

Cap. 100 (1948),
Sub.Leg.,
L.N.625/1963.

Rules under section 65

THE TRUST LAND (WAYLEAVES FOR ELECTRIC LINES) RULES

1. These Rules may be cited as the Trust Land (Wayleaves for Electric Lines) Rules, and shall apply to all Trust land.
2. In these Rules, "electric line" has the meaning assigned to it in the Electric Power Act.
3. A wayleave licence granted under section 38 for the purpose of erecting or laying an electric line over or under land shall be in the form in the Schedule to these Rules, or as near thereto as possible, regard being had to the circumstances and requirements of each case.
4. Before granting any such wayleave licence, the council shall satisfy itself that compensation in respect of disturbance or of any other loss or expenses likely to be caused by the erection or laying of the electric line has been or will be paid to the Africans concerned in like manner and to the same extent as if the land had been set apart under the Act and as if the compensation were being paid under section 8 of the Act.
5. No such wayleave licence shall be valid for a longer period than the period of validity of the relevant licence issued under the Electric Power Act.
6. The annual fee to be paid for such a wayleave licence shall be assessed at 25 cents per annum per pole or pylon, or, where the electric line is laid underground, Sh. 5 per mile.

SCHEDULE (r. 3)

WAYLEAVE LICENCE

Under section 38 of the Trust Land Act

IN EXERCISE of the powers conferred by section 38 of the Trust Land Act and all other powers thereunto enabling, the Council of
(hereinafter referred to as the Grantor), hereby grants a wayleave licence to (hereinafter called the Licensee, which expression shall include his servants and agents) to enter upon the land described in the Schedule hereto at such time or times as shall be reasonably necessary for the purpose of placing and maintaining an electric line across or under the said land and of replacing the same or any part thereof, and of keeping clear a track parallel with and adjoining the electric line not exceeding seven feet in width.

2. The Licensee may fell, lop or remove any tree, crops or shrubs which obstruct or interfere, or which may obstruct or interfere, with the working of the electric line:

Provided that no trees, crops or shrubs shall be so felled, lopped or removed unless and until the Licensee has given to the owner of the land on which such trees, crops or shrubs are growing not less than three days' notice in writing of his intention so to do.

3. If, at any time after the expiration of a period of ten years from the date hereof, development which involves the erection of any building on the alignment of the electric line is, in the opinion of the Grantor, necessary, the Licensee shall at his own expense move the electric line so as to permit such building to be erected:

Provided that at least three months' notice of the intention to erect such building shall be given to the Licensee by the Grantor:

And provided further that the Grantor shall make available to the Licensee a reasonable alternative route for the said electric line.

4. This licence shall remain in force during the period of validity of Licence No. dated the day of 19...., and issued under the provisions of the Electric Power Act.

5. The Licensee shall pay to the Grantor an annual fee of Sh.....

6. If at any time the Licensee fails to comply with or commits a breach of any of the conditions of this Licence, or if he fails to maintain and keep the electric line in good repair, the Grantor may, upon giving three months' notice in

writing to the Licensee, revoke this Licence and require the Licensee at his own expense to remove (the said electric line within a time to be specified in such written notice.

7. Upon determination of the aforesaid Licence, the Licensee shall at his own expense remove the said electric line within such reasonable period as may be specified by the Grantor.

8. When the electric supply line is removed under paragraph 6 or paragraph 7 of this Licence, the surface of the land shall forthwith be restored to its former condition, as far as possible; and in default thereof such removal or restoration may be carried out by the Grantor, and the costs thereof shall be recoverable from the Licensee as a civil debt due and owing to the Grantor.

Dated at, thisday of,19.....

The Council of