



LAWS OF KENYA

COCONUT PRESERVATION ACT

CHAPTER 332

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CHAPTER 332

COCONUT PRESERVATION ACT

ARRANGEMENT OF SECTIONS

Section

1. Short title.
 2. Interpretation.
 3. Application.
 4. Destruction of dead trees.
 5. Penalty.
 6. Destruction of vegetables refuse.
 7. Access to land.
 8. Service of notices.
 9. Prevention of fire.
 10. Obstructing inspectors and others.
 11. Compensation.
 12. Protection of public officers.
 13. Service on joint owner.
 14. Rules.
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CHAPTER 332

COCONUT PRESERVATION ACT

[Date of commencement: 17th June, 1915.]

An Act of Parliament to provide for the improvement and regulation of the coconut planting industry

[Cap. 190 (1948), G.N. 1721/1955, L.N. 173/1960, L.N. 429/1961, L.N. 2/1964.]

1. Short title

This Act may be cited as the Coconut Preservation Act.

2. Interpretation

In this Act, except where the subject-matter or context is repugnant thereto—

“**dead or dying tree**” means a coconut tree which in the opinion of an inspector is ceasing or has ceased to bear produce;

“**insect**” means the beetle known as the rhinoceros beetle (*oryctes rhinoceros*) and such other insect or parasite as the Minister may from time to time specify by notice in the *Gazette*;

“**inspector**” means an officer appointed by the Minister for the purpose of carrying out the provisions of this Act.

[L.N. 429/1961.]

3. Application

This Act may be applied to such area or areas as the Minister shall by notice in the *Gazette* direct, and this Act shall thereupon come into full force and effect within such area or areas.

[L.N. 429/1961.]

4. Destruction of dead trees

The owner or person in charge of a coconut tree which is dead or dying or is attacked by an insect shall forthwith uproot the tree and either burn it or dispose of it in such other manner as the Minister may by rules prescribe, or, in the absence of rules, as an inspector may direct:

Provided that in the case of a coconut tree attacked by an insect the owner or person in charge may, with the permission of an inspector, instead of uprooting the tree, take such action therewith as the Minister may by rules prescribe or, in the absence of rules, as an inspector may direct.

5. Penalty

A person who neglects or refuses to perform the duty imposed upon him by section 4 shall be guilty of an offence and liable to a fine not exceeding one hundred and fifty shillings for every tree in respect of which the neglect or refusal occurs, and an inspector or such other officer as the Minister may appoint in that

behalf may cause to be performed the duty so neglected or refused to be performed and may recover the cost of performance in a court of competent jurisdiction.

[L.N. 429/1961.]

6. Destruction of vegetable refuse

A person who keeps on his premises dead or dying trees or stumps or coconut timber rubbish or coconut stems or accumulations of vegetable refuse, dung or other matter which would be likely to harbour or become breeding or refuge places for insects, and neglects or refuses to remove or destroy them within fourteen days when required by a notice in writing to do so by an inspector or such other person as the Minister may appoint in that behalf, shall be guilty of an offence and liable to a fine not exceeding three hundred shillings, and the inspector or other person may cause the trees, stumps, timber, rubbish or accumulations to be removed or destroyed and may recover the cost of removal or destruction from the defaulter in a court of competent jurisdiction.

[L.N. 429/1961.]

7. Access to land

Every inspector, every officer of the Agricultural Department and every magistrate shall for the purpose of inspection have access at all reasonable times into and upon land whereon any coconut tree is growing and upon land or premises where there is reason to suppose that a breach of the provisions of this Act is being committed.

8. Service of notices

A notice served under this Act shall be deemed to be duly served if served upon the owner or person in charge of the plantation by delivery or by being left at his last known place of address, or, if service cannot be so effected, by posting the notice on or near the land on which the specified tree, stump, timber, rubbish, stem or accumulation is.

9. Prevention of fire

An inspector may serve or cause to be served a notice in writing upon the owner or person in charge of land on which there are coconut trees to keep the land free from underbush, underwood, grass and weeds so as to preclude damage from fire or otherwise to the land and trees or land or trees adjacent thereto.

10. Obstructing inspectors and others

A person who—

- (a) knowingly and wilfully obstructs or interferes with an inspector or any person lawfully authorized by this Act in the execution of his duty; or
- (b) knowingly and wilfully refuses or fails to comply with or contravenes any provision of this Act or any notice or requisition or any provision of any rule made under this Act,

shall be guilty of an offence and liable to a fine not exceeding one thousand five hundred shillings, or to imprisonment for a term not exceeding six months, or to both.

11. Compensation

The Minister may from time to time make such compensation as he may think fit to the owner of a coconut tree who being in needy circumstances is required to destroy a coconut tree, but compensation shall not exceed ten shillings per tree and the compensation given in one year to any one person shall not exceed two hundred shillings.

[L.N. 429/1961.]

12. Protection of public officers

No action shall lie against the Government or against any officer or servant of the Government for any act done in good faith under this Act, and no compensation shall be payable to any person for any act done under this Act otherwise than as provided in section 11.

13. Service on joint owner

Where a coconut tree is the property of more than one person, a notice served on one of those persons shall be sufficient notice to all those persons; and the whole of any sum payable under this Act may be recovered from any one of those persons:

Provided that contribution may be recovered by the person paying the sum from the other persons jointly owning the coconut tree.

14. Rules

The Minister may make rules—

- (a) for regulating the importation of seed coconuts and coconuts in husk or shell, including prohibiting importation from any specified country or place generally;
- (b) for regulating the procedure to be adopted with regard to coconut and other trees attacked by insects; and
- (c) for the construction on coconut plantations of traps for insects, and the regulation thereof.

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

CHAPTER 332
COCONUT PRESERVATION ACT
SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

	<i>Page</i>
1. Application of Act under section 3	11

APPLICATION OF ACT UNDER SECTION 3

[L.N. 499/1950.]

The Act is applied to the Mombasa, Kwale, Kilifi, Tana River and Lamu Districts.
