



COLONY AND PROTECTORATE OF KENYA

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# ORDINANCES

ENACTED DURING THE YEAR

1942

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VOL. XXI (NEW SERIES)

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1943

PRINTED BY THE GOVERNMENT PRINTER  
NAIROBI

APB

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## ORDINANCES, 1942

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\*From coming into operation of No. IX.

TABLE SHOWING THE EFFECT OF THE YEAR'S LEGISLATION

FORMER ORDINANCES (IN CHRONOLOGICAL ORDER) REPEALED OR AMENDED BY ORDINANCES OF 1942

Year and No. of Ordinance	Short Title	How Affected	Ordinance of 1942
<i>Revised Edition</i> Cap. 120	Drugs and Poisons	Repealed	XV
131	Natives Trust Fund	Repealed	XXII
140	Crown Lands	Sections 57B, C, D, E, new; Ninth Schedule, new	XIX
20 of 1927	Asiatic Widows' and Orphans' Pension	Section 7, amended; section 30, repealed; new section closing fund to new entrants	IX
19 of 1928	Local Government (Municipalities)	Section 52 (19) amended	VI
21 of 1928	Local Government (District Councils)	Sections 2 and 69 amended	XXV
26 of 1928	Traffic	Section 66, amended	V
39 of 1930	Native Tribunals	Section 18, amended; section 18A, new	XIII
53 of 1930	Northern Frontier Province Poll Tax	Section 11, repealed and replaced; section 12, amended	XVII
3 of 1931	Land and Agricultural Bank	Section 16A, new	XXXI
4 of 1934	Land and Agricultural Bank (Amendment)	Sections 10, 28 (3), 45A (3), new section re limitation	VIII
27 of 1934	European Civil Service Provident Fund	Section 2, amended	VIII
40 of 1934	Native Hut and Poll Tax	Inclusion of certain officers of Conference of E.A. Governors as contributors Repealed	IV XXI

TABLE SHOWING THE EFFECT OF THE YEAR'S LEGISLATION

FORMER ORDINANCES (IN CHRONOLOGICAL ORDER) REPEALED OR AMENDED BY ORDINANCES OF 1942

Year and No. of Ordinance	Short Title	How Affected	Ordinance of 1942
2 of 1927	Native Authority	Part V, repealed Section 2, amended; section 27A, new; section 28 (1), amended; Part IV, new	XXII XXX
28 of 1938	Native Lands Trust	Sections 3, 28, 30, 35, 49, amended; section 66A, new; section 70 and First Schedule, amended	XXXVIII III
54 of 1934	Coffee Industry	Sections 2, 4, 11, amended	II
34 of 1938	Pyrethrum	Sections 3 and 20 (1), amended	II
40 of 1935	Excise Duties	Sections 2, 3, 11, amended; sections 3A, 4A, 12A, 12B, new; section 20, repealed and replaced	XIV XXVI
34 of 1939	Penal Code	Sections 26 (2) and 28 (8), amended	XXVII
35 of 1939	Criminal Procedure Code	Section 15, repealed and replaced; sections 89, 91, 151, 153, 205, 230, 297, 300, 343, 344, 345, 367, amended; section 382A, new; First Schedule, amended	XVI VIII
12 of 1940	Increase of Rent and of Mortgage Interest (Restrictions)	Section 13, amended	XI XX
14 of 1940	Land and Agricultural Bank (Amendment)	Sections 2, 5 (1), 10 (1), amended; section 7 (1), repealed and replaced	XXVIII
41 of 1940	War Risks Insurance	Section 2, new definition; section 5, amended; section 5A, new; section 6, amended; section 6A, new; sections 12, 13, 15, amended	XI XX
35 of 1941	War Revenue (Customs and Excise Duties)	Repealed	XXVIII
39 of 1941	Crown Lands (Amendment)	Section 3 and schedule, amended; duration section added	XIX
		Repealed	XIX

# Colony and Protectorate of Kenya

## ORDINANCE No. I of 1942

Assented to in His Majesty's name this twenty-fifth day of April, 1942.

HENRY MOORE,  
*Governor.*

### **An Ordinance relating to the Powers of the Army Council to Control His Majesty's Forces Established by or under any Law for the time being in Force in the Colony.**

*3rd September, 1939*

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 His Majesty's Forces (Control by Army Council) Ordinance, 1942, and shall be deemed to have come into operation on the 3rd day of September, 1939.

Short title and commencement.

2. (1) The Governor may at any time and for such purpose as His Majesty, through the Secretary of State, may direct, order that all or any of the military forces established under any Ordinance in force in the Colony shall be placed under the orders and directions of the Army Council, and any such order may be made with retrospective effect.

Placing of Colony's Forces under the Army Council.

(2) When any such order has been made, every person who is for the time being serving as an officer or soldier of any such force, or is otherwise subject to military law by virtue of service with such force and is affected by such order, shall obey all lawful orders and directions issued by or on behalf of the Army Council wherever such person may be whether within the Colony or elsewhere.

3. (1) Every Order or Regulation which may from time to time be issued by the Army Council, or by the General Officer Commanding in East Africa under any general or special authority of the Army Council, in the performance of its proper functions concerning any of His Majesty's Forces which are for the time being under its orders and directions, shall, on publication in General Routine Orders, be of full force and effect in respect of such forces and of all persons subject to military law who are serving with such forces, whether such forces or persons are within the Colony or elsewhere.

General Routine Orders.

(2) If in any Ordinance, Regulation, Order or Notice for the time being in force in the Colony there is any provision which conflicts with the provisions of any Order or Regulation duly issued and published in accordance with the provisions of sub-section (1) of this section, the latter shall to all intents and purposes prevail.

**ORDINANCE No. II of 1942**

Assented to in His Majesty's name this twenty-fifth day of April, 1942.

HENRY MOORE,  
*Governor.*

**An Ordinance to Amend the Pyrethrum Ordinance, 1938**

Date of commencement.

*25th April, 1942*

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

Short title.  
No. 34 of 1938.

**1.** This Ordinance may be cited as the Pyrethrum (Amendment) Ordinance, 1942, and shall be read as one with the Pyrethrum Ordinance, 1938, hereinafter referred to as the Principal Ordinance.

Amendment of section 3 of the Principal Ordinance.

**2.** Section 3 of the Principal Ordinance is hereby amended—

(a) by inserting therein, between the word "meeting" and the word "in" which appear in the first line of sub-section (2) thereof, the words "of pyrethrum growers";

(b) by inserting therein between sub-section (2) and sub-section (3) thereof the following new sub-sections:—

"(2)A. At any meeting convened under the provisions of sub-section (2) of this section, the member of the Board representing the area in which the meeting is held shall preside, but in his absence the pyrethrum growers attending such meeting shall elect a chairman.

(2)B. The Board shall convene a meeting of pyrethrum growers on such other occasions, or in such circumstances, as may be prescribed."

Amendment of section 20(1) of the Principal Ordinance.

**3.** Sub-section (1) of section 20 of the Principal Ordinance is hereby amended by deleting therefrom paragraph (b) thereof, and substituting therefor the following:—

"(b) prescribing the duties and functions of the agency and prescribing what expenses may be incurred, and what charges may be made, by the agency in the exercise of such duties and functions;"

## ORDINANCE No. III of 1942

Assented to in His Majesty's name this twenty-fifth day of  
April, 1942.

HENRY MOORE,  
*Governor.*

### An Ordinance to Amend the Coffee Industry Ordinance, 1934

25th April, 1942

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 Coffee Industry (Amendment) Ordinance, 1942, and shall be read as one with the Coffee Industry Ordinance, 1934, hereinafter referred to as the Principal Ordinance.

Short title.  
No. 54 of 1934.

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

Amendment  
of section 2 of  
the Principal  
Ordinance.

(a) by deleting therefrom the definition of "coffee planter" and substituting therefor the following definition:—

"coffee planter" means the owner or his partner, if any, or a director of any company owning a registered coffee plantation in respect of which he holds a current licence under the provisions of section 9 of this Ordinance, and includes the individual representative of any such owner duly authorized in writing in the behalf by such owner;" and

(b) by deleting therefrom the definition of "inspector" and substituting therefor the following definition:—

"inspector" means any magistrate, European police officer, European officer of the Department of Agriculture, or such other person as the Director may appoint in writing;"

3. Section 4 of the Principal Ordinance is hereby amended by inserting therein, immediately next after sub-section (5) thereof, the following new sub-sections:—

Amendment  
of section 4 of  
the Principal  
Ordinance.

(6) Where any coffee dealer employs a servant or agent to conduct the business on his account every such servant or agent shall be provided with a licence. Such licence may be issued by the District Commissioner and there shall be payable in respect of such licence a fee of one shilling per annum.

(7) Every person required to be provided with a licence under sub-section (6) of this section shall carry the same with him when conducting business on behalf of his employer or principal and shall produce the same on the demand of an inspector or on the demand of a coffee dealer or coffee planter whom such servant or agent approaches to conduct such business."

4. Section 11 of the Principal Ordinance is hereby amended by adding thereto the following new sub-section:—

Amendment  
of section 11 of  
the Principal  
Ordinance.

(4) The Board may lend, free of interest, to the Government of the Colony any moneys which may from time to time be standing to the credit of the fund, or may invest any such moneys which are not immediately required for any of the purposes set out in sub-section (3) of this section, in such securities as to it may seem fit."

## ORDINANCE No. IV of 1942

Assented to in His Majesty's name this twenty-fifth day of  
April, 1942.

HENRY MOORE,  
*Governor.*

### An Ordinance to Amend the European Civil Service Provident Fund Ordinance, 1934

Date of  
commencement.

*25th April, 1942*

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

Short title.

1. This Ordinance may be cited as the European Civil Service Provident Fund (Amendment) Ordinance, 1942, and shall be read as one with the European Civil Service Provident Fund Ordinance, 1934, hereinafter referred to as the Principal Ordinance.

No. 27 of 1934.

Officers of the  
Conference of  
E.A. Governors  
may become  
contributors.

2. (1) Any European officer employed by the Conference of East African Governors, who would if he were a member of the Kenya European Local Civil Service fall within the definition of "contributor" contained in section 2 of the Principal Ordinance, may, within three months after the commencement of this Ordinance or within three months after he becomes so eligible, whichever date is the later, by writing under his hand addressed to the Accountant General elect to become a contributor to the fund.

Application  
of Principal  
Ordinance.

(2) Where any such officer so elects to become a contributor he shall—

(a) save as is hereinafter provided, be subject to the provisions of the Principal Ordinance, as if he were a member of the Kenya European Local Civil Service;

(b) be deemed to have authorized the Accountant General to appoint an agent outside the Colony to exercise the powers conferred upon the Accountant General by sub-section (3) of section 4 of the Principal Ordinance.

Construction.

(3) Service with the Conference of East African Governors shall be deemed to be included in the definition of "service" contained in section 2 of the Principal Ordinance:

Provided that, in the application of paragraph (b) of section 6 of the Principal Ordinance to any such officer, the reference therein to service prior to the date of commencement of the Principal Ordinance shall be deemed to refer only to service between the 1st day of January, 1940, and the date of commencement of this Ordinance, and no contributions from the general revenue of the Colony shall be credited, under the provisions of that paragraph, to any such officer except in respect of service with the Conference of East African Governors between those dates.

**ORDINANCE No. V of 1942**

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Assented to in His Majesty's name this twenty-fifth day of April, 1942.

HENRY MOORE,  
*Governor.*

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

*25th April, 1942*

Date of commencement.

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

1. This Ordinance may be cited as the Local Government (District Councils) (Amendment) Ordinance, 1942, and shall be read as one with the Local Government (District Councils) Ordinance, 1928, hereinafter referred to as the Principal Ordinance.

Short title.

No. 21 of 1928.

2. Section 66 of the Principal Ordinance is hereby amended by adding thereto, immediately after paragraph (11) thereof, the following new paragraph:—

Amendment of section 66 of the Principal Ordinance.

“(12) For regulating or licensing the keeping of dogs, and providing for the seizure, sale or destruction of vicious, dangerous, ownerless and unlicensed dogs.”

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**ORDINANCE No. VI of 1942**

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Assented to in His Majesty's name this twenty-fifth day of  
April, 1942.

HENRY MOORE,  
*Governor.*

**An Ordinance to Amend the Local Government  
(Municipalities) Ordinance, 1928**

Date of commencement.

*25th April, 1942*

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

Short title.

1. This Ordinance may be cited as the Local Government (Municipalities) (Amendment) Ordinance, 1942, and shall be read as one with the Local Government (Municipalities) Ordinance, 1928, hereinafter referred to as the Principal Ordinance.

No. 19 of 1928.

Amendment of section 52(19) of the Principal Ordinance.

2. Item (19) of section 52 of the Principal Ordinance is hereby amended by the addition of the following paragraph:—

“(c) Subject to the consent of the Governor, in cases where a pension, provident or benevolent fund has been established under this sub-section, to grant from the revenues of the Council additional or increased pensions or gratuities to officers or servants on their retirement from the service of the Council and to dependents of deceased officers and servants of the Council ~~where such officer or servant has been employed for a period of at least five years immediately prior to the establishment of a pension, provident or benevolent fund.~~”

*Ord. 36/42*

*Now substituted by Ord. 8/42*

**ORDINANCE No. VII of 1942**

*Amended by Ord. 13/1943*

Assented to in His Majesty's name this fourth day of May, 1942.

*Henry Moore*  
*Gov*

**HENRY MOORE,**  
*Governor.*

**An Ordinance to Provide for the Increased Production of Crops in the Colony**

*4th May, 1942*

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 Increased Production of Crops Ordinance, 1942.

Short title.

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

Interpretation.

“Bank” means the Land and Agricultural Bank of Kenya established under the provisions of the Land and Agricultural Bank Ordinance, 1930;

No. 3 of 1931.

“Board” means the Agricultural Production and Settlement Board or any sub-committee thereof appointed by the Board for the purposes of this Ordinance; Provided that any such sub-committee shall consist of not more than five members, and shall include the Chairman and Deputy Chairman of the Board, the Director of Agriculture and the Director of Veterinary Services;

“crops” means wheat, maize, rye and flax, and such other crops as the Governor may, by order, declare to be crops for the purposes of this Ordinance;

“farmer” means any European or Indian or body corporate engaged in the business of farming or who, though not engaged in the business of farming, is the registered owner or lessee of land granted or leased by the Crown under an agricultural user, or of land in respect of which a Certificate of Title has been granted to him, under the Land Titles Ordinance, and which has been used, or which is suitable for use, for agricultural purposes, or is a lessee from such registered owner or lessee; and where any lessee or grantee is not in the Colony includes his representative, whether appointed by power of attorney, by contract, or under any law in force for the time being in the Colony. The expression also includes a mortgagee in possession and where the grantee or lessee is a body corporate incorporated in a place outside the Colony includes the local agent, if any, of the body corporate.

Cap. 143.

**PART I—FINANCIAL PROVISION AND APPOINTMENTS**

3. The Accountant General is hereby authorized to place at the disposal of the Bank such sums of public moneys as the Governor in Council may, on the advice of the Board, consider necessary for the purposes of giving effect to the provisions of this Ordinance.

Funds.

4. (1) Subject to the provisions of any Rules made by the Governor in Council under section 35 of this Ordinance—

Guaranteed minimum return.

(a) any farmer upon whom an order has been served under the provisions of section 11 of this Ordinance shall, subject to

the provisions of this Ordinance, be guaranteed by the Government of the Colony a minimum return per acre of land in respect of which the order has been served, as follows:—

- in respect of land planted or to be planted with wheat, a sum of Sh. 40 per acre;
- in respect of land planted or to be planted with maize, a sum of Sh. 35 per acre;
- in respect of land planted or to be planted with rye, a sum of Sh. 37/50 per acre;
- in respect of land planted or to be planted with flax, a sum of Sh. 50 per acre;

Grants.

(b) any farmer upon whom an order has been served under the provisions of section 11 of this Ordinance may, subject to the provisions of this Ordinance, and in cases where the Board has ordered such farmer to break virgin land or land which has not been ploughed since the first day of March, 1938, or in the cases referred to in section 27 of this Ordinance, be given a grant by the Government of the Colony—

- in respect of land to be planted with wheat, of a sum not exceeding Sh. 20 per acre; and where the Board is satisfied that the breaking of such land will involve heavy clearing or stumping, a sum, by way of an additional grant, not exceeding Sh. 30 per acre;
- in respect of land to be planted with maize, of a sum not exceeding Sh. 10 per acre;
- in respect of land to be planted with rye, of a sum not exceeding Sh. 15 per acre.

(2) The guaranteed minimum return provided for in paragraph (a) of sub-section (1) of this section may, subject to the provisions of section 21 of this Ordinance, on the order of the Board, be paid at the end of the planting year to a farmer upon whom an order has been served under the provisions of section 11 of this Ordinance:

Provided that any such farmer may, in accordance with the provisions of sub-section (4) of section 7 or of sub-section (1) of section 16 of this Ordinance, apply for the whole or a portion of such minimum return by way of advance.

Guaranteed price.

5. (1) The Governor in Council may on the advice of the Board from time to time by notice in the Gazette declare what f.o.r. price shall be guaranteed to a farmer who has complied with the provisions of section 22 of this Ordinance in respect of any crop produced by him under this Ordinance, and where the price actually realized by the farmer is less than the guaranteed price the difference between such price and such guaranteed price shall be met from funds provided for this purpose from the revenues of the Colony.

(2) The guaranteed price referred to in this section means the minimum amount which will be guaranteed to a farmer by way of total pay-out at the end of the season by any agency or person appointed under the provisions of this Ordinance to dispose of the crops produced under the provisions of this Ordinance.

6. (1) The Governor may, on the advice of the Board, appoint in such districts in the Colony as he may consider necessary a District Production and Man Power Committee for each district. Each such committee shall consist of such persons as the Governor may think fit. District  
Production and  
Man Power  
Committees.

(2) For the purpose of advising each District Production and Man Power Committee under this Ordinance, the Governor may, on the advice of the Board, appoint such sub-committees within each district as the Governor may think fit.

#### PART II—PROCEDURE

7. (1) Every farmer in the Colony shall obtain from the Chairman of the District Production and Man Power Committee appointed for his district a copy of the form set out in the First Schedule hereto, and shall complete and submit such form to the chairman of the sub-committee, if any, appointed for his area, or, where no such sub-committee has been appointed, to the Chairman of the District Production Committee, not later than twenty-one days after the coming into force of this Ordinance and thereafter on or before a date to be notified in the Gazette by the Chairman of the Board in respect of each district. A separate form shall be completed in respect of each farm which the farmer has the right to cultivate. Programme of  
production.

(2) Any farmer who fails to comply with the provisions of this section, or who knowingly gives any false information in such form, shall be guilty of an offence against this Ordinance.

(3) The form when completed in accordance with the provisions of this section is hereinafter referred to as a programme of production.

(4) Any farmer may submit, together with his programme of production, an application, in the form set out in the Second Schedule hereto, for an advance against the guaranteed minimum return provided for in section 4 of this Ordinance.

(5) Any farmer may submit an application in the form set out in the Third Schedule hereto for the grant provided in section 4 of this Ordinance.

8. Upon receipt of a programme of production and/or application from any farmer, the sub-committee shall without delay consider the same and thereafter forward, in original, such programme and/or application to the District Production and Man Power Committee for the district, together with their recommendation endorsed thereon. Consideration  
of programme  
of production.

9. Upon receipt of a programme of production and/or application from a sub-committee, or where there is no sub-committee, from a farmer, the District Production and Man Power Committee shall without delay consider the same and forward it, in original, to the Board with their recommendation endorsed thereon. Consideration  
by District  
Committee.

10. (1) Upon receipt of a programme of production and/or application from the District Production and Man Power Committee, the Board may— Decision by  
Board.

- (a) approve of the programme or modify or vary the programme in such manner and to such extent as it may think fit;
- (b) without giving any reason therefor, refuse to approve of the programme of production.

(2) Any decision of the Board in the exercise of its powers under the provisions of this Ordinance shall be final and conclusive.

Order of Board  
to farmer.

11. (1) The Board may by order in writing addressed to any farmer order such farmer to carry out, within such time as may be specified in the order, such farming operations in connexion with the production of crops as the Board may, in its absolute discretion, determine.

(2) The order of the Board under this section shall be in such form as the Board may determine, and shall be signed by the Chairman of the Board or by a member of the Board authorized in writing by the Chairman of the Board.

(3) The original of such order shall be served by the Board on the farmer either by personal service or by registered post.

When farmer  
unable to  
cultivate.

12. (1) Where a farmer has submitted a programme of production and either before or after he is served with an order under the provisions of this Ordinance to cultivate any specified acreage of crops finds it impossible to carry out such programme, he shall forthwith notify the Board in writing to that effect through the District Production and Man Power Committee, giving his reasons for not complying with the order:

Provided that nothing in this section contained shall constitute a defence upon a charge of failing to comply with the order.

(2) Where a farmer has submitted a programme of production and either before or after he is served with an order under the provisions of section 11 of this Ordinance to cultivate any specified acreage of crops, he wishes to increase his programme, he shall forthwith notify through the District Production and Man Power Committee the Board in writing to that effect, whose consent must be obtained before he shall become entitled to the benefit of any of the provisions of section 4 of this Ordinance.

Return of crops  
harvested to  
the Board.

13. Every farmer shall immediately after harvesting his crop submit to the Board a return of the crops which he has actually harvested, in such form as the Board may require, stating the quantity which he has retained or intends to retain for his own use and the quantity which he wishes to dispose of by way of sale.

#### PART III—ADVANCES AND GRANTS

Advances to  
farmers.

14. The Bank, as agent for the Government of the Colony, shall, from funds provided by the Accountant General under the provisions of section 3 of this Ordinance, on the order of the Board make to any farmer advances against the guaranteed minimum return referred to in section 4 of this Ordinance and/or the grants of money referred to in section 4 of this Ordinance.

Interest.

15. (1) Any advance made under the provisions of this Ordinance against the guaranteed minimum return shall bear interest at the rate of 4 per cent per annum and shall be recoverable in manner hereinafter appearing.

(2) Any grant made under the provisions of this Ordinance shall be by way of gift.

16. (1) Any farmer upon whom an order has been served under the provisions of section 11 of this Ordinance shall, subject to the provisions of this Ordinance, become eligible to an extent approved by the Board for the guaranteed minimum return and/or grant provided for in section 4 of this Ordinance; and, if he has not already submitted an application with his programme of production, under the provisions of sub-section (4) of section 7 of this Ordinance, may submit an application, in the form set out in the Second Schedule hereto, to the Bank through the sub-committee, if any, the District Production and Man Power Committee and the Board, for an advance against such guaranteed minimum return and/or an application, in the form set out in the Third Schedule hereto, for such grant.

Eligibility of farmers for guaranteed minimum return and grants.

(2) A grant for which a farmer is eligible under the provisions of this Ordinance shall only be paid to such farmer upon evidence to the Secretary of the Bank that the land in respect of which the grant is claimed has actually been broken, cleared, ploughed and the crop in question has been actually sown. It shall be a condition for the payment of such grant that the farmer shall keep the land in respect of which the grant has been made in cultivation with such crops, as the Board may from time to time order, for a period of at least three years or for the duration of this Ordinance, whichever period is the shorter:

Conditions of the grant.

Provided that with the leave of the Board the grant may be paid before the crop in question has been actually sown.

17. (1) The Bank may, upon the order of the Board, make an advance in instalments or in any other manner approved by the Board, and may for that purpose require the farmer to submit such evidence and such particulars, in relation to the purposes on which such advance is actually to be expended as the Bank may think fit, in such form as the Bank may determine.

Manner of making advances.

(2) An advance ~~or grant~~ made to any farmer under the provisions of this Ordinance shall, except with the approval of the Board, be used only to meet actual expenditure incurred in preparing and fertilizing the land, planting the crop, bringing the crop to maturity, harvesting, storing and transporting the crop, and shall not be used for any other purpose whatsoever.

18. Any advance made under the provisions of this Ordinance shall be a first charge on the crops grown, or to be grown, under the provisions of this Ordinance, by the farmer to whom the advance has been made, and shall, notwithstanding any rule of law or equity or the provisions of any other law for the time being in force in the Colony, have priority over all other encumbrances whatsoever secured on such crops.

Advances to be first charge on crops.

19. (1) The Bank, upon making any advance, shall register a notification in the form set out in the Fourth Schedule hereto with the Registrar General, and such notification shall without charge be registered by the Registrar General as if it were an instrument duly registered under the Chattels Transfer Ordinance, 1930.

Notification.

No. 24 of 1930.

The Bank shall notify in writing the Registrar General when the advance referred to in such notification has been repaid or written off and such notification shall thereupon be cancelled.

No. 24 of 1930. (2) Notwithstanding the provisions of the Chattels Transfer Ordinance, 1930, it shall not be necessary for such notification or cancellation of such notification to be published in the Gazette.

No. 28 of 1933. (3) Where the farmer is a body corporate, the Bank shall serve such notification on the Registrar of Companies, who shall, notwithstanding the provisions of section 82 of the Companies Ordinance, 1933, register without charging any fee such notification as if it were a charge within the meaning of section 79 of the Companies Ordinance, 1933.

Replanting of crops if destroyed.

20. (1) Where any of the crops of any farmer upon whom an order has been served under the provisions of section 11 of this Ordinance have been destroyed or damaged by insect pests or plant diseases or other act of God, such farmer shall as soon as possible replant the acreage of land affected with such crops as the Board may direct, unless the Board, on the advice of the District Production and Man Power Committee, exempts him from so doing.

Grant for replanting.

(2) In any case where a farmer is required under the provisions of sub-section (1) of this section to replant any acreage of land, the amount of the guaranteed minimum return specified in section 4 of this Ordinance in respect of the crop concerned may, in the discretion of the Board, be deemed to be increased by such additional sum of money as, in the opinion of the Board, is sufficient to cover the actual expenditure incurred by such farmer in replanting such land: Provided that where the Board has directed that the land shall be replanted with a crop different from the crop originally planted, an additional sum not exceeding ten shillings per acre may be paid on the direction of the Board.

When guaranteed minimum return to be paid.

21. (1) The guaranteed minimum return (or any portion thereof) per acre provided for in section 4 of this Ordinance may be paid only where the farmer proves to the satisfaction of the Board—

(a) that at the end of the planting year the value of any kind of crop which he was required to produce under the terms of an order served upon him under the provisions of section 11 of this Ordinance does not equal the guaranteed minimum return specified in section 4 of this Ordinance in respect of such crop; and

(b) that his failure to obtain the guaranteed minimum return was not due to any neglect or default on his part.

(2) Where the Board is satisfied as to the matters referred to in sub-section (1) of this section, the Board may, subject to the provisions of this section, order the Bank to pay to the farmer a sum of money calculated as follows:—

(a) If the farmer has had an advance against such guaranteed minimum return, and the value of the crop, if any, which he has produced under the terms of the order has been paid to the Bank against such advance under the provisions of sub-section (2) of section 23 of this Ordinance or otherwise, and a portion of such advance is still outstanding, a sum of money equal to the difference between such guaranteed minimum return and the amount of such advance.

(b) If the farmer has had an advance against such guaranteed minimum return, and the whole of such advance has been repaid to the Bank under the provisions of sub-section (2) of section 23 of this Ordinance or otherwise, a sum of money equal to the difference between the value of the crops so produced and such guaranteed minimum return.

(c) If the farmer has not had an advance against such guaranteed minimum return, a sum of money which shall equal the guaranteed minimum return less the value of the crop, if any, which he has produced under the terms of the order :

Provided that if the farmer is a farmer who, under the provisions of section 20 of this Ordinance, had been required to, and did in fact, replant any acreage of land, the value of the guaranteed minimum return in such case may, in the discretion of the Board, and subject to the provisions of sub-section (3) of this section, be increased by such additional sum of money as in the opinion of the Board is sufficient to cover the actual expenditure incurred by such farmer in replanting such land.

(3) Where any farmer is required under the terms of an order served upon him under the provisions of section 11 of this Ordinance to produce any kind of crop upon more than one farm, the value, if any, of that kind of crop produced on all such farms shall be taken into account and aggregated by the Board in determining whether or not such farmer has attained the guaranteed minimum return in respect of such crop.

(4) Where any farmer is required under the terms of an order served upon him under the provisions of section 11 of this Ordinance to produce more than one kind of crop, no account shall be taken of the value of any other kind of crop produced by such farmer in determining whether or not such farmer has attained the guaranteed minimum return in respect of any one kind of crop.

(5) Where any farmer with the approval of the Board retains for his own use any crop, or any portion thereof, which he has been ordered to produce under the provisions of this Ordinance, the value of such crop so retained by him shall be taken into account at the guaranteed price fixed under the provisions of section 5 of this Ordinance in determining whether or not he has attained the guaranteed minimum return per acre referred to in section 4 of this Ordinance.

(6) In any case where the balance of any guaranteed minimum return is paid to any farmer to whom an advance has been made under the provisions of this Ordinance, the Bank shall, on the order of the Board, write off the outstanding amount of such advance to, and the amount of any interest due thereon from, such farmer.

(7) Where a farmer has had an advance against the guaranteed minimum return and the value of the crop which he has produced under the terms of the order exceeds the guaranteed minimum return and he has not repaid the advance in full under the provisions of sub-section (2) of section 23 of this Ordinance or otherwise, the amount of the advance outstanding and the interest due thereon shall be repaid by the farmer to the Bank. Such amount to be repaid by the farmer shall continue to bear interest at the rate of 4 per cent per annum and shall, until repaid and notwithstanding any rule

of law or equity or the provisions of any law for the time being in force in the Colony, be a first charge on any produce grown or to be grown by the farmer and on all chattels owned by such farmer and shall have priority over all other encumbrances whatsoever secured on such crop or chattels.

(8) Where a farmer has had an advance against the guaranteed minimum return, and the value of the crop, if any, which he has produced under the terms of the order does not equal the guaranteed minimum return specified in section 4 of this Ordinance in respect of such crop, and the Board is satisfied that the failure to attain the guaranteed minimum return was due to neglect or default on the part of the farmer, such farmer shall repay to the Bank the advance so made to him. Such advance to be repaid by the farmer shall continue to bear interest at 4 per cent per annum, and shall, until repaid and notwithstanding any rule of law or equity or the provisions of any law for the time being in force in the Colony, be a first charge on any produce grown or to be grown by the farmer and on all chattels owned by such farmer, and shall have priority over all other encumbrances whatsoever secured on such crop or chattels.

#### PART IV—GENERAL

Disposal of  
crops.

No. 30 of 1937.  
No. 2 of 1938.

Marketing  
agencies.

No. 42 of 1930.

22. All crops produced by a farmer shall, unless the Board otherwise orders, be disposed of in such manner as the Board may direct or approve, and, until so disposed of, shall be held in trust for the Government of the Colony and shall be managed and stored with due care by the farmer. For the purposes of this section, any crop produced on the land of a farmer by any resident labourer within the meaning of the Resident Labourers Ordinance, 1937, or by any native servant within the meaning of the Employment of Servants Ordinance, 1937, for his own use or consumption shall not be deemed to be a crop produced by the farmer.

23. (1) The Board may appoint any person through whom the crops so grown shall be marketed:

Provided that, in the case of wheat, such crops shall be subject to the provisions of the Sale of Wheat Ordinance, 1930.

(2) Any person appointed under the provisions of sub-section (1) of this section and the agency appointed under the Sale of Wheat Ordinance, 1930, are hereby empowered to, and shall, notwithstanding any charges, court orders or other claims which would, but for the provisions of this section, have conferred a prior right upon some other person to such moneys, upon an order from the Bank, deduct from any money derived from the sale of any crop marketed through such person or agency the amount of the advance certified by the Secretary of the Bank in such order to be due and owing by the farmer from whom the crop has been received, and shall pay the money so deducted to the Bank and any balance that remains to such farmer.

(3) In cases where the value of the crop received from any farmer exceeds the guaranteed minimum return provided for in section 4 of this Ordinance, the provisions of sub-section (2) of this section shall apply to any interest due and owing on any advance to the same extent as it applies to an advance.

24. Every farmer upon whom an order has been served under the provisions of section 11 of this Ordinance shall observe the rules of good husbandry in connexion with his farming operations to the satisfaction of the Board, and shall comply with any order which the Board may, and which the Board is hereby empowered to, issue to him in connexion with such operations, including the fertilizing of his land and due precaution against fire. Method of farming operations.

25. Every farmer upon whom an order has been served under the provisions of section 11 of this Ordinance shall, unless the Board exempts him from so doing, harvest all crops produced by him under the provisions of this Ordinance. Harvesting of crops.

26. (1) Every farmer to whom an advance has been made under the provisions of this Ordinance shall take out an insurance policy in the name of the Bank, with a company approved by the Bank, in respect of the crop stored against fire and against such other risks as the Board may require. Insurance.

(2) Such insurance shall be for such sum as represents the value of the crop so severed at the guaranteed price fixed under section 5 of this Ordinance.

(3) Where a claim under such policy is made by the Bank and met by the company, the Bank shall deduct from the money so received any sum due to the Bank from such farmer under the provisions of this Ordinance and shall pay the balance of such money to such farmer.

(4) Any farmer upon whom an order has been served under the provisions of section 11 of this Ordinance, but who has not applied for an advance under the provisions of this Ordinance, shall not be eligible to claim the guaranteed minimum return per acre referred to in section 4 of this Ordinance if his claim is based on the fact that the crop when stored has been destroyed or damaged and he has failed to take out insurance against the risks referred to in sub-section (1) of this section.

27. Where the Board is satisfied that any farmer who has been served with an order under section 11 of this Ordinance had broken in the year 1941 virgin land or land which had not been ploughed since the 1st day of March, 1938, for planting in the year 1942, the Board may, in its absolute discretion, order the payment to such farmer of the grant referred to in paragraph (b) of sub-section (1) of section 4 of this Ordinance. Breaking of virgin land.

28. Notwithstanding the provisions of the Land and Agricultural Bank (Amendment) Ordinance, 1940, no farmer who has obtained an advance under the provisions of this Ordinance shall, except with the approval of the Board, apply for any loan under the provisions of that Ordinance in respect of the same area of land. No. 14 of 1940.

29. (1) Notwithstanding the terms of any agreement between a lessor and a lessee, whether such agreement be in writing or verbal, or of any law for the time being in force in the Colony, no lessor shall, save with the consent of the Board, terminate the lease of any lessee upon whom an order to produce crops has been served Restrictions on termination of lease of land on which crop grown.

under the provisions of section 11 of this Ordinance so as to take effect before the crops which such lessee has produced have been harvested and disposed of by such lessee.

(2) Where any lessor has, with the consent of the Board, terminated the lease of any lessee upon whom an order to produce crops has been served under the provisions of section 11 of this Ordinance, and the lessee is a farmer to whom a grant has been made under the provisions of this Ordinance, the condition imposed by sub-section (2) of section 16 of this Ordinance shall pass to, and be binding upon, the lessor, or, if the lessor has granted a lease to another lessee, to such lessee.

Chattels.  
No. 42 of 1930.

30. Notwithstanding the provisions of the Chattels Transfer Ordinance, 1930, or of any rule of law or equity in force in the Colony, no grantee shall exercise the rights conferred upon him by the Chattels Transfer Ordinance, 1930, in respect of any chattel on the farm of any farmer upon whom an order to produce crops has been served under the provisions of section 11 of this Ordinance, except with the consent of the Board.

Power to enter  
premises.

31. Any member of a sub-committee or District Production and Man Power Committee or of the Board or any person appointed by the Board for the purpose may enter upon the premises of any person upon whom an order has been served under the provisions of section 11 of this Ordinance in order to ascertain whether or not such person is carrying out the terms of the Board's order or is observing the conditions attached to a grant under the provisions of this Ordinance or is observing the rules of good husbandry in connexion with the cultivation of the crops which he has been ordered to grow, or is carrying out the terms of any order issued to him under section 24 of this Ordinance, and may require such person to give him such information as he may consider necessary for the purpose of enabling him to carry out his functions under this section.

Board may  
enter and culti-  
vate if default  
made by farmer.

32. (1) Where any person upon whom an order has been served or issued under the provisions of this Ordinance fails to carry out the terms of the order, or where any land is available for cultivation and the person who has the right to the use of such land cannot be found or is not in the Colony and the land is not being cultivated, the Board or any person authorized by the Board may enter upon the land and take possession thereof and of all chattels, if any, incidental to the business of farming on such land and may cultivate or cause to be cultivated such land to the same extent as if the Board were the registered owner of such land.

(2) In any such case the Board may authorize the Bank to pay out any sums in salaries or expenses that may be necessary to carry out the farming operations, and the proceeds of the crop shall be paid to the Bank, any excess over the amount advanced by the Bank may be credited to Government revenue, or may be disposed of as the Board may think fit.

(3) Subject to any order which the Board may, under the provisions of sub-section (2) of this section, make in regard to the disposal of any excess over the cost of production, no compensation shall be paid to the registered owner or lessee of any land in respect of which these powers are exercised.

33. Where any person on whom an order has been served under the provisions of section 11 of this Ordinance—

(a) dies, or

(b) sells, transfers or otherwise disposes of the land or the user thereof to any other person,

the order shall be deemed to have been served upon his executor or administrator or such other person, as the case may be, who shall be responsible for complying with the order and shall be subject to the provisions of this Ordinance to the same extent as if the order had been served upon such executor or administrator or such other person, as the case may be.

Executors, etc., responsible for complying with order.

34. Where at the date of commencement of this Ordinance any body corporate carrying on the business of farming is in course of liquidation, or where any bankruptcy proceedings have been taken against any farmer, the Board may order the liquidator or the Official Receiver, as the case may be, to carry on the business of farming to the same extent as if such body corporate or such farmer, as the case may be, were not in liquidation or proceedings in bankruptcy had not been taken. And notwithstanding the provisions of any law for the time being in force in the Colony or of any rule of law or equity, such liquidator or the Official Receiver, as the case may be, shall comply with the terms of such order.

Where bodies corporate in liquidation, etc.

35. The Governor in Council may make Rules—

(a) prescribing the guaranteed minimum return and/or the grants of money in respect of any crop either in lieu of, or in addition to, those specified in section 4 of this Ordinance;

(b) prescribing the guaranteed price in respect of any crop;

(c) adding to, deleting from, or varying any of the Schedules to this Ordinance; and

(d) generally for the better carrying out of the provisions of this Ordinance.

Rules.

36. During the continuance in force of this Ordinance the powers conferred by Regulation 3 of the Defence (Agricultural Production) Regulations, 1940, shall, in relation to any farmer on whom an order has been served under this Ordinance, be deemed to be in abeyance.

37. The Board may, by resolution, delegate any of the powers conferred upon it by this Ordinance to the Chairman of the Board.

Delegation.

#### PART V—PENALTIES

38. Any farmer to whom an advance or grant has been made under this Ordinance who uses such advance or grant or any portion thereof for any purpose other than that for which it was made or who fails to comply with the conditions attached to such grant shall be guilty of an offence against this Ordinance.

Penalties for misusing advance.

39. Any person who gives any false information to a sub-committee or to a District Production and Man Power Committee

False information.

or to the Board or to the Bank in connexion with any application or order under the provisions of this Ordinance shall be guilty of an offence against this Ordinance.

Failure to obey orders, etc.

40. Any person who fails to comply with any lawful request, order or direction given to him under the provisions of this Ordinance or who obstructs any person acting under the powers conferred by section 31 or 32 of this Ordinance shall be guilty of an offence against this Ordinance.

General penalty.

41. Any person who is guilty of an offence against this Ordinance shall be liable on conviction by a subordinate court of the first class, and notwithstanding the provisions of the Courts Ordinance, 1931, or of the Criminal Procedure Code, to a fine not exceeding £500 or to imprisonment for a period of two years or to both such fine and such imprisonment:

No. 16 of 1931.

Provided that where the person convicted is a body corporate such person shall be liable to a fine not exceeding £5,000.

Directors and officers of bodies corporate.

42. (1) Where a person convicted of an offence against this Ordinance is a body corporate, every person who, at the time of the commission of the offence, was a director or officer of the body corporate, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge, or that he exercised all due diligence to prevent the commission of the offence.

(2) (a) Any farmer who employs on his farm any agent, servant or other person shall be answerable for the acts or omission of such agent, servant or other person in so far as they concern the business of such farmer; and if such agent, servant or other person commits any act or makes any omission which is an offence against any of the provisions of this Ordinance or of any order made thereunder, such farmer and his agent, servant, or other person shall be jointly and severally liable to the penalties provided by this Ordinance.

(b) In the case of proceedings against a farmer under this Ordinance for or in connexion with anything done or omitted to be done by his agent, servant or other person—

(i) it shall not be a defence that the agent, servant or other person acted without the authority of the farmer, or was not acting in the capacity of agent, servant or other person employed; and

(ii) any material fact known to the agent, servant or other person employed shall be deemed to have been known to the farmer.

#### PART VI—DURATION

Duration of Ordinance.

43. This Ordinance shall continue in force until the thirty-first day of December, 1943, and shall then expire:

Provided that the Governor may by proclamation with the approval of the Legislative Council declare that this Ordinance shall remain in force until a date to be fixed in such proclamation or until repealed.



**FIRST SCHEDULE  
THE INCREASED PRODUCTION OF CROPS ORDINANCE, 1942  
PROGRAMME OF PRODUCTION**

(N.B.—This form is to be completed and submitted by the farmer to the Sub-Committee appointed for his area, or if no Sub-Committee has been appointed, to the Chairman of the District Production and Man Power Committee.)

1. I, ..... of .....

(Name in full)

(Postal address)

in accordance with the provisions of Section 7 of the Increased Production of Crops Ordinance, 1942, do hereby submit the following schedule of my programme of crops for the crop season, 194.....-194.....

2. I hereby declare that the statements made by me in this application are true.

Signature.....

Date.....

**FOLLOWING ACREAGES ARE TO INCLUDE NEW ACREAGES PROPOSED**

	Farmer's Proposal in Acres		A	B	C
	Acres	Variety	Recommendation of Sub-Committee	Recommendation of District Production and Man Power Committee	Decision of the Board
Wheat ..					
Maize ..					
Rye ..					
Flax ..					

N.B. On this page nothing below this line is to be filled in by the Farmer (See overleaf)

**CERTIFICATE BY MEMBER OF SUB-COMMITTEE**

I, ..... a member of the Sub-Committee at ..... hereby certify that the within application was received by the Sub-Committee on the ..... day of ....., 194..., and that to the best of my knowledge and belief the signature above is the signature of the applicant.

Signed.....

Date.....

(N.B.—Where there is no Sub-Committee this certificate must be signed by a member of the District Production and Man Power Committee for the District.)

**RECOMMENDATION OF SUB-COMMITTEE, AS IN "A" ABOVE.**

.....  
*Chairman, Sub-Committee*

**RECOMMENDATION OF DISTRICT PRODUCTION AND MAN POWER COMMITTEE, AS IN "B" ABOVE.**

.....  
*Chairman,  
District Production and Man Power Committee*

**DECISION OF THE BOARD, AS IN "C" ABOVE.**

.....  
*Chairman of the Board*

Order No.....

Date.....

[SEE OVER

FIRST SCHEDULE—(Contd.)

PARTICULARS

(To be filled in by Farmer)

1. Name, L.O. Nos., District, and total acreage of farm .. .. .
2. Nearest railway station and distance .. .. .
3. Is the application made on your own behalf or are you acting as agent for a third party? .. .. .
4. Are you the owner of the land or a lessee or sub-lessee? .. .. .
5. Area under cultivation in the year 1941 .. .. .
 

Wheat .. .. .	acres
Maize .. .. .	acres
Rye .. .. .	acres
Flax .. .. .	acres
6. Total acreage of arable land suitable for cereals .. .. .
7. Is the farm occupied and worked by you personally? .. .. .
8. If not, by whom and on what conditions is it occupied and worked, and where do you reside? .. .. .
9. State average yield per acre of cereals grown during past 3 years .. .. .
10. State approximate total acreages proposed or existing under other crops, such as .. .. .
 

Barley .. .. .	acres
Oats .. .. .	"
Potatoes .. .. .	"
Beans and/or Peas .. .. .	"
Fodder crops .. .. .	"
Pyrethrum .. .. .	"
Coffee .. .. .	"
Tea .. .. .	"
Sisal—	
4 years old and upwards .. .. .	"
Under 4 years old .. .. .	"
Squatter maize .. .. .	"
11. State numbers on farm of .. .. .
 

Dairy cattle .. .. .	
Working oxen .. .. .	
Sheep .. .. .	
Pigs .. .. .	
12. State machinery and implements available .. .. .
13. State additional machinery and implements required .. .. .
14. State quantities of fertilizers required for 1943 .. .. .
15. State number of vehicles on farm—
 

(A) Motor ("C" licensed) .. .. .	ditto
(B) Scotch carts and wagons .. .. .	ditto

FOOTNOTES :

- (i) If the farmer wishes to apply for an advance of money against the guaranteed minimum return provided for in Section 4 (1) (a) of the Increased Production of Crops Ordinance, 1942, he should fill in the attached Application Form marked B.
- (ii) If the farmer wishes to apply for a grant provided for in Section 4 (1) (b) or Section 27 of the Increased Production of Crops Ordinance, 1942, he should fill in the attached Application Form marked C.

## FIRST SCHEDULE—(Contd.)

A separate form should be completed in respect of each farming unit.

Single farming units which lie partly in one district and partly in another district can elect which district they come under for purposes of District Production Committees.

When possible, farmers should attach hereto a very rough pencil sketch (not to scale) of their farms, indicating rough situation and acreages of their arable land under crop or which it is proposed to put under crop.

## AGRICULTURAL MACHINERY RETURN

DESCRIPTION OF IMPLEMENT	A On farm and in normal use	B Surplus to requirements under A and in working order	Surplus to A and not in working order	Additional new machinery required for 1942 and 1943
Tractors, Track Type— (Stating make and model) .. ..				
Tractors, Wheel Type— (Stating make and model) .. ..				
Ploughs, Tractor—				
2-furrow .. ..				
3-furrow .. ..				
4-furrow or over ..				
Ploughs, Oxen—				
2-furrow .. ..				
3-furrow .. ..				
4-furrow or over ..				
Harrows (Disc)—				
Tractor .. ..				
Ox Draft .. ..				
Harrows (Tooth)—				
Tractor .. ..				
Ox Draft .. ..				
Grain Drills .. ..				
Combine Harvesters ..				
Reapers and Binders ..				
Thrashing Machines ..				
Lorries ("C" Licensed)				
Farm Wagons .. ..				
Farm Carts .. ..				
Hay Mowers .. ..				
Manure Spreaders ..				
Maize Shellers .. ..				
Maize Planters .. ..				
Fertilizers required for 1943—				
Superphosphate ..				
Guano .. ..				
Bone Meal .. ..				

## SECOND SCHEDULE

## THE INCREASED PRODUCTION OF CROPS ORDINANCE, 1942

APPLICATION FOR AN ADVANCE OF MONEY AGAINST THE  
GUARANTEED MINIMUM RETURN

I, .....

of .....

(Farm No.)

(District)

(Postal address)

in connexion with my programme of production dated the.....  
hereby apply for an advance of money against the minimum guaranteed return  
per acre provided for by Section 4 (1) (a) of the Increased Production of Crops  
Ordinance, 1942, in respect of the following acreages of land :—

- (a) ..... acres to be put under wheat at Sh.....per acre.  
 (b) ..... acres to be put under maize at Sh.....per acre.  
 (c) ..... acres to be put under rye at Sh.....per acre.  
 (d) ..... acres to be put under flax at Sh.....per acre.

Signature.....

Date.....

RECOMMENDATION OF SUB-COMMITTEE.

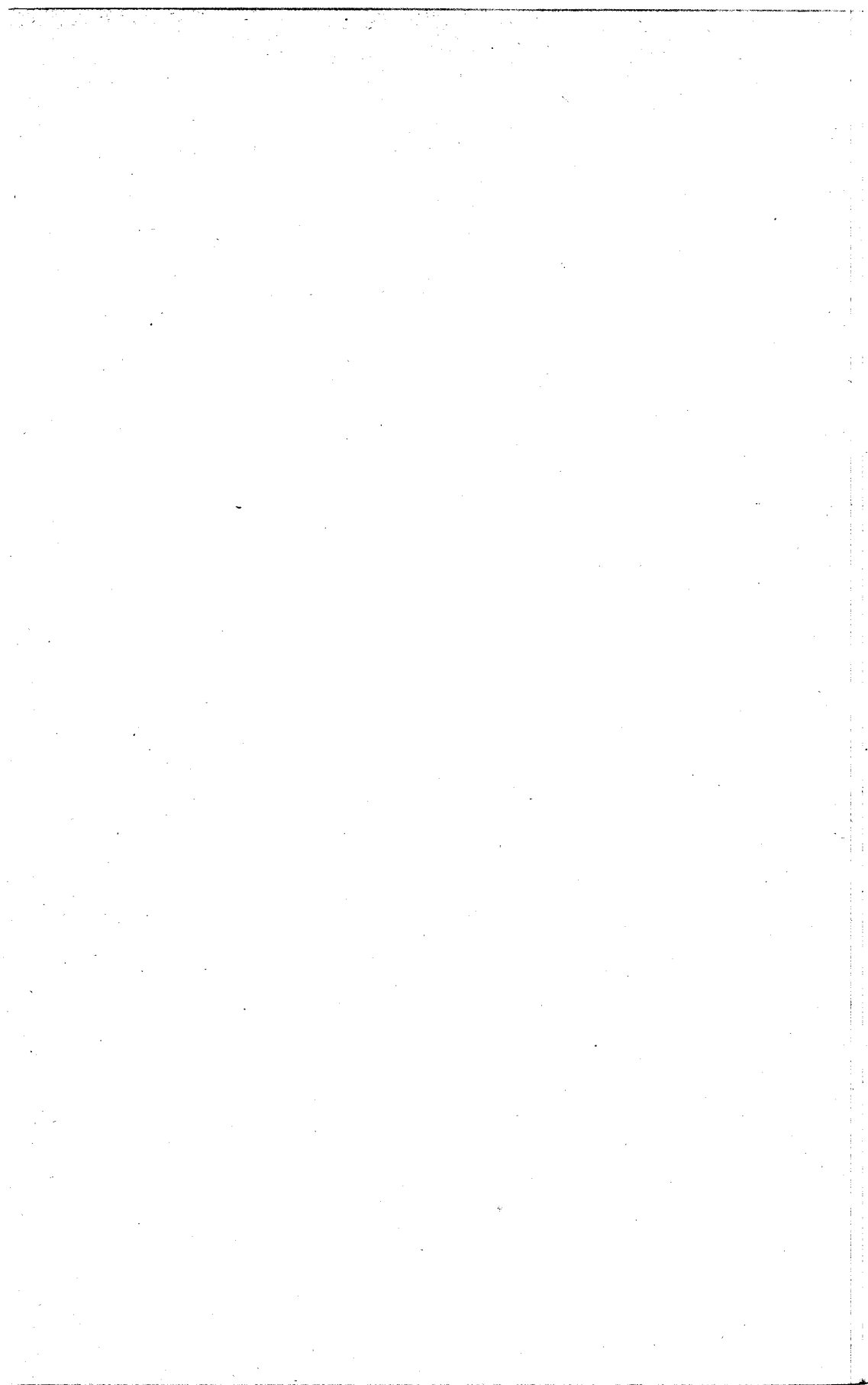
.....  
*Chairman, Sub-Committee*

RECOMMENDATION OF DISTRICT PRODUCTION AND MAN POWER COMMITTEE.

.....  
*Chairman,  
District Production and Man Power Committee*

DECISION OF THE BOARD.

.....  
*Chairman of the Board*



SECOND SCHEDULE—(Contd.)

I wish to draw the amount authorized (Sh.....) in instalments as specified hereunder. I declare that these moneys will be expended solely in connexion with the acreages set out overleaf on the basis of the approximate estimates submitted below.

Signature.....

TO RECURRENT EXPENSES :—

Month	Sundry Expenses	Living Expenses	Wages	Tractor Fuel	Repairs, etc.	Manager	MONTHLY TOTAL REQUIRED
1942	Sh.	Sh.	Sh.	Sh.	Sh.	Sh.	Sh.
March ..							
April ..							
May ..							
June ..							
July ..							
August ..							
September							
October							
November							
December							
1943							
January							
February							

TO SPECIAL PAYMENTS :—

Fire Insurance .. .. .							
Manures .. .. .							
Insecticides .. .. .							
Gunnies .. .. .							
Transport of Crops .. .. .							
Government Rent .. .. .							
Licences .. .. .							

ANY OTHER SPECIAL PAYMENTS :—

£

## THIRD SCHEDULE

## THE INCREASED PRODUCTION OF CROPS ORDINANCE, 1942

APPLICATION FOR A GRANT IN RESPECT OF LAND NEWLY  
BROKEN AS PROVIDED FOR IN SECTIONS 4 (1)(b) AND 27

I, .....

of.....

(Farm No.) (District) (Postal address)

hereby apply for a grant in the terms of Sections 4 (1)(b) and/or 27 of the  
aforesaid Regulations in respect of:—

(a) ..... acres put under wheat at Sh..... per acre.

(b) ..... acres put under maize at Sh..... per acre.

(c) ..... acres put under rye at Sh..... per acre.

These acreages are included in my programme of production.

Signature.....

Date.....

## CERTIFICATE OF SUB-COMMITTEE.

I certify that acreages as shown above have been broken, cultivated and sown  
in accordance with good farming practice.

.....  
Chairman or Member of Sub-Committee

## RECOMMENDATION OF DISTRICT PRODUCTION AND MAN POWER COMMITTEE.

.....  
Chairman,  
District Production and Man Power Committee

## DECISION OF THE BOARD.

.....  
Chairman of the Board

## FOURTH SCHEDULE

## THE INCREASED PRODUCTION OF CROPS ORDINANCE, 1942

## NOTIFICATION UNDER SECTION 19

Name and Address of Farmer	Name of Farm	Land Office Number	Amount of Loan	Date of Loan

Date.....

.....  
Secretary,  
Land and Agricultural Bank of Kenya

## ORDINANCE No. VIII of 1942

Assented to in His Majesty's name this fourth day of May, 1942.

HENRY MOORE,  
*Governor.*

### An Ordinance to Amend the Land and Agricultural Bank Ordinance, 1930

*4th May, 1942*

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

- |   | Date of commencement.   |
|---|---|
| <p>1. This Ordinance may be cited as the Land and Agricultural Bank (Amendment) Ordinance, 1942, and shall be read as one with the Land and Agricultural Bank Ordinance, 1930, hereinafter referred to as the Principal Ordinance.</p>  | <p>Short title.<br/>No. 3 of 1931.</p>                          |
| <p>2. Section 10 of the Principal Ordinance is hereby amended by inserting therein, between the word "Board" and the full-stop which appear in the seventh line thereof, the words "or by such officers and clerks of the Board as the Chairman of the Board may approve".</p>  | <p>Amendment of section 10 of the Principal Ordinance.</p>      |
| <p>3. Sub-section (3) of section 28 of the Principal Ordinance is hereby amended by deleting therefrom the word "improvements" which appears in the twelfth line thereof and substituting therefor the words "permanent improvements".</p>  | <p>Amendment of section 28 (3) of the Principal Ordinance.</p>  |
| <p>4. Sub-section (3) of section 45A of the Principal Ordinance is hereby amended by deleting therefrom the words "shall be made by the Board to communicate to persons interested that such sale is intended" which appear in the sixth, seventh and eighth lines thereof and substituting therefor the words "shall have been made by the Board to communicate to persons having a registered interest or if known an unregistered interest that such sale is intended".</p>  | <p>Amendment of section 45A (3) of the Principal Ordinance.</p> |
| <p>5. Section 2 of the Land and Agricultural Bank (Amendment) Ordinance, 1934, is hereby amended by deleting therefrom the word "mortgage" which appears in the fifth line of paragraph (d) of the definition of "farmer" contained therein and substituting therefor the word "mortgagee".</p>   | <p>Amendment of section 2 of Ordinance No. 4 of 1934.</p>       |
| <p>6. Section 2 of the Land and Agricultural Bank (Amendment) Ordinance, 1940, is hereby amended—</p> <p>(a) by deleting therefrom paragraph (c) of sub-section (1) thereof and substituting therefor the following paragraphs:—</p> <p style="padding-left: 40px;">“(c) capital expenditure for the purpose of purchasing live stock or agricultural machinery and implements. The amount of the advance that may be made to any one farmer for these purposes shall not, except with the consent of the Governor in Council, exceed £300;</p> | <p>Amendment of section 2 of Ordinance No. 14 of 1940.</p>      |

(d) capital expenditure not exceeding £100, in the case of any one farmer, for any other purpose approved by the ~~Bank~~<sup>Board</sup>;

(b) by adding thereto at the end of sub-section (1) thereof the following new proviso:—

“Provided further that if at any time after the approval of any advance for perennial crops it shall appear necessary to advance further moneys for the protection of advances already made, the Board shall have the power to increase the amount which may be advanced by such an amount as in their opinion is required to protect the Bank’s interests”; and

(c) by deleting the words “paragraph (c)” which appear in the third line of sub-section (2) thereof and substituting therefor the words “paragraphs (c) and (d)”.

Amendment of section 5(1) of Ordinance No. 14 of 1940.

7. Sub-section (1) of section 5 of the Land and Agricultural Bank (Amendment) Ordinance, 1940, is hereby amended—

(a) by deleting therefrom the word “therefrom” which appears in the second line of paragraph (a) thereof; and

(b) by deleting therefrom paragraph (b) thereof and substituting therefor the following paragraph:—

“(b) where the farmer is the registered owner of the land, be a charge upon the land in respect of which the advance has been made, but subject to any prior encumbrances.”

Repeal and replacement of section 7(1) of Ordinance No. 14 of 1940.

8. Sub-section (1) of section 7 of the Land and Agricultural Bank (Amendment) Ordinance, 1940, is hereby repealed and the following sub-section is substituted therefor:—

Notification of advance to Registrars.

7. (1) As soon as possible after the approval of any advance by the Bank, the Secretary shall—

(a) where the advance approved is an advance to a person other than a company as defined in section 2 of the Companies Ordinance, 1933—

(i) where a charge over land is involved, fill up the notification in the form in the First Schedule to this Ordinance and sign and forward the same to the Registrar of Titles, who shall forthwith without charge, register such notification against the title affected;

(ii) fill up the notification in the form in the Second Schedule to this Ordinance and sign and forward the same to the Registrar General, who shall forthwith, without charge, register such notification as if such notification were an instrument within the meaning of the Chattels Transfer Ordinance, 1930, and such notification shall, when so registered, entitle the bank to all such remedies as are conferred upon a grantee under the provisions of that Ordinance;

No. 28 of 1933.

No. 24 of 1930.

- (b) where the advance approved is an advance to a company as defined in section 2 of the Companies Ordinance, 1933, fill up the notification in the form in the Second Schedule to this Ordinance and forward the same to the Registrar of Titles, who shall forthwith, without charge, register such notification against the title affected, and also forward a copy to the Registrar of Companies, who shall, notwithstanding the provisions of section 82 of the Companies Ordinance, 1933, without charging any fee, register such charge as if it were a charge referred to in paragraph (c) and in paragraph (d) of sub-section (2) of section 79 of the Companies Ordinance, 1933." No. 28 of 1933.
9. Sub-section (1) of section 10 of the Land and Agricultural Bank (Amendment) Ordinance, 1940, is hereby amended—
- (a) by deleting therefrom the commas and words "under the provisions of this Ordinance," which appear in the fourth and fifth lines thereof; and
- (b) by inserting therein between the word "advance" and the word "under" which appear in the fourth line thereof the words and comma "and which are under the provisions of this Ordinance subject to a charge as security for such advance,".
10. Sections 7, 8 and 9 of this Ordinance shall be deemed to have come into force as from the date of commencement of the Land and Agricultural Bank (Amendment) Ordinance, 1940. Commencement. No. 14 of 1940.
11. Notwithstanding anything contained in the Limitation Ordinance, 1934, or in any other law in force in the Colony, no suit, application or proceeding by the Bank shall be rejected or dismissed on the grounds that such suit, application or proceeding is barred by the provisions of the aforesaid Ordinance or by the provisions of any such law. Limitation. No. 21 of 1934.

**ORDINANCE No. IX of 1942**

Assented to in His Majesty's name this thirtieth day of April, 1942.

HENRY MOORE,  
*Governor.*

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

Date of commencement.

*30 May, 1942*

*By Notice*

Short title and commencement.  
No. 20 of 1927.

*S.A. 419/42*

Amendment of section 7 of the Principal Ordinance.

Repeal of section 30 of the Principal Ordinance.

Fund closed to new entrants.

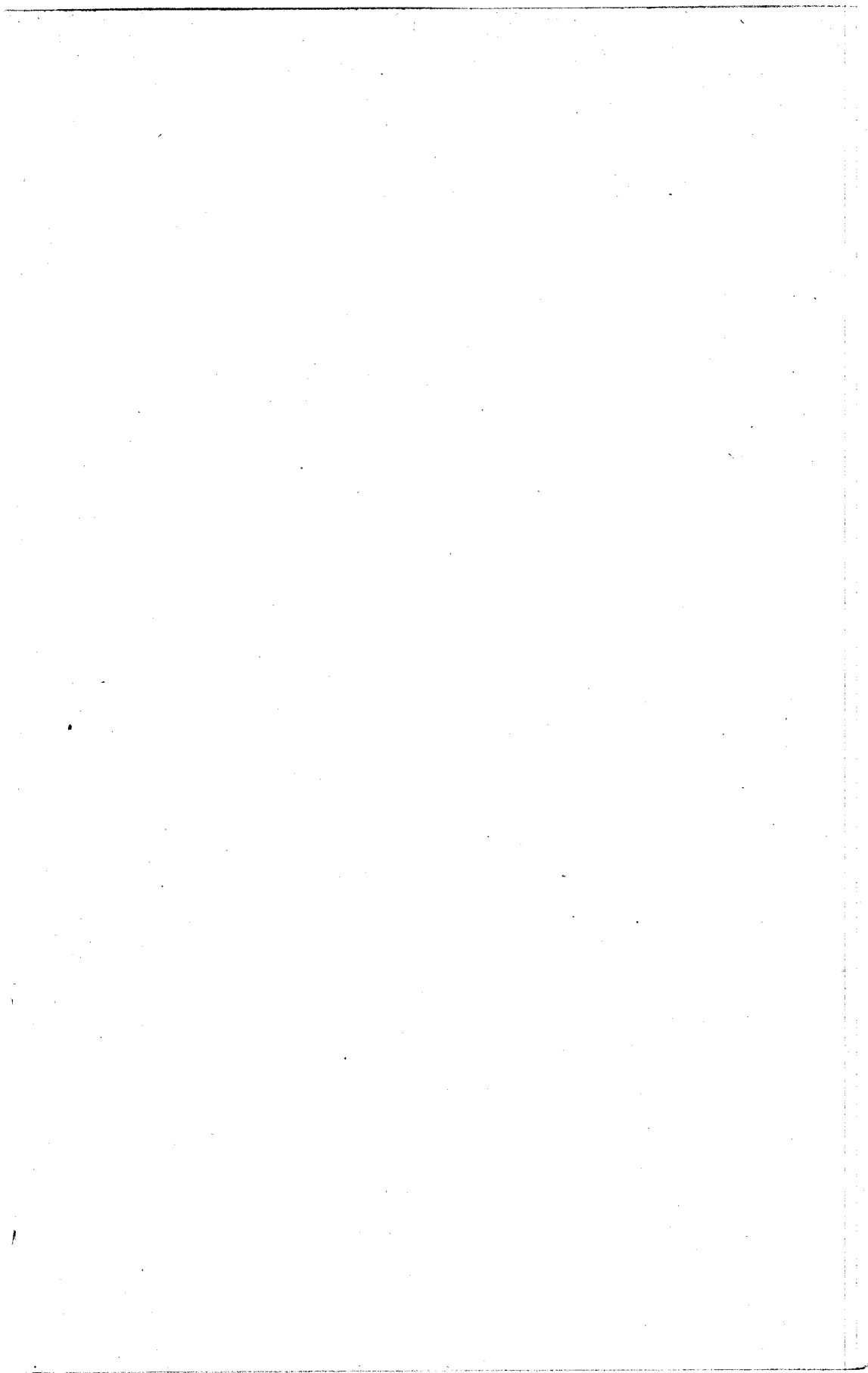
ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as the Asiatic Widows' and Orphans' Pension (Amendment) Ordinance, 1942, and shall be read as one with the Asiatic Widows' and Orphans' Pension Ordinance, 1927, hereinafter referred to as the Principal Ordinance, and shall come into operation on such date as the Governor may, by notice in the Gazette, appoint.

2. Section 7 of the Principal Ordinance is hereby amended by deleting therefrom the word "four" which appears in the second line thereof and substituting therefor the word "five".

3. Section 30 of the Principal Ordinance is hereby repealed.

4. The provisions of the Principal Ordinance shall not apply to any Asiatic officer appointed to the service of this Government or to the amalgamated postal and telegraph department of the Colony and the Tanganyika Territory on or after the date of the commencement of this Ordinance.



Asian members of the EA. HC - see S. N. 740749 p. 294

**ORDINANCE No. X of 1942**

Assented to in His Majesty's name this thirtieth day of April, 1942.

HENRY MOORE,  
*Governor.*

**An Ordinance to make Provision for Granting Pensions to Widows and Children of Asian Officers who are Appointed to the Service of the Government on or after the date of Commencement of this Ordinance.**

*Coming into Operation of No. 9 of 1942 1. 5. 42*

Date of commencement.

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

**PART I**

**PRELIMINARY**

1. This Ordinance may be cited as the Asian Officers Family Pensions Ordinance, 1942, and shall come into operation as from the date of the coming into operation of the Asiatic Widows' and Orphans' Pension (Amendment) Ordinance, 1942.

Short title and commencement.

No. 9 of 1942.

2. (1) In this Ordinance, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them, that is to say—

Interpretation.

“actuary” means a Fellow of the Institute of Actuaries or of the Faculty of Actuaries in Scotland;

“approved scheme” means a scheme or fund for the granting of pensions to the widows and children of officers in the public service, which has been declared by the Governor to be an approved scheme for the purpose of this Ordinance;

“Asian officer” means an officer employed in, or on terms applicable to members of, the Kenya Asian Local Civil Service, and any other officer whom the Governor may approve for membership of the Fund;

“beneficiary” means—

(a) the widow of a member;

(b) the child of pensionable age of a member, by his marriage with any wife who has died or whose marriage is not deemed to be a valid marriage under this Ordinance: Provided that when there are two or more such children of one marriage, such children shall constitute one beneficiary;

“Bombay Agents” means the Agents in India for the Government of the Colony;

“member” means any Asian officer who is contributing to the Fund and, save as otherwise provided in this Ordinance, includes a person who has ceased to contribute or who is exempted from contributing under sub-section (2) of section 12 of this Ordinance;

"month" and "monthly" refer to calendar months;

"other public service" means public service not under the Government of the Colony;

"pension" means any pension granted to a beneficiary under this Ordinance except when the context implies that a pension granted to a member himself is meant;

"public service" means service in a civil capacity under the Government of the Colony or of any other part of His Majesty's dominions, or of any British Protected State or Protectorate, or of any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty, or of the Anglo-Egyptian Sudan, or under the High Commissioner for Transport in Kenya and Uganda, or any other service which the Governor may determine to be public service for the purposes of this Ordinance;

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

"the Board" means the Board appointed under the provisions of this Ordinance;

"the Fund" means the Fund established under this Ordinance;

"the Government" means the Government of the Colony.

(2) A child shall be of pensionable age for the purposes of this Ordinance, in the case of a male, if he is under the age of twenty-one years, and, in the case of a female, if she is under the age of twenty-one years and has not married.

(3) A child who shall have been legitimated by marriage according to the law of the country of the father's domicile at the date of the marriage shall, for the purposes of this Ordinance, be deemed to be a child of that marriage.

(4) In the case of a member who is a Mohammedan or a member of any other religion under the tenets of which polygamy is lawful—

- (i) if he is unmarried at the date upon which he becomes a member, then only the first marriage contracted after that date,
- (ii) if he is married at that date to one wife only who is alive at the said date, then only that marriage,
- (iii) if he is married at the said date to more than one wife both or all of whom are alive at the said date, then only the earliest in time of such marriages,

shall be deemed to be a valid marriage for the purposes of this Ordinance:

Provided that on the dissolution or annulment of any marriage which is under this section deemed to be a valid marriage for the purposes of this Ordinance by reason of the death of the wife of that marriage or by reason of a divorce, then for the purposes of this Ordinance—

- (a) the first marriage only after such death or divorce shall also be deemed to be a valid marriage, and

*Replaced by  
Ord No. 26/41-9*

^ all contributions made from the general revenue of the colony  
to the credits of members - Ord No. 26/45

(b) such divorce only and no other divorce shall be deemed a valid divorce.

(5) When the marriage of any member has been annulled or dissolved according to the law applicable to the member, the female party to such marriage shall, for the purposes of this Ordinance, be deemed to have died, and the member shall be deemed to have become a widower, from the date of such annulment or dissolution.

## PART II

### ESTABLISHMENT OF FUND AND MANAGEMENT

3. (1) There is hereby established a Board to be known as the Asian Officers Family Pensions Board, which shall consist of— Establishment of Board.

(a) the Accountant General; and

(b) two European officers in the service of the Government, and two Asian officers, to be appointed by the Governor.

(2) The Accountant General shall be the Chairman of the Board.

(3) Members of the Board appointed under paragraph (b) of sub-section (1) of this section shall hold office for a period of three years from the date of appointment:

Provided that, on the death, inability to act, resignation or absence from the Colony for more than three months of any such member, the Governor may appoint a European or Asian officer, as the case may be, to the vacancy, who shall act in the place of such member until he returns to the Board, or until the period of his appointment expires, as the case may be.

(4) All appointments and determinations of appointments shall be notified in the Gazette.

(5) The Chairman and two other members shall form a quorum.

(6) The Chairman shall have a casting vote in addition to his deliberative vote.

(7) The Board shall from time to time appoint an officer to be Secretary and may replace at its pleasure any officer so appointed.

4. The duties and powers of the Board shall be as follows:— Duties and powers of the Board.

(a) to make Rules regulating its own proceedings;

(b) to consider, and advise the Governor on, all questions arising on the interpretation of this Ordinance;

(c) to supervise and control all financial transactions;

(d) generally to do any other act or perform any other duty reasonably necessary for the carrying out of the provisions of this Ordinance.

5. (1) A Fund, to be known as "the Asian Officers Family Pensions Fund", shall be established for providing pensions for the widows and orphans of members of the Fund. The Fund.

(2) All pensions and repayments of contributions (including interests, if any) authorized by this Ordinance and all expenses incurred in the administration of the Fund, including the obtaining of actuarial advice, shall be paid out of the Fund.

(3) All contributions made by members, all interest on investments of the Fund, and all sums paid under section 8 of this Ordinance shall be credited to the Fund.

(4) All moneys belonging to the Fund shall be deposited with the Accountant General and, except as regards such part thereof as the Board shall consider it expedient to retain for making payment out of the Fund under this Ordinance, shall, so far as practicable, be invested on behalf of the Fund in such securities, or employed at interest, in such manner, as may be approved by the Board. Any such investment may be at any time changed into securities so approved, and any sums required for making payments out of the Fund under this Ordinance may be raised by the sale or realization of any investments of the Fund.

(5) Annual accounts of the transactions of the Fund during the year ended the preceding thirty-first day of December, and a statement of the assets of the Fund at that date shall be prepared by the Accountant General and shall be audited and certified every year by the Auditor, and shall thereafter, together with a report by the Board on the working of the Fund, be published in the Gazette as soon as may be after the ensuing thirty-first day of March.

Registers of members to be kept.

6. Registers shall be kept in which shall be entered the date of the birth of every member, and of every wife and child who may become, or shall be, entitled to pension under this Ordinance, and particulars of all contributions paid into the Fund by or on behalf of each member, and the pension or pensions for the time being payable in respect of each member in the event of his death, and all other dates and particulars respecting members and their families material to be recorded for the purposes of this Ordinance.

Information to be furnished by members and widows.

7. (1) Every member shall within three months of his first becoming a member notify to the Board in writing the date of his birth and, if he is then married or a widower with children of pensionable age, the dates of his marriage and of the births of his wife and children (if any).

(2) Every member who marries while a member shall within three months after his marriage notify to the Board in writing the fact and the date of his marriage and the date of the birth of his wife.

(3) Every member shall notify to the Board in writing within three months from the date of the event—

- (a) the birth of any child born to him and the date thereof;
- (b) the marriage of any female child of his under the age of twenty-one years;
- (c) the death of his wife or of any of his children of pensionable age, occurring while he is a member;
- (d) the annulment or dissolution of his marriage and the date thereof.

(4) After the death of any married member the widow of such member shall notify to the Board or the Bombay Agents in writing, within three months of the date of the event:

- (a) the date of the death of such member, if he was not at the time in the service of the Government;
- (b) the birth of any posthumous child of such member and the date thereof;

- (c) the marriage of any female child of such member under the age of twenty-one years;
- (d) the death of any child of such member while of pensionable age;
- (e) her own re-marriage or bankruptcy.

(5) Any such statement or notice shall, if the Board so requires, be verified by the production of birth, death or marriage certificate, or by affidavit, or otherwise, to the satisfaction of the Board.

(6) This section shall not apply to any marriage to which subsection (1) of section 30 of this Ordinance applies or to the wife, widow or child of any such marriage.

8. (1) A member or widow who fails or neglects to comply with any of the requirements of the foregoing section shall, for each default, be liable, at the discretion of the Board, to pay to the Board a sum not exceeding forty shillings which may be deducted from his or her salary or pension as the case may be. Penalties.

(2) If a member or widow of a member shall at any time have wilfully made any false statement respecting any of the particulars required by this Ordinance to be furnished, all or any part of the rights under the Fund of the member or the widow or any child of the member shall be liable to be forfeited at the discretion of the Board, and the Board may give directions for increasing the pension payable to any child of the member in consequence of forfeiture under this section of the rights of any child or the widow of the member and such pension shall be increased accordingly.

(3) Nothing in this section shall prejudice any right of the Board to recover any sum paid out of the Fund which would not have been paid but for such failure, neglect, or false statement as aforesaid.

9. The Fund shall be valued at intervals of not less than five years by an actuary approved by the Governor, who shall make a report to the Governor in which shall be set out the methods by which in his opinion any surplus in the Fund may appropriately be dealt with or any deficit may appropriately be made good, whether by way of adjustment of contributions or benefits or otherwise, and if the Governor in Council shall approve of any such method which would not necessitate amendment of this Ordinance, regulations under this Ordinance may be made for giving effect thereto. Valuation of Fund.

### PART III

#### CONTRIBUTORS AND CONTRIBUTIONS

10. Subject to the exceptions mentioned in section 12 of this Ordinance, every Asian officer appointed under a Letter of Permanent Appointment to the Kenya Asian Local Civil Service on or after the date of commencement of this Ordinance shall become a member of the Fund from the date of such Letter of Permanent Appointment. Who must contribute.

11. Any Asian officer who, at the date of the coming into force of this Ordinance, is a contributor to the fund established under the Asiatic Widows' and Orphans' Pensions Ordinance, 1927, upon passing a medical examination to the satisfaction of the Board and upon payment of the arrears as herein defined, may within ninety Option to members of old fund. No. 20 of 1937.

days after the commencement of this Ordinance elect to become a member of the Fund. For the purposes of this section the term "arrears" means the difference between the total amount of his contributions to the first-mentioned fund and the contributions which he would have paid to the Fund if this Ordinance had been in force at the time he began to contribute to the first-mentioned fund, plus three and one-half per centum interest compounded annually.

Who are not eligible to contribute.

Ord 26/45

12. (1) The following persons shall not be eligible to become members:—

- ~~(a) Asian officers who are not serving under a Letter of Permanent Appointment in the Kenya Asian Local Civil Service;~~
- <sup>a</sup> (b) Asian officers whose salary amounts to less than sixty pounds per annum;
- <sup>b</sup> (c) Asian officers who are unmarried and are at the time of employment under the age of twenty-one years:  
Provided that if they are otherwise liable to contribute, they shall, on becoming married or on reaching the age of twenty-one years, forthwith become members;
- <sup>c</sup> (d) Asian officers who have attained their fifty-fourth birthday;
- <sup>d</sup> (e) subject to the provisions of section 11 of this Ordinance Asian officers who are contributors to the fund established under the Asiatic Widows' and Orphans' Pension Ordinance, 1927;
- <sup>e</sup> (f) any other class of persons, whom the Governor may by order declare to be ineligible to contribute on the grounds that it is impossible or inexpedient to apply the provisions of this Ordinance to such class.

No. 20 of 1927.

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

(b) The Board may require any contributor who has been granted an exemption under this sub-section, from time to time to produce the receipts for his contributions or other evidence of his continuing to be a contributor under such approved scheme, and if he shall fail to do so the Board may cancel the exemption.

(c) No application for exemption under this sub-section shall be valid unless it is made in writing and reaches the Board not later than three months after the date from which the officer commences to draw salary from the Colony's funds or such later date as the Board may in any special case determine.

(d) Where an Asian officer is, by virtue of an exemption under this sub-section, making no contributions to the Fund, he shall nevertheless be deemed, for the purposes of this Ordinance, to cease or

continue to contribute, as the case may be, in any circumstances in which he would so cease or continue if such exemption had not been granted, and all rights of election under Part V of this Ordinance may be exercised by him accordingly.

13. (1) Save as otherwise provided in this Ordinance, every member shall contribute to the Fund at the rate of four and one-half per centum per annum of his annual salary or pension for the time being. Contributions of members.

(2) If a member is on leave on part salary or without salary, or is under interdiction, he shall contribute at the ordinary rate.

(3) Contributions under this section shall accrue daily and shall be deducted monthly in arrear from the salary or pension, as the case may be, of each member, and if during a period of leave without salary a contributor does not pay his contributions, the amount of his contributions in arrear shall be deducted from the salary payable to him subsequent to such leave in such instalments as the Board may in each case determine.

(4) A member may, within three months after the date of his first payment of contribution under this Ordinance or within three months after marrying, by written notice to the Board, elect to make an additional annual contribution of two and one-quarter per centum of his annual salary:

Provided that a member who has not so elected within the time prescribed by this section may, with the approval of the Board and subject to passing a medical examination to the satisfaction of the Board, be permitted so to elect at any time during the term of his contributions.

(5) Any member who elects to make an additional annual contribution, shall make it accordingly as from the date on which he first became a member, or as from the first day of the month next after that upon which his notice was received by the Board, or as from the first day of the month next after that upon which the Board's approval was given to this subsequent election, as the case may be.

(6) No member shall be allowed to make more than one additional annual contribution under the provisions of this Ordinance.

(7) No member shall after attaining the age of fifty-four years contribute at a higher rate than that at which he was contributing immediately before attaining that age.

(8) Any election to make an additional contribution under the provisions of this section may be revoked by notification to the Accountant General to discontinue such additional contribution as from the beginning of the month next after that in which the notification of his revocation is received by the Accountant General.

13A - added by Ord No 26/45

14. The contributions to the fund of any member shall cease— Cessation of contributions.

- (1) if he attains the age of fifty-five years, or
- (2) if he dies, or

- (3) save as otherwise provided in section 21 of this Ordinance, if he leaves the public service, or
- (4) save as otherwise provided in Part V of this Ordinance, if he is transferred from the service of the Colony to other public service,

and not otherwise.

Contributions may continue in full if salary reduced.

15. If the salary of a member be reduced, he may, upon giving notice in writing to the Board of his desire to do so, continue to make contributions computed by reference to his salary immediately before the reduction.

16. Where a member having left the service of the Colony is re-appointed thereto, and immediately before the date of his re-appointment is making contribution to the Fund under Part V of this Ordinance, he shall, as from the date of such re-appointment, contribute at the rate at which he would have contributed if he had not been a member before that date:

Provided that if and so long as that rate is less than the rate at which he was contributing before the said date, he may, if he so elects by notice in writing addressed to the Board, continue to contribute at the last mentioned rate; and he may at any time revoke such election.

#### PART IV

##### REPAYMENT OF CONTRIBUTIONS

Contributions not normally to be repaid.

17. Save as otherwise expressly provided in this Ordinance, no contributions ~~thereunder~~ shall be repaid.

Repayment to bachelor or widower without pensionable children.

18. (1) Subject to the provisions of Part V of this Ordinance, if a member, being a bachelor or a widower without children of pensionable age, ceases to contribute to the Fund, he shall thereupon cease to be a member for the purposes of this Ordinance, and there shall be paid out of the Fund to him, or to his legal personal representative, the following amount, less any debt due to the Government, that is to say—

- (a) in the case of a bachelor, the amount of the contributions paid by him with compound interest thereon, and
- (b) in the case of a widower, the amount of the contributions paid by him during the period from the death of his last wife or the ceasing to be of pensionable age of his last child, whichever event shall have last happened, with compound interest thereon:

Provided that where such a member is dismissed from the public service for misconduct, the contributions shall be repaid as aforesaid without interest.

(2) For the purposes of this section, interest shall be calculated at two and a half per centum per annum, with annual rests at the

made by a member & no contributions paid from the  
general revenue of the Colony to the credit of a member - Ord 26/45 -

thirty-first day of December in each year, the interest beginning to accrue in respect of each contribution on the first day of the month following the day upon which the contribution is paid and ceasing on the last day of the month preceding the day upon which payment under this section is made.

#### PART V

##### PROVISION FOR OFFICERS LEAVING THE SERVICE

19. If a member is transferred from the service of the Government to other public service for which there is established an approved scheme, the following provisions shall have effect:—

Transfer of a member to a Colony which has provision for widows' and orphans' pensions

(1) If the member is a bachelor or a widower without children of pensionable age—

(a) he shall, if he so elect by notice in writing addressed to the Board not later than three months after the date of transfer, remain a member for the purposes of this Ordinance without making further contributions;

(b) section 18 of this Ordinance shall not apply before the expiration of the said three months or his earlier death, but shall then apply as from the date of transfer if he shall not have elected as provided in sub-paragraph (a) of this paragraph and not otherwise;

(c) if, having elected as aforesaid, he subsequently leaves the public service or dies without having married or remarried, as the case may be, the provisions of the said section 18 shall apply;

(d) if, having elected as aforesaid, he subsequently marries without having left the public service, the last mentioned provisions shall cease to apply in his case.

(2) If the member is married or a widower with children of pensionable age—

(a) he shall, if he so elect by notice in writing addressed to the Board not later than three months after the date of transfer, continue to contribute to the Fund at the rate at which he was contributing at that date;

(b) if he does not so elect he shall cease to contribute as from the date of transfer.

20. If a member is transferred from the service of the Government to other public service for which there is not established an approved scheme the following provisions shall have effect:—

Transfer of a member to a Colony which has no provision for widows' and orphans' pensions.

(1) If the member is a bachelor or widower without children of pensionable age—

(a) he may, if he so elect by notice in writing addressed to the Board not later than three months after the date of transfer, continue to contribute to the Fund at the rate at which he was contributing at that date;

(b) section 18 of this Ordinance shall not apply before the expiration of the said three months or his earlier death, but shall then apply as from the date of transfer if he shall not have elected as provided in sub-paragraph (a) of this paragraph and not otherwise;

(c) if, having elected as aforesaid, he shall further elect, by notice in writing addressed to the Board at any time, to cease to contribute, he shall cease accordingly as from the first day of the month in which such notice is so addressed; and, subject to the provisions of this Ordinance, if, being at the time a bachelor or widower without children of pensionable age, he so ceases while in the public service or leaves the public service or dies, the provisions of the said section 18 shall apply.

(2) If the member is married or a widower with children of pensionable age—

(a) he may, at his election, continue to contribute, and thereafter cease to contribute, in the manner prescribed by paragraph (1) of this section;

(b) if he does not so elect to continue to contribute he shall cease to contribute as from the date of transfer.

Continuance of contributions of married member or widower with pensionable children after retirement on pension.

21. (1) If a member who is married or is a widower with children of pensionable age retires from the public service before attaining the age of 55 and is granted a pension from the funds of the Colony, he shall continue to contribute at the rate at which he was contributing immediately prior to his retirement, unless and until, by notice in writing addressed to the Board, he elects—

(a) to contribute at a rate appropriate to the amount of such pension, or

(b) to cease to contribute as from the first day of the month in which such notice is so addressed.

If he shall so elect, his contributions shall be reduced or shall cease accordingly. A member may elect under this sub-section to cease to contribute notwithstanding that he shall previously have elected to contribute as provided in paragraph (a) of this sub-section.

(2) Notwithstanding the provisions of section 25 of this Ordinance, if such a member shall retire on the ground of ill-health and his death shall occur—

(i) if at the date of his death he shall be contributing as provided in paragraph (a) of the preceding sub-section, not later than three years after the date of his retirement,

(ii) if at the date of his death he shall have ceased to contribute, not later than two years after the date of his retirement,

any pension payable in respect of him shall be computed as if he had died on the day preceding the date of his retirement.

(3) If such a member continues to contribute under sub-section (1) of this section and subsequently his wife shall have died and his children, if any, shall have ceased to be of pensionable age or died, he shall cease to contribute.

(4) Where an officer has elected or been compelled to receive a reduced pension and gratuity, in lieu of a pension which he might have received but for such election or compulsion, his pension shall, for the purpose of calculating his contributions under paragraph (a) of subsection (1) of this section be deemed to be the amount of the unreduced pension which he might have so received.

22. (1) Except as otherwise expressly provided, any election under the three foregoing sections shall be irrevocable.

Provisions regarding elections.

(2) If the whole or any part of a monthly contribution of a member who may elect to cease to contribute shall remain unpaid for a period of three months, he shall be deemed to have so elected on the the first day of the month in respect of which such contribution was payable:

Provided that if in any special case the Board shall so direct, this sub-section shall have effect as if for the reference to three months there were substituted a reference to such longer period as the Board may determine.

23. If a contributor who is married or a widower with children of pensionable age retires from the public service on the ground of ill-health and is not granted a pension from the revenues of the Colony, any pension payable on his death shall, if such death shall occur not later than two years after the date of his retirement, be computed as if he had died on the day preceding that date.

Retirement for ill-health without pension.

## PART VI

### CALCULATION AND PAYMENT OF PENSIONS

24. (1) Pensions under this Ordinance shall be calculated in accordance with the Pension Tables and Instructions set forth in the Schedules to this Ordinance and the Accountant General shall pay the pensions, or cause them to be paid by the Bombay Agents, as they become due.

Calculation of pensions.

(2) All pensions payable under this Ordinance shall, subject to the provisions of this Ordinance, commence upon the day after the death of the member in respect of whom they are payable, shall accrue daily, and shall be payable monthly in arrear:

Provided that a pension may be paid quarterly instead of monthly if the person to whom it is payable so desires.

25. (1) If the total monthly contributions payable by and on behalf of a member who is married or a widower with children of pensionable age are increased, any pension payable in respect of that member shall be increased by an amount corresponding to the pension which would become payable by virtue of a contribution equivalent to the increase if the member were to commence to contribute to the Fund at the date of the increase.

Effect of increases and reductions in contributions.

(2) If such contributions are reduced, any pension payable in respect of him shall be reduced by the amount by which it would have been increased had such contributions been increased instead of reduced.

(3) When contributions cease to be payable otherwise than in the cases mentioned in paragraphs (1) and (2) of section 14 of this Ordinance, the cessation thereof shall be deemed to be a reduction for the purposes of the foregoing sub-section.

Rights of individual beneficiaries.

26. Subject to the provisions of this Ordinance:—

- (1) On the death of a member leaving one or more beneficiaries, the beneficiary, or each of such beneficiaries, as the case may be, shall receive a pension in accordance with the provisions of this Ordinance.
- (2) If pensions are payable to more than one beneficiary each beneficiary shall receive such a proportion of the pension which such beneficiary would have received if sole beneficiary, as unity bears to the total number of beneficiaries.
- (3) Where there are two or more beneficiaries receiving pensions in respect of the same member and the pension payable to one of such beneficiaries shall lapse under the provisions of this Ordinance, the other beneficiary or beneficiaries shall, as from the date of such lapse, receive the pension or pensions which they would have received if such first-mentioned beneficiary had not been in existence at the death of such contributor.

Pensions of children.

27. (1) Where there is only one child of a member by any marriage entitled to pension, the pension shall be at the same rate as the pension which his or her mother received or would have received if it had been payable to her, and shall lapse when such child ceases to be of pensionable age or dies.

(2) Where there are two or more children of a member by any marriage entitled to pension, the pension shall be at the same rate as the pension which their mother received or would have received if it had become payable to her, and shall be paid to such children in equal shares. When any of such children ceases to be of pensionable age or dies his or her share of such pension shall be paid to the remaining child of the same marriage of pensionable age, or, if there are two or more such children, to those children in equal shares.

Death or re-marriage of widow.

28. (1) Where a beneficiary is the widow of a member, the pension shall cease to be payable to her on her re-marriage.

(2) When such pension ceases as aforesaid or by reason of the death of the widow or is forfeited under sub-section (2) of section 7 of this Ordinance, if there are no children of the marriage of the widow with the member living and of pensionable age, the pension shall lapse; and if there are such children the pension shall be paid to such children in accordance with the provisions of this Ordinance.

Bankruptcy of widow.

29. Where a beneficiary, being a widow of a member, is adjudged bankrupt or declared insolvent by any competent court, the pension shall thereupon cease to be payable to her, and, if the Board so directs, shall lapse:

Provided that, if and so long as the Board shall not have directed that the pension shall lapse, the Board may during the remainder of her life, or during such shorter period or periods, either continuous or discontinuous, as they shall think fit, from time to time pay an allowance at a rate not exceeding the rate of such pension to such widow or to any child or children of her marriage with the member, or in part to the widow and in part to any such child or children; and where the amount of the allowance so paid is less than the amount of the pension the Governor may give directions for increasing, in consequence of the reduction under this section of the amount payable out of the Fund, the pension payable to any child of any other marriage of the member, and such pension shall be increased accordingly.

30. (1) No widow of a member whose marriage with him is contracted after he has either attained the age of fifty-five years or left the public service and no issue of such marriage shall constitute a beneficiary for the purposes of this Ordinance or become entitled to pension.

Certain persons not entitled to pension.

(2) Where a member dies within twelve months of his marriage and there is no issue of such marriage, his widow shall not constitute a beneficiary for the purposes of, or become entitled to any pension under, this Ordinance:

Provided that the Board may direct that all or any part of the pension to which such widow would have been entitled but for the provisions of this sub-section (in this section called "the hypothetical pension") shall be paid to her; and where the Board so direct the widow shall be entitled to payment accordingly and shall constitute a beneficiary for the purposes of this Ordinance; and if by virtue of the direction of the Board part only of the hypothetical pension becomes payable to such widow, the pension payable to any other beneficiary shall be increased by an amount which shall bear to the difference between the pension which would have been payable to that beneficiary if the Board had directed payment of the whole of the hypothetical pension to the said widow and the pension which would have been payable to that beneficiary if the Board had not given any direction under this sub-section, the same proportion as the part of the hypothetical pension not directed to be paid bears to the whole thereof.

31. If the Board is satisfied that the widow of a member while in receipt of a pension has deserted or abandoned or has failed or is failing to maintain or assist so far as her means allow, a child of her marriage with the member whom she is bound by law to maintain and who is of pensionable age, the Board may, in its uncontrolled discretion, while such child remains of pensionable age, pay or cause to be paid to such child such portion of the pension as they may think fit and the widow shall have no further claim in respect of any portion of the pension so paid.

Failure to maintain child.

**No. X***Asian Officers Family Pensions***1942**

Payment of minors' pensions and widows' allowances.

**32.** Any pension or part of a pension or any allowance payable under or by virtue of this Ordinance to a minor, and any allowance payable by virtue of this Ordinance to a widow, may, as the Board in its uncontrolled discretion from time to time determine, be paid either—

(a) to such minor or widow, or

(b) to such person or persons as the Board may think fit, for, or to be applied for, the maintenance, support, or benefit of the minor or widow.

Proof of claim to pension.

**33.** The Board may require such proof as it considers desirable that any person who claims to be entitled to pension, or on behalf of whom such a claim is made, is alive and entitled to pension, and the payment of any pension may be refused until such proof is furnished to the satisfaction of the Board.

**PART VII****MISCELLANEOUS**

Pension not to be assigned or levied upon.

**34.** Except as expressly provided in this Ordinance no pension payable, and no rights of any member, under this Ordinance shall be assignable or transferable or liable to be attached, sequestered or levied upon for, or in respect of, any debt or claim whatsoever:

Provided that any contribution or other sum due to the Fund or any debt due to the Government from a member or deceased member may be deducted from any amount payable out of the Fund to or in respect of such member; and any sum due to the Fund or any debt due to the Government from a widow or child of a member may be deducted from any pension or allowance payable to or on behalf of such widow or child by virtue of this Ordinance.

Rates of exchange.

**35.** For the payment of contributions, pensions and all other sums under this Ordinance the rate or rates of exchange, in all cases where conversion is necessary, shall be such as may be determined from time to time by the Governor for the purpose.

Questions and disputes to be decided by the Governor.

**36.** All questions and disputes as to who is entitled to be regarded as a member, or as to the right of a widow or child to a pension, or as to the amount of such pension, or as to the rights or liabilities of any person under this Ordinance, shall be referred by the Board to the Governor, and the Governor's decision shall be binding and conclusive on all parties, shall be final to all intents and purposes, and shall not be subject to appeal or be called in question by or before any court.

Regulations.

**37.** The Governor in Council may, with the prior approval of the Secretary of State, make regulations for the carrying out of the provisions of this Ordinance.

## SCHEDULE A

## PENSION TABLES

## TABLE A

THE YEARLY PENSION, PAYABLE BY MONTHLY INSTALMENTS, WHICH A  
SINGLE PAYMENT OF 1 WILL SECURE

Age of Husband Last Birthday	Age of Wife Last Birthday												
	15	20	25	30	35	40	45	50	55	60	65	70	75
20	.303	.340	.389	.457	.543	.658	.794	-	-	-	-	-	-
1	.292	.327	.373	.437	.518	.629	.763	-	-	-	-	-	-
2	.280	.313	.358	.417	.495	.602	.730	-	-	-	-	-	-
3	.270	.301	.344	.398	.474	.575	.699	-	-	-	-	-	-
4	.259	.289	.329	.380	.452	.549	.671	-	-	-	-	-	-
25	.249	.277	.314	.364	.433	.524	.645	.800	-	-	-	-	-
6	.239	.266	.301	.347	.413	.500	.617	.763	-	-	-	-	-
7	.230	.255	.288	.332	.394	.476	.588	.730	-	-	-	-	-
8	.221	.245	.276	.317	.375	.452	.559	.699	-	-	-	-	-
9	.213	.235	.265	.303	.357	.431	.532	.667	-	-	-	-	-
30	.204	.226	.253	.290	.340	.410	.508	.637	.813	-	-	-	-
1	.196	.216	.243	.277	.324	.389	.483	.606	.775	-	-	-	-
2	.189	.207	.233	.265	.308	.370	.459	.575	.741	-	-	-	-
3	.181	.199	.223	.253	.293	.352	.435	.546	.704	-	-	-	-
4	.175	.191	.213	.242	.280	.334	.412	.518	.667	-	-	-	-
35	.168	.184	.204	.231	.267	.317	.389	.490	.633	.833	-	-	-
6	.161	.177	.196	.222	.255	.301	.368	.465	.599	.794	-	-	-
7	.155	.170	.188	.212	.243	.287	.348	.441	.565	.752	-	-	-
8	.149	.163	.180	.203	.233	.272	.330	.417	.535	.714	-	-	-
9	.144	.156	.173	.195	.222	.260	.313	.394	.508	.680	-	-	-
40	.139	.150	.166	.186	.212	.248	.298	.372	.483	.645	.877	-	-
1	.134	.145	.159	.178	.203	.236	.282	.352	.459	.613	.833	-	-
2	.129	.139	.153	.171	.195	.225	.269	.334	.435	.581	.794	-	-
3	.125	.134	.147	.164	.187	.216	.256	.317	.412	.552	.758	-	-
4	.121	.130	.142	.158	.179	.207	.245	.302	.391	.524	.725	-	-
45	.118	.126	.137	.152	.172	.198	.235	.288	.370	.498	.694	.990	-
6	.114	.122	.132	.147	.166	.191	.225	.275	.352	.474	.667	.952	-
7	.111	.118	.128	.141	.160	.183	.216	.264	.336	.452	.637	.917	-
8	.108	.114	.124	.137	.154	.177	.208	.253	.321	.431	.610	.885	-
9	.105	.111	.120	.132	.149	.170	.200	.243	.307	.412	.588	.862	-
50	.102	.108	.116	.128	.144	.164	.193	.233	.294	.394	.565	.840	1.282
1	.099	.105	.113	.123	.139	.159	.186	.224	.282	.379	.541	.820	1.282
2	.097	.102	.110	.120	.134	.153	.180	.216	.272	.364	.521	.800	1.266
3	.095	.100	.107	.116	.130	.148	.173	.208	.261	.348	.500	.775	1.266
4	.092	.097	.104	.113	.126	.144	.168	.201	.251	.334	.481	.752	1.250

TABLE B

THE YEARLY PENSION, PAYABLE BY MONTHLY INSTALMENTS, WHICH A  
YEARLY CONTRIBUTION OF 1, PAYABLE BY MONTHLY INSTALMENTS, WILL  
SECURE

Age of Husband Last Birthday	Age of Wife Last Birthday												
	15	20	25	30	35	40	45	50	55	60	65	70	75
20	5.71	6.41	7.33	8.61	10.24	12.40	14.97	-	-	-	-	-	-
1	5.42	6.07	6.92	8.11	9.61	11.67	14.15	-	-	-	-	-	-
2	5.10	5.71	6.53	7.60	9.02	10.97	13.31	-	-	-	-	-	-
3	4.84	5.39	6.16	7.13	8.49	10.30	12.53	-	-	-	-	-	-
4	4.56	5.08	5.79	6.68	7.95	9.66	11.80	-	-	-	-	-	-
25	4.30	4.78	5.42	6.28	7.47	9.04	11.13	13.80	-	-	-	-	-
6	4.04	4.49	5.08	5.86	6.98	8.44	10.42	12.89	-	-	-	-	-
7	3.80	4.21	4.76	5.48	6.51	7.86	9.71	12.06	-	-	-	-	-
8	3.57	3.96	4.46	5.12	6.06	7.30	9.03	11.29	-	-	-	-	-
9	3.36	3.70	4.18	4.78	5.63	6.79	8.38	10.51	-	-	-	-	-
30	3.13	3.47	3.88	4.45	5.22	6.29	7.80	9.78	12.48	-	-	-	-
1	2.93	3.23	3.63	4.14	4.84	5.81	7.22	9.05	11.58	-	-	-	-
2	2.74	3.00	3.38	3.84	4.47	5.36	6.66	8.34	10.74	-	-	-	-
3	2.54	2.80	3.13	3.55	4.12	4.95	6.11	7.67	9.89	-	-	-	-
4	2.38	2.60	2.89	3.29	3.81	4.54	5.60	7.04	9.06	-	-	-	-
35	2.20	2.41	2.67	3.03	3.50	4.15	5.10	6.42	8.29	10.91	-	-	-
6	2.03	2.23	2.47	2.80	3.21	3.79	4.64	5.86	7.55	10.00	-	-	-
7	1.87	2.06	2.27	2.56	2.94	3.47	4.21	5.33	6.83	9.09	-	-	-
8	1.72	1.88	2.08	2.35	2.69	3.14	3.81	4.82	6.18	8.25	-	-	-
9	1.59	1.72	1.90	2.15	2.44	2.86	3.45	4.34	5.59	7.49	-	-	-
40	1.45	1.57	1.73	1.94	2.21	2.59	3.11	3.88	5.04	6.73	9.16	-	-
1	1.32	1.43	1.57	1.76	2.00	2.33	2.78	3.47	4.53	6.04	8.21	-	-
2	1.19	1.29	1.42	1.58	1.81	2.08	2.49	3.09	4.03	5.38	7.35	-	-
3	1.08	1.16	1.27	1.42	1.62	1.87	2.21	2.74	3.56	4.77	6.55	-	-
4	.97	1.04	1.13	1.26	1.43	1.65	1.96	2.41	3.12	4.19	5.79	-	-
45	.86	.92	1.00	1.11	1.26	1.45	1.72	2.11	2.71	3.65	5.09	7.26	-
6	.76	.81	.88	.98	1.10	1.27	1.49	1.83	2.34	3.15	4.43	6.32	-
7	.66	.70	.76	.84	.95	1.09	1.28	1.57	1.99	2.68	3.78	5.44	-
8	.56	.59	.64	.71	.80	.92	1.08	1.31	1.67	2.24	3.17	4.59	-
9	.46	.49	.53	.58	.66	.75	.88	1.07	1.36	1.82	2.60	3.81	-
50	.37	.39	.42	.46	.52	.59	.70	.84	1.06	1.43	2.05	3.04	4.64
1	.28	.29	.31	.34	.39	.44	.52	.62	.78	1.05	1.50	2.28	3.56
2	.18	.19	.21	.23	.25	.29	.34	.41	.52	.69	.99	1.52	2.41
3	.09	.10	.10	.11	.13	.14	.17	.20	.25	.34	.48	.75	1.23

TABLE C

THE SINGLE PAYMENT WHICH WILL SECURE A YEARLY PENSION OF 1,  
PAYABLE BY MONTHLY INSTALMENTS

Age of Husband Last Birthday	Age of Wife Last Birthday												
	15	20	25	30	35	40	45	50	55	60	65	70	75
20	3.30	2.94	2.57	2.19	1.84	1.52	1.26	-	-	-	-	-	-
1	3.43	3.06	2.68	2.29	1.93	1.59	1.31	-	-	-	-	-	-
2	3.57	3.19	2.79	2.40	2.02	1.66	1.37	-	-	-	-	-	-
3	3.71	3.32	2.91	2.51	2.11	1.74	1.43	-	-	-	-	-	-
4	3.86	3.46	3.04	2.63	2.21	1.82	1.49	-	-	-	-	-	-
25	4.02	3.61	3.18	2.75	2.31	1.91	1.55	1.25	-	-	-	-	-
6	4.18	3.76	3.32	2.88	2.42	2.00	1.62	1.31	-	-	-	-	-
7	4.35	3.92	3.47	3.01	2.54	2.10	1.70	1.37	-	-	-	-	-
8	4.52	4.08	3.62	3.15	2.67	2.21	1.79	1.43	-	-	-	-	-
9	4.70	4.25	3.78	3.30	2.80	2.32	1.88	1.50	-	-	-	-	-
30	4.89	4.43	3.95	3.45	2.94	2.44	1.97	1.57	1.23	-	-	-	-
1	5.09	4.62	4.12	3.61	3.09	2.57	2.07	1.65	1.29	-	-	-	-
2	5.30	4.82	4.30	3.78	3.25	2.70	2.18	1.74	1.35	-	-	-	-
3	5.51	5.02	4.49	3.96	3.41	2.84	2.30	1.83	1.42	-	-	-	-
4	5.73	5.23	4.69	4.14	3.57	2.99	2.43	1.93	1.50	-	-	-	-
35	5.96	5.44	4.89	4.32	3.74	3.15	2.57	2.04	1.58	1.20	-	-	-
6	6.20	5.66	5.10	4.51	3.92	3.32	2.72	2.15	1.67	1.26	-	-	-
7	6.44	5.89	5.32	4.71	4.11	3.49	2.87	2.27	1.77	1.33	-	-	-
8	6.69	6.14	5.55	4.92	4.30	3.67	3.03	2.40	1.87	1.40	-	-	-
9	6.94	6.39	5.79	5.14	4.50	3.85	3.19	2.54	1.97	1.47	-	-	-
40	7.20	6.65	6.03	5.37	4.71	4.04	3.36	2.69	2.07	1.55	1.14	-	-
1	7.47	6.92	6.28	5.61	4.92	4.24	3.54	2.84	2.18	1.63	1.20	-	-
2	7.73	7.18	6.53	5.85	5.14	4.44	3.72	2.99	2.30	1.72	1.26	-	-
3	7.99	7.44	6.79	6.09	5.36	4.64	3.90	3.15	2.43	1.81	1.32	-	-
4	8.25	7.70	7.05	6.33	5.58	4.84	4.08	3.31	2.56	1.91	1.38	-	-
45	8.51	7.95	7.31	6.57	5.80	5.04	4.26	3.47	2.70	2.01	1.44	1.01	-
6	8.77	8.21	7.57	6.82	6.03	5.24	4.44	3.63	2.84	2.11	1.50	1.05	-
7	9.03	8.48	7.83	7.07	6.26	5.45	4.62	3.79	2.98	2.21	1.57	1.09	-
8	9.29	8.74	8.08	7.32	6.49	5.66	4.81	3.95	3.12	2.32	1.64	1.13	-
9	9.55	9.00	8.34	7.58	6.72	5.87	5.00	4.12	3.26	2.43	1.70	1.16	-
50	9.81	9.26	8.60	7.84	6.96	6.08	5.19	4.29	3.40	2.54	1.77	1.19	.78
1	10.07	9.52	8.86	8.10	7.20	6.30	5.38	4.46	3.54	2.64	1.85	1.22	.78
2	10.32	9.78	9.12	8.35	7.45	6.52	5.57	4.63	3.68	2.75	1.92	1.25	.79
3	10.57	10.03	9.38	8.60	7.70	6.74	5.77	4.80	3.83	2.87	2.00	1.29	.79
4	10.82	10.28	9.63	8.85	7.95	6.96	5.97	4.97	3.98	2.99	2.08	1.33	.80

## SCHEDULE B

## INSTRUCTIONS FOR THE USE OF THE TABLES

## A—CONTRIBUTOR WHO COMMENCED TO CONTRIBUTE WHILE A BACHELOR

*I—First Wife's Prospective Pension*

The registered pension to be recorded on marriage is found by adding together the two amounts calculated in accordance with the following Rules I (a) and I (b) respectively.

(a) Pension in consideration of the contributions paid during bachelorhood.

Rule I (a).—Accumulate the contributions at  $3\frac{1}{2}$  per cent compound interest with yearly rests at each 31st December, and multiply the result by the quantity found from Table A corresponding to the respective ages last birthday of the husband and wife at the date of marriage.

The product gives the registered pension on account of the contributions paid during bachelorhood.

(b) Pension in consideration of the annual contribution current at the date of marriage.

Rule I (b).—Multiply the amount of the current annual contribution by the quantity found from Table B corresponding to the respective ages last birthday of the husband and wife at the date of marriage.

The product gives the registered pension on account of the annual contribution current at the date of marriage.

*Example*

Officer born on 4th May, 1918.

Officer commenced to contribute on 1st January, 1939.

Officer married on 31st March, 1942.

Wife born on 5th September, 1923.

Officer's age last birthday at date of marriage: 23.

Wife's age last birthday at date of marriage: 18.

Annual contribution—

1st January, 1939, to 31st December, 1939 .. .. .	£	s.	d.
1st January, 1940, to 31st December, 1940 .. .. .	4	1	0
1st January, 1941, to 31st December, 1941 .. .. .	4	5	6
1st January, 1942, to date of marriage .. .. .	4	10	0
Accumulation of contributions paid during bachelorhood—			
Contributions from 1st January, 1939, to 31st December, 1939	4	1	0
Contributions during 1940 .. .. .	4	1	0
One year's interest at $3\frac{1}{2}$ per cent on £4-1-0 .. .. .	0	2	10
	£8	4	10
Contributions during 1941 .. .. .	4	5	6
One year's interest at $3\frac{1}{2}$ per cent on £8-4-10 .. .. .	0	5	9
	£12	16	1
Contributions from 1st January, 1942, to date of marriage ..	1	2	6
One-quarter year's interest at $3\frac{1}{2}$ per cent on £12-16-1 ..	0	2	3
Total accumulations ..	£14	0	10

Quantity found from Table A:—

$$.289^* \begin{cases} \text{Husband: aged 23 last birthday} \\ \text{Wife: aged 18 last birthday} \end{cases}$$

Then the registered pension in consideration of contributions paid during bachelorhood =  $.289 \times \text{£}14-0-10$   
=  $\text{£}4-1-2$

Annual contribution current at date of marriage =  $\text{£}4-10-0d$ .

Quantity found from Table B:—

$$5.17^* \begin{cases} \text{Husband: aged 23 last birthday} \\ \text{Wife: aged 18 last birthday} \end{cases}$$

Then the registered pension in consideration of annual contribution current at marriage =  $5.17 \times \text{£}4-10-0d$   
=  $\text{£}23-5-4d$ .

Total registered pension recorded on marriage of the bachelor:—

	£	s.	d.
By Rule I (a) .. .. .	4	1	2
By Rule I (b) .. .. .	23	5	4
Total ..	£27	6	6

(c) Variations of pension consequent on increments to, and decrements from, the current annual contribution while the contributor is married to his first wife.

Rule I (c).—Multiply the amount of the increment to, or the decrement from, the current annual contribution by the quantity found from Table B corresponding to the respective ages last birthday of the husband and wife at the date of the variation of the contribution.

The product gives the amount to be added to the registered pension consequent on the increment to the current annual contribution, or, as the case may be, the amount to be deducted from the registered pension consequent on the decrement from the current annual contribution.

The cessation of the contribution from any cause before the completion of the full period of contribution must be regarded as a decrement from the current annual contribution equal to the amount of such current annual contribution.

#### Example

Assume particulars as in example subjoined to Rules 1 (a) and 1 (b).

Annual contribution increased on 1st June, 1946, from  $\text{£}4-10-0$  to  $\text{£}6-15-0$ .

Annual contribution increased on 1st February, 1954, from  $\text{£}6-15-0$  to  $\text{£}9-0-0$ .

Annual contribution ceased on 31st March, 1960.

1st June, 1946: Increment to current annual contribution,  $\text{£}2-5-0$ .

Quantity found from Table B:—

$$4.16^* \begin{cases} \text{Husband: aged 28 last birthday} \\ \text{Wife: aged 22 last birthday} \end{cases}$$

Then amount to be added to registered pension =  $4.16 \times \text{£}2-5-0$   
=  $\text{£}9-7-2$ .

---

\*See E, which gives the method of calculation of quantities not immediately available from the Tables.

## No. X

## Asian Officers Family Pensions

1942

	£	s.	d.
Registered pension at date of marriage .. .. .	27	6	6
Add registered pension purchased by increment of £2-5-0 ..	9	7	2
	<hr/>		
Registered pension at 1st June, 1946 ..	£36	13	8

1st February, 1954: Increment to current annual contribution, £2-5-0.

Quantity found from Table B:—

3.03 { Wife: aged 30 last birthday  
Husband: aged 35 last birthday

Then amount to be added to registered pension = 3.03 × £2-5-0  
= £6-16-4.

	£	s.	d.
Registered pension at 1st June, 1946 .. .. .	36	13	8
Add registered pension purchased by increment of £2-5-0 ..	6	16	4

Registered pension at 1st February, 1954 .. £43 10 0

31st March, 1960: Decrement from current annual contribution due to cessation of payment of contribution, £9-0-0.

Quantity found from Table B:—

2.07\* { Husband: aged 41 last birthday  
Wife: aged 36 last birthday

Amount to be deducted from registered pension = 2.07 × £9-0-0  
= £18-12-7.

	£	s.	d.
Registered pension at 1st February, 1954 .. .. .	43	10	0
Deduct registered pension due to cessation of contribution of £9-0-0 .. .. .	18	12	7

Registered pension at 31st March, 1960 .. £24 17 5

#### II—Second and Subsequent Wife's Prospective Pension

(a) Variations of pension consequent on increments to, and decrements from, the current annual contribution while the contributor is a widower.

Rule II (a).—Assume that the contributor is married to a wife of the age that his last preceding wife would have been had she survived to the date of the variation of the contribution, and proceed in accordance with Rule I (c).

Example of the application of Rule II (a).—If the particulars be as in the example subjoined to Rule I (c) except that the first wife, who was born on 5th September, 1923, died on 7th July, 1946, it would be assumed that the contributor was, at the date of each of the three variations of the contribution, married to a wife who was born on the 5th September, 1923. The calculation will then be identical with those given in the example subjoined to Rule I (c).

(b) Variations of pension consequent on the re-marriage of the contributor.

If the second or subsequent wife was, at the date of the re-marriage, of the same age last birthday as the last preceding wife would have been had she survived to that date, the registered pension remains the same.

\*See E, which gives the method of calculation of quantities not immediately available from the Tables.

Rule II (b).—If the second or subsequent wife was, at the date of the re-marriage, of a less or greater age next birthday than the last preceding wife would have been had she survived to that date, multiply the amount of the registered pension by the quantity found from Table C corresponding to the age last birthday of the husband at the date of re-marriage, and the age last birthday which the last preceding wife would have attained had she survived to that date; multiply the product so obtained by the quantity found from Table A corresponding to the respective ages of the husband and of the second or subsequent wife at the date of the re-marriage.

The result gives the registered pension to be recorded on the re-marriage of the contributor.

*Example*

Assume particulars as in the example subjoined to Rule I (c).

First wife died on 7th July, 1946.

Contributor re-married on 11th January, 1950.

Contributor's age last birthday at date of re-marriage: 31.

Second wife born on 30th April, 1929.

Second wife's age last birthday at date of re-marriage: 20.

Age last birthday which the first wife would have attained had she survived to the date of the re-marriage: 26.

11th January, 1950: the second wife being of a less age next birthday at the date of the re-marriage than the first wife would have been had she survived, the registered pension of £36-13-8 [see example subjoined to Rule I (c)] is to be recalculated.

Quantity found from Table C:—

4.02\* { Husband: aged 31 last birthday  
Wife: aged 26 last birthday

Quantity found from Table A:—

.216 { Husband: aged 31 last birthday  
Wife: aged 20 last birthday

Registered pension at 11th January, 1950 =  $4.02 \times .216 \times £36-13-8$   
= £31-17-1d.

(c) Variations of pension consequent on increments to, and decrements from, the current annual contribution while the contributor is married to his second or subsequent wife.

Rule II (c).—Proceed as in Rule I (c).

**B—CONTRIBUTOR WHO COMMENCED TO CONTRIBUTE WHILE MARRIED**

*III—First Wife's Prospective Pension*

In every case of a public officer who commenced to contribute while married, the wife at the date of commencement of contributions is to be considered as the officer's first wife, and no particulars are to be recorded respecting any former wife to whom he may have been married, unless there is issue of such former wife of a pensionable age (see C—V).

(a) Pension in consideration of the annual contribution current at the date of commencement of the contribution.

---

\*See E, which gives the method of calculation of quantities not immediately available from the Tables.

Rule III (a).—Multiply the amount of the current annual contribution by the quantity found from Table B corresponding to the respective ages last birthday of the husband and wife at the date of commencement of the contributions.

The product gives the registered pension on account of the annual contribution current at the date of commencement of the contribution.

*Example*

Officer born on 2nd November, 1898.

Officer married on 15th April, 1920.

Officer commenced to contribute on 1st January, 1939.

Annual contribution current on 1st January, 1939: £11-5-0.

Wife born on 4th August, 1902.

Officer's age last birthday on 1st January, 1939: 40.

Wife's age last birthday on 1st January, 1939: 36.

Quantity found from Table B:—

$$2.29* \begin{cases} \text{Husband: aged 40 last birthday} \\ \text{Wife: aged 36 last birthday} \end{cases}$$

Registered pension in consideration of annual contribution current at commencement of contribution =  $2.29 \times £11-5-0$   
= £25-15-3d.

(b) Variations of pension consequent on increments to, and decrements from, the current annual contribution while the contributor is married to his first wife.

Rule III (b).—Proceed as in Rule I (c).

*IV—Second and Subsequent Wife's Prospective Pension*

(a) Variations of pension consequent on increments to, and decrements from, the current annual contribution while the contributor is a widower.

Rule IV (a).—Proceed as in Rule II (a).

(b) Variations of pension consequent on the re-marriage of the contributor.

Rule IV (b).—Proceed as in Rule II (b).

(c) Variations of pension consequent on increments to, and decrements from, the current annual contribution while the contributor is married to his second, or subsequent wife.

Rule IV (c).—Proceed as in Rule I (c).

**C—CONTRIBUTOR WHO COMMENCED TO CONTRIBUTE WHILE A WIDOWER**

*V—Prospective Pension to Children by his First Marriage*

So long as a contributor's children by his first marriage are eligible for pension, a pension must be registered on their behalf. If there are no such children, the widower should be treated as if he were a bachelor.

---

\*See E, which gives the method of calculation of quantities not immediately available from the Tables.

Rule V.—For the purpose of calculating the registered pension of the children, assume that the deceased wife lived until the date of commencement of contribution and died immediately afterwards, and proceed in accordance with Rules 111 (a) and (b).

*VI—Second and Subsequent Wife's Prospective Pension*

Rule VI.—For the purpose of calculating the registered pension of the wife assume that the deceased wife survived to the date of commencement of contribution and died immediately afterwards; then proceed in accordance with the rules applicable to the case of officers who commenced to contribute while married (see B).

**D—CONTRIBUTOR WITH TWO OR MORE BENEFICIARIES**

Rule VII.—Where there are children eligible for pension by two or more deceased wives, or where there is a wife and also children eligible for pension by one or more previous marriages, the pension of each beneficiary as found by the above rules must be divided by the total number of the beneficiaries then existing in order to find the registered pension of that beneficiary.

**E—CALCULATION OF QUANTITIES (OR TABULAR RESULTS) FOR AGES NOT GIVEN IN THE TABLES**

The wife's age in the tables is given at quinquennial intervals only. Ages of husbands and wives younger than the youngest or older than the oldest given are to be dealt with as if identical with the youngest and oldest respectively.

For the intermediate ages of wives, interpolate by exact fifths.

*Examples*

To find the quantity in Table A corresponding to the ages of a husband and wife aged respectively 35 and 27 last birthday:

The quantity for ages 35 and 25 given in Table A is .204.

The quantity for ages 35 and 30 given in Table B is .231.

So that the addition of five years to the age of the wife results in an addition of .027 to the quantity given in the table for ages 35 and 25.

An addition of two years to the age of the wife accordingly results, by proportion, in an addition of two-fifths of .027 to the quantity given in the table for ages 35 and 25. Two-fifths of .027 = .011, which added to .204 gives .215, which is the required quantity corresponding to ages 35 and 27.

Similarly, the quantity found from Table B corresponding to the ages of a husband and wife ages respectively 30 and 24 last birthday is four-fifths of .41 added to 3.47, which gives 3.80.

In the case of Table C, it must be noted that an addition to the age of the wife results in a deduction from the quantity given in the table.

To find the quantity in Table C corresponding to the ages of a husband and wife aged respectively 38 and 32 last birthday:

The quantity for ages 38 and 30 given in the table is 4.92.

The quantity for ages 38 and 35 given in the table is 4.30.

So that the addition of five years to the age of the wife results in a deduction of .62 from the quantity given in the table for ages 38 and 30.

An addition of two years to the age of the wife accordingly results, by proportion, in a deduction of two-fifths of .62 from the quantity given in the table for ages 38 and 30.

Two-fifths of .62 = .25, which deducted from 4.92 leaves 4.67, which is the required quantity corresponding to ages 38 and 32.

Supplement No. 26 (Ordinances No. 2)



COLONY AND PROTECTORATE OF KENYA

**OFFICIAL GAZETTE SUPPLEMENT**

**Ordinances, 1942**

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**Nairobi, June 16, 1942**

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CONTENTS

Ordinance—

No. 11 of 1942—An Ordinance to Amend the War Risks Insurance Ordinance, 1940.

**ORDINANCE No. XI of 1942**

Assented to in His Majesty's name this eighth day of June, 1942.

HENRY MOORE,  
Governor.

**An Ordinance to Amend the War Risks Insurance Ordinance, 1940**

8th June, 1942

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 War Risks Insurance (Amendment) Ordinance, 1942, and shall be read as one with the War Risks Insurance Ordinance, 1940, hereinafter referred to as the Principal Ordinance.

2. Section 2 of the Principal Ordinance is hereby amended by inserting therein, immediately next after the definition of "goods" contained therein, the following new definition:—

"'insurance liabilities' mean liabilities undertaken by the Board under this Ordinance in respect to loss or damage incurred during the war period, together with such administrative expenses as the Secretary of State may approve;"

3. Section 5 of the Principal Ordinance is hereby amended—

(a) by deleting therefrom the words—

"for the fulfilment by the Board of its obligations or for the repayment of any premium under this Ordinance or for the payment of the expenses of the Board in the exercise of its functions under this Ordinance"

which appear in the sixth, seventh, eighth and ninth lines of sub-section (1) thereof and substituting therefor the words:—

"for the discharge by the Board of its insurance liabilities or for the repayment of the whole or part of any premium";

and

(b) by inserting the words "if necessary" between the word "shall" and the word "be" which appear in the third line of sub-section (2) thereof.

4. The Principal Ordinance is hereby amended by inserting therein immediately next after section 5 thereof the following new section:—

"5A. There shall also be paid into the Fund any sums paid to the Board pursuant to any agreement made under sub-section (1) of section 1 of the Colonial War Risks Insurance (Guarantees) Act, 1941, between the Secretary of State and the Government of Kenya and Uganda whereby the Secretary of State agrees to pay any sum from time to time required to discharge the insurance liabilities of the Fund in so far as that sum exceeds the sum for the time being standing to the credit of the Fund; and the following provisions shall have effect—

(a) the amount required to repay any sums paid by the Secretary of State in pursuance of the agreement, together with interest thereon at such rates as the Lords Commissioners of His Majesty's Treasury may approve shall be charged on the Fund;

Date of commencement.

Short title.

No. 41 of 1940

Amendment of section 2 of the Principal Ordinance.

Amendment of section 5 of the Principal Ordinance.

Amendment of the Principal Ordinance.

Payment into Fund of sums paid by Secretary of State to meet insurance liabilities.

- (b) except for the purpose of discharging the insurance liabilities of the Fund, no money shall be paid out of the Fund without the approval of the Secretary of State;
- (c) if at any time during the war period the sum standing to the credit of the said Fund is, in the opinion of the Secretary of State, in excess of the sum likely to be required to discharge the insurance liabilities of the Fund, the amount for the time being charged on the Fund in pursuance of paragraph (a) of this section, or, if that amount is greater than the excess, so much thereof as is equal to the excess, shall, if the Secretary of State so directs, be repaid to him out of the Fund."

Amendment of section 6 of the Principal Ordinance.

5. Section 6 of the Principal Ordinance is hereby amended—

- (a) by deleting therefrom the figures "£1,000" wherever they appear in sub-section (1) thereof, and substituting therefor the figures "£500"; and
- (b) by deleting therefrom the proviso which appears after the word "Ordinance" in the thirteenth line of sub-section (1) thereof, and substituting therefor the following proviso:—

"Provided that goods, the value of which exceeds £500 situate in the Tanganyika Territory or in the Zanzibar Protectorate shall be insurable voluntarily under this Ordinance; but where, under the terms of this proviso, any goods have been voluntarily insured, such goods shall thereafter be deemed to be compulsorily insurable under this Ordinance for so long as the ownership thereof vests in the person who originally insured such goods voluntarily."

Insertion of new section 6A in the Principal Ordinance.

Liability to pay twice the premium where no sufficient insurance is made within 30 days.

6. The Principal Ordinance is hereby amended by the insertion therein of the following new section immediately after section 6:—

"6A. Where a person, carrying on business as a seller or supplier of goods which are liable to insurance under the provisions of sub-section (1) of section 6, fails to insure, or makes an insufficient insurance of, such goods within a period of thirty days from the time when the insurance should have commenced, he shall be liable to pay twice the premium for which he would otherwise be liable;

Provided that the Board shall have power to remit the extra premium on good cause being shown."

Amendment of section 12 of the Principal Ordinance.

7. Section 12 of the Principal Ordinance is hereby amended by inserting therein, between the word "consent" and the word "of" which appear in the second line thereof, the words "of the Chairman".

Amendment of section 13 of the Principal Ordinance.

8. Section 13 of the Principal Ordinance is hereby amended by inserting the words "and with the approval of the Secretary of State" between the word "do" and the comma which appear in the second line thereof.

Amendment of section 15 of the Principal Ordinance.

9. Section 15 of the Principal Ordinance is hereby amended by deleting therefrom the words "and, with the prior approval of the Secretary of State, for the disposal of any money standing to the credit of the Fund" which appear in the fifth, sixth and seventh lines thereof and substituting therefor the words "and any money standing to the credit of the said Fund after discharging all the insurance liabilities of the Fund and repaying the amount charged on the Fund as aforesaid shall be disposed of as the Secretary of State may direct".

**ORDINANCE No. XII of 1942**

Assented to in His Majesty's name this nineteenth day of August, 1942.

*George M. RENNIS*  
Acting Governor. *513/43*

**An Ordinance to Increase the Customs Duty on Petrol**

*19th August, 1942*

*18/2* Date of commencement.

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

1. This Ordinance may be cited as the Customs (Special Duty on Petrol) Ordinance, 1942.

2. During the continuance in force of this Ordinance, there shall be paid on petrol a special customs duty of five cents per gallon which shall be in addition to the duty payable under Item 96 of the Schedule to the Customs Tariff Ordinance, 1930.

No. 1 of 1930.

3. The Governor in Council may, by order published in the Gazette, declare at any time that the provisions of this Ordinance shall cease to have effect from a date to be specified in such order, and thereupon this Ordinance shall be deemed to have been repealed with effect from such date.

## ORDINANCE No. XIII of 1942

Assented to in His Majesty's name this first day of September,  
1942.

G. M. RENNIE,  
*Acting Governor.*

### An Ordinance to Amend the Traffic Ordinance, 1928

*1st September, 1942*

Date of  
commencement.

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

1. This Ordinance may be cited as the Traffic (Amendment) Ordinance, 1942, and shall be read as one with the Traffic Ordinance, 1928, hereinafter referred to as the Principal Ordinance.

Short title.

No. 26 of 1928.

2. Section 18 of the Principal Ordinance is hereby amended by deleting therefrom paragraph (1) thereof.

Amendment of  
section 18 of  
the Principal  
Ordinance.

3. The Principal Ordinance is hereby amended by inserting therein, immediately after section 18 thereof, the following new section:—

Insertion of  
new section 18A  
in the Principal  
Ordinance.  
Hooters.

“18A. (1) Every motor vehicle when in use on a road shall carry an efficient hooter or other appliance suitable for giving audible warning, and, subject to the provisions of this section, every driver of a motor vehicle shall, whenever it is prudent for the purpose of giving audible warning of his approach, clearly sound such hooter or appliance:

Provided that no driver of a motor vehicle shall sound such hooter or other appliance in such a manner as to cause excessive noise which could have been avoided by the exercise of reasonable care on the part of such driver.

(2) The local authority exercising jurisdiction in any municipality or township may by Order prohibit or regulate the sounding of any such hooter or other appliance in such municipality or township, or in such portion of such municipality or township, and during such hours, as may be specified in such Order.

(3) Where any prosecution has been instituted against any person under sub-section (2) of this section for the offence of sounding a hooter or other appliance during the hours during which such sounding is prohibited, or in any area in which such sounding is prohibited, it shall be a good defence to prove that the hooter or other appliance was only sounded in the interests of safety to person or property and to avoid an accident which could not otherwise have been avoided”.

**ORDINANCE No. XIV of 1942**

Assented to in His Majesty's name this first day of September, 1942.

G. M. RENNIE,  
*Acting Governor.*

**An Ordinance to Amend the Excise Duties Ordinance, 1935**

Date of commencement.

*1st September, 1942*

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

Short title.

No. 40 of 1935.

Amendment of section 2 of the Principal Ordinance.

1. This Ordinance may be cited as the Excise Duties (Amendment) Ordinance, 1942, and shall be read as one with the Excise Duties Ordinance, 1935, hereinafter referred to as the Principal Ordinance.

2. Section 2 of the Principal Ordinance is hereby amended by deleting therefrom the definitions of "cigarettes" and "manufactured tobacco other than cigarettes" contained therein and substituting therefor the following:—

"cigarettes" means tobacco made up in the form of cigarettes prepared either from tobacco grown or produced in the Colony or from tobacco imported into the Colony or from a mixture of such tobaccos;

'cigars' means tobacco made up in the form of cigars, cheroots 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' means tobacco other than cigarettes or cigars, made up—

(a) ready for smoking in tobacco pipes; or

(b) ready for use in the making of cigarettes or cigars; or

(c) in the form of cake, plug, roll or stick;

and prepared either from tobacco grown or produced in the Colony, or from tobacco imported into the Colony, or from a mixture of such tobaccos;"

Amendment of section 3 of the Principal Ordinance.

3. Section 3 of the Principal Ordinance is hereby amended by the substitution of a colon for the full stop at the end thereof and by the addition of the following further proviso thereto:—

"Provided further that where any article at the time when excise duty accrues due thereon is packed in a container which has been sealed in any prescribed manner, the weight of such article, for the purpose of determining the amount of such duty, shall be deemed to be such maximum weight as may be prescribed for the category of excisable articles to which such article belongs."

Addition of new section 3A to the Principal Ordinance.

Effect of alteration in excise duties.

4. The Principal Ordinance is hereby amended by inserting therein, immediately after section 3 thereof, the following new section:—

"3A. If after any agreement is made for the sale or delivery of goods on which excise duties have been paid any alteration takes place in the rate or amount of excise duty affecting such

goods before they are delivered from stock, then in the absence of express written provision to the contrary the agreement shall be altered as follows:—

- (a) in the event of the alteration being a new or increased excise duty, the seller, after payment of the new or increased excise duty, may add the difference caused by the alteration to the agreed price;
- (b) in the event of the alteration being the abolition or reduction of the excise duty, the purchaser may deduct the difference caused by the alteration from the agreed price;
- (c) any refund or payment of increased excise duty resulting from the alteration not being finally adopted shall be allowed between the parties as the case may require."

5. The Principal Ordinance is hereby amended by inserting therein, immediately after section 4 thereof, the following new section:—

"4A. (1) All excisable articles on which any rebate or refund of excise duty has been allowed under the provisions of any law in force in the Colony shall, if they are sold or otherwise dealt with in a manner inconsistent with the purposes for or the conditions under which such rebate or refund was allowed, become liable to and be charged with the same amount of excise duty as would have been payable had such rebate or refund not been allowed.

(2) The person who causes any such articles to be so sold or dealt with shall notify the Commissioner accordingly and furnish such particulars as the Commissioner may require, and shall pay to the Commissioner the excise duty due on such articles."

6. Sub-section (1) of section 11 of the Principal Ordinance is hereby amended—

- (a) by inserting therein the words "or any premises in which any excisable article is sold or exposed or kept for sale" immediately after the word "stored" which appears in the fifth line thereof; and
- (b) by deleting therefrom the words "or place" which appear in the ninth line thereof and substituting therefor the comma and words ", place or premises".

7. The Principal Ordinance is hereby amended by inserting therein immediately after section 12 thereof the following new sections:—

"12A. In any prosecution for a contravention of or failure to comply with any of the provisions of this Ordinance relating to the payment of excise duty, the burden of proving the place of manufacture of any excisable article or that the proper excise duty has been paid shall lie upon the person charged.

12B. When a person is convicted of an offence against this Ordinance, the court before which he is convicted may direct that any article in respect to which the offence has been committed shall be forfeited to His Majesty."

Addition of new section 4A to the Principal Ordinance.

Duty to be paid on rebated articles if conditions of rebate not observed.

Amendment of section 11 (1) of the Principal Ordinance.

Addition of new sections 12A and 12B to the Principal Ordinance.  
Onus of proof.

Forfeiture.

Repeal and re-  
placement of  
section 20 of the  
Principal  
Ordinance.

Rules.

8. Section 20 of the Principal Ordinance is hereby repealed and the following section substituted therefor:—

“20. The Governor in Council may make rules—

- (a) prescribing any matters which this Ordinance authorizes or requires to be prescribed;
- (b) requiring returns to be made for the purpose of this Ordinance by persons licensed thereunder;
- (c) regulating and restricting the sale of excisable articles by traders;
- (d) prescribing the weights, quantities and sizes in which excisable articles may be made up or packed for sale;
- (e) providing for the payment of excise duty by means of excise stamps and for matters incidental thereto; and
- (f) generally for carrying this Ordinance into effect.”

**The Pharmacy and Poisons Ordinance, 1942**

## ARRANGEMENT OF SECTIONS

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17. Representatives of deceased or insolvent pharmacists.
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**ORDINANCE No. XV of 1942**

Assented to in His Majesty's name this first day of September, 1942.

G. M. RENNIE,  
*Acting Governor.*

**An Ordinance to make better Provision for the Control of the Profession of Pharmacy and the Trade in Drugs and Poisons**

By Notice 20.5.42

Date of commencement.

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

**PART I—PRELIMINARY**

1. This Ordinance may be cited as the Pharmacy and Poisons Ordinance, 1942, and shall come into operation upon such date as the Governor in Council may appoint.

Short title and commencement.

2. In this Ordinance unless the context otherwise requires—

Interpretation.

“arrangement with creditors” means a composition or scheme made in pursuance of the law for the time being in force relating to bankruptcy and includes a deed of arrangement to which the Deeds of Arrangement Ordinance, 1930, applies;

“authorized seller of poisons” means any of the persons declared by sections 7, 16 and 17 of this Ordinance to be authorized sellers of poisons within the meaning of this Ordinance;

“Board” means the Pharmacy and Poisons Board constituted under the provisions of section 3 of this Ordinance;

“dispensing” means supplying a medicine or a poison on and in accordance with a prescription duly given by a duly qualified medical practitioner or dentist or a veterinary surgeon;

“drug” includes any medicine or medicinal preparation or therapeutic substance;

“duly qualified” in relation to a medical practitioner or dentist means registered or licensed in accordance with the provisions of the Medical Practitioners and Dentists Ordinance;

No. 38 of 1930.

“licensed seller of poisons” means a person licensed in accordance with the provisions of section 27 of this Ordinance to sell poisons in Part 2 of the Poisons List;

“non-poisonous drug” means a drug which is not included in the Poisons List;

“poison” means a poison included in the Poisons List;

“veterinary surgeon” means a Fellow or Member of the Royal College of Veterinary Surgeons or any person possessing a veterinary qualification recognized by that college;

“wholesale dealing” means sale to a person who buys for the purpose of selling again in the ordinary course of his business.

Cap. 119.

3. (1) The Governor shall appoint a board to be called the Pharmacy and Poisons Board which shall consist of:—

Appointment of Pharmacy and Poisons Board.

- (a) The Director of Medical Services, Chairman,
- (b) A registered medical practitioner,
- (c) Two registered pharmacists,

(d) The Government Analyst,

(e) Such other members not exceeding three as the Governor may appoint.

(2) The Director of Medical Services shall be the Registrar for the purposes of this Ordinance and the powers and duties of the Board may, subject to the directions of the Board, be exercised by the Registrar.

#### PART II—PHARMACY

##### *Registration of Pharmacists*

No one to carry on the business of a pharmacist unless registered.

4. No person other than a person duly registered as a pharmacist under the provisions of this Part shall, except as may be specifically provided by any of the provisions of sections 16 to 19 of this Ordinance—

(a) carry on, either on his own behalf, or on behalf of another, the business of a pharmacist;

(b) in the course of any trade or business prepare, mix, compound or dispense any drug or supply any poison except under the immediate supervision of a registered pharmacist;

(c) assume, take, exhibit or in any way make use of any title, emblem, or description reasonably calculated to suggest that he is registered as a pharmacist.

For the purpose of paragraph (c) of this section the use of the word "pharmacist" or "chemist" or "druggist" or "medical" or any similar word or combination of words shall be deemed to be reasonably calculated to suggest that the owner of the business and the person having control of the business on those premises are registered pharmacists.

Nothing in this section shall be deemed to make it unlawful for any person to sell any non-poisonous drug provided such drug is sold in its original condition as received by the seller or to require such person to be registered as a pharmacist.

Name and certificate of registration to be exhibited in the premises.

5. It shall not be lawful for any person to carry on the business of a pharmacist unless the name and certificate of registration of the person having control of the premises in which such business is carried on are conspicuously exhibited therein.

The Board to keep a register of pharmacists.

6. The Board shall keep a register in the form prescribed of all pharmacists registered under this Part.

Authorized sellers of poison.

7. Every person lawfully carrying on the business of a pharmacist in accordance with the provisions of this Part shall be an authorized seller of poisons within the meaning of this Ordinance.

Application for registration as pharmacist.

8. Application for registration of a pharmacist shall be made to the Board in the prescribed form.

Qualifications of pharmacist.

9. No person shall be entitled to registration as a pharmacist unless such person—

(a) is at the time of coming into force of this Ordinance registered and licensed as a druggist and carrying on the business of a druggist in the Colony, or

(b) shall satisfy the Board that he is a duly qualified chemist and druggist in the United Kingdom of Great Britain, Ireland, or Northern Ireland, or holds a certificate or diploma of competency as a chemist or druggist from any college, society, council, or board recognized by the Pharmaceutical Society of Great Britain.

10. Upon the registration of a pharmacist the Board shall upon payment of the prescribed fee issue a certificate of registration in the prescribed form. Certificate of registration.

11. Every registered pharmacist shall pay annually such fee as may be prescribed not exceeding ten shillings for the retention of his name upon the register and shall make application in that behalf to the Board before the 31st of January in each year. Annual fee to be paid for retention of name on register.

The name of any registered pharmacist who fails to make such application within the time prescribed may be struck off the register.

12. The Board may, with the approval of the Governor, remove from the register the name of any registered pharmacist who— Removal of names from the register.

(a) is convicted of any criminal offence which, in the opinion of the Board, renders him unfit to be on the register; or

(b) is judged by the Board after due enquiry, at which such person shall have an opportunity of being heard, to have been guilty of infamous conduct in any professional or other respect, or of negligence in compounding, dispensing or selling drugs.

13. Every registered pharmacist whose name is removed from the register under this Part shall surrender the certificate of registration to the Registrar of the Board for cancellation. Surrender of certificate of registration.

14. The Board shall cause to be published in the Gazette a notification of all registrations effected under this Part and of all removals from the register. Notice of all registrations to be published in the Gazette.

#### *Registration of Premises*

15. (1) Every person lawfully carrying on the business of a pharmacist in accordance with the provisions of this Part shall cause each set of premises where such business is being carried on to be registered. All premises in which persons carry on business of pharmacist to be registered.

(2) Application for registration of premises under this section shall be made to the Board in the prescribed form.

(3) The registration of any premises under this section shall become void upon the expiration of thirty days from the date of any change in the ownership of the business carried on therein.

(4) The Board may, for good and sufficient reason to be stated in writing refuse to register or may remove from the register any premises which in its opinion are or have become unsuitable for the purpose of carrying on the business of a pharmacist.

(5) The Board shall keep a register in the form prescribed of all premises registered under the provisions of this section.

*Exemptions*

Company may carry on business of a pharmacist under certain conditions.

16. (1) Notwithstanding anything contained in the foregoing provisions of this Part—

(a) it shall not be necessary for a company carrying on the business of a pharmacist to be registered under this Ordinance provided that—

(i) the business, or any branch thereof, is under the personal management and control of a registered pharmacist;

(ii) a copy of the certificate of incorporation of the company is lodged with the Board; and

(iii) the other provisions of this Ordinance are complied with;

(b) a company carrying on the business of a pharmacist in accordance with the provisions of this section shall be an authorized seller of poisons within the meaning of this Ordinance and may, if the person specified in sub-paragraph (i) of paragraph (a) of this sub-section is a member of the Board of the company, use the description of chemist and druggist or of dispensing chemists or dispensing druggists and may use the description "pharmacy" in connexion with the premises.

(2) Any act which if done by an individual would be an offence against this Ordinance shall, if done by a company, be an offence by every director, secretary and manager thereof.

Representatives of deceased or insolvent pharmacists.

17. Notwithstanding anything contained in the foregoing provisions of this Part—

(a) if a registered pharmacist dies, or becomes of unsound mind or is adjudged bankrupt or enters into an arrangement with his creditors, his representatives may, with the permission of the Board and subject to such directions and conditions as the Board may in its discretion deem fit to impose, carry on the business, and it shall not be necessary for such representatives to be registered, provided that such business is continued only under the personal management and control of a registered pharmacist, and for such period not exceeding five years as the Board may decide;

(b) the representatives of a registered pharmacist carrying on a business in accordance with the provisions of paragraph (a) of this section shall be authorized sellers of poisons within the meaning of this Ordinance and it shall be lawful for them to use any title, emblem or description which might have been lawfully used by the pharmacist whose representatives they are.

Qualified medical practitioners and other persons exempted from the provisions of Part II.

18. The provisions of this Part of this Ordinance shall not apply to drugs supplied by—

(a) a duly qualified medical practitioner or dentist or a veterinary surgeon in the ordinary course of his practice;

(b) any employee of the Government in the course of his duties as such employee; or

(c) any hospital, dispensary or similar institution exempted by an order whether general or special of the Governor published in the Gazette.

See Prison List (Confirmation) (Amendment No 2) Order 1949  
- see GN. 18/50 p. 3

Prison List (Confirmation) Order 1950 - see GN. 18/50  
p. 3

19. Nothing in this Part of this Ordinance shall apply to—
- (a) any such transaction as is mentioned in paragraphs (a) or (b) of sub-section (1) of section 25 of this Ordinance;
  - (b) the sale of poisons in Part 2 of the Poisons List by a licensed seller of poisons in accordance with the provisions of section 27 of this Ordinance.

Exemption in the case of wholesale dealers and licensed sellers of Part 2 poisons.

### PART III—POISONS

#### *The Poisons List*

20. (1) The Board shall as soon as may be after the passing of this Ordinance prepare and submit to the Governor for his approval a list of the substances which are to be treated as poisons for the purposes of this Ordinance.

The Poisons List to be prepared by the Board and approved by the Governor.

(2) The list to be prepared under this section shall be divided into two parts as follows:—

Part 1 of the list shall consist of those poisons which, subject to the provisions of this Ordinance, are not to be sold except by an authorized seller of poisons.

Part 2 of the list shall consist of those poisons which, subject to the provisions of this Ordinance, are not to be sold except by an authorized seller of poisons or by a person who is licensed under the provisions of section 27 of this Ordinance to sell poisons in Part 2 of the Poisons List

(3) In determining the distribution of poisons as between Part 1 and Part 2 of the list, regard shall be had to the desirability of restricting Part 2 to articles which are in common use, or likely to come into common use, for purposes other than the treatment of human ailments, and which it is reasonably necessary to include therein if the public are to have adequate facilities for obtaining them.

(4) The Governor may, by order, confirm the list, with or without modification, and may upon the recommendation of the Board from time to time amend or vary the list as he thinks proper.

(5) The said list as in force for the time being is in this Ordinance referred to as the Poisons List, and the expression "poison" means a poison included in the Poisons List.

#### *Supply of Poisons*

21. (1) Subject to the provisions of this Part no person shall sell any poison in Part 1 of the Poisons List unless—

Sale of poisons in Part 1 of the Poisons List.

- (a) he is an authorized seller of poisons within the meaning of section 7 of this Ordinance;
- (b) the sale is effected on registered premises; and
- (c) the person to whom such poison is sold is—
  - (i) certified in writing in the manner prescribed and by a person authorized by sub-section (3) of this section to give a certificate for the purpose, or
  - (ii) known to the seller to be a person to whom the poison may properly be sold.

(2) The seller of such poison shall not deliver it until—

(a) he has made or caused to be made an entry in a book kept for the purpose, to be called the Poisons Book, stating in the form prescribed the date of the sale, the name and address of the purchaser and of the person, if any, by whom the certificate required under sub-paragraph (c) (i) of sub-section (1) of this section was given, the name and quantity of the article sold, and the purposes for which it is stated by the purchaser to be required; and

(b) the purchaser has affixed his signature to the aforesaid entry.

(3) The Board may authorize fit and proper persons to give certificates for the purposes of paragraph (c) (i) of sub-section (1) of this section, and shall from time to time publish in the Gazette a list of persons so authorized.

Sale of poisons  
in Part 2 of the  
Poisons List.

**22.** Subject to the provisions of this Part no person shall sell any poison in Part 2 of the Poisons List unless—

(a) he is an authorized seller of poisons; or

(b) he is licensed to sell poisons in Part 2 of the Poisons List under the provisions of section 27 of this Ordinance and the sale is effected on premises in respect of which he is so licensed.

Labelling of  
poisons.

**23.** It shall not be lawful for a person to supply any poison unless the container of the poison is labelled in the prescribed manner—

(a) with the name of the poison;

(b) in the case of a preparation which contains a poison as one of the ingredients thereof, with the prescribed particulars as to the proportion which the poison contained in the preparation bears to the total ingredients;

(c) with the word "poison" or other prescribed indication of the character of the article; and

(d) if supplied on sale with the name of the premises on which it is sold.

Medicines  
supplied by  
registered  
medical  
practitioners and  
others.

**24.** (1) Nothing in sections 21 to 23 of this Ordinance shall apply—

(a) to a medicine which is supplied by a duly qualified medical practitioner for the purposes of medical treatment, by a registered dentist for the purpose of dental treatment, or by a veterinary surgeon for the purpose of animal treatment; or

(b) to a medicine supplied or dispensed at any institution exempted from the provisions of Part II of this Ordinance under the provisions of paragraph (c) of section 18; or

(c) to a medicine which is dispensed by an authorized seller of poisons on registered premises,

if the following provisions of this section are satisfied in relation thereto.

(2) The medicine must be distinctly labelled with the name and address of the person by whom it is supplied or dispensed.

(3) The following particulars shall within twenty-four hours after the medicine has been supplied or dispensed be entered in a book kept for the purpose, to be called the "Prescription Book"—

- (a) the date upon which the medicine was supplied or dispensed;
- (b) the ingredients of the medicine and the quantity supplied;
- (c) if the medicine was dispensed by an authorized seller of poisons, the name and address of the person by whom the prescription was given;
- (d) the name and address of the person to whom the medicine was supplied.

25. (1) Except as is hereinafter specifically provided nothing in the foregoing provisions of this Ordinance shall extend to or interfere with—

Special provisions in the case of certain transactions.

- (a) the sale of poisons by way of wholesale dealing;
- (b) the sale of an article by a person carrying on a regular business in mining, agricultural or horticultural accessories to a person who requires the article for the purpose of his trade or business; or
- (c) the sale of a poison by an authorized seller of poisons or the sale of poisons in Part 2 of the Poisons List by a licensed seller of poisons to—
  - (i) a duly qualified medical practitioner or dentist or a veterinary surgeon for the purpose of his profession;
  - (ii) any employee of the Government in the course of his duties as such employee;
  - (iii) a government institution; or
  - (iv) any hospital, dispensary or similar institution or any person or institution concerned with scientific education or research if the aforesaid hospital, dispensary, institution or person is approved by an order, whether general or special, of the Governor,

if the requirements contained in the following provisions of this section are complied with.

(2) In the case of sales under paragraphs (a) and (b) of sub-section (1) of this section the seller must be in possession of a licence issued by the Board in the prescribed form.

(3) The seller must obtain before the completion of the sale an order in writing signed by the purchaser stating his name and address, trade, business or profession, the name and quantity of the article to be purchased and the purpose for which it is required.

(4) The seller must be reasonably satisfied that the signature is that of the person purporting to have signed the order, and that that person carries on the trade, business or profession stated in the order, being one in which the poison to be purchased is used.

(5) If the article sold is sent by post, it must be sent by registered post.

(6) In the case of poisons in Part 1 of the Poisons List the provisions of sub-section (2) (a) of section 21 of this Ordinance must be complied with.

(7) The provisions of section 23 of this Ordinance relating to the labelling of poisons must be complied with:

Provided that where a person represents that he urgently required a poison for the purpose of his trade, business or profession and satisfies the seller that by reason of some emergency he is unable before delivery to furnish an order in writing as required by subsection (3) of this section the seller may forthwith deliver the poison to the purchaser and in such case the purchaser shall, within twenty-four hours of such sale, furnish the required written order to the seller.

Automatic machines.

26. No person shall expose or cause to be exposed for sale any poison in or by means of an automatic machine.

#### *Licensed Sellers of Poisons*

Certain persons may be licensed to sell poisons in Part 2 of the Poisons List.

27. (1) For the purposes of this Ordinance there may be licensed certain persons who, not being registered pharmacists, shall be entitled to sell poisons in Part 2 of the Poisons List.

(2) Every Provincial Commissioner shall be the licensing authority within his province for the purpose of this Part of this Ordinance.

(3) Application for a licence to sell poisons in Part 2 of the Poisons List shall be made to the licensing authority in the manner prescribed.

Issue of licences.

28. (1) If the licensing authority is satisfied that the applicant is a fit and proper person to sell poisons in Part 2 of the Poisons List and that the premises in which he proposes to carry on such business are suitable he may, in his discretion and upon payment of the prescribed fee, issue to the applicant a licence in the prescribed form.

(2) A licence granted under this section shall authorize the licensee to sell poisons in Part 2 of the Poisons List in accordance with the provisions of this Ordinance upon the premises specified in the licence and shall expire on the 31st of December of the year in which it is granted.

(3) A licence granted under this section may be renewed upon the payment of the prescribed fee.

Register of licences to be kept.

29. Every licensing authority shall keep a register in the prescribed form of licences issued by him under this Part.

Licensing authority may refuse to grant and may revoke a licence.

30. The licensing authority may refuse to issue a licence or may revoke the licence of any person who in the opinion of the authority is, for sufficient reason relating either to himself personally or to his premises, not fit to be licensed. In the event of such refusal or revocation an appeal shall lie to the Governor, whose decision shall be final.

#### PART IV—MISCELLANEOUS PROVISIONS

Powers of search and inspection of books.

31. (1) Any medical or administrative officer or other person duly authorized in writing in that behalf by the Board, in this Part referred to as an authorized officer may, for the purpose of securing compliance with this Ordinance, at all reasonable times enter any premises which are on the register of premises or in which a licensed seller of

For The Proprietary Preparations (Prohibition of Importation) Order, 1951  
∴ The Proprietary Preparations (Prohibition of Importation) Order 1954 - see GN. 324/51 p. 110  
" -do- 1954 - see GN. 829/54 p. 37  
" -do- 1954 - see GN. 144/54 p. 685

For Poison Rules 1943 - see GN. 703/43 p. 241

poisons carries on business or in which he has good cause to suspect that a breach of the law in relation to the sale of drugs or poisons has been committed and may make such examination and inquiry and do such other things, including the taking of samples on payment, as may be necessary for ascertaining whether the provisions aforesaid are being complied with.

(2) Any person who wilfully delays or obstructs a duly authorized officer in the lawful exercise of his powers under this section, or refuses to allow any sample to be taken, or to give information which he is duly required to give under this section is guilty of an offence and is liable to a fine of one hundred shillings.

(3) Every authorized or licensed seller of poisons shall, on the demand of a duly authorized officer, produce for inspection his certificate of registration or licence as the case may be.

(4) All books kept by an authorized seller of poisons or a licensed seller of poisons in accordance with the provisions of this Ordinance shall be open to inspection by a duly authorized officer at all reasonable times.

32. An inspecting officer exercising his powers under section 31 of this Ordinance shall produce his authorization on demand. Production of authorization.

33. (1) No person shall sell any drug which is not of the nature, substance or quality demanded or which, unless otherwise agreed at the time of demand, does not conform to the standards laid down in the current edition of the British Pharmacopœia or British Pharmaceutical Codex. Drugs to conform to certain standard.

(2) Any authorized officer may enter the premises where any registered pharmacist carries on business or keeps any drugs or wares used by him and examine such premises, drugs and wares.

(3) No registered pharmacist shall supply any drugs which are unwholesome or adulterated or which do not conform to the description under which they are supplied.

34. (1) The Governor, on the recommendation of the Board, may, by order, prohibit or control the importation, manufacture or sale of any secret, patent, proprietary or homœopathic medicine or preparation. Patent medicines.

(2) Any substance of which the importation has been prohibited under the provisions of sub-section (1) of this section shall be deemed to be a prohibited import for the purposes of Part IV of the Customs Management Ordinance, 1936. No. 25 of 1936.

35. (1) The Governor in Council may make rules with respect to any of the following matters or for any of the following purposes:— Powers to make rules.

(a) regulating the sale of poisons in Part 2 of the Poisons List by licensed sellers of poisons or by any class of such persons, or by persons licensed to sell poisons under the provisions of sub-section (2) of section 25 of this Ordinance;

(b) prohibiting the sale by retail of any specified poison in Part 1 of the Poisons List except on a prescription duly given by a

duly qualified medical practitioner or dentist or a veterinary surgeon and for prescribing the form and regulating the use of such prescriptions;

- (c) exempting from any of the provisions of this Ordinance relating to the sale of poisons, any article or substance containing poison or any class of such articles or substances;
- (d) prohibiting, regulating or restricting the manufacture of drugs, pharmaceutical preparations and therapeutic substances;
- (e) the safe custody and storage of poisons;
- (f) the importation, exportation, transport and labelling of poisons;
- (g) the containers in which poison may be supplied;
- (h) the addition to poisons of specified ingredients for the purpose of rendering them readily distinguishable as poisons;
- (i) the compounding and dispensing of poisons;
- (j) for prescribing the period for which any books or registers required to be kept for the purposes of this Ordinance are to be preserved;
- (k) for prescribing the fees to be paid for anything to be done under this Ordinance;
- (l) for the procedure to be observed by the Board;
- (m) for prescribing anything which is by this Ordinance to be prescribed by rules.

(2) The power to make rules under this section with respect to poisons or drugs includes the powers to make rules with respect to any class of poison or drug or any particular poison or drug.

Penalty.

36. Any person contravening any of the provisions of this Ordinance or of any rules or orders made thereunder or of the terms and conditions of any licence issued thereunder shall be guilty of an offence and shall, except as provided by sub-section (2) of section 31 of this Ordinance, be liable on conviction to a fine not exceeding one thousand shillings or to imprisonment for any term not exceeding six months, or both such fine and such imprisonment, and in addition to such penalty as aforesaid the court before which a person is so convicted may order any articles in respect of which the offence has been committed to be forfeited.

Repeal of  
Cap. 120.

37. The Drugs and Poisons Ordinance is hereby repealed.

**ORDINANCE No. XVI of 1942**

Assented to in His Majesty's name this first day of September, 1942.

G. M. RENNIE,  
*Acting Governor.*

**An Ordinance to Amend the Increase of Rent and of  
Mortgage Interest (Restrictions) Ordinance, 1940**

*1st September, 1942*

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 Increase of Rent and of Mortgage Interest (Restrictions) (Amendment) Ordinance, 1942, and shall be read as one with the Increase of Rent and of Mortgage Interest (Restrictions) Ordinance, 1940, hereinafter referred to as the Principal Ordinance.

2. Section 13 of the Principal Ordinance is hereby amended—

(a) by the insertion of the figures and brackets "(1)" between the figures "13" and the word "A" in line 1 thereof;

(b) by the addition of the following sub-section:—

"(2) The expression "landlord" in sub-section (1) of this section shall include any agent, clerk or other person employed by the landlord, and if any such agent, clerk or other person fails to supply the tenant with a statement in writing as to what is the standard rent of the dwelling-house in accordance with the provisions of this section the landlord shall be answerable for such omission, and the landlord and the agent, clerk or other person shall be jointly and severally liable to the penalty provided by sub-section (1) of this section."

Date of commencement.

Short title.

No. 12 of 1940.

Amendment of section 13 of the Principal Ordinance.

**ORDINANCE No. XVII of 1942**

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Assented to in His Majesty's name this first day of September,  
1942.

G. M. RENNIE,  
*Acting Governor.*

**An Ordinance to Amend the Native Tribunals Ordinance,  
1930**

Date of commencement.

*1st September, 1942*

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

Short title.

No. 39 of 1930.

Repeal and replacement of section 11 of the Principal Ordinance.  
Civil jurisdiction.

No. 28 of 1938.

Amendment of section 12 of the Principal Ordinance.

**1.** This Ordinance may be cited as the Native Tribunals (Amendment) Ordinance, 1942, and shall be read as one with the Native Tribunals Ordinance, 1930, hereinafter referred to as the Principal Ordinance.

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

“11. (1) The civil jurisdiction of a native tribunal shall, subject to the provisions of this Ordinance, extend to the hearing, trial and determination of all civil suits and matters in which the defendant is ordinarily resident within the area of the jurisdiction or in which the cause of action shall have arisen within such area:

Provided that civil proceedings relating to immovable property shall be taken in the native tribunal within the area of whose jurisdiction the property is situate.

(2) Notwithstanding the provisions of any law for the time being in force in the Colony, no native shall commence any civil proceedings in respect of immovable property which is situate within the native lands as defined in the Native Lands Trust Ordinance, 1938, in any court of the Colony except in a native tribunal having jurisdiction in the area in which such immovable property is situate.”

**3.** Section 12 of the Principal Ordinance is hereby amended—

(a) by deleting therefrom the words “provision conferring jurisdiction” which appear in the first and second lines thereof and substituting therefor the words “terms of its warrant”; and

(b) by deleting therefrom the proviso to paragraph (c) thereof.

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**ORDINANCE No. XVIII of 1942**

Assented to in His Majesty's name this first day of September, 1942.

G. M. RENNIE,  
*Acting Governor.*

**An Ordinance to Revise the Objects and Purposes to which the King George the Fifth Memorial Fund shall be Devoted**

*1st September, 1942*

Date of  
commencement

WHEREAS by a Trust Deed dated the 10th day of May, 1939, and made between the then Governor and Commander-in-Chief of the Colony and Protectorate of Kenya of the first part, and Brigadier-General Sir Godfrey Dean Rhodes, Knight Bachelor, Commander of the Most Excellent Order of the British Empire, Companion of the Distinguished Service Order, then General Manager of the Kenya and Uganda Railways and Harbours, and Frank James Couldrey, Esquire, for and on behalf of the Kenya King George the Fifth Memorial Committee (therein referred to as the Committee) of the second part and Charles Ramsdale Lockhart, Esquire, Commander of the Most Excellent Order of the British Empire, John Campbell, Esquire, and Eboo Pirbhai, Esquire (therein referred to as the Trustees) of the third part, after reciting the desire of the people of Kenya to provide a fitting memorial in the Colony and Protectorate of Kenya to His Late Majesty King George the Fifth, and the resolution of the said Committee that the administration of the King George the Fifth Memorial Fund, which was subscribed by the people of Kenya, be vested in the said Trustees, and the desire to provide for the powers, duties, appointment and conduct of trustees, and the declaration of the intended trusts upon which the said Fund shall be held and administered by the said Trustees, and the appointment of the Trustees by the Governor, it was witnessed that the said Committee shall cause the said Fund to be transferred to the said Trustees, and the said Trustees shall stand seized and possessed of the said Fund together with all moveable and immoveable property which might thereafter be acquired or transferred to the said Trustees for the purposes of the premises upon the trusts therein declared:

AND WHEREAS it is provided in the said Trust Deed that the objects and purposes for which the said Fund shall be devoted are as follows:—

- (a) The erection in Nairobi of a statue of His Late Majesty King George the Fifth at the approximate cost of three thousand pounds;
- (b) The erection of visible memorials to His Late Majesty King George the Fifth at Mombasa, Nakuru and Nyeri at the approximate cost of two hundred and fifty pounds each; and

(c) The balance of the Fund after defraying the cost of the statue and visible memorials specified in sub-paragraphs (a) and (b) of this paragraph shall be invested by the Trustees for the purpose of distributing in equal proportions the income derived therefrom between the Boy Scouts Association and the Girl Guides Association in the Colony:

AND WHEREAS it has now become expedient that the objects and purposes specified in paragraph (c) of the immediately preceding recital of this preamble should be revised as provided in this Ordinance:

AND WHEREAS it is expedient that this purpose be effected with statutory authority:

AND WHEREAS the said Trustees have expressed their approval of the purposes and terms of this Ordinance:

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

Short title.

1. This Ordinance may be cited as the King George the Fifth Memorial Fund Ordinance, 1942.

Power to  
make capital  
grants  
from the  
Fund.

2. Notwithstanding anything to the contrary contained in the Trust Deed dated the 10th day of May, 1939, and more particularly described in the first recital of the preamble to this Ordinance, the Trustees mentioned therein may, subject to the approval of the Governor in Council, make capital grants out of the money invested in accordance with the terms of paragraph (c) of Article 5 of the said Trust Deed, in equal proportions, to the Boy Scouts Association and the Girl Guides Association in the Colony, for the purpose of erecting memorial buildings for Scout and Guide purposes.

## ORDINANCE No. XIX of 1942

### An Ordinance to Amend the Crown Lands Ordinance

24th August, 1942 *Encl. 47/42, 1.381*

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 Crown Lands (Amendment) Ordinance, 1942, and shall be read as one with the Crown Lands Ordinance (Chapter 140 of the Revised Edition), hereinafter referred to as the Principal Ordinance, and shall be reserved for the signification of His Majesty's pleasure.

2. The Principal Ordinance is hereby amended by inserting therein, between sub-section (2) of section 57A and section 58A thereof, the following heading and sections:—

#### "NATIVE SETTLEMENT AREAS

57B. The areas of Crown land, the boundaries of which are set out in the Ninth Schedule to this Ordinance, shall be reserved for the purpose of settling thereon native groups, families or individuals and shall be known as Native Settlement Areas.

57C. The Governor may, with the advice and consent of the Trust Board, grant a Native Settlement Licence for a term not exceeding 999 years to native groups, families or individuals to occupy any Native Settlement Area or any portion thereof for such period and subject to such conditions in regard to the occupation, use and development of such Native Settlement Area as may be prescribed.

57D. The provisions of Part XI of this Ordinance, of the Registration of Titles Ordinance and of the Stamp Ordinance shall not apply to any Native Settlement Licence granted under the provisions of the preceding section.

57E. The provisions of sections 56, 58A, 58I and 58J of this Ordinance shall apply to a Native Settlement Area to the same extent as they apply to the Native Reserves, the Temporary Native Reserves and Native Leasehold Areas."

3. The Principal Ordinance is hereby amended by adding thereto at the end thereof the Ninth Schedule set out in the Schedule hereto.

4. The Crown Lands (Amendment) Ordinance, 1941, is hereby repealed.

#### SCHEDULE

##### NINTH SCHEDULE

##### I.—OLENGURUONE NATIVE SETTLEMENT AREA.

Commencing at the south-western corner of L.R. No. 4600; thence by a straight line on a true bearing of approximately 254° 01' for a distance of about 45,060 feet to a beacon on the boundary of the Masai Native Land Unit;

Date of commencement.

Short title.

Cap. 140.

Amendment of the Principal Ordinance.

Native Settlement Areas.

Licences to occupy Native Settlement Areas.

Exemption from certain provisions.  
Cap. 142.  
Cap. 57.

Application of certain provisions.

Addition of Ninth Schedule to the Principal Ordinance.

Repeal.  
No. 39 of 1941.

thence generally southerly and generally north-easterly by that Native Land Unit boundary to its intersection with the generally south-eastern boundary of L.R. No. 4600;

thence generally south-westerly by the latter boundary to the point of commencement.

This Native Settlement Area is delineated cross-hatched yellow on Boundary Plan No. 183/1 deposited in the Survey Records Office, Department of Lands and Settlement, Nairobi.

#### II.—KICHUIRU NATIVE SETTLEMENT AREA.

Commencing at the south-western corner of L.R. No. 1057;

thence southerly, south-easterly and northerly by a series of cut and beacons lines (which also define the boundary of the Kikuyu Native Land Unit) to a beacon on the southern boundary of L.R. No. 1057;

thence westerly by that southern boundary to the point of commencement.

This Native Settlement Area is delineated cross-hatched yellow on Boundary Plan No. 183/2 deposited in the Survey Records Office, Department of Lands and Settlement, Nairobi.

#### III.—DIGO NATIVE SETTLEMENT AREAS.

These Native Settlement Areas comprise four portions of land, adjoining the Coast Native Land Unit, known as L.R. Nos. 5004/34, 5004/35, 3855/37 and 4660, and are delineated cross-hatched yellow on Boundary Plan No. 183/3 deposited in the Survey Records Office, Department of Lands and Settlement, Nairobi.

#### IV.—GEDI NATIVE SETTLEMENT AREA.

Commencing at the northernmost corner of Mazrui Reserve No. 4;

thence south-westerly by the north-western boundary of that portion to the north-eastern corner of Plot No. 1, Group XVI;

thence westerly and generally south-easterly by the northern and generally south-western boundaries of that portion and the south-western boundary of Plot No. 2, Group XVI, to the southernmost corner of the last-mentioned portion;

thence south-westerly by a cut and beacons line to its intersection with H.W.M. on the eastern shore of Mida Creek;

thence generally north-easterly by that H.W.M. to its intersection with the eastern boundary of the Arabuko Forest Reserve;

thence northerly by that Forest Reserve Boundary to its intersection with a cut and beacons line;

thence generally north-easterly by cut and beacons lines to the westernmost corner of Mazrui Reserve No. 5;

thence easterly and southerly by part of the generally western boundary of Mazrui Reserve No. 5 to the south-western corner of that portion;

thence westerly by a straight line to the point of commencement;

Excepting and excluding the area covered by the ruined town of Gedi, declared to be a Monument under Government Notice No. 445 of the 15th June, 1935.

This Native Settlement Area is more particularly delineated cross-hatched yellow on Boundary Plan No. 183/4 deposited in the Survey Records Office, Department of Lands and Settlement, Nairobi.

**ORDINANCE No. XX of 1942**

Assented to in His Majesty's name this first day of October, 1942.

G. M. RENNIE,  
*Acting Governor.*

**An Ordinance to Provide for the Insurance of Goods against  
King's Enemy Risks during the Present War**

*1st October, 1942*

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 War Risks Insurance Ordinance, 1942, and shall come into operation on the 1st day of October, 1942.

Short title and  
date of com-  
mencement.

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

Interpretation.

“Board” means the Board established under section 3 of this Ordinance;

“East African territories” means the Colony and Protectorate of Kenya, the Tanganyika Territory and the Uganda Protectorate;

“goods” means all chattels personal, other than things in action, money and goods specified in the Schedule to this Ordinance, and, in relation to a seller or supplier of goods of any description produced by such seller or supplier, means both goods of that description and goods used as material from which goods of that description are produced or as ingredients or component parts of goods of that description;

“insurance liabilities” means liabilities undertaken by the Board under this Ordinance in respect of loss or damage incurred during the war period, together with such administrative expenses as the Secretary of State may approve;

“King's enemy risks” means the risks of—

- (a) damage occurring (whether accidentally or not) as the direct result of action taken by the enemy, or action taken in combating the enemy or in repelling an imagined attack by the enemy;
- (b) damage occurring (whether accidentally or not) as the direct result of measures taken under proper authority to avoid the spreading of, or otherwise to mitigate the consequences of, such damage as aforesaid.
- (c) accidental damage occurring as the direct result of—
  - (i) any precautionary or preparatory measures taken under proper authority with a view to preventing or hindering the carrying out of any attack by the enemy: or
  - (ii) precautionary or preparatory measures involving the doing of work on land and taken under proper authority in any way on anticipation of enemy action, being in either case measures involving a substantial degree of risk to property:

Provided that—

(1) for the purposes of this definition such action against the enemy as is referred to in paragraph (a) shall—

- (i) in relation to any ship or aircraft taking part in such action, be deemed to continue until the ship or aircraft has returned to its base; and
- (ii) include naval, military or air reconnaissances and patrols:

(2) the measures referred to in paragraph (c) shall not include the imposing of restrictions on the display of lights, or measures taken for training purposes;

“policy” includes a cover note;

“seller of goods” includes a seller of goods acting as an agent;

“supplier of goods” means a person carrying on business in the course of which he supplies goods for the purpose of or in pursuance of a contract made by him for work, labour and materials, and includes a person who is in possession of goods as a supplying or forwarding agent.

Establishment  
of Board.

3. (1) There is hereby established a Board to be known as “the War Risks Insurance Board” which shall consist of—

- (a) one official member to be nominated by the Governor of the Colony, who shall be Chairman;
- (b) one official member to be nominated by the Governor of the Protectorate of Uganda;
- (c) one official member to be nominated by the Governor of the Tanganyika Territory;
- (d) one official member to be nominated jointly by the Governors of the East African territories;
- (e) one member with special knowledge and experience of insurance, to be nominated jointly by the Governors of the East African territories;
- (f) one member representing commercial and producing interests to be nominated by the Governor of the Colony;
- (g) one member representing commercial and producing interests to be nominated by the Governor of the Protectorate of Uganda;
- (h) one member representing commercial and producing interests to be nominated by the Governor of the Tanganyika Territory.

(2) The Board shall be a body corporate having perpetual succession and a common seal, and may in its corporate name sue and be sued, and may purchase, hold and dispose of land and other property for the purposes of this Ordinance.

(3) The Board may make Standing Orders governing its procedure and the conduct of its business:

Provided that four members of the Board shall form a quorum and the chairman shall have a casting vote.

(4) The Board may employ such officers and servants as it may consider necessary for the proper exercise of its functions under the

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provisions of this Ordinance, and may pay such officers, servants and any persons employed as agents, such remuneration as the Board may determine, and the members of the Board such allowances and expenses as the Governor of the Colony, with the concurrence of the Governors of the Protectorate of Uganda and of the Tanganyika Territory, may approve.

4. (1) For the carrying out of the provisions of this Ordinance the Board shall prepare and operate a prescribed scheme common to the East African territories (hereinafter referred to as "the scheme"), which shall come into operation as and from a date to be fixed by the Board, whereby the Board shall undertake in relation to persons carrying on business as sellers or suppliers of goods, the liability of insuring such persons against King's enemy risks in respect of goods insurable under this Ordinance which are from time to time owned by such persons in the course of such business.

Board to  
prepare scheme.

(2) The scheme shall follow as near as may be, regard being had to local conditions and circumstances, the commodity insurance scheme established under the War Risks Insurance Act, 1939, and shall be such as to secure—

2 & 3 Geo. 6  
Cap. 57.

- (a) that any liability of the Board as insurers under the scheme is determined by a policy of insurance issued in the prescribed form and in respect of a prescribed period by a person acting on behalf of the Board;
- (b) that any premium under a policy so issued shall be payable at such rates as may be prescribed; and
- (c) that the amount of any one premium payable under a policy so issued shall not be less than such prescribed sum.

(3) Different forms of policies, different periods of duration and different rates of premium may be prescribed in relation to different descriptions of goods and to different localities.

(4) The prescribed forms of policies may be such as to incorporate by reference any provisions contained in the scheme.

(5) Any policy issued in respect of any goods may insure a person who is interested in the goods by reason of any pledge, mortgage or charge as well as the person in relation to whom the goods are insurable under the provisions of this Ordinance.

5. (1) There shall be established a fund common to the East African territories to be known as "the War Risks Insurance Fund" (hereinafter referred to as "the Fund") into which shall be paid all sums received by the Board by virtue of this Ordinance and out of which shall be paid all sums required for the discharge by the Board of its insurance liabilities or for the repayment of the whole or part of any premium.

Establishment of  
Fund.

(2) The Fund shall be kept by the Board, and the Board shall prepare an account of the sums received into and paid out of the Fund in each financial year ending the thirty-first day of December. Such accounts shall be audited and published in the Official Gazettes of the East African territories:

Provided that the first account to be so prepared shall be in respect of the period between the date of the establishment of the Board and the thirty-first day of December, 1943.

Payment into Fund of sums paid by Secretary of State to meet insurance liabilities.

6. There shall also be paid into the Fund any sums paid to the Board pursuant to any agreement made under sub-section (1) of section 1 of the Colonial War Risks Insurance (Guarantees) Act, 1941, between the Secretary of State and the Governments of the East African territories whereby the Secretary of State agrees to pay any sum from time to time required to discharge the insurance liabilities of the Fund in so far as that sum exceeds the sum for the time being standing to the credit of the Fund; and the following provisions shall have effect—

- (a) the amount required to repay any sums paid by the Secretary of State in pursuance of the agreement, together with interest thereon at such rates as the Lords Commissioners of His Majesty's Treasury may approve, shall be charged on the Fund;
- (b) except for the purpose of discharging the insurance liabilities of the Fund, no money shall be paid out of the Fund without the approval of the Secretary of State;
- (c) if at any time during the war period the sum standing to the credit of the said Fund is, in the opinion of the Secretary of State, in excess of the sum likely to be required to discharge the insurance liabilities of the Fund, the amount for the time being charged on the Fund in pursuance of paragraph (a) of this section, or, if that amount is greater than the excess, so much thereof as is equal to the excess shall, if the Secretary of State so directs, be repaid to him out of the Fund.

Compulsory insurance of goods.

7. (1) As and from the date upon which the scheme comes into operation, no person shall carry on any business as a seller or supplier of goods, which goods are for the time being owned by him in the course of such business and which are situated on land within, or upon the inland waters of, the East African territories, and the value of which goods exceeds £500, or such other amount as the Board may, either in relation to goods generally or in relation to any specified classes of goods, prescribe, unless there is in force a policy of insurance in respect of all such goods for a sum not less than the value thereof for the time being, issued to him by the Board under the provisions of this Ordinance: Provided that goods, the value of which exceeds £500, situate in the Zanzibar Protectorate shall be insurable voluntarily under this Ordinance; but where, under the terms of this proviso, any goods have been voluntarily insured, such goods shall thereafter be deemed to be compulsorily insurable under this Ordinance for so long as the ownership thereof rests in the person who originally insured such goods voluntarily.

For the purpose of this sub-section, goods shall be deemed to be situated in an East African territory during any period when they are being conveyed in transit from one East African territory to another East African territory or from one part of an East African territory to another part of the same territory provided that they are not off-loaded at any place outside the East African territories.

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(2) Any person contravening the provisions of this section shall, on conviction, be liable to a fine not exceeding £500 and to a further fine not exceeding £100 for every day on which the contravention continues. Penalty.

(3) Any fine imposed under the provisions of this section shall, if recovered, be paid to the Fund.

8. Where a person, carrying on business as a seller or supplier of goods which are liable to insurance under the provisions of subsection (1) of section 7 of this Ordinance, fails to insure, or makes an insufficient insurance of, such goods within a period of thirty days from the time when the insurance should have commenced, he shall be liable to pay twice the premium for which he would otherwise be liable: Liability to pay twice the premium where no sufficient insurance is made within 30 days.

Provided that the Board shall have power to remit the extra premium on good cause being shown.

9. (1) Notwithstanding the provisions of section 7 of this Ordinance, any person carrying on business as a seller or supplier of goods which are insurable under this Ordinance and the value of which in the course of that business is less than the sum prescribed under such section, may apply to the Board in the prescribed manner for a policy of insurance on such goods. Voluntary insurance of goods.

(2) Where, under the terms of this section, any goods have been voluntarily insured, such goods shall thereafter be deemed to be compulsorily insurable under this Ordinance for so long as the ownership thereof vests in the person who originally insured such goods voluntarily.

10. Goods shall not be insurable under this Ordinance if and so long as they are insured against war risks under a policy of marine insurance or a war risks policy issued under Part I of the War Risks Insurance Act, 1939. Goods not insurable. 2 & 3 Geo. 6 Cap. 57.

11. (1) Subject to the provisions of this section, any goods shall be deemed for the purposes of this Ordinance to be owned— Ownership of goods.

(a) if the property in the goods is for the time being vested in a person in relation to whom they are insurable under this Ordinance, by that person;

(b) if the property in the goods is not so vested, by any person in relation to whom the goods are insurable as aforesaid and who is for the time being entitled either under a contract or by operation of law, either unconditionally or conditionally, to have the property in the goods vested in him;

Provided that where—

(i) any goods would, under the foregoing provisions of this subsection, be deemed to be owned by a person in whom the property therein is vested otherwise than in the course of business carried on by him in the East African territories, or who is entitled to have the property therein vested in him otherwise than in the course of such a business; and

(ii) any person carrying on business in the East African territories is for the time being entitled to sell or supply the goods as agents,

the goods shall be deemed to be owned by the last-mentioned person.

(2) A person carrying on business as a supplier of goods shall be deemed for the purpose of this Ordinance to have ceased to own any goods supplied by him for the purpose of or in pursuance of a contract made by him with any other person (in this sub-section referred to as "the party to be supplied") for work, labour and materials, at whichever is the earliest of the following times, namely—

(a) the time when, under the terms of the contract, he would have ceased to own the goods if this sub-section had not been in force;

(b) the time when, in pursuance of the contract, the goods are fixed to or otherwise made part of goods belonging to the party to be supplied;

(c) the time when, in pursuance of the contract, the goods are delivered at premises belonging to or in the occupation of the party to be supplied, and the goods shall, for the purposes of this sub-section, be deemed to have been fixed to or made part of goods belonging to the party to be supplied, or to have been delivered at premises belonging to or in the occupation of the party to be supplied, where in pursuance of the contract the goods are fixed to or made part of goods belonging to, or, as the case may be, are delivered at premises belonging to or in the occupation of, such other person with whom the party to be supplied has made a contract for work, labour or materials, or some further person with whom that other person has made such a contract or some further person with whom that further person has made a contract and so on.

Applications for insurance.

12. (1) Applications for insurance under the provisions of this Ordinance shall be made to the Board in such manner as may be prescribed.

Board to grant applications.

(2) The Board shall, provided the application for insurance of insurable goods is made in proper form and the Board is satisfied as to the bona fides of the applicant and that the value of the goods in respect of which the application is made is correctly stated, be bound to issue a policy of insurance in respect of such application, whether such application is compulsory under the provisions of this Ordinance, or voluntary.

Stamp duty not payable.

(3) Notwithstanding the provisions of any law for the time being in force in the Colony, no stamp duty shall be payable on any policy or other document issued by the Board.

Power to inspect premises and to call for information.

13. (1) Any person authorized in that behalf by the Board may demand, in writing or otherwise, from any person carrying on business as a seller or supplier of goods such information as he may reasonably require for the purpose of ascertaining whether or not, and if so to what extent, the person carrying on business is insured under this Ordinance, and of ascertaining the value of any goods so insurable

which are or were, at any relevant time, owned by him in the course of that business; and any person so authorized may at all reasonable times enter and inspect any premises occupied by any such person carrying on business as a seller or supplier of goods, and may request any person found therein who is for the time being in charge thereof or in control of the business carried on therein, to produce to him and allow him to examine such accounts or other documents and to furnish to him such information as he may reasonably require.

(2) If any person wilfully obstructs any person in the exercise of his powers under this section or fails without reasonable excuse to comply with a request made thereunder, he shall, in respect of each such occasion on which such obstruction or failure takes place, be guilty of an offence and shall, on conviction, be liable to a fine not exceeding fifty pounds.

(3) If any person, in purporting to comply with his obligations under this section, knowingly or recklessly makes a statement false in a material particular, he shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or to both such imprisonment and fine.

(4) Where in any proceedings in respect of a contravention of section 7 of this Ordinance in relation to any business it is proved in relation to that business—

(a) that a request for the production of a policy of insurance issued in accordance with the scheme insuring the person carrying on the business was made under this section and was not complied with; and

(b) that the person making the request was not satisfied that there was such a policy in force,

it shall be presumed, except in so far as the contrary is proved, that the provisions of this Ordinance were being contravened in relation to that business at the time when the request was made and continued to be contravened in relation to that business at all times thereafter.

14. Proceedings for an offence under this Ordinance shall only be instituted by, or with the consent of, the Chairman of the Board. Legal proceedings.

15. The Board may, in any case where it appears to the Board just and equitable so to do and with the approval of the Secretary of State, refund the whole or any part of any sum paid to it by any person by way of premium or may remit payment of any part of any sum so payable by any person. Refunds and remissions.

16. (1) The Board may, with the joint approval of the Governors of the East African territories, make Rules— Rule-making powers.

(a) prescribing anything required by this Ordinance to be prescribed;

(b) adding to, deleting from, or varying the Schedule to this Ordinance; and

(c) providing for all or any purposes, whether general or to meet particular cases, that may be convenient for the administration of this Ordinance, or that may be necessary or expedient

for carrying out the objects of this Ordinance, and, where there may be in this Ordinance no provision or no sufficient provision in respect of any matter or thing necessary or expedient for giving full effect to this Ordinance, providing for or supplying such omission or insufficiency.

(2) The Board may, in any such Rules, describe goods by reference to any circumstances whatsoever.

Duration of Ordinance.

17. This Ordinance shall continue in force until such date as the Governor may, by Proclamation, determine, and upon such determination the Governor may, with the concurrence of the Governors of the Protectorate of Uganda and of the Tanganyika Territory, give directions for the winding up of the Fund and any money standing to the credit of the said Fund after discharging all the insurance liabilities of the Fund and repaying the amount charged on the Fund as aforesaid shall be disposed of as the Secretary of State may direct.

No. XLI of 1940 repealed.

18. The War Risks Insurance Ordinance, 1940, is hereby repealed:

Provided that—

- (a) the Scheme prepared under section 4 of the Ordinance so repealed shall continue in force and shall be operated by the Board established under section 3 of this Ordinance until the date fixed by the Board for the coming into operation of the Scheme prepared by the Board under section 4 of this Ordinance;
- (b) any rule, notice, order, or direction made or given under the Ordinance so repealed and in force immediately prior to the coming into operation of this Ordinance and not being inconsistent with the provisions of this Ordinance shall continue in force until other provisions shall be made under and by virtue of this Ordinance;
- (c) all chattels, moneys, bonds, securities and property vested in the Board established under section 3 of the Ordinance so repealed shall be transferred and vested in the Board established under section 3 of this Ordinance;
- (d) all moneys standing to the credit of the Fund established under section 5 of the Ordinance so repealed shall be transferred to the Fund established under section 5 of this Ordinance;
- (e) The Board established under section 3 of the Ordinance so repealed shall prepare an account of the sums received into and paid out of the Fund established under section 5 of the Ordinance so repealed from the thirty-first day of December, 1941, until the date fixed by the Board for the coming into operation of the Scheme prepared under section 4 of this Ordinance.

## SCHEDULE

1. Live stock.
2. Timber on the site where felled.
3. Non-metalliferous mine and quarry products, unmanufactured, other than mica.
4. Bricks and tiles of brick-earth and clay and refractory bricks, blocks and tiles, other than glazed bricks and tiles.
5. Synthetic magnesite.
6. Cement and cement clinker.
7. Lime.
8. Slates for roofing, slates for damp courses and slate slabs.
9. Concrete products of all descriptions.
10. The following manufactures of stone:—Pavement kerbs and setts; channels, slabs and flags; and manufactured stone for building purposes.
11. Iron ore and iron pyrites.
12. Manganese ore of all descriptions, except manganese ores for use in the manufacture of chemicals, electric batteries, manganese metal, glass or ceramics.
13. Ores, concentrates, drosses and residues for smelting of aluminium, antimony, copper, lead, nickel and zinc (or spelter), and drosses and residues of tin.
14. Ores, concentrates, mattes, drosses and residues of silver, platinum, palladium, iridium, rhodium, osmium and ruthenium.
15. Iron and steel scrap.
16. Cinder, scale and slag.
17. Scrap of the following metals and alloys thereof:—Aluminium, antimony, copper, lead, nickel, tin and zinc (or spelter).
18. Iron and steel of the following descriptions:—
  - (a) Pig iron;
  - (b) Ferro-alloys, other than in powder form;
  - (c) Ingots, billets, blooms and slabs; tin plate bars and sheet bars;
  - (d) Plates coated or uncoated, whether fabricated or not;
  - (e) Sheets, coated or uncoated.
  - (f) Angles, channels, tees, joists, piling sections and other sectional material, whether fabricated or not;
  - (g) Rounds, rods, wire rods, squares, hexagons, flats and all other sections and shapes;

- (h) Bolts of  $\frac{1}{2}$  in. in diameter and over, unmachined; rivets of  $\frac{1}{2}$  in. in diameter and over unmachined;
  - (i) Rails, sleepers, fishplates and sole plates;
  - (j) Tinplates, terne plates, black plates and silver-finished plates;
  - (k) Hoop and strip, hot or cold rolled;
  - (l) Tyres, axles and wheels;
  - (m) Goods of the following descriptions (not including bolts, rivets, nuts, washers, screws or spikes):—Iron castings (except where wholly or partly machined); steel castings; forgings; stampings (except where wholly or partly machined); pressings;
  - (n) Colliery arches and pit props;
  - (o) Hot-finished wrought iron and steel tubes and standard fittings therefor, however made; cast iron pipes and standard fittings therefor, malleable cast fittings for pipes and tubes;
  - (p) Assemblies of plates and sectional materials as component parts of structures.
19. Copper, unwrought, whether refined or not, in ingots, bars, billets, wirebars, blocks, slabs, cakes, cathodes, anodes, and rods, and copper shot.
  20. Aluminium, antimony, tin and zinc (or spelter), unwrought, in ingots, pigs, blocks, cakes, bars and slabs; lead and nickel, unwrought, in all forms.
  21. Alloys of aluminium, antimony, copper, lead, nickel, tin, zinc (or spelter), unwrought, in ingots, pigs, blocks, cakes, bars and slabs.
  22. Lead in white lead stacks and chambers.
  23. Silver, platinum, palladium, iridium, rhodium, osmium, and ruthenium and alloys thereof, in grain, ingot, bar, sheet, tube, wire or powder and ply metal in the form of sheet, tube or wire, of which any of the said metals or any alloy thereof is a component.
  24. Articles and findings made solely (except for fittings and embellishments, if any) of gold, platinum, palladium, iridium, rhodium, osmium or ruthenium.
  25. Silver at the following stages of manufacture:—Settings, stampings, draftings, spinnings, castings and pressings.
  26. Unmounted diamonds, whether rough or polished and industrial diamonds, mounted or unmounted.
  27. Natural pearls, mounted or unmounted.
  28. Other precious and semi-precious stones, unmounted, cut or uncut.
  29. Gem-set jewellery, that is to say, precious and semi-precious stones mounted in gold, platinum, palladium, iridium, rhodium, osmium or ruthenium.

30. Jewelled watch cases.
31. Printing machinery of the following descriptions, and component parts thereof:—Typesetting, letterpress (including rotary and flat bed); lithographic; photogravure; stereotyping.
32. The following compounds of radium of a concentration exceeding 10 per cent:—Bromide, carbonate, chloride and sulphate.
33. Spent oxide of iron.
34. Recovered sewage grease; sewage sludge; and manure manufactured or derived from sewage.
35. Paintings in oil or water colours; pencil, ink and charcoal drawings and pastels on canvas or paper (including board); hand-printed impressions taken from blocks, plates or like material, whether framed or unframed; reproductions by the colour-colotype process; sculpture, whether in the round, in relief or in intaglio.
36. Printed books, being not less than 50 years old, and manuscripts.
37. Objects of art or craftsmanship being not less than one hundred years old.
38. Postage stamps (intended for collection purposes) denoting a postal service or services, being marks or devices embossed or impressed or comprised in a label.
39. Goods forming the subject of a hire-purchase agreement or agreements where the bailee is a person not carrying on the business or selling, letting or hiring goods of the description so hired and wherein provision is made for payment in not less than four instalments spread over a period of not less than six months.
40. Electric current.
41. Coco-nuts and coco-nut products before they have been received in a godown.
42. Coffee grown on estates in the Protectorate of Uganda or in the Tanganyika Territory before it has been received at a curing works.
43. Coffee grown by natives in the Protectorate of Uganda or in the Tanganyika Territory before purchase from the grower.
44. Coffee grown in the Colony before it has been received at a curing works.
45. Gold before it leaves the mine at which it is produced.
46. Hides and skins before purchase by an authorized buyer.
47. Cotton before it has been purchased from the grower at a buying post, ginnery or other authorized place.
48. Sisal before decortication.

49. Any product of animal husbandry or of agriculture, horticulture or silviculture, not specially enumerated in this Schedule, before it has been baled, bagged or packed in any other manner whatsoever, for marketing.
  50. Goods not situate in the Colony, the Protectorate of Uganda, the Tanganyika Territory or the Protectorate of Zanzibar, which would under the provisions of section 11 (1) be deemed to be owned by a person in the Colony in whom the property in such goods is vested otherwise than in the course of business carried on by him in the Colony, the Protectorate of Uganda, the Tanganyika Territory or the Protectorate of Zanzibar or who is entitled to have the property in such goods vested in him otherwise than in the course of his business.
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GN. 1182/49 f. 517 : GN. 1275/58 f. 541 : GN. 1295/41 f. 461

*Amended by Ord. 78/48/2391*

**ORDINANCE No. XXI of 1942**

Assented to in His Majesty's name this first day of October, 1942.

G. M. RENNIE,  
*Acting Governor.*

**An Ordinance to Provide for the Levy of a Native Poll Tax**

*1st January, 1943*

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 Poll Tax Ordinance, 1942, and shall come into operation on the first day of January, 1943. Short title and commencement.

2. In this Ordinance, unless inconsistent with the context—  
“adult male native” means a male native of the apparent age of eighteen years or over; Interpretation

“chief” means a headman in charge of a location;

“collector” means a district officer and any person authorized in writing by a district officer to assist in the collection of the tax leviable under this Ordinance;

“court” means any subordinate court of the first, second or third class and includes a Native Tribunal established under the provisions of the Native Tribunals Ordinance, 1930; No. 39 of 1930.

“headman” includes a sub-headman, and a head of a section, clan, village or manyatta;

“kodi stamp” means a revenue stamp of the value of one shilling issued by the Government of the Colony for the purpose of this Ordinance;

“poll tax” means the tax payable under this Ordinance.

“ticket contract” has the meaning assigned to it in the Employment of Servants Ordinance, 1937. No. 2 of 1938.

3. The Governor may by notice in the Gazette prescribe the amount of poll tax which shall be payable for any year, and may in such notice prescribe different amounts for different districts, areas, places or tribes: Power of Governor to prescribe poll tax.

Provided that no poll tax may be prescribed under this section at a higher rate than twenty shillings per annum.

4. (1) Every adult male native shall pay in each year a poll tax of such amount as may be prescribed under section 3 of this Ordinance. Poll tax.

(2) The moneys derived from such poll tax shall be paid into the revenues of the Colony:

Provided that, before such moneys are so paid, there shall be deducted in respect of each poll tax paid by every native who pays his tax in any area in which a local native rate is not imposed under

No. 2 of 1937. section 24 of the Native Authority Ordinance, 1937, the sum of Sh. 2, and the money so deducted shall be paid into the Native Trust Fund established under the Native Trust Fund Ordinance, 1942:

No. 22 of 1942.

Provided further that the tax payable in any such area by a native producing a valid local native council receipt in respect of a local native rate for the current year shall be Sh. 2 less than the tax prescribed for the area; and in such case no rebate shall be deducted.

Appointment of places for receipt of tax.

5. The tax shall be paid at the office of the District Commissioner of the district in which the native resides, or at such other place within the district as the District Commissioner shall appoint and cause to be made known in such manner as is customary among the native community concerned.

Procedure to recover tax.

6. (1) The amount due from each native for poll tax shall, in respect of any year, be payable to a collector on or before the 31st day of January in that year and at the place appointed under section 5 of this Ordinance.

*Replaced by Ord. 78/42*

(2) Any native who fails to pay the poll tax by such date may be called upon by any court to show cause why the amount of poll tax due from him should not be recovered by distress, and if such native fails to show cause as aforesaid the court may order such poll tax together with any <sup>penalty</sup> ~~penalty~~ ordered under sub-section (3) of this section to be recovered by distress:

*first mentioned*

Provided that when it appears to the court that distress and sale of property would be ruinous to the person ordered to pay the money or his family, or (by his confession or otherwise) that he has no property whereon the distress may be levied, or when other sufficient reason appears to the court, the court may, if it thinks fit, instead of or after issuing a warrant of distress, commit him to prison or to a detention camp for a period not exceeding three months, unless the money and all expenses of the commitment and conveyance to prison, to be specified in the warrant, are sooner paid:

Provided further that if the court is unable to ascertain the whereabouts of any property of a native who fails to show cause as aforesaid the court may, if it thinks fit, instead of issuing a warrant of distress, commit such person to prison or to detention in a detention camp for any period not exceeding three months unless the poll tax is paid immediately or within such period as the court may order.

(3) Whenever proceedings are taken for the recovery of poll tax under this Ordinance, it shall be lawful for the court to order the person in default to pay such sum by way of penalty not exceeding 100 per centum of the poll tax payable by such native, as the court in its discretion may determine.

*Replaced by Ord. 78/42*

Where such proceedings are taken before a Native Tribunal, any sum recovered by way of penalty shall, where a local native council is established over the area of the jurisdiction of the Native Tribunal, be credited to the funds of such council, or, where no such local native council is established, shall be credited to the Native Trust Fund established under the provisions of the Native Trust Fund Ordinance, 1942.

No. 22 of 1942.

(4) Notwithstanding the provisions of sub-section (1) of this section whenever in proceedings for the recovery of poll tax under this Ordinance any person liable to pay such poll tax proves to the satisfaction of the court that he is without sufficient means the court may adjourn the hearing and remit the proceedings to the district officer for his decision under section 11 of this Ordinance.

7. (1) A receipt for the poll tax shall be in such form as may be prescribed. Tax receipt.

(2) Every collector who receives from any native money tendered at the place appointed by the District Commissioner under section 5 of this Ordinance in payment of the poll tax shall immediately give to such native a poll tax receipt for the amount so tendered. Any such collector who intentionally omits to give such receipt as aforesaid, or in any manner delays or defers the giving of such receipt, or gives such receipt for an amount other than that received or otherwise than in the prescribed form, shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding five hundred shillings or to imprisonment for a term not exceeding three months.

(3) In any prosecution for an offence under sub-section (2) of this section, proof of the commission of any of the acts charged shall afford prima facie evidence of the defendant's intent to commit such act.

(4) A receipt issued to a native under the provisions of this section shall be evidence of the payment of the poll tax:

Provided that, if the receipt cannot be produced, the court may in its discretion admit other evidence in proof of payment.

8. (1) Any native, whether in the employment of a non-native or not, may purchase kodi stamps from time to time and when the value of such stamps is equivalent to the amount of tax due from such native, he shall, on surrendering such stamps to a collector, be issued with a receipt for his poll tax under section 7 of this Ordinance. Payment of tax by means of kodi stamps.

(2) Nothing in this section contained shall be deemed to prevent any native from paying his poll tax wholly in cash or partly in kodi stamps and partly in cash.

9. Where a native is in the employment of a non-native, whether under a verbal or written contract of service for a period of one month or longer, or under a ticket contract, and the employer agrees to pay and the native agrees to receive part of the wages due to such native in kodi stamps, the employer may pay to such native the agreed rate of wages partly in cash and partly in kodi stamps in the proportion agreed upon between such employer and such native. Employers may pay wages partly in kodi stamps. Replaced by Ord. 78/42 p. 291

10. Any kodi stamps shall, on surrender to the court or to a collector, as the case may be, be taken into account as part payment of the poll tax due from such native in any proceedings instituted for the recovery of poll tax under section 6 of this Ordinance, or for the purpose of assessing the amount due from any native when he pays, or is called upon to pay, his poll tax. Kodi stamps to be taken into account as part payment of tax.

11. Whenever it shall be proved to the satisfaction of a district officer that any person liable to pay any poll tax under this Ordinance is without sufficient means to pay the whole amount of such poll tax, such district officer may, subject as hereinafter provided, allow the Power to remit tax in certain cases.

remission of the whole or a portion of such poll tax, as the case may require: Provided that in such case the district officer shall give to such person a certificate in such form as may be prescribed, and such certificate shall relieve the person in respect of whom the same shall have been given from liability to pay such portion of the poll tax and for such period as may be specified in such certificate, unless and until the same shall be cancelled by a district officer:

Provided that no certificate which is issued for life shall be cancelled without the approval in writing of a Provincial Commissioner.

Exemptions; powers of Governor.

*11A - Powers of remission of penalty added by Ord. 78/42*  
12. The Governor may by proclamation exempt any person or class of persons or the members of any tribe or the inhabitants of any district, area or place from payment of the whole or any portion of any poll tax leviable under this Ordinance, and may in like manner rescind or alter any such exemption:

Provided that nothing in this section contained shall affect any exemption granted under any other Ordinance.

Provision for the remission of poll tax in certain events.

*S.N. 13/43  
f. 4.*

13. In the event of any person within the description of any of the classes of persons set out in the Schedule hereto, owing to injuries received whether prior or subsequent to the date of this Ordinance on active service against an enemy or otherwise on active service or owing to a disease contracted on such active service or as a result thereof, becoming totally or partially disabled to such an extent as materially to affect his wage-earning capacity, the Governor may sanction the exemption of such person from the payment of poll tax for life.

Tax clerks.

14. For the purpose of the preparation of the roll of taxpayers a district officer may employ persons (hereinafter referred to as tax clerks) whose duty it shall be to prepare, under the direction of the district officer, the roll of taxpayers in the area to which they may be respectively appointed.

Collector may enter land and buildings in execution of duty.

15. A collector or tax clerk may enter upon any land or into any building in the execution of his duties under this Ordinance.

Tax roll.

16. Every district commissioner shall maintain a complete roll of natives in his district who, under the provisions of this Ordinance, are liable to pay poll tax. *Replaced by Ord. 78/42*

Headman to supply information to tax clerks.

17. (1) The district officer shall notify each chief of the date on which the tax clerk will commence to prepare the roll of taxpayers in the area to which such chief has been appointed, and it shall be the duty of each chief to furnish the tax clerk with any information which he may require in order to compile a complete roll of taxpayers for the area to which such chief is appointed, and, unless excused by the district officer, to accompany the tax clerk whilst engaged in preparing such tax roll.

(2) A chief may, in lieu of accompanying the tax clerk, order any headman subordinate to him to accompany the tax clerk and to furnish the information aforesaid, and it shall be the duty of such subordinate headman to obey such order:

See Proc. 63/49 to 495

Native attending Gloucester College - Proc. 33/46 p. 286

Govt. Medical Training School: Govt. Vet. T. Centres } see Proc. 31/40  
Govt. Poly. T. Centres: Govt. & Aided African S. Schools } P. 279  
Govt. & Aided T. T. Centres

Male African in Tombon - see Proc. 1/49 p. 1

Ex-servicemen Govt. Proc. 31/49 p. 249

Government and Aided Trades and Technical Schools in the Colony  
natives under 22 - see Proc. 21/50 p. 230

Provided that nothing hereinbefore contained shall be deemed to relieve a chief of the duty to furnish a tax clerk with any information which he may require for the purposes aforesaid. It shall further be the duty of such chief, upon receiving the said notification from the district officer, to order every adult male native subject to his jurisdiction to appear before the tax clerk and give him such information as he may require for the preparation of the roll of taxpayers, and any native failing to obey such order shall be liable on conviction to a fine not exceeding three pounds or to imprisonment for a period not exceeding one month.

18. A chief or headman shall order any native subject to his jurisdiction who shall not have paid the poll tax payable by him at the time and place appointed by the collector either to attend before the collector or to send the amount of the tax payable by him to such collector. Any native who fails without lawful excuse to obey the orders of a chief or headman given under this section shall be liable to the penalties provided in the last preceding section.

Power to headman to order natives to appear before collectors.

*by Ord. 78/48*

19. Any tax clerk who intentionally omits from the roll of taxpayers the name of any person whose name should be included in such roll, shall be liable on conviction to a fine not exceeding thirty pounds or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

Penalty for offences by tax clerks.

20. Any chief or headman who intentionally gives false information to a tax clerk under section 17 of this Ordinance or who, without lawful excuse, refuses or neglects to perform any duty imposed upon him by this Ordinance, or to issue any order which he is required to issue by this Ordinance, shall be liable to the penalties provided in the last preceding section.

Penalty for offences by chief.

21. Every person paying the poll tax shall furnish the collector to whom payment is made with such information as may be required by him in preparing a receipt in the prescribed form, and shall, if so required by such collector, attend personally before him for such purpose, and produce to him such evidence of identity as he may require.

Information for the preparation of a receipt.

*Ord. 78/48*

22. Any person who wilfully furnishes a collector with false particulars in regard to any information required by such collector in preparing a receipt, or who, on being lawfully required to attend before a collector, neglects or refuses to attend, or, when attending neglects or refuses to furnish any information required as aforesaid, shall on conviction be liable to a fine not exceeding three pounds or to imprisonment for a period not exceeding two months or to both such fine and imprisonment.

Penalty for giving false particulars.

23. Any person who wilfully obstructs any collector or tax clerk in the execution of his duties under this Ordinance shall be liable on conviction by a subordinate court to a fine of £10.

Penalty for obstruction.

24. (1) A collector may, at any time, require any native to produce the receipt issued to such native for the payment of the poll tax, and may retain any such receipt produced for such time as he may consider necessary for the purpose of identifying the person named in such receipt with the person producing the same.

Production of receipt to collector.

(2) A collector may require any native who refuses or neglects to produce his receipt when so required, to furnish him with information as to the office at which or the person to whom he has paid his poll tax, and with such further information as the collector may require for the purpose of ascertaining whether such native has paid his poll tax.

(3) Any native who, without lawful excuse, neglects or refuses to produce his receipt when required as aforesaid, or who, having failed or refused to produce his receipt, fails to furnish the information which may be required of him under the last preceding sub-section shall, on conviction, be liable to a fine not exceeding three pounds or to imprisonment for a period not exceeding two months.

(4) Evidence of the non-production of a receipt for the payment of poll tax upon requisition being made as aforesaid shall, in and for the purposes of any proceedings for the recovery of such poll tax, be prima facie evidence that the poll tax has not been paid.

(5) Any native who, on being required by a collector to produce his receipt, produces a receipt granted to some other person, or who, having failed or refused to produce his receipt, furnishes a collector with any false particulars in regard to any information which may be required of him under sub-section (2) of this section shall, on conviction, be liable to a fine not exceeding seven pounds ten shillings or to imprisonment for a period not exceeding three months.

(6) Any native who transfers to any other native any receipt granted to him with the intention or with the knowledge that it is likely that such other native will falsely produce such receipt as a receipt granted to him, shall be guilty of an offence and on conviction shall be liable to the penalties provided in the last preceding sub-section.

Power to  
make Rules.

25. The Governor may make Rules—

- (a) prescribing the duties of all persons engaged or employed in the administration of this Ordinance;
- (b) prescribing the forms of rolls of taxpayers and receipts;
- (c) for the collection of poll tax in any place which under any law in force in the Colony is declared to be a municipality or a township; and
- (d) generally for carrying out the provisions of this Ordinance.

Limitation  
period not  
to apply.

26. The provisions of section 216 of the Criminal Procedure Code shall not apply to any proceedings instituted for the recovery of poll tax due and payable under this Ordinance.

Repeal.  
No. 40 of 1934.

27. The Native Hut and Poll Tax Ordinance, 1934, is hereby repealed, but such repeal shall be without prejudice to the collection of any arrears of tax due and payable under that Ordinance, which shall be recoverable in like manner and be subject to the same penalties as if such Ordinance had not been repealed.

#### SCHEDULE (Section 13)

Any native officer, warrant officer, non-commissioned officer or private of the King's African Rifles, or any combatant or non-combatant native, recruited or selected under any Ordinance for the time being in force or otherwise for any form of naval, military, or air service.

Form of Commitment Warrant Rules - see G.N. 507/45-1-203  
Pee Tax (Receipt) Rules 1954 - see Cr. 456/54-160

the Member means the Member of the Executive Council of the Colony  
for the time being responsible for African Affairs - Ord. 29/49

*Amended by Ord. 92/48  
29/49*

**ORDINANCE No. XXII of 1942**

Assented to in His Majesty's name this first day of October, 1942.

G. M. RENNIE,  
*Acting Governor.*

**An Ordinance to Provide for the Creation of a Native Trust Fund to be used for the Benefit of the Natives of the Colony, to Determine the Sources of the Revenue of such Fund and the purposes for which the Moneys in such Fund may be Expended.**

*1st October, 1942*

Date of  
commencement.

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

- |   |  |
|---|--|
| <p>1. This Ordinance may be cited as the Native Trust Fund Ordinance, 1942.</p>   | <p>Short title.</p>  |
| <p>2. In this Ordinance, unless the context otherwise requires—<br/> “the Fund” means the Fund established under section 3 of this Ordinance;<br/> “native areas” means the native lands, the native reserves, the temporary native reserves and the native leasehold areas;<br/> “non-native areas” means the areas of the Colony outside the native areas;<br/> “poll tax” means the poll tax paid under the provisions of the Native Poll Tax Ordinance, 1942.</p> | <p>Interpretation.</p> <p>No. 21 of 1942.</p>                          |
| <p>3. There is hereby established a Fund, to be known as the Native Trust Fund, which shall be used for the benefit of the natives of the Colony.</p>   | <p>Establishment of Fund.</p>  |
| <p>4. The Fund shall be vested in Trustees, who shall be such persons as the Governor in Council may appoint.</p>   | <p>Trustees.</p>   |
| <p>5. All the moneys standing to the credit of the Natives' Trust Fund established under the provisions of the Natives' Trust Fund Ordinance are hereby transferred to the Fund.</p>  | <p>Transfer to Fund of money in Natives Trust Fund.<br/> Cap. 131.</p> |
| <p>6. There shall be paid into the Fund the following moneys—<br/> (a) subject to the provisions of section 2 of the Collective Punishment Ordinance, 1930, such amounts from collective fines imposed thereunder as the Governor in Council may from time to time determine;<br/> (b) the moneys to be paid to the Fund under the terms of the proviso to sub-section (2) of section 4 of the Native Poll Tax Ordinance, 1942;</p>                                   | <p>Revenues of the Fund.<br/> No. 54 of 1930.<br/> No. 21 of 1942.</p> |

- (c) such other public moneys as the Governor in Council with the consent of the Legislative Council may from time to time determine;
- (d) any donations or bequests intended for the general benefit of natives, whether specifically given or bequeathed to the Trustees, or being of such nature as a competent court may declare to be suitable for the Trustees to administer.

Expenditure of the Fund.

7. The Trustees shall apply the moneys of the Fund to the following purposes:—

- (a) in paying any liabilities of the Natives' Trust Fund at the date of transfer to the Fund;
- (b) in the case of donations or bequests, to such purposes as the donors or testators may direct:

Provided that, where there is no direction, such donations or bequests shall be applied to such purposes for the benefit of the natives of the Colony or of the native areas as the ~~Governor in Council~~ <sup>Legislative Council</sup> may approve;

- (c) to such purposes for the benefit of the natives of the Colony or of the native areas as the ~~Governor in Council~~ <sup>Legislative Council</sup> may approve; *and*

Provided that, in the case of moneys paid into the Fund under the provisions of paragraph (b) of section 6 of this Ordinance—

- (i) all moneys so paid in respect of poll tax paid in the Coast Province shall be applied for the benefit of natives resident in such Province;

- (ii) one-half of any moneys so paid in respect of poll tax paid other than in the Coast Province shall be paid to the Local Native Council Funds in such proportion as the Trustees, with the approval of the Governor in Council, may determine; and the remaining one-half shall be applied for the benefit of the natives residing in the non-native areas of the Province or Extra Provincial District in which the poll tax was paid; and

- (d) without prejudice to the generality of the foregoing, the ~~Governor in Council~~ <sup>Legislative Council</sup> may direct that the Trustees shall pay into any specified local native fund any specified moneys in the hands of the Trustees.

*SubOrd. 92/48*

Investment.

8. The Trustees may, at their discretion, invest any moneys of the Fund in any trustee securities or, subject to the approval of the Governor in Council, in any other securities.

Accounts.

9. The accounts of the Fund shall be kept by the Accountant General and shall be audited by the Auditor, and a statement thereof shall be published by the Trustees annually in the Gazette.

Repeals.  
Cap. 131.  
No. 2 of 1937.

10. The Natives' Trust Fund Ordinance (Chapter 131 of the Revised Edition), and Part V of the Native Authority Ordinance, 1937, are hereby repealed.

**ORDINANCE No. XXIII of 1942**

Assented to in His Majesty's name this twenty-first day of November, 1942.

HENRY MOORE,  
*Governor.*

**An Ordinance to provide for the Supply of a Further Sum of Money for the Service of the Year ended 31st December, 1941**

*21st November, 1942*

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 1941 Supplementary Appropriation Ordinance, 1942.

2. The public revenue for the period 1st January to 31st December, 1941, of the Colony and Protectorate of Kenya is hereby charged towards the service of the period 1st January to 31st December, 1941, with a further sum of seven hundred and ninety-four thousand one hundred and fifty pounds, ten shillings and fifty-one cents in addition to the sums provided by the 1941 Appropriation Ordinance, 1940.

3. The money granted by this Ordinance shall be applied to the purposes and services expressed in the Schedule hereto.

4. The Accountant General of the Colony and Protectorate of Kenya is hereby given authority for having paid out of the revenue of the Colony and Protectorate of Kenya, for the several services specified in the Schedule hereto, the said sum of seven hundred and ninety-four thousand one hundred and fifty pounds, ten shillings and fifty-one cents which have come in course of payment during the period 1st January to 31st December, 1941.

Date of commencement.

Short title.

Public revenue charged.

No. 49 of 1940.

Application of money granted.

Accountant General's authority for payment.

SCHEDULE

<i>Head</i>	<i>Amount</i>
KENYA EXPENDITURE	£ s. cts.
Accountant General .. .. .	617 8 14
Administration Extraordinary .. .. .	497 16 21
Agriculture Extraordinary .. .. .	5,718 14 77
Civil Aviation Extraordinary .. .. .	1 57
Conference of E.A. Governors .. .. .	4,736 18 93
Customs .. .. .	5,415 5 11
Customs Extraordinary .. .. .	442 13 15
Education Extraordinary .. .. .	3,570 11 94
Forest .. .. .	1,467 13 29
Forest Extraordinary .. .. .	37,135 11 66
Game .. .. .	236 4 45
Inland Revenue .. .. .	8,079 3 04
Inland Revenue Extraordinary .. .. .	75 12 56
Labour .. .. .	642 0 80
Legal Extraordinary .. .. .	362 2 42



**ORDINANCE No. XXIV of 1942**

Assented to in His Majesty's name this twenty-first day of November, 1942.

HENRY MOORE,  
*Governor.*

**An Ordinance to Validate the Past Election of Indian Members to the Nairobi Municipal Council in Lieu of the Appointment to such Council of Indian Members Nominated by the Governor**

*21st November, 1942*

Date of  
commencement.

WHEREAS it is provided, *inter alia*, by section 5 of the Local Government (Municipalities) Ordinance, 1928, that there shall be constituted for the Municipality of Nairobi a Municipal Council which shall consist, *inter alios*, of seven Indian members to be nominated by the Governor, provided that the Governor in Council may at any time direct by notice in the Gazette, upon receipt of a request so to do from the Council, that in lieu of such nomination as aforesaid the whole or any number of such members shall be elected:

No. 19 of 1928.

AND WHEREAS on the 23rd day of September, 1938, the Governor in Council, upon receipt of such a request, decided to grant such request:

AND WHEREAS in pursuance of such decision the Municipality of Nairobi was divided into wards for the purpose of the election of Indian members to the Nairobi Municipal Council:

AND WHEREAS subsequently certain elections were held and the Indian members were so elected:

AND WHEREAS it appears that the requirements of the law were not complied with in that, although the Governor in Council directed that a notice should be published in the Gazette to the effect that in lieu of the nomination of seven members such seven members should in future be elected, no such notice was in fact published in the Gazette:

AND WHEREAS it is necessary to validate the election of Indian members to the Municipal Council of Nairobi to the same extent as if such notice had been published in the Gazette:

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

1. This Ordinance may be cited as the Election of Indian Members to the Nairobi Municipal Council (Validation) Ordinance, 1942. Short title.

Validity of  
acts done.  
No. 19 of 1928.

2. Any act or thing done under the provisions of the Local Government (Municipalities) Ordinance, 1928, which would have been validly and properly done under the said Ordinance if the notice required under the second proviso to sub-section (4) of section 5 of the said Ordinance had been published in the Gazette, shall be deemed to be and to have been validly and properly done thereunder to the same extent as if such notice had been duly published in the Gazette.

**ORDINANCE No. XXV of 1942**

Assented to in His Majesty's name this twenty-third day of  
December, 1942.

HENRY MOORE,  
*Governor.*

**An Ordinance to Amend the Local Government  
(Municipalities) Ordinance, 1928**

*23rd December, 1942*

Date of  
commencement.

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

- |  |  |
|--|--|
| <p>1. This Ordinance may be cited as the Local Government (Municipalities) (Amendment) Ordinance, 1942, and shall be read as one with the Local Government (Municipalities) Ordinance, 1928, hereinafter referred to as the Principal Ordinance.</p>             | <p>Short title.<br/>No. 19 of 1928.</p>                                |
| <p>2. Section 2 of the Principal Ordinance is hereby amended by the deletion of the words "but shall not" which occur in the fourth line of the definition of "public vehicle" and by the substitution therefor of the words "and shall".</p>                    | <p>Amendment of<br/>section 2 of<br/>the Principal<br/>Ordinance.</p>  |
| <p>3. Section 69 of the Principal Ordinance is hereby amended by the addition after sub-section (42)<sup>A</sup> thereof of the following new sub-section:—</p> <p>"(42)<sup>B</sup>. For regulating the number of public vehicles within the Municipality."</p> | <p>Amendment of<br/>section 69 of<br/>the Principal<br/>Ordinance.</p> |

**ORDINANCE No. XXVI of 1942**

Assented to in His Majesty's name this twenty-third day of December, 1942.

HENRY MOORE,  
*Governor.*

**An Ordinance to Amend the Penal Code**

Date of commencement.

*23rd December, 1942*

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, 1942, and shall be read as one with the Consolidated Edition of the Penal Code prepared under the provisions of section 25 of the Penal Code (Amendment) Ordinance, 1939, hereinafter referred to as the Principal Ordinance.

No. 34 of 1939.

Amendment of section 26 (2) of the Principal Ordinance.

2. Sub-section (2) of section 26 of the Principal Ordinance is hereby amended by deleting therefrom the word "sixteen" which appears in the second line thereof and by substituting therefor the word "eighteen".

Amendment of section 28 (2) of the Principal Ordinance.

3. Sub-section (8) of section 28 of the Principal Ordinance is hereby amended by substituting a colon for the full stop which appears at the end thereof and by adding thereto immediately next after such colon the following proviso:—

No. 22 of 1934.

"Provided that no child or young person within the meaning of the Juveniles Ordinance, 1934, shall be detained for this purpose in a prison."

**ORDINANCE No. XXVII of 1942**

Assented to in His Majesty's name this twenty-third day of December, 1942.

HENRY MOORE,  
Governor.

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

23rd December, 1942

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 Criminal Procedure Code (Amendment) Ordinance, 1942, and shall be read as one with the Consolidated Edition of the Criminal Procedure Code prepared under the provisions of section 43 of the Criminal Procedure Code (Amendment) Ordinance, 1939, hereinafter referred to as the Principal Ordinance.

Short title.

No. 35 of 1939.

2. Section 15 of the Principal Ordinance is hereby repealed and the following section is substituted therefor:—

Repeal and replacement of section 15 of the Principal Ordinance.

“15. The Governor may, by appointment in the Gazette, confer upon any officer in charge of a special district, holding a subordinate court of the first class, power to try natives, Abyssinians or Somalis for any offence and to pass any sentence which the Supreme Court may pass in respect thereof:

Special powers to magistrates in special districts to try certain offences.

Provided that offences which are not shown in the fifth column of the First Schedule to be triable by any subordinate court shall be tried with the aid of assessors, and shall be inquired into and tried in the manner prescribed for the trial of such offences by the Supreme Court.”

3. Section 89 of the Principal Ordinance is hereby amended—  
(i) by repealing sub-sections (4) and (5) thereof and by substituting the following sub-section for sub-section (4) thereof:—

Amendment of section 89 of the Principal Ordinance.

“(4) The magistrate, upon receiving any such complaint or where an accused person who has been arrested without a warrant is brought before him, shall draw up or cause to be drawn up and shall sign a formal charge containing a statement of the offence with which the accused is charged, unless such a charge shall be signed and presented by a police officer.”;

(ii) by renumbering sub-section (6) thereof as sub-section (5).

4. Section 91 of the Principal Ordinance is hereby amended by deleting therefrom the words “complaint or” which occur in the fourth line of sub-section (2) thereof.

Amendment of section 91 of the Principal Ordinance.

5. Section 151 of the Principal Ordinance is hereby amended by deleting therefrom the words “or affirmation” wherever they occur therein.

Amendment of section 151 of the Principal Ordinance.

Amendment of section 153 of the Principal Ordinance.

6. Section 153 of the Principal Ordinance is hereby amended by inserting therein the words "with bigamy or" between the word "charged" and the word "with" which occur in the first line of paragraph (b) thereof.

Amendment of section 198 of the Principal Ordinance.

7. Section 198 of the Principal Ordinance is hereby amended—  
(i) by inserting the brackets and the figures "(1)" immediately before the word "Whenever" which occurs in the first line thereof; and  
(ii) by adding thereto the following new sub-section:—

"(2) Whenever any magistrate, after judgment has been delivered in any case but before sentence has been passed, ceases to exercise jurisdiction therein and is succeeded, whether by virtue of an order of transfer under the provisions of this Code or otherwise, by another magistrate who has and who exercises such jurisdiction, the magistrate so succeeding may sentence or may make any order in such case which he could have made if he himself had delivered judgment therein."

Amendment of section 205 of the Principal Ordinance.

8. Section 205 of the Principal Ordinance is hereby amended by deleting therefrom the words "or complaint" which occur in the first line thereof.

Amendment of section 230 of the Principal Ordinance.

9. Section 230 of the Principal Ordinance is hereby amended—  
(i) by inserting therein between the word "officer" and the word "or" which occur in the second and third lines of sub-section (1) thereof the words "or other medical practitioner"; and  
(ii) by inserting therein between the word "office" and the word "which" which occur in the second and third lines of sub-section (2) thereof the words "or qualifications".

Amendment of section 297 of the Principal Ordinance.

10. Section 297 of the Principal Ordinance is hereby amended by inserting therein immediately before the words "medical officer" wherever they occur in the proviso thereto the words and comma "Government analyst".

Amendment of section 300 of the Principal Ordinance.

11. Section 300 of the Principal Ordinance is hereby amended—  
(i) by inserting therein between the word "a" and the word "medical" which occur in the first line thereof the words and the comma "Government analyst,"; and  
(ii) by substituting the word "practitioner" for the word "witness" which occurs in the first line thereof.

Amendment of section 343 of the Principal Ordinance.

12. Section 343 of the Principal Ordinance is hereby amended—  
(i) by inserting therein between the word "upwards" and the comma which occur in the fourth line thereof the words "or of an offence under section 345 of this Code"; and  
(ii) by deleting therefrom the words "the expiration of such sentence" which occur at the end of sub-section (1) thereof and by substituting therefor the words "his release from prison: Provided that if he is released on licence to be at large and such licence be afterwards revoked or forfeited, such term shall not be deemed to include the term of imprisonment undergone under the provisions of section 46 of the Prisons Ordinance, 1930".

No. 37 of 1930.

13. (1) Section 344 of the Principal Ordinance is hereby amended by repealing sub-section (1) thereof and by substituting therefor the following sub-section:—

Amendment of section 344 of the Principal Ordinance.

"344. (1) Every person subject to police supervision, who is at large in the Colony, may be directed by the court, which has made the order under section 343 of this Code, to comply with all or any of the following requirements:—

- (a) to reside within the limits of any specified district;
- (b) not to transfer his residence to any other district without the written consent of the district commissioner or police officer in charge of such district;
- (c) not to leave the district in which he resides without the written consent of the district commissioner or police officer in charge of such district;
- (d) at all times to keep the police officer or, if there is no police officer, the district commissioner in charge of the district in which he resides notified of the house or place in which he resides;
- (e) to present himself, whenever called upon so to do by the district commissioner or police officer in charge of the district in which he resides, at any place in such district."

(2) This section shall come into operation on such date as the Governor may, by notice in the Gazette, appoint.

14. Section 345 of the Principal Ordinance is hereby amended by inserting therein between the word "months" and the full stop which occur at the end thereof the words "and on the second or any subsequent conviction for such offence to imprisonment for a term not exceeding twelve months."

Amendment of section 345 of the Principal Ordinance.

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15. Section 367 of the Principal Ordinance is hereby amended—

- (i) by inserting therein the word "within" between the word "writing" and the word "thirty" which occur in the fifth line thereof; and
- (ii) by substituting a colon for the full stop which occurs at the end thereof and by adding immediately after such colon the following proviso:—

"Provided always that no application shall be made under this section by a private prosecutor within the meaning of section 171 of this Code without the previous consent in writing of the Attorney General."

Amendment of section 367 of the Principal Ordinance.

16. The Principal Ordinance is hereby amended by inserting therein, immediately after section 382 thereof, the following new section:—

Amendment of the Principal Ordinance.

"382A. If any court, before whom a statement or evidence of any person recorded or purporting to be recorded under section 233 or section 242 of this Code is tendered or has been received in evidence, finds that any of the provisions of either of such sections have not been complied with by the magistrate recording the statement, it may take evidence that such person duly made the statement recorded; and notwithstanding anything contained in section 91 of the Indian Evidence Act, 1872, such statement shall be admitted, if the error has not injured the accused as to his defence on the merits."

Evidence of the statement recorded when provisions of sections 233 or 242 not complied with.

Amendment of  
Schedule I to  
the Principal  
Ordinance.

17. The First Schedule to the Principal Ordinance is hereby amended by—

- (a) deleting from the entry in the fourth column thereof relating to section 94 of the Penal Code the word "seven" and substituting therefor the word "three";
- (b) substituting the figures "104" for the figures "106" where they occur in the first column thereof in the entry relating to the offence of perjury or subornation of perjury;
- (c) deleting the entry relating to false statements by interpreters from Chapter X thereof and inserting that entry immediately after the entry relating to "perjury or subornation of perjury";
- (d) substituting the figures "132" for the figures "133" where they occur in the first column thereof in the entry relating to the offence of rape;
- (e) substituting the figures "157" for the figures "159" where they occur in the first column thereof in the entry relating to the offence of indecent assault on boys under fourteen;
- (f) deleting from the entry in the fourth column thereof relating to sub-section (1) of section 174 of the Penal Code the words "two years" and substituting therefor the words "six months";
- (g) inserting in the entry in the fourth column thereof relating to section 176 of the Penal Code immediately after the word "years" the words "or a fine of one hundred pounds";
- (h) substituting the figures "198" for the figures "199" where they occur in the first column thereof in the entry relating to the offence of murder;
- (i) substituting the figures "197" for the figures "200" where they occur in the first column thereof in the entry relating to the offence of manslaughter;
- (j) inserting the entry relating to manslaughter immediately before the entry relating to murder;
- (k) inserting in the entry in the fourth column thereof relating to section 245 of the Penal Code immediately after the word "years" the comma and the words ", with or without corporal punishment";
- (l) deleting from the entry in the second column thereof relating to section 257 of the Penal Code the words "punishment for";
- (m) inserting the words "or second class" between the word "class" and the full stop where they occur in the entries in the fifth column thereof relating to sections 117 (b), 119, 125, 126 and sub-section (3) of section 137 of the Penal Code;
- (n) inserting the words "Subordinate Court of the first or second class" in the fifth column thereof in the entry relating to section 257 of the Penal Code;
- (o) inserting the words "Subordinate Court of the first class" in the fifth column thereof in the entries relating to robbery with violence, attempted robbery with violence, and sections 155, 156, 325, 345 and 346 of the Penal Code;
- (p) deleting the entries in the fifth column thereof relating to section 275 and to sub-section (1) of section 315 of the Penal Code and substituting therefor the words "Any magistrate".

**ORDINANCE No. XXVIII of 1942**

Assented to in His Majesty's name this twenty-third day of December, 1942.

HENRY MOORE,  
Governor.

**An Ordinance to Vary the Rates of Customs and Excise Duties Payable on Manufactured Tobacco and Products thereof**

23rd December, 1942

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 War Revenue (Customs and Excise Duties) (Amendment) Ordinance, 1942, and shall be read as one with the War Revenue (Customs and Excise Duties) Ordinance, 1941, hereinafter referred to as the Principal Ordinance. Short title.  
No. 35 of 1941.
2. During the continuance in force of this Ordinance, section 3 of the Principal Ordinance shall be read as if— Amendment of section 3 of the Principal Ordinance.
- (a) the letters and figures "Sh. 5/50" were substituted for the letters and figure "Sh. 2/-" which appear in the second line of paragraph (c) thereof; and
- (b) the letters and figures "Sh. 4/50" were substituted for the letters and figures "Sh. 1/50" which appear in the second line of paragraph (d) thereof.
3. The Schedule to the Principal Ordinance is hereby amended— Amendment of Schedule to the Principal Ordinance.
- (a) by deleting therefrom the figures "66 $\frac{2}{3}$ " which appear in the third column thereof opposite Item 30 thereof, and substituting therefor the figures "175 %";
- (b) by deleting therefrom the figures "66 $\frac{2}{3}$ " which appear in the third column thereof opposite Item 31 thereof, and substituting therefor the figures "175 %";
- (c) by deleting therefrom the figures "66 $\frac{2}{3}$ " which appear in the third column thereof opposite Item 32 thereof, and substituting therefor the figures "200 %";
- (d) by deleting therefrom the figures "66 $\frac{2}{3}$ " which appear in the third column thereof opposite Item 33 thereof and substituting therefor the figures "175 %"; and
- (e) by deleting therefrom the figures "66 $\frac{2}{3}$ " which appear in the third column thereof opposite Item 34 thereof and substituting therefor the figures "150 %".
4. During the continuance in force of this Ordinance, the Schedule to the Customs Tariff Ordinance, 1930, shall be read as if the brackets and words "(or *ad valorem* 100 %, whichever is the greater)", which appear opposite Items 30, 31 and 33 thereof, were deleted therefrom. Amendment of Schedule to Ordinance No. 1 of 1930.
5. This Ordinance shall continue in force until the 31st day of December next following such date as the Governor may by proclamation declare to be the date on which the war that was the occasion of the enactment of this Ordinance came to an end. Duration.  
sub. sec. 4/40/57  
24/1/46

**ORDINANCE No. XXIX of 1942**

Assented to in His Majesty's name this twenty-fourth day of December, 1942.

HENRY MOORE,  
Governor.

**An Ordinance to Provide for the Transfer of Certain Revenues to the Local Native Councils**

Date of commencement.

*1st January, 1943*

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

Short title and commencement.

1. This Ordinance may be cited as the Revenue Transfer to Local Native Councils Ordinance, 1942, and shall come into operation on the first day of January, 1943.

Transfer of certain revenue to Local Native Councils.  
No. 26 of 1928.  
No. 63 of 1930.

2. Notwithstanding anything to the contrary contained in any law in force in the Colony—

(a) all moneys derived by Government under Part II of the Schedule to the Traffic Ordinance, 1928, and the Townships Ordinance, 1930, respectively, from the taxation of carts and bicycles belonging to persons having a residence or place of business within the area of jurisdiction of any local native council shall be paid to the local native fund established by such council;

No. 36 of 1930.

(b) all licence fees collected under the Native Liquor Ordinance, 1930, in respect of licences granted within the area of jurisdiction of a local native council shall be paid to the local native fund established by such council; and

No. 51 of 1936.  
No. 46 of 1940.

(c) all licence fees collected from natives under the Traders Licensing Ordinance, 1936, and the War Taxation (Trading Licences) Ordinance, 1940, in respect of stores or premises situate within the area of jurisdiction of a local native council shall be paid to the local native fund established by such council.

*Replaced by  
Ord. 12/50*

**ORDINANCE No. XXX of 1942**

Assented to in His Majesty's name this twenty-fourth day of December, 1942.

HENRY MOORE,  
*Governor.*

**An Ordinance to Amend the Native Authority Ordinance, 1937**

24th December, 1942

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 Authority (Amendment) Ordinance, 1942, and shall be read as one with the Native Authority Ordinance, 1937, hereinafter referred to as the Principal Ordinance. Short title.  
No. 2 of 1937.
2. Section 2 of the Principal Ordinance is hereby amended by inserting therein, immediately after the definition of "native tribunal", the following definition:—  

"Standing Committee" means the Standing Advisory Committee for Local Native Councils established under the provisions of section 30A of this Ordinance."

Amendment of section 2 of the Principal Ordinance.
3. The Principal Ordinance is hereby amended by inserting therein, between sections 27 and 28 thereof, the following new section:—  

"27A. (1) Every Local Native Council shall, on or before the thirtieth day of September in each year, prepare and approve by resolution detailed estimates of its revenue and expenditure for the year commencing with the first day of January next ensuing, and submit such estimates, together with a covering copy of the said resolution, to the Governor in Council through the Standing Committee.

(2) The Governor in Council may either approve the estimates as submitted, or may disallow in whole or in part such estimates in such manner as he may think fit. The estimates as finally passed by the Governor in Council are hereinafter referred to as the approved estimates."

Amendment of the Principal Ordinance.  
Estimates of Revenue and Expenditure.
4. Section 28 of the Principal Ordinance is hereby amended by deleting therefrom the first four lines thereof and substituting therefor the following:—  

"28. (1) A Local Native Council shall not, except by resolution passed and with the approval of the Governor in Council first had and obtained, incur any expenditure which has not been included in the approved estimates of such Council; but a Local Native Council may, with the approval of the Provincial Commissioner of the Province in which such Local Native Council exercises jurisdiction, make reallocations of the approved estimates, provided such reallocations do not increase or decrease any one item of approved expenditure by more than Sh. 500:"

Amendment of section 28 of the Principal Ordinance.

Amendment of  
the Principal  
Ordinance.

**4.** The Principal Ordinance is hereby amended by inserting therein, between Part IV and Part V thereof, the following new Part:—

“PART IVA—STANDING ADVISORY COMMITTEE

Standing  
Advisory  
Committee.

30A. (1) The Governor shall appoint a Standing Advisory Committee for Local Native Councils to advise the Governor in Council on the draft Estimates of Revenue and Expenditure submitted under the provisions of section 27A of this Ordinance, and on such other matters as the Governor may refer to it.

(2) The Standing Committee shall consist of—

(a) the Chief Native Commissioner, as Chairman;

(b) the Financial Secretary or his nominee;

(c) two members of the Legislative Council representing native interests in the Legislative Council; and

(d) five African members nominated by the Governor.

(3) At any meeting of the Standing Committee the Chairman and four members shall form a quorum.

(4) The Standing Committee shall meet in the month of December in every year to consider and advise the Governor in Council upon the draft Estimates of Revenue and Expenditure of the Local Native Councils, and on such other occasions as the Chairman may deem necessary.”

**ORDINANCE No. XXXI of 1942**

Assented to in His Majesty's name this twenty-fourth day of December, 1942.

HENRY MOORE,  
*Governor.*

**An Ordinance to Amend the Northern Frontier Province  
Poll Tax Ordinance, 1930**

*24th December, 1942*

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 Northern Frontier Province Poll Tax (Amendment) Ordinance, 1942, and shall be read as one with the Northern Frontier Province Poll Tax Ordinance, 1930, hereinafter referred to as the Principal Ordinance.

Short-title.

No. 53 of 1930

2. The Principal Ordinance is hereby amended by inserting therein immediately next after section 16 thereof the following new section:—

Adding  
section 16A  
to the  
Principal  
Ordinance.

“16A. The provisions of section 216 of the Criminal Procedure Code shall not apply to any proceedings instituted for the recovery of poll tax due and payable under this Ordinance.”

Limitation  
period not  
to apply.

## ORDINANCE No. XXXII of 1942

Assented to in His Majesty's name this twenty-fourth day of December, 1942.

HENRY MOORE,  
*Governor.*

### An Ordinance to Apply a Sum of Money for the Service of the Year Ending the 31st Day of December, 1943

Date of commencement.

*24th December, 1942*

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 1943 Appropriation Ordinance, 1942.

Public Revenue and other funds charged.

2. The Public Revenues for the year 1943 and other funds of the Colony and Protectorate of Kenya are hereby charged towards the service of the year ending the thirty-first day of December, one thousand nine hundred and forty-three, with the sum of four million eight hundred and sixty-six thousand six hundred and eighty-seven pounds.

Application of money granted.

3. The money granted by this Ordinance shall be applied for the purposes and services expressed in the Schedule annexed hereto.

Accountant General's authority for payment.

4. The Accountant-General 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 annexed hereto, the said sum of four million eight hundred and sixty-six thousand six hundred and eighty-seven pounds which will come in course of payment during the year ending the thirty-first day of December, one thousand nine hundred and forty-three.

#### SCHEDULE

<i>No. of Head</i>	<i>Amount £</i>
1 His Excellency the Governor .. .. .	14,834
2 Accountant General .. .. .	17,846
3 Administration .. .. .	197,708
3A Administration Extraordinary .. .. .	3,460
4 Agricultural Department .. .. .	87,051
4A Agricultural Department Extraordinary .. .. .	117,860
5 Audit .. .. .	20,100
6 Civil Aviation .. .. .	26,243
6A Civil Aviation Extraordinary .. .. .	140
7 Coast Agency .. .. .	5,037
8 Conference of E.A. Governors .. .. .	16,472
9 Customs .. .. .	60,971
10 Education .. .. .	229,846
10A Education Extraordinary .. .. .	3,010

## SCHEDULE—Contd.

No. of Head		Amount £
11	Forests .. .. .	34,607
11A	Forests Extraordinary .. .. .	45,920
12	Game .. .. .	11,199
13	Government Chemist .. .. .	2,712
14	Inland Revenue .. .. .	44,699
15	Judicial .. .. .	31,444
16A	Kenya Auxiliary Air Unit Extraordinary .. .. .	3,600
17	Labour .. .. .	16,617
18	Lands and Settlement .. .. .	30,214
18A	Lands and Settlement Extraordinary .. .. .	5,000
19	Legal .. .. .	9,370
20	Local Government Contributions .. .. .	145,555
20A	Local Government Contributions Extraordinary .. .. .	6,160
21	Medical .. .. .	280,829
21A	Medical Extraordinary .. .. .	48,826
22	Military .. .. .	138,555
23	Mining and Geological .. .. .	9,352
23A	Mining and Geological Extraordinary .. .. .	3,500
24	Miscellaneous Services .. .. .	51,170
24A	Miscellaneous Services Extraordinary .. .. .	9,500
25	Naval .. .. .	8,570
26	Pensions and Gratuities .. .. .	290,500
27	Police .. .. .	164,651
27A	Police Extraordinary .. .. .	900
28	Posts and Telegraphs .. .. .	328,284
28A	Posts and Telegraphs Extraordinary .. .. .	49,656
29	Printing and Stationery .. .. .	36,119
30	Prisons .. .. .	74,872
30A	Prisons Extraordinary .. .. .	1,000
31	Public Debt .. .. .	1,177,633
32	Public Works Department .. .. .	101,176
33	Public Works Recurrent .. .. .	153,723
34	Registrar General .. .. .	6,611
35	Rent and Interest to H.H. the Sultan of Zanzibar .. .. .	16,000
36	Secretariat and Legislative Council .. .. .	29,114
36A	Statistical Department .. .. .	1,000
37	Subventions .. .. .	17,079
38	Veterinary .. .. .	73,518
38A	Veterinary Extraordinary .. .. .	8,036
39	Public Works Extraordinary .. .. .	236,220
40	War Expenditure, Civil .. .. .	362,618
		£4,866,687

**ORDINANCE No. XXXIII of 1942**

Assented to in His Majesty's name this twenty-second day of December, 1942.

HENRY MOORE,  
Governor.

**An Ordinance to Amend the Native Lands Trust Ordinance, 1938**

Date of commencement. *Procl. 61/42 / 543.* 22nd December, 1942

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 Lands Trust (Amendment) Ordinance, 1942, and shall be read as one with the Native Lands Trust Ordinance, 1938, hereinafter referred to as the Principal Ordinance, and shall be reserved for the signification of His Majesty's pleasure.
- No. 28 of 1938.
- Amendment of section 3 of the Principal Ordinance. 2. Section 3 of the Principal Ordinance is hereby amended by inserting therein the following new definition:—  
“the ‘appointed date’ means a date to be appointed by the Governor by notice in the Gazette:  
Provided that, in the absence of any instructions from the Secretary of State to the contrary, such date shall not be earlier than six months after the Emergency Powers (Colonial Defence) Order in Council, 1939, ceases to have effect.”
- Amendment of section 28 (3) of the Principal Ordinance. 3. Sub-section (3) of section 28 of the Principal Ordinance is hereby amended by inserting therein the words “or to a native reserve” between the word “lands” and the word “before” which appear in the second line of the second proviso thereto.
- Amendment of section 30 of the Principal Ordinance. 4. Section 30 of the Principal Ordinance is hereby amended—  
(a) by inserting therein the words “or of the proviso to sub-section (5) of section 7” between the word “Part” and the word “of”, which appear in the third and fourth lines of sub-section (1) thereof; and  
(b) by substituting the words “Part or under the proviso to sub-section (5) of section 7 of this Ordinance” for the word “Part” which appears in the fifth line of sub-section (2) thereof.
- Amendment of section 35 of the Principal Ordinance. 5. Section 35 of the Principal Ordinance is hereby amended by inserting therein the commas and words “, whether leased under the provisions of this Ordinance or of the Ordinance repealed by this Ordinance,” between the word “lands” and the word “shall”, which appear in the second line of sub-section (1) thereof.

1942

Native Lands Trust

No. XXXIII

6. Section 49 of the Principal Ordinance is hereby amended by inserting therein between sub-sections (1) and (2) thereof the following new sub-section:—

Amendment of section 49 of the Principal Ordinance.

“(1)A. The provisos contained in sub-section (1) of this section shall apply only to such claimants of rights as shall have established their claims to the satisfaction of the Governor on or before the appointed date.”

7. The Principal Ordinance is hereby amended by inserting therein the following new section as section 66A:—

Amendment of the Principal Ordinance.

“66A. Notwithstanding anything in this Ordinance contained, the provisions of this Ordinance relating to the setting apart of land in the native lands shall be deemed to have been complied with in respect of all townships, other than Fort Hall and Kakamega Townships, and trading centres established in the native lands before the date of commencement of this Ordinance.”

8. Sub-section (1) of section 70 of the Principal Ordinance is hereby amended by inserting therein the words “may be established to the satisfaction of the Governor on or before the appointed date and which” between the word “as” and the word “have” which appear in the third line of the second proviso thereto.

Amendment of section 70 of the Principal Ordinance.

9. The boundaries of the Masai Native Land Unit contained in the First Schedule to the Principal Ordinance are hereby amended by deleting therefrom the words “railway reserve” which appear in the nineteenth paragraph thereof and substituting therefor the words “Railway Reserve boundary”.

Amendment of the boundaries of the Masai Native Land Unit.

10. The boundaries of the Kerio Native Land Unit contained in the First Schedule to the Principal Ordinance are hereby amended—

Amendment of the boundaries of the Kerio Native Land Unit.

(i) by deleting therefrom the figures “274” which appear in the fifty-fourth paragraph thereof and substituting therefor the figures “264”; and

(ii) by deleting therefrom the figures “2167/1” which appear in the one hundred and sixth and one hundred and seventh paragraphs thereof and substituting therefor the figures “2112/R”.

11. The boundaries of the Lumbwa Native Land Unit contained in the First Schedule to the Principal Ordinance are hereby amended by deleting therefrom the figures “3970” which appear in the second paragraph thereof and substituting therefor the figures “3979”.

Amendment of the boundaries of the Lumbwa Native Land Unit.

12. Section XXIX—Dabida and Sagala—of the boundaries of the Coast Native Land Unit contained in the First Schedule to the Principal Ordinance is hereby amended by deleting therefrom the figures “3380/2” which appear in the twenty-seventh paragraph thereof and substituting therefor the figures “3880/2”.

Amendment of the boundaries of the Coast Land Unit.