NATIONAL COUNCIL FOR LAW REPORTING LIBRARY
COUNTY ASSEMBLIES FORUM (CAF)
P.O. Box 73552 - 00200,
NAIROBI, KENYA

SPECIAL ISSUE

Uasin Gishu County Gazette Supplement No. 24 (Acts No. 8)

REPUBLIC OF KENYA

UASIN GISHU COUNTY GAZETTE SUPPLEMENT

ACTS, 2014

NAIROBI, 24th June, 2014

CONTENT

Act—

PAGE

The Uasin Gishu Way Leaves Act, 2014 47

PRINTED AND PUBLISHED BY THE GOVERNMENT PRINTER, NAIROBI

COUNTY ASSEMBLIES FORUM (CAF)
P. O. Box 73552 - 00200,
NAIROBI, KENYA

UASIN GISHU COUNTY WAY LEAVES ACT, 2014

(No. 8 of 2014)

Date of Assent: 18th May, 2014

Commencement Date: 24th June, 2014

ARRANGEMENT OF SECTIONS

Section

PART I—PRELIMINARY

1—Short title and commencement.

2—Interpretation.

PART II—PRINCIPLE OF OPERATION

3—Power to carry sewers, chains and pipeline through land.

4—Notice to be given.

5—Objection by owner or occupier.

6—Compensation.

7—Power to enter land at any time for the purposes of the Act.

8—Penalty of unauthorized building over sewers, drainages or pipelines.

COUNTY ASSEMBLIES FORUM (CAF)
P. O. Box 73552 - 00200,
NAIROBI, KENYA

THE UASIN GISHU COUNTY WAY LEAVES ACT, 2014

AN ACT of the County Assembly of Uasin Gishu relating to way leaves and for connected purposes.

ENACTED by the County Assembly of Uasin Gishu as follows—

PART I—PRELIMINARY

Short Title.

1. This Act may be cited as the Uasin Gishu County Way Leaves Act, 2014.

Interpretation.

2. In this Act, "private land" does not include any land sold or leased under an act of parliament dealing with Government lands or any land owned or held in trust for public use.

"Government" means the County Government of Uasin Gishu.

"Waterway" means rivers, canals, waters running naturally or artificially created by the Government.

"County Executive" means the County Executive Member in charge of Roads, Transport and public works.

"Chief Officer" means the Chief Officer in the department of Roads, Transport and Public Works.

PART II—PRINCIPLES OF OPERATIONS

Notice to be given.

3. (1)The Government shall, at least seven (7) days before carrying any sewer, drainage, waterway or pipeline, electric power line and underground cables into, through, over or under any private land without the consent of the owner of the land, give notice of the intended work.

(2) The notice shall describe the nature of the intended work and shall name such a place(s) where the plan of the intended work is open for inspection at all reasonable hours.

(3) A copy of the notice shall either be served on every person resident in the County whose place of residence is known and who is known or believed to be the owner of any private land through, over or under which is intended that any sewer, waterway, road, drainage or pipeline and

COUNTY ASSEMBLIES FORUM (CAF)
P. O. Box 73552 - 00200,
NAIROBI, KENYA

shall be carried or shall be posted in a conspicuous position on that land or at any County Government Offices in the locality.

Objection by owner or occupier.

4. (1) If any owner, lessee or occupier of any private land through, over or under which it is intended that any sewer, drainage or waterway shall be carried objects to the intended work and serves notice in writing of his objection at the office of the Sub County Administrator in which the land is situated at any time within one month, the intended work, in so far as it affects the land of the person serving notice of objection shall not be commenced without the sanction of the Chief Officer.

(2) The County Executive may appoint such person or persons as he may think fit to make inquiry on the spot into the propriety of the intended work, and into the objections thereto, and to report to the Executive member on the matters with respect to which the inquiry was directed, and on receiving the report of such person or persons, may make an order disallowing or allowing, with such modifications (if any) as he may deem necessary, the intended work.

Power to enter land at time for the purpose of the Act.

5. Any person in the service of the government and any contractor executing any work for the Government, together with his agents and servants, may at any time enter upon any land for the purpose of surveying, setting out and marking the line of any intended sewer, drainage or pipeline, or for the purpose of inspecting, repairing, removing, relaying or cleansing any sewer, waterway, drainage or pipeline or for any other purpose under this Act.

Compensation.

6. (1) The Government shall make good all damage done, and shall pay compensation to the owner of any development, tree or crops destroyed or damaged in the expectation of any power conferred to this act.

(2) In the event of disagreement as to the amount of the compensation to be paid or as to the person entitled to receive compensation, any person interested may apply to the Chief Officer, who shall award to the person entitled to receive compensation, such compensation as he thinks reasonable, and that award, subject to appeal to the CEC Member shall be final.

Riparian

7. The Government shall take into cognizance the

COUNTY ASSEMBLIES FORUM (CAF)
P. O. Box 73552 - 00200,
NAIROBI, KENYA

riparian conservancy in accordance with the Environment Management and Coordination Act, 1999.

Fines.

8. (1) Encroachment of road reserves will attract a fine of KSh. 50,000 or an imprisonment for a term of upto six months or both.

Fine and penalty authorised building one sewer, drainage pipeline.

(2) Any person who causes any building to be newly erected over any sewer, waterway, drainage or pipeline the property of the Government or obstructs any waterways shall be guilty of an offence and liable to affine of Twenty thousand shillings, and a further fine of two thousand shillings, for every day during which the offence is continued after written notice in that regard from the chief officer, and the chief officer may cause any building erected in concentration of this section to be altered, demolished or otherwise dealt with as many think fit, and may recover any expenses incurred by the Government in so doing from the offender.