



LAWS OF KENYA



COCONUT INDUSTRY ACT

CHAPTER 331

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CHAPTER 331

COCONUT INDUSTRY ACT

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CHAPTER 331**COCONUT INDUSTRY ACT**

[Date of commencement: 14th December, 1923.]

An Act of Parliament to make better provision for the protection and improvement of the coconut industry

[Act No. 33 of 1923, Cap. 191(1948), G.N. 1721/1955, L.N. 173/1960, Act No. 28 of 1961, L.N. 2/1964, L.N. 365/1964, Act No. 17 of 2006.]

1. Short title

This Act may be cited as the Coconut Industry Act.

2. Application

The Minister may, by notice in the *Gazette*, apply this Act to any district, and fix the date at which application shall commence.

[L.N. 365/1964, Sch.]

3. Interpretation

In this Act—

“**dealer**” means a person whose business is that of buying and selling or bartering coconuts or the produce thereof;

“**palm wine**” means *tembo tamu* or *tembo kali*;

“**plantation**” means land on which there are one or more growing coconut palms, the property of the same owner and situated on the same plot of land.

4. Presumption of theft

A person found in possession of coconuts in the following circumstances shall be deemed to have stolen them unless he proves that the possession was lawful, and shall on conviction be liable to the penalties laid down in section 5—

- (a) on any coconut plantation or in the immediate vicinity thereof, except with the authority and consent of the owner or his authorized agent;
- (b) conveying or carrying coconuts which may be reasonably suspected to have been stolen.

5. Punishment for theft

A person who is guilty of an offence under section 4 shall, notwithstanding anything contained in the Penal Code (Cap. 63), be liable for a first offence to imprisonment for a term not exceeding six months with or without a fine not exceeding one hundred shillings, and for a second or subsequent offence to imprisonment for a term not exceeding three years with or without a fine not exceeding one thousand shillings.

6. Loitering on plantation

When a plantation has well-defined boundaries or, well-defined roads or public footpaths through it, a person unauthorized by the owner or person in charge thereof found loitering or lurking among coconut palms in bearing or among coconuts planted at stake in that plantation and off a road or public footpath shall, unless he can give a satisfactory reason to a magistrate, be guilty of an offence and be liable to a fine not exceeding one hundred shillings, or to imprisonment for a term not exceeding six months, or to both.

7. Power to arrest persons loitering

(1) A person found so loitering or lurking without lawful excuse on a plantation may be arrested by the owner of the plantation or his agents or servants and may be detained in custody by them.

(2) A person arrested under subsection (1) shall with all practicable speed be either handed over to the police or brought before a magistrate, and shall not be detained without a warrant longer than is necessary.

8. Repealed by Act No. 17 of 2006, s. 48.

[Act No. 28 of 1961, Sch., Act No. 17 of 2006, s. 48.]

9. Repealed by Act No. 17 of 2006, s. 49.

[Act No. 28 of 1961, Sch., Act No. 17 of 2006, s. 49.]

10. Repealed by Act No. 17 of 2006, s. 50.**11. Repealed by Act No. 17 of 2006, s. 51****12. Penalties**

A person who commits an offence under this Act shall, where other provision is not made, be liable to imprisonment for a term not exceeding twelve months, or to a fine not exceeding one thousand shillings, or to both.

[Act No. 17 of 2006, s. 52.]

13. Offences cognizable

All offences under this Act shall be cognizable to the police.

[Act No. 28 of 1961, Sch.]

14. Rules

The Minister may from time to time make rules for the better carrying out of this Act.

[G.N. 1721/1955, Sch., L.N. 173/1960, Sch.]

CHAPTER 331

COCONUT INDUSTRY ACT

SUBSIDIARY LEGISLATION

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APPLICATION OF ACT UNDER SECTION 2

[Cap. 191(1948), Sub. Leg.]

The Act has been applied to the districts of Mombasa, Kwale, Kilifi, Tana River and Lamu.
