



LAWS OF KENYA

THE WAYLEAVES ACT

CHAPTER 292

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CHAPTER 292

THE WAYLEAVES ACT

Cap. 153(1948),
L.N. 1603/1955,
L.N. 172/1960,
11 of 1983.

Commencement: 11th December, 1912

An Act of Parliament relating to wayleaves

Short title

1. This Act may be cited as the Wayleaves Act.

Interpretation.

2. In this Act, “private land” does not include any land sold or leased under any Act dealing with Government lands.

Power to carry
sewers, drains
and pipeline
through land.
11 of 1983, Sch.

3. The Government may carry any sewer, drain or pipeline into, through, over or under any lands whatsoever but may not in so doing interfere with any existing building.

Notice to be
given.
G.N. 1603/1955
L.N. 172/1960,
11 of 1983, Sch.

4. (1) The Government shall, at least one month before carrying any sewer, drain or pipeline into, through, over or under any private land without the consent of the owner of the land, give notice of the intended work, either by notice in the Gazette or in such other manner as the Minister may in any case direct.

(2) The notice shall describe the nature of the intended work and shall name a place 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 Kenya 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 it is intended that any sewer, drain or pipeline shall be carried, or shall be posted in a conspicuous position on that land.

Objection by
owner or
occupier.
11 of 1983, Sch.

5. (1) If any owner, lessee or occupier of any private land through, over or under which it is intended that any sewer, drain or pipeline shall be carried objects to the intended work and serves notice in writing of his objection at the office of the District Commissioner of the district in which the land is situated at any time within that month, the intended work, in so far as it affects the land of the person serving the notice of objection shall not be commenced without the sanction of the Minister.

(2) The Minister 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 Minister 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.

6. (1) The Government shall make good all damage done, and shall pay compensation to the owner of any tree or crops destroyed or damaged, in the execution of any power conferred by this Act. Compensation, etc.

(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 District Commissioner, who shall award to the person entitled to receive compensation such compensation as he thinks reasonable; and that award, subject to appeal to the Provincial Commissioner, shall be final.

7. 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, drain or pipeline, or for the purpose of inspecting, repairing, removing, re-laying or cleansing any sewer, drain or pipeline the property of the Government, or for any other purpose under this Act. Power to enter land at any time for the purposes of the Act. 11 of 1983, Sch.

8. Any person who, without the consent of the Permanent Secretary to the Ministry responsible for works (which consent shall not be unreasonably withheld), causes any building to be newly erected over any sewer, drain or pipeline the property of the Government shall be guilty of an offence and liable to a fine of one hundred and fifty shillings, and a further fine of sixty shillings for every day during which the offence is continued after written notice in that behalf from the Permanent Secretary; and the Permanent Secretary may cause any building erected in contravention of this section to be altered, demolished or otherwise dealt with as he may think fit, and may recover any expense incurred by the Government in so doing from the offender. Penalty for unauthorized building over sewers, drains or pipelines. 11 of 1983, Sch.

