

COLONY AND PROTECTORATE OF KENYA

DEPARTMENT OF LANDS
ANNUAL REPORT
1954

1955

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I—GENERAL

During the greater part of 1954, the staff situation, due to the demands of the Emergency, showed little sign of improvement but the introduction of a period of two years' service with the Kenya Regiment and the Kenya Police Reserve gave promise of the release early in 1955 of those officers who were voluntary members of these forces prior to October, 1952. Some relief was obtained by the deferment of the call-up of two key officers, though a third, whose services as Secretary of the Land Board it was equally vital to retain, was required to report for duty with the Kenya Regiment. The forecast in the 1953 Report, regarding the completion of the work on the records of the department was, unhappily, a correct one and much still remains to be done before the filing system can be said to be fully adequate.

Towards the end of the year, a serious staff situation arose in the Land Registry with the resignation of one Registrar of Titles and the decision not to confirm a second in his appointment. The Valuation Section was also hard-pressed due to no candidate having come forward to fill the last remaining vacancy and to a Valuer being detached for duty as a Magistrate to hear cases under the Landlord and Tenant (Shops and Hotels) (Temporary Provisions) Ordinance. Work on the revision of agricultural rents, which must be completed by 1960, was consequently not up to target and a special effort will be necessary during the remaining period.

During the year, a record number of business, commercial and industrial plots in Municipalities and Townships was offered for alienation. Indeed, it can be claimed that, with the exception of Kisumu where the demand had been underestimated, and Mombasa where suitable Crown land does not exist, there are now sufficient surveyed plots available in most places to meet all likely business and industrial requirements for the next year or two.

Alienations of agricultural land, having regard to the dwindling amount still available in the Highlands, were naturally few, but competition was keen and the Land Board generally had a number of good applicants from whom to choose.

Transfers of land maintained approximately the same level as in 1953, Stamp Duty from this source being £136,310 as against £135,500 in the previous year. There is still a falling-off of some £40,000 as against the immediate pre-Emergency period. There was a very noticeable increase in the number of short-term agricultural leases submitted for the approval of the Land Control Board. In accordance with the terms agreed with the Board of Agriculture leases were, wherever possible, limited to four years so as to conform with the normal planting cycle and strict conditions governing good husbandry were imposed. This is dealt with in greater detail in section 7 (iii).

There is no early prospect of the department being moved from the existing accommodation consisting of wood and iron huts, but plans have been made for the inclusion of the department in an extension to the Central Government buildings. The work of microfilming the Land Registry records as a safeguard against loss of, or damage to, the originals is proceeding slowly. All the Registry records are now in Chalwood steel cabinets.

The Government Printer, having completed all his arrangements for accommodation, staff and machinery took over responsibility for the stamping of cheques at the end of 1954.

Rising costs, due to labour difficulties and shortage of stone, both of which are attributable to the Emergency, caused many allottees of township plots to seek extensions of their building covenants. Whilst every consideration was shown in the case of individuals who had been directly affected by the Emergency by reason of being called up for compulsory national service, it was felt that to allow a general stand-still would be a gesture of defeatism and, where justified, efforts were made to enforce the terms of Crown grants, despite the inevitable delays in getting civil suits for forfeiture set down for hearing by the Courts. The lack of progress in developing the plots on the Government Road frontage of City Square was particularly disappointing and substantial work was carried out on only one plot during the year. The question of granting extensions in respect of certain other of these plots was under consideration at the end of the period under review.

The proposals to increase the number of Land Rangers from one to four was again deferred on financial grounds although there can be little doubt that the provision of an adequate outdoor inspectional staff would ensure a substantial increase in land revenue as well as contribute to the general economic well-being by enforcing compliance with development conditions in agricultural grants. The post of Recorder of Coast Land Titles still remained unfilled during 1954, despite the fact that the provision of the necessary survey staff can now be undertaken by the Director of Surveys.

The major project for the establishment of an oil refinery at Mombasa by the Anglo-Saxon Petroleum Co., Ltd., was taken a stage further by agreement in principle being reached on the terms on which the land should be made available and, although the formal agreement had not been signed before the end of the year, it was considered that the position justified the appointment of a Collector to take order for the acquisition of the land required on Mombasa Mainland North, in accordance with the Land Acquisition (Mombasa Oil Refinery) Ordinance, 1953.

It will be seen from section XII of the Report that revenue for 1954 on account of Stamp Duty, conveyancing and registration fees has risen by approximately £43,000 as compared with 1953. Revenue from stand premia on township plots is less by £31,000, although more plots were alienated. This is due largely to the fact that the 1953 figures were inflated by the large premia on City Square plots. It is not possible to make any comparisons in respect of stand premia on agricultural land, as payments are spread over ten years.

II—ORGANIZATION OF THE DEPARTMENT

The general organization of the department remained unchanged and reference is invited to the diagram published as Appendix I to the Report for 1952. It has, however, become very apparent that the organization of the Records Branch and the functions of the officer-in-charge, Records, although based on the recommendations of the Hartwell Committee, require overhaul. At present, the officer-in-charge, Records, is immersed in a mass of daily routine, much of which should be the responsibility of the administrative staff; consequently, the former cannot devote the necessary time to the maintenance of essential statistics, with the result that inquiries arising out of parliamentary questions and from other sources cause an immense amount of hurried research to produce figures which should be readily available and always up to date storage of staff in both

the Records and Administration branches has hitherto made it impossible to effect any drastic changes, but a plan is now being adopted which may bring about some improvement. The Plan Records section is still far from achieving the target of recording pictorially all essential information in respect of each and every parcel of Crown land and but for the stand-still on new items of expenditure, an increase of staff would have been recommended.

During the year, on 1st July, 1954, the department was made self-accounting under the new Exchequer System. The department is accountable for some £700,000 in revenue annually. The accounting machinery outlined in the Cusack/Padley Report (on the basis of which the Exchequer System was introduced) throws an additional responsibility on the Commissioner of Lands as the Accounting Officer and extra duties on the Accounts Branch.

III—STAFF APPOINTMENTS AND MOVEMENTS OF OFFICERS

Appointments

Mr. A. W. Horner, appointed Assistant Commissioner on 17th March, 1954, to take effect as from 8th October, 1953.

Mr. W. A. Close, appointed Registrar of Titles on 1st February, 1954.

Mr. F. Solt, appointed Temporary Junior Land Assistant on 20th December, 1954.

Promotions

Mr. T. S. Whittaker, appointed Senior Plan Record Officer, with effect from 8th December, 1954.

Mr. C. J. Yonge, appointed Junior Land Assistant on 1st January, 1954.

Mr. E. H. J. O'Hara, appointed Junior Land Assistant on 29th August, 1954.

Mr. G. D. Lumley-Brown, appointed Land Assistant on 4th September, 1954.

Departures

Mr. W. J. Eburn, Land Assistant, proceeded on leave pending retirement on 5th March, 1954.

Mr. O. A. Fitton, Junior Land Assistant, transferred to the European Agricultural Settlement Board on 1st July, 1954.

Mr. G. W. Haslam, Chief Clerk, transferred to E.A. High Commission Administration on 1st July, 1954.

Mr. J. K. Hill, Junior Land Assistant, resigned on 29th August, 1954.

Mr. G. H. Stuart-Murray, Junior Land Assistant, resigned on 18th November, 1954.

Mr. R. G. Woodruff, Records Draughtsman, transferred to Mines and Geology Department on 8th December, 1954.

IV—LEGISLATION

(i) Public Roads and Roads of Access (Amendment) Ordinance, 1954 No. 19 of 1954

This Ordinance amends the Public Roads and Roads of Access Ordinance (Cap. 229) and provides that orders for roads of access made by District Road Boards under that Ordinance, should be registered against the titles of the land concerned.

**(ii) Municipalities and Townships (Private Streets) (Amendment) Ordinance, 1954
No. 20 of 1954**

This provides that the Municipalities and Townships (Private Streets) Ordinance, 1951, shall apply to all municipalities and urban districts and to every township in respect of which the Governor has directed that an account shall be kept. The opportunity has also been taken to provide for the application of the Ordinance or parts of it, to other areas of an urban character.

**(iii) Townships (Amendment) Ordinance, 1954
No. 37 of 1954**

This provides that in a township which is situated wholly or partly within native lands, the Township Committee exercising jurisdiction in such township should include persons nominated by the African District Council (if any) having jurisdiction over the area surrounding or bordering on the township.

(iv) Trading Centres and Townships

The only trading centre to be gazetted during the period under review was Limuru. In addition, Tambach was proclaimed a Grade B township on 14th December, 1954, and the area of Naivasha Township was reduced by 3,066 acres.

V—BOARDS

(i) The Land Board

During the year the Land Board, which held nine ordinary meetings, continued to act in an advisory capacity in respect of initial alienations of Crown land. One new member, S. P. Kruger, Esq., O.B.E., was appointed to the Board in place of the late Capt. G. J. L. Burton, M.C., whose sudden death earlier in the year was a great loss to the Board.

A large number of applications for the alienation of agricultural land was considered by the Board and as a result of its recommendations, which were approved by the Government, approximately 30,237 acres of agricultural land in various districts in the Colony were allotted. In addition, 14 forest excisions totalling approximately 4,858 acres were allocated.

An allocation of approximately 90 acres was made for sports purposes at Muthaiga, near Nairobi.

An area of old road reserve of approximately 202 acres in the Nandi District, which was no longer required, was alienated for addition to the adjoining farms. In an area excised from the Mt. Kenya Forest Reserve, four more plots varying in size from 27 to 42 acres were allocated for residential purposes. Two Temporary Occupation Licences were issued during the year for grazing purposes in respect of 1,982 acres.

In addition, a plot of 1.5 acres was allocated from the Londiani Forest Reserve for the purpose of the local fishing club.

Approximately 17,004 acres of land were allocated for agricultural purposes on behalf of the European Agricultural Settlement Board and 5,000 acres were placed at the disposal of that Board in connexion with its tenant farming scheme.

Applications made by grantees for reduction in annual rent were also considered by the Land Board and recommendations were made to the Government.

Further applications were also made by allottees for the amendment of certain development conditions which had been imposed, and were considered by the Land Board.

The question of undeveloped and unoccupied farms was again considered and lists giving details of undeveloped and unoccupied farms have been forwarded by the District Councils and Production Sub-committees and a schedule is being prepared by the department for transmission to the Department of Agriculture.

An application was received from the Director of Veterinary Services for extension of the reservation of the block of land known as Kirimun and was considered by the Board. A further reservation for five years from 1st January, 1956, was approved.

An area of approximately 47,629 acres in North Laikipia, known as "Mugie", was advertised for alienation but had not been allocated before the end of the year. The alienation of further areas totalling approximately 4,554 acres, in respect of which the Land Board have made recommendations, was under consideration at the end of the year.

(ii) Land Advisory Board, Coast Province

During the course of the year, the Coast Land Advisory Board continued to advise on matters appertaining to land in the Coast Province, following past procedure.

A number of applications for the alienation of agricultural land was considered by the Board and as a result of the recommendations which were approved by the Government. 150 acres of land was allocated for such purposes and 1,730 acres was recommended to be added to an existing grant for the manufacture of salt, for a period of 25 years from 1st January, 1962.

The following plots, situated in non-urban areas, were allocated for residential purposes:—

Shanza—1 plot.

Watamu—32 plots,

Kurwitu—2 plots.

The Board also considered sub-divisional plans of residential plots and arranged the inspection of agricultural land to ensure (that the development conditions laid down were being carried out.

(iii) Land Control Board

The possible dissolution of the Land Control Board (referred to in the Annual Report for 1953) and the repeal of the Ordinance, with the exception of the powers of compulsory acquisition derived from Parts V and VI thereof, was kept under review during the year. The matter was the subject of consideration by a Sub-committee of the European Elected Members' Association but it was generally felt that it should be left in abeyance pending the introduction of the new Agricultural Bill.

The Board, in consultation with the Board of Agriculture, had previously agreed on a form of lease containing basic requirements considered necessary to discourage very short-term leases and the consequent over-working of farms—a common practice in the early part of 1953—but found that the suggested method of implementation so as to give legal effect to the inclusion of these basic principles in all leases was impracticable. Realizing that prospective lessees might not be prepared to incur costs in connexion with the registration of documents

and necessary surveys on short-term leases, and that normal leases had, in any case, some validity as civil contracts, the Board successfully solicited the co-operation of advocates and agents by requesting that they negotiate leases for terms consistent with the normal crop rotational cycle, i.e. four years, and incorporate therein more precise clauses governing the practice of good husbandry and soil conservation requirements—these to be effected in accordance with the requirements of the Local Production Committees and Director of Agriculture.

The lack of funds, and the poor prospect of obtaining any under the present Emergency conditions, deterred the Board from embarking upon action for compulsory acquisition, and it was unsuccessful in negotiating settlements by mutual consent in the only two cases of undeveloped and unoccupied farms considered during the year. It was quite evident that financial aid would be essential for the support and successful use of the Board's powers of compulsory acquisition should recourse to these be necessary when the final list of such farms (still in the course of preparation at the end of the year) was considered.

Concern was expressed by the Board and one Local Authority at the number of times coffee farms changed hands to their detriment (particularly in the Kiambu area of the Central Province), which the Board was powerless to control, as this was due entirely to speculation on world commodity prices. This matter of the rapid successive transfers of farms, and the harmful effect in some cases, together with the problem of short-term leases, unoccupied and undeveloped farms, etc., were subjects which the Board felt could best be covered on a long-term basis in the new Agricultural Bill and various recommendations were made accordingly.

The Land Control Board met on ten occasions during the period under review and dealt with 882 applications as against 801 in 1953. There was again a further small fall in the number of farms sold and a distinct increase in the number of farms leased. There was also a slight increase in the sale of residential plots close to the main towns. Of the sales and leases very few were negotiated in the areas worst affected by the Emergency, particularly in the North Nyeri District of the Central Province around Nyeri and Nanyuki, the major proportion being in the Trans Nzoia and Uasin Gishu areas of the Rift Valley. The increased tendency to lease farms could be attributed to several factors—the reluctance on the part of owners to dispose of their farms, a disinclination to invest until the situation was clearer, lack of capital for outright purchases, security demands on manpower, etc. It was noted that these leases were largely taken by persons already resident in the Colony.

Applications for sale, which include residential plots, numbered 489, seven of which were cancelled, one refused and five deferred until 1955. One hundred and ninety-four leases as against 136 in 1953 were considered of which four were cancelled, two refused consent and six deferred. Gifts of land, mortgages and exchanges totalled 201 which were all approved. The average rate of interest demanded in respect of mortgages remained the same as in 1953, i.e. approximately 6 per cent. Eighteen quarry leases on private land were also approved.

Amongst the companies not exempt from the submission of shares for registration, there was a decided increase over 1953 in the number of transactions which took place, although the figure was still below that for 1952. The transfer of 100 share certificates representing the transfer of a total of 201,658 shares to the value of £395,212 were approved (1952—£198,644; 1953—£66,773). Between parties of different races, 114 share certificates were registered, representing the transfer of 17,324 shares to the value of £16,788. This figure shows an increase over those approved in 1952 and 1953 which were £4,184 and £4,566 respectively.

At the end of the year, the percentage ratio of shares held by parties of non-European descent in the companies permitted to transfer up to 10 per cent of their total shareholding was:—

East African Power and Lighting Co. Ltd.—

1954 1.92 per cent of the total shareholding.

1953 1.91 per cent.

East African Breweries—

1954 1.892 per cent of the total shareholding.

1953 1.818 per cent.

Allsopp's—

1954 1.506 per cent of the total shareholding.

1953 2.065 per cent.

East African Match Co., Ltd.—

Nil.

(iv) The Highlands Board

The Highlands Board met only once during the year, but a number of minor matters was dealt with by the circulation of memoranda to members, it having been agreed that any non-controversial business might so be despatched.

A proposal to extend the boundary of the Nakuru Municipality by the inclusion of certain plots in Dawsonville was deferred because three of the plot-owners objected and were supported by the County Council of Nakuru. It was agreed that the views of the Minister for Local Government, Health and Housing should be obtained.

The question of excising surplus land from townships for inclusion in the Highlands, which had been exhaustively examined in 1951, was again raised. In the light of the fact that the new county councils had not had an opportunity of examining the problem, it was decided to ask the Minister for Local Government to consider the matter in consultation with local authorities.

The use of an area of land, just outside the Nairobi City boundary on the Thika Road, as sports grounds for persons of all races was approved.

At the request of the Unofficial Members, it has been agreed that meetings should, in future, be held quarterly.

(v) Public Health (Division of Lands) Board

At the five meetings held during the year, the Board concentrated mainly on policy matters, the responsibility for approval and detailed consideration of applications in recognized residential areas having been placed with the Commissioner of Lands and Local Authorities through delegated powers under the Ordinance.

In cases where approval to subdivision had been given conditional upon the necessary works being carried out, developers have been required to execute a bond to cover the estimated cost within a specified time. Final approval and the right to sell the subdivisions was granted only after such bonds had been executed. Developers also had the option of completing such works before disposing of plots. The standard to which roads should be constructed and the basis upon which water supplies were to be provided were placed on a firmer working basis when the Nairobi County Council produced road specifications and by the enactment of the Water Ordinance, 1951, which requires water suppliers to assume the obligations of water undertakers.

An indication that the Board will not condone, and intends generally to adopt more severe measures to control, unauthorized development can be seen in the decision taken in the Kamiti section of the peri-urban area of Nairobi stipulating that owners be made to alter or demolish offending structures in order to comply with the zoned density for the area. Further detailed reports on the incidence of unauthorized development in the peri-urban area of Nairobi were awaiting consideration.

It became evident during the year, from the number of applications received from the Nakuru area, that some form of preliminary planning scheme was necessary. With the Nakuru County Council becoming a Preparatory Authority, the Board decided not to approve any further schemes until a planning or zoning scheme had been prepared. An embargo was also placed on further subdivisions in the Karen, Langata, Ngong areas of Nairobi pending finalization of a hydrological survey of the water resources and existing reticulation systems.

Differences arose during the year between the Board and the Mombasa District Regional Planning Advisory Committee which was formed to advise on applications for subdivision in the peri-urban area of Mombasa outside the Municipal boundary. This was due to differences of opinion on the basic policy to be adopted in connexion with the method of water supply, sewage disposal *vis-a-vis* soil conditions, density of plots, provision of access roads, special purpose plots, etc. A measure of agreement was in view on certain points relating to water, sewage, and roads but the objects and method of reserving land for special and public purposes remained for decision. The Board was in the process of suggesting policy for the outer areas of the coast region and had decided, at the end of the year, to ask the Coast Land Advisory Board for advice on the preparation of a plan outlining areas which would be suitable for residential development.

In the proximity of Mombasa Municipality, high-density residential development is anticipated in Sections V and VI, Mainland North, and also on the land owned by Nyali, Ltd., and Kisauni, Ltd. A master zoning plan drawn up by these companies had been accepted by the Board as a general indication of the future development of the two estates which comprise some 3,000 acres approximately.

During the early post-war period most of the areas of suitable land around Nairobi were subdivided by estate companies and large landowners. Nowadays, however, applications are confined to the small landowner. The nature of the schemes in this region confirmed the trend towards closer development and preference for the smaller plot due mainly to economic conditions, shortage of labour, high wages and security. The element of speculation development tended to disappear.

Of the 120 applications under consideration (which included 65 new applications) 89 subdivisions of two to ten acres, comprising some 251 acres, were finally approved during the year, some 60 acres of this total being in schemes outside Mombasa Municipality, in Section VI, Mainland North, and the Nyali area. Applications approved in principle and conditionally involved 159 plots of two to ten acres, comprising a total area of 813 acres. Approximately half of this proportion represents schemes upon which development conditions have still to be completed—mainly in the Karen area of Nairobi. A number of long-outstanding applications lapsed due to non-compliance with development conditions and those pending consideration at the end of the year concerned some 189 plots totalling 500 acres. A large proportion of these applications came from the coast region and were subject to matters of policy being resolved. Some ten applications were refused by the Board during the year, for the

reason that they involved subdivisions and building development outside recognised residential areas and on good agricultural land. Two applications, one for subdivision and the other a case of unauthorized development were the subject of appeals which had not been considered by the Governor in Council at the end of the year.

(vi) Preparatory Authority -Nairobi District

The Preparatory Authority held three meetings during the year and directed most of its attention to policy matters affecting areas for which it had passed resolutions to prepare planning schemes. Preliminary planning proposals were made and agreed for the Ruaraka, Kamiti and Gatharaini River areas and were embodied in Map Resolution Area No. 1. These included setting aside zones for agricultural development only and in the Ruaraka Section an industrial area for those industries requiring large plots, e.g. precast concrete factory, etc., and land for sports fields. Planning proposals for a section of the Gatharaini River area providing for small secondary industries, manufacturing concerns relying upon the use of local raw materials, the centralization of European and African housing and a social welfare centre were also under review.

In order to assist the Public Health (Division of Lands) Board in its attempts to discourage unauthorized and unplanned development, a section of the Kamiti area was rezoned from a 2 1/2-acre to a 5-acre density for the purpose of the statutory planning scheme. Consideration was being given at the end of the year to the rezoning of the Ridgeways Estate (in the Kamiti area) for 2 1/2-acre subdivisions. The Preparatory Authority had deferred a decision until matters relating to the standard of roads, water supply, provision of land for special purposes, etc., had been resolved with the Ridgeways Road and Water Company.

Detailed planning in this area was still held up in the absence of accurate contour information. An aerial survey, however, was nearing completion at the end of the year.

By General Notices Nos. 87 and 88, published in the *Official Gazette* on 7th January, 1954, the Embakasi and Athi River areas were brought under the Preparatory Authority's jurisdiction (Resolution Map Area No. 2) for the purpose of controlling the nature of development within these areas. It became evident that a firm policy would have to be agreed for the land previously thought of as a future green belt situated between the Embakasi Aerodrome and the Nairobi City boundary. Following a resolution from the Nairobi County Council suggesting that the establishment of high-, medium- and low-density residential areas should be examined, it was decided that for the purpose of co-ordinating the views and planning requirements of the various interested bodies, a special sub-committee of the Preparatory Authority be formed to submit recommendations for consideration.

During the year proposals were put forward for the retention of the remainder of the green belt around the City and were accepted as a basis upon which to work. Later, the Preparatory Authority's views were sought on the possible residential use and thinning out of the forest areas around the City's perimeter and it came to the conclusion that, in order to preserve the objects of retaining a green belt and to discourage unplanned and unauthorized development in its various forms, a firmer degree of control was necessary. This culminated in the Preparatory Authority passing Resolution Map Area No. 3, which includes that portion of the peri-urban area not already in Map No. 1 and 2 areas and forming the forest reserves, residential and semi-residential areas around the City's perimeter. The Authority recognized that it would be impossible to carry out any detailed planning in the area within the foreseeable

future without provision of adequate staff, but considered it essential to hold a watching brief so that the statutory planning powers of the Authority could be applied to any selected portion of the area where undesirable forms of development were taking or were likely to take place.

The Authority considered that it was essential and most important that "shanty" disorderly and unplanned development should not be allowed to take place in the native land units and reserves adjacent to the townships and municipalities in the Colony, and it felt that, in order to ensure that some form of control and future long-term planning policy could be adopted for such areas, the provisions incorporated in the new draft Town and Country Planning Bill affecting native land units and reserves should be given full effect. The Authority was being seriously hampered in the efficient administration of various matters within the area under its control owing to inadequate provision in the existing Town Planning Ordinance (Cap. 134). Similarly, it considered that it was essential that adequate staff and funds be provided so as to enable it to undertake efficiently the planning and administrative obligations involved in areas for which planning resolutions had been approved. Resolutions were accordingly passed to the Government asking for staff and funds and strongly supporting the early enactment of the new Town and Country Planning Bill.

The Nairobi County Council was asked to consider the possibility of taking over the functions of the Authority, but Council felt that the provision of staff for the enforcement of new by-laws and health regulations were matters of major importance and resolved that the time was not yet opportune for it to assume planning functions also.

With the exception of an application to build an additional house in a five-acre zone, permission to erect a shop in a residential area, a request to quarry in a potential industrial area, the construction of an African girls school in an agricultural zone, all other applications consistent with the visualized planning proposals for the areas ranging from the use of land for quarry sites, power lines, extension of existing factories, labour lines, etc., were approved.

(vii) Crown Estates Development Committee

The Crown Estates Development Fund continued to finance schemes of development in various parts of the Colony. The effect of the Emergency still militated against the Colony's road-building resources, but no serious delay occurred in implementing essential schemes.

Seven schemes were put in hand involving estimated expenditure amounting to £54,000. The rate of recovery continued to be most satisfactory and against £48,280 paid out £25,731 has already been recovered.

Government had approved in principle that the scope of the Fund should be extended to include the development of land for industrial purposes and also agreed in principle that the Fund should be enlarged for this purpose, but up to the end of the year no additional provision in respect of the Fund had been made, nor had the Terms of Reference of the Committee been amended.

In view of the fact that no other money was available for the construction of services in industrial areas and the fact that it was essential that a considerable extension to the light industrial area of Nairobi should be opened up, the Committee decided that, in view of the rate of recovery in the Fund, it would make available two sums amounting to £22,800 for this purpose in respect of two schemes, and it is most encouraging to know that before the end of the year practically all the plots in one of the schemes had been disposed of,

VI—CROWN LAND ALIENATIONS**(i) Agricultural Land**

See Section V (i)—Land Board—of the Report,

(ii) Townships

1954 was a year of very considerable activity in land matters in the Colony and a total of 642 plots of all types was alienated. This figure exceeds the previous year by 61, which itself exceeded 1952 by 256 plots.

The effects of the Emergency continue to be felt, particularly in Nairobi, Nyeri and Nanyuki, but in the second half of the year an increase in confidence and increased inquiries from investors for business and industrial plots were observed, although investors are perhaps being more selective than formerly. There was a small but persistent demand for plots for sites for flats in Nairobi and arrangements were made to satisfy this demand during 1955. The demand for residential plots for members of the Asian community continued and over 50 residential plots were made available in Thika Township. A further area was made available in Kisumu Township to enable a scheme which would provide for 50 semi-detached houses to be built and, in addition, two large plots were also alienated in Kisumu for a scheme of residential flats.

The progress in the development of the large Nairobi South Estate, however, was less encouraging and by the end of the year, when most of the building covenants had expired, 80 per cent of the allottees of plots were in default, but in view of delay which had occurred in the installation of water a reasonable extension was granted to all those who appeared able and willing to proceed.

The demand for business plots in the less expensive areas continues and has been accentuated by the removal of rent control. In view of the fact that the Landlord and Tenant (Shops and Hotels) (Temporary Provisions) Ordinance, 1954, was only enacted near the end of the year, its effect could not be ascertained during the period under consideration.

An encouraging demand was experienced for industrial plots and 47 plots were made available for this purpose in Thika Township, Sixty-eight plots were made available for industrial purposes in the extension to the Nairobi Light Industrial Area and though these were only offered to the public as late as 30th March they have now practically all been allocated; it is perhaps a pity that only two new enterprises from outside the Colony look up plots in this area. Ample industrial plots are available in Nairobi, Thika, Nakuru, Kisumu and Kitale to meet reasonable demands. Twenty-five plots in the area north of Donald Avenue, Nakuru, have been advertised for the construction of high-class offices and business premises and this should satisfy the demand in this area for a number of years.

The continued demand for land for sports clubs and organizations of a similar nature was experienced and, in all cases except Nairobi, satisfactorily met. The plan to provide a number of sports grounds adjacent to Nairobi is now well advanced and these plots will be alienated before the end of 1955.

The opening up of new areas of Crown land has unfortunately been slightly retarded owing to the effect of the Emergency on the construction services of the Public Works Department and its contractors and, in particular, to the decision of the Nairobi City Council that it could not undertake the construction of services in any further new areas for the Crown.

Building activity throughout the Colony was very considerable. In Nairobi 788 building plans were approved and the value of the plans concerned at £4,436,716 showed an increase of £813,302 as compared with the previous year. Considerable building took place elsewhere throughout the Colony and building plans for 497 buildings were approved during the year. In addition to these, two large blocks of Government offices, i.e. the Treasury Building and the new Central Government Buildings, were erected in City Square, Nairobi. The disappointing lack of development by private concerns has been referred to in Section I.

During the period under consideration anxiety began to be felt in the department that, though in recent years the Government had made very large numbers of plots available, the development on the plots alienated in many cases was not even commenced during the period of the building covenants. A number of cases was consequently entered in court claiming forfeiture of the plots for non-development, but again the department was handicapped by the fact that the courts were largely occupied by criminal cases in connexion with the Emergency and only three cases for forfeiture of plots were actually dealt with.

Details of alienations, etc., in townships and municipalities are shown in Appendix II. Stand premia for township plots amounted to £55,376 and the total rents receivable for agricultural and township plots during 1954 was £138,416.

VII—ACQUISITION OF LAND FOR SETTLEMENT AND PUBLIC PURPOSES

Action was initiated for the compulsory acquisition of the following areas of land under the Land Acquisition Act, 1894, of India:—

	<i>Locality</i>		<i>Area Acres</i>	<i>Purpose</i>
1. Mombasa	Mainland	North,		
	Sections V and VI	"	201.28	For railway and marshalling yards and railway realignment,
2. Mombasa	Mainland	North,		
	Sections V and VI	"	158,329	For a new industrial area,
3. Mombasa	Mainland	South,		
	Section IV		0.3	Addition to the Royal Naval Armament Depot.
4. Mombasa	Mainland	North,		
	Section VI		1,44	Addition to new industrial area,
5. Mombasa	Mainland	North,		
	Section VI		8,02	For road and rail alignment.
6. City of Nairobi		..	0.6504	Municipal car park purposes.
7. Mombasa	Mainland	South,		
	Section IV		4.1	For road of access to the Royal Naval Armament Depot.
8. Mombasa	Mainland	North,		
	Section V		45.82	For staff housing in connexion with the proposed new marshalling yards and industrial area at Changamwe.

Under the Land Acquisition (Mombasa Oil Refinery) Ordinance, a Collector was appointed for those purposes of the provisions of the Indian Land Acquisition Act, 1894, which are applied by and incorporated in the aforesaid Ordinance.

The sum of £35,000 was offered to and accepted by Mr. L Massada for a plot of land next to Parliament Building in order to preserve the amenities of the Legislative Council. A final payment of £10,000 was made on completion of survey to Messrs. Massada and Block in respect of an area of forest land on top of Kipipiri Mountain.

VIII—CONVERSION OF AGRICULTURAL LEASES FROM 99 TO 999 YEARS

During the year all applications for conversion of leases remaining from 1953 were investigated, of which 361 were approved. The majority of the remainder were not eligible for conversion for one or other of the following rather surprising reasons:—

- (i) They had already been given approval previously.
- (ii) Already held on 999-year leases.
- (iii) Were held on special grants or were residential holdings.

In addition to the above, 14 applications were submitted after 31st December, 1953, ten of which were considered in the light of special circumstances; the other four were refused as out-of-time applications. Of the ten cases mentioned, six were approved (two on special conditions for further intensive development), one was refused and the remainder were awaiting inspection reports by the end of the year with a view to the imposition of suitable conditions.

A total of 111 new titles were registered and issued.

IX—TOWN PLANNING

Development plans were prepared by the Town Planning Adviser and approved by the Special Commissioner and Acting Commissioner of Lands during the period for the following areas:—

Nairobi—Town Plan No. 208

Layout for light industrial plots without rail access in the vicinity of the Leeds/Liverpool Roads.

Nairobi—Town Plan No. 209

Layout for light industrial plots without rail access in Enterprise Road.

Nairobi—Town Plan No. 214

Layout for petrol station and three canteen sites to cater for Europeans, Asians and Africans.

Nairobi—Town Plan No. 215

Amendment of No. 214 to provide for a municipal fire sub-station and necessary staff and for drainage wayleaves.

Nairobi—Hill. Plan No. 90

Provides for a proposed shopping centre for Kileieshwa.

Machakos—(Township) Plan No. 24

Layout for African housing and industrial area.

Machakos—(Township) Plan No. 25

An amendment of No. 24 to provide larger plots in some instances for African housing.

Nakuru—Plan No. 69

Provides for a petrol station site and car park in Section XLIX.

Nanyuki—Plan No. 28

Provided for rail-served industrial plots as well as oil plots and non-rail-served industrial plots.

Nyeri—Plan No. 28

Provided for the revised area to be allotted to the Police, also a revised area for the purpose of an Asian sports ground. Certain other amendments to Development Plan No. 26, including the provision of petrol plots, were contained in this plan.

Eldoret—Plan No. 50

(a) Provided a layout for a central area in Eldoret providing business, business-cum-residential plots and residential plots, as well as plots which were set aside for special purposes. Petrol plots were also provided by this plan.

(b) Development Plan No. 49 provided for low-density residential plots in Section XXVII.

Kilifi

Draft development plan approved for Kilifi Township providing plots for all purposes.

Kisumu

(a) Part Development Plan No. 107 provides for small amendments to existing layout.

(b) Development Plan No. 108 provides additional workshop and godown plots.

(c) Development Plan No. 110—proposed layout for Section LXIII—provides for a semi-detached housing estate.

(d) Development Plan No. 109—proposed development for Station Road and Mackinnon Street.

(e) Development Plan No. 105 provides additional business-cum-residential plots in Section XXXVIII.

Kericho—Plan No. 24

Provides a site for petrol station.

Kisii—Plan No. 18

Proposed amendment to Section V provides for a mosque site and an area for medium-density residential plots.

Yala—Plan No. 8

Provides for a new industrial area with rail access.

Thomson's Falls—Plan No. 17

Provides a revised layout for business-cum-residential plots.

Kitale—Plan No. 40

Provides an extension to the layout for industrial plots.

Rongai—Plan No. 5

Provides revised sites for dispensary, slaughterhouse and incinerator.

Sotik—Plan No. 8

Amended development plan provides for a layout for the African market and plots for business and residential purposes.

Naivasha—Plan No. 31

Amends existing layout to provide proposed site for district hospital,

Narok—Plan No. 5

L.R. No. 8494—provides for a layout containing business-cum-residential plots.

X—RATING

During the year the examination was completed of all county council rating claims. There were no new rolls in respect of municipalities prepared during the year but all supplementary valuation rolls which were submitted were examined and agreed.

Returns for the recovery of the Crown's contribution in lieu of rates in respect of the various High Commission departments and the military authorities were completed for 1954.

XI—VALUATION

The volume of valuation work continued to increase quite apart from the programme of agricultural valuation work in connexion with the revision of rentals due to be completed by 1960. This was mainly due to the expansion of activity necessitating the acquisition of land for public purposes and also the resumption of land for road construction.

Valuations required for alienation purposes, changes of user, new leases, etc., continued at about the same level.

During the year, Valuers acted as Collectors in several acquisition schemes and in other cases gave evidence as expert witnesses before the Supreme Court.

The valuation programme of agricultural land is now under way, but, owing to the delays in recruitment of suitable professional staff, is running about two to three years late. However, a great amount of information has been collected and inspections of farms have been proceeding during the year in the Uasin Gishu and Trans Nzoia district and during the latter part of the year in the Nakuru area. No Valuer has yet been recruited for the Nyeri-Laikipia area.

Calls upon the services of Valuers by local authorities for valuation rolls for rating purposes continue to increase with the formation of county councils and, during the year, new rolls were prepared for Ruiru Township and townships in the Aberdares, Nakuru and Nairobi County Council areas. In addition, supplemental valuation rolls were prepared for the Eldoret and Kitale Municipalities.

A total of £476,762 worth of property was valued for the Collector of Stamp Duties in cases where no valid consideration was shown, and the increase reported as a result of valuations and negotiations with owners came to £75,754. These figures represent considerable reductions on the previous years.

All cases of estate duty, where land and buildings were involved, were referred to the Valuation Office, the total being £1,166,704. The system of agreeing valuations before filing has now been adopted, as in the United Kingdom, and it is very noticeable that since valuations have been properly checked the levels at which these are now submitted are a good deal higher.

XII—LAND TITLES REGISTRY

(i) Revenue

The stamp duty and conveyancing and registration fees collected departmentally amounted to £388,179 as compared with £345,530 in 1953. If the amounts credited to stamp duty by the Post Office are taken into account the total approximate revenue for the years 1953 and 1954 was £370,000 and £413,000 respectively.

There has, therefore, been an increase in revenue of approximately £43,000.

The principal sums collected for stamp duty were as follows:—

(i) Transfers of land	136,310
(ii) Bills of exchange and promissory notes	57,808
(iii) Company share capital	50,243
(iv) Leases	10,313
(v) Mortgages	23,594
<vi) Cheques	66,989

The duty collected represents:—

	£
(i) Transfer of land to the value of approximately	6,815,500
(iii) Newly created company share capital of approximately	10,048,600
(v) Principal advances on mortgage amounting to approximately	9,437,600
(vi) Cheques stamped	6,698,900

The duty collected in the years 1949-1954 is classified in Schedule I hereto and the total revenue from all sources in Schedule II (Appendix 1),

(ii) Conveyancing

(a) Nine hundred and ninety-five documents were prepared and completed during the year under review as compared with 1,112 in 1953, and the conveyancing fees collected fell from £5,201 to £4,560.

(b) Two hundred and forty-eight Certificates of Title, arising from subdivisional transfers, were issued as compared with 210 in 1953.

(iii) Registration

(a) The number of documents registered was 11,069 as compared with 10,254 in 1953.

(6) Registration fees collected amounted to £10,432 as compared with £9,542 in 1953.

(c) Six thousand and eight photostat copies of documents were made and 389 certified copies of documents were supplied to Government departments and the public.

(d) The documents registered are classified in Schedule III hereto.

(iv) Mombasa Branch Registry

Twenty-nine certificates in respect of adjudicated claims were taken up during the year, 967 remained with the Registrar of Titles. There was no change in the number of unadjudicated claims which, in the absence of a Recorder, remained at over 4,000.

APPENDIX I
REVENUE STATISTICS

The following Schedules I, II and III show comparative detailed revenue and statistical figures for the past six years:—

SCHEDULE I—STAMP DUTIES

CLASS OF INSTRUMENT	1949	1950	1951	1952	1953	1954
	£	£	£	£	£	£
CHEQUES:—						
Nairobi	37,492	38,727	40,381	53,988	55,486	52,245
Mombasa	6,257	6,231	7,334	6,382	7,226	14,744
	43,749	44,958	47,715	60,370	62,712	66,989
CONVEYANCES:—						
Nairobi	91,098	85,372	112,604	150,065	117,487	113,396
Mombasa	18,700	19,160	26,693	26,277	18,058	22,914
	109,798	104,532	139,297	176,342	135,345	136,310
MORTGAGES:—						
Nairobi	9,808	7,793	11,348	12,095	11,821	21,305
Mombasa	1,490	997	1,361	1,171	1,925	2,289
	11,298	8,790	12,709	13,266	13,746	23,594
BIILLS OF EXCHANGE:—						
<i>Promissory Notes</i>						
Nairobi	5,272	8,445	22,085	29,638	15,881	19,980
Mombasa	6,666	10,740	18,988	20,813	17,868	24,126
Post Office	8,141	12,090	18,423	16,733	13,509	13,702
	20,079	31,275	59,496	67,184	47,258	57,808
LEASES:—						
Nairobi	3,941	3,910	10,511	12,327	9,189	9,402
Mombasa	211	325	255	594	1,311	911
	4,152	4,235	10,766	12,921	10,500	10,313
POWERS OF ATTORNEY:—						
Nairobi	339	298	298	272	274	342
Mombasa	195	159	156	159	167	171
	534	457	454	431	441	513
COMPANIES:—						
(1) <i>Share Capital</i>						
Nairobi	67,333	43,143	46,107	55,857	25,986	46,914
Mombasa	2,748	3,006	10,996	4,157	5,474	3,329
	70,081	46,149	57,103	60,014	31,460	50,243

APPENDIX I—(Contd.)

CLASS OF INSTRUMENT	1949	1950	1951	1952	1953	1954
	£	£	£	£	£	£
COMPANIES—(Contd.)						
(2) <i>Memorandum and Articles of Association:</i>						
Nairobi	786	790	862	870	624	929
Mombasa	93	136	268	516	141	112
	879	926	1,130	1,386	765	1,041
(3) <i>Share Transfers:</i>						
Nairobi	12,289	13,543	16,094	19,372	19,869	16,935
Mombasa	2,164	323	532	1,007	1,439	1,872
	14,453	13,866	16,626	20,379	21,308	18,807
AGREEMENTS:—						
Nairobi	86	427	76	121	215	267
Mombasa	101	89	74	264	120	143
	187	516	150	385	335	410
PARTNERSHIPS:—						
Nairobi	642	409	357	336	296	205
Mombasa	53	38	35	67	64	27
	695	447	392	403	360	232
INSURANCE POLICIES:—						
Nairobi	1,234	1,476	2,065	2,828	3,153	3,147
Mombasa	200	186	269	254	415	435
	1,434	1,662	2,334	3,082	3,568	3,582
TRUSTS:—						
Nairobi	1,140	863	1,032	854	742	1,006
Mombasa	2					437
	1,142	863	1,032	854	742	1,443
MISCELLANEOUS:—						
Nairobi	736	500	335	268	949	660
Mombasa	405	556	652	1,019	1,098	1,242
	1,141	1,056	987	1,289	2,047	1,902
TOTAL	£ 279,624	259,731	350,191	418,304	330,787	373,187

APPENDIX I—(Contd.)

SCHEDULE II—REVENUE COLLECTIONS

	1949	1950	1951	1952	1953	1954
	£	£	£	£	£	£
CONVEYANCING FEES:—						
Nairobi	2,467	2,052	3,246	3,166	5,128	4,498
Mombasa	116	76	162	215	73	62
	2,583	2,128	3,408	3,381	5,201	4,560
STAMP DUTIES*:—						
Nairobi	232,136	205,409	262,306	338,890	261,970	286,732
Mombasa	39,345	42,230	69,462	62,680	55,308	72,753
Post Office	8,141	12,092	18,423	16,734	13,509	13,702
	279,622	259,731	350,191	418,304	330,787	373,187
REGISTRATION FEES:—						
Nairobi	4,894	5,442	6,535	7,294	7,607	8,046
Mombasa	1,542	1,702	2,099	2,093	1,935	2,386
	6,436	7,144	8,634	9,387	9,542	10,432

* Exclusive of postage stamps sold for revenue purposes.

APPENDIX I—(Could.)

SCHEDULE III—DOCUMENTS REGISTERED

LAND	1949		1950		1951		1952		1953		1954	
	Nairobi	Mom-basa	Nairobi	Mom-basa	Nairobi	Mom-basa	Nairobi	Mom-basa	Nairobi	Mom-basa	Nairobi	Mom-basa
Grants	178	4	230	3	478	28	328	29	782	27	624	60
Certificates of Title	103	20	244	28	234	36	256	42	210	17	222	26
Transfers	1,594	1,077	1,658	1,181	2,010	1,165	1,927	1,108	1,566	746	1,524	942
Mortgages	763	391	789	228	810	298	977	353	879	332	926	405
Discharge of Mortgage	322	138	436	134	438	181	528	213	377	205	467	278
Equitable Mortgages	1,088	109	1,296	91	1,152	129	1,063	130	1,026	115	1,085	155
Discharge of Equitable Mortgage	638	69	431	63	760	71	817	92	663	60	719	77
Powers of Attorney	185	116	219	95	238	110	264	137	249	105	285	125
Caveats	112	75	146	63	143	75	164	143	151	104	191	157
Surrenders	73	10	113	5	111	10	132	4	208	1	236	8
Miscellaneous..	871	394	1,312	542	1,522	588	1,692	781	1,772	651	1,793	754
	5,927	2,403	6,874	2,433	7,896	2,691	8,148	3,032	7,883	2,363	8,072	2,987
MINING												
Transfers	4		13		17		10		6		6	
Exclusive Prospecting Licences	8		5		7	—	2				3	
Powers of Attorney	2	—										
Options	1					—						
Miscellaneous	—	—	3	—	9	—	5	—	2	—	1	—
	5,942	2,403	6,895	2,433	7,929	2,691	8,165	3,032	7,891	2,363	8,082	2,987
	8,345		9,328		10,620		11,197		10,254		11,069	

APPENDIX II

SUMMARY OF LAND ALIENATIONS, RESERVATIONS, ETC., IN TOWNSHIPS AND MUNICIPALITIES

PURPOSE	Nairobi	Mom-basa	Nakuru	Kisumu	Kitale	Thika	Kericho	Native Land	Miscellaneous	Total
	No. of Plots	No. of Plots	No. of Plots	No. of Plots	No. of Plots	No. of Plots	No. of Plots	No. of Plots	No. of Plots	No. of Plots
(a) Industrial, including Garage and Workshop	53	—	20	4	11	1	4	9	7	109
(b) Business, including Business-cum-Residential	13	3	34	14	6	13	23	64	56	226
(c) Residential	44	56	41	13	3	32	12	7	19	230
(d) Hotel	—	—	—	—	—	—	—	—	—	—
(e) Local Authority	5	1	4	1	1	1	—	—	17	30
(f) Religious, Charitable and Educational Club and Sports.,	3	1	3	5	—	1	—	—	8	21
(g) Extensions of Existing Leases	2	—	1	2	1	3	—	—	1	10
(h) Government Reservations	13	4	1	—	1	—	—	—	—	19
	5	13	9	2	4	2	1	—	32	68
	138	78	113	41	27	53	40	80	140	710

APPENDIX 111

LAND STATISTICS

The following is an analysis of the various areas of the Colony and Protectorate: —

	<i>Square Miles</i>
(a) Native areas (all categories)	52,141
(b) Crown forests	4,198
(c) Townships	499
(d) Government reserves	367
(e) Alienated land and land available for alienation	13,366
(f) Royal National Parks	8,518
(g) National reserves	10,284
(h) Unsurveyed Crown land, other than Northern Frontier and Turkana	25,411
(j) Northern Frontier and Turkana	104,952
(k) Open water	5,224
Total	224,960

The area of the Highlands, totalling 16,233 square miles, is included in the appropriate categories above.