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VETERINARY DEPARTMENT  
NAIROBI.



COLONY AND PROTECTORATE OF KENYA

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# ORDINANCES

ENACTED DURING THE YEAR

1931

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VOL. X (NEW SERIES)

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NAIROBI:

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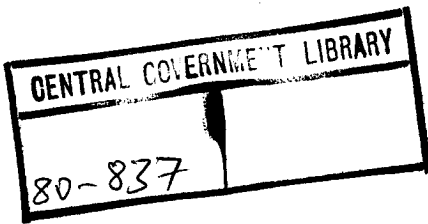
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An Ordinance to Consolidate and Amend the  
Law Relating to Mining.

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  101. Power to make regulations.
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-

# AN ORDINANCE.

No. 1 of 1931.

Assented to in His Majesty's name this eleventh day of February, 1931.

H. M.-M. MOORE,  
*Acting Governor.*

[11TH FEBRUARY, 1931.] Date of assent.

## An Ordinance to Consolidate and Amend the Law Relating to Mining.

*By Notice.*

Date of commencement.

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as "the Mining Ordinance, 1930," and shall come into operation on such date as the Governor by notice in the Gazette shall determine.

Short title and commencement.

### PART I

#### GENERAL.

2. In this Ordinance, unless inconsistent with the context—

Interpretation.

"alluvial" includes all forms of mineral deposits which do not fall within the definition of "lode";

"claim" means a portion of land lawfully taken possession of for the purpose of prospecting and mining, but does not include land comprised in a mining lease;

"Government" means the Government of the Colony;

"High Commissioner" means the High Commissioner for Transport established by the Kenya and Uganda (Transport) Orders in Council, 1925 and 1927;

"lode" or "reef" includes all true fissure veins, contact veins, segregated veins, bedded veins, metalliferous bankets, stockworks, such irregular deposits as conform generically to the above classification, and beds of any mineral, such as beds of iron-stone;

“ mine ” includes any place, excavation or working whereon, wherein or whereby any operation in connection with mining is carried on ;

“ to mine ” means intentionally to win minerals and shall include any operations necessary for the purpose ;

“ minerals ” means all minerals and mineral substances, other than mineral oils, and may be precious metals, precious stones or non-precious minerals, but shall not include clay, murrum, lime, sand or other stone, or such other common mineral substances as the Governor may by notice in the Gazette declare not to be minerals for the purposes of this Ordinance ;

No. 9 of 1930. “ Native Lands Trust Board ” means the Native Lands Trust Board established under the Native Lands Trust Ordinance, 1930 ;

No. 9 of 1930. “ Native Reserve ” has the meaning assigned to it in the Native Lands Trust Ordinance, 1930 ;

“ non-precious minerals ” means all minerals other than precious metals or precious stones ;

“ notice ” means a notice in the Gazette ;

“ open-cast ” means any uncovered excavation which has been made from the surface for the purpose of winning minerals ;

“ owner ” or “ occupier ” includes an owner in fee simple, a lessee, a grantee, a licensee and a native in lawful occupation of Crown land ;

“ person ” includes corporation, company, syndicate or individual ;

“ precious metals ” means gold, silver or metal of the platinoid group in the unmanufactured state, including ores containing such metal, but shall not include ores containing any such metal in combination with another mineral where such metal cannot be worked apart from such mineral and the value of such metal is less than the cost of producing both the metal and the mineral ;

“ precious stones ” means any diamond, emerald, opal, ruby, sapphire, turquoise and any other stones which the Governor in Council may by notice declare to be included in this definition ;

“ prescribed ” means prescribed by this Ordinance or any regulations made thereunder ;

“ private lands ” includes lands privately owned and land the subject of a grant, lease or licence from the Crown ;

“ to prospect ” means to search for minerals and includes such working as is reasonably necessary to enable the prospector to test the mineral-bearing qualities of the land ;

“ the regulations ” means the regulations made under this Ordinance ;

“ salt licks ” means those deposits of salt or other mineral which have been or are being used as salt licks for cattle, whether privately owned or not ;

“ shaft ” and “ pit ” mean any vertical or inclined tunnel, other than a stope or winze, which is or might be used for winding, travelling, draining or ventilating purposes in connection with prospecting or mining operations ;

“ tailings ” means all gravel, sand, slimes, or other substance which is the residue of *bona fide* mining operations.

3. Nothing in this Ordinance shall be deemed to authorise any person to enter any district or area to which entrance by him may be forbidden by any law, Ordinance or regulation for the time being in force. Prospecting in closed districts.

4. Nothing contained in this Ordinance shall confer any right to prospect for or to win any mineral oil. Mineral oil excluded from this Ordinance.

5. The entire property in and control of all minerals and mineral oils in, under or upon any lands in the Colony are and shall be vested in the Governor in trust for His Majesty, save in so far as such right may in any case have been limited by any express grant made before the commencement of this Ordinance, or by any certificate of ownership issued or hereafter issued under the hand and seal of the Recorder of Titles. Control and property in minerals and mineral oils vested in the Governor.

6. Except as in this Ordinance provided, any person who shall prospect or mine on any lands in the Colony shall be liable to a fine of one hundred pounds or imprisonment for six months, and the forfeiture of all minerals obtained in the course of such unauthorised mining or prospecting, or if such minerals cannot be forfeited such sum as the court shall assess as the value of such minerals. Penalty for prospecting or mining without authority.

7. Nothing in this Ordinance shall be deemed to prevent any native of the Colony from taking, subject to such conditions as may be prescribed, iron, salt or soda from lands (other Saving for native custom.

than lands within the area of a mining lease or claim) from which it has been the custom of the members of the community to which that native belongs to take the same.

Employment of officers.

8. The Governor may appoint an officer, to be styled the Commissioner of Mines (hereinafter referred to as "the Commissioner"), and such other officers, to be known as Inspectors and Assistant Inspectors of Mines, Wardens and Registrars, as may be necessary for the carrying into effect of the provisions of this Ordinance.

Powers of Commissioner may be exercised by other officers.

9. The Commissioner may, with the approval of the Governor, delegate or assign to any other officer appointed under section 8 all or any of his powers and duties.

No action lies against officers for acts done in execution of their duties.

10. No action or other legal proceeding whatsoever, civil or criminal, shall be instituted in any court against the Commissioner or other officer or any person acting under his authority for or on account of or in respect of anything done in good faith and in the execution or intended execution of his duty under this Ordinance.

Royalties.

11. All minerals obtained in the course of prospecting or mining operations shall be liable to such royalties as may be prescribed.

## PART II.

### PROSPECTING.

Prospecting right.

12. (1) The Commissioner or other prescribed officer may issue to any person a prospecting right in the prescribed form upon the payment of the prescribed fee: Provided that a prospecting right shall not be granted—

(a) to any person who is under eighteen years of age;

(b) to any person who is unable to read or to any person who is incapable of understanding this Ordinance in such a way as to form a reasonable guide to and restriction on his actions.

(2) A prospecting right may be granted to an individual as agent for another individual.

(3) A prospecting right shall not be granted to a company or partnership as such, but may be granted to an individual as agent of the company or partnership. In such case the application for the prospecting right must be made by the

individual in person, who must either be the lawfully constituted attorney of the company or partnership or produce an application in writing for the grant of the prospecting right to the individual as agent for the company or partnership, signed by a director or responsible manager or partner of the company or partnership. Such application must contain an undertaking by the company or partnership with the Government to be responsible for the acts and omissions of the individual, who shall also be responsible for his own acts and omissions.

(4) A prospecting right shall not be transferable and shall be in force for a period of one year from the date of issue, but may be renewed for a period of one year from the date of expiration thereof or of the expiration of any renewal thereof upon application being made in the prescribed form and upon payment of the prescribed fee.

(5) A prospecting right shall be produced whenever demanded by the owner or occupier of private land on which the holder thereof is prospecting, or by any administrative officer, officer of the Mines Department or police officer.

(6) A fee of twenty shillings shall be paid for every prospecting right.

13. The following classes of land are (save where otherwise in this Ordinance provided) excluded from prospecting or occupation under any prospecting right :—

Lands  
excluded from  
prospecting.

- (a) Land dedicated or set apart as a place of burial or for any public purpose other than mining, except with the consent of the Governor.
- (b) Any area situate within any municipality or township except with the consent of the owner or holder of surface rights and of the Governor or municipal or township authority.
- (c) Lands held under grants or leases giving the holder rights of working the minerals, non-precious minerals, precious metals and precious stones which are recognised by the Government.
- (d) Any area over which exclusive prospecting or mining rights have previously been granted by the Governor and are still subsisting and any area in respect of which an application in the prescribed form has been made for such rights.

- (e) Land reserved for the purpose of any railway or situate within one hundred yards of any railway, except with the consent of the Railway Administration.
- (f) Any area which is the site of or is within one hundred yards of any building, dam or reservoir, owned by Government except with the sanction of the Governor.
- (g) Any street, road or highway without the consent of the Governor or of the municipal corporation or other public body having the control thereof.
- (h) Salt licks which have been or are being used for cattle.
- (i) Land within a Native Reserve except with the consent in writing of the Native Lands Trust Board and on such conditions as may be prescribed.
- (j) Land which the Governor may by notice declare to be excluded from prospecting.

Should any question arise as to whether any particular land is excluded under this section it shall be referred to the Governor, whose decision shall be final and conclusive.

**Native  
Reserves.**

14. For the purpose of this Ordinance, every Native Reserve shall be deemed to be private land, and the Native Lands Trust Board shall be deemed to be the owner: Provided that any moneys received by that Board by way of rents or compensation shall be devoted to the use of the natives concerned.

**Prospecting  
right  
privileges.**

15. Subject to the exceptions in section 13 and to the regulations and to the provisions of any law as to forests or as to the regulation of natural water supply, the holder of a prospecting right may—

- (1) prospect for any minerals on any land in the Colony;
- (2) whilst engaged in *bona fide* prospecting erect on any unoccupied land his camp and such buildings or machinery as may be necessary for the purpose of prospecting and for such purpose or for domestic purposes take timber and water from any lake, stream or water-course;

Provided that he shall not—

- (a) divert water from any river, stream or water-course without the consent of the authority having the control thereof; or
  - (b) prospect in a forest or game reserve unless he has first given notice to the officer in charge of such reserve and complies with the conditions lawfully imposed by such officer;
- (3) sink shafts or wells or dig trenches;
- (4) on any land not excluded from prospecting take for his domestic use water from any lake, river or stream and with the consent of the owner or occupier of private land or on tendering to the owner or occupier a reasonable sum in payment therefor, ~~and~~ fuel other than standing timber;
- (5) graze upon lands not excluded from prospecting such horses or other animals as may be necessary for his subsistence and for the carrying on of prospecting or mining, free of charge on unoccupied Crown lands and on private lands on payment or tender of a reasonable sum in payment therefor;
- (6) apply for an exclusive prospecting licence, claim or a mining lease.

**16.** Any person intending to prospect on private lands shall when practicable give notice of his intention to the occupier of such land before commencing prospecting operations thereon, and shall, if required by the owner or occupier, give security in such sum as the Commissioner may direct for the payment of compensation for the disturbance of surface rights and for any damage done to the lands or trees or crops thereon by the prospector and, if required by the owner or occupier, shall desist from prospecting on the land until such security has been given. Prospecting on private land.

**17.** The holder of a prospecting right may apply to the Governor for an authority to prospect on any lands excluded from prospecting and the Governor may grant such authority on such terms as to area, period, rent and other conditions as he shall think fit. Failure to comply with any of the terms so fixed shall render the authority liable to cancellation. Authority to prospect on land excluded.

**Exclusive  
prospecting  
licences.**

18. (1) The Governor may grant an exclusive prospecting licence to any person who himself holds a prospecting right or to any person who employs a holder of a prospecting right.

(2) Application for an exclusive prospecting licence shall be in the prescribed form, and the applicant shall satisfy the Governor that he has sufficient capital to ensure the proper prospecting of the area in respect of which the application is made and the payment of any compensation which may be payable to the owners and occupiers of the land in respect of which the licence is required and shall, if required by the Governor or by the regulations, furnish a financial guarantee for such sum as the Governor may direct or as may be prescribed. Notice of every such application shall be published in the Gazette.

(3) The Governor may grant or withhold the grant of an exclusive prospecting licence as he may think proper :

Provided that a person who has previously held such licence shall not within a period of one year after its expiry be granted a further licence in respect of any portion of the area in respect of which he has previously held a licence. This prohibition shall extend to any person associated with the former holder of the licence.

(4) An exclusive prospecting licence shall not be granted in respect of any area exceeding eight square miles :

Provided that under special circumstances the Governor may at his sole discretion grant exclusive prospecting licences over areas exceeding eight square miles upon such terms and conditions as he may think fit.

(5) An exclusive prospecting licence shall be valid for one year from the date thereof, subject to renewal, at the discretion of the Governor, for further terms of one year each up to a maximum of three years in the case of an alluvial deposit, and of six years in the case of a lode deposit :

Provided that the Governor may, on such terms as he may think proper, grant a renewal of such licence in respect of an alluvial deposit for a fourth year if it be shown to his satisfaction that prospecting operations have been stopped or seriously hindered by special circumstances beyond the control of the licensee :

Provided further that in the case of a lode deposit, the Governor may on any renewal of such licence direct that such renewal is allowed in respect of a specified portion only of the area of the licence.

(6) All exclusive prospecting licences shall be registered at the office of the Commissioner in the prescribed manner.

(7) For every exclusive prospecting licence there shall be paid a registration fee of ten shillings, and a conveyancing fee of seven pounds ten shillings.

19. An applicant for an exclusive prospecting licence wilfully or recklessly giving false information as to any of the matters in respect of which information is or may be given under this Ordinance shall be liable to a fine of one hundred pounds or to imprisonment for six months or to both.

Penalty for giving false information.

20. (1) The holder of an exclusive prospecting licence shall have the sole right of prospecting upon the lands within the area of his prospecting licence, and for such purpose may—

Rights under an exclusive prospecting licence.

(a) enter upon the lands within such area with his agents and workmen and thereon exercise all or any of the rights conferred upon the holder of a prospecting right;

(b) employ in prospecting on such land any number of persons who for the purpose of such prospecting shall not be required to hold prospecting rights; and

(c) on and over unoccupied land within the area of his licence erect and maintain such machinery and plant and construct such ways as may be necessary for or in connection with his prospecting operations.

(2) The holder of an exclusive prospecting licence who shall have fulfilled all the conditions attached thereto may be granted, subject to the provisions of this Ordinance, a mining lease or leases over the whole or any part of the area the subject of the licence.

21. The holder of an exclusive prospecting licence shall not transfer his licence or any portion of the rights granted thereunder without the consent of the Governor signified by an endorsement thereon.

Transfer of rights under licence.

The transferee of a licence shall be liable for all rents and obligations which may have accrued at the time of transfer.

Amalgamation  
of prospecting  
licence areas.

**22.** The Commissioner may permit the amalgamation of any number of duly registered adjoining exclusive prospecting licence areas.

Disposal of  
minerals  
obtained in  
prospecting.

**23.** (1) Minerals obtained in the course of prospecting under a prospecting right or an exclusive prospecting licence shall be the property of the Government and, except for the purpose of sampling and assay, shall not be removed from the land or disposed of by the holder of the right or licence or by any other person except with the consent of the Commissioner :

Any person who commits an offence against this subsection shall be liable to a fine of one hundred pounds or imprisonment for six months, or both.

(2) The Commissioner may authorise the removal of minerals from the land from which they have been obtained to any place approved by him for safe custody, subject to such conditions, if any, as he may impose.

(3) If the holder of a prospecting right or an exclusive prospecting licence should desire to retain or dispose of any minerals obtained in the course of prospecting he shall make an application to the Commissioner in the prescribed manner, and if the Commissioner is satisfied that the prospector has been conducting such work only as is reasonably necessary to enable him to test the mineral-bearing qualities of the land, he may authorise the applicant to retain or dispose of the minerals in respect of which application is made on payment of the prescribed royalties.

Obligation of  
the holder of  
exclusive  
prospecting  
licence.

**24.** The holder of an exclusive prospecting licence shall during the continuance of the licence adequately carry on to the satisfaction of the Commissioner *bona fide* prospecting operations on the lands included in the area in respect of which the licence has been granted :

Provided that the Commissioner may on the application of the holder and for good cause shown by writing under his hand suspend the obligation imposed by this section in respect of any licence for such time as to the Commissioner may seem proper.

Records of  
prospecting  
operations.

**25.** The holder of an exclusive prospecting licence shall keep to the satisfaction of the Commissioner full and accurate records of his prospecting operations.

**26. (1)** The holder of a prospecting right or of an exclusive prospecting licence shall, on demand being made by the owner or occupier of land upon or under which prospecting operations are or have been carried on, pay him fair and reasonable compensation for any disturbance of the rights of such owner or occupier, and for any damage done to the surface of the land by such operations, and shall, on demand being made by the owner of any crops, trees, buildings or works damaged by the holder of the right or licence or by any agent or servant of such holder, pay compensation for such damage.

Payment of compensation to owners or occupiers of land.

(2) (i) If the holder of a prospecting right or exclusive prospecting licence fails to pay compensation when demanded under sub-section (1) or if an owner or occupier is dissatisfied with the compensation offered, the owner or occupier may take proceedings before the Commissioner in which case the provisions of Part IV of this Ordinance shall apply:

Provided that when the claimant is a native, the Administrative Officer in charge of the district shall, if the native so desires, assess and determine the amount of the compensation, and that the decision of such Administrative Officer shall in such case be final, subject only to an appeal to the Governor.

(ii) Notice of appeal against the decision of the Administrative Officer shall be given to such officer within fourteen days of the date on which his decision is notified to the party desiring to appeal.

(3) The sum awarded by the Commissioner or Administrative Officer or, when there has been an appeal, by the Governor, shall be paid by the holder of the prospecting right or exclusive prospecting licence to the person entitled thereto, within fourteen days of the date on which the amount of the award is notified to the holder of the right or licence.

(4) If the sum awarded is not paid within the time specified in sub-section (3), such sum may be paid out of any moneys deposited by the holder of the right or licence under section 16 or, if no moneys or insufficient moneys have been deposited, may be sued for by the persons entitled thereto in any court.

(5) The Governor may suspend the prospecting right or exclusive prospecting licence of the person in default until the amount awarded has been paid and until the holder of the right or licence has deposited with the Government such

further sum as security for any future payments as the Governor may demand, and if such payment and deposit is not made within such time as the Governor may consider reasonable the Governor may revoke the prospecting right or exclusive prospecting licence of the person in default.

Revocation of prospecting right or exclusive prospecting licence.

**27.** In the case of any breach by the holder of a prospecting right or an exclusive prospecting licence or by any attorney of or manager employed by such holder of any of the provisions of this Ordinance or of any regulation made thereunder, it shall be lawful for the Commissioner to call upon the holder of the right or licence to show cause, within a time specified by the Commissioner, why his right or licence should not be revoked, and should he fail to comply with such order within the time specified or should the cause shown not be adequate in the opinion of the Governor, the Governor may summarily revoke the right or licence, and thereupon all privileges and rights conferred thereby or enjoyed thereunder shall as from the date of such revocation cease :

Provided always that such revocation shall not in any way affect the liability of any person in respect of the breach of any provision of this Ordinance or of any regulation committed by him before such revocation.

### PART III.

#### MINING.

Mining : when lawful.

**28.** Mining shall be lawful under a claim or a mining lease :

Provided that pending the grant of the mining lease the Commissioner may grant permission to the applicant to mine on the area applied for on such conditions and subject to such restrictions as the Commissioner may think fit, and provided also that the provisions of the Ordinance and regulations which are applicable to mining leases shall apply to any areas in respect of which application has been made for a lease and on which permission to mine has been granted. Such permission may at any time be withdrawn by the Commissioner.

Rents.

**29.** No rent shall be payable for a claim. For a mining lease there shall be paid, subject to the provisions of section 48 of this Ordinance, a rent of five shillings per annum per acre or part thereof.

**30.** No person may hold more than one alluvial claim for precious metals or stones :

One alluvial claim only to be held in the case of precious metals or stones.

Provided that the Commissioner may, on being satisfied by a claim holder that owing to climatic reasons he is unable to work his claim, allow him to hold another such claim which he may work for the period during which he shall suspend work on the first claim. Should he desire to resume work on the first claim, he shall cease work on the second claim and may be granted a certificate of suspension in respect of such claim.

**31.** Any holder of a prospecting right who discovers minerals in apparently payable quantities may, in addition to the claims allowed by this Ordinance, peg five extra claims of the prescribed area, and shall apply to the Commissioner for registration of such claims. If the Commissioner is satisfied that minerals exist in apparently payable quantities and that the discovery lies in a locality in which such minerals were not hitherto known to exist, the Commissioner shall register such claims, which shall be known as "reward claims."

"Reward claims."

**32.** (1) When any holder of a prospecting right pegs out a claim on land not excluded from prospecting in accordance with the provisions of the Ordinance and regulations, he shall within thirty days thereafter apply in manner prescribed for registration in the office of the Commissioner through an officer who may be appointed for the purpose in the district in which the claim is situated.

Registration of claims.

(2) If the application is in accordance with the provisions of the Ordinance and the regulations, the Commissioner shall register the claim.

**33.** The claim shall be granted for one year from the date of pegging, and may be renewed, subject to the provisions of sections 16 and 26, for further terms of one year each, on payment of the prescribed rent.

Duration of claim.

**34.** Where any interest in a claim registered as aforesaid is transferred to, vests in (absolutely or as security only), or devolves upon any person, such person shall within thirty days thereafter register such transfer or vesting in the prescribed manner in the office aforesaid.

Registration of transfer.

Failure to register.

**35.** Any person failing to apply for the registration of a claim or a share in a claim within the period aforesaid shall forfeit all rights in respect thereof and shall, if he works or mines on such a claim, incur the penalty prescribed for unauthorised mining.

Rights under a claim.

**36.** The holder of a claim shall have the right to enter upon the land the subject of the claim, and the exclusive right to prospect or mine thereon and to remove therefrom and dispose of the minerals in respect of which the claim shall have been registered.

Amalgamation of claims.

**37.** The Commissioner may permit the amalgamation of any number of adjoining claims of the same class.

Transfer of claims and interests therein.

**38.** Subject to the approval of the Commissioner, after a claim has been registered as aforesaid, the holder may in the manner prescribed by the regulations by instrument in writing divide his interest in the claim into such shares as he shall think proper, and may allot shares or transfer the claim or create or transfer any interest therein :

Provided that the holder who has transferred an alluvial claim for precious metals or precious stones may not hold another such claim until the first claim has been abandoned, subject to the provisions of sections 30 and 31.

Claims when liable to forfeiture by the Commissioner.

**39.** A claim shall be liable to forfeiture by the Commissioner by written notice to the holder or by notice published in the Gazette in the following circumstances :—

- (a) if the person pegging has failed to apply for registration in prescribed manner within the time fixed by section 32 ;
- (b) if the holder has not produced when demanded by the Commissioner, within such period as he may allow, satisfactory evidence of compliance with the working conditions prescribed ;
- (c) if the rent payable is not paid to the Commissioner within thirty days from the date when it became due, or within such additional time as the Commissioner may allow ;
- (d) if the holder fails to render any prescribed return when due, or within such additional time as the Commissioner may allow ;

- (e) if the holder has not complied with any of the prescribed conditions; or
- (f) if registration thereof has been obtained by any false or fraudulent representation or concealment.

Nothing in this section contained shall impose any obligation on the Commissioner to declare the forfeiture of a claim.

**40.** (1) Any person who shall abandon his claim shall forthwith notify the Commissioner of such abandonment. Obligation on abandonment.

(2) Any person who shall abandon his claim and any person whose claim shall have been forfeited shall forthwith fill up, fence, or secure to the satisfaction of the Commissioner or other prescribed officer all shafts, pits, holes and excavations, in such a manner as to prevent persons or stock inadvertently entering them and shall remove the discovery beacon and all boundary posts thereon, and in default of so doing, shall be liable to a fine of fifty pounds or to imprisonment for three months, and in addition shall be liable to pay such sum as the Commissioner may certify the cost of doing so will be.

**41.** Any person who shall by false representation or fraudulent concealment of facts obtain registration of any claim under this Ordinance shall, in addition to the forfeiture of the claim, be liable to a penalty not exceeding fifty pounds or to imprisonment for three months. Penalty for false representation.

**42.** The provisions of sections 16 and 26 shall apply *mutatis mutandis* to a claim. Application of sections 16 and 26 to claims.

**43.** The Governor may grant a lease to the holder of a prospecting right or of an exclusive prospecting licence, provided that in the latter case the lease applied for shall be wholly within the boundaries of that licence; or to the holder of a claim in respect to the whole or any part of the area of his claim. Grant of leases.

**44.** Applications for leases shall be made in the prescribed form and manner, and shall be subject to the prescribed conditions as to marking out and survey of the land applied for, taking possession thereof and otherwise, and shall be accompanied by payment of one year's rent in advance at the rate prescribed. Applications for leases.

Applicant  
to show  
sufficient  
capital.

45. The Governor may require an applicant for a lease to show to his satisfaction that he possesses or commands or will command within twelve months sufficient working capital to ensure the development of and working of mining operations on the area applied for, and may require any reports on the matter made by prospectors or engineers to be submitted for his information.

In the event of the applicant failing to satisfy the Governor as aforesaid, the Governor may refuse the application, but the applicant may make a new application at any time.

Giving false  
information.

46. Any applicant for a lease wilfully or recklessly giving false information as to any of the matters in respect of which information is or may be required to be given under this Ordinance shall be liable to a fine of fifty pounds or to imprisonment for three months.

Duration of  
lease.

47. A lease may be granted for such term, not being less than five or more than twenty-one years, as the Governor may think proper :

Provided that when permission to mine on the area is granted under section 28 pending the grant of the lease, such term shall commence from the date of the grant of such permission.

Renewal  
of lease.

48. If at the expiration of the term originally granted or of any renewal thereof the lessee shall be carrying on work in a normal and business-like manner, and the lease shall not at that time be liable to be forfeited under any of the provisions of this Ordinance, and the lessee shall have given to the Commissioner six months' notice in that behalf, then the lessee shall be entitled on payment of the prescribed fee to obtain a renewal of the lease for a further term not exceeding twenty-one years upon the conditions which are then generally applicable to new leases :

Provided that in the case of any renewal the rent shall not be increased by more than fifty per centum above that reserved by the original lease.

Surrender  
of lease.

49. A lease may be surrendered at any time after six months' notice in writing has been given to the Commissioner of the intention to surrender if the sanction of the Governor be endorsed in writing thereon, and on payment of the prescribed fee, but not otherwise, provided that such surrender shall not affect any liability incurred by the holder before such surrender shall have taken effect.

- 50.** The Commissioner may permit the amalgamation of any number of leases of the same kind. Amalgamation of leases.
- 51.** A lessee shall not transfer or assign his lease or any of the rights conferred thereby without the consent in writing of the Governor signified by endorsement thereon. No transfer of lease without consent.
- 52.** (1) The Governor may grant a special lease of any land if he is satisfied that by reason of the difficulties and cost attending the mining in, on or under such land, or for any other cause, it is necessary that such a lease be granted. Special lease.
- (2) The Governor may fix the form of, and area to be comprised in, any such lease, the rent and royalty to be paid, and the labour and other conditions, reservations and exceptions to be contained in the same, but in all other respects such special lease and the application for the same shall be subject to the provisions of this Ordinance and of the regulations made thereunder.
- 53.** A lease shall confer upon the lessee the right to enter upon the lands the subject of the lease, and, subject to the regulations, the exclusive right to mine on such lands and the right to remove and dispose of the minerals specified in the lease. Rights under a lease.
- 54.** (1) The Commissioner may grant authority upon such terms as he may think fit permitting the lessee to mine on the land comprised in his lease for any mineral other than that in respect of which the lease was granted, and may vary or revoke any such authority. Mining for mineral other than that for which lease granted.
- (2) If the lessee mines for any mineral other than that in respect of which his lease or any authority as aforesaid has been granted, his lease shall be liable to forfeiture.
- 55.** In so far as it may be necessary to the lessee for or in connection with his mining operations and subject to the provisions of this Ordinance and to the regulations, the lessee shall have on the lands included in his lease the following rights— Surface rights of lessee.
- (a) to make all necessary excavations;
  - (b) to erect, construct, and maintain houses and buildings for his use and for the use of his agents and servants;
  - (c) to erect, construct and maintain such engines, machinery, buildings and workshops and other erections as may be necessary or convenient;

- (d) to stack or dump any of the products of mining ;
- (e) subject to the provisions of any law relating to water, to lay water-pipes and to make water-courses and ponds, dams and reservoirs, and to divert from a natural water-course any water on or flowing entirely through the land, provided that—
- (i) any water diverted not containing any noxious or poisonous matter shall be returned to its natural channel before leaving such land ;
  - (ii) any existing rights to use any source of natural water supply shall not be disturbed ;
- (f) to construct and maintain all such tramways, roads, communications and conveniences as may be necessary :

Provided that whenever a disagreement shall arise between the owner in the case of private land and the lessee in connection with surface rights, the matter shall be determined by the Commissioner.

Mining near public buildings, railways, etc., prohibited except with the consent of the Governor.

**56.** A lease shall not authorise the lessee to occupy or mine on or under land occupied by a native village or by a market or burial ground, or on or under land within one hundred yards of any Government or public buildings or works, or any market, burial ground, public road, or tramways, or of any railway, without the consent in writing of the Governor first obtained, and subject to the conditions, if any, prescribed by the Governor.

Notice to private occupiers who may demand security.

**57.** The provisions of sections 16 and 26 shall apply *mutatis mutandis* to a lease granted under this Ordinance.

Right of lessee and claim-holder to take timber.

**58.** A lessee or a claim-holder may, on the lands included within the area of his lease or claim, cut, take and use any tree when necessary in the course of mining operations or when required for mining or domestic purposes, provided that he shall be liable for any fees or royalties which may be payable under any law relating to forests.

Treatment of tailings, etc., after determination of lease.

**59.** (1) Any lessee whose tenancy is by any means determined may, within thirty days of such determination, apply to the Commissioner for leave to enter the land comprised in the lease and treat or remove any tailings, ore or

stone left thereon by him. The Commissioner may grant such leave and may fix a time within which such treatment or removal is to be completed.

(2) If such leave is not applied for within thirty days or such treatment or removal is not completed within the time fixed, any tailings, ore or stone remaining on the land shall become the absolute property of the Government.

**60.** (1) The Governor may, by notice to the lessee, determine a lease in the following cases :— Grounds for forfeiture of lease.

(a) if the lessee shall commit a breach of any provision of this Ordinance or of any regulations, or of any conditions of the lease, and does not repair such breach, within such period, being not less than one month from the date of the receipt of a notice in writing from the Commissioner so to do, as the Governor may decide; or

(b) if the lessee shall wholly cease work in, on, or under the lease during a continuous period of six months, without the written consent of the Commissioner.

(2) Such determination shall not affect any liability already incurred by the lessee.

(3) Publication in the Gazette shall be sufficient notice to the lessee.

**61.** Any person who discovers any minerals on any land subject to any licence, claim or lease granted under this Ordinance shall forthwith report the discovery within a period of thirty days to the Commissioner, except in cases where it is proved to be impracticable to do so in the time stated and then in the earliest practicable time. Discovery to be reported.

**62.** The subterranean limits of any claim or mining lease shall be vertical planes passing through the sides by which the claim or lease is bounded. Subterranean limits.

**63.** The rent payable under a lease shall be payable yearly in advance, and, if not paid within three months of becoming due, and after the Commissioner shall have served notice on the person in default demanding payment, an amount of twenty-five per centum of the amount due shall be added to the rent and shall be due and payable as if it were part of the rent. Penalty on non-payment of rent.

Rent, how  
recoverable.

**64.** The rent reserved by any lease, claim or exclusive prospecting licence may be levied or recovered under the authority of or in the name of the Commissioner, in like manner as rent is or shall be leviable or recoverable by law in cases where private persons only are concerned.

Registration  
of leases, etc.

**65.** Every lease under this Ordinance, and every transfer or sub-lease of the land comprised in any such lease, shall be registered in the office of the Commissioner in the manner prescribed, and no such lease, transfer or sub-lease shall be valid unless so registered.

Extension  
after breach.

**66.** Whenever a lease becomes liable to forfeiture, the Governor may extend the period during which the lessee may perform the conditions of his lease, for such time and subject to such terms and conditions as he may think fit; and the terms and conditions so imposed by the Governor shall bind the lessee and all transferees, mortgagees, and other persons claiming through or under him, and the lease shall thereafter be construed as if such terms and conditions were inserted therein.

Owner may  
remove plant.

**67.** The owner of any plant, machinery, engines or tools on any forfeited or surrendered lease may within three months from the date of forfeiture or surrender or within such further period as the Commissioner may allow remove such plant, machinery, engines or tools, but shall not, under a penalty of not more than one hundred and fifty pounds or less than seven pounds ten shillings for each such offence, be permitted to remove or to interfere with any timber in any mine. If such plant, machinery, engines or tools are not so removed they may be sold by auction by the order of the Commissioner at the risk of the former lessee. The net proceeds of such sale shall be paid into the Treasury and held until applied for by such former lessee.

## PART IV.

### DISPUTES.

Commissioner  
may decide  
disputes.

**68.** The Commissioner may inquire into and decide all disputes between persons engaged in prospecting or mining operations, either amongst themselves or in relation to themselves and third parties, concerning any of the matters herein-after mentioned, and shall have power to make any order

which may be necessary for the purpose of giving effect to his decision, and to order the payment by any party to the dispute of such compensation to any other party as may be reasonable. Such matters are as follows :—

- (a) disputed boundaries;
- (b) any wrongful act committed, or any act wrongfully omitted, or alleged to have been committed or omitted, in the course of prospecting mining operations, by any person against any other person;
- (c) acts, omissions or matters in the course of, connected with, or auxiliary to prospecting or mining operations;
- (d) the claim of any person to be entitled to erect, cut, construct, or use any pump, line of pipes, flume, race, drain, dam or reservoir for mining purposes, or to have any priority of water taken, diverted, used, or delivered, as against any other person claiming the same;
- (e) assessment and payment of compensation where provided for under this Ordinance.

**69.** The mode of proceeding in a complaint before the Commissioner shall be as follows :— **Procedure.**

- (1) The person complaining shall lodge a memorandum in duplicate at the office of the Commissioner.
- (2) The memorandum shall be in the prescribed form or in a form to the like effect, and shall specify shortly the subject-matter of the complaint and the relief claimed.
- (3) Upon receipt of the memorandum the Commissioner shall give notice in the prescribed form, by post or otherwise, to the party sued of the nature of the complaint, and the time and place at which the same will be heard and determined.
- (4) At the time and place appointed the parties shall attend and state their cases before the Commissioner and may call evidence on oath (which oath the Commissioner is hereby authorised to administer) in support thereof, and the Commissioner, having heard such statement and evidence, shall give his decision.

- (5) The Commissioner may adjourn such hearing to any other time or place, and may, either at the original hearing or any adjournment, proceed in the absence of either party.
- (6) The Commissioner may at any time during the hearing seize or cause to be seized any minerals, and may detain them pending his decision.
- (7) The law for the time being regulating proceedings before and the powers of a subordinate court of the first class in the exercise of its civil jurisdiction shall, so far as practicable, and subject to any modifications, additions or alterations which may be prescribed, apply to proceedings before the Commissioner and to the enforcement of his decisions in like manner as if such decisions were the decisions of such court.
- (8) Fees shall be charged as may be prescribed.

**Commissioner to keep record and take notes.**

**70.** (1) The Commissioner shall keep a record of all cases heard and complaints decided by him and shall take notes in writing of all evidence given before him.

(2) Any person interested in any dispute, decision, or order shall be entitled to obtain a copy of such record and notes upon payment of the prescribed fee.

**Enforcement of Commissioner's decrees.**

**71.** (1) The Commissioner may send a copy, certified under his hand and seal, of any decree or order made by him to any civil court within the local limits of whose jurisdiction the subject-matter of the decree is situated, and such civil court shall enforce the decree of the Commissioner in the same manner in which it would enforce its own decree or order.

(2) The same fees only shall be payable in the civil court upon the enforcement of such decree or order as would be payable upon the enforcement of a like decree or order made by such court.

**Appeal to Supreme Court from decisions of the Commissioner.**

**72.** (1) Any person aggrieved by any decree, order, or decision made or given under the powers vested in the Commissioner, may appeal to the Supreme Court.

(2) No appeal to the Supreme Court shall be admitted after the expiration of thirty days from the date of the decree, order or decision appealed against.

**73.** Nothing in this Part contained shall be deemed to prevent any person from instituting in any of the courts of the Colony any proceedings he may think fit to institute, as provided by law. **Jurisdiction of ordinary courts not excluded.**

## PART V.

### POSSESSION AND PURCHASE OF CERTAIN MINERALS.

**74.** The minerals referred to in this Part shall be tin ore, and mica in the unmanufactured state, and shall include any other mineral to which the Governor in Council may, by notice, apply this Part. **Minerals to which this Part applies.**

**75.** No person shall possess any such minerals unless he is the holder of a mining lease, claim or prospecting licence or right, or of a licence granted under section 77, or the duly authorised employee of such lessee or holder. **Possession of minerals.**

**76.** No person shall buy any mineral unless he is the holder of a licence granted under the next succeeding section. **Purchase of minerals.**

**77.** (1) The Commissioner may issue a licence in the prescribed form and on payment of the prescribed fee authorising the person named therein to buy minerals. **Licence to purchase minerals.**

(2) Every such licence shall expire on the thirty-first day of December in the year in which the licence is granted.

(3) No such licence shall be transferred without the consent of the Commissioner.

**78.** The holder of a licence under the last preceding section shall not buy any such mineral except from the holder of a lease, a claim, a prospecting right or exclusive prospecting licence, or a licence under this Part. **Restriction on purchase.**

**79.** Every holder of a licence to purchase minerals shall be liable for the due payment to the Government of all royalties due on any minerals bought by him and, if so required by the Commissioner, shall give security for due payment of all such royalties. **Payment of royalties by licensee.**

**80.** The holder of a licence to purchase minerals shall— **Books to be kept by licensee.**

(a) keep books showing—

(i) all purchases made by him and the nature and weight of such minerals purchased;

- (ii) the date of each purchase; and
  - (iii) the name of the vendor and his title or authority to be in possession of such minerals; and
- (b) produce such books for the inspection of the Commissioner or any officer authorised by him whenever required to do so.

**Penalties.**

**81.** The holder of a licence who shall commit any breach of the provisions of either of the two last preceding sections or of the conditions of his licence shall be liable to forfeiture of his licence in addition to the penalties prescribed by section 100.

## PART VI.

## INSPECTION AND ACCIDENTS.

**Powers of officers.**

**82.** The Commissioner, or an officer duly authorised by him in that behalf, at all reasonable times by day or night, but so as not unreasonably to impede or obstruct work in progress, may—

- (i) enter, inspect, and examine any land on which prospecting or mining operations are being conducted or which is the subject of any right, licence, claim, or lease;
- (ii) examine into and make inquiry respecting the condition and ventilation thereof, and all matters relating to the safety and health of the persons employed;
- (iii) inspect and examine the state of the external parts of the machinery used upon or in the mine, and the state of all plant, works, and ways;
- (iv) examine and take extracts from all books, accounts, vouchers and documents relating thereto, or to any minerals obtained therefrom;
- (v) inspect the storage of explosives upon any mine and direct in what manner the same shall be stored;
- (vi) exercise all powers necessary for carrying this Part of the Ordinance into effect.

**Obligation to remedy any dangerous practice.**

**83.** (1) If in any respect such officer finds any mine or any matter, thing or practice in or connected with mining or prospecting operations to be dangerous or defective so as, in his opinion, to threaten or tend to the bodily injury of any person, he shall give notice in writing thereof to the lessee or

the holder of the claim or licence or his agent in charge of the mine or operations and shall state in such notice the particulars in which he considers such mine, matter, thing or practice to be dangerous or defective, and shall require the same to be remedied, either forthwith or within such time as he may specify, and may order work to be suspended until the danger is removed to his satisfaction.

(2) On receipt of such notice, the lessee or the holder of the right, claim or licence or his agent shall comply therewith, or, if he intends to object thereto, as provided by the following section, he shall cease to use the said mine, or part thereof, machine, plant, matter, thing or practice as to which such notice shall have been given, and shall forthwith withdraw all men from the danger indicated by such officer until such time as the matter shall have been determined by the Commissioner, and in case of default shall be guilty of an offence against this Ordinance: Provided that if, in the opinion of such officer, there be no immediate danger, he may allow work to proceed during such period, under such restrictions and upon such conditions as he may consider necessary and shall specify in writing to ensure the safety of the workmen.

**84.** If such lessee or holder of the right, claim or licence or his agent objects to remedy the matter complained of in any notice under the last preceding section he may, immediately after the receipt thereof, state his objection in writing to the Commissioner, and thereupon the matter shall be submitted to and determined by the Commissioner or by such officer as he may appoint in that behalf.

Proceedings on objection to comply with notice.

**85.** If such lessee or holder or his agent fails to comply with the requisition of the notice, where no objection is stated within the time aforesaid, or with the decision of the Commissioner or other officer as aforesaid, immediately after the expiration of the time for objection or the decision (as the case may be), he shall be liable to a penalty not exceeding seven hundred and fifty pounds.

Proceedings on failure to comply with notice.

**86.** No person shall be precluded or exempted by any agreement from doing such acts as may be necessary to comply with the provisions of the last preceding four sections, or be liable under any contract to any penalty or forfeiture for doing such acts.

Agreement not to preclude or exempt.

Proceedings  
in case of  
accidents.

**87.** (1) Whenever an accident shall occur in connection with mining or prospecting operations causing or resulting in loss of life or serious injury to any person, the person in charge of the operations shall report in writing with the least possible delay the facts of the matter so far as they are known to him to the District Officer and the nearest officer of the Mines Department.

(2) In the event of any such accident the Mines Officer or Administrative Officer shall hold an inquiry into the cause thereof.

(3) The officer holding the inquiry shall, for the purpose of an inquiry under sub-section (2), have the powers of a magistrate to summon witnesses, to call for the production of books and documents and examine witnesses and parties concerned on oath.

(4) Any person summoned to attend or to produce books or documents as aforesaid, and refusing and neglecting to do so, or refusing to answer any question put to him by or with the concurrence of the officer holding the inquiry, shall be liable on conviction to a fine of five pounds, provided that no person shall be bound to incriminate himself, and every witness shall, in respect of any evidence given by him at such inquiry, be entitled to the same privileges to which he would have been entitled if giving evidence before a court of justice.

(5) Any witness attending at the request of or upon summons by an officer holding such inquiry shall, subject to any order made by such officer, be entitled to like expenses as if summoned to attend the Supreme Court in a criminal trial, and payment shall be made in such manner as the Governor may direct.

Compensation  
on death of,  
or injury to,  
native.

**88.** (1) If the person killed or injured is a native employed in connection with the mining or prospecting operations, and the lessee, or holder of the claim, licence or right shall fail to satisfy the officer holding the inquiry that the accident was due to the serious and wilful misconduct of such native, such native or his representative shall be entitled to compensation, the amount of which shall be assessed by the officer holding the inquiry.

(2) If the person ordered to pay compensation or the person to whom compensation is awarded shall within fourteen days of the date of the award give notice to the officer who

makes the award that he is dissatisfied with the award, the person to whom compensation was awarded may take such proceedings to recover such compensation as he may be entitled to under sub-section (1) in a court of competent jurisdiction as he may think fit.

## PART VII.

## MISCELLANEOUS.

**89.** In any case where the Government is acquiring, under the Indian Land Acquisition Act, 1894, as applied to the Colony, any land held under a lease or claim, compensation shall be payable in respect of any disturbance of mining rights, in addition to any other compensation.

Compensation on acquisition of land by Government.

**90.** The Governor may at any time remove from Crown land subject to any lease or claim any clay, gravel, stone, brushwood, timber or other materials required for any public works.

Power to remove materials.

**91.** The Governor may, notwithstanding the previous grant of any claim, lease or licence over any land under this Ordinance, make any grant of such land which he is empowered by law to make : Provided that the person to whom any such grant may be made shall not be entitled to compensation for any disturbance of his rights under the grant by reason of the exercise by any lessee, or the holder of any claim, right or licence under this Ordinance of any rights conferred upon him by such lease, claim, right or licence :

Subsequent grants.

Provided always that before making such grant the Governor shall give notice to the lessee, claim or licence-holder of his intention to make such grant.

**92.** (1) In any case where the holder of any lease, claim or licence shall—

Protection of estate of deceased person, bankrupt, or lunatic.

(i) die ;

(ii) have a receiving order in bankruptcy made against him ; or

(iii) be found to be a lunatic under the provisions of any law relating to lunacy for the time being in force in the Colony,

the obligations imposed upon such holder by this Ordinance and regulations thereunder shall not arise until after the expiration of ninety days—

- (a) from the date of the grant of probate or the issue of letters of administration;
  - (b) from the date of the receiving order;
  - (c) from the date of the appointment of any manager of the estate of the lunatic so found,
- as the case may be.

(2) Where the grant of probate or the issue of letters of administration, the receiving order, and the appointment of any manager of the estate of the lunatic shall occur beyond the Colony, the said period of ninety days shall run from the date of the recognition by the courts of such probate or letters of administration, receiving order, or appointment of a manager.

Government officers prohibited from acquiring rights.

**93.** No person, whether civil or military, while in the service of the Government or of the High Commissioner, shall directly or indirectly acquire or hold any right or interest under any prospecting right, exclusive prospecting licence, claim or mining lease, and any right, licence or claim or lease or other document or transaction purporting to confer any such right or interest on any such officer shall be null and void: Provided that a temporary employee may retain rights and interests acquired prior to accepting Government employment.

Discovery of mineral by Government servant.

**94.** (1) In the event of discovery of minerals by any person in the service of the Government or of the High Commissioner the discoverer may peg, in the manner prescribed for pegging a claim, an area, to be called a "Government Protection Area," not exceeding one square mile. Such discovery and pegging shall be forthwith reported to the Commissioner and no person may thereafter prospect in such area without the consent of the Commissioner.

(2) Authority to mine in any such Government Protection Area may be granted by the Governor in Council to such persons and subject to such terms and conditions, as he may think fit.

Salting.

**95.** Any person who shall place or deposit or be accessory to the placing or depositing of any minerals in any place with the intent to mislead any person as to the payable nature of such place or who shall mix or cause to be mixed with any ore, any valuable metal or substance whatsoever that will increase the value or in any way change the nature of the said

ore, with intent to deceive, cheat or defraud shall, on conviction, be liable to imprisonment for a term not exceeding three years or to a fine not exceeding three hundred pounds, or to both.

**96.** Any person who shall wilfully obstruct, hinder, assault or resist an officer, or any person duly authorised by an officer or a person authorised by this Ordinance to exercise any right or power or execute any duty or shall wilfully disobey an officer's order other than an order for the payment of money, or shall be guilty of contempt of the Commissioner or other officer when acting in a judicial capacity, shall be liable to a penalty not exceeding one hundred pounds or to imprisonment for any period not exceeding six months, or to both.

**Obstructing officer.**

**97.** Any person who—

- (a) interferes with any mining or prospecting operations authorised by or under this Ordinance;
- (b) obstructs any person in the exercise of any right conferred by or under this Ordinance;
- (c) interferes with any machinery, plant, works or property established on, in, under or over any land in exercise of a right conferred by or under this Ordinance;
- (d) without lawful authority shall wilfully break, deface or remove, or in any other way interfere with any boundary mark, beacon, pillar or post erected for any of the purposes of this Ordinance or under any regulations made thereunder,

**Penalty for interfering with mining, etc.**

shall be liable to a fine of three hundred pounds or to imprisonment for three years, or to both.

**98.** The Commissioner or any officer of the Mines Department may conduct or assist in conducting a prosecution for any offence against this Ordinance.

**Power of Commissioner to conduct prosecutions.**

**99.** Any officer of the Mines Department may without warrant arrest and search any person whom he may find committing, or whom he reasonably suspects of having committed, an offence against this Ordinance: Provided that the person arrested shall be taken, with as little delay as possible, before a magistrate to be dealt with according to law.

**Power to arrest.**

General  
penalty.

**100.** Any person who commits any breach of any of the provisions of this Ordinance for which breach a penalty is not expressly provided, shall be liable to a fine of one hundred pounds or to imprisonment for six months, or to both.

Power to make  
regulations.

**101.** The Governor in Council may make regulations in connection with or for all or any of the matters or purposes following :—

- (a) the manner in which applications for any right, licence, claim or lease which may be granted under this Ordinance shall be made and the forms to be used;
- (b) the information to be supplied by the applicants;
- (c) the classes of claims and leases;
- (d) the manner in which claims shall be pegged;
- (e) the shape of the areas over which exclusive prospecting licences may be granted;
- (f) the size and shape of the areas over which claims or mining leases may be granted;
- (g) the manner in which areas and boundaries shall be surveyed, marked and beacons and the fees payable in respect of such survey;
- (h) the working conditions to be applied to mining leases, claims and licences;
- (i) the construction and use of roads, tramways, and railways;
- (j) the construction and erection of houses, pits, shafts, machinery, and other works to be used for prospecting or mining purposes;
- (k) the fencing off or rendering secure of any shaft, tunnel, drive or other works constructed, erected or made for prospecting or mining purposes;
- (l) the grazing of cattle or other animals and the cutting down and use of timber for the purpose of carrying on prospecting and mining operations;
- (m) the safety of persons employed in mines and the carrying on of prospecting or mining operations in a safe, proper and effectual manner;
- (n) the renewal, transfer, assignment and surrender of rights under licences, claims and mining leases;

- (o) the registration in the office of the Commissioner of mining leases, claims and exclusive prospecting licences and instruments under which any right or interest thereunder is transferred or surrendered and the fees payable on such registration ;
- (p) the returns to be rendered and the nature of the accounts, books and plans to be kept by mining lessees and the holders of claims and of exclusive prospecting licences ;
- (q) the rates of royalties to be paid to Government, the method of calculation of the amount of such royalties, and the manner and time of payment thereof ;
- (r) for determining what proportion of any precious mineral per ton any ore may contain without coming under the definition of precious minerals ;
- (s) the amalgamation of licences, claims and leases ;
- (t) the disposal of any poisonous or noxious products the result of mining operations ;
- (u) the procedure on an appeal to the Governor ;
- (v) the fees to be paid in respect of any matter or thing done under this Ordinance ;
- (w) the contribution by parties benefited of a fair share of the cost of pumping in cases where pumping in one mine benefits other mines ;
- (x) the defiling or wasting of water, wherever situated and wherever obtained ;
- (y) generally for the carrying into effect the purposes of this Ordinance.

**102.** The Mining Ordinance, 1925, as amended by the Mining (Amendment) Ordinance, 1925, and the Mining (Amendment) Ordinance, 1926, is hereby repealed :

**Repeal.**  
 No. 3 of 1925.  
 No. 14 of 1925.  
 No. 20 of 1926.

Provided that notwithstanding such repeal any right or title granted under the Ordinance so repealed shall be limited as prescribed by the Ordinance under which it was granted ; and provided further that except as may be expressly provided by such right or title or by such Ordinance the holder of any

such right or title shall hold and exercise such right or title in accordance with the conditions set forth in this Ordinance, and in all respects as if such right or title were issued under this Ordinance.

## AN ORDINANCE.

No. 2 of 1931.

Assented to in His Majesty's name this eleventh day of February, 1931.

H. M.-M. MOORE,  
*Acting Governor.*

[11TH FEBRUARY, 1931.] Date of assent.

### **An Ordinance to make provision for Education throughout the Colony and Protectorate.**

[11TH FEBRUARY, 1931.] Date of commencement.

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows :—

1. This Ordinance may be cited as “ the Education Ordinance, 1931.” Short title.

#### PART I.

##### DEFINITIONS.

2. In this Ordinance, unless the context otherwise requires :— Interpretation.

“ Director ” means the Director of Education ;

“ Department ” means the Department of Education of the Colony ;

“ School ” means an institution in which not less than ten pupils receive regular instruction and shall include any assembly of not less than ten pupils for the purpose of receiving regular instruction but shall not include—

(a) any institution or assembly in which the instruction is wholly or, in the opinion of the Director, mainly of a religious character, or

(b) any institution owned and maintained by a religious society for the purpose of training persons—

(i) for the ordained ministry, or

(ii) for admission to a religious order under the direction of or associated with such religious society ;

“ Public school ” means any school maintained from public funds or aided by grants-in-aid from public funds ;

“ Government school ” means a public school maintained from public funds ;

“ Private school ” means a school which receives no assistance from public funds ;

“ Inspector ” means any person duly authorised by the Director to be an inspector of schools ;

“ Education officer ” means any officer of the Department or any person named as such carrying the written authority of the Director to visit or inspect schools or to assist in the carrying out of the provisions of the Ordinance ;

“ School medical officer ” means any officer of the Medical Department or any other registered medical practitioner duly appointed by the Director of Medical and Sanitary Services to act as school medical officer ;

“ Medical inspection ” means the physical examination of children in attendance at school, and the consideration of all matters affecting the health of such children by a school medical officer and shall include physical examination by a school nurse ;

“ School nurse ” means any person appointed by the Director of Medical and Sanitary Services to be a school nurse ;

“ School Committee ” means a committee appointed under Part IV ;

“ Parent ” means the father of a child and if there be no father or if the father be absent from the Colony or dead the mother of such child and, if the child has been placed by order of a competent court in the custody of some person the custodian so appointed, and if the father and mother are both dead or absent from the Colony the person having actual custody of such child ;

“ Manager ” means the person or persons directly responsible for the maintenance of a school other than a Government school, and if such person or persons are not resident in the Colony means the person acting on his behalf or their behalf ;

“ Child ” means any person under the age of twenty-one years.

## PART II.

## CONTROL OF EDUCATION.

**3.** The functions of the Department shall be the performance of all work necessary or incidental to the control of education by the Governor and the exercise of any powers or the carrying out of any duties that may be specially conferred on it by this Ordinance or by rules made thereunder.

Functions of  
Department.

**4.** The Governor may from time to time from funds voted for the purpose by the Legislative Council—

General powers  
of Governor.

- (a) establish or maintain or make grants in aid of schools;
- (b) establish or maintain boarding houses accessory to schools established or maintained under this Ordinance, and make grants or advances in aid of the establishment, maintenance or repair of boarding houses accessory to schools maintained or aided under this Ordinance; provided that in the case of schools aided from public funds the consent of the manager shall first have been obtained;
- (c) make grants in aid of governesses and tutors;
- (d) make grants in aid of such of the following institutions as are constituted and administered in manner approved by him—
  - (i) public libraries and public museums;
  - (ii) orphanages, provided that grants in aid of such institutions may include grants in aid of the maintenance of the inmates thereof;
  - (iii) creches;
  - (iv) institutions or organisations which in his opinion promote the education or health of the children of the Colony;
  - (v) institutions or organisations for the education of adults;
- (e) provide for the conduct of all such examinations as are held under the supervision or control of the Department;
- (f) provide in whole or in part for transporting children to or from any public school;

- (g) provide for the compulsory medical inspection of children at school and for the exclusion on medical grounds of children from school;
- (h) make such other provision for the carrying on of public education as may be consistent with the provisions of this Ordinance.

**Bursaries.**

5. The Governor may from time to time from funds voted for the purpose by the Legislative Council provide bursaries—

- (i) to assist in transporting children to any public school which in the opinion of the Director provides education suitable to their age or standard of attainment or in boarding them at or near any such school;
- (ii) to assist in the education or maintenance or transport of children or students who are undergoing or proceeding to undergo courses of instruction at institutions approved by the Governor outside the Colony,

and may withdraw any such bursaries, provided always that the grant or withdrawal of any bursary shall be in accordance with and subject to conditions prescribed by rule.

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### PART III.

#### ADVISORY COUNCILS.

Advisory  
Councils  
appointed by  
Governor.

6. The Governor may appoint one or more Advisory Councils to advise the Director in regard to matters affecting education in the Colony.

Functions of  
Advisory  
Councils.

7. The functions of an Advisory Council shall be to advise the Director upon the following matters in connection with the education of the race or community in whose interests the Council is appointed :—

- (a) the organisation of schools;
- (b) the curricula to be adopted in different types of schools;
- (c) the fees to be charged in Government schools;
- (d) the fees to be charged in boarding houses attached to Government schools;
- (e) to advise on proposed legislation affecting education;
- (f) any matter affecting education submitted by two members of the Council;
- (g) any other matters referred to the Council by the Director.

8. An Advisory Council shall consist of such and so many members as the Governor may from time to time decide and shall hold office for a period of three years provided that—

Constitution and period of Advisory Council

- (a) the chairman of an Advisory Council shall be the Director or his nominee;
- (b) at least one member of each Advisory Council shall be an elected member of the Legislative Council;
- (c) the Governor may at any time revoke the appointment of any member.

9. The Secretary to an Advisory Council shall be an officer of the Department appointed by the Director.

Secretary to Advisory Council.

10. An Advisory Council shall at its first meeting decide the number required to constitute a quorum.

Quorum of Advisory Council.

11. (1) An Advisory Council shall meet not less than once in each year and at such other time as the Director may decide; provided that on receipt of a written requisition signed by three members, the Director shall within six weeks of the receipt of such requisition summon a meeting of the Council.

Meetings of Advisory Council.

(2) It shall be the duty of the chairman to report to the Council the action taken on any matter on which the Council has advised the Director.

#### PART IV.

##### SCHOOL COMMITTEES.

12. The provisions of this Part shall not apply to schools for the education of Arab or African children.

Provisions of this part not to apply to Arabs or Africans.

13. If, in the opinion of the Director the establishment of a school committee is in the interests of any Government school or group of schools, or if the Director receives a requisition in writing from not less than fifty per cent of the parents of the children in attendance at such school or group of schools, he shall take steps to constitute a school committee for such Government school or group of schools as provided in the next following section.

Appointment of school committees for Government schools.

14. A school committee shall consist of not less than three or more than nine members as the Director shall in each case decide, such members to be appointed by the Governor :

Constitution of school committees.

Provided that in the case of a Government school established to meet the educational requirements of the Colony as a whole, and not of a particular locality, the constitution of the committee for such school shall be as the Governor may direct.

Additional members.

**15.** The Governor may appoint as an additional member of any school committee any person who is, in his opinion, a benefactor of such school or of one of the schools in respect of which the committee is constituted.

Tenure of office of school committees.

**16.** (1) One-third of the members of a school committee as near as may be, other than the additional member or members appointed in terms of the preceding section, shall retire in rotation after holding office for one year, but shall be eligible for reappointment.

(2) If a member of a school committee resign or die or be absent from the Colony, the Director may appoint a member to take his place.

(3) If a member of a school committee absent himself without leave from two consecutive meetings of the committee without an explanation satisfactory to the committee he shall be deemed to have resigned.

(4) The Governor may on the recommendation of the Director call upon a member of a school committee to resign and he shall thereupon be deemed to have resigned.

Chairman and quorum of committee.

**17.** At the first meeting of a school committee or thereafter whenever necessary the committee shall—

- (a) elect a chairman;
- (b) appoint a secretary who may, with the approval of the Director, be an officer of the Department;
- (c) fix the number required for a quorum;
- (d) make rules for the conduct of their business, subject to the approval of the Director;
- (e) decide by ballot the members who shall retire in each year under section 16 of this Ordinance.

Meetings of committee.

**18.** A school committee shall meet not less than once in every four months, provided that the chairman may summon a special meeting if he considers such meeting to be necessary and shall summon such a meeting on the written request of not less than half the members.

19. The functions of a school committee shall be— Functions  
of school  
committee.
- (1) to advise regarding the school buildings and premises;
  - (2) to recommend reduction or remission of fees for books, stationery or equipment or tuition or board or medical attendance in the case of children whose parents are in the opinion of the committee unable to pay such fees in whole or in part;
  - (3) to report on boarding houses (not maintained by Government) for children in attendance at school when called upon to do so by the Director;
  - (4) to account for grants in aid of repairs or maintenance of the school buildings or premises when such are not maintained by Government;
  - (5) to consider and decide all applications for admission or readmission of pupils to the school in respect of which the Committee is appointed, subject to the right of appeal to the Director whose decision shall be final;
  - (6) to assist generally in the administration of the school in so far as required by rule or so far as called upon to do so by the Director;
  - (7) to advise generally on matters affecting the interests of the school :

Provided that the Committee shall have no control or authority over any teacher or servant appointed by the Government.

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#### PART V.

#### SCHOOL AREA COMMITTEES FOR ARAB AND AFRICAN EDUCATION.

20. The Governor may constitute school area committees in respect of such areas or districts as he may think fit or may combine two or more such areas or districts for the constitution of such committees. School area  
committees in  
certain areas.

21. A school area committee shall consist of a chairman who shall be the Provincial Commissioner or a deputy nominated by him, and the following members— Constitution of  
school area  
committees.

- (i) in areas in which there is one local native council—
  - (a) three members nominated by the local native council and appointed by the Provincial Commissioner;

- (b) such other members as the Governor may from time to time appoint not being less than three nor more than six in number;
- (ii) in areas in which there are two or three local native councils—
  - (a) two members nominated by each local native council and appointed by the Provincial Commissioner;
  - (b) such other members as the Governor may from time to time appoint not exceeding twice the number of members nominated by local native councils and not being less than the number of members nominated by the local native councils;
- (iii) in areas in which there are four or more local native councils—
  - (a) one member nominated by each and appointed by the Provincial Commissioner;
  - (b) such other members as the Governor may from time to time appoint not exceeding twice the number of members nominated by local native councils and not being less than the number of members nominated by the local native councils;

Provided that in case a school area committee is constituted in an area in which there is no local native council the school area committee shall be constituted in such manner as the Governor may from time to time decide.

Functions of  
school area  
committees.

**22.** The functions of a school area committee shall be as follows:—

- (a) to advise the Director in regard to the provision of schools within its area;
- (b) to make recommendations to the Director in regard to the opening, management or closing of public schools for Arabs and Africans in the area;
- (c) to make recommendations to the Director as to the nature and amount of assistance to be invited from any local native council for the carrying out of any educational project for the benefit of Africans;
- (d) subject to the provisions of any Ordinance relating to the use of land to make recommendations to the Director as to the sites for the establishment of schools for Arab and African children;

(e) to advise the Director generally upon any educational matters referred to the committee by him or by the Provincial Commissioner.

**23.** (1) A school area committee shall hold office for a period of three years. Period of office of school area committees.

(2) A school area committee shall meet not less than once in every four months.

(3) If a member of a school area committee resign or die, the authority nominating such member shall nominate a substitute who shall hold office for the period for which the member whom he replaces would have continued to be a member if he had not resigned or died.

(4) The Governor may call upon a member of a school area committee to resign and he shall thereupon be deemed to have resigned.

**24.** A school area committee shall decide what number of members shall constitute a quorum at the meetings of such committee provided that in no case shall such quorum be less than one-third of the members. Quorum of school area committees.

**25.** Any member of a school area committee other than the chairman may resign therefrom by notification in writing to the chairman. Resignation of members of school area committees.

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## PART VI.

### COMPULSORY EDUCATION.

**26.** (1) The provisions of this Part shall apply only to such races or sections of the community, and to children of such sex and age as the Governor with the advice and consent of the Legislative Council may by proclamation prescribe. Education to be compulsory.

(2) Such proclamation may apply the provisions of this Part to the whole of the Colony or to such area or areas as may be defined in such proclamation.

**27.** (1) It shall be the duty of the parent of every child to whom this Part has been applied who has reached the age at which education is made compulsory in respect of such child and has not completed the age at which education ceases to be so compulsory to cause such child to attend at a school on every day on which such school is open unless such child—

(a) is in the opinion of the Director receiving efficient instruction in some other way; or

Duties of parents where education of children is compulsory.

- (b) is prevented from ill-health or any other cause whether temporary or permanent which the Director may deem a sufficient excuse for non-attendance ; or
- (c) the parent is in the opinion of the Director unable to pay the fees prescribed for tuition under this Ordinance and has applied for but has not received exemption from the payment of such fees.

(2) If any such child as aforesaid lives more than three miles by the nearest road from a school (or more than two miles from a school if he has not completed his ninth year) the following provisions (subject to the exemptions otherwise in this section provided) shall apply :—

- (a) if in the opinion of the Director the parent of such child is himself in such a financial position as to enable him to make the necessary provision for the child's attendance at school, whether in respect of fees, transport, or boarding or fees and transport and boarding it shall be the duty of such parent to do so at whatever distance he may reside from the school ;
- (b) if in the opinion of the Director the parent is in such a financial position as to enable him to defray a portion of the fees, transport, or boarding of his child in order to enable him to attend school and in case such fees have been remitted in whole or in part, and there have been provided by the Government or by any other person or body to the approval of the Director reasonable facilities or assistance for such transport or boarding the parent shall not be excused from causing the child to attend school regularly by reason that the whole cost of transport or boarding is not defrayed by the Government ;
- (c) if in the opinion of the Director the parent is not in a financial position to pay the fees prescribed under this Ordinance or to defray the cost of such transport or boarding or any portion thereof he shall be excused from sending his child to school unless the fees are wholly remitted and facilities for transport or boarding or both free of cost to the parent have been provided by the Government or from some other approved source.

(3) The Governor may with the advice and consent of the Legislative Council prescribe the limits of age between which attendance at school is compulsory, either for children of any race or section of the community or for children of either sex.

(4) It shall be the duty of the parent of every such child who has reached the age at which education ceases to be compulsory for such child, and who remains on the school roll to cause such child to attend regularly.

(5) The Governor may with the advice and consent of the Legislative Council by proclamation vary the distance prescribed in this section.

**28.** Every principal of a school at which a child whose attendance at school is required under the preceding section is enrolled shall report to the Director or other education officer approved by him, any case of irregular attendance on the part of such child, in such manner as may be by rule prescribed.

Duty of principal to report irregular attendance.

**29.** (1) When a proclamation has been issued under this part it shall be the duty of every parent of a child who, but for the fact that he has not yet attained the age at which education becomes compulsory for him, would have been subject to such proclamation, not less than six months before such child attains such age as aforesaid to forward in writing to the Director or to an education officer approved by the Director the following particulars in regard to such child—

Parents' duty to notify particulars of children.

- (i) full name and sex;
- (ii) date of birth;
- (iii) distance of residence from nearest school;
- (iv) name of the school to which it is proposed to send such child, or alternatively if the parent of such child does not intend to send it to school he shall inform the Director in what other way he proposes to give it efficient instruction.

(2) It shall be the duty of the parent of every child who, within six months after the date on which a proclamation is issued under this Part, will attain the age at which education becomes compulsory for him, to forward in writing to the Director or to an education officer approved by the Director the particulars prescribed in sub-section (1) of this section.

(3) Every parent of a child to whom this Part has been applied entering the Colony shall within three months of arrival in the Colony forward in writing to the Director the information required in the preceding sub-section.

(4) Any person who fails to give any information required under this section shall on conviction be liable to a penalty not exceeding fifty shillings for a first offence and to a penalty not exceeding five pounds for a second or subsequent offence.

**Procedure in  
case of non-  
attendance.**

**30.** (1) If the Director or the education officer charged by him with the duty of seeing that all children who are required to receive education do receive education, is of opinion that any such child is not receiving education he shall apply to a magistrate having jurisdiction in the area in which the parent of such child resides, for an order calling upon the parent to cause such child to attend school and shall at the same time inform such parent that such application is being made to the magistrate.

(2) The magistrate upon receipt of such application shall after affording the parent an opportunity of stating either in writing or in person any reason why an order should not be made, make an order to the parent to cause his child to attend school regularly or to give his child efficient instruction in some other way to the satisfaction of the Director, unless he is of opinion that the matter should be reconsidered by the Director. In that event he shall request the Director to reconsider the matter and if the Director renews the application he shall give his decision. If the magistrate decide against the issue of such an order no such application with respect to the same child shall be made before the lapse of four months from the date of the magistrate's decision.

(3) If a parent to whom the magistrate has issued an order in accordance with the preceding sub-section fails to carry out such order, the Director or an education officer acting with the authority of the Director shall cause such parent to be summoned before a magistrate and on conviction such parent shall be liable to a penalty not exceeding fifty shillings for a first offence and for a second or any subsequent offence a penalty not exceeding ten pounds :

Provided that a complaint under this sub-section with respect to the same child shall not be repeated at any less interval than two months.

**31.** If a parent who is summoned before a magistrate as provided in the preceding section claims that he is providing efficient instruction the magistrate may call for a report on such instruction to be submitted to him by an inspector.

Power to call for report on education of child not attending school.

**32.** In any proceedings before a magistrate for an order or penalty in regard to the school attendance of children under this Ordinance the following provisions shall apply :—

Provisions as to legal proceedings.

- (a) it shall lie on the parent to prove that the child is not of the age in respect of which attendance at school is compulsory ;
- (b) the magistrate may require by summons the parent of a child to produce the child before him and any parent failing to comply with such a summons without reasonable excuse to the satisfaction of the magistrate shall be liable on summary conviction to a penalty not exceeding five pounds ;
- (c) in any proceedings relating to a child at which the child is present the magistrate shall sit either in a different room from that in which the ordinary sittings of the court are held or on different days or at different times from those at which the ordinary sittings of the court are held, and no persons other than the officers of the court, officers of the Department and the parties to the case, their advocates and other persons directly concerned in the case shall, except by leave of the magistrate, be allowed to attend ;
- (d) no fees shall be payable for any process applied for or issued under this Part.

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## PART VII.

### PRIVATE SCHOOLS.

**33.** (1) It shall be the duty of the manager of any private school in the Colony—

Registration of private schools.

- (a) to register such school at the office of the Department ;
- (b) to keep a register of teachers employed thereat, showing the qualifications of such teachers ;
- (c) to see that the school is properly conducted and provided with a curriculum approved by an inspector ;

(d) to see that the principal teacher keeps a register of enrolment and a register of daily attendance of pupils in the form prescribed by the Director and furnishes to the Department at such times and for such periods as the Director may require correct returns in the form prescribed by rule of the entries in any register kept as aforesaid.

(2) Any such manager as aforesaid who shall fail to comply with any of the requirements of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding twenty-five pounds.

**Inspection of  
private schools.**

**34.** (1) The Director or any person specially authorised by him may from time to time visit any private school and if it appears to the Director on the report of such person or from his own inspection that such school is conducted in a manner which is in the opinion of the Director calculated to be detrimental to the physical, mental or moral welfare of the pupils attending thereat he may order the premises on which such school is held to be closed for school purposes, or he may give notice to the manager ordering such alteration in the structure of the premises or the conduct of the school as he may think necessary to be made within a time fixed by such order and if the same be not made to his satisfaction within the time prescribed, he may order the premises to be closed, provided that the manager may appeal within seven days to the Governor in Council against such order to close a school. Pending the decision of the Governor in Council the school may remain open.

(2) Any person who—

- (a) shall obstruct or hinder the Director, or any other person in the lawful exercise of the powers conferred by this section; or
- (b) shall continue to conduct the school without having carried out within the time prescribed as aforesaid the requirements as aforesaid; or
- (c) shall without permission of the Director use for the purposes of a school any premises ordered to be closed under the powers of this section,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty pounds.

(3) The Director or any accredited representative may at any reasonable time without notice visit and inspect any private school in the Colony and such of its records as are required by the Department, provided that in the case of purdah schools the inspection shall be carried out by a woman duly authorised.

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## PART VIII.

### TEACHERS.

**35.** No person except in special circumstances to be recognised as such by the Director shall be appointed as a teacher in any public school who does not hold a certificate or licence to teach issued or recognised by the Director, and every licence to teach and every certificate issued under the provisions of this section shall be signed by the Director.

Teachers required to have certificates.

**36.** In the case of teachers who may be employed in a Government school at the time of the passing of this Ordinance but who do not hold a certificate to teach, ten years' approved experience of teaching shall be regarded as equivalent to the possession of a certificate. All teachers appointed to teach in Government schools after the date of this Ordinance with less than ten years' approved experience shall be required to obtain a certificate before their appointments are confirmed.

Provisions in case of existing teachers.

**37.** The appointment of teachers in a public school other than a Government school shall lie with the manager of such school, but every such appointment shall be subject to the approval of the Director. The manager of a public school may be required to dismiss any teacher upon the order of the Director approved by the Governor and refusal to comply with such order shall entitle the Director to reduce or withhold the grant payable to such school.

Teachers in public schools to be approved by the Director.

**38.** (1) The manager or principal of any institution in which provision is made for the training of teachers may with the approval of the Director enter into an agreement in the form to be by rule prescribed whereby the person undergoing a course of training as a teacher is required to serve as a teacher on the completion of the course of training for a period not longer than the period of training.

Students in training to be subject to agreement to teach.

(2) No stamp duty shall be payable on any agreement made under this section.

## PART IX.

## FEES.

Fees in  
Government  
schools.

**39.** (1) Such fees as may be prescribed by rule shall be payable in any Government school provided that the Governor in Council may, at any time and for such period as he shall think fit, by order determine that no fees for tuition or for books or for medical attendance be payable in any one or more of such schools or in any class or classes of such schools or in respect of any individual pupil or group of pupils.

(2) All fees for tuition or books or board, or medical attendance shall as the Director may decide be payable by the month or term in advance to principals of schools, or to such other person as the Director may decide, and any person not so paying shall within fourteen days after the commencement of the month or term as the case may be, be notified in writing by the person to whom the payment is required to be made, that such fees are due.

(3) If such fees are not paid within one month after such notice is duly given the Director may institute legal proceedings in his own name against the person in default for the recovery thereof.

(4) The Director may remit in whole or in part the fees due in respect of tuition or books or board or medical attendance if he is satisfied that the parent of the child in respect of whom such remission is recommended is unable to pay such fees in whole or in part.

Fees to be paid  
into general  
revenue.

**40.** All fees whether paid or recovered as in the last preceding section shall be accounted for and paid into the general revenue of the Colony.

## PART X.

## MISCELLANEOUS.

Delegation  
of authority  
by Director.

**41.** When any proceedings under this Ordinance are brought in the name of the Director it shall be lawful for the Director to appoint any person to conduct the proceedings in court on his behalf.

Children to  
attend school  
serving  
prescribed  
area.

**42.** The Director may by order published in the Gazette prescribe the area to be served by any Government school. No child living outside the area so prescribed shall be admitted to the school serving such area without the written

permission of the Director, and any child living outside the area so prescribed who has been admitted to such school may be excluded from such school, but such exclusion shall not be deemed to be a sufficient excuse for non-attendance at school within the meaning of Part VI of this Ordinance.

**43.** Every child in attendance at a public school shall be liable to medical inspection provided that if the parent of any child objects to medical inspection he may signify his objection in writing to the Director through the school committee if one exists who shall either excuse such child from medical inspection or submit the matter to the Governor whose decision shall be final. Medical inspection.

**44.** (1) Every child attending a public school and undergoing a course of training for any trade or vocation or a preliminary general course of instruction leading to such course of training shall be bound by a form of apprenticeship to be prescribed by rule to complete such course of training unless released therefrom with the authority of the Director. Apprenticeship for learning trade.

(2) No stamp duty shall be payable on any agreement made under this section.

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## PART XI.

### RULES AND REGULATIONS.

**45.** The Governor in Council may from time to time make rules— Power of Governor in Council to make rules.

- (a) prescribing the conditions of admission to Government schools;
- (b) prescribing the conditions of expulsion or exclusion from school on grounds of age, discipline or health, and the administration of corporal punishment;
- (c) prescribing the manner in which compulsory attendance at school is to be ensured;
- (d) prescribing the conditions for the payment of grants in aid of boarding houses conducted in connection with Government schools;
- (e) prescribing the conditions of payments of grants in aid of schools, or boarding houses;

- (f) prescribing the conditions of the grant of bursaries to enable children to attend school, either by means of transport or boarding or both;
- (g) prescribing the conditions under which funds raised by local native councils or other local bodies are to be expended for educational purposes;
- (h) prescribing the amounts and the manner of payment of fees payable under this Ordinance and the recovery thereof;
- (i) prescribing the manner in which the medical inspection and treatment of school children shall be carried out;
- (j) prescribing conditions for securing liberty of conscience and due respect for the religious beliefs of pupils attending public schools;
- (k) prescribing the conditions of payment of grants in aid of public libraries;
- (l) prescribing the conditions of the issue of teachers' certificates or licences and the withdrawal of such certificates or licences.
- (m) prescribing the conditions under which children may for the purpose of learning a trade or becoming teachers be apprenticed to the Director or his representative or to the head of an approved institution;
- (n) prescribing the duties of officers appointed under this Ordinance;
- (o) generally for the better carrying out of the objects of this Ordinance.

**Power of Director to make regulations.**

**46.** The Director may make Regulations—

- (a) prescribing the subjects of instruction to be given in any public school and the courses in such subjects;
- (b) prescribing conditions of any examinations held by the Department and the fees payable for any examinations held by or under the supervision of the Department;

- (c) prescribing the manner in which records, statistics, and accounts shall be kept and returns and reports shall be made to the Department;
- (d) prescribing the procedure to be adopted at meetings of bodies constituted under this Ordinance;
- (e) prescribing the conditions of the use of Government school buildings out of school hours.

**47.** The Education Ordinance, 1924, is hereby repealed. **Repeal.**  
No. 17 of 1924.

## AN ORDINANCE.

No. 3 of 1931.

ASSENTED TO BY HIS MAJESTY.

### An Ordinance to Establish and to Regulate the Management and Control of a Land and Agricultural Bank for the Colony and Protectorate of Kenya.

*3rd March, 1931.*

Date of  
commencement.

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows :—

1. This Ordinance may be cited as "the Land and Agricultural Bank Ordinance, 1930," and shall come into operation on such date as the Governor may, by notice in the Gazette, appoint.

Short title  
and date of  
commencement.

2. In this Ordinance, unless the context otherwise requires :—

Interpretation.

"Farmer" means a person who devotes his attention to farming in the Colony, either exclusively or together with some profession, business or other occupation ;

"Mortgagor" includes any person or company to whom an advance has been made under this Ordinance, and his or its legal representative ; and the words "mortgage," and "mortgagee" shall include a charge, or chargee under the Registration of Titles Ordinance.

*Cap. 142.*

"Mortgage" includes a charge or lien.

"Registrar" means a Registrar of Documents, Registrar of Crown Lands, or a Registrar of Titles ;

"Staff" means the officers and clerks of the Bank appointed under section 7 of this Ordinance.

## PART I.

ESTABLISHMENT AND MANAGEMENT OF A LAND AND  
AGRICULTURAL BANK.

Establishment  
of Land and  
Agricultural  
Bank.

3. (1) There shall be established in the Colony a Bank under the name of "The Land and Agricultural Bank of Kenya" hereinafter referred to as "the Bank," which shall be administered and managed as in this Ordinance is provided.

(2) The Bank shall be a body corporate and shall, under the said name, be capable of suing and of being sued, and of purchasing or otherwise acquiring, holding and alienating property, movable and immovable, and of doing or performing such acts and things as bodies corporate may by law do and perform, subject to the provisions of this Ordinance.

Control of  
operations of  
Bank by  
Board.

4. (1) The operations of the Bank shall be controlled by a Board, hereinafter referred to as the Board, consisting of five members each of whom shall be appointed by the Governor.

(2) Of the five members of the Board, first appointed under this Ordinance, one, except the Chairman, shall retire annually in rotation. The dates of the retirement shall be the first day of January, 1932, and in every year thereafter until all such members have retired. The members so retiring shall, unless they agree amongst themselves who shall retire, be determined by lot immediately after their first appointment and the place of the member retiring shall be filled by the appointment of another member in his place by the Governor. Thereafter, one member of the Board, not being the Chairman, shall retire annually in rotation, the order of retirement being determined by the date of appointment. A retiring member may be reappointed as a member of the Board unless removed or disqualified as hereinafter provided.

(3) The Chairman shall be appointed by the Governor for such period as he may direct.

(4) The name of every member of the Board shall, as soon as practicable after his appointment, be published in the Gazette.

Functions of  
Secretary.

5. (1) The Governor shall appoint a Secretary to the Board who shall be the chief executive officer of the Bank and shall be present at all meetings of the Board, unless he has obtained leave of absence from the Governor, or is absent on duty, or is incapacitated by sickness or other cause.

(2) In the event of the Secretary being absent on leave or on account of incapacitation, the Governor may appoint a person to act as Secretary during such period of absence or incapacitation and the person so acting may exercise all the powers and discharge all duties by this Ordinance exercisable or to be performed by the Secretary.

6. (1) The Chairman shall preside at all meetings of the Board unless he has obtained leave of absence from the Governor or is absent on duty or is incapacitated by sickness or other cause.

Functions of  
Chairman.

(2) In the event of the absence for any cause of the Chairman, the Board shall choose one of their number, who shall, during the absence of the Chairman, act as Chairman and preside at all meetings of the Board.

7. (1) The Board may from time to time, subject to the approval of the Governor, appoint upon such terms and conditions as it may deem fit such officers and clerks as may be necessary for conducting the business of the Bank. Officers and clerks in receipt of a salary not exceeding £200 may be suspended from duty or removed from office by the Governor. Officers and clerks in receipt of a salary exceeding £200 may be suspended from duty or removed from office by the Governor, after inquiry by a committee of the Executive Council, in manner provided for pensionable public officers by the Regulations for His Majesty's Colonial Service.

Appointment of  
Staff of the  
Bank.

(2) Every person so appointed shall, subject to the provisions of this Ordinance, exercise the powers and functions and perform the duties assigned to him from time to time by the Secretary.

8. The salaries and allowances of the Secretary and of the staff and the persons employed by the Bank and all other expenditure incurred by the Bank shall be paid out of its funds.

Expenses of  
administration.

9. (1) No stamp duty, transfer duty or registration fees shall be payable in respect of any transfer of property to the Bank otherwise than by way of mortgage or security for an advance.

Exemption from  
stamp duty and  
other charges.

(2) Subject to the provisions of sub-section (1) hereof, no certificate, document or instrument issued by or in favour of the Bank in giving effect to the powers conferred upon it by this Ordinance shall be subject to stamp

duty, fee or any charge whatsoever, nor shall the Bank be liable for the payment of any search or inspection fee in any land titles or deeds registry or other registration office; and the Bank is furthermore specially exempted from the provisions of any law specially governing banks other than this Ordinance.

Execution of documents and signing of cheques.

**10.** All deeds, instruments, contracts and other documents shall be deemed to be duly executed by or on behalf of the Bank if signed by the Chairman of the Board and one other member of the Board, deputed thereto by the Board in each case, underneath the name of the Bank: Provided that a cheque upon any banking account kept by the Bank shall be signed by the Secretary and one member of the Board.

Remuneration of members of Board.

**11.** (1) Every member of the Board, other than the Chairman and other than members who are officers in the public service, shall be paid out of the funds of the Bank a fee of three pounds for each day or portion of a day while he is engaged upon the business of the Bank and the Chairman shall be paid such salary as the Governor may determine on the advice of the Board: Provided that no member other than the Chairman shall be paid more than three hundred pounds in any one year and provided that a member who is an officer in the public service shall be paid such fees as the Governor may determine on the advice of the Board.

(2) The expression "while engaged on the business of the Bank," shall, in the case of a member who habitually resides more than twenty miles distant from the place where the meetings of the Board are held, include the time actually and necessarily occupied in—

- (a) travelling from and to his residence in connection with such meetings,
- (b) remaining at such place in order to attend such meetings.

Quorum and proceedings of Board.

**12.** Three members shall constitute a quorum at any meeting of the Board and all acts, matters or things authorised or required to be done by the Board shall be decided by resolution of any meeting at which a quorum is present: Provided that, when only three members of the Board are present, no advance shall be made except upon a unanimous resolution. The Chairman at any meeting shall, in addition to his deliberative vote as a member of the Board, have a casting vote.

13. No advance shall be made out of the funds of the Bank to any member of the Board or to any member of the staff of the Bank. Restriction upon making of advances.

14. (1) No member of the Board shall at any meeting take part in the discussion of, or vote upon— Circumstances in which members of Board may not vote.

(a) Any application for an advance under this Ordinance by any person who is related to that member within the third degree of affinity or consanguinity; or

(b) Any such application by any person who is a debtor or creditor of that member or in partnership with or in the employ of that member; or

(c) Any such application by any person who is a debtor under a mortgage of any body of persons, whether incorporated or not, of which that member is a director or under which he holds any office or position other than that of auditor.

(2) Any person who contravenes any provision of this section shall be liable on conviction to a fine not exceeding two hundred pounds, or, in default of payment, to imprisonment for a period not exceeding three months; and the court before which he is convicted may order that he shall vacate his seat and his seat shall thereupon become vacant.

15. (1) The Governor may, for incapacity or misbehaviour, remove any member of the Board from his office. Removal and disqualifications of members of Board.

(2) No person shall be appointed a member of the Board—

(a) if he is insolvent or has assigned his estate for the benefit of his creditors or has made an arrangement with his creditors;

(b) if he is of unsound mind or has been convicted of an offence and sentenced to imprisonment of either description therefor without the option of a fine;

(3) A member of the Board shall become disqualified to retain and shall *ipso facto* cease to hold his office as such member if he shall become subject to any of the disabilities set out in the last preceding sub-section or if he be absent from four consecutive meetings of the Board without the leave of the Board.

(4) If a member of the Board be removed or vacate his office under this section, or die or resign before the expiry of the period for which he was appointed, his place shall be filled by appointment by the Governor; and any person

appointed to fill the place of any such member shall hold office for the remainder of the period for which such member would otherwise have held office.

Meetings of Board.

**16.** The Board shall meet once at least in every quarter and at such other times as the Chairman may summon it. The Chairman shall summon a meeting of the Board on the requisition in writing of three members.

Minutes of proceedings of meetings.

**17.** Minutes of the proceedings of every meeting of the Board shall be regularly entered in a book to be kept for the purpose and the book shall be kept so as to show proper tabulated details of the business conducted or **transacted at each** meeting. The minutes of the proceedings of each such meeting shall be submitted at the next ensuing meeting and, if then passed as correct, shall be confirmed by the signature of the person presiding thereat and shall, when so confirmed, be *prima facie* evidence in all courts and places that the proceedings as recorded in the minutes were the proceedings of such meeting.

## PART II.

### THE BUSINESS, THE PURPOSES, AND THE FUNDS OF THE BANK.

Business of the Bank.

**18.** Subject to the provisions of this Ordinance, the business of the Bank shall be—

- (a) to advance money to farmers on mortgage of land within the Colony which is used for agricultural or pastoral purposes;
- (b) to advance money to farmers holding land from the Crown under an agreement to purchase;
- (c) to advance money to farmers for the purposes of dipping tanks or fencing as provided in Part IV of this Ordinance;
- (d) to advance money to natives in accordance with the provisions of section 26 of this Ordinance;

and generally to make all such advances and do all such acts as the Bank may, by this Ordinance or any other law, be authorised to make or do.

Purposes for which advances may be made.

**19.** Advances under paragraphs (a) and (b) of the last preceding section may be made by the Bank for all or any of the following purposes, namely:—

- (a) Permanent improvements as defined by the Crown Lands Ordinance and of a similar nature to those so defined;

- (b) The payment of costs, incidental to the sub-division of land held in undivided shares;
- (c) The establishment and promotion of agricultural and rural industries;
- (d) The construction of irrigation works and work forming part of an irrigation scheme;
- (e) The purchase of land for any of the purposes described in paragraphs (a) and (c) of this section by a person or group of persons whose financial resources are deemed adequate to carry on a purpose described in any of the said paragraphs;
- (f) The discharge of an existing mortgage or charge, but subject to the provisions of section 25 (4) of this Ordinance;

**20.** (1) The funds of the Bank shall consist of—

**Funds of the Bank.**

- (a) such moneys as the Legislative Council may from time to time authorise the Treasurer to pay to the Bank as part of its funds;
- (b) such funds as may be raised specifically for the purposes of the Bank by loan, either within or without the Colony, by the Colony, or by the Bank with the approval of the Legislative Council;
- (c) such further funds as are mentioned in the next succeeding section.

(2) The Bank shall pay to the Treasurer interest upon the moneys which, under sub-section (1) (a) of this section, form part of its funds and have been paid to it by the Treasurer. Such interest shall be payable upon such dates as the Treasurer may from time to time direct. The rate of interest shall be from time to time fixed by the Governor in Council with the approval of the Legislative Council.

**21.** In addition to the funds mentioned in the last preceding section, the Board shall with the consent of the Governor in Council first had and obtained have power to raise, upon such terms and conditions as it shall determine, further funds by—

**Power to raise further funds.**

- (a) obtaining an overdraft from another bank; and
- (b) issuing "Land Bank bills."

Funds to be  
charged on  
assets of Bank.

22. Any funds raised under the authority of the last preceding section shall be chargeable upon and payable out of the revenues and assets of the Bank.

Power to issue  
Land Bank  
Bills.

23. (1) Land Bank bills may, with the consent of the Governor in Council first had and obtained, be issued in the Colony, or elsewhere, in sums of fifty pounds, or any multiple of fifty pounds, of a currency of twelve months or less upon such terms and conditions as the Board may prescribe and any such bills may with the consent of the holder be renewed or extended from time to time for a period not exceeding twelve months at any one time.

(2) Land Bank bills shall be issued in such form as the Board may determine and records thereof shall be kept in such registers as the Board may prescribe.

(3) Neither the Board nor any agent, appointed as hereinafter provided, shall be under any obligation as regards the due fulfilment of any trust, whether expressed, implied or construed, to which any bill issued under this Ordinance may be subject, notwithstanding that the Board or such agent has had notice that the bill is held subject to a trust.

(4) The Board may make regulations as to Land Bank bills defaced, lost, burnt or otherwise destroyed and also as to such further matters arising out of its powers to issue bills as may from time to time be necessary. No such regulation shall be of force and effect until it is approved by the Governor in Council and published in the Gazette.

Appointment of  
agents.

24. The Board may appoint any bank or any person as agent for the issue or repayment of any bills issued under this Ordinance or to do any other act which under sections 21 and 23 of this Ordinance may or shall be done by the Board and may enter into an agreement with such agent as to the duties to be performed and the remuneration therefor.

### PART III.

#### ADVANCES AND SECURITIES.

Nature of  
advances and  
securities  
therefor

25. (1) Save as in this Ordinance is specially provided, no advance shall be made except upon first mortgage of land within the Colony.

(2) No advance shall be made on any property which is already encumbered by any mortgage or charge (other than a mortgage or charge under this Ordinance or any amendment thereto, or under the Agricultural Advances Ordinance, 1930,

or a charge which has been created, under any law in force, whereby fences have been erected or dipping tanks and other appliances constructed at the instruction of Government).

(3) Advances may be made for the purpose of discharging a mortgage of prior date if such mortgage is in the opinion of the Board onerous, and the amount thereof together with all interest and charges due thereon does not exceed three thousand pounds: Provided that no advance of a sum exceeding two thousand pounds may be made for any such purpose without the consent of the Governor in Council.

(4) Nothing in sub-sections (1), (2) and (3) of this section shall be construed as preventing an advance being made upon the security of property already encumbered by a mortgage in favour of the Government, provided the mortgage was created to secure an amount due to the Government as purchase price of such property and provided further that the provisions of this Ordinance are complied with as to the value of the security.

(5) No advance *bonâ fide* made to any person who is discovered, after the advance or any part thereof has been made, not to be or not to have been, a farmer, shall entail any personal liability upon the Board or any officer of the Bank; but the Secretary or the Board may refuse to pay any further instalments of the authorised advance and the Board may at once proceed to call in and recover, in manner hereinafter provided, the amount already advanced.

**26.** (1) Notwithstanding anything contained in section 25 of this Ordinance, advances for any of the purposes defined in section 19 of this Ordinance may be made to natives, but no such advance shall be made without the consent of the Local Native Council concerned, if the applicant for such advance is a farmer within a Native Reserve.

Advances to natives.

(2) Such advances shall be made on such security as the Board, with the consent of the Governor in Council, may from time to time determine.

**27.** (1) No advance shall be made to any person except—

Mode of application for advances and amounts of same.

(a) upon his written application on a form to be prescribed by the Board; and

(b) upon a resolution of a duly constituted meeting of the Board at which the question of making the advance is properly considered;

and until the bond or other security which is proposed to be given to secure the advance has been registered as by law required or otherwise completed.

(2) Every application for an advance shall state the purpose for which the advance is required and shall be addressed to, and shall be in a form prescribed by, the Board.

(3) No advance under the provisions of paragraphs (a) and (b) of section 18 of this Ordinance shall be made of a sum less than fifty pounds except in special cases and no advance shall be made to any one farmer of a sum greater than three thousand pounds or of sums which in the aggregate exceed three thousand pounds, except for the purpose of executing large agricultural works or improvements specially authorised by the Governor in Council : Provided that no sum advanced for any such works or improvements shall exceed in the aggregate the sum of five thousand pounds.

**Securities which  
may be taken.**

**28.** (1) No advance under the provisions of paragraphs (a) and (b) of section 18 of this Ordinance shall be made upon the security of any piece of land less than ten acres in extent : Provided that any land less than ten acres in extent may be accepted as collateral security if it does not constitute the main part of the security.

(2) No advance under the provisions of paragraph (a) of section 18 of this Ordinance shall be made for an amount exceeding sixty per centum of the fair agricultural or pastoral value of the land, as determined by the Board. An advance made on the security of land shall be made only on the security of land which to the satisfaction of the Board is permanently occupied and either beneficially cultivated or used for grazing stock ; provided that land used exclusively for grazing stock may be regarded as permanently occupied when it is worked as one holding with other land beneficially occupied.

(3) Except in the case of Government settlement schemes in accordance with which advances and interest thereon are specifically guaranteed by the Government, no advance under the provisions of paragraph (b) of section 18 of this Ordinance upon the security of Crown land, the purchase price thereof not being fully paid, shall exceed fifty per centum of the amount already paid as part of the purchase price, but the Board may advance an additional amount up to fifty per centum of the value of improvements approved by the

Board made since the date of the title under which the land is held and such value shall be determined by the Board; Provided that in the event of any such agreement being cancelled and the land resumed by the Crown, there shall be paid out of general revenue so much of the advance and the interest due thereon as the Bank is unable to recover from the mortgagor. Provided, further, that the Governor may approve of the making of advances for the fencing of Crown land to an amount in excess of fifty per centum of the value of such fencing.

(4) For the purpose of sub-section (3) of this section it shall be in the discretion of the Board to take into account the value of such permanent improvements as will last beyond the period for which the advance was made.

(5) An advance made under sub-section (3) of this section shall be secured in such manner and in such form as the Board may determine and, anything to the contrary notwithstanding contained in the next succeeding section, any such advance shall, together with the interest thereon, be repaid within a period not exceeding twenty years upon such terms and conditions as may be determined by the Board.

(6) In the case of a Crown land scheme of settlement in accordance with which advances and interest thereon are guaranteed by the Government, the terms and period of an advance shall be such as are provided for in the scheme.

**29.** (1) The Board may make an advance under section 18 of this Ordinance on such terms as it may deem fit and may direct that such advances shall be repaid in equal half-yearly instalments of capital and interest within such period, not exceeding thirty years, as it may prescribe.

Period for which advances may be made; method of repayment; rate of interest; form of mortgage deed.

(2) The rate of interest on advances shall be from time to time fixed by the Board with the consent of the Governor in Council.

(3) The form of mortgage deed for securing any advance under paragraph (a) of section 18 of this Ordinance shall be as prescribed by the Board.

**30.** (1) If any mortgagor at any time pays to the Bank an amount in excess of the prescribed instalment, the Board may, on the date when the next instalment falls due, apply such amount in payment of the capital portion of one or more of the prescribed instalments which would otherwise

Application of moneys repaid above amount of prescribed instalments.

thereafter fall due, unless the Board shall otherwise in special cases determine, in which event the half-yearly instalments shall be recalculated on the basis of balance of capital owing by the debtor over the remainder of the period for which the advance was originally made.

(2) No such excess payment nor its application by the Bank as provided in sub-section (1) shall be deemed to exempt the mortgagor from paying when due his next prescribed instalment, reduced or recalculated as the case may be.

(3) The Board may pay to the mortgagor interest, at the rate of one per centum per annum less than the rate of interest charged in the mortgage deed, in respect of any such excess so paid as from the date of payment up to the date when the next instalment falls due; provided that such period is not less than thirty days.

Interest on  
advances  
repaid before  
due date.

**31.** If the total amount owing to the Bank is paid off on a date prior to the due date for payment, the Board may claim interest in respect of such amount only up to the date of such payment: Provided that in the case of repayment on a date prior to the due date for repayment three months notice of intention to repay shall be given to the Board and, if no such notice is given, the Board may claim interest in respect of such amount for the period by which the notice actually given falls short of three months.

Increase or  
reduction of  
rates of  
interest.

**32.** The Board may from time to time with the approval of the Governor in Council increase or reduce the rate of interest payable on advances made out of the funds of the Bank: Provided that no alteration shall be made to the rate of interest on advances already made: Provided, further, that the rate of interest charged in respect of any advance shall not be less than is sufficient to cover the average rate payable by the Bank on the following funds, namely—

(a) those provided under sub-section 1 (a) or (b) of section 20 of this Ordinance;

(b) those borrowed under the provisions of section 21 of this Ordinance, not including redemption thereof;

together with the costs of the administration of the Bank, including provision for losses.

**33.** Every application in the prescribed form made for an advance under the provisions of paragraph (a) of section 18 of this Ordinance may, if the Board deem it necessary, be transmitted to a valuator appointed under this Ordinance. Such valuator shall record on a form to be provided to him his valuation of the security and return the same duly completed to the Bank: Provided that the Board may dispense with a valuation where the property offered as security has been recently valued by a valuator appointed under this Ordinance.

**Transmission of applications to valuator.**

#### PART IV.

##### ADVANCES FOR THE PURPOSES OF DIPPING TANKS OR FENCING.

**34.** Notwithstanding the provisions of sub-section (2) of section 28, an advance in addition to that provided for in the said sub-section may be made for the purpose of constructing dipping tanks and fencing under the provisions of the Cattle Cleansing and Fencing Ordinances: Provided, however, that such an advance shall not exceed £200 for either of these objects. The total cost of such dipping tanks and fencing may be provided for by such advance: Provided, however, that such advance, together with all other advances made by the Bank on the security of the land to which it relates, shall not exceed seventy-five per centum of the fair agricultural and pastoral value of the land, and the value of improvements effected or to be effected as determined by the Board.

**Advances for erecting fencing, etc. in addition to those provided for in Sec. 28 (2).**

**35.** Notwithstanding the provisions of sub-section (3) of section 28, an advance in addition to that provided for in the said sub-section may be made for the purpose of constructing dipping tanks and fencing under the provisions of the Cattle Cleansing and Fencing Ordinances: Provided that such an advance shall not exceed £200 for either of these objects. The total cost of such dipping tanks and fencing may be provided for by such advance: Provided, however, that such advance, together with all other advances made by the Bank in respect of the same land, shall not exceed sixty per centum of the amount already paid as part of the purchase price of the said land, and the value as determined by the Board of improvements made since the agreement to purchase.

**Advances for erecting fencing, etc. in addition to those provided for in Sec. 28 (3).**

Applications  
for advances.

**36.** Wherever an owner of a holding—

- (a) is required under the provisions of the Fencing Ordinance, 1929, by another owner of a holding to contribute to the costs of a dividing fence between the holdings; or
- (b) is required to contribute by an adjoining owner to the cost of such alterations to a dividing fence as will make it a fence of a superior type; or
- (c) is required to fence or to contribute towards the fencing of one or more sides of a public road or a railway; or
- (d) is required to fence or to erect a dipping tank in an area proclaimed under the Fencing Ordinance, 1929, or the Cattle Cleansing Ordinance, 1929;

No. 31 of 1929.

No. 31 of 1929.

No. 32 of 1929.

such owner may apply in writing on the prescribed form to the Bank for an advance which will defray the cost or contribution: Provided that the specifications of the fence, or dipping tank, are approved; and a certificate is presented from the officers or agents of the Bank as to the condition and state of construction in order that instalments of the advance may be paid as the work progresses. Provided further that such an advance shall not exceed £200 for either of such objects.

How advances  
to be repaid.

**37.** (1) Any such advance shall, with interest thereon, be repaid to the Bank by equal half-yearly instalments so calculated that the whole advance and the interest thereon will be repaid within such period, not exceeding twenty years from the date when the first instalment becomes due, as the Board may determine. The first instalment may become due two years after the advance is made but during that period the interest at the rate aforesaid shall be payable on due dates by the owner to the Bank.

(2) The Bank may, in lieu of actually advancing money for the purpose aforesaid, pay the cost of the material and transport the same to the holding and the actual cost of the material and the transport thereof shall be debited by the Bank against the owner, as if an advance in money had actually been made, and shall be deemed for the purposes of this Ordinance to be an advance.

(3) The date upon which the advance or any portion thereof is first made or upon which material was first paid for shall be deemed to be the date as from which interest is first payable and the date from which the said two years shall be calculated.

**38.** (1) The Bank shall forthwith before the advance is paid transmit in writing to the Registrar information stating :—

Bank to notify Registrar of advances.

- (a) the date and amount of any advance made under the provisions of this Part; and, when the advance is made in respect of more than one holding, the amount which each owner is liable to pay;
- (b) the person or persons to whom the advance has been made;
- (c) the holding or holdings in respect of which the advance is made;

and upon receipt of the information furnished the Registrar shall, free of all charge, cause a note thereof to be made in his registers in respect of the holding or holdings and on the title thereof, when available, and shall transmit forthwith to the Land Bank a certified copy of such note.

(2) The making of such note shall have the effect of creating in favour of the Bank a charge upon the holding until the amount of the advance and all interest due thereon have been paid. Such charge shall, in the case of advances made under section 36 of this Ordinance, be a first charge, having priority over all existing mortgages or charges upon the holding.

(3) The Registrar shall delete from the register and from the title any such note as soon as he has received from the Bank written information that the amount and interest aforesaid have been paid.

**39.** Any holding in respect of which a note has been made under the preceding section may, after payment of all instalments and interest then due to the Bank in respect of that holding and with the consent of the Board, be assigned or transferred by the owner to any other person but in that case such holding shall, notwithstanding such assignment or transfer, continue to be subject to the charge created by such note in favour of the Bank for so much of the advance and interest as is unpaid at the date of the assignment or transfer; and the owner for the time being of such holding

Assignment of holding in respect of which advance has been made.

shall be liable for the payment of any instalments and interest in respect of the advance, as and when they fall due, in the same manner as if the advance had originally been made to him.

Amount of  
advance to  
attach to  
holding.

**40.** (1) Whenever an advance has been made by the Bank and has been noted by the Registrar in the manner provided in section 38, the amount of the advance (or as much as may be owing) shall attach to the holding in respect of which the advance is made and each successive owner shall be liable for the instalments and interest, as they fall due under the advance during his ownership, as if the advance had been made to him : Provided that no transfer of a holding in respect of which an advance has been made and noted by the Registrar in the manner aforementioned shall be passed before any Registrar unless a certificate, signed by the Secretary of the Bank, is lodged with the said Registrar as proof—

(a) that all instalments and interest, then due to the bank, have been paid ; and

(b) of the amount still owing in respect of the advance.

(2) If it be desired to transfer a portion of a holding in respect of which an advance has been noted by the Registrar in the manner aforementioned, or if it be desired to partition any such holding, the Secretary shall determine whether any and, if any, what proportion of the advance shall attach to each separate portion of the holding, and each successive owner of each separate portion of the holding shall be liable for the instalments and interest, as they fall due during his ownership, in respect of the proportionate amount which attaches to such separate portion, as if the advance had been made to him : Provided that no such transfer of a portion of the holding or registration of such partition deeds of transfer shall be passed before any Registrar unless a certificate, signed by the Secretary of the Bank, is lodged with the said Registrar as proof—

(a) that all instalments and interest then due to the Bank have been paid ; and

(b) of the proportionate amount (if any) which shall attach to each separate portion of the holding.

(3) The amount of any advance made by the Bank in respect of dipping tanks and fencing under this Part and any amount owing to the Bank by any owner at the date of any such transfer or registration of any such partition deeds of

transfer as is permitted under sub-sections (1) and (2) of this section shall be noted, free of charge, by the Registrar on the document of title or deed of transfer (as the case may be) of the holding, or any portion thereof, in respect of which the advance was made, in addition to the note which the said Registrar is by law to make in his said registers.

(4) The certificate mentioned in sub-sections (1) and (2) of this section shall, when signed by the Secretary, be conclusive evidence of the liability, and the amount thereof, of any owner of a holding, or portion thereof, in respect of which an advance for dipping tanks and fencing has been made by the Bank under the provisions of this Part.

41. (1) Advances under this Part may be made to any local authority subject to the provision of the Ordinance governing the powers of such authority notwithstanding such local authority may not be the owner of the holding upon which the specified work is to be erected, provided that application is made to the Board on the prescribed form and transmitted to the Board through the Commissioner for Local Government or the Chief Native Commissioner, as the case may be, and with his approval.

Advances to  
local  
authorities.

(2) The amount advanced and any interest due from time to time thereon shall be secured upon the properties and revenues of the local authority including any town lands thereon or any other lands vested in the authority by any Ordinance; and, in the event of default by any local authority in making any payments to the Bank, the Bank shall, until the moneys due to it from the authority are recovered, exercise all such powers as are vested in the local authority in relation to the levying of rates and out of any rates so levied by the Bank shall collect the moneys due to it and pay over any balance of the rates so collected to the local authority.

(3) The amount advanced shall be repaid by such authority within four years after the completion of the work erected by means of the advances.

(4) For the purposes of this section a local authority shall mean the council or board of any municipality constituted under the Local Government (Municipalities) Ordinance, 1928, or any Ordinance substituted therefor, or any committee or other authority appointed under the Townships Ordinance for the purpose of the said Ordinance, or any Ordinance substituted therefor, or any District Council constituted under

No. 19 of 1928.

Cap. 82.

No. 21 of 1928. the Local Government (District Councils) Ordinance, 1928, or any District Road Board appointed under the Public Travel and Access Roads Ordinance, or any Local Native Council established under the Native Authority Ordinance.

Cap. 113.

Cap. 129.

Advances for certain purposes.

**42.** No advance approved by the Board in respect of the erection of a fence or the construction of a dipping tank shall be paid to the person to whom the advance is to be made until the Board is satisfied that the fence or tank, as the case may be, has been erected or constructed up to the amount in part to be advanced : Provided that, if the holding upon which the work is to be constructed is mortgaged, the Board shall upon receipt and consideration of the application give written advice to the registered holder of such mortgage of its intention to create a charge.

#### PART V.

##### GENERAL PROVISIONS AS TO ADVANCES.

Advances when approved to be taken up within three months.

**43.** As often as any advance has been approved by the Board, and the applicant fails, within a period to be fixed by the Board, but not exceeding three months after notification to him of the approval of the advance, to execute any documents necessary to complete the security and to lodge the same with the Board, together with the title deeds of and/or other documents relative to the applicant's title to the property, if the same is to be mortgaged, the Board may withdraw its approval of the advance and in that event no part of the fees paid in connection with the application shall be refunded.

Covenants and conditions to be implied in mortgages.

**44.** (1) In every mortgage deed to secure an advance made under this Ordinance there shall be implied on the part of the mortgagor and in favour of the Bank the covenants and conditions set out in the First Schedule to this Ordinance.

(2) All such covenants and conditions shall extend to and include the legal representatives of the mortgagor.

Remedies of Bank against defaulting debtor.

**45.** If—

- (a) at any time any sum of money, whether principal or interest, due in respect of any advance made by the Bank under this Ordinance, be unpaid; or
- (b) in the opinion of the Board, any such advance has not been applied for the purposes for which it was made or has not been carefully and economically expended; or

- (c) the debtor become insolvent, or be sentenced to imprisonment without the option of a fine, or assign his estate for the benefit of his creditors or, the debtor being deceased, his estate is about to be administered; or
- (d) there be a breach of any other condition of the advance; or
- (e) the advance be not applied within such time as the Board may consider reasonable to the purpose for which it was made,

the Board may in addition to any other remedies refuse to pay any portion of the advance which has been approved, but not yet paid.

**46.** For the purpose of ascertaining whether an advance has been or is properly applied, the Board may by means of any of the staff, or by means of inspectors or other persons deputed by it, enter upon the premises and/or institute such inspections as it may deem advisable.

Powers of inspection.

#### PART VI.

##### ACCOUNTS.

**47.** The Secretary shall, within three months after the 31st December in each year, transmit to the Treasurer, to be laid before the Governor and to be published in the Gazette, a statement of accounts duly audited and certified showing—

Publication of accounts of the Bank.

- (a) the assets and liabilities of the Bank as on the said date; and
- (b) the profit and loss account for the preceding year.

Every such statement shall be signed as correct by the Secretary, and by at least two members of the Board.

In addition to the accounts in this section mentioned, the Board shall render to the Treasurer from time to time such other accounts, reports and statements as the Treasurer may require.

**48.** The Treasurer, or any other officer in his Department in the public service deputed by him, shall have full access to all the accounts, documents, papers and books of the Bank and the Board shall at all times furnish to such officer all such information as he may require. The Government Auditor, or any other officer in his Department deputed by him, shall audit the books of the Bank at such times as he shall think fit to do so, or as he shall be directed to do so by the Governor.

Inspection and audit of accounts of the Bank.

Creation of  
Reserve Fund

49. (1) As soon as may be after the commencement of this Ordinance, the Board shall create a Reserve Fund which shall be credited from time to time with any net profit earned by the Bank.

(2) The Reserve Fund shall be applied by the Board in making good any loss or deficiency which may occur in any of the transactions of the Bank.

(3) Whenever any balance remains in the Reserve Fund after providing for the loss or deficiency aforesaid, it may be devoted to any of the purposes to which any other funds of the Bank may by this Ordinance be devoted.

(4) As soon as the Reserve Fund and the capital of the Bank (being the funds mentioned in sub-section (1) (a) of section 20) total such amount as is in the Board's opinion adequate to enable the Bank fully to carry out its objects, there shall as soon as possible after the close of each year be paid to the Treasurer such amount as the Board shall direct out of—

(a) the profits of the Bank ; and

(b) the Reserve Fund of the Bank, provided that the amount of the Reserve Fund shall not be reduced below 10 per cent. of the capital of the Bank with a minimum of £100,000.

(5) All amounts paid to the Treasurer in terms of this section shall be applied towards redemption of the capital funds of the Bank as specified in sub-section (1) (a) of section 20.

(6) Interest upon any amount repaid to the Treasurer under this section shall cease to be payable as from the date of such repayment.

## PART VII.

## MISCELLANEOUS.

Power to  
make rules.

50. (1) The Governor in Council, upon the recommendations of the Board, may make rules as to all or any of the following matters, namely—

(a) the meetings and proceedings of the Board ;

(b) the rights and privileges and the duties of the staff and the duties of other persons employed by the Board, and the manner of their performance ;

(c) the establishment of agencies ;

(d) the management of the Bank and its agencies ;

- (e) the specific cases in which property given as security shall be insured;
- (f) the rules of good husbandry;
- (g) the conditions which may be imposed in regard to advances for improvements or new works, and the payment of such advances as work proceeds;
- (h) the forms to be used, and the books, accounts and records to be kept;
- (i) the registration by the Registrar of mortgages executed to secure the repayment of advances made in terms of section 18 (b) of this Ordinance and interest on such advances and the form in which such registration shall be made, the inspection of such register, and other matters incidental thereto; and
- (j) generally for fully and effectually carrying out and giving effect to the objects and purposes and for guarding against violations of this Ordinance.

(2) All rules made under this section shall be published in the Gazette and shall take effect upon such publication.

51. (1) The Board may from time to time appoint a reasonable number of fit and proper persons to inspect and value properties for the purposes of this Ordinance and may in its discretion remove any person so appointed. The Board may cause notice of every such appointment to be published in the Gazette.

**Appointment of  
valuators.**

(2) The fees and travelling expenses of valuers so appointed shall be payable by the applicant in accordance with tariffs framed by the Board and approved by the Governor in Council.

(3) Every administrative officer, Government surveyor, police officer or other officer of the public service shall, without additional emolument, when required by the Board, report on any cases submitted to him and generally act as agent or inspector of the Bank.

52. The Board shall have access without fee or charge to the valuation roll of any local authority which now exists or shall hereafter exist and it shall be the duty of officers of every such authority to supply without fee or charge to the Board, upon application, particulars as to any valuation of rateable property in respect of which such local authority has the power to levy rates.

**Access to  
valuation rolls.**

When Bank  
may hold land.

53. It shall not be lawful for the Bank to hold land other than is required for its business premises or is acquired as the result of foreclosure or otherwise on account of debt; and all developed land so acquired shall be sold at the earliest favourable opportunity upon such special terms and conditions as the Board may determine and not necessarily limited by the conditions of sections under Part III of this Ordinance. It shall not be lawful for the Secretary, the members of the Board, or the members of the staff, to buy directly or indirectly any land sold in accordance with this section.

Penalties for  
offences

54. (1) If the Secretary, or any member of the Board or of the staff or any agent, inspector or valuator, directly or indirectly receive any fee or reward (other than is authorised under this Ordinance) from any person in respect of or in connection with an advance or application therefor under this Ordinance, he shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred pounds, or to imprisonment for a period not exceeding five years, or to both such fine and imprisonment.

(2) Any person who, in respect of or in connection with any advance or application therefor under this Ordinance, bribes or attempts to bribe, or corruptly influences or attempts corruptly to influence, the Secretary or any member of the Board or of the staff, or an agent, inspector or valuator for the Bank, shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred pounds, or to imprisonment for a period not exceeding five years, or to both such fine and imprisonment.

(3) Any person who—

(a) having any pecuniary interest in any land offered as security for an advance under this Ordinance; or

(b) being a partner, creditor or debtor of an applicant for an advance or being related to such an applicant within the third degree of affinity or consanguinity;

acts as valuator in connection with the land offered as security for such advance, shall be liable to a penalty of not less than fifty pounds and not exceeding two hundred pounds, which shall be recoverable by action in any competent court at the suit of the Attorney General and when recovered shall be paid into the Treasury.

Secrecy.

55. (1) Any person having any official duty or being employed in the administration of this Ordinance shall regard

and deal with all documents, information, returns and forms relating to applications for advances or the making of advances under this Ordinance as secret and confidential.

(2) Any person having possession of or control over any documents, information, returns or forms relating to any of the matters aforesaid who communicates or attempts to communicate such information or anything contained in such documents, returns or forms to any person—

(a) other than a person to whom he is authorized by the Governor to communicate it; or

(b) otherwise than for the purposes of this Ordinance, shall be guilty of an offence, and shall be liable on conviction before a magistrate of the first class to a fine of one hundred pounds or to imprisonment for six months or to both such fine and imprisonment.

56. Any applicant for an advance who wilfully fails to disclose any material information within his knowledge, or who wilfully makes any statement which he knows to be false or does not believe to be true shall be guilty of an offence, and shall be liable on conviction before a magistrate of the first class to a fine of one hundred pounds or to imprisonment for twelve months or to both such fine and such imprisonment, and shall further be liable to have any advance made to him by the Bank cancelled forthwith, and to repay to the Bank forthwith all sums advanced to him together with interest thereon.

False statements.

57. (1) Every applicant for an advance under this Ordinance shall pay to the Bank in advance—

Fees, costs, etc.

(a) fees in accordance with the scale set out in the Second Schedule to this Ordinance; and

(b) the valuator's fee and his travelling expenses, according to tariffs framed by the Board.

In the event of the advance being refused, the applicant shall be entitled to a refund of fees paid by him, less an amount of twenty shillings and less the amount also of the valuator's fee and travelling expenses. In the event of a smaller amount being granted than is applied for, and such smaller amount being accepted by the applicant, the application fees shall be calculated on the amount granted.

(2) The costs and fees of preparing, completing or discharging any mortgage or other security shall be payable by the mortgagor to the Bank according to the scale set out in the Third Schedule to this Ordinance. Such costs and fees shall be deducted from the advance.

(3) The Governor in Council may from time to time, on the recommendation of the Board, alter or add to any such scale of costs or fees, and the alteration or addition shall be notified in the Gazette.

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#### FIRST SCHEDULE.

(Section 44.)

Covenants to be implied in every mortgage on the part of the person executing the same, or his legal representative, as mortgagor in favour of the Land and Agricultural Bank of Kenya, its successors and assigns, as mortgagee.

(1) That the mortgagor will from time to time, so long as money shall remain owing on this security, well and substantially repair and keep in good and substantial repair and condition all buildings and other improvements erected and made upon the said land; and the Bank shall at all times be at liberty by itself, its agents or servants to enter upon the said land to view and inspect the said buildings and improvements.

(2) That if the mortgagor fail or neglect to repair the said buildings and improvements, or to keep them in good and substantial repair and condition as aforesaid, then and in any such case and as often as the same shall happen it shall be lawful for, but not obligatory upon, the Bank, at the cost and expense in all things of the mortgagor, to repair the said buildings and improvements and keep them in good and substantial repair and condition.

(3) That all moneys expended by the Bank in repairing or keeping in repair any of the said buildings and improvements as aforesaid, or in the insurance thereof or in attempting to exercise any power, right or remedy herein contained or implied in favour of the Bank, shall be payable to the Bank by the mortgagor on demand; and until paid shall be charged on the said land, together with

interest at the rate of not more than the rate per centum charged in the said mortgage computed from the date or dates of such moneys being expended.

(4) Insurance shall be effected as may be prescribed by regulations or instruction of the Board in the joint names of the applicant and the Bank. Every policy of insurance so effected and every renewal receipt shall be deposited with the Bank.

(5) That if and whenever the mortgagor makes default in the full and punctual payment of any instalment of interest or principal, or if and whenever the mortgagor makes default in the faithful observance and performance of any covenant or condition contained in or implied by the mortgage, it shall be lawful for the Bank to call up and compel payment of all principal, interest and other moneys for the time being owing under this security, notwithstanding that the time or times hereinbefore appointed for the payment thereof respectively may not have arrived.

(6) That the mortgagor will at all times cultivate and/or manage the lands mortgaged in a skilful and proper manner, either personally or by proxy, and according to the rules of good husbandry, and particularly will fulfil all conditions of development and occupation to which in any title from the Crown such lands are subject. Failure in the performance of this condition shall entail the immediate recovery of the advance should the Bank so desire and the conditions of title issued from the Crown in respect of land used exclusively for stock farming shall in all respects be punctually fulfilled.

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#### SECOND SCHEDULE.

(Section 57 (1) (a)).

Scale of Application Fees to be paid by applicants in any event, and to accompany the application :—

	Sh.
On application for an advance not exceeding £500	15
On application for an advance exceeding £500 and not exceeding £1,000 ... ..	20

	Sh.
On application for an advance exceeding £1,000 and not exceeding £1,500 ... ..	30
On application for an advance exceeding £1,500 and not exceeding £2,000 ... ..	40
On application for an advance exceeding £2,000 and not exceeding £3,000 ... ..	50
On application for an advance exceeding £3,000 for every additional £1,000 or fraction thereof, subject to a maximum fee of £5 ... ..	20

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THIRD SCHEDULE.

Scale of Costs and Fees payable under section 57 (2) of this Ordinance :—

	Sh.
For every advance not exceeding £100 ... ..	40
For every advance exceeding £100 and not exceeding £500 ... ..	60
For every advance exceeding £500 and not exceeding £1,000 ... ..	80
For every advance exceeding £1,000 and not exceeding £1,500 ... ..	100
For every advance exceeding £1,500 and not exceeding £2,000 ... ..	120
For every advance exceeding £2,000 for every additional £1,000 or fraction thereof ... ..	40

Scale of Costs and Fees for preparing mortgage :—

One half of above scale.

Costs and Fees for discharge or release of mortgage, including guarantees issued by the Bank ...	30
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## AN ORDINANCE.

### No. 4 of 1931.

Assented to in His Majesty's name this sixteenth day of June, 1931.

J. BYRNE,  
*Governor.*

[16TH JUNE, 1931.] Date of assent.

### An Ordinance to Amend the Customs Tariff Ordinance, 1930.

*16th June, 1931.*

Date of commencement

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows :—

- 1.** This Ordinance may be cited as “ the Customs Tariff (Amendment) Ordinance, 1931,” and shall be read as one with the Customs Tariff Ordinance, 1930, hereinafter referred to as “ the Principal Ordinance.” Short title.  
No. 1 of 1930.
- 2.** The Schedule to the Principal Ordinance is hereby amended by deleting Items 27 (b) and (c), 29 (a) (b) and (c), 49 (e) and (f), 61 (a), 63 and 121, and substituting therefor the following :— Amendment of  
the Schedule to  
the Principal  
Ordinance.

<i>Item.</i>	<i>Article.</i>	<i>Duty.</i>	<i>Sh. Cts.</i>
27.	Spirits—		
	(b) Liqueurs, cordials and mixed potable spirits, exceeding 3% of proof spirit ... ..	per Imperial gallon ...	48 00
	(c) Other potable spirits exceeding 3% of proof spirit, e.g., brandy, whiskey, rum, gin, geneva and rectified spirits, n.e.e. ...	per proof gallon ...	48 00
	(Note.—No allowance will be made for underproof in excess of 12½%.)		

Item.	Article.	Duty.	Sh. Cts.
29. Wines—			
(a) Vermouth	... ..	per Imperial gallon ...	7 50
(b) Other still wines, n.e.e.—			
(i) Imported in bottle	...	per Imperial gallon ... (or 33 $\frac{1}{3}$ % <i>ad valorem</i> whichever is the greater.)	7 50
(ii) Imported in casks or other containers of 5 gallons or over	.. ..	per Imperial gallon ... (or 33 $\frac{1}{3}$ % <i>ad valorem</i> whichever is the greater.)	5 50
(c) Sparkling wines—			
(i) Champagne	....	per Imperial gallon ... (or 33 $\frac{1}{3}$ % <i>ad valorem</i> whichever is the greater.)	25 00
(ii) Other	... ..	per Imperial gallon ... (or 33 $\frac{1}{3}$ % <i>ad valorem</i> whichever is the greater.)	17 50
49. (e) Bicycles, tricycles, rickshaws and carriages (not including baby carriages), and parts and acces- sories thereof (not including rubber tyres or tubes when imported separately)	... ..	<i>ad valorem</i> 20%.	
(f) Other wheeled vehicles, n.e.e., and parts and accessories thereof (not including rubber tyres or tubes when imported separately)		<i>ad valorem</i> 15%.	
61. (a) Motor cars, motor and steam lorries of a carrying capacity of less than 30 cwt., motor cycles and other mechanically propelled road vehicles and chassis there- of. n.e.e., together with their appropriate initial equipment	...	<i>ad valorem</i> 15%.	

1931

## Customs Tariff

No. IV

Item.	Article.	Duty.	Sh. Cts.
63.	Motor vehicle and motor engine parts and accessories not specially provided for ... ..	<i>ad valorem</i> 15%.	
121.	Tyres and tubes, rubber, not attached to wheels or vehicles—		
	(a) Pneumatic—		
	(i) Tyres, including the weight of the immediate wrapper... per pound	...	0 50
	(ii) Tubes for motor vehicles or for sidecars and trailers for motor vehicles ... .. per pound	...	0 40
	(iii) Tubes, bicycle and others per pound	...	0 50
	(b) Solid : complete, or in lengths or in the piece ... .. per pound	...	0 20

**3.** That portion of the General Notes to the Principal Ordinance which relates to the multiples of one pint deemed to be contained in a gallon is hereby amended by inserting the word “reputed” between the word “twelve” and the word “pints.”

Amendment of  
the General  
Notes to  
the Principal  
Ordinance.

**AN ORDINANCE.**

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**No. 5 of 1931.**

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Assented to in His Majesty's name this sixteenth day of June, 1931.

J. BYRNE,  
*Governor.*

Date of assent.

[16TH JUNE, 1931.]

**An Ordinance to Repeal the Wines and Spirits  
Consumption Tax Ordinance, 1926.**

Date of  
commencement.

*16th June, 1931.*

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows :—

Short title.

**1.** This Ordinance may be cited as “ the Wines and Spirits Consumption Tax (Repeal) Ordinance, 1931.”

Repeal of  
Ordinance  
No. 26 of 1926.

**2.** The Wines and Spirits Consumption Tax Ordinance, 1926, is hereby repealed.

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# AN ORDINANCE.

No. 6 of 1931.

Assented to in His Majesty's name this tenth day of July, 1931.

J. BYRNE,  
*Governor.*

[10TH JULY, 1931.] Date of assent.

## **An Ordinance to Amend the Post Office Amendment Ordinance.**

*10th July, 1931.*

Date of  
commencement.

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows :—

1. This Ordinance may be cited as "the Post Office (Amendment) Ordinance, 1931," and shall be read as one with the Post Office Amendment Ordinance (Chapter 117 of the Revised Edition), hereinafter referred to as "the Principal Ordinance." Short title.

2. Item 10 of the Schedule to the Principal Ordinance is hereby repealed, and the following substituted therefor :— Amendment of the Schedule to the Principal Ordinance.

Per 2½ lb. ... .. 0 05

## AN ORDINANCE.

No. 7 of 1931.

Assented to in His Majesty's name this tenth day of July, 1931.

J. BYRNE,  
*Governor.*

Date of assent.

[10TH JULY, 1931.]

### An Ordinance to Amend the European Officers' Pensions Ordinance, 1927.

Date of commencement.

*10th July, 1931.*

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows:—

Short title.

**1.** This Ordinance may be cited as "the European Officers' Pensions (Amendment) Ordinance, 1931", and shall be read as one with the European Officers' Pensions Ordinance, 1927, hereinafter referred to as "the Principal Ordinance".

No. 11 of 1927.

**2.** Section 12 of the Principal Ordinance is hereby repealed and the following section substituted therefor:—

Repeal and replacement of section 12 of the Principal Ordinance.

Pensions affected by re-employment.

12. If any European officer to whom a pension has been granted under this Ordinance is appointed to another office in the service of Kenya and subsequently retires in circumstances in which he may be granted a pension, he may be granted, in lieu of his previous pension, a pension computed as if the periods of his service in Kenya had been continuous, and such pension may be based on his pensionable emoluments on his previous or final retirement from the service of Kenya, whichever are the greater: Provided that if, on his previous retirement, he was paid a gratuity and reduced pension, the gratuity to be paid to him on final retirement shall be reduced by the amount of the gratuity already paid.

## AN ORDINANCE.

No. 8 of 1931.

Assented to in His Majesty's name this tenth day of July,  
1931.

J. BYRNE,  
*Governor.*

[10TH JULY, 1931.] Date of assent,

### **An Ordinance to Repeal the German Missions Ordinance, 1924.**

*10th July, 1931.*

Date of  
commencement.

ENACTED by the Governor of the Colony of Kenya,  
with the advice and consent of the Legislative Council thereof,  
as follows :—

1. This Ordinance may be cited as " the German Missions (Repeal) Ordinance, 1931 " Short title.

2. The German Missions Ordinance, 1924, is hereby repealed. Repeal of  
Ordinance  
No. 5 of 1924.

## AN ORDINANCE.

No. 9 of 1931.

Assented to in His Majesty's name this tenth day of July,  
1931.

J. BYRNE,  
*Governor.*

Date of assent.

[10TH JULY, 1931.]

### An Ordinance to Amend the Widows' and Orphans' Pension Ordinance.

Date of  
commencement.

*10th July, 1931.*

ENACTED by the Governor of the Colony of Kenya,  
with the advice and consent of the Legislative Council thereof,  
as follows:—

Short title.

**1.** This Ordinance may be cited as "the Widows' and Orphans' Pension (Amendment) Ordinance, 1931," and shall be read as one with the Widows' and Orphans' Pension Ordinance (Chapter 34 of the Revised Edition), hereinafter referred to as "the Principal Ordinance".

Amendment  
of section 2  
of the  
Principal  
Ordinance.

**2.** (1) The interpretation of the term "this Government" in section 2 of the Principal Ordinance is hereby repealed and the following substituted therefor:—

" 'this Government' means the Government of the Colony and Protectorate of Kenya and shall be deemed to include the High Commissioner for Transport."

(2) There shall be added after the interpretation of the term "this Government" in the Principal Ordinance, the following:—

" 'the Governor' means the Governor of the Colony and Protectorate of Kenya and shall be deemed to include where the context so admits or requires the High Commissioner for Transport."

(3) The interpretation of the term " East African Service " in the Principal Ordinance is hereby amended by the deletion of the word " and " before the words " the Tanganyika Territory " and by the addition after such words of the words " and the High Commissioner for Transport ".

3. Subsection (3) of section 4 of the Principal Ordinance is hereby amended by the deletion of the words " Uganda Railway " wherever appearing therein and the substitution therefor of the words " Kenya and Uganda Railways and Harbours. " Amendment of section 4 (3) of the Principal Ordinance.

4. Section 8 of the Principal Ordinance is hereby amended by the addition after the word " Kenya " of the following words :— Amendment of section 8 of the Principal Ordinance.

" or to the High Commissioner for Transport as the case may be. "

5. Notwithstanding anything to the contrary in the Principal Ordinance the officers enumerated in the Schedule to this Ordinance shall not be deemed to be contributors under the Principal Ordinance unless they so elect within three months from the date of operation of this Ordinance. Certain officers not deemed to be contributors unless so elect.

#### SCHEDULE.

Mr. Richard Cooper Gowthorpe.  
 Mr. Frank Carlyle Rhodes Croxford.  
 Mr. Frank Buckley.  
 Mr. Thomas Davidson.  
 Mr. Frank Avenall Richards.  
 Mr. Basil James Burward.  
 Mr. Hugh Lampart Taylor.  
 Mr. Richard Charles Maynard-Buckby.  
 Mr. Sydney Vernon Scholl.  
 Mr. William Henry Stevens.  
 Mr. George Christian Beath.  
 Mr. Gerald Murray Watkins.  
 Mr. Frederick Ernest Horne.  
 Mr. Harold Frank Birchall.  
 Mr. Ramsay Nicholson.  
 Mr. Henry Hare Dugmore.  
 Mr. Harold James Rosenrode.  
 Mr. James Sharp Coney.

## AN ORDINANCE.

No. 10 of 1931.

Assented to in His Majesty's name this tenth day of July, 1931.

J. BYRNE,  
*Governor.*

Date of assent.

[10TH JULY, 1931.]

### An Ordinance to Amend the Asiatic Widows' and Orphans' Pension Ordinance, 1927.

Date of commencement.

*10th July, 1931.*

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows :—

Short title.

**1.** This Ordinance may be cited as “ the Asiatic Widows' and Orphans' Pension (Amendment) Ordinance, 1931,” and shall be read as one with the Asiatic Widows' and Orphans' Pension Ordinance, 1927, hereinafter referred to as “ the Principal Ordinance.”

No. 20 of 1927.

**2.** Section 3 of the Principal Ordinance is hereby repealed.

Repeal of section 3 of the Principal Ordinance.

Repeal and replacement of section 4 (2) and (4) of the Principal Ordinance.

**3.** Sub-sections (2) and (4) of section 4 of the Principal Ordinance are hereby repealed and the following sub-sections are substituted therefor :—

“ (2) Persons whose engagement is for a specified period, which is less than three years, or persons whose engagement, not being for a specified period, is terminable at one month's notice or less.”

“ (4) Any other class of persons, whom the Governor may declare to be ineligible to contribute on the grounds that it is impossible or inexpedient to apply the provisions of the Ordinance to such class.”

1931

*Asiatic Widows' and Orphans' Pension*

No. X

4. Section 5 of the Principal Ordinance is hereby amended as follows :—

Amendment of section 5 of the Principal Ordinance.

(a) by the addition of the words " who is under the age of thirty-five years, or who is a contributor in any administration which has provisions relating to pensions to the widows and orphans of Asiatic officers similar to those in the Colony, or is deemed to be a contributor in the Colony or who was," immediately after the word " officer " occurring therein ;

(b) by the addition of the following proviso :—

" Provided that any Asiatic officer of the age of thirty-five years or over appointed to a post in the service of this Government after the first day of October, 1927 (not being a contributor in any administration which has provisions relating to the pensions to the widows and orphans of Asiatic officers similar to those in the Colony or deemed to be a contributor in the Colony), and who is otherwise eligible to become a contributor, may elect within three months of his appointment to become a contributor and if he shall so elect he shall pay in addition to his contributions a lump sum contribution as if he had been appointed to his present post at the age of thirty-five years at his present salary and drawn such salary to the date of his actual appointment to his present post."

5. Section 7 of the Principal Ordinance is hereby amended, with effect from the first day of October, 1927, by the insertion of the words " or pension " immediately after the word " salary " occurring therein.

Amendment of section 7 of the Principal Ordinance.

6. Section 8 of the Principal Ordinance is hereby amended, with effect from the first day of October, 1927, by the insertion of the words " or of such officer's pension " immediately after the word " officer " occurring in the sixth line thereof ; and by the deletion of the proviso thereto.

Amendment of section 8 of the Principal Ordinance.

7. Section 9 of the Principal Ordinance is hereby amended as follows :—

Amendment of section 9 of the Principal Ordinance.

(a) by the insertion of the words " or pensions " immediately after the word " salaries " occurring in the second line thereof ; and

- (b) by the insertion of the words " or pension " immediately after the word " salary " occurring in the ninth line thereof.

Amendment of section 17 of the Principal Ordinance.

8. Section 17 of the Principal Ordinance is hereby amended as follows :—

- (a) by the insertion of the words " at the discretion of the Board " immediately after the word " liable " occurring in the third line thereof ;
- (b) by the addition of the following as sub-sections (2) and (3) :—

" (2) A contributor or widow, who has been fined under the provisions of subsection (1), shall be liable, at the discretion of the Board, to pay a further fine not exceeding forty shillings in respect of every further period of three months during which such default continues and such fine or fines may be deducted from his salary or his or her pension as the case may be.

(3) All fines inflicted under this section shall be collected by the Treasurer at the request of the Board."

- (c) by renumbering sub-section (2) as sub-section (4).

Who may, but need not become contributors.

9. Where any Asiatic officer who was in or was selected for appointment to the service of this Government on the first day of October, 1927, and was not on that date eligible to become a contributor and has not since that date become eligible to become a contributor, must but for the provisions of this section, become a contributor from the date of the coming into force of this Ordinance, he may within three months from the coming into force of this Ordinance by letter addressed to the Secretary of the Asiatic Widows' and Orphans' Pension Fund elect not to become a contributor.

Share of pensions.

10. Where an Asiatic officer has been a contributor in more administrations than one which have provisions relating to pensions to the widows and orphans of Asiatic officers similar to those in the Colony, this Government shall be liable for such share of the pensions in the proportion which its contributions bear to the total contributions paid to the administrations concerned :

Provided that where any part of the contributions have been repaid under section 28 of the Principal Ordinance such part shall not be deemed contributions for the purpose of this section.

11. Where a contributor is transferred to the service of an administration in which he is not eligible to join a Widows' and Orphans' Pension Scheme he may elect, within three months of his transfer, to continue his contributions, in which case his contributions shall be the same as he was contributing at the date of his transfer or where the contributor is on an incremental scale his contributions shall be those which he would contribute if he remained in the Colony on that scale and obtained each increment at the earliest possible date :

Contributions of officers transferred to other administrations.

Provided that contributions can only be continued while the contributor is in the service of the administration aforesaid or on pension therefrom and he shall while contributing and at the date of his leaving such service, if then contributing, be deemed a contributor contributing in the Colony.

12. Where any contributor on leaving the service of this Government becomes a contributor in an administration having provisions relating to pensions of widows and orphans of Asiatic officers similar to those in the Colony or on so leaving is deemed to be a contributor in the Colony, sections 28 and 29 of the Principal Ordinance shall not apply to such contributor, while he is contributing as aforesaid or while he is deemed to be a contributor in the Colony.

Sections 28 and 29 of the Principal Ordinance not to apply in certain cases.

# AN ORDINANCE.

No. 11 of 1931.

Assented to in His Majesty's name this tenth day of July, 1931.

J. BYRNE,  
*Governor.*

Date of assent.

[10TH JULY, 1931.]

**An Ordinance to Establish a Mazrui Lands Board of Trustees, to Provide for the Powers and Control which such Board may Exercise over the Mazrui Land, and to Validate Certain Titles granted by the Arbitration Board appointed by Notice appearing on page 178 of the Gazette, 1912.**

Date of commencement.

*10th July, 1931.*

WHEREAS in Application Cause No. 31D of 1912 before the Land Registration Court at Takaungu certain blocks of land in the Malindi District were set aside for the use of the Mazrui tribe :

AND WHEREAS in the matter of the said Cause titles to five blocks of land were subsequently issued as follows :—

Block No. 1, Certificate of Title 409 of the 1st day of April, 1914.

Block No. 2, Certificate of Title 408 of the 8th day of April, 1914.

Block No. 3, Certificate of Title 406 of the 19th day of March, 1914.

Block No. 4, Certificate of Title 407 of the 19th day of March, 1914.

Block No. 5, Certificate of Title 414 of the 15th day of July, 1914 :

AND WHEREAS by a notice appearing at page 178 of the Gazette of the 15th day of March, 1912, the Acting Governor appointed an Arbitration Board as follows to sub-

divide the aforesaid blocks of land amongst all the families of the Mazrui tribe entitled to land—

Rashid bin Salim,	<i>Chairman.</i>
Mohamed bin Sud,	<i>Member.</i>
Mohamed bin Seif,	„
Mohamed bin Juma,	„
Riziki bin Mahomed,	„
Khalfan bin Abdallah,	„
Abdulla bin Rashid,	„

AND WHEREAS certain land has been alienated by the said Board :

AND WHEREAS doubts exist as to the validity of the titles granted by the said Board in respect of the land so alienated :

AND WHEREAS it is deemed expedient to validate all such titles by legislation :

AND WHEREAS it is also deemed expedient to establish a Board of Trustees in whom shall be vested all the Mazrui land not yet alienated or which may hereafter devolve upon the Mazrui and to specify the powers and control which such Board may exercise over such land :

BE IT THEREFORE ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows :—

1. This Ordinance may be cited as “ the Mazrui Lands Trust Ordinance, 1931.” Short title.
2. In this Ordinance, “ the Mazrui ” means the Mazrui and Shakh’si followers of Salim bin Khamis. Interpretation.
3. There shall be established a Mazrui Lands Board of Trustees (hereinafter called “ the Board ”) for the purpose of holding and administering all the lands of the Mazrui; such Board shall consist of the Provincial Commissioner of the Coast Province as Chairman and such other persons not exceeding six in number as the Governor may by notice in the Gazette appoint. Establishment of Board.
4. The Board shall be a body corporate and shall have perpetual succession and a common seal, and may sue and be sued in such corporate name and, subject to the provisions of this Ordinance, may hold, and by instrument under their common seal may convey, mortgage, assign and demise any Board a corporate body.

land or any interest therein now or hereafter belonging to, or held for the benefit of, the Mazrui in such and the like manner, and subject to such restrictions and provisions, as the Board might without incorporation hold, convey, mortgage, assign or demise for the benefit of the Mazrui as hereinafter provided.

Vesting  
of land  
in Board.

5. (1) All lands held by or on behalf of the Mazrui at the commencement of this Ordinance, which lands are described in the Schedule hereto and more particularly delineated on a set of plans entitled "Mazrui land, mainland north," which plans have been signed by the Governor and deposited in the office of the Survey and Registration Department at Nairobi, are hereby declared to be vested in the Board to be appointed under the provisions of this Ordinance, for such estate and interest and subject to such leases, mortgages, charges or other encumbrances, trusts, rights of way, easements, conditions and restrictions as existed immediately prior to the commencement of this Ordinance.

(2) Any areas of land which may hereafter be granted or conveyed or which may in any way devolve upon or be held for the benefit of the Mazrui shall, subject to the provisions of the Trustee Ordinance, 1929, vest in the Board.

No. 28 of 1929.

Powers over  
trust property.

6. (1) The Board shall hold all land as aforesaid as trustees in trust for the Mazrui.

(2) The Board may at their discretion convey, mortgage, assign or demise any of the land aforesaid for the benefit of the tribe on such terms and conditions as they may think fit and shall distribute any profits which may arise out of the said land among the members of the tribe in such manner as may seem to them just.

(3) The Board may at the request of the majority of the tribe sub-divide any land vested in them and grant any such land so sub-divided to such member or members of the tribe as they may think just.

Validity of  
acts of  
Arbitration  
Board.

7. (1) Any land the property of the tribe in any way alienated in good faith by the Arbitration Board appointed by notice appearing on page 178 of the Gazette, 1912, or as constituted from time to time, shall be deemed to have been lawfully alienated, and the Arbitration Board shall be deemed for all purposes to have acted legally, and any person in whose favour any grant, lease or conveyance has been made or given shall be deemed to have the like estate or interest which purported to be given by such grant, lease or conveyance.

(2) No suit, prosecution or legal proceeding whatsoever whether civil or criminal shall be instituted against the Arbitration Board referred to in the last preceding sub-section, or any member thereof, in respect of any act, matter or thing directed or done in good faith in exercise or purported exercise of their or his appointment as aforesaid, or in relation to the alienation in good faith of any land of the Mazrui and the validity of any act matter or thing as directed or done shall not be liable to be contested by suit or otherwise.

8. The Governor may make Rules prescribing—

Power to  
make Rules.

- (a) the tenure and avoidance of office of trustees appointed under this Ordinance;
- (b) the number of trustees who may act on behalf of the Board;
- (c) the opening of a banking account and generally the transaction of the business of the Board;
- (d) the conduct of meetings of the Board and the powers of the Chairman;
- (e) the majority of trustees necessary to authorise the doing of any act as to which the Board is not unanimous;
- (f) the device of the common seal;
- (g) the custody and use of the common seal;
- (h) generally for the purpose of administering the land vested in the Board.

#### SCHEDULE.

1. All that piece or parcel of land situate to the south of Kilifi Creek in the Malindi District in the Coast Province of the Kenya Protectorate containing by admeasurement 3172 acres or thereabouts being the balance of all that piece or parcel of land containing 9100 acres or thereabouts comprised in Certificate of Ownership No. 409 issued by the Recorder of Titles on the 1st day of April, 1914, after deduction of the following portions transferred before the commencement of this Ordinance:—

- (a) All that piece or parcel of land containing 277 acres or thereabouts comprised in a conveyance dated the 23rd day of November, 1926, and registered in the Coast Lands Registry at Mombasa, in Volume L.T.IX, Folio 300/1.

- (b) All that piece or parcel of land containing 5600 acres or thereabouts comprised in a conveyance dated the 1st day of June, 1925, and registered in Volume L.T.IX, Folio 294/1.
- (c) All that piece or parcel of land containing 51 acres or thereabouts comprised in a conveyance dated the 29th day of December, 1925, and registered in Volume L.T.9/18, Folio 292/1.
2. (a) All that piece or parcel of land situate to the north of Kilifi Creek in the Malindi District in the Coast Province of the Kenya Protectorate containing by admeasurement 200 acres or thereabouts known as Mtondia Village Subdivision No. 2 (of Mazrui Reserve, No. 2) of Portion No. 5 of L.O. No. 4237 of Meridional District South A37/V.IV.b.
- (b) All that piece or parcel of land situate to the north of Kilifi Creek in the Malindi District in the Coast Province of the Kenya Protectorate containing by admeasurement 171 acres or thereabouts known as Subdivision No. 12 of Group No. X and Subdivision No. 3 of Portion No. 5 (L.O. No. 4237 Mazrui Reserve, No. 2) or Meridional District South A 37.  
V. IV. b.
3. (a) All that piece or parcel of land situate to the south of Mida Creek in the Malindi District in the Coast Province of the Kenya Protectorate containing by admeasurement 201 acres or thereabouts known as Uyonbo Village Subdivision No. 4 (of Mazrui Reserve, No. 3) of Portion No. 1 of L.O. No. 4238 of  
 Meridional District South A 37  
 V. II. d.
- (b) All that piece or parcel of land situate to the south-west of Mida Creek in the Malindi District in the Coast Province of the Kenya Protectorate containing by admeasurement 174.89 acres or thereabouts being the balance of all that piece or parcel of land containing 213 acres or thereabouts known as Poka Village Subdivision No. 3 (of Mazrui Reserve No. 3)

1931

*Mazrui Lands Trust*

No. XI

of Portion No. 1, L.O. No. 4238 of Meridional District South A 37 after deduction of Re-Subdivisions Nos. 6, 7, 12, 13, 18, 22, 25, comprising together 38.11 acres or thereabouts previously transferred.

- (c) All that piece or parcel of land situate to the southwest of Mida Creek in the Malindi District in the Coast Province of the Kenya Protectorate containing by admeasurement 0.65 acres or thereabouts known as Subdivision No. 2 (of Mazrui Reserve, No. 3) of Portion No. 1 of L.O. No. 4238 of Meridional District South A. 37 V. II. d.

4. All that piece or parcel of land situate to the south of Malindi Township in the Kilifi District of the Kenya Protectorate containing by admeasurement 399.5 acres or thereabouts known as L.R. No. 5044 (Orig. No. 4240/1 or Mazrui Reserve No. 5/1) of Meridional District South A. 37 W. I. c.

## AN ORDINANCE.

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**No. 12 of 1931.**

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Assented to in His Majesty's name this tenth day of July,  
1931.

J. BYRNE,  
*Governor.*

Date of assent.

[10TH JULY, 1931.]

**An Ordinance to Empower the Registrar of the  
Supreme Court to Administer Oaths and to  
Take Statutory Declarations.**

Date of  
commencement.

*10th July, 1931.*

ENACTED by the Governor of the Colony of Kenya, with  
the advice and consent of the Legislative Council thereof, as  
follows :—

Short title.

**1.** This Ordinance may be cited as “ the Registrar of the  
Supreme Court (Oaths) Ordinance, 1931 ”.

Interpretation.

**2.** In this Ordinance—  
“ the Registrar ” means the Registrar of the Supreme  
Court, and includes a Deputy Registrar and a District  
Registrar ;

“ statutory declaration ” means a declaration voluntarily  
made and subscribed in accordance with the provisions of the  
Statutory Declarations Ordinance, 1926.

No. 29 of 1926.

Powers of  
Registrar to  
take affidavit  
of declaration.  
*Cap. 20*

**3.** It shall be lawful for the Registrar to administer any  
oath or to take any affidavit or statutory declaration which  
might lawfully be administered or taken by a Commissioner for  
Oaths appointed under the Commissioners for Oaths (Advo-  
cates) Ordinance.

## AN ORDINANCE.

No. 13 of 1931.

Assented to in His Majesty's name this tenth day of July, 1931.

J. BYRNE,  
*Governor.*

[10TH JULY, 1931.] Date of assent.

**An Ordinance to Legalise the Payment of a Gratuity and a Reduced Pension to Walter Andrew Bowring, Commander of the Most Excellent Order of the British Empire.**

*10th July, 1931.*

Date of  
commencement.

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows :—

1. This Ordinance may be cited as “ the Bowring Pension Ordinance, 1931.” Short title.

2. Anything in the European Officers' Pensions Ordinance, 1927, and the European Officers' Pensions (Consolidation) Regulations, 1930, to the contrary notwithstanding, it shall be lawful for the Treasurer to pay out of the revenues of the Colony to Walter Andrew Bowring, Commander of the Most Excellent Order of the British Empire, such gratuity and reduced pension as would have been payable to him if he had exercised his option to receive a gratuity and a reduced pension in manner provided by Regulation 16 of the European Officers' Pensions (Consolidation) Regulations, 1930. Payment of gratuity and reduced pension to W. A. Bowring.

## AN ORDINANCE.

No. 14 of 1931.

Assented to in His Majesty's name this tenth day of July, 1931.

J. BYRNE,  
*Governor.*

Date of assent.

[10TH JULY, 1931.]

### An Ordinance to Enable Bodies Corporate to Act as Executors or Administrators.

Date of  
commencement.

*10th July, 1931.*

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows :—

**Short title.**

1. This Ordinance may be cited as “ the Corporations (Probate and Administration) Ordinance, 1931.”

**Interpretation.**

2. In this Ordinance—

“ trust corporation ” means any incorporated banking or insurance or guarantee or trust company or any body corporate which has a subscribed capital of not less than twenty-five thousand pounds and which is for the time being empowered (by the Act of Parliament, Ordinance, charter, memorandum of association, deed of settlement or other instrument constituting it or defining its powers) to undertake trusts, but for so long a time only as such body corporate shall not, by any prospectus, circular, advertisement or other document issued by it or on its behalf, state or hold out that any liability attaches to the Public Trustee or to the general revenue of the Colony in respect of any act or omission of such body corporate when so acting : Provided that a body corporate which would be a trust corporation but for the fact that its subscribed capital is less than twenty-five thousand pounds may act as executor or administrator in any

case with the leave of the Supreme Court and on giving such security as the Supreme Court may determine and thereupon for the purpose of so acting as executor or administrator such corporation shall have all the rights and privileges conferred on a trust corporation by this Ordinance.

**3. (1) The Supreme Court may—**

(a) where a trust corporation is named in a will as executor, whether alone or jointly with another person, grant probate to the corporation either solely or jointly with another person, as the case may require; and

(b) grant administration to a trust corporation, either solely or jointly with another person,

and the corporation may act accordingly as executor or administrator, as the case may be.

(2) Probate or administration shall not be granted to a syndic or nominee on behalf of a trust corporation.

**4.** Any officer authorised for the purpose by a trust corporation or the directors or governing body thereof may, on behalf of the corporation, swear affidavits, give security and do any other act or thing which the court may require with a view to the grant to the corporation of probate or administration, and the acts of an officer so authorised shall be binding on the corporation.

**5.** Where, at the commencement of this Ordinance, any interest in any estate is vested in a syndic on behalf of a trust corporation acting as the personal representative of a deceased person, the said interest shall, by virtue of this Ordinance, vest in the corporation, and the syndic shall be kept indemnified by the corporation in respect of the said interest.

This section shall not apply to securities registered or inscribed in the name of a syndic or to land or a charge registered under the Registration of Titles Ordinance in the name of a syndic, but any such securities, land or charge shall be transferred by the syndic to the corporation, or as the corporation may direct.

**6.** This Ordinance shall have effect whether the intestate died before or after the commencement of this Ordinance, and no such vesting or transfer shall operate as a breach of a covenant or condition against alienation or give rise to a forfeiture.

**Power to grant representation to a trust corporation.**

**But not to a syndic or nominee. Affidavits.**

**Vesting in the corporation.**

**Cap. 142.**

**Effect.**

## AN ORDINANCE.

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No. 15 of 1931.

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Assented to in His Majesty's name this tenth day of July,  
1931.

J. BYRNE,  
*Governor.*

Date of assent.

[10TH JULY, 1931.]

### An Ordinance to Amend the Land Surveyors (Amendment) Ordinance, 1930.

Date of  
commencement.

*10th July, 1931.*

ENACTED by the Governor of the Colony of Kenya,  
with the advice and consent of the Legislative Council thereof,  
as follows :—

Short title.

**1.** This Ordinance may be cited as “ the Land Surveyors (Amendment) Ordinance, 1931,” and shall be read as one with the Land Surveyors (Amendment) Ordinance, 1930,” hereinafter referred to as “ the Principal Ordinance.”

No. 60 of 1930.

Amendment  
of section 4 of  
the Principal  
Ordinance.

**2.** Section 4 of the Principal Ordinance is hereby amended by substituting the word “ unnecessary ” for the word “ necessary ” in the last line but two of the section.

## AN ORDINANCE.

No. 16 of 1931.

Assented to in His Majesty's name this tenth day of July, 1931.

J. BYRNE,  
*Governor.*

[10TH JULY, 1931.] Date of assent.

### An Ordinance relating to the Constitution, Powers and Procedure of the Courts of the Colony.

*By Proclamation.*

Date of commencement.

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows :—

#### PART I.

##### GENERAL.

**1.** This Ordinance may be cited as "the Courts Ordinance, 1931," and shall commence and come into operation on such date as the Governor may, by proclamation in the Gazette, appoint. Short title and commencement.

**2.** In this Ordinance, unless the context otherwise requires, the term "native" means any native of Africa not of European or Asiatic extraction, but includes an Arab and a Somali and also any Baluchi born in Africa. Interpretation.

**3.** There shall be and are hereby constituted courts subordinate to the Supreme Court as follows, namely :— Constitution and classification of subordinate courts.

- (1) Subordinate courts of the first class.
- (2) Subordinate courts of the second class.
- (3) Subordinate courts of the third class.
- (4) Liwalis' courts.
- (5) Cadis' Courts.
- (6) Mudirs' courts.

The last three classes of subordinate courts shall be known as "subordinate native courts."

## Magistrates.

4. (1) The following persons shall by virtue of their offices be empowered to hold courts as shown below :—

A Provincial Commissioner or Resident Magistrate...	A subordinate court of the first class.
A District Commissioner...	A subordinate court of the second class.
A District Officer ...	A subordinate court of the third class.
A Liwali ... ..	A Liwali's court.
A Cadi ... ..	A Cadi's court.
A Mudir ... ..	A Mudir's court.

(2) In the absence of any special appointment every resident magistrate and administrative officer shall be deemed to have been duly appointed to hold within his province or district a subordinate court of the class corresponding to his appointment.

Additional  
powers  
conferrable on  
subordinate  
courts.

5. The additional powers set forth in the Schedule to this Ordinance may be granted to a magistrate holding a subordinate court by the Governor on the recommendation of the Chief Justice.

Special  
appointments.

6. (1) The Governor may, by notice in the Gazette, appoint any magistrate to hold a court of a class higher than that corresponding to his rank, or may, in case of the illness, absence or incapacity of any magistrate or for any other good and sufficient reason, appoint any fit and proper person to hold a subordinate court.

(2) The Governor may, by notice in the Gazette, appoint any native to hold a native subordinate court.

(3) Every appointment under this section shall specify the powers to be exercised thereunder, shall define the local area in which such powers shall be exercised, and shall continue in force until revoked by notice in the Gazette.

(4) Every such appointment may be in respect to particular cases or to a particular case or particular class of cases or in respect to cases generally.

Local limits of  
jurisdiction of  
subordinate  
courts.

7. (1) The limits within which subordinate courts shall exercise their jurisdiction shall be as follows :—

A subordinate court of the first class ...	Within the limits of the pro- vince in which it is situated.
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- A subordinate court of the second class ... Within the limits of the district in which it is situated.
- A subordinate court of the third class ... Within the limits of the district in which it is situated.
- A Liwali's court ... In the coast districts within the limits of the district in which it is situated.
- A Cadi's court ... In the coast districts within the limits of the district in which it is situated.
- A Mudir's court ... In the coast districts within the limits of the district in which it is situated.

Provided that the Governor may, by notice in the Gazette, appoint any other limits within which any subordinate court shall exercise jurisdiction. Every such appointment may be in respect to particular cases or to a particular case or particular class of cases or in respect to cases generally.

(2) Where there is more than one subordinate court in the same district the Supreme Court may direct the distribution of business between such courts.

8. The Governor may from time to time assign each or any magistrate of a subordinate court of the first, second, or third class respectively to such province or district as he shall think fit, and every such magistrate shall forthwith exercise jurisdiction in such province or district, as the case may be, without further appointment or notification, provided that notification of such appointment shall subsequently be published in the Gazette.

Jurisdiction of magistrates of subordinate courts.

9. Subordinate courts shall ordinarily be held at such places as the Governor may direct, but should necessity arise they may also be held at any other place within the limits of their jurisdiction.

Place of sittings of subordinate courts.

In the absence of any such directions by the Governor subordinate courts shall continue to be held at such places as courts of a like character have been held hitherto.

10. (1) All subordinate courts shall keep written records and furnish returns of cases tried by them to the Supreme Court in such manner as the Chief Justice may from time to time direct.

Records and returns.

(2) A judge of the Supreme Court shall periodically inspect the records of all subordinate courts and may give such instructions and advice thereon as he may deem necessary.

Appointment  
and powers of  
the Liwali for  
the Coast.  
No. 11 of 1930.

**11.** The Governor may, by notice in the Gazette, appoint a Liwali for the Coast. A Liwali so appointed shall, in addition to his ordinary powers under this Ordinance and the Criminal Procedure Code, be empowered to exercise jurisdiction in all districts in which Liwalis exercise jurisdiction by virtue of this Ordinance, and shall also have power to inspect all books, records and proceedings of all courts presided over by Liwalis, Cadis and Mudirs and shall render reports to the Supreme Court relative to such inspections.

Procedure.

No. 3 of 1924.

No. 11 of 1930.

**12.** Subject to the provisions of this Ordinance and to rules of court, all courts shall follow the principles of procedure laid down in the Civil Procedure Ordinance, 1924, and in the Criminal Procedure Code, so far as the same may be applicable and suitable.

Seals.

**13.** All subordinate courts shall use seals of such nature and pattern as the Governor may, by notice in the Gazette, direct.

Contempt of  
court.

**14.** The Supreme Court shall have the same power to deal with cases of contempt of its authority as the High Court of Justice in England, and such power shall extend to the upholding of the authority of subordinate courts.

Protection  
from liability  
of officers  
acting  
judicially, for  
official acts  
done in good  
faith, and of  
officers  
executing  
warrants and  
orders.

**15.** No judge, magistrate, justice of the peace or other person acting judicially shall be liable to be sued in any civil court for any act done or ordered to be done by him in the discharge of his judicial duty, whether or not within the limits of his jurisdiction, provided that he at the time, in good faith, believed himself to have jurisdiction to do or order the act complained of; and no officer of any court or other person bound to execute the lawful warrants or orders of any such judge, magistrate, justice of the peace or other person acting judicially shall be liable to be sued in any civil court for the execution of any warrant or order which he would be bound to execute if within the jurisdiction of the person issuing the same.

## PART II.

### CRIMINAL JURISDICTION.

Jurisdiction of  
courts.

No. 11 of 1930.

**16.** All courts shall, in the exercise of criminal jurisdiction, have the powers and jurisdiction assigned to them, respectively by the Criminal Procedure Code.

## PART III.

## CIVIL JURISDICTION.

17. The Supreme Court shall be the principal court of original civil jurisdiction, and shall exercise general powers of supervision over all subordinate courts.

Supreme  
Court.

18. The subordinate courts constituted by this Ordinance shall exercise the following jurisdiction in civil matters:—

Subordinate  
courts and  
subordinate  
native courts.

Courts of the first class... Full jurisdiction over all persons in all matters in which the value of the subject-matter in dispute does not exceed seventy-five pounds.

Where the defendant is a native the limit of jurisdiction shall be one hundred and fifty pounds.

Courts of the second  
class ... ..

Full jurisdiction over all persons in all matters in which the value of the subject-matter in dispute does not exceed fifty pounds.

Where the defendant is a native the limit of jurisdiction shall be one hundred pounds.

Courts of the third class

Full jurisdiction over all persons in all matters in which the value of the subject-matter in dispute does not exceed twenty-five pounds.

Liwalis' Courts ...

Full jurisdiction over natives in all matters in which the value of the subject-matter in dispute does not exceed seventy-five pounds.

Cadis' Courts ...

Full jurisdiction over Mohamadan natives in all matters relating to personal status, marriage, inheritance and divorce, and over all natives in all matters in which the value of the subject in dispute does not exceed fifty pounds.

Mudirs' Courts ... Full jurisdiction over natives in all matters in which the value of the subject-matter in dispute does not exceed twenty-five pounds.

**Mixed cases.**

**19.** Mixed cases, that is to say, when the defendant is a native and the plaintiff is a non-native, may, subject to the other provisions of this Ordinance, be brought either in a subordinate court or in a subordinate native court as the plaintiff may prefer; but in any action so brought in the court of a Liwali or a Mudir the court shall have jurisdiction to adjudicate on any counterclaim or set-off raised by the defendant by way of defence to the action.

**Repeal.**

No. 2 of 1930.

**20.** The Courts Ordinance (Chapter 5 of the Revised Edition) as amended by the Courts (Amendment) Ordinance, 1930, is hereby repealed.

**SCHEDULE.**

1. A resident magistrate may be invested with increased civil jurisdiction in non-native cases to any sum not exceeding one hundred and fifty pounds.

2. A magistrate holding a subordinate court of the first or second class may be invested with the power to call for and examine the records of native subordinate courts exercising jurisdiction within the same province or district.

## AN ORDINANCE.

### No. 17 of 1931.

Assented to in His Majesty's name this tenth day of July, 1931.

J. BYRNE,  
*Governor.*

[10TH JULY, 1931.]      Date of assent.

**An Ordinance to Provide for the Recovery of Certain Sums Advanced from the Revenues of the Colony as Subsidies to Maize Growers Exporting Maize from the Colony.**

*10th July, 1931.*

Date of commencement.

WHEREAS on the 30th day of August, 1930, it was resolved that:—"in order to give further relief to grain growers, in connexion with which the Railways and Harbours Administration are prepared to co-operate to the extent of bearing fifty per centum of the cost, this Council approves of the appropriation of a sum not exceeding £35,000 from the Colony's surplus balances for the purpose of enabling a refund of the whole or part of railway rates and port charges to be made in respect of the maize, wheat and barley exported since January 1st last from the present season's crops (i.e., the crops harvested towards the end of 1929 and early in 1930) on the understanding:—

(1) That the relief is passed on in full to the growers.

(2) (a) That the refund in respect of maize be an amount up to Sh. 1 per bag of 200 lb. net provided that the total return to the grower f.o.r. Kenya stations including the net selling price plus the refund does not exceed Sh. 8 per bag.

(b) That the refund in respect of wheat be an amount up to Sh. 2 per bag of 200 lb. net, provided that the total return to the grower f.o.r. Kenya stations including the net selling price plus the refund does not exceed Sh. 13 per bag.

(c) That the refund in respect of barley be an amount up to Sh. 3 per bag of 180 lb. net provided that the total return to the grower f.o.r. Kenya stations including the net selling price plus the refund does not exceed Sh. 6 per bag.

In the case of maize, wheat and barley shipped through a co-operative organization the return to the grower, as mentioned above, may be taken as the average over the whole period of the season's shipment.

(3) That in so far as the Colony's share of the total sum involved is concerned the amount refunded may at a future date be recoverable from the industry in such a form or manner as this Council may hereafter decide."

AND WHEREAS on the 17th day of January, 1931, it was resolved :—

(1) " That in view of the present depressed state of the maize industry a sum not exceeding £108,000 shall be made available from Surplus Balances for the purpose of advancing as a loan free of interest to the industry, irrespective of race, a contribution in respect of every bag of maize exported from the crop harvested at the end of 1930 and the beginning of 1931 subject to the following conditions :—

(a) Such contribution shall be a sum up to but not exceeding Sh. 2.09 per bag of 200 lb. net provided that the total return to the grower including the net selling price plus the contribution does not exceed Sh. 6 per bag free on rail Kenya main line stations.

(b) That the amount advanced in respect of each bag may be paid by instalments on account and shall be subject to adjustment at the close of the season when the total number of bags exported is known, so as to ensure that the total capital sum of £108,000 advanced by Government, plus any sum contributed in accordance with paragraph 2 (b) of this Resolution is not exceeded.

(c) That any contribution paid in accordance with conditions (a) and (b) above shall be repayable to Government by way of a cess on export as soon as the price of maize for export exceeds the value of Sh. 7.25 free on rail Kenya main line stations based upon the ruling price of maize of K.2 grade on the London

market. Such payment shall be at the rate of 50 per centum of the difference by which the ruling price exceeds Sh. 7.25.

(d) That it shall be within the absolute discretion of the Government to withhold payment, unless it is satisfied that the maize exported is surplus to the Colony's requirements and that the contribution will be passed on to the grower.

(2) That the measure of Government relief proposed in paragraph (1) above is subject to the following provisos :—

- (a) That the general co-operation of the Banks is assured on the lines already indicated in paragraph 23.4b of the Maize Conference Report.
- (b) That financial assistance to the satisfaction of Government and on the lines recommended in paragraph 23.4a of the Maize Conference Report is assured.
- (c) That the sum of approximately £27,000, already advanced in relief of the industry in accordance with the Resolution as passed in Legislative Council on the 30th August, 1930, shall be recovered in like manner to the sum now proposed in accordance with the terms of paragraph 1 (c) of this Resolution."

AND WHEREAS it is expedient to make provision for the recovery of the sums advanced to maize growers from the revenues of the Colony under authority of the said Resolutions :

BE IT THEREFORE ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows :—

1. This Ordinance may be cited as " the Maize Subsidy Repayment Ordinance, 1931." Short title.

2. It shall be lawful for the Governor, by notice in the Gazette, from time to time to declare, for the purposes of this Ordinance, the price of a bag of two hundred pounds net of maize of K2 grade free on rail at a main line station of the Kenya and Uganda Railway. Governor to declare price of maize.

3. As from the date on which a price is declared as aforesaid no person shall export maize of any grade from the Colony, except to Uganda or Tanganyika Territory, unless he has at the time of entering such maize for export paid to a Collector Export cess on maize.

of Customs a cess on each bag of such maize of half the amount by which the price so fixed as aforesaid exceeds seven shillings and twenty-five cents: Provided that if between the date of his so entering such maize for export and the date of shipment of such maize the rate of such cess has altered the amount due in respect of such maize shall be calculated at the rate of cess in force at the date of shipment.

Interpretation.  
No. 25 of 1926.

4. Terms used in this Ordinance have the meaning assigned to them respectively in the Customs Management Ordinance, 1926.

Power to  
suspend and  
revive this  
Ordinance.

5. It shall be lawful for the Governor, by notice in the Gazette, to suspend the operation of this Ordinance for any period, and, subject to the provisions of section 6, to revive the operation of this Ordinance after any such period of suspension.

Duration of  
Ordinance.

6. This Ordinance shall expire and shall cease to have any force and effect as soon as the total amount advanced from the revenues of the Colony under the authority of the Resolutions of Legislative Council dated the 30th day of August, 1930, and 17th day of January, 1931, has been recovered under the provisions of this Ordinance.



Date on which  
rate becomes  
payable.

4. The rate imposed by the Board shall become due and payable upon a day to be fixed by the Board, of which day and of the amount of which rate the Board shall give at least thirty days' notice by advertisement in the Gazette and in a newspaper circulating in the Municipality :

Provided that the rate shall become due and payable within the financial year for which it is imposed.

Proceeds of  
rate to be used  
for hospital  
purposes.

5. The proceeds of the rate shall be applied for and towards the cost of establishment, erection, equipment or maintenance by the Board of hospitals for the reception of European patients.

Exemptions.

6. (1) The following persons shall be exempted from payment of the rate :—

(a) Every person under the age of twenty-one years.

(b) A person on a temporary visit to the Municipality.

(2) The burden of proof of exemption from the payment of the rate shall lie on the party claiming the exemption.

Persons absent  
on due date  
to be liable  
on return.

7. Notwithstanding the provisions of section 4 of this Ordinance, any European who is not residing in the Municipality on the first day of January or who, although residing in the Municipality on that day, leaves the Municipality before the date on which the rate becomes due and payable under section 4 of this Ordinance, shall pay the rate within one month after his arrival in or return to the Municipality, as the case may be.

Payment of  
rate.

8. Whenever the Board shall have given notice as aforesaid of the day upon which the rate shall become due and payable, and of the amount of the rate, it shall be the duty of all persons liable for the rate to pay the amount thereof at the offices of the Board on the day so fixed as aforesaid.

Procedure for  
recovery.

9. If any person shall make default in the payment of the rate due and payable by him, the amount of such rate may be recovered in the manner provided in sections 21 and 22 of the Local Government (Rating) Ordinance, 1928 :

No. 20 of 1928.

Provided that the Governor may, on the application of the Board, grant to any person or body of persons power to remit the rate either wholly or in part in respect of any person liable for the rate who satisfies him that payment thereof will impose undue hardship upon such person.

## AN ORDINANCE.

### No. 19 of 1931.

Assented to in His Majesty's name this fourteenth day of July, 1931.

J. BYRNE,  
*Governor.*

[14TH JULY, 1931.] Date of assent.

### An Ordinance to Amend the Local Government (District Councils) Ordinance, 1928.

*14th July, 1931.*

Date of  
commencement.

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows :—

**1.** This Ordinance may be cited as “ the Local Government (District Councils) (Amendment) Ordinance, 1931,” and shall be read as one with the Local Government (District Councils) Ordinance, 1928, hereinafter referred to as “ the Principal Ordinance.”

Short title.

No. 21 of 1928.

**2.** (1) Sub-section (7) of section 57 of the Principal Ordinance is hereby amended by substituting the words “ the Governor ” for the words “ the Governor in Council.”

Amendment of  
section 57 of  
the Principal  
Ordinance.

(2) Sub-section (7) of section 57 of the Principal Ordinance is hereby further amended by the addition of the following paragraph, to be numbered (d) :—

“ (d) to acquire, establish and maintain, either by itself or jointly with any other Council or any Municipal Council or Municipal Board, hospitals and dispensaries within or without the district, and to make such charges in connexion therewith as shall be fixed by by-law.”

**3.** Sub section (8) of section 57 is hereby repealed.

Repeal of  
sub-section (8)  
of section 57  
of the  
Principal  
Ordinance.

Repeal and replacement of section 101 of the Principal Ordinance.

Power of Council to impose rate.

4. Section 101 of the Principal Ordinance is hereby repealed and the following substituted therefor :—

“ 101. (1) (a) For the purpose of establishing and maintaining hospitals or of making grants towards the establishment and maintenance of hospitals for the reception of European patients, the Council may, as an additional method of rating, by resolution passed by a majority of at least two-thirds of the elected members of the Council and approved by the Governor, impose for each financial year on every male person of wholly European origin or descent residing within the district a rate of such amount, not exceeding fifty shillings, as may be fixed by such resolution.

(b) Notice of such resolution shall be given and advertised in the same manner and for the same periods as if such resolution were a resolution to adopt a method of rating for the purposes of a district rate under section 73 of this Ordinance.

(c) The rate imposed by the Council shall become due and payable upon a day to be fixed by it, of which day and of the amount of which rate the Council shall give at least thirty days' notice by advertisement in the Gazette and in a newspaper circulating in the district :

Provided that the rate shall become due and payable within the financial year for which it is imposed.

(d) The following persons shall be exempted from the payment of the rate :—

(i) Every person under the age of twenty-one years.

(ii) A person on a temporary visit to the district not exceeding six months in duration.

(e) The burden of proof of exemption from the rate shall lie on the party claiming the exemption.

(f) Notwithstanding the provisions of sub-section (1) (e) of this section, any male person of wholly European origin or descent who is not residing in the district on the first day of January or who, although residing in the district on that day, leaves the district before the date on which the rate becomes due and payable under sub-section (1) (e) of this section, shall pay the rate within one month after his arrival in or return to the district, as the case may be.

Exemptions.

(g) The rate shall be recoverable from persons in default in the manner provided in this Ordinance for the recovery of rates :

Provided that the Governor may, on the application of the Council, grant to any person or body of persons power to remit the rate wholly or in part in respect of any person liable for the rate who satisfies him that the payment thereof will impose undue hardship upon such person.

(2) (a) For the purpose of making grants to any hospital or dispensary for the benefit of Africans employed within the district, which the Council is empowered by this Ordinance to make, or for meeting the cost of treatment of such Africans in hospitals and dispensaries established by the Council under the provisions of this Ordinance, the Council may, by resolution passed by a majority of at least two-thirds of the elected members of the Council, adopt as an additional method of rating a flat rate per head of Africans employed within the district.

(b) Notice of such resolution shall be given and advertised in the same manner and for the same periods as if such resolution were a resolution to adopt a method of rating for the purposes of a district rate under section 73 of this Ordinance.

(c) When such method of rating has been adopted as aforesaid the Council may, from time to time by resolution passed by a majority of the elected members of the Council, impose a rate upon employers of African labour of such amount per head of Africans employed by them as the Council shall determine.

(d) For the purpose of this section "Africans" shall include any casual native labourers and any natives residing on farms under the provisions of the Resident Native Labourers Ordinance, 1925, or any law amending or replacing the same. No. 5 of 1925.

(3) The Council may exercise the powers conferred upon it by this section in respect of either—

- (i) the district as a whole; or
- (ii) any part of the district :

Provided that such powers shall not be exercised in respect of part only of the district without the consent of the Governor."

## AN ORDINANCE.

### No. 20 of 1931.

Assented to in His Majesty's name this fourteenth day of July, 1931.

J. BYRNE,  
*Governor.*

Date of assent.

[14TH JULY, 1931.]

### An Ordinance to Amend the Local Government (Municipalities) Ordinance, 1928.

Date of commencement.

*14th July, 1931.*

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows :—

Short title.

**1.** This Ordinance may be cited as “ the Local Government (Municipalities) (Amendment) Ordinance, 1931,” and shall be read as one with the Local Government (Municipalities) Ordinance, 1928, hereinafter referred to as “ the Principal Ordinance.”

No. 19 of 1928.

Amendment of section 52 of the Principal Ordinance.

**2.** Paragraph (b) of sub-section (31) of section 52 of the Principal Ordinance is hereby repealed and the following substituted therefor :—

No. 21 of 1928.

“ (b) Subject to the consent of the Governor, to acquire, establish and maintain, either by itself or jointly with any one or more local authorities appointed under this Ordinance or under the Local Government (District Councils) Ordinance, 1928, hospitals and dispensaries within or without the municipality, and to provide treatment free of charge for indigent patients who are inhabitants of the municipality :

Provided that, where any hospital or dispensary shall be maintained by the Council jointly with one or more local authorities as aforesaid, the Governor may, notwithstanding any of the provisions of this

Ordinance or of the Local Government (District Councils) Ordinance, 1928, make Rules for the following purposes—

- (i) for providing for the appointment of a Committee of Management; for prescribing and regulating the constitution of such Committee and the appointment and removal of the members thereof, and for regulating the proceedings of such Committee;
  - (ii) for providing for the vesting in any such Committee of such powers as may, in his opinion, be necessary or desirable for the proper management and control of any such hospital or dispensary by such Committee, including the power to sue in any competent court for the recovery of all debts of whatsoever description due to such hospital or dispensary; and for regulating the exercise of the powers so conferred;
  - (iii) for prescribing and regulating the financial relations between the local authorities concerned and such Committee, and the control to be exercised over such Committee by such local authorities;"
-

## AN ORDINANCE.

No. 21 of 1931.

Assented to in His Majesty's name this fourteenth day of July, 1931.

J. BYRNE,  
*Governor.*

Date of assent.

[14TH JULY, 1931.]

### An Ordinance to Provide for the Payment of Retiring Allowances to Nursing Sisters.

Date of commencement.

*1st January, 1929.*

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows :—

Short title and commencement.

**1.** This Ordinance may be cited as “ the Nursing Sisters (Retiring Allowances) Ordinance, 1931,” and shall be deemed to have come into operation on the 1st day of January, 1929.

Interpretation.

**2.** In this Ordinance—

“ nursing sister ” means a nurse, nursing sister, health visitor or matron who has received an appointment in the public service, or in a public hospital in the Colony, or in a public hospital elsewhere to which she received an appointment through the Overseas Nursing Association ;

“ public service ” means service under the Government of Kenya or under any Government or local authority in His Majesty's Dominions or in a British protectorate or a territory in respect of which His Majesty has accepted a mandate on behalf of the League of Nations ;

“ public hospital ” includes any hospital controlled by a regularly constituted governing body, and not conducted for private profit ;

“ year ” and “ month ” have the meanings assigned to them in the European Officers' Pensions Ordinance, 1927.

3. (1) Subject to the provisions of this Ordinance, it shall be lawful for the Governor to grant to a nursing sister who has served for not less than three years under the Government of Kenya on her retirement from the public service or from service in a public hospital, a retiring allowance calculated at the rate of eight shillings and four pence per annum for each completed month of her service under the Government of Kenya.

Governor may grant retiring allowances.

(2) No such retiring allowance shall be granted unless the nursing sister shall have completed not less than fifteen years' service in the public service or in public hospitals, and no such retiring allowance shall become payable until the nursing sister shall have attained the age of fifty years :

Provided that, if the Governor is satisfied that the nursing sister's retirement is due to infirmity of mind or body, and her aggregate service in the public service or in public hospitals amounts to not less than ten years, he may direct that a retiring allowance shall be paid to her with effect from the date of her retirement.

(3) Service qualifying for the grant of a retiring allowance need not be continuous.

4. No retiring allowance shall be granted under this Ordinance without a certificate from the Director of Medical and Sanitary Services that the applicant has discharged her duties with diligence and fidelity to the satisfaction of the Director.

Conditions of grant of allowance.

5. Any retiring allowance payable under this Ordinance shall be charged on and paid out of the revenues of Kenya.

Allowance to be charged on revenue of Kenya.

6. Sections 10, 14, 15 and 16 of the European Officers' Pensions Ordinance, 1927, shall apply to any retiring allowance granted under this Ordinance.

Application of parts of Pensions Ordinance, 1927.  
No. 11 of 1927.

7. If any nursing sister who is in receipt of a retiring allowance under this Ordinance obtains employment in the public service or in a public hospital, the Governor may direct that the whole or such part as he may think fit of such retiring allowance shall cease to be paid during the period of such employment.

Allowances affected by re-employment.

Application  
of Ordinance.

8. (1) This Ordinance shall apply in the case of any nursing sister appointed to the service of the Government of Kenya on or after the 1st day of January, 1929, or who, having been in the service of the Government of Kenya before that date was on that date in the service of the Government of Kenya or in other public service or in the service of a public hospital.

(2) This Ordinance shall not apply to any nursing sister who has been or may hereafter be admitted to the pensionable establishment of Kenya unless she shall elect at the time of her retirement to receive a retiring allowance in accordance with the provisions of this Ordinance in lieu of the pension or gratuity for which she may be eligible in accordance with the provisions of the European Officers' Pensions Ordinance, 1927.

No. 11 of 1927.

Power to make  
regulations.

9. The Governor in Council may make regulations for the better carrying out of the provisions of this Ordinance.

## AN ORDINANCE.

No. 22 of 1931.

Assented to in His Majesty's name this fourteenth day of July, 1931.

J. BYRNE,  
*Governor.*

[14TH JULY, 1931.] Date of assent.

### An Ordinance to Provide for the Imposition of a Levy upon Butter.

*14th July, 1931.*

Date of  
commencement.

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows:—

**1.** This Ordinance may be cited as “the Butter Levy Ordinance, 1931.” **Short title.**

**2.** It shall be lawful for the Governor from time to time by proclamation in the Gazette to impose a levy on all butter manufactured and sold in the Colony, hereinafter referred to as “the levy,” provided that the amount of such levy shall in no event exceed twenty-five cents on each pound of butter. **Governor may impose levy on butter.**

No levy shall be operative until two months after the date of the proclamation imposing it.

**3.** (1) As from the date on which a levy is imposed under section 2 of this Ordinance all butter sold within the Colony shall be delivered to the purchaser in a closed package on which the fact that the levy has been paid in respect of the quantity of butter contained in such package is indicated in manner prescribed, and no person shall sell butter or expose butter for sale within the Colony unless it is contained in such closed package as aforesaid. **Levy on butter sold in Colony.**

Treasurer may  
compound with  
manufacturers

(2) It shall be lawful for the Treasurer to make arrangements with any manufacturer of butter to compound for the levy by periodical payments at such intervals as the Treasurer may require of a sum equal to the levy on the amount of butter sold within the Colony by such manufacturer during the period since the last such payment was made, and in such event it shall not be necessary for the butter manufactured by such manufacturer to be sold in a package marked as prescribed by sub-section (1) of this section, but such butter shall be sold in packages marked in such manner as the Treasurer may require, and the butter of such manufacturer so marked may be sold within the Colony notwithstanding the provisions of sub-section (1) of this section.

For the purposes of this sub-section the Treasurer may require from a manufacturer of butter returns of the quantity of butter manufactured by him, and may further require such manufacturer to give security for the payment of the levy in such amount and in such manner as the Treasurer may approve.

Establishment  
of butter  
levy fund.

4. (1) There shall be established a fund, to be known as the butter levy fund, which shall be in the custody and under the control of the Treasurer and which shall consist of all moneys paid in respect of the levy.

Premium on  
butter  
exported.

(2) As soon as may be after the last day of each year the Treasurer shall, out of the butter levy fund, pay such sum as has been properly expended during the preceding year on the manufacture of stamps or wrappers or such other device as may be prescribed for indicating the payment of the levy, and such further sum, if any, as has been expended during the said year on the administration of the provisions of this Ordinance, and from the balance of the fund, after payment of such sums as aforesaid, shall pay to each person who during the preceding year has exported from the Colony butter manufactured in the Colony a bounty or premium which shall bear the same proportion to the amount of the fund then in the hands of the Treasurer as the amount of butter exported by such person bears to the total amount of butter exported from the Colony during such year.

Advances to  
exporters  
of butter.

(3) Notwithstanding anything contained in sub-section (2) of this section, the Treasurer may from time to time advance to any person who has exported butter such sum in respect of the butter so exported as he may think reasonable, and

every such advance shall be taken into account in determining the annual payment to such person prescribed by sub-section (2) of this section.

(4) The accounts of the butter levy fund shall be audited in such manner as the Governor may direct, and shall, as soon as may be after the close of each year and after audit as aforesaid, be published in such manner as the Governor may direct.

5. All butter manufactured for sale within the Colony shall be packed or wrapped in such a manner that the name of the manufacturer or the place of manufacture of the butter is clearly legible on the package or wrapper : **Marking of package or wrapper.**

Provided that nothing in this section shall be construed as making illegal the use of any package or wrapper bearing any mark under which butter is customarily sold at the date of commencement of this Ordinance. **Saving of existing marks.**

6. Every person manufacturing butter within the Colony shall supply to the Director of Agriculture such statistics relating to the manufacture of butter by him as may be required by the Director. **Statistics.**

7. Any person duly authorized in writing by the Treasurer may, at all reasonable times, enter upon and into any premises where butter is being manufactured, sold or exposed for sale and may examine and inspect all books and documents relating to the manufacture or sale of butter, and all stocks of butter kept upon such premises. **Power to enter premises.**

8. Any person who— **Offences.**

(a) contravenes or fails to comply with any requirement of this Ordinance or any prohibition, direction, or order issued under this Ordinance ; or

(b) when furnishing any information for the purposes of any provision of this Ordinance furnishes information which is false ; or

(c) in any manner obstructs or hinders or intimidates any person in the performance of any act which he is authorized to perform by virtue of this Ordinance,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty pounds.

Power to make regulations.

9. The Governor in Council may make regulations in regard to any matter which under this Ordinance may be prescribed and may also make regulations prescribing—

(a) the manner in which there shall be denoted on any package or wrapper the fact that the levy on the quantity of butter contained in such package or wrapper has been paid;

(b) the form of any book or document to be used for the purposes of this Ordinance,

and generally for the better carrying out of the provisions of this Ordinance.

Power to exempt persons.

10. The Governor may exempt from the operation of this Ordinance any person who shows, to the satisfaction of the Governor, that the payment of a levy on butter manufactured by such person would impose on him undue hardship.

Saving of butter exported to Uganda or Tanganyika.

11. The provisions of this Ordinance shall not apply to butter manufactured in the Colony and exported to Uganda or Tanganyika Territory.

## AN ORDINANCE.

### No. 23 of 1931.

Assented to in His Majesty's name this eighth day of September, 1931.

J. BYRNE,  
*Governor.*

[8TH SEPTEMBER, 1931.]

### **An Ordinance to Provide for the Licensing and Regulation of the Carriage for Reward of Goods by Motor Vehicles over Certain Roads of the Colony.**

*By Notice.*

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows:—

Date of assent.  
Date of  
commencement.

1. This Ordinance may be cited as "the Carriage of Goods by Motor (Control) Ordinance, 1931," and shall come into operation upon such date as the Governor may by notice in the Gazette appoint.

Short title and  
commence-  
ment.

2. In this Ordinance, unless the context otherwise requires—

Interpretation.

"motor vehicle" means every description of vehicle propelled by means of mechanism contained within itself other than a vehicle used on specially prepared ways such as railways and tramways, and includes a tractor and a trailer;

"tractor" means a motor vehicle designed for towing one or more trailers;

"trailer" means a vehicle attached to and drawn by a motor vehicle whether its weight is partly supported by the motor vehicle or otherwise.

3. There is hereby established a Road Transport Control Board, hereinafter referred to as "the Board," which shall consist of such persons, not fewer than three, or more than five in number, as the Governor may from time to time nominate.

Establishment  
of Board.

Prohibition  
of motor  
carriage of  
goods except  
under licence.

4. (1) From and after the commencement of this Ordinance, any person who for reward conveys any goods by means of any motor vehicle (other than the personal effects of persons travelling therein) from any scheduled place to or to a place beyond any other scheduled place otherwise than in accordance with the provisions of a licence granted to him by the Board shall be guilty of an offence.

(2) If any goods which have been sold or are being conveyed for sale are conveyed by the seller by means of a motor vehicle owned by him, in course of delivery of those goods to their purchaser or to the place of sale such conveyance shall constitute a conveyance for reward within the meaning of this section.

(3) Any person who, during the currency of a licence issued by the Board, contravenes any condition of such licence or fails to comply with any requirement thereof or who carries or permits to be carried in any motor vehicle licensed under this Ordinance any quantity of goods in excess of the licensed carrying capacity of such vehicle, or, except in cases of sickness, accident or emergency carries or permits to be carried in such vehicle more persons than the licence of such vehicle permits, or any person other than a servant of the licensee, shall be guilty of an offence.

Application  
for licence.

5. Any person who desires to use a motor vehicle for the transport of goods for reward from any scheduled place to or to a place beyond any other scheduled place shall make application to the Board in such form as the Board may prescribe. Every such application shall state—

- (a) the places between which it is proposed to carry goods;
- (b) the rates which it is proposed to charge;
- (c) the maximum weight of goods which he proposes to carry in the motor vehicle;
- (d) the kinds of goods or merchandise which it is proposed to carry;
- (e) such particulars as to the frequency of the service as the Board may require;
- (f) the wages and conditions of employment of persons to be employed in connexion with the running of the vehicle;

- (g) the number of persons, other than the driver, to be carried in the vehicle.

6. (1) The Board may grant a licence in accordance with the application, or subject to such variations and conditions as the Board may think fit, or may refuse the application. In exercising their discretion to grant or to refuse a licence or to attach conditions to any such licence, the Board shall have regard to the following matters—

Powers of Board to grant licence.

- (a) whether the condition of the road or roads included in any proposed route is such that the running thereon of the vehicle in respect of which the application is made will not cause unreasonable damage to such road or roads ;
- (b) the extent to which the proposed service is necessary or desirable in the public interest ;
- (c) whether existing facilities for the conveyance of goods or merchandise of the kinds which it is proposed to carry between the places proposed to be served are adequate, having regard to the quantity of goods or merchandise which can be carried by existing forms of transport, the time normally taken in such transport, and the cost of such transport ;
- (d) the needs of the area to be served in relation to traffic, including the provision of adequate, suitable and efficient services, the elimination of unnecessary and unremunerative services, and the co-ordination of all forms of transport, including transport by rail.

(2) It shall not be lawful for the Board to refuse an application solely on the ground that existing railway facilities between the places proposed to be served are in the opinion of the Board adequate to carry the goods or merchandise which the applicant proposes to carry.

7. The Board shall publish in the Gazette notice of every application for a licence under this Ordinance and shall at the same time appoint a time and place at which such application will be considered, and the applicant and all persons claiming to be interested in such application, including any authorized servant of the High Commissioner for Transport, shall be entitled to be present at such time and place and to be heard.

Publication in the Gazette notice of application for licence.

Applicants to  
be insured  
in certain  
cases.

8. (1) Notwithstanding the provisions of section 6 no application for a licence under section 12 of this Ordinance shall be granted unless the applicant satisfies the Board that he has effected, with an insurance company approved by the Board, a policy of insurance covering, in such terms as may be prescribed, all such claims as may be made against him as owner, or as driver or employer of the driver, of the vehicle in respect of any liability which may be incurred by him in respect of the death of or bodily injury to, or injury to the property of any person caused by or arising out of the use of the vehicle on a road: Provided that such a policy shall not be required to cover—

- (i) liability in respect of the death arising out of and in the course of his employment of a person in the employment of the person insured by the policy, or of bodily injury sustained by such person arising out of and in the course of his employment; or
- (ii) liability in respect of the death of or bodily injury to persons being carried in or upon or entering or getting on to or alighting from the vehicle at the time of the occurrence of the event out of which the claims arise; or
- (iii) liability in respect of loss of or damage to property being carried in or upon the vehicle at the time of the occurrence of the event out of which the claims arise; or
- (iv) any contractual liability.

(2) Any condition in a policy issued for the purposes of the preceding sub-section providing that no liability shall arise under the policy, or that any liability arising shall cease in the event of some specified thing being done or omitted to be done after the happening of the event giving rise to a claim under the policy, shall be of no effect in connexion with such claims as are mentioned in the preceding sub-section: Provided further that such a policy shall not be required to cover liability in respect of injury to the property of any person caused by or arising out of the use of the vehicle on a road in excess of a sum of one thousand pounds in respect of any one claim or number of claims arising out of any one event.

(3) If any person for the purpose of obtaining a policy of insurance required by this section makes any false statement in consequence whereof the policy is likely to be avoided, or if the person insured commits any act which disentitles him to claim under the policy, he shall be guilty of an offence under this Ordinance.

(4) If a policy of insurance required by this section lapses or otherwise becomes invalid any licence issued under this Ordinance in respect of the vehicle to which the policy relates shall thereupon become void.

(5) If a policy of insurance required by this section lapses or otherwise becomes invalid, the holder of such policy shall forthwith notify the Board, and failure to do so shall be an offence under this Ordinance.

9. Every licence shall, unless previously revoked, continue in force for one year from the date on which it is expressed to take effect: Provided that if on the date of the expiration of a licence proceedings are pending before the Board on an application for the grant of a new licence in substitution for an existing licence held by the applicant the existing licence shall continue in force until such application is disposed of.

Duration of  
licence.

10. Any person to whom a licence has been granted in respect of any vehicle may at any time during the currency of such licence apply to the Board to transfer such licence to another vehicle, provided that such other vehicle is not of a greater carrying capacity than the vehicle in respect of which such licence was granted, and the Board in its discretion may approve or refuse such transfer or may approve it, subject to such conditions as they may think fit.

Transfer of  
licence.

11. Mombasa, Voi, Makindu, Nairobi and Nakuru are hereby declared to be scheduled places. The Governor, on the advice of the Board, may from time to time by notice in the Gazette declare any other place to be a scheduled place.

Scheduled  
places.

12. (1) There shall be payable for a licence to carry goods for reward in a motor vehicle from any scheduled place to or to a place beyond any other scheduled place the fee set out in the Schedule to this Ordinance.

Fee for  
licence  
between  
scheduled  
places.

(2) In respect of any place which the Governor may declare to be a scheduled place under section 11 of this Ordinance the Governor in Council may by rule prescribe the fee to be paid in respect of the carriage of goods for reward in a motor vehicle to or from such scheduled place to or from any other scheduled place.

Vehicles of persons on a temporary visit to Colony.

**13.** Notwithstanding the provisions of section 12 of this Ordinance the Board may grant a free licence in respect of any vehicle either generally or in respect of any particular journey and subject to such conditions as they may prescribe if they are satisfied that such vehicle is bona fide used for conveying supplies or equipment for persons on a temporary visit to the Colony. It shall not be necessary for an applicant for such a licence to comply with the provisions of section 8 of this Ordinance.

Marks on vehicles licensed.

**14.** (1) Marks indicating that a vehicle is licensed under this Ordinance shall be fixed on every vehicle so licensed in such manner as the Board may direct.

(2) If such marks or any of them be not fixed to a licensed vehicle in the manner directed, or if, being so fixed, any of them are in any way obscured, or rendered or allowed to become not easily distinguishable, the owner and driver of the vehicle shall be severally guilty of an offence against this Ordinance.

Powers of police officers.

**15.** Any person driving a vehicle licensed under this Ordinance shall, on being so required by a police officer, give his name and address and the name and address of the owner of the vehicle, and shall produce the licence of the vehicle, and if he fails so to do he shall be guilty of an offence :

Provided that if within five days after the date on which the production of the licence was so required he produces the licence in person at such police station as may have been specified by him at the time its production was required he shall not be convicted of an offence under this section by reason only of his failure to produce such licence to the police officer.

Policy of insurance to be produced to police officer.

**16.** The owner of any vehicle licensed under this Ordinance shall, within five days of demand being made by any police officer or any person authorized in writing by the Board in that behalf, produce for inspection the policy of insurance effected under section 8 of this Ordinance in respect of such vehicle, and if he fails so to do he shall be guilty of an offence.

**17.** Any person who is guilty of an offence against any of the foregoing provisions of this Ordinance shall be liable on conviction by a magistrate of the first or second class to a fine of one hundred pounds or to imprisonment for six months or to both such fine and such imprisonment, and the court may in addition to or in lieu of any other punishment cancel, or suspend for such period as it may think just, any licence granted under this Ordinance, and in such event it shall be an offence under this Ordinance to carry goods for reward in the vehicle so licensed during the period for which the licence of such vehicle is cancelled or suspended.

Penalties.

**18.** If, with intent to defraud, any person—

(a) forges within the meaning of Chapter XXXIV of the Penal Code, or alters or uses or lends to or allows to be used by any other person a licence issued under this Ordinance or a policy of insurance required by this Ordinance; or

(b) makes or has in his possession any document so closely resembling such a licence or policy of insurance as to be calculated to deceive,

Forgery of licence or policy of insurance.

he shall be guilty of an offence, and shall be liable to imprisonment for a term not exceeding three years.

**19.** Offences against this Ordinance shall be cognizable to the police.

Offences cognizable to police.

**20.** When any person is charged with carrying goods for reward without being duly licensed in that behalf under this Ordinance the onus of proving that the goods so conveyed were not conveyed for reward shall be on the person so charged.

Onus of proof.

**21.** The Governor in Council may make rules prescribing the fees and allowances to be paid to members of the Board and generally for the better carrying out of the provisions of this Ordinance.

Rules.

**22.** Notwithstanding the proviso to section 3 of the Traffic Ordinance, 1928, no motor vehicle licensed in the Uganda Protectorate or in Tanganyika Territory shall be entitled to carry goods for reward from any scheduled place to or to a place beyond any other scheduled place within the Colony unless it is duly licensed under this Ordinance.

Application to Uganda, etc., vehicles, No. 26 of 1928.

## SCHEDULE.

	For each vehicle licensed to carry—		
	Up to and not exceeding 30 cwt.	Exceeding 30 cwt. but not exceeding 2 tons	Exceeding 2 tons but not exceeding 3 tons
	£	£	£
Between—			
Mombasa and Voi .. ..	30	40	60
Voi and Makindu .. ..	30	40	60
Makindu and Nairobi .. ..	30	40	60
Nairobi and Nakuru .. ..	30	40	60
Mombasa and Makindu .. ..	60	80	120
Voi and Nairobi .. ..	60	80	120
Ma indu and Nakuru .. ..	60	80	120
Mombasa and Nairobi .. ..	90	120	180
Voi and Nakuru .. ..	90	120	180
Mombasa and Nakuru .. ..	120	160	240

For each vehicle licensed to carry more than three tons, the fee applicable to a vehicle licensed to carry three tons, plus 50 per cent of such fees for every ton or part of a ton by which the weight which such vehicle is licensed to carry exceeds three tons.

## AN ORDINANCE.

No. 24 of 1931.

Assented to in His Majesty's name this eighth day of September, 1931.

J. BYRNE,  
*Governor.*

[8TH SEPTEMBER, 1931.] Date of assent.

### An Ordinance to Provide for the Registration of Co-operative Societies and for matters incidental thereto.

*8th September, 1931.*

Date of  
commencement.

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as “the Co-operative Societies (Registration) Ordinance, 1931.” Short title.

2. In this Ordinance, unless the context otherwise requires:— Interpretation.

“co-operative society” means a society or association of producers of agricultural products, including combinations of such societies or associations, and societies or associations subsidiary thereto, engaged in the co-operative marketing of agricultural products, including processing, warehousing, manufacturing and storage, or in the co-operative purchasing of farm supplies, or live stock, or in credit, financing, insurance or other co-operative activities:

“Registrar” means a person appointed to perform the duties of a Registrar of Co-operative Societies under this Ordinance;

“registered society” means a society registered under this Ordinance;

“farm supplies” means goods essential to the production or marketing of farm produce, including live stock and live-stock products.

## REGISTRATION.

Appointment  
of Registrar.

3. The Governor may appoint a person to be Registrar of Co-operative Societies, and may appoint persons to assist such Registrar, and may confer on any such person all or any of the powers of a Registrar under this Ordinance.

Qualification  
for registra-  
tion and  
method of  
application.

4. (1) Any seven or more persons above the age of twenty-one years may apply in manner hereinafter provided to be registered as a co-operative society under this Ordinance.

(2) All applications for registration under this Ordinance shall be made to the Registrar in the prescribed form, and shall be accompanied by two copies of the proposed regulations of the society.

(3) The application and each copy of the proposed regulations of the society shall be signed by not less than seven of the persons on whose behalf the application is made.

Application  
for registration  
by company.

5. (1) Any company incorporated or registered as such under any law, which consists of seven or more persons, may apply in manner prescribed to be registered as a co-operative society under this Ordinance.

(2) Where the applicant is a company the application and the copies of the proposed regulations of the society shall be signed by an officer of the company duly authorized in that behalf by resolution of the company and together with such application and such copies of the proposed regulations of the society there shall be lodged with the Registrar a copy of the memorandum and articles of association of the company, and a copy of a special resolution, under the seal of the company resolving to apply for registration under this Ordinance.

Model  
regulations.

6. Any person proposing to be registered under this Ordinance as a co-operative society may adopt as the regulations of the society all or any of the model regulations set out in the Schedule to this Ordinance.

Registration.

7. (1) On any application under this Ordinance the Registrar may in his discretion approve or disallow the registration of the society or may allow the application subject to such conditions with regard to amendment of the regulations or otherwise as he may think fit.

(2) In the event of the approval of the application the society and its regulations shall be registered by the Registrar.

**8.** (1) No amendment of the regulations of a registered society shall be valid unless the same has been registered under this Ordinance, for which purpose two copies of the amendment shall be forwarded to the Registrar. **Amendment of regulations.**

(2) If the Registrar is satisfied that the amendment of the regulations is not contrary to this Ordinance, he may, if he thinks fit, register the amendment.

(3) When the Registrar registers an amendment of the regulations of a registered society he shall issue to the society a copy of the amendment certified and signed by him, which shall be conclusive evidence that the amendment is duly registered.

**9.** From every refusal of the Registrar to register a society or its regulations or any amendment of its regulations an appeal shall lie to the Governor in Council, whose decision shall be final. **Appeal.**

**10.** (1) No society shall be registered under a name identical with that under which any other existing society is registered, or under any name likely, in the opinion of the Registrar, to mislead the members or the public as to its identity, and no society shall change its name except in the manner hereinafter provided. **Society not to use name already registered.**

(2) The word "co-operative" shall form part of the name of every registered society.

**11.** A registered society may, by resolution, with the approval in writing of the Registrar, change its name; but no such change shall affect any right or obligation of the society, or of any member thereof, and any pending legal proceedings may be continued by or against the society notwithstanding its new name. **Power to change name.**

**12.** A certificate of registration signed by the Registrar shall be conclusive evidence that the society therein mentioned is duly registered unless it is proved that the registration of the society has been cancelled. **Evidence of registration.**

#### RIGHTS AND LIABILITIES OF MEMBERS.

**13.** No member shall hold more than one-fifth of the share capital of a registered society. **Limitation of share holding.**

**14.** No member of a registered society shall exercise any of the rights of a member unless and until he has made such payment to the society in respect of membership or has acquired such interest in the society as may be prescribed by the regulations of the society. **Member not to exercise rights until due payment made.**

Restriction on membership of societies.

15. No person shall be a member of more than one registered society with unlimited liability except with the sanction of the Registrar first had and obtained.

Votes of members.

16. Each member of a registered society shall have one vote only as a member in the affairs of the society.

Saving for limited liability companies.

17. The provisions of sections 13, 14 and 16 of this Ordinance shall not apply to members of a registered society which is a company limited by shares or by guarantee.

#### DUTIES OF REGISTERED SOCIETY.

Address of society.

18. Every registered society shall have a registered address to which notices and communications may be sent, and shall send to the Registrar notice of every change thereof.

Copy of Ordinance and regulations open to inspection.

19. Every registered society shall keep a copy of this Ordinance and of the rules made thereunder and of its regulations together with all amendments thereof, and of its audited accounts for the preceding year, open to inspection, free of charge, at all reasonable times at the registered address of the society.

Audit.

20. (1) The accounts of every registered society shall be audited once at least in every year by an auditor approved by the Registrar.

(2) The Registrar, or any person authorized by him in writing, shall at all times have access to all the books, accounts, papers or securities of a registered society, and every officer, servant or member of the society shall furnish such information in regard to the transactions and working of the society as the person making such inspection may require.

(3) Every registered society shall as soon as may be after the completion of each audit forward to the Registrar a copy of the accounts so audited. Such copy shall be in the English language, and shall be open, at the office of the Registrar, to inspection by any person on payment of the prescribed fee.

#### PRIVILEGES OF REGISTERED SOCIETIES.

Societies to be bodies corporate.

21. The registration of a society shall render it a body corporate by the name described in the certificate of registration, by which name it may sue or be sued, with perpetual

succession and a common seal, and shall vest in the society all property for the time being vested in any person in trust for the society; and all legal proceedings pending by or against the trustees of any such society may be prosecuted by or against the society in its registered name without abatement.

**22.** (1) The regulations shall, when registered, bind the society and the members thereof to the same extent as if they were signed by each member, and contained covenants on the part of each member, his heirs, executors, administrators and assigns, to observe all the provisions of the regulations, subject to the provisions of this Ordinance.

Regulations  
to bind  
members.

(2) It shall not be competent to a member of a co-operative society to contest any suit, claim, action or proceeding between such member and the society or any other member of the society on the ground that any regulation of the society constitutes a contract in restraint of trade.

**23.** The regulations of a registered society may prescribe fines to be imposed on its members for infringement of the regulations, but no such fine shall be imposed upon any member until written notice of intention to impose the fine and the reason therefor has been transmitted to him and he has had an opportunity of showing cause against the imposition of the fine, and, if he so desires, of being heard with or without witnesses. Any such fine may be recovered by action in any competent court. If a fine is imposed on a member of a society because of failure to sell his produce through the society and legal proceedings are instituted for payment of the fine the burden shall lie upon the member of disproving the allegation of the society in respect of which the fine was imposed. The whole or any part of the fine may be set off against any moneys due to such member in respect of produce delivered by him to the society. A member shall not be deemed to have infringed the regulations of a society by reason of his having failed to deliver produce to the society if such failure was due to the fact that before becoming a member of the society such member had contracted to deliver such produce to some other person. It shall be an obligation on every person applying for membership of a registered society to disclose to the society particulars of all such contracts.

Imposition of  
fines upon  
members.

Settlement of  
disputes by  
arbitration.

24. The regulations of a registered society may provide for the settlement of all disputes between the society and any of its members by the arbitration of a sole arbitrator to be appointed by the Registrar, and may further provide that from the award of such arbitrator an appeal shall lie to the Registrar.

Contracts how  
made varied or  
discharged.

25. Contracts on behalf of a registered co-operative society may be made, varied, or discharged as follows :—

- (a) Any contract, which if made between private persons would be by law required to be under seal, may be made on behalf of the society under the common seal of the society, and may in the same manner be varied or discharged.
- (b) Any contract, which if made between private persons would be by law required to be in writing and signed by the persons to be charged therewith, may be made on behalf of the society in writing by any person acting under the express or implied authority of the society, and may in the same manner be varied or discharged.
- (c) Any contract under seal which, if made between private persons, might be varied or discharged by a writing not under seal, signed by any person interested therein, may be similarly varied or discharged on behalf of the society by a writing not under seal, signed by any person acting under the express or implied authority of the society.
- (d) Any contract, which if made between private persons would be by law valid though made by parole only and not reduced into writing, may be made by parole on behalf of the society by any person acting under the express or implied authority of the society, and may in the same manner be varied or discharged.
- (e) A signature, purporting to be made by a person holding any office in the society, attached to a writing whereby any contract purports to be made, varied or discharged by or on behalf of the society, shall *prima facie* be taken to be the signature of a person holding at the same time when the signature was made the office so stated.

All contracts which may be or have been made, varied, or discharged according to the provisions contained in this section, shall, so far as concerns the form thereof, be effectual in law and binding on the society and all other parties thereto, their heirs, executors or administrators as the case may be.

**26.** A registered society may (if its regulations do not direct otherwise) hold, purchase, or take on lease in its own name any land, and may sell, exchange, mortgage, lease or build upon the same (with power to alter and pull down buildings and again rebuild) and no purchaser, assignee, mortgagee or tenant shall be bound to inquire as to the authority for any such sale, exchange, mortgage or lease by the society, and the receipt of the society shall be a discharge for all moneys arising from or in connexion with such sale, exchange, mortgage or lease.

Holding of land.

**27.** (1) The financial liability of a past member to the registered society of which he was a member shall continue for a period of two years from the date of his ceasing to be a member, provided that if the first accounts of the society after his ceasing to be a member disclose a credit balance in favour of the society the financial liability of such past member shall forthwith cease.

Liability of past member.

(2) The regulations of every registered society shall contain a provision as to the time at which, and the notice after which, a member may resign from the society.

**28.** The financial liability of the estate of a deceased member to the registered society of which he was a member shall continue for a period of one year from the time of his decease, provided that if the first accounts of the society after his decease disclose a credit balance in favour of the society such liability shall forthwith cease.

Liability of estate of deceased member.

**29.** The provisions of the two last preceding sections shall not apply to a member of a registered society which is a company limited by shares or by guarantee.

Liability of members of a company.

**30.** Any register or list of members or shares kept by any registered society shall be *prima facie* evidence of any of the following particulars entered therein:—

Register of members.

- (a) The date at which the name of any person was entered in such register or list as a member.
- (b) The date at which any such person ceased to be a member.

Proof of entries in society's books.

**31.** A copy of any entry in a book of a registered society regularly kept in the course of business, shall, if certified in such manner as may be prescribed, be received in any suit or legal proceedings as *prima facie* evidence of the existence of such entry, and shall be admitted as evidence of the matters, transactions and accounts therein recorded in every case where, and to the same extent as, the original entry itself is admissible.

#### DISSOLUTION OF REGISTERED SOCIETY.

Modes of dissolution.

**32.** A registered society may be dissolved either—

(a) voluntarily on a resolution of the society under section 33; or

(b) on an order of court under section 34;

and shall be dissolved without any resolution thereof or order of court upon the happening of any of the events mentioned in section 35.

Voluntary dissolution.

**33.** A registered society may be dissolved by resolution passed by not less than two-thirds of the total number of members of the society, present in person or by proxy (where proxies are allowed), at a general meeting specially convened for that purpose.

Compulsory dissolution.

**34.** A registered society may be dissolved on the order of the Supreme Court.

Circumstances under which society shall be dissolved.

**35.** A registered society shall be dissolved without any resolution thereof or order of court—

(a) if the number of members is reduced below seven;

(b) if the society does not commence business within a year of registration or suspends business for a period of more than six months;

(c) when the period (if any) fixed for the duration of the society by its regulations expires;

(d) whenever any event happens upon the happening of which the regulations of the society provide that the society is to be dissolved.

Commencement of dissolution.

**36.** The dissolution of a registered society shall be deemed to commence—

(a) at the time of passing the resolution authorizing the dissolution if such dissolution is voluntary;

- (b) at the date of the order of court dissolving the society, if the dissolution is under section 34;
- (c) at the date on which the event happens upon the happening of which the society is to be dissolved, if the dissolution is under section 35.

## MISCELLANEOUS.

**37.** The Governor may by order in writing cancel the registration of a co-operative society if at any time it is proved to his satisfaction that any condition of the registration has been broken or any provision of this Ordinance contravened or if he is satisfied that it is not being conducted in the best interests of its members or in accordance with co-operative principles.

Cancellation  
of registration.

**38.** (1) No person other than a registered society shall trade or carry on business under any name or title of which the word "co-operative" is part without the sanction of the Governor in Council.

Prohibition  
of the use of  
the word "co-  
operative."

(2) Nothing in the preceding sub-section shall apply to the use by any person or his successor in interest of any name or title under which he traded or carried on business at the commencement of this Ordinance.

(3) Any person who contravenes the provisions of this section shall be liable to a fine not exceeding fifty pounds and in the case of a continuing offence to a further fine of five pounds for each day on which the offence is continued after conviction therefor.

**39.** Any person who contravenes or fails to comply with the provisions of this Ordinance shall be liable to a fine not exceeding ten pounds.

General  
penalty for  
offences.

**40.** The Governor in Council may make rules—

Rules.

- (a) prescribing the forms to be used and the conditions to be complied with in the making of application for registration of a co-operative society and the procedure in the matter of such applications;
- (b) prescribing the fees to be paid on the registration of a society or of the regulations of a society;

- (c) prescribing the form of the audit of the accounts of a registered society and the books to be kept by a registered society ;
- (d) prescribing the fees to be paid for inspection of the audited accounts of a registered society and for copies of extracts from such accounts ;
- (e) generally for the better carrying out of the provisions of this Ordinance.

### SCHEDULE.

#### MODEL REGULATIONS FOR CO-OPERATIVE SOCIETIES.

#### REGULATIONS OF THE ..... CO-OPERATIVE SOCIETY.

##### NAME.

1. The name of the society is the .....  
Co-operative Society.

##### OFFICE.

2. The office of the society will be situate at .....

##### OBJECTS.

3. The objects of the society are—
- (a) to dispose of the agricultural products and live stock of the members in the most profitable manner ;
  - (b) to supply the members with the necessary implements, seeds, artificial manures and other farming requisites ;
  - (c) to acquire and hold any movable and immovable property for the better carrying out of any of the objects of the society ;
  - (d) to raise money on loan for any of the lawful objects of the society and for that purpose to mortgage the society's movable and immovable property.

##### TIME OF ESTABLISHMENT.

4. The society shall be established for a period of ..... years, which period may from time to time be extended.

## CAPITAL.

5. The funds necessary for carrying on the operation of the society shall consist of—

- (a) any loans raised by the society;
- (b) the share capital of the society;
- (c) the reserve fund of the society.

## MEMBERSHIP.

(a) *Entrance.*

6. Bona fide farmers may become members by application to the Board of Directors, who shall have the right to accept applicants for membership on the basis of these regulations or to reject such applicants without assigning any reasons for doing so.

7. Every person desirous of becoming a member must sign in duplicate the printed forms of application provided for the purpose and forward them to the Board of Directors who shall decide at their next meeting whether or not membership shall be granted.

8. Every member shall by his signature on the form of application be bound by the existing regulations and any additional regulations or alterations to the regulations which from time to time may lawfully be made.

9. The entrance fee for members shall be..... which amount shall be subject to alteration at the annual general meeting. This entrance fee shall be added to the reserve fund.

10. The widow of a deceased member or any other beneficiary from his estate may, subject to the approval of the directors, become a member in place of the deceased and, within two months after his death, as such beneficiary take over his rights and obligations in respect of the deceased member's interest in the society. If no beneficiary takes over such rights and obligations, the beneficiaries shall be entitled to receive a certain amount which shall be determined by the directors but which in no case shall exceed seventy-five per cent of the deceased's interest in the society; the balance to be added to the reserve fund.

*(b) Resignation and Expulsion.*

11. A member may resign only at the end of the financial year; and then only if he shall previously have given three months' written notice to the society of his intention to resign. Such notice shall be placed on the agenda, and be recorded in the minutes of the first meeting of directors after its receipt by the society and the member shall thereafter with as little delay as possible be notified in writing by the society that the notice has been so recorded.

12. A member may be expelled from the society at the end of the financial year if such expulsion has been previously agreed to by not less than two thirds of the members present at a general meeting specially convened for that purpose, or

(a) in the event of such member calling a meeting of creditors or arriving at a compromise with them;

(b) in the event of such member being declared bankrupt;

(c) in the event of such member failing to discharge his obligations to the society, whether prescribed by these regulations, or arising out of any contract.

13. A deceased member shall be deemed to have retired at the close of the business year in which he died.

14. If a member becomes insolvent or assigns his estate for the benefit of his creditors, such insolvency or assignment shall not, in itself, terminate membership.

15. In the event of a member resigning consequent upon his relinquishing farming operations he may, subject to the approval of the directors, cede his rights in the reserve fund and all assets of the society to any member of his family who agrees within two months thereafter to become a member of the society: Provided that the rights so acquired shall be subject to all the conditions of membership; and provided further that such approval of the directors be obtained by resolution of the board passed within two months from the date upon which such resignation takes effect.

16. Save as is provided in Regulation 15, members who have resigned or have been expelled shall have no claim on the reserve fund or other property of the society.

## LIABILITY OF MEMBERS.

17. It shall be a condition of membership that all the members be jointly and severally liable for payments of the debts and obligations of the society: Provided that the liability

of any person who has resigned his membership or has been expelled from the society and the liability of the estate of any person who has died shall cease in respect of any of the society's debts and obligations incurred after he has ceased to be a member.

18. In the event of the balance-sheet and profit and loss account disclosing that the year's operations have resulted in a loss to the society, such loss shall be borne in equal shares by the members of that year and the amount of such share shall be a debt by the members of the society, and recoverable by the society from the members.

*(Or alternative clause for clauses 17 and 18 :—*

The liability of each member of the society shall be limited to the nominal value of the shares which he holds in the society.)

#### BOARD OF DIRECTORS.

19. The operations of the society shall be managed and controlled by a board of directors consisting of seven members. At the first annual general meeting four of the directors, who shall be determined by ballot, shall retire, after which the directors shall retire yearly by rotation of three and four.

20. Retiring directors may be re-elected.

21. Any casual vacancy occurring on the board of directors during the year shall be filled by the remaining directors until the next general meeting.

22. The society may by resolution passed at a general meeting specially convened for that purpose remove any director before the expiration of his period of office and appoint another qualified person in his stead. Any director so appointed shall not hold office for a longer period than the director in whose stead he was appointed would have held the same if no vacancy had occurred.

23. Four directors shall form the quorum of any meeting of directors.

24. The directors shall elect from amongst themselves a chairman and vice-chairman.

25. Questions arising at any meeting shall be determined by a majority of votes, and in the case of an equality of votes the chairman shall have a casting vote in addition to his deliberative vote.

26. The directors shall act in the name of the society and they shall exercise, within the limits of these regulations, the same powers as if they had been determined at a general meeting.

27. The directors shall report and account for all their transactions at each general meeting when called upon so to do.

28. The directors shall meet as often as is necessary.

29. The position of director shall be honorary, save and except when one or more of them are appointed to perform special services for the society, but out-of-pocket expenses incurred by the directors when engaged on the business of the society shall be refunded.

*(Or alternative Clause :—*

All the necessary and actual out-of-pocket expenses incurred by the directors by reason of their being engaged upon the business of the society shall be refunded to them, and the society may also at the annual general meeting vote to the directors' remuneration for their services during the previous financial year.)

30. The directors shall engage a sufficient staff to carry on the business of the society, and shall fix their salaries and determine the work to be carried out by them. The directors shall also have the right of suspension and dismissal.

31. The directors shall cause every officer in the employ of the society occupying a position of trust to give adequate security.

32. The directors shall cause books of accounts to be opened in a form approved by the Registrar which shall truly reflect the transactions of the society and they shall see that such books are kept up to date.

33. The directors shall open a banking account in the name of the society into which all moneys received shall be deposited as soon as possible after receipt. All cheques drawn on such account shall be signed by one of the directors, and countersigned by the secretary or some other officer authorized by the board of directors. The directors may also open a banking account in the name of the secretary as such, into which account the directors may cause to be paid by means

of cheques drawn on the first-mentioned account, such moneys as may from time to time be necessary in order to enable the secretary to defray current expenses and to make such advances to members as they may be entitled to demand from time to time : Provided that the total amount of the banking account opened in the name of the secretary as such shall in no case exceed the amount in respect of which the secretary has given security in terms of Regulation 31.

34. The directors shall arrange insurances against loss, damage to, or liability of, the society by reason of fire, accident, peril of the sea, or otherwise, and shall also effect such insurances in respect of members' produce or other goods while under the care and control of the society.

35. The directors shall cause minutes of the proceedings at all general meetings and of every meeting of the Board of Directors to be entered in separate books kept for the purpose and containing proper tabulated details of the business conducted at the meeting. The minutes of the proceedings of each meeting shall be submitted at the next ensuing meeting, and, if passed thereat as correct, shall be confirmed by the signature of the chairman thereof.

36. Without prejudice to the powers conferred by Regulation 26, it is hereby expressly declared that the directors shall have the following powers—

- (a) to make by-laws provided they are not in conflict with these regulations ;
- (b) to mortgage any property of the society as security for any loans legally raised ;
- (c) to give in the name and on behalf of the society indemnities in pursuance of a guarantee to be issued by any bank or similar institution in respect of any obligation incurred or contract entered or to be entered into by the society ;
- (d) to impose on members the fines prescribed by these regulations. Any fines so imposed shall be added to the reserve fund. Any moneys due to a member in respect of produce delivered by him to the society may be applied in payment of any fines imposed by the society : Provided that whenever the directors have decided to impose a fine on a member they shall cause to be

transmitted to him written notice of their intention and the reasons therefor and state in the notice that within a period to be specified therein he may appear before them in person with or without witnesses or may send to them a written statement signed by himself and by others for the purpose of showing cause against the imposition of the fine. The imposition of the fine shall be deferred until the expiry of the period specified in the notice.

37. A director shall vacate his office—

- (a) if he becomes insolvent or assigns his estate for the benefit of or compounds with his creditors; or
- (b) if he becomes of unsound mind, or is convicted of an offence and sentenced to any period of imprisonment without the option of a fine; or
- (c) if he absents himself from four consecutive ordinary meetings of the Board without its leave; or
- (d) if he resigns his membership of the society, or is lawfully expelled therefrom; or
- (e) if he gives one month's notice in writing to the Board of his intention to resign office and his resignation is accepted by the Board.

#### BORROWING POWERS.

38. The directors may not raise a loan involving a liability of the society exceeding £..... unless such loan has been approved by not less than two-thirds of the members present at a general meeting specially convened for the purpose, of which notice, stating full particulars of the proposed loan, has been duly given.

#### GENERAL MEETINGS.

39. An annual general meeting of members shall be held within four months after the close of the financial year for the purpose of—

- (a) considering the balance-sheet, profit and loss account and auditor's report;
- (b) considering a general report by the directors; and
- (c) electing directors and auditor.

40. The Board of Directors or any two directors may, whenever they think fit, convene a special general meeting.

41. A special general meeting shall be convened at any time upon a requisition in writing to the Board of Directors signed by not less than five of the members of the society, for the consideration of such business as shall be specifically stated in the requisition. If within twenty-one days after the transmission of such requisition a special general meeting be not convened by the Board, it may be convened by the requisitionists.

42. All meetings, whether annual or special general meetings, shall be convened by notice, which shall be posted to the addresses of the members at least fourteen days before the date fixed for the meeting and shall specify the date, place and hour of meeting, and the nature of the business to be transacted. The non-receipt of such notice by any member shall not invalidate the proceedings at any such meeting.

43. The chairman of the Board of Directors, if present shall, unless the meeting otherwise determines by resolution, be the chairman of any general meeting.

44. .... members of the society shall form a quorum: Provided that a quorum shall in no case consist of less than ..... members.

45. If within one hour from the time appointed for the meeting a quorum is not present, the meeting, if convened upon the requisition of members, shall not be held; in any other case it shall stand adjourned to the same day in the next week at the same time and place, or if that day is a public holiday, it shall stand adjourned to the next day which is not a public holiday, and if at such adjourned meeting a quorum is not present within one hour from such time, the members present not being less than ..... shall constitute a quorum: Provided that if the question for consideration be the raising of a loan or to alter these regulations or to dissolve the society, the quorum prescribed by Regulation 44 must be secured.

46. Members shall record their votes in person and no member shall have more than one vote.

47. Save as is otherwise provided in these regulations, every question for decision by a general meeting shall be determined by the majority of members personally present thereat, and on a show of hands, unless a poll be demanded by at least five members.

48. At a poll the voting shall be by ballot.

49. In the case of an equality of votes, whether on a show of hands or on a poll, the chairman shall have a casting vote in addition to his deliberative vote.

#### AMENDMENT OF REGULATIONS.

50. No alteration shall be made in these regulations unless such alteration has been approved by at least two-thirds of the members present at a general meeting specially convened for that purpose. Any alteration lessening the period of establishment of the society shall require the approval of not less than two-thirds of the total number of members of the society.

#### FINANCIAL YEAR.

51. The financial year of the society shall be reckoned from the ..... to the .....

#### AUDIT.

52. Auditors shall be appointed and their duties regulated, in accordance with section 20 of the Ordinance, or any amendments thereof for the time being in force.

53. A copy of the balance-sheet and profit and loss account duly signed by the auditor and a majority of the directors shall, with the auditor's report attached thereto, be open to inspection of the members at the office of the society at least fourteen days before the date fixed for the annual general meeting, and be sent to the Registrar, immediately such period of inspection commences.

#### DELIVERY OF PRODUCE.

54. Every member shall be bound to sell the whole of his produce, viz. .... through the society, with the exception of what he requires for his own consumption.

55. Every member shall pay into the funds of the society a fine of ..... for every ..... lb. of produce which he fails to deliver in accordance with the last preceding regulation, and shall also be liable for any further loss or damage which the society may sustain by reason of his failure to deliver, except in the special circumstances indicated in Regulation 61.

56. Every member must, from time to time as prescribed by the Board of Directors furnish them in writing with definite particulars concerning—

- (a) the kind, quality and quantity of his harvest or other production;
- (b) the number of ..... which he will require for personal consumption.

57. The Board shall, as soon as possible after being furnished with the particulars mentioned in regulation 56, inform the member where and within what time he will be required to deliver his produce.

58. Any member who fails to comply with either of the two last preceding regulations shall be liable to a fine of ten pounds.

59. All produce must be properly classified and marked. In case of any dispute as to the produce delivered, the decision of the Board or its nominee shall be final.

60. No advance shall be paid to members until the produce is delivered to the society.

61. In the event of a member's crop being damaged or destroyed by circumstances beyond his control so that he cannot fulfil his engagements towards the society, he shall be relieved of his obligations in respect of such crop, provided he immediately advises the Board of Directors to that effect.

#### PAYMENT TO MEMBERS.

62. The Board of Directors may in its discretion—

- (a) pool and manufacture or partly manufacture the produce of the members and dispose of it in a manufactured or partly manufactured state;
- (b) pool the produce of the members and dispose of it in a manufactured state;
- (c) dispose of the produce of the members without manufacturing or pooling the same.

63. Members may receive advances on produce delivered by them to the society on the following basis :—

64. The balance of the price realized on such produce less a commission of ..... per cent shall be paid to members so soon as the produce is sold, and the purchase price obtained.

*(Or alternative Clause :—*

The balance of the average prices realized for each grade and kind of such produce pooled, less a commission of ..... per cent shall be paid to members on the closing-off of the pool account.)

65. In the event of the advances paid to members on any produce being in excess of the net price realized by the society after deduction of commission, such excess shall be refunded by those members who received it.

*(Or three alternative Clauses for 62, 63, 64 and 65 :—*

Members may receive at the beginning of every month an advance of ..... per cent, of the probable value of the ..... supplied by them to the society during the previous month, such advance to be determined by the Board of Directors from month to month.

After having deducted all the expenses of the society during the financial year and after having provided for depreciation and for contingencies, and also after having set aside a sum to be transferred to the reserve fund, which sum shall be fixed in general meeting, but shall not be less than recommended by the directors, the surplus shall be distributed amongst the members in proportion to the deliveries of each member during the financial year.

In the event of the balance-sheet and profit and loss account disclosing any loss on transactions in any class of produce, such loss shall, notwithstanding the provisions in Regulation 18, be borne by the members supplying such class of produce in proportion to the turn-over of such produce of each member during the year.)

#### SUPPLY OF FARMING REQUISITES TO MEMBERS.

66. The society shall, if it is in a position so to do, supply its members with agricultural implements and other farming requisites.

67. Such articles shall be supplied at cost price plus a commission to be determined by the Board of Directors.

68. The total value of the farming requisites which the society may have in stock for supply to members shall not at any time exceed ..... pounds.

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## GAIN OR SURPLUS.

69. The gain or surplus resulting from the operations of the society during the financial year shall, after having provided for depreciation in value of the society's property or for contingent liability for loss, and for a payment to reserve fund be applied to the payment of a dividend. No dividend in any year shall exceed ..... per cent.

## GENERAL.

70. By resolution of a general meeting of members or a meeting of the Board of Directors, a committee may be appointed for the execution of such special duties as may be deemed desirable.

71. In the office shall be kept a true copy of these regulations and also in one or more books a register of the members and of the directors of the society.

72. All communications to the society should be addressed to the secretary.

73. All transactions of the society shall be for cash.

74. The fact of the registration of the society shall be published once in the Official Gazette of the Colony.

75. The society shall sue and be sued in the name of the society, and all powers of attorney and documents in connexion therewith shall be signed by the chairman of the Board of Directors or any person lawfully acting in that capacity, and by the secretary.

76. Any immovable property acquired and held by the society shall be registered in the name of the society.

77. Should any dispute arise in regard to the regulations of the society which cannot be amicably settled, a special general meeting shall be called at which three members shall be elected as arbitrators. The decision of the arbitrators shall be final and may not be appealed against.

## DISSOLUTION.

78. The society may be dissolved by resolution passed by two-thirds of the total number of members of the society present in person at a general meeting specially called for the purpose.

79. In case of dissolution, the debts of the society shall first be paid and other engagements fulfilled. The surplus, including the reserve fund, shall then be distributed amongst existing members in proportion to the value of the business of each member with the society during the last ..... years. In determining such value of business due regard shall be given to any rights any existing member may have acquired under Regulation 15.

## AN ORDINANCE.

**No. 25 of 1931.**

Assented to in His Majesty's name this eighth day of September, 1931.

J. BYRNE,  
*Governor.*

[8TH SEPTEMBER, 1931.] Date of assent.

### **An Ordinance to Amend the Births and Deaths Registration Ordinance, 1928.**

*8th September, 1931.*

Date of commencement.

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows :—

1. This Ordinance may be cited as “ the Births and Deaths Registration (Amendment) Ordinance, 1931,” and shall be read as one with the Births and Deaths Registration Ordinance, 1928, hereinafter referred to as “ the Principal Ordinance.”

Short title.  
No. 2 of 1928.

2. The powers and duties of the Registrar General under sections 5, 7, 21, 23 and 25 of the Principal Ordinance shall be exercised and performed by the Principal Registrar of Births and Deaths.

Powers and duties of Principal Registrar of Births and Deaths.

## AN ORDINANCE.

No. 26 of 1931.

Assented to in His Majesty's name this eighth day of  
September, 1931.

J. BYRNE,  
*Governor.*

Date of assent.

[8TH SEPTEMBER, 1931.]

### An Ordinance to Amend the Legitimacy Ordinance, 1930.

Date of  
commencement.

*8th September, 1931.*

ENACTED by the Governor of the Colony of Kenya,  
with the advice and consent of the Legislative Council  
thereof, as follows :—

Short title

**1.** This Ordinance may be cited as “ the Legitimacy (Amendment) Ordinance, 1931,” and shall be read as one with the Legitimacy Ordinance, 1930, hereinafter referred to as “ the Principal Ordinance.”

No. 23 of 1930.

Amendment of  
section 3 (1) of  
the Principal  
Ordinance.

**2.** Sub-section (1) of section 3 of the Principal Ordinance is hereby amended by the substitution of the word “ domiciled ” for the word “ resident ” in the fifth line thereof.

Amendment of  
section 4 of  
the Principal  
Ordinance.

**3.** Section 4 of the Principal Ordinance is hereby amended as follows :—

(1) By the addition of the following proviso to sub-section (1) :—

“ Provided that the decree of the said Court shall not in any case prejudice any person, unless such person has been cited or made a party to the proceedings or is the heir-at-law or next of kin, or other real or personal representative of or derives title under or through a person so cited or made a party; nor shall such sentence or decree of the Court prejudice any person if subsequently proved to have been obtained by fraud or collusion.”

(2) By the repeal of sub-section (6).

(3) By renumbering sub-sections (7) and (8) as (6) and (7).

4. Section 5 of the Principal Ordinance is hereby amended by adding thereto the following as sub-sections (3) and (4) :—

Amendment of section 5 of the Principal Ordinance.

“(3) Where property movable or immovable or any interest therein is limited in such a way that, if this Ordinance had not come into operation, it would (subject or not to any preceding limitations or charges) have devolved (as nearly as the law permits) along with a dignity or title of honour then nothing in this Ordinance shall operate to sever the property or any interest therein from such dignity, but the same shall go and devolve (without prejudice to the preceding limitations or charges aforesaid) in like manner as if this Ordinance had not come into operation. This sub-section applies, whether or not there is any express reference to the dignity or title of honour and notwithstanding that in some events the property, or some interest therein, may become severed therefrom.

(4) This section applies only if and so far as a contrary intention is not expressed in the disposition, and shall have effect subject to the terms of the disposition and to the provisions therein contained.”

## AN ORDINANCE.

No. 27 of 1931.

Assented to in His Majesty's name this eighth day of  
September, 1931.

J. BYRNE,  
*Governor.*

Date of assent.

[8TH SEPTEMBER, 1931.]

### An Ordinance to Amend the Arbitration (Foreign Awards) Ordinance, 1930.

Date of  
commencement.

*8th September, 1931.*

ENACTED by the Governor of the Colony of Kenya,  
with the advice and consent of the Legislative Council  
thereof, as follows :—

Short title.

**1.** This Ordinance may be cited as “ the Arbitration (Foreign Awards) (Amendment) Ordinance, 1931,” and shall be read as one with the Arbitration (Foreign Awards) Ordinance, 1930, hereinafter referred to as “ the Principal Ordinance.”

No. 34 of 1930.

Amendment  
of section 2 of  
the Principal  
Ordinance.

**2.** Section 2 of the Principal Ordinance is hereby amended by the deletion of the words “ the Governor ” and the word “ proclamation ” wherever they occur in paragraphs (b) and (c), and the substitution therefor of the words “ His Majesty ” and “ Order in Council ” respectively.

**AN ORDINANCE.****No. 28 of 1931.**

Assented to in His Majesty's name this eighth day of  
September, 1931.

J. BYRNE,  
*Governor.*

[8TH SEPTEMBER, 1931.] Date of assent.

**An Ordinance to Amend the Civil Procedure  
Ordinance, 1924.**

*8th September, 1931.*

Date of  
commencement.

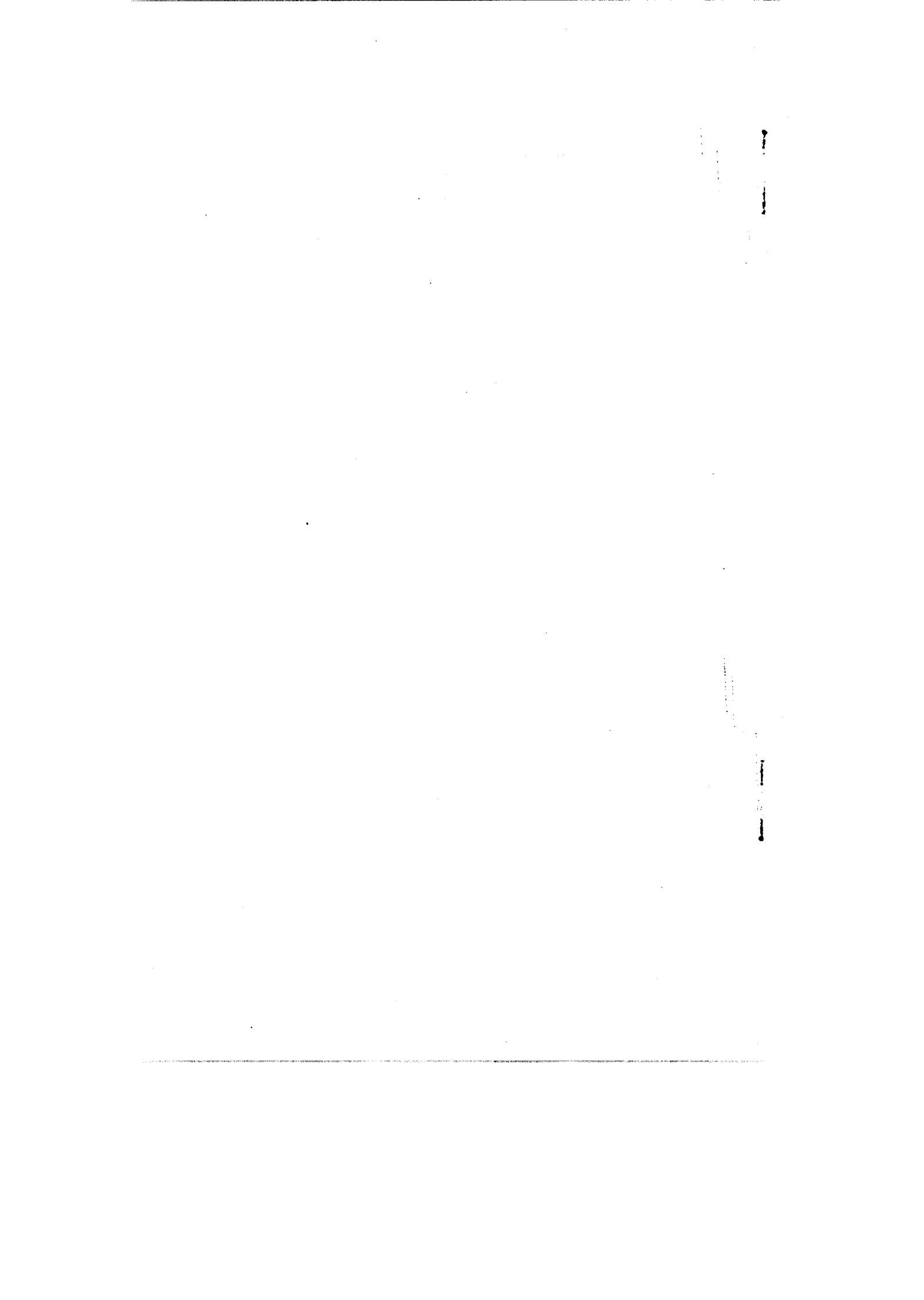
ENACTED by the Governor of the Colony of Kenya,  
with the advice and consent of the Legislative Council  
thereof, as follows :—

- 1.** This Ordinance may be cited as “ the Civil Procedure (Amendment) Ordinance, 1931,” and shall be read as one with the Civil Procedure Ordinance, 1924, hereinafter referred to as “ the Principal Ordinance.”
- 2.** Section 48 of the Principal Ordinance is hereby amended by the addition of the word “ not ” after the word “ and ” in line four thereof.

Short title.

No. 3 of 1924.

Amendment of  
section 48 of  
the Principal  
Ordinance.



## AN ORDINANCE.

No. 29 of 1931.

[26TH SEPTEMBER, 1931.] Date of assent.

### An Ordinance to Regulate the Traffic in Arms between the Colony and Abyssinia.

*26th September, 1931.*

Date of  
commencement.

WHEREAS a treaty, known as the Abyssinian Arms Traffic Treaty, was on the 21st day of August, 1930, signed on behalf of His Majesty :

AND WHEREAS for the purpose of giving effect in the Colony to the said Treaty it is expedient that the provisions hereinafter contained shall have effect :

BE IT THEREFORE ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows :

1. This Ordinance may be cited as " the Arms (Traffic with Abyssinia) Ordinance, 1931." Short title.

2. The import into the Colony of arms and ammunition included in Categories I, II, IV and V set out in the First Schedule hereto is prohibited except where their import has been authorized by the Governor. Import of arms and ammunition into the Colony.

3. In the case of articles falling within Categories I, II and IV such authorization shall be given only if the applicants have satisfied the Governor that such articles are required for lawful purposes. When authorization may be given.

4. All articles covered by Categories I, II, IV and V imported into the Colony (except where such articles are imported by individuals for their personal use, namely, for legitimate purposes of defence or sport) shall be deposited by the importer at his own expense and risk in a public warehouse maintained under the exclusive custody and permanent supervision of the Government or its officials, at least one of whom must be a member of the armed forces of the Colony (including the Kenya Police Force), and who shall keep an official record of such deposit. Arms, etc., to be deposited in public warehouse.

Authorized  
port of import.

5. Arms and ammunition imported by the authorization of the Governor as provided in section 2 of this Ordinance shall be imported into the Colony at Mombasa only.

The provisions of this section shall not apply to aircraft entering the Colony by air.

Public  
warehouse at  
Mombasa.

6. The public warehouse referred to in section 4 of this Ordinance shall be established at Mombasa.

Arms imported  
to be  
registered.

7. Every arm imported under the provisions of section 4 of this Ordinance by an individual for his personal use shall be registered. A mark shall be stamped thereon if it does not already bear another mark or a number sufficient for identification. The mark or number shall be noted in the licence to carry arms issued by the Governor.

Withdrawal  
of arms and  
ammunition  
from public  
warehouse.

8. Arms and ammunition in Categories I, II, IV and V shall not be withdrawn from a public warehouse (as referred to in section 4 of this Ordinance) unless withdrawal has in each case been authorized by the Governor. The Governor shall not authorize such withdrawal in any case except for the purposes of transfer to another public warehouse or to a private warehouse duly approved by the Governor or for delivery to individuals who have proved to the satisfaction of the Governor that the articles are necessary to them for their personal use.

Private  
warehouses.

9. No private warehouse for articles covered by Categories I, II, IV and V shall be permitted in the Colony unless authorized by the Governor. Private warehouses so authorized shall consist of enclosed premises reserved for that purpose and having only one entry, which shall be fitted with two locks one of which can be opened only by officials of the Government. The person in charge of the warehouse shall be responsible for all such articles deposited therein, and shall account for them on demand by the Governor.

Withdrawal  
of articles  
from private  
warehouse.

10. Articles deposited in a private warehouse shall not be withdrawn from the warehouse nor be transferred nor transported without a special authorization by the Governor. The particulars entered on such authorization shall be noted in a special register and shall be numbered and initialled by the person in charge of the private warehouse.

Arms  
transferred  
to be  
registered.

11. Every arm transferred under the provisions of section 8 of this Ordinance from a public warehouse to a private warehouse or a private individual, shall be registered.

A mark shall be stamped thereon if it does not already bear another mark or a number sufficient for identification. The mark or number shall be noted in the licence to carry arms issued by the Governor.

**12.** The manufacture or assembly in the Colony of articles covered by Categories I, II, IV and V is prohibited otherwise than in establishments instituted by the Governor for the defence of the Colony or the maintenance of public order.

Manufacture or assembly of arms, etc., in Colony.

**13.** The repair of articles covered by Categories I, II, IV and V is prohibited otherwise than in establishments instituted by the Government or in such private establishments as may be authorized for this purpose by the Governor. Such authorization shall not be granted without guarantee that the provisions of this Ordinance shall not be infringed.

Repair of arms, etc., in Colony.

**14.** The export from the Colony to Abyssinia of arms, ammunition and war material falling under Categories I, II, IV and V is prohibited, except under the authority of an export licence issued by the Governor. Applications for such licences shall be made in accordance with the provisions of section 15 of this Ordinance. Licences in the case of articles covered by Categories I, II and IV shall be issued only to applicants holding either an order in writing or a visa signed by His Majesty the Emperor of Abyssinia or a minister duly authorized by His Imperial Majesty under the seal of His Imperial Majesty and drawn up in the forms set out in the Second and Third Schedules hereto respectively. In the case of articles falling within Category V no order in writing or visa by the Abyssinian authorities will be required before an export licence is issued, but in such a case a copy of the export licence will, before the consignment is sent forward, be communicated by the Governor to the Government of Abyssinia through His Majesty's Minister at Addis Ababa.

Export of arms ammunition, etc., to Abyssinia.

**15.** (1) Applications to the Governor for an export licence to export to Abyssinia articles falling under Categories I, II and IV shall be addressed to the Colonial Secretary. Each application must state—

Method of application for export licence.

- (a) the exact quantities and description of each article under the same categories, the numbers of each article and their gross and net weight and value;

- (b) the name and address of the consignor;
- (c) the name and address of the consignee in Abyssinia;
- (d) the route by which the goods will be despatched;
- (e) the proposed date of the despatch of the goods.

(2) In the case of articles falling under Categories I, II and IV the Abyssinian order in writing or visa mentioned in section 14 of this Ordinance must be annexed to the application. In normal circumstances the application must be signed by the merchant or other person who is directly interested as consignor.

Form of export licence.

**16.** Export licences shall contain the particulars enumerated in section 15 of this Ordinance as well as the number and date of the Abyssinian order in writing or visa referred to in section 14 of this Ordinance. In normal circumstances export licences will be valid for a period of three months only from the date of issue.

Licences to be in quadruplicate.

**17.** Export licences will be issued in quadruplicate. Two copies will be sent to the consignor who will arrange for one to accompany the consignment and the other to be surrendered to the Colony Customs authorities at the frontier. The third copy will be sent by the Governor to the Government of Abyssinia through His Majesty's Minister at Addis Ababa. The fourth copy will be retained by the issuing authority.

Articles in Categories I and II to be stamped.

**18.** If it is found that any articles in Categories I and II to be exported from the Colony into Abyssinia are not marked with an impression of the Lion of Abyssinia as it is represented on the one piastre coin of the Abyssinian currency and of the same size, the fact will be notified by the Governor to the Abyssinian Government through His Majesty's Minister at Addis Ababa, with a view to enabling the Abyssinian Government to carry out its international obligations in this respect.

Export, other than to Abyssinia, of arms ammunition, etc.

**19.** The export from the Colony of any articles falling under Categories I, II, IV and V is prohibited, except in cases where the Governor has previously authorized their export. In cases where it is desired to export to a territory adjoining Abyssinia, such authorization shall only be granted after permission to import has been given by the authorities of the country of destination,

**20.** (1) The transit through the Colony to Abyssinia of articles falling within Categories I, II, IV and V may be permitted if the articles are accompanied by an export licence or declaration issued by the exporting country and giving the particulars referred to in section 16 of this Ordinance, and, in the case of articles in Categories I, II and IV, by an Abyssinian order in writing or visa duly signed and sealed in the forms set out in the Second and Third Schedules hereto respectively; and, in the case of articles in Category V, if a copy of the export licence or declaration has been sent to the Abyssinian authorities before transit takes place.

Transit of arms and ammunition, etc., destined for Abyssinia.

(2) If, in the case of articles in Categories I and II it is found that they are not already marked with an impression of the Lion of Abyssinia as it is represented on the one piastre coin of the Abyssinian currency, and of the same size, the fact will be notified by the Governor to the Abyssinian Government through His Majesty's Minister at Addis Ababa with a view to enabling the Abyssinian Government to carry out its international obligation in this respect.

**21.** (1) None of the provisions of this Ordinance shall apply—

Arms and ammunition for the use of British Forces.

- (a) to arms or ammunition or other war material despatched from British territory for the use of British Forces wherever situated;
- (b) to arms or ammunition carried by individual members of British Forces or by other persons in the service of the Government and required by them in their official capacity;
- (c) to rifles, muskets or carbines and the ammunition therefor carried by members of rifle clubs for their personal use only, on the occasion of international rifle meetings.

(2) Articles required for the equipment of the Colony Forces, or for the defence of the Colony shall be exempted from all formalities in connexion with deposit in or withdrawal from public warehouses.

**22.** Should any of the provisions of this Ordinance conflict or be inconsistent with the provisions of any other law relating to firearms in force in the Colony, the provisions of this Ordinance shall prevail.

In case of conflict this Ordinance to prevail,

## SCHEDULE I.

## CATEGORY I.

Arms, Ammunition and Implements of War exclusively designed and intended for Land, Sea or Aerial Warfare.

(A) Arms, ammunition and implements exclusively designed and intended for land, sea or aerial warfare which are or shall be comprised in the armament of the armed forces of any State, or which, if they have been but are no longer comprised in such armament, are capable of military to the exclusion of any other use, except such arms, ammunition and implements which, though included in the above definition, are covered by other categories.

Such arms, ammunition and implements are comprised in the following twelve headings :—

1. Rifles, muskets, carbines.
2. (a) Machine-guns, automatic rifles and machine pistols of all calibres ;  
(b) Mountings for machine-guns ;  
(c) Interrupter gears.
3. Projectiles and ammunition for the arms enumerated in Nos. 1 and 2 above.
4. Gun-sighting apparatus, including aerial gun-sights and bomb-sights, and fire-control apparatus.
5. (a) Cannon, long or short, and howitzers, of a calibre less than 5.9 inches (15 cm.) ;  
(b) Cannon, long or short, and howitzers, of a calibre of 5.9 inches (15 cm.) or above ;  
(c) Mortars of all kinds ;  
(d) Gun carriages, mountings, recuperators, accessories for mountings.
6. Projectiles and ammunition for the arms enumerated in No. 5 above.
7. Apparatus for the discharge of bombs, torpedoes, depth charges and other kinds of projectiles.

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8. (a) Grenades ;  
     (b) Bombs ;  
     (c) Land mines, submarine mines, fixed or floating,  
         depth charges ;  
     (d) Torpedoes.
9. Appliances for use with the above arms and apparatus.
10. Bayonets.
11. Tanks and armoured cars.
12. Arms and ammunition not specified in the above enumeration.

(B) Component parts, completely finished, of the articles covered by (A) above, if capable of being utilized only in the assembly or repair of the said articles, or as spare parts.

## CATEGORY II.

Arms and ammunition capable of use both for Military and other purposes.

(A) 1. Pistols and revolvers, automatic or self-loading, and developments of the same, designed for single-handed use or fired from the shoulder, of a calibre greater than 6.5 mm. and length of barrel greater than 10 cm.

2. Firearms, designed, intended or adopted for non-military purposes, such as sport or personal defence, that will fire cartridges that can be fired from firearms in Category I; other rifled firearms firing from the shoulder, of a calibre of 6 mm. or above, not included in Category I, with the exception of rifled firearms with a "breakdown" action.

3. Ammunition for the arms enumerated in the above two headings, with the exception of ammunition covered by Category I.

4. Swords and lances.

(B) Component parts, completely finished, of the articles covered by (A) above, if capable of being utilized only in the assembly or repair of the said articles, or as spare parts.

## CATEGORY IV.

1. Aircraft, assembled or dismantled.
2. Aircraft engines.

## CATEGORY V.

1. Gunpowder and explosives, except common black gunpowder.

2. Arms and ammunition other than those covered by Categories I and II, such as pistols and revolvers of all models, rifled weapons with a "breakdown" action, other rifled firearms of a calibre of less than 6 mm., designed for firing from the shoulder, smooth-bore shotguns, guns with more than one barrel, of which at least one barrel is smooth-bore, firearms firing rim-fire ammunition; muzzle-loading firearms.

## SCHEDULE II.

Modèle de demande écrite à présenter par le Gouvernement éthiopien pour l'importation d'armes, munitions et matériel de guerre destinés à ses besoins ou à ceux d'une autorité subordonnée.

No.

Date .....

Le Gouvernement éthiopien déclare :—

- (1) qu'il désire importer ..... (description des articles, catégorie, nombre, autres spécifications permettant de les identifier.)
- (2) par ..... (points d'introduction sur le territoire éthiopien).
- (3) que ces articles sont destinés à une fourniture directe au Gouvernement éthiopien /ou à..... (indication de l'autorité publique subordonnée à ce Gouvernement) qui est autorisée à les recevoir /et que ces articles seront utilisés par le Gouvernement éthiopien /ou par..... (indication de l'autorité publique ci-dessus).

- (4) que ces articles sont destinés à.....(indication des fins licites).
- (5) que ces articles ne seront à aucun moment transférés à titre gratuit ou onéreux contrairement aux stipulations du traité du.....

Date .....

Signature de Sa Majesté l'Empereur d'Ethiopie  
ou d'un Ministre dûment autorisé par Elle.

Sceau de Sa Majesté l'Empereur d'Ethiopie.

### SCHEDULE III.

Modèle de visa à délivrer par le Gouvernement éthiopien sur des demandes d'armes, munitions et matériel de guerre faites par des particuliers.

No..... Date .....

Le Gouvernement éthiopien déclare qu'il donne son visa à la demande, présentée par.....  
(indications des noms et adresse du requérant) d'importer :

- (1) ..... (description des articles, catégorie, nombre, autres spécifications permettant de les identifier).
- (2) par ..... (points d'introduction sur le territoire éthiopien).
- (3) (seulement pour le cas d'échantillons d'articles rentrant dans la Catégorie I) que ces articles sont destinés à des démonstrations et que le requérant est dûment autorisé à les recevoir.
- (4) que ces articles ne seront à aucun moment transférés à titre gratuit ou onéreux contrairement aux stipulations du traité du.....

Date .....

Signature de Sa Majesté l'Empereur d'Ethiopie  
ou d'un Ministre dûment autorisé par Elle.

Sceau de Sa Majesté l'Empereur d'Ethiopie.

## AN ORDINANCE.

No. 30 of 1931.

Assented to in His Majesty's name this fourth day of December, 1931.

J. BYRNE,  
*Governor.*

[4TH DECEMBER, 1931.] Date of assent.

### An Ordinance to Amend the Customs Tariff Ordinance, 1930.

*4th December, 1931.*

Date of  
commencement

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows :—

1. This Ordinance may be cited as “ the Customs Tariff (Amendment No. 2) Ordinance, 1931,” and shall be read as one with the Customs Tariff Ordinance, 1930, hereinafter referred to as “ the Principal Ordinance.” Short title.

2. Section 4 of the Principal Ordinance is hereby amended by substituting the word “ any ” for the word “ excise ” in the last line but one of the section. Amendment of section 4 of the Principal Ordinance.

Amendment of  
Schedule to  
Principal  
Ordinance.

3. The Schedule to the Principal Ordinance is hereby amended by deleting therefrom items 7 (a) (i) and (ii), 7 (b) (i), 17 (a), 21 (a) and (c), 23, 24, 25, 26, 27 (a), 42 (c), 44, 45, 58 (h) and (k), 61 (a) and (b), 95, 102, 117, 118, 120, 131, 134, 140 (b) and (c), 146, 164 and 171, and substituting therefor the following :—

Item	Article	Duty
		<i>Sh. cts.</i>
7	(a) Wheat—	
	(i) In the grain .. .. .	per 100 lb... .. 3 00 (plus a suspended duty of Sh. 1/50 per 100 lb.).
	(ii) Ground or otherwise prepared .. ..	per 100 lb... .. 3 00 (plus a suspended duty of Sh. 3 per 100 lb.).
	(b) Rice—	
	(i) In the grain .. .. .	per 100 lb... .. 4 00 (plus a suspended duty of Sh. 2 per 100 lb.).
17	Milk—	
	(a) Condensed, desiccated or preserved, n.e.e. .. ..	per 100 lb... .. 10 00 (or 20% <i>ad valorem</i> , whichever is the greater).
21	Salt—	
	(a) Rock or crushed rock salt imported in bulk.. ..	Free.
	(c) Curing or dairy, imported in bulk .. .. .	Free.
23	Sugar, refined or unrefined, including jaggery.. ..	per 100 lb... .. 6 00 (plus a suspended duty of Sh. 6 per 100 lb.).
24	Tea .. .. .	per pound .. .. 0 50
25	Ale, beer, cider, perry and stout, all kinds, of a strength exceeding 3 per cent of proof spirit.. .. .	per Imperial gallon 3 00
26	Beverages, cordials and syrups, n.e.e., not exceeding 3 per cent of proof spirit .. .. .	per Imperial gallon 4 00
27	Spirits—	
	(a) Perfumed .. .. .	per Imperial gallon 60 00 (or 30% <i>ad valorem</i> , whichever is the greater).

Item	Article	Duty
		<i>Sh. cts</i>
44	Airships, aeroplanes and other aircraft and completed parts and accessories thereof .. .. .	Free.
45	Bolts, nuts, nails, screws, rivets, hinges and washers ..	<i>ad valorem</i> 10%
58	<i>(h)</i> Metals of all sorts, n.e.e., including brazing and soldering alloys, in plates, sheets, rods, bars, blocks, ingots or pigs .. .. .	<i>ad valorem</i> 10%

Item	Article	Duty
		<i>Sh. cts.</i>
61	(a) Motor cars, motor and steam lorries of a carrying capacity of less than 3,000 lb., motor cycles and other mechanically propelled road vehicles and chassis thereof, n.e.e., together with their appropriate initial equipment .. .. .	<i>ad valorem</i> 15%
	(b) Motor and steam lorries of a carrying capacity of 3,000 lb. and over, and chassis thereof, n.e.e., together with their appropriate initial equipment.. ..	Free.
95	Grease, axle and lubricating .. .. .	per pound .. .. 0 05 (or 15% <i>ad valorem</i> , whichever is the greater).
102	Oils—	
	(a) Lubricating .. .. .	per Imperial gallon 0 40 (or 15% <i>ad valorem</i> , whichever is the greater).
	(b) Other, n.e.e. .. .. .	<i>ad valorem</i> 20%
117	Silicate of soda, caustic soda and caustic potash, litharge, saltpetre, sulphur and phosphoric acid paste and similar sugar clarifying agents, in bulk.. ..	Free.
118	Sulphate of copper, arsenate and arsenite of copper, arsenate of lead, cyanogas, naphthaline, animal dips, insect sprays and other substances for the prevention or destruction of pests and for the prevention and cure of diseases in animals, plants or trees.. ..	Free.
140	(b) Photographs, including enlargements and reproductions, having only a personal or sentimental value to the importer and not intended for sale.. ..	Free.
	(c) Other, n.e.e., including picture postcards, Christmas, New Year, birthday or similar cards, calendars or calendar mounts, menu cards and other forms of stationery imported as such, whether bearing pictures or otherwise .. .. .	<i>ad valorem</i> 20%

Item	Article	Duty
		<i>Sh. cts.</i>
164	Packing materials, metal drums and tins, empty; tin plates; multiple and waterproof bags; cardboard boxes, cartons and discs, and other articles, not specially provided for, imported for the packing of oil, kerosene or motor spirit, or of goods the product of agricultural, manufacturing or industrial operations within the territory .. .. .	Free.
171	Uniforms and appointments imported by or on behalf of the Boy Scout, Girl Guide or other similar Associations .. .. .	Free.

4. That portion of the General Notes to the Principal Ordinance which relates to "piece goods" is hereby deleted.

## AN ORDINANCE.

No. 31 of 1931.

Assented to in His Majesty's name this fourth day of  
December, 1931.

J. BYRNE,  
*Governor.*

Date of assent.

[4TH DECEMBER, 1931.]

### An Ordinance to Amend the Beer Ordinance.

Date of  
commencement.

*4th December, 1931.*

ENACTED by the Governor of the Colony of Kenya,  
with the advice and consent of the Legislative Council  
thereof, as follows :—

Short title.

**1.** This Ordinance may be cited as “ the Beer (Amendment) Ordinance, 1931,” and shall be read as one with the Beer Ordinance (Chapter 100 of the Revised Edition of the Laws), hereinafter referred to as the Principal Ordinance.

Amendment of  
section 4 of  
the Principal  
Ordinance.

**2.** Section 4 of the Principal Ordinance is hereby amended by substituting the word “ forty ” for the word “ twenty ” in the seventh line of the section.

# AN ORDINANCE.

**No. 32 of 1931.**

Assented to in His Majesty's name this fifteenth day of December, 1931.

J. BYRNE,  
*Governor.*

[15TH DECEMBER, 1931.] *Date of assent.*

## **An Ordinance to Amend the Registration of Titles Ordinance.**

*15th December, 1931.*

*Date of commencement.*

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as " the Registration of Titles (Amendment) Ordinance, 1931 ", and shall be read as one with the Registration of Titles Ordinance (Chapter 142 of the Revised Edition), hereinafter referred to as " the Principal Ordinance."

*Short title.*

2. Section 46 of the Principal Ordinance is hereby amended and shall be read as if the words " other than by way of deposit of documents of title as provided for by section 66 " were inserted between the words " person " and " the " in the second line thereof.

*Amendment of section 46 of the Principal Ordinance.*

3. The Principal Ordinance is hereby amended and shall be read as if the following section to be numbered 48A were inserted between sections 48 and 49:—

*Insertion of section 48A in the Principal Ordinance.*

" 48A. The provisions of this Part shall not apply to a charge by deposit of documents of title."

4. Section 66 of the Principal Ordinance is hereby repealed and the following substituted therefor:—

*Repeal and replacement of section 66 of the Principal Ordinance.*

" 66. (1) A charge may be created by the deposit of documents of title to land under this Ordinance and shall be evidenced by an instrument in writing in Form " U " which shall be registered and no charge by deposit of documents of title may be created in any way other than as specified in this section.

(2) In this section the expression " documents of title " means a grant, a certificate of title, a registered charge under section 46 of the Principal Ordinance, or a lease."

Discharge by way of deposit of documents.

5. A charge by way of deposit of documents may be discharged only by an instrument in writing in Form " V " which shall be registered, and no discharge may be effected in any way other than as specified in this section, except by an order of the Court directing a registrar as prescribed by section 63 of the Principal Ordinance.

Repeal and replacement of Form U in the Schedule I to the Principal Ordinance.

6. Form " U " in the First Schedule to the Principal Ordinance is hereby repealed and the following Form is substituted therefor :—

Form U.

MEMORANDUM OF CHARGE BY DEPOSIT OF TITLE.

To the Registrar of Titles.....

Document of Title No..... was deposited with me by way of charge on the.....day of.....19.....

Date.....

Signature.....

Signed in the presence of

.....

Repeal and replacement of Form V in the Schedule I to the Principal Ordinance.

7. Form " V " in the First Schedule to the Principal Ordinance is hereby repealed and the following Form is substituted therefor :—

Form V.

MEMORANDUM OF DISCHARGE OF CHARGE BY DEPOSIT OF TITLE.

To the Registrar of Titles.....

The Charge by deposit of Document of Title No..... was discharged on the.....day of.....19.....

Date.....

Signature.....

Signed in the presence of

.....

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*Registration of Titles*No. **XXXII**

8. This Ordinance shall be retrospective in effect, and shall be deemed to have commenced and come into operation on the 21st day of January, 1920, and every subsisting Memorandum of Lien registered under the provisions of section 66 of the Principal Ordinance prior to the passing of this Ordinance shall have the same effect as if a Memorandum of Charge in Form U had been registered under this Ordinance.

Date of commencement.

**AN ORDINANCE.****No. 33 of 1931.**

Assented to in His Majesty's name this fifteenth day of December, 1931.

J. BYRNE,  
*Governor.*

Date of assent.

[15TH DECEMBER, 1931.]

**An Ordinance to Amend the Carriage of Goods by Motor (Control) Ordinance, 1931.**

Date of commencement.

*15th December, 1931.*

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows:—

Short title.

1. This Ordinance may be cited as “the Carriage of Goods by Motor (Control) (Amendment) Ordinance, 1931,” and shall be read as one with the Carriage of Goods by Motor (Control) Ordinance, 1931, hereinafter referred to as “the Principal Ordinance.”

No. 23 of 1931.

Addition to section 8 (2) of the Principal Ordinance.

2. Sub-section (2) of section 8 of the Principal Ordinance is hereby amended, and shall be read as if a comma were substituted for a full-stop after the last word thereof, and as if the following additional words were added after such last word:—

“and provided further that nothing in this section shall be taken to render void any provision in a policy requiring the person insured to repay to the insurer any sums which the latter may have become liable to pay under the policy and which have been applied to the satisfaction of the claims of third parties.”

## AN ORDINANCE

No. 34 of 1931.

Assented to in His Majesty's name this fifteenth day of December, 1931.

J. BYRNE,  
*Governor.*

[15TH DECEMBER, 1931.] Date of assent.

### An Ordinance to Amend the Customs Management Ordinance, 1926.

*15th December, 1931.*

Date of commencement.

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows:—

- |  |   |
|--|---|
| <p>1. This Ordinance may be cited as "the Customs Management (Amendment) Ordinance, 1931", and shall be read as one with the Customs Management Ordinance, 1926, hereinafter referred to as "the Principal Ordinance."</p>   | <p>Short title.<br/>No. 25 of 1926.</p>                                   |
| <p>2. In this Ordinance, unless the context otherwise requires, "motor vehicle" means a motor car, motor lorry, motor caravan, motor bicycle or motor tricycle with or without a side car or trailer attachment together with equipment for sleeping and camping accommodation.</p>  | <p>Interpretation.</p>  |
| <p>3. Notwithstanding anything contained in any Ordinance the Governor in Council may make regulations providing for the total or partial exemption for a limited period from import duty of any motor vehicle with or without camp equipment brought into the Colony by persons making only a temporary stay therein.</p> | <p>Exemption of motor vehicles imported for temporary stay in Colony.</p> |

## AN ORDINANCE.

No. 35 of 1931.

Assented to in His Majesty's name this fifteenth day of  
December, 1931.

J. BYRNE,  
*Governor.*

Date of assent.

[15TH DECEMBER, 1931.]

### An Ordinance to Amend the Explosives Ordinance, 1929.

Date of  
commencement.

*15th December, 1931.*

ENACTED by the Governor of the Colony of Kenya,  
with the advice and consent of the Legislative Council  
thereof, as follows :—

Short title.

**1.** This Ordinance may be cited as “ the Explosives  
(Amendment) Ordinance, 1931,” and shall be read as one with  
the Explosives Ordinance, 1929, hereinafter referred to as “ the  
Principal Ordinance.”

No. 13 of 1929.

Amendment  
of section 8 of  
the Principal  
Ordinance.

**2.** Section 8 of the Principal Ordinance is hereby amen-  
ded by the insertion after the word “ licence ” in the fourth  
line thereof of the words “ or any renewal thereof.”

Issue of  
duplicates of  
licences or  
permits.

**3.** When any licence or permit granted under the provi-  
sions of the Principal Ordinance is lost or accidentally  
destroyed, the inspector or other person authorized to grant  
such licence or permit may issue a duplicate to the holder of  
such licence or permit on payment of a fee of two shillings.

## AN ORDINANCE.

No. 36 of 1931.

Assented to in His Majesty's name this fifteenth day of December, 1931.

J. BYRNE,  
*Governor.*

[15<sup>TH</sup> DECEMBER, 1931.] Date of assent.

### An Ordinance to Amend the Game Birds Protection Ordinance, 1926.

*15th December, 1931.*

Date of  
commencement.

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows :—

1. This Ordinance may be cited as “ the Game Birds Protection (Amendment) Ordinance, 1931 ”, and shall be read as one with the Game Birds Protection Ordinance, 1926.

Short title.

No. 8 of 1926.

2. No person shall hunt, kill or capture game birds on private land without the written consent of the owner or his agent or the occupier of such land.

Hunting, etc.,  
on private  
land.

In this section, “ private land ” means any land privately owned without a title from the Crown, and any land held or occupied under a conveyance, lease or licence from the Crown : Provided, however, that the said term shall not include land reserved and declared to be native reserves and set aside for the use and benefit of the native tribes of the Colony, or any land held by virtue of a temporary occupation licence issued under the Crown Lands Ordinance.

*Cap. 140.*

## AN ORDINANCE.

### No. 37 of 1931.

Assented to in His Majesty's name this fifteenth day of  
December, 1931.

J. BYRNE,  
*Governor.*

Date of assent.

[15TH DECEMBER, 1931.]

### **An Ordinance to Amend the King's African Rifles Reserve of Officers Ordinance, 1927.**

Date of  
commencement.

*15th December, 1931.*

ENACTED by the Governor of the Colony of Kenya,  
with the advice and consent of the Legislative Council  
thereof, as follows :—

Short title.

**1.** This Ordinance may be cited as “ the King's African Rifles Reserve of Officers (Amendment) Ordinance, 1931,” and shall be read as one with the King's African Rifles Reserve of Officers Ordinance, 1927, hereinafter referred to as “ the Principal Ordinance.”

No. 12 of 1927.

**2.** Section 3 of the Principal Ordinance is hereby repealed and the following substituted therefor :—

Repeal and  
replacement of  
section 3 of  
the Principal  
Ordinance.

“ 3. The Reserve shall consist of British subjects  
who are permanently resident in East Africa.”

**AN ORDINANCE.****No. 38 of 1931.**

Assented to in His Majesty's name this thirteenth day of December, 1931.

J. BYRNE,  
*Governor.*

[13TH DECEMBER, 1931.] **Date of assent.**

**An Ordinance to Amend the Liquor Ordinance.**

*13th December, 1931.*

**Date of commencement.**

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as "the Liquor (Amendment) Ordinance, 1931," and shall be read as one with the Liquor Ordinance (Chapter 71 of the Revised Edition), hereinafter referred to as "the Principal Ordinance." **Short title.**

2. Section 11 of the Principal Ordinance is hereby repealed and the following section substituted therefor:— **Repeal and replacement of section 11 of the Principal Ordinance.**

" 11. (1) The Governor may appoint in and for any licensing area a licensing court for the consideration and determination of applications for or relating to the granting, renewal or transfer of licences for the sale of intoxicating liquor and for the manufacture of malt liquor within such licensing area. **Appointment of licensing courts.**

(2) Every licensing court so appointed shall consist of not more than seven and not less than three persons residing in such licensing area, one of whom shall be a member of any municipal council or municipal board whose area is within such licensing area, to be appointed by the Governor with the approval of such municipal council or board."

3. Section 13 of the Principal Ordinance is hereby amended by the deletion of the words "official or non-official" and the substitution therefor of the word "person". **Amendment of section 13 of the Principal Ordinance**

Amendment of  
section 24 of  
the Principal  
Ordinance.

4. Section 24 (1) of the Principal Ordinance is hereby amended by substituting the following words for the proviso in the first part of the sub-section :—

“ provided always that in case any application as aforesaid shall through inadvertence not be made in due time, such district commissioner may, if he sees fit, accept such application for the consideration thereof by the licensing court at the next meeting or any adjournment thereof on payment of such sum, not exceeding one hundred and fifty shillings, as he may impose, and upon such terms as to notice as he may prescribe.”

Amendment of  
section 25 (2)  
of the  
Principal  
Ordinance.

5. Section 25 (2) of the Principal Ordinance is hereby amended by the insertion after the words “ commissioner of police ” in the third line thereof of the words “ and in a municipality to the town clerk of such municipality,” and by the deletion of the words “ whose duty it shall be ” and the substitution therefor of the words “ and it shall be the duty of the commissioner of police ”.

Amendment of  
section 28 of  
the Principal  
Ordinance.

6. Section 28 of the Principal Ordinance is hereby amended—

(1) by the insertion after the words “ licensing court ” in the second line of sub-section (2) thereof of the words “ and shall prove to the satisfaction of such licensing court that there is a real necessity for the provision being made for the sale of intoxicating liquor in the particular locality in which the premises, in respect of which the application is made, are situate ”;

(2) by the insertion after the word “ council ” in the first line of sub-section (4) thereof of the words “ or board ”.

## AN ORDINANCE.

No. 39 of 1931.

Assented to in His Majesty's name this thirteenth day of December, 1931.

J. BYRNE,  
*Governor.*

[13TH DECEMBER, 1931.] Date of assent.

### An Ordinance to Amend the Native Liquor Ordinance, 1930.

*13th December, 1931.*

Date of commencement.

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as "the Native Liquor (Amendment) Ordinance, 1931," and shall be read as one with the Native Liquor Ordinance, 1930, hereinafter referred to as "the Principal Ordinance."

Short title.  
No. 36 of 1930.

2. Sub-section (2) of section 15 of the Principal Ordinance is hereby repealed and the following sub-section substituted therefor:—

Repeal and replacement of section 15 (2) of the Principal Ordinance.

"(2) In any proceedings against any person under this section, the proof that the possession or use of sprouted grain, liquid yeast or any other materials or apparatus is not for the purpose of manufacture of native intoxicating liquor shall lie upon the accused."

3. Section 25 of the Principal Ordinance is hereby amended by the insertion therein of the words:—

Amendment of section 25 of the Principal Ordinance.

"liquid yeast, sprouted grain or other like fermenting agency and any implement or utensils used for brewing "

after the word "liquor" in the last line thereof.

## AN ORDINANCE.

No. 40 of 1931.

Assented to in His Majesty's name this fifteenth day of  
December, 1931.

J. BYRNE,  
*Governor.*

Date of assent.

[15TH DECEMBER, 1931.]

### An Ordinance to Amend the Corporations (Probate and Administration) Ordinance, 1931.

Date of  
commencement.

*15th December, 1931.*

ENACTED by the Governor of the Colony of Kenya,  
with the advice and consent of the Legislative Council  
thereof, as follows :—

Short title.

1. This Ordinance may be cited as " the Corporations (Probate and Administration) (Amendment) Ordinance, 1931," and shall be read as one with the Corporations (Probate and Administration) Ordinance, 1931, hereinafter referred to as " the Principal Ordinance."

No. 14 of 1931.

Amendment of  
section 2 of  
the Principal  
Ordinance.

2. Section 2 of the Principal Ordinance is hereby amended by the deletion of the definition of the term " trust corporation " and substitution therefor of the following :—

" trust corporation " means any incorporated banking or insurance or guarantee or trust company having a subscribed capital of not less than twenty-five thousand pounds or any body corporate which has a subscribed capital of not less than twenty-five thousand pounds and which is for the time being empowered (by the Act of Parliament, Ordinance, charter, memorandum of association, deed of settlement or other instrument constituting it or defining its powers) to undertake trusts, but for so long a time only as such body corporate shall not, by any prospectus, circular, advertisement or other document issued by it or on its behalf, state or hold out that any liability attaches to the Public Trustee or to the general revenue of the Colony in respect of any act or omission of such body corporate when acting as an executor or administrator :

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Provided that a body corporate which would be a trust corporation but for the fact that its subscribed capital is less than twenty-five thousand pounds may act as executor or administrator in any case with the leave of the Supreme Court and on giving such security as the Supreme Court may determine and thereupon for the purpose of so acting as executor or administrator such corporation shall have all the rights and privileges conferred on a trust corporation by this Ordinance."

**AN ORDINANCE.****No. 41 of 1931.**

Assented to in His Majesty's name this fifteenth day of December, 1931.

J. BYRNE,  
*Governor.*

Date of assent.

[15TH DECEMBER, 1931.]

**An Ordinance to Amend the Penal Code.**

Date of commencement.

15th December, 1931.

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows:—

Short title.

1. This Ordinance may be cited as "the Penal Code (Amendment) Ordinance, 1931", and shall be read as one with the Penal Code, hereinafter referred to as "the Principal Ordinance."

No. 10 of 1930.

Repeal and replacement of section 28 (iv) of the Principal Ordinance.

2. Sub-section (iv) of section 28 of the Principal Ordinance is hereby repealed and the following is substituted therefor:—

"(iv) the term of imprisonment ordered by a Court in respect of the non-payment of any sum of money adjudged to be paid by a conviction or in respect of the default of a sufficient distress to satisfy any such sum shall be such term as in the opinion of the Court will satisfy the justice of the case, but shall not exceed in any case the maximum fixed by the following scale:—

	<i>Amount.</i>	<i>Maximum period.</i>
Not exceeding Sh. 10 ... ..		7 days.
Exceeding Sh. 10 but not exceeding Sh. 20 ...		14 days.
"    20                    "    "	100 ...	1 month.
"    100                   "    "	400 ...	2 months.
"    400                   "    "	1,000 ...	4 months.
"    1,000	... ..	6 months.

## AN ORDINANCE.

### No. 42 of 1931.

Assented to in His Majesty's name this fifteenth day of December, 1931.

J. BYRNE,  
*Governor.*

[15TH DECEMBER, 1931.] Date of assent.

### **An Ordinance to Legalise the Payment of a Gratuity and Reduced Pension to George Norman Hall.**

*15th December, 1931.*

Date of  
commencement.

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as “ the Hall Pension Ordinance, 1931.” Short title.

2. Anything in the European Officers' Pensions Ordinance, 1927, and the European Officers' Pensions (Consolidation) Regulations, 1930, to the contrary notwithstanding, it shall be lawful for the Treasurer to pay out of the revenues of the Colony to George Norman Hall such gratuity and reduced pension as would have been payable to him if he had exercised his option to receive a gratuity and a reduced pension in manner provided by Regulation 16 of the European Officers' Pensions (Consolidation) Regulations, 1930. Payment of  
gratuity and  
reduced  
pension to  
G. N. Hall.

## AN ORDINANCE.

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**No. 43 of 1931.**

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Assented to in His Majesty's name this fifteenth day of  
December, 1931.

J. BYRNE,  
*Governor.*

Date of assent.

[15TH DECEMBER, 1931.]

### **An Ordinance to Amend the Native Authority Ordinance.**

Date of  
commencement.

*15th December, 1931.*

ENACTED by the Governor of the Colony of Kenya,  
with the advice and consent of the Legislative Council  
thereof, as follows :—

Short title.

**1.** This Ordinance may be cited as “ the Native Authority (Amendment) Ordinance, 1931,” and shall be read as one with the Native Authority Ordinance (Chapter 129 of the Revised Edition), hereinafter referred to as “ the Principal Ordinance.”

Amendment of  
section 8 of  
the Principal  
Ordinance.

**2.** Paragraph (c) of section 8 of the Principal Ordinance is hereby amended by inserting the words “ transfer, sale and possession ” after the word “ manufacture ” in the second line of the paragraph.

Further  
amendment of  
section 8  
of the  
Principal  
Ordinance.

**3.** Section 8 of the Principal Ordinance is hereby further amended, and shall be read as if the following paragraph, to be numbered (a1) were inserted between paragraphs (a) and (b) thereof :—

(a1) Erecting and maintaining such beacons and mounds as the headman may direct to mark the boundaries of the local limits of the jurisdiction of the said headman.

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## AN ORDINANCE.

No. 44 of 1931.

Assented to in His Majesty's name this fifteenth day of December, 1931.

J. BYRNE,  
*Governor.*

[15TH DECEMBER, 1931.] Date of assent.

### An Ordinance to Repeal the Roads in Native Reserves Ordinance.

*15th December, 1931.*

Date of commencement.

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows :—

1. This Ordinance may be cited as “ the Roads in Native Reserves (Repeal) Ordinance, 1931.” Short title.

2. The Roads in Native Reserves Ordinance (Chapter 114 of the Revised Edition) is hereby repealed. Repeal of Cap. 114 of the Revised Edition.

## AN ORDINANCE.

No. 45 of 1931.

Assented to in His Majesty's name this fifteenth day of  
December, 1931.

J. BYRNE,  
*Governor.*

Date of assent.

[15TH DECEMBER, 1931.]

### An Ordinance to Provide for the Establishment of the Kenya Royal Naval Volunteer Reserve.

Date of commencement.

*By Proclamation.*

ENACTED by the Governor of the Colony of Kenya,  
with the advice and consent of the Legislative Council  
Council thereof, as follows.

Short title.

1. This Ordinance may be cited as "the Kenya Royal Naval Volunteer Reserve Ordinance, 1931," and shall come into operation on such date as the Governor by notice in the Gazette shall determine.

Governor may raise body of officers and men.

2. In accordance with the provisions of the Colonial Naval Defence Act, 1931, and with the approval of His Majesty in Council as therein provided the Governor may by proclamation raise a body of officers and men to be entered on the terms of being liable—

- (a) to serve as ordered in any vessel provided and maintained for the purposes of this Ordinance;
- (b) to perform such other duties as the Governor by regulation may prescribe;
- (c) to general service in the Royal Navy in emergency.

Body to form part of the Royal Naval Volunteer Reserve.

3. Such body of officers and men shall form part of the Royal Naval Volunteer Reserve constituted under the Naval Forces Act, 1903, under the designation of the Kenya Royal Naval Volunteer Reserve (hereinafter referred to as "the Reserve") and the Governor may offer to place the whole or any number of such officers and men at His Majesty's disposal for general service in the Royal Navy.

4. The Reserve shall be maintained at the expense of the Colony out of moneys provided by Legislative Council. Reserve to be maintained at expense of Colony.
5. Every member of the Reserve shall be entered for a term of three years, and shall during such term be subject to the provisions of this Ordinance, and at the expiration of every third year of the period of his service as a volunteer he shall be entitled to claim his discharge. Period of service.
6. The Governor may cause any member of the Reserve to be instructed, trained and exercised on shore or on board any ship or vessel, or partly on shore and partly on board any ship or vessel, within or without the limits of the Colony, whether belonging to the Colony or not. Instruction.
7. The reserve shall consist of such units as the Governor may by notification in the Gazette appoint. Reserve to consist of units.
8. Every member of the Reserve must be a British subject of European race or origin between the ages of eighteen and fifty. Member to be British subject of European race or origin.
9. The Governor may enter for service in any ship or vessel any non-European for such period and on such terms and conditions as he may think fit, and thereupon the provisions of section 12 of this Ordinance shall apply to such non-European. Governor may enter non-Europeans for service.
10. The Reserve shall consist of such numbers of officers, warrant officers, petty officers and men as the Governor may decide. The officers of the Reserve shall be commissioned by the Governor, and such commissions shall not be deemed to be vacated by the death or retirement from office of the Governor by whom the same were issued. Constitution of Reserve.
11. The Governor may at any time dispense with the services of any officer or member of the Reserve. Governor may dispense with services.
12. (1) All enactments and regulations for the time being in force for the enforcement of discipline in the Royal Navy shall apply, within or without the limits of the Colony, to the officers and men of the Reserve during such period as they are under instruction, training or exercise, whether afloat or ashore, within or without the limits of the Colony, or during such period as they are in actual service. Enactments and Regulations in force in Royal Navy to apply to Reserve.

Organization, conditions of service, etc., to be prescribed by Regulations.

(2) The government, organization, administration and training of, and the conditions of service in the Reserve shall be prescribed by regulations made by the Governor. Such regulations may in particular provide for the appointment of commissioned, warrant and petty officers to train and command, or to serve as officers with the men of the Reserve, whether ashore or afloat, and for the calling into actual service of the officers and men of the Reserve.

Definition of "actual service."  
22 Vic., c. 40.  
3 Ed. VII, c. 6.

(3) For the purposes of this section the term "actual service" shall have the same meaning as in the Royal Naval Reserve Volunteer Act, 1859, as incorporated in the Naval Forces Act, 1903.

Liability for active service

**13.** The whole or any part of the Reserve shall at all times be liable to be employed on active service against an enemy anywhere within or without the limits of the Colony, or for the prevention or suppression of internal disorder within the Colony.

Governor may issue orders and instructions in time of war, etc.

**14.** (1) In time of war or strained relations the Governor may issue orders and instructions—

- (a) forbidding or restricting in any way he may think fit all entrance to or egress of vessels from a port;
- (b) forbidding or restricting in any way he may think fit the movement of vessels when within the limits of a port;
- (c) for the examination of all vessels seeking to enter or leave a port or being within a port;
- (d) for the taking of such other steps as may be thought necessary or desirable for securing the safety of a port, or otherwise, for the purposes of defence.

Definition of "port."

(2) For the purposes of this section the term "port" shall include in addition to the ordinary limits of the port, such other area, by land or sea, as the Governor may assign to any port for the said purposes.

Delegation of Governor's powers.

(3) The Governor may delegate to any person or persons the execution or furtherance of any orders or instructions issued under this section.

Obstructing reservists.

**15.** Any person who wilfully obstructs any portion of the Reserve or any officer or man thereof in the proper performance of any service or duty under this Ordinance shall be guilty of an offence.

## 16. Any person who—

Aiding or inducing member of Reserve to dereliction of duty.

- (a) agrees with, or induces or attempts to induce any officer or man of the Reserve to neglect or to act in conflict with his duty as an officer or man of the Reserve; or
- (b) who is a party to, or aids or abets, or incites to the commission of, any act whereby any lawful order given to any officer or man of the Reserve or any law or regulation with which it is the duty of any officer or man of the Reserve to comply may be evaded or infringed; or
- (c) who supplies or is a party to supplying any officer or man of the Reserve with intoxicating liquor when such officer or man is on duty and prohibited under regulations or instructions from receiving or taking intoxicating liquor,

shall be guilty of an offence.

17. Any officer or man of the Reserve who fails without just cause (the proof whereof shall lie upon him) to attend at any time or place appointed for instruction, training or exercise shall be guilty of an offence.

Failure to attend training in Reserve.

18. Any officer or man of the Reserve who, without proper authority and permission, gives, sells, pledges, lends, or otherwise disposes of any arms, ammunition, accoutrements, clothing, supplies or any other article entrusted to or held by him for the service of the Reserve shall be guilty of an offence, and, in addition to any other penalty which may be imposed under this Ordinance he may be ordered by the court convicting him to make good the loss or deficiency caused by such gift, sale, pledge, loan or other disposition.

Wrongful disposal of property.

19. Any person who on discharge from the Reserve fails or neglects to render up any arms, ammunition, accoutrement, clothing, supplies or other article supplied to him as an officer or man of the Reserve on demand being made to him by the proper authority shall be guilty of an offence, and in addition to any other penalty which may be imposed under this Ordinance he may be ordered by the court convicting him to make good the loss or deficiency caused by such failure or neglect.

Wrongful retention of property.

## Penalties.

**20.** (1) Any person who is guilty of an offence against the provisions of this Ordinance shall be liable on conviction to a fine not exceeding fifty pounds, and in default of payment, to imprisonment for a term not exceeding three months.

(2) Any officer or man of the Reserve who is convicted of an offence under section 17 of this Ordinance may, in addition to or in lieu of any other penalty, be committed to detention at any depot, training camp or station of the Reserve, for the purpose of undergoing instruction, training or exercise during such detention; and any officer or man of the Reserve who, having been committed to detention under this sub-section escapes therefrom or fails to return thereto or fails properly to carry out the instruction, training or exercise given under such detention, shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding one month: Provided that in the committal of an offender to detention under this sub-section the period of detention shall not necessarily be continuous, nor shall it exceed in any one sentence of commitment, a total number of days' detention in excess of twice the total number of days on which the instruction, training or exercise should originally have been attended by such officer or man.

## Regulations.

**21.** The Governor may make regulations relating to all or any of the following matters or things, namely:—

- (a) the numerical establishments of units of the Reserve, and the grades, ranks and appointments therein;
- (b) the training and inspection of the Reserve, the formation of training camps, the establishment of depots or stations of the Reserve, and the holding of manœuvres for the Reserve;
- (c) the attendance at courses of instruction of officers or men of the Reserve;
- (d) the seniority of officers of the Reserve, and the appointment to, promotion to and tenure of commissioned or non-commissioned rank in the Reserve;
- (e) the conditions as to physical fitness and efficiency on which officers and men of the Reserve may continue to serve in the Reserve after completing their first term of service;
- (f) the requisitioning of goods or accommodation in time of war or strained relations;

- (g) the issue and care of arms, accoutrements, ammunition, supplies, clothing and equipment for officers or men of the Reserve;
- (h) returns, books, forms and correspondence relating to the Reserve;
- (i) the establishment and conduct of institutions for providing recreation and refreshment to officers or men of the Reserve;
- (j) generally for the better carrying out of the provisions of this Ordinance.

**AN ORDINANCE.****No. 46 of 1931.**

Assented to in His Majesty's name this fifteenth day of December, 1931.

J. BYRNE,  
*Governor.*

Date of assent.

[15TH DECEMBER, 1931.]

**An Ordinance to Amend the Registration of Domestic Servants Ordinance, 1928.**

Date of commencement.

*15th December, 1931.*

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows:—

Short title.

**1.** This Ordinance may be cited as “ the Registration of Domestic Servants (Amendment) Ordinance, 1931,” and shall be read as one with the Registration of Domestic Servants Ordinance, 1928, hereinafter referred to as “ the Principal Ordinance.”

No. 11 of 1929.

Amendment of section 3 of the Principal Ordinance.

**2.** Section 3 of the Principal Ordinance is hereby amended by deleting the definition of the term “ Employer ” and substituting therefor the following:—

“ ‘ Employer ’ includes every person having servants in his employment, and the agent, foreman, manager or factor of such person : Provided that where a servant is in Government service or in the service of the High Commissioner for Transport, or is employed by any officer on behalf of the Government or of the High Commissioner for Transport the officer under whom such servant is working shall be deemed to be his employer : Provided further that no fee shall be payable under this Ordinance by any such employer in respect of the registration or engagement of any such servant.”

Amendment of section 7 of the Principal Ordinance.

**3.** Section 7 of the Principal Ordinance is hereby amended by inserting the words “ Subject to the provisions of section 9 of this Ordinance ” at the beginning of the section.

Amendment of section 9 of the Principal Ordinance.

**4.** Sub-section (1) of section 9 of the Principal Ordinance is hereby amended by inserting the words “ existing servants employed in his registration district, or from ” after the word “ from ” in the second line of the sub-section.

5. Section 10 of the Principal Ordinance is hereby repealed and the following substituted therefor :—

Repeal and replacement of section 10 of the Principal Ordinance.

“ 10. If the Registrar is satisfied that an applicant is not a fit and proper person to enter domestic service he may, at the request of any householder who may be willing to give such applicant a trial, grant registration to any applicant if he is satisfied as to the respectability of such householder and that the intention to employ the applicant as a servant is a bona fide one : Provided, however, that such registration shall only be valid for employment with the householder who is willing to give such applicant a trial.”

Registration of applicant at request of householder.

6. Section 12 of the Principal Ordinance is hereby repealed and the following substituted therefor :—

Repeal and replacement of section 12 of the Principal Ordinance.

“ 12. Upon application of this Ordinance to any registration district, no person ordinarily resident in such district shall, after one month of the application of this Ordinance to such district, engage or employ a servant to work in such district unless such servant shall produce his pocket register as evidence of his being a registered servant and unless such pocket register shall record the termination of his last previous employment, if any, as a registered servant.”

Unregistered servants not to be employed in registration district.

7. Section 13 of the Principal Ordinance is hereby amended by inserting the words “ together with the prescribed fee ” after the word “ register ” in the fifth line of the section.

Amendment of section 13 of the Principal Ordinance.

8. Section 15 of the Principal Ordinance is hereby amended by numbering the section as sub-section (1), by deleting the words “ with the approval of the Commissioner of Police ” and by adding the following as sub-section (2) :—

Amendment of section 15 of the Principal Ordinance.

“ (2) It shall be lawful for the Registrar to register or re-register, as the case may be, any applicant who has been refused registration under section 9 or whose registration has been cancelled under the provisions of the preceding sub-section, if such applicant shall satisfy the Registrar

that during the period of three years immediately preceding such application such person has conducted himself in such a way as to justify his registration or re-registration as a servant under this Ordinance."

Amendment of section 16 of the Principal Ordinance.

9. Section 16 of the Principal Ordinance is hereby amended :—

(a) by inserting the words " a Registrar or " after the word " to " in the third line of sub-section (1) thereof;

(b) by inserting the words " to a Registrar or " after the word " register " in the second line of sub-section (2) thereof.

Amendment of section 17 of the Principal Ordinance.

10. Section 17 of the Principal Ordinance is hereby amended by adding the following at the end of the section :—

" Provided that if a servant has undergone punishment after conviction for having wilfully destroyed or injured his pocket register, the Registrar may, at his discretion, issue a duplicate pocket register to such servant free of charge :

And provided also if the loss or destruction of, or injury to, a pocket register was caused by an employer or any other person, such employer or person shall be liable to pay the prescribed fee payable for a duplicate pocket register."

Amendment of section 18 of the Principal Ordinance.

11. Section 18 of the Principal Ordinance is hereby amended by inserting the following sub-section at the end of the section :—

Power of District Commissioner or Registrar to alter adverse character.

" (4) Where an adverse character, not amounting to grave accusation, has been entered in a pocket register of a registered servant, such registered servant may within thirty days from the date of such entry bring such entry to the notice of a District Commissioner or Registrar, and it shall be lawful, notwithstanding anything to the contrary contained in the preceding sub-sections, for such District Commissioner or Registrar, after giving the employer who gave such adverse character an opportunity of

being heard, to expunge or alter such entry or any part thereof from the servant's pocket register and from the general register, without any formal trial."

**12.** Section 20 of the Principal Ordinance is hereby amended by adding the following paragraphs after paragraph (d) :— Amendment of section 20 of the Principal Ordinance.

(e) unlawfully removes any pocket register which is in the lawful custody of an employer;

(f) continues to employ a servant to whom a pocket register has been refused or whose pocket register has been cancelled;

(g) keeps or carries a pocket register other than the pocket register issued to him under this Ordinance;

(h) withholds a pocket register from any servant entitled thereto, except for such reasonable period of time as is required to examine the particulars therein contained, or as provided for in section 13;

(i) unlawfully or improperly deprives any servant of any pocket register in his possession;

(j) at any time makes any entry whatsoever on the pocket register of a registered servant with whom he has not entered into a contract of service;

(k) unlawfully obtains or attempts to obtain a new pocket register, from a Registrar, without first reporting to such Registrar the loss, mutilation or destruction of any pocket register which may previously have been issued to him, or fails to report the fact that he has been previously registered;

(l) becomes registered more than once and omits to give up to the Registrar any pocket register issued to him on previous registration which remains in his possession."

**13.** The following section is hereby inserted in the Principal Ordinance as section 20A :—

" 20A. Any person who shall come into possession of a pocket register in addition to the one issued to him, or who shall be in possession of more than one pocket register, Extra pocket registers to be sent to Registrar.

shall at the earliest opportunity forward the pocket register which was not issued to him, or which he has retained in addition to the last one issued to him, or of which he has come into possession by any other means, to the nearest Registrar.”

**AN ORDINANCE.****No. 47 of 1931.**

Assented to in His Majesty's name this fifteenth day of December, 1931.

J. BYRNE,  
*Governor.*

[15TH DECEMBER, 1931.] Date of assent.

**An Ordinance to Amend the Defence Force Ordinance, 1927.**

*15th December, 1931.*

Date of commencement.

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows :—

**1.** This Ordinance may be cited as “ the Defence Force (Amendment) Ordinance, 1931,” and shall be read as one with the Defence Force Ordinance, 1927, hereinafter referred to as “ the Principal Ordinance.”

Short title.

No. 12 of 1928.

**2.** Section 4 (1) of the Principal Ordinance is hereby repealed and the following substituted therefor :—

Repeal and replacement of section 4 (1) of the Principal Ordinance.

4. (1) The Governor shall appoint a Central Defence Committee consisting of the Officer Commanding Troops, the Commandant, the Commandant of the Kenya and Uganda Railways and Harbours Services Unit, and one delegate from each Defence Force district.

Central Defence Committee.

**3.** Section 6 of the Principal Ordinance is hereby repealed and the following section substituted therefor :—

Repeal and replacement of section 6 of the Principal Ordinance.

6. (1) The Governor shall appoint in each Defence Force District a Local Defence Committee which shall include the District Commissioner of any area included in such Defence Force district and such other persons as the Governor may approve. Each member of each Local Defence Committee shall hold office for the term of three years unless his appointment shall be terminated at an earlier date by the Governor.

District organisation.

(2) The Governor shall, after consultation with the Commandant, appoint in each Defence Force District a District Commandant and such Section Commanders as he may deem expedient. Each District Commandant shall *ex officio* be chairman of the Local Defence Committee for the district in which he is appointed.

(3) The District Commandant, Section Commanders and Local Defence Committee shall respectively perform such functions and shall execute such powers and duties as may be prescribed by the Ordinance or by any regulations made hereunder.

Repeal and replacement of section 7 of the Principal Ordinance.

4. Section 7 of the Principal Ordinance is hereby repealed and the following section substituted therefor :—

Duties of District Commandant and Local Defence Committee.

7. (1) The District Commandant shall draw up a scheme of defence for his district including the selection of rallying points, the establishment of defensive posts and the arrangement of a system for the collection and use of available supplies and transport during such period as the Defence Force or any portion thereof shall be called out on active service.

(2) The District Commandant shall also collect such topographical and other information as he may consider necessary or expedient. Any such topographical information shall be inserted in the existing maps of the Defence Force District so that the same shall at all times be kept up to date.

(3) The District Commandant shall from time to time send duplicate reports on all or any of the foregoing matters to the Staff Officer of the Kenya Defence Force.

(4) The Commandant, the Staff Officer of the Kenya Defence Force, and District Commandant, or any of them, may, from time to time and at such times as they or any of them may think fit, convene a meeting of the Local Defence Committee for the purpose of consulting such Committee upon matters concerning the Defence Force: Provided that the function of such Committee shall be advisory only.

5. Section 11 of the Principal Ordinance is hereby amended by the deletion of the words " or Resident " wherever they appear in the section. Amendment of section 11 of the Principal Ordinance.
6. Section 14 (1) of the Principal Ordinance is hereby amended by the deletion of the words " or Resident " appearing in the first line thereof. Amendment of section 14 (1) of the Principal Ordinance.
7. Section 25 of the Principal Ordinance is hereby amended by the deletion of the words " of either description " appearing in the ninth line thereof. Amendment of section 25 of the Principal Ordinance.
8. Section 27 of the Principal Ordinance is hereby amended by the deletion of the words " of either description " appearing in the ninth line thereof. Amendment of section 27 of the Principal Ordinance.

**AN ORDINANCE.****No. 48 of 1931.**

Assented to in His Majesty's name this eighteenth day of December, 1931.

J. BYRNE,  
*Governor.*

Date of assent. [18TH DECEMBER, 1931.]

**An Ordinance to Amend the Law Relating to  
Town Planning.**

Date of commencement. *18th December, 1931.*

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows :—

Short title. 1. This Ordinance may be cited as “ the Town Planning and Development Ordinance, 1931.”

Interpretation. 2. (1) In this Ordinance—  
“ preparatory authority ” means such body of persons as may be appointed by the Governor for the making of a town planning scheme for any area for the purposes of this Ordinance, provided that in any municipality constituted under the Local Government (Municipalities) Ordinance, 1928, the preparatory authority shall be the council or board of such municipality ;

“ executive authority ” means the authority defined in an approved town planning scheme to be the authority responsible for enforcing the observance of the whole or any part of the scheme, and for the execution of any works to be executed under the scheme ;

“ the making of a town planning scheme ” shall be deemed to include anything authorized to be done in connexion with the preparation of a scheme or in anticipation of its provisions or any of them after the date of the resolution to prepare a scheme and up to and including the date of the approval of the scheme ; but shall not include the execution of the scheme, nor the exercise of any power conferred by the scheme on the executive authority ;

No. 19 of 1928.

“land or property” shall be deemed to include any interest in land or property.

(2) Every preparatory authority and every executive authority shall be a body corporate and shall be capable in law of suing and being sued, of purchasing, holding and alienating land, and generally, of doing and performing such acts and things as bodies corporate may by law do and perform, subject to the provisions of this Ordinance and of any other law.

3. (1) A town planning scheme may be made, in accordance with the provisions of this Ordinance, with respect to any land with the general object of improving and providing for the proper development of such land to the best possible advantage, and of securing suitable provision for traffic, transportation, sites for public buildings and purposes, disposition of shops, residence and factory areas, proper sanitary conditions and convenience, parks, gardens and reserves, and of making suitable provisions for the use of land for building or other purposes.

Objects of town planning schemes.

(2) With these objects the scheme may provide for planning, replanning, or reconstructing the whole or any part of the area comprised in the scheme, and for controlling the order, nature and direction of development within such area.

4. (1) Every scheme to which this Ordinance applies shall deal with such matters within the powers of Local Authorities to deal with, by means of by-laws or otherwise, or within the power of the Governor to deal with by means of rules, as may, in the opinion of the Governor in Council require to be dealt with, for the purposes of this Ordinance, and with such other of the matters referred to in the First Schedule to this Ordinance as may require to be dealt with, and with any matters required to be dealt with by regulations made by the Governor in Council under section 21 of this Ordinance.

Contents of schemes.

(2) Where a scheme approved under this Ordinance provides for the pooling and redistribution of plots or holdings of land, or for readjustment of the boundaries, areas, shapes or positions of any plots or holdings, the provisions of the Second Schedule to this Ordinance shall take effect.

5. (1) A preparatory authority may by resolution decide to prepare a town planning scheme with reference to any land within its area, or with reference to land within its area and

Preparation of scheme.

other adjacent land, or to adopt, with or without modifications, any such scheme proposed by all or any of the owners of any land with respect to which the preparatory authority might itself have prepared a scheme :

Provided that—

- (i) if any such resolution of a preparatory authority extends to land not within the area of that preparatory authority, the resolution shall not have effect until it is approved by the Commissioner for Local Government who may, in giving his approval, vary the extent of the land to be included within the area of the proposed town planning scheme ; and
- (ii) when any Local Authorities are desirous of acting jointly in the preparation or adoption of a town planning scheme, they may concur in appointing out of their respective bodies a joint committee for the purpose, and in conferring with or without restrictions on any such committee any powers which the appointing bodies might exercise for the purpose.

(2) A town planning scheme, prepared or adopted by a preparatory authority, shall not have effect unless it is approved by the Governor in Council, who may refuse to approve any scheme, or may refuse to approve a scheme except with such modifications, and on such conditions, as he may think fit to impose, and may approve part of a scheme either disallowing the remainder or leaving the remainder for further consideration.

(3) A town planning scheme, when approved by the Governor in Council and published in the Gazette, shall have full force and effect as if it were enacted in this Ordinance.

(4) A town planning scheme may be varied, amplified, or revoked by a subsequent scheme prepared or adopted by the preparatory authority, and approved by the Governor in Council and published in the Gazette in accordance with all the provisions of this Ordinance.

(5) The Governor in Council may by order revoke a scheme in whole or in part if he thinks that in the circumstances of the case the scheme or any part thereof should be so revoked.

(6) A town planning scheme approved under this Ordinance may be carried into effect notwithstanding any caveat lodged in respect of land under the Crown Lands Ordinance, the Registration of Titles Ordinance or the Land Titles Ordinance.

Cap. 140.

Cap. 142.

Cap. 143.

6. During the preparation of a town planning scheme it shall be lawful and competent for the preparatory authority, with its agents, officers and servants, to enter upon or into any land, buildings or premises, for the purpose of inspection, measurement or survey, and also to demand the production of and make extracts from all registers or other records or any deeds or instruments belonging to or in the custody or possession of any Government officer or any person, in which are contained particulars of any land or property affected by the scheme, whether such person is or is not interested in such property :

Power of entry and inspection and access to records.

Provided that any person who has incurred expenditure in complying with the provisions of this section shall be entitled to recover such reasonable expenditure from the preparatory authority.

7. Special provisions shall be inserted in every town planning scheme—

Special provisions to be inserted in all town planning schemes.

- (a) defining the scope of the scheme ;
- (b) defining the area to which the scheme is to apply ;
- (c) defining the date or dates before which any works which are to be executed under the scheme are to be completed ; and
- (d) defining the authority to be responsible for enforcing the observance of the scheme or different authorities to be responsible for enforcing the observance of different parts of the scheme, and for the execution of any works to be executed under the scheme ;
- (e) apportioning the expenses incurred or to be incurred under this Ordinance or the scheme between the authorities concerned : Provided that any authority aggrieved by such apportionment may appeal to the Supreme Court.

8. (1) Any person whose land or property is injuriously affected by the making of a town planning scheme shall, if such person makes a claim within the time, if any, limited by the scheme (such time not being less than six months after the date when notice of the approval of the scheme is

Compensation and betterment due to the making of a scheme.

published in the manner prescribed by regulations made under section 21 of this Ordinance) be entitled to obtain compensation in respect thereof from the executive authority :

Provided that a person shall not be entitled to obtain compensation under this section on account of any building erected, or any contract made, or other thing done (not being for the purpose of finishing a building already begun or of carrying out a contract already entered into) after being duly notified in writing by the preparatory authority that any such work, contract or thing is not in accordance with the scheme which they are preparing, or after publication by the preparatory authority of a draft scheme prepared in accordance with regulations made by the Governor in Council under section 21 of this Ordinance, or after such other date as the Governor in Council may fix for the purpose, not being earlier than the earlier of either of the dates referred to above :

Provided that if a scheme is not approved within five years after the date of the resolution to prepare the scheme or if a scheme is abandoned before it is approved such person shall be entitled to obtain compensation under this sub-section from the preparatory authority.

(2) Whenever, by the making of any town planning scheme, any land or property is increased in value, the executive authority shall be entitled to recover from any person whose land or property is so increased in value the amount of such increase, if the executive authority makes a claim for that purpose within the time, if any, limited by the scheme, not being less than three months or more than twelve months after the date when notice of the approval of the scheme is first published.

Provided that the map or maps illustrating the scheme shall indicate by means of distinctive colours or otherwise all areas of land with respect to which such claims appear likely to be made.

(3) Any question as to whether any land or property is injuriously affected or increased in value within the meaning of this section, and as to the amount and manner of payment (whether by instalments or otherwise) of the sum which is to be paid as compensation under this section or which the executive authority is entitled to recover from a person whose land is increased in value, shall be determined by the Supreme Court, unless the parties agree on some other method of determination.

(4) Subject to the provisions of section 24 with respect to the sub-division of land the preparatory authority may permit owners to develop their land during the making of a town planning scheme.

9. (1) The preparatory authority may by order suspend any work after commencement, if it appears to them that on completion such work would not be in accordance with the scheme which they have decided to prepare, and that continuance of such work might increase the cost of the scheme; and in such case any person who has incurred expenditure or financial liability under a contract already entered into, shall be entitled to compensation from the executive authority, in so far as any such expenditure is rendered abortive by reason of the said order, and in so far as such financial liability is properly incurred and discharged under such contract.

Power to suspend works.

(2) Any person aggrieved by any action of a preparatory authority under this section may, subject to the provisions of section 29 of this Ordinance, appeal to the Commissioner for Local Government, whose decision shall be final and binding on all parties.

(3) Any question as to the amount and manner of payment of the sum which is to be paid as compensation under this section shall be determined by the Supreme Court, unless the parties agree on some other method of determination.

10. (1) Any person whose land or property is injuriously affected by the exercise by the executive authority, of any of the powers conferred by the scheme on the executive authority shall be entitled to obtain compensation in respect thereof and in respect of disturbance from the executive authority if such person makes a claim not later than twelve months after the date on which notice is given by the executive authority to the claimant of the exercise by them of such power or of their intention to exercise such power, as the case may be, whichever may be the earlier, or if no such notice is given by the executive authority, then the date of the exercise by them of such power.

Compensation and betterment due to the exercise of powers conferred by a scheme.

(2) Wherever, by the exercise by the executive authority of any of the aforesaid powers, any land or property is increased in value, the executive authority shall be entitled to recover from any person whose land or property is so increased in

value, the amount of such increase, if the executive authority makes a claim for that purpose not later than twelve months after the exercise of such power.

(3) Any claim made under this section shall take into consideration any payments made in respect to any previous claim and counterclaim in respect of the same land or property arising out of the making of a town planning scheme.

(4) Any question whether any land or property is injuriously affected or increased in value within the meaning of this section, and as to the amount and manner of payment (whether by instalments or otherwise) of the sum which is to be paid under this section, shall be determined by the Supreme Court, unless the parties agree on some other method of determination.

Compensation  
and betterment  
due to the  
alteration of a  
scheme.

**11.** (1) Where a town planning scheme is revoked in whole or part by an order of the Governor in Council under this Ordinance—

- (i) any person who has incurred expenditure or financial liability under a contract already entered into, for the purpose of complying with the scheme shall be entitled to compensation from the executive authority, in so far as any such expenditure is rendered abortive by reason of the alteration or revocation of the scheme and in so far as such financial liability is properly incurred and discharged under such contract;
- (ii) any person whose land or property is injuriously affected by such alteration or revocation shall be entitled to obtain compensation in respect thereof from the executive authority, if such person makes a claim within the time (if any) specified in the order (not being less than six months after the date of the order);
- (iii) the executive authority shall be entitled to obtain from any person whose land or property is increased in value by reason of such alteration or revocation, the amount of such increase, if the executive authority makes a claim for the purpose within the time (if any) specified in the order (not being less than three months after the date of the order):

Provided that any claim made under this section shall take into consideration any payments made in respect to any previous claim and counterclaim made under sections 8, 9 and 10 of this Ordinance, or under any provision contained in any Ordinance repealed by this Ordinance, in respect of the same land or property.

(2) Any question whether any land or property is injuriously affected or increased in value within the meaning of this section, and as to the amount and manner of payment of any sum which is to be paid under this section, shall be determined by the Supreme Court, unless the parties agree on some other method of determination.

12. (1) Where land or property is alleged to be injuriously affected, no compensation shall be payable in respect thereof if or so far as the provisions are also contained in any law in force, or in any order having the force of law, in operation in the area, or are such as would have been enforceable without compensation, if they had been contained in by-laws lawfully made by the Local Authority, or in rules or regulations made under any Ordinance.

Compensation  
not recoverable  
in certain  
cases.

(2) Land or property shall not be deemed to be injuriously affected by reason of the making of any provisions inserted in a town planning scheme which, with a view to securing the amenity, health or convenience of the area included in the scheme, or any part thereof, prescribe the space about, or limit the number of, or prescribe the height, location, purpose, dimensions or general character of buildings; or prohibit or regulate the subdivision of land; or impose any sanitary conditions in connexion with buildings; or require a portion of land to be surrendered for streets to provide sufficient space for traffic likely to arise from the use to which that land is to be put or the increased floor space to be provided; which the Governor in Council, having regard to the nature and situation of the land affected by the provisions, considers reasonable for the purpose :

Provided that the provisions of this sub-section shall not be deemed to empower an executive authority to order the demolition of any existing building without compensation.

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

this Ordinance and such other enactment, and shall not be entitled to any greater compensation under this Ordinance than he would be under such other enactment.

Acquisition of  
land.

13. (1) The executive authority may, for the purpose of a town planning scheme, as defined in section 3, and subject to the approval of the Governor, purchase by agreement any land comprised in such scheme.

(2) The executive authority for the purpose of a town planning scheme, as defined in section 3, may be authorised by the Governor to institute proceedings in manner provided by the Indian Land Acquisition Act, 1894, as applied to the Colony, or any law amending or replacing the same, for the compulsory acquisition of any such land.

(3) For the purposes of this section a declaration under the signature of the Colonial Secretary that the land is required for a town planning purpose shall be deemed to be a declaration that the land is required for a public purpose and the provisions of section 6 of the said Act shall apply to such declaration, save that notwithstanding the provisions of the said section 6 such declaration shall not be deemed to be conclusive evidence that the land is needed for a town planning purpose.

(4) For the purpose of such compulsory acquisition of land the executive authority, their servants and agents, shall be deemed to be officers authorised by Government within the meaning of the said Act.

(5) Notwithstanding the provisions of section 23 of the said Act the court may, for good cause shown, disallow the whole or any part of the additional sum of fifteen per centum on the market value in determining the amount of compensation to be awarded for land acquired under this section.

(6) Land so acquired shall be deemed to vest in the Crown.

(7) If after the acquisition of land compulsorily it appears desirable to vary the declared purpose for which it was acquired, or to dispose of such land for some other purpose which is not a public purpose as provided in the aforesaid Act, such variation or disposal shall, if approved by the Governor in Council, be lawful.

(8) In any scheme of pooling and redistribution or re-adjustment of plots or holdings of land, the scheme may make, or require to be made, suitable provision of sites for public

buildings or purposes; and wherever any such sites are provided the provisions of the scheme with respect to acquisition and vesting of such sites shall apply, and the provisions of the Indian Land Acquisition Act, 1894, shall not apply.

14. Where compensation is payable by an executive authority in respect of property which is subject to a registered interest of any kind whatsoever, it shall be lawful for the executive authority to apportion such compensation in such manner as may be agreed upon in writing by the owner of such property and the registered proprietor of such interest. In the absence of such agreement the executive authority shall pay the amount of the compensation to the Supreme Court, and shall institute interpleader proceedings in respect thereof.

Apportionment  
of  
compensation.

15. (1) A town planning scheme may provide that the cost or a portion of the cost of any works to be executed as part of the scheme shall be a special charge upon the property within a particular area to the exclusion of the rest of the area to which the scheme applies, and the executive authority may fix and apportion the amount of the special charge thereon and the persons and times by whom and when the same shall be payable.

Special  
assessment;  
recovery of  
expenses.

(2) The provisions of section 17 of the Local Government (Rating) Ordinance, 1928, shall apply, *mutatis mutandis*, to special assessments under this section.

No. 20 of 1928.

16. For the due execution or advancement of an approved scheme, an executive authority shall be and hereby is empowered to make agreements with owners and others with respect to the execution of any works which are to be executed under the scheme, or with respect to any payments which are to be made under the scheme, whether as compensation or in respect of betterment; or with respect to any other matter:

Power to make  
agreements.

Provided that no such agreement made by any executive authority other than a municipal council or municipal board shall have effect unless and until it is approved by the Governor.

17. An executive authority shall be and hereby is empowered to accept any money or property or assistance for the furtherance of any of the objects of any town planning scheme.

Power to  
accept  
property or  
assistance.

Notice to  
withdraw or  
modify  
provisions of  
scheme.

18. (1) The executive authority may, at any time within one month after the date of an award of compensation in respect of property injuriously affected, give notice to the owner of that property of their intention to withdraw or modify all or any of the provisions of the scheme which gave rise to the claim for compensation.

(2) Where such notice has been given, the executive authority shall, within six months from the date of the notice, submit for approval of the Governor in Council a varying scheme carrying into effect such withdrawal or modification as aforesaid, and upon approval by the Governor in Council of the varying scheme, whether with or without modification, and payment by the authority of the owner's costs of and in connexion with the arbitration or other method of determination, the award or decision shall be discharged, without prejudice, however, to the right of the owner to make a further claim for compensation in respect of the said scheme as varied.

(3) No award of compensation in respect of property injuriously affected shall be enforceable within one month from the date thereof, or, if notice has been given by the authority under the preceding subsection, pending the decision of the Governor in Council on the varying scheme.

Executive  
authority may  
remove certain  
buildings, etc.

19. (1) The executive authority may, at any time after giving such notice as may be prescribed by a town planning scheme, and in accordance with the provisions of this Ordinance—

- (a) remove, pull down, or alter any building or other work in the area included in the scheme, which has been commenced or continued after an order for suspension has been issued under section 9 of this Ordinance, or after publication by the preparatory authority of the draft scheme prepared in accordance with regulations made by the Governor in Council under section 21 of this Ordinance, or after such other date as the Governor in Council may have fixed for the purpose in accordance with section 8 of this Ordinance, and in the erection or carrying out of which any provision of the scheme has been contravened or has not been complied with; and
- (b) execute any work which it is the duty of any person to execute under the scheme, in any case where it

appears to the executive authority that delay in the execution of the work would prejudice the efficient operation of the scheme.

(2) Any expenses incurred by the executive authority under this section may be recovered from the person in default in such manner and subject to such conditions as may be provided by the scheme.

(3) If any question arises whether any building or work contravenes a town planning scheme, or whether any provision of a town planning scheme is not complied with in the erection or carrying out of any such building or work, such question shall be determined by the Commissioner for Local Government.

20. Without prejudice to any other powers of a responsible authority, any money due to an executive authority under any provision of this Ordinance or under any provision of a town planning scheme may be recoverable as a civil debt at the suit of the executive authority. Recovery of moneys.

21. (1) The Governor in Council may from time to time make, alter and revoke regulations for regulating the procedure to be observed and the matters to be dealt with— Regulations as to procedure.

- (a) with respect to the preparation or adoption of a town planning scheme; and for any necessary surveys preliminary thereto; and
- (b) with respect to obtaining the approval of the Governor in Council to a scheme so prepared or adopted; and
- (c) with respect to the variation or revocation of a scheme; and
- (d) with respect to any inquiries, reports, notices, or other matters required in connexion with the preparation or adoption or the approval of the scheme, or preliminary thereto, or in relation to the carrying out of the scheme or enforcing the observance of the provisions thereof, or the variation or revocation of the scheme; and
- (e) for securing that notice of the proposal to prepare or adopt a scheme shall be given, at the earliest stage possible, to any Local Authority or other authority interested in the land and to the public; and

- (f) for securing that the Local Authority or other authority of the district in which any land proposed to be included in a scheme is situated, shall be furnished with a notice of any proposal to prepare or adopt such a scheme, and with a copy of the draft scheme before the scheme is finally made, and that such Local Authority shall be entitled to be heard at any inquiry held in regard to the scheme; and
- (g) for securing co-operation on the part of the preparatory authority with the owners and other persons interested in the land proposed to be included in the scheme.

(2) The Governor in Council may, by notice, supplement, vary or exclude, for application in any particular case, any regulation or regulations made under this section.

Obligation to  
prepare or  
adopt scheme.

**22.** (1) If the Governor in Council is satisfied, after making due inquiry, for which purpose he may appoint a person or persons to hold a local investigation, that a preparatory authority—

- (a) has unreasonably failed to take the requisite steps for having a satisfactory town planning scheme prepared and approved, in a case where in his opinion a town planning scheme ought to be made; or
- (b) has unreasonably failed to adopt any scheme proposed by owners of any land, in a case where a town planning scheme ought in his opinion to be adopted; or
- (c) has unreasonably refused to consent to any modifications or conditions imposed by the Governor in Council; or
- (d) has unreasonably failed to comply with any regulation made under section 21 of this Ordinance,

the Governor in Council may, as the case requires, order the preparatory authority to prepare and submit for the approval of the Governor in Council a town planning scheme, or to adopt a scheme, or to consent to the modifications or conditions so inserted, or to comply with the regulation or regulations which they have failed to comply with :

Provided that, where a preparatory authority has failed to adopt a scheme, the Governor in Council, in lieu of making such an order as aforesaid, may approve of the proposed scheme, subject to such modifications and conditions, if any, as the Governor in Council may deem fit; and thereupon the scheme shall have effect as if it had been adopted by the preparatory authority and approved by the Governor in Council :

And provided further, that where a preparatory authority has unreasonably failed to comply with any regulation made under section 21, within the period prescribed by such regulation, the Governor in Council may order the preparatory authority to comply therewith within such further period as the Governor in Council may deem fit.

(2) If the Governor in Council is satisfied after making due inquiry, for which purpose he may appoint a person or persons to hold a local investigation, that an executive authority has unreasonably failed to enforce effectively the observance of a scheme, which has been approved, or any provisions thereof, or to execute any works, which, under the scheme or this Ordinance the executive authority is required to execute, the Governor in Council may order the executive authority to do all things necessary for enforcing the observance of the scheme, or any provision thereof effectively, or for executing any works which, under the scheme or this Ordinance, the executive authority is required to execute.

Obligation to enforce scheme.

(3) Any order under this section may be enforced by mandamus and the Governor in Council may authorize the Commissioner for Local Government to act in the place and at the expense of the authority, and any expenses incurred by the Commissioner for Local Government in exercising under this section any powers of the preparatory or executive authority shall, on demand, be paid by the authority to the Commissioner for Local Government and shall be recoverable as a debt due to the Crown.

**23.** (1) Where any Crown land, not being situated within a municipality as defined in the Local Government (Municipalities) Ordinance, 1928, or a township for which a preparatory authority for the purposes of this Ordinance has been appointed under section 2 of this Ordinance has been, or hereafter shall be, made available for alienation for building purposes, such land shall not be sold, or leased for a period exceeding one year, until the Governor in Council shall have approved a town planning scheme in respect of such land :

Planning of Crown lands outside municipalities.

Provided that, wherever a statutory town planning scheme may be considered inadvisable or unnecessary, such land may be sold, leased or otherwise disposed of, in accordance with a development plan approved by the Commissioner for Local Government.

(2) The Commissioner for Local Government may prepare a town planning scheme in respect of any such land or, on the application of the owner, in respect of any privately owned land not situated within a municipality or township as aforesaid, with the general objects set out in section 3 of this Ordinance, and such scheme shall, if approved by the Governor in Council and published in the Gazette, have the same effect as if it had been lawfully prepared by a preparatory authority, and approved under section 5, and the provisions of this Ordinance shall, so far as the same are consistent and applicable, apply to and in respect of any scheme so prepared.

Subdivision of  
lands.

**24.** (1) Subject to section 30 of this Ordinance no land within any municipality or township shall, save with the express permission of the Commissioner for Local Government, to be obtained in every case, and upon such conditions as he may impose, be divided or subdivided into lots except in accordance with the provisions of a town planning scheme approved under this Ordinance, or where no such town planning scheme has been approved, then in accordance with a scheme of subdivision made so as to satisfy the requirements of the Townships Private Streets Ordinance, 1924, wherever applied, and with due regard to the suitability of the land for the purpose intended, and with reference to a town plan, or other plan or scheme (not being a statutory town planning scheme under this Ordinance) for the control of development, approved by the Commissioner for Local Government; the development, subdivisions or schemes of subdivision of adjacent areas, the provision, preservation and/or enhancement of amenities, the preservation of trees and natural landscape views and beauties and the provision of adequate principal and secondary means of access to subdivisions, of adequate open spaces, public and private and of facilities for water supply and drainage.

No. 9 of 1924.

(2) If it should appear to the Commissioner for Local Government that it is not in the public interest that the whole or any part of any land proposed to be subdivided otherwise than in accordance with a statutory town planning scheme

or a development plan should be so subdivided or subdivided at all, he may refuse to approve it, or may approve it in whole or in part with or without such modifications and subject to such conditions as he may see fit to prescribe; and the Commissioner for Local Government may require the applicant to submit such additional maps, plans, drawings, documents, statements or information of whatsoever description as he may require.

(3) Any person who feels aggrieved by a decision of the Commissioner for Local Government under this section may appeal to the Governor in Council whose decision shall be final.

(4) The Governor in Council may make rules for the better carrying into effect of the provisions of this section.

25. The Commissioner for Local Government may prescribe fees to be charged in respect of anything to be done by the Commissioner under or in pursuance of this Ordinance, and such fees shall be payable by the person at whose request or on whose application such thing is done. **Fees.**

26. When any rule made under the authority of any Ordinance is inconsistent with any town planning scheme approved before or after the making of such rule, and having effect in the area, or in part of the area, in which such rule is in force, then to the extent of such inconsistency, and in the part of the area in which such scheme has effect, the provisions of such scheme shall prevail. **Local rules.**

27. Where the carrying out of any provision of an approved scheme would conflict with any provisions, limitations, or conditions of or prescribed by any law in force, the executive authority may apply to the Governor in Council for an order modifying or suspending the provisions of that law, so far as may be necessary to enable effect to be given to the scheme; and thereupon the Governor in Council may, in respect of that scheme but not otherwise, make an order accordingly for the suspension or modification of such provisions or any of them, subject to such conditions and limitations as he thinks fit to impose: **Power to suspend the operation of certain provisions of other laws.**

Provided that an order purporting to modify or suspend any provisions of any law in force shall not take effect unless and until it has been approved by resolution of the Legislative Council.

## Adjudication.

**28.** Any question arising out of the exercise by an executive authority of any power conferred on it by this Ordinance or by a town planning scheme approved under this Ordinance shall, where not otherwise provided for, either in this Ordinance or by the scheme, be determined by the Supreme Court, unless the parties agree on some other method of determination.

## Local inquiries

**29.** For the purposes of this Ordinance, the Commissioner for Local Government may cause such local inquiries to be held as he may think fit, and the costs incurred in relation to any such local inquiry shall be paid by the authorities and persons concerned in the inquiry, or by such of them and in such proportions as he may direct, and he may certify the amount of the costs incurred, and any sum so certified and directed by him to be paid by any authority or person shall be recoverable as a civil debt at the suit of the Commissioner for Local Government.

Mombasa  
Town Planning  
Scheme, 1926.  
Saving clause.

**30.** (1) Notwithstanding anything in any Ordinance or in the Mombasa Town Planning Scheme, 1926, or in any order of the Governor in Council to the contrary, the authority responsible for enforcing and executing the Mombasa Town Planning Scheme, 1926, shall, from the date of the commencement of this Ordinance, be the Mombasa Municipal Board as constituted by and under the Local Government (Municipalities) Ordinance, 1928.

## No. 19 of 1928.

(2) The Mombasa Town Planning Scheme, 1926, may be varied, amplified or revoked in whole or in part under and in accordance with the provisions of this Ordinance; and, notwithstanding any provision in this Ordinance contained shall, subject to the provisions of subsection (1) of this section, and until so varied, amplified or revoked, be carried out in accordance with the provisions of the scheme and of the Ordinances repealed by this Ordinance.

## Crown to be bound.

**31.** The provisions of this Ordinance shall be binding on the Crown.

## Repeal.

**32.** Subject to the provisions of section 30 of this Ordinance, the Town Planning Ordinance (Chapter 85 of the Revised Edition) as amended by the Town Planning (Amendment) Ordinance, 1926, and the Town Planning (Amendment) Ordinance, 1927, is hereby repealed.

## No. 11 of 1926.

## No. 14 of 1927.

## FIRST SCHEDULE.

(Sections 4 and 10).

## MATTERS WHICH MAY BE DEALT WITH BY TOWN PLANNING SCHEMES.

1. Public conveniences generally; and particularly churches, schools, educational and recreational institutions, libraries, public buildings, theatres and other places of public entertainment, fountains, refreshment kiosks and other buildings.
2. The dealing with or disposing of land acquired, or to be acquired under the scheme by an executive authority.
3. The replanning and reconstruction of the scheme area, or any part thereof, including any provisions necessary for—
  - (a) the pooling of the lands of several owners (or any lands, roads, streets, or rights-of-way adjacent or near thereto); and apportionment of survey fees, cost of issuing and consolidating new titles, and other expenses of preparing the scheme among the owners concerned ;
  - (b) the redivision of such land among such owners ;
  - (c) providing for or making new roads, streets, or rights-of-way ;
  - (d) adjusting and altering the boundaries, areas, shapes and positions of any such lands, roads, streets, or rights-of-way ;
  - (e) effecting such exchanges of land, or cancellation of existing subdivisions as may be necessary or convenient for the purposes aforesaid ;
  - (f) adjustment of rights between owners or other persons interested in such lands, roads, streets, or rights-of-way ;
  - (g) the vesting of such lands, roads, streets, or rights-of-way, subject or not subject to any rights or trusts ; and any other provisions necessary for giving effect to the purposes aforesaid.
4. Limiting the number of apartment, tenement, detached, or other dwelling houses to the acre generally or in any particular locality.

5. Classification of the scheme area for residential, commercial, industrial, and other purposes respectively, including the provision of special areas for factories, or for carrying on industries generally, and for shops, warehouses, stores, stables and other buildings used for commercial or industrial purposes, and fixing the sites for buildings required for any charitable, religious, or public purposes, or for public conveniences as mentioned in paragraph 1 hereof and for open spaces, public and private, and prohibiting the carrying on of any trade or manufacture, or the erection of any building, in a particular part of the area otherwise than in accordance with the provisions of the scheme.

6. Conservation of the natural beauties of the area, including lakes and other inland waters, banks of rivers, foreshores of harbours, and other parts of the sea, hill slopes and summits, and valleys.

7. The preservation and enhancement of historic buildings and objects of historical or scientific interest.

8. Probable routes for railways, tramways, and canals, and probable sites for bridges, docks, harbours, piers, quarries, and lighting, water, drainage and sewerage, or any other work or undertaking of a public utility nature.

9. Works ancillary to or consequent on the scheme.

10. The extinction or variation of any right-of-way or easement, public or private, or of any restrictive covenant or covenants affecting land.

11. Power of entry and inspection.

12. Power of the executive authority to acquire land or buildings, or to make any agreement or proposal in respect thereto.

13. Power of the executive authority to remove, alter or demolish and to prohibit, regulate and control the maintenance, alteration and reconstruction of any building which obstructs the observance or carrying out of the scheme.

14. Power of the executive authority to declare any land referred to in the scheme as land reserved for streets to be public or private streets.

15. Power of the executive authority to execute street works on land referred to in the scheme as land reserved for streets, and incidental works upon adjacent land.
16. Power of the executive authority, subject to the approval of the Governor in Council, and subject to such of the provisions of the scheme governing streets as are applicable to land reserved for streets by the scheme, to make an order declaring that any land not reserved for streets by the scheme shall be reserved for streets.
17. Power of the executive authority to fix building lines not shown on the map illustrating the scheme.
18. Power of the executive authority to permit buildings in advance of building lines fixed by the scheme.
19. Power of the executive authority to register trees on private land for preservation.
20. Power of the executive authority to fix improvement lines for existing streets and buildings.
21. Power of the executive authority to borrow money and incur expenditure for the purposes of the scheme.
22. The procedure which is to govern the arbitration of questions which under the Ordinance or the scheme are to be decided by arbitration.
23. Provisions for regulating the administration of any money or property accepted or held by an executive authority for the furtherance of the scheme.
24. The payment of compensation together with the time and manner of payment in respect of property injuriously affected by the scheme.
25. The area to which the scheme is to apply.
26. The recovery of expenses incurred in giving effect to the scheme, and the time and manner of payment of such expenses.
27. The carrying out and completion of the scheme generally, and particularly the time and manner in which, and the persons and authorities by whom or by which the scheme, or any part thereof, shall be carried out and completed and its observance ensured.

28. Limitation of time for the operation of the scheme, or of any parts of the scheme, or for the execution of any works which are to be executed as part of the scheme.

29. Any matter necessary or incidental to town planning or housing.

The mention of particular matters in this Schedule shall not be held to prejudice or affect the generality of any other matter.

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## SECOND SCHEDULE.

(Section 4).

Procedure with respect to compulsory pooling and redistribution, and readjustment of the boundaries, areas, shapes or positions of plots or holdings of land.

1. In this Schedule, unless the context otherwise requires, the expression "Registrar" means the officer or officers performing the functions of Registrar under the Crown Lands Ordinance, the Registration of Titles Ordinance and the Land Titles Ordinance, respectively.

Cap. 140.

Cap. 142.

Cap. 143.

2. (1) Where any group of plots or holdings of land are compulsorily pooled and redistributed or where the boundaries, areas, shapes or positions of any plots or holdings of land are compulsorily readjusted by a town planning scheme approved under this Ordinance the provisions (c) to (g) both inclusive of the next succeeding subsection shall take effect.

(2) Where any group of plots or holdings of land are compulsorily pooled and redistributed or where the boundaries, areas, shapes or positions of any plots or holdings of land are compulsorily readjusted by the exercise by the executive authority of any power conferred on it by a town planning scheme approved under this Ordinance, the following provisions shall take effect:—

(a) The executive authority shall forthwith serve a notice upon the owners of all land comprised in the scheme of redistribution or readjustment, and shall publish a notice to the same effect in the Gazette, and in some newspaper circulating in the area

(if any) notifying them that a plan of the scheme of redistribution or readjustment is open for inspection at such place and such time and for such period (not being less than one month from the date of the said notice) as may be specified in the notice, and that any objections by any person interested in any land comprised in the scheme of redistribution or readjustment may be made in writing to the executive authority within the same period.

(b) The executive authority shall consider all objections received under the provision (a) above, and shall approve or amend or withdraw the scheme of redistribution or readjustment as may seem desirable within a period not exceeding three months from the date of the notice aforesaid, and shall forthwith publish a notice in the Gazette and in some newspaper circulating in the area stating that the scheme has been approved (with amendments, if any) or has been withdrawn as the case may be.

(c) The executive authority shall forthwith furnish to the Registrar particulars in writing of each plot or holding of land comprised in the scheme of redistribution or readjustment. On receipt of such particulars the Registrar shall make an appropriate entry in the register against each title affected by the scheme, and thereafter until the issue of a new document of title as hereinafter provided, all transactions relating to any plot or holding affected by the scheme shall be subject to the provisions of the scheme, and all persons concerned in any such transactions shall be deemed to have express notice of such provisions.

(d) As soon as may be after receiving the said particulars the Registrar shall prepare new documents of title for issue to each of the several persons amongst whom the said plots or holdings are redistributed or readjusted under the scheme, in order that they may hold the plots or holdings allotted to them or readjusted respectively, under the scheme upon the same terms and conditions and for the same interests on and for which they severally held their original plots or holdings immediately prior to the issue of such new documents of title.

- (e) When a new document of title has been prepared for issue to any person under the scheme the Registrar shall issue a notice in writing to such person intimating that such new document of title has been prepared and is ready to be issued to him and calling upon him to deliver up to the Registrar for cancellation the document or documents of title (including caveats) in lieu of which the new document of title is to be issued; and upon receipt of such document or documents of title the Registrar shall issue the new document of title to the person entitled thereto:

Provided, however, that the Registrar may in his discretion issue the new document of title without having received the document or documents of title required by this subsection to be delivered up.

- (f) Upon the issue of a new document of title to any person under the last preceding paragraph, all right, title and interests in the plot or holding originally held by such person, and in lieu of which a new plot or holding has been allotted to him, shall be deemed to be extinguished.
- (g) Where any document of title required by this subsection to be delivered up to the Registrar for cancellation has been issued under any statutory authority, the new document of title to be issued in lieu thereof shall be deemed to be issued under the same Ordinance or other enactment as the document of title so required to be delivered up.

(3) Every document of title issued under this section shall have attached thereto a plan signed by the Surveyor General; and any such new document of title shall, except in so far as the scheme may provide to the contrary, be subject to such mortgages, charges, leases, or other encumbrances, trusts and restrictions, if any, whereto the old document of title was subject immediately prior to the extinguishment of the said title, and so that mortgagees, chargees, lessees, and other encumbrancers or persons who were immediately prior to such extinguishment interested in any plot or holding which is pooled or readjusted under the scheme shall have, as nearly as may be, the same remedies and rights against and in the plot or holding held by any person under a new document of title issued in pursuance of this section as they severally had

against and in the plot or holding held by such person under the document of title in lieu of which such new document of title has been issued.

(4) Every new document of title issued under this section shall be registered against the title which has been extinguished, in the same register as the document of title in lieu of which such new document of title is issued was registered; and the Registrar shall perform all such acts, endorse all such new documents of title, and make all such entries in the books of his office as may be necessary to give effect to the provisions of this section.

(5) No stamp duty or other fee shall be payable in respect of any act of record or registration required to be performed under the provisions of this schedule.

(6) Any person who without reasonable excuse shall fail or neglect within three months of the issue of the notice prescribed by subsection (2) (e) of this section, to deliver up to the Registrar any document of title required by that subsection to be delivered up, shall be guilty of an offence and shall be liable to a fine not exceeding fifty pounds.

(7) Any person who shall dishonestly or fraudulently use or attempt to use any document of title to land after the right, title or interest purporting to be evidenced by such document have been extinguished by the operation of this section, shall be deemed to have committed or to have attempted to commit the offence of cheating, and shall be liable to imprisonment for three years.

(8) The date of the issue of the new document of title shall be the date on which it is executed by the Registrar. A new document of title shall be substantially in the following form :—

DOCUMENT OF TITLE.

I ..... Registrar of .....  
 in accordance with the Second Schedule of the Town Planning  
 and Development Ordinance, 1931, do hereby declare that  
 ..... is the owner of that piece of land

situate ..... and which is more particularly delineated on the plan No..... annexed hereto and thereon bordered red being L.R. No. .... comprising ..... or thereabouts for the like estate and interest and subject to the same trusts and restrictions as those to which the title registered in Volume ..... Folio ..... was subject and also to the registered mortgages charges leases and other encumbrances as notified in the Schedule hereto and to the following Ordinances with the exception of .....

## AN ORDINANCE.

No. 49 of 1931.

Assented to in His Majesty's name this seventeenth day of December, 1931.

J. BYRNE,  
*Governor.*

[17TH DECEMBER, 1931.] Date of assent.

### An Ordinance to Amend the Sale of Wheat Ordinance, 1930.

*17th December, 1931.*

Date of  
commencement.

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows :—

1. This Ordinance may be cited as “ the Sale of Wheat (Amendment) Ordinance, 1931,” and shall be read as one with the Sale of Wheat Ordinance, 1930, hereinafter referred to as “ the Principal Ordinance.”

Short title.

No. 42 of 1930.

2. Paragraph (f) of section 15 of the Principal Ordinance is hereby deleted and the following substituted therefor :—

Amendment of  
section 15 of  
the Principal  
Ordinance.

(f) the milling of wheat by or for the grower thereof for his own domestic use.

## **AN ORDINANCE.**

**No. 50 of 1931.**

Assented to in His Majesty's name this seventeenth day of  
December, 1931.

J. BYRNE,  
*Governor.*

Date of assent.

[17TH DECEMBER, 1931.]

### **An Ordinance to Supply a Further Sum of Money for the Service of the Year ended the Thirty- first day of December, 1930.**

Date of  
commencement.

*17th December, 1931.*

ENACTED by the Governor of the Colony of Kenya,  
with the advice and consent of the Legislative Council  
thereof, as follows :—

Short title.

1. This Ordinance may be cited as “ the 1930 Supple-  
mentary Appropriation Ordinance, 1931.”

Public  
Revenue  
charged.

2. The Public Revenue for the period 1st January to  
31st December, 1930, and other Funds of the Colony and  
Protectorate of Kenya are hereby charged towards the service  
of the period 1st January to 31st December, 1930, with a  
further sum of eighty-seven thousand eight hundred and  
seventy-four pounds and twelve cents, in addition to the sums  
provided by the Appropriation Ordinance, No. 22 of 1930.

Application  
of money  
granted.

3. The money granted by this Ordinance shall be applied  
to the purposes and services expressed in the schedule annexed  
hereto.

Treasurer's  
authority for  
payment.

4. The Treasurer of the Colony and Protectorate of  
Kenya is hereby given authority for having paid out of the  
Revenue and other funds of the Colony and Protectorate of  
Kenya, for the several services specified in the schedule, the  
said sum of eighty-seven thousand eight hundred and seventy-  
four pounds and twelve cents, which have come in course of  
payment during the period 1st January to 31st December, 1930.

## SCHEDULE.

<i>No. of Head.</i>		£	Sh.	Cts.
IIa.	Administration Extraordinary	754	7	73
IIIa.	Agricultural Department Extraordinary ... ..	15,530	12	49
IXa.	Forest Department Extra- ordinary ... ..	178	10	93
Xa.	Game Department Extra- ordinary ... ..	154	2	83
XIV.	Local Government Contri- bution to Local Authorities	1,633	5	58
XIVa.	Local Government Contri- bution to Local Authorities Extraordinary ... ..	5,152	14	99
XVIa.	Military Extraordinary ...	7,149	14	74
XVIIa.	Miscellaneous Services Extra- ordinary ... ..	11,617	19	23
XIXa.	Police Department Extra- ordinary ... ..	416	7	17
XXa.	Posts and Telegraphs Extra- ordinary ... ..	2,960	2	71
XXIa.	Printing and Stationery Extra- ordinary ... ..	23	13	88
XXV.	Public Works Recurrent ...	8,057	11	89
XXVIa.	Registrar General's Depart- ment Extraordinary ...	34	18	00
XXVIII.	Secretariat and Legislative Council ... ..	680	3	65
XXIXa.	Statistical Department Extra- ordinary ... ..	858	19	95
XXXIIIa.	Public Works Department Extraordinary to be under- taken from Surplus Balances	16,583	13	84
	Colonial Development Fund	16,087	0	51
		<hr/>		
		87,874	0	12
		<hr/>		

## AN ORDINANCE.

### No. 51 of 1931.

Assented to in His Majesty's name this seventeenth day of  
December, 1931.

J. BYRNE,  
*Governor.*

**Date of assent.**

[17TH DECEMBER, 1931.]

### **An Ordinance to Provide for the Marriage of Native Christians and for the Dissolution of such Marriages.**

**Date of  
commencement.**

*17th December, 1931.*

ENACTED by the Governor of the Colony of Kenya,  
with the advice and consent of the Legislative Council  
thereof, as follows :—

**Short title.**

**1.** This Ordinance may be cited as “the Native  
Christian Marriage and Divorce Ordinance, 1931.”

**Application.**

**2.** This Ordinance shall apply only to the marriages of  
natives one or both of whom profess the Christian religion and  
to the dissolution of such marriages. Nothing herein contained  
shall prevent any native marrying under the provisions of the  
Marriage Ordinance, but if one or both parties to a marriage  
under that Ordinance are natives professing the Christian  
religion the provisions of this Ordinance relating to dissolution  
of marriage shall apply to such marriage as if it were a  
marriage under this Ordinance.

**Cap. 167.**

**Saving.**

**Cap. 167.**

**3.** Except as otherwise provided in this Ordinance the  
provisions of the Marriage Ordinance shall apply to all  
marriages celebrated under this Ordinance.

**Formalities.**

**Cap. 167.**

**4.** The formalities preliminary to marriage, established,  
usual, or customary for native Christians in the denomination  
to which one or both of the parties belong, shall apply to  
marriages under this Ordinance, and sections 7 to 18 inclusive

of the Marriage Ordinance shall not apply, but no minister shall celebrate any marriage under this Ordinance unless he considers that adequate notice has been given of the intended marriage.

5. Where the consent of any person to the intended marriage is necessary, the minister to celebrate the intended marriage shall be deemed to be a registrar of marriages for the purpose of such consent; and if there be no parent or guardian in any particular case capable of consenting, then such minister upon being satisfied after due inquiry that the marriage is a proper one may consent in writing to such marriage. If any person whose consent is required refuses his consent, a Provincial Commissioner may, on application being made, consent to the marriage, and the consent of the Provincial Commissioner so given shall have the same effect as if it had been given by the person whose consent is so refused.

Consents.

6. Whenever any persons already married or professing to be married to each other by native law and custom desire to convert that marriage into a marriage by which they are legally bound to each other as man and wife so long as both shall live they may, subject to the provisions of sections 4 and 5 of this Ordinance, contract a marriage before a registrar in the presence of two witnesses in his office, with open doors, between the hours of 6 o'clock in the forenoon and 6 o'clock in the afternoon and in the following manner:—

Marriages may be contracted before registrar.

The registrar shall, either directly or through an interpreter, address the parties thus:—

Form to be observed.

“ Do I understand that you, A.B., and you, C.D., have been heretofore married to each other by native law or custom, and that you come here for the purpose of binding yourselves legally to each other as man and wife so long as both of you shall live? ”

If the parties answer in the affirmative he shall proceed thus:—

“ Whereas you, A.B., and you, C.D., profess that you have been heretofore married to each other by native law or custom and whereas that marriage does not bind you by law to each other as man and wife so long as both of you shall live and whereas you desire to bind yourselves legally each to the other as man and wife so long as both of you shall live: know ye that by the public taking of

each other as man and wife so long as both of you shall live, in my presence and in the presence of the persons now here, and by the subsequent attestation thereof by signing your names to that effect, you become legally bound to each other as man and wife so long as both of you shall live although no other rite of a civil or religious nature shall now take place, and that hereafter your marriage cannot be dissolved during your lifetime, except by a valid judgment of divorce; and if either of you before the death of the other shall illegally contract another marriage while your marriage to each other remains undissolved, you will be thereby guilty of bigamy, and liable to punishment for that offence."

Each of the parties shall then say to the other:—

"I call upon all persons here present to witness that I, A.B., do take thee, C.D., to be my lawful wife (or husband) so long as both of us shall live."

Marriage  
certificate.

7. The Governor may prescribe the forms of marriage certificates for marriages celebrated under this Ordinance.

Ministers to  
be registrars.

8. For the purposes of this Ordinance the Governor shall appoint ministers to be registrars, and they shall be deemed to be registrars of marriages within the meaning of the Marriage Ordinance, except that it shall not be necessary for them to transmit to the Registrar-General a certified copy of the entries made by them in any marriage register book more than once in three months.

Cap. 167.

Fee.

9. Notwithstanding anything contained in the Marriage Ordinance there shall be chargeable in respect of marriages under this Ordinance the fees set out in the Schedule hereto.

Cap. 167.

Status of  
native  
Christian  
widows.

10. (1) Any native woman married in accordance with the provisions of this Ordinance or of the Marriage Ordinance or of the Native Christian Marriage Ordinance, whether before or after the commencement of this Ordinance, shall be deemed to have attained her majority on widowhood and shall not be bound to cohabit with the brother or any other relative of her deceased husband or any other person or to be at the disposal of such brother or other relative or other person, but she shall have the same right to support for herself and her children of such marriage from such brother or other relative as she would have had if she had not been married as aforesaid.

Cap. 167.

Cap. 168.

(2) Any such woman shall upon the death of her husband become the guardian of any children of the marriage and shall, so long as she remains a Christian, continue to be the guardian of such children until such children, if males, attain the age of sixteen years, or, if females, attain the age of sixteen years or marry, and shall be competent to dispose of such children in marriage, but in such event the customary bride price shall on demand be paid to such person as is entitled thereto by native law and custom.

**11.** Subordinate courts of the first class shall have the same jurisdiction, in the case of marriages solemnized or contracted under the provisions of this Ordinance, or of the Native Christian Marriage Ordinance, as is vested in the Supreme Court by virtue of the Divorce Ordinance.

**Jurisdiction of subordinate courts of first class.**  
*Cap. 168.*  
*Cap. 170.*

**12.** An appeal shall lie from the decrees or from any part of the decrees, and from the orders of subordinate courts under the last preceding section to the Supreme Court.

**Appeals.**

**13.** The Native Christian Marriage Ordinance (Chapter 168 of the Revised Edition) is hereby repealed.

**Repeal.**

#### SCHEDULE.

For registering a marriage, including certificate ... Sh. 2.  
 For certifying an extract from the register ... Sh. 2.

## AN ORDINANCE.

No. 52 of 1931.

Assented to in His Majesty's name this seventeenth day of  
December, 1931.

J. BYRNE,  
*Governor.*

Date of assent.

[17TH DECEMBER, 1931.]

### An Ordinance to Impose Duties of Excise.

Date of  
commencement.

*1st January, 1932.*

ENACTED by the Governor of the Colony of Kenya,  
with the advice and consent of the Legislative Council  
thereof, as follows :—

Short title.

1. This Ordinance may be cited as “ the Excise Duties  
Ordinance, 1931.”

Interpretation.

2. In this Ordinance, unless the context otherwise  
requires—

“ cigarettes ” means tobacco made up in the form of  
cigarettes, cigars or cigarillos prepared either from tobacco  
grown or produced in the Colony, or from tobacco imported  
into the Colony, or from a mixture of such tobaccos ;

“ manufactured tobacco other than cigarettes ” means  
tobacco made up—

(a) ready for smoking in tobacco pipes, or

(b) ready for use in the making of cigarettes, or

(c) in the form of cake, plug, roll or stick prepared either  
from tobacco grown or produced in the Colony or  
from tobacco imported into the Colony or from a  
mixture of such tobaccos ;

“ Commissioner ” means the Commissioner of Customs.

“ excisable article ” means any article chargeable with  
duty under this Ordinance.

3. Subject to the provisions of this Ordinance, there shall be raised, levied, collected and paid in the manner hereinafter mentioned an Excise duty on the articles enumerated and at the rates prescribed in the Schedule to this Ordinance on all such articles manufactured in the Colony on and after the first day of January, 1932 :

Excise duties chargeable.

Provided that where a manufacturer converts an excisable article chargeable with a lower rate of Excise duty, and on which such duty has already been paid into another excisable article, chargeable with a higher rate of duty, he shall be required to pay only an Excise duty equivalent of the difference between the two rates.

4. A rebate of the Excise duty payable or a refund of the Excise duty paid may be granted by the Commissioner in respect of such articles as are referred to in this Ordinance when exported from the Colony to any place other than the Protectorate of Uganda or a place in any territory into which they may be admitted free of Customs duty by virtue of any agreement made under section 263 of the Customs Management Ordinance, 1926, provided that—

Rebates and refunds of duty.

- (a) such articles shall only be exported through an approved Customs port;
- (b) every person so exporting such articles shall produce to the Commissioner such evidence of exportation as the Commissioner may require; and
- (c) if any such articles after having been so exported shall be brought into the Colony the Excise duty in force at the date of importation shall be payable by the importer.

No. 25 of 1926.

5. The Commissioner may remit the duties due on excisable articles which have been—

Remissions.

- (a) destroyed, on premises licensed under this Ordinance, under proper Customs authority, by the proprietor or other person having control over the same;
- (b) destroyed by fire or other unavoidable accident when on premises licensed under this Ordinance;

and may make such allowance as he may think fit in respect of losses in weight through evaporation or other cause.

6. (1) No person shall manufacture any excisable article except in a factory or set of premises licensed under this Ordinance.

Licence to manufacture.

(2) Licences shall be issued by the Commissioner upon payment of a fee of twenty shillings for each such licence.

(3) A separate licence shall be required in respect of each factory or set of premises where an excisable article is manufactured.

(4) Where the manufacture of excisable articles has been discontinued at a factory or set of premises in respect of which a licence has been issued, the licence may, with the approval of the Commissioner, be transferred to another factory or set of premises.

(5) A licence shall be in such form as may be prescribed, and shall expire on the thirty-first day of December next after the date of issue.

Payment of duties.

7. Such duties as are required to be paid under this Ordinance shall be paid in the manner and at the time prescribed.

Records to be kept.

8. Every holder of a licence to manufacture excisable articles shall keep such records and shall render such returns as may be prescribed relating to the quantity of excisable articles manufactured under the authority of such licence, and containing such other particulars as may be prescribed for the purpose of securing the due observance of this Ordinance, and all such records and copies of all such returns shall be kept in the factory to which they relate.

Power to inspect factories, and records, and penalty for obstruction of inspection.

9. (1) Any European officer of the Customs Department and any other person authorized in writing by the Commissioner shall at all reasonable times have access to any factory or place in which any excisable article is manufactured and may inspect any part of the same and any records or copies of returns required by this Ordinance to be kept therein, and may question any person appearing to be in control of such factory or place or employed therein in such manner as he may reasonably think fit for the purpose of satisfying himself of the due observance of this Ordinance.

(2) Any person who shall obstruct any officer of the Customs or any other authorized person in the exercise of the powers conferred upon him by this section, or who shall neglect or refuse to comply with any lawful request of such officer or authorized person, or who shall refuse to answer or shall knowingly make a false answer to any question lawfully put by such officer or authorized person in the exercise of the

power conferred upon him by this section, shall be liable to a fine not exceeding fifty pounds, or, in default of payment, to imprisonment for a term not exceeding three months.

**10.** (1) Any person shall be guilty of an offence against this Ordinance if— Offences and penalties.

- (a) he shall evade the payment of any Excise duty payable under this Ordinance ;
- (b) he shall obtain any rebate or refund under section 4 hereof to which he shall not be entitled ;
- (c) he shall make any false declaration on any document or shall make any false statement on any record required under this Ordinance ;
- (d) he shall contravene any of the provisions of sections 6, 7 and 8 hereof.

(2) Any person who commits an offence against this Ordinance for which no penalty is expressly provided shall be liable to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment :

Provided that any person convicted of an offence against sub-section 1 (a) or (b) of this section shall, in addition to such penalty as aforesaid, be liable to a fine not exceeding twice the amount of the Excise duty which he shall have evaded or of the rebate or refund which he shall have unlawfully obtained.

**11.** If any offence against this Ordinance shall be committed by a company, the secretary and the person who shall be in control of the business thereof in the Colony shall each be liable to the penalties for such offence, and if any such offence shall be committed by a firm or partnership every member thereof and the person in control of the business thereof in the Colony shall each be liable to such penalties : Offences by companies or partnerships.

Provided that nothing in this section shall exempt any other person from liability in respect of such offence.

**12.** (1) If any dispute shall arise between any officer of the Customs and any person with reference to any contravention of this Ordinance, the Commissioner may, with the consent in writing of such person, inquire into and determine such dispute, and shall have power by order to impose, enforce, mitigate or remit any penalty which he shall determine has been incurred. Settlement of dispute by Commissioner.

(2) Every such order shall be final and without appeal, and shall not be liable to be quashed on any account, and a copy thereof shall be delivered to such person and may be enforced in the same manner as a decree or order of the Supreme Court.

Rules.

**13.** The Governor in Council may make Rules prescribing any matters which this Ordinance authorizes or requires to be prescribed, and for requiring returns to be made for the purpose of this Ordinance by persons licensed hereunder, and generally for giving effect to this Ordinance.

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SCHEDULE.

RATES OF EXCISE DUTIES.

	Sh. Cts.
Sugar, not including jaggery, per cwt. ... ..	1 00
Tea, per lb. ... ..	0 10
Cigarettes, per lb. ... ..	0 75
Manufactured tobacco other than cigarettes, per lb.	0 50

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## AN ORDINANCE.

No. 53 of 1931.

Assented to in His Majesty's name this seventeenth day of December, 1931.

J. BYRNE,  
*Governor*

[17TH DECEMBER, 1931.] Date of assent.

### An Ordinance relating to Excise Duties Agreements.

*17th December, 1931.*

Date of  
commencement.

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as "the Excise Duties Agreements Ordinance, 1931." Short title.

2. In this Ordinance and in any agreement made under this Ordinance— Interpretation.

"duties of excise" means the internal duties imposed on goods manufactured within the territory, but shall not extend to licence fees and the like;

"East African Dependency" means any territory in Eastern Africa being a portion of the British Dominions or under the protection of the Crown or which is administered by a mandate held by His Majesty and which is a party to an agreement with the Government of the Colony under section 263 of the Customs Management Ordinance, 1926.

No. 25 of 1926.

3. The Governor in Council may enter into an agreement with the Government of any East African Dependency providing— Agreements with Governments of other East African Dependencies.

(1) that no duty of excise not already existing shall be imposed by one party to the agreement without prior consultation with the other party to the agreement as to its imposition and the rate of duty to be imposed;

(2) that the parties to the agreement shall forthwith impose duties of excise in the same manner and at the same rates on articles or commodities manufactured in the territories of both parties to the agreement ;

(3) that one party to the agreement shall transfer to the other party the duties of excise imposed in respect of articles or commodities which having been manufactured in the territory of one party are removed into the territory of the other party to the agreement ;

(4) that where such article or commodity is subsequently exported from the territory of such other party to the agreement to any other East African Dependency such other party shall cause the full amount of the duty of excise received in respect of such article or commodity to be paid over to the Government of such Dependency.

Agreements  
to be  
published.

4. A copy of every agreement entered into under the authority of section 3 of this Ordinance shall be published in the Gazette.

## AN ORDINANCE.

**No. 54 of 1931.**

Assented to in His Majesty's name this fifteenth day of December, 1931.

J. BYRNE,  
*Governor.*

[15TH DECEMBER, 1931.] **Date of assent.**

### **An Ordinance to Apply a Sum of Money for the Service of the Year ending the 31st day of December, 1932.**

*15th December, 1931.*

**Date of commencement.**

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows :—

**1.** This Ordinance may be cited as " the 1932 Appropriation Ordinance, 1931." **Short title.**

**2.** The Public Revenue for the year 1932, and other funds of the Colony and Protectorate of Kenya are hereby charged towards the service of the year ending the 31st day of December, one thousand nine hundred and thirty-two, the sum of three million, two hundred and forty-six thousand, four hundred and seventy-seven pounds. **Public revenue charged.**

**3.** The money granted by this Ordinance shall be applied for the purposes and services expressed in the Schedule annexed hereto. **Application of money granted.**

**4.** The Treasurer of the Colony and Protectorate of Kenya is hereby authorized and required from time to time upon the warrant or order of the Governor to pay out of the Revenue and other funds of the Colony and Protectorate of Kenya, for the several services specified in the Schedule, the said sum of three million, two hundred and forty-six thousand, four hundred and seventy-seven pounds, which will come in course of payment during the year ending on the 31st day of December, one thousand nine hundred and thirty-two. **Treasurer's authority for payment.**

## SCHEDULE.

	£
I. His Excellency the Governor ...	16,565
II. Administration ... ..	266,818
IIa. Administration, Extraordinary ...	600
III. Agricultural Department ... ..	143,385
IIIa. Agricultural Department, Extraordinary ... ..	6,000
IV. Audit Department ... ..	20,792
V. Coast Agency ... ..	5,826
VI. Conference of East African Governors...	1,250
VII. Customs Department ... ..	49,747
VIII. Education Department ... ..	188,632
VIIIa. Education Department, Extraordinary	2,000
IX. Forest Department ... ..	37,150
X. Game Department ... ..	10,939
XI. Interest ... ..	1,000
XII. Judicial Department ... ..	34,136
XIII. Legal Department ... ..	8,755
XIV. Local Government Contributions to Local Authorities ... ..	90,931
XIVa. Local Government Contributions to Local Authorities, Extraordinary ...	100
XV. Medical Department ... ..	219,357
XVa. Medical Department, Extraordinary ...	400
XVI. Military ... ..	97,258
XVII. Miscellaneous Services ... ..	87,783
XVIIa. Miscellaneous Services, Extraordinary	1,650
XVIII. Pensions and Gratuities ... ..	130,700
XIX. Police ... ..	147,998
XX. Post Office and Telegraphs ... ..	169,035
XXa. Post Office and Telegraphs Extraordinary ... ..	9,900
XXI. Printing and Stationery ... ..	36,534
XXII. Prisons ... ..	49,000
XXIII. Public Debt Funded ... ..	1,010,500
XXIV. Public Works Department ... ..	112,925
XXV. Public Works Recurrent ... ..	145,500
XXVI. Registrar General's Department ...	6,007
XXVII. Rent and Interest to H.H. the Sultan of Zanzibar ... ..	16,000
XXVIII. Secretariat and Legislative Council ...	20,946
XXIX. Statistical Departments ... ..	21,260
XXX. Survey and Registration Department ...	36,500

1931

1932 Appropriation

No. LIV

SCHEDULE—*Contd.*

			£
XXXI.	Trade and Information Office	...	4,800
XXXII.	Treasury	... ..	25,879
XXXIII.	Public Works Extraordinary	... ..	11,600
XXXIV.	Colonial Development Fund	... ..	319
			<hr/>
	Total Expenditure	...	£3,246,477

# AN ORDINANCE.

No. 55 of 1931.

Assented to in His Majesty's name this twenty-third day of December, 1931.

J. BYRNE,  
*Governor.*

[23RD DECEMBER, 1931.] Date of assent.

## An Ordinance to Amend the Traffic Ordinance, 1928.

23rd December, 1931.

Date of commencement.

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as "the Traffic (Amendment) Ordinance, 1931," and shall be read as one with the Traffic Ordinance, 1928, hereinafter referred to as "the Principal Ordinance."

Short title.

No. 26 of 1928.

2. Section 2 of the Principal Ordinance is hereby amended by the deletion of the definition of the term "motor cycle" and substitution therefor of the following:—

Amendment of section 2 of the Principal Ordinance.

" 'Motor cycle' means a motor vehicle designed to travel on two wheels and includes a motor vehicle designed to travel on three wheels which has a tare weight not exceeding three hundred pounds."

3. Section 30 of the Principal Ordinance is hereby repealed and the following is substituted therefor:—

Repeal and replacement of section 30 of the Principal Ordinance.

" 30. (1) No application for the grant or renewal or the sanction of a transfer of a public service vehicle licence shall be granted by the licensing officer unless the applicant satisfies the licensing officer that he has effected, with an insurance company approved by the licensing officer, a policy of insurance covering, in such terms as may be prescribed, all such claims as may be made against him as owner, or as driver or employer of the driver, of the vehicle in respect of any liability which may be incurred by him in respect of the death of or bodily injury to, or

Insurance policies.

injury to the property of any person caused by or arising out of the use of the vehicle on a road : Provided that such a policy shall not be required to cover—

- (i) liability in respect of the death arising out of and in the course of his employment of a person in the employment of the person insured by the policy, or of bodily injury sustained by such person arising out of and in the course of his employment ; or
- (ii) liability in respect of the death of or bodily injury to persons being carried in or upon or entering or getting on to or alighting from the vehicle at the time of the occurrence of the event out of which the claims arise ; or
- (iii) liability in respect of loss of or damage to property being carried in or upon the vehicle at the time of the occurrence of the event out of which the claims arise ; or
- (iv) any contractual liability.

Certain conditions in policies to be of no effect.

(2) Any condition in a policy issued for the purposes of the preceding sub-section providing that no liability shall arise under the policy, or that any liability arising shall cease in the event of some specified thing being done or omitted to be done after the happening of the event giving rise to a claim under the policy, shall be of no effect in connexion with such claims as are mentioned in the preceding sub-section :

Provided further that such a policy shall not be required to cover liability in respect of injury to the property of any person caused by or arising out of the use of the vehicle on a road in excess of a sum of one thousand pounds in respect of any one claim or number of claims arising out of any one event :

And provided further that nothing in this section shall be taken to render void any provision in a policy requiring the person insured to repay to the insurer any sums which the latter may have become liable to pay under the policy and which have been applied to the satisfaction of the claims of third parties.

(3) If any person for the purpose of obtaining a policy of insurance required by this section makes any false statement in consequence whereof the policy is likely to

False statement.

be avoided, or if the person insured commits any act which disentitles him to claim under the policy, he shall be guilty of an offence under this Ordinance.

(4) If a policy of insurance required by this section lapses or otherwise becomes invalid, any licence issued under this Ordinance in respect of the vehicle to which the policy relates shall thereupon become void.

If insurance policy becomes invalid, licence also becomes invalid.

(5) If a policy of insurance required by this section lapses or otherwise becomes invalid, the holder of such policy shall forthwith notify the licensing officer, and failure to do so shall be an offence under this Ordinance."

4. The following section to be numbered 12A shall be inserted between sections 12 and 13 of the Principal Ordinance :—

12A. (1) No person shall drive a motor vehicle on any road unless he is licensed for the purpose under this section to drive such motor vehicle or one of similar type; such licence to be issued by such officer or person as the Governor may appoint for the purpose (hereinafter referred to as "the licensing officer") or issued to him in the Uganda Protectorate or Tanganyika Territory under any law in force in those countries.

Licence to drive a motor vehicle.

(2) The licensing officer shall on receipt of an application in the prescribed form together with a fee of five shillings grant a licence to drive a motor vehicle to any person applying for it who holds a certificate of competency and is not disqualified for obtaining such licence.

(3) Every such licence shall be in such form as may be prescribed and shall expire on the thirty-first day of December in the year in which it is granted but may be renewed from year to year on payment of a fee of five shillings.

(4) Any person who shall drive a motor vehicle upon any road without having upon his person or in the motor vehicle at the time a valid licence as required by this section shall be guilty of an offence against this Ordinance.

(5) This section shall come into operation on the first day of January, 1932.

5. Section 2 of this Ordinance shall be deemed to have commenced and come into operation on the first day of January, 1929, Commencement,

**AN ORDINANCE.****No. 56 of 1931.**

Assented to in His Majesty's name this twenty-third day of December, 1931.

J. BYRNE,  
*Governor.*

Date of assent.

[23RD DECEMBER, 1931.]

**An Ordinance to Impose a Tax on Admission to Entertainments.**

Date of commencement.

*1st January, 1932.*

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows :—

Short title.

1. This Ordinance may be cited as " the Entertainments Tax Ordinance, 1931."

Interpretation.

2. In this Ordinance—  
" entertainment " means any exhibition, performance, dance, amusement, game or sport to which persons are admitted for payment ; and " admission to an entertainment " includes admission to any place in which the entertainment is held ;

" admission " means admission as a spectator or one of an audience ; and " payment for admission " includes any payment made by a person who having been admitted to one part of a place of entertainment is subsequently admitted to another part thereof for admission to which a payment involving tax or more tax is required : provided that every person who pays for admission to a dance shall be deemed to have been admitted as a spectator.

" proprietor " includes any person or body of persons responsible for the management thereof.

Tax on payments for admission to entertainments.

3. There shall as from the first day of January, 1932, be charged, levied and paid on all payments for admission to any entertainment as defined by this Ordinance a tax at the following rate :—

Where the payment, excluding the amount of the tax—	Sh.	cts.
is one shilling ... ..	0	15
exceeds one shilling and does not exceed two shillings ... ..	0	25

	Sh.	cts.
exceeds two shillings and does not exceed four shillings ... ..	0	50
exceeds four shillings and does not exceed eight shillings ... ..	1	00
exceeds eight shillings : Sh. 1 for the first eight shillings and 50 cents for each additional four shillings or part thereof.		

4. No person shall be admitted for payment to any entertainment where the payment is subject to entertainments tax except with a ticket stamped in the prescribed manner denoting that the proper entertainments tax has been paid; unless the proprietor of the entertainment has made arrangements approved by the Treasurer for furnishing returns of the payments for admission to the entertainment and has given security up to an amount and in a manner approved by the Treasurer for the payment of tax.

Mode of  
imposing tax.

5. Any proprietor who is found to have admitted any person for payment to his entertainment without complying with the provisions of the previous section commits an offence and shall be liable on conviction to a penalty not exceeding fifty pounds and in addition shall be liable to pay any tax which should have been paid.

Penalty.

6. Entertainments tax shall be calculated and paid on the number of admissions and shall be recoverable from the proprietor by the Treasurer as a civil debt.

Mode of  
collection.

7. Where payment for admission to an entertainment is made by means of a lump sum paid as a subscription or contribution to any club, association or society or for a season ticket or for the right of admission to a series of entertainments or to any entertainment during a certain period of time the entertainments tax shall be paid on the amount of the lump sum, but where the Treasurer is of opinion that the payment of a lump sum or any payment for a ticket represents payment for other privileges, rights or purposes besides the admission to an entertainment, or covers admission to an entertainment during any period for which the tax has not been in operation, the tax shall be charged on such an amount as

Subscription  
and season  
tickets.

appears to the Treasurer to represent the right of admission to entertainments in respect of which entertainments tax is payable.

Exemption  
of certain  
forms of  
entertain-  
ments.

8. Entertainments tax shall not be charged on payments for admission to any entertainment where the Treasurer is satisfied—

- (a) that the whole of the takings are devoted to philanthropic or charitable purposes without any charge on the takings for any expenses of the entertainment; or
- (b) that the entertainment is of a wholly educational character (any question as to whether an entertainment is of a wholly educational character or not shall be referred to the Director of Education, whose decision on the point shall be final); or
- (c) that the entertainment is provided for scientific purposes by a society, institution or committee not conducted or established for profit; or
- (d) that the entertainment is an agricultural, horticultural or poultry exhibition held under the auspices of a society or association approved by the Director of Agriculture; or
- (e)
  - (i) that the entertainment is provided by and on behalf of a school or other educational institution; and
  - (ii) that the school or institution is not conducted or established for profit; and
  - (iii) that the entertainment is provided solely for the purpose of promoting some object in connexion with the school or institution; and
  - (iv) that all the persons taking part as performers in the entertainment are persons who are under the age of sixteen years and who are receiving or have received instruction in the school or institution.

When the Treasurer is satisfied that the whole of the net proceeds of an entertainment are devoted to philanthropic or charitable purposes, and that the whole of the expenses of the entertainment do not exceed twenty per cent of the receipts, he shall repay to the proprietor the amount of the entertainments tax paid in respect of the entertainment.

9. (1) The Governor may make regulations for securing the payment of entertainments tax and generally for carrying the provisions of this Ordinance as to entertainments tax into effect, and in particular—

Supplemental provisions as to entertainments tax.

- (a) for the supply and use of stamps or stamped tickets or for the stamping of tickets sent to be stamped; and for securing the defacement of stamps when used; and
- (b) for the use of tickets covering the admission of more than one person and the calculation of the tax thereon, and for the payment of tax on the transfer from one part of a place of entertainment to another; and
- (c) for controlling the use of barriers or mechanical contrivances (including the prevention of the use of the same barrier or mechanical contrivance for payments of a different amount); and for securing proper records of admission by means of barriers or mechanical contrivances.

If any person acts in contravention of or fails to comply with any regulations he shall be liable in respect of each offence to a penalty not exceeding fifty pounds.

(2) Any European police officer of and above the rank of assistant inspector and any officer of the Government duly authorized by the Governor for the purpose may enter any place of entertainment while the entertainment is proceeding, and any place ordinarily used as a place of entertainment at any reasonable times, with a view to seeing whether the provisions of this Ordinance or any regulations made thereunder as to entertainments tax are being complied with.

(3) If any person prevents or obstructs the entry of any officer so authorized he shall be liable on summary conviction to a fine not exceeding twenty pounds.

10. This Ordinance shall remain in force until the 31st day of December, 1932, and shall then expire :

Provided that the Governor may, by proclamation, with the approval of the Legislative Council declare that this Ordinance shall remain in force until a date to be fixed in such proclamation.

## AN ORDINANCE.

### No. 57 of 1931.

Assented to in His Majesty's name this eighteenth day of December, 1931.

J. BYRNE,  
*Governor.*

[18TH DECEMBER, 1931.] Date of assent.

### An Ordinance to Impose a Levy on Official Salaries.

*1st January, 1932.*

Date of commencement.

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as "the Levy on Official Salaries Ordinance, 1931," and shall come into operation on the first day of January, 1932.

Short title and commencement.

2. In this Ordinance—

Interpretation.

"salary" means the salary paid to an officer in respect of services rendered after the 31st day of December, 1931, whether such officer is in the Colony or on leave in or from the Colony and includes duty allowance, personal allowance, and acting allowance, but does not include any other allowance paid to an officer;

"chargeable salary" means salary after allowing the deduction prescribed in section 3 of this Ordinance;

"personal allowance" means a special addition to salary granted personally for the time being to an officer;

"acting allowance" means the allowance paid in accordance with the regulations to an officer while he is acting in a senior office;

"duty allowance" means an allowance paid to an officer in respect of specified duties by the authority which pays his substantive salary;

"High Commissioner for Transport" means the High Commissioner for Transport established under the Kenya and Uganda (Transport) Orders in Council, 1925 and 1927;

“ public service ” means the service of the Government of Kenya and includes service in the Colony with the Northern Brigade of the King’s African Rifles, with the Governors’ Conference Establishment or in the Joint East African Meteorological Service ;

No. 19 of 1928. “ provident fund ” means any provident fund established under the Local Government (Municipalities) Ordinance, 1928.

“ local authority ” means a local authority established under any Ordinance ;

Cap. 34.  
No. 20 of 1927. “ Widows’ and Orphans’ Pensions Scheme ” means the schemes established under the Widows’ and Orphans’ Pensions Ordinance and the Asiatic Widows’ and Orphans’ Pensions Ordinance, 1927, and includes any approved scheme as defined in the former.

Deductions  
allowed.

3. In ascertaining the chargeable salary of an officer, there shall be allowed a deduction of the amount which such officer contributes to the Widows’ and Orphans’ Pensions Scheme or of his compulsory deposits to a provident fund, or if he is not a contributor to the Widows’ and Orphans’ Pensions Scheme the amount of the premium which he pays on a life policy provided such premium does not exceed the amount which the officer would contribute if he were a contributor to the Widows’ and Orphans’ Pensions Scheme.

Power to  
impose a levy  
on official  
salaries.

4. (1) It shall be lawful for the Governor in Council by order to impose a levy at a rate to be specified in such order on the chargeable salary of every officer in the public service and to exempt from the levy any class of persons or any person who in the opinion of the Governor in Council would suffer undue hardship by reason of the imposition of the levy.

(2) It shall be lawful for the Governor in Council at the request of a local authority by order to impose a levy at a rate to be specified in such order on the salary of any officer of such local authority : provided that no such levy shall be imposed under this sub-section unless a levy under sub-section (1) of this section is in force and no levy under this sub-section shall be imposed at a rate higher than the rate of levy for the time being in force under sub-section (1) of this section :

Provided that no levy may be imposed under this section at a rate higher than twenty per centum of the chargeable salary of any officer.

5. Whenever an order under section 4 of this Ordinance has been made it shall be lawful for the Treasurer and his agents at the time of payment to deduct from the salary of each officer in the public service the amount of levy payable by such officer in respect of the period for which chargeable salary is then due and payable.

Treasurer may deduct levy from salaries.

6. When a levy is imposed under sub-section (2) of section 4 of this Ordinance the powers conferred on the Treasurer by section 5 of this Ordinance shall be exercisable by the treasurer or other authorized officer of the local authority.

Authorized officers of local authorities may deduct levy from salary.

7. (1) The proceeds of the levy on officers in the public service shall form part of the general revenue of the Colony.

Levy to form part of general revenues.

(2) The proceeds of the levy on officers of a local authority shall form part of the revenue of such local authority.

8. The provisions of this Ordinance shall not apply to—

Exemptions.

(a) the official emoluments of the officer administering the Government;

(b) the salary of any servant of the High Commissioner for Transport;

(c) reduce the salary of any officer to less than two pounds per month.

9. This Ordinance shall continue in force until the thirty-first day of December, 1932, and shall then expire:

Duration of Ordinance.

Provided that the Governor may, by proclamation, with the approval of the Legislative Council and of the Secretary of State declare that this Ordinance shall remain in force until a date to be fixed in such proclamation.

## AN ORDINANCE.

**No. 58 of 1931.**

Assented to in His Majesty's name this eighteenth day of December, 1931.

J. BYRNE,  
*Governor.*

Date of assent. :

[18TH DECEMBER, 1931.]

### An Ordinance to Enable a Levy to be Imposed on the Salaries of Officers in the Service of the Kenya and Uganda Railways and Harbours.

Date of commencement.

*1st January, 1932.*

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows :—

Short title and commencement.

**1.** This Ordinance may be cited as “ the Levy on Salaries (Transport Services) Ordinance, 1931,” and shall come into operation on the first day of January, 1932.

Interpretation.

**2.** In this Ordinance—

“ salary ” means the salary paid to a servant of the High Commissioner in respect of services rendered after the 31st day of December, 1931, whether such servant is in the Colony or on leave of absence in or from the Colony and includes duty allowance, personal allowance, mileage allowance, stabling allowance, Sunday and holiday allowance, acting allowance and overtime but does not include any other allowance paid to a servant of the High Commissioner ;

“ chargeable salary ” means salary after allowing the deduction prescribed in section 3 of this Ordinance ;

“ personal allowance ” means a special addition to salary granted personally for the time being to a servant of the High Commissioner ;

“ acting allowance ” means the allowance paid in accordance with the regulations to a servant of the High Commissioner while he is acting in a senior office ;

“ duty allowance ” means an allowance paid to a servant of the High Commissioner in respect of specified duties by the authority which pays his substantive salary ;

“ mileage allowance ” means an allowance paid to servants of the High Commissioner as provided for in the Regulations ;

“ stabling allowance ” means an allowance paid to servants of the High Commissioner as provided for in the Regulations ;

“ overtime ” means an allowance paid to servants of the High Commissioner in accordance with the Regulations for performing duties in excess of prescribed hours of work ;

“ Sunday and holiday allowance ” means an allowance paid in accordance with the Regulations to servants of the High Commissioner for performing duties on Sundays and gazetted holidays ;

“ High Commissioner ” means the High Commissioner for Transport established under the Kenya and Uganda (Transport) Orders in Council, 1925 and 1927 ;

“ Provident Fund ” means the fund established under the State Railway Provident Fund Ordinance ;

*Cap. 35.*

“ servant of the High Commissioner ” has the meaning assigned to that term in the Kenya and Uganda (Transport) Orders in Council, 1925 and 1927 ;

“ Chief Accountant ” means the person for the time being acting as Chief Accountant of the Kenya and Uganda Railways and Harbours Administration ;

“ Widows' and Orphans' Pensions Scheme ” means the scheme established under the Widows' and Orphans' Pensions Ordinance and includes any approved scheme as defined in the said Ordinance.

*Cap. 34.*

**3.** In ascertaining the chargeable salary of a servant of the High Commissioner, there shall be allowed a deduction of the amount which such servant contributes to the Widows' and Orphans' Pensions Scheme or of his compulsory deposits to the Provident Fund, or if he is not a contributor to the Widows' and Orphans' Pensions Scheme or to the Provident Fund the amount of the premium which he pays on a life policy provided such premium does not exceed the amount which the officer would contribute if he were a contributor to the Widows' and Orphans' Pensions Scheme or to the Provident Fund.

*Deductions allowed.*

**4.** It shall be lawful for the Governor in Council, at the request of the High Commissioner, by order to impose a levy at a rate to be specified in such order on the chargeable salary of every servant of the High Commissioner, and from time to

*Power to impose levy on salaries.*

time to vary the rate of such levy or to suspend it for any specified month or months, and to exempt from the levy any person or class of persons.

Provided that no levy may be imposed under this section at a rate higher than twenty per centum of the chargeable salary of any servant of the High Commissioner.

Chief  
Accountant  
may deduct  
levy from  
salary.

5. Whenever an order under section 4 of this Ordinance has been made it shall be lawful for the Chief Accountant and his agents at the time of payment to deduct from the salary of each servant of the High Commissioner the amount of levy payable by such servant in respect of the period for which chargeable salary is then due and payable.

Levy to  
form part of  
Railway and  
Harbours  
Fund.

6. The proceeds of the levy shall form part of the Railways and Harbours Fund.

Exemptions.

7. The provisions of this Ordinance shall not apply to—

- (a) the official emoluments of the High Commissioner;
- (b) reduce the salary of any servant to less than two pounds per month.

Duration of  
Ordinance.

8. This Ordinance shall continue in force until the thirty-first day of December, 1932, and shall then expire :

Provided that the Governor may, by proclamation, with the approval of the Legislative Council and of the Secretary of State declare that this Ordinance shall remain in force until a date to be fixed in such proclamation.

# Schedule of Repeals and Amendments to the Laws of Kenya (Revised Edition) and to Ordinances enacted thereafter up to and including the 11th February, 1931.

ORDINANCE: REVISED EDITION.	HOW DEALT WITH.
<i>Cap.</i> 1	S.2 (24a) added by No. 30 of 1926; s.2 (36) repealed and replaced by No. 30 of 1926; s.2 (40) and (41) repealed and replaced by No. 16 of 1930; s.25 repealed by No. 16 of 1930.
5	S.2 amended by No. 2 of 1930; S. 7A added by No. 2 of 1930.
7	Repealed by No. 11 of 1930.
10	S.5 added by No. 7 of 1929.
11	S.1A added by No. 9 of 1928; <i>see also</i> s.3 of No. 9 of 1928.
12	S.3, s.4 and s.9 amended by No. 21 of 1929.
13	Repealed by No. 7 of 1926.
15	Repealed by No. 7 of 1926.
18	S.22 and Schedule III added by No. 7 of 1926.
19	S. 2, s.3 and Schedule I repealed and replaced by No. 24 of 1926.
22	Repealed by No. 24 of 1930.
24	S.3, s.6 and s.9 repealed and replaced by No. 7 of 1926; s.11A added by No. 7 of 1926; s.16 and Schedule I amended by No. 7 of 1926.
29	Repealed by No. 2 of 1928.
31	Title and s.3 (1) amended by No. 12 of 1926.
34	S.3 (2) and s.4 (1) (6) repealed and replaced by No. 7 of 1926; s.4 (1) amended by No. 7 of 1926; s.5 (1) repealed and replaced by No. 3 of 1927; s.10 (4) (c) added by No. 29 of 1928; s.21 amended by No. 7 of 1926; s.21 (2) added by No. 4 of 1930; s.27 repealed and replaced by No. 3 of 1927; further amended by No. 23 of 1927; further amended by No. 4 of 1930; s.28 (1) repealed and replaced by No. 3 of 1927; further amended by No. 23 of 1927; Law extended by No. 13 of 1925.
35	S.4(a) amended by No. 17 of 1926; s.5 repealed and replaced by No. 17 of 1926.
36	Repealed by No. 64 of 1930.*
37	Repealed by No. 37 of 1930.
38	Repealed by No. 64 of 1930.*
39	S.2, s.5 (1), s.6 and s.9 amended by No. 7 of 1926.
40	Repealed by No. 31 of 1930.
46	Amended by No. 6 of 1928.
48	Repealed by No. 22 of 1927.
50	Repealed by No. 1 of 1930.
52	S.2 amended by No. 4 of 1929; s.4 amended by No. 7 of 1926; s.5, s.6, s.8, s.13, s.13 (3) and s.13 (5) amended by No. 4 of 1929.
53	Repealed by No. 13 of 1926.
54	S.3 repealed and replaced by No. 27 of 1928; Law extended by No. 57 of 1930.*

\*Repealing Ordinance not yet brought into operation as at 11th February, 1931.

SCHEDULE OF REPEALS, ETC.—(Contd.).

ORDINANCE : REVISED EDITION.	HOW DEALT WITH.
Cap. 57	S.2 (2) (19) and (22) repealed and replaced by No. 13 of 1927; s.3 (1) amended by No. 13 of 1927; s.8 (A) added by No. 13 of 1927; s.16 amended by No. 13 of 1927; s.16 (A) added by No. 13 of 1927; s.17, s.26, s.34 (3) and s.37 amended by No. 13 of 1927; s.38 repealed by No. 13 of 1927; s.42 (1), s.43, s.52 (1) and s.57 amended by No. 13 of 1927; s.63 (2) and s.67 repealed and replaced by No. 13 of 1927; s.68 proviso added by No. 13 of 1927; s.69 repealed and replaced by No. 13 of 1927; Schedule amended by No. 13 of 1927; Schedule II added by No. 13 of 1927.
59	S.5 repealed and replaced by No. 23 of 1929.
60	S.2 repealed and replaced by No. 2 of 1927; s.6 added by No. 7 of 1926; Schedule added by No. 2 of 1927.
62	S.4 (b), (d) and (f) amended by No. 20 of 1930; s.5 (f) repealed and replaced by No. 23 of 1928; s.5 (H) repealed and replaced by No. 20 of 1930; s.6 amended by No. 20 of 1930; further amended by No. 44 of 1930; s.8, s.9 (2) and s.11 repealed and replaced by No. 20 of 1930; s.11 (a) added by No. 20 of 1930; s.12, s.16 and s.19 amended by No. 20 of 1930; s.16 further amended by No. 44 of 1930; s.21 (a), (b) and s.37 repealed and replaced by No. 20 of 1930; s.40 repealed and replaced by No. 23 of 1928; Schedules A, B and C repealed and replaced by No. 20 of 1930.
63	S.2 (d) added by No. 7 of 1926; s.4 and s.6 repealed and replaced by No. 21 of 1930; s.9 repealed by No. 21 of 1930; s.10 and s.11 amended by No. 21 of 1930.
65	Repealed by No. 10 of 1930.
68	Repealed by No. 26 of 1928.
69	Repealed by No. 17 of 1928.
70	Repealed by No. 7 of 1926.
71	S.2 (3) repealed and replaced by No. 7 of 1926; s.3 amended by No. 7 of 1926; s.4 (2), s.9 (14) and s.10 (14) added by No. 7 of 1926; s.24 (1) and s.44 amended by No. 7 of 1926; Schedule amended by No. 7 of 1926; Law extended by No. 52 of 1930.
73	S.2 amended by No. 8 of 1929; s.2A added by No. 8 of 1929; s.6 amended by No. 8 of 1929.
77	Repealed by No. 53 of 1930.
78	Repealed by No. 10 of 1930.
79	Law extended by No. 10 of 1928.
80	Repealed by No. 7 of 1926.
81	Repealed by No. 7 of 1926.
82	Repealed by No. 63 of 1930.*
83	Repealed by No. 63 of 1930.*
84	Repealed by No. 19 of 1928.
85	S.13 (2) proviso added by No. 11 of 1926; s.13 (7) added by No. 14 of 1927; s.18 (E) repealed and replaced by No. 11 of 1926; Law extended by No. 14 of 1927.
86	Repealed by No. 20 of 1928.

\*Repealing Ordinance not yet brought into operation as at  
11th February, 1931.

## SCHEDULE OF REPEALS, ETC.—(Contd.).

ORDINANCE : REVISED EDITION.	HOW DEALT WITH.
<i>Cap.</i>	
87	Repealed by No. 25 of 1926.
88	S.4 and s.6 repealed and replaced by No. 7 of 1926; s.8 (2), s.18, s.19, s.20, s.21, s.22, s.23 and s.24 added by No. 7 of 1926.
89	Repealed by No. 35 of 1930.*
92	S.5 (1) amended by No. 7 of 1926.
93	S.292 repealed and replaced by No. 4 of 1927.
94	S.2, s.32 and s.33 amended by No. 5 of 1927; s.35 repealed by No. 5 of 1927; s.38 (1) and 39 (1) amended by No. 5 of 1927; s.40 repealed by No. 5 of 1927.
96	S.3 amended by No. 17 of 1929; s.19 repealed and replaced by No. 17 of 1929; s.28 and s.29 amended by No. 17 of 1929; s.33, s.34 and s.51 repealed and replaced by No. 17 of 1929; Schedule B and Schedule F repealed and replaced by No. 17 of 1929; Law extended by No. 17 of 1929.
98	S.10A added by No. 7 of 1926.
104	Repealed by No. 56 of 1930.
107	Repealed by No. 33 of 1928.
113	S.3 (4), s.6 and s.7 amended by No. 7 of 1926; s.8 repealed and replaced by No.7 of 1926; s.9 and s.10 repealed by No. 7 of 1926; s.11, s.12, s.13 (1), s.14 (1) amended by No. 7 of 1926; s.14 (3) and s.15 repealed and replaced by No. 7 of 1926; s.16 amended by No. 7 of 1926; s.17 repealed and replaced by No. 7 of 1926; s.18 amended by No. 7 of 1926; s.19 repealed and replaced by No. 7 of 1926; Schedule repealed and replaced.
115	Repealed by No. 15 of 1927.
116	Repealed by No. 59 of 1930.
118	S.2 amended by No. 24 of 1927, further amended by No. 14 of 1930; s.6 (1) amended by No. 7 of 1926, further amended by No. 24 of 1927.
120	S.8 and s.11 repealed and replaced by No. 3 of 1928; s.12 repealed by No. 3 of 1928; s.13 amended by No. 3 of 1928; Schedule B repealed and replaced by No. 3 of 1928; Schedule C repealed by No. 3 of 1928; Schedule D and Schedule G amended by No. 3 of 1928.
121	S.2 amended by No. 10 of 1926; s.12 (1) amended by No. 2 of 1929; Law extended by No. 10 of 1926; further extended by No. 2 of 1929.
124	S.3 amended by No. 22 of 1928; s.9 repealed and replaced by No. 22 of 1928.
125	Repealed by No. 32 of 1928.
129	S.2 (1) and s.8 amended by No. 16 of 1928; s.10 repealed and replaced by No. 16 of 1928; s.11 amended by No. 16 of 1928; s.13 amended by No. 7 of 1926; s.20, s.21, s.22, s.23, s.24, s.25, s.26, s.27, s.28, s.29, s.30, s.31 and s.32 added by No. 7 of 1926; s.26 (3) and s.30 as added, repealed and replaced by No. 16. of 1928; Law extended by No. 29 of 1930.
131	S.10 added by No. 7 of 1926.

\*Repealing Ordinance not yet brought into operation as at 11th February, 1931.

## SCHEDULE OF REPEALS, ETC.—(Contd.).

ORDINANCE : REVISED EDITION.	HOW DEALT WITH.
<i>Cap.</i>	
132	Repealed by No. 7 of 1926.
133	Repealed by No. 36 of 1930.
134	Law extended by No. 8 of 1930.
137	S.3 amended by No. 38 of 1929; Law extended by No. 38 of 1929.
139	S.2 amended by No. 7 of 1926; s.3A and 6A added by No. 7 of 1926; s.18, s.41 and s.48 (5) amended by No. 7 of 1926; s.68 (6) (a) repealed and replaced by No. 7 of 1926; s.47 <i>see</i> No. 21 of 1927.
140	Part VI repealed by No. 9 of 1930; Law extended by No. 9 of 1930.
142	S.1 amended by No. 29 of 1929; Law extended by No. 29 of 1929.
143	S.59 amended by No. 27 of 1927.
147	S.8 repealed and replaced by No. 60 of 1930; s.9 and s.10 and Form D of the Schedule amended by No. 60 of 1930.
148	Repealed by No. 7 of 1926.
150	Repealed by No. 28 of 1930.
153	S.7 repealed and replaced by No. 7 of 1926; s.8, s.9 and s.10 repealed by No. 7 of 1926; s.16 amended by No. 7 of 1926.
157	S.3 (1) amended by No. 61 of 1930.
158	Repealed by No. 32 of 1929.
161	S.2 amended by No. 25 of 1928; s.4 repealed and replaced by No. 25 of 1928; s.5 amended by No. 25 of 1928; s.8A added by No. 25 of 1928; s.10 repealed by No. 25 of 1928; s.12 repealed and replaced by No. 7 of 1926; s.17 and s.19 amended by No. 25 of 1928; s.23 repealed by No. 25 of 1928; s.25 repealed and replaced by No. 25 of 1928; s.26A added by No. 25 of 1928; s.27, s.28 (2) (4) and s.31 repealed and replaced by No. 25 of 1928; s.33 amended by No. 7 of 1926; s.34 amended by No. 25 of 1928; s.35A and s.35B added by No. 25 of 1928; s.44 amended by No. 25 of 1928; s.46 added by No. 25 of 1928; Part B, Schedule I, Part A, Schedule II, and Schedule III amended by No. 25 of 1928.
162	Repealed by No. 8 of 1926.
163	S.5 and s.6 repealed by No. 24 of 1928.
165	S.2, s.17 (1), s.32 (1) and s.42 amended by No. 7 of 1926; s.19 amended by No. 19 of 1930; s.137 repealed by No. 7 of 1926; s.39 repealed and replaced by No. 19 of 1930; s.44 amended by No. 19 of 1930.
167	S.33 repealed and replaced by No. 6 of 1927; Form F of Schedule I repealed and replaced by No. 6 of 1927.
170	S.2 repealed and replaced by No. 7 of 1926, s.3 amended by No. 7 of 1926; s.5 (2) repealed and replaced by No. 7 of 1926, s.13 (1) (a) and 21 amended by No. 7 of 1926.
171	S.3 (2) amended by No. 21 of 1926.
173	Repealed by No. 28 of 1928.
174	Repealed by No. 28 of 1928.
175	Repealed by No. 28 of 1928.
188	Expired, <i>see</i> s.9.

## SCHEDULE OF REPEALS, ETC.—(Contd.).

ORDINANCE : YEAR AND NUMBER.	HOW DEALT WITH.
<b>1924</b>	
1	Repealed by No. 7 of 1926.
2	Not assented to.
3	S.2, s.11, s.25 and s.58 amended by No. 29 of 1925; s.80 repealed by No. 29 of 1925; s.81 amended by No. 29 of 1925; s.82 repealed by No. 29 of 1925.
4	Repealed by No. 7 of 1926.
6	Repealed by No. 7 of 1926.
7	Disallowed; Government Notice No. 286 of 1924.
8	Repealed by No. 7 of 1926.
12	Repealed by No. 7 of 1926.
13	Repealed by No. 7 of 1926.
14	Repealed by No. 7 of 1926.
15	Repealed by No. 7 of 1926.
17	Repealed by No. 2 of 1931.
18	Repealed by No. 7 of 1926 (repealed as amended by No. 4 of 1925).
20	Repealed by No. 7 of 1926.
21	Repealed by No. 13 of 1926.
22	Repealed by No. 7 of 1926.
23	Repealed by No. 7 of 1926.
24	Repealed by No. 7 of 1926.
25	Schedule repealed and replaced by No. 19 of 1926; further amended by No. 25 of 1927.
27	Repealed by No. 7 of 1926.
30	Repealed by No. 7 of 1926.
31	Repealed by No. 7 of 1926.
32	Repealed by No. 7 of 1926.
<b>1925</b>	
1	Repealed by No. 7 of 1926.
2	Repealed by No. 7 of 1926.
3	Repealed by No. 1 of 1931.
4	Repealed by No. 7 of 1926.
6	Repealed by No. 7 of 1926.
7	S.4 and s.5 amended by No. 3 of 1930; Proviso to s.11 (1) repealed and replaced by No. 14 of 1928.
8	S.12 amended by No. 26 of 1927; s.22 repealed and replaced by No. 4 of 1926; s.31 repealed by No. 4 of 1926.
9	Repealed by No. 7 of 1926.
10	Repealed by No. 7 of 1926.
11	Repealed by No. 7 of 1926.
12	Repealed by No. 7 of 1926.
14	Repealed by No. 1 of 1931.
15	Repealed by No. 7 of 1926.
17	Repealed by No. 7 of 1926.
18	Repealed by No. 7 of 1926.
19	Repealed by No. 7 of 1926.
20	Repealed by No. 7 of 1926.
22	Repealed by No. 7 of 1926.

## SCHEDULE OF REPEALS, ETC.—(Contd.).

ORDINANCE: YEAR AND NUMBER.	HOW DEALT WITH.
<b>1925</b>	—(Contd.)
24	S.19 added by No. 40 of 1930; s.9 amended by No. 40 of 1930; item 2 in Schedule II deleted by No. 40 of 1930.
25	S.5 as amended by No. 6 of 1926 repealed and replaced by No. 18 of 1930; s.6 and s.7 repealed and replaced by No. 18 of 1930; s.13 repealed by No. 18 of 1930; Schedule repealed by No. 18 of 1930; Law extended by No. 6 of 1926 and No. 18 of 1930.
20	Repealed by No. 7 of 1926.
27	Repealed by No. 7 of 1926.
28	Repealed by No. 7 of 1926.
30	Schedule repealed and replaced by No. 8 of 1927; further amended by No. 28 of 1927.
<b>1926</b>	
1	Repealed by No. 32 of 1930.
5	Repealed by No. 7 of 1926.
7	Repealed by No. 37 of 1930.
14	Repealed by No. 11 of 1930.
15	Repealed by No. 10 of 1930.
19	S.1A added by No. 25 of 1927.
20	Repealed by No. 1 of 1931.
22	Repealed by No. 9 of 1930.
23	Repealed by No. 63 of 1930.*
31	Repealed by No. 11 of 1930.
<b>1927</b>	
1	Effect of repeal by No. 27 of 1928.
8	S.1A added by No. 28 of 1927.
9	Repealed by No. 1 of 1930.
11	S.7 amended by No. 27 of 1929; s.9 and s.11 repealed and replaced by No. 27 of 1929; s.13 amended by No. 27 of 1929; Schedule repealed and replaced by Government Notice No. 192 of 1930.
19	Repealed by No. 36 of 1930.
20	S.2 (1) amended by No. 30 of 1928; s.6A added by No. 30 of 1928; s.34 repealed and replaced by No. 30 of 1928.
22	S.4 repealed and replaced by No. 3 of 1929.
23	Repealed by No. 63 of 1930.
<b>1928</b>	
1	Repealed by No. 58 of 1930.*
2	S.2 amended by No. 6 of 1929; s.3A and s.16A added by No. 6 of 1929; s.17 (1) amended by No. 6 of 1929; s.18 (2) and s.22 repealed and replaced by No. 6 of 1929.
11	Repealed by No. 37 of 1929.
12	S.4 and s.23 (2) repealed and replaced by No. 17 of 1930.
15	Repealed by No. 11 of 1930.
18	Repealed by No. 36 of 1930.
19	S.5 and s.9 amended by No. 15 of 1929; s.13 (2) repealed by No. 15 of 1929; s.15 and s.115 amended by No. 15 of 1929; s.52 (10A) added by No. 50 of 1930.

\*Repealing Ordinance not yet brought into operation as at 11th February, 1931.

## SCHEDULE OF REPEALS, ETC.—(Contd.).

ORDINANCE: YEAR AND NUMBER.	HOW DEALT WITH.
<b>1928</b>	—(Contd.)
20	Law extended by No. 24 of 1929 and further extended by No. 25 of 1930; s.5 and s.25 amended by No. 13 of 1930; Law extended by No. 13 of 1930.
21	S.6 (1) (a) amended by No. 16 of 1929; s.6 (1) (c) and s.13 repealed and replaced by No. 7 of 1930; s.17 amended by No. 16 of 1929; s.26 amended by No. 7 of 1930; s.31 (1) repealed and replaced by No. 16 of 1929; s.32 amended by No. 16 of 1929; s.60 and s.61 amended by No. 7 of 1930; Law extended by No. 7 of 1930.
24	S.10 repealed and replaced by No. 27 of 1930.
26	S.13 (a) amended by No. 62 of 1930; s.19, s.22, s.28 and s.29 amended by No. 62 of 1930; s.28A and s.28B added by No. 62 of 1930; s.41, s.48 (1) and the Schedule amended by No. 62 of 1928.
31	Repealed by No. 21 of 1929.
32	S.6 and s.12 amended by No. 47 of 1930.
33	S.40 repealed by No. 5 of 1930; s.49 amended by No. 5 of 1930.
<b>1929</b>	
1	Expired 31st December, 1929, <i>see</i> s.15.
5	S.4 repealed by No. 9 of 1930.
13	A section added by No. 26 of 1930.
26	Repealed by No. 58 of 1930.*
<b>1930</b>	
10	S.115A added by No. 45 of 1930; s.123 amended by No. 45 of 1930; s.146A, s.146B, s.208A, s.267A and s.294a added by No. 45 of 1930.
11	S.118 (1) and s.118 (2) repealed and replaced by No. 46 of 1930; s.121, s.184, s.185, s.190 and s.193 amended by No. 46 of 1930; s.196a added by No. 46 of 1930; s.277, s.344 and Schedule I amended by No. 46 of 1930.
24	Law extended by No. 41 of 1930.

\*Repealing Ordinance not yet brought into operation as at 11th February, 1931.

# Schedule of Repeals and Amendments to the Laws of Kenya (Revised Edition) and to Ordinances enacted thereafter up to and including the 11th February, 1931.

ORDINANCE: REVISED EDITION.	HOW DEALT WITH.
<i>Cap.</i> 1	S.2 (24a) added by No. 30 of 1926; s.2 (36) repealed and replaced by No. 30 of 1926; s.2 (40) and (41) repealed and replaced by No. 16 of 1930; s.25 repealed by No. 16 of 1930; Law extended by No. 30 of 1926 and No. 16 of 1930.
5	S.2 amended by No. 2 of 1930; S. 7A added by No. 2 of 1930.
7	Repealed by No. 11 of 1930.
10	S.5 added by No. 7 of 1929.
11	S.1A added by No. 9 of 1928; <i>see</i> also s.3 of No. 9 of 1928.
12	S.3, s.4 and s.9 amended by No. 21 of 1929.
13	Repealed by No. 7 of 1926.
15	Repealed by No. 7 of 1926.
18	S.22 and Schedule III added by No. 7 of 1926; s.22 amended by No. 34 of 1930.
19	S. 2, s.3 and Schedule I repealed and replaced by No. 24 of 1926.
22	Repealed by No. 24 of 1930.
24	S.3, s.6 and s.9 repealed and replaced by No. 7 of 1926; s.11A added by No. 7 of 1926; s.16 and Schedule I amended by No. 7 of 1926.
29	Repealed by No. 2 of 1928.
31	Title and s.3 (1) amended by No. 12 of 1926.
34	S.2 amended by No. 29 of 1928; s.3 (2) and s.4 (1) (b) repealed and replaced by No. 7 of 1926; s.4 (1) amended by No. 7 of 1926; s.5 (1) repealed and replaced by No. 3 of 1927; s.10 4 (c) added by No. 29 of 1928; s.21 amended by No. 7 of 1926; s.21 (2) added by No. 4 of 1930; s.27 repealed and replaced by No. 3 of 1927; further amended by No. 23 of 1927; further amended by No. 4 of 1930; s.28 (1) repealed and replaced by No. 3 of 1927; further amended by No. 23 of 1927; Law extended by No. 13 of 1925.
35	S.4(a) amended by No. 17 of 1926; s.5 repealed and replaced by No. 17 of 1926; Law extended by No. 17 of 1926.
36	Repealed by No. 64 of 1930.*
37	Repealed by No. 37 of 1930.
38	Repealed by No. 64 of 1930.*
39	S.2, s.5 (1), s.6 and s.9 amended by No. 7 of 1926.
40	Repealed by No. 31 of 1930.
46	Amended by No. 6 of 1928; Law extended by No. 6 of 1928.
48	Repealed by No. 22 of 1927.
50	Repealed by No. 1 of 1930.
52	S.2 amended by No. 4 of 1929; s.4 amended by No. 7 of 1926; s.5, s.6, s.8 and s.13 amended by No. 4 of 1929.
53	Repealed by No. 13 of 1926.

\*Repealing Ordinance not yet brought into operation as at 11th February, 1931.

## SCHEDULE OF REPEALS, ETC —(Contd.).

ORDINANCE: REVISED EDITION.	HOW DEALT WITH.
Cap. 54	S.3 repealed and replaced by No. 27 of 1928; Law extended by No. 57 of 1930.*
50	Repealed by No. 51 of 1930.
57	S.2 (2) (19) and (22) repealed and replaced by No. 13 of 1927; s.3 (1) amended by No. 13 of 1927; s.8 (A) added by No. 13 of 1927; s.16 amended by No. 13 of 1927; s.16 (A) added by No. 13 of 1927; s.17, s.26, s.34 (3) and s.37 amended by No. 13 of 1927; s.38 repealed by No. 13 of 1927; s.42 (1), s.43, s.52 (1) and s.57 amended by No. 13 of 1927; s.63 (2) and s.67 repealed and replaced by No. 13 of 1927; s.68 proviso added by No. 13 of 1927; s.69 repealed and replaced by No. 13 of 1927; Schedule amended by No. 13 of 1927; Schedule II added by No. 13 of 1927.
59	S.5 repealed and replaced by No. 23 of 1929.
60	S.2 repealed and replaced by No. 2 of 1927; s.6 added by No. 7 of 1926; Schedule added by No. 2 of 1927.
62	S.4 (b), (d) and (f) amended by No. 20 of 1930; s.5 (f) repealed and replaced by No. 23 of 1928; s.5 (H) repealed and replaced by No. 20 of 1930; s.6 amended by No. 20 of 1930; further amended by No. 44 of 1930; s.8, s.9 (2) and s.11 repealed and replaced by No. 20 of 1930; s.11 (a) added by No. 20 of 1930; s.12, s.16 and s.19 amended by No. 20 of 1930; s.16 further amended by No. 44 of 1930; s.19 amended by No. 20 of 1930; s.21 (a), (b) and s.37 repealed and replaced by No. 20 of 1930; s.40 repealed and replaced by No. 23 of 1928; Schedules A, B and C repealed and replaced by No. 20 of 1930.
63	S.2 (d) added by No. 7 of 1926; s.4 and s.6 repealed and replaced by No. 21 of 1930; s.9 repealed by No. 21 of 1930; s.10 and s.11 amended by No. 21 of 1930.
65	Repealed by No. 10 of 1930.
68	Repealed by No. 26 of 1928.
69	Repealed by No. 17 of 1928.
70	Repealed by No. 7 of 1926.
71	S.2 (3) repealed and replaced by No. 7 of 1926; s.3 amended by No. 7 of 1926; s.4 (2), s.9 (14) and s.10 (14) added by No. 7 of 1926; s.24 (1) and s.44 amended by No. 7 of 1926; Schedule amended by No. 7 of 1926; Law extended by No. 52 of 1930.
73	S.2 amended by No. 8 of 1929; s.2A added by No. 8 of 1929; s.6 amended by No. 8 of 1929.
77	Repealed by No. 54 of 1930.
78	Repealed by No. 10 of 1930.
79	S.2 amended by No. 20 of 1929; Law extended by No. 10 of 1928.
80	Repealed by No. 7 of 1926.
81	Repealed by No. 7 of 1926.
82	Repealed by No. 63 of 1930.*
83	Repealed by No. 63 of 1930.*
84	Repealed by No. 19 of 1928.

\*Repealing Ordinance not yet brought into operation as at 11th February, 1931.

## SCHEDULE OF REPEALS, ETC.—(Contd.).

ORDINANCE: REVISED EDITION.	HOW DEALT WITH.
<i>Cap.</i> 85	S.13 (2) proviso added by No. 11 of 1926; s.13 (7) added by No. 14 of 1927; s.18 (E) repealed and replaced by No. 11 of 1926; Law extended by No. 14 of 1927.
86	Repealed by No. 20 of 1928.
87	Repealed by No. 25 of 1926.
88	S.4 and s.6 repealed and replaced by No. 7 of 1926; s.8 (2), s.18, s.19, s.20, s.21, s.22, s.23 and s.24 added by No. 7 of 1926.
89	Repealed by No. 35 of 1930.*
92	S.5 (1) amended by No. 7 of 1926.
93	S.292 repealed and replaced by No. 4 of 1927.
94	S.2, s.32 and s.33 amended by No. 5 of 1927; s.35 repealed by No. 5 of 1927; s.38 (1) and 39 (1) amended by No. 5 of 1927; s.40 repealed by No. 5 of 1927.
96	S.3 amended by No. 17 of 1929; s.19 repealed and replaced by No. 17 of 1929; s.28 and s.29 amended by No. 17 of 1929; s.33, s.34 and s.51 repealed and replaced by No. 17 of 1929; Schedule B and Schedule F repealed and replaced by No. 17 of 1929; Law extended by No. 17 of 1929.
98	S.10A added by No. 7 of 1926.
104	Repealed by No. 56 of 1930.
106	Repealed by No. 1 of 1926.
107	Repealed by No. 33 of 1928.
113	S.3 (4), s.6 and s.7 amended by No. 7 of 1926; s.8 repealed and replaced by No.7 of 1926; s.9 and s.10 repealed by No. 7 of 1926; s.11, s.12, s.13 (1), s.14 (1) amended by No. 7 of 1926; s.14 (3) and s.15 repealed and replaced by No. 7 of 1926; s.16 amended by No. 7 of 1926; s.17 repealed and replaced by No. 7 of 1926; s.18 amended by No. 7 of 1926; s.19 repealed and replaced by No. 7 of 1926; Schedules repealed and replaced.
115	Repealed by No. 15 of 1927.
116	Repealed by No. 59 of 1930.
118	S.2 amended by No. 24 of 1927, further amended by No. 14 of 1930; s.6 (1) amended by No. 7 of 1926, further amended by No. 24 of 1927.
120	S.8 and s.11 repealed and replaced by No. 3 of 1928; s.12 repealed by No. 3 of 1928; s.13 amended by No. 3 of 1928; Schedule B repealed and replaced by No. 3 of 1928; Schedule C repealed by No. 3 of 1928; Schedule D and Schedule G amended by No. 3 of 1928.
121	S.2 amended by No. 10 of 1926; s.12 (1) amended by No. 2 of 1929; Law extended by No. 10 of 1926; further extended by No. 2 of 1929.
124	S.3 amended by No. 22 of 1928; s.9 repealed and replaced by No. 22 of 1928.
125	Repealed by No. 32 of 1928.

\*Repealing Ordinance not yet brought into operation as at 11th February, 1931.

## SCHEDULE OF REPEALS, ETC.—(Contd.).

ORDINANCE: REVISED EDITION.	HOW DEALT WITH.
Cap. 129	S.2 (1) and s.8 amended by No. 16 of 1928; s.10 repealed and replaced by No. 16 of 1928; s.11 amended by No. 16 of 1928; s.13 amended by No. 7 of 1926; s.20, s.21, s.22, s.23, s.24 s.25, s.26, s.27, s.28, s.29, s.30, s.31 and s.32 added by No. 7 of 1926; s.26 (3) and s.30 as added, repealed and replaced by No. 16. of 1928; Law extended by No. 29 of 1930.
131	S.10 added by No. 7 of 1926.
132	Repealed by No. 7 of 1926.
133	Repealed by No. 36 of 1930.
134	Law extended by No. 8 of 1930.
137	S.3 amended by No. 38 of 1929; Law extended by No. 38 of 1929.
139	S.2 amended by No. 7 of 1926; s.3A and 6A added by No. 7 of 1926; s.18, s.41 and s.48 (5) amended by No. 7 of 1926; s.63 (2) repealed by No. 51 of 1930; s.68 (6) (a) repealed and replaced by No. 7 of 1926; s.47 <i>see</i> No. 21 of 1927.
140	Part VI repealed by No. 9 of 1930; Law extended by No. 9 of 1930; s.145 repealed by No. 35 of 1929; Law extended by No. 5 of 1929.
142	S.1 amended by No. 29 of 1929; Law extended by No. 29 of 1929.
143	S.59 amended by No. 27 of 1927.
147	S.8 repealed and replaced by No. 60 of 1930; s.9 and s.10 and Form D of the Schedule amended by No. 60 of 1930.
148	Repealed by No. 7 of 1926.
150	Repealed by No. 28 of 1930.
153	S.7 repealed and replaced by No. 7 of 1926; s.8, s.9 and s.10 repealed by No. 7 of 1926; s.16 amended by No. 7 of 1926.
157	S.3 (1) amended by No. 61 of 1930.
158	Repealed by No. 32 of 1929.
161	S.2 amended by No. 25 of 1928; s.4 repealed and replaced by No. 25 of 1928; s.5 amended by No. 25 of 1928; s.8A added by No. 25 of 1928; s.10 repealed by No. 25 of 1928; s.12 repealed and replaced by No. 7 of 1926; s.17 and s.19 amended by No. 25 of 1928; s.23 repealed by No. 25 of 1928; s.25 repealed and replaced by No. 25 of 1928; s.26A added by No. 25 of 1928; s.27, s.28 (2) (4) and s.31 repealed and replaced by No. 25 of 1928; s.33 amended by No. 7 of 1926; s.34 amended by No. 25 of 1928; s.35A and s.35B added by No. 25 of 1928; s.44 amended by No. 25 of 1928; s.46 added by No. 25 of 1928; Part B, Schedule I, Part A, Schedule II, and Schedule III amended by No. 25 of 1928.
162	Repealed by No. 8 of 1926.
163	S.5 and s.6 repealed by No. 24 of 1928.
165	S.2, s.17 (1), s.27 (2) (d) replaced by No. 30 of 1929; proviso added to s.49 (a) (iii) by No. 30 of 1929; s.32 (1) and s.42 amended by No. 7 of 1926; s.19 amended by No. 19 of 1930; s.137 repealed by No. 7 of 1926; s. 39 repealed and replaced by No. 19 of 1930; s.44 amended by No. 19 of 1930.

\*Repealing Ordinance not yet brought into operation as at 11th February, 1931.

## SCHEDULE OF REPEALS, ETC.—(Contd.).

ORDINANCE: REVISED EDITION.	HOW DEALT WITH.
<i>Cap.</i> 167	S.33 repealed and replaced by No. 6 of 1927; Form F of Schedule I repealed and replaced by No. 6 of 1927.
169	S.10 replaced by No. 34 of 1929.
170	S.2 repealed and replaced by No. 7 of 1926, s.3 amended by No. 7 of 1926; s.5 (2) repealed and replaced by No. 7 of 1926, s.13 (1) (a) and 21 amended by No. 7 of 1926.
171	S.3 (2) amended by No. 21 of 1926.
173	Repealed by No. 28 of 1928.
174	Repealed by No. 28 of 1928.
175	Repealed by No. 28 of 1928.
185	Lapsed, <i>see</i> s.9.
<b>186</b>	Lapsed, <i>see</i> s.1.
188	Expired, <i>see</i> s.9.

\*Repealing Ordinance not yet brought into operation as at  
11th February, 1931.

## SCHEDULE OF REPEALS, ETC.—(Contd.).

ORDINANCE : YEAR AND NUMBER.	HOW DEALT WITH.
<b>1924</b>	
1	Repealed by No. 7 of 1926.
2	Not assented to.
3	S.2, s.11, s.25 replaced by No. 14 of 1929; s.40 (3) amended by No. 14 of 1929; s.87 replaced by No. 14 of 1929; s.58 amended by No. 29 of 1925; s.80 repealed by No. 29 of 1925; s.81 amended by No. 29 of 1925; s.82 repealed by No. 29 of 1925.
4	Repealed by No. 7 of 1926.
6	Repealed by No. 7 of 1926.
7	Disallowed; Government Notice No. 286 of 1924.
8	Repealed by No. 7 of 1926.
12	Repealed by No. 7 of 1926.
13	Repealed by No. 7 of 1926.
14	Repealed by No. 7 of 1926.
15	Repealed by No. 7 of 1926.
17	Repealed by No. 2 of 1931.
18	Repealed by No. 7 of 1926 (repealed as amended by No. 4 of 1925).
19	Repealed by No. 5 of 1925.
20	Repealed by No. 7 of 1926.
21	Repealed by No. 13 of 1926.
22	Repealed by No. 7 of 1926.
23	Repealed by No. 7 of 1926.
24	Repealed by No. 7 of 1926.
25	Schedule repealed and replaced by No. 19 of 1926; further amended by No. 25 of 1927.
27	Repealed by No. 7 of 1926.
30	Repealed by No. 7 of 1926.
31	Repealed by No. 7 of 1926.
32	Repealed by No. 7 of 1926.
<b>1925</b>	
1	Repealed by No. 7 of 1926.
2	Repealed by No. 7 of 1926.
3	Repealed by No. 1 of 1931.*
4	Repealed by No. 7 of 1926.
6	Repealed by No. 7 of 1926.
7	S.4 and s.5 amended by No. 3 of 1930; Proviso to s.11 (1) repealed and replaced by No. 14 of 1928.
8	S.12 amended by No. 26 of 1927; s.22 repealed and replaced by No. 4 of 1926; s.31 repealed by No. 4 of 1926.
9	Repealed by No. 7 of 1926.
10	Repealed by No. 7 of 1926.
11	Repealed by No. 7 of 1926.
12	Repealed by No. 7 of 1926.
14	Repealed by No. 1 of 1931.*
15	Repealed by No. 7 of 1926.
17	Repealed by No. 7 of 1926.
18	Repealed by No. 7 of 1926.
19	Repealed by No. 7 of 1926.

\*Repealing Ordinance not yet brought into operation as at 11th February, 1931.

## SCHEDULE OF REPEALS, ETC.—(Contd.).

ORDINANCE: YEAR AND NUMBER.	HOW DEALT WITH.
<b>1925</b>	—(Contd.)
20	Repealed by No. 7 of 1926.
22	Repealed by No. 7 of 1926.
24	S.19 added by No. 40 of 1930; s.9 amended by No. 40 of 1930; item 3 in Schedule II deleted by No. 40 of 1930.
25	S.5 as amended by No. 6 of 1926 repealed and replaced by No. 18 of 1930; s.6 and s.7 repealed and replaced by No. 18 of 1930; s.13 repealed by No. 18 of 1930; Schedule repealed by No. 18 of 1930; Law extended by No. 6 of 1926 and No. 18 of 1930.
26	Repealed by No. 7 of 1926.
27	Repealed by No. 7 of 1926.
28	Repealed by No. 7 of 1926.
29	S.4 repealed by No. 14 of 1929.
30	Schedule repealed and replaced by No. 8 of 1927; further amended by No. 28 of 1927.
<b>1926</b>	
1	Repealed by No. 32 of 1930.
5	Repealed by No. 7 of 1926.
6	S.2 repealed by No. 18 of 1930.
14	Repealed by No. 11 of 1930.
15	Repealed by No. 10 of 1930.
19	S.1A added by No. 25 of 1927.
20	Repealed by No. 1 of 1931.
22	Repealed by No. 9 of 1930.
23	Repealed by No. 63 of 1930.*
31	Repealed by No. 11 of 1930.
<b>1927</b>	
1	Effect of repeal by No. 27 of 1928.
3	S.4 amended by No. 23 of 1927.
8	S.1A added by No. 28 of 1927.
9	Repealed by No. 1 of 1930.
11	S.7 amended by No. 27 of 1929; s.9 and s.11 repealed and replaced by No. 27 of 1929; s.13 amended by No. 27 of 1929; Schedule repealed and replaced by Government Notice No. 192 of 1930.
15	S.73 repealed by No. 25 of 1929.
19	Repealed by No. 36 of 1930.
20	S.2 (1) amended by No. 30 of 1928; s.6A added by No. 30 of 1928; s.34 repealed and replaced by No. 30 of 1928.
22	S.4 repealed and replaced by No. 3 of 1929.
<b>1928</b>	
1	Repealed by No. 58 of 1930.*
2	S.2 amended by No. 6 of 1929; s.3A and s.16A added by No. 6 of 1929; s.17 (1) amended by No. 6 of 1929; s.18 (2) and s.22 repealed and replaced by No. 6 of 1929.
11	Repealed by No. 37 of 1929.
12	S.4 and s.23 (2) repealed and replaced by No. 17 of 1930.

\*Repealing Ordinance not yet brought into operation as at 11th February, 1931.

## SCHEDULE OF REPEALS, ETC.—(Contd.).

ORDINANCE: YEAR AND NUMBER.	HOW DEALT WITH.
—(Contd.)	
<b>1928</b>	
15	Repealed by No. 10 of 1930.
18	Repealed by No. 36 of 1930.
19	S.5 and s.9 amended by No. 15 of 1929; s.13 (2) repealed by No. 15 of 1929; s.15 and s.115 amended by No. 15 of 1929; s.52 (10A) added by No. 50 of 1930.
20	Law extended by No. 24 of 1929 and further extended by No. 25 of 1930; s.5 and s.26 amended by No. 13 of 1930; Law extended by No. 13 of 1930.
21	S.6 (1) (a) amended by No. 16 of 1929; s.6 (1) (c) repealed and replaced by No. 7 of 1930; s.13 replaced by No. 16 of 1929; s.17 amended by No. 16 of 1929; s.26 amended by No. 7 of 1930; s.31 (1) repealed and replaced by No. 16 of 1929; s.32 amended by No. 16 of 1929; s.60 and s.61 amended by No. 7 of 1930; Law extended by No. 7 of 1930.
24	S.10 repealed and replaced by No. 27 of 1930.
26	S.13 (a) amended by No. 62 of 1930; s.19, s.22, s.24, s.28 and s.29 amended by No. 62 of 1930; s.28A and s.28B added by No. 62 of 1930; s.41, s.48 (1) and the Schedule amended by No. 62 of 1928.
31	Repealed by No. 21 of 1929.
32	S.6, s.9 and s.12 amended by No. 47 of 1930.
33	S.40 repealed by No. 5 of 1930; s.49 amended by No. 5 of 1930.
<b>1929</b>	
1	Expired 31st December, 1929, <i>see</i> s.15.
5	S.4 repealed by No. 9 of 1930.
13	A section added by No. 26 of 1930.
26	Repealed by No. 58 of 1930.*
<b>1930</b>	
10	S.115A added by No. 45 of 1930; s.123 amended by No. 45 of 1930; s.146A, s.146B, s.208A, s.267A and s.294a added by No. 45 of 1930.
11	S.118 (1) and s.118 (2) repealed and replaced by No. 46 of 1930; s.121, s.184, s.185, s.190 and s.193 amended by No. 46 of 1930; s.196a added by No. 46 of 1930; s.277, s.344 and Schedule I amended by No. 46 of 1930.
15	Repealed by No. 11 of 1930.
24	Law extended by No. 41 of 1930.

\*Repealing Ordinance not yet brought into operation as at 11th February, 1931.













## KENYA ORDINANCES.—(Contd.)

TITLE	Cap. or No. and Year
<i>L—contd.</i>	
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" (Amendment) .. .. .	52/30.
Liquor Native .. .. .	36/30
Livestock and Crop Production .. .. .	3/26
Loan, General, and Inscribed Stock.. .. .	46
" " " " " (Amendment) .. .. .	6/28
" Imperial .. .. .	29/24
" Specific (No. 1) .. .. .	47
" Specific, 1927 .. .. .	22/27
" " (Amendment).. .. .	3/29
" " " " " .. .. .	43/30
Loans, Local Government .. .. .	22/29
Local Government (District Councils) .. .. .	21/28
" " " " (Amendment) .. .. .	16/29
" " " " " .. .. .	7/30
" " (Loans) .. .. .	22/29
" " (Municipalities) .. .. .	19/28
" " " (Amendment).. .. .	15/29
" " " " " .. .. .	50/30
" " (Rating) .. .. .	20/28
" " " (Amendment) .. .. .	24/29
" " " " " .. .. .	13/30
" " " " " .. .. .	25/30
Lunacy .. .. .	122
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<b>M</b>	
*Machinery, Boilers and Prime Movers .. .. .	66
Maintenance Orders Enforcement .. .. .	169
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Marriage, Christian Natives .. .. .	168
Marriage and Divorce of Mohammedans, Registration of .. .. .	172
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Materials, Railway Protection of .. .. .	75
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Mohammedan Marriage and Divorce Registration .. .. .	172
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## KENYA ORDINANCES.—(Contd.)

TITLE	Cap. or No. and Year
<i>O - contd.</i>	
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"    " (Amendment) .. .. .	45/30
Pensions, European Officers .. .. .	11/27
"    "    " (Amendment) .. .. .	27/29
"    "    " Widows' and Orphans' (Asiatic) .. .. .	20/27
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NOTE:—The Ordinances marked\* have not yet been brought into operation. In such cases the replaced Ordinances, which are not shown here, are still in force.

Amendments made by the Revised Edition of the Laws (Operation) Ordinance, 1926, to various Ordinances are not shown on this list.