisted by not less than three members of the Kaimosi Settlement Committee) why his name and the names of his registered dependants should not be struck off the register, the Settlement Officer may thereupon order that his name and the names of his registered dependants be struck off the register:

Provided that, where the majority of the members of the Kaimosi Settlement Committee disagree with the decision of the Settlement Officer, the matter shall be referred to the council, whose decision shall be final.

(3) Where the Settlement Officer or the council, as the case may be, has ordered that the name of any registered person and the names of his registered dependants be struck off the register, such registered person and his registered dependants shall, together with such registered person's stock, remove themselves from the settlement area within such time as the Settlement Officer may specify, and, if they fail or neglect so to do, they may be removed therefrom.

(4) An order by the Settlement Officer or the Provincial Commissioner that the name of a registered person be struck off the register shall, from the date of the making thereof, operate to extinguish all the rights and benefits prescribed by these Rules.

(5) Where the name of a registered person has been struck off the register, the Nandi African District Council shall, if so advised by the Kaimosi Settlement Committee, make to such person a payment based upon the value of the permanent improvements upon the area which that person had, before his name was struck off the register, occupied under these Rules, and may recover the sum so paid from any person next registered in the register as the occupier of such land.

13. Any person who contravenes or fails to comply with the provisions of these Rules or of any order, direction or

requirement lawfully given thereunder shall be guilty of an offence and, in addition to any other action which may be taken under these Rules, liable to a fine not exceeding five hundred shillings or to imprisonment for a term not exceeding two months, or to both such fine and such imprisonment.

FIRST SCHEDULE

(r. 2)

KAIMOSI SETTLEMENT AREA

An area of about 6,753 acres comprising portions originally known as L.R. Nos. 1900/2, 6068, 1901, 1902, 6734, 6735, 6736/2, 1904 and 1906 and part of the 100-foot wide surveyed road reserve between portions originally known as L.R. Nos. 1901 and 1902 aforesaid. The area is wholly within, and forms part of, the Nandi Land Unit, and adjoins and lies to the east of the Kakamega African Forest Reserve, and adjoins and lies to the south-west of the North Nandi African Forest Reserve, and is situate approximately eight miles west of Kapsabet Township. The boundaries of this area are as follows—

Commencing at the trigonometrical beacon Kipsogur on the common boundary of the Nandi and Kavirondo Land Units at a point where that common boundary meets the generally eastern boundary of the Kakamega African Forest Reserve;

thence by that common boundary aforesaid on a true bearing of $100^{\circ} 30' 46''$ for a distance of 2,086.5 feet to a beacon 19 N.E.;

thence on a true bearing of $171^{\circ} 57' 20''$ for a distance of 7,877.1 feet to a beacon A.aps.Eng.;

thence on a true bearing of $66^{\circ} 45' 20''$ for a distance of 7,351.0 feet to a beacon Choroï on the generally western boundary of the North Nandi African Forest Reserve;

thence on a true bearing of $166^{\circ} 24' 36''$ for a distance of 8,951.9 feet to a beacon Kipkyamyuri at the northernmost corner of L.R. No. 6736/1;

thence by the north-western boundary of L.R. No. 6736/1, aforesaid, on a true bearing of $205^{\circ} 44' 49''$ for a distance of 3,768.0 feet to a beacon M2;

thence continuing by the western boundary of L.R. No. 6736/1, aforesaid, on a true bearing of 180° 30' 10" for a distance of 410.3 feet to a beacon MI situate at its southernmost corner;

thence on a true bearing of 233° 24' 50" for a distance of 3,662.1 feet to a beacon Rd.3;

thence continuing on a true bearing of 233° 24' 50" for a distance of 468.7 feet to a beacon Headwaters I;

thence on a true bearing of 235° 07' 59" for a distance of 2,564.1 feet to a beacon Headwaters II;

thence on a true bearing of 274° 20' 58" for a distance of 6,397.8 feet to a beacon River III;

thence on a true bearing of 318° 46' 15" for a distance of 3,423.3 feet to a beacon K.R.14S on the south-eastern boundary of a road reserve;

thence by a straight line crossing the road reserve on a true bearing of approximately 300° for a distance of approximately 100 feet to a beacon K.R. 14N on the north-western boundary of the aforesaid road reserve;

thence by that road reserve boundary, to a beacon K.R.1N, through intermediate beacons as follows—

<i>From beacon</i>	<i>To beacon</i>	<i>True bearing</i>	<i>Distance Feet</i>
K.R.14N	K.R.13N	214° 30' 39"	392.11
K.R.13N	K.R.12N	175° 41' 07"	682.72
K.R.12N	L	209° 52' 46"	933.66
L	K.R.8N	277° 32' 29"	1,497.30
K.R.8N	K.R.7N	345° 05' 10"	197.53
K.R.7N	K.R.6N	287° 33' 33"	451.60
K.R.6N	1	254° 07' 46"	57.41
1	K.R.5N	254° 07' 46"	212.09
K.R.5N	K.R.4N	191° 23' 29"	397.86
K.R.4N	K.R.3N	146° 01' 20"	83.40
K.R.3N	K.R.2N	191° 30' 15"	280.14
K.R.2N	K.R.1N	146° 09' 20"	299.61

thence continuing by the aforesaid road reserve boundary on a true bearing of 168° 11' 00" for a distance of 109.2 feet to its intersection with the centre line of the Yala River;

thence downstream, by the centre line of the Yala River aforesaid, which, in the vicinity of the islands, shall be taken as the centre line of the northern or upper channel, to a point thereon where a line which bears 198° 24' 53" and is distant 750 feet from a beacon 13 SW, which is situate on the northern bank of the said river, intersects it, this point of intersection being on the common boundary of the Nandi and the Kavirondo Land Units;

thence by that common boundary of the Nandi and the Kavirondo Land Units in a straight line to the beacon 13 SW, aforementioned;

thence continuing by that common boundary aforesaid on a true bearing of 18° 24' 53" for a distance of 10,298.4 feet to a beacon F.E. situate on the generally eastern boundary of the Kakamega African Forest Reserve;

thence by that boundary of the Kakamega African Forest Reserve coterminous with the common boundary of the Nandi and the Kavirondo Land Units on a true bearing of 93° 42' 22" for a distance of 5,036.8 feet to a beacon R.B.;

thence continuing by that boundary of the Forest Reserve coterminous with the common boundary aforesaid on a true bearing of 21° 35' 28", for a distance of 12,908 feet to a trigonometrical beacon Kipsogur, the point of commencement.

SECOND SCHEDULE

(r. 7)

FEES

Sh. Cts

1. Grazing fees—

(a) for each head of cattle per month 50

(b) for every three head of stock other than cattle, per
month.. . . . 50

2. Occupation fees; for each plot of land, either—

(a) per annum.. . . . 120 00

(b) per month.. . . . 10 00