

**SPECIAL ISSUE***Kenya Gazette Supplement No. 12**7th March, 1961**(Legislative Supplement No. 11)*

LEGAL NOTICE NO. 142

(LND.26/55/1)

## THE KENYA (LAND) ORDER IN COUNCIL, 1960

(L.N. 589 of 1960)

By His Excellency Sir Patrick Muir Renison, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony and Protectorate of Kenya.

IN EXERCISE of the powers conferred by section 14 of the Kenya (Land) Order in Council, 1960, and of all other powers hereto enabling me, I hereby make the following Regulations:—

## THE LAND CONTROL REGULATIONS, 1961

## PART I—PRELIMINARY

1. These Regulations may be cited as the Land Control Regulations, 1961, and shall come into operation on 6th March, 1961. Citation and commencement.

2. (1) In these Regulations, except where the subject or the context otherwise requires— Interpretation.

“Board of Agriculture (Scheduled Areas)” means the Board of Agriculture (Scheduled Areas) constituted under Part III of the Agriculture Ordinance, 1955; No. 8 of 1955.

“deal” means—

(a) in relation to land—

- (i) dispose, or part with the possession, of the land, or
- (ii) for himself or on behalf of any other person, acquire, or obtain possession of, the land,

whether, in either case, by means of conveyance, transfer or assignment (by way of sale, gift, exchange, settlement or otherwise howsoever), by partition, lease, licence or letting, or by means of succession, or in any other way whatsoever;

(b) in relation to a share, issue or allot, or in any manner whatsoever transfer or dispose of, or acquire (including acquire by issue or allotment or by means of succession) the share:

Provided that—

- (i) the actions of a person holding an auctioneer's licence under the Auctioneers Ordinance and acting solely in the ordinary course of his business as an auctioneer, or of a stockbroker practising on a recognized stock exchange in Kenya and acting solely in the course of his business as a stockbroker, shall not be dealings for the purpose of this definition: Cap. 309

- (ii) in its relation to mortgages, the word "deal" does not include the giving or taking of a mortgage, but does include the exercise of the mortgagee's powers to foreclose the mortgage, or to sell, take possession of or appoint a receiver or manager of, or otherwise to deal (as hereinbefore defined) with, the mortgaged property;

"declared area" means any area outside the Special Areas which the Governor may, by notice in the Gazette, declare to be an area subject to the control of these Regulations as respects dealings in land therein and shares of private companies owning land therein;

"land" means agricultural land in a declared area, and any buildings, standing trees and other things attached to such land or permanently fastened to anything so attached, and includes any estate or interest in land as so defined;

"Land and Development Settlement Board" means the Land Development and Settlement Board established by section 176A of the Agriculture Ordinance, 1955;

No. 8 of 1955.

"Minister" means the Minister for the time being responsible for land;

"mortgage" includes a charge, and also a mortgage or charge by deposit of documents of title;

L.N. 589/60.

"Order" means the Kenya (Land) Order in Council, 1960;

"private company" means a company within the meaning of the Companies Ordinance which by its articles—

Cap. 288.

(a) restricts the right to transfer its shares; and

(b) limits the number of its members to fifty, not including persons who are in the employment of the company and persons who, having been formerly in the employment of the company, were while in that employment, and have continued to be, members of the company; and

(c) prohibits any invitation to the public to subscribe for any shares of the company;

"race", in relation to any person, means the racial origin of that person, whether, that is to say, European, Asian, African, Arab or Somali;

"share" includes stock, debenture and debenture stock, and any right or interest in a share as so defined;

"subdivide" means subdivide into parcels of land none of which is less than twenty acres in extent;

"succession" means succession on the death of a person under the will, or on the intestacy, of some person.

(2) Save where a contrary intention appears, expressions used in these Regulations shall have the same respective meanings as they have in the Order.

(3) Subject to the foregoing provisions of this regulation, the Interpretation and General Provisions Ordinance, 1956, shall apply for the purpose of interpreting these Regulations and any rules made thereunder as they apply for the purpose of interpreting an Ordinance and any rules made thereunder.

No. 38 of 1956.

## PART II—ESTABLISHMENT OF REGIONS AND DIVISIONS

3. The Governor shall, by order, establish within the declared areas such regions, and shall, in the same or a subsequent order, divide each region into such divisions, as he may deem necessary for the proper carrying out of the provisions of the Order and of these Regulations.

Establishment of regions and divisions.

## PART III—ESTABLISHMENT OF BOARDS, ETC.

4. (1) Upon the establishment of a division, there shall be established in respect thereof a Divisional Land Control Board (in these Regulations referred to as a Divisional Board) consisting of—

(a) the chairman and members of each Agricultural Committee established under section 38 of the Agriculture Ordinance, 1955, within the division; and

(b) where a county council has been established for the division or any part thereof under a scheme of county administration made under Part I of the Local Government (County Councils) Ordinance, 1952, two persons appointed by such county council, or, where there is more than one such council, by all the councils jointly.

Divisional Boards.

No. 8 of 1955.

No. 30 of 1952.

(2) The quorum of a Divisional Board, where the total number of members of the Board is an even number, shall be one-half of that number, and, where the total number of members is an uneven number, shall be one-half of the even number which is greater than that number by one.

5 (1) Upon the establishment of a region, there shall be established in respect thereof a Regional Land Control Board (in these Regulations referred to as a Regional Board), consisting of—

Regional Boards.

- (a) two persons appointed by the Minister;
- (b) three persons appointed by the Board of Agriculture (Scheduled Areas);
- (c) one person appointed by the County Executive Committee of the Association of Local Government Authorities of Kenya:

Provided that no person shall be appointed a member of a Regional Board who is a member of a Divisional Board.

(2) The quorum of a Regional Board shall be four members.

6. (1) There is hereby established a Central Authority, consisting of—

Central Authority.

- (a) the Commissioner of Lands, who shall be chairman;
- (b) the Deputy Secretary for Local Government;
- (c) the Town Planning Adviser;
- (d) a public officer deputed by the Minister for the time being responsible for agriculture;
- (e) a public officer deputed by the Minister for the time being responsible for public work;
- (f) a public officer deputed by the Minister for the time being responsible for health;
- (g) a person nominated by the Land Development and Settlement Board.

(2) The quorum of the Central Authority shall be the chairman or other person presiding and three other members.

(3) The Central Authority shall determine applications to subdivide land made to it under regulation 22 of these Regulations.

(4) The Central Authority may, by resolution, delegate to the chairman of the Central Authority its power to determine applications in any specified classes of cases;

Provided that the chairman shall not, in the exercise of his delegated powers, have power to refuse any application, but shall refer back to the Central Authority for determination by it any application which he does not approve.

Board of Appeal.

7. (1) There is hereby established a Board of Appeal, which shall consist of a number of Ministers, not exceeding five nor less than three, appointed by the Governor.

(2) The quorum of the Board of Appeal shall be three members.

(3) The Board of Appeal shall determine appeals made to it under regulation 25 of these Regulations.

Provisions regarding Boards, etc.

8. (1) The members of a Board shall hold office for such period, and shall retire in such manner, as may be prescribed.

(2) The chairman of a Board shall preside at all meetings of the Board at which he is present; the members of a Board (other than the Central Authority) shall appoint a chairman from among their number, and in the absence of the chairman from a meeting the members present at the meeting shall elect one of themselves to preside at that meeting.

(3) In the event of an equality of votes, the chairman or other member presiding shall have a casting as well as an original vote.

(4) A Board shall not be disqualified for the transaction of business by reason of any vacancy in the membership thereof; and any proceedings thereof shall not be invalidated by the fact that some person who was not entitled to do so took part in the proceedings.

(5) In this regulation, except where otherwise expressed, "Board" means a Divisional Board, a Regional Board, the Central Authority or the Board of Appeal.

#### PART IV.—RESTRICTION ON DEALINGS WITH LAND OR SHARES

Restriction on dealings with land or shares.

9. (1) No person shall deal with any land, or with any share in a private company which for the time being owns any land, unless consent has been given to the dealing under and in accordance with the provisions of these Regulations, and every such dealing in respect of which such consent has not been given shall be absolutely void for all purposes.

(2) Any agreement to deal with any land or with any such share as aforesaid shall become absolutely void for all purposes—

(a) at the end of four months after the making of the agreement, if application to the Divisional Board or, as the case may be, to the Commissioner of Lands for its or his consent thereto has not then been made; or

(b) if such application is made and refused, at the end of the time allowed by these Regulations for appeal, or, where an appeal is made, on the dismissal of the appeal, or, where a further appeal lies under these Regulations, at the end of the time allowed by these Regulations for appeal, or, where such an appeal is made, on the dismissal thereof.

(3) If any money or other valuable consideration has been paid in the course of any dealing, or under any agreement, which is or becomes void under this regulation, such money or consideration shall be recoverable as a civil debt by the person who paid it from the person to whom it was paid.

10. (1) Every person desiring consent to deal with any land or any share shall make application in the prescribed form and manner, in the case of land, to the Divisional Board through the Commissioner of Lands, and, in the case of a share, to the Commissioner of Lands. Mode of application.

(2) Where application is made under paragraph (1) of this regulation to a Divisional Board through the Commissioner of Lands, the Commissioner of Lands, on forwarding the application to the Divisional Board, shall notify the applicant that he has so forwarded the application and of the date on which he has done so.

11. Subject to the provisions of regulation 16 of these Regulations, a Divisional Board shall have power— Powers of Divisional Boards.

(a) subject to any direction of the Governor as to the classes of cases in which consent is to be refused, to give its consent to dealings with land, and to dealings with shares on applications referred to it by the Commissioner of Lands under regulation 12 of these Regulations;

(b) to refuse its consent to dealings with land, or to dealings with shares on applications referred to it as aforesaid, in cases where, in its opinion—

(i) the person seeking to acquire the land or shares already has sufficient land, or sufficient shares in a private company owning land, as the case may be;

(ii) the land is such as to be unlikely to be economic for the intended purpose;

(iii) the terms and conditions of the dealing are unduly onerous on the person acquiring the land; or

(iv) according to the information before it, including any proposals for development submitted by the person seeking to acquire the land, that person is unlikely, for any reason, to be a good farmer of the holding;

(v) in the case of shares, that, in the opinion of the Board, the probable effect of the dealing, or the probable cumulative effect of a series of dealings, would be to change the person who controls the company, and that, according to the information before the Board, the change in the control of the company would be unlikely, for any reason, to result in good farming of the land;

(c) where, after examining an application for consent, it thinks fit to do so, to refer the application to the Regional Board for determination;

(d) to give its advice on such matters concerning dealings with land as may be referred to it by any person.

Powers of  
Commissioner  
of Lands.

12. Subject to the provisions of regulation 16 of these Regulations, the Commissioner of Lands shall have power—

(a) subject to any special or general directions of the Governor, to give his consent to any dealing with shares;

(b) where, in his opinion, it is likely that the effect of the dealing, or the cumulative effect of a series of dealings, would be to change the person who controls the company, to refer the application to the Divisional Board for the division in which the greater part of the company's land is situated, for determination.

Appeal to  
Regional Board.

13. Any person who is aggrieved by the refusal of a Divisional Board to consent to any dealing with land or shares may, within thirty days after the date of notification of the refusal appeal in writing to the Regional Board for the region concerned, whose decision shall, subject to the provisions of regulation 15 of these Regulations, be final and conclusive and shall not be questioned in any court.

Powers of  
Regional Boards.

14. (1) A Regional Board shall have power to determine—

(a) any appeal made to it under regulation 13 or regulation 24;

(b) any application referred to it under paragraph (c) of regulation 11; and

(c) any application made to it under regulation 16, of these Regulations, in accordance, in the case of dealings with land, with the principles laid down in paragraphs (a) and (b) of regulation 11 of these Regulations.

(2) A Regional Board may require the Divisional Board to provide it with any further information which it may need for exercising any of the powers conferred by this regulation.

(3) For determining any application referred to it under paragraph (c) of regulation 11 of these Regulations, a Regional Board shall have the same powers as are conferred by these Regulations upon a Divisional Board.

Appeal to  
Governor where  
parties are of  
different  
races.

15. Any person who is aggrieved by the refusal of consent to a dealing in land or shares the parties, or some of the parties, to which are of different races, as a result of the determination of an appeal or application under regulation 14 of these Regulations, may, within thirty days after the date of notification of the determination, appeal in writing to the Governor, who may, in his discretion, give or refuse his consent to the dealing, and whose decision thereon shall be final and conclusive and shall not be questioned in any court.

Power to apply  
direct to  
Regional Board  
in certain cases.

16. Where a person has made due application, under regulation 10 of these Regulations, to a Divisional Board for its consent to a dealing with land, or to the Commissioner of Lands for his consent to a dealing with shares, and the Board, or the Commissioner of Lands,

has not notified its or his decision thereon to the applicant within two months after the date on which, in the case of land, the application is forwarded by the Commissioner of Lands to the Divisional Board or, in the case of shares, the application is received by the Commissioner of Lands, the applicant may make fresh application direct to the Regional Board, and thereupon—

- (a) the Regional Board shall determine the application as if it were an application referred to it under paragraph (c) of regulation 11 of these Regulations; and
- (b) the powers of the Divisional Board or the Commissioner of Lands shall cease to be exercisable by the Divisional Board or, as the case may be, the Commissioner of Lands.

17. Where an application or appeal has been made or referred to a Regional Board which that Board has power under regulation 14 of these Regulations to determine, and the Board has not, within two months after the date of the making or reference of the application or appeal, notified its decision thereon to the person making the application or appeal, such person may make a fresh application or appeal, as the case may be, to the Governor, who, for determining the application or appeal, shall have the same powers as are conferred by these Regulations upon a Regional Board.

Power to apply or appeal to Governor, where application or appeal not determined.

#### PART V—RESTRICTION ON SUBDIVISION OF LAND

18. In this Part, "prescribed authority" means—

Interpretation of this Part.

- (a) in the case of an application by the Land Development and Settlement Board, the Commissioner of Lands;
- (b) in the case of an application by any other person, the Central Authority.

19. (1) No person shall subdivide any land unless consent thereto has been given under and in accordance with the provisions of this Part.

Restriction on subdivision of land.

(2) Any person who subdivides any land without such consent as aforesaid, or who contravenes any of the conditions attached to any such consent, shall be guilty of an offence and liable to a fine not exceeding five thousand shillings or imprisonment for a term not exceeding six months or both such fine and imprisonment; and any dealing with any of the subdivisions into which the land has been unlawfully subdivided shall be absolutely void.

20. Application for consent under this Part shall be made to the prescribed authority in the prescribed form and in the prescribed manner, and the prescribed authority shall thereupon forward a copy of the application to the Divisional Board for the division in which the land or the greater part thereof is situated:

Mode of application.

Provided that, where the land is not situate in any division, no copy shall be forwarded as aforesaid, and the provisions of regulation 21 and of the proviso to regulation 22 of these Regulations shall not apply.

Powers of  
Divisional  
Boards.

21. A Divisional Board to whom a copy of an application has been sent under regulation 20 of these Regulations shall have power—

- (a) to refuse the application, in which case it shall forthwith so inform the prescribed authority;
- (b) to recommend to the prescribed authority that it should consent to the application; or
- (c) where an application is referred back to the Divisional Board under the proviso to paragraph (1) of regulation 22 of these Regulations, to recommend to the prescribed authority that it should refuse to consent, or that it should consent, to the subdivision.

Powers of  
prescribed  
authority.

22. (1) A prescribed authority shall have power, in relation to any application to subdivide land in respect of which it has received a recommendation under paragraph (b) of regulation 21 of these Regulations—

- (a) to consent to the subdivision, subject to such conditions (if any) as it may think fit to impose;
- (b) to refuse, on such grounds as it may think fit, to consent to the subdivisions:

Provided that the prescribed authority shall not refuse to consent unless it has first notified the Divisional Board of its intention so to do and of its reasons therefor and has considered any representations which the Divisional Board may make to it as a result thereof.

(2) Conditions imposed under paragraph (1) of this regulation may require the doing of things, or may require that things shall not be done, in relation to the land or any part thereof, or may be of such other character as the prescribed authority may think proper, and the prescribed authority may require the applicant to enter into an undertaking in the prescribed form to observe the conditions imposed, and may require the applicant to furnish security, whether by bond or otherwise, in such sum as the authority may think fit, for the due observance of the conditions.

Appeal to  
Minister.

23. Any person who is aggrieved by the refusal of a prescribed authority to consent to the subdivision of land may, within thirty days after the date of notification of the refusal, appeal in writing to the Minister for the time being responsible for agriculture, who may, in his discretion, consent or refuse to consent, to the subdivision, and whose decision thereon shall be final and conclusive and shall not be questioned in any court.

Appeal to  
Regional Board.

24. Any person who is aggrieved by the refusal of a Divisional Board to consent to the subdivision of land may, within thirty days after the date of notification of the refusal, appeal in writing to the Regional Board for the region concerned, which may, in its discretion, consent or refuse to consent to the subdivision.

Appeal to  
Board of Appeal.

25. Any person who is aggrieved by the dismissal by a Regional Board of an appeal against the refusal by a Divisional Board of consent to the subdivision of land may, within thirty days after the date of notification of the dismissal, appeal in writing to the Board of Appeal, which may, in its discretion, consent or refuse to consent to the subdivision, and whose decision thereon shall be final and conclusive and shall not be questioned in any court.



26. For the avoidance of doubt, it is hereby declared that in cases where the division of a piece of land is into parcels some of which extend to twenty acres or more and some of which do not, the subdivision of that land which is divided into parcels of twenty acres or more is subdivision for the purposes of these Regulations.

Meaning of subdivision in certain cases.

#### PART VI—GENERAL

27. (1) Every decision of a prescribed authority, a Divisional Board, a Regional Board, the Board of Appeal, the Minister or the Governor under these Regulations shall be given in writing, and shall be signed by or on behalf of the person by whom it is given, or, in the case of a Board, by or on behalf of the chairman of the Board, and, where consent is refused, shall give the reasons for the refusal.

Provisions regarding decisions.

(2) A copy of such decision shall in every case be delivered or sent by post forthwith to the applicant and, in the case of an appeal, to the person or body whose decision is appealed against.

28. (1) An authority whose consent is sought under these Regulations may require the attendance before it of the applicant or of any party to or person interested in or affected by the application, and may require the applicant to adduce evidence to its satisfaction as to the applicant's identity and as to the ownership of the land to which the application relates, and may require any person to produce any document or other evidence relating to the land.

Attendance before Boards.

(2) Such an authority may depute one or more of its members to visit and report on the land to which the application relates.

(3) Where any person whose presence is required under paragraph (1) of this regulation does not appear, or any person who is required under that paragraph to produce any document or other evidence does not produce that document or evidence, the authority may allow such reasonable time as it may think fit for the appearance before it of such person or for the production of such document.

(4) Any person who, without reasonable excuse, refuses or neglects to attend before such an authority, or to produce any document or evidence, having been required to do so under paragraph (1) of this regulation, within the time allowed, shall be guilty of an offence and liable to a fine not exceeding five hundred shillings.

29. Any member of a Board or other authority whose consent is sought under these Regulations (whether in the first instance or on appeal) and any person authorized in writing by such a Board or authority, may, at all reasonable times, after giving reasonable notice, and on production of his authority to any person reasonably requiring the same, enter upon and inspect any land for the purpose of carrying out the functions of such Board or other authority under these Regulations.

Power to enter and inspect land.

30. (1) The registrar shall refuse to register a document relating to a dealing with land unless any consent required by these Regulations to be given in respect of the dealing, and, where the dealing is a dealing with a subdivision of land, in respect of the preceding subdivision, has been given or no consent is required thereto by these Regulations.

Registration of documents.

Cap. 155.  
Cap. 160.  
Cap. 159.

(2) In paragraph (1) of this regulation, the word "registrar" has the respective meanings assigned to it in section 2 of the Crown Lands Ordinance and section 2 of the Registration of Titles Ordinance, and, in relation to land to which Part II of the Land Titles Ordinance applies, means the Principal Registrar and any registrar appointed for the purposes of that part.

(3) No person shall register in the books of any private company which for the time being owns any land, any document relating to a dealing with a share in the company, unless any consent required by these Regulations has been given thereto or no consent is required thereto by these Regulations.

(4) Any person who contravenes the provisions of paragraph (3) of this regulation shall be guilty of an offence and liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding two months or to both such fine and imprisonment.

Power of  
Governor to  
exempt.

31. The Governor may, after consultation with all the Regional Boards, by notice in the Gazette, exempt from all or any of the provisions of these Regulations, and on such conditions, if any, as he may think fit to impose, such land or such shares, or such classes of land or shares, or such dealings with land or shares, or such subdivisions of land, or such persons in respect of such dealings with land or shares, or subdivisions of land, as he may think fit.

Penalty for  
false statement.

32. Any person who knowingly makes any false statement in any application or appeal under these Regulations, or who knowingly gives any false information to any person in the course of the determination of any application or appeal under these Regulations, shall be guilty of an offence and liable to a fine not exceeding five thousand shillings or to imprisonment for a term of six months or to both such fine and imprisonment.

Expenses.

33. There shall be defrayed out of moneys provided by the Legislature any expenses of the Minister under these Regulations.

Saving of  
applications  
under Cap. 150.

34. Any application for consent duly made under section 7 of the Land Control Ordinance (hereby repealed) which at the coming into operation of these Regulations has not been finally determined under that Ordinance shall be deemed to be an application duly made under these Regulations and shall be forwarded by the person in whose possession it is to the authority responsible under these Regulations for determining it, and shall thereafter be determined in accordance with the provisions of these Regulations.

Rules.

35. (1) The Minister may make rules for prescribing anything which may be prescribed under these Regulations, and generally for carrying into effect the intent and purposes of these Regulations.

(2) Without prejudice to the generality of the provisions of paragraph (1) of this regulation, such rules may provide—

- (a) for prescribing the forms to be used, and the fees to be paid for things required to be done, under these Regulations;
- (b) for prescribing the procedure for the making of applications and appeals under these Regulations, and the particulars and material to be furnished;

- (c) for regulating the meetings of Divisional Boards, Regional Boards, the Central Authority and the Board of Appeal, and the conduct of business thereat;
- (d) in consultation with the Treasury, for the payment of travelling and other expenses and subsistence allowances to members of Divisional Boards, Regional Boards and the Central Authority, not being public officers.

36. (1) The Land Control Ordinance is repealed.

Repeal and amendments of Ordinances. Cap. 150.

(2) The Ordinances specified in the first column of the Schedule to these Regulations are amended in the manner specified in relation thereto in the second column of the said Schedule.

SCHEDULE  
(Regulation 36)

<i>Ordinance</i>	<i>Amendment</i>
The Cantonments Ordinance (Cap. 88).	<p>Proviso (b) to section 2 is amended by substituting therefor the following words—</p> <p>(b) any region established under the Land Control Regulations, 1961, shall be declared a cantonment without prior consultation with the Regional Land Control Board established under those Regulations for that region;</p>
The Trust Land Ordinance (Cap. 100).	<p>There shall be substituted for subsection (5) of section 28 and subsection (2) of section 46A the following new subsections respectively—</p> <p>(5) No land situate in any region established under the Land Control Regulations, 1961, shall be added to the Special Areas under subsection (2) or subsection (4) of this section except with the consent of the Regional Land Control Board established under those Regulations for that region.</p> <p>(2) No Crown land situate in a region established under the Land Control Regulations, 1961, shall be added to a land unit except with the consent of the Regional Land Control Board established under those Regulations for that region.</p>

## SCHEDULE—(Contd.)

<i>Ordinance</i>	<i>Amendment</i>
The Crown Lands Ordinance (Cap. 155).	<p>Section 2 is amended by deleting the definitions of "European" and "race".</p> <p>The Proviso to section 7 is amended by substituting for the expression "36, Parts VI, VIII or IX" the expression "Part VI".</p> <p>Section 36, subsection (2) of section 55, subsection (2) of section 65, section 67 and subsection (2) of section 69 are repealed.</p> <p>Parts VIII and IX and the Seventh Schedule are repealed.</p>
The Royal National Parks of Kenya Ordinance (Cap. 215)	<p>There shall be substituted for the proviso to section 3 a new proviso as follows—</p> <p>Provided that, in the case of land situate within a region established under the Land Control Regulations, 1961, the Governor shall first consult the Regional Land Control Board established under those Regulations for that region, and, in the case of land situate within the Special Reserves, the Temporary Special Reserves and the Special Leasehold Areas, the Governor shall first consult the Trust Land Board.</p> <p>There shall be substituted for the proviso to subsection (1) of section 8 a new proviso as follows—</p> <p>Provided that, where the Governor is the competent authority, in the case of land situate within a region established under the Land Control Regulations, 1961, the Governor shall first consult the Regional Land Control Board established under those Regulations for that region, and, in the case of land situate within the Special Reserves, the Temporary Special Reserves, and the Special Leasehold Areas, the Governor shall first consult the Trust Land Board.</p>
The Companies Ordinance (Cap. 288)	The proviso to section 328 is repealed.

## SCHEDULE—(Contd.)

<i>Ordinance</i>	<i>Amendment</i>
The Building Societies Ordinance, 1956 (No. 29 of 1956).	Subsection (1) of section 23 is amended by substituting for the words "Land Control Ordinance" the words "Land Control Regulations, 1961".
The Interpretation and General Provisions Ordinance, 1956 (No. 38 of 1956).	Subsection (1) of section 3 is amended by deleting the definitions of "Highlands" and "Highlands Board".
The Fencing Ordinance, 1958 (No. 51 of 1958).	There shall be substituted for the words of subsection (2) of section 1 (except the proviso thereto) the words "This Ordinance shall apply to the Scheduled Areas".

Made this 3rd day of March, 1961.

P. M. RENISON,  
*Governor.*

LEGAL NOTICE NO. 143

(LND. 26/55/1)

THE LAND CONTROL REGULATIONS, 1961

(L.N. 142 of 1956)

DECLARED AREAS

IN EXERCISE of the powers conferred by regulation 2 of the Land Control Regulations, 1961, the Governor hereby declares the Scheduled Areas as declared by or under Part III of the Agriculture Ordinance, 1955, excluding those areas specified in the Schedule hereto, to be areas subject to the control of the Regulations as respects land therein and shares of private companies owning land therein.

No. 8 of 1955.

SCHEDULE

EXCLUSIONS

1. *Kibos/Chemilil Area*

Consisting of the area bounded on the south by the main line of the Kisumu/Nakuru railway and on the north by the Nandi Escarpment, and more particularly defined as follows:—

Starting at the south-west corner of L.R. No. 654 and following the northern boundary of the Railway Reserve to the south-east corner of L.R. No. 6086:

thence northerly by the western boundaries of L.R. Nos. 1580/R, 1613, 1617/R, 3071, 1467/9, 2468 and 7057 to the Kapchure River;

thence down-stream to the eastern corner of L.R. No. 1587/R;