



COLONY AND PROTECTORATE OF KENYA

**ORDINANCES
ENACTED DURING THE YEAR 1961**

Containing

An Index to the Ordinances, 1961; a Chronological Table of Ordinances Enacted from 1st January, 1961, to 31st December, 1961; a Table Showing the Effect of the Legislation Enacted during the Year 1961; and an Alphabetical List of Ordinances (and High Commission and Applied Acts) in Force in Kenya on 1st January, 1962

**VOL. XL
(New Series)**

1962

PRINTED BY THE GOVERNMENT PRINTER, NAIROBI

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ORDINANCES, 1961
CHRONOLOGICAL TABLE

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1	Civil Contingencies Fund (Temporary Provisions)	5-5-61	6-5-61	1
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6	Specific Loan (International Bank for Reconstruction and Development and Colonial Development Corporation)	15-7-61	15-7-61	40
7	Asiatic Widows' and Orphans' Pension (Amendment)	15-7-61	s. 4 (1) (a): 20-6-58; Remainder: 15-7-61;	43
8	Widows' and Orphans' Pension (Amendment)	15-7-61	s. 3: 1-1-44; Remainder: 15-7-61	45
9	Asian Officers' Family Pensions (Amendment)	15-7-61	s. 2 (1) (c): 1-1-54; s. 8 (1) (b): 20-6-58; Remainder: 15-7-61	50
10	Kenya Regiment (Territorial Force) (Amendment)	15-7-61	15-7-61	53
11	Pools	15-7-61	25-7-61	54
12	Overseas Service	15-7-61	1-4-61	61
13	Interpretation and General Provisions (Amendment)	15-7-61	15-7-61	66
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15	Statute Law (Miscellaneous Amendments)	2-8-61	8-8-61	74
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18	Abdi Shariff Ahmed Pension	2-11-61	4-11-26	88
19	Civil Service Commission (Amendment)	2-11-61	21-11-61	89
20	Civil Contingencies Fund	2-11-61	21-11-61	90
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28	Statute Law (Miscellaneous Amendments) (No. 2)	23-12-61	26-12-61	190
29	Statute Law (Repeal)	23-12-61	26-12-61	201
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*This Ordinance was reserved for Her Majesty's Assent, which was signified on 12-12-61—L.N. 724/61.

TABLE SHOWING EFFECTS OF ORDINANCES PASSED DURING THE YEAR 1961

Cap. or Ord. No. and Year	Title	How Affected	Ordinance of 1961
4	Justices of the Peace	S. 11 amended	27
6	Subordinate Courts (Separation and Maintenance).	Ss. 3 (1) (a), 7 and 11 (1) amended	32
14	Judgments Extension	S. 8 replaced	27
16	Maintenance Orders Enforcement	S. 6 (7) inserted; s. 7 (2) amended	32
20	Oaths and Statutory Declarations	S. 18 (1) amended; s. 18 (2) repealed	27
22	Arbitration	S. 22 amended	15
24	Penal Code	S. 20 amended	27
(R.E. 1961)		Proviso to s. 177 (2) inserted; s. 179 repealed	11
		Ss. 144 (2) and 145 (2) amended	14
27	Criminal Procedure Code	Ss. 343 and 344 repealed	25
(R.E. 1961)		In First Schedule entry re. s. 175 of the Penal Code deleted	11
		Definitions of "police officer" and "police station" in s. 2 replaced	15
		Entries relating to ss. 343 and 344 in First Schedule repealed	25
		Ss. 178 (5), 265 (2), 357 (3), 389 (2) amended; s. 21 replaced	27
		Ss. 2, 86, First and Second Schedules amended	28
28	Fugitive Criminals Surrender	S. 3 amended	15
30	Bankruptcy	S. 127 amended	15
		S. 136 (5) amended	21
		S. 85 amended	28
31	Deeds of Arrangement	Ss. 2 (1), 4, 7 (2) amended	15
33	Administration of Estates by Consular Officers.	Ss. 19 and 20 amended	28
		Schedule amended	L.N. 465

TABLE SHOWING EFFECTS OF ORDINANCES PASSED DURING THE YEAR 1961—(Contd.)

Cap. or Ord. No. and Year	Title	How Affected	Ordinance of 1961
35	British and Colonial Probates	S. 7 amended	27
37	Public Trustee	S. 24 (1) amended S. 27 (2) inserted	15 21
54	Aliens Restriction	S. 3 amended	28
58	Expulsion from Proclaimed Areas	S. 2 repealed	29*
63	Public Officers' Protection	Repealed	15
64	Official Secrets	S. 2 amended	28
73	Widows' and Orphans' Pension	S. 5 (1) amended Proviso to definition of "of a pensionable age" in s. 2 (1) inserted; s. 4 (3) replaced; ss. 6A and 9A inserted; s. 38 amended; s. 37 repealed	8
74	Asiatic Widows' and Orphans' Pensions	Proviso to definition of "of pensionable age" in s. 2 (1) inserted; ss. 20 (2) (a) and 20 (3) (d) amended; ss. 20 (2) (d), 23A (1) (c) and 23A (2) replaced	7 28
75	Asian Officers' Family Pensions	Definition of "Karachi Agents" in s. 2 (1) inserted Definitions of "Bombay Agents", "Karachi Agents", "other public service", "public service" in s. 2 (1), ss. 7 (3) (a) and (c), 7 (4) (d), 9, 12 (2) (b), 13 (3), 24, 28A amended; definition of "salary" in s. 2 (1), ss. 28A (1) (c), and (2) replaced; provisos to ss. 2 (2), 13 (1) inserted	9 21 28
79	Probation of Offenders	Ss. 14 (2) and (4), 18 amended	L.N. 142
88	Cantonments	S. 4(2) amended	10
89	Kenya Regiment (Territorial Force)	S. 2 (b) proviso replaced	29*
95	African Passes	S. 4 (1) amended	29*
98	Collective Punishment	Repealed	L.N. 142
100	Trust Land	Repealed	L.N. 64
100	Trust Land	Ss. 28 (5) and 46A (2) replaced First Schedule amended First Schedule amended S. 31 (5) amended	L.N. 66 28

*W.e.f. 26-12-1961.

TABLE SHOWING EFFECTS OF ORDINANCES PASSED DURING THE YEAR 1961—(Contd.)

Cap. or Ord. No. and Year	Title	How Affected	Ordinance of 1961
109	Employment	S. 81 (1) amended	15
111	Employment of Women, Young Persons and Children.	Ss. 3, 7 (1) proviso (b), 7 (2), 11 second proviso, amended	15
119	Workmen's Compensation	S. 28 (1) (c) amended	15
121	Post Office Savings Bank	Ss. 8, 14 (1) and proviso to s. 12 (2) amended; s. 12 (3) inserted	21
130	Public Health	Ss. 2, 8, 11, 12, 14, 35, 36, 37, 38, 55 (3), 63, 64 (1), 71, 74 (1) and (2), 75, 76, 77, 82 (3), 83, 85, 86, 87, 101, 102, 146 (3), 155 and 157 (1) amended	28
131	Public Health (Division of Lands)	Repealed	L.N. 516
136	Municipalities	Para. (85) of s. 77 repealed	4
143	Births and Deaths Registration	Ss. 2, 24, 27 (1) amended; definitions of "Principal Registrar" and "the statistician" in s. 2, ss. 4 and 28 repealed; s. 25 (3A) inserted; s. 25 (4) replaced; "Registrar General" substituted for "Principal Registrar" throughout the Ordinance	15
144	Marriage	Definition of "Registrar General" in s. 2 and s. 20 (1) amended; s. 4 inserted	28
145	Matrimonial Causes	Ss. 7, 8, 11 (1), 14, 20 (2), 26, 27, 32 (1), 34 and 41 amended; ss. 40 and 53 replaced; First and Second Schedules repealed	14
147	Mohammedan Marriage and Divorce Registration.	Definition of "Registrar General" in s. 2 and s. 44 amended; s. 2A (1) and (2) inserted; s. 43 repealed	28
149	Hindu Marriage, Divorce and Succession	S. 35, third proviso repealed	15
150	Land Control	S. 33 (2) amended	21
		"Assistant registrar" substituted for "registrar" throughout the Ordinance (otherwise than as part of "Registrar General") and "Registrar" for "Registrar General" throughout the Ordinance	15
		The long title, ss. 1 and 2 amended	15
		Repealed	L.N. 142

TABLE SHOWING EFFECTS OF ORDINANCES PASSED DURING THE YEAR 1961—(Contd.)

Cap. or Ord. No. and Year	Title	How Affected	Ordinance of 1961
151	Trusts of Land	Definitions of "court" in s. 2 replaced and "death duty", "property" and "will" repealed; s. 38 (vi) amended	15
154	Distress of Rent	S. 57 amended; s. 57 (a) replaced	27
155	Crown Lands	S. 2: definition "approved valuer" inserted; s. 4 (3) amended S. 2: proviso to s. 7 amended; ss. 36, 55 (2), 65 (2) 67, 69 (2) Parts VIII, and IX and seventh Schedule repealed	28
159	Land Titles	S. 150 amended	L.N. 142
160	Registration of Titles	S. 76 amended	27
168	Mining	S. 46 amended; s. 58 (1) (c) (i) replaced Definition of "Native Lands Trust Board" in s. 2 (1), second proviso to s. 18 (8) repealed; ss. 7 (j) and (1), 62 (3), 77, 81 and 89 (1) amended; "native area" replaced by "reserved area" throughout the Ordinance	15
171	Oil Production	S. 68 amended	15
172	Trading in Unwrought Precious Metals	S. 7 amended	27
174	Electric Power	S. 8 (d) amended; s. 7 proviso repealed S. 10 (3) amended; s. 13 (4) replaced S. 2: definition "British Board of Trade" repealed; definition "Engineering Committee of Great Britain" replaced; "Engineering Standards Committee of Great Britain" replaced by "British Standards Institution" throughout the Ordinance	28
178	Plant Protection	S. 2: definitions "plant" and "vehicle" amended; definition "disinfect" inserted; s. 6 repealed; "Minister" substituted for "Governor" throughout the Ordinance	15
181	Land and Agricultural Bank	Ss. 45 (4) and 63 amended	28
183	Agricultural Advances	Repealed	28
188	Cotton	S. 2 (g) amended	29*
188	Cotton	Ss. 2, 3, and 4 amended	15
			28

*W.e.f. 26-12-1961.

TABLE SHOWING EFFECTS OF ORDINANCES PASSED DURING THE YEAR 1961—(Contd.)

Cap. or Ord. No. and Year	Title	How Affected	Ordinance of 1961
191	Coconut Industry	S. 8 renumbered as 8 (1) and amended; s. 8 (2) inserted; s. 9 replaced; s. 13 amended	28
196	Sisal Industry	S. 2: definition "Association" amended; definition "prescribed" repealed	15
199	Bread	S. 2: definition "export" repealed; "Minister" substituted for "Governor-in-Council" and "Governor" throughout the Ordinance	28
206	Stock and Produce Theft	Repealed	29*
207	Branding of Stock	S. 2: "Minister by notice in the Gazette" substituted for "Governor in Council by Proclamation"	28
208	Cattle Cleansing	S. 3 amended	15
213	Animal Diseases	S. 2: definition of "inspector" amended; "Minister" substituted for "Governor"	28
214	Rabies	Ss. 12 (2) and 13 amended	15
215	Royal National Parks of Kenya	S. 2 amended	28
		Provisos to ss. 3 and 8 (1) replaced	28
217	Fish Protection	S. 3: proviso amended	L.N. 142
		Definitions of "fishery inspector" and "game warden" in s. 2 replaced; "fisheries officer" substituted for "fishery inspector" throughout the Ordinance	28
219	Trout	Ss. 5 (l) and (m), 6 (a) amended; s. 2: definitions of "competent authority" and "police officer" replaced; definitions of "employee of the Game Department", "Game Department", "Game Warden" and "Member" repealed; definitions of "Chief Fisheries Officer" and "Chief Game Warden" inserted; "Chief Fisheries Officer" and "Fisheries Department" substituted for "Game Warden" and "Game Department" respectively throughout the Ordinance	15
		S. 7 (2) paragraph (aa) inserted	28

*W.e.f. 26-12-1961.

TABLE SHOWING EFFECTS OF ORDINANCES PASSED DURING THE YEAR 1961—(Contd.)

Cap. or Ord. No. and Year	Title	How Affected	Ordinance of 1961
221	Shipping	S. 25 amended	21
226	Lamu Boat Registration	S. 47 amended	28
227	Aerodromes (Control of Obstructions)	Repealed	29*
233	Motor Vehicles Insurance (Third Party Risks).	S. 9 (4) amended	21
234	Lakes and Rivers	Ss. 4 (2), 6 (1) and (2) and 17 amended	28
236	Ferries	S. 13 inserted	28
240	Trustee Investment in Kenya Government Securities.	S. 2 amended	15
256	Fees and Royalties	S. 4 (1) amended and marginal note replaced	21
268	Dangerous Petroleum Tax	Repealed	30*
278	Trading Centres	S. 3 amended	5
280	Stock Traders Licences	Ss. 2, 4 and 6 amended	28
283	Brokers	Ss. 2 and 6 amended; definition of "veterinary inspector" inserted; s. 5 (1) replaced; s. 5 (3) repealed; s. 8 inserted	28
288	Companies	S. 17 inserted	15
294	Patents (Registration)	Proviso to s. 328 repealed	L.N. 142
297	Patents, Designs, Copyright and Trade Marks (Emergency).	S. 2 (1) amended	28
299	Industrial Alcohol (Manufacture, Sale and Use).	Repealed	29*
303	Explosives	Repealed insofar as it applied to the compounding of spirits	16
308	Pawnbrokers	S. 8 (2) repealed; s. 18: last paragraph repealed; s. 29 (1) (i) amended	28
309	Auctioneers	Ss. 11 and 40 amended	28
311	Press Censorship	S. 19 repealed	15
85 of 1948	Trustees (Amendment)	Repealed	29*
3 of 1949	Mental Treatment	S. 3 repealed	15
		S. 72 amended	28

*W.e.f. 26-12-1961.

TABLE SHOWING EFFECTS OF ORDINANCES PASSED DURING THE YEAR 1961—(Contd.)

Cap. or Ord. No. and Year	Title	How Affected	Ordinance of 1961
5 of 1949	Diamond Industry Protection	S. 22A (1) amended	21
40 of 1949	Departmental Offences	Repealed	17*
55 of 1949	Advocates	Repealed	34
14 of 1950	General Loan and Stock	Ss. 4, 13 (1), 14 (1), 27, 28 (1), and 30 amended; marginal note to s. 30 replaced	21
31 of 1950	Pensions	S. 4 amended	21
40 of 1950	Exchange Control	Fifth Schedule: paragraph 2 (1) amended	15
63 of 1950	Entertainments Tax	S. 10 (1) amended	28
64 of 1950	Road Authority	S. 15 amended	28
4 of 1951	Local Authorities (Recovery of Possession of Property).	S. 2: para (d) to definition of "local authority" inserted	15
12 of 1951	Provident Fund	Ss. 7 (1), 8 and 11 amended	21
22 of 1951	Survey	Repealed	25†
33 of 1951	Hospital Treatment Relief (European)	Ss. 11 (2) (b) and 13 amended	21
49 of 1951	Weights and Measures	S. 12 (1) repealed Ss. 3 to 11, 15 replaced; s. 19 amended; s. 30 replaced; s. 35 amended; s. 40 replaced; ss. 43A and 43B inserted; s. 49 amended; s. 51A inserted; Schedules A and F replaced; Schedules B, C, D and E repealed; ss. 12 (1) and (2), 13 (1) (2) and (5), 14, 16 (1), 17, 18, 19, 22 (2), 23, 26, 29, 34 (1) and (2), 37, 43, 48 and Schedule G amended	28
56 of 1951	Water	S. 2 (1): definition of "Chairman" amended	33
57 of 1951	Compulsory Military Training	S. 30 (4) amended	15
7 of 1952	Public Officers (Change of Titles)	Schedule amended Schedule amended Schedule amended Schedule amended S. 3 replaced	27 L.N. 91 L.N. 149 L.N. 355 L.N. 382 L.N. 534 28

*W.e.f. 21-11-1961.

†W.e.f. 31-12-1961.

TABLE SHOWING EFFECTS OF ORDINANCES PASSED DURING THE YEAR 1961—(Contd.)

Cap. or Ord. No. and Year	Title	How Affected	Ordinance of 1961
23 of 1952	Trade Unions	S. 18 (2) amended	27
25 of 1952	Legislative Council (Powers and Privileges)	S. 6 amended	28
52 of 1952	Societies	Long title amended; s. 2, 5, 7 amended; s. 8 repealed; s. 17, 18 and 19 amended; s. 20 repeated; s. 26 amended	36
58 of 1952	Education	S. 2 (1) amended	28
39 of 1953	Traffic	S. 59 (5) amended	28
40 of 1953	Firearms	S. 28 amended	15
5 of 1954	Excise Tariff	S. 18 (2) amended	5
50 of 1954	Cotton Lint and Seed Marketing	Items 2 and 6 of First Schedule amended; item 5 of First Schedule replaced	15
62 of 1954	Civil Service Commission	S. 2: definition of "export" repealed and "Minister" amended	19
13 of 1955	Exchequer and Audit	S. 3 (1) (c), 3 (4), 4 (1) and (2) amended; s. 3 (1) (b) repealed	1
14 of 1955	General Local Loans	S. 33 (3): capital of Civil Contingencies Fund increased	20
19 of 1955	Tax Reserve Certificates	First Schedule amended	21
20 of 1955	Accountant General (Transfer of Functions)	Definition of "revenue account" in s. 2 repeated; ss. 5, 8, 9 and 10 (2) amended	21
31 of 1955	Transfer of Delegation of Powers	S. 5 amended	15
53 of 1955	Seeds	S. 3 amended and renumbered as subsection (1); subsection (2) inserted	15
17 of 1956	Pharmacy and Poisons	S. 3 (2) (a) amended	28
29 of 1956	Building Societies	S. 18 amended	15
35 of 1956	Immigration	S. 50 (1) (ii) amended	L.N. 142
38 of 1956	Interpretation and General Provisions	S. 23 (1) amended	L.N. 147
		S. 23 (1) amended	27
		S. 77 (2) amended	27
		S. 17 amended	L.N. 142
		S. 3 (1) amended	27
		S. 5 (4) amended	28
		Ss. 3 (1) and 5 (1) (c) amended

TABLE SHOWING EFFECTS OF ORDINANCES PASSED DURING THE YEAR 1961—(Contd.)

Cap. or Ord. No. and Year	Title	How Affected	Ordinance of 1961
38 of 1956	Interpretation and General Provisions ..	Definitions of "administrative officer", "immovable property", "magistrate", "police officer", "Provincial Commissioner", "public body"; s. 64 (1) amended; definitions of "legislature", "The Governor in Council of Ministers", "Trust Board", ss. 8, 9 and 67 replaced; definitions of "District Assistant", "Kenya", "Road Authority", "Rules Committee" inserted; definitions of "Assistant District Officer", "the Commonwealth" repealed	13 15 15 29* 15 21
39 of 1956	Rules and Regulations (Laying) ..	S. 4 amended	13
51 of 1956	Kenya Society for the Blind ..	S. 7 (6) (e) amended	15
52 of 1956	Landlord and Tenant (Shops) ..	Repealed	15
54 of 1956	Cereal Producers (Scheduled Areas) ..	S. 15 (1) amended	29*
63 of 1956	Members of Legislative Council (Salaries and Allowances),	S. 6 inserted	15
10 of 1957	Pensions (Increase) ..	S. 7 amended	21
27 of 1957	Agriculture Ordinance ..	Third Schedule amended	21
28 of 1957	Personal Tax ..	S. 3 (a) and (d) amended; s. 3 (e) inserted	L.N. 153
27 of 1958	Customs Tariff ..	S. 20 (2) amended; s. 20 (3) inserted Import duties in 3rd column and suspended duties in 4th column of First Schedule varied; items 39A (a), 40 (a), 47 (g), 77 (a) and (b), 88 (d), 123, 132 (c), 136, 138 (a), 156, 165 replaced; items 58 (1), 150 (b) and 175 (a) repealed; items 58 (m) and (n), re-lettered as (l) and (m), 175 (a) and (d) as (a), (b) and (c); items 58A, 69A, 88 (e), 125A, and 142A inserted; items 1 (c) and 79 (a) in Second Schedule amended	5 27
30 of 1958	Promissory Oaths ..	Part II of First Schedule repealed	5
31 of 1958	Stamp Duty ..	Item 18 of the Schedule amended	15
34 of 1958	Dairy Industry ..	S. 6 (4) amended	15
42 of 1958	King's African Rifles ..	S. 212 amended	15 21

*W.e.f. 26-12-1961.

TABLE SHOWING EFFECTS OF ORDINANCES PASSED DURING THE YEAR 1961—(Contd.)

Cap. or Ord. No. and Year	Title	How Affected	Ordinance of 1961
49 of 1958	Methylated Spirits	S. 3 (2) amended; s. 3 (2) inserted	23
51 of 1958	Fencing	S. 21 amended	28
6 of 1959	Maize Marketing	S. 1 (2) amended	L.N. 142
10 of 1959	Law Society of Kenya	S. 39 (1) amended Ss. 2 and 6 amended; Ss. 7 and 9 replaced; ss. 10A and 10B amended	28
11 of 1959	Income Tax (Rates and Allowances)	First Schedule and Head B of Second Schedule replaced	34
26 of 1959	Scrap Metal	S. 17 (2) amended	5
27 of 1959	Land Registration (Special Areas)	S. 4 amended; "Registrar of Native Lands", "Deputy Registrar of Native Lands" and "Assistant Registrar of Native Lands" replaced throughout the Ordinance by "Land Registrar (Special Areas)", "Deputy Land Registrar (Special Areas)" and "Assistant Land Registrar (Special Areas)" respectively Ss. 2 (3) and 103 (4) inserted; ss. 33, 34 and 95 amended; s. 34 (2) and (3) replaced	15
28 of 1959	Land Control (Special Areas)	S. 79 (1) replaced; s. 79A inserted	L.N. 559
50 of 1959	Companies	Repealed	35
57 of 1959	Hospital Treatment Relief (Asian and Arab)	S. 337 (1) and (2) amended	L.N. 147
44 of 1960	Rules of Court	S. 12 (1) (c) amended	28
45 of 1960	Public Collections	S. 2 amended	5
56 of 1960	Native Lands Registration (Fort Hall District) (Special Provisions)	S. 11A inserted "Native Lands Registration" substituted by "Land Registration (Special Areas)" throughout the Ordinance	27
58 of 1960	Police	Third Schedule amended First Schedule amended S. 3 (3) amended S. 2 (2) replaced	15
66 of 1960	Dangerous Petroleum Tax (Amendment)		L.N. 523
			L.N. 356
			15
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COLONY AND PROTECTORATE OF KENYA

**THE CIVIL CONTINGENCIES FUND
(TEMPORARY PROVISIONS) ORDINANCE, 1961**

No. 1 of 1961

Date of enactment: 5th May, 1961

Date of commencement: 6th May, 1961

**AN ORDINANCE TO INCREASE TEMPORARILY THE
CAPITAL OF THE CIVIL CONTINGENCIES FUND**

ENACTED by the Governor of the Colony and Protectorate of Kenya in pursuance of the Kenya (Constitution) (Temporary Provisions) Order in Council, 1961, as follows:—

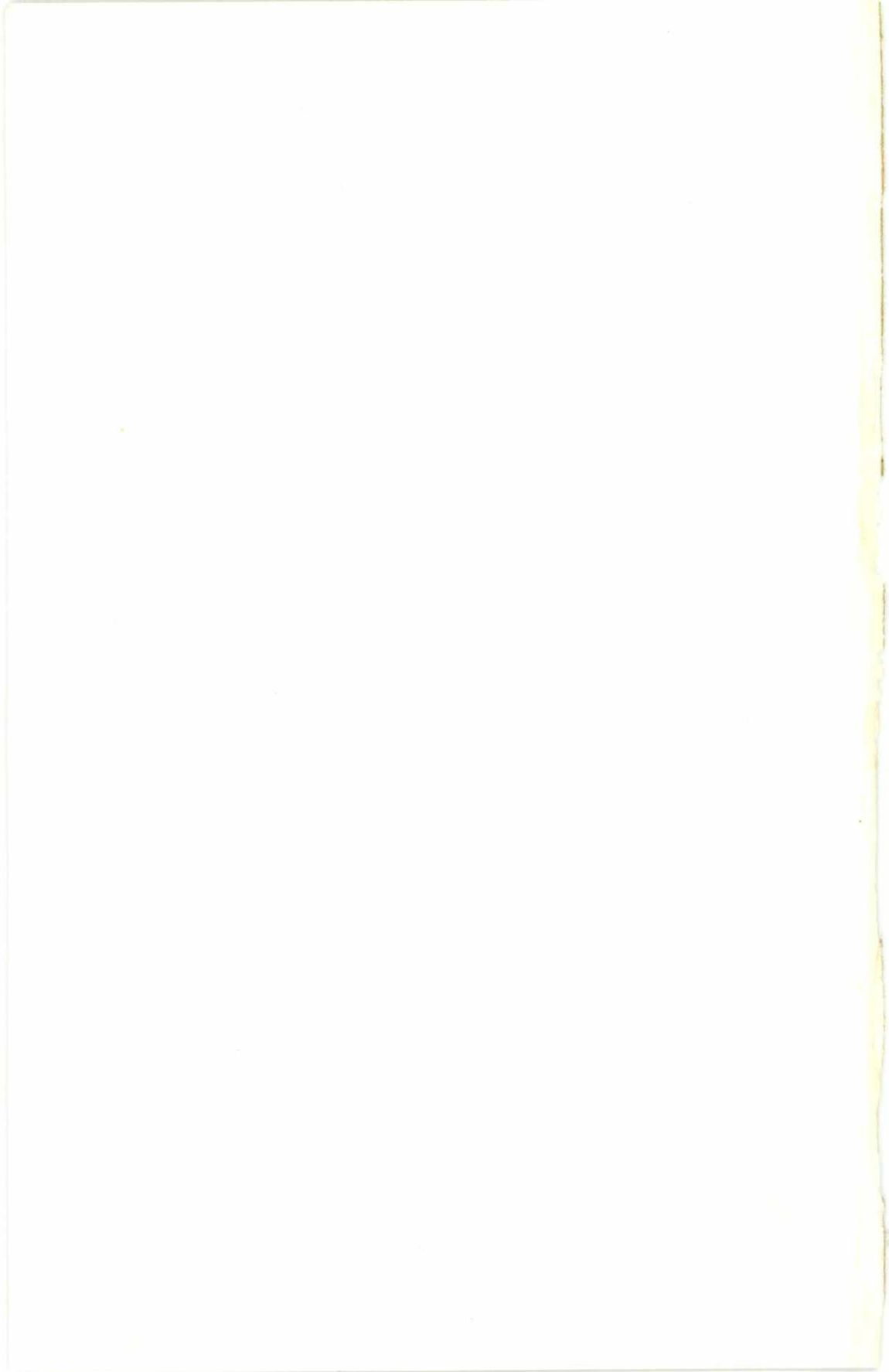
1. This Ordinance may be cited as the Civil Contingencies Fund (Temporary Provisions) Ordinance, 1961. Short title.

2. This Ordinance shall come into operation on the 6th day of May, 1961, and shall expire on such day as the Governor shall, by order, appoint. Commencement and duration.

3. (1) The capital of the Civil Contingencies Fund which was deemed to have been established by virtue of subsection (3) of section 33 of the Exchequer and Audit Ordinance, 1955, is increased to the sum of one million two hundred and fifty thousand pounds. Increase in the capital of the Civil Contingencies Fund.
13 of 1955.

- (2) The Treasury may issue out of the consolidated fund such sums as may from time to time be required for the purpose of furnishing the capital of the Civil Contingencies Fund within the limit prescribed by subsection (1) of this section.

- (3) The sums issued out of the consolidated fund under the provisions of subsection (2) of this section shall be repaid to the consolidated fund at such times and in such manner as the Treasury may direct, and in any case not later than the day on which this Ordinance expires.



THE CONSOLIDATED FUND ORDINANCE, 1961

No. 2 of 1961

Date of Assent: 23rd May, 1961

Date of Commencement: 25th May, 1961

ARRANGEMENT OF SECTIONS

SECTION	SECTION
1—Short title.	3—Appropriation of money voted for supply services.
2—Issue of £2,349,340 out of the consolidated fund for the service of the year ending 30th June, 1961.	4—Appropriations in Aid.
	Schedule.

AN ORDINANCE TO APPLY CERTAIN SUMS OUT OF THE CONSOLIDATED FUND TO THE SERVICE OF THE YEAR ENDING ON THE 30TH DAY OF JUNE, 1961.

ENACTED by the Legislature of the Colony and Protectorate of Kenya, as follows:—

- | | |
|--|--|
| 1. This Ordinance may be cited as the Consolidated Fund Ordinance, 1961. | Short title. |
| 2. The Treasury may issue out of the consolidated fund and apply towards making good the supply granted to the Governor for the service of the year ending on 30th June, 1961, the sum of two million three hundred and forty-nine thousand three hundred and forty pounds. | Issue of £2,349,340 out of the consolidated fund for the service of the year ending 30th June, 1961. |
| 3. The money granted by section 2 of this Ordinance shall be appropriated for the services and purposes and in the amounts detailed in the Schedule to this Ordinance. | Appropriation of money voted for supply services. |
| 4. In addition to the sums chargeable to the consolidated fund under section 2, and appropriated by section 3, of this Ordinance, there may be appropriated out of any money directed under section 15 of the Exchequer and Audit Ordinance, 1955, to be applied as appropriations in aid of such sums, the amounts respectively set forth in the last column of the Schedule to this Ordinance. | Appropriations in aid.

No. 13 of 1955. |

SCHEDULE

<i>Vote No.</i>	<i>Supply</i>	<i>Appropriation in aid</i>
	£	£
1. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Governor and his staff, and for the maintenance and upkeep of the Government Houses at Nairobi and Mombasa and of the Royal Lodge, Sagana	2,609	—
2. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Court of Appeal for Eastern Africa; of the Supreme Court of Kenya; of resident magistrates and special magistrates; and for other expenses in connexion with the administration of justice in the Colony, including payments to assessors, counsel, jurors and witnesses. This amount also includes the cost of certain services shared by all departments in the Law Courts Building	1	40,686
5. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the department of the Controller and Auditor-General, and a contribution towards the cost of the office of the Director-General of the Overseas Audit Service in London	10,784	4,213
6. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Civil Service Commission, including allowances payable to members of selection boards and expenses of interviews ..	2,593	—
7. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Chief Secretary's Office, including the salaries and expenses of the Cabinet Office; the Establishments Division; the Central Government Building; the Kenya trade representative in the Federation of Rhodesia and Nyasaland; the Kenya Office in London;		

1961

Consolidated Fund

No. 2

SCHEDULE—(Contd.)

Vote No.	Supply Appropriation in aid	
	£	£
the Provincial Administration (including the Tribal Police); African Courts; Inland Revenue Branch; Road Transport Branch; African Lands Branch; Community Development; Colony Youth Organization; Colony Sports Organization; Jeanes Schools; and expenses of restrictees and detainees. The estimate also includes expenses of elections; sanitary services in townships; the Liquor Licensing Ordinance, 1957; recruitment and training; rewards and rations; famine relief; remission of rates on consular property and certain grants and grants-in-aid	315,462	—
8. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Ministry of Legal Affairs and of the Law Officers' Department, including the payment of legal expenses incurred by or on behalf of the Government; of the Registrar-General's Department, and of the Office of the Commissioner for the Revision of the Laws of Kenya	19,824	—
9. The amount required in the year ending 30th June, 1961, for salaries and expenses of the Minister for Finance and Development and of the Treasury, including certain expenses of the East African Currency Board	18,826	—
14. The amount required in the year ending 30th June, 1961, for civil pensions and gratuities, emergency pensions and allowances, increases on widows' and orphans' pensions, and contributions by the Kenya Government to provident and pension funds; and for expenditure on military pensions and gratuities and the expenses of the Pensions Appeal Tribunal ..	52,100	2,700

SCHEDULE—(Contd.)

Vote No.	Supply	Appropriation in aid
	£	£
15. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Ministry of Internal Secretary and Defence, including the expenses of the Film Censorship Board; the expenses of persons restricted under the Deportation (Immigrant British Subjects) Ordinance, 1949; the expenses of persons restricted under the Preservation of Public Security Ordinance, 1960; a contribution towards the cost of the Mega Consulate; the cost of maintenance of boundaries; subventions to the Kenya Rifle Association; the Naval Entertainments Committee; the British Legion and the Nairobi City Forces Club	500	—
16. The amount required in the year ending 30th June, 1961, for Kenya's share of any residual expenses of the East African Land Forces (including administrative expenses) the salaries and expenses of the Kenya Regiment (T.F.); the cost of compulsory military training under the Compulsory Military Training Ordinance, 1951; contributions in lieu of rates on Crown land occupied by Service Departments; and certain miscellaneous expenses of the King's African Rifles, including a contribution to the expenses of the Kenya Band of the King's African Rifles ..	2,600	—
17. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Kenya Police, the Kenya Police Reserve and civilian staff	523,600	19,000
18. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Prisons Department, including the expenses of detention camps established under the		

1961

Consolidated Fund

No. 2

SCHEDULE—(Contd.)

Vote No.	Supply £	Appropriation in aid £
Detention Camps Ordinance, a grant-in-aid to the Discharged Prisoners' Aid Association; and certain residual expenditure arising from the Emergency Regulations	114,345	—
19. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Immigration Department, including the expenses of repatriation and deportation under the Immigration Ordinance, 1956	1	14,400
20. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Ministry of Education, including the administration of the Education Ordinance, 1952; and for the payment of certain grants and grants-in-aid and other expenses in connexion with the promotion of education among persons resident in the Colony	670,480	—
21. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Ministry of Agriculture, Animal Husbandry and Water Resources; soil conservation and dam construction; the Department of Co-operative Development, including the E.A. School of Co-operation; the expenses of boards, committees, agents, etc., connected with agricultural, livestock and water matters; certain expenditure arising from the Agriculture Ordinance, 1955; agricultural loans, subsidies, refunds and guarantees; contributions to agricultural and livestock organizations; subventions to certain local and international bodies and compensation to stock owners under the Animal Diseases Ordinance	174,746	45,860

SCHEDULE—(Contd.)

Vote No.		Supply	Appropriation
		£	£
22.	The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Ministry of Commerce and Industry; rent control; the supervision of weights and measures; import and export control; the provision of trade and industrial information; geological surveys; prospecting and research; the development of mineral deposits; the administration of Nairobi Airport; investigation into aircraft accidents and searches for missing aircraft; maintenance of fire/crash services; the general development of industry, with related <i>ex gratia</i> payments to assist secondary industries; assistance to sundry organizations connected with commerce and industry; transportation and telecommunications; and grants to African traders	36,397	—
23.	The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Ministry of Health and Welfare; for grants-in-aid to certain missions and private hospitals and to organizations connected with the promotion of health, hygiene and social welfare; for grants to the European Hospital Fund Authority, and the Asian and Arab Hospital Fund Authority; and for sundry other services	135,664	24,647
24.	The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Ministry of Housing, Common Services, Probation and Approved Schools; for certain non-statutory grants in respect of African housing in municipalities; for the salaries and expenses of the Probation Service, Approved Schools, and Remand Homes; and for certain grants in aid	4,303	—

1961

Consolidated Fund

No. 2

SCHEDULE—(Contd.)

Vote No.	Supply Appropriation in aid	
	£	£
25. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Government Printer's Office, and the purchase off and repairs to all typewriters and duplicators used by official departments, the buying and issuing to official departments of their requirements of stationery	12,979	—
26. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Government Coast Agency	2,499	—
27. The amount required in the year ending 30th June, 1961, to meet the salaries and expenses of the Ministry of Information and Broadcasting and the Public Relations Office, London	9,130	—
28. The amount required in the year ending 30th June, 1961, to meet the salaries and other expenses in connexion with Broadcasting	35,440	—
29. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Ministry of Labour, Social Security and Adult Education, including the administration of labour and industrial legislation, and the registration of persons; and for certain grants-in-aid	31,160	—
30. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Ministry of Local Government and Lands (excluding local government contributions) and expenses in connexion with the relief of distress, the audit of the accounts of all local government authorities and some District Education Boards; and Town Planning ..	21,920	2,922

SCHEDULE—(Contd.)

Vote No.	Supply	Appropriation in aid
32. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Lands Department, including the administration of Crown Lands and the registration of all titles and documents relating to land; and for the administration of the Stamp Ordinance, 1958	21,673	—
33. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Survey Department, including the administration of the Survey Ordinance, 1951	38,364	—
34. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Ministry of Tourism, Game, Forests and Fisheries, including the promotion of tourism, for a subvention to the E.A. Tourist Travel Association, for <i>ex gratia</i> refunds of customs duty on hotel equipment, for the expenses of the Tourist Advisory Board and certain Statutory Authorities under the Hotels Ordinance, Cap. 275; the protection and control of game and the eradication of poaching; for the development of the Colony's forest estate, both protection and productive forests and tree planting in townships; for refunds of duty and tax on mineral fuel oil and refunds of royalties on exported timber; for the protection of fish and the development of the fishing industry, including fisheries research, and for contributions and grants-in-aid to certain allied organizations, including the Royal National Parks of Kenya ..	68,880	—
35. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Ministry of Works; for expenditure in respect		

1961

Consolidated Fund

No. 2

SCHEDULE—(Contd.)

<i>Vote No.</i>	<i>Supply</i>	<i>Appropriation in aid</i>
	£	£
of certain public buildings and property and ancillary services; for expenditure in respect of certain water supplies and works; for expenditure in respect of equipment, tools and plant for services provided in connexion therewith; for expenditure in respect of certain aerodromes; for a contribution to the Road Authority; and for sundry other services, payments, grants and contributions ..	22,450	105,000
37. The amount required in the year ending 30th June, 1961, for the operation and maintenance of Mombasa Water Supply including payment of interest and overhead administration charges	10	3,200
Grand total ..	£2,349,340	£262,628

1820

London, 1820

My dear Sir

I have the honor to acknowledge the receipt of your letter of the 10th inst.

and in reply to inform you that the same has been forwarded to the proper authorities.

I am, Sir, very respectfully, your obedient servant,

J. M. Smith

Secretary to the Board of Directors

of the Bank of England

London

I am, Sir, very respectfully, your obedient servant,

J. M. Smith

Secretary to the Board of Directors

of the Bank of England

London

THE CONSOLIDATED FUND (No. 2) ORDINANCE, 1961**No. 3 of 1961***Date of Assent: 12th June, 1961**Date of Commencement: 13th June, 1961*

AN ORDINANCE TO APPLY CERTAIN SUMS OUT OF THE CONSOLIDATED FUND TO THE SERVICE OF THE YEARS ENDING ON THE 30TH DAY OF JUNE, ONE THOUSAND NINE HUNDRED AND SIXTY-ONE AND ONE THOUSAND NINE HUNDRED AND SIXTY-TWO, AND TO APPROPRIATE THE SUPPLEMENTARY SUPPLIES GRANTED IN RESPECT OF THE FIRST MENTIONED YEAR

ENACTED by the Legislature of the Colony and Protectorate of Kenya, as follows:—

1. This Ordinance may be cited as the Consolidated Fund (No. 2) Ordinance, 1961. Short title.
2. The Treasury may issue out of the consolidated fund and apply towards making good the supply granted to the Governor for the service of the year ending on the 30th day of June, 1961, the sum of nine hundred and forty-seven thousand, five hundred and twenty-four pounds. Issue of £947,524 out of the consolidated fund for the service of the year ending 30th June, 1961.
3. The sum granted by section 2 of this Ordinance is appropriated for the services and purposes expressed in the Schedule to this Ordinance. Appropriation of sums voted for supply services in respect of the year ending 30th June, 1961.
4. The Treasury may issue out of the consolidated fund and apply towards making good the supply granted to the Governor for the service of the year ending on the 30th day of June, 1962, twenty million, six hundred and sixty-one thousand, one hundred and seventy-six pounds. Issue of £20,661,176 out of the consolidated fund for the service of the year ending 30th June, 1962.
5. (1) Notwithstanding the provisions of the General Local Loans Ordinance, 1955, the Minister may at any time or times not later than 30th June, 1962, borrow within the Colony or in the United Kingdom, or partly in one and partly Power of the Minister to borrow. 14 of 1955.

in the other, any sum not exceeding in the whole twenty million, six hundred and sixty-one thousand, one hundred and seventy-six pounds, and that by way of loan or advance, the issue of bills, or bank overdraft, and on such terms and conditions as the Minister may deem expedient.

(2) Any money borrowed under this section shall be placed to the credit of the exchequer account and shall form part of the consolidated fund, and be available in any manner in which that fund is available.

(3) Any money borrowed under this section shall be repaid, with any interest payable thereon, out of the consolidated fund, at any time not later than the 30th day of September, 1962.

SCHEDULE

(s. 3)

<i>Vote No.</i>	<i>Supply</i>	<i>Appropriations in aid</i>
	£	£
1. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Governor and his staff, and for the maintenance and upkeep of the Government Houses at Nairobi and Mombasa and of the Royal Lodge, Sagana	7,261	371*
2. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Court of Appeal for Eastern Africa; of the Supreme Court of Kenya; of resident magistrates and special magistrates; and for other expenses in connexion with the administration of justice in the Colony, including payments to assessors, counsel, jurors and witnesses. This amount also includes the cost of certain services shared by all departments in the Law Courts Building	1	5,999
3. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Legislative Council	2	—
6. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Civil Service Commission, including allowances payable to members of selection boards and expenses of interviews	1,160	—

SCHEDULE—(Contd.)

Vote No.	Supply	Appropriations in aid
	£	£
7. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Chief Secretary's Office, including the salaries and expenses of the Cabinet Office; the Establishments Division; the Central Government Building; the Kenya trade representative in the Federation of Rhodesia and Nyasaland; the Kenya office in London; the Provincial Administration (including the Tribal Police); African Courts; Inland Revenue Branch; Road Transport Branch; African Lands Branch; Community Development; Colony Youth Organization; Colony Sports Organization; Jeanes Schools; and expenses of restrictees and detainees. The estimate also includes expenses of elections; sanitary services in townships; the Liquor Licensing Ordinance, 1957; recruitment and training; rewards and rations; famine relief; remission of rates on Consular property and certain grants and grants-in-aid ..	146,300	8,500
8. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Ministry of Legal Affairs, of the Law Officer's Department, including the payment of legal expenses incurred by or on behalf of the Government; of the Registrar-General's Department, and of the Office of the Commissioner for the Revision of the Laws of Kenya	1	4,000
9. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Minister for Finance and Development and of the Treasury, including certain expenses of the East African Currency Board	1,201	—
14. The amount required in the year ending 30th June, 1961, for civil pensions and gratuities, emergency pensions and allowances, increases on Widows' and Orphans' pensions and contributions by the Kenya Government to provident and pension funds; and for expenditure on military pensions and gratuities and the expenses of the Pensions Appeal Tribunal	40,000	—
18. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Prisons Department, including the expenses of detention camps established under the Detention Camps Ordinance, a grant-in-aid to the Kenya Prisoners' Aid Association, and certain residual expenditure arising from the Emergency Regulations ..	13,750	50,300*

SCHEDULE—(Contd.)

<i>Vote No.</i>	<i>Supply</i>	<i>Appropriations in aid</i>
	£	£
19. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Immigration Department, including the expenses of repatriation and deportation under the Immigration Ordinance, 1956	1	3,400
20. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Ministry of Education, including the administration of the Education Ordinance, 1952; and for the payment of certain grants and grants-in-aid and other expenses in connexion with the promotion of education among persons resident in the Colony	1	27,765
21. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Ministry of Agriculture, Animal Husbandry and Water Resources; Soil Conservation and Dam Construction; the Department of Co-operative Development, including the E.A. School of Co-operation; the expenses of boards, committees, agents, etc., connected with agricultural livestock and water matters; certain expenditure arising from the Agriculture Ordinance, 1955, agricultural loans, subsidies, refunds and guarantees; contributions to agricultural and livestock organizations; subventions to certain local and international bodies and compensation to stock owners under the Animal Diseases Ordinance (Cap. 213)	146,269	99,850
22. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Ministry of Commerce and Industry; rent control; the supervision of weights and measures; import and export control; the provision of trade and industrial information; geological surveys; prospecting and research; the development of mineral deposits; the administration of Nairobi Airport; investigation into aircraft accidents and searches for missing aircraft; maintenance of fire/crash services; the general development of industry, with related ex-gratia payments to assist secondary industries; assistance to sundry organizations connected with commerce and industry; transportation and telecommunications; and grants to African traders	870	10,100
23. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Ministry of Health and Welfare; for grants-in-aid to certain missions and private hospitals and to organizations connected with the promotion of health, hygiene and social welfare, for grants to the European Hospital Fund Authority, and the		

SCHEDULE—(Contd.)

Vote No.	Supply	Appropriations in aid
	£	£
	4,001	14,000
24.		
	381	1,347
25.		
	33,046	—
28.		
	27,060	16,200*
29.		
	1	—
34.		
	27,796	19,377

*Deficiency.

SCHEDULE—(Contd.)

<i>Vote No.</i>	<i>Supply</i>	<i>Appropriations in aid</i>
	£	£
35. The amount required in the year ending 30th June, 1961, for the salaries and expenses of the Ministry of Works; for expenditure in respect of certain public buildings and property and ancillary services; for expenditure in respect of certain water supplies and works; for expenditure in respect of equipment, tools and plant for services provided in connexion therewith; for expenditure in respect of certain aerodromes; for a contribution to the Road Authority; and for sundry other services, payments, grants and contributions	25,000	—
	474,102	127,467
DEVELOPMENT:— Additional sum required for financing the three-year Development Programme and certain Colonial Development and Welfare Schemes outside the programme: 1st July, 1960 to 30th June, 1963	473,422	49,961
GRAND TOTAL .. £	947,524	177,428

THE STATISTICS ORDINANCE, 1961

No. 4 of 1961

Date of assent: 1st July, 1961

Date of commencement: By Order

ARRANGEMENT OF SECTIONS

SECTION	SECTION
1—Short title and commencement.	9—Offences.
2—Interpretation.	10—Oath of office and secrecy.
3—Directorate of Economics and Statistics.	11—Special reports and investigations.
4—Duties of Director.	12—Expenses.
5—Power to order census.	13—Regulations.
6—Power to obtain particulars.	14—Consequential amendment of Cap. 136.
7—Powers of entry.	SCHEDULES.
8—Restriction on publication, etc.	

AN ORDINANCE TO PROVIDE FOR THE COLLECTION, COMPILATION, ANALYSIS AND PUBLICATION OF STATISTICAL INFORMATION, FOR THE TAKING OF CENSUSES, AND FOR MATTERS CONNECTED WITH THE FOREGOING AND INCIDENTAL THERETO

ENACTED by the Legislature of the Colony and Protectorate of Kenya, as follows:—

1. This Ordinance may be cited as the Statistics Ordinance, 1961, and shall come into operation on such day as the Governor shall, by order, appoint. Short title and commencement.

2. In this Ordinance, except where the context otherwise requires— Interpretation.

“authorized officer” means any person appointed as such under subsection (2) of section 3 of this Ordinance;

“census” means a census of population;

“the Director” means the Director of Economics and Statistics, appointed under subsection (1) of section 3 of this Ordinance.

3. (1) There shall be a Director of Economics and Statistics, who shall be appointed by the Governor by notice in the Gazette. Directorate of Economics and Statistics.

(2) Subject to the approval of the Minister, the Director may from time to time, by writing under his hand, appoint any person to be an authorized officer for the purposes of this Ordinance, and may delegate to any person the aforesaid power of appointment.

Duties of Director.

4. It shall be the duty of the Director—

(a) to collect, compile, analyse and abstract, and, subject to the general or special directions of the Minister, to publish, statistical information relating to the matters specified in the First Schedule to this Ordinance:

Provided that no such information shall be collected until regulations have been made under paragraph (a) of section 13 of this Ordinance;

(b) to collaborate with the Director of the East African Statistical Department in the compilation, analysis, abstraction and publication of statistical information collected by that Department;

(c) to give effect to any order made under section 5 of this Ordinance.

Power to order census.

5. (1) The Governor in Council of Ministers may from time to time, as he considers necessary, by order direct that a census shall be taken for Kenya, or for any part thereof, or in respect of any class of inhabitants thereof.

(2) An order made under this section may specify—

(a) the date or dates on or between which the census is to be taken; and

(b) the persons by whom and with respect to whom the returns for the purpose of the census are to be made; and

(c) the information to be obtained in the census.

Power to obtain particulars.

6. (1) Where any census is being taken or any statistical information is being collected in accordance with the provisions of this Ordinance, an authorized officer may in the manner specified in subsection (2) of this section require any person to supply him with such particulars as may be prescribed or such of those particulars as the Director may consider necessary or desirable in relation to the taking of such

census or the collection of such information; and on being so required such person shall, to the best of his knowledge, information and belief, complete such forms, make such returns, answer such questions and give all such information, in such manner and within such time as may be specified by the authorized officer in accordance with regulations made under section 13 of this Ordinance.

(2) An authorized officer may require any person to supply him with particulars either by interviewing such person or by leaving at or posting to his last known address a form having thereon or attached thereto a notice requiring the form to be completed and returned in such manner and within such time as shall be specified in the notice.

(3) Where any particulars are, by any document issued by an authorized officer, required to be supplied by any person, it shall be presumed until the contrary is proved that the particulars may lawfully be required from that person in accordance with the provisions of this Ordinance.

7. An authorized officer may at all reasonable times without warrant, but upon production, if required, of his authorization, for any purpose connected with—

Powers of entry.

- (a) the collection of statistical information, enter and inspect any land, building, vehicle or vessel where persons are employed, other than a dwelling-house;
- (b) the taking of a census, enter any land, building, vehicle or vessel where persons are employed,

and in either case may make such enquiries as may be necessary for the collection of such information, or the taking of the census, as the case may require.

8. (1) Except for the purposes of a prosecution under this Ordinance—

Restriction on publication, etc.

- (a) no individual return or part thereof made for the purposes of this Ordinance;
- (b) no answer given to any question put for the purposes of this Ordinance;
- (c) no report, abstract or document, containing particulars contained in any such return or answer and so arranged as to render possible the identification of such particulars with any person, business or undertaking,

shall be published, admitted in evidence, or shown to any person not employed in the execution of a duty under this Ordinance, unless consent in writing thereto has been obtained from the person making such return or giving such answer, or, in the case of a business or undertaking, from the person having the control, management or superintendence of the business or undertaking:

Provided that nothing in this section shall prevent or restrict the publication of any such report, abstract or document without such consent where the particulars therein render identification possible merely by reason of the fact that they relate to a business or undertaking which is the only business or undertaking within its particular sphere of activities, so, however, that in no case shall such particulars render possible identification of the costs of production of, or the capital employed or profits arising in, such business or undertaking.

(2) The provisions of subsection (1) of this section shall have effect in relation to statistical information made available to the Director by the East African Statistical Department as if that information had been collected under and for the purposes of this Ordinance.

(3) In the purposes of subsection (1) of this section officers employed by the East African Statistical Department shall be deemed to be persons employed in the execution of a duty under this Ordinance.

Offences.

9. (1) Any person employed in the execution of a duty under this Ordinance who—

(a) by virtue of such employment or duty becomes possessed of information which might influence or affect the market value of any share or other security, interest, product or article and who, before the information is made public, directly or indirectly uses it for personal gain; or

(b) without lawful authority publishes or communicates to any person otherwise than in the ordinary course of his employment any information acquired by him in the course of such employment or duty; or

- (c) knowingly compiles for issue any false statistics or information,

shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding one year, or to a fine not exceeding ten thousand shillings, or to both such imprisonment and fine.

(2) Any person who, being in possession of any information which to his knowledge has been disclosed in contravention of the provisions of this Ordinance, publishes or communicates that information to any other person shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding one year, or to a fine not exceeding ten thousand shillings, or to both such imprisonment and fine.

- (3) Any person who—

(a) hinders or obstructs an authorized officer in the lawful performance of any duties or in the lawful exercise of any powers imposed or conferred upon him under this Ordinance; or

- (b) refuses or neglects—

(i) to complete and supply, within such time as may be specified in that behalf, the particulars required in any return, form or other document left with or sent to him; or

(ii) to answer any question or inquiries put to or made of him,

under this Ordinance; or

(c) knowingly or recklessly makes in any return, form or other document completed by him under this Ordinance, or in any answer to any question or inquiry put to or made of him under this Ordinance, any statement which is untrue in any material particular,

shall be guilty of an offence and shall be liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

Oath of office
and secrecy.

10. Every person employed in the execution of any duty under this Ordinance shall, before entering on his duties, make and subscribe before a magistrate or commissioner for oaths an oath in the form set out in the Second Schedule to this Ordinance :

Provided that in the case of a person employed as an enumerator in a census it shall be sufficient if he makes in any language approved by the Director, and delivers or transmits to an authorized officer, a written declaration in the same form, substituting for the words "do solemnly swear", the word "declare".

Special reports
and investiga-
tions.

11. The Director may, in his discretion, at the request of any person and upon payment of such fee as the Director, with the consent of the Minister, may specify, or as may be prescribed, supply to such person any special information or report concerning, or carry out for such person any special investigation into, any of the matters specified in the First Schedule to this Ordinance.

Expenses.

12. The expenses incurred for the purposes of this Ordinance by the Minister and the Director shall be defrayed out of moneys provided by the legislature.

Regulations.

13. The Minister may make regulations for the better carrying into effect of the provisions of this Ordinance, and in particular, but without prejudice to the generality of the foregoing, may by such regulations—

- (a) prescribe the particulars to be furnished in relation to any matter in respect of which statistical information may be collected under paragraph (a) of section 4 of this Ordinance;
- (b) prescribe the manner and form in which, the times and places at which, and the persons by whom, such particulars and information shall be furnished;
- (c) make additions to or deletions from, or otherwise vary, the matters specified in the First Schedule to this Ordinance.

Consequential
amendment of
Cap. 136.

14. Section 77 of the Municipalities Ordinance is amended by the deletion of paragraph (85) thereof.

FIRST SCHEDULE (ss. 4 (a), 11, 13)

Matters concerning which statistical information may be collected, compiled, analysed, abstracted and published.

1. Population.
2. Vital occurrences and morbidity.
3. Immigration and emigration.
4. Housing.
5. Rents.
6. Real property.
7. Land tenure and the occupation and use of land.
8. Finance.
9. External finance and balance of payments.
10. Capital investment.
11. Savings.
12. Income, earnings, profits and interest.
13. Personal expenditure and consumption.
14. Interterritorial and external trade.
15. Banking and insurance.
16. Wholesale and retail trade, including agents and brokers.
17. Manufacturing, building, construction and allied industries.
18. Mining and quarrying, including the prospecting of metallic, non-metallic, petroleum and natural gaseous products.
19. Agriculture, including animal husbandry, horticulture and allied industries.
20. Forestry and logging.
21. Hunting and fishing.
22. Stocks of manufactured and unmanufactured goods.
23. Wholesale and retail prices of commodities.
24. Storage and warehousing.
25. Employment and unemployment.
26. Salaries, wages, bonuses, fees, allowances and other payments and honoraria for services rendered.
27. Industrial disturbances and disputes.
28. Injuries, accidents and compensation.
29. Fuel and power.
30. Water undertakings and sanitary services.
31. Transport and communications.
32. Local Government.
33. Community, business, recreation and personal services.
34. Handicrafts and rural industries.
35. Sweepstakes, lotteries, charitable and other public collections of money.

SECOND SCHEDULE

(s. 10)

OATH OF OFFICE AND SECRECY

I,
do solemnly swear that I shall faithfully and honestly fulfil my duties
as in conformity with the
requirements of the Statistics Ordinance, 1961, and the regulations
made thereunder, and that I shall not without due authority reveal
any information acquired by virtue of my said duties, nor, until such
information is made public, directly or indirectly use it for personal
gain.

THE FINANCE ORDINANCE, 1961
No. 5 of 1961

Date of assent: 15th July, 1961

Date of commencement: Parts I, III, V and section 9 (1) (a), 15th July, 1961; Part II, By Order; section 9 (1) (b), 17th May, 1961; Part VI, 1st January, 1962

AN ORDINANCE TO VARY THE PERSONAL ALLOWANCES FOR PURPOSES OF INCOME TAX AND TO LOWER THE STANDARD RATE OF TAX IN RESPECT OF CERTAIN MINING OPERATIONS; TO MAKE CERTAIN AMENDMENTS TO THE CUSTOMS AND EXCISE TARIFF SCHEDULES; TO INCREASE THE CONSUMPTION TAX ON DANGEROUS PETROLEUM; AND TO VARY CERTAIN RATES OF PERSONAL TAX

ENACTED by the Legislature of the Colony and Protectorate of Kenya, as follows:—

PART I—PRELIMINARY

1. This Ordinance may be cited as the Finance Ordinance, 1961.

PART II—INCOME TAX

2. (1) This Part shall come into operation on such day as the Governor shall, by order, appoint, and shall apply to assessments for the year of income commencing on the first day of January, 1961, and for each subsequent year of income.

(2) This Part shall be construed as one with the Income Tax (Rates and Allowances) Ordinance, 1959 (in this Part referred to as the principal Ordinance).

3. The principal Ordinance is amended by substituting for the First Schedule thereto, the following—

FIRST SCHEDULE

(s. 3 (a))

RATES OF PERSONAL ALLOWANCES

1. *Married Allowance:*

The amount of the married allowance shall be £700.

2. *Single Allowance:*

The amount of the single allowance shall be £225:

Provided that, where an individual entitled to the single allowance—

(a) is also entitled to the child allowance, or

(b) in the case of a man, is of the age of 65 years or upwards, and in the case of a woman, is of the age of 60 years or upwards, on 31st December in the year of income,

the amount of the single allowance shall be £450.

Short title.

Commencement, application and construction.

11 of 1959.

Variation of personal allowances.

*Section of
the Act*

50

51

*Section of
the Act*

52

3. *Child Allowance:*

The amount of the child allowance shall be—

- (a) in respect of a child who was under 6 years of age on 31st December in the year of income, £75;
- (b) in respect of a child who was 6 years of age or over but under 12 years of age on 31st December in the year of income, £100;
- (c) in respect of a child who was 12 years of age or over but under 19 years of age on 31st December in the year of income, £150;
- (d) in respect of a child who was 19 years of age or over on 31st December in the year of income and who—
 - (i) during the whole of such year of income was totally incapacitated either mentally or physically from maintaining himself; and
 - (ii) was resident in the Colony or in a recognized institution abroad,
 £150;
- (e) in respect of a child who was 17 years of age or over on 31st December in the year of income and who at any time during such year of income is receiving full time post-secondary instruction at any university or similar educational establishment, or is serving whole time under articles or indentures with a view to qualifying in a trade or profession, £250:

Provided that—

- (i) no such child allowance shall be granted in any year of income in respect of any child who was entitled in his own right in that year of income to a world income exceeding £75;
- (ii) where any child in respect of whom such child allowance is claimed is jointly maintained by the individual claiming such allowance and by any other person, whether or not such other person is liable to tax under the Act or is resident in the Colony, then the amount of such child allowance shall be such an amount as bears the same proportion to such child allowance which would otherwise be granted as the amount expended for the maintenance and education of such child by the individual claiming such allowance bears to the total amount expended for the maintenance and education of such child; and, where a deduction is made under paragraph (b) of subsection (3) of section 14 of the Act which is referable to expenditure on maintenance and education of a child, then to the extent to which such a deduction has been made, such expenditure shall be deemed not to be expenditure on the maintenance and education of such child for the purpose of calculating the amount of child allowance;
- (iii) a child allowance may be granted under not more than one of the foregoing subparagraphs in respect of any child.

*Section of
the Act*

55

4. (1) *Insurance Allowance:*

Subject to subparagraph (2) the amount of the insurance allowance shall be the amount of the premiums for insurance and the contributions to the approved pension scheme not exceeding in all an amount equal to £200 plus half the amount by which the total premiums and contributions exceed that sum:

Provided that, in the case of an individual whose total income exceeds £2,500 in a year of income, the insurance allowance shall be such amount as shall reduce the amount of tax payable by him by—

- (a) Sh. 5 in respect of each pound of the first £200; and
- (b) Sh. 2/50 in respect of each pound in excess of the first £200,

of the premiums and contributions otherwise allowable.

(2) No insurance allowance—

- (i) shall exceed one-sixth of the total income for the year of income of the claimant;
- (ii) shall be granted in respect of an insurance other than an insurance for securing a capital sum on death, whether or not in conjunction with any other benefit;
- (iii) shall be granted in respect of any excess of any premium for an insurance above an amount equal to 7 per cent of the actual capital sum assured; and in calculating any such sum no account shall be taken of any sum payable on the happening of any other contingency, or of the value of any premiums agreed to be returned, or of any benefit by way of bonus or otherwise which is to be or may be received either before or after death either by the individual paying the premiums or by any other person and which is not the sum actually assured.

5. *Non-resident Primary Allowance:*

The non-resident primary allowance shall be of such an amount as shall have the effect of reducing to nil the excess, if any, of the tax chargeable on the individual under the Act on any part of his total income which is chargeable on him in the United Kingdom over the amount of the relief from tax due to such individual in the United Kingdom under arrangements having effect under section 71 of the Act.

57 (2)

6. *Non-resident Secondary Allowance:*

The amount of the non-resident secondary allowance shall be the amount of the pension income not exceeding in all £250.

57 (3)

4. The Second Schedule to the principal Ordinance is amended by substituting for Head B thereof the following—

HEAD B—STANDARD RATE

(Section 59 of the Act)

Five shillings and fifty cents in respect of each pound of chargeable income, save in the case of—

- (a) that part of the chargeable income of an insurance company which relates to its life insurance business, when the rate shall

Decrease in standard rate in respect of certain mining operations.

be five shillings in respect of each pound of such part of such chargeable income;

- (b) that part of the chargeable income of a company which relates to income derived from the mining of specified minerals, when the rate shall be four shillings in respect of each pound of such part of such chargeable income.

PART III—CUSTOMS

Increased
import duties,
27 of 1958.

5. The import duties specified in the third column of the First Schedule to the Customs Tariff Ordinance, 1958 (in this Part referred to as the principal Ordinance), are varied, in relation to each of the items referred to in the First Schedule to this Ordinance, in the manner shown in the said First Schedule to this Ordinance.

Increased
suspended
duties.

6. The suspended duties specified in the fourth column of the First Schedule to the principal Ordinance are varied, in relation to each of the items referred to in the Second Schedule to this Ordinance, in the manner shown in the said Second Schedule.

Other
amendments
to Tariff
Schedule.

7. The First Schedule to the principal Ordinance is further amended in the manner specified in the Third Schedule to this Ordinance.

Imposition of
certain increased
suspended duties.

8. The Second Schedule to the principal Ordinance is amended—

- (a) in relation to item No. 1 (c) (which relates to meat), by substituting for the expression “30 per cent”, the expression “33 $\frac{1}{3}$ per cent”;
- (b) in relation to item No. 79 (a) (which relates to bottles and jars), by substituting for the expression “22 per cent”, the expression “25 per cent”.

PART IV—EXCISE

Variation of
duties on sugar,
matches and
spirits.
5 of 1954.

9. (1) The First Schedule to the Excise Tariff Ordinance, 1954, is amended—

- (a) in item 2 thereof (which relates to sugar), by substituting for the figures “6 72”, the figures “12 32”;
- (b) by substituting for item 5 thereof the following item—

Item	Goods		Rate of Duty
			<i>Sh. cts.</i>
5	Matches	Per 7,200 matches	3 00

(c) in item 6 thereof (which relates to spirits), by substituting for the figures "120", the figures "130".

(2) Paragraph (b) of subsection (1) of this section shall be deemed to have come into operation on the 17th day of May, 1961.

PART V—PETROLEUM TAX

10. Section 3 of the Dangerous Petroleum Tax Ordinance is amended by substituting for the words "thirty-five cents", the words "forty-five cents".

Increase in consumption tax on dangerous petroleum. Cap. 268.

PART VI—PERSONAL TAX

11. This Part shall come into operation on the first day of January, 1962.

Commencement.

12. Section 3 of the Personal Tax Ordinance, 1957, is amended—

Variation in rates of personal tax. 28 of 1957.

(a) in paragraph (a) thereof, by substituting for the figures "20" the figures "15";

(b) in paragraph (d) thereof, by adding, next after the word "annum", the words "but does not exceed £400 per annum";

(c) by adding, next after paragraph (d) thereof, a new paragraph as follows—

"(e) where the individual's chargeable income exceeds £400 per annum . . . 200".

13. Paragraph (c) of subsection (1) of section 12 of the Hospital Treatment Relief (Asian and Arab) Ordinance, 1959, is amended by inserting therein, next after the expression "paragraph (d)", the expression "or paragraph (e)".

Consequential amendment in respect of certain hospital treatment contributions. 57 of 1959.

FIRST SCHEDULE

(s. 5)

VARIATIONS IN IMPORT DUTIES

<i>Item No.</i>	<i>Which relates to</i>	<i>Amendment</i>
2	Bacon and ham ..	For "30%" substitute "33 $\frac{1}{3}$ %"
4	Butter	For "30%" substitute "33 $\frac{1}{3}$ %"
5	Cheese	For "30%" substitute "33 $\frac{1}{3}$ %"
6	Cocoa and chocolate	For "11%" substitute "12 $\frac{1}{2}$ %"
10A	Extracts, essences, etc.	For "60%" substitute "66 $\frac{2}{3}$ %"
11 (c)	Salmon	For "22%" substitute "25%"
11 (e)	Other fish	For "22%" substitute "25%"
13 (b)	Onions	For "22%" substitute "25%"
13 (d)	Dates	For "11%" substitute "12 $\frac{1}{2}$ %"
13 (e)	Other dried fruits ..	For "11%" substitute "12 $\frac{1}{2}$ %"
13 (f)	Other fruit, etc. ..	For "22%" substitute "25%"
14	Ghee	For "22%" substitute "25%"
15	Hops, etc.	For "11%" substitute "12 $\frac{1}{2}$ %"
16	Macaroni, etc. ..	For "30%" substitute "33 $\frac{1}{3}$ %"
17	Malt, etc.	For "11%" substitute "12 $\frac{1}{2}$ %"
18 (a)	Condensed milk, etc.	For "22%" substitute "25%"
18 (b)	Cream	For "22%" substitute "25%"
22 (a)	Table salt	For "22%" substitute "25%"
24	Sugar	For "Sh. 6" substitute "Sh. 11"
25A	Tomato puree	For "30%" substitute "33 $\frac{1}{3}$ %"
28 (a)	Perfumed spirits ..	For "60%" substitute "66 $\frac{2}{3}$ %"
28 (b)	Liqueurs, cordials, etc.	For "Sh. 126" substitute "Sh. 140"
28 (c)	Other potable spirits	For "Sh. 145" substitute "Sh. 160"
28 (f)	Toilet preparations, etc.	For "60%" substitute "66 $\frac{2}{3}$ %"
39 (a)	Blankets, etc. ..	For "cents 60 (or 30%" sub- stitute "cents 65 (or 33 $\frac{1}{3}$ %"
39 (b)	Cardigans, etc. ..	For "Sh. 1/50 (or 30%" sub- stitute "Sh. 1/65 (or 33 $\frac{1}{3}$ %"
39 (c)	Stockings and hose ..	For "cents 25 (or 30%" sub- stitute "cents 30 (or 33 $\frac{1}{3}$ %"
39 (d)	Other garments ..	For "Sh. 1/50 (or 30%" sub- stitute "Sh. 1/65 (or 33 $\frac{1}{3}$ %"
39A	Footwear	For "22%", where it appears in four places, substitute "25%"
40 (a) (i)	Cotton woven fabrics	For "cents 50 (or 30%" sub- stitute "cents 55 (or 33 $\frac{1}{3}$ %"
40 (a) (ii)	Cotton woven fabrics	For "cents 65 (or 30%" sub- stitute "cents 70 (or 33 $\frac{1}{3}$ %"
40 (a) (iii)	Man-made fibres ..	For "cents 80 (or 30%" sub- stitute "cents 90 (or 33 $\frac{1}{3}$ %"
40 (a) (iv)	Silk woven fabrics ..	For "30%" substitute "33 $\frac{1}{3}$ %"
40 (a) (v)	Other fibres	For "22%" substitute "25%"
40 (b)	Bookbinding fabrics	For "11%" substitute "12 $\frac{1}{2}$ %"

<i>Item No.</i>	<i>Which relates to</i>	<i>Amendment</i>
40 (c)	Knitted fabrics ..	For "30%" substitute "33 $\frac{1}{3}$ %"
43 (a) (ii)	Other thread ..	For "22%" substitute "25%"
45 (b)	Nails	For "11%" substitute "12 $\frac{1}{2}$ %"
45 (c) (i)	Black steel bolts ..	For "11%" substitute "12 $\frac{1}{2}$ %"
45 (c) (ii)	Nuts and washers ..	For "11%" substitute "12 $\frac{1}{2}$ %"
47 (a)	Prefabricated build- ings	For "11%" substitute "12 $\frac{1}{2}$ %"
47 (b)	Windows, doors, etc.	For "11%" substitute "12 $\frac{1}{2}$ %"
47 (h)	Fabricated material	For "11%" substitute "12 $\frac{1}{2}$ %"
48 (e)	Bicycles, etc. ..	For "22%" substitute "25%"
48 (f)	Parts and accessories of bicycles, etc. ..	For "22%", where it appears in nine places, substitute "25%"
51A (a)	Cups, mugs, etc. ..	For "30%", where it appears in three places, substitute "33 $\frac{1}{3}$ %"
51A (b)	Basins and bowls ..	For "30%", where it appears in three places, substitute "33 $\frac{1}{3}$ %"
51A (c)	Stewpans, etc. ..	For "30%" substitute "33 $\frac{1}{3}$ %"
51A (d)	Other hollow-ware ..	For "30%" substitute "33 $\frac{1}{3}$ %"
55	Hurricane lamps ..	For "22%", where it appears in two places, substitute "25%"
67	Portable stoves ..	For "22%", where it appears in two places, substitute "25%"
74	Weighing machines, etc.	For "11%" substitute "12 $\frac{1}{2}$ %"
80	Bricks, slates, etc. ..	For "11%" substitute "12 $\frac{1}{2}$ %"
81 (c)	Substances for proof- ing, etc.	For "11%" substitute "12 $\frac{1}{2}$ %"
81 (d)	Plaster of paris ..	For "11%" substitute "12 $\frac{1}{2}$ %"
81 (e)	Putty	For "11%" substitute "12 $\frac{1}{2}$ %"
87	Talc powder ..	For "11%" substitute "12 $\frac{1}{2}$ %"
88 (b)	Plate glass	For "11%" substitute "12 $\frac{1}{2}$ %"
88 (c)	Sheet glass	For "11%" substitute "12 $\frac{1}{2}$ %"
89 (c)	Other glassware, etc.	For "22%" substitute "25%"
92 (b)	Other marble, etc. ..	For "11%" substitute "12 $\frac{1}{2}$ %"
99 (b)	Other motor spirit, etc.	For "cents 75" substitute "cents 85"

<i>Item No.</i>	<i>Which relates to</i>	<i>Amendment</i>
100 (b)	Other kerosene, etc.	For "cents 20" substitute "cents 40"
102 (b) (ii)	Light amber mineral fuel oil	For "cents 75" substitute "cents 85"
103 (b)	Essential oils, etc. ..	For "60%" substitute "66 $\frac{2}{3}$ %"
103 (f)	Other oils, etc. ..	For "22%" substitute "25%"
104 (a)	Colours for food-stuffs, etc.	For "22%" substitute "25%"
104 (b)	Ready-mixed paints, etc.	For "11%" substitute "25%"
105	Soap, etc.	For "22%" substitute "25%"
113 (a)	Hair dyes, etc. ..	For "60%" substitute "66 $\frac{2}{3}$ %"
113 (c)	Dyes for foodstuffs, etc.	For "22%" substitute "25%"
116	Perfumery, etc. ..	For "60%" substitute "66 $\frac{2}{3}$ %"
118	Leather	For "22%", where it appears in three places, substitute "25%"
120 (1) (a) (i)	Pneumatic tyres ..	For "cents 90" substitute "Sh. 1"
120 (2) (a)	Tubes, for use on lorries, etc. ..	For "cents 90" substitute "Sh. 1"
126	Wooden framework of houses, etc. ..	For "22%" substitute "25%"
127	Plywood, etc. ..	For "11%" substitute "12 $\frac{1}{2}$ %"
129 (b)	Other wood, etc. ..	For "22%" substitute "25%"
133	Cardboard, etc. ..	For "11%" substitute "12 $\frac{1}{2}$ %"
137 (b)	Printing paper ..	For "11%" substitute "12 $\frac{1}{2}$ %"
137 (c)	Plain paper, etc. ..	For "11%" substitute "12 $\frac{1}{2}$ %"
137 (d)	Other paper	For "22%" substitute "25%"
138 (d)	Other pictures, etc.	For "22%" substitute "25%"
140	Jewellery, etc. ..	For "30%" substitute "33 $\frac{1}{3}$ %"
141 (b)	Other clocks and watches	For "22%" substitute "25%"
143	Toys and games ..	For "11%" substitute "12 $\frac{1}{2}$ %"
151	Felt, ruberoid, etc. ..	For "11%" substitute "12 $\frac{1}{2}$ %"
177	Goods not otherwise provided for ..	For "22%" substitute "25%"

SECOND SCHEDULE

(s. 6)

VARIATIONS IN SUSPENDED DUTIES

Item No.	Which relates to	Amendment
1 (c)	Frozen or refrigerated meat	For "30%" substitute "33 $\frac{1}{3}$ %"
8 (a)	Wheat and wheat flour	For "22%" substitute "25%"
36 (a)	Sacks, etc.	For "22%" substitute "25%"
36 (b)	Hessian and sacking	For "22%" substitute "25%"
79 (a)	Bottles, etc., of specified type	For "22%" substitute "25%"

THIRD SCHEDULE

(s. 7)

FURTHER AMENDMENTS TO TARIFF SCHEDULE

1. In sub-item (a) of item 39A (which relates to footwear), insert, immediately before the word "having", the word "shoes".

2. In sub-item (a) (which relates to woven fabrics) of item 40, for the expression "36 inches", substitute the expression "24 inches".

3. Delete sub-item (c) (which relates to yarn and synthetic fibres) of item 43, and substitute therefor the following sub-item—

Item No.	Article	Import Duty	Suspended Duty
	(c) Fibres, unspun or spun, for spinning, weaving or knitting ..	<i>Ad valorem</i> 25%	

4. Delete sub-item (c) (which relates to gutterings, down pipes, ridgings and ventilators) of item 47, and substitute therefor the following sub-item—

Item No.	Article	Import Duty	Suspended Duty
	(c) Gutterings and ridgings— (i) of aluminium or alloy thereof .. (ii) other	<i>Ad valorem</i> 25% <i>Ad valorem</i> 12 $\frac{1}{2}$ %	

5. In sub-item (g) (which relates to expanded metal) of item 47, add next after the word "metal", the words "; down pipes and ventilators".

6. Delete sub-item (l) (which relates to corrugated metal sheets) of item 58.

7. In sub-item (m) of item 58, delete the words "in sheets or plates, including galvanized, enamelled, printed, lithographed, embossed and lacquered sheets or plates".

8. Re-letter sub-items "(m)" and "(n)" of item 58 as sub-items "(l)" and "(m)" respectively.

9. Insert, next after item 58, a new item as follows—

Item No.	Article	Import Duty	Suspended Duty
58A	Metal sheets or plates, n.e.s.,— (1) of aluminium or alloy thereof— (a) corrugated— (i) of a thickness of .014 inches or less (ii) of a thickness exceeding .014 inches (b) flat, excluding circles (c) other, including circles and coils (2) not of aluminium or alloy thereof— (a) corrugated— (i) of a thickness of .014 inches or less (ii) of a thickness exceeding .014 inches (b) flat, galvanized, of a thickness of .014 inches or less (c) other, including enamelled, printed, lithographed, embossed and lacquered sheets or plates	Per sq. ft. cents 15 (or 25% <i>ad valorem</i> , whichever is the greater). 25% <i>ad valorem</i> 12½% <i>ad valorem</i> 25% <i>ad valorem</i> Per sq. ft. cents 15 (or 12½% <i>ad valorem</i> , whichever is the greater). 12½% <i>ad valorem</i> Per sq. ft. cents 7 (or 12½% <i>ad valorem</i> , whichever is the greater). Free	

10. Insert, next after item 69, a new item as follows—

Item No.	Article	Import Duty	Suspended Duty
69A	Razor blades	Each, 2 cents (or 25% <i>ad valorem</i> , whichever is the greater).	

11. Delete sub-items (a) and (b) (which relates to asbestos sheets, ridgings, etc.) of item 77, and substitute therefor two sub-items as follows—

Item No.	Article	Import Duty	Suspended Duty
	(a) Sheets, plain or corrugated; ridgings and gutterings (b) Gaskets and asbestos packing	<i>Ad valorem</i> 25% Free	

12. Delete sub-item (d) (which relates to "Other" glass) of item 88, and substitute therefor two sub-items as follows—

Item No.	Article	Import Duty	Suspended Duty
	(d) Glass fibre and glass wool, woven or unwoven, including glass fibre slabs, mats, tapes, sleeveings, cords and cloth, but not including curtain or furnishing fabric	Free	
	(e) Other, n.e.s.	<i>Ad valorem</i> 25%	

13. Substitute for item 123 (which relates to boxes and casks) the following item—

Item No.	Article	Import Duty	Suspended Duty
123	(a) Boxes, including tea chests, wooden, empty or in shooks (b) Casks, wooden, empty or in shooks, for the packing of goods which are the products of manufactures or agriculture within the Territories . .	<i>Ad valorem</i> 12½% Free	

14. Insert next after item 125, a new item as follows—

Item No.	Article	Import Duty	Suspended Duty
125A	Hand scrubbing brushes and footwear cleaning brushes of natural fibre mounted in or backed by wood . .	Per dozen, Sh. 3 (or 25% <i>ad valorem</i> , whichever is the greater).	

15. Delete sub-item (c) (which relates to show cards, etc.) of item 132, and substitute therefor the following—

Item No.	Article	Import Duty	Suspended Duty
	(c) Showcards and similar printed matter advertising goods grown or produced, or services to be supplied from, outside East Africa and imported for advertising purposes only but not including calendars, diaries, date indicators, desk pads and other advertising stationery . .	Free	

16. Substitute for item 136 (which relates to ink and ink powders) the following item—

Item No.	Article	Import Duty	Suspended Duty
136	(a) Printing and lithographic inks and powders, stencil ink and stamping colours	Per lb., cents 30 (or 25% <i>ad valorem</i> , whichever is the greater).	
	(b) Printing ink ingredients, roller composition, ink reducers and ink driers	Free	
	(c) Ink, other	<i>Ad valorem</i> 25%	

17. Delete sub-item (a) (which relates to pictures, etc., for advertising) of item 138, and substitute therefor the following sub-item—

Item No.	Article	Import Duty	Suspended Duty
	(a) Imported solely for the purpose of advertising goods grown or produced, or services to be provided from, outside East Africa, and having the name of the foreign supplier of those goods or services indelibly printed, engraved or lithographed thereon, but not including menu cards or similar advertising stationery	Free	

18. Insert next after item 142, a new item as follows—

Item No.	Article	Import Duty	Suspended Duty
142A	Gramophone records	Each Sh. 1 (or 25% <i>ad valorem</i> , whichever is the greater).	

19. Delete sub-item (b) (which relates to containers imported empty) of item 150.

20. Substitute for item 156 (which relates to matches) the following item—

Item No.	Article	Import Duty	Suspended Duty
156	Matches	Per 7,200 matches, Sh. 10.	

21. Substitute for item 165 (which relates to packing materials) the following item—

Item No.	Article	Import Duty	Suspended Duty
165	Packing materials—		
	(a) Paper and fluting material imported for the manufacture of corrugated cardboard	Free	
	(b) Paper and cardboard, excluding corrugated cardboard, imported for the manufacture of cartons and paper bags	Free	
	(c) Paper bags, including multiple and waterproof bags, discs, labels, cardboard boxes and cartons—		
	(i) of a type specified by the Minister by notice in the Gazette	<i>Ad valorem</i> 12½%	
	(ii) other	Free	
	(d) Wrapping paper	Free	
	(e) Crown corks	<i>Ad valorem</i> 25%	
	(f) Empty metal drums and tins, parts thereof and fittings therefor; metal foil	Free	
	(g) Other, n.e.s.	Free	

22. Delete sub-item (a) (which relates to signs and name-plates) of item 175, and re-letter sub-items (b), (c) and (d) as (a), (b) and (c) respectively.

**THE SPECIFIC LOAN (INTERNATIONAL BANK FOR
RECONSTRUCTION AND DEVELOPMENT AND
COLONIAL DEVELOPMENT CORPORATION)
ORDINANCE, 1961**

No. 6 of 1961

Date of assent: 15th July, 1961

Date of commencement: 15th July, 1961

ARRANGEMENT OF SECTIONS

SECTION	SECTION
1—Short title.	6—Appropriation of Loan.
2—Interpretation.	7—Terms and conditions of the Loan.
3—Borrowing from Bank.	8—Guarantee of Loan.
4—Moneys to be charged on general revenues and consolidated fund.	9—Issue of instruments.
5—No other loan to rank in priority.	Schedule.

AN ORDINANCE TO MAKE PROVISION FOR BORROWING THE SUM OF FOUR MILLION, FIVE HUNDRED THOUSAND POUNDS STERLING OR THE EQUIVALENT IN POUNDS STERLING AND OTHER CURRENCIES OR THE EQUIVALENT IN OTHER CURRENCIES FROM THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT AND THE COLONIAL DEVELOPMENT CORPORATION AND FOR THE APPROPRIATION, APPLICATION AND REPAYMENT THEREOF

ENACTED by the Legislature of the Colony and Protectorate of Kenya, as follows:—

Short title.

1. This Ordinance may be cited as the Specific Loan (International Bank for Reconstruction and Development and Colonial Development Corporation) Ordinance, 1961.

Interpretation.

2. In this Ordinance—

“Bank” means the International Bank for Reconstruction and Development;

“Corporation” means the Colonial Development Corporation;

“Loan” means the moneys authorized by this Ordinance to be borrowed from the Bank or from the Corporation by the Governor;

“United Kingdom Treasury” means the Commissioners for the time being of Her Majesty’s Treasury in the United Kingdom.

3. (1) The Governor is hereby authorized, on behalf of the Government, to borrow from the Bank or from the Corporation, or partly from the Bank and partly from the Corporation, a sum not exceeding four million, five hundred thousand pounds sterling, or the equivalent in pounds sterling in other currencies or the equivalent in other currencies.

Borrowing
from Bank.

(2) Any borrowing from the Bank shall be deemed—

(a) to be made on the date that any agreement providing therefor is signed, notwithstanding any other date on which the Loan or any part thereof may be made available or may be drawn; and

(b) to be in such amount of pounds sterling as is the equivalent, at the rate of exchange in force at the date of such signature, to the amount of the Loan as expressed in the currency in which the Loan is denominated for the purpose of such agreement.

(3) The Governor may delegate, by instrument under his hand and the public seal, to any person by name, or to any person holding any office specified in such instrument, the power to execute and, if necessary, deliver any written agreement or any other document required by the Bank or by the Corporation.

4. The principal moneys raised under this Ordinance and all interest and other charges thereon are hereby charged upon and shall be payable out of the general revenues of the Colony and the consolidated fund which are hereby appropriated to that purpose.

Moneys to
be charged
on general
revenues and
consolidated
fund.

5. No other charge on the consolidated fund ranking in priority to the charge created by section 4 of this Ordinance shall be created except with the prior written consent of the Bank and of the Corporation:

No other loan
to rank in
priority.

Provided that nothing in this section contained shall prevent the creation of a charge or charges on the general revenues of the Colony and the consolidated fund ranking *pari passu* with the charge created by section 4 of this Ordinance.

Appropriation
of Loan.

6. The money raised under the authority of this Ordinance shall be appropriated to and applied for the reimbursement of expenditure incurred for the various purposes specified in the Schedule to this Ordinance:

Provided that where in the opinion of the Governor it is not possible, in respect of any part of the money so raised, to apply it for the purposes so specified, such part may be applied to such other purposes as may be approved by him and agreed by the Secretary of State with the concurrence of the United Kingdom Treasury, the Bank and the Corporation.

Terms and
conditions
of the Loan.

7. The terms and conditions upon and subject to which the Loan shall be borrowed shall be such as may be agreed with the Bank and with the Corporation consistently with the provisions of this Ordinance, and such agreement may, *inter alia*, provide for the creation and the issue of such instruments, including bonds, as may be required by the Bank or by the Corporation.

Guarantee
of Loan.

8. Any sums issued out of the Consolidated Fund of the United Kingdom on account of any guarantee in respect of the Loan or any part thereof by the United Kingdom Treasury shall be repaid to the United Kingdom Treasury out of the consolidated fund of the Colony with interest thereon at such rate as the United Kingdom Treasury in consultation with the Governor may fix, and shall be charged on the general revenues and the consolidated fund of the Colony.

Issue of
instruments.

9. (1) The Government, or the Crown Agents acting on its behalf, may issue such instruments including bonds, as may be required by the Bank, or by the Corporation in accordance with the terms of the Loan.

(2) The Minister, or such other person as he may appoint in writing, shall sign such bonds on behalf of the Government.

SCHEDULE

(Section 6)

1. The expenses of developing farms in the Scheduled Areas which have been purchased for the settlement of farmers, and of settling farmers on such farms.

8 of 1955.

2. In this Schedule, the "Scheduled Areas" means the areas of land declared by or under Part III of the Agriculture Ordinance, 1955, to be Scheduled Areas.

**THE ASIATIC WIDOWS' AND ORPHANS'
PENSION (AMENDMENT) ORDINANCE, 1961**

No. 7 of 1961

Date of assent: 15th July, 1961

Date of commencement: The whole Ordinance except section 4 (1) (a), 15th July, 1961; section 4 (1) (a), 20th June, 1958

**AN ORDINANCE TO AMEND THE ASIATIC WIDOWS'
AND ORPHANS' PENSION ORDINANCE**

ENACTED by the Legislature of the Colony and Protectorate of Kenya, as follows:—

1. This Ordinance may be cited as the Asiatic Widows' and Orphans' Pension (Amendment) Ordinance, 1961. Short title.

2. Subsection (1) of section 2 of the Asiatic Widows' and Orphans' Pension Ordinance, hereinafter referred to as the principal Ordinance, is amended by adding at the end of the definition of the expression "of a pensionable age", which appears therein, a proviso as follows— Amendment of section 2 of Cap. 74.

Provided that a child who has ceased to be of pensionable age and is, in the opinion of the Board, by reason of infirmity of mind or body, incapable of earning a livelihood and without sufficient means of support, shall be deemed for the purposes of this Ordinance to continue to be of pensionable age for such period as the Board may determine.

3. Section 20 of the principal Ordinance is amended— Amendment of section 20 of the principal Ordinance.

(a) in paragraph (a) of subsection (2) thereof, by adding at the end of the paragraph the words "or the adoption by him of a child of pensionable age";

(b) by substituting for paragraph (d) of subsection (2) thereof a new paragraph as follows—

(d) the death or adoption of any of his children of a pensionable age.

(c) in paragraph (d) of subsection (3) thereof, by inserting immediately after the word "death", which appears therein, the words "or adoption".

Amendment of
section 23A of
the principal
Ordinance.

4. (1) Section 23A of the principal Ordinance is amended—

(a) by substituting for paragraph (c) of subsection (1) thereof a new paragraph as follows—

(c) the adoption was in accordance with the law of the place where the contributor was resident at the time of the adoption;

(b) by substituting for subsection (2) thereof a new subsection as follows—

(2) The child of a contributor who is adopted by any other person—

(a) in the lifetime of the contributor or while a pension is being paid under this Ordinance to the mother of such child, shall be deemed, for the purposes of this Ordinance, to have died at the date of the adoption;

(b) after the death of the contributor shall, if such child is being paid a pension or a share of a pension under this Ordinance, continue to be paid such pension or such share;

(2) The provisions of paragraph (a) of subsection (1) of this section shall be deemed to have come into operation on the 20th June, 1958.

**THE WIDOWS' AND ORPHANS' PENSION
(AMENDMENT) ORDINANCE, 1961**

No. 8 of 1961

Date of assent: 15th July, 1961

*Date of commencement: The whole Ordinance except section
3, 15th July, 1961; section 3, 1st January, 1944*

**AN ORDINANCE TO AMEND THE WIDOWS' AND
ORPHANS' PENSION ORDINANCE**

ENACTED by the Legislature of the Colony and Protectorate of Kenya, as follows:—

1. This Ordinance may be cited as the Widows' and Orphans' Pension (Amendment) Ordinance, 1961. Short title.

2. Subsection (1) of section 2 of the Widows' and Orphans' Pension Ordinance, hereinafter referred to as the principal Ordinance, is amended by adding, at the end of the definition of the expression "of a pensionable age", which appears therein, a proviso as follows— Amendment of
section 2 of
Cap. 73.

Provided that a child who has ceased to be of pensionable age and is, in the opinion of the Governor, by reason of infirmity of mind or body, incapable of earning a livelihood and without sufficient means of support shall be deemed, for the purposes of this Ordinance, to continue to be of pensionable age for such period as the Governor may determine.

3. The principal Ordinance is amended by substituting for subsection (3) of section 4 thereof a new subsection as follows— Amendment of
section 4 of the
principal
Ordinance.

(3) (a) Subject to the provisions of this subsection, if the Governor is satisfied that an officer who is required by this Ordinance to become a contributor is a contributor under an approved scheme, the Governor may, on the application of such officer, direct that he shall, so long as he continues to be a contributor under such approved scheme, be exempt from contributing unless at any time the contributions which, in the absence of this subsection, he would from time to time be required to pay under this Ordinance exceed his contributions under such approved scheme, and so long as the exemption remains in force and the officer continues to be a contributor under such scheme, he shall not contribute under this Ordinance more than the amount (if any) of such excess.

- (b) If an officer who is a contributor under an approved scheme, and who prior to the 1st January, 1944, has been exempted under the provisions of the Ordinance then in force from becoming a contributor under this Ordinance, marries subsequently to that date, he may at his option become a contributor under this Ordinance notwithstanding that he continues to contribute to such approved scheme.
- (c) The Governor may require any officer who has been granted an exemption under this subsection from time to time to produce the receipts for his contributions or other evidence of his continuing to be a contributor under such approved scheme, and if he fails to do so the Governor may cancel the exemption.
- (d) No application by an officer for exemption under this subsection shall be valid unless it is made in writing and reaches the Governor not later than three months after the date from which such officer commences to draw salary from the funds of the Colony, or such later date as the Governor may in any special case determine.
- (e) Where an officer is, by virtue of an exemption under this subsection, making no contributions under this Ordinance, he shall nevertheless be deemed, for the purposes of this Ordinance, to cease or to continue to contribute, as the case may be, in any circumstances in which he would so cease or continue if such exemption had not been granted, and all rights of election under sections 29, 30, 32, 33 and 35 of this Ordinance may be exercised by him accordingly.
- (f) The provisions of this subsection shall be deemed to have come into operation on the 1st January, 1944.

Insertion of
new section 6A
in the principal
Ordinance.

4. The principal Ordinance is amended by inserting therein, immediately after section 6 thereof, a new section as follows—

Power to
vary rate of
contribution.

6A. Notwithstanding the provisions of paragraph (a) of subsection (1) of section 6 of this Ordinance, an officer who is contributing at a rate of not less than £60 a year may vary his future contributions as follows—

- (a) if he is contributing at a rate higher than £60 a year, he may, at any time by written

notice to the Accounting Officer of his Ministry or Department or to the Crown Agents, elect that his future annual contributions shall be at any fixed rate, being a multiple of £5 per annum and not being above the rate applicable to his salary in accordance with paragraph (a) of subsection (1) of the said section 6 and not being lower than £60 per annum, as he shall specify:

Provided that no officer may elect more than once to decrease his future annual contributions;

- (b) (i) if his contributions are limited to £60 per annum, he may at any time, by written notice to the Accounting Officer of his Ministry or Department or to the Crown Agents, elect to resume the rate of contributions provided for in paragraph (a) of subsection (1) of the said section 6 at the point he would have reached had his contributions not been so limited, or elect to contribute at any fixed rate being a multiple of £5 per annum and not being lower than £60 per annum, not exceeding the point he would have reached as aforesaid;
- (ii) an officer electing in accordance with the preceding subparagraph shall thereafter be deemed to be an officer to whom paragraph (a) of this section applies;
- (c) any election provided for in the preceding paragraphs of this section shall—
 - (i) take effect as from the beginning of the month immediately following that in which his notification is received by the said Accounting Officer or the Crown Agents;
 - (ii) be invalid if it is received by the said Accounting Officer or the Crown Agents within two years after the receipt of any previous such election;

- (iii) be invalid if it is made by an officer who has retired on pension from the East African service, other than an officer to whom subsection (4) of section 33 of this Ordinance applies;
- (iv) in the case of an officer electing to increase his contributions, be accompanied by a recent certificate of physical fitness signed by a medical officer, or by a medical practitioner approved for the purpose by the Government;

(d) for the purpose of all the preceding paragraphs of this section, no regard shall be had to any additional contribution made under paragraph (b) of subsection (1) of section 6 of this Ordinance.

Insertion of new section 9A in the principal Ordinance.

5. The principal Ordinance is amended by inserting, immediately after section 9 thereof, a new section as follows—

Lump sum payable by contributors transferred from Cyprus.

9A. (1) A contributor under this Ordinance who was a contributor to the Fund established under the Cyprus Widows' and Orphans' Pensions Law before the 1st January, 1960, and to whom there was paid under the Cyprus Widows' and Orphans' Pensions (Special Provisions) Law, 1960, an amount representing his interest in that Fund as at the 31st December, 1959, may, if he is an officer who has been transferred from the service of the Government of Cyprus to the service of this Government, pay to the Treasury of the Colony a sum equal to the said amount.

(2) A sum paid by a contributor under subsection (1) of this section into the Treasury shall be paid before the 1st September, 1961, or within three months of the date of his transfer, whichever is the later, or by such later date as the Governor may in any special case allow, and the pension payable in respect of such contribution shall be increased by such amount as the Governor, on the advice of an actuary approved by him, may determine.

6. Section 37 of the principal Ordinance is repealed.

Repeal of section 37 of the principal Ordinance.

7. The principal Ordinance is amended by substituting for section 38 thereof a new section as follows—

Replacement of section 38 of the principal Ordinance.

Periodic revision of pension tables.

38. (1) The pension tables may be revised from time to time after an investigation by an actuary appointed by the Secretary of State.

(2) Such investigations shall take place at such dates as the Secretary of State may from time to time determine, being not more than ten years from the date when the scheme first came into operation or from the date of the last investigation.

(3) If after such an investigation it is decided by the Secretary of State that revised pension tables shall be adopted, the new pension tables and instructions for their use as approved by the actuary shall be substituted for the tables and instructions previously in force and shall come into force on a date to be appointed by the Governor by notice in the Gazette and shall apply to any pension payable in respect of a contributor dying on or after that date, but not to any pension payable in respect of a contributor dying before that date.

**THE ASIAN OFFICERS' FAMILY PENSIONS
(AMENDMENT) ORDINANCE, 1961**

No. 9 of 1961

Date of assent: 15th July, 1961

Date of commencement: The whole Ordinance except sections 2 (1) (c) and 8 (1) (b), 15th July, 1961; section 2 (1) (c), 1st January, 1954; section 8 (1) (b), 20th June, 1958

**AN ORDINANCE TO AMEND THE ASIAN OFFICERS'
FAMILY PENSIONS ORDINANCE**

ENACTED by the Legislature of the Colony and Protectorate of Kenya, as follows:—

Short title.

1. This Ordinance may be cited as the Asian Officers' Family Pensions (Amendment) Ordinance, 1961.

Amendment of section 2 of Cap. 75.

2. (1) Subsection (1) of section 2 of the Asian Officers' Family Pensions Ordinance, hereinafter referred to as the principal Ordinance, is amended—

- (a) by substituting for the words "the Government of the Colony", which appear in the definitions of "Bombay Agents", "Karachi Agents" and "other public service", in each case the words "the Government";
- (b) by substituting for the words "the Government of the Colony or of any other part", which appear in the definition of "public service", the words "the Government or the government of any part";
- (c) by substituting for the definition of "salary" a new definition as follows—

"salary" means the gross salary attached to the office of which the officer is substantive holder and includes inducement pay but does not include any other allowance or other emolument or the value of any other advantage which the officer may receive or enjoy;

(2) Subsection (2) of section 2 of the principal Ordinance is amended by adding at the end thereof a proviso as follows—

Provided that a child who has ceased to be of pensionable age and is, in the opinion of the Board, by reason of infirmity of mind or body, incapable of earning a livelihood and without sufficient means of support shall

be deemed for the purposes of this Ordinance to continue to be of pensionable age for such period as the Board may determine.

(3) Paragraph (c) of subsection (1) of this section shall be deemed to have come into operation on the 1st January, 1954.

3. Section 7 of the principal Ordinance is amended— Amendment of section 7 of the principal Ordinance.

(a) in paragraph (a) of subsection (3) thereof, by adding at the end of the paragraph the words "or the adoption by him of a child of pensionable age and the date thereof";

(b) in paragraph (c) of subsection (3) thereof, by substituting for the word "or" the words "and the death or adoption";

(c) in paragraph (d) of subsection (4) thereof, by inserting, immediately after the word "death" which appears therein, the words "or adoption".

4. Section 9 of the principal Ordinance is amended by substituting for the words "not less than five years", which appear therein, the words "not more than ten years". Amendment of section 9 of the principal Ordinance.

5. Paragraph (b) of subsection (2) of section 12 of the principal Ordinance is amended by substituting for the words "any contributor", which appear therein, the words "any member". Amendment of section 12 of the principal Ordinance.

6. Section 13 of the principal Ordinance is amended— Amendment of section 13 of the principal Ordinance.
(a) by adding at the end of subsection (1) thereof a proviso as follows—

Provided that no member shall be required to contribute at a higher rate than £60 a year;

(b) by substituting for the word "contributor", which appears in subsection (3) thereof, the word "member".

7. Section 24 of the principal Ordinance is amended by substituting for the word "contributor", which appears therein, the word "member". Amendment of section 24 of the principal Ordinance.

No. 9*Asian Officers' Family Pensions (Amendment) 1961*

Amendment of
section 28A of
the principal
Ordinance.

8. (1) Section 28A of the principal Ordinance is amended—

(a) by substituting for the word “contributor”, wherever it appears therein, the word “member”;

(b) by substituting for paragraph (c) of subsection (1) thereof a new paragraph as follows—

(c) the adoption was in accordance with the law of the place where the member was resident at the time of the adoption.;

(c) by substituting for subsection (2) thereof a new subsection as follows—

(2) The child of a member who is adopted by any other person—

(a) in the lifetime of the member or while a pension is being paid under this Ordinance to the mother of such child, shall be deemed, for the purposes of this Ordinance, to have died at the date of the adoption;

(b) after the death of the member shall, if such child is being paid a pension or a share of a pension under this Ordinance, continue to be paid such pension or such share.

(2) The provisions of paragraph (b) of subsection (1) of this section shall be deemed to have come into operation on the 20th June, 1958.

**THE KENYA REGIMENT (TERRITORIAL FORCE)
(AMENDMENT) ORDINANCE, 1961**

No. 10 of 1961

Date of assent: 15th July, 1961

Date of commencement: 15th July, 1961

**AN ORDINANCE TO MAKE PROVISION FOR THE
ADMISSION OF NON-EUROPEANS TO THE
KENYA REGIMENT**

ENACTED by the Legislature of the Colony and Protectorate of Kenya, as follows:—

1. This Ordinance may be cited as the Kenya Regiment (Territorial Force) (Amendment) Ordinance, 1961. Short title.

2. Subsection (1) of section 4 of the Kenya Regiment (Territorial Force) Ordinance is amended by deleting therefrom the words "of European descent". Amendment of section 4 of Cap. 89.

THE POOLS ORDINANCE, 1961
No. 11 of 1961

Date of assent: 15th July, 1961

Date of commencement: By Order

ARRANGEMENT OF SECTIONS

SECTION	SECTION
1—Short title.	8—Tax recoverable as debt.
2—Interpretation.	9—Power to enter and inspect premises.
3—Offence to operate pool without licence.	10—Offences.
4—Licences.	11—Rules.
5—Offence to advertise unauthorized pools.	12—Amendment of Cap. 24 and Cap. 27.
6—Tax on pool bets.	SCHEDULE.
7—Penalty for late payment.	

AN ORDINANCE TO MAKE PROVISION FOR THE LICENSING OF POOL BETTING AND FOR THE IMPOSITION AND RECOVERY OF A TAX THEREON, AND FOR MATTERS CONNECTED THEREWITH AND INCIDENTAL THERETO

ENACTED by the Legislature of the Colony and Protectorate of Kenya, as follows:—

- Short title.** **1.** This Ordinance may be cited as the Pools Ordinance, 1961, and shall come into operation on such day as the Governor may, by order, appoint.
- Interpretation.** **2.** In this Ordinance, except where the context otherwise requires—
- “agent” means any person who acts in furtherance of the promotion of a pool;
- “the Controller” means the Controller of Revenue, and includes any officer deputed in writing by the Controller to exercise his functions under this Ordinance in any specified part of Kenya;
- “coupon” includes any printed or written document connected with, or designed to assist in the making of, a pool bet;
- “pool” means any competition organized for the gain of the promoter in which for a monetary or other material reward the public are invited, whether on a weekly or other

periodical basis or not, to foretell the results of a series of games, races (other than horse races), or events, and includes a pool operated on the system known as a fixed odds betting pool on the result of any such game, race or event;

“pool bet” means any stake or wager in a pool, whether in money or money’s worth, and includes any portion of such stake or wager;

“promoter” means any person who promotes a pool;

“tax” means the tax payable under section 6 of this Ordinance;

“unauthorized pool”, in respect of pools—

(a) promoted within Kenya, means any pool promoted by a person who is not the holder of a valid promoter’s licence issued under section 4 of this Ordinance in respect of that pool;

(b) promoted outside Kenya, means any pool promoted by a person who has not within Kenya an agent or representative holding a valid principal agent’s licence issued under section 4 of this Ordinance in respect of that pool;

3. (1) Any person who promotes a pool within Kenya otherwise than under and in accordance with the terms and conditions of a valid promoter’s licence issued under section 4 of this Ordinance shall be guilty of an offence and liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment.

Offence to
operate pool
without licence.

(2) Any person who in furtherance of any pool or on behalf of any promoter or his agent receives or negotiates pool bets or otherwise acts as an agent of any promoter otherwise than under and in accordance with the terms and conditions of an agent’s or principal agent’s licence issued under section 4 of this Ordinance shall be guilty of an offence and liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

(3) Notwithstanding the provisions of any other written law, when a person is charged with any offence under this section, and the court is of opinion that he is not guilty of that offence, but that he is guilty of any other offence under

this section, he may be convicted of such other offence although he was not charged with it.

Licences.

4. (1) The Controller may, subject to any rules made under this Ordinance, and upon such terms and conditions as he may deem proper, issue any of the following licences—

- (a) a promoter's licence, authorizing the holder to promote a pool within Kenya;
- (b) a principal agent's licence, authorizing the holder to act as the principal agent in Kenya of the promoter of any pool promoted outside Kenya;
- (c) an agent's licence, authorizing the holder to act as an agent of the promoter of any pool promoted within Kenya, or of any principal agent of the promoter of a pool promoted outside Kenya.

(2) The Controller shall not refuse a licence under this section unless he has reasonable cause to believe that the applicant would be likely to contravene the provisions of this Ordinance or of any rules made thereunder, or any of the conditions which, in the opinion of the Controller, are properly required to be attached to such licence.

(3) No licence issued under this section shall be applicable to more than one pool, promoter, principal agent or agent.

(4) There shall be paid for every licence issued under this section the fee prescribed therefor in the Schedule to this Ordinance.

(5) Every licence issued under this section shall, unless therein otherwise provided, expire on the 30th June next following the day of issue:

Provided that the Controller may in his discretion, cancel any licence issued under this section if he is satisfied that any of the conditions upon which it was granted have been contravened, or that there has been a contravention of any of the provisions of this Ordinance, or of any rules made thereunder, in respect of the pool for which the licence was issued.

5. (1) Any person who prints or publishes, or causes to be printed or published—

- (a) any advertisement or other notice of or relating to an unauthorized pool, or of or relating to the issue of any coupon or the amount of any dividend connected with any such pool; or

Offence to
advertise
unauthorized
pools.

- (b) any advertisement or other notice of or relating to any pool promoted outside Kenya, or of or relating to the issue of any coupon or the amount of any dividend connected with such a pool, without specifying therein the name and address of the principal agent in Kenya of the promoter of the pool,

shall be guilty of an offence and liable to a fine not exceeding one thousand shillings:

Provided that:

- (i) the publication of any such advertisement or notice in a newspaper printed outside Kenya and normally circulating within Kenya, shall not be an offence if the pool to which such advertisement or notice refers is promoted outside the Colony;
- (ii) no publisher, proprietor, printer or editor or other member of the staff of any newspaper (being a newspaper within the meaning of the Books and Newspapers Ordinance, 1960) shall be guilty of an offence under this subsection if he furnishes to the Controller or to the police officer investigating the occurrence the name and address of the person who caused such advertisement to be published.

27 of 1960.

(2) Any person who prints or sends or gives to any person any coupon relating to an unauthorized pool, shall be guilty of an offence and liable to a fine not exceeding one thousand shillings.

6. (1) There shall be charged, levied and paid on every receipt of a pool bet, a tax equal to ten per centum of the gross amount of the receipt:

Tax on pool bets.

Provided that no pool bet shall be liable to the tax more than once, notwithstanding that it is received by more than one person in the course of its transmission to or to the account of the promoter.

(2) For the purposes of subsection (1) of this section, if any money or credit held by a promoter, principal agent or agent on account of any person is appropriated to a pool bet, such appropriation shall be deemed to be a receipt.

(3) The tax shall be paid by such persons, within such periods or intervals and in such manner, as may be prescribed, to the Controller who shall pay it into the consolidated fund:

Provided that where the Minister is satisfied that arrangements of a reciprocal nature or effect have been made by the legislature of Tanganyika, Uganda or Zanzibar, he may by order require the Controller to remit directly to the Government of that country, and not to pay into the consolidated fund, the sums collected by way of tax on pool bets received in Kenya from that country, after deduction of the cost of such collection.

(4) The Minister may, by order, exempt from the tax any specified pool bet or any specified class of pool bets, whether relating to a particular pool or not.

Penalty for
late payment.

7. Any person who fails to pay the whole of the tax due from him within such time as may be prescribed, shall be liable to pay in addition to the amount in default, a penalty equal to five per centum of the said amount for each week, or part thereof, that the default continues.

Tax recoverable
as debt.

8. The tax, and any penalty in respect thereof, shall be deemed to be a civil debt due to the Government, and may be sued for and recovered with costs by and in the name of the Controller.

Power to enter
and inspect
premises.

9. (1) It shall be lawful for the Controller, on production of his authority if demanded, or for any police officer of or above the rank of assistant inspector, to enter without warrant and inspect any premises in which he has reason to believe that an offence against this Ordinance or against any rules made thereunder has been or is about to be committed, and therein to—

- (a) examine and take copies of any books, accounts and documents relating or appearing to relate to any pool or to pool betting;
- (b) seize, remove and detain any book, account or document which he has reasonable cause to suppose will afford evidence of any offence against this Ordinance or against any rules made thereunder;
- (c) require any occupant of such premises to render such explanations and give such information relating to any pool or pool betting as may be reasonably required by the Controller or such officer in the performance of his duties.

(2) The power to act under subsection (1) shall only be exercised without a warrant if the Controller or officer so acting has reasonable cause to believe that the delay

occasioned in obtaining a search warrant would seriously hinder him in the performance of his duties, and such power shall be exercised only by or under the directions of a police officer of the rank of assistant inspector or above unless the Controller has reasonable cause to believe that the delay occasioned in summoning such police officer would, or would tend to, defeat the purposes of this section.

(3) Any person who obstructs or hinders the Controller or any officer acting in pursuance of any of the provisions of this section or who on any requisition under paragraph (c) of subsection (1) wilfully withholds any information, or gives any information knowing or having reason to believe it to be false or misleading, shall be guilty of an offence and shall be liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment:

Provided that no person may be required to answer any question the answer to which may tend to expose him to any criminal charge, penalty or forfeiture.

(4) Before removing any article under the provisions of paragraph (b) of subsection (1) of this section the Controller or officer removing it shall furnish the person in whose custody or possession the article is at the time of removal with a written receipt therefor.

(5) Every seizure under this section shall be reported without unnecessary delay to a magistrate.

10. Any person—

Offences.

- (a) other than the holder of a valid principal agent's licence, who takes or sends out of Kenya (whether by post or otherwise) money or money's worth or any coupon in connexion with, or for the purpose of making, a pool bet; or
- (b) who knowingly or recklessly keeps any book, record or account, required to be kept by any rule made under this Ordinance, which is false in a material particular, or makes or causes to be made in any such book, record or account or in any return to the Controller, any entry which is false in a material particular; or
- (c) is knowingly concerned in, or in the taking of any step with a view to, the fraudulent evasion of any

tax or licence fee payable under the provisions of this Ordinance,

shall be guilty of an offence and liable, in the case of an offence under paragraph (a) or paragraph (b) of this section, to a fine not exceeding two thousand shillings, and in the case of an offence under paragraph (c) of this section, to a fine not exceeding ten thousand shillings, or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment.

Rules.

11. The Minister may make rules generally for the better carrying out of the purposes of this Ordinance and, without prejudice to the foregoing generality, any such rules may provide for—

- (a) securing the payment of licence fees and tax;
- (b) the keeping of books, records and accounts, and the submission of returns;
- (c) requiring books, records, accounts and returns to be audited in such manner, and by such persons or classes of persons, as may be prescribed;
- (d) the form of licences, and any conditions to be inserted therein.

Amendment of
Cap. 24 and
Cap. 27.

12. (1) Section 173 of the Penal Code is amended by inserting at the end thereof a further proviso as follows—

Provided further that nothing herein contained shall render illegal the use of any house, room or place for the receipt or negotiation of any pool bet in pursuance of a licence issued under section 3 of the Pools Ordinance, 1961.

11 of 1961.

(2) Section 175 of the Penal Code is repealed.

Cap. 27.

(3) The First Schedule to the Criminal Procedure Code is amended by deleting therefrom the entry relating to section 175 of the Penal Code.

SCHEDULE

(s. 4 (4))

LICENCE FEES

	<i>Sh.</i>
Promoter's licence	1,000
Principal agent's licence	1,000
Agent's licence	100

THE OVERSEAS SERVICE ORDINANCE, 1961**No. 12 of 1961***Date of assent: 15th July, 1961**Date of commencement: 1st April, 1961***AN ORDINANCE TO RATIFY AND CONFIRM THE OVERSEAS SERVICE (KENYA) AGREEMENT, 1961, AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH**

ENACTED by the Legislature of the Colony and Protectorate of Kenya, as follows:—

1. This Ordinance may be cited as the Overseas Service Ordinance, 1961, and shall be deemed to have come into operation on the 1st day of April, 1961.

Short title and commencement.

2. The agreement entitled the Overseas Service (Kenya) Agreement, 1961 (in this Ordinance referred to as the Agreement), and set out in the Schedule to this Ordinance, is hereby ratified and confirmed.

Ratification of the Agreement.

3. From and after the 1st day of April, 1961, there shall be charged upon and paid out of the consolidated fund the sums required for ensuring the payment to each designated officer (as defined in the Agreement) of the sums referred to in clause 2 of the Agreement, for the purposes therein mentioned, and there shall be paid into the consolidated fund all moneys received by the Government under and in pursuance of the Agreement.

Charge on consolidated fund, and payments thereto.

SCHEDULE**SERVICE WITH OVERSEAS GOVERNMENTS****AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF KENYA**

WHEREAS the Government of Kenya employs in the public service certain officers whose emoluments include an addition attributed by the Government of Kenya to inducement to serve in Kenya;

SCHEDULE—(Contd.)

AND WHEREAS Her Majesty's Government of the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as the Government of the United Kingdom) is prepared to contribute in accordance with the terms and conditions of this Agreement to that part of the cost of employing such officers as is attributable to the fact that the emoluments of such officers include an addition as aforesaid;

NOW, THEREFORE, it is agreed between Her Majesty's Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Kenya as follows:—

1. In this Agreement unless the context otherwise requires:—

“appointed day” means the first day of April, 1961;

“child” means the son or daughter of a designated officer, including a stepson, stepdaughter, adopted son or adopted daughter who either—

- (i) has not attained his or her twenty-second birthday and being unmarried, is dependent upon the designated officer; or
- (ii) is in the opinion of the Government of Kenya, being unmarried, dependent on the designated officer by reason of incapacity;

“compensation” means any sum of money, not being a pension or a gratuity, which is payable by the Government of Kenya, on or after the appointed day, either in one payment or by instalments, including any sum payable by way of interest thereon or any additions to or any sum paid by way of commutation of additions to a pension, to a designated officer by virtue of arrangements for the payment of compensation approved by a Secretary of State for the purposes of this Agreement;

“contract officer” means a designated officer who is on or after the appointed day a party to a contract of service in writing with the Government of Kenya and whose service under that contract does not qualify him for a pension;

“designated officer” means an officer designated as such by a Secretary of State who is in the service of the Government of Kenya on or after the appointed day and whose emoluments in respect of such service include an addition attributed by the Government of Kenya to inducement to serve in Kenya; and

- (a) who is a member of Her Majesty's Overseas Civil Service; or
- (b) who, before the first day of October, 1954, was selected for appointment by or with the approval of a Secretary of State or was recruited by the Crown Agents for Oversea Governments and Administrations or was otherwise recruited to or was before that date serving in a post for which a normal channel of recruitment was either the Colonial Office or the Crown Agents for Oversea Governments and Administrations, and whose emoluments included with effect from the first day of January, 1955, an addition attributed by the Government of Kenya to inducement to serve in Kenya; or

SCHEDULE—(Contd.)

(c) who, on or after the first day of October, 1954, was selected for appointment by or with the approval of a Secretary of State or who was recruited by the Crown Agents for Oversea Governments and Administrations or was otherwise recruited to a post for which a normal channel of recruitment was the Colonial Office or the Crown Agents for Oversea Governments and Administrations, and who, if he came to East Africa for the purpose of taking up or obtaining employment or in the course of his employment, had not previously been in East Africa except for transient purposes and who was subsequently selected or recruited in East Africa for the service of the Government of Kenya, being so selected or recruited in the following circumstances, that it to say—

- (i) he was so selected or recruited within three years of his arrival in East Africa for the purpose or in the circumstances aforesaid; or
- (ii) he, having been in East Africa for a period exceeding three years before entering the service of the Government of Kenya, and having been employed during that period, was entitled under the conditions of such employment to financial assistance in respect of periodical leave of absence outside East Africa;

“gratuity” means the sum payable to a contract officer, in addition to salary and allowances under his contract of service, and described therein as such or in the laws or regulations applicable thereto, in return for services rendered, whether such sum is paid at the conclusion of that service or otherwise;

“passage” means transportation of a designated officer, his wife, children and effects by such means, by such routes, in such classes of accommodation in accordance with such conditions as the Government of Kenya may with the concurrence of the Government of the United Kingdom prescribe;

“pension” means the pension including any lump sum payable by way of commutation of the whole or a part of such pension payable to a designated officer under the pensions Laws and Regulations applicable to him, but excluding any compensation;

“Secretary of State” means one of Her Majesty’s Principal Secretaries of State in the United Kingdom.

2. In the event of the Government of Kenya, on or after the appointed day paying the allowances, and providing for the passages referred to in clause 3 of this Agreement, the Government of the United Kingdom will, in accordance with such procedure as may mutually be agreed between the said two Governments, reimburse the Government of Kenya the following sums:—

- (a) the aggregate amount of the allowances, referred to in paragraphs (a) and (b) of clause 3 of this Agreement, and paid

SCHEDULE—(Contd.)

to designated officers less the sum agreed by the said two Governments as being equivalent to the proceeds of taxation received by the Government of Kenya;

- (i) on the inducement allowance referred to in paragraph (a) of clause 3 of this Agreement and paid to designated officers; and
 - (ii) on any inducement allowance paid by the East Africa High Commission to any officer in the service of the High Commission, the amount of which the Government of the United Kingdom has agreed to reimburse the High Commission;
- (b) one-half of the aggregate amount paid by the Government of Kenya in providing for designated officers the passages referred to in paragraph (c) of clause 3 of this Agreement;
- (c) one-half of the aggregate amount paid by the Government of Kenya as compensation to designated officers;
- (d) that part of any gratuity paid by the Government of Kenya to a designated officer which accrues to that officer by virtue of the addition to his emoluments, after the appointed day, of the inducement allowance referred to in paragraph (a) of clause 3 of this Agreement;
- (e) that part of any pension paid by the Government of Kenya to a designated officer which accrues to that officer by virtue of the addition to his pensionable emoluments, after the appointed day, of the inducement allowance referred to in paragraph (a) of clause 3 of this Agreement which shall bear the same proportion to the total pension payable to that officer by the Government of Kenya as the total amount of inducement allowance as aforesaid paid to him by the Government of Kenya bears to the aggregate pensionable emoluments earned by him, before or after the appointed day while in the public service of the Government of Kenya.

3. The allowances and passages mentioned in clause 3 of this Agreement are as follows:—

- (a) an inducement allowance at such annual rate as may be specified by the Government of the United Kingdom;
- (b) any education allowance to which a designated officer may be entitled in respect of any child who has not attained his or her nineteenth birthday, at rates and under conditions specified from time to time by the Government of the United Kingdom;
- (c) passages on such occasions as the Government of Kenya may with the concurrence of the Government of the United Kingdom prescribe.

4. The Government of the United Kingdom and the Government of Kenya will each take such steps as may be necessary to exempt the allowance referred to in paragraph (b) of clause 3 of this

SCHEDULE—(Contd.)

Agreement from the operation of any law imposing a tax on income for the time being in force in their respective territories.

5. (1) On or before the first day of October in each year the Government of Kenya will provide the Government of the United Kingdom with such information, including information concerning any variation in the numbers of designated officers which results from the establishment requirements of the Government of Kenya, as the Government of the United Kingdom may require to calculate the amounts payable by the Government of the United Kingdom under clause 2 of this Agreement during the ensuing financial year of the Government of the United Kingdom.

(2) The Government of Kenya will, whenever requested so to do by the Government of the United Kingdom, supply to the Government of the United Kingdom such accounts and other information in connexion with the operation of this Agreement as may be specified in such request.

6. The Government of Kenya will consult the Government of the United Kingdom before effecting any changes in policy which might affect the recruitment, terms of service and numbers of designated officers so as to vary the amounts reimbursable by the Government of the United Kingdom under clause 2 of this Agreement.

7. Subject to the provisions of clauses 5 and 6 of this Agreement, nothing in this Agreement shall affect the right of the Government of Kenya to vary its dispositions or requirements of officers in its public service as it sees fit.

8. This Agreement shall terminate, unless some other date is agreed between the Government of Kenya and the Government of the United Kingdom on the thirty-first day of March, 1971:

Provided that—

- (i) this Agreement shall not be terminated on a date earlier than 31st March, 1971, unless all the obligations arising thereunder, other than those in respect of pensions referred to in paragraph (e) of clause 2 of this Agreement, have been discharged; and
- (ii) the termination of this Agreement shall not affect the liability of the Government of the United Kingdom to make the reimbursements in respect of pensions referred to in paragraph (e) of clause 2 of this Agreement

9. This Agreement shall come into operation on the appointed day, and may be cited as the Overseas Service (Kenya) Agreement, 1961.

Done in duplicate in London this 5th day of May, 1961, and in Nairobi this 15th day of May, 1961.

For the Government of the United Kingdom of Great Britain and Northern Ireland:

P. ROGERS.

For the Government of Kenya:

E. N. GRIFFITH-JONES.

**THE INTERPRETATION AND GENERAL PROVISIONS
(AMENDMENT) ORDINANCE, 1961**

No. 13 of 1961

Date of assent: 15th July, 1961

Date of commencement: 15th July, 1961

AN ORDINANCE TO AMEND THE INTERPRETATION
AND GENERAL PROVISIONS ORDINANCE, 1956,
AND FOR PURPOSES CONNECTED THEREWITH

ENACTED by the Legislature of the Colony and
Protectorate of Kenya, as follows:—

Short title.

1. This Ordinance may be cited as the Interpretation and General Provisions (Amendment) Ordinance, 1961.

Amendment of
section 3 of
Ordinance No. 38
of 1956.

2. (1) Subsection (1) of section 3 of the Interpretation and General Provisions Ordinance, 1956 (hereinafter referred to as the principal Ordinance) is amended—

- (a) in the definition of “administrative officer”, by deleting the words “Senior Provincial Commissioner,” which appear therein and by substituting for the words “Assistant District Officer” which appear therein the words “District Assistant”;
- (b) in the definition of “immovable property”, by adding at the end thereof the words “, and includes a debt secured by mortgage or charge on immovable property.”;
- (c) in the definition of “magistrate”, by substituting for the words “appointed by or under”, which appear therein, the words “constituted by or appointed under”;
- (d) in the definition of “police officer”, by substituting for the expression “Police Ordinance, 1948” the expression “Police Ordinance, 1960”;
- (e) in the definition of “Provincial Commissioner”, by deleting all the words appearing therein after the words “a province”;
- (f) in the definition of “public body”, by substituting for the words “any department of the Government, any undertaking by or of the Government”, which appear therein, the words “the Government or the High Commission, any department of the Government or

the High Commission, any undertaking by or of the Government or the High Commission”;

- (g) by substituting for the definitions of “legislature”, “The Governor in Council of Ministers” and “Trust Board”, which appear therein, new definitions respectively as follows—

“legislature”, when used with reference to a British possession, means the authority, other than the Parliament of the United Kingdom or Her Majesty in Council, competent to make laws for that British possession; and “the Legislature” means the legislature of Kenya;

“the Governor in Council” means the Governor acting with the advice of the Council of Ministers of Kenya, but not necessarily acting in such Council assembled, nor necessarily in accordance with such advice;

“Trust Land Board” means the Trust Land Board established by section 6 of the Kenya (Land) L.N. 589/60. Order in Council, 1960;

- (h) by inserting, in their respective alphabetical positions, four new definitions as follows—

“District Assistant” means a person appointed to the administrative office of that designation;

“Kenya” means the territories comprising the Colony and the Protectorate;

64 of 1950. “Road Authority” means the Road Authority established by the Road Authority Ordinance, 1950;

Cap. 5. “Rules Committee” means the Rules Committee established by section 81 of the Civil Procedure Ordinance.

- (i) by deleting the definitions of “Assistant District Officer” and “the Commonwealth”, which appear therein.

(2) Where any written law contains a reference to the Governor in Council of Ministers, such reference shall be construed as if it were a reference to the Governor in Council.

Replacement
of sections 8 and
9 of the principal
Ordinance.

3. There shall be substituted for sections 8 and 9 of the principal Ordinance two new sections as follows—

Commence-
ment of
Ordinances.

8. An Ordinance assented to by the Governor shall come into operation on the day on which it is published in the Gazette:

Provided that, if it is enacted in the Ordinance, or in any other written law, that the Ordinance or any provision thereof shall come or be deemed to have come into operation on some other day, the Ordinance or, as the case may be, such provision shall come or be deemed to have come into operation accordingly.

Commence-
ment of
reserved
Bills.

9. A Bill which, having been passed by the Legislative Council and reserved by the Governor for the signification of Her Majesty's pleasure, is assented to by Her Majesty shall come into operation as an Ordinance on the day on which the proclamation by the Governor signifying Her Majesty's assent thereto is published in the Gazette:

Provided that, if it is enacted in the Ordinance, or in any other written law, or is provided in the proclamation, that the Ordinance or any provision thereof shall come or be deemed to have come into operation on some other day, the Ordinance or, as the case may be, such provision shall come or be deemed to have come into operation accordingly.

Amendment
of section 64
of the principal
Ordinance.

4. Subsection (1) of section 64 of the principal Ordinance is amended by substituting for the words "Where under the provisions of any written law any animal or any thing is adjudged by any court or other authority to be forfeited", which appear therein, the words "Where any animal or thing is by any written law declared, or is under any written law adjudged by any court or other authority, to be forfeited".

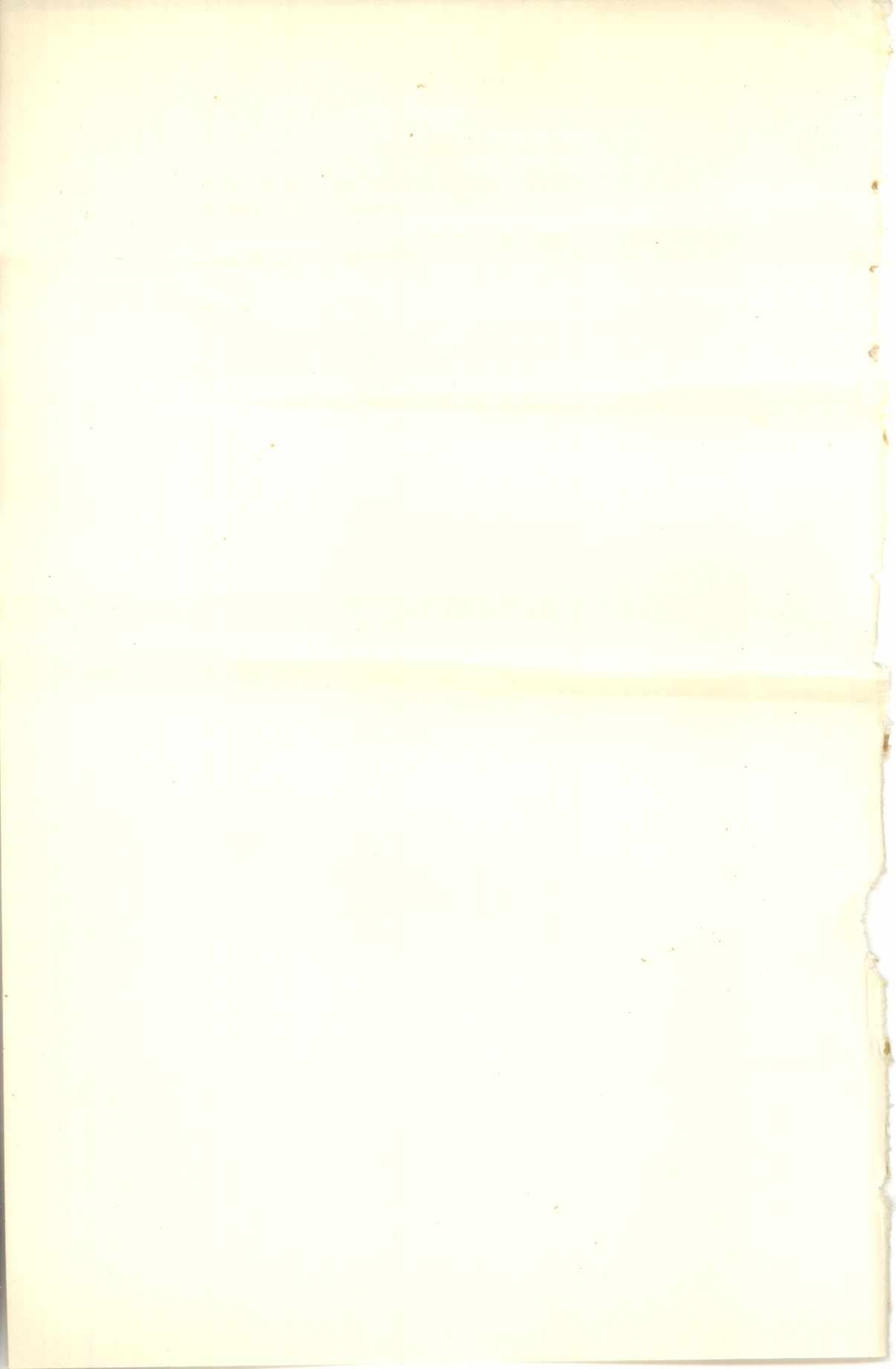
Replacement
of section 67
of the principal
Ordinance.

5. There shall be substituted for section 67 of the principal Ordinance a new section as follows—

Provisions
respecting
extra-
provincial
districts.

67. Where, by or under the provisions of any written law, any power is conferred or any duty is imposed on a Provincial Commissioner, or on any other public officer having the responsibility

for any particular matter within the limits of a province, then, in any district which is not included in any province, such power shall be exercisable or such duty performed by the officer in charge of such district or by the public officer having the responsibility for the particular matter within the limits of such district, as the case may be; and in any such case the word "province" shall, in any written law, be construed as if it were the word "district".



THE MARRIAGE (AMENDMENT) ORDINANCE, 1961

No. 14 of 1961

Date of assent: 2nd August, 1961

Date of commencement: By notice

**AN ORDINANCE TO AMEND THE MARRIAGE
ORDINANCE; AND FOR PURPOSES INCIDENTAL
THERE TO AND CONNECTED THEREWITH**

ENACTED by the Legislature of the Colony and Protectorate of Kenya as follows:—

1. This Ordinance may be cited as the Marriage (Amendment) Ordinance, 1961, and shall come into operation on such day as the Governor may, by notice in the Gazette, appoint. Short title and commencement.

2. Section 34 of the Marriage Ordinance, hereinafter referred to as the principal Ordinance, is amended by substituting for the words "to be signed and certified by the Registrar General" the words "to be sealed or stamped with the seal of the Registrar General". Amendment of section 34 of Cap. 144.

3. Section 35 of the principal Ordinance is amended by inserting therein, immediately after subsection (1), a new subsection as follows— Amendment of section 35 of the principal Ordinance.

(1A) A marriage shall be null and void if either party thereto is under the age of sixteen years at the time of the celebration of such marriage:

Provided that nothing in this subsection shall affect any marriage celebrated before the commencement of this subsection.

4. The principal Ordinance is amended by substituting for section 40 a new section as follows— Substitution of section 40 of the principal Ordinance.

Fees. 40. There shall be paid to the Registrar General or to a registrar, as the case may be, such fees as may be prescribed in respect of the several matters for which they are prescribed.

Substitution of section 53 of the principal Ordinance.

5. The principal Ordinance is amended by substituting for section 53, and the heading thereto, a new section and heading as follows—

RULES

Rules.

53. The Minister may make rules for the better carrying into effect of the provisions of this Ordinance and, without prejudice to the generality of the foregoing, may make rules prescribing the forms to be used and the fees to be paid in respect of such matters as may be specified by this Ordinance or by such rules.

Consequential and minor amendments of the principal Ordinance and of Cap. 24.

6. The provisions of the principal Ordinance and of the Penal Code specified in the first column of the Schedule to this Ordinance are amended in the manner respectively specified in the second column of the said Schedule.

Repeal of Schedules to the principal Ordinance.

7. The First and Second Schedules to the principal Ordinance are hereby repealed.

SCHEDULE

(Section 6)

CONSEQUENTIAL AND MINOR AMENDMENTS

(1) <i>Section of the principal Ordinance</i>	(2) <i>Amendment</i>
7	For the words "in the Form A in the First Schedule hereto" there shall be substituted the words "in the prescribed form".
8 and 20 (2)	For the words "in the Form B in the First Schedule hereto" there shall be substituted the words "in the prescribed form".
11 (1)	For the words "in the Form C in the First Schedule hereto" there shall be substituted the words "in the prescribed form".
14	For the words "according to Form D in the First Schedule hereto" there shall be substituted the words "in the prescribed form".
26	For the words "in the Form E in the First Schedule hereto" there shall be substituted the words "in the prescribed form".

SCHEDULE—(Contd.)

CONSEQUENTIAL AND MINOR AMENDMENTS—(Contd.)

(1) <i>Section of the principal Ordinance</i>	(2) <i>Amendment</i>
27	The words "by the said Form E" shall be deleted.
32 (1)	For the words "the Form F in the First Schedule hereto" there shall be substituted the words "the prescribed form".
34	For the words "the fees set out in the Second Schedule hereto" there shall be substituted the words "the prescribed fee".
41	The words "into the Treasury" shall be deleted.
<i>Section of the Penal Code</i>	
137 (2)	There shall be added to the proviso the words "or was his wife".
138 (2)	There shall be added to the proviso the words "or was his wife".

**THE STATUTE LAW (MISCELLANEOUS
AMENDMENTS) ORDINANCE, 1961**
No. 15 of 1961

Date of assent: 2nd August, 1961

Date of commencement: 8th August, 1961

AN ORDINANCE FOR PROMOTING THE REVISION
OF THE STATUTE LAW BY MAKING MINOR
AMENDMENTS TO CERTAIN WRITTEN LAWS

ENACTED by the Legislature of the Colony and
Protectorate of Kenya, as follows:—

Short title.

1. This Ordinance may be cited as the Statute Law (Miscellaneous Amendments) Ordinance, 1961.

Amendment of
written laws.

2. The several Ordinances specified in the first column of the Schedule to this Ordinance are amended, in relation to the provisions thereof specified in the second column, in the manner respectively specified in the third column, of such Schedule.

SCHEDULE

Arbitration Ordinance (Cap. 22)	s. 22	Delete "Arbitration Act, 1889", and substitute "Arbitration Act, 1950, or any Act which that Act replaced".
Criminal Procedure Code (Cap. 27)	s. 2	Delete the definitions of "police officer" and "police station", and substitute— "police officer" means a police officer or a tribal police officer; "police station" means a police station within the meaning of section 2 of the Police Ordinance, 1960;
	s. 185	Delete "139" and substitute "137".
Fugitive Criminals Surrender Ordinance (Cap. 28)	s. 3	Insert, immediately after "foreign State", the words ", or between Her Majesty's Government in the United Kingdom and the Government of any foreign State,".

SCHEDULE—(Contd.)

Bankruptcy Ordinance (Cap. 30)	s. 127	Insert, immediately after "Consul", the words "or pro-consul".
Deeds of Arrangement Ordinance (Cap. 31)	s. 2 (1)	Delete the definition of "prescribed".
	s. 4	Delete all the words following "and unless", and substitute the words "it is duly stamped with the proper stamp duty".
	s. 7 (2)	Delete "and in addition to such duty a stamp denoting a duty computed at the rate of one shilling for every two thousand shillings or fraction of two thousand shillings of the sworn value of the property passing, or (where no property passes under the deed) the amount of composition payable under the deed,".
Public Trustee Ordinance (Cap. 37)	s. 24 (1)	Delete "Financial Secretary", and substitute "Minister for the time being responsible for finance".
Public Officers' Protection Ordinance (Cap. 63)	s. 2	Delete the words "municipal council or other", in both places where they appear in the last paragraph.
Employment Ordinance (Cap. 109)	s. 81 (1)	Delete "section 9 of the African Poll Tax Ordinance", and substitute "section 7 of the Personal Tax Ordinance, 1957".
Employment of Women, Young Persons and Children Ordinance (Cap. 111)	s. 3	(a) Delete "or trade,"; (b) delete "or institution, or to any school-ship", and substitute ", institution, school-ship".
	s. 7 (1)	Delete the words "young person", where they first appear, and substitute "juvenile".
	s. 7 (1) proviso (b)	Delete "and which" and substitute ", being in either case materials which".
	s. 7 (2)	Delete "as may be prescribed", and substitute "as the Minister may determine".
	s. 11, second proviso	Delete "a duly", and substitute "an".

SCHEDULE—(Contd.)

Workmen's Compensation Ordinance (Cap. 119)	s. 28 (1) (c)	Insert immediately after "Consular Officer" the words "or pro-consul".
Municipalities Ordinance (Cap. 136)	s. 130 (2)	Delete "a European member of the police force", and substitute "a police officer of or above the rank of Sub-Inspector".
Births and Deaths Registration Ordinance (Cap. 143)	s. 2	(a) Delete all the words appearing after the word "inspector", in the definition of "police officer";
		(b) delete the definitions of "Principal Registrar" and "the statistician".
	s. 4	Delete.
	s. 24	Delete "statistician" and substitute "Registrar General".
	s. 25	(a) Insert, immediately after subsection (3) thereof, a new subsection as follows— (3A) The Registrar General shall, on payment of the prescribed fee, furnish a certificate in the prescribed form of the birth of any person compiled in the prescribed manner from the records and registers in his custody; (b) delete subsection (4) and substitute— (4) A certified copy of any entry in any register or return purporting to be sealed or stamped with the seal of the Registrar General shall be received as evidence of the dates and facts therein contained without any or other proof of such entry.
s. 27 (1)	Insert, immediately after "rules", the words "and on payment of the prescribed fee (which he may in his discretion in any particular case remit)".	

SCHEDULE—(Contd.)

Births and Deaths Registration Ordinance (Cap. 143)	s. 28 —	Delete. Delete "Principal Registrar" throughout the Ordinance and substitute in each case "Registrar General".
Matrimonial Causes Ordinance (Cap. 145)	s. 35, third proviso	Delete.
Mohammedan Marriage and Divorce Registration Ordinance (Cap. 147)	— —	Delete "registrar" wherever it appears in the Ordinance (otherwise than as part of the expression "Registrar General") and substitute in each case "assistant registrar". Delete "Registrar General" throughout the Ordinance, and substitute in each case "Registrar".
Hindu Marriage, Divorce and Succession Ordinance (Cap. 149)	Long title s. 1 s. 2	Delete "Marriage, Divorce and" and all the words following the word "Hindus". Delete "Marriage, Divorce and". Delete "marriage, divorce or" and "marriage, divorce and".
Trusts of Land Ordinance (Cap. 151)	s. 2 s. 38 (vi)	(a) Delete the definition of "court" and substitute— "court" means the Supreme Court; (b) delete the definitions of "death duty", "property" and "will". Delete "the Town Planning Ordinance or any similar enactment", and substitute "any law relating to town and country planning".
Registration of Titles Ordinance (Cap. 160)	s. 46	Delete the second paragraph, and substitute— Such charge when registered shall (subject to any provisions to the contrary therein contained) render the property comprised therein subject to the same security, and to the same powers and remedies on the part of the chargee, as are the case under a legal mortgage of land which is not registered under this Ordinance.

SCHEDULE—(Contd.)

Registration of Titles Ordinance (Cap. 160)	s. 58 (1) (c) (i)	Delete, and substitute— (i) any British consular officer, consular agent or pro-consul, or acting consular officer, consular agent or pro-consul, exercising his functions in that place.
Mining Ordinance (Cap. 168)	s. 2 (1)	Delete the definition of "Native Lands Trust Board".
	s. 7 (j)	Delete "or", and substitute "and"
	s. 7 (l)	Delete the word "or", where it first appears, and substitute "of".
	s. 18 (8), second proviso	Delete.
	s. 62 (3)	Insert, immediately after "licence," the words "a special licence."
	ss. 77 & 81	Insert, immediately after "licence", the words ", special licence".
	s. 89 (1)	Insert, immediately after the word "licence", where it first appears, the words ", special licence".
	—	Delete "native area" throughout the Ordinance, and substitute in each case "reserved area".
Oil Production Ordinance (Cap. 171)	s. 7, proviso	Delete.
	s. 8 (d)	Insert, immediately after "every", the words "geological report on and".
Trading in Unwrought Precious Metals Ordinance (Cap. 172)	s. 10 (3)	Delete "European police officer", and substitute "police officer of or above the rank of Inspector".
	s. 13 (4)	Delete and substitute— (4) This section shall not apply to unwrought precious metal mined elsewhere and passing through Kenya in transit for exportation.
Electric Power Ordinance (Cap. 174)	s. 2	(a) Delete the definition of "British Board of Trade"; (b) delete the definition of "Engineering Standards Committee of Great Britain", and substitute— "British Standards Institution" means the British Standards Institution of the United Kingdom.

SCHEDULE—(Contd.)

Electric Power Ordinance (Cap. 174)	—	Delete "Engineering Standards Committee of Great Britain" throughout the Ordinance, and substitute in each case "British Standards Institution".
Cotton Ordinance (Cap. 188)	s. 2 (g)	Delete "Africans", and substitute "cotton growers".
Sisal Industry Ordinance (Cap. 196)	s. 2	(a) Add at the end of the definition of "Association" the word "Limited"; (b) delete the definition of "prescribed".
Branding of Stock Ordinance (Cap. 207)	s. 3	Delete "European police officer of or above the rank of inspector", and substitute "police officer of or above the rank of Inspector".
Animal Diseases Ordinance (Cap. 213)	s. 12 (2) s. 13	Delete "contagious". Delete "Director", and substitute "Minister".
Fish Protection Ordinance (Cap. 217)	s. 2	Delete the definitions of "fishery inspector" and "game warden", and substitute— "fisheries officer" means a person appointed to the Fisheries Department office of that designation; "game warden" includes the Chief Game Warden, an honorary game warden and an honorary fish warden.
	—	Delete "fishery inspector" throughout the Ordinance, and substitute in each case "fisheries officer".
Trout Ordinance (Cap. 219)	s. 2	(a) Delete the definition of "competent authority", and substitute— "competent authority" means— (a) a magistrate or justice of the peace; (b) a police officer; (c) a forest officer; (d) the Chief Fisheries Officer or a fisheries officer; (e) the Chief Game Warden or a game warden;

SCHEDULE—(Contd.)

Trout Ordinance
(Cap. 219)

- (f) a public officer or honorary fish warden appointed in writing by the Chief Fisheries Officer to be a competent authority for the purposes of this Ordinance;;
- (b) delete the definitions of “employee of the Game Department”, “Game Department”, “Game Warden” and “Member”;
- (c) delete the definition of “police officer” and substitute—
- “police officer” means a police officer of or above the rank of Sub-Inspector;
- (d) insert in their respective alphabetical positions two new definitions as follows—
- “Chief Fisheries Officer” and “fisheries officer” mean the persons respectively appointed to the Fisheries Department offices of those designations;
- “Chief Game Warden” and “game warden” mean the persons respectively appointed to the Game Department offices of those designations;.
- s. 5 (l) Delete “for that purpose by the Game Warden”, and substitute “by the Chief Fisheries Officer to control the number of persons fishing”.
- s. 5 (m) Delete “an employee of the Game Department”, and substitute “a competent authority, an officer of the Fisheries Department or an honorary fish warden”.
- s. 6 (a) Delete “employee of the Game Department”, and substitute “officer of the Fisheries Department or an honorary fish warden”.

SCHEDULE—(Contd.)

Trout Ordinance (Cap. 219)	—	Delete "Game Warden" and "Game Department" throughout the Ordinance (save in the amendments hereinbefore introduced), and substitute in each case "Chief Fisheries Officer" and the words "Fisheries Department" respectively.
Ferries Ordinance (Cap. 236)	s. 2	Delete "And/or" in the proviso to the definition of "ferry boat" and substitute "or".
Brokers Ordinance (Cap. 283)	—	Add a new section as follows— Ordinance not to apply to auctioneers. Cap. 309. 17. This Ordinance shall not apply to an auctioneer within the meaning of the Auctioneers Ordinance, nor shall a licence under this Ordinance authorize the holder thereof to carry on the business of such an auctioneer.
Auctioneers Ordinance (Cap. 309)	s. 19	Delete.
Trustee (Amendment) Ordinance, 1948 (No. 85 of 1948)	s. 3	Delete.
Exchange Control Ordinance, 1950 (No. 40 of 1950)	Fifth Schedule (para. 2 (1))	Insert, immediately after "If", the words "a magistrate or".
Local Authorities (Recovery of Possession of Property) Ordinance, 1951 (No. 4 of 1951)	s. 2	Add, at the end of the definition of "local authority", a new paragraph as follows— (d) the council of a county, county district or county division constituted under the Local Government (County Councils) Ordinance, 1952.
Water Ordinance, 1951 (No. 56 of 1951)	s. 2 (1)	Delete "his deputy" in the definition of "Chairman", and substitute "the vice-chairman, if any".
Firearms Ordinance, 1953 (No. 40 of 1953)	s. 18 (2)	Delete "for the area in which it is situated".
Cotton Lint and Seed Marketing Ordinance, 1954 (No. 50 of 1954)	s. 2	(a) Delete the definition of "export"; (b) delete "the Department of Agriculture" in the definition of "Minister", and substitute "agriculture".

SCHEDULE—(Contd.)

Accountant General (Transfer of Functions) Ordinance, 1955 (No. 20 of 1955)	s. 3	(a) Delete "cancel or"; (b) re-number the section as subsection (1) thereof; (c) add at the end thereof a new subsection as follows— (2) Where an order is made under this section, the Ordinance in respect of which the order is made shall thereafter be read and construed in all respects as if the same were amended in accordance with the terms of the order."
Transfer and Delegation of Powers Ordinance, 1955 (No. 31 of 1955)	s. 3 (2) (a)	Delete "rules", and substitute "subsidiary legislation".
Pharmacy and Poisons Ordinance, 1956 (No. 17 of 1956)	s. 50 (1) (ii)	Delete "section 17", and substitute "section 23".
Rules and Regulations (Laying) Ordinance, 1956 (No. 39 of 1956)	s. 4	Delete "section 2", and substitute "section 3".
Kenya Society for the Blind Ordinance, 1956 (No. 51 of 1956)	s. 7 (6) (e)	Delete "involving", and substitute "which in the opinion of the Governor in Council involves".
Cereal Producers (Scheduled Areas) Ordinance, 1956 (No. 54 of 1956)	s. 15 (1)	Insert, immediately after "cereal", the words ", or on any type or variety of any cereal,".
Promissory Oaths Ordinance, 1958 (No. 30 of 1958)	First Schedule	Delete Part II.
Stamp Duty Ordinance, 1958 (No. 31 of 1958)	Sch., item 18, first column	Delete "computed as provided by section 7 (2) of the said Ordinance", and substitute "of the sworn value of the property passing under the deed or (where no property so passed) the amount of composition payable under the deed".
Dairy Industry Ordinance, 1958 (No. 34 of 1958)	s. 6 (4)	Delete "in subsection (1) of the said section", and substitute "of the said subsection".
Scrap Metal Ordinance, 1959 (No. 26 of 1959)	s. 17 (2)	Insert, immediately after "the officer", the words ", if he has reasonable cause to believe that the delay would be likely to imperil the efficacy of the inspection,".

SCHEDULE—(Contd.)

Land Registration (Special Areas) Ordinance, 1959 (No. 27 of 1959)	s. 4	Delete "African affairs" in the definition of "Minister", and substitute "land in the Special Areas".
—	—	Delete the expressions specified in the first column hereunder throughout the Ordinance, and substitute the respective expressions specified in the second column hereunder—
	(1)	(2) Land Registrar (Special Areas), Deputy Land Registrar (Special Areas), Assistant Land Registrar (Special Areas).
	Registrar of Native Lands, Deputy Registrar of Native Lands, Assistant Registrar of Native Lands.	
Public Collections Ordinance, 1960 (No. 45 of 1960)	—	Insert, immediately after section 11 thereof, a new section as follows:—
	Penalties.	11A. Any person who is guilty of an offence under this Ordinance for which no penalty is otherwise provided shall be liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.
	Native Lands Registration (Fort Hall District) (Special Provisions) Ordinance, 1960 (No. 56 of 1960)	—
Police Ordinance, 1960 (No. 58 of 1960)	s. 3 (3)	Add at the end thereof "and may, in the same or in a subsequent notice, make such amendments to the Third Schedule or to any other part of this Ordinance, being amendments consequential upon the amendments to the First Schedule, as he may deem necessary for carrying into effect the amendments to the First Schedule".

SCHEDULE—(Contd.)

Dangerous Petroleum Tax s. 2 (2)
(Amendment) Ordinance, 1960
(No. 66 of 1960)

Delete, and substitute—

(2) Section 3 of the principal Ordinance is further amended by re-numbering it as subsection (1) thereof, and by adding at the end thereof a new subsection as follows—

(2) Any declaration made by the Minister under paragraph (iv) of the proviso to subsection (1) of this section may be made with retrospective effect:

Provided that no such declaration shall have effect from a date earlier than 2nd September, 1959.

**THE COMPOUNDING OF POTABLE SPIRITS
ORDINANCE, 1961**

No. 16 of 1961

Date of Assent: 2nd November, 1961

Date of Commencement: 21st November, 1961

AN ORDINANCE TO CONTROL THE COMPOUNDING
OF POTABLE SPIRITS

ENACTED by the Legislature of the Colony and Protectorate of Kenya, as follows:—

1. This Ordinance may be cited as the Compounding of Potable Spirits Ordinance, 1961. Short title.

2. In this Ordinance, except where the context otherwise requires— Interpretation.

“to compound spirits” means to communicate any flavour to, or to mix any ingredient or material with, spirits, but not so as to denature the spirits;

“denatured spirits” means spirits mixed with any substance so as to render the mixture unfit, and incapable of being readily converted so as to be fit, for human consumption as a beverage;

“licensing officer” means a person appointed by the Minister to be a licensing officer for the purposes of this Ordinance, for the whole or any part of Kenya;

“spirits” means spirits of any description and includes all mixtures, compounds or preparations made with spirits, but does not include any denatured spirits.

3. Any person who, for profit or sale, compounds spirits otherwise than under and in accordance with a licence issued under section 4 of this Ordinance, shall be guilty of an offence and liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment: Offence to compound spirits without licence.

Provided that nothing in this section shall apply to the bona fide compounding of spirits—

- (i) upon any premises licensed under the Liquor Licensing Ordinance, 1957, by the licensee, for the lawful sale thereof for consumption on those premises; 20 of 1957.

- (ii) in any canteen, club, institute, mess or similar institution not conducted by a private individual for personal profit, for the lawful sale thereof to the members only of such canteen, club, institute, mess or similar institution, for consumption therein;
- (iii) in any vessel in territorial waters, or in any aircraft, for the lawful sale thereof to any passenger or officer or member of the crew of such vessel or aircraft, for consumption therein;
- (iv) in the course of the lawful preparation or administration of medicine by a medical practitioner, a veterinary surgeon registered under the Veterinary Surgeons Ordinance, 1951, or a pharmacist registered under the Pharmacy and Poisons Ordinance, 1956;
- (v) authorized under the East African Excise Management Act, 1952;
- (vi) in any circumstances or in any particular case or for any purpose exempted by a licensing officer, in writing or by notice in the Gazette, from the provisions of this section.

51 of 1951.

17 of 1956.

H.C. Act,
No. 13 of 1952.Issue of
licences.

4. Upon any application made to him in that behalf, a licensing officer may, in his discretion, issue a licence to compound spirits subject to such terms and conditions, including the specification of formulae, as he thinks fit.

Power to make
regulations.

5. (1) The Minister may make regulations generally for the better carrying out of the provisions and purpose of this Ordinance.

(2) Regulations made under this section may, without prejudice to the generality of the power conferred by subsection (1) of this section, prescribe the form of licences and the fees to be paid therefor, and provide for the duration and cancellation of licences.

Partial repeal of
Cap. 299.

6. The Industrial Alcohol (Manufacture, Sale and Use) Ordinance, insofar as it applies to the compounding of spirits, is repealed.

**THE DEPARTMENTAL OFFENCES (REPEAL)
ORDINANCE, 1961**

No. 17 of 1961

Date of Assent: 2nd November, 1961

Date of Commencement: 21st November, 1961

AN ORDINANCE TO REPEAL THE DEPARTMENTAL
OFFENCES ORDINANCE, 1949, AND TO MAKE
CONSEQUENTIAL PROVISION WITH REGARD
THERETO

ENACTED by the Legislature of the Colony and
Protectorate of Kenya, as follows:—

1. This Ordinance may be cited as the Departmental Offences (Repeal) Ordinance, 1961. Short title.
2. The Departmental Offences Ordinance, 1949, is repealed. Repeal of
Ordinance No. 40
of 1949.
3. The departmental Fines Funds established in accordance with the Departmental Offences (Fines Fund) Rules, 1949, shall be closed, and the moneys therein transferred to the consolidated fund. Closure of Funds.
G.N. 1178
of 1949.

**THE ABDI SHARIFF AHMED PENSION
ORDINANCE, 1961**

No. 18 of 1961

Date of Assent: 2nd November, 1961

Date of Commencement: 4th November, 1926

AN ORDINANCE TO PROVIDE FOR PAYMENT OF A
PENSION TO ABDI SHARIFF AHMED

ENACTED by the Legislature of the Colony and
Protectorate of Kenya, as follows:—

Short title and
commencement

1. This Ordinance may be cited as the Abdi Shariff Ahmed Pension Ordinance, 1961, and shall be deemed to have come into operation on the 4th day of November, 1926.

Grant of
pension.

2. There shall be paid, and there shall be deemed to have been payable to Abdi Shariff Ahmed, a pension during the respective periods specified in the first column of the Schedule to this Ordinance, of the amounts respectively specified in relation thereto in the second column of that Schedule.

Source of
payment.

3. The pension provided for by this Ordinance shall be paid out of moneys provided by the Legislature.

Application
of certain
provisions of
Ordinance 31
of 1950.

4. The provisions of sections 11, 12, 13, 14 and 15 of the Pensions Ordinance, 1950, shall apply in respect of the pension provided for by this Ordinance, as if that pension was a pension granted under that Ordinance.

SCHEDULE

(s. 2)

PENSION PAYABLE

<i>Period</i>	<i>Amount per annum</i>
	<i>£ s. cts.</i>
From 4th November, 1926, to 30th November, 1946	36 00 00
From 1st December, 1946, to 31st December, 1953	50 08 00
From 1st January, 1954, to 30th June, 1956	52 04 90
Thereafter, during the life of the pensioner	57 09 39

**THE CIVIL SERVICE COMMISSION (AMENDMENT)
ORDINANCE, 1961**

No. 19 of 1961

Date of Assent: 2nd November, 1961

Date of Commencement: 21st November, 1961

AN ORDINANCE TO AMEND THE COMPOSITION OF
THE CIVIL SERVICE COMMISSION

ENACTED by the Legislature of the Colony and Protectorate of Kenya, as follows:—

1. This Ordinance may be cited as the Civil Service Commission (Amendment) Ordinance, 1961. Short title.

2. Section 3 of the Civil Service Commission Ordinance, 1954, hereinafter referred to as the principal Ordinance, is amended— Amendment of composition of Commission. 62 of 1954.

(a) by deleting paragraph (b) of subsection (1) thereof;

(b) by substituting for the words “three other members”, which appear in paragraph (c) of subsection (1) thereof, the words “such other members (being not less than three) as the Governor thinks fit.”; and

(c) in subsection (4) thereof, by deleting the words “, other than the *ex officio* member.”.

3. Section 4 of the principal Ordinance is amended by deleting therefrom the words “, other than the *ex officio* member,” where they appear in subsections (1) and (2) thereof. Amendment consequential to section 2 hereof.

**THE CIVIL CONTINGENCIES FUND
ORDINANCE, 1961**

No. 20 of 1961

Date of Assent: 2nd November, 1961

Date of Commencement: 21st November, 1961

AN ORDINANCE TO MAKE FURTHER AND BETTER
PROVISION FOR THE OPERATION AND CON-
TROL OF THE CIVIL CONTINGENCIES FUND.

ENACTED by the Legislature of the Colony and
Protectorate of Kenya, as follows:—

Short title.

1. This Ordinance may be cited as the Civil Con-
tingencies Fund Ordinance, 1961.

Operation of
the Fund.
13 of 1955.

2. (1) The Fund deemed to have been established, by
virtue of subsection (3) of section 33 of the Exchequer and
Audit Ordinance, 1955, under the name of the Civil Con-
tingencies Fund (in this Ordinance referred to as the Fund)
shall continue in operation by virtue of this Ordinance.

(2) Subject to the provisions of this Ordinance, neither
the receipts of the Fund nor the balance thereof at the close
of each financial year shall be paid into the consolidated fund,
but shall be retained in and for the purposes of the Fund.

Purposes of
the Fund.

3. (1) The fund shall be used for all or any of the follow-
ing purposes—

(a) to make advances in respect of urgent services in anti-
cipation of the provision made or to be made by the
Legislature for those services becoming available;

(b) to make advances in anticipation of the realization of
receipts in connexion with any services for which
provision is so made or to be made;

(c) to make advances to any Government Ministry or
Department for the provision of any necessary work-
ing cash balances in connexion with any such
services.

(2) Every advance made under this section shall be repaid
to the Fund without unnecessary delay.

4. (1) The permanent capital of the Fund shall be fifty thousand pounds. Capital of the Fund.

(2) The Minister may from time to time by order direct that the capital of the Fund, including the permanent capital, shall be increased to such amount, not exceeding in the aggregate five hundred thousand pounds, as he may deem necessary for fulfilling any of the purposes specified in section 3 of this Ordinance, and thereupon, during the continuation in force of such order, the Treasury may issue out of the consolidated fund such sums as may from time to time be required for the purpose of increasing temporarily the capital of the Fund within the limit prescribed by the order.

(3) All sums issued out of the consolidated fund under the provisions of subsection (2) of this section shall be repaid to the consolidated fund at such times and in such manner as the Treasury may direct, and in any case not later than the date on which the order directing the increase in the capital of the Fund ceases to have effect.

5. Within four months after the end of each financial year the officer administering the Fund shall prepare, sign and transmit to the Controller and Auditor-General an account of the Fund in respect of the preceding financial year, in such form as the Treasury may from time to time direct. Annual accounts.

6. The First Schedule to the Exchequer and Audit Ordinance, 1955, is amended by deleting therefrom the words "Civil Contingencies Fund". Amendment of Ordinance No. 13 of 1955.

THE LAW REFORM (FINANCE) ORDINANCE, 1961

No. 21 of 1961

Date of Assent: 2nd November, 1961

Date of Commencement: 21st November, 1961

AN ORDINANCE TO MAKE FURTHER AND BETTER
PROVISION FOR THE CHARGING OF CERTAIN
EXPENDITURE OF PUBLIC MONEYS, AND
TO MAKE MINOR REFORMS IN THE LAW
RELATING TO PUBLIC FINANCE

ENACTED by the Legislature of the Colony and
Protectorate of Kenya, as follows:—

Short title.

1. This Ordinance may be cited as the Law Reform (Finance) Ordinance, 1961.

Amendment
of certain
Ordinances.

2. The several Ordinances specified in the first column of the Schedule to this Ordinance are amended, in relation to the provisions thereof specified in the second column, in the manner respectively specified in the third column.

SCHEDULE

<i>Ordinance</i>	<i>Provision Amended</i>	<i>Amendment</i>
1. Bankruptcy Ordinance (Cap. 30)	s. 136 (5)	Delete "out of the public revenue", and substitute "and shall be charged upon and paid out of the consolidated fund".
2. Public Trustee Ordinance (Cap. 37)	s. 27	Renumber the section as subsection (1) thereof, and add the following subsection— (2) Every sum required to meet a liability of the Government under this section shall be charged upon and paid out of the consolidated fund.
3. Asian Officers' Family Pensions (Cap. 75)	s. 14	Delete "the general revenue of the Colony" in both places in subsection (2), and in subsection (4), and substitute in each case "moneys provided by the Legislature."
4. do.	s. 18	Delete "the general revenue of the Colony", and substitute "moneys provided by the Legislature".

SCHEDULE—(Contd.)

<i>Ordinance</i>	<i>Provision Amended</i>	<i>Amendment</i>
5 Post Office Savings Bank Ordinance (Cap. 121)	s. 8	Delete "the Governor shall cause such deficiency to be met out of the general revenues of the Colony, and the Financial Secretary shall certify such deficiency", and substitute "the deficiency shall be charged upon and paid out of the consolidated fund, and the Treasury shall certify such deficiency".
6. do.	s. 12	In the proviso to subsection (2) delete the words "out of the general revenues of the Colony". Add a new subsection as follows— (3) Every advance made in pursuance of the proviso to subsection (2) of this section shall be charged upon and paid out of the consolidated fund, and every sum repaid on account of such advance shall be forthwith paid into the exchequer account.
7. do.	s. 14 (1)	Delete "shall be met out of the general revenues of the Colony", and substitute "shall be charged upon and paid out of the consolidated fund".
8. Matrimonial Causes Ordinance (Cap. 145)	s. 33 (2)	Delete "from the general revenues of the Colony", and substitute "out of moneys provided by the Legislature".
9. Shipping Ordinance (Cap. 221)	s. 25	Delete "out of the Treasury", and substitute "out of moneys provided by the Legislature".
10. Aerodromes (Control of Obstructions) Ordinance (Cap. 227)	s. 9 (4)	Delete "from the revenues of the Colony", and substitute "out of moneys provided by the Legislature".
11. Trustee Investment in Kenya Government Securities Ordinance (Cap. 240)	s. 4 (1)	Delete "without further appropriation than this Ordinance", and substitute "and such sum shall be charged upon and paid out of the consolidated fund".
12. Diamond Industry Protection Ordinance, 1949 (No. 5 of 1949)	s. 22A (1)	Delete "the general revenue of the Colony", and substitute "moneys provided by the Legislature".
13. General Loan and Stock Ordinance, 1950 (No. 14 of 1950)	s. 4	Delete "general revenues", and substitute "consolidated fund". Delete marginal note and substitute "Incidence of charge of loans".

SCHEDULE—(Contd.)

<i>Ordinance</i>	<i>Provision Amended</i>	<i>Amendment</i>
14. General Loan and Stock Ordinance, 1950 (No. 14 of 1950)	s. 13 (1)	Delete "appropriate out of the general revenues and assets of the Colony", and substitute "issue out of the consolidated fund".
15. do.	s. 14 (1)	Delete "appropriate out of the said revenues and assets of the Colony", and substitute "issue out of the consolidated fund".
16. do.	s. 27	Delete "appropriate out of the general revenues and assets of the Colony", and substitute "issue out of the consolidated fund".
17. do.	s. 28 (1)	Delete "appropriate out of the said general revenues and assets of the Colony", and substitute "issue out of the consolidated fund".
18. do.	s. 30	Delete "general revenues" and substitute "consolidated fund". Delete marginal note and substitute "Obligation to meet deficiencies".
19. Pensions Ordinance, 1950 (No. 31 of 1950)	s. 4	Delete "there shall be charged on and paid out of the general revenues of the Colony", and substitute "There shall be defrayed out of moneys provided by the Legislature".
20. Provident Fund Ordinance, 1951 (No. 12 of 1951)	s. 7 (1)	Delete "the general revenue of the Colony" and "the general revenues of the Colony" and substitute in both places "moneys provided by the Legislature".
21. do.	s. 8	Delete "the general revenue of the Colony", where those words first appear, and substitute "moneys provided by the Legislature".
22. do.	s. 11	In paragraph (ii) of the proviso, delete "the general revenue of the Colony", where those words first appear, and substitute "moneys provided by the Legislature".
23. Hospital Treatment Relief (European) Ordinance, 1951 (No. 33 of 1951)	s. 11 (2) (b)	Delete "the general revenue of the Colony", and substitute "moneys provided by the Legislature".
24. do.	s. 13	Delete "out of the general revenue of the Colony", and substitute "out of moneys provided by the Legislature".

1961

Law Reform (Finance)

No. 21

SCHEDULE—(Contd.)

<i>Ordinance</i>	<i>Provision Amended</i>	<i>Amendment</i>
25. General Local Loans Ordinance, 1955 (No. 14 of 1955)	s. 2	Delete the definition of "revenue account".
26. do.	s. 5	Delete "general revenues" and substitute "consolidated fund".
27. do.	s. 8	Delete "shall be paid out of the consolidated fund and shall be charged to the revenue account", and substitute "shall be charged upon and paid out of the consolidated fund".
28. do.	s. 9	Delete the words "out of the consolidated fund, and shall be charged to the revenue account".
29. do.	s. 10 (2)	Delete every such payment to be made from the consolidated fund and charged to the revenue account", and substitute "and every such sum shall be charged upon and paid out of the consolidated fund".
30. Tax Reserve Certificates Ordinance, 1955 (No. 19 of 1955)	s. 5	Delete "shall be paid by the Treasury from the consolidated fund, which is hereby appropriated to that purpose", and substitute "shall be charged upon and paid out of the consolidated fund".
31. Members of Legislative Council (Salaries and Allowances) Ordinance, 1956 (No. 63 of 1956)	—	Add at the end of this Ordinance a new section as follows— Incidence of charge. 6. (1) The salary and allowance of the Speaker, provided for in section 2 of this Ordinance, shall be charged upon and paid out of the consolidated fund. (2) Save as provided in subsection (1) of this section and in any other law for the time being in force, the salaries and allowances provided for in this Ordinance shall be defrayed out of moneys provided by the Legislature.
32. Pensions (Increase) Ordinance, 1957 (No. 10 of 1957)	s. 7	Delete "shall be paid out of the consolidated fund", and substitute "shall be defrayed out of moneys provided by the Legislature".
33. King's African Rifles Ordinance, 1958 (No. 42 of 1958)	s. 212	Delete "Legislative Council" and substitute "Legislature".

THE APPROPRIATION ORDINANCE, 1961

No. 22 of 1961

Date of Assent: 14th November, 1961

Date of Commencement: 21st November, 1961

AN ORDINANCE TO APPLY A SUM OUT OF THE CONSOLIDATED FUND TO THE SERVICE OF THE YEAR ENDING ON THE 30th DAY OF JUNE, 1962, AND TO APPROPRIATE THE SUPPLIES GRANTED IN THIS SESSION OF THE LEGISLATIVE COUNCIL

ENACTED by the Legislature of the Colony and Protectorate of Kenya, as follows:—

Short title.

1. This Ordinance may be cited as the Appropriation Ordinance, 1961.

Issue of
£20,663,850 out
of the
consolidated
fund for the
service of the
year ending
30th June, 1962.

2. The Treasury may issue out of the consolidated fund and apply towards making good the supply granted to the Governor for the services of the year ending on the 30th day of June, 1962, the sum of twenty million, six hundred and sixty-three thousand, eight hundred and fifty pounds.

Power of the
Minister to
borrow.
14 of 1955.

3. (1) Notwithstanding the provisions of the General Local Loans Ordinance, 1955, the Minister may at any time or times not later than 30th June, 1962, borrow within the Colony or in the United Kingdom, or partly in one and partly in the other, any sum or sums not exceeding in the whole twenty million, five hundred and three thousand, eight hundred and fifty pounds, and that by way of loan or advance, the issue of bills, or bank overdraft, and on such terms and conditions as the Minister may deem expedient.

(2) Any money borrowed under this section shall be placed to the credit of the exchequer account and shall form part of the consolidated fund, and be available in any manner in which that fund is available.

(3) Any money borrowed under this section shall be repaid, with any interest payable thereon, out of the consolidated fund, at any time not later than the 30th day of September, 1962.

4. (1) The sums granted by this Ordinance and by section 4 of the Consolidated Fund (No. 2) Ordinance, 1961, amounting in the aggregate to the sum of forty-one million, three hundred and twenty-five thousand and twenty-six pounds, are appropriated, and shall be deemed to have been appropriated as from the commencement of the Consolidated Fund (No. 2) Ordinance, 1961, for the services and purposes expressed in the Schedule to this Ordinance.

Appropriation
of sums voted
for supply
services.
3 of 1961.

(2) In addition to the said sums granted out of the consolidated fund, there may be applied out of any money directed, under section 15 of the Exchequer and Audit Ordinance, 1955, to be applied as appropriations in aid of the grants for the services and purposes specified in the Schedule to this Ordinance the sums respectively set forth in the last column of the said Schedule.

13 of 1955.

SCHEDULE

(s. 4)

Vote No.	Supply	Appropriations in aid
	£	£
1. The amount required in the year ending 30th June, 1962, for the salaries and expenses of the Governor and his staff, and for the maintenance and upkeep of the Government Houses at Nairobi and Mombasa and of the Royal Lodge, Sagana . .	53,200	2,900
2. The amount required in the year ending 30th June, 1962, for the salaries and expenses of the Court of Appeal for Eastern Africa; of the Supreme Court of Kenya; of resident magistrates and special magistrates; and for other expenses in connexion with the administration of justice in the Colony, including payments to assessors, counsel, jurors and witnesses. This amount also includes the cost of certain services shared by all departments in the Law Courts Building	130,500	266,187
3. The amount required in the year ending 30th June, 1962, for the salaries and expenses of the Legislative Council	114,800	500
4. The amount required in the year ending 30th June, 1962, for the expenses of the Council of State and its administrative staff	7,880	—
5. The amount required in the year ending 30th June, 1962, for the salaries and expenses of the department of the Controller and Auditor-General, and a contribution towards the cost of the office of the Director-General of Overseas Audit Service in London	65,000	69,799

SCHEDULE—(Contd.)

Vote No.	Supply	Appropriations in aid
	£	£
6.		
The amount required in the year ending 30th June, 1962, for the salaries and expenses of the Civil Service Commission, including allowances payable to members of selection boards and expenses of interviews	22,100	1,200
7.		
The amount required in the year ending 30th June, 1962, for the salaries and expenses of the Chief Secretary's Office, including the salaries and expenses of the Cabinet Office; the Service and Training Branch; the Central Government Building; the Office of the Kenya Agent in London and overseas trade representation; the Provincial Administration (including the Tribal Police); African Courts; Inland Revenue Branch; Provincial Training Centre, Maseno; and African Lands Branch. The estimate also includes amounts for expenses of elections; sanitary services in townships; the Liquor Licensing Ordinance, 1957; rewards and rations; famine relief; remission of rates on Consular property and certain grants and grants-in-aid	2,570,750	337,824
8.		
The amount required in the year ending 30th June, 1962, to meet the salaries and expenses of the Information Services	137,460	8,009
9.		
The amount required in the year ending 30th June, 1962, to meet the salaries and other expenses in connexion with Broadcasting	154,990	203,000
10.		
The amount required in the year ending 30th June, 1962, for the salaries and expenses of the Ministry of Legal Affairs; of the Law Officers' Department, including the payment of legal expenses incurred by or on behalf of the Government; and of the Registrar-General's Department	102,300	67,010
11.		
The amount required in the year ending 30th June, 1962, for the salaries and expenses of the Minister for Finance and Development and of the Treasury, including certain expenses of the East African Currency Board, and for expenses in connexion with the population census	253,350	25,274
12.		
The amount required in the year ending 30th June, 1962, for Postages and Miscellaneous Postal Services, Ex-gratia Payments, Agents' Fees and Commissions, administrative loss of the Post Office Savings Bank, Economic Survey of Kenya, Grant-in-Aid to the Commonwealth Parliamentary Association and various miscellaneous items of expenditure falling under the control of the Treasury	282,675	725
13.		
The amount required in the year ending 30th June, 1962, for Annuity to H.H. The Sultan of Zanzibar	16,000	—

SCHEDULE—(Contd.)

Vote No.	Supply	Appropriations in aid
	£	£
14. The amount required in the year ending 30th June, 1962, for contributions to the cost of High Commission Services including those controlled by the High Commission as the agent of the East African Governments	1,571,848	5,082
15. The amount required in the year ending 30th June, 1962, for civil pensions and gratuities, emergency pensions and allowances, increases on Widows' and Orphans' pensions and contributions by the Kenya Government to provident and pension funds; payments to officers prematurely retired under Compensation Schemes; and for expenditure on military pensions and gratuities and the expenses of the Pensions Appeal Tribunal	1,761,500	78,750
16. The amount required in the year ending 30th June, 1962, for the salaries and expenses of the Ministry of Internal Security and Defence, including the expenses of the Film Censorship Board; the expenses of persons restricted under the Deportation (Immigrant British Subjects) Ordinance, 1949, of persons restricted under the Preservation of Public Security Ordinance, 1960, and of persons detained or restricted under the Detained and Restricted Persons (Special Provisions) Ordinance, 1960; a contribution towards the cost of the Mega Consulate; the cost of maintenance of boundaries; subventions to the Kenya Rifle Association, the Naval Entertainments Committee and the British Legion; and for the salaries and expenses of the Probation Service, Approved Schools and Remand Homes, and certain grants-in-aid	221,740	11,465
17. The amount required in the year ending 30th June, 1962, for Kenya's share of any residual expenses of the East African Land Forces (including administrative expenses) the salaries and expenses of the Kenya Regiment (T.F.); the cost of compulsory military training under the Compulsory Military Training Ordinance, 1951; contributions in lieu of rates on Crown land occupied by Service Departments; a contribution to the expenses of the Kenya Band of the King's African Rifles and expenses of the Combined Cadet Force	243,751	3,050
18. The amount required in the year ending 30th June, 1962, for the salaries and expenses of the Kenya Police, the Kenya Police Reserve and civilian staff	4,173,980	285,371
19. The amount required in the year ending 30th June, 1962, for the salaries and expenses of the Prisons Department, including the expenses of detention camps established under the Detention Camps Ordinance, and a grant-in-aid to the Kenya Prisoners' Aid Association	1,369,860	83,704

SCHEDULE—(Contd.)

Vote No.	Supply	Appropriations in aid
	£	£
20. The amount required in the year ending 30th June, 1962, for the salaries and expenses of the Immigration Department, including the expenses of repatriation and deportation under the Immigration Ordinance, 1956	10	106,413
21. The amount required in the year ending 30th June, 1962, for the salaries and expenses of the Ministry of Education, including the administration of the Education Ordinance, 1952; and for the payment of certain grants and grants-in-aid and other expenses in connexion with the promotion of education among persons resident in the Colony ..	6,800,600	1,487,025
22. The amount required in the year ending 30th June, 1962, for the salaries and expenses of the Ministry of Agriculture, Animal Husbandry and Water Resources; the Department of Co-operative Development; including the E.A. School of Co-operation; the Mariakani Milk Scheme, the expenses of Boards, Committees and Agents; expenditure arising from the Agriculture Ordinance; agricultural loans, subsidies, refunds and guarantees; contributions to agricultural and livestock organizations; subventions to local and international bodies and compensation to stock owners under the Animal Diseases Ordinance ..	1,456,200	2,388,057
23. The amount required in the year ending 30th June, 1962, for the salaries and expenses of the Ministry of Commerce, Industry and Communications; the supervision of weights and measures; import and export control; the provision of trade and industrial information; geological surveys, prospecting and research; the development of mineral deposits; the administration of Nairobi Airport; investigation into aircraft accidents and searches for missing aircraft; maintenance of fire services; the general development of industry, with related ex-gratia payments to assist secondary industries; assistance to sundry organizations connected with commerce and industry; transportation and telecommunications; Road Transport Branch; and for a contribution to the Road Authority.	1,988,000	249,253
24. The amount required in the year ending 30th June, 1962, for the salaries and expenses of the Ministry of Health and Social Affairs; for grants-in-aid to certain missions and private hospitals and to organizations connected with the promotion of health, hygiene and social welfare, for grants to the European Hospital Fund Authority, and the Asian and Arab Hospital Fund Authority; for expenditure on the relief of distress and sundry other services	2,147,220	547,080

1961

Appropriation

No. 22

SCHEDULE—(Contd.)

<i>Vote No.</i>	<i>Supply</i>	<i>Appropriations in aid</i>
	£	£
25. The amount required in the year ending 30th June, 1962, for the salaries and expenses of the Ministry of Labour and Housing, including the administration of labour and industrial legislation; the registration of persons	319,216	30,566
26. The amount required in the year ending 30th June, 1962, for the salaries and expenses of the Ministry of Local Government and Lands (excluding local government contributions) and expenses in connexion with the audit of the accounts of all local government authorities and some District Education Boards, and Town Planning	91,960	78,994
27. The amount required in the year ending 30th June, 1962, for the payment of statutory grants to municipalities under the Municipalities Ordinance; to county and district councils under the County Councils Ordinance, 1952; to townships under the Townships Ordinance; and to African District Councils under the African District Councils Ordinance, 1950; and for certain non-statutory grants in respect of social services and grants towards the cost of fire rangers, in respect of licensing of shops in rural areas, drainage schemes and burial of destitute persons	1,513,000	9,000
28. The amount required in the year ending 30th June, 1962, for the salaries and expenses of the Lands Department, including the administration of Crown lands and the registration of all titles and documents relating to land; and for the administration of the Stamp Ordinance, 1958	113,750	48,522
29. The amount required in the year ending 30th June, 1962, for the salaries and expenses of the Survey Department, including the administration of the Survey Ordinance, 1951	130,210	233,194
30. The amount required in the year ending 30th June, 1962, for the salaries and expenses of the Ministry of Tourism, Forests and Wild Life, including the promotion of tourism; a subvention to the E.A. Tourist Travel Association; ex-gratia refunds of customs duty on hotel equipment; the expenses of the Tourist Advisory Board and certain Statutory Authorities under the Hotels Ordinance, Cap. 275; the protection and control of game and the eradication of poaching; the development of the Colony's forest estate, both protective and productive forests; refunds to sawmillers; the expenses of the Commonwealth Forestry Conference; the protection of fish and the development of the fishing industry, including fisheries research; and contributions and grants-in-aid to certain allied organizations, including the Royal National Parks	587,750	437,925

SCHEDULE—(Contd.)

<i>Vote No.</i>	<i>Supply</i>	<i>Appropriations in aid</i>
	£	£
31. The amount required in the year ending 30th June, 1962, for the salaries and expenses of the Ministry of Works; for expenditure in respect of certain public buildings and property and ancillary services; for expenditure in respect of certain water supplies and works; for expenditure in respect of equipment, tools and plant for services provided in connexion therewith; for expenditure in respect of certain aerodromes; and for sundry other services, payments, grants and contributions	1,111,875	2,641,497
32. The amount required in the year ending 30th June, 1962, for the salaries and expenses of the Government Printer's Office, and the purchase of and repairs to all typewriters and duplicators used by official departments; the buying and issuing to official departments of their requirements of stationery	78,930	135,002
33. The amount required in the year ending 30th June, 1962, for the salaries and expenses of the Government Coast Agency	20,315	15,875
34. The amount required in the year ending 30th June, 1962, for the operation and maintenance of Mombasa Water Supply including payment of interest and overhead administration charges ..	10	366,739
	£29,612,730	£10,224,992
DEVELOPMENT:— For financing the three-year Development Programme and certain Colonial Development and Welfare Schemes outside the programme: 1st July, 1960 to 30th June, 1963	11,712,296	888,881
GRAND TOTAL	£41,325,026	£11,113,873

**THE METHYLATED SPIRITS (AMENDMENT)
ORDINANCE, 1961**

No. 23 of 1961

Date of Assent: 14th November, 1961

Date of Commencement: 21st November, 1961

**AN ORDINANCE TO MAKE PROVISION ENABLING
METHYLATED SPIRITS TO BE MANUFACTURED
FOR EXPORT ACCORDING TO SPECIAL
FORMULAE**

ENACTED by the Legislature of the Colony and Protectorate of Kenya, as follows:—

1. This Ordinance may be cited as the Methylated Spirits (Amendment) Ordinance, 1961. Short title.

2. Section 3 of the Methylated Spirits Ordinance, 1958, is amended— Amendment of section 3 of Ordinance No. 49 of 1958.

(a) by deleting the word “imports”, which appears in subsection (2) thereof; and

(b) by adding at the end thereof a new subsection as follows—

(3) Nothing in this section shall render unlawful the supply, sale, receipt and possession, for the sole purpose of export, of any methylated spirits, under and in accordance with the terms and conditions of a written permit issued by a licensing officer, who may issue such permit subject to such terms and conditions (including the specification of formulae) as he thinks fit.

**THE KENYA BROADCASTING CORPORATION
ORDINANCE, 1961**

No. 24 of 1961

Date of Assent: 14th November, 1961

Date of Commencement: By Order

ARRANGEMENT OF SECTIONS

PART I—PRELIMINARY

Section

- 1—Short title and commencement.
- 2—Interpretation.

PART II—ESTABLISHMENT AND CONSTITUTION
OF CORPORATION

- 3—Establishment of Kenya Broadcasting Corporation.
- 4—Constitution of and appointments to the Corporation.
- 5—Duration of office of chairman and members of Corporation.
- 6—Governor in Council may require chairman or member to vacate office.
- 7—Vacation of office by chairman or member.
- 8—Chairman and members to declare connexion with companies or firms carrying on radio communication services, etc.
- 9—Remuneration of chairman and members.
- 10—Appointment of vice-chairman.
- 11—Procedure at meetings of the Board.
- 12—Transaction of business of an urgent nature.
- 13—Right of Director-General to attend meetings of the Board.
- 14—Validity of Board's decisions, proceedings and acts.
- 15—Common Seal.
- 16—Proof of documents.

PART III—FUNCTIONS OF THE CORPORATION

- 17—Duties of Corporation.
- 18—Powers of the Corporation.
- 19—Corporation to lay down standards.
- 20—Director-General.
- 21—General Advisory Council.
- 22—Board may appoint advisory committees.
- 23—Rule making power of Board.
- 24—Special duties of the Board with regard to the General Advisory Council and advisory committees.
- 25—Matter to be broadcast in, and costs of, external services.
- 26—Announcements of national importance.

Section

PART IV—TRANSFER OF ASSETS AND LIABILITIES

- 27—Vesting in Corporation of Kenya Broadcasting Service.
- 28—Corporation not to charge property vested under section 27.

PART V—STAFF

- 29—Employment of officers, servants and agents.
- 30—Officers seconded from Government service.
- 31—Offers of employment with the Corporation.
- 32—Corporation to reimburse Government for seconded staff.
- 33—Corporation to make regulations relating to staff.

PART VI—FINANCIAL PROVISIONS

- 34—Establishment and operation of general fund.
- 35—Corporation's powers with regard to receipt of moneys.
- 36—Charges to general fund.
- 37—Corporation to make provision for loan redemption, etc.
- 38—Financial year.
- 39—Estimates.
- 40—Annual Report and periodical returns.
- 41—Power to borrow money.
- 42—Wireless licence fees to be paid to Corporation.

PART VII—ACCOUNTS

- 43—Books of account.
- 44—Audit of accounts.

PART VIII—CONTRACTORS

- 45—Employment of contractors.

PART IX—LEGAL PROCEEDINGS

- 46—Proceedings on failure of Corporation to comply with Ordinance.
- 47—No suit against Corporation without prior written notice.
- 48—Service of documents.
- 49—Restriction on execution.

PART X—EMERGENCY POWERS

- 50—Provision applicable in emergency conditions.

PART XI—GENERAL

- 51—Restriction on use of name of Corporation.
- 52—Regulations.

AN ORDINANCE TO PROVIDE FOR THE ESTABLISHMENT OF A CORPORATION TO BE KNOWN AS THE KENYA BROADCASTING CORPORATION; TO MAKE PROVISION FOR THE CONSTITUTION, POWERS, DUTIES AND FINANCIAL RESOURCES OF THAT CORPORATION AND AS TO THE POSITION AND OBLIGATIONS OF PERSONS CONTRACTING WITH THAT CORPORATION FOR THE PROVISION OF PROGRAMMES OR PARTS OF PROGRAMMES BROADCAST BY SOUND OR TELEVISION; AND FOR PURPOSES CONNECTED WITH THE MATTERS AFORESAID

ENACTED by the Legislature of the Colony and Protectorate of Kenya, as follows:—

PART I—PRELIMINARY

Short title
and
commencement.

1. This Ordinance may be cited as the Kenya Broadcasting Corporation Ordinance, 1961, and shall come into operation on such date as the Governor may, by order, appoint.

Interpretation.

2. In this Ordinance, except where the context otherwise requires—

“Board” means the Board of the Corporation established by section 4 of this Ordinance;

“broadcasting” means radio communication, whether by sound or vision, for reception by members of the general public;

“chairman” means the chairman of the Board;

“contractor” means the contractors appointed by the Board under section 45 of this Ordinance;

“Corporation” means the Kenya Broadcasting Corporation established by section 3 of this Ordinance;

“Director-General” means the person appointed to that office under section 20 of this Ordinance;

“functions” includes powers and duties;

“installations” includes aerials, masts, overhead wires, underground cables and fixed apparatus for wireless telegraphy, electrical generation and wired distribution services;

“member” means a member of the Board;

“radio communication” has the meaning attributed thereto in section 2 of the East African Posts and Telecommunications Act; H.C. Cap. 4.

“television” means the transmission or reproduction by radio communication of images of objects in movement or at rest;

“transmitting station” means a station for the transmission by radio communication of messages or other matter including matter sent by television;

“vesting date” means the date appointed by the Governor under subsection (1) of section 27 of this Ordinance;

“wired distribution service” means—

- (a) the dissemination of the whole or any part of a broadcasting service by means of wires otherwise than within the precincts of a single self-contained dwelling;
- (b) the dissemination of entertainment by way of music, speech or moving or stationary pictures by means of wires extending to or connecting two or more buildings.

PART II—ESTABLISHMENT AND CONSTITUTION OF CORPORATION

3. (1) There is hereby established a Corporation to be known as the Kenya Broadcasting Corporation, which shall be a body corporate with a common seal, with power to sue and be sued and, subject to the provisions of section 28 of this Ordinance, to purchase, hold, manage and dispose of land and other property, and to enter into contracts and to do all things necessary to facilitate the proper discharge of its functions under this Ordinance. Establishment
of Kenya
Broadcasting
Corporation.

(2) It is hereby declared that, except where the Corporation acts as agent for the Minister under any provision of this Ordinance, the Corporation shall not be regarded as the servant or agent of the Government or as enjoying any status, immunity or privilege of the Government, and no property of the Corporation shall be regarded as property of, or held on behalf of, the Government.

Constitution
of and
appointments
to the
Corporation.

4. (1) The operations of the Corporation shall, subject to the provisions of this Ordinance, be controlled and governed by a Board which shall consist of—

(a) a chairman appointed by the Governor after consultation with the Corporation:

Provided that the Governor shall appoint the first chairman without such consultation;

(b) three members appointed by the Governor in Council to represent the interests of the Government;

(c) three members to represent the general public appointed by the Governor on the advice of the General Advisory Council established under section 21 of this Ordinance submitted to him through the Board:

Provided that the three initial appointments shall be made by the Governor without such submission being made;

(d) three members, being persons with substantial experience relative to the establishment and operation of broadcasting services, appointed by the contractors.

(2) No person shall be qualified to hold office as chairman or member who—

(a) has under any law for the time being in force in any country in the Commonwealth—

(i) been adjudged or otherwise declared insolvent or bankrupt and has not been rehabilitated or discharged; or

(ii) made an assignment to or an arrangement or composition with his creditors which has not been rescinded or discharged; or

(b) is not a British subject or British protected person.

(3) No person shall be qualified for appointment under paragraph (c) of subsection (1) of this section who—

(a) is an office bearer of any political party; or

(b) is a Member of Legislative Council; or

(c) is an employee or director of, or is in any way associated with, the contractors; or

(d) is a public officer.

(4) No person shall be qualified for appointment under paragraph (d) of subsection (1) of this section who—

- (a) is an office bearer of any political party; or
- (b) is a Member of Legislative Council.

5. (1) Subject to the provisions of sections 6 and 7 of this Ordinance—

Duration of office of chairman and members of Corporation.

- (a) the chairman shall hold office for a period of three years and shall then retire;
- (b) of the members appointed under the provisions of paragraph (c) of subsection (1) of section 4 of this Ordinance, one shall retire two years after the first appointment of such members, and thereafter one shall retire annually in rotation; the member to retire as aforesaid shall be that one who has been continuously longest in office (reappointments being deemed for this purpose to break continuity in office), and, as between members who have been continuously in office for an equal period, the order of retirement shall, in default of agreement between them, be determined by ballot; and
- (c) the members appointed under the provisions of paragraph (d) of subsection (1) of section 4 of this Ordinance shall hold office during the pleasure of the contractors.

(2) Any member appointed under the provisions of paragraph (b) of subsection (1) of section 4 of this Ordinance shall hold office during the pleasure of the Governor in Council.

(3) The chairman and any member who retires shall be eligible for reappointment.

6. If the Governor in Council is satisfied that the chairman or any member, other than a member appointed under the provisions of paragraph (b) of subsection (1) of section 4 of this Ordinance—

Governor in Council may require chairman or member to vacate office.

- (a) is guilty of improper conduct as chairman or member, as the case may be; or
- (b) is incapacitated by prolonged physical or mental illness; or

(c) for any other reason is unable or unfit to discharge his duties as chairman or member as the case may be,

and that it would be detrimental to the interests of the Corporation to allow such chairman or member, as the case may be, to continue to hold office, he may declare vacant the office of such chairman or member, as the case may be, and shall notify such declaration in such manner as he may think fit, and upon such notification being made the office shall become vacant.

Vacation of office by chairman or member.

7. The chairman or a member shall vacate his office and his office shall become vacant—

- (a) one month after the date he gives notice in writing to the Governor in Council of his intention to resign his office, or after the expiration of such shorter period as may be agreed; or
- (b) if he becomes disqualified from holding office in terms of subsection (2) of section 4 of this Ordinance; or
- (c) if he is required to vacate his office in terms of section 6 of this Ordinance; or
- (d) on the expiry of his term of office; or
- (e) in the case of a member, if he is absent from three consecutive meetings of the Board of which he has had notice, without the permission of the chairman.

Chairman and members to declare connexion with companies or firms carrying on radio communication services, etc.

8. (1) Within seven days after his appointment as chairman or member, and thereafter once each year, the chairman and each member shall submit to the Governor a statement in writing of any directorship, office, post, shareholding or financial interest, direct or indirect, held or acquired by him in any company or firm which carries on a radio communication service, or deals in, manufactures, assembles, imports or sells apparatus or equipment for use in radio communication or diffusion, and if he holds no such directorship, post, shareholding or financial interest as aforesaid, he shall nevertheless submit a statement to that effect to the Governor within seven days after his said appointment.

(2) If after submitting the statement required in terms of subsection (1) of this section the chairman or any member shall be appointed to or shall acquire any or any further directorship, office, post, shareholding or financial interest,

direct or indirect, in any company or firm of the nature described in subsection (1) of this section, he shall within seven days after such appointment or acquisition notify the Governor in writing of the said appointment or acquisition.

(3) For the purposes of this section—

(a) "member" shall mean a member other than one appointed under the provisions of paragraph (d) of subsection (1) of section 4 of this Ordinance; and

(b) in the case of married persons living together the directorship, office, post, shareholding or interest of one spouse shall be deemed to be also a directorship, office, post, shareholding or interest of the other spouse.

9. The chairman and each member shall be paid from the funds of the Corporation such remuneration and allowances as the Governor in Council shall in each case approve.

Remuneration of chairman and members.

10. The Board shall elect one of its members to be vice-chairman of the Board.

Appointment of vice-chairman.

11. (1) Subject to the provisions of subsections (2) and (3) of this section, the chairman shall preside at all meetings of the Board.

Procedure at meetings of the Board.

(2) If the chairman is for any reason unable to exercise the functions of his office, the vice-chairman shall exercise the functions and have all the powers of the chairman.

(3) In the absence of both the chairman and the vice-chairman from any meeting of the Board, the members present shall elect one of their number to preside and such member shall, as concerns that meeting, have all the powers and exercise the functions of the chairman.

(4) The Board shall ordinarily meet for the despatch of business at such times and places as the chairman shall from time to time appoint, but not less than four times a year.

(5) The chairman may at any time and shall, at the request in writing of five members, convene a special meeting of the Board.

(6) A notice convening a special meeting of the Board shall state the purposes for which the special meeting is convened.

(7) At any meeting of the Board except a meeting held to appoint contractors under the provisions of section 45 of this Ordinance, six members, including the chairman or the person exercising his powers and functions at that meeting and at least one member from each of the groups appointed under the provisions of paragraphs (b), (c) and (d) respectively of subsection (1) of section 4 of this Ordinance, shall form a quorum.

(8) At a meeting of the Board held to appoint contractors under the provisions of section 45 of this Ordinance, the chairman and all the members appointed under the provisions of paragraphs (b) and (c) of subsection (1) of section 4 of this Ordinance shall form a quorum.

(9) Subject to the provisions of this Ordinance and of any regulations made thereunder, the Board shall meet together for the despatch of business and adjourn, close or otherwise regulate its meetings and proceedings as it thinks fit.

(10) All acts, matters or things authorized or required to be done by the Board shall be decided by a simple majority of the votes of the members present and voting at the meeting.

(11) At all meetings of the Board the chairman and each member shall have one vote on the matter in question before the Board.

(12) All orders, directions and decisions of the Board shall be made, given and notified under the hand of the chairman or such member as the Board may approve for that purpose.

Transaction of
business of an
urgent nature.

12. If it is not practicable to hold a meeting of the Board for the transaction of business of an urgent nature, the chairman shall, after consulting such of the other members as is practicable in the circumstances, deal with the business himself, and as soon as may be thereafter give to the Board full particulars of that business, of the circumstances in which the urgency arose and of the action taken by him in the matter.

Right of
Director-General
to attend
meetings of
the Board.

13. The Director-General shall have the right to attend any meeting of the Board, and shall have the right to speak, but not to vote, on any question before the Board.

14. The validity of any decision, proceeding or act of the Board or act done on the authority of the Board shall not be affected by any vacancy among the members thereof, or by any defect in the appointment of a member thereof, or by any reason that some person who was not entitled to do so took part therein.

Validity of Board's decisions, proceedings and acts.

15. The affixing of the seal of the Corporation shall be authenticated by the signature of the chairman, or some other member authorized, either generally or specially, by the Board to act in his stead for the purpose, and of one member of the Board authorized, either generally or specially, by the Board to act for the purpose.

Common Seal.

16. Any document purporting to be a document duly executed or issued under the seal of the Corporation or on behalf of the Corporation shall be received in evidence and be deemed to be a document so executed or issued, as the case may be, without further proof unless the contrary is shown.

Proof of documents.

PART III—FUNCTIONS OF THE CORPORATION

17. The Corporation shall—

Duties of Corporation.

- (a) provide independent and impartial broadcasting services of information, education and entertainment, in the English, Swahili and Hindustani languages and such other languages as the Corporation may decide, for reception within Kenya;
- (b) provide, if the Governor in Council so requires, like services for reception in countries outside Kenya (such services being called "external services");
- (c) control and operate such plant, property, installations and services as are, or may be, acquired by the Corporation under the provisions of this Ordinance;
- (d) advise the Governor on all matters relating to the broadcasting services and to matters appertaining to the Corporation generally;
- (e) appoint and enter into agreements with contractors in accordance with the provisions of section 45 of this Ordinance;

- (f) conduct the broadcasting services with impartial attention to the interests and susceptibilities of the different communities in Kenya;
- (g) ensure the observance of standards of broadcasting and commercial advertising;
- (h) keep a fair balance in all respects in the allocation of broadcasting hours as between different political view points;
- (i) include in its sound and television programme a daily service of news which shall be broadcast in the English, Swahili and Hindustani languages (and such other languages as the Corporation may decide) at such times as the Corporation may determine.

Powers of the Corporation.

18. Subject to the provisions of this Ordinance and for the purposes of section 17 of this Ordinance the Corporation shall have power to carry on all such activities as may appear to the Corporation to be requisite, advantageous or convenient for it to carry on for or in connexion with the discharge of its duties and in particular and without prejudice to the generality of the foregoing shall have power—

- (a) to produce, manufacture, purchase or otherwise acquire, and sell or otherwise dispose of films, gramophone and other mechanical records, tapes, wires, perforated rolls or other contrivances by means of which any words, visual images or ideas may be mechanically or electrically produced, reproduced, represented or conveyed and materials and apparatus for use in connexion therewith and to use them in connexion with the broadcasting services;
- (b) to provide to and receive from other persons material to be broadcast;
- (c) to organize, provide and subsidize public entertainment for broadcasting;
- (d) to collect news and information in or from any part of the world and in any manner that may be thought fit and to establish and subscribe to news agencies;
- (e) to establish offices and agencies in Kenya and elsewhere;
- (f) to acquire or sell copyright;

- (g) to complete, publish, print and distribute, with or without charge, matter that may be conducive to the performance of any of the duties of the Corporation, or to enter into contract with any person for that purpose;
- (h) to do anything for the purpose of advancing the skill of persons employed or to be employed by the Corporation, or the efficiency of the equipment of the Corporation or the manner in which the equipment is operated, including the provision by the Corporation and the assistance of the provision by others, of facilities for training, education and research;
- (i) to accept for broadcasting, with or without charge, advertisements and announcements which do not conflict with the general policy of the Corporation;
- (j) to make available to broadcasting organizations the use of its sound and television studios upon such terms as the Corporation may determine for the purposes of preparing programmes for broadcasting;
- (k) to carry on or operate such services, including wired distribution services, as are conducive to the exercise of its duties.

19. (1) The Corporation shall by directions in writing lay down general standards of taste, impartiality and accuracy for the contents, including advertisements, of all programmes broadcast by the Corporation.

Corporation
to lay down
standards.

(2) It shall be the duty of all officers and servants of the Corporation and in particular of the Director-General to ensure that standards so laid down are maintained.

20. (1) There shall be an officer of the Corporation, to be known as the Director-General, who shall be the chief executive officer of the Corporation and shall be responsible for the execution of the policy of the Corporation and for the control and management of its day-to-day business.

Director-General.

(2) The Corporation shall delegate to the Director-General such of its functions under this Ordinance as are

necessary to enable him to transact effectively the day-to-day business of the Corporation of every kind whatsoever, and in particular and without prejudice to the generality of the foregoing, the Corporation shall delegate to the Director-General the power, subject to any instructions or regulations of a general nature as may be given or made by the Corporation—

- (a) to exercise supervision and control over the acts of all servants of the Corporation in matters of executive administration in the whole field of broadcasting and in all matters concerning the accounts and records of the Corporation;
- (b) to dispose of all questions relating to the service of the servants of the Corporation and their pay, privileges and allowances;
- (c) to plan, control and regulate the content and balance of all programmes.

(3) The first appointment to the office of Director-General shall be made by the Governor and any subsequent appointment shall be made by the Governor after consultation with the Board.

General
Advisory
Council.

21. (1) There is hereby established an advisory council, to be known as the General Advisory Council, which shall—

- (a) make nominations through the Board to the Governor for the filling of any vacancy in the members appointed under paragraph (c) of subsection (1) of section 4 of this Ordinance; and
- (b) advise the Board on matters concerning broadcasting programmes in sound and television.

(2) The General Advisory Council shall consist of twenty-five members of whom twenty shall be appointed initially by the Board, and five shall be appointed initially by the said twenty members meeting for that purpose only.

(3) Of the twenty persons initially appointed by the Board—

- (a) two shall be appointed to represent the agricultural community;
- (b) two shall be appointed to represent educational interests;

- (c) four shall be appointed to represent the graphic and cultural arts;
- (d) one shall be appointed to represent social welfare;
- (e) four shall be appointed to represent religious interests;
- (f) one shall be appointed to represent commerce and industry;
- (g) one shall be appointed to represent local authorities;
- (h) one shall be appointed to represent women's organizations;
- (i) one shall be appointed to represent youth organizations;
- (j) one shall be appointed to represent professional associations;
- (k) one shall be appointed to represent trade unions;
- (l) one shall have previous judicial experience.

(4) The Chairman of the General Advisory Council shall hold office for a term of three years and at the end of such term shall be eligible for reappointment for a further term or for further terms of three years.

(5) Subject as is hereinafter provided, members of the General Advisory Council shall hold office for a term of three years and at the end of such term shall be eligible for reappointment for a further term or for further terms of three years:

Provided that in the case of the members initially appointed by the Board one-third shall retire after one year in office, one-third shall retire after two years in office and one-third shall retire after three years in office, and the order of retirement shall, in default of agreement between such members, be determined by ballot.

(6) If any member of the General Advisory Council shall be absent from four consecutive meetings of that Council, of which he has had notice, without the permission of the Chairman of the General Advisory Council, his office shall forthwith be vacated.

(7) In the event of any vacancy howsoever arising in the membership of the General Advisory Council, the General Advisory Council shall itself appoint a person to fill such vacancy:

Provided that—

- (a) in appointing a person to fill any vacancy, the General Advisory Council shall maintain the representation specified in subsection (3) of this section;
- (b) any appointment made by the General Advisory Council under the provisions of this subsection shall require a vote in favour thereof by not less than two-thirds of the members of the General Advisory Council; and
- (c) in the event of the General Advisory Council failing to fill a vacancy within three months after such vacancy arose, the Board may nominate a person to fill that vacancy.

Board may
appoint advisory
committees.

22. The Board may appoint such advisory committees as may seem desirable or expedient to the Board for the better execution of its duties.

Rule making
power of
Board.

23. The Board may make rules providing for the appointment of a chairman or other presiding member of the General Advisory Council and advisory committees appointed under the provisions of sections 21 and 22 of this Ordinance, and for the quorum thereof, the frequency of meetings, the summoning of meetings, the procedure of meetings and the manner in which matters shall be referred by the Board to the General Advisory Council or an advisory committee and in which the advice of that Council or committee shall be transmitted to the Board through the Director-General or otherwise; and subject to any such rules the General Advisory Council and advisory committees shall regulate their own procedure.

Special duties
of the Board
with regard
to the General
Advisory
Council and
advisory
committees.

24. The Board shall—

- (a) provide such secretarial or other assistance to the General Advisory Council and advisory committees as the Board thinks fit; and
- (b) pay to the members of the General Advisory Council and advisory committees who are not officers or servants of the Corporation such allowances for expenses as the Board may determine:

Provided that no such allowance shall be paid to any public officer unless expressly authorized by the Governor in Council.

25. (1) Where the Governor in Council has, under the provisions of paragraph (b) of section 17 of this Ordinance, required the Corporation to provide any external services, the Corporation shall—

Matter to be broadcast in, and costs of, external services.

(a) broadcast programmes in the external services to such countries, in such languages and at such times as may from time to time be specified by the Governor in Council after consultation with the Corporation; and

(b) consult and collaborate with such Ministries and departments of the Government as may be specified in writing by the Governor in Council and shall obtain and accept from them such information regarding conditions in, and the policies of Her Majesty's Government in the United Kingdom or the Government of Kenya towards the countries specified and other countries as will enable the Corporation to plan and prepare its programmes in the external services in the interests of Kenya.

(2) The full net cost of providing and transmitting external services shall be borne from funds specially provided to the Corporation by the Legislature for that purpose.

26. (1) The Corporation shall, whenever so required in writing by the Minister or by any person authorized in that regard by the Minister in writing, broadcast announcements of national importance, whether by sound or vision.

Announcements of national importance.

(2) The Corporation, when broadcasting any announcement under this section, may in its discretion announce or refrain from announcing that it is broadcast at the request of the Minister.

(3) Nothing in this section shall be deemed to limit the right of the Government to submit to the Corporation items of general interest or utility for broadcasting at the discretion of the Corporation.

PART IV—TRANSFER OF ASSETS AND LIABILITIES

27. (1) On a day to be appointed by notice in the Gazette by the Governor in Council there shall vest in the Corporation by virtue of this section and without further assurance—

Vesting in Corporation of Kenya Broadcasting Service.

- (a) the undertaking of the Kenya Broadcasting Service;
- (b) all property (other than any interest in Crown land), liabilities, benefits and contracts (other than contracts for personal service) connected with the Kenya Broadcasting Service,

and on and after the vesting date any such contract shall have effect as if the Corporation had been a party thereto instead of the Government or, in the case of a contract entered into by another person as agent for the Government, instead of that person, and all liabilities shall be deemed to have been incurred by, and all benefits to have accrued to, the Corporation, and any proceedings or suit pending immediately before the vesting date by or against the Government in respect of any such property or contract shall be continued by or against the Corporation.

(2) The Governor may grant to the Corporation upon such terms and conditions as he may think fit such interest as he may determine in or over any Crown land which, immediately before the vesting date, was occupied for the purpose of the Kenya Broadcasting Service or over which the operations of the Kenya Broadcasting Service were, immediately before the vesting date, carried on.

(3) For the avoidance of doubt it is hereby declared that nothing in this section shall confer on the Corporation any immunity, privilege, right or benefit attaching to the Crown in right of the Government of Kenya or to the Government.

Corporation
not to charge
property vested
under s. 27.

28. (1) The Corporation shall not, without the consent of the Governor in Council, alienate, charge, demise, sell, dispose of, or otherwise deal with any immovable property vested in the Corporation under the provisions of section 27 of this Ordinance.

7-8 Eliz. 2, c. 17.

(2) The Governor in Council shall not give his consent under subsection (1) of this section in respect of any immovable property purchased or leased with funds provided either wholly or in part under the Colonial Development and Welfare Act, 1959, without prior consultation with the Secretary of State.

PART V—STAFF

29. (1) Subject to the provisions of this Part, the Corporation may appoint and employ such officers, servants and agents as it deems necessary for the discharge of its functions under this Ordinance upon such terms and conditions of service as it may determine.

Employment of officers, servants and agents.

(2) The Corporation shall within one year after the coming into operation of this Ordinance make provision for a staff superannuation scheme of a type that will enable the Secretary of State to determine service with the Corporation to be "public service" for the purposes of the Pensions Ordinance, 1950.

31 of 1950.

30. (1) The Corporation shall, subject to the provisions of this section, employ such public officers, as may be seconded by the Governor from the service of the Government to the Corporation on the vesting date.

Officers seconded from Government service.

(2) The Governor may at any time determine the secondment of any public officer who has been seconded to the service of the Corporation under the provisions of this section, and the Corporation may request the Governor to determine the secondment of any such officer:

Provided that no such request shall be made unless the Corporation shall first have given to the officer written notice of their intention to make such request.

31. (1) The Corporation shall, within a period of one year from the vesting date, offer to every officer seconded to the Corporation from the service of the Government, and whose secondment has not been terminated under the provisions of subsection (2) of section 30 of this Ordinance, employment by the Corporation from such date upon such terms and conditions as may be specified in such offer.

Offers of employment with the Corporation.

(2) Any officer who fails to accept in writing an offer made to him by the Corporation in accordance with subsection (1) of this section within six months after such offer has been made to him shall be deemed to have refused such offer.

(3) If an officer refuses an offer made to him by the Corporation in accordance with subsection (1) of this section, the obligation to employ the officer imposed on the Corpora-

tion by subsection (1) of section 30 of this Ordinance shall determine upon the expiration of the period of six months following the date of such refusal.

(4) When an officer accepts an offer made to him by the Corporation in accordance with subsection (1) of this section his service with the Corporation shall be deemed to have commenced, and his service with the Government to have ceased, on the date specified in that offer.

Corporation to reimburse Government for seconded staff.

32. (1) The Corporation shall reimburse to the Government the cost to the Government of any officers seconded to the Corporation under the provisions of section 30 of this Ordinance.

(2) The certificate of the Permanent Secretary to the Treasury as to such cost shall be conclusive proof of such cost.

Corporation to make regulations relating to staff.

33. The Corporation shall make regulations generally relating to the conditions of service of officers and servants of the Corporation and in particular, but without prejudice to the generality of the foregoing, shall make regulations relating to—

- (a) the appointment, dismissal, discipline, pay and leave of, and the security to be given to officers and servants;
- (b) appeals by officers and servants against dismissal or other disciplinary measures;
- (c) the establishment and maintenance of medical benefits and loan funds, and the contributions payable thereto and the benefits recoverable therefrom.

PART VI—FINANCIAL PROVISIONS

Establishment and operation of general fund.

34. The Corporation shall establish a general fund—

- (a) into which all moneys received by the Corporation shall be paid; and
- (b) out of which all payments made by the Corporation shall be paid.

Corporation's powers with regard to receipt of moneys.

35. The Corporation is hereby empowered to receive and apply—

- (a) all funds which may from time to time be voted by the Legislature for the purposes of the Corporation; and

- (b) revenue accruing from wireless and television licences and commercial advertisements; and
- (c) loans raised under the provisions of section 41 of this Ordinance; and
- (d) any money properly accruing to the Corporation from any other source.

36. The Corporation, in furtherance of the purposes and provisions of this Ordinance and in accordance with any terms and conditions upon which its funds may have been obtained, given or derived, may charge to its general fund all remunerations, allowances, salaries, fees, pension and superannuation fund contributions, gratuities, working expenses and all other charges properly arising including any necessary capital expenditure.

Charges to general fund.

37. The Corporation shall make adequate provision for—

- (a) the redemption of loans at due times; and
- (b) interest on and all other charges and expenses incurred in connexion with loans; and
- (c) the depreciation or diminution in value of assets.

Corporation to make provision for loan redemption, etc.

38. The financial year of the Corporation shall coincide with that of the Government:

Financial year.

Provided that the period between the vesting date and the end of the financial year then current shall be deemed to be a financial year.

39. The Corporation shall, at least six months before the commencement of each financial year, make application to the Minister for such funds as it may deem necessary to be voted by the Legislature for the purposes of the Corporation for the following financial year and shall support such application by estimates of its revenue and expenditure for that year.

Estimates.

40. (1) The Corporation shall as soon as possible and in any event within seven months after the end of each financial year furnish to the Minister—

Annual report and periodical returns.

- (a) a report dealing with the activities, policy and financial position of the Corporation during that year;
- (b) a copy of the Corporation's accounts for that year audited in accordance with the provisions of sub-

section (1) of section 44 of this Ordinance together with the auditor's report thereon.

(2) The Minister shall, at the earliest available opportunity, lay a copy of every such annual report and audited accounts before the Legislative Council.

(3) The Corporation shall furnish to the Minister such financial and statistical returns as he may from time to time require.

Power to
borrow money.

41. The Corporation may, with the consent of or according to any general authority given by the Governor in Council, borrow money in such manner and subject to such conditions as the Governor in Council may deem fit to impose.

Wireless licence
fees to be
paid to
Corporation.

42. As soon as may be after the end of each month the Postmaster General shall pay to the Corporation all fees received during that month in respect of broadcast receiving licences, including television licences, issued in Kenya under the East African Posts and Telecommunications Act:

H.C. Cap. 4.

Provided that the Postmaster General may retain from the amount payable to the Corporation under this section such proportion as may be agreed between the Corporation and the Postmaster General for the purpose of meeting expenses necessarily incurred by the Postmaster General in respect of the issue of such licences and the collection of such fees.

PART VII—ACCOUNTS

Books of
account.

43. The Corporation shall cause to be kept proper books of account and other books in relation thereto in respect of all its undertakings, funds, activities and property, and shall prepare yearly statements of income and expenditure and balance sheets made up to the end of each financial year showing the assets and liabilities of the Corporation, and shall prepare such other accounts as the Minister may require.

Audit of
accounts.

44. (1) The Board shall, with the approval of the Minister, appoint one or more auditors being members of one or more of the bodies specified in the Schedule to the Accountants (Designations) Ordinance, 1950, who shall, not less than once in each financial year, examine, audit and report on the accounts of the Corporation.

50 of 1950.

(2) The Board shall produce and lay before the auditors all books and accounts of the Corporation, with all vouchers in support thereof, and all books, papers and writings in its possession or control relating thereto, and the auditors shall be entitled to require from all members of the Board and all officers, agents and employees of the Corporation such information and explanations as they may require.

(3) All expenses in connexion with or incidental to an audit shall be borne and paid by the Corporation.

(4) The auditors shall, with reference to the accounts of the Corporation, report—

- (a) whether they have obtained all the information and explanations which to the best of their knowledge and belief were necessary for the purposes of their audit; and
- (b) whether, in their opinion, proper books of account have been kept by the Corporation, so far as appears from their examination of those books; and
- (c) whether the Corporation's balance sheet and statement of income and expenditure are in agreement with the books of account; and
- (d) whether in their opinion and to the best of their information and according to the explanations given them the said accounts give a true and fair view—
 - (i) in the case of the balance sheet, of the state of the Corporation's affairs as at the end of its financial year; and
 - (ii) in the case of the statement of income and expenditure, of the income and expenditure for its financial year; and
- (e) whether the provisions of this Ordinance and any directions of the Minister, in so far as they relate to the accounts, have been complied with.

PART VIII—CONTRACTORS

45. (1) The Corporation shall employ some person or body of persons to arrange the provision of loans, manufacturers' credits and equipment, and programme material and to perform such other services as shall be necessary for the purposes of this Ordinance and as may be mutually agreed;

Employment of
contractors.

and the Corporation shall enter into a contract in writing with the person or body of persons so employed for the purposes aforesaid.

(2) No person or body of persons shall be employed under the provisions of subsection (1) of this section without the consent of the Governor in Council.

PART IX—LEGAL PROCEEDINGS

Proceedings on failure of Corporation to comply with Ordinance.

46. (1) If at any time it appears to the Minister that the Corporation has failed to comply with any of the provisions of this Ordinance, he may, by notice in writing, require the Board to make good the default within such time as may be specified in such notice.

(2) If the Board fails to comply with the requirements of a notice issued under the provisions of subsection (1) of this section the Minister may apply to the Supreme Court for an order compelling the Board to remedy the default specified, and the Supreme Court may make such order on the application as it thinks fit, including an order as to costs.

No suit against Corporation without prior written notice.

47. (1) No civil suit shall be commenced against the Corporation before the expiry of one month after written notice of intention to commence such suit shall have been served upon the Corporation by or on behalf of the intending plaintiff.

(2) A notice of intention issued under subsection (1) of this section shall be served as soon as practicable after the accrual of the cause of action and shall clearly and explicitly state—

- (a) the cause of action;
- (b) full particulars of the claim;
- (c) the name and physical address of the intending plaintiff; and
- (d) the relief claimed.

Service of documents.

48. A notice of intention issued under the provisions of section 47 of this Ordinance and any summons, notice or other document required or authorized to be served upon the Corporation under the provisions of this Ordinance or of any other written law may, unless there is in any case specific provision to the contrary, be served by delivering the same to the

Chairman or Director-General of the Corporation, or by sending it by registered post to the Director-General at the principal office of the Corporation.

49. (1) No execution by attachment of property or process in the nature thereof shall be issued against the Corporation in any suit against the Corporation. Restriction on execution.

(2) Any sum of money which may by judgment of any Court be awarded against the Corporation shall, subject to any direction given by the Court where notice of appeal has been given by the Corporation in respect of such judgment, be met from the funds of the Corporation.

PART X—EMERGENCY POWERS

50. (1) If at any time the Governor is satisfied that it is necessary for the preservation of public security that the Government should have control over broadcasting by means of any transmitting station owned or operated by the Corporation, he may declare that the provisions of this section shall come into operation and thereupon he or any person authorized by him in writing may— Provision applicable in emergency conditions.

- (a) take possession of any transmitting station owned or operated by the Corporation or any apparatus at such station, and use such station or apparatus for official purposes; or
- (b) place any person in control of such station or apparatus; or
- (c) direct the Corporation to submit to him all or any communication or matter tendered for broadcasting; or
- (d) stop or delay or direct the Corporation to stop or delay the broadcasting or delivery of any such matter or communication or to deliver them to him; or
- (e) direct the Corporation to comply with all such directions as he may think fit to give with reference to broadcasting.

(2) If and whenever the Governor exercises the powers conferred upon him by subsection (1) of this section the Corporation shall be entitled to receive from the Government—

- (a) compensation for any damage done to the property of the Corporation, being damage directly attributable to the exercise of any such powers; and
- (b) such sums as are required to defray any expenses which, regard being had to the nature of the circumstances, have been properly and necessarily incurred by the Corporation in respect thereof.

(3) In any case of dispute as to the amount of compensation payable under this section, the amount of the compensation shall be determined by reference to an arbitrator and any such reference shall be deemed to be a "submission" for the purposes of the Arbitration Ordinance and shall be dealt with in accordance with the provisions of that Ordinance.

Cap. 22.

PART XI—GENERAL

Restriction on use of name of Corporation.

51. No person shall, on or after the date of commencement of this Ordinance, assume for the purposes of business, or be registered in terms of any written law relating to companies or business names, under—

- (a) a name which includes with the word "broadcast" or "broadcasting" or "diffusion" or "rediffusion" or "radio" or "television", the word "Kenya" or "Kenyan" or "East Africa" or "East African" or "national" or "Protectorate" or "State" or "authority" or "Corporation"; or
- (b) the name "Kenya Television Corporation" or "Kenya Broadcasting Corporation" or a name which so clearly resembles the name "Kenya Broadcasting Corporation" as to be likely to be mistaken for it,

without the written approval of the Minister.

Regulations.

52. The Governor in Council may make regulations for the better carrying out of the purposes and provisions of this Ordinance, and in particular, but without prejudice to the generality of the foregoing, may make regulations prescribing—

- (a) the allowances payable to the chairman and members;
- (b) the allowances payable to members of the General Advisory Council and any other advisory committee established by the Board.

THE SURVEY ORDINANCE, 1961
No. 25 of 1961

Date of Assent: 14th November, 1961

Date of Commencement: By Order

ARRANGEMENT OF SECTIONS

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- 2—Interpretation.

PART II—ADMINISTRATION

- 3—Director of Surveys and other officers.
- 4—Survey Office and other offices.
- 5—Seal of Survey of Kenya.
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PART III—THE LAND SURVEYORS' BOARD

- 7—Establishment of Board.
- 8—Appointment of secretary and other officers.
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- 10—Persons eligible to be licensed.
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Section

PART VI—THE PRESERVATION OF SURVEY MARKS

- 24—Boundary marks to be shown on plan.
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- 47—Amendment of Cap. 24 and Cap. 27.

AN ORDINANCE TO CONSOLIDATE AND AMEND
THE LAW RELATING TO SURVEYS AND GEO-
GRAPHICAL NAMES AND TO THE LICENSING
OF LAND SURVEYORS, AND FOR PURPOSES
INCIDENTAL THERETO AND CONNECTED
THEREWITH

ENACTED by the Legislature of the Colony and Pro-
tectorate of Kenya, as follows:—

PART I—PRELIMINARY

1. This Ordinance may be cited as the Survey Ordinance, 1961, and shall come into operation on such day as the Governor may, by order, appoint. Short title and commencement.

2. In this Ordinance, except where the context otherwise requires— Interpretation.

“Board” means the Land Surveyors’ Board established under section 7 of this Ordinance;

“Director” means the Director of Surveys appointed under section 3 of this Ordinance;

“Government surveyor” means any officer of the Survey Department of the Government who is authorized by the Director to perform any survey duty under this Ordinance;

“grant” means any conveyance, lease or licence of unalienated Crown land for a period exceeding one year made by and on behalf of the Crown under the Crown Lands Ordinance; Cap. 155.

“grantee” means the recipient of any grant;

“licensed surveyor” means a surveyor duly licensed as a surveyor under or by virtue of the provisions of this Ordinance;

“plan” includes a map, diagram or aerial photograph approved by the Director as suitable for survey purposes;

“survey mark” means any trigonometrical station, fundamental benchmark, benchmark, boundary beacon, peg, picket, mark or pole, whether above or below the surface of the ground, which is fixed, placed or set up by, or under the direction of, a surveyor for the purpose of any survey under this Ordinance;

“surveyor” means a Government surveyor or a licensed surveyor.

PART II—ADMINISTRATION

Director of
Surveys and
other officers.

3. (1) The Governor may appoint a Director of Surveys and such other officers as he may deem necessary for the purposes of this Ordinance.

(2) The Director may delegate in writing all or any of his powers, duties or functions under the provisions of this Ordinance, or of any regulations made thereunder, either generally or specially, to any officer appointed under subsection (1) of this section, and may at any time revoke or vary any such delegation:

Provided that no such delegation shall be deemed to divest the Director of all or any of his powers, duties or functions, and he may, if he thinks fit, exercise and perform such powers, duties and functions notwithstanding the fact that he has so delegated them.

Survey Office and
other offices.

4. The principal office of the Director (in this Ordinance referred to as the Survey Office) shall be at Nairobi, but there may be established such other offices at such places as the Director may from time to time determine.

Seal of Survey
of Kenya.

5. (1) The Director shall have and use a seal of office bearing the impression of the badge of the Survey Department and having inscribed thereon "Survey of Kenya", and the imprint of such seal shall be valid whether impressed or made in wax, ink or any other substance.

(2) The seal of the Survey of Kenya shall not be used or affixed except by the Director or by some person authorized by the Director in writing in that behalf.

Personal liability
of Director.

6. Neither the Director nor any officer appointed by virtue of subsection (1) of section 3 of this Ordinance shall be personally liable to any action or other proceeding for or in respect of any act or matter done or omitted without negligence in good faith in the exercise or performance, or the purported exercise or performance of any powers, duties or functions conferred by this Ordinance or by any regulations made thereunder.

PART III—THE LAND SURVEYORS' BOARD

7. (1) There shall be a Board, to be known as the Land Surveyors' Board, which shall consist of— Establishment of Board.

- (a) the Director, who shall be chairman of the Board;
- (b) two Government surveyors, being licensed surveyors, appointed from time to time by the Minister, on the nomination of the Director, for such period as the Minister may direct;
- (c) two licensed surveyors, other than Government Surveyors, elected by the Association of Land Surveyors of Kenya who shall hold office for two years and shall be eligible for re-election:

Provided that, of the two surveyors so first elected, one shall retire at the end of one year from the date on which he was elected and the order of retirement shall, in default of agreement between them, be determined by lot.

(2) The Board may, from time to time, elect one of its members to be deputy chairman, who shall, in the absence or inability to act of the chairman, perform the duties of the chairman.

(3) Subject to the provisions of this Ordinance, and to any special or general directions by the Minister, the Board shall regulate its own procedure.

8. The Board may, from time to time, appoint a secretary and such examiners and other officers as may be necessary for carrying out the duties of the Board, and all such persons shall hold office during the pleasure of the Board. Appointment of secretary and other officers.

9. The duties of the Board shall be—

- (a) to conduct the examination of candidates for admission as licensed surveyors in accordance with the provisions of this Ordinance;
- (b) to grant licences in accordance with the provisions of this Ordinance;
- (c) to keep a register of all licensed surveyors;
- (d) to take disciplinary proceedings against licensed surveyors in accordance with the provisions of this Ordinance;

- (e) to hear and determine any dispute between any licensed surveyor and his client as to the fees charged by the licensed surveyor;
- (f) to advise the Director on all matters relating to cadastral surveys in connexion with the registration of land or of title to land under any written law for the time being in force relating to the registration of land or of title to land.

PART IV—THE LICENSING OF SURVEYORS AND DISCIPLINARY PROCEEDINGS AGAINST LICENSED SURVEYORS

Persons eligible to be licensed.

10. No person shall be licensed under this Ordinance unless he is qualified as hereinafter provided; and every person who is so qualified shall be entitled, on payment of the prescribed fee, to be granted a licence by the Board in the prescribed form.

Persons entitled to be examined.

11. No person shall be examined for a licence to practise as a surveyor unless—

- (a) he has previously practised land surveying regularly and faithfully for such period as the Board may require, in the Survey of Kenya or with a licensed surveyor in Kenya or in one of the countries approved for the purposes of paragraph (d) of subsection (1) of section 12 of this Ordinance, and he produces either a statutory declaration from the Director or from such licensed surveyor, as the case may be, in such form as may be prescribed, or such other evidence as may satisfy the Board, that he has so served for the period required by the Board; or
- (b) he satisfies the Board that he has pursued suitable courses of study in land surveying and mathematics and he has had practical experience in land surveying.

Exemptions.

12. (1) Any person who—

- (a) was duly registered as a licensed surveyor in accordance with the provisions of any written law relating to the registration of surveyors in force at any time before the commencement of this Ordinance; or
- (b) has graduated from any university recognized by the Board and has taken a degree in any prescribed subject; or

- (c) is an officer on the permanent establishment of the Survey Branch of Her Majesty's Overseas Civil Service or an officer who has retired from the said Branch or from the former Colonial Survey Service after not less than ten years on the permanent establishment of the said Branch or the said Service; or
- (d) is the holder of a licence to practise as a surveyor in any country which the Minister may, by notice in the Gazette, approve; or
- (e) is the holder of the qualification of Fellow or Professional Associate of the Royal Institution of Chartered Surveyors in subdivision V (Land Surveying); or
- (f) has complied with the provisions of paragraph (b) of section 11 of this Ordinance,

shall, upon production of such evidence thereof as may be prescribed, and subject to the provisions of subsection (2) of this section, be exempted from the whole examination, or from examination in any subject, in accordance with the directions of the Board.

(2) A person holding any of the qualifications mentioned in paragraph (c), paragraph (d) or paragraph (e) of subsection (1) of this section shall not be exempted from examination unless—

- (a) he satisfies the Board that he has had field experience in land surveying; and
- (b) he carries out to the satisfaction of the Board a trial survey; and
- (c) he satisfies the Board that he is capable of conducting land surveys in accordance with the provisions of this Ordinance and of any regulations made thereunder.

13. (1) An application for examination shall be made to the secretary of the Board in writing at least one month prior to the date on which such examination is to take place, and such application shall be in the prescribed form and shall be accompanied by the prescribed fee, which fee shall be refunded if the candidate is not allowed to be examined.

Form of application for examination.

(2) All fees paid under this section shall be paid into the consolidated fund.

Examining
candidate
on oath.

14. The Board may require the attendance of any person who applies for examination for admission as a licensed surveyor, and may examine or question such person upon oath, affirmation or otherwise as to his actual practice in the field and other matters relevant thereto, and for such purpose any member of the Board may administer an oath or affirmation.

Conditions
precedent to
the issue of
a licence.

15. Except as otherwise provided in this Ordinance, no person shall receive a licence from the Board authorizing him to practise as a licensed surveyor unless—

- (a) he has attained the age of twenty-one years; and
- (b) he has passed the prescribed examination to the satisfaction of the Board or has been exempted therefrom; and
- (c) he has complied with the provisions of this Ordinance.

Register of
licensed
surveyors.

16. The Board shall cause a register to be kept which shall contain the names, addresses and qualifications of all persons to whom licences have been granted, the date upon which each such licence was granted and any other particulars which may be prescribed.

Disciplinary
powers of the
Board.

17. (1) Where, after due inquiry by the Board, a licensed surveyor has been found to have been guilty of professional misconduct, or, having been convicted of a criminal offence, is found by the Board to be unfit to practise, the Board may—

- (a) cancel the licence granted to such licensed surveyor;
or
- (b) suspend the licence for a period not exceeding three years; or
- (c) impose a fine not exceeding one thousand shillings on such licensed surveyor; or
- (d) reprimand such licensed surveyor.

(2) Upon any inquiry held by the Board under subsection (1) of this section, the person whose conduct is being inquired into shall be afforded an opportunity of being heard, either in person or by an advocate.

(3) For the purpose of proceedings at any inquiry held by the Board, the Board may administer oaths and affirmations and may, subject to the provision of any regulations made under this Ordinance, enforce the attendance of persons as witnesses and the production of books and documents.

(4) Any person who, having been summoned by the Board to attend before it, fails so to attend, or fails to produce any books or documents which he is required to produce, shall be guilty of an offence and liable to a fine not exceeding two hundred shillings.

18. Any person aggrieved by a decision of the Board under section 17, or under subsection (4) of section 31, of this Ordinance may, within one month after the date of the decision, appeal to the Supreme Court against the decision and, on any such appeal, the Supreme Court may give such directions in the matter as it thinks proper, including directions as to the costs of the appeal, and no appeal shall lie from an order of the Supreme Court under this section.

Appeal to the Supreme Court.

19. Where an order has been made for the revocation of the licence granted to any person or for suspending such a licence, the Board may either of its own motion or on the application of the person concerned, and in either case after holding such inquiry as the Board thinks fit, grant a new licence and cause the name of that person to be restored to the register, or, as the case may be, terminate the suspension of the existing licence and registration, either without fee or on payment of such fee, not exceeding the licence fee, as the Board may determine.

Grant of new licence and termination of suspension.

20. Notice of the grant, revocation or suspension of any licence, or of the termination of the suspension thereof, under this Part shall be published in the Gazette.

Notice of grant, cancellation, etc., of licence to be published in the Gazette.

PART V—THE CONDUCT OF SURVEYS

21. (1) Every surveyor shall carry out every survey undertaken by him in such manner as will ensure that the survey accords in all respects with the provisions of this Ordinance and any regulations made thereunder, and shall be responsible for the correctness and completeness of every survey carried out by him or under his supervision:

Duties of licensed surveyors and non-liability of the Government.

Provided that the Director may, in his discretion in the case of any particular survey, by notice in writing to the surveyor, direct that the standards of accuracy prescribed by such regulations shall be relaxed in such manner, to such extent and subject to such conditions as he shall specify in the notice.

(2) Neither the Government nor any public officer shall be liable for any defective survey, or any work appertaining thereto, performed by a licensed surveyor, notwithstanding that any plan relating to such survey or work has been authenticated in accordance with the requirements and provisions of this Ordinance or accepted for registration under any written law for the time being in force relating to the registration of transactions in or of title to land.

22. Any survey of land for the purposes of any written law for the time being in force relating to the registration of transactions in or of title to land (other than the first registration of the title to any land made in accordance with the provisions of the Land Registration (Special Areas) Ordinance, 1959) shall be carried out under and in accordance with the directions of the Director.

23. (1) The Director or any surveyor, or any person authorized in writing by the Director in that behalf either generally or specially, may enter upon any land, with such assistants as may be necessary, for the purpose of—

- (a) making or supervising any survey or resurvey; or
- (b) affixing or setting up thereon or therein any survey mark; or
- (c) inspecting any survey mark; or
- (d) altering, repairing, moving or removing any survey mark; or
- (e) doing anything necessary for carrying out any of the aforesaid purposes; or
- (f) examining or inspecting the conduct of any survey.

(2) Before so entering upon any land, the Director or other surveyor or person duly authorized shall, whenever practicable, give reasonable notice to the owner or occupier of the land of his intention to enter thereon, and shall, on so entering, produce written evidence of his authority to any person reasonably requiring the same.

Surveys of land to be conducted under the direction of Director.

27 of 1959.

Powers of Director and of surveyors to enter upon land.

(3) Compensation shall be paid to the owner of any trees or crops cut or damaged in the exercise of any of the powers conferred by this section, and such compensation shall be calculated and paid in the prescribed manner.

PART VI—THE PRESERVATION OF SURVEY MARKS

24. Every trigonometrical station, fundamental benchmark and boundary beacon erected or placed for the purpose of defining the boundaries of any holding or land shall be shown on the plan (if any) attached to, or referred to in, any document or instrument purporting to confer, declare, transfer, limit, extinguish or otherwise deal with or affect any right, title or interest, whether vested or contingent, to, in or over such holding or land being a document or instrument which is required to be registered, or is ineffectual until registered, under any written law for the time being in force relating to the registration of transactions in or of title to land.

Boundary marks to be shown on plan.

25. Every trigonometrical station or fundamental benchmark shall be deemed, for the purposes of this Ordinance and of any regulations made thereunder, to comprise the land within twenty feet of the centre-mark of such station or within twenty feet of the centre of the pillar or of such fundamental benchmark, as the case may be, together with a right-of-way to and from the same.

Sites of trigonometrical stations and fundamental benchmarks.

26. (1) No person shall carry out rock-blasting operations within the area of the land reserved for any fundamental benchmark.

Blasting of rock within the site reserved for a fundamental benchmark prohibited.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and liable to a fine not exceeding three thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

27. (1) It shall be the duty of every grantee to ascertain, within sixty days after he has received his grant, that the survey marks shown on any plan attached to his grant or referred to therein are in place as shown on the plan.

Duty of grantee to ascertain that survey marks shown on plan are in place, and procedure if the grantee is unable to find the survey marks.

(2) If a grantee notifies the Director in writing that he is unable to find the survey marks shown on the plan attached thereto and referred to therein, and deposits with the Director

a sum which, in the estimation of the Director, is sufficient to cover the cost of the inquiry, the Director shall inquire into the matter.

(3) If as a result of any such inquiry the Director finds that the survey marks are not in place as shown on the plan, he shall cause survey marks to be erected or placed in accordance with the plan, and, in such case, the sum deposited shall be refunded to the grantee.

(4) If as a result of such inquiry the Director finds that the survey marks are in place as shown on the plan, the sum deposited, or such portion thereof as shall be sufficient to cover the cost of such inquiry, shall be forfeited and paid into the consolidated fund.

Responsibility
for protection
of survey
marks.

28. (1) Every owner and occupier of land shall take all reasonable measures to protect every survey mark erected or placed on the land owned or occupied by him.

(2) The owner and occupier of land shall pay to the Director the cost of restoring any survey mark erected or placed on the land owned or occupied by him (including the cost of any survey made for that purpose) which has been removed, destroyed, displaced, defaced, mutilated, obliterated or broken, or the position of which has been altered, unless any other person has been convicted of an offence under section 29 of this Ordinance in respect of that survey mark; and such cost shall be a civil debt recoverable summarily.

(3) Where a survey mark is common to the land of two or more owners and occupiers, the cost of restoring any such survey mark, as provided by subsection (2) of this section, shall be divided equally between them.

Penalty for
tampering with
survey marks.

29. Any person, not being duly authorized so to do, who takes away, is found in possession of, removes, destroys or displaces, or alters the position of, any survey mark, or wilfully defaces, mutilates, obliterates or breaks any survey mark, shall be guilty of an offence and liable—

- (a) if such act was done with intent to defraud, to imprisonment for a term not exceeding three years; or
- (b) in any other case, to a fine not exceeding three thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment;

and, in addition to or instead of any such penalty, the court convicting a person of any such offence may order that person to pay to the Director the cost of restoring such survey mark (including the cost of any survey made for that purpose).

PART VII—SURVEY PLANS AND RECORDS

30. (1) Every surveyor who executes any survey in accordance with the provisions of this Ordinance and of any regulations made thereunder shall send to the Director all plans, field notes and computations relating thereto, and all such plans, field notes and computations shall be deposited in the Survey Office and shall become the property of the Government.

All survey plans and records to be deposited with the Director and to become the property of the Government.

(2) No plan deposited in the Survey Office in accordance with subsection (1) of this section shall be altered or amended in any way without the permission of the Director.

31. (1) The Director, or a Government surveyor authorized in writing by the Director in that behalf, may at any time undertake such field and office checks on the survey work of a licensed surveyor as he thinks fit.

Correction of errors.

(2) The Director, or a Government surveyor duly authorized to authenticate a plan under section 32 of this Ordinance, may, by notice in writing, instruct any licensed surveyor to correct at his own expense within a time specified in such notice any error made by him in the survey represented by the plan submitted for authentication:

Provided that such notice shall not be sent more than twelve months after the date on which the plan was sent to the Director under section 30 of this Ordinance.

(3) In the event of such licensed surveyor refusing or neglecting within the time specified to correct such error, it shall be lawful for the Director to undertake such correction and to recover the whole cost of such correction from the licensed surveyor concerned.

(4) If such licensed surveyor refuses or neglects to pay the cost of the correction referred to in subsection (3) of this section within fourteen days of the same having been demanded of him, the Director may report the facts to the Board for disciplinary action, and after due inquiry the

Board may order such licensed surveyor to pay the cost of correction to the Director; and if such licensed surveyor refuses or neglects to comply with such order within one month after the date of the order the Board may, subject to the provisions of section 18 of this Ordinance, suspend the licence of the licensed surveyor until the cost of correction has been paid, or for a period not exceeding three years, whichever he thinks fit.

Authentication
of plans.

32. No land shall be deemed to have been surveyed or resurveyed until the plan thereof has been authenticated by the signature of the Director or of a Government surveyor authorized in writing by the Director in that behalf, or by the affixing of the seal of the Survey of Kenya.

Director may
cancel
authentication
of plan.

33. (1) Where, before a document or instrument to which an authenticated plan is attached, or in which reference to such a plan is made, is registered—

(a) the plan is found to be inaccurate by reason of any error or omission in the survey; or

(b) the plan does not conform with the terms and conditions subject to which permission to subdivide the land to which the plan relates has been given,

the Director may cancel the authentication of such plan and may recall any copies which may have been issued, and in every case the provisions of section 31 of this Ordinance shall apply.

(2) The Director shall forthwith upon the cancellation of the authentication of any plan notify in writing—

(a) the registered owner of the land to which such plan relates or, in the case of Crown land, the Commissioner of Lands; and

(b) the surveyor by whom the survey was executed; and

(c) the registrar.

(3) For the purposes of this section, "the registrar" means—

Cap. 155.

(a) in the case of land registered under the Crown Lands Ordinance, the Principal Registrar of Crown Lands;

Cap. 159.

(b) in the case of land registered under the Land Titles Ordinance, the Principal Registrar;

Cap. 160.

(c) in the case of land registered under the Registration of Titles Ordinance, the Principal Registrar of Titles;

- (d) in the case of land registered under the Land Registration (Special Areas) Ordinance, 1959, the Land Registrar (Special Areas); 27 of 1959.
- (e) in the case of land in the special areas, not being land therein registered under the Land Registration (Special Areas) Ordinance, 1959, the Secretary of the Trust Land Board; and
- (f) in the case of any document registered under the Registration of Documents Ordinance, the Principal Registrar of Documents. Cap. 161.

PART VIII—THE STANDING COMMITTEE ON GEOGRAPHICAL NAMES

34. (1) There shall be a Standing Committee on Geographical Names (hereinafter referred to as “the Committee”) which shall consist of— Standing Committee on geographical names.

- (a) the Director, who shall be chairman of the Committee;
- (b) ten other members appointed by the Minister for such period as he may direct.

(2) The chairman shall appoint a public officer to be secretary of the Committee.

35. (1) It shall be the duty of the Committee to advise the Minister as to the spelling of all names on maps of Kenya, and in so doing the Committee shall have due regard to historical, orthographical and ethnic considerations. Duties of the Committee.

(2) There shall be published in such manner, and as often as the Minister may direct, lists containing the approved spelling of all such names.

PART IX—OFFENCES

36. (1) No person, other than a surveyor, shall—

- (a) survey any holding or land for the purpose of preparing any plan which is attached to, or is referred to in, any document or instrument purporting to confer, declare, transfer, limit, extinguish or otherwise deal with or affect any right, title or interest, whether vested or contingent, to, in or over any holding or

Unqualified persons forbidden to survey.

land, being a document or instrument which is required to be registered, or is ineffectual until registered, under any written law for the time being in force relating to the registration of transactions in or of title to land; or

- (b) perform any survey which affects or may affect the delimitation of the boundaries, or the location of survey marks, of any holding or land registered or to be registered under any written law for the time being in force relating to the registration of land or of title to land.

(2) Any person who contravenes any of the provisions of subsection (1) of this section shall be guilty of an offence and liable to a fine not exceeding three thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

Penalty for fraudulently procuring licence, falsely pretending to be licensed, and allowing unlicensed surveyor to practise.

37. Any person who—

- (a) fraudulently procures or attempts to procure himself or any other person to be granted a licence by the Board under this Ordinance; or
- (b) not being a licensed surveyor, falsely pretends to be such, or falsely takes or uses any title or description implying, whether in itself or in the circumstances in which it is taken or used, that such person is a licensed surveyor or is qualified to practise as such; or
- (c) being a licensed surveyor, allows an unlicensed person to practise as a surveyor on, or from an office in, the premises used by such licensed surveyor in the performance of his professional duties,

shall be guilty of an offence and liable to a fine not exceeding three thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

Penalty for obstructing surveyors.

38. Any person who wilfully obstructs or hinders any surveyor, or any assistant or servant of such surveyor, in the performance of any duty or the exercise of any power under this Ordinance shall be guilty of an offence and liable to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding two months, or to both such fine and such imprisonment.

PART X—MISCELLANEOUS

39. Where the provisions of any written law require that for the purposes of any written law a notice shall be published in the Gazette or otherwise specifying the boundaries of any land or area, or the situation and extent of any land or area, or particulars necessary to identify any land or area, or defining or designating the boundaries or limits of any land or area, it shall be sufficient if such land or area is described by reference in such notice to a plan of such land or area authenticated, identified and deposited in the Survey Office in accordance with the provisions of section 41 of this Ordinance.

Authenticated plans to be sufficient compliance with law requiring notices of boundaries, etc.

40. The authority giving a notice which refers to a plan authenticated, identified and deposited in the Survey Office may direct that so many photographically produced (or, if a larger number be required, lithographically produced) copies of such plan as he may require shall be made and distributed to the District Commissioner of the district in which the land or area to which such plan refers is situated, to the Commissioner of Lands and to such other public officer or officers as he shall specify.

Distribution of photographic or lithographic copies of plan authenticated.

41. (1) A plan shall be deemed to be authenticated and identified for the purposes of sections 39 and 40 of this Ordinance if—

Provisions regarding authenticated plans.

(a) it is authenticated, by the signature of the Director or of a Government surveyor authorized in writing by the Director in that behalf and by the signature of the authority by whom the notice is given, to be the land or area to which the notice refers; and

(b) it is identified by a reference number.

(2) Every such authenticated and identified plan shall be deposited in the Survey Office.

42. (1) Any person who intends to carry out any aerial photography for use in mapping or similar purpose shall, before carrying out the same, give to the Director in writing not less than one month's notice of his intention so to do.

Aerial surveys.

(2) Any person who has carried out any aerial photography for use in mapping or similar purpose shall, if the Director so requires in writing—

(a) produce to the Director for his inspection all of the photographs thereby produced or such of them as the Director may specify; and

(b) supply to the Director, at the Director's cost, such copies as the Director may require of such photographs:

Provided that the supply of photographs to the Director under this section shall not in any way affect the copyright therein of the person supplying them or other the owner of such copyright.

(3) Any person who fails to comply with the provisions of subsection (1) or subsection (2) of this section shall be guilty of an offence and liable to a fine not exceeding two thousand shillings.

Proof of
plans.

43. (1) All plans authenticated under this Ordinance, purporting to be signed by the Director, or by a Government surveyor authorized by the Director in that behalf, or to be sealed with the seal of the Survey of Kenya, shall be presumed, until the contrary is proved, to have been signed by the Director, or by a Government surveyor authorized as aforesaid, or to have been sealed with the seal of the Survey of Kenya, as the case may be.

22 of 1951.

(2) The provisions of subsection (1) of this section shall extend to plans approved before the commencement of this Ordinance under section 37 of the Survey Ordinance, 1951 (hereby repealed).

Inspection of
plans.

44. Any person may, at such times as may be notified by the Director, inspect any boundary plan, referred to in any notice in the Gazette, which is in the possession of the Survey Department.

Regulations.

45. (1) Subject to the provisions of subsection (2) of this section, the Minister may make regulations prescribing—

(a) the manner in which surveys shall be carried out and the manner and form in which the records of surveys shall be prepared and furnished to the Director;

- (b) the standard of accuracy which shall, subject to any direction given under the proviso to subsection (1) of section 21 of this Ordinance, be achieved, and the limit of error which shall, subject as aforesaid, be allowed, in surveys and resurveys of land;
- (c) the nature, form and dimensions of survey marks, the manner of marking the same for identification and the manner of their construction, erection, protection, maintenance and repair;
- (d) the testing of surveying instruments and of measuring tapes to be used in the survey of land;
- (e) the unit of measurement which shall be used on plans;
- (f) the charges to be made for the making of any survey by the Survey Department;
- (g) the charges to be made for the authentication under this Ordinance of plans submitted by a licensed surveyor;
- (h) the fees or charges to be paid in respect of any plan or document issued, or any act or matter required or permitted to be performed or dealt with, in the Survey Office;
- (i) the circumstances in which any person may inspect any unpublished plan in the possession of the Survey Department;
- (j) the manner of keeping the register of licensed surveyors and prescribing the particulars which shall be recorded therein;
- (k) the evidence which shall be produced and the conditions which shall be fulfilled by any person applying for a licence under this Ordinance;
- (l) the method of examination of persons desirous of qualifying for a licence, and the syllabus of subjects therefor; the fees payable for examination; and the nature and period of previous service or training required;
- (m) what certificates of examination, diplomas, degrees, licences or titles, other than those prescribed by this Ordinance, shall be recognized by the Board for the purpose of exempting a person from passing the whole or any part of any examination of the Board;

- (n) the procedure for granting licences under this Ordinance;
- (o) the procedure which shall be followed by the Board in hearing and determining any dispute between a licensed surveyor and his client as to the fees charged by the licensed surveyor;
- (p) the procedure which shall be followed by the Board in any inquiry held under section 17 or section 19 of this Ordinance;
- (q) the manner in which the attendance of witnesses and the production of books and documents at such an inquiry shall be obtained and enforced;
- (r) matters relating to the direction and guidance of licensed surveyors;
- (s) a power for the Director, after consultation with the Board, to require calculations to be submitted in such manner as he may direct;
- (t) the fees to be charged by a licensed surveyor in respect of work done;
- (u) anything which under this Ordinance may be prescribed,

and generally as to any matter appertaining to the surveying of land, and for carrying out the intent and purpose of this Ordinance.

(2) Regulations prescribing any of the matters specified in paragraphs (j) to (t) (inclusive) of subsection (1) of this section shall be made only after consultation with the Board.

PART XI—REPEAL AND SAVING

46. (1) The Survey Ordinance, 1951, is hereby repealed.

(2) All officers, offices, appointments, records, plans, approvals, licences, registers, registrations and generally all acts of authority which originated under the Survey Ordinance, 1951 (hereby repealed), and were subsisting or in force immediately before the commencement of this Ordinance shall enure for the purposes of this Ordinance according to the tenor thereof as fully and effectually as if they had originated under the corresponding provisions of this Ordinance, and accordingly shall, where necessary, be deemed to have so originated; and, for the purposes of any written law, any approval given by the Director in accordance with any provision of the Survey Ordinance, 1951 (hereby repealed),

shall be deemed to be an authentication made in accordance with the provisions of this Ordinance.

(3) All matters and proceedings commenced under the Survey Ordinance, 1951 (hereby repealed), and pending or in progress immediately before the commencement of this Ordinance, may be continued, completed and enforced under this Ordinance.

47. Sections 343 and 344 of the Penal Code, and the items relating to the said sections in the First Schedule to the Criminal Procedure Code, are repealed.

Amendment
of Cap. 24
(Rev. Edn. 1961.)
and Cap. 27
(Rev. Edn. 1961.)



**THE EAST AFRICAN COMMON SERVICES
ORGANIZATION ORDINANCE, 1961**

No. 26 of 1961

Date of Assent: 4th December, 1961

Date of Commencement: The day upon which the Agreement, which is set out in the Schedule to this Ordinance, comes into force; see Article 2 thereof.

**AN ORDINANCE TO PROVIDE FOR GIVING EFFECT
TO CERTAIN PROVISIONS OF THE EAST
AFRICAN COMMON SERVICES ORGANIZATION
AGREEMENT; AND FOR MATTERS CONNECTED
THEREWITH**

WHEREAS provision is made by the East Africa (High Commission) Orders in Council, 1947 to 1961, for the control and administration of certain matters and services of common interest to the inhabitants of Tanganyika, Kenya and Uganda, and for that purpose an East Africa High Commission and an East Africa Central Legislative Assembly are thereby established;

AND WHEREAS at discussions held in London in June, 1961, attended by delegations representing Her Majesty's Government in the United Kingdom, the East Africa High Commission, and Tanganyika, Kenya and Uganda it was agreed to recommend that the East Africa High Commission and the East Africa Central Legislative Assembly established by the said Orders in Council should be abolished in order that they may be replaced by an Organization (to be known as the East African Common Services Organization) established by means of an Agreement between the Governments of Tanganyika, Kenya and Uganda;

AND WHEREAS the draft of an Agreement for establishing the East African Common Services Organization (which is set out in the Schedule to this Ordinance) has been approved by the Governments of Tanganyika, Kenya and Uganda, but the Agreement has not been entered into by those Governments;

AND WHEREAS by the East Africa (High Commission) (Special Provisions) Order in Council, 1961, it is provided that provision may be made by the respective Legislatures of Tanganyika, Kenya and Uganda for giving effect to any Agreement that may be entered into by the Governments of

Tanganyika, Kenya and Uganda for the establishment of the proposed East African Common Services Organization and matters connected therewith, notwithstanding anything contained in the East Africa (High Commission) Orders in Council, 1947 to 1961;

AND WHEREAS it is proposed that provision should be made by Her Majesty in Council for the revocation of the East Africa (High Commission) Orders in Council, 1947 to 1961, and that such provision should come into operation when the said Agreement comes into force;

AND WHEREAS it is expedient to make provision for giving effect to certain provisions contained in the draft Agreement which shall come into operation when the Agreement has been entered into by the Governments of Tanganyika, Kenya and Uganda and has come into force:

NOW, THEREFORE, BE IT ENACTED by the Legislature of the Colony and Protectorate of Kenya, as follows:—

Short title and commencement.

1. (1) This Ordinance may be cited as the East African Common Services Organization Ordinance, 1961.

(2) This Ordinance shall come into operation on the day upon which the Agreement comes into force.

Interpretation.

2. In this Ordinance, except where the context otherwise requires—

“Act of the Organization” means an Act of the East African Common Services Organization enacted in accordance with the provisions of Part III of the Constitution of the Organization;

“the Agreement” means the Agreement entered into by the Governments of Tanganyika, Kenya and Uganda in the terms set out in the Schedule to this Ordinance;

“the Assembly” means the Central Legislative Assembly of the East African Common Services Organization established by Article 16 of the Constitution of the Organization;

“the Authority” means the East African Common Services Authority established by Article 3 of the Constitution of the Organization;

“the Constitution of the Organization” means the Constitution annexed to the Agreement.

3. (1) The Authority shall have the capacity within Kenya of a body corporate with perpetual succession, and shall have power to acquire, hold, manage and dispose of land and other property, and to sue and be sued in the name of the Authority.

Authority to be
body corporate.

(2) The Authority shall have power to perform any of the functions conferred upon it by the Constitution of the Organization and to do all things that in the opinion of the Authority are necessary or desirable for the performance of those functions.

(3) The provisions of subsection (2) of this section relate only to the capacity of the Authority as a body corporate and nothing in that subsection shall be construed as authorizing the disregard by the Authority of any written law, or as affecting any power of the Authority conferred by any written law.

4. (1) The provisions of an Act of the Organization with respect to any matter that is included in the Second Schedule to the Constitution of the Organization shall, from the date of the publication of the Act in the Gazette of the Organization, have the force of law in Kenya.

Acts of the
Organization
to have force
of law.

(2) An Act of the Organization shall come into operation on the date of its publication in the Gazette of the Organization or, if it is provided either in that Act or some other Act or some law of the High Commission that some or all of its provisions shall come into operation on some other date (whether before or after the date of publication), those provisions shall come into operation on that other date.

5. (1) Whenever an Act of the Organization has been disallowed in accordance with the provisions of Article 33 of the Constitution of the Organization, that Act shall be annulled with effect from the publication of notice of disallowance of the Act in the Gazette of the Organization.

Disallowance of
Acts of the
Organization.

(2) On the annulment of an Act of the Organization under this section, any enactment repealed or amended by or in pursuance of that Act shall have effect as from the date of the annulment as if that Act had not been enacted, and, save as provided in the foregoing provisions of this section, the provisions of subsection (3) of section 23 of the Interpretation and General Provisions Ordinance, 1956, shall apply to that annulment as they apply to the repeal of an Ordinance.

38 of 1956.

Provisions
relating to
members of
Central
Legislative
Assembly.

6. (1) Subject to the provisions of this section, in any proceedings relating to the election of an elected member of the Assembly the certificate of the Speaker that his election was conducted in accordance with the Standing Orders of the Legislative Council and stating the name of the person thereby elected shall be conclusive evidence of those matters.

48 of 1960.

(2) The provisions of Part VII and Part VIII of the Legislative Council Elections Ordinance, 1960, and such of the provisions of section 2 of the said Ordinance as are necessary for the interpretation of the said Parts, shall apply *mutatis mutandis* to and in respect of elections of members of the Assembly as they apply to and in respect of elections of Constituency Members of the Legislative Council.

11 of 1958.

(3) The provisions of Part I, Part II (other than subsection (1) of section 5), Part III and Part IV of the Election Offences Ordinance, 1958, shall apply to and in respect of the election of members of the Assembly as though references to "poll" and "polling station" were references to voting at the election and to the place at which the election is held respectively.

(4) The provisions of section 30B of the Kenya (Constitution) Orders in Council, 1958 to 1961, shall apply to and in respect of the determination of any question whether an elected member of the Assembly has vacated his seat in the Assembly as they apply to and in respect of the determination of the like question in relation to Constituency Members of the Legislative Council.

Existing laws
of High
Commission to
continue in force.

7. (1) The existing laws of the High Commission shall continue in force in Kenya and shall be read and construed with such modifications, adaptations and qualifications as may be necessary to bring them into conformity with the Agreement.

(2) The Authority may, by order published in the Gazette of the Organization at any time before the Assembly first meets after the commencement of this Ordinance, make such amendments to any of the existing laws as may appear to the Authority to be necessary or expedient for bringing that law into conformity with the provisions of the Agreement or otherwise for giving effect or enabling effect to be given to that provision,

(3) In this section "existing laws" means any Act of the High Commission in force or having any effect immediately before the commencement of this Ordinance and any rules, regulations, orders or other instruments in force or having effect as aforesaid and made in pursuance of any such Act.

8. The Minister for the time being responsible for legal affairs may, by order published in the Gazette at any time before the expiration of six months from the commencement of this Ordinance, make such amendments to any written law as may appear to the Minister to be necessary or expedient for bringing that written law into conformity with the provisions of the Agreement or otherwise for giving effect or enabling effect to be given to those provisions and, without prejudice to the generality of the foregoing, may declare that references in any written law to the High Commission shall be construed, in respect of any period after the commencement of this Ordinance, as references to the Organization or as references to the Authority.

**Adaptation of
written laws.**

9. The Interpretation and General Provisions Ordinance, 1956, is amended—

**Amendment of
Ordinance 38 of
1956.**

(a) by inserting in subsection (1) of section 3 thereof, in their respective alphabetical positions, the following new definitions—

"the Authority" means the East African Common Services Authority established by Article 3 of the Constitution of the Organization annexed to the Agreement set out in the Schedule to the East African Common Services Organization Ordinance, 1961;

"the Organization" means the East African Common Services Organization established by Article 1 of the Agreement set out in the Schedule to the East African Common Services Organization Ordinance, 1961;

(b) by substituting for the definition of "Central Legislative Assembly" or "Central Assembly", which appears in subsection (1) of section 3 thereof a new definition as follows—

“Central Legislative Assembly” or “Central Assembly” means the Central Legislative Assembly of the Organization;

(c) by substituting for the heading “A” to Part III thereof a new heading as follows—

A—Ordinances, Acts of Parliament, Applied Acts and Acts of the Organization; and

(d) by inserting, immediately after section 7 thereof, a new section as follows—

Acts of
Organiza-
tion.

7A. (1) Where an Act of the Organization is inconsistent with an Ordinance enacted before the Act of the Organization was enacted, the Act of the Organization shall be construed so as to repeal, to the extent of the inconsistency, the Ordinance unless that Ordinance makes provision in express terms indicating the intention that the provisions of the East African Common Services Organization Ordinance, 1961, shall not apply in relation thereto.

(2) Where an Act of the Organization is inconsistent with an Ordinance enacted after the Act of the Organization was enacted, the Ordinance shall not be construed so as to repeal any provision of the Act unless the Ordinance expressly so provides or makes other provision in express terms indicating the intention that the Ordinance shall have effect notwithstanding the Act of the Organization.

(3) For the purposes of this section, where an Act of the Organization and an Ordinance are enacted on the same day, the Ordinance shall be deemed to have been enacted after the Act.

(4) References in subsection (2) of this section to Acts of the Organization include references to Acts of the High Commission.

SCHEDULE (s. 2)

AN AGREEMENT BETWEEN THE GOVERNMENT OF TANGANYIKA, THE GOVERNMENT OF KENYA AND THE GOVERNMENT OF UGANDA FOR THE ESTABLISHMENT OF THE EAST AFRICAN COMMON SERVICES ORGANIZATION

Whereas provision is made by the East Africa (High Commission) Orders in Council, 1947 to 1961, for the control and administration of certain matters and services of common interest to the inhabitants of Tanganyika, Kenya and Uganda and for that purpose an East Africa High Commission and an East Africa Central Legislative Assembly are thereby established:

And whereas at discussions held in London in June, 1961, attended by delegations representing Her Majesty's Government in the United Kingdom, the East Africa High Commission, Tanganyika, Kenya and Uganda the arrangements contained in the said Orders in Council were reviewed in the light of constitutional changes that are proposed in respect of Tanganyika:

And whereas at the said discussions the delegations representing Tanganyika, Kenya and Uganda affirmed their desire that common services should continue to be provided for those territories by a single organization, notwithstanding the constitutional changes proposed in respect of Tanganyika or other constitutional changes that may occur in those territories:

And whereas it was accordingly agreed to recommend that, in place of the arrangements contained in the said Orders in Council, there should be an organization, to be known as the East African Common Services Organization, which should be established by an agreement entered into by the Governments of Tanganyika, Kenya and Uganda:

And whereas Her Majesty's Government in the United Kingdom has entrusted the Governments of Kenya and Uganda with authority to enter into the agreement hereinafter contained:

Now it is hereby agreed as follows:—

Article 1

The contracting Governments agree upon the establishment of the East African Common Services Organization, in accordance with the Constitution annexed to this agreement, and the East African Common Services Organization is accordingly hereby established with effect from the coming into force of this agreement.

Article 2

When this agreement has been signed on behalf of the Government of Kenya or the Government of Uganda, that Government shall notify the Government of Tanganyika accordingly. When this agreement has been signed on behalf of all the contracting Governments

the Government of Tanganyika shall cause notice to be published in the official Gazette of Tanganyika that this agreement has been so executed and the agreement shall come into force on the day following the day upon which that notice is published.

Article 3

1. This agreement shall have indefinite duration.

2. Each of the contracting Governments and the Government of the United Kingdom (so long as it remains responsible for the government of Kenya or Uganda) shall have the right to terminate this agreement at any time by giving not less than one year's notice to the other Governments having the same right under this article.

3. If notice is given terminating this agreement in accordance with the preceding paragraph, the contracting Governments and the Government of the United Kingdom (so long as it remains responsible for the government of Kenya or Uganda) shall consult together with a view to agreeing upon the continuation of the Organization, as respects the Governments not desiring termination of this agreement, or upon the arrangements for its winding up.

Article 4

Modifications of this agreement may be made with the consent of each of the contracting Governments and the Government of the United Kingdom (so long as it remains responsible for the government of Kenya or Uganda).

Article 5

Each of the contracting Governments undertakes (as regards its Territory) to take all steps that are within its power to secure the enactment and the continuation of such legislation as is necessary and within the competence of the legislature of the Territory to give effect to this agreement and in particular—

- (a) to confer upon the East African Common Services Authority such legal capacity as will enable it to perform its functions under the Constitution of the Organization ;
- (b) to confer upon Acts of the Organization enacted in accordance with the Constitution of the Organization the force of law in the Territory.

Article 6

1. The contracting Governments undertake to make such financial contributions to the Organization as will enable it effectively to discharge its functions and to meet its financial obligations.

2. In particular the contracting Governments undertake that—

- (a) if the financial resources of the Organization in any financial year are insufficient to meet the expenditure of the Organization in that year, the contracting Governments—
 - (i) will authorize the Organization to increase the amounts payable to the Distributable Pool Fund in accordance with the provisions of any agreement made in pursuance

THE CONSTITUTION OF THE EAST AFRICAN COMMON
SERVICES ORGANIZATION

PART I—FUNCTIONS OF THE ORGANIZATION

*Article 1—Functions of the Organization on behalf of the
Governments of the Territories*

1. The Organization shall perform the following functions on behalf of the Governments of the Territories—

- (a) administer the services set out in the First Schedule to this Constitution and, for that purpose, take over from the High Commission such of those services as are in existence at the date of the coming into force of this Constitution;
- (b) provide machinery to facilitate the co-ordination of the activities of the Governments of the Territories on any matter of common interest to the Territories; and
- (c) (subject to the provisions of this Constitution) enact measures to which legislative effect may be given in the Territories with respect to the matters set out in the Second Schedule to this Constitution.

2. An Act of the Organization or, subject to any such Act, the Authority may—

- (a) transfer functions from one service administered by the Organization to any other such service;
- (b) change the name or designation of any service administered by the Organization;
- (c) wind up any service administered by the Organization; or
- (d) establish advisory or consultative bodies in respect of any service or matter (whether or not included in the First or Second Schedule to this Constitution).

*Article 2—Functions of the Organization on behalf of other
Governments*

1. The Authority may enter into arrangements—

- (a) with the Government of the United Kingdom with respect to the assumption by the Organization of certain administrative functions in relation to the Court of Appeal for Eastern Africa; and
- (b) with the Government of Zanzibar for the provision by the Organization on behalf of that Government of any of the services administered by the Organization on behalf of the Governments of the Territories under Article 1 of this Constitution.

2. Arrangements made under this Article shall include provision under which the Organization is fully reimbursed for any expenditure incurred.

3. The Organization may provide and administer services for the purpose of giving effect to arrangements entered into under this Article

4. The Organization may, under arrangements made with the Government of Zanzibar, provide machinery to facilitate the co-ordination of the activities of the Governments of the Territories and the Government of Zanzibar in any matter of common interest to the Territories and Zanzibar.

PART II—EXECUTIVE ARRANGEMENTS

Article 3—Executive Authorities of the Organization

1. The principal executive authorities of the Organization shall be—

- (a) the East African Common Services Authority; and
- (b) four Ministerial Committees,

and those authorities are hereby established.

2. Nothing in this Article shall preclude the establishment of subordinate authorities of the Organization.

Article 4—Composition of the Authority

The Authority shall consist of the principal elected Minister of the Government of each of the Territories.

Article 5—Functions of the Authority

1. The Authority shall have responsibility for, and the general direction and control of, the performance of the executive functions of the Organization.

2. The Authority shall be assisted in the discharge of its functions under this Article by the Ministerial Committees.

Article 6—Procedure of the Authority

1. Subject to the provisions of this Constitution, the Authority shall determine its own procedure, including the procedure for the despatch of business at meetings of the Authority and at times when the Authority is not meeting, for the rotation of the office of chairman among the members of the Authority and for the appointment of the time and place of meetings of the Authority.

2. The arrangements of the Authority under this Article for the despatch of business at times when the Authority is not meeting may, if it so determines, include arrangements under which the exercise of any function of the Authority under this Constitution is delegated, subject to such conditions as the Authority may specify, to a member of the Authority or to an officer of the Organization.

Article 7—Decisions of the Authority

1. Any member of the Authority may record his objection to a proposal submitted for the decision of the Authority and, if any such objection is recorded, the Authority shall not proceed with the proposal unless any objection to the proposal is withdrawn.

2. Subject to the provisions of any Act of the Organization, the acts and decisions of the Authority may be signified under the hand of any member of the Authority or of any officer of the Organization authorized by the Authority in that behalf.

3. Nothing in this Article shall preclude the making of provision by Act of the Organization for the delegation by the Authority to any officer of the Organization of any powers conferred upon the Authority by any law.

Article 8—Ministerial Committees

Of the four Ministerial Committees—

- (a) one Committee, whose principal purpose shall be the conduct of business relating to communications, shall be styled the Communications Committee;
- (b) one Committee, whose principal purpose shall be the conduct of business relating to income tax, customs and excise duties and other financial matters, shall be styled the Finance Committee;
- (c) one Committee, whose principal purpose shall be the conduct of business relating to the co-ordination of the commercial and industrial activities of the Governments of the Territories, shall be styled the Commercial and Industrial Co-ordination Committee; and
- (d) one Committee, whose principal purpose shall be the conduct of business relating to the research services and social services of the Organization, shall be styled the Social and Research Services Committee.

Article 9—Composition of Ministerial Committees

1. A Ministerial Committee shall consist of one member from each Territory who shall be such Minister of the Government of the Territory as may for the time being be designated by that Government.

2. The Government of a Territory may, by notice in writing addressed to the Secretary-General, appoint a person who is a Minister or Parliamentary Secretary to be the alternate member representing that Government on a Ministerial Committee. At any time when the member of a Ministerial Committee designated by the Government of a Territory under paragraph 1 of this Article is absent from a meeting of that Committee the alternate member representing that Government may attend and take part in the proceedings of the Committee, and any such alternate member shall, in relation to proceedings in which he takes part in accordance with this paragraph, have the same right to vote and to object to proposals submitted to the Committee as a member designated under paragraph 1 of this

Article. A person appointed under this paragraph shall vacate office as an alternate member of a Ministerial Committee if—

- (a) he ceases to be a Minister or a Parliamentary Secretary; or
- (b) his appointment is revoked by the Government of the Territory by which it was made, by notice in writing addressed to the Secretary-General.

Article 10—Functions of Ministerial Committees

1. The Authority may assign responsibility to a Ministerial Committee for—

- (a) the administration of any of the services administered by the Organization;
- (b) such of the executive functions of the Organization with respect to the matters referred to in subparagraph (b) of paragraph 1 of Article 1 of this Constitution as it may determine.

In assigning responsibility under this paragraph the Authority shall have regard to the purposes for which a Committee is established and shall ensure that, so far as is practicable, responsibility for every service administered by the Organization is assigned to a Committee.

2. Where responsibility is assigned to a Ministerial Committee under this Article with respect to a service or matter the Committee shall formulate and direct the execution of policy with respect to that service or matter.

3. The Authority may give directions to a Ministerial Committee as to the exercise and performance by the Committee of any function conferred upon the Committee and the Committee shall comply with any such directions.

4. The assignment of responsibility under this Article to a Ministerial Committee shall not authorize the Committee to exercise any power or discharge any duty conferred by this Constitution or by law on any authority or person other than the Committee.

Article 11—Chairman of Ministerial Committees

1. In a Ministerial Committee the representative of each Government designated under paragraph 1 of Article 9 of this Constitution shall, subject to the provisions of this Article, hold the office of chairman in rotation for a period of four months, and the term of office of the first chairman of a Committee shall commence at the coming into force of this Constitution.

2. The order in which the office of chairman of a Ministerial Committee shall be held by each of the members of the Committee shall be as follows—

- (a) as respects the Communications Committee, first the member representing the Government of Tanganyika, second the member representing the Government of Kenya, third the member representing the Government of Uganda, and so on in that order;

- (b) as respects the Finance Committee, first the member representing the Government of Kenya, second the member representing the Government of Tanganyika, and third the member representing the Government of Uganda, and so on in that order;
- (c) as respects the Commercial and Industrial Co-ordination Committee, first the member representing the Government of Uganda, second the member representing the Government of Kenya, third the member representing the Government of Tanganyika, and so on in that order; and
- (d) as respects the Social and Research Services Committee, first the member representing the Government of Tanganyika, second the member representing the Government of Uganda, third the member representing the Government of Kenya, and so on in that order.

3. If the person holding the office of chairman of a Ministerial Committee is absent from a meeting of the Committee there shall preside at that meeting such member of the Committee as the members present may elect for the purpose.

4. If the term of office of any member of the Committee as chairman is due to expire at any time when a meeting of the Committee or of the Assembly is being held, that member shall continue in office until the conclusion of the meeting of the Committee or the Assembly, as the case may be, or, if a meeting of the Committee is held during the period of the meeting of the Assembly, until the conclusion of both those meetings. For the purposes of this paragraph a meeting of a Committee shall be concluded when the Committee is adjourned *sine die* or is adjourned for a period exceeding three days.

Article 12—Procedure of Ministerial Committees

1. Subject to the provisions of this Constitution, a Ministerial Committee shall determine its own procedure, including the procedure for the despatch of business at meetings of the Committee and at times when the Committee is not meeting and for appointing the time and place of meetings of the Committee.

2. The arrangements of a Ministerial Committee under this Article for the despatch of business at times when the Committee is not meeting may, if the Committee so determines, include arrangements under which the exercise of any function of the Committee under this Constitution is delegated, subject to such conditions as the Committee may specify, to a member of the Committee or to an officer of the Organization.

3. The General Manager of the Railways and Harbours Administration, the Postmaster General and the Chairman of the East African Airways Corporation shall each be entitled to attend meetings of the respective Ministerial Committee responsible for the services under his control, at times when the Committee is conducting business relating to that service.

Article 13—Decisions of Ministerial Committees

1. Any member of a Ministerial Committee may record his objection to a proposal which is submitted for the decision of the Committee. Unless such objection is withdrawn, the question at issue between the members of the Committee shall be referred to the Authority for its decision.

2. The General Manager of the Railways and Harbours Administration or the Postmaster General or the Chairman of the East African Airways Corporation may record his objection to a decision of the Ministerial Committee responsible for the services under his control which relates to those services. Unless such objection is withdrawn, the question at issue between the Committee and the General Manager of the Railways and Harbours Administration or the Postmaster General or the Chairman of the East African Airways Corporation, as the case may be, shall be referred to the Authority.

3. No further action shall be taken in relation to a proposal before a Ministerial Committee or the decision of a Ministerial Committee, as the case may be, in respect of which a question has been referred to the Authority whilst that question is under consideration by the Authority, unless the objection is withdrawn and the Authority is so notified.

4. The provisions of the foregoing paragraphs of this Article shall not apply to a proposal relating to the procedure of a Ministerial Committee, upon which a decision may be taken by the majority of the Committee.

5. Subject to the provisions of any law, the acts and decisions of a Ministerial Committee may be signified by any member of the Committee or by any officer of the Organization authorized by the Committee in that behalf.

Article 14—Joint Meetings of Ministerial Committees

1. For the purpose of securing co-ordination of the activities of the Organization, there shall be joint meetings of the members of the Ministerial Committees, which shall be held at such times and in such places as the Authority may direct.

2. Subject to any direction by the Authority, the procedure of a joint meeting, including the election of a Chairman, shall be determined by the meeting.

3. If at the time appointed for the holding of a joint meeting the number of Ministers of the Government of a Territory who are members of the Ministerial Committees, by virtue of paragraph 1 of Article 9 of this Constitution, is less than four, the Government of the Territory may appoint such number of persons to be representatives of that Government at that joint meeting as, together with its members of the Ministerial Committees, will bring the number of persons representing that Government up to four. No person shall be appointed or hold office as a representative of a Government under this Article unless he is a Minister or a Parliamentary Secretary of that Government.

4. An alternate member of a Ministerial Committee appointed under Article 9 of this Constitution shall have the same right to attend and take part in joint meetings under this Article as he has to attend and take part in the proceedings of the Ministerial Committee to which he is appointed.

Article 15—Executive Measures of the Organization Affecting the Defence or Internal Security of Kenya or Uganda

1. The Governor of Kenya or the Governor of Uganda shall have the right, exercisable on behalf of the Government of the United Kingdom, to give notice to the Authority that executive action that is being taken, or is proposed to be taken, by the Authority, a Ministerial Committee, or any officer, servant or subordinate authority of the Organization may adversely affect the defence or internal security of the Territory under his administration.

2. If notice is given in accordance with this Article—

(a) the Authority shall give such directions as will ensure that the executive action in respect of which notice is given is deferred or discontinued for the prescribed period;

(b) the Authority shall consult with the Government of the United Kingdom with a view to resolving any conflict between the action, or proposed action, of the Organization and the interests of the Government of the United Kingdom in the maintenance of the defence or internal security of Kenya or Uganda;

(c) on the expiration of the prescribed period the executive action in respect of which notice was given may, save to the extent that it is otherwise agreed between the Government of the United Kingdom and the Authority, be taken or resumed.

3. For the purposes of this Article the prescribed period means a period commencing on the date on which the notice under paragraph 1 of this Article is received and ending six months thereafter or when the Government of the United Kingdom notifies the Authority that the notice is withdrawn, whichever is the earlier.

4. The provisions of this Article shall cease to have effect in relation to Kenya or in relation to Uganda, as the case may be, when the Government of the United Kingdom ceases to be responsible for the government of that Territory.

PART III—THE CENTRAL LEGISLATIVE ASSEMBLY

Article 16—Composition of Central Legislative Assembly

1. There shall be a Central Legislative Assembly for the Organization, which is hereby established.

2. The Assembly shall consist of—

(a) the Speaker;

(b) twelve Ministerial Members;

(c) two *ex officio* members, that is to say, the Secretary-General and the Legal Secretary;

- (d) twenty-seven elected members ; and
- (e) such temporary Ministerial members as are appointed under paragraph 3 of Article 17 of this Constitution.

Article 17—Ministerial Members of the Assembly

1. The Ministerial members shall be the Ministers of the Governments of the Territories who are for the time being members of the Ministerial Committees by virtue of paragraph 1 of Article 9 of this Constitution.

2. If at any time the number of Ministers of the Government of a Territory who are members of the Ministerial Committees by virtue of paragraph 1 of Article 9 of this Constitution is for any reason less than four, the Government of the Territory may, by notice in writing addressed to the Speaker, appoint as Ministerial members of the Assembly such number of Ministers of the Government of the Territory as will bring the number of Ministerial members from that Territory up to four. The notice appointing a Ministerial member under this paragraph shall specify the circumstances which gave rise to his appointment

3. If the Government of a Territory informs the Speaker, by notice in writing, that a person who is a Ministerial member from that Territory by virtue of paragraph 1 or 2 of this Article is, by reason of absence or illness, temporarily unable to discharge his functions as a Ministerial member of the Assembly that member shall not, until the notice is revoked, take part in the proceedings of the Assembly; and that Government may, by notice in writing addressed to the Speaker, appoint a person who is a Minister or Parliamentary Secretary of the Government to be a temporary Ministerial member of the Assembly.

Article 18—Elected Members of the Assembly

1. Of the elected members, nine shall be elected to represent each Territory.

2. A person shall be qualified to be elected as an elected member of the Assembly to represent a Territory if he is qualified in accordance with the laws for the time being in force in the Territory for election as an elected member of the legislative house of the Territory and if he is not an officer or servant of the Organization.

3. If provision is made by the Constitution of a Territory for more than one class of member to be elected to the legislative house of the Territory, it shall be sufficient for the purposes of the preceding paragraph if a person possesses the qualifications required for one such class.

4. An elected member of the Assembly to represent a Territory shall be elected by the elected members of the legislative house of the Territory in such manner as that legislative house may prescribe by its rules of procedure.

Article 19—Tenure of Office of Members of the Assembly

1. An elected member of the Assembly shall vacate his seat in the Assembly when the legislative house of the Territory he represents first meets after it has been dissolved.

2. An elected member of the Assembly shall also vacate his seat in the Assembly if—

(a) in the case of an elected member who is a member of the legislative house of the Territory he represents, he vacates his seat in that house for a reason other than his resignation of his seat in that house or the dissolution of the house;

(b) in the case of an elected member who is not a member of the legislative house of the Territory he represents, circumstances arise that would disqualify him, in accordance with the laws for the time being in force in that Territory, for election as an elected member of that legislative house;

(c) he is appointed to be an officer or servant of the Organization;

(d) by writing under his hand addressed to the Speaker he resigns;
or

(e) he is absent from the sittings of the Assembly for such period and in such circumstances as are prescribed by the rules of procedure of the Assembly.

3. If provision is made by the Constitution of a Territory for more than one class of member to be elected to the legislative house of the Territory, a member representing that Territory shall not be disqualified for the purposes of subparagraph (b) of paragraph 2 of this Article unless he is disqualified for election as a member of every such class.

4. If the circumstances such as are referred to in subparagraph (b) of paragraph 2 of this Article arise because an elected member of the Assembly is under sentence of death or imprisonment, adjudged to be of unsound mind, declared bankrupt or convicted of an offence relating to elections and if it is open to the member to appeal against the decision (either with the leave of the court or other authority or without such leave), he shall forthwith cease to perform his functions as a member but, subject to the provisions of this paragraph, he shall not vacate his seat until the expiration of thirty days thereafter or such further period as the Speaker, at the request of the member, may direct in order to enable the member to appeal against the decision. If, on the determination of the appeal, such circumstances continue to exist and no further appeal is open to the member (other than an appeal by special leave of Her Majesty to Her Majesty in Council), or, if by reason of the expiration of any period for entering an appeal or notice thereof or the refusal of leave to appeal or for any other reason, it shall cease to be open to the member to appeal to any court or authority (other than by special leave of Her Majesty), he shall forthwith vacate his seat. If at any time before the member vacates his seat the circumstances that gave rise to his disqualification cease to exist he shall not vacate his seat on the expiration of the period referred to in this paragraph and he may resume the performance of his functions as a member.

5. A Ministerial member of the Assembly appointed by the Government of a Territory in accordance with paragraph 2 of Article 17 of this Constitution shall vacate his seat in the Assembly if—

- (a) the circumstances which gave rise to his appointment have ceased to exist; or
- (b) his appointment is revoked by the Government of the Territory by notice in writing addressed to the Speaker; or
- (c) he ceases to be a Minister of the Government of the Territory.

6. A temporary Ministerial member of the Assembly appointed in accordance with paragraph 3 of Article 17 of this Constitution shall vacate his seat in the Assembly if—

- (a) the Ministerial member of the Assembly on account of whose absence or illness he was appointed again becomes entitled to take part in the proceedings of the Assembly, or vacates his seat as a Ministerial member;
- (b) he ceases to be a Minister or a Parliamentary Secretary; or
- (c) his appointment is revoked by the Government of the Territory he represents by notice in writing addressed to the Speaker.

Article 20—Determination of Questions as to Membership

1. Any question that may arise whether any person has been validly elected as an elected member of the Assembly, or the seat of an elected member has become vacant shall be determined by the same authority and in the same manner as if the question related to membership as an elected member of the legislative house of the Territory he represents.

2. Any question that may arise whether any person is a Ministerial member or a temporary Ministerial member of the Assembly or the seat of a Ministerial member or a temporary Ministerial member of the Assembly has become vacant shall be determined by the Government of the Territory he represents.

Article 21—The Speaker of the Assembly

1. The Speaker of the Assembly shall be appointed by the Authority, by instrument in writing.

2. A person shall not be qualified to hold the office of Speaker of the Assembly if he is a member of the Assembly, a member of a legislative house of a Territory, an officer or servant of the Organization or the holder of an office in the public service of a Territory.

3. The office of Speaker shall become vacant—

- (a) at the expiration of the period specified in the instrument by which he is appointed; or
- (b) if any circumstances arise that, if he were not the Speaker of the Assembly, would cause him to be disqualified for appointment as such.

4. The Speaker may be removed from office by the Authority for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour, and shall not be otherwise removed from office.

Article 22—Summoning of Persons to Assist the Assembly

1. The Authority may summon any person to the Assembly notwithstanding that he is not a member of the Assembly when, in the opinion of the Authority, the business before the Assembly renders his presence desirable.

2. A person so summoned shall be entitled to take part in the proceedings of the Assembly relating to the matters in respect of which he was summoned as if he were a member of the Assembly, but he shall not have a right to vote in the Assembly.

Article 23—Voting in the Assembly

1. All questions proposed for decision in the Assembly shall be determined by a majority of the votes of the members present and voting.

2. The Speaker shall have neither an original nor a casting vote.

3. In the absence of the Speaker, the presiding member shall retain his original vote but shall not have a casting vote.

4. If upon any question before the Assembly the votes of the members are equally divided the motion shall be lost.

Article 24—Presiding in the Assembly

There shall preside at any sitting of the Assembly—

(a) the Speaker;

(b) in the absence of the Speaker, such other member of the Assembly as the Authority may appoint; or

(c) in the absence of the Speaker or a member so appointed, such elected member of the Assembly as the Assembly may elect for the sitting.

Article 25—Quorum and Vacancies

1. If at any sitting of the Assembly a member of the Assembly who is present draws the attention of the person presiding to the fact that there are present at the sitting less than fifteen members of the Assembly and if, after such interval as may be prescribed by the rules of procedure of the Assembly, the person presiding ascertains that there are present at the sitting less than fifteen members of the Assembly, he shall adjourn the Assembly.

2. In reckoning the number of members who are present at a sitting for the purposes of paragraph 1 of this Article the person presiding shall not be included.

3. The Assembly may transact business notwithstanding that there is any vacancy among the members, and the presence or participation of any person not entitled to be present or participate in the proceedings of the Assembly shall not invalidate these proceedings.

Article 26—Bills and Motions

1. Subject to the rules of procedure of the Assembly, any member of the Assembly may propose any motion or introduce any bill in the Assembly:

Provided that a motion which does not relate to the functions of the Organization shall not be proposed in the Assembly and a bill which does not relate to a matter with respect to which Acts of the Organization may be enacted shall not be introduced into the Assembly.

2. Except with the consent of the Authority, signified by a Ministerial member of the Assembly, the Assembly shall not—

(a) proceed on any bill (including an amendment to any bill) that, in the opinion of the person presiding, makes provision for any of the following purposes—

(i) for the imposition of any charge upon any fund of the Organization or the alteration of any charge otherwise than by reduction;

(ii) for the payment, issue or withdrawal from any fund of the Organization of any monies not charged thereon or any increase in the amount of such payment, issue or withdrawal;

(iii) for the remission of any debt due to the Organization; or

(b) proceed upon any motion (including any amendment to a motion) the effect of which, in the opinion of the person presiding, would be to make provision for any of those purposes.

Article 27—Meetings of the Assembly

1. The meetings of the Assembly shall be held at such times and places as the Authority may appoint.

2. There shall be a meeting of the Assembly at least once every year, so that a period of twelve months shall not intervene between the last meeting of the Assembly in any year and the first meeting in the succeeding year.

Article 28—Rules of Procedure of the Assembly

Subject to the provisions of this Constitution and of any Act of the Organization, the Assembly may make, amend or revoke rules governing its own procedure.

Article 29—Acts of the Organization

1. The enactment of measures of the Organization shall be effected by means of bills passed by the Assembly and assented to on behalf of the Organization by the Governor-General of Tanganyika, the Governor of Kenya and the Governor of Uganda; and every measure that has been duly passed and assented to shall be styled an Act.

2. When a bill has been duly passed by the Assembly, the Authority shall consider the bill and, having considered it, may submit the bill to the Governor-General of Tanganyika, the Governor of Kenya and the Governor of Uganda with a recommendation that they should assent, or refuse their assent, to the bill.

3. Any bill that is submitted to the Governor-General of Tanganyika, the Governor of Kenya and the Governor of Uganda for assent shall contain the following words of enactment:

“Enacted by the Governor-General of Tanganyika, the Governor of Kenya and the Governor of Uganda on behalf of the East African Common Services Organization, with the advice and consent of the East African Central Legislative Assembly”.

Article 30—Assent to Bills

1. The Governor of Kenya or the Governor of Uganda shall have the right, exercisable on behalf of the Government of the United Kingdom, to withhold his assent to a bill submitted by the Authority if he is of the opinion that it is inconsistent with any obligation in respect of Kenya or Uganda, as the case may be, imposed on the Government of the United Kingdom by any international treaty, convention or agreement.

2. Subject to the provisions of paragraph 1 of this Article and of Article 31 of this Constitution, the Governor-General of Tanganyika, the Governor of Kenya and the Governor of Uganda shall assent, or withhold assent, to a bill in accordance with the recommendation of the Authority.

3. If the Governor of Kenya or the Governor of Uganda exercises the power to withhold assent to a bill of the Assembly in accordance with paragraph 1 of this Article, the Authority shall consult with the Government of the United Kingdom with a view to resolving any conflict between the proposed Act of the Organization and the obligations of the Government of the United Kingdom.

4. A bill that has not received the assent of the Governor-General of Tanganyika, the Governor of Kenya and the Governor of Uganda within nine months of the date upon which it passed the Assembly shall lapse.

5. The provisions of paragraphs 1 and 3 of this Article shall cease to have effect in relation to Kenya or in relation to Uganda, as the case may be, when the Government of the United Kingdom ceases to be responsible for the government of that Territory.

Article 31—Bills Affecting the Defence and Internal Security of Kenya and Uganda

1. The Governor of Kenya or the Governor of Uganda shall have the right, exercisable on behalf of the Government of the United Kingdom, to give notice to the Authority that a bill that is before, or has been passed by, the Assembly may adversely affect the defence or internal security of the Territory under his administration.

2. If notice is given in accordance with this Article—

- (a) no further proceedings shall be taken during the prescribed period for the passage of the bill through the Assembly or, if it has already been passed, for its submission to the Governor-General of Tanganyika, the Governor of Kenya, and the Governor of Uganda;
- (b) if the bill is submitted for assent, assent shall be withheld during the prescribed period;
- (c) the Authority shall consult with the Government of the United Kingdom with a view to resolving any conflict between the proposed Act of the Organization and the interests of the Government of the United Kingdom in the maintenance of the defence or internal security of Kenya or Uganda, as the case may be;
- (d) at the expiration of the prescribed period, further proceedings may, save to the extent that it is otherwise agreed between the Government of the United Kingdom and the Authority, be taken for the passing, submission and approval of the bill.

3. For the purposes of this Article the prescribed period means a period commencing on the date upon which the notice under paragraph 1 of this Article is received and ending six months thereafter or when the Government of the United Kingdom notify the Authority that the notice is withdrawn, whichever is earlier.

4. The provisions of this Article shall cease to have effect in relation to Kenya or in relation to Uganda, as the case may be, when the Government of the United Kingdom ceases to be responsible for the government of that Territory.

Article 32—Publications of Acts of the Organization

The Authority shall cause every Act of the Organization to be published in the Gazette of the Organization.

Article 33—Disallowance of Acts of the Organization Relating to Stock Issued by the High Commission or the Authority

1. The Government of the United Kingdom shall have the right to disallow any Act of the Organization that appears to it to alter, to the injury of the stockholders, any provision relating to any stock to which this Article applies or to involve a departure from the original contract in respect of any such stock.

2. The right of the Government of the United Kingdom under this Article to disallow an Act of the Organization shall be exercised by giving notice to the Authority that the Act is annulled.

3. When notice of disallowance has been given to the Authority it shall be published in the Gazette of the Organization and the Act shall be annulled with effect from the date of publication of that notice.

4. On the annulment of an Act of the Organization under this Article any enactment repealed or amended by or in pursuance of that Act shall have effect as if that Act had not been enacted.

5. The stock to which this Article applies is—

(a) the stock set out in the Third Schedule to this Constitution; and

(b) such stock issued by the Authority by the conditions of issue of which it is provided that this Article shall apply to it.

PART IV—FINANCIAL ARRANGEMENTS

Article 34—Funds of the Organization

1. There shall be a separate fund of the Organization for each self-contained service into which the revenues of that service shall be paid and from which expenditure in respect of that service shall be met.

2. There shall also be a General Fund of the Organization into which revenues of the Organization from all sources (other than revenues payable under this Constitution into some other fund of the Organization) shall be paid and from which all expenditure of the Organization (other than expenditure in respect of a self-contained service) shall be met.

3. No moneys shall be withdrawn from a fund of the Organization maintained in accordance with this Article unless the issue of those moneys has been authorized by an Appropriation Act passed in pursuance of Article 35 of this Constitution, or to meet expenditure that is charged upon the fund by an Act of the Organization.

4. No money shall be withdrawn from a fund of the Organization except in the manner prescribed by Act of the Organization.

Article 35—Authorization of Expenditure

1. The appropriate Ministerial Committee shall cause to be prepared and laid before the Assembly in each financial year estimates of the revenue and expenditure of the Organization, on account of each self-contained service fund and of the General Fund of the Organization, for the next following financial year.

2. The heads of expenditure contained in the estimates prepared in respect of a fund (other than expenditure charged upon the fund by Act of the Organization) shall be included in a bill to be known

as an appropriation bill providing for the issue from the fund of the sums necessary to meet that expenditure and appropriation of those sums for the purposes specified therein.

3. If in any financial year it is found—

- (a) that the amount appropriated by the Appropriation Act in respect of a fund is insufficient or that a need has arisen for expenditure from that fund for which no amount has been appropriated by that Act; or
- (b) that any money has been expended from the fund for purposes in excess of the amount appropriated for those purposes by the Appropriation Act, or for which no amount has been appropriated by the Act,

a supplementary estimate showing the sums required or spent shall be laid before the Assembly and the heads of any such expenditure shall be included in a supplementary appropriation bill.

4. For the purposes of this Article—

- (a) the appropriate Ministerial Committee shall, in relation to a self-contained service, be the Ministerial Committee responsible for that service, and, in relation to all other services, shall be the Finance Committee;
- (b) the financial year for a self-contained service shall be the period from the first day of January to the thirty-first day of December in any year.

Article 36—The Contingencies Fund

1. There shall be a Contingencies Fund of the Organization for the purpose of providing for urgent and unforeseen expenditure, on account of services which are not self-contained, for which no other provision exists.

2. An Act of the Organization may provide for the procedure to be followed for authorizing advances out of the Contingencies Fund.

3. Where an advance is made out of the Contingencies Fund, a supplementary estimate shall be presented and a supplementary appropriation bill shall be introduced as soon as possible for the purpose of replacing the amount advanced.

Article 37—The Distributable Pool Fund

1. Subject to the provisions of this Article, the proceeds of income tax and customs and excise duties collected by the Organization in accordance with the Acts of the Organization or the law of any Territory shall not be paid into a fund of the Organization but shall be distributed among the Territories in such proportions and in such manner as may be agreed among the Governments of the Territories.

2. There shall be a Distributable Pool Fund of the Organization.

3. Out of the proceeds of income tax and customs and excise duties collected by the Organization in accordance with the Acts of

the Organization or the law of any Territory, there shall be paid into the Distributable Pool Fund such amounts, calculated in such manner, as may be agreed between the Governments of the Territories.

4. At such intervals as may be agreed between the Governments of the Territories the amount standing to the credit of the Distributable Pool Fund shall be distributed by the Organization in the following manner—

(a) the amount standing to the credit of the Fund on account of the costs of collection of income tax and customs and excise duties shall be paid to the Organization;

(b) the balance shall be paid as to one-half to the Organization, as to one-sixth to the Government of Tanganyika, as to one-sixth to the Government of Kenya and as to one-sixth to the Government of Uganda.

5. The amounts distributed to the Organization under paragraph 4 of this Article shall be paid to the General Fund of the Organization.

6. Payments out of the Distributable Pool Fund shall not require the authority of an Appropriation Act of the Organization.

Article 38—Audit of Accounts

1. The public accounts of the Organization and of all officers and authorities of the Organization shall be audited and reported on by the Auditor-General of the Organization, and for that purpose the Auditor-General or any person appointed by him in that behalf shall have access to all books, records, returns and other documents relating to those accounts.

2. The Auditor-General shall submit his reports to the appropriate Ministerial Committee which shall cause them to be laid before the Assembly.

3. In the exercise of his functions under this Article the Auditor-General shall not be subject to the direction or control of any other person or authority.

4. In this Article “appropriate Ministerial Committee” has the meaning assigned to it in Article 35 of this Constitution.

Article 39—Remuneration of the Speaker, members of Commissions and the Auditor-General

1. There shall be paid to the holders of the offices to which this Article applies such salary as may be prescribed by Act of the Organization.

2. The salary and allowances payable to the holders of the offices to which this Article applies shall be a charge on the General Fund of the Organization.

3. The salary payable to the holder of an office to which this Article applies and his terms of office other than allowances shall not be altered to his disadvantage after his appointment.

4. This Article applies to the office of the Speaker, of member of a Public Service Commission of the Organization and of the Auditor-General.

PART V—STAFF OF THE ORGANIZATION

Article 40—Public Service Commissions

1. There shall be a Public Service Commission for each of the self-contained services of the Organization and a single Public Service Commission for all services of the Organization other than the self-contained services.

2. A Commission established by this Article shall consist of such number of members as may be determined by the Authority who shall be appointed by the Authority by instrument in writing.

3. The Authority shall not appoint as a member of a Public Service Commission a person who is a Minister of the Government of a Territory, a member of the Assembly or a member of a legislative house of a Territory.

4. Subject to the provisions of this Article, a member of a Public Service Commission shall vacate his office—

- (a) at the expiration of four years from the date of his appointment or such earlier time as may be specified in his instrument of appointment; or
- (b) if he becomes a Minister of the Government of a Territory, a member of the Assembly or a member of a legislative house of a Territory.

5. A member of a Public Service Commission may be removed from office by the Authority for inability to discharge the functions of his office (whether arising from infirmity of mind or body or for any other cause) or for misbehaviour, but shall not otherwise be removed from office.

Article 41—Offices in the Organization

1. There shall be the following offices in the service of the Organization—

- (a) a Secretary-General, who shall be the principal executive officer of the Organization;
- (b) a General Manager of the Railways and Harbours Administration;
- (c) a Postmaster-General;
- (d) a Legal Secretary;
- (e) a Financial Secretary; and
- (f) an Auditor-General.

2. There shall be such other offices in the service of the Organization as, subject to any Act of the Organization, the Authority may determine.

Article 42—Appointment and Discipline of Secretary-General

1. (1) Subject to the provisions of this paragraph, the holder of the office of Secretary-General of the Organization shall be appointed by the Authority.

(2) Whenever the office of Secretary-General is vacant, the Authority shall inform the Government of the United Kingdom and the Government of Tanganyika and those Governments shall have the right, acting jointly, to notify the Authority of the names of the persons who are eligible for appointment as Secretary-General on that occasion. No person shall be appointed to hold the office of Secretary-General unless he is eligible for such appointment in accordance with a notification made under this subparagraph.

2. Whenever the holder of the office of Secretary-General appointed under paragraph 1 of this Article is, by reason of illness or absence, unable to perform the functions of that office he may appoint a person who is an officer of the Organization to do so:

Provided that before making an appointment under this paragraph the Secretary-General shall consult the Authority and, if the Authority gives any directions with respect to the selection of the officer of the Organization to be appointed, the Secretary-General shall comply with those directions.

3. Whenever the office of Secretary-General is vacant or the Secretary-General is unable to appoint a person under paragraph 2 of this Article, the appropriate Public Service Commission may appoint a person who is an officer of the Organization to perform the functions of the Secretary-General:

Provided that before making an appointment under this paragraph the Public Service Commission shall consult the Authority.

4. The appointment of a person under paragraph 2 of this Article may at any time be revoked by the holder of the office of Secretary-General appointed under paragraph 1 of this Article, or, if the office of Secretary-General becomes vacant during the period of the appointment, by the appropriate Public Service Commission.

5. The appointment of a person under paragraph 3 of this Article may at any time be revoked by the appropriate Public Service Commission or by the holder of the office of Secretary-General appointed under paragraph 1 of this Article.

6. For the purposes of the exercise of the power of disciplinary control and dismissal the Secretary-General shall be subject to the jurisdiction of the appropriate Public Service Commission.

7. References in this Article to the appropriate Public Service Commission are references to the Public Service Commission for the services that are not self-contained.

8. The provisions of subparagraph (2) of paragraph 1 of this Article shall cease to have effect when the Government of the United Kingdom ceases to be responsible for the government of both Kenya and Uganda.

Article 43—Appointment and Discipline of Staff

1. Subject to the provisions of this Constitution, the Public Service Commission having jurisdiction over a service shall, on behalf of the Organization, make appointments to offices in that service, and exercise powers of disciplinary control and dismissal over persons holding or acting in offices in that service.

2. Appointments to an office specified in subparagraph (b), (c), (d) or (e) of paragraph 1 of Article 41 of this Constitution shall be made by the Authority after consultation with the appropriate Public Service Commission and with the Secretary-General.

3. A Public Service Commission may, with the approval of the Authority, and subject to such conditions as it may think fit, delegate any of its functions under this Article (other than functions relating to the offices specified in paragraph 1 of Article 41 of this Constitution) to any of its members or to any officer of the Organization.

4. For the purposes of this Article, references to appointments shall be construed as including references to appointments on promotion and on transfer, and appointments of persons to perform the functions of an office for any period during which it is vacant or the holder is unable to perform the functions of the office.

Article 44—Pension Rights

1. This Article applies to any benefits payable under any law providing for the grant of pensions, compensation, gratuities or like allowances to persons who are or have been officers or servants of the Organization or of the High Commission in respect of their service as such officers or servants or to the widows, children or personal representatives of such persons in respect of such service.

2. The law applicable to any benefits to which this Article applies shall, in relation to any person who has been granted, or is eligible for such benefits, be that in force on the relevant date or any later law that is not less favourable to that person.

3. In this Article—

“the relevant date” means—

(a) in relation to any benefits granted before the coming into force of this Constitution, the date on which those benefits were granted;

(b) in relation to any benefits granted after the date upon which this Constitution comes into force to, or in respect of, any person who was an officer or servant of the High Commission before that date, or any benefits for which any such person may be eligible, the date immediately preceding the date on which this Constitution comes into force; and

(c) in relation to any benefits granted to or in respect of any person who first becomes an officer or servant of the Organization after the date upon which this Constitution comes into force, the date on which he first becomes such an officer or servant.

4. Where a person is entitled to exercise an option as to which of two or more laws shall apply in his case, the law specified by him in exercising the option shall, for the purposes of this Article, be deemed to be more favourable to him than any other law.

5. Any benefits to which this Article applies (not being benefits charged upon some other fund of the Organization) shall, in the case of benefits that are payable, or may be payable, in respect of the service of any person who, at the time when he ceases to be an officer or servant of the High Commission or the Organization, was in a self-contained service, be a charge upon the fund of the Organization for that self-contained service, and, in the case of any other benefits, shall be a charge upon the General Fund of the Organization.

6. Where under any law any person or authority has a discretion—

(a) to decide whether or not any benefits to which this Article applies shall be granted; or

(b) to withhold, reduce in amount or suspend any such benefits that have been granted,

those benefits shall be granted and may not be withheld, reduced in amount or suspended unless the appropriate Commission concurs in the refusal to grant the benefits or, as the case may be, in the decision to withhold them, reduce them in amount or suspend them.

7. Where the amount of any benefits to which this Article applies that may be granted to any person is not fixed by law, the amount of the benefits to be granted to him shall be the greatest amount for which he is eligible unless the appropriate Commission concurs in his being granted benefits of a smaller amount.

8. In the case of a decision of the appropriate Commission to give such concurrence as is required under paragraph 6 or 7 of this Article in respect of any benefits that may be granted or that have been granted to or in respect of an officer who is an entitled officer for the purposes of any law providing for the payment of compensation, an appeal shall lie at the instance of that officer (or his personal representatives) in such circumstances to an Appeals Board constituted in such manner and with such powers as may be prescribed by that law.

9. For the purpose of this Article “the appropriate Commission” means—

(a) in the case of benefits that have been granted or may be granted in respect of the service of any person who at the

time when he ceased to be an officer or servant of the Organization was subject to the jurisdiction of a Public Service Commission established by this Constitution, that Public Service Commission;

- (b) in any other case, the Public Service Commission having jurisdiction over the services of the Organization, other than the self-contained services.

PART VI—MISCELLANEOUS

Article 45—Administration of the Court of Appeal for Eastern Africa

1. Where arrangements are made between the Authority and the Government of the United Kingdom with respect to the administration of the Court of Appeal for Eastern Africa in connexion with the Organization, the following provisions of this Article shall apply.

2. The judges of the Court of Appeal and the officers and servants of the court shall (unless it is otherwise agreed between the Authority and the Government of the United Kingdom) be in the service of the Organization for the purposes of pension and other like benefits, and the provisions of Article 44 of this Constitution shall apply accordingly.

3. The expenditure of the Court of Appeal (including, without prejudice to the generality of the foregoing, the salaries, allowances, pensions and other like benefits payable to the judges, officers and servants of the court) shall be a charge upon the General Fund of the Organization.

4. The provisions of Articles 41 and 43 of this Constitution shall not apply in relation to the judges of the Court of Appeal and those provisions shall apply in relation to officers and servants of the court only in so far as it may be agreed between the Authority and the Government of the United Kingdom that they shall apply in relation thereto.

Article 46—Offices of the Organization

The Organization shall maintain a place of business in the capital of each Territory.

Article 47—Transitional Provisions

1. Until such time as other arrangements are made between the Authority and the Government of Zanzibar under Article 2 of this Constitution the arrangements made between the High Commission and that Government for the administration of services shall continue.

2. Until such time as other arrangements with respect to the administration of the Court of Appeal for Eastern Africa are made the Court shall be administered in connexion with the Organization in accordance with the provisions of the Eastern Africa Court of Appeal Order in Council, 1961, and of Article 45 of this

Constitution, and, subject thereto, as hitherto save that administrative matters formerly vested in the Government of Kenya shall be transferred to and vested in the Organization.

3. Until the Assembly makes rules of procedure in accordance with Article 28 of this Constitution, the Standing Orders of the former Central Legislative Assembly shall apply for regulating the procedure of the Assembly, with such modifications as the Authority may prescribe by order published in the Gazette of the Organization.

4. Until other provision is made by Act of the Organization for the purposes of paragraph 2 of Article 36 of this Constitution, the procedure to be followed for authorizing expenditure out of the Contingencies Fund shall be the procedure prescribed by the Standing Orders of the former Central Legislative Assembly.

5. The following provisions shall apply with respect to the Distributable Pool Fund—

(a) the amount standing to the credit of the Distributable Pool Fund of the High Commission at the date of the coming into force of this Constitution shall be transferred to the Distributable Pool Fund of the Organization ;

(b) the agreement dated the 22nd day of November, 1961, made between the Governments of the Territories in pursuance of section 42A of the East Africa (High Commission) Order in Council, 1947, with respect to payments into and out of the Distributable Pool Fund of the High Commission shall continue in force and shall have effect, from the date on which this Constitution comes into force, as if it had been made in pursuance of Article 37 of this Constitution and related to payments into and out of the Distributable Pool Fund of the Organization;

(c) the Commissioner of Income Tax and the Commissioner of Customs and Excise may make any adjustments in the amounts payable to the Distributable Pool Fund of the Organization and to the Governments of the Territories, under the provisions of this Constitution or other arrangements between the Governments of the Territories, out of the proceeds of income tax and customs and excise duties that are necessary to give effect to the provisions of the said agreement and of Article 37 of this Constitution.

6. A Public Service Commission established by Article 40 of this Constitution shall assume its functions under this Constitution on such date as may be appointed by the Authority by notice published in the Gazette of the Organization and until that date those functions shall be performed—

(a) in the case of the Public Service Commission for the services, other than the self-contained services, by the Secretary-General ;

- (b) in the case of the self-contained service included in the East African Railways and Harbours Administration, by the General Manager of that Administration ; and
- (c) in the case of the self-contained service included in the East African Posts and Telecommunications Administration, by the Postmaster General.

7. Until a person is appointed to hold the office of Secretary-General the person holding the office of Administrator of the High Commission immediately before the coming into force of this Constitution shall perform the functions of that office as if he had been appointed under paragraph 1 of Article 42 of this Constitution and that person shall, in respect of the period that he is discharging the functions of the office of Secretary-General and (if he is not appointed to another office in the service of the Organization) the period of any leave which he may thereafter be granted, be deemed, for the purposes of the pensions law applicable to him in accordance with Article 44 of this Constitution, to be the holder of a pensionable office in the service of the Organization to which is attached the same pensionable emoluments as attach to the office of Administrator of the High Commission immediately before the coming into force of this Constitution.

8. Until provision is made by Act of the Organization for the salary or allowances of an office to which Article 39 of this Constitution applies, there shall be paid to the holder of that office the salary and allowances that were payable in respect thereof immediately before the commencement of this Constitution.

9. If at the date of commencement of this Constitution the Royal East African Navy has not been taken over by the Government of any Territory, the Organization shall take over the administration of that service and wind it up in accordance with such arrangements as may be agreed between the Government of the United Kingdom and the Authority.

Article 48—Interpretation

1. In this Constitution, unless it is otherwise expressly provided or required by the context—

“Act of the Organization” means an Act of the Organization enacted in accordance with this Constitution and includes an Act of the High Commission ;

“the Authority” means the East African Common Services Authority established by Article 3 of this Constitution ;

“the Assembly” means the East African Central Legislative Assembly established by Article 16 of this Constitution ;

“the Distributable Pool Fund” means the fund established by Article 37 of this Constitution ;

“the High Commission” means the East Africa High Commission ;

“the former Central Legislative Assembly” means the Central Legislative Assembly established by the East Africa (High Commission) Order in Council, 1947 ;

“legislative house” in relation to a Territory means the chamber (by whatever name called) of the legislature of the Territory established by the Constitution of that Territory ;

“financial year” means any period of twelve months beginning on the first day of July in any year ;

“meeting”, in relation to the Assembly, means any sitting or sittings of the Assembly commencing when the Assembly first meets after being summoned at any time and terminating when the Assembly is adjourned *sine die* or adjourned until the date appointed by the Authority for the next meeting of the Assembly ;

“the Organization” means the East African Common Services Organization ;

“the principal elected Minister” means the Prime Minister or Chief Minister or, if there is no office of Prime Minister or Chief Minister established for a Territory, the member of the Council of Ministers of the Territory, designated by the Government as the principal elected Minister ;

“self-contained service” means a service maintained by the Organization that operates revenue-earning services and which maintains its own capital account ;

“sitting” means any period during which the Assembly is sitting continuously without adjournment and includes any period during which the Assembly is in committee ;

“Territory” means Tanganyika, Kenya or Uganda.

2. References in this Constitution to the date on which this Constitution comes into force are references to the date referred to in Article 2 of the Agreement to which this Constitution is annexed.

3. References in this Constitution to the holder of any office include a reference to any person who is for the time being performing the functions of that office, and, in the case of the Governor of a Territory, any person appointed as a deputy to that officer to the extent that he is authorized to discharge the functions of the officer administering the Government.

4. Save as otherwise provided in Article 19 of this Constitution, any person who is appointed to or to act in any office established by this Constitution may resign from that office by writing under his hand addressed to the person by whom he was appointed ; and the resignation of any person from any such office (including any seat in the Assembly) by writing under his hand addressed in accordance with this Constitution to any other person shall take effect when the writing signifying the resignation is received by that other person.

Article 1 (1) (a)

FIRST SCHEDULE

SERVICES TO BE ADMINISTERED BY THE ORGANIZATION

1. The East African Railways and Harbours Administration.
2. The East African Posts and Telecommunications Administration.
3. The East African Directorate of Civil Aviation.
4. The East African Meteorological Department.

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FIRST SCHEDULE—(Contd.)

5. The Desert Locust Survey.
6. The East African Customs and Excise Department.
7. The East African Income Tax Department.
8. The East African Research Services.
9. The East Africa Office in London.
10. The East African Industrial Council.
11. The East African Statistical Department.
12. The East African Literature Bureau.
13. The East African Accountant-General's Department.
14. The East African Auditor-General's Department.
15. Interterritorial services arising from the operations of the East African Currency Board.
16. The Thika Road House.
17. The East African Hides and Leather Bureau.
18. Services arising out of the functions of the Authority as East African Air Authority.
19. Interterritorial services financed in part or whole by means of grants made to the Organization from the East African Regional Allocation under the Colonial Development and Welfare Acts.
20. Services for the administration of such grants made by the Government of any country, any international organization or any authority, for the purposes of interterritorial projects as are agreed between the Authority and the Governments of the Territories.
21. Services for the purposes of co-ordinating the economic activities of the Governments of the Territories.
22. Services for the purposes of any body or authority established in pursuance of subparagraph (b) of paragraph 1 or subparagraph (d) of paragraph 2 of Article 1 of this Constitution.
23. The Secretariat of the Organization.
24. Services for the purposes of the performance of the functions of the Assembly, the Public Service Commissions or any officer of the Organization under Part III, IV or V of this Constitution.
25. Such other services as may, with the consent of the Government of the United Kingdom and the Governments of the Territories, be designated by the Authority by order published in the Gazette of the Organization.

Article 1 (1) (c)

SECOND SCHEDULE

MATTERS WITH RESPECT TO WHICH ACTS OF THE ORGANIZATION
MAY BE ENACTED

1. Accounts of the Organization and the officers and authorities thereof, including audit of accounts; management and control of the funds of the Organization.

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SECOND SCHEDULE—(Contd.)

2. Appropriations out of the funds of the Organization (other than the Distributable Pool Fund).
3. Civil Aviation.
4. Customs and Excise—administrative and general provisions (but not including tariff rates).
5. Income Tax—administrative and general provisions (but not including rates of tax and allowances).
6. Powers, privileges and immunities of the Central Legislative Assembly and the members thereof.
7. Interterritorial Research.
8. Makerere College; the University College of Dar es Salaam; the Royal College, Nairobi, and other institutions of a university character.
9. Meteorology.
10. Pensions, gratuities and other like benefits payable out of the funds of the Organization.
11. Staff of the Organization, including Public Service Commissions of the Organization.
12. Posts and telegraphs, telephones and radio communications.
13. Railways, harbours and inland water transport.
14. Borrowing for the purposes of the Organization.
15. Merchant shipping.
16. Legal proceedings by or against the Organization, the Authority, the Ministerial Committees, or any offices or authority of the Organization.
17. Statistics, including census.
18. The matters with respect to which the Organization is empowered to make provision by paragraph 2 of Article 1 and by Articles 34 and 36 of this Constitution.
19. Any matter, not mentioned elsewhere in this Schedule, that is incidental to the execution, performance or enforcement of any function conferred by this Constitution, or by an Act of the Organization enacted in accordance with the provisions of this Constitution, upon the Organization or any authority, officer or servant of the Organization.

Article 33

THIRD SCHEDULE

The following stock of the East Africa High Commission issued and registered in London in accordance with the provisions of the Colonial Stock Acts, 1877 to 1948:—

- 3½% Stock 1966-68.
- 3½% Stock 1968-70.
- 4% Stock 1968-71.
- 4% Stock 1972-74.
- 4% Stock 1973-76.
- 4½% Stock 1964-69.
- 5½% Stock 1980-84.
- (Railways and Harbours) 5¾% Stock 1977-83.
- (Posts and Telecommunications) 5¾% Stock 1977-83.

**THE LAW REFORM (RULES OF COURT)
ORDINANCE, 1961**

No. 27 of 1961

Date of assent: 23rd December, 1961

Date of commencement: 26th December, 1961

**AN ORDINANCE TO MAKE PROVISION FOR TRANS-
FERRING TO THE CHIEF JUSTICE CERTAIN
POWERS OF MAKING RULES OF COURT, AND
FOR PURPOSES INCIDENTAL THERETO**

ENACTED by the Legislature of the Colony and Protectorate of Kenya, as follows:—

1. This Ordinance may be cited as the Law Reform Short title.
(Rules of Court) Ordinance, 1961.

2. The several Ordinances specified in the first column of the Schedule to this Ordinance are amended, in relation to the provisions thereof specified in the second column, in the manner respectively specified in the third column, of such Schedule. Amendment of certain Ordinances.

SCHEDULE

Justices of the Peace Ordinance. (Cap. 4).	s. 11	Delete "Supreme Court", and substitute "Chief Justice".
Judgments Extension Ordinance. (Cap. 14).	s. 8	Delete and substitute— 8. The Chief Justice may make rules of court prescribing the fees to be paid for any process or proceeding under this Part.
Oaths and Statutory Declarations Ordinance. (Cap. 20).	s. 18 (1)	Delete "as the Supreme Court may from time to time prescribe", and substitute "as the Chief Justice may by rules of court prescribe"; delete "prescribed by the Supreme Court", and substitute "so prescribed".
Arbitration Ordinance. (Cap. 22).	s. 18 (2) s. 20	Delete. Delete "Supreme Court may make rules", and substitute "Chief Justice may make rules of court".

Law Reform (Rules of Court)

1961

No. 27

SCHEDULE—(Contd.)

Criminal Procedure Code. (Cap. 27). (Rev. Ed. 1961).	s. 178 (5)	Delete "Supreme Court", and substitute "Chief Justice".
	s. 201	Delete, and substitute— 201. The Chief Justice may make rules of court prescribing the manner in which evidence shall be taken down in cases coming before the Supreme Court, and the judges shall take down the evidence or the substance thereof in accordance with such rules.
	s. 265 (2)	Delete "Supreme Court", and substitute "Chief Justice".
	s. 357 (3)	Delete "Supreme Court may from time to time make rules", and substitute "Chief Justice may make rules of court".
	s. 389 (2)	Delete "Supreme Court may from time to time make rules", and substitute "Chief Justice may make rules of court".
British and Colonial Probates Ordinance. (Cap. 35).	s. 7	Delete "The Supreme Court may, with the approval of the Governor, make rules", and substitute "The Chief Justice may make rules of court".
Trusts of Land Ordinance. (Cap. 151).	s. 57	Delete the first two lines and paragraph (a), and substitute— The Minister may make rules— (a) prescribing the fees to be paid to the Public Trustee for any acts performed by him under or by virtue of this Ordinance ; Insert "prescribing" at the beginning of paragraph (b).
Crown Lands Ordinance. (Cap. 155).	s. 150	Delete "Supreme Court shall", and substitute "Chief Justice shall".
Land Titles Ordinance. (Cap. 159).	s. 76	Delete "Supreme Court", where it appears for the second time, and substitute "Chief Justice".
Mining Ordinance. (Cap. 168).	s. 68	Delete "The Supreme Court shall, by rule, prescribe", and substitute "The Chief Justice may make rules of court prescribing".
Mental Treatment Ordinance, 1949. (No. 3 of 1949).	s. 72	Delete "court may make rules", and substitute "Chief Justice may make rules of court".

SCHEDULE—(Contd.)

Compulsory Military Training Ordinance, 1951. (No. 57 of 1951).	s. 30 (4)	Delete "Supreme Court may make rules", and substitute "Chief Justice may make rules of court".
Trade Unions Ordinance, 1952. (No. 23 of 1952).	s. 18 (2)	Delete "Supreme Court may make rules", and substitute "Chief Justice may make rules of court".
Building Societies Ordinance, 1956. (No. 29 of 1956).	s. 77 (2)	Delete "Supreme Court", and substitute "Chief Justice".
Immigration Ordinance, 1956. (No. 35 of 1956).	s. 17	Delete "Supreme Court may make rules", and substitute "Chief Justice may make rules of court"; insert "Supreme" before "Court".
Interpretation and General Provisions Ordinance, 1956. (No. 38 of 1956).	s. 5 (4)	Delete "Supreme Court may make rules", and substitute "Chief Justice may make rules of court".
Personal Tax Ordinance, 1957. (No. 28 of 1957).	s. 20 (2)	Delete, ", and may make provision in such rules with regard to fees payable to the courts".
	s. 20	Insert a new subsection after subsection (2)— (3) The Chief Justice may make rules of court prescribing the court fees which shall be payable in respect of appeals and other proceedings under this Ordinance".
Rules of Court Ordinance, 1960. (No. 44 of 1960).	s. 2	Delete "Supreme Court may make rules", and substitute "Chief Justice may make rules of court".

**THE STATUTE LAW (MISCELLANEOUS
AMENDMENTS) (No. 2) ORDINANCE, 1961**

No. 28 of 1961

Date of assent: 23rd December, 1961

Date of commencement: 26th December, 1961

AN ORDINANCE FOR PROMOTING THE REVISION
OF THE STATUTE LAW BY MAKING MINOR
AMENDMENTS TO CERTAIN WRITTEN LAWS
AND FOR PURPOSES CONNECTED THEREWITH

ENACTED by the Legislature of the Colony and
Protectorate of Kenya, as follows:—

Short title.

1. This Ordinance may be cited as the Statute Law (Miscellaneous Amendments) (No. 2) Ordinance, 1961.

Amendment of Ordinances.

2. The several Ordinances specified in the first column of the Schedule to this Ordinance are amended, in relation to the provisions thereof specified in the second column, in the manner respectively specified in the third column, of such Schedule.

Provision concerning the Detention Camps Ordinance. Cap. 80.

3. For the avoidance of doubt, it is hereby declared that section 9 of, and the Schedule to, the Detention Camps Ordinance were included in error in the 1948 Revised Edition of the Laws of Kenya, and have, since such inclusion, had no effect or force whatsoever.

SCHEDULE

Criminal Procedure Code (Cap. 27, R.E. 1961)	s. 2	In the definition of "summary trial", delete "Part V", and substitute "Part VI".
	s. 86	Delete "any such private person", and substitute "any private person".
	1st Sch.	(a) In the first column, delete the section number "209" and the section number "233" where it appears for the second time, and substitute the numbers "229" and "235" respectively ; (b) insert, immediately after the item concerning section 323 (2) of the Penal Code, a new item as follows—

SCHEDULE—(Contd.)

Criminal Procedure Code (Cap. 27, R.E. 1961)	2nd Sch.	<p>column 1: (3)</p> <p>column 2: Assisting in concealing or disposing of property unlawfully obtained.</p> <p>column 3: May arrest without warrant.</p> <p>column 4: Imprisonment for three years.</p> <p>column 5: Subordinate court of the first or second class.</p> <p>In form 1, delete "section 204", and substitute "section 205".</p> <p>In form 3, delete "section 203", and substitute "section 206".</p> <p>In form 4, delete "section 139", and substitute "section 140".</p> <p>Delete form 16.</p> <p>In form 17, delete "cocoa", and substitute "coffee".</p>
Bankruptcy Ordinance (Cap. 30)	s. 85	Delete "and shall be entitled to charge for such list the sum of fifty cents per folio of one hundred words, together with the cost of the postage thereof", and substitute "on payment of fee of one shilling for every folio of one hundred words, but not less than five shillings in any case".
Deeds of Arrangement Ordinance (Cap. 31)	s. 19	Delete "shall be guilty of a misdemeanour", and substitute "shall be guilty of an offence and liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding two years, or to both such fine and such imprisonment".
Public Trustee Ordinance (Cap. 37)	s. 29	Delete "with the concurrence of the Governor".
Public Trustee Ordinance (Cap. 37)	s. 3	Delete "a Deputy and Assistant Public Trustee", and substitute "a Deputy Public Trustee and one or more Assistant Public Trustees".
Aliens Restriction Ordinance (Cap. 54)	s. 2	Delete.

SCHEDULE—(Contd.)

Official Secrets Ordinance (Cap. 64)	s. 5 (1)	Delete "a misdemeanour", and substitute "an offence and liable to imprisonment for a term not exceeding six months or to a fine not exceeding five thousand shillings, or to both such imprisonment and such fine".
Asiatic Widows' and Orphans' Pension Ordinance (Cap. 74)	s. 2 (1)	Insert, in its proper place, a new definition— "Karachi Agents" means the agents in Pakistan for the Government of Kenya;.
Probation of Offenders Ordinance (Cap. 79)	s. 4 (2)	Delete "Chief Secretary", and substitute "Minister".
	s. 10 (5)	Delete "Chief Secretary", and substitute "Minister".
Trust Land Ordinance (Cap. 100)	s. 31 (5)	Delete "the Town Planning Ordinance", and substitute "any law for the time being in force relating to town and country planning".
Public Health Ordinance (Cap. 130)	s. 2	Delete "Governor" and "proclamation" wherever they appear, and substitute in each case "Minister" and "order" respectively.
	ss. 8, 11, 12 and 14	Delete "Governor" wherever it appears, and substitute in each case "Minister".
	s. 35	Delete "Governor may declare by proclamation", and substitute "Minister may, by order, declare".
	ss. 36, 37 and 38	Delete "Governor in Council" wherever it appears, and substitute in each case "Minister".
	s. 55 (3)	Delete "Governor", and substitute "Minister".
	s. 63	Delete "Governor", and substitute "Minister"; delete "proclamation" wherever it appears, and substitute in each case "order".
	s. 64 (1)	Delete "proclamation", and substitute "order".
	s. 71	Delete "Governor", and substitute "Minister"; delete "proclamation" wherever it appears, and substitute in each case "order".

SCHEDULE—(Contd.)

Public Health Ordinance (Cap. 130)	s. 74 (1)	Delete "proclamation", and substitute "order".	
	s. 74 (2)	Insert ", order", immediately after "proclamation".	
	s. 75	Delete "Governor" and substitute "Minister".	
	s. 76	Delete "a proclamation", and substitute "an order".	
	s. 77	Delete "Governor" wherever it appears, and substitute in each case "Minister"; delete "proclamation" wherever it appears, and substitute in each case "order".	
	ss. 82 (3) 83, 85 and 86	Delete "Chief Secretary", and substitute in each case "Minister".	
	s. 87	Delete "Chief Secretary" and "Governor", and substitute in each case "Minister".	
	s. 101	Delete "Chief Secretary", and substitute "Minister".	
	s. 102	Delete "Governor" wherever it appears, and substitute in each case "Minister".	
	s. 146 (3)	Delete "Governor under the hand of the Chief Secretary", and substitute "Minister".	
	s. 155	Delete "Governor", and substitute "Minister".	
	s. 157 (1)	Delete "Governor in Council" wherever it appears, and substitute in each case "Minister"; insert "after consultation with the Minister for the time being responsible for agriculture," immediately after "may," where it appears for the first time.	
	Births and Deaths Registration Ordinance (Cap. 143)	s. 2	Delete the definition of "Registrar General" and substitute—
		"Registrar General" means the Registrar General of Births and Deaths, or the Deputy Registrar General of Births and Deaths, or any Assistant Registrar General of Births and Deaths, appointed under section 3 of this Ordinance;	

Births and Deaths Registration Ordinance (Cap. 143)	—	Insert, immediately after section 3 a new section as follows—
		<p>Deputy and Assistant Registrars General.</p> <p>4. The Governor may appoint a Deputy Registrar General of Births and Deaths, and so many Assistant Registrars General of Births and Deaths as he may think necessary for the carrying out of this Ordinance.</p>
	s. 20 (1)	Delete "Governor", and substitute "Minister".
Marriage Ordinance (Cap. 144)	s. 2	<p>Delete the definition of "Registrar General", and substitute—</p> <p>"Registrar General" means the Registrar General of Marriages, or the Deputy Registrar General of Marriages, or any Assistant Registrar General of Marriages appointed under section 2A of this Ordinance ;</p>
		Insert, immediately after section 2 a new section as follows—
		<p>Registrar General.</p> <p>2A. (1) The Governor shall appoint a Registrar General of Marriages.</p> <p>(2) The Governor may appoint a Deputy Registrar General of Marriages, and so many Assistant Registrars General of Marriages as he may think necessary for the carrying out of this Ordinance.</p>
	s. 43	Delete.
	s. 44	Delete "married", and substitute "unmarried".
Distress for Rent Ordinance (Cap. 154)	s. 2	<p>Insert, immediately after the definition of "agricultural holding"—</p> <p>"approved valuer" means an official broker, a court broker, a licensed auctioneer or any person carrying on business as an estate agent or insurance broker ;</p>

SCHEDULE—(Contd.)

Distress for Rent Ordinance (Cap. 154)	s. 4 (3)	Delete "appointed under the Estate Duty Ordinance".
Mining Ordinance (Cap. 168)	s. 7	Delete "or" in line 3, and substitute "and".
Plant Protection Ordinance (Cap. 178)	s. 2	(a) In the definition of "plant", insert "whether living or dead", immediately after "kingdom"; (b) in the definition of "vehicle", insert ", railway vehicle" immediately after "motor vehicle"; (c) insert, immediately after the definition of "disease"— "disinfect" includes "disinfect";
	s. 6	Delete the proviso.
	—	Delete "Governor" wherever it appears in the Ordinance, and substitute in each case "Minister".
Land and Agricultural Bank Ordinance (Cap. 181)	s. 45 (4)	Insert "or any council within the meaning of the Local Government (County Councils) Ordinance, 1952" immediately after "Local Government (District Councils) Ordinance".
	s. 63	Delete "Financial Secretary" wherever it appears, and substitute in each case "Minister".
Cotton Ordinance (Cap. 188)	s. 2	Delete "Governor" and substitute "Minister".
	ss. 3 and 4	Delete "Governor in Council" and "proclamation" wherever they appear, and substitute "Minister" and "order" respectively in each case.
Coconut Industry Ordinance (Cap. 191)	s. 8	(a) Insert "(whether on his own account or as agent or servant of another)" immediately before "unless"; (b) renumber as subsection (1) thereof, and add a new subsection as follows— (2) Any person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence.

SCHEDULE—(Contd.)

Coconut Industry Ordinance (Cap. 191)	s. 9	Delete and substitute— Provisions concerning licences.	9. A licence granted under section 8 of this Ordinance shall define the exact situation of the premises thereby licensed to be used, and not more than one place of business shall be specified therein.
Sisal Industry Ordinance (Cap. 196).	s. 13		Delete "section 4 and section 8 of".
	s. 2		Delete the definition of "export".
	—		Delete "Governor in Council" and "Governor" wherever those expressions appear in the Ordinance, and substitute in each case "Minister".
Stock and Produce Theft Ordinance (Cap. 206)	s. 2		Delete "Governor in Council by proclamation", and substitute "Minister by notice in the Gazette".
Cattle Cleansing Ordinance (Cap. 208)	s. 2		(a) Delete the definition of "inspector" and substitute— "inspector" means any veterinary officer or livestock officer, or such other officer as the Minister may, by notice in the Gazette, appoint to be an inspector for the purposes of this Ordinance ; ; (b) delete "Governor" in the definition of "interest", and substitute "Minister".
Animal Diseases Ordinance (Cap. 213)	s. 2		In the definition of "animals", delete delete "which the Governor may, by proclamation published in the Gazette," and substitute "which the Minister may, by order,".
	s. 2		In the definition of "disease", delete "fowl paralysis,".
	s. 2		In the past paragraph— (a) delete "Governor", and substitute "Minister". (b) delete "proclamation" in both places, and substitute in each case "order".
Rabies Ordinance (Cap. 214)	s. 6 (2)		Insert "or suspected cat" immediately after "dog".

Royal National Parks of Kenya Ordinance (Cap. 215)	s. 3 proviso	Insert "the special areas", immediately before "the special reserves".
Trout Ordinance (Cap. 219)	s. 7 (2)	Insert, immediately after paragraph (a)— (aa) A monthly licence shall remain in force for a period of one month from the date of issue thereof.
Shipping Ordinance (Cap. 221)	s. 47	Insert "or British pro-consul" immediately after "British consular officer".
Motor Vehicles Insurance (Third Party Risks) Ordinance (Cap. 233)	s. 4 (2)	Delete "certificate of competency", and substitute "driving licence or provisional licence under the Traffic Ordinance, 1953".
	s. 6 (1) and (2)	Delete "Governor" wherever it appears and substitute "Minister" in each case.
	s. 17	Delete "Governor in Council" and substitute "Minister".
Lakes and Rivers Ordinance (Cap. 234)	—	Add immediately after section 12, a new section as follows— Application of Ordinance. 13. Notwithstanding the foregoing provisions of this Ordinance, this Ordinance shall not apply to any lake or river which falls within the definition of "inland waters" contained in section 2 of the East African Inland Water Transport Act, 1958, of the High Commission.
Trading Centres Ordinance (Cap. 278)	s. 2	Delete "District Council", and substitute "local authority".
	ss. 2, 4 and 6	Delete "Governor", wherever it appears, and substitute in each case "Minister".
Stock Traders Licences Ordinance (Cap. 280)	s. 2	(a) Delete "asses" in the definition of "stock" and substitute "donkeys";

SCHEDULE—(Contd.)

Stock Traders Licences Ordinance (Cap. 280)		(b) insert at the end thereof—
	s. 2	“veterinary inspector” means any livestock officer, senior assistant veterinary officer, or assistant veterinary officer in the employment of the Government.
	s. 5 (1)	Delete, and substitute— (1) Licences under this Ordinance may be issued by Provincial Commissioners and District Commissioners in their discretion, and shall be in the prescribed form.
	s. 5 (3)	Delete.
	s. 6	Delete “stock inspector”, and substitute “veterinary officer or veterinary inspector”.
—	—	Insert at the end thereof a new section as follows—
	Rules.	8. The Minister may make rules prescribing the fees to be paid for licences and the forms of licences under this Ordinance.
The Patents (Registration) Ordinance (Cap. 294)	s. 2 (1)	Delete “assistant registrars” and substitute “A Deputy Registrar of Patents and so many Assistant Registrars of Patents”.
	s. 8 (2)	Delete.
	s. 18	Delete the last paragraph, which begins “A fee”.
Explosives Ordinance (Cap. 303)	s. 29 (1) (l)	Insert “, or amendments” immediately after “duplicates”.
	s. 11	Delete “and such a receipt shall not be liable to stamp duty unless the profit amounts to sixty shillings or more”.
Pawnbrokers Ordinance (Cap. 308)	s. 40	Delete “Governor in Council”, and substitute “Minister”.
	s. 3	Delete.
Trustees (Amendment) Ordinance, 1948 (No. 85 of 1948)	s. 10 (1)	Delete “Governor in Council”, and substitute “Minister”.
Entertainments Tax Ordinance, 1950 (63 of 1950)		

SCHEDULE—(Contd.)

Road Authority Ordinance, 1950 (No. 64 of 1950)	s. 15	Delete “, with the approval of the Governor in Council,”.
Hospital Treatment Relief (European) Ordinance, 1951 (No. 33 of 1951)	s. 12 (1) proviso	Delete.
The Public Officers (Change of Titles) Ordinance, 1952 (No. 7 of 1952)	s. 3	Delete, and substitute— Change of title of public officer. 3. (1) Whenever the title of any public officer is changed, the Governor may, by notice in the Gazette, declare that, for the purpose of all written laws, the title of the officer shall be replaced by the new title specified in the notice. (2) Where a notice is published under subsection (1) of this section, any written law containing a reference to the title which is changed shall be deemed to have been amended by substituting for that reference a reference to the new title.
Trade Unions Ordinance, 1952 (No. 23 of 1952)	s. 6	Insert “a Deputy Registrar of Trade Unions and” immediately after “appoint”.
Societies Ordinance, 1952 (No. 52 of 1952)	s. 2 (1)	Delete all the words appearing after “Trade Unions Ordinance, 1952” in paragraph (d) of the definition of “society”.
Education Ordinance, 1952 (No. 58 of 1952)	s. 59 (5)	Delete all the words after “property”, and substitute “, reasonable compensation shall be payable therefor, and, in case of disagreement as to the liability for or the amount of compensation, the question shall be decided by the arbitration of a single person appointed by both parties, and the provisions of the Arbitration Ordinance, where applicable, shall apply.”

SCHEDULE—(Contd.)

Traffic Ordinance, 1953 (No. 39 of 1953)	s. 28	Delete "Commissioner for Inland Revenue", and substitute "Registrar of Motor Vehicles".
Seeds Ordinance, 1955 (No. 53 of 1955)	s. 18	Insert "or sent" immediately after "issued".
Interpretation and General Provisions Ordinance, 1956 (No. 38 of 1956)	s. 3 (1)	(a) In the definition of "Governor", delete "a Deputy to the Governor" and "the Deputy to the Governor", and substitute in each case "the Deputy Governor". (b) In paragraph (c) of the definition of "statutory declaration", delete "British consul or vice-consul", and substitute "British consular officer or pro-consul"; (c) delete the definition of "the Treasury", and substitute— "the Treasury" means the Minister for the time being responsible for finance and such other officer or officers of his Ministry as may be deputed by him to exercise and perform on behalf of the Treasury any power or duty conferred or imposed on the Treasury by any written law;
	s. 5 (1) (c)	Delete subparagraph (ii).
Methylated Spirits Ordinance, 1958 (No. 49 of 1958)	s. 21	Delete "a Government Analyst" and "such Government Analyst", and substitute in each case "the Government Chemist".
Maize Marketing Ordinance, 1959 (No. 6 of 1959)	s. 39 (1)	Delete "conferred by the said subsection on the officers referred to therein", and substitute "conferred by paragraphs (c) and (d) of subsection (1) of section 38 of this Ordinance on the officers therein mentioned".
Companies Ordinance, 1959 (No. 50 of 1959)	s. 337 (1)	Delete "or vice-consuls", and substitute ", vice-consuls or pro-consuls".
	s. 337 (2)	Delete "or vice-consul", and substitute ", vice-consul or pro-consul".

THE STATUTE LAW (REPEAL) ORDINANCE, 1961
No. 29 of 1961

Date of assent: 23rd December, 1961

Date of commencement: 26th December, 1961

AN ORDINANCE FOR PROMOTING THE REVISION
 OF THE STATUTE LAW BY REPEALING ENACT-
 MENTS WHICH HAVE CEASED TO BE IN FORCE
 OR HAVE BECOME UNNECESSARY

ENACTED by the Legislature of the Colony and Pro-
 tectorate of Kenya, as follows:—

1. This Ordinance may be cited as the Statute Law Short title.
 (Repeal) Ordinance, 1961.
2. The Ordinances specified in the Schedule to this Repeal of
 Ordinance are hereby repealed. certain
 Ordinances.

SCHEDULE

ORDINANCES REPEALED

<i>Cap. or No.</i>	<i>Short Title</i>
Cap. 58	The Expulsion from Proclaimed Areas Ordinance.
Cap. 95	The African Passes Ordinance.
Cap. 98	The Collective Punishment Ordinance.
Cap. 183	The Agricultural Advances Ordinance.
Cap. 199	The Bread Ordinance.
Cap. 226	The Lamu Boat Registration Ordinance.
Cap. 297	The Patents, Designs, Copyright and Trade Marks (Emergency) Ordinance.
Cap. 311	The Press Censorship Ordinance.
No. 52 of 1956	The Landlord and Tenant (Shops) Ordinance, 1956. +

THE PUBLIC FEES ORDINANCE, 1961**No. 30 of 1961***Date of assent: 23rd December, 1961**Date of commencement: 26th December, 1961***AN ORDINANCE TO PROVIDE FOR THE LEVYING OF FEES FOR LICENCES, PERMITS AND OTHER MATTERS ARISING IN PUBLIC OFFICES**

ENACTED by the Legislature of the Colony and Protectorate of Kenya, as follows:—

Short title.

1. This Ordinance may be cited as the Public Fees Ordinance, 1961.

Regulations prescribing fees.

2. (1) Subject to the provisions of subsection (3) of this section, a Minister may make regulations prescribing the fees to be levied for licences, permits and other acts, matters and things issued or performed by or in any public office.

(2) Regulations under subsection (1) of this section may make such provision in regard to exemption from and remission of fees as the Minister may think fit.

(3) The provisions of subsection (1) of this section shall not apply in the case of any matter in respect of which any other written law makes provision for the levying of a fee, or provides expressly that no fee shall be payable.

Repeal of Cap. 256.

3. The Fees and Royalties Ordinance is repealed.

**THE LOANS (UNITED KINGDOM GOVERNMENT)
ORDINANCE, 1961**

No. 31 of 1961

Date of assent: 23rd December, 1961

Date of commencement: 26th December, 1961

AN ORDINANCE TO AUTHORIZE THE GOVERNMENT TO BORROW FROM THE GOVERNMENT OF THE UNITED KINGDOM SUMS REQUIRED TO FINANCE THE DEVELOPMENT PROGRAMME; AND FOR PURPOSES CONNECTED THEREWITH

ENACTED by the Legislature of the Colony and Protectorate of Kenya, as follows:—

1. This Ordinance may be cited as the Loans (United Kingdom Government) Ordinance, 1961. Short title.

2. The Government may from time to time borrow from Her Majesty's Government in the United Kingdom, upon such terms and conditions as to interest, repayment or otherwise as may be agreed between the Governments, such sum or sums as may be required to finance the Development Programme of the Colony, but so, however, that the aggregate capital sum so borrowed shall not exceed twelve million pounds. Power to borrow money from U.K. Government.

3. Any loan raised by virtue of the provisions of this Ordinance, together with the interest (if any) payable on any such loan, shall be repaid by equated annual instalments of principal and interest so that such loan shall be repaid within the period for which the same was granted. Repayment of loans.

4. The principal money of any loan raised by virtue of the provisions of this Ordinance, and any interest payable on any such loan, shall be charged upon the consolidated fund and the assets of the Colony and shall be paid out of the consolidated fund. Loans to be a charge upon the consolidated fund.

5. Any money borrowed by virtue of the provisions of this Ordinance shall be expended upon the services and purposes for which provision is made in the Development Estimates approved by the Legislative Council and upon no other service or purpose. Loans to be expended upon specific services.

**THE LAW REFORM (MAINTENANCE ORDERS)
ORDINANCE, 1961**

No. 32 of 1961

Date of assent: 23rd December, 1961

Date of commencement: 26th December, 1961

AN ORDINANCE TO MAKE BETTER PROVISION FOR THE OBTAINING OF ORDERS UNDER THE SUBORDINATE COURTS (SEPARATION AND MAINTENANCE) ORDINANCE, AND FOR THE ENFORCEMENT OF MAINTENANCE ORDERS UNDER THAT ORDINANCE AND UNDER THE MAINTENANCE ORDERS ENFORCEMENT ORDINANCE

ENACTED by the Legislature of the Colony and Protectorate of Kenya, as follows:—

Short title.

1. This Ordinance may be cited as the Law Reform (Maintenance Orders) Ordinance, 1961.

Amendment of principal laws.

2. The Ordinances specified in the first column of the Schedule to this Ordinance are amended, in relation to the provisions thereof specified in the second column, in the manner respectively specified in the third column, of the said Schedule.

SCHEDULE

The Subordinate Courts (Separation and Maintenance) Ordinance (Cap. 6)	s. 3 (1) (a)	There shall be substituted for the numbers "230, 232, 233 or 246" the numbers "235, 237, 238, 240 or 252".
	s. 7	There shall be substituted for the words "under section 228 or sections 231 to 234 (both inclusive) of the Penal Code or under the corresponding provisions of any enactment substituted therefor", the following, "under any of the sections referred to in paragraph (a) of subsection (1) of section 3 of this Ordinance".
	s. 11 (1)	There shall be substituted for the words "Any sum ordered to be paid

SCHEDULE—(Contd.)

The Maintenance Orders s. 6
Enforcement Ordinance
(Cap. 16)

under the provisions of this Ordinance shall be a civil debt recoverable summarily under the Debts (Summary Recovery) Ordinance”, the following, “Any sum ordered to be paid under the provisions of this Ordinance shall, without prejudice to any other mode of recovery, be a civil debt recoverable summarily”.

There shall be added, immediately after subsection (7), a new subsection as follows—

(8) At the hearing of any summons issued by virtue of this section or of any appeal against the confirmation under this section of a provisional order, any Crown Counsel or any person duly qualified as a barrister or solicitor holding office in the Attorney-General’s Department may appear on behalf of the person upon whose application the maintenance order was made.

s. 7 (2)

There shall be substituted for the words “Every such order shall be enforceable in like manner as if the order were for payment of a civil debt recoverable summarily”, the following, “Every such order shall, without prejudice to any other mode of recovery, be a civil debt recoverable summarily”.

**THE WEIGHTS AND MEASURES (AMENDMENT)
ORDINANCE, 1961**

No. 33 of 1961

Date of assent: 23rd December, 1961

Date of commencement: 26th December, 1961

AN ORDINANCE TO AMEND THE WEIGHTS AND
MEASURES ORDINANCE, 1951

ENACTED by the Legislature of the Colony and Protectorate of Kenya, as follows:—

Short title.

1. This Ordinance may be cited as the Weights and Measures (Amendment) Ordinance, 1961.

Amendment
of section 2
of Ordinance
49 of 1951.

2. Section 2 of the Weights and Measures Ordinance, 1951, (hereinafter referred to as the principal Ordinance) is amended—

(a) by deleting the definitions of “cubic yard”, “gallon”, “Imperial standard pound”, “Imperial standard yard”, “pound avoirdupois”, “secondary reference standards”, “square yard” and “yard”;

(b) by inserting in their respective alphabetical positions five new definitions as follows—

“by way of trade” means having any connexion whatever with trade, and includes preparation for trade and checking in connexion with trade;

“derived” means derived from the metric standards by means of the definitions contained in this Ordinance;

“international definition”, in relation to any metric unit of measurement, means the definition of that unit recognized by the General Conferences of Weights and Measures from time to time convened by the International Bureau of Weights and Measures;

“secondary reference standards” means copies, which the Minister has procured and

caused to be verified and authenticated as such under section 13 of this Ordinance, of the Kenya primary reference standards;

“this Ordinance” includes any rules made thereunder;

3. There shall be substituted for sections 3 to 11 (inclusive) of the principal Ordinance five new sections as follows—

Replacement of sections 3, 4 and 5 of the principal Ordinance.

Units of measurement.

3. (1) The metre or the yard shall be the unit of measurement of length, and the kilogram or the pound shall be the unit of measurement of mass, by reference to which any measurement involving a measurement of length or mass shall be made in Kenya; and—

(a) the yard shall be 0.914 4 metre exactly; and

(b) the pound shall be 0.453 592 37 kilogram exactly.

(2) Schedule A to this Ordinance shall have effect for defining the units of measurement specified in that Schedule for all purposes in Kenya; and the measurement of the weight of any thing may be expressed in the same terms as its mass, by reference to the units of measurement set out in Part V of that Schedule.

(3) Units of measurement directly related to the metre and the kilogram are in this Ordinance referred to as the metric system, and those units directly related to the yard and the pound are in this Ordinance referred to as the derived system.

Weights and measures of the metric system and derived system not to be used in same transaction.

4. (1) No person shall use together weights or measures of the metric system and weights or measures of the derived system by way of trade for the ascertaining of a weight or measure in the course of any single transaction.

(2) Any person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence and liable to a fine not exceeding five hundred shillings and, if the court thinks fit, to the forfeiture of the weights or measures used in contravention of such provisions.

Kenya
primary
standards.

5. (1) The Minister shall as occasion may require procure and cause to be maintained standards of the metre, yard, kilogram and pound, which shall be the Kenya primary standards; and these standards together with the other standards of measure and weight of the metric system or the derived system specified in Part I of Schedule F to this Ordinance, similarly procured and maintained, shall be designated the Kenya primary reference standards, by reference to which, in Kenya, the accuracy of all other standards of those units and of any other unit of measurement derived wholly or partly from any of those units shall be maintained.

(2) Every standard of measure or weight so procured shall be examined and verified by the Standard Weights and Measures Department of the Board of Trade in England before being brought into use; and the certificate of examination in respect thereof shall be kept in the custody of the Superintendent.

(3) On production by the Superintendent of the certificate of examination kept by him in respect of any standard kept at the Treasury under section 12 of this Ordinance, such standard shall be conclusively presumed for all purposes to be true and accurate.

(4) Judicial notice shall be taken of all the standards prescribed by this section.

Equivalent
of metric
units in
terms of
derived
units.

6. (1) The equivalent of the units of measurement of the metric system in terms of units of measurement of the derived system, and of units of measurement of the derived system in terms of units of measurement of the metric system, shall be those specified in Part III of Schedule F to this Ordinance, and units of measurement which it is required to convert from one system to the other for use by way of trade shall be converted in accordance with that Part.

(2) Any transaction by way of trade in which any unit of measurement is used which is converted otherwise than in accordance with subsection (1) of this section shall be void.

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Weights and Measures (Amendment)

No. 33

Secondary standards of special types.

7. (1) The secondary standard weights, measures and instruments specified in Part II of Schedule F to this Ordinance may be used by an inspector for any purpose in connexion with his duties, and their accuracy shall be maintained by reference, either directly or indirectly, to the secondary reference standards.

(2) The Minister may, by order, vary Schedule F to this Ordinance, by adding to or replacing any of the weights, measures and instruments specified therein, as he may think necessary.

4. There shall be substituted for section 15 of the principal Ordinance a new section as follows—

Replacement of section 15 of the principal Ordinance.

Trade contracts, tolls, etc., to be in terms of Kenya standards.

15. (1) Every contract, bargain, sale or dealing made or had for any work, goods, wares or merchandise, or other thing which has been or is to be done, sold, delivered, carried, stored, handled or agreed for by weight or measure, shall be made or had or agreed for according to one of the Kenya standards specified in Part I of Schedule F to this Ordinance or to some multiple thereof, and if not so made or had or agreed for shall be void:

Provided that a court may, in exceptional circumstances in the interests of justice, direct that a person who has received an advantage under such contract, bargain, sale or dealing which becomes void by virtue of this subsection shall restore it or make compensation for it to the person from whom he received it.

(2) All tolls, duties and cesses charged or collected by reference to weight or the measure of any quantity or function of quantity shall be charged and collected by reference to the Kenya standards specified in Part I of Schedule F to this Ordinance or to some multiple thereof.

(3) No person shall use by way of trade any weight or measure which is not authorized by this Ordinance.

(4) No person shall use for trade, or have in his possession for such use, any weight or measure of a denomination other than those specified in Part I of Schedule F to this Ordinance.

(5) Any person who contravenes the provisions of this section shall be guilty of an offence and liable to a fine not exceeding one thousand shillings.

Amendment of section 19 of the principal Ordinance.

5. Section 19 of the principal Ordinance is amended—

(a) by renumbering it as subsection (1) thereof;

(b) by inserting immediately thereafter a new subsection as follows—

(2) Any person who uses a measure of capacity by way of trade otherwise than in accordance with subsection (1) of this section shall be guilty of an offence and liable to a fine not exceeding five hundred shillings.

Replacement of section 30 of the principal Ordinance.

6. There shall be substituted for section 30 of the principal Ordinance a new section as follows—

Appointment and duties of Superintendent and Assistants.

30. (1) The Governor shall appoint a Superintendent of Weights and Measures, and so many Assistant Superintendents of Weights and Measures as he may think necessary for the carrying out of this Ordinance.

(2) The Superintendent and every Assistant Superintendent shall be *ex officio* an inspector for the purposes of this Ordinance.

(3) The Superintendent shall have the general supervision of inspectors.

(4) The Superintendent may require an inspector to make such returns and furnish such information as the Superintendent may require, and the Superintendent and every Assistant Superintendent of Weights and Measures may give to an inspector such directions as he may think fit.

Repeal of section 35 of the principal Ordinance.

7. Section 35 of the principal Ordinance is repealed.

8. There shall be substituted for section 40 of the principal Ordinance a new section as follows—

Replacement of section 40 of the principal Ordinance.

Inspector's power of arrest, search and seizure.

40. In addition to any other powers conferred by this Ordinance, an inspector shall have the following powers—

- (a) he may stop and detain, or may arrest without warrant, any person suspected of an offence under this Ordinance or of being in possession of any goods, or any weight, measure or weighing or measuring instrument, in respect of which he has reason to believe that such an offence has been committed, and may search any person so stopped and detained or arrested;
- (b) he may seize and detain any goods or thing, or any weight, measure or weighing or measuring instrument, in respect of which he has reason to believe that an offence under this Ordinance has been committed or which he has reason to believe to be evidence of such an offence:

Provided that no person shall be arrested under this section unless it appears to the inspector that such person is likely to fail to appear in answer to a summons, or such person refuses to give his name and address to the inspector and to produce to him satisfactory evidence of his identity, or such person gives a name and address which the inspector has reason to believe is false.

9. There shall be inserted in the principal Ordinance, immediately after section 43 thereof, two new sections as follows—

Insertion of new sections 43A and 43B in the principal Ordinance

Evidence as to the nature of goods.

43A. In any proceedings under this Ordinance, the description of any goods in any information, charge or indictment shall be prima facie evidence that the goods were at the time of the offence and subsequently as so described, and the burden of proving the contrary shall lie upon the accused.

Employer
answerable
for acts
of agents
and
servants.

43B. Any person who employs in his shop, store or other place of business any agent, servant or other person shall be answerable for the acts or omissions of such agent, servant or other person, in so far as they concern the business of the employer, and if such agent, servant or other person commits any act or makes any omission which is an offence under this Ordinance, or which would be an offence if made or committed by such employer, such employer and his agent, servant or other person shall each be guilty of the offence and shall be jointly and severally liable to the penalties provided by this Ordinance.

Amendment
of section 49
of the principal
Ordinance.

10. Section 49 of the principal Ordinance is amended by substituting for paragraph (g) thereof two new paragraphs as follows—

(g) prohibiting the sale, and the making, possessing or carrying for sale, of any goods otherwise than by net weight or measure, or otherwise than by a particular net weight or measure prescribed by the rules;

(gg) requiring persons who sell, or who make, possess or carry for sale, any goods which they are prohibited from selling otherwise than by net weight or measure to provide, for the use of persons buying or proposing to buy such goods from them, the means of verifying or checking the net weight or measure of the goods;

Insertion of
new section
51A in the
principal
Ordinance.

11. There shall be inserted in the principal Ordinance, immediately after section 51 thereof, a new section as follows—

Ordinance
not to
apply to
survey
instruments.

51A. For the removal of doubt, it is hereby declared that this Ordinance does not apply, nor has it ever applied, nor did the Weights and Measures Ordinance (hereby repealed) ever apply, to any measure or measuring instrument used for, or designed or intended for use in connexion with, the survey of land, for the testing, verification or comparison of which provision is or has been made in any written law for the time being in force relating to the survey of land.

12. There shall be substituted for Schedules A and F to the principal Ordinance two new Schedules as follows—

Replacement of Schedules A and F to the principal Ordinance.

SCHEDULE A

DEFINITIONS OF UNITS OF MEASUREMENT

PART I

Measurement of Length

Metric Units

- | | |
|--------------|--|
| 1. Kilometre | = 1,000 metres. |
| METRE | has the meaning from time to time assigned to it by the Minister, by order, being the meaning appearing to the Minister to reproduce in English the international definition of the metre in force at the date of the making of the order. |
| Decimetre | = 1/10 metre. |
| Centimetre | = 1/100 metre. |
| Millimetre | = 1/1000 metre. |

Derived Units

- | | |
|---------|-----------------|
| 2. Mile | = 1,760 yards |
| Furlong | = 220 yards. |
| Chain | = 22 yards. |
| YARD | = 0.9144 metre. |
| Foot | = 1/3 yard. |
| Inch | = 1/36 yard. |

PART II

Measurement of Area

Metric Units

- | | |
|--------------------|---|
| 1. Hectare | = 100 ares. |
| Dekare | = 10 ares. |
| Are | = 100 square metres. |
| SQUARE METRE | = a superficial area equal to that of a square each side of which measures one metre. |
| Square decimetre. | = 1/100 square metre. |
| Square centimetre. | = 1/100 square decimetre. |
| Square millimetre. | = 1/100 square centimetre. |

Derived Units

- | | |
|----------------|--|
| 2. Square mile | = 640 acres. |
| Acre | = 4,840 square yards. |
| Rood | = 1,210 square yards. |
| SQUARE YARD | = a superficial area equal to that of a square each side of which measures one yard. |
| Square foot | = 1/9 square yard. |
| Square inch | = 1/144 square foot. |

PART III

*Measurement of Volume**Metric Units*

1. CUBIC METRE

= a volume equal to that of a cube each edge of which measures one metre.

Cubic decimetre
Cubic centimetre

= 1/1000 cubic metre.
= 1/1000 cubic decimetre.

Derived Units

2. CUBIC YARD

= a volume equal to that of a cube each edge of which measures one yard.

Cubic foot
Cubic inch

= 1/27 cubic yard.
= 1/1728 cubic foot.

PART IV

*Measurement of Capacity**Metric Units*1. Hectolitre
LITRE

= 100 litres.

has the meaning from time to time assigned to it by the Minister, by order, being the meaning appearing to the Minister to reproduce in English the international definition of the litre in force at the date of the making of the order.

Decilitre
Centilitre
Millilitre

= 1/10 litre.
= 1/100 litre.
= 1/1000 litre.

Derived Units

2. GALLON

The space occupied by 10 pounds weight of distilled water of density 0.998 859.

gram per millilitre weighed in air of density 0.001 217 gram per millilitre against weights of density 8.136 grams per millilitre.

Quart
Pint
Gill
Fluid ounce

= 1/4 gallon.
= 1/2 quart.
= 1/4 pint.
= 1/20 pint.

3. Bushel
Peck

= 8 gallons.
= 2 gallons.

4. Fluid drachm
Minim

= 1/8 fluid ounce.
= 1/60 fluid drachm.

PART V

*Measurement of Mass or Weight**Metric Units*

1. Metric ton	= 1,000 kilograms.
Quintal	= 100 kilograms.
KILOGRAM	has the meaning from time to time assigned to it by the Minister, by order, being the meaning appearing to the Minister to reproduce in English the international definition of the kilogramme in force at the date of the making of the order.
Hectogram	= 1/10 kilogram.
Gram	= 1/1000 kilogram.
Carat (metric)	= 1/5 gram.
Milligram	= 1/1000 gram.

Derived Units

2. Ton	= 2,240 pounds.
Hundredweight	= 112 pounds.
Cental	= 100 pounds.
Quarter	= 28 pounds.
Stone	= 14 pounds.
POUND	= 0.453 592 37 kilogram.
Ounce	= 1/16 pound.
Dram	= 1/16 ounce.
Grain	= 1/7000 pound.
3. Ounce troy	= 480 grains.
4. Pennyweight	= 24 grains.
5. Ounce apothecaries	= 480 grains.
Drachm	= 1/8 ounce apothecaries.
Scruple	= 1/3 drachm.

SCHEDULE F (ss. 5, 7 and 15)

PART I

MEASURES AND WEIGHTS LAWFUL FOR USE BY WAY OF TRADE:
 MEASURES AND WEIGHTS WHICH MAY BE PROCURED FOR USE AS
 KENYA PRIMARY REFERENCE STANDARDS

*Measures of Length**Metric System*

1. Measures of any of the following lengths, that is to say—	
20 metres	1 METRE
10 metres	1 decimetre
3 metres	1 centimetre,
2 metres	

which may be marked in whole or in part with divisions or subdivisions representing any of the following, namely, metres, decimetres, centimetres and millimetres.

Derived System

2. Measures of any of the following lengths, that is to say—

100 feet	8 feet	2 feet
66 feet	6 feet	$\frac{1}{2}$ yard or 18 inches
50 feet	5 feet	1 foot
33 feet	4 feet	6 inches
20 feet	1 YARD	1 inch,
10 feet		

which may be marked in whole or in part with divisions or subdivisions representing any of the following, namely yards, feet, tenths of a foot, hundredths of a foot, inches and halves, quarters, eighths, tenths, twelfths, sixteenths and hundredths of an inch.

*Measures of Area (Templates)**Metric System*

1. Measures of, or any multiple of, 1 square decimetre.

Derived System

2. Measures of, or of any multiple of, 1 square foot.

*Measures of Volume**Metric System*

1. 100 cubic decimetres.
200 cubic decimetres.
500 cubic decimetres and multiples thereof.

Derived System

2. Measures of—
1 cubic foot.
2 cubic feet.
5 cubic feet.
10 cubic feet and multiples thereof.

*Measures of Capacity**Metric System*

1. Measures of any of the following capacities, that is to say—
any multiple of 10 litres

10 litres	500 millilitres	20 millilitres
5 litres	250 millilitres	10 millilitres
$2\frac{1}{2}$ litres	200 millilitres	5 millilitres
2 litres	100 millilitres	2 millilitres
1 litre	50 millilitres	1 millilitre,
	25 millilitres	

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Weights and Measures (Amendment)

which may be marked in whole or in part with divisions or subdivisions representing any of the following, namely litres, decilitres, centilitres and millilitres.

Derived System

2. Measures of any of the following capacities, that is to say—
any multiple of one gallon

1 gallon	$\frac{1}{2}$ pint
$\frac{1}{2}$ gallon	1 gill
1 quart	$\frac{1}{2}$ gill
1 pint	$\frac{1}{4}$ gill,

which may be marked in whole or in part with divisions or subdivisions representing any of the following, namely gallons, quarts and pints.

3. Measures of any of the following capacities, that is to say—

1 bushel
$\frac{1}{2}$ bushel
1 peck:

Provided that, after the 1st January, 1967, existing measures at that time shall not be stamped unless denominated in gallons.

4. Measures of any of the following capacities, that is to say—

1 fluid ounce and multiples thereof up to 40 fluid ounces
$\frac{1}{2}$ fluid ounce
1 fluid drachm and multiples thereof up to 16 fluid drachms
$\frac{1}{2}$ fluid drachm
1 minim and multiples thereof up to 60 minims,

which may be marked in whole or in part with divisions or subdivisions representing any of the following, namely half fluid ounces, fluid drachms, $\frac{1}{2}$ fluid drachms and minims, but nevertheless shall be marked in such manner as may be prescribed by rules made under this Ordinance.

*Weights**Metric System*

1. Weights of—

20 kilograms	200 grams	2 grams	20 milligrams
10 kilograms	100 grams	1 gram	10 milligrams
5 kilograms	50 grams	500 milligrams	5 milligrams
2 kilograms	20 grams	200 milligrams	2 milligrams
1 kilogram	10 grams	100 milligrams	1 milligram.
500 grams	5 grams	50 milligrams	

2. Weights of—

500 carats (metric)	5 carats (metric)	0.2 carat (metric)
200 carats (metric)	2 carats (metric)	0.1 carat (metric)
100 carats (metric)	1 carat (metric)	0.05 carat (metric)
50 carats (metric)	0.5 carat (metric)	0.02 carat (metric)
20 carats (metric)	0.25 carat (metric)	0.01 carat (metric)
		0.005 carat (metric).

Derived System

3. Weights of—

56 pounds	8 ounces	4,000 grains	5 grains
50 pounds	4 ounces	2,000 grains	3 grains
28 pounds	2 ounces	1,000 grains	2 grains
20 pounds	1 ounce	500 grains	1 grain
14 pounds	8 drams	300 grains	0.5 grain
10 pounds	4 drams	200 grains	0.3 grain
7 pounds	2 drams	100 grains	0.2 grain
5 pounds	1 dram	50 grains	0.1 grain
4 pounds	$\frac{1}{2}$ dram	30 grains	0.05 grain
2 pounds		20 grains	0.03 grain
1 pound		10 grains	0.02 grain
			0.01 grain.

4. Weights of—

500 ounces troy	50 ounces troy	5 ounces troy
400 ounces troy	40 ounces troy	4 ounces troy
300 ounces troy	30 ounces troy	3 ounces troy
200 ounces troy	20 ounces troy	2 ounces troy
100 ounces troy	10 ounces troy	1 ounce troy
0.5 ounce troy	0.05 ounce troy	0.005 ounce troy
0.4 ounce troy	0.04 ounce troy	0.004 ounce troy
0.3 ounce troy	0.03 ounce troy	0.003 ounce troy
0.2 ounce troy	0.025 ounce troy	0.002 ounce troy
0.1 ounce troy	0.02 ounce troy	0.001 ounce troy.
	0.01 ounce troy	

5. Weights of—

10 ounces apothecaries	4 drachms	2 scruples	6 grains
8 ounces apothecaries	2 drachms	$1\frac{1}{2}$ scruples	4 grains.
6 ounces apothecaries	1 drachm	1 scruple	
4 ounces apothecaries		$\frac{1}{2}$ scruple	
2 ounces apothecaries			
1 ounce apothecaries			

6. Weights of—

10 pennyweights
5 pennyweights
3 pennyweights
2 pennyweights
1 pennyweight.

PART II

SECONDARY STANDARD WEIGHTS, MEASURES AND INSTRUMENTS WHICH
MAY BE USED BY INSPECTORS IN CONNEXION WITH THEIR DUTIES

Weights

1. Roller weights of—

10 cwt.	1,000 pounds
5 cwt.	500 pounds
4 cwt.	400 pounds.
2. Block weights of—

1 ton
1 cwt.
3. Egg poises of various denominations.

Measures

1. Proving tanks of such capacity and design as the Superintendent may direct.
2. Displacement plungers of such type and size as the Superintendent may direct.
3. Calipers calibrated in decimal feet.
4. Airy's gauges.

Instruments

1. Positive and semi-positive displacement meters of such pattern as the Superintendent may direct.

PART III

Equivalent for conversion between the Metric System and the
Derived System—

1 metre	= 1.093 613 29 yard
1 kilogram	= 2.204 622 62 pounds
1 litre	= 0.219 975 316 gallon.
1 yard	= 0.9144 metre
1 pound	= 0.453 592 37 kilogram
1 gallon	= 4.545 964 6 litres.

13. Schedules B, C, D and E to the principal Ordinance are repealed.

Repeal of
Schedules
B, C, D and E
to the principal
Ordinance.

14. The provisions of the principal Ordinance specified in the first column of the Schedule to this Ordinance are amended in the manner specified in the second column of that Schedule.

Minor
amendments
to the principal
Ordinance.

<i>Section No.</i>	SCHEDULE	(s. 14)
	<i>Amendment</i>	
12 (1) and (2)	Delete "Colonial", and substitute "Kenya primary reference".	
12 (2)	Delete "Governor", and substitute "Minister"; delete "as many officers", and substitute "as many public officers".	
13 (1) (2) (4) and (5)	Delete "Governor", and substitute "Minister".	
13 (1) and (4)	Delete "Colonial", and substitute "Kenya primary reference".	
14	Delete "Governor", and substitute "Minister"; delete "Colonial" in each place, and substitute "Kenya primary reference"; delete "Standards Department", and substitute "Standard Weights and Measures Department".	
16 (1)	Delete "Colonial", and substitute "derived".	
17	Delete "Colonial measure", and substitute "a particular quantity".	
18	Delete "a weight or measure which is not of the denomination of some weight or measure authorized by this Ordinance for such use, or"; delete "so authorized", and substitute "authorized by this Ordinance"; delete "weight or measure or".	
19	Delete "Colonial".	
22 (2)	Add at the end "and any weight, measure or weighing or measuring instrument in respect of which the offence is committed shall be forfeited".	
23	Insert "or uses" after "makes"; insert a comma after "sold"; insert "(which term includes any wrapping, container, vessel or vehicle used to contain, protect or deliver any goods or things)" after "things" where it first appears.	
26	Delete "for trade", and substitute "by way of trade"; insert "with a valid stamp of verification" after "not stamped"; delete "or in respect of which a certificate of justness is required by this Ordinance and no such certificate is in force".	
29	Insert "for use by way of trade and" after "true".	
34 (1)	Delete "fitness", and substitute "verification".	
34 (2)	Delete "justness" and substitute "verification".	
37	Insert "or fails" after "refuses"; delete "in any examination under this Ordinance of any weight or measure or weighing or measuring instrument", and substitute "in the performance of any duty or act imposed or authorized by this Ordinance,".	
43	Insert "which" after "enclosed,".	
48	Delete "for the occasion".	
Sch. G	Delete "JUSTNESS", and substitute "VERIFICATION".	

THE ADVOCATES ORDINANCE, 1961**No. 34 of 1961***Date of assent: 23rd December, 1961**Date of commencement: 26th December, 1961*

ARRANGEMENT OF SECTIONS

Section

PART I—PRELIMINARY

- 1—Short title and commencement.
- 2—Interpretation.

PART II—THE COUNCIL OF LEGAL EDUCATION

- 3—Council of Legal Education.
- 4—Duration of membership of the Council of Legal Education.
- 5—Functions of the Council of Legal Education.
- 6—Secretary to the Council of Legal Education.
- 7—Expenses.

PART III—PROVISIONS RELATING TO RIGHT TO PRACTISE AS AN
ADVOCATE

- 8—Qualifications for practising as an advocate.
- 9—Certain officers entitled to act as advocates.
- 10—Foreign advocates.

PART IV—ADMISSION AS ADVOCATE

- 11—Qualification for admission as an advocate.
- 12—Professional and academic qualifications.
- 13—Articles.
- 14—Registration of articles.
- 15—Restrictions regarding articulated clerks.
- 16—Fresh articles on death or bankruptcy of advocate or if agreement otherwise determined.
- 17—Power to discharge articles on grounds of moral unfitness.
- 18—Power to discharge articles on application of advocate or clerk.
- 19—Admission as an advocate.
- 20—Custody of the Roll.
- 21—Regulations.

PART V—QUEEN'S COUNSEL

- 22—Queen's Counsel.
- 23—Restrictions on practice of Queen's Counsel.
- 24—Application of Part X.

PART VI—PRECEDENCE

- 25—Precedence.

PART VII—PRACTISING CERTIFICATE

- 26—Registrar to issue practising certificates.
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AN ORDINANCE TO MAKE FURTHER AND BETTER
PROVISION WITH REGARD TO ADVOCATES

ENACTED by the Legislature of the Colony and
Protectorate of Kenya, as follows:—

PART I—PRELIMINARY

Short title and
commencement.

1. This Ordinance may be cited as the Advocates Ordinance, 1961, and shall come into operation on such day as the Governor may, by order, appoint.

Interpretation.

2. In this Ordinance, except where the context otherwise requires—

“advocate” means any person whose name is duly entered upon the Roll of Advocates or upon the Roll of Advocates having the rank of Queen’s Counsel and, for the purposes of Part IX of this Ordinance, includes any person mentioned in section 9 of this Ordinance;

“articles” means written articles of clerkship binding a person to serve an advocate as an articulated clerk;

“client” includes any person who, as a principal or on behalf of another, or as a trustee or personal representative, or in any other capacity, has power, express or implied, to retain or employ, and retains or employs, or is about to retain or employ, an advocate and any person who is or may be liable to pay to an advocate any costs;

“contentious business” means any business done by an advocate in any court, civil or military, or relating to proceedings instituted or intended to be instituted in any such court, or any statutory tribunal or before any arbitrator or panel of arbitrators;

“costs” includes fees, charges, disbursements, expenses and remuneration;

“the Council of Legal Education” means the Council of Legal Education established and constituted by section 3 of this Ordinance;

“the Council of the Society” means the Council of the Society elected in accordance with the provisions of section 11 of the Law Society of Kenya Ordinance, 1949;

“Court” means the Supreme Court;

“Disciplinary Committee” means the Disciplinary Committee established under section 59 of this Ordinance;

“non-contentious business” means any business done by an advocate other than contentious business;

“practising certificate” means a certificate issued under section 26 of this Ordinance;

“Registrar” means the Registrar of the Court;

“Roll” means, as the case may require, the Roll of Advocates kept in accordance with the provisions of section 20 of this Ordinance or the Roll of Advocates having the rank of Queen’s Counsel kept in accordance with the provisions of section 22 of this Ordinance;

“the Society” means the Law Society of Kenya established under the Law Society of Kenya Ordinance, 1949; 10 of 1949.

“unqualified person” means a person not qualified under section 8 of this Ordinance to act as an advocate.

PART II—THE COUNCIL OF LEGAL EDUCATION

3. (1) There is hereby established a Council of Legal Education which shall consist of— Council of legal Education.

(a) the Chief Justice, or a judge to be appointed by the Chief Justice, who shall be chairman;

(b) a judge, to be appointed by the Chief Justice;

(c) the Attorney-General or the Solicitor-General;

(d) four advocates to be nominated by the Council of the Society; and

(e) one person associated with the teaching of law in East Africa, to be appointed by the Attorney-General.

(2) The conduct and regulation of the affairs and business of the Council of Legal Education shall be as provided for in the First Schedule to this Ordinance.

4. The members of the Council of Legal Education appointed or nominated under paragraphs (b), (d) and (e) of section 3 of this Ordinance shall hold office for three years and shall be eligible for reappointment or renomination, as the case may be: Duration of membership of the Council of Legal Education.

Provided that of the three advocates first nominated, one shall retire at the end of one year, another shall retire at the end of two years and the third at the end of three

years from the date on which they were nominated, and the order of retirement shall, in default of agreement between them, be determined by lot.

Functions of
the Council of
Legal Education.

5. The functions of the Council of Legal Education shall be to exercise general supervision and control over legal education in Kenya for the purposes of this Ordinance and to advise the Government in relation to all aspects thereof.

Secretary to the
Council of
Legal Education.

6. The Minister shall appoint a public officer to be the Secretary to the Council of Legal Education.

Expenses.

7. The expenses of the Council of Legal Education shall be defrayed out of moneys provided by the Legislature; and all fees and other moneys received by the Council shall be paid into the consolidated fund.

PART III—PROVISIONS RELATING TO RIGHT TO PRACTISE AS AN ADVOCATE

Qualifications
for practising as
an advocate.

8. Subject to the provisions of this Ordinance, no person shall be qualified to act as an advocate unless—

- (a) he has been admitted as an advocate; and
- (b) his name is for the time being on the Roll; and
- (c) he has in force a practising certificate;

and for the purpose of this Ordinance a practising certificate shall be deemed not to be in force at any time while it is suspended by an order under subsection (2) of section 31 or by virtue of section 32 of this Ordinance.

Certain officers
entitled to act
as advocates.

9. Each of the following persons shall, if duly qualified as a legal practitioner (by whatever name called) in any country in the Commonwealth at the time of his appointment to his office, be entitled in connexion with the duties of his office to act as an advocate, and shall not to that extent be deemed to be an unqualified person, that is to say—

- (a) the Attorney-General, the Solicitor-General, and any person holding public office in the Attorney-General's Chambers;
- (b) the Legal Secretary and the Deputy Legal Secretary to the High Commission, and any person holding public office in the Legal Secretary's Chambers or in the East African Income Tax Department;

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Advocates

- (c) the Registrar-General and any person holding public office in his Department;
- (d) the Principal Registrar of Titles and any Registrar of Titles;
- (e) the African Courts Officer;
- (f) any person holding office in a municipality established by or under the Municipalities Ordinance or in the council of a county, county district or county division established under the Local Government (County Councils) Ordinance, 1952. Cap. 136.
30 of 1952.

10. (1) The Chief Justice may, in his absolute discretion admit to practise as an advocate for the purpose of any specified suit or matter in, or in regard to, which the person so admitted has been instructed by the Attorney-General, the Legal Secretary to the High Commission or an advocate, any person who has been called to or within the Bar in the United Kingdom, if such person has come or intends to come to Kenya for the purpose of appearing, acting or advising in that suit or matter and is not disqualified or suspended by virtue of the provisions of this Ordinance; and a person so admitted (hereinafter in this section referred to as a "foreign advocate") shall not, for the purpose of that suit or matter, be deemed to be an unqualified person. Foreign
advocates.

(2) No foreign advocate shall be entitled to practise until he has paid to the Registrar the prescribed admission fee.

(3) No foreign advocate shall be entitled to practise unless he is instructed by, and if appearing in court appears with an advocate or any person mentioned in section 9 of this Ordinance, nor shall any foreign advocate be entitled to sign or file any pleadings in any court.

(4) Every foreign advocate shall, during and for the purposes of his admission, be deemed to be an advocate for the purposes of Part VIII, IX and X of this Ordinance:

Provided that in respect of a foreign advocate references in Part X of this Ordinance or in any rules made under this Ordinance to the Disciplinary Committee shall be construed as references to the Chief Justice; references to striking the name of an advocate off the Roll shall be construed as references to disqualifying a foreign advocate from practice in Kenya; and subsections (2) and (3) of section 62 of this Ordinance shall not apply.

(5) (a) Where a complaint under the provisions of Part X of this Ordinance has been made in respect of a foreign advocate, the Chief Justice, in addition to the other powers conferred upon him by that Part as modified by subsection (4) of this section, shall have power, in his discretion, at the instance of the complainant or of the Council of the Society, to suspend immediately such foreign advocate from practice in Kenya pending the dismissal of the complaint or the making of a final order in respect thereof.

(b) In this subsection "final order" has the same meaning as in section 71 of this Ordinance.

PART IV—ADMISSION AS ADVOCATE

11. Subject to the provisions of this Ordinance, no person shall be admitted as an advocate unless he is duly qualified in accordance with the provisions of section 12 or section 13 of this Ordinance.

12. (1) A person shall be duly qualified—

- (a) if he is a barrister-at-law of England or Northern Ireland (or of Ireland called before 1st October, 1921), or a member of the Faculty of Advocates in Scotland, or a solicitor of the Supreme Court of Judicature of England or Northern Ireland (or of Ireland admitted before 1st October, 1921), or a Writer to the Signet or a solicitor in Scotland; or
- (b) if he is a legal practitioner (by whatever name called) and thereby has a right of audience before any court of unlimited original civil or criminal jurisdiction in any self-governing country in the Commonwealth, being a country in which, in the opinion of the Council of Legal Education, an advocate would be entitled by reason of his commission as an advocate in Kenya to substantially the same privilege as is conferred by this section on such a legal practitioner; or
- (c) if, at the commencement of this Ordinance or within five years thereafter, he has obtained one of the qualifications set forth in subsection (1) of section 7 of the Advocates Ordinance, 1949, notwithstanding the repeal of the said Ordinance, or

Qualification
for admission as
an advocate.

Professional
and academic
qualifications.

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(d) if he holds a prescribed degree in law, granted after examination, of a prescribed university or university college;

and

(i) if he has attended as a pupil and received such instruction for such period from an advocate of such class as may be prescribed; and

(ii) if he has passed such examinations as may be prescribed.

(2) The Council of Legal Education may exempt any person from any or all of the requirements prescribed for the purposes of paragraph (i) or (ii) of subsection (1) of this section upon such conditions, if any, as the Council may impose.

13. A person shall be duly qualified if he has satisfied the Council of Legal Education that he has complied with such requirements as the Council may prescribe with respect to—

(a) service under articles in Kenya;

(b) attendance at a course of legal education in Kenya; and

(c) the passing of examinations held by or under the auspices of the Council:

Provided that no person shall be disqualified for admission as an advocate by reason only that an advocate whom he has served for the whole or any part of the term of articulated service required in his case has neglected or omitted to take out a practising certificate in accordance with the provisions of Part VII of this Ordinance, or by reason only that the name of an advocate whom he has served for any period after the termination of that period has been removed from or struck off the Roll.

14. (1) All articles shall be produced to the Secretary of the Council of Legal Education for registration and the Secretary, on being satisfied by a statutory declaration, or such other evidence as he deems sufficient, as to the due execution of the articles, shall record the names and addresses of the parties thereto and the date thereof, and the date of the production thereof to him, in a register which shall be kept in the Attorney-General's Chambers and shall be open to the inspection of any person during office hours without payment.

Articles.

Registration
of articles.

(2) If the articles of any clerk are not produced to the Secretary of the Council of Legal Education for registration within thirty days from the date thereof, the service by the clerk thereunder shall, unless the Secretary otherwise directs, be reckoned as commencing only upon the date of the production of the articles for registration under this section.

(3) A fee of the prescribed amount shall be payable to the Secretary of the Council of Legal Education by the person producing any articles for registration under this section.

Restrictions
regarding
articled clerks.

15. (1) No advocate shall enter into articles with any clerk unless he has been in continuous practice as an advocate for a period of at least seven years immediately prior to entering into such articles, without the special permission in writing of the Council of Legal Education.

(2) No advocate shall have more than two articled clerks at the same time.

(3) No advocate shall take or retain an articled clerk after he has ceased to practise as an advocate or while he is in the employment of another advocate.

(4) Subject to the provisions of this Part of the Ordinance—

(a) every articled clerk during the period of his articles shall be actually employed in the proper business, practice and employment of an advocate, by the advocate with whom he has signed articles;

(b) no articled clerk during the period of his articles shall hold any office or engage in any employment other than that of articled clerk to the advocate with whom he has signed articles or his partner, if any, in the business, practice and employment of an advocate, except with the prior written consent of the advocate and of the Council of Legal Education.

(5) Service as an articled clerk in contravention of this section, or with an advocate who has acted in contravention of this section, shall not, unless and to such extent as the Council of Legal Education sees fit to direct otherwise, be deemed to be good service by the articled clerk under his articles.

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16. Where, before the expiration of the articles, the advocate with whom the clerk has signed articles ceases to practise as an advocate, or dies, or becomes bankrupt, or the articles are determined by mutual consent, or by the Council of Legal Education, the articulated clerk may, with the consent of the Council, enter into fresh articles with another practising advocate for the remainder of the period of the original articles and service under such fresh articles in accordance with the provisions of this Part of this Ordinance shall be good service.

Fresh articles on death or bankruptcy of advocate or if agreement otherwise determined.

17. If any allegation is made to the Council of Legal Education as to the moral unfitness of an articulated clerk to be an officer of the Court, and the Council, after enquiring into such allegation, is satisfied that the clerk is morally unfit to be such an officer, the Council may of its own motion discharge the articles of that clerk upon such terms, including terms as to return of premium, as the Council thinks fit.

Power to discharge articles on grounds of moral unfitness.

18. If at any time while a person is serving as an articulated clerk to an advocate, the Council of Legal Education is satisfied on the application either of the advocate or of the clerk that the articles ought to be discharged, the Council may discharge the articles upon such terms, including terms as to return of premium, as the Council thinks fit.

Power to discharge articles on application of advocate or clerk.

19. (1) Every person who is duly qualified in accordance with the provisions of this Part of this Ordinance may apply for admission as an advocate, and such application shall be made by petition verified by oath or statutory declaration and addressed to the Chief Justice, which shall be filed with the Registrar together with a notice intimating that such a petition has been so filed; and the applicant shall also deliver a copy of such petition and of any document delivered therewith to the Secretary of the Council of Legal Education and to the Secretary of the Society.

Admission as an advocate.

(2) The notice referred to in subsection (1) of this section shall be publicly exhibited by the Registrar for one month before any order shall be made on the petition.

(3) Every petition filed under this section shall be in the prescribed form, and before the hearing of any such petition the petitioner shall also deliver or cause to be delivered to the Registrar such other documents as may be prescribed.

(4) Every petition made under this section shall be heard by the Chief Justice in chambers, and the Council of Legal Education and the Society shall have the right to be heard thereon; and if the Chief Justice is satisfied as to the qualifications, service and moral fitness of the petitioner, the Chief Justice shall adjourn the hearing into open court and shall order that the petitioner be admitted as an advocate.

(5) On an order being made under subsection (4) of this section, and after payment by the petitioner to the Registrar of the prescribed fee, the petitioner shall take an oath or make an affirmation as an officer of the Court before the Chief Justice in such form as he shall require, and shall thereafter sign the Roll in the presence of the Registrar or a Deputy Registrar, who shall add his signature as witness.

(6) All reports, records and communications made under or in connexion with this section shall be absolutely privileged.

Custody of
the Roll.

20. The Registrar shall keep the Roll of Advocates in accordance with the provisions of this Ordinance and of any directions as to its form and the information to be recorded as the Chief Justice may give, and shall allow any person to inspect the Roll during office hours without payment.

Regulations.

21. The Council of Legal Education may make regulations for the purpose of giving effect to this Part of this Ordinance and without prejudice to the generality of the foregoing such regulations may—

- (a) make provision with respect to the taking and retaining of articled clerks by advocates and the conduct, duties and responsibilities towards one another of the parties to articles;
- (b) make different provision for different circumstances;
- (c) authorize the charging by the Council of fees;
- (d) prescribe anything which may be prescribed under Part III or under this Part, or under section 75, of this Ordinance.

PART V—QUEEN'S COUNSEL

Queen's Counsel.

22. (1) Upon the coming into operation of this Ordinance, the Registrar shall cause to be prepared, and shall thereafter keep, the Roll of Advocates having the rank of Queen's Counsel in accordance with the provisions of this

Ordinance and of any directions as to its form and the information to be recorded as the Chief Justice may give, and shall allow any person to inspect the Roll during office hours without payment.

(2) There shall be entered in the Roll of Advocates having the rank of Queen's Counsel—

- (a) the names of all Queen's Counsel practising, or entitled to practise, in Kenya at the date on which this Ordinance comes into operation;
- (b) the names of all advocates who are subsequently granted Letters Patent conferring the rank and dignity of Queen's Counsel for Kenya upon them.

(3) Every advocate who is appointed a Queen's Counsel after the commencement of this Ordinance shall sign the Roll of Advocates having the rank of Queen's Counsel in the presence of the Registrar, and the Registrar shall add his signature as witness; and the Registrar shall thereafter cause the name of such advocate to be deleted from the Roll of Advocates.

23. Notwithstanding anything contained in this Ordinance, any advocate who has the rank of Queen's Counsel shall not perform any of the functions which, in England, are performed by a solicitor and are not performed by a barrister; but an advocate who has the rank of Queen's Counsel shall not be precluded from continuing or engaging in partnership with another advocate by reason only that such other advocate performs any functions as aforesaid.

Restrictions on
practice of
Queen's Counsel.

24. In the application of the provisions of Part X of this Ordinance to Queen's Counsel—

Application of
Part X.

- (a) all references therein to the Disciplinary Committee shall be construed as references to a committee of three to be appointed in each case by the Chief Justice consisting of the Attorney-General or the Solicitor-General and two Queen's Counsel for the Colony, and the Attorney-General or Solicitor-General shall be chairman of the committee;
- (b) the Secretary of the Disciplinary Committee shall perform the duties of secretary to any such Committee;
- (c) the provisions of subsections (2) and (3) of section 62 of this Ordinance shall not have effect.

PART VI—PRECEDENCE

Precedence.

25. The Attorney-General, the Solicitor-General, Queen's Counsel according to the date of their appointment as such, the President and the Vice-President (if not Queen's Counsel) of the Society shall, in that order, take precedence of advocates who, *inter se*, shall take precedence according to the date upon which they signed their names on the Roll.

PART VII—PRACTISING CERTIFICATE

Registrar to issue practising certificates.

26. The Registrar shall issue in accordance with, but subject to, the provisions of this Part of this Ordinance and of any rules made under this Ordinance, certificates authorizing the advocates named therein to practise as advocates.

Application for and issue of practising certificate.

27. (1) Application for a practising certificate shall be made to the Registrar—

- (a) by delivering to him an application in duplicate, signed by the applicant or a partner of the applicant, specifying his name and place or places of business, and the date of his admission as an advocate; and
- (b) by paying to the Registrar the fee prescribed and the annual subscription payable for the time being by members of the Society.

(2) Subject to the provisions of section 30 of this Ordinance, the Registrar, if satisfied that the name of the applicant is on the Roll and that he is not for the time being suspended from practice, shall, within fourteen days of the receipt by him of the application, issue to the applicant a practising certificate.

(3) The Registrar shall cause one copy of each declaration delivered to him under this section to be filed in a register kept for that purpose, and any person may inspect such register during office hours without payment.

Issue of practising certificate to confer membership of society.
10 of 1949.

28. (1) Every advocate to whom a practising certificate is issued under this Part of this Ordinance shall thereupon and without payment of any further fee, subscription, election, admission or appointment, and notwithstanding anything contained in the Law Society of Kenya Ordinance, 1949, or in any regulations thereunder, become a member of the Society and be subject to any provision of law or rule of the Society for the time being affecting the members thereof.

(2) Every advocate who has become a member of the Society under the provisions of this section shall remain a member until the end of one month after the expiration of his practising certificate unless his name, whether at his own request or otherwise, be removed from or struck off the Roll, whereupon he shall cease to be a member of the Society.

(3) An advocate who has become a member of the Society under the provisions of this section and who is suspended from practice shall not be entitled during the period of such suspension to any of the rights or privileges of such membership.

29. (1) Every practising certificate shall bear the date of the day on which it was issued and shall have effect from the beginning of the day: Date and validity of practising certificates.

Provided that any practising certificate issued between 1st January and 1st February in any year shall have effect for all purposes from 1st January of that year.

(2) Every practising certificate shall expire at the end of 31st December next after it was issued:

Provided that where the name of an advocate is removed from or struck off the Roll, the practising certificate (if any) of that advocate for the time being in force shall expire forthwith.

(3) The Registrar shall enter upon the Roll a note of the date of issue to any advocate of a practising certificate.

30. (1) Subject to subsection (3) of this section and to subsection (5) of section 33 of this Ordinance, subsection (2) of this section shall have effect where an advocate applies for a practising certificate— Discretion of the Registrar with respect to issue of practising certificates in special cases.

- (a) when for twelve months or more he has ceased to hold a practising certificate in force; or
- (b) whilst he is an undischarged bankrupt or a receiving order in bankruptcy is in force against him; or
- (c) when, having been suspended from practice or having had his name removed from or struck off the Roll, the period of his suspension has expired or his name has been restored to the Roll, as the case may be; or
- (d) not having held a practising certificate in force within the twelve months next following the date of his admission as an advocate; or

3 of 1949.

- (e) whilst he is a person to whom the powers and provisions of Part XI of the Mental Treatment Ordinance, 1949, relating to management and administration apply; or
- (f) without having paid a penalty or costs ordered by the Disciplinary Committee to be paid by him; or
- (g) after having been adjudicated a bankrupt and obtained his discharge or after having entered into a composition with his creditors or a deed of arrangement for the benefit of his creditors; or
- (h) after having had given against him any judgment which involves the payment of moneys, not being a judgment—
 - (i) limited to the payment of costs; or
 - (ii) as to the whole effect of which upon him he is entitled to indemnity or relief from some other person; or
 - (iii) evidence of the satisfaction of which, within seven days of the giving of such judgment, has been produced to the Registrar.

(2) (a) The applicant shall give to the Registrar and to the Secretary of the Society not less than six weeks before his application for a practising certificate notice of his intention to apply therefor.

(b) The Council of the Society may make representations or submit a recommendation to the Registrar with respect to any application made under this section, and any such representations or recommendation shall be absolutely privileged.

(c) The Registrar may in his discretion—

- (i) grant or refuse any application made under this section; or
- (ii) decide to issue a practising certificate to the applicant upon such terms and conditions as he may think fit,

and where the Registrar decides to issue a certificate subject to conditions, he may, if he thinks fit, postpone the issue of the certificate pending the hearing and determination of any appeal under subsection (2) of section 31 of this Ordinance:

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Provided that in a case such as is mentioned in paragraph (b) or (h) of subsection (1) of this section, where an appeal has been made to the appropriate court against the order or judgment in question the Registrar shall not refuse the application before the determination of that appeal.

(3) Where a practising certificate free of conditions is issued by the Registrar under subsection (2) of this section to an advocate in relation to whom that subsection has effect by virtue of particular circumstances such as are mentioned in paragraph (a), (c), (d), (g) or (h) of subsection (1) of this section, subsection (2) of this section shall not thereafter have effect in relation to that advocate by virtue of those circumstances.

31. (1) If in any case, not being a case to which section 30 of this Ordinance applies, the Registrar on an application duly made to him refuses or neglects to issue a practising certificate, the applicant may apply to the Chief Justice who may make such an order in the matter as shall be just.

Appeals in connexion with issue of practising certificates.

(2) Where under section 30 of this Ordinance the Registrar either refuses to grant a practising certificate or decides to issue such a certificate subject to terms and conditions, the applicant may by petition presented within one month after being notified of the decision of the Registrar, and in such manner and subject to such regulations as the Chief Justice may from time to time direct, appeal against that decision to the Chief Justice who may—

- (a) affirm the decision of the Registrar; or
- (b) direct the Registrar to issue a certificate to the applicant free from terms and conditions or upon such terms and conditions as the Chief Justice may think fit; or
- (c) direct the Registrar not to issue a certificate; or
- (d) if a certificate has been issued, by order suspend that certificate; or
- (e) make such other order as he may think fit.

32. The making by the Disciplinary Committee or the Court of an order suspending an advocate from practice shall operate, and the adjudication in bankruptcy of an advocate shall operate immediately, to suspend any practising certificate of that advocate for the time being in force.

Suspension of practising certificate in certain circumstances.

Duration of
suspension of
practising
certificate.

33. (1) Subject to the provisions of this section, where a practising certificate has become suspended by an order under subsection (2) of section 31 of this Ordinance or by virtue of section 32 of this Ordinance, that suspension shall continue until the certificate expires.

(2) The suspension of a practising certificate by virtue of section 32 of this Ordinance by reason of an adjudication in bankruptcy shall terminate if the adjudication is annulled and a certified copy of the order annulling the adjudication has been served upon the Registrar.

(3) (a) Where an advocate's practising certificate has become suspended—

(a) by an order under subsection (2) of section 31 of this Ordinance; or

(b) by virtue of section 32 of this Ordinance by reason of his adjudication in bankruptcy,

the advocate may at any time before the certificate expires (and, in the case of adjudication in bankruptcy, while the adjudication remains unannulled) apply to the Registrar to terminate the suspension of the practising certificate, giving at the same time notice to the Secretary of the Society that such application has been made.

(b) The Council of the Society may make representations or submit a recommendation to the Registrar with respect to any application made under this section, and any such representations or recommendation shall be absolutely privileged.

(c) The Registrar may in his discretion—

(i) by order terminate the suspension either unconditionally or upon such terms and conditions as he may think fit; or

(ii) refuse the application.

(4) If on an application by an advocate under subsection (3) of this section the Registrar refuses the application or terminates the suspension subject to terms or conditions, the advocate may, by petition presented in such manner and subject to such regulations as the Chief Justice may from time to time direct, appeal against the decision of the Registrar to the Chief Justice who may—

(a) affirm the decision of the Registrar; or

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(b) terminate the suspension either unconditionally or upon such terms and conditions as he may think fit.

(5) Where an advocate's practising certificate has become suspended by virtue of section 32 of this Ordinance by reason of his suspension from practice and the suspension of his practising certificate is terminated unconditionally under either subsection (3) or (4) of this section, then, notwithstanding paragraph (c) of subsection (1) of section 30 of this Ordinance, subsection (2) of the said section 30 shall not thereafter have effect in relation to that advocate by virtue of that suspension from practice and the expiry of the period thereof.

34. Where an advocate's practising certificate has become suspended—

(a) by an order under subsection (2) of section 31 of this Ordinance; or

(b) by virtue of section 32 of this Ordinance by reason of his adjudication in bankruptcy,

Publication of suspension or termination of suspension of practising certificate in certain cases.

the Registrar shall forthwith cause notice of that suspension to be published in the Gazette and a note thereof to be entered against the name of the advocate in the Roll; and where that suspension is terminated under subsection (2), (3) or (4) of section 33 of this Ordinance, the Registrar shall forthwith cause a note of that termination to be entered against the name of the advocate in the Roll and, if so requested in writing by the advocate, a notice thereof to be published in the Gazette.

35. (1) Any list purporting to be published by authority of the Registrar and to contain the names of advocates who have obtained practising certificates for the current year before 1st February in that year shall, until the contrary is proved, be evidence that the persons named therein as advocates holding such certificates as aforesaid for the current year are advocates holding such certificates.

Evidence as to holding of practising certificate.

(2) The absence from any such list of the name of any person shall, until the contrary is proved, be evidence that that person is not qualified to practise as an advocate under a certificate for the current year, but in the case of any such person an extract from the Roll certified as correct by the Registrar shall be evidence of the facts appearing in the extract.

PART VIII—PROVISIONS WITH RESPECT TO UNQUALIFIED
PERSONS ACTING AS ADVOCATES AND OFFENCES BY
ADVOCATES

Unqualified
person not to act
as advocate.

36. (1) Subject to the provisions of section 85 of this Ordinance, no unqualified person shall act as an advocate, or as such cause any summons or other process to issue, or institute, carry on or defend any suit or other proceeding in the name of any other person in any court of civil or criminal jurisdiction.

(2) Any person who contravenes the provisions of subsection (1) of this section shall—

(a) be deemed to be in contempt of the court in which he so acts or in which the suit or matter in relation to which he so acts is brought or taken, and may be punished accordingly; and

(b) be incapable of maintaining any suit for any costs in respect of anything done by him in the course of so acting; and

(c) in addition, shall be guilty of an offence and shall be liable to a fine not exceeding five thousand shillings.

Penalty for
pretending to be
an advocate.

37. Any unqualified person who wilfully pretends to be, or takes or uses any name, title, addition or description implying that he is, qualified or recognized by law as qualified to act as an advocate shall be guilty of an offence and shall be liable to a fine not exceeding five thousand shillings.

Unqualified
person not to
prepare certain
instruments, etc.

38. (1) No unqualified person shall, either directly or indirectly, take instructions or draw or prepare any document or instrument—

(a) relating to the conveyancing of property or to any legal proceedings; or

(b) for, or in relation to, the formation of any limited liability company, whether private or public; or

(c) for, or in relation to, an agreement of partnership or the dissolution thereof; or

(d) for the purpose of founding or opposing a grant of probate or letters of administration; or

(e) for which a fee is prescribed by any order made by the Chief Justice under section 48 of this Ordinance;

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nor shall any such person accept or receive, directly or indirectly, any fee, gain or reward for the taking of any such instructions or for the drawing or preparation of any such document or instrument:

Provided that this subsection shall not apply to—

- (a) any public officer drawing or preparing documents or instruments in the course of his duty; or
- (b) any person employed by an advocate and acting within the scope of that employment; or
- (c) any person employed merely to engross any document or instrument.

(2) Any money received by an unqualified person in contravention of the provisions of this section may be recovered by the person by whom the same was paid as a civil debt recoverable summarily.

(3) Any person who contravenes the provisions of subsection (1) of this section shall, unless he proves that the act was not done for, or in expectation of, any fee, gain or reward, be guilty of an offence and shall be liable to a fine not exceeding five thousand shillings.

(4) For the purposes of this section, the expression "document or instrument" does not include—

- (a) a will or other testamentary instrument; or
- (b) a transfer of stock or shares containing no trust or limitation thereof.

39. (1) Every person who draws or prepares, or causes to be drawn or prepared, any document or instrument referred to in subsection (1) of section 38 of this Ordinance, shall at the same time endorse or cause to be endorsed thereon his name and address, or the name and address of the firm of which he is a partner, and any such person omitting so to do shall be guilty of an offence and shall be liable to a fine not exceeding one thousand shillings in the case of an unqualified person or not exceeding one hundred shillings in the case of an advocate:

Provided that in the case of any document or instrument drawn, prepared or engrossed by a person employed, and whilst acting within the scope of his employment, by an advocate or by a firm of advocates, the name and address to be endorsed thereon shall be the name and address of such advocate or firm.

Instruments to be endorsed with name and address of drawer.

(2) The Registrar, the Registrar of Titles, the Principal Registrar of Crown Lands, the Registrar-General, the Registrar of Companies or any other registering authority, shall refuse to accept or recognize any document or instrument referred to in subsection (1) of section 38 of this Ordinance unless such document or instrument purports to be endorsed in accordance with the provisions of this section.

Undercutting.

40. (1) Any advocate who holds himself out or allows himself to be held out directly or indirectly and whether or not by name, as being prepared to do professional business at less than the remuneration prescribed, by order, under the provisions of this Ordinance shall be guilty of an offence.

(2) No advocate shall charge or accept, otherwise than in part payment, any fee or other consideration in respect of professional business which shall be less than the remuneration prescribed, by order, under the provisions of this Ordinance.

Sharing profits.

41. Any advocate who agrees to share his profits in respect of any professional business, either contentious or non-contentious, with any person not being an advocate or other duly qualified legal practitioner (by whatever name called) shall be guilty of an offence:

Provided that the provisions of this section shall not apply to the payment of any bonus to any of his employees by an advocate, being a bonus based or calculated on the advocate's total earnings or profits in respect of any period.

Touts.

42. (1) Any unqualified person who, in consideration of any payment or other advantage to himself or any other person, procures or attempts to procure the employment of an advocate as such in any suit or matter, or solicits from an advocate any such payment or advantage in consideration of such employment, shall be deemed to be a "tout" for the purposes of this section.

(2) The Chief Justice may, if satisfied that any person has acted as a tout, by order exclude such person from the precincts of any court in Kenya and from employment by any advocate in his practice as such.

Advocate not to act as agent for unqualified person.

43. Any advocate who acts as agent in any suit, or in any matter in bankruptcy, for any unqualified person, or permits his name, or that of any firm of which he is a partner, to be made use of in any such suit or matter, upon the account or for the profit of any unqualified person, or who does any

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other act enabling an unqualified person to appear, act or practise in any respect as an advocate in any such suit or matter, or who in any way assists any unqualified person in any cause or matter in which he knows that such person is contravening or intends to contravene the provisions of this Ordinance, shall be guilty of an offence.

44. No costs in respect of anything done by an unqualified person in contravention of the provisions of this Part of this Ordinance shall be recoverable in any suit or matter by any person whomsoever.

No costs recoverable where unqualified person acts as advocate.

45. (1) No advocate shall, in connexion with his practice as an advocate, without the written permission of the Council of the Society, which may be given for such period and subject to such conditions as the Council thinks fit, employ or remunerate any person who to his knowledge is disqualified from practising as an advocate by reason of the fact that his name has been struck off the Roll, otherwise than at his own request, or is suspended from practising as an advocate.

Employment by advocate of persons struck off the Roll or suspended.

(2) An advocate aggrieved by the refusal of the Council of the Society to grant any such permission as aforesaid, or by any conditions attached by the Council to the grant thereof, may appeal to the Chief Justice who may confirm the refusal or the conditions, as the case may be, or may, in lieu of the Council, grant such permission for such period and subject to such conditions as he thinks fit.

(3) If any advocate acts in contravention of the provisions of this section or of the conditions subject to which any permission has been given thereunder he shall be liable to proceedings under section 62 of this Ordinance.

46. (1) Any person who, whilst he is disqualified from practising as an advocate by reason of the fact that he has been struck off the Roll, otherwise than at his own request, or is suspended from practising as an advocate, seeks or accepts employment by an advocate in connexion with that advocate's practice without previously informing him that he is so disqualified as aforesaid, shall be guilty of an offence and shall be liable to a fine not exceeding five hundred shillings.

Penalty for failure to disclose fact of having been struck off, etc.

(2) Proceedings under this section may be commenced at any time before the expiration of six months after the first discovery of the offence by the prosecutor, but no such proceedings shall be commenced except by, or with the consent of, the Attorney-General.

Offences by
bodies corporate.

47. (1) If any act is done by a body corporate or by any director, officer or servant thereof, of such a nature or in such a manner as to be calculated to imply that the body corporate is qualified, or recognized by law as qualified, to act as an advocate, the body corporate shall be guilty of an offence and shall be liable to a fine not exceeding five hundred shillings for each such offence, and, in the case of an act done by any director, officer or servant of the corporation, he shall, without prejudice to the liability of the corporation, be guilty of an offence and shall be liable to a fine not exceeding five hundred shillings for each such offence.

(2) In this Part of this Ordinance references to unqualified persons and to persons include references to bodies corporate.

PART IX—REMUNERATION OF ADVOCATES

Chief Justice
may make orders
prescribing
remuneration.

48. (1) The Council of the Society may make recommendations to the Chief Justice on all matters relating to the remuneration of advocates and the Chief Justice, having considered the same, may, by order, prescribe and regulate in such manner as he thinks fit the remuneration of advocates in respect of all professional business, whether contentious or non-contentious.

(2) An order made under this section in respect of non-contentious business may, as regards the mode of remuneration, prescribe that it shall be according to a scale of rates of commission or percentage, varying or not in different classes of business, or by a gross sum, or by a fixed sum for each document prepared or perused, without regard to length, or in any other mode, or partly in one mode and partly in another, and may regulate the amount of remuneration with reference to all or any of the following, among other, considerations, that is to say—

- (a) the position of the party for whom the advocate is concerned in the business, that is, whether as vendor or purchaser, lessor, or lessee, mortgagor or mortgagee, and the like;
- (b) the place where, and the circumstances in which, the business or any part thereof is transacted;
- (c) the amount of the capital money or rent to which the business relates;

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- (d) the skill, labour and responsibility involved therein on the part of the advocate;
 - (e) the number and importance of the documents prepared or perused, without regard to length.
- (3) An order made under this section may authorize and regulate—
- (a) the taking by an advocate from his client of security for payment of any remuneration, to be ascertained by taxation or otherwise, which may become due to him under any such order; and
 - (b) the allowance of interest.
- (4) So long as an order made under this section in respect of non-contentious business is in operation, taxation of bills of costs of advocates in respect of non-contentious business shall, subject to the provisions of section 49 of this Ordinance, be regulated by that order.

49. (1) Subject to the provisions of section 50 of this Ordinance, and whether or not any order is in force under section 48 of this Ordinance, an advocate and his client may—

Agreements with respect to remuneration.

- (a) before, after, or in the course of, any non-contentious business, make an agreement fixing the amount of the advocate's remuneration in respect thereof;
- (b) before, after, or in the course of, any contentious business in a civil court make an agreement fixing the amount of the advocate's instruction fee in respect thereof or his fees for appearing in court or both;
- (c) before, after, or in the course of, any proceedings in a criminal court or a court martial, make an agreement fixing the amount of the advocate's fee for the conduct thereof;

and such agreement shall be valid and binding on the parties provided it is in writing and signed by the client or his agent duly authorized in that behalf.

(2) A client may, within six months after the date of any agreement made by virtue of this section, apply by chamber summons to the Court to have the agreement set aside or varied on the grounds that it is harsh and unconscionable, exorbitant or unreasonable, and every such application shall be heard before a Judge sitting with two assessors who shall

be advocates of not less than five years' standing appointed by the Registrar after consultation with the Secretary of the Society for each application; and on any such application the Court, whose decision shall be final, shall have power to order—

- (a) that the agreement be upheld; or
- (b) that the agreement be varied by substituting for the amount of the remuneration fixed by the agreement such amount as the Court may deem just; or
- (c) that the agreement be set aside; or
- (d) that the costs in question be taxed by the Registrar; and
- (e) that the costs of the application be paid by such party as it thinks fit.

(3) An agreement made by virtue of this section, if made in respect of contentious business, shall not affect the amount of, or any rights or remedies for the recovery of, any costs payable by the client to, or to the client by, any person other than the advocate, and that person may, unless he has otherwise agreed, require any such costs to be taxed according to the rules for the time being in force for the taxation thereof:

Provided that any such agreement shall be produced on demand to a taxing officer and the client shall not be entitled to recover from any other person under any order for the payment of any costs to which the agreement relates, more than the amount payable by him to his advocate in respect thereof under the agreement.

(4) Where any agreement made by virtue of this section is made by the client as the guardian or committee of, or trustee under a deed or will for, any person whose property will be chargeable with the whole or any part of the amount payable under the agreement, the advocate shall, before payment thereunder is accepted or demanded and in any event within six months after its date, apply by chamber summons to the Court for approval of such agreement, and every such application shall be dealt with in accordance with the provisions of subsection (2) of this section.

(5) If, after an advocate has performed part only of the business to which any agreement made by virtue of this section relates, such advocate dies or becomes incapable of acting, or the client changes his advocate as, notwithstanding

the agreement, he shall be entitled to do, any party, or the legal personal representative of any party, to such agreement may apply by chamber summons to the Court to have the agreement set aside or varied and every such application shall be dealt with in accordance with the provisions of subsection (2) of this section:

Provided that in the case of a client changing his advocate, the Court shall have regard to the circumstances in which the change has taken place and, unless of opinion that there has been default, negligence, improper delay or other conduct on the part of the advocate affording to the client reasonable ground for changing his advocate, shall allow the advocate the full amount of the remuneration agreed to be paid to him.

(6) Subject to the provisions of this section, the costs of an advocate in any case where an agreement has been made by virtue of this section shall not be subject to taxation nor to the provisions of section 52 of this Ordinance.

- 50.** Nothing in this Ordinance shall give validity to— Invalid agreements.
- (a) any purchase by an advocate of the interest, or any part of the interest, of his client in any suit or other contentious proceeding; or
 - (b) any agreement relieving any advocate from responsibility for professional negligence or any other responsibility to which he would otherwise be subject as an advocate;
 - (c) any agreement by which an advocate retained or employed to prosecute or defend any suit or other contentious proceeding stipulates for payment only in the event of success in such suit or proceeding or that the advocate shall be remunerated at different rates according to the success or failure thereof;
 - (d) any agreement by which an advocate agrees to accept, in respect of professional business, any fee or other consideration which shall be less than the remuneration prescribed by any order under section 48 of this Ordinance in respect of that business;
 - (e) any disposition, contract, settlement, conveyance, delivery, dealing or transfer which is, under the law relating to bankruptcy, invalid against a trustee or creditor in any bankruptcy or composition.

Power of Court
to order advocate
to deliver his bill
and to deliver
■p deed.

51. (1) The jurisdiction of the Court to make orders for the delivery by an advocate of a bill of costs and for the delivery up of, or otherwise in relation to, any deeds, documents or papers in his possession, custody or power, is hereby declared to extend to cases in which no business has been done by him in the Court.

(2) In this section and in sections 52, 53 and 54 of this Ordinance, the expression "advocate" includes the executors, administrators and assignees of the advocate in question.

Action for
recovery of
■osts.

52. (1) Subject to the provisions of this Ordinance, no suit shall be brought for the recovery of any costs due to an advocate or his firm until the expiry of one month after a bill for such costs which may be in summarized form, signed by the advocate, or a partner in his firm, has been delivered or sent by registered post to the client unless there is reasonable cause, to be verified by affidavit filed with the plaint, for believing that the party chargeable therewith is about to quit Kenya or abscond from the local limits of the Court's jurisdiction, in which event action may be commenced before expiry of the said period of one month.

(2) Subject to the provisions of subsection (1) of this section, a suit may be brought for the recovery of any costs due to an advocate in any court of competent jurisdiction.

Procedure in
action where
quantum of costs
is challenged
by defence.

53. Where, in the absence of an agreement for remuneration made by virtue of section 49 of this Ordinance, a suit has been brought by an advocate for the recovery of any costs and a defence is filed disputing the reasonableness or quantum thereof—

(a) no judgment shall be entered for the plaintiff, except by consent, until such costs have been taxed and certified by the taxing officer;

(b) unless the bill of costs on which the suit is based is fully itemized, the plaintiff shall file a fully itemized bill of such costs within fourteen days from the date of service of the defence, or such further period as may be allowed by the court, and shall serve a copy thereof on the defendant and if the total amount of such bill exceeds the amount sued for, the prayer of the plaint shall, subject to the court's pecuniary jurisdiction, be deemed to be increased accordingly and all consequential amendments to the pleadings may be made;

(c) no court or filing fee shall be payable on filing a bill of costs required by this section but, if thereby the amount for which judgment is prayed in the plaint is deemed to be increased under the provisions of paragraph (b) in this section the plaintiff shall pay to the court such court or filing fee as may be appropriate to the increase;

(d) at any time after the bill of costs has been filed, and before the suit has been set down for hearing, any party to the action may take out a summons for directions as to whether such bill should be taxed by the taking officer before the suit is heard.

54. (1) Where a person other than the person who is the party chargeable with a bill of costs is liable to pay the bill either to the advocate or to the party chargeable with the bill or, where a person is interested in any property in the hands, or under the control of, a trustee, executor or administrator and out of which property the trustee, executor or administrator has paid or is liable to pay the bill, that person or his administrators, executors or assignees may apply to the Court for an order for the taxation of the bill as if he were the party chargeable therewith and the Court, having regard to the extent and nature of the interest of the person may make any order thereon which it would have been competent to make if the application had been made by that party:

Taxation on application of third parties, beneficiaries, under trust, etc.

Provided that no order for taxation of a bill shall be made under this section in any case where—

(a) the bill has previously been taxed; or

(b) the application is made more than six months after the date on which the bill was rendered to the party chargeable therewith or three months after the date on which the bill was paid, or the date when the party making the application became entitled so to do, whichever is the earliest.

(2) If an applicant under subsection (1) of this section pays or has paid any money to the advocate in respect of a bill of costs payable out of property in the hands, or under the control, of a trustee, executor or administrator, he shall have the same right to be paid that money by the trustee, executor or administrator chargeable with the bill as the advocate had.

(3) The Court may, if it orders taxation of the bill under this section, order the advocate to deliver to the applicant a copy of the bill upon payment of the costs of that copy.

General provisions as to taxation.

55. (1) Every application for an order for the taxation of an advocate's bill or for the delivery of such a bill and the delivering up of any deeds, documents and papers by an advocate shall be made in the matter of that advocate.

(2) The certificate of the taxing officer by whom any bill has been taxed shall, unless it is set aside or altered by the Court, be final as to the amount of the costs covered thereby, and the Court may make such order in relation thereto as it thinks fit, including, in a case where the retainer is not disputed, an order that judgment be entered for the sum certified to be due with costs.

Charging orders.

56. Any court in which an advocate has been employed to prosecute or defend any suit or matter may at any time declare the advocate entitled to a charge on the property recovered or preserved through his instrumentality for his taxed costs in reference to that suit or matter, and may make such orders for the taxation of the said costs and for raising money to pay or for paying, the said costs out of the said property as it thinks fit, and all conveyances and acts done to defeat, or operating to defeat, that charge shall, except in the case of a conveyance to a bona fide purchaser for value without notice, be void as against the advocate:

Provided that no order shall be made if the right to recover the costs is barred by limitation.

PART X—DISCIPLINE

Advocates to be officers of the Court.

57. Every advocate and every person otherwise entitled to act as an advocate shall be an officer of the Court and shall be subject to the jurisdiction thereof and, subject to the provisions of this Ordinance, to the jurisdiction of the Disciplinary Committee:

Provided that the persons mentioned in section 9 of this Ordinance, other than those included in paragraph (f) in that section, shall not be subject to the jurisdiction of the Disciplinary Committee.

Saving of disciplinary powers of Court.

58. Nothing in this Ordinance contained shall supersede, lessen or interfere with the powers vested in the Chief Justice or any of the Judges of the Court to deal with misconduct

or offences by an advocate, or any person entitled to act as such, committed during, or in the course of, or relating to, proceedings before the Chief Justice or any such Judge.

59. (1) There is hereby established a committee to be known as the Disciplinary Committee which shall consist of—

Establishment of
a Disciplinary
Committee.

(a) the Attorney-General and the Solicitor-General *ex officio*; and

(b) three advocates (other than the President, Vice-President or Secretary of the Society), of not less than ten years' standing, one of whom shall be an advocate who does not ordinarily practise in Nairobi, and all of whom shall be elected by the Society, shall hold office for three years and shall be eligible for re-election:

Provided that of the three advocates first elected, one shall retire at the end of one year, another shall retire at the end of two years and the third at the end of three years from the date on which they were elected, and the order of retirement shall, in default of agreement between them, be determined by lot.

(2) During the illness, or temporary absence from Kenya, of any of its elected members, the Disciplinary Committee may nominate any advocate who is qualified for election as a member of the Committee to act as a temporary member of the Committee.

(3) In the event of there being any complaint or matter pending before the Disciplinary Committee at the date of retirement of any member and such member being a member of a tribunal thereof which had, prior to such date, entered upon the hearing thereof in accordance with the provisions of section 62 of this Ordinance, such member shall, in the event of his not being re-elected be deemed to remain in office for the purpose only of such complaint or matter and shall so remain until such complaint or matter has been finally disposed of.

(4) For the purposes of subsection (3) of this section, a complaint or matter shall be deemed to be pending if under consideration by the Disciplinary Committee and a complaint or matter shall be deemed to have been finally disposed of—

(a) in the case of an application under section 61, or a complaint under section 62, of this Ordinance, upon the making of a final order; or

(b) in the case of a matter arising under section 75 of this Ordinance, when the Chief Justice shall have signified his decision thereon; or

(c) in the case of an application under section 76 of this Ordinance, upon the final conclusion of the proceedings relating thereto before the Disciplinary Committee or the Court, as the case may be; or

(d) in any other case, upon the final determination thereof by the Disciplinary Committee.

(5) In subsection (4) of this section, "final order" has the same meaning as in section 71 of this Ordinance.

Proceedings of
Disciplinary
Committee.

60. (1) The Disciplinary Committee may, subject to the provisions of subsection (2) of this section, act as a tribunal of either three or five members, and may require the President or Vice-President of the Society, or both, to sit as an additional member or members of the Disciplinary Committee to constitute the tribunal for the purposes of any complaint or matter where, on the grounds of availability or convenience, a tribunal would not otherwise be available.

(2) The Attorney-General shall be chairman of the Disciplinary Committee and shall preside at all meetings at which he is present and in the absence of the Attorney-General from any meeting the Solicitor-General shall be chairman of that meeting:

Provided that no tribunal of the Disciplinary Committee shall be competent to sit if both the Attorney-General and the Solicitor-General shall be absent.

(3) The Secretary of the Society shall be the Secretary to the Disciplinary Committee, and his remuneration, if any, shall be paid by the Society:

Provided that the Disciplinary Committee may, in the case of absence or inability to act of the Secretary, appoint any person entitled to act as an advocate to act as Secretary to the Disciplinary Committee during the period of such absence or inability to act, and in such case the remuneration, if any, of the person so appointed shall be paid by the Society.

(4) For the purposes of any application or complaint made to it under this Part of this Ordinance, the Disciplinary Committee may administer oaths or affirmations and the complainant and the advocate to whom a complaint relates, and an applicant making any application to the Committee,

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may take out a summons to give evidence or to produce documents, but no person shall be compellable under any such summons to produce any document which he could not legally be compelled to produce at the trial of a suit.

(5) Any person appearing as a party before the Disciplinary Committee may be represented by an advocate.

(6) All proceedings before the Disciplinary Committee shall be deemed, for the purposes of Chapter XI of the Penal Code, to be judicial proceedings and, for the purposes of the Evidence (Bankers Books) Ordinance, to be legal proceedings. Cap. 24.
Cap. 13.

(7) The Disciplinary Committee may make rules for regulating the making to the Committee, and the hearing and determination by a board of inquiry and by the Committee, of applications or complaints under this Part of this Ordinance.

61. (1) An advocate may make an application to the Disciplinary Committee to procure his name to be removed from the Roll. Application for removal of name from the Roll.

(2) On the hearing of an application under subsection (1) of this section the Disciplinary Committee may make an Order that the name of such advocate be removed from the Roll and may make such other order in relation to the case as it may think fit.

62. (1) A complaint against an advocate of professional misconduct, which expression shall include disgraceful or dishonourable conduct incompatible with the status of an advocate, may be made to the Disciplinary Committee by any person. Complaints against advocates.

(2) Upon receipt of a complaint, the Secretary to the Disciplinary Committee shall refer the same to a board of inquiry to be appointed by the Council of the Society and comprising three advocates (other than the President, Vice-President or Secretary of the Society or any member of the Disciplinary Committee), of not less than five years' standing, or Queen's Counsel, who shall hold office on such terms as the Council may from time to time determine and the board of inquiry, after considering the complaint and making such inquiries with respect thereto as it may think fit, shall—

(a) if of the opinion that the complaint does not warrant reference to the Disciplinary Committee, reject the complaint and so inform the complainant; or

- (b) if of the opinion that the complaint does warrant reference to the Disciplinary Committee, cause the same to be referred to the Committee, in the form of an affidavit by the chairman of the board or by the complainant with a statement setting out the allegations of professional misconduct which appear to arise on the complaint; and,
- (c) report to the Council the nature of the complaint, the action taken under paragraph (a) or paragraph (b) of this subsection and whether, if the complaint has been referred to the Disciplinary Committee, it is considered by the board of inquiry that the presentation of the complaint to the Committee should be undertaken by the Council.
- (3) For the purposes of enabling a board of inquiry to carry out the duties imposed upon it by the provisions of this section, such board shall have power to interview and correspond with such persons, including the advocate to whom the complaint relates, as it shall think fit.
- (4) If a board of inquiry rejects a complaint, the complainant may refer the same, in the form of an affidavit by himself setting out the allegations of professional misconduct which appear to arise on the complaint, to the Disciplinary Committee, accompanied by such fee as may be prescribed by rules made under subsection (7) of section 60 of this Ordinance; and every such fee shall be paid to the Society and may be applied by the Society to all or any of the objects of the Society.
- (5) Where a complaint is referred to the Disciplinary Committee, it shall give the advocate against whom the complaint is made an opportunity to appear before it, and shall furnish him with a copy of the complaint, and of any affidavit made in support thereof, and shall give him an opportunity of inspecting any other relevant document not less than seven days before the date fixed for the hearing:
- Provided that where, in the opinion of the Committee, the complaint does not disclose any *prima facie* case of professional misconduct, the Committee may, at any stage of the proceedings, dismiss such complaint without requiring the advocate to whom the complaint relates to answer any allegations made against him and without hearing the complainant.

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(6) After hearing the complaint and the advocate to whom the same relates, if he wishes to be heard, and considering the evidence adduced, the Disciplinary Committee may order that the complaint be dismissed or, if of the opinion that a case of professional misconduct on the part of the advocate has been made out, the Committee may order—

- (a) that such advocate be admonished; or
- (b) that such advocate be suspended from practice for a specified period not exceeding two years; or
- (c) that the name of such advocate be struck off the Roll; or
- (d) that such advocate do pay a fine not exceeding ten thousand shillings,

or such combination of the above orders as the Committee shall think fit.

(7) The Disciplinary Committee may make any such order as to payment by any party of any costs or witness expenses and of the expenses of the Committee or the members thereof in connexion with the hearing of any complaint as it may think fit, and any such order may be registered with the Court and shall thereupon be enforceable in the same manner as an order of the Court to the like effect.

(8) The Disciplinary Committee may issue a warrant for the levy of the amount of any fine ordered by virtue of this section on the immovable and movable property of the advocate by distress and sale under warrant, and such warrant shall be enforced as if it were a warrant issued by a Court.

63. (1) On the termination of the hearing of a complaint, if the Disciplinary Committee does not dismiss the same, the Committee shall embody its findings and the order or orders made by it in the form of a report to the Court which shall be delivered to the Registrar, together with the record of evidence taken and any documents put in evidence.

(2) The Registrar shall give to the complainant, to the Council and to the advocate to whom the complaint relates, notice of delivery of the report, which shall be open to inspection by the complainant, the said advocate and their respective advocates, if any, and by the Council but shall not be open to public inspection.

Reports by
Disciplinary
Committee and
action thereon.

No. 34

Appeal against
order of
Disciplinary
Committee.

64. (1) Any advocate aggrieved by any order of the Committee made under section 62 of this Ordinance may, within fourteen days after the receipt by him of the notice to be given to him pursuant to the provisions of subsection (2) of section 63 of this Ordinance, appeal against such order to the Court by giving notice of appeal to the Registrar, and shall file with the Registrar a memorandum setting out his grounds of appeal within thirty days after the giving by him of such notice of appeal.

(2) The Court shall set down for hearing any appeal filed under subsection (1) of this section and shall give to the Council of the Society and to the advocate not less than twenty-one days' notice of the date of hearing.

Registrar to
furnish copy of
report and
record.

65. When notifying the Council of the Society and the advocate to whom a complaint relates of the date fixed for the hearing of the appeal, the Registrar shall also forward to the Council and the advocate a copy of the report, the record of the evidence, a list of any documents put in evidence and the memorandum of appeal.

Representation
before the Court.

66. The advocate to whom a complaint relates may be represented by an advocate before the Court and the Society shall have the right to appear, by advocate, for the purpose of presenting to the Court the findings of the Disciplinary Committee as contained in the report of the Committee.

Powers of
Court.

67. The Court, after considering the evidence taken by the Disciplinary Committee, the report of the Committee and the memorandum of appeal, and having heard the Society's representative, if any, and the advocate to whom the complaint relates, or his advocate, and after taking any further evidence, if he thinks fit so to do, may—

- (a) refer the report back to the Disciplinary Committee with directions for its finding on any specified point;
- (b) confirm, set aside or vary any order made by the Disciplinary Committee or substitute therefor such order as it may think fit,

and may also make such order as to the payment by any person of costs, or otherwise in relation to the appeal, as it may think fit.

Powers of Court
under section 67
to be exercised
by two Judges.

68. (1) The powers conferred upon the Court by section 67 of this Ordinance shall be exercised by not less than two of the Judges of the Court.

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Advocates

(2) If such powers are exercised by two Judges and the opinion of the Court is equally divided, the matter shall be reheard by three Judges.

(3) If such powers are exercised by three Judges and they do not agree in their opinion the decision of the majority shall be taken to be the decision of the Court.

69. Where an order has been made by the Court under the provisions of section 67 of this Ordinance, the Registrar shall, within one week from the date of the making thereof, cause the order to be drawn up.

Registrar to draw up orders.

70. Any advocate aggrieved by a decision or order of the Court made under section 67 of this Ordinance, may appeal therefrom to the Court of Appeal for Eastern Africa in the manner and within the time prescribed by the rules made from time to time by that Court relating to second appeals in civil matters.

Right of appeal to Court of Appeal.

71. (1) The Registrar shall cause a note of the effect of a final order to be entered in the Roll against the name of the advocate concerned and where the order so directs, shall remove or strike off his name from the Roll.

Orders to be noted on the Roll.

(2) (a) The Registrar shall send to the Secretary of the Society and to the Registrar of the Supreme Court or of the High Court, as the case may be, of each East African Territory, a certified copy of every final order made under this Part of this Ordinance removing or striking off the name of an advocate from the Roll or suspending an advocate from practice.

(b) For the purposes of this subsection the expression "East African Territory" shall have the meaning assigned to it by section 72 of this Ordinance.

(3) Where an advocate is a member of an Inn of Court, Law Society or other professional body outside Kenya, or is subject to the jurisdiction for the purposes of discipline of a professional body outside Kenya, the Registrar shall also send to such professional body a certified copy of every final order made under this part of this Ordinance suspending or striking off the name of that advocate from the Roll.

(4) In this section "final order" means—
(a) an order made by the Disciplinary Committee under section 61 of this Ordinance;

- (b) an order made by the Disciplinary Committee under section 62 of this Ordinance, if no appeal has been preferred against such order;
- (c) an order made on appeal against an order made under section 62 of this Ordinance, when the time limited for appealing further from the order made on such appeal has expired.

Reciprocal enforcement of suspensions and striking off in East African Territories.

72. (1) If any advocate, who is also an advocate or legal practitioner by whatsoever name or style designated, of, or is entitled to practise as such in, any East African Territory, is suspended from practice or struck off the Roll or list of advocates or legal practitioners, otherwise than at his own request, in such territory by order of a competent Court or other competent authority in such territory, he shall be deemed to have been suspended from practice as an advocate in the Colony for the period for which his suspension from practice in such territory remains effective or to have been struck off the Roll, as the case may be, and the Registrar shall cause a note of such suspension (specifying the period thereof) to be entered against the name of the advocate on the Roll or shall strike off the Roll the name of such advocate, as the case may require:

Provided that if, in any such case, the name of the advocate is restored to the aforesaid Roll or list of advocates or legal practitioners in such territory, or if he otherwise becomes entitled again to practise as aforesaid in such territory, his name shall, on request, be replaced on the Roll by the Registrar.

(2) In this section the expression "East African Territory" means any territory being a territory from the Supreme Court or the High Court of which an appeal lies to the Court of Appeal for Eastern Africa and in respect of which the Minister declares, by order in the Gazette, that he is satisfied that reciprocal effect will be given under the law thereof to orders made by the Disciplinary Committee under this Ordinance for the suspension of advocates from practice or for striking the names of advocates off the Roll.

73. (1) The Registrar shall inform the Secretary of the Society of the making of any entry in respect of any advocate on the Roll and of the removal from, or the striking off, the Roll of the name of any advocate in accordance with the provisions of this Part of this Ordinance.

Law Society to be informed of result of disciplinary proceedings; and publicity for suspension and striking off.

(2) (a) The Registrar shall cause to be published in the Gazette a notice that a final order has been made in respect of any advocate whereby he has been suspended from practice or whereby his name has been struck off the Roll.

(b) In this subsection "final order" has the same meaning as in section 71 of this Ordinance.

74. Subject as hereinafter provided, no advocate shall be liable to have his name struck off the Roll on account of any defect in his admission and enrolment, unless the application to strike his name off the Roll is made within twelve months after the date of his enrolment:

Limitation of time for certain applications to strike names off the Roll.

Provided that this section shall not apply to any case where fraud is proved to have been committed in connexion with the admission or enrolment.

75. The Chief Justice may, if he thinks fit, after considering a recommendation of the Council of the Society and after receiving a report from the Disciplinary Committee, at any time order the Registrar to replace on the Roll the name of any advocate whose name has been removed from or struck off the Roll, and upon payment to the Registrar of the prescribed fee the Registrar shall replace that name accordingly.

Restoration to the Roll.

76. (1) An application may be made by or on behalf of the Council of the Society to the Disciplinary Committee for an order directing that, as from a date to be specified in such order, no advocate shall, in connexion with his practice as an advocate, without the written permission of the Council, which may be given for such period and subject to such conditions as the Council may think fit, take into or retain in his employment or remunerate any person, who, being or having been a clerk to an advocate—

Disciplinary powers as to clerks.

(a) has been convicted of any offence mentioned in Chapters XI, XXVI, XXXII or XXXV in, or against sections 281, 282, 283, 286, 294, 295, 296, 309, 312, 313, 315 or 396 of, the Penal Code, or of any offence mentioned in the Prevention of Corruption Ordinance, 1956;

Cap. 24 (Rev. Edn. 1961).
33 of 1956.

(b) has been convicted of any offence involving fraud or deceit;

(c) has been party to any act or default of an advocate in respect of which a complaint has been or might be made against such advocate to the Disciplinary Committee;

(d) has so conducted himself whilst employed as a clerk to an advocate that, had he himself been an advocate, such conduct might have formed the subject of a complaint against him to the Disciplinary Committee; or

(e) has acted in the manner referred to in subsection (1) of section 42 of this Ordinance, whether or not the Chief Justice has made an order in respect of such person under subsection (2) of that section.

(2) The provisions of section 60 and of subsections (4), (5) and (6) of section 62 of this Ordinance shall, *mutatis mutandis*, apply to the hearing of an application under this section.

(3) Every order made by the Disciplinary Committee under this section shall be filed, on a file to be kept for that purpose, by the Secretary to the Disciplinary Committee who shall cause a certified copy of such order to be delivered to the person to whom it relates or shall forward the same by registered post to his last known address.

(4) The file mentioned in subsection (3) of this section may be inspected by any advocate during office hours without payment, but it shall not be inspected by any other person.

Clerk's right
of appeal.

77. (1) Any person against whom an order has been made by the Disciplinary Committee under section 76 of this Ordinance may, within fourteen days of the date of such order, appeal against such order to the Court, by giving notice of appeal to the Registrar, and shall file with the Registrar a memorandum setting out his grounds of appeal within thirty days after the giving by him of such notice of appeal.

(2) The Court shall set down for hearing any appeal filed under subsection (1) of this section and shall give to the Council of the Society and to the appellant not less than twenty-one days' notice of the date of hearing.

(3) The provisions of sections 66, 67 and 69 of this Ordinance shall, *mutatis mutandis*, apply to the hearing of an appeal under this section.

(4) The decision of the Court shall be final.

78. (1) Any person against whom an order made under section 76 of this Ordinance is in force who seeks or accepts employment by or remuneration from an advocate in connexion with his practice as an advocate without previously informing him of the order, shall be guilty of an offence against this Ordinance.

Offences and penalties with respect to employment of clerks against whom an order is in force.

(2) Any advocate who knowingly acts in contravention of an order made under section 76 of this Ordinance, or in contravention of any condition subject to which the permission of the Council of the Society may have been given under subsection (1) of that section, shall be guilty of an offence against this Ordinance.

79. Every report and every order made by the Disciplinary Committee under the provisions of this Part of this Ordinance shall be signed by the chairman of the Committee, and any document purporting to be a report or an order so signed shall be received in evidence in any judicial proceedings or in any proceedings under this Ordinance and shall be deemed to be such a report or an order without further proof of its contents unless the contrary is shown.

Order of Committee to be received in evidence.

80. Subject to the provisions of section 79 of this Ordinance, all rules, certificates, notices and other documents made or issued by the Disciplinary Committee for any purpose whatsoever may be signed on behalf of the Committee by the Secretary to the Committee or by such member or other person as the Committee may for that purpose appoint.

Authentication of rules and other documents.

81. Any person who, without good and lawful excuse, contravenes or fails to comply with any order, notice or direction of the Disciplinary Committee shall be guilty of an offence and shall be liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months or to both and, in the case of an advocate, shall, alternatively or in addition, be liable to proceedings under section 62 of this Ordinance.

Penalties for failure to comply with orders of Committee.

82. No member of the Disciplinary Committee, nor any person who is or was at any material time a member, or the Secretary, thereof, shall be liable to be sued in any civil court for or in respect of any act or thing done or omitted to be done, or ordered to be done or omitted, by him, in good faith, in the exercise, discharge or performance, or intended

Immunity for members of Committee.

or purported exercise, discharge or performance, of any of the powers, jurisdiction, duties or functions conferred upon him under or by virtue of this Ordinance.

PART XI—MISCELLANEOUS PROVISIONS

Power to
make rules.

83. (1) The Council of the Society, with the approval of the Chief Justice, may make rules with regard to—

(a) the professional practice, conduct and discipline of advocates;

(b) the keeping of accounts by advocates;

(c) the annual submission to the Council by every advocate, unless exempted by the Council, of a certificate by an accountant, holding one or more of the qualifications set out in the Schedule to the Accountants (Designations) Ordinance, 1950, or by some other person or class of persons specified by the Council, that he has examined the books, accounts and documents of the advocate to such extent as may be prescribed and stating—

(i) whether or not he is satisfied that, during the period covered by his certificate, the advocate has complied with the rules for the time being in force regulating the keeping of accounts by advocates, and

(ii) if he is not so satisfied, the matters in respect of which he is not satisfied;

(d) the issue of practising certificates, the fee payable thereon, and the duties of the Registrar with respect to the issuing of such certificates;

(e) generally for the better carrying out of the provisions of this Ordinance, other than Parts III, IV, IX and X thereof.

(2) If an advocate fails to comply with any rules made under this section, any person may make a complaint in respect of that failure to the Disciplinary Committee.

66 of 1950.

Relief to banks.

84. (1) Subject to the provisions of this section, no bank shall, in connexion with any transaction on any account of any advocate kept with it or with any other bank (other than an account kept by an advocate as trustee for a specified beneficiary), incur any liability or be under any obligation to make an inquiry, or be deemed to have any knowledge of any

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right of any person to any money paid or credited to any such account, which it would not incur or be under or be deemed to have in the case of an account kept by a person entitled absolutely to all the money paid or credited to it:

Provided that nothing in this subsection shall relieve a bank from any liability or obligation to which it would be subject apart from this Ordinance.

(2) Notwithstanding anything in subsection (1) of this section a bank at which an advocate keeps an account for client's money, shall not, in respect of any liability of the advocate to the bank, not being a liability in connexion with that account, have or obtain any recourse or right, whether by way of set-off, counter-claim, charge or otherwise, against moneys standing to the credit of that account.

85. Nothing in this Ordinance or any rules made thereunder shall affect the provisions of any other written law empowering any unqualified persons to conduct, defend or otherwise act in relation to any legal proceedings. Saving of other laws.

86. All admission fees received by the Registrar under subsection (2) of section 10 and under subsection (5) of section 19 of this Ordinance, and all fees for practising certificates and all annual subscriptions to the Society received by the Registrar under subsection (1) of section 27 of this Ordinance, and all fees received by the Registrar in respect of replacing an advocate's name on the Roll under section 75 of this Ordinance, shall be paid by the Registrar to the Society and may be applied by the Society to all or any of the objects of the Society. Payment of certain fees to the Society.

87. (1) Any person who is guilty of an offence against this Ordinance for which no penalty is otherwise provided, shall be liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding three months or to both. Penalties for contravention of Ordinance.

(2) Any advocate who is guilty of an offence against this Ordinance shall be liable, whether or not he has been charged with, convicted or acquitted of such offence, to proceedings under section 62 of this Ordinance.

Amendment of
Ordinance
10 of 1949.

88. The Law Society of Kenya Ordinance, 1949, shall be amended in the manner specified in the Second Schedule to this Ordinance.

Repeal of
Ordinance
55 of 1959; and
savings.

89. (1) The Advocates Ordinance, 1949, is hereby repealed.

38 of 1956.

(2) Without prejudice to the generality of the application of subsection (3) of section 23 of the Interpretation and General Provisions Ordinance, 1956, the transitional provisions set out in the Third Schedule to this Ordinance shall have effect on the repeal of the Advocates Ordinance, 1949.

FIRST SCHEDULE

(s. 3 (2))

PROCEEDINGS OF THE COUNCIL OF LEGAL EDUCATION

1. The chairman shall preside at every meeting of the Council of Legal Education at which he is present, and in the absence of the chairman at a meeting the members present shall elect one of their number who shall, with respect to that meeting and any business transacted thereat, have all the powers of the chairman.
2. The quorum of the Council of Legal Education shall be four.
3. At any meeting of the Council of Legal Education the chairman shall have a casting as well as a deliberative vote; subject thereto, the decision of the majority of the members present and voting at any meeting of the Council shall be deemed to be the decision of the Council.
4. Subject to the provisions of paragraph 2 of this Schedule, no proceedings of the Council of Legal Education shall be invalid by reason only of a vacancy among the members thereof.
5. The chairman of the Council of Legal Education may at any time of his own motion convene a meeting of the Council and shall in any case convene a meeting within fourteen days of the receipt by him of a written request in that behalf signed by at least three members.
6. All instruments made by, and all decisions of, the Council of Legal Education shall be signified under the hand of the chairman or of the secretary.
7. Save as is provided by this Schedule, the Council of Legal Education may regulate its own proceedings.

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SECOND SCHEDULE

(s. 88)

AMENDMENT OF THE LAW SOCIETY OF KENYA ORDINANCE, 1949

Section

Amendment

- 2 .. In the definition of "advocate" there shall be substituted for the expression "the Advocates Ordinance, 1949" the expression "the Advocates Ordinance, 1961".
- 6 .. There shall be substituted for paragraph (a) a new paragraph as follows—
 (a) all advocates who are members of the Society by reason of the provisions of section 28 of the Advocates Ordinance, 1961;.
- 7 .. There shall be substituted for section 7 a new section as follows—
 Official and special membership. 7. Any of the following persons who applies for membership of the Society in the prescribed manner may be admitted as a member of the Society by the Council, that is to say—
 (a) any person mentioned in section 9 of the Advocates Ordinance, 1961;
 (b) such other legally qualified persons, for the time being resident in Kenya:
 Provided that no such person who has been duly expelled from membership of the Society shall thereafter be admitted as a member thereof under this section without the authority of a resolution of the Society in general meeting.
- 9 .. There shall be substituted for section 9 a new section as follows—
 Annual subscription. 9. Subject to the provisions of sections 27 and 28 of the Advocates Ordinance, 1961, members of the Society shall pay into the funds of the Society such annual subscription as may from time to time be prescribed:
 Provided that no honorary member shall be liable to pay any such subscription.
- 10A .. There shall be substituted for the expression "section 22 of the Advocates Ordinance, 1949", the expression "section 28 of the Advocates Ordinance, 1961".
- 10B .. There shall be substituted for the expression "section 22 of the Advocates Ordinance, 1949", the expression "section 28 of the Advocates Ordinance, 1961".

THIRD SCHEDULE

(s. 89)

TRANSITIONAL PROVISIONS

1. The three advocates who, immediately before the commencement of this Ordinance, were members of the Council of Legal Education then existing shall be deemed to be the three advocates appointed by the Society for the purposes of section 3 of this

Ordinance; but the said three advocates shall all retire immediately before the first general meeting of the Society to be convened within six weeks after the 31st day of December next following the commencement of this Ordinance in accordance with the provisions of section 17 of the Law Society of Kenya Ordinance, 1949.

10 of 1949.

55 of 1949.

2. The Roll of all advocates kept by the Registrar in accordance with the provisions of section 5 of the Advocates Ordinance, 1949 (hereinafter referred to as "the repealed Ordinance") shall become and shall be the Roll of Advocates for the purposes of this Ordinance:

Provided that the Registrar shall delete from the Roll the name of any advocate whose name he enters upon the Roll of Advocates having the rank of Queen's Counsel in accordance with the provisions of paragraph (a) in section 22 of this Ordinance.

3. Any practising certificate issued by the Registrar in accordance with the provisions of Part IV of the repealed Ordinance and in force at the commencement of this Ordinance shall be deemed to have been issued in accordance with the provisions of Part VII of this Ordinance.

4. The Advocates Committee established by section 4 of the repealed Ordinance shall become and shall be the Disciplinary Committee for the purposes of this Ordinance and any complaint or matter pending before the Advocates Committee at the commencement of this Ordinance shall continue before the Disciplinary Committee or shall be referred to a board of inquiry in accordance with the provisions of subsections (2) and (3) of section 62 of this Ordinance, as the case may require.

5. The three advocates nominated by the Society to be unofficial members of the Advocates Committee in accordance with the provisions of section 4 of the repealed Ordinance and holding office at the commencement of this Ordinance shall be deemed to be the three advocates elected by the Society for the purposes of subsection (1) of section 59 of this Ordinance; but the said three advocates shall all retire immediately before the first general meeting of the Society to be convened within six weeks after the 31st day of December next following the commencement of this Ordinance in accordance with the provisions of section 17 of the Law Society of Kenya Ordinance, 1949, subject to the provisions of subsection (5) of the said section 59.

THE AFRICANS' WILLS ORDINANCE, 1961

No. 35 of 1961

Date of assent: 23rd December, 1961

Date of commencement: 26th December, 1961

AN ORDINANCE TO MAKE PROVISION FOR THE MAKING OF WILLS BY AFRICANS AND FOR MATTERS CONNECTED THEREWITH

ENACTED by the Legislature of the Colony and Protectorate of Kenya as follows:—

1. This Ordinance may be cited as the Africans' Wills Ordinance, 1961, and shall be construed as one with the Indian Succession Act, 1865, with the modifications specified in the First Schedule to this Ordinance.

Short title and construction.
Act X of 1865

2. (1) In this Ordinance, and for the purposes of subsection (1) of section 9 of the Indian Acts (Amendments) Ordinance in relation to the Indian Succession Act, 1865, and the Probate and Administration Act, 1881, "African" shall have the meaning defined in section 5 of the Interpretation and General Provisions Ordinance, 1956, but shall not include any person who, after his death, on the motion of any other person, is proved to the satisfaction of the Court—

Interpretation.
Cap. 2.
Act X of 1865
Act V of 1881
38 of 1956

(a) to have been partly of non-African descent; and

(b) not to have lived among the members of any African tribe or community in accordance with their customary mode of life.

(2) Where, in any matter arising under or by virtue of this Ordinance, there is any reasonable doubt as to whether a deceased person was an African, the burden of proving that he was not an African shall be upon the person alleging that he was not an African.

3. The provisions of the Indian Succession Act, 1865, specified in the Second Schedule to this Ordinance, shall apply to all wills and codicils made by any African on or after 1st January, 1962.

Certain provisions of Act X of 1865 to apply to Africans.

4. Nothing in this Ordinance shall—

Savings.

(a) authorize a testator to bequeath property which he could not have alienated *inter vivos*;

(b) vest in the executor or administrator with the will annexed of a deceased person any property which such person could not have alienated *inter vivos*;

(c) deprive any person of any right of maintenance to which such person would otherwise have been entitled;

- (d) affect any law of adoption or of intestate succession, or the administration of intestate estates;
- (e) validate any testamentary disposition which would otherwise have been invalid, or invalidate any such disposition which would otherwise have been valid.

Amendment of
Ordinance 27
of 1959.

5. The Land Registration (Special Areas) Ordinance, 1959, is amended in accordance with the provisions of the Third Schedule to this Ordinance.

FIRST SCHEDULE (s. 1)
MODIFICATIONS

Section of Act	Modification
191	There shall be substituted for the word "intestate" the word "deceased".
195	There shall be added the words "or to an universal or a residuary legatee".

SECOND SCHEDULE (s. 3)
PROVISIONS APPLIED

Sections 46, 48, 49, 50, 51, 54 to 77 (both inclusive), 82, 83, 84, 85, 87 to 189 (both inclusive), 191 to 199 (both inclusive), 222, 223 and 333.

So much of Parts XXX and XXXI as relates to grants of probate and letters of administration with the will annexed.

Part XXXII so far as it relates to an estate of a deceased who has made a testamentary disposition which is capable of taking effect.

Parts XXXIII to XL (both inclusive) so far as they relate to an executor and an administrator with the will annexed.

THIRD SCHEDULE (s. 6)

THE LAND REGISTRATION (SPECIAL AREAS) ORDINANCE, 1959

There shall be substituted for subsection (1) of section 79 a new subsection as follows:—

(1) If no application for probate or for letters of administration in respect of any land or charge of a deceased proprietor is made within thirty days of the Registrar being informed of the death of the proprietor, or if such application having been made is not granted, or so far as any grant of probate or of letters of administration does not extend, the Registrar, after satisfying himself of the death of the proprietor, shall apply to the African court for the determination of the heirs, and the African court shall prepare a certificate showing every person entitled by or under native law and custom to any share in any land or charge of the deceased proprietor and specifying the nature and the extent of such share.

There shall be inserted, immediately after section 79, a new section as follows—

79A. Upon production of any grant of probate or of letters of administration applying to any land or charge, the Registrar shall register the personal representatives therein named as proprietors of such land or charge.

Registration after grant of probate or letters of administration.

THE LEGISLATIVE COUNCIL (POWERS AND PRIVILEGES) (AMENDMENT) ORDINANCE, 1961

No. 36 of 1961

*Reserved for the Signification of Her Majesty's Pleasure:
11th November, 1961*

*Her Majesty's Assent Signified by Proclamation dated
23rd December, 1961*

Date of commencement: 26th December, 1961

L.N. 724/61.

AN ORDINANCE TO AMEND THE LEGISLATIVE COUNCIL (POWERS AND PRIVILEGES) ORDINANCE, 1952.

ENACTED by the Legislature of the Colony and Protectorate of Kenya, as follows:—

1. This Ordinance may be cited as the Legislative Council (Powers and Privileges) (Amendment) Ordinance, 1961. Short title.

2. The long title of the Legislative Council (Powers and Privileges) Ordinance, 1952, hereinafter referred to as the principal Ordinance, is amended by deleting therefrom the words "TO REGULATE ADMITTANCE TO", and by substituting therefor the words "TO MAKE PROVISION FOR REGULATING ADMITTANCE TO AND CONDUCT WITHIN". Amendment of long title of Ordinance 25 of 1952.

3. Section 2 of the principal Ordinance is amended— Amendment of section 2 of the principal Ordinance.
(a) by substituting for the definition of "Clerk" the following definition—

"Clerk" means the person appointed by the Governor to be Clerk of the Legislative Council;

(b) in the definition of "officer of the Council", by inserting immediately after the word "Clerk" the words "the Sergeant-at-Arms";

(c) by substituting for the definition of "precincts of the Council" a new definition as follows—

"precincts of the Council" means every part of the buildings in which are situated the chamber and offices of the Legislative Council and the galleries and places provided for the use or accommodation of members, strangers, members of the

public and representatives of the press, and includes any forecourt, yard, garden, enclosure or open space appurtenant thereto and used or provided for the purposes of the Council:

Provided that the Speaker may, by order published in the Gazette, exclude from the foregoing definition any part of the buildings, forecourt, yard, garden, enclosures or open space aforesaid, either generally or for specific purposes, and either temporarily or permanently;

- (d) by inserting, immediately after the definition of "precincts of the Council", a new definition as follows—

"Sergeant-at-Arms" means the person appointed by the Governor to be Sergeant-at-Arms of the Legislative Council;

- (e) by substituting for the definition of "Speaker" the following definition—

"Speaker" means the Speaker of the Council appointed under section 24 of the Kenya (Constitution) Order in Council, 1958, as from time to time amended, and includes the Deputy Speaker, or other person, while for the time being performing the functions of the Speaker in pursuance of that section, and any member while for the time being presiding at a sitting of the Council in pursuance of section 35 of the said Order in Council.

Amendment of
 section 5 of
 the principal
 Ordinance.

4. Section 5 of the principal Ordinance is amended—

- (a) by substituting for the words "or through the Speaker, the Clerk or any officer of the Council", the words "nor shall any such process be served or executed through the Speaker or any officer of the Council unless it relates to a person employed within the precincts of the Council or to the attachment of a member's salary";

- (b) by substituting for the marginal note thereto, the following note—

"Service of civil process".

Legislative Council (Powers and Privileges)
(Amendment)

1961

No. 36

5. Section 7 of the principal Ordinance is amended— Amendment of section 7 of the principal Ordinance.
(a) by substituting for subsection (1) thereof the following subsection—

(1) The Speaker may from time to time issue such orders as he may in his discretion deem necessary or expedient for the better carrying out of the purposes of this Ordinance, and, without prejudice to the generality of the foregoing power, may by such orders make provision for—

(a) regulating the admittance of strangers to and the conduct of strangers within the precincts of the Council or any part thereof;

(b) the deduction from any moneys due to a member in pursuance of the provisions of the Members of Legislative Council (Salaries and Allowances) Ordinance, 1956, of any amount payable by that member in respect of refreshments or other facilities made available to members within the precincts of the Council;

(b) by substituting for the marginal note thereto, the words "Speaker's orders".

6. There shall be substituted for section 8 of the principal Ordinance a new section as follows—

Replacement of section 8 of the principal Ordinance.

Power to order withdrawal of strangers.

8. The Speaker, the Sergeant-at-Arms, and any other officer authorized in that behalf by orders issued pursuant to subsection (1) of section 7 of this Ordinance, may at any time order any stranger to withdraw from the precincts of the Council.

7. Section 17 of the principal Ordinance is amended—

Amendment of section 17 of the principal Ordinance.

(a) in paragraph (2) thereof, by substituting for the words "when ordered to withdraw therefrom by the Speaker", the words "when ordered under section 8 of this Ordinance so to do";

(b) in paragraph (3) thereof, by inserting next after the words "strangers to", the words "or the conduct of strangers within";

(c) by deleting paragraph (4) thereof.

Legislative Council (Powers and Privileges)
(Amendment)

1961

No. 36

Amendment
of section 18
of the principal
Ordinance.

8. Section 18 of the principal Ordinance is amended—
(a) by substituting for paragraph (h) a new paragraph as follows—

(h) publishes any false or scandalous libel on the Council or its proceedings; or

(b) by inserting immediately after paragraph (h) a new paragraph as follows—

(i) speaks words defamatory of the Council or its proceedings,

Amendment of
section 19 of
the principal
Ordinance.

9. Section 19 of the principal Ordinance is amended by substituting for subsection (2) thereof the following subsection—

(2) Every person acting in contravention of this section shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding two years, or to a fine not exceeding ten thousand shillings, or to both such imprisonment and fine, and every bribe, fee, compensation, gift or reward accepted or received by him shall be forfeited.

Repeal of
section 20 of
the principal
Ordinance.

10. Section 20 of the principal Ordinance is repealed.

Amendment of
section 26 of
the principal
Ordinance.

11. Section 26 of the principal Ordinance is amended by adding at the end thereof the words “or any Standing Orders of the Council”.

**ALPHABETICAL LIST OF ORDINANCES (AND HIGH
COMMISSION AND APPLIED ACTS) IN FORCE IN KENYA
ON 1st JANUARY, 1962**

Notes

1. Ordinances in the 1948 Revised Edition of the Laws (being Ordinances in force on 21st September, 1948) are indicated in each case by the number of the chapter followed by the number of the volume in which the chapter appears, viz. 94/II.
2. Ordinances in the 1926 Revised Edition are indicated in each case by the number of the chapter followed by a reference in brackets to that edition, viz. 176 (1926).
3. All other Ordinances are indicated by the number and year, viz. 8/35; 55/49.
4. A similar method has been used in referring to High Commission Acts, which are distinguished by prefixing each reference with the letters H.C., e.g. H.C. 8 (which refers to Chapter 8 of the 1951 Revised Edition) and H.C. 12/52 (which refers to Act No. 12 of 1952).
5. Appropriation and Consolidated Fund Ordinances are not included.

ALPHABETICAL LIST OF EXISTING ORDINANCES AND ACTS

Short Title	Cap. and Vol. of Revised Edition	Ordinance No. and Year	Amendments: Ordinance, G.N. or L.N. No. and Year
A			
Abdi Shariff Ahmed Pension		18/61	
Accountants (Designations)		66/50	22/55 21/59
Accountant-General (Transfer of Functions)		20/55	15/61
Administration of Estates by Consular Officers	33/I 32/I		
Administration of Estates by Corporations			
Admiralty Offences (Colonial) Acts, 1849 and 1860	Vol. I, p. xxxix		
Admiralty Police		55/60	
Adoption		2/58	
Adulteration of Produce	186/III		
Advocates		34/61	
Aerodrome Regulation		39/60	
Aerodromes (Control of Obstructions) ..	227/III		21/61
Affiliation		12/59	
African Christian Marriage and Divorce	99/II		44/55
African Courts		65/51*	2/56 39/56, Sch. 27/59, Sch. 30/59 54/60
African Courts (Validation)		36/60	
African District Councils		12/50	
		Rev. Edn., 1959	
African Exemption	96/II		
African Foodstuffs	105/II		18/50
African Teachers Service		3/54	39/56, Sch.
African Trust Fund	103/II		92/48 29/49 54/54 28/57, s. 21 31/60
Africans' Arms	107/II		
Africans' Wills		35/61	
Age of Majority	10/I		
Agricultural Produce (Export)	187/III		3/57
Agriculture		8/55† Rev. Ed. 1961	
Aliens Restriction	54/I		28/61
Animal Diseases	213/III		48/49 20/50 51/50 47/54 39/56, Sch. 15/61 28/61

*Placed at beginning of the 1952 Volume of Ordinances.

†In force with respect to the whole of Kenya except the Northern Province: (G.N.897/55.)

ALPHABETICAL LIST OF EXISTING ORDINANCES AND ACTS—(Contd.)

Short Title	Cap. and Vol. of Revised Edition	Ordinance No. and Year	Amendments: Ordinance, G.N. or L.N. No. and Year
Animals (Prevention of Cruelty) ..	212/III		
"Anzac" (Prohibition of Trade Use of Word)	292/IV		
Application of Applied Indian Acts to Natives	2/I, s. 9		
Applied Indian Acts (<i>see</i> Indian Acts Applied).			
Applied British Acts (<i>see</i> British Acts Applied).			
Arbitration	22/I		15/61 27/61
Arbitration (Foreign Awards)	23/I		
Architects and Quantity Surveyors ..	306/IV		
Asian Civil Servants (Proportionate Pensions)	75/I	8/35	64/51 17/58 9/61 21/61 80/48 53/49 42/55 16/58 7/61 28/61
Asian Officers' Family Pensions			19/50 39/56, Sch. 15/61
Asiatic Widows' and Orphans' Pension ..	74/I		
Auctioneers	309/IV		
B			
Banking	30/I	62/56	50/56 48/59, s. 33 15/61 21/61 28/61
Bankruptcy			
Banks' Title to Land (Amendment of Laws)		36/58	
Bills of Exchange	291/IV		
Births and Deaths Registration	143/II		25/50 15/61 28/61
Book and Newspaper	92/II	27/60	
Boy Scouts	207/III		24/55 15/61
Branding of Stock			
British Acts applied to the Colony*	Vol. I, p. xxxix		
(1) Admiralty Offences (Colonial) Act, 1849.	Vol. I, p. xxxix		
(2) Evidence Act, 1851, sections 7 and 11.	Vol. I, p. xxxix		

*See also s. 70 and the Third Schedule to the Kenya (Constitution) Order in Council. 1958: L.N. 158/58.

ALPHABETICAL LIST OF EXISTING ORDINANCES AND ACTS—(Contd.)

Short Title	Cap. and Vol. of Revised Edition	Ordinance No. and Year	Amendments: Ordinance, G.N. or L.N. No. and Year
British Acts Applied to the Colony—(Contd.)	Vol. I, p. xxxix		
(3) Foreign Tribunals Evidence Act, 1856.	Vol. I, p. xxxix		
(4) Evidence by Commission Act, 1958	Vol. I, p. xxxix		
(5) British Law Ascertainment Act, 1859	Vol. I, p. xxxix		
(6) Admiralty Offences (Colonial Act,) 1860.	Vol. I, p. xxxix		
(7) Foreign Law Ascertainment Act, 1861.	Vol. I, p. xxxix		
(8) Conveyancing (Scotland) Act, 1874, section 51.	Vol. I, p. xxxix		
(9) Fugitive Offenders Act, 1881 ..	Vol. I, p. xxxix		
(10) Colonial Prisoners Removal Act, 1884*.	Vol. I, p. xxxix		
(11) Evidence by Commission Act, 1885	Vol. I, p. xxxix		
(12) Colonial Courts of Admiralty Act, 1890, sections 2 (2), (3) and (4), 5, 6, and 16 (3).	Vol. I, p. xxxix		
(13) Colonial Probates Act, 1892 ..	Vol. I, p. xxxix		
(14) Finance Act, 1894, section 20 ..	Vol. V, p. 186		
(15) Merchant Shipping Act, 1894 ..	Vol. I, p. xxxix		
(16) Evidence (Colonial Statutes) Act, 1907.	Vol. V, pp. 121 and 122		
(17) Companies (Consolidation) Act, 1908†.	Vol. V, pp. 341 and 342		
(18) Copyright Act, 1911	Vol. I, p. xxxix		
(19) Marriage of British Subjects (Facilities) Act, 1915.	Vol. V, p. 272		
(20) Administration of Justice Act, 1920, Part II.	Vol. V, pp. 117 and 119		
(21) Maintenance Orders (Facilities for Enforcement) Act, 1920.	Vol. V, pp. 153 and 155		
(22) Indian and Colonial Divorce Jurisdiction Act, 1926.	Vol. V, p. 284		
(23) British Nationality Act, 1948 ..	Vol. V, p. 195		
(24) Merchant Shipping Act, 1954 ..			L.N. 395/56
(25) Geneva Conventions Act, 1957 ..			L.N. 391/59
British and Colonial Probates	35/I		27/61
British Nationality (Offences and Fees) ..		25/49	

*Attention is drawn to the Colonial Prisoners Removal (Kenya) Order in Council, 1957: L.N. 487/57.

†The provisions of ss. 34–36 extended to Kenya, and the provisions of ss. 103–105 extended to the Protectorate.

ALPHABETICAL LIST OF EXISTING ORDINANCES AND ACTS—(Contd.)

Short Title	Cap. and Vol. of Revised Edition	Ordinance No. and Year	Amendments: Ordinance, G.N. or L.N. No. and Year
British Standard Portland Cement Company Limited (Bamburi Factory) ..		61/51	60/52 29/57
Brokers	283/IV	29/56	15/61 28/59, s. 17 27/61
Building Societies			
C			
Canning Crops	88/II	27/57	27/56 L.N. 142/61
Cantonments			
Carriage of Goods by Sea	224/III		
Cattle Cleansing	208/III		28/61
Cavendish-Bentinck Pension		31/56	
Central Housing Board (Vesting of Loans)		21/60	
Cereal Producers (Scheduled Areas) ..		54/56	15/61
Cereals and Sugar Finance Corporation ..		50/55	6/59, Sch. 33/59 36/55 31/58 s. 121
Chattels Transfer	281/IV		
Chief Secretary (Incorporation)		15/58	
Civil Contingencies Fund (Temporary Provisions)		1/61	
Civil Procedure	5/I	11/32	39/56, Sch.
Civil Servants (Proportionate Pensions) ..		62/54	48/55 26/58 19/61 28/61
Civil Service Commission			
Coconut Industry	191/III		
Coconut Preservation	190/III		
Coffee		26/60	
Colonial Prisoners Removal		15/57	
Colonial Treasury Bills	250/III		
Commissions of Inquiry	40/I		
Commissioners of Assize		38/54	
Companies		50/59	46/60 28/61 26/52 57/52, Sch. 7/54 27/61
Compulsory Military Training		57/51	
Compulsory National Service		19/51	
Consular Conventions		28/52	
Contracts in Restraint of Trade	277/IV		
Control of Detained Persons	81/I		
Control of Imports and Exports		55/55	39/56, Sch. 51/60 53/59
Control of Nets (Nyanza Province)		45/58	
Conveyancing (Scotland) Act, 1874	Vol. I, p. xxxix		
Co-operative Societies	287/IV		36/51
Copyright	295/IV		
Copyright Act, 1911	Vol. I, p. xxxix		

ALPHABETICAL LIST OF EXISTING ORDINANCES AND ACTS—(Contd.)

Short Title	Cap. and Vol. of Revised Edition	Ordinance No. and Year	Amendments: Ordinance, G.N. or L.N. No. and Year
Corneal Grafting		10/60	
Coryndon Trust		32/25	
Cotton	188/III		15/61 28/61 39/56 Sch. 15/61
Cotton Lint and Seed Marketing ..		50/54	
Cotton Tax	269/IV		
Council of Ministers (Consequential Provisions)		15/54	36/54 45/59
Courts	3/I		
Courts (Amendment and Validation) ..		45/59	
Credit to Africans (Control) (Repeal) ..		11/60	
Criminal Justice		26/57	
Criminal Procedure Code	27/I		9/51 39/51 42/52 42/54, s. 4 57/55 48/56, s. 11 5/58 33/58 22/59 54/60 11/61 15/61 25/61 27/61 28/61 L.N. 182/58 47/49 6/59, Sch. 7/60
Crop Production and Livestock	205/III		
Crown Agents (Change of Title) ..		39/54	
Crown Fisheries	218/III		
Crown Grants (Execution)	157/II		
Crown Lands	155/II		90/48 34/49 22/51, s. 43 21/53 7/55 36/58, s. 4 58/59 49/60 27/61
Crown Lands (Discharged Soldiers Settlement)	156/II		
Crown Proceedings		47/56	
Currency Notes	238/III		
Customs (Dumping and Subsidies) ..		H.C. 3/59	
Customs and Excise Revenue Allocation	H.C. 8		H.C. 1/54

ALPHABETICAL LIST OF EXISTING ORDINANCES AND ACTS—(Contd.)

Short Title	Cap. and Vol. of Revised Edition	Ordinance No. and Year	Amendments: Ordinance, G.N. or L.N. No. and Year
Customs Tariff		27/58	16/59 24/60 5/61
Customs Tariff (Dumping and Subsidies)		18/60	
D			
Dairy Industry		34/58	15/61
Dangerous Drugs	129/II		
Dangerous Petroleum Tax	268/IV		64/52 24/60 66/60 5/61 15/61
Debts (Summary Recovery)	8/I		17/60
Deeds of Arrangement	31/I		15/61 28/61
Deportation (Aliens)		36/49	57/50 21/51
Deportation (Immigrant British Subjects)		37/49	56/50 21/56 5/59
Detained Persons Removal	82/I		
Detained and Restricted Persons (Special Provisions)		3/60	
Detention Camps	80/I		67/60
Development Loan		17/50	25/53
Development Loan		43/51	26/53
Development Loan		13/53	
Development Loan		6/55	
Development Loan		23/56	
Diamond Industry Protection		5/49	9/52 21/61
Diplomatic Privileges (Extension) ..	317/IV		35/51 17/52 35/60
Distress for Rent	154/II		28/61
Distribution of German Enemy Property		32/51	4/53 18/55
Domestic Employment (Registration) ..	110/II		
E			
East African Common Services Organization		26/61	
East African Customs Management ..		H.C. 12/52	H.C. 10/55 H.C. 5/60 H.C. 14/61
East African Excise Management ..		H.C. 13/52	H.C. 5/59 H.C. 1/61 H.C. 15/61 H.C. 23/61
East African Income Tax (Management)		H.C. 10/58	H.C. 7/60
East African Industrial Licensing ..		14/53	G.N. 722/54 G.N. 1715/55

ALPHABETICAL LIST OF EXISTING ORDINANCES AND ACTS—(Contd.)

Short Title	Cap. and Vol. of Revised Edition	Ordinance No. and Year	Amendments: Ordinance, G.N. or L.N. No. and Year
East African Posts and Telecommunications	H.C. 4		H.C. 18/61
East African Power and Lighting Company Limited (Validation and Licensing)		65/50	
East African Railways and Harbours ..	H.C. 3		H.C. 3/52 H.C. 8/53 H.C. 17/53
Education		58/52	39/56, Sch. 37/60 28/61
Egerton Agricultural College		21/55	50/60
Election Offences		11/58	41/60 48/60
Electric Power	174/III		32/50 27/52 39/56, Sch.
Electric Supply Lines	175/III		15/61
Emergency Pensions		46/55	
Employment	109/II		11/50 14/51 39/56, Sch. 16/57 48/59, s. 34 15/61
Employment of Women, Young Persons and Children	111/II		35/50 12/56 39/56, Sch. 48/59, s. 35 15/61
Enemy Property (Disposal)	176 (1926)		
Entertainments Tax		63/50	14/57 50/58 39/59 28/61
Equitable Mortgages	152/II		41/58
Essential Services (Arbitration)		4/50	13/52 48/58
Estate Duty	257/III		9/49 61/52 5/53 2/54 32/55
Estate Duty (Abolition)		43/59	
Eviction of Tenants (Control) (Mombasa)		61/56	35/59, s. 39 62/60
Evidence Act (Amendment)	12/I*		
Evidence (Bankers' Books)	13/I		30/49
Excess Profits Tax	255/III		40/59 34/50

*This Ordinance amends the Indian Evidence Act, 1872, as applied to the Colony: See Vol. I, p. XL.

ALPHABETICAL LIST OF EXISTING ORDINANCES AND ACTS—(Contd.)

Short Title	Cap. and Vol. of Revised Edition	Ordinance No. and Year	Amendments: Ordinance, G.N. or L.N. No. and Year
Exchange Control		40/50	44/52 15/61
Exchequer and Audit		13/55	39/56, Sch. 29/60 20/61
Excise Duties (Agreements)	274/IV	5/54	51/54 28/55 22/58 17/59 6/60 24/60 5/61
Excise Tariff			30/53 28/61
Explosives	303/IV		
Export of Timber		50/51	
Extradition	29/I		
F			
Factories		38/50	38/51 39/56, Sch. 16/57, s. 24 49/56
Fatal Accidents	9/I		L.N. 153/62 L.N. 176/62
Fencing		51/58	L.N. 142/61
Ferries	236/III		64/50, Sch. 2/52 15/61
Finance		5/61	
Firearms		40/53	4/60 15/61
Fire Inquiry	41/I		2/49
Fish Protection	217/III		20/60 15/61
Flax Fund		64/54	
Food and Drugs (Adulteration)	127/II		
Foreign Judgments (Reciprocal Enforcement)	15/I		38/58
Foreign Prisoners Detention	83/I		
Foreign Seamen Deserters	223/III		
Forest	176/III		1/49 56/54 27/59, Sch.
Fraudulent Transfer of Businesses	286/IV		
Fugitive Criminals Surrender	28/I		15/61
Fugitive Offenders Act, 1881	Vol. I, p. xxxix		
Fugitive Offenders (Pursuit)	77/I		

ALPHABETICAL LIST OF EXISTING ORDINANCES AND ACTS—(Contd.)

Short Title	Cap. and Vol. of Revised Edition	Ordinance No. and Year	Amendments: Ordinance, G.N. or L.N. No. and Year
G			
Gambling	26/I		
General Loan and Stock		14/50	21/61
General Local Loans		14/55	21/61
Girl Guides	93/II		
Gold Mines Development Loans		18/52	
Government Contracts		44/56	
Grass Fires (Control)	185/III		18/49
Guarantee (High Commission Posts and Telegraphs Loan)		10/50	59/51
Guarantee (High Commission Posts and Telecommunications Loan)		32/53	
Guarantee (High Commission Posts and Telecommunications Loan)		22/60	
Guarantee (High Commission Railways and Harbours Loan)		1/50	60/51
Guarantee (High Commission Railways and Harbours Loan)		31/53	4/55
Guarantee (High Commission Railways and Harbours Loan)		57/56	
Guarantee (High Commission Railways and Harbours Loan)		40/58	
Guarantee (High Commission Railways and Harbours Loans) (Supplementary Provisions)		5/55	
Guarantee (High Commission Railways and Harbours Loan)		52/60	
Guardianship of Infants		7/59	
H			
Hall Pension		42/31	
Harragin Pension		16/34	
Hebden Pension		22/36	
Hide and Skin Trade	209/III		39/56, Sch.
Higher Education Loans Fund		49/52	
Hindu Marriage, Divorce and Succession	149/II		1/52 28/60 15/61
Hindu Marriage and Divorce		28/60	
Hindu Wills Act (Indian)	Vol. I, p. XL		
His Majesty's Forces (Out of Bounds Areas)	87/II		
His Majesty's Forces Pension	86/II		28/56 39/56, Sch.
Hospital Treatment Relief (Asian and Arab)		57/59	5/61

ALPHABETICAL LIST OF EXISTING ORDINANCES AND ACTS—(Contd.)

Short Title	Cap. and Vol. of Revised Edition	Ordinance No. and Year	Amendments: Ordinance, G.N. or L.N. No. and Year
Hospital Treatment Relief (European) ..		33/51	13/56 39/56, Sch. 13/59 21/61 28/61 31/49 41/50 67/52 6/57 42/60
Hotels	275/IV		
Housing		17/53	
I			
Immigration		35/56	39/56, Sch. 27/61
Immunities and Privileges (Commonwealth Countries and Republic of Ireland)		37/58 11/59 36/56	5/61
Income Tax (Rates and Allowances) ..			H.C. Cap. 4
Indemnity	2/I		
Indian Acts (Amendments)	2/I		
Indian Applied Acts, Application to Natives (Africans)	2/I		
Indian Acts applied to the Colony:—	Vol. I, p. xl		
(1) Succession Act, 1865—the whole except section 331	2/I		48/56, s. 11 39/52 49/59
(2) Evidence Act, 1872	12/I		
(4) Limitation Act, 1877*			9/59
(5) Transfer of Property Act, 1882.			
(6) Land Acquisition Act, 1894.			
(7) Hindu Wills Act, 1870.			
(8) Probate and Administration Act, 1881.			48/56, s. 11
Industrial Alcohol (Manufacture, Sale and Use)†	299/IV		H.C. 5/59 16/61
Industrial Alcohol (Possession)	300/IV		
Industrial Development		63/54 48/59	
Industrial Training		46/60	
Insurance Companies		38/56	39/58 13/61 27/61 28/61 L.N. 142/61
Interpretation and General Provisions ..			

*Repealed in its application to Kenya save as regards prescription and matters for which no period of Limitation is provided for in the Limitation Ordinance (Cap. 11) (see s. 41).

†The whole in so far as it applies to the manufacture and denaturing of spirits repealed by H.C. Act, 5/59, Second Schedule.

ALPHABETICAL LIST OF EXISTING ORDINANCES AND ACTS—(Contd.)

Short Title	Cap. and Vol. of Revised Edition	Ordinance No. and Year	Amendments: Ordinance, G.N. or L.N. No. and Year
J			
Judgments Extension	14/I		27/61
Justices of the Peace	4/I		47/51
			30/58, s. 6
Juveniles		22/34	27/61
			10/35
			25/36
			20/44
			46/51
			12/55, s. 27
K			
Kenya Broadcasting Corporation ..		24/61	
Kenya Cultural Centre		60/50	2/57
Kenya Meat Commission		13/50	8/55, 5th Sch.
Kenya Regiment (Territorial Force) ..	89/II		42/49
			7/51
			8/54
			10/61
Kenya Society for the Blind		51/56	15/61
King's African Rifles		42/58	21/61
King's African Rifles Reserve of Officers		12/27*	37/31
			20/32
			37/37
			31/38
King's African Rifles (Reserve of Officers)†		32/60	
L			
Laibons Removal	46/I		15/56
Lakes and Rivers	234/III		28/61
Lake Victoria Fisheries (Reapplication of Laws)		20/60	
Land Acquisition Act (Indian)	Vol. I, p. XL		
Land Acquisition (Mombasa Oil Refinery) ..		35/53	41/55
Land and Agricultural Bank	181/III		28/53
			59/56
			27/59, Sch.
			41/59
			28/61
Land (Perpetual Succession)	163/II		25/59
Land Registration (Special Areas)		27/59	15/61
			35/61
			L.N. 589/60
			L.N. 559/61
Land Registration (Special Areas) (Fort Hall District) (Special Provisions) ..		56/60	15/61
Land Titles	159/II		24/59
			27/61

*Repealed by Ordinance 32/60—not yet in operation.

†Not yet in operation.

ALPHABETICAL LIST OF EXISTING ORDINANCES AND ACTS—(Contd.)

Short Title	Cap. and Vol. of Revised Edition	Ordinance No. and Year	Amendments: Ordinance, G.N. or L.N. No. and Year
Law of Contract		43/60	
Law Reform (Miscellaneous Provisions) ..		48/56	16/60
Law Society of Kenya		10/49	56/52 1/54 34/61
Legislation (Application to High Commission)		57/49	L.N. 153/62
Legislative Council Elections		48/60	L.N. 176/62
Legislative Council (Powers and Privileges)		25/52	36/61
Legitimacy		23/30	26/31
Limitation*	11/I		27/59, Sch.
Limited Partnership	285/IV		
Liquor Licensing		20/57	
Liwali for the Coast (Dispensation) Act	H.C. 2		
Loans (United Kingdom Government) ..		34/59	
Local Authority Provident Fund		25/60	
Local Authorities (Recovery of Possession of Property)		4/51	32/52 15/61
Local Authorities (Revenue)		60/60	
Local Government (County Councils) ..		30/52	9/53, Sch. 12/53 29/53 17/54 9/55 5/56 18/56, Sch. 11/58, 3rd Sch. 27/59, Sch. 56/59 60/60 22/50 64/50, Sch. 9/53, Sch. 19/53 18/54 11/58, 3rd Sch.
Local Government (District Councils) ..	140/II		
Local Government (Eldoret European Hospital Rate)	139/II		18/53
Local Government (Kitale European Hospital Rate)		11/52	41/54
Local Government Loans		9/53	59/54 9/55
Local Government (Valuation and Rating)		18/56	39/56, Sch. 7/57 37/59
Local Loan	248/III		
Local Loan and Conversion		12/54	

*See also the Indian Limitation Act as applied to Colony.

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Maintenance Orders Enforcement	16/I		32/61
Maize Marketing		6/59	28/61
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Marketing of African Produce	184/III		46/49 39/55 6/59, Sch.
Marriage	144/II		26/51 14/61 28/61
Martimonial Causes	145/II		5/52 15/61 21/61
Mazrui Lands Trust	101/II		
McMillan Memorial Library	316/IV		
Medical Practitioners and Dentists	125/II		25/51 16/53 30/55 47/55
Members of Legislative Council (Salaries and Allowances)		63/56	18/58 21/61
Mental Treatment		3/49	37/55 27/61
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Merchant Shipping Act, 1894	Vol. I, p. xxxix		
Methylated Spirits		49/58	23/61 28/61
Mineral Oil	170/III		
Mining	168/III		22/54 27/59, Sch. 15/61 27/61 28/61
Miraa Prohibition (Scheduled Areas)		53/51	11/57
Mohammedan Marriage and Divorce Registration	147/II		15/61
Mohammedan Marriage, Divorce and Succession	148/II		
Mombasa Pipeline Board		19/57	
Mombasa Shop Hours		26/49	34/52 36/59
Money-lenders	307/IV		
Mortimer Pension		32/56	
Motor Vehicles Insurance (Third Party Risks)	233/III	46/60	27/49 46/60 28/61
Mtwapa Bridge		42/59	

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Municipalities (Hospital Rate)	138/II		
Municipalities and Townships (Private Streets)		17/51	48/52 20/54 62/51
Museums Trustees	315/IV		
N			
National Loans		34/60	
Native Authority	97/II		12/50, s. 54 43/52
Native Lands Trust (<i>see</i> Trust Land).			
Native Lands Registration (<i>see</i> Land Registration (Special Areas)).			
Native Lands Registration (Fort Hall District) (Special Provisions) (<i>see</i> Land Registration (Special Areas) (Fort Hall District) (Special Provisions))			
Native Liquor	106/II		48/54 27/59, Sch. H.C. 5/59, First Sch. 12/60
Native Vessels	225/III		
Non-European Officers' Pensions (War Service)		4/41	
Northern Province Livestock Improvement		22/57	
Notaries Public		3/58	
Nurses and Midwives Registration		16/49	9/50 40/51 5/57
Nursing Sisters (Retiring Allowances)	68/I		

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Official Secrets	64/I		28/61
Oil Production	171/III		34/53 27/59, Sch. 15/61
Outlying Districts	44/I		55/59
Overseas Service		12/61	
P			
Palm Wine	192/III		
Partnership	284/IV		
Passion Fruit (Repeal)		54/59	
Patents (Registration)	294/IV		11/53 28/61
Pawnbrokers	308/IV		28/61
Paymaster General		30/60	
Penal Code	24/I		81/48 28/50 50/50 42/51 40/52 53/52 12/55, 2nd Sch. 52/55 33/56, s. 13 26/57, s. 3 32/58 45/60 54/60 11/61 14/61 25/61
Pensions*		31/50	54/51 45/54 65/54 39/56, Sch. 43/58 21/61
Pensions (Increase)		10/57	21/61
Pensions (Validation)		6/58	
Pensions (War Service)		21/40	
Personal Tax		28/57	10/59 51/59 5/61 27/61

*Ceased to apply to officers in the service of the High Commission in respect of such service (Pensions Act, H.C. Cap. 9, s. 22), and to a High Commission employee who becomes a depositor under the Provident Fund Act, H.C. Cap. 10, s. 19.

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Plant Protection	178/III		16/54 28/61
Police		58/60	15/61
Police and Prisons Officers (Gratuities) ..		28/26	
Pools		11/61	
Post Office Savings Bank	121/II		1/55 21/61
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Preservation of Public Security		2/60	
Prevention of Corruption		33/56	
Prevention of Crime		10/58	23/60
Prevention of Cruelty to and Neglect of Children		12/55	39/56, Sch.
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Probate and Administration (Public Trustee)	34/I		56/55
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Promissory Oaths		30/58	15/61
Protected Areas		28/49	24/53 31/59
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Public Collections		45/60	15/61
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Pyrethrum		9/56	
R			
Rabies	214/III		55/51 2/53 3/59 28/61
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Registration of Business Names		48/51	40/56
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Royal National Parks of Kenya	215/III		29/51 60/56 1/59 27/59, Sch. 57/60 28/61 L.N. 142/61

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Sisal Industry	196/III		77/48 62/50 28/51 11/55 39/56, Sch. 15/61 28/61
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Special Pensions		40/60	
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*Ss. 3-6 and Schedule expired on 30th September, 1953: s. 7.

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