

MEETING HELD AT NAIROBI 30TH MARCH 1909

BANK BILL-- SECOND READING

The Report of the Special Committee appointed to consider this Bill was laid on the table and was read to the Council by the Treasurer.

The Treasurer moved the Second Reading of this Bill.

The Crown Advocate seconded and this was agreed to.

The Treasurer moved that the Council go into Committee to consider this Bill.

The Crown Advocate seconded and this was agreed to.

COUNCIL INTO COMMITTEE

Section 1.

The Treasurer moved to delete the words following  
" as regards Banks established in the Protectorate  
at the date of publication of this Ordinance,  
three months after such date, as regards all  
other Banks " .

The Crown Advocate seconded and this was agreed to.

Section 2

The Treasurer moved the following amendments:

In the definition of the " Bank" to delete the last part of the definition beginning with the words " but shall not include ", delete " ordinary " before " business". In the definition of the " British Bank " delete " ordinary " in line 4 before " business" and delete the last part of the definition commencing with the words " but shall not " and to add the following definition:

" the word ~~Agent~~ Agent means an agent for the Bank duly appointed under Section 7"

The Crown Advocate seconded and this was agreed to.

Mr Watts moved that provision should be made in the Ordinance requiring any person or persons carrying on the business of Banking, to describe himself or themselves as Bankers, to make the statements and returns required of a Bank under this

Ordinance.

Lord Delamere seconded the motion.

On the question being put there voted for the motion Capt. Cowie, Lord Delamere, Mr MacDonald and Mr Watts. The Treasurer, the Crown Advocate, the Lt. Governor, the Land Commissioner and the Acting General Manager Uganda Railway voted against the motion.

The motion was lost.

Lord Delamere proposed that if the public are not to be properly protected from the private Banks that the Bill be withdrawn.

Capt. Cowie seconded.

On the question being put all members with the exception of Lord Delamere and Capt. Cowie voted against the motion.

The motion was lost.

Sections 3 & 4

The Treasurer moved the deletion of these two sections.

Capt. Cowie seconded and this was agreed to.

Section 5 ( now section 3)

The Treasurer moved the following amendments:

In line 1 after the word " Bank" insert the words " not already carrying on business in the Protectorate "

In line 2 after " Protectorate " insert "and every Bank already carrying on business in the protectorate shall, within three months after the commencement of this Ordinance".

In line 3 delete the words " contracted or partnership".

In subsection 2 delete " Chief ".

The Crown Advocate seconded and this was agreed to.

Section 6 ( now section 4)

The Treasurer moved to delete " contract or partnership" in line 7.

The Crown Advocate seconded and this was agreed to.

Section 7 ( now section 5)

The Treasurer moved to substitute " 3 and 4" for " 5 and 6" in line 2.

The Crown Advocate seconded and this was agreed to.

Section 9 ( now section 7)

The Treasurer moved to amend the section as follows:

In line 4 delete " Chief ". Substitute " an" for " a".

In line 6 insert " an authenticated " after " executed ".

Delete paragraph (a) and substitute

" (a) State the address in the Protectorate  
of the Agent "

Add at the end of the section:

" Provided that any ~~Bank~~ Bank such as in this  
section referred to which is carrying on  
business in the Protectorate at the commencement  
of this Ordinance shall lodge the Power of  
Attorney aforesaid within three months after  
the Commencement of this Ordinance. "

The Crown Advocate seconded and ~~✓~~ this was agreed to.

Section 10 ( now section 8)

The Treasurer moved the following amendments:

In line 2 delete " Chief " before " Agent".

In the same line delete " Chief Agency " and substitute  
" the address of its agent ".

In line 3 substitute " fresh " for " french".

In line 8 delete " 10" and substitute " 17".

In line 10 delete "37" and substitute " 34".

The Crown Advocate seconded and this was agreed to.

Section 11 ( now section 9)

The Treasurer moved to delete the last part of this  
section commencing with " and any agent ".

The Crown Advocate seconded and this was agreed to.

Section 12 ( now section 10)

The Treasurer moved to delete the words " or other instrument intended to circulate as money " .

The Crown Advocate seconded and this was agreed to.

Section 13

The Treasurer moved to delete this section.

The Crown Advocate seconded and this was agreed to.

Section 14 ( now section 11)

The Treasurer moved to delete and substitute:

" A Bank carrying on business in the Protectorate shall not, unless authorised by the Governor in writing, hold immoveable property in the Protectorate other than such immoveable property as may be bona fide required for business premises of the Bank.

A Bank may however accept immoveable property in liquidation of or as security for money advanced by for any debt due to the Bank, but may hold such property for such reasonable time only after the Bank has acquired an absolute interest therein as may be necessary to dispose of and convert the same into money ."

The Crown Advocate seconded and this was agreed to.

Section 15( now section 12)

The Treasurer moved to delete this section and substitute the following:

" Any Bank which shall in contravention of the provisions of the preceding section hold any immoveable property shall be liable to a penalty of not exceeding Rs 150 for each day during which it shall hold the same."

The Crown Advocate seconded and this was agreed to.

Section 16 ( now section 13)

The Treasurer moved the following amendments:

In line 2 delete " in the month of January " and insert " not later than the end of the month of February ".

In line 4 insert " within the Protectorate " after the word " monies".

In line 5 delete " within the Protectorate and the end of the section insert the following :

" Any Bank that shall make default in complying with the terms of this section shall incur a penalty not exceeding Rs 1500. "

The Crown Advocate seconded and this was agreed to.

Section 15 ( new section )

The Treasurer proposed to insert a new section as follows:

" All penalties mentioned in this section may be recovered at the suit of the Governor in any court of competent jurisdiction. "

The Crown Advocate seconded and this was agreed to.

Section 19 ( now section 17)

The Treasurer moved the deletion of the word " Chief " in the second line of the last paragraph.

The Crown Advocate seconded and this was agreed to.

Section 22

The Treasurer moved to delete and substitute therefor the following:

" Every Bank shall publish in manner hereinafter provided a half yearly statement of its assets and liabilities at the close of business on the 30th of June and 31st of December in each year; every such statement shall be in the form in the schedule to this Ordinance ".

The Crown Advocate seconded and this was agreed to.

Section 23 ( now section 21)

The Treasurer moved to substitute " 60" for " 50" in line 2.

The Crown Advocate seconded and this was agreed to.

Section 24 ( now section 22)

The Treasurer moved to delete and substitute the following:

" Every such statement shall be signed as follows:

- (a) in the case of a Bank having its Head Office within the Protectorate by any two Directors and by the Accountant.
- (b) in the case of a Bank having its Head Office outside the Protectorate by the Agent " .

The Crown Advocate seconded and this was agreed to.

Section 25

The Treasurer moved to delete this section.

The Crown Advocate seconded and this was agreed to.

Section 26 ( now section 23)

The Treasurer moved to delete the word " Chief" before " Agent " .

The Crown Advocate seconded and this was agreed to.

Section 27 ( now section 24 )

The Treasurer moved to substitute " statements" for "statment" in line 2, to delete the word " manager " in line 6,9, and 14 and in line 7 to delete " or branch Bank " .

The Crown Advocate seconded and this was agreed to.

The Treasurer moved to delete the word " quarterly" in the last line but one in Section 24 and to substitute " Half yearly " .

The Crown Advocate seconded and this was agreed to.

Section 29 ( now section 26)

The Treasurer moved to substitute " same" for " name" in line 5.

The Crown Advocate seconded and this was agreed to.

Section 33( now section 30)

The Treasurer moved to insert in line 6 after " filled by the bank" " with approval of the Governor ".

The Crown Advocate seconded and this was agreed to.

Section 36

The Treasurer moved to substitute " 24" for " 27" in line 4, and " 27" for " 30" in line 8.

The Crown Advocate seconded and this was agreed to.

Schedule :

The Treasurer moved to delete under the heading " Liabilities" item 2 " Legal tender, notes in circulation, other notes in circulation " and substitute " notes in circulation " delete item 7 & 8. Under the heading " Assets " delete item no 7.

The Crown Advocate seconded and this was agreed to.

The Treasurer moved to report the Bill to the Council.

The Crown Advocate seconded.

All the members except Lord Delamere and Capt. Cowie were in favour of the motion.

The motion was carried.

The Treasurer moved that he would move the Third Reading of the Bill at the next meeting of the Council.

ADJOURNMENT

The Council adjourned to 9.30 a.m. on March 31st 1909.