



COLONY AND PROTECTORATE OF KENYA

---

# ORDINANCES

ENACTED DURING THE YEAR

1935

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VOL. XIV (NEW SERIES)

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1936

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IV	Non-European Officers' Pensions (Amendment) .. .. .	24-7-35	24-7-35	4
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TABLE SHOWING THE EFFECT OF THE YEAR'S LEGISLATION  
FORMER ORDINANCES (in Chronological Order) REPEALED OR AMENDED BY ORDINANCES OF 1935

Year and No. of Ordinance	Short Title	How Affected	Ordinance of 1935
<i>Revised Edition</i>			
Cap. 24	Legislative Council .. .. .	Repealed, and Rules thereunder, with saving provisions in section 34 of Ordinance 26 of 1935 .. .. .	26
" 28	Wakf Commissioners .. .. .	Repeals and replaces sections 3 and 13 .. .. .	31
" 32	Promissory Oaths .. .. .	Adds second Schedule .. .. .	18
3 of 1924	Civil Procedure .. .. .	Repeals and replaces section 11; repeals Civil Procedure (Amendment) Ordinance, 1933, and section 2 of Civil Procedure—(Amendment No. 2) Ordinance, 1933 .. .. .	19
3 of 1924	Civil Procedure .. .. .	Adds proviso to section 2 (4) (b); repeals and replaces sections 44 (1) (b) and 65 (2) .. .. .	39
10 of 1927	Customs and Excise Revenue Allocation .. .. .	Repeals and replaces section 3 .. .. .	46
11 of 1927	European Officers' Pensions .. .. .	Amends section 2, definition .. .. .	3
20 of 1927	Asiatic Widows' and Orphans' Pension .. .. .	Adds new section 7A, rate of contribution of certain officers .. .. .	7
19 of 1928	Local Government (Municipalities) .. .. .	Adds sub-section 48 (a) to section 52; and sub-section (87) to section 69, <i>re ferries</i> .. .. .	29
33 of 1928	Harbours Regulation .. .. .	Amends section 3 (d) .. .. .	30
34 of 1928	Subordinate Courts (Separation and Maintenance) .. .. .	Amends section 8; repeals and replaces section 12; amends section 14 .. .. .	37
10 of 1929	Tribal Police .. .. .	Adds section 8A <i>re</i> carrying of arms by tribal police .. .. .	17
13 of 1929	Explosives .. .. .	Repeal and replacement of section 10 .. .. .	9
1 of 1930	Customs Tariff .. .. .	Amends Schedule <i>re</i> Items 31 and 33 .. .. .	2

TABLE SHOWING THE EFFECT OF THE YEAR'S LEGISLATION—(Continued)

FORMER ORDINANCES (in Chronological Order) REPEALED OR AMENDED BY ORDINANCES OF 1935

Year and No. of Ordinance	Short Title	How Affected	Ordinance of 1935
10 of 1930	Penal Code .. .. .	Amends section 3; repeals and replaces section 14; amends section 24; repeals and replaces section 28 (iv) and (v) by 28 (2) and (3); repeals and replaces section 35A; adds section 35B <i>re</i> cancellation of certificates of competency; adds sections 192A, 192B, 192C, <i>re</i> infanticide, etc.; amends sections 284A and 296; repeals section 3 of Detention Camps (Amendment) Ordinance, 1926, and Schedule, and section 316 of Civil Procedure Code .. .. .	24
11 of 1930	Criminal Procedure Code .. .. .	Adds section 24A <i>re</i> police officers' powers to detain and search vehicles, etc.; amends section 69; repeals and replaces sections 145 and 169; adds section 170A <i>re</i> promotion of conciliation; amends sections 196A and 219 (1); repeals and replaces sections 248 and 251 (1); repeals section 252 (6); amends sections 255, 277, 287 and 288; repeals and replaces section 289; amends sections 292, 315 (3), and 317; repeals and replaces sections 340 (2), 342, and 344; amends section 346; adds 364 (2); amends First Schedule <i>re</i> sections 167 and 296A (2) .. .. .	22 32 21 5 36 45
12 of 1930	Agricultural Advances .. .. .	Adds provision to section 7 (3) <i>re</i> rate of interest .. .. .	22
36 of 1930	Native Liquor .. .. .	Adds section 35A <i>re</i> action for debts .. .. .	32
39 of 1930	Native Tribunals .. .. .	Repeals and replaces section 5; amends sections 12 (c) and 43 .. .. .	21
64 of 1930	Police .. .. .	Repeals and replaces section 78 .. .. .	5
64 of 1930	Police .. .. .	Adds section 28A <i>re</i> police officers carrying out duties of prison officers .. .. .	36
29 of 1931	Arms (Traffic with Abyssinia) .. .. .	Adds sections 23, 24, 25 and 26 <i>re</i> failure to produce permit, seizure, cancellation of permits, etc., and penalties .. .. .	45
45 of 1931	Kenya Royal Naval Volunteer Reserve .. .. .	Adds proviso to section 8 <i>re</i> enlistment of Non-Europeans .. .. .	43
52 of 1931	Excise Duties .. .. .	Adds proviso to section 7 <i>re</i> rate of duties; amends Schedule <i>re</i> cigarettes and unmanufactured tobacco .. .. .	38 1

TABLE SHOWING THE EFFECT OF THE YEAR'S LEGISLATION—(Continued)

FORMER ORDINANCES (in Chronological Order) REPEALED OR AMENDED BY ORDINANCES OF 1935

Year and No. of Ordinance	Short Title	How Affected	Ordinance of 1935
52 of 1931	Excise Duties	Repealed	40
32 of 1932	Excise Duties (Amendment)	Repealed	40
43 of 1932	Dangerous Drugs	Adds to section 2; amends section 17 (1) (a)	16
48 of 1932	King's African Rifles	Amends sections 76 (2) and 84 (3)	15
53 of 1932	Non-European Officers' Pensions	Amends section 2, definition	4
14 of 1933	Employment of Women, Young Persons and Children	Deletes proviso in section 4 (5)	6
60 of 1933	Architects and Quantity Surveyors	Amends section 2; repeals and replaces sections 9, 11, 18; repeals Schedule	42
61 of 1933	Mining	Adds section 69A <i>re costs</i>	13
22 of 1934	Juveniles	Amends section 27 and deletes proviso; amends sections 31, 33 (2), and 33 (6), and adds to 34 (1)	10
40 of 1934	Native Hut and Poll Tax	Adds section 21A <i>re non-application of section 203 Criminal Procedure Code</i>	12
61 of 1934	Non-Native Poll Tax	Amends section 39; substitution of 1935 and 1936 for 1934 and 1935 throughout except short title	44
62 of 1934	Liquor	Adds section 2A <i>re non-application to ships in coastal harbours</i> ; repeals section 6; amends sections 8, 10, 11, 14, 20 (2), 22, 26, 27, 30, and 31; adds section 32A <i>re transfers</i> ; amends sections 35, 42, 43, 45, and 46; adds 46A <i>re disqualification of premises</i> ; amends section 50; adds section 54A <i>re liability for offences by employees</i> ; amends sections 56, 63 and adds section 63 (3); repeals and replaces section 66; amends sections 2 (2), (3) and (5), 31 (4), 39 (1) and (3), 41 (1), and 42 by deleting "a Swahili" and "a Baluchi born in Africa"; adds proviso to (1) (f) of Schedule	27
63 of 1934	Licensing	Repeals and replaces Item 7, Schedule C	14
1 of 1935	Excise Duties (Amendment)	Repealed	40

**Colony and Protectorate of Kenya**

**ORDINANCE No. I of 1935** *Ord. 4 of 1935*

Assented to in His Majesty's name this twenty-seventh day of June, 1935.

A. DE V. WADE,  
*Acting Governor.*

[27TH JUNE, 1935.] Date of assent.

**An Ordinance to Amend the Excise Duties Ordinance, 1931.**

*27th June, 1935*

Date of commencement

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

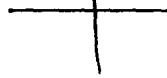
1. This Ordinance may be cited as the Excise Duties (Amendment) Ordinance, 1935, and shall be read as one with the Excise Duties Ordinance, 1931, hereinafter referred to as the Principal Ordinance. Short title.  
No. 52 of 1931.

2. Section 7 of the Principal Ordinance is hereby amended by substituting a colon for the full-stop which occurs at the end thereof and by adding immediately after such colon the following proviso :— Amendment of section 7 of Principal Ordinance.

“Provided that all excise duties shall be paid at the rate in force when the goods are delivered from stock.”

3. The Schedule to the Principal Ordinance is hereby amended by deleting the words and figures in the last two lines thereof and by substituting therefor the following :— Amendment of Schedule to the Principal Ordinance.

“Cigarettes, per lb. ... .. 1 25  
Manufactured tobacco, other than  
cigarettes, per lb. ... .. 1 25.”



**ORDINANCE No. II of 1935**

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Assented to in His Majesty's name this twenty-seventh day of June, 1935.

A. DE V. WADE,  
*Acting Governor.*

Date of assent. [27TH JUNE, 1935.]

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

Date of commencement *27th June, 1935*

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 Customs Tariff (Amendment) Ordinance, 1935, and shall be read as one with No. 1 of 1930. the Customs Tariff Ordinance, 1930, hereinafter referred to as the Principal Ordinance.

Amendment of Schedule to Principal Ordinance. **2.** The Schedule to the Principal Ordinance is hereby amended by deleting the entries in the third column thereof relating to the duty payable in respect of items 31 and 33 respectively and by substituting therefor, in each case, the following—

“per pound ... .. 2 65  
(or *ad valorem* 62½%, whichever is the greater)”.

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**ORDINANCE No. III of 1935**

Assented to in His Majesty's name this twenty-fourth day of July, 1935.

A. DE V. WADE,  
*Acting Governor.*

[24TH JULY, 1935.] Date of assent.

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

*24th July, 1935*

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 European Officers' Pensions (Amendment) Ordinance, 1935, and shall be read as one with the European Officers' Pensions Ordinance, 1927, hereinafter referred to as the Principal Ordinance.

Short title.  
No. 11 of 1927.

2. The definition of "European officer" which appears in section 2 of the Principal Ordinance is hereby amended—

Amendment of section 2 of the Principal Ordinance.

- (a) by the substitution of the word "and" for the word "but" which occurs in the second line of the definition;
- (b) by the substitution of a comma for the full stop which occurs immediately after the word "Europeans" in the fourth line of the definition; and
- (c) by the insertion between the word "Europeans" and the word "In" which occur in the fourth line of the definition of the following words—  
"but does not include any officer appointed under the conditions of service ordinarily applicable to Asiatics."

**ORDINANCE No. IV of 1935**

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Assented to in His Majesty's name this twenty-fourth day of July, 1935.

A. DE V. WADE,  
*Acting Governor.*

Date of assent.

[24TH JULY, 1935.]

**An Ordinance to Amend the Non-European Officers' Pensions Ordinance, 1932.**

Date of commencement

*24th July, 1935*

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 Non-European Officers' Pensions (Amendment) Ordinance, 1935, and shall be read as one with the Non-European Officers' Pensions Ordinance, 1932, hereinafter referred to as the Principal Ordinance.

No. 53 of 1932.

Amendment of section 2 of the Principal Ordinance.

**2.** The definition of "non-European officer" which appears in section 2 of the Principal Ordinance is hereby amended by the deletion of the words—

"but excludes a native of Africa unless appointed under the conditions of service ordinarily applicable to Asiatics, and also excludes Arabs unless appointed under the conditions of service ordinarily applicable to Asiatics."

and by the substitution therefor of the words—

"and who is appointed under the conditions of service ordinarily applicable to Asiatics."

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## ORDINANCE No. V of 1935

Assented to in His Majesty's name this twenty-fourth day of July, 1935.

A. DE V. WADE,  
*Acting Governor.*

[24TH JULY, 1935.] Date of assent.

### An Ordinance to Amend the Native Tribunals Ordinance, 1930.

*24th July, 1935*

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 Tribunals (Amendment) Ordinance, 1935, and shall be read as one with the Native Tribunals Ordinance, 1930, hereinafter referred to as the Principal Ordinance.

Short title.

No. 39 of 1930.

2. Section 5 of the Principal Ordinance is hereby repealed and the following substituted therefor—

Repeal and replacement of section 5 of the Principal Ordinance.

“5. A district officer may suspend and a provincial commissioner may dismiss or may suspend any member of a native tribunal who shall appear to have abused his power, or to be unworthy or to be incapable of exercising the same justly, or for other sufficient reason. On such dismissal or for the period of his suspension the member shall be disqualified from exercising any powers or jurisdiction as a member of the tribunal unless and until he is expressly reinstated by the provincial commissioner.”

Suspension and dismissal of members.

3. Paragraph (c) of section 12 of the Principal Ordinance is hereby amended by the insertion at the end thereof of the following proviso :—

Amendment of section 12 (c) of the Principal Ordinance.

“Provided that any township situated in a native reserve may be excluded from the operation of this paragraph by order of the Governor.”

4. Section 43 of the Principal Ordinance is hereby amended by the deletion of the word “following” which occurs in the second line thereof and the substitution therefor of the word “following”.

Amendment of section 43 of the Principal Ordinance.

**ORDINANCE No. VI of 1935**

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Assented to in His Majesty's name this twenty-fourth day of July, 1935.

A. DE V. WADE,  
*Acting Governor.*

Date of assent.

[24TH JULY, 1935.]

**An Ordinance to Amend the Employment of  
Women, Young Persons and Children  
Ordinance, 1933.**

Date of commencement

*24th July, 1935*

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 Employment of Women, Young Persons and Children (Amendment) Ordinance, 1935, and shall be read as one with the Employment of Women, Young Persons and Children Ordinance, 1933, hereinafter referred to as the Principal Ordinance.

No. 14 of 1933

Amendment of section 4 (3) of the Principal Ordinance.

**2.** Sub-section (5) of section 4 of the Principal Ordinance is hereby amended by the deletion of the proviso which occurs at the end thereof.

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**ORDINANCE No. VII of 1935**

Assented to in His Majesty's name this twenty-fourth day of July, 1935.

A. DE V. WADE,  
*Acting Governor.*

[24TH JULY, 1935.] Date of assent.

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

*30th April, 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 :—

- |   |   |
|---|---|
| <p><b>1.</b> This Ordinance may be cited as the Asiatic Widows' and Orphans' Pension (Amendment) Ordinance, 1935, and shall be read as one with the Asiatic Widows' and Orphans' Pension Ordinance, 1927, hereinafter referred to as the Principal Ordinance, and shall be deemed to have come into operation on the 30th day of April, 1932.</p>   | <p>Short title.<br/><br/>No. 20 of 1927.</p>  |
| <p><b>2.</b> The Principal Ordinance is hereby amended by the insertion immediately after section 7 thereof, of the following section :—</p> <p style="padding-left: 40px;">“7A. Any Asiatic officer who exercises the option specified in Regulation 13 of the Regulations in the Schedule to the Non-European Officers' Pensions Ordinance, 1932, shall for the purpose of paying contributions to the Fund under the preceding section be deemed to be in receipt of the pension which he would have received had he not exercised such option.”</p> | <p>Amendment of the Principal Ordinance.<br/><br/>Rate of contribution to Fund of certain pensioned officers.<br/>No. 53 of 1932.</p> |

**ORDINANCE No. VIII of 1935**

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Assented to in His Majesty's name this twenty-fourth day of July, 1935.

A. DE V. WADE,  
*Acting Governor.*

Date of assent. [24TH JULY, 1935.]

**An Ordinance to Provide for the Legalization of the Payment of Certain Pensions to Certain Civil Servants Serving under the Terms Applicable to Asian Civil Servants who were Allowed to Retire Voluntarily.**

Date of commencement *24th July, 1935*

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 Asian Civil Servants (Proportionate Pensions) Ordinance, 1935.

Certain persons permitted to retire upon proportionate pensions. No. 53 of 1932. **2.** Notwithstanding anything contained in the Non-European Officers' Pensions Ordinance, 1932, or in the Regulations made thereunder, or in any other law under which pensions may be granted to Asian civil servants in the service of the Colony, each of the persons mentioned in the first column of the Schedule hereto shall, with effect from the date set out opposite his name in the second column of the said Schedule be deemed to have been permitted to retire upon pension as from that date, and shall be deemed to have been legally granted from that date to the date of the commencement of this Ordinance and shall hereafter be granted from the date of the commencement of this Ordinance a pension proportionate to the length of his service computed in accordance with the provisions of the enactment set opposite his name in the third column of the said Schedule, and in every case subject to the limit prescribed in section 10 of the Non-European Officers' Pensions Ordinance, 1932.

No. 53 of 1932.

## SCHEDULE

First Column	Second Column	Third Column
P. C. de Souza .. 1st Grade Clerk, Administration ..	31-1-1932	The Superannuation Act, 1859.
E. F. P. Noronha .. 1st Grade Clerk, Administration ..	24-2-1932	Ditto.
George Taylor .. 2nd Grade Clerk, Administration ..	13-4-1932	Ditto.
S. B. Gideon .. 2nd Grade Clerk, Posts and Telegraphs ..	23-4-1932	Ditto.
Isaac Richard .. 1st Grade Clerk, Posts and Telegraphs ..	25-5-1932	The Non-European Officers' Pensions Ordinance, 1932.
F. Jacobs .. 1st Grade Clerk, Posts and Telegraphs ..	7-6-1932	Ditto.
Lawrence Kapere .. 1st Grade Clerk, Posts and Telegraphs ..	16-6-1932	Ditto.
Thomas Richard .. 2nd Grade Clerk, Posts and Telegraphs ..	1-7-1932	Ditto.
M. L. Dias .. 1st Grade Clerk, Administration ..	4-7-1932	The Superannuation Act, 1859.
C. F. Nazareth .. 1st Grade Clerk, Administration ..	12-7-1932	The Non-European Officers' Pensions Ordinance, 1932.
M. V. Rodrigues .. 1st Grade Clerk, Administration ..	20-8-1932	Ditto.
A. Farrar .. 1st Grade Clerk, Posts and Telegraphs ..	1-10-1932	Ditto.
A. Wellington .. 2nd Grade Clerk, Posts and Telegraphs ..	1-11-1932	Ditto.
Harnam Singh .. 3rd Grade Clerk, Finger Print ..	16-11-1932	Ditto.
J. H. Beauttah .. 2nd Grade Clerk, Posts and Telegraphs ..	19-11-1932	Ditto.
I. C. Emmanuel .. 1st Grade Clerk, Posts and Telegraphs ..	23-11-1932	Ditto.
B. T. Jani .. 1st Grade Clerk, Posts and Telegraphs ..	24-11-1932	Ditto.
Shanalal Bhulabhai .. 1st Grade Clerk, Customs ..	6-1-1933	Ditto.
I. J. Paes .. 1st Grade Clerk, Administration ..	16-1-1933	Ditto.
C. S. Lobo .. 1st Grade Clerk, Administration ..	21-1-1933	Ditto.
D. W. Simeon .. 1st Grade Clerk, Administration ..	30-1-1933	Ditto.
Mohamed Hayat .. 1st Grade Clerk, Posts and Telegraphs ..	5-2-1933	Ditto.
A. F. Fernandes .. 1st Grade Clerk, Administration ..	16-2-1933	Ditto.
V. S. de Mello .. 1st Grade Clerk, Judicial ..	18-2-1933	Ditto.
S. R. Martin .. 1st Grade Clerk, Customs ..	21-2-1933	Ditto.
K. D. Mehta .. 1st Grade Clerk, Treasury ..	26-2-1933	Ditto.
C. K. Patel .. 1st Grade Clerk, Posts and Telegraphs ..	9-3-1933	Ditto.
Mohamed Esmail .. 2nd Grade Clerk, Posts and Telegraphs ..	1-4-1933	Ditto.
Z. Fernandes .. 1st Grade Clerk, Audit ..	2-4-1933	Ditto.
R. A. M. Fernandes.. 1st Grade Clerk, Administration ..	10-4-1933	Ditto.

## SCHEDULE—(Contd.)

First Column	Second Column	Third Column
P. H. Patel ..	.. 1st Grade Clerk, Posts and Telegraphs..	The Non-European Officers' Pensions Ordinance, 1932.
G. M. Amin ..	.. 1st Grade Clerk, Judicial..	Ditto.
Feroz Din ..	.. 1st Grade Clerk, Posts and Telegraphs..	Ditto.
F. X. de Souza	.. 1st Grade Clerk, Posts and Telegraphs..	Ditto.
J. L. de Sa ..	.. 1st Grade Clerk, Forests ..	Ditto.
A. A. Falcao ..	.. 1st Grade Clerk, Administration ..	Ditto.
A. P. de Souza	.. 1st Grade Clerk, Administration ..	Ditto.
D. M. Patel ..	.. 1st Grade Clerk, Registrar General's ..	Ditto.
K. R. Verma ..	.. 1st Grade Clerk, Posts and Telegraphs..	Ditto.
M. T. Khan ..	.. 1st Grade Clerk, Posts and Telegraphs..	Ditto.
F. A. Dias ..	.. 1st Grade Clerk, Administration ..	Ditto.
B. C. Duarte ..	.. 1st Grade Clerk, Survey..	Ditto.
I. Santos ..	.. Compositor, Government Press ..	Ditto.
C. F. de Souza	.. 1st Grade Clerk, Medical..	Ditto.
I. P. Lobo ..	.. 1st Grade Clerk, Administration ..	The Superannuation Act, 1859.
S. Baptista ..	.. 1st Grade Clerk, Public Works ..	The Non-European Officers' Pensions Ordinance, 1932.
M. J. Cordeiro	.. 1st Grade Clerk, Coast Agency ..	Ditto.
T. F. G. de Souza	.. 1st Grade Clerk, Administration ..	Ditto.
P. C. F. de Mello	.. 1st Grade Clerk, Administration ..	Ditto.
J. C. da Lima	.. 1st Grade Clerk, Customs ..	Ditto.
Mehraj Din ..	.. 3rd Grade Clerk, Government Press ..	Ditto.
M. Manasseh ..	.. 1st Grade Clerk, Judicial ..	Ditto.
I. C. Monteiro	.. Confidential and Correspondence Clerk, Customs ..	Ditto.
S. J. de Souza	.. 1st Grade Clerk, Administration ..	Ditto.
J. M. Fernandes	.. 1st Grade Clerk, Audit ..	Ditto.
J. D. Oliveira	.. 1st Grade Clerk, Administration ..	The Superannuation Act, 1859.

**ORDINANCE No. IX of 1935**

Assented to in His Majesty's name this twenty-fourth day of July, 1935.

A. DE V. WADE,  
*Acting Governor.*

[24TH JULY, 1935.] Date of assent.

**An Ordinance to Amend the Explosives Ordinance, 1929.**

*24th July, 1935*

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 Explosives (Amendment) Ordinance, 1935, and shall be read as one with the Explosives Ordinance, 1929, hereinafter referred to as the Principal Ordinance.

Short title.  
No. 13 of 1929.

2. Section 10 of the Principal Ordinance is hereby revoked and the following section is substituted therefor :—

Repeal and replacement of section 10 of the Principal Ordinance.

“10. (1) No person shall use or cause to be used blasting materials, unless—

Prohibition of use of blasting materials without permit.

(a) he be in possession of a permit issued by an inspector, or a district officer or a person deputed to act as prescribed by section 8, or

(b) he be under the immediate supervision of a person who has such a permit.

(2) There shall be payable for every such permit a fee of ten shillings.

(3) No such permit shall be issued unless the issuing authority be satisfied that the applicant may be safely entrusted with the use of blasting materials, and that there is necessity for his using the same.

(4) The Director may, in his discretion, at any time by order revoke a permit issued under this section or under the last preceding section if he is satisfied that good cause for such revocation exists.

(5) Any person dissatisfied by an order of revocation made by the Director under the provisions of this section may appeal against such order to the Governor whose decision shall be final.”

**ORDINANCE No. X of 1935**

Assented to in His Majesty's name this twenty-fourth day of July, 1935.

A. DE V. WADE,  
*Acting Governor.*

Date of assent.

[24TH JULY, 1935.]

**An Ordinance to Amend the Juveniles Ordinance, 1934.**

Date of commencement

*24th July, 1935*

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 Juveniles (Amendment) Ordinance, 1935, and shall be read as one with the Juveniles Ordinance, 1934, hereinafter referred to as the Principal Ordinance.

No. 22 of 1934.

Amendment of section 27 of the Principal Ordinance.

**2.** Section 27 of the Principal Ordinance is hereby amended—

(a) by substituting the word "twenty-one" for the word "eighteen" which occurs in the third line of paragraph (c) thereof; and

(b) by deleting the proviso thereto.

Amendment of section 31 of the Principal Ordinance.

**3.** Section 31 of the Principal Ordinance is hereby amended by substituting the word "twenty-one" for the word "eighteen" which occurs in the last line thereof.

Amendment of section 33 (2) of the Principal Ordinance.

**4.** Sub-section (2) of section 33 of the Principal Ordinance is hereby amended by substituting the word "twenty-one" for the word "eighteen" which occurs in the fourth line thereof.

Amendment of section 33 (6) of the Principal Ordinance.

**5.** Sub-section (6) of section 33 of the Principal Ordinance is hereby amended by inserting the following between the word "section" and the word "the" in the first line thereof: "or of sub-section (1) of section 34 of this Ordinance".

Amendment of section 34 (1) of the Principal Ordinance.

**6.** Sub-section (1) of section 34 of the Principal Ordinance is hereby amended by substituting a comma for the full stop which occurs at the end thereof, and by adding to the sub-section the following words immediately after such comma, "and the court may, in addition to, or instead of, ordering the period of detention to be increased, order such person to be whipped by the managers of the school from which he escaped: Provided that such whipping shall not, in any case, exceed twelve strokes".

*Amended by Ord. No. 17/35***ORDINANCE No. XI of 1935**

Assented to in His Majesty's name this twenty-fourth day of July, 1935.

A. DE V. WADE,  
Acting Governor.

[24TH JULY, 1935.] Date of assent.

**An Ordinance to Make Provision for the Expulsion from Certain Areas of the Colony of Persons whose Presence Therein is Deemed to be Undesirable.**

24th July, 1935

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 Expulsion from Proclaimed Areas Ordinance, 1935. Short title.

2. In this Ordinance— Interpretation.

“Board” means the Board established for any proclaimed area under section 4 of this Ordinance;

“proclaimed area” means an area to which this Ordinance has been applied by proclamation of the Governor;

“expulsion order” means an order made under section 5 of this Ordinance.

*Procl. 70/35  
L-273*

3. This Ordinance shall apply to such areas of the Colony as the Governor by proclamation may from time to time declare. Application.

4. (1) For every proclaimed area the Governor shall appoint a Board, which shall consist of the Provincial Commissioner of the Province in which such area is situated, who shall be the Chairman of the Board, and such persons unconnected with the public service as the Governor may appoint, who shall, whenever possible, be persons resident in or connected with such area. Appointment of Board for a proclaimed area.

*S.N. 52/36  
L-83*

(2) If the Provincial Commissioner is prevented from attending any meeting of the Board he may depute the district commissioner of the district in which the proclaimed area is situated to attend such meeting and in that case the district commissioner shall be Chairman of the Board during the absence of the Provincial Commissioner. Provincial Commissioner to depute district commissioner to act as Chairman.

(3) The Chairman and three members of the Board shall constitute a quorum.

Procedure when district Commissioner deems a person to be undesirable.

5. (1) If complaint is made to the district commissioner of a proclaimed area or if he has reason to believe that the presence within such proclaimed area of any person, other than a native of such proclaimed area, is undesirable, he may notify such person of the grounds on which it is considered that his presence is undesirable, and shall in such notification inform him of the place at which and the date on which his case will be investigated by the Board (which date shall not be less than seven days after the service upon him of such notification) and that he may appear personally before the Board or may in writing show cause why he should not be ordered to leave and to continue to absent himself from such proclaimed area, and that if he does not appear personally or submit grounds of excuse in writing the Board may proceed to a decision in his absence.

(2) The Board shall have the powers of the Supreme Court to summon witnesses and to call for the production of books, plans and documents, and to examine witnesses and parties concerned on oath. All summonses for the attendance of witnesses or other persons, or the production of documents, may be in such form as the Board may determine and shall be signed by the Chairman, and oaths may be administered by any member of the Board.

(3) The Board after considering the case against such person and any representations made by him, may, if it is satisfied that the presence of such person within the proclaimed area is undesirable, by order declare that such person shall, within a time to be limited by such order, remove himself from such proclaimed area, and continue to absent himself from such area or any other proclaimed area within the same Province so long as such order shall remain in force.

Ord. No. 17/44 Sec. 2

(4) Any person against whom an expulsion order has been made by the Board may, within ~~seven~~ <sup>seven</sup> days of the making of such order, appeal against such order in writing to the Governor in Council, whose decision shall be final: Provided that, notwithstanding such appeal, such person shall remove himself from such proclaimed area within the time limited in the order referred to in the last preceding sub-section.

Duration of expulsion order.

6. An expulsion order may be expressed to be in force for a time to be limited therein or for an unlimited time.

- 7.** If a person against whom an expulsion order from a proclaimed area has been made wilfully neglects or refuses to leave such area within the time limited by the said order, or while the expulsion order is still in force enters or attempts to enter such area or any other proclaimed area within the same Province without the written consent of the Board, which consent may be given subject to any terms as to security for good behaviour or otherwise as to the Board may seem good, such person shall be liable to imprisonment for a term not exceeding six months. **Penalty.**
- 8.** If a person against whom an expulsion order has been made has been sentenced to a term of imprisonment such sentence of imprisonment shall be carried out before the expulsion order is carried into effect. **Sentence of imprisonment to be served before expulsion order is enforced.**
- 9.** The expenses of expulsion from a proclaimed area may be defrayed from the public revenues of the Colony. **Expenses of expulsion.**
- 10.** In any prosecution for an offence against this Ordinance the production of an expulsion order purporting to be signed by the Chairman on behalf of the Board shall be conclusive evidence that the same is valid and lawfully made. **Evidence.**
- 11.** No action shall be brought by any person against whom an expulsion order has been made with reference to anything bona fide done or omitted to be done in the execution or purported execution of that order or of the provisions of this Ordinance. **Indemnity.**
- 12.** No court of law in the Colony shall have any jurisdiction to review, quash, reverse or otherwise interfere with any proceeding, act or order had, done or made under this Ordinance. **Restriction of jurisdiction of courts of law.**
- 13.** The Governor may make Rules for the better carrying out of the provisions of this Ordinance. **Rules.**
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**ORDINANCE No. XII of 1935**

Assented to in His Majesty's name this eleventh day of  
September, 1935.

J. BYRNE,  
*Governor.*

Date of assent.

[11TH SEPTEMBER, 1935.]

**An Ordinance to Amend the Native Hut and Poll  
Tax Ordinance, 1934.**

Date of  
commencement

*11th September, 1935*

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 Hut and  
Poll Tax (Amendment) Ordinance, 1935, and shall be read as  
one with the Native Hut and Poll Tax Ordinance, 1934, hereinafter  
referred to as the Principal Ordinance.

No. 40 of 1934.

Amendment  
of the  
Principal  
Ordinance.

**2.** The Principal Ordinance is hereby amended by  
inserting therein the following new section, to be numbered  
21A :—

No. 11 of 1930.

Cap. 51.

“ 21A. The provisions of section 203 of the Criminal  
Procedure Code shall not apply to any proceedings  
instituted for the recovery of tax due and payable under  
this Ordinance or due under the Native Hut and Poll Tax  
Ordinance repealed by the next succeeding section.”

Amendment of  
section 22  
of the  
Principal  
Ordinance.

**3.** Section 22 of the Principal Ordinance is hereby  
amended by substituting a colon for the full stop which occurs  
at the end thereof, and by adding to the section immediately  
after such colon, the following proviso :—

“Provided always that any tax due and payable  
under such Ordinance shall be recoverable in like manner,  
and subject to the like penalties for non-payment as the  
tax due and payable under this Ordinance.”

**ORDINANCE No. XIII of 1935**

Assented to in His Majesty's name this twenty-fourth day of July, 1935.

A. DE V. WADE,  
*Acting Governor.*

[24TH JULY, 1935.] Date of assent.

**An Ordinance to Amend the Mining Ordinance, 1933.**

*24th July, 1935*

*24/7/35*  
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 (Amendment) Ordinance, 1935, and shall be read as one with the Mining Ordinance, 1933, as amended by the Mining (Amendment) Ordinance, 1934, hereinafter together referred to as the Principal Ordinance.

Short title.  
No. 61 of 1933.  
No. 43 of 1934.

**2.** The Principal Ordinance is hereby amended by the insertion therein of the following new section to be numbered 69A:—

Amendment of Principal Ordinance.

“69A. (1) In any dispute adjudicated upon by the warden under the provisions of section 65 of this Ordinance or adjudicated upon by the Commissioner on appeal from the warden under section 69 of this Ordinance the warden or the Commissioner, as the case may be, may award costs to the successful party.

Power to award costs.

(2) The Supreme Court shall, by rule, prescribe the scale of costs which may be awarded under the provisions of this section.”

**ORDINANCE No. XIV of 1935**

Assented to in His Majesty's name this twenty-fourth day of July, 1935.

A. DE V. WADE,  
*Acting Governor.*

Date of assent.

[24TH JULY, 1935.]

**An Ordinance to Amend the Licensing Ordinance, 1934.**

Date of commencement

*1st January, 1935*

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

Short title and date of commencement.  
No. 63 of 1934.

**1.** This Ordinance may be cited as the Licensing (Amendment) Ordinance, 1935, and shall be read as one with the Licensing Ordinance, 1934, hereinafter referred to as the Principal Ordinance, and shall be deemed to have come into operation on the first day of January, 1935.

Repeal and replacement of Item 7 of Schedule C of the Principal Ordinance.

**2.** Item 7 of Schedule C of the Principal Ordinance is hereby deleted and the following is substituted therefor :—

*Per annum.*

“7. A licence to carry on all or any of the businesses described in this Schedule and in Schedule B ... .. Sh. 1,200

Provided that such licence shall not authorize the carrying on at more than one place of business of any of the businesses appearing as Items 1, 2 and 3 of this Schedule, that is to say, the business of a petty dealer, of a trader, or of a manufacturer.”

**ORDINANCE No. XV of 1935**

Assented to in His Majesty's name this eighteenth day of December, 1935.

J. BYRNE,

*As at 1935* Governor.

[18TH DECEMBER, 1935.] Date of assent.

**An Ordinance to Amend the King's African Rifles Ordinance, 1932.**

*1st December, 1935.*

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><b>1.</b> This Ordinance may be cited as the King's African Rifles (Amendment) Ordinance, 1935, and shall be read as one with the King's African Rifles Ordinance, 1932. hereinafter referred to as the Principal Ordinance.</p>   | <p>Short title.<br/>No. 48 of 1932.</p>                        |
| <p><b>2.</b> Sub-section (2) of section 76 of the Principal Ordinance is hereby amended by the deletion of the words "completed three years' service with the colours shall, if not being discharged," occurring in the first, second and third lines thereof and by the substitution therefor of the following—"re-engaged for a further term of service with the colours shall,".</p> | <p>Amendment of section 76 (2) of the Principal Ordinance.</p> |
| <p><b>3.</b> Sub-section (3) of section 84 of the Principal Ordinance is hereby amended by the insertion therein of the words "on medical grounds" between the word "discharged" and the word "as" occurring in the third line thereof and by the deletion of the words "or as inefficient" occurring in the fourth line thereof.</p>   | <p>Amendment of section 84 (3) of the Principal Ordinance.</p> |

**ORDINANCE No. XVI of 1935**

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Assented to in His Majesty's name this twenty-fourth day of July, 1935.

A. DE V. WADE,  
*Acting Governor.*

[24TH JULY, 1935.] Date of assent.

**An Ordinance to Amend the Dangerous Drugs Ordinance, 1932.**

*24th July, 1935*

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 Dangerous Drugs (Amendment) Ordinance, 1935, and shall be read as one with the Dangerous Drugs Ordinance, 1932, hereinafter referred to as the Principal Ordinance.

Short title.

No. 43 of 1932.

2. The definition of "prepared opium" which occurs in section 2 of the Principal Ordinance is hereby amended by the substitution of a comma for the semi-colon at the end thereof, and by the addition after the said comma of the following words—

Amendment of section 2 of the Principal Ordinance.

"and also includes any opium, for whatever purpose prepared, which is capable of being smoked;"

3. Paragraph (a) of sub-section (1) of section 17 of the Principal Ordinance is hereby amended by the insertion in the second line thereof after the word "Ordinance" of the following words—"or of any Rule made under section 4 or section 12 of this Ordinance".

Amendment of section 17 (1) (a) of the Principal Ordinance.

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**ORDINANCE No. XVII of 1935**

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Assented to in His Majesty's name this twenty-fourth day of July, 1935.

A. DE V. WADE,  
*Acting Governor.*

Date of assent.

[24TH JULY, 1935.]

**An Ordinance to Amend the Tribal Police Ordinance, 1929.**

Date of commencement

*24th July, 1935*

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 Tribal Police (Amendment) Ordinance, 1935, and shall be read as one with the Tribal Police Ordinance, 1929, hereinafter referred to as the Principal Ordinance.

No. 10 of 1929.

Amendment of the Principal Ordinance.

**2.** The Principal Ordinance is hereby amended by the addition, next after section 8 thereof, of the following section as section 8A :—

Carrying of arms by tribal police.

“8A It shall be lawful for a tribal police officer to carry firearms in such circumstances and subject to such directions as may from time to time be laid down by the person in whom the superintendence of the tribal police is vested under section 3 of this Ordinance.”

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**ORDINANCE No. XVIII of 1935**

Assented to in His Majesty's name this twenty-fourth day of July, 1935.

A. DE V. WADE,  
*Acting Governor.*

[24TH JULY, 1935.] Date of assent.

**An Ordinance to Amend the Promissory Oaths Ordinance.**

24th July, 1935

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 Promissory Oaths (Amendment) Ordinance, 1935, and shall be read as one with the Promissory Oaths Ordinance (Chapter 32 of the Revised Edition), hereinafter referred to as the Principal Ordinance.

Short title.

Cap. 32.

2. The Principal Ordinance is hereby amended by the addition of the following Schedule :—

Amendment of the Principal Ordinance.

**SECOND SCHEDULE.**

Nature of Oaths	Persons to take Oaths	Persons to tender Oaths
Oath of Allegiance and Official Oath	The Colonial Secretary The Attorney General The <del>Treasurer</del> <i>Financial Secretary</i> The Chief Native Commissioner The Commissioner for Local Government, Lands and Settlement The Director of Medical Services The General Manager, Kenya and Uganda Railways and Harbours The Director of Agriculture The Director of Education The Director of Public Works The Commissioner of Customs Such other Executive Officers as may be designated by the Governor from time to time	The Governor or his Deputy, a Judge of the Supreme Court, a Provincial Commissioner, or such other person as the Governor may appoint
Oath of Allegiance and Judicial Oath	The Chief Justice The Puisne Judges Magistrates Administrative Officers exercising judicial functions Justices of the Peace	The Governor or his Deputy do The Governor or his Deputy, a Judge of the Supreme Court, a Provincial Commissioner, or such other person as the Governor may appoint

## SECOND SCHEDULE—(Contd.)

Nature of Oaths	Persons to take Oaths	Persons to tender Oaths
Oath of an Executive Councillor	Executive Councillors	The Governor or his Deputy
Oath of the Clerk to Executive Council	The Clerk	do

**ORDINANCE No. XIX of 1935**

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Assented to in His Majesty's name this twenty-third day of August, 1935.

A. DE V. WADE,  
*Acting Governor.*

[23RD AUGUST, 1935.] Date of assent.

**An Ordinance to Amend the Civil Procedure Ordinance, 1924.**

*23rd August, 1935*

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, 1935, and shall be read as one with the Civil Procedure Ordinance, 1924, hereinafter referred to as the Principal Ordinance.

Short title.  
No. 3 of 1924.

2. Section 11 of the Principal Ordinance is hereby repealed and the following is substituted therefor :—

Repeal and replacement of section 11 of the Principal Ordinance.

“11. Every suit shall be instituted in the court of the lowest grade competent to try it, provided that where there are more subordinate courts than one with jurisdiction in the same district competent to try it, a suit may, if the party instituting the suit or his advocate certifies that he believes that a point of law is involved or that any other good and sufficient reason exists, be instituted in any one of such subordinate courts: Provided that if a suit is instituted in a court other than a court of the lowest grade competent to try it, the magistrate holding such court shall return the plaint for presentation in the court of the lowest grade competent to try it if in his opinion there is no point of law involved or no other good and sufficient reason for instituting the suit in his court: Provided further that nothing in this section contained shall be deemed to limit or affect the power of the Supreme Court to direct the distribution of business where there is more than one subordinate court in the

Courts in which suits to be instituted.

same district : And provided further that any suit may be instituted in the Supreme Court which could have been commenced in a subordinate court, then and in every such case the following provisions shall apply :—

Subject to the proviso hereinafter contained, should the plaintiff recover a sum less than Sh. 400 he shall not be entitled to any costs, and if he shall recover a sum of Sh. 400 or upwards, but not exceeding Sh. 1,500 or in the case where the defendant is a native not exceeding Sh. 3,000 he shall not be entitled to any more costs than he would have been entitled to if the suit had been brought in such subordinate court : Provided that in any suit a judge of the Supreme Court may, if satisfied that there was good reason for bringing such suit in that court, make such order as to costs as to him may seem just."

Repeal.  
No. 13 of 1933.  
No. 47 of 1933.

3. The Civil Procedure (Amendment) Ordinance, 1933, and section 2 of the Civil Procedure (Amendment No. 2) Ordinance, 1933, are hereby repealed.

**ORDINANCE No. XX of 1935**

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Assented to in His Majesty's name this twenty-third day of August, 1935.

A. DE V. WADE,  
*Acting Governor.*

[23RD AUGUST, 1935.] Date of assent.

**An Ordinance to Provide for the Supply of a further Sum of Money for the Service of the Year ended the 31st day of December, 1934.**

*23rd August, 1935*

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 1934 Supplementary Appropriation Ordinance, 1935. Short title.

2. The Public Revenue for the period 1st January to 31st December, 1934, and other funds of the Colony and Protectorate of Kenya are hereby charged towards the service of the period 1st January to 31st December, 1934, with a further sum of seventy-six thousand and twenty-five pounds, eleven shillings and eighty-one cents, in addition to the sums provided by the 1934 Appropriation Ordinance, 1933. Public Revenue charged.

No. 66 of 1933

3. The money granted by this Ordinance shall be applied to 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 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 seventy-six thousand and twenty-five pounds, eleven shillings and eighty-one cents, which have come in course of payment during the period 1st January to 31st December, 1934. Treasurer's authority for payment.

## SCHEDULE.

<i>No. of Head.</i>	£	s.	cts.
IIa—Administration Extraordinary ... ..	9,054	12	78
IIIa—Agricultural Department Extraordinary	3,658	5	99
X—Game Department ... ..	213	19	16
Xa—Game Department Extraordinary ... ..	53	14	75
XI—Interest ... ..	2,060	13	25
XIIIa—Legal Department Extraordinary ... ..	190	7	32
XVIa—Medical Department Extraordinary ... ..	58	4	06
XVIIa—Military Extraordinary ... ..	36	0	99
XVIIb—Mining and Geological Department ... ..	9,632	12	41
XVIIIa—Miscellaneous Services Extraordinary ... ..	18,073	6	72
XIX—Pensions and Gratuities ... ..	25,436	7	73
XXa—Police Extraordinary ... ..	5	2	93
XXIa—Post Office and Telegraphs Extraordinary	4	6	51
XXIII—Prisons ... ..	3,476	17	36
XXX—Statistical Departments ... ..	198	18	26
XXXI—Trade and Information Office ... ..	7	14	68
XXXIV—Colonial Development Fund ... ..	2,159	9	60
XXXIII—Public Works Extraordinary ... ..	1,704	17	31
	<hr/>		
TOTAL	£76,025	11	81
	<hr/>		

**ORDINANCE No. XXI of 1935**

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Assented to in His Majesty's name this twenty-third day  
of August, 1935.

A. DE V. WADE,  
*Acting Governor.*

[23RD AUGUST, 1935.] Date of assent.

**An Ordinance to Amend the Native Liquor  
Ordinance, 1930.**

*23rd August, 1935*

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><b>1.</b> This Ordinance may be cited as the Native Liquor<br/>(Amendment) Ordinance, 1935, and shall be read as one with<br/>the Native Liquor Ordinance, 1930, hereinafter referred to as<br/>the Principal Ordinance.</p>              | <p>Short title.<br/><br/>No. 36 of<br/>1930.</p>   |
| <p><b>2.</b> The Principal Ordinance is hereby amended by the<br/>insertion therein, between sections 34 and 35 thereof, of the<br/>following new section :—</p>   | <p>Amendment of<br/>Principal<br/>Ordinance.</p>   |
| <p style="padding-left: 20px;">“35A. No action shall be maintainable in any Court<br/>or in any Native Tribunal to recover any debt alleged to<br/>be due by any person for any native intoxicating liquor<br/>supplied to such person.”</p> | <p>Debts not<br/>recoverable in<br/>respect of<br/>supply of<br/>native<br/>intoxicating<br/>liquor.</p> |

**ORDINANCE No. XXII of 1935**

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Assented to in His Majesty's name this twenty-third day  
of August, 1935.

A. DE V. WADE,  
*Acting Governor.*

Date of assent.

[23RD AUGUST, 1935.]

**An Ordinance to Amend the Criminal Procedure  
Code.**

Date of  
commencement

*23rd August, 1935*

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 Criminal Procedure Code (Amendment) Ordinance, 1935, and shall be read as one with the Criminal Procedure Code, hereinafter referred to as the Principal Ordinance.

No. 11 of 1930.

Amendment of  
the Principal  
Ordinance.

**2.** The Principal Ordinance is hereby amended by inserting therein, between sections 24 and 25 thereof, the following new section :—

Power of  
police officer  
to detain and  
search vehicles  
and persons  
in certain  
circumstances.

“ 24A. Any police officer may stop, search and detain any vessel, boat or vehicle in or upon which there shall be reason to suspect that anything stolen or unlawfully obtained may be found and also any person who may be reasonably suspected of having in his possession or conveying in any manner anything stolen or unlawfully obtained.”

Amendment of  
section 69 of  
the Principal  
Ordinance.

**3.** Section 69 of the Principal Ordinance is hereby amended by the substitution at the end thereof of a comma for the full stop and by the addition after such comma of the words “or within the local limits of whose jurisdiction the accused was apprehended, or is in custody on a charge for the offence, or has appeared in answer to a summons lawfully issued charging the offence”.

4. Section 145 of the Principal Ordinance is hereby repealed and the following section is substituted therefor :—

Repeal and replacement of section 145 of the Principal Ordinance.

“145. Any court may, at any stage of any inquiry, trial or other proceeding under this Code summon or call any person as a witness, or examine any person in attendance though not summoned as a witness, or recall and re-examine any person already examined, and the court shall summon and examine or recall and re-examine any such person if his evidence appears to it essential to the just decision of the case :

Power to summon material witnesses, or examine person present.

Provided that the prosecutor or the advocate for the prosecution or the defendant or his advocate, shall have the right to cross-examine any such person, and the court shall adjourn the case for such time (if any) as it thinks necessary to enable such cross-examination to be adequately prepared if, in its opinion, either party may be prejudiced by the calling of any such person as a witness.”

5. Section 169 of the Principal Ordinance is hereby repealed and the following section is substituted therefor :—

Repeal and replacement of section 169 of the Principal Ordinance.

“169. Sums allowed for costs or compensation awarded under section 166 or section 168 of this Code shall in all cases be specified in the conviction or order. If the person who has been ordered to pay such costs or compensation fails so to pay, he shall, in default of distress levied in accordance with section 318 of this Code, be liable to imprisonment in accordance with the scale laid down in section 28 of the Penal Code, unless such costs or compensation shall be sooner paid :

Costs and compensation to be specified in order, how recoverable.

No. 10 of 1930.

Provided that in no case shall the period of imprisonment imposed under this section exceed three months.”

6. The Principal Ordinance is hereby amended by the insertion therein after section 170 thereof of the following section to be numbered 170A :—

Insertion in the Principal Ordinance of section 170A.

“170A. In all cases the court may promote reconciliation and encourage and facilitate the settlement in an amicable way of proceedings for common assault, or for

Promotion of reconciliation.

any other offence of a personal or private nature not amounting to felony, and not aggravated in degree, on terms of payment of compensation or other terms approved by the court, and may thereupon order the proceedings to be stayed or terminated."

Amendment of section 196A of the Principal Ordinance.

7. Section 196A of the Principal Ordinance is hereby amended by the deletion therefrom of the words "order him to be discharged as to that particular charge" and the substitution therefor of the words "acquit him".

Amendment of section 219 (1) of the Principal Ordinance.

8. Sub-section (1) of section 219 of the Principal Ordinance is hereby amended by the deletion of the words which occur after the tenth line thereof and the substitution therefor of the following :—

"This is not your trial. You are not being tried now. You will be tried later on in another court and before another judge, where all the witnesses you have heard here will be produced and you will be allowed to examine them and ask them questions. You will then be able to make any statement you may wish. If, understanding this, you want to make a statement to me, I will take it down, and it may be used as evidence at your trial."

Repeal and replacement of section 248 of the Principal Ordinance.

9. Section 248 of the Principal Ordinance is hereby repealed and the following is substituted therefor :—

Preparation of list of jurors and assessors.

" 248. (1) The Registrar shall, at intervals of three years and subject to such rules as the Supreme Court may have prescribed or may hereafter from time to time prescribe, prepare a list (hereinafter referred to as the triennial list) of all persons in the Colony, other than natives of African extraction, who are liable to serve as jurors or assessors. The first triennial list shall be completed not later than the thirtieth day of June, 1938, and, until such date, the list in force at the thirtieth day of June, 1935, shall, subject to any corrections made to such list by any interim lists prepared under sub-section (2) of this section, continue in force.

(2) In every year, other than a year in which a triennial list is prepared, the Registrar shall, not later than the thirtieth day of June, prepare an interim list of all persons who, since the preceding thirtieth day of June,

have become liable to serve as jurors or assessors and of all persons who, since that date, have ceased to be liable so to serve.

(3) Every triennial list and every interim list shall be published in accordance with the provisions of sub-section (1) of section 251 of this Code."

**10.** Sub-section (1) of section 251 of the Principal Ordinance is hereby repealed and the following is substituted therefor :—

Repeal and replacement of section 251 (1) of the Principal Ordinance.

Publication of list.

" 251. (1) In every year a copy of the triennial list or interim list, as the case may be, prepared in accordance with section 248 of this Code shall be published in the Gazette for the first week of July, and extracts from such list containing the names of the persons residing in each province or district in the Colony who are liable to serve as jurors or assessors shall at the same time be exposed to public inspection at the offices of the Provincial Commissioner and District Commissioner of each province and district respectively."

**11.** Sub-section (6) of section 252 of the Principal Ordinance is hereby repealed.

Repeal of section 252 (6) of the Principal Ordinance.

**12.** Section 255 of the Principal Ordinance is hereby amended by the addition after the word "months" in the sixth line thereof of the words "or for such longer period as the Court may order".

Amendment of section 255 of the Principal Ordinance.

**13.** Section 277 of the Principal Ordinance is hereby amended by the deletion of the words "or treason" which occur in the eleventh line thereof and the substitution therefor of the words "treason or rape".

Amendment of section 277 of the Principal Ordinance.

**14.** Section 287 of the Principal Ordinance is hereby amended by renumbering paragraph (a) thereof as paragraph (a) (i), by inserting the word "or" after the semi-colon at the end of that paragraph, and by inserting the following new sub-paragraph as sub-paragraph (ii) of that paragraph :—

Amendment of section 287 of the Principal Ordinance.

" (ii) the deposition must be the deposition of a witness who cannot be found or is incapable of giving evidence, or of a witness whose presence cannot be obtained without an amount of delay or expense which, in the circumstances of the case

the court considers unreasonable : Provided that, before any such deposition as is referred to in this sub-paragraph is read, the court shall satisfy itself that the reading of such deposition will not unduly prejudice the accused;”.

Amendment of section 288 of the Principal Ordinance.

15. Section 288 of the Principal Ordinance is hereby amended by the deletion of the word “him” in the third line thereof and the substitution therefor of the words “the accused person”.

Repeal and replacement of section 289 of the Principal Ordinance.

16. Section 289 of the Principal Ordinance is hereby repealed and the following section is substituted therefor :—

Close of case for prosecution.

“289. (1) When the evidence of the witnesses for the prosecution has been concluded, and the statement or evidence ~~on oath~~ (if any) of the accused person before the committing court has been given in evidence, the court, if it considers that there is no evidence that the accused or any one of several accused committed the offence shall, after hearing, if necessary, any arguments which the advocate for the prosecution or the defence may desire to submit, in a case tried with the aid of assessors, record a finding, or, in a case tried by a jury, direct the jury to return a verdict of not guilty.

(2) When the evidence of the witnesses for the prosecution has been concluded, and the statement or evidence ~~on oath~~ (if any) of the accused person before the committing court has been given in evidence, the court, if it considers that there is evidence that the accused person or any one or more of several accused persons, committed the offence, shall inform each such accused person of his right to address the court, either personally or by his advocate (if any), to give evidence on his own behalf, or to make an unsworn statement, and to call witnesses in his defence, and in all cases shall require him or his advocate (if any) to state whether it is intended to call any witnesses as to fact other than the accused person himself. Upon being informed thereof, the judge shall record the same. If such accused person says that he does not mean to give evidence or make an unsworn statement, or to adduce evidence, then the advocate for the prosecution may sum up the case against such accused

person. If such accused person says that he means to give evidence or make an unsworn statement, or to adduce evidence, the court shall call upon such accused person to enter upon his defence."

**17.** Section 292 of the Principal Ordinance is hereby amended by the insertion therein, between the word "shall" and the word "be" which occur in the third line thereof, of the words and commas ", subject to the provisions of section 156,".

Amendment of section 292 of the Principal Ordinance.

**18.** Wherever the word "order" occurs in the proviso to sub-section (3) of section 315 of the Principal Ordinance, there shall be read therefor the word "warrant".

Amendment of section 315 (3) of the Principal Ordinance.

**19.** Section 317 of the Principal Ordinance is hereby amended by the substitution of a comma for a full stop after the word "pronounced" in the twelfth line thereof, and the addition thereafter of the words "except in case of admission to bail or suspension of sentence as provided in section 342 hereof".

Amendment of section 317 of the Principal Ordinance.

**20.** Sub-section (2) of section 340 of the Principal Ordinance is hereby repealed and the following is substituted therefor :—

Repeal and replacement of section 340 (2) of the Principal Ordinance.

" (2) (a) An appellant, notwithstanding that he is in custody, shall be entitled to be present, if he desires it, at the hearing of the appeal: Provided that, where the appeal is on some ground involving a question of law alone, he shall not be entitled to be present, except with the leave of the Supreme Court.

Right of appellant to be present.

(b) The right of an appellant who is in custody to be present at the hearing of the appeal shall be subject to his paying all expenses incidental to his transfer to and from the place where the court sits for the determination of the appeal: Provided that the court may direct that the appellant be brought before the court in any case where in the opinion of the court his presence is advisable for the due determination of the appeal, in which case such expenses shall be defrayed out of the general revenues of the Colony."

Repeal and replacement of section 342 of the Principal Ordinance. Admission to bail or suspension of sentence pending appeal.

21. Section 342 of the Principal Ordinance is hereby repealed and the following section is substituted therefor :—

“342. (1) After the entering of an appeal by a person entitled to appeal, the Supreme Court, or the subordinate court which convicted or sentenced such person, may order that he be released on bail with or without sureties, or if such person is not released on bail shall, at the request of such person, order that the execution of the sentence or order appealed against shall be suspended pending the hearing of his appeal : Provided that, where a subordinate court refuses to release such person on bail, an appeal against such refusal shall lie to the Supreme Court.

(2) If the appeal is ultimately dismissed and the original sentence confirmed, or some other sentence of imprisonment substituted therefor, the time during which the ~~convict~~ <sup>prisoner</sup> has been released on bail, or during which the sentence has been suspended shall be excluded in computing the term of imprisonment to which he is finally sentenced, ~~and such term of imprisonment shall commence on the day on which the appeal is dismissed or some other sentence is substituted.~~”

Repeal and replacement of section 344 of the Principal Ordinance.

22. Section 344 of the Principal Ordinance is hereby repealed and the following section is substituted therefor :—

Number of judges on an appeal.

“344. Appeals from subordinate courts shall be heard by two judges of the Supreme Court except when in any particular case the Chief Justice shall direct that the appeal be heard by one judge of the Supreme Court.

If on the hearing of an appeal the court is equally divided in opinion the appeal shall be reheard before three judges.”

Amendment section 346 of the Principal Ordinance.

23. Section 346 of the Principal Ordinance is hereby amended by the insertion of the following sentence after the word “fact” which occurs at the end of the first paragraph—

“A judge of the Supreme Court may in his discretion in any case in which an appeal to the Court of Appeal for Eastern Africa is filed grant bail pending the hearing of such appeal.”

**24.** Section 364 of the Principal Ordinance is hereby amended by renumbering the section as 364 (1), and by adding the following as sub-section (2) of the section :—

**Amendment of section 364 of the Principal Ordinance.**

“(2) A judge of the Supreme Court may in his discretion, in any case in which an appeal to the Court of Appeal for Eastern Africa is filed, grant bail pending the hearing of such appeal.”

**25.** The First Schedule to the Principal Ordinance is hereby amended—

**Amendment of Schedule I to the Principal Ordinance.**

(a) by deleting from the fourth column thereof, in the entry relating to section 167 of the Penal Code, the words “with or without corporal punishment”;

and

(b) by adding, in its respective numerical position, the following—

1 Section	2 Offence	3 Whether the police may arrest without warrant or not	4 Punishment under the Penal Code. (N.B.—Under section 26 (3) of the Penal Code a person liable to imprisonment may be sentenced to pay a fine in addition to or instead of imprisonment. <i>Vide</i> also section 34 of the Penal Code.)	5 Court (in addition to the Supreme Court) by which offence is triable when the accused is a non-native.
296A(2)	Tracing possession	Shall not arrest without warrant	Fine of twenty pounds or imprisonment for six months	Any magistrate

## ORDINANCE No. XXIII of 1935

Assented to in His Majesty's name this twenty-third day of August, 1935.

A. DE V. WADE,  
Acting Governor.

Date of assent.

[23RD AUGUST, 1935.]

**An Ordinance to Regulate the Sale and Distribution of Pyrethrum Grown in the Colony.**

Date of commencement

23rd August, 1935

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 Sale of Pyrethrum Ordinance, 1935.

Interpretation.

2. In this Ordinance—  
“agency” means the person or body of persons from time to time appointed by the Governor in Council to be an agency for the purposes of this Ordinance;

“purchase” includes agree or contract to purchase and connotes taking delivery of the article purchased and making payment therefor within a reasonable time;

“pyrethrum” means the dried flowers or dried ground flowers of the plant known botanically as *Pyrethrum cinerarifolium* or any product of such flowers;

“pyrethrum grower” means any person who grows pyrethrum for sale;

“sell” includes agree or contract to sell.

Governor in Council may appoint agency.

3. The Governor in Council may, by proclamation, appoint any person or body of persons to be an agency for the purposes of this Ordinance, and may in like manner revoke or vary such appointment. As and from the date of any such appointment and so long as there is an agency so appointed the provisions of section 4 to 11 inclusive of this Ordinance shall apply.

Registration of pyrethrum growers.

4. (1) Every person carrying on the business of a pyrethrum grower shall within one month after the commencement of this Ordinance, or within one month after he begins to carry on the said business, register himself as a pyrethrum grower at the office of the District Commissioner of the district or one of the districts in which he carries on business.

(2) A fee of five shillings shall be payable for such registration.

Pyrethrum to be sold to agency.

5. No pyrethrum grower shall sell any pyrethrum to any person other than an agency.

- 6.** No person other than an agency shall purchase any pyrethrum from any pyrethrum grower. Agency only to purchase pyrethrum.
- 7.** An agency shall purchase all pyrethrum offered to it by any grower which is suitable for the purpose of preparation of an insecticide of good quality. Agency to purchase all pyrethrum offered.
- 8.** Any person who is guilty of a breach of the provisions of any of the foregoing sections of this Ordinance or of any Rules made thereunder shall on conviction before a magistrate of the first or second class be liable for a first offence to a fine not exceeding one hundred pounds, or to imprisonment for six months or to both such fine and such imprisonment, and for a second or subsequent offence to a fine not exceeding five hundred pounds or to imprisonment for twelve months or to both such fine and such imprisonment. Penalty for offences.
- 9.** An agency may sell pyrethrum in any market, whether within or without the Colony, but it shall be the first duty of an agency to supply the demands of the Colony and of other East African territories to the satisfaction of the Governor. Agency to supply East African demands.
- 10.** The maximum price to be charged by an agency for pyrethrum powder for consumption or use within the Colony, or within the Uganda Protectorate, or within the Tanganyika Territory, or within the Protectorate of Zanzibar, shall not exceed the export parity of pyrethrum flowers based on the average London Price for the previous three months, plus 20 per centum and cost of gristing and packing. Maximum price for pyrethrum powder in certain circumstances.
- 11.** Any person aggrieved by any decision of an agency, either as to the price to be paid for pyrethrum by such agency or as to the price to be charged for that pyrethrum by such agency or as to the failure or refusal of an agency to purchase pyrethrum from or to supply the legitimate demands of such person for pyrethrum may appeal to the Governor, whose decision shall be final, but nothing in this section contained shall be deemed to deprive any person of any right of action which he may have in any competent court of the Colony. Appeal from agency to Governor.
- 12.** The Governor in Council may make rules— Power to make rules.
- (a) prescribing the conditions on which an agency may be appointed;
  - (b) prescribing the duties and functions of an agency;
  - (c) controlling the manufacture and sale of products of pyrethrum flowers grown in the Colony; and
  - (d) generally for the better carrying out of the provisions of this Ordinance.

**ORDINANCE No. XXIV of 1935**

Assented to in His Majesty's name this twenty-third day of August, 1935.

A. DE V. WADE,  
*Acting Governor.*

Date of assent.

[23RD AUGUST, 1935.]

**An Ordinance to Amend the Penal Code.**

Date of commencement

*23rd August, 1935*

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, 1935, and shall be read as one with the Penal Code, hereinafter referred to as the Principal Ordinance.

No. 10 of 1930.

Amendment of section 3 of the Principal Ordinance.

**2.** Section 3 of the Principal Ordinance is hereby amended by the insertion before the word "Nothing" which occurs in the first line thereof of the following words "Except as hereinafter expressly provided".

Repeal and replacement of section 14 of the Principal Ordinance.

**3.** Section 14 of the Principal Ordinance is hereby repealed and the following section is substituted therefor :—

Intoxication.

"14. (1) Save as provided in this section intoxication shall not constitute a defence to any criminal charge.

(2) Intoxication shall be a defence to any criminal charge if by reason thereof the person charged at the time of the act or omission complained of did not know that such act or omission was wrong or did not know what he was doing and—

(a) the state of intoxication was caused without his consent by the malicious or negligent act of another person ; or

(b) the person charged was by reason of intoxication insane, temporarily or otherwise, at the time of such act or omission.

(3) Where the defence under the preceding subsection is established, then in a case falling under paragraph (a) thereof the accused shall be discharged and in a case falling under paragraph (b) the provisions of this Code

and of the Criminal Procedure Code relating to insanity shall apply. No. 11 of 1930.

(4) Intoxication shall be taken into account for the purpose of determining whether the person charged had formed any intention, specific or otherwise, in the absence of which he would not be guilty of the offence.

(5) For the purpose of this section "intoxication" shall be deemed to include a state produced by narcotics or drugs."

4. Section 24 of the Principal Ordinance is hereby amended by the insertion therein after paragraph (2) thereof of the following paragraph, to be numbered (2A):— **Amendment of section 24 of the Principal Ordinance.**

"(2A) Detention under the Detention Camps Ordinance, 1925, or any Ordinance amending or replacing the same." No. 25 of 1925.

and by the insertion therein after paragraph (7) thereof of the following paragraph, to be numbered (8):—

"(8) Cancellation or suspension of a certificate of competency under the Traffic Ordinance, 1928." No. 26 of 1928.

5. Section 28 of the Principal Ordinance is hereby amended by the insertion therein after the figures "28" of the following figure and bracket:—"(1)", and by the repeal of sub-sections (iv) and (v) thereof and the substitution therefor of the following:— **Amendment of section 28 of the Principal Ordinance.**

"(2) In the absence of express provisions in any Ordinance relating thereto the term of imprisonment or detention under the provisions of the Detention Camps Ordinance, 1925, or any Ordinance amending or replacing the same ordered by a court in respect of the non-payment of any sum adjudged to be paid for costs under section 31 or compensation under section 30 hereof or in respect of the non-payment of a fine or of any sum adjudged to be paid under the provisions of any Ordinance shall be such term as in the opinion of the court will satisfy the justice of the case, but shall not exceed in any such case the maximum fixed by the following scale:— **No. 25 of 1925.**

Amount.		Maximum period.	
Not exceeding Sh. 10	...	...	14 days.
Exceeding Sh. 10 but not exceeding Sh. 20	...	...	1 month.
" 20	" "	100	3 months.
" 100	" "	400	4 months.
" 400	" "	<del>1,000</del>	6 months.
" 1,000	" "		0 months.

34/39.

(3) The imprisonment or detention which is imposed in default of payment of a fine shall terminate whenever the fine is either paid or levied by process of law."

Repeal and replacement of section 35A of the Principal Ordinance.  
Escaped convicts to serve unexpired sentences when recaptured.

6. Section 35A of the Principal Ordinance is hereby repealed and the following is substituted therefor :—

"35A. When sentence is passed under this Code on an escaped convict, such sentence—

(i) if of death, fine or corporal punishment shall, subject to the provisions of this Code, take effect immediately;

(ii) if of imprisonment, shall run consecutively or concurrently, as the Court shall order, with the unexpired portion of the sentence which the convict was undergoing when he escaped."

Insertion of section 35B in the Principal Ordinance.

7. The Principal Ordinance is hereby amended by the insertion of the following section to be numbered 35B after section 35A thereof :—

Certificate of competency may be cancelled or suspended in certain cases.

"35B. Where any person has been convicted under this Code of an offence connected with the driving of any vehicle in respect of which a certificate of competency is required, the court before which such person has been convicted may in addition to or in substitution for any other punishment cancel such certificate of competency or suspend such certificate of competency for such time as such court thinks fit and, in such event, all the provisions of section 45 of the Traffic Ordinance, 1928, shall apply *mutatis mutandis*."

No. 26 of 1928.

Insertion in the Principal Ordinance of sections 192A, 192B and 192C.  
Conviction for infanticide in certain cases.

8. The Principal Ordinance is hereby amended by the insertion therein after section 192 thereof of the following sections :—

"192A. (1) Where a woman by any wilful act or omission causes the death of her newly-born child, but at the time of the act or omission she had not fully recovered from the effect of giving birth to such child, and by reason thereof the balance of her mind was then disturbed, she shall, notwithstanding that the circumstances were such that but for this section the offence would have amounted to murder, be guilty of felony, to wit, of infanticide, and may for such offence be dealt with and punished as if she had been guilty of the offence of manslaughter of such child.

(2) Where upon the trial of a woman for the murder of her newly-born child, the court or jury (as the case may be) are of opinion that she, by any wilful act or omission, caused its death, but that, at the time of the act or omission, she had not fully recovered from the effect of giving birth to such child, and that by reason thereof the balance of her mind was then disturbed, the court or jury may, notwithstanding that the circumstances were such that but for the provisions of this section it or they might have found or returned a verdict of murder, return in lieu thereof a verdict of infanticide.

(3) Nothing in this section shall affect the power of the court or jury (as the case may be) upon an information for the murder of a newly-born child to find or return a verdict of manslaughter, or a verdict of guilty but insane, or a verdict of concealment of birth contrary to section 208 of this Code.

192B. Where a woman convicted of an offence punishable with death is found in accordance with the provisions of the next succeeding section to be pregnant, the sentence to be passed on her shall be a sentence of imprisonment for life instead of sentence of death.

Sentence of death not to be passed on pregnant woman.

192c. (1) Where a woman convicted of an offence punishable with death alleges that she is pregnant, or where the court before whom she is so convicted thinks fit so to order, the question whether or not the woman is pregnant, shall before sentence is passed on her, be determined by the trial judge.

Procedure where woman convicted of capital offence alleges she is pregnant.

(2) The question whether the woman is pregnant or not shall be determined by the judge on such evidence as may be laid before him on the part of the woman or on the part of the Crown, and the judge shall find that the woman is not pregnant unless it is proved affirmatively to his satisfaction that she is pregnant.

(3) Where on proceedings under this section the judge finds that the woman in question is not pregnant the woman may appeal to the Court of Appeal for Eastern Africa, and that Court, if satisfied that for any reason the finding should be set aside, shall quash the sentence passed on her and instead thereof pass on her a sentence of imprisonment for life.

(4) If for any reason whatsoever the trial judge is unable to sit for the purpose of determining the question whether or not the woman is pregnant, then some other judge of the Supreme Court shall sit and determine such question."

Amendment of section 284A of the Principal Ordinance.

9. Section 284A of the Principal Ordinance is hereby amended by the insertion therein, between the word "person" and the word "in" which occur in the third line of paragraph (1) thereof, of the word "lawfully".

Amendment of section 296 of the Principal Ordinance.

10. Section 296 of the Principal Ordinance is hereby amended by the deletion therefrom of the words "Any person who shall be" which occur in the first line thereof and by the substitution therefor of the words "Any person who has been detained as a result of the exercise of the powers conferred by

No. 11 of 1930.

section 24A of the Criminal Procedure Code and is".

Repeal.

11. Section 3 of the Detention Camps (Amendment) Ordinance, 1926, and the Schedule to that Ordinance and section 316 of the Criminal Procedure Code are hereby repealed.

**ORDINANCE No. XXV of 1935**

Assented to in His Majesty's name this twenty-third day of August, 1935.

A. DE V. WADE,  
*Acting Governor.*

[23RD AUGUST, 1935.] **Date of assent.**

**An Ordinance relating to the Protection of the Coir Fibre Industry.**

*23rd August, 1935*

**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 Coir Fibre Industry Ordinance, 1935.

**Short title.**

2. In this Ordinance, unless the context otherwise requires, "coir" means the fibre comprising the outer covering of the fruits of the coco-nut palm, *Cocos nucifera*.

**Interpretation.**

3. (1) No person shall prepare coir, or manufacture articles made from coir, in a factory the machinery of which is operated by mechanical power unless he is in possession of a licence issued to him in that behalf by the Governor in Council.

**Licences.**

(2) Every applicant for a licence under this section shall specify the building and/or place at which he proposes to prepare coir or manufacture articles made from coir, and no licensee shall manufacture these articles otherwise than at such building or place.

(3) The Governor in Council may, in his discretion—

(a) refuse to issue a licence to any person on the ground that a sufficient number of licences has already been granted or on any other ground which may appear to him to be sufficient; or

(b) revoke a licence if he is satisfied that any of the conditions subject to which the licence is issued are not being complied with.

(4) Every licence shall be for such term, in such form, and shall contain and be subject to such conditions, as may be prescribed by the Governor in Council.

4. Any person who contravenes the provisions of sub-section (1) or sub-section (2) of section 3 of this Ordinance or who fails to comply with any of the conditions prescribed in a licence issued to him under sub-section (4) of section 3 of this Ordinance shall be guilty of an offence, and shall, on conviction, be liable to a penalty not exceeding five hundred pounds or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

**Penalty.**

*Amended by Ord. 37, '48*

**ORDINANCE No. XXVI of 1935**

Assented to in His Majesty's name this twenty-third day of August, 1935.

A. DE V. WADE,  
*Acting Governor.*

Date of assent.

[23RD AUGUST, 1935.]

**An Ordinance to provide for the Nomination and Election of Members to the Legislative Council of the Colony and Protectorate of Kenya.**

Date of commencement

*1st January, 1937. By Proclamation*

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.

*Prod. 42/36.*

Interpretation.

1. This Ordinance may be cited as 'the Legislative Council Ordinance, 1935, and shall come into force on such date as the Governor may, by proclamation, appoint.

2. In this Ordinance, unless the contrary intention appears—

"British subject" includes persons who have been naturalized under any Imperial statute or under any enactment of a British possession, as well as the natural-born subjects of His Majesty;

"register" means the register, prepared in accordance with the provisions of this Ordinance, of the persons entitled to vote at the election of a member to represent any of the electoral areas referred to in section 3 of this Ordinance;

"member" means a member of the Legislative Council.

Representation of electorates.

3. (1) There shall be elected to the Legislative Council in accordance with the provisions of this Ordinance, eleven European members, five Indian members, and one Arab member.

(2) Such members shall represent the electoral areas described in Schedule I to this Ordinance as follows:—

(a) One European member shall be elected for, and by the European voters of, each of the electoral areas described in Part A of that Schedule.

(b) (i) Two Indian members shall be elected for, and by the Indian voters of, the Central electoral area described in Part B of that Schedule.

(ii) Two Indian members shall be elected for, and by the Indian voters of, the Eastern electoral area described in Part B of that Schedule.

(iii) One Indian member shall be elected for, and by the Indian voters of, the Western electoral area described in Part B of that Schedule.

(c) One Arab member shall be elected for, and by the Arab voters of, the electoral area described in Part C of that Schedule.

*See temporary  
amdt. made by  
Ord. 27/48*

4. The Governor shall appoint for each electoral area one or more registering officers to perform the duties of registering officers under the Rules contained in Schedule II to this Ordinance.

5. The Governor shall appoint a revising officer to perform the duties of revising officer under the Rules contained in Schedule II to this Ordinance.

6. The Governor shall appoint a returning officer for each electoral area to perform the duties of returning officer under the Rules contained in Schedule III to this Ordinance.

7. For each electoral area a separate register of the persons entitled to vote in such area for the election of a member or members, as the case may be, shall be prepared, published and revised in the manner prescribed by the Rules contained in Schedule II and all amendments thereof.

8. The registers of voters for the time being in operation shall be conclusive evidence for the purpose of determining whether a person is or is not entitled to vote in any electoral area for the election of a member to represent such area.

9. No person shall be entitled to have his name on any register of voters if such person—

(1) (a) is not a British subject of European origin or descent;

(b) is not a British subject of Indian origin or descent, or is not an Indian under the suzerainty or protection of His Majesty; or

(c) is not a male Arab, whether a British subject or under the protection or suzerainty of His Majesty, able to write Arabic or Swahili in Arabic characters;

(2) has not attained the age of twenty-one years;

(3) is, in the opinion of a competent court, of unsound mind;

- (4) has been convicted of a criminal offence and has been sentenced to imprisonment for a term of twelve months or more and has not received a pardon : Provided that such disqualification shall cease two years after the date of the expiration of the sentence ;
- (5) has, since the publication of the last revised register of voters, received relief from Government funds or from the funds of any local authority ;
- (6) has been declared bankrupt or insolvent by a competent court in the Colony or elsewhere and has not received his discharge ;
- (7) is suffering from any disqualification provided by any enactment for the time being in force ;
- (8) has not ordinarily resided in the Colony for at least one period of twelve consecutive months prior to the date of his application to have his name entered on the register ;
- (9) *Ord 34/43* has not resided in the electoral area in which the application to have his name entered on the register is made for a period of not less than three months.

Voters to be registered once.

Qualification for registration.

10. ~~A~~ No person shall be entitled to be registered as a voter in, or to vote in, more than one electoral area.

11. Any person, not otherwise disqualified under the provisions of this Ordinance, shall be entitled :—

- (a) If a British subject of European origin or descent, to have his name entered in the register of voters for one of the electoral areas described in Part A of Schedule I to this Ordinance.
- (b) If a British subject of Indian origin or descent, or an Indian under the suzerainty or protection of His Majesty, to have his name entered in the register of voters for one of the electoral areas described in Part B of Schedule I to this Ordinance.
- (c) If a male Arab, whether a British subject or under the protection or suzerainty of His Majesty, to have his name entered in the register of voters for the electoral area described in Part C of Schedule I to this Ordinance.

Disqualification of candidates.

12. (1) Any person who is qualified to be registered and is registered as a voter shall, subject to the provisions of section 3 of this Ordinance and sub-section (2) of this section, be eligible for election as a member for any electoral area.

(2) A person shall be disqualified for election as a member to represent any electoral area if such person—

- (a) has not ordinarily resided in the Colony for at least one period of two years before being nominated as a candidate;
- (b) is in the permanent employment of the Government or is serving the Government for a term of years;
- (c) is ~~an~~ <sup>see the proviso added</sup> employee of any municipality or municipal board;
- (d) has been convicted of a criminal offence and has been sentenced to imprisonment for a term of six months or more, and has not received a pardon: Provided that the Governor in Council may, by order, in any particular case remove such disqualification;
- (e) has, within the last twelve months immediately preceding the date of his nomination, received relief from Government funds or from the funds of any local authority;
- (f) cannot read, write and speak the English language.

(3) A candidate for election who has undertaken either directly or indirectly himself or by any one in trust for him any contract with a Government department for which the consideration exceeds seventy-five pounds, shall not be disqualified for election provided that, at least fourteen days before the date appointed for the election, he publishes in a newspaper circulating in the electoral area for which he is a candidate a notice of the fact of such contract, giving particulars thereof.

(4) If any elected member after his election undertakes any such contract either directly or indirectly himself or by any one in trust for him, he shall forthwith inform the clerk to the council of the fact of such contract, giving particulars thereof. The clerk shall publish the fact in the Gazette.

(5) The election of any candidate who fails to comply with the provisions of sub-section (3) of this section shall be invalid, the seat shall be deemed to be vacant, and the candidate shall be liable, on conviction, to the penalty prescribed in section 26 of this Ordinance and to the disqualification therein provided:

<sup>see Provisions added by Ord. 37/48</sup>  
 (6) Any member who fails to comply with the provisions of sub-section (4) of this section shall forfeit his seat, and shall be liable, on conviction, to the penalty prescribed in section 26 of this Ordinance and to the disqualification therein provided.

Candidates to be proposed, seconded and supported.

**13.** Every candidate for election as a member for any electoral area shall be nominated by being proposed, seconded and supported by not less than seven persons other than the proposer and the seconder. The proposer, seconder and supporters shall be persons registered as voters in the electoral area for which the candidate is nominated.

Dissolution and general election.

**14.** Subject always to the power of the Governor to dissolve the Legislative Council at any time by Proclamation, the Council shall be dissolved on the expiration of a period of four years from the date of each general election and a general election shall thereafter be held on the first convenient date after such dissolution of the Council. For the purposes of this Ordinance the date of a general election shall be the date of the nomination day referred to in section 15 of this Ordinance.

Nomination day.

**15.** As soon as may be after the dissolution of each Legislative Council the Governor shall, by notice in the Gazette, appoint a convenient day, to be known as nomination day, which shall be not less than twenty-one days after the publication of such notice. In such notice the Governor shall further appoint a place in each of the electoral areas referred to in section 3 of this Ordinance for the nomination of candidates for that electoral area.

Election to be for four years.

**16.** A member elected at a general election shall hold his seat, subject to the provisions of this Ordinance, for a period of four years after such general election, or until the dissolution of the Council to which he is elected, whichever is the sooner.

Election procedure.

**17.** (1) The election of members shall be by ballot, and shall be held in accordance with the procedure prescribed by the Rules contained in Schedule III to this Ordinance.

*See temporary amendment made by Ord. 37/48*

(2) Each voter may give one vote only for each of any number of persons not exceeding the number to be elected for the electoral area in which the voter is entitled to vote.

Where no candidate nominated.

**18.** Whenever the Governor has appointed a nomination day for any electoral area and no candidate therefor has been nominated in accordance with section 13 of this Ordinance the Governor may, in his discretion, nominate a person or persons who is or are eligible for election in such electoral area to be the member or members, as the case may be, for that electoral area.

Resignation of member.

**19.** Any person who has been elected as a member for any electoral area may, by writing under his hand, resign his seat.

**20.** Where an elected member for any electoral area leaves the Colony without resigning his seat, the Governor may nominate any properly qualified person who would be eligible for election in that electoral area to act as member for such electoral area during the absence of such elected member : Provided that, if any elected member shall be absent from the Colony for a period of nine consecutive months, the Governor shall declare his seat to be vacant. **Absence of member.**

**21.** (1) Whenever, from any cause other than the dissolution of Council, a seat in any electoral area becomes vacant the Governor shall, in manner provided by section 15 of this Ordinance, appoint a day and place for the nomination of candidates for such electoral area and, subject to the provisions of section 18, shall direct that a member be elected to fill the vacancy in accordance with the provisions of this Ordinance and of any Rules made hereunder. **By-election.**

(2) Any member so elected or who has been nominated in accordance with the provisions of section 18 of this Ordinance, shall, subject to the provisions of this Ordinance, hold his seat until the dissolution of the Council to which he is so elected or nominated.

#### PENAL PROVISIONS.

- 22.** (1) Any person who— **Offences.**
- (a) forges or fraudulently defaces or fraudulently destroys any nomination paper, or delivers to the returning officer any nomination paper, knowing the same to be forged ; or
  - (b) forges or counterfeits or fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper ; or
  - (c) without due authority supplies any ballot paper to any person ; or
  - (d) not being authorized to do so under the provisions of this Ordinance or of any Rules made thereunder, makes any mark on any ballot paper issued to any person other than to himself ; or
  - (e) fraudulently inserts into any ballot box any paper other than the ballot paper which he is authorized by law to insert ; or
  - (f) fraudulently takes out of the polling station any ballot paper ; or

- (g) without due authority destroys, takes, opens, or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of the election; or
- (h) before or during an election, prints, publishes or posts, or causes to be printed, published or posted, any manifesto, bill, placard, or poster, having reference to the election which fails to bear upon the face thereof the name and address of the printer and publisher;

*Amended  
No 34/43*

shall be guilty of an offence, and shall on conviction be liable to imprisonment for any term not exceeding six months.

(2) Any attempt to commit any of the offences specified in this section shall be punishable in the same manner in which the offence itself is punishable.

(3) In any prosecution for an offence in relation to nomination papers, ballot boxes, ballot papers, and marking instruments at an election, the property in such papers, boxes and instruments may be stated to be in the returning officer at such election, as well as the property in the counterfoils.

Secrecy of  
ballot.

**23.** (1) Every officer, clerk, and agent in attendance at a polling station shall maintain, and aid in maintaining, the secrecy of the voting in such station, and shall not, before the poll is closed, communicate, except for some purpose authorized by law, to any person any information as to the name or number on the register of any elector who has or has not applied for a ballot paper or voted at that station, or as to the official mark.

(2) No such officer, clerk, agent, or any other person shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain in the polling station information as to the candidate for whom any voter in such station is about to vote or has voted, or communicate at any time to any person any information obtained in a polling station as to the candidate for whom any voter in such station is about to vote or has voted, or as to the number on the back of the ballot paper given to any voter at such station.

(3) Any person who acts in contravention of the provisions of this section shall, on conviction, be liable to imprisonment for any term not exceeding six months.

Secrecy of  
ballot.

**24.** (1) Every officer, clerk, and agent in attendance at the counting of the votes shall maintain, and aid in maintaining, the secrecy of the voting, and shall not attempt to ascertain

at such counting the number on the back of any ballot paper, or communicate any information obtained at such counting as to the candidate for whom any vote is given in any particular ballot paper.

(2) No person shall directly or indirectly induce any voter to display his ballot paper after such voter has marked the same, so as to make known to any person the name of the candidate for or against whom he has so marked his vote.

(3) Any person who acts in contravention of the provisions of this section shall on conviction be liable to imprisonment for any term not exceeding six months.

**25.** Any person who, at any election held under the provisions of this Ordinance, applies for a ballot paper in the name of some other person, whether that name be that of a person living or dead or of a fictitious person; or who, having voted once at any such election, applies at the same election for a ballot paper in his own name, shall be guilty of the offence of personation, and shall, on conviction, be liable to imprisonment for a term not exceeding six months.

Punishment  
for personation.

**26.** (1) Any person who—

Penalty for  
treating.

- (a) corruptly by himself or by any other person, either before or during an election, directly or indirectly gives or provides, or pays wholly or in part the expense of giving or providing, any meat, drink, entertainment, or provision to or for any person, for the purpose of corruptly influencing that person or any other person to give or refrain from giving his vote at the election;
- (b) after an election, directly or indirectly gives or provides, or pays wholly or in part the expense of giving or providing any meat, drink, entertainment or provision to or for any person, on account of such person or any other person having voted or refrained from voting, or, being about to vote, to refrain from voting at such election,

shall be guilty of treating, and shall be liable on conviction to a fine not exceeding fifty pounds, and shall, for seven years from the date of his conviction, be disqualified from voting at any election under this Ordinance and from being elected a member.

(2) Every voter who corruptly accepts or takes any such meat, drink, entertainment, or provision shall also be guilty of treating, and shall be liable on conviction to the penalty specified in the preceding sub-section, and shall be disqualified as therein provided.

**Penalty for  
undue  
influence.**

**27.** Every person who directly or indirectly, by himself or by any other person on his behalf—

- (a) makes use of or threatens to make use of any force, violence, or restraint, or who inflicts or threatens to inflict, by himself or by any other person, any injury, damage, harm, or loss upon or against any person in order to induce or compel such person to vote or to refrain from voting, or on account of such person having voted or refrained from voting at any election ;  
or
- (b) who by abduction, duress, or any fraudulent device or contrivance impedes or prevents the free exercise of the franchise of any voter, or thereby compels, induces or prevails upon any voter either to give or to refrain from giving his vote at any election,

shall be guilty of undue influence, and shall be liable on conviction to the penalty specified in section 26, and shall be disqualified as therein provided.

**Penalty for  
bribery.**

**28.** The following persons shall be deemed to be guilty of bribery, and shall on conviction be liable to the penalty prescribed in section 26, and to the disqualifications therein provided :—

- (a) Every person who directly or indirectly, by himself or by any other person on his behalf, gives, lends, or agrees to give or lend, or offers, promises to procure or to endeavour to procure, any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter or to or for any other person, in order to induce any voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of such voter having voted or refrained from voting at any election under this Ordinance.
- (b) Every person who directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers, promises, or

promises to procure or to endeavour to procure, any office, place or employment to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce such voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any voter having voted or refrained from voting at any election under this Ordinance.

- (c) Every person who directly or indirectly, by himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement, or agreement, as aforesaid to or for any person in order to induce such person to procure or endeavour to procure the return of any person as a member, or the vote of any voter at any election under this Ordinance.
- (d) Every person who upon or in consequence of any such gift, loan, offer, promise, procurement, or agreement procures or engages, promises, or endeavours to procure the return of any person as a member, or the vote of any voter at any election under this Ordinance.
- (e) Every person who advances or pays or causes to be paid any money to or to the uses of any other person, with the intent that such money or any part thereof shall be expended in bribery at any election under this Ordinance, or who shall knowingly pay or cause to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any such election.
- (f) Every voter who, before or during any election under this Ordinance, directly or indirectly, by himself or by any other person on his behalf, receives, agrees, or contracts for any money, gift, loan, or valuable consideration, office, place, or employment, for himself or for any other person, for voting or agreeing to vote or for refraining or agreeing to refrain from voting at any such election.
- (g) Every person who, after any election under this Ordinance, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or to refrain from voting at any such election.

Provided always that nothing in this section contained shall extend or be construed to extend to any money paid or agreed to be paid for or on account of any legal expenses bona fide incurred in connection with any election. Any money or valuable consideration received by an agent from a candidate in return for his general services as an agent to such candidate shall for the purposes of this proviso be deemed to be legal expenses bona fide incurred.

GENERAL.

Corrupt  
practice.

**29.** (1) No election of a member shall be valid if any corrupt practice is committed in connection therewith by the candidate elected.

(2) The expression "corrupt practice" as used in this Ordinance means any of the following offences, namely, treating, undue influence, bribery, and personation.

(3) A corrupt practice shall be deemed to be committed by a candidate if it is committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

Non-com-  
pliance with  
Rules.

**30.** No election shall be invalid by reason of a non-compliance with the rules contained in Schedule III to this Ordinance if it appears that the election was conducted in accordance with the principles laid down in such rules, or that such non-compliance did not affect the result of the election.

Disputes as to  
validity of  
elections.

**31.** (1) If the validity of an election is brought into question by any person qualified either to be elected or to vote at such election, on the ground of the improper rejection or reception of a nomination or of a vote, or of any corrupt practice in connection with such election, or for any other cause, such person may, at any time within fifteen days of the publication of the result of such election in the Gazette, apply to the Governor in Council to set aside such election.

(2) The Governor in Council shall, after such inquiry, if any, as he may consider necessary, declare by notice in the Gazette, whether the candidate whose election is questioned or any or what other person is duly elected, or whether the election is void.

(3) If the election is declared void, the Governor shall by notification in the manner provided by section 15 of this Ordinance appoint another date for the election of a member for the electoral area concerned.

(4) The Governor in Council may appoint any person having judicial experience to be a commissioner to inquire into and report on the grounds on which the validity of any election is brought into question as aforesaid; and every such commissioner shall have all the powers of a commissioner appointed under the Commissions of Inquiry Ordinance or any law amending or replacing the same. *Cap. 25.*

(5) The Governor in Council may, from time to time, make rules for regulating the practice and procedure to be observed in connection with inquiries under this section.

**32.** (1) The Governor in Council may, from time to time, make rules to supplement the rules contained in Schedules II, III and IV to this Ordinance or to rescind, vary or amend any such rules. *Power to supplement Rules in Schedules.*

(2) All rules so made shall be published in the Gazette, and shall thereupon, subject to the provisions of the next following sub-section, be as legal, valid, effectual and binding as if they had been enacted in this Ordinance.

(3) All rules made in pursuance of this section shall be laid as soon as conveniently may be before the Legislative Council; and, if a resolution is passed within forty days of their being so laid before the Legislative Council praying that any such rule shall be annulled, such rule shall thenceforth be void, but without prejudice to anything done thereunder.

(4) The Governor in Council may from time to time make rules dispensing with the attendance of voters at an election and providing for the transmission of votes by post or otherwise.

**33.** The decision of the Governor in Council on any question which may arise as to the intention, construction, or application of this Ordinance and of the rules thereunder shall be final. *Power of Governor to decide questions arising under Ordinance.*

**34.** The Legislative Council Ordinance and all rules made thereunder are hereby repealed: Provided that, notwithstanding such repeal, the existing registers of voters shall be maintained and revised in accordance with the provisions of the Ordinance and Rules repealed by this Ordinance, as if this Ordinance had not been enacted: And provided that if, before the dissolution of the present Legislative Council, the election of any member becomes necessary to fill any vacancy amongst the elected members of the Legislative Council, such election shall be held subject to the provisions of the Ordinance and the Rules repealed by this Ordinance as if this Ordinance had not been enacted. *Cap. 24.*

## SCHEDULE I.

## PART A.

## ELECTORAL AREAS.

1. Nairobi North.
2. Nairobi South.
3. Mombasa.
4. Coast.
5. Nyanza.
6. Rift Valley.
7. Trans Nzoia.
8. Uasin Gishu.
9. Aberdare.
10. Ukamba.
11. Kiambu.

## DESCRIPTION OF THE BOUNDARIES OF THE ELECTORAL AREAS.

1. *Nairobi, North.*

Commencing at the junction of the Gethathuru and Nairobi Rivers;

thence bounded by the Nairobi River down-stream to its junction with the Ngong River;

thence by that river up-stream to its junction with the Kenya and Uganda Railway;

thence by the Kenya and Uganda Railway (up-line) to its intersection with the eastern boundary of Kiambu Native Reserve at Kabete Station;

thence generally northerly by that Native Reserve boundary to the Gethathuru River;

thence by that river down-stream to the point of commencement.

2. *Nairobi, South.*

Commencing at the junction of the Kenya and Uganda Railway with the Ngong River;

thence by that river up-stream to its junction with the Mtioni River;

thence by that river up-stream to a bridge on the Nairobi-Ngong Road;

thence by a line northerly to a beacon at the south-western corner of L.R. No. 189 A.R. (Government Farm extension), which beacon is on the Kiambu Native Reserve boundary;

thence generally northerly by that Native Reserve boundary to its intersection with the Kenya and Uganda Railway at Kabete Station;

thence by that railway (down-line) to the point of commencement.

### 3. *Mombasa.*

This area comprises the whole of the Island of Mombasa.

### 4. *Coast.*

Commencing at the intersection of the Engare Len or Rombo River with the Kenya-Tanganyika boundary;

thence bounded easterly by the northern boundary of Teita Administrative District, as defined by Proclamation No. 54 dated 25th day of February, 1924, to its most eastern corner;

thence north-easterly and north-westerly by the south-eastern and north-eastern boundaries of Kitui Administrative District, as defined in the aforementioned Proclamation, to its most northern corner;

thence by a line north-easterly to a point near the southern end of the Lorian Swamp where the Lak Dera intersects the line of latitude 1° north;

thence easterly by that line of latitude, to its intersection with the western boundary of Italian Somaliland;

thence southerly by a part of the western and south-easterly by the south-western boundary of Italian Somaliland to the shores of the Indian Ocean;

thence generally south-westerly by the shores of the Indian Ocean to its intersection with the Kenya-Tanganyika boundary;

thence north-westerly and generally northerly by the Kenya-Tanganyika boundary to the point of commencement.

All the islands within the Protectorate with the exception of the Island of Mombasa, form part of the Coast Electoral Area.

### 5. *Nyanza.*

Commencing at the mouth of the Sio River;

thence bounded north-easterly by the Uganda Protectorate boundary to the highest point of Mount Elgon;

thence by a straight line north-easterly to the source of the Swam (or Stum) River;

thence by that river down-stream to the point where it emerges from the crater;

*Replaced by  
Ord. 37/48*

thence south-easterly by the south-western boundary of the Trans Nzoia Administrative District, as defined by Proclamation No. 54 dated 25th day of February, 1924, to where the Kabisi and Nzoia Rivers join at the most southerly point of L.R. No. 5336;

thence south-easterly, south-westerly and easterly by part of the generally western boundary of the Uasin Gishu District, as defined by the aforementioned Proclamation, to the trigonometrical beacon Osorongai;

thence by a line bearing  $85^{\circ} 11'$  for about 17,941 feet to a beacon;

thence bearing approximately  $187^{\circ} 21'$  for about 5,944 feet to a beacon;

thence bearing approximately  $112^{\circ} 36'$  for about 2,244 feet to a beacon;

thence bearing approximately  $187^{\circ} 11'$  for about 3,800 feet to a beacon on the south-eastern of the two summits of the hill "Kaikomor";

thence bearing approximately  $176^{\circ} 11'$  for about 5,054 feet to a beacon;

thence bearing approximately  $161^{\circ} 34'$  for about 6,168 feet to a beacon;

thence by a beaconsed line bearing  $180^{\circ} 28'$  for about 18,107 feet to the trigonometrical beacon "Kakaroua";

thence by a straight line, south-easterly to the western corner of L.R. No. 3167;

thence by the south-western boundary of that portion to its southern corner;

thence generally north-easterly and south-easterly by the generally western boundary of the Uasin-Gishu Administrative District, as defined in the aforementioned Proclamation, to the most western corner of L.R. No. 1860;

thence generally southerly by the generally eastern boundary of the Kisumu-Londiani Administrative District, as defined in the aforementioned Proclamation, to the most northern corner of L.R. No. 570/1;

thence south-westerly and south-easterly by the north western and part of the south-western boundaries of that portion to the northern corner of L.R. No. 7148;

thence southerly and easterly by the western and southern boundaries of that portion to the western corner of L.R. No. 3683;

thence southerly by the western boundaries of L.R. Nos. 3683, 561 and part of the western boundary of 5692 to the northern corner of L.R. No. 1642;

thence south-westerly, south-easterly and easterly by the north-western and south-western boundaries of that portion to its most southern corner;

thence south-westerly, south-easterly, easterly and again south-easterly by the generally western, southern and south-western boundaries of L.R. No. 1643 to the western corner of L.R. No. 1644;

thence south-easterly by part of the western boundary of that portion to its intersection with the eastern boundary of Kericho Administrative District as defined in the aforementioned Proclamation;

thence south-westerly, south-easterly and again south-westerly by the generally eastern and south-eastern boundaries of that district to its most southern corner on the Amala River;

thence by that river down-stream to its intersection with the Tanganyika boundary;

thence by that boundary north-westerly to the shores of Victoria Nyanza;

thence generally northerly by the shores of that lake to the point of commencement.

The whole of the islands in Victoria Nyanza within the Territorial Waters form part of Nyanza Electoral Area.

#### 6. *Rift Valley.*

Commencing at the intersection of the Amala River with the Kenya-Tanganyika boundary;

thence bounded by that river up-stream to the most southern corner of Kericho Administrative District as defined by Proclamation No. 54 dated the 25th day of February, 1924;

thence generally north-easterly, north-westerly and again north-easterly by the generally eastern boundary of that district to its intersection with the south-western boundary of L.R. No. 1644;

thence north-westerly by that boundary to the north-western corner of that portion;

thence generally westerly, north-westerly and north-easterly by the southern and generally western boundaries of L.R. No. 1643 to its north-western corner;

*Replaced by  
Ord. 37/48*

thence westerly, north-westerly and north-easterly by the southern, south-western and north-western boundaries of L.R. No. 1642 to its most northern corner;

thence northerly by part of the western boundary of L.R. No. 5692 and the whole of the western boundaries of L.R. Nos. 561 and 3683 to the north-western corner of L.R. No. 3683;

thence south-westerly and northerly by the southern and western boundaries of L.R. No. 7148 to its most northern corner;

thence north-westerly and north-easterly by a part of the south-western and the whole of the north-western boundary of L.R. No. 570/1 to its most northern corner;

thence in a generally northerly direction by the generally eastern boundary of the Kisumu-Londiani Administrative District, as defined by the aforementioned Proclamation, to the most westerly corner of L.R. No. 1860;

thence north-easterly by the north-western boundary of that portion to the south-western corner of L.R. No. 3841;

thence generally easterly, northerly, south-easterly and again northerly by the generally south-eastern boundary of that portion to the south-eastern corner of L.R. No. 1866;

thence north-easterly and northerly by the generally eastern boundaries of L.R. No. 1866 and L.R. No. 6259 to the north-eastern corner of the latter portion;

thence easterly by the northern boundary of L.R. No. 503 to the intersection of that boundary with the western boundary of Baringo Administrative District, as defined in the aforementioned Proclamation, thence northerly by the western boundary of that district to its most northerly point at Kolosia;

thence south-easterly, southerly, south-westerly and again south-easterly by the north-eastern and generally eastern boundary of that district to the most northerly corner of L.R. No. 2689/R;

thence generally south-easterly by the north-eastern boundary of Nakuru Administrative District, as defined by the aforementioned Proclamation, to the south-eastern corner of L.R. No. 2648/R;

thence easterly and generally southerly by part of the northern and the whole of the eastern boundary of the Naivasha Administrative District, as defined in the aforementioned Proclamation, to the south-eastern corner of L.R. No. 369;

thence by a line south-westerly to the most northerly point of Lake Magadi;

thence by the western shores of that lake to its most south-westerly point;

thence by a line south-westerly to the point of intersection of the Southern Uaso Nyiro River with the Kenya-Tanganyika boundary;

thence north-westerly by that boundary to the point of commencement:

Provided that the township of Kijabe shall be included within this electoral area (No. 6, Rift Valley).

#### 7. *Trans Nzoia.*

Commencing at the point where the Swam (Suam) River emerges from the Crater of Mount Elgon;

thence bounded by that river down-stream till it becomes the Turkwel;

thence by that river down-stream to where it enters Lake Rudolf;

thence southerly by the eastern boundary of Turkana Administrative District, as defined by Proclamation No. 54 dated the 25th day of February, 1924, to the falls on the Amaya River (about longitude  $36^{\circ} 24'$  east and latitude  $0^{\circ} 55'$  north):

thence north-westerly by a part of the south-western boundary of Turkana Administrative District, as defined by the aforementioned Proclamation, to Kolosia;

thence generally south-westerly by the eastern and south-eastern boundaries of the West Suk Administrative District, as defined by the aforementioned Proclamation, to the northern corner of L.R. No. 5783;

thence generally south-easterly, south-westerly and north-westerly by the north-eastern, south-eastern and south-western boundaries of the Trans Nzoia Administrative District, as defined by the aforementioned Proclamation, to the point of commencement.

#### 8. *Uasin Gishu.*

Commencing at the trigonometrical beacon Olessos on the Uasin Gishu Administrative District boundary as defined by Proclamation No. 54 dated 25th day of February, 1924;

*Replaced by  
Ord. 37/48*

thence bounded in a north-westerly, south-westerly and westerly direction by that Administrative District boundary to the southern corner of L.R. No. 3167;

thence by the south-western boundary of that portion to its western corner;

thence by a straight line north-westerly to the trigonometrical beacon Kakaroua;

thence by a beaconsed line bearing approximately  $0^{\circ} 28'$  for about 18,107 feet to a beacon;

thence bearing approximately  $341^{\circ} 34'$  for about 6,168 feet to a beacon at the end of a spur;

thence bearing approximately  $356^{\circ} 11'$  for about 5,034 feet to a beacon on the south-eastern of the two summits of the hill Kaikomor;

thence bearing approximately  $7^{\circ} 11'$  for about 3,800 feet to a beacon;

thence bearing approximately  $292^{\circ} 36'$  for about 2,244 feet to a beacon;

thence bearing approximately  $7^{\circ} 21'$  for about 5,944 feet to a beacon on the southern boundary of L.R. No. 5598;

thence westerly by parts of that southern boundary and that of L.R. No. 4126 to the trigonometrical beacon Osorongai on the Uasin Gishu Administrative District boundary;

thence by that district boundary westerly, northerly and north-easterly to the northern corner of L.R. No. 2211;

thence generally north-westerly, north-easterly and southerly by part of the south-western and the whole of the northern and eastern boundaries of Marakwet Administrative District, as defined in the aforementioned Proclamation, to the north-eastern corner of the Elgeyo District;

thence southerly and westerly by the eastern and southern boundaries of the Elgeyo Administrative District, as defined in the aforementioned Proclamation, to the north-western corner of L.R. No. 503, Lembus Forest Concession (the Districts of Marakwet and Elgeyo have now been amalgamated under the name of Elgeyo District, *vide* Proclamation No. 8 dated 8th day of February, 1932);

thence southerly by the eastern boundaries of L.R. Nos. 6259 and 1866 to the south-eastern corner of the latter portion;

thence southerly, north-westerly, and again southerly, and westerly by the generally south-eastern boundary of L.R. No. 3841 to its intersection with the Uasin Gishu Administrative District boundary;

thence by that district boundary westerly and northerly to the point of commencement.

9. *Aberdare.*

Commencing at the summit of Niandarawa (Mount Kinangop);

thence bounded northerly by the western boundary of the South Nyeri Administrative District, as defined by Proclamation No. 54 dated 25th day of February, 1924, to the summit of Sattimma (13,003 feet);

thence still generally northerly by the western boundary of Laikipia Administrative District, as defined in the aforementioned Proclamation, to the summit of O! Doinyo Lengere;

thence south-easterly and northerly by part of the south-western and the whole of the eastern boundary of Turkana Administrative District, as defined in the aforementioned Proclamation, to the mouth of the Turkwel River;

thence by a straight line northerly through the summit of North Island to its intersection with the southern boundary of Abyssinia;

thence generally easterly by that southern boundary to its intersection with the north-western boundary of Italian Somaliland;

thence south-westerly by part of the north-western boundary and southerly by part of the western boundary of Italian Somaliland to the intersection of the latter boundary with the line of latitude 1° north;

thence by that line of latitude westerly to its intersection with the Lak Dera near the southern end of the Lorian Swamp;

thence by a line south-westerly to the eastern corner of Meru Administrative District;

thence generally south-westerly by the south-eastern boundaries of Meru and Embu Administrative Districts and westerly by the southern boundary of South Nyeri Administrative District, as defined by the aforementioned Proclamation, to the point of commencement.

*Replaced by  
Ord. 37/48*

10. *Ukamba.*

Commencing at the junction of Southern Uaso Nyiro River with the Tanganyika boundary;

thence bounded by a line north-easterly to the most south-westerly point on Lake Magadi;

thence by the western shores of that lake to its most northerly point;

thence by a line north-easterly to the south-eastern corner of L.R. No. 369;

thence generally easterly by the southern boundaries of Kiambu and Nairobi Administrative Districts, as defined by Proclamation No. 54 dated the 25th day of February, 1924, to the intersection of the latter with the western boundary of the Machakos Administrative District as defined by the aforementioned Proclamation;

thence generally north-easterly by the north-western boundary of Machakos District to the junction of the Athi and Ndarugu Rivers;

thence by the latter river up-stream to the south-western corner of original L.R. No. 290;

thence north-easterly and south-easterly by the north-western and part of the north-eastern boundary of that portion to the south-western corner of original L.R. No. 295;

thence north-easterly, north-westerly and again north-easterly by the generally western boundary of that portion to its intersection with the Chania River;

thence north-westerly and northerly by the south-western boundary of the Fort Hall Administrative District, as defined by the aforementioned Proclamation, to the summit of Niandarawa (Mount Kinangop);

thence generally easterly by the generally northern boundary of Fort Hall Administrative District to the most eastern corner of L.R. No. 1992;

thence north-easterly by a part of the north-western boundary of Kitui Administrative District, as defined by the aforementioned Proclamation, to its most northern corner;

thence south-easterly and south-westerly by the whole of the north-eastern and south-eastern boundaries of that district to the north-eastern corner of the Teita District as defined by the aforementioned Proclamation;

thence westerly by the northern boundary of that district to its intersection with the Tanganyika boundary;

thence by that boundary north-westerly to the point of commencement.

11. *Kiambu.*

Commencing at the south-eastern corner of L.R. No. 369;

thence bounded generally northerly by a part of the generally eastern boundary of the Naivasha Administrative District as defined by Proclamation No. 54 dated 25th day of February, 1924, to the eastern point of L.R. No. 5287 on the Chania River;

thence by that river (which forms a part of the south-western boundary of the Fort Hall Administrative District) down-stream to the north-western corner of original L.R. No. 295;

thence south-westerly, south-easterly and again south-westerly by the generally north-western boundary of that portion to its intersection with the north-eastern boundary of original L.R. No. 290;

thence north-westerly and south-westerly by a part of the north-eastern and the whole of the north-western boundary of that portion to its western corner on the Ndarugu River;

thence by that river down-stream to its junction with the Athi River;

thence south-westerly by the north-western boundary of Machakos Administrative District to the intersection of the north-western boundary of L.R. No. 337 (Athi Township Reserve) with the Athi River;

thence generally westerly by the generally southern boundaries of Nairobi and Kiambu Administrative Districts to the point of commencement:

Provided that the township of Kijabe be excluded from this electoral area (No. 11, Kiambu):

Provided that Electoral Areas No. 1, Nairobi North, and No. 2, Nairobi South, shall be excluded from this electoral area (No. 11, Kiambu).

## PART B.

*Electoral Areas.*

1. The Central electoral area shall include the following districts :—  
 Nairobi, Fort Hall, South Nyeri, North Nyeri, Embu, Meru, Thika, Kiambu, Northern Frontier.
2. The Eastern electoral area shall include the following districts :—  
 Digo, Mombasa, Kilifi, Tana River, Lamu, Machakos, Kitui, Teita.
3. The Western electoral area shall include the following districts and all the other districts in the Colony which are not specially mentioned in the Central or Eastern electoral areas :—  
 Masai, Naivasha, Laikipia, Nakuru, Ravine, Baringo, Nandi, Uasin Gishu, Elgeyo, Trans Nzoia, Central Kavirondo, North Kavirondo, South Kavirondo, Kisumu-Londiani, Kericho, Turkana and West Suk.

*Replaced by  
Ord. 37/48*

## PART C.

The Colony and Protectorate.

## SCHEDULE II.

## RULES FOR THE PREPARATION OF REGISTERS OF VOTERS.

**Notice inviting claims of voters.**

1. (1) When it is necessary to prepare a new register for any electoral area, the Colonial Secretary shall publish a notice in the Gazette calling upon all persons residing in such area who are desirous of having their names registered in the register for such electoral area to forward their claims, within forty-two days from the date of the publication of the notice, to the registering officer appointed for such electoral area.
- (2) In the case of registers for any of the electoral areas described in Part A of Schedule I to the Ordinance, every claim shall be made in the Form A appended to these Rules.
- (3) In the case of registers for any of the electoral areas described in Part B of Schedule I to the Ordinance, every claim shall be made in the Form B appended to these Rules.
- (4) In the case of the register for the electoral area described in Part C of Schedule I to the Ordinance, every claim shall be made in the Form C appended to these Rules.

(5) Every claim shall be signed by the claimant.

*(6) added by Am. No. 29877*  
 2. (1) Upon the expiration of the aforesaid period of forty-two days the registering officers of the electoral areas concerned shall prepare a separate register for each of the electoral areas in respect of which the notification has, under sub-Rule (1) of Rule 1 of these Rules, been published.

Preparation of register of voters.

(2) In preparing the register, the registering officer shall classify the names of all voters into alphabetical divisions in accordance with the initial letter of the surname of each voter. The registering officer shall then allot a serial number to each name registered. The first serial number shall, in the case of each alphabetical division, be unity. The alphabetical letter of the division together with such serial number shall form the serial number of the voter, and is hereinafter so referred to.

3. On the completion of the registers, copies thereof shall be forwarded by the registering officers to the Colonial Secretary who shall cause the registers to be published in the Gazette. The Colonial Secretary shall, at the time of publication, give notice in the English language in the principal newspapers circulating in the Colony that copies of the registers have been published as aforesaid, and that the registers, or copies thereof, are open for inspection at all reasonable hours of the day at the offices of the registering officers of the several electoral areas, and at such other places, if any, as shall be specified in the notice.

Notice of completion of registers.

4. (1) (a) Every person, who is qualified to have his name entered on the register for any electoral area and whose name is omitted from such register, who claims to have it inserted therein may apply to the registering officer for such electoral area to have his name so inserted.

Claims and objections.

(b) For the purpose of this Rule the words "omitted from such register" shall be deemed to include the name of any person who is registered in one electoral area and who has qualified by residence to have his name inserted in the register for another electoral area.

(2) Every person whose name appears in the register for any electoral area and who objects to the name of any other person or to his own name appearing therein may apply to the registering officer for such electoral area to have such name expunged from the register.

(3) (a) An application under sub-Rule (1) or sub-Rule (2) of this Rule shall be made in writing not later than four weeks after the date of the publication of the register in the Gazette, and shall set out the grounds of the application and shall give an address for the receipt of notices.

(b) Such application shall be accompanied by the sum of two shillings and fifty cents which shall be returned to the applicant by the registering officer after the claim or objection, as the case may be, has been heard as provided in sub-Rule (4) of this Rule : Provided that, if the application is, in the opinion of the registering officer, frivolous or vexatious such sum shall be forfeited to His Majesty.

(4) The registering officer shall inquire into all claims and objections in open court and shall give ten days' notice of such inquiry by posting a written hearing notice to each applicant and to each person objected to, and by affixing a similar notice on some conspicuous part of the court.

(5) (a) As soon as possible after the said inquiry the registering officer shall insert in the register and allot a serial number to the name of any applicant whose claim to have his name so inserted has been proved to the satisfaction of the registering officer, and shall expunge from the register the name of any person who has been proved to the satisfaction of the registering officer to be disqualified from having his name retained in the register :

Provided that no name, to which an objection has been raised under this Rule, shall be expunged from the register unless the applicant appears at the inquiry in person, or by a representative duly authorized by him in writing, in support of his objection and proves to the satisfaction of the registering officer that the person in respect of whom he has raised the objection is disqualified from having his name retained in the register.

(b) The registering officer shall as soon as possible forward a list of the names together with the serial numbers, so inserted in or expunged from the register, as the case may be, to the Colonial Secretary who shall cause such list to be published in the Gazette.

(c) The registering officer shall, at the time of entering in the register the name and serial number of any person to whom paragraph (b) of sub-Rule (1) of this Rule applies, notify in writing the registering officer for the electoral area in which such person formerly resided and is registered, and

such notification shall be sufficient authority for the registering officer to whom it is addressed to expunge from the register the name of such person.

5. (1) If any applicant under Rule 4 of these Rules is dissatisfied with the decision of the registering officer, he may, within ten days from the date thereof, appeal to the revising officer.

Appeal from decision of registering officer.

(2) Every such appeal shall be in writing and shall state shortly the ground of appeal.

(3) The revising officer shall hear the appeal at such time and at such place as to him may seem fit: Provided that he shall in writing give ten days' notice of the hearing of the appeal to the applicant and to the person objected to, as the case may be.

(4) When the revising officer has determined all the appeals which have been lodged with respect to any register, he shall forward to the registering officer concerned and to the Colonial Secretary a statement under his hand of the names and serial numbers which he has decided shall be inserted in or expunged from the register and the Colonial Secretary shall cause such statement to be published in the Gazette.

(5) There shall be an appeal from the decision of the revising officer to the Supreme Court.

6. Within a period of ten days after the publication of the statement in the Gazette as prescribed in sub-Rule (4) of Rule 5 of these Rules, the registering officer shall certify the register in the following form:—

Certification of register.

I, .....  
the Registering Officer for the ..... Electoral Area of ..... hereby certify that this register is the register of voters for the said electoral area as and at the date of this certificate.

Station.....

Date .....

Signature.

## ANNUAL REVISION OF VOTERS.

Notice inviting  
claims.

7. (1) On or before the thirty-first day of December in every year the Colonial Secretary shall publish a notification in the Gazette calling upon all persons desirous of having their names inserted in the register for any electoral area to forward their claims to the registering officer for such area. Such claims must reach the registering officer before the first day of September in the year next following the year in which the notification was published.

(2) If any claim is received on or after the first day of September such claim shall not be considered for the revision in respect of which it was made, but shall be placed on record and receive consideration when the next annual revision is undertaken.

Preparation of  
revised  
registers.

8. (1) Every registering officer shall, not later than thirty days after the said first day of September, prepare a revised register, comply with the provisions of Rule 2 (2) of these Rules and forward a copy of the revised register to the Colonial Secretary together with a list of all names which have been inserted in or expunged from the register, as the case may be.

(2) In preparing such registers the registering officers shall include the names of all persons who appear to be entitled to have their names inserted therein, and shall expunge from the registers the name of any person who is dead or who has become disqualified or who has permanently left the electoral area or who has not resided in the electoral area within the preceding twelve months. The registering officer shall also correct any mistake or supply any omission which appears to him to have been made in the register. It shall be the duty of the registering officer to post to each person, whose name has been expunged from the register under the provisions of this Rule on the ground that such person has become disqualified or has left the electoral area or has not resided in the electoral area within the preceding twelve months, an intimation that his name has been so expunged.

(3) The Colonial Secretary shall as soon as possible after the receipt of the registers cause copies thereof to be published in the Gazette, together with a list of all names of persons which have been inserted in and expunged from the register; and notice shall be given in the principal newspapers circulating in the Colony that copies of the register, and of the list of names so inserted and expunged, have been published as aforesaid, and that registers, or copies thereof, are open

*Substituted by  
S.M. 968/39  
to. 1934*

for inspection at all reasonable hours of the day at the offices of the registering officers of the several electoral areas, and at such other places, if any, as shall be specified in the notice. Such notice shall include a short statement as to the manner in which and the time within which claims and objections may be made.

9. (1) Claims and objections may be made with regard to the revised registers in manner provided by Rule 4 of these Rules and within the time therein prescribed. Such claims shall be heard and determined by the registering officer in the manner provided by the said Rule.

Claims and objections with regard to revised register.

(2) Appeals may be made to the revising officer from the decision of the registering officer in the manner prescribed by Rule 5 of these Rules and the revising officer, the registering officer and the Colonial Secretary shall respectively proceed as therein provided.

(3) There shall be an appeal from the decision of the revising officer in any case to the Supreme Court.

(4) The registering officer shall certify the revised registers within the period and in manner provided by Rule 6 of these Rules, and the registers so certified shall come into operation on the date of such certification and shall continue in operation until superseded by other revised registers.

FORM A.

To the Registering Officer of the Electoral Area of.....

I claim to have my name inserted in the list of persons entitled to vote for the election of a member to represent the ..... Electoral Area.

- Name in full (in block capitals).
- Husband's name (if married).
- Residential address.
- Postal address.
- Passport number, if any.
- Occupation.

*Form A replaced by GEN. 367/48/2 114*

I hereby certify that I am qualified to have my name inserted in the register of voters for the above area, and that I do not suffer from any of the disqualifications set out in section 9 of the Legislative Council Ordinance, 1935.

Date.....

Signature or thumb print mark of Applicant.

(Print section 9 of the Ordinance on the back of the Form).

FORM B.

*Form B replaced by G.O. 367/48 p. 14*

To the Registering Officer,

The .....Indian Electoral Area.

I claim to have my name inserted in the list of persons entitled to vote for election of the Indian Members to represent the ..... Indian Electoral Area :

Name in full.

Surname (if any).

Father's name in full.

In case of married women or widows, husband's name in full.

Address (Residential and Postal).

Occupation.

Number and date of passport, or driving licence, or poll tax receipt, or trading licence, or birth certificate.

I hereby certify that I am qualified to have my name inserted in the register of voters for the above area and that I do not suffer from any of the disqualifications set out in section 9 of the Legislative Council Ordinance, 1935, of which  
been read by me

I have full knowledge, the same having \_\_\_\_\_  
been explained to me  
as reproduced on the reverse of this form.

.....  
*Signature or thumb print  
mark of Applicant.*

*(Print section 9 of the Ordinance on the back of the Form).*

1935

Legislative Council

No. XXVI

## FORM C.

To the District Commissioner,

.....

I claim to have my name inserted in the list of persons entitled to vote for the election of an Arab Member of the Legislative Council.

Name in full.

Address and occupation.

*Questions to be answered by the Applicant.*

- (1) State nationality.
- (2) State age.
- (3) Have you been convicted of a criminal offence and sentenced to imprisonment for a term of 12 months or more? If so, have you received a pardon?  
If imprisoned when did such imprisonment expire?
- (4) Have you received relief from Government funds or from the funds of any local authority within 12 months of your application?
- (5) Have you been declared bankrupt or insolvent by a competent court in the Colony or elsewhere and not received your discharge?
- (6) When did you first enter the Colony.
- (7) Can you write Arabic or Swahili in Arabic characters?

.....  
Signature or thumb print  
mark of Applicant.

## SCHEDULE III.

## RULES FOR THE ELECTION OF MEMBERS.

- Qualification for.** 1. Any person not ineligible for election may be nominated as a candidate for election.
- Procedure for nomination.** 2. (1) Each candidate shall be nominated by means of a separate nomination paper signed by not less than nine persons, whose names are on the register of voters for the electoral area for which the candidate seeks election, as proposer, seconder and supporters, each of whom shall certify that in his opinion such candidate has such a knowledge of the English language as will enable him to take part in the proceedings of the Council.
- Attestation of signatures of proposer and seconder.** (2) The signatures of the proposer and seconder and supporters shall be witnessed by a magistrate, justice of the peace, commissioner for oaths, or by a notary public.
- Form of nomination paper.** (3) Every nomination paper shall be in the Form A annexed to these Rules and shall be accompanied by a deposit of one thousand shillings.
- Supply of forms of nomination paper.** 3. The returning officer shall, at any time between the date of the notification published under section 15 of the Ordinance and before the hour of 12 noon on nomination day, supply a nomination paper to any registered voter who applies for one.
- Delivery of nomination paper.** 4. (1) Every nomination paper subscribed and witnessed as aforesaid and accompanied by the deposit prescribed in sub-Rule (3) of Rule 2 of these Rules shall be delivered to the returning officer by the candidate or by his proposer or seconder between the hours of 9 a.m. and 12 noon on the day and at the place appointed for the nomination of the candidates.
- (2) Nomination papers which are delivered after the hour of 12 noon shall be rejected.
- Persons entitled to attend election proceedings.** 5. On the day appointed for the nomination of a member for any electoral area, every candidate and his proposer, seconder and one other person selected by the candidate, and no persons other than the aforesaid, shall, except for the purposes of assisting the returning officer, be entitled to attend the proceedings during the time appointed for nomination.

6. The returning officer shall permit the candidates and their proposers and seconders and the person, if any, selected by the candidate as aforesaid, to examine the nomination papers of candidates which have been received for the electoral area concerned.

Examination of nomination papers.

7. (1) Each candidate shall be described in the nomination paper in such manner as, in the opinion of the returning officer, is calculated sufficiently to identify such candidate.

Description of candidates in nomination papers.

(2) No objection to a nomination paper on the ground that the description of the candidate therein is insufficient or that the nomination paper is not in accordance with these Rules shall be allowed or deemed to be valid, unless such objection is made by the returning officer or by some other person within one hour after the time of delivery of the nomination paper.

(3) The decision of the returning officer as to the sufficiency or validity of any nomination paper shall be final.

8. If at 12 noon on the day appointed as the nomination day for any electoral area, candidates not exceeding the number to be elected for that electoral area are nominated, the returning officer shall forthwith declare such candidates to be elected, and shall report such election to the Colonial Secretary, who shall cause a notification of such result to be published in the Gazette.

Where candidates unopposed.

*Temporary replaced by Gov. 367/4 9/11/4*

9. A candidate may, before 12 noon on nomination day but not afterwards, withdraw from his candidature by giving a notice to that effect signed by him to the returning officer.

Withdrawal of candidate.

10. If more candidates than the number to be elected are duly nominated for any electoral area the returning officer shall adjourn the election for the purpose of taking a poll, and shall report to the Governor the names of the candidates as described in their respective nomination papers.

Where candidates are opposed.

*Temporary replaced by Gov. 367/4 8*

11. Upon receipt of such report the Governor shall cause to be published in the Gazette and also in such local newspapers as he may think fit, a notice specifying :—

Notice that poll will be taken.

- (a) The electoral area for which a poll will be taken.
- (b) The date or dates on which the poll will be taken, which shall not be sooner than fourteen days after the date of publication under this Rule of the notice in the Gazette.

(c) The names of the candidates as described in their respective nomination papers and the names of their proposers and seconders and supporters; and

(d) The places at which a poll will be taken, and the portion of the electoral area allotted to each polling station :

Provided that where the electoral area is an area described in Part B of Schedule I to the Ordinance the Governor shall cause a symbol of identification to be allotted to each candidate, and, when publishing the names of the candidates as provided in paragraph (c) of this Rule, shall publish together with such names a facsimile of the symbol allotted to each candidate.

Death of candidate before poll taken.

12. If, after an election has been adjourned for the purpose of taking a poll, one of the candidates nominated dies before the poll has commenced, the Governor shall, upon being satisfied of the fact of such death, countermand the notice for the poll, and shall appoint in manner prescribed by section 21 of the Ordinance, a fresh date for the election. In such case all proceedings with reference to the election shall be re-commenced: Provided that no new nomination shall be required in respect of a candidate who had been duly nominated at the time of the countermand of the poll.

Presiding officer.

13. The Governor shall appoint a person (in these Rules called a "presiding officer") to preside at each polling station. Such presiding officer shall be supplied with a copy of the register of voters containing the names of voters in the area assigned to his polling station.

Deputy presiding officers.

14. The Governor may appoint at each polling station one or more deputy presiding officers, one of whom, to be selected by the presiding officer, shall act as presiding officer in the event of illness or unavoidable absence of the presiding officer. A deputy presiding officer when so acting shall exercise all the powers and perform all the duties of the presiding officer under these Rules.

Restriction of voting to proper polling stations.

15. No person shall be admitted to vote at any polling station except the one allotted to him.

Time for opening and closing poll.

16. Unless the Governor, by notification in the Gazette, appoints any other hour, the poll shall open at 8 a.m. and shall close at 6 p.m. on the same day.

17. The presiding officer shall keep order in his station, and shall regulate the number of electors to be admitted at a time, and shall exclude all other persons, except the clerks, the candidates, the agents of the candidates and the police officers on duty.

**Duty of presiding officers.**

18. (1) Each ballot paper for use in connection with the election of a member for the electoral areas described in Part A of Schedule I to this Ordinance shall be capable of being folded up and shall—

**Form of ballot papers.**

- (a) contain a list of the candidates as described in their respective nomination papers;
- (b) have a number printed on the back thereof;
- (c) have attached a counterfoil on which shall be printed the same number as appears on the back of the ballot paper;
- (d) be printed so that the name of each candidate is adjacent to the square in which the voter is to record his vote; and
- (e) shall, so far as is possible, be in the Form B annexed to these Rules.

(2) Each ballot paper for use in connection with the election of members for the electoral areas described in Part B of Schedule I to the Ordinance shall be capable of being folded up and shall—

- (a) contain a list of the candidates as described in their respective nomination papers together with the symbol of identification allotted to each candidate in accordance with the proviso to Rule 11 of these Rules. The names of the candidates shall be printed in English, Gujarati, Urdu, Gurumukhi and Hindi;
- (b) have a number printed on the back thereof;
- (c) have attached a counterfoil on which shall be printed the same number as appears on the back of the ballot paper;
- (d) be printed so that the name and symbol of identification of each candidate is adjacent to the square in which the voter is to record his votes; and
- (e) shall, so far as is possible, be in the Form C annexed to these Rules.

19. (1) Every ballot box shall be so constructed that the ballot papers can be inserted therein, but cannot be withdrawn therefrom without the box being unlocked.

**Ballot boxes.**

**Closing of  
ballot box.**

(2) The presiding officer shall, immediately before the commencement of the poll, show the empty unlocked ballot box to such persons, if any, as may be present in the polling station, so that they may see that it is empty. The presiding officer shall then lock the ballot box and place his seal upon it in such a manner as to prevent it being opened without breaking the seal, and shall place it in his view for the receipt of ballot papers, and keep it so locked and sealed.

**Delivering of  
ballot papers  
to voters.**

20. (1) Immediately before a ballot paper is delivered to a voter it shall be marked on both sides with an official mark, either stamped or perforated.

(2) The serial number, name and description of the voter, as stated in the copy of the register of voters, shall then be called out, and the serial number of such voter shall be marked on the counterfoil, and a mark shall be placed in the register against the number of the voter to denote that he has received a ballot paper.

**Manner of  
voting.**

(3) - Added by Gen. 367/v.8 p.114  
21. (1) The voter on receiving the ballot paper shall forthwith proceed to a place screened from observation, which shall be provided by the presiding officer, and there mark his paper by placing the mark X (and no other mark, writing or signature) opposite the name or names of the candidate or candidates, as the case may be, whom he selects.

(2) The voter shall then fold the ballot paper so as to conceal his vote, and insert the ballot paper, so folded, into the ballot box.

(3) He shall vote without undue delay, and shall quit the polling place as soon as he has inserted his ballot paper into the ballot box.

**Spoilt ballot  
papers.**

22. A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as ballot paper may, on delivering to the presiding officer the ballot paper so inadvertently dealt with and proving the fact of the inadvertence to the satisfaction of the presiding officer, obtain another ballot paper in the place of the ballot paper so delivered up (in these Rules called a "spoilt ballot paper"), and the spoilt ballot paper shall be immediately cancelled.

**Provision for  
illiterates.**

23. If any voter states that he is illiterate or is unable to mark his ballot paper, the presiding officer shall—

(a) cause the ballot paper of such voter to be marked as the elector directs, and then insert the ballot paper in the ballot box; and

(b) write in the register opposite the name of such voter a statement of the fact that the ballot paper was marked by him at the request of the voter, and the reason therefor.

24. (1) If a person representing himself to be a particular voter named in the register of voters applies for a ballot paper after another person has voted as such voter, the applicant shall, upon marking and subscribing a declaration in the form provided in this Rule, be entitled to mark a ballot paper in the same manner as any other voter.

Application for voting paper in name of person who has already voted.

(2) Such ballot paper (in these Rules called a "tendered ballot paper") shall be of a colour different from the other ballot papers, and, instead of being put into the ballot box, shall be given to the presiding officer and endorsed by him with the name of the voter, and his serial number in the register of voters.

(3) Such ballot papers shall be set aside in a separate packet and shall not be counted by the returning officer.

(4) The name of the voter and his serial number on the register shall be entered on a list in these Rules called the "tendered votes list".

*Form of Declaration.*

I, A.B., of ..... solemnly and sincerely declare that I am the same person whose name appears as A.B., No..... in the register of voters in force for the .....electoral area of .....

Witness : C.D.

*Presiding Officer.*

(Signed) A.B.

25. No person other than the returning officer, presiding officer, or a deputy presiding officer shall have any communication whatsoever with a voter while such voter is in a polling station for the purpose of receiving a ballot paper and recording his vote thereon. Should any such communication take place, the presiding officer may order such person to leave the polling station.

Despatch of ballot boxes, etc. to returning officer.

26. The presiding officer of each polling station shall, as soon as practicable after the close of the poll, in the presence of the agents (if any) of the candidates, make up into separate packets, seal with his own seal and the seals of the agents of the candidates who desire to affix their seals—

- (a) the ballot box unopened, but with the key attached;
- (b) the unused and spoilt ballot papers placed together;
- (c) the marked copies of the register of voters and the counterfoils of the ballot papers; and
- (d) the packet containing the tendered ballot papers and the tendered votes list,

and shall despatch or hand over such packets and ballot box to the returning officer.

#### COUNTING VOTES.

Notice of time for counting votes.

27. (1) The returning officer shall make arrangements for counting the votes as soon as practicable after he has received all the ballot boxes relating to any electoral area, and for that purpose shall give notice in writing of the time and place at which he will begin to count the votes.

(2) Each candidate and his agent shall have the right to be present at the counting of the votes.

Rejection of ballot papers.

*Replaced by G.V. 367/48 p. 114*

28. Any ballot paper which has not on its back an official mark, or on which, in the case of an election of one member for any electoral area, votes are given to more than one candidate, or on which, in the case of an election of two members for any electoral area, votes are given to more than two candidates, or on which anything except the number on its back is written or marked by which the vote can be identified shall be void and shall not be counted.

Marking rejected ballot papers.

29. The returning officer shall endorse "rejected" on any ballot paper which he may reject as invalid.

Tendered ballot papers.

30. The returning officer shall not open the sealed packet of tendered ballot papers, but shall retain the same, unless such packet is required for the purposes of an inquiry under section 31 of the Ordinance.

Finality of decision of returning officer.

31. The decision of the returning officer as to any question arising in respect of any ballot paper shall be final, *but in*

*... see words added by G.V. 367/48 p. 114*

32. When the counting of the votes has been completed, the returning officer shall, in the case of the election of one member for any electoral area, declare the candidate to whom the greatest number of votes has been given to be elected, and in the case of the election of two members for any electoral area, declare the candidate to whom the greatest number of votes has been given, and the candidate to whom the next greatest number of votes has been given, to be elected :

Declaration  
of poll.

Replaced by  
Gov. 367/48 p114

Provided that, upon the application of any candidate or of the agent of such candidate, one recount as of right or as many subsequent recounts as to the returning officer may seem reasonable, shall be made before the returning officer makes the declaration.

33. When an equality of votes is found to exist between any candidates, and the addition of a vote would entitle any one of the candidates to be declared elected, the determination of the candidate to whom such one additional vote shall be deemed to have been given shall be made by lot in the presence of the returning officer in such manner as he shall think fit.

Equality of  
votes.

34. The returning officer shall, upon the completion of the counting and after he has declared the result, seal up the voting papers and all other documents relating to the election, and shall retain the same for a period of six months, and thereafter, unless otherwise directed by an order of the Governor, cause them to be destroyed.

Disposal of  
ballot papers.

35. The returning officer shall as soon as may be convenient to him refund to each candidate the deposit of one thousand shillings made in accordance with the provisions of sub-Rule (3) of Rule 2 of these Rules : provided that, should any candidate fail to obtain one-eighth of the total votes polled for the electoral area for which he was a candidate for election, such deposit shall be forfeited to His Majesty : Provided further that the Governor may, in any case where he considers that the forfeiture of the deposit would cause hardship, order that such deposit be refunded to the candidate.

Refund of  
deposit.

36. The returning officer shall without delay report the result of the election to the Governor who shall cause the name of the member elected, or the names of the members elected, as the case may be, to be published in the Gazette.

Publication  
of election.

FORM A. (RULE 2 (3)).

Nomination Paper for .....\* Electoral Area.

*Relinquished in  
S. N. 1934/1935*

1. Name in full of candidate.

2. Address.

3. Occupation.

4. Name of proposer.

5. Name of seconder.

6. Names of supporters.

We the undersigned proposer, seconder and supporters hereby certify that the above-named candidate has such a knowledge of the English language as will enable him to take part in the proceedings of the Council.

Signed by the above named..... (proposer)

in my presence this .....day of ..... 19.....

A.B. (*a Magistrate, Justice of the Peace, Commissioner for Oaths, or a Notary Public*).

Signed by the above named ..... (seconder)

in my presence this .....day of ..... 19.....

C.D. (*a Magistrate, Justice of the Peace, Commissioner for Oaths, or a Notary Public*).

Handed in at.....a.m. on the .....

day of .....19.....

To be followed by witnesses of signatures of supporters

---

\*Here insert description of electoral area.

FORM B (RULE 18 (1)).

Number THE COLONY AND PROTECTORATE OF KENYA <i>The Leg. Co. Ord., 1935</i> FORM B BALLOT PAPER COUNTERFOIL Voter's Serial Number in Register	THE COLONY AND PROTECTORATE OF KENYA THE LEGISLATIVE COUNCIL ORDIN- ANCE, 1935 FORM B (Rule 18 (1) of Sch. III of the Ordinance) BALLOT PAPER (The.....Electoral Area) 1 A.B. <hr/> 2 C.D.
	Official Mark <span style="float: right;">[P.T.O]</span>

[BACK]

Number (to correspond to the number on  
the counterfoil)

BALLOT PAPER.

Official mark

Election for the Electoral Area of.....

Date.....

FORM C

Form C

Rule 18 (2) of Sch. III of the Ord.

THE COLONY AND PROTECTORATE  
OF KENYA

THE LEGISLATIVE COUNCIL  
ORDINANCE, 1935

THE.....INDIAN ELECTORAL AREA

BALLOT PAPER

*Instructions to Voter*

Mark the ballot paper by placing the mark X opposite the names of the candidates you wish to be elected. A mark may not be placed against the name of more than.....candidates. Do not place more than one mark against the name of any individual candidate.

Make no other mark whatever on the front of the form.

Fold the right-hand portion of the form over the centre, so as to bring the back of the form uppermost. Then fold the left-hand portion over this bringing the counterfoil uppermost.

Your vote will then be doubly concealed.

Name	Symbol of Identification
1. A.B.	
2. C.D.	
3. E.F.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

Official mark

[P.T.O

SERIAL No.  
[BACK]  
BALLOT PAPER

Official  
Mark  
Election for the.....Indian Electoral  
Area.  
Date.....

Voter's Serial Number in Register

SERIAL No.  
THE COLONY AND  
PROTECTORATE OF  
KENYA  
*The Legislative Council  
Ordinance, 1935*  
THE.....  
INDIAN ELECTORAL  
AREA

COUNTERFOIL OF  
BALLOT PAPER

Voter's Serial Number  
in Register.....

## SCHEDULE IV.

## VOTING BY POST RULES.

1. (1) In any election of a member under the provisions of the Legislative Council Ordinance, 1935, any elector who satisfies a District Commissioner either orally or in writing—

- (a) that he resides at least ten miles from the nearest polling station at which he is entitled to vote; or
- (b) that he has reason to believe that on the polling day he will not be within ten miles of the polling station at which he is entitled to vote; or
- (c) that on account of ill-health and infirmity he will be prevented from voting,

may apply to the said District Commissioner for a postal ballot paper.

(2) Such application shall be in writing, shall contain the serial number of the voter, as it appeared in the Gazette, and shall be signed by the voter.

(3) The signature thereto shall be certified by a district officer, justice of the peace or commissioner for oaths, if the applicant is within the Colony, or by a notary public or commissioner for oaths if the applicant is not within the Colony.

*Replaced by  
Gov. 367/48 p 114*

2. (1) If the District Commissioner is satisfied as to the applicant's right to vote he shall furnish him with a postal ballot paper.

(2) If the District Commissioner is not satisfied as to the applicant's right to vote, he shall give the applicant notice that he is not so satisfied, and that the applicant should attend personally at the proper polling station to record his vote.

(3) If the applicant is not within the Colony, such ballot paper may be posted to him by air mail should the applicant so request and should the necessary postal charges therefor be tendered by such applicant at the time of his application.

3. Each postal ballot paper shall, so far as is possible, conform to the forms annexed to Schedule III to the Ordinance and shall, in addition, have a number marked on the back corresponding to the registered serial number of the voter to whom it is issued, and shall have the same serial number marked on the face of the counterfoil. The counterfoil shall contain a space for the voter's signature and for the signature of the witness thereto as provided for by these Rules, and shall be capable of being folded up so that the counterfoil shall be visible.

4. (1) The District Commissioner shall inform the returning officer of the electoral area for which the applicant is registered as a voter of the fact that a postal ballot paper has been sent to such applicant and shall, at the same time, forward to the returning officer the written application of the said applicant.

(2) The returning officer shall, if possible, before the ballot notify the presiding officer at every polling station at which the register on which the applicant's name appears is used, the fact of the issue of such ballot paper.

5. (1) A voter who has applied for and obtained a postal ballot paper shall, in order to record his vote, produce the same, if the voter is within the Colony, to any postmaster, magistrate, commissioner for oaths or justice of the peace (other than a candidate for election for the electoral area in which the voter is registered) or, if the voter is not within the Colony, to a notary public or commissioner for oaths. Such voter shall then mark such paper by placing the mark X opposite the name of the candidate or candidates, as the case may be, whom he votes, but so that the postmaster, magistrate, commissioner for oaths, justice of the peace or notary public, as the case may be, shall not see such mark. No other mark, writing, or signature save as herein provided shall be placed by the voter on the postal ballot paper. The voter shall then fold the postal ballot paper so as to conceal his vote, and shall sign his name thereon, in the place provided on the counter-foil, in the presence of the postmaster, magistrate, commissioner for oaths, justice of the peace or notary public, as the case may be, who shall witness such signature. For the purposes of this Rule, the term "postmaster" shall mean any person who is authorized by the Postmaster General to be in charge of a post office.

(2) If the voter is within the Colony he shall then enclose the ballot paper in the envelope provided and hand it to the postmaster, magistrate, commissioner for oaths, or justice of the peace, as the case may be, who shall post the ballot paper or deliver it personally to the returning officer as soon as possible.

(3) If the voter is not within the Colony he shall enclose the ballot paper in the envelope provided and post or otherwise transmit it to the returning officer as soon as possible.

(4) The returning officer for the area in which the voter is registered on the receipt of an envelope containing a postal ballot paper shall keep the same until the close of the poll.

Rule 5(1)(a) & (b)  
replaced by  
GN. 367/48/1935

S. 15. 206/38  
to 44

6. At the count of the poll the returning officer shall produce unopened all envelopes containing ballot papers received by him before the close of the poll, and shall open such envelopes in the presence of a presiding officer or deputy presiding officer of the electoral area concerned.

7. (1) The returning officer shall then produce all applications for postal ballot papers and, without unfolding the postal ballot paper or allowing it to be inspected, compare the signature of the voter on the counterfoil of the postal ballot paper with the signature on the application, and shall allow the presiding officer or deputy presiding officer referred to in Rule 6 of these Rules to inspect the signatures. The returning officer shall determine whether or not the signature on the counterfoil of the postal ballot paper is that of the applicant.

(2) If the postal ballot paper is allowed by the returning officer, he shall tear off the counterfoil containing the voter's name and, without looking at the name of the candidate for whom the voter has voted, shall insert the folded postal ballot paper in a special ballot box provided for the reception of postal ballot papers. When all such postal ballot papers have been so inserted in such ballot box the counting of the votes so recorded therein shall commence.

(3) The list of the numbers of votes received by each candidate shall show separately the votes tendered personally and the votes tendered by postal ballot papers.

8. If a postal ballot paper is filled up or otherwise dealt with in a manner contrary to that provided by these Rules, the returning officer shall disallow such postal ballot paper, and the vote shall not be counted.

9. If the returning officer disallows any postal ballot papers, such postal ballot papers shall be enclosed in a sealed packet, which the returning officer shall retain in his custody unless it is required for the purposes of any inquiry under the Ordinance.

10. The returning officer's decision in respect of any postal ballot paper shall be final.

11. Any person who attempts to induce any person in his employ to obtain a postal ballot paper with the intention of influencing such last-mentioned person by bribery or intimidation to record his vote in favour of any particular candidate shall be liable on conviction to a penalty not exceeding seventy-five pounds.

12. Added by GN. 367/48 p. 114

**ORDINANCE No. XXVII of 1935**

Assented to in His Majesty's name this twenty-third day  
of August, 1935.

A. DE V. WADE,  
*Acting Governor.*

Date of assent.

[23RD AUGUST, 1935.]

**An Ordinance to Amend the Liquor Ordinance,  
1934.**

Date of  
commencement

*23rd August, 1935*

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 Liquor (Amend-  
ment) Ordinance, 1935, and shall be read as one with the  
Liquor Ordinance, 1934, hereinafter referred to as the Principal  
Ordinance.

No. 62 of 1934.

Amendment of  
the Principal  
Ordinance.

**2.** The Principal Ordinance is hereby amended by insert-  
ing therein, immediately after section 2 thereof, the following  
new section :—

Certain  
provisions  
not to apply  
to ships in  
coastal  
harbours.

“2A. Nothing in this Ordinance relating to the appli-  
cation for or the holding of licences shall apply to the  
master of any vessel in any harbour of the Colony, other  
than a harbour on an inland water of the Colony, in respect  
of the sale on board such vessel to any passenger therein  
or to any officer or member of the crew of such vessel, of  
liquor for consumption in such vessel.”

Repeal of  
section 6 of  
the Principal  
Ordinance.

**3.** Section 6 of the Principal Ordinance is hereby  
repealed.

Amendment of  
section 8  
of the  
Principal  
Ordinance.

**4.** Section 8 of the Principal Ordinance is hereby amended  
by inserting therein, between the word “out” and the word  
“in” in the fourth line thereof, the words “in this Ordinance  
and”.

Amendment of  
section 10  
of the  
Principal  
Ordinance.

**5.** Section 10 of the Principal Ordinance is hereby  
amended—

(1) (a) by renumbering sub-section (1) (a) thereof as sub-  
section (1) ;

- (b) by inserting therein, between the word "holder" and the word "to" in the second line of sub-section (1) (a) thereof, the word "thereof";
- (c) by deleting the full stop at the end of sub-section (1) (a) thereof and by adding the words "specified in such licence." immediately after the word "premises" in the last line of that subsection; and
- (d) by deleting paragraph (b) of sub-section (1) thereof;
- (2) (a) by substituting the words "holder thereof to sell on the premises specified therein" for the word "sale" in the first line of sub-section (2) (a) thereof;
- (b) by substituting the word "such" for the word "the" in the first line of paragraph (i) and in the first line of paragraph (ii) of sub-section (2) (a) thereof; and
- (c) by deleting the word "of" in the first line of paragraph (i) and in the first line of paragraph (ii) of sub-section (2) (a) thereof;
- (3) by substituting the words "holder thereof to sell" for the words "sale of" in the second line of sub-section (3), in the second line of sub-section (4), in the second line of sub-section (6) and in the second line of sub-section (8) (a) thereof;
- (4) (a) by inserting the words "by the holder thereof" between the word "sale" and the word "on" which occur respectively in the second and third lines of sub-section (5) thereof;
- (b) by deleting the first and second provisos to sub-section (5) thereof and substituting therefor the following :—

"Provided that, in any municipality, township or area to which the Shop Hours Ordinance, 1925, No. 24 of 1925, has been applied and notwithstanding the provisions of sub-section (5) of section 7 and of sub-section (5) of section 9 of that Ordinance, such licence shall not authorize the sale of intoxicating liquor on any day or during any hours during which a shop may, under the provisions of such Ordinance or of any closing order made thereunder, be required to be closed for the serving of customers;"

- (5) by deleting the last five lines of paragraph (a) of sub-section (7) thereof and substituting therefor the following :—

“members are charged, or permitted to pay, for any refreshment or sleeping accommodation therein.”;

- (6) (a) by inserting the word “thereof” immediately after the word “holder” in the second line of sub-section (10) (a), in the second line of sub-section (12) (a) and in the second line of sub-section (14) (a) thereof ;  
 (b) by inserting the brackets and words “(other than at the premises specified in such general retail liquor licence)” between the word “place” and the word “of” in the third line of sub-section (10) (a) thereof ;
- (7) by adding the following sub-paragraph, to be lettered (d) to sub-section (12) thereof—

“(d) The provisions of section 33 of this Ordinance, in so far as they relate to the giving of thirty days’ notice before the removal of a licence from the licensed premises to other premises may be authorized, shall not apply to the removal of a Steamship Liquor Licence from the steamship, in respect of which it has been issued, to another steamship : Provided that the provisions of this paragraph shall only apply to a Steamship Liquor Licence in respect of steamships under the control of the High Commissioner for Transport.”;

- (8) by substituting the words “or their guests” for the word “only” which occurs in the fourth line of paragraph (a) of sub-section (13) thereof, and by inserting between the word “members” and the word “only” which occur in the ninth line of that paragraph, the brackets and words “(including honorary members)” ;
- (9) by adding the following sub-paragraph, to be lettered (d), to sub-section (14) thereof—

“(d) The provisions of section 33 of this Ordinance, in so far as they relate to the giving of thirty days’ notice before the removal of a licence from the licensed premises to other premises may be authorized, shall not apply to the removal of a Railway Restaurant Car Liquor Licence from the Restaurant Car, in respect of which it has been

issued, to another Restaurant Car : Provided that the provisions of this paragraph shall only apply to a Railway Restaurant Car Liquor Licence in respect of Railway Restaurant Cars under the control of the High Commissioner for Transport.”;

- (10) (a) by renumbering paragraphs (b) and (c) of sub-section (16) thereof as paragraphs (c) and (d) respectively, and by inserting therein the following new paragraph as paragraph (b) of that sub-section—

“(b) The district commissioner may grant such licence subject to such reasonable restrictions and conditions as to him may seem fit : Provided that such restrictions and conditions shall not in any case be such as unduly to restrict the amenities which, by the granting of the licence, it is proposed to provide.”;

- (b) by inserting the words “on the premises specified in such temporary licence” between the word “liquor” and the dash in the fifth line of sub-section (16) (a) thereof ;

- (11) by deleting therefrom sub-section (18) thereof and substituting therefor the following—

“(18) Nothing in this section contained shall be construed to mean that the holder of licence granted under the provisions of this Ordinance shall be compelled to sell liquor, cigars, cigarettes, tobacco or matches during the hours in which he is authorized by his licence to sell such liquor, cigars, cigarettes, tobacco and matches.”; and

- (12) by adding thereto, immediately after sub-section (19) thereof, the following new sub-section—

“(20) (a) A licence issued under this Ordinance to a body corporate shall be issued to the secretary, or to the manager, of such body corporate. **Licences to corporations.**

(b) No transfer of any such licence shall be necessary upon any change of holder of the office of secretary or manager of such body corporate, but any person for the time being holding such office shall be entitled to the privileges granted by, and shall be subject to the duties and liabilities imposed upon the holder of, such licence.”

Amendment of section 11 of the Principal Ordinance.

6. Section 11 of the Principal Ordinance is hereby amended by adding at the end of the proviso thereto the following additional proviso :—

“Provided further that such member shall not, in any case where the Municipal Council or Municipal Board of which he is a member opposes any application before such licensing court, adjudicate upon such application.”

Amendment of section 14 of the Principal Ordinance.

7. Section 14 of the Principal Ordinance is hereby amended by substituting in the third line thereof the words “May and November ” for the words “June and December”.

Amendment of section 20 (2) of the Principal Ordinance.

8. Sub-section (2) of section 20 of the Principal Ordinance is hereby amended by deleting therefrom the words “only until the close of its next ordinary meeting” and by substituting for such words “until the thirty-first day of December of the year in which it is granted”.

Amendment of section 22 of the Principal Ordinance.

9. Section 22 of the Principal Ordinance is hereby amended—

(1) by substituting the word “March” for the word “April” in the eighth line of sub-section (1) thereof and by substituting the word “September” for the word “October” in the ninth line of that sub-section ;

(2) by deleting paragraph (h) of sub-section (4) thereof and substituting therefor the following paragraph—  
“(h) that a register of ordinary, honorary and temporary members is kept.”

(3) by adding thereto, immediately after sub-section (5) thereof, the following new sub-section :—

“(6) Any person, being the holder of a licence issued to him under the provisions of this Ordinance, who desires, in lieu of obtaining a renewal of his existing licence, to obtain a liquor licence of a different description shall apply as if he were not the holder of a licence under this Ordinance and the provisions of this Ordinance relating to applications for and the grant of new licences shall apply to such application :

Provided that if the Court refuses to grant his application for such licence of a different description, his application shall at his request be deemed and taken to be an application for a renewal of his existing licence.”

Change of licence.

**10.** Section 26 of the Principal Ordinance is hereby amended by renumbering the two last sub-sections thereof, which are numbered (3) and (4), as sub-sections (4) and (5) respectively.

**Amendment of section 26 of the Principal Ordinance.**

**11.** Section 27 of the Principal Ordinance is hereby amended—

**Amendment of section 27 of the Principal Ordinance.**

- (1) by deleting the sixth and seventh lines thereof and substituting therefor the following—

“Provided that a court may only refuse to the holder of a licence the renewal of such licence when it is proved to the satisfaction of the court that—”

- (2) by substituting the words “involving moral turpitude and not of a political character” for the words “not of a political character” in the twelfth line thereof; and

- (3) by adding thereto, immediately after paragraph (d) thereof, the following new paragraph—

“(e) that the premises in which the business of such holder is carried on are not in a proper state of repair or do not comply with the reasonable requirements of the Medical Officer of Health and that the owner of the premises or the holder of the licence refuses or is unable to give satisfactory guarantees that the necessary repairs will be carried out within a time specified by the court :”

**12.** Section 30 of the Principal Ordinance is hereby amended by deleting therefrom the word “kept” in the second line of sub-section (3) thereof.

**Amendment of section 30 of the Principal Ordinance.**

**13.** Section 31 of the Principal Ordinance is hereby amended by substituting the words “involving moral turpitude and not of a political character” for the words “not of a political character” in the fifth and sixth lines thereof.

**Amendment of section 31 of the Principal Ordinance.**

**14.** The Principal Ordinance is hereby amended by inserting, between section 32 and section 33 thereof, the following new section :—

**Amendment of the Principal Ordinance.**

“32A. Where a licence has been forfeited under the provisions of section 46 of this Ordinance, the owner of the premises in respect of which the licence has been forfeited, may, if he is not the person whose licence has been forfeited, apply to the district commissioner of the district in

**Temporary transfer to the owner of the premises.**

which a licensing court is appointed to be held for the licensing area in which such premises are situate for a temporary transfer to himself or to a person named by him of such licence, and the district commissioner may, if he is satisfied that the person to whom it is desired to transfer such licence is not disqualified under this Ordinance from being granted a licence and upon payment by the applicant of the sum of shillings thirty, grant to such owner or to such person, as the case may be, a temporary transfer of such licence."

Amendment of section 35 of the Principal Ordinance.

15. Section 35 of the Principal Ordinance is hereby amended by adding thereto at the end thereof the following proviso :—

*Deleted by Ord. 32/38*  
 "Provided that where the application is made in respect of a temporary transfer granted under the provisions of section 32A of this Ordinance, a licensing court may refuse to ratify such temporary transfer if the temporary transferee is a person in respect of whom the court could have refused to renew a licence under the provisions of section 27 of this Ordinance."

Amendment of section 42 of the Principal Ordinance.

16. Section 42 of the Principal Ordinance is hereby amended by deleting therefrom the comma and number ", 40" in the first line thereof.

Amendment of section 43 of the Principal Ordinance.

17. Section 43 of the Principal Ordinance is hereby amended—

- (a) by substituting the word "premises" for the word "pemis" which occurs in the sixth line of subsection (3) thereof;
- (b) by substituting a colon for the full stop which occurs at the end of sub-clause (5) thereof; and
- (c) by adding immediately after such colon the following proviso—

"Provided that it shall not be an offence for the holder of a licence to allow the consumption on the premises, between the hour of closing and fifteen minutes after such hour, of liquor purchased with and for consumption at a meal on the premises if such liquor and such meal were purchased before the hour of closing."

- 18.** Section 45 of the Principal Ordinance is hereby amended by substituting the words "an ordinary, honorary, temporary or reciprocity" for the letter "a" in the second line thereof. Amendment of section 45 of the Principal Ordinance.
- 19.** Section 46 of the Principal Ordinance is hereby amended by substituting the words "preceding twelve months" for the word "year" which occurs in the first line of sub-section (4) thereof. Amendment of section 46 of the Principal Ordinance.
- 20.** The Principal Ordinance is hereby amended by inserting therein, immediately after section 46 thereof, the following new section—  
 "46A. Where the forfeiture of a licence is ordered under the provisions of section 46 of this Ordinance and it is proved to the court making such order that the forfeiture of a licence in respect of the same premises has been ordered within a period of two years immediately preceding the date of such order, the court when making such order of forfeiture may disqualify such premises from being licensed under this Ordinance for a period not exceeding one year from the date of such last mentioned order."  
Amendment of the Principal Ordinance.  
Disqualification of premises.
- 21.** Section 50 of the Principal Ordinance is hereby amended by substituting the words "Ordinance or of any Rule made thereunder" for the word "Ordinance" in the second line thereof. Amendment of section 50 of the Principal Ordinance.
- 22.** The Principal Ordinance is hereby amended by inserting therein, immediately after section 54 thereof, the following new section—  
 "54A. Any holder of a licence under this Ordinance who employs, on the premises in respect of which the licence has been issued, any person in connection with the sale of liquor, shall be answerable for the acts and omissions of such employee in so far as this Ordinance is concerned."  
Amendment of the Principal Ordinance.  
Liability for offences of employees.
- 23.** Section 56 of the Principal Ordinance is hereby amended by substituting the bracketted number "(4)" for the bracketted number "(5)" in the fourth line of sub-section (1) thereof. Amendment of section 56 of the Principal Ordinance.
- 24.** Section 63 of the Principal Ordinance is hereby amended—  
 (1) by substituting the following proviso for the proviso to sub-section (2) thereof—  
Amendment of section 63 of the Principal Ordinance.

“Provided that if the second instalment is not paid by the thirtieth day of June in the year in which the licence was issued there shall be added to such instalment a penalty of ten per centum of the amount of such instalment, and if such instalment together with such penalty is not paid within fourteen days after the said thirtieth day of June, such licence shall be deemed to have lapsed with effect from the last mentioned date.”; and

(2) by adding thereto the following new sub-section to be numbered (3)—

“(3) Where a licence has been granted to any person under the provisions of this Ordinance and the full yearly or half-yearly licence fee, as the case may be, in respect of such licence has been paid, and such person ceases to carry on the business of the sale of liquor in respect of which the licence was granted, he may surrender such licence to the Governor; and the Governor may authorize the refund to such person of one-half of the fee paid if the licence has six months or more to run and one-quarter of the fee paid if the licence has less than six months or more than three months to run: Provided that, where under the provisions of sub-section (2) of this section only the first instalment of the licence fee has been paid in respect of an annual licence, the refund which may be authorized in such case shall be one-quarter of the fee actually paid and shall only be authorized if the licence is surrendered before the thirty-first day of March. The provisions of this sub-section shall be deemed to have come into operation on the first day of January, 1935.”

Repeal and replacement of section 66 of the Principal Ordinance.

Costs incurred in legal proceedings.

25. Section 66 of the Principal Ordinance is hereby repealed and the following section is substituted therefor—

~~“66. (1) Where any costs are incurred by the members of a licensing court in connection with legal proceedings instituted against them in their official capacity such costs shall, unless the court before which the proceedings are taken orders such costs to be borne by the opposite party, be paid by the Treasurer out of the revenues of the Colony.”~~

(2) Where any costs are awarded against the members of a licensing court in connection with legal proceedings instituted against them in their official capacity such costs

shall, unless the court before which the proceedings are taken orders such costs to be paid by such members, be paid by the Treasurer out of the revenues of the Colony."

**26.** The Principal Ordinance is hereby amended—

Amendment of  
the Principal  
Ordinance.

- (a) by deleting the words and commas "a Swahili," "a Baluchi born in Africa," where they occur in sub-section (2) of section 2, in sub-section (4) of section 31 and in sub-section (1) of section 39 thereof;
- (b) by deleting the words and commas "Swahilis," "Baluchis born in Africa," where they occur in sub-sections (3) and (5) of section 2 and in sub-section (3) of section 39 thereof;
- (c) by deleting the words and commas "Swahili," "Baluchi born in Africa," where they occur in sub-section (1) of section 39 and in sub-section (1) of section 41 thereof; and
- (d) by deleting the words and commas "or a Swahili," "or a Baluchi born in Africa," where they occur in section 42 thereof.

**27.** The Schedule to the Ordinance is hereby amended by the addition of the following proviso at the end of sub-clause (f) of clause (1) thereof :

"Provided that in respect of premises situated without the municipality or township boundaries but within three miles of such boundaries the Governor may, on the application of the licensee, remit such portion of the licence fee as, having regard to all the circumstances of the case, he may deem to be reasonable."

**28.** The provisions of section 7 and of paragraph (1) of section 9 of this Ordinance shall come into operation on the first day of July, 1935.

Date of  
operation  
of certain  
sections of  
this  
Ordinance.

**ORDINANCE No. XXVIII of 1935**

*Amended by  
Ord. 14/36  
" 28/39  
46/49*

Assented to in His Majesty's name this fourteenth day of August, 1935.

A. DE V. WADE,  
Acting Governor.

Date of assent.

[14TH AUGUST, 1935.]

**An Ordinance to Control and Regulate the Marketing of Native Produce.**

Date of commencement

*1st January, 1936* By Proclamation

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.

*Incl. 12/35*

1. This Ordinance may be cited as the Marketing of Native Produce Ordinance, 1935, and shall come into force on such date as the Governor may, by proclamation, appoint.

Interpretation

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

“native produce” means any produce grown or produced by natives, *any live stock reared by natives and*

“specified native produce” means any native produce specified in any order made under section 3 of this Ordinance;

“licensing authority” means the district commissioner (or his duly authorized representative), of any declared area under section 3 of this Ordinance.

*Ord. 38/39*

Power of Governor to declare areas in which the purchase of native produce may be controlled and regulated.

*provision* 3. In the event of the Governor being satisfied that the cultivation and marketing of native produce is likely to be advanced and improved and that the interests of the inhabitants will be generally promoted thereby, it shall be lawful for him by order to declare any district or part of a district (hereinafter referred to as a “declared area”) to be an area within which the purchase and sale of native produce, which the Governor is hereby authorized to specify in the same or some subsequent order, shall be controlled and regulated.

Licences in declared areas.

4. (1) Upon any such order being made, the following provisions shall apply :—

(a) A licence to purchase in a declared area any specified native produce may be granted by the licensing authority, subject to the approval of the Provincial

1935

## Marketing of Native Produce

No. XXVIII

Commissioner, to ~~the holder of a trading licence issued under the Licensing Ordinance, 1934, or any Ordinance amending or replacing the same.~~ <sup>any person</sup> ~~The~~ <sup>Ord. 41/36</sup> licensing authority may prescribe conditions in respect of any licence granted under this paragraph and such conditions shall be endorsed on the licence. ~~No. 63 of 1934.~~

- (b) Notwithstanding anything contained in the Licensing Ordinance, 1934, or any Ordinance amending or replacing the same or in any licence issued under any such Ordinance, no person shall in a declared area purchase any specified native produce unless he is in possession of a valid licence issued under paragraph (a) of this sub-section. ~~No. 63 of 1934.~~
- (c) A separate licence shall be required in respect of the right to purchase every separate class of specified native produce.

(2) Every licence granted under paragraph (a) of sub-section (1) of this section shall—

- (i) be subject to the payment to the licensing authority of a fee of ~~two shillings~~; <sup>Replaced by Ord. 46/49</sup>
- (ii) be transferable without payment of a further fee, with the approval of the licensing authority;
- (iii) expire on the thirty-first day of December next following the date of the issue thereof.

(3) The provisions of section 10 of the Licensing Ordinance, 1934, shall apply, *mutatis mutandis*, to licences granted under paragraph (a) ~~of sub-section (1) of this section.~~ <sup>No. 63 of 1934.</sup> <sup>Replaced by 46/49</sup>

5. (1) Where the Governor in Council is satisfied that the production of any particular kind of specified native produce in any declared area is susceptible of development or would be stimulated and advanced under technical direction and management or other special control he may, subject to the approval of the Legislative Council signified by Resolution and to the provisions of this Ordinance, grant in respect of such declared area or any part thereof an exclusive trading licence for the purchase of such particular kind of specified native produce: Provided that no such licence shall be granted in respect of the products of husbandry except for the purchase of one or more kinds of specified native produce the cultivation or production of which is new to the said area or for which new or improved technical methods of preparation or packing are essential. <sup>Power of Governor in Council to grant exclusive trading licences.</sup>

(2) Notwithstanding anything to the contrary in the Standing Rules and Orders of the Legislative Council contained no such Resolution shall be moved unless at least fourteen days' notice thereof shall have been given.

(3) When the Legislative Council has approved of any such Resolution, a notice, declaring the intention of the Governor in Council to grant such exclusive trading licence, shall be published in the Gazette. Such notice shall specify the particular kind of specified native produce, and the declared area or part of such area, in respect of which the licence will be granted, and the date on or before which applications for the grant of such licence may be made.

(4) Any person who desires to apply for the grant to him of such licence shall submit to the Provincial Commissioner of the Province in which the area concerned is situate an application, together with such particulars as may be required, on or before the date specified in such notice. Any such application received by the Provincial Commissioner shall, without delay, be transmitted to the Colonial Secretary for the consideration of the Governor in Council.

Power of Governor in Council to prescribe conditions upon which exclusive trading licence may be granted.

6. (1) At any time after the expiration of a period of three months from the date of the publication of any such notice in the Gazette under sub-section (3) of section 5 of this Ordinance, the Governor in Council may select such applicant as he may think fit and may grant to such applicant, for such period and subject to such conditions and to the payment in each case of such fees (if any) as the Governor in Council may determine, an exclusive trading licence.

(2) The period for which such licence may be granted shall not exceed seven years :

Provided that such licence may thereafter be renewed for such further period, not exceeding five years, as the Governor in Council may, in his discretion, determine.

(3) The grant of any licence under this section shall be in the absolute discretion of the Governor in Council.

(4) Notice of the grant of any such licence or of the renewal thereof shall be published in the Gazette and in the manner prescribed in section 10 of this Ordinance.

(5) When any such licence has been granted, and for so long as such licence is valid and subsisting no licence may be granted under paragraph (a) of sub-section (1) of section 4 of this Ordinance in respect of the same kind of specified native produce in the same declared area.

7. (1) The Governor in Council may suspend or revoke any exclusive trading licence granted by him if he is satisfied on the advice of the Provincial Commissioner of the Province in which the declared area in respect of which such licence is issued is situate, that the licensee has been guilty of an offence under this Ordinance or has committed a breach of any of the conditions subject to or upon which such licence was granted :

Power of Governor in Council to suspend or revoke exclusive trading licences.

Provided that no such licence shall be revoked or suspended unless the Governor in Council is satisfied that the said Provincial Commissioner has first given the licensee the opportunity of being heard in connection with the proposed suspension or revocation of such licence.

(2) Upon the revocation of any such licence a proportionate part of the fee (if any) paid for such licence may, in the discretion of the Governor in Council, be refunded to the licensee.

8. The power to prescribe conditions subject to or upon which any licence under this Ordinance or any exclusive trading licence may be granted shall include the power to determine and specify the minimum prices to be paid for specified native produce in a declared area and to require that all purchases of such produce shall be paid for in cash.

Power to prescribe conditions as to price and purchases for cash.

9. Every exclusive trading licence shall confer on the holder thereof, for such period as such licence is valid and subsisting, the sole right to purchase in the declared area or part thereof in respect of which such licence has been granted, the native produce specified in such licence.

Effect of exclusive trading licence.

10. The licensing authority shall in every case publish a notice in manner herein provided of ~~any licence granted by him and~~ any exclusive trading licence or renewal thereof granted by the Governor in Council. Such notice shall be affixed to the notice board of the district office and shall be published in such other manner as the licensing authority may in his opinion deem to be sufficient for giving information to all interested persons, and the date of publication of such notice shall be deemed to be the date on which the said notice is affixed to such notice board as aforesaid.

Publication of notice of grant of licence or exclusive trading licence.

11. On the expiration of fourteen days from the date of publication of the notice of the grant of an exclusive trading licence it shall, during the period for which such licence is valid and subsisting, be unlawful for any person, other than the holder of such licence or his agents and servants, to purchase

Penalty for infringement of exclusive trading licence.

in the declared area or the part thereof in respect of which such licence has been granted, any specified native produce the sole right to purchase which has been conferred by such licence, and any person contravening the provisions of this section shall on conviction be liable to a fine not exceeding twenty-five pounds, and all specified native produce so purchased by him and found in his possession shall be liable to be forfeited to the Government.

Power of Provincial Commissioner to require purchase of native produce to be paid for in cash.

**12.** The Provincial Commissioner of any Province in which any declared area is situate may, by notice published in the manner provided for in section 10 of this Ordinance, order that in such declared area or in any part thereof all purchases of any particular classes of specified native produce shall, for such period not exceeding twelve months as he shall specify in such notice, be paid for in cash, and any person who purchases any such specified native produce in such declared area or in any part thereof otherwise than for cash shall be guilty of an offence against this Ordinance :

Provided that no such order shall come into force prior to the expiration of a period of three months from the date of the publication of such notice.

Power to refuse or revoke a licence in respect of a declared area.

**13.** (1) A licensing authority may, in respect of any declared area, refuse to grant or renew or may at any time revoke a licence granted under this Ordinance, other than an exclusive trading licence granted by the Governor in Council under section 6 of this Ordinance, but in every such case such licensing authority shall record his reasons therefor in writing and shall forward a copy thereof to the applicant or licensee, as the case may be. Such refusal or revocation shall be subject to an appeal to the Provincial Commissioner and from the Provincial Commissioner to the Governor, whose decision shall be final.

(2) If a licence is revoked under this section a proportionate part of the fee paid shall be refunded.

Appeal with respect to licence.

**14.** If a complaint is made to the Governor that a licensing authority—

- (a) has without reasonable cause refused to grant a licence ;  
or
- (b) has prescribed conditions on the granting of a licence which he has no power to prescribe or which are unreasonable ; or

- (c) has without reasonable cause revoked or refused to renew a licence; or
- (d) has improperly exercised any of his powers under this Ordinance with respect to the matters in paragraphs (a), (b) and (c) of this section,

the Governor shall consider the complaint and, if he is satisfied that the complaint is in any respect well founded, may make such order as he shall think fit for the purposes of redressing the matter complained of.

15. Any omission or neglect to comply with and any act done contrary to the provisions of this Ordinance or of any Rules made thereunder or any breach of the conditions and restrictions subject to or upon which any licence has been granted under this Ordinance shall be deemed to be an offence and for every such offence not otherwise specially provided for the offender shall be liable on conviction to a fine not exceeding twenty-five pounds.

General  
penalty.

16. The Governor in Council may make rules prescribing the forms to be used and the duties of administrative officers and licensing authorities under the provisions of this Ordinance, and may make rules, which may by notice be applied to any declared area, for all or any of the following purposes—

Rules.

- (a) regulating the use of markets and market buildings, and keeping order, preventing obstructions, and maintaining cleanliness therein or in the approaches thereto; *S.N. 400/36, 1. 193*  
*S.N. 405/36, 1. 196.*
- (b) prohibiting the sale or purchase of any particular kind of specified native produce in any specified area except within a new market established under, or within a place declared to be a market under, section 17 of this Ordinance, or within a trading centre deemed to be a market for the purposes of this Ordinance;
- (c) requiring specified native produce brought into markets for sale to be sold by public auction *and regulating the procedure at any such auctions;*
- (d) fixing stallages, rents, fees or tolls and providing for the collection thereof; *Ord. 38/39*
- (e) fixing the days and the hours during each day on which a market may be held and preventing the sale and purchase of specified native produce in the markets on any days or at any hours except those so fixed;

- (f) prescribing the weights, scales and measures to be used in the sale of any specified native produce and regulating the use thereof;
- (g) regulating the appointment, duties and conduct of inspectors and other persons appointed for the purposes of this Ordinance;
- (h) generally carrying into effect any of the purposes or provisions of this Ordinance.

Power to  
establish  
markets.

17. The Governor in Council may by notice in the Gazette—

- (a) establish new markets in any declared area; and
- (b) ~~declare any place~~ in any declared area to be a market for the purposes of this Ordinance:

*S. N. 399/36, 1-187*  
*S. N. 398/36, 1-186*  
 Provided that when the Governor has made an order, under the provisions of section 3 of this Ordinance, in respect of any district or part of any district, all trading centres situate in such declared area, other than such trading centres as the Governor in Council may by order declare not to be markets, shall be deemed to be markets for the purposes of this Ordinance.

Exclusion of  
markets on  
private land  
for the  
supply of  
employees.

18. Nothing in this Ordinance shall be taken to apply to markets established or maintained by any person upon land owned, leased or lawfully occupied by him primarily for the supply of persons employed by him upon such land.

"19. Nothing in this Ordinance contained shall be deemed to apply to the purchase of native produce where such purchase is made for a purpose other than re-sale or manufacture."

Ordinance to  
apply only to  
native produce  
purchased for  
re-sale or for  
manufacture.

**ORDINANCE No. XXIX of 1935**

Assented to in His Majesty's name this twenty-third day of August, 1935.

A. DE V. WADE,  
*Acting Governor.*

[23RD AUGUST, 1935.] Date of assent.

**An Ordinance to Amend the Local Government  
(Municipalities) Ordinance, 1928.**

*23rd August, 1935*

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 (Municipalities) (Amendment) Ordinance, 1935, and shall be read as one with the Local Government (Municipalities) Ordinance, 1928, hereinafter referred to as the Principal Ordinance. Short title.  
No. 19 of 1928.

2. Section 52 of the Principal Ordinance is hereby amended by the addition after sub-section (47) thereof of the following new sub-section :— Amendment of  
section 52 of  
the Principal  
Ordinance.

“(48) (a) Subject to the approval of the Governor, to establish, acquire and maintain within the municipality a service of ferry boats, together with landing places, approaches, ramps and other essential appurtenances, for the carriage of passengers, animals, goods or vehicles and to carry on such service.

(b) Subject to the approval of the Governor, to enter into an agreement with any person for the establishment, acquisition, construction, laying down, equipment, maintenance and carrying on of a service of ferry boats, and for guaranteeing the capital cost and interest on the capital cost thereof.

(c) Whenever any service of ferry boats is established, acquired, maintained, or carried on by the Council, or by any person under an agreement entered into between such person and the Council under the powers conferred upon the Council by this sub-section, by order under the

hand of the Town Clerk with the approval of the Governor, to prohibit any person, except with the consent of the Council signified in writing under the hand of the Town Clerk, carrying on a ferry boat service within such area or areas within the municipality and for such period and within such hours as may be prescribed in such order :

Provided that the right of any person to ply for hire within the municipality with any ferry boat for the unexpired period of any licence granted under any law in force in the Colony and issued to him prior to the date of the coming into force of an order of prohibition made under this sub-section, and the right of any person to carry for hire or reward passengers departing to or arriving from any place outside the limits of any prohibited area, shall not be affected.

(d) (i) Before making an order of prohibition under the provisions of the last preceding paragraph, the Council shall cause notice of its intention to introduce and pass a resolution for that purpose to be published in the Gazette and in at least one newspaper circulating within the municipality.

(ii) Such notice shall be given once in each week for four succeeding weeks, and any objections received shall be laid before the Council at the meeting appointed to consider such resolution and copies of such objections and of the resolution together with a notification of the adoption of such resolution shall be forwarded to the Governor.

(e) If and when the Governor, after considering the objections, if any, approves of the making of the order, such order shall be made under the hand of the Town Clerk, shall be published in the Gazette and in at least one newspaper circulating within the municipality, and shall come into force on such date as may be specified in such order.

(f) The Council may by order revoke an order of prohibition made under the provisions of this sub-section, and may in like manner vary any such order by extending or reducing the period of the operation thereof or by extending or reducing the area to which the order of prohibition applies :

Provided that the making of any such order of revocation or variation shall be subject to the procedure prescribed in paragraphs (d) and (e) of this sub-section as if such order of revocation or variation were an order being made under paragraph (c) of this sub-section.

(g) Save as is provided in paragraph (c) of this sub-section any person who, without the written consent of the Council, carries on within a prohibited area any service of ferry boats, or who plies for hire or reward any ferry boat within a prohibited area, shall be liable on conviction to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding six months, and, in addition, to a fine not exceeding ten pounds in respect of each and every day upon which he contravenes the provisions of this sub-section.

(h) For the purposes of the application of this section to the Municipality of Mombasa the term "ferry boat" means any floating vessel, propelled by any means whatsoever, plying for hire within the municipality for the purpose of carrying passengers, animals, goods or vehicles between any two points one of which is a point on the Island of Mombasa and the other of which is a point on the coast of the Protectorate of Kenya within a radial distance of one mile from the Island of Mombasa: Provided that the term "ferry boat" shall not include any such floating vessel which is not capable of carrying more than three passengers and/or 300 lb. of goods."

**3.** Section 69 of the Principal Ordinance is hereby amended by the addition after sub-section (86) thereof of the following sub-section:—

Amendment of section 69 of the Principal Ordinance.

"(87) For regulating and licensing ferry boats within the municipality, for fixing the amount of the licence fees to be paid, the charges or fares whether by distance or by time, for regulating and controlling the conduct of persons using ferry boats and the embarkation and disembarkation of persons, animals, goods and vehicles, and for regulating or prohibiting the use of the landing places, approaches and ramps maintained in connection with any service of ferry boats."

Replaced by  
H.C. Act. 2/50

**ORDINANCE No. XXX of 1935**

Assented to in His Majesty's name this twenty-third day of August, 1935.

A. DE V. WADE,  
*Acting Governor.*

Date of assent.

[23RD AUGUST, 1935.]

**An Ordinance to Amend the Harbours Regulation Ordinance, 1928.**

Date of commencement

*not notified 1935*

*By Notice*

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.

No. 33 of 1928.  
No. 5 of 1930.

*S.N. 693/38, 6/30*

1. This Ordinance may be cited as the Harbours Regulation (Amendment) Ordinance, 1935, and shall be read as one with the Harbours Regulation Ordinance, 1928, as amended by the Harbours Regulation (Amendment) Ordinance, 1930, hereinafter referred to as the Principal Ordinance, and shall come into operation upon such date as the Governor may by notice in the Gazette appoint.

Amendment of section 3 (d) of the Principal Ordinance.

2. Section 3 (d) of the Principal Ordinance is hereby amended by the deletion of the word "To" in the first line thereof and by the substitution therefor of the following :—

"Except where some other person, body of persons, or authority is under any law for the time being in force empowered or authorized to do so, to".

**ORDINANCE No. XXXI of 1935**

Assented to in His Majesty's name this twenty-third day of August, 1935.

A. DE V. WADE,  
*Acting Governor.*

[23RD AUGUST, 1935.] Date of assent.

**An Ordinance to Amend the Wakf Commissioners Ordinance.**

*23rd August, 1935*

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 Wakf Commissioners (Amendment) Ordinance, 1935, and shall be read as one with the Wakf Commissioners Ordinance (Chapter 28 of the Revised Edition), hereinafter referred to as the Principal Ordinance. Short title.

2. Section 3 of the Principal Ordinance is hereby repealed and the following is substituted therefor :— Repeal and replacement of section 3 of the Principal Ordinance.

“3. (1) The commissioners shall, with effect from the first day of July, 1935, consist of the four persons who on that date are commissioners together with one other person to be appointed by the Governor.

(2) The said five commissioners and their successors are hereinafter referred to as the ‘appointed commissioners’.

(3) Every appointed commissioner shall hold office for life, unless he retires or is removed by the Governor, but no person shall be removed except for good cause.

(4) When a vacancy occurs among the appointed commissioners by reason of death, resignation or removal from office, the Governor shall appoint a successor.”

3. Section 13 of the Principal Ordinance is hereby repealed and the following is substituted therefor :— Repeal and replacement of section 13 of the Principal Ordinance.

“13. All property of deceased Muslims to which no claim can be established shall vest in the commissioners : Provided that no such property shall vest in the commissioners except with the sanction of the Court.

For the purposes of this section the word ‘Muslims’ means Arabs, Baluchis born in Africa, Somalis, Comoro Islanders, Malagasies, and natives, of the Muslim faith.”

**ORDINANCE No. XXXII of 1935**

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Assented to in His Majesty's name this twenty-third day  
of August, 1935.

A. DE V. WADE,  
*Acting Governor.*

Date of assent.

[23RD AUGUST, 1935.]

**An Ordinance to Amend the Agricultural  
Advances Ordinance, 1930.**

Date of  
commencement

*23rd August, 1935*

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 Agricultural  
Advances (Amendment) Ordinance, 1935, and shall be read as  
one with the Agricultural Advances Ordinance, 1930, herein-  
after referred to as the Principal Ordinance.

No. 12 of 1930.

Amendment of  
section 7 (3) of  
the Principal  
Ordinance.

**2.** Sub-section (3) of section 7 of the Principal Ordinance  
is hereby amended by the addition at the end thereof of the  
following proviso :—

“Provided that, with effect from the 1st day of  
January, 1935, all advances shall bear interest at the rate  
of six and one-half per centum per annum.”

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*In force from the 1st August 1945 -  
S. M. A. No. 622/45*

**ORDINANCE No. XXXIII of 1935**

Assented to in His Majesty's name this twenty-third day of August, 1935.

A. DE V. WADE,  
*Acting Governor.*

[23RD AUGUST, 1935.] Date of assent.

**An Ordinance to Provide for the Suppression of Noxious Weeds.**

*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 Suppression of Noxious Weeds Ordinance, 1935, and shall come into operation on such date as the Governor may by notice in the Gazette appoint. Short title and commencement  
*27/8/45 309*

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

“clear” in relation to plants, means dig up or pull up and burn, or employ other means of destruction authorized by the Director;

“Director” means the Director of Agriculture;

“inspector” means any person authorized in writing by the Director to perform the duties of an inspector under this Ordinance in an area to be specified by the Director;

“local authority” means—

(a) in the case of any municipality established under the jurisdiction of a municipal council or a municipal board, the municipal council or the municipal board, as the case may be, of such municipality as constituted under the provisions of the Local Government (Municipalities) Ordinance, 1928;

No. 19 of 1928.

(b) in the case of any other area, the district commissioner, or such person, body of persons, or authority as the Governor may, by notice in the Gazette, appoint to be the local authority for the purposes of this Ordinance;

“person responsible”, in relation to land, means—

(a) the occupier of land, or in the case of unoccupied land the registered owner thereof;

(b) in the case of a mining location, the holder of such location;

- (c) in the case of Crown lands over which grazing or other rights have been granted, the holder of such rights;
- (d) in the case of land under the control of, or vested in, a local authority, the local authority concerned.

Power to  
declare areas  
to be infested.

3. The Governor in Council may, from time to time by notice in the Gazette—

- (a) declare any plant to be a noxious weed in any area which shall be specified in such notice and which may consist either of the whole Colony or of one or more districts or portions thereof; or
- (b) vary or revoke such notice.

Duty of  
persons to  
report.

4. (1) It shall be the duty of every person responsible for any area of land in respect of which any plant has been declared to be a noxious weed under the provisions of section 3 of this Ordinance—

- (a) to report forthwith to an inspector, to a district commissioner or to the Director the presence of such noxious weed; and
- (b) to clear or cause to be cleared the said noxious weed occurring on the said area of land.

(2) Any person who fails to comply with the provisions of this section shall be guilty of an offence against this Ordinance.

Power of  
inspector to  
enter land.

5. (1) An inspector may at all reasonable times enter upon any land situate in an area in respect of which he is authorized to be an inspector for the purpose of ascertaining whether any noxious or other weed exists thereon.

(2) Any person who obstructs or attempts to obstruct or hinder an inspector in the exercise of his duties under this Ordinance shall be guilty of an offence against this Ordinance.

Power of  
inspector to  
order persons  
to clear land.

6. (1) If an inspector finds upon any land any plant which has been declared to be a noxious weed under the provisions of section 3 of this Ordinance he may, by notice in writing to the person responsible, require such person to clear the land of such noxious weed within a time to be specified in such notice.

(2) Such notice shall state the particular noxious weed which has been found upon the land, and as far as practicable, the portion or portions of the land on which such noxious weed has been found.

(3) Any person who fails to comply with the provisions of such notice within the time specified in such notice shall be guilty of an offence against this Ordinance.

7. (1) If the person responsible fails to clear the land within the time specified in a notice under section 6 of this Ordinance an inspector may, upon receiving a written authority from the Director, enter with or without assistance upon the land and eradicate or cause to be eradicated any noxious weed found thereon.

Power of inspectors to eradicate noxious weeds.

(2) Any expenses incurred in such eradication shall be deemed to be a civil debt recoverable summarily from the person responsible at the suit of the Director :

Provided that nothing in this section contained shall relieve the person responsible of any penalty incurred under this Ordinance in consequence of his failure to comply with the provisions of a notice under section 6 of this Ordinance.

8. Any notice under this Ordinance shall be in writing and may be served—

Manner in which notices may be served.

- (i) personally upon the person responsible ; or
- (ii) by leaving it addressed to the person responsible at his usual or last known place of abode ; or
- (iii) by registered post.

9. Any person who is guilty of an offence against any of the provisions of this Ordinance shall on conviction be liable to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and imprisonment, and in case of a continuing offence to a fine not exceeding two pounds for each day during which the offence continues.

Penalties.

10. Save as hereinafter provided, this Ordinance shall not apply to unalienated land situated within a native reserve :

Where noxious weed is in a native reserve.

Provided that where all or any part of an area in which the Governor in Council has declared any plant to be a noxious weed is on unalienated land in a native reserve, each headman who, under the provisions of the Native Authority Ordinance read together with the Compulsory Labour (Regulation) Ordinance, 1932, has power within such area or part thereof to issue orders to be obeyed by the natives residing within the local limits of his jurisdiction, shall report forthwith to an inspector, or to a district commissioner the presence of such noxious weed, and shall, at the same time, in the exercise of such power as aforesaid, cause to be cleared the said noxious weed occurring on the said area of land.

Cap. 129.

No. 42 of 1932

**ORDINANCE No. XXXIV of 1935**

Assented to in His Majesty's name this twenty-third day of August, 1935.

A. DE V. WADE,  
*Acting Governor.*

Date of assent.

[23RD AUGUST, 1935.]

**An Ordinance to Further and Protect the Activities and Interests of the Girl Guides Association in the Colony.**

Date of commencement

*23rd August, 1935*

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 Girl Guides Ordinance, 1935.

Interpretation.

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

“Association” means the Girl Guides Association incorporated under the Royal Charter granted on the fourteen day of December, 1922;

“Commissioner” means the person holding or acting in the office of ~~Chief~~ Commissioner for Girl Guides for Kenya;

“Girl Guide” means a Warranted Officer, Ranger, Girl Guide or Brownie recognized as such under the Rules of the Association and includes all officers of the Association;

“Rules of the Association” means the Rules relating to the Association contained in the book entitled “Rules, Policy and Organization”, as from time to time amended, and subject to any variations sanctioned in due form in accordance with the said Rules to meet local conditions in the Colony.

Restriction on use of uniform of the Association.

**3.** It shall not be lawful for any person, not being under the Rules of the Association duly authorized and entitled so to do, publicly to wear, carry or bear any uniform, badge, token or emblem which under the said Rules are specifically adopted for the use under the authority of the Association or which could reasonably be held to be an imitation of the same in such style or manner as to convey an impression that such person is under the said Rules entitled so to wear, carry or bear such uniform, badge, token or emblem.

4. No person shall sell, or offer for sale, any article bearing a badge, token or emblem specifically adopted for use under the authority of the Association, or which could reasonably be held to be an imitation of the same, unless he shall have first obtained authority from the Commissioner in writing to do so. Restriction on sale of badges, etc.

5. It shall not be lawful for any person to form, organize or work in connection with, or be concerned in forming, organizing, or working in connection with, any corps or body of persons who without due authority granted in accordance with the Rules of the Association claim or purport to be Girl Guides or otherwise to be connected with the Association or who hold themselves out, or pass themselves off, as Girl Guides or as otherwise connected with the Association : No person falsely to claim connection with Association.

Provided that no person shall be liable to conviction under this section who, being engaged at the date of the commencement of this Ordinance in work in connection with a corps or body of persons claiming or purporting to be Girl Guides, shall apply within three months of such date to the Commissioner for authority under the Rules of the Association to continue in such work, unless and until the Commissioner shall have refused to issue such authority and shall have informed the applicant accordingly.

6. Any person who contravenes any of the provisions of this Ordinance shall be liable on conviction for every such offence to a penalty not exceeding ten pounds or to a term of imprisonment not exceeding one month or to both such fine and such imprisonment. Penalties.

**ORDINANCE No. XXXV of 1935**

Assented to in His Majesty's name this twenty-third day of August, 1935.

A. DE V. WADE,  
*Acting Governor.*

Date of assent. [23RD AUGUST, 1935.]

**An Ordinance to Further and Protect the Activities and Interests of the Boy Scouts Association in the Colony.**

Date of commencement *23rd August, 1935*

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 Boy Scouts Ordinance, 1935.

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

“Association” means the Boy Scouts Association incorporated under the Royal Charter granted on the fourth day of January, 1912;

“Boy Scout” means a Warranted Officer, Rover Scout, Boy Scout or Wolf Cub recognized as such under the Rules of the Association and includes also all officers of the Association;

“Commissioner” means the person holding or acting in the office of Chief Commissioner of Boy Scouts for Kenya;

“Rules of the Association” means the Rules relating to the Association contained in the book entitled “Policy, Organization and Rules”, as from time to time amended, and subject to any variations sanctioned in due form in accordance with the said Rules to meet local conditions in the Colony.

Restriction on use of uniform of the Association. **3.** It shall not be lawful for any person, not being under the Rules of the Association duly authorized and entitled so to do, publicly to wear, carry or bear any uniform, badge, token or emblem which under the said Rules are specifically adopted for use under the authority of the Association or which could reasonably be held to be an imitation of the same in such style or manner as to convey an impression that such person is under the said Rules entitled so to wear, carry or bear such uniform, badge, token or emblem.

4. No person shall sell, or offer for sale, any article bearing a badge, token or emblem specifically adopted for use under the authority of the Association, or which could reasonably be held to be an imitation of the same, unless he shall have first obtained authority from the Commissioner in writing to do so. Restriction on sale of badges, etc.

5. (1) It shall not be lawful for any Boy Scout, not being otherwise thereunto lawfully entitled and authorized, to pretend to be, or to pass himself off as, or to arrogate to himself the authority, position or powers of, or to claim to be or to act as— Boy Scout not to pass himself off as police officer, etc.

(a) a member of the Kenya Police Force; or

(b) a tribal police officer; or

(c) an agent or officer of the Government or of any native authority or tribunal.

(2) No Boy Scout shall seek or attempt, by virtue of his wearing any uniform, badge, token or emblem of the Association or any uniform, badge, token or emblem purporting or appearing to be such, to enforce or exercise authority otherwise than in accordance with and as authorized by the Rules of the Association.

6. It shall not be lawful for any person to form, organize, or work in connection with, or be concerned in forming, organizing, or working in connection with, any corps or body of persons who without due authority granted in accordance with the Rules of the Association claim or purport to be Boy Scouts or otherwise to be connected with the Association or who hold themselves out, or pass themselves off, as Boy Scouts or as otherwise connected with the Association : No person falsely to claim connection with Association.

Provided that no person shall be liable to conviction under this section who, being engaged at the date of the commencement of this Ordinance in work in connection with the corps or body of persons claiming or purporting to be Boy Scouts, shall apply within three months of such date to the Commissioner for authority under the Rules of the Association to continue in such work, unless and until the Commissioner shall have refused to issue such authority and shall have informed the applicant accordingly.

7. Any person who contravenes any of the provisions of this Ordinance shall be liable on conviction for every such offence to a penalty not exceeding ten pounds or to a term of imprisonment not exceeding one month or to both such fine and such imprisonment. Penalties.

**ORDINANCE No. XXXVI of 1935**

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Assented to in His Majesty's name this twenty-third day  
of August, 1935.

A. DE V. WADE,  
*Acting Governor.*

Date of assent.

[23RD AUGUST, 1935.]

**An Ordinance to Amend the Police  
Ordinance, 1930.**

Date of  
commencement

*23rd August, 1935*

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 Police (Amend-  
ment) Ordinance, 1935, and shall be read as one with the  
Police Ordinance, 1930, hereinafter referred to as the Principal  
Ordinance.

No. 64 of 1930.

Repeal and  
replacement of  
section 78 of  
the Principal  
Ordinance.

2. Section 78 of the Principal Ordinance is hereby re-  
pealed and the following is substituted therefor :—

Repeal.  
*Cap. 38.*

“ 78. (1) The Identification of Prisoners Ordinance is  
hereby repealed.

*Cap. 36.*  
No. 7 of 1926.

(2) The Police Ordinance, as amended by the Re-  
vised Edition of the Laws (Operation) Ordinance, 1926,  
is hereby repealed : Provided that all members of the Police  
Force other than those referred to in section 14 of this  
Ordinance shall continue to serve under the provisions of  
the Ordinance repealed by this sub-section as if this  
Ordinance had not been enacted.

(3) This section shall be deemed to have come into  
force on the first day of January, 1935.”

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**ORDINANCE No. XXXVII of 1935**

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Assented to in His Majesty's name this fourth day of December, 1935.

J. BYRNE,

*Governor.*

[4TH DECEMBER, 1935.] **Date of assent.**

**An Ordinance to Amend the Subordinate Courts (Separation and Maintenance) Ordinance, 1928.**

*4th December, 1935.*

**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 Subordinate Courts (Separation and Maintenance) (Amendment) Ordinance, 1935, and shall be read as one with the Subordinate Courts (Separation and Maintenance) Ordinance, 1928, hereinafter referred to as the Principal Ordinance.

**Short title.**  
**No. 34 of 1928.**

**2.** Section 8 of the Principal Ordinance is hereby amended by the deletion of the words "No order made under this Ordinance" from the first line thereof and by the substitution therefor of the words—

**Amendment of section 8 of the Principal Ordinance.**

"Save in the case of an order made under section 12 of this Ordinance upon the application of the Attorney General, no order made under this Ordinance".

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

**Repeal and replacement of section 12 of the Principal Ordinance.**

"12. (1) In any case where a woman is dead, or has committed an act of adultery or is absent from the Colony, the Attorney General may make application to the court in respect of her children if he is satisfied that such woman would have had reasonable grounds for applying to the court for an order under this Ordinance if she had been alive, or had not committed an act of adultery or if she had been present in the Colony, as the case may be.

**Application by the Attorney General as to children.**

(2) The Attorney General on any such application, may ask for an order giving directions as to the legal custody of the children of such woman, and as to the payment by the husband of such woman of reasonable maintenance in respect of any such children whom such husband is legally liable to maintain.

(3) On any such application by the Attorney General the court may make such order or orders giving such directions as it may in its discretion think fit. Any such order or orders shall be enforceable in like manner as any other order or orders made under this Ordinance.

(4) The court may, in accordance with the provisions of section 6 (1) of this Ordinance, at any time alter, vary or discharge any order made under this section. An application for such alteration, variation or discharge may be made by the Attorney General, or by the woman in respect of whose children the order has been made, or by the husband of such woman if he has been ordered to make payments in respect of such children, but prior to the making of any such application by such woman or her husband, notice thereof shall in every case be served on the Attorney General."

Amendment of section 14 of the Principal Ordinance.

4. Section 14 of the Principal Ordinance is hereby amended by the deletion of the words "A Court shall entertain proceedings" from the first line thereof and by the substitution therefor of the words---

"Save in the case of an application made under section 12 of this Ordinance by the Attorney General, a Court shall entertain proceedings".

**ORDINANCE No. XXXVIII of 1935**

Assented to in His Majesty's name this fourth day of December, 1935.

J. BYRNE  
Governor.

[4TH DECEMBER, 1935.] Date of assent.

**An Ordinance to Amend the Kenya Royal Naval Volunteer Reserve Ordinance, 1931.**

*4th December, 1935.*

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 Kenya Royal Naval Volunteer Reserve (Amendment) Ordinance, 1935, and shall be read as one with the Kenya Royal Naval Volunteer Reserve Ordinance, 1931, hereinafter referred to as the Principal Ordinance.

Short title

No. 45 of 1931.

2. Section 8 of the Principal Ordinance is hereby amended by the addition thereto of the following :—

Amendment of section 8 of the Principal Ordinance.

“Provided that the Governor, at any time when he considers it desirable in the public interest, may by notice in the Gazette direct that non-Europeans of any specified class or classes may be enlisted in the Reserve, and in such notice may make provision for a special age of enlistment, and period of enlistment and for such other conditions relating to enlisted non-Europeans as he may think fit. Save in so far as any special provision is so made in any such notice, all the provisions of this Ordinance and of any regulations made thereunder shall apply to all non-Europeans so enlisted.”

**ORDINANCE No. XXXIX of 1935**

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Assented to in His Majesty's name this twenty-ninth day  
of November, 1935.

J. BYRNE,  
*Governor.*

Date of assent. [29TH NOVEMBER, 1935.]

**An Ordinance to Amend the Civil Procedure  
Ordinance, 1924.**

Date of commencement *29th November, 1935.*

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 Civil Procedure  
(Amendment No. 2) Ordinance, 1935, and shall be read as one  
with the Civil Procedure Ordinance, 1924, hereinafter referred  
to as the Principal Ordinance.

No. 3 of 1924.

Amendment of section 2 (4) of the Principal Ordinance. **2.** Sub-section (4) of section 2 of the Principal Ordinance  
is hereby amended by adding immediately after paragraph (b)  
thereof the following proviso :—

“Provided that for the purposes of appeal the word  
‘decree’ shall include judgment and a judgment shall be  
appealable notwithstanding the fact that a formal decree  
in pursuance of such judgment may not have been drawn  
up or may not be capable of being drawn up.”

Amendment of section 44 of the Principal Ordinance. **3.** Section 44 of the Principal Ordinance is hereby  
amended by the deletion of paragraph (b) of sub-section (1)  
thereof and by the substitution therefor of the following  
paragraph :—

“(b) (i) the tools of artisans;

(ii) where the judgment-debtor is an agriculturalist,  
such live stock and implements of husbandry and agri-  
culture not exceeding in value £500 and such agricultural  
produce not exceeding in value £25 as may, in the opinion  
of the Court, be necessary to enable him to earn his live-  
lihood,

For the purposes of this paragraph the expression 'implements of husbandry and agriculture' shall include all implements, tools, utensils, plant and machinery used in connection with agricultural, stock or dairy farming or the production of crops or plants."

4. Sub-section (2) of section 65 of the Principal Ordinance is hereby repealed and the following sub-section is substituted therefor:—

Repeal and  
replacement of  
section 65 (2)  
of the  
Principal  
Ordinance.

"(2) Every appeal from a subordinate court to the Supreme Court shall be filed within the period of thirty days from the date of the decree or order appealed against :

Provided however that such time as the Registrar shall certify as having been requisite for preparation of and delivery to the appellant of a copy of the decree shall be excluded from the said period ; and provided also that an appeal may be admitted out of time when the appellant satisfies the Court that he had good and sufficient cause for not preferring the appeal within such period."

*Amended by  
Ord. 23/39  
14/42*

**ORDINANCE No. XL of 1935**

Assented to in His Majesty's name this sixteenth day  
of December, 1935.

J. BYRNE,  
Governor. *58/49*

[16TH DECEMBER, 1935.] Date of assent.

**An Ordinance to Impose Duties of Excise.**

*1st January, 1936.*

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 Ordinance, 1935, and shall come into operation on the 1st day of January, 1936. Short title  
and  
commencement.

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

“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 : 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; and provided that excise duty shall not be payable on tobacco made up by the grower, without the use of machinery, ready for smoking in tobacco pipes.

Rebates and  
refunds of  
duty.

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—

No. 25 of 1926.

- (a) such articles shall only be exported through an approved Customs port;
- (b) every person so exporting such article shall produce to the Commissioner such evidence of delivery from premises licensed under this Ordinance and of exportation as the Commissioner may require;
- (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.

Remissions.

5. The Commissioner may remit the duties due on excisable articles which have been—

- (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.

Licence to  
manufacture.

6. (1) No person shall manufacture any excisable article except in a factory or set of premises licensed under this Ordinance.

(2) Licences shall, with the prior approval of the Governor in Council, be issued by the Commissioner subject to the prescribed conditions and payment of the prescribed fee.

(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, a licence may, with the prior approval of the Governor in Council, 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 31st day of December next after the date of issue.

(6) A licence issued under this section shall be personal to the holder and such licence may not, without the prior approval of the Governor in Council, be transferred to any other person.

(7) The Governor in Council may prohibit the issue or transfer of a licence under this section with a view to the limitation of the number of licensed factories or sets of premises or for other good and sufficient reason.

(8) The Governor in Council may prohibit the issue, renewal or transfer of any licence under this section or may suspend or revoke any licence on the ground—

- (a) that the applicant or holder has been guilty of an offence against this Ordinance or any Ordinance amending the same;
- (b) that the applicant or holder has been convicted of an offence involving dishonesty or fraud;
- (c) that the factory or set of premises or the machinery is of such a nature or so maintained that it is likely to cause deterioration or other damage to excisable articles;
- (d) that the factory or set of premises is designed or equipped in such a manner as to render difficult the checking of stocks of excisable articles;
- (e) that the factory or set of premises is unsuitably situated for purposes of revenue supervision;
- (f) that the applicant or holder is an undischarged bankrupt.

(9) The Governor in Council may, in addition, require any applicant for or holder of a licence under this section to enter into a bond with such sureties and in such amount and in such form as may be required that such applicant or holder will comply with all the provisions of this Ordinance, and any Rules made thereunder, governing the manufacture of and disposal of an excisable article or excisable articles.

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.

Effect of non-renewal, suspension or revocation of licence.

8. Whenever the renewal of a licence has been prohibited and whenever a licence is suspended or revoked—

- (a) the duties on all manufactured excisable articles shall be paid;
- (b) the manufacture of excisable articles shall cease.

Time for ascertaining rate of excise duties.

9. All excise duties shall be paid at the rate in force when the goods are delivered from stock.

Record to be kept.

10. 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.

11. (1) Any officer of the Customs and any other person authorized by the Commissioner shall at all reasonable times have access to and may inspect any part of any factory or place in which any excisable article is manufactured, or stored, and may examine, weigh or measure all or any part of such article, and may inspect all books of account and records relating to the manufacture and disposal thereof, 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.

**12.** (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 10 hereof.

(2) Any person who commits an offence against this Ordinance or against any Rules made thereunder 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.

**13.** Any holder of a licence to manufacture excisable articles may comply with the provisions of this Ordinance by an agent lawfully authorized. Authorized agents.

**14.** Any officer may require from any agent the production of his written authority from the principal for whom he claims to act, and in default of the production of such authority may refuse to recognize the agency. Authority to be produced.

**15.** Any person who acts as the agent of the holder of a licence for any of the purposes of this Ordinance shall be deemed to be the holder of the licence, and shall accordingly be personally liable for payment of any excise duties payable in respect of the goods, and shall be liable to perform all acts which the holder of a licence is under this Ordinance liable to perform. But nothing herein contained shall relieve the principal from any liability. Liability of agents.

Liability of principals.

**16.** Any person who authorizes an agent to act for him in relation to any of the provisions of this Ordinance shall be liable for the acts and declarations of his agent, and may accordingly be prosecuted for any offence committed by the agent in the same manner as if he had himself committed the offence, but shall not be sentenced to imprisonment unless he actually consented to the commission of the offence. And nothing herein shall relieve the agent from liability to prosecution.

Commissioner may prescribe forms.

**17.** The Commissioner may prescribe the form of all bonds, documents, and papers necessary for the carrying out of this Ordinance, and may sanction variations of the prescribed form.

Requirements as to forms.

**18.** (1) Where a prescribed form contains by way of note or otherwise a clear direction or indication of any requirement as to—

- (a) the colour or size of the form ;
- (b) the number of copies of the document to be tendered (the words "in duplicate" or similar words shall be sufficient indication of the number required) ;
- (c) the nature or form of the information to be furnished to the Commissioner ;
- (d) any action to be taken by the person concerned or his agent in the transaction in which the document is used ;

the requirements so indicated shall be deemed to be prescribed.

(2) The Commissioner may require copies of any prescribed form in addition to the number indicated on the form.

Settlement of dispute by Commissioner.

**19.** (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.

(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.

20. 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. Rules.

21. The Excise Duties Ordinance, 1931, the Excise Duties (Amendment) Ordinance, 1932, and the Excise Duties (Amendment) Ordinance, 1935, are hereby repealed. Repeal of Ordinances No. 52 of 1931, No. 32 of 1932 and No. 1 of 1935.

SCHEDULE.

RATES OF EXCISE DUTIES.

	Sh. cts.
<i>Repealed by Ord. 57/47</i> Sugar, not including jaggery, per cwt. ... ..	1 00
Tea, per lb. ... ..	0 10
Cigarettes, cigars and cigarillos, per lb. ... ..	<del>1 25</del> 2-50
Other manufactured tobacco, per lb. ... ..	<del>1 25</del> 2-50

*Matches added to the Schedule. Ord. 58/49 Ord. 23/39*

**AN ORDINANCE TO AMEND THE EXCISE DUTIES ORDINANCE, 1935**

Date of commencement.

23rd October, 1946

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.  
No. 40 of 1935.

1. This Ordinance may be cited as the Excise Duties (Amendment) Ordinance, 1947, and shall be read as one with the Excise Duties Ordinance, 1935, hereinafter referred to as the principal Ordinance, and shall be deemed to have come into operation on the 23rd day of October, 1946.

relating to the Customs .. .. .  
Ad valorem 22%

**ORDINANCE No. XLI of 1935**

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Assented to in His Majesty's name this thirty-first day of December, 1935.

J. BYRNE,  
*Governor.*

[31ST DECEMBER, 1935.] Date of assent.

**An Ordinance to Make Special Provision in  
Regard to the Pension of Edward Gilbert  
Morris, O.B.E.**

*31st December, 1935.*

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 Morris Pension Ordinance, 1935. Short title.

**2.** Notwithstanding the proviso to Regulation 11 of the European Officers' Pensions (Consolidation) Regulations, 1930, the service of Edward Gilbert Morris from the 7th day of November, 1934, to the 30th day of March, 1935, both days inclusive, shall be deemed to be pensionable service for the purposes of the European Officers' Pensions Ordinance, 1927, as if during that period he were the substantive holder of the office of Director of Education, and shall count for pension and gratuity under the said Ordinance. Pensionability  
of service of  
E. G. Morris  
from the 7th  
November,  
1934, to 30th  
March, 1935.  
No. 11 of  
1927.

**ORDINANCE No. XLII of 1935**

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Assented to in His Majesty's name this thirty-first day of  
December, 1935.

J. BYRNE,  
*Governor.*

Date of assent. [31ST DECEMBER, 1935.]

**An Ordinance to Amend the Architects and  
Quantity Surveyors Ordinance, 1933.**

Date of commencement *31st December, 1935.*

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 Architects and  
Quantity Surveyors (Amendment) Ordinance, 1935, and shall be  
read as one with the Architects and Quantity Surveyors Ordin-  
ance, 1933, hereinafter referred to as the Principal Ordinance.

No. 60 of 1933.

Repeal of the first proviso to section 2 of the Principal Ordinance. **2.** Section 2 of the Principal Ordinance is hereby  
amended by the repeal of the first proviso thereto which is set  
out in lines eight to fourteen (inclusive) thereof, and by the  
deletion of the word "further" which occurs in the first line  
of the second proviso thereto.

Repeal and replacement of section 9 of the Principal Ordinance. **3.** Section 9 of the Principal Ordinance is hereby re-  
pealed and the following section is substituted therefor :—

Qualifications for registration as an architect. " 9. No person shall after the expiration of a period  
of six months from the date of the coming into operation  
of this Ordinance be registered as an architect unless he  
shall at the date of his application for membership have  
attained the age of twenty-two years and paid the registra-  
tion fee as provided by the by-laws, and either—

- (a) have passed a qualifying examination approved by  
the Board and have had not less than five years'  
practical training or articed pupilage in the  
work of an architect to the satisfaction of the  
Board; or

- (b) shall satisfy the Board that he possesses a qualification which, in the opinion of the Board, furnishes a sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of the work of an architect."

4. Section 11 of the Principal Ordinance is hereby repealed and the following section is substituted therefor :—

**Repeal and replacement of section 11 of the Principal Ordinance.**

" 11. No person shall after the expiration of a period of six months from the date of the coming into operation of this Ordinance be registered as a quantity surveyor unless he shall at the date of his application for membership have attained the age of twenty-two years and paid the registration fee as provided by the by-laws, and either—

**Qualifications for registration as a quantity surveyor.**

- (a) have passed a qualifying examination approved by the Board and have had not less than five years' practical training or articed pupilage in the work of a quantity surveyor to the satisfaction of the Board; or
- (b) shall satisfy the Board that he possesses a qualification which, in the opinion of the Board, furnishes a sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of the work of a quantity surveyor."

5. Section 18 of the Principal Ordinance is hereby repealed and the following section is substituted therefor :—

**Repeal and replacement of section 18 of the Principal Ordinance.**

" 18. Nothing in this Ordinance contained, except the provisions of section 2, shall be construed so as to prevent any person practising the profession of Civil Engineering, Structural Engineering, Mechanical Engineering, or Electrical Engineering from performing any function or exercising any power which he might lawfully have performed or exercised if this Ordinance had not been passed."

**Exemption of persons holding certain qualifications.**

6. The Schedule to the Principal Ordinance is hereby repealed,

**Repeal of the Schedule to the Principal Ordinance.**

**ORDINANCE No. XLIII of 1935**

Assented to in His Majesty's name this thirty-first day of  
December, 1935.

J. BYRNE,  
*Governor.*

Date of assent. [31ST DECEMBER, 1935.]

**An Ordinance to Amend the Arms (Traffic with  
Abyssinia) Ordinance, 1931.**

Date of commencement *31st December, 1935.*

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 Arms (Traffic with Abyssinia) (Amendment) Ordinance, 1935, and shall be read as one with the Arms (Traffic with Abyssinia) Ordinance, 1931, hereinafter referred to as the Principal Ordinance.

No. 29 of 1931.

Amendment of the Principal Ordinance. **2.** The Principal Ordinance is hereby amended by the addition thereto of the following sections as sections 23, 24, 25 and 26 respectively :—

Failure to produce permit, etc. **23.** Evidence of the failure of any person to produce an authorization, or a permit or licence in any case where an authorization or a permit or licence is required by the provisions of this Ordinance shall be prima facie evidence of the commission of an offence by such person, and in any proceedings in any court relating to any charge under this Ordinance the burden of proving that an authorization or a permit or licence has been issued to the person charged shall lie on such person.

Seizure of arms and ammunition. **24.** Any magistrate, police officer, game warden or officer of Customs may seize any arms or ammunition in respect of which any offence against this Ordinance has been committed, or in respect of which he suspects an

offence to have been committed and shall, save when he is himself a magistrate, immediately report such seizure to a magistrate.

25. Where any person is convicted of an offence against this Ordinance the court may—

Cancellation  
of permit, etc.  
Confiscation  
of arms.

(i) recommend that any authorization, permit or licence which has been issued to such person under the provisions of this Ordinance be cancelled by the authority by whom it was issued; and

(ii) order that any arms or ammunition in respect of which any such offence was committed be confiscated and forfeited to His Majesty.

26. (1) Any person who contravenes or fails to comply with any of the provisions of this Ordinance or who fails to observe any of the conditions or restrictions subject to or upon which any authorization, licence or permit has been issued under this Ordinance shall be guilty of an offence against this Ordinance.

Penalties.

(2) For every such offence against this Ordinance for which no penalty is specially provided in the Table in sub-section (3) of this section the offender shall be liable on conviction to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(3) Offences against the respective sections of this Ordinance set out in the first column of the following Table shall render the offender liable, on conviction, to the penalty or penalties respectively specified for such offences in the second column of the Table :—

THE TABLE.

Section of Ordinance to which offence has reference.	Penalties. (Fine and/or imprisonment.)
2	£500 or 3 years or both.
5	£50 or 6 months or both.
12	£500 or 3 years or both.
13	£100 or 12 months or both.
14	£500 or 3 years or both.
19	£500 or 3 years or both.

**ORDINANCE No. XLIV of 1935**

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Assented to in His Majesty's name this thirty-first day of  
December, 1935.

J. BYRNE,  
*Governor.*

Date of assent. [31ST DECEMBER, 1935.]

**An Ordinance to Amend the Non-Native Poll Tax  
Ordinance, 1934.**

Date of commencement *31st December, 1935.*

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 Non-Native Poll  
Tax (Amendment) Ordinance, 1935, and shall be read as one  
with the Non-Native Poll Tax Ordinance, 1934, hereinafter  
referred to as the Principal Ordinance.

No. 61 of 1934.

Amendment of section 39 of the Principal Ordinance. **2.** Section 39 of the Principal Ordinance is hereby  
amended in the following respects :—

(a) By the deletion of the figures "1935" from the second  
line of sub-section (1) thereof, and by the substitu-  
tion therefor of the figures "1936".

(b) By the insertion of the word "investigation" in each  
case after the word "any" in the second line and  
after the word "such" in the fourth line of the  
proviso to sub-section (1) thereof.

Amendment of the Principal Ordinance. **3.** The Principal Ordinance is hereby amended in the  
following respects :—

(a) By the deletion of the figures "1934" wherever they  
occur in the Ordinance (save where the reference is  
to the short title of the Ordinance) and by the sub-  
stitution therefor in each case of the figures "1935".

(b) By the deletion of the figures "1935" wherever they  
occur in the Ordinance and by the substitution there-  
for in each case of the figures "1936".

**ORDINANCE No. XLV of 1935**

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Assented to in His Majesty's name this thirty-first day of  
December, 1935.

J. BYRNE,  
*Governor.*

[31ST DECEMBER, 1935.] Date of assent.

**An Ordinance to Amend the Police Ordinance,  
1930.**

*31st December, 1935.*

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 Police (Amend- Short title.  
ment No. 2) Ordinance, 1935, and shall be read as one with  
the Police Ordinance, 1930, hereinafter referred to as the No. 64 of 1930.  
Principal Ordinance.

**2.** The Principal Ordinance is hereby amended by adding Amendment of  
immediately after section 28 thereof the following new the Principal  
section :— Ordinance.

“ 28A. Where a police officer is carrying out the Police officer  
duties of a prison officer, every police officer while en- to be deemed  
gaged in any such duty shall be deemed to be a prison prison officer  
officer, and shall have all the powers, protections and in certain  
privileges attaching thereto.” circumstances.

*Replaced by  
H.C. Act. 18/49*

**ORDINANCE No. XLVI of 1935**

Assented to in His Majesty's name this thirty-first day of December, 1935.

J. BYRNE,  
*Governor.*

Date of assent.

[31ST DECEMBER, 1935.]

**An Ordinance to Amend the Customs and Excise Revenue Allocation Ordinance, 1927.**

Date of commencement

*1st January, 1936.*

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.

No. 10 of 1927.

Amendment of section 3 of the Principal Ordinance, No. 37 of 1933.

**1.** This Ordinance may be cited as the Customs and Excise Revenue Allocation (Amendment) Ordinance, 1935, and shall be read as one with the Customs and Excise Revenue Allocation Ordinance, 1927, hereinafter referred to as the Principal Ordinance, and shall come into operation on the first day of January, 1936.

**2.** Section 3 of the Principal Ordinance, as repealed and replaced by the Customs Revenue Allocation (Amendment) Ordinance, 1933, is hereby amended by the addition thereto of the following :—

“ For the purposes of this section the expression ‘goods retained in the Uganda Protectorate’ shall include goods re-exported from the Uganda Protectorate on which no drawback of duty is paid.”

**ORDINANCE No. XLVII of 1935**

Assented to in His Majesty's name this thirty-first day of December, 1935.

J. BYRNE,  
*Governor.*

[31ST DECEMBER, 1935.] Date of assent.

**An Ordinance to Apply a Sum of Money for the Service of the Year ending the 31st day of December, 1936.**

*31st December, 1935.*

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 1936 Appropriation Ordinance, 1935. Short title.

**2.** The Public Revenue for the year 1936, 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-six, with the sum of three millions, three hundred and eighteen thousand, one hundred and seventy-six pounds.

**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 millions, three hundred and eighteen thousand, one hundred and seventy-six pounds which will come in course of payment during the year ending on the 31st day of December, one thousand nine hundred and thirty-six. Treasurer's authority for payment.

**SCHEDULE.**

No. of Head	£
I. His Excellency the Governor	15,166
II. Administration	228,957
IIa. Administration Extraordinary	1,820
III. Agriculture	123,643
IIIa. Agriculture Extraordinary	13,158

## SCHEDULE—(continued).

No. of Head	£
IV. Audit ... ..	19,732
V. Coast Agency ... ..	5,231
VI. Conference of East African Governors ...	955
VII. Customs ... ..	47,740
VIII. Education ... ..	178,438
IX. Forest ... ..	30,197
IXa. Forest Extraordinary ... ..	160
X. Game ... ..	8,305
XI. Government Analyst ... ..	1,452
XII. Interest and Unfunded Debt ... ..	4,242
XIII. Judicial ... ..	30,746
XIV. Legal ... ..	8,817
XV. Local Government, Lands and Settlement	31,720
XVI. Local Government, Contributions to Local Authorities ... ..	83,208
XVII. Medical ... ..	195,562
XVIIa. Medical Extraordinary ... ..	1,500
XVIII. Military—(1) N. Brigade K.A.R. 124,982	
(2) Defence Force ... 4,112	
(3) Kenya R.N.V.R. ... 1,365	
(4) K.A.R. Band ... 1,905	
	132,364
XVIIIa. Military Extraordinary ... ..	871
XIX. Mining and Geological ... ..	11,826
XX. Miscellaneous Services ... ..	61,440
XXa. Miscellaneous Services Extraordinary ...	5,571
XXI. Pensions and Gratuities ... ..	215,900
XXII. Police ... ..	135,622
XXIIa. Police Extraordinary ... ..	1,105
XXIII. Post Office and Telegraphs ... ..	233,890
XXIIIa. Post Office and Telegraphs Extraordinary	4,180
XXIV. Printing and Stationery ... ..	29,091
XXIVa. Printing and Stationery Extraordinary ...	20
XXV. Prisons ... ..	51,469
XXVa. Prisons Extraordinary ... ..	800
XXVI. Public Debt Funded ... ..	1,043,252
XXVII. Public Works Department ... ..	80,019
XXVIII. Public Works Recurrent ... ..	110,900
XXIX. Registrar General's Department ... ..	5,141
XXX. Rent and Interest to His Highness the Sultan of Zanzibar ... ..	16,000
XXXI. Secretariat and Legislative Council ...	23,684
XXXII. Trade and Information Office ... ..	4,546
XXXIII. Treasury ... ..	29,028
XXXIV. Public Works Extraordinary ... ..	20,960
XXXV. Colonial Development Fund ... ..	31,192
XXXVI. Parliamentary Grant ... ..	39,056
Total Expenditure	£3,318,176

# LIST OF KENYA ORDINANCES

Assented to up to and including 4th September, 1935

TITLE	Cap. or No. and Year
<b>A</b>	
Abolition of the Legal Status of Slavery .. .. .	27
Abyssinia, Arms Traffic with .. .. .	29/31
Access Roads and Public Travel .. .. .	113
Access Roads and Public Travel (Amendment) .. .. .	42/33
Administration and Probates, Corporations .. .. .	14/31
Administration and Probates, Corporations (Amendment) .. .. .	40/31
(Administration), Special Districts .. .. .	13/34
Adoption of Children .. .. .	23/33
Adulteration of Produce .. .. .	97
Adulteration of Food and Drugs .. .. .	6/30
Advocates, Commissioners for Oaths .. .. .	20
Age of Majority .. .. .	17/33
Agricultural Advances .. .. .	12/30
Agricultural Advances (Amendment) .. .. .	5/33
Agricultural Advances (Amendment) .. .. .	34/34
Agricultural Advances (Amendment) .. .. .	32/35
Agricultural and Land Bank .. .. .	3/31
Agricultural and Land Bank (Amendment) .. .. .	7/32
Agricultural and Land Bank (Amendment) .. .. .	4/33
Agricultural and Land Bank (Amendment) .. .. .	4/34
Agricultural and Land Bank (Amendment) (No. 2) .. .. .	33/34
Agricultural Mortgagors' Relief .. .. .	35/34
Agricultural Produce Export .. .. .	98
Alcohol, Industrial .. .. .	102
Allocation of Customs and Excise Revenue .. .. .	10/27
Allocation of Customs and Excise Revenue (Amendment) .. .. .	37/33
Allowances, Retiring, Nursing Sisters .. .. .	21/31
Allowances, Retiring, Nursing Sisters (Amendment) .. .. .	3/33
Alteration of Time (Repeal) .. .. .	37/29
Amendments to Applied Indian Acts .. .. .	3
Animals, Diseases of .. .. .	157
Animals, Diseases of (Amendment) .. .. .	61/30
Animals, Diseases of (Amendment) .. .. .	50/34
Animals, Prevention of Cruelty to .. .. .	160
Anzac (Prohibition of Trade Use of Word) .. .. .	90
Application to Natives of Applied Indian Acts .. .. .	4
Arbitration .. .. .	18
Arbitration (Amendment) .. .. .	6/34
Arbitration (Foreign Awards) .. .. .	34/30
Arbitration (Foreign Awards) (Amendment) .. .. .	27/31
Archaeological and Palaeontological Objects of Interest, Preservation of .. .. .	53/34
Architects and Quantity Surveyors .. .. .	60/33
Arms and Ammunition .. .. .	8/25
Arms and Ammunition (Amendment) .. .. .	4/26
Arms and Ammunition (Amendment) .. .. .	26/27
Arms and Ammunition (Amendment) .. .. .	10/33
Arms and Ammunition (Amendment) (No. 2) .. .. .	51/33
Arms, Native .. .. .	137

## KENYA ORDINANCES—(Contd.)

TITLE	Cap. or No. and Year
<i>A—contd.</i>	
Arms, Native (Amendment) .. .. .	38/29
Arms (Traffic with Abyssinia) .. .. .	29/31
Arrangement, Deeds of .. .. .	33/30
Asian Civil Servants (Proportionate Pensions) .. .. .	8/35
Asian Civil Service Provident Fund .. .. .	64/34
Asiatic Education Tax .. .. .	34/26
Asiatic Widows' and Orphans' Pension .. .. .	20/27
Asiatic Widows' and Orphans' Pension (Amendment) .. .. .	30/28
Asiatic Widows' and Orphans' Pension (Amendment) .. .. .	10/31
Asiatic Widows' and Orphans' Pension (Amendment) .. .. .	31/34
Asiatic Widows' and Orphans' Pension (Amendment) .. .. .	7/35
Auction, Sales by .. .. .	103
Authority, Native .. .. .	129
Authority, Native (Amendment) .. .. .	16/28
Authority, Native (Amendment) .. .. .	29/30
Authority, Native (Amendment) .. .. .	43/31
Authority, Native (Amendment) .. .. .	19/33
<b>B</b>	
Bankruptcy .. .. .	32/30
Bankruptcy (Amendment) .. .. .	55/33
Bankruptcy (Amendment) .. .. .	49/34
Bank, Agricultural and Land .. .. .	3/31
Bank, Agricultural and Land (Amendment) .. .. .	7/32
Bank, Agricultural and Land (Amendment) .. .. .	4/33
Bank, Agricultural and Land (Amendment) .. .. .	4/34
Bank, Agricultural and Land (Amendment) (No. 2) .. .. .	33/34
Bank .. .. .	94
Bank (Amendment) .. .. .	5/27
Bank (Amendment) .. .. .	28/34
Bank, Post Office Savings .. .. .	95
Beer .. .. .	100
Beer (Amendment) .. .. .	31/31
Beer (Amendment) .. .. .	19/32
Bills of Exchange .. .. .	7/27
Bills of Exchange (Amendment) .. .. .	53/33
Birds—Game, Protection of .. .. .	8/26
Birds—Game, Protection of (Amendment) .. .. .	36/31
Births and Deaths Registration .. .. .	2/28
Births and Deaths Registration (Amendment) .. .. .	6/29
Births and Deaths Registration (Amendment) .. .. .	25/31
Blackwell Pension .. .. .	30/34
Board—Central Roads and Traffic .. .. .	18/29
Boat—Lamu, Registration of .. .. .	109
*Boilers, Prime Movers and Machinery .. .. .	66
Book and Newspaper Registration .. .. .	74
Bowring Pension .. .. .	13/31
Boy Scouts .. .. .	35/35
Branding of Stock .. .. .	159
Branding of Stock (Amendment) .. .. .	44/32
Bread .. .. .	99

## KENYA ORDINANCES—(Contd.)

TITLE	Cap. or No. and Year
<i>B—contd.</i>	
British and Colonial Probates .. .. .	12
British and Colonial Probates (Amendment) .. .. .	21/29
Brokers .. .. .	56/30
Brokers (Amendment) .. .. .	1/33
Businesses, Fraudulent Transfer of .. .. .	55/30
Business Names Registration .. .. .	92
Butter Levy .. .. .	22/31
Butter Levy (Amendment) .. .. .	13/32
Butter Levy (Amendment) .. .. .	59/33
<b>C</b>	
Camps, Detention .. .. .	25/25
Camps, Detention (Amendment) .. .. .	6/26
Camps, Detention (Amendment) .. .. .	18/30
Careless Use of Fire Prevention .. .. .	76
Carriage of Goods by Motor (Prohibition) .. .. .	46/32
Carriage of Goods by Sea .. .. .	16/26
*Cattle Cleansing .. .. .	32/29
Census .. .. .	31/25
Central Roads and Traffic Board .. .. .	18/29
Change of Medical Titles .. .. .	9/26
Change of Titles, Public Officers .. .. .	8/34
Chattels Transfer .. .. .	24/30
Chattels Transfer (Amendment) .. .. .	41/30
Chattels Transfer (Amendment) .. .. .	3/34
Children, Custody of .. .. .	27/26
Children, Adoption of .. .. .	23/33
Children, Employment of .. .. .	14/33
Children Employment of (Amendment) .. .. .	6/35
Christian Native Marriage and Divorce .. .. .	51/31
Cinematograph Exhibitions and Stage Plays .. .. .	73
Cinematograph Exhibitions and Stage Plays (Amendment) .. .. .	8/29
Civil Debts (Summary Recovery) .. .. .	6
Civil Procedure .. .. .	3/24
Civil Procedure (Amendment) .. .. .	29/25
Civil Procedure (Amendment) .. .. .	14/29
Civil Procedure (Amendment) .. .. .	28/31
Civil Procedure (Amendment) .. .. .	14/32
Civil Procedure (Amendment) (No. 2) .. .. .	47/33
Civil Procedure (Amendment) .. .. .	19/35
Civil Servants (Proportionate Pensions) .. .. .	11/32
*Cleansing of Cattle .. .. .	32/29
Coco-nut Industry .. .. .	153
Coco-nut Preservation .. .. .	151
Coffee Industry .. .. .	54/34
Coir Fibre Industry .. .. .	25/35
Collective Punishment .. .. .	54/30
Colonial and British Probates .. .. .	12
Colonial and British Probates (Amendment) .. .. .	21/29
Commissions of Inquiry .. .. .	25
Commissioners for Oaths (Advocates) .. .. .	20

## KENYA ORDINANCES—(Contd.)

TITLE	Cap. or No. and Year
<i>C—contd.</i>	
Commissioners, Wakf .. .. .	28
Commissioners, Wakf (Amendment) .. .. .	31/35
Companies .. .. .	28/33
Companies (Amendment) .. .. .	64/33
Companies (Amendment) .. .. .	20/34
Compulsory Labour (Regulation) .. .. .	42/32
Contracts in Restraint of Trade (No. 2) .. .. .	40/32
Copyright .. .. .	91
Co-operative Societies (Registration) .. .. .	24/31
Co-operative Societies (Registration) (Amendment) .. .. .	8/32
Corporations (Probate and Administration) .. .. .	14/31
Corporations (Probate and Administration) (Amendment) .. .. .	40/31
Coryndon Trust .. .. .	32/25
Cotton, Kenya .. .. .	154
Cotton (Tax) .. .. .	60
Cotton (Tax) (Amendment) .. .. .	2/27
Cotton (Tax) (Amendment) .. .. .	52/34
Court, Land Titles .. .. .	143
Court, Land Titles (Amendment) .. .. .	27/27
Court Records, Destruction of .. .. .	23
Court, Registrar of the Supreme (Oaths) .. .. .	12/31
Courts .. .. .	16/31
Courts, Subordinate (Maintenance and Separation) .. .. .	34/28
Credit Trade with Natives .. .. .	130
Criminals, Fugitive Surrender .. .. .	11
Criminals, Fugitive Surrender (Amendment) .. .. .	9/28
Criminal Procedure Code .. .. .	11/30
Criminal Procedure Code (Amendment) .. .. .	46/30
Criminal Procedure Code (Amendment) .. .. .	5/34
Criminal Procedure Code (Amendment) (No. 2) .. .. .	24/34
Criminal Procedure Code (Amendment) .. .. .	22/35
Crop Production and Live Stock .. .. .	3/26
Crown Fisheries .. .. .	164
Crown Grants (Execution) .. .. .	18/27
Crown Lands Ordinance .. .. .	140
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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, and by the Interpretation (Definition of "Native") Ordinance, 1934, to various Ordinances are not shown in this list.

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