

AGRICULTURE (LAND UTILISATION) (FARM EMPLOYEES) RULES, 1964

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## AGRICULTURE (LAND UTILISATION) (FARM EMPLOYEES) RULES, 1964

[L.N. 129/1964, Corr. 114/1964.]

### 1. Citation

These Rules may be cited as the Agriculture (Land Utilisation) Farm Employees) Rules, 1964.

### 2. Application

These Rules shall apply to large-scale farms only.

### 3. Interpretation

In these Rules, unless the context otherwise requires—

“**committee**” means the district agricultural committee established under section 22 of the Act having jurisdiction over the land concerned;

“**employee**” means a person who is in the whole-time employment of an occupier on his farm, or a person who has retired, with the occupier’s permission, from that employment owing to old age or infirmity and who normally resides on the farm of that occupier;

“**family**”, in relation to an employee, means his dependent father or mother, his wife or wives and such of their children as are under the age of eighteen years and unmarried;

“**farm**” means land used for agricultural purposes, which is owned by or is in the possession of any person by virtue of a freehold title or a lease and is not situated in a municipality, former township or trading centre;

“**inspector**” means any public officer appointed by the Minister by notice in the *Gazette* to be an inspector for the purpose of these Rules;

“**licence**” means a cultivation licence or stock licence granted under rule 4 or rule 6;

“**licensee**” means the holder of a licence;

“**occupier**” means any person other than a licensee who is in lawful and physical occupation or entitled to the occupation of a farm;

“**stock**” means cattle, sheep, goats and donkeys.

### 4. Restriction on cultivation of land on farms

(1) No employee may cultivate for his own use any land on any farm, nor may any occupier of any farm permit such cultivation, unless the employee possesses a valid cultivation licence issued by the occupier in the form set out in the First Schedule:

Provided that—

- (i) an occupier may permit an employee to cultivate without a licence land for his own use not in excess of one-half of one acre;
- (ii) a committee may order the reduction of the maximum area which may be cultivated without a licence, to such lesser area as it may, in the interests of proper land use, determine.

(2) Every occupier who permits an employee to cultivate land without a licence in accordance with subrule (1) shall keep and maintain a record of those permits.

(3) The committee may direct that licences under this rule may not be issued in respect of any particular area or farm without its prior consent:

Provided that an occupier shall have a right of appeal from any such, directive to the provincial agricultural board, whose decision shall be final.

(4) An occupier shall not—

- (a) having granted a cultivation licence to an employee, grant another cultivation licence to the same employee or to a member of his family while the first cultivation licence is still in force; or
- (b) grant a cultivation licence in respect of more than two acres of land, except where the committee, having regard to the interests of land development, otherwise approves in writing;
- (c) grant a cultivation licence to any employee who has not attained the age of eighteen years.

(5) Any person who contravenes this rule shall be guilty of an offence.

#### **5. Power of Committee to prevent excessive cultivation**

(1) Where a committee is satisfied that the amount of land comprised in cultivation licences on a particular farm should be limited, having regard to the requirements of the preservation, proper utilization and development of the land, it may, by written order served on the occupier, require him not to renew licences, except with the permission of the committee, or to revoke any licence issued.

(2) An order under subrule (1) may be of limited or indefinite duration.

(3) Any occupier or licensee who is aggrieved by an order served on the occupier under subrule (1) may appeal in writing to the provincial agricultural board within thirty days of the service of the notice or the notice of revocation as the case may be, and the decision of that board shall be final.

(4) Any person who fails to comply with an order issued under subrule (1) shall be guilty of an offence.

#### **6. Restriction on keeping of stock**

(1) No employee may keep any stock for his own use on any farm, nor may any occupier of any farm permit such keeping of stock, unless the employee possesses a valid stock licence issued by the occupier in the form set out in the Second Schedule; but no occupier shall issue a stock licence without the permission of the committee.

(2) The agricultural committee may determine the farms or areas where stock licences may be granted, the maximum permissible number of types of stock per licence and the total number of stock which may be licensed on any one farm.

(3) The occupier of a farm on which stock is licensed under subrule (1) shall—

- (a) cause all cattle so kept, which are over the age of one year, to be branded at his own expense with his brand together with such symbol as may be prescribed by the Registrar of Brands;
- (b) for the purpose of keeping and maintaining a register under rule 9(1)(b), count or cause to be counted all licensees' stock at intervals not exceeding ninety days.

(4) Any person who contravenes this rule shall be guilty of an offence.

## 7. Compliance with conditions

A licensee who fails to comply with the terms and conditions of his licence shall be guilty of an offence.

## 8. Consideration

(1) No occupier may require or accept from any licensee or prospective licensee any consideration in respect of a licence or for any rights granted thereby or in connexion therewith:

Provided that it shall be lawful for the occupier to grant a licence to an employee as part of his emoluments, but it shall be so stated in the licence and the value attaching to the concession shall be shown.

(2) In this rule, “**consideration**” includes both money and things other than money.

## 9. Maintenance of records

(1) Every occupier who grants a licence shall keep and maintain, or cause to be kept and maintained—

- (a) a record of the dates of and the parties to all licences for the time being in force relating to land and stock on his farm; and
- (b) where stock licences are issued, a register of all licensed stock kept on his farm.

(2) Any occupier who contravenes this rule shall be guilty of an offence.

## 10. Power to require production of records and licences

(1) An inspector may require—

- (a) any occupier to declare any stock or cultivation licences which are in force on his farm and to produce for his inspection any record or register which he is required to keep under rule 9;
- (b) any person, whom he has reasonable grounds for believing may be a licensor or licensee, to produce for his inspection the original or the duplicate of the licence.

(2) Any person who wilfully gives false information to an inspector, or who fails to produce any record or register or an original or duplicate licence which he is required to produce under subrule (1), shall be guilty of an offence.

## 11. Termination of employment and revocation of licences

(1) Where—

- (a) a licensee’s contract of employment terminates and is not immediately renewed, or is lawfully terminated; or
- (b) a licensee has given thirty days’ notice to the occupier of his desire to have his licence revoked; or
- (c) the committee, under rule 5(1), orders an occupier to terminate a cultivation licence,

the occupier shall revoke the licence concerned by notice in writing served on the licensee:

Provided that if the occupier does not intend to renew the licence after the normal expiry he shall give the licensee thirty days’ notice thereof.

(2) A notice of revocation under subrule (1) shall specify the date on which the licence stands revoked, and such date shall—

- (a) in the case of termination of employment, be the date on which the employment terminates;
- (b) in any other case, be a date not later than thirty days after the date on which the occupier becomes liable to revoke the licence.

(3) Where a licensee is absent from his employment without lawful cause for a period of fourteen days or more, the licence may be revoked by the occupier.

(4) Any occupier who is required by subrule (1) to revoke a licence and who fails to do so in accordance with this rule shall be guilty of an offence.

## **12. Action on revocation of licences**

(1) Upon revocation of his licence under rule 11 the licensee shall—

- (a) in the case of a cultivation licence, cease to cultivate the area licensed forthwith and, within thirty days of the revocation, remove himself, his family and his possessions from the plot;
- (b) in the case of a stock licence, remove his stock from the farm of the occupier within seven days.

(2) Where the committee requires a cultivation licence to be revoked under rule 11(1)(c), it may at the same time either order the occupier to pay to the licensee the value of the crops at the time or, notwithstanding subrule (1)(a) of this rule, permit the licensee to return to his plot for a stated period, to harvest and remove any crops.

(3) If the occupier has been required to pay the value of the crops, this shall be done within fourteen days of the revocation of the licence, and in the event of disagreement as to the value of the crops, the value as assessed by an inspector shall be payable.

(4) When a licence is revoked in consequence of rule 11(1)(a), the licensee may harvest and remove any crops planted before the revocation of his licence, and may, with the written permission of the occupier, return to his plot to do so for such period as may be agreed between him and the occupier.

(5) Permission under subrule (4) shall not be unreasonably withheld; and, where permission appears to the licensee to be unreasonably withheld or the owner and the licensee are unable to agree on a period, the licensee may appeal to the committee, which may order the occupier either—

- (a) to pay to the licensee the value of the crops in accordance with subrule (2); or
- (b) to permit the licensee to return to the plot for a stated period to harvest and remove his crops.

(6) When a licence is revoked in consequence of rule 11(1)(b), the occupier may either—

- (a) pay to the licensee the value of the crops in accordance with subrule (2) of this rule; or
- (b) permit the licensee to return to the plot for a stated period to harvest and remove the crops; or
- (c) require the licensee to sell his crop to someone acceptable to the occupier within the terms of these Rules.

**13. Occupier to ensure employee understands provision of licence**

An occupier granting a licence shall ensure that—

- (a) rules 4(1), 5(1) and (3), 6(1), 7, 12 and 15, together with the licence, are read over and explained to the licensee, in a language he understands, by a third person, and that the certificate at the end of the licence is completed by that person; and
- (b) upon completion of the certificate at the end of the licence, both he and the licensee sign or affix their marks to the licence; and
- (c) the licensee is given a copy of the licence.

**14. Powers of court**

A court convicting a licensee of an offence under these Rules or of any other offence may order that his licence or licences be forthwith revoked, and—

- (a) in the case of a cultivation licence, order the licensee to cease cultivation of the area licensed forthwith and to remove himself, his family and his possessions from the plot within a stated period;
- (b) in the case of a stock licence, order the licensee to remove his stock from the farm of the occupier within a stated period.

**15. Penalties**

Any person who is guilty of an offence under these Rules shall be liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding three months, and the Court may make such order for the disposal of his crops or his stock as it may think fit.

**16. Revocation**

The Agricultural (Land Utilization) (Farm Employees) Rules, 1963 are revoked.

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FIRST SCHEDULE

[Rule 4.]

CULTIVATION LICENCE

Farm:

Name .....

L.R. No. ....

Occupier:

Name .....

Employee:

Name .....

Particulars appearing on identity card .....

.....  
BY THIS LICENCE, issued under rule 4 of the Agriculture (Land Utilisation) (Farm Employees) Rules, the above-named occupier (hereinafter called the Occupier) licenses the above-named employee (hereinafter called the Licensee) to cultivate a plot of land measuring ..... acres or (hereabouts on the above-named farm, the situation of the plots being determined from time to time by the Occupier.

THIS LICENCE is granted for a period of one year, and is revocable in accordance with the above-mentioned Rules, and is granted on condition that the Licensee—

- (a) shall use the plot for cultivation only, and shall not erect any building or other erection of any kind on the plot without the permission of the Occupier;



SECOND SCHEDULE

[Rule 6.]

LICENCE TO KEEP STOCK

*Under the Agriculture (Land Utilisation) (Farm Employees) Rules, 1964*

Farm:

Name .....

L.R. No. ....

Occupier:

Name .....

Employee:

Name .....

Particulars appearing on identity card .....

BY THIS LICENCE, issued under rule 6 of the Agriculture (Land Utilization) (Farm Employees) Rules, the above-named occupier (hereinafter called the Occupier), with the permission of the Agricultural Committee, licenses the above-named employee (hereinafter called the Licensee) to keep ..... stock [state type and sex] ..... on the above-named farm, subject to the conditions of rule 6(3) of these Rules.

THIS LICENCE is granted for a period of one year and is revocable in accordance with the above-mentioned Rules, and is granted on condition that the Licensee shall—

- (a) at his own expense cause all stock to be inoculated, dipped or sprayed in such a manner and at such reasonable intervals of time as the occupier or veterinary officer may direct;
- (b) report to the Occupier all natural increase, of stock within 30 days of birth; and
- (c) comply with the directions of the Occupier for the removal of any stock in excess of that which he is allowed to keep on the farm.

\*It is agreed that this Licence is part of the emoluments of the Licensee in accordance with the rule 8 of the above-mentioned Rules, and that this concession is valued at Sh ..... per month.

\*Delete if not applicable.

CERTIFICATE BY THIRD PERSON

I hereby certify that this Licence and rules 4(1), 5(1) and 3, 6(1), 7, 12 and 15 of the Agriculture (Land Utilization) (Farm Employees) Rules were read over in the presence of both parties, and explained to the person named therein as the Licensee in the ..... language, which he understands, and that to the best of my belief he understood this Licence and the said Rules and has voluntarily assented to the terms of this Licence.

Date ..... Signature .....

Description .....

Address .....

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