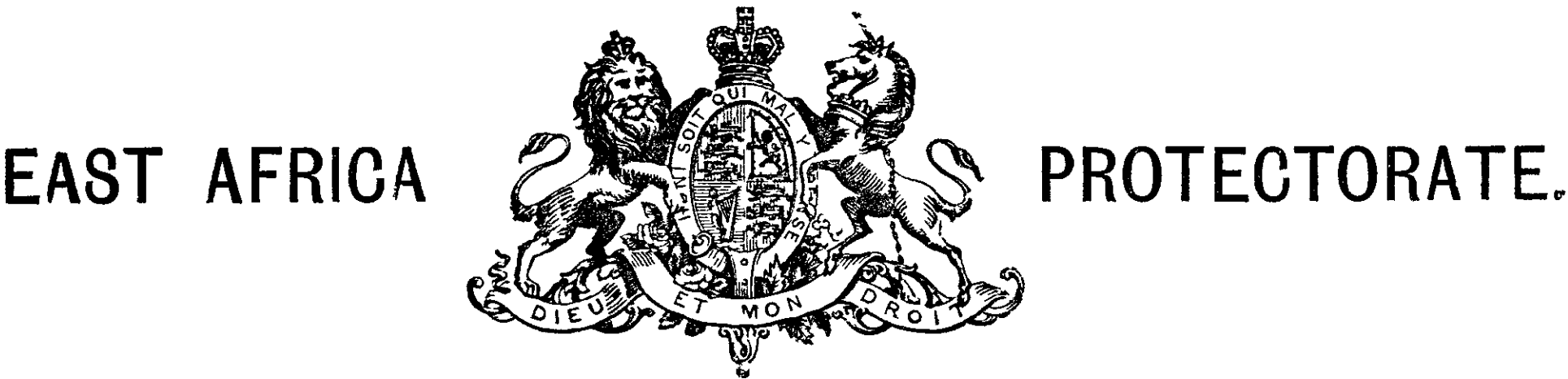


S U P P L E M E N T
TO
O F F I C I A L G A Z E T T E
O F T H E



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His Excellency has approved of the following Bill being introduced during the present Session of the Legislative Council

*T S. W THOMAS,
Clerk to the Legislative Council.*

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A Bill

Intituled

An Ordinance to provide for the Making of Town Planning Schemes.

1 This Ordinance may be cited as “The Town Planning Short title
Ordinance, 1918 ”

2 A Town Planning Scheme with the general object of Town planning scheme
securing proper sanitary conditions, amenity and convenience
5 in connexion with the laying out and use of the land and of any
adjoining land may be made in accordance with the provisions
of this Ordinance as respects any land which is in course of
development or appears likely to be used for building purposes or
as respects any area where in the opinion of the Governor-in-
10 Council it is desirable that such area shall be replanned under the
provisions of this Ordinance or that such area shall be included
in any Town Planning Scheme

3 The Governor-in-Council may with or without any Preparation of scheme
application as hereafter provided order such authority as he may
15 appoint (in this Ordinance referred to as the authority) to prepare
a town planning scheme with reference to any land situated
within the area to which the order relates

4 A town planning scheme prepared in accordance with Adoption of scheme
the last preceding section shall not have effect unless it is
20 approved by the Governor-in-Council who may refuse to approve
any scheme except with such modifications and subject to such
conditions as he may think fit to impose Provided that before
a town planning scheme is finally approved by the Governor-in-
Council the scheme shall be published in the Gazette and if
25 within 60 days from the date of such publication any person or
local authority interested objects in writing stating the reasons
for such objection the scheme shall be submitted to the Legisla-
tive Council at the next ensuing Sessions thereof and if not
approved by the majority of the members present no further
30 proceedings shall be taken thereon without prejudice to the
making of any new draft scheme

5 A town planning scheme when approved by the Scheme to have effect as
Governor-in-Council shall have effect as if it were enacted in this if enacted in Ordinance
Ordinance

Amendment of scheme

6 A town planning scheme may be varied or revoked by a subsequent scheme prepared or adopted and approved in accordance with the provisions of this Ordinance and the Governor-in-Council on the application of the responsible authority or of a local authority or of any person appearing to him to be interested may by order revoke a town planning scheme if he thinks that under the special circumstances of the case the scheme should be so revoked 5

Meaning of land likely to be used for buildings

7 The expression "land likely to be used for building purposes" shall include any land likely to be used as or for the purpose of providing open spaces, roads, streets, parks, pleasure or recreation grounds or for the purpose of executing any work upon or under the land incidental to a town planning scheme whether in the nature of a building work or not and the decision of the Governor-in-Council whether land is likely to be used for building purposes or not shall be final 10 15

Contents of town planning schemes

8 (1) The Governor-in-Council may prescribe a set of general provisions (or separate sets of general provisions adapted for areas of any special character) for carrying out the general object of town planning schemes and in particular for dealing with the matters set out in the First Schedule to this Ordinance and the general provisions or set of general provisions appropriate to the area for which a town planning scheme is made shall take effect as part of every scheme except so far as provision is made by the scheme as approved by the Governor-in-Council for the variation or exclusion of any of those provisions 20 25

(2) Special provisions shall in addition be inserted in every town planning scheme defining in such manner as may be prescribed by regulations under this Ordinance the area to which the scheme is to apply, and the authority which is to be responsible for enforcing the observance of the scheme, (in this Ordinance referred to as the responsible authority) and for the execution of any works which under the scheme or this Ordinance are to be executed by the responsible authority, and providing for any matters which may be dealt with by general provisions, and otherwise supplementing, excluding, or varying the general provisions, and also for dealing with any special circumstances or contingencies for which adequate provision is not made by the general provisions, and for suspending, so far as necessary for the proper carrying out of the scheme, any statutory enactments, ordinances, rules, bye-laws, regulations, or other provisions, under whatever authority made, which are in operation in the area included in the scheme 30 35 40

Provided that, where the scheme contains provisions suspending any enactment contained in an Ordinance or applied Act the scheme shall not come into force unless a draft thereof has been submitted to the Legislative Council and approved by the majority of the members present. Provided that the refusal of the Legislative Council to approve shall be without prejudice to the making of any new scheme 45 50

Regulations for procedure to be made by the Governor in Council

9 (1) The Governor-in-Council may make regulations for regulating generally the procedure to be adopted with respect to applications for an order to prepare or adopt a town planning scheme, the preparation of the scheme, obtaining the approval of the Governor-in-Council to a scheme so prepared or adopted, and any inquiries, reports, notices, or other matters required in connection with the preparation or adoption or the approval of the scheme or preliminary thereto, or in relation to the carrying out of the scheme or enforcing the observance of the provisions thereof 55 60

(2) Provision shall be made by those regulations—

(a) for securing co-operation on the part of the authority with the owners and other persons interested in the land proposed to be included in the scheme at every stage of the proceedings, by means of conferences and such other means as may be provided by the regulations, 65

(b) for securing that notice of the proposal to prepare or adopt the scheme should be given at the earliest stage possible to any local authority interested in the land, and

(c) for dealing with the other matters mentioned in the
5 Second Schedule to this Ordinance

10 (1) The responsible authority may at any time, after giving such notice as may be provided by a town planning scheme and in accordance with the provisions of the scheme— Power to enforce scheme

(a) remove, pull down, or alter any building or other
10 work in the area included in the scheme which is such as to contravene the scheme, or in the erection or carrying out of which any provision of the scheme has not been complied with, or

(b) execute any work which it is the duty of any person
15 to execute under the scheme in any case where it appears to the authority that delay in the execution of the work would prejudice the efficient operation of the scheme

(2) Any expenses incurred by a responsible authority under this section may be recovered from the persons in default in
20 such manner and subject to such conditions as may be provided by the scheme

(3) If any question arises whether any building or work contravenes a town planning scheme, or whether any provision of a town planning scheme is not complied with in the erection or carrying out of any such building or work, that question shall
25 be referred to such authority as the Governor-in-Council may appoint and shall, unless the parties otherwise agree, be determined by such authority as arbitrators, and the decision of such authority shall be final and conclusive and binding on all
30 persons

11 (1) Any person whose property is injuriously affected by the making of a town planning scheme shall, if he makes a claim for the purpose within the time (if any) limited by the scheme, not being less than three months after the date when
35 notice of the approval of the scheme is published in the manner prescribed by regulations made by the Governor-in-Council, be entitled to obtain compensation in respect thereof from the responsible authority Compensation in respect of property injuriously affected by scheme, etc

(2) A person shall not be entitled to obtain compensation
40 under this section on account of any building erected on, or contract made or other thing done with respect to, land included in a scheme, after the time at which the application for authority to prepare the scheme was made, or after such other time as the Governor-in-Council may fix for the purpose

45 Provided that this provision shall not apply as respects any work done before the date of the approval of the scheme for the purpose of finishing a building begun or of carrying out a contract entered into before the application was made

(3) Where, by the making of any town planning scheme
50 any property is increased in value, the responsible authority, if they make a claim for the purpose within the time (if any) limited by the scheme (not being less than three months after the date when notice of the approval of the scheme is first published in the manner prescribed by regulations made by the
55 Governor-in-Council), shall be entitled to recover from any person whose property is so increased in value one half of the amount of that increase

(4) Any question as to whether any property is injuriously affected or increased in value within the meaning of this section,
60 and as to the amount and manner of payment (whether by instalments or otherwise) of the sum which is to be paid as compensation under this section or which the responsible authority are entitled to recover from a person whose property is increased in value shall be determined by the arbitration of a single arbitrator
65 appointed by the Governor-in-Council unless the parties agree on some other method of determination

(5) Any amount due under this section as compensation to a person aggrieved from a responsible authority, or to a responsible authority from a person whose property is increased in value, may be recovered summarily as a civil debt

(6) Where a town planning scheme is revoked by an order of the Governor-in-Council under this Ordinance any person who has incurred expenditure for the purpose of complying with the scheme shall be entitled to compensation in accordance with this section in so far as any such expenditure is rendered abortive by reason of the revocation of the scheme

Exclusion or limitation
of compensation in
certain cases

12 (1) Where property is alleged to be injuriously affected by reason of any provisions contained in a town planning scheme, no compensation shall be paid in respect thereof if or so far as the provisions are such as would have been enforceable either under any enactment or if they had been contained in rules, regulations or bye-laws made under any enactment

(2) Property shall not be deemed to be injuriously affected by reason of the making of any provisions inserted in a town planning scheme, which, with a view to securing the amenity of the area included in the scheme or any part thereof, prescribe the space about buildings or limit the number of buildings to be erected, or prescribe the height or character of buildings, and which the Governor-in-Council having regard to the nature and situation of the land affected by the provisions, considers reasonable for the purpose

(3) Where a person is entitled to compensation under this Ordinance in respect of any matter or thing, and he would be entitled to compensation in respect of the same matter or thing under any other enactment, he shall not be entitled to compensation in respect of that matter or thing both under this Ordinance and under that other enactment, and shall not be entitled to any greater compensation under this Ordinance than he would be entitled to under the other enactment

Acquisition by local
authorities of land
comprised in a scheme

13 The responsible authority may, for the purpose of a town planning scheme, purchase any land comprised in such scheme by agreement, or compulsorily in accordance with the provisions of the Indian Acquisition Act, 1894, as applied to the Protectorate without however any additional allowance as provided in such Act in respect of the compulsory purchase

Power of Governor-in-
Council to execute town
planning scheme

14 (1) If the Governor-in-Council is satisfied on any representation, after such person or persons as the Governor may appoint has held a public local inquiry, that a responsible authority have failed to enforce effectively the observance of a scheme which has been confirmed, or any provisions thereof, or to execute any works which under the scheme or this Ordinance the authority is required to execute, the Governor-in-Council may order that authority to do all things necessary for enforcing the observance of the scheme or any provisions thereof effectively, or for executing any works which under the scheme or this Ordinance the authority is required to execute

(2) Any order under this section may be enforced by mandamus

Laying general provisions
before Legislative
Council

15 All general provisions made under this Ordinance shall be laid as soon as may be before the Legislative Council

Powers of authority
appointed to prepare
a scheme

16 The powers of any authority appointed by the Governor-in-Council to prepare a town planning scheme as respects any area which in the opinion of the Governor-in-Council it is desirable shall be replanned shall include power in any such scheme to make provisions whereby the boundaries of plots or blocks of land may be readjusted and in the case of such a readjustment of boundaries compensation shall be payable to the owner of the plot or block only if the value of the plot or block has been in fact decreased by carrying into effect the scheme

17 For the purposes of this Ordinance unless the context otherwise requires "Local Authority" means the Council of any Municipality constituted under the Municipal Corporations Ordinance, 1909, or any Ordinance substituted therefor and any
 5 Committee or other authority appointed under the East Africa Townships Ordinance, 1903, for the purposes of such Ordinance and any body constituted and appointed as a local authority under the Public Health Ordinance, 1918

Interpretation.

SCHEDULE I

10 MATTERS TO BE DEALT WITH BY GENERAL PROVISIONS PRESCRIBED BY THE GOVERNOR-IN-COUNCIL

- 1 Streets, roads, and other ways, and stopping up, or diversion of existing highways
- 2 Buildings, structures, and erections
- 15 3 Open spaces, private and public
- 4 The preservation of objects of historical interest or natural beauty
- 5 Sewerage, drainage, and sewage disposal
- 6 Lighting
- 20 7 Water supply
- 8 Ancillary or consequential works
- 9 Extinction or variation of private rights of way and other easements
- 25 10 Dealing with or disposal of land acquired by the responsible authority or by a local authority
- 11 Power of entry and inspection
- 12 Power of the responsible authority to remove, alter, or demolish any obstructive work
- 30 13 Power of the responsible authority to make agreements with owners, and of owners to make agreements with one another
- 14 Power of the responsible authority or a local authority to accept any money or property for the furtherance of the object of any town planning scheme, and provision for regulating the administration of any such money or property
- 35 15 Application with the necessary modifications and adaptations of statutory enactments
- 16 Carrying out and supplementing the provisions of this Ordinance for enforcing schemes
- 40 17 Limitation of time for operation of scheme
- 18 Co-operation of the responsible authority with the owners of land included in the scheme or other persons interested by means of conferences, etc
- 45 19 Charging on the inheritance of any land the value of which is increased by the operation of a town planning scheme the sum required to be paid in respect of that increase, and for that purpose applying, with the necessary adaptations, the provisions of any enactments dealing with charges for improvements of land
- 50

SCHEDULE II

1 Procedure anterior to and for the purpose of an application for authority to prepare or adopt a scheme —

(a) Submission of plans and estimates

(b) Publication of notices

5

2 Procedure during, on, and after the preparation or adoption and before the approval of the scheme —

(a) Submission to the Governor-in-Council of the proposed scheme, with plans and estimates

(b) Notice of submission of proposed scheme to the Governor-in-Council

10

(c) Hearing of objections and representations by persons affected, including persons representing architectural or archæological societies or otherwise interested in the amenity of the proposed scheme

15

(d) Publication of notice of intention to approve scheme and the lodging of objections thereto

3 Procedure after the approval of the scheme —

(a) Notice to be given of approval of scheme

(b) Inquiries and reports as to the beginning and the progress and completion of works, and other action under the scheme

20

4 Duty, at any stage, of the local authority to publish or deposit for inspection any scheme or proposed scheme, and the plans relating thereto, and to give information to persons affected with reference to any such scheme or proposed scheme

25

5 The details to be specified in plans, including, wherever the circumstances so require, the restrictions on the number of buildings which may be erected on each acre, and the height and character of those buildings

30