

## **CHAPTER 352**

### **THE AERODROMES (CONTROL OF OBSTRUCTIONS) ACT.**

#### **Arrangement of Sections.**

##### Section

1. Interpretation.
2. Prohibition of structure, tree or natural growth in prescribed area.
3. Compensation for loss of land value due to inclusion within prescribed area.
4. Planting of trees forbidden.
5. Rules.
6. Offence and penalty.

## CHAPTER 352

### THE AERODROMES (CONTROL OF OBSTRUCTIONS) ACT.

*Commencement:* 28 February, 1947.

#### **An Act to provide for the control and removal of obstructions on land adjacent to and in the vicinity of aerodromes.**

##### **1. Interpretation.**

For the purposes of this Act—

- (a) “aerodrome” means any land or water declared by the Minister, by statutory instrument, to be an aerodrome for the purposes of this Act;
- (b) “prescribed area” means any area, adjacent to or in the vicinity of an aerodrome, prescribed by the Minister by statutory instrument;
- (c) “structure” means any structure whatsoever whether permanent or temporary for whatsoever purpose used and includes a dwelling as defined in the Public Health Act.

##### **2. Prohibition of structure, tree or natural growth in prescribed area.**

(1) Notwithstanding the terms of any written law, grant, lease or occupation licence, the Minister may, by statutory order, prohibit the erection within a prescribed area of any structure above a height which he or she may specify in the order.

(2) The Minister may, by notice in writing, require any owner, lessee or occupier of land within a prescribed area to remove or reduce in height any structure or tree on that land which is above a height specified in an order under subsection (1).

(3) The Minister may, by notice in writing, require any owner, lessee or occupier of land within a prescribed area to remove or reduce in height any natural growth which, in his or her opinion, is likely to cause an obstruction to aircraft.

(4) If, within a prescribed number of days from the service upon him or her of a notice issued under subsection (2) or (3), any owner, lessee or occupier of land to whom the notice is addressed fails to comply with the

notice, the Minister may cause the structure, tree or natural growth to be removed or reduced in height by his or her servants or agents; and the servants or agents shall have a right of entry and exit over all land in a prescribed area for this purpose.

(5) Service of a notice under subsection (2) or (3) may be by delivery at the residence or premises of the person concerned or by registered post or in any other manner which may be prescribed.

(6) It shall be sufficient, when service is to be made by registered post, that the notice is properly addressed and put in the post.

(7) When any structure, tree or natural growth is reduced in height or removed under this section, the Minister may appoint a committee to assess the value of the damage caused by the reduction in height or removal of the structure, tree or natural growth.

(8) The assessment may include the value of any damage caused to growing crops and trees.

(9) On an assessment of the value of the damage being made under subsections (7) and (8), the Minister may direct that compensation be paid by the Government to any person entitled to the compensation.

### **3. Compensation for loss of land value due to inclusion within prescribed area.**

If, within two months from the date of the publication of a statutory instrument under section 1 prescribing an area, the Minister is satisfied that the value of any land within that area has depreciated by reason of its inclusion in the statutory instrument in relation to the current value of neighbouring land not so included, the Minister may appoint a committee to assess the value of the depreciation; and, on an assessment being made, compensation shall be paid by the Government to the person or persons entitled to it.

### **4. Planting of trees forbidden.**

No trees shall be planted within a prescribed area after the commencement of this Act without the consent in writing of the Minister.

**5. Rules.**

The Minister may make rules for the purpose of prescribing anything that is required to be prescribed under this Act.

**6. Offence and penalty.**

Any person who—

- (a) commits a breach of any of the provisions of this Act;
- (b) fails without reasonable cause to comply with the terms of any order, notice or rule made under this Act; or
- (c) obstructs the Minister's servants or agents in the performance of their duties under section 2(4),

commits an offence and is liable on conviction to imprisonment for a period not exceeding six months or to a fine not exceeding two thousand shillings or to both such fine and imprisonment.

**History:** Cap. 341.

**Cross Reference**

Public Health Act, Cap. 281.

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