COLONY AND PROTECTORATE OF KENYA.

ORDINANCES AND REGULATIONS.

VOL. XXIII.

1ST JANUARY TO 31ST DECEMBER, 1921.

NAIROBI.

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do.	26- 5-21	48	Forest Rules, 1921 (No. 2)

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...itive Offenders Order-in-Council, 1920	28- 1-21	5	Order to operate from 1st March, 1921
...n Post Office Act, 1898	1- 2-21	4	Foreign Money Order & Postal Order Rules, 1921
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do.	13-12-21	107	Tax payable in Kamasia Reserve
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do.	19- 3-21	12	Rumuruti Township Boundaries proclaimed
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Townships Ordinance, 1903	8- 5-21	45	Kismayu Township Dustbins Rules, 1921
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ORDINANCES.



COLONY AND PROTECTORATE OF KENYA.

AN ORDINANCE.

No. 1 OF 1921.

Assented to in His Majesty's name this 5th day of February, 1921.

EDWARD NORTHEY,
Governor.

An Ordinance to make Provision for the Settlement of Discharged Soldiers on Crown Lands and for other Incidental Purposes.

BE it enacted by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof:—

Short title.

1. This Ordinance may be cited as "The Crown Lands (Discharged Soldiers Settlement) Ordinance. 1921," and shall be read as one with the Crown Lands Ordinance, 1915, herein referred to as "the Principal Ordinance."

Definitions.

2. In this Ordinance unless inconsistent with the context or subject matter:—

(1) "Discharged soldier" means any person who is a British subject of purely European extraction and who has served during the present war in the naval, military or air forces of the United Kingdom. or of any of the British Colonies or Protectorates, or of the self-governing British Dominions, or who has served at one of the seats of war in either the naval, military or air forces of any of the Powers in alliance with His Majesty or who has served as a nurse with any of the said forces, or who has served in any of the recognised women's service corps, including the Land Army of His Majesty or of any of the Powers in alliance with His Majesty, and the term shall also include any person still serving with any of the said forces.

(2) "Prescribed" means prescribed by this Ordinance or the Rules.

(3) "Rules" mean rules under this Ordinance.

Eligibility of applicants.

3. Discharged soldiers approved by the Governor, may be granted land under this Ordinance.

Land to be reserved.

4. (1) The Land Officer with the approval of the Governor may from time to time, by notification in the Gazette, reserve farms to be leased to discharged soldiers. Provided that such leases shall not be sold at auction but shall be allotted to discharged soldiers named by the Governor.

(2) Any such reservation shall lapse at such date as the Governor may by notification in the Gazette direct.

(3) The Land Officer may grant to any discharged soldier approved by the Governor a lease of a farm, subject to the conditions herein appearing.

(4) On and after the date notified by the Land Officer in the Gazette any discharged soldier may apply in the prescribed form and manner for a farm reserved for the purposes of this Ordinance.

Division of land.

5. All land reserved under the last preceding section shall be divided into two classes, namely:—

Class A. Farms not exceeding three hundred acres in respect of which no purchase money shall be payable, and

Class B. Farms exceeding three hundred acres in respect of which purchase money shall be payable.

Leased farms to be deemed agricultural lands.

6. Farms leased under this Ordinance shall be deemed to be agricultural lands within the meaning of the Principal Ordinance.

Conditions applicable to farms of the description Class A.

7. Subject to the provisions of Section 6 of the Principal Ordinance, the following provisions shall be applicable to every lease of a farm of the description Class A. applied for or held under this Ordinance:—

(1) Rent shall be payable as from the 1st day of January, 1921, and thereafter on the 1st day of January in every ensuing year.

Residence.

(2) Every lessee shall reside in the Colony or Protectorate for an aggregate period of eighteen months within a period of three years after the date of allotment, and evidence of residence must be supported by affidavit and a certificate signed by a Magistrate, which shall be forwarded by the lessee to the Land Officer in January in each year.

Transfer.

(3) No land to which this section applies shall be sold, transferred, assigned, leased or sub-leased, (except by way of mortgage), until the residential conditions have been fulfilled; and any sale, transfer, assignment, lease or sub-lease, (except by way of mortgage), in contravention of this sub-section shall be null and void: Provided that where the Land Officer is satisfied that a discharged soldier who has obtained land pursuant to the provisions of this Ordinance is compelled by sickness of himself or his family or other adverse circumstances to leave before he is able to fulfil the residential conditions hereinbefore set forth it shall be transferable but only in accordance with such conditions as the Governor may prescribe. The next of kin of a deceased discharged soldier shall be exempt from the provisions of this sub-section.

(4) The application of every approved applicant who has not completed his title on or before the 1st July, 1921, or within six months of the date of his discharge whichever shall be the later shall be cancelled.

Conditions applicable to farms of the description Class B.

8. Subject to the provisions of Section 6 of the Principal Ordinance the following provisions shall be applicable to every lease of a farm of the description Class B. applied for or held under this Ordinance:—

Fees and duties.

(1) All registration fees and stamp duties shall be paid by the lessee in full before the lease is issued.

Survey fees.

(2) The Survey fees may be paid by annual instalments at the rate of 10 per cent. without interest, the first of such instalments shall be paid on the 1st day of January next following the execution of the lease, and thereafter on the 1st day of January in every year. Unless each such instalment is paid on the date on which it falls due the amount of each instalment shall be deemed to be added to the annual rent reserved by the lease and shall be payable and recoverable as rent.

Purchase money.

(3) Every applicant may pay the purchase money on the date of allotment, or may if he so desire pay the purchase money in manner provided by the next succeeding sub-section.

(4) If the purchaser shall elect to pay the purchase money by instalments, such instalments shall be paid by thirty equal yearly instalments commencing five years subsequent to allot-

ment. There shall be included in the covenants of the lease a covenant expressing the amount of each instalment due and the date on which each instalment is payable, and the purchaser shall pay interest at the rate of 5 per centum per annum on the unpaid portion of the purchase money provided, however, that he may at any time pay the balance of the purchase money or pay by a less number of instalments, and the Land Officer shall on the receipt of such balance, or in the case of such altered method of payment, endorse the lease accordingly and provided further that he may agree to pay the purchase money by ten or any lesser number of equal yearly instalments commencing five years subsequent to allotment and no interest shall in such case be payable on the unpaid portion of the purchase money.

(5) Rent shall be payable as from the 1st day of January, 1921, and thereafter on the 1st day of January in every ensuing year.

(6) Every purchaser shall himself occupy the farm, or shall appoint a manager to occupy the farm for a total period of not less than six months within the first three years of the date of allotment. Such manager shall be a discharged soldier and evidence of occupation shall be supported by an affidavit sworn by the occupier and a certificate signed by the District Commissioner of the district in which the farm is situate. Residence.

(7) Every approved applicant shall appear in person before the Land Officer in Nairobi or before the District Commissioner of the district in which the farm is situate within three years of the date of allotment. Appearance.

(8) No land to which this section applies shall be sold, transferred, assigned, leased or sub-leased, (other than by way of mortgage) to a discharged soldier within a period of five years from the date of allotment unless and until 25% of the purchase money shall have been paid to the Land Officer, and no land shall be sold, transferred, assigned, leased or sub-leased (other than by way of mortgage) to any other person within a period of five years from the date of allotment unless and until the whole of the purchase price shall have been paid to the Land Officer, and in no event whatever shall the property comprised in the lease be disposed of in manner in this section mentioned (other than by way of mortgage) unless and until the lessee shall have fulfilled the conditions of residence and appearance prescribed by clauses (6) and (7) of this section. Provided that after the said period of five years the provisions of Section 29 (4) of the Principal Ordinance shall apply. The next of kin of a deceased discharged soldier shall be exempt from the provision of this sub-section. Transfer.

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(9) Where any allottee desires to sell a portion of the land allotted he shall be required to pay to the Land Officer in accordance with the foregoing provisions of this section only in respect of the portion of the land he desires to sell. Sub-division.

(10) All purchase moneys due under this section, with interest (if any) at the prescribed rate, shall constitute a first charge against the land.

9. In any case of an applicant for a farm under the last two preceding sections who has not received his discharge by the date of allottment, the date of his honourable discharge shall be held to be the date of allotment and the term of the lease shall commence to run and all rents and other payments shall accrue as from such date. Provided that interest on purchase money shall commence to accrue five years after the date of allotment and further provided that should a serving soldier desire to obtain a lease of his farm prior to his discharge he may give notice in writing to the Land Officer of his intention so to do and the date of such notice shall be held to be the date of allotment. Date of honourable discharge to be deemed date of allotment.

10. No person shall by himself or through any other person for him be entitled to apply for or to acquire, obtain or hold any land under this Ordinance except for his own use or benefit, and no person who at the time of making his application has made any arrangement or agreement to permit any other person to acquire by purchase or otherwise the allotment in respect of which Dummying.

his application is made or any part thereof or the applicant's interest therein shall become a lessee under this Ordinance. And any person who wilfully and fraudulently commits, incites or employs any other person to commit any breach of these provisions by obtaining such land not exclusively for his own use or benefit shall be liable to a term of imprisonment of either description of not less than two months and not exceeding one year and every one aiding or abetting in such a breach shall be liable to the same punishment.

Power to make rules.

11. The Governor shall have power from time to time to make, alter or revoke Rules:—

(i) To alter the definition of the term "discharged soldier."

(ii) To prescribe the manner, form and conditions under which applications under this Ordinance may be made.

(iii) Prescribing any form to be used under this Ordinance.

(iv) Prescribing the method of allotment, and the conditions on which allottees will be permitted to exchange farms.

(v) Governing the issue of titles.

(vi) Governing generally any matters which are necessary or convenient for giving effect to this Ordinance.

Saving.

12. Save where in this Ordinance otherwise provided the provisions of the Principal Ordinance shall apply in respect of all leases granted under this Ordinance.

Repeal.

13. The Discharged Soldiers Settlement Ordinance, 1919, and the Discharged Soldiers Settlement Amendment Ordinance, 1920, are hereby repealed.

AN ORDINANCE.

Repealed by ord. ——— 13/22 Q.g. p. 585.

No. 2 OF 1921.

Assented to in His Majesty's name this 5th day of February, 1921.

EDWARD NORTHEY,
Governor.

An Ordinance to further Amend "The Customs Tariff Ordinance, 1909."

BE it enacted by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof:—

Short title.

1. This Ordinance may be cited as "The Customs Tariff (Amendment) Ordinance (No. 2), 1921," and shall be read as one with "The Customs Tariff Ordinance, 1909," hereinafter referred to as "the Principal Ordinance."

Proviso to Section 2 of Principal Ordinance repealed.

2. The proviso to Section 2 of the Principal Ordinance is hereby repealed.

Repealed by Ords. 13/22 Sch. p. 585.

AN ORDINANCE.

No. 3 OF 1921.

Assented to in His Majesty's name this 15th day of February, 1921.

EDWARD NORTHEY,

Governor.

An Ordinance to further Amend the Customs Tariff Ordinance, 1909.

BE it enacted by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof:—

Short title.

1. This Ordinance may be cited as "The Customs Tariff Amendment Ordinance, 1921," and shall be read as one with the Customs Tariff Ordinance, 1909, (hereinafter called "the Principal Ordinance") and all amendments thereto.

Amendment to Table III of the Principal Ordinance.

2. Table III of the Principal Ordinance shall be and is hereby amended by the insertion in (28) of the words "or boxes whole or in sections" after the word "crates" and by the addition of the following:—

(30) Drugs and medicines imported for *bona fide* medicinal purposes and rectified spirit to be used solely in the compounding of drugs and medicines.

AN ORDINANCE.

No. 4 OF 1921.

Assented to in His Majesty's name this 15th day of February, 1921.

EDWARD NORTHEY,

Governor.

An Ordinance to Amend the Law Relating to the Designation of Officers.

BE it enacted by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof:—

Short title.

1. This Ordinance may be cited as "The Designation of Officers Ordinance, 1921."

Definition.

2. "Non-native area" means an administrative district or other administrative area which the Governor may by notice in the Gazette declare to be a Non-native area.

Colonial Secretary to perform duties of Chief Secretary.

3. From the date of the commencement of this Ordinance the duties at present devolving upon the Chief Secretary and the Assistant Chief Secretary respectively shall devolve upon the Colonial Secretary and the Assistant Colonial Secretary respectively, and every ordinance, appointment, regulation, proclamation, rule, order or notice in which the term Chief Secretary or Assistant Chief Secretary occurs shall be read as if the designation Colonial Secretary or Assistant Colonial Secretary (as the case may be) occurred therein instead.

4. From the date of the commencement of this Ordinance the duties at present devolving upon the Chief of Customs and the Deputy Chief of Customs respectively shall devolve upon the Commissioner of Customs and the Deputy Commissioner of Customs respectively and every Ordinance, appointment, regulation, proclamation, rule, order or notice in which the term Chief of Customs or Deputy Chief of Customs occurs shall be read as if the designation Commissioner of Customs or Deputy Commissioner of Customs (as the case may be) occurred therein instead.

Senior Commissioner to perform duties of Provincial Commissioner and Resident Commissioner and Assistant Resident Commissioner to perform duties of District Commissioner and Assistant District Commissioner in Non-native areas.

5. From the commencement of this Ordinance officers shall be designated as follows:—

Provincial Commissioners to be called Senior Commissioners.

District Commissioners if stationed in Non-native areas to be called Resident Commissioners.

Assistant District Commissioners if stationed in Non-native areas to be called Assistant Resident Commissioners.

Designations to be substituted in all ordinances, regulations, notices, etc.

6. Where in any ordinance, appointment, regulation, proclamation, rule, order or notice the term Provincial Commissioner occurs it shall be read as if the term Senior Commissioner had been substituted therefor, and in the same manner where the terms District Commissioner and Assistant District Commissioner occur they shall, when relating to Non-native areas, be read as if the terms Resident Commissioner and Assistant Resident Commissioner had been substituted therefor respectively.

Administrative officers seconded to Judicial Department.

7. Administrative Officers seconded to the Judicial Department for magisterial work shall be called Resident Magistrates.

AN ORDINANCE.

No. 5 OF 1921.

Assented to in His Majesty's name this 15th day of February, 1921.

EDWARD NORTHEY,
Governor.

An Ordinance to Amend the Prevention of Cruelty to Animals Ordinance, 1913.

BE it enacted by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof:—

Short title.

1. This Ordinance may be cited as "The Prevention of Cruelty to Animals (Amendment) Ordinance, 1921," and shall be construed and read as one with the Prevention of Cruelty to Animals Ordinance, 1913, hereinafter referred to as "the Principal Ordinance."

2. Section 2 (*e*) of the Principal Ordinance shall be and is hereby amended by the substitution of fifty pounds for three hundred rupees and of nine months for six months.

Amendment of Section 7 of the Principal Ordinance.

3. Section 7 of the Principal Ordinance shall be and is hereby amended by the addition of the following sub-section:—

(v) Generally for the better carrying out of the objects and purposes of this Ordinance.

Amendment of Section 8 of the Principal Ordinance.

4. Section 8 of the Principal Ordinance shall be and is hereby amended by the addition of the following sub-section.

(3) Where any animal whether drawing a vehicle or otherwise, shall appear to any duly appointed Inspector of the East Africa Society for the Prevention of Cruelty to Animals to be so diseased or injured as to be unfit for work or to have suffered such ill-treatment as would be an offence under Section 2 (1) of the Principal Ordinance, it shall be lawful for such Inspector to detain such animal or vehicle and to take charge of, and deal with same, in like manner as a Police Officer is empowered so to do under Section 8 (2) of the Principal Ordinance, and the reasonable costs and expenses incurred shall be recoverable in the manner therein provided.

AN ORDINANCE

amended ord. 21/21

No. 6 OF 1921.

Assented to in His Majesty's name this 15th day of February, 1921.

EDWARD NORTHEY,

Governor.

An Ordinance to Amend the Rent (War Restriction) Ordinance, 1918.

BE it enacted by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof:—

Short title.

1. This Ordinance may be cited as "The Rent (War Restriction Amendment) Ordinance, 1921," and shall be read as one with the Rent (War Restriction) Ordinance, 1918, hereinafter called "the Principal Ordinance."

Standard rent to which provisions of Ordinance applicable raised from Rs. 1,200/- per annum to £150 per annum.

2. Section 2 of the Principal Ordinance shall be and is hereby amended by the substitution of the figures £150 for the figures Rs. 1,200/- in the last line of the definition of the expression "dwelling-house" in the said section and by the addition to the definition of the word "landlord" of the following words and the expression "landlord" shall include any person acting on behalf of a landlord.

3. Section 5 of the Principal Ordinance shall be and is hereby amended by the omission in lines 9 and 10 thereof of the following words "or in the employ of some tenant from him."

Additional restriction on rent being raised by landlord.

4. Whenever an order of the Court has been made under Section 5 of the Principal Ordinance the landlord shall not let the dwelling-house in respect of which such order has been made to any other tenant for a higher rent than that at which the dwelling-house was let immediately prior to such order.

Dwelling house required for occupation of landlord or employee not to be let for one year to any other person.

5. Whenever an order of the Court has been made under Section 5 of the Principal Ordinance on the ground that the dwelling-house is reasonably required by the landlord for the occupation of himself or some other person in his employ the landlord shall not let the dwelling-house for one year thereafter to any other person other than the person for whose accommodation the Court was informed by the landlord that the dwelling-house was required without the sanction of the Court or without first giving opportunity of occupation to the previously ejected tenant.

v. ord. 21/21.

Penalty.

6. Any landlord contravening or abetting the contravention of the provisions of Sections 2 or 4 hereof shall be guilty of an offence and shall be punishable on summary conviction to a term of imprisonment not exceeding 6 months or to a fine not exceeding £500 or to both.

Duration of Ordinances.

7. Section 8 of the Principal Ordinance is hereby amended by the deletion of the words "of six months thereafter" and the substitution therefor of the words "terminating at the end of the year nineteen hundred and twenty-three."

AN ORDINANCE.

No. 7 OF 1921.

Assented to in His Majesty's name this 15th day of February, 1921.

EDWARD NORTHEY,
Governor.

An Ordinance to Amend the Appropriation Ordinance, 1920.

BE it enacted by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof:—

Short title.

1. This Ordinance may be cited as "The Appropriation (Amendment) Ordinance, 1921," and shall be read as one with the Appropriation Ordinance, 1920, hereinafter called "the Principal Ordinance."

2. Section 2 of the Principal Ordinance is hereby amended by the deletion of the words "East Africa Protectorate" from the second line thereof and substitution of the words "Colony and Protectorate of Kenya" therefor.

3. Section 4 of the Principal Ordinance is hereby amended by the insertion of the words "Colony and" before the word "Protectorate" wherever the word Protectorate occurs throughout the said section.

AN ORDINANCE.

No. 8 OF 1921.

Assented to in His Majesty's name this 15th day of February, 1921.

EDWARD NORTHEY,
Governor.

An Ordinance to Take a Census of the Non-Native Population of the Colony and Protectorate of Kenya.

BE it enacted by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof:—

Short title.

1. This Ordinance may be cited as "The Census Ordinance, 1921."

Interpretation.

2. In this Ordinance the expression "Non-Native" shall mean and include all persons who on the 24th day of April, 1921, are within the boundaries of the Colony and Protectorate of Kenya except any person who by birth or adoption belongs to any of the aboriginal races or tribes of Africa or is a Somali or Swahili.

Census to be taken in 1921.

3. A census for the Colony and Protectorate of Kenya shall be taken in the year 1921 and the census day shall be Sunday the 24th day of April in that year.

Authority for census.

4. (1) The Governor shall direct the taking of the census and shall appoint an officer to be Superintendent of the census.

(2) The Superintendent shall, subject to the approval of the Governor, prepare and issue such forms and instructions as he deems necessary for the taking of the census.

(3) All expenses incurred, with the approval of the Governor for the purposes of the census shall be paid out of the General Revenue of the Colony and Protectorate.

Enumeration Districts formed.

5. For the purposes of the census every district shall be subdivided into Enumeration Districts and the Governor shall appoint an Enumerator or Enumerators for each Enumeration District.

Schedules to be prepared.

6. Schedules shall be prepared by or under the directions of the Superintendent for the purpose of being filled in by or on behalf of all Non-Native occupiers of dwellings with the following particulars:—

The name, sex, age, occupation, condition as to marriage, relation to head of family, birth place, race, nationality and religious persuasion of every Non-Native living person who abode in every house on the night of the census day.

Distribution of schedules.

7. Every Enumerator shall prior to the end of the week ending with the Saturday next before the census day leave at the dwelling of every Non-Native within his Enumeration District one or more of the said schedules; and on every schedule shall be plainly expressed that it is to be filled up by the occupier for whom it is left and that the Enumerator will collect all such schedules on the Monday following or on a day as near thereafter as shall be possible.

Occupiers to fill up schedules.

8. Every occupier for whom any such schedule has been so left shall fill up or cause to be filled up the schedule to the best of his knowledge and belief so far as relates to all persons dwelling in the house occupied by him and shall sign his name thereto and shall deliver the schedule so filled up and signed to the Enumerator when required to do so by him.

Collection of schedules after census day.

9. Every dwelling shall be visited in every Enumeration District by an Enumerator so soon as may be possible after the census day and all schedules shall then be collected by him.

Travellers.

10. The Superintendent shall obtain returns of the particulars required by this Ordinance with respect to persons who during the night of the census day were travelling or on ship board, or for any reason were not abiding that night in any house of which account is to be taken by the Enumerators, and shall include these returns in the reports to be made under this Ordinance.

Superintendent to report.

11. The Superintendent shall prepare a report on the census returns so obtained and such report shall be printed and laid before the Legislative Council in due course.

Declaration by Enumerator.

12. Every Enumerator shall make a declaration to the effect that the returns furnished by him in pursuance of this Ordinance or any instructions issued thereunder have been truly and faithfully taken and that to the best of his knowledge they are correct as far as may be known and such declaration shall be made before a Magistrate.

Penalty for default.

13. (1) If any person employed for the purposes of this Ordinance makes wilful default in the performance of any of his duties under this Ordinance or makes any wilfully false declaration he commits an offence and shall be liable for each offence to a fine not exceeding £5.

Penalty for refusal or neglect to make return or false declaration.

(2) If any person for whom a schedule is left as hereinbefore provided:—

(*a*) Wilfully refuses or without lawful excuse neglects to fill up or cause to be filled up the schedule to the best of his knowledge and belief or to sign and deliver it as in this Ordinance required; or

(*b*) Wilfully makes signs or delivers or causes to be made signed or delivered any false return of any matter specified in the schedule; or

(*c*) Refuses to answer or wilfully gives a false answer, to any question necessary for obtaining the information required to be obtained under this Ordinance;

he commits an offence and shall for each offence be liable on conviction to a fine not exceeding £5.

Penalty for communicating confidential information.

(3) If any person employed for the purposes of this Ordinance communicates, without lawful authority, any information acquired in the course of his employment he shall be guilty of an offence and shall be punishable on conviction with imprisonment of either description for three months or with a fine not exceeding £100 or with both such fine and imprisonment.

AN ORDINANCE.

No. 9 OF 1921.

Assented to in His Majesty's name this 15th day of February, 1921.

To be read with ord. 17/22.
O.S. fr. 640.

EDWARD NORTHEY,
Governor.

An Ordinance to Provide for the Manufacture, Sale and Use of Industrial Alcohol.

BE it enacted by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof:—

Short title.

1. This Ordinance may be cited as "The Industrial Alcohol Ordinance, 1921."

Interpretation of terms.

2. In this Ordinance and in any Rules made under this Ordinance unless the context otherwise requires:—

"Colony" means the Colony and Protectorate of Kenya.

"Appointed Officer" means an officer, servant of the Government specially appointed in writing by the Governor to administer this Ordinance, or one who is charged with the performance of any particular duty in connection with it.

v. ord. 17/22

"Licensed Premises" means any building or place used by a person to whom a licence is granted under this Ordinance and includes all buildings or places owned or occupied by or on behalf or for the use of such person.

"Spirit Room" means any building or place in a distillery approved by the appointed officer and set apart for the reception of distilled spirit prior to denaturing.

"Licence" means a licence in the form prescribed, granted by the appointed officer and "Licensee" means a person holding a licence so granted for the purpose of his business and includes a body of persons whether corporate or otherwise.

"Renewal Licence" means a licence in respect of premises for which a licence of the kind applied for is in force at the date of application.

"Spirits" means spirits of any description and all mixtures containing more than two per cent. of alcohol.

"Spirits of Wine" means spirits of any strength exceeding 50 degrees above proof.

"Proof" means the strength of proof as ascertained by Sykes's hydrometer and

"Proof Spirits" means such spirits as at a temperature of 51 degrees by Fahrenheit's thermometer shall weigh twelve-thirteenths of an equal measure of distilled water.

"Distiller" means and includes any person under this Ordinance who conducts work or carries on any distillery, or who distils, rectifies or manufactures any spirits, by any process whatsoever, either by himself or his agent or servant.

"Distillery" means and includes any place or premises where any process or distillation whatever of spirits is carried on, or where any process of rectification of spirits by re-distillation, or other process is carried on or where any spirits are manufactured or produced from any substance whatever by any process whatever under this Ordinance.

"Denature" means to mix spirits with any substance or combination of substances in the manner set forth in this Ordinance, so as to render the mixture unfit for human consumption as a beverage and

"Industrial Alcohol" means spirits which to the satisfaction of the appointed officer are so denatured by the admixture of any substance or combination of substances and includes Methylated spirits.

"Wort" means any liquid ~~or~~ substance containing saccharine matter before any fermentation has commenced.

"Wash" means ~~wash~~ wort prepared for distillation after fermentation has commenced.

"Low Wines" means spirit of the first extraction conveyed into a low wines receiver.

"Feints" means spirits conveyed to a feints receiver.

"Still" means and includes any still ~~or apparatus~~ for distilling or making spirits or any part of such ~~apparatus~~ still.

"Prescribed and Approved" means respectively prescribed or approved by the appointed officer or by the Regulations framed under this Ordinance as the case may be.

"Package or Vessel" means any cask, hogshead, barrel, drum, case or other vessel which contain or is capable of containing spirits.

Licences for distilling.

3. (1) Notwithstanding anything to the contrary in Section 5 of the Liquor Ordinance, 1909, contained, the Governor may issue licences in accordance with this Ordinance for the distillaton and rectification of alcohol for purely industrial, medical or scientific purposes.

(2) Such a licence shall specify the premises, hereinafter called the distillery, in which such alcohol may be distilled.

(3) Except as is hereinafter provided, all alcohol distilled under the provisions of this section shall before removal from the distillery be converted into denatured alcohol by any method to be approved in Rules.

Certain Acts deemed to constitute distilling.

4. Every person who makes or keeps worts, wash, low-wines or feints and who has in his possession or uses a still (unless such still is being merely kept or used under special provisions of the Ordinance showing a contrary intention) shall for the purposes of this Ordinance be deemed to be a distiller and to distil spirits.

An officer to administer the Ordinance.

5. The Governor may appoint an officer to be charged with the administration of this Ordinance.

Officers not to be interested.

6. No officer appointed under this Ordinance shall be interested or concerned, directly or indirectly, in the manufacture, sale or trade in spirits.

Acts for which a licence is required.

7. No person shall, without first obtaining the appropriate licence provided for in the schedule of this Ordinance, do any of the following things save as is by this Ordinance specially excepted:—

Keep a Still.

Make a Still.

Distil Spirits.

Rectify, compound or denature spirits.

Exemption of certain stills.

8. A licence shall not be required for a still of less capacity than six gallons if used for experiments authorised by the appointed officer with the approval of the Governor or for any special purpose similarly authorised, or for any still being transported through this Colony to some other country or state, provided it does not remain in this Colony for a longer period than thirty days except with the consent of the appointed officer.

Applications for licences.

9. Applications for licences shall be made as prescribed by this Ordinance or Rules that may be framed thereunder.

Refusal of new licence.

10. (1) The appointed officer shall have the discretion to refuse any application for a new licence.

(2) In the case of a refusal he shall deliver to the applicant a written statement of the reasons for refusal.

(3) The applicant shall have the right of appeal to the Governor-in-Council, whose decision shall be final.

Refusal of licence to person convicted of liquor offence.

11. (1) The appointed officer shall have the discretion to refuse a new licence or a renewal licence to any person who shall have been convicted of having illicitly distilled, rectified, compounded, removed, transported, sold, bartered or given any spirits.

(2) The conviction of a manager or a responsible representative of an applicant may for the purposes of this section, be deemed to be conviction of the applicant.

(3) The applicant shall have the right of appeal to the Governor-in-Council, whose decision shall be final.

To whom licences may be granted.

12. A licence to distil or rectify spirits under this Ordinance shall be granted only to a person who is an owner, lessee, or trustee, in actual possession of the farm or premises and, in case of absence from the Colony of the owner, lessee or trustee, a licence may be granted to a manager or agent, specially appointed.

Suspension of licence.

13. If the holder of any licence under this Ordinance neglects to carry out any duty imposed upon him by the Ordinance or carries on his business in disregard of any requirements of this Ordinance or of Rules under it relating to the premises, buildings, appliances, stock books or the like, works, fittings, vessels, or any apparatus, or to the mode of conducting any business or operation under this Ordinance, the appointed officer, after giving reasonable notice in writing and without prejuidce to any prosecution to which such holder may be liable, may require the ommission to be supplied or the irregularity corrected, and upon failure to comply with such notice may by a further written notice to the said holder, or his manager, declare the licence to be suspended, and such suspension shall continue until withdrawn by the appointed officer upon full compliance with the requirements of the law, and until then such holder shall not be entitled to receive a renewal licence.

Prohibition of work after expiry of licence.

14. After the expiry or cancellation of a licence, no wort shall be made or wash fermented, or low-wines, feints, or spirits be distilled nor shall any spirits be rectified or be removed from the premises until a renewal licence has been obtained, and any things so done shall be deemed to be done in contravention of the foregoing provisions of this Ordinance in regard respectively to distilling, rectifying and removal without a licence.

Provided that this section shall not apply in a case where application for a renewal licence has been duly made before the expiry of the former licence, and the money for the licence duty has been deposited and the renewal licence has not yet been granted or refused.

Provided also, that the owner may, after the expiry or cancellation of his licence and subject to any conditions prescribed by the appointed officer sell, or otherwise dispose of, any materials, stocks or other things in connection with the business remaining on his hands at the date of the expiry of the licence.

Transfer of licence.

15. Any licence under this Ordinance may be transferred by the appointed officer to an approved successor of the licence holder in the business carrying on the business upon the same premises.

Offence of keeping a still without a licence.

16. (1) Every person who:—

(*a*) Without having the necessary licence does any act or keeps any still for which a licence is required, or on whose premises or land or in whose custody or possession such a still shall, with his knowledge, be;

(*b*) Having a licence under this Ordinance keeps or uses a still for any purpose not authorised by the licence, or carries on any business or does any act not specified in the licence and contrary to the provisions of this Ordinance,

shall be guilty of an offence, and upon conviction thereof shall be liable to imprisonment of either description for any term not exceeding 12 months, or a fine not exceeding two hundred pounds.

Obstructing officers.

(2) If any person, by himself or his servant, hinders, molests, or obstructs any officer in the performance of any duty under this Ordinance, he shall be guilty of an offence.

Forfeiture of spirits, worts, etc., illicitly kept.

17. If any wort or wash, low-wines, feints or spirits are found on any unauthorised part of the licensed premises, or in any vessels other than those provided for their reception, or in any premises or place not specified for their reception, the same shall be forfeited and the Licensee shall be liable to a penalty not exceeding one hundred pounds.

Illicit removal of spirits, worts, etc.

18. If any person removes any worts, wash, low-wines, feints or spirits from the premises of a distiller, or spirits from the premises of a rectifier, otherwise than as prescribed or knowingly buys or receives any wort, wash, low-wines, feints or spirits so removed, he shall be guilty of an offence.

Spirit store.

19. Every distiller shall provide at his distillery a suitable and secure spirit room to be approved by the appointed officer.

Denaturing of spirits.

20. All spirits distilled in this Colony shall except as hereinafter provided be denatured in the manufacture of Industrial Alcohol in accordance with this Ordinance.

Purposes for which spirits may be removed from spirit store.

21. Spirits may be moved from a distillery under prescribed conditions for any of the following purposes:—

(*a*) For use by registered and licensed chemists or druggists on payment of the special duty leviable thereon and when used in accordance with the Regulations, or by any person approved by the appointed officer as conducting approved experiments or as a manufacturer of perfumes or other approved products.

(*b*) For special use in a Government Laboratory or other institution approved by the appointed officer, in quantities not exceeding thirty gallons at a time.

Industrial alcohol exempt from duty.

22. Industrial alcohol made under the provisions of this Ordinance shall be exempt from duty.

What spirits may be used.

23. It shall be lawful to use only spirits manufactured in the Colony and of a strength of not less than fifty degrees over proof by Sykes's Hydrometer in the manufacture of industrial alcohol.

Who may denature, etc.

24. No person other than a licensed distiller using a rectifying still shall denature spirits.

Where denaturing may be done.

25. Spirits may be denatured in such part of a distiller's licensed premises as shall be approved by the appointed officer and in no other place.

Supervision of officer.

26. All denaturing of spirits and all manufacture of ether shall be carried out in the manner prescribed by Rules.

Offences by attempt at recovery of clean spirits

27. If any person being or not being licensed as aforesaid:—

(*a*) Prepares or attempts to prepare any industrial alcohol for use as a beverage, or as a mixture with a beverage, or

(*b*) Sells any industrial alcohol whether so prepared or not as or for a beverage, or mixed with a beverage; or

(*c*) Uses any industrial alcohol or any derivative thereof in the preparation of any article capable of being used wholly or partially as a beverage or internally as a medicine; or

(*d*) Sells or has in his possession any such articles in the preparation of which industrial alcohol or any derivative thereof has been used; or

(*e*) Not being a distiller shall store or have in his possession any methylic alcohol or other substance for denaturing spirits.

He shall be liable to a fine not exceeding one hundred pounds and to forfeiture of all such spirits and other substances as aforesaid. Nothing in sub-section (*e*) shall apply to a person importing such methylic alcohol or other substance solely for supplying to distillers.

Bond.

28. Bonds under this Ordinance shall be of the prescribed form and shall be executed and lodged with the appointed officer before any transactions secured thereby can proceed. They may be either special or general:—

(*a*) A special bond shall be for a sum sufficient to cover treble the liability under a particular transaction which shall be cancelled when such transaction is completed.

(*b*) A general bond shall be for a sum sufficient to cover the maximum liability estimated to accrue in the course of business.

New bonds.

29. The appointed officer may request a new bond to be furnished in the event of any change affecting the validity or security of the bond.

Provision of house for officer and his salary.

30. Every distiller, whose premises shall be situated at a distance of a quarter of a mile or upwards from the limits of a township, shall within three months after request by the appointed officer, provide a suitable house to be approved by the appointed officer, for the use of the officer to be placed in charge of the licensed premises, and shall pay to the Government such a sum annually as shall be equivalent to the salary of such officer.

Where noxious flavour is weakened, spirits dutiable.

31. Any liquid containing methylic alcohol, pyridine or other denaturant so purified or otherwise prepared by filtration or any other process as to be free wholly or partially from any flavour or odour which would otherwise appertain to it, shall be confiscated.

Provision of ladders, lights, etc.

32. Every person licensed under this Ordinance shall on demand by an officer made on the premises either by day or by night for the purpose of enabling him to carry out any of his duties, provide and place proper ladders and supply sufficient lights, and generally render every aid to such officer.

Breaking up of ground, etc., for purposes of search.

33. (1) If any officer shall have reasonable cause to suspect that any distillation or rectification of spirits is being illicitly carried on, he and any person acting in his aid may either by day or by night for the purpose of searching for any pipe or cock, conveyance or utensil, break up the ground in or adjoining or near the premises of a distiller or rectifier or any wall or partition of his premises or other place and may on finding any pipe or conveyance leading to or from the premises break up or break any ground, house, wall or other place through or into which the pipe or conveyance leads, and may break up or cut away any such pipe or conveyance and turn any such cock and examine whether any such pipe or conveyance conveys or conceals any spirits or any liquor used in the manufacture of spirits.

(2) If any damage is done in the search and such search is unsuccessful, the damage shall be made good at the public expense.

Warrant for search of suspected house or place.

34. (1) If any officer makes oath that there is cause to suspect that any still, vessel, utensil, spirits or materials for the manufacture of spirits is or are unlawfully kept or deposited in any house or place, any Magistrate or Justice of the Peace may issue a warrant authorising the officer and any person acting in his assistance to search the suspected house or place.

Entry, seizure, search.

(2) Any person so authorised may either by day or night, but at night only in the presence of a Police Officer, break open and forcibly enter any such house or place and seize any still, vessel, utensil, spirits or materials for the manufacture of spirits found therein and either detain the same or remove them to a gaol or other place of safe custody.

(3) Every still, vessel, or utensil and all spirits and materials so seized shall be absolutely forfeited, and the person in whose custody the same is found shall for every place in which every such still, vessel or utensil is found be liable to a fine not exceeding two hundred pounds.

(4) If any damage is done by such forcible entry, and the search is unsuccessful, the damage shall be made good at the public expense.

35. An officer may, without a warrant, seize any still, vessel, utensil, spirits or materials kept or used contrary to the provisions of this Ordinance.

Rules.

36. The Governor-in-Council may from time to time make Rules for all matters necessary for fully and effectually carrying out the purposes of this Ordinance.

Punishment for breach of Rules.

37. Such Rules may define punishments for contraventions thereof not exceeding a fine of fifty pounds or imprisonment of either description for a term not exceeding three months or both.

38. Every contravention of this Ordinance or Rules or the disobedience or disregard of any duty imposed by this Ordinance or the regulations, shall be an offence.

Resisting execution of Ordinance or Rules.

39. If any person forcibly opposes the execution of any powers given by this Ordinance or the Rules, or rescues, or attempts to rescue any person being arrested for an offence or any things seized or prevents or attempts to prevent such an arrest or seizure he shall be guilty of an offence.

Jurisdiction of Courts and powers of punishment.

40. (1) Every offence of which the punishment is not specifically defined shall be cognisable in the Court of a Magistrate holding a subordinate Court of the First class and shall be punishable by a fine not exceeding one hundred pounds or in default of payment by imprisonment of either description for a term not exceeding six months.

(2) Every offence for which a punishment is specifically defined not exceeding a fine of one hundred pounds or six months imprisonment, with or without forfeiture, shall be cognisable in the Court of a Magistrate holding a subordinate Court of the First class.

(3) Nothing in this section shall be deemed to prevent the prosecution of any offence in the High Court.

Jurisdiction as to place.

41. An offence may be charged as having been committed in any place in which prohibited processes have been conducted.

Waiver or enforcement of penalty or forfeiture.

42. The appointed officer may with the approval of the Governor waive proceedings against any person liable to a penalty or forfeiture, or may demand, accept or sue for the whole or any part of such penalty or forfeiture.

Reward to informer.

43. It shall be lawful for the appointed officer with the approval of the Governor to award any special sum not exceeding one-half out of a penalty recovered or out of the proceedings of the sale of any forfeited property to the officer or person by whose means and information the offence has been made known.

Court may adjudge forfeiture.

44. When any offence has been committed it shall be in the discretion of the Court, in addition to any other punishment, to adjudge the forfeiture of the whole or any part of the spirits or other preparations to which the offence relates or which may have been directly or indirectly involved in any such offence, or which any such offence may have been intended or calculated to cancel, as also of any packages, vessels, fittings, utensils, or other appliances involved.

Forfeiture of vessels, etc., used for removal.

45. (1) All packages, vessels, vehicles, or animals made use of in the carriage or removal of any things liable to forfeiture may be seized and forfeited, and every person in whose possession the same are found shall be liable to a fine not exceeding one hundred pounds.

Proviso.

Provided that if the owner of any such packages, vessels, vehicles or animals (not being himself a party to such offence) shall prove that they were used without any connivance on his part, they shall not be forfeited.

(2) All forfeitures under this Ordinance shall be removed to the office of the nearest Magistrate and subsequently to such other place of security or convenience as the appointed officer may prescribe and direct.

Seizure, condemnation and forfeiture.

46. All things liable to forfeiture may be seized and secured by an officer, and may on the expiry of one month thereafter be condemned and forfeited by the appointed officer with the approval of the Governor without any adjudication of forfeiture by a Court and may be dealt with and disposed of as herein provided.

Certificate as to licence.

47. Where on any proceeding for the recovery of a penalty or forfeiture under this Ordinance any question shall arise whether any person held a licence under this Ordinance at the time of committing the offence mentioned therein, a certificate purporting to be signed by the appointed officer that such person did or did not hold such licence, shall be *prima facie* proof of the fact stated in such certificate.

Sale of forfeited articles.

48. All spirits or other things adjudged or declared to be forfeited shall be destroyed or dealt with as the Governor may direct.

Notice of action against officer.

49. No action shall be instituted against any officer operating under this Ordinance or any person acting as such, for anything done in the exercise of his office, until one month after notice in writing shall have been served upon him by or on behalf of the person who intends to bring such action, in which notice shall be clearly and explicitly contained in the cause of the action, and the name and place of abode of the person bringing such action.

No costs against officer acting on probable cause.

50. In case any suit shall be brought to trial on account of any seizure or anything done under this Ordinance and a judgment shall be found for the plaintiff, and the Court shall certify on the record that there was probable cause of seizure or justification for the thing done, the plaintiff shall not be entitled to any costs of suit; nor shall the person who made such seizure or did such thing be liable to any criminal prosecution on account of such seizure or thing done.

Limit of damages in such case.

51. In any such suit, if the Judge or Court before whom such suit shall be tried shall certify upon the record that the defendant in such suit acted upon probable cause, then the plaintiff in such suit shall not be entitled to more than one florin damages.

52. Any bond given under this Ordinance or the Regulations shall be a liquid document of debt due by every principal and surety, and proper for granting a provisional sentence in every case in which there shall be shown any breach of the conditions thereof either within the Colony or beyond the boundaries of the Colony and whether the principal shall be convicted of such breach or not, or whether such principal shall be absent from the Colony or not and any surety may be sued thereon whether the principal be also sued or not, and the amount may be levied on the goods and cattle of such surety: Provided that not less than three weeks' notice shall be given to a surety before issue of a summons against him. **Enforcement of bonds.**

SCHEDULE.

STAMP DUTIES ON LICENCES.

Licence.	*Stamp.* Fls.	Cts.
For a licence to keep an unused still ...	10	00
For a licence to a distiller to distil, rectify and denature spirits for every still used	100	00
For a licence to make or trade in stills ...	10	00

Provided that if any licence is taken out after the 30th June in any year, the licence duty shall be one-half of the foregoing; but this shall not apply to renewal licences unless the licence previously held had expired one whole year before the 31st day of December preceding the application for the licence.

AN ORDINANCE.

No. 10 OF 1921.

Assented to in His Majesty's name this 15th day of February, 1921.

EDWARD NORTHEY,
Governor.

An Ordinance to Amend the Interpretation and General Clauses Ordinance, 1912.

BE it enacted by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof:—

1. This Ordinance may be cited as "The Interpretation and General Clauses (Amendment) Ordinance, 1921," and shall be read as one with the Interpretation and General Clauses Ordinance, 1912, hereinafter called "the Principal Ordinance." **Short title.**

2. (1) Sub-section (27) of Section 2 of the Principal Ordinance is hereby repealed and replaced as follows: — **Definitions.**

"(27) "Colony" means the Colony of Kenya."
"Protectorate" means the Protectorate of Kenya."

(2) Sub-section (32) of Section 2 of the Principal Ordinance is hereby amended by the addition of the following words "and Regulations."

3. The following section shall be added to the Principal Ordinance:— **Application of laws to Protectorate.**

"Every Ordinance, proclamation, rule, regulation, order, or notice, whether enacted or issued before or after the commencement of this Ordinance shall be taken as applying both to the Colony and to the Protectorate unless its application is otherwise limited either expressly or by necessary implication."

AN ORDINANCE.

No. 11 OF 1921.

Assented to in His Majesty's name this 15th day of February, 1921.

EDWARD NORTHEY,
Governor.

An Ordinance to Provide for the Establishment of a Local Clearing Office for the Collection and Payment of Enemy Debts.

Preamble 9 and 10, Chapter 33.

WHEREAS by Article 3 of the Treaty of Peace Order, 1919, as amended by the Treaty of Peace (Amendment) Order, 1920, made under the Treaty of Peace Act, 1919, it was provided that the said Orders should apply to all His Majesty's Dominions and Protectorate except India and the self-governing Dominions therein mentioned, subject to such modifications as might be made by the legislatures of those parts or Protectorates for adapting to the circumstances thereof the provisions of the said Orders.

AND WHEREAS it is expedient for the purposes of the application to the Colony and Protectorate of Kenya of the said Treaty of Peace Order, 1919, as amended by the said Treaty of Peace (Amendment) Order, 1920, to establish a Local Clearing Office for the collection and payment of Enemy debts and to make certain modifications in the provisions of the said Orders.

Be it therfore enacted by the Governor of the Colony of Kenya with the advice and consent of the Legislative Council thereof as follows:—

Short title and application.

1. This Ordinance may be cited as "The Local Clearing Office Establishment Ordinance, 1921," and shall apply to the Colony and Protectorate of Kenya.

Establishment of Local Clearing Office and Controller.

2. For the purpose of the Treaty of Peace Order, 1919, as amended by the Treaty of Peace (Amendment) Order, 1920, the office of the Administrator General shall be established as a Local Clearing Office for the collection and payment of Enemy debts and the person for the time being holding the office of Administrator General shall be the Controller of the said Local Clearing Office.

3. For the purpose of regulating and facilitating the application to the Colony and Protectorate of the Treaty of Peace Order, 1919, as amended by the Treaty of Peace (Amendment) Order, 1920, the said Order may be construed with such verbal alterations and other modifications not substantially affecting the true tenor and intended purport of the said Orders as may be necessary to render the provisions of the said Orders applicable; and in particular but without derogating from the generality of the provision last aforesaid, the said Orders shall in their application to the Colony and Protectorate be applied subject to the following modifications:—

(1) For the expression "and Section 1 of the Trading with the Enemy Act, 1914, shall apply accordingly" where that expression occurs in Sub-article 1 (ii) of the said Order, there shall be substituted the expression "and Section 1 of the Trading with the Enemy Ordinance, 1915, shall apply accordingly."

No. 10 of 1915.

(2) For the expression "unless particulars thereof have already been furnished to the Custodian in accordance with the Trading with Enemy Acts, 1914 and 1918" where that expression occurs in Sub-article 1 (xvii) (*b*) of the said Treaty of Peace Order, 1919, there shall be substituted the expression "unless particulars thereof have already been furnished to the Custodian in accordance with the Trading with Enemy Ordinances, 1915 and 1916."

(3) For the definition of the expression "Custodian" which occurs in Article 2 of the said Treaty of Peace Order, 1919, there shall be substituted the following definition:— No. 10 of 1915.

"Custodian" means the Custodian constituted under Section 5 of the Trading with the Enemy Ordinance, 1915."

(4) For the provision respecting interpretation which occurs in the last paragraph of Article 2 of the said Treaty of Peace Order, 1919, there shall be substituted the following provision:—

"The Interpretation and General Clauses Ordinance, 1912, shall apply to the interpretation of this Order in like manner as it applies to the interpretation of an Ordinance of the legislature of the Colony of Kenya and as if this Order were an Ordinance of the said legislature." No. 13 of 1912.

4. The Governor-in-Council may make Rules with respect to the powers, functions and duties of the Controller of the Local Clearing Office and to the exercise and performance of the same by the said Controller. Power to make Rules.

5. The Treaty of Peace Ordinance, 1920, is hereby repealed. Repeal.

AN ORDINANCE.

No. 12 OF 1921.

Assented to in His Majesty's name this 15th day of February, 1921.

EDWARD NORTHEY,
Governor.

An Ordinance to Provide for the Collection and Payment of Austrian Enemy Debts.

WHEREAS by Article 3 of the Treaty of Peace (Austria) Order, 1920, made under the Treaty of Peace (Austria and Bulgaria) Act, 1920, of the Imperial Parliament it is provided as follows:—

"This Order shall apply to the whole of His Majesty's Dominions and Protectorates except India and Egypt and the self-governing Dominions that is to say the Dominion of Canada, the Commonwealth of Australia (which for this purpose shall be deemed to include Papua and Norfolk Islands) the Union of South Africa, the Dominion of New Zealand and Newfoundland, but in its application to the parts of His Majesty's Dominions outside the United Kingdom and to British Protectorates shall be subject to such modifications as may be made by the legislatures of those parts or those Protectorates for adapting to the circumstances thereof the provisions of this Order."

AND WHEREAS it is expedient for the purposes of the application to the Colony and Protectorate of Kenya of the said Treaty of Peace (Austria) Order, 1920, to establish a Local Clearing Office for the collection and payment of Austrian Enemy Debts and to make certain modifications in the provisions of the said Order.

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 Local Clearing Office (Austria) Establishment Ordinance, 1921," and shall apply to the Colony and Protectorate of Kenya. Short title and application.

2. The Local Clearing Office established by the Treaty of Peace Ordinance, 1921, shall be the Local Clearing Office for the purposes of the Treaty of Peace (Austria) Order, 1920, and the Controller appointed by the said Ordinance shall be Controller of the Local Clearing Office for the purposes of the said Order. Local Clearing Office and Controller.

Modifications under which the Treaty of Peace (Austria) Order, 1920, shall apply to Colony and Protectorate.

3. For the purpose of regulating and of facilitating the application to the Colony and Protectorate of the Treaty of Peace (Austria) Order, 1920, the said Order may be construed with such verbal alterations and other modifications not substantially affecting the true tenor and intended purport of the said Order as may be necessary to render the provisions of the said Order applicable; and in particular, but without derogating from the generality of the provision last aforesaid, the said Order shall in its application to the Colony and Protectorate be applied subject to the following modifications:—

(1) The Custodian named in the Order shall mean the Custodian of Enemy Property appointed under the Trading with the Enemy Ordinances, 1915 and 1916.

(2) For the expression "in accordance with the Trading with the Enemy Acts, 1914 to 1918" in Sub-article 1 (x) (c) of the said Order there shall be substituted the expression "in accordance with the Trading with the Enemy Ordinances, 1915 to 1916."

(3) For the provision respecting interpretation which occurs in the last paragraph of Article 2 of the said Order there shall be substituted the following provision:—

"The Interpretation and General Clauses Ordinance, 1912, applies to the interpretation of this Order in like manner as it applies to the interpretation of an Ordinance of the legislature of the Colony of Kenya and as if this Order were an Ordinance of the said legislature."

Power to make Rules.

4. The Governor-in-Council may make Rules with respect to the powers, functions and duties of the Controller of the Local Clearing Office; and to the exercise and performance of the same by the said Controller.

Cf. Order-in-Council Gov. N. 156 of 1922 p. 302.

AN ORDINANCE.

No. 13 OF 1921.

Assented to in His Majesty's name this 15th day of February, 1921.

EDWARD NORTHEY,
Governor.

An Ordinance Relating to the Collection and Payment of Bulgarian Enemy Debts.

Preamble.

WHEREAS by Article 3 of the Treaty of Peace (Bulgaria) Order, 1920, made under the Treaty of Peace (Austria and Bulgaria) Act, 1920, of the Imperial Parliament it is provided as follows:—

"This Order shall apply to the whole of His Majesty's Dominions and Protectorates except India and Egypt and the self-governing Dominions that is to say the Dominion of Canada, the Commonwealth of Australia (which for this purpose shall be deemed to include Papua and Norfolk Islands) the Union of South Africa, the Dominion of New Zealand and Newfoundland, but in its application to the parts of His Majesty's Dominions outside the United Kingdom and to British Protectorates shall be subject to such modifications as may be made by the legislatures of those parts or those Protectorates for adapting to the circumstances thereof the provisions of this Order."

AND WHEREAS it is expedient for the purposes of the application to the Colony and Protectorate of Kenya of the said Treaty of Peace (Bulgaria) Order, 1920, to appoint an Administrator for the collection and payment of Bulgarian Enemy Debts and to make certain modifications in the provisions of the said Order.

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 and application.

1. This Ordinance may be cited as "The Treaty of Peace (Bulgaria) Ordinance, 1921," and shall apply to the Colony and Protectorate of Kenya.

2. For the purposes of the Treaty of Peace (Bulgaria) Order, 1920, the Controller of the Local Clearing Office appointed under the Treaty of Peace Ordinance, 1921, shall be the Administrator for the purposes of the said Order.

3. For the purpose of regulating and facilitating the application to the Colony and Protectorate of the Treaty of Peace (Bulgaria) Order, 1920, the said Order may be construed with such verbal alterations and other modifications not substantially affecting the true tenor, and purport of the said Order as may be necessary to render the provisions of the said Order applicable and in particular, but without derogating from the generality of the provision last aforesaid, the said Order shall in its application to the Colony and Protectorate be applied subject to the following modifications:—

(1) The Custodian named in the said Order shall mean the Custodian of Enemy Property appointed under the Trading with the Enemy Ordinance, 1915 to 1916. No. 10 of 1915.

(2) For the expression "in accordance with the Trading with the Enemy Acts, 1914 to 1918" in Sub-article 1 (ii) (c) of the said Order there shall be substituted the expression "in accordance with the Trading with the Enemy Ordinances, 1915 to 1916."

(3) For the provision respecting interpretation which occurs in the last paragraph of Article 2 of the said Order there shall be substituted the following provision:—

"The Interpretation and General Clauses Ordinance, 1912, applies to the interpretation of this Order in like manner as it applies to the interpretation of an Ordinance of the legislature of the Colony of Kenya and as if this Order were an Ordinance of the said legislature." No. 13 of 1912.

4. The Governor-in-Council may make Rules with respect to the powers, functions and duties of the Administrator and to the exercise and performance of the same. Power to make Rules.

AN ORDINANCE.

No. 14 of 1921.

Assented to in His Majesty's name this 15th day of February, 1921.

EDWARD NORTHEY,
Governor.

An Ordinance to Establish and Define the Financial Year.

BE it enacted by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof:—

1. This Ordinance may be cited as "The Financial Year Ordinance, 1921." Short title.

2. From and after the date of this Ordinance coming into force, where in any Ordinance or other law in force for the time being in the Colony and Protectorate of Kenya the words "financial year" are used, the said words shall mean the period from the first day of January to the 31st day of December in the same year, inclusive, hereinafter referred to as "a calendar year." Definition of financial year.

3. (1) Where by any Ordinance or other law for the time being in force in the Colony and Protectorate of Kenya any tax, licence or other fee is made payable for the period 1st April to 31st March such tax, licence or other fee shall be payable for a calendar year. Application to existing a

(2) Where by any Ordinance or other law for the time being in force in the Colony and Protectorate of Kenya part only of a tax, licence or other fee is payable in respect of a remaining portion of the period 1st April to 31st March the portion of such period shall be construed as referring to the remaining portion of equal duration of a calendar year.

4. This Ordinance shall come into force on the 1st day of January, 1922. Date of commencement.

AN ORDINANCE.

No. 15 OF 1921.

Assented to in His Majesty's name this 15th day of February, 1921.

EDWARD NORTHEY,
Governor.

An Ordinance to Amend the Income Tax Ordinance, 1920.

BE it enacted by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof:—

Short title.

1. This Ordinance may be cited as "The Income Tax (Amendment) Ordinance, 1921," and shall be read as one with the Income Tax Ordinance, 1920, hereinafter referred to as "the Principal Ordinance."

Interpretation.

2. Section 3 of the Principal Ordinance is hereby amended by the addition of the following words after the word "assessment" in line 59 thereof:—

"but does include a company registered in the Colony."

Incomes liable to taxation.

3. Section 6 of the Principal Ordinance is hereby amended by the addition in sub-section (1) of the following exception:—

"V. The official salaries and emoluments from the United Kingdom of all persons in the service of the Imperial Government employed in the Colony."

and by the addition of the following sub-sections:—

"(3) Income brought into the Colony and accruing or arising in any part of the British Empire or in any territory under His Majesty's protection shall be liable to tax at a rate equal to the excess of the rate in force in the Colony over the rate paid in the country from which such income is derived.

"(4) Any person resident in the United Kingdom who has paid by deduction or otherwise, or is liable to pay income tax under this Ordinance for any year of assessment on any part of his income and who proves to the satisfaction of the Commissioner that he has paid income tax in the United Kingdom for that year in respect of the same part of his income, shall be entitled to relief from income tax under this Ordinance paid or payable by him on that part of his income at a rate equal to the amount by which the rate of tax appropriate to his case under this Ordinance exceeds half the appropriate rate of United Kingdom tax. If, however, the rate of tax appropriate to his case under this Ordinance exceeds the appropriate rate of United Kingdom tax he shall be entitled to relief at a rate equal to half the appropriate rate of United Kingdom tax."

Amendment of Section 9 of the Principal Ordinance.

4. Section 9 of the Principal Ordinance is hereby amended by the deletion of the first proviso.

Assessment of tax of deceased persons.

5. Section 12 of the Principal Ordinance shall be and is hereby amended by the addition of the following:—

"Provided that in cases where no assessments have been made, or insufficient assessments have been made, the Commissioner may, in the year of assessment or within three years of the end thereof make such assessments as may be necessary to cover the full liability of deceased subject to appeal in like manner as any other assessment, and the said assessment to be made upon the legal personal representative or other person administering the estate as a taxpayer in a representative capacity."

6. Section 15 of the Principal Ordinance is hereby amended by the addition of the following words after the word "person" in line 8:— **Trustees and receivers.**

"and the amount of the profits paid or authorised to be paid to such person or his agent."

7. Section 20 of the Principal Ordinance is hereby amended by deleting the word "which" in line 2 and substituting the words "or who" therefor. **Tax on interest on debentures, etc.**

8. Section 28 of the Principal Ordinance shall be amended by deleting in sub-section VI the figures £100 in line 5 and substituting the figures £50 therefor, and by deleting sub-section VII. **Deduction for insurance.**

Provided that these amendments shall not apply to any assessments made in respect of the year 1920.

9. After Section 34 of the Principal Ordinance the following section shall be added:— **Assessment in case of omissions from assessment book.**

"34. (*a*) If any properties, profits or incomes have been omitted from the assessment book, or have been undercharged therein, or if any unauthorised allowance, deduction or relief has been made therein, then in all such cases the Commissioner shall, at any time within three years from the end of the year of assessment, assess the person liable to the full amount at the full rate of tax at which he ought to have been charged, subject to appeal as in the case of any other assessment."

"34. (*b*) Where the trade, business, profession, employment or vocation has been set up and commenced within the year of assessment, the liability for that year shall be the full amount of the profits and income from the time of setting up the business until the thirty-first day of December following, and the liability for the year next following that in which the business has been set up shall be the full amount of the profits and income for that year ending on the thirty-first day of December as aforesaid, subject to appeal as in the case of any other assessment." **Assessment for business set up during year of assessment.**

"34. (*c*) If a person charged with income tax ceases within the year of assessment to carry on the business in respect of which the assessment is made, and is succeeded therein by another person, the Commissioner on being informed of the change and date thereof shall adjust the assessment by charging the successor with a fair proportion thereof from the time of his succeeding to the business, and relieving the person originally charged from a like amount. The sum apportioned to each person shall be recoverable from him in like manner as if he had been charged under the original assessment. If either of the said persons has paid more than his share as apportioned by the Commissioner, the amount overpaid shall, when recovered from the person liable, be paid to the person by whom the overpayment was made." **Assessment where business changes hands.**

10. Notwithstanding anything contained in the Principal Ordinance income tax shall be charged, levied, collected and paid to the Commissioner for the year ending the thirty-first day of December, 1921, and for every subsequent year for the use of His Majesty in aid of the General Revenues of the Colony, at the rate set forth in the schedule hereto annexed, and the schedule attached to the Principal Ordinance shall not be applicable save to the year ending the thirty-first day of December, 1920. **Schedule**

SCHEDULE.

INDIVIDUALS.

Total Income.	*Rate of Tax.*			*Total Tax payable on Income shewn in Column 1.*
100 ...	on the first	100 pounds	Nil. ...	—
200 ...	on the next	100 ,,	2% ...	2
300 ...	,,	100 ,,	3% ...	5
400 ...	,,	100 ,,	4% ...	9
500 ...	,,	100 ,,	5% ...	14
700 ...	,,	200 ,,	6% ...	26
900 ...	,,	200 ,,	7% ...	40
1,100 ...	,,	200 ,,	8% ...	56
1,500 ...	,,	400 ,,	9% ...	92
2,000 ...	,,	500 ,,	10% ...	142
3,000 ...	,,	1,000 ,,	11% ...	252
5,000 ...	,,	2,000 ,,	12% ...	492
10,000 ...	,,	5,000 ,,	13% ...	1,142
20,000 ...	,,	10,000 ,,	20% ...	3,142
On any additional income over and above £20,000			25%	

COMPANIES.

100 ...	on the first	100 pounds	2% ...	2
200 ...	on the next	100 ,,	2% ...	4
300 ...	,,	100 ,,	3% ...	7
400 ...	,,	100 ,,	4% ...	11
500 ...	,,	100 ,,	5% ...	16
700 ...	,,	200 ,,	6% ...	28
900 ...	,,	200 ,,	7% ...	42
1,100 ...	,,	200 ,,	8% ...	58
1,500 ...	,,	400 ,,	9% ...	94
2,000 ...	,,	500 ,,	10% ...	144
3,000 ...	,,	1,000 ,,	11% ...	254
5,000 ...	,,	2,000 ,,	12% ...	494
10,000 ...	,,	5,000 ,,	13% ...	1,144
20,000 ...	,,	10,000 ,,	20% ...	3,144
On any additional income over and above £20,000			25%	

AN ORDINANCE.

No. 16 OF 1921.

Assented to in His Majesty's name this 22nd day of February, 1921.

EDWARD NORTHEY,
Governor.

An Ordinance to Enable Kenya Government Loans to be Treated in the United Kingdom as Trustee Securities.

Preamble.

WHEREAS by an Act of the Imperial Parliament known as the Colonial Stock Act, 1900, the securities in which a trustee may invest under the powers of the Act of that Parliament known as the Trustee Act, 1893, are declared to include any Colonial Stock which is registered in the United Kingdom in accordance with the provisions of the Colonial Stock Acts, and with respect to which there have been observed such conditions (if any) as the Lords Commissioners of the Treasury of the United Kingdom may by order notified in the London Gazette, prescribe;

And whereas the said Lord Commissioners of the Treasury of the United Kingdom have, by an Order, dated December 6th, 1900, prescribed as two of the said conditions that a Colony shall provide by legislation for the payment, out of the revenues of the Colony, of any sums which may become payable to stockholders under any judgment, decree, rule or order of a Court in the United Kingdom, and that the Colonial Government should place on record a formal expression of opinion that any Colonial legislation which appears to the Imperial Government to alter any provisions affecting the stock to the injury of the stockholder, or to involve a departure from the original contract in regard to the stock would properly be disallowed;

And whereas it is expedient that provision should be made to enable advantage to be taken of the said Acts in respect of investment of trust funds in Colony of Kenya Government securities.

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 Trustee Investment in Kenya Government Securities Ordinance, 1921."

Definitions.

2. In this Ordinance the expression "Crown Agents" means the person or persons for the time being acting as Crown Agents for the Colonies in England or any of them. The expression "Colonial Stock Acts" means the Acts of the Imperial Parliament known as the Colonial Stock Acts, 1877 to 1900, and any amendments thereof.

Applications of Ordinance.

3. This Ordinance shall apply to all securities heretofore or hereafter created or issued on behalf of the Government of the Colony of Kenya, to which for the time being the Colonial Stock Acts apply, and which are for the time being registered in the United Kingdom in accordance with the provisions of these Acts, each and all of which securities are hereinafter referred to as "Government Securities."

Provision for payment of money due to stockholders.

4. (1) Whenever by the final judgment, decree, rule or order of any Court of competent jurisdiction in the United Kingdom, any sum of money is adjudged or declared to be payable by the Government of the Colony of Kenya in respect of any Government securities, the Government shall forthwith pay that sum out of the funds in the hands of the Crown Agents belonging to the Government, without further appropriation than this Ordinance.

(2) For the purposes of this section "final judgment, decree, rule, or order," means in the case of appeal the final judgment, decree, rule or order of the ultimate Court hearing the appeal.

Certificate by Crown Agents.

5. In order to enable every such payment to be duly made, a certificate under the hands of Crown Agents, specifying the sum so paid under order of any such Court, shall be sufficient authority to the Auditor General or other officer having the auditing of their accounts for passing such sum without further appropriation.

As to subsequent legislation.

6. If at any time hereafter an Ordinance is passed which appears to the Imperial Government to alter any of the provisions affecting the Government Securities to the injury of the holder thereof, or to involve a departure from the original contract in regard to these securities, that Ordinance will properly be disallowed.

AN ORDINANCE.

No. 17 of 1921.

Assented to in His Majesty's name this 22nd day of February, 1921.

EDWARD NORTHEY,
Governor.

An Ordinance to Declare the Terms and Conditions Applicable to Loans Authorised to be Raised by the Government of the Colony of Kenya and to Provide for the Creation of Inscribed Stock.

Preamble.

WHEREAS it is expedient to define in one Ordinance the terms and conditions applicable to loans hereafter authorised to be raised by the legislature of the Colony of Kenya:

And whereas it is expedient to provide for the creation of Inscribed Stock, and to enable the Colony to take advantage of the provisions of an Act of the Imperial Parliament entitled "The Colonial Stock Act, 1877," and the subsequent Acts on the same subject:

Enactment.

Be it therefore enacted by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof:—

Short title.

1. This Ordinance may be cited as "The General Loan and Inscribed Stock Ordinance, 1921."

Interpretation.

2. In this Ordinance unless the context otherwise requires the expression "Crown Agents" means the person or persons for the time being acting as Crown Agents for the Colonies in England.

Loans to be raised by debentures or inscribed stock.

3. Whenever by any Ordinance authority shall have been given, or shall hereafter be given, to raise any sum of money for the purposes mentioned in such Ordinance, the Governor, or the Crown Agents acting on his behalf, may, from time to time, as he or they may deem expedient, raise such sum either by Debentures or by Kenya Inscribed Stock, or partly by Debentures and partly by Inscribed Stock.

Loans to be a charge upon general revenue.

4. The principal moneys and interests represented by the Debentures or Inscribed Stock issued under the provisions of this Ordinance are hereby charged upon and shall be payable out of the general revenues and assets of the Colony of Kenya.

Borrowing upon debentures.

5. When the Governor, or the Crown Agents acting on his behalf, shall deem it expedient to raise money by debentures, such debentures shall be issued in London on behalf of the Government of the Colony of Kenya by the Crown Agents, upon the best and most favourable terms that can be obtained, and shall be signed by any one of them on that behalf.

Amount of each debenture.

6. Every debenture issued under the provisions of this Ordinance shall be for the sum of not less than one hundred pounds sterling.

Debentures may be redeemed by annual drawings or by purchase in the market or on a date fixed.

7. The debentures shall be redeemable at par at the option of the Government by purchase in the market or by annual drawings, or on a date to be named in that behalf by the Governor or by the Crown Agents acting on his behalf, as determined when issuing the debentures, such date not being later than sixty years from the date of issue, from and after which date all interest on the principal money represented thereby shall cease and determine, whether payment of the principal shall have been demanded or not.

Interest coupons.

8. There shall be attached to every debenture coupons for the payment of the interest to become due in each half-year upon the principal represented by the debenture. The coupons shall be sufficient in number to provide for the payment of the interest, either during the whole period for which the debenture has to run, or for such limited period as the Crown Agents, acting on behalf of the Government of the Colony of Kenya may determine.

Form of debenture and coupons.

9. The debentures and the coupons thereto shall be in such form as the Governor, or the Crown Agents acting on his behalf, may direct or approve.

Debentures and coupons transferable by delivery.

10. Every debenture and coupon, and the right to receive the principal and interest represented thereby, shall be transferable by delivery.

Registry of debentures.

11. Every debenture shall, before being issued, be registered in a register book to be kept for that purpose at the office in London of the Crown Agents.

Payment of interest.

12. The interest upon the principal represented by each debenture shall run from the day named in that behalf in the debenture, and shall be paid half-yearly on the days named in that behalf in the debenture, at the office in London of the Crown Agents.

Mode of providing for payment of interest on debentures.

13 (1) So long as any of the debentures remain outstanding, the Governor shall, in each half-year ending with the day on which the interest on the debentures falls due, appropriate out of the general revenues and assets of the Colony of Kenya a sum equal to one half-year's interest on the whole of the debentures issued, including any which may have been redeemed, but exclusively of any which may have been at any time exchanged for inscribed stock, and shall remit that sum to the Crown Agents at such time as will enable them to pay thereout the then current half-year's interest on the day on which it falls due.

Meaning of outstanding debentures.

(2) Debentures shall not be deemed to be outstanding for the purposes of this Ordinance by reason only that one or more of the debentures have not been presented for payment on the day appointed for payment and have, in consequence, not been paid.

Further sums to be remitted for the redemption of the debentures.

14. After the date specified in the Ordinance authorising the loan as that on which the contributions to the sinking fund shall commence, the Governor shall, in each half-year ending as aforesaid, appropriate out of the said revenues and assets of the Colony of Kenya for the formation of a sinking fund an additional sum equal to half of the annual contribution specified in the prospectus or in the case of a loan not issued publicly in the terms of issue relating to the loan in respect to the total nominal amount of all the debentures issued, including any which may have been redeemed, but exclusive of any which may have been at any time exchanged for inscribed stock, and shall remit that sum to the Crown Agents with the remittance hereinbefore mentioned.

Application of sinking fund.

15. The sinking fund shall be applied in the first place in payment of all expenses of, or incidental to, the redemption of the debentures and the cost and expenses of all notices required by this Ordinance to be given, and in the next place, and subject to the aforesaid payments, in repayment of the principal moneys for the time being represented by the debentures.

Creation of sinking fund for redemption of debentures payable on a fixed date.

16. In the case of debentures redeemable on a date to be named when issuing the debentures, the Crown Agents shall invest so much of the money so remitted to them as aforesaid as shall not be required for the payment of interest for the current half-year in the purchase of such securities as may be approved by the Secretary of State as a sinking fund for the final extinction of the debt, and the Crown Agents shall also invest the dividends, interest or produce of such investments in the purchase of like securities and may, from time to time, with the approval of the Secretary of State, change any such investments and shall hold such fund in trust for the repayment of the principal moneys for the time being represented by the debentures.

Disposal of sinking fund when debentures are redeemed by purchase or by annual drawings.

17. In the case of debentures redeemable by annual drawings, the Crown Agents shall place and keep the moneys so remitted to them, or so much thereof as may not be required for immediate payments, at interest, and shall hold all such moneys and the accumulations thereon in trust, to apply them in the first place to the purchase of the debentures when they can be obtained at a price not exceeding par, and, secondly, to the redemption of the debentures by means of annual drawings.

Appointment of day for drawing of debentures.

18. After the date specified in the Ordinance authorising a loan as that on which the contributions to the sinking fund shall commence in respect of that loan, and so long thereafter as any of the debentures remain outstanding and unsatisfied, the Crown Agents shall, in every year, unless the whole of the money applicable in that year to the redemption of debentures has been applied in the purchase thereof, appoint a day in that year for the drawing by lot of the debentures to be redeemed.

Notice of time and place appointed for drawing.

19. If a day is appointed for drawing, the Crown Agents shall give, by advertisement in the London Times newspaper, not less than fifteen days' previous notice, specifying the day on which, and the hour and place at which, the drawing will take place.

Mode of drawing.

20. On the day and at the hour and place so specified the Crown Agents shall hold a meeting, at which the holder of any debenture may, if he think fit, be present, and shall then in the presence of such debenture-holders, if any, as may attend, and of a notary public, draw by lot, out of the whole number of debentures for the time being outstanding, debentures of the specified nominal amount.

Notice of debentures drawn for redemption.

21. The Crown Agents shall thereupon declare the distinguishing numbers of the debentures drawn for redemption, and shall, as soon as may be, by advertisement in the London Times newspaper, specify those numbers and appoint a day, not being later as to each debenture than the day on which the then current half-year's interest thereon is payable, on which the principal moneys represented by the debentures so distinguished will be repaid.

Payment of drawn debentures.

22. On the day so appointed the Crown Agents shall, at their office in London, on demand, pay to the holders of the debentures drawn for repayment the principal moneys represented by those debentures, with all interest payable thereon up to that day.

Cession of interest from day appointed for payment of principal.

23. From and after the day appointed for the repayment of any debenture all interest on the principal moneys represented thereby shall cease and determine, whether payment of the principal shall have been demanded or not.

Redeemed debentures to be cancelled.

24. Upon the repayment of the principal moneys represented by any debenture, the debenture, with all the coupons thereunto belonging, shall be delivered up to the Crown Agents, to be by them cancelled and forwarded to the Government of the Colony of Kenya.

Any debenture redeemed by purchase shall likewise be so cancelled and forwarded.

Borrowing upon inscribed stock.

25. When the Governor, or the Crown Agents acting on his behalf, shall deem it expendient to raise money by the issue of Kenya Inscribed Stock, then such stock shall be issued in England by the Crown Agents under the provisions of the Act of the Imperial Parliament entitled the Colonial Stock Act, 1877, upon the best and most favourable terms that can be obtained.

When the principal is to be repaid.

26. All the inscribed stock which may be created under the provisions of this Ordinance shall be redeemable at par on a date to be named in that behalf by the Crown Agents when issuing the stock, such date not being later than sixty years from the date of issue, from and after which date all the interest on the principal moneys represented thereby shall cease and determine, whether payment of the principal shall have been demanded or not.

Mode of providing for payment of interest on inscribed stock.

27. So long as any of the inscribed stock shall remain unredeemed, the Governor shall, in each half-year ending with the day on which the interest on such inscribed stock falls due, appropriate out of the general revenues and assets of the Colony of Kenya a sum equal to one half-year's interest on the whole of such inscribed stock, and shall remit that sum to the Crown Agents at such time as will enable them to pay thereout the then current half-year's interest on the day when it falls due.

Mode of providing for payment of principal of inscribed stock.

28. After the date specified in the Ordinance authorising an issue of inscribed stock as that on which the contribution to the sinking fund shall commence, the Governor shall further appropriate out of the said revenues and assets in each half-year ending as aforesaid for the formation of a sinking fund an additional sum equal to half of the annual contribution specified in the prospectus or in the case of a loan not issued publicly in the terms of issue relating to the loan in respect to the total nominal amount of such inscribed stock, and shall remit that sum to the Crown Agents with the remittance hereinbefore mentioned.

Creation of sinking fund.

29. The Crown Agents shall, for the purpose of forming such sinking fund, from time to time invest so much of the money so remitted to them as aforesaid as shall not be required for the payment of interest for the current half-year in the purchase of such securities as may from time to time be approved by the Secretary of State, and shall also invest the dividends, interest, or produce of such investments in the purchase of like securities, and may from time to time, with the approval of the Secretary of State, change any such investments, and shall hold such fund in trust for repayment of the principal moneys for the time being represented by the inscribed stock.

Charge upon general revenue.

30. In case the sinking funds provided for by this Ordinance shall be insufficient for the payment of all the principal moneys borrowed under the authority of this Ordinance at the time the same shall have become due, the Governor shall make good the deficiency out of the general revenues and assets of the Colony of Kenya.

Expenses to be paid out of sinking fund.

31. All expenses of or incidental to the management of the sinking fund, or to the payment of the principal moneys borrowed, shall be paid out of the sinking fund.

Powers of Governor.

32. The Governor shall also have, and may from time to time exercise, the following powers and authorities or any of them:—

Debentures convertible into inscribed stock on conditions prescribed by the Crown Agents at time of issue.

(*a*) He may authorise the Crown Agents when issuing any loan in the form of debentures to declare that such debentures will be convertible into inscribed stock at such dates and on such terms and conditions as may be prescribed by the Crown Agents at the time of the issue of the debentures.

Conversion of loans generally.

(*b*) He may declare all or any of the Kenya loans, whether existing in the form of stock or debentures, to be convertible into inscribed stock, to be issued under the provisions of this Ordinance.

Creation and issue of stock in exchange for other securities.

(*c*) He may authorise the creation and issue of such an amount of inscribed stock in exchange for the securities held for such loans as may be necessary.

Creation and sale of inscribed stock or debentures to raise loans and for other purposes.

(*d*) He may authorise the creation and sale of any such inscribed stock or debentures for the purpose of raising money for redeeming any outstanding loans, for paying any expense in the creation of inscribed stock, and otherwise for carrying out the provisions of this Ordinance.

Arrangements for conversion.

(*e*) Any conversion so authorised may be effected either by an arrangement with the holders of existing securities or by purchase thereof out of moneys raised by the sale of inscribed stock, or partly in one way and partly in the other.

Exchange of securities for inscribed stock.

33. Nothing in this Ordinance contained shall authorise an increase of the capital or of the annual charge on any loan, except:—

(*a*) When securities exchanged for inscribed stock bear a rate of interest not less than the inscribed stock, an additional amount of inscribed stock may be created and issued to make up the difference in saleable value between the securities and the inscribed stock.

(*b*) In the case of the conversion of securities into inscribed stock the Crown Agents shall issue such an amount of inscribed stock as may be required to defray the stamp duties and all other expenses incidental to the conversion.

(*c*) In accordance with such terms and conditions as may be prescribed under Section 32 (*a*) of this Ordinance.

Converted securities to be cancelled.

34. The securities exchanged or otherwise converted into inscribed stock under the provisions of this Ordinance shall be forthwith cancelled by the Crown Agents, and the debentures surrendered shall be cancelled and transmitted to the Governor.

Trustees to apportion amount of sinking fund released by conversion.

35. The trustees of the sinking fund appointed under this Ordinance, and acting under any Ordinance authorising the issue of any securities which may be exchanged into inscribed stock or cancelled or purchased under the provisions of this Ordinance, shall determine what amount of the sinking fund held by them and created for repayment of such securities shall be released, and in the determination of such question the trustees shall take into consideration the value of the whole investments held by them on account of such sinking funds, the amount of the debt remaining a charge on such sinking funds, and such matters as the trustees may think fit to take into account.

Sinking funds released how to be disposed of.

36. So much of the sinking funds as may be released shall either be transferred unto the trustees of the inscribed stock sinking fund, or be disposed of in such a manner as the Governor, with the advice and consent of the Legislative Council, may direct.

Creation, inscription, issue, conversion and transfer of inscribed stock.

37. The Crown Agents may, from time to time, at the request of the Governor, make arrangements for all or any of the following things:—

(1) For inscribing stock in their books.

(2) For managing the creation, inscription, and issue of inscribed stocks.

(3) For effecting the conversion of loans into inscribed stock.

(4) For paying interest on inscribed stock and managing the transfers thereof.

(5) For issuing inscribed stock certificates to bearer, and, as often as occasion shall require, re-inscribing them.

Raising of loans in Kenya.

38. This Ordinance shall be applicable only to the raising of loans in England, and nothing in this Ordinance contained shall prevent the raising of loans in the Colony of Kenya upon such terms and conditions as shall be specified in any Ordinance authorising the raising of such loans.

AN ORDINANCE.

No. 18 OF 1921.

Assented to in His Majesty's name this 22nd day of February, 1921.

EDWARD NORTHEY,

Governor.

An Ordinance to Amend the Estate Duty Ordinance, 1918.

BE it enacted by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof:—

Short title.

1. This Ordinance may be cited as "The Estate Duty (Amendment) Ordinance 1921," and shall be read as one with the Estate Duty Ordinance, 1918, hereinafter referred to as "the Principal Ordinance."

Application to Protectorate.

2. This Ordinance shall apply to the Colony and Protectorate of Kenya.

Interest in case of delay.

3. Section 14 (4) of the Principal Ordinance is hereby deleted and the following substituted therefor:—

"Interest at the rate of 6 per cent. per annum on the "Estate Duty shall be paid from six months after the date of "death to the date of delivery of the certified copy of the "inventory and valuation and shall form part of the Estate "Duty."

Time for delivery of valuation.

4. Section 20 of the Principal Ordinance is amended by the addition of the following sub-section:—

"(2) The said valuation and copy of inventory shall be "delivered to the Assistant Estate Duty Commissioner within "six months after the date of the death of the deceased, or "within such further time as the Assistant Estate Duty Com- "missioner may allow, and the said valuation shall be verified "by Oath or Affirmation when required,"

and by the substitution of the figure 3 for the figure 2 in sub-section 2.

Revised rate of estate duty.

5. Notwithstanding anything contained in the Principal Ordinance, in the case of persons dying after the commencement of this Ordinance, Estate Duty shall be payable at the rate set forth in the schedule hereto.

SCHEDULE.

SCALE OF RATES OF ESTATE DUTY.

Where the Principal Value of the Estate					*Estate Duty shall be payable at the rate of:*
	£			£	
exceeds	100	and does not exceed		500	1%
,,	500	,,	,,	1,000	2%
,,	1,000	,,	,,	5,000	3%
,,	5,000	,,	,,	10,000	4%
,,	10,000	,,	,,	15,000	5%
,,	15,000	,,	,,	20,000	6%
,,	20,000	,,	,,	25,000	7%
,,	25,000	,,	,,	30,000	8%
,,	30,000	,,	,,	40,000	9%
,,	40,000	,,	,,	50,000	10%
,,	50,000	,,	,,	60,000	11%
,,	60,000	,,	,,	70,000	12%
,,	70,000	,,	,,	90,000	13%
,,	90,000	,,	,,	110,000	14%
,,	110,000	,,	,,	130,000	15%
,,	130,000	,,	,,	150,000	16%
,,	150,000	,,	,,	175,000	17%
,,	175,000	,,	,,	200,000	18%
,,	200,000	,,	,,	225,000	19%
,,	225,000	,,	,,	250,000	20%
,,	250,000	,,	,,	300,000	21%
,,	300,000	,,	,,	350,000	22%
,,	350,000	,,	,,	400,000	23%
,,	400,000	,,	,,	450,000	24%
,,	450,000	,,	,,	500,000	25%
,,	500,000	,,	,,	600,000	26%
,,	600,000	,,	,,	800,000	27%
,,	800,000	,,	,,	1,000,000	28%
,,	1,000,000	,,	,,	1,250,000	30%
,,	1,250,000	,,	,,	1,500,000	32%
,,	1,500,000	,,	,,	2,000,000	35%
,,	2,000,000	,,	,,	——	40%

AN ORDINANCE.

No. 19 OF 1921.

Assented to in His Majesty's name this 22nd day of February, 1921.

EDWARD NORTHEY,
Governor.

An Ordinance to Enable the Municipal Corporation of Nairobi to Impose and Collect Rates Assessed on Unimproved Land Values.

WHEREAS the Municipal Council of Nairobi is a Council constituted under the Municipal Corporations Ordinance, 1909:

And whereas no suitable provisions exist empowering the said Council to levy Municipal rates:

And whereas the said Council having found that the charges which they are allowed to levy for Municipal services are insufficient to admit of their administering the town of Nairobi in an adequate manner, and in particular of their raising the necessary interest on monies which they desire to borrow for necessary capital works:

And whereas the said Council are desirous of rating land within the township by the system known as Rating of Unimproved Site Values:

And whereas the Council have had a Valuation Roll of all plots within the township area prepared and are desirous of having statutory provision made for the hearing of appeals against the valuations therein contained: for the subsequent confirmation of such valuations: and for rates being imposed thereunder:

BE it enacted by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof:—

Short title.

1. This Ordinance may be cited as "The Nairobi (Rating of Unimproved Site Values) Ordinance, 1921."

Definition, etc.

2. Throughout this Ordianance the following words and expressions shall have the meanings hereafter assigned to them:—

"The Council" shall mean the Municipal Council of Nairobi.

"The Town Clerk" shall mean the Town Clerk of Nairobi.

"Unimproved value" of any land means the sum which the owners estate or interest therein if unencumbered by any mortgage or other charge thereon, might be expected to realise at the time of valuation if offered for sale on such reasonable terms and conditions as a *bona fide* seller might be expected to impose, and if no improvements as hereinafter defined had been made on the said land.

"Improvements on land" means all work actually done or material used thereon by the expenditure of capital or labour by any owner or occupier of the land, nevertheless in so far only as the effect of such work or material used is to increase the value of the land, and the benefit thereof is unexhausted at the time of valuation; but shall not include machinery, whether fixed to the soil or not; nor shall it include work done or material used on or for the benefit of land by the Crown or by any statutory public body, unless such work has been paid for by the contribution of the owner or occupier for that purpose.

Provided that the payment of rates or taxes shall not be deemed to be a contribution within the meaning of this definition.

"Owner" (except when used in conjunction with the word "actual") shall in the case of freehold property mean the person (other than His Majesty) owning such property and in the case of leasehold and other property shall mean the person (other than His Majesty) holding such property directly from the Crown or from the Council as lessee or licensee and includes any agent who receives rents or profits for such person and also any superintendent, overseer or manager of a lessee or licensee from the Crown or the Council in respect of any holding on which he resides as such superintendent, overseer or manager.

"Actual owner" shall in the case of freehold property mean the person (other than His Majesty) owning such property and in the case of leasehold and other property shall mean the person (other than His Majesty) holding such property directly from the Crown or from the Council as lessee or licensee.

Valuation Roll.

3. The Valuation Roll prepared by Mr. W. J. Moynagh and now in the possession of the Municipal Council shall subject to revision as hereinafter provided be the Valuation Roll for the Township.

Publication of notice.

4. (1) The Council shall give public notice of the completion of the Valuation Roll in the Gazette and in one or more newspapers circulating in the Colony and of the place where the Roll or a copy thereof may be inspected and every person claiming to be the actual owner of property included in the Roll or the authorised agent of any such person shall be at liberty to inspect the Roll and to make extracts therefrom without charge for such time, not being less than a fortnight, as shall be specified in such public notice: Provided that such person shall only be entitled to inspect the entries in the Roll relating to his own property and any immediately adjoining properties.

Public notice of time fixed for revising Roll.

(2) The Council shall at the same time give public notice in the Gazette and in one or more newspapers circulating in the Colony of a time not less than 10 days from the publication of the notice by which objections to the valuation shall be lodged in the Valuation Appeal Court hereinafter mentioned and a copy thereof lodged with the Town Clerk by any parties interested except such as during all or any of such ten days shall not be resident in the Colony or Protectorate.

Valuation Appeal Court.

5. There shall be a Valuation Appeal Court (hereinafter called "the Court") for the purpose of hearing and determining all objections to the Valuation Roll.

Such one of the Resident Magistrates exercising jurisdiction within the Township as the Governor shall appoint shall be the Judge of such Court.

Sittings of Court.

6. (1) The Court shall hold its sittings at such convenient time and place as the Judge appoints, and not less than ten days' notice shall be given of every such sitting.

Adjournments.

(2) The Court may adjourn from time to time as it thinks fit, and on any day appointed for the sitting of the Court, if the Judge fails to attend, the Court shall stand adjourned till the following day, and so from day to day till the Judge attends.

Clerks of Court.

(3) The clerk of the Magistrate's Court or such other person as the Governor may appoint shall be clerk of the Court.

Powers of Court.

(4) The Court shall have the powers to summon witnesses and examine them on oath, and compel their attendance and the answering of questions and the production of papers, and for all other purposes touching the hearing of matters before the Court which, by any law for the time being in force, may be exercised by a Magistrate.

Court may order costs.

(5) The Court may, in its discretion, order the payment by either party of all reasonable costs and charges as to the Court seems fit, and the payment of the amount specified in such order may be enforced in like manner as a sum of money recovered by judgment in a Magistrate's Court in an action for debt.

Who shall attend the Court.

7. The Town Clerk or any person duly appointed by and on behalf of the Council, and the preparer of the Valuation Roll referred to in Section 3 of this Ordinance, shall attend the sittings of the Court and shall produce all the books and papers relating to their respective offices which the Court shall require them to produce.

Court to correct valuation list.

8. The Court shall hear and determine all objections delivered as above provided, and may alter the Valuation Roll in respect of anything objected to, by correcting any value therein, and by inserting any matter therein, or erasing any matter therefrom, which it is proved to the satisfaction of the Court ought to be altered, inserted, or erased, as the case may be.

Alterations to be initialled and list signed.

9. The Judge shall initial all the alterations, insertions, and erasures (if any) made in the Valuation Roll, and shall sign the same.

Appeal.

10. (1) Any person aggrieved by the decision of the Court may appeal to the High Court whose decision shall be final.

(2) The Chief Justice shall have power to make Rules of Court regulating the exercise of such appellate jurisdiction.

Provisions regarding absentees.

11. Any person being or claiming to be the actual owner of property included in the Valuation Roll who during all or any of the ten days referred to in Section 4 (2) of this Ordinance shall not be resident in the Colony or Protectorate, may, at any time within six months of the date of the notice mentioned in the said section inspect the entries in the Roll relating to the property of which he claims to be the owner, and the entries relating to any properties immediately adjoining the same: and if within 10 days of the first date of such inspection such party shall lodge objections to the valuation of the said property in the Valuation Appeal Court and shall at the same time lodge a copy of such objections with the Town Clerk the said objections shall be dealt with by the Valuation Appeal Court in manner hereinbefore described: Provided that the Court shall not hear such objections unless it shall be proved that such party was not resident in the Colony or Protectorate during all or any of the ten days above mentioned.

Where Roll shall be kept.

12. (1) The Roll when signed by the Judge as provided in Section 9 of this Ordinance shall be deposited in the Municipal Offices and shall be the Valuation Roll for the Township and shall remain in force until a fresh Roll is made.

(2) The Valuation Roll so signed shall be conclusive evidence of the contents thereof and that the same has been made in accordance with the provisions of this Ordinance.

(3) The Valuation Roll so signed shall remain in the custody of the Town Clerk and shall be available for inspection by parties interested at all reasonable times.

Power to cause re-valuations and corrections.

13. (1) Notwithstanding anything in this Ordinance contained it shall be lawful for the Council at any time and from time to time,

(*a*) To cause a valuation to be made of any rateable property which is sub-divided after the date when the valuation in respect of such property has become final and to cause the valuation to be apportioned according to the sub-divisions of the said property.

(*b*) To cause a fresh valuation to be made of any rateable property which from any cause particular to such property arising since the last valuation thereof has materially increased or decreased in value.

(*c*) To cause any error appearing in the Valuation Roll from time to time in force to be corrected in any case where some clerical error or some error as to the nature of the interest valued has been made in such Roll and to cause any rate due in respect thereof to be collected according to the corrected Roll.

(2) Every such valuation shall be intimated by the Town Clerk to the owner of the property concerned who shall have the right to lodge objections in manner hereinbefore provided.

Valuation Roll not to be challenged or set aside.

14. No valuation contained in the Valuation Roll and no rate based thereon shall be rendered void or be affected by reason of any mistake or variance in the description of any rateable property or in the name of any owner thereof; and the Valuation Roll shall not be capable of being challenged or set aside by reason of any informality.

Power of Council to impose rates.

15. It shall be lawful and competent for the Council to impose a rate or rates on the unimproved value of land in or for each and every year of such amount or amounts as it shall think fit; provided that the minimum charge in respect of any property or interest for rates imposed under this section shall be one florin; and provided further that no rate or rates exceeding in the aggregate two per cent. of the unimproved value of land shall be imposed in any one year without the sanction of the Governor-in-Council.

Conditions on which Council may make rates.

16. Every rate shall be made subject to the following conditions:—

(*a*) That the rate be for the year or some period less than a year, without prejudice to the provisions of paragraph (*e*) hereof:

(*b*) That it be payable in one sum or in equal instalments on a day or days to be fixed at the time of making the rate:

(*c*) In the case of a special rate made for providing for the annual or half-yearly charge on a loan, that it be payable yearly or half-yearly in each year as the Council from time to time by special order directs:

(*d*) In the case of every rate, that it be of a stated percentage of the rateable values of the rateable property as appearing in the Valuation Roll:

(*e*) Where the Council is authorised to make a special rate providing for the annual or half-yearly charges on a loan, such special rate shall be made a continuing rate for a period of years equal to the currency of the loan.

Particulars to be entered in rate-book.

17. (1) The particulars of every rate shall be transcribed in a rate-book in the form numbered VI. in the schedule hereto or to the like effect, and, if the Council so desires, columns may be added to such form so as to allow of more than one rate being dealt with in the same rate-book, or show what rates are at any time in arrear.

(2) The names and other particulars as to owners, and property, and the rateable values, and otherwise, as the nature of the rate may require, shall be taken from the Valuation Roll: Provided that when the name of the owner is not known it shall be sufficient to designate him in the rate-book and in any proceedings to recover any rate as the "owner" of the property on which the rate is assessed without further description.

(3) All alterations lawfully made in the Valuation Roll shall be transcribed into the rate-book, and initialled by the Chairman of the Council and by the Town Clerk.

Council, to give 14 days' notice of making rate.

18. Not less than fourteen days before making any rate the Council shall publicly notify its intention to make such rate, the period for which it is made, the days on which it is to become payable, and that the rate-book is open for inspection as herein provided.

Rate-book to be signed and be open for inspection by rate-payers.

19. The rate-book shall be signed by two members of the Council, and shall be kept in some place, to be publicly notified, for inspection without fee by all rate-payers at such times and hours as the Council fixes.

Appeal against rate-book.

20. Any rate-payer may appeal to the Council against the rate-book on any of the following grounds:—

(*a*) That any person is rated in the rate-book on property not appearing in the Valuation Roll, or for a different value than that stated in the Roll;

(*b*) That any person or property appearing by the Valuation Roll to be liable to be rated is omitted from the rate-book;

(*c*) That the description of any person or property is erroneously copied from the Valuation Roll;

(*d*) That the rate on any rateable property is incorrectly computed;

(*e*) That any alteration lawfully made in the Valuation Roll has not been made in the rate-book.

Council to correct errors in rate-book.

21. The Council may correct any such errors in the rate-book, and every such correction shall be initialled by two members thereof; but, except as above provided, no appeal shall be allowed against any part of the rate.

Rate-book to be evidence without proof of signatures.

22. The rate-book so signed with corrections (if any) so initialled, shall be *primâ facie* evidence in all Courts of the correctness of the contents thereof without proof of such signatures.

Special rates in special areas.

23. Notwithstanding anything herein contained in case any abnormal or extraordinary expenditure shall be incurred by the Council in respect of some particular area of rateable property over and above expenditure common to the whole municipality, the Council may by resolution determine that such abnormal or extraordinary expenditure (and whether the outlay in respect thereof has or has not actually been made) shall be in whole or part a special charge upon the rateable property or some portion thereof within such particular area to the exclusion of the rest of the municipal area, and subject to the approval of the Governor-in-Council fix the amount of the special rate thereon and the persons and times by whom and when the same is payable.

Notice of rates.

24. Every rate imposed by the Council shall become due and payable upon a day to be fixed by it, of which day and of the amount of which rate the Council shall give at least thirty days' notice by advertisement in the Gazette and in a newspaper circulating in the municipality and in such other mode as it may by resolution direct.

Payment of rates.

25. (1) Whenever the Council shall have given such notice as aforesaid of the day upon which such rate will become due and payable it shall be the duty of all persons liable for such rate to pay the amount thereof at the offices of the Council, failing which proceedings may be taken as hereinafter provided.

(2) It shall be competent for the Council to allow discount, not, however, exceeding two and a half per cent. (2½%), on any rates paid on or before the date on which such rate becomes due and payable under the last preceding section.

Rates to be a first charge on property.

26. (1) Subject and without prejudice to the rights of the Crown the rate shall be a first charge on the property in respect of which it is assessed and if not paid within the prescribed time shall be recoverable in manner hereinafter provided.

(2) The tenant or occupier of any house, land, building or tenement (not being the owner or joint owner thereof) who to avoid the seizure or sale of his property for non-payment by the owner of the rate or rates due in respect of his land has paid the amount of rate or rates due in respect of such land and costs may in the absence of any special agreement to the contrary deduct the amount so paid by him from the rent due or to become due by him on account of the said house, land or any building or tenement thereon to the owner or owners thereof and the receipt of the Town Clerk for the amount so paid shall be deemed an acquittance in full for the like amount of rent.

Tenant paying rate to avoid seizure of his property may deduct it from his rent.

(3) If the occupier of any premises when requested by or on behalf of the Council to state the names of the owners of the premises refuses or wilfully omits to disclose or wilfully misstates the same he shall unless he shows cause to the satisfaction of the Court for his refusal or misstatement be guilty of an offence punishable on summary conviction with a fine not exceeding ten pounds.

Proceedings in default.

27. If any sum payable in respect of any rate remains unpaid at the expiration of the prescribed time a notice shall be served upon the person or any one of the persons liable to pay the same calling on him to pay within fifteen days of the service of such notice. If no person liable to pay the same can be found such notice shall be deemed to have been duly served by the posting thereof in the municipal office and by fixing a copy thereof on some conspicuous part of the premises for which the rate is payable.

At the expiration of the said period of fifteen days or such further period as may have been allowed by the Council if any such sum or any part thereof remains due and unpaid it shall be deemed to be an arrear and may be recovered as hereinafter provided.

Proceedings for recovery of arrear.

28. (1) For recovery of an arrear the Council may apply for a warrant of attachment as though on a judgment obtained for civil debt and may seize by virtue thereof any personal property of any person liable to pay the same and may also seize any effects or any crops to whomsoever belonging which may be found on the premises in respect of which the arrear is due and may after the prescribed notice sell the same by public auction in the prescribed manner.

(2) The attachment may be made by an officer deputed by the Court for the purpose who shall publicly notify the attachment in the prescribed manner and shall take an inventory of the property attached. Such officer shall be deemed to be a public servant within the meaning of the Indian Penal Code.

(3) It shall be lawful for such officer to enter and if necessary to break open in the day time any house or building for the purpose of effecting such attachment.

Proceedings against the premises.

29. If the arrear cannot be recovered in the manner aforesaid the Court may by notice of sale (to be served or if service cannot be effected to be posted up on the premises and published in the Gazette) declare its intention of selling at the expiration of three months from the date of such notice of sale the premises in respect of which the arrear has accrued and if at the expiration of such period such arrear has not been paid or satisfied the Court may sell by public auction the whole of such premises or such portion thereof or such interest therein as it may deem sufficient.

Provided always that no premises the property of Government shall be sold under this Ordinance.

Application of proceeds.

30. The proceeds of such sale shall be applied in the first place in satisfaction of the arrear together with interest thereon at the rate of seven per centum per annum and costs and in the event of there being any surplus remaining the Court shall if it is satisfied as to the right of any person claiming such surplus pay the amount thereof to such person and if it is not so satisfied shall hold the amount in trust for the person who may ultimately

succeed in due course of law in establishing his title thereto. If no title is established to such surplus within the period of five years from the date of the sale it shall be paid to the credit and form part of the municipal fund.

Title conferred by purchase at sale under Section 29.

31. (1) The purchaser at a sale held under the provisions of Section 29 shall be deemed to have acquired the right offered for sale free from all encumbrances created over it and from all subordinate interests derived from it except such as are expressly reserved by the Court at the time of sale.

(2) The Court shall notify in the Gazette the result of the sale and the conveyance to the purchaser of the property or right offered for sale.

Cost of proceedings for recovery of arrears.

32. All costs of any proceeding under this Ordinance for the recovery of arrears may be recovered as if they formed part of such arrears.

Power to stop sale.

33. If any person having any interest in any property liable to be sold under the provisions of this Ordinance at any time previous to such sale tenders the Council the arrear with interest and costs the Council shall thereupon desist from all further proceedings in respect thereof.

Application to High Court.

34. If any person whose personal property, crop or land has been attached or advertised for sale under the provisions of this Ordinance disputes the propriety of the attachment or sale he may apply to the High Court, or when the arrear does not exceed ten pounds to the Resident Magistrate's Court for an order to stay the proceedings and the Court after hearing the Council and making such further enquiry as may be necessary shall make such order in the premises as shall be just.

Security to be given.

35. No application shall be entertained by the Court under the last preceding section unless the applicant has deposited in Court the amount of the arrear and costs or given security for the same to the satisfaction of the Court.

Notice to be given of the transfer of rateable property.

36. (1) Whenever any rateable property within the municipal area is sold or transferred it shall be the duty of the purchaser or transferee within one month after such sale or transfer to give notice thereof to the Town Clerk in writing.

(2) Whenever the owner of any rateable property within the municipal area dies it shall be the duty of the person becoming the owner thereof by succession or otherwise to give notice thereof in writing to the Town Clerk within one year after the death of the deceased.

(3) The notice to be given under this section shall state the name of the owner prior to transfer, the name of the transferee and the reference number of the plot in the rate-book.

Council may require production of deeds.

(4) On receipt of any such notice the Council may require the production of the instrument of sale or transfer if any.

Liability for rates of transferor who has not given notice.

(5) Every person who sells or transfers any rateable property within the municipal area shall continue liable for the payment of all rates payable in respect of such property and for the performance of all other obligations imposed by this Ordinance upon the owner of such property which become payable or are to be performed at any time before notice of such transfer has been given. Nothing herein contained shall affect the liability of the purchaser or transferee to pay the rates in respect of such property or to perform such obligation as aforesaid or affect the right of the Council to recover such rates or to enforce such obligation under this Ordinance.

Rules for recovery of rates.

37. In the collection of rates under this Ordinance the rules and forms in the schedule hereto annexed shall be observed and the said schedule shall be construed and have effect as part of this Ordinance.

Acts done before enactment of Ordinance.

38. Any act or thing done or procedure adopted before the date of the enactment of this Ordinance which, if done after such date would have constituted legal compliance with any of the provisions of this Ordinance shall be held to constitute such compliance and shall not be liable to objection on the ground that it was done or adopted before the Ordinance was enacted.

SCHEDULE.

(*See Section* 37).

Rules for the Collection of Rates.

1. The notice required by Section 27 of the Ordinance shall be in Form I.

2. On payment of the sums due by each person as shown in the notice of demand, such person shall be furnished with a receipt in Form II.

Attachment and Seizure.

3. The warrant of attachment issued under Section 28 of the Ordinance shall be in Form III.

4. The officer to whom the attachment is addressed shall notify the same by affixing a copy thereof to a conspicuous part of the premises in which the seizure is effected.

5. The attachment of moveable property shall be executed by actual seizure, and an inventory shall forthwith be taken of such property by the attaching officer, who shall keep the property in his own custody or in the custody of one of his subordinates, and shall be responsible for the safety thereof.

6. The attachment of crops shall be effected by notice prohibiting the person in possession from removing or dealing with the same. Such notice (in Form IV.) shall be posted up on the land on which the crops are growing, and a copy thereof at a Police Station or other public place in the vicinity.

7. The attaching officer shall immediately after seizure proclaim, by notice affixed on the premises or in other effective manner, that if the amount due is not paid within ten days, or cause shewn why the property should not be sold, such property will be sold by public auction.

Sale.

8. On the expiration of ten days, if no good cause to the contrary has been shewn, and the arrear and costs are still unpaid, the property may be sold.

9. Provided that when the property seized is of a perishable nature, or when the expense of keeping it in custody will exceed its value, it may be sold at once.

10. The expense of the maintenance of live stock and the custody of moveable property, while under attachment, shall be costs of the attachment.

11. No officer of the Council nor any person having any duty to perform in connection with any sale under the Ordinance shall, either directly or indirectly, bid for, acquire, or attempt to acquire any interest in any property sold at such sale.

12. A sale under the Ordinance may be adjourned to a specified day and hour if the Council shall see good reason for such adjournment. Every such sale shall be stopped if, before the lot is knocked down, the arrear and costs (including the costs of sale) are tendered to the officer conducting the sale.

Sale of Immoveable Property.

13. Where it becomes necessary to take proceedings against the premises under Section 29 of the Ordinance, the Council shall record in their office a statement of the case, giving the reasons for the process adopted and the area and boundaries of the premises and the nature of the interest sold therein with a plan of the premises. A copy of this statement, authenticated by the signature of the Chairman shall, on application, be given to the purchaser.

14. The notice under Section 29 of the Ordinance shall be in the Form V. and contain a description of the boundaries of the property and shall be served personally on the person named therein or, if that be impracticable, shall be posted up on the premises and published in the Gazette. The notice shall state the name of the owner of the property if known.

PAYMENT.

15. In the case of moveable property and crops, the price of each lot shall be paid for at the time of sale, or as soon after as the officer holding the sale directs; in default of payment, the property shall be again put up and sold. On payment of the purchase-money, the officer conducting the sale shall give a receipt for the same.

16. On every sale of immoveable property under the Ordinance the person declared to be the purchaser shall pay, immediately after such declaration, a deposit of twenty-five per centum on the amount of his purchase-money to the officer conducting the sale, and in default of such deposit, the property shall forthwith be put up again and sold.

17. The balance of the purchase-money shall be paid by the purchaser on or before the fifteenth day after the sale of the property, or, if the fifteenth day be a Sunday or other holiday, then on the first office-day after the fifteenth day.

18. In default of payment within the period mentioned above, the deposit shall be forfeited to the municipality and the property shall be re-sold, and the defaulting purchaser shall forfeit all claim to the property, or to any part of the sum for which it may subsequently be sold.

MISCELLANEOUS.

19. The Court may, if it thinks it desirable, advertise in such manner as it shall think fit, any sale held under these Rules, and any expenses incurred in so doing shall be costs of the sale.

20. On payment of the purchase-money, the Court shall make an order as provided in Section 55 of the Registration of Titles Ordinance, 1919, preferring the purchaser as proprietor of the land or interest in land sold to him, and he shall forthwith be put in possession of the purchased property, the aid of the Police being afforded if needful.

21. The sum to be deducted from the proceeds of the sale, besides the arrear originally due to the municipality, shall be:—

(*a*) Any further arrear that may have accrued up to the day of sale.

(*b*) The costs incurred by the process, and sale.

FORM I.

NOTICE OF DEMAND.

No.....

To

.....

Take notice, you are hereby required to pay at..... the rates due by you for the period..... amounting to Fls.....within 15 days from the date of the service hereof on you; in default of payment within the period specified, the amount of the arrears due, together with the costs of process, will be recovered under the powers contained in "The Nairobi (Rating of Unimproved Site Values) Ordinance, 1921."

	£	Fls.	Cts.
Current assessment for			
Arrears for			
Total £ ...			

Municipal Offices,
19 .

.....
Town Clerk.

FORM II.

Received from.....
rates on the premises Plot No.....street.....
.....

	£	Fls.	Cts.
Current assessment for 19			
Arrears for.....years viz: 19 . to 19			
Total £ ...			

.....
Municipal Offices, *Town Clerk.*
19 . .

(Counterfoil).

Received from.....
rates on Plot No.....street.....
.....

	£	Fls.	Cts.
Current assessement for 19			
Arrears for.....years viz: 19 . to 19			
Total £ ...			

Municipal Offices,
19 .

.....
Town Clerk.

FORM III.

WARRANT OF ATTACHMENT.

To

Whereas by a notice of demand served or published on the.....day of.....19 ,.....
.....was required to pay at.....
.....the sum of Fls.....(being arrears and costs recoverable under "The Nairobi (Rating of Unimproved Site Values) Ordinance, 1921," as noted in the margin) and whereas the said sum of Fls.....has not been paid:

Current Assessment for 19 .	
Arrears for.....years, *viz* 19 to 19 .	
Attachment Fees	
Costs	
Total ...	

THESE ARE TO COMMAND you to attach the personal property of the said.....
.....
wherever the same may be found and also the effects and the crops to whomsoever belonging which may be found on the premises.....
.....
Street.....Plot No.....Nairobi and unless the said sum of Fls.....the costs of this attachment, be paid, to hold the same until further orders.

You are further commanded to return this Warrant on or before the.....day of.....19 , with an endorsement certifying the date and manner in which it has been executed or why it has not been executed.

Given under my hand at.....this.....
day of.....19 .

.....
Resident Magistrate.

FORM IV.

Notice Attaching Crops.

Whereas.....has failed to satisfy an arrear of rates amounting, with costs, to Fls..... Notice is hereby given that the property specified at the foot hereof has been attached under a Warrant of Attachment issued by the Resident Magistrate of.....dated the..... day of.....19 , and the said..... .....and all persons are hereby prohibited from disposing of or removing the said property, and all persons are prohibited from receiving the same by purchase, gift, or otherwise.

.....

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

.....

Officer of the Court.

FORM V.

Notice of Sale of Land.

Whereas by a notice of demand served or published on the.....day of.....19 , ...was required to pay at.....the sum of Fls.....being arrears and costs recoverable under "The Nairobi (Rating of Unimproved Values) Ordinance, 1921," and whereas the said sum has not been paid and cannot be recovered in the manner prescribed in Section 28 of the said Ordinance.

Notice is hereby given that, at the expiration of three months from the date of this notice, the Court will proceed to sell by public auction the premises described at the foot hereof (being the premises in respect of which the arrear has accrued) and all persons are hereby warned against alienating the premises so described, by sale, gift or otherwise, and from receiving the same by purchase, gift, or otherwise.

Given under my hand this.....day of.....19 .

.....

Resident Magistrate.

FORM VI.

Rate Book.

A rate of.....per centum under the provisions of "The Nairobi (Rating of Unimproved Values) Ordinance, 1921," by the Nairobi Municipal Council, on the.....day of.....19 , for the period....., 19 , payable in.....equal instalments on the (*name the day for payment*).

1	2	3	4	5	6	7
No. on Roll.	Owner.	Description and Situation of Property.	Rateable Value.	Rate at .....%	By whom Rate paid	Date of Payment

Signed by us, with the corrections initialled, this..... day of.....19 .

A.B. }
C.D. } Members of the Municipal Council.

(*N.B.*—The two last columns will appear in blank when the rate-book is signed, and will be filled in from time to time as the rates are paid).

AN ORDINANCE.

No. 20 OF 1921.

Assented to in His Majesty's name this 15th day of March, 1921.

EDWARD NORTHEY,
Governor.

An Ordinance to Regulate the Manufacture and Sale of Native Intoxicating Liquors.

BE it enacted by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof:—

1. This Ordinance may be cited as "The Native Liquor Ordinance, 1921." **Short title.**

2. In this Ordinance:— **Definitions.**

"Local authority" means the Council of any Municipality constituted under the Municipal Corporations Ordinance, 1909, or any Ordinance substituted therefor and any committee or other authority appointed under the East Africa Townships Ordinance, 1903, for the purpose of the said Ordinance.

"Licensing Board" means the person or body of persons authorised to grant, renew or transfer licences under this Ordinance.

"Native intoxicating liquor" means pombe, fermented asali, tembo kali, and all liquors such as are prepared by natives which contain more than one per centum by weight of absolute alcohol.

"Sale" includes barter.

3. The Governor-in-Council may from time to time by proclamation apply this Ordinance to any area in the Colony and Protectorate and upon its application this Ordinance shall come into full force and effect within the limits of such area. **Application of Ordinance.**

Provided that the Ordinance shall not be applied to any area where there is a Local Authority except at the request of such Local Authority and that it shall not be applied to any area where there is no Local Authority except at the request of the Administrative Officer in charge of the area.

4. (1) The Governor may appoint in any Township or other area a Licensing Board consisting of three members of whom two including the Chairman shall be a quorum for the consideration and determination of applications for or relating to the granting, renewal or transfer of licences for the manufacture and sale of native intoxicating liquor and may fill any vacancy arising in such Board through the absence of any member or from any other cause. **Licensing Boards.**

(2) No member of a Licensing Board shall have any interest in any application before the Board.

(3) The Resident Commissioner shall be Chairman of such Board provided that in Townships or other areas where there is no Resident Commissioner the District Commissioner or such other person as the Governor may appoint shall be the Chairman.

(4) The decision of the majority of the members shall be the decision of the Board and in the case of an equality of votes the Chairman shall have a casting as well as a deliberative vote.

(5) A Licensing Board shall have power to refuse any application or all applications made to it.

(6) The powers and duties of a Licensing Board shall, in areas to which no Licensing Board has been appointed, be exercised and carried into effect by the District Commissioner of the district or by such other person as the Governor may appoint.

Licensing Boards when to sit.

5. (1) Licensing Boards shall sit on the 1st Monday in December and at the discretion of the Chairman may sit on the 1st Monday in June in each year or on a date as near to those dates as may be possible at such time and place as the Chairman shall appoint and shall consider and determine all applications for the granting, renewal, transfer, removal and refusal of any licence for and in respect of which notice has been given.

(2) At least one month's notice of any sitting shall be given by the Chairman in the Gazette.

Who may hold licence.

6. (1) No licence shall be issued under this Ordinance to any person other than persons of African extraction or of Arabian extraction born in Africa.

(2) No licence to sell in a Township shall be issued to a female.

Employment in connection with the sale.

7. No female shall be employed in connection with the sale of native intoxicating liquor on licensed premises in a Township or except with the special permission of the Licensing Board in any other area such permission to be endorsed on the licence.

No person to manufacture or sell without a licence.

8. (1) No person unless he holds a licence issued under this Ordinance shall manufacture for the purpose of sale or shall sell native intoxicating liquor.

Approved premises.

(2) Every licence issued under this Ordinance shall authorise the holder to manufacture and sell native intoxicating liquor on such premises or in such village only as the Licensing Board shall approve and specify on the licence and in a Township shall be displayed in a conspicuous place in the licensed premises.

(3) No premises in any Township shall be licensed unless they are approved by the Licensing Board and by the Medical Officer of Health and further provided that such premises are furnished and equipped to the satisfaction of the Board and no such premises shall be used for any purpose other than that for which the licence was granted (except as an eating house) except by permission of the Licensing Board endorsed on the licence.

Premises on private land.

(4) A licence in respect of premises on private land shall not be issued unless the consent of the occupier of the land has first been obtained.

Special temporary licences.

(5) Notwithstanding anything hereinbefore contained a Licensing Board may issue a special temporary licence authorising the person named therein to sell native intoxicating liquor on premises named in such licence on the date and during the hours named therein.

Fee.

(6) There shall be payable in respect of any licence issued under this section and in respect of any transfer of any licence such sum as the Governor-in-Council may from time to time fix by notice in the Gazette.

Duration of licence.

9. Every licence granted under this Ordinance shall expire on the 31st day of December of the year in respect of which it was issued provided that where application has been made for the renewal of such licence it shall continue in force until the decision of the Licensing Board has been notified to the applicant and for seven days thereafter.

Hours of sale of native intoxicating liquor.

10. (1) In any Township the Local Authority may prescribe the days and hours during which native intoxicating liquor may be sold.

To whom may be sold.

(2) In any Township where the Local Authority has not prescribed the hours during which native intoxicating liquor may be sold no such liquor shall be sold between the hours of 8 p.m. and 8 a.m.

11. No person who has been granted a licence under this Ordinance shall supply any native intoxicating liquor:—

(*a*) To any Non-native.

(*b*) To any female in a Township.

(*c*) To any person apparently under the age of 18 years.

(*d*) To any drunken person.

(*e*) To any person except for consumption on the premises specified in the licence or for purposes of transport from the place of manufacture to licensed premises.

Provided that in the Provinces of Seyidie and Tanaland any native desiring to purchase native intoxicating liquor outside his reserve for consumption in his Reserve shall obtain a permit to possess and transport such liquor from the place of purchase to the intended place of consumption. Such permit shall be in writing and shall be obtained from the District Commissioner of the district in which the licensed premises are situated who shall have absolute discretion to refuse its issue; and there shall be stated on the permit the date of issue, the date of expiration and the quantity of liquor so to be possessed and transported.

Licence not to be transferred without sanction.

12. A licence granted under this Ordinance shall not be transferable from one person to another person or from one set of premises to another set of premises except with the consent in writing of the Licensing Board who may refuse such consent.

Sale on unlicensed premises.

13. Any unlicensed person who shall manufacture for the purpose of sale or shall sell native intoxicating liquor and any licensed person who shall manufacture for the purpose of sale or shall sell native intoxicating liquor on premises other than those authorised by his licence shall be guilty of an offence and shall upon conviction be liable to imprisonment for a term not exceeding twelve months or to a fine not exceeding £100 or to both such fine and imprisonment and to forfeiture of any licence issued under this Ordinance.

Being in possession of native intoxicating liquor off licensed premises.

14. Any person in a Township found in possession of native intoxicating liquor off licensed premises shall be guilty of an offence unless he shall prove that the liquor in question was being transported from the place of manufacture to licensed premises for the purpose of sale therein and shall be liable on conviction to a term of imprisonment not exceeding one month or to a fine not exceeding £5 or to both such fine and imprisonment and the liquor in question shall be confiscated. Provided that this section shall not apply to any native holding a permit under the proviso in Section 11 (*e*).

Unsuitable premises.

15. If any premises licensed under this Ordinance for the manufacture for the purpose of sale or for the sale of native intoxicating liquor shall in the opinion of the Licensing Board become unsuitable or shall fall into disrepair the Licensing Board may suspend the licence until such premises have been made conformable to its requirements.

Latrine accommodation.

16. Any premises in any Township licensed for the sale of native intoxicating liquor shall be provided with such latrine accommodation as the Medical Officer of Health or in the absence of a Medical Officer of Health as the District Commissioner or Resident Commissioner shall direct.

No vested interest created by licence.

17. No person holding or having held a licence to sell native intoxicating liquor shall be entitled to claim a renewal of such licence as of right or to claim any compensation in respect of such licence if such licence is not renewed.

Drunk and disorderly persons.

18. (1) No licensee shall allow drunkenness on his licensed premises.

(2) No licensee shall admit to his licensed premises any person who is drunk or disorderly or who carries a dangerous weapon.

(3) A licensee shall take all steps in his power to compel any drunk or disorderly person or any person who is found to be in possession of a dangerous weapon to leave the licensed premises.

Refusal to obey licensee.

19. Any person entering or remaining on licensed premises against the orders of a licensee as provided for in the preceding section shall be guilty of an offence.

In this and the preceding section the word "licensee" shall be taken as including "employee."

Powers of arrest.

20. Any Police Officer may arrest any person found on or near any premises licensed under this Ordinance or on any road or in any public place drunk and incapable or drunk and disorderly.

Explanation of Ordinance to applicant.

21. Any person applying for a licence under this Ordinance shall have the provisions of the Ordinance fully explained to him by the Chairman of the Board and should the licence be granted the Chairman on signing the licence shall certify on the same that the provisions have been so explained.

Power to inspect.

22. Any Magistrate or Police Officer of or above the rank of an Assistant Sub-Inspector or European Police Constable in charge of an outstation or any other person authorised thereto by a Magistrate shall have power to inspect any premises licensed under this Ordinance and to demand and inspect the licence. Refusal to produce a licence when demanded under this section shall be deemed to be an offence.

Power to search unlicensed premises.

23. Any Magistrate or Police Officer of or above the rank of an Inspector (or any European Police Constable in charge of an outstation) and any other Police Officer having special written authority from a Magistrate or Police Officer of or above the rank of an Inspector may at any hour enter any unlicensed premises in which he suspects that native intoxicating liquor is being sold and may if cause be discovered take into custody all persons found therein, and may take possession of all liquor found therein, and all such persons shall be brought before a Magistrate as soon as possible and upon conviction all such liquor found therein shall be forfeited.

Power to search licensed premises.

24. Any Police Officer may enter any licensed premises at any time when he has reasonable grounds for believing that liquor is being sold on such premises contrary to the provisions of this Ordinance and if cause be discovered may take into custody the licensee and all his servants and all persons taken into custody shall be brought before a Magistrate as soon as possible and such Police Officer may take possession of all liquor found on such premises and upon conviction all liquor found therein shall be forfeited.

Evidence.

25. In any proceeding relating to any offence under this Ordinance it shall not be necessary to show that any money actually passed or that any native intoxicating liquor was actually consumed if the Court hearing the case be satisfied that a transaction in the nature of a sale actually took place or that any consumption was about to take place and proof of consumption or intended consumption of native intoxicating liquor in licensed premises by some person other than the occupier or his servant in such premises shall be evidence that such liquor was sold to the person consuming or about to consume the same by the holder of such licence.

Tapping of trees.

26. (1) No person shall tap trees for palm wine except he has first taken out a licence in that behalf from the District Commissioner.

(2) Such licence shall authorise the holder to tap trees for palm wine in such area and within such hours as the District Commissioner shall approve and specify on the licence.

(3) There shall be payable in respect of any licence issued under this section such sum as the Governor-in-Council may from time to time proclaim, provided always that no sum shall be payable in respect of any licence granted to tap trees for palm wine intended for private consumption by the owner or his household or dependents and not for purposes of sale. Such licences shall be endorsed by the District Commissioner with such conditions as he may think necessary.

(4) Any Magistrate or Police Officer of or above the rank of an Assistant Sub-Inspector or any European Police Constable shall have power to demand and inspect any licence issued under this section. Refusal to produce a licence when so demanded shall be deemed to be an offence. Such offence shall be cognisable to the Police.

Penalties.

27. Any person who shall commit any offence under this Ordinance or shall contravene any of the provisions of this Ordinance shall, where other provision is not made by this Ordinance, be liable to a term of imprisonment of either description not exceeding six months or to a fine not exceeding £50 or to both and to forfeiture of any licence under this Ordinance.

Saving.

28. This Ordinance shall not be deemed to limit the application of the provisions of the Native Authority Ordinance, 1912.

Application by Local Authority for exclusive right to manufacture and sale.

29. (1) Notwithstanding anything to the contrary contained in this Ordinance the Governor-in-Council may at the request of a Local Authority in charge of any area declare by proclamation in the Gazette that the right to manufacture and/or sell and supply native intoxicating liquor in such area is vested exclusively in the Local Authority and thereupon such Local Authority may establish breweries and canteens or hostels for the purpose of manufacture and/or sale of native intoxicating liquor.

(2) Such Local Authority shall not be required to apply for any licence under this Ordinance in respect of any canteen or hostel so established.

(3) All breweries, canteens or hostels so established shall be registered in a register to be kept by the District Commissioner.

(4) From and after the date of any proclamation as hereinbefore mentioned no further licences shall be granted under this Ordinance in respect of any premises within the area within which the Local Authority is authorised to establish breweries, canteens or hostels and no licence existing at the date of the proclamation shall be renewed or transferred.

Power to make Rules.

30. (1) The Governor-in-Council may from time to time make Rules for any of the following purposes:—

(1) For the confiscation of any liquor manufactured or being manufactured or kept in contravention of this Ordinance and of all instruments and utensils appertaining thereto.

(2) For the manufacture for the purpose of sale or for the sale of native intoxicating liquor by any Local Authority and the management and control of the breweries, canteens or hostels of such Local Authority.

(3) For the taking of samples and for the analysis of native intoxicating liquor manufactured for sale or sold by a Local Authority or any other licensed persons.

(4) For the prohibition of the manufacture for the purpose of sale or sale by any person of any native intoxicating liquor exceeding the strength of 7.5 per centum by weight of absolute alcohol.

(5) For the provision of co-operative arrangement between Local Authorities for the manufacture for the purpose of sale or sale of native intoxicating liquor.

(6) For providing that any officer duly appointed for that purpose shall at all reasonable times have the right to enter and inspect any brewery, canteen or hostel established by a Local Authority for the purpose of ensuring:—

(*a*) That good order and proper standards of comfort and cleanliness are maintained.

(*b*) That proper books of accounts are kept by the Local Authority in connection with the manufacture for the purpose of sale or sale of native intoxicating liquor and for the purpose of examining and auditing the same.

(*c*) For the purpose of inquiring into any complaints against the proper conduct of the premises and for the above purposes the Local Authority shall afford all reasonable facilities and assistance to such officers whilst engaged in the foregoing duties.

(7) For providing that such officer shall transmit a written report of any such inspection as mentioned above to the Chief Native Commissioner as to the facts ascertained by such inspection and a copy of such report shall be transmitted to the Local Authority concerned.

(8) For providing that should such Local Authority fail to maintain to the satisfaction of the Governor any brewery, canteen or hostel the Governor may direct by proclamation in the Gazette that all powers, duties and authorities conferred under this Ordinance on such Local Authority shall be temporarily transferred to and vested in the Senior Resident Commissioner or any other suitable Government Officer who shall exercise all such powers and authorities on behalf of the Local Authority.

(9) For providing that all profits accruing to a Local Authority from the manufacture for the purpose of sale and sale of native intoxicating liquor shall be expended in such ways and on such projects on behalf of the natives resident in the area controlled by such Local Authority as may to the Governor seem best and expedient.

(10) For the fixing of any fees to be charged for services rendered in connection with this Ordinance.

(11) Generally for the better carrying into effect of the purposes of this Ordinance.

Repeals.

31. The East Africa Native Liquor Ordinance, 1907, the East Africa Native Intoxicating Liquor Ordinance, 1908, and the East Africa Native Intoxicating Liquor Ordinance, 1915, are hereby repealed.

AN ORDINANCE.

No. 21 of 1921.

Assented to in His Majesty's name this 15th day of March, 1921.

EDWARD NORTHEY,
Governor.

An Ordinance to Amend the Rent (War Restriction Amendment) Ordinance, 1921.

BE it enacted by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof:—

Short title.

This Ordinance may be cited as "The Rent (War Restriction Amendment No. 2) Ordinance, 1921," and shall be read as one with the Rent (War Restriction Amendment) Ordinance, 1921, hereinafter referred to as "the Principal Ordinance."

Amendment of Section 6 of the Principal Ordinance.

2. Section 6 of the Principal Ordinance is hereby amended by the deletion of the words and figures "Sections 3 or 4" in the second line thereof and the substitution therefor of the words and figures "Sections 4 or 5."

AN ORDINANCE.

Amended ords. 5/22
09. /p. 227.

No. 22 OF 1921.

Assented to in His Majesty's name this 15th day of March, 1921.

EDWARD NORTHEY,
Governor.

An Ordinance to make Provision for Granting Pensions to Widows and Children of Deceased European Public Officers.

Preamble.

WHEREAS it is expedient to make provision for the granting of Pensions to the Widows and Children of European Officers employed in the service of the Government of the Colony of Kenya.

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 Widows and Orphans Pension Ordinance, 1921."

Interpretation.

2. (1) In this Ordinance, if not inconsistent with the context, the following expressions have the meanings hereinafter respectively assigned to them, viz:—

"This Government" means the Government of the Colony and Protectorate of Kenya.

"European Officer" means any officer both of whose parents were of European descent (but includes also any other officer who is appointed under the conditions of service ordinarily applicable to Europeans).

"East African Service" means the service of the Government of any one or more of the following:—

The Colony and Protectorate of Kenya, the Protectorate of Uganda, the Protectorate of Nyasaland, the Protectorate of Zanzibar, the Protectorate of Somaliland and the Tanganyika Territory; which Governments are referred to as "East African Governments."

"The Scheme" means the scheme common to all the British Colony and Protectorates in East Africa and the Tanganyika Territory for granting pensions to the Widows and Children of European officers in the East African Service which it is intended to establish by this Ordinance and by similar legislation in the others of the said Colony, Protectorates and Territory.

"Crown Agents" means the Crown Agents for the Colonies.

"The Secretary of State" means one of His Majesty's Principal Secretaries of State.

"Of a pensionable age" as applied to children means, in the case of a male, that he is under the age of eighteen years, and, in the case of a female, that she is under the age of twenty-one years and has not been married. A child shall be deemed to cease to be of a pensionable age within the meaning of this Ordinance, if a male, on attaining the age of eighteen years or dying under that age, and, if a female, on attaining the age of twenty-one years, or dying or marrying under that age.

"Contributor" includes a person all of whose contributions are fully paid and a person who has been transferred from the service of this Government to other East African Service while contributing under the scheme.

"Beneficiary" means and includes,

(*a*) The widow of a contributor;

(*b*) The children of a contributor, by his marriage with any wife dying in his life-time, who are alive and of a pensionable age at the death of their father.

The words "monthly" and "month" refer to calendar months.

(2) When the marriage of any contributor has been annulled or dissolved by the decree of any competent court the wife party to such marriage shall for all purposes of this Ordinance be deemed to have died and the contributor to have become a widower at the date of such decree.

Who shall become contributors.

3. (1) Subject to the exceptions mentioned in the next section, every European officer appointed permanently or temporarily to a post in the service of this Government after, and not appointed or selected for appointment to the East African Service on or before the 1st of April, 1921, shall become a contributor under the provisions of this Ordinance from the date on which he commences to draw any of the salary of the post.

(2) Subject to the same exceptions, every European officer who was in, or selected for appointment to, the East African Service on the 1st of April, 1921, may, if at the time of election he is in the service of this Government, by a written notice addressed to the Crown Agents and received by them before the 1st of October, 1922, elect to become a contributor: and if he so elect, he shall contribute as from the first day of the month next after that in which his notice was received by the Crown Agents.

(3) If a European officer who was in, or selected for appointment to, the East African Service on the 1st of April, 1921, elects to become a contributor and is appointed to the service of this Government subsequently to such election, he shall contribute under this Ordinance.

If such an officer does not elect to contribute to the scheme and is appointed to the service of this Government subsequently to the 1st of April, 1921, upon such terms as constitute a re-appointment to or re-engagement in the East African Service, he shall, for the purposes of this Ordinance, be deemed to be appointed to the service of this Government on the date of such re-appointment or re-engagement.

4. (1) The following shall not be eligible to be contributors— **Who shall not be contributors.**

(*a*) Governors and their Private Secretaries and Aides-de-Camp, if not contributors before they held these positions or holders of substantive appointments entitling them to be contributors.

(*b*) Officers, Non-commissioned Officers and men on the active list of the Navy or of the Regular Army temporarily employed by an East African Government in either a military or a civil capacity.

(*c*) Persons temporarily employed on special missions.

(*d*) Females.

(2) The following shall not be eligible to become contributors:— **Who shall not become contributors.**

Persons who have attained the age of forty-nine, unless they are transferred from other East African Service in which they were contributors under the scheme and have not completed their periods of contribution.

(3) No officer shall be required to become a contributor under this Ordinance if, and for so long as, he is contributing to an approved scheme or to the Uganda Railway Provident Fund. No claim for exemption under this sub-section shall be valid unless it is made in writing and reaches the Crown Agents not later than three months after the date from which the officer commenced to draw salary from this Government. An officer who under this sub-section has claimed exemption from becoming a contributor under this Ordinance may not subsequently become a contributor under this Ordinance unless either he ceases to contribute to the approved scheme or to the Uganda Railway Provident Fund, as the case may be, or he marries, or he leaves the service of this Government and is subsequently re-appointed to it. Nothing in this sub-section shall exempt an officer who on appointment or re-appointment to the service of this Government is already a contributor under the scheme, from continuing his contributions thereto. **Who may, but need not become contributors.**

An "Approved Scheme" means a scheme for the granting of Pensions to the Widows and Children of Government Officers established in a British Colony or Protectorate outside East Africa or in British India which has been declared by the Secretary of State to be an approved scheme for the purpose of this sub-section.

5. (1) The rates of contribution shall be as follows:— **Rates of contribution.**

(*a*) An officer the maximum of whose scale of salary (or whose actual salary if he is not on an incremental scale) exceeds the amount given in any line of the first column below but does not exceed that given in the corresponding line of the second, shall contribute at the annual sterling rate given in the corresponding line of the third column:—

Column 1.		*Column* 2.		*Column* 3.
£		£		£
—	...	275	...	12
275	...	300	...	15
300	...	400	...	18
400	...	500	...	24
500	...	600	...	30
600	...	700	...	35
700	...	800	...	40

and so on, the annual contribution increasing by £5 for each step of £100 in the salary scale.

Provided that where the officer's salary is expressed in rupees or florins the sterling contributions shall be taken to be £12 annually where the maximum of the scale of salary (or the actual salary if he is not on an incremental scale) does not exceed 300 rupees or florins a month, and £15 annually where the salary exceeds 300 rupees or florins a month.

(*b*) A contributor who before the date of his first payment of contribution under this Ordinance or within three months after marrying shall by written notice to the Crown Agents so elect may make an additional annual contribution of one-half of the amount specified in the line in column 3 above, which is applicable to him at the date of notification, or, if he so decides at the date of notification, of one-half the amount so specified which is applicable to him from time to time. A contributor who has not so elected before the date of his first contribution or within three months after marrying may be permitted so to elect at any time during his contribution term, subject to the approval of the Governor after medical examination. If he so elects to make an additional annual contribution he shall make it accordingly as from the date on which he first became a contributor or as from the first day of the month next after that in which his notice was received by the Crown Agents or as from the first day of the month next after that in which the Governor's approval was given to his subsequent election as the case may be.

A contributor who at the time of his appointment or reappointment to the service of this Government is already making an additional annual contribution under the scheme shall (unless he elects at any time under Section 7 (1) to discontinue such additional contribution) continue to pay it as an additional annual contribution under this Ordinance: and an officer who has ceased to contribute under the scheme may on being reappointed to the service of this Government elect to make an additional annual contribution at the rate then applicable to him or if he so elects at the rate applicable to him from time to time. No officer shall be allowed to make more than one additional annual contribution under the scheme at the same time.

(*c*) No officer shall be required to contribute at a higher rate than £60 a year.

(2) A European officer who is in the service of this Government on the 1st of April, 1921, and who elects to become a contributor may, if he wishes, when so electing pay to the Crown Agents as a lump sum contribution an amount not exceeding the total without interest of the amounts which he might have contributed by way of annual and additional annual contributions prior to the date of commencement of his contribution if this scheme had come into operation on the 1st of April, 1916.

(3) Where a contributor is in receipt of salary from more than one East African Government his contributions under this Ordinance shall bear the same proportion to the contributions which he would have paid under this Ordinance had the whole of such salary been payable by this Government as the salary in fact payable by this Government bears to his total salary.

Salary only to determine rates of contribution.

6. For the purpose of fixing the rate of contribution no regard shall be had to any personal, duty, or acting allowance, nor to any other receipts, emoluments or advantages of any kind which the officer may receive or enjoy; but the contribution shall be assessed with regard only to the amount of the salary of the definite post held by the officer without previous deduction of the amount of his contributions.

Period and manner of contribution.

7. (1) All annual contributions shall be paid in monthly instalments and shall, subject as hereinafter mentioned, be payable until either the contributor dies, or he has contributed to the scheme for an exact number of years that number being obtained by subtracting his age next birthday at entry from the age of 50.

Provided that a contributor who is making an additional annual contribution may at any time by notification to the Crown Agents elect to discontinue such contributions as from the beginning of the month next after that in which his notification of election is received by the Crown Agents.

(2) The Government shall deduct the contributions from the salaries of contributors. If a contributor is on leave on half salary or under interdiction, or on leave without salary, he shall still be liable to contribute at the ordinary rate. In the last

mentioned case, if the contributor does not himself pay to the Government his contributions during the period when he was on leave without salary, the amount of his contributions in arrear shall be deducted from the first payment of salary subsequent to such leave.

How contributions shall be brought to account.

8. All contributions under this Ordinance shall be paid into, or credited by the Crown Agents to, the Treasury of the Colony of Kenya.

Registers of contribution to be kept.

9. Registers shall be kept by the Crown Agents in which shall be entered the date of the birth of every contributor and, if he be married, the dates of the births of his wife and children (if any) particulars of his contributions, and all other dates and particulars respecting contributors and their families material to be recorded for the purposes of this Ordinance.

Information to be furnished by contributors.

10. (1) Every contributor shall within three months of his first becoming a contributor under the scheme notify to the Crown Agents in writing:—

(*a*) the date of his birth and

(*b*) if he is a married man, or a widower with children of a pensionable age the dates of his marriage and of the births of his wife and children (if any).

(2) Every contributor who marries while a contributor shall within 3 months after his marriage notify the same to the Crown Agents in writing and state the date of the birth of his wife.

(3) Every contributor shall notify to the Crown Agents in writing within 3 months from the date of the event:—

(*a*) the birth of any child born to him;

(*b*) the marriage of any female child under the age of 21;

(*c*) the death of his wife or of any of his children of a pensionable age.

Information to be furnished by widows.

(4) After the death of any married contributor, the widow of such contributor shall notify to the Crown Agents in writing within 3 months from the date of the event:—

(*a*) the date of the death of the contributor, if he was not at the time in the East African Service;

(*b*) the birth of any posthumous child born to such contributor;

(*c*) the marriage of any female child of such contributor under the age of 21 years;

(*d*) the death of any child of such contributor while of a pensionable age.

Proof of statements.

(5) Any such statement or notice shall be proved by the production of birth, death, or marriage certificates or by affidavit or otherwise, to the satisfaction of the Crown Agents.

Penalty for non-compliance.

11. (1) A contributor or widow who fails or neglects to comply with any of the requirements of the foregoing section shall, for each default, pay a fine not exceeding £2 sterling, which may be deducted from his or her salary or pension as the case may be.

Penalty for false statement.

(2) A contributor or widow who wilfully makes any false statement respecting any of the particulars required by this Ordinance to be furnished shall be liable to forfeit at the discretion of the Secretary of State all or any part of his or her rights under the scheme.

Calculation of pensions and mode of charge.

12. The Crown Agents shall calculate the pensions payable under this Ordinance and shall pay the pensions as they become due. They shall charge the sums so paid as well as any refunds

of contributions paid in accordance with this Ordinance as follows:—

(*a*) Where the whole of the officer's contributions under the scheme has been received by this Government the whole cost of pensions or refunds in respect of that contributor shall be charged to this Government.

(*b*) Where the officer's contributions under the scheme have been received partly by this Government and partly by one or more other East African Governments the same proportion of the cost of pensions or refunds in respect of that contributor shall be charged to this Government as the amount of the officer's contributions received by this Government bears to the total amount of his contributions.

Pensions to beneficiaries.

13. Subject to the provisions of this Ordinance:—

(i) On the death of a contributor leaving one or more beneficiaries such beneficiary or each of such beneficiaries shall receive a pension calculated according to the Pension Tables and instructions set forth in Schedules A. and B. to this Ordinance.

Pensions where more than one beneficiary.

(ii) If pensions are payable to more than one beneficiary each beneficiary shall receive such a proportion of the pension which it would have received if it had been the only beneficiary as unity bears to the total number of beneficiaries.

Effect of lapse of pension on pensions of remaining beneficiaries.

(iii) Where there are more beneficiaries than one receiving pensions in respect of the same contributor and any of such beneficiaries ceases to exist within the meaning of this Ordinance the beneficiary or beneficiaries if more than one remaining in existence shall, or each of them shall, as from the date of such cessation receive the pension it would have received if it and the other beneficiary or beneficiaries (if any) remaining in existence had been the only beneficiary or beneficiaries in existence at the death of such contributor.

Pension to widow.

14. (1) Where a beneficiary consists of the widow of a contributor the pension payable to such beneficiary shall subject to any deductions in respect of partial forfeitures under Section II (2) be paid to her and shall cease on her death, bankruptcy or remarriage or on the forfeiture of the whole of such pension in accordance with the provisions of that sub-section.

Lapse of widow's pension.

(2) If on such pension ceasing as aforesaid there are no children of the marriage of such widow with the contributor living and of pensionable age, such beneficiary shall be deemed to cease to exist and the pension payable to it shall lapse.

Pension to children on lapse of widow's pension.

(3) If on such pension ceasing as aforesaid there are such children living and of pensionable age such pension shall be continued and paid to such children as hereinafter provided and such children shall be deemed to constitute a beneficiary within the meaning of this Ordinance.

Pensions to children.

15. Where a beneficiary consists of children of a contributor the pension payable to such beneficiary shall be at the same rate as the pension which their mother received or would have received if she had been alive and entitled to a pension, and shall be paid to such children in equal shares while they remain of pensionable age. When any of such children ceases to be of pensionable age his or her share of such pension shall be paid to the surviving children of pensionable age in equal shares and when the last surviving child of pensionable age ceases to be of pensionable age such beneficiary shall be deemed to cease to exist and the pension payable to it shall lapse.

Who not entitled to pension.

16. (1) No widow of a contributor whose marriage with him is contracted after he has left the East African Service or has attained the age of 55, whichever of these events shall first happen, and no issue of such marriage shall be capable of constituting a beneficiary or become entitled to any pension under this Ordinance.

(2) No widow of a contributor whose husband dies within twelve calendar months of the marriage without issue of such marriage born in his lifetime or in due time after his death, shall be capable of constituting a beneficiary or become entitled to any pension under this Ordinance; provided that the Crown Agents may, with the approval of the Governor of the East African Colony or ~~Protectorate~~ Territory in which the contributor last served, grant to such widow all or any part of the pension to which she would have been entitled but for the provisions of this sub-section.

17. Notwithstanding anything contained in this Ordinance no officer who is dismissed from the East African Service for misconduct shall be entitled to rank for benefit under this Ordinance whether by way of pension or return of contributions.

Officer dismissed for misconduct not to rank for benefit.

18. All pensions payable under this Ordinance shall commence upon the death of the contributor in respect of whom they are payable, shall accrue daily, and shall be payable monthly in arrear, provided that a pension may be payable quarterly instead of monthly if the pensioner so desires.

Pension: when to commence, and how payable.

19. If a widow's pension ceases in her lifetime by reason of her bankruptcy, and there are no children of hers to whom such pension can be continued in accordance with Section 14 (3) hereof, the Crown Agents with the approval of the Governor of the East African Colony or ~~Protectorate~~ Territory in which the contributor last served may, from time to time, during the remainder of her life, or during such shorter period or periods, either continuous or discontinuous, as shall be thought fit, pay to such widow an allowance at a rate not exceeding the rate of such pension, or may apply the same for the maintenance and personal support or benefit of such widow, in such manner as the Crown Agents may, from time to time, think proper.

Allowance in lieu of pension to widow on bankruptcy.

20. No pension payable under this Ordinance and no rights of any contributor acquired thereunder shall be assignable or transferable or liable to be attached, sequestered or levied upon for, or in respect of, any debt or claim whatsoever.

Pension not to be assigned or levied upon.

21. If the widow of a contributor while in receipt of a pension ceases to assist, deserts or abandons a child of hers by the contributor whom she is bound by law to maintain and who is of a pensionable age, the Crown Agents may, in their discretion, pay to a fit and proper person on behalf of such child, such portion of the pension as they may think fit and the widow shall have no further claim in respect of such portion.

Payment of pension to persons acting on behalf of minors in case of desertion.

22. In all cases where under this Ordinance the parties entitled to pensions are minors, such pensions may be paid, either to the legal guardian, or guardians, of such minors, or to such minors or to such person or persons as the Crown Agents may, in their absolute discretion, think fit and proper persons to apply the same for the benefit of such minors, and after such payment, the Crown Agents and this Government shall be free from all responsibility in respect of such payment.

Discretion as to payment of minor's pensions.

23. The Crown Agents may require such proof as they deem desirable that any person claiming to be entitled to pension, or on behalf of whom such 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 Crown Agents.

Proof of title may be required before payment of pension.

Increases of contributions.

24. Increases of contributions shall rank for the purpose of calculating pensions as if they were fresh entrances at the respective ages of husband and wife when the increase takes place.

Contributions may continue in full if salary reduced.

25. If the salary of a contributor be reduced so that he comes under a lower scale of contribution under Section 5, he may upon giving notice in writing to the Crown Agents of his desire to do so continue to contribute at the rate formerly paid, in which case his widow or children shall be entitled to pension accordingly, but if his rate of contribution be reduced any pension to his widow or children shall be reduced in the same proportion as it would have been increased had his rate of contribution been raised instead of lowered.

Half contributions of contributor dying in or leaving the East African Service without beneficiaries to be refunded.

26. If a contributor being

(*a*) a bachelor, or

(*b*) a widower without children of a pensionable age,

leaves, or dies in, the East African Service, there shall be payable to him or his legal representatives in case (*a*) one-half of his total contributions without interest and in case (*b*) one-half (without interest) of the contributions which he has paid since the death of his last wife or the ceasing to be of a pensionable age of his last child, whichever event shall have last happened.

Contributor of pensionable standing leaving East African Service married or widower with pensionabe children.

27. If a contributor in the service of this Government who is married or who is a widower with children of a pensionable age retires on pension or is transferred to other service under the Crown not being East African Service or otherwise leaves the East African Service, before his contribution term has expired, and his service is of such a nature and of such length as would have rendered him eligible for a pension if he had been retired from the East African Service on medical certificate, he may continue to contribute at the rate at which he was contributing immediately before he left the East African Service, in which case if he is a pensioner his contributions shall be deducted from his pension. Or he may on, or at any time after, so leaving the East African Service cease to contribute. If he so ceases to contribute, any pension payable on his death shall be reduced so as to correspond with the payments he has made; or, if in the meantime (*a*) in the case of a married contributor, his wife has died and his children if any have ceased to be of a pensionable age, or (*b*) in the case of a widower, his children have ceased to be of a pensionable age, he shall cease to rank for benefit under this Ordinance whether by way of pension or return of contributions.

Contributors not of pensionable standing married or widowers with children.

28. (1) If a contributor who is married or who is a widower with children of a pensionable age and whose service is not of such a nature or is not of such length as would render him eligible for a pension if retired from the East Africa Service on medical certificate, and whose contribution term has not expired, dies in the East African Service, any pension that may become payable on his death shall be at the rate of four-fifths of the amount given by the Pension Tables; and pension at the same rate shall be granted if such a contributor, having left the East African Service on retirement, transfer or otherwise, dies within a period dating from the day of his leaving the service equal to one-third of the number of complete months during which he contributed; but such a contributor shall not be eligible to continue to contribute after he has left the East African Service; and, if he is alive on the expiration of the period above- mentioned, he shall cease to be entitled to rank for benefit under this Ordinance whether by way of pension or return of contributions.

If such a contributor under the scheme, having left the East African Service as aforesaid, is appointed or re-appointed to the service of this Government before the expiration of the period during which he was entitled to rank for benefit under the scheme, he shall commence or recommence to contribute under this Ordinance as from the expiration of that period, or if he so elect from the date of his appointment or re-appointment to the service of this Government, anything in Section 3 of this Ordinance to the contrary notwithstanding.

(2) For the purposes of this section one-third of a month shall be taken as ten days and two-thirds of a month as twenty days.

Periodical revision of Pension Tables.

29. The Pension Tables may be revised from time to time after an investigation by an actuary appointed by the Secretary of State. Such investigations shall take place at such dates as the Secretary of State may from time to time determine, being not less than 10 years from the date when the scheme first came into operation or from the date of the last investigation. If after such an investigation it is decided by the Secretary of State that revised Pension Tables shall be adopted, the new Pension Tables as approved by the Actuary shall be substituted for the Tables previously in force and shall come into force on a date which shall be previously notified in the Government Gazette and shall apply to any pension payable in respect of a contributor dying on or after that date, but not to any pension payable in respect of a contributor dying before that date.

Questions and disputes to be decided by the Governor.

30. All questions and disputes as to who is entitled to be deemed a contributor, 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 Crown Agents to the Governor~~-in-Council~~ of the East African Colony, Protectorate or Territory in which the European officer concerned is serving or last served, and the decision of the Governor~~-in-Council~~ shall be binding and conclusive on all parties ~~subject to appeal to the Secretary of State for the Colonies~~; ~~but~~ and shall be final to all intents & purposes and ord. s. 5/22. shall not be subject to appeal or be questioned or revised by any Court of Justice.

Cost of management of scheme.

31. This Government shall bear such proportion as the Secretary of State may from time to time determine of the cost of the management of the scheme including the amount of any expenditure incurred by the directions of the Secretary of State for actuarial advice or investigations in connection with the scheme.

Rules and Regulations.

32. Subject to the approval of the Secretary of State first obtained, it shall be lawful for the Governor-in-Council, from time to time, to frame rules and regulations not inconsistent herewith, for the proper carrying out of the provisions of this Ordinance, and from time to time to repeal, alter or vary the same.

Notices of election irrevocable.

33. Unless otherwise provided by this Ordinance, all notices of election given by officers under the provisions of this Ordinance shall be irrevocable.

Rates of exchange.

34. For the payment of contributions or of pensions under this Ordinance, the rate or rates of exchange, in all cases where conversion is necessary from sterling to any other currency, shall be such as may be fixed from time to time by this Government for such purposes.

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.									
	20	25	30	35	40	45	50	55	60	65
23	·656	·686	·722	·767	·826	·904	1·011	1·155	1·333	1·568
24	·640	·669	·704	·749	·806	·883	·989	1·128	1·306	1·531
25	·622	·651	·687	·730	·787	·862	·964	1·102	1·279	1·492
26	·605	·633	·669	·711	·766	·840	·940	1·075	1·248	1·460
27	·590	·616	·650	·692	·745	·818	·916	1·047	1·216	1·428
28	·574	·600	·632	·674	·726	·796	·893	1·021	1·186	1·398
29	·559	·583	·615	·656	·708	·776	·872	·996	1·159	1·372
30	·545	·566	·598	·640	·689	·757	·851	·973	1·132	1·346
31	·530	·551	·582	·622	·671	·737	·830	·950	1·106	1·316
32	·515	·537	·566	·606	·655	·717	·809	·927	1·079	1·286
33	·501	·522	·550	·589	·637	·699	·787	·905	1·053	1·255
34	·488	·508	·535	·572	·619	·681	·766	·884	1·027	1·227
35	·473	·493	·520	·555	·603	·661	·746	·861	1·005	1·198
36	·460	·479	·505	·538	·586	·644	·727	·839	·980	1·172
37	·448	·466	·490	·523	·569	·627	·706	·818	·958	1·145
38	·435	·453	·476	·507	·553	·611	·689	·797	·938	1·121
39	·422	·440	·462	·493	·536	·594	·671	·777	·918	1·097
40	·410	·428	·449	·478	·520	·578	·653	·757	897	1·074
41	·397	·415	·436	·464	·503	·561	·635	·737	·873	1·051
42	·385	·402	·422	·449	·487	·543	·617	·716	·848	1·028
43	·373	·389	·408	·435	·471	·526	·598	·695	·826	1·006
44	·361	·376	·396	·421	·455	·508	·581	·676	·804	·985
45	·350	·366	·384	·408	·441	·491	·565	·657	·784	·965
46	·340	·354	·372	·395	·428	·475	·549	·641	·766	·947
47	·330	·344	·361	·384	·415	·461	·534	·627	·751	·929
48	·321	·334	·351	·374	·404	·447	·520	·614	·736	·916
49	·312	·325	·342	·364	·393	·436	·505	·602	·723	·906

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.									
	20	25	30	35	40	45	50	55	60	65
23	6·738	7·047	7·415	7·878	8·482	9·288	10·380	11·860	13·690	16·110
24	6·474	6·770	7·129	7·578	8·158	8·939	9·993	11·420	13·220	15·490
25	6·223	6·516	6·874	7·301	7·869	8·630	9·649	11·030	12·800	14·920
26	5·973	6·252	6·599	7·015	7·560	8·289	9·279	10·610	12·310	14·420
27	5·737	5·990	6·321	6·727	7·239	7·949	8·902	10·180	11·820	13·880
28	5·487	5·727	6·046	6·445	6·939	7·610	8·541	9·757	11·330	13·370
29	5·247	5·474	5·777	6·159	6·637	7 285	8·185	9·350	10 870	12·870
30	5·007	5·207	5·509	5·886	6·340	6·963	7·836	8·956	10·420	12·390
31	4·772	4·958	5·241	5·605	6·046	6·640	7 471	8·555	9·959	11·850
32	4·529	4·723	4·975	5·322	5·749	6·301	7·106	8·147	9·484	11·300
33	4 286	4·470	4·703	5·035	5·445	5·981	6·734	7·743	9·007	10·740
34	4 046	4·217	4·438	4·747	5·143	5·652	6·366	7·338	8·533	10·190
35	3.804	3·965	4·180	4·456	4·841	5·316	5·998	6·925	8·061	9·634
36	3·564	3·713	3·911	4·167	4·535	4·990	5·627	6·498	7 588	9·076
37	3·322	3·462	3·640	3·882	4·228	4·659	5·241	6·073	7·115	8·506
38	3·080	3·210	3·374	3·596	3·918	4·327	4·885	5·651	6·645	7·943
39	2·835	2·955	3·105	3·311	3·602	3·992	4·509	5·220	6·162	7·369
40	2·586	2·696	2·833	3·017	3·279	3·648	4·121	4·781	5·664	6·783
41	2·331	2·433	2·555	2·723	2·952	3·292	3·727	4·324	5·124	6·167
42	2·074	2·164	2·274	2·420	2·622	2·928	3·324	3·859	4·573	5·539
43	1·813	1·890	1·986	2·112	2·287	2·555	2·909	3·380	4·014	4·891
44	1·551	1·615	1·698	1·806	1·954	2·179	2·493	2·892	3·450	4·225
45	1·284	1·337	1·405	1·494	1·616	1·798	2·070	2·407	2·873	3·536
46	1·013	1·056	1·109	1·179	1·275	1·416	1 637	1·911	2·282	2·820
47	·736	·766	·806	·857	·926	1·027	1·191	1·397	1·675	2·071
48	·451	·470	·494	·526	·568	·629	·730	·863	1·035	1·289

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.									
	20	25	30	35	40	45	50	55	60	65
23	1·524	1·457	1·585	1·304	1·211	1·106	·989	·866	·750	·638
24	1·563	1·495	1·420	1·336	1·241	1·132	1·011	·886	·766	·653
25	1·608	1·536	1·456	1·371	1·272	1·160	1·037	·907	·782	·670
26	1·652	1·579	1·496	1·407	1·306	1·191	1·064	·931	·802	·685
27	1·695	1·623	1·538	1·445	1·343	1·223	1·092	·955	·823	·701
28	1·742	1·669	1·581	1·485	1·378	1·256	1·119	·980	·843	·715
29	1·789	1·715	1·625	1·524	1·414	1·289	1·147	1·004	·863	·729
30	1·835	1·767	1·670	1·564	1·451	1·322	1·174	1·028	·883	·743
31	1·887	1·816	1·718	1·607	1·489	1·356	1·205	1·053	·904	·760
32	1·940	1·861	1·766	1·651	1·529	1·395	1·237	1·079	·927	·778
33	1·996	1·914	1·819	1·699	1·571	1·431	1·271	1·105	·950	·797
34	2·053	1·970	1·871	1·750	1·615	1·470	1·304	1·132	·973	·815
35	2·113	2·028	1·923	1·804	1·661	1·512	1·340	1·161	·997	·834
36	2·173	2·086	1·980	1·859	1·708	1 552	1·376	1·192	1·021	·853
37	2·236	2 146	2 041	1·914	1·757	1·594	1·417	1·223	1·044	·873
38	2·301	2·208	2·101	1 971	1·809	1·638	1·451	1·254	1·067	·892
39	2·370	2·273	2·163	2·029	1·865	1·683	1·490	1·287	1·090	·912
40	2·441	2·341	2·227	2·091	1·925	1·730	1·532	1·320	1·115	·931
41	2·518	2·413	2·297	2 156	1·988	1·783	1·575	1·357	1·146	·952
42	2·598	2·491	2·371	2·227	2·055	1 841	1·621	1 397	1·179	·973
43	2·681	2·572	2·447	2·301	2·125	1·902	1·671	1·438	1 211	·994
44	2·768	2·657	2·527	2·377	2·196	1·969	1·721	1·480	1·244	1·015
45	2·854	2·742	2·607	2·452	2·267	2·038	1·771	1·523	1 275	1·036
46	2·940	2·827	2·686	2·527	2·336	2·105	1·821	1·559	1·306	1·057
47	3·030	2·911	2·767	2·602	2 407	2·171	1·873	1·596	1·332	1·077
48	3·119	2·994	2·846	2·675	2·477	2·235	1·924	1·630	1·359	1·091
49	3·206	3·075	2·926	2·747	2·543	2·295	1·979	1·661	1·381	1·104

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 8 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.

*In the case of contributors who fall under paragraph 22 the pension given by the Pension Tables and these Instructions must be multiplied by 4/5.

EXAMPLE:—

Officer born on	31st July, 1893.
,, commenced to contribute on ...	1st January, 1922.
,, married on	30th June, 1925.
Wife born on	12th August, 1899.
Officer's age last birthday at date of marriage ...	31
Wife's age last birthday at date of marriage ...	25

Annual contribution—1st January, 1922 to 31st December, 1923, £18. Annual contribution—1st January, 1924 to date of marriage, £24.

Accumulation of contributions paid during bachelorhood—	£	s.	d.
Contribution from 1st January, 1922 to 31st December, 1922	18	0	0
Contributions during 1923	18	0	0
One year's interest at 8 per cent. on £18 ...	1	8	9
	37	8	9
Contributions during 1924	24	0	0
One year's interest at 8 per cent. on £37 8s. 9d. ...	2	19	11
	64	8	8
Contributions from 1st January, 1925 to 30th June, 1925	12	0	0
Half year's interest at 8 per cent. on £64 8s. 8d. ...	2	11	6
Total accumulation ...	£79	0	2

Quantity found from Table A.:—

Husband 31
Wife ... ... 25 } ·551

£79 0s. 2d. × ·551 = £43 10s. 8d. = registered pension in consideration of contributions paid during bachelorhood.

Annual contribution current at date of marriage, £24.

Quantity found from Table B.:—

Husband 31
Wife ... ... 25 } 4·958

£24 × 4·958 = £118 19s. 10d. = registered pension in consideration of annual contribution current at marriage.

Total registered pension recorded on the bachelor contributor marrying:—

	£	s.	d.
By Rule I. (*a*)	43	10	8
By Rule I. (*b*)	118	19	10
Total ...	£162	10	6

(*c*) Variation of pensions 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 of the application of Rule I. (*c*)—

Assume particulars as in the example subjoined to Rules I. (*a*) and I. (*b*).

Annual contribution increased on 31st May, 1930, from £24 to £30.

Annual contribution increased on 30th April, 1935, from £30 to £35.

Annual contribution ceased on 31st March, 1940.

1930, May 31st—Increment to current annual contribution, £6.

Quantity found from Table B.:—

Husband	...	...	36 } 3·911.
Wife	...	...	30 }

£6 × 3·911 = £23 9*s*. 4*d*. = amount to be added to the registered pension.

	£	*s*.	*d*.
Registered pension at marriage (*see* example subjoined to Rules I. (*a*) and I (*b*))	162	10	6
Add	23	9	4
Registered pension at 31st May, 1930 ...	185	19	10

1935, April 30th—Increment to current annual contribution £5.

Quantity found from Table B.:—

Husband	...	...	41 } 2·723.
Wife	...	...	35 }

£5 × 2·723 = £13 12*s*. 4*d*. = amount to be added to the registered pension.

	£	*s*.	*d*.
Registered pension at 31st May, 1930, as above ...	185	19	10
Add	13	12	4
Registered pension at 30th April, 1935 ...	£199	12	2

1940, March 31st—Cessation of contribution regarded as a decrement from current annual contribution, £35.

Quantity found from Table B.:—

Husband	...	...	46 } 1·275
Wife	...	...	40 }

£35 × 1·275 = £44 12*s*. 6*d*. = amount to be deducted from the registered pension.

	£	*s*.	*d*.
Registered pension at 30th April, 1935, as above ...	199	12	2
Deduct	44	12	6
Registered pension at 31st March, 1940 ...	£154	19	8

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 12th August, 1899, died on 30th November, 1928, 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 12th August, 1899. The calculations 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.

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 of the application of Rule II. (*b*):—

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

First wife died on	30th November, 1928.
Contributor re-married on ...	31st January, 1932.
Contributor's age last birthday at date of re-marriage	38
Second wife born on	30th June, 1901.
Second wife's age last birthday at date of the re-marriage	30
Age last birthday which the first wife would have attained had she survived to date of the re-marriage	32

1932, January, 31st—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 £185 19*s*. 10*d*. (*see* example subjoined to Rule I. (*c*)) is to be recalculated.

Quantity found from Table C.:—

Husband	38	2·049*
Wife	32	

Quantity found from Table A.:—

Husband	38	·476
Wife	30	

£185 19*s*. 10*d*. × 2·049 × ·476 = £181 8*s*. 0*d*. = registered pension at 31st January, 1932.

(*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*).

*For calculation, *see* F. on page 64.

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.

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 of the application of Rule III. (*a*):—

Officer born on	31st July 1893.
,, married on	30th June, 1920.
,, commenced to contribute on ...	1st January, 1924.
Annual contribution current on	1st January, 1924, £18.
Wife born on	12th August, 1899.
Officer's age last birthday on 1st January, 1924	30
Wife's age last birthday on 1st January, 1924	24

Quantity found from Table B.:—

Husband ... ... 30 } 5·167*
Wife ... ... 24 }

£18 × 5·167 = £93 0*s.* 1*d.* = registered pension in considera- of annual contribution current at commencement of contribution.

(*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 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.

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 III. (*a*) and (*b*).

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*For calculation, *see* F. on page 64.

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.—Treatment of Voluntary Lump Sum Contributions.

Rule VIII.—(*a*) If the contributor is a bachelor or a widower without children of a pensionable age, the lump sum contribution should be accumulated as from the date of payment and treated in accordance with Rule I. (*a*).

Rule VIII.—(*b*) If the contributor is married or a widower with children of a pensionable age, the amount of the lump sum contribution should be multiplied by the quantity found from Table A. corresponding to the respective ages last birthday of the husband and wife at the date of payment of the contribution. If the contributor is a widower, assume that the deceased wife lived until the date of payment of the lump sum contribution and died immediately afterwards.

F.—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 husband 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 ... ·493

The quantity for ages 35 and 30 given in Table A. is ... ·520

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 ·493, gives ·504, 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 aged respectively 30 and 24 last birthday is four-fifths of ·200 added to 5·007, which gives 5·167.

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 ... 2·101

The quantity for ages 38 and 35 given in the Table is ... 1.971

So that the addition of five years to the age of the wife results in a deduction of ·130 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 ·130 from the quantity given in the Table for ages 38 and 30.

Two-fifths of ·130 = ·052, which deducted from 2·101, leaves 2·049, which is the required quantity corresponding to ages 38 and 32.

A ORDINANCE.

No. 23 of 1921.

Assented to in His Majesty's name, this 12th day of April, 1921.

EDWARD NORTHEY,
Governor.

An Ordinance to further amend the Income Tax Ordinance, 1920.

BE it enacted by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof:—

Short title.

1. This Ordinance may be cited as "The Income Tax Amendment (No. 2) Ordinance, 1921," and shall be read as one with the Income Tax Ordinance, 1920, hereinafter referred to as "The Principal Ordinance."

No tax to be collected for year ending 31st December, 1920.

2. Notwithstanding anything contained in the Principal Ordinance no income tax shall be charged, levied, collected or paid for the year ending the thirty-first day of December, 1920.

AN ORDINANCE.

No. 24 of 1921.

Assented to in His Majesty's name this 7th day of June, 1921.

EDWARD NORTHEY,
Governor.

An Ordinance to supply a further sum of money for the service of a period from April 1st, 1921, to 31st December, 1921.

BE it enacted by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof:—

Short title.

1. This Ordinance may be cited as "The Supplementary Appropriation Ordinance, 1921."

Public revenue charged.

2. The public revenue for the above period and other funds of the Colony and Protectorate of Kenya are hereby charged towards the service of the period of nine months ending the thirty-first day of December, one thousand nine hundred and twenty one with a further sum of nine hundred and thirty one thousand two hundred and ten pounds in addition to the sums provided by the Appropriation Ordinance, 1921.

Application of money granted.

3. The money granted by this Ordinance shall be applied to the purposes and services expressed in the Schedule annexed hereto.

Treasurer's authority for payment.

4. The Treasurer of the Colony and Protectorate of Kenya is hereby authorised and required, from time to time, upon warrant or order of the Governor, to pay out of the Revenue and other funds of the Colony and Protectorate, for the several services specified in the Schedule, the said sum of nine hundred and thirty one thousand two hundred and ten pounds which will come in course of payment during the period of nine months ending on the thirty-first day of December one thousand nine hundred and twenty one.

SCHEDULE.

Heads of Expenditure.	Amount.
	£
37. Railway Department	882,176
38. do. Special Expenditure ...	8,000
39. Loss on Busoga and Port Bell-Kampala Railways to be met from Revenue of the Uganda Railway	41,034
Total £ ...	931,210

AN ORDINANCE.

No. 25 OF 1921.

Assented to in His Majesty's name this 10th day of August, 1921.

W. K. NOTLEY,
Acting Governor.

An Ordinance to amend the Customs Tariff Ordinance, 1909.

BE it enacted by the Acting Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof:—

Short title.

1. This Ordinance may be cited as "The Customs Tariff Amendment Ordinance (No. 3) 1921" and shall be read as one with the Customs Tariff Ordinance, 1909 (hereinafter called "The Principal Ordinance") and all Ordinances amending the same.

Table of Import Duties.

2. Table I. of the Principal Ordinance as amended by the Customs Tariff Amendment Ordinance, 1920, is hereby deleted and the following substituted therefor:—

TABLE I.

TABLE OF IMPORT DUTIES.

On distilled liquors purified so as to be potable and perfumed spirits (other than drugs and medicines imported for *bona fide* medical purposes) per gallon at 50 degrees of the Gay Lussac alcoholometer at a temperature of 15 degrees Centigrade	Fls. 15/-
The duty to be augmented proportionately for each degree above 50 degrees and diminished proportionately for each degree below 50 degrees.	
On ale, beer and wines, tobacco, cigars, cigarettes, cigarette paper, playing cards, gramophones and records, pianos, pianolas and records, jewellery, perfumery, silk and silk manufactures	30% ad valorem.
On rice, wheat, wheatflour and wheatmeal, sugar	15% ad valorem.
On building material (other than timber), cement, chemicals, galvanised iron sheets and plates, surgical and scientific instruments, kerosene oil and petroleum, petrol, liquid fuel, paint, photographs, engravings and pictures soap, turpentine ...	10% ad valorem.
On all other articles	20% ad valorem.

Table of Export Duties.

3. Table II. of the Principal Ordinance is hereby amended by the substitution of the figure 30% for 15% opposite the word "Ivory."

Table of Exemptions.

4. Table III. of the Principal Ordinance as amended is hereby further amended by the deletion of the words:

"photographs, engravings, pictures and"

"31. Petrol.

Any petrol lying on the Customs premises or in Customs Warehouses on the date of the publication of this Ordinance shall be exempt from Import Duty."

"36. Natalite."

Repeal.

5. The Customs Tariff Amendment Ordinance, 1918, and the Customs Tariff Amendment Ordinance, 1920, are hereby repealed.

No. 26 OF 1921.

Assented to in His Majesty's name this 6th day of September, 1921.

W. K. NOTLEY,
Acting Governor.

An Ordinance to Define the term "Native" and to apply the provisions of Law applicable to Natives to certain other Persons.

BE it enacted by the Acting Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof:—

Short title.

1. This Ordinance may be cited as "The Definition of the term 'Native' Ordinance, 1921."

General definition of the term "Native."

2. In this Ordinance and in every law (other than an Imperial Statute or applied Indian Act) whether enacted before or after the commencement of this Ordinance the [illegible] thereof appearing [illegible] include any person who [illegible] adoption belongs to any of the races [illegible] of Africa [illegible] shall not include [illegible] or Swahilis.

Repeal of Somali Exemption Ordinance 1919.

3. The Somali Exemption Ordinance, 1919, is hereby repealed.

Special definition in certain Ordinances.

4. In the Ordinances and Rules mentioned in the first column of the first schedule hereto annexed the provisions applicable to Natives shall apply also to those persons mentioned in the second column of the said schedule.

5. Notwithstanding anything in this Ordinance which might be construed to affect the Ordinances, Proclamations, Rules and Regulations set out in the second schedule hereto annexed the said Ordinances, Proclamations, Rules and Regulations shall not be deemed to be in any way affected by this Ordinance.

No. 26 OF 1921.

Assented to in His Majesty's name this 6th day of September, 1921.

W. K. NOTLEY,
Acting Governor.

An Ordinance to Define the term "Native" and to apply the provisions of Law applicable to Natives to certain other Persons.

BE it enacted by the Acting Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof:—

Short title.

1. This Ordinance may be cited as "The Definition of the term 'Native' Ordinance, 1921."

General definition of the term "Native."

2. In this Ordinance and in every law (other than an Imperial Statute or applied Indian Act) whether enacted before or after the commencement of this Ordinance the term native shall [illegible] or law that this [illegible] not apply and save as [illegible] thereof appears [illegible] ing mean and include any person who by birth or adoption belongs to any of the races or tribes of Africa [illegible] shall not include [illegible] or Swahilis.

Repeal of Somali Exemption Ordinance 1919.

3. The Somali Exemption Ordinance, 1919, is hereby repealed.

Special definition in certain Ordinances.

4. In the Ordinances and Rules mentioned in the first column of the first schedule hereto annexed the provisions applicable to Natives shall apply also to those persons mentioned in the second column of the said schedule.

5. Notwithstanding anything in this Ordinance which might be construed to affect the Ordinances, Proclamations, Rules and Regulations set out in the second schedule hereto annexed the said Ordinances, Proclamations, Rules and Regulations shall not be deemed to be in any way affected by this Ordinance.

SCHEDULE I.

Ordinance.	*Application to other Persons.*
The Branding of Stock Ordinance, 1907	The provisions dealing with natives shall apply to any Swahili or Somali.
Liquor Ordinance, 1909	The provisions dealing with natives shall apply to any Swahili or Somali.
Native Hut and Poll Tax Ordinance, 1910	The provisions dealing with natives shall apply to any Swahili.
Master and Servants Ordinance, 1910	The provisions dealing with natives shall apply to any Swahili and Somali.
Native Authority Ordinance, 1912	The provisions dealing with natives shall apply to any Somali and may also include any community of natives living in any settlement, area or location outside the limits of a tribal area.
Stock and Produce Theft Ordinance, 1912	The provisions dealing with natives shall apply to any Swahili or Somali.
Trespass Ordinance, 1913	The provisions dealing with natives shall apply to any Swahili or Somali.
Prisons Ordinance, 1914	The provisions dealing with natives shall apply to any Somali or Swahili.
Native Registration Ordinance, 1915 and any Ordinance amending the same.	The provisions dealing with natives shall only apply to any male native apparently above the age of 16 years provided that the Governor may by Proclamation in the "Official Gazette" specify any age at which the said provisions shall apply to all male natives resident in any specified area, and the said provisions shall also apply to any Swahili and to any Somali of an age as hereinbefore mentioned.
Rules published under the East Africa Townships Ordinance, 1903, dated September 7th, 1917. Nairobi Township Rules	The provisions of Part III. of Section VIII., shall apply to any Swahili, Arab or Somali provided that in the case of any native Somali, Swahili or Arab who is the owner or lessee of a plot in the Township such owner or lessee shall if he so wishes occupy by himself and his family such plot, provided that such occupation is in accordance with the sanitary and other conditions governing the occupation of such plot and the provisions of Part III. of Section VIII., shall not apply to such native Somali, Swahili or Arab accordingly.
Native Arms Ordinance, 1918	The provisions dealing with natives shall apply to any Somali or Swahili.
Resident Natives Ordinance, 1918	The provisions dealing with natives shall apply to any Swahili.
Traders Licensing Ordinance, 1919	The provisions dealing with natives shall apply to any Swahili or Somali.
Vagrancy Ordinance, 1920	The provisions dealing with natives shall apply to any Swahili or Somali.
Native Exemption Ordinance, 1920	The provisions dealing with natives shall apply to any Swahili or Somali.
Cleansing of Cattle Ordinance, 1920	The provisions dealing with natives shall apply to any Swahili or Somali.

AN ORDINANCE.

No. 26 OF 1921.

Assented to in His Majesty's name this 6th day of September, 1921.

W. K. NOTLEY,
Acting Governor.

An Ordinance to Define the term "Native" and to apply the provisions of Law applicable to Natives to certain other Persons.

BE it enacted by the Acting Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof:—

Short title.

1. This Ordinance may be cited as "The Definition of the term 'Native' Ordinance, 1921."

General definition of the term "Native."

2. In this Ordinance and in every law (other than an Imperial Statute or applied Indian Act) whether enacted before or after the commencement of this Ordinance the term native shall unless it is specifically stated in such Ordinances or law that this Ordinance shall not apply and save as in Section 5 hereof appearing mean and include any person who by birth or adoption belongs to any of the races or tribes of Africa, but shall not include Somalis or Swahilis.

Repeal of Somali Exemption Ordinance 1919.

3. The Somali Exemption Ordinance, 1919, is hereby repealed.

Special definition in certain Ordinances.

4. In the Ordinances and Rules mentioned in the first column of the first schedule hereto annexed the provisions applicable to Natives shall apply also to those persons mentioned in the second column of the said schedule.

5. Notwithstanding anything in this Ordinance which might be construed to affect the Ordinances, Proclamations, Rules and Regulations set out in the second schedule hereto annexed the said Ordinances, Proclamations, Rules and Regulations shall not be deemed to be in any way affected by this Ordinance.

SCHEDULE II.

No. 1 of 1893	Proclamation *re* Dhows.
,, 2 ,, 1894	Regulations *re* Dhows.
,, 29 ,, 1902 and the amendment No. 1 of 1909.	King's African Rifles Ordinance.
,, 2 ,, 1903	Application to Natives of Indian Acts Ordinance, 1903
,, 10 ,, 1905	East Africa Plague Ordinance, 1905
———	Regulations respecting Passports, June 9th, 1905.
,, 4 ,, 1907	East Africa Plague and Cholera Ordinance, 1907.
,, 9 ,, 1908	Land Titles Ordinance, 1908.
,, 18 ,, 1909	Removal of Natives Ordinance, 1909.
,, 19 ,, 1909	Game Ordinance, 1909.
,, 7 ,, 1913	Criminal Law Amendment Ordinance, 1913.
,, 6 ,, 1914	Criminal Procedure Ordinance, 1913, Courts Ordinance, 1907, and Amendments.
,, 35 ,, 1918	Military Labour Corps Distribution of Pay and Personal Property Ordinance, 1918.

AN ORDINANCE.

No. 27 OF 1921.

Assented to in His Majesty's name this 6th day of September, 1921.

W. K. NOTLEY,
Acting Governor.

An Ordinance to Amend the Electric Power Ordinance, 1919.

BE it enacted by the Acting Governor of the Colony of Kenya with the advice and consent of the Legislative Council thereof:—

Short title.

1. This Ordinance may be cited as the Electric Power (Amendment) Ordinance, 1921, and shall be read and construed with the Electric Power Ordinance, 1919, (hereinafter called the "Principal Ordinance").

Company exempted from operation of Principal Ordinance.

2. The Principal Ordinance shall not apply to the undertaking of the Nairobi Electric Power and Lighting Company, Limited, carried on pursuant to the Provisions of the Agreement made on the 26th of July, 1906, between Clement Hirtzel of the one part and the Crown Agents for the Colonies (on behalf of the Government of the East Africa Protectorate) of the other part, or to any works of the said Company established or to be established under the Provisions of the said Agreement, and nothing in the Principal Ordinance contained shall be deemed to affect any of the provisions of the said Agreement provided that all regulations made by the Governor-in-Council under Section 142, sub-section 1 of the Principal Ordinance shall apply to the said Company and nothing herein contained shall be deemed to relieve the Company from compliance with such regulations.

Definition of "Company."

3. There shall be added in the definition of "Company" contained in Section 2 of the Principal Ordinance, after the word "registered" the words "in the United Kingdom or."

Extension of period for application.

4. Section 19 sub-section (*a*) of the Principal Ordinance is amended by the substitution in line 2 of "42 years" for "25 years" and in line 5 of "7 years" for "5 years."

Alteration of system of supply.

5. In Section 49 sub-section (*a*) (*ii*) of the Principal Ordinance there shall be added after the words "twelve months" the words "or of such longer period as the Governor-in-Council may sanction."

Standard of works.

6. The words "provided that the total extension of time granted shall not exceed two years" appearing at the end of Section 49 (*a*) (*iv*) of the Principal Ordinance are hereby repealed.

Charge of terms.

7. The following words shall be added to Section 50 sub-section 1 of the Principal Ordinance that is to say "provided that the Governor-in-Council may by Regulation specify as the mode material or apparatus to be or which may be used for any of the purposes contemplated therein, any mode material or apparatus other than those prescribed."

8. Where in the Principal Ordinance mention is made of the "British Board of Trade" or of the "Engineering Standards Committee of Great Britain" these terms shall be construed to include and mean respectively the Ministry of Transport and the British Engineering Standards Association and any other authority for the time being exercising the functions of these bodies.

Repeal

9. Ordinance XXIX of 1919 being "The Maintenance of Electrical Supply Ordinance, 1919" is hereby repealed.

AN ORDINANCE.

No. 28 OF 1921.

Assented to in His Majesty's name this 6th day of September, 1921.

W. K. NOTLEY,
Acting Governor.

An Ordinance to make Provision for the Appointment and Duties of a Senior Liwali.

BE it enacted by the Acting Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof:—

Short title.

1. This Ordinance may be cited as "The Liwalis' Courts Ordinance, 1921."

Application.

2. This Ordinance shall apply to the Protectorate of Kenya.

Senior Liwali. Appointment and powers of.

3. The Governor may by notice in the Gazette appoint a Senior Liwali, and in addition to his ordinary powers conferred by the Courts Ordinance, 1907, and the Criminal Procedure Ordinance, 1913, and any amendments thereof, such Senior Liwali shall have power to inspect all books, records and proceedings of Liwalis', Cadis' and Mudirs' Courts and to render reports to the High Court relative to such inspections.

AN ORDINANCE.

No. 29 OF 1921.

Assented to in His Majesty's name this 6th day of September, 1921.

W. K. NOTLEY,
Acting Governor.

An Ordinance to Repeal "The Fugitive Offenders (German East Africa) Surrender Ordinance, 1920."

BE it enacted by the Acting Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof:—

1. This Ordinance may be cited as "The Fugitive Offenders (German East Africa) Surrender Repeal Ordinance, 1921." **Short title.**

2. The Fugitive Offenders (German East Africa) Surrender Ordinance, 1920, shall be and is hereby repealed. **Repeal.**

AN ORDINANCE.

No. 30 OF 1921.

Assented to in His Majesty's name this 6th day of September, 1921.

W. K. NOTLEY,
Acting Governor.

An Ordinance to Provide for a Revised Edition of the Laws of the Colony and Protectorate of Kenya.

BE it enacted by the Acting Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof:—

1. This Ordinance may be cited as "The Revised Edition of the Laws Ordinance, 1921." **Short title.**

2. In this Ordinance,— **Interpretation.**

"The Colony" includes the Protectorate of Kenya; and

"The Edition" means the new and revised edition of the Ordinances of the Colony to be prepared under the authority of this Ordinance.

3. (1) His Honour JACOB WILLIAM BARTH, C.B.E., Chief Justice of the Colony, and the Honourable ROBERT WILLIAM LYALL GRANT, Attorney General, are hereby appointed Commissioners for the purpose of preparing a new and revised edition of the Ordinances of the Colony. **Commissioners appointed.**

(2) In case the said Commissioners or either of them shall from any cause be unable to act before the new edition shall have been completed, the Governor may appoint some other fit and proper persons or person to be Commissioners or Commissioner in their or his stead.

Provided that if one Commissioner only is unable to act it shall not be necessary to make a fresh appointment.

4. In the preparation of the new edition the Commissioners shall have the following powers (that is to say):— **Powers of Commissioners.**

(1) To omit—

(*a*) All Ordinances or parts of Ordinances which have been expressly or specifically repealed or which have expired or have had their effect;

(*b*) All repealing enactments contained in Ordinances and also all tables or lists of repealed enactments whether contained in schedules or otherwise;

(*c*) All preambles to Ordinances or to sections of Ordinances where such omissions can in the opinion of the Commissioners conveniently be made;

(*d*) All enactments prescribing the date when an Ordinance or part of an Ordinance is to come into operation, where such omission or omissions can in the opinion of the Commissioners conveniently be made; and

(*e*) All amending Ordinances or parts thereof where the amendments effected thereby have been embodied by the Commissioners in the Ordinances to which they relate.

(2) To consolidate into one Ordinance any two or more Ordinances in *pari materiâ* making the alterations thereby rendered necessary and affixing such date thereto as may seem most convenient;

(3) To alter the order of sections in any Ordinance and in all cases where it is necessary to do so to renumber the sections of any Ordinance and to make consequent corrections in references to any sections so renumbered;

(4) To alter the form or arrangement of any section of an Ordinance by transposing words, by combining it in whole or in part with another section or other sections or by dividing it into two or more sub-sections;

(5) To transfer any enactment contained in an Ordinance from that Ordinance to any other Ordinance to which it more properly belongs;

(6) To divide any Ordinance whether consolidated or not into parts or divisions;

(7) To add a short title to any Ordinance which may require it and if necessary to alter the short title of any Ordinance;

(8) To shorten and simplify the phraseology of any enactment;

(9) To make such formal alterations as to names, localities, offices and otherwise as may be necessary to bring any Ordinance into conformity with the circumstances of the Colony;

(10) To correct grammatical and typographical mistakes in the existing copies of Ordinances, and for that purpose to make verbal additions, omissions, or alterations not affecting the meaning of any enactment; and

(11) To do all other things relating to form and method which may be necessary for the perfecting of the new edition.

Numbering of Ordinances.

5. There shall be attached to each Ordinance contained in the new edition a number showing its place among the Ordinances of the year to which it belongs.

Mode of dealing with alterations of substance.

6. (1) The powers conferred upon the Commissioners in Section 4 hereof shall not be taken to imply any power in them to make any alteration or amendment in the matter or substance of any Ordinance or part of an Ordinance.

(2) Subject to the provisions of sub-section (4) in every case where any such alteration or amendment is in the opinion of the Commissioners desirable the following procedure shall be observed, that is to say:—

(*a*) The Commissioners shall draw up a memorandum setting forth in a concise form the proposed alterations and amendments, and shall submit it to the Governor-in-Council;

(*b*) After the Governor-in-Council has considered the memorandum and has made such additions thereto and alterations therein as he may think fit, he shall cause a copy thereof to be furnished to every member of the Legislative Council;

(*c*) At a convenient time thereafter the memorandum shall be laid before the Legislative Council in Committee, and the Council shall have a full opportunity of considering and discussing it, and shall deal with it by way of addition, omission or alteration as it shall think fit;

(*d*) The Governor may cause the memorandum to be referred back to the Legislative Council, as often as may be necessary, with such directions with respect thereto as may appear to him expedient.

(*e*) When the memorandum has been finally dealt with by the Legislative Council, the alterations and amendments of law thereby directed to be made shall be duly embodied by the Commissioners in the Ordinances to which they respectively relate; or

(*f*) In any case where the Commissioners may think fit, they may draft a Bill setting forth the alterations and amendments and authorising them to be made in the new edition, and every such Bill shall, subject to the sanction of the Governor-in-Council, be submitted to the Legislative Council and be dealt with in the ordinary way.

(3) Any such memorandum or Bill may have reference to one Ordinance or to more Ordinances than one although they may not be *in pari materiâ*.

(4) In any case where a law, whether consolidated or not, requires such considerable alterations and amendments as to involve its entire re-casting the Commissioners shall draft a Bill accordingly, and every such Bill shall, subject to the sanction of the Governor-in-Council, be submitted to the Legislative Council and be dealt with in the ordinary way.

Bringing into force of the new edition.

7. (1) Each volume of every copy of the new edition when printed shall be impressed on the title-page thereof with the Public Seal of the Colony; and on some convenient day thereafter the Governor shall by a proclamation published in the *Gazette* notify that the copies of the new edition have been duly impressed as aforesaid and are ready for issue at the Secretariat.

Validity of new edition.

(2) Immediately on the publication of the proclamation the new edition shall become and be, without any question, in all Courts of Justice and for all purposes whatsoever, the sole authentic edition of the Statute Law of the Colony in force on the thirty-first day of December, 1921.

Complementary matter in new edition.

8. The new edition may also contain a reprint of such Imperial Statutes, Letters Patent, Royal Instructions, and other Instruments as may be considered necessary.

Subsidiary legislation.

9. (1) There shall be issued, as supplementary to the revised edition of the Ordinances, a volume containing all local Orders-in-Council, Proclamations, Rules and Regulations in force on the said thirty-first day of December, 1921.

(2) Any such supplementary volume may also contain such tables, appendices, and other supplementary matter, including an index, as the Commissioners may consider necessary for completing such volume.

Exclusion of emergency or temporary legislation.

10. There shall be omitted from the revised edition all statutory provisions or regulations which are expressed or purport to remain in force only during the continuance of the present war, but the said statutory provisions and regulations shall continue to be in force notwithstanding their omission from the said revised edition.

Construction of references to repealed enactments.

11. Where in any enactment or in any document of whatever kind reference is made to any enactment repealed or otherwise affected by the operation of this Ordinance the reference shall, where necessary and practicable, be deemed to extend and apply to the corresponding enactment in the new edition.

Saving clause.

12. Nothing in this Ordinance contained and nothing done or omitted hereunder or in pursuance thereof shall affect the validity of anything already done or suffered or any right, title or interest already acquired or accrued.

Expenses of publication.

13. The Governor may by warrant addressed to the Treasurer, direct the payment of all expenses of and incidental to the preparation and publication of the revised edition.

Place of this Ordinance in the new edition.

14. This Ordinance shall be printed at the commencement of the new edition.

AN ORDINANCE.

No. 31 OF 1921.

Assented to in His Majesty's name this 6th day of September, 1921.

W. K. NOTLEY,
Acting Governor.

An Ordinance to Amend the Law relating to Prisons.

BE it enacted by the Acting Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof :—

Short title.

1. This Ordinance may be cited as "The Prisons Amendment Ordinance, 1921," and shall be read as one with the Prisons Ordinance, 1914, hereinafter referred to as "The Principal Ordinance."

Amendment of Section 94 of the Principal Ordinance. Confirmation of sentences of corporal punishment required.

2. Section 94 of the Principal Ordinance is hereby amended by the addition of the following proviso :—

"(k) Every sentence of corporal punishment imposed on a non-native, other than a European, shall, before being carried into execution, be confirmed, after due enquiry, by a Magistrate of the first class; or if such sentence is imposed in a district where no first class Magistrate is resident, then it shall be confirmed by a Magistrate of the second class."

AN ORDINANCE.

No. 32 OF 1921.

Assented to in His Majesty's name this 6th day of September, 1921.

W. K. NOTLEY,
Acting Governor.

An Ordinance to amend the Vagrancy Ordinance, 1920.

BE it enacted by the Acting Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof :—

Short Title.

1. This Ordinance may be cited as "The Vagrancy (Amendment) Ordinance, 1921," and shall be read as one with the Vagrancy Ordinance, 1920, hereinafter referred to as the Principal Ordinance.

Definition of "Vagrant."

2. Section 2 of the Principal Ordinance is amended as follows :—

The definition of the word "Vagrant" is repealed and the following definition substituted.

"Vagrant" means

(*a*) Any person asking for alms.

(*b*) Any person wandering about and unable to show that he has visible and sufficient means of subsistence.

(*c*) Any person lodging in any verandah, outhouse, shed or unoccupied building or in any cart, vehicle or other receptacle without leave of the owner thereof and not having any visible means of subsistence.

Juveniles apparently under the age of 16 years.

3. Section 14 of the Principal Ordinance is repealed and replaced as follows :—

(1) "Any person apparently under the age of 16 years who is not in regular employment nor resident with his parents or other lawful guardian shall on being found wandering about be taken before a Magistrate who may issue an order for his return to the custody of the parent or guardian, and thereupon he shall be handed over to the custody of such parent or guardian without undue delay.

(2) "Should any such person be again found wandering about without employment, having left such custody, he shall be deemed to have committed an offence.

"And if a male may in lieu of other punishment be punished with whipping not exceeding six strokes with a light cane. Provided that nothing in this sub-section shall be deemed to affect the power of a magistrate to issue an order for the return of a vagrant as provided for in sub-section (1) of this section as often as may be found necessary."

AN ORDINANCE.

To be read with ord. 18/22 A.G. p. 641.

No. 33 OF 1921.

Assented to in His Majesty's name this 6th day of September, 1921.

W. K. NOTLEY,
Acting Governor.

An Ordinance to facilitate the enforcement in the Colony and Protectorate of Maintenance Orders made in England and Ireland and vice versa.

WHEREAS it is enacted by the Maintenance Orders (Facilities for Enforcement) Act, 1920, that His Majesty may by Order-in-Council extend the provisions of the said Act to any part of His Majesty's dominions where reciprocal provisions have been made for the enforcement within that part of maintenance orders made by courts within England and Ireland. And whereas it is desirable that the provisions of the said Act should be extended to the Colony and Protectorate of Kenya.

Be it therefore enacted by the Acting Governor of the Colony of Kenya with the advice and consent of the Legislative Council thereof:—

1. This Ordinance may be cited as "The Maintenance Orders Enforcement Ordinance, 1921." Short title.

2. For the purposes of this Ordinance:— Interpretation.

The expression "maintenance Order" means an order other than an order of affiliation for the periodical payment of sums of money towards the maintenance of the wife or other dependants of the person against whom the order is made; and includes an order or decree for the recovery or repayment of the cost of relief or maintenance made in Ireland by virtue of the provisions of the Poor Relief (Ireland) Acts, 1839 to 1914.

V. ord. 18/22

The expression "dependants" means such persons as that person is, ~~according to the law in force in England or Ireland~~ that part of His Majesty's Dominions, liable to maintain;

The expression "certified copy" in relation to an order of a court means a copy of the order certified by the proper officer of the court to be a true copy; and the expression "prescribed" means prescribed by rules of court.

"The expression "Colony" includes "Protectorate."

Enforcement in the Colony of maintenance orders made in England and Ireland.

3. (1) Where a maintenance order has, whether before or after the passing of this Ordinance, been made against any person by any court in England or Ireland, and a certified copy of the order has been transmitted by the Secretary of State to the Governor, the Governor shall send a copy to the prescribed officer of a Court in the Colony for registration; and on receipt thereof the order shall be registered in the prescribed manner, and shall, from the date of such registration, be of the same force and effect, and, subject to the provisions of this Ordinance, all proceedings may be taken on such order as if it had been an order originally obtained in the court in which it was so registered and that court shall have power to enforce the order accordingly.

Deleted & new Subsection 2) substituted V. ord. 18/22

(2) The court in which an order ~~is~~ to be so registered as aforesaid shall, if the order was made in England by the Probate, Divorce and Admiralty Division of the High Court, or in Ireland by the King's Bench Division (Matrimonial) of the High Court of Justice in Ireland, be the High Court, and, if the order was made by a court of summary jurisdiction be a subordinate court of the first class.

Transmission of maintenance orders made in the Colony.

4. Where a court in the Colony has, whether before or after the commencement of this Ordinance, made a maintenance order against any person, and it is proved to that court that the person against whom the order was made is resident in England or Ireland, the court shall send to the Governor for transmission to the Secretary of State a certified copy of the order.

Power to make provisional orders of maintenance against persons resident in England or Ireland.

5. (1) Where an application is made to a subordinate court of the first class in the Colony for a maintenance order against any person, and it is proved that that person is resident in England or Ireland, the court may, in the absence of that person, if after hearing the evidence it is satisfied of the justice of the application, make any such order as it might have made if a summons had been duly served on that person and he had failed to appear at the hearing, but in such case the order shall be provisional only, and shall have no effect unless and until confirmed by a competent court in England or Ireland.

(2) The evidence of any witness who is examined on any such application shall be put into writing, and such deposition shall be read over to and signed by him.

(3) Where such an order is made, the Court shall send to the Governor for transmission to the Secretary of State the depositions so taken and a certified copy of the order, together with a statement of the grounds on which the making of the order might have been opposed if the person against whom the order is made had been duly served with a summons and had appeared at the hearing, and such information as the court possesses for facilitating the identification of that person, and ascertaining his whereabouts.

(4) Where any such provisional order has come before a court in England or Ireland for confirmation and the order has by that court been remitted to the subordinate court which made the order for the purpose of taking further evidence, that court or any other subordinate court of the first class sitting and acting for the same place shall, after giving the prescribed notice, proceed to take the evidence in like manner and subject to the like conditions in support of the original application.

If upon hearing of such evidence it appears to the court that the order ought not to have been made, the court may rescind the order, but in any other case the depositions shall be sent to the Governor and dealt with in like manner as the original depositions.

(5) The confirmation of an order made under this Section shall not affect any power of a subordinate court to vary or rescind that order provided that on the making of a varying or rescinding order the court shall send a certified copy thereof to the Governor for transmission to the Secretary of State and that in the case of an order varying the original order the order shall not have any effect unless and until confirmed in like manner as the original order.

(6) The applicant shall have the same right of appeal, if any, against a refusal to make a provisional order as he would have had against a refusal to make the order had a summons been duly served on the person against whom the order is sought to be made.

Power of subordinate court to confirm maintenance order made in England and Ireland.

6. (1) Where a maintenance order has been made by a court in England or Ireland, and the order is provisional only and has no effect unless and until confirmed by a subordinate court of the first class in the Colony, and a certified copy of the order, together with the depositions of witnesses and a statement of the grounds on which the order might have been opposed has been transmitted to the Governor and it appears to the Governor that the person against whom the order was made is resident in the Colony the Governor may send the said documents to the prescribed officer of a subordinate court of the first class with a requisition that a summons be issued calling upon the person to shew cause why that order should not be confirmed, and upon receipt of such documents and requisition the court shall issue such a summons and cause it to be served upon such person.

(2) A summons so issued may be served in the Colony in the same manner as if it had been originally issued or subsequently endorsed by a subordinate court having jurisdiction in the place where the person happens to be.

(3) At the hearing it shall be open to the person on whom the summons was served to raise any defence which he might have raised in the original proceedings had he been a party thereto, but no other defence, and the certificate from the court which made the provisional order stating the grounds on which the making of the order might have been opposed if the person against whom the order was made had been a party to the proceedings shall be conclusive evidence that those grounds are grounds on which objection may be taken.

(4) If at the hearing the person served with the summons does not appear or, on appearing, fails to satisfy the court that the order ought not to be confirmed, the court may confirm the order either without modification or with such modifications as to the Court after hearing the evidence may seem just.

(5) If the person against whom the summons was issued appears at the hearing and satisfies the court that for the purpose of any defence it is necessary to remit the case to the court which made the provisional order for the purpose of taking any further evidence the court may so remit the case and adjourn the proceedings for the purpose.

(6) Where a provisional order has been confirmed under this section it may be varied or rescinded in like manner as if it had originally been made by the confirming court and where on an application for rescission or variation the court is satisfied that it is necessary to remit the case to the court which made the order for the purpose of taking any further evidence, the court may so remit the case and adjourn the proceedings for the purpose.

(7) Where an order has been so confirmed, the person bound thereby shall have the same right of appeal, if any, against the confirmation of the order as he would have had against the making of the order had the order been an order made by the court confirming the order.

Mode of enforcing orders.

7. (1) The court in which an order has been registered under this Ordinance or by which an order has been confirmed by this Ordinance and the officers of such court shall take all such steps for enforcing the order as may be prescribed.

(2) Every such order shall be enforceable in like manner as if the order were for payment of a civil debt.

(3) A warrant of distress or commitment issued by a subordinate court for the purpose of enforcing any order so registered or confirmed may be executed in any part of the Colony in the same manner as if the warrant had been originally issued or subsequently endorsed by a subordinate court having jurisdiction in the place where the warrant is executed.

Proof of documents signed by officers of court.

8. Any document purporting to be signed by a judge of a court in England or Ireland shall, until the contrary is proved, be deemed to have been so signed without proof of the signature or judicial or official character of the person appearing to have signed it, and the officer of a court by whom a document is signed shall, until the contrary is proved, be deemed to have been the proper officer of the court to sign the document.

Depositions to be evidence.

9. Depositions taken in a court in England or Ireland may be received in evidence in proceedings before subordinate courts under this Ordinance.

U. ons. 18/22

(10) When the Governor is satisfied that reciprocal provisions have been ——— ———

AN ORDINANCE.

No. 34 OF 1921.

Assented to in His Majesty's name this 6th day of September, 1921.

W. K. NOTLEY,
Acting Governor.

An Ordinance to Amend the Native Hut and Poll Tax Ordinance, 1910.

BE it enacted by the Acting Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof:—

Short title.

1. This Ordinance may be cited as "The Native Hut and Poll Tax (Amendment) Ordinance, 1921," and shall be read as one with the Native Hut and Poll Tax Ordinance, 1910, hereinafter referred to as "the Principal Ordinance."

Repeal of Section 8 of the Principal Ordinance.

2. The Principal Ordinance is hereby amended by the deletion of Section 8 thereof as amended by Section 5 of the Native Hut and Poll Tax (Amendment) Ordinance, 1920.

AN ORDINANCE.

No. 35 OF 1921.

Assented to in His Majesty's name this 6th day of September, 1921.

W. K. NOTLEY,
Acting Governor.

An Ordinance Relating to the Destruction or Misuse of Currency.

BE it enacted by the Acting Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof:—

1. This Ordinance may be cited as "The Currency Ordinance, 1921." Short title.

2. No person shall melt down, break up or use otherwise than as Currency any silver coin current for the time being in the Colony or Protectorate. Prohibition of melting down of Currency.

3. Any person who contravenes any of the provisions of this Ordinance shall on conviction be liable to a fine not exceeding Fls. 1,000 or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment. Penalties.

4. The Gold and Silver Currency Protection Ordinance, 1920, is hereby repealed. Repeal.

AN ORDINANCE.

No. 36 OF 1921.

Assented to in His Majesty's name this 6th day of September, 1921.

W. K. NOTLEY,
Acting Governor.

An Ordinance to amend "The Land Titles Amendment Ordinance, 1910."

BE it enacted by the Acting Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof:—

1. This Ordinance may be cited as "The Land Titles (Amendment) Ordinance, 1921," and shall be read as one with the Land Titles Amendment Ordinance, 1910, hereinafter referred to as "The Principal Ordinance." Short title.

2. Section 15 of the Principal Ordinance is hereby repealed and replaced as follows:— Amendment of Section 15 of the Principal Ordinance.

"15. (1) A document (other than a judgment decree or order of a Court) to which there is attached a map or plan which is not signed by the Director of Land Surveys shall not be accepted for registration.

(2) The Registrar shall not register any document presented for registration unless a clearly written description of the property concerned is attached signed by the Director of Land Surveys, nor shall any document be presented for registration if the description is insufficient to identify the parcel therein referred to without a plan attached signed by the Director of Land Surveys.

Provided, however, in the case of such refusal if the document is presented for registration together with a plan to the satisfaction of the Registrar within such time as the Registrar shall consider reasonable under the circumstances of the case the registration of the document shall take effect as from the time when it was first presented for registration.

And provided further an appeal shall lie against an order made by a Registrar under this Sub-Section to the Principal Registrar, and the Principal Registrar may reverse or alter such order; and if the order of the Principal Registrar directs the document to be registered, the Registrar shall obey the same; but if the Principal Registrar confirms the order of the Registrar his decision thereon shall be final."

AN ORDINANCE.

No. 37 OF 1921.

Assented to in His Majesty's name this 6th day of September, 1921.

W. K. NOTLEY,
Acting Governor.

An Ordinance to amend the Administrator General's Ordinance, 1919.

BE it enacted by the Acting Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof:—

Short title.

1. This Ordinance may be cited as "The Administrator General's Amendment Ordinance, 1921," and shall be construed as one with "The Administrator General's Ordinance, 1909," and "The Administrator General's Amendment Ordinance, 1919."

Repeal of Section 18 of Ordinance, No. 6 of 1919.

2. Section 18 of the Administrator General's Amendment Ordinance, 1919, including the scale of fees is hereby repealed.

Fees.

3. The Administrator General shall charge for work done by him in respect of the administration of Estates the following fees shewn in the scale set forth below.

SCALE OF FEES.

ASSESSED ON THE GROSS VALUE OF ESTATES.

	Fls. Cts.
Estates not exceeding Fls. 10/-	0-50
Estates exceeding Fls. 10/- but not exceeding Fls. 30/-	1-00
" " " 30/- " " " " 50/-	2-00
" " " 50/- " " " " 100/-	4-00
" " " 100/- " " " " 200/-	7-50
" " " 200/- " " " " 300/-	12-50
" " " 300/- " " " " 20,000/- 5%	
" " " 20,000/- " " " " 50,000/- 5%	on the first 20,000 and 3% on the sum over and above 20,000/-.
Estates exceeding Fls. 50,000/- but not exceeding Fls. 100,000/-	5% on the 1st 20,000, 3% on 20,000 to 50,000 and 2½% on the sum over and above 50,000.
Estates exceeding Fls. 100,000/- but not exceeding Fls. 200,000/-	5% on the 1st 20,000 3% on 20,000 to 50,000/- 2½% on 50,000/- to 100,000/-. 2% on the sum above 100,000/-.
Estates exceeding Fls. 200,000/- but not exceeding Fls. 300,000/-	5% on the 1st, 20,000/-. 3% on 20,000/- to 50,000/-. 2½% on 50,000/- to 100,000/-. 2% on 100,000/- to 200,000/-. 1½% on the sum above 200,000/-.

SCALE OF FEES.—(CONTD.)

Estates exceeding Fls. 300,000/-	but not exceeding Fls. 500,000/-	5% on the 1st, 20,000/- 3% on 20,000/- to 50,000/-. 2½% on 50,000/- to 100,000/-. 2% on 100,000/- to 200,000/-. 1½% on 200,000/- to 300,000/-. 1% on the sum above 300,000/-.
Estates exceeding Fls. 500,000/-		5% on the 1st 20,000/- 3% on 20,000/- to 50,000/-. 2½% on 50,000/- to 100,000/-. 2% 100,000/- to 200,000/-. 1½% on 200,000/- to 300,000/-. 1% on 300,000/- to 500,000/-. ½% on all sums above 500,000/-.

	Fls. Cts.
Searches per hour or part thereof	10-0
COPIES.	
Certified first 4 folios or part thereof per folio	2-00
Each subsequent folio	1-00
Uncertified first 4 folios or part per folio	1-00
Each subsequent folio	0-25

AN ORDINANCE.

No. 38 OF 1921.

Assented to in His Majesty's name this 6th day of September, 1921.

W. K. NOTLEY,
Acting Governor.

An Ordinance to make Provision for Securing and Maintaining Health.

BE it enacted by the Acting Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof:—

1. This Ordinance may be cited as "The Public Health Ordinance, 1921." **Short title.**

2. This Ordinance is divided into parts as follows:— **Divisions.**

PART I.

PRELIMINARY.

PART II.

ADMINISTRATION.

PART III.

NOTIFICATION OF INFECTIOUS DISEASES.

PART IV.

PREVENTION AND SUPPRESSION OF INFECTIOUS DISEASES.

SUB-DIVISION I.—GENERAL PROVISIONS.

SUB-DIVISION II.—HOSPITALS.

SUB-DIVISION III.—SPECIAL PROVISIONS REGARDING FORMIDABLE EPIDEMIC, ENDEMIC OR INFECTIOUS DISEASES.

PART V.

VENEREAL DISEASES.

PART VI.

PORTS AND INLAND BORDERS OF THE COLONY AND PROTECTORATE.

PART VII.

LEPROSY.

PART VIII.

PREVENTION OF THE SPREAD OF SMALL-POX.

PART IX.

SANITATION AND HOUSING.

PART X.

PROTECTION OF FOODSTUFFS.

PART XI.

PUBLIC WATER SUPPLIES, MEAT, MILK AND OTHER ARTICLES OF FOOD.

PART XII.

THE PREVENTION AND DESTRUCTION OF MOSQUITOES.

PART XIII.

CEMETERIES.

PART XIV.

GENERAL.

PART XV.

MISCELLANEOUS.

PART I.

PRELIMINARY.

Interpretation of terms.

3. In this Ordinance and in any Regulations made under this Ordinance, unless the context otherwise requires, the following terms have the following meanings:—

"Adult" means a person of eighteen years of age or over.

"Approved and prescribed" means respectively approved or prescribed by the Governor or the Board or by the appointed officers or by the Regulations framed under this Ordinance as the case may be.

"Basement" means any cellar, vault, or underground room.

"Board" means the Central Board of Health constituted under this Ordinance.

"Building" includes any structure whatsoever for whatever purpose used.

"Burial" means burial in earth, interment or any other form of sepulture, or the cremation or any other mode of disposal of a dead body, and "buried" has a corresponding meaning.

"Child" means a person under eighteen years of age.

"Commercial area" means any area in any Municipality, Township or District which the Governor may from time to time define by Proclamation.

"Dairy" means and includes any farm-house, cow-shed, milk-store, milk-shop or other place from which milk is supplied on, or for, sale or in which milk is kept or used for purposes of sale or manufacture into butter, cheese, dried milk or condensed milk for sale.

"Dairyman" includes any cow-keeper, purveyor of milk, or occupier of a dairy, and in cases where a dairy is owned by a corporation or company, the secretary or other person actually managing such dairy.

"District" means in relation to a local authority, the area which is under the jurisdiction of that local authority.

"Dwelling" means any house, room, shed, hut, cave, tent, vehicle, vessel or boat or any other structure or place whatsoever, any portion whereof is used by any human being for sleeping or in which any human being dwells.

"Drain" means any drain used for the drainage of one building only, or of premises within the same curtilage and made merely for the purpose of communicating therefrom with a cesspool or other like receptacle for drainage, or with a sewer into which the drainage of two or more buildings or premises occupied by different persons is conveyed.

"Drainage authority" means the Public Works Department or any other authority that the Governor may appoint for any particular area.

"European" means a person of European origin.

"European reservation" means any area in any Municipality, Township, or District which the Governor may from time to time define by Proclamation.

"Factory" means any building or part of a building in which machinery is worked by steam, water, electricity or other mechanical power, for the purposes of trade.

"Food" means any article used for food or drink other than drugs or water, and any article intended to enter into or be used in the preparation of such food, and flavouring matters and condiments.

"Guardian" means any person having by reason of the death, illness, absence or inability of the parent or any other cause, the custody of a child.

"Infectious disease" means any disease (not including any venereal disease except gonorrhoeal opthalmia) which can be communicated directly or indirectly by any person suffering therefrom to any other person.

"Infected" means suffering from, or in the incubation stage of, or contaminated with the infection of, any infectious or communicable disease.

"Isolated" means the segregation and the separation from and interdiction of communication with others, of persons who are or are suspected of being infected; "isolation" has a corresponding meaning.

"Keeper of a lodging-house" means any person licensed to keep a lodging house.

"Land" includes any right over or in respect of immovable property.

"Latrine" includes privy, urinal, earth closet and water closet.

"Local authority" means the Council of any Municipality constituted under the Municipal Corporations Ordinance, 1909, or any Ordinance substituted therefor. Any Committee or other authority appointed under the East Africa Townships Ordinance, 1903, for the purposes of the said Ordinance; and the District Commissioner of the district under his jurisdiction and the Medical Officer for such district when available (not being within the district of any existing municipal authority) shall be the local authority for such district.

"Lodging house" means a building or part of a house including the verandah thereof, if any, which is let or sub-let in lodgings or otherwise, either by storeys, by flats, by rooms, or by portions of rooms.

"Magistrate" means any Magistrate empowered to hold a Subordinate Court of the 1st, 2nd or 3rd class.

"Medical observation" means the segregation and detention of persons under medical supervision.

"Medical Officer of Health" means the Principal Medical Officer, the Chief Sanitation Officer the Medical Officer of Health appointed to a Municipality or District, and includes any Government Medical Officer, District Surgeon any Medical Practitioner, or any member of the subordinate medical staff appointed by the Principal Medical Officer to act as such in any district.

"Medical practitioner" means a person who is registered as such under any law in force in the Colony and Protectorate governing the registration of medical practitioners.

"Medical surveillance" means the keeping of a person under medical supervision. Persons under such surveillance may be required by the Medical Officer of Health or any duly authorised officer to remain within a specified area or to attend for medical examination at specified places and times.

"Municipality" means the district under the control of every municipality, constituted under the Municipal Corporations Ordinance, 1909, or any Ordinance substituted therefor.

"Non-European reservation" means any area in any Municipality, Township or District which the Governor may from time to time define by Proclamation.

"Occupier" shall include any person in actual occupation of land or premises without regard to the title under which he occupies and in case of premises sub-divided and let to lodgers or various tenants the person receiving the rent payable by the lodgers or tenants whether on his own account or as an agent for any person entitled thereto or interested therein.

"Offensive trade" includes the trade of blood-boiler, bone-boiler, fell-monger, soap-boiler, tallow-melter, tripe-boiler and any other noxious or offensive trade, business or manufacture whatsoever.

"Owner" shall as regards immovable property include any person, other than His Majesty, receiving the rent or profits of any lands or premises from any tenant or occupier thereof or who would receive such rent or profits if such land or premises were let whether on his own account or as agent for any person, other than His Majesty entitled thereto or interested therein. The term includes any lessee or licensee from the Crown and any superintendent, overseer or manager of such lessee or licensee residing on the holding.

"Parent" means and includes the father and mother of a child, whether legitimate or not.

"Premises" includes any building or tent together with the land on which the same is situated and the adjoining land used in connection therewith, and includes any vehicle, conveyance or vessel.

"Public building" means a building used or constructed or adapted to be used either ordinarily or occasionally as a place of public worship or as a hospital, college, school, theatre, public hall or as a public place of assembly for persons admitted by ticket or otherwise, or used or adapted to be used for any other public purpose.

"Public latrine" means any latrine to which the public are admitted on payment or otherwise.

"Regulations" mean and include rules and bye-laws made or deemed to be made under this Ordinance.

"Slaughter-house" means the premises set apart for the purposes of a slaughter-house by a local authority the words "Pig slaughter-house" means the premises set apart by a local authority for the slaughtering of pigs; (and the words "Meat Inspector" mean the person employed by any authority to act as Meat Inspector or other qualified person authorised by them to act in that behalf).

"Stock" shall mean and include all domesticated animals of which the flesh or milk is used for human consumption.

"Street" shall mean any highway, road or sanitary lane, or strip of land reserved for a highway, road or sanitary lane, and shall include any bridge, footway, square, court, alley or passage whether a thoroughfare or not, or a part of one.

"Trade premises" means any premsies (other than a factory) used or intended to be used for carrying on any trade or business.

"Township" means any township proclaimed under the East Africa Townships Ordinance, 1903.

"Verandah" includes any stage, platform, or portico projecting from the main wall of any building.

"Veterinary Officer" means a Veterinary Surgeon in the employment of the Government.

"Workshop" means any building or part of a building in which manual labour is exercised for purposes of trade.

PART II.

ADMINISTRATION.

Central Board of Health.

4. There shall be established a Central Board of Health (hereinafter referred to as "the Board") having its seat at Nairobi, which shall consist of the Principal Medical Officer (who shall be Chairman) the Chief Sanitation Officer, a Sanitary Engineer, or such person as may be appointed by the Governor to perform the duties of Sanitary Engineer, a Secretary, and such other person or persons not exceeding six (three of whom shall be Medical Practitioners), as shall be appointed from time to time by the Governor. In the absence of the Principal Medical Officer the Board shall elect a Chairman from the members present.

Evidence of appointment of any officer of the Board.

5. The names of all members appointed to the Board shall be forthwith notified in the "Official Gazette" and any number of the Gazette containing a notice of any such appointment shall be deemed sufficient evidence thereof for all purposes.

Filling vacancies.

6. The Governor shall as soon as possible, fill up vacancies occurring in the Board but the Board shall continue to exercise its powers as long as there shall remain on the Board at least five members of whom the Principal Medical Officer, or Chief Sanitation Officer shall be one.

Substitute members.

7. If any member of the Board be at any time prevented by absence or other cause from acting the Governor may appoint some other person to replace such member until he shall return or be able to resume his functions.

Power to make regulations for convening and holding meetings of Board, etc.

8. The Governor may make regulations as to the convening and holding meetings of the Board, the quorum thereof, and the procedure thereat, allowances payable to members thereof and the circumstances in which any member shall vacate his membership.

Functions of the Board.

9. The functions of the Board shall be to advise the Governor on all matters affecting the public health and particularly on all matters mentioned in Section 11 (2).

Appointment and duties of officers.

10. (1) The Governor shall from time to time appoint a Principal Medical Officer, a Deputy Principal Medical Officer, a Chief Sanitation Officer and Sanitation Officers, Medical Officers of Health, Assistant Medical Officers of Health, Medical Officers, Pathologists, Sanitary Inspectors, Port Health Officers and such other officers as he may deem necessary.

(2) Every Medical Officer and every Medical Officer of Health appointed under this section shall be a Medical Practitioner and the Chief Sanitation Officer shall in addition possess a degree, diploma or certificate in public health.

(3) The officers appointed under this section shall carry out such duties in relation to public health as the Principal Medical Officer may respectively assign to them. The Principal Medical Officer or Chief Sanitation Officer, Sanitation Officer, Medical Officer of Health, Assistant Medical Officer of Health, Port Health Officer or Sanitary Inspector acting on his authority and behalf, shall also make any necessary inquiries and inspections in regard to or advise local authorities on any matter incidental to public health.

Functions of Medical Department.

11. (1) There shall be for the Colony and Protectorate a Department to be known as the Medical Department which shall be under the control of the Principal Medical Officer.

(2) The functions of the Medical Department shall be, subject to the provisions of this Ordinance to prevent and guard against the introduction of infectious disease into the Colony and Protectorate from outside; to promote the public health and the prevention, limitation or suppression of infectious, communicable or preventable diseases within the Colony and Protectorate, to advise and direct local authorities in regard to matters affecting the public health; to promote or carry out researches and investigations in connection with the prevention or treatment of human diseases; to prepare and publish reports and statistical or other information relative to the public health, and generally to carry out in accordance with directions the powers and duties in relation to the public health conferred or imposed by this Ordinance.

(3) It shall be the duty of the department to obtain and publish periodically such information regarding infectious disease and other health matter in the Colony and Protectorate, and such procurable information regarding epidemic disease in territories adjacent to the Colony and Protectorate or in other countries, as the interests of the public health may require.

Power to direct inquiries.

12. The Governor may, on the advice of the Board or of the Medical Department, cause to be made such inquiries as he may see fit in relation to any matters concerning the public health in any place.

Powers of persons directed to make inquiries.

13. When an inquiry is directed to be made by the Governor, the person directed to make the same shall have free access to all books, plans, maps, documents, and other things relevant to the inquiry, and shall have in relation to witnesses and their examination and the production of documents similar powers to those conferred upon Magistrates by the Criminal Procedure Ordinance, 1913, and may enter and inspect any building, premises, or place, the entry or inspection whereof appears to him requisite for the purpose of such inquiry.

General duties of local authorities.

14. It shall be the duty of every local authority to take all lawful necessary and under its special circumstances reasonably practicable measures for preventing the occurrence or dealing with any outbreak or prevalence of any infectious, communicable or preventable disease, to safeguard and promote the public health, and to exercise the powers and perform the duties in respect of the public health conferred or imposed on it by this Ordinance or by any other law.

Proceedings on complaint to Board of local authorities.

15. Whenever complaint is made to the Board that the public health in any locality is endangered by the failure or refusal on the part of any local authority to exercise its powers or perform the duties devolving upon it under the provisions of this Ordinance or any other Ordinance which it is its duty to enforce, the Governor on the recommendation of the Board, if satisfied after due inquiry that the local authority has been guilty of the alleged default may make an order directing the local authority to perform its duty in the matter of such complaint, and prescribing a time for such performance.

If such duty is not performed with the time prescribed in the order, the Governor may appoint some person to perform the duty, and shall by order direct that the expenses of performing the same, together with a reasonable remuneration to the person appointed for superintending such performance, and amounting to a sum specified in the order, shall be paid by the local authority in default, and any order made for the payment of such expenses and costs may be recovered in a Court of competent jurisdiction.

Any person appointed under this section to perform the duty of a defaulting local authority shall, in the performance and for the purposes of such duty, have all the powers of such local authority other than the powers of levying rates vested in any local authority pursuant to the provision of any Ordinance in that behalf; and the Governor may from time to time by order change any person so appointed.

Regulations by local authority to be confirmed by Board, etc.

16. Regulations made by a local authority affecting the public health, notwithstanding the provisions of any other Ordinance to the contrary, shall not take effect unless and until they have been submitted to and confirmed by the Board. All such regulations shall, if confirmed by the Board, be submitted for the approval of the Governor and if approved shall be published in the "Official Gazette" and thereupon such regulations shall have the force of law in the district of the local authority.

Provided that local authority shall give notice by advertisement in the Gazette at least 28 days before the submission of proposed regulations to the Board, of the compilation of regulations for which it is proposed to request the sanction of the Board and such advertisement shall specify some convenient place at which copies of the proposed regulations may be seen.

Provisions of this Ordinance in relation to other Ordinances.

17. Save as is specially provided in this Ordinance the provisions of this Ordinance shall be deemed to be in addition to and not in substitution for any provisions of any other Ordinance which are not in conflict or inconsistent with this Ordinance.

If the provisions of any earlier Ordinance are in conflict or inconsistent with this Ordinance, the provisions of this Ordinance shall prevail.

PART III.

Notification of Infectious Diseases.

Notification of infectious diseases.

18. (1) The provisions of this Ordinance, unless otherwise expressed, shall, so far as they concern notifiable infectious diseases, apply to small-pox, plague, cholera, scarlatina or scarlet fever, typhus fever, diphtheria or membranous croup, measles, whooping cough, erysipelas, puerperal fever (including septecaemia, pyaemia, septic pelvic cellulitis, or other serious septic condition occuring during the puerperal state) enteric or typhoid fever (including para-typhoid fever) epidemic cerebro-spinal meningitis or cerebro-spinal fever, acute poliomyelitis leprosy, anthrax, glanders, rabies, malta fever, sleeping sickness or human trypanosomiasis, beri-beri, yaws and all forms of tuberculosis which are clinically recognisable apart from reaction to the tuberculin test.

(2) The Governor may, by notice in the Gazette:—

(*a*) declare that any infectious disease other than those specified in sub-section (1) shall be notifiable diseases under this Ordinance;

(*b*) declare that only such provisions of this Ordinance as are mentioned in such notice shall apply to any notifiable infectious disease;

(c) restrict the provisions of this Ordinance, as regards the notification of any disease, to the district of any local authority or to any area defined in such notice.

Notification of infectious diseases.

19. (1) Where an inmate of any building in the Colony and Protectorate used for human habitation is suffering from any notifiable infectious disease, unless such building is a hospital in which persons suffering from any notifiable infectious disease are received, the following provisions shall have effect:—

(a) the head of the family to which such inmate (in this Ordinance referred to as "the patient") belongs, and in his default the nearest relatives of the patient present in the building or in their default the person in charge of or in attendance on the patient, and in default of any such person the occupier of the building shall, as soon as he becomes aware that the patient is suffering from any notifiable infectious disease to which this Ordinance applies, send notice thereof to the nearest Medical Officer of Health.

(b) every medical practitioner attending on or called in to visit the patient shall forthwith on becoming aware that the patient is suffering from any notifiable infectious disease to which this Ordinance applies, send to the nearest Medical Officer of Health a certificate stating the name of the patient, the situation of the building and the notifiable infectious disease from which in the opinion of such medical practitioner, the patient is suffering.

(c) in any case in which a Medical Practitioner has been called in, the obligation to notify an infectious disease shall rest on such medical practitioner only.

(d) every medical practitioner who becomes aware, by post mortem examination or otherwise that any person has died of a notifiable infectious disease shall immediately furnish a written certificate thereof to the nearest Medical Officer of Health and shall also inform the head of the household or the occupier of the premises or any person who has been in attendance on such diseased person of the infectious nature of the disease and the precautions to be taken to prevent its conveyance to others.

(2) Every person required by this section to give a notice or certificate who fails to give the same, shall be liable to a penalty not exceeding four pounds.

Provided that if a person is not required to give notice in the first instance, but only in default of some other person, he shall not be liable to any fine if he satisfies the Court that he had reasonable cause to suppose that the notice had been duly given.

Fees for certificates.

20. The local authority, or where there is no local authority the Government, shall pay to every medical practitioner, other than a Government Medical Officer, for each certificate duly sent by him in accordance with this Ordinance a fee of two florins if the case occurs in his private practice.

Notices and certificates.

21. A notice or certificate to be sent to a Medical Officer of Health in pursuance of this Ordinance, may be sent by being delivered to the officer or being left at his office or residence, or may be sent by post addressed to him at his office or his residence.

PART IV.

Prevention and Suppression of Infectious Disease.

Sub-division I.—General Provisions.

Inspection of infected premises and examination of persons suspected to be suffering from infectious disease.

22. A Medical Officer of Health, may at any time enter and inspect any premises in which he has reason to belive that any person suffering or who has recently suffered from any infectious disease is or has recently been present, or any inmate of which has recently been exposed to the infection of any infectious disease, and may medically examine any person in such premises for the purpose of ascertaining whether such person is suffering or has recently suffered from any such disease.

Duty of local authority to cause premises to be cleansed and disinfected.

23. (1) Where any Medical Officer of Health is of opinion, that the cleansing and disinfecting of any building or part thereof, and of any articles therein likely to retain infection, would tend

to prevent or check infectious disease, it shall be his duty to give notice in writing to the owner or occupier of such building or part thereof, specifying the steps to be taken to cleanse and disinfect such building or part thereof and articles within a time specified in such notice.

(2) If the person to whom notice is so given fails to comply therewith, he shall be liable to a penalty not exceeding ten pounds for every day during which he continues to make default; and the local authority or Medical Officer of Health may cause such building or part thereof and articles to be cleansed and disinfected, and may recover the expenses incurred from the owner or occupier in default as a civil debt recoverable summarily.

(3) Where the owner or occupier of any such building or part thereof is from poverty or otherwise unable, in the opinion of the local authority or the Medical Officer of Health, effectually to carry out the requirements of this section, such authority may, without enforcing such requirements on such owner or occupier, with or without his consent enter, cleanse and disinfect such building or part thereof and articles, and defray the expenses thereof.

Destruction of infected bedding, etc.

24. Any local authority may direct the destruction of any building, bedding, clothing or other articles which have been exposed to infection from any infectious disease, or in the opinion of the Medical Officer of Health are infected, and may give compensation for the same.

Provision of means of disinfection.

25. Any local authority may provide a proper place, with all necessary apparatus and attendance, for the disinfection of bedding, clothing or other articles which have become infected, and may cause any articles brought for disinfection to be disinfected free of charge, and any such direction shall be sufficient authority for a Medical Officer of Health or Sanitary Inspector or person authorised thereto to destroy the same.

Provision of conveyance for infected persons.

26. Any local authority may provide and maintain a carriage or carriages suitable for the conveyance of persons suffering from any infectious disease, and may pay the expenses of conveying therein any person so suffering to a hospital or other place of destination.

Removal to hospital of infected persons.

27. Where in the opinion of the Medical Officer of Health, any person certified by a medical practitioner to be suffering from an infectious disease is not accommodated or is not being treated or nursed in such manner as adequately to guard against the spread of the disease, such person may, on the order of the Medical Officer of Health, be removed to a hospital or temporary place which in the opinion of the Medical Officer of Health is suitable for the reception of the infectious sick and there detained until such Medical Officer of Health or any medical practitioner duly authorised thereto by the local authority is satisfied that he is free from infection or can be discharged without danger to the public health.

Penalty on exposure of infected persons and things.

28. Any person who:—

(*a*) while suffering from any infectious disease wilfully exposes himself without proper precautions against spreading the said disease in any street, public place, shop, inn, or public conveyance, or enters any public conveyance without previously notifying the owner, conductor or driver thereof that he is so suffering; or

(*b*) being in charge of any person so suffering so exposes such sufferer; or

(*c*) gives, lends, sells, transmits or exposes, without previous disinfection, any bedding, clothing, rags or other things which have been exposed to infection from any such disease,

shall be liable to a penalty not exceeding fifteen pounds or three months rigorous imprisonment or to both; and a person who, while suffering from any such disease, enters any public conveyance without previously notifying to the owner or driver that he is so suffering, shall in addition be ordered by the Court to pay such owner and driver the amount of any loss and expenses they may incur in carrying into effect the provisions of this Ordinance with respect to disinfection of the conveyance.

Provided that no proceedings under this section shall be taken against persons transmitting with proper precautions any bedding, clothing, rags or other things for the purpose of having the same disinfected.

Penalty on failing to provide for disinfection of public conveyance.

29. Every owner or driver of a conveyance shall immediately provide for the disinfection of such conveyance after it has to his knowledge conveyed any person suffering from an infectious disease; and if he fails to do so he shall be liable to a penalty not exceeding twenty pounds; but no such owner or driver shall be required to convey any persons so suffering until he has been paid a sum sufficient to cover any loss or expenses incurred by him in carrying into effect the provisions of this section.

Penalty for letting infected houses.

30. Any person who knowingly lets for hire any dwelling or premises or part thereof in which any person has been suffering from an infectious disease without having the same and all articles therein liable to retain infection, efficiently disinfected to the satisfaction of a Medical Officer of Health as testified by a certificate signed by him shall be liable to a penalty not exceeding fifty pounds.

The provisions of this section shall apply to any owner or keeper of an hotel or boarding house who lets any room or part thereof to any person.

Duty of person letting house lately infected to give true information.

31. Any person letting for hire or showing for the purpose of letting for hire any dwelling or premises or part thereof who on being questioned by any person negotiating for the hire of such house as to the fact of there being or within six weeks previously having been therein any person suffering from any infectious disease knowingly makes a false answer to such question shall be liable to a fine not exceeding fifty pounds.

Sub-division II.—Hospitals.

Power of local authority to provide hospital.

32. (1) Any local authority with the sanction of the Board may provide for the use of the inhabitants of its district hospitals or temporary places for the reception of the sick, and for that purpose may

(a) Themselves build such hospitals or places of reception; or

(*b*) Contract for the use of any such hospital or part of a hospital or place of reception; or

(*c*) Enter into any agreement with any person having the management of any hospital, for the reception of the sick inhabitants of their district, on payment of such annual or other sum as may be agreed on.

(2) Two or more local authorities may combine in providing a common hospital.

Recovery of cost of maintaining patient in hospital.

33. Any expenses incurred by a local authority in maintaining in a hospital, or in a temporary place for the reception of the sick (whether or not belonging to such hospital) a patient who is not a pauper, shall be deemed to be a debt due from such patient to the local authority, and may be recovered from him after his discharge from such hospital or place of reception, or from his estate in the event of his dying in such hospital or place.

Power to provide temporary supply of medicine.

34. Any local authority may, with the sanction of the Board, themselves provide or contract with any person to provide a temporary supply of medicine and medical assistance for the poorer inhabitants of their district, but may at their discretion charge for the same.

Sub-division III.—Special Provisions Regarding Formibable Epidemic, Endemic or Infectious Diseases.

Formidable epidemic endemic or infectious diseases.

35. The provisions of this Ordinance, unless otherwise expressed, in so far as they concern formidable epidemic, endemic or infectious diseases, shall be deemed to apply to small-pox, plague, asiatic cholera, yellow fever, sleeping sickness or human trypanosomiasis and any other disease which the Governor may declare by proclamation to be a formidable epidemic disease for the purpose of this Ordinance.

Power of Board to make regulations for prevention of diseases.

36. Whenever any part of the Colony or Protectorate appears to be threatened by any formidable epidemic, endemic or infectious disease, the Governor may make and from time to time alter and revoke regulations for all or any of the following purposes, (namely):—

(*a*) for the speedy interment of the dead; and

(*b*) for house to house visitation; and

(*c*) for the provision of medical aid and accommodation, for the promotion of cleansing, ventilation and disinfection, and for guarding against the spread of disease;

(4) for preventing any person from leaving any infected area without undergoing all or any of the following:—medical examination, disinfection, inoculation, vaccination or re-vaccination or passing a specified period in an observation camp or station;

(5) for the formation of hospitals and observation camps or stations, and for placing therein persons who are suffering from, or have been in contact with persons suffering from infectious disease;

(6) for the destruction or disinfection of buildings, furniture, goods, or other articles which have been used by persons suffering from infectious disease, or which are likely to spread the infection;

(7) for the removal of persons who are suffering from an infectious disease and persons who have been in contact with such persons;

(8) for the removal of corpses;

(9) for the destruction of rats, the means and precautions to be taken on shore or on board vessels for preventing them passing from vessel to the shore or from the shore to vessels, and the better prevention of the danger of spreading infection by rats;

(10) for the regulation of hospitals used for the reception of persons suffering from an infectious disease and of observation camps and stations;

(11) for the removal and disinfection of articles which have been exposed to infection:

(12) for prohibiting any person living in any building or using any building for any other purpose whatsoever if in the opinion of the Medical Officer of Health any such use is liable to cause the spread of any infectious disease.

Any regulation made under this section may give the Health Officer or a Medical Officer of Health power to prescribe the conditions on which such a building may be used;

(13) for any other purpose whether of the same kind or nature as the foregoing or not, having for its object the prevention, control or suppression of infectious diseases;

and may by order declare all or any of the regulations so made to be in force within the whole or any part or parts of the district of any local authority and such district or part or parts thereof shall be deemed an infected area and to apply to any vessels, whether on inland waters or on arms or parts of the sea within the territorial jurisdiction of the Colony and Protectorate.

Local authority to see to the execution of regulations.

37. The local authority of any area within which or part of which regulations so issued by the Governor are declared to be in force, shall do and provide all such acts, matters and things as may be necessary for mitigating any such disease, or aiding in the execution of such regulations, or for executing the same, as the case may require. Moreover, the local authority or the Medical Officer of Health may from time to time direct any prosecution or legal proceedings for or in respect of the wilful violation or neglect of any such regulations.

Power of entry.

38. The Principal Medical Officer and his officers shall have power of entry on any premises or vessels for the purpose of executing or superintending the execution of any regulations so issued by the Governor as aforesaid.

Board may combine local authorities.

39. The Governor may, if he thinks fit, by order authorise or require any two or more local authorities to act together for the purposes of the provisions of this Ordinance relating to preventions of epidemic, endemic or infectious diseases, and may prescribe the mode of such joint action and of defraying the costs thereof.

Notification of sickness or mortality in animals suspected of plague.

40. (1) Every person who becomes aware of any unusual sickness or mortality among rats, mice, cats, dogs or other animals susceptible to plague or other formidable epidemic disease, not due to poison or other obvious cause, shall immediately report the fact to the local authority or Medical Officer of Health.

(2) Any person who fails so to report shall be guilty of an offence.

Local authorities to report notification of formidable epidemic diseases by telegraph.

41. Every local authority shall immediately report to the Principal Medical Officer or the nearest Medical Officer of Health, by telegraph or other expeditious means, particulars of every notification received by such authority of a case or suspected case of any formidable epidemic disease, or of any unusual sickness or mortality in animals made under the last preceding section.

Principal Medical Officer may requisition buildings equipment or other articles.

42. (1) Where an outbreak of any formidable epidemic exists or is threatened it shall be lawful for the Principal Medical Officer to require any person owning or having charge of any land or any buildings or dwellings, not occupied or any person owning or having charge of tents, transport, bedding, hospital equipment, drugs, food, or other appliances, materials or articles urgently required in connection with the outbreak, to hand over the use of any such land or building or to supply or make available any such article, subject to the payment of a reasonable amount as hire or purchase price.

(2) Any person who without reasonable cause, fails or refuses to comply with any such requirement shall be guilty of an offence.

PART V.

Venereal Diseases.

Venereal diseases.

43. The provisions of this Ordinance, unless otherwise expressed, in so far as they concern venereal diseases, shall be deemed to apply to syphilis, gonorrhea, gonorrheal ophthalmia, soft chancre, venereal warts and venereal granuloma.

Persons suffering from venereal disease to have themselves treated until cured.

44. (1) Every person who knows or has reason to believe that he is suffering from any venereal disease shall forthwith consult a medical practitioner with respect thereto, and shall place himself under treatment by that medical practitioner or by some other medical practitioner, or shall attend for treatment at any hospital or other place available for the treatment of venereal diseases.

(2) Every person undergoing treatment for any venereal disease as aforesaid shall, until cured or free from such disease in a communicable form, continue to submit himself to treatment at such intervals as may be prescribed by any such medical practitioner.

(3) Any person who fails to comply with any provision of this section shall be guilty of an offence.

Duties of Medical Practitioners.

45. Every medical practitioner who attends or advises any patient in respect of any venereal disease from which the patient is suffering shall—

(*a*) direct the attention of the patient to the infectious nature of the disease and to the penalties prescribed by this Ordinance for infecting any other person with such disease;

(*b*) warn the patient against contracting marriage unless and until he has been cured of such disease or is free from such disease in a communicable form; and

(*c*) give to the patient such printed information relating to the treatment of venereal disease and to the duties of persons suffering therefrom, as may be supplied to the medical practioner by the Medical Department.

Duties of parents or guardians of infected children.

46. (1) Every parent or guardian of a child who knows or has reason to believe that such child is suffering from any venereal disease shall cause such child to be treated for such disease by a medical practitioner until such child is cured or free from such disease in a communicable form.

(2) Every parent or guardian of any such child who fails or neglects to have that child treated as aforesaid shall be guilty of an offence, and shall be liable to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding three months or to both.

Infection by employees.

47. (1) Every person who, while suffering from any venereal disease in a communicable form, accepts or continues in employment in or about any factory, shop, hotel, restaurant, house, or other place in any capacity entailing the care of children or the handling of food or food utensils intended for consumption or use by any other person shall be guilty of an offence, unless he proves that he did not know or suspect, and had no reasonable means of knowing or suspecting that he was so suffering.

(2) Every person shall be guilty of an offence who employs or continues to employ any person suffering from any venereal disease in a communicable form if, by reason of such employment, such person is required or is permitted to have the care of children or to handle any food or food utensils intended for consumption or use by any person other than the person employed, unless the defendant proves that he did not know or suspect, and had no reasonable means of knowing or suspecting, that the person so employed by him was suffering from such disease.

Duties of Medical Officers of Health and District Surgeons, to report, and powers of Magistrates.

48. (1) It shall be the duty of every Medical Officer of Health in his official capacity and of every Government Medical Officer and District Surgeon who knows or has reason to believe that any person is suffering from any venereal disease in a communicable form and is not under treatment by a medical practitioner or is not attending for medical treatment regularly and as prescribed by such medical practitioner, to give such notice as is prescribed by regulations to such person of the requirements of this Ordinance in regard to attendance for treatment of persons suffering from venereal disease and, if thereafter such person does not comply with those requirements, to report the matter to the Magistrate.

(2) Upon receipt of any such report the Magistrate shall make such further enquiry, or shall make such order or orders, or shall institute such proceedings, as he may deem necessary for the proper enforcement of the provisions and for the attainment of the objects of this Part.

(3) An order under this section may require the person named therein—

(*a*) to furnish a certificate by a medical practitioner as to whether he is or is not suffering from a venereal disease in a communicable form; or

(*b*) to attend at a specified time and place for examination by a medical practitioner named in the order; or

(*c*) to attend regularly for medical treatment at times and at a place specified in such order; or

(*d*) to proceed or be removed to and to remain or be detained under treatment in a special hospital or place of accommodation provided or established under this Part, either for a specified time or until cured or free from the disease in a communicable form.

(4) Any person who fails to comply with any order made under this section, or who escapes or attempts to escape from any hospital in which he has been ordered to remain or to be detained, shall be guilty of an offence.

Conveyance of infection an offence.

49. Every person who, wilfully or by culpable negligence infects any other person with venereal disease, or does or permits or suffers any act likely to lead to the infection of any other person with any such disease, shall be guilty of an offence, and shall be liable to a fine not exceeding two hundred pounds or to imprisonment for a period not exceeding six months or to both.

Detention in hospital of infected person.

50. (1) Where any person sentenced to imprisonment under this Ordinance or any other law is suffering from a venereal disease in a communicable form, he may, by order of the Magistrate, be removed to a special hospital or place of accommodation and be detained under treatment therein until the expiry of his sentence, and the Magistrate on the representation of the medical practitioner treating such person, and if satisfied that the public health cannot otherwise adequately be safeguarded and that such person when released is unlikely to undergo treatment by a medical practitioner for such disease, may order that he be detained in such hospital or place either for a specified period after the expiry of his sentence or until he is cured or free from the disease in a communicable form.

(2) Any person so detained in a hospital or other place of accommodation who escapes or attempts to escape therefrom shall be guilty of an offence.

Medical examination of inhabitants of localities where venereal disease believed to be prevalent.

51. Where the Governor, on a report by a Medical Officer, has reason to believe that a person is suffering from venereal disease he may issue an order requiring the examination by a medical practitioner of such person. Any person who refuses to comply with such order or with any lawful instructions given thereunder or who obstructs any medical practitioner or other duly authorized officer in the carrying out of such order shall be guilty of an offence.

Examination of females by women medical practitioners.

52. Where any order is made under this Part requiring the medical examination of any female and such female desires to be examined by a woman medical practitioner, such examination shall be made by a woman medical practitioner if one is reasonably available.

Rights of persons detained in hospital.

53. Any person detained in hospital under this Part shall be entitled to arrange, at his own expense, for his examination by any medical practitioner, and a report of such examination shall be furnished to the Magistrate who may thereupon cause to be made any further examination of such person which he may deem necessary. No person shall be detained in hospital under this Part who is not, or is no longer, suffering from a venereal disease in a communicable form.

Proceedings to be *in camera* and reports, etc., not to be published.

54. Enquiries and proceedings before a Magistrate or any court of law under this Part shall be secret and conducted *in camera* and the records thereof shall be kept in the manner and form prescribed by regulation, subject to the provisions of Section 48, anything to the contrary notwithstanding in any other law. Any person publishing or divulging the name of any person dealt with under this Part or the nature, proceedings or the contents of any report, certificate, document or order in connection therewith or any other matter coming to his knowledge in connection with anything arising under this Part to any unauthorised person, and any person who without lawful justification or excuse falsely alleges that any person is suffering or has suffered from venereal disease, shall be guilty of an offence.

Publication of advertisements of cures.

55. (1) No person shall publish any advertisement or statement intended to promote the sale of any medicine, appliance or article for the alleviation or cure of any venereal disease or disease affecting the generative organs or functions, or of sexual impotence, or of any complaint or infirmity arising from or relating to sexual intercourse.

(2) Any person who publishes any such advertisement or statement by printing it in any newspaper or exhibiting it to public view in any place or delivering or offering or exhibiting it to any person in any street or public place or in any public conveyance, or who sells, offers or shows it or sends it by post to any person, shall be guilty of an offence. For the purposes of this section "advertisement" or "statement" includes any paper, document or book containing any such advertisement or statement.

(3) This section shall not apply to publications by the Medical Department or by any local authority, public hospital, or other public body in the discharge of its lawful duties or by any society or person acting with the authority of the Governor first obtained, or to any books, documents or papers published in good faith for the advancement of medical science.

(4) No prosecution under this section shall be instituted except on information laid by the Principal Medical Officer.

PART VI.

Ports and Inland Borders of the Colony and Protectorate.

Definition of terms used in this Part.

56. For the purposes of this Part—

"Master" in relation to any vessel means the person (other than a pilot) having at the time command or charge of that vessel;

"Oversea vessel" means a vessel other than one plying only between ports or places in the Colony and Protectorate;

"Port Health Officer" means any Medical Practitioner appointed by, or acting as such under the authority and instructions of, the Principal Medical Officer.

Application of provisions.

57. The provisions of this Ordinance as regards vessels, except where otherwise expressly stated, shall apply to every vessel of whatsoever kind anchoring off or arriving in any port or being elsewhere within the territorial waters of the Colony and Protectorate: Provided that the Governor may, subject to such conditions or limitations as may be prescribed by him, exempt from any such provision any of His Majesty's warships or any warship of any foreign country, or any vessel engaged solely in the coasting trade and plying only between ports of the Colony and Protectorate.

Prohibition of communication between vessels and the shore before granting of pratique.

58. (1) Except in case of danger, no master of a vessel arriving at any port or place in the Colony and Protectorate and no person on board thereof shall communicate or attempt to communicate with the shore or with any other vessel or any boat, and no person from the shore or from any other vessel or boat shall communicate with such vessel, otherwise than by signal, until pratique has been granted to such vessel in accordance with regulations made under this Part. Provided that nothing in this sub-section shall prevent any port officer, pilot, or other duly authorized officer from coming alongside or boarding any such vessel.

(2) No fee shall be payable in respect of the examination by the port health officer of, and the granting of pratique to, any vessel arriving at any port or place in the Colony and Protectorate.

Notification of occurrence of infectious disease or deaths on board of vessels.

59. (1) The provisions of the Ordinance in respect of the notification of the occurrence of cases of infectious disease in man, or of sickness or mortality in rodents or other animals susceptible to plague, shall apply to every vessel at any port or place in the Colony and Protectorate, but wherever it is therein required that notification be made to the local authority or Medical Officer of Health, such notification shall be made to the Port Health Officer.

(2) No fee shall be payable to any ship surgeon or other medical officer of a vessel or shipping company in respect of the notification of any case of infectious disease on board of any vessel.

(3) For all purposes of this Ordinance every vessel shall be deemed to be a dwelling or premises and the master thereof shall be deemed to be the head of the household or the owner or occupier of the premises.

(4) It shall be the duty of the master to report to the port health officer the death of any person who has died from any cause whatever on the vessel during the voyage just completed or while the vessel is in port and also the cause of death.

Port Health Officer may inspect vessels and persons on board for the purpose of ascertaining whether infection exists on board.

60. (1) The Port Health Officer may at any time board any vessel and inspect any part thereof or anything therein, and may medically examine any person on board and require any such person to answer any question for the purpose of ascertaining whether or not infection exists or has recently existed on board.

(2) Any person who refuses to allow any such officer to board any vessel or to make any inspection or medical examination as aforesaid or otherwise obstructs or hinders any such officer in the execution of his duty, or who fails or refuses to give any information which he may lawfully be required to give, or who gives false or misleading information to any such officer knowing it to be false or misleading, shall be guilty of an offence, and shall be liable to a fine not exceeding one hundred pounds.

Notifications to local authorities at ports.

61. Upon the occurrence on any vessel of any case of or death from any notifiable infectious disease, or of such other disease as the Governor may prescribe, or of any sickness or mortality among rodents or other animals on any vessel or within the harbour area suspected to be due to any formidable epidemic disease, the port health officer shall forthwith inform the local authority or Medical Officer of Health of the district in or adjoining which the port is situated of the occurrence and the measures taken or intended to be taken in connection therewith.

Granting of restricted or conditional pratique to and quarantining of vessels.

62. In the case of any vessel having, or suspected on reasonable grounds of having, on board in any person, animal or thing the infection of any infectious disease, the port health officer, acting in accordance with instructions and with regulations made under this Part, may grant or continue pratique to such vessel subject to such conditions or restrictions as may be deemed necessary, or, if he deems it necessary so to do, may withhold or withdraw pratique and place the vessel in quarantine: Provided that when pratique restrictions are imposed or any vessel is placed in quarantine or when any person on board of or landed from any vessel is compulsorily detained, isolated or removed, the port health officer shall immediately report, by telegraph or other expeditious means, the action taken by him and the reasons therefor to the Principal Medical Officer anl the nearest Medical Officer of Health.

Proclamation of infected places, ports of entry, etc.

63. (1) The Governor may, by proclamation--

(*a*) declare that any place beyond or within the Colony and Protectorate is infected with a formidable epidemic disease or that a formidable epidemic disease is liable to be brought or carried from or through that place, and thereupon, and for so long as such proclamation remains in force, that place shall be a proclaimed place within the meaning of this Ordinance;

(*b*) declare any port in the Colony and Protectorate to be a first port of entry for all or for any particular class or description of, oversea vessels, coming from a port proclaimed as above and require masters of such vessels bound for the Colony and Protectorate to enter a port so proclaimed before entering any other Colony or Protectorate port, except in case of danger or for other sufficient reason;

(*c*) prohibit, restrict or regulate the immigration or importation into the Colony and Protectorate of any person, animal, article or thing likely, in his opinion, to introduce any infectious disease, or impose restrictions or conditions as regards the examination, detention, disinfection or otherwise of any such animal, article or thing.

(2) Any person who contravenes or fails to comply with any such proclamation shall be guilty of an offence, and shall be liable to a fine not exceeding one hundred pounds.

Master of a vessel from a proclaimed place to take precautionary measures to prevent infection.

64. (1) The master of any vessel bound for any port or place in the Colony and Protectorate which comes from or calls or touches at any proclaimed place, shall, while his vessel is at that place and during the voyage to the Colony and Protectorate, take in respect of the vessel, her crew, passengers and cargo, all such precautionary measures as may be prescribed by the proclamation.

(2) Any master of a vessel failing so to do and thereafter entering any Colony and Protectorate port shall be guilty of an offence unless he satisfies the court that he was unaware of the measures required to be taken by him and that he took all reasonable means to ascertain whether it was his duty to take any such measures and shall be liable to a fine not exceeding one hundred pounds.

(3) Where a vessel has arrived from a proclaimed place and the prescribed precautionary measures have not been taken, any measures considered necessary by the port health officer, acting on the instructions of the Principal Medical Officer may be carried out with respect to the vessel, her crew, passengers and cargo, at the expense of the owner of the vessel.

Removal of quarantined vessels.

65. Where a vessel has been placed in quarantine at any port or place in the Colony and Protectorate, the Governor may, for the purpose of more effectually dealing with the infection on board, require the master thereof to remove such vessel, at his own risk and expense, to any other port or place within the territorial waters of the Colony and Protectorate.

Masters of vessels may decline to submit to quarantine or removal.

66. (1) Where the master of a vessel has been informed by the port health officer or other duly authorized officer of the intention of placing that vessel in quarantine or of requiring him to move that vessel in quarantine to another port or place in the Colony and Protectorate, and where such master declines to submit to quarantine or refuses to remove the vessel as aforesaid, he shall immediately inform such officer accordingly and shall forthwith hoist the quarantine signal, as defined in regulations made under this Part, on the vessel and remove the vessel from the neighbourhood of any wharf or landing place or any other vessel and shall leave the port with all possible dispatch after notifying the port health officer of the next intended port of call of the vessel.

(2) Any vessel dealt with in the manner described in subsection (1) may, before leaving the port, take on board, subject to such precautions as may be prescribed by the port health or other duly authorized officer, any coal, water, provisions or stores.

Removal of patients from vessels and their treatment on shore.

67. (1) Where any person on board of any vessel is suffering from any infectious or other disease and, in the opinion of the port health officer, is not accommodated or is not being nursed or treated in such manner as to guard adequately against the spread of the disease or to promote recovery, the port health officer may cause such person to be removed to a hospital or place of isolation on shore and there accommodated and treated for such period as may be considered necessary in the interests of the patient or to prevent spread of infection.

(2) All reasonable expenses necessarily incurred in dealing with a patient under this section will be a charge against the master or agent of the vessel, and may be recovered from either or both of them by the Government.

Surveillance or isolation of persons who have been exposed to infection.

68. (1) Where any person on board of any vessel is believed to have been recently exposed to the infection, and may be in the incubation stage of any notifiable infectious disease, the port health officer may require such person to remain on board such vessel, or alternatively to land and proceed direct to his place of destination and there report himself to the medical officer of health for medical surveillance by such medical officer of health until considered to be free from infection. Where in the opinion of the port health officer any such person cannot otherwise be properly kept under medical surveillance or the public health cannot be otherwise adequately safeguarded, such person may be removed to a place of isolation on shore and there detained until considered free from infection.

(2) The port health officer shall notify to the medical officer of health of the district in or adjoining which the port is situated, and to the Medical Officer of Health of the district where such person's place of destination is, the fact that such person is believed to have been recently exposed to infection and has been allowed to land and proceed to his destination.

(3) Any person who refuses or fails to comply with, or wilfully obstructs the execution of, any requirement lawfully made under this section shall be guilty of an offence and shall be liable to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding three months or to both.

Burial of the bodies of persons dying on board of vessels.

69. Where there is any dead body on board any vessel at any port or place in the Colony and Protectorate, it shall be the duty of the master of such vessel to cause such body to be properly buried; any reasonable and necessary expenses thereby incurred may be recovered by the master from any person legally liable for the same.

Clearance papers may be withheld from vessels pending inquiry into offence.

70. Whenever the port health officer has reasonable grounds for believing that the master of any vessel has committed an offence against this Ordinance or fails or refuses to pay any charges lawfully made thereunder, the Commissioner of Customs or any officer authorized thereto by the Commissioner may, on the request of the port health officer, withhold clearance papers from such vessel pending the institution of proceedings in any competent court: Provided that clearance papers shall not be withheld for more than thirty-six hours (Sundays and holidays always excepted), unless such proceedings have been commenced before the expiry of that period.

Powers to enforce precautions at inland borders of Colony and Protectorate.

71. (1) When it is considered necessary for the purpose of preventing the introduction of infectious disease into the Colony and Protectorate the Governor may, by proclamation—

(*a*) regulate, restrict or prohibit the entry into the Colony and Protectorate at its inland borders or any part thereof of any persons, or of persons of any specified class or description or from any specified locality or area;

(*b*) regulate, restrict or prohibit the introduction into the Colony and Protectorate, at its inland borders or any specified part thereof, of any animal, article or thing.

(*c*) impose requirements or conditions as regards the medical examination, detention, quarantine, disinfection, vaccination, isolation or medical surveillance or otherwise of persons entering, or the examination, detention or disinfection or otherwise of such persons as aforesaid or of articles or things introduced into the Colony and Protectorate at its inland border or any part thereof;

(*d*) apply with or without modifications any particular provisions of this Part to persons, animals, articles or things entering or introduced into or departing or removed from the Colony and Protectorate by means of aircraft.

(2) Any person who contravenes or fails to comply with any such proclamation shall be guilty of an offence, and shall be liable to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding three months or to both.

Agreements with other Governments regarding reciprocal notification of outbreaks.

72. The Governor may enter into agreements with the Imperial Government, or with the Government of any British Dominion or of any foreign country, providing for the reciprocal notification of outbreaks of any formidable epidemic or other disease or any other matter affecting the public health relations of the Colony and Protectorate with other countries. The terms or a summary of every such agreement shall be notified in the Gazette.

Governor may make regulations regarding certain port health matters.

73. The Governor may make regulations—

(*a*) prescribing the powers and duties of port health officers and the procedure to be followed in the examination of, and the granting of pratique to, vessels, and requiring every master of a vessel on arrival at any port or place in the Colony and Protectorate to furnish a declaration of health in respect of the existence or suspected existence on board, in any person, animal or thing, of any infectious disease, or any other disease which the Governor may notify in the Gazette, prescribing the form of declaration, and empowering any port health officer or other duly authorized officer to require the master of any vessel to verify upon oath the statements in the declaration and to administer the necessary oaths: such regulations may prescribe modified requirements or procedure in respect of vessels arriving at a second or subsequent port of call in the Colony and Protectorate on the same voyage;

(*b*) requiring the master of any vessel having or suspected of having on board the infection of any infectious disease, or which has recently touched at any port or place which is a proclaimed place or is infected with any formidable epidemic disease or is situated near any place which is so infected, to furnish lists of passengers, crew or cargo, and prescribing the information to be given in any such list;

(*c*) prescribing the measures which shall be taken by masters of vessels to prevent the migration of rodents to or from vessels;

(*d*) prescribing the measures which shall be taken for the disinfection of, or the destruction of rats, mice or insects in, vessels, the disposal of bilge or other water on board, the cleansing of vessels, the provision of a supply of pure water on board, and for preventing the pollution of the water of the port with excreta and manure or any infective or offensive matter;

(*e*) as to the grant, refusal or withdrawal of pratique to vessels and the detention in quarantine of vessels having or suspected of having on board in any person, animal or thing, the infection of any infectious disease, or of persons suffering from, or who have recently been exposed to the infection of any such disease;

(*f*) as to the prohibition or restriction of intercourse of persons on or from the land with vessels, where deemed necessary in order to prevent the spread of infectious disease;

(*g*) requiring the disinfection of any article or thing contaminated, or believed to be contaminated, with the infection of any infectious disease, on board of or landed from any vessel or, if such article or thing be of such a nature that it cannot be so disinfected, prohibiting the landing or providing for the destruction thereof;

(*h*) requiring the vaccination, before landing from any vessel, of any person who may have recently been exposed to the infection of small-pox and who does not produce evidence to the satisfaction of the port health officer of successful vaccination during the five years immediately preceding;

(*i*) appointing such sanitary anchorages as may be necessary for the purposes of this Ordinance: Provided that until other provisions be made the Sanitary Station at Zanzibar shall be a sanitary station for the purposes of any regulations made or deemed to be made under this Ordinance;

(*j*) providing for the recovery from masters or owners or agents of vessels of all reasonable and necessary expenses incurred by the Government, or of charges in accordance with a prescribed tariff of charges, or for the furnishing by them of guarantees in respect of the payment of such expenses or charges—

(i) in dealing with any person who is on board or has recently been landed and who is suffering, or suspected to be suffering, from any infectious disease or from other disease which the Governor may notify in the Gazette;

(ii) in connection with the detention in quarantine of any vessel infected with, or the isolation, accommodation, care and treatment of any person suffering from, or who has been exposed to the infection of, any infectious disease, and the detention and repatriation of any such person if he is prohibited from entering the Colony and Protectorate under any law relating to immigration;

(iii) in eradicating the infection of any infectious disease in any vessel, or in any article or thing on board of any vessel, or in any article or thing which, though landed therefrom, was infected before it was landed.

The Governor may, by notice in the Gazette prescribe tariffs of charges which shall be payable by masters or owners or agents of vessels in respect of any of the services aforesaid, but every such tariff shall be fixed as nearly as may be on the basis of average cost;

(*k*) as to the departure from the Colony and Protectorate, whether by land or sea, of all persons or of persons of any specified class or description, or of persons from any specified locality or place, and as to the restrictions to be imposed on persons leaving the Colony and Protectorate, in relation to medical examination, disinfection or otherwise;

(*l*) as to the exportation or removal from the Colony and Protectorate whether by land or sea, of any article or thing considered likely to convey the infection of any infectious disease, and the examination, detention, disinfection or otherwise of any such article;

(*m*) for securing and maintaining cleanliness and efficient sanitation and preventing or remedying any nuisance or danger to health from overcrowding or otherwise on board of any vessel or within any port or harbour;

(*n*) as to the inspection of food on board vessels or at any port of the Colony and Protectorate and the destruction or safe disposal of any diseased or unsound or unwholesome meat or food intended for human consumption, or of any article of food or drink likely to convey any infectious disease, if such article is on board of any vessel or within any port or harbour, and providing for the recovery of any expense incurred by Government in so doing;

(*o*) as to the disinfection of any second-hand clothing, bedding, rags or any similar article imported by sea into the Colony and Protectorate and the recovery from the owner thereof or his agent of all expenses incurred by Government in connection therewith,

and generally for better carrying out the provisions and attaining the objects and purposes of this Part.

Proclamations, regulations and penalties under this Part.

74. (1) Any proclamation or regulation made under this Part may provide exemptions therefrom, may define the disease to which any particular provision shall apply and may impose duties in connection therewith on masters or owners or agents of vessels or on persons in charge of railway trains or of vehicles, or on employers of native, coloured or asiatic labour, labour recruiting agents or others.

(2) Any person contravening or failing to comply with any provision of this Part, or of any proclamation or regulation thereunder, shall be liable, save as hereinbefore and in sub-section (3) provided, to a fine not exceeding £50 or to imprisonment without the option of a fine for a period not exceeding three months, or to both such fine and imprisonment.

(3) If the master of a vessel contravenes or fails to comply with any provision of this Ordinance or any regulation thereunder relating to pratique or quarantine, or makes any false statement or false answer to any question in any declaration of health, knowing the same to be false, he shall be liable to a fine not exceeding £200 or to imprisonment without the option of a fine for a period not exceeding twelve months, or to both such fine and imprisonment.

Governor not to be liable to pay compensation in exercise of powers of Ordinance if reasonable precautions used.

75. Wherever under this Part powers are exercised by the Governor or other officer in accordance therewith and with the regulations and by reason of the exercise of such powers—

(*a*) any vessel, person, article or thing is delayed or removed or detained; or

(*b*) any article or thing is damaged or destroyed; or

(*c*) any person is deprived of the use of any article or thing,

the Government shall not be liable to pay compensation, provided due care and reasonable precautions have been taken to avoid unnecessary delay or damage or destruction.

PART VII.

LEPROSY.

Definitions.

76. For the purposes of this Part—

"Leprosy" shall mean all forms of disease caused by the bacillus leprae of Hansen;

"Asylum" shall mean any building or collection of buildings erected and established under the provisions of Section 77 of this Ordinance and used for the treatment or detention of persons affected with leprosy together with the land surrounding such buildings and set apart and defined under the said section for the occupation of such persons;

"Proclaimed area" shall mean a local area specified in a proclamation issued by the Governor under sub-section (3) of Section 77 of this Ordinance.

Power to appropriate Crown land and establish leper asylums thereon.

77. (1) It shall be lawful for the Governor to erect and establish from time to time within the Colony or Protectorate asylums for the detention of persons removed thereto under this Ordinance and for the purpose of acquiring sites for the erection and establishment of asylums to appropriate and set apart any unalienated Crown land and to order the fencing and enclosing of any land so appropriated and set apart.

(2) The establishment of any asylum and boundaries of any land appropriated and set apart for such purpose shall be notified and defined by notice in the Gazette.

(3) For the purpose of preventing the spread of leprosy, the Governor may, by proclamation in the Gazette, direct that, from a date named therein, until further order, all persons affected with leprosy found within any local area specified in such proclamation shall be removed to and detained in an asylum.

Duty of all persons to notify suspected case of leprosy within a proclaimed area.

78. Whenever it shall come to the knowledge of any person that some other person within a proclaimed area outside an asylum and not exempted under Section 102 from the provisions of this Ordinance is affected with or is suspected of being affected with leprosy such first named person shall forthwith report such fact or suspicion upon oath to a Magistrate of the district in which he is residing. Any person who shall neglect to act in accordance with this section shall be guilty of an offence.

Duty of Magistrate to isolate suspect on notification.

79. Every Magistrate to whom a report is made under the last preceding section shall issue an order requiring a police officer to take steps that the person mentioned in such report be detained in a place of isolation in manner prescribed by regulations under this Ordinance until he shall have been examined as in the next succeeding section provided.

Duty of Magistrate to cause medical examination to be made of suspect.

80. Every Magistrate who shall have issued such isolation order as aforesaid shall cause such person to be examined as soon as possible by two medical practitioners one of whom shall if possible be a Government Medical Officer and obtain a report from them of such examination.

Discharge of suspect if not affected.

81. If such medical practitioners aforesaid shall report that the person alleged to be affected with leprosy is not so affected the Magistrate shall forthwith discharge him from detention in isolation.

Issue of interim reception order by Magistrate if medical officers report suspect to be affected and doubtful cases.

82. (1) If such medical practitioners aforesaid shall report that the person alleged to be affected with leprosy is so affected or that it is doubtful whether he is so affected or not the Magistrate shall order him as in this section described to be removed to an asylum therein to be detained in accordance with the provisions of this Ordinance.

(2) Any such order as is in this section described shall be termed an interim reception order and shall be addressed to the Superintendent of some asylum and shall be delivered to a police officer, together with the report mentioned in Section 80.

(3) An interim reception order shall authorise any police officer to conduct the person named therein to the asylum named in such order and shall further authorise the reception and detention of such person in such asylum until the Colonial Secretary shall have transmitted to the Superintendent of the asylum an order of further detention or discharge as hereinafter provided.

Duty of superintendent to transmit interim reception order to Chief Secretary.

83. Any Superintendent who has received any person into an asylum under an interim reception order shall as soon thereafter as possible transmit to the Colonial Secretary—

(a) the interim reception order;

(b) the reports of the medical practitioners mentioned in Section 80.

Voluntary submission to treatment of persons affected with leprosy.

84. If any person within a proclaimed area suspects that he is affected with leprosy and shall desire to submit himself to treatment therefor or to be placed in isolation in accordance with the provisions of this Ordinance he may for such purpose present himself to a Magistrate of the district in which he is residing and such Magistrate shall thereupon having ordered such person to be detained in isolation as in Section 79 is provided require two medical practitioners (one of whom shall if possble be a Government medical officer) to examine such person; and if such medical practitioners shall report that such person is not affected with leprosy the provisions of Section 81 shall apply in the case of such person; and if such medical practitioner shall report that such person is affected with leprosy or that it is doubtful whether such person is so affected or not the provisions of Sections 82 and 83 shall apply to such case.

Issue of detention order by Colonial Secretary when satisfied that person detained under reception order is affected with leprosy.

85. (1) Whenever the Colonial Secretary shall be satisfied that any person detained under an interim reception order as aforesaid is affected with leprosy he shall make and sign an order (herein described as a detention order) which shall be addressed to the superintendent of some asylum.

(2) A detention order shall authorise the detention in accordance with the provisions of this Ordinance of the person named therein and shall be in force until cancelled by the Colonial Secretary.

(3) The medical officer appointed to an asylum shall, at least once a year, and oftener if so required by the Colonial Secretary, transmit to the Colonial Secretary a report as to the condition of each person detained in the asylum, and if on consideration of such report the Colonial Secretary shall consider further detention of any person unnecessary he may cancel the detention order and direct such person to be discharged.

Procedure by Colonial Secretary when not satisfied that person detained under reception order is affected with leprosy.

86. (1) Whenever the Colonial Secretary shall not be satisfied that a person detained under an interim reception order is affected with leprosy he shall submit all medical reports transmitted to him under this Ordinance concerning such person to the Principal Medical Officer for the Colony and Protectorate and may direct any further medical examination he may consider necessary of such person.

(2) If on consideration of the report of the Principal Medical Officer or of the further medical examination (if any) he is satisfied that such person is affected with leprosy he shall make and sign a detention order as in Section 85 is provided.

(3) If on consideration of the report of the Principal Medical Officer aforesaid or of the further medical examination (if any) he shall not be satisfied that a person detained under an interim reception order is affected with leprosy he shall transmit an order to the superintendent of the asylum in which such person is detained directing his discharge therefrom.

Power to Colonial Secretary to order discharge from asylum at any time.

87. The Colonial Secretary may notwithstanding anything in this Ordinance contained at any time on sufficient reason to him appearing issue an order to the superintendent of any asylum directing the discharge of any person from detention therein or the removal of any person detained therein to another asylum for detention under this Ordinance, or, with the consent of such person, to a private asylum which has been named in a notice issued by the Governor under Section 102 sub-section (1).

Appointment of superintendents of asylum.

88. The Governor may appoint from time to time superintendents who shall have the direction and management of any asylum to which they shall respectively be appointed but shall in carrying out their powers and duties be subject to the supervision and directions of the Principal Medical Officer. The Principal Medical Officer may from time to time subject to any regulations made under this Ordinance appoint medical officers, attendants, guards and other officers to any asylums and remove such officers.

Duties of superintendents.

89. It shall be the duty of every superintendent to inspect from time to time in accordance with regulations made hereunder the asylum to which he shall have been appointed and the persons detained therein and to cause proper food and necessary comforts to be supplied to such persons and to cause the premises to be properly and cleanly kept and to perform such other duties and exercise such powers as may be imposed and conferred upon him by this Ordinance or by any regulations made thereunder.

Intercourse of persons detained in asylums with each other and persons outside.

90. (1) No person shall be permitted to enter any asylum except in accordance with the regulations to be made in that behalf under this Ordinance.

(2) Save as in this Ordinance provided and save as may be provided by any regulations made thereunder no communication or intercourse shall be allowed between persons detained in any asylum and any person not detained therein who is not an officer or attendant thereof.

Suspects and detained lepers to be deemed in lawful custody.

91. (1) Every person placed in isolation or during the course of removal to or while detained in an asylum under the provisions of this Ordinance shall be deemed to be in lawful custody until discharged therefrom under this Ordinance and while in such custody shall be subject to the provisions of this Ordinance and any regulations made thereunder.

(2) Any person who shall escape from such lawful custody may be pursued, arrested without warrant and taken back into custody by any person whomsoever wheresoever he may be found.

Persons detained may receive visits subject to regulations.

92. Every person detained in lawful custody under the provisions of this Ordinance shall be permitted to receive visits from relatives, friends or legal advisers at such reasonable times and subject to such restrictions as may be determined by regulations made under this Ordinance.

Cost of erection and maintenance of asylum to be defrayed out of public revenue

93. The cost of the erection, establishment, and maintenance of asylums, of the removal of persons to, and of the maintenance of any person detained therein (save in so far as such cost of maintenance may be otherwise defrayed in accordance with Section 94 of this Ordinance) the salaries and wages of superintendents, attendants or other officers of asylums and of the disinfecting and cleansing of the residence of persons isolated and the maintenance of such persons during the period of isolation shall be defrayed out of the general revenues of the Colony and Protectorate.

Power to superintendent to allow persons detained to build habitations for themselves and defray cost of maintenance.

94. It shall be lawful subject to the approval of the Governor for the Superintendent in the case of any inmate of an asylum under this Part to receive or recover from such inmate the expense of his maintenance and to allow such inmate or any other person to erect for the inmate (or contract for the erection of) a building within the limits of an asylum and such Superintendent may for such purposes enter into on behalf of the Government special agreements with such person or his lawful representative.

Care and administration of property of persons confined or detained in asylums.

95. (1) The High Court may appoint a manager for the temporary or permanent care and administration of any property of a person removed to an asylum for detention under this Ordinance and the provisions of Sections 9 to 22 inclusive of the Indian Lunacy Act XXXV of 1858 shall *mutatis mutandis* apply for the purposes of such care and administration of the property of any such person.

(2) It shall be lawful for the Attorney General to lay any reports of evidence concerning the removal of a person for detention under this Ordinance together with evidence as to any property possessed by such person before the High Court for its consideration and the High Court may upon consideration of such reports and evidence appoint a manager for the care or custody of the property of any such person aforesaid and where it appears to the High Court desirable that temporary provision should be made for the maintenance or other necessary requirements of such person or any member of his family out of any money or available securities belonging to him in the hands of his bankers or of any other person the High Court may authorise such banker or other person to pay to the manager such sums as may be deemed necessary and may give directions as to the application thereof for the benefit of such person aforesaid or for the relief of his family or any member thereof.

Cleansing and disinfecting of residence of persons isolated.

96. Whenever any person shall have been placed in isolation by order of a Magistrate under Section 79 of this Ordinance or Medical Officer of Health shall cause the residence of such person to be forthwith cleansed and disinfected.

Photographing of persons confined in asylums.

97. (1) It shall be the duty of every person detained in an asylum under this Ordinance to submit himself to be photographed from time to time as the superintendent shall think fit.

(2) Any such person who shall refuse to allow himself to be photographed as aforesaid or shall obstruct any person entrusted with this duty in the execution of such duty shall be guilty of an offence, punishable on receipt of a report alone, in such manner as the Governor shall by regulation direct.

(3) Any person who shall give, supply, or exhibit any such photograph obtained under this section to any person to whom he is not expressly or by regulation authorised to give supply or exhibit such photograph shall be guilty of an offence.

Penalties for contravention of Ordinance.

98. Any person guilty of an offence under this Part shall be liable on conviction to a fine not exceeding seventy-five pounds or to imprisonment of either description for a period not exceeding six months or to both such fine and imprisonment.

Power to Governor to make Regulations and provide penalties for the breach thereof.

99. It shall be lawful for the Governor to make regulations and to prescribe the penalties for the breach thereof not exceeding the penalties in the last preceding section mentioned—

(*a*) for the isolation, examination and removal to asylums of persons affected or suspected of being affected with leprosy;

(*b*) for the appointment and duties of superintendents, medical officers, guards, attendants, and other officers of asylums and the removal of such officers;

(*c*) for the classification, treatment, instruction, and employment of persons detained in asylums;

(*d*) as to the rations and clothing of persons detained in asylums;

(*e*) as to the intercourse of persons detained in an asylum with each other and with persons not so detained and generally for the discipline and good order of persons so detained;

(*f*) for the removal to and detention within an asylum of any person serving or sentenced to a term of imprisonment if certified by a medical officer to be affected with leprosy;

(*g*) as to the setting apart of places within any asylum for the special confinement and punishment of persons convicted and sentenced during detention or whilst employed in an asylum, or of persons who have been convicted and sentenced for any offence by any competent Court and removed to an asylum under this Ordinance;

(*h*) for the appointment and duties of a Visiting Committee to any asylum, or otherwise providing for the visitation of asylums;

(*i*) prescribing forms to be used for the purposes of this Ordinance.

Examination and report of one medical practitioner to temporarily suffice where two not available.

100. Notwithstanding anything in this Ordinance contained the examination and report of one medical practitioner shall suffice for the purpose of an interim reception order under this Ordinance whenever undue delay or inconvenience would result in obtaining an examination and report by two medical practitioners; provided always that the results of an examination and the report of one medical practitioner be confirmed by another medical practitioner as soon as the same can conveniently be obtained.

Duty of police officer to execute orders made under Ordinance.

101. It shall be the duty of every police officer to execute any lawful order of the Colonial Secretary or any Magistrate issued under the provisions of this Ordinance and any person resisting or obstructing any Magistrate, medical practitioner or other person charged with a duty under this Ordinance in the execution of such duty shall be guilty of an offence.

Governor may exempt from operation of Ordinance persons affected with leprosy whilst inmates of approved private asylums.

102. (1) If the Governor is satisfied that proper provision will be made for the care, comfort and custody of persons affected with leprosy and for regulating intercourse between such persons and persons not so affected, in any private leper asylum established before the commencement of this Ordinance or thereafter intended to be established, he may by notice in the Gazette exempt from the provisions of this Ordinance all persons affected with leprosy if and so long as they shall remain within the private leper asylum specified in such notice.

Cancellation of exemption.

(2) The Governor may at any time, by notice in the Gazette cancel any exemption made by him under the preceding sub-section either in respect of all the inmates of a private leper asylum specified in such notice or in respect of such inmate or inmates as may be specified in the notice.

Inspection of private asylums.

(3) Any Government medical officer may at any time enter any private leper establishment specified in any notice under sub-section (1) of this section, and inspect the same and examine the inmates; and every such asylum shall be inspected, and a report thereon sent to the Governor, by a medical practitioner appointed by the Principal Medical Officer on that behalf, at least once in every six months.

PART VIII.

Prevention and Spread of Small-Pox.

Definitions.

103. For the purposes of this Part—

"Child" means a person who is under, or who appears to be under 15 years of age.

"Public Vaccinator" shall include a public vaccinator appointed by the Principal Medical Officer and any person appointed by the Principal Medical Officer to assist or act for a pubic vaccinator and includes any Government Medical Officer, Medical Officer of Health or District Surgeon.

"Unprotected person" includes a child and means a person who has not been protected from small-pox by having had the disease either naturally or by inoculation or by having been successfully vaccinated, and who has not been certified under the provisions of this Ordinance to be insusceptible of vaccination.

Vaccination of children

104. The parent or guardian of every child in the Colony or Protectorate shall, unless such child is insusceptible or unfit or has suffered from small-pox, cause such child to be successfully vaccinated by a public vaccinator or other medical practitioner and the parent or guardian of every such child shall procure one of the following certificates on the form prescribed, signed by a public vaccinator or other medical practitioner:—

(*a*) Certificate of successful vaccination.

(*b*) Certificate of insusceptibility to vaccination.

(*c*) Certificate of unfitness for vaccination.

(*d*) Certificate that such child has suffered from small-pox.

Vaccination of persons entering the Colony or Protectorate and of unvaccinated persons in the Colony or Protectorate.

105. Every unvaccinated adult person, or the parent or guardian of every unvaccinated child, in or entering the Colony or Protectorate shall cause himself or such child to be successfully vaccinated within twelve months after the commencement of this Act or after entering the Colony or Protectorate as the case may be.

The conditions and exceptions described in section 104 shall *mutatis mutandis* apply to any adult person or child described in this section.

A person shall be deemed to be unvaccinated if he has not been, or fails to prove that he has been successfully vaccinated.

Provided that the provisions of this section shall not apply to any person who can prove that reasonable facilities for vaccination were not obtainable.

Emergency vaccination of population is areas threatened with small-pox

106. In the event of the occurrence or threatened outbreak of small-pox in any area:—

(1) The local authority or the medical officer of health or the district surgeon or other Government medical officer may require any person to be forthwith vaccinated or re-vaccinated who

has or is suspected to have been in any way recently exposed to smallpox infection or may require the parent or guardian of any child who has or is suspected to have been so exposed to have such child vaccinated or re-vaccinated forthwith. Any person failing to comply with such requirement shall be guilty of an offence.

(2) The local authority may, or when instructed by the Governor on the advice of the Board so to do shall require all persons within an area defined to attend at centres according to instructions issued and to undergo inspection, vaccination or re-vaccination as circumstances may require. Such instructions may be issued by notice in the press, or by notices posted in public places or otherwise as may be deemed sufficient by the local authority. Non-attendance shall be deemed to be an offence.

(3) Any district surgeon, public vaccinator or medical practitioner duly authorized by the Principal Medical Officer may require any person in such area to furnish satisfactory proof (including the exhibition of vaccination scars) that he has been successfully vaccinated within five years immediately preceding the date of such requirement. Any person who fails to furnish such proof as regards himself or as regards any child of which he is the parent or guardian, and refuses to allow himself or such child to be vaccinated, shall be guilty of an offence.

If adult or child be unfit for vaccination certificate in form of Schedule I to be given.

107. If any public vaccinator or medical practitioner shall be of opinion that any adult or child is not in a fit state to be vaccinated, he shall give to the adult or to the parent or guardian of the child a certificate under his hand according to the form of Schedule I, hereto annexed, or to the like effect, that the adult or child is then in a state unfit for vaccination.

The said certificate shall remain in force for 6 months only but shall be renewable for successive periods of 6 months until the public vaccinator or medical practitioner shall deem the adult or child to be fit for vaccination when the adult or child shall, with all reasonable despatch, be vaccinated.

Certificate of insusceptibility to be given.

108. (*a*) If any public vaccinator or medical practitioner shall find that any adult or child whom he has three times unsuccessfully vaccinated is insusceptible of successful vaccination, or that the adult or child coming or brought to him for vaccination has already been successfully inoculated or had the small-pox, he shall deliver to the adult or to the parent or guardian of the child a certificate under his hand, according to Schedule II, annexed hereto.

(*b*) A certificate of insusceptibility to vaccination shall only be given by a public vaccinator or other medical practitioner after three unsuccessful attempts at vaccination at intervals of not less than on month have been made by him with calf vaccine lymph of known efficiency.

Certificate to be given for successful vaccination.

109. Every public vaccinator or medical practitioner who shall have performed the operation of vaccination upon any adult or child and shall have ascertained that the same has been successful, shall deliver to such adult or to the parent or guardian of such child a certificate in the form Schedule III, annexed hereto, or to the like effect, certifying that the said adult or child has been successfully vaccinated.

No fee to be charged for a certificate or for vaccination by public vaccinator.

110. (1) No fee or remuneration shall be charged to the person vaccinated by any public vaccinator for any certificate granted under this Ordinance, nor for any vaccination done by him in pursuance of this Ordinance.

Public vaccinator to enter in certificate a description of the person in respect of whom the same is given.

(2) A public vaccinator or medical practitioner giving any certificate under this Ordinance shall enter therein a description of the person in respect of whom the certificate is given sufficient for the purpose of identification.

Vaccination of inmates of institutions.

111. Every superintendent or person in charge of a leper asylum or mental hospital or chronic sick hospital, gaol, prison, reformatory, penitentiary, or other similar institution, shall cause to be vaccinated within fourteen days following his admission to such institution every inmate thereof who, being in a fit state of health to undergo vaccination has not been successfully vaccinated within the five years immediately preceding; if such person is at the time unfit to undergo vaccination he shall be vaccinated as soon as he is so fit.

112. (1) No child shall be admitted to or attend any school until there has been produced to the person in charge thereof a certificate or other satisfactory evidence that the provisions of this Part in respect of such child have been complied with. School attendance.

(2) For the purpose of ascertaining whether the provisions of sub-section (1) are being observed, every public vaccinator is hereby authorised and required whenever instructed by the Principal Medical Officer to visit any school, and make therein such inspection of the children attending thereat as will enable him to furnish prescribed particulars to the Principal Medical Officer as to the children who are unvaccinated.

113. Any person who inoculates himself or any other person with material taken from a person suffering from small-pox, or from a vaccine vesicle on another person or by any method not prescribed in regulations, shall be guilty of an offence. Supply of vaccine lymph and inoculation from arm to arm, etc., forbidden.

114. The Governor on the advice of the Board may make regulations:— The Governor on the advice of the Board may make regulations.

(*a*) Prescribing forms of certificate, notices, returns, and books of record to be used in connection with public vaccination, and defining the information to be furnished therein, and requiring the furnishing and prescribing the manner of use thereof by registrars of births, public vaccinators, local authorities, medical practitioners, parents or guardians of children, persons in charge of schools, employers of labour and others.

(*b*) Conferring powers and imposing duties, in connection with the carrying out or enforcement of vaccination, on Magistrates, officers of the Native Affairs Department, Justices of Peace, members of the Police force or other Government officers, local authorities, persons in charge of schools, employers of labour, Native Chiefs, Headmen of locations, and others;

(*c*) Prescribing the conditions under which vaccine lymph may be supplied free of charge to medical practitioners, local authorities and others;

(*d*) Providing for the vaccination or re-vaccination of persons and assigning where deemed desirable the responsibility for the carrying out of such vaccination or re-vaccination to local authorities or employers of labour;

(*e*) As to the application and enforcement of the provisions of this Part to persons entering the Colony or Protectorate, whether by land or sea, and for requiring, where deemed necessary, the vaccination or re-vaccination of any person before so entering.

PART IX.

Sanitation and Housing.

115. No person shall cause a nuisance or shall suffer to exist on any land or premises owned or occupied by him or of which he is in charge any nuisance or other condition liable to be injurious or dangerous to health. Nuisances prohibited.

116. It shall be the duty of very local authority to take all lawful, necessary and reasonably practicable measures for maintaining its district at all times in clean and sanitary condition, and for preventing the occurrence therein of, or for remedying or causing to be remedied any nuisance or condition liable to be injurious or dangerous to health and to take proceedings at law against any person causing or responsible for the continuance of of any such nuisance or condition. Duties of local authorities to maintain cleanliness and prevent nuisances.

117. It shall be the duty of every local authority to take all lawful, necessary and reasonably practicable measures for preventing or causing to be prevented or remedied all conditions liable to be injurious or dangerous to health arising from the erection or occupation of unhealthy dwellings or premises, or the erection of dwellings or premises on unhealthy sites or on sites of insufficient extent, or from overcrowding, or from the construction, condition or manner of use of any factory or trade premises, and to take proceedings under the law or regulations in force in its district against any person causing or responsible for the continuance of any such condition. Duty of local authorities to prevent or remedy danger to health arising from unsuitable dwellings.

What constitutes a nuisance.

118. (1) The following shall be deemed to be nuisances liable to be dealt with in the manner provided in this part:—

(*a*) Any vessel, and any railway carriage or other conveyance in such a state or condition as to be injurious or dangerous to health.

(*b*) Any dwelling or premises or part thereof which is or are of such construction or in such a state or so situated or so dirty or so verminous as to be in the opinion of the Medical Officer of Health, injurious or dangerous to health or which is or are liable to favour the spread of any infectious disease.

(*c*) Any street, road or any part thereof, any stream, pool, ditch, gutter, water-course, sink, water tank, cistern, water-closet, earth-closet, privy, urinal, cess-pool, soakaway pit, septic tank, cess-pit, soil-pipe, waste-pipe, drain, sewer, garbage receptacle, dust-bin, dung-pit, refuse pit, slop-tank, ash-pit, manure heap so foul or in such a state or so situated or constructed as in the opinion of the Medical Officer of Health to be be offensive or to be injurious or dangerous to health.

(*d*) Any well or other source of water supply or any cistern or other receptacle for water, whether public or private, the water from which is used or is likely to be used by man for drinking or domestic purposes or in connection with any dairy or milkshop or in, or in connection with the manufacture or preparation of any article of food intended for human consumption, which is in the opinion of the Medical Officer of Health polluted or otherwise liable to render any such water injurious or dangerous to health.

(*e*) Any noxious matter, or waste water, flowing or discharged from any premises, wherever situated, into any public street, or into the gutter or side channel of any street or into any nullah, or water-course, irrigation channel, or bed thereof not approved for the reception of such discharge.

(*f*) Any stable, cowshed, or other building or premises used for keeping of animals or birds which is so constructed, situated, used of kept as to be offensive or which is injurious or dangerous to health.

(*g*) Any animal so kept as to be a nuisance or injurious to health.

(*h*) Any accumulation or deposit of refuse, offal, manure or other matter whatsoever which is offensive or which is injurious or dangerous to health.

(*i*) Any accumulation of stones, timber or other building material if such in the opinion of the Medical Officer of Health is likely to harbour rats or other vermin.

(*j*) Any premises in such a state or condition and any building so constructed as to be likely to harbour rats.

(*k*) Any dwelling or premises which is so overcrowded as to be injurious or dangerous to the health of the inmates or are dilapidated or defective in lighting or ventilation or is not provided with or is so situated that it cannot be provided with sanitary accommodation to the satisfaction of the Medical Officer of Health.

(*l*) Any public or other building which is so situated, constructed, used or kept as to be unsafe, or injurious or dangerous to health.

(*m*) Any occupied dwelling for which such a proper, sufficient and wholesome water supply is not available within a reasonable distance as under the circumstances it is possible to obtain.

(*n*) Any factory or trade premises not kept in a cleanly state and free from offensive smell arising from any drain, privy, water-closet, earth-closet, or urinal, or not ventilated so as to destroy or render harmless and inoffensive as far as practicable any gases, vapours, dust or other impurities generated, or so overcrowded or so badly lighted or ventilated as to be injurious or dangerous to the health of those employed therein.

(*o*) Any factory or trade premises causing or giving rise to smells or effluvia which are offensive or which are injurious or dangerous to health.

(*p*) Any area of land kept or permitted to remain in such a state as to be offensive, or liable to cause any infectious communicable or preventable disease or injury or danger to health.

(*q*) Any chimney sending forth smoke in such quantity or in such manner as to be offensive or injurious or dangerous to health.

(*r*) Any cemetery, burial-place or place of sepulture so situated or so crowded or otherwise so conducted as to be offensive, or injurious or dangerous to health.

(*s*) Any act, omission, or thing which is, or may be dangerous to life, or injurious to health.

(2) The author of a nuisance means the person by whose act default or sufferance, nuisance is caused exists or is continued whether he is the owner or occupier or both owner and occupier or any other person.

Notice to remove nuisance.

119. The local authority or Medical Officer of Health if satisfied of the existence of a nuisance shall serve a notice on the author of the nuisance, or if he cannot be found, then on the occupier or owner of the dwelling or premises on which the nuisance arises or continues, requiring him to remove it within the time specified in the notice and to execute such work and do such things as may be necessary for that purpose and if the local authority or Medical Officer of Health think it desirable (but not otherwise) specifying any work to be executed to prevent a recurrence of the said nuisance.

Provided that—

(*a*) Where the nuisance arises from any want or defect of a structure or character, or where the dwelling or premises are unoccupied, the notice shall be served on the owner.

(*b*) Where the author of the nuisance cannot be found and it is clear that the nuisance does not arise or continue by the act or default or sufferance of the occupier or owner of the dwelling or premises, the local authority or Medical Officer of Health shall remove the same and may do what is necessary to prevent the recurrence thereof.

Procedure in case owner fails to comply with notice.

120. (1) If the person on whom a notice to remove a nuisance has been served as aforesaid fails to comply with any of the requirements thereof within the time specified, the local authority or Medical Officer of Health shall cause a complaint relating to such nuisance to be made before a Magistrate and such Magistrate shall thereupon issue a summons requiring the person on whom the notice was served to appear before his Court.

(2) If the Court is satisfied that the alleged nuisance exists, the Court shall make an order on the author thereof, or the occupier or owner of the dwelling or premises as the case may be, requiring him to comply with all or any of the requirements of the notice or otherwise to remove the nuisance within a time specified in the order and to do any works necessary for that purpose.

(3) The Court may by such order impose a fine not exceeding ten pounds on the person on whom the order is made and may also give directions as to the payment of all costs incurred up to the time of the hearing or making of the order for the removal of the nuisance.

(4) If the nuisance although removed since the service of the notice in the opinion of the Medical Officer of Health or local authority is likely to recur on the same premises, the local authority or Medical Officer of Health shall cause a complaint relating to such nuisance to be made before a Magistrate and the Magistrate shall thereupon issue a summons requiring the person on whom the notice was served to appear before him.

(5) If the Court is satisfied that the alleged nuisance although removed is likely to recur on the same premises the Court shall make an order on the author thereof or the occupier or owner of the dwelling or premises as the case may be, requiring him to do any specified work necessary to prevent the recurrence of the nuisance and prohibiting its recurrence.

(6) In the event of the person on whom such order as is specified in sub-sections 4 and 5 not complying with the order within a reasonable time the local authority or Medical Officer of Health shall again cause a complaint to be made to a Magistrate who shall thereupon issue a summons requiring such person to appear before him and on proof that the order has not been complied with may impose a fine not exceeding ten pounds and may also give directions as to the payment of all costs up to the time of the hearing.

(7) Before making any order the Court may, if it thinks fit, adjourn the hearing or further hearing of the summons until an inspection, investigation or analysis in respect of the nuisance alleged has been made by some competent person.

(8) Where the nuisance proved to exist is such as to render a dwelling unfit, in the judgment of the Court, for human habitation, the Court may issue a closing order prohibiting the use thereof as a dwelling until in its judgment the dwelling is fit for that purpose; and may further order that no rent shall be due or payable by or on behalf of the occupier of that dwelling in respect of the period in which the closing order exists; and on the Court being satisfied that it has been rendered fit for use as a dwelling the Court may terminate the closing order and by a further order declare the dwelling habitable, and from the date thereof such dwelling may be let or inhabited.

Notwithstanding any such last-mentioned order, further proceedings may be taken in accordance with this section in respect of the same dwelling in the event of any nuisance occurring or of the dwelling being again found to be unfit for human habitation.

Penalties in relation to nuisances.

121. (1) Any person who fails to obey an order to comply with the requirements of the local authority or Medical Officer of Health or otherwise to remove the nuisance, shall, unless he satisfies the Court that he has used all diligence to carry out such order be liable to a fine not exceeding forty florins for every day during which the default continues; any person wilfully acting in contravention of a closing order issued under the last preceding section shall be liable to a fine not exceeding forty florins for every day during which the contravention continues.

(2) The local authority or Medical Officer of Health may in such a case enter the premises to which any such order relates, and remove the nuisance and do whatever may be necessary in the execution of such order and recover in any competent Court the expenses incurred from the person on whom the order is made.

Court may order local authority to execute works in certain cases.

122. Whenever it appears to the satisfaction of the Court that the person by whose act or default the nuisance arises, or that the owner or occupier of the premises is not known or cannot be found, the Court may at once order the local authority to execute the works thereby directed and the cost of executing the same shall be a charge on the property on which the said nuisance exists.

Examination of premises.

123. The local authority or any of its officers or the Medical Officer of Health or any Sanitary Inspector or on the order of a Magistrate, any European Police Officer, may enter any building or premises for the purpose of examining as to the existence of any nuisance therein at all reasonable times; and the local authority or any of its officers may, if necessary open up the ground of such premises and cause the drains to be tested or such other work to be done as may be necessary for the effectual examination of the said premises: Provided that if no nuisance is found to exist the local authority shall restore the premises at its own expense.

Demolition of unfit dwellings.

124. (1) Where under Section 118 a nuisance is proved to exist with respect to a dwelling and the Court is satisfied that such dwelling is so dilapidated, or so defectively constructed, or so situated, that repairs to or alterations of the same are not likely to remove the nuisance and make such dwelling fit for human habitation, the Court may order the owner thereof to commence to demolish the dwelling and any other structures on

the premises on or before a specified day, being at least one month from the date of issuing the order and to complete the demolition and to remove the materials which comprised the same from the site before another specified day.

(2) The Court shall give notice to the occupier of a dwelling in respect of which such an order has been issued requiring him to move therefrom within a time to be specified in such notice, and if any person fails to comply with such notice or enter the dwelling or premises after the date fixed except for the purpose of demolition he shall be guilty of an offence.

(3) If any person fails to comply with such an order for demolition he shall be guilty of an offence and be liable to pay the daily fine provided in Section 121, and the local authority may cause the dwelling and any other structures on the premises to be demolished and may recover from the owner the expense incurred in doing so after deducting the net proceeds of the sale of the materials, which the local authority may sell by auction.

(4) No compensation shall be paid by the local authority to the owner or occupier of any dwelling or other structure in respect of the demolition thereof has aforesaid, and from the date of the demolition order no rent shall be due or payable by or on behalf of the occupier in respect of such dwelling or structure.

Duty of department in respect of over crowding, etc.

125. (1) It shall be the duty of the Medical Department:—

(*a*) To collect, investigate and consider and publish the facts as to any overcrowding or bad or insufficient housing in the various districts of the Colony and Protectorate.

(*b*) To enquire into the best methods of dealing with any overcrowding or bad housing so ascertained to exist.

(*c*) To make or publish such recommendations as may seem necessary in respect of the result of any such investigation or enquiry.

Regulations.

126. (1) The Governor on the advice of the Board may make regulations and may confer powers and impose duties in connection with the carrying out and enforcement thereof on local authorities, Magistrates, owners and others as to—

(*a*) The inspection of land, dwellings, buildings, factories and trade premises, and for securing the keeping of the same clean and free from nuisance and so as not to endanger the health of the inmates or the public health.

(*b*) The construction of buildings, the provision of proper lighting and ventilation and the prevention of overcrowding.

(*c*) The periodical cleansing and whitewashing or other treatment of dwellings and the cleansing of land attached thereto and the removal of rubbish or refuse therefrom.

(*d*) The drainage of land, streets or premises, the disposal of offensive liquids and the removal and disposal of rubbish, refuse, manure and waste matters.

(*e*) The standard or standards of purity of any liquid which, after treatment in any purification works, may be discharged therefrom as effluent.

(*f*) The keeping of animals or birds and the construction, cleanliness and drainage of places where animals or birds are kept.

(*g*) The establishment and carrying on of factories or trade premises which are liable to cause offensive smells or effluvia, or to discharge liquid or other material liable to cause such smells or effluvia, or to pollute streams, or are otherwise liable to be a nuisance or injurious or dangerous to health, and for prohibiting the establishment or carrying on of such factories or trade premises in unsuitable localities or so to be a nuisance or injurious or dangerous to health.

(*h*) The sub-division and general lay-out of land intended to be used as building sites, the level construction, number, direction and the width of streets and thoroughfares, the limitation of the number of dwellings or other buildings to be erected on such land, the proportion of any building site which may be built upon and the establishment of zones within which different

limitations shall apply, and of zones within which may be prohibited the establishment or conduct of occupations or trades likely to cause nuisance or annoyance to persons residing in the neighbourhood.

(*i*) The inspection of the district of any local authority, by that local authority with a view to ascertain whether the lands and buildings thereon are in a state to be injurious or dangerous to health and the preparation, keeping and publication of such records as may be required.

PART X.

Protection of Foodstuffs.

Construction and regulation of buildings used for the storage of foodstuffs.

127. (1) All warehouses, godowns or buildings of whatever nature used for the storage of foodstuffs shall be constructed of such materials and in such manner as shall in the opinion of the Medical Officer of Health render such warehouse, godown or building rat proof.

(2) Where any warehouse, godown or building intended for the storage of foodstuffs aforesaid has fallen into a state of disrepair, or does not in the opinion of the Medical Officer of Health afford sufficient protection against rat invasion by reason of the materials used in the construction of the same being defective the local authority may by written notice require the owner to effect such repairs and alterations as the notice shall prescribe within a time to be specified in the said notice, and if such requirement is not complied with the local authority may enter upon the premises and effect such repairs and alterations, and may recover all costs and expenses incurred from the owner.

(3) Where in the opinion of the Medical Officer of Health any foodstuffs within a warehouse, godown or building are insufficiently protected the owner thereof shall observe all written instructions and directions of the Medical Officer of Health within a time to be specified in the said notice for the better protection of the same.

Provided that in the case of any prosecution under this section the Court may in its discretion acquit the accused if it is satisfied that all reasonable steps have been taken to exclude rats having regard to all the circumstances of the case.

No person shall reside or sleep in any room in which foodstuffs are stored, etc.

128. (1) No person shall reside or sleep in any kitchen or room in which foodstuffs are prepared or stored for sale.

(2) If it appears to the Medical Officer of Health that any such kitchen or room is being so used contrary to the provisions of this section, or that any part of the premises adjoining the room in which foodstuffs are stored or exposed for sale is being used as a sleeping apartment under such circumstances that the foodstuffs are likely to be contaminated or made unwholesome he may serve upon the offender or upon the owner of the house, or upon both, a notice calling for such measures to be taken as shall prevent the improper use of such kitchen and premises within a time to be specified in the notice and if such notice be not complied with the party upon whom it was served shall be guilty of an offence.

PART XI.

Public Water Supplies, Meat, Milk, and other Articles of Food.

Duty of local authority as to pollution of water supplies.

129. It shall be the duty of every local authority to take all lawful, necessary and reasonably practicable measures.

(*a*) For preventing any pollution dangerous to health, of any supply of water which the public within its district has a right to use and does use for drinking or domestic purposes (whether such supply is derived form sources within or beyond its district; and

(*b*) For purifying any such supply which has become so polluted,

and to take measures (including, if necessary. proceedings at law) against any person so polluting any such supply or polluting any stream so as to be a nuisance or danger to health.

Regulations.

130. (1) The Governor on the advice of the Board may make, and impose on local authorities and others the duty of enforcing, regulations in respect of defined areas—

(*a*) Prohibiting bathing in, and prohibiting or regulating the washing of clothes or other articles or of animals in, or in any place draining into, any such water supply as is in the last preceding section mentioned.

(*b*) Prohibiting or regulating the erection of dwellings, sanitary convenience, stables, cattle kraals, pig-styes, ostrich pens, dipping tanks, factories or other works likely to entail risk of harmful pollution of any such water supply, or prohibiting or regulating the deposit in the vicinity of, or in any place draining into, any such supply, of any manure, filth or noxious or offensive matter or thing,

and generally, for preventing the pollution dangerous to health of any supply of water which the public within its district has a right to use and does use for drinking or domestic purposes and for purifying any such supply which has become so polluted, and for preventing the pollution of streams so as to be a nuisance or a danger to health.

(2) Regulations under this section shall be made with due regard to the interests of agricultural or any other industries.

Sale of unwholesome food prohibited.

131. (a) No person shall sell or expose for sale or bring into the Colony or Protectorate or into any market or have in his possession without reasonable excuse any food for man in a tainted, adulterated, diseased or unwholesome state, or which is unfit for use, or any food for any animal which is in an unwholesome state or unfit for their use and any Medical Officer of Health, Veterinary Officer, Sanitary Inspector, Meat Inspector or European Police Officer may seize any such food, and any Magistrate on the recommendation of the Medical Officer of Health, Sanitary Inspector or of a Veterinary Officer may order it to be destroyed, or to be so disposed of as to prevent it from being used as food for man or animal as the case may be.

(*b*) No person shall collect, prepare, manufacture, keep, transmit or expose for sale any foodstuffs without taking adequate measures to guard against or prevent any infection or contamination thereof.

Seizure of unwholesome food.

132. Any Medical Officer of Health, or other person duly authorised by the local authority in writing, may, at any time between the hours of 6 a.m. and 6 p.m., enter any shop or premises used for the sale or preparation for sale, or for the storage of food to inspect and examine any food found therein which he shall have reason to believe is intended to be used as human food, and should such food appear to such officer to be unfit for such use, he may seize the same, and any Magistrate may order it to be disposed of as in the foregoing section. The proof that such food was not exposed or deposited for any such purpose shall rest with the person charged.

Penalty.

133. Any person in whose possession there shall be found any food liable to seizure under Sections 131 and 132 shall further be liable to a penalty not exceeding one hundred pounds or to imprisonment for a period not exceeding six months or to both.

The Governor on the advice of the Board may make regulations regarding the sale, etc., of milk and of articles of food.

134. The Governor on the advice of the Board may make regulations regarding all or ony of the following matters:—

(a) The inspection of dairy stock and of animals intended for human consumption, and of dairies, stock sheds or yards, milk-shops, milk vessels and slaughter houses, and of factories, stores, shops and other places where any article of food is manufactured or prepared or kept.

(*b*) The taking and examination of samples of milk, dairy produce, meat or other articles of food and the removal or detention, pending examination or enquiry of animals or articles which are suspected of being diseased or unsound or unwhole-

some or unfit for human consumption, and the seizure and destruction or treatment or disposal so as not to endanger health, of any such article which is found to be unwholesome or unsound or diseased or infected or contaminated, and of diseased animals sold or intended or offered or exposed for sale for human consumption; such regulations may empower a Medical Officer of Health, or (in the case of meat) a Veterinary Officer, to detain, seize or destroy any diseased, unsound or unwholesome article of food, but shall not confer on any other person any power beyond that of detention of such article for the purpose of examination by a Medical Officer of Health, or (in the case of meat) a Veterinary Officer.

(*c*) Fixing standards of cleanliness of milk and prescribing the warning to be given to any cow-keeper, dairy-man or purveyor of milk that any milk sold or kept or transmitted or exposed for sale by him has been found to be below any such standard, and the issue of orders prohibiting the sale or the keeping or exposure for sale of milk from any particular animal or animals, or requiring the closing of any dairy, stockshed or yard or milk shop, the milk from which is found, after analysis and official warning to be below any such standard.

(*d*) The conveyance and distribution of milk and the labelling or marking of receptacles used for the conveyance of milk.

(*e*) The Veterinary inspection of dairy stock, the sampling and bacteriological examination of milk and dairy produce and the prevention of the sale, or the keeping, transmission or exposure for sale of milk from a diseased or infected animal.

(*f*) The duties of cow-keepers, dairymen and purveyors of milk in connection with the occurrence of infectious disease amongst persons residing or employed in or about their premises and the furnishing by them of the names and addresses of their customers, and of cow-keepers in connection with reporting the occurrence in animals on the premises or any dairy cattle, of diseases which are communicable to man and of any disease of the udder.

(*g*) The inspection and examination of, and the regulation, inspection and supervision of the manufacture, preparation, storage, keeping and transmission of, any article of food intended for sale or for export from the Colony and Protectorate, and the prohibition of the manufacture, preparation, storage, keeping, transmission, sale or export from the Colony and Protectorate of any such article which is, or contains an ingredient which is, diseased or unsound or unfit for human consumption, or which has been exposed to any infection or contamination.

(*h*) The establishment, locality, supervision, equipment, maintenance and management of slaughter houses and the disposal of the waste products of slaughtering and the inspection of slaughter houses and the animals therein, and prohibiting restricting or regulating the slaughtering of animals.

(*i*) Prohibiting the importation into the Colony and Protectorate of any article of food which is not clean wholesome, sound and free from any disease or infection or contamination, and the seizure and disposal by destruction or otherwise of any such article so imported.

(*j*) The preparation, manufacture or importation and the storage and sale of or trade in articles of food which are packed in air-tight receptacles or are otherwise preserved, and the marking of any such article or receptacle with the date of manufacture or preparation.

(*k*) Prohibiting the importation, sale, possession or use of vessels which are intended to contain milk or any liquid or semi-solid article of food and which are rusty or defectively soldered or are made of material containing in any part likely to come in contact with the contents, lead or other poisonous or injurious substance in such proportion as to be likely to cause injury or danger to health, and fixing the maximum proportions of such substances which may be used in such vessels.

135. The Governor on the advice of the Board may make orders— Governor's power to make orders on the advice of the Board.

(*a*) Requiring the medical examination of any person in any premises in which any milk or dairy produce or other article of food intended for sale is collected, kept, sold, or exposed for sale, or of any person who has been engaged in the collection, preparation, keeping, conveyance or distribution of any such milk or produce or article.

(*b*) Prohibiting the registration as cow-keeper, dairyman or purveyor of milk or the employment in connection with the collection, preparation, storage, distribution or sale of milk, or dairy produce or any article of food of any person who has been proved to be a carrier of the infection of typhoid or enteric fever or other infectious disease.

(*c*) Requiring the closing of any stock-shed, or, yard dairy or milk shop, or the exclusion from any stock-shed or dairy premises of any animal, the milk from which is believed to have conveyed or to be liable to convey any infectious disease.

(*d*) Prohibiting the sale or exposure for sale of milk by any cow-keeper, dairyman or purveyor of milk who has been three times convicted of offences under any laws or regulations regarding the milk trade.

PART XII.

The Prevention and Destruction of Mosquitoes.

136. For the purposes of this Ordinance— Breeding places of mosquitoes to be nuisances.

(*a*) all collections of water, sewage, rubbish, refuse, ordure, or other fluid or solid substances, which permit or facilitate the breeding or multiplication of animal or vegetable parasites of men or domestic animals, or of insects or of other agents, which are known to carry such parasites or which may otherwise cause or facilitate the infection of men or domestic animals by such parasites;

(*b*) Any collection of water in any well, pool, gutter, channel, depression, excavation, barrel, tub, bucket, or any other article, and found to contain any of the immature stages of the mosquito;

(*c*) Any cess-pit latrine, urinal, dung-pit, or ash-pit found to contain any of the immature stages of the mosquito;

shall be nuisances liable to be dealt with in the manner hereinbefore provided for the treatment of nuisances.

137. The occupier or owner of any premises shall keep such premises free from all bottles whole or broken, whether fixed on walls or not, tins, boxes, calabashes, earthenware vessels, shells or any other articles which are kept so that they are likely to retain water. Any occupier or owner of any premises failing to comply with the provisions of this section shall be liable to a fine not exceeding five pounds. Yards to be kept free from bottles whole or broken, etc.

138. No person shall within a Township permit any premises or lands owned or occupied by him or over which he has control to become overgrown with bush or long grass of such a nature as, in the opinion of the Medical Officer of Health, to be likely to harbour mosquitoes.

139. It shall not be lawful for any person to keep, or for the occupier or owner of any premises to allow to be kept thereon, any collection of water, in any well, barrel, tub, bucket, tank, or other vessel intended for the storage of water, unless such well, barrel, tub, bucket, tank, or other vessel is fitted with a sufficient cover and is properly protected or screened to the satisfaction of the Medical Officer of Health, so as to prevent the ingress of mosquitoes into the same. Any person offending against the provisions of this section shall be liable to a fine not exceeding five pounds and after notice received from the Medical Officer of Health to a further fine not exceeding one pound for each day during which he shall make default. Wells, etc., to be covered.

Cess-pits to be screened filled.

140. The occupier or owner of any premises upon or attached to which is any cess-pit shall cause such cess-pit to be properly protected or screened to the satisfaction of the Medical Officer of Health so as to prevent the ingress of mosquitoes into the same, and in default he shall be liable to a fine not exceeding five pounds, and to a further fine not exceeding one pound for each day during which he shall continue to make such default after notice received from the local authority to comply with the provisions of this section.

Gutters may be required to be perforated.

141. It shall be lawful for the Medical Officer of Health by written notice to require the occupier or owner of any premises upon or attached to which is any gutter, pipe, groove, or water way used or intended for carrying off water from any roof or other place, to cause the same to be perforated by holes at least every two feet in such a manner as to prevent the collection or accumulation of water therein, and if any person duly served with such notice shall fail to comply with the provisions thereof within such times as may be specified therein, he shall be liable to a fine not exceeding five pounds, and to a further fine not exceeding one pound for each day during which he shall continue to make such default.

Larvae, etc., may be destroyed.

142. Where any of the immature stages of the mosquito are found on any premises in any collection of water in any cess-pit, well, pool, channel, barrel, tub, bucket, tank, or any other vessel, or in any bottle, whole or broken, whether fixed on a wall or not, tin, box, calabash, shell, or any other article, it shall be lawful for the Medical Officer of Health to take immediate steps to destroy any such immature stages of the mosquito by the application of oil or larvicide or otherwise, and to take such action as is necessary to prevent the recurrence of the nuisance and to render any pools or collections of water unfit to become breeding places for mosquitoes.

Mere presence of mosquito larvae an offence.

143. Notwithstanding any provision of this Ordinance, the occupier or owner of any house or premises, or the owner or person having the charge of any vessel, timber, cask, or other article, in or about which there is any collection of water found by the Medical Officer of Health to contain any of the immature stages of the mosquito, shall be liable in respect of each and every such collection of water to a fine not exceeding five pounds, or in default to be imprisoned with or without hard labour for seven days.

PART XIII.

CEMETERIES.

Cemeteries to be appointed.

144. It shall be lawful for the Governor to select and appoint within the Colony and Protectorate and to notify in the Gazette, sufficient and proper places to be the sites of, and to be used as cemeteries; and it shall be obligatory where such cemetries exist to bury the dead in such cemeteries in conformity with the provisions of regulations made by any local authority. Any person who shall be guilty of a breach of any such regulation shall be liable on conviction to a fine not exceeding seventy-five pounds.

Penalty for improper interment.

List of authorised cemeteries.

145. All cemeteries now being used as such and such other cemeteries as may be authorised by the Governor, notice whereof shall be published in the Gazette, shall be deemed authorised cemeteries.

Permit to exhume.

146. (1) Subject to the provisions of Section 147 it shall not be lawful to exhume any body or the remains of any body which may have been interred in any authorised cemetery or in any other cemetary, burial ground, or other place without a permit granted in manner hereinafter provided.

(2) Such permit shall be granted only to the legal personal representative or next of kin of the person buried, or to his or their duly authorised agent.

(3) Such permit may be granted by the Governor, under the hand of the Colonial Secretary, in respect of any body or the remains of any body interred in any cemetery or burial ground or any other place

The permitting authority may prescribe such precautions as he may deem fit as the condition of the grant of such permit, and any person who shall exhume any body or the remains of any body contrary to this Ordinance, or who shall neglect to observe the precautions prescribed as the condition of the permit, shall be liable to a fine not exceeding seventy-five pounds. Conditions of permit to exhume.

Provided always that nothing herein contained shall be deemed to affect the right of a Magistrate to order the exhumation of a body or the remains of any body for the purpose of holding an inquiry into the cause of death of any person. Magistrate to make order of exhumation.

147. (1) It shall be lawful for the Governor whenever he shall deem it expedient for the execution of any public work or any public purpose, to remove any body or the remains of any body from any grave whether in an authorised cemetery or elsewhere, and by order under his hand to direct such removal to be made in such manner as he shall think fit. Exhumation needed for execution of public works may be ordered.

(2) No such order shall be made in respect of any grave situated in an authorised cemetery until six months notice of the intention to make it shall have been given by notification in the Gazette. Copies of such notice shall be posted at or near the grave, and copies shall be sent by post in a registered letter to the legal personal representative or next of kin of the person buried, if his or their address can be ascertained. Such copies shall be accompanied by a translation in the language of the race to which the deceased person belonged.

(3) When an order is made directing a removal from any grave aforesaid elsewhere than in an authorised cemetery, due notice of such order shall, so far as it is possible to do so, be given to the legal representative or next of kin of the person buried before the work of removal is undertaken.

(4) The Government shall make proper and fitting arrangements for the re-interment in an authorised cemetery of any body or remains of any body removed under this section, and for the removal and re-erection of any monument, all charges in connection therewith being defrayed out of the public revenue. Re-interment.

148. There shall be kept a record of every permit granted and of every order made under the provisions of the last two sections. Such record shall contain particulars, so far as the same can be ascertained, of the race, nationality, name, sex, and age of the persons buried, date of burial and of the place of original burial, and of re-burial or removal. Such record shall be open during office hours to inspection by any person. Record of permit for exhumation.

149. It shall be lawful for the Governor-in-Council to notify in the Gazette that any cemetery or burial ground shall, from a time in such notification to be specified, be closed, and the same shall be closed accordingly, and whosoever, after the said specified time, shall bury any body or the remains of any body in the said cemetery or burial ground, shall be liable to a fine not exceeding seventy-five pounds. Closing of cemeteries by Governor-in-Council.

150. All reasonable expenses incurred by the Board in consequence of any default in complying with any order or notice issued under the provisions of this Ordinance shall be deemed to be money paid for the use and at the request of the person on whom the said order or notice was made, and shall be recoverable from him at the suit of the Board as a civil debt recoverable summarily. The provisions of this section shall apply to any orders or notices issued under any regulations by the local authority. Reimbursement of expenses to the Board.

PART XIV.

GENERAL.

151. It shall not be lawful to live in, occupy or use or to let or sub-let, or to suffer or permit to be used any basement for habitation, nor shall it be lawful, without the written permission of the local authority, to use such basement, as a shop, workshop, or factory or for the preparation or storage of food, and no basement shall be used unless it is well lit and ventilated, and is free from damp and is rendered rat-proof to the satisfaction of the Medical Officer of Health. Basements not to be occupied without permission.

Lodging houses to be registered and the keeper licensed.

152. The Governor on the advice of the Board may make regulations for the conduct and inspection of lodging houses and no person shall open, or keep open, a lodging house, unless the house is registered and the keeper thereof is licensed by the local authority.

Nursing homes to be licensed.

153. (1) No person shall open or keep open a nursing home, convalescent home, private hospital, infirmary or any institution where invalids or convalescents are treated or received upon payment of fees or charges unless the house is registered and the keeper t ereof licensed by the Board.

Nursing houses may be inspected by the Board.

(2) The Principal Medical Officer on the advice of the Board may authorise a medical practitioner on its behalf to visit any such premises as in this section mentioned to report to the Board upon any matter or thing connected with the premises or the use thereof.

Obstructing an inspection.

(3) Any person who knowingly obstructs an authorised medical practitioner in any such inspection as is authorised by the Principal Medical Officer and in regulations shall be guilty of an offence.

Markets.

154. For the purposes of this Ordinance the Governor may make regulations for the establishment, control and closing of all markets and market buildings.

Board may apply to the Government for additional public latrines.

155. When in the opinion of the local authority additional public latrine accommodation is required in any locality upon unleased Crown land, the local authority shall apply in writing to the Governor, specifying the site upon which it desires the erection of a public latrine, and the accommodation to be provided by such latrine, and the Governor shall after due enquiry, give his decision on the matter.

Regulation of public washermen.

156. Every local authority may by public notice, prohibit the washing of clothes by washermen in the exercise of their calling except at public wash-houses or at such other places as it may appoint for the purpose.

Control of irrigated land.

157. (1) Where it is shewn to the satisfaction of the Governor-in-Council, upon the advice of the Board, that the growing of any crop or the irrigation of any land being within the boundaries of a Township or within three miles of such boundaries is unhealthful or insanitary, the Governor-in-Council may, by order published in the "Official Gazette," prohibit the growing of any crop or the irrigation of any land within any area, within the boundaries of a Township or within three miles of such boundaries, and may cause any permit or authorization issued for the diversion, abstraction or use of water for such purpose to be cancelled upon such terms as may appear to him equitable.

(2) The Governor may make regulations for ensuring that the health of the inhabitants of a district may be safeguarded in respect of:—

(*a*) The prevention of pools of standing water.

(*b*) The drainage and control of such pools when they exist.

(*c*) The inspection, repair and cleansing of open channels, canals and drains.

Supervision of importation or manufacture of vaccines, etc.

158. (1) The Governor may provide for the inspection, sampling and examination, by officers of the Medical Department, of vaccines, vaccine lymphs sera and similar substances imported into or manufactured in the Colony and Protectorate and intended or used for the prevention or treatment of human diseases, and may prohibit the importation, manufacture, or use of any such substance which is considered to be unsafe or to be liable to be harmful or deleterious.

(2) The Governor may make such regulations as he may consider necessary for properly carrying out the provisions of the section.

PART XV.

MISCELLANEOUS PROVISIONS.

Notices, etc., may be printed or written.

159. Notices, orders and other documents under this Ordinance, may be in writing or print, or partly in writing and partly in print, and if the same require authentication by the Board, or a local authority the signature thereof respectively by the Secretary, Town Clerk, Medical Officer of Health, Sanitary Inspector or District Commissioner, as the case may be shall be sufficient authentication.

Service of notices.

160. Notices, orders and other documents required or authorised to be served under this Ordinance may be served by delivering the same to or at the residence of the person to whom they are respectively addressed, or where addressed to the owner or occupier of premises by delivering the same, or a true copy thereof, to some person on the premises, or if there is no person on the premises who can be served by fixing the same on some conspicuous part of the premises, they may also be served by post by a prepaid letter, and if served by post shall *prima facie* be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the notice, order or other document was properly addressed and put in the post.

Power and duties of officers of the Medical Department.

161. The Deputy Principal Medical Officer, the Chief Sanitation Officer, any Sanitation Officer, Medical Officer of Health, Port Health Officer or Medical Officer of the Department may with the authority and on behalf of the Principal Medical Officer discharge any of the duties or functions of the Principal Medical Officer and any duties imposed or powers conferred by this Ordinance or Medical Officers of Health, Port Health Officers, District Surgeons or Medical Officers may be carried out or exercised by the Principal Medical Officer, Deputy Principal Medical Officer, Chief Sanitation Officer or any Medical Officer designated by the Principal Medical Officer for that purpose.

Defect in form not to invalidate notices, etc.

162. No defect in the form of any notice or order made under this Ordinance shall invalidate or render unlawful the administrative action, or be a ground for exception to any legal proceedings which may be taken in the matter to which such notice or order relates provided the requirements thereof are substantially and intelligibly set forth.

Powers of entry and inspection of premises and penalties for obstruction.

163. (1) Any Medical Officer of Health or Sanitary Inspector, District Surgeon or Port Health Officer, or any European Police Officer or any other person generally or specially authorised in writing by the Principal Medical Officer, Medical Officer of Health or local authority may, at any hour reasonable for the proper performance of the duty, enter any land or premises to make any inspection or to perform any work or to do anything which is required or authorised by this Ordinance or any other law to do, if such inspection, work or thing is necessary for or incidental to the performance of his duties or the exercise of his powers.

(2) Any person who fails to give or refuses access to any officer, inspector or person mentioned in or authorised under subsection (1) if he requests entrance on any land or premises, or obstructs or hinders him in the execution of his duties under this Ordinance, or who fails or refuses to give information that he may lawfully be required to give to such officer, inspector or person, or who gives to such officer, inspector or person false or misleading information knowing it to be false or misleading, or who prevents the owner or any of his servants or workmen from entering any land or dwelling or premises for the purposes of complying with any requirement under this Ordinance, shall be guilty of an offence.

Penalties where not expressly provided.

164. Any person guilty of an offence against, or contraventions of, or default in complying with, any provision of this Ordinance shall, if no penalty is expressly provided for such offence, contravention or default, be liable on conviction to a fine not exceeding twenty-five pounds, and if the offence, contravention or default is of a continuing nature to a further fine not exceeding three pounds for each day during which he shall make default.

Liability of secretary or manager of company.

165. Where a contravention of any of the provisions of this Ordinance is committed by any company or corporation, the secretary or manager thereof may be summoned and shall be held liable for such contravention and the consequences thereof.

Proceedings against several persons.

166. Where proceedings under this Ordinance are competent against several persons in respect of the joint act or default of such person, it shall be sufficient to proceed against one or more of them without proceeding against the others.

Prosecutions.

167. (1) A local authority may, by any of its officers or by any person generally or specially authorised in writing by the mayor or chairman thereof, prosecute for any contravention of, or offence against, or default in complying with, any provision of this Ordinance or any regulation made or deemed to be made thereunder, if the contravention, offence or default is alleged to have been committed within or to affect his district.

(2) Where an officer or person authorised by a local authority has under sub-section (1) prosecuted any person for any contravention of, offence against or default in complying with, any provision of this Ordinance or any regulation made or deemed to be made thereunder and the accused has been convicted of that contravention, offence or default all fines and penalties imposed may be recovered by such officer or person authorised by a local authority as a civil debt recoverable summarily.

Power of Local Authority outside its District.

168. Nothing in any law specially governing any local authority shall be construed as preventing such local authority from exercising any power or performing any duty under this Ordinance by reason only that in exercising such power or performing such duty it must do some act or thing or incur expenditure outside its district.

Regulations under repealed Ordinance to remain in force.

169. Regulations made under any Ordinance repealed by this Ordinance shall remain in force unless in conflict with this Ordinance and be deemed to be made thereunder until superseded by regulations made under this Ordinance.

Power to make regulations.

170. (1) The Governor shall have power to make regulations generally for the carrying out of the purposes of this Ordinance.

(2) Any regulations under this Ordinance made by the Governor shall be laid before the Legislative Council at the next meeting thereof, after they are made.

Repeal.

171. The Infectious Diseases Ordinance, 1903, the Infectious Diseases Amendment Ordinance, 1917, the East Africa Sleeping Sickness Ordinance, 1909, the Vaccination Ordinance, 1912, the Vaccination Amendment Ordinance, 1913, and the Leprosy Ordinance, 1913, are hereby repealed.

Until other provision is made in that behalf the East Africa Plague and Cholera Ordinance, 1907, shall be deemed to be and shall have the effect of regulations made under this Ordinance.

SCHEDULE I.

See Section 107.

I, the undersigned, hereby certify, that in my opinion .....is not now in a fit and proper state to be vaccinated, and I do hereby recommend that the vaccination be postponed for the period of 6 months from this date.

Dated this.....day of.....19.....

.....

(Signature of Medical Practitioner or Public Vaccinator).

SCHEDULE II.

See Section 108.

I, the undersigned, hereby certify, that I have three times unsuccessfully vaccinated..... .....(or that.....has already had small-pox as the case may be) and I am of opinion that the said .....is insusceptible of successful vaccination

Dated this.....day of.....19.....

.....

(Signature of Medical Practitioner or Public Vaccinator).

SCHEDULE III.

See Section 109.

I, the undersigned, hereby certify, that..... .....has been successfully vaccinated by me.

Dated this.....day of.....19.....

.....

(Signature of Medical Practitioner or Public Vaccinator).

AN ORDINANCE.

No. 39 OF 1921.

Assented to in His Majesty's name this 15th day of October, 1921.

EDWARD NORTHEY,
Governor.

An Ordinance to make provision for raising a Loan of five million pounds sterling for the Construction of certain Public Works and other purposes.

Preamble

WHEREAS it is expedient to raise a loan of five million pounds sterling for the purposes specified in the Schedule hereto: Be it therefore enacted by the Governor of the Colony of Kenya by and with the advice and consent of the Legislative Council thereof, as follows:

Short title.

1. This Ordinance may be cited as "the Specific Loan Ordinance 1921."

Authority to Governor to borrow by sale of debentures or inscribed stock.

2. The Governor is hereby authorised to issue stock or debentures or both under the provisions of "The General Loan and Inscribed Stock Ordinance, 1921" to the amount of Five Million Pounds.

Application of Loan.

3. The money to be borrowed under the authority of this Ordinance shall be appropriated and applied to the purposes specified in the Schedule hereto provided that it shall be lawful for the Governor with the sanction of the Secretary of State to utilise any money not spent upon any item in the said schedule to cover any excess of expenditure in respect of any other item.

Commencement of contribution to sinking fund.

4. Contribution to sinking fund, as contemplated by the provisions of sections 14 and 28 of "The General Loan and Inscribed Stock Ordinance 1921," shall commence after the expiration of three years from the date of the first issue of Debentures or Inscribed Stock to be issued under this Ordinance.

SCHEDULE.

		£
1.	Kilindini Harbour Works	1,140,000
2.	Uasin Gishu Railway	1,456,000
3.	Repayment to His Majesty's Treasury of loans already made for development purposes ...	1,004,000
4.	Repayment to revenue of advances made from revenue for military expenditure in connection with the War, and for purchase of reserve stores for Railway and Steamer services	600,000
5.	Payment of interest	450,000
6.	Expenses of issue and deduction for discount ...	350,000
	TOTAL ...	£5,000,000

AN ORDINANCE.

No. 40 OF 1921.

Assented to in His Majesty's name this 8th day of November, 1921.

EDWARD NORTHEY,
Governor.

An Ordinance to Supply a further Sum of Money for the Service of the Year ending 31st of March, 1920.

BE it enacted by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof:—

1. This Ordinance may be cited as "The Supplementary Appropriation Ordinance, 1921. Short title.

2. The Public Revenue for the year 1919-20, and other funds of the Colony and Protectorate of Kenya are hereby charged towards the service of the year ended the 31st day of March 1920 with a further sum of five hundred and three thousand, eight hundred and forty-nine pounds, ten shillings and ten pence, in addition to the sums provided by the Appropriation Ordinance, 1920. Public Revenue charged.

3. The money granted by this Ordinance shall be applied to the purposes and services expressed in the schedule annexed hereto. Application of money granted.

4. The Treasurer of the Colony and Protectorate of Kenya is hereby authorised and required, from time to time, upon warrant or order of the Governor, to pay out of the Revenue and other funds of the Colony and Protectorate of Kenya for the several services specified in the schedule, the said sum of five hundred and three thousand, eight hundred and forty-nine pounds, ten shillings and ten pence, which have come in course of payment during the year ended on 31st day of March, 1920. Treasurer's authority for payment.

SCHEDULE.

	Heads of Expenditure.	Amount.		
		£	s.	d.
2.	Pensions and Gratuities	1,185	10	5
3.	His Excellency the Governor	874	13	11
5.	"Official Gazette" and Printing ...	2,931	16	6
5*a*.	do. Special Expenditure ...	302	11	6
7.	Treasury	529	19	9
8.	Customs Department	2,506	13	6
9*a*.	Port and Marine Departments—Special Expenditure	1,203	14	9
13.	Prisons	3,413	18	3
19.	Miscellaneous Services	11,363	5	8
20.	Post Office and Telegraphs	380	12	1
20*a*.	do. Special Expenditure ...	2,585	7	0
21*a*.	Railway Department—Special Expenditure	3,082	3	8
21*b*.	Busoga Railway	404	10	2
21*c*.	Port Bell-Kampala Railway	1,153	10	7
24.	Game Department	345	17	0
26.	Trigonometrical and Topographical Survey Department	91	17	2
27.	Land Department	827	2	6
29.	Public Works Recurrent	978	5	5
30.	Public Works Extraordinary	19,488	1	3
32	Interest...	8,949	7	11
34.	Special Expenditure for Magadi ...	122	18	5
35.	War Expenses—Protectorate Share of ...	441,127	13	5
	Total £ ...	503,849	10	10

AN ORDINANCE.

No. 41 OF 1921.

Assented to in His Majesty's name this 28th day of November, 1921.

EDWARD NORTHEY,
Governor.

An Ordinance to impose Temporary Restrictions on Former Enemy Aliens acquiring Interests in Land.

Be it enacted by the Governor of the Colony of Kenya with the advice and consent of the Legislative Council thereof:—

1. This Ordinance may be cited as "The Former Enemy Aliens Restriction Ordinance, 1921." **Short title.**

2. In this Ordinance the expression "Former Enemy Alien" means an alien who is a subject or citizen of the German Empire or any component State thereof, or of Austria, Hungary, Bulgaria, or Turkey, or who, having at any time been such subject or citizen, has not changed his allegiance as a result of the recognition of new States or territorial re-arrangements, or been naturalised in any other Foreign State or in any British Possession in accordance with the laws thereof and when actually resident therein, and does not retain according to the law of his state of origin the nationality of that State; **Interpretation.**

The expression "Colony" means the Colony and Protectorate of Kenya.

3. No person shall without the consent of the Governor-in-Council sell, lease, sublease, assign, mortgage or otherwise by any means whatsoever, whether of a like kind to the foregoing or not, alienate, encumber, charge or part with the possession of any immovable property or of any right, title or interest, whether vested or contingent, to, in or over immovable property to any former enemy alien. **Restriction on alienation of immovable property.**

4. Any agreement or contract for any of the purposes prohibited by the foregoing Section which is not completed and registered before the enactment of this Ordinance shall be deemed void, unless such agreement or contract has received the consent of the Governor-in-Council. **Uncompleted and unregistered contracts.**

5. No person shall register or cause to be registered any document relating to any transaction prohibited by Section 3 of this Ordinance or deemed to be void under the preceding Section under any law for the time being in force relating to the registration of documents relating to land. **Registration.**

6. Any person who contravenes any of the provisions of this Ordinance or attempts or abets the contravention of any of such provisions shall be guilty of an offence and shall on conviction be liable to a fine not exceeding £5,000, or to imprisonment of either kind for a term not exceeding three years or to both. If the offence be committed by a Company then every director, manager, secretary or officer of the Company who is knowingly a party to the offence shall on conviction be liable to the like fine or imprisonment or to both such fine and imprisonment. **Penalties.**

7. This Ordinance shall remain in operation for one year from the date of commencement thereof. **Duration of Ordinance.**

AN ORDINANCE.

No. 42 of 1921.

Assented to in His Majesty's name this 12th day of December, 1921.

EDWARD NORTHEY,
Governor.

An Ordinance to impose a Tax on Dangerous Petroleum.

BE it enacted by the Governor of the Colony of Kenya with the advice and consent of the Legislative Council thereof:—

Short title.

1. This Ordinance may be cited as "The Dangerous Petroleum Tax Ordinance, 1921."

Definitions.

2. The term "Dangerous Petroleum" means dangerous petroleum as defined by "The Indian Petroleum Act, 1899," as applied to the Colony.

The term "Colony" means the Colony and Protectorate of Kenya.

Tax to be paid on imported dangerous petroleum.

3. There shall as from the 1st day of January, 1922, be charged, levied and paid to the general revenue of the Colony by any person importing into the Colony for sale or consumption therein dangerous petroleum a tax at the rate of twelve and a half cents a gallon on all dangerous petroleum so imported.

Powers to make Rules.

4. The Governor-in-Council may make Rules for securing the payment of the tax on dangerous petroleum and generally for carrying into effect the provisions of this Ordinance.

Penalties.

5. Any person acting in contravention of this Ordinance or of the Rules made thereunder shall be guilty of an offence and shall be liable to a fine not exceeding fifty pounds or in default of payment to three months simple imprisonment; or if payment of the tax has been avoided by such contravention of the Ordinance or Rules, an additional penalty not exceeding three times the amount of the tax so avoided.

AN ORDINANCE.

Repealed by ON 13/22 O.S.P. 585.

No. 43 of 1921.

Assented to in His Majesty's name this 12th day of December, 1921.

EDWARD NORTHEY,
Governor.

An Ordinance to Amend the Customs Ordinance, 1910.

BE it enacted by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof:—

Short title.

1. This Ordinance may be cited as "The Customs (Amendment) Ordinance, 1921," and shall be read as one with the Customs Ordinance, 1910, hereinafter referred to as "the Principal Ordinance."

Interpretation.

2. In this Ordinance the term "Colony" shall mean the Colony and Protectorate of Kenya.

Amendment to Section 144 of the Principal Ordinance.

3. Section 144 of the Principal Ordinance is hereby amended by the addition of the following proviso:—

"Provided that the Governor may extend the period of six months herein mentioned in cases where he is satisfied that there is good cause for the delay in passing the merchandise through the Colony in transit."

Amendment to Section 153 of the Principal Ordinance.

4. Section 153 of the Principal Ordinance is hereby amended by the addition of the words at the end of the section "subject to the proviso to Section 144 of the Principal Ordinance."

Invoices to be in duplicate.

5. Where under the Principal Ordinance, or any Ordinance amending the same, invoices are required to be produced to an officer of Customs they shall, if so required by the Commissioner, be in duplicate and one copy, or if only the original is produced then the original, may be retained and filed as the Commissioner may direct provided that the Commissioner shall cause the name and address of the supplier to be removed from such original or duplicate supplied and to be destroyed.

Allowed Gr. 2. 149. O.S. 1922. p. 290.

AN ORDINANCE.

No. 44 OF 1921.

Assented to in His Majesty's name this 12th day of December, 1921.

EDWARD NORTHEY,
Governor.

An Ordinance to Provide for the Grading and Inspection of Agricultural Produce to be Exported by Sea and Generally for the Better Regulation of the Preparation and Manufacture of Same.

BE it enacted by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof:—

Short title.

1. This Ordinance may be cited as "The Agricultural Produce Export Ordinance, 1921" and shall come into operation on such date as the Governor-in-Council shall declare by Proclamation in the Gazette.

Interpretation of terms.

2. In this Ordinance unless the context otherwise requires "Agricultural produce" or "product" means meat or any product thereof, milk products, eggs, margarine or butter substitutes, and further includes any article whatever produced or derived from farming operations which the Governor-in-Council may from time to time by Proclamation in the Gazette declare to be agricultural produce for the purpose of this Ordinance.

"Brand" when used as a verb means to stamp, mark, label or in any other manner distinguish by concrete or visible sign; and, when used as a noun, has a corresponding meaning;

"Export" means export by sea from the Colony and Protectorate of Kenya for purposes of sale thereout;

"Director" means the Director of Agriculture;

"Inspector" means a person generally or specifically designated by the Director to examine or grade or both examine and grade agricultural produce intended for export or to examine animals the produce whereof is intended for export.

Prohibition of export of agricultural produce by sea without inspection, etc.

3. No person shall export or cause or permit to be exported, or attempt to export from any prescribed port, any agricultural produce for which rules are made unless and until such produce has been inspected, or inspected and branded, in manner prescribed by such rules.

Prohibition of export of produce which is unsound.

4. No person shall export, or cause or permit to be exported, or attempt to export:—

(*a*) The produce of any animal intended for human consumption, which is infected with any disease rendering such produce unfit for such consumption; or

(*b*) Agricultural produce intended for human consumption which at the time of presentation for export is unfit for such consumption; or

(*c*) Agricultural produce which owing to its condition or for any other reason is unlikely to be brought to its destination in a sound or good marketable state.

The question whether any produce is or is not in such a condition as would render it subject to the prohibitions contained in this section shall be determined by the Inspector according to the instructions given generally or specifically by the Director.

Seizure and destruction of diseased animals and of agricultural produce intended for export.

5. (1) Whenever an Inspector has ground for believing that any animal is to be slaughtered and that the meat thereof is intended for export, he may, if such animal is found to be so infected with disease as to render the meat unfit for human consumption, cause it to be seized and slaughtered and the carcase thereof dealt with or disposed of as he may determine, but in such a manner that such carcase cannot be used either for human consumption or as food for animals: Provided that any monies received from such disposal shall, after deduction of the expenses incidental thereto, be paid to the owner of the carcase.

(2) If any agricultural produce intended for human consumption is found at the time of inspection under this Ordinance or of its presentation for export, to be unfit for such consumption, an

Inspector may cause it to be seized and destroyed or otherwise dealt with or disposed of, but in such manner that such produce cannot be used for human consumption or food for animals: Provided that any monies received from such disposal shall, after deduction of the expenses incidental thereto, be paid to the owner of the produce.

Sanction and registration of Abattoirs and slaughtering places dairies, etc.

6. (1) No person shall export or cause or permit to be exported or attempt to export any meat or any produce thereof unless the abattoir or slaughtering place used for the slaughter of the animal from which such meat is to be taken is a place sanctioned by the Director as fit for the purpose.

(2) No person shall export or permit to be exported or attempt to export any milk products, compositions or substitutes thereof unless the dairy, factory, creamery or premises where such products, compositions or substitutes are collected, prepared or stored are premises sanctioned by the Director as fit for such purpose.

There shall be allotted to all premises sanctioned under the preceding sub-section a registration certificate and number, and the holder of the registration certificate for these premises shall have the exclusive right to use that registration number for the purpose of designating the milk products manufactured at such premises.

Withdrawal of Sanction.

7. The sanction given by the Director under Section 6 hereof may be at any time withdrawn by him if it appears that such premises and places are not being kept in such a condition or do not possess such appurtenances or facilities as will enable the person using them to comply with the provisions of this Ordinance.

Powers of entry on premises and inspection, etc.

8. For the purposes of this Ordinance every Inspector and any person generally or specially authorized in writing by or on behalf of the Director, may at all reasonable times enter any premises in which is kept or suspected of being kept for export, any agricultural produce, or premises in which any animal is kept the produce whereof is intended for export, and may examine any part of such premises or any receptacle or package therein.

Prohibitions, limitations, of and prescriptions in respect of export.

9. The Governor-in-Council may from time to time by Proclamation in the Gazette:

(1) Prescribe the specific designation under which any particular kind of agricultural produce may be exported and define each such kind of produce;

(2) Prescribe the percentage of impurity and the maximum amount of moisture which may be present in different kinds of grain intended for export;

(3) Prescribe the standards of composition and fix the maximum percentage of moisture, salt, preservatives or other substitutes in milk products, margarine and butter substitutes intended for export, and prohibit the export of any such article in which the prescribed requirements are not maintained;

(4) Prohibit the export of agricultural produce which has been so treated, as to give it the appearance of an article of different commercial value.

Rules.

10. The Governor-in-Council may make rules, not inconsistent with this Ordinance to provide for the following matters relating to agricultural produce intended for export, namely:—

(1) The inspection of animals the produce of which is intended for export and the inspection of the premises in which animals are slaughtered, or in which produce is prepared, manufactured or otherwise dealt with;

(2) The time and place at which, and the manner in which notice of intention to export shall be given, the manner of packing, the size, description, quality and material of the receptacles to be used, the weight of the contents and the marking of such weight and of the receptacles;

(3) The time and place at which delivery of the produce shall take place at the port of shipment;

(4) The place and manner of storage, the conveyance, and the treatment of any produce;

(5) The inspection of produce, the fixing of grades, the place and manner of inspection and of grading and branding of any produce and the manner in which different designations or grades of produce shall be branded or indicated whether on the receptacle or on a certificate of the Inspector or otherwise;

(6) The percentage which shall be inspected in any one consignment;

(7) The temperature at which conveyance by rail and shipment of the produce shall take place;

(8) The abstraction or removal of samples by an Inspector for examination, inspection, or analysis;

(9) The circumstances under which different kinds of produce may be accepted or rejected, and degraded, regraded or rebranded by an Inspector after examination and inspection;

(10) The circumstances under which and the conditions on which produce inspected and graded may be withdrawn from shipment;

(11) The forms of notices, certificates and other documents to be used or issued for the purposes of this Ordinance;

(12) The fees which shall be paid by the owner or the consignor of animals or produce for inspection and for grading;

and generally for the better carrying out of the objects and purposes of this Ordinance.

Differing rules may be made under this section to apply to different kinds of agricultural produce.

Obstruction, resistance, or hindrance.

11. (1) Any person who obstructs, resists or hinders an Inspector in the lawful exercise of his powers or duties under this Ordinance or any Proclamation or Rule issued thereunder shall be guilty of an offence and liable on conviction to a fine not exceeding £50.

(2) Any person who fails, within the time required by an Inspector, to remove any produce from any place of inspection, reception or shipment whenever such removal is so required shall be guilty of an offence and liable on conviction to a fine not exceeding £5 for every day during which the offence continues.

Forging certificates or brand and false warranties.

12. (1) Any person who forges or utters knowing it to be forged, any certificate or brand or label, or any writing or signature required by or provided in this Ordinance, shall be guilty of an offence and liable on conviction to the penalties prescribed by law for the crime of forgery.

(2) Any person who wilfully applies to agricultural produce intended for export a certificate or invoice or label or warranty given in relation to any other agricultural produce shall be guilty of an offence, and liable on conviction to imprisonment, with or without hard labour, for a period not exceeding 12 months.

(3) Any person who with intent to deceive issues a written warranty or invoice, label or certificate or notification in respect of agricultural produce intended for export shall, if such written documents falsely describe such produce or are false in any other material particular, be guilty of an offence and liable on conviction to the penalties prescribed by law for the crime of cheating.

Penalty.

13. Any person who contravenes any provision of this Ordinance or of any Proclamation or Rule issued thereunder, or makes default in complying with any such provision with which it is his duty to comply shall, if no penalty is specially provided for the contravention or default, be liable in the case of a first conviction to a fine not exceeding £100, and in the case of a second or subsequent conviction, to a fine not exceeding £250, and in default of payment in either case to imprisonment not exceeding six months.

Appointment of Board of Appeal.

14. If any person is aggrieved by any decision of, or action taken by an Inspector under this Ordinance, the Inspector shall, if required by such person, state in writing the reasons for his decision or action and the matter shall thereupon be referred to a Board which shall be appointed by the Director or at his request, by a Resident Commissioner, Resident Magistrate, or District Commissioner. The decision of the Board in the matter shall be reduced to writing and shall be final. Before the matter is referred to the Board, the person aggrieved shall deposit with the Inspector such a reasonable amount as, in the Director's opinion, will be sufficient to defray the expenses which will necessarily be incurred by the Board, but the amount so deposited shall be refunded to such person if his contention is upheld by the Board.

Repeal.

15. The Export of Maize Ordinance, 1910, is hereby repealed.

See Rules Gov. no 18 of 5.1922 p. 42.

AN ORDINANCE.

No. 45 OF 1921.

Assented to in His Majesty's name this 12th day of December, 1921.

EDWARD NORTHEY,
Governor.

An Ordinance to amend the Motor Traffic Ordinance 1915.

BE it enacted by the Governor of the Colony of Kenya with the advice and consent of the Legislative Council thereof:—

Short title.

1. This Ordinance may be cited as "The Motor Traffic (Amendment) Ordinance, 1921," and shall be read as one with the Motor Traffic Ordinance, 1915, hereinafter called "the Principal Ordinance."

2. Section 2 of the Principal Ordinance is hereby amended by the insertion of the following words after the word "than" in line 4 thereof:—"road rollers and."

User and driver of unlicensed motor car to be liable to penalty.

3. Section 3 of the Principal Ordinance is hereby amended by the addition of the words "user and driver" after the word "owner" in the first line thereof, by the insertion of the word "severally" before the word "liable" in line 5 thereof, the addition of the words "or in default to imprisonment of either description for a term not exceeding one month" to the sixth line thereof and by repealing the proviso and substituting the following therefor: Provided that no motor car or carriage duly licensed for any particular year or half year in the Uganda Protectorate and imported from that Protectorate shall be required to be licensed under this Ordinance during the year or half year as the case may be in which it was so imported.

Amendments to Section 7 of the Principal Ordinance.

4. Section 7 of the Principal Ordinance is hereby amended:—

(1) By the addition of the following words to sub-section (1) thereof:—

"and shall be fixed to and exhibited on the vehicle in respect of which it is issued in such manner as may be prescribed by Rules made by the Governor-in-Council, provided that a licence issued for a vehicle without rubber tyres shall not be required to be so affixed.

(2) By the insertion of the words "within the Colony and Protectorate of Kenya" after the word "Carriage" in the second line of sub-section (3) thereof and the deletion of the words "licensed under this Ordinance."

(3) By the addition of the following sub-section:—

"(4) In the event of any licensee losing his licence he shall apply to the Licensing Officer for the issue of a duplicate licence and a fee of Fl. 1 shall be charged by the Licensing Officer for the issue of such duplicate licence."

Scale of fees.

5. Section 9 of the Principal Ordinance is hereby repealed and the following section substituted in lieu thereof:—

"9. The fees set forth in the fourth Schedule hereto annexed shall be payable in respect of any licence for a motor car or carriage or in respect of any other matter or thing for which under this Ordinance fees are payable."

Amendments to Section 10 of the Principal Ordinance.

6. Section 10 of the Principal Ordinance is hereby amended as follows:—

(1) By the deletion of sub-section (3) thereof:

(2) By the deletion of the figure 4 in sub-section (4) thereof and the substitution of the figure 3 therefor:

(3) In sub-section (5) thereof:—

(*a*) by the deletion of the figure 5 and the substituting 4 therefor:

(*b*) by the deletion of the words "annual fee as the Governor-in-Council may prescribe" and substituting therefor the words "the annual fee set out in Schedule 4 hereof:

(*c*) by the addition of the following proviso:—

"Provided that any car used under such general identification mark shall not carry more than two persons in addition to the driver."

Driving Certificate of Royal Automobile Club not to be recognised as certificate of competency in the Colony and Protectorate of Kenya.

7. (1) Section 11 (1) of the Principal Ordinance is hereby amended by inserting the words "on any public thoroughfare" after the word "car" in line 1 thereof, and by deleting the words "the provisions of the Motor Traffic Ordinance, 1910," in line seven thereof and substituting therefor the words "any law in force in that Protectorate," and by the deletion of the words "or unless he shall hold a Driving Certificate issued by the Royal Automobile Club." in lines eight and nine thereof.

Age at which certificate of competency may be granted, reduced to 16 years.

(2) Section 11 (3) of the Principal Ordinance is hereby amended by the substitution of the word "sixteen" for "eighteen" in the second line thereof and by the substitution of the word "fourteen" for the word "sixteen" in line four thereof.

Amendment consequential on amendment of Section 11 (1) of Principal Ordinance.

8. Section 12 (1) (*b*) of the Principal Ordinance is hereby amended by deleting the words "the provisions of the Motor Traffic Ordinance, 1910," and substituting therefor the words "any law in force in that Protectorate" in line three thereof and by deleting the words "or a driving certificate issued by the Royal Automobile Club" from the 4th and 5th lines thereof.

Lighting up time 6.15 p.m.

9. Section 15 of the Principal Ordinance is hereby amended:—

(1) By the deletion in sub-section (vii) of the words "sunset and sunrise" and the substitution of the words "6.15 p.m. and 5.45 a.m." therefor.

(2) By the deletion of sub-section (x) and the substitution of the following sub-section therefor.

"(x) The driver of a motor car shall in the case of a breakdown remove from the public thoroughfare any portion of the car obstructing the passage of other traffic."

(3) By the addition to sub-section (xviii) of the words "or in default to imprisonment of either description for a period not exceeding 14 days."

Foreign certificate and licences.

10. The provisions of Sections 3, 11 and 12 of the Principal Ordinance as amended in respect of Uganda Certificates and licences may be applied by the Governor-in-Council by Proclamation in the Gazette to certificates and licences issued in any neighbouring territory.

THE FOURTH SCHEDULE.

		Fls.	Cts.
1.	Licences per annum:—		
	(*a*) For a Motor Cycle not exceeding 3 h.p. ...	7	50
	(*b*) For a Motor Cycle exceeding 3 h.p. ...	10	00
	(*c*) For a Motor Car wtih rubber tyres not exceeding 12 h.p.	30	00
	(*d*) For a Motor Car with rubber tyres exceeding 12 h.p.	50	00
	(*e*) For a Motor Car without rubber tyres ...	5	00
	(*f*) For a carriage	5	00
2.	For licences for half year	Half the above rates.	
3.	For Certificate of Competency	15	00
4.	For a general identification mark annually ...	100	00

AN ORDINANCE.

To be read with Ord. 25/22 of 1922.

No. 46 of 1921.

Assented to in His Majesty's name this 15th day of December, 1921.

EDWARD NORTHEY,
Governor.

An Ordinance to provide for the establishment of a Trust Fund for the benefit of Natives and Native Reserves.

BE it enacted by the Governor of the Colony of Kenya with the advice and consent of the Legislative Council thereof:—

1. This Ordinance may be cited as "The Natives' Trust Fund Ordinance, 1921." **Short title.**

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

"Native" means any native of Africa not being of European race or origin and shall include any Arab, Swahili or Somali.

"Trustee" means a trustee of the Natives' Trust Fund.

"Fund" shall mean the Natives' Trust Fund.

3. Monies in the hands of the Treasurer and the Chief Native Commissioner at the date of commencement of this Ordinance as set forth in the Schedule shall be placed to the credit of a Fund to be called "The Natives' Trust Fund" which shall be used in the first place for the purpose for which they were intended and thereafter for the general benefit of Natives and for the better development of Native Reserves. **Establishment of Fund.**

4. The Fund shall be administered by Trustees. **Administration of Fund.**

5. The Trustees of the Fund shall be the Treasurer, the Chief Native Commissioner, and such other person or persons as the Governor-in-Council may appoint. **Trustees of Fund**

6. Monies from the following sources may be paid into the Fund:— **Sources of Fund.**

(1) Subject to the provisions of Section 2 of the Collective Punishments Ordinance, 1909, such amounts from collective fines imposed from time to time on Native tribes or villages as the Governor-in-Council may from time to time decide.

(2) Such portion of the Rents, fees or royalties paid to the Crown in respect of lands situate in Native Reserves as the Governor-in-Council may from time to time direct

(Ord. No. 25/1922)

(3) Such sums as the Governor-in-Council may direct to be paid from:—

(a) fees and royalties arising from fuel, timber and other forest produce in Native Reserves.

(b) grazing fees in Native Reserves.

(4) Such other public money as the Governor with the consent of the Legislative Council may from time to time allocate to the Fund.

(5) Any money or personal property which under the provisions of Section 18 of the Military Labour Corps Distribution of Pay and Personal Property Ordinance, 1918 may be applied for the benefit of the tribe to which a deceased native belongs notwithstanding anything in that section to the contrary.

(Ord No. 25/1922)

(6) 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.

Purposes.

7. Subject to the provisions of the next succeeding section of this Ordinance the Trustees shall apply the monies of the Fund to the following purposes:—

(1) In paying outstanding liabilities at the date of transfer to the Trustees against the funds set forth in the Schedule.

(2) In the case of donations or bequests to such purposes as the donors or testators may direct.

(3) Where there is no direction, and in other cases to such purposes for the benefit of natives or Native Reserves as the Governor-in-Council may approve.

Power to make Rules.

8. The Governor-in-Council may make Rules for the better carrying out of this Ordinance. Subject to any provisions which may be contained in any such Rules, the Trustees may invest any monies of the Fund at their discretion in any Trustee Securities or subject to the approval of the Governor-in-Council in other securities.

Accounts to be audited.

9. The accounts of the Fund shall be kept by the Treasurer and shall be audited by the Government Auditor, and a statement thereof shall be published by the Trustees annually in the Gazette.

SCHEDULE.

1. Red Cross Fund. (Medical Benefits Fund for Africans).
2. East Africa War Relief Fund.
3. Personal Servants Fund Military Labour Corps.
4. Military Labour Corps Red Cross Fund.
5. Native Affairs Department Emergency Fund.
6. Masai Tribe Suspense Account.
7. Kisii captured stock account 1908.
8. Kamasia stock fine.
9. Kisumu Famine Relief Fund.
10. Balance remaining from Masai tribe for raids on Kisii (1918-1919).
11. Tiriki Elders.
12. Tanaland food production account.
13. Giriama fine 1914-1915.
14. Unclaimed deposits standing to the credit of Natives or in respect of Native Stock.

AN ORDINANCE.

No. 47 OF 1921.

Assented to in His Majesty's name this 15th day of December, 1921.

EDWARD NORTHEY,
Governor.

An Ordinance to Amend the Entertainment Tax Ordinance, 1920.

BE it enacted by the Governor of the Colony of Kenya with the advice and consent of the Legislative Council thereof:—

Short title.

1. This Ordinance may be cited as "The Entertainment Tax (Amendment) Ordinance, 1921," and shall be read as one with the Entertainment Tax Ordinance, 1920, hereinafter called "the Principal Ordinance."

Amendment of Section 3 of the Principal Ordinance.

2. Section 3 of the Principal Ordinance shall be and is hereby amended by the insertion of the words "exceeds 10 cents but" after the word "tax" in the fifth line thereof and the deletion of the figure "6" and substitution of the figure "5" in the next succeeding line.

AN ORDINANCE.

No. 48 OF 1921.

Assented to in His Majesty's name this 15th day of December, 1921.

EDWARD NORTHEY,
Governor.

An Ordinance to amend the Criminal Procedure Ordinance, 1913.

BE it enacted by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof:—

Short title.

1. This Ordinance may be cited as "The Criminal Procedure Amendment Ordinance, 1921," and shall be read as one with the Criminal Procedure Ordinance, 1913, hereinafter referred to as "the Principal Ordinance."

Appeal to Supreme Court.

2. Section 323 of the Principal Ordinance is amended by the addition of the following sub-sections:—

(3) The Attorney General may appeal to the Supreme Court from any order of acquittal pronounced by a Subordinate Court.

Arrest of accused on appeal from acquittal.

(4) When an appeal is presented under sub-section 3 of this Section the Supreme Court may issue a warrant directing that the accused be arrested and brought before it or any subordinate Court, and the Court before which he is brought may commit him to prison pending the disposal of the appeal, or admit him to bail.

3. Section 331 of the Principal Ordinance is repealed and replaced as follows:—

Summary dismissal of Appeal.

331. (1) On receiving the petition and copy under Section 329 or Section 330 the Supreme Court shall peruse the same, and if it considers that there is no sufficient ground for interfering, it may dismiss the appeal summarily;

Provided that no appeal presented under section 329 shall be dismissed unless the appellant if not in custody, or his advocate, or the Attorney General has had a reasonable opportunity of being heard in support of the same, and provided further that no appeal presented under section 330 shall be dismissed unless the appellant's advocate (if the Court has been notified that he has an advocate) has had such opportunity.

(2) Before dismissing an appeal under this section, the Court may call for the record of the case, but shall not be bound to do so.

Notice of appeal.

4. Section 332 of the Principal Ordinance is repealed and replaced as follows:—

Powers of Appellate Court in disposing of appeal.

332. If the Supreme Court does not dismiss the appeal summarily,

(*a*) if the appeal is against a conviction, it shall cause notice to be given to the appellant or his advocate, and to the Attorney General of the time and place at which such appeal will be heard, and shall furnish the Attorney General with a copy of the grounds of appeal; and

(*b*) if the appeal is against an acquittal, it shall cause notice to be given to the accused and to the Attorney General of the time and place at which such appeal will be heard, and shall furnish the accused with a copy of the grounds of appeal.

5. Section 333 of the Principal Ordinance is repealed and replaced as follows:—

333. (1) The Supreme Court shall then send for the record of the case, if such record is not already in Court. After perusing such record, and hearing both the parties if they appear, and the appellant, or his advocate or the Attorney General as the

case may be in reply, the Court may, if it considers that there is no sufficient ground for interfering, dismiss the appeal, or may:—

(*a*) in an appeal from an order of acquittal reverse such order and direct that further inquiry be made or direct that the accused be re-tried, or find him guilty and pass sentence on him according to law.

(*b*) in an appeal from a conviction, (1) reverse the finding and sentence and acquit or discharge the accused, or order him to be re-tried by a Court of competent jurisdiction or commit him for trial, or (2) alter the finding, maintaining the sentence, or with or without altering the finding, reduce or increase the sentence, or (3) with or without such reduction or increase and with or without altering the finding, alter the nature of the sentence.

(c) in an appeal from any other order alter or reverse such order.

(*d*) make any amendment or any consequential or incidental order that may be just or proper.

(2) An appellant who is in custody shall not be entitled to be present at the hearing of an appeal where the appeal is on a point involving a question of law only.

AN ORDINANCE.

No. 49 of 1921.

Assented to in His Majesty's name this 15th day of December, 1921.

EDWARD NORTHEY,
Governor.

Cf Gov. No. 27/1922

An Ordinance to Establish and Control a Territorial Force in the Colony and Protectorate of Kenya.

BE it enacted by the Governor of the Colony of Kenya with the advice and consent of the Legislative Council thereof:—

CHAPTER I.

PRELIMINARY.

Short title and commencement.

1. This Ordinance may be cited as "The Territorial Force Ordinance, 1921," and shall come into operation upon such date as the Governor may by notification in the Gazette appoint, and shall only be applied to such military Districts as the Governor may establish by notification in the Gazette.

Definitions

2. In this Ordinance unless there be something repugnant in the subject or context the following expressions shall have the following meanings:—

"Active Service"—Any unit of the Territorial Force or portion thereof shall be deemed to be on Active Service when it has been called out for active service by notice under this Ordinance.

"Act or Ordinance"—Shall include all regulations made thereunder.

"Army Act"—Shall mean the Army Act of the Parliament of Great Britain and Ireland as amended from time to time.

"Cadets"—All boys serving in Cadet units subject to the provisions of this Ordinance.

"Commanding Officer"—The Officer in Command of any district, corps, unit, or detachment.

"Corps"—Any portion of the Territorial Force which may be declared by the Governor to be a corps for the purposes of this Ordinance.

"Member"—Any Officer, Warrant Officer, Non-commissioned Officer, or man belonging to a unit of the Territorial Force enrolled for service under this Ordinance.

"Military District"—Shall mean a Military District appointed under this Ordinance.

"Military Service"—Members of the Territorial Force shall be considered to be on Military service:—

(1) When called out by the Governor under this Ordinance to aid the Civil Authority in the protection of life and property:

(2) When assembled in any camp of training or exercise or when going to or returning from any such camp or while engaged in any military exercise of drill or musketry or when carrying out any escort duty or guard of honour, or while in uniform at any time or place.

"Peace Training"—Shall mean the military training prescribed under this Ordinance for the Territorial Force.

"Permanent Staff"—All Officers, Warrant Officers, Non-commissioned Officers, Armourers, Clerks and Storekeepers or any other persons appointed under Section 39 of this Ordinance, whc shall, while holding their appointments be deemed to be always on military service.

"Regulations"—Regulations made under the provisions of this Ordinance.

CHAPTER II.

Constitution of Force.

Formation of Territorial Force.

3. (1) It shall be lawful for the Governor on behalf of His Majesty to accept the services of any persons desiring to be formed under this Ordinance into a Territorial Force for the Colony.

(2) On the notification of such acceptance in the Gazette the proposed unit shall be deemed lawfully constituted.

Membership.

4. Every member of a unit must be a British subject of European race or origin between the ages of 18 and 38 years, and shall upon enrolment take the oath and complete the attestation form as prescribed by regulation under this Ordinance.

Provided always that the age limit may be extended by regulation under this Ordinance for such classes of Warrant Officers, Non-Commissioned Officers and men as the Governor-in-Council may decide.

And further provided that other European or American residents may be admitted on taking a modified oath as prescribed by regulation under this Ordinance.

Liability of those who have Tendered and have been accepted.

5. Every person who has tendered his services and whose services have been accepted and who has been enrolled as a member of the Territorial Force shall be liable to be called out for Active or Military Service within the limits of the Colony and Protectorate and to undergo such peace training as may be appointed by regulation under this Ordinance.

Period of service.

6. Every member enrolled under the provision of this Ordinance for service in the Territorial Force shall serve for a minimum period of three years.

Reserve of Officers.

7. The Governor may form a Reserve of Officers to the Territorial Force in such manner as may be prescribed by regulation under this Ordinance and all who offer their services and whose services are accepted as Officers of the Reserve, shall be liable in time of War to render services as Officers with such oprtion of any local Force as the Governor may decide.

Cadets liability for peace training.

8. All boys between the ages of twelve and seventeen years, who, with the consent of their parents or guardians have enrolled as members of the Cadet Corps or Company shall be liable to undergo an annual prescribed course of peace training and shall for this purpose be assembled in such places and at such times as may be ordered, to be instructed in physical exercises, military formations, rifle shooting, signalling and such other exercises as are prescribed.

Period of instruction.

9. (1) The annual course and period of instruction which every boy liable to Cadet training shall undergo as a minimum shall be as prescribed.

(2) A Cadet who has undergone the prescribed course of instruction for any one year, and passed the prescribed tests shall be reckoned as an efficient cadet for that year, and if he is

reckoned efficient for not less than three years and his conduct under instruction in Cadet training has proved satisfactory, he shall be entitled, on attaining the age of seventeen years to receive a certificate of efficiency. Holders of such certificates may with the approval of the Governor, be transferred to the Territorial Force as trained men.

CHAPTER III.

ADMINISTRATION.

Military Districts.

10. The Governor may appoint and establish Military Districts throughout the Colony and Protectorate with the number and designation of units of the Territorial Force to be allotted to and trained in any Military District.

Calling out of Force for active service and internal disorder

11. The Governor may by notice in the Gazette call out the whole or any part of the Territorial Force for Active Service or for Military Service to aid the Civil Authority in the protection of life and property and the prevention and suppression of internal disorder throughout the Colony and Protectorate and when so called out they shall be held to that service until such time as the Governor may by notice in the Gazette declare that they are relieved from that service.

Not entitled to discharge when on service.

12. Notwithstanding anything to the contrary in this Ordinance contained no member of the Territorial Force while called out or employed on active service against an enemy or in military service in the protection of life or property or the prevention or suppression of internal disorder shall be entitled to obtain discharge therefrom during the continuance of such service.

Power to disband or dismiss.

13. The Governor may at any time discontinue the service of any unit of the Territorial Force or cause the same to be disbanded, or dismiss any of the members of any such unit.

Officers in Executive Command.

14. The Executive Military Command and inspection of the Territorial Force or units thereof shall be vested in such Officers as may be appointed by the Governor.

Appointment and promotion of Officers

15. (1) Before any person can be confirmed in his appointment as an officer, he shall satisfy the Governor that he is fully qualified to hold an appointment, and pass such tests as may be prescribed.

(2) No Officer of the Territorial Force shall be promoted to a higher rank in that Force until he has proved, in the manner prescribed by regulation, that he is fully qualified to undertake during peace training and in time of war all the duties that may be required of an officer in that higher rank.

Cancellation of Commission.

16. The commission of an officer shall not be cancelled without the holder thereof being notified in writing of any complaint or charge made and of any action proposed to be taken against him nor without his being called upon to shew cause in relation thereto, provided that no such notification shall be necessary in the case of an officer absent from duty without leave for a period of three months or more.

Retirement of Officers.

17. (1) The Governor may place officers of the Territorial Force on the retired list, and officers on that list may, with the approval of the Governor retain their rank and wear the prescribed uniform.

(2) The ages of compulsory retirement of officers of the Territorial Force shall be as prescribed by regulation under this Ordinance.

Resignation of Commission.

18. An officer of the Territorial Force, except when on Active or Military Service, or in anticipation of being called out on the same, may, by writing under his hand, tender his resignation of his commission, but shall not, unless otherwise ordered by the Governor, be relieved of the duties of his appointment until the acceptance of his resignation is notified in the Gazette.

Uniform, Arms and Accoutrements.

19. (1) A field service dress, with distinctive marks or badges shall be prescribed for every unit of the Territorial Force and supplied to members thereof, to be maintained at their own expenses for such periods and under such conditions as may be prescribed.

(2) Arms, ammunition and equipment shall be issued under prescribed conditions to members of the Territorial Force, and

each member to whom a rifle has been issued shall be bound to keep it in his personal possession and be responsible for its maintainance in good order and condition, and to produce the same for inspection whenever called upon to do so.

(3) When called out for active or military service, attending annual musters, peace training, or courses of musketry members shall bring with them their equipment and any emergency reserve ammunition which may have been placed in their custody.

Pay and allowances.

20. The Territorial Force shall be paid at a prescribed daily rate for the days on which they are called out for active or military service under the provisions of this Ordinance, and they may also be granted such monetary or other allowances as are laid down in regulations.

Duration of peace training.

21. (1) Each member of the Territorial Force shall reckon his service from the date of enrolment, and shall during each complete year, reckoning from that date, undergo such course of annual peace training, instruction, musketry and other such exercises as may be prescribed by regulation under this Ordinance.

(2) The time occupied in proceeding to or returning from a camp or place of assembly or instruction shall not be reckoned as part of any period of training, instruction or service prescribed under this section.

(3) Any member of the Territorial Force who in any year without leave or permission, as prescribed, evades or fails to duly perform with proper zeal the full course of training allotted to him for that year shall be guilty of an offence.

CHAPTER IV.

Provisions for Active Service.

Commandeering.

22. When the Territorial Force or any portion thereof is called out for active service the Governor may authorise and appoint officers of the Territorial Force or of the Public Service of the Colony and Protectorate to obtain and take possession of buildings and other premises, supplies of foodstuffs, forage, horses, transport animals and vehicles and all other articles necessary for the maintenance in the field of the Territorial Force or any portion thereof, and of other forces acting in co-operation therewith. A requisition may, under this section, be made on any person in manner prescribed, but so that every person so requisitioned upon shall be entitled in due course to receive compensation for everything obtained or taken from him.

Railway facilities.

23. (1) The Officer in Chief Command of the Territorial Force on Active Service in the field (when so empowered by the Governor) may requisition the authorities controlling any line of railway in the Colony or Protectorate to supply suitable engines and rolling stock for the conveyance of members of the Territorial Force or other forces, together with their horses, guns, baggage, stores, supplies, and vehicular transport and to convey the same by rail to and from any points on the railway line within or outside the territory, as may be necessary.

(2) The Governor, may, under like circumstances, authorise any officer to assume control over any railway system within the territory or any portion thereof.

CHAPTER V.

Discipline.

Members of Territorial Force on mobilization to be under the Army Act.

24. (1) With respect to the discipline of members of the Territorial Force when they are on active or military service or called out for the same the provisions of the Army Act 44 and 45 Victoria Chapter 58 and all Acts amending or substituted for the same so far as applicable shall apply subject to the following modifications:—

(*a*) The words "The Territorial Force" may be read therein for the words "Regular Forces" the words "Member of the Territorial Force" for the word "Soldier" and the word "Governor" for the words "His Majesty" and "Secretary of State."

(*b*) No sentence of a Court Martial upon the trial of a member of the Territorial Force shall be carried into execution unless confirmed by the Governor.

(2) For the purposes of discipline the provisions of the Army Act 44 and 45 Victoria, Chapter 58 and all Acts amending or substituted for the same so far as applicable shall apply to the permanent staff appointed under Section 39 subject to the modifications set out in sub-section (1) (*a*) and (*b*) of this section.

Members not punishable under this Ordinance as well as under the Army Act.

25. Notwithstanding the provisions contained in Section 24 hereof no member of the Territorial Force shall be liable to be punished for any offence under the provisions of this Ordinance as well as under the provisions of the Army Act, provided, however, that dismissal from the force may be lawfully added to any punishment awarded to a member of the Territorial Force by virtue of the provisions of the Army Act.

Penalty for contravention not otherwise provided for.

26. Any member of the Territorial Force who shall be guilty of contravening any of the provisions of this Ordinance for which no penalty is specially provided, or any of the regulations, shall, upon conviction by his Commanding Officer or any Court having jurisdiction be liable to a penalty not exceeding ten pounds, or in default of payment to a term of imprisonment of either description not exceeding one month or to both.

Power of Governor to confirm or reduce sentence.

27. The records of evidence taken before a Commanding Officer, and the finding and sentence inflicted by the Commanding Officer, in the exercise of the jurisdiction conferred upon him by the last preceding section shall be submitted forthwith to the Governor who may quash the conviction, or confirm or reduce the sentence, and the sentence so confirmed or reduced shall be notified by the Commanding Officer to the member of the Territorial Force convicted, by means of registered letter, and every fine so notified which is not paid within seven days of the date of the posting of such notification may, together with any costs incurred by reason of such non-payment, be recovered in any Magistrate's Court having jurisdiction, on mere production to such Court of a properly authenticated copy of such notification under the hand of such Commanding Officer.

Commanding Officer may summon witnesses, etc.

28. It shall be lawful for any Commanding Officer in the exercise of the jurisdiction conferred on him by Section 26 of this Ordinance to summon in writing any member of the Territorial Force under his command alleged to have contravened the provisions of this Ordinance, or the regulations, and any witnesses alleged to be material to the charge to appear before him and to administer oaths to such witnesses, and generally to investigate the charge in such manner as the Governor may by regulation determine: and any person so summoned as a witness who shall fail to attend at the time and place mentioned in such summons, or, having attended, shall refuse to give evidence, shall be liable on conviction before a Magistrate to a fine not exceeding ten pounds or, in default of payment thereof, to imprisonment of either description not exceeding one month.

Reservation of right to prosecute otherwise than under Ordinance.

29. Nothing in this Ordinance contained shall prevent any offender from being prosecuted otherwise than under the provisions of this Ordinance, in all cases in which he would by law, without this Ordinance, be liable to such prosecution but no member of the Territorial Force convicted or acquitted of any crime or offence under the provisions of this Ordinance or under the Army Act, shall be liable to be again tried for the same crime or offence, provided that nothing herein contained shall prevent any member of the Territorial Force who has been convicted or acquitted from being dismissed from the said Force or reduced in rank therein.

Offences by members against members of other of His Majesty's forces.

30. Whenever the Territorial Force, or any portion thereof, and other of His Majesty's forces are associated together under one command, any act committed by members of the Territorial Force, which would if committed in respect of, or in relation to, the members or institutions of the Territorial Force, be an offence against this Ordinance, or the Army Act, or any modifications or adaptations thereof effected in terms of this Ordinance, shall if committed in respect of, or in relation to, the members or institutions of His Majesty's forces, be deemed to be a similar offence, and shall be triable and punishable as prescribed by this Ordinance or the Army Act.

Penalty for refusing or neglecting to assemble when called out for Active Service.

31. (1) Any member of the Territorial Force called out for Active Service, who refuses or neglects to assemble or march as ordered, shall be liable on conviction to a fine not exceeding one

hundred pounds and in default of payment to a term of imprisonment of either description not exceeding six months or to both.

(2) Any member when called out for military service who refuses or neglects to obey such orders shall be liable on conviction to a fine not exceeding fifty pounds and in default of payment to a term of imprisonment of either description not exceeding three months or to both.

Aiding or inducing members of Territorial Force to dereliction of duty.

32. Any person who—

(1) Agrees with, or induces, or attempts to induce any member of the Territorial Force to neglect or to act in conflict with his military duty in that Force, or

(2) Is a party to, or aids or abets, or incites to the commission of, any act whereby any lawful order given to any member of the Territorial Force or any law or regulation with which it is the duty of any member of that Force to comply may be evaded or infringed, or

(3) Supplies, or is a party to supplying, any member of the Territorial Force with intoxicating liquor when that member is on military duty and prohibited under regulations or instructions from receiving or taking intoxicating liquor,

shall be guilty of an offence.

Personation.

33. Any member who fraudulently personates or represents himself to be a member of the Territorial Force travelling on service of that Force, with the intent to obtain conveyance by rail at special rates or to evade payment of any toll, shall be guilty of an offence.

Offences against Commandeering Regulations.

34. Any person who commits any offence against the regulations providing for and regulating the requisitioning in time of war of accommodation or goods in pursuance of Section 22 shall be guilty of an offence and liable on conviction to imprisonment of either description for a period not exceeding five years.

Wrongful disposal of property.

35. Any member of the Territorial Force who, without proper authority and permission, gives, sells, pledges, lends or otherwise disposes of any moneys, animals, arms, ammunition, accoutrements, clothing, supplies or any other article entrusted to or held by him for the service of the Territorial Force shall be guilty of an offence, and, in addition to any penalty for such an offence which may be imposed under this Ordinance, he may be ordered by the Court or other authority competent to impose that penalty to make good the loss or deficiency caused by the gift, sale, pledge, loan or other disposition; and every such gift, sale, pledge, loan or disposition shall be null and void.

Penalty for contravening the Ordinance in any way.

36. Any person who wilfully contravenes any provision of this Ordinance, or the regulations framed thereunder, shall, when no other penalty is provided be liable to a fine not exceeding ten pounds or in default of payment to a term of imprisonment of either description for a period not exceeding one month or to both.

Limitation of action.

37. For the protection of persons acting in the execution of this Ordinance, every civil action against, and every criminal prosecution of, any person in respect of anything done in the pursuance or in contravention of this Ordinance shall be commenced within six months after the cause of the proceedings has arisen and notice in writing of any civil action and the cause thereof shall be given to the defendant one month at least before the commencement thereof.

Disclosure of information.

38. Any member of the Territorial Force or any person employed in the Public Service, who discloses any such information or any other secret or confidential information relating to the defence of the Colony and Protectorate, which comes within his cognizance shall, unless acting under due authority and in the execution of his duty (the burden of proof whereof shall be upon him) be guilty of an offence.

CHAPTER VI.

MISCELLANEOUS.

Power to constitute Permanent Staff.

39. The Governor may from time to time constitute for the Territorial Force a permanent staff, consisting of such Officers, Warrant Officers, Non-commissioned Officers and men as he may deem necessary.

Regulations.

40. The Governor may from time to time make regulations for all or any of the matters or things following connected with the Territorial Force—

(1) The numerical establishments of Corps, and other units of the Territorial Force and Cadets, and the various divisions, branches, grades, ranks and appointments therein;

(2) The appointment, promotion, transfer, leave, resignation and dismissal of officers;

(3) The enrolment, posting, transfer, leave, promotion, discharge and dismissal of Non-commissioned officers and men, and the disbandment of any Corps or Units;

(4) The appointment and posting of the permanent staff, together with rules for their control, discipline, pay, allowances, leave, transfer, discharge and dismissal;

(5) The discipline of the Force;

(6) The Assemblage of Courts of Enquiry, and with rules regarding the attendance of witnesses;

(7) Exemption of members of the Territorial Force from carrying out the full course of training for any one training year;

(8) The issue and care of arms, accoutrements, ammunition, supplies, animals and transport, clothing and equipment for the Territorial Force and for Cadets;

(9) The general government and management of the Force;

(10) Drill and musketry instruction;

(11) Peace training, including camps of exercise.

(12) Pensions, gratuities and compensation for losses sustained on duty;

(13) The formation and control of a Territorial Force Reserve.

(14) All matters which are by this Ordinance required or permitted to be, or which are necessary or convenient to be prescribed, for assuring the discipline and good government of the Force, or for carrying out and giving effect to this Ordinance.

AN ORDINANCE.

No. 50 OF 1921.

Assented to in His Majesty's name this 15th day of December, 1921.

EDWARD NORTHEY,
Governor.

An Ordinance to amend the Indian Petroleum Act, 1899, as applied to the Colony and Protectorate.

BE it enacted by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof:—

Short title.

1. This Ordinance may be cited as "The Petroleum Amendment Ordinance, 1921," and shall be read as one with the Indian Petroleum Act, 1899, as applied to the Colony and Protectorate, hereinafter called "the Principal Act."

Repeal of Section 6 of the Principal Act.

2. Section 6 of the Principal Act as applied to the Colony and Protectorate shall be and is hereby repealed.

Amendment of Section 22 of the Principal Act.

3. Section 22 of the Principal Act as applied shall be and is hereby amended by the deletion of the figure "6" in line 4 thereof.

Application of Act to quantities of dangerous petroleum not exceeding 40 gallons.

4. No quantity of dangerous petroleum equal to or less than forty gallons shall be kept or transported without a licence by any one person or on the same premises unless such petroleum is kept in glass, stoneware or metal vessels, each of which is securely stopped.

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The First Schedule.

The Second Schedule.

The Third Schedule.

The Fourth Schedule.

AN ORDINANCE.

Allowed Gov. No. 149/22.

No. 51 OF 1921.

Assented to in His Majesty's name this 28th day of December, 1921.

EDWARD NORTHEY,
Governor.

An Ordinance to amend the Law relating to Trading Companies and other Associations.

Be it enacted by the Governor of the Colony of Kenya with the advice and consent of the Legislative Council thereof:—

PART I.

PRELIMINARY.

1. (1) This Ordinance may be called "The Companies Ordinance, 1921." **Short title and commencement.**

(2) It shall come into force on such day as the Governor shall by notice prescribe.

2. In this Ordinance, unless there is anything repugnant in the subject or context:— **Definitions.**

(1) "articles" means the articles of association of a company as originally framed or as altered by special resolution, including, so far as they apply to the company, the resolutions contained in Table "A" in the First Schedule annexed to the Indian Companies Act, 1882 as applied to the Colony, or in Table "A" in the First Schedule annexed to this Ordinance.

(2) "Colony" means the Colony and Protectorate of Kenya.

(3) "company" means a company formed and registered under this Ordinance or an existing company:

(4) "the Court" means the Court having jurisdiction under this Ordinance.

(5) "debenture" includes debenture stock:

(6) "director" includes any person occupying the position of a director by whatever name called:

(7) "document" includes summons, notice, order and other legal process and registers.

(8) "existing company" means a company formed and registered in the Colony under the Indian Companies Act, 1882, as applied to the Colony.

(9) "insurance company" means a company that carries on the business of insurance either solely or in common with any other business or businesses:

(10) "manager" includes any person occupying the position of a manager by whatever name called and whether under a contract of service or not:

(11) "memorandum" means the memorandum of association of a company as originally framed or as altered in pursuance of the provisions of this Ordinance.

(12) "officer" includes any director, manager or secretary but save in sections 235, 236, and 237, does not include an auditor.

(13) "prescribed" means, as respects the provisions of this Ordinance relating to the winding up of companies, prescribed by rules made by the Supreme Court and as respects the other provisions of this Ordinance prescribed by the Governor in Council.

(14) "private company" means a company which

(i) by its articles:—

(*a*) restricts the right to transfer its shares; and

(*b*) limits the number of its members (exclusive of persons who are in the employ of the company and of persons who having been formerly in the employment of the company were, while in such employment and have continued after the determination of such employment to be members of the company) to fifty; and

(*c*) prohibits any invitation to the public to subscribe for any shares or debentures of the Company.

(ii) continues to observe such restrictions, limitations and prohibitions:

Provided that where two or more persons hold one or more shares in a company jointly they shall, for the purposes of this definition, be considered as a single member:

(15) "prospectus" means any prospectus, notice, circular, advertisement or other invitation, offering to the public for subscription or purchase any shares or debentures of a company:

(16) "the registrar" means a registrar or assistant registrar performing under this Ordinance the duty of registration of companies: and

(17) "share" means share in the share capital of the company, and includes stock except when a distinction between stock and shares is expressed or implied.

Jurisdiction of the Courts.

3. The Court having jurisdiction under this Ordinance shall be the Supreme Court.

PART II.

Constitution and Incorporation.

Prohibition of partnership exceeding certain number.

4. (1) No company, association or partnership consisting of more than ten persons shall be formed for the purpose of carrying on the business of banking unless it is registered as a company under this Ordinance, or is formed in pursuance of some other Ordinance or of an Act of Parliament or of Royal Charter or Letters Patent.

(2) No company, association or partnership consisting of more than twenty persons shall be formed for the purpose of carrying on any other business that has for its object the acquisition of gain by the company, association or partnership, or by the individual members thereof, unless it is registered as a company under this Ordinance or is formed in pursuance of some other Ordinance or of an Act of Parliament or of Royal Charter or Letters Patent.

Memorandum of Association.

Mode of forming incorporated company

5. Any seven or more persons (or, where the company to be formed will be a private company, any two or more persons) associated for any lawful purpose may, by subscribing their names to a memorandum of association and otherwise complying with the requirements of this Ordinance in respect of registration, form an incorporated company, with or without limited liability (that is to say), either

(i) a company having the liability of its members limited by the memorandum to the amount, if any, unpaid on the shares respectively held by them (in this Ordinance termed a company limited by shares); or

Memorandum of company limited by guarantee.

(ii) a company having the liability of its members limited by the memorandum to such amount as the members may respectively thereby undertake to contribute to the assets of the company in the event of its being wound up (in this Ordinance termed a company limited by guarantee); or

(iii) a company not having any limits on the liability of its members (in this Ordinance termed an unlimited company).

Memorandum of company limited by shares.

6. In the case of a company limited by shares

(1) the memorandum shall state

(i) the name of the company, with "Limited" as the last word in its name;

(ii) the place in which the registered office of the company is to be situate;

(iii) the objects of the company;

(iv) that the liability of the members is limited;

(v) the amount of share capital with which the company proposes to be registered, and the division thereof into shares of a fixed amount:

(2) no subscriber of the memorandum shall take less than one share:

(3) each subscriber shall write opposite to his name the number of shares he takes.

Memorandum of company limited by guarantee.

7. In the case of a company limited by guarantee

(1) the memorandum shall state

(i) the name of the company, with "Limited" as the last word in its name;

(ii) the place in which the registered office of the company is to be situate;

(iii) the objects of the company;

(iv) that the liability of the members is limited;

(v) that each member undertakes to contribute to the assets of the company in the event of its being wound up while he is a member, or within one year afterwards, for payments of the debts and liabilities of the company contracted before he ceases to be a member, and of the costs, charges and expenses of winding up, and for adjustment of the rights of the contributories among themselves, such amount as may be required not exceeding a specified amount:

(2) if the company has a share capital

(i) the memorandum shall also state the amount of share capital with which the company proposes to be registered and the division thereof into shares of a fixed amount;

(ii) no subscriber of the memorandum shall take less than one share;

(iii) each subscriber shall write opposite to his name the number of shares he takes.

Memorandum of unlimited company.

8. In the case of an unlimited company

(1) the memorandum shall state

(i) the name of the company;

(ii) the place in which the registered office of the company is to be situate;

(iii) the objects of the company;

(2) if the company has a share capital

(i) no subscriber of the memorandum shall take less than one share;

(ii) each subscriber shall write opposite to his name the number of shares he takes.

Signature of Memorandum.

9. The memorandum shall be signed by each subscriber in presence of at least one witness who shall attest the signature.

Restriction on alteration of memorandum.

10. A company shall not alter the conditions contained in its memorandum except in the cases and in the mode and to the extent for which express provision is made in this Ordinance.

Name of company and change of name.

11. (1) A company shall not be registered by a name identical with that by which a company in existence is already registered, or so nearly resembling that name as to be calculated to deceive, except where the company in existence is in the course of being dissolved and signifies its consent in such manner as the registrar requires.

(2) If a company, through inadvertence or otherwise, is, without such consent as aforesaid, registered by a name identical with that by which a company in existence is previously registered, or so nearly resembling it as to be calculated to deceive, the first-mentioned company may, with the sanction of the registrar, change its name.

(3) A company shall not be registered by a name which contains any of the following words, namely: "Crown," "Emperor," "Empire," "Empress," "Imperial," "King," "Queen," "Royal," or words expressing or implying the sanction, approval or patronage of the Crown or the Government of the Colony except where the Governor in Council signifies his consent to the use of such words as part of the name of the company by order in writing under the hand of the Colonial Secretary to the Government.

Provided that nothing in this sub-section shall apply to companies registered before the commencement of this Ordinance.

(4) Any company may, by special resolution and subject to the approval of the Governor in Council signified in writing, under the hand of the Colonial Secretary, change its name.

(5) Where a company changes its name, the registrar shall enter the new name on the register in place of the former name, and shall issue a certificate of incorporation altered to meet the circumstances of the case. On the issue of such a certificate, the change of name shall be complete.

(6) The change of name shall not affect any rights or obligations of the company, or render defective any legal proceedings by or against the company: and any legal proceedings that might have been continued or commenced against it by its former name may be continued or commenced against it by its new name.

Alteration of memorandum.

12. (1) Subject to the provisions of this Ordinance, a company may, by special resolution, alter the provisions of its memorandum with respect to the objects of the company, so far as may be required to enable it

(*a*) to carry on its business more economically or more efficiently; or

(*b*) to attain its main purpose by new or improved means; or

(*c*) to enlarge or change the local area of its operations; or

(*d*) to carry on some business which under existing circumstances may conveniently or advantageously be combined with the business of the company; or

(*e*) to restrict or abandon any of the objects specified in the memorandum.

(2) The alteration shall not take effect until and except in so far as it is confirmed by the Court on petition.

(3) Before confirming the alteration, the Court must be satisfied

(*a*) that sufficient notice has been given to every holder of debentures of the company, and to any person or class of persons whose interests will, in the opinion of the Court, be affected by the alteration; and

(*b*) that, with respect to every creditor who in the opinion of the Court is entitled to object, and who signifies his objection in manner directed by the Court, either his consent to the alteration has been obtained or his debt or claim has been discharged or has determined, or has been secured to the satisfaction of the Court:

Provided that the Court may, in the case of any person or class, for special reasons, dispense with the notice required by this section.

Power of Court when confirming alteration.

13. The Court may make an order confirming the alteration of a company's memorandum either wholly or in part, and on such terms and conditions as it thinks fit, and may make such order as to costs as it thinks proper.

Exercise of discretion by Court.

14. The Court shall, in exercising its discretion under sections 12 and 13, have regard to the rights and interests of the members of the company or of any class of them, as well as to the rights and interests of the creditors, and may, if it thinks fit, adjourn the proceedings in order that an arrangement may be made to the satisfaction of the Court for the purchase of the interests of dissentient members; and may give such directions and make such orders as it may think expedient for facilitating or carrying into effect any such arrangement:

Provided that no part of the capital of the company may be expended in any such purchase.

Procedure on confirmation of the alteration.

15. (1) A certified copy of the order confirming the alteration, together with a printed copy of the memorandum as altered, shall, within fifteen days of the date of the order, be filed by the company with the registrar, and he shall register the same, and shall certify the registration under his hand, and the certificate shall be conclusive evidence that all the requirements of this Ordinance

with respect to the alteration and the confirmation thereof have been complied with, and thenceforth the memorandum so altered shall be the memorandum of the company.

(2) The Court may by order at any time extend the time for the filing of documents with the registrar under this section for such period as the Court may think proper.

Effect of failure to register within fifteen days.

16. No such alteration shall have any operation until registration thereof has been duly effected in accordance with the provisions of section 15, and if such registration is not effected within fifteen days next after the date of the order of the Court confirming the alteration, or within such further time as may be allowed by the Court in accordance with the provisions of section 15, such alteration and the order and all proceedings connected therewith shall, at the expiration of such period of fifteen days or such further time, as the case may be, become absolutely null and void:

Provided that the Court may, on sufficient cause shown, revive the order on application made within a further period of thirty days.

ARTICLES OF ASSOCIATION.

Registration of articles.

17. (1) There may, in the case of a company limited by shares, and there shall, in the case of a company limited by guarantee or unlimited, be registered with the memorandum, articles of association signed by the subscribers to the memorandum and prescribing regulations for the company.

(2) Articles of association may adopt all or any of the regulations contained in Table A in the First Schedule.

(3) In the case of an unlimited company or a company limited by guarantee, the articles, if the company has a share capital, shall state the amount of share capital with which the company proposes to be registered.

(4) In the case of an unlimited company or a company limited by guarantee, if the company has not a share capital, the articles shall state the number of members with which the company proposes to be registered, for the purpose of enabling the registrar to determine the fees payable on registration.

Application of Table A.

18. In the case of a company limited by shares and registered after the commencement of this Ordinance, if articles are not registered, or, if articles are registered, in so far as the articles do not exclude or modify the regulations in Table "A" in the First Schedule, those regulations shall, so far as applicable, be the regulations of the company in the same manner and to the same extent as if they were contained in duly registered articles.

Form and signature of articles.

19. Articles shall

(*a*) be printed;

(*b*) be divided into paragraphs numbered consecutively; and

(*c*) be signed by each subscriber of the memorandum of association in the presence of at least one witness who must attest the signature, and add his occupation and address.

Alteration of articles by special resolution.

20. Subject to the provisions of this Ordinance and to the conditions contained in its memorandum, a company may by special resolution alter or add to its articles; and any alteration or addition so made shall be as valid as if originally contained in the articles, and be subject in like manner to alteration by special resolution.

GENERAL PROVISIONS.

Effect of memorandum and articles.

21. (1) The memorandum and articles shall, when registered, bind the company and the members thereof to the same extent as if they respectively had been signed by each member and contained a covenant on the part of each member, his heirs, and legal representatives, to observe all the provisions of the memorandum and of the articles, subject to the provisions of this Ordinance.

(2) All money payable by any member to the company under the memorandum or articles shall be a debt due from him to the company.

Registration of memorandum and articles.

22. The memorandum and the articles (if any) shall be filed with the registrar and he shall retain and register them.

Effect of registration.

23. (1) On the registration of the memorandum of a company, the registrar shall certify under his hand that the company is incorporated, and in the case of a limited company that the company is limited.

(2) From the date of incorporation mentioned in the certificate of incorporation, the subscribers of the memorandum, together with such other persons as may from time to time become members of the company, shall be a body corporate by the name contained in the memorandum, capable forthwith of exercising all the functions of an incorporated company, with power to hold land and having perpetual succession and a common seal, but with such liability on the part of the members to contribute to the assets of the company in the event of its being wound up as is mentioned in this Ordinance.

Conclusiveness of certificate of incorporation.

24. (1) A certificate of incorporation given by the registrar in respect of any association shall be conclusive evidence that all the requirements of this Ordinance in respect of registration and of matters precedent and incidental thereto have been complied with, and that the association is a company authorised to be registered and duly registered under this Ordinance.

(2) A statutory declaration by an advocate, entitled to appear before the Supreme Court who is engaged in the formation of a company, or by a person named in the articles as a director, manager or secretary of the company, of compliance with all or any of the said requirements shall be filed with the registrar, and the registrar may accept such declaration as sufficient evidence of compliance.

Copies of memorandum and articles to be given to members.

25. (1) Every company shall send to every member, at his request, and on payment of fifty cents or such less sum as the company may prescribe, a copy of the memorandum and of the articles (if any).

(2) If a company makes default in complying with the requirements of this section, it shall be liable for each offence to a fine not exceeding ten florins.

Power to dispense with "Limited" in name of charitable and other companies.

26. (1) Where it is proved to the satisfaction of the Governor in Council that an association capable of being formed as a limited company has been or is about to be formed for promoting commerce, art, science, charity, or any other useful object, and applies or intends to apply its profits (if any) or other income in promoting its objects, and to prohibit the payment of any dividend to its members, the Governor in Council may by licence under the hand of the Colonial Secretary direct that the association be registered as a company with limited liability, without the addition of the word "Limited" to its name, and the association may be registered accordingly.

(2) A licence by the Governor in Council under this section may be granted on such conditions and subject to such regulations as the Governor in Council thinks fit, and those conditions and regulations shall be binding on the association, and shall, if the Governor in Council so directs, be inserted in the memorandum and articles, or in one of those documents.

(3) The association shall on registration enjoy all the privileges of limited companies, and be subject to all their obligations, except those of using the word "Limited" as any part of its name, and of publishing its name, and of filing a list of its members and directors and managers with the registrar.

(4) A licence under this section may at any time be revoked by the Governor in Council, and upon revocation the registrar shall enter the word "Limited" at the end of the name of the association upon the register, and the association shall cease to enjoy the exemptions and privileges granted by this section:

Provided that, before a licence is so revoked, the Governor in Council shall give to the association notice in writing of his intention, and shall afford the association an opportunity of submitting a representation in opposition to the revocation.

COMPANIES LIMITED BY GUARANTEE.

Provision as to companies limited by guarantee.

27. (1) In the case of a company limited by guarantee and not having a share capital, and registered after the commencement of this Ordinance, every provision in the memorandum or articles or in any resolution of the company purporting to give any person a right to participate in the divisible profits of the company otherwise than as a member shall be void.

(2) For the purpose of the provisions of this Ordinance relating to the memorandum of a company limited by guarantee and of this section, every provision in the memorandum or articles, or in any resolution, of any company limited by guarantee and registered after the commencement of this Ordinance, purporting to divide the undertaking of the company into shares or interests, shall be treated as a provision for a share capital, notwithstanding that the nominal amount or number of the shares or interests is not specified thereby.

PART III.

SHARE CAPITAL, REGISTRATION OF UNLIMITED COMPANY AS LIMITED AND UNLIMITED LIABILITY OF DIRECTORS.

DISTRIBUTION OF SHARE CAPITAL.

Nature of shares.

28. (1) The shares or other interest of any member in a company shall be movable property, transferable in manner provided by the articles of the company.

(2) Each share in a company having a share capital shall be distinguished by its appropriate number.

Certificate of shares or stock.

29. A certificate, under the common seal of the company, specifying any shares or stocks held by any member, shall be *prima facie* evidence of the title of the member to the shares or stock therein specified.

Definition of "member."

30. (1) The subscribers of the memorandum of a company shall be deemed to have agreed to become members of the company, and on its registration shall be entered as members in its register of members.

(2) Every other person who agrees to become a member of a company, and whose name is entered in its register of members, shall be a member of the company.

Register of members.

31. (1) Every company shall keep in one or more books a register of its members, and enter therein the following particulars:—

(i) the names and addresses and the occupations (if any), of the members, and, in the case of a company having a share capital, a statement of the shares held by each member, distinguishing each share by its number, and of the amount paid or agreed to be considered as paid on the shares of each member;

(ii) the date at which each person was entered in the register as a member;

(iii) the date at which any person ceased to be a member.

(2) If a company makes default in complying with the requirements of this section, it shall be liable to a fine not exceeding five pounds for every day during which the default continues; and every officer of the company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty.

Annual list of members and summary.

32. (1) Every company having a share capital shall once at least in every year make a list of all persons who on the day of the first or only ordinary general meeting in the year, are members of the company, and of all persons who have ceased to be members since the date of the last return or (in the case of the first return) of the incorporation of the company.

(2) The list shall state the names, addresses, and occupations (if any), of all the past and present members therein mentioned, and the number of shares held by each of the existing members at the date of the return, specifying shares transferred since the date of the last return or (in the case of the first return) of the incorporation of the company by persons who have ceased to be members respectively and the dates of registration of the transfers, and shall contain a summary distinguishing between shares issued for cash and shares issued as fully or partly paid up otherwise than in cash, and specifying the following particulars:—

(*a*) the amount of the share capital of the company, and the number of the shares into which it is divided;

(*b*) the number of shares taken from the commencement of the company up to the date of the return;

(*c*) the amount called up on each share;

(*d*) the total amount of calls received;

(*e*) the total amount of calls unpaid;

(*f*) the total amount of the sums (if any) paid by way of commission in respect of any shares or debentures, or allowed by way of discount in respect of any debentures, since the date of the last return;

(*g*) the total number of shares forfeited;

(*h*) the total amount of shares or stock for which share-warrants are outstanding at the date of the return;

(*i*) the total amount of share-warrants issued and surrendered respectively since the date of the last return;

(*j*) the number of shares or amount of stock comprised in each share-warrant;

(*k*) the names and addresses of the persons who at the date of the return are the directors of the company and of the persons (if any) who at the said date are the managers of the company;

(*l*) the total amount of debt due from the company in respect of all mortgages and charges which are required to be registered with the registrar under this Ordinance.

(3) The above list and summary shall be contained in a separate part of the register of members, and shall be completed within twenty-one days after the day of the first or only ordinary general meeting in the year, and the company shall forthwith file with the registrar a copy signed by a director or by the manager or the secretary of the company together with a certificate from such director, manager or secretary that the list and summary state the facts as they stood on the day aforesaid.

(4) Every private company shall send with the annual list of members and summary required to be sent under this section a certificate signed by a director or the secretary that the company has not since the date of the last return or in the case of a first return since the date of the incorporation of the company issued any invitation to the public to subscribe for any shares or debentures of the company and where the list of members discloses the fact that the number of members of the company exceeds fifty also a certificate so signed that the excess consists wholly of persons who under the definition of "private company" contained in section 2 of this Ordinance are to be excluded in reckoning the number of fifty.

(5) If a company makes default in complying with the requirements of this section, it shall be liable to a fine not exceeding five pounds for every day during which the default continues, and every officer of the company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty.

Trusts not to be entered on register.

33. No notice of any trust, expressed, implied or constructive, shall be entered on the register or be receivable by the registrar.

Registration of transfer at request of transferor.

34. On the application of the transferor of any share or interest in a company, the company shall enter in its register of members the name of the transferee in the same manner and subject to the same conditions as if the application for the entry were made by the transferee.

Transfer by legal representative.

35. A transfer of the share or other interest of a deceased member of a company made by his legal representative shall, although the legal representative is not himself a member, be as valid as if he had been a member at the time of the execution of the instrument of transfer.

Inspection of register of members.

36. (1) The register of members, commencing from the date of the registration of the company, shall be kept at the registered office of the company, and, except when closed under the provisions of this Ordinance, shall during business hours (subject to such reasonable restrictions, as the company in general meeting may impose, so that not less than two hours in each day be allowed for inspection) be open to the inspection of any member gratis, and to the inspection of any other person on payment of fifty cents, or such less sum as the company may prescribe, for each inspection.

(2) Any member or other person may require a copy of the register, or of any part thereof, or of the list and summary required by this Ordinance, or any part thereof, on payment of fifty cents for every hundred words or fractional part thereof required to be copied.

(3) If any inspection or copy required under this section is refused, the company shall be liable for each refusal to a fine not exceeding twenty florins and to a further fine not exceeding thirty florins for every day during which the refusal continues, and every officer of the company who knowingly authorises or permits the refusal shall be liable to the like penalty, and the Court may by order compel an immediate inspection of the register.

Power to close register.

37. A company may, on giving notice by advertisement in some newspaper circulating in the district in which the registered office of the company is situate, close the register of members for any time or times not exceeding in the whole thirty days in each year.

Power of Court to rectify register.

38. (1) If

(*a*) the name of any person is fraudulently or without sufficient cause entered in or omitted from the register of members of a company; or

(*b*) default is made or unnecessary delay takes place in entering on the register the fact of any person having ceased to be a member,

the person aggrieved, or any member of the company, or the company, may apply to the Court for rectification of the register.

(2) The Court may either refuse the application, or may order rectification of the register and payment by the company of any damages sustained by any party aggrieved, and may make such order as to costs as it in its discretion thinks fit.

(3) On any application under this section the Court may decide any question relating to the title of any person who is a party to the application to have his name entered in or omitted from the register, whether the question arises between members or alleged members, or between members or alleged members on the one hand and the company on the other hand; and generally may decide any question necessary or expedient to be decided for rectification of the register.

Notice to registrar of rectification of register.

39. In the case of a company required by this Ordinance to file a list of its members with the registrar the Court, when making an order for rectification of the register, shall, by its order, direct notice of the rectification to be filed with the registrar.

Register to be evidence.

40. The register of members shall be *prima facie* evidence of any matters by this Ordinance directed or authorised to be inserted therein.

Power for company to keep branch register in the United Kingdom or any British Possession.

41. (1) A company having a share capital may, if so authorised by its articles, cause to be kept in the United Kingdom or in any British possession a branch register of members resident in the United Kingdom or in the British possession as the case may be.

(2) The company shall, within one month from the date of the opening of any branch register, file with the registrar notice of the situation of the office where such register is kept and, in the event of any change in the situation of such office or of its discontinuance, shall within one month from the date of such change or discontinuance, as the case may be, file notice of such change or discontinuance.

(3) If a company makes default in complying with the requirements of this section, it shall be liable to a fine not exceeding five pounds for every day during which the default continues.

Regulations as to branch register.

42. (1) A branch register shall be deemed to be part of the company's register of members (in this section called the principal register).

(2) It shall be kept in the same manner in which the principal register is by this Ordinance required to be kept, except that the advertisement before closing the register shall be inserted in some newspaper circulating in the locality wherein the branch register is kept.

(3) The company shall transmit to its registered office in the Colony a copy of every entry in its branch register as soon as may be after the entry is made; and shall cause to be kept at such office, duly entered up from time to time, a duplicate of its branch register, and the duplicate shall, for all the purposes of this Ordinance, be deemed to be part of the principal register.

(4) Subject to the provisions of this section with respect to the duplicate register, the shares registered in a branch register shall be distinguished from the shares registered in the principal register, and no transaction with respect to any shares registered in a branch register shall, during the continuance of that registration, be registered in any other register.

(5) The company may discontinue to keep any branch register, and thereupon all entries in that register shall be transferred to the principal register.

(6) Subject to the provisions of this Ordinance, any company may, by its articles, make such regulations as it may think fit respecting the keeping of a branch register.

Issue of share-warrants to bearer.

43. A company limited by shares, if so authorised by its articles, may, with respect to any fully paid up shares, or to stock, issue under its common seal a warrant stating that the bearer of the warrant is entitled to the shares or stock therein specified, and may provide by coupons or otherwise, for the payment of the future dividends on the shares or stock included in the warrant, in this Ordinance termed a share-warrant.

Effect of share-warrant.

44. A share-warrant shall entitle the bearer thereof to the shares or stock therein specified, and the shares or stock may be transferred by delivery of the warrant.

Registration of name of bearer of share-warrant.

45. The bearer of a share-warrant shall, subject to the articles of the company, be entitled on surrendering it for cancellation to have his name entered as a member in the register of members; and the company shall be responsible for any loss incurred by any person by reason of the company entering in its register the name of a bearer of a share-warrant in respect of the shares or stock therein specified without the warrant being surrendered and cancelled.

Position of bearer of share-warrant.

46. The bearer of a share-warrant may, if the articles of the company so provide, be deemed to be a member of the company within the meaning of this Ordinance, either to the full extent or for any purposes defined in the articles, except that he shall not be qualified in respect of the shares or stock specified in the warrant for being a director or manager of the company, in cases where such a qualification is required by the articles.

Entries in register when share-warrant issued.

47. (1) On the issue of a share-warrant, the company shall strike out of its register of members the name of the member then entered therein as holding the shares or stock specified in the warrant as if he had ceased to be a member, and shall enter in the register the following particulars, namely:—

(i) the fact of the issue of the warrant;

(ii) a statement of the shares or stock included in the warrant, distinguishing each share by its number; and

(iii) the date of the issue of the warrant.

(2) If a company makes default in complying with the requirements of this section, it shall be liable to a fine not exceeding five pounds for every day during which the default continues, and every officer of the company who knowingly and wilfully continues or permits the default shall be liable to the like penalty.

Surrender of share-warrant.

48. Until the warrant is surrendered, the above particulars shall be deemed to be the particulars required by this Ordinance to be entered in the register of members; and, on the surrender, the date of the surrender shall be entered as if it were the date at which a person ceased to be a member.

Power of company to arrange for different amounts being paid on shares.

49. A company, if so authorised by its articles, may do any one or more of the following things, namely:—

(1) make arrangements on the issue of shares for a difference between the shareholders in the amounts and times of payment of calls on their shares;

(2) accept from any member who assents thereto the whole or a part of the amount remaining unpaid on any shares held by him though no part of that amount has been called up;

(3) pay dividend in proportion to the amount paid up on each share where a larger amount is paid up on some shares than on others.

Power of company limited by shares to alter its share capital.

50. (1) A company limited by shares, if so authorised by its articles, may alter the conditions of its memorandum as follows, (that is to say), it may

(*a*) increase its share capital by the issue of new shares of such amount as it thinks expedient;

(*b*) consolidate and divide all or any of its share capital into shares of larger amount than its existing shares;

(*c*) convert all or any of its paid-up shares into stock and re-convert that stock into paid-up shares of any denomination;

(*d*) sub-divide its shares, or any of them, into shares of smaller amount than is fixed by the memorandum, so, however, that in the sub-division the proportion between the amount paid and the amount, if any, unpaid on each reduced share shall be the same as it was in the case of the share from which the reduced share is derived;

(*e*) cancel shares which, at the date of passing of the resolution in that behalf, have not been taken or agreed to be taken by any person, and diminish the amount of its share capital by the amount of the shares so cancelled.

(2) The powers conferred by this section with respect to sub-division of shares must be exercised by special resolution.

(3) Where any alteration has been made under this section in the memorandum of a company, every copy of the memorandum issued after the date of the alteration shall be in accordance with the alteration.

(4) If a company makes default in complying with the requirements of sub-section (3), it shall be liable to a fine not exceeding ten florins for each copy in respect of which default is made; and every officer of the company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty.

(5) A cancellation of shares in pursuance of this section shall not be deemed to be a reduction of share capital within the meaning of this Ordinance.

Notice to registrar of consolidation of share capital, conversion of shares into stock, etc.

51. (1) Where a company having a share capital has consolidated and divided its share capital into shares of larger amount than its existing shares or converted any of its shares into stock, or re-converted stock into shares, it shall within thirty days of the consolidation and division, conversion or re-conversion file notice with the registrar of the same, specifying the shares, consolidated and divided, or converted, or the stock re-converted.

(2) If a company makes default in complying with the requirements of this section, it shall be liable to a fine not exceeding five pounds for every day during which the default continues, and every officer of the company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty.

Effect of conversion of shares into stock.

52. Where a company having a share capital has converted any of its shares into stock, and filed notice of the conversion with the registrar, all the provisions of this Ordinance which are applicable to shares only shall cease as to so much of the share capital as is converted into stock; and the register of members of the company, and the list of members to be filed with the registrar, shall show the amount of stock held by each member instead of the amount of shares and the particulars relating to shares hereinbefore required by this Ordinance.

Notice of increase of share capital or of members.

53. (1) Where a company having a share capital whether its shares have or have not been converted into stock, has increased its share capital beyond the registered capital, and where a company not having a share capital has increased the number of its members beyond the registered number, it shall file with the registrar, in the case of an increase of share capital, within fifteen days after the passing, or in the case of a special resolution the confirmation, of the resolution authorising the increase, and in the case of an increase of members within fifteen days after the increase was resolved on or took place, notice of the increase of capital or members, and the registrar shall record the increase.

(2) If a company makes default in complying with the requirements of this section, it shall be liable to a fine not exceeding five pounds for every day during which the default continues, and every officer of the company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty.

Reorganization of share capital.

54. (1) A company limited by shares may, by special resolution confirmed by an order of the Court, modify the conditions contained in its memorandum so as to reorganize its share capital, whether by the consolidation of shares of different classes or by the division of its shares into shares of different classes:

Provided that no preference or special privilege attached to or belonging to any class of shares shall be interfered with except by resolution passed by a majority in number of shareholders of that class holding three-fourths of the share capital of that class and confirmed at a meeting of shareholders of that class in the same manner as a special resolution of the company is required to be confirmed, and every resolution so passed shall bind all shareholders of the class.

(2) Where an order is made under this section, a certified copy thereof shall be filed with the registrar within twenty-one days after the making of the order, or within such further time as the Court may allow, and the resolution shall not take effect until such a copy has been so filed.

REDUCTION OF SHARE CAPITAL.

Reduction of share capital.

55. (1) No company limited by shares shall have power to buy its own shares unless the consequent reduction of capital is effected and sanctioned in manner hereinafter provided.

(2) Subject to confirmation by the Court, a company limited by shares, if so authorised by its articles, may by special resolution reduce its share capital in any way, and in particular (without prejudice to the generality of the foregoing power) may

(*a*) extinguish or reduce the liability on any of its shares in respect of share capital not paid up; or

(*b*) either with or without extinguishing or reducing liability on any of its shares, cancel any paid-up share capital which is lost or unrepresented by available assets; or

(*c*) either with or without extinguishing or reducing liability on any of its shares, pay off any paid-up share capital which is in excess of the wants of the company,

and may, if and so far as is necessary, alter its memorandum by reducing the amount of its share capital and of its shares accordingly.

(3) A special resolution under this section is in this Ordinance called a resolution for reducing share capital.

Application to Court for confirming order.

56. Where a company has passed and confirmed a resolution for reducing share capital, it may apply by petition to the Court for an order confirming the reduction.

Addition to name of company of "and reduced."

57. On and from the confirmation by a company of a resolution for reducing share capital, or where the reduction does not involve either the diminution of any liability in respect of unpaid share capital or the payment to any share-holder of any paid-up share capital. then on and from the presentation of the petition for confirming the reduction, the company shall add to its name, until such date as the Court may fix, the words "and reduced" as the last words in its name, and those words shall, until that date, be deemed to be part of the name of the company:

Provided that, where the reduction does not involve either the diminution of any liability in respect of unpaid share capital or the payment to any share-holder of any paid-up share capital, the Court may, if it thinks expedient, dispense altogether with the addition of the words "and reduced."

Objections by creditors, and settlement of list of objecting creditors.

58. (1) Where the proposed reduction of share capital involves either diminution of liability in respect of unpaid share capital, or the payment to any share-holder of any paid-up share capital, and in any other case if the Court so directs, every creditor of the company who at the date fixed by the Court is entitled to any debt or claim which, if that date were the commencement of the winding up of the company, would be admissible in proof against the company, shall be entitled to object to the reduction.

(2) The Court shall settle a list of creditors so entitled to object, and for that purpose shall ascertain, as far as possible without requiring an application from any creditor, the names of those creditors and the nature and amount of their debts or claims, and may publish notices fixing a day or days within which creditors not entered on the list are to claim to be so entered or are to be excluded from the right of objecting to the reduction.

Power to dispense with consent of creditor on security being given for his debt.

59. (1) Where a creditor entered on the list of creditors whose debt or claim is not discharged or determined does not consent to the reduction the Court may, if it thinks fit, dispense with the consent of that creditor, on the company securing payment of the debt or claim by appropriating, as the Court may direct, the following amount (that is to say)

(i) if the company admits the full amount of the debt or claim, or, though not admitting it, is willing to provide for it, then the full amount of the debt or claim;

(ii) if the company does not admit or is not willing to provide for the full amount of the debt or claim, or if the amount is contingent or not ascertained, then an amount fixed by the Court after the like inquiry and adjudication as if the company were being wound up by the Court.

Order confirming reduction.

60. The Court, if satisfied with respect to every creditor of the company who under this Ordinance is entitled to object to the reduction that either his consent to the reduction has been obtained or his debt or claim has been discharged or has determined or has been secured, may make an order confirming the reduction on such terms and conditions as it thinks fit.

Registration of order and minute of reduction.

61. (1) The registrar on production to him of an order of the Court confirming the reduction of the share capital of a company and on the filing with him of a certified copy of the order and a minute (approved by the Court) showing, with respect to the share capital of the company as altered by the order, the amount of the share capital, the number of shares into which it is to be divided and the amount of each share, and the amount (if any) at the date of the registration deemed to be paid up on each share, shall register the order and minute.

(2) On the registration, and not before, the resolution for reducing share capital as confirmed by the order so registered shall take effect.

(3) Notice of the registration shall be published in such manner as the Court may direct.

(4) The registrar shall certify under his hand the registration of the order and minute, and his certificate shall be conclusive evidence that all the requirements of this Ordinance with respect to reduction of share capital have been complied with, and that the share capital of the company is such as is stated in the minute.

Minute to form part of memorandum.

62. (1) The minute when registered shall be deemed to be substituted for the corresponding part of the memorandum of the company, and shall be valid and alterable as if it had been originally contained therein, and shall be embodied in every copy of the memorandum issued after its registration.

(2) If a company makes default in complying with the requirements of this section, it shall be liable to a fine not exceeding ten florins for each copy in respect of which the default is made, and every officer of the company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty.

Liability of members in respect of reduced shares.

63. (1) A member of the company, past or present, shall not be liable in respect of any share to any call or contribution exceeding in amount the difference (if any) between the amount paid, or (as the case may be) the reduced amount (if any), which is to be deemed to have been paid, on the share and the amount of the share as fixed by the minute:

Provided that, if any creditor, entitled in respect of any debt or claim to object to the reduction of share capital, is, by reason of his ignorance of the proceedings for reduction, or of their nature and effect with respect to his claim not entered on the list of creditors, and, after the reduction, the company is unable, within the meaning of the provisions of this Ordinance with respect to winding up by the Court to pay the amount of his debt or claim, then

(i) every person who was a member of the company at the date of the registration of the order for reduction and minute, shall be liable to contribute for the payment of that debt, or claim an amount not exceeding the amount which he would have been liable to contribute if the company had commenced to be wound up on the day before that registration; and

(ii) if the company is wound up the Court, on the application of any such creditor and proof of his ignorance as aforesaid, may, if it thinks fit, settle accordingly a list of persons so liable to contribute, and make and enforce calls and orders on the contributories settled on the list as if they were ordinary contributories in a winding up.

(2) Nothing in this section shall affect the rights of the contributories among themselves.

Penalty on concealment of name of creditor.

64. If any officer of the company wilfully conceals the name of any creditor entitled to object to the reduction, or wilfully misrepresents the nature or amount of the debt or claim of any creditor, or if any officer of the company abets any such concealment or misrepresentation as aforesaid, every such officer shall be punishable with imprisonment which may extend to one year, or with fine, or with both.

Publication of reasons for reduction.

65. In any case of reduction of share capital, the Court may require the company to publish as the Court directs the reasons for reduction, or such other information in regard thereto as the Court may think expedient with a view to give proper information to the public, and, if the Court thinks fit, the causes which led to the reduction.

Increase and reduction of share capital in case of a company limited by guarantee having a share capital.

66. A company limited by guarantee and registered after the commencement of this Ordinance may, if it has a share capital and is so authorised by its articles, increase or reduce its share capital in the same manner and subject to the same conditions in and subject to which a company limited by shares may increase or reduce its share capital under the provisions of this Ordinance.

Registration of Unlimited Company as Limited.

Registration of unlimited company as limited.

67. (1) Subject to the provisions of this section, any company registered as unlimited, may register under this Ordinance as limited, or any company already registered as a limited company may re-register under this Ordinance, but the registration of an unlimited company as a limited company shall not affect any debts, liabilities, obligations or contracts incurred or entered into by, to, with or on behalf of, the company before the registration, and those debts, liabilities, obligations and contracts may be enforced in manner provided by Part VIII of this Ordinance in the case of a company registered in pursuance of that Part.

(2) On registration in pursuance of this section, the registrar shall close the former registration of the company, and may dispense with the delivery to him of copies of any documents with copies of which he was furnished on the occasion of the original registration of the company; but save as aforesaid, the registration shall take place in the same manner and shall have effect as if it were the first registration of the company under this Ordinance.

Power of limited company to provide for reserve share capital on registration.

68. An unlimited company having a share capital may, by its resolution for registration as a limited company in pursuance of this Ordinance, do either or both of the following things, namely:—

(*a*) increase the nominal amount of its share capital by increasing the nominal amount of each of its shares, but subject to the condition that no part of the amount by which its capital is so increased shall be capable of being called up except in the event and for the purposes of the company being wound up;

(*b*) provide that a specified portion of its uncalled share capital shall not be capable of being called up except in the event and for the purposes of the company being wound up.

Reserve Liability of Limited Company.

Reserve liability of limited company.

69. A limited company may by special resolution determine that any portion of its share capital which has not been already called up shall not be capable of being called up, except in the event and for the purposes of the company being wound up, and thereupon that portion of its share capital shall not be capable of being called up except in the event and for the purposes aforesaid.

Unlimited Liability of Directors.

Limited company may have directors with unlimited liability.

70. (1) In a limited company the liability of the directors or of any director, may, if so provided by the memorandum, be unlimited

(2) In a limited company in which the liability of any director is unlimited, the directors of the company (if any) and the member who proposes a person for election or appointment to the office of director shall add to that proposal a statement that the liability of the person holding that office will be unlimited, and the promoters and officers of the company, or one of them, shall, before the person accepts the office or acts therein, give him notice in writing that his liability will be unlimited.

(3) If any director or proposer makes default in adding such a statement, or if any promoter or officer of the company makes default in giving such a notice, he shall be liable to a fine not exceeding one hundred pounds and shall also be liable for any damage which the person so elected or appointed may sustain from the default, but the liability of the person elected or appointed shall not be affected by the default.

Special resolution of limited company making liability of directors unlimited.

71. (1) A limited company, if so authorised by its articles, may, by special resolution, alter its memorandum so as to render unlimited the liability of its directors or of any director.

(2) Upon the confirmation of any such special resolution, the provisions thereof shall be as valid as if they had been originally contained in the memorandum, and a copy thereof shall be embodied in or annexed to every copy of the memorandum issued after the confirmation of the resolution.

(3) If a company makes default in complying with the requirements of this section, it shall be liable to a fine not exceeding fifteen florins for each copy in respect of which default is made; and every officer of the company who knowingly and wilfully authorises or permits the default, shall be liable to the like penalty.

PART IV.

Management and Administration.

Office and Name.

Registered office of company.

72. (1) Every company shall have a registered office in the Colony to which all communications and notices may be addressed.

(2) Notice in writing of the situation of the registered office and of any change therein, shall be filed with the registrar who shall record the same.

(3) If a company carries on business without complying with the requirements of this section, it shall be liable to a fine not exceeding five pounds for every day during which it so carries on business.

Publication of name by a limited company.

73. Every limited company

(*a*) shall paint or affix, and keep painted or affixed, its name on the outside of every office or place in which its business is carried on, in a conspicuous position, in letters easily legible and in English characters;

(*b*) shall have its name engraven in legible characters on its seal;

(*c*) shall have its name mentioned in legible English characters in all bill-heads and letter paper and in all notices, advertisements and other official publications of the company, and in all bills of exchange, hundis, promissory notes, endorsements, cheques and orders for money or goods purporting to be signed by or on behalf of the company, and in all bills of parcels, invoices, receipts and letters of credit of the company.

Penalties for non-publication of name.

74. (1) If a limited company does not paint or affix, and keep painted or affixed, its name in the manner directed by this Ordinance, it shall be liable to a fine not exceeding five pounds for not painting or affixing its name, and for every day during which its name is not so kept painted or affixed, and every officer of the company, who knowingly and wilfully authorises or permits the default, shall be liable to the like penalty.

(2) If an officer of a limited company, or any person on its behalf, uses or authorises the use of the seal of the company whereon its name is not so engraven as aforesaid, or issues or authorises the issue of any bill-head, letter-paper, notice, advertisement or other official publication of the company, or signs or authorises to be signed on behalf of the company any bill of exchange, hundi, promissory note, endorsement, cheque or order for money or goods, or issues or authorises to be issued any bill of parcels, invoice, receipt or letter of credit of the company, wherein its name is not mentioned in manner aforesaid, he shall be liable to a fine not exceeding five pounds, and shall further be personally liable to the holder of any such bill of exchange, hundi, promissory note, cheque or order for money or goods, for the amount thereof, unless the same is duly paid by the company.

Publication of authorised as well as subscribed and paid-up capital.

75. (1) Where any notice, advertisement or other official publication of a company contains a statement of the amount of the authorised capital of the company, such notice, advertisement or other official publication shall also contain a statement in an equally prominent position and in equally conspicuous characters of the amount of the capital which has been subscribed and the amount paid up.

(2) Any company which makes default in complying with the requirements of this section and every officer of the company who is knowingly a party to the default shall be liable to a fine not exceeding one hundred pounds.

MEETINGS AND PROCEEDINGS.

Annual general meeting.

76. (1) A general meeting of every company shall be held once at the least in every year, and not more than fifteen months after the holding of the last preceding general meeting, and, if not so held, the company and every officer of the company, who is knowingly a party to the default, shall be liable to a fine not not exceeding fifty pounds.

(2) When default has been made in holding a meeting of the company in accordance with the provisions of this section, the Court may, on the application of any member of the company, call or direct the calling of a general meeting of the company.

Statutory meeting of company.

77. (1) Every company limited by shares and registered after the commencement of this Ordinance shall, within a period of six months from the date at which the company is entitled to commence business, hold a general meeting of the members of the company which shall be called the statutory meeting.

(2) The directors shall, at least ten days before the day on which the meeting is held, forward a report (in this Ordinance called "the statutory report") to every member of the company and to every other person entitled under this Ordinance to receive it.

(3) The statutory report shall be certified by not less than two directors of the company or, where there are less than two directors, by the sole director and shall state

(*a*) the total number of shares allotted, distinguishing shares allotted as fully or partly paid up otherwise than in cash, and stating in the case of shares partly paid up the extent to which they are so paid up, and in either case the consideration for which they have been allotted;

(*b*) the total amount of cash received by the company in respect of all the shares allotted distinguished as aforesaid;

(*c*) an abstract of the receipts of the company whether from its share capital or from debentures, and of the payments made thereout, up to date within twenty-one days of the date of report, exhibiting under distinctive headings the receipts of the company from shares and debentures and other sources, the payments made thereout and particulars concerning the balance remaining in hand and an account or estimate of the preliminary expenses of the company;

(*d*) the names, addresses and descriptions of the directors, auditors (if any), managers (if any) and secretary of the company;

(e) the particulars of any contract, the modification of which is to be submitted to the meeting for its approval, together with the particulars of the modification or proposed modification.

(4) The statutory report shall, so far as it relates to the shares allotted by the company and to the cash received in respect of such shares and to the receipts and payments of the company on capital account, be certified as correct by the auditors (if any) of the company.

(5) The directors shall cause a copy of the statutory report, certified as by this section required, to be filed with the registrar forthwith after the sending thereof to the members of the company.

(6) Every director of the company who knowingly and wilfully authorises or permits a default in complying with the provisions of sub-section (2) or sub-section (5) shall be liable to a fine not exceeding thirty florins for every day during which the default continues.

(7) The directors shall cause a list showing the names, descriptions and addresses of the members of the company, and the number of shares held by them respectively, to be produced at the commencement of the meeting, and to remain open and accessible to any member of the company during the continuance of the meeting.

(8) The members of the company present at the meeting shall be at liberty to discuss any matters relating to the formation of the company, or arising out of the statutory report, whether previous notice has been given or not, but no resolution of which notice has not been given in accordance with the articles may be passed.

(9) The meeting may adjourn from time to time, and at any adjourned meeting any resolution of which notice has been given in accordance with the articles, either before or subsequently to the former meeting, may be passed, and the adjourned meeting shall have the same powers as an original meeting.

(10) If a petition is presented to the Court in the manner provided by Part V for winding up the company on the ground of default in filing the statutory report or in holding the statutory meeting, the Court may, instead of directing that the company be wound up, give directions for the statutory report to be filed or a meeting to be held, or make such other order as may be just.

(11) The provisions of this section as to the forwarding and filing of the statutory report shall not apply in the case of a private company.

Calling of extraordinary general meeting on requisition.

78. (1) Notwithstanding anything in the articles, the directors of a company which has a share capital shall, on the requisition of the holders of not less than one-tenth of the issued share capital of the company upon which all calls or other sums then due have been paid, forthwith proceed to call an extraordinary general meeting of the company.

(2) The requisition shall state the objects of the meeting, and must be signed by the requisitionists and deposited at the registered office of the company, and may consist of several documents in like form, each signed by one or more requisitionists.

(3) If the directors do not proceed within twenty-one days from the date of the requisition being so deposited to cause a meeting to be called, the requisitionists, or a majority of them in value, may themselves call the meeting, but in either case any meeting so called shall be held within three months from the date of the deposit of the requisition.

(4) If at any such meeting a resolution requiring confirmation at another meeting is passed, the directors shall forthwith call a further extraordinary general meeting for the purpose of considering the resolution and, if thought fit, of confirming it as a special resolution and, if the directors do not call the meeting within seven days from the date of the passing of the first resolution, the requisitionists, or a majority of them in value, may themselves call the meeting.

(5) Any meeting called under this section by the requisitionists shall be called in the same manner, as nearly as possible, as that in which meetings are to be called by directors.

Provisions as to meetings and votes.

79. In default of, and subject to, any regulations in the articles

(i) a meeting of a company may be called by fourteen days' notice in writing, served on every member in the manner in which notices are required to be served by Table A in the First Schedule;

(ii) five members may call a meeting;

(iii) any person elected by the members present at a meeting may be chairman thereof; and

(iv) every member shall have one vote.

Representation of companies at meeting of other companies of which they are members.

80. A company which is a member of another company may, by resolution of the directors, authorise any of its officers or any other person to act as its representative at any meeting of that other company, and the person so authorised shall be entitled to exercise the same powers on behalf of the company which he represents as if he were an individual share-holder of that other company.

Extraordinary and special resolution.

81. (1) A resolution shall be an extraordinary resolution when it has been passed by a majority of not less than three-fourths of such members entitled to vote as are present in person or by proxy (where proxies are allowed) at a general meeting of which notice specifying the intention to propose the resolution as an extraordinary resolution has been duly given.

(2) A resolution shall be a special resolution when it has been

(*a*) passed in manner required for the passing of an extraordinary resolution; and

(*b*) confirmed by a majority of such members entitled to vote as are present in person or by proxy (where proxies are allowed) at a subsequent general meeting, of which notice has been duly given, and held after an interval of not less than fourteen days, nor more than one month, from the date of the first meeting.

(3) At any meeting at which an extraordinary resolution is submitted to be passed or a special resolution is submitted to be passed or confirmed, a declaration of the chairman on a show of hands that the resolution is carried shall, unless a poll is demanded, be conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against the resolution.

(4) At any meeting at which an extraordinary resolution is submitted to be passed or a special resolution is submitted to be passed or confirmed, a poll may be demanded by any person for the time being entitled according to the articles to vote, unless the articles of the company require a demand by such number of such persons, not in any case exceeding five, as may be specified in the articles.

(5) In a case where, if a poll is demanded, it may in accordance with the articles be taken in such manner as the chairman may direct; it may, if the chairman so direct be taken at the meeting at which it is demanded.

(6) When a poll is demanded in accordance with this section, in computing the majority on the poll, reference shall be had to the number of votes to which each member is entitled by the articles of the company.

Registration and copies of special and extraordinary resolutions.

(7) For the purposes of this section notice of a meeting shall be deemed to be duly given and the meeting to be duly held when the notice is given and the meeting held in manner provided by the articles.

82. (1) A copy of every special and extraordinary resolution shall, within thirty days from the confirmation of the special resolution or from the passing of the extraordinary resolution, as the case may be, be printed and filed with the registrar who shall record the same.

(2) Where articles have been registered, a copy of every special resolution for the time being in force shall be embodied in or annexed to every copy of the articles issued after the date of the resolution.

(3) Where articles have not been registered, a copy of every special resolution shall be forwarded in print to any member at his request, on payment of fifty cents or such less sum as the company may direct.

(4) If a company makes default in filing with the registrar a copy of a special or extraordinary resolution, it shall be liable to a fine not exceeding thirty florins for every day during which the default continues.

(5) If a company makes default in embodying in or annexing to a copy of its articles or in forwarding in print to a member when required by this section a copy of a special resolution, it shall be liable to a fine not exceeding ten florins for each copy in respect of which default is made.

(6) Every officer of a company who knowingly and wilfully authorises or permits any default by the company in complying with the requirements of this section shall be liable to the like penalty as is imposed by this section on the company for that default.

Minutes of proceedings of meetings and directors.

83. (1) Every company shall cause minutes of all proceedings of general meetings and of its directors to be entered in books kept for that purpose.

(2) Any such minute, if purporting to be signed by the chairman of the meeting at which the proceedings were had, or by the chairman of the next succeeding meeting, shall be evidence of the proceedings.

(3) Until the contrary is proved, every general meeting of the company or meeting of directors in respect of the proceedings whereof minutes have been so made shall be deemed to have been duly called and held, and all proceedings had thereat to have been duly had, and all appointments of directors or liquidators shall be deemed to be valid.

Restrictions on appointment or advertisement of director.

84. (1) A person shall not be capable of being appointed director of a company by the articles, and shall not be named as a director or proposed director of a company in any prospectus issued by or on behalf of the company or in relation to any intended company or in any statement in lieu of prospectus filed by or on behalf of a company, unless, before the registration of the article or the publication of the prospectus, or the filing of the statement in lieu of prospectus, as the case may be, he has, by himself or by his agent authorised in writing:—

(i) signed and filed with the registrar a consent in writing to act as such director; and

(ii) save in the case of a company limited by guarantee and not having a share capital, either signed the memorandum for a number of shares not less than his qualification (if any), or signed and filed with the registrar a contract in writing to take from the company and pay for his qualification shares (if any).

(2) On the application for registration of the memorandum and articles of a company the applicant shall file with the registrar a list of the persons who have consented to be directors of the company, and, if this list contains the name of any person who has not consented, the application shall be liable to a fine not exceeding fifty pounds.

(3) This section shall not apply to a private company nor to a prospectus issued by or on behalf of a company after the expiration of one year from the date at which the company is entitled to commence business.

Qualification of director.

85. (1) Without prejudice to the restrictions imposed by section 84, it shall be the duty of every director who is by the articles required to hold a specified share qualification, and who is not already qualified, to obtain his qualification within two months after his appointment, or such shorter time as may be fixed by the articles.

(2) The office of director of a company shall be vacated if the director does not, within two months from the date of his appointment, or within such shorter time as may be fixed by the articles, obtain his qualification, or if after the expiration of such period or shorter time he ceases at any time to hold his qualification; and a person vacating office under this section shall be incapable of being re-appointed director of the company until he has obtained his qualification.

(3) If, after the expiration of the said period or shorter time, any unqualified person acts as a director of the company, he shall be liable to a fine not exceeding five pounds for every day between the expiration of the said period or shorter time and the last day on which it is proved that he acted as a director.

Validity of acts of directors.

86. The acts of a director shall be valid notwithstanding any defect that may afterwards be discovered in his appointment or qualification:

Provided that nothing in this section shall be deemed to give validity to acts done by a director after the appointment of such director has been shown to be invalid.

List of directors to be sent to registrar.

87. (1) Every company shall keep at its registered office a register containing the names and addresses and the occupations of its directors, and file with the registrar a copy thereof, and file with the registrar notice of any change among its directors or managers.

(2) If default is made in complying with this section, the company shall be liable to a fine not exceeding five pounds for every day during which the default continues; and every officer of the company, who knowingly authorizes or permits the default, shall be liable to the like penalty.

CONTRACTS.

Form of contracts.

88. (1) Contracts on behalf of a company may be made as follows (that is to say):—

(i) any contract which if made between private persons would be by law required to be in writing signed by the parties to be charged therewith, may be made on behalf of the company in writing signed by any person acting under its authority, express or implied, and may in the same manner be varied or discharged.

(ii) any contract which if made between private persons would by law be valid although made by parol only, and not reduced into writing, may be made by parol on behalf of the company by any person acting under its authority, express or implied, and may in the same manner be varied or discharged.

(2) All contracts made according to this section shall be effectual in law, and shall bind the company and its successors and all other parties thereto, their heirs or legal representatives as the case may be.

Bills of exchange and promissory notes.

89. A bill of exchange, hundi or promissory note shall be deemed to have been made, drawn, accepted or endorsed on behalf of the company if made, drawn, accepted or endorsed in the name of, or by or on behalf or on account of, the company by any person acting under its authority, express or implied.

Execution of deeds abroad.

90. A company may, by writing under its common seal, empower any person, either generally or in respect of any specified matters, as its attorney, to execute deeds on its behalf in any place not situate in the Colony; and every deed signed by such attorney, on behalf of the company, and under his seal, where sealing is required, shall bind the company, and have the same effects as if it were under its common seal.

Power for company to have official seal for use abroad.

91. (1) A company whose objects require or comprise the transactions of business beyond the limits of the Colony may, if authorised by its articles, have for use in any territory, district or place, not situate in the Colony an official seal, which shall be a facsimile of the common seal of the company, with the addition on its face of the name of every territory, district or place where it is to be used.

(2) A company having such an official seal may, by writing under the common seal, authorise any person appointed for the purpose in any territory, district or place not situate in the Colony to affix the same to any deed or other document to which the company is party in that territory, district or place.

(3) The authority of any such agent shall, as between the company and any person dealing with the agent, continue during the period (if any) mentioned in the instrument conferring the authority or if no period is there mentioned until notice of the revocation or determination of the agent's authority has been given to the person dealing with him.

(4) The person affixing any such official seal shall, by writing under his hand, on the deed or other document to which the seal is affixed, certify the date and place of affixing the same.

(5) A deed or other document to which an official seal is duly affixed shall bind the company as if it had been sealed with the common seal of the company.

PROSPECTUS.

Filing of prospectus

92. (1) Every prospectus issued by or on behalf of a company or in relation to any intended company shall be dated, and that date shall, unless the contrary be proved, be taken as the date of publication of the prospectus.

(2) A copy of every such prospectus, signed by every person who is named therein as a director or proposed director of the company, or by his agent authorised in writing, shall be filed for registration with the registrar on or before the date of its publication, and no such prospectus shall be issued until a copy thereof has been so filed for registration.

(3) The registrar shall not register any prospectus unless it is dated, and the copy thereof signed, in manner required by this section.

(4) Every prospectus shall state on the face of it that a copy has been filed for registration as required by this section.

(5) If a prospectus is issued without a copy thereof being so filed, the company, and every person who is knowingly a party to the issue of the prospectus, shall be liable to a fine not exceeding five pounds for every day from the date of the issue of the prospectus until a copy thereof is so filed.

Specific requirements as to particulars of prospectus.

93. (1) Every prospectus issued by or on behalf of a company, or by or on behalf of any person who is or has been engaged or interested in the formation of the company, shall state

(*a*) the contents of the memorandum, with the names, descriptions and addresses of the signatories and the number of shares subscribed for by them respectively; and the number of founders or management or deferred shares (if any) and the nature and extent of the interest of the holders in the property and profits of the company; and

(*b*) the number of shares (if any) fixed by the articles as the qualification of a director and any provision in the articles as to the remuneration of the directors; and

(*c*) the name, descriptions and addresses of the directors or proposed directors and of the managers or proposed managers (if any); and

(*d*) the minimum subscription on which the directors may proceed to allotment, and the amount payable on application and allotment on each share; and in the case of a second or subsequent offer of shares the amount offered for subscription on each previous allotment made within the two preceding years, and the amount actually allotted, and the amount (if any) paid on the shares so allotted; and

(*e*) the number and amount of shares and debentures which within the two preceding years have been issued, or agreed to be issued, as fully or partly paid up otherwise than in cash, and in the latter case the extent to which they are so paid up, and in either case the consideration for which those shares or debentures have been issued or agreed to be issued; and

(*f*) the names and addresses of the vendors of any property purchased or acquired by the company, or proposed so to be purchased or acquired, which is to be paid for wholly or partly out of the proceeds of the issue offered for subscription by the prospectus, or the purchase or acquisition of which has not been completed at the date of the issue of the prospectus, and the amount payable in cash, shares or debentures to the vendor, and where there is more than one separate vendor or the company is a sub-purchaser, the amount so payable to each vendor: Provided that where the vendors or any of them are a firm, the members of the firm shall not be treated as separate vendors; and

(*g*) the amount (if any) paid or payable as purchase-money in cash, shares or debentures, for any such property as aforesaid, specifying the amount (if any) payable for goodwill; and

(*h*) the amount (if any) paid within the two preceding years or payable as commission for subscribing or agreeing to subscribe, or procuring or agreeing to procure subscriptions, for any shares in, or debentures of, the company, or the rate of any such commission: Provided that it shall not be necessary to state the commission payable to sub-underwriters; and

(*i*) the amount or estimated amount of preliminary expenses; and

(*j*) the amount paid within the two preceding years or intended to be paid to any promoter, and the consideration for any such payment; and

(*k*) the dates of, and parties to, every material contract, and a reasonable time and place at which any material contract or a copy thereof may be inspected:
Provided that this requirement shall not apply to a contract entered into in the ordinary course of the business carried on or intended to be carried on by the company, or to any contract entered into more than two years before the date of issue of the prospectus; and

(*l*) the names and addresses of the auditors (if any) of the company; and

(*m*) full particulars of the nature and extent of the interest (if any) of every director in the promotion of, or in the property proposed to be acquired by, the company, or where the interest of such a director consists in being a partner in a firm, the nature and extent of the interest of the firm with a statement of all sums paid or agreed to be paid to him or to the firm in cash or shares or otherwise by any person either to induce him to become, or to qualify him as, a director, or otherwise for services rendered by him or by the firm in connection with the promotion or formation of the company; and

(*n*) where the company is a company having shares of more than one class, the right of voting at meetings of the company conferred by the several classes of shares respectively.

(2) Where any such prospectus as is mentioned in this section is published as a newspaper advertisement, it shall not be necessary in the advertisement to specify the contents of the memorandum, or the signatories thereto, and the number of shares subscribed for by them.

(3) This section shall not apply to a circular or notice inviting existing members or debenture holders of a company to subscribe either for shares or for debentures of the company, whether with or without the right to renounce in favour of other persons.

(4) The requirements of this section as to the memorandum and the qualification, remuneration and interest of directors, the names descriptions and addresses of the directors or proposed directors, and the amount or estimated amount of preliminary expenses, shall not apply in the case of a prospectus issued more than one year after the date at which the company is entitled to commence business.

(5) Nothing in this section shall limit or diminish any liability which any person may incur under the general law or this Ordinance apart from this section.

Meaning of "vendor" in section 93.

94. For the purposes of section 93 every person shall be deemed to be a vendor who has entered into any contract, absolute or conditional, for the sale or purchase, or for any option of purchase, of any property to be acquired by the company, in any case where

(*a*) the purchase money is not fully paid at the date of issue of the prospectus; or

(*b*) the purchase money is to be paid or satisfied wholly or in part out of the proceeds of the issue offered for subscription by the prospectus; or

(*c*) the contract depends for its validity or fulfilment on the result of that issue.

Application of section 93 to the case of property taken on lease.

95. Where any of the property to be acquired by the company is to be taken on lease, section 93 shall apply as if the expression "vendor" included the lessor, and the expression "purchase-money" included the consideration for the lease, and the expression "sub-purchaser" included a sub-lessee.

Invalidity of certain conditions as to waiver or notice.

96. Any condition requiring or binding any applicant for shares or debentures to waive compliance with any requirements of section 93, or purporting to affect him with notice of any contract, document or matter not specifically referred to in the prospectus, shall be void.

Saving in certain cases of non-compliance with section 93.

97. In the event of non-compliance with any of the requirements of section 93, a director or other person responsible for the prospectus shall not incur any liability by reason of the non-compliance, if he proves that

(*a*) as regards any matter not disclosed, he was not cognisant thereof; or

(*b*) non-compliance arose from an honest mistake of fact on his part:

Provided that, in the event of non-compliance with the requirements contained in clause (*m*) of sub-section (1) of section 93, no such director or other person shall incur any liability in respect of the non-compliance unless it be proved that he had knowledge of the matters not disclosed.

Obligations of companies where no prospectus is issued.

98. (1) A company which does not issue a prospectus on or with reference to its formation shall not allot any of its shares or debentures unless before the first allotment of either shares or debentures there has been filed with the registrar a statement in lieu of prospectus signed by every person who is named therein as a director or a proposed director of the company or by his agent authorised in writing, in the form and containing the particulars set out in the Second Schedule.

(2) This section shall not apply to a private company or to a company which has allotted any shares or debentures before the commencement of this Ordinance or, in so far as it relates to the allotment of shares, to a company limited by guarantee and not having a share capital.

Restriction on alteration of terms mentioned in prospectus or statement in lieu of prospectus.

99. A company shall not, at any time, vary the terms of a contract referred to in the prospectus or statement in lieu of prospectus, except subject to the approval of the company in general meeting.

Liability for statements in prospectus.

100. (1) Where a prospectus invites persons to subscribe for shares in or debentures of a company every person who is a director of the company, at the time of the issue of the prospectus, and every person who has authorised the naming of himself and is named in the prospectus as a director or as having agreed to become a director either immediately or after an interval of time, and every promoter of the company, and every person who has authorised the issue of the prospectus, shall be liable to pay compensation to all persons who subscribe for any shares or debentures on the faith of the prospectus for all loss or damage they may have sustained by reason of any misleading or untrue statement therein, or in any report or memorandum appearing on the face thereof, or by reference incorporated therein or issued therewith, unless it is proved

(*a*) with respect to every misleading or untrue statement not purporting to be made on the authority of an expert, or, of a public official document or statement, that he had reasonable ground to believe and did up to the time of the allotment of the shares or debentures, as the case may be, believe that the statement fairly represented the facts or was true;

(*b*) with respect to every misleading or untrue statement purporting to be a statement by or contained in what purports to be a copy of or extract from a report or valuation of an expert that it fairly represented the statement, or was correct and fair copy of the extract from the report or valuation: Provided that the director, person named as director, promoter or person who authorised the issue of the prospectus shall be liable to pay compensation as aforesaid if it is proved that he had no reasonable ground to believe that the person making the statement, report or valuation was competent to make it; and

(*c*) with respect to every misleading or untrue statement purporting to be a statement made by an official person or contained in what purports to be a copy of or extract from a public official document, that it was a correct and fair representation of the statement or copy of or extract from the document:

or unless it is proved:—

(i) that having consented to become a director of the company he withdrew his consent before the issue of the prospectus and that it was issued without his authority or consent; or

(ii) that the prospectus was issued without his knowledge or consent, and that on becoming aware of its issue, he forthwith gave a reasonable public notice that it was issued without his knowledge or consent; or

(iii) that, after the issue of the prospectus and before allotment thereunder, he, on becoming aware of any misleading or untrue statement therein, withdrew his consent thereto, and gave reasonable public notice of the withdrawal, and of the reason therefor.

(2) Where a company existing at the commencement of this Ordinance has issued shares or debentures, and for the purpose of obtaining further capital by subscriptions for shares or debentures issues a prospectus, a director shall not be liable in respect of any statement therein, unless he has authorised the issue of the prospectus, or has adopted or ratified it.

(3) Where the prospectus contains the name of a person as a director of the company, or as having agreed to become a director thereof, and he has not consented to become a director, or has withdrawn his consent before the issue of the prospectus, and has not authorised or consented to the issue thereof, the directors of the company, except any without whose knowledge or consent the prospectus was issued, and any other person who authorised the issue thereof, shall be liable to indemnify the person named as aforesaid against all damages, costs and expenses to which he may be made liable by reason of his name having been inserted in the prospectus, or in defending himself against any suit or legal proceedings brought against him in respect thereof.

(4) Every person who, by reason of his being a director or named as a director, or as having agreed to become a director, or of his having authorised the issue of the prospectus, becomes liable to make any payment under this section, may recover contribution, as in cases of contract, from any other person who, if sued separately, would have been liable to make the same payment, unless the person who has become so liable was, and that other person was not, guilty of fraudulent misrepresentation.

(5) For the purposes of this section—

(*a*) the expression "promoter" means a promoter who was a party to the preparation of the prospectus, or the portion thereof containing the misleading or untrue statement, but does not include any person by reason of his acting in a professional capacity for persons engaged in procuring the formation of the company;

(*b*) the expression "expert" includes an engineer, valuer, accountant and any other person whose profession gives authority to a statement made by him.

Restriction as to allotment.

101. (1) No allotment shall be made of any share capital of a company offered to the public for subscription, unless the following conditions have been complied with, namely

(*a*) the amount if any fixed by the memorandum or articles and named in the prospectus as the minimum subscription upon which the directors may proceed to allotment; or

(*b*) if no amount is so fixed and named, then the whole amount of the share capital so offered for subscription,

has been subscribed, and the sum payable on application for the amount so fixed and named or for the whole amount offered for subscription, has been paid to and received in cash by the company.

(2) The amount so fixed and named and the whole amount aforesaid shall be reckoned exclusively of any amount payable otherwise than in cash, and is in this Ordinance referred to as the minimum subscription.

(3) The amount payable on application on each share shall not be less than five per cent. of the nominal amount of the share.

(4) The amount paid on application shall be set apart by the Directors as a separate fund and shall not be available for the purposes of the Company or the satisfaction of its debts until the minimum subscription has been made up.

(5) If the conditions aforesaid have not been complied with on the expiration of one hundred and twenty days after the first issue of the prospectus, all money received from applicants for shares shall be forthwith repaid to them without interest, and, if any such money is not so repaid within one hundred and thirty days after the issue of the prospectus, the directors of the company shall be jointly and severally liable to repay that money with interest at the rate of eight per cent. per annum from the expiration of the one hundred and thirtieth day: Provided that a director shall not be liable if he proves that the loss of the money was not due to any misconduct or negligence on his part.

(6) Any condition requiring or binding any applicant for shares to waive compliance with any requirement of this section shall be void.

(7) This section, except sub-section (3) thereof, shall not apply to any allotment of shares subsequent to the first allotment of shares offered to the public for subscription.

(8) In the case of the first allotment of share capital payable in cash of a company which does not issue any invitation to the public to subscribe for its shares, no allotment shall be made unless the minimum subscription (that is to say)

(*a*) the amount (if any) fixed by the memorandum or articles and named in the statement in lieu of prospectus as the minimum subscription upon which the directors may proceed to allotment; or

(*b*) if no amount is so fixed and named the whole amount of the share capital other than that issued or agreed to be issued as fully or partly paid up otherwise than in cash;

has been subscribed and an amount not less than five per cent. of the nominal amount of each share payable in cash has been paid to and received by the company.

(9) Sub-section (7) shall not apply to a private company or to a company which has allotted any shares or debentures before the commencement of this Ordinance.

Effect of irregular allotment.

102. (1) An allotment made by a company to an applicant in contravention of the provisions of section 101 shall be voidable at the instance of the applicant within one month after the holding of the statutory meeting of the company and not later, and shall be so voidable notwithstanding that the company is in course of being wound up.

(2) If any director of a company knowingly contravenes or permits or authorises the contravention of any of the provisions of section 101 with respect to allotment, he shall be liable to compensate the company and the allottee respectively for any loss, damages or costs which the company or the allottee may have sustained or incurred thereby: Provided that proceedings to recover any such loss, damages or costs shall not be commenced after the expiration of two years from the date of the allotment.

Restrictions on commencement of business.

103. (1) A company shall not commence any business or exercise any borrowing powers unless

(*a*) shares held subject to the payment of the whole amount thereof in cash have been allotted to an amount not less in the whole than the minimum subscription; and

(*b*) every director of the company has paid to the company on each of the shares taken or contracted to be taken by him, and for which he is liable to pay in cash, a proportion equal to the proportion payable on application and allotment on the shares offered for public subscription or, in the case of a company which does not issue a prospectus inviting the public to subscribe for its shares, on the shares payable in cash; and

(*c*) there has been filed with the registrar a statutory declaration by the secretary or one of the directors, in the prescribed form, that the aforesaid conditions have been complied with; and

(*d*) in the case of a company which does not issue a prospectus inviting the public to subscribe for its shares, there has been filed with the registrar a statement in lieu of prospectus.

(2) The registrar shall, on the filing of a statutory declaration in accordance with the provisions of this section, certify that the company is entitled to commence business, and that certificate shall be conclusive evidence that the company is so entitled.

Provided that, in the case of a company which does not issue a prospectus inviting the public to subscribe for its shares, the registrar shall not give such a certificate unless a statement in lieu of prospectus has been filed with him.

(3) Any contract made by a company before the date at which it is entitled to commence business shall be provisional only, and shall not be binding on the company until that date, and on that date it shall become binding.

(4) Nothing in this section shall prevent the simultaneous offer for subscription or allotment of any shares and debentures or the receipt of any money payable on application for debentures.

(5) If any company commences business or exercises borrowing powers in contravention of this section, every person who is responsible for the contravention shall, without prejudice to any other liability, be liable to a fine not exceeding fifty pounds for every day during which the contravention continues.

(6) Nothing in this section shall apply to a private company, or to a company registered before the commencement of this Ordinance which does not issue a prospectus inviting the public to subscribe for its shares or, in so far as its provisions relate to shares, to a company limited by guarantee and not having a share capital.

Return as to allotments.

104. (1) Whenever a company having a share capital makes any allotment of its shares, the company shall, within ~~one month~~ 60 days thereafter

(*a*) file with the registrar a return of the allotments, stating the number and nominal amount of the shares comprised in the allotment, the names, addresses and descriptions of the allottees, and the amount (if any) paid or due and payable on each share; and

(*b*) in the case of shares allotted as fully or partly paid up otherwise than in cash, produce for the inspection and examination of the registrar a contract in writing constituting the title of the allottee to the allotment together with any contract of sale, or for services or other consideration in respect of which that allotment was made, such contracts being duly stamped, and file with the registrar copies verified in the prescribed manner of all such contracts and a return stating the number and nominal amount of shares so allotted, the extent to which they are to be treated as paid up, and the consideration for which they have been allotted.

(2) Where such a contract as above-mentioned is not reduced to writing, the company shall, within sixty days after the allotment file with the registrar the prescribed particulars of the contract stamped with the same stamp-duty as would have been payable if the contract had been reduced to writing, and these particulars shall be deemed to be an instrument within the meaning of the Indian Stamp Act, 1899, as applied to the Colony, and the registrar may, as a condition of filing the particulars, require that the duty payable thereon be adjudicated under section 31 of that Act.

(3) If default is made in complying with the requirements of this section, every officer of the company who is knowingly a party to the default shall be liable to a fine not exceeding fifty pounds for every day during which the default continues:

Provided that, in case of default in filing with the registrar within sixty days after the allotment any document required to be filed by this section, the company, or any person liable for the default, may apply to the Court for relief, and the Court, if satisfied that the omission to file the document was accidental or due to inadvertence or that on other grounds it is just and equitable to grant relief, may make an order extending the time for the filing of the document for such a period as the Court may think proper.

COMMISSIONS AND DISCOUNTS.

Power to pay certain commissions and prohibition of payment of all other commissions, discounts, etc.

105. (1) It shall be lawful for a company to pay a commission to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any shares in the company, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any shares in the company, if the payment of the commission is authorised by the articles, and the commission paid or agreed to be paid does not exceed the amount or rate so authorised and if the amount or rate per cent. of the commission paid or agreed to be paid is

(*a*) in the case of shares offered to the public for subscription, disclosed in the prospectus; or

(*b*) in the case of shares not offered to the public for subscription, disclosed in the statement in lieu of prospectus, or in a statement in the prescribed form signed in like manner as a statement in lieu of prospectus and filed with the registrar and, where a circular or notice, not being a prospectus, inviting subscription for the shares is issued, also disclosed in that circular or notice.

(2) Save as aforesaid, no company shall apply any of its shares or capital money either directly or indirectly in payment of any commission, discount or allowance, to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any shares of the company, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any shares in the company, whether the shares or money be so applied by being added to the purchase-money of any property acquired by the company or to the contract price of any work to be executed for the company, or the money be paid out of the nominal purchase-money or contract price, or otherwise.

(3) Nothing in this section shall affect the power of any company to pay such brokerage as it has heretofore been lawful for a company to pay, and a vendor to, promoter of, or other person who receives payment in money or shares from, a company shall have and shall be deemed always to have had power to apply any part of the money or shares so received in payment of any commission, the payment of which, if made directly by the company, would have been legal under this section.

Statement in balance-sheet as to commissions and discounts.

106. Where a company has paid any sums by way of commission in respect of any shares or debentures, or allowed any sums by way of discount in respect of any debentures, the total amount so paid or allowed or so much thereof as has not been written off, shall be stated in every balance-sheet of the company until the whole amount thereof has been written off.

Payment of Interest out of Capital.

Power of company to pay interest out of capital in certain cases.

107. Where any shares of a company are issued for the purpose of raising money to defray the expenses of the construction of any works or buildings or the provision of any plant which cannot be made profitable for a lengthened period, the company may pay interest on so much of that share capital as is for the time being paid up for the period and subject to the conditions and restrictions in this section mentioned, and may charge the same to the capital as part of the cost of construction of the work or building, or the provision of plant:

Provided that

(1) No such payment shall be made unless the same is authorised by the articles or by special resolution;

(2) no such payment, whether authorised by the articles or by special resolution, shall be made without the previous sanction of the Governor in Council which sanction shall be conclusive evidence for the purposes of this section that the shares of the company, in respect of which such sanction is given, have been issued for a purpose specified in this section;

(3) before sanctioning any such payment, the Governor in Council may, at the expense of the company, appoint a person to inquire and report to the Governor in Council as to the circumstances of the case, and may, before making the appointment, require the company to give security for the payment of the costs of the inquiry;

(4) the payment shall be made only for such period as may be determined by the Governor in Council; and such period shall in no case extend beyond the close of the half-year next after the half-year during which the works or buildings have been actually completed or the plant provided;

(5) the rate of interest shall in no case exceed four per cent. per annum or such lower rate as the Governor in Council may, by notification in the Gazette, prescribe;

(6) the payment of the interest shall not operate as a reduction of the amount paid up on the shares in respect of which it is paid;

(7) the accounts of the company shall show the share capital on which, and the rate at which, interest has been paid out of capital during the period to which the accounts relate.

Certificates of Shares, Etc.

Limitation of time for issue of certificates.

108. (1) Every company shall within three months after the allotment of any of its shares, debentures or debenture stock, and within three months after the registration of the transfer of any such shares, debentures or debenture stock, complete and have ready for delivery the certificates of all shares, the debentures and the certificates of all debenture stock allotted or transferred, unless the conditions of issue of the shares, debentures or debenture stock otherwise provide.

(2) If default is made in complying with the requirements of this section, the company, and every officer of the company, who is knowingly a party to the default, shall be liable to a fine not exceeding five pounds for every day during which the default continues.

Information as to Mortgages, Charges, Etc.

Certain mortgages and charges to be void if not registered.

109. Every mortgage or charge created after the commencement of this Ordinance by a company and being either

(*a*) a mortgage or charge for the purpose of securing any issue of debentures; or

(*b*) a mortgage or charge on uncalled share capital of the company; or

(*c*) a mortgage or charge created or evidenced by an instrument which, if executed by an individual would require registration as a bill of sale;

(*d*) a mortgage or charge on any immovable property wherever situate, or any interest therein; or

(*e*) a mortgage or charge on any book debts of the company; or

(*f*) a floating charge on the undertaking or property of the company;

shall, so far as any security on the company's property or undertaking is thereby conferred, be void against the liquidator and any creditor of the company, unless the prescribed particulars of the mortgage or charge, together with the instrument (if any) by which the mortgage or charge is created or evidenced, or a copy thereof verified in the prescribed manner are filed with the registrar for registration in manner required by this Ordinance within twenty-one days after the date of its creation, but without prejudice to any contract or obligation for repayment of the money thereby secured, and when a mortgage or charge becomes void under this section, the money secured thereby shall immediately become payable:

Provided that

(i) in the case of a mortgage or charge created out of the Colony comprising solely property situate outside the Colony twenty-one days after the date on which the instrument or copy could, in due course of post, and if despatched with due diligence have been received in the Colony shall be substituted for twenty-one days after the date of the creation of the mortgage or charge, as the time within which the particulars and instrument or copy are to be filed with the registrar; and

(ii) where the mortgage or charge is created in the Colony but comprises property outside the Colony the instrument creating or purporting to create the mortgage or charge or a copy thereof verified in the prescribed manner may be filed for registration notwithstanding that further proceedings may be necessary to make the mortgage or charge valid or effectual according to the law of the country in which the property is situate; and

(iii) where a negotiable instrument has been given to secure the payment of any book debts of a company, the deposit of the instrument for the purpose of securing an advance to the company shall not for the purposes of this section be treated as a mortgage or charge on those book debts; and

(iv) the holding of debentures entitling the holder to a charge on immovable property shall not be deemed to be an interest in immovable property.

Particulars in case of series of debentures entitling holders *pari passu*.

110. Where a series of debentures containing, or giving by reference to any other instrument, any charge to the benefit of which the debenture holders of that series are entitled *pari passu* is created by a company, it shall be sufficient for the purposes of section 109 if there are filed with the registrar within twenty-one days after the execution of the deed containing the charge or, if there is no such deed, after the execution of any debentures of the series, the following particulars

(*a*) the total amount secured by the whole series; and

(*b*) the dates of the resolutions authorising the issue of the series and the date of the covering deed (if any) by which the security is created or defined; and

(*c*) a general description of the property charged; and

(*d*) the name of the trustees (if any) for the debenture holders;

together with the deed or a copy thereof verified in the prescribed manner containing the charge, or if there is no such deed, one of the debentures of the series, and the registrar shall, on payment of the prescribed fee, enter those particulars in the register:

Provided that, where more than one issue is made of debentures in the series, there shall be filed with the registrar for entry in the register particulars of the date and amount of each issue, but an omission to do this shall not affect the validity of the debentures issued.

Particulars in case of commission, etc., on debentures.

111. Where any commission, allowance or discount has been paid or made either directly or indirectly by the company to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any debentures of the company, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any such debentures the particulars required to be filed for registration under sections 109 and 110 shall include particulars as to the amount or rate per cent. of the commission, discount or allowance so paid or made, but an omission to do this shall not affect the validity of the debentures issued:

Provided that the deposit of any debentures as security for any debt of the company shall not for the purposes of this provision be treated as the issue of the debentures at a discount.

Register of mortgages and charges.

112. (1) The registrar shall keep, with respect to each company a register in the prescribed form of all the mortgages and charges created by the company after the commencement of this Ordinance and requiring registration under section 109, and shall, on payment of the prescribed fee, enter in the register, with respect to every such mortgage or charge, the date of creation, the amount secured by it, short particulars of the property mortgaged or charged, and the names of the mortgagees or persons entitled to the charge.

(2) After making the entry required by sub-section (1), the registrar shall return the instrument (if any) or the verified copy thereof, as the case may be, filed in accordance with the provisions of section 109 or section 110 to the person filing the same.

(3) The register kept in pursuance of this section shall be open to inspection by any person on payment of the prescribed fee, not exceeding fifty cents for each inspection.

Index to register of mortgages and charges.

113. The registrar shall keep a chronological index in the prescribed form with the prescribed particulars of the mortgages or charges registered with him under this Ordinance.

Certificate of registration.

114. The registrar shall give a certificate under his hand of the registration of any mortgage or charge registered in pursuance of section 109, stating the amount thereby secured, and the certificate shall be conclusive evidence that the requirements of sections 109 to 112 as to registration have been complied with.

Endorsement of certificate of registration on debenture or certificate of debenture stock.

115. The company shall cause a copy of every certificate of registration given under section 114, to be endorsed on every debenture or certificate of debenture stock which is issued by the company, and the payment of which is secured by the mortgage or charge so registered:

Provided that nothing in this section shall be construed as requiring a company to cause a certificate of registration of any mortgage or charge so given to be endorsed on any debenture or certificate of debenture stock which has been issued by the company before the mortgage or charge was created.

Duty of company and right of interested party as regards registration.

116. (1) It shall be the duty of the company to file with the registrar for registration the prescribed particulars of every mortgage or charge created by the company and of the issues of debentures of a series, requiring registration under section 109, but registration of any such mortgage or charge may be effected on the application of any person interested therein.

(2) Where the registration is effected on the application of some person other than the company, that person shall be entitled to recover from the company the amount of any fees properly paid by him to the registrar on the registration.

Copy of instrument creating mortgage or charge to be kept at registered office.

117. Every company shall cause a copy of every instrument creating any mortgage or charge requiring registration under section 109, to be kept at the registered office of the company: Provided that, in the case of a series of uniform debentures, a copy of one such debenture shall be sufficient.

Registration of appointment of receiver.

118. (1) If any person obtains an order for the appointment of a receiver or manager of the property of a company, or appoints such a receiver or manager under any powers contained in any instrument, he shall, within fifteen days from the date of the order or of the appointment under the powers contained in the instrument, file notice of the fact with the registrar, and the registrar shall, on payment of the prescribed fee, enter the fact in the register of mortgages and charges.

(2) If any person makes default in complying with the requirements of this section, he shall be liable to a fine not exceeding five pounds for every day during which the default continues.

Filing of accounts of receivers.

119. (1) Every receiver or manager of the property of a company who has been appointed under the powers contained in any instrument and who has taken possession, shall, once in every half-year while he remains in possession, and also on ceasing to act as receiver or manager file with the registrar an abstract in the prescribed form of his receipts and payments during the period to which the abstract relates, and shall also on ceasing to act as receiver or manager file with the registrar notice to that effect, and the registrar shall enter the notice in the register of mortgages and charges.

(2) Every receiver or manager who makes default in complying with the provisions of this section shall be liable to a fine not exceeding five pounds.

Rectification of register of mortgages.

120. The Court, on being satisfied that the omission to register a mortgage or charge within the time required by section 109, or that the omission or mis-statement of any particular with respect to any such mortgage or charge, was accidental, or due to inadvertence or to some other sufficient cause, or is not of a nature to prejudice the position of creditors or shareholders of the company, or that on other grounds it is just and equitable to grant relief, may, on the application of the company or any person interested, and on such terms and conditions as seem to the Court just and expedient, order that the time for registration be extended, or, as the case may be, that the omission or mis-statement be rectified, and may make such order as to the costs of the application as it thinks fit.

Entry of satisfaction.

121. The registrar may, on evidence being given to his satisfaction that the debt for which any registered mortgage or charge was given has been paid or satisfied, order that a memorandum of satisfaction be entered on the register, and shall if required furnish the company with a copy thereof.

Penalties.

122. (1) If any company makes default in filing with the registrar for registration the particulars

(*a*) of any mortgage or charge created by the company; or

(*b*) of the issues of debentures of a series,

requiring registration with the registrar under the foregoing provisions of this Ordinance then, unless the registration has been effected on the application of some other person, the company, and every officer of the company or other person who is knowingly a party to the default, shall on conviction be liable to a fine not exceeding fifty pounds for every day during which the default continues.

(2) Subject as aforesaid, if any company makes default in complying with any of the requirements of this Ordinance as to the registration with the registrar of any mortgage or charge created by the company, the company, and every officer of the company, who knowingly and wilfully authorises or permits the default shall, without prejudice to any other liability, be liable on conviction to a fine not exceeding one hundred pounds.

(3) If any person knowingly and wilfully authorises or permits the delivery of any debenture or certificate of debenture stock requiring registration with the registrar under the foregoing provisions of this Ordinance without a copy of the certificate of registration, being endorsed upon it, he shall, without prejudice to any other liability, be liable on conviction to a fine not exceeding one hundred pounds.

Company's register of mortgages.

123. (1) Every limited company shall keep a register of mortgages and enter therein all mortgages and charges specifically affecting property of the company, giving in each case a short description of the property mortgaged or charged, the amount of the mortgage or charge and (except in the case of securities to bearer) the names of the mortgagees or persons entitled thereto.

(2) If any director, manager or other officer of the company knowingly and wilfully authorises or permits the omission of any entry required to be made in pursuance of this section, he shall be liable to a fine not exceeding fifty pounds.

Right to inspect copies of instruments creating mortgages and charges and company's register of mortgages.

124. (1) The copies kept at the registered office of the company in pursuance of section 117 of instruments creating any mortgage or charge requiring registration under this Ordinance with the registrar and the register of mortgages kept in pursuance of section 123, shall be open at all reasonable times to the inspection of any creditor or member of the company without fee, and the register of mortgages shall also be open to the inspection of any other person on payment of such fee, not exceeding fifty cents for each inspection, as the company may prescribe.

(2) If inspection of the said copies or register is refused, the company shall be liable to a fine not exceeding five pounds and a further fine not exceeding thirty florins for every day during which the refusal continues, and every officer of the company who knowingly authorises or permits the refusal shall incur the like penalty, and in addition to the above penalty, the Court may by order compel an immediate inspection of the copies or register.

Right to inspect the register of debenture holders and to have copies of trust-deed.

125. (1) Every register of holders of debentures of a company shall, except when closed in accordance with the articles during such period or periods (not exceeding in the whole thirty days in any year) as may be specified in the articles, be open to the inspection of the registered holder of any such debentures, and of any holder of shares in the company, but subject to such reasonable restrictions as the company may in general meeting impose, so that at least two hours in each day are appointed for inspection, and every such holder may require a copy of the register or any part thereof on payment of fifty cents for every one hundred words or fractional part thereof required to be copied.

(2) A copy of any trust-deed for securing any issue of debentures shall be forwarded to every holder of any such debentures at his request on payment in the case of a printed trust-deed of the sum of fifty cents or such less sum as may be prescribed by the company, or, where the trust-deed has not been printed, on payment of fifty cents for every one hundred words or fractional part thereof required to be copied.

(3) If inspection is refused, or a copy is refused or not forwarded, the company shall be liable to a fine not exceeding five pounds, and to a further fine not exceeding twenty florins for every day during which the refusal continues, and every officer of the company who knowingly authorises or permits the refusal shall incur the like penalty, and the Court may by order compel an immediate inspection of the register.

DEBENTURES AND FLOATING CHARGES.

Perpetual debentures.

126. A condition contained in any debentures or in any deed for securing any debentures, whether issued or executed before or after the commencement of this Ordinance, shall not be invalid by reason only that thereby the debentures are made irredeemable or redeemable only on the happening of a contingency, however remote, or on the expiration of a period however long.

Power to re-issue redeemed debentures in certain cases.

127. (1) Where either before or after the commencement of this Ordinance a company has redeemed any debentures previously issued, the company, unless the articles or conditions of issue expressly otherwise provide, or unless the debentures have been redeemed in pursuance of any obligation of the company so to do (not being an obligation enforceable only by the person to whom the redeemed debentures were issued or his assigns) shall have power, and shall be deemed always to have had power, to keep the debentures alive for the purposes of re-issue, and where a company has purported to exercise such a power the company shall have power, and shall be deemed always to have had power, to re-issue the debentures either by re-issuing the same debentures or by issuing other debentures in their place, and upon such re-issue the person entitled to the debentures shall have, and shall be deemed always to have had, the same rights and priorities as if the debentures had not previously been issued.

(2) Where with the object of keeping debentures alive for the purpose of re-issue they have, either before or after the commencement of this Ordinance, been transferred to a nominee of the company a transfer from that nominee shall be deemed to be a re-issue for the purposes of this section.

(3) Where a company has, either before or after the commencement of this Ordinance, deposited any of its debentures to secure advances from time to time on current account or otherwise, the debentures shall not be deemed to have been redeemed by reason only of the account of the company having ceased to be in debit whilst the debentures remained so deposited.

(4) The re-issue of a debenture or the issue of another debenture in its place under the power by this section given to, or deemed to have been possessed by, a company, whether the re-issue or issue was made before or after the commencement of this Ordinance, shall be treated as the issue of a new debenture for the issue purposes of stamp duty, but it shall not be so treated for the purposes of any provision limiting the amount or number of debentures to be issued:

Provided that any person lending money on the security of a debenture re-issued under this section which appears to be duly stamped may give the debenture in evidence in any proceedings for enforcing his security without payment of the stamp-duty or any penalty in respect thereof, unless he had notice or, but for his negligence, might have discovered, that the debenture was not duly stamped, but in any such case the company shall be liable to pay the proper stamp-duty and penalty.

(5) Nothing in this section shall prejudice

(*a*) the operation of any decree or order of a Court of competent jurisdiction pronounced or made before the enactment of this Ordinance, as between the parties to the proceedings in which the decree or order was made, and any appeal from any such decree or order shall be decided as if this Ordinance had not been enacted; or

(*b*) any power to issue debentures in the place of any debentures paid off or otherwise satisfied or extinguished, reserved to a company by its debentures or the securities for the same

Specific performance of contract to subscribe for debentures.

128. A contract with a company to take up and pay for any debentures of the company may be enforced by a decree for specific performance.

Payment of certain debts out of assets subject to floating charge in priority to claims under the charge.

129. (1) Where either a receiver is appointed on behalf of the holders of any debentures of a company secured by a floating charge, or possession is taken by or on behalf of those debenture-holders of any property comprised in or subject to the charge then, if the company is not at the time in course of being wound up, the debts which in every winding up are under the provisions of Part V relating to preferential payments to be paid in priority to all other debts, shall be paid forthwith out of any assets coming to the hands of the receiver or other person taking possession as aforesaid in priority to any claim for principal or interest in respect of the debentures.

(2) The periods of time mentioned in the said provisions of Part V shall be reckoned from the date of the appointment of the receiver or of possession being taken as aforesaid, as the case may be.

(3) Any payments under this section shall be recouped, as far as may be, out of the assets of the company available for payment of general creditors.

STATEMENTS, BOOKS AND ACCOUNTS.

Company to keep proper books of account.

130. Every company shall keep proper books of account in which shall be entered full, true and complete accounts of the affairs and transactions of the company.

Annual balance-sheet.

131. (1) Every company shall, once at least in every year and at intervals of not more than fifteen months, cause the accounts of the company to be balanced and a balance-sheet to be prepared.

(2) The balance-sheet shall be audited by the auditor of the company as hereinafter provided, and the auditor's report shall be attached thereto, or there shall be inserted at the foot thereof a reference to the report, and the report shall be read before the company in general meeting and shall be open to inspection by any member of the company.

(3) Every company other than a private company shall send a copy of such balance-sheet so audited to the registered address of every member of the company at least seven days before the meeting at which it is to be laid before the members of the company, and shall deposit a copy at the registered office of the company for the inspection of the members of the company during a period of at least seven days before that meeting.

(4) If a company makes default in complying with the requirements of this section, it shall be liable to a fine not exceeding one hundred pounds, and every officer of the company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty.

Contents of balance-sheet.

132. (1) The balance-sheet shall contain a summary of the property and assets and of the capital and liabilities of the company giving such particulars as will disclose the general nature of those liabilities and assets and how the value of the fixed assets has been arrived at.

(2) The balance-sheet shall be in the form marked "F" in the Third Schedule or as near thereto as circumstances admit.

Authentication of balance-sheet.

133. (1) Save as provided by sub-section (2) the balance-sheet shall

(i) in the case of a banking company, be signed by the secretary or manager (if any) and, where there are more than three directors of the company, by at least three of those directors and, where there are not more than three directors, by all the directors;

(ii) in the case of any other company, be signed by two directors or, when there are less than two directors, by the sole director and by the secretary or manager (if any) of the company.

(2) When the total number of directors of the company for the time being in the Colony is less than the number of directors whose signatures are required by sub-section (1), then the balance-sheet shall be signed by all the directors for the time being in the Colony or, if there is only one director for the time being in the Colony, by such director, but in such a case there shall be sub-joined to the balance-sheet a statement signed by such directors or director explaining the reason for non-compliance with the provisions of sub-section (1).

(3) If any copy of a balance-sheet which has not been signed as required by this section is issued, circulated or published, the company and every officer of the company who is knowingly a party to the default shall be punishable with fine which may extend to fifty pounds.

Copy of balance-sheet and auditor's report to be forwarded to the registrar.

134. (1) After the balance-sheet has been laid before the company at the general meeting, a copy thereof signed by the manager or secretary of the company shall be filed with the registrar at the same time as the copy of the annual list of members and summary prepared in accordance with the requirements of section 32.

(2) If the general meeting before which a balance-sheet is laid does not adopt the balance-sheet, a statement of that fact and of the reasons therefor shall be annexed to the balance-sheet and to the copy thereof required to be filed with the registrar.

(3) This section shall not apply to a private company.

(4) If a company makes default in complying with the requirements of this section, the company and every officer of the company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty as is provided by section 32 for a default in complying with the provisions of that section.

Right of member of company to copies of the balance-sheet and the auditor's report.

135. Save as otherwise provided in this Ordinance, any member of a company shall be entitled to be furnished with copies of the balance-sheet and the auditor's report at a charge not exceeding fifty cents for every hundred words or fractional part thereof.

Statement to be Published by Insurance and Certain Other Companies.

Certain companies to publish statement in Schedule.

136. (1) Every company being an insurance company or a deposit, provident or benefit society shall, before it commences business, and also on the first Monday in February and the first Tuesday in August in every year during which it carries on business, make a statement in the form marked "G" in the Third Schedule, or as near thereto as circumstances will admit.

(2) A copy of the statement shall be displayed and, until the display of the next following statement, kept displayed in a conspicuous place in the registered office of the company, and in every branch office or place where the business of the company is carried on.

(3) Every member and every creditor of the company shall be entitled to a copy of the statement on payment of a sum not exceeding twenty-five cents.

(4) If a company makes default in complying with the requirements of this section, it shall be liable to a fine not exceeding five pounds for every day during which the default continues; and every officer of the company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty.

(5) For the purposes of this Ordinance a company that carries on the business of insurance in common with any other business or businesses shall be deemed to be an insurance company.

Investigation by the Registrar.

Power of registrar to call for information or explanation.

137. (1) Where the registrar, on perusal of any document which a company is required to submit to him under the provisions of this Ordinance, is of opinion that any information is necessary in order that such document may afford full particulars of the matter to which it purports to relate, he may, by a written order call on the company submitting the document to furnish in writing such information or explanation within such time as he may specify in his order.

(2) On the receipt of an order under sub-section (1), it shall be the duty of all persons who are or have been officers of the company to furnish such information or explanation to the best of their power.

(3) If any such person refuses or neglects to furnish any such information or explanation, he shall be liable to a fine not exceeding five pounds in respect of each offence.

(5) If such information or explanation is not furnished within the specified time, or if after perusal of such information or explanation the registrar is of opinion that the document in question discloses an unsatisfactory state of affairs, or that it does not disclose a full and fair statement of the matters to which it purports to relate, the registrar shall report in writing the circumstances of the case to the Governor.

Inspection and Audit.

Investigation of affairs of company by inspectors.

138. The Governor in Council may appoint one or more competent inspectors to investigate the affairs of any company and to report thereon in such manner as the Governor in Council may direct

(i) in case of any company other than a banking company having a share capital, on the application of members holding not less than one-tenth of the shares issued;

(ii) in the case of a company not having a share capital, on the application of not less than one-fifth in number of the persons on the company's register of members;

(iii) in the case of any company, on a report by the registrar under section 137, sub-section (5).

Application for inspection to be supported by evidence.

139. An application by members of a company under section 138 shall be supported by such evidence as the Governor in Council may require for the purpose of showing that the applicants have good reason for, and are not actuated by malicious motives in, requiring the investigation; and the Governor in Council may, before appointing an inspector or inspectors, require the applicants to give security for payment of the costs of the inquiry.

Inspection of books and examination of officers.

140. (1) It shall be the duty of all persons who are or have been officers of the company to produce to the inspectors all books and documents in their custody or power relating to the company.

(2) An inspector may examine on oath any such person in relation to its business, and may administer an oath accordingly.

(3) If any person refuses to produce any book or document which under this section it is his duty to produce, or to answer any question relating to the affairs of the company, he shall be liable to a fine not exceeding five pounds in respect of each offence.

Results of examination how dealt with.

141. (1) On the conclusion of the investigation the inspectors shall report their opinion to the Governor, and a copy of the report shall be forwarded by the Governor to the registered office of the company, and a further copy shall, at the request of the applicants for the investigation, be delivered to them.

(2) The report shall be written or printed, as the Governor directs.

(3) All expenses of, and incidental to, the investigation shall be defrayed by the applicants unless the Governor in Council directs the same to be paid by the company, which the Governor in Council is hereby authorised to do.

Power of company to appoint inspectors.

142. (1) A company may by special resolution appoint inspectors to investigate its affairs.

(2) Inspectors so appointed shall have the same powers and duties as inspectors appointed by the Governor in Council, except that, instead of reporting to the Governor in Council, they shall report in such manner and to such persons as the company in general meeting may direct.

(3) All persons who are or have been officers of the company shall incur the like penalties in case of refusal to produce any book or document required to be produced to inspectors so appointed, or to answer any question, as they would have incurred if the inspectors had been appointed by the Governor in Council.

Report of inspectors to be evidence.

143. A copy of the report of any inspectors appointed under this Ordinance authenticated by the seal of the company whose affairs they have investigated, shall be admissible in any legal proceeding as evidence of the opinion of the inspectors in relation to any matter contained in the report.

Qualifications and appointment of auditors.

144. (1) No person shall be appointed as an auditor of any company other than a private company unless he holds a certificate from the Governor entitling him to act as an auditor of companies.

Provided that the Governor in Council may, by notification in the "Gazette," declare that the members of any institution or association specified in such notification shall be entitled to be appointed and to act as auditors of companies throughout the Colony.

(2) The Governor in Council shall, by notification in the "Gazette," make rules providing for the grant of certificates entitling the holders thereof to act as auditors of companies, and may by such rules provide the conditions and restrictions on and subject to which such certificate shall be granted. The holder of such a certificate shall be entitled to act as an auditor of companies throughout the Colony unless such certificate restricts or limits the exercise of the right.

(3) Every company shall at each annual general meeting appoint an auditor or auditors to hold office until the next annual general meeting.

(4) If an appointment of an auditor is not made at an annual general meeting, the Governor in Council may, on the application of any member of the company, appoint an auditor of the company for the current year, and fix the remuneration to be paid to him by the company for his services.

(5) The following persons, that is to say,

(i) a director or officer of the company; and

(ii) a partner of such director or officer; and

(iii) in the case of a company other than a private company, any person in the employment of such director or officer

shall not be appointed auditors of the company.

(6) A person, other than a retiring auditor, shall not be capable of being appointed auditor at an annual general meeting unless notice of an intention to nominate that person to the office of auditor has been given by a member of the company to the company not less than fourteen days before such annual general meeting, and the company shall send a copy of any such notice to the retiring auditor, and shall give notice thereof to its members either by advertisement or in any other mode allowed by the articles not less than seven days before the annual general meeting:

Provided that, if after notice of the intention to nominate an auditor has been given to the company, an annual general meeting is called for a date fourteen days or less after the notice has been given, the requirements of this section as to time in respect of such a notice shall be deemed to have been satisfied, and the notice to be sent or given by the company may, instead of being sent or given within the time required by this section, be sent or given at the same time as the notice of the annual general meeting.

(7) The first auditors of the company may be appointed by the directors before the statutory meeting, and if so appointed shall hold office until the first annual general meeting, unless previously removed by a resolution of the members of the company in general meeting, in which case such members at that meeting may appoint auditors.

(8) The directors may fill any casual vacancy in the office of auditor, but while any such vacancy continues, the surviving or continuing auditor or auditors (if any) may act.

(9) The remuneration of the auditors of a company shall be fixed by the company in general meeting, except that the remuneration of any auditors appointed before the statutory meeting, or to fill any casual vacancy, may be fixed by the directors.

Powers and duties of auditors.

145. (1) Every auditor of a company shall have a right of access at all times to the books and accounts and vouchers of the company, and shall be entitled to require from the directors and officers of the company such information and explanation as may be necessary for the performance of the duties of the auditors.

(2) The auditors shall make a report to the members of the company on the accounts examined by them, and on every balance-sheet laid before the company in general meeting during their tenure of office, and the report shall state

(*a*) whether or not they have obtained all the information and explanations they have required; and

(*b*) whether, in their opinion, the balance-sheet referred to in the report is drawn up in conformity with the law; and

(*c*) whether such balance-sheet exhibits a true and correct view of the state of the company's affairs according to the best of their information and the explanations given to them, and as shown by the books of the company.

(3) In the case of a banking company, if the company has branch banks beyond the limits of the Colony, it shall be sufficient if the auditor is allowed access to such copies of and extracts from the books and accounts of any such branch as have been transmitted to the head office of the company in the Colony.

Rights of preference shareholders, etc., as to receipt and inspection of reports, etc.

146. (1) Holders of preference shares and debentures of a company shall have the same right to receive and inspect the balance-sheets of the company and the reports of the auditors and other reports as is possessed by the holders of ordinary shares in the company.

(2) This section shall not apply to a private company registered before the commencement of this Ordinance.

Carrying on Business with Less than the Legal Minimum of Members.

Liability for carrying on business with fewer than seven or, in the case of a private company, two members.

147. If at any time the number of members of a company is reduced, in the case of a private company, below two, or in the case of any other company, below seven, and it carries on business for more than six months while the number is so reduced, every person who is a member of the company during the time that it so carries on business after those six months and is cognisant of the fact that it is carrying on business with fewer than two members or seven members, as the case may be, shall be severally liable for the payment of the whole debts of the company contracted during that time, and may be sued for the same without joinder in the suit of any other member.

Service and Authentication of Documents.

Service of documents on company.

148. A document may be served on a company by leaving it at, or sending it by registered post to, the registered office of the company.

Service of documents on registrar.

149. A document may be served on the registrar by sending it to him by registered post, or delivering it to him, or leaving it for him at his office.

Authentication of documents.

150. A document or proceeding requiring authentication by a company may be signed by a director, secretary or other authorised officer of the company, and need not be under its common seal.

Tables, Forms and Rules as to Prescribed Matters.

Application and alteration of tables and forms, and power to make rules as to prescribed matters.

151. (1) The forms in the Third Schedule or forms as near thereto as circumstances admit shall be used in all matters to which those forms refer.

(2) The Governor in Council may alter any of the tables and forms in the First Schedule, so that he does not increase the amount of fees payable to the registrar in the said Schedule mentioned, and may alter or add to the forms in the Third Schedule.

(3) Any such table or form, when altered, shall be published in the "Gazette," and on such publication shall have effect as if enacted in this Ordinance, but no alteration made by the Governor in Council in Table "A" in the First Schedule shall affect any company registered before the alteration or repeal, as respects that company, of any portion of that table.

(4) In addition to the powers hereinbefore conferred by this section, the Governor in Council may make rules providing for all or any matters which by this Ordinance are to be prescribed by his authority.

(5) Every such rule shall be published in the "Gazette," and on such publication shall have effect as if enacted in this Ordinance.

Arbitration and Compromise.

Power for companies to refer matters to arbitration.

152. (1) A company may by written agreement refer to arbitration, in accordance with the Arbitration Ordinance, 1913, an existing or future difference between itself and any other company or person.

(2) Companies, parties to the arbitration, may delegate to the arbitrator power to settle any terms or to determine any matter capable of being lawfully settled or determined by the companies themselves, or by their directors or other managing body.

(3) The provisions of the Arbitration Ordinance, 1913, shall apply to all arbitrations between companies and persons in pursuance of this Ordinance.

Power to compromise with creditors and members.

153. (1) Where a compromise or arrangement is proposed between a company and its creditors or any class of them, or between the company and its members or any class of them, the Court may, on the application in a summary way of the company or of any creditor or member of the company or, in the case of a company being wound up, of the liquidator, order a meeting of the creditors or class of creditors, or of the members of the company or class of members, as the case may be, to be called, held and conducted in such manner as the Court directs.

(2) If a majority in number representing three-fourths in value of the creditors or class of creditors, or members or class of members, as the case may be, present either in person or by proxy at the meeting, agree to any compromise or arrangement, the compromise or arrangement shall, if sanctioned by the Court, be binding on all the creditors or class of creditors, or on all the members or class of members, as the case may be, and also on the company, or, in the case of a company in the course of being wound up, on the liquidator and contributories of the company.

(3) In this section the expression "company" means any company liable to be wound up under this Ordinance.

CONVERSION OF PRIVATE COMPANY INTO PUBLIC COMPANY.

Conversion of private into public company.

154. (1) A private company may, subject to anything contained in its memorandum or articles, by a special resolution and by filing with the registrar a copy of such resolution and also such a statement in lieu of prospectus as the company, if a public company, would have had to file before allotting any of its shares or debentures, together with such a duly verified declaration as the company, if a public company, would have had to file before commencing business, turn itself into a public company.

(2) Upon the filing of the documents mentioned in subsection (1) the registrar shall record the change in his books relating to the company.

PART V.

WINDING UP.

PRELIMINARY.

Mode of winding up.

155. (1) The winding up of a company may be either

(i) by the Court; or

(ii) voluntary; or

(iii) subject to the supervision of the Court.

(2) The provisions of this Ordinance with respect to winding up apply, unless the contrary appears, to the winding up of a company in any of these modes.

CONTRIBUTORIES.

Liability as contributories of present and past members.

156. (1) In the event of a company being wound up, every present and past member shall, subject to the provisions of this section, be liable to contribute to the assets of the company to an amount sufficient for payment of its debts and liabilities and the costs, charges and expenses of the winding up, and for the adjustment of the rights of the contributories among themselves, with the qualifications following (that is to say):—

(i) a past member shall not be liable to contribute if he has ceased to be a member for one year or upwards before the commencement of the winding up;

(ii) a past member shall not be liable to contribute in respect of any debt or liability of the company contracted after he ceased to be a member;

(iii) a past member shall not be liable to contribute unless it appears to the Court that the existing members are unable to satisfy the contributions required to be made by them in pursuance of this Ordinance;

(iv) in the case of a company limited by shares, no contribution shall be required from any member exceeding the amount (if any) unpaid on the shares in respect to which he is liable as a present or past member;

(v) in the case of a company limited by guarantee, no contribution shall be required from any member exceeding the amount undertaken to be contributed by him to the assets of the company in the event of its being wound up;

(vi) nothing in this Ordinance shall invalidate any provision contained in any policy of insurance or other contract whereby the liability of individual members on the policy or contract is restricted, or whereby the funds of the company are alone made liable in respect of the policy or contract;

(vii) a sum due to any member of a company in his character of a member, by way of dividends, profits or otherwise, shall not be deemed to be a debt of the company payable to that member in a case of competition between himself and any other creditor not a member of the company; but any such sum may be taken into account for the purpose of the final adjustment of the rights of the contributories among themselves.

(2) In the winding up of a company limited by guarantee which has a share capital, every member of the company shall be liable, in addition to the amount undertaken to be contributed by him to the assets of the company in the event of its being wound up, to contribute to the extent of any sums unpaid on any shares held by him.

Liability of directors whose liability is unlimited.

157. In the winding up of a limited company any director or manager whether past or present, whose liability is, in pursuance of this Ordinance, unlimited, shall, in addition to his liability (if any) to contribute as an ordinary member, be liable to make a further contribution as if he were at the commencement of the winding up a member of an unlimited company:

Provided that

(i) a past director or manager shall not be liable to make such further contribution if he has ceased to hold office for a year or upwards before the commencement of the winding up;

(ii) a past director or manager shall not be liable to make such further contribution in respect of any debt or liability of the company contracted after he ceased to hold office;

(iii) subject to the articles a director or manager shall not be liable to make such further contribution unless the Court deems it necessary to require that contribution in order to satisfy the debts and liabilities of the company, and the costs, charges and expenses of the winding up.

Meaning of "contributory."

158. The term "contributory" means every person liable to contribute to the assets of a company in the event of its being wound up, and, in all proceedings for determining and in all proceedings prior to the final determination of the persons who are to be deemed contributories, includes any person alleged to be a contributory.

Nature of liability of contributory.

159. (1) The liability of a contributory shall create a debt accruing due from him at the time when his liability commenced, but payable at the time when calls are made for enforcing the liability.

(2) Any claim founded on the liability of a contributory shall be cognizable only by the Supreme Court.

Contributories in case of death of member.

160. (1) If a contributory dies either before or after he has been placed on the list of contributories, his legal representatives and his heirs shall be liable in due course of administration to contribute to the assets of the company in discharge of his liability and shall be contributories accordingly.

(2) If the legal representatives or heirs make default in paying any money ordered to be paid by them, proceedings may be taken for administering the property of the deceased contributory, whether movable or immovable, or both, and of compelling payment thereout of the money due.

Contributories in case of insolvency of member.

161. If a contributory become bankrupt either before or after he has been placed on the list of contributories, then

(i) his receiver in bankruptcy shall represent him for all the purposes of the winding up, and shall be a contributory accordingly, and may be called on to admit proof against the estate of the insolvent, or otherwise to allow to be paid out of his assets in the due course of law, any money due from the bankrupt in respect of his liability to contribute to the assets of the company; and

(ii) there may be proved against the estate of the bankrupt the estimated value of his liability to future calls as well as calls already made

Circumstances in which company may be wound up by Court.

162. A company may be wound up by the Court

(i) if the company has by special resolution resolved that the company be wound up by the Court:

(ii) if default is made in filing the statutory report or in holding the statutory meeting:

(iii) if the company does not commence its business within a year from its incorporation, or suspends its business for a whole year:

(iv) if the number of members is reduced, in the case of a private company, below two, or, in the case of any other company, below seven:

(v) if the company is unable to pay its debts:

(vi) if the Court is of opinion that it is just and equitable that the company should be wound up.

Company when deemed unable to pay its debts.

163. A company shall be deemed to be unable to pay its debts

(i) if a creditor, by assignment or otherwise, to whom the company is indebted in a sum exceeding fifty pounds then due, has served on the company, by leaving the same at its registered office, a demand under his hand requiring the company to pay the sum so due and the company has for three weeks thereafter neglected to pay the sum, or to secure or compound for it to the reasonable satisfaction of the creditor; or

(ii) if execution or other process issued on a decree or order of any Court in favour of a creditor of the company is returned unsatisfied in whole or in part; or

(iii) if it is proved to the satisfaction of the Court that the company is unable to pay its debts, and, in determining whether a company is unable to pay its debts, the Court shall take into account the contingent and prospective liabilities of the company.

Winding up may be referred to the Resident Magistrate's Court.

164. Where the Supreme Court makes an order for winding up a company under this Ordinance, it may, if it thinks fit, direct all subsequent proceedings to be had in a Resident Magistrate's Court; and thereupon such Resident Magistrate's Court shall, for the purpose of winding up the company, be deemed to be "the Court" within the meaning of this Ordinance, and shall have, for the purposes of such winding up, all the jurisdiction and powers of the Supreme Court.

Transfer of winding up from one Resident Magistrate's Court to another.

165. If during the progress of a winding up in a Resident Magistrate's Court it is made to appear to the Supreme Court that the same could be more conveniently prosecuted in any other Resident Magistrate's Court, the Supreme Court may transfer the same to such other Court, and thereupon the winding up shall proceed in such other Resident Magistrate's Court.

Provisions as to applications for winding up.

166. An application to the Court for the winding up of a company shall be by petition presented, subject to the provisions of this section, either by the company or by any creditor or creditors (including any contingent or prospective creditor or creditors), contributory or contributories, or by all or any of those parties, together or separately:

Provided that

(*a*) a contributory shall not be entitled to present a petition for winding up a company unless

(i) either the number of members is reduced, in the case of a private company, below two, or in the case of any other company, below seven; or

(ii) the shares in respect of which he is a contributory or some of them either were originally allotted to him or have been held by him, and registered in his name, for at least six months during the eighteen months before the commencement of the winding up, or have devolved on him through the death of a former holder;

(*b*) a petition for winding up a company on the ground of default in filing the statutory report or in holding the statutory meeting shall not be presented by any person except a shareholder, nor before the expiration of fourteen days after the last day on which the meeting ought to have been held;

(c) the Court shall not give a hearing to a petition for winding up a company by a contingent or prospective creditor until such security for costs has been given as the Court thinks reasonable and until a *prima facie* case for winding up has been established to the satisfaction of the Court.

Effect of winding up order.

167. An order for winding up a company shall operate in favour of all the creditors and of all the contributories of the company as if made on the joint petition of a creditor and of a contributory.

Commencement of winding up by Court.

168. A winding up of a company by the Court shall be deemed to commence at the time of the presentation of the petition for the winding up.

Court may grant injunction.

169. The Court may, at any time after the presentation of the petition for winding up a company under this Ordinance, and before making an order for winding up the company, upon the application of the company or of any creditor or contributory of the company, restrain further proceedings in any suit or proceeding against the company, upon such terms as the Court thinks fit.

Powers of Court on hearing petition.

170. (1) On hearing the petition the Court may dismiss it with or without costs, or adjourn the hearing conditionally or unconditionally, or make any interim order or any other order that it deems just, but the Court shall not refuse to make a winding up order on the ground only that the assets of the company have been mortgaged to an amount equal to or in excess of those assets, or that the company has no assets.

(2) Where the petition is presented on the ground of default in filing the statutory report or in holding the statutory meeting, the Court may order the costs to be paid by any persons who, in the opinion of the Court, are responsible for the default.

Suits stayed on winding up order.

171. When a winding up order has been made, no suit or other legal proceeding shall be proceeded with or commenced against the company except by leave of the Court, and subject to such terms as the Court may impose.

Copy of winding up order to be filed with registrar.

172. (1) On the making of a winding up order, it shall be the duty of the company forthwith to file with the registrar a copy of the order, and the petitioner in the winding up proceedings may so file a copy.

(2) On the filing of a copy of a winding up order, the registrar shall make a minute thereof in his books relating to the company, and shall notify in the "Gazette" that such an order has been made.

(3) Such order shall be deemed to be notice of discharge to the servants of the company, except when the business of the company is continued.

Power of Court to stay winding up.

173. The Court may at any time after an order for winding up, on the application of any creditor or contributory, and on proof to the satisfaction of the Court that all proceedings in relation to the winding up ought to be stayed, make an order staying the proceedings, either altogether or for a limited time, on such terms and conditions as the Court thinks fit.

Court may have regard to wishes of creditors or contributories.

174. The Court may, as to all matters relating to a winding up, have regard to the wishes of the creditors or contributories as proved to it by any sufficient evidence.

Official Liquidators.

Appointment of official liquidator.

175. (1) For the purpose of conducting the proceedings in winding up a company and performing such duties in reference thereto as the Court may impose, the Court may appoint a person or persons, to be called an official liquidator or official liquidators.

(2) The Court may make such an appointment provisionally at any time after the presentation of a petition and before the making of an order for winding up.

(3) If more persons than one are appointed to the office of official liquidator, the Court shall declare whether any act by this Ordinance required or authorised to be done by the official liquidator is to be done by all or any one or more of such persons.

(4) The Court may determine whether any, and what, security is to be given by any official liquidator on his appointment.

(5) The acts of an official liquidator shall be valid notwithstanding any defect that may afterwards be discovered in his appointment:

Provided that nothing in this sub-section shall be deemed to give validity to acts done by an official liquidator after his appointment has been shown to be invalid.

(6) A receiver shall not be appointed of assets in the hands of an official liquidator.

Resignations, removals, filling up vacancies and compensation.

176. (1) Any official liquidator may resign or be removed by the Court on due cause shown.

(2) Any vacancy in the office of an official liquidator appointed by the Court shall be filled up by the Court.

(3) There shall be paid to the official liquidator such salary or remuneration, by way of percentage or otherwise, as the Court may direct; and, if more liquidators than one are appointed, such remuneration shall be distributed amongst them in such proportions as the Court directs.

Official liquidator.

177. The official liquidator shall be described by the style of the official liquidator of the particular company in respect of which he is appointed, and not by his individual name.

Custody of company's property.

178. (1) The official liquidator shall take into his custody, or under his control, all the property, effects and actionable claims to which the company is or appears to be entitled.

(2) If no official liquidator is appointed, or during any vacancy in such appointment, all the property of the company shall be deemed to be in the custody of the Court.

Powers of official liquidator.

179. The official liquidator shall have power, with the sanction of the Court, to do the following things:—

(*a*) to institute or defend any suit or prosecution, or other legal proceeding, civil or criminal, in the name and on behalf of the company;

(*b*) to carry on the business of the company so far as may be necessary for the beneficial winding up of the same;

(*c*) to sell the immovable and movable property of the company by public auction or private contract, with power to transfer the whole thereof to any person or company, or to sell the same in parcels;

(*d*) to do all acts and to execute, in the name and on behalf of the company, all deeds, receipts, and other documents, and for that purpose to use, when necessary, the company's seal;

(*e*) to prove, rank and claim in the bankruptcy of any contributory, for any balance against his estate, and to receive dividends in the bankruptcy, in respect of that balance, as a separate debt due from the bankrupt, and rateably with the other separate creditors;

(*f*) to draw, accept, make and endorse any bill of exchange, hundi or promissory note in the name and on behalf of the company, with the same effect with respect to the liability of the company as if the bill, hundi or note had been drawn, accepted, made or endorsed by or on behalf of the company in the course of its business;

(*g*) to raise on the security of the assets of the company any money requisite;

(*h*) to take out, in his official name, letters of administration to any deceased contributory, and to do in his official name any other act necessary for obtaining payment of any money due from a contributory or his estate which cannot be conveniently done in the name of the company; and in all such cases the money due shall, for the purpose of enabling the liquidator to take out the letters of administration to recover the money, be deemed to be due to the liquidator himself:

Provided that nothing herein empowered shall be deemed to affect the rights, duties and privileges of any Administrator General;

(*i*) to do all such other things as may be necessary for winding up the affairs of the company and distributing its assets.

Discretion of official liquidator.

180. The Court may provide by any order that the official liquidator may exercise any of the above powers without the sanction or intervention of the Court, and, where an official liquidator is provisionally appointed, may limit and restrict his powers by the order appointing him.

Provision for legal assistance to official liquidator.

181. The official liquidator may, with the sanction of the Court, appoint an advocate, entitled to appear before the Court to assist him in the performance of his duties:

Provided that, where the official liquidator is an advocate, he shall not appoint his partner, unless the latter consents to act without remuneration.

Official books to be kept by liquidator in winding up.

182. The official liquidator of a company which is being wound up by the Court shall keep, in manner prescribed, proper books in which he shall cause to be made entries or minutes of proceedings at meetings, and of such other matters as may be prescribed, and any creditor or contributory may, subject to the control of the Court, personally or by his agent inspect any such books.

Exercise and control of liquidator's powers.

183. (1) Subject to the provisions of this Ordinance the official liquidator of a company which is being wound up by the Court shall, in the administration of the assets of the Company and in the distribution thereof among its creditors, have regard to any directions that may be given by resolution of the creditors or contributories at any general meeting.

(2) The official liquidator may summon general meetings of the creditors or contributories for the purpose of ascertaining their wishes, and it shall be his duty to summon meetings at such times as the creditors or contributories, by resolution, may direct, or whenever requested in writing to do so by one-tenth in value of the creditors or contributories as the case may be.

(3) The official liquidator may apply to the Court in manner prescribed for directions in relation to any particular matter arising in the winding up.

(4) Subject to the provisions of this Ordinance, the official liquidator shall use his own discretion in the administration of the assets of the company and in the distribution thereof among the creditors.

(5) If any person is aggrieved by any act or decision of the official liquidator, that person may apply to the Court, and the Court may confirm, reverse or modify the act or decision complained of, and make such order as it thinks just in the circumstances.

ORDINARY POWERS OF COURT.

Statement of list of contributories and application of assets.

184. (1) As soon as may be after making a winding up order, the Court shall settle a list of contributories, with power to rectify the register of members in all cases where rectification is required in pursuance of this Ordinance, and shall cause the assets of the company to be collected and applied in discharge of its liabilities.

(2) In settling the list of contributories, the Court shall distinguish between persons who are contributories in their own right and persons who are contributories as being representatives of or liable for the debts of others.

Power to require delivery of property.

185. The Court may, at any time after making a winding up order, require any contributory for the time being settled on the list of contributories and any trustee, receiver, banker, agent, or officer of the company to pay, deliver, surrender or transfer forthwith, or within such time as the Court directs, to the official liquidator any money, property or documents in his hands to which the company is *prima facie* entitled.

Power to order payment of debts by contributory.

186. (1) The Court may, at any time after making a winding up order, make an order on any contributory for the time being settled on the list of contributories to pay, in the manner directed by the order, any money due from him or from the estate of the person whom he represents to the company exclusive of any money payable by him or the estate by virtue of any call in pursuance of this Ordinance.

(2) The Court in making such an order may, in the case of an unlimited company, allow to the contributory by way of set-off any money due to him or to the estate which he represents from the company on any independent dealing or contract with the company, but not any money due to him as a member of the company in respect of any dividend or profit; and may in the case of a limited company, make to any director or manager whose liability is unlimited or to his estate the like allowance:

Provided that in the case of any company, whether limited or unlimited, when all the creditors are paid in full, any money due on any account whatever to a contributory from the company may be allowed to him by way of set-off against any subsequent call.

Power of Court to make calls.

187. (1) The Court may, at any time after making a winding up order, and either before or after it has ascertained the sufficiency of the assets of the company, make calls on and order payment thereof by all or any of the contributories for the time being settled on the list of the contributories to the extent of their liability, for payment of any money which the Court considers necessary to satisfy the debts and liabilities of the company, and the costs, charges and expenses of winding up, and for the adjustment of the rights of the contributories among themselves.

(2) In making the call the Court may take into consideration the probability that some of the contributories may partly or wholly fail to pay the call.

Power to order payment into bank.

188. The Court may order any contributory, purchaser or other person from whom money is due to the company to pay the same into a specified bank, or any branch thereof, respectively, to the account of the official liquidator, instead of to the official liquidator, and any such order may be enforced in the same manner as if it had directed payment to the official liquidator.

Regulation of account with Court.

189. All moneys, bills, hundis, notes and other securities paid and delivered into a specified bank or any branch thereof, respectively, in the event of a company being wound up by the Court, shall be subject in all respects to the orders of the Court.

Order on contributory conclusive evidence.

190. (1) An order made by the Court on a contributory shall (subject to any right of appeal) be conclusive evidence that the money, if any, thereby appearing to be due or ordered to be paid is due.

(2) All other pertinent matters stated in the order shall be taken to be truly stated as against all persons, and in all proceedings whatsoever.

Power to exclude creditors not proving in time.

191. The Court may fix a time or times within which creditors are to prove their debts or claims, or to be excluded from the benefit of any distribution made before those debts are proved.

Adjustment of rights of contributories.

192. The Court shall adjust the rights of the contributories among themselves, and distribute any surplus among the persons entitled thereto.

Power to order costs.

193. The Court may, in the event of the assets being insufficient to satisfy the liabilities, make an order as to the payment out of the assets of the costs, charges and expenses incurred in the winding up in such order of priority as the Court thinks just.

Dissolution of company.

194. (1) When the affairs of the company have been completely wound up, the Court shall make an order that the company be dissolved from the date of the order, and the company shall be dissolved accordingly.

(2) The order shall be reported within fifteen days of the making thereof by the official liquidator to the registrar, who shall make in his books a minute of the dissolution of the company.

(3) If the official liquidator makes default in complying with the requirements of this section, he shall be liable to a fine not exceeding five pounds for every day during which he is in default.

Power to summon persons suspected of having property of company.

195. (1) The Court may, after it has made a winding up order, summon before it any officer of the company or person known or suspected to have in his possession any property of the company, or supposed to be indebted to the company, or any person whom the Court deems capable of giving information concerning the trade, dealings, affairs or property of the company.

(2) The Court may examine him on oath concerning the same, either by word of mouth or on written interrogatories, and require him to sign them.

(3) The Court may require him to produce any documents in his custody or power relating to the company; but where he claims any lien on documents produced by him, the production shall be without prejudice to that lien, and the Court shall have jurisdiction in the winding up to determine all questions relating to that lien.

(4) If any person so summoned, after being tendered a reasonable sum for his expenses, refuses to come before the Court at the time appointed, not having a lawful impediment (made known to the Court at the time of its sittings, and allowed by it), the Court may cause him to be apprehended and brought before the Court for examination.

Power to order public examination of promoters, directors, etc.

196. (1) When an order has been made for winding up a company by the Court, and the official liquidator has applied to the Court stating that in his opinion a fraud has been committed by any person in the promotion or formation of the company or by any director or other officer of the company in relation to the company since its formation, the Court may, after consideration of the application, direct that any person who has taken part in the promotion or formation of the company, or has been a director, manager or other officer of the company, shall attend before the Court on a day appointed by the Court for that purpose, and be publicly examined as to the promotion or formation or the conduct of the business of the company, or as to his conduct and dealings as director manager or other officer thereof.

(2) The official liquidator shall take part in the examination, and for that purpose may, if specially authorised by the Court in that behalf, employ such legal assistance as may be sanctioned by the Court.

(3) Any creditor or contributory may also take part in the examination either personally or by any person entitled to appear before the Court.

(4) The Court may put such questions to the person examined as the Court thinks fit.

(5) The person examined shall be examined on oath, and shall answer all questions as the Court may put or allow to be put to him.

(6) A person ordered to be examined under this section may at his own cost employ any person entitled to appear before the Court, who shall be at liberty to put to him such questions as the Court may deem just for the purpose of enabling him to explain or qualify any answers given to him: Provided that if he is, in the opinion of the Court, exculpated from any charges made or suggested against him, the Court may allow him such costs as in its discretion it may think fit.

(7) Notes of the examination shall be taken down in writing, and shall be read over to or by, and signed by, the person examined, and may thereafter be used in evidence against him in civil proceedings, and shall be open to the inspection of any creditor or contributory at all reasonable times.

(8) The Court may, if it thinks fit, adjourn the examination from time to time.

(9) An examination under this section may, if the Court so directs, and subject to any rules in this behalf, be held before any Resident Magistrate or before any officer of the Supreme Court, being an official referee, registrar or deputy registrar, and the powers of the Court under this section as to the conduct of the examination, but not as to costs, may be exercised by the person before whom the examination is held.

197. The Court, at any time either before or after making a winding up order on proof of probable cause for believing that a contributory is about to quit the Colony or otherwise to abscond, or to remove or conceal any of his property, for the purpose of evading payment of calls or of avoiding examination respecting the affairs of the company, may cause the contributory to be arrested and his books and papers and movable property to be seized, and him and them to be safely kept until such time as the Court may order. **Power to arrest absconding contributory.**

198. Any powers by this Ordinance conferred on the Court shall be in addition to, and not in restriction of, any existing powers of instituting proceedings against any contributory or debtor of the company, or the estate of any contributory or debtor, for the recovery of any calls or other sums. **Saving of other proceedings.**

ENFORCEMENT OF AND APPEAL FROM ORDERS.

199. All orders made by a Court under this Ordinance may be enforced in the same manner in which decrees of such Court made in any suit pending therein may be enforced. **Power to enforce orders.**

200. Any order made by a Court for or in the course of the winding up of a company shall be enforced in any place in the Colony. **Order made in any Court to be enforced by other Courts.**

201. Where any order made by one Court is to be enforced by another Court, a certified copy of the order so made shall be produced to the proper officer of the Court required to enforce the same, and the production of such certified copy shall be sufficient evidence of such order having been made; and thereupon the last-mentioned Court shall take the requisite steps in the matter for enforcing the order, in the same manner as if it were the order of the Court enforcing the same. **Mode of dealing with orders to be enforced by other Courts.**

202. Re-hearings of, and appeals from, any order or decision made or given in the matter of the winding up of a company by the Court may be had in the same manner and subject to the same conditions in and subject to which appeals may be had from any order or decision of the Court in cases within its ordinary jurisdiction. **Appeals from orders.**

VOLUNTARY WINDING UP.

203. A company may be wound up voluntarily:— **Circumstances in which company may be wound up voluntarily.**

(1) When the period (if any) fixed for the duration of the company by the articles expires, or the event (if any) occurs, on the occurrence of which the articles provide that the company is to be dissolved and the company in general meeting has passed a resolution requiring the company to be wound up voluntarily;

(2) if the company resolves by special resolution that the company be wound up voluntarily;

(3) if the company resolves by extraordinary resolution to the effect that it cannnot by reason of its liabilities continue its business, and that it is advisable to wind up.

204. A voluntary winding up shall be deemed to commence at the time of the passing of the resolution authorising the winding up. **Commencement of voluntary winding up.**

205. When a company is wound up voluntarily, the company shall, from the commencement of the winding up, cease to carry on its business, except so far as may be required for the beneficial winding up thereof: **Effect of voluntary winding up on status of company.**

Provided that the corporate state and corporate powers of the company shall, notwithstanding anything to the contrary in its articles, continue until it is dissolved.

206. (1) Notice of any special resolution or extraordinary resolution for winding up a company voluntarily shall be given by the company within ten days of the passing of the same by advertisement in the "Gazette," and also in some newspaper (if any) circulating in the district where the registered office of the company is situate. **Notice of resolution to wind up voluntarily.**

(2) If a company makes default in complying with the requirements of this section it shall be liable to a fine not exceeding five pounds for every day during which the default continues; and every officer of the company who knowingly and wilfully authorises or permits the default shall be liable to a like penalty.

Consequences of voluntarily winding up.

207. The following consequences shall ensue on the voluntary winding up of a company:—

(i) the assets of the company shall be applied in satisfaction of its liabilities in the legal order of their preference and, subject thereto, shall, unless the articles otherwise provide, be distributed among the members according to their rights and interests in the company;

(ii) the company in general meeting shall appoint one or more liquidators for the purpose of winding up the affairs and distributing the assets of the company, and may fix the remuneration to be paid to him or them;

(iii) on the appointment of a liquidator all the powers of the directors shall cease, except so far as the company in general meeting, or the liquidator, sanctions the continuance thereof;

(iv) the liquidator may, without the sanction of the Court, exercise all powers by this Ordinance given to the official liquidator in a winding up by the Court;

(v) the liquidator may exercise the powers of the Court under this Ordinance of settling a list of contributories, and of making calls, and shall pay the debts of the company, and adjust the rights of the contributories among themselves;

(vi) the list of contributories shall be *prima facie* evidence of the liability of the persons named therein to be contributories;

(vii) when several liquidators are appointed, every power hereby given may be exercised by such one or more of them as may be determined by the company at the time of their appointment, or in default of such determination by any number not less than two;

(viii) if from any cause whatever there is no liquidator acting, the Court may, on the application of a contributory, appoint a liquidator; and

(ix) the Court may, on cause shown, remove a liquidator, and appoint another liquidator.

Notice by liquidator of his appointment.

208. (1) The liquidator in a voluntary winding up shall, within twenty-one days after his appointment, file with the registrar a notice of his appointment in the form prescribed.

(2) If the liquidator fails to comply with the requirements of this section, he shall be liable to a fine not exceeding five pounds for every day during which the default continues.

Rights of creditors in a voluntary winding up.

209. (1) Every liquidator appointed by a company in a voluntary winding up shall, within seven days from his appointment, send notice by post to all persons who appear to him to be creditors of the company that a meeting of the creditors of the company will be held on a date, not being less than twenty-one days nor more than one month after his appointment, and at a place and hour, to be specified in the notice, and shall also advertise notice of the meeting once in the "Gazette" and once at least in some newspaper (if any) circulating in the district where the registered office or principal place of business of the company was situate.

(2) At the meeting to be held in pursuance of the foregoing provisions of this section the creditors shall determine whether an application shall be made to the Court for the appointment of any person as liquidator in the place of, or jointly with, the liquidator appointed by the company, and, if the creditors so resolve, an application may be made accordingly to the Court at any time not later than fourteen days after the date of the meeting, by any creditor appointed for the purpose at the meeting:

Provided that the Court may, by order at any time, extend the time for making an application under this sub-section for such period as the Court thinks proper.

(3) On any such application the Court may make an order either for the removal of the liquidator appointed by the company and for the appointment of some other person as liquidator or for the appointment of some other person to act as liquidator jointly with the liquidator appointed by the company, or such other order as, having regard to the interests of the creditors and contributories of the company, may seem just.

(4) The Court shall make such order as to the costs of the application as it may think fit, and, if it is of opinion that, having regard to the interests of the creditors in the liquidation, there were reasonable grounds for the application, may order the costs of the application to be paid out of the assets of the company, notwithstanding that the application is dismissed or otherwise disposed of adversely to the applicant.

Power to fill vacancy in office of liquidator.

210. (1) If a vacancy occurs by death, resignation or otherwise in the office of liquidator appointed by the company in a voluntary winding up, the company in general meeting may, subject to any arrangement with its creditors, fill the vacancy.

(2) For that purpose a general meeting may be called by any contributory or, if there were more liquidators than one, by the continuing liquidators.

(3) The meeting shall be held in manner prescribed by the articles, or in such manner as may, on application by any contributory or by the continuing liquidators, be determined by the Court.

Delegation of authority to appoint liquidators.

211. (1) A company about to be, or in course of being, wound up voluntarily may, by extraordinary resolution, delegate to its creditors, or to any committee of them, the power of appointing liquidators or any of them, and of supplying vacancies among the liquidators, or enter into any arrangement with respect to the powers to be exercised by the liquidators, and the manner in which they are to be exercised.

(2) Any act done by creditors in pursuance of any such delegated power shall have the same effect as if it had been done by the company.

Arrangement when binding on creditors.

212. (1) Any arrangement entered into between a company about to be, or in the course of being, wound up voluntarily and its creditors shall, subject to any right of appeal under this section, be binding on the company if sanctioned by an extraordinary resolution, and on the creditors if acceded to by three-fourths in number and value of the creditors.

(2) Any creditor or contributory may, within three weeks from the completion of the arrangement, appeal to the Court against it, and the Court may thereupon, as it thinks just, amend, vary or confirm the arrangement.

Power for liquidators to accept shares, etc., as a consideration for sale of property of company.

213. (1) Where a company is proposed to be, or is in course of being, wound up altogether voluntarily, and the whole or part of its business or property is proposed to be transferred or sold to another company (in this section called the transferee company) the liquidator of the first-mentioned company (in this section called the transferor company) may, with the sanction of a special resolution of that company conferring either a general authority on the liquidator or an authority in respect of any particular arrangement, receive, in compensation or part compensation for the transfer or sale, shares, policies or other like interests in the transferee company, for distribution among the members of the transferor company, or may enter into any other arrangement whereby the members of the transferor company may, in lieu of receiving cash, shares, policies or other like interests, or in addition thereto, participate in the profits of, or receive any other benefit from, the transferee company.

(2) Any sale or arrangement in pursuance of this section shall be binding on the members of the transferor company.

(3) If any member of the transferor company who did not vote in favour of the special resolution at either of the meetings held for passing and confirming the same expresses his dissent therefrom in writing addressed to the liquidator, and left at the registered office of the company within seven days after the confirmation of the special resolution, he may require the liquidator either to abstain from carrying the resolution into effect, or to purchase his interest at a price to be determined by agreement or by arbitration in manner hereafter provided.

(4) If the liquidator elects to purchase the member's interest, the purchase-money must be paid before the company is dissolved, and be raised by the liquidator in such manner as may be determined by special resolution.

(5) A special resolution shall not be invalid for the purposes of this section by reason that it is passed before or concurrently with a resolution for winding up the company, or for appointing liquidators; but if an order is made within a year for winding up the company by or subject to the supervision of the Court, the special resolution shall not be valid unless sanctioned by the Court.

Mode of determining price.

214. (1) The price to be paid for the purchase of the interest of any dissentient member may be determined by agreement. If the parties dispute about the same, such dispute shall be settled by arbitration.

(2) The provisions of the Arbitration Ordinance, 1913, shall apply to all arbitrations in pursuance of this section.

Power to apply to Court.

215. (1) Where a company is being wound up voluntarily, the liquidator or any contributory or creditor may apply to the Court to determine any question arising in the winding up, or to exercise as respects the enforcing of calls, or any other matters, all or any of the powers which the Court might exercise if the company were being wound up by the Court.

(2) The Court, if satisfied that the determination of the question or the required exercise of power will be just and beneficial, may accede wholly or partially to the application on such terms and conditions as the Court thinks fit, or may make such other order on the application as the Court thinks just.

Power of liquidator to call general meeting.

216. (1) Where a company is being wound up voluntarily, the liquidator may, from time to time, summon general meetings of the company for the purpose of obtaining the sanction of the company by special or extraordinary resolution, or for any other purposes he may think fit.

(2) In the event of the winding up continuing for more than one year, the liquidator shall summon a general meeting of the company at the end of the first year from the commencement of the winding up, and of each succeeding year, or as soon thereafter as may be convenient and shall lay before the meeting a statement in the prescribed form containing the prescribed particulars with respect to the proceedings in and the position of the liquidation.

Final meeting and dissolution.

217. (1) In the case of every voluntary winding up, as soon as the affairs of the company are fully wound up, the liquidator shall make up an account of the winding up, showing how the winding up has been conducted and the property of the company has been disposed of; and thereupon shall call a general meeting of the company for the purpose of laying before it the account and giving any explanation thereof.

(2) The meeting shall be called by advertisement, specifying the time, place and object thereof, and published one month at least before the meeting in the manner specified in section 206.

(3) Within one week after the meeting, the liquidator shall file with the registrar a return of the holding of the meeting, and of its date, and in default of so doing shall be liable to a fine not exceeding five pounds for every day during which the default continues.

(4) The registrar on the filing of the return shall forthwith register it, and, on the expiration of three months from the registration of the return, the company shall be deemed to be dissolved;

Provided that the Court may, on the application of the liquidator or of any other person who appears to the Court to be interested, make an order deferring the date at which the dissolution of the company is to take effect for such time as the Court thinks fit.

(5) It shall be the duty of the person on whose application an order of the Court under sub-section (4) is made, within twenty-one days after the making of the order, to file with the registrar a certified copy of the order, and if that person fails so to do, he shall be liable to a fine not exceeding five pounds for every day during which the default continues.

218. All costs, charges and expenses properly incurred in the voluntary winding up of a company including the remuneration of the liquidator, shall be payable out of the assets of the company in priority to all other claims at the date of the winding up. **Cost of voluntary liquidation.**

219. The voluntary winding up of a company shall not bar the right of any creditor or contributory to have it wound up by the Court, if the Court is of opinion, in the case of an application by a creditor, that the rights of the creditor or, in the case of an application by a contributory that the rights of the contributories will be prejudiced by a voluntary winding up. **Saving for rights of creditors and contributories.**

220. Where a company is being wound up voluntarily, and an order is made for winding up by the Court, the Court may, if it thinks fit, by the same or any subsequent order, provide for the adoption of all or any of the proceedings in the voluntary winding up. **Power of Court to adopt proceedings of voluntary winding up.**

WINDING UP SUBJECT TO SUPERVISION OF COURT.

221. When a company has by special or extraordinary resolution resolved to wind up voluntarily, the Court may make an order that the voluntary winding up shall continue, but subject to such supervision of the Court, and with such liberty for creditors contributories or others to apply to the Court, and generally on such terms and conditions as the Court thinks just. **Power to order winding up subject to supervision.**

222. A petition for the continuance of a voluntary winding up subject to the supervision of the Court shall, for the purpose of giving jurisdiction to the Court over suits, be deemed to be a petition for winding up by the Court. **Effect of petition for winding up subject to supervision.**

223. The Court may, in deciding between a winding up by the Court and a winding up subject to supervision, in the appointment of liquidators, and in all other matters relating to the winding up subject to supervision, have regard to the wishes of the creditors or contributories as proved to it by any sufficient evidence. **Court may have regard to wishes of creditors and contributories.**

224. (1) Where an order is made for a winding up subject to supervision, the Court may by the same or any subsequent order appoint any additional liquidator. **Power for Court to appoint or remove liquidators.**

(2) A liquidator appointed by the Court under this section shall have the same powers, be subject to the same obligations, and in all respects stand in the same position as if he had been appointed by the company.

(3) The Court may remove any liquidator so appointed by the Court or any liquidator continued under the supervision order, and fill any vacancy occasioned by the removal, or by death or resignation.

225. (1) Where an order is made for a winding up subject to supervision, the liquidator may, subject to any restrictions imposed by the Court, exercise all his powers, without the sanction or intervention of the Court, in the same manner as if the Company were being wound up altogether voluntarily. **Effect of supervision order.**

(2) Except as provided in sub-section (1), and save for the purposes of section 196, any order made by the Court for a winding up subject to the supervision of the Court shall for all purposes, including the staying of suits and other proceedings, be deemed to be an order of the Court for winding up the company by the Court, and shall confer full authority on the Court to make calls, or to enforce calls made by the liquidators, and to exercise all other powers which it might have exercised if an order had been made for winding up the company altogether by the Court.

(3) In the construction of the provisions whereby the Court is empowered to direct any act or thing to be done to or in favour of the official liquidator, the expression "official liquidator" shall be deemed to mean the liquidator conducting the winding up

Appointment in certain cases of voluntary liquidators to office of official liquidators.

226. Where an order has been made for the winding up of a company subject to supervision, and an order is afterwards made for winding up by the Court, the Court may, by the last-mentioned order or by any subsequent order, appoint the voluntary liquidators or any of them, either provisionally or permanently, and either with or without the addition of any other person, to be official liquidator in the winding up by the Court.

SUPPLEMENTAL PROVISIONS.

Avoidance of transfers, etc., after commencement of winding up.

227. (1) In the case of voluntary winding up every transfer of shares, except transfers made to or with the sanction of the liquidator, and every alteration in the status of the members of the company made after the commencement of the winding up shall be void.

(2) In the case of a winding up by or subject to the supervision of the Court, every disposition of the property (including actionable claims) of the company, and every transfer of shares, or alteration in the status of its members, made after the commencement of the winding up shall, unless the Court otherwise orders, be void.

Debts of all descriptions to be proved.

228. In every winding up (subject in the case of insolvent companies to the application in accordance with the provisions of this Ordinance of the law of bankruptcy) all debts payable on a contingency, and all claims against the company, present or future, certain or contingent, shall be admissible to proof against the company, a just estimate being made, so far as possible, of the value of such debts or claims as may be subject to any contingency or for some other reason do not bear a certain value.

Application of bankruptcy rules in winding up of insolvent companies.

229. In the winding up of an insolvent company the same rules shall prevail and be observed with regard to the respective rights of secured and unsecured creditors and to debts provable and to the valuation of annuities and future and contingent liabilities as are in force for the time being under the law of bankruptcy with respect to the estates of persons adjudged bankrupt; and all persons who in any such case would be entitled to prove for and receive dividends out of the assets of the company may come in under the winding up, and make such claims against the company as they respectively are entitled to by virtue of this section.

Preferential payments.

230. (1) In a winding up there shall be paid in priority to all other debts

(*a*) all taxes, and rates, whether payable to the Crown or to a local authority, due from the company at the date hereinafter mentioned and having become due and payable within the twelve months next before that date;

(*b*) all wages or salary of any clerk or servant in respect of service rendered to the company within the four months next before the said date, not exceeding one hundred pounds for each clerk or servant; and

(*c*) all wages of any labourer or workman, not exceeding fifty pounds for each, whether payable for time or piece-work, in respect of services rendered to the company within the two months next before the said date.

(2) The foregoing debts shall

(*a*) rank equally among themselves and be paid in full, unless the assets are insufficient to meet them, in which case they shall abate in equal proportion; and

(*b*) so far as the assets of the company available for payment of general creditors are insufficient to meet them, have priority over the claims of holders of debentures under any floating charge created by the company, and be paid accordingly out of any property comprised in or subject to that charge.

(3) Subject to the retention of such sums as may be necessary for the costs and expenses of the winding up, the foregoing debts shall be discharged forthwith so far as the assets are sufficient to meet them.

(4) In the event of a landlord or other person distraining or having distrained on any goods or effects of the company within three months next before the date of a winding up order, the debts to which priority is given by this section shall be a first charge on the goods or effects so distrained on, or the proceeds of the sale thereof:

Provided that in respect of any money paid under any such charge the landlord or other person shall have the same rights of priority as the person to whom the payment is made.

(5) The date hereinbefore in this section referred to is

(*a*) in the case of a company ordered to be wound up compulsorily which had not previously commenced to be wound up voluntarily, the date of the winding up order; and

(*b*) in any other case, the date of the commencement of the winding up.

Fraudulent preference

231. (1) Any transfer, mortgage, delivery of goods, payment, execution or other act relating to property which would, if made or done by or against an individual be deemed in his bankruptcy a fraudulent preference, shall, if made or done by or against a company, be deemed, in the event of its being wound up, a fraudulent preference of its creditors, and be invalid accordingly.

(2) For the purposes of this section the presentation of a petition for winding up in the case of a winding up by or subject to the supervision of the Court, and a resolution for winding up in the case of a voluntary winding up, shall be deemed to correspond with the act of bankruptcy in the case of an individual.

(3) Any transfer or assignment by a company of all its property to trustees for the benefit of all its creditors shall be void.

Avoidance of certain attachments, executions, etc.

232. (1) Where any company is being wound up by or subject to the supervision of the Court, any attachment, distress or execution put in force without leave of the Court against the estate or effects of the company after the commencement of the winding up shall be void.

(2) Nothing in this section applies to proceedings by the Government.

Effect of floating charge.

233. Where a company is being wound up a floating charge on the undertaking or property of the company created within three months of the commencement of the winding up shall, unless it is proved that the company immediately after the creation of the charge was solvent, be invalid except to the amount of any cash paid to the company at the time of, or subsequently to, the creation of, and in consideration for, the charge, together with interest on that amount at the rate of five per cent. per annum.

General scheme of liquidation may be sanctioned.

234. (1) The liquidator may, with the sanction of the Court when the company is being wound up by the Court or subject to the supervision of an extraordinary resolution of the company in the case of a voluntary winding up, do the following things or any of them:—

(i) pay any classes of creditors in full;

(ii) make any compromise or arrangement with creditors or persons claiming to be creditors or having or alleging themselves to have any claim, present or future, whereby the company may be rendered liable;

(iii) compromise all calls and liabilities to calls, debts and liabilities capable of resulting in debts, and all claims, present or future, certain or contingent subsisting or supposed to subsist between the company and a contributory or alleged contributory or other debtor or person apprehending liability to the company, and all questions in any way relating to or affecting the assets or the winding up of the company, on such terms as may be agreed, and take any security for the discharge of any such call, debt, liability or claim, and give a complete discharge in respect thereof.

(2) The exercise by the liquidator of the powers of this section shall be subject to the control of the Court, and any creditor or contributory may apply to the Court with respect to any exercise or proposed exercise of any of these powers.

Power of Court to assess damages against delinquent directors, etc.

235. (1) Where, in the course of winding up a company, it appears that any person who has taken part in the formation or promotion of the company, or any past or present director, manager or liquidator, or any officer of the company, has misapplied or retained or become liable or accountable for any money or property of the company, or been guilty of any misfeasance or breach of trust in relation to the company, the Court may, on the application of the liquidator, or of any creditor or contributory, examine into the conduct of the promoter, director, manager, liquidator or officer, and compel him to repay or restore the money or property or any part thereof respectively with interest at such rate as the Court thinks just, or to contribute such sum to the assets of the company by way of compensation in respect of the misapplication, retainer, misfeasance or breach of trust as the Court thinks just.

(2) This section shall apply notwithstanding that the offence is one for which the offender may be criminally responsible.

XV. of 1877.

(3) The Indian Limitation Act, 1877, as applied to the Colony or any Ordinance that may be substituted therefor shall apply to an application under this section as if such application were a suit.

Penalty for falsification of books.

236. If any director, manager, officer or contributory of any company being wound up destroys, mutilates, alters or falsifies or fraudulently secretes any books, papers or securities, or makes, or is privy to the making of, any false or fraudulent entry in any register, book of account or document belonging to the company with intent to defraud or deceive any person, he shall be liable to imprisonment for a term which may extend to seven years, and shall also be liable to a fine.

Prosecution of delinquent directors, etc.

237. (1) If it appears to the Court in the course of a winding up by or subject to the supervision of the Court that any past or present director, manager, officer or member of the company has been guilty of any offence in relation to the company for which he is criminally responsible, the Court may, on the application of any person interested in the winding up, or of its own motion, direct the official liquidator or the liquidator (as the case may be) to prosecute for the offence, and may order the costs and expenses to be paid out of the assets of the company.

(2) If it appears to the liquidator in the course of a voluntary winding up that any past or present director, manager, officer or member of the company has been guilty of any offence in relation to the company for which he is criminally responsible, the liquidator, with the previous sanction of the Court, may prosecute the offender, and all expenses properly incurred by him in the prosecution shall be payable out of the assets of the company in priority to all other liabilities.

Penalty for false evidence.

238. If any person, upon any examination upon oath authorised under this Ordinance, or in any affidavit, deposition or solemn affirmation, in or about the winding up of any company under this Ordinance, or otherwise in or about any matter arising under this Ordinance, intentionally gives false evidence, he shall be liable to imprisonment for a term which may extend to seven years, and shall also be liable to a fine.

Meetings to ascertain wishes of creditors or contributories.

239. (1) Where by this Ordinance the Court is authorised in relation to winding up to have regard to the wishes of creditors or contributories, as proved to it by any sufficient evidence, the Court may, if it thinks fit for the purpose of ascertaining those wishes, direct meetings of the creditors or contributories to be called, held and conducted in such manner as the Court directs, and may appoint a person to act as chairman of any such meeting and to report the result thereof to the Court.

(2) In the case of creditors, regard shall be had to the value of each creditor's debt.

(3) In the case of contributories, regard shall be had to the number of votes conferred on each contributory by the articles.

Documents of company to be evidence.

240. Where any company is being wound up, all documents of the company and of the liquidators shall, as between the contributories of the company, be *prima facie* evidence of the truth of all matters purporting to be therein recorded.

Inspection of documents.

241. After an order for a winding up by or subject to the supervision of the Court, the Court may make such order for inspection by creditors and contributories of the company of its documents as the Court thinks just, and any documents in the possession of the company may be inspected by creditors or contributories accordingly, but not further or otherwise.

Disposal of documents of company.

242. (1) When a company has been wound up and is about to be dissolved, the documents of the company and of the liquidators may be disposed of as follows (that is to say):

(*a*) in the case of a winding up by or subject to the supervision of the Court, in such way as the Court directs;

(*b*) in the case of a voluntary winding up, in such way as the company by extraordinary resolution directs.

(2) After three years from the dissolution of the company, no responsibility shall rest on the company or the liquidators, or any person to whom the custody of the documents has been committed, by reason of the same not being forthcoming to any person claiming to be interested therein.

Power of Court to declare dissolution of company void.

243. (1) Where a company has been dissolved, the Court may, at any time within two years of the date of the dissolution, on an application being made for the purpose by the liquidator of the company or by any other person who appears to the Court to be interested, make an order, upon such terms as the Court thinks fit, declaring the dissolution to have been void, and thereupon such proceedings may be taken as might have been taken if the company had not been dissolved.

(2) It shall be the duty of the person on whose application the order was made, within twenty-one days after the making of the order, to file with the registrar a certified copy of the order, and if that person fails so to do, he shall be liable to a fine not exceeding five pounds for every day during which the default continues.

Information as to pending liquidations.

244. (1) Where a company is being wound up, if the winding up is not concluded within one year after its commencement, the liquidator shall, at such intervals as may be prescribed, until the winding up is concluded, file with the registrar a statement in the prescribed form and containing the prescribed particulars with respect to the proceedings in and position of the liquidation.

(2) Any person stating himself in writing to be a creditor or contributory of the company shall be entitled, by himself or by his agent, at all reasonable times, on payment of the prescribed fee, to inspect the statement, and to receive a copy thereof or extract therefrom; but any person untruthfully so stating himself to be a creditor or contributory shall be deemed to be guilty of an offence under section 182 of the Indian Penal Code, and shall be punishable accordingly on the application of the liquidator. XLV. of 1860.

(3) If a liquidator fails to comply with the requirements of this section, he shall be liable to a fine not exceeding fifty pounds for each day during which the default continues.

Court or person before whom affidavit may be sworn.

245. (1) Any affidavit required to be sworn under the provisions or for the purposes of this Part may be sworn in the Colony, or within the dominions or Protectorates of His Majesty, before any Court, judge or person lawfully authorised to take and receive affidavits, or in any place outside His Majesty's dominions or Protectorates before any of His Majesty's Consuls or Vice-Consuls.

(2) All Courts, Judges, Justices, Commissioners and persons acting judicially in the Colony shall take judicial notice of the seal or stamp or signature (as the case may be) of such Court, Judge, person, Consul or Vice-Consul, attached, appended or subscribed to any such affidavit, or to any other document to be used for the purposes of this Part.

RULES.

Power of High Court to make Rules.

246. (1) The Supreme Court may, from time to time, make rules consistent with this Ordinance and with the law for the time being relating to procedure in civil Courts, concerning the mode of proceedings to be had for winding up a company in such Court and in the Courts subordinate thereto, and for giving effect to the provisions hereinbefore contained as to the reduction of the capital and the sub-division of the shares of a company.

(2) Without prejudice to the generality of the foregoing power, the Supreme Court may by such rules enable or require all or any of the powers and duties conferred and imposed on the Court by this Ordinance, in respect of the matters following, to be exercised or performed by the official liquidator, and subject to the control of the Court, that is to say, the powers and duties of the Court in respect of

(*a*) holding and conducting meetings to ascertain the wishes of creditors and contributories;

(*b*) settling lists of contributories and rectifying the register of members where required, and collecting and applying the assets;

(*c*) requiring delivery of property or documents to the liquidator;

(*d*) making calls;

(*e*) fixing a time within which debts and claims must be proved:

Provided that the official liquidator shall not, without the special leave of the Court, rectify the register of members, and shall not make any call without the special leave of the Court.

REMOVAL OF DEFUNCT COMPANIES FROM REGISTER.

Registrar may strike defunct company off register.

247. (1) Where the registrar has reasonable cause to believe that a company is not carrying on business or in operation, he shall send to the company by post a letter inquiring whether the company is carrying on business or in operation.

(2) If the registrar does not within one month of sending the letter receive any answer thereto, he shall within fourteen days after the expiration of the month send to the company by post a registered letter referring to the first letter, and stating that no answer thereto has been received and that, if an answer is not received to the second letter within one month from the date thereof, a notice will be published in the "Gazette" with a view to striking the name of the company off the register.

(3) If the registrar either receives an answer from the company to the effect that it is not carrying on business or in operation, or does not within one month after sending the second letter receive any answer, he may publish in the "Gazette," and send to the company by post a notice that, at the expiration of three months from the date of that notice, the name of the company mentioned therein will, unless cause is shown to the contrary, be struck off the register and the company will be dissolved.

(4) If, in any case where a company is being wound up, the registrar has reasonable cause to believe either that no liquidator is acting or that the affairs of the company are fully wound up, and the returns required to be made by the liquidator have not been made for a period of six consecutive months after notice by the registrar demanding the returns has been sent by post to the company, or to the liquidator at his last known place of business, the registrar may publish in the "Gazette" and send to the company a like notice as is provided in the last preceding sub-section.

(5) At the expiration of the time mentioned in the notice the registrar may, unless cause is previously shown by the company, strike its name off the register, and shall publish notice thereof in the "Gazette," and, on the publication in the "Gazette" of this notice, the company shall be dissolved:

Provided that the liability (if any) of every director and member of the company shall continue and may be enforced as if the company had not been dissolved.

(6) If a company or any member or creditor thereof feels aggrieved by the company having been struck off the register, the Court, on the application of the company or member or creditor, may, if satisfied that the company was at the time of the striking off carrying on business or in operation, or otherwise that it is just that the company be restored to the register, order the name of the company to be restored to the register, and thereupon the company shall be deemed to have continued in existence as if its name had not been struck off; and the Court may by the order give such directions and make such provisions as seem just for placing the company and all other persons in the same position as nearly as may be as if the name of the company had not been struck off.

(7) A letter or notice under this section may be addressed to the company at its registered office, or, if no office has been registered, to the care of some director, manager or other officer of the company, or, if there is no director, manager or other officer of the company whose name and address are known to the registrar, may be sent to each of the persons who subscribed the memorandum, addressed to him at the address mentioned in the memorandum.

PART VI.

Registration Office and Fees.

Registration offices.

248. (1) For the purposes of the registration of companies under this Ordinance, there shall be an office or offices at such place or places as the Governor in Council thinks fit.

(2) The Governor in Council may appoint such registrars and assistant registrars as he thinks necessary for the registration of companies under this Ordinance, and may make regulations with respect to their duties.

(3) The salaries of the persons appointed under this section shall be fixed by the Governor.

(4) The Governor may direct a seal or seals to be prepared for the authentication of documents required for or connected with the registration of companies.

(5) Any person may inspect the documents kept by the registrar on payment of such fees as may be appointed by the Governor-in-Council, not exceeding fifty cents for each inspection; and any person may require a certificate of the incorporation of any company, or a copy or extract of any other document or any part of any other document, to be certified by the registrar on payment for the certificate, certified copy or extract, of such fees as the Governor in Council may appoint, not exceeding two florins and fifty cents for a certificate of incorporation, and not exceeding twenty-five cents for every hundred words or fractional part thereof required to be copied.

(6) Whenever any act is by this Ordinance directed to be done to or by the registrar it shall, until the Governor in Council otherwise directs, be done to or by the existing registrar of joint-stock companies or in his absence to or by such person as the Governor in Council may for the time being authorise; but, in the event of the Governor in Council altering the constitution of the existing registry offices or any of them, any such act shall be done to or by such officer and at such place with reference to the local situation of the registered offices of the companies to be registered as the Governor in Council may appoint.

Fees.

249. (1) There shall be paid to the registrar in respect of the several matters mentioned in Table "B" in the First Schedule the several fees therein specified, or smaller fees as the Governor in Council may direct.

(2) All fees paid to the registrar in pursuance of this Ordinance shall be accounted for to the Crown.

PART VII.

Application of Ordinance to Companies Formed and Registered Under Former Companies Acts.

Application of Ordinance to companies formed under former Companies Acts.

250. In the application of this Ordinance to existing companies, it shall apply in the same manner in the case of a limited company, other than a company limited by guarantee, as if the company had been formed and registered under this Ordinance as a company limited by shares; in the case of a company limited by guarantee as if the company had been formed and registered under this Ordinance as a company limited by guarantee; and, in the case of a company other than a limited company, as if the company had been formed and registered under this Ordinance as an unlimited company:

Provided that

(1) nothing in Table "A" in the First Schedule shall apply to a company formed and registered under the Indian Companies Act, 1882, as applied to the Colony, VI. of 1882.

(2) reference, express or implied, to the date of registration shall be construed as a reference to the date at which the company was registered under the Indian Companies Act, 1882, as applied to the Colony or as the case may be.

Application of Ordinance to companies registered but not formed under former law.

251. This Ordinance shall apply to every company registered but not formed under the Indian Companies Act, 1882, as applied to the Colony in the same manner as it is hereinafter in this Ordinance declared to apply to companies registered but not formed under this Ordinance.

Reference to date of registration under repealed law.

252. Any reference, express or implied, to the date of registration of a company registered but not formed under the Indian Companies Act, 1882, as applied to the Colony shall be construed as a reference to the date at which the company was registered under the said Act.

PART VIII.

Companies Authorised to Register Under this Ordinance.

Companies capable of being registered.

253. (1) With the exceptions and subject to the provisions mentioned and contained in this section any company formed after the 15th day of June, 1903, whether before or after the commencement of this Ordinance in pursuance of an Act of Parliament or Letters Patent being otherwise duly constituted according to law, and consisting of seven or more members, may at any time register under this Ordinance as an unlimited company or as a company limited by shares, or as a company limited by guarantee; and the registration shall not be invalid by reason that it has taken place with a view to the company being wound up:

(2) Provided as follows:

(*a*) a company having the liability of its members limited by Act of Parliament or by Letters Patent, and not being a joint-stock company as hereinafter defined, shall not register in pursuance of this section;

(*b*) a company having the liability of its members limited by Act of Parliament or by Letters Patent shall not register in pursuance of this section as an unlimited company or as a company limited by guarantee;

(*c*) a company that is not a joint-stock company as hereinafter defined shall not register in pursuance of this section as a company limited by shares;

(*d*) a company shall not register in pursuance of this section without the assent of a majority of such of its members as are present in person or by proxy (in case where proxies are allowed by the articles) at a general meeting summoned for the purpose;

(*e*) where a company not having the liability of its members limited by Act of Parliament or by Letters Patent is about to register as a limited company, the majority required to assent as aforesaid shall consist of not less than three-fourths of the members present in person or by proxy at the meeting;

(*f*) where a company is about to register as a company limited by guarantee, the assent to its being registered shall be accompanied by a resolution declaring that each member undertakes to contribute to the assets of the company, in the event of its being wound up while he is a member, or within one year afterwards, for payment of the debts and liabilities of the company contracted before he ceased to be a member, and of the costs and expenses of winding up, and for the adjustment of the rights of the contributories among themselves such amount as may be required not exceeding a specified amount.

(3) In computing any majority under this section when a poll is demanded, regard shall be had to the number of votes to which each member is entitled according to the articles.

(4) A company registered under the Indian Companies Act, 1882, as applied to the Colony shall not be registered in pursuance of this section.

Definition of "joint-stock company."

254. For the purposes of this Part as far as relates to registration of companies as companies limited by shares, a joint-stock company means a company having a permanent paid-up or nominal share capital of fixed amount divided into shares, also of fixed amount, or held and transferable as stock, or divided and held partly in one way and partly in the other, and formed on the principle of having for its members the holders of those shares or that stock, and no other persons; and such a company, when registered with limited liability under this Ordinance shall be deemed to be a company limited by shares.

Requirements for registration by joint-stock companies.

255. Before the registration in pursuance of this Part of a joint-stock company there shall be delivered to the registrar the following documents (that is to say):—

(1) a list showing the names, addresses and occupations of all persons who on a day named in the list, not being more than six clear days before the day of registration, were members of the company, with the addition of the shares or stock held by them respectively, distinguishing, in cases where the shares are numbered, each share by its number;

(2) a copy of any Act of Parliament, Royal Charter, Letters Patent, deed of settlement, contract of co-partnery or other instrument constituting or regulating the company; and

(3) if the company is intended to be registered as a limited company, a statement specifying the following particulars (that is to say):—

(*a*) the nominal share capital of the company and the number of shares into which it is divided or the amount of stock of which it consists;

(*b*) the number of shares taken and the amount paid on each share;

(*c*) the name of the company, with the addition of the word "Limited" as the last word thereof; and

(d) in the case of a company intended to be registered as a company limited by guarantee, the resolution declaring the amount of the guarantee.

Requirements for registration by other than joint-stock companies.

256. Before the registration in pursuance of this Part of any company not being a joint-stock company, there shall be delivered to the registrar

(1) a list showing the names, addresses and occupations of the directors of the company; and,

(2) a copy of any Act of Parliament, Letters Patent, deed of settlement, contract of co-partnery or other instrument constituting or regulating the company; and

(3) in the case of a company intended to be registered as a company limited by guarantee, a copy of the resolution declaring the amount of the guarantee.

Authentication of statement of existing companies.

257. The list of members and directors and any other particulars relating to the company required to be delivered to the registrar shall be duly verified by a declaration of any two or more directors or other principal officers of the company.

Registrar may require evidence as to nature of company.

258. The registrar may require such evidence as he thinks necessary for the purpose of satisfying himself whether any company proposing to be registered is or is not a joint-stock company as hereinbefore defined.

On registration of banking with limited liability, notice to be given to customers.

259. (1) Where a banking company, which was in existence on the 3rd day of June, 1903, proposes to register as a limited company, it shall at least thirty days before so registering, give notice of its intention so to register to every person who has a banking account with the company, either by delivery of the notice to him, or by posting it to him at, or delivering it at, his last known address.

(2) If the company omits to give the notice required by this section, then as between the company and the person for the time being interested in the account in respect of which the notice ought to have been given, and so far as respects the account down to the time at which notice is given, but not further or otherwise, the certificate of registration with limited liability shall have no operation.

Exemption of certain companies from payment of fees.

260. No fees shall be charged in respect of the registration in pursuance of this Part of a company if it is not registered as a limited company, or if before its registration as a limited company the liability of the shareholders was limited by some Act of Parliament or by Letters Patent.

Addition of "Limited" to name.

261. When a company registers in pursuance of this Part with limited liability, the word "Limited" shall form and be registered as part of its name.

Certificate of registration of existing companies.

262. On compliance with the requirements of this Part with respect to registration, and on payment of such fees, if any, as are payable under Table "B" in the First Schedule, the registrar shall certify under his hand that the company applying for registration is incorporated as a company under this Ordinance, and in the case of a limited company that it is limited, and thereupon the company shall be incorporated, and shall have perpetual succession and a common seal.

Vesting of property on registration.

263. All property, movable and immovable, including all interests and rights in, and out of property, movable and immovable, and including obligations and actionable claims as may belong to or be vested in a company at the date of its registration in pursuance of this Part, shall, on registration, pass to and vest in the company as incorporated under this Ordinance for all the estate and interest of the company therein.

Saving of existing liabilities.

264. The registration of a company in pursuance of this Part shall not affect the rights or liabilities of the company in respect of any debt or obligation incurred or any contract entered into, by, to, with, or on behalf of, the company before registration.

Continuation of existing suits.

265. All suits and other legal proceedings which at the time of the registration of a company in pursuance of this Part are pending by or against the company, or the public officer or any member thereof, may be continued in the same manner as if the registration had not taken place; nevertheless execution shall not issue against the effects of any individual member of the company on any decree or order obtained in any such suit or proceeding; but, in the event of the property and effects of the company being insufficient to satisfy the decree or order, an order may be obtained for winding up the company.

Effect of registration under Ordinance.

266. When a company is registered in pursuance of this Part

(i) all provisions contained in any Act of Parliament, deed of settlement, contract of co-partnery, Letters Patent, or other instrument constituting or regulating the company, including, in the case of a company registered as a company limited by guarantee, the resolution declaring the amount of the guarantee, shall be deemed to be conditions and regulations of the company, in the same manner and with the same incidents as if so much thereof as would, if the company had been formed under this Ordinance, have been required to be inserted in the memorandum, and the residue thereof were contained in registered articles;

(ii) all the provisions of this Ordinance shall apply to the company and the members, contributories and creditors thereof, in the same manner in all respects as if it had been formed under this Ordinance subject as follows (that is to say):—

(*a*) the regulations in Table "A" in the First Schedule shall not apply unless adopted by special resolution;

(*b*) the provisions of this Ordinance relating to the numbering of shares shall not apply to any joint-stock company whose shares are not numbered;

(*c*) subject to the provisions of this section, the company shall not have power to alter any provision contained in any Act of Parliament relating to the company;

(*d*) subject to the provisions of this section, the company shall not have power, without the sanction of the Governor in Council, to alter any provision contained in any Letters Patent relating to the company;

(*e*) the company shall not have power to alter any provision contained in a Royal Charter or Letters Patent with respect to the objects of the company;

(*f*) in the event of the company being wound up, every person shall be a contributory, in respect of the debts and liabilities of the company contracted before registration, who is liable to pay or contribute to the payment of any debt or liability of the company contracted before registration, or to pay or contribute to the payment of any sum for the adjustment of the rights of the members among themselves in respect of any such debt or liability; or to pay or contribute to the payment of the costs and expenses of winding up the company, so far as relates to such debts or liabilities as aforesaid, and every contributory shall be liable to contribute to the assets of the company, in the course of the winding up, all sums due from him in respect of any such liability as aforesaid; and in the event of the death or insolvency of any contributory, the provisions of this Ordinance with respect to the legal representatives and heirs of deceased contributories, and with reference to the assignees of insolvent contributories, shall apply;

(iii) the provisions of this Ordinance with respect to

(*a*) the registration of an unlimited company as limited;

(*b*) the powers of an unlimited company on registration as a limited company to increase the nominal amount of its share capital and to provide that a portion of its share capital shall not be capable of being called upon except in the event of winding up;

(*c*) the power of a limited company to determine that a portion of its share capital shall not be capable of being called up except in the event of winding up;

shall apply notwithstanding any provisions contained in any Act of Parliament, Royal Charter, deed of settlement, contract of co-partnery, Letters Patent, or other instrument constituting or regulating the company;

(iv) nothing in this section shall authorise the company to alter any such provisions contained in any deed of settlement, contract of co-partnery, Letters Patent or other instrument constituting or regulating the company, as would, if the company had originally been formed under this Ordinance, have been required to be contained in the memorandum and are not authorised to be altered by this Ordinance;

(v) nothing in this Ordinance shall derogate from any lawful power of altering its constitution or regulations which may by virtue of any Act of Parliament, deed of settlement, contract of co-partnery, Letters Patent or other instrument constituting or regulating the company, be vested in the company.

Power to substitute memorandum and articles for deed of settlement.

267. (1) Subject to the provisions of this section, a company registered in pursuance of this Part may by special resolution alter the form of its constitution by substituting a memorandum and article for a deed of settlement.

(2) The provisions of this Ordinance with respect to confirmation by the Court and registration of an alteration of the objects of a company shall, so far as applicable, apply to an alteration under this section with the following modifications:—

(*a*) there shall be substituted for the printed copy of the altered memorandum required to be filed with the registrar a printed copy of the substituted memorandum and articles; and,

(*b*) on the registration of the alteration being certified by the registrar, the substituted memorandum and articles shall apply to the company in the same manner as if it were a company registered under this Ordinance with that memorandum and those articles, and the company's deed of settlement shall cease to apply to the company.

(3) An alteration under this section may be made either with or without any alteration of the objects of the company under this Ordinance.

(4) In this section the expression "deed of settlement" includes any contract of co-partnery or other instrument constituting or regulating the company, not being an Act of Parliament, a Royal Charter or Letters Patent.

Power of Court to stay or restrain proceedings.

268. The provisions of this Ordinance with respect to staying and restraining suits and legal proceedings against a company at any time after the presentation of a petition for winding up and before the making of a winding up order shall, in the case of a company registered in pursuance of this Part, where the application to stay or restrain is by a creditor, extend to suits and legal proceedings against any contributory of the company.

Suits stayed on winding up order.

269. Where an order has been made for winding up a company registered in pursuance of this Part, no suit or other legal proceeding shall be commenced or proceeded with against the company or any contributory of the company in respect of any debt of the company, except by leave of the Court, and subject to such terms as the Court may impose.

PART IX.

Winding Up of Unregistered Companies.

Meaning of "unregistered company."

270. For the purposes of this Part, the expression "unregistered company" shall not include a railway company incorporated by Act of Parliament or under the Indian Companies Act, 1882, as applied to the Colony or under this Ordinance but, save as aforesaid, shall include any partnership, association or company consisting of more than seven members.

Winding up of unregistered companies.

271. (1) Subject to the provisions of this Part, any unregistered company may be wound up under this Ordinance, and all the provisions of this Ordinance with respect to winding up shall apply to an unregistered company, with the following exceptions and additions:—

(i) no unregistered company shall be wound up under this Ordinance voluntarily or subject to supervision;

(ii) the circumstances in which an unregistered company may be wound up are as follows (that is to say):—

(*a*) if the company is dissolved, or has ceased to carry on business or is carrying on business only for the purpose of winding up its affairs;

(*b*) if the company is unable to pay its debts;

(c) if the Court is of opinion that it is just and equitable that the company should be wound up;

(iii) an unregistered company shall, for the purposes of this Ordinance be deemed to be unable to pay its debts—

(*a*) if a creditor, by assignment or otherwise, to whom the company is indebted in a sum exceeding fifty pounds then due, has served on the company, by leaving at its principal place of business, or by delivering to the secretary, or some director, manager or principal officer of the company, or by otherwise serving in such manner as the Court may approve or direct, a demand under his hand requiring the company to pay the sum so due, and the company has for three weeks after the service of the demand neglected to pay the sum, or to secure or compound for it to the satisfaction of the creditor;

(*b*) if any suit or other legal proceeding has been instituted against any member for any debt or demand due or claimed to be due, from the company or from him in his character of member, and notice in writing of the institution of the suit or other legal proceeding having been served on the company by leaving the same at its principal place of business or by delivering it to the secretary or some director, manager or principal officer of the company or by otherwise serving the same in such manner as the Court may approve or direct, the company has not within ten days after service of the notice paid, secured or compounded for the debt or demand, or procured the suit or other legal proceeding to be stayed, or indemnified the defendant to his reasonable satisfaction against the suit or other legal proceeding, and against all costs, damages and expenses to be incurred by him by reason of the same;

(*c*) if execution or other process issued on a decree or order obtained in any Court in favour of a creditor against the company, or any member thereof as such, or any person authorised to be sued as nominal defendant on behalf of the company, is returned unsatisfied; and

(*d*) if it is otherwise proved to the satisfaction of the Court that the company is unable to pay its debts.

(2) Nothing in this Part shall affect the operation of any enactment which provides for any partnership, association or company being wound up, or being wound up as a company or as an unregistered company, under any enactment repealed by this Ordinance, except that references in any such first-named enactment to any such repealed enactment shall be read as references to the corresponding provision (if any) of this Ordinance.

Contributories in winding up of unregistered companies.

272. (1) In the event of an unregistered company being wound up, every person shall be deemed to be a contributory who is liable to pay or contribute to the payment of any debt or liability of the company, or to pay or contribute to the payment of any sum for the adjustment of the rights of the members among themselves, or to pay or contribute to the payment of the costs and expenses of winding up the company, and every contributory shall be liable to contribute to the assets of the company all sums due from him in respect of any such liability as aforesaid.

(2) In the event of any contributory dying or being adjudged insolvent, the provisions of this Ordinance with respect to the legal representatives and heirs of deceased contributories, and to the assignees of insolvent contributories shall apply.

Power to stay or restrain proceedings.

273. The provisions of this Ordinance with respect to staying and restraining suits and legal proceedings against a company at any time after the presentation of a petition for winding up and before the making of a winding up order shall, in the case of an unregistered company, where the application to stay or restrain is by a creditor, extend to suits and legal proceedings against any contributory of the company.

Suits stayed on winding up order.

274. Where an order has been made for winding up an unregistered company, no suit or other legal proceeding shall be proceeded with or commenced against any contributory of the company in respect of any debt of the company, except by leave of the Court, and subject to such terms as the Court may impose.

Directions as to property in certain cases.

275. If an unregistered company has no power to sue and be sued in a common name, or if for any reason it appears expedient, the Court may by the winding up order, or by any subsequent order, direct that all or any part of the property, movable or immovable, including all interests and rights in, to and out of property, movable and immovable, and including obligations and actionable claims as may belong to the company or to trustees on its behalf, is to vest in the official liquidator by his official name, and thereupon the property or the part thereof specified in the order shall vest accordingly; and the official liquidator may, after giving such indemnity (if any) as the Court may direct, bring or defend in his official name any suit or other legal proceeding relating to that property, or necessary to be brought or defended for the purposes of effectually winding up the company and recovering its property.

Provisions of this Part cumulative.

276. The provisions of this Part with respect to unregistered companies shall be in addition to, and not in restriction of, any provisions hereinbefore in this Ordinance contained with respect to winding up companies by the Court, and the Court or official liquidator may exercise any powers or do any act in the case of unregistered companies which might be exercised or done by it or him in winding up companies formed and registered under this Ordinance; but an unregistered company shall not, except in the event of its being wound up, be deemed to be a company under this Ordinance and then only to the extent provided by this Part.

PART X.

Companies Established Outside the Colony.

Requirements as to companies established outside the Colony.

277. (1) Every company incorporated outside the Colony which at the commencement of this Ordinance has a place of business in the Colony and every such company which after the commencement of this Ordinance establishes such a place of business within the Colony shall, within six months from the commencement of this Ordinance or within one month from the establishment of such place of business, as the case may be, file with the registrar;

(*a*) a certified copy of the charter, statutes or memorandum and articles of the company, or other instrument constituting or defining the constitution of the company, and, if the instrument is not written in the English language, a certified translation thereof;

(*b*) the full address of the registered or principal office of the company;

(*c*) a list of the directors and managers (if any) of the company;

(*d*) the name and addresses of some one or more persons resident in the Colony authorised to accept on behalf of the company service of process and any notices required to be served on the company and, in the event of any alteration being made in any such instrument or in such address or in the directors or managers or in the names or addresses of any such persons as aforesaid, the company shall, within three months of such alteration, file with the registrar a notice of the alteration.

(2) Any process or notice required to be served on the company shall be sufficiently served, if addressed to any person whose name has been so filed as aforesaid and left at or sent by registered post to the address which has been so filed.

(3) Every company to which this section applies shall in every year file with the registrar:—

(i) in a case where by the law, for the time being in force, of the country in which the company is incorporated such company is required to file with the public authority an annual balance-sheet, a copy of that balance-sheet; or

(ii) in a case where no such provision is made by the law, for the time being in force, of the country in which the company is incorporated, such a statement in the form of a balance-sheet as such company would if it were a company formed and registered under this Ordinance, be required to file in accordance with the provisions of this Ordinance:

(4) Every company to which this section applies and which uses the word "Limited" as part of its name, shall

(*a*) in every prospectus inviting subscriptions for its shares or debentures in the Colony state the country in which the company is incorporated; and

(*b*) conspicuously exhibit outside every place where it carries on business in the Colony the name of the company and the country in which the company is incorporated in letters easily legible in English characters; and

(*c*) have the name of the company and of the country in which the company is incorporated mentioned in legible English characters in all bill-heads and letter paper, and in all notices, advertisements and other official publications of the company.

(5) If any company to which this section applies fails to comply with any of the requirements of this section, the company, and every officer or agent of the company, shall be liable to a fine not exceeding fifty pounds or, in the case of a continuing offence, five pounds for every day during which the default continues.

(6) For the purposes of this section

(*a*) the expression "certified" means certified in the prescribed manner to be a true copy or a correct translation;

(*b*) the expression "place of business" includes a share transfer or share registration office;

(*c*) the expression "director" includes any person occupying the position of director, by whatever name called; and

(*d*) the expression "prospectus" means any prospectus, notice, circular, advertisement or other invitation, offering to the public for subscription or purchase any shares or debentures of the company.

(7) There shall be paid to the registrar for registering any document required by this section to be filed with him a fee of two florins fifty cents or such smaller fee as may be prescribed.

PART XI.

FOREIGN INTERESTS AND PARTICULARS AS TO DIRECTORS.

Prohibition of alteration of articles restricting foreign interests in companies except with consent of the Governor in Council.

278. (1) Where any provision in the articles of association of a registered company is designed to restrict or limit, or has the effect of restricting or limiting, the proportion or amount of the capital of the company or of the voting power in the company or of the control upon the Board of Directors of the company which may be held or exercised by or on behalf of aliens, or is otherwise designed to restrict or limit, or has the effect of restricting or limiting the interests or authority of aliens in the company or the control of the company by aliens, an alteration of that provision shall not be of any effect, until it has received the written consent of the Governor-in-Council.

(2) The decision of the Governor-in-Council as to whether an alteration of a provision requires the consent of the Governor-in-Council under this Ordinance or not shall be final and conclusive.

(3) This Ordinance shall apply to any regulations or provisions in the nature of regulations affecting an incorporated company, not being a registered company, which can be altered by the company, in the same manner as it applies to the articles of association of a registered company.

Provisions applicable to certain companies.

279. The following provisions shall apply to every company in whose articles of association is contained any provision such as mentioned in section 278 of this Ordinance:—

(1) A resolution for the voluntary winding up of the company shall be of no effect unless the Governor-in-Council in his discretion authorises or ratifies it by a written consent.

(2) The Court may in its discretion refuse to make a winding up order.

(3) In the exercise of his discretion the Governor-in-Council or the Court as the case may be shall be guided by the consideration whether the winding up is *bona fide* with a view to the discontinuance of the undertaking, or is with a view to continuing the undertaking free from any restrictions or limitations such as are mentioned in section 278 of this Ordinance which are contained in the company's articles of association or any of such restrictions or limitations.

(4) The Governor-in-Council in giving consent or the Court in making a winding up order, as the case may be, may impose such terms or conditions for giving effect to this Ordinance as it thinks fit.

Obligation of companies to disclose particulars respecting directors.

280. In addition to the particulars with respect to the persons who are the directors, or occupy the position of directors, which by section 32 of this Ordinance are required to be included in the annual summary, or, in the case of a company incorporated outside the Colony which establishes a place of business within the Colony, are, by Section 277 of this Ordinance, required to be included amongst the particulars to be filed with the registrar, there shall be included such particulars with respect to those persons as would be required to be furnished with respect to them under the Registration of Business Names Ordinance, 1918, if they were partners in a firm required to be registered under that Ordinance, and the register required to be kept by a company under section 87 of this Ordinance shall include such particulars as aforesaid, and the obligation of the company under that section, or in the case of a company incorporated outside the Colony under section 277 of this Ordinance, from time to time to notify to the registrar any change among its directors shall include an obligation so to notify any change in any such particulars.

Additional obligations of companies.

281. Every company registered before the commencement of this Ordinance, and every company incorporated outside the Colony which has before the commencement of this Ordinance established a place of business within the Colony, shall, within six months after the passing of this Ordinance, and every company registered after the passing of this Ordinance shall, within one month of the registration of the company, send to the registrar in such form as may be prescribed by the registrar such particulars respecting the directors of the company and, except in the case of a company incorporated outside the Colony, respecting the persons who since the registra-

tion of the company have been directors of the company, as would be required to be furnished with respect to them under the Registration of Business Names Ordinance, 1918, if they were partners in a firm required to be registered under that Ordinance, and if default is made in compliance with this section, the company shall be liable on conviction to a fine not exceeding five pounds for every day during which the default continues, and every director, secretary, and officer of the company who is knowingly a party to the default shall be guilty of a like offence and liable to a like penalty.

(2) Sections 20 and 21 of the Registration of Business Names Ordinance, 1918, with respect to the publication in trade catalogues, trade circulars, show cards, and business letters of certain particulars, shall after the expiration of six months from the passing of this Ordinance, apply to every company which has been registered or, in the case of a company incorporated outside the Colony which has established a place of business within the Colony or which may after the passing of this Ordinance be registered or establish a place of business within the Colony, as if the directors of the company were partners in a firm required to be registered under the first mentioned Ordinance:

Provided that if special circumstances exist which render it in the opinion of the Governor-in-Council expedient that such an exemption should be granted, the Governor-in-Council may by order grant, subject to such conditions as may be specified in the order, exemption from the obligations imposed by this subsection.

Meaning of Director.

282. For the purposes of this part and of sections 32, 87, and 277 of this Ordinance, the expression "director" shall include any person in accordance with whose directions or instructions the directors of a company are accustomed to act.

PART XII.

SUPPLEMENTAL.

LEGAL PROCEEDINGS, OFFENCES, ETC.

Cognizance of offences.

283. (1) No Court inferior to that of a Subordinate Court of the first class shall try any offence against this Ordinance.

(2) Notwithstanding anything in the Criminal Procedure Ordinance, 1913, every offence against this Ordinance shall, for the purposes of the said Criminal Procedure Ordinance, 1913, be deemed to be non-cognizable.

Application of fines.

284. The Court imposing any fine under this Ordinance may direct that the whole or any part thereof be applied in or towards payment of the costs of the proceedings, or in or towards the rewarding of the person on whose information the fine is recovered.

Power to require limited company to give security for costs.

285. Where a limited company is plaintiff or petitioner in any suit or other legal proceeding, any Court having jurisdiction in the matter may, if it appears that there is reason to believe that the company will be unable to pay the costs of the defendant if successful in his defence, require sufficient security to be given for those costs, and may stay all proceedings until the security is given.

Power of Court to grant relief in certain cases.

286. If in any proceeding before any Court against a director of a company for negligence or breach of trust it appears to such Court that the director is or may be liable in respect of the negligence or breach of trust, but has acted honestly and reasonably, and ought fairly to be excused for the negligence or breach of trust, that Court may relieve him, either wholly or partly, from his liability on such terms as the Court may think proper.

Penalty for false statement.

287. Whoever in any return, report, certificate, balance-sheet or other document, required by or for the purposes of any of the provisions of this Ordinance wilfully makes a statement false in any material particular, knowing it to be false, shall be punishable with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Penalty for improper use of word "Limited."

288. If any person or persons trade or carry on business under any name or title of which "Limited" is the last word, that person or those persons shall, unless duly incorporated with limited liability, be liable to a fine not exceeding five pounds for every day upon which that name or title has been used.

Saving of pending proceedings for winding up.

289. The provisions of this Ordinance with respect to winding up shall not apply to any company of which the winding up has commenced before the commencement of this Ordinance, but every such company shall be wound up in the same manner and

with the same incidents as if this Ordinance had not been passed, and, for the purposes of the winding up, the Indian Companies Act, 1882, as applied to the Colony shall be deemed to remain in full force.

Saving of document.

290. Every instrument of transfer or other document made before the commencement of this Ordinance in pursuance of any enactment hereby repealed shall be of the same force as if this Ordinance had not been passed, and for the purposes of that instrument or document the repealed enactment shall be deemed to remain in full force.

Former registration office, registers, and registrar continued.

291. (1) The office existing at the commencement of this Ordinance for registration of joint-stock companies shall be continued as if it had been established under this Ordinance.

(2) Registers of companies kept in such existing office shall respectively be deemed part of the registers of companies to be kept under this Ordinance.

(3) The existing registrar and officers in that office shall, during the pleasure of the Governor, hold the office and receive the salaries hitherto held and received by them, but subject to any regulations of the Governor with regard to the execution of their duties.

Saving of Bank Ordinance 1910.

292. Nothing in this Ordinance shall affect the provisions of the Bank Ordinance, 1910.

Repeal of Act and savings.

293. (1) The enactments mentioned in the Fourth Schedule are hereby repealed to the extent specified in the fourth column thereof:

Provided that the repeal shall not affect

(*a*) the incorporation of any company registered under any enactment hereby repealed; nor

(*b*) Table "A" in the First Schedule annexed to the Indian Companies Act, 1882, as applied to the Colony or any part thereof so far as the same applies to any company existing at the commencement of this Ordinance.

(2) All fees directed, resolutions passed and other things duly done under any enactment hereby repealed, shall be deemed to have been directed, passed or done under this Ordinance.

SCHEDULES.

THE FIRST SCHEDULE.

(See Sections 2, 17, 18, 79, 266.)

TABLE "A."

REGULATIONS FOR MANAGEMENT OF A COMPANY LIMITED BY SHARES.

PRELIMINARY.

1. In these regulations, unless the context otherwise requires, expressions defined in the Companies Ordinance, 1918, or any statutory modification thereof in force at the date at which these regulations become binding on the company, shall have the meanings so defined; and words importing the singular shall include the plural, and *vice versa*, and words importing the masculine gender shall include females, and words importing persons shall include bodies corporate.

BUSINESS.

2. The directors shall have regard to the restrictions on the commencement of business imposed by section 103 of the Companies Ordinance, 1918, if, and so far as, those restrictions are binding upon the company.

SHARES.

3. Subject to the provisions, if any, in that behalf of the memorandum of association of the company, and without prejudice to any special rights previously conferred on the holders of existing shares in the company, any share in the company may be issued with such preferred, deferred or other special rights, or such restrictions, whether in regard to dividend, voting, return of share capital, or otherwise, as the company may from time to time by special resolution determine.

4. If at any time the share capital is divided into different classes of shares, the rights attached to any class (unless otherwise provided by the terms of issue of the shares of that class) may be varied with the consent in writing of the holders of three-fourths of the issued shares of that class, or with the sanction of an extraordinary resolution passed at a separate general meeting of the holders of the shares of the class. To every such separate

general meeting the provisions of these regulations relating to general meetings shall *mutatis mutandis* apply, but so that the necessary quorum shall be two persons at least holding or representing by proxy one-third of the issued shares of the class.

5. No share shall be offered to the public for subscription except upon the terms that the amount payable on application shall be at least five per cent. of the nominal amount of the share; and the directors shall, as regards any allotment of shares, duly comply with such of the provisions of sections 101 and 104 of the Companies Ordinance, 1921, as may be applicable thereto.

6. Every person whose name is entered as a member in the register of members shall, without payment, be entitled to a certificate under the common seal of the company specifying the share or shares held by him and the amount paid up thereon: Provided that, in respect of a share or shares held jointly by several persons, the company shall not be bound to issue more than one certificate, and delivery of a certificate for a share to one of several joint-holders shall be sufficient delivery to all.

7. If a share certificate is defaced, lost or destroyed, it may be renewed on payment of such fee, if any, not exceeding fifty cents, and on such terms, if any, as to evidence and indemnity as the directors think fit.

8. No part of the funds of the company shall be employed in the purchase of, or in loans upon the security of, the company's shares.

LIEN.

9. The company shall have a lien on every share (not being a fully-paid share) for all moneys (whether presently payable or not) called or payable at a fixed time in respect of that share, and the company shall also have a lien on all shares (other than fully-paid shares) standing registered in the name of a single person, for all moneys presently payable by him or his estate to the company; but the directors may at any time declare any share to be wholly or in part exempt from the provisions of this clause. The company's lien, if any, on a share shall extend to all dividends payable thereon.

10. The company may sell, in such manner as the director thinks fit, any shares on which the company has a lien, but no sale shall be made unless some sum in respect of which the lien exists is presently payable, nor until the expiration of fourteen days after a notice in writing, stating and demanding payment of such part of the amount in respect of which the lien exists as is presently payable, has been given to the registered holder for the time being of the share, or the person entitled by reason of his death or insolvency to the share.

11. The proceeds of the sale shall be applied in payment of such part of the amount in respect of which the lien exists as is presently payable, and the residue shall (subject to a like lien for sums not presently payable as existed upon the shares prior to the sale) be paid to the person entitled to the shares at the date of the sale. The purchaser shall be registered as the holder of the shares, and he shall not be bound to see to the application of the purchase-money, nor shall his title to the shares be affected by any irregularity or invalidity in the proceedings in reference to the sale.

CALLS ON SHARES.

12. The directors may from time to time make calls upon the members in respect of any moneys unpaid on their shares, provided that no call shall exceed one-fourth of the nominal amount of the share, or be payable at less than one month from the last call; and each member shall (subject to receiving at least fourteen days' notice specifying the time or times of payments) pay to the company at the time or times so specified the amount called on his shares.

13. The joint-holders of a share shall be jointly and severally liable to pay all calls in respect thereof.

14. If a sum called in respect of a share is not paid before or on the day appointed for payment thereof, the person from whom the sum is due shall pay interest upon the sum at the rate of eight per cent. per annum from the day appointed for the payment thereof to the time of the actual payment, but the directors shall be at liberty to waive payment of that interest wholly or in part.

15. The provisions of these regulations as to payment of interest shall apply in the case of non-payment of any sum which, by the terms of issue of a share, becomes payable at a fixed time, whether on account of the amount of the share, or by way of premium, as if the same had become payable by virtue of a call duly made and notified.

16. The directors may make arrangements on the issue of shares for a difference between the holders in the amount of calls to be paid and in the times of payment.

17. The directors may, if they think fit, receive from any member willing to advance the same all or any part of the moneys uncalled and unpaid upon any shares held by him; and upon all or any of the moneys so advanced may (until the same would, but for such advance, become presently payable) pay interest at such rate (not exceeding, without the sanction of the company in general meeting, six per cent.) as may be agreed upon between the member paying the sum in advance and the directors.

Transfer and Transmission of Shares.

18. The instrument of transfer of any share in the company shall be executed both by the transferor and transferee, and the transferor shall be deemed to remain holder of the share until the name of the transferee is entered in the register of members in respect thereof

19. Shares in the company shall be transferred in the following form, or in any usual or common form which the directors shall approve:—

I, A. B. of , in consideration of the sum of florins paid to me by C.D. of (hereinafter called "the said transferee"), do hereby transfer to the said transferee the share (or shares) numbered in the undertaking called the Company, Limited, to hold unto the said transferee, his executors administrators and assigns, subject to the several conditions on which I held the same at the time of the execution thereof, and I, the said transferee, do hereby agree to take the said share (or shares) subject to the conditions aforesaid.

As witness our hands the day of

Witness to the signatures of, etc.

20. The directors may decline to register any transfer of shares, not being fully-paid shares, to a person whom they do not approve, and may also decline to register any transfer of shares on which the company has a lien. The directors may also suspend the registration of transfers during the fourteen days immediately preceding the ordinary general meeting in each year. The directors may decline to recognise any instrument of transfer unless

(*a*) a fee not exceeding one florin is paid to the company in respect thereof; and

(*b*) the instrument of transfer is accompanied by the certificate of the shares to which it relates, and such other evidence as the directors may reasonably require to show the right of the transferor to make the transfer.

21. The executors or administrators of a deceased sole holder of a share shall be the only persons recognised by the company as having any title to the share. In the case of a share registered in the names of two or more holders, the survivors or survivor, or the executors or administrators of the deceased survivor, shall be the only persons recognised by the company as having any title to the share.

22. Any person becoming entitled to a share in consequence of the death or insolvency of a member shall, upon such evidence being produced as may from time to time be required by the directors, have the right, either to be registered as a member in respect of the share or, instead of being registered himself, to make such transfer of the share as the deceased or insolvent person could have made; but the directors shall, in either case, have the same right to decline or suspend registration as they would have had in the case of a transfer of the share by the deceased or insolvent person before the death or insolvency.

23. A person becoming entitled to a share by reason of the death or insolvency of the holder shall be entitled to the same dividends and other advantages to which he would be entitled if he were the registered holder of the share, except that he shall not, before being registered as a member in respect of the share, be entitled in respect of it to exercise any right conferred by membership in relation to meetings of the company.

Forfeiture of Shares.

24. If a member fails to pay any call or instalment of a call on the day appointed thereof, the directors may, at any time thereafter during such time as any part of such call or instalment remains unpaid, serve a notice on him requiring payment of so much of the call or instalment as is unpaid, together with any interest which may have accrued.

25. The notice shall name a further day (not earlier than the expiration of fourteen days, from the date of the notice) on or before which the payment required by the notice is to be made, and shall state that, in the event of non-payment at or before the time appointed, the shares in respect of which the call was made will be liable to be forfeited.

26. If the requirements of any such notice as aforesaid are not complied with, any share in respect of which the notice has been given may at any time thereafter, before the payment required by the notice has been made, be forfeited by a resolution of the directors to that effect.

27. A forfeited share may be sold or otherwise disposed of on such terms and in such manner as the directors think fit, and at any time before a sale or disposition the forfeiture may be cancelled on such terms as the directors think fit.

28. A person whose shares have been forfeited shall cease to be a member in respect of the forfeited shares, but shall, notwithstanding, remain liable to pay to the company all moneys which, at the date of forfeiture, were presently payable by him to the company in respect of the shares, but his liability shall cease if and when the company receive payment in full of the nominal amount of the shares.

29. A duly verified declaration in writing that the declarant is a director of the company; and that a share in the company has been duly forfeited on a date stated in the declaration, shall be conclusive evidence of the facts therein stated as against all persons claiming to be entitled to the share, and that declaration, and the receipt of the company for the consideration, if any, given for the share on the sale or disposition thereof, shall constitute a good title to the share, and the person to whom the share is sold or disposed of shall be registered as the holder of the share and shall not be bound to see to the application of the purchase-money (if any), nor shall his title to the share be affected by any irregularity or invalidity in the proceedings in reference to the forfeiture, sale or disposal of the share.

30. The provisions of these regulations as to forfeiture shall apply in the case of non-payment of any sum which, by the terms of issue of a share, becomes payable at a fixed time, whether on account of the amount of the share, or by way of premium, as if the same had been payable by virtue of a call duly made and notified.

Conversion of Shares into Stock.

31. The directors may, with the sanction of the company previously given in general meeting, convert any paid-up shares into stock, and may with the like sanction re-convert any stock into paid-up shares of any denomination.

32. The holders of stock may transfer the same, or any part thereof, in the same manner, and subject to the same regulations, as, and subject to which, the shares from which the stock arose might previously to conversion have been transferred, or as near thereto as circumstances admit; but the directors may from time to time fix the minimum amount of stock transferable, and restrict or forbid the transfer of fractions of that minimum, but the minimum shall not exceed the nominal amount of the shares from which the stock arose.

33. The holders of stock shall, according to the amount of the stock held by them, have the same rights, privileges and advantages as regards dividends, voting at meetings of the company, and other matters, as if they held the shares from which the stock arose, but no such privilege or advantage (except participation in the dividends and profits of the company) shall be conferred by any such aliquot part of stock as would not, if existing in shares, have conferred that privilege or advantage.

34. Such of the regulations of the company (other than those relating to share-warrants), as are applicable to paid-up shares shall apply to stock, and the words "share" and "shareholder" therein shall include "stock" and "stockholder."

Share-warrants.

35. The company may issue share-warrants, and accordingly the directors may in their discretion, with respect to any share which is fully paid up, on application in writing signed by the person registered as holder of the share, and authenticated by such evidence (if any) as the directors may from time to time require as to the identity of the person signing the request, and on receiving the certificate (if any) of the share, and the amount of the stamp-duty on the warrant and such fee as the directors may from time to time require, issue under the company's seal a warrant, duly stamped, stating that the bearer of the warrant is entitled to the shares therein specified, and may provide by coupons or otherwise for the payment of dividends, or other moneys, on the shares included in the warrant.

36. A share-warrant shall entitle the bearer to the shares included in it, and the share shall be transferred by the delivery of the share-warrant, and the provisions of the regulations of the company with respect to transfer and transmission of shares shall not apply thereto.

37. The bearer of a share-warrant shall, on surrender of the warrant to the company for cancellation, and on payment of such sum as the directors may from time to time prescribe, be entitled to have his name entered as a member in the register of members in respect of the shares included in the warrant.

38. The bearer of a share-warrant may at any time deposit the warrant at the office of the company, and so long as the warrant remains so deposited, the depositor shall have the same right of signing a requisition for calling a meeting of the company, and of attending and voting and exercising the other privileges of a member at any meeting held after the expiration of two clear days from the time of deposit, as if his name were inserted in the register of members as the holder of the shares included in the deposited warrant. Not more than one person shall be recognised as depositor of the share-warrant. The company shall, on two days' written notice, return the deposited share-warrant to the depositor.

39. Subject as herein otherwise expressly provided, no person shall, as bearer of a share-warrant, sign a requisition for calling a meeting of the company, or attend, or vote or exercise any other privilege of a member at a meeting of the company, or be entitled to receive any notices from the company; but the bearer of a share-warrant shall be entitled in all other respects to the same privileges and advantages as if he were named in the register of members as the holder of the shares included in the warrant, and he shall be a member of the company.

40. The directors may from time to time make rules as to the terms on which (if they shall think fit) a new share warrant or coupon may be issued by way of renewal in case of defacement, loss or destruction.

Alteration of Capital.

41. The directors may, with the sanction of an extraordinary resolution of the company, increase the share capital by such sum, to be divided into shares of such amount, as the resolution shall prescribe.

42. Subject to any direction to the contrary that may be given by the resolution sanctioning the increase of share capital, all new shares shall, before issue, be offered to such persons as at the date of the offer are entitled to receive notices from the company of general meetings in proportion, as nearly as the circumstances admit, to the amount of the existing shares to which they are entitled.

The offer shall be made by notice specifying the number of shares offered, and limiting a time within which the offer, if not accepted, will be deemed to be declined, and after the expiration of that time, or on the receipt of an intimation from the person to whom the offer is made that he declines to accept the shares offered, the directors may dispose of the same in such manner as they think most beneficial to the company. The directors may likewise so dispose of any new shares which (by reason of the ratio which the new shares bear to shares held by persons entitled to an offer of new shares) cannot in the opinion of the directors be conveniently offered under this article.

43. The new shares shall be subject to the same provisions with reference to the payment of calls, lien, transfer, transmission, forfeiture and otherwise as the shares in the original share capital.

44. The company may, by special resolution,

(*a*) consolidate and divide its share capital into shares of larger amount than its existing shares;

(*b*) by sub-division of its existing shares or any of them, divide the whole or any part of its share capital into shares of smaller amount than is fixed by the memorandum of association, subject, nevertheless, to the provisions of paragraph (*d*) of sub-section (1) of section 50 of the Companies Ordinance, 1921.

(*c*) cancel any shares which, at the date of the passing of the resolution, have not been taken or agreed to be taken by any person;

(*d*) reduce its share capital in any manner and with, and subject to, any incident authorised, and consent required, by law.

General Meetings.

45. The statutory general meeting of the company shall be held within the period required by section 77 of the Companies Ordinance, 1921.

46. A general meeting shall be held once in every year at such time (not being more than fifteen months after the holding of the last preceding general meeting) and place as may be prescribed by the company in general meeting, or, in default, at such time in the month following that in which the anniversary of the company's incorporation occurs, and at such place as the directors shall appoint. In default of a general meeting being so held, a general meeting shall be held in the month next following, and may be called by any two members in the same manner as nearly as possible as that in which meetings are to be called by the directors.

47. The above mentioned general meetings shall be called ordinary meetings; all other meetings shall be called extraordinary.

48. The directors may, whenever they think fit, call an extraordinary general meeting, and extraordinary general meetings shall also be called on such requisition, or in default, may be called by such requisitionists, as provided by section 78 of the Companies Ordinance, 1921. If at any time there are not within the Colony sufficient directors capable of acting to form a quorum, any director or any two members of the company may call an extraordinary general meeting in the same manner as nearly as possible as that in which meetings may be called by the directors.

PROCEEDINGS AT GENERAL MEETING.

49. Fourteen days' notice at the least (exclusive of the day on which the notice is served or deemed to be served, but inclusive of the day for which notice is given) specifying the place, the day and the hour of meeting and, in case of special business, the general nature of that business, shall be given in manner hereafter mentioned, or in such other manner, if any, as may be prescribed by the company in general meeting, to such persons as are, under the regulations of the company, entitled to receive such notices from the company; but the non-receipt of the notice by any member shall not invalidate the proceedings at any general meeting.

50. All business shall be deemed special that is transacted at an extraordinary meeting, and all that is transacted at an ordinary meeting with the exception of sanctioning a dividend, the consideration of the accounts, balance-sheets, and the ordinary report of the directors and auditors, the election of directors and other officers in the place of those retiring by rotation, and the fixing of the remuneration of the auditors.

51. No business shall be transacted at any general meeting unless a quorum of members is present at the time when the meeting proceeds to business; save as herein otherwise provided, three members personally present shall be a quorum.

52. If within half an hour from the time appointed for the meeting a quorum is not present, the meeting, if called upon the requisition of members, shall be dissolved; in any other case, it shall stand adjourned to the same day in the next week at the same time and place, and, if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting, the members present shall be a quorum.

53. The chairman, if any, of the board of directors shall preside as chairman at every general meeting of the company.

54. If there is no such chairman, or if at any meeting he is not present within fifteen minutes after the time appointed for holding the meeting, or is unwilling to act as chairman, the members present shall choose some one of their number to be chairman.

55. The chairman may, with the consent of any meeting at which a quorum is present (and shall if so directed by the meeting), adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place. When a meeting is adjourned for ten days or more, notice of the adjourned meeting shall be given as in the case of an original meeting. Save as aforesaid, it shall not be necessary to give any notice of an adjournment or of the business to be transacted at an adjourned meeting.

56. At any general meeting a resolution put to the vote of the meeting shall be decided on a show of hands, unless a poll is (before or on the declaration of the result of the show of hands) demanded by any member, and, unless a poll is so demanded, a declaration by the chairman that a resolution has on a show of hands, been carried, or carried unanimously, or by a particular majority or lost, and an entry to that effect in the book of the proceedings of the company shall be conclusive evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.

57. If a poll is duly demanded, it shall be taken in such manner as the chairman directs, and the result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded.

58. In the case of an equality of votes, whether on a show of hands or on a poll, the chairman of the meeting at which the show of hands takes place, or at which the poll is demanded, shall be entitled to a second or casting vote.

59. A poll demanded on the election of a chairman or on a question of adjournment shall be taken forthwith. A poll demanded on any other question shall be taken at such time as the chairman of the meeting directs.

Votes of Members.

60. On a show of hands every member present in person shall have one vote. On a poll every member shall have one vote for each share of which he is the holder.

61. In the case of joint-holders, the vote of the senior who tenders a vote, whether in person or by proxy shall be accepted to the exclusion of the votes of the other joint-holders; and for this purpose seniority shall be determined by the order in which the names stand in the register of members.

62. A member of unsound mind, or in respect of whom an order has been made by any Court having jurisdiction in lunacy, may vote, whether on a show of hands or on a poll, by his committee or other legal guardian, and any such committee or guardian may, on a poll, vote by proxy.

63. No member shall be entitled to vote at any general meeting unless all calls or other sums presently payable by him in respect of shares in the company have been paid.

64. On a poll votes may be given either personally or by proxy: Provided that no company shall vote by proxy as long as a resolution of its directors in accordance with the provisions of section 80 of the Companies Ordinance, 1921, is in force.

65. The instrument appointing a proxy shall be in writing under the hand of the appointor or of his attorney duly authorised in writing, or, if the appointor is a corporation, either under the common seal, or under the hand of an officer or attorney so authorised. No person shall act as a proxy unless either he is entitled on his own behalf to be present and vote at the meeting at which he acts as proxy, or he has been appointed to act at that meeting as proxy for a corporation.

66. The instrument appointing a proxy and the power-of-attorney or other authority (if any), under which it is signed or a notarially certified copy of that power or authority shall be deposited at the registered office of the company not less than seventy-two hours before the time for holding the meeting at which the person named in the instrument proposes to vote, and in default the instrument of proxy shall not be treated as valid.

67. An instrument appointing a proxy may be in the following form, or in any other form which the directors shall approve:

COMPANY, LIMITED.

"I of in the district of , being a member of the Company, Limited, hereby appoint of as my proxy to vote for me and on my behalf at the (ordinary or extraordinary, as the case may be) general meeting of the company to be held on the day of and at any adjournment thereof."

"Signed this day of ."

Directors.

68. The number of the directors and the names of the first directors shall be determined in writing by a majority of the subscribers of the memorandum of association.

69. The remuneration of the directors shall from time to time be determined by the company in general meeting.

70. The qualification of a director shall be the holding of at least one share in the company, and it shall be his duty to comply with the provisions of section 85 of the Companies Ordinance, 1921.

Powers and Duties of Directors.

71. The business of the company shall be managed by the directors, who may pay all expenses incurred in getting up and registering the company, and may exercise all such powers of the company as are not, by the Companies Ordinance, 1921, or any statutory modification thereof for the time being in force, or by these articles, required to be exercised by the company in general meeting, subject nevertheless to any regulation of these articles, to the provisions of the said Ordinance, and to such regulations being not inconsistent with the aforesaid regulations or provisions, as may be prescribed by the company in general meeting; but no regulation made by the company in general meeting shall invalidate any prior act of the directors which would have been valid if that regulation had not been made

72. The directors may from time to time appoint one or more of their body to the office of managing director or manager for such term, and at such remuneration (whether by way of salary, or commission, or participation in profits, or partly in one way and partly in another) as they may think fit, and a director so appointed shall not, while holding that office, be subject to retirement by rotation, or taken into account in determining the rotation of retirement of directors, but his appointment shall be subject to determination *ipso facto* if he ceases from any cause to be a director, or if the company in general meeting resolve that his tenure of the office of managing director or manager be determined.

73. The amount for the time being remaining undischarged of moneys borrowed or raised by the directors for the purposes of the company (otherwise than by the issue of share capital) shall not at any time exceed the issued share capital of the company without the sanction of the company in general meeting.

74. The directors shall duly comply with the provisions of the Companies Ordinance, 1921, or any statutory modification thereof for the time being in force, and in particular with the provisions in regard to the registration of the particulars of mortgages and charges affecting the property of the company or created by it, and to keeping a register of the directors, and to sending to the registrar an annual list of members, and a summary of particulars relating thereto and notice of any consolidation or increase of share capital, or conversion of shares into stock, and copies of special resolutions and a copy of the register of directors and notifications of any changes therein.

75. The directors shall cause minutes to be made in books provided for the purpose

(*a*) of all appointments of officers made by the directors;

(*b*) of the names of the directors present at each meeting of the directors and of any committee of the directors;

(*c*) of all resolutions and proceedings at all meetings of the company, and of the directors, and of committees of directors, and every director present at any meeting of directors or committee of directors shall sign his name in a book to be kept for that purpose.

The Seal.

76. The seal of the company shall not be affixed to any instrument except by the authority of a resolution of the board of directors, and in the presence of at least two directors and of the secretary or such other person as the directors may appoint for the purpose; and those two directors and secretary or other person as aforesaid shall sign every instrument to which the seal of the company is so affixed in their presence.

Disqualification of Directors.

77. The office of director shall be vacated if the director

(*a*) ceases to be a director by virtue of section 85 of the Companies Ordinance, 1921; or

(*b*) holds or any partner of his, or the firm of which he is a member, holds any other office of profit under the company except that of managing director or manager; or

(*c*) is adjudged insolvent; or

(*d*) is found lunatic or become of unsound mind; or

(*e*) is concerned or participates in the profit of any contract with the company; or

(*f*) is punished with imprisonment for a term exceeding six months:

Provided, however, that no director shall vacate his office by reason of his being a member of any company which has entered into contracts with, or done any work for, the company of which he is director; but a director shall not vote in respect of any such contract or work, and if he does so vote, his vote shall not be counted.

ROTATION OF DIRECTORS.

78. At the first ordinary meeting of the company, the whole of the directors shall retire from office, and at the ordinary meeting in every subsequent year, one-third of the directors for the time being or, if their number is not three or a multiple of three, then the number nearest to one-third shall retire from office.

79. The directors to retire in every year shall be those who have been longest in office since their last election, but as between persons who became directors on the same day those to retire shall (unless they otherwise agree among themselves) be determined by lot.

80. A retiring director shall be eligible for re-election.

81. The company at the general meeting at which a director retires in manner aforesaid may fill up the vacated office by electing a person thereto.

82. If at any meeting at which an election of directors ought to take place, the places of the vacating directors are not filled up, the meeting shall stand adjourned till the same day in the next week at the same time and place, and, if at the adjourned meeting the places of the vacating directors are not filled up, the vacating directors or such of them as have not had their places filled up shall be deemed to have been re-elected at the adjourned meeting.

83. The company may from time to time in general meeting increase or reduce the number of directors, and may also determine in what rotation the increased or reduced number is to go out of office.

84. Any casual vacancy occurring on the board of directors may be filled up by the directors, but the person so chosen shall be subject to retirement at the same time as if he had become a director on the day on which the director in whose place he is appointed was last elected a director.

85. The directors shall have power at any time and from time to time to appoint a person as an additional director who shall retire from office at the next following ordinary general meeting, but shall be eligible for election by the company at that meeting as an additional director.

86. The company may by extraordinary resolution remove any director before the expiration of his period of office, and may by an ordinary resolution appoint another person in his stead; the person so appointed shall be subject to retirement at the same time as if he had become a director on the day on which the director in whose place he is appointed was last elected a director.

PROCEEDINGS OF DIRECTORS.

87. The directors may meet together for the despatch of business, adjourn and otherwise regulate their meetings, as they think fit. Questions arising at any meeting shall be decided by a majority of votes. In case of an equality of votes, the chairman shall have a second or casting vote. A director may, and the secretary on the requisition of a director shall, at any time, summon a meeting of directors.

88. The quorum necessary for the transaction of the business of the directors may be fixed by the directors, and unless so fixed shall (when the number of directors exceeds three) be three.

89. The continuing directors may act notwithstanding any vacancy in their body, but, if and so long as their number is reduced below the number fixed by or pursuant to the regulations of the company as the necessary quorum of directors, the continuing directors may act for the purpose of increasing the number of directors to that number, or of summoning a general meeting of the company, but for no other purpose.

90. The directors may elect a chairman of their meetings and determine the period for which he is to hold office; but if no such chairman is elected, or if at any meeting the chairman is not present within five minutes after the time appointed for holding the same, the directors present may choose one of their number to be chairman of the meeting.

91. The directors may delegate any of their powers to committees consisting of such member or members of their body as they think fit; any committee so formed shall, in the exercise of the powers so delegated, conform to any regulations that may be imposed on them by the directors.

92. A committee may elect a chairman of their meetings: if no such chairman is elected, or if at any meeting the chairman is not present within five minutes after the time appointed for holding the same, the members present may choose one of their number to be chairman of the meeting.

93. A committee may meet and adjourn as they think proper. Questions arising at any meeting shall be determined by a majority of votes of the members present, and, in case of an equality of votes, the chairman shall have a second or casting vote.

94. All acts done by any meeting of the directors or of a committee of directors, or by any person acting as a director, shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment of any such directors or persons acting as aforesaid, or that they or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a director.

Dividends and Reserve.

95. The company in general meeting may declare dividends, but no dividends shall exceed the amount recommended by the directors.

96. The directors may from time to time pay to the members such interim dividends as appear to the directors to be justified by the profits of the company

97. No dividends shall be paid otherwise than out of profits.

98. Subject to the rights of persons (if any) entitled to shares with special rights as to dividends, all dividends shall be declared and paid according to the amounts paid on the shares, but if and so long as nothing is paid up on any of the shares in the company, dividends may be declared and paid according to the amounts of the shares. No amount paid on a share in advance of calls shall, while carrying interest, be treated for the purposes of this article as paid on the share.

99. The directors may, before recommending any dividend, set aside out of the profits of the company such sums as they think proper as a reserve or reserves which shall, at the discretion of the directors, be applicable for meeting contingencies, or for equalizing dividends, or for any other purpose to which the profits of the company may be properly applied, and pending such application may, at the like discretion, either be employed in the business of the company or be invested in such investments (other than shares of the company) as the directors may from time to time think fit.

100. If several persons are registered as joint-holders of any share, any one of them may give effectual receipts for any dividend payable on the share.

101. Notice of any dividend that may have been declared shall be given in manner hereafter mentioned to the persons entitled to share therein.

102. No dividend shall bear interest against the company.

Accounts.

103. The directors shall cause true accounts to be kept

(*a*) of the sums of money received and expended by the company, and the matter in respect of which such receipt and expenditure takes place; and

(*b*) of the assets and liabilities of the company.

104. The books of account shall be kept at the registered office of the company, or at such other place or places as the directors think fit, and shall always be open to the inspection of the directors.

105. The directors shall from time to time determine whether and to what extent and at what times and places and under what conditions or regulations the accounts and books of the company or any of them shall be open to the inspection of members not being directors, and no member (not being a director) shall have any right of inspecting any account or book or document of the company except as conferred by law or authorised by the directors or by the company in general meeting.

106. Once at least in every year the directors shall lay before the company in general meeting a profit and loss account for the period since the preceding account or (in the case of the first account) since the incorporation of the company, made up to a date not more than six months before such meeting.

107. The profit and loss account shall show, arranged under the most convenient heads, the amount of gross income, distinguishing the several sources from which it has been derived, and the amount of gross expenditure, distinguishing the expenses of the establishment, salaries and other like matters. Every item of expenditure fairly chargeable against the year's income shall be brought into account, so that a just balance of profit and loss may be laid before the meeting, and, in cases where any item of expenditure which may in fairness be distributed over several years has been incurred in any one year, the whole amount of such item shall be stated, with the addition of the reasons why only a portion of such expenditure is charged against the income of the year.

108. A balance-sheet shall be made out in every year and laid before the company in general meeting up to a date not more than six months before such meeting. The balance-sheet shall be accompanied by a report of the directors as to the state of the company's affairs, and the amount which they recommend to be paid by way of dividend, and the amount (if any) which they propose to carry to a reserve fund.

109. A copy of the balance-sheet and report shall, seven days previously to the meeting, be sent to the persons entitled to receive notices of general meetings in the manner in which notices are to be given hereunder.

110. The directors shall in all respects comply with the provisions of sections 130 to 135 of the Companies Ordinance, 1921, or any statutory modification thereof for the time being in force.

AUDIT.

111. Auditors shall be appointed and their duties regulated in accordance with sections 144 and 145 of the Companies Ordinance, 1921, or any statutory modification thereof for the time being in force.

NOTICES.

112 (1) A notice may be given by the company to any member either personally or by sending it by post to him to his registered address, or (if he has no registered address in the Colony) to the address, if any, within the Colony supplied by him to the company for the giving of notices to him.

(2) Where a notice is sent by post, service of the notice shall be deemed to be effected by properly addressing, prepaying and posting a letter containing the notice and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

113. If a member has no registered address in the Colony and has not supplied to the company an address within the Colony for the giving of notices to him, a notice addressed to him and advertised in a newspaper circulating in the neighbourhood of the registered office of the company shall be deemed to be duly given to him on the day on which the advertisement appears.

114. A notice may be given by the company to the joint-holders of a share by giving the notice to the joint-holder named first in the register in respect of the share.

115. A notice may be given by the company to the persons entitled to a share in consequence of the death or insolvency of a member by sending it through the post in a prepaid letter addressed to them by name, or by the title of representatives of the deceased, or assignee of the insolvent or by any like description, at the address (if any) in the Protectorate supplied for the purpose by the persons claiming to be so entitled, or (until such an address has been so supplied) by giving the notice in any manner in which the same might have been given if the death or insolvency had not occurred.

116. Notice of every general meeting shall be given in some manner hereinbefore authorised to (a) every member of the company (including bearers of share-warrants) except those members who (having no registered address within the Protectorate) have not supplied to the company an address within the Protectorate for the giving of notices to them, and also to (b) every person entitled to a share in consequence of the death or insolvency of a member, who, but for his death or insolvency, would be entitled to receive notice of the meeting. No other persons shall be entitled to receive notices of general meetings.

TABLE "B."

(See Sections 259 and 262.)

TABLE OF FEES TO BE PAID TO THE REGISTRAR.

I.—By a Company Having a Share Capital.

	Fls.	Cts
1. For registration of a company whose nominal share capital does not exceed £2,000, a fee of ...	20	00
2. For registration of a company whose nominal share capital exceeds £2,000, the above fee of twenty florins with the following additional fees regulated according to the amount of nominal capital (that is to say):—		
For every £1,000 of nominal share capital or part of £1,000, after the first £2,000 up to £,5000 ...	10	00
For every £1,000 of nominal share capital, or part of £1,000, after the first £5,000 up to £100,000	2	50
For every £1,000 of nominal share capital, or part of £1,000, after the first £100,000		50
3. For registration of any increase of share capital made after the first registration of the company, the same fees per £1,000 or part of £1,000 as would have been payable if such increased share capital had formed part of the original share capital at the time of registration: Provided that no company shall be liable to pay in respect of nominal share capital on registration, or afterwards, any greater amount of fees than £100 taking into account, in the case of fees payable on an increase of share capital after registration, the fees paid on registration.		
4. For registration of any existing company, except such companies as are by this Ordinance exempted from payment of fees in respect of registration under this Ordinance, the same fee as is charged for registering a new company.		

5. For filing any document by this Ordinance required or authorised to be filed, other than the memorandum or the abstract required to be filed with the registrar by a receiver or the statement required to be filed with the registrar by the liquidator in a winding up 2 50

6. For making a record of any fact by this Ordinance authorised or required to be recorded by the registrar, a fee of 2 50

II.—By a Company Not Having a Share Capital.

1. For registration of a company whose number of members, as stated in the articles of association, does not exceed 20 ... ... 20 00

2. For registration of a company whose number of members, as stated in the articles of association, exceeds 20, but does not exceed 100 ... ... £5

3. For registration of a company whose number of members, as stated in the articles of association, exceeds 100, but is not stated to be unlimited, the above fee of £5 with an additional Fls. 2-50 for every 50 members, or less number than 50 members, after the first 100.

4. For registration of a company in which the number of members is stated in the articles of association to be unlimited, a fee of £20

5. For registration of any increase on the number of members made after the registration of the company, the same fees as would have been payable if such increase had been stated in the articles of association at the time of registration ... ... Fls. 2 50
Provided that no one company shall be liable to pay on the whole a greater fee than £20 in respect of its number of members, taking into account the fee paid on the first registration of the company.

6. For registration of any existing company except such companies as are by this Ordinance exempted from payment of fees in respect of registration under this Ordinance, the same fee as is charged for registering a new company.

7. For filing any document by this Ordinance required or authorised to be filed, other than the memorandum or the abstract required to be filed with the registrar by a receiver or the statement required to be filed with the registrar by the liquidator in a winding up 2 50

8. For making a record of any fact by this Ordinance authorised or required to be recorded by the registrar, a fee of 2 50

THE SECOND SCHEDULE.

(See Section 98).

STATEMENT IN LIEU OF PROSPECTUS.

Filed by

Limited.

pursuant to section 98 of the Companies Ordinance, 1921.

Presented for filing by the Companies Ordinance, 1921.

Limited.

STATEMENT IN LIEU OF PROSPECTUS.

The nominal share capital of the company.	£
Divided into	Share of £ each. " " " " " "
Names, descriptions and addresses of directors or proposed directors and of the managers or proposed managers.	
Minimum subscription (if any) fixed by the memorandum or articles of association on which the company may proceed to allotment.	
Number and amount of shares and debentures agreed to be issued as fully or partly paid up otherwise than in cash.	1. shares of £ fully paid
The consideration for the intended issue of those shares and debentures.	2. shares upon which £ per share credited as paid 3. Debenture £ 4. Consideration.
Names and addresses of (*a*) vendors of property purchased or acquired. (*b*) or proposed to be purchased or acquired by the company. Amount (in cash, shares or debentures) payable to each separate vendor.	
Amount (if any) paid or payable (in cash or shares or debentures) for any such property, specifying amount (if any) paid or payable for goodwill.	Total purchase price £ Cash " Shares " Debentures " Goodwill £
Amount (if any) paid or payable as commission for subscribing or agreeing to subscribe or procuring or agreeing to procure subscriptions for any shares or debentures in the company or Rate of the commission.	Amount paid. " payable. Rate per cent.

(*a*) For definition of vendor, see section 94 of the Companies Ordinance, 1921.

(*b*) See section 95 of the Companies Ordinance, 1921.

THE SECOND SCHEDULE.—*Contd.*

Estimated amount of preliminary expenses.	£
Amount paid or intended to be paid to any promoter. Consideration for the payment.	Name of promoter. Amount £ Consideration:—
Dates of, and parties to every material contract (other than contracts entered into in the ordinary course of the business intended to be carried on by the company or entered into more than two years before the filing of this statement.)	
Time and place at which the contracts or copies thereof may be inspected.	
Names and addresses of the auditors of the company (if any).	
Full particulars of the nature and extent of the interest of every director in the promotion of or in the property proposed to be acquired by the company, or where the interest of such a director consists in being a partner in a firm, the nature and extent of the interest of the firm, with a statement or all sums paid or agreed to be paid to him or to the firm in cash or shares, or otherwise by any person either to induce him to becom or to qualify him as a director, or otherwise for services rendered by him or by the firm in connection with the promotion or formation of the company.	
Whether the articles contain any provisions precluding holders of shares or debentures from receiving and inspecting balance-sheets or reports of the auditors or other reports.	Nature of the provisions.
(Signature of the persons above named as directors or proposed directors, or of their agents authorised in writing).	....

THE THIRD SCHEDULE.

FORM "A."

(See Sections 6 and 151.)

MEMORANDUM OF ASSOCIATION OF A COMPANY LIMITED BY SHARES.

1st.—The name of the company is "The African Steam Packet Company, Limited."

2nd.—The registered office of the company will be situate in the Colony.

3rd.—The objects for which the company is established are "the conveyance of passengers and goods in ships or boats between such places as the company may from time to time determine, and the doing of all such other things as are incidental or conducive to the attainment of the above object."

4th.—The liability of the members is limited.

5th.—The share capital of the company is twenty-thousand pounds, divided into one thousand shares of twenty pounds each.

We, the several persons whose names and addresses are subscribed, are desirous of being formed into a company in pursuance of this memorandum of association, and we respectively agree to take the number of shares in the capital of the company set opposite our respective names.

Names, addresses and descriptions of subscribers.		Number of shares taken by each subscriber.
1. A.B., of	Merchant. ...	200
2. C.D., „	„ ...	25
3. E.F., „	„ ...	30
4. G.H., „	„ ...	40
5. I.J., „	„ ...	15
6. K.L., „	„ ...	5
7. M.N., „	„ ...	10
	Total shares taken ...	325

Dated the day of 19 .

Witness to the above signatures,

X. Y., of

FORM "B."

(See Sections 7 and 151.)

MEMORANDUM AND ARTICLES OF ASSOCIATION OF A COMPANY LIMITED BY GUARANTEE, AND NOT HAVING A SHARE CAPITAL.

MEMORANDUM OF ASSOCIATION.

1st.—The name of the company is "The Mutual Mombasa Marine Association, Limited."

2nd.—The registered office of the company will be situate in Mombasa.

3rd.—The objects for which the company is established are "the mutual assurance of ships belonging to members of the company, and the doing of all such other things as are incidental or conducive to the attainment of the above object."

4th.—The liability of the members is limited.

5th.—Every member of the company undertakes to contribute to the assets of the company in the event of its being wound up while he is a member, or within one year afterwards, for payment of the debts and liabilities of the company contracted before he ceases to be a member, and the costs, charges and expenses of winding up and for the adjustment of the rights of the contributories among themselves, such amount as may be required not exceeding ten pounds.

We, the several persons whose names and addresses are subscribed, are desirous of being formed into a company, in pursuance of this memorandum of association.

NAMES, ADDRESSES AND DESCRIPTIONS OF SUBSCRIBERS.

"1. A. B. of , merchant.
"2. C. D. of ,,
"3. E. F. of ,,
"4. G. H. of ,,
"5. I. J. of ,,
"6. K. L. of ,,
"7. M. N. of ,,

Dated the day of 19 .

Witness to the above signatures—
X. Y. of

ARTICLES OF ASSOCIATION TO ACCOMPANY PRECEDING MEMORANDUM OF ASSOCIATION.

NUMBER OF MEMBERS.

1. The company for the purpose of registration is declared to consist of five hundred members.

2. The directors hereafter mentioned may, whenever the business of the association requires it, register an increase of members.

DEFINITION OF MEMBERS.

3. Every person shall be deemed to have agreed to become a member of the company who insures any ship or share in a ship in pursuance of the regulations hereafter contained.

GENERAL MEETINGS.

4. The first general meeting shall be held at such time, not being less than one month nor more than three months after the incorporation of the company, and at such place, as the directors may determine.

5. A general meeting shall be held once in every year at such time (not being more than fifteen months after the holding of the last preceding general meeting) and place as may be prescribed by the company in general meeting, or, in default, at such time in the month following that in which the anniversary of the company's incorporation occurs, and at such place, as the directors shall appoint. In default of a general meeting being so held, a general meeting shall be held in the month next following, and may be called by any two members in the same manner as nearly as possible as that in which meetings are to be called by the directors.

6. The above-mentioned general meetings shall be called ordinary meetings; all other general meetings shall be called extraordinary.

7. The directors may, whenever they think fit, and shall, on a requisition made in writing by any five or more members, call an extraordinary general meeting.

8. Any requisition made by the members must state the object of the meeting proposed to be called, and must be signed by the requisitionists and deposited at the registered office of the company.

9. On receipt of the requisition the directors shall forthwith proceed to call a general meeting. If they do not proceed to cause a meeting to be held within twenty-one days from the date of the requisition being so deposited, the requisitionists or any other five members may themselves call a meeting.

10. Fourteen days' notice at the least, specifying the place, the day and the hour of meeting, and in case of special business the general nature of the business, shall be given to the members in manner hereafter mentioned or in such other manner (if any) as may be prescribed by the company in general meeting; but the non-receipt of such notice by any member shall not invalidate the proceedings at any general meeting.

11. All business shall be deemed special that is transacted at an extraordinary meeting, and all that is transacted at an ordinary meeting, with the exception of the consideration of the accounts, balance-sheets and the ordinary report of the directors and auditors, the election of directors and other officers in the place of those retiring by rotation, and the fixing of remuneration of the auditors.

12. No business shall be transacted at any meeting except the declaration of a dividend, unless a quorum of members is present at the commencement of the business. The quorum shall be ascertained as follows (that is to say):—If the members of the company at the time of the meeting do not exceed ten in number, the quorum shall be five; if they exceed ten, there shall be added to the above quorum one for every five additional members with this limitation, that no quorum shall in any case exceed ten.

13. If within one hour from the time appointed for the meeting a quorum of members is not present, the meeting, if called on the requisition of the members, shall be dissolved; in any other case it shall stand adjourned to the same day in the following week at the same time and place; and if at such adjourned meeting a quorum of members is not present, it shall be adjourned *sine die*.

14. The chairman (if any) of the directors shall preside as chairman at every general meeting of the company.

15. If there is no such chairman, or if at any meeting he is not present at the time of holding the same, the members present shall choose some one of their number to be chairman of that meeting.

16. The chairman may, with the consent of the meeting, adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

17. At any general meeting, unless a poll is demanded by at least three members, a declaration by the chairman that a resolution has been carried, and an entry to that effect in the book of proceedings of the company, shall be conclusive evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against the resolution.

18. If a poll is demanded in manner aforesaid, the same shall be taken in such manner as the chairman directs, and the result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded.

VOTES OF MEMBERS.

19. Every member shall have one vote and no more.

20. If any member is a lunatic or idiot, he may vote by his committee or other legal guardian.

21. No member shall be entitled to vote at any meeting unless all moneys due from him to the company have been paid.

22. On a poll votes may be given either personally or by proxy: Provided that no company shall vote by proxy as long as a resolution of its directors in accordance with the provisions of section 80 of the Companies Ordinance, 1921, is in force. A proxy shall be appointed in writing under the hand of the appointor, or if such appointor is a corporation, under its common seal.

23. (1) No person shall act as a proxy unless he is a member, or unless he is appointed to act at the meeting as a proxy for a corporation.

(2) The instrument appointing him shall be deposited at the registered office of the company not less than forty-eight hours before the time of holding the meeting at which he proposes to vote.

24. Any instrument appointing a proxy shall be in the following form:—

COMPANY, LIMITED.

I, of being a member of the Company, Limited, hereby appoint of as my proxy, to vote for me and on my behalf at the (ordinary or extraordinary, as the case may be) general meeting of the company to be held on the day of and at any adjournment thereof.

Signed this day of

DIRECTORS.

25. The number of the directors and the names of the first directors shall be determined by the subscribers of the memorandum of association.

26. Until directors are appointed, the subscribers of the memorandum of association shall, for all the purposes of the Companies Ordinance, 1921, be deemed to be directors.

POWERS OF DIRECTORS.

27. The business of the company shall be managed by the directors, who may exercise all such powers of the company as are not by the Companies Ordinance, 1921, or by any statutory modification thereof for the time being in force, or by these articles required to be exercised by the company in general meeting; but no regulation made by the company in general meeting shall invalidate any prior act of the directors which would have

ELECTIONS OF DIRECTORS.

28. The directors shall be elected annually by the company in general meeting.

BUSINESS OF COMPANY.

(Here insert rules as to mode in which business of insurance is to be conducted.)

AUDIT.

29. Auditors shall be appointed and their duties regulated in accordance with sections 144 and 145 of the Companies Ordinance, 1921, or any statutory modification thereof for the time being in force, and for this purpose the said sections shall have effect as if the word "members" were substituted for "shareholders," and as if "first general meeting" were substituted for "statutory been valid if that regulation had not been made.
meeting."

NOTICES.

30. A notice may be given by the company to any member either personally, or by sending it by post to him to his registered address.

31. Where a notice is sent by post, service of the notice shall be deemed to be effected by properly addressing, prepaying and posting a letter containing the notice and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

NAMES, ADDRESSES AND DESCRIPTIONS OF SUBSCRIBERS.

"1. A. B. of , merchant.
"2. C. D. of ,,
"3. E. F. of ,,
"4. G. H. of ,,
"5. I. J. of ,,
"6. K. L. of ,,
"7. M. N. of ,,
Dated the day of 19 .

Witness to the above signatures—

X. Y. of

FORM "C."

(See Sections 7 and 151.)

MEMORANDUM AND ARTICLES OF ASSOCIATION OF A COMPANY LIMITED BY GUARANTEE, AND HAVING A SHARE CAPITAL.

MEMORANDUM OF ASSOCIATION.

1st.—The name of the company is "The Snowy Mountain Hotel Company, Limited."

2nd.—The registered office of the company will be situate in Fort Hall.

3rd.—The objects for which the company is established are "the facilitating travelling on the snowy mountain, by providing hotels and conveyances by sea and by land for the accommodation of travellers, and the doing of all such other things as are incidental or conducive to the attainment of the above object."

4th.—The liability of the members is limited.

5th.—Every member of the company undertakes to contribute to the assets of the company in the event of its being wound up while he is a member, or within one year afterwards, for payment of the debts and liabilities of the company, contracted before he ceases to be a member, and the costs, charges and expenses of winding up the same and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required, not exceeding five pounds.

6th.—The share capital of the company shall consist of fifty thousand pounds, divided into five thousand shares of ten pounds each.

We, the several persons whose names and addresses are subscribed, are desirous of being formed into a company, in pursuance of this memorandum of association, and we respectively agree to take the number of shares in the capital of the company set opposite our respective names.

Names, Addresses and descriptions of subscribers.			Number of shares taken by each subscriber.
1. A.B., of	Merchant.	...	200
2. C.D., „	„	...	25
3. E.F., „	„	...	30
4. G.H., „	„	...	40
5. I.J., „	„	...	15
6. K.L., „	„	...	5
7. M.N., „	„	...	10
	Total shares taken	...	325

Dated the day of 19

Witness to the above signatures—

X. Y. of

ARTICLES OF ASSOCIATION TO ACCOMPANY PRECEDING MEMORANDUM OF ASSOCIATION.

1. The share capital of the company is fifty thousand pounds, divided into five thousand shares of ten pounds each.

2. The directors may, with the sanction of the company in general meeting, reduce the amount of shares in the company.

3. The directors may, with the sanction of the company in general meeting, cancel any shares belonging to the company.

4. All the articles of Table "A" of the Companies Ordinance, 1921, shall be deemed to be incorporated with these articles and to apply to the company

NAMES, ADDRESSES AND DESCRIPTIONS OF SUBSCRIBERS.

"1. A. B. of , merchant.
"2. C. D. of ,,
"3. E. F. of ,,
"4. G. H. of ,,
"5. I. J. of ,,
"6. K. L. of ,,
"7. M. N. of ,,

Dated the day of 19 .

Witness to the above signatures—

X. Y. of

FORM "D."

(See Sections 8 and 151.)

MEMORANDUM AND ARTICLES OF ASSOCIATION OF AN UNLIMITED COMPANY HAVING A SHARE CAPITAL.

MEMORANDUM OF ASSOCIATION.

1st.—The name of the company is "The Patent Stereotype Company."

2nd.—The registered office of the company will be situate in Mombasa.

3rd.—The objects for which the company is established are "the working of a patent method of founding and casting stereotype plates of which method P. Q. of Mombasa is the sole patentee."

We, the several persons whose names are subscribed, are desirous of being formed into a company in pursuance of this memorandum of association, and we respectively agree to take the number of shares in the capital of the company set opposite our respective names.

Names, Addresses and Descriptions of Subscribers.	Number of shares taken by each Subscriber.
"1. A. B.	3
"2. C. D.	2
"3. E. F.	1
"4. G. H.	2
"5. I. J.	2
"6. K. L.	1
"7. M. N.	1
Total shares taken ...	12

Dated the day of 19 .

Witness to the above signatures.

X. Y., of

ARTICLES OF ASSOCIATION TO ACCOMPANY THE PRECEDING MEMORANDUM OF ASSOCIATION.

1. The share capital of the company is two thousand pounds, divided into twenty shares of one hundred pounds each.

2. All the articles of Table "A" of the Companies Ordinance, 1921, shall be deemed to be incorporated with these articles, and to apply to the company.

NAMES, ADDRESSES AND DESCRIPTIONS OF SUBSCRIBERS.

"1. A. B. of , merchant.
"2. C. D. of
"3. E. F. of
"4. G. H. of
"5. I. J. of
"6. K. L. of
"7. M. N. of

Dated the day of 19 .

Witness to the above signatures.

X. Y. of

FORM "E."

AS REQUIRED BY PART II. OF THE ORDINANCE.

(See Section 32.)

Summary of Share Capital and Shares of the Company, Limited, made up to the day of 19 (being the day of the first ordinary general meeting in 19 .)

Nominal share capital £.....divided into* } shares of £ each.

Total number of shares taken up* to the.....day of .....191 . which number must agree with the total shown in the list as held by existing members.

Number of shares issued subject to payment wholly in cash.

Number of shares issued as fully paid up otherwise than in cash.

Number of shares issued as partly paid up to the extent of.....per share otherwise than in cash

* When there are shares of different kinds or amounts (*e.g.* Preference and Ordinary or £20 or £10) state the numbers and nominal values separately.

† There has been called up on each—of shares £

There has been called up on each—of shares £

There has been called up on each—of shares £

‡ Total amount of calls received, including payments on application and allotment. } £

Total amount (if any) agreed to be considered as paid on shares which have been issued as fully paid up otherwise than in cash. } £

Total amount (if any) agreed to be considered as paid on shares which have been issued as partly paid up to the extent of..... .....per share. } £

Total amount of calls unpaid ...£

Total amount (if any) of sums paid by way of commission in respect of shares or debentures or allowed by way of discount since date of last summary. } £

Total amount (if any) paid on § shares forfeited. ...£

Total amount of shares and stock for which share-warrants are outstanding. } £

Total amount of share-warrants issued and surrendered respectively since date of last summary. } £

Number of shares or amount of stock comprised in each share-warrant. }

Total amount of debt due from the company in respect of all mortgages and charges which are required to be registered with the registrar under this Ordinance. } £

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† Where various amounts have been called or there are shares of different kinds, state them separately.

‡ Include what has been received on forfeited as well as on existing shares.

§ State the aggregate number of shares forfeited.

List of Persons holding shares in the Company, Limited, on the day of 19 , and of persons who have held shares herein at any time since the date of the last return, showing their names and addresses and an account of the shares so held.

Folio in register ledger containing particulars.	Names, Addresses and Occupations.			Account of shares.					
	Name in full, (including Father's name in cases of Asiatics and Africans).	Address.	Occupation or caste.	* Number of Shares held by existing Members at Date of Return.	§ Particulars of Shares transferred since the date of the last Return by persons who are still Members.		§ Particular shares transferred since the date of the last Return by persons who have ceased to be Members.		Remarks.
					Number. †	Date of Registration of Transfer.	Number. ‡	Date of Registration of Transfer.	

State the aggregate number of shares forfeited (if any).

* †the aggregate number of shares held, and not the distinctive numbers, must be stated and the column must be added up throughout so as to make one total to agree with that stated in the summary to have been taken up.

‡ When the shares are of different classes, these columns may be subdivided so that the number of each class held or transferred may be shown separately.

§ The date of registration of each transfer should be given as well as the number of shares transferred on each date. The particulars should be placed opposite the name of the transferor and not opposite to that of the transferee, but the name of the transferee may be inserted in the Remarks column immediately opposite the particulars of each transfer.

Names and addresses of the persons who are the Directors of the , Limited, on the day of 19 .

Names.	Addresses.

Name and addresses of the persons who are the managers of the , Limited on the day of 19 .

Names.	Addresses.

NOTE.—Banking companies must add a list of all their places of business.

I, do hereby certify that the above list and summary truly and correctly states the facts as they stood on the day of 191 .

Signature.....

(State whether director, manager or secretary).

FORM "F."

(See Section 132).

.....LIMITED.

Balance sheet as at.....19.....

CAPITAL AND LIABILITIES.	£	Cts.	£	Cts.	PROPERTY AND ASSETS.	£	Cts.	£	Cts.
Capital:—									
Authorised Capital... shares of Fls.....each ...	...	...			Fixed Capital Expenditure ... (Distinguishing as far as possible between expenditure upon goodwill, land, buildings, leaseholds, railway sidings, plant, machinery, furniture, development of property, patents, trade marks and designs, interest paid out of Capital during construction, etc., and stating in every case the original cost and the total Depreciation written off under each head).	...	...	...	...
Issued Capital...shares of Fls.....each ...	...	...							
Subscribed Capital..... shares of Fls.....each ..	..	...							
Amount called up at Fls..... per share...	...	...							
Less calls unpaid ...	...	...							
	...	...							
Add—Forfeited shares (amount paid up.) ...	...	...	...	...					
Reserve Fund or Development Fund ...			...	...	Preliminary expenses...			...	...
Any Sinking Fund..... ..			...	...	Commission or Brokerage ...			...	...
Any other Fund created out of net profits ...			...	...	(Commission or Brokerage paid for underwriting or placing shares or debentures until written off).				
Any Pension or Insurance Fund ...			...	...					
Provision for Bad and Doubtful Debts ...			...	...					
Loans on Mortgage or Mortgage Debenture Bonds ...			...	...	Stores and Spare Gear			...	...
					Loose Tools ...			...	...
					Live Stock ...			...	...
Loans otherwise secured (stating the nature of security) ...			...	...	Stock in Trade ... (Stating mode of valuation, *e.g.*, cost or market-value)			...	...
Loans unsecured ...			...	...					
Interest			...	...	Bills of Exchange ...			...	...
Accrued on Mortgages, Debentures or other Secured Loans ...			...	...	Book Debts .. (Distinguishing in the case of a Bank between those considered good and in respect of which the Bank holds no security other than the debtor's personal security, and distinguishing in all cases between debts considered good and debts considered doubtful or bad. Debts due by directors or other officers of the company or any of them either severally or jointly with any other persons to be separately stated in all cases).			...	...
Unclaimed Dividends ...			...	...					
Liabililities ...			...	...					
For Goods supplied ...	...	...							
„ Expenses ...	...	...							
„ Acceptances ...	...	...							
„ Other Finance ...	...	...							
Advance Payments and Unexpired Discounts (For the portion for which value has still to be given, *e.g.*, in the case of the following classes of Companies—Newspaper, Fire Insurance, Theatre, Club, Banking, Steamship Companies, &c.)			...	...					

FORM "F."—(*Contd.*)

(See Section 132).

.....LIMITED.

Balance sheet as at.....19.....

CAPITAL AND LIABILITIES.	£	Cts.	£	Cts.	PROPERTY AND ASSETS.	£	Cts.	£	Cts.
Profit and Loss ...			...	...	Advances ...			...	...
Balance as per previous Balance-sheet...	...	...			(Recoverable in cash or in kind or for value to be received *e.g.*, Rates, Taxes, Insurance, etc.)				
Less—Appropriation thereof ...	...	...			Investments ...			...	...
Balance brought forward ...	...	...			(Nature of Investment and mode of valuation *e.g.*, cost or market value).				
Profit since last Balance-sheet ...	...	...			Interest accrued on Investments ...			..	...
(N.B.—These details need not be given if the same be contained in a Profit and Loss account attached to the Balance-sheet).					Cash and other Balances ...			...	...
					Amount in hand ...	...	...		
					Balances with agents and Bankers (in detail showing whether on Deposit or current account, etc.) ...	...	...		
Contingent Liabilities—					Profit and Loss (giving, in the case of a debit balance, details as far as possible as in the case of a credit balance). ...			...	...
Claims against the Company not acknowledged as debts ...	...	...							
Money for which the Company is contingently liable ...	...	...							
Arrears of Cumulative Preference Dividends	...	...							

FORM " G."

(See Section 136.)

FORM OF STATEMENT TO BE PUBLISHED BY BANKING AND INSURANCE COMPANIES AND DEPOSIT, PROVIDENT, OR BENEFIT SOCIETIES.

*The share capital of the company is £ divided into shares of each.

The number of shares issued is . Calls to the amount of £ per share have been made, under which the sum of £ has been received.

The liabilities of the company on the thirty-first day of December (or thirtieth of June) were:—

Debts owing to sundry persons by the Company

Under decree, £

On mortgages or bonds, £

On notes, bills or hundis, £

On other contracts, £

On estimated liabilities, £

The assets of the company on that day were:—

Government securities (stating them), £

Bills of exchange, hundis and promissory notes, £

Cash at the Bankers, £

Other securities, £

* If the company has no capital divided into shares, the portion of the statement relating to capital and shares must be omitted.

THE FOURTH SCHEDULE.

(See section 293).

ENACTMENTS REPEALED.

1.	2.	3.	4
Year.	No.	Subject or Short title.	Extent of repeal.
1882	VI	The Indian Companies Act, 1882, as applied to the Colony.	The whole
1887	VI	The Indian Companies Act, (1882), Amendment Act, 1887, as applied to the Colony.	The whole
1895	XII	The Indian Companies (Memorandum of Association) Act, 1895, as applied to the Colony.	The whole
1900	IV	The Indian Companies (Branch Registers) Act, 1900, as applied to the Colony.	The whole
1903	X	The Indian Companies Acts Application Ordinance.	The whole
1914	IV	The Arbitration Ordinance, 1913.	The second proviso to section 2 relating to the Indian Companies Act, 1882.

AN ORDINANCE.

No. 52 OF 1921.

Assented to in His Majesty's name this 28th day of December, 1921.

EDWARD NORTHEY,
Governor.

An Ordinance to apply a Sum of Money for the Service of a Period from 1st April 1921 to 31st December, 1921.

BE it enacted by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof:—

Short title.

1. This Ordinance may be cited as the "Appropriation Ordinance," 1921.

2. The Public Revenue for the above period and the other funds of the Colony and Protectorate of Kenya, are hereby charged towards the service of the period of nine months ending the thirty-first day of December one thousand nine hundred and twenty-one with a sum of one million, eight hundred and twenty-eight thousand, six hundred and forty-four pounds.

3. The money granted by this Ordinance shall be applied to the purposes and services expressed in the Schedule annexed hereto.

4. The Treasurer of the Colony and Protectorate of Kenya is hereby authorised 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 for the several services specified in the Schedule, the said sum of one million, eight hundred and twenty-eight thousand, six hundred and forty-four pounds which will come in course of payment during the period of nine months ending on the thirty-first day of December one thousand nine hundred and twenty-one.

SCHEDULE.

	Division.	Amount.
		£
1.	Rent and Interest to H. H. the Sultan of Zanzibar	12,750
2.	Pensions and Gratuities	20,947
3.	His Excellency the Governor	13,316
4.	Secretariat	13,718
5.	"Official Gazette" and Printing ...	14,741
5*a*.	"Official Gazette" and Printing Special Expenditure	2,385
6.	Provincial Administration	263,141
6*a*.	do. Special Expenditure ...	1,200
7.	Treasury	22,331
8.	Customs	34,765
8*a*.	do. Special Expenditure ...	...
9.	Port and Marine Departments ...	11,755
9*a*.	do. Special Expenditure ...	1,750
10.	Audit Department...	8,530
11.	Legal Departments	29,830
12.	Police	123,465
13.	Prisons	36,794
14.	Medical Departments	156,184
14*a*.	do. Special Expenditure ...	24,950
15.	Chemical Laboratories	8,290
16.	Education	52,350
16*a*.	do. Special Expenditure .	13,000
18.	Military Expenditure	166,975
18*a*.	do. Special Expenditure ...	4,764
19.	Miscellaneous Services	16,987
20.	Post Office and Telegraphs	155,875
20*a*.	do. Special Expenditure ...	10,351
22.	Agricultural Department	115,341
22*a*.	do. Special Expenditure ...	5,161
23.	Forest Department	28,071
24.	Game Department	6,080
26.	Land Department	91,524
27.	Public Works Department	76,983
28.	Public Works Recurrent	112,470
29.	Public Works Extraordinary	81,120
29*a*.	Stand Premia	10,000
31.	Interest	750
36.	Additional Emoluments	80,000
	Total £	1,828,644

See the Post-Office Rules Govt: N. 6 of 5. 1922. p. 30.
See the Foreign Money order Postal order Rules 1922 of 5. 1922. p. 98.

AN ORDINANCE.

No. 53 OF 1921.

Assented to in His Majesty's name this 30th day of December, 1921.

EDWARD NORTHEY,
Governor.

An Ordinance to amend the Post Office amendment Ordinance, 1919.

BE it enacted by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof:—

Short title.

1. This Ordinance may be cited as "The Post Office Amendment Ordinance, 1921," and shall be read as one with "The Indian Post Office Act, 1898," (Act 6 of 1898) as applied to the Colony and Protectorate and "The Post Office Amendment Ordinance, 1919."

Repeal.

2. The Schedule to the Post Office Amendment Ordinance, 1919, is hereby repealed and replaced by the Schedule hereto.

Commencement.

3. This Ordinance shall come into operation on the 1st day of January, 1922.

SCHEDULE.

INLAND POSTAGE RATES.

	Sh.	Cts.
LETTERS.		
For a weight not exceeding 1 oz.	0	20
For every additional 1 oz. or fraction thereof ...	0	15
POSTCARDS.		
Single Postcard	0	15
Reply Postcard	0	30
BOOK PACKETS.		
For a packet not exceeding 2 ozs.	0	10
For every additional 2 ozs. or fraction thereof ...	0	10
PATTERN AND SAMPLE PACKETS.		
For every packet not exceeding 4 ozs.	0	20
For every additional 2 ozs. or fraction thereof ...	0	10
REGISTERED NEWSPAPERS.		
For every registered newspaper whether posted singly or with others in a packet	0	10
LITERATURE FOR THE BLIND.		
Per 1 lb. (Maximum weight allowed 6½ lbs.) ...	0	05
PARCELS.		
For a weight not exceeding 3 lbs.	1	50
For a weight exceeding 3 lbs. but not exceeding 7 lbs.	3	00
For a weight exceeding 7 lbs. but not exceeding 11 lbs.	4	50
Registration Fee	0	40
Fee for acknowledgment of receipt from the addressee of a Registered Article	0	40
Late fee for registration	0	80
Fee for compulsory registration	0	80

AN ORDINANCE.

allowed Gv. Gz. 136 of 1922. K. 263.

No. 54 OF 1921.

Assented to in His Majesty's name this 31st day of December, 1921.

EDWARD NORTHEY,
Governor.

An Ordinance to provide for the issue of Stock Traders Licences.

BE it enacted by the Governor of the Colony of Kenya with the advice and consent of the Legislative Council thereof:—

Short title.

1. This Ordinance may be cited as "The Stock Traders Licence Ordinance, 1921."

Definition.

2. For the purposes of this Ordinance:—

"Stock" shall include cattle, sheep, goats, horses, mules, asses, camels and swine.

"Stock Trader" shall mean any person who ordinarily buys and sells, or barters stock by way of trade.

Exemption for Auctioneers.

3. It shall not be necessary for any person who is a holder of a licence issued under the Sales by Auction Ordinance, 1912, to be in possession of a licence under this Ordinance in order to sell any stock by auction.

Prohibition of Stock trading without a licence.

4. No person shall carry on the trade or business of a Stock Trader without a licence whether as principal, partner or agent except the following:—

Exceptions.

(*a*) A farmer who buys, sells or barters stock in the course of his business as a farmer.

(*b*) A native resident in a native Reserve or area set apart for the use of the tribe to which he belongs, who buys, sells or barters stock in such Reserve or area.

Licences by whom issued.

5. Licences issued under this Ordinance may be obtained at the office of a Resident Commissioner or District Commissioner, and shall be in such form as the Governor may prescribe. There shall be payable for such licence Fls. 50/-. Every licence issued under this Ordinance shall expire on the 31st day of December of the year for which it was issued, provided that after the 30th day of June in any one year a licence may be issued which shall be valid until the 31st day of December next following and there shall be payable for such licence the sum of Fls. 25.

Fees.

Power to call for production of Licence.

6. Any Police Officer, Administrative Officer or Stock Inspector may demand for inspection any licence issued under this Ordinance and such licence shall forthwith be produced.

Penalties.

7. Any person contravening any provisions of this Ordinance shall, on conviction, be liable to a fine not exceeding £100 or to imprisonment of either description for a term not exceeding 6 months or to both.

Repeals.

8. The Stock Traders Licence Ordinance, 1918, and the Stock Traders Licence Amendment Ordinance, 1918, are hereby repealed. Provided that all licences issued under the provisions of the said Ordinances shall continue in force for the period therein specified.

Operation.

9. This Ordinance shall come into force on the first day of January, 1922.

AN ORDINANCE.

No. 55 OF 1921.

Assented to in His Majesty's name this 31st day of December, 1921.

EDWARD NORTHEY,
Governor.

An Ordinance to apply a Sum of Money for the Service of the Year ending the 31st day of December, 1922.

BE it enacted by the Governor of the Colony of Kenya with the advice and consent of the Legislative Council thereof:—

1. This Ordinance may be cited as "The Appropriation Ordinance, No. 2 of 1921."

2. The Public Revenue for the year 1922, 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 twenty-two, with a sum of one million, nine hundred and fifty-two thousand, eight hundred and seventy-six pounds.

3. The money granted by this Ordinance shall be applied to the purposes and services expressed in the Schedule annexed hereto.

4. The Treasurer of the Colony and Protectorate of Kenya is hereby authorised and required, from time to time, upon the warrant or order of the Governor, to pay out of the Revenue and other funds of the Colony and Protectorate of Kenya, for the several services specified in the Schedule, the said sum of one million, nine hundred and fifty-two thousand, eight hundred and seventy-six pounds which will come in course of payment during the year ending on the thirty-first day of December, one thousand nine hundred and twenty-two.

SCHEDULE.

	Division.	Amount.
		£
1.	Rent and Interest to H. H. the Sultan of Zanzibar ...	17,000
2.	Pensions and Gratuities	34,305
3.	His Excellency the Governor	14,362
4.	Secretariat	16,428
5.	"Official Gazette" and Printing	17,438
6.	Administration	301,133
6*a*.	do. Special Expenditure	2,300
7.	Treasury	27,836
8.	Customs	40,505
9.	Port and Marine Department	15,063
9*a*.	do. Special Expenditure	400
10.	Audit	10,131
11.	Legal Departments	34,654
12.	Police	142,180
13.	Prisons	44,238
14.	Medical Departments	177,436
14*a*.	do. Special Expenditure ...	3,834
15.	Chemical Research Department	9,079
16.	Education	69,320
16*a*.	do. Special Expenditure	1,700
17.	Military	189,032
17*a*.	do. Special Expenditure	1,998
18.	Miscellaneous Services	19,096
19.	Post Office and Telegraphs	182,721
19*a*.	do. Special Expenditure ...	4,900
20.	Agricultural Department	123,552
21.	Forest Department	33,235
22.	Game Department	5,059
23.	Land Department	86,587
24.	Public Works Department	85,868
25.	Public Works Recurrent	164,986
26.	Public Works Extraordinary	32,300
27.	Interest	44,200
	Total £ ...	1,952,876

See "The Native Reg:" Rules, 1922, G.N.N. 128/22. O.J. p. 250.
Also "The Native Reg:" Rules (no. 2) 1922. G.N.N. 362/22. O.J. p. 709.

AN ORDINANCE.

No. 56 OF 1921.

Assented to in His Majesty's name this 31st day of December, 1921.

EDWARD NORTHEY,

Governor.

An Ordinance to provide for the Registration of Natives.

BE it enacted by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof:—

1. This Ordinance may be cited as "The Native Registration Ordinance, 1921." **Short title.**

2. In this Ordinance unless inconsistent with the context: **Interpretation.**

"Magistrate" means a Magistrate holding a Subordinate Court of the 1st, 2nd or 3rd Class.

"Native" includes Somali and Swahili and such other tribes and classes of persons as the Governor-in-Council shall by Proclamation in the Gazette declare to be natives for the purposes of this Ordinance.

"Prescribed" means prescribed by Rules under this Ordinance.

"Registered Native" means a person who has been registered in accordance with the provisions of this Ordinance

"Certificate" means the certificate of registration and identification required by the provisions of this Ordinance.

"District" means any area which may be defined by rules as a district for the purposes of this Ordinance. In the absence of any such rules district means an administrative district of the Colony or Protectorate.

"Employer" includes the person actually engaging a native.

"Chief Registrar of Natives" means the officer appointed from time to time by the Governor to perform the duties of Chief Registrar of Natives and includes Assistant Registrar of Natives.

"Registration Officer" means any Magistrate or other officer appointed by the Governor to register natives and issue certificates.

"Registration number" includes the letters denoting the district in which the Certificate is issued.

"Central Registration Office" means the office of the Chief Registrar of Natives.

"Ink" shall include indelible pencil.

"Container" means a case of metal or other material issued by the Chief Registrar of Natives for carrying a certificate of registration.

Registers to be kept.

3. Every Registration Officer shall keep a register of all natives within his District and shall enter therein such particulars as may be prescribed.

Natives to be registered.

4. Every native shall register himself at the office of a Registration Officer in the District in which he resides or with a Registration Officer in such District. Provided that when any native shall be registered in any district other than the District in which his tribal location is situated his certificate may on the return of such native to his tribal location be cancelled and a further certificate may be issued to such native by the Registration Officer of the District in which his tribal location is situated.

Certificates to be given and carried.

5. (1) Every native who registers himself under the provisions of the preceding section shall be given a certificate in the form prescribed.

(2) Every registered native shall carry his certificate upon his person except as may be provided by rules made under this Ordinance.

Endorsement of certificate by employer.

6. (1) Every person who engages a native for a longer period than 24 hours shall within 48 hours of his engaging such native demand from him his certificate and shall make and keep a record containing such particulars as shall be prescribed and shall endorse legibly in ink on such certificate such particulars as shall be prescribed whereupon the certificate shall be returned to the native. The employer shall also at the time of discharge endorse legibly in ink on the certificate such particulars as shall be prescribed, and return the certificate to the native.

Duties of natives as to endorsements.

(2) Every registered native shall before leaving the service of an employer request his employer to endorse his discharge on his certificate and in the event of the employer refusing or omitting to do so he shall forthwith report to the nearest Registration Officer and on its coming to the knowledge of the Registration Officer by the hereinbefore mentioned or any other means that such native is in possession of a registration certificate incomplete in any particular as hereinbefore mentioned the Registration Officer shall take steps to obtain a proper endorsement of discharge from such employer or if he is satisfied from the information at his disposal that the endorsement of discharge has been omitted through ignorance or mistake and through no fault of such native may himself endorse the discharge or complete the endorsement thereof on the certificate affixing such date as may appear to him consistent with the circumstances. Provided that no such endorsement of a Registration Officer shall be an absolute defence to a prosecution for desertion if it be proved that such offence has been committed by the native. If at the date of discharge the native is in receipt of a rate of wage different to that agreed upon when he was engaged the employer shall make and initial the alteration on the certificate.

Duties of Registration Officer as to endorsements.

(3) All endorsements made under this section shall be in English.

Entries on certificates.

7. No person shall at any time make any entry or writing upon the certificate except as provided by this Ordinance or by Rules thereunder.

Offences by native.

8. Any person who:—

(1) Shall be in unlawful possession of or shall make use of any certificate belonging to another native; or

(2) Falsely state that he has not previously been registered or shall make any other false statement or commit any act or omission with the object of deceiving a Registration Officer; or

(3) Hand over his own certificate to any other native to be used by such other native; or

(4) Shall be found in any district without a certificate issued in pursuance of the provisions of this Ordinance; or

(5) Shall refuse or neglect to produce his certificate when required to do so by any police officer or other person lawfully entitled to demand the production of such certificate; or

(6) Shall mutilate any certificate issued to him or shall add thereto or erase therefrom any material particular; or shall knowingly be in possession of a Certificate containing false entries or from which dishonest erasures or excisions have been made, or

(7) Shall obtain or attempt to obtain a new certificate from a Registration Officer without first reporting to such Registration Officer the loss, mutilation or destruction of any such certificate which may previously have been issued to him or the fact that he has been previously registered; or

(8) Shall become registered more than once and omit to give up to the Registration Officer any certificate issued to him on previous registration which remains in his possession;

shall upon conviction be liable to a fine not exceeding fifteen pounds or to imprisonment of either description for a period not exceeding three months or to both.

Returns

9. (1) Every person employing a native registered under the provisions of this Ordinance shall render to the Administrative Officer in charge of the District in which the native is employed returns at such intervals of time and containing such particulars as may be prescribed.

Certificate of deceased native.

(2) Every person shall within such period as may be prescribed forward to the Administrative Officer in charge of the District the certificate and container of any native who may have died in his employ or on land or premises under his control.

Penalty.

(3) Failure to comply with the requirements of this section shall render the person liable to a fine not exceeding ten pounds or to imprisonment of either description for a period not exceeding one month, or to both.

Employer to keep labour register or record.

10. Every person employing a registered native shall keep a written record of all natives employed by him showing in each case such particulars as may be prescribed. Such record shall be open to inspection and examination by any Magistrate, Registration Officer or Police Officer of or above the rank of Inspector, or any other officer duly appointed by the Governor in that behalf, and any such officer may require the production of the record of any employer for the preceding 12 months. Failure or refusal to produce records without reasonable excuse when required shall be an offence.

Renewal of lost, mutilated or destroyed certificate.

11. (1) Any native who has lost his certificate or whose certificate has become mutilated or destroyed through his own neglect may obtain a new certificate from the nearest Registration Officer on payment of the prescribed sum: Provided that should such native prove to the satisfaction of the Registration Officer that his certificate was lost, mutilated or destroyed through no fault or neglect of his own the new certificate shall be issued without payment.

Replacement of certificate after term of imprisonment.

(2) If a native has undergone punishment after conviction for being without a certificate or for having mutilated his certificate the Registration Officer shall if necessary issue to such native a new certificate free of charge.

Employer or other person responsible for loss of certificate to pay cost of replacement.

(3) If the loss, mutilation or destruction of a certificate was caused by an employer of the native or other person such employer or other person shall be liable to pay the prescribed fee for a new certificate.

Disposal of certificates.

12. Any person who shall come into possession of a certificate issued under this Ordinance other than the certificate issued to him or shall be in possession of more than one certificate issued to him under this Ordinance shall at the earliest opportunity deliver or forward the certificate which was not issued to him or

which he has retained in addition to the one last issued to him or of which he has come into possession by any other means to the nearest Magistrate or to the nearest Registration Officer. Any person who contravenes the provisions of this section shall on conviction be liable to a fine not exceeding fifteen pounds or to imprisonment of either description for a period not exceeding three months, or to both.

Offences in respect of certificates.

13. Any person who:—

(1) Shall withhold a certificate from any native entitled thereto except for such reasonable time to enable him to examine such certificate or to make any lawful entries thereon; or

(2) Shall refuse or wilfully fail to enter any engagement or discharge on the certificate as required under Section 6 hereof or when legally demanded by the native; or

(3) Shall engage or employ any native whose certificate bears an endorsement of employment but does not bear an endorsement of discharge from that employment without the permission of a Registration Officer first had and obtained in writing.

(4) Shall unlawfully or improperly deprive any native of any certificate or container in his possession; or

(5) Shall destroy, alter, imitate, mutilate, make a false entry or in any way improperly tamper with any certificate or container belonging to a native whether in his employ or not; or

(6) Shall unlawfully issue any certificate; or

(7) Shall engage or employ any unregistered native, provided the provisions of this Sub-Section shall only apply to such persons or such Districts as may be prescribed.

(8) Shall make any entry whatsoever on the certificate of a native with whom he has not entered into a contract of service; or

(9) Shall wilfully fail to render any return required to be rendered under Section 9 hereof or shall knowingly furnish any false particulars therein.

Shall upon conviction be liable to a fine not exceeding one hundred pounds or to imprisonment of either description for a period not exceeding one year, or to both.

Admissibility of finger print records as evidence.

14. Notwithstanding anything in the Law of Evidence or any other law or Ordinance to the contrary any Finger Print or Thumb Print shall at the trial of any person accused of any offence under this Ordinance or any amendments thereof or any Rules made thereunder be admissible as evidence of identity against such accused person, if the said finger print or thumb print is certified under the hand and seal of an officer appointed by the Governor who shall have compared the finger print or thumb print with that filed in the Central Finger Print Bureau, and the certificate of such officer shall be evidence that the finger print or thumb print is identical with the finger print or thumb print record with which it is certified to have been compared.

Powers given to Magistrates, Police and Registration Officers to demand production of certificate.

15. Any Magistrate, Justice of the Peace, Police Officer, Registration Officer, Employer of labour or his Agent on his own farm or premises, or any other person authorised thereto by the Governor may at any time demand from any native the production of the certificate issued to him under this Ordinance. Failure or refusal to produce a certificate when demanded in accordance with the provisions of this section shall be an offence punishable with a fine not exceeding thirty florins or imprisonment of either description for a period of one month or to both.

Complaints.

16. A notification by the Chief Registrar of Natives to any Magistrate or Police Officer of any desertion shall be treated as a complaint made by the employer.

17. Any person contravening any provision of this Ordinance or of the rules made thereunder for which no special penalty is provided shall on conviction be liable to a fine not exceeding thirty pounds or to imprisonment of either description not exceeding three months or to both. **Penalties.**

18. Any person who shall aid or abet any contravention of this Ordinance or of the Rules made thereunder shall on conviction be liable to the penalties provided for that offence or where no penalty is provided to the penalties in the last preceding section. **Abetment.**

19. Offences under the provisions of this Ordinance shall be cognisable to the Police. **Offences cognisable to Police.**

20. Offences under the provisions of this Ordinance shall be triable in the Court of a Magistrate of competent jurisdiction. Provided that every such Magistrate shall have jurisdiction in any such case brought before him against any person being at the time within the area of his jurisdiction whether the offence was committed within such area or not, or whether the person accused of such offence has his usual residence or place of abode within such area or not. **Jurisdiction of Courts.**

21. The Governor may appoint any Magistrate or other person to be a Registration Officer. **Power to appoint.**

22. The Governor-in-Council shall have power to make Rules, inter alia, for any of the following purposes:— **Rules.**

(1) For prescribing the form and contents of the register provided for in Section 3 and of the certificates issued under Section 5 hereof, and for charging fees therefor;

(2) For prescribing the particulars required under Section 6 hereof; and for prescribing or authorising the endorsement of any further particulars by employers or other persons;

(3) For prescribing the amount of any fee or sum of money which may be charged under the provisions of this Ordinance;

(4) Providing for the issue, use and care of numbered or unnumbered containers and for charges to be made in respect thereof.

(5) For Regulating the manner in which and the persons by whom the returns required under Section 9 hereof shall be made in the case of companies, firms and partnerships;

(6) For prescribing the duties of Registration Officers;

(7) For prescribing the areas which shall be districts for the purposes of this Ordinance;

(8) For providing for a special return not more frequently than once a year and in addition to the return provided for in Section 9, to be made of all natives employed, and for prescribing the particulars therein.

(9) For prescribing the Officers by whom an endorsement of discharge from employment may be made on the certificate of any native sentenced to imprisonment.

(10) For permitting the retention by employers of the certificates of natives engaged in special kinds of work, the provisions of Section 13 (1) of this Ordinance notwithstanding.

(11) For providing for returns to be rendered by public authorities of natives taking out licences to engage in licenced occupations and prescribing the particulars required and authorising such public authorities to demand the certificates of such natives for the purpose of recording the numbers thereof.

(12) For prescribing a fee for alterations of names of other particulars in registration certficates.

(13) For prescribing the form of exemption certificates and of registers of exempted persons.

(14) Generally for the better carrying out of the provisions of this Ordinance.

Such Rules may be applied generally or to any district or area in the Colony or Protectorate or to any particular class or classes of natives or employers.

Application.

23. The provisions of this Ordinance shall apply to every male native apparently above the age of sixteen years. Provided that the Governor-in-Council may by Proclamation in the Gazette specify any age at which the said provisions shall apply to all male natives resident in any specified area. And provided further that the Governor-in-Council may by Proclamation in the Gazette exempt from registration under this Ordinance any tribe, part of a tribe, person or class of persons or the residents of any area.

Repeal.

24. The Native Registration Ordinance, 1915, the Native Registration Amendment Ordinance, 1915, and the Native Registration Amendment Ordinance, 1920, and all Rules issued thereunder are hereby repealed without prejudice to anything lawfully done thereunder. All registrations made under the Ordinances hereby repealed shall be deemed to be made under this Ordinance, and all offences punishable under the Ordinances hereby repealed shall be punishable under this Ordinance.

AN ORDINANCE.

No. 57 OF 1921.

Assented to in His Majesty's name this 31st day of December, 1921.

EDWARD NORTHEY,
Governor.

An Ordinance to supply a further sum of money for the Service of a period from January 1st, 1922, to 31st December, 1922.

BE it enacted by the Governor of the Colony of Kenya with the advice and consent of the Legislative Council thereof:—

Short title.

1. This Ordinance may be cited as "The Supplementary Appropriation Ordinance, (No. 2), 1921.

Public revenue charged.

2. The public revenue for the above period and other funds of the Colony and Protectorate of Kenya are hereby charged towards the service of the period of twelve months ending the thirty-first day of December, one thousand nine hundred and twenty-two with a further sum of one million one hundred and seventy thousand two hundred and seventy-two pounds in addition to the sums provided by the Appropriation Ordinance, 1922.

Application of money granted.

3. The money granted by this Ordinance shall be applied to the purposes and services expressed in the Schedule annexed hereto.

Treasurer's authority for payment.

4. The Treasurer of the Colony and Protectorate of Kenya is hereby authorised and required, from time to time, upon warrant or order of the Governor, to pay out of the Revenue and other funds of the Colony and Protectorate, for the several services specified in the Schedule, the said sum of one million one hundred and seventy thousand two hundred and seventy-two pounds which will come in course of payment during the period of twelve months ending on the thirty-first day of December, one thousand nine hundred and twenty-two.

SCHEDULE.

Heads of Expenditure.	*Amount.*
	£
Railway Department	1,121,061
,, ,, Special Expenditure ...	31,551
Loss on Busoga and Port Bell Kampala Railways to be met from Revenue of the Uganda Railway	17,660
Total	£1,170,272

AN ORDINANCE.

No. 58 OF 1921.

Assented to in His Majesty's name this 31st day of December, 1921.

EDWARD NORTHEY,
Governor.

The Game Ordinance, 1921.

BE it enacted by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council, thereof:—

1. This Ordinance may be cited as "The Game Ordinance, 1921." **Short title.**

2. In this Ordinance unless the contrary intention appears— **Definitions.**

"Hunt, kill or capture" means hunting, killing or capturing by any method, and includes every attempt to kill or capture.

"Hunting" includes molesting for any purpose whatsoever.

"Game" means any animal mentioned in any of the schedules.

"Game Warden" includes Assistant Game Warden and Honorary Game Warden.

"Animal" includes mammals and birds, other than domesticated but does not include reptiles, amphibia and invertebrate animals.

"Trophy" means any head, horn, tusk, skin, feather, or any other durable portion of any game animal.

"Native" includes Somali and Swahili.

"Resident" means a non-native who has satisfied the Commissioner of the Province or District in which he resides that he is a *bona fide* resident in the Colony or Protectorate.

"District Commissioner" includes Resident Commissioner, Assistant Resident Commissioner and Assistant District Commissioner.

"Private land" means any land privately owned without a title from the Crown, and any land held or occupied under a conveyance, lease or licence from the Crown. Provided however that the said term shall not include land occupied by the members of a native tribe or any land sold or leased or otherwise alienated by the Crown with a reservation of the game thereon.

"Lion" includes a male or female lion and shall include the young of lion.

Game Warden

3. The Governor may at his discretion appoint persons to be Game Wardens for the better carrying out of the purposes of this Ordinance.

Every person so appointed shall take an oath of office in the form set forth in the Seventh Schedule.

Certain animals not to be hunted without special licence.

4. No person, unless he is authorised by a special licence in that behalf, shall hunt, kill or capture any of the animals mentioned in the First Schedule, provided always that a land holder possessing a private land or resident's licence may by himself or his servants hunt, kill or capture on his own occupied land or on land adjacent thereto with the consent of the owner of such land, any of the animals mentioned in Part A of the said Schedule. Provided however that whenever any animal mentioned in Part A of the First or Second Schedules shall be killed under the provisions of this Section the killing of such animal shall be reported to the nearest District Commissioner, Game Warden, or Police Officer and the trophies shall be the property of the Government and shall be dealt with as the Governor in Council may direct.

Restrictions on killing immature and female animals.

5. Save as in this Ordinance otherwise expressly provided no person unless he is authorised by a special licence in that behalf shall hunt, kill or capture any animals of the kinds mentioned in the Second Schedule if the animal be (a) immature or (b) a female accompanied by its young.

Animals in 3rd and 4th schedules.

6. No person, unless he is authorised under this Ordinance, shall hunt, kill or capture any animal mentioned in the Third or Fourth Schedules.

Power to vary schedules.

7. (1) The Governor in Council may, if he thinks fit, by Proclamation, remove any animal from any of the Schedules or from one part of a Schedule to another or declare that the name of any species, variety or sex of animal not mentioned in any Schedule hereto, shall be added to a particular Schedule, or that the name of any species or variety of animal mentioned or included in one Schedule shall be transferred to another Schedule, and, if he thinks fit, apply such Proclamation to the whole of the Colony and Protectorate, or to any Province, District or other area.

(2) The Governor in Council may, if he thinks fit, by Proclamation, alter the number of the animals of any species mentioned in any of the Schedules, which may be hunted, killed or captured under a licence.

Restriction on the export of trophies for sale.

8. (1) Save as hereinafter provided no person shall export or shall attempt to export from the Colony or Protectorate for sale any live animal mentioned in any of the Schedules or any head, horn, bone, skin, feather or flesh or any other part of any animal mentioned in any of the Schedules without the permission in writing of the Game Warden.

(2) Any District Commissioner, Customs Officer, European Police Officer or Game Warden may lawfully detain any of the things mentioned in the preceding sub-section which it is sought to export until he shall be satisfied by the persons seeking to export the same that such thing is not intended for sale, or that the permission of the Game Warden has been obtained.

(3). Nothing in this section contained shall be deemed to prevent the export for sale of elephant ivory, rhinoceros horns, hippopotamus tusks or zebra hides which have been lawfully obtained.

(4) Any Customs Officer may detain trophies which it is desired to export until evidence that they have been lawfully obtained is produced.

Restriction on unlawful possession, etc., of trophies.

9. No person shall purchase, possess or export or attempt to export any live animal or any trophy, flesh or any other part of any animal which has been killed, captured or obtained in contravention of this Ordinance or of any Ordinance, Law or Regulation repealed by this Ordinance unless such animal or trophy, flesh or other part of any animal has been sold by order of the Governor or of the Game Warden or of a Court.

Prohibition against sale of trophies, etc.

10. No person shall carry on the business of a dealer in game or trophies unless he obtains a licence therefor as provided in this Ordinance.

Penalty for contravention of Section 8, 9 and 10.

11. Any person who shall contravene any of the provisions of sections 8, 9 or 10 of this Ordinance shall be guilty of an offence and on conviction shall be liable to a fine not exceeding £100 and in default of payment to imprisonment for a term not exceeding six months and the animal or the part thereof in respect of which the offence shall have been committed shall be forfeited unless the Governor shall otherwise order.

Animals killed by accident or found dead the property of Government.

12 (1) When any animal mentioned in any of the Schedules hereto is killed by accident or when the carcase or remains of any animal shall be found, the trophies of such animal shall belong to the Government. Provided that the Governor in Council may waive the right of the Government in this respect in any case as he may deem fit; and provided that the Governor in Council may direct the payment to any person so killing or finding of such compensation as shall cover the cost of the transport of any ivory to the nearest station and may direct rewards to be paid to the finder of any ivory.

(2) Any person removing the trophies of any such animal killed by accident or forming part of the carcase or remains of any such animal found dead with the intention of converting the same to his own use or of depriving the Government of the same shall be guilty of an offence against this Ordinance.

Nothing in this sub-section shall be deemed to prohibit the removal of any part of any animal lawfully killed under the provisions of this Ordinance by the person killing the same or by his servants or agent.

(3) Any person killing any such animal by accident or in self defence shall report at once to the nearest District Commissioner, Game Warden or Police Officer and hand in his trophies.

Possession, sale, etc., of immature ivory.

13 (1) No person shall possses, sell, transfer, export or attempt to sell, transfer or export any elephant tusk weighing less than 30 lbs. or any piece of ivory which formed part of a tusk under 30 lbs. in weight.

Provided that the Governor or any person authorised by the Governor in that behalf may possess, sell or transfer within or export from the Colony or Protectorate any ivory belonging to the Government or forfeited under the provisions of this Ordinance or of any Ordinance repealed by this Ordinance.

(2) All ivory possessed, sold, transferred or exported under the provisions of this section and all ivory confiscated by Government shall be distinctively marked with such mark and in such manner as the Governor by notice published in the "Gazette" may appoint.

(3) The purchaser or transferee of any ivory so sold or transferred under the provisions of this section shall lawfully possess such ivory and may lawfully export such ivory from the Colony or Protectorate.

(4) The Governor in Council may make rules prescribing the conditions under which any ivory may be introduced into the Colony or Protectorate for the purpose of transit through the Colony or Protectorate.

Penalty for offences against preceding section and onus of proof.

(5) Any person who shall purchase, possess, sell, transfer, export or attempt to purchase, possess, sell, transfer or export any ivory in contravention of this section, shall be guilty of an offence, and shall be liable to a fine not exceeding £300 or to imprisonment of either description for a term not exceeding six months or to both fine and imprisonment, and the ivory shall be forfeited unless the Governor in Council shall otherwise order.

Notwithstanding anything in this section to the contrary such ivory introduced into the Colony or Protectorate for the purpose aforesaid and in accordance with the conditions imposed by such rules shall be deemed to be lawfully possessed and may be exported from the Colony or Protectorate.

14. (1) Whenever a person shall be charged with the offence of being in possession of or selling or transferring or exporting or attempting to sell, transfer or export any trophy obtained in contravention of this Ordinanqe or of any Ordinance repealed by this Ordinance it shall be sufficient if the summons or charge shall allege that the trophy was obtained in contravention of the law, without specifying the law, and the onus shall then be on the person accused to produce satisfactory proof that the trophy was lawfully obtained under a licence granted under one of the aforementioned Ordinances.

(2) Any person who shall be found in possession of any of the animals mentioned in any of the Schedules, dead or alive, or of any part thereof, shall be guilty of a contravention of this Ordinance, and shall be liable to the same punishments as are provided for killing or catching such animals unless he shall show that he became lawfully possessed thereof.

(3) The burden of proving any fact which would be a defence to a charge of contravening this Ordinance or any Rules made thereunder shall lie upon the person charged.

ower to prohibit destructive methods of hunting, etc.

15. Where it appears to the Governor-in-Council that any method used for hunting, killing or capturing animals is unduly destructive, he may by proclamation, prohibit such method or prescribe the conditions under which any method may be used, and if any person uses any method so prohibited, or uses any method otherwise than according to the conditions so prescribed, he shall be liable to the same penalties as are provided in Section 44 of this Ordinance.

Game Reserves and Close Seasons.

Game Reserves.

16. (1) The areas described in the Fifth Schedule hereto are hereby declared to be Game Reserves.

Power to vary Game Reserves.

The Governor in Council, with the approval of the Secretary of State, may by Proclamation declare any unalienated portion of the Colony or Protecorate to be a Game Reserve, and may define or alter the limits of any game reserve, and this Ordinance shall apply to every such game reserve.

(2) Save as provided in Section 24 of this Ordinance any person who hunts, kills, or captures any animal or bird that has been proclaimed under sub-section 3 of this Section, or any animal in a game reserve, or who is found within a game reserve under circumstances showing that he was unlawfully in pursuit of any animal, shall be guilty of an offence against this Ordinance.

Close seasons.

(3) The Governor may prescribe, fix or alter for the whole Colony or Protectorate or for any district or other area periods of close seasons within which it shall not be lawful to hunt, kill or capture all or any particular animals mentioned in the Schedules.

Game Reserves declared closed districts.

(4) All Game Reserves are hereby declared to be closed districts with the exception of Public Roads, Railway Stations and such other areas as the Governor in Council may declare by Proclamation to be excluded. Permits to enter the reserves may be issued by the District Commissioner of the District to persons approved of by the Game Warden.

Routes in Game Reserves.

(5) The Governor may appoint for every Game Reserve the points and routes by which alone persons may enter or pass through a reserve.

Restrictions on carrying rifle in Game Reserves.

(6) No person other than a Game Warden shall carry a rifle within the limits of a Game Reserve without the written permission of the District Commissioner or of a Game Warden. All persons within a Game Reserve shall conform to and obey all lawful orders and directions issued by the Game Warden.

Restriction on unduly long period of camping in Game Reserves.

(7) No person travelling through a Game Reserve shall, without the written permission of the District Commissioner or of a Game Warden, camp within the limits of such Reserve for a longer period than is necessary for resting his animals and himself, excepting at recognised trading centres.

Destruction of dogs.

(8) Any Game Warden may destroy any dog found at large and not under control within a Game Reserve.

GAME LICENCES.

Licences.

17. (1) The following licences may be granted at his discretion by a Senior Commissioner or a District Commissioner or by such other person as may be authorised by the Governor on that behalf, and the following fees shall be chargeable therefor, that is to say:

(*a*)	A Visitor's Licence	£100
(*b*)	A Resident's (Full) Licence	£ 10
(*c*)	A Resident's 14-Day Licence	£ 3
(*d*)	A Private Land Licence	£ 2
(*e*)	A Native Employee's Licence [to be granted in accordance with Sub Sec. (7)]	£ 2
(*f*)	A Traveller's Licence	£ 1
(*g*)	A Game-Dealer's Licence	£ 1
(*h*)	Trophy Dealer's Licence	£ 1

Periods of licences.

(2) All licences, except the Visitor's Licence, the Resident's Fourteen-day licence and the Traveller's Licence shall expire on the 31st day of December in each year.

(3) The Visitor's Licence shall be in force for one year from the date of issue. A Traveller's Licence shall be in force for one month from the date of issue. Not more than one Traveller's Licence shall be issued to the same person within a period of twelve months.

(4) Any person holding a Visitor's Licence and becoming a *bona fide* Resident while the licence is in force shall be entitled to a refund of £90.

(5) A Resident's Fourteen-day Licence shall be in force for fourteen days from the date of issue. Not more than one such licence shall be issued to the same person within a period of twelve months. It shall be an offence to obtain or attempt to obtain more than one Resident's Fourteen-day Licence or Traveller's Licence during one year.

Licences to bear name of person, date, etc.

(6) Every licence shall bear the name in full of the person to whom it is granted, as also his signature, the date of issue, the period of its duration, and the signature of the person granting the same. If required at any time thereafter by any of the officers mentioned in sub-section 8 hereof to produce his licence, the holder shall, upon demand, of such officer, sign his name afresh in the presence of that officer. The native employee's licence shall bear the signature of the employer.

(7) Any landholder may be granted by the District Commissioner on payment of a fee of £2 a Native Employee's Licence which shall entitle one employee only of the licence holder to shoot on any land belonging to or in the occupation of the licence-holder.

The licence-holder may at any time substitute the name of another employee upon such licence provided that he makes and signs the necessary alterations on the licence and forthwith notifies the District Commissioner of the change.

(8) The holder of a licence shall on demand being made by any Magistrate, Justice of the Peace, Game Warden or Police Officer or Forest Officer produce his licence, and any licence holder who fails without reasonable cause to produce his licence, or, on demand, to sign his name, shall be guilty of an offence against this Ordinance.

To whom Resident's and Private Land licences may be granted.

18. A Resident's Licence and a Private Land Licence shall not be granted except to a Resident or to an Officer in the Public Service of the Uganda Protectorate or Tanganyika Territory or to an officer of one of His Majesty's ships on the East Indies Station.

Animals which may be hunted under Visitor's and Resident's licences.

19. A Visitor's Licence, and a Resident's Full or 14 days' licence respectively shall authorize the holder to hunt, kill or capture animals of any of the species mentioned in the Third Schedule, but not more than the number of each species fixed by the Second Column of the Schedule. Each female animal killed shall count as two except in the case of eland and cheetah.

Conversion of certain licences.

20. A Resident's Full Licence and a Resident's Fourteen Day Licence shall not be granted within the same calendar year.

Provided, however, that a Resident's Fourteen-day licence may be converted during the year of its issue into a Resident's Full licence on payment of the difference between the fees and on condition that any animal killed or captured under the Fourteen-day licence shall count towards the number allowed on the Full licence.

21. Any game killed or captured under a Visitor's or Resident's Full or 14 days Licence upon private land with the consent of the owner or occupier of the land shall not count towards the number of animals which the holder of the licence is entitled to kill or capture under his licence.

Animals which may be hunted under Traveller's licence.

22. A Traveller's Licence authorises the holder to hunt, kill or capture animals of the species and to the number mentioned in the Fourth Schedule.

Private Land licence.

23. (1) Any Resident may take out a Private Land Licence which will entitle him to hunt, kill or capture game on private land only with the consent of the owner or occupier, and the holder of such licence may by payment of the difference in amount of the licence fees convert it into a Resident's Full Licence.

Limitations of Private Land licence and Native Employee's licence.

(2) Subject to the provisions of Section 4 neither the Private Land Licence nor the Native Employee's Licence sall authorise any animals mentioned in the First and Second Schedules to be hunted, killed or captured.

Game Dealer's licence.

(3) A Game Dealer's Licence shall entitle the holder thereof to sell game or the flesh thereof lawfully obtained: Provided that each licence shall authorise the holder thereof to sell game or the flesh thereof in one shop, store or market only, which shop, store or market shall be specified in such licence.

(4) A trophy dealer's licence shall entitle the holder thereof to sell trophies lawfully obtained and objects manufactured from them in one shop or store only, which shop or store shall be specified in such licence.

Protection of crops.

24. Any landholder or owner of crops or stock or his servant may kill any animal mentioned in the Schedules which is spoiling his crops or is found adjacent thereto or which is a source of danger or which is causing material damage or loss to his holding or the stock thereon, if such act is necessary for the protection of his holding, crops, or stock.

Provided. however. that whenever any animal mentioned in the First Schedule shall be killed under the provisions of this section the killing of such animal shall be reported to the nearest District Commissioner, Game Warden or Police Officer and the trophies shall be the property of the Government and shall be dealt with as the Governor may direct.

Special licences for Scientific or Administrative reasons.

25. When it appears proper to the Governor for scientific or administrative reasons. he may grant a special licence to any person, to kill or capture animals of any one or more species mentioned in any of the Schedules or to kill, hunt or capture in a game reserve specified beasts or birds of prey, or other animals whose presence is detrimental to the purposes of the game reserve; or for scientific reasons to kill or capture. as the case may be, any animal or animals in a game reserve.

A Special Licence shall be subject to such conditions as to fees and security (if any), number, sex and age of specimens, district and seasons for hunting, and other matter, as the Governor may prescribe.

Save as aforesaid. the holder of a special licence shall be subject to the provisions of this Ordinance.

Special licence to kill Elephant or Rhinoceros

26. (1) A Senior or District Commissioner may on the application of the holder of a Visitor's or Resident's (Full) licence, grant a special licence authorising such person to hunt, kill or capture either one or two elephants or one or two rhinoceros or one bull giraffe or one cock ostrich as the applicant shall require and as shall be specified therein. Such special licence shall not authorise the holder to hunt, kill or capture any elephant having tusks weighing less than 30 lbs. each.

(2) There shall be paid for such special licence the fees following:

	£
For a Licence to hunt, kill or capture one elephant	15
For a Licence to hunt, kill or capture two elephants	45
For a Licence to hunt, kill or capture one rhinoceros	5
For a Licence to hunt, kill or capture two rhinoceros	15
For a Licence to hunt, kill or capture one bull giraffe	15
For a Licence to hunt, kill or capture one cock ostrich	5

The Governor in Council may by rule alter these fees.

(3) Every licence granted under this section shall expire on the same date as the Visitor's or Resident's Full Licence held at the time of the granting of such special licence by the person to whom the same shall be granted and only one such special licence shall be granted to such person during the period of any such Licence. Provided, however, if such person shall have taken out a special licence authorising him to hunt, kill or capture one elephant or one rhinoceros only, he may on payment of a further fee of £30 in the case of elephant or £10 in the case of rhinoceros be granted a licence authorising him to hunt, kill or capture a second elephant or rhinoceros.

(4) Nothing in this section shall be deemed to prevent the holder of a special licence for one species of animal being granted a special licence for another species.

Original licence to be endorsed.

27. Every person who shall obtain a special licence under either of the two preceding sections shall produce to the officer granting the same his Visitor's or Resident's Full Licence, and such officer shall endorse thereon the fact of such special licence having been granted and the nature of the licence.

Form of Licences.

28. (1) The Governor in Council may by rule prescribe the form of licences issued under the provisions of this Ordinance.

Game Registers.

(2) Every holder of a Visitor's, Traveller's, Resident's, Gamedealer's or Trophy-dealer's Licence shall keep a register of the game killed or captured by him, or in the case of a Game or Trophy dealer, bought by him, in the form specified in the Sixth Schedule.

Power to call for production of Register.

(3) Any person authorised to grant licences or any Magistrate Justice of Peace, Police Officer or Game Warden may at any reasonable time call upon any licence holder to produce his register for inspection.

Game Register to be sent on expiration to District Commissioner.

(4) Every holder of a Visitor's, Traveller's, Resident's or Dealer's Licence must within 15 days after his licence has expired produce or send to the District Commissioner of the district in which he resides the register of the game killed, captured or sold by him under his licence, and the District Commissioner shall forward same to the Game Warden.

Register to be submitted to Game Warden on leaving Colony.

(5) Every person holding a licence shall before leaving the Colony or Protectorate submit his register to the Game Warden.

(6) If any holder of a licence fails to keep his register truly or to produce his licence as required by this section he shall be guilty of an offence against this Ordinance.

Revocation of Licences.

29. The Governor in Council may revoke any licence issued under this Ordinance if he is satisfied that the holder has been guilty of a breach of any of the provisions of this Ordinance or of the conditions of the licence, or has connived with any other person in any such breach, or that in any matters in relation thereto he has acted otherwise than in good faith.

Lost Licences.

30. Any person whose licence has been lost or destroyed may obtain a fresh licence for the remainder of the term of the licence lost or destroyed on payment of a fee of five Florins.

Licences do not authorise trespass.

31. (1) No licence granted under this Ordinance shall entitle the holder to hunt, kill or capture any animal on private land without the consent of the owner or occupier.

(2) Any person hunting on private land, who shall refuse to give his name or address to the owner or occupier of such land or to the agent or servant of such owner or occupier, or shall give it falsely, or shall refuse or wilfully delay to quit such land when ordered to do so shall be guilty of an offence.

Hunting, etc., animals beyond limit allowed an offence.

32. Any person who, after having killed or captured animals to the number and of the species authorised by his licence, proceeds to hunt, kill or capture any animals which he is not authorised to kill or capture, shall be guilty of a breach of this Ordinance.

Hunting Game with dogs prohibited except on private land.

33. It shall be unlawful to hunt with dogs any game on land other than private land save and except when hunting in pursuance of the rights conferred by Sections 4 and 24 of this Ordinance. Every person concerned in a breach of the provision of this section shall be guilty of an offence against this Ordinance.

RESTRICTION ON KILLING GAME BY NATIVES.

Power of District Commissioner to authorise natives to kill Game.

34. Notwithstanding anything contained in this Ordinance when the members of any native tribe or the native inhabitants of any village appear to be dependent on the flesh of wild animals for their subsistence, or when it is shown that any wild animals are causing damage to the lands or property of any natives, the District Commissioner of the district may with the approval of the Governor by order addressed to the Chief of the tribe or Headman of the village, authorise the tribesmen or inhabitants, as the case may be, to kill animals within such area, and subject to such conditions as to mode of hunting, number, species and sex of animals and, otherwise, as may be prescribed by the order. The trophies of game killed under the provisions of this section shall, unless otherwise directed in the Order, be deemed to be the property of the native who may sell the same, anything to the contrary in this Ordinance notwithstanding, provided always that ivory shall be the property of the Government.

The provisions of this Ordinance with respect to the keeping of registers shall not apply to a member of a tribe or native inhabitants of a village to which an order under this section applies.

Save as aforesaid, the general provisions of this Ordinance shall apply to every native who is authorised under this section, and a breach of any order shall be an offence against this Ordinance.

Certain means of killing animals prohibited.

35. Save as hereinafter provided, no person shall use any poison, trap or set gun for the purpose of killing or capturing any animal mentioned in any of the Schedules, except on private land with the permission of the owner.

Exceptions.

36. Nothing in this Ordinance contained shall be deemed to prohibit the hunting, killing or capturing by any means whatsoever and without a licence of lion or cheetah.

(*a*) on private land,

(*b*) on land within 20 miles of any private land (other than private land situate within a Native Reserve), provided such land is not within a Game Reserve.

(c) on land within 5 miles of any private land situate within a Native Reserve, or within 5 miles of any Railway, provided such land is not within a Game Reserve.

Ivory in transit.

37. Any elephant tusk of less than 30 lbs. in weight or any piece of ivory which formed part of a tusk of less than 30 lbs. in weight or trophy of any game animal may be introduced into the Colony or Protectorate for the purpose of transit through the Colony or Protectorate and for no other purpose provided that every such tusk or piece of ivory is accompanied by a certificate to the satisfaction of the Commissioner of Customs or Game Warden setting forth the country of origin of such tusk or piece of ivory and signed by an officer of the Administration of such country.

38. Every tusk, piece of ivory or trophy of any game animal introduced into the Colony or Protectorate under the provisions of the preceding section shall be deemed to be lawfully possessed and may be exported from the Colony or Protectorate.

Where to be introduced.

39. All tusks, pieces of ivory or trophy of any game animal introduced into the Colony or Protectorate for the purpose of transit shall be so introduced at such place or places only as may be authorised for that purpose by the Governor and not elsewhere and shall be consigned to such place or places only as may be authorised for that purpose by the Governor and exported therefrom and from no other port.

40. The Governor-in-Council may make Rules for the better carrying into effect of the provisions of this Ordinance.

Procedure and Penalties.

Power to arrest.

41. (1) When a person is seen or found committing an offence or is reasonably suspected of having committed or of being engaged in committing an offence against this Ordinance any Magistrate, Justice of the Peace, Police Officer or Game Warden may, without warrant, stop and detain him, and if his name and address are not known to the Magistrate, Justice of the Peace, Police Officer or Game Warden, and such person fails to give them to his satisfaction or if the officer or Warden has reason to believe that except by arresting such person he may not afterwards be found or made answerable to justice without delay, trouble or expense, he may without warrant apprehend him.

Person apprehended to be taken before Magistrate without delay.

(2) A person apprehended under this section shall be taken with all practicable speed before a Magistrate and shall not be detained without a warrant longer than is necessary for the purpose.

(3) In addition to the Public Prosecutors appointed under the provisions of any law in force in the Colony or Protectorate the following officers shall be deemed to be Public Prosecutors for the purposes of this Ordinance:—

Game Wardens and

District Commissioners.

Power to search.

42. Whenever any Magistrate, Justice of the Peace, Police Officer or Game Warden thinks it expedient for the purposes of verifying the register of a licence holder, or suspects that any person has been guilty of an offence against this Ordinance, he may inspect and search, or authorise any subordinate officer to inspect and search, any baggage, package, waggon, tent, caravan or premises belonging to or under the control of such person or his agent, and if the Magistrate, Justice of the Peace, Police Officer or Game Warden finds any trophy or other remains of any animal or any live animal appearing to have been killed, captured, obtained or dealt with or to be possessed in contravention of this Ordinance he shall seize and take the same before a Magistrate, to be dealt with according to law.

Power to enter upon land.

43. Any Magistrate, Justice of the Peace, Police Officer or Game Warden may enter upon any land for the purpose of this Ordinance, or for the purpose of preventing or detecting offences against this Ordinance.

Penalties.

44. (1) Any person who hunts, kills or captures, or who abets the hunting, killing or capturing of, any animal in contravention of this Ordinance, or otherwise commits or abets the commission of any offence for or in respect of which no penalty is specially provided, or commits a breach of this Ordinance or of the conditions of his licence shall, on conviction, be liable to a fine not

exceeding £100, or where the offence relates to more animals than one, to a fine in respect of each additional animal not exceeding £50 or to imprisonment of either description which may extend to six months, or both.

(2) Any person who aids or assists in any manner in the commission of any offence under this Ordinance may be charged with the principal offence.

Forfeiture of Trophies, etc., on conviction.

(3) In all cases of conviction any animal or trophy or any animal obtained or possessed in contravention of this Ordinance or of the conditions of a licence shall be forfeited unless the Governor shall otherwise order. If the person convicted is the holder of a licence his licence may be revoked by the Court.

Reward for informers

45. Where in any proceedings under this Ordinance any fine is imposed, the Court may award any sum or sums not exceeding half the total fine to any informer or informers, provided that no such sum may be awarded to any person appointed to assist in the Administration of this Ordinance.

REPEAL.

Repeal.

46. The Game Ordinance, 1909, and the Game Amendment Ordinance, 1913, are hereby repealed;

Provided as follows:—

(1) Where any legal proceedings have been begun under the said repealed Ordinances the same shall be continued as if this Ordinance had not been enacted.

Savings

(2) Any person who has before the commencement of this Ordinance committed an offence against the said repealed Ordinances or committed any breach of the provisions of the said Ordinances or of the conditions of any licence granted thereunder, and which offence or breach cannot be punished under this Ordinance shall be proceeded against and punished as if this Ordinance had not been enacted.

(3) Licences issued under the said repealed Ordinances unexpired at the commencement of this Ordinance shall remain in force for the period for which they were granted, as if this Ordinance had not been enacted. Provided, however, that a sportsman's licence shall be deemed to confer upon the holder the same privileges as are conferred by a Visitor's Licence issued under this Ordinance, and a Landholder's Licence shall authorise the holder to kill animals of the species and to the number authorised by a Private Land Licence.

FIRST SCHEDULE.

PART A.

Animals which may be hunted, killed or captured only under Special Licence:—

1. Elephant.
2. Hippopotamus (in Lakes Elmenteita and Nakuru).
3. Rhinoceros.
4. Ostrich.

PART B.

1. Giraffe (except in the Administrative Districts of Uasin Gishu, Trans-Nzoia, Fort Hall and Machakos, in which districts Giraffe may not be hunted, killed or captured under any circumstances.
2. Greater Kudu (except in the Northern Frontier District).
3. Roan (except in the Southern Masai Reserve).
4. Sable.
5. Vulture (any species).
6. Owl (any species).
7. Fish Eagle.
8. Marabout.
9. Egrets of all species.
10. Ground Hornbill.
11. Grevy's Zebra (South of Uaso Nyiro River).
12. Kavirondo Crested Crane.
13. Impalla in the following areas:—(*a*) in the Nyeri district bounded on the North by the Amboni and Rongai Rivers on the East by Mount Kenya, on the South by the Chania River and on the West by the Aberdare Mountains:—(*b*) from Kisumu following the Railway line to Kibos Station thence following the Kibos River to Lake Victoria.

SECOND SCHEDULE.

PART A.

Animals, the females of which are not to be hunted, killed or captured when accompanying their young, and the young of which are not to be hunted, killed or captured, except under special licence.

1. Elephant.
2. Rhinoceros.
3. Hippopotamus.
4. Ostrich.

PART B.

1. Giraffe.
2. All Antelopes and Gazelles mentioned in any Schedule.

THIRD SCHEDULE.

Animals which may be killed or captured under a Visitor's or Resident's licence.

	Kind.	*Number allowed.*
1.	Buffalo	unlimited
2.	Hippopotamus, except as provided in the first Schedule	2
3.	Eland (one female only)	2
4.	Zebra (Grevy's) North of Northern Guaso Nyiro	6
5.	Oryx, (Callotis)	2
6.	Oryx, (Beisa)	6
7.	Waterbuck (Cobus defassa or sub-species) ...	2
8.	Waterbuck (Cobus Ellipsiprymnus or sub-species)	2
9.	Greater Kudu (male) in Northern Frontier District only	2
10.	Lesser Kudu	4
11.	Roan (male) in Southern Masai Reserve only ...	1
12.	Topi (of these all in Jubaland or Tanaland, 4 only in Masai Reserve and 2 only elsewhere)	8
13.	Coke's Hartebeest and sub-species	unlimited
14.	Nakuru (or Neumann's) Hartebeest	2
15.	Kenya Hartebeest	2
16.	Jackson's Hartebeest	4
17.	Hunter's Antelope	6
18.	Thomas's Kob	2
19.	Bongo	2
20.	Impalla.	4
21.	Situtunga	2
22.	Wildebeest (of these all in the Southern Masai Reserve and only 3 elsewhere)	20
23.	Grant's Gazelle (not more than three to be shot in any one district):	
	(A) East of Tsavo River	
	(B) East of Kikuyu Escarpment	
	(C) Laikipia and N.F.D.	
	(D) Southern Masai Reserve	
	(a) G. Serengatae	
	(b) G. Athae or Rosevelti	
	(c) Notata and Brighti	
	(d) Robertsi	

THIRD SCHEDULE.—(contd).

24.	Waller's Gazelle (Gerenuk)	4
25.	Red Duiker and sub-species	10
26.	Blue Duiker	10
27.	Dik Dik	20
28.	Cotton's or Abyssinian Oribi	10
29.	Haggard's Oribi	6
30.	Kenya Oribi	4
31.	Klipspringer	4
32.	Ward's Reedbuck	10
33.	Chanler's Reedbuck	4
34.	Thomson's Gazelle	10
35.	Peter's Gazelle	10
36.	Soemmerring's Gazelle	10
37.	Bushbuck	unlimited
38.	Colobi Monkeys	6
39.	Lion	unlimited
40.	Cheetah	1
41.	Blue Monkey	6
42.	Steinbuck	10
43.	Zebra (Grants)	unlimited

FOURTH SCHEDULE.

Animals, which may be killed or captured on a Traveller's Licence.

Zebra	unlimited
Lion	unlimited
Buffalo	unlimited

The following Antelopes and Gazelles only:—

Grant's Gazelle	Six animals in all, made up of a single species or of several provided, however, that not more than one of each of the following may be shot on one licence:—
Thomson's Gazelle	
Jackson's and Coke's Hartebeest	
Impalla.	
Reedbuck	Grant's Gazelle.
Steinbuck	**Jackson's Hartebeest.**
Wildebeest	Impalla.
Dik Dik	Wildebeest.
Oryx Beisa	**Oryx Beisa.**
Bushbuck	**Bushbuck.**
Waller's Gazelle	**Waller's Gazelle.**
Topi (in Jubaland Tanaland and Loita Plains).	**Topi.**
Oribi	Kenya oribi.

FIFTH SCHEDULE.

GAME RESERVES.

1. *The Southern Reserve.*

An area bounded by a line following the right bank of the Ngong River from the railway line to the point where the Kajiado road crosses the Ngong River, thence following the road to the point where it crosses the Mbagathi River, thence by a line of beacons to the Survey beacons on the Ngong Hills (Donyo Lamuyu), thence to Mt. Suswa by a line of beacons and from Suswa thence S.W. by a line of beacons to Mosiro the trading centre on the Uaso Nyiro and thence following the left bank of the river to the border. Thence following the border to the beacon at Usiri, thence to the source of the Rombo River, which it follows till its junction with the Tsavo River. Thence by the left bank of the Tsavo River to a beacon at the point where the Ngulia and Kyulu Hills approach the river. Thence following the foot of the eastern slope of Kyulu Hills to Mount Kchumba. From there in a straight line to the beacon as the source of the Makindu River which it follows to the Uganda Railway. From the Makindu River the line follows the Railway to the Ngong River.

2. *The Northern Reserve.*

Eastern Boundary.—Starting at the ford at "Kampi ya Nyama Yangu" on the Northern Eusso Nyiro River the boundary runs in a straight line to the summit of Kortogor (Ooigoitoga) Hill, (Survey beacon 4067 feet), thence to the summit of Kalama Hill, thence to the summit of Lololokwi Hill, thence northward along the foot of the eastern slope of Uaraguesgo Hill and the Matthews Range to the northernmost end of the latter (approximately on latitude, 1° 30′ N.), thence in a straight line in a north-easterly direction to the summit of Lomoton Hill, thence to the summit of Lodermut Hill (Survey point 4712 feet), thence to the summit of Lolajonga Hill (Survey point 3512 feet), approximately 15 miles south-west of Marsabit Lake.

Northern Boundary.—Thence in a straight line to the summit of Mount Nyiro (N.B.—This line crosses the Orr Valley west of Mount Nyiro at what is known as the "second stream").

Western Boundary.—Thence in a straight line to the summit of Kowop Hill, thence in a straight line to the western scarp of Loroki Hill (Survey point 8090 feet), thence in a straight line to the summit of Pakka Hill (Survey beacon 5575 feet).

Southern Boundary.—Thence in a straight line to the summit of Ol Doinyo Oiroua or Kuti (Survey Beacon 6905 feet), thence in a straight line to the junction of the Northern E. Uaso Nyiro and E. Uaso Narok Rivers, thence down the left (north) bank of the former to the ford at Kampi ya Nyama Yangu, the point of commencement.

SIXTH SCHEDULE.

GAME REGISTER.

Species.	Number.	Sex.	Locality.	Date.	Remarks By whom shot and Lic. No.

I declare that the above is a true record of all animals captured / killed / bought by me (in the Colony or Protectorate) under the licence granted me on the.....19.....

Passed.

Signed.....

Signature of examining officer.

SEVENTH SCHEDULE.

A. B., do sincerely promise and swear that I will be faithful and bear true allegiance to His Majesty King George the Fifth, His Heirs and Successors according to law and that I will faithfully serve His Majesty in the office of a Game Warden in the Colony and Protectorate of Kenya.

SO HELP ME GOD.

Allowed Gov. N. 142
Q.S. 1922, p. 277

AN ORDINANCE.

No. 59 OF 1921.

Assented to in His Majesty's name this 31st day of December, 1921.

EDWARD NORTHEY,
Governor

An Ordinance to further amend the Income Tax Ordinance, 1920.

BE it enacted by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof:—

Short title.

1. This Ordinance may be cited as "The Income Tax (Amendment) (No. 3) Ordinance, 1921," and shall be read as one with the Income Tax Ordinance, 1920, and all amendments thereto, hereinafter referred to as the Principal Ordinance.

Amendment of Section 6 of the Principal Ordinance.

2. Section 6 of the Principal Ordinance as amended is hereby amended by the addition in Sub-section 1 of the following exception:—

"VI. Interest received by or accruing to or in favour of any person from Inscribed Stock or Debentures issued by the Government of the Colony, except where the Specific Loan Ordinance authorising the issue of such stock or debentures makes provision for the payment of tax on such interest."

3. "The following deductions from assessable Income shall be allowed in respect of all incomes assessed under this Ordinance.

(1) An amount equal to 25% of the income actually assessed in respect of one wife supported and maintained by the taxpayer being her husband, provided that such relief shall not in any case exceed the sum of £150.

(2) An amount equal to 5% of the income actually assessed in respect of each child under the age of 16 years at the commencement of the year for which income tax is charged. Provided that the taxpayer claiming relief shall be wholly, or mainly, responsible for the maintenance of such child, and further provided that the reduction of such assessable income shall not exceed £30 for each child.

Provided further that one claim only shall be allowed in respect of each child.

This relief shall be extended to the case where it is proved to the satisfaction of the Commissioner that a child over the age of 16 is receiving full-time instruction at any University, College, School, or other educational establishment at the commencement of the year for which Income Tax is charged.

(3) An amount equal to 5% of the income actually assessed in respect of each dependent relative, proved to the satisfaction of the Commissioner to be wholly, or mainly, maintained by him, and to be either incapacitated by old age, or infirmity, or to be his widowed mother, provided that such relief shall not exceed £30 in respect of any one dependent."

Payments in representative capacity.

4. The tax payable by any taxpayer in a representative capacity in respect of the classes of income enumerated under headings II, III and IV of Section 10, and Sections 19, 20, and 21 of the Principal Ordinance shall be calculated at the rate of 5% of such income.

Provided that the person upon whose behalf the tax has been paid, shall be entitled to apply for a refund in the manner provided by Section 22 of the Principal Ordinance, if the sum paid on his behalf is in excess of the tax for which he is liable. And further, provided that the Commissioner shall have power to re-assess such person in the manner provided by Section 34 (a) of the Principal Ordinance, if the sum paid on his behalf is less than the tax for which he is liable.

Amendment of Section 28 of the Principal Ordinance.

5. (1) The proviso to Section 28 III (b) of the Principal Ordinance shall be amended by the deletion of the words the amount of such allowance shall be deemed to be the annual value of such dwelling house, residence or quarters, and by the substitution therefor of the words "the estimated annual value shall not in any case exceed the amount of such allowance."

(2) Section 28 V (e) shall be and is hereby amended by the addition of the words "or in the actual occupation of the owner."

(3) Section 28 sub-section VI as amended by Section 8 of the Income Tax (Amendment) Ordinance, 1921, is hereby repealed, and replaced as follows:—

"28. (VI). Any taxpayer who has effected an insurance on his own life for his own benefit, or for the benefit of his wife and children, or has contributed to any superannuation fund, shall be entitled to have the actual income assessed reduced by a sum equal to the amount of the premiums paid during the year for which Income Tax is charged, provided that such relief shall not exceed the sum of £100."

Amendment of Schedule to Income Tax (Amendment) Ordinance, 1921.

6. The Schedule to the Income Tax (Amendment) Ordinance, 1921, is hereby repealed and replaced by the Schedule to this Ordinance.

Application of Ordinance.

7. The provisions of this Ordinance shall only apply to assessments made in respect of the year 1922 and every subsequent year.

SCHEDULE.

INDIVIDUALS.

Rate of Tax.

On the first	100	pounds or part thereof	... 1%
On the next	100	„	... 2%
„	100	„	... 3%
„	100	„	... 4%
„	100	„	... 5%
„	200	„	... 6%
„	200	„	... 7%
„	200	„	... 8%
„	400	„	... 9%
„	500	„	... 10%
„	1,000	„	... 11%
„	2,000	„	... 12%
„	5,000	„	... 13%
„	10,000	„	... 20%
On any additional taxable amount over & above 20,000			... 25%

COMPANIES.

10%

AN ORDINANCE.

No. 60 OF 1921.

Assented to in His Majesty's name this 31st day of December, 1921.

EDWARD NORTHEY,
Governor.

An Ordinance to supply a further Sum of Money for the Service of the year ended 31st of March, 1921.

BE it enacted by the Governor of the Colony of Kenya with the advice and consent of the Legislative Council thereof:—

Short title.

1. This Ordinance may be cited as "The Supplementary Appropriation Ordinance, (No. 3) 1921.

Public Revenue Charged.

2. The Public Revenue for the year 1920-21, and other funds of the Colony and Protectorate of Kenya are hereby charged towards the service of the year ended 31st day of March, 1921, with a further sum of two hundred and forty thousand, six hundred and eighteen pounds, three florins and fifteen cents, in addition to the sums provided by the Appropriation Ordinance, No. 22, 1920.

Application of money granted.

3. The money granted by this Ordinance shall be applied to the purposes and services expressed in the Schedule annexed hereto.

Treasurer's authority for payment.

4. The Treasurer of the Colony and Protectorate of Kenya is hereby given authority for having paid out of the Revenue and other funds of the Colony and Protectorate of Kenya, for the several services specified in the Schedule, the said sum of two hundred and forty thousand, six hundred and eighteen pounds, three florins and fifteen cents, which have come in course of payment during the year ended on the 31st day of March, 1921.

SCHEDULE.

Head.		£	Fls.	Cts.
2	Pensions and Gratuities	3,736	4	54
3	His Excellency the Governor ...	3,601	9	81
4	Secretariat	4,074	3	33
5	"Official Gazette" and Printing ...	2,634	1	86
5a	"Official Gazette" Special Expenditure	822	6	75
6	Provincial Administration	20,390	5	2
6a	Provincial Administration Special Expenditure	6,210	3	77
7	Treasury	7,391	0	75
8	Customs	9,396	4	35
9a	Port and Marine, Special Expenditure	746	6	7
10	Audit	454	6	69
11	Legal Department	6,937	5	78
13	Prisons	4,374	1	82
14	Medical	5,979	4	78
15	Chemical Laboratory	886	3	20
18a	Military Special Expenditure ...	5,156	7	79
19	Miscellaneous Services	8,609	8	69
20	Post Office and Telegraphs ...	9,177	8	76
22	Agricultural Department ...	9,536	9	47
22a	Agricultural Department, Special Expenditure	4,122	8	71
23	Forest Department	260	4	57
24	Game Department	637	4	49
27	Land Department	44,524	5	2
28	Public Works Department ...	19,195	0	61
30	Public Works Extraordinary ...	6,769	6	34
30a	Stand Premia	16,089	0	1
32	Interest	22,856	4	9
35	Protectorate Share of War Expenses	16,044	6	8
	Total	£240,618	3	15

Proclamations,
Rules and Regulations.

GOVERNMENT NOTICE No. 2. S. 252.

THE REFORMATORY SCHOOLS ORDINANCE, 1910.

RULES.

IN EXERCISE of the powers conferred upon the Governor by Section 16 of the Reformatory Schools Ordinance, 1910, the Governor's Deputy, has been pleased to make the following Rules:—

1. These Rules may be cited as "The Reformatory Schools Amendment Rules, 1921," and shall be read as one with the Rules, dated the 30th day of October, 1911, and published on page 555 of the Gazette 1911, hereinafter referred to as "the Principal Rules."

2. Rule 10 (*a*) of the Principal Rules shall be and is hereby amended by the deletion of the figure "5" and the substitution therefor of the figure "10."

By command of the Governor's Deputy.

Nairobi,
The 1st day of January, 1921.

W. K. NOTLEY,
Acting Colonial Secretary.

GOVERNMENT NOTICE No. 3. S. 21604

THE ENTERTAINMENTS TAX ORDINANCE, 1920.

REGULATIONS.

IN EXERCISE of the powers conferred upon him by the Entertainments Tax Ordinance, 1920, the Governor's Deputy has been pleased to make the following Regulations:—

Interpretation.

1. In these regulations "Treasurer" means and includes officers appointed to act on his behalf for the purpose of collecting Entertainment Tax. The designations or names of officers so appointed shall be published in the Gazette.

Mode of payment.

2. Proprietors wishing to make payment of the Tax otherwise than by means of stamped tickets shall apply to the Treasurer stating the period for which they wish so to make payment and the amount of the Tax they estimate will fall due for payment during that period.

Date of applications.

3. Such applications shall reach the Treasurer not later than fourteen days prior to the commencement of the period except in the case of any period commencing on the 1st day of January, 1921, in which case the application shall reach the Treasurer as early as possible.

Security.

4. The Treasurer having satisfied himself that the system of account employed by the applicant is such as to afford a proper check of the numbers and prices of tickets that will be sold shall stipulate the security which in his opinion is necessary and upon tender thereof shall agree to payment of the Tax upon producton of returns after the expiration of the period agreed upon.

Returns.

5. The returns to be furnished shall set out the numbers and prices of the tickets actually sold and the Tax payable thereon and shall be accompanied by the amount of the Tax.

Date of receiving Returns.

6. The returns shall reach the Treasurer not later than fourteen days after the expiration of the period agreed upon.

Examination of Books.

7. It shall be an understood condition of application to make payment under the arrangement set forth in Regulations No. 2 to 6 that the applicant agrees that his books of account shall be opened to audit by the Treasurer or the Audit Department, in so far as is necessary to check the numbers and prices of the tickets sold, at any reasonable date and time.

Tickets.

8. In all cases, other than those provided for above, tickets for entertainments liable to the Entertainment Tax shall be printed in counterfoil books consecutively numbered having printed on each ticket and counterfoil the date of the entertainment and value of the ticket exclusive of the amount of the tax.

Stamps to be affixed.

9. Proprietors shall affix to each such ticket a postage stamp of the Colony of Kenya to the value of the tax payable and shall forward to the Treasurer not later than seven days prior to the date of the entertainment all such stamped tickets for audit and defacement of the stamps.

Alteration of Ticket.

10. The price of no ticket shall be altered after defacement of the stamp without the consent of the Treasurer. To obtain such consent proprietors must resubmit the tickets to the Treasurer with the prices altered and with additional stamps affixed to cover the increased tax.

Refund on unsold Tickets.

11. After an entertainment in respect of which the tax has been paid by means of stamps affixed to counterfoil tickets a refund of the tax paid on unsold tickets may be claimed from the Treasurer. No refund will be made in respect of tickets detached from their counterfoils unless it can be shown to the satisfaction of the Treasurer that the detached tickets were exchanged for others bearing a different rate of tax upon which tax has in fact been paid. The Treasurer shall destroy all tickets in respect of which a refund is made.

Season tickets.

12. The tax in respect of admission to entertainments for a season, or for a series of entertainments, or to any entertainment during a certain period of time may be dealt with either under Regulations No. 2 to 7 or Regulations 8 to 11.

Clubs and Societies.

13. In all cases in which admission to an entertainment or entertainments is obtained by means of life membership of, or periodical subscription to, a club, association or society the proprietor shall furnish the Treasurer with true periodical returns of life members and subscribers. In the case of life members the returns shall be furnished not later than the 30th September in each year and in the case of subscribers not later than one month from the date upon which the period covered by the subscription commences.

The returns shall set out the number of life members or subscribers, amount paid for life membership or as subscription, number of entertainments given or to be given during the period for which the return is made. the number of persons a life member or subscriber is entitled to admit free if any. the price of admission charged to the public for that class of seat or part of the place of entertainment to which life members. subscribers and their free guests are entitled and whether or not the amount paid for life membership or as subscription was for any object other than that of obtaining admission to entertainments.

After satisfying himself that the returns are correct for which purpose he shall have access at any reasonable date and time to the books and accounts of the proprietor the Treasurer shall assess the tax payable in such manner as he may deem reasonable having regard to all the circumstances and the amount of such assessment shall subject to appeal be payable on demand.

Date of Returns.

14. Clubs. associations or societies which do not wish to adopt the system of payment set forth in Regulations No. 2 to 7 and which give entertainments subject to tax between the 1st January, 1921, and such date as they may reasonably be expected to have provided themselves with defaced stamped tickets shall before the 28th February, 1921, furnish the Treasurer with a return setting out the number and prices of the unstamped tickets actually sold and the tax payable thereon and shall therewith tender the amount of the tax.

By command the Governor's Deputy.

Nairobi,
Dated the 1st day of January, 1921.

C. E. SPENCER,
for Acting Colonial Secretary.

GOVERNMENT NOTICE No. 5. S. 1143.

ORDER UNDER THE HUT AND POLL TAX ORDINANCE, 1910.

IN pursuance of the powers conferred upon me by Section 12 of the Native Hut and Poll Tax Ordinance, 1910, I hereby order that any Native who shall satisfy a District Commissioner that he has paid a fee or rate levied under a Rule for the time being in force under the Townships Ordinance, 1903, in respect of a hut owned or occupied by him in a Township, shall be allowed to deduct the amount of such fee or rate from the amount of Hut and Poll Tax payable by him under the Native Hut and Poll Tax Ordinance, 1910, or any amendment thereto.

The Order under the Native Hut and Poll Tax Ordinance, 1910, dated the 23rd April, 1912, and published on page 268 of the "Official Gazette" of May 1st, 1912, is hereby revoked.

Nairobi,
This 30th day of December, 1920.

W. K. NOTLEY,
Governor's Deputy.

PROCLAMATION No. 4. S. 14102.

THE BRITISH PROTECTORATES (DEFENCE) ORDER-IN-COUNCIL, 1916.

PROCLAMATION.

IN EXERCISE of the powers conferred upon me by the British Protectorates (Defence) Order-in-Council, 1916, I Edward Northey, Major-General of His Majesty's Forces, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Companiin of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of the Colony of Kenya, do hereby declare that the Proclamations mentioned in the schedule hereto be and the same hereby are from the date of publication hereof revoked.

Given under my hand at Nairobi this 11th day of January, 1921.

EDWARD NORTHEY,
Governor and Commander-in-Chief.

GOD SAVE THE KING.

SCHEDULE.

1.	Proclamation No.	50,	dated	11th June, 1918.
2.	,, ,,	58,	,,	4th July, 1918.
3.	,, ,,	74,	,,	29th Aug., 1918.
4.	,, ,,	76,	,,	2nd Sept., 1918.
5.	,, ,,	21,	,,	6th March, 1919.

PROCLAMATION No. 5. S. 17277

THE EAST AFRICA WILD BIRDS PROTECTION ORDINANCE, 1903.

PROCLAMATION.

IN pursuance of the powers conferred upon me by Section 2 of the East Africa Wild Birds Protection Ordinance, 1903, I, Edward Northey, Major-General of His Majesty's Forces, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Most Honourable Order of the Bath, Governor of the Colony of Kenya, do hereby declare that the provisions of the said Ordinance shall apply to all species of wild fowl and lake birds within an area comprising Lake Naivasha and the shores thereof to a distance of one mile from the said Lake between the 1st day of February, 1921, and the 1st day of November, 1922, and thereafter from the 1st day of February to the 31st day of October in every year.

The Proclamation, dated 11th June, 1903, and published on page 216 of the Gazette for the year 1903 is hereby revoked.

Given under my hand at Nairobi this 13th day of January, 1921.

EDWARD NORTHEY,
Governor.

GOD SAVE THE KING.

PROCLAMATION No. 6. S. 16230.

THE EAST AFRICA TOWNSHIPS ORDINANCE, 1903.

PROCLAMATION.

IN EXERCISE of the powers conferred upon me by the East Africa Townships Ordinance, 1903, I, Edward Northey, Major-General of His Majesty's Forces, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Most Honourable Order of the Bath, Governor of the Colony of Kenya, hereby proclaim and declare all that area, lately known as Egerton Estate and Nairobi East Township and now known as Egerton, Eastleigh and Eastleign Exten-

sion and more particularly described in the schedule hereto to be a Township for the purposes of the above Ordinance and to be named Eastleigh Township.

Nairobi,
The 15th day of January, 1921.

EDWARD NORTHEY,
Governor.

GOD SAVE THE KING.

SCHEDULE.

Commencing at the North-east corner of L.O. No. 209/194 on the Mathari River, thence bounded generally on the North by that River down-stream to its junction with the Getathuru River and by that River down-stream to its intersection with the Western boundary of L.O. No. 219; by part of that boundary Southerly by the Southern boundary Easterly, and by part of the Eastern boundary Northerly to the South-west corner of L.O. No. 220; and by part of the Southern boundary of that farm Easterly to the most Westerly corner of L.O. No. 221/2; thence on the East by the Western boundary of that farm Southerly to the Nairobi River; thence generally on the South-east by that River up-stream to its intersection with the Eastern boundary of the Nairobi Township; thence on the West by that boundary Northerly to the point of commencement.

PROCLAMATION No. 11. S. 1034.

THE EAST AFRICA WEIGHTS AND MEASURES ORDINANCE, 1912.

PROCLAMATION

WHEREAS by Section of the East Africa Weights and Measures Ordinance, 1912, it is provided that the aforesaid Ordinance may by order of the Governor be applied to any area within the Protectorate.

And whereas it is expedient that the aforesaid Ordinance, as amended by the Weights and Measures (Amendment) Ordinance, 1918, and the Weights and Measures (Amendment) Ordinance, 1920, shall apply to and have effect in the Township of Nairobi.

Now therefore I, Edward Northey, Major-General of His Majesty's Forces, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Most Honourable Order of the Bath, Governor of the Colony of Kenya, do hereby order and proclaim that the aforesaid Ordinance as amended shall apply to and have effect in the Township of Nairobi.

Given under my hand at Nairobi, this 20th day of January, 1921.

EDWARD NORTHEY,
Governor.

GOD SAVE THE KING.

GOVERNMENT NOTICE No. 23. S. 14102.

THE BRITISH PROTECTORATES (DEFENCE) ORDER-IN-COUNCIL, 1916.

IN EXERCISE of the powers conferred upon him by the British Protectorates (Defence) Order-in-Council, 1916, His Excellency the Governor has been pleased to revoke the Defence Regulations mentioned in the schedule hereto.

By command of His Excellency the Governor.

Nairobi,
This 11th day of January, 1921.

W. K. NOTLEY,
Acting Colonial Secretary.

SCHEDULE.

1.	Defence Regulation	(No. 1),	1918,	dated	22nd April, 1918.
2.	,, ,,	(No. 2),	,,	,,	11th April, 1918.
3.	,, ,,	(No. 4),	,,	,,	22nd April, 1918.
4.	,, ,,	(No. 5),	,,	,,	8th May, 1918.
5.	,, ,,	(No. 7),	,,	,,	7th July, 1918.
6.	,, ,,	(No. 8),	,,	,,	5th July, 1918.
7.	,, ,,	(No. 9),	,,	,,	24th August, 1918.
8.	,, ,,	(No. 10),	,,	,,	29th August, 1918.
9.	,, ,,	(No. 12),	,,	,,	4th October, 1918.
10.	,, ,,	(No. 13),	,,	,,	4th October, 1918.
11.	,, ,,	(No. 14),	,,	,,	8th October, 1918.
12.	,, ,,	(No. 15),	,,	,,	14th October, 1918.
13.	,, ,,	(No. 16),	,,	,,	16th October, 1918.
14.	,, ,,	(No. 18),	,,	,,	21st October, 1918.
15.	,, ,,	(No. 20),	,,	,,	4th November, 1918.
16.	Censorship Regulation	(No. 22)	1919,	dated	10th January, 1919.
17.	Defence Regulation	(No. 23),	1919,	dated	21st January, 1919.
18.	,, ,,	(No. 27),	1919,	,,	11th February, 1919.
19.	,, ,,	(No. 28),	,,	,,	18th March, 1919.
20.	,, ,,	(No. 30),	,,	,,	28th March, 1919.
21.	,, ,,	(No. 33),	,,	,,	12th May, 1919.
22.	,, ,,	(No. 34),	,,	,,	10th July, 1919.
23.	,, ,,	(No. 35),	,,	,,	7th July, 1919.
24.	,, ,,	(No. 36),	,,	,,	25th July. 1919.
25.	,, ,,	(No. 37),	,,	,,	25th August, 1919.
26.	,, ,,	(No. 38),	,,	,,	10th September, 1919.
27.	,, ,,	(No. 39),	,,	,,	30th September, 1919.
28.	,, ,,	(No. 40),	,,	,,	13th November, 1919.
29.	,, ,,	(No. 41),	,,	,,	23rd December, 1919.
30.	,, ,,	(No. 42),	1920,	,,	16th January, 1920.
31.	,, ,,	(No. 43),	,,	,,	31st January, 1920.
32.	,, ,,	(No. 44),	,,	,,	3rd March, 1920.
33.	,, ,,	(No. 45),	,,	,,	23rd April, 1920.
34.	,, ,,	(No. 46),	,,	,,	7th May, 1920.
35.	,, ,,	(No. 47),	,,	,,	2nd June, 1920.
36.	,, ,,	(No. 48),	,,	,,	10th June, 1920.
37.	,, ,,	(No. 49),	,,	,,	20th July, 1920.
38.	,, ,,	(No. 50),	,,	,,	27th July, 1920.
39.	,, ,,	(No. 51),	,,	,,	20th August, 1920.
40.	,, ,,	(No. 52),	,,	,,	14th August, 1920.

GENERAL NOTICE No. 102.

MUNICIPAL CORPORATIONS ORDINANCE, 1909.

BYE-LAWS.

IN EXERCISE of the powers conferred by the Municipal Corporations Ordinance, 1909, the Municipal Council of Nairobi with the approval of His Excellency the Governor have made the following Bye-laws:—

1. These Bye-laws may be cited as the Nairobi (Vehicles for Hire) Amendment Bye-laws, 1920, and shall be read as on with the Nairobi Township Rules of 1917 (hereinafter called "the Principal Bye-laws").

2. The schedule to Section 1, Part V. of the Principal Bye-laws is hereby amended as follows:—

By the deletion of the clause headed "Fee payable on Re-registration on Transfer" and the substitution the following:—

Fees Payable on Re-registration on Transfer.

On re-registration of any Public Rickshaw under Rule 358 ...	Fls. 5.
On re-registration of any other vehicle	Fl. 1.

Municipal Offices,
Nairobi,
23rd December, 1920.

WALTER W. RIDOUT,
Acting Town Clerk.

GENERAL NOTICE No. 103.

MUNICIPAL CORPORATIONS ORDINANCE, 1909.

BYE-LAWS.

IN EXERCISE of the powers conferred upon them by the Municipal Corporations Ordinance, 1909, the Municipal Council of Nairobi, with the approval of His Excellency the Governor have made the following Bye-laws:—

1. These Bye-laws may be cited as "The Nairobi Township (Dhobies, Petrol Storage and Street Lighting Rate) Amendment Bye-laws, 1920," and shall be read as one with the Nairobi Township Rules of 1917 (hereinafter called "the Principal Bye-laws").

2. Bye-law No. 235 of the Principal Bye-laws is hereby amended by the insertion of the words "and every employee of such Dhobie" after the word "Licence" in line 1 thereof.

3. The schedule to Section 1, Part IV. of the Principal Bye-laws is amended as follows:—

By the substitution of the figure 2 for the figure 1 in the first line thereof and the insertion of the following words thereafter:—

"Upon the issue of every dhobie's badge or "Dhobie's employee's badge—deposit Fls. 5 "(returnable upon the cancellation of the washing "licence and/or return of the badge").

4. Bye-law No. 237 of the Principal Bye-laws is hereby repealed.

5. Bye-law No. 332 of the Principal Bye-laws is hereby amended by the substitution of the figure "40" for the figure "10" in the 6th line thereof and the figure "20" for figure "10" in the 8th and 9th lines thereof.

6. Bye-law No. 447 of the Principal Bye-laws is hereby amended by the deletion of the words "Re 1 per month" where they occur and the insertion of the words "Fls. 12 per annum" in place thereof and the deletion of the words "50 cents per month" where they occur and the insertion of the words "Fls. 6 per annum" in place thereof.

7. Bye-law No. 448 of the Principal Bye-laws is hereby repealed and the following Bye-law substituted therefor:—

"448. The said charge shall be paid annually in advance on the 1st day of January in each year."

Nairobi,
15th January, 1921.

J. A. WATSON,
Town Clerk.

GOVERNMENT NOTICE No. 30.

Repealed
Gr. n. 43.

THE INDIAN POST OFFICE ACT, 1898,

AND

THE POST OFFICE AMENDMENT ORDINANCE, 1919.

RULES.

IN EXERCISE of the powers conferred upon the Governor-in-Council by the Indian Post Office Act, 1898, as applied to the Colony and Protectorate, and the Post Office Amendment Ordinance, 1919, and all other powers him thereunto enabling, His Excellency the Governor-in-Council has been pleased to make the following Rules:—

(I). These Rules may be cited as the Foreign Money Order and Postal Order Rules, 1921.

(II). All rules heretofore made, pursuant to the provisions of the said Act and Ordinance, or howsoever otherwise, relating to the issue by the Post Office of Foreign Money Orders or of Postal Orders are hereby suspended.

(III). The issue of Foreign Money Orders, and Postal Orders is hereby suspended.

(IV). These rules shall come into operation on the Second day of February, 1921.

By command of His Excellency the Governor-in-Council,

Nairobi,
The First day of February, 1921.

W. K. NOTLEY,
Acting Colonial Secretary.

GOVERNMENT NOTICE No. 32. S. 22010.

THE INDIAN TELEGRAPH ACT, 1885.

RULES.

The Telegraph Rules, 1921.

IN EXERCISE of the powers conferred upon him by the Indian Telegraph Act, 1885, as applied to the Colony and Protectorate, His Excellency the Governor has been pleased to make the following Rules:—

1. These Rules may be cited as "The Telegraph Rules, 1921."

2. Rules 1 of the Rules referring to registration of abbreviated telegraphic addresses, dated the 27th March, 1906, made under the Indian Telegraph Act, 1885, is hereby amended by substituting "1st January 1921," for "1st April, 1906," in line 1 thereof and by substituting "Fls. 20" for "Rs. 15" in line 2 thereof.

This Rule shall apply to any registrations or renewal of registrations of abbreviated telegraphic addresses made on or after the 1st day of February, 1921.

3. A charge of 50 cents shall be levied on all inland telegrams handed in on Sunday in addition to the ordinary charges for transmission.

The above Rules shall come into force on the 3rd day of February, 1921.

By command of His Excellency the Governor.

Nairobi,
The 31st day of January, 1921.

C. E. SPENCER,
Acting Asst. Colonial Secretary.

PROCLAMATION No. 15.

THE EAST AFRICA AND UGANDA (CURRENCY) (No. 2) ORDER-IN-COUNCIL, 1920.

PROCLAMATION.

IN EXERCISE of the powers conferred upon me by the East Africa and Uganda (Currency) (No. 2) Order-in-Council, 1920, and all other powers thereunto enabling me, I, Edward Northey, Major-General of His Majesty's Forces, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of the Colony and Protectorate of Kenya, do hereby proclaim and declare that from the date hereof notes of the denomination of one rupee issued by the Government of India are not legal tender in the Colony or Protectorate of Kenya.

Given under my hand at Nairobi this 7th day of February, 1921.

EDWARD NORTHEY,
Governor and Commander-in-Chief.

GOD SAVE THE KING.

PROCLAMATION No. 16. S. 18520.

THE EAST AFRICA FUGITIVE OFFENDERS ORDER-IN-COUNCIL, 1920.

PROCLAMATION.

WHEREAS by Article 3 of the East Africa Fugitive Offenders Order-in-Council, 1920, it is provided that the Governor of the Colony and Protectorate of Kenya, shall cause the aforesaid Order to be proclaimed in the said Colony and Protectorate and that the said Order shall come into operation on a day to be fixed by such Proclamation.

Now therefore I, Edward Northey, Major-General of His Majesty's Forces, Knight Commander of the Most Distinguished Order of Saint Michael and George, Companion of the Most Honourable Order of the Bath, Governor of the Colony of Kenya, do hereby proclaim and publish the said Order-in-Council.

And I do further proclaim and declare that the said Order shall come into operation in the Colony and Protectorate of Kenya on the first day of March in the year of Our Lord nineteen hundred and twenty-one.

Given under my hand and the Public Seal of the Colony, this 28th day of January, 1921.

EDWARD NORTHEY,
Governor.

GOD SAVE THE KING.

ORDER-IN-COUNCIL.

AT THE COURT AT BUCKINGHAM PALACE,

The 3rd day of December, 1920.

Present,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by treaty, grant, usage, sufferance or other lawful means His Majesty has power and jurisdiction in the territories of or adjacent to East Africa named in the first column of the Schedule to this Order:

And whereas by certain Orders-in-Council mentioned in the second column of the said schedule and respectively set opposite to the names of the said territories specified as aforesaid in the first column thereof the Fugitive Offenders Act, 1881, has been applied to the said territories respectively as if each of them were a British Possession:

And whereas by reason of the contiguity of the Colony of Kenya and of the said territories and the frequent intercommunication between them it seems expedient to His Majesty and conducive to the better administration of justice therein that Part II of the Fugitive Offenders Act, 1881, should apply to the said Colony and territories as hereinafter provided:

Now, therefore, His Majesty, by virtue of the powers in this behalf by the Fugitive Offenders Act, 1881, the Foreign Jurisdiction Act, 1890, or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order and it is hereby ordered as follows:—

1. This Order may be cited as "The East Africa Fugitive Offenders Order-in-Council, 1920."

2. (1) Part II of the Fugitive Offenders Act, 1881, shall apply to the Colony of Kenya and the territories named in the first column of the schedule to this Order.

(2) The foregoing provision shall be deemed to be in addition to and not in substitution for any provision of the like nature made in respect of the said Colony by any other Order-in-Council, or in respect of the territories named in the first column of the schedule to this Order by the Orders-in-Council mentioned in the second column thereof and respectively set opposite to the names of the said territories specified as aforesaid in the first column thereof.

3. The Governor of the said Colony and the High Commissioner for Zanzibar and the Governor of each of the said other territories shall cause this Order to be proclaimed therein, and this Order shall come into operation on a day to be fixed by such Proclamation.

4. His Majesty may from time to time revoke, alter, add to, or amend this Order.

And the Right Honourable Viscount Milner, one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

ALMERIC FITZROY.

SCHEDULE.

1. The Somaliland Protectorate ...	... 1.	The Somaliland Order-in-Council, 1899.
2. The Uganda Protectorate ...	... 2.	The Uganda Order-in-Council, 1902.
3. The Nyasaland Protectorate ...	... 3.	The British Central Africa Order-in-Council, 1902. The South Africa Fugitive Offenders Order-in-Council, 1913.
4. The Kenya Protectorate ...	... 4.	The East Africa Order-in-Council, 1902. The Kenya Protectorate Order-in-Council, 1920.
5. Zanzibar	... 5.	The Zanzibar Order-in-Council, 1914.
6. The Tanganyika Territory ...	... 6.	The Tanganyika Order-in-Council, 1920.

PROCLAMATION No. 17. S. 7875.

UNDER THE EAST AFRICA OUTLYING DISTRICTS ORDINANCE, 1902.

PROCLAMATION.

IN EXERCISE of the powers conferred upon the Governor by the East Africa Outlying Districts Ordinance, 1902, I, Edward Northey, Major-General of His Majesty's Forces, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Most Honourable Order of the Bath, Governor of the Colony of Kenya, do hereby declare the trading centre described in the schedule hereto attached to be excluded from the provisions of the aforesaid Ordinance.

Nairobi,
The 1st day of February, 1921.

EDWARD NORTHEY,
Governor.

GOD SAVE THE KING.

SCHEDULE.

RAVINE DISTRICT.

Trading Centre in the Kabarnet Sub-District.

Locality.	Situation.	Extent.
Sibillo	In the Kaptaberewa Section where the Kamungei-Barpello road cuts the Sibillo river.	Approximately 5 acres the boundaries of which are defined by beacons erected by the Assistant District Commissioner, Kabarnet.

PROCLAMATION No. 18. S. 17277.

THE EAST AFRICA WILD BIRDS PROTECTION ORDINANCE, 1903.

PROCLAMATION.

IN pursuance of the powers conferred upon me by the East Africa Wild Birds Protection Ordinance, 1903, I, Edward Northey, Major-General of His Majesty's Forces, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Most Honourable Order of the Bath, Governor of the Colony and Protectorate of Kenya, do hereby revoke the Proclamation, dated 11th March, 1906, and published on page 77 of the Gazette for the year 1906.

Given under my hand at Nairobi this 1st day of February, 1921.

EDWARD NORTHEY,
Governor.

GOD SAVE THE KING.

PROCLAMATION No. 19. S. 22333.

THE CUSTOMS ORDINANCE, 1910.

PROCLAMATION.

IN EXERCISE of the powers conferred upon me by Section 53 of the Customs Ordinance, 1910, I, Edward Northey, Major-General of His Majesty's Forces, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Most Honourable Order of the Bath, Governor of the Colony of Kenya, do hereby declare that I prohibit as from the date hereof the importation of all Condensed Skimmed Milk containing less than 9% milk fat.

Nairobi,
Dated this 5th day of February, 1921.

EDWARD NORTHEY,
Governor.

GOD SAVE THE KING.

GOVERNMENT NOTICE No. 37. S. 20143.

CONFIRMATION OF ORDINANCE.

NOTICE.

THE Secretary of State for the Colonies has been pleased to notify that His Majesty's power of disallowance will not be exercised with respect to the undermentioned Ordinance:—

"AN ORDINANCE TO APPLY A SUM OF MONEY FOR THE SERVICE OF THE YEAR ENDING THE 31ST DAY OF MARCH, 1921."

(No. XXII OF 1920).

By command of His Excellency the Governor,

Nairobi,
February 5th, 1921.

C. E. SPENCER,
for Acting Colonial Secretary.

GOVERNMENT NOTICE No. 43.

THE INDIAN POST OFFICE ACT, 1898,

AND

THE POST OFFICE AMENDMENT ORDINANCE, 1919.

RULES.

IN EXERCISE of the powers conferred upon the Governor-in-Council by the Indian Post Office Act, 1898, as applied to the Colony and Protectorate, and the Post Office Amendment Ordinance, 1919, and all other powers him thereunto enabling, His Excellency the Governor-in-Council has been pleased to make the following Rules:—

1. These Rules may be cited as "The Foreign Money Order and Postal Order Rules (No. 2), 1921."

2. The Foreign Money Order and Postal Order Rules, 1921, are hereby repealed.

By command of His Excellency the Governor-in-Council,

Nairobi,
The 14th day of February, 1921.

W. K. NOTLEY,
Acting Colonial Secretary.

PROCLAMATION No. 24. S. 20511.

THE PUBLIC TRAVEL AND ACCESS ROADS ORDINANCE, 1920.

PROCLAMATION.

IN EXERCISE of the powers conferred upon me by the Public Travel and Access Roads Ordinance, 1920, Section 3 (1), I, Edward Northey, Major-General of His Majesty's Forces, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Most Honourable Order of the Bath, Governor of the Colony of Kenya, do hereby proclaim and declare all the Administrative Districts of the Colony and Protectorate of Kenya to be Districts for the purposes of the aforesaid Ordinance.

Given under my hand at Nairobi this 12th day of February, 1921.

EDWARD NORTHEY,
Governor.

GOD SAVE THE KING.

GOVERNMENT NOTICE No. 45. S. 1967.

THE DISEASES OF ANIMALS ORDINANCE, 1906.

RULES.

IN EXERCISE of the powers conferred upon the Governor by the Diseases of Animals Ordinance, 1906, His Excellency the Governor has been pleased to make the following Rules:—

1. These Rules may be cited as "The Diseases of Animals (Movement of Cattle) Rules (No. 1) of 1921," and shall be read as one with the Diseases of Animals Rules, 1918, and all amendments thereof.

2. Persons desirous of moving cattle from the Kitui district to any other part of the Colony, other than the Province of Seyidie, must leave the Kitui district *via* the Veterinary Quarantine Station on the Kitui-Thika Station Road, where the cattle will be inoculated, dipped or otherwise dealt with as may be considered necessary from time to time.

By command of His Excellency the Governor.

W. K. NOTLEY,
Acting Colonial Secretary.

Nairobi,
The 8th day of February, 1921.

GOVERNMENT NOTICE No. 46. S. 5030.

THE EAST AFRICA TOWNSHIPS ORDINANCE, 1903.

TOWNSHIP OF MERU.

Rules.

IN EXERCISE of the powers conferred upon him by the East Africa Townships Ordinance, 1903, His Excellency the Governor has been pleased to make the following Rules:—

1. These Rules may be cited as "The Meru Township Rules, 1921."

2. The following Rules shall apply to the Township of Meru:—

Rules Nos. 178 to 181 of the Township Rules, dated 19th May, 1904, made under the provisions of the East Africa Townships Ordinance, 1903.

By command of His Excellency the Governor.

W. K. NOTLEY,
Acting Colonial Secretary.

Nairobi,
The 9th day of February, 1921.

GOVERNMENT NOTICE No. 63. S. 204.

THE DISEASES OF PLANTS PREVENTION ORDINANCE, 1910.

REGULATIONS.

IN EXERCISE of the powers conferred upon him by the Diseases of Plants Prevention Ordinance, 1910, His Excellency the Governor has been pleased to make the following Regulations:—

IMPORTATION OF COFFEE AND INSPECTION OF COFFEE PLANTATIONS.

1. No coffee plant, whether living or dead, and no coffee beans nor coffee (except roasted beans and ground coffee) shall be imported into the Colony or Protectorate except with the permission in writing of the Director of Agriculture.

Any coffee plant, coffee bean, or coffee, other than roasted beans or ground coffee, imported into the Colony or Protectorate without permission of the Director of Agriculture as aforesaid may be seized by an officer acting on his behalf.

Any coffee plant, coffee bean or coffee, seized as aforesaid shall be destroyed or otherwise dealt with as the Director of Agriculture shall determine.

Anything in the preceding regulation to the contrary notwithstanding, coffee plants, coffee beans, and coffee may be introduced into the Colony or Protectorate for transit through the Colony or Protectorate subject to the conditions following:—

(1) The plants, beans and coffee must be securely packed in cases, or in double bags of substantial sacking, separately sealed to the satisfaction of the Director of Agriculture and the Commissioner of Customs.

(2) Every case or cover containing such plant, bean or coffee must be sealed and stencilled on a prominent position showing the country of origin at the port or place of entry by the Customs Officer and no such case or cover shall thereafter be opened within the limits of the Colony or Protectorate.

(3) Should any case or cover containing such plant, bean or coffee become so damaged in the course of transit through the Colony or Protectorate as to render it possible that any plant, bean or coffee, may escape therefrom such case or cover and any plant, bean or coffee, therein or therefrom may, at the discretion of the Director of Agriculture be destroyed and no compensation shall be payable in respect of such destruction.

3. The Director of Agriculture may, from time to time by notice in the "Official Gazette," appoint such person or persons in the service of the Agricultural Department as he may think fit to perform the duties of an Inspector under these Regulations and may by notice as aforesaid cancel any such appointments or any appointment made in pursuance of any Regulations under the Diseases of Plants Prevention Ordinance.

4. Any Inspector may, at any time between the hours of 6 a.m. and 6 p.m., enter upon any land on which he has reason to believe that any coffee bush is growing, for the purpose of inspecting the same.

5. Whenever an Inspector shall consider that any coffee bush is infected with disease or insect pest, or that the condition of any coffee bush, or of any land on which a coffee bush is growing is such as may give rise to any coffee plant disease or insect pest, he may,

(1) If the land on which the coffee bush is growing is occupied require, in writing, the occupier of the land to take such action with regard to the land or any coffee bush or bushes thereon as he may consider necessary or advisable to prevent disease or insect pest or the spread of disease or insect pest, or

(2) If the land on which the coffee bush is growing is unoccupied, or appears to the Inspector to be unoccupied, destroy any or all coffee bushes thereon, as to the Inspector may seem necessary or advisable.

6. Whenever under the powers conferred by the last preceding Regulation an Inspector shall require an occupier to take action with regard to any land or any coffee bush thereon he shall specify the time as to the Inspector may seem reasonable, within which such action shall be completed.

If the occupier to whom such requisition is directed shall fail to complete the action required within the time specified, he shall be guilty of an offence, and liable on conviction, to a fine not exceeding Fls. 300/- and in default of payment of the same imprisonment for a term not exceeding one month, and whether proceeding have been taken or not, an Inspector may by himself or his employees destroy all or any coffee bush on the land, as to the Inspector may seem necessary and advisable.

7. Service of a requisition delivered to or sent by post to the occupier or to the manager or person appearing to the Inspector to be the manager of any plantation or land shall be deemed to be good service upon the occupier.

8. No cotton seed shall be imported into the Colony or Protectorate for use in the Colony or Protectorate through any port or place of entry in the Colony or Protectorate other than Kilindini, Mombasa and such other port or ports as may be approved by the Director of Agriculture on application and it must be accompanied by a certificate to the effect that it has been fumigated within one month before transmission to the Colony or Protectorate or by a certificate that the seed is free from disease and insect pests from the Department of Agriculture of the country from which it is imported. All cotton seed imported into the Colony or Protectorate is liable to inspection.

9. All cotton seed unaccompanied by either one or other certificate specified in Section 8 shall be delivered by the Importer or his Agent at the fumigator to be fumigated by the Department of Agriculture either at the port of entry or elsewhere at the discretion of the Director of Agriculture, and shall be removed by the Importer or his Agent from the fumigator within a specified time after fumigation.

10. Any cotton seed imported into the Colony or Protectorate in breach of Sections 8 or 9 or any imported cotton seed which is found to be diseased or infected with any insect pest, may be seized by an Officer of the Customs, Postal or Agricultural Departments, and any cotton seed so seized may be destroyed or otherwise dealt with as the Director of Agriculture may direct.

11. The following Regulations shall include all plants as defined in the principal Ordinance including coffee plants, coffee beans, cotton plants and cotton seeds so long as, as regards such coffee plants, coffee beans, cotton plants and cotton seeds, they are not in conflict with the foregoing special regulations dealing with those plants.

12. All plants imported into the Colony or Protectorate shall be examined by an Inspector under the control of the Director of Agriculture, and shall be accompanied by a certificate from the Department of Agriculture of the country from which the plants have been imported to the effect that the same are free from disease and insect pests.

13. (1) Any package or parcel containing any plant imported into the Colony or Protectorate otherwise than by post, shall be delivered by the Customs Officer at the port or place of importation to an Inspector in the Agricultural Department for inspection.

(2) Any package or parcel containing any plant imported by post shall be delivered by the Postal Department to the Agricultural Department for inspection. After examination and fumigation (where necessary) such package or parcel shall be delivered to the Post Office to be forwarded to the addressee without further postal charge.

14. Any plants delivered to the Inspector or Agricultural Department for inspection may be fumigated or otherwise treated so as to cleanse them from any pest or disease which may be found or suspected.

15. Any Inspecting Officer may order any plant delivered for inspection as aforesaid, to be destroyed if in his opinion any disease or insect pest found thereon cannot be effectively treated.

No compensation shall be paid in respect of any plants so destroyed.

16. Every parcel or package containing plants imported into the Colony or Protectorate must bear on the outside a label on which shall be set forth the following particulars:—

(1) The full name of the kind and variety of each plant contained therein.

(2) The place of origin, and

(3) The name and address of the nursery or persons supplying the plant.

17. Except with the permission in writing of the Director of Agriculture first obtained the importation into the Colony or Protectorate of any of the plants following is prohibited:—

(*a*) *Any stone* fruit or living portion thereof.

(*b*) *Apple and Pear* stocks. The term "stock" includes young rooted plants for budding or grafting purposes.

(*c*) *Potato seed.* Sanction to import seed potatoes from the United Kingdom will be granted provided that the consignment is accompanied:—

(1) By a certificate, under seal of either of the Boards of Agriculture of England, Scotland, or Ireland, that no case of wart disease has been reported within a radius of five miles from the place where the tubers were grown, and

(2) By a declaration on oath by the consignor that all the potatoes consigned were grown in the place mentioned in the certificate.

(*d*) *Citrus trees or Citrus fruit* other than citrus fruit grown on the Islands of Zanzibar and Pemba.

18. Any person desiring to obtain a permit for the importation of any of the plants mentioned in the preceding Regulations, must in his application for such permit, state:—

(*a*) The name in full of the kind and variety of each plant it is desired to import and the number of each.

(*b*) The name and address of the nursery or person who is to supply the plant.

(*c*) The reasons thought to justify the grant of the permit required.

19. Any plant mentioned in Regulation 17 imported without the permit of the Director of Agriculture may be seized and destroyed or otherwise dealt with as the Director of Agriculture may determine. No compensation shall be paid in respect of any plants so destroyed.

20. Regulations 11 to 15 (both inclusive) of these Regulations shall not apply to plants imported into the Colony or Protectorate solely for transit through the Colony or Protectorate nor to canned or otherwise preserved plants in which there is no longer any plant life.

21. All Regulations made under the said Diseases of Plants Prevention Ordinance, 1910, prior to the publication of these Regulations are hereby repealed.

22. These Regulations may be cited as the Diseases of Plants Prevention Regulations, 1921.

23. Any person contravening these Regulations shall be liable to a fine not exceeding Fls. 1,000/- or in default of payment of the same to imprisonment of either description for a term not exceeding 3 months.

By command of His Excellency the Governor.

Nairobi,
The 26th day of February, 1921.

W. K. NOTLEY,
Acting Colonial Secretary.

GOVERNMENT NOTICE No. 66. S. 14102/1

THE BRITISH PROTECTORATES (DEFENCE) ORDER-IN-COUNCIL, 1916.

IN EXERCISE of the powers conferred upon him by the British Protectorates (Defence) Order-in-Council, 1916, His Excellency the Governor has been pleased to revoke the Defence Regulations mentioned in the schedule hereto.

By command of His Excellency the Governor.

Nairobi,
This 27th day of February, 1921.

W. K. NOTLEY,
Acting Colonial Secretary.

SCHEDULE.

1. Defence Regulation (No. 11), dated 9th September, 1918.

2. Defence (Hamalage) Regulations (No. 24), dated 27th January, 1919.

GOVERNMENT NOTICE No. 68. S. 20034.

THE NATIVE AUTHORITY ORDINANCE, 1912.

NOTICE.

IN EXERCISE of the powers delegated to me by His Excellency the Governor, I approve of the two following purposes being added to Section 7 of the Native Authority Ordinance, 1912, to apply to the District of Kikuyu:—

1. Requiring the proper burial of deceased persons in cemeteries or otherwise;

2. Forbidding the deliberate exposure of persons supposed to be dying.

Nairobi,
The 28th day of February, 1921.

O. F. WATKINS,
Acting Chief Native Commissioner.

PROCLAMATION No. 30. S. 19224.

THE VAGRANCY ORDINANCE, 1920.

PROCLAMATION.

WHEREAS by Section 1 of the Vagrancy Ordinance, 1920, it is provided that the aforesaid Ordinance may by order of the Governor-in-Council be applied to any area in the East Africa Protectorate.

AND WHEREAS it is expedient that the aforesaid Odinance shall apply to and have effect in the whole of the Colony and Protectorate of Kenya.

NOW THEREFORE I, Edward Northey, Major General of His Majesty's Forces, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Most Honourable Order of the Bath, Governor of the Colony of Kenya, do hereby order and proclaim that the aforesaid Ordinance shall apply to and have effect in the whole of the Colony and Protectorate of Kenya.

Given under my hand at Nairobi this twenty-third day of February, 1921.

EDWARD NORTHEY,
Governor and
Commander-in-Chief.

GOD SAVE THE KING.

GOVERNMENT NOTICE No. 72. S. 196

THE DISEASES OF ANIMALS ORDINANCE, 1906.

RULES.

IN EXERCISE of the powers conferred upon him by the Diseases of Animals Ordinance, 1906, His Excellency the Governor has been pleased to make the following Rules:—

1. These Rules may be cited as "The Diseases of Animals Amendment Rules (No. 2), 1921," and shall be read as one with "The Diseases of Animals Rules, 1918," and with "The Supply of Veterinary Laboratory Products and Inoculation Rules, 1920."

2. The Scale of Fees in Schedule A to the Diseases of Animals Rules, 1918, and the Scale of Fees in the Supply of Veterinary Laboratory Products and Inoculation Rules, 1920, shall be and are hereby amended as follows:—

(*a*) Delete the words "Inoculation against Pleuro-pneumonia, 50 cents per head."

(*b*) Delete the words "Pleuro-pneumonia virus 50 cents per dose."

By Command of His Excellency the Governor.

W. K. NOTLEY,
Acting Colonial Secretary.

Nairobi,
This 24th day of February, 1921.

GOVERNMENT NOTICE No. 73. S. 1967.

THE DISEASES OF ANIMALS ORDINANCE, 1906.

RULES.

IN EXERCISE of the powers conferred upon him by the Diseases of Animals Ordinance, 1906, His Excellency the Governor has been pleased to make the following Rules:—

1. These Rules may be cited as "The Diseases of Animals (Scale of Fees) Amendment Rules (No. 3), 1921," and shall be read as one with "The Diseases of Animals Rules, 1918," and with "The Supply of Veterinary Laboratory Products and Inoculation Rules, 1920."

2. The Scale of Fees in Schedule A to the Diseases of Animals Rules, 1918, and the Schedule to the Supply of Veterinary Laboratory Products and Inoculation Rules, 1920, shall be and are hereby amended by the deletion of the words "Blue Tongue Vaccine—20 doses—Fl. 1/-" in line 11 of the said Schedule A. to the Diseases of Animals Rules, 1918, and the substitution of the words "Blue Tongue Vaccine—10 doses—Fl. 1/-" therefor and the deletion of the words "Blue Tongue Vaccine 1 rupee per 20 doses" in line 18 of the said schedule to the Supply of Veterinary Laboratory Products and Inoculation Rules, 1920, and the substitution of the words "Blue Tongue Vaccine—1 Florin per 10 doses" therefor.

By Command of His Excellency the Governor.

W. K. NOTLEY,
Acting Colonial Secretary.

Nairobi,
The 2nd day of March, 1921.

GOVERNMENT NOTICE No. 74. S. 17402.

THE INDIAN POST OFFICE ACT, 1898,

AND

THE POST OFFICE AMENDMENT ORDINANCE, 1919.

RULES.

IN EXERCISE of the powers conferred upon the Governor-in-Council by the Indian Post Office Act, 1898, as applied to the Colony and Protectorate, and the Post Office Amendment Ordinance, 1919, and all other Powers him thereunto enabling, His Excellency the Governor-in-Council has been pleased to make the following Rules:—

1. These Rules may be cited as "The Foreign Money Order and Postal Order Rules (No. 3), 1921."

2. The total value of Foreign Money Orders issued during any one week:—

(*a*) To any one Remitter,

or

(*b*) In favour of any one payee

shall not exceed Six Hundred Florins; provided that the Postmaster-General may at his discretion allow the issue of Orders exceeding these limits in any case where he is satisfied that the transaction is one which would normally be conducted through the Money Order Service.

By Command of His Excellency the Governor-in-Council.

W. K. NOTLEY,
Acting Colonial Secretary.

Nairobi,
The 3rd day of March, 1921.

GOVERNMENT NOTICE No. 75. S. 19224.

THE VAGRANCY ORDINANCE, 1920.

REGULATIONS.

IN EXERCISE of the powers conferred upon him by Section 5 of the Vagrancy Ordinance, 1920, His Excellency the Governor has been pleased to make the following Regulations:—

1. These Regulations may be cited as "The Vagrancy Ordinance Regulations, 1921."

2. (1) Male and female vagrants shall be detained in separate buildings, or separate parts of the same building, in such manner as to prevent their seeing or conversing or holding any intercourse with each other.

(2) European and Non-European vagrants shall, when possible, be detained in separate buildings or in separate parts of the same building.

3. Vagrants when confined in a prison, shall be kept apart from prisoners as far as possible.

4. The cells or wards where a number of vagrants are confined shall be lighted at night, and be under the constant supervision of the prison officers.

5. No male prison officer shall enter or remain in a cell in which female vagrants are confined unless accompanied by a matron or wardress.

6. Vagrants may wear their own clothing but where such is unfit for use they shall be supplied by the Superintendent with such clothing as may be considered necessary, which must be of a different pattern to that worn by prisoners. Bedding according to the scale issued to prisoners will also be supplied.

7. European vagrants who have been placed on reduced diet shall receive daily one gallon of water and one pound of flour, and shall be visited daily by Prison Medical Officer.

8. Non-European and Native vagrants who have been placed on reduced diet shall receive penal diet as prescribed for Non-European and Native prisoners by a notice made under the Prisons Ordinance, 1914, and dated 24th January, 1918.

By command of His Excellency the Governor.

W. K. NOTLEY,
Acting Colonial Secretary.

Nairobi,
The 2nd day of March, 1921.

GOVERNMENT NOTICE No. 80. S. 5092/II.

CONFIRMATION OF ORDINANCE.

NOTICE.

THE Secretary of State for the Colonies has been pleased to notify that His Majesty's power of disallowance will not be exercised with respect to the undermentioned Ordinance:—

"AN ORDINANCE TO PROVIDE FOR THE CLEANSING OF CATTLE."
(No. XX OF 1920).

By command of His Excellency the Governor,

W. K. NOTLEY,
Acting Colonial Secretary.

Nairobi,
March 1st, 1921.

PROCLAMATION No. 43. S. 21878.

THE EAST AFRICA TOWNSHIPS ORDINANCE, 1903.

PROCLAMATION.

IN EXERCISE of the powers conferred upon me by the East Africa Townships Ordinance, 1903, I, Edward Northey, Major-General of His Majesty's Forces, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Companion the Most Honourable Order of the Bath, Governor of the Colony of Kenya, hereby declare the area described in the schedule hereto to be a Township for the purposes of the above Ordinance and to be named Rumuruti.

Given under my hand at Nairobi this 19th day of March, 1921.

EDWARD NORTHEY,
Governor.

GOD SAVE THE KING.

SCHEDULE.

All that piece of land situate in the Province of Naivasha District of Laikipia.

Locality, Rumuruti Township.

Land Office No. 3671.

Portion No. 28 of Meridional District N. A. 37, S. IV*a* and containing by measurement 1300 acres approximately more or less and bounded as follows, that is to say:—

Commencing at the most South-easterly corner of Portion No. 27 (L.O. No. 2428), on the East Uaso Narok River; thence bounded on the South-west and North-west by that Portion, bearing 328° 03′ 20″ for 5333 feet and 58° 03′ 20″ for 5499·7 feet; thence on the North-east by Portion No. 29 (L.O. No. 2429), the E. Uaso Narok Swamp Reserve and Portion No. 33 (L.O. No. 2425) bearing 148° 03′ 20″ for 10296·0 feet; thence on the South-east and South-west by Portion No. 20 of Meridional District N. A. 37, S. IV C. (L.O. No. 2497) bearing 238° 03′ 20″ for 5499·7 feet and 328° 03′ 20″ for 4963·0 feet, to the point of commencement.

Revoked by Proc. 4/45

PROCLAMATION No. 44. S. 5269.

THE CUSTOMS ORDINANCE, 1910.

PROCLAMATION.

IN EXERCISE of the powers conferred upon me by Section 53 of the Customs Ordinance, 1910, I, Edward Northey, Major-General of His Majesty's Forces, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Most Honourable Order of the Bath, Governor of the Colony and Protectorate of Kenya, do hereby prohibit as from the date hereof the importation of all spirits for human consumption unless proof to the satisfaction of the Commissioner of Customs is produced that the spirits it is sought to import have been matured by storage in wood for a period of not less than 3 years.

Given under my hand at Nairobi this 23rd day of March, 1921.

EDWARD NORTHEY,
Governor.

GOD SAVE THE KING.

GOVERNMENT NOTICE No. 102. S. 21878.

THE EAST AFRICA TOWNSHIPS ORDINANCE, 1903.

RULES.

IN EXERCISE of the powers conferred upon the Governor by the East Africa Townships Ordinance, 1903, and all other powers him thereunto enabling His Excellency the Governor, has been pleased to make the following Rules:—

1. These Rules may be cited as "The Rumuruti Township Rules, 1921."

2. The following Rules shall apply to the Township of Rumuruti.

Of the Township Rules, 1904, dated 19th May, 1904, the following:—

Buildings. Nos. 24. 26, 27, 28, 29, 30, 31, 32, 33, 38, 49, 50 and 52.

Streets and Roads. Nos. 53 to 58 inclusive.

Irrigation Trenches. Nos. 59 to 62 inclusive.

Sanitary. Nos. 63 to 72 inclusive.

Dangerous and Offensive Trades. No. 73.

Stables, Cattle Sheds, etc. Nos. 74 to 78 inclusive.

Removal of Carcases. Nos. 79 to 81 inclusive.

Filthy Premises. Nos. 82 to 83 inclusive.

The Digging of Holes or Excavations. Nos. 88 to 89 inclusive.

Slaughter Houses. Nos. 90 to 96 inclusive.

Butchers. Nos. 107 to 112 inclusive.

Bathing. Nos. 155 to 156 inclusive.

Washing of Clothes. Nos. 157 to 158 inclusive.

Cemeteries. Nos. 159 to 164 inclusive.

Camps. Nos. 165 to 171 inclusive.

With the exception of No. 167, which shall be amended in accordance with the fee charged in the schedule.

Street Noises. No. 177.

Preservation of Order by Night. Nos. 178 to 181 inclusive.

Stray Animals. No. 186.

3. The fees mentioned in the schedule to these Rules shall be levied in the Township of Rumuruti.

SCHEDULE.

(*a*) REGISTRATION.

	Fls.	cts.	
Registration of meat seller ...	2	00	per mensem.

(*b*) POUND FEES.

For each horse, mule ox, cow, calf, camel, donkey, ostrich for the first day ...	1	00
For each succeeding day ...	0	50
For sheep, goat, pig, for each animal per day ...	0	12

(*c*) PERMIT TO KEEP CATTLE, ETC.

	Fls.	Cts.	
Permit to keep cattle, maximum not to exceed 10 head	0	25	per head per mensem or part thereof.
Permit to keep horses, mules, camels	0	25	do.
Permit to keep sheep, goats and pigs	0	06	do.

(*d*) CAMPING GROUND FEES.

Licence for pitching tent on a recognised camping ground	0	50	per week or part thereof.

By command of His Excellency the Governor.

Nairobi,
The 24th day of March, 1921.

W. K. NOTLEY,
Acting Colonial Secretary.

GOVERNMENT NOTICE No. 103. S. 1967.

THE DISEASES OF ANIMALS ORDINANCE, 1906.

RULES.

IN EXERCISE of the powers conferred upon the Governor by the Diseases of Animals Ordinance, 1906, His Excellency the Governor has been pleased to make the following Rules:—

1. These Rules may be cited as "The Diseases of Animals Amendment Rules (No. 4) 1921," and shall be read as one with the Diseases of Animals Rules, 1918, hereinafter referred to as "the Principal Rules," and all amendments thereof.

2. Rule 57 (2) of the Principal Rules is hereby amended as follows:—

In line one thereof the words "or Stock Inspector thereto, specially authorised by the Chief Veterinary Officer" shall be inserted after the words "Veterinary Officer."

3. Rule 57 (3) of the Principal Rules is hereby amended as follows:—

In line one thereof the words "or Stock Inspector" shall be inserted after the words "Veterinary Officer."

By command of His Excellency the Governor.

Nairobi,
The 27th day of March, 1921.

W. K. NOTLEY,
Acting Colonial Secretary.

GOVERNMENT NOTICE No. 104. S. 2119.

THE BRITISH NATIONALITY AND STATUS OF ALIENS ACT, 1914.

REGULATIONS.

IN EXERCISE of the powers conferred upon him by the British Nationality and Status of Aliens Act, 1914, Section 19, and all other powers enabling him in that behalf, His Excellency the Governor has been pleased to make the following Regulations:—

1. These Regulations may be cited as "The Naturalisation Regulations, 1921."

2. The following fees, to which the consent of the Treasury has been obtained, may be taken and shall be applied in the manner hereinafter shown:—

TABLE OF FEES.

The matter in which the Fee may be taken.	The amount of the Fee. Fls.	Cts.
The grant of a certificate of naturalisation to a woman who was a British subject previously to her marriage to an alien, and the registration of the certificate and the oath of allegiance in respect thereof	2	50
The grant of a certificate of naturalisation in other cases, and the registration of the certificate and the oath of allegiance in respect thereof ...	100	00
Taking a declaration of alienage or of retention or resumption of British nationality. Administering the oath of allegiance.	1	25
The registration of a declaration of alienage or of retention or resumption of British nationality	5	00
Certified copy of any declaration or certificate with or without oath ...	5	00

Of the fee of Fls. 100 payable in respect of the grant of a certificate of naturalisation, Fls. 10 shall be payable on the submission of the application for a certificate, and shall in no circumstances be returned, and the remaining Fls. 90 shall be payable on receipt of the decision to grant a certificate.

3. These Regulations shall come into force on the 1st day of April, 1921.

By command of His Excellency the Governor.

Nairobi,
The 22nd day of March, 1921.

W. K. NOTLEY,
Acting Colonial Secretary.

PROCLAMATION No. 45. S. 10629.

THE CUSTOMS AMENDMENT ORDINANCE, 1915

PROCLAMATION.

IN EXERCISE of the powers conferred upon the Governor by the Customs Amendment Ordinance, 1915. I, William Kilmister Notley, Companion of the Distinguished Service Order, Governor's Deputy, do hereby proclaim and declare that Proclamation No. 41 dated 27th April, 1920, published on page 433 of the *Official Gazette* for the year 1920, shall be amended by the deletion of the words:—

"Rice and rice flour and articles, mixtures and preparations containing rice or rice flour;

Sugar, cane and beet, and articles, mixtures and preparations containing sugar, cane and beet;

Wheat, wheat flour and wheat meal."

in Schedule A annexed thereto.

Given under my hand at Nairobi this 5th day of April, 1921.

W. K. NOTLEY,
Governor's Deputy.

GOD SAVE THE KING.

GOVERNMENT NOTICE No. 112. S. 21865.

THE DESIGNATION OF OFFICERS ORDINANCE, 1921.

I hereby declare the following Administrative districts to be "Non-Native Areas" under the provisions of the above Ordinance:—

Nairobi.
Naivasha.
Nakuru.
Uasin Gishu.
Trans-Nzoia.
Laikipia.

Nairobi,
Dated this 1st day of April, 1921.

W. K. NOTLEY,
Governor's Deputy.

GOVERNMENT NOTICE No. 114. S. 19048.

NOTICE.

AT THE COURT AT BUCKINGHAM PALACE, THE 9TH DAY OF NOVEMBER, 1920.

Present.

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS in pursuance of the powers conferred on him by the Treaty of Peace Act, 1919, His Majesty in Council was pleased to make the Treaty of Peace Order, 1919 (hereinafter referred to as the "Principal Order").

And whereas the principal order was amended by the Treaty of Peace (Amendment) Order, 1920:

And whereas it is expedient that the Principal Order as so amended should be further amended in manner hereinafter appearing:

Now, therefore, His Majesty, by and with the advice of His Privy Council, is pleased to order, and it is hereby ordered, as follows:—

1. The provisions of the Principal Order, 1919, as amended by the Treaty of Peace (Amendment) Order, 1920, set out in the first column of the schedule to this Order shall be amended in the manner shown in the second column of that schedule.

2. Paragraph (vi) of Article one of the Principal Order shall have effect and shall be deemed always to have had effect as if the words "or" any other person" were therein inserted after the word "creditor."

3. Paragraph (xvii) of Article one of the Principal Order shall have effect and shall be deemed always to have had effect as if at the end thereof the following sub-paragraph were added—

"(*f*) The Custodian shall have power to charge such fees in respect of his duties under this paragraph, whether by way of percentage or otherwise, as the Treasury may fix, and the fees shall be collected and accounted for by such persons in such manner and shall be paid to such account as the Treasury direct and the incidence of the fees as between capital and income shall be determined by the Custodian."

4. This Order may be cited as the Treaty of Peace (Amendment) (No. 2) Order, 1920, and the Principal Order, the Treaty of Peace (Amendment) Order, 1920, and this Order may be cited together as the Treaty of Peace Orders, 1919 to 1920.

ALMERIC FITZROY.

SCHEDULE.

Article.	*Nature of Amendment.*
1 (iv)	After the words "found due," there shall be inserted the words "together with such interest as aforesaid."
1 (xivA)	For the words "Board of Trade" there shall be substituted the words "Clearing Office."
1 (xvii)	At the end of sub-paragraph (*c*) there shall be added the words "and to "require any person having in his "possession any documents of title to "any such stock, shares or other "securities to deliver the same to him, "and an acknowledgment signed by "him of such delivery to him, shall be "a sufficinet discharge to the person "delivering the same." After sub-paragraph (*cc*) the following sub-paragraphs shall be inserted— "(*ccc*) Where the property, right or "interest subject to the charge, con-"sists of any sum of money due to a "German national (not being an "enemy debt within the meaning of "Article 296 of the Treaty), it shall "be payable to the Custodian, and "shall be paid to him on demand, and "the Custodian shall have power to "enforce the payment thereof, and "for that purpose shall have all such "rights and powers as if he were the "creditor. "(*cccc*) A certificate by the Custodian "that any property, right or interest "is subject to the charge shall be suffi-"cient evidence of the facts stated "in the certificate, and where any "such application, requirement or de-"mand of the Custodian as aforesaid "is accompanied by such a certificate "the company, municipal authority "or other body by whom the securities "were issued or are managed, the "person in possession of the property "transferable by delivery, or the per-"son by whom a sum of money is due "shall comply with the application, "requirement or demand, and shall "not be liable to any action or other "legal proceeding in respect of such "compliance, but if it is subsequently "proved that the property, right or "interest was not subject to the "charge the owner thereof shall be "entitled to recover the same from "the Custodian or if it has been sold "the proceeds of sale but not to any "other remedy."
1 (xviii)	For the words "ten months" there shall be substituted the words "sixteen months."

PROCLAMATION No. 47. S. 20690

THE CUSTOMS ORDINANCE, 1910.

PROCLAMATION.

IN EXERCISE of the powers conferred upon the Governor by the Customs Ordinance, 1910, Section 53, I, William Kilmister Notley, Companion of the Distinguished Service Order, Governor's Deputy, do hereby declare the Proviso to Proclamation No. 79 dated the 19th day of July, 1920, to be revoked.

Given under my hand at Nairobi this 6th day of April, 1921.

W. K. NOTLEY,
Governor's Deputy.

GOD SAVE THE KING.

GOVERNMENT NOTICE No. 119. S. 16230.

THE EAST AFRICA TOWNSHIPS ORDINANCE, 1903.

RULES.

IN EXERCISE of the powers conferred upon him by the East Africa Townships Ordinance, 1903, His Excellency the Governor has been pleased to make the following Rules.

1. These rules may be cited as the "Eastleigh Township Rules, 1921."

2. Throughout these Rules the following words and expressions shall have the meanings assigned to them except where the context otherwise requires:—

(*a*) "Owner" shall as regards immovable property include any person other than His Majesty receiving the rent or profits of any lands or premises from any tenant or occupier thereof or who would receive such rent or profits if such land or premises were let whether on his own account or as agent for any person other than His Majesty entitled thereto or interested therein. The term includes any lessee from the Crown holding under a longer tenure than a tenancy from year to year and any Superintendent, Overseer or Manager of such lessee residing on the holding.

(*b*) "Occupier" shall include any person in actual occupation of land or premises without regard to the title under which he occupies and in case of premises subdivided and let to lodgers or various tenants the person receiving the rent payable by the lodgers or tenants whether on his own account or as an agent for any person entitled thereto or interested therein.

(*c*) "Street" shall mean any highway, road or sanitary lane or strip of land reserved for a highway, road or sanitary lane, but shall not include any passage or alley of a less width than 10 feet.

(*d*) "Width" applied to a street means the whole extent of space reserved to be used or laid out so as to admit of being used as a public way.

(*e*) "Plot" means any division or parcel of land set out or described upon the township map as approved by Government, whether the same is the subject of a separate lease or not.

(*f*) "Subplot" means any portion of a plot, such portion being the subject of a separate registered conveyance, assignment or sublease, provided that for the purposes of Part I. hereof the term "subplot" shall also extend to and include any portion of a plot being the subject of a separate sublease or upon which any self contained building is erected where such building is let or adapted to be let to a separate tenant.

3. The rates, fees, charges and tariffs which may from time to time be demanded in respect of any matters contained in these Rules shall be published in the "Gazette."

4. All permits and licences shall expire on the 31st December in each year.

All permits or licences issued under these Rules, unless a contrary intention appears, shall be revocable at the discretion of the Resident Commissioner, on one month's notice of his intention to do so being given to the holder thereof and any permit or licence issued under these Rules shall be revocable without notice upon the holder thereof being found guilty of any breach of the conditions under which such permit or licence is held or a breach of any of these Rules.

5. It shall be lawful for the Resident Commissioner to make a proportionate reduction from the fees due for any annual permit or licence issued after March 31st, June 30th, or September 30th at the rate of one quarter of such fee for every three months already elapsed.

6. An Officer of Police, the Medical Officer of Health or any person duly authorized in that behalf, may enter any premises within the Township for the purpose of seeing that the acts to be performed, or the duties to be observed under these Rules are being performed and observed.

PART I.

STREETS.

7. No new street may be laid out in the township except in conformity with plans to be approved by the Resident Commissioner.

8. All buildings within the township shall be constructed in accordance with the general plan of the town, and on the building line approved by the Resident Commissioner.

9. No person shall, except with the written permission of the Resident Commissioner, place or deposit upon any street or lane or upon any open channel, drain, or well in any street or lane, any stall, chair, bench, box, ladder, bale, or any other thing so as to form an obstruction thereto or encroachment thereon.

The Resident Commissioner may, without notice, cause to be removed from any place any stall, chair, bench, box, ladder, bale, or any other thing whatsoever placed in contravention of this Rule.

10. No person shall erect a scaffolding on a public street without permission of the Resident Commissioner and except upon such terms as he may prescribe.

11. No person shall, on any public footway or street, place or leave, except for temporary relief, any article likely to cause an obstruction.

BUILDINGS.

12. In construing this Part the following words and expressions shall have the meanings hereinafter respectively assigned to them unless the context otherwise requires:—

(1) "Domestic Building" includes any building not being a public building or of the warehouse class, and any portion of a building such portion being used or designed to be used otherwise than for the purposes specified in Clauses (2) and (3) below.

(2) "Public Building" means a building used or constructed or adapted to be used either ordinarily or occasionally as a place of public worship or as a hospital, college, school, theatre, public hall or as a public place of assembly for persons admitted by ticket or otherwise, or used or adapted to be used for any other public purpose.

(3) "Building of the Warehouse Class" means a warehouse, factory, manufactory, brewery or distillery, and also any building exceeding in cubical content 150,000 cubic feet, which is neither a public building nor a domestic building: and includes a store or godown.

(4) "Store" means a building which according to the original application and plans therefor shall be designed for the storage of foodstuffs or such other material as shall in the opinion of the Medical Officer of Health be liable to harbour rats.

(5) "Foundation" applied to a wall having footings means the solid ground or artificially formed support on which the footings of the wall rest, but in the case of a wall carried by a bressummer means such bressummer.

(6) "External Wall" means an outer wall or vertical enclosure of a building, and not being a party, wall, even though adjoining a wall of another building.

(7) "Party Wall" means:—

(*a*) A wall being used or constructed to be used in any part of the height or length thereof for separation of adjoining buildings, and which, if one of such buildings were removed, would be the external wall of the other. For the purposes of this definition every self contained building occupied or adapted to be occupied by a different tenant and having a separate entrance on the ground floor shall be deemed to be a separate building.

(*b*) A wall being used or constructed to be used wholly or in any part thereof as a dividing wall between contiguous buildings upon separate plots or sub-plots, provided that where such buildings are not of the same height, such wall shall only be deemed to be a party wall up to the level of nine inches above the point where the roof of the lower of such buildings joins it.

(8) "Cross Wall" means a wall used or constructed to be used in any part of its height as an inner wall of a building, for separation of one part from another part of the building, that building being wholly in, or being constructed or adapted to be wholly in, one occupation.

(9) "To Erect a Building" means to erect a new building or to re-erect any building, any two external walls of which are pulled down to the level of the ground floor, or to convert into a dwelling house any building not originally intended according to the original application and plans thereof for human habitation, or to convert into more than one dwelling house a building originally constructed as one dwelling and a building so erected, re-erected or converted is called a new building.

(10) "Base" applied to a wall means the underside of such wall immediately above the footings, if any, or in the case of a wall wholly carried by a bressummer the underside of the wall immediately above the bressummer.

(11) "Bressummer" means a wooden beam or a metallic or concrete girder which carries a wall.

(12) "Internal Open Space" means a space which is, or is in the opinion of the Resident Commissioner liable to become, surrounded with buildings or erections of any description either wholly or to such an extent that in the opinion of the Resident Commissioner the free passage of air throughout such space is or may be insufficiently provided for.

13. The following buildings shall be exempt from the operation of Rules 19 to 39, 46 to 58, and 88 inclusive:—

(*a*) Any building erected and used or designed according to the original application and plans therefor to be used exclusively as a conservatory or plant house.

(*b*) Any building erected and used or constructed or designed according to the original application and plans therefor to be used exclusively for a poultry house, garden tool house, cycle or rickshaw shed, summer house, or aviary which shall not exceed in capacity eight hundred cubic feet. Provided that this exemption shall apply to detached buildings only.

(*c*) Any native hut.

14. Any building hereinafter described shall be exempt from the operation of the Rules numbered 19, 22, 23, 24, 25, 26, 27, 29, and 30 hereinafter, that is to say:

Any building comprising not more than one storey, each wall of which shall be provided with a proper damp course as required by the Rule in that behalf and

(*A*) the external walls of which shall be constructed of properly framed timber framing uncovered on the inside and covered externally with some impervious fireproof material.

(*B*) (*i*) which shall to a height of not less than 18 in. above the surface of the adjoining ground be carried upon either

(*a*) sufficient piers, constructed of

(i) good cement concrete 9 inches wide; or

(ii) good stone, bricks or other hard and suitable materials at least 9 inches wide, properly bonded and solidly put together: or

(*b*) metal or timber standards of sufficient strength.

or:—

(*ii*) the external wall of which shall to a height of not less than 12 inches above the surface of the ground adjoining such wall be constructed of

(i) good cement concrete at least 9 inches wide: or,

(ii) good stone, bricks or other hard and suitable materials at least 9 inches wide and properly bonded and solidly put together.

(*C*) the distance of any part of which from the boundary of any adjoining plot or sub plot shall not be less than 10 feet.

Provided that where any building such as is hereinbefore described forms or is intended to form part of a block of new dwelling houses the dwellings shall be separated by party walls which shall notwithstanding anything hereinbefore contained be constructed in accordance with the requirements of the Rules in that behalf.

Provided further than a building at and over a height of 12 inches above the surface of the ground adjoining such walls may have all or any of its external walls covered on the outside partly or wholly with combustible material, if such building is at least 40 feet distant from any part of any other building and from the boundary of any adjoining plot or subplot.

SITES OF BUILDINGS.

15. The foundations of any new building shall not be constructed on any site which has been filled up by or has been used as a place for the deposit of excrementitious matter or the carcases of dead animals or other filthy or offensive matter until such matter shall have been properly removed or otherwise dealt with to the satisfaction of the Medical Officer of Health.

STRUCTURE OF BUILDINGS.

16. Every person who shall erect a building shall cause the whole of the ground floor within the external walls to be constructed either (*a*) of approved cement concrete at least 4 inches in thickness or of stone or bricks, the upper surface of which, subject to the provisions of Rule 47, shall not be less than 6 inches above the level of the ground adjoining such building, well grouted in cement in such a manner as to make the building proof against rats, or (*b*) of wood, provided that the level of any such wooden floor shall not be less than 2 feet above the mean level of the ground thereunder.

17. A person who shall construct a balcony or bay window shall construct such balcony so that it shall not project more than 2 feet 6 inches over any unalienated Crown land or any public street and shall not be less than 15 feet above ground level: and no balcony or bay window shall be so constructed as to project over a street or public passage of a less width than 30 feet.

18. The Resident Commissioner may give permission upon such terms as he may think fit to any person to erect a verandah upon Crown land.

19. Subject to Rule 14 hereof, every wall of a new building that may be built at an angle with another wall shall be properly bonded therewith to the satisfaction of the Resident Commissioner.

20. Every person who shall erect a new building shall construct every wall thereof so as to rest upon proper footings.

He shall construct no hollow walls except such as are composed of concrete or brick or stone properly pointed in cement.

He shall cause the projection at the widest part of the footing of every wall on each side of such wall to be at least equal to one half of the thickness of the wall at its base, except where an adjoining wall interferes.

He shall also cause the diminution of the footings to be in regular offsets, or in one offset at the top of the footings and shall cause the height from the bottom of the footings to the base of the wall to be at least equal to two thirds of the thickness of the wall at its base.

21. The foundations of the walls of every house or building other than native quarters shall be formed of a bed of good concrete, not less than nine inches thick, and projecting at least four inches on each side of the lowest course of footings of such walls. If the site be upon a natural bed of murrum or rock, concrete may be omitted from the foundations of the walls, with the approval of the Resident Commissioner.

The concrete must be composed of clean gravel, broken hard brick, properly burnt ballast, or other hard material to be approved by the Resident Commissioner, well mixed with freshly burnt lime or cement in the proportions of at least one of lime to six, and at least one of cement to eight of the other material.

22. Subject to Rule 14 hereof, every wall of a house or building shall have a damp course composed of materials impervious to moisture to be approved by the Resident Commissioner, extending throughout its whole thickness at the level of not less than 6 inches below the level of the lowest floor: provided that this Rule shall not apply to native quarters except where the floor thereof is of timber.

Every cellar and every wall abutting wholly or partly upon earth and being the wall of a room shall be so constructed as to be water-tight.

23. Subject to Rule 14 hereof, every person who shall erect a new building shall cause the external and party walls thereof to be constructed of concrete, good stone or bricks properly bonded and solidly put together.

Provided always that such person may construct any external walls of such building of timber framing subject to compliance with the following conditions:

(*i*) The timber framing shall be properly put together, and the spaces between the timbers shall be filled in completely with stone or other solid and incombustible material.

(*ii*) A thickness of at least 6 inches of stone or other solid and incombustible material shall be placed at the back of every portion of timber and shall be properly bonded to the stonework or other material filling the spaces between the timbers excepting in the case of timber framing in gables properly filled in with stone or other solid and incombustible material.

24. For the purposes of these Rules with respect to the structure of walls of new buildings, the measurement of height of storeys in walls and of height and length of walls shall be determined by the following provisions:—

(*i*) The height of a storey in a wall shall be measured in the case of the lowest storey from the base of the wall to the upper surface of the floor next above or if there be no such floor above, then up to the highest part of the wall.

(*ii*) The height of a wall shall be measured from the base to the highest part of the wall, or in the case of a wall, comprising a gable, to the base of the gable.

(*iii*) Walls shall be deemed to be divided into distinct lengths by return walls. The length of a wall shall be measured from the centre of one return wall to the centre of another provided that the return walls are external party or cross walls and bonded into the walls so deemed to be divided.

A wall shall not for the purpose of this Rule be deemed a cross wall unless it is carried up to the top of the wall so divided or in the case of a gable wall to the level of the base of the gable and unless the aggregate extent of the vertical faces or elevation of all openings therein taken together shall not exceed one half of the whole extent of the vertical face or elevation of the wall in such storey.

25. Subject to Rule 14 hereof when the external wall or the party wall of a domestic building is constructed of stone and does not exceed 15 feet in height its minimum thickness shall be 15 inches for its whole length.

When the wall exceeds 15 feet but does not exceed 28 feet in height its minimum thickness shall be 18 inches up to 15 feet and 15 inches thereafter.

Where the wall exceeds 28 feet but does not exceed 40 feet in height its minimum thickness shall be 24 inches up to the height of one storey, 20 inches thick second storey and 15 inches thereafter.

The minimum of the walls of Public Buildings and buildings of the warehouse class constructed of stone shall be as follows:—

Where the wall does not exceed 25 feet in height it shall be 18 inches thick.

Where the wall exceeds 25 feet but does not exceed 40 feet, it shall be 24 inches thick.

Where the wall exceeds 40 feet in height and does not exceed 55 feet, it shall be 24 inches thick to a height of 33 feet and 20 inches thick for the rest of its height.

When the unsupported length of any wall exceeds 30 feet clear of cross walls or partitions the thickness thereof shall be increased by 3 inches beyond the minima given above.

26. (*a*) Subject to Rule 14 hereof, where an external wall or a party wall of a domestic building constructed of good bricks not less than 8½ inches long or of solid concrete does not exceed twenty five feet in height its thickness shall be as follows:—

If the wall does not exceed 35 feet in length, it shall be 8½ inches thick for its whole height:

If the wall exceeds 35 feet in length, it shall be 13 inches thick from the base for the height of the lowest storey, and 8½ inches thick for the rest of its height.

(*b*) Where the wall exceeds 25 feet but does not exceed 35 feet in height, its thickness shall be as follows:—

If the wall does not exceed 35 feet in length it shall be 13 inches thick from the base for the height of one storey, and 9 inches thick for the rest of its height.

If the wall exceeds 35 feet in length it shall be 13 inches thick from the base for the height of two storeys, and 8½ inches thick for the rest of its height.

(*c*) Where the wall exceeds 35 feet but does not exceed 45 feet in height its thickness shall be as follows:—

If the wall does not exceed 35 feet in length it shall be 13 inches thick from the base for the height of two storeys and 8½ inches thick for the rest of its height.

If the wall exceeds 35 feet in length it shall be 17½ inches thick from the base for the height of one storey, then 13 inches thick for the height of two storeys, and 8½ inches thick for the rest of its height.

(*d*) Where the wall exceeds 45 feet but does not exceed 55 feet in height, its thickness shall be as follows:—

If the wall does not exceed 35 feet in length it shall be 17½ inches thick from the base for the height of one storey, then 13 inches thick for the height of two storeys, and then 8½ inches thick for the rest of its height.

If the wall exceeds 35 feet but does not exceed 45 feet in length, it shall be 17½ inches thick from the base for the height of two storeys and 13 inches thick for the rest of its height.

If the wall exceeds 45 feet in length it shall be 22½ inches thick from the base for the height of one storey, then 17½ inches thick for the height of the next storey, and then 13 inches thick for the rest of its height.

(*e*) Where the wall exceeds 55 feet but does not exceed 65 feet in height its thickness shall be as follows:—

If the wall does not exceed 45 feet in length it shall be 17½ inches thick from the base for the height of two storeys and 13 inches thick for the rest of its height.

If the wall exceeds 45 feet in length it shall be 22½ inches thick from the base for the height of one storey, then 17½ inches thick for the height of the next two storeys, and then 13 inches thick for the rest of its height.

(*f*) Where the wall exceeds 65 feet but does not exceed 75 feet in height, its thickness shall be as follows:—

If the wall does not exceed 45 feet in length it shall be 22½ inches thick from the base for the height of one storey, then 17½ inches thick for the height of the next two storeys and then 13 inches thick for the rest of its height.

If the wall exceeds 45 feet in length it shall be increased in thickness in each of the storeys below the uppermost two storeys by 4½ inches.

(*g*) Where the wall exceeds 75 feet but does not exceed 85 feet in height, its thickness shall be as follows:—

If the wall does not exceed 45 feet in length it shall be 22½ inches thick from the base for the height of one storey, then 17½ inches thick for the height of the next three storeys, and then 13 inches thick for the rest of its height.

If the wall exceeds 45 feet in length, it shall be increased in thickness in each of the storeys by 4½ inches.

27. Every person who shall erect a new public building or a new building of the warehouse class or a new building designed to be used as a hotel, shall construct every external wall and every wall of such building being a wall of concrete or brick in accordance with the following conditions and in every case the thickness prescribed shall be the minimum thickness of which any such wall may be constructed, and such wall shall be built of good bricks not less than 8½ inches long or of solid concrete:—

In the case of a store or godown of one storey only, all the walls of which are constructed of solid cement concrete, and are not more than 12 feet in height, and the span of the roof of which is not more than 12 feet in width, such walls shall be 6 inches thick.

In all other cases

(*a*) Where the wall does exceed 25 feet in height (whatever is its length) it shall be 13 inches thick at its base.

(*b*) Where the wall exceeds 25 feet but does not exceed 35 feet in height it shall be at its base of the thickness following:—

If the wall does not exceed 45 feet in length it shall be 13 inches thick at its base:

If the wall exceeds 45 feet in length it shall be 17½ inches thick at its base.

(*c*) Where the wall exceeds 35 feet, but does not exceed 45 feet in height, it shall be at its base of the thickness following:—

If the wall does not exceed 35 feet in length, it shall be 13 inches thick at its base:

If the wall exceeds 35 feet but does not exceed 45 feet in length, it shall be 17½ inches thick at its base:

If the wall exceeds 45 feet in length, it shall be 22½ inches thick at its base.

(*d*) Where the wall exceeds 45 feet but does not exceed 55 feet in height, it shall be at its base of the thickness following:—

If the wall does not exceed 35 feet in length, it shall be 17½ inches thick at its base:

If the wall exceeds 35 feet but does not exceed 45 feet in length it shall be 22½ inches thick at its base:

If the wall exceeds 45 feet in length it shall be 27 inches thick at its base.

(*e*) Where the wall exceeds 55 feet but does not exceed 65 feet in height it shall be at its base of the thickness following:—

If the wall does not exceed 45 feet in length it shall be 22½ inches thick at its base:

If the wall exceeds 45 feet in length it shall be 27 inches thick at its base.

(*f*) Where the wall exceeds 65 feet but does not exceed 75 feet in height it shall be at its base of the thickness following:—

If the wall does not exceed 45 feet in length it shall be 22½ inches thick at its base:

If the wall exceeds 45 feet in length it shall be increased in thickness from the base up to within 16 feet from the top of the wall by 4½ inches.

(*g*) Where the wall exceeds 75 feet but does not exceed 85 feet in height it shall be at its base of the thickness following:—

If the wall does not exceed 45 feet in length it shall be 22½ inches thick at its base:

If the wall exceeds 45 feet in length it shall be increased in thickness from the base up to within 16 feet from the top of the wall by 4½ inches.

(*h*) The thickness of the wall at the top, and for 16 feet below the top shall be 13 inches and the intermediate parts of the wall between the base and 16 feet below the top shall be built solid throughout the space between straight lines drawn on each side of the wall and joining the thickness at the base to the thickness at 16 feet below the top. Nevertheless in walls not exceeding 30 feet in height the walls of the topmost storey may be 8½ inches thick, provided the height of that storey does not exceed 11 feet.

(*i*) If any storey exceeds in height fourteen times the thickness prescribed for its walls the thickness of each external wall and of each party wall throughout that storey shall be increased to one fourteenth part of the height of the storey and the thickness of each external wall and of each party wall below that storey shall be proportionately increased.

(*j*) Every external wall and every party wall of any storey which exceeds 11 feet in height shall not be less than 13 inches in thickness.

(*k*) Where by any of the foregoing rules relating to the thickness of walls and of new buildings a certain thickness is required this thickness may with the consent of the Resident Commissioner be confined to piers properly distributed, of which the collective widths shall amount to one seventh part of the length of the wall. The width of the piers may nevertheless be reduced if the projection is proportionately increased, the horizontal sectional area not being diminished; but the projection of any such pier shall in no case exceed one third of its width.

28. Nothing contained in these rules shall prevent the erection of concrete, brick or stone walls of lesser thickness if supported by steelwork or other adequate supports or of concrete walls of lesser thickness provided that they are sufficiently reinforced to the satisfaction of the Resident Commissioner.

29. Subject to Rule 14 hereof, the thickness of every cross wall shall be at least two thirds the thickness prescribed by these Rules for an external wall or party wall of the same height and length and belonging to the same class of building but, subject to Rule 27 (*k*) shall in no case be less than six inches or in the case of a brick wall 8½ inches.

If such wall shall support any superincumbent external wall the whole of such cross wall shall be of the thickness prescribed by the Rule in that behalf for an external wall or a party wall of the same height and length and belonging to the same class of building as that to which such cross wall belongs.

30. Subject to Rule 14 hereof, every person who shall erect a new building and shall leave in any storey or storeys of such building an extent of opening in any external wall which shall be greater than one half of the whole extent of the vertical face or elevation of the wall or walls of the storey or storeys in which the opening is left shall construct:—

(*a*) sufficient piers of stone or brickwork or other sufficient supports of incombustible material so disposed as to carry the superstructure; and

(*b*) a sufficient pier or piers or other sufficient supports of that description at or within 3 feet of the corner of the building.

31. Subject to Rule 14 every building shall be separated either by an external wall or by a party wall from the adjoining building or buildings (if any). Such external wall or party wall shall be constructed of stone concrete or brick in accordance with the requirements of the rules in that behalf.

32. Every party wall dividing two adjoining buildings shall be carried up to the extent of nine inches above the external surface of the roofs of such buildings, or, if they are of different heights, of the roof of the lower of such buildings, measured at right angles to such surface.

33. A party wall as defined in Clause 7 (*a*) of Rule 12 shall not have any opening in such part thereof as shall be within the roof, nor, except with the written consent of the Resident Commissioner in any other part.

34. A person who shall erect a new building shall not place in any party wall of such building bond timber or any plate, block, brick, or plug of wood.

35. A person who shall erect a new building shall not place the end of any bressummer beam, joist, purlin, wall plate, ridge or batten in any party wall unless the end of such bressummer beam, purlin, wall plate, ridge, batten or joist be at least six inches from the centre line of such party wall.

36. Every person who shall erect a new building shall cause every bressummer to be borne by a sufficient template of stone, iron, or good concrete, the full breath of the bressummer, and to have a bearing in the direction of its length of four inches at least at each end.

37. He shall also cause such bresssummer to have, if necessary, such storey posts, iron columns, stanchions or piers of stone on a solid foundation under the same as may be sufficient to carry the superstructure. At each end of every metallic bressummer a space shall be left equal to one quarter of an inch for every ten feet and also for any fractional part of ten feet of the length of such bressummer to allow for expansion.

38. A person who shall erect a new building shall not fix in such building any pipe for the purpose of conveying smoke or other products of combustion unless such pipe be so fixed at the distance of 12 inches at least from any combustible substance.

39. Every person who shall erect a new building shall cause the roof of such building and every turret, dormer or other erection placed on the flat or roof of such building to be externally covered with tiles, metal, or other incombustible material, except as regards any door, window, lantern light or sky light.

No person shall be prohibited under this Rule from using shingles as a roof covering provided that any part of such building so covered shall be at least 40 feet, distant from any part of any other building or from the boundary of any adjoining plot or sub-plot.

OPEN SPACES, ETC.

40. A building erected upon a plot or sub-plot which abuts upon a street and having its frontage or back upon such street shall be so erected that any straight line drawn in the direction of such building from any point on the farther boundary of such street whether front or back (such point being taken on the same level as the mean ground level of the nearest wall of such building) so as to form an angle of 45 degrees with a straight line drawn from such point to the base of such nearest wall shall pass entirely above the whole of such building.

In interpreting this rule, if a building is situated on a corner plot so as to abut upon more than one street, the height of the building shall be regulated by the widest of such streets so far as such building will abut or abuts upon such widest street, and also so far as it will abut or abuts upon any narrower street to a distance of 40 feet from such widest street, and the building shall be deemed to front upon such widest street, and the back of such building shall be deemed to be the side thereof which lies to the rear of and parallel or most nearly parallel with its frontage.

For the purposes of this Rule a building shall be held to have a frontage or back upon a street if a line drawn at right angles to the frontage or back line of such building but in the opposite direction would if produced towards such street cross the same without passing over any plot or sub-plot except that upon which such building stands.

41. A building shall not be so erected, added to or altered that more than one-half of the plot or sub-plot on which it stands or is to stand shall be built over; and no erection of any kind whatever shall be so erected, added to or altered upon any plot or sub-plot upon which a dwelling house stands, that more than one-half of such plot or sub-plot shall be built over.

42. Where any room used or (according to the plans passed in respect of the building containing such room) designed to be used for human habitation or as a place of habitual occupation for any person shall contain any window opening upon an internal open space, and shall not contain other windows opening elsewhere than upon such internal open space sufficient to comply with the requirements of Rule 48 hereof, the height of the external wall in which such window is set (measured from the floor level of the room containing such window to the highest point of such wall) shall not be greater than the width of such internal open space measured from the base of and at right angles to the wall containing such window: and such internal open space above such floor level shall be kept free of all erections whatever.

43. The minimum width of passages between

(*a*) buildings erected on one plot or sub-plot; and

(*b*) buildings erected on adjoining plots or sub-plots;

shall be 4 feet.

44. The Resident Commissioner may by written notice call upon the owner of any plot or sub-plot on which there may be a passage between buildings of a less width than 8 feet to surface or pave such passage to his satisfaction, or if such passage debouches upon a street to provide suitable gates at the point of debouchment to his satisfaction: and such owner shall comply with such notice within the time specified therein.

VENTILATION, ETC.

45. Every person who shall erect a new domestic building shall provide in front of such building an open space which shall be free from any erections thereon above the level of the ground except any portico. porch, step, or other like projection from such building or any gate, fence or wall not exceeding 4 feet in height and which measured to the boundary of any lands or premises immediately opposite shall throughout the whole line of frontage of such building extend to a distance of 24 feet at the least; such distance being measured in every case at right engles to the external face of any wall of such building which shall front or abut on such open space. A person who shall make any alteration in or addition to such building shall not by such alteration or addition diminish the extent of open space provided in pursuance of this rule in connection with such building and no person shall erect any building upon any open space provided under this rule.

46. Every person who shall erect a new domestic building shall construct in the wall of each storey of such building which shall immediately front or abut on such open spaces as, in pursuance with the Rules in that behalf, shall be provided in connection with such building, a sufficient number of suitable windows, directly communicating with the external air.

47. Every person who shall construct a new domestic building shall so construct every floor of a room therein as to be effectually protected against damp. No building shall contain any basement or cellar or any room or part of a room below ground floor level without the special sanction of the Resident Commissioner which may be granted subject to such conditions as to making the same damp-proof, water-proof, rat-proof and mosquito-proof, and provided with efficient means of preventing flooding from surface water as the Resident Commissioner may think fit.

48. Every person who shall erect a new domestic building shall construct in every habitable room of such building one glazed window, at the least, opening directly into the external air.

Such person shall cause the total area of such window, or, if there be more than one, of the several windows, clear of the frames to be equal at least to one-tenth of the floor area of such room. Such person shall also construct every such window so that one-half at the least, may be opened, and so that the opening may extend in every case to the top of the window.

A window shall not be deemed to open upon the external air, unless the space opposite such window shall for a distance of at least 8 feet from such window measured at right angles from any part thereof, be space which shall be proved to the satisfaction of the Resident Commissioner to be reserved as an open space: or in the case of a window opening upon an internal open space, unless there shall be opposite such window a space forming a square based upon a line 12 feet in length taken on the same level as the ground floor of the building, and so that the said window shall be in the centre of such line, such space being measured horizontally outwards from such line, which space shall be unobstructed and wholly open to the sky except as hereinafter provided and shall be proved to the satisfaction of the Resident Commissioner to be reserved as an open space and open to access from a public way by a passage at least 4 feet in width.

Provided that no internal open space shall be considered as wholly open to the sky if eaves or any other structures project over any side of it to a greater distance than 18 inches.

49. Every person who shall erect a new domestic building shall cause every habitable room of such building to be provided with adequate means of ventilation to the satisfaction of the Medical Officer of Health.

50. Every person who shall erect a new domestic building shall so construct every room which shall be situated in the lowest storey of such building, and shall be provided with a boarded floor, that there shall be for the purpose of ventilation between the under side of every joist on which such floor may be laid and the upper surface of the ground or of the asphalte or concrete with which such ground is covered a clear space of nine inches at the least in every part, and he shall cause such space to be thoroughly ventilated by means of suitable and sufficient ventilators to the satisfaction of the Medical Officer of Health. He shall also cause the surface of the ground beneath any floor to be effectually protected against the lodgment of water thereon.

51. Every person who shall erect a new public building shall cause such building to be provided with means of ventilation which shall be adequate in the opinion of the Medical Officer of Health.

52. Every person who shall erect a new domestic building which is designed to be used partly for human habitation and partly for storage or sale of foodstuffs shall so erect the same either that the part designed for storage or sale of foodstuffs shall be sufficiently floored, walled and ceiled so as in the judgment of the Medical Officer of Health effectually to prevent the passage of rats, or that the respective parts of the building shall be in the judgment of the Medical Officer of Health so separated from each other as effectually to prevent the passage of rats from one to the other.

SIZE AND HEIGHT OF ROOMS.

53. Every room designed for human habitation or designed to be used as a place of habitual employment of any person shall taken over its entire area be of a mean average height of at least 10 feet from floor to ceiling or underside of roof and no part thereof (other than a part not exceeding in all 15 per cent. of the whole in extent and forming an ingle, alcove or recess) shall be less than 8 feet in height from the floor to the ceiling or underside of roof.

54. Every room designed for human habitation shall have a superficial area of at least 100 square feet.

STRUCTURE OF FLOORS.

55. Every person who shall erect a new building, shall, as regards the structure of every floor comply with such of the conditions contained in the schedule to this Part as may be applicable to such building.

GENERAL RULES.

56. The requirements of the preceding rule and relative schedule relating to the structure of floors shall be subject to the following conditions, that is to say:—

(1) The sizes prescribed for the timbers mentioned in the foregoing rule shall represent the least size and strength which any such timber may have at any part.

(2) Every beam and joist shall be laid and fixed on edge, its greatest side being in a vertical position or as nearly so as may be requisite, and when laid and fixed in such position, the distance between the upper and lower surface thereof shall for the purposes of this rule be deemed to be the depth thereof.

(3) In calculating the size and strength required for any beam or other timber intended to be of a strength equal to or greater than that of any particular beam or other timber of the same length and of dimensions specified in the rule in that behalf, the following method shall be adopted:—

In both cases the number of inches in the depth of such beam or other timber shall be multiplied by itself and the product shall be multiplied by the number of inches in the breath. The number thus obtained shall be taken to represent the proportionate strength of such beam or other timber.

(4) The Rules relating to the joists and beams in floors are applicable only to floors formed or joists laid on edge in the ordinary way and covered with boards.

(5) In the case of a framed floor, or of a floor formed with beams at short distances apart, and covered with battens, deals or planks, without joists, the several timbers of such floors shall be of such size and strength as to secure due stability.

(6) The Rules relating to joists and beams in floors are applicable only to joists laid at distances of not more than 15 inches apart, measured from the middle of one joist to the middle of the next, and to beams laid at a distance of not more than 10 feet apart, measured from the middle of one beam to the middle of the next.

(*i*) Provided that in the case of a floor formed of beams of greater dimensions than the respective dimensions specified, such beams may be laid and fixed at a proportionately greater distance apart than 10 feet, and

(*ii*) In the case of a floor formed of joists or beams of less dimensions than the respective dimensions specified, or of timber of inferior quality, such joists or beams shall be laid and fixed at a proportionately less distance apart than 15 inches and 10 feet respectively.

(7) All joists which exceed 8 feet in span shall have herringbone or solid strutting constructed between them.

FLOORS AND STAIRCASES OF PUBLIC BUILDINGS.

57. Every person who shall erect a new public building shall construct the floor of every lobby, corridor, passage and landing, and every flight of stairs, of stone or other incombustible and fire resisting material, and of adequate strength.

58. Concrete floors of public buildings formed of armoured concrete shall be supported by steel, iron or reinforced concrete girders or, in the case of ground floor, upon dwarf walls and in all cases full particulars of the system of reinforcement shall be submitted.

This Rule applies to Portland cement concrete floors with gravel or broken stone aggregates in which the volume of cement is not less than one-seventh of the whole and which are strengthened by steel rods, wire netting or expanded metal placed not more than one-sixth of the depth from the lower side.

Where temporary shoring or centering is used it shall not be struck until the concrete is thoroughly set.

GIVING OF NOTICES, DEPOSIT OF PLANS, ETC.

59. Every person who shall intend to erect a building or to alter or to make any addition to a building shall give to the Resident Commissioner notice in writing in the prescribed form of such intention which shall be delivered to him at his office and shall at the same time deliver or cause to be delivered to him complete plans and sections in triplicate of every floor and the elevations of such intended building, which shall be legibly printed or drawn on linen to a scale of not less than one inch to every eight feet, and shall show the position, form and dimensions of the several parts of such building, alteration or addition and of every closet, and all other appurtenances, and in which the building shall be so described as to show whether it is intended to be used as a dwelling house or otherwise, and shall furnish any further particulars that the Resident Commissioner may deem necessary. Any plans deposited in compliance with this Rule shall remain the property of the Resident Commissioner.

60. Such person shall at the same time deliver or cause to be delivered to the Resident Commissioner a description in writing of the materials of which it is intended that such building shall be constructed and of the intended mode of drainage and means of water supply.

61. Such person shall at the same time deliver or cause to be delivered to the Resident Commissioner a coloured block plan in triplicate of such building or addition which shall be drawn on tracing linen to a scale of not less than one inch to every forty feet, and shall show the position of the buildings, additions and appurtenances and of the properties immediately adjoining, the width of the streets, if any, in front and at the rear of such building or passages, and the width of all streets and passages abutting on the plot.

62. Such person shall likewise show on such plan the intended lines of drainage of such building and of any public sewer or drain to which such drainage is intended to connect.

63. Such person shall sign such plans and sections or cause the same to be signed by his duly authorised agent.

64. So soon as the Resident Commissioner and Medical Officer of Health are satisfied that such plans do not contravene any of the conditions set forth in these rules, and are in other respects satisfactory, they shall sign such plans and the Resident Commissioner shall signify his approval in writing.

65. The Resident Commissioner may disapprove of any plans on any of the following grounds—

(*a*) that they show a contravention of any Township Rules.

(*b*) that the system of drainage of the plot or sub-plot upon which the building is to stand is not satisfactory.

(*c*) in the case of a new building to be erected on a plot on which a building or buildings already stand, that no scheme of sub-division has been sanctioned by Government, or that such new building is not in conformity with a scheme of sub-division which has been so sanctioned.

(*d*) that the site upon which it is proposed to build is unfit for human habitation.

(*e*) where latrine accommodation or native servants' quarters are considered necessary by the Resident Commissioner or Medical Officer of Health that no provision or inadequate provision is shown therefor.

66. In any case where the Resident Commissioner or Medical Officer of Health is satisfied that any building, though the plan thereof is not open to disapproval on any of the grounds specified in Rule 65 hereof is nevertheless likely or liable to become objectionable on sanitary grounds or otherwise in any way, the Resident Commissioner shall have power to withhold approval of such plan until the applicant shall have entered into such covenants binding him and his successors to do or to refrain from doing any specified acts or things, as the Resident Commissioner or Medical Officer of Health may consider necessary to ensure that such building shall not so be or become objectionable and shall if required have procured such covenants endorsed upon his title deeds at his own expense and to the satisfaction of the Resident Commissioner.

67. No person shall begin to erect any building or execute any such work as is described in Rule 59 until he has given notice of his intention as hereinbefore required to erect such building or execute such work and the Resident Commissioner has either intimated approval of such building or work or failed to intimate his disapproval thereof within the period hereinafter described in that behalf.

68. Every person who shall erect a building, or execute any work to which any of the rules relating to building may apply, shall deliver or cause to be delivered to the Resident Commissioner notice in writing, upon the day such person begins to erect such building or to execute such work.

69. Subject to Rule 66 hereof, if within 30 days of the receipt of any plans or notice or further particulars delivered in accordance with these Rules, the Resident Commissioner shall fail to intimate to the person submitting such plans his disapproval of the building or work which the said person intends to erect, the person submitting the plans may proceed with such building or work in accordance with the plans but not so as to contravene any of the provisions of these Rules or any amendments thereof in force for the time being.

70. Such person shall before proceeding to lay or cover up any foundation footings or any damp proof course of a building, deliver, or cause to be delivered to the Resident Commissioner notice in writing, in which shall be specified the date on which such person will proceed to cover up such foundation footings or damp proof course.

71. If such person neglect or refuse to deliver any such notice, or to cause any such notice to be delivered as aforesaid and if the Resident Commissioner on inspecting any work in connection with such building or such other work as aforesaid, finds that such work is so far advanced that he cannot ascertain whether anything required by any Rule relating to buildings has been done or omitted to be done, and if, within a reasonable time after such survey or inspection such person shall by notice in writing under the hand of the Resident Commissioner or such authorised person be required within a reasonable time which shall be specified in such notice, to cause so much of such work as prevents the Resident Commissioner or such other authorised person from ascertaining whether anything has been done or omitted to be done as aforesaid to be cut into laid open or pulled down to a sufficient extent to enable the Resident Commissioner or other authorised person to ascertain whether anything has been done or omitted to be done as aforesaid, such person shall within the time specified in such notice cause such work to be cut into, laid open, or pulled down.

72. If any person who is entitled to proceed with any building or work under Rules 64, 69, or 85, fails to do so within the period of one year the notice given by him shall be held to have lapsed and he shall give fresh notice of his intention before proceeding to erect such buiding or execute such work and that in the manner herinbefore prescribed; and if any such building or work is not completed within two years from the date when the Resident Commissioner shall have intimated that the deposited plans have been approved, the person shall in every case submit a fresh application for permission before proceeding further with such building or work.

73. In every case where a person who shall erect a building, or shall execute any other work to which the Rules relating to buildings may apply shall, at any reasonable time during the progress or after the completion of the laying out or the erection of such building or the execution of such work receive from the Resident Commissioner notice in writing specifying any matters in respect of which the erection of such building, or the execution of such work may be in contravention of any Rule relating to buildings or may show a deviation from the plan thereof as passed by the District Commissioner and requiring such person within a reasonable time which shall be specified in such

notice to cause anything done contrary to any such Rule to be amended or to do anything which by any such Rule may be required to be done but which has been omitted to be done, such person shall, within the time specified in such notice, comply with the several requirements thereof provided that nothing contained in this Rule shall be held to affect the liability of such person to prosecution for breach of any of these Rules.

74. Such person, within a reasonable time after the completion of any work which may have been executed in accordance with any such requirements, shall deliver, or cause to be delivered to the Resident Commissioner notice in writing of the completion of such work, and shall, at all reasonable times within a period of seven days after such notice shall have been so delivered afford to any party deriving authority from the Resident Commissioner free access to such work for the purpose of inspection.

75. Every person who shall erect a building or shall alter a building in regard to any matter as to which a Rule was in force when such building was first erected or shall execute any other work to which any of the Rules relating to buildings shall apply, shall, at all reasonable times during the erection of such building or the execution of such work, afford to the Medical Officer of Health or Sanitary Inspector, or any party deriving authority from the Resident Commissioner free access to such building or work for the purpose of inspection.

76. Every person who shall erect a building or make any alteration or addition to a building shall, within a reasonable time after the completion of the erection of such building or alteration or addition deliver, or cause to be delivered to the Resident Commissioner at his office, notice in writing of the completion of the erection or alteration of such building, and shall at all reasonable times, within a period of 48 hours after such notice shall have been so delivered, and before such building shall be occupied, afford to the Resident Commissioner or to any party deriving authority from him free access to every part of such building for the purpose of inspection.

77. A person shall not occupy any new building, or, being the owner thereof, suffer the same to be occupied, until such building shall after examination have been certified by the Resident Commissioner to be erected in accordanee with the approved plans and the Township Rules, and after examination such building shall have been certified by the Medical Officer of Health to be in his opinion in every respect fit for occupation or in the case of a domestic building fit for human habitation.

78. Where any building has been erected, no person shall alter such building in such a way that the same as altered, would, if at first so constructed have contravened any of these Rules, or shall except with the written permission of the Resident Commissioner and except upon such terms as he may prescribe, use or (being the owner thereof) suffer such building to be used otherwise than for the purposes specified or indicated in the original application and plans in respect thereof.

NATIVE QUARTERS.

79. Every person who shall erect a building designed to be occupied as native quarters shall construct such building so that it shall comply with the following provisions:—

(*a*) Such building shall not be erected within 10 feet of any domestic building or building of the warehouse class.

(*b*) The roof of such quarters shall not consist of grass, leaves, mats, cloths; canvas or other materials likely in the opinion of the Medical Officer of Health to harbour rats.

(*c*) Where the walls and roof of such quarters shall be covered with combustible materials they shall be at least 40 feet from any domestic building or building of the warehouse class, or from the boundary of any adjoining plot or sub-plot.

(*d*) The upper surface of the floor shall be at least 12 inches above the mean level of the surrounding ground.

(*e*) The height of such building shall not be less than 10 feet measured from the upper surface of the floor to half the vertical height of the roof.

(*f*) Each compartment shall have a superficial area of not less than 100 square feet and be provided with windows of an aggregate area equal to not less than one-tenth of the superficial floor area, and opening on to the external air.

HOARDINGS.

80. Every person who shall erect or make any alteration to a building shall erect and maintain during the execution of the work such hoardings as shall be necessary in the opinion of the Resident Commissioner for the protection of the public, provided that no hoarding shall be erected in any street except with the written permission of the Resident Commissioner or otherwise than in accordance with plans lodged and approved by him.

SANITARY LANES.

81. No building shall unless with the written permission of the Resident Commissioner be so erected, added to or altered as to have a frontage upon a sanitary lane or passage, and no building shall be so erected, added to or altered that any part thereof shall be less than 15 feet distant from the centre line of any street or sanitary lane.

For the purposes of this rule:

(*a*) a building shall be held to have a frontage upon a sanitary lane or passage if any straight line drawn at right angles to the frontage line of such building from any point thereon so as not to pass through or over such building but in the opposite direction would if produced towards such sanitary lane or passage cross the same without passing over any plot or sub-plot except that upon which such building stands, or if in the opinion of the Resident Commissioner no suitable or sufficient means of access thereto is provided except by a sanitary lane or except by a passage, provided that a side door upon a passage leading into a street other than a sanitary lane shall be deemed a suitable and sufficient access if the distance from such door to the street shall be not more than one-third of the distance from such door to any sanitary lane into which such passage leads.

(*b*) the Resident Commissioner shall have powers in every case to determine whether any street is a sanitary lane or passage and his decision shall be final, provided that no street measuring more than 40 feet in width shall in any circumstances be deemed to be a sanitary lane or passage.

FIRE ESCAPES, ETC.

82. Every building over 45 feet high and every public building, hotel, boarding house, flat; business house and factory shall be provided with proper means of escape in case of fire, and with chemical fire extinguishers of such a number and design as shall be approved by the Resident Commissioner.

In the case of public buildings, each exit, passage, and staircase shall be 5 feet wide for every 100 persons to be discharged by such exit, passage or staircase and all doors and barriers shall be made to open outwards and no outside locks or bolts shall be affixed thereto. Provided that the width of any exit, passage or staircase shall not be less than 3 feet 6 inches.

UNAUTHORISED BUILDINGS, ETC.

83. Any person who shall erect or begin to erect a building before he has given notice of his intention to erect such building as prescribed by these rules, or before the Resident Commissioner has either intimated his approval of such building or has failed to intimate his disapproval thereof within the stipulated time, or after the Resident Commissioner has disapproved any such building, shall be guilty of an offence, and in any case as aforesaid, whether proceedings have been taken against the person offending or not, the Resident Commissioner may serve upon the owner of such building a notice in writing requiring him within a time to be stipulated by such notice to execute such alterations upon or additions to such building as the Resident Commissioner may prescribe to render such building safe or sanitary or otherwise conform to Township Rules or to remove or demolish the same.

84. Any person who, having obtained the approval of the Resident Commissioner for any proposed building or being otherwise entitled to erect the same shall erect such building otherwise than in accordance with the plans, drawings, descriptions or terms approved or prescribed by the Resident Commissioner or with any plans and drawings lodged with him in connection with such building unless with the written consent of the Resident Commissioner shall be guilty of an offence; and in such case as aforesaid, whether proceedings have been taken against the person offending or not, the Resident Commissioner may serve upon the owner of the building a notice in writing requiring him within a time to be stipulated by such notice to execute such alterations upon or additions to such buildings or any part of such building as the Resident Commissioner may prescribe to render such building safe or sanitary or otherwise conform to Township Rules, or to remove or demolish the same.

TEMPORARY BUILDINGS.

85. Notwithstanding anything contained in the foregoing Rules it shall be lawful for the Resident Commissioner to grant permits for temporary buildings on such obligations both as to removal thereof and otherwise and generally upon such terms as he in his free discretion may prescribe and the foregoing Rules with the exception of Nos. 15, 17, 30, 39 to 41, 43, 59 to 69, 71, 72, 74 to 81, 84, 85; 88 to 102, all inclusive, shall not apply to any building erected under such a permit unless by express stipulation, provided that no permit may be granted under this Rule for a building any of the walls of which are to be constructed wholly or partly of stone bricks or concrete, or which is intended to be used for the purposes of human habitation.

RUINOUS BUILDINGS.

86. Where any house or building appears to the Resident Commissioner to be in a ruinous and dangerous condition, he may serve a notice on the owner requiring him forthwith to repair or remove the same. If the owner fails to comply with the notice for a period of one month the Resident Commiassioner may cause the house or building to be removed, and may recover the expenses of such removal from the owner.

NUMBERING OF HOUSES.

87. The Resident Commissioner may assign to any house or building a number which shall be the street number of such house or building and may serve upon the owner or occupier of such house or building a notice calling upon him either to affix to the front door or gate of such house or building a plate bearing such number in conspicuous figures or to cause the number to be painted in conspicuous figures upon any signboard in front of such house or building or otherwise to be clearly displayed thereon, all to the satisfaction of the Resident Commissioner and that within a time to be specified in the notice, and such person shall thereupon comply with such notice.

SCHEDULE TO PART I.

DOMESTIC BUILDINGS.

JOISTS.

1. In the construction of the floor, other than a ground floor, of a domestic building, every common bearing joist shall be of not less than the size and strength following:—

(*a*) If the joist does not exceed 3 feet 4 inches in clear bearing, it shall be 4 inches in depth and 2 inches in thickness.

(b) If the joist exceeds 3 feet 4 inches and does not exceed 5 feet 4 inches in clear bearing, it shall be 5 inches in depth and 2 inches in thickness.

(*c*) If the joist exceeds 5 feet 4 inches and does not exceed 7 feet 4 inches in clear bearing, it shall be 7 inches in depth and 2 inches in thickness.

(*d*) If the joist exceeds 7 feet 4 inches and does not exceed 9 feet 4 inches in clear bearing, it shall be 7 inches in depth and 3 inches in thickness.

(*e*) If the joist exceeds 9 feet 4 inches and does not exceed 12 feet 4 inches in clear bearing, it shall be 9 inches in depth and 3 inches in thickness.

(*f*) If the joist exceeds 12 feet 4 inches and does not exceed 14 feet 4 inches in clear bearing it shall be 9 inches in depth and 4 inches in thickness.

(*g*) If the joist exceeds 14 feet 4 inches and does not exceed 16 feet 4 inches in clear bearing, it shall be 10 inches in depth and 4 inches in thickness.

TRIMMER AND TRIMMING JOISTS.

(*h*) A trimmer joist shall not receive more than 5 common joists and the thickness of a trimming joist receiving a trimmer at not more than 3 feet from one end, and of every trimmer joist receiving not more than 5 common joists shall be 1 inch greater than the thickness hereinbefore specified for a common joist of the same bearing.

BEAMS.

2. In the construction of the floor of a domestic building, every beam or girder of such floor, which is not used to support any wall, pier, or other similar structure, shall be of not less than the size and strength following:—

(*a*) If the beam exceeds 8 feet and does not exceed 10 feet in clear bearing, it shall be 12 inches in depth and 9 inches in thickness.

(*b*) If the beam exceeds 10 feet and does not exceed 12 feet in clear bearing, it shall be 13 inches in depth and 10 inches in thickness.

(*c*) If the beam exceeds 12 feet and does not exceed 14 feet in clear bearing, it shall be 15 inches in depth and 11 inches in thickness.

WAREHOUSE BUILDINGS.

Joists.

3. In the construction of the floor of a building of the warehouse class every common bearing joist shall be of not less than the size and strength following:—

(*a*) If the joist does not exceed 3 feet in clear bearing, it shall be 4 inches in depth and 2 inches in thickness.

(*b*) If the joist exceeds 3 feet and does not exceed 4 feet in clear bearing, it shall be 5 inches in depth and 2 inches in thickness.

(*c*) If the joist exceeds 4 feet and does not exceed 5 feet in clear bearing, it shall be 6 inches in depth and 2 inches in thickness.

(*d*) If the joist exceeds 5 feet and does not exceed 6 feet in clear bearing, it shall be 6 inches in depth and 3 inches in thickness.

(*e*) If the joist exceeds 6 feet and does not exceed 7 feet in clear bearing, it shall be 8 inches in depth and 3 inches in thickness.

(*f*) If the joist exceeds 7 feet and does not exceed 8 feet in clear bearing, it shall be 9 inches in depth and 3 inches in thickness.

(*g*) If the joist exceeds 8 feet and does not exceed 10 feet in clear bearing it shall be 10 inches in depth and 3 inches in thickness.

(*h*) If the joist exceeds 10 feet and does not not exceed 12 feet in clear bearing, it shall be 12 inches in depth and 3 inches in thickness.

TRIMMING AND TRIMMER JOISTS.

(*i*) A trimmer joist shall not receive more than 5 common joists, and the thickness of a trimming joist receiving a trimmer at not more than 3 feet from one end shall be 1½ inches greater than the thickness hereinbefore specified for a common joist of the same bearing; and the thickness of a trimmer joist receiving not more than 5 common joists, shall, for every such joist, be increased by one quarter of an inch additional to the thickness hereinbefore specified for a common joist of the same bearing.

BEAMS.

4. In the construction of the floor of a building of a warehouse class, every beam or girder of such floor which is not used to support any wall, pier or other similar structure shall be of not less than the size and strength following:—

(*a*) If the beam exceeds 8 feet and does not exceed 10 feet in clear bearing, it shall be 15 inches in depth and 11 inches in thickness.

(*b*) If the beam exceeds 10 feet and does not exceed 12 feet in clear bearing, it shall be 17 inches in depth and 12 inches in thickness.

(*c*) If the beam exceeds 12 feet and does not exceed 14 feet in clear bearing, it shall be 18 inches in depth and 13 inches in thickness.

Part II.

Sanitation, Etc.

DRAINAGE OF BUILDINGS.

88. Every person who shall erect a new building shall cause the sub-soil of the site of such building to be effectually drained to a suitable outfall where such exists, wherever the dampness of the site renders such a precaution necessary in the opinion of the Medical Officer of Health.

89. Every person who shall erect a new building may for the purpose of collecting from the roof or flat of such building all water which falls thereon, and shall provide suitable gutters and cause to be fixed a suitable pipe or trunk, extending from the roof to a tank.

90. A rain water pipe or waste pipe discharging into a closed drain must deliver into the open air above a trapped gully so that the water shall pass into the gully before going into the drain: and a waste pipe must deliver on to a cement channel at least 18 inches long so that the water shall flow through the channel before passing into the trapped gully.

91. A person shall not so construct a building or drain that an open drain shall run beneath a building or any part thereof, provided that nothing herein contained shall be held to apply to an open drain carried under any covered way over a passage, such covered way being 7 feet or more in height at its lowest point. No cesspool shall be constructed under any building.

92. Except as hereinafter mentioned and then only where other means of drainage are impracticable a person shall not construct a drain or a building so that the drain shall pass under the building.

(*a*) Where a building is supported upon piers or standards and is so constructed as to satisfy the conditions specified in (*B*) of Rule 14 hereof and where there is a clear space of at least 2 feet between the upper surface of the ground and the underside of the floor of such building a drain may be constructed beneath such building but so that there shall be a distance equal to at least the full diameter of the drain between the top of the drain at the highest point and the surface of the ground under such building.

(*b*) Where a building has a floor of concrete a drain may be made under such floor subject to the provisions of these rules and provided that the length of such drain shall not exceed 18 feet and that such drain shall be open at both ends in such a manner that cleaning rods may be passed thereinto for the purpose of cleaning it out.

93. Such person shall cause such drain to be laid in a direct line for the whole distance beneath such building and if not made in concrete to be completely embedded in and covered with good and solid concrete at least 4 inches thick all round.

94. Such person shall cause adequate ventilation by means of approved ventilation shafts to be provided in connection with such drain and approved inspection chambers to be provided.

SPECIAL SANITARY PROVISIONS.

95. The Resident Commissioner shall have power upon conviction of the owner or of an occupier or any plot or sub-plot which may have been built upon for any nuisance in connection therewith, or upon the written advice of the Medical Officer of Health, to call upon the owner of such plot or sub-plot to pave any open space therein with stone or cement concrete to the satisfaction of the Resident Commissioner or Medical Officer of Health and that within a period to be specified in the notice, and any person failing to comply with the terms of such notice, shall be guilty of an offence against these Rules, and upon conviction of such person the Resident Commissioner may enter upon the premises and undertake the prescribed work and may recover all expenses connected therewith from the person in default.

96. The following provisions shall apply to any area of the Township to which the Governor may declare the same to be applicable and that from the date of notice to that effect published in the *Official Gazette*, and so long as such notice shall remain in force, with respect to every building that shall be erected after the date of such notice, *viz*:—

(*a*) The foundation walls of every building shall be of concrete or of brick or of stone laid in cement, mortar or some equally rat-proof material, shall extend at least 1 foot above the surface soil, and shall be at least 8 inches thick at the top; and where openings are necessary for ventilation or other purposes, such openings shall be made rat-proof by suitable metal screens.

(*b*) The full floor area under all buildings shall be entirely covered by concrete at least 1½ inches thick, except where and in so far as the surface of the soil is composed of rock, or where the soil is of the variety known as black cotton, in which latter case such floor area shall be entirely covered with slabs either of good cement concrete at least 3 inches in thickness of the following composition, *viz*:—Good Portland cement, sand and broken stone or washed murrum gauged in the proportion of 1, 2 and 4, respectively, the aggregate to be broken to a guage of not more than ¾ inch;—or of good cement concrete at least 1½ inches in thickness of the same composition and reinforced with good wire netting with a mesh not exceeding 1 inch in diameter. Such slabs shall in no case be larger than 2 feet square and shall be capable in every case of resisting a crushing load of 900 lbs. to the square inch.

LATRINES AND CLOSETS.

97. A person who shall construct a closet shall not construct such closet within 10 feet of any kitchen. He shall construct such closet in such manner and in such position as may be approved by the Medical Officer of Health.

98. Every person who shall construct a closet in connection with a building shall provide such closet with an opening for light and ventilation of not less than 1½ square feet as near to the top as convenient, and communicating directly with the external air.

99. No person shall construct a closet otherwise than in accordance with a pattern approved by the Medical Officer of Health or with plans and specification submitted to and approved by him.

100. Every person who shall construct a closet shall construct the seat, if any, of such closet, the aperture in such seat, of such dimensions and in such a position as may effectually prevent the deposit upon the floor or sides of the space beneath such seat or elsewhere than in the receptacle, of any filth which may from time to time fall or be cast through the aperture in such seat.

101. Every person who shall construct an earth closet shall construct the seat, if any, of such earth closet to rest upon iron brackets or piers formed of non-absorbent material and so that the whole of such seat or a sufficient part thereof may be lifted into a vertical position so as to afford adequate access to the space beneath such seat for the purpose of cleansing such space, or of removing therefrom or placing and fitting therein the appropriate receptacle for filth, or shall otherwise provide adequate means of access to such space.

WATER CLOSETS, PIT LATRINES, ETC.

102. A person shall not instal in any premises any water closet, pit latrine, sink, or contrivance designed to facilitate the passage of liquid matter into a drain or sewer or on to the ground nor any septic tank, or cesspool, except with the written permission of the Resident Commissioner and upon such conditions as he may prescribe.

IRRIGATION TRENCHES.

103. No person shall construct any trench or channel on any unalienated Crown land except with the written permission of the Land Officer and upon such terms and conditions as may be prescribed by him. Such permission shall not of itself imply any easement or wayleave over such land.

104. No person shall on any plot belonging to or occupied by himself construct or suffer to be constructed any trench or channel so as to lead any water outside the boundaries of such plot except with the written permission of the Resident Commissioner which permission shall in no wise affect the rights of other proprietors.

105. A lessee of a plot through which any irrigation trench or channel shall pass shall keep such portion of such trench or channel as passes through such plot in good repair and shall prevent any overflow therefrom which might cause damage to any public road or other work and shall be responsible for any damage caused thereto by such overflow.

106. No person shall carry any irrigation trench under any public roadway without the written permission of the Resident Commissioner and except upon such terms and conditions as may be prescribed by him.

PRIVATE DRAINS.

107. No person shall construct a drain for the purpose of discharging, or which may discharge outside the limits of his holding storm water or soiled water from a house or premises owned or occupied by him without first applying for permission to the Resident Commissioner and submitting to him if required a block plan of the plot drawn to a scale of not less than forty feet to one inch, showing the position of existing buildings thereon and the position and direction of fall of the proposed drain.

108. If within 30 days from the receipt of such application, the Resident Commissioner shall fail to intimate disapproval thereof, the applicant shall, subject to any other provision of these Rules, be at liberty to proceed with the construction of the drain.

109. The Resident Commissioner shall supply any such applicant on request with information as to the position and reduced level of the bench marks in the vicinity of, or nearest to the house or premises to be drained.

110. Except as provided in Rule 108 hereof no person shall construct any drain for the purpose of discharging or which may discharge outside the limits of his holding storm water or soiled water from any house or premises occupied by him without the written permission of the Resident Commissioner.

111. A drain other than a drain constructed for the drainage of storm water shall either be made of good sound pipes of approved material, or properly constructed in concrete to the satisfaction of the Resident Commissioner.

112. If such drain is constructed or adopted to be used for conveying sewage it shall have a clear internal diameter of not less than four inches and unless made in concrete shall be laid in a bed of good concrete with a proper fall and with watertight, socketted or other approved joints.

113. In any case in which any private drain serving any house or premises and connecting with the public drainage system is considered unsatisfactory by the Drainage Authority, the Resident Commissioner may, on condition that he provides a drain or drains adequate and efficient for the drainage of such house or premises and communicating with the public system close the aforesaid private drain and do any works necessary for that purpose and for making good the site occupied by it. The expense of such works, removals, and making good shall not be a charge against such owner or occupier.

Provided that the subsequent maintenance of such drain or drains shall be at the expense of the owner or occupier of the house or premises.

114. Where any house or premises within the Township has a drain not connecting with the public system of drains or sewers, or has any drain which does so connect but which is not of a type or construction which has been approved by any authority, or which is not effectual for the drainage of any house or premises served by it, the Resident Commissioner may give written notice to the owner or occupier that such drain will be replaced by the drainage authority and shall at the same time require the drainage authority to provide a drain of approved type and construction from the house or premises served by such faulty drain to such public drain or sewer as may be approved by the drainage authority for the reception of the discharge from such house or premises. Such provision shall be executed by the said authority at the expense of the owner in respect of any length of drain required over public property for a distance of sixty feet from the nearest point of the plot to the drain or sewer receiving the discharge and at public expense in respect of any lower portion in excess of that length and the cost of the portion executed at the expense of the said owner shall be recoverable summarily.

Provided that if such owner or occupier shall within 7 days of receipt of written notice as aforesaid intimate to the Resident Commissioner that he is desirous of himself constructing such part of such connecting drain as will lie upon the land owned or occupied by him he shall be at liberty to do so under the supervision and to the satisfaction of the Drainage Authority and shall do so within a time to be specified by the Resident Commissioner and in the event of his failing to do so within the prescribed period the Drainage Authority shall be entitled to proceed as if such option had not been exercised.

Provided further that the Resident Commissioner shall exhibit to any applicant on request a drawing showing types of drains which are approved by the Drainage Authority and a specification covering the method of construction, and an estimate showing the cost than current per foot run.

115. The Drainage Authority shall be the Director of Public Works or such other person or body of persons as the Governor-in-Council may appoint.

CONNECTIONS WITH PUBLIC DRAINS.

116. No person shall connect or cause to be connected any drain with a public drain save as provided in Rule 117 of these Rules.

117. Any person desiring to have a drain connected with a public drain shall notify in writing the Director of Public Works who if he approves of such connection shall connect such drain with the public drain and shall recover the cost of such connection from such person.

118. Any person who connects or causes to be connected any drain with a public drain in contravention of these Rules shall be guilty of an offence and further shall be liable to make good any damage he may have done to the public drain; and the Director of Public works may recover such damage in a summary manner.

FOOTBRIDGES OVER DRAINS.

119. Any person intending to construct a footbridge or to alter or reconstruct an existing footbridge over any open drain in any public road within the Township of Eastleigh, shall make application for permission to the Resident Commissioner and shall lodge with him a plan in duplicate on which shall be specified fully the intended position, dimensions and material of the said footbridge.

120. The word "building" where it occurs in Rule 73 and 75 hereof shall be held to include the construction of footbridges and alteration and reconstruction of existing footbridges over open drains in public roads within the Township.

121. Permission shall not be granted for any footbridge to be so erected as together with any existing footbridge or footbridges to cover more than one-half of the frontage of any building situated on the same side of the road as such footbridges.

122. A moveable wooden footbridge not exceeding 10 feet in width and not attached to the soil is not a footbridge within the meaning of these Rules.

SANITARY NUISANCES, Etc.

123. For the purposes of this section the term "Nuisance" shall include:—

(*a*) Any premises or part thereof of such construction or in such a state as to be, in the opinion of the Medical Officer of Health, a nuisance or injurious or dangerous to health.

(*b*) Any street, pool, ditch, gutter, watercourse, sink, cistern, water-closet, privy, urinal, cess-pool, drain, dung-pit or ash-pit so foul or in such a state or so situated as to be a nuisance or injurious or dangerous to health in the opinion of the Medical Officer of Health.

(*c*) Any well or water supply injurious or dangerous to health in the opinion of the Medical Officer of Health.

(*d*) Any stable, byre or other building or premises in which any animal or animals are kept in such a manner or in such numbers as to be a nuisance or dangerous to health in the opinion of the Medical Officer of Health.

(*e*) Any accumulation or deposit including any deposit of mineral refuse which is a nuisance or injurious or dangerous to health, or any deposit

of offensive matter, refuse or offal or manure wherever situated so as to be a nuisance or injurious or dangerous to health in the opinion of the Medical Officer of Health.

(*f*) Any building or premises on which there shall be an accumulation of water causing or likely to cause damage to health as a breeding place for mosquitoes or in any other respect or causing or likely to cause damage to the foundations of any building.

(*g*) Any work, manufacture, trade or business injurious to health of the neighbourhood or so conducted as to be a nuisance or injurious to health, or any collection of rags, bones or other refuse.

(*h*) Any house or part of a house or any buildings or premises so overcrowded as to be, in the opinion of the Medical Officer of Health, injurious to the health of the inmates.

(*i*) Any school house or any factory that is not kept in a cleanly and sanitary state or is not properly ventilated or is so overcrowded while work is carried on as to be injurious to the health of those employed therein in the opinion of the Medical Officer of Health.

(*j*) Any tent, hut or premises occupied by natives or others in such a state or so overcrowded as to be injurious or dangerous to health in the opinion of the Medical Officer of Health.

124. If the Medical Officer of Health or Sanitary Inspector has reasonable ground for suspecting that a nuisance exists on any premises such Executive Engineer of the Public Works Department or his assistants, any Police Officer or such person as he may authorise: and any or all of them may enter, inspect and make enquiries upon such premises at any time between 9 a.m. and 6 p.m., or at any time when operations suspected of causing a nuisance are believed to be in progress or are usually carried on and may cause the surface of the ground or the floors or partitions or ceilings or wainscotting to be opened, the drains to be tested or such other work to be done as may be necessary for the effectual examination of the said premises; provided always that if no nuisance be found to exist the Government shall restore the premises at its own expense.

125. Whenever a nuisance exists or has existed and is likely to recur on any land or premises within the Township the Resident Commissioner or Medical Officer of Health may serve a notice on the person by whose act, default or sufferance the nuisance exists or is liable to recur or if such person cannot be found on the occupier of the said land or premises requiring him within the time specified in the notice to abate the nuisance or to do what is necessary to prevent its recurrence or in any case in which such works as are necessary cannot be executed without trespassing upon property or land in the possession of the Crown, to make application to the Director of Public Works to execute such work at the expense of the applicant, in which case the Director of Public Works shall be entitled to recover all expenses incurred in connection with such work from the applicant or his representatives, and such notice may contain a specification of any works to be executed for the purpose of abating the nuisance or preventing its recurrence; provided that:—

(*a*) When the nuisance arises from any want or defect of a structural character or when the premises are unoccupied the notice shall be served on the owner.

(*b*) When the person causing the nuisance cannot be found and it is clear that the nuisance does not exist by the act or default or sufferance of the owner or occupier of the premises, the Resident Commissioner may abate the same and do what is necessary to prevent the recurrence thereof.

Provided further that, where any drain to be constructed upon land in possession of the Crown, exceeds 60 feet in length, it shall not be competent under this Rule to charge any person with the cost of such portion as exceeds 60 feet.

For the purpose of this Rule where any drain constructed upon unalienated Crown land shall serve for the conveyance of surface water or effluent of any kind from any plot or sub-plot into any public drain, the owner of such plot or sub-plot shall be deemed to be the owner of such first mentioned drain in so far as lying within 6 feet of any part of such plot or subplot, and the occupier of such plot or subplot or the occupiers of any portions thereof or premises thereon shall be deemed to be the occupier or occupiers of such first mentioned drain, in so far as lying within 6 feet of any part of such plot or sub-plot or of such portions or premises as the case may be.

126. Where a notice has been served on any person under these Rules and either:—

(*a*) The nuisance arose from the wilful act or culpable negligence of the said person, or,

(*b*) Such person makes default in complying with any of the requisitions of the notice within the time specified, he shall be guilty of an offence.

127. If either:—

(*a*) The person on whom notice to abate a nuisance has been served as aforesaid makes default in complying with any of the requisitions thereof within the time specified therein; or,

(*b*) The nuisance though abated since the service of the notice is in the opinion of the Medical Officer of Health likely to recur on the same premises; then,

(1) If it is proved to the satisfaction of the Medical Officer of Health that by reason of the nuisance a dwelling house or room or premises is or are unfit for human habitation, the Resident Commissioner may by special order prohibit the use of such dwelling house, room or premises for human habitation;

(2) In any case the Resident Commissioner may enter upon the premises or land in respect of which the nuisance exists or is likely to recur and execute such works as may in the opinion of the Resident Commissioner be necessary to prevent the continuance or recurrence of the nuisance and may recover the costs of so doing from the person on whom the notice was served.

128. When a special order has been made for the closing of any building or part of a building or for prohibiting the use thereof for human habitation, any person who shall after the date specified in such order and before the building or part of a building has been rendered fit for human habitation to the satisfaction of the Medical Officer of Health inhabit or cause or suffer to be inhabited such building or part of a building, shall be guilty of an offence.

INSANITARY PREMISES.

129. All back premises and passages leading to such premises shall be maintained in a cleanly and sanitary condition and shall be properly drained to the satisfaction of the Medical Officer of Health. If in the opinion of the Medical Officer of Health any back premises or passage are or is in an uncleanly or insanitary condition or improperly drained, or of such construction as to cause such a condition to exist a notice signed by the Medical Officer of Health shall be served upon the owner or occupier of such back premises or passage calling upon him to remedy the said condition or defective drainage in the manner and within the time specified in the said notice. If the person upon whom the notice is served fails to comply with any of the terms of the said notice he shall be guilty of an offence.

130. If in the opinion of the Medical Officer of Health any tent or any hut constructed of wood or mud or any other temporary erection used for human habitation is unfit for that purpose or is dangerous or likely to be dangerous to health the Medical Officer of Health may serve a notice upon the owner or occupier of such tent, hut or temporary erection to remove or destroy the same within the time specified in the notice; and if the owner or occupier fails to comply with any of the terms of the said notice he shall be guilty of an offence, and the Resident Commissioner may then undertake the work of such removal or destruction, the cost of which shall be borne by the said owner or occupier in addition to any fine or imprisonment that may have been imposed.

LATRINES, ETC.

131. Every owner of a house or building used as a dwelling or otherwise shall provide such house or building with proper and sufficient closets to the satisfaction of the Medical Officer of Health and any owner who, on notice from the Medical Officer of Health, shall fail to supply the same within the period prescribed in the notice shall be guilty of an offence, provided that an earth closet inside a building shall not be deemed to be a sufficient compliance with this rule. The occupier of such building shall provide a proper and sufficient supply of earth, sand, ashes or disinfectants for use in such closets to the satisfaction of the Medical Officer of Health.

132. The Medical Officer of Health or Sanitary Inspector or any person authorised by the Resident Commissioner may enter upon any premises and examine any closet, water tank, refuse receptacle or cesspool, and any sink, pipe or other works or apparatus in connection therewith for the purpose of ascertaining the compliance with these rules.

133. The owner of every well, tank or cistern shall cleanse the same once in every year to the satisfaction of the Medical Officer of Health and, in addition, at any time that the Medical Officer of Health may deem necessary for purposes of health.

134. The Medical Officer of Health shall have the power to condemn any latrine, earth closet, cesspool, urinal or privy on or within any premises and shall call upon the owner thereof by notice to reconstruct such latrine, earth closet, cesspool, urinal or privy according to a plan approved by the Medical Officer of Health within the time specified in the said notice. If the said owner fails to comply with any of the terms of the said notice he shall be guilty of an offence.

135. No latrine, earth closet, urinal or privy that has been condemned by the Medical Officer of Health shall be used until such time as the Medical Officer of Health shall certify that the same has been reconstructed to his satisfaction and the occupier of any premises upon which any latrine, earth closet, urinal or privy has been used in contravention of this rule shall be guilty of an offence.

136. Any person on whose premises there shall be any escape of night soil or urine from any latrine, closet or privy shall be guilty of an offence.

137. Any person who shall be guilty of digging or constructing any hole for the reception of night soil, urine, dirty water or rubbish of any description except as authorised under these rules or by written permission of the Medical Officer of Health or of throwing any foul matter or thing or dirty water or allowing any such foul matter or thing or dirty water to flow on to any yard, plot, street, footpath or public place or into any drain not constructed for the purpose of receiving such foul matter or thing or dirty water shall be guilty of an offence.

138. The Medical Officer of Health may for purposes of health serve a notice upon the owner or occupier of any premises to cause the same to be limewashed or otherwise cleansed or disinfected and if the said owner or occupier fail to comply with any of the terms of the said notice he shall be guilty of an offence and the Resident Commissioner may enter upon the said premises and cause such acts to be performed as specified in the notice and recover the costs of the same from the said owner or occupier.

139. Every person causing any house, building or work to be erected, altered or demolished shall if so required by the Medical Officer of Health, forthwith erect in an approved position and thereafter maintain for such time as workmen are engaged thereon good and sufficient temporary latrine accommodation for such workmen, to the satisfaction of the Medical Officer of Health who shall at his discretion have power to order closets with a proper supply of earth, sand, ashes or disinfectants to be provided by such person notwithstanding that conservancy fees may be exigible in respect thereof; and every person who shall cause any such erection, alteration or demolition to be begun without having erected latrine accommodation as aforesaid shall be guilty of an offence.

140. Owners or occupiers of any building or premises within the Township shall use such receptacles for latrines as the Medical Officer of Health or the Resident Commissioner shall direct or approve; receptacles of the pattern so ordered shall be obtainable at the office of the Resident Commissioner free of charge, provided that in the event of the loss, damage or misuse of any such receptacle, the person to whom the said receptacle was issued, and in whose possession it was at the time of the said loss, damage or misuse shall be liable to repay to the Resident Commissioner the initial cost of the aforementioned receptacle.

DUSTBINS.

141. The owner of any building, plot or premises shall provide and maintain to the satisfaction of the Medical Officer of Health a receptacle for ashes and other non liquid domestic refuse of a sufficient size, of a capacity not more in any case than 6 cubic feet of an approved pattern and fitted with a good and efficient lid.

142. The occupier of any building or premises shall daily cause to be placed within the dustbin provided in terms of the foregoing Rule the domestic refuse from the said building or premises in so far as such dustbin shall be sufficient to contain the same, and shall cause such dustbin to be placed and kept upon an approved place on the plot or sub-p upon which such building or premises stand and shall not cause or suffer the same to be placed or kept elsewhere and shall make and keep such dustbin accessible to the Township Sweepers during the whole period between 9 a.m. and 2 p.m. on Saturdays and between 9 a.m. and 5 p.m. on other working days.

143. For the purposes of Rules 141 to 144 premises not occupied for human habitation shall not be deemed to be occupied on any day in which they are not actually occupied after the hour of 4 p.m.

144. If a nuisance shall exist upon or near any premises by reason of domestic or trade refuse produced thereon or proceeding therefrom, the Medical Officer of Health shall serve upon the occupier of such premises a notice in writing requiring him to remove the nuisance within such period as may be

specified in the notice, and to prevent its recurrence; and if after the expiry of notice as aforesaid such nuisance shall continue or shall by act, default, or sufferance of the person upon whom such notice shall have been served recur, such person unless he shall have ceased to be the occupier of the premises shall be guilty of an offence.

Part III.

Medical Regulations.

SUPPRESSION OF MOSQUITOS.

145. The Medical Officer of Health, Sanitary Inspector, or any person authorised in writing by the Medical Officer of Health shall have power to enter any lands between the hours of 7 a.m. and 6 p.m and the Medical Officer of Health and any European Sanitary Inspector shall have power to enter any house or building between the said hours for the purpose of satisfying himself that there is no breach of the Rules regarding mosquitos in existence upon such lands or premises.

146. The occupier of any area plot or premises on which mosquito larvae are found shall be guilty of an offence.

147. No person shall permit any old tins, bottles, boxes, tubs, calabashes, vases, drinking troughs, washing tubs or any other receptacle holding water or capable of holding water, to remain on his or her premises or lands so as to be a nuisance or injurious or dangerous to health by affording facilities for breeding by mosquitos or other insects, and the owner or occupier of any premises or lands omitting to remove or remedy the nuisance when duly notified of its existence shall at the expiration of such period as may be prescribed in notice in writing from the Medical Officer of Health be guilty of an offence.

148. No person shall permit water to accumulate in any gutter, drain pipe or trench on his premises or lands so as to be a nuisance or injurious or dangerous to health by affording faciliaties for breeding by mosquitos or other insects, and the owner or occupier of any premises or lands omitting to remove or remedy the nuisance when duly notified of its existence shall at the expiration of such period as may be prescribed by notice in writing from the Medical Officer of Health be guilty of an offence.

149. No person shall permit water to accumulate in any artificial hollow in the ground on his premises or lands, or on lands over which he has control, so as to be a nuisance or injurious or dangerous to health by affording facilities for breeding mosquitos or other insects, and the owner or occupier of any premises or lands or the person having control over any premises or lands omitting to remove or remedy the nuisance when duly notified of its existence shall at the expiration of such period as may be prescribed by notice in writing from the Medical Officer of Health be guilty of an offence.

150. No person shall permit any lands owned or occupied by him or over which he has control to become overgrown with jungle bush or long grass of such a nature as in the opinion of the Medical Officer of Health to be likely to harbour mosquitos or to afford facilities to natives or others for committing nuisances: and the owner or occupier of any lands or the person having control over any lands so overgrown omitting to remove or remedy the nuisance when duly notified of its existence shall at the expiration of such period as may be prescribed in writing from the Medical Officer of Health be guilty of an offence.

151. The Medical Officer of Health, or Sanitary Inspector, shall have power to enter on any premises or lands on which water may have accumulated in any natural hollow and take such steps as he may consider necessary for the removal or insecticidal treatment of such water on giving notice in writing of intended entry to the occupier of such premises or lands if occupied: provided that such power shall not be so exercised as to inflict damage or loss of any kind other than the actual loss of the use of such water upon the owner or occupier of such premises or lands.

152. If the owner or occupier of any premises or lands or the person having control over any premises or lands neglects to carry out any works necessary in the opinion of the Medical Officer of Health for compliance with any of the foregoing provisions of this Part, the Resident Commissioner or Executive Engineer of the Public Works Department or such other person as may be appointed by them may enter upon such premises or lands and carry out the necessary works, the cost of which shall be recovered in Court from the owner or occupier of such premises or lands or the person having control over such premises or lands independently of any fine which may have been imposed.

INFECTIOUS DISEASES.

153. In the following Rules the term "infectious disease" shall mean plague, cholera, small-pox, typhus fever, typhoid fever or esteric, scarlet fever, relapsing fever, yellow fever, epidemic cerebro-spinal meningitis, sleeping sickness, leprosy, beriberi, yaws, diptheria, puerperal fever, erysipelas and mumps.

154. Every duly qualified Medical Practitioner attending on or called in to visit a patient within the Township shall forthwith, on becoming aware or having reason to suspect that the patient is suffering from an infectious disease, send to the Health Office a report stating the name of the patient, the situation of the building of which the patient is an inmate and the infectious disease from which, in the opinion of such Medical Practitioner, such patient is suffering.

155. There shall be paid out of the revenues of the Colony and Protectorate to a duly qualified Medical Practitioner (other than a Medical Practitioner in the service of the Government) a fee of Fls. 2 for every report furnished by him under the preceding rule.

REPORTS OF DEATHS AND BURIALS.

*156. Every death occurring within the Township shall be reported to the Police Officer in charge of the nearest Police Station within 6 hours after the death has occurred by the nearest relative present at the death or in attendance during the last illness of the deceased or (in case of the death, illness, absence, inability or default of such relative) any other person present at the death; or in default of such relative or other person) the occupier of the premises on which the death occurred; or (if such occupier be the deceased) any other person living in the premises in which the death occurred: provided that:—

(*a*) If any one of the aforesaid persons make such report, no other person shall be bound to make it;

(*b*) If such death occurs in a hospital none of the aforementioned persons shall be bound to make the report, but the Medical Officer in charge of such hospital shall within 6 hours of such death send written notice thereof to the Resident Commissioner.

*157. No corpse shall be interred, cremated or otherwise disposed of until a certificate of the cause of death has been signed and granted by a duly qualified medical practitioner in the prescribed forms which are to be obtained from the Principal Medical Officer's office and a written permit for such interment, cremation or disposal has been issued by the Police.

*158. No corpse shall be buried, burnt, or otherwise disposed of within the Township in any place other than a place assigned for such burial, cremation or disposal by the Government. Burial will be permitted in a cemetery of the community to which the deceased person belonged but the interment shall be conducted with such precautions as the Medical Officer shall direct.

159. The corpse of every person dying within the Township shall be buried, cremated or otherwise disposed of within 24 hours.

(*a*) If the corpse be required for Medico-legal examination it may, on a Magistrate's order, be kept undisposed of only so long as may be absolutely necessary in the opinion of the Medical Officer in charge of such examination;

(*b*) If the corpse be required (with the consent of the relatives if any) for purposes of a post-mortem examination or dissection by a Government Medical Officer, it may be kept undisposed of, under a Magistrate's order, as long as may be necessary.

(*c*) If the corpse be enclosed in a metal coffin or case, and such coffin or case is hermetically sealed, it may be kept undisposed of in any place and for any period conditionally upon a written permit being previously obtained from the Medical Officer of Health, and upon compliance with the terms set forth in such permit.

(*d*) If the death was due to any infectious disease the corpse shall be disposed of in such manner and within such a time after permission for the burial or other disposal of the same has been granted as the Medical Officer of Health shall direct.

160. Whenever a corpse is kept under Clause (*a*) or (*b*) of the previous Rule the person authorised to make the examination or dissection, as the case may be under the aforesaid Clauses, shall keep the corpse in such a manner and at such a place so that it does not create a nuisance or become injurious to health.

161. The disposal of any African native's corpse by cremation or interment shall not be conducted otherwise than under the supervision and direction of the Resident Commissioner, or person acting under his authority.

162. The person in charge of any corpse that is disposed of by cremation shall take such measures as to ensure that no portion of such corpse remains without being completely reduced to ashes.

*163. No person shall remove any part of a corpse that shall have been brought to the cremating ground; provided that:—

(*a*) The nearest relative in attendance upon a corpse so brought to the cremating ground may, after the corpse has been completely reduced to ashes, remove the ashes of the said corpse; and,

(*b*) In the case of Hindus the navel may be preserved and disposed of in accordance with their religious rules.

CONVEYANCE, ETC., OF DEAD BODIES.

*164. No person shall deposit or cause to be deposited any corpse or carcase upon any street or into or on the banks of any river, watercourse, or drain.

*165. No person or persons shall convey or cause to be conveyed any corpse or part of a corpse through any street, public thoroughfare, or place of public resort unless it be decently covered and concealed from public view. No person or persons while conveying a corpse or part of a corpse through the Township shall deposit it or cause it to be deposited in or near any street or public thoroughfare except for the purpose of ordinary relief.

POST-MORTEM EXAMINATION.

166. Any Magistrate of the First or Second Class may on the application of a Medical Officer in the service of the Government authorise such Medical Officer to hold a *post-mortem* examination on the body of any person who shall have died within the Township, provided that such authority shall not be granted unless such Medical Officer shall testify on oath as follows:—

(*a*) That a certificate setting forth the cause of the death of the person whose body it is desired to examine, has not been granted by a duly qualified Medical Officer.

(*b*) That he has reason to suspect that the death has been caused by an infectious disease within the meaning of the Infectious Diseases Ordinance, 1903, or of any Ordinance substituted therefor.

(*c*) That in the interests of the health of the inhabitants of the Township, such examination is necessary.

167. Nothing in this Section shall be deemed to affect the power of a Magistrate or other person to order a *post-mortem* examination under any law for the time being in force in the Colony.

LODGING HOUSES.

168. In these Rules

The term "Lodging House" means a house or part of a house, including the verandah thereof, if any, which is let or sub-let in lodgings or otherwise, either by storeys, by flats, by rooms, or by portions of rooms, or which is occupied by members of more than one family.

The term "Landlord" means the person by whom or on whose behalf a house or part of a house, including the verandah thereof, if any, is let or sub-let in lodgings or otherwise, or for the occupation of the members of more than one family, or who is entitled to receive the profits of any portion arising from such letting or sub-letting, whether on his own account or as agent for any person entitled thereto or interested therein.

The term "Lodger" means a person to whom any storey, flat, verandah, room or rooms, or portion of, or share in any verandah, room, or rooms, has or have been, let as a lodging, or for his use or occupation.

The term "Medical Officer of Health" shall include any person acting for or under the instructions of the Medical Officer of Health.

169. No person shall use or permit to be used, any building, or part of a building, of which he is the landlord, as a lodging house unless the same shall have been duly registered and licensed as such by the Resident Commissioner, after having been certified by the Medical Officer of Health as being fit for the purpose. The Resident Commissioner may cancel any registration upon a breach of these Rules in connection with such lodging house.

170. A person being the landlord of a lodging house shall not at any time receive into a lodging house or into any room therein a greater number of persons than shall have been prescribed therefor by the Medical Officer of Health, and endorsed upon the registration paper, or by any notice varying or amending the same.

171. A person being the landlord of a lodging house shall keep and fix in each room thereof used for sleeping purposes, in a conspicuous position, and in such manner that it shall be clearly visible and legible, a ticket to be supplied by the Resident Commissioner in the form prescribed in the Schedule to this Rule showing the number of persons prescribed

therefor under the preceding Rule, and no person shall deface, alter, or wilfully conceal any letters or figures in such ticket, or wilfully or carelessly injure or destroy such ticket or remove such ticket.

172. Any lodging house shall be open to inspection at all times by the Medical Officer of Health, Superintendent or Assistant Superintendent of Police, or by any Police Officer not below the rank of an Assistant Inspector, or by any officer acting under written instructions from the Resident Commissioner.

173. The fees specified in the Schedule to this Rule shall be paid to the Resident Commissioner in respect of every licence issued under these Rules.

174. The landlord of a lodging house shall, within a period of seven days after having been required to do so by a notice in writing, signed by the Medical Officer of Health, attend at the Health Office within office hours, and furnish and sign a true statement of the following particulars with respect to such house:—

(*a*) The total number of rooms in the house.

(*b*) The total number of rooms or portion of rooms let in lodgings or occupied by members of more than one family.

(*c*) The manner of use of each room.

(*d*) The full name of the lessee of each room or part of room; and

(*e*) The amount of rent or charge payable by each lessee.

175. The landlord of a lodging house shall cause in the month of January of each year, and at any other time, if so required by the Medical Officer of Health, all interior walls and ceilings of the lodging house to be limewashed, except painted surfaces, which must be washed with hot water and soap, or if the Medical Officer of Health shall so require, repainted.

176. The landlord of a lodging house shall cause all open spaces belonging to such lodging house to be properly drained and maintained in a constant state of good repair and cleanliness.

177. The landlord of a lodging house, immediately after he shall have been informed, or shall have ascertained that any person in such house is ill of an infectious disease, or of any illness which prevents such person from following his usual daily avocation, shall give written notice thereof to the Medical Officer of Health.

178. In a case where a lodger has grounds for believing that an occupant of any storey, flat, room or part of a room of the lodging house in which he resides is ill of an infectious disease, or of any illness which prevents such occupant from following his usual daily avocation, such lodger shall forthwith notify both the landlord of the lodging house and the Medical Officer of Health.

179. No room of a lodging house which has been occupied by a person suffering from an infectious disease shall be occupied by any person until the said room has been disinfected to the satisfaction of the Medical Officer of Health.

180. If any person shall find a dead rat in any lodging house, he shall forthwith report such finding to the landlord; and if any landlord shall find, or shall be informed of the finding of, a dead rat in his lodging house, he shall forthwith report such finding to the Medical Officer of Health.

181. If in any proceedings under these Rules it shall be alleged that any house is a lodging house, or that the person proceeded against is a landlord or lodger, the house shall be presumed to be a lodging house, and the person proceeded against shall be presumed to be a landlord or lodger, as the case may be, unless the person proceeded against shall prove the contrary.

182. Every lodging house shall be registered annually before the seventh day of January, provided that lodging houses constructed or instituted after such date in any year shall be registered forthwith.

SCHEDULE TO RULE 171.

LODGING HOUSE.

Licence No......

Place .....

Room No. .....

Number of lodgers authorised to be received into this room .....

Dated.....192

.....

Resident Commissioner.

SCHEDULE TO RULE 173.

FEES FOR REGISTRATION OF LODGING HOUSES.

For each person for whom accommodation is certified by the Medical Officer of Health as available, Fls. 5 per annum.

OVERCROWDING, ETC.

183. If it shall come to the notice of the Medical Officer of Health that any room in any building is being used to afford sleeping accommodation for such a number of persons that there shall be less than 500 cubic feet of space in such room for each such person, the Medical Officer of Health may serve a notice upon the owner of such building calling upon him to take such measures as to ensure that such room shall not be so used and that within a time to be specified in the notice, and if such notice be not complied with within the time so specified, such owner shall be guilty of an offence. For the purposes of this Rule a child being or appearing to be under the age of 10 years shall not be reckoned as a person, but two such children shall be reckoned as one person.

184. If it shall come to the notice of the Medical Officer of Health that any room the floor of which is below the mean level of the ground adjoining is being used for sleeping accommodation, the Medical Officer of Health may serve a notice upon the owner of the building in which such room is situated calling upon him to take such steps as to ensure that such room shall not be so used, and that within a time to be specified in the notice, and if such notice be not complied with within the time so specified such owner shall be guilty of an offence.

185. A person shall not reside in or use for sleeping accommodation any room in which foodstuffs are stored or sold. If it shall come to the notice of the Medical Officer of Health that any room is being used otherwise than in accordance with this rule or that any room which in his opinion is so situated with respect to any other room or other place in which foodstuffs are stored or sold as to be unsuitable for use as a sleeping apartment is being so used he may serve upon the person concerned or upon the owner of the house or upon both a notice calling for such measures to be taken as shall prevent the improper use of such room within a time to be specified in the notice and if such notice be not complied with the party upon whom it was served shall be guilty of an offence.

Part IV.

Markets and Trades.

LICENSING OF TRADES, Etc.

186. All permits, licences or registrations under this Part unless a contrary intention appears, shall be revocable without notice upon the holder thereof being found guilty of any breach of the conditions under which such permit or licence is held or of a breach of any of the Rules of this Part.

187. All yearly permits and licences shall expire on the 31st December in each year, except where special provision is made by these Rules, and all fees for permits and licences shall be payable in advance to the Resident Commissioner.

188. The Resident Commissioner shall make a proportionate reduction from the fees due for any annual permit or licence issued after March 31st, June 30th or September 30th at the rate of one quarter of such fee for every three months already elapsed.

189. A person holding a licence for a laundry, eating house, lodging house, bakery, butcher's or fishmonger's, vegetable dealer's premises, places of entertainment, store, manufactory, or trade premises, shall give notice to the Medical Officer of Health of any case of serious illness occurring on the licenced premises within 24 hours of its coming to his notice unless such case is treated by a duly qualified Medical Practitioner within that period.

TRADE LICENCES.

190. For the purposes of Rules Nos. 190 to 196 inclusive.

(*a*) the words "store premises" shall mean any premises in which goods of any kind shall be kept or stored for trade purposes whether wholesale or retail.

(*b*) the words "manufactory premises" shall include all store premises and also any premises in which goods of any kind shall be manufactured.

(*c*) the words "trade premises" shall include all manufactory premises and also any premises in which goods of any kind shall be exposed for sale to the public.

Provided that nothing contained in the said Rules shall apply to public markets or to any premises in respect of which a licence shall be current for a laundry, eating house, bakery, or butcher's, fishmonger's, or vegetable dealer's premises, or a general retail licence or a hotel liquor licence under the Liquor Ordinance, 1909.

191. No person shall use any premises as store premises, manufactory premises or trade premises unless the premises shall have been licensed as store premises, manufactory premises or trade premises as the case may be and a valid and unexpired licence of the appropriate class be current in respect thereof.

192. The Resident Commissioner may on hygienic grounds and with the written advice of the Medical Officer of Health by written notice annul any licence granted under Rules Nos. 190 to 196 inclusive, but such annulment shall not take effect until 14 days have elapsed from the date of service of such notice.

193. The Resident Commissioner shall have power to attach to any licence granted under Rules Nos. 190 to 196 inclusive such conditions designed to ensure the sanitary and hygienic use and condition of the premises as he shall think fit, and the licensee shall observe such conditions.

194. Any decision by the Resident Commissioner under Rules Nos. 190 to 196 inclusive shall be subject to review by the Senior Commissioner on written notice of appeal given to him within 14 days of the date of service of notice of such decision.

195. Every licence under Rules Nos. 190 to 196 inclusive shall expire on the 31st day of December of the year for which it shall have been granted, provided that the Resident Commissioner shall have the option in any case to grant a six months' licence, which shall be valid till the 30th day of June, or, if issued after the 30th day of June, till the 31st day of December, next following its date only.

196. In respect of every licence granted under Rules Nos. 190 to 196 inclusive a fee shall be payable to the Resident Commissioner. The fee shall be for an annual licence, Fls. 2.

In the case of premises divided into two or more tenements occupied by different tenants, a separate fee shall be payable in respect of each several tenement used as trade premises.

BUTCHERS AND FISHMONGERS.

*197. No person shall carry on the business of a butcher or vendor of meat or fishmonger in the Township without being first registered as such.

*198. No person so registered shall carry on the trade or business of a butcher or fishmonger in any place other than a public market, provided that the Resident Commissioner may licence private premises which have been approved by the Medical Officer of Health for the sale of meat or fish.

*199. No person who is suffering from any form of infectious disease shall serve or work in any butcher's or fishmnoger's shop or stall.

200. Butchers' and fishmongers' shops and stalls shall be thoroughly cleaned out and washed at least once in every 24 hours.

201. Any meat or fish which in the opinion of the Resident Commissioner or of any inspector appointed for the purpose or of the Medical Officer of Health or Sanitary Inspector is unfit for human food may be seized by the Resident Commissioner, Superintendent of Police, Medical Officer of Health or Sanitary Inspector and conveyed to the Resident Magistrate, who may issue an order for the disposal thereof.

202. Any shop used as a butcher's or fishmonger's shop shall not be used for purposes of human habitation.

203. A fee of Fls. 5 per month shall be paid to the Resident Commissioner in respect of every registration of a butcher, and in respect of every registration of a fishmonger, under these Rules.

BAKERIES.

*204. No building shall be used as a bakery unless and until it shall have been first registered in the office of the Resident Commissioner, and no building shall be so used if the lighting, ventilation, cleaning, and draining thereof are not such as are necessary and proper in the opinion of the Medical Officer of Health.

*205. It shall not be lawful for any person following the trade of a baker. or being the occupier of any place where flour is prepared or baked for use as human food, to allow any person suffering from any disease or infectious disorder to handle such flour, or to take part in or assist in any way in the conduct of the trade of a baker.

*206. Any premises actually used as a bakery shall not be used as a dwelling or sleeping apartment.

207. The Resident Commissioner, the Medical Officer of Health, Sanitary Inspector, and any other person appointed by the Resident Commissioner may at any time visit and inspect a bakery, they may also inspect any store or place wherein flour for use in the bakery is kept, and any water or vessels used therein.

208. On the sanitary conditions of any bakery being reported by the Medical Officer of Health to be unsatisfactory the Resident Commissioner may remove such bakery from the list of registered bakeries with or without notice, and a baker's business shall not again be carried on therein until any improvements required by the Resident Commissioner shall have been completed.

209. No trade other than that of a baker shall be carried on in a bakery without the permission of the Resident Commissioner in writing.

210. A fee of Fls. 5 per month shall be paid to the Resident Commissioner in respect of every registration of a bakery under these Rules.

VEGETABLE DEALERS.

*211. No person shall carry on business as a vendor of vegetables without first being registered as such.

*212. No person so registered shall carry on the business of a vegetable seller in any building other than one provided for that purpose and provided that the Resident Commissioner may licence private premises which have been approved by the Medical Officer of Health for the sale of vegetables.

*213. No person suffering from any infectious disease shall serve or work in any vegetable shop or stall.

*214. Any vegetables which in the opinion of the Resident Commissioner, Medical Officer or Sanitary Inspector or of any Inspector appointed for the purpose, are unfit for human food may be seized by the Resident Commissioner, Superintendent of Police, Medical Officer of Health or Sanitary Inspector, and conveyed to the Resident Magistrate who may issue an order for the disposal thereof.

215. A fee of Fls. 5 per month shall be paid to the Resident Commissioner in respect of every registration under this Section.

CONVEYANCE OF MEAT.

*216. Carcases of animals or meat intended for sale for human consumption or undressed hides shall not be conveyed along any road in the Township otherwise than in a clean covered cart of a design approved by the Resident Commissioner. The owner of any carcase or meat or undressed hides conveyed in contravention of this rule shall be guilty of an offence.

*217. A person suffering from an infectious or contagious disease shall not be engaged in the conveyance of meat.

218. Save when engaged in the loading or unloading of any cart used for the conveyance of carcases of meat as aforesaid, no person shall sit or otherwise be in any such cart in such position or in such part thereof that he may come into contact with any carcase or meat therein.

*219. No African or Asiatic shall carry any carcase or meat intended for human consumption into or serve in any butcher's shop, stall, meat market or slaughter house unless he shall be clothed in a clean white tunic or suit reaching from the neck to at least the knee; and no butcher or vendor of meat shall employ any African or Asiatic in carrying any carcase or meat intended for human consumption into or from or in serving in, any butcher's shop, stall, meat market or slaughter house unless such Native or Asiatic during such employment shall be clothed in a clean white tunic or suit reaching from the neck to at least the knee.

MILK.

*220. So person shall sell, deliver, cause to be delivered, or offer for sale any milk, to which any water or other matter or ingredient has been added.

No person who sells milk elsewhere than at a cowshed, shop, or dairy shall sell, or offer for sale milk until he shall have been registered by the Resident Commissioner as a milk boy, and then only at such places as the Resident Commissioner may appoint by public advertisement in the *Official Gazette*.

221. Any person offering milk for sale, or delivering, or causing to be delivered any milk, and any proprietor, occupier, or manager of a dairy, or place for the sale of milk, and any person entrusted for the time being with the charge of any milk shall permit any medical officer, or any officer duly authorised by the Medical Officer of Health or Sanitary Inspector to take such quantity of milk as such officer shall require for the purposes of analysis on his tendering payment therefor.

222. Every owner or occupier, or manager of a dairy, or place for the sale of milk, having in his possession or under his charge any animal affected with disease, shall give immediate notice in writing of the fact to the Medical Officer of Health.

HAWKERS.

*223. No person shall hawk any goods in the township unless provided with a permit, or shall hawk any fresh foods in the township.

*224. A fee of Fls. 5 per month shall be paid to the Resident Commissioner for every permit issued under Rule 223.

LAUNDRIES, ETC.

225. For the purpose of these Rules "Washing" shall mean and include the washing, mangling or ironing of articles of wearing apparel, household and domestic linen, and other textile fabrics, and any process incidental thereto.

"Laundry" shall mean any premises or place in which washing is carried on for payment or other valuable consideration.

"Washing Licence" shall mean a licence to do washing issued under these rules.

"Laundary Licence" shall mean a licence to carry on the business of a laundry issued under these rules.

"Dhobie" shall mean any Asiatic or African who carries on the trade of washerman on his own account and is not the proprietor or an employee of the proprietor of any laundry licenced under these rules.

226. No person shall carry on within the Township the business of a laundry in which five or more persons, including the employer and his partners, are engaged in washing unless he shall first have obtained a laundry licence from the Resident Commissioner.

*227. No person who does not hold a laundry licence, or is not employed under contract for a period of not less than one month by the holder of a laundry licence shall do, undertake, or apply for any washing for payment or other valuable consideration within the Township, unless he shall have first obtained from the Resident Commissioner a washing licence.

228. No Laundry licence or washing licence shall be issued in respect of any premises or place until such premises or place shall have been certified by the Medical Officer of Health to be suitable in respect to the water supply, ventilation, drainage, construction, or otherwise for the purpose for which such licence is required.

Laundry and washing licences shall contain the name and address of the licensee and particulars as to the place where washing may be carried on under such licence.

229. No person shall do any washing under any Laundry or Washing licence except at a place or places specified in such licence.

230. No Laundry licence shall be granted for a longer period than one year, and every such licence shall terminate not later than the 31st of December of the year for which it was granted.

231. The fees specified in the Schedule to this Rule shall be paid to the Resident Commissioner for laundry and washing licences. Where subsequent to the issue of a licence in respect of any laundry the number of persons employed in such laundry is increased beyond the number provided for in the licence, the owner of the licence shall forthwith report such increase to the Resident Commissioner, and shall pay the additional fee chargeable in respect thereof for the current year or month as the case may be.

232. No washing licence shall be granted for a longer period than one month, and every such licence shall terminate on the last day of the calendar month in which it has been granted.

233. Any Dhobie applying for a washing licence under these rules may before such licence is granted be required to submit to be medically examined by the Medical Officer of Health.

234. Every Dhobie holding a washing licence and every employer of such Dhobie shall while engaged in washing or collecting clothes or applying for articles to be washed or in distributing such articles when washed, wear on his left arm in a conspicuous position a numbered badge which shall be issued to him together with his licence.

235. No Dhobie shall sell, exchange or part with a badge so issued to him for his own use.

236. No person shall wear any such badge unless the same was issued to him by the Resident Commissioner.

237. The Resident Commissioner may withhold, cancel, or suspend the licence of any Dhobie on giving his reasons in writing, provided that such Dhobie shall have the right of appeal to the Senior Commissioner.

238. No person licensed under these rules shall keep or suffer to be kept any clothing entrusted to him for the purpose of washing in any place that has not been licenced or authorised for the purpose, and no person shall use any place where such clothing is kept as a living or sleeping apartment.

*239. No person who is suffering from an infectious disease or is living in a house in which there is a case of infectious disease shall enter or remain in any premises of any person licenced under these Rules as a Laundryman or Dhobie, or shall engage in any washing or shall perform or assist in performing any work in connection therewith.

240. Any person carrying on the business of a Laundry shall immediately notify to the Medical Officer of Health the occurrence of any actual or suspected case of disease amongst his employees or the actual members of his household.

241. The Medical Officer of Health or Sanitary Inspector may require the holder of any Washing or Laundry licence, with a view to preventing the spread of infectious disease, to furnish him with a full and complete list of the names and addresses of the customers for whom such licence-holder does washing or laundry work or has done such work during six weeks previous to requiring such list and such licence-holder shall furnish such list within the time specified.

242. The Medical Officer of Health or Sanitary Inspector or any other duly authorised Official may enter upon and inspect any premises on which the business of a laundry is carried on, and any person who wilfully obstructs or resists such entry and inspection shall be deemed to be guilty of an offence.

243. No Dhobie while holding a licence under these rules shall reside on any premises except those provided for the purpose by the Resident Commissioner and called the Dhobie Quarters, unless with the written consent of the Resident Commissioner, and no person other than a licensed Dhobie or a member of the family of such Dhobie shall reside in the Dhobie Quarters.

244. Nothing in these rules shall be held to apply to any person washing on his own premises, or to any servant washing on the premises of his employer, articles intended for use on such premises or for the use of the persons residing on such premises.

SCHEDULE TO RULES Nos. 231 & 234.

	Fls.	C.
Washing Licences—Fee per month or part of a month	2	00
Upon the issue of every Dhobie's Badge or Dhobie's Employee's Badge, a deposit of ... ... (Returnable upon the cancellation of the Washing licence and the return of badge.)	5	00
Laundry Licences—Fee per month or part of a month:		
For a laundry where the persons engaged in washing (including employer and his partners, if any) number		
(*a*) not more than 5	5	00
(*b*) more than 5 but not more than 10	7	50
(*c*) more than 10	10	00

INDIAN AND NATIVE EATING HOUSES.

245. For the purpose of these Rules the following words and expressions shall have the several meanings hereby assigned to them unless there shall be something in the subject or context repugnant to such constructions. The term "Indian or Native Eating House" shall mean any premises or places where any article of food or drink is sold or offered for sale to Indians or Natives and accommodation provided for the consumption of such food or drink.

"Licence" shall mean a licence to keep an Eating House for Indians or Natives granted under these rules.

"Licensee" shall mean a person holding such licence.

"Licensed" premises shall mean premises in respect of which a licence is current.

246. No person shall carry on the business of an Indian or Native Eating House within the Township area unless he shall be in lawful possession of a then current licence issued by the Resident Commissioner in accordance with these rules.

247. The Licence shall be in such form and shall contain such conditions as shall be from time to time determined by the Resident Commissioner and shall contain:—

(*a*) The name of the licensee.

(*b*) The situation of the licensed premises.

(*c*) The number of rooms therein.

(*d*) The maximum number of persons allowed on the premises at any one time.

(*e*) The date when the licence expires.

248. Every licence issued shall be for such period as the Resident Commissioner may determine provided that no licence shall be granted for a longer period than one year and every licence shall expire on December 31st of the year in which it was granted.

249. A licence shall not be transferable from the holder thereof to any other person and no licence shall be transferable from the premises in respect of which it is granted to any other premises.

250. No licence shall be granted unless the Medical Officer of Health shall have previously certified in writing that the premises in respect of which a licence is applied for are in his opinion suitable for the purpose of such licence in respect of sanitation, ventilation, locality, construction and accommodation; and shall have further certified the number of persons that may be accommodated on such premises at any one time; and the Resident Commissioner may suspend or cancel at his discretion any licence in respect of which any breach of these or any other Township Rules shall have been committed or any nuisance created or for contravention of any of the terms of the licence. And no refund shall be made in respect of any licence that may have been suspended or cancelled under this rule.

251. No licence shall be issued in respect of any premises unless they comply with the following conditions to the satisfaction of the Medical Officer of Health.

(*a*) All rooms shall be lighted and ventilated in accordance with the requirements of the Township Rules.

(*b*) At least one room properly isolated and ventilated shall be provided for the sole purpose of storing food stuffs.

(*c*) The floors of any room or rooms in which food or drink is intended to be consumed, and of all kitchens and storerooms shall be of cement or some material impervious to moisture.

(*d*) Sufficient privies and urinals shall be provided for customers to the satisfaction of the Medical Officer of Health, and such conveniences shall be distinct and separate from those used by the occupier of the licensed premises.

(*e*) Sufficient receptacles shall be provided for slops and refuse to the satisfaction of the Medical Officer of Health.

Where in any premises in respect of which a licence is current, any of the foregoing conditions is not complied with, the Resident Commissioner may cause a notice to be served on the licensee of such premises requiring him, within a time specified in such notice, to do such work as may be necessary in order to comply with these conditions, and if the licensee fails to do such work within the time so specified he shall be guilty of an offence.

252. All internal walls of any premises licensed as an Indian or Native Eating House shall be whitewashed with lime or other suitable material in the months of January, May and September in each year, and at such other times as the Medical Officer of Health may by order direct.

253. The licensee shall not permit any other person to conduct or carry on the business of an Indian or Native Eating House or any other business whatsoever upon the licensed premises, but shall personally conduct all business thereon.

254. The Licensee shall not permit any white woman to be at any time on the licensed premises, or in the house of which the licensed premises form part.

255. The licensee shall not permit any Indian or Native not in his employ to loiter or remain on the licensed premises except when obtaining food or refreshment.

256. The licensee shall at all times allow the Police, Medical Officer of Health and Sanitary Inspector and any person duly authorised by the Resident Commissioner free access to all parts of the licensed premises, and shall, upon being thereto required, exhibit his licence to any member of the Police, Medical Officer of Health, Sanitary Inspector, or such authorised person.

257. The licensee shall not store or keep, or cause or allow to be stored or kept, any article of food or drink in or upon any portion of the licensed premises, except in the storeroom or rooms for the purpose provided in terms of these Rules.

258. No room provided for the purpose of storing food stuffs or drinks, or in which food or drink is intended to be consumed, or which it is intended to use as a kitchen, shall be used as a living room, bedroom or sleeping room.

259. No Eating House shall be open for business between the hours of 9 p.m. and 5 a.m.

260. The licensee shall not allow any larger number of persons than by the conditions of his licence stipulated to be upon the licensed premises at any one time.

261. (1) The licensee shall affix and maintain over the outside of the main entrance to the licensed premises a board or plate not less than two feet square, bearing the words Indian or Native Eating House, as the case may be, and the name of the licensee, all in legible letters, not less than three inches in length.

(2) The licensee shall fix and maintain within the licensed premises in a conspicuous position to the satisfaction of the Resident Commissioner, a tariff of charges. and such tariff shall be legibly printed or written in English, Urdu and Arabic and no payment in excess of the terms of such tariff shall be demanded or received from any customer by the licensee or any of his employees.

262. The licensee shall be responsible for the due observance of these Rules and any breach thereof by any servant of the licensee shall be deemed to be a breach thereof by the licensee of the premises in respect of which such breach is committed.

263. For every licence issued under Rules Nos. 245 to 263 there shall be payable to the Resident Commissioner a fee of Fls. 50 per year or Fls. 15 per quarter.

AERATED WATER.

264. No person shall manufacture aerated water or ice within the Township.

PLACES OF ENTERTAINMENT.

*265. No building shall be used as a place of entertainment unless it shall have been registered by the Resident Commissioner: provided that this Rule shall not apply to any theatre as defined in the Stage Plays and Cinematograph Exhibitions Ordinance, 1912.

266. The Resident Commissioner will not register any building as a place of entertainment until the owner or occupier has conformed to the following conditions:—

(*i*) Produced a plan, elevations, sections and specifications of the building.

(*ii*) Given particulars and plans of the seating accommodation, position of lights and method of lighting used.

(*iii*) Given particulars of the number, position and construction of exists.

(*iv*) Given particulars of any precautions proposed to be taken against fire:—

all to the satisfaction of the Resident Commissioner.

267. The fees specified in the schedule to this Rule shall be paid to the Resident Commissioner in respect of registration under these Rules.

SCHEDULE TO RULE 267.

FEES FOR LICENSING OF PLACES OF ENTERTAINMENT (OTHER THAN THEATRES).

	Fls.	cts.
For registration of a building for one or more days, for each day ...	15	00
For registration of a building for one month	30	00

BILLIARD SALOONS.

268. No building shall be used as a public Billiard Saloon unless registered by the Resident Commissioner as such: provided that this rule shall not apply to any Billiard Saloon forming portion of premises in respect of which (*a*) a Hotel Liquor Licence, or (*b*) a General Retail Liquor Licence, under the Liquor Ordinance, 1909, or any Ordinance substituted therefor is held.

269. A fee of Fls. 5/- shall be payable in advance to the Resident Commissioner for a registration of a Billiard Saloon under Rule 268 each month or part of a month.

CYCLE HIRERS.

270. In these Rules the term "cycle" shall be held to include bicycles and tricycles other than motor-cycles.

*271. No person shall lend a cycle for hire unless he shall be in possession of a valid and unexpired licence to lend cycles for hire. Such licences shall be monthly licences.

*272. Every person licensed under these Rules shall keep a register and shall enter therein before lending out a cycle for hire the following particulars.

(*a*) Trade number of cycle. and. if registered in Nairobi Municipality, the registered number also.

(*b*) Name of party to whom hired.

(*c*) Place of residence of such party.

(*d*) Date and hour when cycle taken.

Also. if such party be an African,

(*e*) his tribe or nationality.

(*f*) name of his father,

(*g*) if in employment, how employed, and name of employer; and shall also enter forthwith upon the return of the cycle the date and hour of its return; and shall keep such register accessible at all times to the Police for inspection.

273. Every person licensed under these Rules shall in every case when he shall have lent a cycle be presumed to have lent the same for hire, unless he shall prove to the contrary.

*274. Any person who shall supply false particulars for registration to a person licensed under these Rules, and any person failing to conform to any of the provisions of Rules 271 and 272 hereof shall be guilty of an offence.

275. A fee of Fls. 5/- per calendar month shall be paid in advance to the Resident Commissioner in respect of every licence under Rules Nos. 268 to 275.

DANGEROUS AND OFFENSIVE TRADES.

276. No dangerous or offensive trade or business shall be established or carried on within the Township except with a special permit in writing from the Resident Commissioner, and under the conditions set forth in such permit.

For the purposes of this rule any or all of the following trades or businesses shall be deemed to be offensive:—

Soap boiler. blood boiler, tallow melter, knacker, bone boiler, tanner, tripe boiler, charcoal burner, lime burner, brick burner, tile burner, or any other trade or business which may be declared to be dangerous or offensive by the Resident Commissioner by notice published in the "Official Gazette."

The Resident Commissioner may serve a notice upon any person convicted of a breach of this Rule calling upon him to give up the trade or business concerned within a time to be specified in the notice, and such person shall comply with such notice.

PETROLEUM STORES.

277. For the purposes of these Rules "Petroleum" includes both ordinary kerosine and petrol, and generally any of the following liquids:—*i.e.*, (*a*) liquid petroleum; (*b*) oil or spirit obtained wholly or in part from any liquid petroleum or from any shale, schist, coal, peat, or bitumen, or from any similar substance; (*c*) any liquid mixture of any of the above named liquids with any other substance; but shall not include any heavy oil, that is to say, any liquid above described which (*a*) has a specific gravity as determined by the hydrometer at a temperature of 60 degrees Fahrenheit, exceeding one thousand; or (*b*) having a specific gravity as determined in the manner aforesaid of not less than eight hundred and forty, has a true flashing point of one hundred and fifty. "Petroleum oil" (which includes ordinary kerosene) shall mean any such petroleum as above mentioned, which has a true flashing point of not less than one hundred degrees of Fahrenheit's thermometer. "Petroleum spirit" (which includes ordinary petrol) shall mean any such petroleum which has a true flashing point of less than one hundred degrees of Fahrenheit's thermometer.

"True flashing point" of petroleum shall be the observed flashing point of that liquid corrected, if necessary, for atmospheric pressure. "Observed flashing point" shall be the number of the lowest degree of Fahrenheit's thermometer at which a flash is obtained when the liquid is tested by means of any test apparatus in use at the Government Laboratory.

278. The Resident Commissioner may in his discretion and subject to such conditions as he may prescribe register any building specially built or adapted for the purpose of the storage of petroleum.

279. Any person desiring to have any premises registered for the storage of petroleum shall send to the Resident Commissioner a notice stating,

(1) his name, address and profession or trade,

(2) the situation of the premises,

(3) the quantity and description of the petroleum proposed to be kept,

(4) the proposed place and method of storage,

(5) the purpose for which the petroleum is to be kept.

Together with a plan of the premises showing the proposed store or tank depot, and its elevation and position with respect to adjacent buildings.

280. The registration of any premises under these Rules may on breach of any condition imposed under these Rules, be cancelled by the Resident Commissioner whose decision shall be final.

281. No premises will be registered for the keeping of petroleum unless and until they shall have been passed by an officer appointed by the Resident Commissioner for the purpose as in accordance with the approved plans thereof: and approval of plans shall not be held as equivalent to registration.

282. Registration under this section shall only be available until the 31st day of December in the year of registration and shall be renewable annually.

*283. No person shall keep petroleum on any unregistered premises unless the quantity of either, so kept, does not exceed:—

of petroleum oil	40 gallons
of petroleum spirit	40 gallons

or if both together are kept:—

of petroleum oil	20 gallons
of petroleum spirit	20 gallons

284. Where petroleum is kept on any unregistered premises the following provision shall be observed, that is to say:

(*a*) All petroleum spirit shall be kept in substantial closed metal vessels.

(*b*) A quantity of petroleum oil exceeding 4 gallons shall not be kept otherwise than in a substantial closed metal vessel.

(*c*) No petroleum shall be stored under any staircase or in such a situation as in case of fire to prevent the escape of persons from the building.

PART V.

VEHICLES.

285. For the purposes of these Rules, the word "vehicle" shall not include a perambulator or any bicycle or tricycle or any motor car or motor cycle as defined in "The Motor Traffic Ordinance, 1915," but shall include any other conveyance for the carriage of persons or goods, however, drawn, propelled or kept or set in motion.

"Cycle" shall be held to include bicycles and tricycles other than motor-cycles.

"Person or persons in charge of a vehicle" shall extend to and include any person or persons propelling or drawing or assisting in propelling or drawing any vehicle.

VEHICLES—GENERAL PROVISIONS.

Brakes.

*286. Every vehicle other than a rickshaw or a vehicle specially exempted by the Resident Commissioner (in which case a note of the exemption shall be endorsed on the licence) shall be provided with a good and sufficient brake and every owner of such a vehicle other than a rickshaw or a vehicle specially exempted as aforesaid which shall be found in use not so provided shall be guilty of an offence.

Lamps.

*287. After the hour of 6-15 p.m., and until 6 a.m., Railway time, every vehicle standing in or proceeding along a public road, public place or thoroughfare, and every cycle ridden along a public road, public place or thoroughfare, shall be provided with a lighted lamp or lamps so placed as to throw the light in the direction in which the vehicle or cycle is proceeding and giving a light equal to not less than one candle power per lamp. Such lamp or one of such lamps shall be held or fixed and kept upon the off or right hand side of such vehicle except in the case of a cycle.

*288. Every vehicle used for freight or merchandise or for carrying timber shall be provided with a tail lamp in addition to a lamp in front and so placed as to throw the light backwards.

*289. Every person being in charge of a vehicle or cycle or being conveyed in or on any vehicle not provided with a lamp or on which a lamp shall not be held or fixed and kept as aforesaid shall be guilty of an offence.

Driving.

*290. An owner of a vehicle whether drawn by animals or propelled by hand or by machinery shall not suffer the same to be in use within the Township otherwise than in charge of a proper and responsible person or persons.

*291. Every person driving or being in charge of any vehicle or cycle proceeding along any public road shall, when practicable, keep such vehicle or cycle to the left or near side of the road, and shall when passing any vehicle or cycle going in the same direction cause the vehicle or cycle which he is driving or of which he is in charge to pass on the right or off side of the vehicle or cycle he is passing, and shall permit a vehicle or cycle going in the opposite direction to pass on the right or off side of the vehicle or cycle of which he is in charge.

*292. When loading or unloading a vehicle in a street the person in charge of such vehicle shall rest it parallel with the footpath and immediately on the edge of the carriage way or if there is no footpath then parallel with and on the extreme edge of the street.

*293. The use of nose-ropes and nose-rings for oxen, and the beating of oxen, otherwise than with whips or thongs made of leather and not exceeding one inch in width, is prohibited.

The owner and person or persons in charge of any ox found fitted with a nose-ring or being beaten otherwise than with a whip or thong as aforesaid shall be guilty of an offence.

*294. Vehicles drawn by four or more oxen shall be in charge of two persons, one of whom shall lead the oxen from the front of the leading ox or oxen. The owner and the person or persons in charge of any vehicle found driven otherwise than in accordance with the terms of this Rule shall each severally be guilty of an offence.

*295. If any vehicle be driven within the Township accompanied by an ox not attached to such vehicle, such ox shall be in charge of a person other than the person or persons in charge of such vehicle. The owner or driver of a vehicle driven in such circumstances as not to comply with this Rule, and any person in charge of an ox as aforesaid who shall fail to keep it under proper control or to lead it in accordance with the Rule of the road shall each severally be guilty of an offence.

*296. No person shall ride or drive furiously any horse or other animal, or drive or propel furiously any vehicle or cycle or drive furiously any cattle, in any street.

*297. The driver or person in charge of any animal or animals or of any vehicle shall not permit such animal, animals, or vehicle to collide with or damage any drain, culvert, bridge, fence, gate, lamp-post, or any other property of the Government, and in every case where any such damages shall have been done or any such collision shall have occurred the driver or person in charge of the animal, animals or vehicle shall be guilty of an offence, and the owner of the animal, animals or vehicle by which any such imposed, damage as aforesaid shall have been done shall, in addition to any fine imposed, pay to the Resident Commissioner the amount of the damage.

*298. No person shall lead, ride or drive any horse, or mule, donkey or ox or allow any such animal to remain on any pathway, public place or thoroughfare that shall have been reserved by the Governor of the Protectorate for the use of foot passengers only and no person shall drive or propel any vehicle or allow any such vehicle to remain on any pathway, public place or thoroughfare so reserved.

*299. The driver or person in charge of any vehicle shall not drive or propel such vehicle over any stone drain except over a proper bridge or culvert.

Tailboards, Etc.

*300. The owner of every two-wheeled cart used within the Township for cartage shall on every occasion when such cart is so used except for the cartage of articles too large to be contained wholly inside such cart provide such cart with a tailboard sufficient for the purpose of preventing the spilling of any part of the contents of such cart in transit, and shall cause such tailboard to be properly fixed and kept in position, and the owner and person or persons in charge of any cart so used and not provided with a tailboard fixed as aforesaid shall each severally be guilty of an offence.

*301. No timber or other material or thing measuring over 12 feet in length shall be carried in a cart having less than four wheels. No timber or other material or thing shall be so carried in any vehicle so as to project more than 6 feet behind the hindermost part of any wheel of such vehicle, or more than 2 feet outside any wheel thereof except with the written permission of the Superintendent of Police, and and in accordance with the terms of any conditions which may be attached to such permission. The owner or person or persons in charge of any vehicle found carrying timber or other material or thing so as to contravene this rule shall each severally be guilty of an offence.

Stockwhips.

*302. No person shall on any road or street crack any whip which including stock and lash exceeds 14 feet in length: all whips exceeding 14 feet in length shall be looped while being carried within the township.

Stands for Vehicles on Hire.

303. The Resident Commissioner may set apart places in the township as stands for vehicles for hire.

*304. From the date when any such place shall be so set apart for any such vehicles or for any particular class of such vehicles any person or persons in charge of any such vehicles or any vehicle of such class as the case may be who shall suffer the same, unless actually under hire, or disabled by accident, to stand in any place on any public road or street other than a place set apart as aforesaid shall be guilty of an offence.

*305. The driver or person in charge of any vehicle shall not allow it to stand in any street except at a public stand longer than may be necessary.

HEAVY TRAFFIC.

*306. No traction engine or other machine or engine weighing over six tons gross weight shall be driven over any road or bridge without a special permit in writing from the Resident Commissioner which may embody such conditions as the Resident Commissioner may think fit; and the owner and person or persons in charge of any such engine or machine which shall be so driven without a permit or otherwise than in accordance with any conditions endorsed upon such permit shall each severally be guilty of an offence; and in addition to his liability to prosecution under this Rule, the owner of any such engine or machine driven as aforesaid shall be liable to make good any damage done by such engine or machine to any road, bridge or culvert.

PART VI.

Preservation of Order, Safety, Etc.

PRESERVATION OF ORDER BY NIGHT.

*307. No ngoma, kinanda, native dancing or drumming shall be permitted in any street or open space, without leave first obtained from the Resident Commissioner.

308. Any person wishing to hold any ngoma kinanda, dancing or drumming as aforesaid must first obtain a permit in writing from the Resident Commissioner or such person as he may appoint, who may grant or withhold permission at his discretion.

*309. Any person obtaining a permit for an ngoma, kinanda dancing or drumming as aforesaid will be held responsible for the maintenance of due order thereat, and, in the event of a disturbance or breach of the peace taking place, will be held liable for a breach of the Rules, unless such person can prove that he has taken due precautions for the maintenance of order, and that any disturbance or breach of the peace that may take place has been occasioned by causes beyond his control.

*310. No person shall use the streets of the Township between the hours of 10 p.m. and sunrise, unless he carry a lighted lamp or lantern, or be able to satisfy the police as to his respectability in such other manner as the Resident Commissioner may consider sufficient.

GENERAL NUISANCES.

*311. No person shall

(1) Throw or discharge any stone or other missile in or into any street or place of public resort: or

(2) In any street or place of public resort, or in any place within sight or hearing of the persons then being in such street or place, disturb the peace by quarrelling with any other person, or use or apply to any other person then being in such street or place, or within sight or hearing thereof, any violent, scurrilous, or abusive term of reproach; or

(3) In any street or place of public resort, or in any place within sight or hearing of the persons therein, shall with intention of annoying or irritating any other person, sing any scurrilous or abusive song or words, whether any person be particularaly addressed therein or not: or

(4) Be drunk and incapable or drunk and disorderly in any street or public place whether a building or not or in any licensed premises or guilty of any violent or indecent behaviour: or

(5) Be guilty of any violent or indecent behaviour in any police office, or station house or lock-up house, or in any building used as a police office, station, or lock-up house; or

(6) Commit any nuisance in any street or place of public resort; or

(7) Behave irreverently or indecently in or near any church, chapel, or other building appropriated for religious worship; or

(8) Wilfully deface or remove any boundary stone, milestone or board or any public lawful notice or posting bill from any building or place where such notice or bill may lawfully be affixed; or

(9) Cut, break down, uproot, lop or in any other manner destroy or injure any tree growing in any street or public garden; or

(10) Create any disturbance so as to be an annoyance to any residents or passengers; or

(11) Throw or deposit or cause to be thrown or deposited any dust, refuse, garbage, or any animal or vegetable matter in or upon any unalienated Crown land or public place except with the written consent of the Land Officer, or in or upon any street or public passage, except with the like consent of the Resident Commissioner.

CONGREGATION OF NATIVES.

*312. No native, other than actual domestic office or shop servants in the immediate employ of the owner or occupier of a dwelling house or business premises shall sleep or remain on any such premises or in any outbuildings or tents in the vicinity thereof without the permission of the owner or occupier between the hours of 10 p.m. and 6 a.m., provided that such owner or occupier may not give permission to more than five natives so to sleep or remain without the sanction of the Resident Commissioner or of his deputy.

CARRYING OF ARMS.

*313. Any Asiatics or Africans other than Government Police, Troops or other duly authorized persons found within the limits of the township armed in any manner will be liable to arrest and may be proceeded against for a breach of this Rule.

314. Spears, Bows and Arrows, swords, knobberries, and firearms of any description shall be considered arms for the purpose of these Rules.

FIREARMS.

*315. Every person who within the limits of the Township shall wantonly or recklessly discharge any firearm to the danger of the public shall be guilty of an offence.

FIRES.

316. On the occasion of any fire any European Police Officer may attend with such men and appliances as he may deem necessary, and may, in his discretion, avail himself of the assistance and take command of any persons who may voluntarily place their services at his disposal, and generally may take any measure that may appear expedient for the protection of life and property, or the prevention or extinction of fire, and in particular he may, if it should be necessary for such purposes, break into or through or take possession of any premises, doing as little damage as possible, and shall have free right of access to and liberty to draw or take water from any hydrants, tanks, cisterns, pipes, or other supplies whether on public or private property.

317. If any person obstructs in any way the execution of any measure taken under Rule No. 316 he shall be deemed to have committed an offence under these Rules.

318. No occupier, owner, or other person interested in any premises demolished or unroofed or from which the roofing or other materials shall have been removed by order of such European Police Officer with the purpose of staying the spreading or communication of fire, shall be entitled on account thereof to compensation of any sort whatever.

FIRE ALARMS.

*319. Any person wantonly or mischievously interfering with or making use without probable cause or tampering with the wires or other appurtenances of any public fire alarm shall be guilty of an offence.

INFLAMMABLE ROOFS.

320. The Resident Commissioner may give six months notice in writing to the owner or occupier of any hut roofed with makuti or other inflammable material that such material must be replaced by iron or other non-inflammable substance, and such owner or occupier shall be guilty of an offence if he shall fail to comply with such notice within the time specified.

EXPLOSIVES AND FIREWORKS.

*321. No explosives as defined by Rules issued under the Indian Explosives Act, 1884, and dated 12th July, 1913, shall be stored in the Township. Provided that nothing herein contained shall apply to explosives stored by a Government Department in a place and in such quantities as shall be approved of by the Governor. Provided further that nothing herein contained shall apply to Explosives of Division 1 of the Ammunition Class and Firework Class (Classes VI and VII) as defined by the aforementioned Rules.

*322. No person shall discharge fireworks in any street or public place unless he shall have first obtained a permit, which shall state date, time and place, in writing from the Resident Commissioner, who may grant or withold permission at his discretion.

BURNING OF RUBBISH, ETC.

*323. No person shall make or cause to be made a fire in the open air in such a manner as to endanger the safety of any building. No person shall, without first obtaining permission in writing from the Resident Commissioner burn, or cause to be burnt in the open air, whether on private property or not, any rubbish, wood, straw, or other material, provided, however, that a quantity of rubbish not exceeding 50 cubic feet may be burnt in the open air between the hours of 10 a.m. and 6 p.m. without obtaining such permission if due precautions are taken, and no nuisance is caused thereby.

*324. No person shall do any act which shall cause smoke or fumes of any sort so to be emitted as to constitute a nuisance or to be offensive to or injurious to the health of any person.

STABLES, CATTLE SHEDS, ETC.

325. No person shall except under licence from the Resident Commissioner use any place within the Township as a stable for horses, mules or donkeys or as a cattle shed or pig-stye. The Resident Commissioner may grant a licence on such terms as he shall think fit, and may withhold a licence or cancel any licence. A licence granted under this Rule shall specify the number of head of stock for which the premises are licensed, and shall only be valid in respect of such a number.

CAMELS, SHEEP, ETC.

326. No person shall keep any camels, ostriches, pigs, sheep or goats within the Township except with the written permission of the Resident Commissioner.

327. Every pig-stye and every place in which sheep, goats or pigs are kept shall be constructed, fenced and drained to the satisfaction of the Resident Commissioner.

328. No pigs shall be kept in or under any place used for purposes of human habitation.

DOGS.

329. No person shall keep a dog (unless under 5 months of age) within the Township unless the same shall have been registered at the office of the Resident Commissioner for the then current calendar year. Provided that a valid certificate of registration duly granted in any other Township of the Protectorate shall authorise the holder thereof to keep the dog for which such certificate was granted in the Township of Eastleigh during the year of its currency.

330. Every dog kept within the Township shall be provided with a collar inscribed with the name of the owner.

331. The Resident Commissioner may cause any dog found within the Township without a collar or any dog which he has reason to believe to be ownerless, diseased, savage or dangerous to be seized, and may destroy or otherwise deal with the same as he may think fit, provided that a dog which is neither diseased, savage or dangerous shall be kept at least 7 days and its owner notified if possible and for every dog claimed there shall be paid a fee of Cts. 50 per day or part of a day, during which such dog shall have been kept by the Resident Commissioner.

332. A fee of Fls. 5 shall be payable to the Resident Commissioner for every registration of a dog under these Rules.

OFFENSIVE ANIMALS.

333. No owner or occupier shall keep any animal within the Township that in the opinion of the Resident Commissioner or Medical Officer of Health is or is likely to become dangerous, or is a nuisance or injurious to health.

STRAY ANIMALS.

334. Any Police Officer or any person authorised by the Resident Commissioner may seize any animal found straying in any street or public place or upon any property of the Government or of any Department of the Government and may take or cause to be taken such animal to the pound of the Nairobi Municipality to be there impounded.

335. The owner or occupier of any land within the Township may seize any unauthorised animal which he may find on his land and may take or cause to be taken such animal to the pound of the Nairobi Municipality to be there impounded.

336. Any animal impounded under Rules Nos. 334 and 335 shall be subject to all or any rules regulations or bye-laws which are or which may be applied to the pound of the Nairobi Municipality.

REMOVAL OF CARCASES.

337. Every person within whose premises any horse, pony, bullock, cow, sheep, goat or pig may die shall, within four hours after its death, or, if the death occurs at night, within four hours after daylight, remove and bury or burn the carcase to the satisfaction of the Medical Officer of Health or forthwith notify the Resident Commissioner and thereafter dispose of the carcase as he shall direct.

*338. No person shall throw or deposit, or cause to be deposited any carcase upon any street or public place or into any drain, lake, river, or watercourse, or on the banks of any lake, river or watercourse.

339. The owner of any animal the dead body of which is disposed of by the Resident Commissioner or such officer as he may appoint, shall pay to the Resident Commissioner, on demand, a fee in accordance with the following tariff.

	Per head. Fls.	cts.
For sheep, goats, swine and dogs ...	2	50
For horses, ponies, mules, donkeys, horned cattle and other animals not specified	5	00

LICENCE TO EXCAVATE.

*340. No person shall make any hole or excavation within the limits of the Township, without a permit from the Resident Commissioner in writing or otherwise than in accordance with any conditions that may be contained in such permit, or elsewhere than at such place as may be specified therein.

341. The Resident Commissioner may grant such permit upon such conditions with regard to the fencing, lighting, filling up, or otherwise making secure such hole or excavation, and with regard to the health and welfare of the town and its inhabitants, as he may consider requisite and proper, and such conditions shall be fulfilled by grantees of permits.

BARBED WIRE.

342. The use of barbed wire is prohibited except under special permit from the Resident Commissioner.

BATHING.

343. Places may be set aside by the Resident Commissioner for the purpose of public bathing.

Public bathing at any other place except such place or places set aside by the Resident Commissioner for that purpose is prohibited.

WASHING OF CLOTHES, ETC.

344. The Resident Commissioner may set apart places for public washing.

*345. The washing of clothes, cooking utensils or any other articles in irrigation trenches, streams or pools, at water hydrants or standpipes or public bathing places or at any other place not set apart by the Resident Commissioner for that purpose is prohibited.

POSTING OF BILLS, ETC.

*346. No person shall place or post or cause to be placed or posted any bill, sign, notice or advertisement upon any public place within the Township or upon any bridge, tree, fence, pole, post, or other structure or erection situated upon any public place within the Township without the written permission of the Resident Commissioner or otherwise than in strict accordance with any terms or conditions attached to such permission.

347. The Resident Commissioner may remove without notice and dispose at his discretion, of any hoarding, signboard or similar structure, or any bill, sign, notice or advertisement placed or posted whether before or after the date hereof upon any public place within the Township or upon any bridge, tree, fence, pole, post or other structure or erection situated upon any public place within the Township, without written permission of the Resident Commissioner or otherwise than in strict accordance with the terms or conditions attached to such permission. No liability shall attach to the Resident Commissioner in respect of his exercise of the powers conferred upon him by this Rule.

PUBLIC GARDENS.

348. Public gardens in the Township shall be under the control of the Resident Commissioner and of such officer or officers as he shall appoint to look after them and keep order therein.

*349. Public gardens shall be open to the public every day from 6-30 a.m. to 6-30 p.m. No person unless duly authorised by the Resident Commissioner shall be in the gardens except between the said hours.

*350. No vehicles (other than perambulators) shall be allowed entrance to public gardens: nor persons riding upon horses or other animals or bicycles, no cattle, donkeys, sheep or goats, or other animals other than dogs under control shall be brought or allowed to stray into public gardens unless under the authority of the Resident Commissioner.

*351. No person shall pick any leaves, flowers, fruits or seeds nor break, pull up, injure or deface any trees, shrubs, flowers, grass, turf, fences, seats, notice boards or name tickets of trees, shrubs or flowers in public gardens unless under the authority of the Resident Commissioner.

*352. No person shall climb any tree, shoot with guns, bows or catapults, throw stones or be guilty of disorderly or indecent behaviour in public gardens.

*353. No person shall deposit paper, bottles or other refuse of any sort in public gardens.

PART VII.

PUBLIC SERVICES RATE.

354. In respect of the general public services of the township, embracing the construction and supervision of roads, drains, public conveniences and township depôts and the provision and supervision of scavenging, street lighting, water supply and similar works there shall be paid to the Resident Commissioner at his office by the owner of every plot or sub-plot and by the owner of every building, situated within the township area, rates in accordance with the schedule to this rule, provided that no rates shall be payable in respect of any plot, sub-plot or building covenanted to be held for religious or charitable purposes or purposes of sport if and so long as such plot, sub-plot or building is so covenanted and used exclusively.

355. The said rates shall be paid in advance on the 1st day of January in each year, provided that the rates for the year 1921 shall be three-quarters of the amounts shewn in the schedule and shall be payable in advance on the 1st day of April, 1921.

SCHEDULE TO RULE 354.

	Per annum.
For every plot or sub-plot not exceeding one-fifth of an acre in area ...	Fls. 2:00
For every plot or sub-plot exceeding one-fifth and not exceeding 1½ acres in area	Fls. 3:00
For every plot or sub-plot exceeding 1½ acres in area	Fls. 4:00
For every building, as defined in Clauses 1, 2, 3, and 4 of Rule 12, a rate not exceeding 10% of its rateable value.	

PART VIII.

PENALTIES, ETC.

356. Any person who shall contravene or fail to comply with any of the provisions of or shall be guilty of an offence against any of these Rules shall be liable on conviction to a fine not exceeding Fls. 200/-, and in default of payment to imprisonment of either kind for a period not exceeding two months.

357. Any person who shall fail to comply with the requisition of any notice served under these Rules or under any Rules that may be issued under the Township Ordinance, 1903, within the time specified by such notice, shall be guilty of an offence and shall be liable to a fine not exceeding Fls. 15/- for every day in which he shall be in default, and in default of payment of such fine to imprisonment of either kind to a period not exceeding two months.

358. If any person shall fail to comply with any notice served under these Rules or under any Rules that may be issued under the Township Ordinance, 1903, the Resident Commissioner may cause the work or thing required by such notice to be done, and may recover before a Magistrate from the person in default the expenses incurred thereby.

359. Offences against any of the following Rules, viz:—Nos. 156, 157, 158, 163, 164, 165, 197, 198, 199, 204, 205, 206, 211, 212, 213, 214, 216, 217, 219, 220, 223, 224, 227, 239, 259, 265, 271, 272, 274, 283, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 309, 310, 311, 312, 313, 315, 319, 321, 323, 324, 338, 340, 345, 346, 349, 350, 351, 352, 353 shall be cognisable by the Police.

By command of His Excellency the Governor.

Nairobi,
The 6th day of April, 1921.

W. K. NOTLEY,
Acting Colonial Secretary.

NOTE:— * Signifies cognisable by Police.

GOVERNMENT NOTICE No. 120.

CONFIRMATION OF ORDINANCES.

NOTICE.

THE Secretary of State for the Colonies has been pleased to notify that His Majesty's power of disallowance will not be exercised with respect to the undermentioned Ordinances:—

S. 17612/III.

"AN ORDINANCE TO PROVIDE FOR THE ISSUE OF CURRENCY NOTES."

(No. XXIV OF 1920).

S. 3378.

"AN ORDINANCE TO AMEND THE LAW RELATING TO THE PREVENTION OF CORRUPTION."

(No. XXVII OF 1920).

S. 18733.

"AN ORDINANCE TO AMEND THE LAW RELATING TO DIVORCE AND MATRIMONIAL CAUSES IN THE CASES OF MOHAMMEDAN MARRIAGES AND RELATING TO INTESTATE SUCCESSION IN CERTAIN CASES."

(No. XXXIV OF 1920).

By command of His Excellency the Governo r

Nairobi,
April 8th, 1921.

W. K. NOTLEY,
Acting Colonial Secretary

PROCLAMATION No. 49. S. 20690.

THE CUSTOMS ORDINANCE, 1910.

PROCLAMATION.

IN EXERCISE of the powers conferred upon the Governor by the Customs Ordinance, 1910, Section 53, I, Edward Northey, Major-General of His Majesty's Forces, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Most Honourable Order of the Bath, Governor of the Colony and Protectorate of Kenya, do hereby declare the importation of the following articles to be prohibited:—

Silver half and quarter rupees of British India.

Given under my hand at Nairobi this 15th day of April, 1921.

EDWARD NORTHEY,
Governor.

GOD SAVE THE KING.

GOVERNMENT NOTICE No. 124. S. 1967.

THE DISEASES OF ANIMALS ORDINANCE, 1906.

RULES.

IN EXERCISE of the powers conferred upon the Governor by the Diseases of Animals Ordinance, 1906, His Excellency, has been pleased to cancel Rule 2 of Government Notice No. 45, dated 8th February, 1921, and to substitute the following:—

2. Persons desirious of moving cattle, other than transport cattle branded A.M., and moving under permit from the Kitui District to any other part of the Colony, other than the districts of Mombasa, Vanga, Malindi and Teita, must leave the Kitui district *via* the Veterinary Quarantine Station on the Kitui-Thika Station road, where the cattle will be inoculated, dipped or otherwise dealt with as may be considered necessary from time to time.

By command of His Excellency the Governor.

Nairobi,
The 16th day of April, 1921.

W. K. NOTLEY,
Acting Colonial Secretary.

GOVERNMENT NOTICE No. 130.

CONFIRMATION OF ORDINANCES.

NOTICE.

THE Secretary of State for the Colonies has been pleased to notify that His Majesty's power of disallowance will not be exercised with respect to the undermentioned Ordinances:—

S. 20171.

"AN ORDINANCE TO AMEND THE FORMER ENEMY ALIENS RESTRICTION ORDINANCE, 1919."

(No. XXX OF 1920).

S. 21836.

"AN ORDINANCE TO AMEND THE REGISTRATION OF TITLES ORDINANCE, 1919."

(No. XXXIII OF 1920).

By command of His Excellency the Governor,

Nairobi,
April 12th, 1921.

W. K. NOTLEY,
Ag. Colonial Secretary.

PROCLAMATION No. 57. S. 22345/1.

THE CUSTOMS AMENDMENT ORDINANCE, 1915.

PROCLAMATION.

IN EXERCISE of the powers conferred upon me by the Customs Amendment Ordinance, 1915, and all other powers thereunto enabling me, I, Edward Northey, Major-General of His Majesty's Forces, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of the Colony and Protectorate of Kenya, proclaim and declare that from the date hereof the export of arms and ammunition (excepting sporting weapons and ammunition therefor) to China is prohibited without a written licence from His Majesty's Minister at Peking.

Given under my hand at Nairobi this 21st day of April, 1921.

EDWARD NORTHEY,
Governor and Commander-in-Chief.

GOD SAVE THE KING.

GOVERNMENT NOTICE No. 136. S. 8840

THE TOWNSHIPS ORDINANCES, 1903-1918.

RULES.

IN EXERCISE of the powers conferred upon him by the Townships Ordinances, 1903-1918, His Excellency the Governor has been pleased to make the following Rules:—

1. These Rules may be cited as "The Mombasa Vehicles Rules, 1921," and shall be read as one with "The Mombasa Vehicles Rules, 1919," hereinafter referred to as "The Principal Rules."

2. Paragraph 2 of Rule 2 and Rule 3 of the Principal Rules are hereby amended by deleting the words "Superintendent of Conservancy" and substituting therefor the words "Resident Commissioner."

3. The Tariff for Motor Cars in Rule 4 of the Principal Rules is hereby amended as follows:—

(*a*) Items 7, 8 and 9 are hereby deleted and and the following substituted therefor:—

"7. Kilindini Club	Customs ...	to ...	0.75 ... 1.00
8. Kilindini Treasury	Customs ...	to ...	0.75 ... 1.00
9. Kilindini Metropole	Customs ...	to ...	0.75 ... 1.00"

(*b*) Under the heading "Rate per hour" by substituting for the words "Fls. 6" the words "Fls. 8."

(*c*) By substituting for the words "Between 11 p.m. and 6 a.m., 25% higher," the words "Between midnight and 6 a.m. all fares to be increased by 50%"

(*d*) By the addition of the words "Waiting time to be at the rate of Fls. 1.00 per quarter hour or part thereof."

4. Schedule II. to Rule 4 of the Principal Rules is hereby amended by deleting the heading "Mombasa-Kilindini Tramways" and by substituting for the heading "Public Trolley and Rickshaw Fares" the heading "Fares for Rickshaw Hire."

By Command of His Excellency the Governor.

Nairobi,
The 26th day of April, 1921.

W. K. NOTLEY,
Acting Colonial Secretary.

GOVERNMENT NOTICE No. 137. S. 16983

THE BRANDING OF STOCK ORDINANCE, 1907.

RULES.

IN EXERCISE of the powers conferred upon him by the Branding of Stock Ordinance, 1907, His Excellency the Governor has been pleased to make the following Rules:—

1. These Rules may be cited as "The Branding of Stock Amendment Rules, 1921," and shall be read as one with the Branding of Stock Amendment Rules, 1920, hereinafter referred to as "the Principal Rules."

2. The schedule annexed to the Principal Rules is hereby revoked and the schedule annexed hereto is substituted therefor.

By command of His Excellency the Governor.

Nairobi,
This 23rd day of April, 1921.

W. K. NOTLEY,
Acting Colonial Secretary.

SCHEDULE.

MESSRS. HARRTZ, BELL & LAWSON.

BLOCK LETTERS.

Size.	1 Letter.	2 Letters.	3 Letters.
½" to 1".	Fls. 2/-.	Fls. 4/-.	Fls. 6/-.
1¼" to 1¾".	„ 2/50.	„ 5/-.	„ 7/50.
2" to 3".	„ 3/-.	„ 6/-.	„ 9/-.

SCRIPT CHARACTERS.

½" to 1".	Fls. 3/-.	Fls. 6/-.	Fls. 9/-.
1¼" to 1¾".	„ 3/50.	„ 7/-.	„ 10/50.
2" to 3".	„ 3/75.	„ 7/50.	„ 11/25.

GOVERNMENT NOTICE No. 142.

CONFIRMATION OF ORDINANCES.

NOTICE.

THE Secretary of State for the Colonies has been pleased to notify that His Majesty's Power of disallowance will not be exercised with respect to the undermentioned Ordinances:—

S. 817/II.

"AN ORDINANCE TO MAKE FURTHER PROVISION FOR THE PAYMENTS OF POLL TAX BY NON-NATIVES."

(No. XXVIII OF 1920).

S. 10128.

"AN ORDINANCE TO AMEND THE EAST AFRICA POST OFFICE SAVINGS BANK ORDINANCE, 1909."

(No. XXIX OF 1920).

By command of His Excellency the Governor,

Nairobi,
April 25th, 1921.

W. K. NOTLEY,
Ag. Colonial Secretary.

GOVERNMENT NOTICE No. 149.

CONFIRMATION OF ORDINANCE.

NOTICE.

THE Secretary of State for the Colonies has been pleased to notify that His Majesty's power of disallowance will not be exercised with respect to the undermentioned Ordinance:—

S. 14429.

"AN ORDINANCE TO PROVIDE FOR CERTAIN PERSONS BEING MEMBERS OF TRIBES LIVING IN THE COLONY AND PROTECTORATE OF KENYA OBTAINING RELIEF FROM THE OPERATION OF CERTAIN ENACTMENTS WHEREIN THE TERM NATIVE IS DEFINED."

(No. XXV OF 1920).

By command of His Excellency the Governor,

Nairobi,
April 27th, 1921.

W. K. NOTLEY,
Ag. Colonial Secretary.

GOVERNMENT NOTICE No. 1 58. S. 6145

THE TOWNSHIPS ORDINANCES, 1903-1918.

RULES.

IN EXERCISE of the powers conferred upon him by the Township Ordinances, 1903-1918, His Excellency the Governor has been pleased to make the following Rules:—

1. These Rules may be cited as "The Kismayu Township Dustbins Rules, 1921."

2. The following Rules shall apply to the Township of Kismayu:—

Rules Nos. 2, 3, 4 and 5 of "The Kisumu Township Dustbin Rules, 1917."

By Command of His Excellency the Governor.

Nairobi,
The 8th day of May 1921.

W. K. NOTLEY,
Acting Colonial Secretary.

GOVERNMENT NOTICE No. 164.

CONFIRMATION OF ORDINANCE.

NOTICE.

THE Secretary of State for the Colonies has been pleased to notify that His Majesty's power of disallowance will not be exercised with respect to the undermentioned Ordinance:—

S. 18629.

"AN ORDINANCE TO AMEND THE CRIMINAL PROCEDURE ORDINANCE, 1913."

(No. XXVI OF 1920).

By command of His Excellency the Governor.

Nairobi,
9th May, 1921.

W. K. NOTLEY,
Acting Colonial Secretary.

GENERAL NOTICE No. 517.

MUNICIPAL CORPORATIONS ORDINANCE, 1909.

BYE-LAWS.

IN EXERCISE of the powers conferred upon them by the Municipal Corporations Ordinance, 1909, the Municipal Council of Nairobi with the approval of His Excellency the Governor have made the following Bye-laws:—

1. These Bye-laws may be cited as "The Nairobi Township (Dangerous Buildings) Bye-laws, 1921," and shall be read together with the Nairobi Township Rules of 1917 (hereinafter called "the Principal Bye-laws").

2. Bye-law 104 of the Principal Bye-laws is hereby repealed and the following Bye-law is substituted therefor:—

104. (1) Where any house, building or work of any kind appears to the Town Clerk to be in a ruinous or dangerous condition he may either—

(*a*) Remove or take such steps by way of shoring up securing or otherwise making safe such house, building or work as in his free discretion he may consider necessary; and for that purpose may enter upon the premises and upon any adjoining premises which it may be necessary to enter for the said purpose: and in such a case the owner of such house, building or work shall be liable for and shall repay to the Town Clerk on demand all expenses incurred in connection with the removal or making safe of such house, building or work including any damages which he may have paid whether by order of Court or otherwise in respect of injury caused to any adjoining property by his entry thereon and work incident to the removal or making safe of such house, building or work: or

(*b*) Serve upon the owner of such house, building or work a notice in writing requiring him to shore up secure or otherwise make safe to the satisfaction of the Town Clerk, or to remove the same within a time to be specified in the notice: and such owner shall thereupon begin the work specified in the notice within 3 days from receipt thereof and shall continue the same without intermission until it is finished, and shall finish the same within the time specified in the notice.

Provided that if after the lapse of 3 days the owner shall have failed to begin the work, or after the lapse of the time specified in such notice the owner shall have failed to finish the said work the Town Clerk may thereupon proceed under Clause (*a*) hereof and the provisions of the said clause shall apply.

(2) The Town Clerk may order the owner of any building which in his opinion is in a dangerous condition or is endangered by the condition of any other building to cause the same to be vacated and may order the occupants of any such building to vacate the same and such order shall forthwith be complied with: and in the event of any delay in complying with such order on the Town Clerk notifying the Superintendent of Police any members of the Police force not under the rank of an Assistant Inspector may enter the premises and cause the occupants of such building to be summarily ejected therefrom.

(3) In connection with any operations proceeding under Section (1) of this Bye-law, the Town Clerk may close any street or any part of a street or public place and may erect such hoardings, barricades or other structures as he may in his free discretion consider necessary for the purpose: and the owner of the house, building or work in respect of the condition of which such closure shall be effected shall be liable for and shall repay to the Town Clerk on demand all costs incurred by him in connection with the erection and subsequent removal thereof.

(4) No person shall except with the authority of the Town Clerk or that of the Police remove or tamper with any such hoardings, barricades or other structures erected under Section (3) of this Bye-law or attempt to pass or climb them— Offences against this section shall be cognisable by the Police.

3. No person shall excavate in such a manner as to endanger any building: and any person excavating within six feet of any building shall take such steps by shoring up, securing or otherwise making safe such building as shall be sufficient to ensure that it shall in no way be prejudicially affected by such excavation. Any person not complying with the terms of this Bye-law shall be guilty of an offence.

Municipal Offices,
Nairobi,
5th February, 1921.

J. A. WATSON,
Town Clerk.

GOVERNMENT NOTICE No. 171. S. 10697.

THE FOREST ORDINANCE, 1911.

RULES.

IN EXERCISE of the powers conferred upon him by the Forest Ordinance, 1911, His Excellency the Governor has been pleased to make the following Rules:—

1. These Rules may be cited as "The Forest Rules, 1921," and shall be read as one with the Rules, dated the 8th day of November, 1915, hereinafter referred to as "the Principal Rules."

2. The Principal Rules are hereby amended by the addition of the following Rules:—

(1) There shall be paid on the issue of a licence to cut and remove round timber excepting Fitu from Mangrove Swamps one-twentieth of the total royalty for the forest produce mentioned on the licence as a licence fee.

(2) Full royalty in respect of the forest produce shall be paid at the place specified in the licence and on the last payment of royalty the sum paid as a licence fee shall be deducted from sums due as royalty.

(3) The periods for which licences are issued will be strictly enforced and in the event of a licensee not removing the quantity of produce mentioned in his licence before its expiry no refund of the licence fee will be made and the licence will be cancelled.

By command of His Excellency the Governor.

Nairobi,
The 10th day of May, 1921.

W. K. NOTLEY,
Acting Colonial Secretary.

GOVERNMENT NOTICE No. 172. S. 22329.

THE NAIROBI (RATING OF UNIMPROVED SITE VALUES) ORDINANCE, 1921.

RULES OF COURT.

RULES of Court made by the Chief Justice in pursuance of the Nairobi (Rating of Unimproved Site Values) Ordinance, 1921, Section 10 (2).

Short title.

1. These Rules may be cited as the Nairobi Rating Appeal Rules, 1921.

Procedure.

2. The provisions of the Code of Civil Procedure relating to appeals from original decrees shall as far as may be apply to appeals from the Valuation Appeal Court.

Fees.

3. There shall be payable on every Memorandum of an Appeal from a decision of the Valuation Appeal Court lodged in the High Court the sum of Fls. 25 otherwise the fees leviable in accordance with the schedule of fees for the time being in force in the High Court shall be charged.

Nairobi,
The 2nd day of May, 1921.

J. W. BARTH,
Chief Justice.

GOVERNMENT NOTICE No. 173. S. 22329.

THE EAST AFRICA ORDER-IN-COUNCIL, 1902, ARTICLE 22 AND 1906, ARTICLE 2.

RULES.

RULES issued by the High Court with the approval of the Governor, under the East Africa Order-in-Council, 1902, Article 22 and the East Africa Order-in-Council, 1906 Article 2.

1. These Rules may be cited as Rules of Court (Nairobi Rating Valuation Appeal Court Rules), No. 1 of 1921.

2. "Objection" means an appeal from the Assessment made by Order of the Nairobi Municipal Council to the Valuation Appeal Court.

3. Subject to the provisions of the Nairobi (Rating of Unimproved Site Values) Ordinance, 1921, and of any Rules thereunder all proceedings in connection with the hearing and determining of objections and the issue of processes shall so far as practicable be in conformity with the law relating to the practice and procedure of a Magistrate's Court in Civil Cases.

4. The burden of proof shall in all cases be on the objector.

5. The following fees shall be leviable:—

(*a*) On lodging an objection in the Valuation Appeal Court ... Fls. 25 00

(*b*) In all other matters the fees leviable in accordance with the schedule of fees for the time being in force in the Civil Court of a Resident Magistrate.

J. W. BARTH,
Chief Justice.

JOSEPH SHERIDAN,
Judge.

I approve:

EDWARD NORTHEY,
Governor.

The 11th day of May, 1921.

PROCLAMATION No. 65. S. 9584

THT JUDGMENTS EXTENSION ORDINANCE, 1908.

PROCLAMATION.

IN EXERCISE of the powers conferred upon me by Section 5 of the Judgments Extension Ordinance, 1908, I, Edward Northey, Major-General of His Majesty's Forces, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Most Honourable Order of the Bath, Governor of the Colony of Kenya, do hereby proclaim and declare that the provisions of the above-named Ordinance are hereby extended to decrees passed in the British Dependency known as "Tanganyika Territory."

Given under my hand at Nairobi this 10th day of May, 1921.

EDWARD NORTHEY,
Governor.

GOD SAVE THE KING.

PROCLAMATION No. 66. S. 21903.

THE EAST AFRICA TOWNSHIPS ORDINANCE, 1903.

PROCLAMATION.

IN EXERCISE of the powers conferred upon me by the East Africa Townships Ordinance, 1903, I, Edward Northey, Major-General of His Majesty's Forces, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Most Honourable Order of the Bath, Governor of the Colony of Kenya, hereby declare the area described in the schedule hereto to

be a Township for the purposes of the above Ordinance and to be named "Kitale."

Given under my hand at Nairobi this 23rd day of May, 1921.

EDWARD NORTHEY,
Governor.

GOD SAVE THE KING.

SCHEDULE.

All that surveyed and beaconed piece of land situate in the district of Trans Nzoia and known as Kitale Township Reserve (Land Office No. 2116), which said piece of land with dimensions abuttals and boundaries thereof is delineated on Land Survey Plan No. 4727 deposited in the Land Survey Office, Nairobi.

GOVERNMENT NOTICE No. 185. S. 4 322

THE PREVENTION OF CRUELTY TO ANIMALS (AMENDMENT) ORDINANCE, 1921.

RULES.

IN EXERCISE of the powers conferred upon him by the Prevention of Cruelty to Animals (Amendment) Ordinance, 1921, His Excellency the Governor has been pleased to make the following Rules:—

1. These Rules may be cited as "The Prevention of Cruelty to Animals Rules, 1921."

2. The use of nose ropes and nose rings for oxen and the beating of oxen otherwise than with whips or thongs made of leather and not exceeding one inch in width is prohibited in the Provinces of Ukamba, Kenya and Nyanza.

3. These Rules will come into effect on 1st July, 1921.

By command of His Excellency the Governor.

Nairobi,
This 19th day of May, 1921.

W. K. NOTLEY,
Acting Colonial Secretary.

GOVERNMENT NOTICE No. 186. S. 21903

THE EAST AFRICA TOWNSHIPS ORDINANCE, 1903.

RULES.

IN EXERCISE of the powers conferred upon him by the East Africa Townships Ordinance, 1903, His Excellency the Governor, has been pleased to make the following Rules:—

1. These Rules may be cited as "The Mombasa Township (Building Estates Amendment) Rules, 1921."

2. The Mombasa Township (Building Estates Rules, 1907, are hereby amended by the substitution of the words "Resident Commissioner" for the words "Superintendent of Conservancy" wherever the later words occur throughout the said Rules.

By command of His Excellency the Governor.

Nairobi,
The 23rd day of May, 1921.

W. K. NOTLEY,
Acting Colonial Secretary.

GOVERNMENT NOTICE No. 187. S. 17292.

THE BRITISH PROTECTORATES (DEFENCE) ORDER-IN-COUNCIL, 1916.

REGULATIONS.

WHEREAS by a notice published in the "Official Gazette" of 28th December, 1917, an undertaking was given that the importation of wheat and wheat flour should be prohibited except on licence for three years from 1st December, 1918.

And whereas it is now found necessary to carry out the aforesaid undertaking and to fix maximum prices in accordance with the terms thereof.

Now therefore in exercise of the powers conferred upon him by "The British Protectorates (Defence) Order-in-Council, 1916,' Article IV (1) (*e*), and all other powers him thereunto enabling, His Excellency the Governor has been pleased to make the following Regulations:—

1. These Regulations may be cited as "The Defence Regulations, 1921."

2. The importation into the Colony and Protectorate of wheat flour of the qualities known as "superfine" and "household" except on licence is prohibited from 1st June, 1921, until further notice.

3. The Director of Agriculture shall be the authority for the issue of licences to import wheat flour. Provided that licences for the importation of wheat flour in transit to Uganda shall be issued by the Commissioner of Customs on his being satisfied that such flour is genuinely consigned to Uganda.

4. The maximum price which sellers of flour of the qualities mentioned above may charge is Fls. 33 per bag of 200 lbs. net delivered freight paid at any Kenya railway station. This regulation shall apply to sales of lots of 100 bags and over in fulfilment of one order and for one delivery.

5. Any person who has any stocks of any article the maximum price for which has been duly fixed by these Regulations or by Proclamation under the British Protectorates (Defence) Order-in-Council, 1916, or otherwise in accordance with law, or which may hereafter be so fixed, and who usually sells any such article in the course of his business shall at all reasonable times sell a reasonable quantity of any such article on demand at a price not exceeding such maximum price as aforesaid to any person offering cash for the same.

6. Any person contravening the provisions of the above Regulations shall be liable on conviction by a Magistrate having power to hold a Subordinate Court of the First or Second Class to be punished in accordance with the provisions of the British Protectorates (Defence) Order-in-Council, 1916, in that behalf made and provided.

By command of His Excellency the Governor.

Nairobi,

The 25th day of May, 1921.

W. K. NOTLEY,
Acting Colonial Secretary.

GOVERNMENT NOTICE No. 191. S. 191 2

THE FOREST ORDINANCE, 1911.

NOTICE.

IN EXERCISE of the power conferred upon me by the Forest Ordinance, 1911, Section 2, I hereby declare that all clay, country rock, gravel, lime, sand, shale, shingle, slate, and surface salt when found in, or brought from a Forest area or Demarcated Forest shall be included in the term "Forest Produce" for the purposes of the aforesaid Ordinance.

2. Government Notice No. 175, published on the 28th day of July, 1914, is hereby cancelled.

Nairobi,

Dated this 10th day of May, 1921.

EDWARD NORTHEY,
Governor.

GOVERNMENT NOTICE No. 203. S. 12109.

THE FOREST ORDINANCE, 1911.

RULES.

IN EXERCISE of the powers conferred upon him by the Forest Ordinance, 1911, His Excellency the Governor, has been pleased to make the following Rules:—

1. These Rules may be cited as "The Forest Rules (No. 2), 1921," and shall be read as one with Rules dated the 4th day of June, 1915, hereafter referred to as "the Principal Rules."

2. The Principal Rules are hereby amended by the addition of the following Rule:—

There shall be paid a Royalty of 30 cents (Fls. 0.30) per cubic foot for fallen and dead Cedar (*Juniperus procera*) timber.

By command of His Excellency the Governor.

Nairobi,
The 26th day of May, 1921.

W. K. NOTLEY,
Acting Colonial Secretary.

GOVERNMENT NOTICE No. 208. S. 19523.

THE EAST AFRICA TOWNSHIPS ORDINANCE, 1903.

AND

THE TOWNSHIPS (PUBLIC HEALTH SEGREGATION OF RACES) RULES, 1918.

IT is hereby notified that in exercise of the powers conferred upon him by the East Africa Townships Ordinance, 1903, and all other powers thereunto him enabling His Excellency the Governor, has been pleased to revoke Government Notice No. 340 of the 12th day of October, 1920, wherein a European residential reservation and the boundaries thereof in the Township of Mombasa were prescribed.

By command of His Excellency the Governor.

Nairobi,
The 30th day of May, 1921.

W. K. NOTLEY,
Acting Colonial Secretary.

GOVERNMENT NOTICE No. 212. S. 20690

THE INDIAN POST OFFICE ACT, 1898.

NOTICE.

IN EXERCISE of the powers conferred upon the Governor-in-Council by Section 25 of the Indian Post Office Act, 1898, His Excellency the Governor-in-Council, has been pleased to appoint the Commissioner of Customs the officer to whom goods seized in the Post shall be delivered for disposal. All such goods shall be sold by public auction and the proceeds placed to the credit of Customs revenue or shall be destroyed at the discretion of the Commissioner of Customs except prohibited currency which shall be placed to the credit of the Currency Board.

By command of His Excellency the Governor-in-Council.

Nairobi,
The 27th day of May, 1921.

H. MALPASS,
Clerk to the Executive Council.

PROCLAMATION No. 74. S. 17612/5

THE EAST AFRICA AND UGANDA (CURRENCY) (NO. 2) ORDER-IN-COUNCIL, 1920.

PROCLAMATION.

IN EXERCISE of the powers conferred upon me by the East Africa and Uganda (Currency) (No. 2) Order-in-Council, 1920, and all other powers thereunto enabling me, I, Edward Northey, Major-General of His Majesty's Forces, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of the Colony and Protectorate of Kenya, do hereby proclaim and declare that from midnight on Wednesday the 22nd June, 1921, the coins set out in the schedule hereto annexed shall cease to be legal tender in the Colony and Protectorate of Kenya.

From 10 a.m., on Thursday the 23rd June until 3 p.m., on Friday the 22nd July the coins set out in the schedule may be redeemed at any office of any of the following Banks—the Standard Bank of South Africa, the National Bank of India, the National Bank of South Africa or the Bank of India, and where no such office exists, at the office of the District Commissioner or Resident Commissioner at the rate of one florin note for each silver rupee.

District Officers may at their discretion redeem during a further period of five months commencing on July 23rd, 1921, the coins set out in the schedule held *bona fide* by native holders only, for an amount not exceeding five hundred rupees per person; any holdings in excess of this must be reported to the Currency Board, London, for authority to redeem.

Given under my hand and the Seal of the Colony at Nairobi this 7th day of June, 1921.

EDWARD NORTHEY,
Governor and Commander-in-Chief.

GOD SAVE THE KING.

SCHEDULE.

1. The Silver Rupee of the late Imperial British East Africa Company.
2. The Silver Rupee of British India.
3. The Half Rupee of British India.
4. The Quarter Rupee of British India.

GOVERNMENT NOTICE No. 214. S. 7893.

THE NATIVE HUT AND POLL TAX ORDINANCE, 1910.

NOTICE.

IN virtue of the powers conferred on me by Section 12 of the above-named Ordinance I do hereby order that the following class of persons be exempted from hut tax in respect of one hut:—

"A" Reservists of the King's African Rifles during their period of engagement in the King's African Rifles "A" Reserve in any year in which they have completed their training, provided that such Reservists are in possession of a Certificate in the form set out in the Schedule annexed hereto duly signed by their Commanding Officer.

Nairobi,
The 30th day of May, 1921.

EDWARD NORTHEY,
Governor.

SCHEDULE.

Serial No.....

"A" RESERVE, 3RD K. A. R.

HUT TAX EXEMPTION CERTIFICATE.

No.....

Rank .....

Name.....

.....

Kisumu, ...1921.

Serial No.....

"A" RESERVE, 3RD KING'S AFRICAN RIFLES.

HUT TAX EXEMPTION CERTIFICATE.

No. 3/R..... Rank.....

Name.....

The above-mentioned man having completed a period of 31 days training for the year 1921, is entitled to exemption from Hut Tax in respect of one hut only for the year 1921.

Issued at Kisumu,
Dated..... .....1921.

....*Major.*
Commanding "A" Reserve,
3rd King's African Rifles.

District.....Sub-District.....

GOVERNMENT NOTICE No. 216.

CONFIRMATION OF ORDINANCES.

NOTICE.

THE Secretary of State for the Colonies has been pleased to notify that His Majesty's power of disallowance will not be exercised with respect to the undermentioned Ordinances:—

S. 20171.

"AN ORDINANCE TO MAKE PROVISION FOR RESTRICTING FORMER ENEMY ALIENS FROM LANDING IN, ENTERING OR REMAINING IN THE PROTECTORATE."
(No. XXIII OF 1919).

S. 21063/II.

"AN ORDINANCE TO IMPOSE A TAX ON INCOME."
(No. XXIII OF 1920).

By command of His Excellency the Governor,

Nairobi,
Dated this 2nd day of June, 1921.

W. K. NOTLEY,
Ag. Colonial Secretary.

PROCLAMATION No. 79. S. 20605.

THE CUSTOMS ORDINANCE, 1910.

PROCLAMATION.

IN EXERCISE of the powers conferred upon me by the Customs Ordinance, 1910, and all other powers thereunto me enabling, I, Edward Northey, Major-General of His Majesty's Forces, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Most Honourable Order of the Bath, Governor of the Colony and Protectorate of Kenya, do hereby revoke Proclamation No. 24 of the 18th day of March, 1920, wherein the importation into the Colony and Protectorate of articles used in the manufacture of dyes and dyes manufactured in Germany was prohibited.

Given under my hand at Nairobi this 6th day of June, 1921.

EDWARD NORTHEY,
Governor.

GOD SAVE THE KING.

PROCLAMATION No. 80. S. 4577.

THE DISEASES OF ANIMALS ORDINANCE, 1906.

PROCLAMATION.

IN EXERCISE of the powers conferred upon him by the Diseases of Animals Ordinance, 1906, His Excellency the Governor has been pleased to alter as follows the Schedule annexed to Proclamation No. 105 dated 23rd October, 1917 (Boundaries of Upper Molo clean area, East Coast Fever):—

The second portion of paragraph 6 of the above-mentioned Schedule to be revoked and the following substituted therefor:—

Provided that the clean area around the Upper Molo group of farms bounded by the following line be excepted:—

Commencing at the North-Easterly corner of Farm No. 504 thence in a Southerly direction by the Eastern boundary of Farm No. 504 to the South West corner of sub-division No. 35 of Farm No. 487, thence by the Southern boundary of sub-division No. 35 and the Westerly boundaries of sub-divisions Nos. 60, 61, 64, 65, and 4/1 to the South-West corner of sub-division 4/1, thence by the Southern boundaries of sub-divisions 4/1, 4/2, 4/3, and 4/4 to the South-Eastern corner of sub-division 4/4, thence by the Western boundaries of sub-divisions 72, 73, 74, 75, and 76, to the Uganda Railway, thence in a straight line in a Southerly direction to the North-East corner of Farm No. 549, thence by the Eastern boundaries of Farms Nos. 549 and 548 to the Southern corner of Farm No. 548, thence by the general Western boundaries of Farms Nos. 548, 547 and 549 to the Eastern boundary of Farm No. 546, thence by the Eastern boundary of Farm No. 546 to the Southern corner of Farm No. 546, thence in a North-Westerly direction by the Western boundaries of Farms Nos. 546 and 550 to the Eastern corner of Farm No. 551, thence following the Eastern and Southern boundary of Farm No. 551 and the Southern boundary of Farm No. 553 to the South-west corner of Farm No. 553, thence following the general Western boundaries of Farms Nos. 553, 554, 556, 561 and 3683 to the North-West corner of Farm No. 3683, thence in a Northerly direction to the most Southerly point of the Equator Saw Mills

concession, thence following the general Southerly and Easterly boundaries of that concession to its North-Easterly corner, thence in a straight line in a North-Easterly direction to the summit of Kitisi Hill, thence in a straight line in a Northerly direction, crossing the Uganda Railway through Farm No. 579 to the most Westerly corner of Farm No. 1313, thence by the Western and Northern boundaries of Farm No. 1313 to the North-Western corner of Farm No. 504, thence by the Northern boundary of Farm No. 504 to the North-Easterly corner of Farm No. 504 (the point of commencement).

By command of His Excellency the Governor.

Nairobi,
The 9th day of June, 1921.

W. K. NOTLEY,
Acting Colonial Secretary.

GOD SAVE THE KING.

PROCLAMATION No. 83. S. 17612/5.

THE CUSTOMS AMENDMENT ORDINANCE, 1915.

PROCLAMATION.

IN EXERCISE of the powers conferred upon me by the Customs Amendment Ordinance, 1915, I, Edward Northey, Major-General of His Majesty's Forces, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Most Honourable Order of the Bath, Governor of the Colony of Kenya, do hereby declare that Proclamation No. 53, dated the 18th day of May, 1920, as amended by Proclamation No. 89, dated the 4th day of August, 1920, is revoked.

Given under my hand at Nairobi this 16th day of June, 1921.

EDWARD NORTHEY,
Governor.

GOD SAVE THE KING.

GOVERNMENT NOTICE No. 228.

CONFIRMATION OF ORDINANCES.

NOTICE.

THE Secretary of State for the Colonies has been pleased to notify that His Majesty's power of disallowance will not be exercised with respect to the undermentioned Ordinances:—

S. 21604.

"AN ORDINANCE TO IMPOSE A TAX ON ADMISSION TO ENTERTAINMENTS."
(No. XXXI OF 1920).

S. 5269.

"AN ORDINANCE TO FURTHER AMEND THE CUSTOMS TARIFF ORDINANCE, 1909."
(No. III OF 1921).

S. 16391.

"AN ORDINANCE TO AMEND THE RENT (WAR RESTRICTION) ORDINANCE, 1918."
(No. VI OF 1921).

S. 20143.

"AN ORDINANCE TO AMEND THE APPROPRIATION ORDINANCE, 1920."
(No. VII OF 1921).

21934/1.

"AN ORDINANCE TO TAKE A CENSUS OF THE NON-NATIVE POPULATION OF THE COLONY AND PROTECTORATE OF KENYA."
(No. VIII OF 1921).

By command of His Excellency the Governor,

Nairobi,
June 20th, 1921.

W. K. NOTLEY,
Acting Colonial Secretary.

PROCLAMATION No. 86. S. 1621.

THE NATIVE HUT AND POLL TAX ORDINANCE, 1910.

PROCLAMATION.

IN EXERCISE of the powers conferred upon the Governor by the Native Hut and Poll Tax Amendment Ordinance, 1915, and the Native Hut and Poll Tax Amendment Ordinance 1920, I, Edward Northey, Major-General of His Majesty's Forces, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Most Honourable Order of the Bath, Governor of the Colony and Protectorate of Kenya, hereby proclaim and declare that on and from the date of this Proclamation in the Districts and areas set out in the Schedule annexed hereto the sum payable in respect of Hut and Poll Tax as the case may be, leviable under the Native Hut and Poll Tax Ordinance, 1910, shall be increased to the amount shewn.

Given under my hand at Nairobi this 24th day of June, 1921.

EDWARD NORTHEY,
Governor.

GOD SAVE THE KING.

SCHEDULE.

Elgeyo and Marakwet ...	... Fls.	8/-
Meru, Embu and Chuka	... „	8/-
Suk	... „	8/-
Nyika Reserve, Malindi District, and Vanga District	... „	8/-
Mombasa Town ...	... „	8/-
Tanaland Province—All Districts and areas ...	... „	8/-
Jubaland and the N. F. D.	... „	8/-

GOVERNMENT NOTICE No. 232. S. 16985.

THE FOREST ORDINANCE, 1911.

RULES.

IN EXERCISE of the powers conferred upon him by the Forest Ordinance, 1911, His Excellency the Governor has been pleased to make the following Rules:—

1. These Rules may be cited as "The Forest Royalty Rules, 1921," and shall be read as one with the Rules dated the 12th day of May, 1912, hereinafter referred to as the "Principal Rules."

2. Rule 7 of the Principal Rules is hereby amended by the addition of the following proviso:—

"Provided that where forest produce is sold by auction or tender this rule shall not apply."

By command of His Excellency the Governor.

Nairobi,
The 20th day of June, 1921.

W. K. NOTLEY,
Acting Colonial Secretary

GOVERNMENT NOTICE No. 233. S. 74/2.

THE ESTATE DUTY ORDINANCE, 1918.

RULES.

IN EXERCISE of the powers conferred upon him by the Estate Duty Ordinance, 1918, His Excellency the Governor has been pleased to make the following Rules:—

1. These Rules may be cited as "The Estate Duty Rules, 1921."

2. From the 1st day of July, 1921, the Inventory and Valuation to be furnished under Section 20 (1) of the above Ordinance shall be rendered in the Estate Duty Form A. in the Schedule hereto.

By command of His Excellency the Governor.

Nairobi,
The 24th day of June, 1921.

W. K. NOTLEY,
Acting Colonial Secretary.

ESTATE DUTY FORM A.

SCHEDULE.

ESTATE DUTY.

Affidavit or Affirmation for the Assistant Estate Commissioner.

If communications respecting the Estate Duty in this case are to be sent to a Solicitor or Advocate the Executor or Administrator should give his name and address.....
.....
and sign here.....

COLONY AND PROTECTORATE OF KENYA.

The Estate of .....deceased
(Enter here the names and addresses of the Executors or Administrators).
.....
.....
.....
.....

I / We .....make oath and say that the above name Deceased of.....
died on the.....day of.....one thousand nine hundred and.....
aged..... at.....and was domiciled in.....

This Account annexed hereto is a full and true account of the particulars and value at the date of Deceased's death, so far as.....have been able to ascertain the same, of all the property of the Deceased in possession or reservation, excluding that situated in the United Kingdom of Great Britain and Ireland, and the Gross Value thereof at the date of Deceased's death was Fls.....and the debts and funeral expenses per lists, were Fls.....
The said debts were created by the Deceased for full consideration in money or money's worth wholly for Deceased's own use and benefit and are not subject to re-imbursement by any other person or out of any other property.

Sworn by the above named..... at.....this.....day of.....192..
before me
.....
a Commissioner for Oaths.

Schedule and Valuation of deceased's estate and of his debts and funeral expenses.

	Nominal value of Stocks.		Market price at death.	Gross Value at death.	
	Fls.	Cts.		Fls.	Cts.
Stocks, Funds, Bonds in British Possessions and Protectorates, in Foreign countries, Municipal Corporations, Public Boards, and shares in Companies or Statutory Undertakings, &c., as per Schedule:—					
Dividends and Interest received and accrued due on the above Investments to date of death as per list annexed.					
Cash in hand					
Cash at Bank I. on drawing a/c, with Interest, if any					
Cash at Bank II. on Deposit a/c „ „ „					
Money out on Mortgage and Interest thereon to date of death as per list attached...					
Money out on Bills, Promissory Notes, and other Securities with Interest thereon to death as per list attached					
Book Debts					
Other Debts as per list attached					
Unpaid purchase money of property sold and Interest thereon to death ...					
Policies of Insurances and Bonuses on Deceased's Life					
Saleable value of Policies of Insurances and Bonuses on the life of any other insured by Deceased.					

	Gross Value at death.	
	Fls.	Cts.
Household goods, Pictures, Linen, Plate, Jewels, Carriages, &c. :—		
If sold, realized gross Fls.....		
If unsold, estimated „		
Stock in trade		
Live and Dead Farming Stock, Implements of Husbandry, &c. :—		
If sold, realized gross Fls.....		
If unsold, estimated „		
Goodwill of Business, if taken over at a price		
Goodwill of Business, if valued according to Custom of trade.....		
If neither estimated at.....years purchase		
Profits from Business from..... ...to death..... per Trade a/c and Balance Sheet		
Share in Partnership Property of the Firm of..... as per Balance Sheet signed by surviving Partner.		

Florins	Gross Value at death. Fls.	Cents.
Leasehold property as per list		
If sold, realised gross		
If unsold, estimated at		
Less Mortgage Debt of		
Freehold Property as per list		
If sold, realised gross		
If unsold, estimated at as per valuation attached.....		
Less Mortgage Debts of.....		

An Account of debts due and owing by Deceased to be supported by vouchers when required.

Name and address of Creditor.	Description of Debt.	Amount. Fls.	Cents.
	Total.		

An Account of the Funeral Expenses of the Deceased.

	Amount. Fls.	Cents.

Gross value of the Deceased's Estate.....
Less Debts and Funeral expenses .....
Total for assessment at.....per cent.
Interest if any at.....per cent.

GOVERNMENT NOTICE No. 241. S. 21826.

THE NATIVE HUT AND POLL TAX ORDINANCE, 1910.

IN EXERCISE of the powers conferred upon him by section 12 of the Native Hut and Poll Tax Ordinance, 1910, His Excellency the Governor has been pleased to direct that any member of the native ranks of the King's African Rifles or Police Force of Tanganyika Territory resident in the Colony and Protectorate of Kenya who by reason of his past services is entitled to exemption in Tanganyika Territory from Hut or Poll Tax shall be granted similar exemption in this Colony and Protectorate.

Nairobi,
June 22nd, 1921.

W. K. NOTLEY,
Acting Colonial Secretary.

GOVERNMENT NOTICE No. 242.

CONFIRMATION OF ORDINANCES.

NOTICE.

THE Secretary of State for the Colonies has been pleased to notify that His Majesty's Power of disallowance will not be exercised with respect to the undermentioned Ordinances:—

S. 19632.

"AN ORDINANCE TO MAKE PROVISION FOR THE SETTLEMENT OF DISCHARGED SOLDIERS ON CROWN LANDS AND FOR OTHER INCIDENTAL PURPOSES."
(No. I OF 1921).

S. 4322

"AN ORDINANCE TO AMEND THE PREVENTION OF CRUELTY TO ANIMALS ORDINANCE, 1913."
(No. V OF 1921).

S. 2515.

"AN ORDINANCE TO AMEND THE INTERPRETATION AND GENERAL CLAUSES ORDINANCE, 1912."
(No. X OF 1921).

S. 19671/I

"AN ORDINANCE TO ESTABLISH AND DEFINE THE FINANCIAL YEAR."
(No. XIV OF 1921).

S. 74/1.

"AN ORDINANCE TO AMEND THE ESTATE DUTY ORDINANCE, 1918."
(No. XVIII OF 1921).

S. 223 29

"THE NAIROBI (RATING OF UNIMPROVED SITE VALUE) ORDINANCE, 1921."
(No. XIX OF 1921).

By command of His Excellency the Governor

N airobi,
June 24th, 1921.

W. K. NOTLEY,
Ag. Colonial Secretary

GENERAL NOTICE No. 740.

THE MUNICIPAL CORPORATIONS ORDINANCE, 1909.

BYE-LAWS.

IN EXERCISE of the powers conferred upon them by the Municipal Corporations Ordinance, 1909, the Municipal Council of Nairobi with the approval of His Excellency the Governor have made the following Bye-laws:—

1. These Bye-laws may be cited as "the Nairobi (Rickshaws) Amendment Bye-laws, 1921," and shall be read as one with the Nairobi Township Rules of 1917, (hereinafter called "The Principal Bye-laws").

2. Clause (*c*) of Bye-law 412 of the Principal Bye-laws as amended is hereby repealed, and the following clause is substituted therefor:—

(*c*) Licences shall be issued upon the instructions of the Municipal Council."

3. Bye-law 412 of the Principal Bye-laws as amended is hereby further amended by the addition of the following clause:—

"(*l*) The owner of any Public Rickshaws shall not suffer the place provided by him for the housing of his rickshaws, to be used as sleeping quarters for any natives."

4. Schedule I to Section IV of the Principal Bye-laws as amended is hereby further amended as follows:—

(*a*) Under Heading "*Fares*" Clause (*a*) is hereby cancelled and the following clause is substituted therefor:—

(*a*) *By Time*

"25 cents for each quarter of an hour or part thereof for one or two persons carried with a minimum fare of Fl. 1/."

(*b*) Under Heading "*Extra Fares,*" clause (2) is hereby cancelled.

5. A rickshaw boy who shall enter a public rickshaw and sit or lie therein or who shall place any article of his attire therein at any time shall be guilty of an offence—Offences against this Rule shall be cognisable by the Police.

Municipal Offices,
Nairobi, June 1921.

J. A. WATSON,
Town Clerk.

PROCLAMATION No. 88. S. 17099/I

THE EAST AFRICA TOWNSHIPS ORDINANCE, 1903.

PROCLAMATION.

IN EXERCISE of the powers conferred upon me by the East Africa Townships Ordinance, 1903, I, Edward Northey, Major-General of His Majesty's Forces, Knight Commander of the Most Distinguished Order of Saint Michel and Saint George, Companion of the Most Honourable Order of the Bath, Governor of the Colony of Kenya, hereby declare the area described in the Schedule hereto to be a Township for the purposes of the above Ordinance and to be named "Voi."

The Proclamation dated the 6th November, 1907, and published in the "Official Gazette" for

the 15th November, 1907, declaring the boundaries of Voi Township is hereby cancelled.

Given under my hand at Nairobi the 28th day of June, 1921.

EDWARD NORTHEY,
Governor.

GOD SAVE THE KING.

SCHEDULE.

The area comprised within a circle having a radius of one mile from the centre of the main entrance to the Voi Railway Station.

GOVERNMENT NOTICE No. 246. S. 16864.

THE TOWNSHIPS ORDINANCES, 1903-1918.

RULES.

IN EXERCISE of the powers conferred upon him by the Townships Ordinances, 1903-1918, His Excellency the Governor has been pleased to make the following Rules:—

1. These Rules may be cited as "The Mombasa Township (Building Estates) Amendment Rules, 1921," and shall be read as one with "The Mombasa Township (Building Estates) Rules, 1917," hereinafter referred to as the "Principal Rules."

2. The Principal Rules are hereby amended by the addition of the following Rules:—

(1) If any person shall without the permission in writing of the Medical Officer of Health use as a dwelling any part of a building not erected for the purpose of being used as a dwelling, he shall be guilty of an offence and shall be liable on conviction to a penalty not exceeding Florins 400/.

(2) If any person shall refuse or neglect to obey any order in writing by the Medical Officer of Health, requiring him to cease to occupy as a dwelling any building not erected for that purpose or any part of such building, he shall be liable to a penalty not exceeding Florins 15/- for each day during which such neglect or refusal continues and may be ejected on an order made by a Magistrate.

By Command of His Excellency the Governor.

Nairobi,
The 1st day of July, 1921.

W. K. NOTLEY,
Acting Colonial Secretary.

GOVERNMENT NOTICE No. 249.

CONFIRMATION OF ORDINANCE.

NOTICE.

THE Secretary of State for the Colonies has been pleased to notify that His Majesty's power of disallowance will not be exercised with respect to the undermentioned Ordinance:—

S. 21865.

"AN ORDINANCE TO AMEND THE LAW RELATING TO THE DESIGNATION OF OFFICERS."
(No. IV OF 1921).

By command of His Excellency the Governor,

Nairobi,
June 28th, 1921.

W. K. NOTLEY,
Ag. Colonial Secretary.

PROCLAMATION No. 89. S. 22313.

THE CUSTOMS ORDINANCE, 1910.

PROCLAMATION.

IN EXERCISE of the powers conferred upon me by the Customs Ordinance, 1910, I, Edward Northey, Major-General of His Majesty's Forces, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Most Honourable Order of the Bath, Governor of the Colony and Protectorate of Kenya, do hereby declare that Proclamation No. 44, dated the 23rd day of March, 1921, shall be and is hereby amended by the addition of the words "(other than Gin, Geneva, Hollands, Schnapps or Liqueurs)" immediately after the word "consumption" in line 10 thereof.

Given under my hand at Nairobi this 4th day of July, 1921.

EDWARD NORTHEY,
Governor.

GOD SAVE THE KING.

GOVERNMENT NOTICE No. 255. S. 22529.

THE NATIVE PASSES REGULATIONS, 1900.

RULES.

IN EXERCISE of the powers conferred upon him by the Native Passes Regulations, 1900, His Excellency the Governor has been pleased to make the following Rules:—

1. These Rules may be cited as "The Native Passes Rules, 1921."

2. The Native Passes Rules, 1917, are hereby repealed.

By command of His Excellency the Governor.

Nairobi.
The 2nd day of June, 1921.

W. K. NOTLEY,
Acting Colonial Secretary.

GENERAL NOTICE No. 801.

DISTRICT REGISTRIES OF THE HIGH COURT.

NOTICE.

IN EXERICE of the powers conferred on me by the Rules of Court (District Registries of the High Court) Rules No. 6 of 1911, Rule 3, I hereby amend the schedule to the aforesaid Rules as subsequently amended by substituting the words "Senior Commissioner, Nakuru" for the words "Town Magistrate, Nakuru," and by substituting the words "the Resident Commissioner, Eldoret" for the words "Town Magistrate, Eldoret."

Nairobi,
The 7th day of July, 1921.

J. W. BARTH,
Chief Justice

PROCLAMATION No. 95. S. 1967.

THE DISEASES OF ANIMALS AMENDMENT ORDINANCE, 1915.

PROCLAMATION.

IN EXERCISE of the powers conferred upon the Governor by the Diseases of Animals Amendment Ordinance, 1915, I, William Kilmister Notley, Companion of the Distinguished Service Order, Acting Governor of the Colony and Protectorate of Kenya, do hereby declare that the following Proclamation issued under the aforesaid Ordinance is revoked.

Proclamation No. 121, dated the 6th day of November, 1919.

Given under my hand at Nairobi this 12th day of July, 1921.

W. K. NOTLEY,
Acting Governor.

GOD SAVE THE KING.

PROCLAMATION No. 96. S. 740.

THE LAND TITLES ORDINANCE, 1908.

PROCLAMATION.

WHEREAS by Section 2 of the said Land Titles Ordinance, 1908, the Governor may by Proclamation apply the said Ordinance to any district, area or place in the Protectorate and fix the day on which the said Ordinance shall commence and take effect in such district, area or place.

Now therefore in exercise of the powers conferred upon me by the hereinbefore mentioned Section 2, I, William Kilmister Notley, Companion of the Distinguished Service Order, Acting Governor of the Colony and Protectorate of Kenya, do hereby apply the Land Titles Ordinance, 1908, to all the Lamu Archipelago outside Lamu Island and to the remainder of the Lamu district lying North of the boundary of the Witu Sultanate and South of Jubaland Province, and I direct that the said Ordinance shall commence and take effect in the said area from the 1st day of August, 1921.

Given under my hand at Nairobi this 13th day of July, 1921.

W. K. NOTLEY,
Acting Governor.

GOD SAVE THE KING.

PROCLAMATION No. 97. S. 2633/1.

THE CROWN LANDS ORDINANCE, 1915.

PROCLAMATION.

IN EXERCISE of the powers conferred on the Acting Governor by the Crown Lands Ordinance, 1915, Section 57, I, William Kilmister Notley, Companion of the Distinguished Service Order, Acting Governor of the Colony of Kenya, do hereby declare that the trading centres and the public road more particularly described in the schedule annexed hereto and situated in the area reserved under Section 54 of the aforesaid Ordinance and known as the Nyika Reserve (vide Government Notices No. 73 of 1916 and 169 of 1919) be excluded from the aforesaid area reserved under the provisions of the said Section 54 of the aforesaid Ordinance.

Given under my hand at Nairobi this 14th day of July, 1921.

W. K. NOTLEY,
Acting Governor.

GOD SAVE THE KING.

SCHEDULE.

TRADING CENTRES, NYIKA RESERVE.

Name.	Situation.	Area.
Minyenzeni ...	On the Minyenzeni road in Kaya Fungo location of the Nyika Reserve and demarcated by beacons.	Approx. 5 acres.
Gotani ...	On the main Rabai Kakoneni road in the Kaloleni location of Nyika Reserve and demarcated by beacons.	Approx. 5 acres.
Chonyi ...	On the main Rabai-Jibana-Chonyi-Ganzi road in the Chonyi location of the Nyika Reserve and demarcated by beacons.	Approx. 5 acres.
Ruruma ...	On the main Rabai-Ruruma-Kaloleni road in the Ribe location of the Nyika Reserve and above 4 miles North East of Rabai.	Approx. 5 acres.

PUBLIC ROADS.

(Giving access to Trading Centres).

NYIKA RESERVE.

The main Rabai-Jibana Chonyi-Ganzi Road.

GOVERNMENT NOTICE No. 263. S. 399/3.

THE MINING ORDINANCE, 1912.

REGULATIONS.

IN EXERCISE of the powers conferred upon him by the Mining Ordinance, 1912, His Excellency the Acting Governor has been pleased to make the following Regulations.

1. These Regulations may be cited as "The Mining Amendment Regulations, 1921," and shall be read as one with "The Mining Regulations, 1912," hereinafter referred to as "the Principal Regulations."

2. Regulation 86 of the Principal Regulations is hereby amended by the deletion of sub-section (1) and the substitution of the following sub-section therefor:—

"86. (1) Every licensee shall employ and keep employed during eight months at least of the term of the licence in searching for gold, precious stones, minerals, coal and oil on the lands comprised in the licence such number of Europeans of or over the age of 16 as the Commissioner of Mines may require.

Provided that at least one such European shall be employed in any area or group of adjoining areas for which a licence has or licences have been issued to any one person."

By command of His Excellency the Acting Governor.

Nairobi,
The 18th day of July, 1921.

G. A. S. NORTHCOTE,
Acting Colonial Secretary.

GOVERNMENT NOTICE No. 265.

CONFIRMATION OF ORDINANCE.

NOTICE.

THE Secretary of State for the Colonies has been pleased to notify that His Majesty's power of disallowance will not be exercised with respect to the undermentioned Ordinance:—

S. 21559.

"AN ORDINANCE TO REGULATE THE MANUFACTURE AND SALE OF NATIVE INTOXICATING LIQUORS."

(No. XX OF 1921).

By command of His Excellency the Acting Governor.

Nairobi,
13th July, 1921.

G. A. S. NORTHCOTE,
Ag. Colonial Secretary.

GOVERNMENT NOTICE No. 271. S. 6643.

THE EAST AFRICA TOWNSHIPS ORDINANCES, 1903-1918.

RULES.

IN EXERCISE of the powers conferred upon the Governor by The East Africa Townships Ordinances 1903-1918, His Excellency the Acting Governor, has been pleased to make the following Rules:—

1. These Rules shall apply to the Township of Nakuru and may be cited as "The Nakuru Township Rules, 1921."

2. No unemployed native shall remain within the Township of Nakuru for a longer period than 48 hours unless he is in possession of a permit from the District Commissioner allowing such person to remain in the said Township.

3. Any offence under or contravention of these Rules shall be cognizable to the Police.

4. Any person under these Rules lawfully residing in Nakuru Township who shall allow any person unauthorized under these Rules to reside in Nakuru Township, to sleep in any hut or other building or place in Nakuru Township shall, on conviction, be liable to the penalties provided for a breach of these Rules.

5. Any person committing a breach or failing to comply with the provisions of these Rules shall, on conviction, be liable to a fine not exceeding Fls. 200, or in default of payment, to imprisonment of either description for a term not exceeding two months.

By command of His Excellency the Acting Governor.

This 19th day of July, 1921.

G. A. S. NORTHCOTE,
Acting Colonial Secretary.

GOVERNMENT NOTICE No. 272. S. 19901.

THE DISEASES OF ANIMALS ORDINANCE, 1906.

RULES.

IN EXERCISE of the powers conferred upon the Governor by the Diseases of Animals Ordinance, 1906, His Excellency the Acting Governor has been pleased to make the following Rules:—

1. These Rules may be cited as "The Diseases of Animals (Importation of Dogs) Amendment Rules, 1921," and shall be read as one with "The Diseases of Animals (Importation of Dogs) Amendment Rules, 1920," hereinafter referred to as the "Principal Rules."

2. In Rule 2, Line 3, of the Principal Rules the word "or" before "Basutoland" shall be deleted and the words "or Zanzibar" shall be added after "Basutoland."

By command of His Excellency the Acting Governor.

Nairobi,
The 25th day of July, 1921.

G. A. S. NORTHCOTE,
Acting Colonial Secretary.

GOVERNMENT NOTICE No. 275.

RULES OF COURT.

RULES made by the High Court with the approval of the Governor under Article 22 of the East Africa Order-in-Council, 1902 and Article 2 of the East Africa Order-in-Council, 1906.

1. These Rules may be cited as Rules of Court (Clearing Office) No. 3 of 1921.

2. The proper Officer before whom Certificates shall, in pursuance of article 1 (iv) of the Treaty of Peace Order-in-Council 1919, be produced for registration shall be the Registrar or Deputy Registrar of the High Court or where the debtor resides within any area appearing in the schedule to the Rules of Court (District Registries of the High Court) No. 6 of 1911, the District Registrar for that area.

3. A duplicate of each certificate produced for registration shall be supplied by the Clearing Office and the High Court shall cause such duplicate to be served upon the debtor.

4. The Clearing Office shall supply to the proper Officer particulars specifying the place of residence of the debtor either by inserting such particulars in the certificate or otherwise.

5. The fee payable upon the production of a certificate for Registration shall be Fls. 10. The scale of fees usually payable in the High Court shall apply to all subsequent acts, applications or proceedings.

J. W. BARTH,
Chief Justice.
J. SHERIDAN,
Judge.
C. M. BARTON,
Acting Judge.

Nairobi,
The 12th day of July, 1921.

Approved
W. K. NOTLEY,
Acting Governor.
This 19th day of July, 1921.

GOVERNMENT NOTICE No. 276.

CONFIRMATION OF ORDINANCES.

NOTICE.

THE Secretary of State for the Colonies has been pleased to notify that His Majesty's power of disallowance will not be exercised with respect to the undermentioned Ordinances:—

S. 17612/IV.

"AN ORDINANCE TO REPEAL THE BANK OF ENGLAND AND TREASURY CURRENCY NOTES ORDINANCE, 1920."
(No. XXXII OF 1920).

S. 16391.

"AN ORDINANCE TO AMEND THE RENT (WAR RESTRICTION AMENDMENT) ORDINANCE, 1921."
(No. XXI OF 1921).

By command of His Excellency the Acting Governor,

Nairobi,
Dated this 25th day of July, 1921.

G. A. S. NORTHCOTE,
Acting Colonial Secretary.

PROCLAMATION No. 105. S. 1621/I.

THE NATIVE HUT AND POLL TAX AMENDMENT ORDINANCE, 1920.

PROCLAMATION.

WHEREAS in exercise of the powers conferred upon the Governor by the Native Hut and Poll Tax (Amendment) Ordinance, 1915, and the Native Hut and Poll Tax (Amendment) Ordinance, 1920, the sum payable in respect of Hut and Poll Tax as the case may be leviable in Jubaland was by Proclamation No. 60 of 1921, increased to Rs. 6/- per annum.

And whereas it has appeared expedient to alter such order.

Now, therefore, by virtue of the power conferred upon the Governor by Section 12 of the Native Hut and Poll Tax Ordinance, 1910, I, William Kilmister Notley, Companion of the Distinguished Service Order, Acting Governor of the Colony and Protectorate of Kenya, do hereby declare that the sum payable in Jubaland in respect of Hut and Poll Tax, as the case may be, shall be at the rate of Fls. 5/- per annum for the current year ending 31st December, 1921.

Proclamation No. 60 of 1921 so far as it affects Jubaland is hereby revoked.

Given under my hand at Nairobi this 3rd day of August, 1921.

W. K. NOTLEY,
Acting Governor.

GOD SAVE THE KING.

GOVERNMENT NOTICE No. 279.

CONFIRMATION OF ORDINANCES.

NOTICE.

THE Secretary of State for the Colonies has been pleased to notify that His Majesty's power of disallowance will not be exercised with respect to the undermentioned Ordinances:—

S. 21038/II.

"AN ORDINANCE TO PROVIDE FOR THE ESTABLISHMENT OF A LOCAL CLEARING OFFICE FOR THE COLLECTION AND PAYMENT OF ENEMY DEBTS."
(No. XI OF 1921).

S. 21038/II.

"AN ORDINANCE TO PROVIDE FOR THE COLLECTION AND PAYMENT OF AUSTRIAN ENEMY DEBTS."
(No. XII OF 1921).

S. 19048.

"AN ORDINANCE RELATING TO THE COLLECTION AND PAYMENT OF BULGARIAN ENEMY DEBTS."
(No. XIII OF 1921).

By Command of His Excellency the Acting Governor.

Nairobi,
28th July, 1921.

G. A. S. NORTHCOTE,
Acting Colonial Secretary.

GOVERNMENT NOTICE No. 281.

ORDER IN COUNCIL.

AT THE COURT AT BUCKINGHAM PALACE,

The 22nd day of April, 1921.

Present,

THE KING'S MOST EXCELLENT MAJESTY.
Archbishop of Canterbury.
Lord President.
Lord Edmund Talbot.
Lord Steward.
Sir Frederick Ponsonby.
Sir Hamar Greenwood.
Sir A. T. Lawrence.

WHEREAS the Colony of Kenya is a British Settlement within the meaning of the British Settlements Act, 1887:

And whereas by treaty, grant, usage, sufferance and other lawful means His Majesty the King has power and jurisdiction within the Uganda Protectorate and the Tanganyika Territory:

And whereas it is expedient to make provision for regulating the safety and control of navigation on and over the waters of Lakes Victoria and Kioga as hereinafter defined.

Now, therefore, His Majesty, by virtue and in exercise of the powers by the British Settlements Act, 1887, and the Foreign Jurisdiction Act, 1890, or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Lakes Victoria and Kioga Navigation Order-in-Council 1921.

2. In this Order and in any Regulations made under this Order, unless the context otherwise requires—

The expression "Territories within the limits of this Order" includes the Colony of Kenya, the Uganda Protectorate and the Tanganyika Territory.

The expression "Lake Victoria" and "Lake Kioga" respectively include the said Lakes and and all their navigable affluents, branches and outlets in the Territories within the limits of this Order.

The expression "vessel" includes any kind of ship, lighter, dredger, launch, pile driver, dhow, canoe, boat or other craft, whether navigated by steam or otherwise other than a public ship.

The expression "Secretary of State" means one of His Majesty's Principal Secretaries of State.

The expression "Court of Competent Jurisdiction" means any Court empowered under the respective laws of the Territories within the limits of this Order to impose for any offence the punishment of imprisonment for six months.

3. Subject to the provisions of this Order and and of any Regulations made under this Order, vessels navigating Lakes Victoria and Kioga shall in all respects be subject to the law in force in that portion of the Territories within the limits of this Order in which they happen from time to time to be.

4. Vessels may navigate Lake Victoria and Lake Kioga subject to the Regulations contained in the schedule hereto, which shall come into operation at the commencement of this Order. Any such Regulations may be altered, amended or revoked by a Secretary of State.

5. A Secretary of State may at any time make any other or additional Regulations for carrying this Order into effect and may from time to time alter, amend or revoke all or any of such Regulations as occasion may require. All such Regulations and such alterations, amendments and revocations thereof shall have the same force and effect for all purposes as if the same had been made by Order in Council, and shall come into operation in such manner and on such date as shall be provided by such Regulations.

6. Every person who acts in contravention of this Order or of any Regulations made thereunder shall upon conviction be liable to a penalty not exceeding £100, or to imprisonment for a period not exceeding six months.

7. A Court of Competent Jurisdiction may order any person who is within the local limits of its jurisdiction and is charged with an offence against this Order or any Regulations made thereunder committed in any part of the Territories within the limits of this Order to be brought before it, and enquire of, hear and determine such charge as if such offence had been committed within the local limits of the jurisdiction of such Court.

8. The respective Governors of the Colony of Kenya the Uganda Protetctorate, and the Tanganyika Territory, shall cause this Order and the Regulations in the schedule thereto to be published in the respective Gazettes of the said Territories on the same day, and this Order and the Regulations contained in the schedule thereto shall come into operation on that date.

9. His Majesty may from time to time revoke, alter or amend this Order.

ALMERIC FITZROY.

SCHEDULE.

REGULATIONS.

Part I.

SHORT TITLE.

1. These regulations may be cited as the Lakes Victoria and Kioga Navigation Regulations, 1921.

APPLICATION.

2. These regulations shall be applicable to Lakes Victoria and Kioga except where the same or any of them are expressly limited to any particular lake.

DEFINITIONS.

3. In these regulations the words and expressions hereinafter mentioned shall have the meanings hereby assigned to them respectively unless there be something in the subject or context repugnant to such construction.

The word "Lighter" means any lighter constructed to carry cargo and not propelled by any power.

The expression "Steam Vessel" includes any vessel propelled by machinery.

The expression "Under Way" applied to a vessel means that she is not at anchor nor made fast to the shore nor aground.

The word "Visible" when applied to lights means visible on a dark night with a clear atmosphere.

PART II.

SAFETY PROVISIONS.

4. During the whole time a vessel is under way a proper person must be at the wheel or tiller and an efficient look out kept.

5. On Lake Kioga when a lighter is being towed or pushed, all deck passengers shall, as far as is practicable, remain on it and not on board the steamer.

6. On steam vessels plying on Lake Victoria there shall be at least two lifeboats attached to davits, and as many bouyant deck seats, or other bouyant apparatus as can be properly placed, so that with the boats there will be provision for 60 per cent. of the total persons carried on board. In addition there shall be in the case of vessels of under 200 feet in length, four life buoys and in other vessels eight life buoys, and a life jacket for each person on board. Provided that where, owing to the size or construction of the vessel it is unnecessary or impracticable to carry two lifeboats under davits, permission may be granted to dispense with one or both sets of davits.

7. Each steam vessel navigating Lake Kioga shall either carry on board or tow alongside a boat or boats, or good serviceable canoes sufficiently large to accommodate all Europeans on the steamer, and in addition buoyant apparatus which with the boats or canoes shall provide for 40 per cent. of the total persons on board. Lifebuoys may be included in the buoyant apparatus at the rate of one lifebuoy for two persons. There shall also be provided a lifejacket for each person carried on board the steamer.

8. Fire buckets shall be kept filled with water and shall be placed in a convenient and easily accessible place.

9. Boats shall be invariably kept with the following equipment in them:—

Oars, rudder and tiller, crutches, bailer and plug.

The plug shall be attached by a lanyard one end of which shall be made fast to a staple in the vicinity of the plug hole.

10. Fire and boat stations shall be exercised every 14 days.

PART III.

Provisions as to Lights and Signals and Steering and Sailing.

General.

11. Nothing in these regulations shall exonerate any vessel, or the owner, or master, or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper look-out, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstancse of the case.

In obeying and construing the following regulations relating to lights and signals and steering and sailing due regard shall be had to all dangers of navigation and of collision and to any special circumstances which may render a departure from them necessary in order to avoid immediate danger.

The regulations as to lights shall be complied with in all weathers from sunset to sunrise and during such time no other lights which may be mistaken for the lights prescribed shall be exhibited.

In the following regulations every steam vessel which is under sail and not under steam shall be considered a sailing vessel, and every vessel under steam whether under sail or not shall be considered a steam vessel.

12. (1) A steam vessel when under way shall carry:—

(*a*) On or in front of the foremast, or if a vessel without a foremast ,then in the forepart of the vessel, at a height above the hull of not less than 20 feet, a bright white light, so constructed as to show an unbroken light over an arc of the horizon of 20 points of the compass, so fixed as to throw the light 10 points on each side of the vessel, viz., from right ahead to 2 points abaft the beam on either side, and of such a character as to be visible at a distance of at least 5 miles.

(*b*) On the starboard side a green light, so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to 2 points abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least 2 miles.

(*c*) On the port side a red light, so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to 2 points abaft the beam on the port side, and of such a character as to be visible at a distance of at least 2 miles.

(2) The said green and red side-lights shall be fitted with inboard screens projecting at least three feet forward from the light, so as to prevent these lights from being seen across the bow.

13. (*a*) A steam -vessel when towing another vessel shall, in addition to her side lights, carry two bright white lights in a vertical line one over the other, not less than six feet apart. Each of these lights shall be of the same construction and character, and shall be carried in the same position as the white light mentioned in Regulation 12 (1) (*a*). Such steam-vessel may carry a white light abaft the funnel or aftermast for the vessel towed to steer by, but such light shall not be visible forward of the beam.

(*b*) Any vessel being pushed ahead or if there be more than one the foremost vessel or vessels of those being pushed ahead shall carry a bright white light of the same construction and character as the light mentioned in Regulation 12 (1) (*a*) excepting that such light need only be visible for a distance of one mile.

It shall be carried at a convenient height above the hull of such vessel.

(*c*) The sternmost of any vessels being towed astern shall show from the stern a white light of such a character as to be visible at a distance of at least one mile.

14. A vessel which from any accident is not under command shall carry at the same height as the white light mentioned in Regulation 12 (1) (*a*) where they can best be seen, and, if a steam-vessel, in lieu of that light, two red lights, in a vertical line one over the other, not less than six feet apart, and of such a character as to be visible all round the horizon at a distance of at least two miles. and shall by day carry in a vertical line one over the other not less than six feet apart where they can best be seen, two black balls or shapes each two feet in diameter.

The vessels referred to in this regulation when not making way through the water shall not carry side-lights, but when making way shall carry them. The lights and shapes required to be shown by this regulation are to be taken by other vessels as signals that the vessel showing them is not under command and cannot therefore get out of the way.

15. Steam-vessels of less than 40 tons shall carry:—

(*a*) In the forepart of the vessel or on or in front of the funnel, where it can best be seen and at a height above the gunwale of not less than nine feet, a bright white light constructed and fixed as prescribed in regulation 12 (1) (*a*) and of such a character as to be visilbe at a distance of at least two miles.

(*b*) Green and red side lights constructed and fixed as prescribed in Regulation 12 (1) (*b*) and (*c*) and of such a character as to be visible at a distance of at least one mile, or a combined lantern showing a green light and a red light from right ahead to two points abaft the beam on their respective sides. Such lantern shall be carried not less than three feet below the white light.

16. Dhows and rowing boats, whether under oars, or sails, shall have ready at hand a lantern showing a white light, which shall be temporarily exhibited in sufficient time to prevent collision.

17. A vessel which is being overtaken by another shall show from her stern to such last-mentioned vessel a white light or flare-up light.

The white light required to be shown by this regulation may be fixed and carried in a lantern, but in such case the lantern shall be so constructed, fitted, and screened that it shall throw an unbroken light over an arc of the horizon of 12 points of the compass, viz., for 6 points from right aft on each side of the vessel, so as to be visible at a distance of at least one mile. Such light shall be carried as nearly as practicable on the same level as the side light.

18. A vessel when at anchor, shall carry forward, where it can best be seen, but at a height not exceeding 20 feet above the hull, a white light in a lantern so constructed as to show a clear. uniform and unbroken light visible all round the horizon at a distance of at least one mile.

Steam vessels to carry whistles and bells.

19. Every steam vessel shall be provided with an efficient whistle sounded by steam or substitute for steam so placed that the sound shall not be intercepted by any obstruction, and also with an efficient bell.

20. In fog, mist, or heavy rainstorms, whether by day or night, the signals described in the preceding regulations shall be used as follows, viz.:—

(*a*) A steam-vessel having way upon her shall sound, at intervals of not more than two minutes, a prolonged blast.

The words "prolonged blast" used in this regulation shall mean a blast of from four to six seconds' duration.

(*b*) A steam-vessel under way, but stopped and having no way upon her, shall sound, at intervals of not more than two minutes, two prolonged blasts, with an interval of about one second between them.

(*c*) A steam-vessel when at anchor shall, at intervals of not more than one minute, ring the bell rapidly for about five seconds.

(*d*) Sailing-vessels and boats of less than 20 tons gross tonnage shall make some efficient sound-signals at intervals of not more than one minute.

(*e*) Whistles shall not be used by vessels under way for any other purpose than giving warning.

(*f*) Prolonged blasts at intervals of a few seconds may be sounded to call the attention of the master of any vessel approaching.

(*g*) When a steam-vessel is turning round or for any other reason is not under command or when it is unsafe or impracticable to keep out of the way of any other vessel she shall signify the same by sounding, at intervals of not more than two minutes, three blasts in succession, viz., one prolonged blast followed by two short blasts.

Speed of ships to be moderate in fog, &c.

21. Every vessel shall, in a fog, mist or heavy rainstorms, go at a moderate speed, having careful regard to the existing circumstances and conditions.

A steam vessel hearing, apparently forward of her beam, the fog signal of a vessel the position of which is not ascertained, shall, so far as the circumstances of the case admit, stop her engines, and then navigate with caution until danger of collision is over.

Vessels approaching one another.

22. When two steam-vessels are meeting end on or nearly end on, so as to involve risk of collision, each shall alter her course to starboard, so that each may pass on the port side of the other.

This regulation only applies to cases where vessels are meeting end on, in such manner as to involve risk of collision, and does not apply to two vessels which must, if both keep on their respective courses, pass clear of each other.

The only cases to which it does apply are when each of the two vessels is end on, or nearly end on, to the other; in other words, to cases in which, by day, each vessel sees the masts of the other in a line, or nearly in a line, with her own; and, by night, to cases in which each vessel is in such a position as to see both the side-lights of the other.

It does not apply, by day, to cases in which a vessel sees another ahead crossing her own course, or by night, to cases where the red light of one vessel is opposed to the red light of the other, or where the green light of one vessel is opposed to the green light of the other, or where a red light without a green light, or a green light without a red light, is seen ahead, or where both green and red lights are seen anywhere but ahead.

23. When two steam-vessels are crossing so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way of the other.

24. When a steam-vessel and a sailing-vessel are proceeding in such directions as to involve risk of collision, the steam-vessel shall keep out of the way of the sailing-vessel.

25. Where by any of these regulations two vessels is to keep out of the way, the other shall keep her course and speed.

Provided that when in consequence of thick weather or other causes, such vessel finds herself so close that collision cannot be avoided by the action of the giving-way vessel alone, she also shall take such action as will best aid to avert collision.

26. When two sailing-vessels are approaching each other so as to involve risk of collision, the following regulations shall apply:—

(*a*) A vessel which is running free shall keep out of the way of a vessel which is close-hauled.

(*b*) A vessel which is close-hauled on the port tack shall keep out of the way of a vessel which is close-hauled on the starboard tack.

(*c*) When both are running free with the wind on different sides, the vessel which has the wind on the port side shall keep out of the way of the other.

(*d*) When both are running free with the wind on the same side, the vessel which is to windward shall keep out of the way of the vessel which is to leeward.

(*e*) A vessel which has the wind aft shall keep out of the way of the other vessel.

27. Every vessel which is directed by these regulations to keep out of the way of another vessel shall, if the circumstances of the case admit, avoid crossing ahead of the other.

28. Every steam-vessel which is directed by these regulations to keep out of the way of another vessel shall, on approaching her, if necessary, slacken her speed or stop or reverse.

29. Notwithstanding anything contained in these regulations every vessel overtaking any other, shall keep out of the way of the overtaken vessel.

Every vessel coming up with another vessel from any direction more than two points abaft her beam, *i.e.*, in such a position, with reference to the vessel which she is overtaking, that at night she would be unable to see either of that vessel's side-lights, shall be deemed to be an overtaking vessel; and no subsequent alteration of the bearing between the two vessels shall make the overtaking vessel a crossing vessel within the meaning of these regulations, or relieve her of the duty of keeping clear of the overtaken vessel until she is finally past and clear.

As by day the overtaking vessel cannot always know with certainty whether she is forward or abaft this direction from the other vessel, she should, if in doubt, assume that she is an overtaking vessel and keep out of the way.

30. In narrow channels every steam-vessel shall when it is safe and practicable, keep to that side of the fairway or mid-channel which lies on the starboard side of such vessel.

31. On Lake Kioga when rounding points, or in sharp bends, narrow or intricate channels, or when the current is strong or for any other reason there is danger of collision, the vessel navigating against the stream must keep clear of any vessel approaching from the opposite direction.

Sound signals for vessels in sight of one another.

32. When vessels are in sight of one another, a steam-vessel under way, in taking any course authorized or required by these regulations shall indicate that course by the following signals on her whistle or siren, viz.:—

One short blast to mean, "I am directing my course to starboard."

Two short blasts to mean, "I am directing my course to Port."

Three short blasts to mean, "My engines are going full speed astern."

The words "short blasts" used in this regulation shall mean a blast of about one second's duration.

GOVERNMENT NOTICE No. 285. S. 13685/2.

INDUSTRIAL ALCOHOL RULES, 1921.

IN EXERCISE of the powers conferred upon him by the Industrial Alcohol Ordinance, 1921, hereinafter referred to as the Ordinance, His Excellency the Acting Governor-in-Council has been pleased to make the following Rules:—

1. These Rules may be cited as "The Industrial Alcohol Rules, 1921."

DECLARATIONS TO BE MADE BY OFFICERS.

2. Every officer appointed under the Ordinance shall before entering on his duties make the following declaration before a Magistrate or Justice of the Peace:—

"I, ... do solemnly promise and swear that I will execute the office to which I am appointed faithfully and without favour or affection, and that I will from time to time render true accounts to such persons as shall be appointed to receive the same, and that I will not take any fee or reward, whether pecuniary or otherwise, other than my salary or such other emoluments as are allowed by law or by the public regulations for doing anything or for abstaining from doing anything, in my said office."

PARTICULARS OF APPLICATION FOR LICENCE.

3. (1) Every application for a licence under the Ordinance shall set forth the kind of still to be used, the capacity thereof, and the place where it is to be used.

(2) In the case of a new licence, the applicant shall furnish a description with drawings of the premises and of the position of the various vessels and appliances, and no distillation shall take place until the appointed officer shall have given a written certificate that the premises, vessels and appliances are erected in accordance with the plans, and to the appointed officer's satisfaction.

(3) In case of a renewal licence, the application shall be accompanied by the certificate of the proper officer that the buildings are suitable and in proper repair.

LICENCE DUTY AND FORM.

4. (1) The appropriate duty set forth in the schedule of the Ordinance shall be paid to the appointed officer before a licence is issued.

(2) No licence shall authorise any business at more than one place or at any premises other than those specified.

(3) Licences shall be in the prescribed form, and shall expire on the 31st day of December next following the date thereof.

COMMISSIONER OF CUSTOMS TO APPRISE APPOINTED OFFICER OF IMPORTATIONS OF STILL.

5. On the importation of any still or portion of a still into this Colony the Commissioner of Customs shall, without delay, apprise the appointed officer thereof in writing, stating the names of the owner and the importer of the still. The appointed officer shall thereupon inform the said owner and importer of the liability incurred in keeping a still without a licence in this Colony.

ENTRY TO BE MADE FOR INFORMATION OF THE APPOINTED OFFICER.

6. (1) Every distiller shall before he begins to prepare any wort, make entry of the premises, vessels, utensils and fittings intended to be used by him, by signing and delivering to the appointed officer an account in the prescribed form setting forth the particulars prescribed in the first schedule of these Regulations, with such further and other particulars as may be prescribed.

(2) No change shall be made in anything mentioned in the account without the previous sanction of the appointed officer, on a written request to him, under penalty of a fine not exceeding fifty pounds.

ERECTION OF SAFES AND RECEIVERS.

7. (1) Every distiller licensed under this Ordinance shall before using any still or apparatus for distilling any low-wines, feints, or spirits, erect and keep erected in his distillery a secure safe and receiver, or safes and receivers for low-wines, feints, or spirits.

(2) The worm end of every still shall be enclosed in such safe, and such safe shall communicate only by a close metal pipe with the respective receivers of low-wines, feints or spirits.

(3) Every still, safe and receiver and the pipes connected therewith, shall be constructed and provided with fastenings, cocks, taps, or other requirements for the reception of *revenue locks* or rods to the satisfaction of the appointed officer.

(4) Only such rods and revenue locks and keys as shall be provided and approved by the appointed officer at the licensee's expense shall be used in any distillery. Every safe and receiver shall be kept locked, unless opened for a lawful purpose, subject to the approval of the appointed officer.

VATS FOR SPIRITS FOR DISTILLATION TO BE APPROVED.

8. Each vat or butt, other than the receivers, required to be kept at any distillery for the reception of low-wines, feints or other spirits for re-distillation must be approved by the appointed officer in the following respects:—

(*a*) It must be securely and conveniently erected and fixed.

(*b*) It must communicate with the discharging cocks of the respective receivers by a close metal or other satisfactory pipe.

(*c*) It must be marked and kept marked in accordance with the provisions as hereinafter provided in these Rules.

(*d*) It must be accessible at all times for taking an account of the quantity or strength of the contents.

CONDITIONS FOR RUNNING OFF SPIRITS, ETC., GAUGING AND MARKING VESSELS.

9. The appointed officer may prescribe the conditions for the running of low-wines, feints or spirits from the receivers for re-distillation, and for the gauging and marking of all vats and other vessels.

CAPACITY OF RECEIVERS.

10. The capacity of all receivers, fixed vats or butts, and of movable casks in a distillery shall be ascertained in such manner as shall be prescribed by the appointed officer, and all necessary weights and appliances for that purpose shall be supplied by the distiller.

STOCK BOOKS.

11. (1) Every distiller shall provide himself with and keep a stock-book at an approved place in his distillery. Such stock-book shall be in the form and shall contain the particulars to be prescribed by the appointed officer.

(2) The distiller shall keep such book open to inspection by the appointed officer, and shall allow such officer to make any entries therein which shall be initialled by such officer or he may take any extract therefrom.

(3) If any distiller shall fail to keep such book or to produce the same when required by the appointed officer so to do, or shall fail to make in such book any entry required to be made therein, or shall fraudulently make any entry in such book or shall cancel or obliterate any entry therein or shall mutilate or tear therefrom any leaf, or shall by himself or any person in his employ, cancel or convey away such book, he shall be guilty of an offence.

(4) An incorrect entry in a stock-book shall not be erased or obliterated, but shall be cancelled by drawing a thin line through it, and the correct entry made and such correction shall be initialled by the person making the same. For any contravention of this section the distiller shall be guilty of an offence.

DISTILLERS' RETURNS.

12. (1) Every distiller shall make a return in writing to the appointed officer within fourteen days after very fresh distillation is completed, or in the case of continuous distillation shall make a weekly return, stating the quantity and strength of the product of such distillation to the best of his ability, and in the case of sale, delivery or removal of the whole or any part thereof shall keep a record of such sale, delivery or removal.

(2) Any person contravening the provisions of this section or failing to make the return required without lawful excuse, or making a false return, shall be guilty of an offence.

SPIRIT ROOM.

13. (1) Every spirit room shall be set apart solely for the storing of spirits as distilled, and of casks intended for removal of spirits, and its situation and security shall be to the satisfaction of the appointed officer.

(2) All receptacles containing spirits so stored shall be marked as prescribed by the appointed officer.

REGAUGING.

14. (1) The appointed officer may regauge and test for strength every vessel of spirits before removal from a spirit room and on arrival at the consignee's premises, and shall grant from any deficiency arising solely from natural causes or unavoidable accident the rate of allowance authorised in the second schedule of these Rules and for any deficiency exceeding the said allowance duty must be paid at the rate charged on imported distilled liquors before the spirits are removed.

(2) The appointed officer shall at least once in every twelve calendar months regauge and test for strength the whole stock of spirits in a spirit room in the prescribed manner.

EXCESS OF STOCK.

(3) If on balancing the stock so taken, computed at proof, any increase of spirits is found, the excess shall be forfeited, and the distiller shall in addition pay a penalty at half the rate of duty charged on imported distilled liquors for each gallon in excess.

DEFICIENCY.

(4) If any deficiency of spirits is found exceeding the allowance authorised in the second schedule of these Rules, duty at the rate charged on imported distilled liquors must forthwith be paid thereon: provided that if a distiller can prove to the satisfaction of the appointed officer that an excess deficiency had been caused by an accident or unavoidable cause either within the spirit room or on transit thereto, and further upon being satisfied that every reasonable effort was made to prevent the destruction or loss, the appointed officer may remit the duty on the whole deficiency so caused.

SAMPLING.

15. The appointed officer may take at any time a sample of spirits from the stock of any distiller, or from the contents of a still before it has begun to work or after it has ceased working, and if there is found in the still at a rectifier's any wine or wash or low-wines put into or mixed with feints or spirits, the rectifier shall be guilty of an offence.

PERMITS FOR THE REMOVAL OF SPIRITS.

16. (1) No spirits may be sent out or delivered from a distiller's spirit room or premises unless accompanied by a permit.

(2) All spirits sent out, delivered or removed in contravention of this section, together with all horses, cattle and vehicles made use of in conveying the same, may be forfeited, and every person in whose possession the same are found shall be guilty of an offence: Provided that if the owner of any such horses, cattle or conveyance (not being himself a party to such offence) shall prove that they were used without any connivance on his part, they shall not be forfeited.

(3) If any question arises as to the accuracy of the description of the spirits in a permit, the burden of proof that the spirits correspond to the description shall lie on the person charged.

PARTICULARS TO BE SHOWN.

17. A removal permit may be granted by the appointed officer upon request by a distiller or rectifier and shall contain the following particulars—

(*a*) Quantity, denomination and strength of the spirits.

(*b*) Number of packages in which spirits are contained.

(*c*) Day and hour of removal.

(*d*) From whom and whence removed.

(*e*) To whom and whither sent.

(*f*) Mode of conveyance.

SPIRITS NOT IN ACCORDANCE WITH DESCRIPTION IN PERMIT.

18. If any spirits are found to be more than one per centum above or more than two per centum below the strength stated in the permit, the like penalties shall be incurred as if no certificate had been given.

SUBSTANCES AND PROPORTIONS TO BE USED IN MANUFACTURE OF INDUSTRIAL ALCOHOL.

19. Industrial alcohol shall be prepared by the addition to the spirits referred to in Section 3 of the Ordinance of such denaturants in such proportions as shall be prescribed by the appointed officer and published in the "Official Gazette."

DENATURING.

20. All denaturing of spirits and all manufacture of ether shall be carried out under such supervision and control as may be approved by the appointed officer.

CERTIFICATE AS TO FITNESS OF DENATURANTS.

21. Before any process of denaturation shall be carried on by a person licensed thereto, he shall submit at his own expense a sample or samples of any substances prescribed or permitted to be used in the process to the Director of Chemical Research, and shall prior to any operation, produce to the appointed officer, a certificate from such Director of Chemical Research that the addition to any spirits of the substance or substances so submitted for analysis will render the spirit unpotable.

MEASURES, SCALES AND WEIGHTS TO BE PROVIDED.

22. (1) Every person licensed under this Ordinance shall provide a set of standard measures, and on demand by the appointed officer, scales and weights to the satisfaction of the appointed officer for the purpose of measuring, weighing and taking an account of the spirits on his licensed premises.

(2) Such licensed person shall permit any officer to use his measures, scales and weights for the purpose aforesaid, and shall whenever required by the appointed officer, measure or weigh and assist in measuring or weighing as he requires and in taking account of any such spirits as aforesaid.

(3) If any licensed person provides or permits to be used any false measure, scales or weights or practises any device or contrivance by which the appointed officer may be prevented from or hindered or deceived in taking the true quantity, measure or weight of any spirits or of any vessel, he shall be guilty of an offence and any such measures, scales and weights shall be forfeited.

PLUGS, TAPS, ETC.

23. (1) Where any store, room, place, vessel, utensil or fitting is by the Ordinance directed to be secured or locked the licence holder shall, to the satisfaction of the appointed officer provide, affix, repair and renew all plugs, cocks, taps, fastenings and requisites for the purpose of enabling officers to affix locks thereto or otherwise secure the same.

(2) In the event of any failure on the part of the licence-holder, the appointed officer may make good the defect at the expense of the licence-holder.

RODS, KEYS, LOCKS.

24. (1) All requisite rods, locks and keys shall be provided by the appointed officer at the licensee's expense.

(2) If any rod, lock or key shall be tampered with, broken, injured or destroyed, or if any pipe, cock, or fastening connected with a safe or receiver shall be pierced, broken or injured, the licence-holder shall be obliged to repair or renew the same to the satisfaction of the appointed officer, or such repairs or renewal may be made by the appointed officer at the expense of the licence-holder.

(3) If any such tampering, breakage, injury, piercing or destruction shall have been either directly or indirectly caused by the wilful act, connivance, neglect or improper conduct of the licence-holder, or any person employed in or about the premises, such licence-holder in addition to paying the cost of the requisite renewal or repairs as prescribed by this Ordinance shall be guilty of an offence. The burden of showing that any such breakage, piercing or destruction was not so caused shall rest with the licence-holder.

DUTIES OF STILL MAKERS.

25. Any person making a still shall:—

(*a*) Indent on every such still or distilling apparatus, its progressive number, capacity in gallons and the maker's name.

(*b*) Keep in the licensed premises where such a still or apparatus is made or kept a book in the form to be prescribed by the appointed officer.

(*c*) Enter in the said book the progressive number and the capacity of each still or apparatus, the name and residence of the purchaser, and the date when it is sent away, and

(*d*) Leave such book open to the inspection of the appointed officer, and allow any extract to be made by him therefrom.

LICENSED PREMISES UNDER SUPERVISION.

26. (1) All premises for which a licence is granted shall be under the supervision of the appointed officer.

(2) For the purpose of taking the stock account or any other account of spirits, only such gauging instruments and hydrometers shall be used as may be supplied or approved by the appointed officer and if a licensed person, or any person in his employ, shall interfere with or wilfully injure any gauging instruments, hydrometers, locks or other articles used by or under the authority of the appointed officer, such licensed person shall defray the cost of all repairs and shall be guilty of an offence.

(3) The several forms of entries, notices, declarations, accounts, returns, permits, certificates and all books required or directed for use under the Ordinance shall be in such form as the appointed officer may from time to time, prescribe and direct, and it shall not be necessary to prove, on the trial of any complaint or information instituted under the Ordinance, the particular order or directions in that behalf.

MARKING OF VESSELS, UTENSILS AND ROOMS.

27. (1) Every distiller using a pot-still without rectifying attachment shall cause to be legibly painted with oil colour, and shall keep so painted in letters and figures not less than two inches in height, on some conspicuous part of every vessel or utensil intended to be used by him in his business, and on the outside door of every room or place wherein any part of his business is to be carried on, or any spirits are to be kept, the name of the vessel, utensil, room, or place respectively, according to the purpose for which it is intended.

(2) Where more than one vessel, utensil, room or place is to be used for the same purpose, all such vessels, utensils, rooms or places must be marked by progressive numbers.

REGULATIONS AS TO PIPES.

28. (1) Every pipe used by the distiller must, unless used exclusively for the discharge of water or spent wash, be so fixed and placed as to be capable of being examined for the whole of its length.

(2) The pipes must be painted and kept painted, as follows:—

If for the conveyance of
Wort or Wash—Red.
Low-wines or Feints—Blue.
Spirits—Black.
Water—White.

COCKS AND VALVES TO BE APPROVED.

Every cock and valve kept or used by the distiller must be constructed in the prescribed or approved manner.

SITUATION OF FIXING AND MAINTENANCE OF VESSELS. UTENSILS AND FITTINGS.

29. (1) Every distiller shall at his own expense and to the satisfaction of the appointed officer, provide place, affix and maintain each vessel, utensil, and fitting allowed or required by the Ordinance.

(2) He must to the satisfaction of the appointed officer, place and keep each vessel and utensil on his premises in a convenient situation and so as to be kept easy of access to the officer.

DIPPING HOLES IN BUTTS AND VESSELS.

30. (1) On every entered fixed-up butt for storing or keeping spirits and on every receiver or charger on the premises of a distiller, there must be such device for the gauging of the contents as may be approved by the appointed officer.

(2) A metal place must be fixed at any dipping hole to secure it from being worn or altered.

(3) Each dipping hole in a spirit receiver, low-wines or feints receiver or charger, or vat or butt, must be secured and kept secured to the satisfaction of the appointed officer.

(4) No alteration must be made in any such device or dipping hole or in the level of any receiver, vessel or utensil, without permission of the appointed officer after due notice given him in writing.

RULES AS TO SECURING STILLS, AND SUPPLY OF AIR VALVES, SPENT LEES, RECEIVERS, ETC.

31. (1) Proper fastenings must be provided for locking and securing to the satisfaction of the appointed officer, the head of every low-wines still, and the furnace door or stem valve thereof, and all apparatus used in connection therewith.

(2) A still and its worm may have an air valve or conductor approved by the appointed officer.

(3) A spent lees receiver must be attached to the discharging cock of every low-wines still, constructed, fixed and provided with fastenings to the satisfaction of the appointed officer.

(4) Except as permitted or required by the Ordinance there must be no pipe leading directly or indirectly to or from a still and no opening into or out of a still or worm of a still.

RULES AS TO THE DISPOSAL OF THE PRODUCTS OF DISTILLATION.

32. All wash must be fermented in the entered fermenting vats, and thence conveyed into the still for distillation.

33. All low-wines, feints and spirits running from the worm of the still must run thence directly into the safe at the end of the worm.

34. All low-wines must be conveyed directly from the safe into the low-wines receiver, and thence directly into the low-wines and feints charger, and thence directly into the still for re-distillation.

35. All spirits must be conveyed directly from the safe into the feints receiver or spirit receiver.

36. All spirits conveyed into the feints receiver must be conveyed thence directly into the low-wines and feints charger, and thence directly into the still for re-distillation.

37. No spirits conveyed into the spirits receiver may be re-distilled without permission of the appointed officer or may be removed therefrom except into butts or casks for removal into the distiller's spirit room, or into an approved vat for methylation or denaturing.

38. All spirits distilled in the distillery must, after the appointed officer has taken an account of their quantity and strength, or unless otherwise ordered by him, be forthwith conveyed through the discharging cock into butts, casks or a vat for methylation or denaturing.

CHARGERS, RECEIVERS, VATS AND BUTTS TO BE CLOSE COVERED AND NOT TO COMMUNICATE WITH ANY OTHER VESSEL SAVE AS HEREIN PROVIDED.

39. Every low-wines and feints charger, low-wines receiver, feints receiver, spirit receiver, vat or butt and spent lees receiver must be a close covered vessel, and except as provided for in the Ordinance or these Rules must not have any opening or communication with any other vessel or utensil.

PARTICULARS TO BE MARKED ON BOTH ENDS OF VESSELS CONTAINING UNDENATURED SPIRITS.

40. (1) The following particulars shall be marked on both the outside ends of packages or vessels containing undenatured spirits.

(*a*) The name of distiller and rectifier.

(*b*) Progressive number of each package or vessel. Progressive number to commence with number one on and after 1st January, annually, together with the year, or last two figures of the year, in which filled, thus: 16/1921 or 16/21.

(*c*) Capacity and content in liquid gallons, and where the total number of gallons capacity is less than eighty the one-half gallon of actual capacity and content above the number of entire gallons.

(*d*) Strength of the spirits.

(2) All such particulars shall be legibly painted and kept so painted thereon in letters or figures of not less than one inch in height.

(3) Distillers shall conform to the directions of the appointed officer in any particulars relative to the above.

CONDITIONS AS TO THE MANUFACTURE OF MEDICINAL PREPARATIONS AND PERFUMERY.

41. The manufacture of medicinal preparations shall not be carried on except by a registered chemist and druggist and in the case of perfumery except by a person specially approved by the appointed officer.

42. The approved manufacturer shall submit to the appointed officer a list in duplicate of the preparations he proposes to make, and such list shall specify the approximate quantities to be made. The list shall clearly state if the preparation is to be made according to the formula of the British Pharmacopeia or of the British Pharmaceutical Codex. If a preparation is to be made according to a formula not specified in either of these books, the manufacturer must quote in full the formula according to which it is to be prepared. (A reference to Squires' Companion to the British Pharmacopoeia, or to Martindale and Westcott's "The Extra Pharmacopoeia" will be accepted in place of the full quotation of the formula). If a pharmacopoeia preparation is to be made by a procedure other than that specified in the British Pharmacopoeia or British Pharmaceutical Codex, the exact formula of the preparation must be given. The preparations proposed to be made must be approved by the appointed officer before manufacture begins. Approval will be notified to the proper officer at a distillery, who will then, after duty has been paid, and bond given or deposit made, allow the spirit to go forward.

DUTY PAYABLE AND DEPOSIT REQUIRED.

43. Prior to the removal of spirits to an approved manufacturer, duty at the rate of five florins per proof gallon must be paid to the Government and

the manufacturer must in addition, make a deposit of fifteen florins per proof gallon, or enter into a bond for the amount of such deposit.

CERTIFICATE BY MANUFACTURER.

44. After the preparations have been made, the manufacturer must submit to the appointed officer a certificate in duplicate, showing the quantity (to the nearest ounce) of each finished preparation made, and the quantity (to the nearest ounce) of spirits at 90% alcohol of weight used in the manufacture of each preparation. This certificate must be in the form of a declaration that the statement of manufacture is correct and on proof to the contrary the manufacturer shall be guilty of an offence.

EXAMINATION BY DIRECTOR OF CHEMICAL RESEARCH.

45. The appointed officer may forward the certificate required as stated above together with any samples he deems its necessary to take (which in each case must not be less than 4 ounces) to the Director of Chemical Research, who will return it to the appointed officer with his remarks as to the correctness of the articles and the quantity of spirits used; and if the appointed officer is satisfied therewith, he will authorise the return of the deposit or cancel the bond so far as that particular transaction is concerned.

46. If the appointed officer upon a report of the Director of Chemical Research is satisfied that any part of the articles made is not in accordance with the formula approved, or that the spirit received has been used otherwise than as declared in the manufacturer's certificate, the deposit on the quantity so wrongfully used shall be forfeited, or if a bond has been entered into, the amount of the difference in duty on the quantity so disallowed shall be forthwith paid.

47. The minimum quantity which shall be allowed to be removed under this Rule at one time shall not be less than five gallons.

FIRST SCHEDULE.

PARTICULARS OF ENTRY TO BE MADE BY DISTILLERS AND RECTIFIERS.

(*a*) Name and abode, the situation of the premises.

(*b*) Every house, room and place in which any part of the business is to be carried on, or any spirits are to be kept, and the purpose for which each house, room or place is intended to be used.

(*c*) A true and particular description of every vessel, utensil and fitting (other than buckets and similar vessels) intended to be used on the premises for the purpose of the business.

(*d*) The particular purpose for which each such vessel and utensil is intended to be used.

(*e*) Either the number of gallons which every still with its head is capable of containing, or the number of gallons of wash per hour the still is capable of distilling, and the number of gallons of wash which each wash vat is capable of holding.

SECOND SCHEDULE.

1. Scale of allowances for deficiencies arising from natural causes, as undermentioned:—

	For period not exceeding	Rate per cent.
2. Low-wines, feints, or spirits re-distilled at a distillery ...	1 month ...	5
Spirits stored in a distillery store ...	1 month ...	2
ditto ...	2 months ...	3
ditto ...	6 months ...	4
ditto ...	1 year ...	5
Spirits on transit from one distillery or store to another		2

3. No allowance shall be made on spirits after one whole year in a spirit room.

4. The foregoing allowances are only to be granted when necessary, and must not be granted where the actual deficiency is less than the scale of allowances.

5. The appointed officer is authorised if he is satisfied that the deficiency in any package or vessel resulted in the whole or in part from fraudulent abstraction of spirits, or wilful tampering with the package or vessel, to charge duty on the whole quantity at proof deficient, or upon such quantity as he shall think fit.

By Command of His Excellency the Acting Governor-in-Council.

H. MALPASS,
Clerk to the Executive Council.

Nairobi,
4th August, 1921.

PROCLAMATION No. 110. S. 1621/1.

THE NATIVE HUT AND POLL TAX AMENDMENT ORDINANCE, 1920.

PROCLAMATION.

WHEREAS in exercise of the powers conferred upon the Governor by the Native Hut and Poll Tax (Amendment) Ordinance, 1915, and the Native Hut and Poll Tax (Amendment) Ordinance, 1920, the sum payable in respect of Hut and Poll Tax, as the case may be, leviable in Jubaland was by Proclamation No. 86 of 1921 increased to Fls. 8 per annum.

And whereas it has appeared expedient to modify such order as far as it refers to the tax for the year 1921.

Now, therefore, by virtue of the power conferred upon the Governor by Section 12 of the Native Hut and Poll Tax Ordinance, 1910, I, William Kilmister Notley, Companion of the Distinguished Service Order, Acting Governor of the Colony and Protectorate of Kenya, do hereby declare that the sum payable in Jubaland in respect of Hut and Poll Tax, as the case may be, shall be at the rate of Fls. 5/- per annum for the current year ending 31st December, 1921.

Proclamation No. 105 of 1921 is hereby revoked.

Given under my hand at Nairobi this 16th day of August, 1921.

W. K. NOTLEY,
Acting Governor.

GOD SAVE THE KING.

PROCLAMATION No. 115. S. 21559/4.

THE NATIVE LIQUOR ORDINANCE, 1921.

PROCLAMATION.

WHEREAS by Section 3 of the Native Liquor Ordinance, 1921, it is provided that the Governor-in-Council may by Proclamation apply the aforesaid Ordinance to any area in the Colony and Protectorate where there is any Local Authority at the request of such Local Authority.

AND WHEREAS the Nairobi Municipal Council have requested that the aforesaid Ordinance shall be applied to Nairobi Township.

NOW THEREFORE I, William Kilmister Notley, Companion of the Distinguished Service Order, Acting Governor of the Colony and Protectorate of Kenya, having taken the advice of my Executive Council, do order and proclaim that the aforesaid Ordinance shall apply to and have effect in the Township of Nairobi on and after the first day of September, 1921.

Given under my hand at Nairobi this 16th day of August, 1921.

W. K. NOTLEY,
Acting Governor and Commander-in-Chief.

GOD SAVE THE KING.

GOVERNMENT NOTICE No. 303. S. 20436.

THE MASTER AND SERVANTS AMENDMENT ORDINANCE, 1919.

RULES.

IN EXERCISE of the powers conferred upon the Governor-in-Council by Section 7 (2) (*b*) of the above Ordinance, His Excellency the Acting Governor-in-Council has been pleased to make the following Rules:—

1. These Rules may be cited as "The Native Labourers Diet Rules, 1921."

2. These Rules shall apply to all fuel camps supplying the Uganda Railway between Samburu and Nairobi any clause in any contract notwithstanding.

3. One item from each of the following 4 Sections must be supplied daily to native labourers in fuel camps.

Section 1, Carbohydrates	Maize flour	18 oz.
	or Matama	do.
	or Mwele	do.
	or Wimbe	do.
	or Kimangari	do.
	or Rice	do.
Plus Section 2, Proteids	Maharagwe	6 oz.
	or Pojo	do.
	or Nbumbu	do.
	or Kunde	do.
	or Mbasi	do.
	or Ground nuts	3 oz.
	or Meat	6 oz.
Plus Section 3, Fats	Sim sim seeds	1 oz.
	or Sim sim oil	2/3 oz.
	or Ghee	2/3 oz.
	or Ground nuts	2 oz.
Plus Section 4, Vitamines	Potatoes	8 oz.
	or Muhogo	do.
	or Bananas	do.
	or Sugar cane	do.

4. In addition to the above rations 2 oz. of salt must be supplied per week and half an ounce of lemon juice daily or half a lemon on four days in each week, the juice of the lemon to be mingled with the food.

By command of His Excellency the Acting Governor-in-Council.

Nairobi,
Dated this 17th day of August, 1921.

H. MALPASS,
Clerk to the Executive Council.

GOVERNMENT NOTICE No. 304. S. 21903.

THE TOWNSHIPS ORDINANCES, 1903-1918.

RULES.

IN EXERCISE of the powers conferred upon him by the Townships Ordinances, 1903-1918, His Excellency the Acting Governor has been pleased to make the following Rules:—

1. These Rules may be cited as "The Kitale Township Rules, 1921."

2. The following Rules shall apply to the Township of Kitale.

(1) Of the Township Rules, 1904, dated 19th May, 1904, the following:—

PERMITS AND LICENCES Nos. 3, 4, 5 and 6.
BUILDINGS. Nos. 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 38, 39, 49, 50, 51 and 52.
STREETS AND ROADS. Nos. 53, 54, 55, 56, 57, 58, 59, 60, 61 and 62.
DANGEROUS OR OFFENSIVE TRADES. No. 73.
STABLES. Nos. 74 to 78.
REMOVAL OF CARCASES. Nos. 79, 80 and 81.
FILTHY PREMISES. Nos. 82 and 83.
LAUNDRIES. Nos. 84, 85 and 86.
HOLES AN EXCAVATIONS. Nos. 88 and 89.
SLAUGHTER HOUSES. Nos. 90 to 96.
BAKERIES. Nos. 97; 98, 99, 100, 101 and 102.
DAIRIES. No. 103.
BUTCHERS. Nos. 107 to 112.
PUBLIC MARKETS. Nos. 126, 127, 128, 129, 130, 131, 132, 133, 135, 141, 143, 144, 145, 146, 147, 148 and 149.
CEMETERIES. Nos. 159 to 163.
CAMPS. Nos. 165, 166 and 171.
STREET NOISES. No. 177.

(2) The Rules dated 23rd August, 1910, applicable to the Townships of Naivasha and Nakuru, as amended by Rules dated 2nd December, 1910, and by "The Naivasha and Nakuru Townships Amendment Rules, 1920."

(3) The Rules relating to Cycles dated 30th June, 1915.

(4) The Townships (Sanitary) Rules, 1917.

By Command of His Excellency the Acting Governor.

Nairobi,
Dated this 18th day of August, 1921.

G. A. S. NORTHCOTE,
Acting Colonial Secretary.

GOVERNMENT NOTICE No. 305.

THE INDIAN POST OFFICE ACT, 1898,

AND

THE POST OFFICE AMENDMENT ORDINANCE, 1919.

RULES

IN EXERCISE of the powers conferred upon the Governor-in-Council by the Indian Post Office Act, 1898, as applied to the Colony and Protectorate, and the Post Office Amendment Ordinance, 1919, and all other powers him thereunto enabling, His Excellency the Acting Governor-in-Council has been pleased to make the following Rules:—

(1) These Rules may be cited as "The Foreign Money Order and Postal Order Rules (No. 4), 1921.

(2) The maximum amount for which a single Foreign Money Order may be drawn is Forty Pounds Sterling, and Florins Four hundred, in the case of Orders expressed otherwise than in Sterling.

(3) No Foreign Sterling Money Order shall contain a fractional part of a penny.

By Command of His Excellency the Acting Governor-in Council.

Nairobi,
The 22nd day of August, 1921.

H. MALPASS,
Clerk to the Executive Council.

GOVERNMENT NOTICE No. 311. S. 21559.

THE NATIVE LIQUOR ORDINANCE, 1921.

NOTICE.

IN EXERCISE of the powers conferred on him by Section 8 (6) of the Native Liquor Ordinance, 1921, His Excellency the Acting Governor-in-Council has been pleased to order that the following fees shall be payable in respect of the following licences issued under that Section:—

	Fls.
A licence to manufacture and to sell wholesale only	30
(If issued after 1st July in any year)	20
A licence to manufacture and sell wholesale and retail native intoxicating liquor	75
(If issued after 1st July in any year)	45
A licence to sell retail native intoxicating liquor	45
(If issued after 1st July in any year) ...	25

By order of His Excellency the Acting Governor-in-Council.

Nairobi,
Dated this 22nd day of August, 1921.

H. MALPASS,
Clerk to the Executive Council.

PROCLAMATION No. 119. S. 21559/3

THE NATIVE LIQUOR ORDINANCE, 1921.

PROCLAMATION.

WHEREAS by Section 3 of the Native Liquor Ordinance, 1921, it is provided that the aforesaid Ordinance may by order of the Governor-in-Council be applied to any area in the Colony and Protectorate.

And whereas it is expedient that the aforesaid Ordinance shall apply to and have effect in the administrative area known as the Nakuru District.

Now therefore, I, Edward Northey, Major-General of His Majesty's Forces, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Most Honourable Order of the Bath, Governor of the Colony of Kenya, having obtained the advice of my Executive Council, do order and proclaim that the aforesaid Ordinance shall apply to and have effect in the administrative area known as the Nakuru District.

Given under my hand at Nairobi this 3rd day of July, 1921.

EDWARD NORTHEY,
Governor and Commander-in-Chief.

GOD SAVE THE KING.

PROCLAMATION No. 120. S. 10629/VII.

CUSTOMS AMENDMENT ORDINANCE, 1915.

PROCLAMATION.

IN EXERCISE of the powers conferred upon me by the Customs Amendment Ordinance, 1915, I, William Kilmister Notley, Companion of the Distinguished Service Order, Acting Governor and Commander-in-Chief of the Colony and Protectorate of Kenya do declare that Schedule C of Proclamation No. 41, published on page 433 of the "Official Gazette," dated 28th April, 1920, be hereby revoked.

Given under my hand at Nairobi this 23rd day of August, 1921.

W. K. NOTLEY,
Acting Governor.

GOD SAVE THE KING.

GOVERNMENT NOTICE No. 322. S. 339

THE NATIVE HUT AND POLL TAX ORDINANCE, 1910.

NOTICE.

UNDER the powers vested in me by Section 12 of the Native Hut and Poll Tax Ordinance, (No. 2 of 1910), I, William Kilmister Notley, Companion of the Distinguished Service Order, Acting Governor of the Colony and Protectorate of Kenya, do hereby order that all persons serving as Prison Warders in the Prisons Service of the Colony and Protectorate shall be exempt from payment of Poll Tax or alternatively of Hut Tax in respect of one hut whilst so serving, and further that after nine years continuous good service any Prison Warder, on the recommendation of the Commissioner of Prisons and with the sanction of the Governor, shall be exempted from paying Hut Tax for one hut for life, or alternatively from paying Poll Tax in respect of himself for life.

Nairobi,
Dated this 23rd day of August, 1921.

W. K. NOTLEY,
Acting Governor.

GOVERNMENT NOTICE No. 328.

THE INDIAN POST OFFICE ACT, 1898 and THE POST OFFICE AMENDMENT ORDINANCE, 1919.

RULES.

IN EXERCISE of the powers conferred upon the Governor-in-Council by the Indian Post Office Act, 1898, as applied to the Colony and Protectorate, and the Post Office Amendment Ordinance 1919, and all other powers him thereunto enabling, His Excellency the Acting Governor-in-Council has been pleased to make the following Rules:—

(1) These Rules may be cited as "The Foreign Parcel Post Rules 1921."

(2) On and after the 1st of September 1921, the rates of postage on parcels from the Colony and Protectorate of Kenya for the United Kingdom shall be as follows:—

	Fls.	Cts.
For parcels not exceeding 3 lbs. ...	1	15
For parcels exceeding 3 lbs. but not exceeding 7 lbs.	2	00
For parcels exceeding 7 lbs. but not exceeding 11 lbs.	2	75

By Command of His Excellency the Acting Governor-in-Council.

Nairobi,
The 31st day of August, 1921.

H. MALPASS,
Clerk to the Executive Council.

GOVERNMENT NOTICE No. 329.

CONFIRMATION OF ORDINANCE.

THE Secretary of State for the Colonies has been pleased to notify that His Majesty's power of disallowance will not be exercised with respect to the undermentioned Ordinance:—

S. 21068/II.

"AN ORDINANCE TO FURTHER AMEND THE INCOME TAX ORDINANCE, 1920."
(No. XXIII OF 1921).

By command of His Excellency the Acting Governor,

Nairobi,
August 26th, 1921.

C. E. SPENCER,
for Ag. Colonial Secretary.

PROCLAMATION No. 124. S. 21955/5.

THE NATIVE LIQUOR ORDINANCE, 1921.

PROCLAMATION.

WHEREAS by Section 3 of the Native Liquor Ordinance, 1921, it is provided that the aforesaid Ordinance may by order of the Governor-in-Council be applied to any area in the Colony and Protectorate.

And whereas it is expedient that the aforesaid Ordinance shall apply to and have effect in the administrative area known as the Mombasa Township.

Now therefore, I, William Kilmister Notley, Companion of the Distinguished Service Order, Acting Governor of the Colony of Kenya, having obtained the advice of my Executive Council do order and proclaim that the aforesaid Ordinance shall apply to and have effect in Mombasa Township.

Given under my hand at Nairobi this 31st day of August, 1921.

W. K. NOTLEY,
Acting Governor and Commander-in-Chief.

GOD SAVE THE KING.

GOVERNMENT NOTICE No. 337. S. 11675.

ORDER-IN-COUNCIL.

At the Court at *Buckingham Palace*, the 27th day of *June*, 1921.

PRESENT,

The KING's Most Excellent Majesty in Council.

WHEREAS by the British Settlements Act, 1887, it is enacted that it shall be lawful for His Majesty the King in Council from time to time to establish all such laws and institutions and constitute such courts and officers and make such provisions and regulations for the proceedings in the said Courts and for the administration of justice as may appear to His Majesty in Council to be necessary for the peace, order and good government of His Majesty's subjects and others within any British Settlement:

And whereas by the Kenya (Annexation) Order in Council, 1920, the territories comprised in the East Africa Protectorate as specified in the East Africa Order in Council, 1902, save and excepting only such territores therein included as form part of the dominions of His Highness the Sultan of Zanzibar were annexed to and now form part of His Majesty's dominions and are known as the Colony of Kenya:

And whereas the said Colony is a British Settlement within the meaning of the said Act:

Now, therefore, His Majesty, by virtue and in exercise of the powers in this behalf by the British Settlements Act, 1887, or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as "The Kenya Colony Order in Council, 1921." The limits of this Order are the territories defined in the Kenya Colony and Protectorate (Boundaries) Order in Council, 1921, as included in the Colony of Kenya. The said territories are in this Order referred to as "the Colony."

2—(1) All rights of His Majesty in or in relation to any Crown lands shall vest in and may be exercised by the Governor for the time being in trust for His Majesty.

(2) The Governor may make grants or leases of any Crown lands or may permit them to be temporarily occupied on such terms and conditions as he may think fit, subject to the provisions of any Ordinance.

(3) "Crown lands" shall mean all public lands in the Colony which are for the time being subject to the control of His Majesty, and all lands which shall have been acquired by His Majesty for the public service or otherwise howsoever and shall include all lands occupied by the native tribes of the Colony and all lands reserved for the use of the members of any native tribe.

3. All Ordinances, Proclamations, Regulations, Rules, or other public notifications shall be published in the Official Gazette of the Colony and Protectorate of Kenya, and also in such other manner, if any, as the Governor may direct in the case of any particular notification.

4. (1) There shall be a Court of Record styled His Majesty's Supreme Court of Kenya (in this Order referred to as "the Surpeme Court") with full jurisdiction, civil and criminal, over all persons and over all matters in the Colony.

(2) Subject to the other provisions of this Order, such civil and criminal jurisdiction shall, so far as circumstances admit, be exercised in conformity with the Civil Procedure and Penal Codes of India and the other Indian Acts which are in force in the Colony at the date of the commencement of this Order and subject thereto and so far as the same shall not extend or apply shall be exercised in conformity with the substance of the common law, the doctrines of equity and the statutes of general application in force in England on the 12th day of August, 1897, and with the powers vested in and according to the procedure and practice observed by and before Courts of Justice and Justices of the Peace in England according to their respective jurisdiction and authorities at that date save in so far as the Civil Procedure and Penal Codes of India and the other Indian Acts in force as aforesaid and the said common law doctrines of equity and the statutes of general application and the said powers, procedure and practice may at any time before the commencement of this Order have been or hereafter may be modified, amended or replaced by other provisions in lieu thereof by or under the authority of any Order of His Majesty in Council, or by any Ordinance or Ordinances for the time being in force in the Colony.

Provided always that the said common law doctrines of equity and the statutes of general application shall be in force in the Colony so far only as the circumstances of the Colony and its inhabitants permit and subject to such qualifications as local circumstances render necessary.

(3) The Supreme Court shall sit at such place or places as the Governor may appoint.

(4) The Supreme Court shall have a Seal bearing the style of the Court and a device approved by His Majesty's Secretary of State; until such seal is provided the seal of the present High Court of East Africa may be used.

5. The Supreme Court shall be a Court of Admiralty and shall exercise admiralty jurisdiction in all matters arising on the high seas or elsewhere or upon any lake or other navigable inland waters or otherwise relating to ships and shipping.

6.—(1) Courts subordinate to the Supreme Court, and Courts of special jurisdiction, may be constituted by or under the provisions of any Ordinance as occasion requires.

(2) Provision may be made by Ordinance for the hearing and determining of appeals from any such Court by the Supreme Court or otherwise.

7. In all cases civil and criminal to which natives are parties, every Court (*a*) shall be guided by native law so far as it is applicable and is not repugnant to justice and morality or inconsistent with any Order in Council or Ordinance, or any regulation or rule made under any Order in Council or Ordinance; and (*b*) shall decide all such cases according to substantial justice without undue regard to technicalities or procedure and without undue delay.

8. If any sentence of death is pronounced by the Supreme Court a copy of the evidence shall be transmitted to the Governor, and the sentence shall not be carried into effect until confirmed by him.

9. Subject to the provisions of any Ordinance, the Supreme Court may, with the approval of the Governor, make rules for regulating the practice and procedure of the Supreme Court and of all other Courts which may be established in the Colony.

The power to make rules under this Article shall include (*a*) a power to fix fees and scales of remuneration, and (*b*) a power to regulate the conditions on which persons may be admitted to practice as advocates or solicitors in the Courts of the Colony.

At the first available opportunity after any such rules are made, the Governor shall transmit an authenticated copy thereof to the Secretary of State.

10.—(1) A court under this Order shall not exercise any jurisdiction in any proceeding whatsoever over the Governor or his official or other residences, or his official or other property.

(2) This Article shall not operate in bar of any proceeding against the Governor in his official capacity where it is sought to establish any liability of the Government of the Colony.

11. On the commencement of this Order the following Orders in Council shall cease to apply to the Colony, that is to say:—

The East Africa Order in Council, 1902.
The East Africa Order in Council, 1903.
The East Africa Order in Council, 1907.
The East Africa Order in Council, 1911.
The East Africa Order in Council, 1912.
The East Africa Order in Council, 1914.
The East Africa Order in Council, 1915.
The East Africa Order in Council, 1919.

Provided as follows:—

(1) Where other provision is not made by Ordinance, any law practice or procedure established by or under the said Orders and all acts of any legislature in India now in force in the Colony shall remain in force until such other provision is made.

(2) Every appointment of a Judge or other officer and every Court established and existing at the commencement of this Order shall, until other provision is made, continue to be as if this Order had not been passed.

(3) All legal proceedings begun under the said Orders and pending at the commencement of this Order shall be continued as if this Order had not been passed.

12. This Order shall commence and have effect as follows:—

(1) As to the making of any warrant or appointment, the framing of Ordinances and Rules of Procedure, the issue of instructions, and as to any other provisions necessary for bringing this Order into effect, immediately from and after the date of this Order.

(2) As to all other matters and provisions comprised and contained in this Order, immediately after this Order is first published in the Official Gazette of the Colony and Protectorate of Kenya, and the time of such publication shall be deemed to be the time of the commencement of this Order.

And the Right Honourable Winston Spencer Churchill, one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

ALMERIC FITZROY.

GOVERNMENT NOTICE No. 338. S. 11675.

ORDER-IN-COUNCIL.

At the Court at *Buckingham Palace*, the 27th day of *June*, 1921.

PRESENT,

The KING's Most Excellent Majesty in Council.

WHEREAS by an Order in Council bearing date the 11th day of August, 1902, and entitled the East Africa Order in Council, 1902, the territories comprised in the East Africa Protectorate were defined:

And whereas by an Order in Council bearing date the 11th day of June, 1920, and entitled the Kenya (Annexation) Order in Council, 1920, the territories comprised in the East Africa Protectorate, save and excepting only such territories therein included as form part of the dominions of His Highness the Sultan of Zanzibar, were annexed to and now form part of His Majesty's dominions and are known as the Colony of Kenya.

And whereas by an Order in Council bearing date the 13th day of August, 1920, and entitled the Kenya Protectorate Order in Council, 1920, it is provided that the territories comprised in the East Africa Protectorate other than those so annexed as aforesaid shall be known as the Protectorate of Kenya:

And whereas it is desirable that the territories referred to in the said Orders in Council shall be more particularly defined:

Now, therefore, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Kenya Colony and Protectorate (Boundaries) Order in Council, 1921.

2. The limits of this Order are the territories comprised in the Colony and Protectorate of Kenya which include the following:—

(1) The territories comprised in the Protectorate of Kenya are bounded on the East by the Indian Ocean, on the North by the northern branch of the Tana River, on the West by a line following the line of coast at a distance of 10 sea miles from high-water mark, and on the South by the Tanganyika Territory. The Protectorate of Kenya includes Kau and Kipini, the Island of Lamu, and the Station of Kismayu with a radius landward of 10 sea miles, and all adjacent islands between the rivers Umba and Tana.

(2) The territories comprised in the Colony of Kenya are bounded on the East by the Protectorate of Kenya and the Indian Ocean, on the North-East by the Juba river and the South-Western boundary of the Italian sphere, on the North by the Abyssinian frontier, on the West by the Uganda Protectorate and Lake Victoria Nyanza and on the South by Tanganyika Territory, and includes all adjacent islands between the Rivers Tana and Juba and in Lake Victoria Nyanza.

3.—(1) The Governor may, with the approval of the Secretary of State by Proclamation, divide the territories within the limits of this Order into Provinces or Districts in such manner and with such sub-divisions as may be convenient for puposes of administration describing the boundaries thereof and assigning the names thereto.

(2) If a question arises whether any place is or is not within any Province or District and such question does not appear to be determined by any such Proclamation or other evidence it shall be referred to the Governor and a certificate under his hand and seal shall be conclusive on the question and judicial notice shall be taken thereof.

And the Right Honourable Winston Spencer Churchill, one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

ALMERIC FITZROY.

GOVERNMENT NOTICE No. 339. S. 19659.

ORDER-IN-COUNCIL.

At the Court at *Buckingham Palace*, the 27th day of *May*, 1921.

PRESENT,

The KING's Most Excellent Majesty in Council.

WHEREAS in pursuance of the powers conferred on Him by the Treaty of Peace (Austria and Bulgaria) Act, 1920, His Majesty in Council was pleased to make the Treaty of Peace (Bulgaria) Order, 1920, and it is expedient that the said Order should be amended in manner hereinafter appearing:

Now, therefore, His Majesty, by and with the advice of His Privy Council, is pleased to order, and it is hereby ordered as follows:—

1. The provisions of the Treaty of Peace (Bulgaria) Order, 1920, set out in the first column of the Schedule to this Order shall be amended in the manner shewn in the second column of that Schedule.

2. This Order may be cited as the Treaty of Peace (Bulgaria) (No. 2) Amendment Order, 1921, and this Order shall be included amongst the Orders which may be cited together as the Treaty of Peace (Bulgaria) Orders, 1920 to 1921.

ALMERIC FITZROY.

(*For Schedule see overleaf*).

SCHEDULE.

Article.	*Nature of Amendment.*
1. (i.)	At the end of paragraph (i.) the following proviso shall be inserted:— "Provided further that where it is alleged that any property, right or interest is not subject to the said charge by reason of its belonging to a person who has acquired *ipso facto* the nationality of an Allied or Associated Power in accordance with the provisions of the Treaty, the Administrator shall be entitled to make such charges as, subject to the consent of the Treasury, he may consider necessary to cover the costs incurred by him in investigating the allegation and in tracing and identifying the said property, right or interest."
1. (ii.)	At the end of sub-paragraph (d) there shall be inserted the words "and to require any person having in his possession any documents of title to any such shares, stock or other securities to deliver the same to him, and an acknowledgment of such delivery signed by him, shall be a sufficient discharge to the person delivering the same."
	After sub-paragraph (*e*) the following sub-paragraph shall be inserted:— "(*ee*) A certificate by the Administrator that any property, right or interest is subject to the charge shall be sufficient evidence of the facts stated in the certificate, and where any such application, requirement or demand of the Administrator as aforesaid is accompanied by such a certificate, the company, municipal authority or other body by whom the securities were issued or are managed, the person in possession of the property transferable by delivery, or the person by whom a sum of money is due, shall comply with the application, requirement or demand, and shall not be liable to any action or other legal proceeding in respect of such compliance, but if it is subsequently proved that the property, right or interest was not subject to the charge, the owner thereof shall be entitled to recover the same from the Administrator, or, if it has been sold, the proceeds of sale, but not to any other remedy."
	In sub-paragraph (*h*), after the words "a Bulgarian national" there shall be inserted the words "or any person who claims that any property, right or interest belonging to him is not subject to the charge by reason of his having acquired *ipso facto* the nationality of an Allied or Associated Power in accordance with the provisions of the Treaty."
1. (xvii.)	For the words "ten months" there shall be substituted the words "eighteen months."

GOVERNMENT NOTICE No. 340. S. 19659.

ORDER-IN-COUNCIL.

At the Court at *Buckingham Palace*, the 27th day of *May*, 1921.

PRESENT,

The KING's Most Excellent Majesty in Council.

WHEREAS in pursuance of the powers conferred on Him by the Treaty of Peace (Austria and Bulgaria) Act, 1920, His Majesty in Council was pleased to make the Treaty of Peace (Austria) Order, 1920, and it is expedient that the said Order should be amended in manner hereinafter appearing:

Now, therefore, His Majesty, by and with the advice of His Privy Council, is pleased to order, and it is hereby ordered as follows:—

1. The provisions of the Treaty of Peace (Austria) Order, 1920, set out in the first column of the Schedule to this Order shall be amended in the manner shown in the second column of that Schedule.

2. This Order may be cited as the Treaty of Peace (Austria) (No. 2) Amendment Order, 1921, and this Order shall be included amongst the Orders which may be cited together as the Treaty of Peace (Austria) Orders, 1920 to 1921.

ALMERIC FITZROY.

SCHEDULE.

Article.	*Nature of Amendment.*
1. (ix.)	At the end of paragraph (ix.) the following proviso shall be inserted:— "Provided further that where it is alleged that any property, right or interest is not subject to the said charge by reason of its belonging to a person who is not a national of the former Austrian Empire within the meaning of this Order, the Administrator shall be entitled to make such charges as, subject to the consent of the Treasury, he may consider necessary to cover the costs incurred by him in investigating the allegation and in tracing and identifying the said property, right or interest."
1. (x).	At the end of sub-paragraph (d) there shall be inserted the words "and to require any person having in his possession any documents of title to any such stock, shares or other securities to deliver the same to him, and an acknowledgment of such delivery signed by him shall be a sufficient discharge to the person delivering the same."
	After sub-paragraph (*e*) the following sub-paragraphs shall be inserted:— "(*ee*) Where the property, right or interest subject to the charge consists of any sum of money due to an Austrian national (not being an enemy

debt within the meaning of Article 248 of the Treaty) it shall be payable to the Administrator, and shall be paid to him on demand, and the Administrator shall have power to enforce the payment thereof, and for that purpose shall have all such rights and powers as if he were the creditor."

"(eee) A certificate by the Administrator that any property, right or interest is subject to the charge shall be sufficient evidence of the facts stated in the certificate, and where any such application, requirement or demand of the Administrator as aforesaid is accompanied by such a certificate, the company, municipal authority or other body by whom the securities were issued or are managed, the person in possession of the property transferable by delivery, or the person by whom a sum of money is due, shall comply with the application requirement or demand, and shall not be liable to any action or other legal proceeding in respect of such compliance, but if it is subsequently proved that the property, right or interest was not subject to the charge, the owner thereof shall be entitled to recover the same from the Administrator, or, if it has been sold, the proceeds of sale, but not to any other remedy."

In sub-paragraph (*g*), after the words "a national of the former Austrian Empire" there shall be inserted the words "or any person who claims that any property, right or interest belonging to him is not subject to the charge by reason of his not being a national of the former Austrian Empire."

1. (xxiv.) For the words "ten months" there shall be substituted the words "eighteen months."

2. After the words "foregoing provisions of this Order" there shall be inserted the words "but not including the schedule therein referred to."

GOVERNMENT NOTICE No. 341. S. 19659.

ORDER-IN-COUNCIL.

At the Court at *Buckingham Palace*, the 27th day of *May*, 1921.

PRESENT,

The KING's Most Excellent Majesty in Council.

WHEREAS in pursuance of the powers conferred on Him by the Treaty of Peace Act, 1919, His Majesty in Council was pleased to make the Treaty of Peace Order, 1919 (hereinafter referred to as "the principal Order"):

And whereas the principal Order was amended by the Treaty of Peace (Amendment) Order, 1920, and the Treaty of Peace (Amendment) (No. 2) Order, 1920; and it is expedient that the principal Order, as so amended, should be further amended in manner hereinafter appearing:

Now, therefore, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1. The principal Order shall have effect, and shall be deemed always to have had effect, as if at the end of paragraph (vii.) of Article one thereof the following words were inserted:—

"and where, under the provisions contained in the said Annex, the creditor has notified an enemy debt as due to him and the debt so notified has been admitted or found due to that creditor under the said provisions, payment by the Clearing Office of the sum credited to it in respect of that debt shall be made only to the creditor by or on whose behalf the debt was so notified, except that in the event of the death, bankruptcy, liquidation, or lunacy of the said creditor, payment by the Clearing Office shall be made to the person entitled by law to stand in his place."

2. In paragraph (xviii.) of Article one of the principal Order, as so amended as aforesaid, for the words "sixteen months" there shall be substituted the words "nineteen months."

3. This Order may be cited as the Treaty of Peace (Amendment) (No. 2) Order, 1921, and this Order shall be included amongst the Orders which may be cited together as the Treaty of Peace Orders, 1919 to 1921.

ALMERIC FITZROY.

GOVERNMENT NOTICE No. 342. S. 19659.

ORDER-IN-COUNCIL.

At the Court of *Buckingham Palace*, the 14th day of *February*, 1921.

PRESENT,

The KING's Most Excellent Majesty in Council.

WHEREAS in pursuance of the powers conferred on Him by the Treaties of Peace (Austria and Bulgaria) Act, 1920, His Majesty in Council was pleased to make the treaty of Peace (Bulgaria) Order, 1920, and it is expedient that the said Order should be amended in manner hereinafter appearing:

Now, therefore, His Majesty, by and with the advice of His Privy Council, is pleased to order, and it is hereby ordered, as follows:—

1. After Paragraph (xx.) of Article one of the Treaty of Peace (Bulgaria) Order, 1920, there shall be inserted the following Paragraph:—

(xx. (*a*)). The Comptroller-General of Patents, Designs and Trade Marks shall have power and shall be deemed to have had power, as from the coming into force of the Treaty, in cases where patents and designs are revived under the provisions of Article 191 of the Treaty, to impose such conditions as he may deem reasonably necessary for the protection of persons who have manufactured or made use of the subject-matter of such patents or designs while the rights had lapsed."

2. This Order may be cited as the Treaty of Peace (Bulgaria) (Amendment) Order, 1921, and the Treaty of Peace (Bulgaria) Order, 1920, and this Order may be cited together as the Treaty of Peace (Bulgaria) Orders, 1920 to 1921.

ALMERIC FITZROY.

GOVERNMENT NOTICE No. 343. S. 19659.

ORDER-IN-COUNCIL.

At the Court of *Buckingham Palace*, the 14th day of *February*, 1921.

PRESENT,

The KING's Most Excellent Majesty in Council.

WHEREAS in pursuance of the powers conferred on Him by the Treaties of Peace (Austria and Bulgaria) Act, 1920, His Majesty in Council was pleased to make the Treaty of Peace (Austria) Order, 1920, and it is expedient that the said Order should be amended in manner hereinafter appearing:—

Now, therefore, His Majesty, by and with the advice of His Privy Council, is pleased to order, and it is hereby ordered, as follows:—

1. After Paragraph (XXVII.) of Article one of the Treaty of Peace (Austria) Order, 1920, there shall be inserted the following Paragraph:—

(XXVII. (*a*)). The Comptroller-General of Patents, Designs and Trade Marks shall have power and shall be deemed to have had power, as from the coming into force of the Treaty, in cases where patents and designs are revived under the provisions of Article 259 of the Treaty, to impose such conditions as he may deem reasonably necessary for the protection of persons who have manufactured or made use of the subject-matter of such patents or designs while the rights had lapsed."

2. This Order may be cited as the Treaty of Peace (Austria) (Amendment) Order, 1921, and the Treaty of Peace (Austria) Order, 1920, and this Order may be cited together as the Treaty of Peace (Austria) Orders, 1920 to 1921.

ALMERIC FITZROY.

GOVERNMENT NOTICE No. 344. S. 19659.

ORDER-IN-COUNCIL.

At the Court of *Buckingham Palace*, the 14th day of *February*, 1921.

PRESENT,

The KING's Most Excellent Majesty in Council.

WHEREAS in pursuance of the powers conferred on Him by the Treaty of Peace Act, 1919, His Majesty in Council was pleased to make the Treaty of Peace Order, 1919 (hereinafter referred to as the "principal Order"):

And whereas the principal Order was amended by the Treaty of Peace (Amendment) Order, 1920, and the Treaty of Peace (Amendment) (No. 2) Order, 1920:

And whereas it is expedient that the principal Order as so amended should be further amended in manner hereinafter appearing:

Now, therefore, His Majesty, by and with the advice of His Privy Council, is pleased to order, and it is hereby ordered, as follows:—

1. After Paragraph (XXI.) of Article one of the principal Order there shall be inserted the following Paragraph:—

"(XXI. (*a*)). The Comptroller-General of Patents, Designs and Trade Marks shall have power and shall be deemed to have had power, as from the coming into force of the Treaty, in cases where patents and designs are revived under the provisions of Article 307 of the Treaty, to impose such conditions as he may deem reasonably necessary for the protection of persons who have manufactured or made use of the subject-matter of such patents or designs while the rights had lapsed."

2. This Order may be cited as the Treaty of Peace (Amendment) Order, 1921, and the principal Order, the Treaty of Peace (Amendment) Order, 1920, the Treaty of Peace (Amendment) (No. 2) Order, 1920, and this Order may be cited together as the Treaty of Peace Orders, 1919 to 1921.

ALMERIC FITZROY.

GOVERNMENT NOTICE No. 346. S. 20218.

THE AERIAL NAVIGATION ORDINANCE, 1920.

ORDER.

IN PURSUANCE of the powers vested in the Governor-in-Council by the Aerial Navigation Ordinance, 1920, it is hereby ordered:—

1. That no flights of Service Aircraft belonging to the Government of any Foreign Power are to be undertaken over the territories comprised in the Colony and Protectorate of Kenya or the territorial waters thereof without the written authority of the Governor of the Colony being first obtained.

2. That no Aircraft other than an aircraft belonging to His Majesty's Government or the Government of a British Possession or belonging to a British company or subject shall carry any explosives or ammunition over the aforesaid territories and waters.

3. That no Service Aircraft belonging to the Government of any Foreign Power shall carry or use any photographic apparatus over the aforesaid territories and waters.

4. For the safety of His Majesty's subjects and to guard against hostile acts on the part of the Native inhabitants the landing of all aircraft is prohibited in the areas known as the Northern Frontier District, the District of Turkana and the Provinces of Jubaland and Tanaland.

The boundaries of the said Districts and Province are set out in the Schedule annexed hereto.

By Order of His Excellency the Acting Governor-in-Council.

Nairobi,
The 3rd day of September, 1921.

H. MALPASS.
Clerk to the Executive Council.

AREA CLOSED TO AERONAUTICS.

Commencing at the summit of the Hill (3660) on Ol Kokwa Island in Lake Baringo, thence bounded by a straight line westerly to the Trigonometrical Beacon Ketingwan on the summit of the Hill Soyamu; thence by a straight line north-westerly

across the Elgeyo Escarpment to the summit of the Hill Kuserua; thence along the escarpment of the Cherangani Hills, by straight lines through the summits with altitudes 10370, 9894 (Kapsete locality) and 8531 (Kibonet); thence by a straight line westerly to the Trigonometrical Beacon Suk on the Hill Kwaisagat; thence by a straight line nort -westerly to the summit of the Hill Gobut; thence by a straight line due north to its intersection with the Swam River on the Kenya-Uganda Boundary; thence by the Swam River down-stream till it becomes the Turkwell and by the latter river down-stream to Lake Rudolf; thence northerly through Lake Rudolf by the Kenya-Uganda Boundary to its intersection with the Anglo-Abyssinian Boundary; thence in a generally easterly direction by the Anglo-Abyssinian Boundary as surveyed by Capt. Maud, C.M.G., R.E., in 1902/3 to its intersection with the Anglo-Italian boundary in the Juba River; thence by the Juba River, which forms the latter boundary down-stream to the sea, including the island of Towata, but excluding the Italian Island of Mombasa; thence south-westerly by the shore of the Indian Ocean to the principal (eastern) mouth of the River Tana, including the islands on the Coast; thence by the Tana River up-stream to its junction with the Ura or Neuda River; thence by that river up-stream to its principal source in the Jombeni Range; thence by a straight line westerly to the summit of the Hill Nyambeni at the south-western end of that range; thence by a straight line northerly to the principal source of the River Ngare Marra; thence by that river down-stream to its junction with the River Engare Uaso Nyiro; thence by that river up-stream to its intersection with the straight line joining the Trigonometrical Beacon Nyandedu on Ol Doinyo Nyiro with that on the northern summit of the Hill Ngelesha (ngelesha North 7371); thence westerly by that line to the latter beacon; thence by straight lines north-westerly to the summit of the Hill Morillo and onward to the point of commencement.

Note:—In the preceding description where a river is mentioned, the centre of its source is to be understood as forming the boundary.

GOVERNMENT NOTICE No. 352. S. 5533.

THE MINING ORDINANCE, 1912.

REGULATIONS.

IN EXERCISE of the powers conferred upon him by the Mining Ordinance, 1912, His Excellency the Acting Governor has been pleased to make the following Regulations:—

1. These Regulations may be cited as "The Mining Amending Regulations (No. 2) 1921," and shall be read as one with "The Mining Regulations, 1912," hereinafter referred to as the "Principal Regulations."

2. Regulations No. 123 and 129 of the Principal Regulations are hereby repealed and the following is substituted therefor:—

123. (1) In every mineral lease or coal and oil lease there shall be reserved a royalty at the rate of 10% of the net profits made by the lessee.

(2) In the event of the lessee incurring a loss on the working of a particular year, such loss may, at the discretion of the Governor, be deducted from the profits of the year immediately following for the purpose of assessing royalty.

(3) Before the 1st day of February in each year a lessee shall submit to the Commissioner of Mines a statement of net profits or loss on the working under his lease during the previous year ending 31st December. Each statement shall be accompanied by:—

(*a*) An affidavit duly sworn before a Magistrate or a Justice of the Peace, or

(*b*) A certificate of audit by a Chartered Accountant practising in the Colony or Protectorate of Kenya, or

(*c*) A certificate of audit by a person previously approved by the Commissioner of Mines or a Warden.

(4) In any case where special circumstances are considered to exist by a lessee, the lessee may represent his case to the Commissioner of Mines who will report to the Governor, and the Governor may at his discretion waive payment of all or any of the royalty due.

(5) Upon demand by the Commissioner of Mines of payment of royalty the lessee shall pay the royalty due immediately notwithstanding any dispute. In the event of a dispute the lessee may represent his case in writing, and the Commissioner of Mines on being satisfied that excess royalty has been paid shall refund the excess paid.

By Command of His Excellency the Acting Governor.

Nairobi,
The 8th day of September, 1921.

G. A. S. NORTHCOTE,
Acting Colonial Secretary.

GOVERNMENT NOTICE No. 353. S. 19298/2.

THE INDIAN POST OFFICE ACT, 1898

AND

THE POST OFFICE AMENDMENT ORDINANCE, 1919.

RULES.

IN EXERCISE of the powers conferred upon the Governor-in-Council by the Indian Post Office Act, 1898, as applied to the Colony and Protectorate and the Post Office Amendment Ordinance 1919, and all other powers him thereunto enabling, His Excellency the Acting Governor-in-Council has been pleased to make the following Rules:—

(1) These Rules may be cited as "The Foreign Parcel Post Rules (No. 2) 1921."

(2) On and after the 15th September 1921 the rates of postage on parcels from the Colony and Protectorate of Kenya for the following places shall be as follows:—

Name of Place	Postage on parcels not exceeding 3 lbs. Fls. Cts.	7 lbs. Fls. Cts.	11 lbs. Fls. Cts.
Algeria	2 15	2 75	3 50
Argentine Republic ...	2 00	3 25	4 40
Ascension	1 65	2 90	4 00
Austria	2 25	2 90	3 75
Azores	2 25	3 25	4 50
Bahamas	1 75	3 25	4 40
Barbadoes	1 50	2 90	4 00
Belgium	1 50	2 50	3 25
Bermuda	1 75	3 25	4 40
Bolivia, via Chile ...	2 25	3 40	4 65
via Argentine	2 40	3 50	4 75

Name of Place	Postage on parcels not exceeding 3 lbs. Fls. Cts.	7 lbs. Fls. Cts.	11 lbs. Fls. Cts.
Brazil	2 40	3 50	4 50
British Guiana ..	1 65	2 90	4 00
British Honduras ...	1 50	2 75	3 90
Bulgaria	1 75	2 75	3 50
Cameroons	1 50	2 65	3 50
Canada	1 75	3 15	4 40
Chile	2 15	3 50	4 65
China (a) (i.) Chinese Offices except (II.) (ii.) Provinces of Yunnan & Kweichow	1 75	2 75	3 75
(b) British Agencies:	2 15	3 40	4 40
(i.) Shanghai ...	1 65	2 75	3 75
(ii.) Other British Agencies	1 65	3 00	4 00
Columbia, except Departments below:—			
Departments of Caldao, Cauca, El Valle & Narino ...	2 40	3 65	4 75
Corsica	2 15	2 75	3 50
Costa Rica... ...	1 75	2 90	3 90
Crete	1 75	2 75	3 50
Cuba	2 75	3 40	4 15
Cyprus	1 65	2 75	3 90
Czecho Slovakia ...	2 15	2 75	3 50
Dahomey and Niger ...	1 50	2 65	3 50
Denmark (Continental, Greenland & Faroe Islands) ...	2 00	2 65	3 40
Dominican Republic ...	2 90	3 50	4 40
Dutch Guiana ...	1 90	3 25	4 50
Ecuador	2 25	3 90	5 25
Falkland Islands ...	1 65	3 00	4 15
Finland	2 90	3 50	4 40
France (Continental including Monaco ...	1 75	2 40	3 15
French Congo ...	2 75	3 40	4 15
French Guiana ...	2 75	3 40	4 15
French Guinea ...	1 50	2 65	3 50
French West Indies:—			
(a) Guadeloupe & Martinique ...	2 65	3 25	4 00
(b) St. Pierre & Miquelon ...	2 00	3 25	4 25
Gambia	1 90	3 15	4 25
Germany ...	1 90	2 50	3 25
Gibraltar	1 50	2 75	3 75
Gold Coast ...	1 90	3 15	4 25
Greece	1 75	2 75	3 50
Grenada	1 65	3 00	4 40
Guatemala	1 90	3 40	4 75
Hayti	2 75	3 40	4 15
Holland	2 00	2 65	3 40
Honduras Republic:—			
(a) Atlantic Side ...	2 00	3 40	4 75
(b) Pacific Side ...	3 25	3 90	4 65
Hungary ...	2 40	3 00	3 75
Iceland	2 25	3 15	4 25
Ivory Coast ...	1 50	2 65	3 50
Jamaica	1 50	2 90	4 00
Leeward Island ...	1 75	3 25	4 40
Liberia	1 90	2 90	3 75
Luxemburg ...	1 75	2 40	3 15
Madeira	1 65	2 75	3 65

Name of Place	Postage on parcels not exceeding 3 lbs. Fls. Cts.	7 lbs. Fls. Cts.	11 lbs. Fls. Cts.
Malta	1 40	2 65	3 50
Mauritania (French West Africa) ...	2 50	3 15	3 90
Mesopotamia ...	1 85	2 40	2 80
Mexico	1 75	3 00	3 90
Morocco (a) British Postal Agencies:			
(i) Tangier ...	1 65	2 90	4 00
(ii) Other British Agencies ...	1 65	3 00	4 25
(iii) Spanish Post Offices ...	2 25	2 90	3 65
Netherlands — West Indies	2 15	3 25	4 40
Newfoundland ...	1 65	3 15	4 25
Nicaragua ...	1 90	3 00	4 00
Nigeria	1 90	3 15	4 25
Norway	1 90	2 75	3 65
Panama (Republic) ...	2 00	3 00	4 00
Paraguay Weight Limited to 7 lbs.) ...	2 25	3 50	—
Peru (all Departments except Loreto ...	2 25	3 65	4 90
Department of Loreto	2 50	3 65	4 65
Portugal ...	2 00	2 65	3 25
Roumania ...	1 65	2 65	3 40
St. Helena	1 65	2 90	4 00
St. Lucia	1 65	3 00	4 40
St. Vincent ...	1 65	3 00	4 40
Salvador ...	1 90	3 00	3 90
Senegal—Upper Senegal & Niger ...	1 50	2 65	3 50
Serbs Croats & Slevenes (formerly Serbia)	2 40	3 00	3 75
Sierra Leone ...	1 90	3 15	4 25
Spain:—			
(a) Continental ...	2 15	2 75	3 50
(b) Balearic Islands	2 25	2 90	3 65
(c) Canary Islands ...	1 75	2 75	3 40
Sweden	2 25	2 90	4 00
Switzerland ...	2 15	2 75	3 50
Togoland, British ...	1 90	3 15	4 25
Togoland, French Zone	1 50	2 65	3 50
Tobago and Trinidad ...	1 50	2 90	4 00
Tunis	2 40	3 00	3 90
Turks & Caicos Islands	1 75	3 25	4 40
Turkey, British Post Offices Constantinople and Smyrna ...	1 40	2 65	3 50
United States of America and Possessions	1 75	3 25	4 40
Uruguay	2 15	3 40	4 40
Venezuela—Ciudad, Bolivar and neighbourhood, Maracaibo and neighbourhood ...	2 75	4 00	5 15

By Command of His Excellency the Acting Governor-in-Council.

Nairobi,

The 13th day of September, 1921.

H. MALPASS,

Clerk to the Executive Council.

GOVERNMENT NOTICE No. 361. S. 11402.

Information has been received from the Secretary of State for the Colonies to the effect that this Order-in-Council will come into operation on 1st October, 1921.

ORDER-IN-COUNCIL.

At the COURT at BUCKINGHAM PALACE, the 14th day of July, 1921.

PRESENT,

The KING's Most Excellent Majesty in Council.

WHEREAS by an Order in Council bearing even date with this Order provision has been made as to the constitution of His Majesty's Court of Appeal for Eastern Africa for the hearing of appeals from the Colony and Protectorate of Kenya, the Uganda Protectorate, the Nyasaland Protectorate, the Zanzibar Protectorate, and the Tanganyika Territory (in this Order referred to as "the said Territories"):

And whereas it is expedient that further provision should be made for regulating appeals from His Majesty's Court of Appeal for Eastern Africa to His Majesty in Council:

It is hereby ordered by the King's Most Excellent Majesty, by virtue and in exercise of all the powers in that be alf in His Majesty vested, and by and with the advice of His Privy Council as follows:

1.—(1) This Order may be cited as the "Eastern African (Appeal to Privy Council) Order in Council 1921."

(2) On the commencement of this Order the Eastern African Protectorates (Appeal to Privy Council) Order in Council 1909, the Eastern African Protectorates (Appeal to Privy Council) Amendment Order in Council 1915, and the Eastern African Protectorates (Appeal to Privy Council) Amendment Order in Council (No. 2) 1915, shall be and the same are hereby revoked and repealed without prejudice to anything lawfully done thereunder.

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

"Appeal" means Appeal to His Majesty in Council.

"His Majesty" includes His Majesty's heirs and successors.

"Judgment" includes decree, order, sentence, or decision.

"Court" means either the Full Court or one or more Judges of His Majesty's Court of Appeal for Eastern Africa according as the matter in question is one which under the Rules and Practice of His Majesty's Court of Appeal for Eastern Africa,, properly appertains to a Full Court or to one or more Judges.

"Record" means the aggregate of papers relating to an Appeal (including the pleadings, proceedings, evidence and judgments) proper to be laid before His Majesty in Council on the hearing of the Appeal.

"Registrar" means the Registrar or other proper Officer having the custody of the Records in the Court appealed from.

"Month" means calendar month.

Words in the singular include the plural, and words in the plural include the singular.

3. Subject to the provisions of this Order, an Appeal shall lie—

(*a*) as of right, from any final judgment of the Court, where the matter in dispute on the Appeal amounts to or is of the value of £650 sterling or upwards, or where the Appeal involves directly or indirectly, some claim or question to or respecting property or some civil right amounting to or of the value of Rs. 10,000 or upwards; and

(*b*) at the discretion of the Court, from any other judgment of the Court, whether final or interlocutory, if, in the opinion of the Court, the question involved in the Appeal is one which, by reason of its great general or public importance or otherwise, ought to be submitted to His Majesty in Council for decision.

4. Where in any action or other proceeding no final judgment can be duly given in consequence of a difference of opinion between the Judges, the final judgment may be entered *pro forma* on the application of any party to such action or other proceeding according to the opinion of the Senior Member of the Court or in his absence of the Member of the Court next in seniority, but such judgment shall only be deemed final for purposes of an appeal therefrom, and not for any other purpose.

5. Applications to the Court for leave to appeal shall be made by motion or petition within 21 days in the case of applications from the Colony or Protectorate of Kenya or the Uganda Protectorate, within three months in the case of applications from the Nyasaland Protectorate, within two months in the case of applications from the Zanzibar Protectorate and within two months in the case of applications from the Tanganyika Territory, from the date of the judgment to be appealed from, and the Applicant shall give the opposite party notice of his intended application.

6. Leave to appeal under Article 3 shall only be granted by the Court in the first instance—

(*a*) upon condition of the Appellant, within a period to be fixed by the Court, but not exceeding three months from the date of the hearing of the application for leave to appeal, entering into good and sufficient security, to the satisfaction of the Court, in a sum not exceeding Rs. 7,500 for the due prosecution of the Appeal, and the payment of all such costs as may become payable to the Respondent in the event of the Appellant not obtaining an order granting him final leave to appeal, or of the Appeal being dismissed for non-prosecution, or of His Majesty in Council ordering the Appellant to pay the Respondent's costs of the Appeal (as the case may be); and

(*b*) upon such other conditions (if any) as to the time or times within which the Appellant shall take the necessary steps for the purpose of procuring the preparation of the Record and the dispatch thereof to England as the Court, having regard to all the circumstances of the case, may think it reasonable to impose.

7. Where the judgment appealed from requires the Appellant to pay money or perform a duty, the

Court shall have power, when granting leave to appeal, either to direct that the said judgment shall be carried into execution or that the execution thereof shall be suspended pending the Appeal, as to the Court shall seem just, and in case the Court shall direct the said judgment to be carried into execution, the person in whose favour it was given shall, before the execution thereof, enter into good and sufficient security, to the satisfaction of the Court, for the due performance of such Order as His Majesty in Council shall think fit to make thereon.

8. The preparation of the Record shall be subject to the supervision of the Court, and the parties may submit any disputed question arising in connection therewith to the decision of the Court, and the Court shall give such directions thereon as the justice of the case may require.

9. The Registrar, as well as the parties and their legal agents, shall endeavour to exclude from the Record all documents (more particularly such as are merely formal) that are not relevant to the subject matter of the Appeal, and, generally, to reduce the bulk of the record as far as practicable, taking special care to avoid the duplication of documents and the unnecessary repetition of headings and other merely formal parts of documents: but the documents omitted to be copied or printed shall be enumerated in a list to be placed after the index or at the end of the Record.

10. Where in the course of the preparation of a Record one party objects to the inclusion of a document on the ground that it is unnecessary or irrelevant and the other party nevertheless insists upon its being included, the Record, as finally printed (whether in any of the said Territories, or in England), shall, with a view to the subsequent adjustment of the costs of and incidental to such document, indicate in the index of papers, or otherwise, the fact that, and the party by whom, the inclusion of the document was objected to.

11. The Record shall be printed in accordance with the Rules set forth in the Schedule hereto. It may be so printed either in any of the said Territories or in England.

12. Where the Record is printed in any of the said Territories the Registrar shall, at the expense of the Appellant, transmit to the Registrar of the Privy Council 40 copies of such Record, one of which copies he shall certify to be correct by signing his name on, or initialling, every eighth page thereof and by affixing thereto the seal of the Court.

13. Where the Record is to be printed in England the Registrar shall, at the expense of the Apellant, transmit to the Registrar of the Privy Council one certified copy of such Record, together with an index of all the papers and exhibits in the case. No other certified copies of the Record shall be transmitted to the Agents in England by or on behalf of the parties to the Appeal.

14. Where part of the Record is printed in any of the said Territories and part is to be printed in England, Articles 12 and 13 shall, as far as practicable, apply to such parts as are printed in the said Territory and such as are to be printed in England respectively.

15. The reasons given by the Judge, or any of the Judges, for or against any judgment pronounced in the course of the proceedings out of which the Appeal arises shall by such Judge or Judges be communicated in writing to the Registrar, and shall by him be transmitted to the Registrar of the Privy Council at the same time when the Record is transmitted.

16. Where there are two or more applications for leave to appeal arising out of the same matter, and the Court is of opinion that it would be for the convenience of the Lords of the Judicial Committee and all parties concerned that the Appeals should be consolidated, the Court may direct the appeals to be consolidated and grant leave to appeal by a single order.

17. An Appellant who has obtained an order granting him conditional leave to appeal may at any time prior to the making of an order granting him final leave to appeal withdraw his Appeal on such terms as to costs and otherwise as the Court may direct.

18. Where an Appellant, having obtained an order granting him conditional leave to appeal, and having complied with the conditions imposed on him by such order, fails thereafter to apply with due diligence to the Court for an order granting him final leave to appeal, the Court may, on an application in that behalf made by the respondent, rescind the order granting conditional leave to appeal, notwithstanding the Appellant's compliance with the conditions imposed by such an order, and may give such directions as to the costs of the Appeal and the security entered into by the Appellant as the Court shall think fit, or make such further or other order in the premises as, in the opinion of the Court, the justice of the case requires.

19. On an application for final leave to appeal, the Court may enquire whether notice or sufficient notice, of the application has been given by the Appellant to all parties concerned, and, if not satisfied as to the notices given, may defer the granting of the final leave to appeal, or may give such other directions in the matter as, in the opinion of the Court, the justice of the case requires.

20. An Appellant who has obtained final leave to appeal shall prosecute his Appeal in accordance with the rules for the time being regulating the general practice and procedure in Appeals to His Majesty in Council.

21. Where an Appellant, having obtained final leave to appeal, desires, prior to the dispatch of the Record to England, to withdraw his appeal, the Court may, upon an application in that behalf made by the Appellant, grant him a certificate to the effect that the Appeal has been withdrawn, and the Appeal shall thereupon be deemed, as from the date of such certificate, to stand dismissed without express Order of His Majesty in Council, and the costs of the Appeal and the security entered into by the Appellant shall be dealt with in such manner as the Court may think fit to direct.

22. Where an Appellant, having obtained final leave to appeal, fails to show due diligence in taking all necessary steps for the purpose of procuring the

dispatch of the Record to Engand, the Respondent may, after giving the Appellant due notice of his intended application, apply to the Court for a certificate that the Appeal has not been effectually prosecuted by the Appellant, and if the Court sees fit to grant such a certificate the Appeal shall be deemed, as from the date of such certificate, to stand dismissed for non-prosecution without express Order of His Majesty in Council, and the costs of the Appeal and the security entered into by the Appellant shall be dealt with in such manner as the Court may think fit to direct.

23. Where at any time between the order granting final leave to appeal and the dispatch of the Record to England, the Record becomes defective by reason of the death, or change of status, of a party to the Appeal, the Court may, notwithstanding the order granting final leave to appeal, on an application in that behalf made by any person interested, grant a certificate showing who, in the opinion of the Court, is the proper person to be substituted or entered on the Record in place of, or in addition to, the party who has died, or undergone a change of status, and the name of such person shall thereupon be deemed to be so substituted or entered on the Record as aforesaid without express Order of His Majesty in Council.

24. Where the Record subsequently to its dispatch to England becomes defective by reason of the death or change of status of a party to the appeal, the Court shall, upon an application in that behalf made by any person interested, cause a certificate to be transmitted to the Registrar of the Privy Council showing who, in the opinion of the Court, is the proper person to be substituted, or entered, on the Record, in place of, or in addition to, the party who has died or undergone a change of status.

25. The case of each party to the Appeal may be printed either in any of the said Territories or in England and shall, in either event, be printed in accordance with the Rules set forth in the Schedule hereto, every tenth line thereof being numbered in the margin, and shall be signed by at least one of the Counsel who attends at the hearing of the Appeal, or by the party himself if he conducts his appeal in person.

26. The Case shall consist of paragraphs numbered consecutively and shall state, as concisely as possible, the circumstances out of which the Appeal arises, the contentions to be urged by the party lodging the same, and the reasons of Appeal. Reference by page and line to the relevant portions of the Record as printed shall, as far as practicable, be printed in the margin, and care shall be taken to avoid, as far as possible, the reprinting in the Case of long extracts from the Record. The taxing officer, in taxing the costs of the Appeal, shall, either of his own motion, or at the instance of the opposite party, inquire into any unnecessary prolixity in the Case, and shall disallow the costs occasioned thereby.

27. Where the Judicial Committee directs a party to bear the costs of an Appeal incurred in any of the said Territories such costs shall be taxed by the proper officer of the Court in accordance with the rules for the time being regulating taxation in the Court.

28. The Court shall conform with, and execute, any Order which His Majesty in Council may think fit to make on an appeal from a judgment of the Court in like manner as any original judgment of the Court should or might have been executed.

29. Nothing in this Order contained shall be deemed to interfere with the right of His Majesty upon the humble Petition of any person aggrieved by any judgment of the Court, to admit his Appeal therefrom upon such conditions as His Majesty in Council shall think fit to impose.

30. This Order shall commence and have effect on such day as may be fixed by notification in the *London Gazette* by one of His Majesty's Principal Secretaries of State.

And the Right Honourable Winston Spencer Churchill, one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

ALMERIC FITZ-ROY.

SCHEDULE.

I. Records and Cases in Appeals to His Majesty in Council shall be printed in the form known as Demy Quarto.

II. The size of the paper used shall be such that the sheet, when folded and trimmed, will be 11 inches in height and 8½ inches in width.

III. The type to be used in the text shall be Pica type, but Long Primer shall be used in printing accounts, tabular matter, and notes.

IV. The number of lines in each page of Pica type shall be 47 or thereabouts, and every tenth line shall be numbered in the margin.

GOVERNMENT NOTICE No. 362. S. 1 402

INFORMATION has been received from the Secretary of State for the Colonies to the effect that this Order-in-Council will come into operation on 1st October, 1921.

ORDER-IN-COUNCIL.

At the COURT at BUCKINGHAM PALACE, the 14th day of July, 1921.

PRESENT.

The KING'S Most Excellent Majesty in Council.

WHEREAS by an Order of His late Majesty King Edward the Seventh in Council, bearing date the 15th day of February, 1909, and entitled the Eastern African Protectorates (Court of Appeal) Order in Council, 1909, a Court, called His Majesty's Court

of Appeal for Eastern Africa, was constituted for the hearing and determining of appeals from His Majesty's Courts in the East Africa, Uganda, and Nyasaland Protectorates.

And whereas by an Order of His Majesty in Council, bearing date the 21st day of January, 1914, and entitled the Eastern African Protectorates (Court of Appeal) Amendment Order in Council, 1914, provision was made for the hearing and determining of appeals from His Britannic Majesty's Court for Zanzibar by His Majesty's said Court of Appeal for Eastern Africa:

And whereas by an Order of His Majesty in Council bearing date the 11th day of June, 1920, and entitled the Kenya (Annexation) Order in Council, 1920, it was provided that certain of the territories formerly comprised in the East Africa Protectorate should be annexed to and form part of His Majesty's Dominions and should be known as the Colony of Kenya:

And whereas by an Order of His Majesty in Council bearing date the 13th day of August, 1920, and entitled the Kenya Protectorate Order in Council, 1920, provision was made for the peace, order and good government of the territories formerly comprised in the East Africa Protectorate other than those annexed and included in the Colony of Kenya as aforesaid, and it was provided that the territories within the limits of the said Order should be known and described as the Protectorate of Kenya:

And whereas by the said last recited Order it was provided that the Courts then or thereafter established in the said Colony should have in respect of matters occurring within the Protectorate, so far as such matters were within the jurisdiction of His Majesty, the same jurisdiction, civil and criminal, original and appellate, as they respectively possessed from time to time in respect of matters occurring within the Colony:

And whereas by an Order of His Majesty in Council bearing date the 27th day of June, 1921, and entitled the Kenya Colony Order in Council, 1921, it is provided that there shall be a Court of Record styled His Majesty's Supreme Court of Kenya, with full jurisdiction, civil and criminal, over all persons and over all matters in the Colony:

And whereas the said Colony is a British Settlement within the meaning of the British Settlements Act, 1887:

And whereas by Treaty, grant, usage, sufferance and other lawful means His Majesty has power and jurisdiction within the Uganda and Nyasaland Protectorates, the Protectorate of Kenya, the Zanzibar Protectorate, and the Tanganyika Territory:

And whereas it is expedient that further provision should be made as to the constitution of His Majesty's Court of Appeal for Eastern Africa:

Now, therefore, His Majesty, by virtue and in exercise of the powers in this behalf by the British Settlements Act, 1887, the Foreign Jurisdiction Act, 1890, or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered as follows:—

1. This Order may be cited as the "Eastern African Court of Appeal Order in Council, 1921," and shall extend to the Colony and Protectorate of Kenya, the Uganda Protectorate, the Nyasaland Protectorate, the Zanzibar Protectorate, and the Tanganyika Territory (in this Order referred to as "the said territories").

2. A Court shall be, and is hereby, constituted, called His Majesty's Court of Appeal for Eastern Africa (in this Order referred to as "The Court of Appeal") which shall be a superior Court of Record and shall, subject to the provisions of this Order, have jurisdiction to hear and determine appeals (including reserved questions of law) from the Courts of the said territories in all causes and matters in which under any law for the time being in force in any of the said territories respectively an appeal lies to the Court of Appeal. The said Court in the exercise of its appellate jurisdiction shall have full power to determine any question and to pass any Decree Judgment or Order the determining or the passing of which may appear necessary to the said Court for the purpose of doing justice in the cause or matter before it.

3. The process of the Court of Appeal shall run throughout the said territories, and any Judgment, Decree, or Order of the Court of Appeal shall have full force and effect in every such territory, and shall be executed and enforced by a Court in such territory in like manner as if it were an original Judgment, Decree, or Order of the Court from which the appeal is brought, and, for all purposes of, and incidental to, the hearing and determination of any appeal within its jurisdiction, the Court of Appeal shall have all the power, authority, and jurisdiction vested in the Court from which the appeal is brought.

4. In the hearing and determining of an appeal from any territory the substantive law to be applied shall be the substantive law in operation in that territory.

5. The Court of Appeal shall have a seal bearing the style of the Court and a device approved by His Majesty's Principal Secretary of State for the Colonies (in this Order referred to as "the Secretary of State") and until such a seal is provided the stamp and seal at present used by His Majesty's Court of Appeal for Eastern Africa may be used instead thereof.

6. The Judges of the Court of Appeal shall be the Judges and Acting Judges for the time being of the Supreme Court of Kenya, the Judges and Acting Judges for the time being of His Majesty's High Courts of the Uganda and Nyasaland Protectorates and the Tanganyika Territory, and the Judge, Assistant Judges and Acting Judges for the time being of His Britannic Majesty's Court for Zanzibar, and such other competent person or persons, if any, each being a member of the Bar of England, Scotland or Ireland, of not less than five years' standing, as the Secretary of State may from time to time appoint.

7. The seniority of the Members of the Court of Appeal shall be determined according to the instructions to be given from time to time by the Secretary of State.

8. For the purpose of the hearing and determining of appeals the Court of Appeal shall be duly constituted if it consists of not less than three Judges, but provision may be made by Rules of Court for the hearing and determining of interlocutory applications and of specified classes of cases by two Judges of the Court of Appeal.

9. A Judge of the Court of Appeal shall not sit as a Judge on the hearing of an appeal from any judgment or order made by himself or made by any Court if he was present and acting as a member of the Court at the time when the decision appealed from was made, or at the argument of the case decided.

10. The Court of Appeal may, in any case in which it appears to be expedient, call in the aid of one or more assessors specially qualified and hear such case wholly or partially with the assistance of such assessors.

The remuneration (if any) to be paid to such assessors shall be determined by the Court.

11. The Court of Appeal may sit at such places in any of the said territories as may be fixed by Rules of Court.

12. The Secretary of State may appoint a Registrar and such other officers of the Court of Appeal as may be necessary.

13. (1) Three Judges of the Court of Appeal, one of whom shall be the President, shall have power to make Rules of Court with respect to all matters of practice and procedure relating to the exercise of its jurisdiction; such power shall include the power to rescind, revoke, amend or vary by Rule of Court any Rules of Court which may from time to time be in force.

(2) Rules of Court shall, after receiving the approval of the Secretary of State for the Colonies, have effect as if contained in this Order; provided that in case of urgency declared in the Rules the same shall take effect before such approval and shall continue to have effect until they have been disallowed, modified or altered by the Secretary of State and such disallowance, modification or alteration has been published by the Court of Appeal.

14. On the commencement of this Order the Eastern African Protectorates (Court of Appeal) Order in Council, 1909, and the Eastern African Protectorates, (Court of Appeal) Amendment Order in Council, 1914, shall be repealed.

Provided as follows:—

(1) In all appeals and proceedings whatsoever which shall have been fully heard by the Court of Appeal established under the said Orders (in this Article referred to as "the former Court") and in which judgment shall not have been given, or having been given shall not have been signed, drawn up or otherwise perfected at the commencement of this Order, any judgment, decree, rule or order may be given or made, signed, drawn up or perfected respectively after the commencement of this Order in the name of the former Court by the Court of Appeal established by this Order, and shall take effect to all intents and purposes as if the same had been duly perfected before the commencement of this Order:

(2) Every judgment, decree, rule, or order of the former Court which shall have been duly perfected at any time before the commencement of this Order may be executed and enforced and, if necessary, amended or discharged by the Court of Appeal in the same manner as if it had been a judgment, decree, rule, or order of the said Court of Appeal.

(3) All appeals, matters and proceedings whatsoever, whether civil or criminal, which shall be pending in the former Court at the commencement of this Order shall be continued and concluded before the Court of Appeal according to the form and manner of procedure of the said Court of Appeal.

(4) All Rules of Court and other provisions made under the said repealed Eastern African Protectorates (Court of Appeal) Order in Council, 1909, shall be and remain in force throughout the said territories until otherwise provided under this Order.

15. This Order shall commence and have effect on such day as may be fixed by notification by the Secretary of State, published in the *London Gazette*.

And the Right Honourable Winston Spencer Churchill, one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

ALMERIC FITZ-ROY.

GOVERNMENT NOTICE No. 363.

CONFIRMATION OF ORDINANCE.

NOTICE.

THE Secretary of State for the Colonies has been pleased to notify that His Majesty's power of disallowance will not be exercised with respect to the undermentioned Ordinance:—

S. 21657/24.

"AN ORDINANCE TO SUPPLY A FURTHER SUM OF MONEY FOR THE SERVICE OF A PERIOD FROM APRIL 1ST, 1921 TO DECEMBER 31ST, 1921."

(No. XXIV OF 1921).

By command of His Excellency the Acting Governor,

Nairobi, September 12th, 1921. G. A. S. NORTHCOTE, *Ag. Colonial Secretary.*

PROCLAMATION No. 136. S. 1621/3.

THE NATIVE HUT AND POLL TAX ORDINANCE, 1910.

PROCLAMATION.

IN EXERCISE of the powers conferred upon the Governor by the Native Hut and Poll Tax Amendment Ordinance, 1915, and the Native Hut and Poll Tax Amendment Ordinance, 1920, I, William Kilmister Notley, Companion of the Distinguished Service Order, Acting Governor of the Colony and Protectorate of Kenya, hereby declare that the schedule to Proclamation No. 86 dated the 24th day of June, 1921, shall be and is hereby amended by the deletion of the figure "8" in the first line of the Schedule thereof and the substitution therefor of the figure "5."

Given under my hand at Nairobi this 23rd day of September, 1921.

W. K. NOTLEY,
Acting Governor.

GOD SAVE THE KING.

PROCLAMATION No. 137. S. 21559/4

THE NATIVE LIQUOR ORDINANCE, 1921.

PROCLAMATION.

WHEREAS by Section 3 of the Native Liquor Ordinance, 1921, it is provided that the Governor-in-Council may by Proclamation apply the aforesaid Ordinance to any area in the Colony and Protectorate where there is any Local Authority at the request of such Local Authority, and where there is no such Authority, at the request of the Administrative Officer in Charge of the area.

And whereas the Resident Commissioner, Nairobi, has requested that the aforesaid Ordinance shall be applied to the District of Nairobi outside the boundaries of the Township of Nairobi.

Now therefore I, William Kilmister Notley, Companion of the Distinguished Service Order, Acting Governor of the Colony and Protectorate of Kenya, having taken the advice of my Executive Council, do order and proclaim that the aforesaid Ordinance shall apply to and have effect in the District of Nairobi outside the boundaries of the Township of Nairobi on and after the first day of October, 1921.

Given under my hand at Nairobi this 27th day of September, 1921.

W. K. NOTLEY,
Acting Governor and Commander-in-Chief.

GOD SAVE THE KING.

GOVERNMENT NOTICE No. 374. S. 2829.

THE TOWNSHIPS ORDINANCE, 1903-1918.

RULES.

IN EXERCISE of the powers conferred upon him by the Townships Ordinances, 1903-1918 and of all other powers him thereunto enabling, His Excellency the Acting Governor has been pleased to make the following rules:—

1. These rules may be cited as "The Eldoret Township (Dustbin, Pail, Closet and Building) Rules, 1921," and shall apply to the Township of Eldoret.

DUSTBINS.

2. Words and expressions in these Rules shall have and bear the same meaning as provided for the same respectively in "The Nairobi Township Rules of 1917" provided always that the expression "nuisance" herein shall include any accumulation or deposit of domestic refuse in breach of these Rules, whether the same shall be detrimental to health or not.

3. The occupier of any building or premises shall on being required to do so provide and maintain to the satisfaction of the Resident Commissioner or Medical Officer of Health a receptacle for ashes and other non-liquid domestic refuse of a sufficient size of a capacity not more in any case than 6 cubic feet, of an approved pattern and fitted with a good and efficient lid. Provided that in the case of any house occupied by more tenants than one, the owner shall be deemed to be the occupier for the purposes of these Rules.

4. The occupier of any building or premises shall daily cause to be placed within the dustbin provided in terms of the foregoing Rules the domestic refuse from the said building or premises in so far as dustbin shall be sufficient to contain the same, and not elsewhere and shall cause such dustbin to be placed and kept in an approved place on the plot or subplot upon which such building or premises stand and shall not cause or suffer the same to be placed or kept elsewhere and shall make and keep such dustbin accessible to the public sweepers during the whole period between 6 a.m. and 2 p.m. on Saturdays and between 6 a.m. and 5 p.m. on other days. For the purposes of this Rule premises not occupied for human habitation shall not be deemed to be occupied on any day in which they are not actually occupied after the hour of 4 p.m.

5. If any nuisance shall exist upon or near any premises, by reason of domestic refuse, the Resident Commissioner, or Medical Officer of Health, or person acting on his behalf shall serve upon the occupier of such premises a notice in writing requiring him to remove the nuisance within such period as may be specified in the notice, and to prevent its recurrence; and if after the expiry of the time specified in such notice as aforesaid such nuisance shall continue, or shall, by the act, default or sufferance of the person upon whom such notice shall have been served, recur, then in either of such cases such person shall be guilty of an offence and shall be punishable in accordance with Rule 13 hereof.

6. If there shall be any accumulation or deposit of any trade refuse upon or near any premises used or occupied by any person or used or occupied by any person for or on behalf of any such person as aforesaid for the purposes of any trade or business whatsoever, which shall, in the opinion of the Medical Officer of Health or his deputy, be or in the opinion of the Medical Officer of Health or his deputy is likely or calculated to be injurious to health, then and in any of such cases the Resident Commissioner or Medical Officer of Health or other person acting on his behalf shall serve upon the person using or occupying the said premises, or upon the person using or occupying the said premises for or on behalf of such person as aforesaid, a notice requiring him or them

to remove the said accumulation or deposit within such period as may be specified in the notice, and to prevent the recurrence of such accumulation or deposit; and, if after the expiry of the time specified in the said notice as aforesaid, such accumulation or deposit shall not be removed or, by the act, default or sufferance of the person so using or occupying the said premises as aforesaid or of the person using or occupying the said premises on his behalf as aforesaid shall recur then in either of such cases, such person shall be deemed to be guilty of an offence against these Regulations and shall be punishable in accordance with Rule 13 hereof.

PAIL CLOSETS.

7. Every owner of a house or building used as a dwelling or otherwise shall on being required to do so provide such house or building with proper and sufficient pail closets and pails to the satisfaction of the Medical Officer of Health. Such pail closets and pails shall be kept in a proper state of repair and any owner who on notice in writing from the Medical Officer of Health shall fail to supply or to repair such pail closets or pails within the period prescribed in the notice shall be guilty of an offence. Provided that an earth closet inside a house or building shall not be deemed to be sufficient compliance with this rule.

8. Where in the opinion of the Medical Officer of Health any private closet, latrine, privy or urinal is, after the publication of these rules, in an insanitary condition, or is so located as to be a nuisance, the owner of the building shall on written notice from the Medical Officer of Health either have the same repaired or reconstructed according to a plan approved by the Medical Officer of Health within the time specified in the said notice, or have the same removed within the time specified in the said notice. If the said owner fails to comply with any of the terms of the said notice he shall be guilty of an offence.

9. Every person causing any house, building or work to be erected, altered or demolished shall, if so required by the Medical Officer of Health, forthwith erect in an approved position and thereafter maintain for such time as workmen are engaged thereon good and sufficient temporary latrine accommodation for such workmen, to the satisfaction of the Medical Officer of Health, and every person who shall cause any such erection, alteration or demolition to be begun without having erected latrine accommodation as aforesaid shall be guilty of an offence.

10. The occupier, or, if there is no occupier, the owner of any premises, who shall permit at any time any escape of nightsoil or urine from any latrine, closet or privy on such premises shall be guilty of an offence.

11. The Medical Officer of Health, Sanitary Inspector or any person duly authorised by such Medical Officer of Health, or Sanitary Inspector in that behalf may enter upon any premises for any purpose connected with the above rules.

BUILDINGS.

12. No building used or to be used in whole or in part as a dwelling shall be erected, added to or altered so that more than one half of the plot on which it stands or is to stand as the case may be shall be built over and no building or erection of any kind whatever shall be so erected, added to or altered upon any plot upon which a building used in whole or in part as a dwelling stands so that more than one half of such plot shall be built over.

Provided that notwithstanding anything contained in this rule any building erected prior to the promulgation of this rule and used in whole or in part as a dwelling and occupying more than one half of the plot on which it stands may be added to or altered provided that such addition or alteration shall not extend beyond the site occupied by such building on the date of the promulgation of these rules.

Where any person shall have erected, added to or altered any building in contravention of this rule the Resident Commissioner may serve a notice upon such person calling upon him to demolish, pull down or alter within a specified time any structure erected or altered in contravention of the terms of this rule.

13. Any person who shall contravene or fail to comply with any of the provisions of, or shall be guilty of an offence against, any of these rules shall be liable on conviction to a fine not exceeding Fls. 200 and in default of payment to imprisonment of either kind for a period not exceeding two months.

14. Any person who shall fail to comply with the requisition of any notice served under Rules 7. 8. 9. 10 and 12 of the above rules within the time specified by such notice shall be guilty of an offence and shall be liable to a fine not exceeding Fls. 15 for every day in which he shall be in default, and in default of payment of such fine to imprisonment of either description for a period not exceeding two months.

By Command of His Excellency the Acting Governor.

Nairobi,
The 30th day of September, 1921.

G. A. S. NORTHCOTE,
Acting Colonial Secretary.

GOVERNMENT NOTICE No. 375. S.13685.

CONFIRMATION OF ORDINANCE.

NOTICE.

THE Secretary of State for the Colonies has been pleased to notify that His Majesty's power of disallowance will not be exercised with respect to the undermentioned Ordinance :—

"AN ORDINANCE TO PROVIDE FOR THE MANUFACTURE, SALE AND USE OF INDUSTRIAL ALCOHOL."

(No. IX OF 1921).

By Command of His Excellency the Acting Governor.

Nairobi,
September 30th, 1921.

G. A. S. NORTHCOTE,
Acting Colonial Secretary.

GOVERNMENT NOTICE No. 380.

CONFIRMATION OF ORDINANCES.

THE Secretary of State for the Colonies has been pleased to notify that His Majesty's power of disallowance will not be exercised with respect to the undermentoned Ordinances:—

S. 21527.

"An Ordinance to Enable Kenya Government Loans to be Treated in the United Kingdom as Trustee Securities."

(No. XVI. of 1921).

S. 21527.

"An Ordinance to Declare the Terms and Conditions applicable to Loans Authorised to be Raised by the Government of the Colony of Kenya and to Provide for the Creation of Inscribed Stock."

(No. XVII of 1921).

By Command of His Excellency the Governor.

Nairobi,
Dated the 8th day of October, 1921.

W. K. NOTLEY,
Acting Colonial Secretary.

GENERAL NOTICE No. 1130. S. 35/32/8.

MUNICIPAL CORPORATIONS ORDINANCE, 1909.

BYE-LAWS.

IN EXERCISE of the powers conferred upon them by the Municipal Corporations Ordinance, 1909, the Municipal Council of Nairobi, with the approval of His Excellency the Governor have made the following bye-laws:—

1. These Bye-laws may be cited as "Nairobi Township (Fire Brigade) Bye-laws, 1921," and shall be read together with Nairobi Township Rules of 1917 (hereafter called "The Principal Bye-laws").

2. There shall be established a Fire Brigade in Nairobi, for the prevention and extinction of fires in the township, under the control of the Municipal Council who shall have power to delegate their authority under these Rules to any Committee of their own members duly appointed by them.

3. The Brigade shall consist of an establishment of 3 Officers, viz: Firemaster, Deputy Firemaster and Foreman, who shall bear authority in the order stated, and such number of Firemen as the Municipal Council may from time to time determine. The Municipal Council shall fix the order of seniority of the Firemen and shall also have power to make all appointments of Officers and Firemen. During the absence or temporary promotion of any officer the next member of the Brigade in seniority shall act in his stead and while so acting shall be invested with his authority.

4. (1) Every member of the Fire Brigade shall be required on admission to sign an undertaking before the Town Clerk in the form set forth in the Schedule hereto.

(2) Any member of the Fire Brigade who shall without reasonable and sufficient cause, fail to make appearance and serve with the Fire Brigade when summoned to do so, shall be liable to a fine not exceeding seventy-five florins.

5. The Municipal Council shall have power in their absolute discretion, at any time and without previous notice, to suspend or terminate the membership of any member of this Brigade, who shall thereupon return all articles of equipment belonging to the Municipal Council under his charge; and any member shall have power to terminate his membership on giving 15 clear days' notice in writing to the Town Clerk and on returning all such articles, and also (but only if less than 8 months of the current year shall have run at the date of such termination) repaying his retaining fee for the current year as after mentioned.

6. The Municipal Council shall provide each member of the Fire Brigade with such articles of equipment as they shall consider necessary, all of which shall be kept in good condition and produced on every occasion of a summons to a fire, as also for inspection on every occasion when ordered by the Firemaster, and shall remain the property of the Municipal Council.

7. No member shall wear or use any of the said articles except upon duty unless with the consent of the Firemaster; and no member shall lend or otherwise part with possession of such articles except under order of the Firemaster.

8. The Fire Brigade, or European Police Officer in the absence of the Firemaster, may enter and break into any premises in the township being or appearing to be on fire, or any premises or lands adjoining or near thereto, without any consent, and may do all such acts or things as they may deem necessary for extinguishing fire in any such premises or for protecting the same or rescuing any person or property therein from fire.

9. The senior member of the Fire Brigade present at any fire shall have the sole charge and control of all operations for the extinction of such fire.

10. Neither the Municipal Council nor any of the members of the Fire Brigade shall be liable to the public for any act or thing done or omitted to be done in exercise of the powers hereinbefore conferred.

11. The Municipal Council shall appoint a member of the Fire Brigade to reside at the Fire Station and shall provide such member with a suitable staff of boys and also with a list of the names and addresses of the members of the Brigade. Such member shall on every occasion when an alarm of fire is communicated to the Fire Station except when such alarm is communicated during official business hours, cause all carts and appliances kept at the Fire Station to be immediately manned and sent forth to the point from which such alarm proceeded and a summons to be issued with all possible despatch to the residence of every member of the Brigade, specifying the said point: and shall also keep the Fire Station at all times accessible in order that alarms of fire communicated during official business hours may be dealt with by the staff at the Municipal Offices.

12. Every member of the Fire Brigade on receiving a summons as aforesaid shall proceed with all possible speed to the point specified therein, wearing or carrying with him all articles of equipment with which he shall have been provided: and shall thereafter be subject to and obey all orders of the senior member of the Fire Brigade present until dismissed by him.

13. The Firemaster shall appoint such meetings of the Brigade for drill as he may consider necessary, being not less than 12 in each year: and any member who being duly notified shall absent himself from more than 2 drills in any year without the consent of the Firemaster or without reasonable excuse shall be liable to a fine not exceeding seventy-five florins.

14. The Municipal Council shall pay to each member of the Fire Brigade including the Firemaster a retaining fee of fifteen florins on appointment and thereafter on the first day of January in each year: and shall also pay to each member, including the Firemaster such fee as they may from time to time prescribe for each fire attended.

15. The Council may recover the expenses incurred by them in respect of water at any fire from

the owners or occupiers of any building or buildings which were on fire, or, in the opinion of the Fire-master were endangered by the fire; and such owners or occupiers shall be jointly and severally liable for such expenses. The amount payable in respect of each building shall be determined by the Fire-master and his certificate in regard thereto shall be final and binding upon all parties interested.

16. Rule 554 of the Principal Byelaws is hereby repealed.

Municipal Offices, Nairobi,
September 1st, 1921.

J. A. WATSON,
Town Clerk.

SCHEDULE.

I.....do hereby undertake that I will make appearance with all possible despatch at any place in the Township of Nairobi on every occasion when summoned to do so on an alarm of fire by any person duly authorised by the Municipal Council of Nairobi to summon members of the Fire Brigade.

.....

Witness.

.....

Town Clerk.

GOVERNMENT NOTICE No. 388.

CONFIRMATION OF ORDINANCE.

NOTICE.

THE Secretary of State for the Colonies has been pleased to notify that His Majesty's power of disallowance will not be exercised with respect to the undermentioned Ordinance:—

S. 5269/2.

"THE CUSTOMS TARIFF (AMENDMENT) ORDINANCE (No. 2), 1921."
(No. II OF 1921).

By command of His Excellency the Governor,

Nairobi, G. A. S. NORTHCOTE,
October 11th, 1921. *for Ag. Colonial Secretary.*

GENERAL NOTICE No. 1157.

THE
MUNICIPAL CORPORATIONS ORDINANCE, 1909.

BYE-LAWS.

IN EXERCISE of the powers conferred upon them by the Municipal Corporations Ordinance, 1909, the Municipal Council of Nairobi with the approval of His Excellency the Governor have made the following Bye-laws:—

1. These Bye-laws may be cited as "Nairobi (Water) Bye-laws 1921" and shall be read as one with the Nairobi Township Rules of 1917.

2. No person shall allow waste, misuse or undue consumption of the town water supply, or wilfully or negligently suffer any pipe or apparatus to be out of repair and wasting or likely to waste water.

3. The Corporation will not be subject to any liability for failure of the water supply however caused.

4. The Corporation may at any time by public advertisement prohibit the use of the town water supply for the irrigation of gardens by running the water into irrigation channels: and any person contravening such prohibition shall be guilty of an offence.

Municipal Offices,
Nairobi,
October 5th, 1921.

J. A. WATSON,
Town Clerk.

GENERAL NOTICE No. 1158

THE MUNICIPAL CORPORATIONS ORDINANCE, 1909.

BYE-LAWS.

IN EXERCISE of the powers conferred upon them by the Municipal Corporations Ordinance, 1909, the Municipal Council of Nairobi with the approval of His Excellency the Governor have made the following Bye-laws:—

1. These Bye-laws may be cited as "Nairobi (Licensing of Hawkers) Amendment Bye-laws 1921" and shall be read as one with Nairobi Township Rules of 1917 (hereafter called "the Principal Bye-laws").

2. Bye-law No. 315 of the Principal Bye-laws is hereby repealed and replaced as follows:—

"315. (1) No person shall hawk any meat whether fresh or cooked, or any fresh foods other than vegetables or fruit; and no person shall hawk any goods without being licensed by the Town Clerk.

(2) Offences against this Bye-law shall be cognisable by the Police."

3. Bye-law No. 316 of the Principal Bye-laws is hereby repealed and replaced as follows:—

"316. The following fees shall be paid to the Town Clerk for licences under this section:—

"(*a*) For a licence to a person to hawk any farm produce of his own raising or growing (other than meat and milk)

No charge.

"(*b*) For a licence to a person to hawk any farm produce (other than meat and milk)

Per month Fls. 5/-

"(*c*) For a general hawker's licence

Per month Fls. 10/-"

Municipal Offices,
Nairobi, J. A. WATSON,
October 5th, 1921. *Town Clerk.*

GOVERNMENT NOTICE No. 390.

ORDER-IN-COUNCIL.

At the Court at *Buckingham Palace*, the 10th day of August, 1921.

PRESENT.

The KING'S Most Excellent Majesty in Council.

WHEREAS at Trianon on the fourth day of June, nineteen hundred and twenty, a Treaty of Peace (hereinafter referred to as "The Treaty") was signed on behalf of His Majesty:

And whereas by the Treaty of Peace (Hungary) Act, 1921, it was provided that His Majesty might make such appointments, establish such offices, make such Orders in Council and do such things as appeared to him to be necessary for carrying out the Treaty, and for giving effect to any of the provisions of the Treaty, and that any Order in Council made under that Act might provide for the imposition by summary process or otherwise of penalties in respect of breaches of the provisions thereof:

And whereas the Treaty contained the Sections set out in the Schedule to this Order, and it is expedient that for giving effect thereto the provisions hereinafter contained should have effect:

And whereas by Treaty, grant, usage, sufferance or other lawful means His Majesty has power and jurisdiction in British Protectorates, and is pleased by virtue and in exercise of the powers vested in Him by the Foreign Jurisdiction Act, 1890, or otherwise to extend the provisions of this Order to such Protectorates:

Now, therefore, His Majesty, by and with the advice of His Privy Council, is pleased to order, and it is hereby ordered, as follows:—

1. The Sections of the Treaty set out in the Schedule to this Order shall have full force and effect as law, and for the purpose of carrying out the said Sections the following provisions shall have effect:—

(i) There shall be established in the United Kingdom a Clearing Office under the control and management of such person (hereinafter referred to as the Administrator) as the Board of Trade may appoint for the purpose.

In the event of a local office being established in any part of His Majesty's Dominions or in any Protectorate the provisions relating to the Clearing Office hereinafter contained shall apply thereto for the purpose of the functions authorised to be performed by a local clearing office under paragraph 1 of the Annex to Section III. of Part X. of the Treaty.

(ii) It shall not be lawful for any person to pay or accept payment of any enemy debt except in cases where recovery thereof in a court of law is allowed as hereinafter provided, otherwise than through or by leave of the Clearing Office (which leave may be granted subject to such conditions including conditions as to the payment of fees, as the Clearing Office may think fit to impose), and no person interested in any such debt as debtor or creditor shall have any communications with any other person interested therein as creditor or debtor except through or by leave of the Clearing Office, and if any person contravenes this provision he shall be guilty of an offence and liable to be proceeded against and punished as if he had been guilty of the offence of trading with the enemy, and section one of the Trading with the Enemy Act, 1914, shall apply accordingly.

(iii) It shall not be lawful for any person to take proceedings in any court for the recovery of any enemy debt except in the circumstances provided under paragraphs 16, 23 and 25 of the Annex to the said Section III.

(iv) The Clearing Office shall have power to enforce the payment of any enemy debt against the person by whom the debt is due, together with such interest as is payable under paragraph 22 of the Annex to the said Section III., and for that purpose shall have all such rights and powers as if they were the creditor; and if the debt has been admitted by the debtor or the debt or amount thereof has been found by arbitration or by the Mixed Arbitral Tribunal or by a court of law in the manner provided by paragraph 16 of the Annex to the said Section III., the Clearing Office may certify the amount so admitted or found due together with such interest as aforesaid, and on production to the proper officer of the Supreme Court of the part of His Majesty's Dominions or the Protectorate in which the debtor resides of such certificate, the certificate shall be registered by that officer and shall from the date of such registration be of the same force and effect, and all proceedings may be taken thereon, as if the certificate were a judgment obtained in that court for the recovery of a debt of the amount specified in the certificate and entered upon the date of such registration, and all reasonable costs and charges attendant upon the registration of such certificate shall be recoverable in like manner as if they were part of such judgment.

(v) It shall be lawful for the Clearing Office to recover from any person by whom a fine is payable under paragraph 10 of the Annex to the said Section III. the amount of such fine.

(vi) If any creditor refuses or fails to give such notice or to furnish such documents or information as are mentioned in paragraph 5 of the Annex to the said Section III. he shall, on summary conviction, be liable to a fine not exceeding ten pounds.

(vii) If any person collusively gives notice of or admits any debt which is not due or furnishes any false information with respect to any debt, he shall, on summary conviction, be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such imprisonment and fine.

(viii) If His Majesty so agrees with any of the other Allied or Associated Powers, the provisions of this Order, so far as they relate to enemy debts, shall apply to debts due to or from the nationals of that Power resident in any part of His Majesty's Dominions or Protectorates in like manner as they apply to debts due to or from British nationals so resident.

(ix) All property, rights and interests within His Majesty's Dominions or Protectorates belonging to nationals of the former Kingdom of Hungary at the date when the Treaty came into force (not being property rights or interests acquired

under any general licence issued by or on behalf of His Majesty), and the net proceeds of their sale, liquidation or other dealings therewith, are hereby charged—

(*a*) in the first place, with payment of the amounts due in respect of claims by British nationals (other than British nationals ordinarily resident in the self-governing Dominions, India and Egypt) with regard to their property rights and interests (including companies and associations in which they are interested) in the territories of the former Kingdom of Hungary, or debts owing to them by Hungarian nationals, and with payment of any compensation awarded by the Mixed Arbitral Tribunal, or by an arbitrator appointed by that Tribunal in pursuance of paragraph (*e*) of Article 232 of the Treaty, and with payment of claims growing out of acts committed by the former Austro-Hungarian Government or by any Hungarian authorities since the twenty-eighth day of July, and before the twelfth day of August, nineteen hundred and fourteen; and

(*b*) secondly, with payment of the amounts due in respect of claims by British nationals (other than British nationals ordinarily resident in the self-governing Dominions, India and Egypt) with regard to their property, rights and interests in the territories of Germany, Austria, Bulgaria and Turkey, in so far as those claims are not otherwise satisfied:

Provided that any particular property, rights or interests so charged may at any time be released by the Administrator, acting under the general direction of the Board of Trade, from the charge so created.

Provided further that where it is alleged that any property, right or interest is not subject to the said charge by reason of its belonging to a person who is not a national of the former Kingdom of Hungary within the meaning of this Order, the Administrator shall be entitled to make such charges as, subject to the consent of the Treasury, he may consider necessary to cover the costs incurred by him in investigating the allegation and in tracing and identifying the said property, right or interest.

(x) With a view to making effective and enforcing such charge as aforesaid—

(*a*) The Administrator shall have such powers and duties as are hereinafter provided;

(*b*) no person shall, without the consent of the Administrator, acting under the general direction of the Board of Trade, transfer, part with or otherwise deal in any property, right or interest subject to the charge, and if he does so he shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such imprisonment and fine;

(*c*) every person owning or having the control or management of any property, right or interest, subject to the charge (including where the property, right or interest consists of shares, stocks or other securities issued by a company, municipal authority or other body, or any right or interest therein of such company, authority or body) shall, unless particulars thereof have already been furnished to the Custodian in accordance with the Trading with the Enemy Acts, 1914 to 1918, within one month from the date of the making of this Order by notice in writing communicate the fact to the Administrator and shall furnish the Administrator with such particulars in relation thereto as the Administrator may require, and if any person fails to do so or furnishes any false information he shall on summary conviction be liable to a fine not exceeding one hundred pounds;

(*d*) where the property charged consists of inscribed or registered stock, shares or other securities, any company, municipal authority or other body by whom the securities were issued or are managed shall on application being made by the Administrator, notwithstanding any regulation or stipulation of the company or other body, and notwithstanding that the Administrator is not in possession of the certificate, scrip or other document of title relating to the shares, stock, or securities to which the application relates, enter the Administrator in the books in which the securities are inscribed or registered as the proprietor of the securities subject to the charge, and the Administrator shall have power to sell or otherwise deal with the securities as proprietor of which he is so registered or inscribed, and to require any person having in his possession any documents of title to any such stock, shares or other securities to deliver the same to him, and an acknowledgment of such delivery signed by him shall be a sufficient discharge to the person delivering the same;

(*e*) where the property charged consists of property transferable on delivery, any person having the possession, control, or management of the property shall, on being so required by the Administrator deliver the property to him, and the Administrator shall have power to sell or otherwise deal with the property so delivered to him;

(*f*) where the property, right or interest subject to the charge consists of any sum of money due to a Hungarian national (not being an enemy debt within the meaning of Article 231 of the Treaty) it shall be payable to the Administrator, and shall be paid to him on demand, and the Administrator shall have power to enforce the payment thereof, and for that purpose shall have all such rights and powers as if he were the creditor;

(*g*) a certificate by the Administrator that any property, right or interest is subject to the charge shall be sufficient evidence of the facts stated in the certificate, and where any such application, requirement or demand of the Administrator as aforesaid is accompanied by such a certificate, the company, municipal authority or other body by whom the securities were issued or are managed, the person in possession of the property transferable by delivery, or the person by whom a sum of money is due, shall comply with the application, requirement or demand, and shall not be liable to any action or other legal proceeding in respect of such compliance, but if it is subsequently proved that the property, right or interest was not subject to the charge, the owner thereof shall be entitled to recover the same from the Administrator, or, if it has been sold, the proceeds of sale, but not to any other remedy;

(*h*) the Board of Trade may by order vest in the Administrator any property, right or interest subject to the charge, or the right to transfer the same, and for that purpsoe sub-sections (1) to (4) of section four of the Trading with the Enemy (Amendment) Act, 1916, shall apply as if property, rights and interests subject to the charge were property belonging to an enemy or enemy subject, and as if for references to the Custodian therein there were substituted references to the Administrator;

(*i*) the court may on the application of the Administrator require any person known or suspected to have in his possession or under his control any property, right or interest subject to the charge, including any person known or suspected to owe a debt to a national of the former Kingdom of Hungary, or any person who claims that any property, right or interest belonging to him is not subject to the charge by reason of his not being a national of the former Kingdom of Hungary within the meaning of this Order or any person whom the court may consider capable of giving information with respect to the same, subject to payment or tender of reasonable expenses of his attendance, to attend as a witness and to give evidence or to produce documents before the court or before such officer as the court may appoint for the purpose of examining into the matter, who shall have power to take evidence and administer oaths, and if any person fails without reasonable excuse to comply with any of the provisions of the order or wilfully gives false evidence he shall on summary conviction be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such imprisonment and fine.

For the purposes of this paragraph "the court" means the High Court or a judge thereof or a county court or in Scotland the Court of Session or a sheriff court.

(*j*) if any person called upon to pay any money or to transfer or otherwise to deal with any property, rights or interests has reason to suspect that the same are subject to such charge as aforesaid he shall before paying, transferring or dealing with the same report the matter to the Administrator and shall comply with any directions that the Administrator may give with respect thereto.

(xi) There shall be paid to the Administrator such surplus proceeds of property, rights and interests charged under Section 1 (xvi) of the Treaty of Peace Order, 1919, as may be allocated in accordance with Article 1 (xvi) (*b*) of that Order to the payment of amounts due in respect of claims by British nationals with regard to their property, rights and interests in the territories of the former Austrian Empire.

(xii) The Administrator shall, as respects property vested in or transferred to him under this Order, have all the rights and powers conferred upon or exercisable, as respects property vested in him, by a trustee in bankruptcy, whether with or without the permission of a committee of inspection or the leave of the court.

(xiii) The Administrator shall apply the sums received by him in satisfaction of the claims, debts and compensation mentioned in sub-section (ix) of this article.

(xiv) The Clearing Office and the Administrator may, subject to the approval of the President of the Board of Trade, from time to time make, revoke or vary general rules and may by such rules prescribe forms for carrying into effect the provisions of this Order, and prescribe the time (not being less than six months after the coming into force of the Treaty) within which proofs of claims in order to rank must be made and the manner of making and proving the same.

(xv) There shall be attached to the Clearing Office, and the Administrator shall be assisted by such officers and servants as the Board of Trade, subject to the consent of the Treasury may determine, and there shall be paid to the Administrator and to such officers and servants such salaries or other remuneration as the Treasury may determine.

(xvi) The Clearing Office, out of the money collected by them, and the Administrator, out of the property, rights, interests or proceeds thereof vested in or collected or received by him under this Order, shall retain such sums as, subject to the consent of the Treasury, the Clearing Office or Administrator may consider necessary to cover risks, expenses and commissions.

(xvii) Proceedings by and on behalf of the Clearing Office and proceedings by the Administrator may be taken by and in the name of the Administrator, who may by the name of the Administrator of Hungarian Property sue and be sued, and costs may be awarded to or against the Administrator.

(xviii) Every document purporting to be an order or other instrument issued by the Clearing Office and to be signed by the Administrator or by the Secretary of the Clearing Office or by any other person authorised by the Administrator, and every document purporting to be an order or other instrument issued by the Administrator and to be signed by him or by any other person authorised by him shall be received in evidence and shall be deemed to be such order or instrument without further proof unless the contrary is shown, and in any proceeding by the Clearing Office or by the Administrator to recover a debt or fine, a report purporting to be signed by the Administrator or any other person authorised by him shall be evidence of the facts therein stated.

(xix) A certificate signed by the Administrator that an order or other instrument purporting to be made or issued by the Clearing Office or by the Administrator is so made or issued shall be conclusive evidence of the facts so certified.

(xx) The Documentary Evidence Act, 1868, as amended by any subsequent enactment, shall apply to the Clearing Office and to the Administrator in like manner as if they were respectively mentioned in the first column of the First Schedule to that Act, and as if the Administrator or any person authorised by him to act on his behalf were in relation both to the Clearing Office and the Administrator mentioned in the second column of that Schedule, and as if the regulations referred to in that Act included any documents issued by or on behalf of the Clearing Office or the Administrator.

(xxi) All decisions of the Mixed Arbitral Tribunal, constituted under Section VI. of Part X. of the Treaty, if within the jurisdiction of that tribunal, shall be final and conclusive and binding on all courts.

(xxii) The Administrator may undertake on behalf of a British national the presentation to and conduct before the Mixed Arbitral Tribunal of any claim, difference or dispute referable to the Tribunal under the provisions of Sections IV., V. and VII. of Part X. of the Treaty, and may make regulations with the consent of the Treasury in respect of the fees to be charged in respect of such services.

(xxiii) For the purpose of enforcing the attendance of witnesses before the Mixed Arbitral Tribunal, wherever sitting, whether within or without His Majesty's Dominions, and compelling the production before the Tribunal of documents, a Secretary of State shall have power to issue orders which shall have the like effect as if the proceedings before the Tribunal were an action in a court and the order were a formal process issued by that court in the due exercise of its jurisdiction, and shall be enforceable by that court accordingly, and disobedience to any such order shall be punishable as contempt of court.

(xxiv) The time at which the period of prescription or limitation of right of action referred to in Article 235 of the Treaty shall begin again to run shall be at the expiration of six months after the coming into force of the Treaty, and the period to be allowed within which presentation of negotiable instruments for acceptance or payment and notice of non-acceptance or non-payment or protest may be made under Article 236 shall be ten months from the coming into force of the Treaty.

(xxv) Rules made during the war by any recognised Exchange or Commercial Association providing for the closure of contracts entered into before the war by any enemy and any action taken thereunder are hereby confirmed subject to the provisoes contained in paragraph 4 (*a*) of the Annex to Section V. of Part X. of the Treaty.

(xxvi) There shall be imposed on rights of industrial, literary or artistic property (with the exception of trade marks) acquired before or during the war, or which may be acquired hereafter, by or on behalf of Hungarian nationals, such limitations, conditions or restrictions as the Board of Trade may prescribe for the purpose, in the manner, in the circumstances, and subject to the limitations, contained in Article 241 of the Treaty, and any transfer in whole or in part or other dealing with any rights so acquired as aforesaid effected since the twenty-eight day of July, nineteen hundred and fourteen, shall if and so far as it is inconsistent with any limitations, conditions or restrictions so imposed be void and of no effect.

(xxvii) Articles 242 and 243 of the Treaty shall not be deemed to confer rights within His Majesty's Dominions on the nationals of any High Contracting Party other than Hungarian nationals, and so far as may be necessary for the purpose of Article 242 of the Treaty, the Patents, Designs and Trade Marks (Temporary Rules) Act, 1914, (except paragraph (*b*) of Section 1 of the Patents, Designs and Trade Marks, (Temporary Rules) (Amendment) Act, 1914) shall in relation to Hungarian nationals continue in force, and shall be deemed as from the date when the Treaty came into force to have continued in force, as if references therein to subjects of a State at war with His Majesty included references to Hungarian nationals.

(xxviii) The Comptroller-General of Patents, Designs and Trade Marks shall have power and shall be deemed to have had power, as from the coming into force of the Treaty in cases where patents and designs are revived under the provisions of Article 242 of the Treaty, to impose such conditions as he may deem reasonably necessary for the protection of persons who have manufactured or made use of the subject matter of such patents or designs while the rights had lapsed.

(xxix) The duly qualified tribunal for the purposes of Article 245 of the Treaty shall be the Comptroller-General of Patents, Designs and Trade Marks.

2. For the purposes of the foregoing provisions of this Order, but not including the Schedule therein referred to:—

The expression "enemy debt" has the meaning assigned to it by paragraph 2 of the Annex to Section III. of Part X. of the Treaty, and includes any sum which under the Treaty is to be treated or dealt with in like manner as an enemy debt.

The expression "nationals" in relation to any State includes the Sovereign or former Sovereign and the subjects or citizens of that State and any company or corporation incorporated therein according to the law of that State and in the case of a Protectorate the natives thereof.

The expression "nationals of the former Kingdom of Hungary" does not include persons who, within six months of the coming into force of the Treaty show to the satisfaction of the Administrator that they have acquired *ipso facto* in accordance with its provisions the nationality of an Allied or Associated power, including those who under Article 62 of the Treaty obtained such nationality with the consent of the competent authorities, or who acquired such nationality by virtue of previous rights of citizenship.

The Interpretation Act, 1889, applies for the interpretation of this Order in like manner as it applies for the interpretation of an Act of Parliament, and as if this Order were an Act of Parliament.

3. This Order shall apply to the whole of His Majesty's Dominions and Protectorates, except India and Egypt and the self-governing Dominions, that is to say, the Dominion of Canada, the Commonwealth of Australia (which for this purpose shall be deemed to include Papua and Norfolk Island), the Union of South Africa, the Dominion of New Zealand and Newfoundland, but in its application to the parts of His Majesty's Dominions outside the United Kingdom and to British Protectorates shall be subject to such modifications as may be made by the legislatures of those parts or those Protectorates for adapting to the circumstances thereof the provisions of this Order.

Provided that if a local clearing office is established in India or in any self-governing Dominion, the provisions of this Order relating to the Clearing Office shall apply with respect to the relations between the Central Clearing Office and the local clearing office, and to transactions on behalf of the local clearing office which must be effected through the Central Clearing Office or which may be effected by the Central Clearing Office at the request of the local clearing office.

4. This Order shall be deemed to have come into operation as from the date when the Treaty of Peace came into force, that is to say the twenty-sixth day of July, nineteen hundred and twenty-one.

5. This Order may be cited as the Treaty of Peace (Hungary) Order, 1921.

ALMERIC FITZROY.

SCHEDULE.

SECTION III.—DEBTS.

Article 231.

There shall be settled through the intervention of Clearing Offices to be established by each of the High Contracting Parties within three months of the notification referred to in paragraph (e) hereafter the following classes of pecuniary obligations:

(1) Debts payable before the war and due by a national of one of the Contracting Powers, residing within its territory to a national of an Opposing Power residing within its territory;

(2) Debts which became payable during the war to nationals of one Contracting Power residing within its territory and arose out of transactions or contracts with the nationals of an Opposing Power, resident within its territory, of which the total or partial execution was suspended on account of the existence of a state of war;

(3) Interest which has accrued due before and during the war to a national of one of the Contracting Powers in respect of securities issued or taken over by an Opposing Power, provided that the pay-

ment of interest on such securities to the nationals of that Power or to neutrals has not been suspended during the war;

(4) Capital sums which have become payable before and during the war to nationals of one of the Contracting Powers in respect of securities issued by one of the Opposing Powers, provided that the payment of such capital sums to nationals of that Power or to neutrals has not been suspended during the war.

In the case of interest or capital sums payable in respect of securities issued or taken over by the former Austro-Hungarian Government, the amount to be credited and paid by Hungary will be the interest or capital in respect only of the debt for which Hungary is liable in accordance with Part IX. (Financial Clauses) of the present Treaty, and the principles laid down by the Reparation Commission.

The proceeds of liquidation of enemy property, rights and interests mentioned in Section IV. and in the Annex thereto will be accounted for through the Clearing Offices, in the currency and at the rate of exchange hereinafter provided for in paragraph (*d*), and disposed of by them under the conditions provided by the said Section and Annex.

The settlements provided for in this Article shall be effected according to the following principles and in accordance with the Annex to this Section:

(*a*) Each of the High Contracting Parties shall prohibit, as from the coming into force of the present Treaty, both the payment and the acceptance of payment of such debts, and also all communications between the interested parties with regard to the settlement of the said debts otherwise than through the Clearing Offices;

(*b*) Each of the High Contracting Parties shall be respectively responsible for the payment of such debts due by its nationals, except in the cases where before the war the debtor was in a state of bankruptcy or failure, or had given formal indication of insolvency, or where the debt was due by a company whose business has been liquidated under emergency legislation during the war;

(*c*) The sums due to the nationals of one of the High Contracting Parties by the nationals of an Opposing State will be debited to the Clearing Office of the country of the debtor, and paid to the creditor by the Clearing Office of the country of the creditor;

(*d*) Debts shall be paid or credited in the currency of such one of the Allied and Associated Powers, their colonies or protectorates, or the British Dominions or India, as may be concerned. If the debts are payable in some other currency they shall be paid or credited in the currency of the country concerned, whether an Allied or Associated Power, Colony, Protectorate, British Dominion or India, at the pre-war rate of exchange.

For the purpose of this provision the pre-war rate of exchange shall be defined as the average cable transfer rate prevailing in the Allied or Associated country concerned during the month immediately preceding the outbreak of war between the said country concerned and Austria-Hungary.

If a contract provides for a fixed rate of exchange governing the conversion of the currency in which the debt is stated into the currency of the Allied or Associated country concerned, then the above provisions concerning the rate of exchange shall not apply.

In the case of the new States of Poland and the Czecho-Slovak State, the currency in which and the rate of exchange at which debts shall be paid or credited shall be determined by the Reparation Commission provided for in Part VIII., unless they shall have been previously settled by agreement between the States interested;

(*e*) The provisions of this Article and of the Annex hereto shall not apply as between Hungary, on the one hand, and any one of the Allied and Associated Powers, their colonies or protectorates, or any one of the British Dominions or India, on the other hand, unless within a period of one month from the deposit of the ratification of the present Treaty by the Power in question, or of the ratification on behalf of such Dominion or of India, notice to that effect is given to Hungary by the Government of such Allied or Associated Power or of such Dominion or of India as the case may be;

(*f*) The Allied and Associated Powers which have adopted this Article and the Annex hereto may agree between themselves to apply them to their respective nationals established in their territory so far as regards matters between their nationals and Hungarian nationals. In this case the payments made by application of this provision will be subject to arrangements between the Allied and Associated Clearing Offices concerned.

ANNEX.

1.

Each of the High Contracting Parties will, within three months from the notification provided for in Article 231, paragraph (e), establish a Clearing Office for the collection and payment of enemy debts.

Local Clearing Offices may be established for any particular portion of the territories of the High Contracting Parties. Such local Clearing Offices may perform all the functions of a central Clearing Office in their respective districts, except that all transactions with the Clearing Office in the Opposing State must be effected through the central Clearing Office.

2.

In this Annex the pecuniary obligations referred to in the first paragraph of Article 231 are described as "enemy debts," the persons from whom the same are due as "enemy debtors," the persons to whom they are due as "enemy creditors," the Clearing Office in the country of the creditor is called the "Creditor Clearing Office," and the Clearing Office in the country of the debtor is called the "Debtor Clearing Office."

3.

The High Contracting Parties will subject contraventions of paragraph (*a*) of Article 231 to the same penalties as are at present provided by their legislation for trading with the enemy. Those who have not prohibited trading with the enemy will enact provisions punishing the above-mentioned contraventions with severe penalties. The High Contracting Parties will similarly prohibit within their territory all legal process relating to payment of enemy debts, except in accordance with the provisions of this Annex.

4.

The Government guarantee specified in paragraph (*b*) of Article 231 shall take effect whenever, for any reason, a debt shall not be recoverable, except in a case where at the date of the outbreak of war the debt was barred by the laws of prescription in force in the country of the debtor, or where the debtor was at that time in a state of bankruptcy or failure or had given formal indication of insolvency, or where the debt was due by a company whose business has been liquidated under emergency legislation during the war. In such case the procedure specified by this Annex shall apply to payment of the dividends.

The terms "bankruptcy" and "failure" refer to the application of legislation providing for such juridicial conditions. The expression "formal indication of insolvency" bears the same meaning as it has in English law.

5.

Creditors shall give notice to the Creditor Clearing Office within six months of its establishment of debts due to them, and shall furnish the Clearing Office with any documents and information required of them.

The High Contracting Parties will take all suitable measures to trace and punish collusion between enemy creditors and debtors. The Clearing Offices will communicate to one another any evidence and information which might help the discovery and punishment of such collusion.

The High Contracting Parties will facilitate as much as possible postal and telegraphic communication at the expense of the parties concerned and through the intervention of the Clearing Offices between debtors and creditors desirous of coming to an agreement as to the amount of their debt.

The Creditor Clearing Office will notify the Debtor Clearing Office of all debts declared to it. The Debtor Clearing Office will, in due course, inform the Creditor Clearing Office which debts are admitted and which debts are contested. In the latter case, the Debtor Clearing Office will give the grounds for the non-admission of debts.

6.

When a debt has been admitted, in whole or in part, the Debtor Clearing Office will at once credit the Creditor Clearing Office with the amount admitted, and at the same time notify it of such credit.

7.

The debt shall be deemed to be admitted in full and shall be credited forthwith to the Creditor Clearing Office, unless within three months from the receipt of the notification or such longer time as may be agreed to by the Creditor Clearing Office notice has been given by the Debtor Clearing Office that it is not admitted.

8.

When the whole or part of a debt is not admitted the two Clearing Offices will examine into the matter jointly and will endeavour to bring the parties to an agreement.

9.

The Creditor Clearing Office will pay to the individual creditor the sums credited to it out of the funds placed at its disposal by the Government of its country, and in accordance with the conditions fixed by the said Government, retaining any sum considered necessary to cover risks, expenses or commissions.

10.

Any person having claimed payment of an enemy debt which is not admitted in whole or in part shall pay to the Clearing Office, by way of fine, interest at 5 per cent. on the part not admitted. Any person having unduly refused to admit the whole or part of a debt claimed from him shall pay, by way of fine, interest at 5 per cent. on the amount with regard to which his refusal shall be disallowed.

Such interest shall run from the date of expiration of the period provided for in paragraph 7 until the date on which the claim shall have been disallowed or the debt paid.

Each Clearing Office shall in so far as it is concerned take steps to collect the fines above provided for, and will be responsible if such fines cannot be collected.

The fines will be credited to the other Clearing Office, which shall retain them as a contribution towards the cost of carrying out the present provisions.

11.

The balance between the Clearing Offices shall be struck every three months and the credit balance paid in cash by the debtor State within one month.

Nevertheless, any credit balances which may be due by one or more of the Allied and Associated Powers shall be retained until complete payment shall have been effected of the sums due to the Allied or Associated Powers or their nationals on account of the war.

12.

To facilitate discussion between the Clearing Offices each of them shall have a representative at the place where the other is established.

13.

Except for special reasons all dsicussions in regard to claims will, so far as possible, take place at the Debtor Clearing Office.

14.

In conformity with Article 231 paragraph (*b*), the High Contracting Parties are responsible for the payment of the enemy debts owing by their nationals.

The Debtor Clearing Office will therefore credit the Creditor Clearing Office with all debts admitted, even in case of inability to collect them from the individual debtor. The Governments concerned will, nevertheless, invest their respective Clearing Offices with all necessary powers for the recovery of debts which have been admitted.

15.

Each Government will defray the expenses of the Clearing Office set up in its territory, including the salaries of the staff.

16.

Where the two Clearing Offices are unable to agree whether a debt claimed is due, or in case of a difference between an enemy debtor and an enemy creditor or between the Clearing Offices, the dispute shall either be referred to arbitration if the parties so agree under conditions fixed by agreement between them, or referred to the Mixed Arbitral Tribunal provided for in Section VI hereafter.

At the request of the Creditor Clearing Office the dispute may, however, be submitted to the jurisdiction of the Courts of the place of domicile of the debtor.

17.

Recovery of sums found by the Mixed Arbitral Tribunal, the Court, or the Arbitration Tribunal to be due shall be effected through the Clearing Offices as if these sums were debts admitted by the Debtor Clearing Office.

18.

Each of the Governments concerned shall appoint an agent who will be responsible for the presentation to the Mixed Arbitral Tribunal of the cases conducted on behalf of its Clearing Office. This agent will exercise a general control over the representatives or counsel employed by its nationals.

Decisions will be arrived at on documentary evidence, but it will be open to the Tribunal to hear the parties in person, or according to their preference by their representatives approved by the two Governments, or by the agent referred to above, who shall be competent to intervene along with the party or to reopen and maintain a claim abandoned by the same.

19.

The Clearing Offices concerned will lay before the Mixed Arbitral Tribunal all the information and documents in their possession, so as to enable the Tribunal to decide rapidly on the cases which are brought before it.

20.

Where one of the parties concerned appeals against the joint decision of the two Clearing Offices he shall make a deposit against the costs, which deposit shall only be refunded when the first judgment is modified in favour of the appellant and in proportion to the success he may attain, his opponent in case of such a refund being required to pay an equivalent portion of the costs and expenses. Security accepted by the Tribunal may be substituted for a deposit.

A fee of 5% of the amount in dispute shall be charged in respect of all cases brought before the Tribunal. This fee shall, unless the Tribunal directs otherwise, be borne by the unsuccessful party. Such fee shall be added to the deposit referred to. It is also independent of the security.

The Tribunal may award to one of the parties a sum in respect of the expenses of the proceedings.

Any sum payable under this paragraph shall be credited to the Clearing Office of the successful party as a separate item.

21.

With a view to the rapid settlement of claims, due regard shall be paid in the appointment of all persons connected with the Clearing Offices or with the Mixed Arbitral Tribunal to their knowledge of the language of the other country concerned.

Each of the Clearing Offices will be at liberty to correspond with the other and to forward documents in its own language.

22.

Subject to any special agreement to the contrary between the Governments concerned debts shall carry interest in accordance with the following provisions:

Interest shall not be payable on sums of money due by way of dividend, interest or other periodical payments which themselves represent interest on capital.

The rate of interest shall be 5 per cent. per annum, except in cases where, by contract, law or custom, the creditor is entitled to payment of interest at a different rate. In such cases the rate to which he is entitled shall prevail.

Interest shall run from the date of commencement of hostilities (or, if the sum of money to be recovered fell due during the war, from the date at which it fell due) until the sum is credited to the Clearing Office of the creditor.

Sums due by way of interest shall be treated as debts admitted by the Clearing Offices and shall be credited to the Creditor Clearing Office in the same way as such debts.

23.

Where by decision of the Clearing Offices or the Mixed Arbitral Tribunal a claim is held not to fall within Article 231, the creditor shall be at liberty to prosecute the claim before the Courts or to take such other proceedings as may be open to him.

The presentation of a claim to the Clearing Office suspends the operation of any period of prescription.

24.

The High Contracting Parties agree to regard the decisions of the Mixed Arbitral Tribunal as final and conclusive, and to render them binding upon their nationals.

25.

In any case where a Creditor Clearing Office declines to notify a claim to the Debtor Clearing Office or to take any step provided for in this Annex intended to make effective in whole or in part a request of which it has received due notice, the enemy creditor shall be entitled to receive from the Clearing Office a certificate setting out the amount of the claim, and shall then be entitled to prosecute the claim before the Courts or to take such other proceedings as may be open to him.

SECTION IV.—PROPERTY, RIGHTS AND INTERESTS.

Article 232.

1. The question of private property, rights and interests in an enemy country shall be settled according to the principles laid down in this Section and to the provisions of the Annex hereto.

(*a*) The exceptional war measures and measures of transfer (defined in paragraph 3 of the Annex hereto) taken in the territory of the former Kingdom of Hungary with respect to the property, rights and interests of nationals of Allied or Associated Powers, including companies and associations in which they are interested, when liquidation has not been completed, shall be immediately discontinued or stayed and the property, rights and interests concerned restored to their owners.

(*b*) Subject to any contrary stipulations which may be provided for in the present Treaty, the Allied and Associated Powers reserve the right to retain and liquidate all property, rights and interests which belong at the date of the coming into force of the present Treaty to nationals of the former Kingdom of Hungary, or companies controlled by them, and are within the territories, colonies, possessions and protectorates of such Powers (including territories ceded to them by the present Treaty) or which are under the control of those Powers.

The liquidation shall be carried out in accordance with the laws of the Allied or Associated State concerned, and the owner shall not be able to dispose of such property, rights or interests nor to subject them to any charge without the consent of that State.

Persons who within six months of the coming into force of the present Treaty show that they have acquired *ipso facto* in accordance with its provisions the nationality of an Allied or Associated Power, including those who under Article 62 obtain such nationality with the consent of the competent authorities, or in virtue of previous rights of citizenship (*pertinenza*) will not be considered as nationals of the former Kingdom of Hungary within the meaning of this paragraph.

(*c*) The price or the amount of compensation in respect of the exercise of the right referred to in paragraph (b) will be fixed in accordance with the methods of sale or valuation adopted by the laws of the country in which the property has been retained or liquidated.

(*d*) As between the Allied and Associated Powers and their nationals on the one hand and nationals of the former Kingdom of Hungary on the other hand, as also between Hungary on the one hand and the Allied and Associated Powers and their nationals on the other hand, all the exceptional war measures, or measures of transfer, or acts done or to be done in execution of such measures as defined in paragraphs 1 and 3 of the Annex hereto shall be considered as final and binding upon all persons except as regards the reservations laid down in the present Treaty.

(*e*) The nationals of Allied and Associated Powers shall be entitled to compensation in respect of damage or injury inflicted upon their property, rights or interests, including any company or association in which they are interested, in the territory of the former Kingdom of Hungary by the application either of the exceptional war measures or measures of transfer mentioned in paragraphs 1 and 3 of the Annex hereto. The claims made in this respect by such nationals shall be investigated, and the total of the compensation shall be determined by the Mixed Arbitral Tribunal provided for in Section VI or by an arbitrator appointed by that Tribunal. This compensation shall be borne by Hungary, and may be charged upon the property of nationals of the former Kingdom of Hungary, or companies controlled by them, as defined in paragraph (*b*), within the territory or under the control of the claimant's State. This property may be constituted as a pledge for enemy liabilities under the conditions fixed by paragraph 4 of the Annex hereto. The payment of this compensation may be made by the Allied or Associated State, and the amount will be debited to Hungary.

(*f*) Whenever a national of an Allied or Associated Power is entitled to property which has been subjected to a measure of transfer in the territory of the former Kingdom of Hungary and expresses a desire for its restitution, his claim for compensation in accordance with paragraph (*e*) shall be satisfied by the restitution of the said property if it still exists in specie.

In such case Hungary shall take all necessary steps to restore the evicted owner to the possession of his property, free from all encumbrances or burdens with which it may have been charged after the liquidation, and to indemnify all third parties injured by the restitution.

If the restitution provided for in this paragraph cannot be effected, private agreements arranged by the intermediation of the Powers concerned or the Clearing Offices provided for in the Annex to Section III may be made, in order to secure that the national of the Allied or Associated Power may secure compensation for the injury referred to in parargaph (*e*) by the grant of advantages or equivalents which he agrees to accept in place of the property, rights or interests of which he was deprived.

Through restitution in accordance with this Article, the price or the amount of compensation fixed by the application of paragraph (*e*) will be reduced by the actual value of the property restored, account being taken of compensation in respect of loss of use or deterioration.

(*g*) The rights conferred by paragraph (*f*) are reserved to owners who are nationals of Allied or Associated Powers within whose territory legislative measures prescribing the general liquidation of enemy property, rights or interests were not applied before the signature of the Armistice.

(*h*) Except in cases where, by application of paragraph (*f*), restitutions in specie have been made, the net proceeds of sales of enemy property, rights or interests wherever situated carried out either by virtue of war legislation or by application of this Article, and in general all cash assets of enemies, other than proceeds of sales of property or cash assets in Allied or Associated countries belonging to persons covered by the last sentence of paragraph (*b*) above, shall be dealt with as follows:

(1) As regards Powers adopting Section III and the Annex thereto, the said proceeds and cash assets shall be credited to the Power of which the owner is a national, through the Clearing Office established thereunder; any credit balance in favour of Hungary resulting therefrom shall be dealt with as provided in Article 173, Part VIII (Reparation), of the present Treaty.

(2) As regards Powers not adopting Section III and the Annex thereto, the proceeds of the property, rights and interests, and the cash assets, of the nationals of Allied or Associated Powers held by Hungary shall be paid immediately to the person entitled thereto or to his Government; the proceeds of the property, rights and interests, and the cash assets of nationals of the former Kingdom of Hungary, or companies controlled by them, as defined in paragraph (*b*), received by an Allied or Associated Power shall be subject to disposal by such Power in accordance with its laws and regulations and may be applied in payment of the claims and debts defined by this Article or paragraph 4 of the Annex hereto. Any such property, rights and interests or proceeds thereof or cash assets not used as above provided may be retained by the said Allied or Associated Power, and, if retained, the cash value thereof shall be dealt with as provided in Article 173, Part VIII (Reparation), of the present Treaty.

(*i*) Subject to the provisions of Article 250, in the case of liquidations effected in new States, which are signatories of the present Treaty as Allied and Associated Powers, or in States which are not entitled to share in the reparation payments to be made by Hungary, the proceeds of liquidations effected by such States shall, subject to the rights of the Reparation Commission under the present Treaty, particularly under Articles 165, Part VIII (Reparation) and 194, Part IX (Financial Clauses), be paid direct to the owner. If, on the application of that owner, the Mixed Arbitral Tribunal provided for by Section VI of this Part, or an arbitrator appointed by that Tribunal, is satisfied that the conditions of the sale or measures taken by the Government of the State in question outside its general legislation were unfairly prejudicial to the price obtained, they shall have discretion to award to the owner equitable compensation to be paid by that State.

(*j*) Hungary undertakes to compensate her nationals in respect of the sale or retention of their property, rights or interests in Allied or Associated States.

(*k*) The amount of all taxes or imposts on capital levied or to be levied by Hungary on the property, rights and interests of the nationals of the Allied or Associated Powers from November 3, 1918, until three months from the coming into force of the present Treaty, or, in the case of property, rights or interests which have been subjected to exceptional measures of war, until restitution in accordance with the present Treaty shall be restored to the owners.

II. Subject to the preceding provisions all measures other than those above referred to taken by the *de jure* or *de facto* authorities in the territory of the former Kingdom of Hungary between November 3, 1918, and the coming into force of the present Treaty, and causing injury to the property, rights and interests of the Allied and Associated Powers or their nationals, including companies and associations in which they were interested are declared null and void.

The provisions of paragraphs (*a*), (*e*) (*f*), (*h*) and (*k*) above apply to property rights, and interests which belong to nationals of the Allied and Associated Powers, including companies and associations in which they were interested, and which have been the subject of injurious measures such as expropriation, confiscation, seizure, requisition, destruction or deterioration effected as the result either of laws or regulations or of acts of violence on the part of the *de jure* or *de facto* authorities which have existed in Hungary, or of the Hungarian population.

III. Companies and associations include in particular the Orthodox Greek communities established in Buda-Pesth and other Hungarian towns, as well

as pious and other foundations, when nationals of the Allied and Associated Powers are interested in such communities or foundations.

IV. No forfeiture on account of failure to complete any formality or make any declaration imposed by Hungarian laws or decrees promulgated since the Armistice and before the coming into force of the present Treaty shall be valid as against nationals of the Allied and Associated Powers, including companies and associations in which they were interested.

Article 233.

Hungary undertakes, with regard to the property, rights and interests, including companies and associations in which they were interested, restored to nationals of Allied and Associated Powers in accordance with the provisions of Article 232:

(*a*) to restore and maintain, except as expressly provided in the present Treaty, the property, rights and interests of the nationals of Allied or Associated Powers in the legal position obtaining in respect of the property, rights and interests of nationals of the former Kingdom of Hungary under the laws in force before the war;

(*b*) not to subject the property, rights or interests of the nationals of the Allied or Associated Powers to any measures in derogation of property rights which are not applied equally to the property, rights and interests of Hungarian Nationals, and to pay adequate compensation in the event of the application of these measures.

ANNEX.

1.

In accordance with the provisions of Article 232, paragraph (*d*), the validity of vesting orders and of orders for the winding up of businesses or companies, and of any other orders; directions, decisions or instructions of any court or any department of the Government of any of the High Contracting Parties made or given, or purporting to be made or given, in pursuance of war legislation with regard to enemy property rights and interests is confirmed. The interests of all persons shall be regarded as having been effectively dealt with by any order, direction, decision or instruction dealing with property in which they may be interested, whether or not such interests are specifically mentioned in the order, direction, decision or instruction. No question shall be raised as to the regularity of a transfer of any property, rights or interests dealt with in pursuance of any such order, direction, decision or instruction. Every action taken with regard to any property, business or company, whether as regards its investigation, sequestration, compulsory administration, use, requisition, supervision or winding-up, the sale or management of property, rights or interests, the collection or discharge of debts, the payment of costs, charges or expenses, or any other matter whatsoever, in pursuance of orders, directions, decisions or instructions of any court or of any department of the Government of any of the High Contracting Parties, made or given, or purporting to be made or given, in pursuance of war legislation with regard to enemy property, rights or interests, is confirmed. Provided that the provisions of this paragraph shall not be held to prejudice the titles to property heretofore acquired in good faith and for value and in accordance with the laws of the country in which the property is situated by nationals of the Allied and Associated Powers.

The provisions of this paragraph do not apply to such of the above-mentioned measures as have been taken by the former Austro-Hungarian Government in invaded or occupied territory, nor to such of the above-mentioned measures as have been taken by Hungary or the Hungarian authorities since November 3, 1918, all of which measures shall be void.

2.

No claim or action shall be made or brought against any Allied or Associated Power or against any person acting on behalf of or under the direction of any legal authority or department of the Government of such a Power by Hungary or by any Hungarian national or by or on behalf of any national of the former Kigdom of Hungary wherever resident in respect of any act or omission with regard to his property, rights or interests during the war or in preparation for the war. Similarly no claim or action shall be made or brought against any person in respect of any act or omission under or in accordance with the exceptional war measures, laws or regulations of any Allied or Associated Power.

3.

In Article 232 and this Annex the expression "exceptional war measures" includes measures of all kinds, legislative, administrative, judicial or others, that have been taken or will be taken hereafter with regard to enemy property, and which have had or will have the effect of removing from the proprietors the power of disposition over their property, though without affecting the ownership, such as measures of supervision, of compulsory administration, and of sequestration; or measures which have had or will have as an object the seizure of, the use of, or the interference with enemy assets, for whatsoever motive, under whatsoever form or in whatsoever place. Acts in the execution of these measures include all detentions, instructions, orders or decrees of Government departments or courts applying these measures to enemy property, as well as acts performed by any person connected with the administration or the supervision of enemy property, such as the payment of debts, the collecting of credits, the payment of any costs, charges or expenses, or the collecting of fees.

Measures of transfer are those which have affected or will affect the ownership of enemy property by transferring it in whole or in part to a person other than the enemy owner, and without his consent, such as measures directing the sale, liquidation or devolution of ownership in enemy property, or the cancelling of titles or securities.

4.

All property, rights and interests of nationals of the former Kingdom of Hungary within the territory of any Allied or Associated Power and the net proceeds of their sale, liquidation or other dealing therewith may be charged by that Allied or Associated Power in the first place with payment of amounts due in respect of claims by the nationals of that Allied or Associated Power with regard to their property, rights and interests, including companies and associations in which they are interested, in territory of the former Kingdom of Hungary, or debts owing to them by Hungarian nationals, and with payment of claims growing out of acts committed by the former Austro-Hungarian Government or by any Hungarian authorities since July 28, 1914, and before that Allied or Associated Power entered into the war. The amount of such claims may be assessed by an arbitrator appointed by M. Gustave Ador, if he is willing, or if no such appointment is made by him, by an arbitrator appointed by the Mixed Arbitral Tribunal provided for in Section VI. They may be charged in the second place with payment of the amounts due in respect of claims by the nationals of such Allied or Associated Power with

regard to their property, rights and interests in the territory of other enemy Powers, in so far as those claims are otherwise unsatisfied.

5.

Notwithstanding the provisions of Article 232, where immediately before the outbreak of war a company incorporated in an Allied or Associated State had rights in common with a company controlled by it and incorporated in Hungary to the use of trade-marks in third countries, or enjoyed the use in common with such company of unique means of reproduction of goods or articles for sale in third countries, the former company shall alone have the right to use these trade-marks in third countries to the exclusion of the Hungarian company, and these unique means of reproduction shall be handed over to the former company, notwithstanding any action taken under war legislation in force in the Austro-Hungarian Monarchy with regard to the latter company or its business, industrial property or shares. Nevertheless, the former company, if requested, shall deliver to the latter company derivative copies permitting the continuation of reproduction of articles for use in Hungary.

6.

Up to the time when restitution is carried out in accordance with Article 232, Hungary is responsible for the conservation of property, rights and interests of the nationals of Allied or Associated Powers, including companies and associations in which they are interested, that have been subjected by her to exceptional war measures.

7.

Within one year from the coming into force of the present Treaty the Allied or Associated Powers will specify the property, rights and interests over which they intend to exercise the right provided in Article 232, paragraph (*f*).

8.

The restitution provided in Article 232 will be carried out by order of the Hungarian Government or of the authorities which have been substituted for it. Detailed accounts of the action of administrators shall be furnished to the interested persons by the Hungarian authorities upon request, which may be made at any time after the coming into force of the present Treaty.

9.

Until completion of the liquidation provided for by Article 232, paragraph (*b*), the property, rights and interests of the persons referred to in that paragraph will continue to be subject to exceptional war measures that have been or will be taken with regard to them.

10.

Hungary will, within six months from the coming into force of the present Treaty, deliver to each Allied or Associated Power all securities, certificates, deeds or other documents of title held by its nationals and relating to property, rights or interests situated in the territory of that Allied or Associated Power, including any shares, stock, debentures, debenture stock or other obligations of any company incorporated in accordance with the laws of that Power.

Hungary will at any time on demand of any Allied or Associated Power furnish such information as may be required with regard to the property, rights and interests of Hungarian nationals within the territory of such Allied or Associated Power, or with regard to any transactions concerning such property, rights or interests effected since July 1, 1914.

11.

The expression "cash assets" includes all deposits or funds established before or after the existence of a state of war, as well as all assets coming from deposits, revenues or profits collected by administrators, sequestrators or others from funds placed on deposit or otherwise, but does not include sums belonging to the Allied or Associated Powers or to their component States, Provinces or Municipalities.

12.

All investments wheresoever effected with the cash assets of nationals of the High Contracting Parties, including companies and associations in which such nationals were interested, by persons responsible for the administration of enemy properties or having control over such administration, or by order of such persons of any authority whatsoever, shall be annulled. These cash assets shall be accounted for irrespective of any such investment.

13.

Within one month from the coming into force of the present Treaty, or on demand at any time, Hungary will deliver to the Allied and Associated Powers all accounts, vouchers, records, documents and information of any kind which may be within Hungarian territory, and which concern the property, rights and interests of the nationals of those Powers, including companies and associations in which they are interested, that have been subjected to an exceptional war measure, or to a measure of transfer either in the territory of the former Kingdom of Hungary or in territory occupied by that Kingdom or its allies.

The Controllers, supervisors, managers, administrators, sequestrators, liquidators and receivers shall be personally responsible under guarantee of the Hungarian Government for the immediate delivery in full of these accounts and documents and for their accuracy.

14.

The provisions of Article 232 and this Annex relating to property, rights and interests in an enemy country, and the proceeds of the liquidation thereof, apply to debts, credits and accounts, Section III. regulating only the method of payment.

In In the settlement of matters provided for in Article 232 between Hungary and the Allied or Associated Powers, their colonies or protectorates, or any one of the British Dominions or India, in respect of any of which a declaration shall not have been made that they adopt Section III. and between their respective nationals, the provisions of Section 3 respecting the currency in which payment is to be made and the rate of exchange and of interest shall apply unless the Government of the Allied or Associated Power concerned shall within six months of the coming into force of the present Treaty notify Hungary that one or more of the said provisions are not to be applied.

15.

The provisions of Article 232 and this Annex apply to industrial, literary and artistic property which has been or will be dealt with in the liquidation of property, rights, interests, companies or businesses under war legislation by the Allied or Associated Powers, or in accordance with the stipulations of Article 232, paragraph (*b*).

SECTION V.—CONTRACTS, PRESCRIPTIONS, JUDGMENTS.

Article 234.

(*a*) Any contract concluded between enemies shall be regarded as having been dissolved as from the time when any two of the parties became enemies, except in respect of any debt or other pecuniary obligation arising out of any act done or money paid thereunder, and subject to the exceptions and special rules with regard to particular contracts or classes of contracts contained herein or in the Annex hereto.

(*b*) Any contract of which the execution shall be required in the general interest, within six months from the date of the coming into force of the present Treaty, by the Government of the Allied or Associated Power of which one of the parties is a national, shall be excepted from dissolution under this Article.

When the execution of the contract thus kept alive would, owing to the alteration of trade conditions, cause one of the parties substantial prejudice, the Mixed Arbitral Tribunal provided for by Section VI shall be empowered to grant to the prejudiced party equitable compensation.

(*c*) Having regard to the provisions of the constitution and law of the United States of America and of Japan, neither the present Article, nor Article 235, nor the Annex hereto shall apply to contracts made between nationals of these States and nationals of the former Kingdom of Hungary; nor shall Article 240 apply to the United States of America or its nationals.

(*d*) The present Article and the Annex hereto shall not apply to contracts the parties to which became enemies by reason of one of them being an inhabitant of territory of which the sovereignty has been transferred, if such party shall acquire, under the present Treaty, the nationality of an Allied or Associated Power, nor shall they apply to contracts between nationals of the Allied and Associated Powers between whom trading has been prohibited by reason of one of the parties being in Allied or Associated territory in the occupation of the enemy.

(*e*) Nothing in the present Article or the Annex hereto shall be deemed to invalidate a transaction lawfully carried out in accordance with a contract between enemies if it has been carried out with the authority of one of the belligerent Powers.

Article 235.

(*a*) All periods of prescription, or limitation of right of action, whether they began to run before or after the outbreak of war, shall be treated in the territory of the High Contracting Parties, so far as regards relations between enemies, as having been suspended for the duration of the war. They shall begin to run again at earliest three months after the coming into force of the present Treaty. This provision shall apply to the period prescribed for the presentation of interest or dividend coupons or for the presentation for repayment of securities drawn for repayment or repayable on any other ground.

(*b*) Where, on account of failure to perform any act or comply with any formality during the war, measures of execution have been taken in the territory of the former Kingdom of Hungary to the prejudice of a national of an Allied or Associated Power, the claim of such national shall, if the matter does not fall within the competence of the Courts of an Allied or Associated Power, be heard by the Mixed Arbitral Tribunal provided for by Section VI.

(*c*) Upon the application of any interested person who is a national of an Allied or Associated Power, the Mixed Arbitral Tribunal shall order the restoration of the rights which have been prejudiced by the measures of execution referred to in paragraph (*b*), wherever, having regard to the particular circumstances of the case, such restoration is equitable and possible.

If such restoration is inequitable or impossible, the Mixed Arbitral Tribunal may grant compensation to the prejudiced party, to be paid by the Hungarian Government.

(*d*) Where a contract between enemies has been dissolved by reason either of failure on the part of either party to carry out its provisions or of the exercise of a right stipulated in the contract itself, the party prejudiced may apply to the Mixed Arbitral Tribunal for relief. The Tribunal will have the powers provided for in paragraph (*c*).

(*e*) The provisions of the preceding paragraphs of this Article shall apply to the nationals of Allied and Associated Powers who have been prejudiced by reason of measures referred to above taken by the authorities of the former Hungarian Government in invaded or occupied territory, if they have not been otherwise compensated.

(*f*) Hungary shall compensate any third party who may be prejudiced by any restitution or restoration ordered by the Mixed Arbitral Tribunal under the provisions of the preceding paragraphs of this Article.

(*g*) As regards negotiable instruments, the period of three months provided under paragraph (*a*) shall commence as from the date on which any exceptional regulations applied in the territories of the interested Power with regard to negotiable instruments shall have definitely ceased to have force.

Article 236.

As between enemies no negotiable instrument made before the war shall be deemed to have become invalid by reason only of failure within the required time to present the instrument for acceptance or payment or to give notice of non-acceptance or non-payment to drawers or indorsers or to protest the instrument, nor by reason of failure to complete any formality during the war.

Where the period within which a negotiable instrument should have been presented for acceptance or for payment, or within which notice of non-acceptance or non-payment should have been given to the drawer or indorser, or within which the instrument should have been protested, has elapsed during the war, and the party who should have presented or protested the instrument or have given notice of non-acceptance or non-payment has failed to do so during the war, a period of not less than three months from the coming into force of the present Treaty shall be allowed within which presentation, notice of non-acceptance or non-payment or protest may be made.

Article 237.

Judgments given by the Courts of an Allied or Associated Power in all cases which, under the present Treaty, they are competent to decide, shall be recognised in Hungary as final, and shall be enforced without it being necessary to have them declared executory.

If a judgment or measure of execution in respect of any dispute which may have arisen has been given during the war by a judicial authority of the former Kingdom of Hungary against a national of an Allied or Associated Power, or a company or association in which one of such nationals was interested, in a case in which either such national or

such company or association was not able to make their defence, the Allied and Associated national who has suffered prejudice thereby shall be entitled to recover compensation to be fixed by the Mixed Arbitral Tribunal provided for in Section VI.

At the instance of the national of the Allied or Associated Power the compensation above mentioned may, upon order to that effect of the Mixed Arbitral Tribunal, be effected where it is possible by replacing the parties in the situation which they occupied before the judgment was given by the Hungarian Court.

The above compensation may likewise be obtained before the Mixed Arbitral Tribunal by the nationals of Allied or Associated Powers who have suffered prejudice by judicial measures taken in invaded or occupied territories, if they have not been otherwise compensated.

Article 238.

For the purpose of Sections III. ,IV., V. and VII., the expression "during the war" means for each Allied or Associated Power the period between the commencement of the state of war between that Power and the former Austro-Hungarian Monarchy and the coming into force of the present Treaty.

ANNEX.

I.—*General Provisions.*

1.

Within the meaning of Articles 234, 235 and 236, the parties to a contract shall be regarded as enemies when trading between them shall have been prohibited by or otherwise became unlawful under laws, orders or regulations to which one of those parties was subject. They shall be deemed to have become enemies from the date when such trading was prohibited or otherwise became unlawful.

2.

The following classes of contracts are excepted from dissolution by Article 234, and, without prejudice to the rights contained in Article 232 (*b*) remain in force subject to the application of domestic laws, orders, or regulations made during the war by Allied and Associated Powers and subject to the terms of the contracts:

(*a*) Contracts having for their object the transfer of estates or of real or personal property where the property therein had passed or the object had been delivered before the parties became enemies;

(*b*) Leases and agreements for leases of land and houses;

(*c*) Contracts of mortgage, pledge, or lien;

(*d*) Concessions concerning mines, quarries or deposits;

(*e*) Contracts between individuals or companies and States, provinces, municipalities or other similar juridical persons charged with administrative functions, and concessions granted by States, provinces, municipalities or other similar juridical persons charged with administrative functions.

3.

If the provision of a contract are in part dissolved under Article 234, the remaining provisions of that contract shall, subject to the same application of domestic laws as is provided for in paragraph 2, continue in force if they are severable, but where they are not severable the contract shall be deemed to have been dissolved in its entirety.

II.—*Provisions relating to certain classes of Contracts.*

Stock Exchange and Commercial Exchange Contracts.

(*a*) Rules made during the war by any recognised Exchange or Commercial Association providing for the closure of contracts entered into before the war by an enemy are confirmed by the High Contracting Parties, as also any action taken thereunder, provided:

(1) that the contract was expressed to be made subject to the rules of the Exchange or Association in question;

(2) that the rules applied to all persons concerned;

(3) that the conditions attaching to the closure were fair and reasonable.

(*b*) The preceding paragraph shall not apply to rules made during the occupation by Exchanges or Commercial Associations in the districts occupied by the enemy.

(*c*) The closure of contracts relating to cotton "futures," which were closed as on July 31, 1914, under the decision of the Liverpool Cotton Association, is also confirmed.

Security.

5.

The sale of a security held for an unpaid debt owing by an enemy shall be deemed to have been valid irrespective of notice to the owner if the creditor acted in good faith and with reasonable care and prudence, and no claim by the debtor on the ground of such sale shall be admitted.

This stipulation shall not apply to any sale of securities effected by an enemy during the occupation in regions invaded or occupied by the enemy.

Negotiable Instruments.

6.

As regards Powers which adopt Section III. and the Annex thereto the pecuniary obligations existing between enemies and resulting from the issue of negotiable instruments shall be adjusted in conformity with the said Annex by the instrumentality of the Clearing Offices, which shall assume the rights of the holder as regards the various remedies open to him.

7.

If a person has either before or during the war become liable upon a negotiable instrument in accordance with an undertaking given to him by a person who has subsequently become an enemy, the latter shall remain liable to indemnify the former in respect of his liability notwithstanding the outbreak of war.

III.—*Contracts of Insurance.*

8.

Contracts of insurance entered into by any person with another person who subsequently became an enemy will be dealt with in accordance with the following paragraphs.

Fire Insurance.

9.

Contracts for the insurance of property against fire entered into by a person interested in such property with another person who subsequently became an enemy shall not be deemed to have been dissolved by the outbreak of war, or by the fact of

the person becoming an enemy, or on account of the failure during the war and for a period of three months thereafter to perform his obligations under the contract, but they shall be dissolved at the date when the annual premium becomes payable for the first time after the expiration of a period of three months after the coming into force of the present Treaty.

A settlement shall be effected of unpaid premiums which became due during the war or of claims for losses which occurred during the war.

10.

Where by administrative or legislative action an insurance against fire effected before the war has been transferred during the war from the original to another insurer, the transfer will be recognised and the liability of the original insurer will be deemed to have ceased as from the date of the transfer. The original insurer will, however, be entitled to receive on demand full information as to the terms of the transfer, and if it should appear that these terms were not equitable they shall be amended so far as may be necessary to render them equitable.

Furthermore, the insured shall, subject to the concurrence of the original insurer, be entitled to retransfer the contract to the original insurer as from the date of the demand.

Life Insurance.

11.

Contracts of life insurance entered into between an insurer and a person who subsequently became an enemy shall not be deemed to have been dissolved by the outbreak of war, or by the fact of the person becoming an enemy.

Any sum which during the war became due upon a contract deemed not to have been dissolved under the preceding provision shall be recoverable after the war with the addition of interest at 5 per cent. per annum from the date of its becoming due up to the day of payment.

Where the contract has lapsed during the war owing to non-payment of premiums, or has become void from breach of the conditions of the contract, the assured or his representatives or the persons entitled shall have the right at any time within twelve months of the coming into force of the present Treaty to claim from the insurer the surrender value of the policy at the date of its lapse or avoidance.

Where the contract has lapsed during the war owing to non-payment of premiums the payment of which has been prevented by the enforcement of measures of war, the assured or his representative or the persons entitled shall have the right to restore the contract on payment of the premiums with interest at 5 per cent. per annum within three months from the coming into force of the present Treaty.

12.

Where contracts of life insurance have been entered into by a local branch of an insurance company established in a country which subsequently became an enemy country, the contract shall, in the absence of any stipulation to the contrary in the contract itself, be governed by the local law, but the insurer shall be entitled to demand from the insured or his representatives the refund of sums paid on claims made or enforced under measures taken during the war, if the making or enforcement of such claims was not in accordance with the terms of the contract itself or was not consistent with the laws or treaties existing at the time when it was entered into.

13.

In any case where by the law applicable to the contract the insurer remains bound by the contract notwithstanding the non-payment of premiums until notice is given to the insured of the termination of the contract, he shall be entitled, where the giving of such notice was prevented by the war, to recover the unpaid premiums with interest at 5 per cent. per annum from the insured.

14.

Insurance contracts shall be considered as contracts of life assurance for the purpose of paragraphs 11 to 13 when they depend on the probabilities of human life combined with the rate of interest for the calculation of the reciprocal engagements between the two parties.

Marine Insurance.

15.

Contracts of marine insurance, including time policies and voyage policies entered into between an insurer and a person who subsequently became an enemy, shall be deemed to have been dissolved on his becoming an enemy, except in cases where the risk undertaken in the contract had attached before he became an enemy.

Where the risk had not attached, money paid by way of premium or otherwise shall be recoverable from the insurer.

Where the risk had attached effect shall be given to the contract notwithstanding the party becoming an enemy, and sums due under the contract either by way of premiums or in respect of losses shall be recoverable after the coming into force of the present Treaty.

In the event of any agreement being come to for the payment of interest on sums due before the war to or by the nationals of States which have been at war and recovered after the war, such interest shall in the case of losses recoverable under contracts of marine insurance run from the expiration of a period of one year from the date of the loss.

16.

No contract of marine insurance with an insured person who subsequently became an enemy shall be deemed to cover losses due to belligerent action by the Power of which the insurer was a national or by the allies or associates of such Power.

17.

Where it is shown that a person who had before the war entered into a contract of marine insurance with an insurer who subsequently became an enemy entered after the outbreak of war into a new contract covering the same risk with an insurer who was not an enemy, the new contract shall be deemed to be substituted for the original contract as from the date when it was entered into, and the premiums payable shall be adjusted on the basis of the original insurer having remained liable on the contract only up till the time when the new contract was entered into.

Other Insurances.

18.

Contracts of insurance entered into before the war between an insurer and a person who subsequently became an enemy, other than contracts dealt with in paragraphs 9 to 17, shall be treated in all respects on the same footing as contracts of fire insurance between the same persons would be dealt with under the said paragraphs.

Reinsurance.

19.

All treaties of reinsurance with a person who became an enemy shall be regarded as having been abrogated by the person becoming an enemy, but without prejudice in the case of life or marine risks which had attached before the war to the right to recover payment after the war for sums due in respect of such risks.

Nevertheless if, owing to invasion, it has been impossible for the reinsured to find another reinsurer, the treaty shall remain in force until three months after the coming into force of the present Treaty.

Where a reinsurance treaty becomes void under this paragraph, there shall be an adjustment of accounts between the parties in respect both of premiums paid and payable and of liabilities for losses in respect of life or marine risks which had attached before the war. In the case of risks other than those mentioned in paragraphs 11 to 17 the adjustment of accounts shall be made as at the date of the parties becoming enemies without regard to claims for losses which may have occurred since that date.

20.

The provisions of the preceding paragraph will extend equally to reinsurances, existing at the date of the parties becoming enemies, of particular risks undertaken by the insurer in a contract of insurance against any risks other than like or marine risks.

21.

Reinsurance of life risks effected by particular contracts and not under any general treaty remain in force.

22.

In case of a reinsurance effected before the war of a contract of marine insurance, the cession of a risk which had been ceded to the insurer shall, if it had attached before the outbreak of war, remain valid and effect be given to the contract notwithstanding the outbreak of war; sums due under the contract of reinsurance in respect either of premiums or of losses shall be recoverable after the war.

23.

The provisions of paragraphs 16 and 17 and the last part of paragraph 15 shall apply to contracts for the reinsurance of marine risks.

Section VI.—MIXED ARBITRAL TRIBUNAL.

Article 239.

(*a*) Within three months from the coming into force of the present Treaty, a Mixed Arbitral Tribunal shall be established between each of the Allied and Associated Powers on the one hand and Hungary on the other hand. Each such Tribunal shall consist of three members. Each of the Governments concerned shall appoint one of these members. The President shall be chosen by agreement between the two Governments concerned.

In case of failure to reach agreement, the President of the Tribunal and two other persons, either of whom may in case of need take his place, shall be chosen by the Council of the League of Nations, or, until this is set up by M. Gustave Ador if he is willing. These persons shall be nationals of Powers that have remained neutral during the war.

If in case there is a vacancy a Government does not proceed within a period of one month to appoint as provided above a member of the Tribunal, such member shall be chosen by the other Government from the two persons mentioned above other than the President.

The decision of the majority of the members of the Tribunal shall be the decision of the Tribunal.

(*b*) The Mixed Arbitral Tribunals established pursuant to paragraph (*a*) shall decide all questions within their competence under Sections III., IV., V. and VII.

In addition, all questions, whatsoever their nature, relating to contracts concluded before the coming into force of the present Treaty between nationals of the Allied and Associated Powers and Hungarian nationals shall be decided by the Mixed Arbitral Tribunal, always excepting questions which, under the laws of the Allied Associated or Neutral Powers, are within the jurisdiction of the National Courts of those Powers. Such questions shall be decided by the National Courts in question, to the exclusion of the Mixed Arbitral Tribunal. The party who is a national of an Allied or Associated Power may nevertheless bring the case before the Mixed Arbitral Tribunal if this is not prohibited by the laws of his country.

(*c*) If the number of cases justifies it, additional members shall be appointed and each Mixed Arbitral Tribunal shall sit in divisions. Each of these divisions will be constituted as above.

(*d*) Each Mixed Arbitral Tribunal will settle its own procedure except in so far as it is provided in the following Annex, and is empowered to award the sums to be paid by the loser in respect of the costs and expenses of the proceedings.

(*e*) Each Government will pay the remuneration of the member of the Mixed Arbitral Tribunal appointed by it and of any agent whom it may appoint to represent it before the Tribunal. The remuneration of the President will be determined by special agreement between the Governments concerned; and this remuneration and the joint expenses of each Tribunal will be paid by the two Governments in equal moieties.

(*f*) The High Contracting Parties agree that their courts and authorities shall render to the Mixed Arbitral Tribunals direct all the assistance in their power, particularly as regards transmitting notices and collecting evidence.

(*g*) The High Contracting Parties agree to regard the decisions of the Mixed Arbitral Tribunal as final and conclusive, and to render them binding upon their nationals.

Annex.

1.

Should one of the members of the Tribunal either die, retire or be unable for any reason whatever to discharge his functions, the same procedure will be followed for filling the vacancy as was followed for appointing him.

2.

The Tribunal may adopt such rules of procedure as shall be in accordance with justice and equity and decide the order and time at which each party must conclude its arguments, and may arrange all formalities required for dealing with the evidence.

3.

The agent and counsel of the parties on each side are authorised to present orally and in writing to the Tribunal arguments in support or in defence of each case.

4.

The Tribunal shall keep record of the questions and cases submitted and the proceedings thereon, with the dates of such proceedings.

GOVERNMENT NOTICE No. 392.

THE EAST AFRICA TOWNSHIP ORDINANCE, 1903.

RULES.

IN PURSUANCE of the powers conferred upon him by the above Ordinance His Excellency the Governor has been pleased to make the following Rules:—

These Rules may be cited as the Mombasa building Amendment Rules, 1921, and shall apply to the Township of Mombasa and shall be read as one with the Township Rules, 1904, and any amendments thereof relative to the Township of Mombasa.

I. Notwithstanding anything contained in any Rules issued under the above-mentioned Ordinance relating to the Township of Mombasa, it shall be lawful for the Resident Commissioner to grant permits for temporary buildings on such obligations both as to removal thereof and otherwise and generally upon such terms as he, in his free discretion, may prescribe subject to the written concurrence of the Medical Officer of Health, provided that no permit may be granted under this Rule for a building any of the walls of which are to be constructed wholly or partly of stone, bricks or concrete.

II. Every person who shall erect a building or alter or add to any building shall before proceeding to lay or cover up any foundation footings or any damp course of such buildings or commence such other work, deliver or send, or cause to be delivered or sent to the Resident Commissioner notice in writing, in which shall be specified the date on which such person will cover up such foundation footings or damp course or commence such other work as aforesaid.

III. Every person who shall erect a building or alter or add to any building shall before proceeding to cover up any drains, cesspits or other work connected with the sanitation of such building, deliver or send or cause to be delivered or sent to the Medical Officer of Health notice in writing stating that such drains, cesspits or other work as aforesaid is ready for inspection.

IV. If such person neglect or refuse to deliver or send any such notice, or cause to be delivered or sent any such notice and if the Resident Commissioner or other person duly authorised on inspecting any work in connection with such building or other work, finds that such work is so far advanced that he cannot ascertain whether anything required by any Rule relating to Buildings has been done or omitted to be done, and if within a reasonable time after such survey or inspection such person shall by notice in writing under the hand of the Resident Commissioner or such other authorised person be required within a reasonable time, which shall be specified in such notice to cause so much of such work as prevents the Resident Commissioner or such other authorised person from ascertaining whether anything has been done or omitted to be done as aforesaid to be cut into, laid open, or pulled down to a sufficient extent to enable the Resident Commissioner or other authorised person to ascertain whether anything has been done or omitted to be done as aforesaid, such person shall within the time specified cause such work to be cut into, laid open or pulled down.

V. If any person who is entitled to proceed with any building or work fails to complete such building or work within a period of two years from the date when the deposited plans for such building or work were approved the person shall in every case submit a fresh application for permission before proceeding further with such building or work.

VI. A person shall not occupy any building, or being the owner thereof, suffer the same to be occupied, until such building shall after examination have been certified by the Resident Commissioner to have been erected in accordance with the approved plans and by the Medical Officer of Health to be in his opinion in every respect fit for human habitation.

By command of His Excellency the Governor.

Nairobi,
October 23rd, 1921.

W. K. NOTLEY,
Acting Colonial Secretary.

GOVERNMENT NOTICE No. 393. S. 21903.

EAST AFRICA TOWNSHIPS ORDINANCE, 1903.

RULES.

IN EXERCISE of the powers conferred upon the Governor by the East Africa Townships Ordinance, 1903, and all other powers him thereunto enabling His Excellency the Governor, has been pleased to make the following Rules:—

1. These Rules may be cited as "The Kitale Township Rules, 1921."

2. The following Rules shall apply to the Township of Kitale.

Of the Township Rules, 1904, dated 19th May, 1904, the following:—

Permits and Licences Nos. 3 to 6 inclusive.

Buildings Nos. 24, 26, 27, 28, 29, 30, 31, 32, 33, 38, 49, 50, and 52.

Streets and Roads Nos. 53 to 58 inclusive.

Irrigation Trenches Nos. 59 to 62 inclusive.

Sanitary Nos. 63 to 72 inclusive.

Dangerous and Offensive Trades No. 73.

Stables, Cattle Sheds, etc. Nos. 74 to 78 inclusive.

Removal of Carcases Nos. 79 to 81 inclusive.

Filthy Premises Nos. 82 to 83 inclusive.

Laundries Nos. 84 to 86 inclusive.

The Digging of Holes or Excavations Nos. 88 to 89 inclusive.

Slaughter Houses Nos. 90 to 96 inclusive.

Bakeries Nos. 97 to 102 inclusive.

Dairies No. 103.

Butchers Nos. 107 to 112 inclusive.

Bathing Nos. 155 to 156 inclusive.

Washing of Clothes Nos. 157 to 158 inclusive.

Cemeteries Nos. 159 to 164 inclusive.

Camps Nos. 165 to 171 inclusive.

With the exception of No. 167, which shall be amended in accordance with the fee charged in the schedule.

Street Noises No. 177.

Preservation of Order by Night Nos. 178 to 181 inclusive.

Stray animals No. 186.

3. The Rules dated 23rd August, 1910, applicable to the Townships of Naivasha and Nakuru, as amended by Rules dated 2nd December, 1910, and by "The Naivasha and Nakuru Townships Amendment Rules, 1920."

GOVERNMENT NOTICE No. 392.

THE EAST AFRICA TOWNSHIP ORDINANCE, 1903.

RULES.

IN PURSUANCE of the powers conferred upon him by the above Ordinance His Excellency the Governor has been pleased to make the following Rules:—

These Rules may be cited as the Mombasa building Amendment Rules, 1921, and shall apply to the Township of Mombasa and shall be read as one with the Township Rules, 1904, and any amendments thereof relative to the Township of Mombasa.

1. Notwithstanding anything contained in any Rules issued under the above-mentioned Ordinance relating to the Township of Mombasa, it shall be lawful for the Resident Commissioner to grant permits for temporary buildings on such obligations both as to removal thereof and otherwise and generally upon such terms as he, in his free discretion, may prescribe subject to the written concurrence of the Medical Officer of Health, provided that no permit may be granted under this Rule for a building any of the walls of which are to be constructed wholly or partly of stone, bricks or concrete.

II. Every person who shall erect a building or alter or add to any building shall before proceeding to lay or cover up any foundation footings or any damp course of such buildings or commence such other work, deliver or send, or cause to be delivered or sent to the Resident Commissioner notice in writing, in which shall be specified the date on which such person will cover up such foundation footings or damp course or commence such other work as aforesaid.

III. Every person who shall erect a building or alter or add to any building shall before proceeding to cover up any drains, cesspits or other work connected with the sanitation of such building, deliver or send or cause to be delivered to or sent to the Medical Officer of Health notice in writing stating that such drains, cesspits [illegible] aforesaid is ready for inspection.

IV. If any person neglect or refuse to deliver or send any such notice, or cause to be delivered or sent any such notice, the Resident Commissioner [illegible] duly authorised on inspecting [illegible] connection with such building or other work, finds that such work is so far advanced that he can [illegible] whether anything required by any Rule relating to Buildings has been done or omitted to be done, and if within a reasonable time after such survey or inspection such person shall by notice in writing under the hand of the Resident Commissioner or such other authorised person be required within a reasonable time, which shall be specified in such notice to cause so much of such work as prevents the Resident Commissioner or such other authorised person from ascertaining whether anything has been done or omitted to be done as aforesaid to be cut into, laid open, or pulled down to a sufficient extent to enable the Resident Commissioner or other authorised person to ascertain whether anything has been done or omitted to be done as aforesaid, such person shall within the time specified cause such work to be cut into, laid open or pulled down.

V. If any person who is entitled to proceed with any building or work fails to complete such building or work within a period of two years from the date when deposited plans for such building or work were approved the person shall in every case submit a fresh application for permission before proceeding further with such building or work.

VI. A person shall not occupy any building, or being the owner thereof, suffer the same to be occupied, until such building shall after examination have been certified by the Resident Commissioner to have been erected in accordance with the approved plans and by the Medical Officer of Health to be in his opinion in every respect fit for human habitation.

By command of His Excellency the Governor.

Nairobi,
October 23rd, 1921.

W. K. NOTLEY,
Acting Colonial Secretary.

GOVERNMENT NOTICE No. 393. S. 21903.

EAST AFRICA TOWNSHIPS ORDINANCE, 1903.

RULES.

IN EXERCISE of the powers conferred upon the Governor by the East Africa Townships Ordinance, 1903, and all other powers him thereunto enabling His Excellency the Governor, has been pleased to make the following Rules:—

1. These Rules may be cited as "The Kitale Township Rules, 1921."

2. The following Rules shall apply to the Township of Kitale.

Of the Township Rules, 1904, dated 19th May, 1904, the following:—

Permits and Licences Nos. 3 to 6 inclusive.

Buildings Nos. 24, 26, 27, 28, 29, 30, 31, 32, 33, 38, 49, 50, and 52.

Streets and Roads Nos. 53 to 58 inclusive.

Irrigation Trenches Nos. 59 to 62 inclusive.

Sanitary Nos. 63 to 72 inclusive.

Dangerous and Offensive Trades No. 73.

Stables, Cattle Sheds, etc. Nos. 74 to 78 inclusive.

Removal of Carcases Nos. 79 to 81 inclusive.

Filthy Premises Nos. 82 to 83 inclusive.

Laundries Nos. 84 to 86 inclusive.

The Digging of Holes or Excavations Nos. 88 to 89 inclusive.

Slaughter Houses Nos. 90 to 96 inclusive.

Bakeries Nos. 97 to 102 inclusive.

Dairies No. 103.

Butchers Nos. 107 to 112 inclusive.

Bathing Nos. 155 to 156 inclusive.

Washing of Clothes Nos. 157 to 158 inclusive.

Cemeteries Nos. 159 to 164 inclusive.

Camps Nos. 165 to 171 inclusive.

With the exception of No. 167, which shall be amended in accordance with the fee charged in the schedule.

Street Noises No. 177.

Preservation of Order by Night Nos. 178 to 181 inclusive.

Stray animals No. 186.

3. The Rules dated 23rd August, 1910, applicable to the Townships of Naivasha and Nakuru, as amended by Rules dated 2nd December, 1910, and by "The Naivasha and Nakuru Townships Amendment Rules, 1920."

4. The Townships (Sanitary) Rules, 1917.

5. The fees mentioned in the schedule to these Rules shall be levied in the Township of Kitale.

SCHEDULE.

(*a*) REGISTRATION.

Registration of meat seller Fls. 2 per mensem.

(*b*) POUND FEES.

For each horse, mule, ox, cow, calf camel, donkey, ostrich for the first day Fl. 1.00.

For each succeeding day 50 cts.

For sheep, goat, pig for each animal per day 12 Cts.

(*c*) PERMIT TO KEEP CATTLE, ETC.

Permit to keep cattle, maximum not to exceed 10 head Cts. 25 per head per mensem or part thereof.

Permit to keep horses, mules, camels Cts. 25 per head per mensem or part thereof.

Permit to keep sheep, goats, and pigs Cts. 6 per head per mensem or part thereof.

(*d*) CAMPING GROUND FEES.

Licence for pitching tent on a recognised camping ground Cts. 50 per week or part thereof.

4. The Rules published in Government Notice No. 304 dated 18th August, 1921, are hereby cancelled.

By Command of His Excellency the Governor.

Nairobi,
Dated the 24th day of October, 1921.

G. A. S. NORTHCOTE,
for Acting Colonial Secretary.

GOVERNMENT NOTICE No. 395. S. 6597.

THE PUBLIC HEALTH ORDINANCE, 1921.

NOTICE.

IN EXERCISE of the powers conferred upon him by Section 18 (2) (*c*) of the Public Health Ordinance, 1921, His Excellency the Governor has been pleased to restrict the provisions of the said Ordinance with regard to the notification of yaws to the Townships of Nairobi, Nakuru, Eldoret and Mombasa.

By Command of His Excellency the Governor.

Nairobi,
The 21st day of October, 1921.

G. A. S. NORTHCOTE,
for Acting Colonial Secretary.

PROCLAMATION No. 149. S. 22519.

THE EAST AFRICA TOWNSHIPS ORDINANCE, 1903.

PROCLAMATION.

IN EXERCISE of the powers conferred upon me by the East Africa Townships Ordinance, 1903, I, Edward Northey, Major-General of His Majesty's Forces, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Most Honourable Order of the Bath, Governor of the Colony of Kenya, do hereby declare that Proclamation dated 7th September, 1903, published on page 320 of the Official Gazette, 1903, is hereby amended by deleting the boundaries of Mombasa therein set out and substituting therefore the boundaries set out in the Schedule annexed hereto.

Given under my hand at Nairobi this 31st day of October, 1921.

EDWARD NORTHEY,
Governor.

GOD SAVE THE KING.

SCHEDULE.

BOUNDARIES OF MOMBASA TOWNSHIP.

Commencing at the most southerly corner of Sub-division No. 36 of Section V. Mainland South (Timbwani);

thence bounded by the generally south-eastern boundary of that section to the most westerly corner of Sub-division No. 36;

thence by a straight line north-westerly to the southern corner of Sub-division No. 27 of Section I., Mainland South (Likoni);

thence by the south-western boundaries of Sub-divisions Nos. 27 and 29 to the most westerly corner of the latter Sub-division;

thence by a straight line north-westerly across the Gasi Road Reserve to the most southern corner of Sub-division No. 30 of the same Section;

thence by the south-western boundaries of Sub-divisions Nos. 30 and 31 to Beacon D.B. 30 on the south-western boundary of the latter Sub-division;

thence by a straight line to the Beacon B.N.2 on the southern boundary of Sub-division No. III. of Section II., Mainland South (Mtongwe);

thence by that southern boundary to the south-west corner of that Sub-division;

thence southerly by part of the eastern boundary of No. 110/2 of the same section to its south-east corner;

thence by the generally south-western boundary of that Sub-division to its most westerly corner on the Road Reserve;

thence by a straight line westerly across that Road Reserve to the south-east corner of Sub-division No. 1 of Section III. Mainland South (Mtongwe);

thence by the generally southern boundaries of Sub-divisions Nos. 1, 2, 35, 36, 32, 29, 37, 38, 40, 41, and 42 of the same section to the most westerly corner of the last Sub-division;

thence by a straight line north-westerly across the Road Reserve to the most southerly corner of Sub-division No. 1 of Section IV., Mainland South (Mtongwe);

thence by the generally western boundary of Section IV. to the Beacon B.N. 28 on the south-eastern boundary of Sub-division 166 of the Section;

thence south-westerly by part of the south-eastern boundary of that Sub-division to its most southerly corner on High Water Mark in Mkunguni Creek;

thence north-westerly by High Water Mark to the most westerly point of Mkunguni;

thence by a straight line northerly to the Beacon A89 on the Uganda Railway about 5,000 feet west of Changamwe Station;

thence by a straight line north-easterly to the Trigonometrical Beacon Kibirini, in Changamwe;

thence by a straight line north-easterly to the Trigonometrical Beacon Nguuni South, in Junda.

thence by a straight line south easterly to the most northerly corner of Sub-division No. 283 of Section I., Mainland North;

thence by the generally western and south-western boundary of that Sub-division to its most southerly corner on High Water Mark of the Indian Ocean;

thence south-westerly by High Water Mark to Ras Kunwongbe;

thence by a straight line south-westerly to Ras Muaka Senge;

thence south-westerly by High Water Mark to the point of commencement.

GOVERNMENT NOTICE No. 410. S. 399/3.

THE MINING ORDINANCE, 1912.

REGULATIONS.

IN EXERCISE of the powers conferred upon the Governor by the Mining Ordinance, 1912, Section 73, His Excellency the Governor has been pleased to make the following Regulations:—

1. These Regulations may be cited as "The Coal and Oil Mining Regulations, 1921."

2. Notwithstanding anything contained in the Mining Regulations, 1912, and the Mining Amendment Regulations, 1920, the Commissioner of Mines may with the approval of the Governor grant sole prospecting licences to prospect for coal and/or oil on any Crown lands which may be in the form in the Schedule annexed hereto.

3. The Governor may settle the fee which shall be paid by a grantee of any such sole prospecting licence.

4. In the event of any coal or oil being won in the area over which any such sole prospecting licence has been granted the Governor may fix the price at which such coal or oil may be sold.

5. Every licensee shall carry out prospecting operations to the satisfaction of the Commissioner of Mines. If any licensee shall fail to comply with the provisions of this Regulation he shall forfeit his licence.

6. Every licence shall be subject to the provisions of the Mining Regulations, 1912, with the exception of Regulations Nos. 83, 84, 85, 86 (1) and (2), 88 and 91 thereof.

7. Every licensee shall during the currency of the licence have a preferential right to a lease or leases for mining purposes subject to the provisions of the Ordinance in the area covered by his licence.

8. A licensee shall not assign his licence or any interest thereunder except with the consent of the Governor.

By Command of His Excellency the Governor.

Nairobi,
This 4th day of November, 1921.

W. K. NOTLEY,
Acting Colonial Secretary.

SCHEDULE.

SPECIAL SOLE PROSPECTING LICENCE ISSUED UNDER SECTION 73 (XXVII).

I hereby grant.....sole licence and authority to search and mine the lands being all that area of land set forth and bordered in red on the map annexed hereto and comprising about.....square miles/acres for coal and oil subject to the provisions of the said Ordinance and Regulations thereunder in force.

This licence does not apply to any private land within the said area.

This licence is to remain in force for 12 calendar months from the date hereof unless forfeited or determined in the meantime.

Dated the.....day of.....19

Fee Fls.....paid.

.....
Commissioner of Mines.

GOVERNMENT NOTICE No. 413. S. 76.

THE FUGITIVE CRIMINALS SURRENDER ORDINANCE, 1908.

NOTICE.

IT IS HEREBY notified that in exercise of the powers conferred upon me by the Fugitive Criminals Surrender Ordinance, 1908, Section 2, I, Edward Northey, Major General of His Majesty's Forces, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of the Colony and Protectorate of Kenya, do hereby direct that the aforesaid Ordinance shall apply in the case of the territories of the Republic of Portugal during the continuance of the arrangement made between His Majesty the King and the Republic of Portugal and contained in the Treaty between the United Kingdom and the Kingdom of Portugal, dated the 17th October, 1892, and a further Treaty between the United Kingdom and the Republic of Portugal, dated 29th September, 1921, relating respectively to the Extradition of Fugitive Criminals between Great Britain and her foreign possessions and the Kingdom of Portugal, and certain British Protectorates and the Republic of Portugal.

Given under my hand at Nairobi this second day of November, 1921.

EDWARD NORTHEY,
Governor and
Commander-in-Chief.

GOVERNMENT NOTICE No. 423. S. 22599/5.

CONFIRMATION OF ORDINANCE.

NOTICE.

THE Secretary of State for the Colonies has been pleased to notify that His Majesty's power of disallowance will not be exercised with respect to the undermentioned Ordinance:—

"AN ORDINANCE TO AMEND THE CUSTOMS TARIFF ORDINANCE, 1909."

(No. XXV OF 1921).

By Command of His Excellency the Governor.

Nairobi,
Dated 3rd day of November, 1921.

G. A. S. NORTHCOTE,
for Acting Colonial Secretary.

PROCLAMATION No. 160. S. 22671.

THE EAST AFRICA TOWNSHIPS ORDINANCE, 1903.

PROCLAMATION.

IN EXERCISE of the powers conferred upon me by the East Africa Townships Ordinance, 1903, I, Edward Northey, Major-General of His Majesty's Forces, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of the Colony and Protectorate of Kenya, hereby declare

the area described in the Schedule hereto to be a Township for the purposes of the above Ordinance and to be named "Taveta."

Given under my hand at Nairobi the 8th day of November, 1921.

EDWARD NORTHEY,
Governor.

GOD SAVE THE KING.

SCHEDULE.

All that surveyed and beaconed piece of land situate in the District of Teita and known as Taveta Township Reserve (Land Office No. 4118), which said piece of land with dimensions, abuttals and boundaries thereof is delineated on Land Survey Plan No. 12847, deposited in the Land Survey Office, Nairobi.

GOVERNMENT NOTICE No. 426. S. 22671.

THE EAST AFRICA TOWNSHIPS ORDINANCE, 1903.

TOWNSHIP OF TAVETA.

RULES.

IN EXERCISE of the powers conferred upon him by the East Africa Townships Ordinance, 1903, His Excellency the Governor has been pleased to make the following Rules:—

1. These Rules may be cited as "The Taveta Township Rules, 1921."

2. The following Rules shall apply to the Township of Taveta:—

Of the Rules as published under date of 19th May, 1904, under the East Africa Townships Ordinance, 1903, and referred to as the Township Rules, 1904, the following:—

General—Nos. 1, 2, 3, 4, 5 and 6.
Building—Nos. 38, 39 and 52.
Sanitary—Nos. 63, 64, 65, 66, 67, 71 and 72.
Filthy Premises—Nos. 82 and 83.
Slaughter Houses—Nos. 90, 91, 92, 93 and 96.

3. The following fees shall be levied in the Township:—

SLAUGHTER HOUSE FEES.

For each head of cattle slaughtered Fl. 1/-
For each sheep or goat Fl. 0-/25

By command of His Excellency the Governor.

Nairobi,
The 8th day of November, 1921.

W. K. NOTLEY,
Acting Colonial Secretary.

GOVERNMENT NOTICE No. 439. S. 17292.

THE BRITISH PROTECTORATES (DEFENCE) ORDER-IN-COUNCIL, 1916.

REGULATIONS.

WHEREAS by the Regulations intituled "The Defence Regulations, 1921," dated 25th May, 1921, published under Government Notice No. 187 in the "Official Gazette" of 25th May, 1921, His Excellency the Governor was pleased to prohibit the importation into the Colony and Protectorate of wheat flour of the qualities known as "Superfine and Household" except on licence from 1st June, 1921, until further notice.

NOW THEREFORE in exercise of the powers conferred upon him by the British Protectorates Defence Order-in-Council, 1916, His Excellency the Governor has been pleased to make the following Regulations:—

1. These Regulations may be cited as "The Defence Regulations (No. 2), 1921."

2. The Defence Regulations, 1921, dated the 25th day of May, 1921, are hereby cancelled with effect from the 1st day of December, 1921.

By Command of His Excellency the Governor.

Nairobi,
Dated this 24th day of November, 1921.

W. K. NOTLEY,
Acting Colonial Secretary.

GOVERNMENT NOTICE No. 451. S. 10498/1.

THE COMMISSIONS OF INQUIRY ORDINANCE, 1912.

A COMMISSION.

I, EDWARD NORTHEY, Major-General of His Majesty's Forces, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of the Colony of Kenya, do by virtue and in exercise of the powers conferred upon me by the Commissions of Inquiry Ordinance, 1912, by this my Commission under my hand appoint:—

HIS HONOUR JACOB WILLIAM BARTH, C.B.E.

THE HON. MR. ROBERT WILLIAM LYALL GRANT.

THE HON. MR. WILLIAM MCGREGOR ROSS.

THE RT. REV. BISHOP OF MOMBASA.

CHARLES NEWTON MOBERLY HARRISON, ESQ.

MRS. T. A. WOOD.

MRS. O. F. WATKINS.

to be Commissioners to inquire into and report upon what alterations, if any, are desirable and possible in the existing Divorce and Bastardy Laws of the Colony and Protectorate.

And I do hereby appoint His Honour Jacob William Barth, C.B.E., to be Chairman of the said Commission and in case the said J. W. Barth should be unable to act as Chairman I hereby direct that Robert William Lyall Grant shall act as Chairman during such time as the said J. W. Barth shall be unable so to act.

And I do hereby direct that 4 of the aforesaid Commissioners shall form a quorum.

And I do hereby direct that the aforesaid Inquiry be held at Nairobi and at such other place or places as the Chairman above-mentioned may deem necessary.

And I do hereby command all persons whom it may concern to take due notice hereof and to give their obedience accordingly.

Given under my hand at Nairobi this 26th day of November, 1921.

EDWARD NORTHEY,
Governor and Commander-in-Chief.

PROCLAMATION No. 173. S. 783.

THE PUBLIC HOLIDAYS ORDINANCE, 1912.

PROCLAMATION.

IN EXERCISE of the powers conferred on me by Section 3 of the Public Holidays Ordinance, 1912, I, Edward Northey, Major-General of His Majesty's Forces, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of the Colony of Kenya, hereby appoint Tuesday the 27th December, 1921, to be observed as a Public Holiday throughout the Colony and Protectorate of Kenya.

Given under my hand at Nairobi this Seventh day of December, 1921.

EDWARD NORTHEY,
Governor and Commander-in-Chief.

GOD SAVE THE KING.

PROCLAMATION No. 174. S. 21200.

THE EAST AFRICA TOWNSHIPS ORDINANCE, 1903.

PROCLAMATION.

IN EXERCISE of the powers conferred upon me by the East Africa Townships Ordinance, 1903, I Edward Northey, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Most Honourable Order of the Bath, Governor of the Colony and Protectorate of Kenya do hereby declare the following place to be a Township for the purposes of the said Ordinance:—

MBAGATHI. The area comprised within a circle having a radius of half a mile with the most northerly corner of the main building known as Mbagathi Slaughter House situated to the North of the Athi (Mbagathi) River as centre excluding such portion of the circle as lies within the Masai Reserve.

Proclamation No. 36 of the 27th March, 1920 is hereby cancelled.

Given under my hand at Nairobi this Ninth day of December, 1921.

EDWARD NORTHEY,
Governor.

GOD SAVE THE KING.

GOVERNMENT NOTICE No. 460. S. 18520/1.

CONFIRMATION OF ORDINANCE.

NOTICE.

The Secretary of State for the Colonies has been pleased to notify that His Majesty's power of disallowance will not be exercised with respect to the undermentioned Ordinance:—

An Ordinance to Repeal "The Fugitive Offenders (German East Africa) Surrender Ordinance, 1920."

(No. XXIX of 1921).

By Command of His Excellency the Governor.

Nairobi,
5th December, 1921.

G. A. S. NORTHCOTE,
for Colonial Secretary.

PROCLAMATION No. 177. S. 17612/5/8

THE KENYA AND UGANDA (CURRENCY) ORDER, 1921.

PROCLAMATION.

WHEREAS by Article 9 (2) of the Kenya and Uganda (Currency) Order, 1921, published below, it is provided that the aforesaid Order shall come into operation in the Colony and in each of the Protectorates respectively on such date as may be fixed by Proclamation.

Now therefore, I, Edward Northey, Major-General of His Majesty's Forces, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of the Colony and Protectorate of Kenya, do hereby proclaim and declare that the aforesaid Order shall commence and come into operation in the Colony and Protectorate of Kenya on the first day of January, 1922.

Given under my hand at Nairobi this Sixteenth day of December, 1921.

EDWARD NORTHEY.
Governor.

GOD SAVE THE KING.

GOVERNMENT NOTICE No. 461. S. 17612/5/2.

ORDER-IN-COUNCIL.

At the Court at *Buckingham Palace*, the 10th day of *August*, 1921.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD COLEBROOK.
MR. SECRETARY SHORTT.
SIR FREDERICK PONSONBY.
SIR A. GRIFFITH BOSCAWEN.

WHEREAS by the East Africa and Uganda (Currency) (No. 2) Order, 1920, provision was made with respect to the currency of the East Africa and Uganda Protectorates:

And whereas by the Kenya (Annexation) Order in Council, 1920, certain of the territories comprised in the East Africa Protectorate were annexed to His Majesty's Dominions and are now known as the Colony of Kenya:

And whereas by virtue of the Kenya Protectorate Order in Council, 1920, such of the territories of the East Africa Protectorate as are not included in the Colony are now known as the Protectorate of Kenya;

And whereas it was provided by each of the two last-mentioned Orders that nothing in the Order should affect the validity of any Order in Council affecting the territories as respects which provision was made by the Order:

And whereas it is expedient to make further provision with respect to the currency of the Colony and of the Protectorates:

Now, therefore, His Majesty, in pursuance so far as relates to the Colony of the powers vested in Him by the British Settlements Act, 1887, and so far as relates to the Protectorates of the powers vested in Him by the Foreign Jurisdiction Act, 1890, and as respects both the Colony and the Protectorates of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered as follows:—

1. (1) There shall be coined under the direction of the Master of the Mint for use in the Colony and the Protectorates a British East Africa shilling which shall be of the approved weight and composition, and shall be subject to remedies, or variations from the approved weight and composition, of such amount as may be approved.

) The British East Africa shilling shall be of the oved design and have the approved impressions.

(1) The British East Africa shilling shall be the dard coin of the Colony and the Protectorates.

) Every contract, sale, payment, bill, note, in- ment, and security for money, and every saction, dealing, matter and thing whatsoever ing to money or involving the payment of, or liability to pay, any money, shall, in the absence xpress agreement to the contrary, be deemed to nade, executed, entered into, done, and had in Colony and the Protectorates according to the dard coin.

(1) There may from time to time be coined er the direction of the Master of the Mint for in the Colony and the Protectorates subsidiary s which shall be of such denominations, com- tion, and weights as may be approved and shall subject to a remedy of such amount as may be roved.

2) The subsidiary coins so coined shall as respects h coin bear an indication of the value of the coin cents or hundredths of a shilling, and shall other- e be of the approved design and have the ap- ved impressions.

. (1) Subject as hereinafter provided, a tender payment of money in the Colony and the Pro- torates, if made in any of the coins issued under s Order, shall, if the coins have not been illegally lt with, and, in the case of shillings have not come diminished in weight by wear or otherwise as to be of less weight than the weight declared Proclamation made by the Governor with the proval of the Master of the Mint and of a Secre- y of State to be the least current weight, be a al tender:—

(*a*) In the case of shillings for the payment of any amount;

(*b*) In the case of fifty-cent pieecs, for the payment of an amount not exceeding twenty shillings, but for no greater amount;

(*c*) In the case of coins of any lower denomination than fifty cents, for the payment of an amount not exceeding one shilling, but for no greater amount:

Provided that subsidiary coins issued under this rder shall not become legal tender, unless declared be legal tender by a Proclamation made by the overnor and then only as from such date as is ecified in the Proclamation.

(2) Each coin shall be a legal tender only for the mount of its denomination.

5. (1) Where any sum due to be paid after the ommencement of this Order is payable in pounds r pounds sterling, whether the obligation to make he payment was incurred before or after the com- encement of this Order, the payment may be made n shillings at the rate of twenty shillings to the ound or pound sterling.

(2) Where any contract entered into or instrument ade before the commencement of this Order pro- vides for the making of any payment in terms of rupees or florins the contract or instrument shall have effect as if for references to any number of rupees or florins there were substituted references to twice that number of shillings.

(3) Where any contract entered into or instru- ment made before the commencement of this Order provides for the making of any payment in terms of cents, the contract or instrument shall have effect as if for references to any number of cents there were substituted references to twice that number of cents of a shilling.

6. (1) For the purposes of this Order a coin shall be deemed to have been illegally dealt with if the coin has been impaired, diminished, or lightened, otherwise than by fair wear and tear, or has been defaced by having any name, word, device or number stamped or engraved thereon, whether the coin has or has not been thereby diminished or lightened.

(2) Any coin which, by virtue of any Proclamation under this Order, has ceased to be legal tender or which has been illegally dealt with, or is below the least current weight, may be called in, cut, broken, or defaced under the authority of the Governor, in accordance with such regulations as the Governor may make.

7. (1) Every proclamation made by the Governor under or in pursuance of this Order shall be made with the approval of the Treasury and a Secretary of State.

(2) Proclamations shall be made by the Governors respectively so that they shall so far as practicable take effect on the same day in the Colony and in each of the Protectorates.

8. (1) In this Order, unless the context otherwise requires:—

The expression "Uganda" means the Uganda Protectorate as defined in the Uganda Order in Council, 1902:

The expression "The Colony" means the Colony of Kenya:

The expression "The Protectorates" means the Kenya and Uganda Protectorates:

The expression "The Governor" means the Governor of the Colony and Protectorate of Kenya, or the Governor of Uganda, as the case may be, and includes the person for the time being administering the Government:

The expression "approved" means approved by the Master of the Mint and a Secretary of State:

The expression "The Master of the Mint" means the Master of His Majesty's Royal Mint in England.

(2) The Interpretation Act, 1889, applies for the purpose of the interpretation of this Order as it applies for the purpose of the interpretation of an Act of Parliament.

9. (1) This Order may be cited as the Kenya and Uganda (Currency) Order, 1921.

(2) This Order shall come into operation in the Colony and in each of the Protectorates respectively on such date as may be fixed by Proclamation by the Governor.

(3) Subject as hereinafter provided the East Africa and Uganda (Currency) (No. 2) Order, 1920, is hereby revoked as from the date of the commencement of this Order:

Provided that—

Notwithstanding the revocation of the said Order all coins and all currency notes which at the said date are legal tender thereunder shall, unless and until declared not to be legal tender by Proclamation made by the Governor, remain legal tender in accordance with the provisions of the said Order for the amount of their respective denominations at the rate of one rupee or one florin for two shillings one fifty cent piece for one shilling and two twenty-five cent pieces for one shilling, except that pieces of ten cents, five cents and one cent, shall for the purposes of tender of payment be taken to be pieces of ten cents, five cents and one cent respectively of a shilling instead of pieces of ten cents, five cents and one cent respectively of a florin.

ALMERIC FITZROY.

GOVERNMENT NOTICE No. 462. S. 17612/5/2.

ORDER-IN-COUNCIL.

At the Court at *Buckingham Palace*, the 7th day of *November*, 1921.

PRESENT:

The KING'S most Excellent Majesty in Council.

WHEREAS by the Kenya and Uganda (Currency) Order, 1921 (hereinafter referred to as "the Principal Order") provision was made with respect to the currency of the Colony of Kenya and the Protectorates of Kenya and Uganda:

And whereas it is expedient to amend the Principal Order:

Now, therefore, His Majesty, in pursuance so far as relates to the Colony of the powers vested in Him by the British Settlements Act, 1887, and so far as relates to the Protectorates of the powers vested in Him by the Foreign Jurisdiction Act, 1890, and as respects both the Colony and the Protectorates of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered as follows:—

1. The Proviso to paragraph (3). of Article 9 of the principal Order shall have effect as though for the words therein from "except that" to the end thereof there were substituted the words "and in the case of pieces of ten cents, five cents and one cent at the rate of one cent of a florin for two cents of a shilling."

2. (1) This Order may be cited as the Kenya and Uganda (Currency) (No. 2) Order, 1921.

(2) This Order shall come into operation in the Colony and in each of the Protectorates respectively on the same date as the principal Order.

PROCLAMATION No. 178. S. 1621/4.

THE NATIVE HUT AND POLL TAX AMENDMENT ORDINANCE, 1920.

PROCLAMATION.

WHEREAS in exercise of the powers conferred upon the Governor by the Native Hut and Poll Tax (Amendment) Ordinance, 1915, and the Native Hut and Poll Tax (Amendment) Ordinance, 1920, the sum payable in respect of Hut and Poll Tax, as the case may be, leviable in Kamasia was by Proclamation No. 60 of 1920 increased to Fls. 8 per annum.

And whereas it has appeared expedient to modify such order as far as it refers to the tax for the year 1921.

Now, therefore, by virtue of the powers conferred on the Governor by Section 12 of the Native Hut and Poll Tax Ordinance, 1910, I, Edward Northey, Major-General of His Majesty's Forces, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Most Honourable Order of the Bath, Governor of the Colony and Protectorate of Kenya, do hereby declare that the sum payable in the Kamasia Reserve the boundaries of which are described in the Schedule annexed hereto, in respect of Hut and Poll Tax, as the case may be, shall be at the rate of Fls. 5 per annum for the current year ending 31st December, 1921.

Proclamation No. 60 dated 7th June, 1920, in so far as it relates to Kamasia is hereby revoked.

Given under my hand at Nairobi this 13th day of December, 1921.

EDWARD NORTHEY,
Governor.

GOD SAVE THE KING.

SCHEDULE.

BOUNDARIES OF THE KAMASIA RESERVE.

Commencing at the North-easterly corner of Government Forest Reserve (on Tiggeri River); thence bounded by the Northerly boundary of that Reserve to its North-westerly corner; thence by the Easterly and Northerly boundary of L.O. No. 508 (Lingham and Grogan's Forest Concession) to the South-easterly corner of Elgayo Reserve; thence by the Easterly boundary of Elgayo and Marakwet Reserves to Kinyach River (South-westerly corner of Suk Reserve); thence by the generally southerly boundary of Suk Reserve; to the western shore of Lake Baringo; thence by the Lake shores Southerly to Kampi ya Samaki; thence by a line Westerly to Hill 4913; thence by a line Southerly to Hill 3668 and onwards through Hills 3709, 4387 to a point where the Ravine-Baringo Road intersects the Molo River; thence by a line Easterly to Hill 4457; thence by a line South-easterly to the North-easterly corner of L.O. No. 2689; thence by the Northerly boundary of that L.O. No. to its North-westerly corner; thence by the Westerly boundaries of L.O. Nos. 2689, 2688, 2682, 2681, 2680 to the South-westerly corner of 2680; thence by a line Westerly to the North-easterly corner of L.O. No. 662; thence by the generally Northerly and Westerly boundaries of L.O. Nos. 662, 661, 483 to the North-easterly corner of L.O. No. 488; thence by the generally Northerly boundaries of L.O. Nos. 488, 494, 497 to Tiggeri River; thence by that River up-stream to the point of commencement.

GOVERNMENT NOTICE No. 464. S. 808.

THE DISEASES OF ANIMALS ORDINANCE, 1906.

RULES.

IN EXERCISE of the powers conferred upon him by the Diseases of Animals Ordinance, 1906, His Excellency the Governor has been pleased to make the following Rules:—

(1) These Rules may be cited as "The Diseases of Animals (Scale of Fees) Amendment Rules, 1921," and shall be read as one with the "Diseases of Animals Rules, 1918" and with "The Supply of Veterinary Laboratory Products and Inoculation Rules, 1920."

(2) The Scale of Fees in Schedule A to the Diseases of Animal Rules, 1918, and in the Schedule to the supply of Veterinary Laboratory Products and Inoculation Rules, 1920, shall be and is hereby amended as follows:—

After the words "Testing with Tuberculin" where they occur in the said Schedules, insert in brackets ("imported cattle)".

For "Fls. 2 per head" opposite the words "Double inoculation against Rinderpest when done in dealing with an outbreak of Rindespest" where they occur in the said Schedules, "Fls. 1 Cents 25 per head" shall be substituted.

For "Cents 50 per 20 c.c." opposite the words "Anti Rinderpest Serum" where they occur in the said Schedules, "Fls. 1 per 50 c.c." shall be substituted.

By Command of His Excellency the Governor.

Nairobi,
The 24th day of October, 1921.

G. A. S. NORTHCOTE,
for Acting Colonial Secretary.

NMENT NOTICE No. 465. S. 17402/2.

HE INDIAN POST OFFICE ACT, 1898.

and

THE POST OFFICE AMENDMENT ORDINANCE, 1919.

RULES.

EXERCISE of the powers conferred upon the nor-in-Council by the Indian Post Office Act, as applied to the Colony and Protectorate, and ost Office Amendment Ordinance, 1919, and er powers him thereunto enabling His Excel- the Governor-in-Council has been pleased to the following Rules:—

These Rules may be cited as the "Telegraph Order Rules, 1921," and shall come into with effect from the 1st day of January, 1922.

(2) There shall be chargeable in respect of an inland Telegraph Money Order, in addition to the commission for an ordinary inland Money Order and telegraph charges at ordinary rates for the telegram of advice, a special supplementary fee of 25 cents.

(3) There shall be chargeable in respect of the issue of a Telegraph Money Order payable in the United Kingdom, in addition to the commission chargeable on an ordinary Money Order issued on the United Kingdom and the charge for the telegram of advice, a special supplementary fee of 50 cents.

By command of His Excellency the Governor-in-Council.

Nairobi,
The 14th day of December, 1921.

H. MALPASS,
Clerk to the Executive Council.

NMENT NOTICE No. 466. S. 16390/1.

HE INDIAN TELEGRAPH ACT, 1885.

RULES.

THE TELEGRAPH RULES (No. 2), 1921.

EXERCISE of the powers conferred upon overnor-in-Council by the Indian Telegraph 885, as applied to the Colony and Protectorate, His Excellency the Governor-in-Council has been pleased to make the following Rules:—

1. These Rules may be cited as the "Telegraph Rules (No. 2), 1921."

2. On and after the 1st December, 1921, the telegraph rates *via* "Overland Service" from the Colony and Protectorate of Kenya for the following places shall be:—

NAME OF PLACE.	PLAIN LANGUAGE.		CODE.		PRESS.	
	Rate per word.	Minimum number of words.	Rate per word.	Minimum number of words.	For 1st 48 words.	Each additional 4 words.
	Fls. Cts.		Fls. Cts.		Fls. Cts.	Fls. Cts.
an Congo—*Via* Broken Hill (Buka-Elizabethville, Kambove, Likassi, andi)	0 80	12	1 10	12	13 20	1 10
an Congo—*Via* Broken Hill (Albert-e, Bunia, Kabalo, Kasongo, Kikonji, du, Kongalo, Lusamba, Stanley-e)	0 90	12	1 20	12	14 20	1 20
an Trans-Continental Telegraph npany's Offices—in Nyasaland and rthern Rhodesia, (Fife, Abercorn, sama, Fort Jameson, Blantyre, Chin-he, Dedza, Dowa, Fort Johnston, ronga, Kotakota, Liwonde, Ntaka-a, Zomba)	0 60	12	0 80	12	10 70	0 90
ern Rhodesia—(excluding Fife, ercorn, Kasama and Fort Jameson) ...	0 70	12	0 90	12	11 20	0 95
Highland Railway Offices (Chiromo, be, Luchenza, Mikalongwe, Mlanje d, Port Herald)	0 60	12	0 80	12	10 70	0 90
Railway Company's Offices (Amagas, Bandula, Beira (Town) Beira ation), Macequece, Ponte De Pungwe, la Machado, Villa Pery) ...	0 70	12	0 95	12	11 70	1 00
guese East Africa—excluding Beira lway Offices	0 70	12	0 90	12	11 45	0 95
ern Rhodesia and Bechuanaland tectorate	0 70	12	0 90	12	11 20	0 95
of South Africa and South West ica Protectorate	0 70	12	0 90	12	11 45	0 95
nga (Tanganyika Territory) ...	0 40	12	0 50	12	8 00	0 70

By Command of His Excellency the Governor-in-Council.

Nairobi,
The 14th day of December, 1921.

H. MALPASS,
Clerk to the Executive Council.

GOVERNMENT NOTICE No. 467.

ORDER-IN-COUNCIL.

At the Court at *Buckingham Palace*, the 11th day of *October*, 1921.

PRESENT,

The KING's Most Excellent Majesty in Council.

WHEREAS in pursuance of the powers conferred on Him by the Treaty of Peace Act, 1919, and the Treaties of Peace (Austria and Bulgaria) Act, 1920, His Majesty in Council was pleased to make the Treaty of Peace Order, 1919, the Treaty of Peace (Austria) Order, 1920, and the Treaty of Peace (Bulgaria) Order, 1920, and various Orders amending the aforesaid Orders:

And whereas it is expedient that the aforesaid Orders as amended should be further amended in manner hereinafter appearing:

And whereas in pursuance of the powers conferred on Him by the Treaty of Peace (Hungary) Act, 1921, His Majesty in Council was pleased to make the Treaty of Peace (Hungary) Order, 1921, and it is expedient that that Order should be amended in manner hereinafter appearing:

Now, therefore, His Majesty, by and with the advice of His Privy Council, is pleased to order, and it is hereby ordered as follows:—

1. The provisions of the Treaty of Peace Order, 1919, the Treaty of Peace (Austria) Order, 1920, and the Treaty of Peace (Bulgaria) Order, 1920, as amended, and the Treaty of Peace (Hungary) Order, 1921, mentioned in the first column of Part I, Part II, Part III, and Part IV of the Schedule to this Order, shall be amended in the manner shown in the second column of the several parts of that Schedule.

2. This Order may be cited as the Treaties of Peace Orders (Amendment) Order, 1921, and shall be included amongst the Orders which may be cited as the Treaty of Peace Orders, 1919 to 1921, the Treaty of Peace (Austria) Orders, 1920 to 1921, and the Treaty of Peace (Bulgaria) Orders, 1920 to 1921; and the Treaty of Peace (Hungary) Order, 1921, and this Order may be cited together as the Treaty of Peace (Hungary) Orders, 1921.

ALMERIC FITZROY.

SCHEDULE.

PART I.

Treaty of Peace Order, 1919, as Amended.

Article.	Nature of Amendment.
1 (XVII.) ...	At the end of paragraph (*aa*) the following words shall be inserted:— "The Lord Chancellor or, in Scotland, the Court of Session may make rules or act of sederunt regulating the procedure under this parapraph, and any such rules or act of sederunt may determine the court or judge before whom applications under this paragraph may be made.

PART II.

Treaty of Peace (Austria) Order, 1920, as Amended.

Article.	Nature of Amendment.
1 (X) ...	In paragraph (*ee*) for the words "an Austrian national" there shall be substituted the words "a national of the former Austrian Empire." At the end of paragraph (*g*) the following words shall be inserted:— "The Lord Chancellor or, in Scotland, the Court of Session may make rules or act of sederunt regulating the procedure under this paragraph, and any such rules or act of sederunt may determine the court or judge before whom applications under this paragraph may be made."

PART III.

Treaty of Peace (Bulgaria) Order, 1920, as Amended.

Article.	Nature of Amendment.
1 (II) ...	At the end of paragraph (*h*) the following words shall be inserted:— "The Lord Chancellor or, in Scotland, the Court of Session may make rules or act of sederunt regulating the procedure under this paragraph, and any such rules or act of sederunt may determine the court or judge before whom applications under this paragraph may be made."

PART IV.

Treaty of Peace (Hungary) Order, 1921.

Article.	Nature of Amendment.
1 (X) ...	In paragraph (*f*) for the words "a Hungarian national" there shall be substituted the words "a national of the former Kingdom of Hungary." At the end of paragraph (*i*) the following words shall be inserted:— "The Lord Chancellor or, in Scotland, the Court of Session may make rules or act of sederunt regulating the procedure under this paragraph, and any such rules or act of sederunt may determine the court or judge before whom applications under this paragraph may be made.

MENT NOTICE No. 468.

NFIRMATION OF ORDINANCES.

NOTICE.

ecretary of State for the Colonies has been to notify that His Majesty's power of nce will not be exercised with respect to rmentioned Ordinances:—

S. 21488.

Ordinance to Define the term "Native" apply the provisions of Law applicable to s to certain other Persons."

(No. XXVI of 1921)

S. 19224

Ordinance to Amend the Vagrancy Or-e, 1920."

(No. XXXII of 1921.)

S. 1621/IV

Ordinance to amend the Native Hut and ax Ordinance, 1910."

(No. XXXIV of 1921).

S. 18723.

Ordinance to Amend the Administrator al's Ordinance, 1919."

(No. XXXVII of 1921).

mmand of His Excellency the Governor.

d this 15th day of December, 1921.

G. A. S. NORTHCOTE,
for Colonial Secretary.

ATION No. 181. S. 5886

TOWNSHIPS ORDINANCE, 1903.

PROCLAMATION.

ERCISE of the powers conferred upon me n 2 of the Townships Ordinance, 1903, I, Northey, Major General of His Majesty's Knight Commander of the Most guished Order of Saint Michael and Saint Companion of the Most Honourable Order h, Governor of the Colony and Protectorate do hereby declare that portion of farm 777/2 Uasin Gishu described in the ereto annexed to be added to and included oret Township.

nder my hand at Nairobi this 20th day of , 1921.

EDWARD NORTHEY,
Governor

GOD SAVE THE KING.

SCHEDULE.

cing at the north-west corner of L.O. No. he Sossiani River, thence bounded by western boundary of that portion (shown an referred to below as the eastern f the road reserve, known as Virgo Road) rsection with the southern boundary of the erve known as Fraser Street;

nce north-westerly by the southern boundary r road reserve to its intersection with boundary of the road reserve known as treet;

rth-easterly by the western boundary reserve to its intersection with the road nown as Bowring Street and onward by the aight line prolonged to its intersection with ne of the Sossiani River;

the median line of that river up-stream of commencement.

The boundaries of the above-described area are delineated on plan No. 7557 on record at the land Survey Office, ", obi; a copy of which is on record at the Office the Resident Commissioner, Eldoret.

PROCLAMATION No. 182. S. 783.

THE PUBLIC HOLIDAYS ORDINANCE, 1912.

PROCLAMATION.

IN EXERCISE of the powers conferred on me by Section 3 of the Public Holidays Ordinance, 1912, I, Edward Northey, Major-General of His Majesty's Forces, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of the Colony of Kenya, hereby appoint Tuesday the 3rd January, 1922, to be observed as a Public Holiday throughout the Colony and Protectorate of Kenya.

Given under my hand at Nairobi this 23rd day of December, 1921.

EDWARD NORTHEY,
Governor and
Commander-in-Chief

GOD SAVE THE KING.

GOVERNMENT NOTICE No. 471. S. 8536.

THE EAST AFRICA TOWNSHIPS ORDINANCE, 1903.

RULES.

IN EXERCISE of the powers conferred up him by the East Africa Townships Ordinance, 1903 His Excellency the Governor has been pleased to make the following Rules.

I. These rules may be cited as the "Kakamega, Yala River, Kericho and Lumbwa Township Rules 1921."

II. The Township Rules dated 15th of July 1910 and published on page 408 of the Official Gazette 1910 shall apply to the Townships of Kakamega, Yala River, Kericho and Lumbwa.

III. Provided that a licence issued in any one of the townships of Kisumu, Mumias, Kisii, Kakamega, Yala River, Kericho and Lumbwa shall be valid in respect of any vehicle used in any other of the said Townships.

By command of His Excellency the Governor.

Nairobi,
Dated this 24th day of December, 1921.

C. C. BOWRING,
Colonial Secretary.

GOVERNMENT NOTICE No. 474. S. 9122/1.

CONFIRMATION OF ORDINANCE.

NOTICE.

The Secretary of State for the Colonies has been pleased to notify that His Majesty's power of disallowance will not be exercised with respect to the undermentioned Ordinance:—

"AN ORDINANCE TO AMEND "THE LAND TITLES AMENDMENT ORDINANCE 1910."

(No. XXXVI OF 1921).

By Command of His Excellency the Governor.

Nairobi,
Dated this 23rd day of December, 1921.

H. MALPASS,
Clerk of the Legislative Council.