

G.N.1343/1955,  
L.N. 625/1963.

## THE TRUST LAND (SARORA) RULES

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

2. In these Rules—

"headman" means any person appointed as a headman of the settlement area:

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

"registered person" means a person whose name is entered in the register;

"settlement area" means the area described in the 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" means any bovine, 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 a headman or headmen of the settlement area and at least three other persons to be nominated by the Settlement Officer after consultation with the registered persons in the settlement area.

4. No person, other than a registered person, shall within the settlement 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 Africans and such members of their families and their dependants and such stock and such area of land for occupation by the registered person as may be approved by the Settlement Officer.

6. (1) The Settlement Officer shall furnish to any person desirous of being registered a copy of these Rules, for which he shall obtain a receipt, and shall, before effecting such registration, explain the contents of these Rules and satisfy himself that the applicant understands them.

(2) Any 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.

(3) Every registered person shall on registration and as a condition of registration nominate a person who, in the event of the registered person's death, shall inherit the right to occupy the area of land allocated to the registered person, and such beneficiary shall, if he accepts the inheritance, be subject to the provisions of these Rules.

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

(a) the registered person shall make to the Sirikwa County Council such payment as may be prescribed by the Provincial Commissioner;

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

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

Provided that such registered person shall not be required to sell such excess stock if he can prove to the satisfaction of the Settlement Officer that he can dispose of them satisfactorily in any other manner;

(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 and use of manure and compost;

(e) the registered person shall take such measures as the Settlement Officer may direct for the preservation of the fertility of the soil and for the prevention of erosion;

(f) the registered person shall 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) 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, including fodder crops or trees to be planted, and with regard to the production of silage or hay;

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

(i) the registered person shall not, except with the permission of the Settlement Officer, allow any person who is not a registered person to reside on or to cultivate any land in the settlement area which the registered person is authorized to occupy;

(j) the registered person shall 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 persons within the settlement 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 given to a registered person under rule 6 of these Rules; and no compensation shall be payable for any crop which has been so uprooted, grazed or otherwise disposed of.

(2) The Settlement Officer may, by order in writing, authorize any person to perform any of the acts which he himself is empowered to perform by these Rules:

Provided that the powers conferred by paragraph (1) of rule 7 of these Rules may not be delegated by the

Settlement Officer to any other person.

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 to remedy his default.

(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 the 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 at least three 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 their 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 specify.

(5) (a) Any registered person who is required, under paragraph (4) of this rule, to remove himself from the settlement area shall be entitled to receive from the African District Council compensation for any standing crops, buildings or improvements which he is compelled to abandon, at such rates as may be fixed by a committee of arbitration appointed under paragraph (6) of this rule.

(b) The African District Council shall have power to dispose of the standing crops, buildings or improvements for

which compensation has been paid in such a manner as it sees fit, and, if such effects are sold, to credit the sale proceeds to its own funds.

(6) Where any registered person is required to remove himself from the settlement area under paragraph (4) of this rule, the Settlement Officer shall appoint a committee of arbitration consisting of himself as chairman, an agricultural officer and a representative of the Nandi African District Council to determine the amount of compensation to be paid to the registered person under paragraph (5) of this rule.

9. Any person who contravenes or fails to comply with any of these Rules, or with any order, direction or requirement lawfully given thereunder, shall be guilty of an offence.

10. Any person who is guilty of an offence under these Rules shall be liable to a fine not exceeding five hundred shillings or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment, in addition to, or in lieu of, any other penalty prescribed by these Rules.

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| SCHEDULE | (r. 2) |
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#### SARORA SETTLEMENT AREA

An area of land situated in the Nandi District.

Commencing at the intersection on the south-western boundary of a portion of Government land (orig. L.R. N. 3134) of an unnamed tributary of the Kipkarren River which tributary forms the north-western boundary of a portion of Government land (orig. L.R. No. 7140);

thence up-stream by the course of the latter tributary in a generally south-westerly direction to the intersection of the generally south-western boundary of that portion;

thence continuing up-stream by the course of the aforementioned tributary in a generally north-westerly direction to the intersection of the generally western boundary of an unnumbered portion of Government land lying immediately west of the portion referred to above as orig. L.R. No. 7140;

thence generally southerly by the western boundaries of that unnumbered portion of Government land •to a beacon on the generally north-western boundary of a portion of Government land (orig. L.R. No. 6957);

thence continuing in a southerly and south-easterly direction by the above boundary and the generally south-western 'boundary of that portion to its intersection with the generally north-western boundary of a portion of Government land (orig. L.R. No. 3159);

thence in a generally south-westerly direction by part of the latter -boundary and the western boundaries of portions of Government land (orig. L.R. Nos. 3160 and 7489) to a beacon at the southwest corner of the latter portion;

thence easterly by the southern boundary of that portion of Government land (orig. L.R. No. 7489) to its intersection with the generally western boundary of that portion of Government land (orig. L.R. No. 7411);

thence generally south-westerly and south-easterly by part of the generally western boundary and the south-western boundary of the latter portion to a beacon at its most southerly corner;

thence continuing south-easterly by the generally southern boundary of an unnumbered portion of Government land to the intersection of that boundary with the generally southern boundary of a portion of Government land (orig. L.R. No. 3161);

thence continuing south-easterly by part of the latter boundary and the southern boundaries of portions of Government land (orig. L.R. No. 3150, 3149, 3148 and 3147) to a beacon at the southeast corner of the latter portion;

thence north-easterly by the eastern boundary of the latter portion and the eastern boundary of a portion of Government land (orig. L.R. No. 3151) and continuing to a beacon at the most southerly corner of a portion of Government land (orig. L.R. No. 3120);

thence north-westerly by the south-western boundaries of that portion of Government land (orig. L.R. No. 3120) and L.R. No. 3121, the north-eastern boundary of an unnumbered portion of Government land lying to the west, and continuing north-westerly by the northeastern boundary of a portion of Government land (orig. L.R. No. 7140) to the point of commencement.