

EAST AFR. PROT  
36057

50051  
REC'D  
RES. 21/8/14

Governor  
Belfield 753

1914  
13th August

Last previous Paper.

CROWN LANDS (ACCESS TO ROADS) ORDINANCE  
NO. XVI OF 1914

Trs copies with Legal Report.

Mr. 587 29/8/14

*Share copies to Mr. G. Fielder*  
~~The Road~~  
The main point of the Ordinance is that it gives power to cut roads of access across land already alienated. This is in accordance with the M.S. model.  
As regards §7, if I were the odd land holder I should object to having to fence at the new man's boundary. I presume that if the road is left unfenced the new man is liable for any damage done.

of 25/9/14  
25/9/14

Next subsequent Paper.

EAST AFRICA PROTECTORATE.

No. 758.

GOVERNMENT HOUSE,  
NAIROBI,  
BRITISH EAST AFRICA.

August 18th, 1914.

Sir,

Ordinance

Memorandum

I have the honour to transmit herewith two authenticated and ten printed copies of "The Crown Lands (Access to Roads) Ordinance 1914" as passed by the Legislative Council on the 4th instant together with an explanatory memorandum by the Attorney General.

2. I have assented to the Ordinance in the name of His Majesty.

I have the honour to be,

Sir,

Your humble, obedient servant,

*H. Conway Beyer*

GOVERNOR.

THE RIGHT HONOURABLE

LEWIS HARCOURT, P.C., M.P.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET,

LONDON, S.W.

6  
THE CROWN LANDS (ACCESS ROADS) ORDINANCE 1911.

MEMORANDUM.

This Ordinance has been drafted with a view to enable those holding Crown Land under any tenure to reach a public road over Crown Land whether held under any tenure or not yet alienated. The necessity of such a provision has arisen from the fact that some farms are completely cut off from any public road by an intervening farm or farms.

2. The Crown Lands Ordinance 1901 gives the Crown the right to enter and construct roads for the benefit of the public vide Sections 24 and 25. The Crown Lands (Access Roads) Ordinance deals with roads which are not primarily <sup>to</sup> for the benefit of the public. Further it is considered unadvisable that public funds should be spent on the construction of roads which do not afford general public utility.

3. The principle followed in the Ordinance is that to be found in the Federated Malay States Land Enactment 1911 Section 6.

4. The Ordinance may in my opinion be assented to and promulgated.

Sd/-  
ATTORNEY GENERAL.  
B.

CROWN LANDS (ACCESS TO ROADS) ORDINANCE 1914.

Section	Remarks.
1.	Short title.
2.	Power to make an access road over Crown Land whether alienated or not, vide Crown Lands Bill Section 86 and vide Federated Malay States Land Enactment 1911 Section 6.
3.	Compensation payable in respect of the road vide Federated Malay States Land Enactment 1911 Section 6 Sub-section 2.
4.	Power to enter and construct an access road.
5.	The width of the access road not to exceed 20 feet.
6.	Maintenance of road vide Federated Malay States Land Enactment 1911 Section 6 Sub-section 2.
7.	Fencing not compulsory.

Section.	Remarks.
8.	Conservator of Forests is entitled to an access road to Forest areas or demarcated or reserved Forests.
9.	Saving for proclaimed or reserved roads vide Crown Lands Bill Section 85.