



LAWS OF KENYA

**BRITISH STANDARD PORTLAND CEMENT
COMPANY LIMITED (BAMBURI FACTORY) ACT**

CHAPTER 515

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CHAPTER 515

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COMPANY LIMITED (BAMBURI FACTORY) ACT**

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CHAPTER 515

BRITISH STANDARD PORTLAND CEMENT COMPANY LIMITED (BAMBURI FACTORY) ACT

[Date of assent: 29th September, 1951.]

[Date of commencement: 29th September 1951.]

An Act of Parliament to authorize the manufacture of cement on certain land near Bamburi by the British Standard Portland Cement Company Limited and to provide for the grant of a lease of such land to the Company for that purpose, and for purposes incidental to and connected therewith

[Act No. 61 of 1951, Act No. 60 of 1952, Act No. 29 of 1957, L.N. 303/1964, Act No. 21 of 1966.]

1. Short title

This Act may be cited as the British Standard Portland Cement Company Limited (Bamburi Factory) Act.

2. Interpretation

In this Act, except where the context otherwise requires—

“**cement**” means a product consisting principally of coral, shale, lime, silica, alumina and iron-oxide, or of some of those ingredients, which has been calcined and ground to a fine powder which on hydration is capable of setting to a hard mass;

“**Company**” means the British Standard Portland Cement Company Limited or its successors in title;

“**factory**” includes all buildings and structures within the same curtilage used for—

- (a) the housing of machinery, plant or apparatus of any description for the manufacture of cement or the generation of power for manufacture; or
- (b) the storage of any raw materials, fuel or stores necessary for the manufacture of cement; or
- (c) the storage of cement prior to the time at which the property in the goods passed to a person other than the Company; or
- (d) the proper administration of the business of the Company in relation to the manufacture of cement and the sale thereof; or
- (e) canteens, rest rooms, recreation rooms, lavatories, baths and wash rooms for workers employed by the Company in the manufacture of cement or in any process incidental to manufacture.

3. Grant of lease

(1) Subject to the provisions of this Act, the lands described in the First Schedule are vested in the Company for the purposes mentioned in section 4 for a period of ninety-nine years upon such terms and conditions as are specified in

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the Second Schedule to this Act and as may be determined by the Commissioner of Lands; and the Registrar of Titles shall pursuant to this section issue to the Company a certificate of title under the Registration of Titles Act, (Cap. 281) as if the lands had been vested in the Company by a grant under the Government Lands Act (Cap.280), and shall take the same action in respect thereof as in the case of such a grant.

(2) The Registrar of Titles before issuing the certificate of title may require the Company to deposit with him for attachment to the Certificate of Title a map or plan of the lands comprised therein with the several measurements thereof marked thereon and certified by a Government or licensed surveyor and countersigned by the Director of Surveys.

(3) There shall be payable in respect of the Certificate of Title the same stamp duty as would be payable in respect thereof if it were a lease.

[Act No. 60 of 1952, s. 2.]

4. Authority to Company to manufacture cement

The Company is authorized on the lands described in the First Schedule and in accordance with the terms and conditions determined as aforesaid to manufacture cement, and for that purpose to erect and maintain a factory thereon and to install and maintain such plant and machinery therein as may be necessary for the purpose of the manufacture of cement, and to erect and maintain such other buildings as may be necessary as residences for employees of the Company employed in connexion with the manufacture of cement at the cement factory.

5. Actions against Government

No action, suit or other proceeding of any kind shall be brought by any person against the Government or against any department of the Government or against any officer thereof as such in respect of or arising out of the vesting under section 3 of the lands described in the First Schedule or in respect of or arising out of the manufacture of cement or of the carrying on or doing of any other operation or act by the Company in pursuance of this Act.

[L.N. 303/1964, Act No. 21 of 1966, First. Sch.]

6. Nuisance

The Company is exonerated from liability for nuisance in respect of any works carried on in connexion with the manufacture of cement or which are carried on by or with the consent of the Company pursuant to the business of the Company, unless the nuisance is caused or contributed to by negligence in the installation or operation or maintenance of the works of the Company or of works carried on in conjunction with the manufacture of cement.

7. Saving

Nothing in this Act shall prejudice or affect any rights of the Government or any body politic or corporate or any other person, excepting those mentioned in this Act and those claiming by, from and under them.

[Act No. 21 of 1966, First Sch.]

FIRST SCHEDULE

[Sections 3, 4 and 5, Act No. 60 of 1952, s. 3, Act No. 29 of 1957, s. 2.]

1. All that piece of land measuring 15 acres or thereabouts contiguous to and on the western boundary of Plot No. 355, Mombasa Mainland North, Section I. This plot is more particularly shown and coloured red on plan Coast Lands Surveys (General) No. 31, deposited at the Survey Records Office, Survey of Kenya, Nairobi.

2. All that piece of land containing by admeasurement 334 acres or thereabouts situate near Bamburi and lying to the west of Plots Nos. 396 and 355, Mombasa Mainland North, Section I, and at approximately 250 yards from the western boundaries of the said plots, and bounded on the south by Plot No. 67 (Revised), Mainland North, Section I, and on the west partly by Plot No. 354 and partly by a portion of Plot No. 337 known as Aerodrome Reserve and on the north by other Crown lands, which said plot is more particularly shown together with the boundaries thereof coloured green and yellow on plan Coast Lands Surveys (General) No. 32, deposited at the Survey Records Office, Survey of Kenya, Nairobi.

3. All that piece of land known as Plot No. 326, Mombasa Mainland North, Section II, lying to the west of the Mombasa-Malindi main road, measuring 203 acres or thereabouts. This Plot is more particularly shown and coloured blue on plan Coast Lands Surveys (General) No. 31, deposited at the Survey Records Office, Survey of Kenya, Nairobi.

4. An area of approximately 160 acres adjoining and north-east of Subdivision No. 1095, Mombasa Mainland North Section I, the boundaries whereof—

commencing at a beacon 337N4 at the northernmost corner of Subdivision No. 1095, Section I, Mombasa Mainland North;

run thence on a true bearing of 29° 12' 43" for a distance of 2,042.2 feet to a beacon T6 at the southernmost corner of Subdivision No. 423 of the same section;

thence by the boundary of the latter portion on a true bearing of 23° 20' 07" for a distance of 1,118.0 feet to a beacon T7;

thence on a true bearing of 119° 40' 00" for a distance of 1,413.0 feet to a beacon T8 at the south-west corner of Subdivision No. 384/R of the same section;

thence by the boundary of the latter portion on a true bearing of 119° 40' 00" for a distance of 117.0 feet to a beacon 384S1;

thence continuing by the boundary of that portion on a true bearing of 120° 24' 38" for a distance of 652.8 feet to a beacon R3A on the generally western boundary of a 120-ft. Road Reserve to Mombasa;

thence by that road reserve boundary, as follows, as far as its intersection with the centre line of the Mto Panga Drain, namely on a true bearing of 211° 35' 03" for a distance of 1,659.5 feet to a beacon LW;

thence on a true bearing of 211° 51' 47" for a distance of 640.3 feet to a beacon R1;

thence on a true bearing of 213° 33' 48" for a distance of 1,392.2 feet to a beacon R1A;

thence by prolongation of the last aforementioned straight line from the beacon R1A aforesaid on the same true bearing of 213° 33' 48" for a distance of approximately 93 feet to its intersection with the centre line of the Mto Panga Drain, this point of intersection being the north-east corner of Subdivision No. 1095, Mombasa Mainland North, Section I, aforementioned;

thence by the boundary of that portion, as follows, as far as the beacon 337N4, the point of commencement—

up-stream by the centre line of the Mto Panga Drain as far as a point thereon which bears 61° 18' 00" true and is distant 83 feet from a beacon FA5A on the right bank;

thence on a true bearing of 241° 18' 00" for a distance of 83 feet to the beacon FA5A aforesaid;

thence on a true bearing of 241° 18' 00" for a distance of 48.9 feet to a beacon FA5;

thence on a true bearing of 336° 17' 10" for a distance of 226.5 feet to a beacon 337N2;

thence on a true bearing of 306° 23' 55" for a distance of 177.3 feet to a beacon 337N3;

thence on a true bearing of 288° 55' 00" for a distance of 209.7 feet to the beacon 337N4, the point of commencement.

These boundaries are more particularly delineated and the area coloured blue on plan Coast Lands Surveys (General) No. 36, deposited in the Survey Records Office, Survey of Kenya, Nairobi.

5. An area of approximately 83.0 acres adjoining and north-west of Subdivision No. 1095, Section I, Mombasa Mainland North, more particularly defined as follows—

Commencing at a beacon 274SE at the north-west corner of Subdivision No. 1095, Section I, Mombasa Mainland North;

thence by the boundary of that portion on a true bearing of 220° 36' 32" for a distance of 3,063.3 feet to a beacon BM2A;

thence continuing by the boundary of that portion on a true bearing of 211° 54' 05" for a distance of 1,934.4 feet to a beacon AM1;

thence on a true bearing of 294° 49' 05" for a distance of 762.0 feet to a beacon T1;

thence on a true bearing of 31° 54' 05" for a distance of 2,144.1 feet to a beacon T2;

thence on a true bearing of 40° 36' 32" for a distance of 2,439.1 feet to a beacon T3 on the southern boundary of Subdivision No. 274, Mombasa Mainland North, Section I;

thence by the boundary of that portion, as follows, as far as the beacon 274SE, the point of commencement—

on a true bearing of 99° 30' 00" for a distance of 678.5 feet to a beacon T4;

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thence on a true bearing of 34° 30' 00" for a distance of 77.7 feet to a beacon T5;

thence on a true bearing of 85° 00' 00" for a distance of 274.9 feet to the beacon 274SE, the point of commencement.

The boundaries are more particularly delineated and the area coloured yellow on plan Coast Lands Surveys (General) No. 36, deposited in the Survey Records Office, Survey of Kenya, Nairobi.

SECOND SCHEDULE

[Sections 3, Act No. 60 of 1952, s. 4, 29 of 1957, s. 3.]

1. That the Company will construct and maintain a road of access for the use of the Company its officers and employees and the owners and occupiers of the residential properties to the east and north of the Company's land described in the second paragraph of the First Schedule to this Act; the road shall be constructed on a line to be approved by the Commissioner of Lands, and shall be completed within one and a half years from the commencement of this Act, and upon completion thereof the Company shall have the right to close of other roads or rights of way on the said land.

2. That the Company will erect and install those portions of the factory as defined in paragraphs (a) and (c) of the definition "factory" in section 2 of this Act as far inland as practicable, and the eastern extremity of these portions shall be at least 1,000 yards distant from the western boundary of Plot No. 396.

